

CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA
Monday, May 15, 2023
6:00 P.M.

1. CALL TO ORDER

2. ROLL CALL

INVOCATION Reverend Thack Dyson, St. Paul's Episcopal Church
PLEDGE OF ALLEGIANCE

PROCLAMATION: National Public Works Week

PUBLIC HEARING: Daphne Rangers Academy/Daphne Strike Soccer Club, Inc. Pre-Zoning Amendment

PUBLIC HEARING: Daphne Rangers Academy/Daphne Strike Soccer Club, Inc. Annexation Amendment

3. APPROVE MINUTES: May 1, 2023 regular meeting.

4. REPORTS OF STANDING COMMITTEES

A. FINANCE COMMITTEE – Goodlin

B. BUILDINGS & PROPERTY COMMITTEE – Coleman

C. PUBLIC SAFETY COMMITTEE – Hughes

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Olen

E. PUBLIC WORKS COMMITTEE – Conaway
Review the minutes from the May 1st meeting.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS

A. BOARD OF ZONING ADJUSTMENTS – Adrienne Jones

B. DAPHNE PUBLIC SCHOOL COMMISSION – Conaway

C. DOWNTOWN REDEVELOPMENT AUTHORITY – Conaway

D. INDUSTRIAL DEVELOPMENT BOARD – Scott

E. LIBRARY BOARD – Goodlin

F. PLANNING COMMISSION – Olen
Review the minutes from the March 23rd and April 27th meeting and the report from the special called May 4th meeting.

G. RECREATION BOARD – Hughes

H. UTILITY BOARD – Phillips
Review the minutes from the March 29th meeting.

6. PUBLIC PARTICIPATION

7. MAYOR'S REPORT

8. CITY ATTORNEY REPORT

City Council Agenda – May 15, 2023

9. DEPARTMENT HEAD REPORTS

10. CITY CLERK'S REPORT

MOTION to approve the publication and set a public hearing for the Roy A. Wulff and Cynthia J. Wulff Revocable Trust Dated 12/14/2016 Pre-Zoning Amendment on June 19, 2023.

MOTION to approve the publication and set a public hearing for the Roy A. Wulff and Cynthia J. Wulff Revocable Trust Dated 12/14/2016 Annexation Petition on June 19, 2023.

MOTION to approve the publication and set a public hearing for the Proposed Amendments to the Land Use and Development Ordinance to amend Articles 35 and 36 on June 19, 2023.

11. RESOLUTIONS & ORDINANCES

A. RESOLUTIONS:

2023 – 30 – Acceptance of Roads and Rights-of-Way, The Reserve at Daphne, Phase Two

2023 – 31 – Support of Agreement with the Alabama Department of Transportation to Install US 98 Corridor Improvements Between Van Avenue and County Road 64

B. 2nd READ ORDINANCES:

1st READ ORDINANCE:

2023 – 17 – Amendment to Ordinance 2004-11 (Business License Ordinance) – As Previously Amended by Ordinance 2023-04 - Short Term Rentals

2023 – 18 – Ordinance to Pre-Zone Property Located Northwest of Well Road and County Road 13- Daphne Rangers Academy/Daphne Strike Soccer Club, Inc.

2023 – 19 – Ordinance to Annex Property Contiguous to the Corporate Limits of the City of Daphne – Property Located Northwest of Well Road and County Road 13 – Daphne Rangers Academy/Daphne Strike Soccer Club, Inc.

12. COUNCIL COMMENTS

13. ADJOURN

CITY OF DAPHNE, ALABAMA

Proclamation

WHEREAS; National Public Works Week is a celebration of the tens of thousands of men and women in the United States who provide and maintain infrastructure and services collectively known as Public Works; and

WHEREAS; the City of Daphne seeks to raise the public's awareness of Public Works issues and to acknowledge Public Works employees who are dedicated to improving the quality of life for present and future generations; and

WHEREAS; Public Works services provided in our community are an integral part of our residents' everyday lives; and

WHEREAS; the support of an appreciative and informed citizenry is vital to the efficient operation of our Public Works systems and programs such as streets, grounds, mowing, building maintenance, mechanical, solid waste & recycling collection departments; and

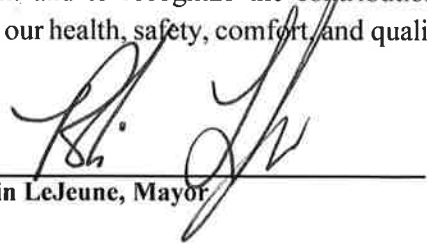
WHEREAS; this year's theme "Connecting the World Through Public Works" showcases the pervasiveness of Public Works to the men and women of the profession who are always there and always ready.

WHEREAS; the Public Works Department will host its annual Public Works Day & Equipment Show at Lott Park on Wednesday, May 03, 2023 from 10:00 a.m. to 1:00 p.m.

NOW,
THEREFORE; I, Robin LeJeune, as the Mayor of the City of Daphne, Alabama, together with the Daphne City Council, do here by proclaim the week of *May 21 - 27, 2023* as,

"National Public Works Week"

in the City of Daphne, and call upon all citizens and civic organizations to acquaint themselves with our Public Works Department and to recognize the contributions which Public Works officials make every day to our health, safety, comfort, and quality of life.


Robin LeJeune, Mayor


Candace G. Antinarella, CMC, City Clerk





**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**

DATE: March 24, 2023
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development *Ag*
SUBJECT: Daphne Rangers Academy/ Daphne Strike Soccer Club, Inc., Pre-Zoning Amendment

PRESENT ZONING: RSF-2, Residential Single Family, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne

PROPOSED PRE-ZONING: C-2, Outdoor Amusement

LOCATION: Northwest of Well Road and County Road 13

RECOMMENDATION: At the March 23, 2023 regular meeting of the City of Daphne Planning Commission, nine members were present, and the motion carried unanimously for a favorable recommendation for the above captioned zoning amendment.

Attached please find the appropriate documentation and action of the Daphne Planning Commission.

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda to set a public hearing.

Thank you,
ADJ/jv

1. Community Development Report and Supplemental Documents
2. Pre-zoning Application
3. Legal Description (Exhibit A)
4. Boundary Survey (Exhibit B)
5. Adjacent Property Owners List

**PRE-ZONING
DAPHNE RANGERS ACADEMY/DAPHNE
STRIKES SOCCER CLUB, INC.**



DAPHNE STRIKE CLUB/DAPHNE RANGERS ACADEMY, INC
Pre-zoning Amendment

Zoning Classification:

Baldwin County RSF-2, Residential Single Family (ETJ)

Surrounding Zonings/Uses:

- **North**— RSF-2/Undeveloped Timberland
- **South**—B-2, General Business (Daphne) Daphne Utilities
- **West**—RSF-2/Residential Estate
- **East** —R-1, Low Density Single Family Residential (Trione Park) (Daphne)

Existing Utility Service Providers: Riviera Utilities, AT&T, Daphne Utilities

Affected City Service Providers: Fire Station 3 or 4, Police Beat 1

Staff Recommendation to PC: Favorable recommendation to City Council as a C-2, Outdoor Amusement District

Proposed Zoning:

C-2, Outdoor Amusement District

Development Concept:

Soccer Complex

Council District:

4

Existing Conditions:

10.34 ac

Planning Commission

Set forth a favorable recommendation to Council on 03/23/23

The Comprehensive Plan

The comprehensive plan's overarching policy regarding land development encourages harmony and compatibility. The following are some Land Use Goals and Objectives from the Plan.

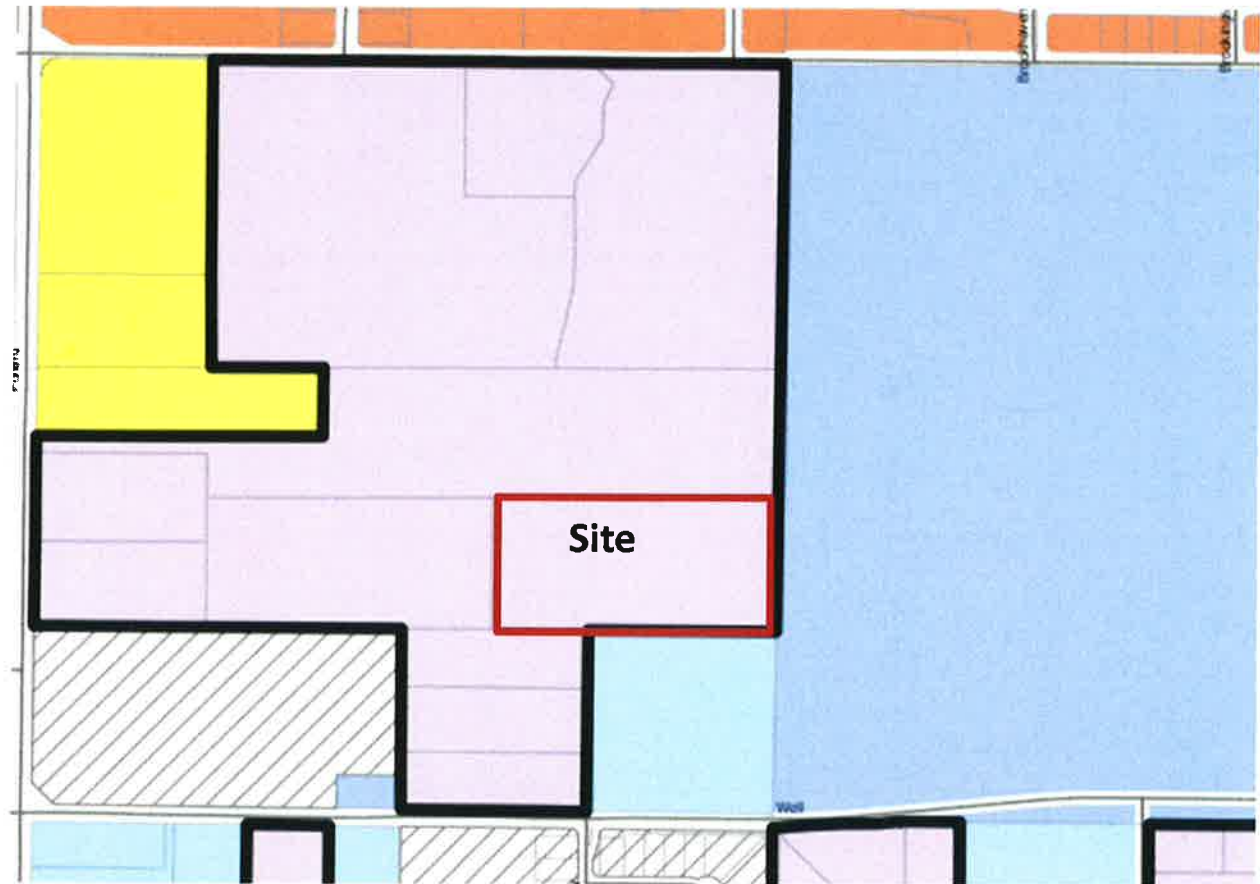
Goal: Provide a land use plan for the City of Daphne, which supports the City's economic development, housing, transportation, and open space, recreation and education goals in a manner that maintains and promotes Daphne's unique image and quality of life.

Goal: Grow sensibly by anticipating land use needs. Objective: Promote and manage growth on undeveloped lands in a manner that will be compatible with, and complementary to, existing adjacent developed properties. Objective: Encourage planned unit developments which are beneficial to residents and which creatively take advantage of available properties that otherwise would not be developed. Objective: Protect and preserve the character of Daphne through review of new developments, the encouragement of growth that enhances the community spirit, and through aesthetic considerations. Objective: Integrate recreational resources with residential neighborhoods to insure that all portions of Daphne's population have convenient access to parks and open space. Promote clustered commercial development in defined areas.

PROPOSAL:

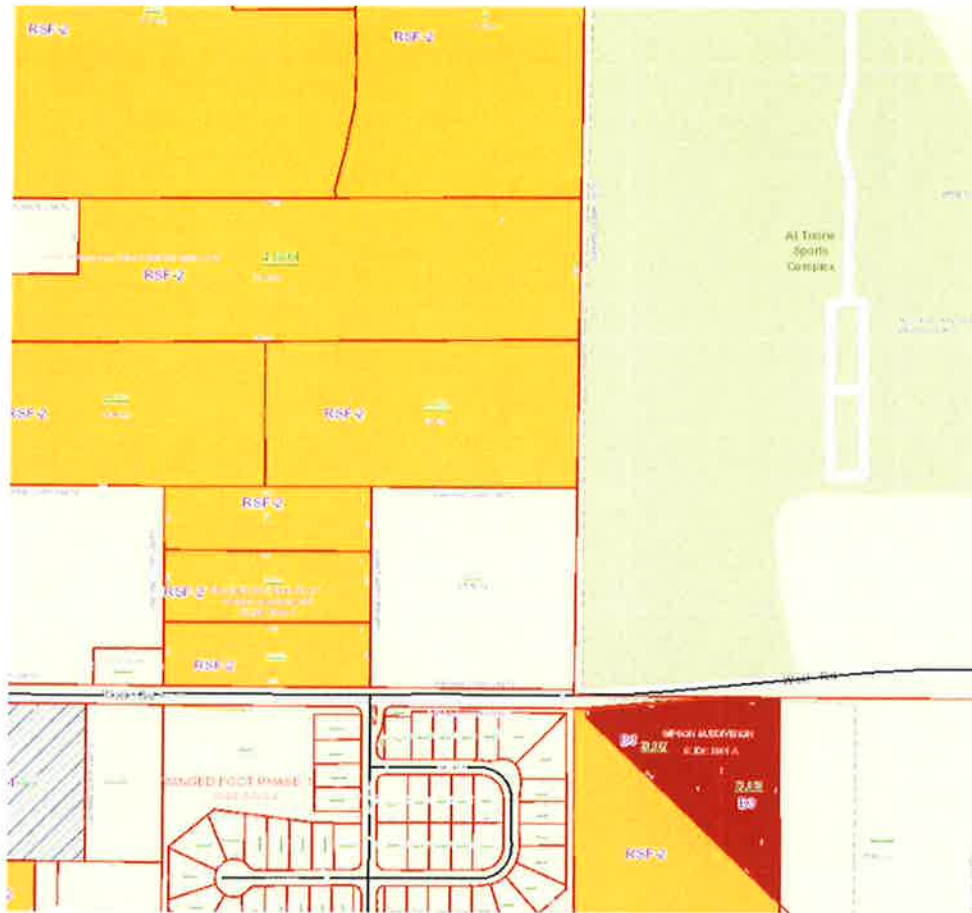
The applicant proposes to pre-zone the subject property to C-2, Outdoor Amusement District, in order to develop a soccer complex.

The proposed development is consistent with the Goals and Objectives noted in the Comprehensive Plan as stated above. Therefore, staff recommends the Planning Commission submit a favorable recommendation to City Council to pre-zone the site to C-2, Outdoor Amusement District and to annex the land into the corporate limits.



CITY ZONING MAP EXCERPT

- ET JURISDICTION
- Zoning as of 5/31/2022
- B-1 Local Business
 - B-1(A) Limited Local Business District
 - B-2 General Business
 - B-2(a) General Business Alternate
 - B-3 Professional Business
 - C-2 Outdoor Amusement
 - C/I Commercial/Industrial
 - GC Golf Course
 - MU Mixed Use
 - PUD Planned Unit Development
 - R-1 Low Density Single Family Residential
 - R-2 Medium Density Single Family Residential
 - R-3 High Density Single Family Residential
 - R-4 High Density Single Multi-Family Residential
 - R-5 Mobile Home Residential
 - R-6(D) Duplex - Two Family
 - R-6(G) Garden or Patio Home
 - R-7(A) Apartment
 - R-7(M) Mid-Rise Condominium
 - R-7(T) Townhouse
 - Parcels
 - Streets
 - Daphne City Limits



Baldwin County Zoning Map Excerpt

County Zoning

- | | |
|---|---|
| Rural District (RR) | Residential Manufactured |
| Rural Agricultural District (RA) | Housing Park District (RMH) |
| Conservation Resource District (CR) | Base Community Zoning District (BCZ) |
| Residential Single Family Estate District (RSF-E) | Marine Recreation District (MR) |
| Residential Single Family District (RSF-1) | Outdoor Recreation District (OR) |
| Residential Single Family District (RSF-2) | Tourist Resort District (TR) |
| Residential Single Family District (RSF-3) | Recreational Vehicle Park District (RV-1) |
| Residential Single Family District (RSF-4) | Recreational Vehicle Park District (RV-2) |
| Residential Two Family District (RTF-4) | Professional Business District (B-1) |
| Residential Single Family District (RSF-6) | Neighborhood Business District (B-2) |
| Residential Two Family District (RTF-6) | General Business District (B-3) |
| Residential Multiple Family District (RMF-6) | Major Commercial District (B-4) |
| High Density Residential District (HDR) | Limited Business District (LB) |
| | Light Industrial District (M-1) |
| | General Industrial District (M-2) |
| | Moratorium District |



APPLICATION FOR REZONING OR PRE-ZONING

Office use only: Rev. 072816

Date Submitted Feb. 23, 23

Application Number:

Planning Commission Public

ZA - or PZA- 23-01

Hearing Date: March 23, 23

Legibly print or type responses below. Indicate N/A or an "X" where item is not applicable.

SITE DATA

Site Location (Address or General Proximity to Nearest Intersection):

8501 Well Rd

PPIN#(s):

285510

Gross Site Area (acreage):

10.34 acres

Requested Zoning or Pre-Zoning:

C2

Current Zoning Designation(s):

RSF2

Amended Request:

Initials: GF

Date:

1/4/23

Current Land Use:

Soccer training

Anticipated Land Use:

Soccer training + community area/ca

Provide Legal Description (if necessary attach separate page entitled "Legal Description for [Name of Applicant]":

Specify other recently approved or pending requests related to the subject property. Circle the answer(s).

Annexation

Subdivision

Site Plan

Special Exception

Variance

Specify Other

APPLICANT & AGENT INFORMATION

If an LLC or LLP or Corporation, provide name and signature of Registered Member or Agent **and provide a copy of Articles of Incorporation.*

Name of Current Owner:

Daphne Rangers Academy / Daphne Strike Soccer Club, Inc

Mailing Address:

PO Box 2684 Daphne, AL 36526

Phone/Fax:

E-mail:

Name of Authorized Agent:

Gerardo Flores

Mailing Address:

24614 Caleb Ct Daphne, AL 36526

Phone/Fax: 504-621-7642

E-mail: gfloressoccer@gmail.com

Name of Developer*:

Phone/Fax:

E-mail:

Other:

Gerardo Flores

Phone/Fax:

E-mail:

I, the applicant, certify that all of the above facts are true and correct to the best of my knowledge. I hereby agree to allow the City of Daphne to post a sign on the subject property notifying the general public of this request.

Applicant's Signature:

Date

1-4-23
4-22-22

Agent's Signature:

Date

Daphne Rangers Academy/Daphne Strike Soccer Club Pre-Zoning Amendment

8501 Well Rd
Daphne, AL 36526

Exhibit "A"

**State of Alabama
County of Baldwin**

Description of Property to be pre-zoned from RSF-2 to C-2

From the northwest corner of section 16, T-5-S, R-2-E, run these south $00^{\circ} 05' 12''$ east 1997 95 feet: thence run north $89^{\circ} 59' 11''$ east 1645 16 feet to the point of beginning, thence run north $00^{\circ} 01' 48''$ east 446 91 feet, thence run north $89^{\circ} 49' 35''$ east 1006 61 feet, thence run south $00^{\circ} 01' 45''$ west 449 72 feet, thence run south $89^{\circ} 59' 11''$ west 1005 16 feet to the point of beginning together with a 20 foot wide ingress and egress easement described as follows: beginning at the southwest corner of the above described parcel, run thence south $00^{\circ} 02' 21''$ west along the east boundary of the utilities board of the city of Daphne parcel a distance of 625.97 feet to a capped rebar on the north right of way line of Well Rd, thence run south $89^{\circ} 62' 48''$ west along said right of way. Line 20 00 feet to a point, thence run north $00^{\circ} 02' 15''$ west 825 62 feet to a point of the south boundary of the above described parcel, thence run south $89^{\circ} 59' 42''$ east along said boundary 20 00 feet to the point of beginning.

Exhibit B

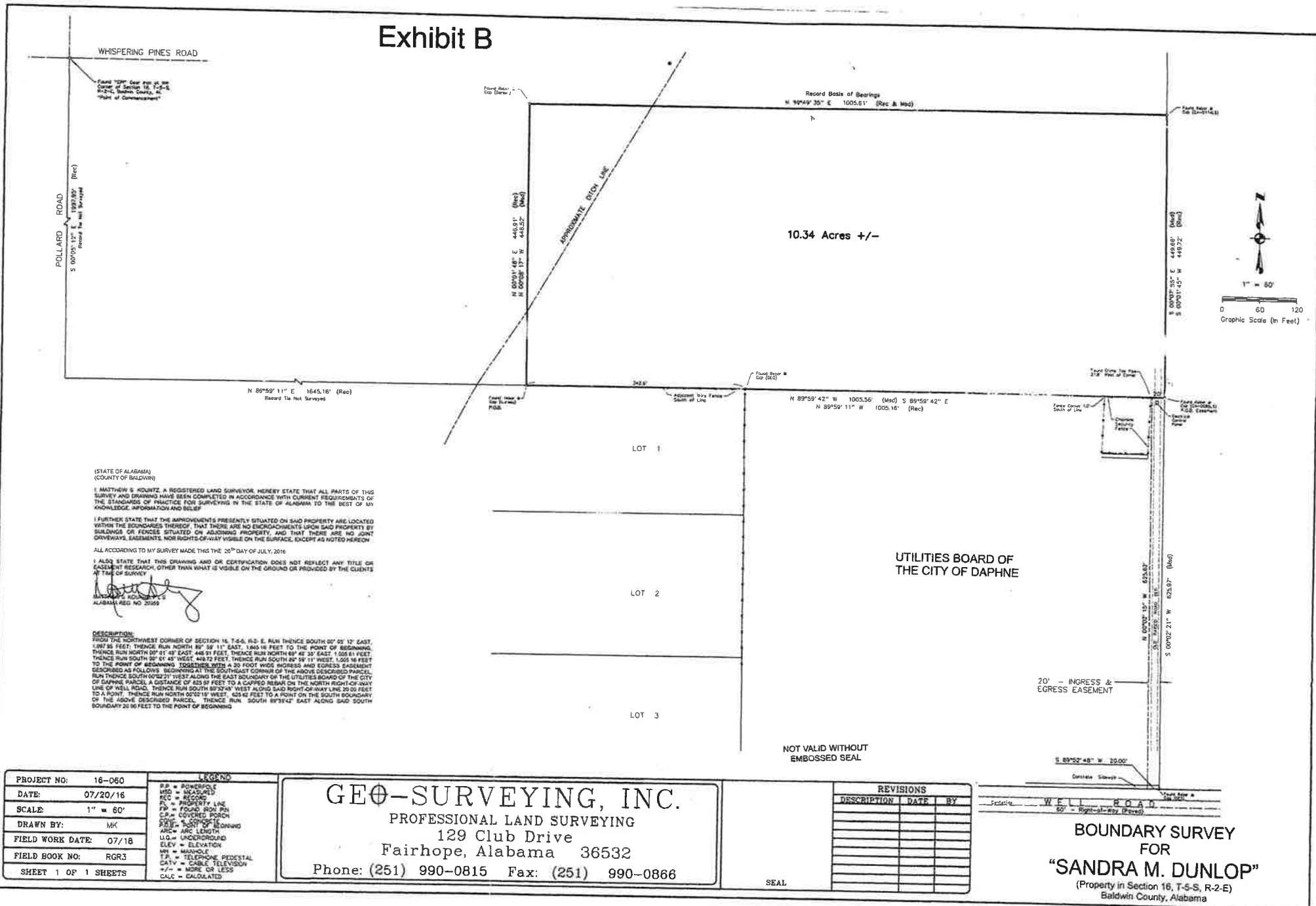
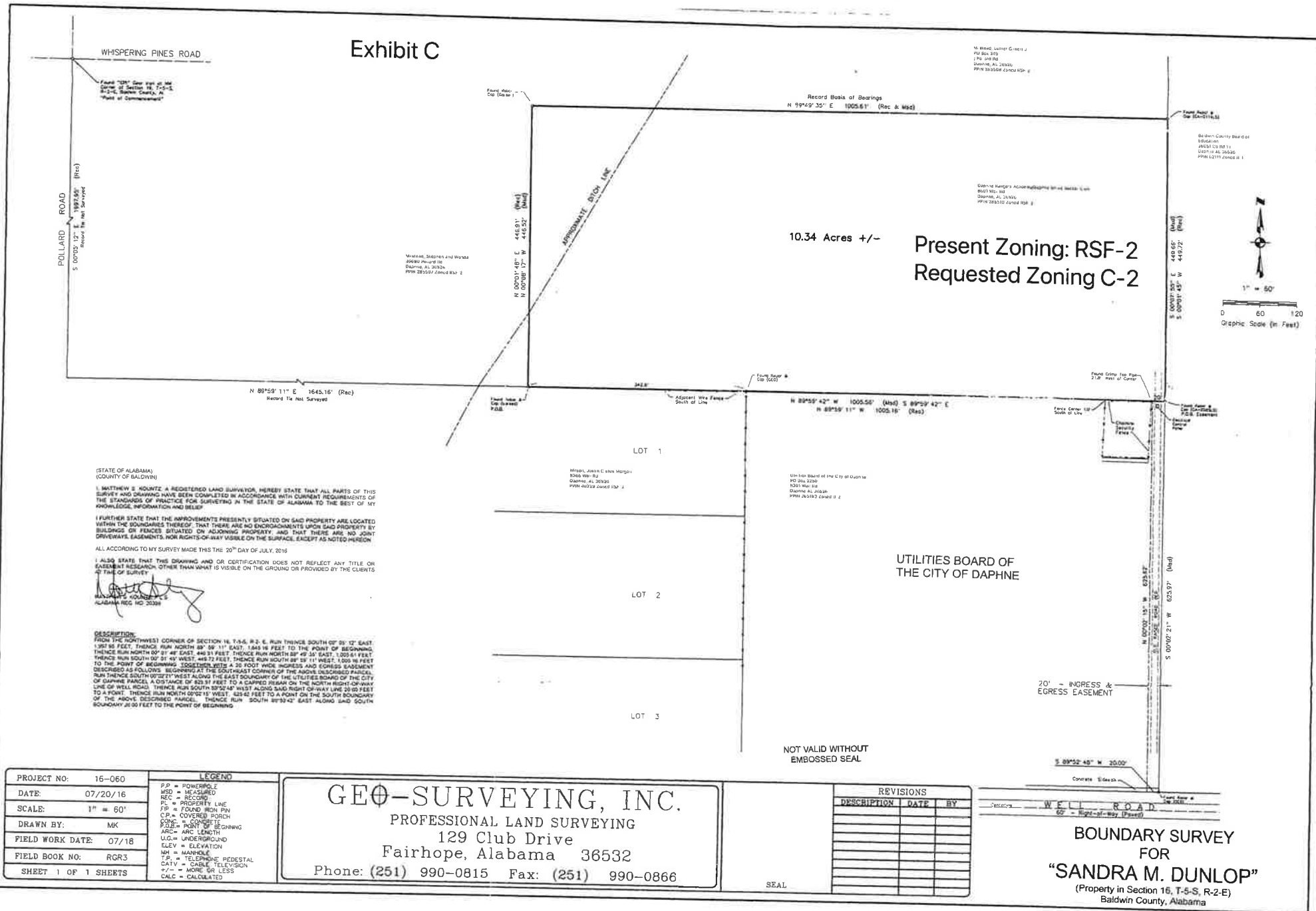
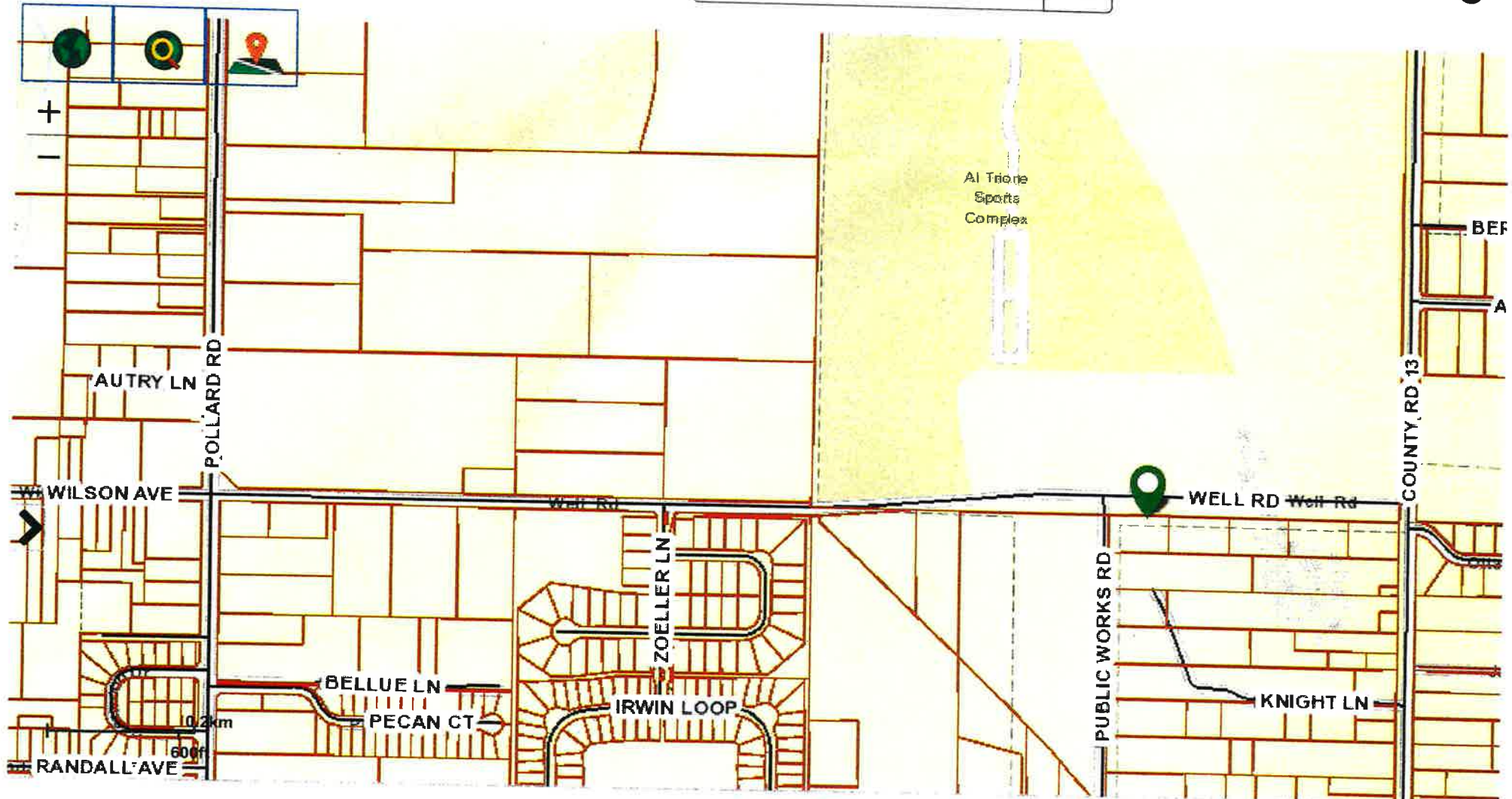


Exhibit C



Baldwin County Parcel Viewer

8501 Well Rd, Daphne, AL, 365 X





Daphne Rangers Academy/Daphne Strike Soccer Club Pre-Zoning Amendment

Adjacent Property Owners List

Milstead, Stephen and Wanda

26680 Pollard Rd
Daphne, AL 36526
Zoned RSF-2 PPIN 285507

Daphne Rangers Academy/Daphne Strike Soccer Club

8501 Well Rd
Daphne, AL 36526
Zoned RSF-2 PPIN 285510

Wilson, Justin and Morgan

8365-A Well Rd
Daphne, AL 36526
Zoned RSF-2 PPIN 40329

Utilities, Daphne Board of

PO Box 2550
Daphne, AL 36526
Zoned B-2 PPIN 265193

Milstead, Luther Gilbert

PO Box 249
Daphne, AL 36526
Zoned RSF-2 PPIN 285508

Baldwin County Board of Education

2600 Hand Ave
Bay Minette, AL 36507
Zoned R-1 PPIN 62111

COMMUNITY DEVELOPMENT



March 10, 2023

Dear Sir/Ma'am,

NOTICE OF PUBLIC HEARING

A petition for PRE-ZONING will be considered by the Daphne Planning Commission for Daphne Strike Soccer Club/Daphne Rangers Academy, Inc. containing 10.34 acres +/- located northwest of Well Road and County Road 13, zoned RSF-2, Single Family Residential, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction, to be pre-zoned as C-2, Outdoor Amusement. A petition to annex said property has also been submitted.

Said petition will also be considered by the Daphne City Council pursuant to Alabama Code 11-52-85. The application is available for review at City Hall in the Department of Community Development, 1705 Main Street, during regular business hours. An informal site preview meeting will be held on Wednesday, March 15, 2023 at 8:30 a.m. in the Council Chambers of City Hall. The public is invited to attend: limited participation may be allowed by the chairwoman.

The public hearing will be held by the Daphne Planning Commission on Thursday, March 23, 2023 at 5:00 p.m. in the Council Chambers of City Hall. You may submit your views in writing, in person, or by representation.

Sincerely,
Adrienne D. Jones, AICP,
Director of Community Development

Daphne Strike Soccer Club/Daphne Rangers Academy, Inc. Pre-Zoning Amendment

Daphne Rangers Academy/Daphne Strike Soccer Club Pre-Zoning Amendment

8501 Well Rd
Daphne, AL 36526

Exhibit "A"

**State of Alabama
County of Baldwin**

Description of Property to be pre-zoned from RSF-2 to C-2

From the northwest corner of section 16, T-5-S, R-2-E, run these south 00° 05'12" east 1997 95 feet: thence run north 89° 59'11" east 1645 16 feet to the point of beginning, thence run north 00°01'48" east 446 91 feet, thence run north 89°49'35" east 1006 61 feet, thence run south 00°01'45" west 449 72 feet, thence run south 89°59'11" west 1005 16 feet to the point of beginning together with a 20 foot wide ingress and egress easement described as follows: beginning at the southwest corner of the above described parcel, run thence south 00°02'21" west along the east boundary of the utilities board of the city of Daphne parcel a distance of 625.97 feet to a capped rebar on the north right of way line of Well Rd, thence run south 89°62'48" west along said right of way. Line 20 00 feet to a point, thence run north 00°02'15" west 825 62 feet to a point of the south boundary of the above described parcel, thence run south 89°59'42" east along said boundary 20 00 feet to the point of beginning.

**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**



DATE: March 24, 2022
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development 
SUBJECT: Daphne Rangers Academy/ Daphne Strike Soccer Club, Inc., Annexation Petition

PRESENT ZONING: RSF-2, Residential Single Family, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne

LOCATION: Northwest of Well Road and County Road 13

RECOMMENDATION: At the March 23, 2023 regular meeting of the City of Daphne Planning Commission, nine members were present and the motion carried for a favorable recommendation for the above mentioned annexation petition.

Attached please find the appropriate documentation and action of the Daphne Planning Commission.

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda to set a public hearing.

Thank you,
ADJ/jv

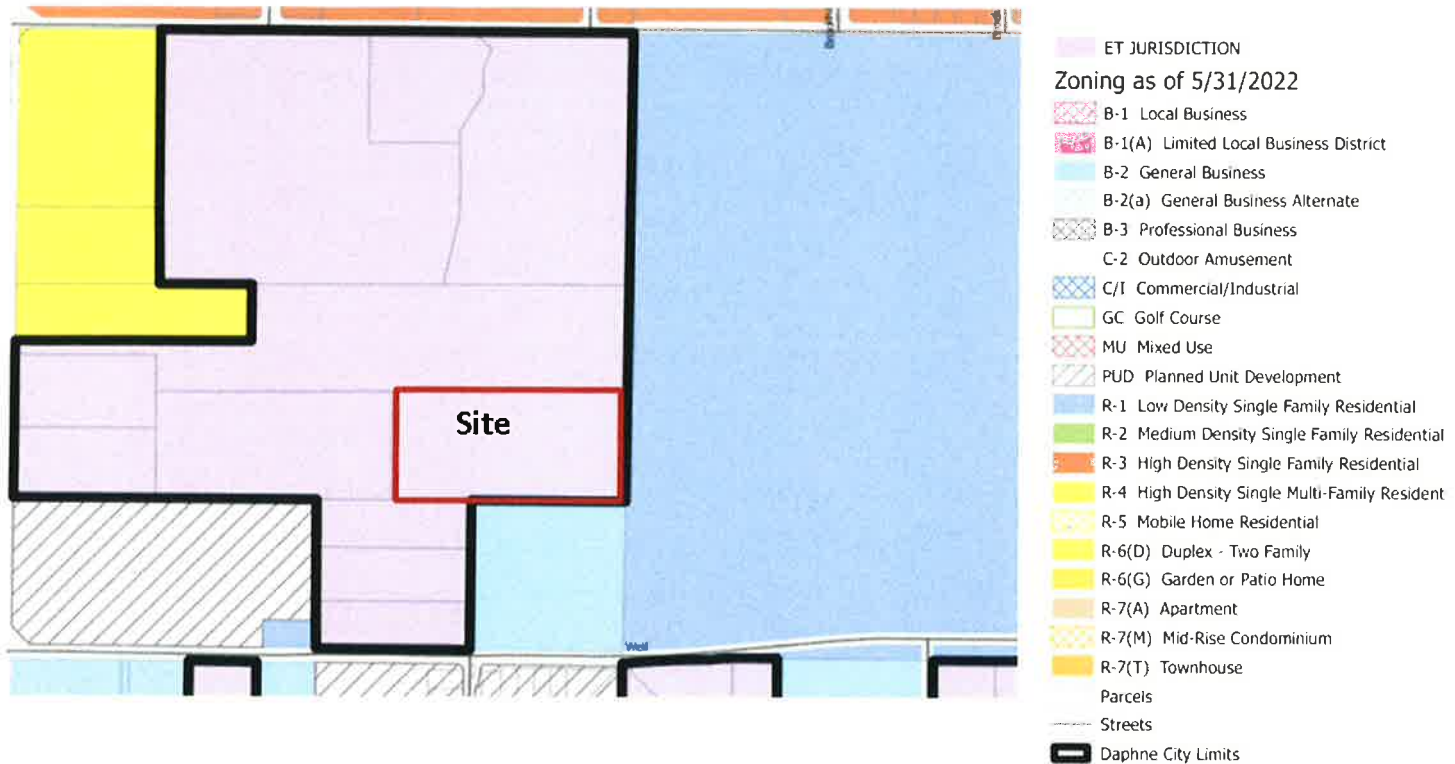
1. Community Development Report and Supplemental Documents
2. Petition for Annexation
3. Legal Description (Exhibit A)
4. Boundary Survey (Exhibit B)

**ANNEXATION PETITION
DAPHNE RANGERS ACADEMY/DAPHNE
STRIKES SOCCER CLUB, INC.**

ANNEXATION REQUEST

Daphne Strike Soccer Club/Daphne Rangers Academy, Inc

North of Daphne Utility Central Office and West of Trione Park



REQUEST

The applicant proposes to annex the subject property into the corporate limits. The site meets the contiguity requirement because it is abuts land in the City of Daphne.

RECOMMENDATION

The Comprehensive Plan encourages expansion and annexation of land contiguous to the existing corporate limits. Staff and the Planning Commission recommend approval of the request to annex this land into the City of Daphne.

Excerpt from Article 23-1 Procedure [for Annexation Requests]

The application shall be reviewed by the Planning Commission at its next regular meeting and said Commission shall have thirty (30) calendar days from said regular meeting within which to submit a recommendation to the City Council. If the Commission fails to submit a recommendation to the City Council within the thirty (30) calendar day period, it shall be deemed to have approved the proposed amendment...Before enacting any amendment to this Ordinance, a public hearing thereon shall be held by the City Council with proper notice as required by law. Said public hearing shall be held at the earliest possible time to consider the proposed annexation, and the Council shall take action on said proposed annexation within forty-five (45) calendar days from the date

of the public hearing except in the case where the tentative action is not in accordance with the Planning Commission's certified recommendation.

23-2 PROCEDURE FOR ZONING NEWLY ANNEXED LAND

Any land annexed to the City of Daphne hereafter shall be classified as an R-1, Low Density Single Family Residential District unless otherwise recommended by the Planning Commission through the zoning amendment procedure provided in Article 22-1, Zoning Amendment Procedures. In such case, City Council may consider, after due process of publication and hearing as required by law, specific applications to zone newly annexed land into one or more existing or proposed new zoning classifications recommended by the Planning Commission.

**PETITION FOR ANNEXATION OF CERTAIN PROPERTY
INTO THE CORPORATE LIMITS OF THE MUNICIPALITY
OF THE CITY OF DAPHNE, ALABAMA**

The undersigned Daphne Rangers Academy / Daphne Striko Soccer Club, Inc files this petition with the Clerk of the City of Daphne requesting the property hereafter described, commonly referred to as, Village Park, to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of its petition:

1. **Description of Property:** The description of the property which the petitioner requests to be annexed into the City of Daphne is described in **Exhibit "A"** attached hereto and made a part of this petition as fully set out herein (**the "Property"**).

2. **Map of Property:** Attached hereto as **Exhibit "B"** and made a part of this petition, is a map of the property showing its relationship to the corporate limits of the municipality of the City of Daphne.

3. **Owner:** The petitioner, Daphne Ranges academy / Daphne Strike soccer club, is the owner of the property hereby sought to be annexed into the corporate limits of the City of Daphne.

4. **Specific Conditions:** This petition is conditioned upon the adoption of an ordinance, which shall specifically include the conditions requested below upon annexing the property into the corporate limits of the City of Daphne.

Requested zoning, if other than R-1: C-2

Any other conditions which may apply upon annexation:

5. **Code:** This Petition is filed pursuant to the provisions of Article 21, Chapter 42, Title 11, Code of Alabama, 1975, as amended.

DATED this 26 day of January, 2023

Respectfully submitted by,

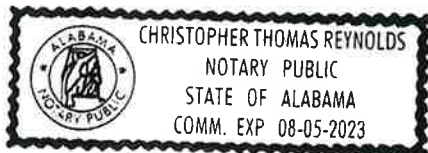
DAPHNE RANGERS ACADEMY / DAPHNE STRIKE
Name of Owner (Print) Soccer Cl

[Signature]
Name of Owner (Signature)

STATE OF ALABAMA
COUNTY OF BALDWIN

I, Christopher Thomas Reynolds, the undersigned Notary Public in and for said county and state, hereby certify that Gerardo E. Flores has signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, he/she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 26 day of January, 2023



[Signature]
NOTARY PUBLIC

My commission expires: 8-5-2023

Owner's Address

8501 WELL RD
36526, DAPHNE, AL

ADDITIONAL INFORMATION

We, the undersigned, constituting all of the owners of all of the hereinafter described real property do hereby execute and file this written petition asking and requesting that our property as described be annexed to the City of Daphne, Alabama, under the authority of Section 11-42-20 through 11-42-24, Code of Alabama 1975.

Initials: _____

We further certify that said property is contiguous to the city limits of Daphne, Alabama. A map and written legal description of said property is hereto attached.

Initials: _____

We certify that the property is a single or multiple parcels under single or multiple ownership.

Initials: _____

We certify that we fully understand that upon annexation, the subject property shall be subject to all laws and codes administered by the City of Daphne, including, but not limited to, the zoning code, the subdivision regulations and the municipal code of the City of Daphne.

Initials: G F

Option# 1: We do hereby request pre-zoning of the subject property to the following zoning classification(s): C-2, and certify that a petition for rezoning, associated fees and documents have been submitted prior to or concurrently with this petition.

Initials: G F

Or

Option# 2: We do hereby certify that we understand fully that upon annexation the subject property will be zoned R-1, Low Density Single Family Residential.

Initials: _____

We do hereby request that the Planning Commission and City Council give such notice, hold such hearing and adopt such ordinance and do all such things or acts as is required by law so that the corporate limits of the City of Daphne, Alabama shall be rearranged so as to include such territory.

IN WITNESS WHEREOF, we have hereunto subscribed our names this, the 1 day of MARCH, 2023.

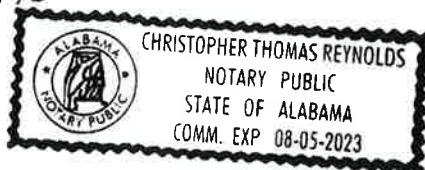
Legal Description Attached (Exhibit A)? yes Map or Survey Attached (Exhibit B)? yes
Recorded Subdivision Plat OR Preliminary/Final Subdivision plat approved by Planning Commission
Attached (Exhibit C)? yes Acreage 10.34
Subdivision Name D Lot Number(s) 0

Names and Signature of ALL property owners:

Signature: [Signature] Signature: _____

Printed Name: GERARDO FLORES Printed Name: _____

Mailing Address: PO BOX 2337 Mailing Address: _____
DAPHNE, AL



State of: Alabama
County of: Baldwin
Sworn and Subscribed before me this 1st day of Feb, 2023 by
Gerardo Flores
[Signature]
Notary Public
Commission Expiration 8-5-2023

Daphne Rangers Academy/Daphne Strike Soccer Club Pre-Zoning Amendment
8501 Well Rd
Daphne, AL 36526

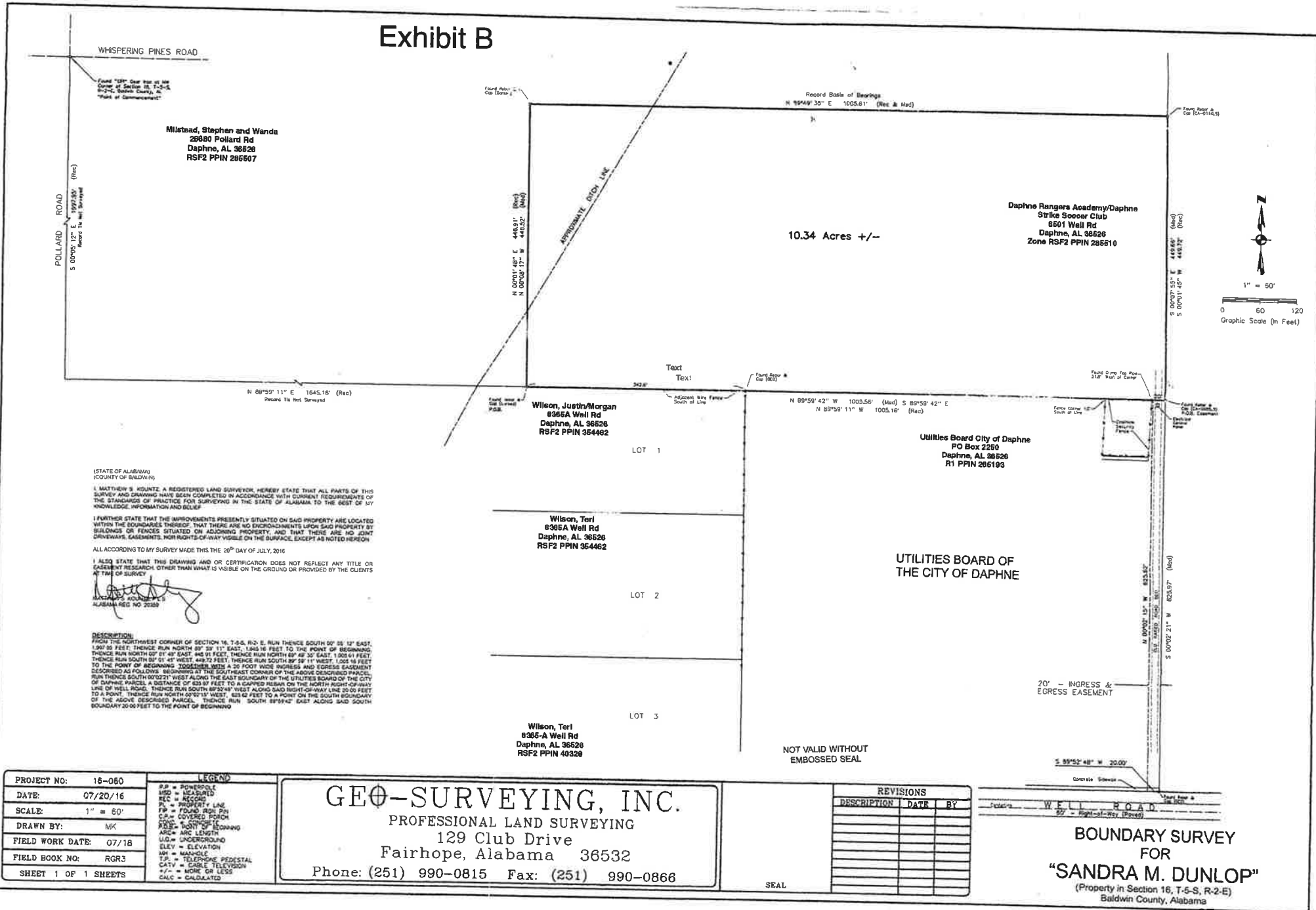
Exhibit "A"

State of Alabama
County of Baldwin

Description of Property to be annexed

From the northwest corner of section 16, T-5-S, R-2-E, run these south $00^{\circ} 05' 12''$ east 1997 95 feet: thence run north $89^{\circ} 59' 11''$ east 1645 16 feet to the point of beginning, thence run north $00^{\circ} 01' 48''$ east 446 91 feet, thence run north $89^{\circ} 49' 35''$ east 1006 61 feet, thence run south $00^{\circ} 01' 45''$ west 449 72 feet, thence run south $89^{\circ} 59' 11''$ west 1005 16 feet to the point of beginning together with a 20 foot wide ingress and egress easement described as follows: beginning at the southwest corner of the above described parcel, run thence south $00^{\circ} 02' 21''$ west along the east boundary of the utilities board of the city of Daphne parcel a distance of 625.97 feet to a capped rebar on the north right of way line of Well Rd, thence run south $89^{\circ} 62' 48''$ west along said right of way. Line 20 00 feet to a point, thence run north $00^{\circ} 02' 15''$ west 825 62 feet to a point of the south boundary of the above described parcel, thence run south $89^{\circ} 59' 42''$ east along said boundary 20 00 feet to the point of beginning.

Exhibit B



(STATE OF ALABAMA)
(COUNTY OF BALDWIN)

I, MATTHEW S. DUNLOP, A REGISTERED LAND SURVEYOR, HEREBY STATE THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

I FURTHER STATE THAT THE IMPROVEMENTS PRESENTLY SITUATED ON SAID PROPERTY ARE LOCATED WITHIN THE BOUNDARIES THEREOF, THAT THERE ARE NO ENCROACHMENTS UPON SAID PROPERTY BY BUILDINGS OR FENCES SITUATED ON ADJOINING PROPERTY, AND THAT THERE ARE NO JOINT DRIVEWAYS, EASEMENTS, RIGHT-OF-WAY VISIBLE ON THE SURFACE, EXCEPT AS NOTED HEREON.

ALL ACCORDING TO MY SURVEY MADE THIS THE 20TH DAY OF JULY, 2016.

I ALSO STATE THAT THIS DRAWING AND OR CERTIFICATION DOES NOT REFLECT ANY TITLE OR EASEMENT RESEARCH OTHER THAN WHAT IS VISIBLE ON THE GROUND OR PROVIDED BY THE CLIENTS AT TIME OF SURVEY.

Matthew S. Dunlop
MATTHEW S. DUNLOP
ALABAMA REG. NO. 20389

DESCRIPTION:
FROM THE NORTHWEST CORNER OF SECTION 16, T-5-S, R-2-E, RUN THENCE SOUTH 00° 25' 12" EAST, 1,067.95 FEET; THENCE RUN NORTH 89° 59' 11" EAST, 1,045.16 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 00° 01' 45" EAST, 448.91 FEET; THENCE RUN NORTH 89° 42' 30" EAST, 1,005.61 FEET; THENCE RUN SOUTH 00° 01' 45" WEST, 448.92 FEET; THENCE RUN SOUTH 89° 59' 11" WEST, 1,005.61 FEET TO THE POINT OF BEGINNING. TOGETHER WITH A 20 FOOT WIDE INGRESS AND EGRESS EASEMENT TO THE POINT OF BEGINNING. BEGINNING AT THE SOUTHEAST CORNER OF THE ABOVE DESCRIBED PARCEL, RUN THENCE SOUTH 89° 59' 11" WEST ALONG THE EAST BOUNDARY OF THE UTILITIES BOARD OF THE CITY OF DAPHNE PARCEL, A DISTANCE OF 85.91 FEET TO A CURVED NEAR ON THE NORTH RIGHT-OF-WAY LINE OF WELL ROAD; THENCE RUN SOUTH 89° 59' 48" WEST ALONG SAID RIGHT-OF-WAY LINE 20.00 FEET TO A POINT; THENCE RUN NORTH 00° 01' 45" WEST, 403.40 FEET TO A POINT ON THE SOUTH BOUNDARY OF THE ABOVE DESCRIBED PARCEL; THENCE RUN SOUTH 89° 59' 42" EAST ALONG SAID SOUTH BOUNDARY 20.00 FEET TO THE POINT OF BEGINNING.

PROJECT NO: 16-060
DATE: 07/20/16
SCALE: 1" = 50'
DRAWN BY: MK
FIELD WORK DATE: 07/18
FIELD BOOK NO: RGR3
SHEET 1 OF 1 SHEETS

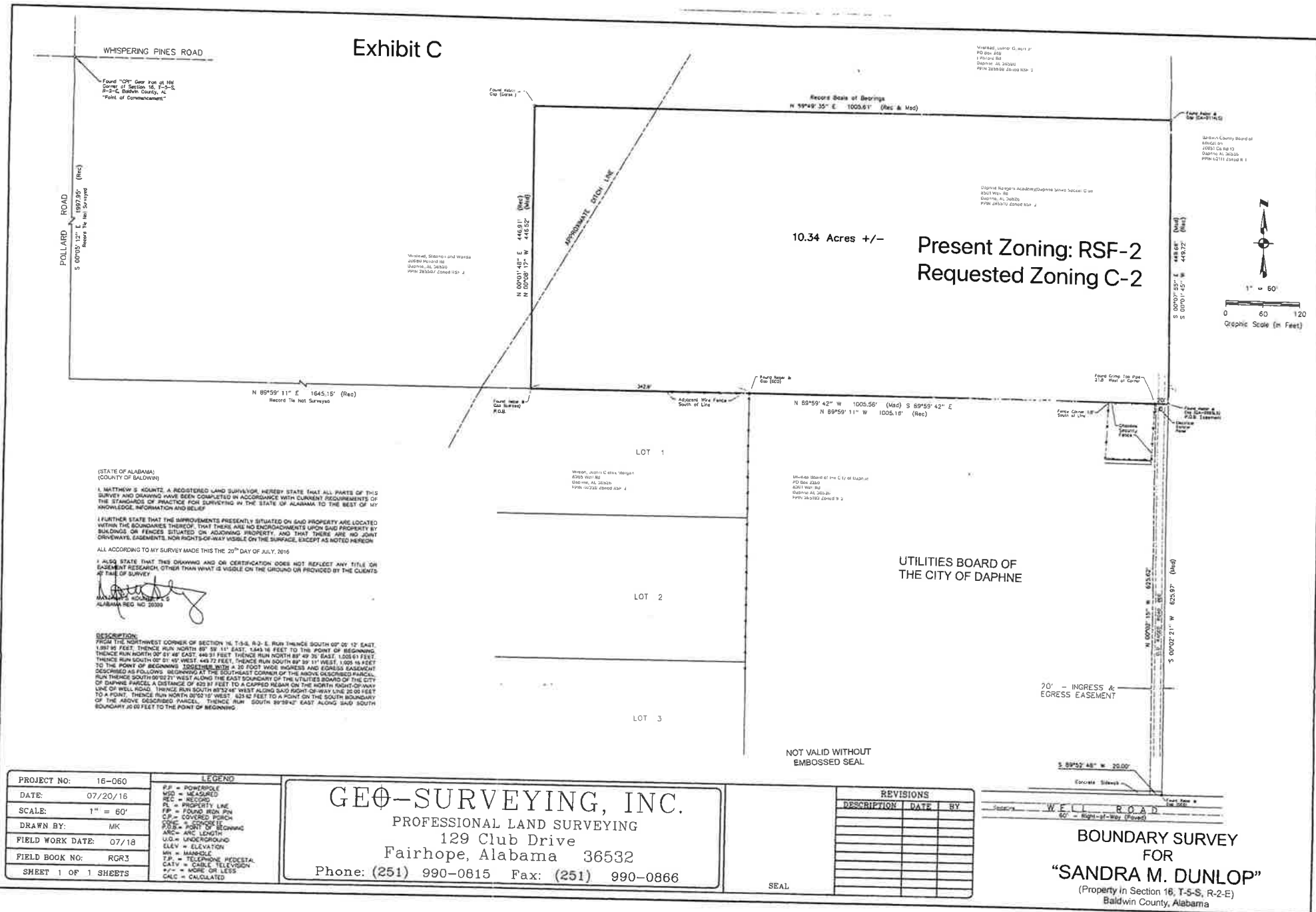
LEGEND
P.P. = POWERPOLE
M.D. = MEASURED
R.C. = RECORD
P.L. = PROPERTY LINE
F.P. = FENCED RIGHT-OF-WAY
C.P. = COVERED POLE
R.S. = RIGHT-OF-WAY
U.D. = UNDERGROUND
ELEV. = ELEVATION
W. = WASH-HOLE
T.P. = TELEPHONE PEDISTAL
C.A.T.V. = CABLE TELEVISION
+/- = MORE OR LESS
CALC. = CALCULATED

GEO-SURVEYING, INC.
PROFESSIONAL LAND SURVEYING
129 Club Drive
Fairhope, Alabama 36532
Phone: (251) 990-0815 Fax: (251) 990-0866

REVISIONS		
DESCRIPTION	DATE	BY

BOUNDARY SURVEY FOR "SANDRA M. DUNLOP"
(Property in Section 16, T-5-S, R-2-E)
Baldwin County, Alabama

Exhibit C





**May 1, 2023
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 P.M.**

1. CALL TO ORDER:

There being a quorum present Council President Angie Phillips called the meeting to order at 6:00pm.

2. ROLL CALL:

COUNCIL MEMBERS PRESENT: Tommie Conaway, Joel Coleman, Doug Goodlin, Ron Scott, Benjamin Hughes, and Angie Phillips

COUNCIL MEMBERS ABSENT: Steve Olen

Also Present: Patrick Dungan, City Attorney; Candace Antinarella, City Clerk; Chief Brian Gulsby, Police; Captain Jud Beedy, Police; Troy Strunk, City Development; Chief Tacon, Fire; Ronnie Huskey, Public Works; Ange Baggett, Marketing; Tonja Young, Library; Vickie Hinman, HR; Kelli Reid, Finance; Adrienne Jones, Planning; Tralise Pounds, Junior City Councilmember; Daniel Hill, Junior City Councilmember; Maren Fagan, Junior City Councilmember; Sunny Blackwood, Junior City Councilmember; Abigail English, Junior City Councilmember; Jackson Perhaes, Junior City Councilmember; Gracie Robinson, Junior City Councilmember; and Jessica Linne, Assistant City Clerk.

INVOCATION/PLEDGE OF ALLEGIANCE

Invocation was given by Councilman Ron Scott.

PROCLAMATION: Councilman Hughes presented the National Correctional Officers Week Proclamation.

PROCLAMATION: Councilman Hughes presented the National Police Week Proclamation.

PROCLAMATION: Council President Phillips presented the Municipal Clerk's Week Proclamation to City Clerk Candace Antinarella.

PRESENTATION: Baldwin County Alumnae Chapter of Delta Sigma Theta Sorority members recognized Councilwoman Conaway for her work in the County and in their sorority.

3. APPROVAL OF MINUTES:

The minutes from the April 17, 2023 regular meeting were approved.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE

Councilman Goodlin said the minutes from the April 17th meeting were in the packet and gave the Treasurer's Report for March 2023: Unrestricted Fund Balance-\$27,617,965; Total Cash Balance-\$43,118,788; Sales tax for February 2023 - \$1,984,635.21; Lodging Tax for February 2023-\$141,046.60; Excess Reserve Balance - \$19,323,851; Debt Summary for March 2023: Warrants-\$25,195,442; Capital Leases: General Fund-\$870,076; Enterprise Fund -\$911,221.

B. BUILDINGS & PROPERTY COMMITTEE

Councilman Coleman said the next meeting is May 8th at 5:15pm.

C. PUBLIC SAFETY COMMITTEE

Councilman Hughes said the next meeting is May 8th at 4:30pm and the minutes from the April 10th meeting were in the packet.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE

Councilman Olen was absent. Councilman Coleman said the next meeting is June 5th at 4:30pm.

E. PUBLIC WORKS COMMITTEE

May 1, 2023
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 P.M.

Councilwoman Conaway said the next meeting is June 5th at 5:15pm.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments

Mrs. Jones said there was no BZA meeting in May.

B. Daphne Public School Commission

Councilwoman Conaway said the next meeting is May 22nd at 5:30pm.

C. Downtown Redevelopment Authority

Councilwoman Conaway said the next meeting is May 18th at 5:30pm.

D. Industrial Development Board

Councilman Scott said the next meeting is May 16th at 4:30pm.

E. Library Board

Councilman Goodlin said the next meeting is May 11th at 4:30pm at the Library.

F. Planning Commission

Councilman Olen was absent.

G. Recreation Board

Councilman Hughes said the next meeting is May 3rd at 6:00pm and the Board will be at the next Work Session to report to the Council.

H. Utility Board

Councilwoman Phillips said the next meeting is May 31st at 6:00pm.

6. PUBLIC PARTICIPATION:

Public Participation opened at 6:22pm.

Lawrence Rozolsky, 102 Vega Circle, asked for an update on the storm water ditch.

Public Participation closed at 6:23pm.

7. MAYOR'S REPORT:

Mayor LeJeune was absent.

8. CITY ATTORNEY REPORT:

City Attorney said there was no report.

9. DEPARTMENT HEAD COMMENTS:

Chief Gulsby, Police, said they have multiple officers starting the Academy soon.

Chief Tacon, Fire, congratulated all who were recognized at the meeting and said the CPAP building slab has been poured.

Ange Baggett, Marketing, shared about the upcoming Mayor's Prayer Breakfast and other events at the Civic Center.

**May 1, 2023
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
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DAPHNE, AL
6:00 P.M.**

Vickie Hinman, HR, said the employees are continuing with their compliance training.

Ronnie Huskey, Public Works, updated the Council on the road resurfacing project and invited them to the Public Works' Day.

Adrienne Jones, Planning, said the Planning Commission called a Special Called Meeting on May 4th at 5:00pm.

Kelli Reid, Finance, shared about the recent reporting of how rescue funds were used.

10. CITY CLERK'S REPORT:

MOTION by Councilman Hughes to approve the 040 – Retail Beer (on or off premises) and 060 – Retail Table Wine (on or off premises) to Shree Ram Hospitality LLC dba Home2 Suites Daphne Spanish Fort located at 8944 Sawwood St, Daphne, AL. Seconded by Councilman Scott.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Hughes to approve the 040 – Retail Beer (on or off premises) to Weiners on Wheels LLC dba The Wacked Out Weiner located at 2101 US Highway 98 Ste C, Daphne, AL. Seconded by Councilman Goodlin. City Clerk confirmed this was for the brick and mortar business.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Goodlin to approve the 020 Restaurant Retail Liquor to RJNR2 LLC dba Island Wing Company located at 29740 – A Urgent Care Drive, Daphne, AL. Seconded by Councilman Coleman.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Hughes to approve the 160 – Special Retail – More than 30 days to PP Hospitality Management LLC located at 1 Yacht Club Drive, Daphne, AL. Seconded by Councilman Goodlin. City Clerk explained the type of license.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to appoint Lee Yokel to the Environmental Advisory Committee. Seconded by Councilman Goodlin.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilwoman Conaway to appoint Cheryl Boxx to the Environmental Advisory Committee. Seconded by Councilman Goodlin.

MOTION CARRIED UNANIMOUSLY.

City Clerk shared the 2023-2023 Junior City Council applications are online. Junior Councilmembers Maren Fagen and Daniel Hill presented on their recent trip with the City of Daphne to Washington, D.C.

11. RESOLUTIONS & ORDINANCES:

A. RESOLUTIONS:

2023 – 27 - ALDOT TAP Grant

2023 – 28 – 2023-Q-Rock Material

2023 – 29 – Declaring Certain Personal Property Surplus and Authorizing the Mayor to Dispose of Such Property – Cage Brackets for 2011 Chevy Tahoes

May 1, 2023
CITY COUNCIL MEETING
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1705 MAIN STREET
DAPHNE, AL
6:00 P.M.

**MOTION by Councilman Scott to waive the reading of Resolutions 2023-27, 2023-28 and 2023-29.
Seconded by Councilwoman Conaway.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilman Scott to adopt Resolutions 2023-27, 2023-28 and 2023-29. Seconded by
Councilwoman Conaway.
MOTION CARRIED UNANIMOUSLY.**

ORDINANCES:

B. 2nd READ ORDINANCES:

1ST READ ORDINANCES:

12. COUNCIL COMMENTS:

Councilwoman Conaway thanked the City's Correctional Officers, City Clerk and the Police Officers for their work in the City. She thanked her sisters in the Delta Sigma Theta Sorority for their recognition and the Junior City Councilmembers for their service over the last year.

Councilman Coleman said he recently enjoyed the Daphne High School's theater production.

Councilman Goodlin said he enjoyed the DHS theater production and thanked the City Clerk for what she does for the Council and the Junior City Council.

Councilman Scott thanked the Delta Sigma Theta sorority for attending, spoke about Ms. Jewel Lawson's upcoming City lunch and thanked the Junior City Councilmembers for their participation over the last year.

Councilman Hughes thanked all law enforcement for their hard work in the City, the City Clerk and the Junior City Council for their involvement over the last year.

Council President Phillips thanked the City Clerk for her work with the Council and the recent Junior City Council trip.

13. ADJOURN:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, COUNCIL ADJOURNED AT 6:59PM.

Respectfully submitted by,

Certification of Presiding Officer,

Candace G. Antinarella, CMC, City Clerk

Angie Phillips, Council President



CITY OF DAPHNE PUBLIC WORKS COMMITTEE MINUTES
April 3rd, 2023 - 5:15 P.M.
DAPHNE CITY HALL

I. CALL TO ORDER

II. COMMITTEE MEMBERS PRESENT:

Councilwoman Tommie Conaway; Councilman Ron Scott; Councilman Doug Goodlin; Councilman Steve Olen; Councilwoman Angie Phillips; Councilman Benjamin Hughes; Mayor Robin LeJeune

Others Present: Ronnie Huskey, Public Works Director; Jay Ross, City Attorney; Troy Strunk, Executive Director, City Development; Candace Antinarella, City Clerk; Josh Newman, City Engineer; Kelli Reid, Finance Director

III. PUBLIC PARTICIPATION & CORRESPONDENCE

Correspondence and Public Participation— Laventia Lemaitre and Andre Lemaitre at 28481 Bay Cliff Lane spoke about their concerns with the lack of sidewalks on Yacht Club Drive. Ms. Lemaitre stated she spoke about this issue around the same time last year. She continued by stating the speeding on Yacht Club Drive is still an issue and with the new Waterfront restaurant coming in, she implores the City to put in sidewalks or even just speed bumps in. Andre Lemaitre stated he thinks the new sidewalks near US-98 and the new boat launch are wonderful improvements to the City. He continued by stating there is two turns on Yacht Club drive that are safety issues because they are blind curves and people will speed around the corners. He also stated there are no lights that are on the street, which make it a safety issue at night as well. Mr. Lemaitre also stated there is a strip of grass that isn't getting mowed by the city that is between Madison St, Bay Bluff Square and Yacht Club Drive and he will like to get that in the maintenance rotation for the city. Councilman Goodlin asked if there is an HOA in that area. Councilman Coleman stated there is no HOA because part of it is in Lake Forest. He continued by stating there is a safety issue with the roads, however, the sidewalks would be very expensive to put in because of the steep hill and turn angles. Council Coleman asked if it an alternative route can be looked into. Councilman Scott asked if the city can put in sidewalks through an easement. Mayor LeJeune stated yes, and the City will reach out to Sea Cliff Condominiums about. The Council emphasized the amount of foot traffic in that area because of the new boat launch and the upcoming restaurant that will be opening soon. Councilman Goodlin asked Councilman Coleman if he believes speed bumps to be a viable option. Councilman Coleman stated it could be for a short term option. Councilwoman Phillips asked Ronnie Huskey what his advice is. Mr. Huskey stated they can look at the traffic and limitations for that roadway. He stated that other cities have narrowed the roadway through striping to help with foot traffic. The Council discussed the lighting issue as well. Councilman Goodlin re-emphasized Mr. Huskey's statement about narrowing the roadway for pedestrian and bike traffic. Mayor LeJeune stated he will touch base with Mr. Huskey and Mr. Newman for their analysis.

IV. OLD BUSINESS

Approval of Minutes – March 6th, 2023—Minutes were reviewed and approved by the committee.



CITY OF DAPHNE PUBLIC WORKS COMMITTEE MINUTES
April 3rd, 2023 - 5:15 P.M.
DAPHNE CITY HALL

V. NEW BUSINESS

2023 EAC Priorities and Plans– Josh Newman introduced Jesi Ward as the new Environmental Programs Manager. Ms. Ward introduced herself to the Council and spoke about her past experience. Cathy Barnette from EAC board stated that the EAC has not been as active because of staff turnover, but they have been able to put together a list of plans and priorities that they would like to tackle. Ms. Barnette asked for input from the Council if they have any suggestions or edits that need to be made to the list. Councilman Coleman stated he was excited for the butterfly gardens to be coming in. Ms. Barnette stated they are trying to obtain money through grants and donations, and will only ask for money from the Council if necessary. Councilman Scott suggested they contact Kara Stallman, the city grant writer, for her assistance. The Council reiterated that if a project is important, don't be afraid to ask for funds. The Council also discussed the EAC in the schools and how excited they are with the plan list. Ms. Barnette also discussed the littering program they are also trying to implement.

VI. City Engineer's Report (Separate Handout)

Josh Newman addressed the committee with his separate handouts. Mr. Newman stated that he has highlighted a few projects to look at.

Mr. Newman discussed 21-03 D'Olive Bay Boat Launch that the ribbon cutting is on April 5th, 2023.

Mr. Newman discussed 21-11 Resurfacing CR-64 from SR-42 (US-98) to CR-13 that they have received Final Back Check comments and construction should begin soon.

Mr. Newman discussed 21-15 Bayfront Streetscapes that the construction still has a way to go, but they are making good progress. Mr. Newman stated they have completed drainage, parking lots and some curbing.

Mr. Newman discussed 21-16 Bayfront Master Plan that kickoff meeting was held on 3/30/23 and project is underway.

Mr. Newman discussed 22-07 Sidewalk Improvements – Ridgewood and Magnolia that it will be a few more months before construction is underway. Councilman Scott suggested that, if possible, Yacht Club Drive could potential be put in this budget as well.

Councilman Hughes inquired about "PIH" in 21-09 HWY-90 Widening Phase I. Mr. Newman stated it meant "plan in hand" and that they have 65% of the plans completed.

Councilman Hughes inquired about an update for 21-11 Lake Front Dr. and Michocaun Cir.



CITY OF DAPHNE PUBLIC WORKS COMMITTEE MINUTES
April 3rd, 2023 - 5:15 P.M.
DAPHNE CITY HALL

pavement deterioration. Mr. Newman stated he is working with his intern to complete this project in-house. He continued by stating that underground springs have been breaking the surface and they are working out a drainage solution.

Councilman Hughes inquired about adding more fishing space at the end of the pier for 21-22 May Day Park Pier Repair. Mr. Newman stated they have found a few things in the water and they believe it was used as a trash heap.

Councilman Olen wanted to remind the Council that the Animal Shelter bid is going to be at the Council Meeting. He continued to state that there is a company whose bid was declined because they did not meet requirements and they may present tonight with their lawyer.

VII. DIRECTOR'S REPORT (Handouts reviewed by committee)

Ronnie Huskey discussed the Public Works reports, including 28 new residents for the month of February. Councilman Scott stated that he was very happy that sod was put down in front of the hotels. The Council agreed how nice it looks now. Mr. Huskey also mentioned that the roundabouts have been stamped with the “Coco Brown” pavers and Public Works is trying to extend their seasonal planting with additional flowers.

Councilman Hughes inquired about the status of “swiping” or cleaning ditches on Santa Rosa Ave. Mr. Huskey stated that they just finished Old County Road which was an in-house project for the staff, which came out great. He continued stating that Santa Rosa has utility and root balls throughout the ditches and they have started to take a look at it. Mr. Huskey stated work has been done in front of the school to try to divert water into the surrounding ditches and the team will be doing work on Main St. and Santa Rosa that should help with the drainage as well.

Councilman Scott asked if the City of Daphne should obtain a cement truck. Mr. Huskey stated at this time he does not recommend obtaining one.

Councilman Goodling stated on CR-13 there are trees that are invasive species, the Chinese Tallow or “popcorn trees”, which he is requesting to be removed. Mr. Huskey stated he will have his team take a look at it.

- A. Work Request Report – February 2022 & February 2023
The Public Works Department completed 589 work orders in February 2023.
- B. Vehicle/Equipment Maintenance Reports – FY2022-2023 YTD
- C. Public Works Related Overtime Report — 50.00% of the year used; \$78,035.64 Used YTD as of March 28th, 2023.
- D. Street Sweeper Report —668.378 Miles Traveled, 248.177 Miles Swept



CITY OF DAPHNE PUBLIC WORKS COMMITTEE MINUTES
April 3rd, 2023 - 5:15 P.M.
DAPHNE CITY HALL

VIII. DAPHNE SOLID WASTE DISPOSAL ENTERPRISE (Handouts reviewed by committee)

- A. Monthly Recycle Tonnage Report (Tonnage Comparison) —No Report
- B. Solid Waste New Customer Report – February 2023— 28 new residential; 0 new commercial
- C. Tallent Lane Facility Report – February 2023- 519.87 SW Total Tonnage, 84.21 Other Depts. Total Tonnage

IX. MOSQUITO CONTROL SERVICES

- A. Mosquito Report— No Report

X. MUSEUM COMMITTEE

- A. Minutes – February 13th, 2023

XI. BEAUTIFICATION COMMITTEE

- A. Minutes – March 1st, 2023

XII. ENVIRONMENTAL ADVISORY COMMITTEE

- A. Minutes – February 27th, 2023

XIII. FUTURE BUSINESS

- A. Next Meeting – **Monday, May 1st, 2023**

XIV. ADJOURNMENT

Motion by Angie Phillips, seconded by Benjamin Hughes to adjourn. Meeting adjourned at 5:29 p.m.

**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**



DATE: May 8, 2023
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development
SUBJECT: Planning Commission Minutes and Report

A handwritten signature in blue ink, appearing to be "AJ", located to the right of the "FROM:" line.

Attached please find a copy of the approved minutes for the City of Daphne Planning Commission regular meeting of March 23, 2023 and April 27, 2023 and the report of the special called meeting of May 4, 2023 for placement on the May 15, 2023 City Council agenda for review.

Should you have any questions or comments in this regard, please do not hesitate to call.

ADJ/jv

**The City of Daphne
Planning Commission Minutes
Regular Meeting of March 23, 2023
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 5:04 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

Kevin Spriggs
Adam Manning
John Peterson, Secretary
Kimberly Samry
Marybeth Bergin, Chairwoman
Nathan Jones
Ronnie Huskey
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
Jesi Ward, Environmental Programs Manager
Phillip Adams, Site Containment Officer

Chairwoman called for the first order of business: approval of the minutes.

Chairwoman asked for input regarding the February 23, 2023 minutes presented by staff. There being none, minutes stand approved as submitted.

Chairwoman called for the next order of business: Bradley-Cina preliminary/final plat review.

An introductory presentation was given by the agent, Sharon Kimbrough. She summarized the proposed subdivision as presented on the meeting agenda.

Hearing no comments from the commissioners, the chairwoman called for a motion.

A motion was made by Mr. Prescott and seconded by Mr. Peterson to approve Bradley-Cina preliminary/final subdivision plat. There was no discussion. The vote carried unanimously.

Chairwoman called for the next order of business: Chipotle/Starbucks site plan review.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of March 23, 2023
Council Chamber, City Hall - 5:00 P.M.**

An introductory presentation was given by the agent, Sharon Kimbrough. She summarized the proposed site plan as presented on the meeting agenda.

Chairwoman asked for staff comments. Mr. Newman said his comments regarding drainage and maintenance of underground detention have not been addressed. Mrs. Jones stated that landscape revisions are pending review.

Mr. Olen asked about the gas line. Mrs. Jones stated that Daphne Utilities requested coordination with staff for removal of the gas line.

Hearing no further comments from the commissioners, the chairwoman called for a motion.

A motion was made by Mr. Spriggs and seconded by Mr. Peterson to approve Chipotle/Starbucks site plan with conditions as follows: submission of a revised drainage manual and revisions to underground detention design subject to approval of the City Engineer; coordination of gas line removal with Daphne Utilities; and, submission of revised landscape plan subject to the approval of Community Development. There was no discussion. The vote carried unanimously.

Chairwoman called for the next order of business: South Branch preliminary/final and South Branch, Phase One preliminary plat review.

An introductory presentation was given by the agent, Jason Wooten. He summarized the proposed subdivisions as presented on the meeting agenda.

Chairwoman Bergin opened the floor for the public hearing.

Tim Roth, 27229 Cowles Crossing, spoke in opposition and expressed concerns about the bridge capacity in the Estates of Tiawasee, traffic study, and issues addressed in the McCrory and Williams report of 2006.

Benjamin Snow, 8677 Caballo Court, spoke in opposition and expressed concerns about safety and traffic on Whispering Pines and Pollard Road.

Casey Burns, 27538 Stratford Glen Drive, spoke in opposition and expressed concerns about the effect on the school district.

The chairwoman closed the floor to the public hearing and offered the agent and staff the opportunity for rebuttal.

Mr. Newman stated his comments have been addressed. He noted that this phase will not affect traffic, and the floodway is below the Corps of Engineer's requirement.

At the Chairwoman's request, Mr. Olen gave a summary of the previously approved bond requirement associated with the wetland bond modification: the developer would be required to obtain a bond in an amount of twenty percent of the cost of the project to protect the city from damages from any off-site impacts.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of March 23, 2023
Council Chamber, City Hall - 5:00 P.M.**

Hearing no further comments from the Commissioners, the chairwoman called for a motion.

A motion was made by Mr. Prescott and seconded by Mr. Manning to approve South Branch preliminary/final subdivision plat. There was no discussion. The vote carried unanimously.

Chairwoman outlined the revisions to phase one: the addition of an access easement to future phases, improvements to the subdivision and the addition of a turn lane.

Chairwoman asked for staff comments. Mr. Newman stated his comments have been addressed. Mrs. Jones advised that she had no outstanding issues.

Hearing no comments from the commissioners, the chairwoman called for a motion.

A motion was made by Mr. Spriggs and seconded by Mr. Manning to approve South Branch, Phase One preliminary subdivision plat. There was no discussion. The vote carried. Mr. Olen dissented.

Chairwoman called for the next order of business: The Reserve at Daphne, Phase Two final plat review.

An introductory presentation was given by the agent, Andy Bobe. He summarized the final plat as presented on the meeting agenda and advised that the remaining comments are minor and will be addressed.

Chairwoman asked for staff comments. Mr. Newman stated his comments have been addressed.

Mr. Olen inquired about notification of the adjacent property owner of the off-site impact and removal of sedimentation from their property. Mr. Bobe responded that the adjacent property owner and ADEM have been notified.

Hearing no comments from the commissioners, the chairwoman called for a motion.

A motion was made by Mr. Prescott and seconded by Mr. Peterson to approve the Reserve at Daphne, Phase Two final subdivision plat. There was no discussion. The vote carried unanimously.

Chairwoman called for the next order of business: Chick-fil-a site plan review.

An introductory presentation was given by the agent, Jason O'Toole. He summarized the site plan as presented on the meeting agenda.

Chairwoman stated the plan consists of the demolition of Chick-fil-a and Wacky Shrimp for the construction of Chick-fil-a.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of March 23, 2023
Council Chamber, City Hall - 5:00 P.M.**

Mr. O'Toole said ALDOT has required a right in/right out onto U.S. Highway 98 and coordination during construction for Lavender Lane.

Hearing no comments from the commissioners, the chairwoman called for a motion.

A motion was made by Mr. Prescott and seconded by Mr. Manning to approve Chick-fil-a site plan. There was no discussion. The vote carried unanimously.

Chairwoman called for the next order of business: Caliber Collision.

An introductory presentation was given by the agents, Brett Flory and Blake Cox. Mr. Flory summarized the site plan as presented on the meeting agenda.

Chairwoman asked about the traffic study improvements. Mr. Cox advised the issues outlined in the traffic study are existing and expressed concern about the requirement of a turn lane so close to that intersection.

Mr. Newman said the traffic study states that a left turn lane and study of the other access are warranted. He noted that the Public Works Division requested a right in/right out only on County Road 64.

Mr. Olen responded the traffic study is unsatisfactory until the City Engineer is satisfied. He asked should the applicant consider tabling the agenda item. Mr. Newman responded yes. Mr. Spriggs stated that an option is that the site plan can be approved with contingencies.

Chairwoman asked about staff comments regarding the buffer. Mr. Strunk responded the fence and buffer have been addressed.

Hearing no comments from the commissioners, the chairwoman called for a motion.

A motion was made by Mr. Olen and seconded by Mrs. Bergin to table Caliber Collision site plan until the regular meeting of April 27, 2023 to allow additional time to resolve issues identified by the City Engineer and finalization and approval of the associated re-plat.

During discussion, Mr. Peterson asked about drainage. Mr. Newman responded it is acceptable.

Mr. Spriggs	Nay
Mr. Manning	Nay
Mr. Peterson	Aye
Ms. Samry	Aye
Mr. Jones	Aye
Mr. Huskey	Aye
Mr. Olen	Aye
Mr. Prescott	Aye

The City of Daphne
Planning Commission Minutes
Regular Meeting of March 23, 2023
Council Chamber, City Hall - 5:00 P.M.

Upon roll call vote, the motion carried.

Chairwoman called for the next order of business: ALDI Grocery Store.

An introductory presentation was given by the agent, Nikolas Melancon. He summarized the site plan as presented on the meeting agenda.

Chairwoman asked for staff comments about the dead-end parking and ADA requirements. Mr. Newman stated his comments have been addressed.

Mr. Newman said he had an on-site meeting with the engineer and William Eringman, Deputy Director of Public Works. Improvements on Whispering Pines Road are scheduled to begin on April 1st.

Hearing no comments from the commissioners, the chairwoman called for a motion.

A motion was made by Mr. Prescott and seconded by Mr. Huskey to approve ALDI Grocery Store site plan. There was no discussion. The vote carried unanimously.

Chairwoman called for the next order of business: Moe's BBQ.

An introductory presentation was given by the agent, Andy Bobe. He summarized the site plan as presented on the meeting agenda and advised that the comments have been addressed.

Chairwoman asked for staff comments. Mrs. Jones advised that the site would require a temporary construction agreement on the north side of the property and finalization of the re-plat.

Hearing no comments from the commissioners, the chairwoman called for a motion.

A motion was made by Mr. Olen and seconded by Mr. Prescott to approve Moe's BBQ site plan contingent upon issuance of a temporary construction easement for the improvements shown on city property located to the north and finalization and approval of the associated re-plat. There was no discussion. The vote carried unanimously.

Chairwoman called for the next order of business: Tidal Wave Auto Spa.

An introductory presentation was given by the agent, Evan Geerts. He summarized the site plan as presented on the meeting agenda and advised of the revisions for access to the concrete apron and the addition of sidewalk around the obstruction on Bayview Drive and along the frontage.

Mr. Prescott recused himself from discussion and action on the agenda item.

Chairwoman asked for staff comments. Mr. Newman stated his comments have been addressed.

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Council Chamber, City Hall - 5:00 P.M.**

Chairwoman asked about signage. Mr. Geerts commented that a revised sign package in compliance with the ordinance would be provided to Code Enforcement.

Mr. Huskey noted that the pedestrian crossing and sidewalks are in the right-of-way. There was discussion among staff regarding a resolution to the appropriate sidewalk location. Mr. Geerts confirmed that they would make the necessary modifications as warranted by staff.

Hearing no further comments from the commissioners, the chairwoman called for a motion.

A motion was made by Mr. Manning and seconded by Mr. Huskey to approve Tidal Wave Auto Spa. There was no discussion. The vote carried. Mr. Prescott abstained.

Chairwoman announced that the Park at Whispering Pines, Phase Two has been tabled.

Chairwoman called for the next order of business: Carolyn Place preliminary/final plat review.

An introductory presentation was given by the agent, Stacey Gibbs. She summarized the proposed subdivision as presented on the meeting agenda.

Chairwoman noted the City Engineer required the addition of a drainage easement on the plat running east to west. Mr. Newman advised that dedicating an easement in the current drainage path will allow the property owners to address drainage in the future.

Mr. Peterson asked about wetlands. Mr. Newman stated there are no wetlands on this parcel.

The Chairwoman opened the floor for public hearing. The floor closed after no one came forward to speak.

Hearing no comments from the commissioners, the chairwoman called for a motion.

A motion was made by Mr. Peterson and seconded by Mr. Prescott to approve Carolyn Place preliminary/final subdivision plat. There was no discussion. The vote carried unanimously.

Chairwoman called for the next order of business: Jubilee Farms, Phase Thirteen final plat review and street acceptance.

An introductory presentation was given by the agent, Andy Bobe. He summarized the final plat and street acceptance as presented on the agenda.

Chairwoman asked for staff comments. Mr. Newman stated his comments have been addressed.

**The City of Daphne
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Council Chamber, City Hall - 5:00 P.M.**

Hearing no comments from the commissioners, the chairwoman called for a motion.

A motion was made by Mr. Prescott and seconded by Mr. Huskey to approve Jubilee Farms, Phase Thirteen final subdivision plat. There was no discussion. The vote 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 in Jubilee Farms Subdivision, Phase Thirteen conditioned upon receipt of the recorded plat for the subdivision. There was no discussion. The vote carried unanimously.

Chairwoman called for the next order of business: Daphne Rangers Academy/Daphne Strike Club, Inc. pre-zoning and annexation request.

An introductory presentation was given by the agent, Geraldo Flores. He summarized the pre-zoning and annexation request as presented on the agenda.

The Chairwoman opened the floor for public hearing. The floor closed after no one came forward to speak.

Hearing no comments from the commissioners, the chairwoman called for a motion.

A motion was made by Mr. Prescott and seconded by Mr. Huskey to set forth a favorable recommendation to the City Council to pre-zone the subject property to C-2, Outdoor Amusement. There was no discussion. The vote carried unanimously.

A motion was made by Mr. Prescott and seconded by Mr. Huskey to set forth a favorable recommendation to the City Council to annex the subject property into the Daphne city limits. There was no discussion. The vote carried unanimously.

Chairwoman called for the next order of business: Ace Hardware administrative presentation.

An introductory presentation was given by the agent, Dwayne Smith. He summarized the request as presented on the agenda.

Chairwoman stated the administrative presentation is to seek guidance on a site plan to restrict or self-restrict a single tenant or a secondary use.

Mr. Dungan stated typically, a tenant use does not normally require Planning Commission approval as long as the site plan complies with the parking requirements. If the use is located within the same footprint, it requires administrative staff review and must comply with the Land Use and Development Ordinance and Comprehensive Plan.

**The City of Daphne
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Mr. Dungan stated for a secondary use, it would have to comply with the definition of a shopping center and would require submission of a revised site plan for review by the Planning Commission.

Commissioners concurred that it required administrative review and no action was taken.

Chairwoman called for the next order of business: public participation.

Chairman opened the floor for public participation. The floor was closed after no one came forward to speak.

Chairwoman called for the next order of business: attorney's report.

Mr. Dungan had no report.

Chairwoman called for the next order of business: commissioner's comments.

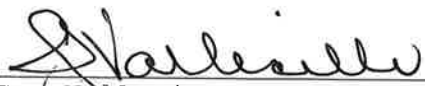
Commissioners welcomed Kimberly Samry to the Planning Commission.

Chairwoman called for the next order of business: director's comments.

Mrs. Jones advised that April 19th and April 27th are the upcoming meeting dates.

There being no further business, the meeting was adjourned at 6:20 p.m.

Respectfully submitted by:


Jan Vallecillo, Planning Coordinator

Approved: May 4, 2023


Marybeth Bergin, Chairwoman

Call to Order:

Chairwoman Bergin called the regular meeting of the City of Daphne Planning Commission to order at 5:15 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

Kevin Spriggs
Adam Manning
John Peterson, Secretary
Marybeth Bergin, Chairwoman
Andrew Prescott, Vice Chairman

Staff Present:

Adrienne Jones, AICP, Director of Community Development
Jan Vallecillo, Planning Coordinator
Jay Ross, Attorney
Troy Strunk, Executive Director, City Development
Joshua Newman, City Engineer

The chairwoman explained that the pre-zoning, annexation and ordinance amendments cannot be heard tonight because there is not a super majority present to take action on those items. All of the agenda items will be heard at a Special Called Planning Commission meeting next Thursday.

Hearing no comments from the commissioners, the chairwoman made a motion.

A motion was made by Mrs. Bergin and seconded by Mr. Prescott to set a Special Called Planning Commission meeting on May 4, 2023 at 5:00 p.m. There was no discussion. The vote carried unanimously.

There being no further business, the meeting was adjourned at 5:17 p.m.

Respectfully submitted by:


Jan Vallecillo, Planning Coordinator

Approved: May 4, 2023


Marybeth Bergin, Chairwoman

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
SPECIAL MEETING OF MAY 4, 2023
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Report

1. **CALL TO ORDER:** 5:00 p.m.
2. **CALL OF ROLL:** Marybeth Bergin, Kevin Spriggs, Nathan Jones, John Peterson, Ronnie Huskey, Andrew Prescott, Kimberly Samry and Adam Manning
3. **APPROVAL OF MINUTES:**

Review of minutes of the regular meeting of March 23, 2023 and April 27, 2023. (**Approved**)
4. **NEW BUSINESS:**

A. **ROY A. WULFF AND CYNTHIA J. WULFF REVOCABLE TRUST DATED 12/14/2016**
PRE-ZONING AMENDMENT AND ANNEXATION:

1. File PZA23-02: (**Favorable recommendation to the City Council**)

Applicant: Roy A. Wulff and Cynthia J. Wulff Revocable Trust Dated 12/14/2016

Present Zoning: ***RSF-E, Residential Single Family Estate, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne***

Proposed Zoning: ***B-1(a), Limited Local Business***

Area: 6 Acres ±

Location: Northeast of Alabama Highway 181 and Belgrove Avenue

Agent: Jo Anne Burrage

Owner: Roy A. Wulff and Cynthia J. Wulff Revocable Trust Dated 12/14/2016

2. ANX23-02: (**Favorable recommendation to the City Council**)

A presentation to be given by Jo Anne Burrage, agent of Roy A. Wulff and Cynthia J. Wulff Revocable Trust Dated 12/14/2016, requesting annexation of six acres located northeast of Alabama Highway 181 and Belgrove Avenue. The subject property is currently zoned RSF-E, Residential Single Family Estate, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne.

B. **ADMINISTRATIVE PRESENTATION:**

1. **STREET ACCEPTANCE PETITION:**

File AP23-03: (**Favorable recommendation to the City Council**)

Presentation to be given by Adrienne Jones, Director of Community Development, recommending acceptance of all right-of-ways contained within The Reserve at Daphne, Phase Two. Said right-of-ways being Elemis Drive (4,145 linear feet), Sonesta Drive (397 linear feet), Agora Drive (446 linear feet), Evensong Drive (778 linear feet) and Montelucia Way (812 linear feet).

2. **PROPOSED AMENDMENTS TO THE LAND USE AND DEVELOPMENT ORDINANCE:**

File AP23-04: (**Favorable recommendation to the City Council**)

Presentation to be given by Adrienne Jones, Director of Community Development, regarding the proposed amendments to the Land Use and Development Ordinance for Articled 35, the Table of Permitted Uses, and Article 36, Village Overlay District.

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
SPECIAL MEETING OF MAY 4, 2023
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Report

5. **PUBLIC PARTICIPATION:** None presented.
6. **ATTORNEY'S REPORT:** No report.
7. **COMMISSIONER'S COMMENTS:** None presented.
8. **DIRECTOR'S COMMENTS:** Director presented the upcoming meeting dates. Site Preview is May 17, and the Regular Meeting is May 25, 2023.
9. **ADJOURNMENT:** 5:26 p.m.

**CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF MARCH 23, 2023
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**


Report

1. **CALL TO ORDER:** 5:04 p.m.
2. **CALL OF ROLL:** Marybeth Bergin, Kevin Spriggs, Steve Olen, Nathan Jones, John Peterson, Ronnie Huskey, Andrew Prescott, Kimberly Samry and Adam Manning
3. **APPROVAL OF MINUTES:** Review of minutes of the regular meeting of February 23, 2023. **(Approved)**
4. **OLD BUSINESS:**

A. CHIPOTLE/STARBUCKS PRELIMINARY/FINAL PLAT AND SITE PLAN REVIEW:

1. File SDPF23-01: **(Approved)**

Subdivision: Bradley - Cina

Zoning: B-2, General Business

Location: Southwest of the intersection of U.S. Highway 98 and Van Avenue

Area: 1.40 Acres $\pm$, (2) lots

Owner: Aileron Daphne, L.L.C - Chris Salemi

Agent: Bowman Consulting. - Sharon Kimbrough

Surveyor: Fabre Engineering & Surveying - Frank Fabre

2. File SP23-01: **(Approved with conditions as follows: submission of revised drainage manual and revisions to underground detention design subject to the approval of the City Engineer; coordination of gas line removal with Daphne Utilities; and, submission of revised landscape plan subject to the approval of Community Development)**

Site: Chipotle/Starbucks

Zoning: B-2, General Business

Location: Southwest intersection of U.S. Highway 98 and Van Avenue

Area: 1.40 Acres $\pm$

Owner: Aileron Daphne, L.L.C - Chris Salemi

Engineer: Bowman Consulting. - Sharon Kimbrough

B. SOUTH BRANCH PRELIMINARY/FINAL PLAT AND SOUTH BRANCH, PHASE ONE PRELIMINARY PLAT REVIEW:

1. File SDPF23-02: **(Approved)**

Subdivision: South Branch

Zoning: R-3, High Density Single Family Residential

Location: East side of Pollard Road, north of Creekside Subdivision

Area: 79.72 Acres $\pm$, (2) lots

Owner(s): S. Hickory, Inc. - Charles K. Breland, Jr.

Surveyor: Smith, Clark & Associates - Hunter Smith

Engineer: Wooten Engineering - Jason Wooten

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF MARCH 23, 2023
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Report

2. File SDP23-01: **(Approved)**

Subdivision: South Branch, Phase One

Zoning: *R-3, High Density Single Family Residential*

Location: East side of Pollard Road, north of Creekside Subdivision

Area: 33.06 Acres $\pm$, (44) lots

Owner(s): S. Hickory, Inc. - Charles K. Breland, Jr.

Surveyor: Smith, Clark & Associates - Hunter Smith

Engineer: Wooten Engineering - Jason Wooten

C. **FINAL PLAT REVIEW:**

1. File SDF23-02: **(Approved)**

Subdivision: The Reserve at Daphne, Phase Two

Zoning: *R-6(G), Garden or Patio Home & R-2, Medium Density Single Family*

Location: North of the intersection of County Road 64 and Montelucia Way

Area: 73.31 Acres $\pm$, (134) lots

Owner: 68V Reserve at Daphne 2021, L.L.C.

Developer: 68V Pay Dirt, L.L.C. - Andrew Dolan

Surveyor: Dewberry - Victor Germain

Engineer: Dewberry - Andy Bobe

5. **NEW BUSINESS:**

A. **SITE PLAN REVIEW:**

1. File SP23-03: **(Approved)**

Site: Chick-fil-a

Zoning: *B-2, General Business*

Location: Northeast of the intersection of U.S. Highway 98 and Lavender Lane

Area: 1.79 Acres $\pm$

Owner: Chick-fil-a, Inc., Chester M. Baker, Jr., Cumberland, L.L.C. and Kidco, L.L.C.

Engineer: CPH, L.L.C. - Jason Toole

2. File SP23-04: **(Tabled until the regular meeting of April 27, 2023 to allow additional time to resolve issues identified by the City Engineer and finalization/approval of the associated re-plat)**

Site: Caliber Collision

Zoning: *B-2, General Business*

Location: Northwest of County Road 64 and Pollard Road

Area: 3.36 Acres $\pm$

Owner: Baldwin Bone and Joint, L.L.C. - Greg Shoemaker

Agent: McNeel Properties, L.L.C. - Bill Wiseman

Engineer: Freeland and Kauffman, Inc. - Duane Ensor or Blake Cox

**CITY OF DAPHNE
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Report

3. File SP23-06: (Approved)

Site: ALDI Grocery Store

Zoning: *B-2, General Business*

Location: Southwest of Highway 31 and Alabama Highway 181, Lot 1A, TimberCreek Village, Phase 2, Resubdivision of Lots 1 & 2

Area: 2.65 ± Acres

Owner: ALDI Inc. Loxley Division - Jim Conroy

Agent: Duplantis Design Group - Nikolas Melancon

Engineer: Duplantis Design Group - Benjamin Chiasson

4. File SP23-07: (Approved contingent upon the issuance of a temporary construction easement for improvements shown on city property located to the north and finalization/approval of the associated re-plat)

Site: Moe's BBQ

Zoning: *B-2, General Business*

Location: Northwest of Bayfront Drive and Main Street

Area: 1.45 Acres ±

Owner: Mark White

Engineer: Dewberry - Andy Bobe

5. File SP23-08: (Approved)

Site: Tidal Wave Auto Spa

Zoning(s): *B-2, General Business*

Location: Southwest of U.S. Highway 90 and Bayview Drive

Area: 1.46 Acres ±

Owner: Osprey Holding, L.L.C. - Charles K. Breland, Jr.

Developer: OLP Wash Partners, L.L.P. - Rick Olson

Engineer: Duplantis Design Group - Evan Geerts

6. File SP23-09: (Tabled by applicant until the regular meeting of April 27, 2023)

Site: The Park at Whispering Pines, Phase Two

Zoning(s): *R-4, High Density Multi-Family Residential*

Location: Southeast of Whispering Pines Road and Pollard Road

Area: 10.50 Acres ±

Owner: OSP Whispering Pines Phase II, L.L.C. and Pollard Street Holdings, L.L.C.
- David DeShong

Engineer: Goodwyn, Cawood & Mills - Melissa Currie

**CITY OF DAPHNE
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COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

Report

B. PRELIMINARY/FINAL PLAT REVIEW:

1. File SDPF23-03: (Approved)

Subdivision: Carolyn Place

Zoning: *R-3, High Density Single Family Residential*

Location: Northeast of Pinehill Road and Park Drive

Area: 2 Acres $\pm$, (4) lots

Owner: Anita Washington

Developer: Ryan Anderson

Surveyor: PLS Group, Inc. - Sarah Wicker

C. FINAL PLAT REVIEW:

1. File SDP23-01: (Approved)

Subdivision: Jubilee Farms, Phase Thirteen

Zoning: *PUD, Planned Unit Development*

Location: Southeast of Austin Road and Alabama Highway 181

Area: 19 $\pm$ Acres, (60) lots

Owner: Forestar (USA) Real Estate Group, Inc. - Sarah Wicker

Agent: Dewberry - Al Finley

Surveyor: Dewberry - Victor Germain

Engineer: Dewberry - Jason Estes

2. STREET ACCEPTANCE PETITION:

File AP23-01: (Approved contingent upon receipt of the recorded plat for the subdivision)

Presentation to be given by Adrienne Jones, Director of Community Development, recommending acceptance of all right-of-ways contained within Jubilee Farms Subdivision, Phase Thirteen. Said right-of-ways being Genuine Risk Circle (2,608 linear feet).

D. DAPHNE STRIKE SOCCER CLUB/DAPHNE RANGERS ACADEMY, INC. PRE-ZONING AMENDMENT AND ANNEXATION:

1. File PZA23-01: (Favorable recommendation to City Council)

Applicant: Daphne Rangers Academy/ Daphne Strike Soccer Club, Inc.

Present Zoning: *RSF-2, Residential Single Family, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne*

Proposed Zoning: *C-2, Outdoor Amusement*

Area: 10.34 Acres $\pm$

Location: Northwest of Well Road and County Road 13

Owner: Daphne Rangers Academy/Daphne Strike Soccer Club, Inc. - Geraldo Flores

**CITY OF DAPHNE
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Report

2. ANX23-01: (Favorable recommendation to City Council)

A presentation to be given by Geraldo Flores, Daphne Rangers Academy/ Daphne Strike Soccer Club, Inc., requesting annexation of ten-point three-four acres located northwest of the intersection of Well Road and County Road 13. The subject property is currently zoned RSF-2, Residential Single Family, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne.

E. ADMINISTRATIVE PRESENTATION:

1. File AP23-02: (No action taken)

Presentation to be given by Dwayne Smith, Anchor Engineering, to request reconsideration of the site plan approval given to Ace Hardware, currently under construction at 10058 Belgrove Avenue and zoned B-1(a), to allow a two-thousand square foot area be set aside as lease space for a future transitional business.

6. PUBLIC PARTICIPATION: None presented.

7. ATTORNEY'S REPORT: No report.

8. COMMISSIONER'S COMMENTS: Commissioners welcomed new member, Kimberly Samry.

9. DIRECTOR'S COMMENTS: Director presented the upcoming meeting dates. Site Preview is April 19, and the Regular Meeting is April 27, 2023.

10. ADJOURNMENT: 6:20 p.m.

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
SPECIAL MEETING OF MAY 4, 2023
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Report

AG

1. **CALL TO ORDER:** 5:00 p.m.
2. **CALL OF ROLL:** Marybeth Bergin, Kevin Spriggs, Nathan Jones, John Peterson, Ronnie Huskey, Andrew Prescott, Kimberly Samry and Adam Manning
3. **APPROVAL OF MINUTES:**

Review of minutes of the regular meeting of March 23, 2023 and April 27, 2023. (**Approved**)
4. **NEW BUSINESS:**

A. ROY A. WULFF AND CYNTHIA J. WULFF REVOCABLE TRUST DATED 12/14/2016 PRE-ZONING AMENDMENT AND ANNEXATION:

1. **File PZA23-02:** (**Favorable recommendation to the City Council**)

Applicant: Roy A. Wulff and Cynthia J. Wulff Revocable Trust Dated 12/14/2016

Present Zoning: ***RSF-E, Residential Single Family Estate, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne***

Proposed Zoning: ***B-1(a), Limited Local Business***

Area: 6 Acres ±

Location: Northeast of Alabama Highway 181 and Belgrove Avenue

Agent: Jo Anne Burrage

Owner: Roy A. Wulff and Cynthia J. Wulff Revocable Trust Dated 12/14/2016

2. **ANX23-02:** (**Favorable recommendation to the City Council**)

A presentation to be given by Jo Anne Burrage, agent of Roy A. Wulff and Cynthia J. Wulff Revocable Trust Dated 12/14/2016, requesting annexation of six acres located northeast of Alabama Highway 181 and Belgrove Avenue. The subject property is currently zoned RSF-E, Residential Single Family Estate, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne.

B. ADMINISTRATIVE PRESENTATION:

1. **STREET ACCEPTANCE PETITION:**

File AP23-03: (**Favorable recommendation to the City Council**)

Presentation to be given by Adrienne Jones, Director of Community Development, recommending acceptance of all right-of-ways contained within The Reserve at Daphne, Phase Two. Said right-of-ways being Elemis Drive (4,145 linear feet), Sonesta Drive (397 linear feet), Agora Drive (446 linear feet), Evensong Drive (778 linear feet) and Montelucia Way (812 linear feet).

2. **PROPOSED AMENDMENTS TO THE LAND USE AND DEVELOPMENT ORDINANCE:**

File AP23-04: (**Favorable recommendation to the City Council**)

Presentation to be given by Adrienne Jones, Director of Community Development, regarding the proposed amendments to the Land Use and Development Ordinance for Articled 35, the Table of Permitted Uses, and Article 36, Village Overlay District.

CITY OF DAPHNE
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SPECIAL MEETING OF MAY 4, 2023
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Report

5. **PUBLIC PARTICIPATION:** None presented.
6. **ATTORNEY'S REPORT:** No report.
7. **COMMISSIONER'S COMMENTS:** None presented.
8. **DIRECTOR'S COMMENTS:** Director presented the upcoming meeting dates. Site Preview is May 17, and the Regular Meeting is May 25, 2023.
9. **ADJOURNMENT:** 5:26 p.m.

Accepted by:

Vice Chairman, Daphne Utilities



APPROVED MINUTES

Utilities Board Meeting

Council Chambers, Daphne City Hall ♦ March 29, 2023 ♦ 5:00 p.m.

I. Call to Order

The regular March 2023 Board meeting for the Utilities Board of the City of Daphne was held on March 29, 2023 in the Council Chambers at Daphne City Hall and called to order at 5:00 p.m. by Chairwoman Selena Vaughn, followed by the Roll Call:

II. Roll Call

Members Present: Selena Vaughn, Chairwoman
Tim Patton, Vice Chairman
Billy Mayhand, Secretary/Treasurer
Mayor Robin LeJeune, Board Member
Councilwoman Angie Phillips, Board Member

Members Absent:

Others Present: Jerry Speegle – Board Attorney
Scott Polk – General Manager
Bobby Purvis – Operations Manager
Teresa Logiotatos – Finance Manager
Lexus Carlee – Finance Specialist
Drew Klumpp – Administrative Services Manager
Samantha Coppels – Communications Manager
Lori Wilson – Executive Assistant

Others Absent:

III. Pledge of Allegiance

The Chairwoman led the Board and meeting attendees in the Pledge of Allegiance.

IV. Approval of Minutes

Utilities Board Meeting Minutes March 1, 2023

The Chairwoman requested any additions, corrections, or deletions for the submitted minutes of the March 1, 2023, Daphne Utilities Board meeting. With no additions, deletions, or corrections, the Chairwoman declared that the submitted March 1, 2023, minutes would stand approved.

MOTION by Mayor Robin LeJeune to approve the submitted Minutes for the March 1, 2023 Daphne Utilities Board meeting; Motion was Seconded by Tim Patton.

AYE: LeJeune, Mayhand, Patton, Phillips **NAY:** **ABSENT:** **ABSTAIN:** Vaughn

MOTION CARRIED

Chairwoman Vaughn opted to re-arrange the order of the agenda and called to hear the Presentation under New Business at this time.

V. NEW BUSINESS

A. Presentation – Understanding local future flood risks and practical approaches for applying information, presented by Ms. Ali Rellinger, Deputy Director PLACE:SLR (Program for local adaptation to climate effects: Sea-level Rise)/Mississippi State University Extension

Water Reclamation Supervisor, Sharon Surra, introduced Ms. Ali Rellinger with PLACE:SLR. Ms. Rellinger explained the organization she represents and spoke about localized changes and data on future flood risks in the Daphne area, as well as what other regional people are undertaking to plan for the future.

Chairwoman Vaughn thanked Ms. Rellinger for the presentation.

VI. Old Business –

A. Previously Submitted Agreement for Sewer Tap Fees related to Tonsmeire Summer Oaks development ([Board Action – MOTION](#))

Chairwoman Vaughn then announced returning to the agenda's Old Business but noted that it was her understanding that it was possible some of the board members would like to have an Executive Session and called for a motion to that effect. Mr. Patton requested to proceed with the remainder of the meeting and have the executive session at the end.

MOTION by Mr. Tim Patton to go into Executive Session on the sewer tap fees agenda item; Motion was Seconded by Mr. Billy Mayhand.

AYE: LeJeune, Mayhand Patton, Phillips

NAY:

ABSENT:

ABSTAIN: Vaughn

MOTION CARRIED

Board attorney, Mr. Jerry Speegle, certified the request for executive session qualifies under Alabama code relating to legal ramifications or legal opinions for pending litigation, which there is not, or controversy that is not yet litigated but imminently likely to be litigated or imminently likely to be litigated if the governing body pursues a proposed course of action.

VII. BOARD ATTORNEY'S REPORT

Mr. Jerry Speegle had nothing to add to the submitted report.

Chairwoman Vaughn then called to discuss the financial report.

VIII. FINANCIAL REPORT

Finance Specialist Lexus Carlee reviewed the financials for the Board for February 2023 highlighting: the total assets & cash position improvement due to capital improvement projects, net income versus budgeted net income, and a brief examination of the check history report.

IX. GENERAL MANAGER'S REPORT

A. GM Report

General Manager Scott Polk reported on: capacity determination at the Diamante water well; Well #15(#2) development to increase capacity; new businesses/customers for sewer from the 4th Street sewer expansion; North Main Street sewer line upgrade additional funding received; finalizing Admin office remodel punch list; announcement of Daphne Utilities nomination to receive the Baldwin County Environmental Stewardship Award for its natural gas fleet; notification for discussion of State Bill #112 introduced by Senator Albritton which provides for additional funding for ADEM at the expense of 85¢ per month to be paid by the water customers of a community water system, 3¢ of which Daphne Utilities would keep for processing purposes.

Samantha Coppels had nothing additional to include in her report but did advise and demonstrate recent radio ads she had developed for Daphne Utilities.

B. Operations Report

Mr. Bobby Purvis reported on: water main breaks on Village Drive and advised of pipe delays affecting the strategy to address it; the progress of the grit system at the WRF; and a minimal sso in Lake Forest caused by large debris. Mr. Polk announced that he had in the past alerted the Board of sso's, however if it does not affect a receiving body of water or is a threat to public health, he stated that he refrained from filling up in-boxes with this information but offered to forward on those notifications to the board members.

C. Engineering & Consulting Reports – nothing to add to the submitted reports.

X. PUBLIC PARTICIPATION –

Chairwoman Vaughn opened Public Participation at 5:38pm; with no participations, she closed Public Participation at 5:38pm.

XI. BOARD ACTION – previously addressed

Chairwoman Vaughn then stated that the Board would move to Executive Session. Mr. Speegle reminded the Board that he is required to give the certification for Executive Session before voting.

MOTION by Mr. Tim Patton to go into Executive Session for approximately 15 minutes on the sewer tap fees agenda item; Motion was Seconded by Mr. Billy Mayhand.

Mr. Jerry Speegle gave the certification for the discussion in receipt of legal options for controversies not yet litigated but imminently likely litigated or imminently likely to be litigated if the governmental body (you) pursue a proposed course of action.

AYE: LeJeune, Mayhand Patton, Phillips

NAY:

ABSENT:

ABSTAIN: Vaughn

MOTION CARRIED

At 5:40 pm, Chairwoman Vaughn stated they will adjourn for Executive Session for approximately 15 minutes and reconvene afterward.

The Board reconvened from Executive Session at 6:34 pm.

Chairwoman Vaughn requested any motions before adjournment. Mr. Speegle noted that there was one agenda item remaining and that Councilwoman Phillips had moved to put on the agenda and questions to whether that agenda item if anyone was going to make a motion related to that. Mayor LeJeune questioned if that agenda item can only be brought up for a vote by a motion by a board member who had approved the previous? Mr. Speegle confirmed that was on the prevailing side of the last vote.

Councilwoman Phillips stated that based on the ability to read the full email string and review the evidence, per se, and have legal counsel for the Board, it was her understanding that [Mr. Speegle] listened to an hour of that November meeting and understood that Mr. Patton's intent of the agreement was to come back to the Board to be voted upon and that is what happened.

Mr. Speegle confirmed that when he listened to the audio of the meeting, his interpretation was that Mr. Patton's vote, and he stated, that counsel prepare the agreement along certain lines and bring it back to present to the Board for a subsequent vote.

Councilwoman Phillips stated that one of the questions that arose after that meeting and vote was that her predecessor thought that perhaps the agreement and the compromise had been agreed upon by the Board and Mayor LeJeune questioned that as well; she continued that it was her understanding that both Mayor LeJeune and Mr. Patton are in agreement and understand that the agreement that came back is what was truly intended and that that be voted upon by the Board which was done in January, which she was a part of that vote, and she would like for that vote to stand and there is no reason to bring it back for revoting.

XII. BOARD COMMENTS – none

XIII. ADJOURNMENT

Chairwoman Vaughn thanked her for the clarification and asked if there was a motion to adjourn.

MOTION by Mr. Billy Mayhand to adjourn.

AYE: LeJeune, Mayhand, Patton, Phillips, Vaughn

NAY:

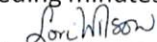
ABSENT:

ABSTAIN:

MOTION CARRIED

The meeting adjourned at 6:39pm.

Preceding minutes submitted to the Daphne Utilities Board by:



Lori Wilson, Executive Assistant, Daphne Utilities



**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**

DATE: May 8, 2023
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development *AJ*
SUBJECT: Roy A. Wulff and Cynthia J. Wulff Revocable Trust Dated 12/14/2016 Pre-Zoning Amendment

PRESENT ZONING: RSF-E, Residential Single Family Estate, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne

PROPOSED PRE-ZONING: B-1(a), Limited Local Business

LOCATION: Northeast of Alabama Highway 181 and Belgrove Avenue

RECOMMENDATION: At the May 4, 2023 special called meeting of the City of Daphne Planning Commission, eight members were present, and the motion carried unanimously for a favorable recommendation for the above captioned zoning amendment.

Attached please find the appropriate documentation and action of the Daphne Planning Commission.

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda to set a public hearing.

Thank you,
ADJ/jv

1. Community Development Report and Supplemental Documents
2. Pre-zoning Application
3. Legal Description (Exhibit A)
4. Boundary Survey (Exhibit B)
5. Adjacent Property Owners List
6. Citizen Comments

PRE-ZONING REQUEST
ROY A. AND CYNTHIA J. WULFF
REVOCABLE TRUST (DATED 12/14/16)



STAFF RECOMMENDS
B-1(A), LIMITED LOCAL BUSINESS



ROY A. WULFF & CYNTHIA J. WULFF REVOCABLE TRUST 12/14/16
Pre-zoning Amendment

Zoning Classification:

Baldwin County RSF-E, Residential Single Family Estate (ETJ)

Surrounding Zonings/Uses:

- **North**—RA, Rural Agriculture Undeveloped (ETJ)
- **South**—B-1(a), Limited Local Business/Undeveloped
- **West**—RR, Rural Residential/Rural Residential dwelling
- **East** —RSF-2, Residential Single Family District/Residences-Belgrove Estates

Existing Utility Service Providers: Riviera Utilities, AT&T, Daphne Utilities, Baldwin County Sewer

Affected City Service Providers: Fire Station 3, Police Beat 3, Public Works

Staff Recommendation to PC: Favorable recommendation to City Council as a B-1(a)

Proposed Zoning:

B-1(a), Limited Local Business

Development Concept:

Retail/Office

Council District:

4

Existing Conditions:

6 ac

PC Recommendation to

Council: Favorable recommendation to City Council as a B-1(a)

The Comprehensive Plan

The comprehensive plan's overarching policy regarding land development encourages harmony and compatibility. The following are some Land Use Goals and Objectives from the Plan.

Goal: Provide a land use plan for the City of Daphne, which supports the City's economic development, housing, transportation, and open space, recreation and education goals in a manner that maintains and promotes Daphne's unique image and quality of life.

Goal: Grow sensibly by anticipating land use needs. Objective: Promote and manage growth on undeveloped lands in a manner that will be compatible with, and complementary to, existing adjacent developed properties. Objective: Encourage planned unit developments which are beneficial to residents and which creatively take advantage of available properties that otherwise would not be developed. Objective: Protect and preserve the character of Daphne through review of new developments, the encouragement of growth that enhances the community spirit, and through aesthetic considerations. Objective: Integrate recreational resources with residential neighborhoods to insure that all portions of Daphne's population have convenient access to parks and open space. Promote clustered commercial development in defined areas.

PROPOSAL:

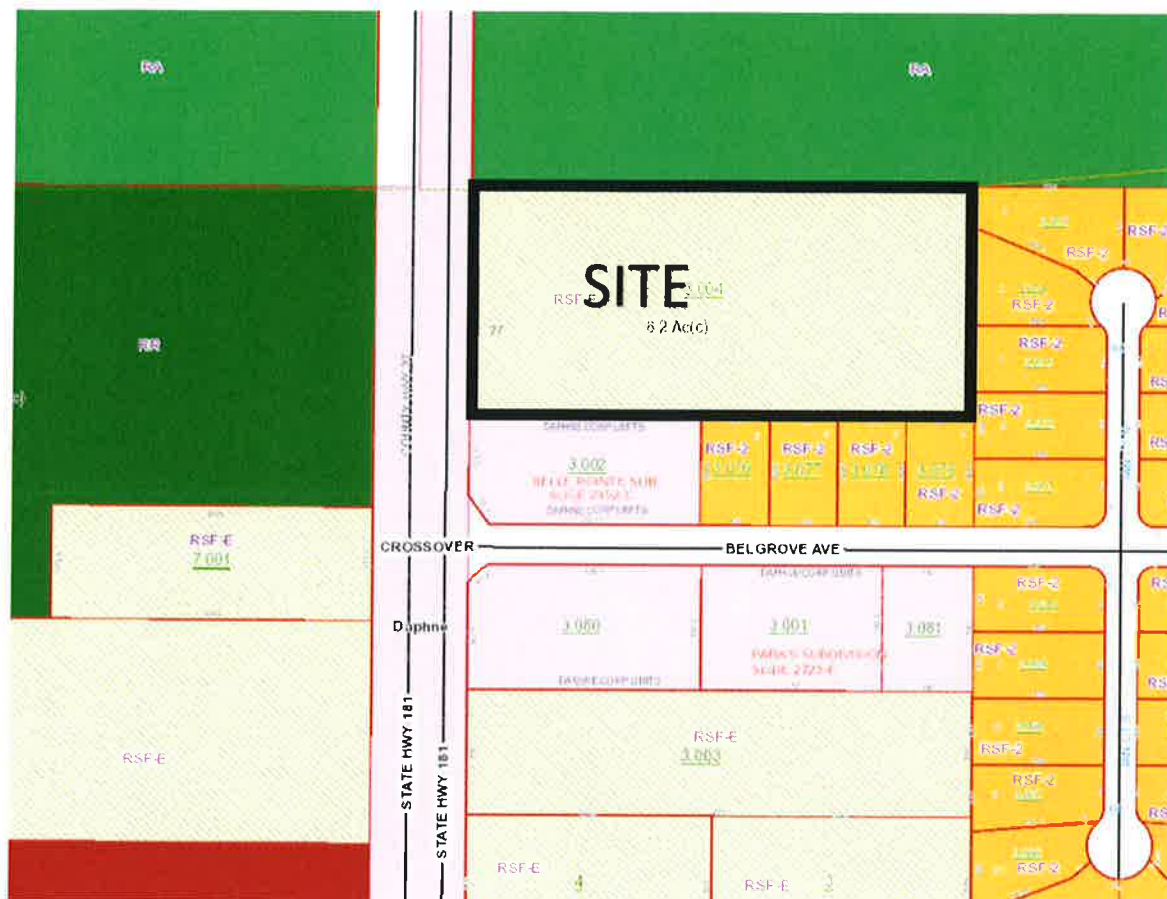
The applicant proposes to pre-zone the subject property to B-1(a), Limited Local Business for retail and office uses. No plans have been presented for development of the site.

The proposed zoning is consistent with the Goals and Objectives noted in the Comprehensive Plan as stated above. The site is contiguous to B-1(a) zoning district to the south. The proposed zoning is consistent with the established B-1(a) precedent, therefore, staff recommends the Planning Commission render a favorable recommendation to City Council to pre-zone the site to B-1(a), Limited Local Business and to annex the land into the corporate limits.

CITY ZONING MAP EXCERPT



- ET JURISDICTION
- Zoning as of 5/31/2022**
- B-1 Local Business
 - B-1(A) Limited Local Business District
 - B-2 General Business
 - B-2(a) General Business Alternate
 - B-3 Professional Business
 - C-2 Outdoor Amusement
 - C/I Commercial/Industrial
 - GC Golf Course
 - MU Mixed Use
 - PUD Planned Unit Development
 - R-1 Low Density Single Family Residential
 - R-2 Medium Density Single Family Residential
 - R-3 High Density Single Family Residential
 - R-4 High Density Single Multi-Family Residential
 - R-5 Mobile Home Residential
 - R-6(D) Duplex - Two Family
 - R-6(G) Garden or Patio Home
 - R-7(A) Apartment
 - R-7(M) Mid-Rise Condominium
 - R-7(T) Townhouse
 - Parcels
 - Streets
 - Daphne City Limits



Baldwin County Zoning Map Excerpt

County Zoning

- Rural District (RR)
- Rural Agricultural District (RA)
- Conservation Resource District (CR)
- Residential Single Family Estate District (RSF-E)
- Residential Single Family District (RSF-1)
- Residential Single Family District (RSF-2)
- Residential Single Family District (RSF-3)
- Residential Single Family District (RSF-4)
- Residential Two Family District (RTF-4)
- Residential Single Family District (RSF-6)
- Residential Two Family District (RTF-6)
- Residential Multiple Family District (RMF-6)
- High Density Residential District (HDR)
- Residential Manufactured Housing Park District (RMH)
- Base Community Zoning District (BCZ)
- Marine Recreation District (MR)
- Outdoor Recreation District (OR)
- Tourist Resort District (TR)
- Recreational Vehicle Park District (RV-1)
- Recreational Vehicle Park District (RV-2)
- Professional Business District (B-1)
- Neighborhood Business District (B-2)
- General Business District (B-3)
- Major Commercial District (B-4)
- Limited Business District (LB)
- Light Industrial District (M-1)
- General Industrial District (M-2)
- Moratorium District

CITY OF DAPHNE

ORDINANCE NO. 2016-39

**AN ORDINANCE AMENDING THE CITY OF DAPHNE, ALABAMA
LAND USE AND DEVELOPMENT ORDINANCE 2011-54, AS ADOPTED BY THE
CITY COUNCIL ON JULY 18, 2011**

CREATING A NEW ZONING DISTRICT

B-1(a), LIMITED LOCAL BUSINESS DISTRICT

WHEREAS, the City Council of the City of Daphne, after due consideration believes that certain revisions to the City of Daphne Land Use & Development Ordinance are necessary for the proper administration of said Ordinance; and,

WHEREAS, at the special called City of Daphne Planning Commission meeting on May 5, 2016 the Commission considered certain proposed amendments to the City of Daphne Land Use & Development Ordinance, Ordinance 2011-54, and any amendments to the same and set forth a unanimous favorable recommendation to the City Council of the City of Daphne; and,

WHEREAS, the B-1(a), Limited Local Business District, is to be a more restrictive subset of the existing B-1, Local Business District, B-1(a) is a new and separate zoning district with many of the same restrictions and conditions applicable to B-1; and,

WHEREAS, the B-1(a) zone might be appropriate in situations where the more extensive business districts would allow businesses that could threaten to have too adverse an impact on the surrounding neighborhood; and,

WHEREAS, the North American Industry Classification System (NAICS), most current edition was adopted as a reference to the Land Use & Development Ordinance, Ordinance 2011-54 as amended, as an expansion of uses similar in nature, but not expressly provided in the Table of Permitted Uses; and,

WHEREAS, it is the City's intent that any proposed use that is inconsistent with the provisions of Article XXXV or uses similar in nature thereto as found in the NAICS manual shall be considered as prohibited in any B-1(a), Limited Local Business District; and,

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on June 20, 2016; and,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA as follows:

SECTION I: THIS SECTION HEREBY AMENDS THE LAND USE AND DEVELOPMENT ORDINANCE AS FOLLOWS:

- A. Add B-1(a), Limited Local Business District, to Section 12-2, List of Zoning Districts and Section 14-2, Uses Permitted.
- B. Add B-1(a) to Section 12-4, Business Districts, and also renumber each subsequent subsection header accordingly.

B-1(a), Limited Local Business District: This district is intended to allow a restricted variety of small retail stores as well as personal service establishments in or near residential neighborhoods. In general where B-1, Local Business District, is a permissible district so shall B-1(a), Limited Local Business District also be allowed. And, where B-1, Local Business District, is a prohibited district so shall B-1(a), Limited Local Business District also be prohibited.

- C. Add B-1(a) to Section 13-4, Requirements for lot area, width, coverage, density, height and other factors. Said requirements shall be the same standards as in a B-1, Local Business District.
- D. Add B-1(a) to Section 13-6, Minimum zoning district setback requirements. Said requirements shall be the same standards as in a B-1, Local Business District.
- E. Add B-1(a) to Section 14-17, Setbacks. Said requirements shall be the same standard as in a B-1, Local Business District.
- F. Add B-1(a) to Section 19-9, Buffer zone requirements (a)(v) as follows: Where a business district, B-1, Local Business, B-1(a), Limited Local Business, or B-3, Professional Office, abuts any part of a residential district, a ten-foot-wide buffer zone shall be required.
- G. Add B-1(a) to Section 33-10, Permitted signs as follows: (c) Wall-mounted signs: Each establishment in a shopping center or each business premises in B-1, Local Business, B-1(a), Limited Local Business, B-2, General Business, B-3, Professional, and C/I, Commercial/Industrial, districts may acquire an additional permit for a wall-mounted sign of a size not to exceed the lesser of three hundred fifty (350) square feet or thirty (30) percent of the surface frontal area of its building or portion of building.
- H. Add B-1(a) to 33-11, Schedule of permitted sign requirements. Said requirements shall be the same standard as in a B-1, Local Business District.
- I. Add B-1(a) to Section 36-16, Setbacks. Said requirements shall be the same standard as in a B-1, Local Business District.

SECTION II: THIS SECTION HEREBY ADDS TO AND AMENDS LAND USE AND DEVELOPMENT ORDINANCE ARTICLE XXXV, PERMITTED USES AND CONDITIONS AS FOLLOWS:

- A. Add B-1(a), Limited Local Business District, to the List of Districts in Section 35-2, List of districts and cross reference for R-4 designation.
- B. Amend Section 35-3, Permitted Uses & Conditions Table, to permit in B-1(a), Limited Local Business District, the following uses as permissible by right:

Accessory buildings and uses, when located on the same lot or parcel as the principal structure or use and customarily incidental thereto, provided the requirements in all pertinent sections of this Ordinance are met;

Apparel and accessory store; Appliance store; Art gallery or museum; Art supplies; Bakery, retail; Barber shop or beauty parlor; Book store; Camera and photographic supply store; Candy, nut and confectionery store; Catering shop or service; Churches and related accessory buildings; City Hall, police station, fire station, courthouse, federal office building and similar public building; Club or lodge, fraternal, civic, charitable or similar organization, public or private, but not including any such club, lodge or organization, the chief activity of which is a service or product customarily carried on as a business; Dairy products sales; Delicatessen; Drug Store; Dry goods or fabric store; Employee credit union office; Floor covering sales and service; Floral shop;

-By Right -

By
Right

Fruit and produce, retail; Gift shop; Grocery store, retail; Hardware store, retail, wholesale, storage and sales; Hobby shop and supply store; Home occupation; Ice cream parlor; Interior decorating shop; Laboratory, medical or dental; Laundry, self-service; Laundry, and dry cleaning pick-up station; Leather goods or luggage goods store; Library; Loan office; Locksmith; Music store; News stand; Office buildings, general; Office buildings, professional; Office equipment and supplies, retail; Optician; Paint and wallpaper store; Photographic studio and/or processing; Shoe repair shop; Shoe store, retail; Sporting goods store; Studio for dance or music; Studio for professional work or teaching of fine arts such as photography, drama, speech and painting; Tailor shop; Toy store; Variety store.

PC
Approval

- C. Amend Section 35-3, Permitted Uses & Conditions Table, to permit in B-1(a), Limited Local Business District, the following uses as permissible upon approval of the Planning Commission:

Ambulance/EMS service; Bank, including drive-in bank; Cafe, grill, lunch counter and drive-in restaurant, and restaurant but not including night club, bar, tavern; Clinic, dental, medical or psychiatric for humans; Dry cleaning shop, including self-service; Fix-it shop, including small appliance repair; Funeral home, mortuary or undertaking establishment; Gymnasium, commercial; Printing, blueprinting, bookbinding, photostating, lithographing and publishing establishment; Temporary uses, including revival tents, sale of Christmas trees, carnivals, sale of seasonal fruit and vegetables from roadside stands, and similar uses, for a period not to exceed four (4) weeks in any calendar year; Art sculptures, statues, monuments; Business machines sales and service; Business school or college; College or university, provided that they are located on a lot fronting on an arterial street or road and that no building is located within 100 feet of any property line; Electric power substation; need not be enclosed within a structure, but must be secured by a chain link or similar fence, or raised above ground so as to be inaccessible to unauthorized persons; requires visual screen in most districts; Clinic, convalescent or nursing home, extended care facility or sanitarium for humans; Natural preservation areas including bird and wildlife sanctuaries, nature and hiking trails; Post office; Telephone exchange; Theater, indoor.

Special
Exception
BZA

- D. Amend Section 35-3, Permitted Uses & Conditions Table, to permit in B-1(a), Limited Local Business District the following uses as permissible upon approval of a Special Exception:

Pet shop; Picture framing and/or mirror silvering; Tourist home

All other sections, articles and/or content of the City of Daphne Land Use and Development Ordinance shall remain the same and shall be unchanged by this ordinance.

SECTION III: CONFLICT WITH OTHER ORDINANCES

That any Ordinance heretofore adopted by the City Council of Daphne, Alabama, which is in conflict with this Ordinance, be and is hereby replaced to the extent of such conflict.

SECTION IV: SEVERABILITY

The provisions of this Ordinance are severable. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION V: EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 5TH DAY OF JULY, 2016.


Dane Haygood, Mayor

ATTEST:


Rebecca A. Hayes, City Clerk

APPLICATION & SUPPLEMENTAL INFORMATION



APPLICATION FOR REZONING OR PRE-ZONING

Office use only: Rev. 072816

Application Number:

ZA- or PZA-02

Date Submitted

march 27, 2023

Planning Commission Public

Hearing Date:

April 27, 2023

Legibly print or type responses below. Indicate N/A or an "X" where item is not applicable.

SITE DATA

Site Location (Address or General Proximity to Nearest Intersection):

26730 Highway 181 Daphne, AL 36526

PPIN#(s):

103960

Gross Site Area (acreage):

6 Acres

Requested Zoning or Pre-Zoning:

B1-A

Current Zoning Designation(s):

RSF-E

Amended Request:

Initials:

Date:

Current Land Use:

Residential

Anticipated Land Use:

Retail and office

Provide Legal Description (if necessary attach separate page entitled "Legal Description for [Name of Applicant]":
See attached

Specify other recently approved or pending requests related to the subject property. Circle the answer(s).

Annexation Subdivision Site Plan Special Exception Variance Specify Other

APPLICANT & AGENT INFORMATION

**If an LLC or LLP or Corporation, provide name and signature of Registered Member or Agent and provide a copy of Articles of Incorporation.*

Name of Current Owner:

Roy A Wulff and Cynthia J Wulff Revocable Trust Dated 12/14/2016

Mailing Address:

26730 Highway 181 Daphne, AL 36526

Phone/Fax: 251-454-6155

E-mail: cynthiawulff@gmail.com

Name of Authorized Agent:

Jo Anne Burrage

Mailing Address:

Phone/Fax: 251-401-4390

E-mail: ourbluelady@aol.com

Name of Developer*:

Jo Anne Burrage

Phone/Fax: 251-401-4390

E-mail: ourbluelady@aol.com

Other:

Phone/Fax:

E-mail:

I, the applicant, certify that all of the above facts are true and correct to the best of my knowledge. I hereby agree to allow the City of Daphne to post a sign on the subject property notifying the general public of this request.

Applicant's Signature:

Cynthia J. Wulff, Trustee

Date 3-24-23

Agent's Signature:

Jo Anne Burrage

Date 3-27-23

Roy A Wulff and Cynthia J. Wulff Revocable Trust
Pre-Zoning and Annexation Request
26730 AL-181 Daphne, AL 36526

Exhibit A

State of Alabama
County of Baldwin

Descriptions of property to be pre-zoned to B-1(A) Limited Local Business

PARCEL A

Commencing at the NW CORNER OF SEC. 14 T-5-S R-2-E BALDWIN COUNTY, AL.
; thence S00°16'10"W, a distance of 1,341.50 feet to a POINT; thence S89°44'35"E, a distance of 40.00 feet more or less to a 1/2" CAPPED REBAR "ILLEGIBLE" on the East R-O-W of State Hwy 181 to the POINT OF BEGINNING; thence continue Easterly along said bearing and leaving said R-O-W, a distance of 774.69 feet to a 1/2" CAPPED REBAR "ILLEGIBLE"; thence S00°12'42"W, a distance of 168.81 feet; thence N89°43'57"W, a distance of 774.97 feet to a POINT on said R-O-W; thence N00°18'18"E, along said R-O-W a distance of 168.67 feet to the POINT OF BEGINNING, said parcel containing 3.00 acres, more or less.

PARCEL B

Commencing at the NW CORNER OF SEC. 14 T-5-S R-2-E BALDWIN COUNTY, AL.
; thence S00°16'10"W, a distance of 1,341.50 feet to a POINT; thence S89°44'35"E, a distance of 40.00 feet more or less to a 1/2" CAPPED REBAR "ILLEGIBLE" on the East R-O-W of State Hwy 181; thence S00°18'18"W along said R-O-W a distance of 168.67 to the POINT OF BEGINNING; thence S89°43'57"E leaving said R-O-W, a distance of 774.97 feet to a POINT; thence S00°12'42"W, a distance of 168.81 feet to a 1/2" CAPPED REBAR "ILLEGIBLE"; thence N89°43'20"W, a distance of 775.24 feet to a 1/2" CAPPED REBAR "ILLEGIBLE" on said East R-O-W; thence N00°18'18"E, along said R-O-W a distance of 168.67 feet to the POINT OF BEGINNING, said parcel containing 3.00 acres, more or less.

NOTES:

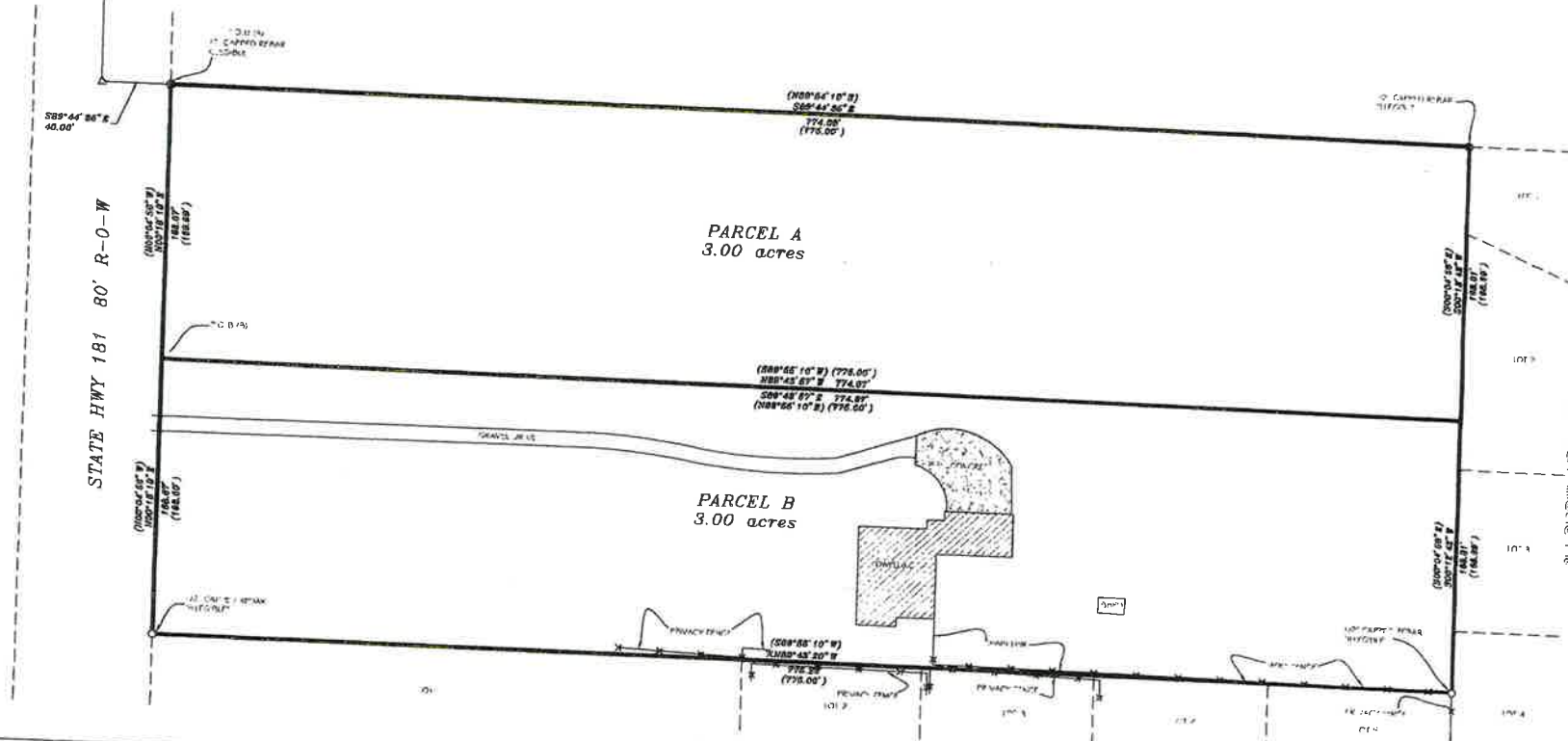
1. All measurements were made by the Surveyor in the field.
2. The survey was made in accordance with the Alabama Surveying Act of 1901, as amended.
3. The Surveyor is not responsible for any errors or omissions in the survey.
4. The Surveyor is not responsible for any errors or omissions in the survey.
5. The Surveyor is not responsible for any errors or omissions in the survey.
6. The Surveyor is not responsible for any errors or omissions in the survey.
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8. The Surveyor is not responsible for any errors or omissions in the survey.
9. The Surveyor is not responsible for any errors or omissions in the survey.
10. The Surveyor is not responsible for any errors or omissions in the survey.

PARCELS A & B

PARCELS A & B are situated in the County of Baldwin, State of Alabama, and are more particularly described as follows:

PARCELS A & B are situated in the County of Baldwin, State of Alabama, and are more particularly described as follows:

PARCELS A & B are situated in the County of Baldwin, State of Alabama, and are more particularly described as follows:



PLAT OF A BOUNDARY LINE SURVEY
PREPARED FOR

SCARLATA
BALDWIN COUNTY

DATE: 10/10/2014
BY: D. LOWERY
DRAWN BY: S. L. LAMON

- LEGEND AND SYMBOLS**
- RECORD BOUNDARY PLAT
 - UNRECORDED BOUNDARY
 - IRON PIN
 - IRON ROD
 - △ IRON ROD 3"
 - IRON ROD 4"
 - IRON ROD 6"
 - IRON ROD 8"
 - IRON ROD 10"
 - IRON ROD 12"
 - IRON ROD 14"
 - IRON ROD 16"
 - IRON ROD 18"
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 - IRON ROD 88"
 - IRON ROD 90"
 - IRON ROD 92"
 - IRON ROD 94"
 - IRON ROD 96"
 - IRON ROD 98"
 - IRON ROD 100"

DAVID LOWERY
SURVEYING, L.L.C.

55284 MARTIN LN
STOCKTON, AL 36079
251-937-2757 ph. 251-937-2758 fax
dl@lowery25.com

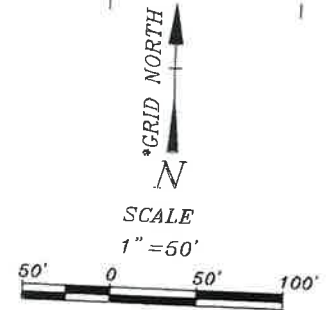


DLK

David Lowery
A.L.S. No. 26023
Stockton, AL 36079
251-937-2757

CERTIFICATION

I, David Lowery, a Licensed Land Surveyor in the State of Alabama, do hereby certify the foregoing to be a true and correct map of a survey performed by me or under my supervision, containing the acreage and being situated as both shown and stated herein. I further certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief.



26730 Highway 181 Pre-Zoning Adjacent Property Owners List

1. Allegri, Joseph A Jr
10139 Volovecky Dr.
Daphne, AL 36526
Zoned RA Pin 389
2. Wade Development
82 Plantation Point #213
Fairhope, AL 36542
Zoned B1A Pin 98461
3. Wadlington, Patsy
10093 Belgrove Ave.
Daphne, AL 36526
Zoned RSF-2 336925
4. Patterson, Bob M, & Denita
10109 Belgrove Ave.
Daphne, AL 36526
Zoned RSF-2 PIN 336926
5. Quick, Scott S. Christina R.
10111 Belgrove Ave.
Daphne, AL 36526
Zoned RSF-2 PIN 336927
6. Douglas Natalie and Derek
10147 Belgrove Ave.
Daphne, AL 36526
Zoned RSF-2 PIN 336928
7. Rizzuto, Leonard Anthony
26709 Jan Ct N
Daphne, AL 36526
Zoned RSF-2 PIN 215354
8. Rushing, Kenneth
26729 Jan Ct N
Daphne, AL 36526
Zoned RSF-2 PIN 215355
9. Craig, Raymond
26739 Jan Ct N
Daphne, AL 36526
Zoned RSF-2 PIN 215356
10. Chaffin, Edward
26741 Jan Ct N
Daphne, AL 36526
Zoned RSF-2 PIN 215357
11. Sanders, Raymond Bruce
26675 State Highway 181
Daphne, AL 36526
Zoned RA PIN 37455
12. BUYER: Burrage, Dan Etal and Jo Anne
31580 Rhett Dr.
Spanish Fort, AL 36527
PIN 47053

*numbers for adjacent property owners correspond with zoning Exhibit C

COMMUNITY DEVELOPMENT



March 14, 2023

Dear Sir/Ma'am,

NOTICE OF PUBLIC HEARING

A petition for PRE-ZONING will be considered by the Daphne Planning Commission for Roy A. Wulff and Cynthia J. Wulff Revocable Trust Dated 12/14/16 containing 6 acres +/- located northeast of Alabama Highway 181 and Belgrove Avenue, zoned RSF-E, Single Family Residential Estate, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction, to be pre-zoned as B-1 (a), Limited Local Business. A petition to annex said property has also been submitted.

Said petition will also be considered by the Daphne City Council pursuant to Alabama Code 11-52-85. The application is available for review at City Hall in the Department of Community Development, 1705 Main Street, during regular business hours. An informal site preview meeting will be held on Wednesday, April 19, 2023 at 8:30 a.m. in the Council Chambers of City Hall. The public is invited to attend: limited participation may be allowed by the chairwoman.

The public hearing will be held by the Daphne Planning Commission on Thursday, April 27, 2023 at 5:00 p.m. in the Council Chambers of City Hall. You may submit your views in writing, in person, or by representation.

Sincerely,
Adrienne D. Jones, AICP,
Director of Community Development

Roy A. Wulff and Cynthia J. Wulff Revocable Trust Dated 12/14/16 Pre-Zoning Amendment

Bob and Denita Patterson

10109 Belgrove Avenue
Daphne, AL 36526
(251)232-1291
courtchief@att.net

April 27, 2023

City of Daphne

Planning Commission

Letter of Opposition

To Whom It May Concern:

This letter is being presented as a concerned Belgrove resident living at 10109 Belgrove Avenue. We are writing to express our opposition to the rezoning and development of property at the Northeast of Alabama Highway 181 and the Belgrove Subdivision. Your plans for this property are not compatible with or consistent with existing families of the Belgrove neighborhood. This is a quiet and respected neighborhood which will be separated and divided by the rezoning to B-1. Unknown and unwanted construction and businesses will create or may attract unwanted noise and many undesirables to the neighborhood, which may create an unsafe environment.

Our opposition is based mainly on these potential/negative effects:

- It is directly behind my house
- The loss of neighborhood and community Character
- Decrease of Market Value of Home and Property
- Increase of Traffic Congestion, adding to the problem created by Ace Hardware being constructed
- Increased danger for children, joggers, walkers etc.

Respectfully Submitted



Bob and Denita Patterson

Scott and Christina Quick
10111 Belgrove Ave
Daphne, AL, 36526
(262)-470-2711
speakerman@rocketmail.com

Attn: Daphne City Council and Planning Commission

Letter of Opposition

To whom it may concern,

I am writing to express my strong opposition to the proposed pre-zoning petition of the Roy A. Wulff and Cynthia J. Wulff Revocable Trust property containing ~6 acres, located north of Belle Pointe subdivision (on Belgrove Ave and Hwy 181). This parcel is currently zoned RSF-E, Single family residential estate, Baldwin County district 15 with a proposal to rezone to B-1 (a), Limited Local Business with the proposed petition to annex the property.

There have been two occasions of rezoning in and near our subdivision since 2017

- 1) B-1(a): Belle Pointe Lot 1 in 2017, refer to ordinance 2017-74
- 2) B-1(a): Parks Lot 1 in 2018, refer to ordinance 2018-43

I believe that this change will yet again be detrimental to the area and our neighborhood. All four current residences in Belle Pointe and nearly all residents in the adjacent Belgrove neighborhoods are completely opposed to the addition of these businesses that will cause traffic and safety problems, destroy local wildlife habitat, and lower the property values of the existing community.

We and our neighbors, Derek and Natalie Douglas in Lot #5, have both attempted to purchase portions of the property from the Wulffs, should they have ever been interested in selling. Understandably for the Wulffs, the rezoning to B-1(a) would likely provide a much more lucrative opportunity for them. While I don't begrudge them a happy and comfortable retirement, zoning or rezoning is supposed to be a community decision. And the community has consistently spoken against the rezoning of the properties around us.

Dozens of residents of Belgrove subdivision and myself, representing the only two completed homes in Belle Pointe (ours didn't even have a Certificate of Occupancy at the time) appeared at the zoning hearing for Belle Pointe Lot #1 in 2017. There was not a single comment of support from anyone in the neighboring community. In addition, the recommendation from the zoning commission was against the rezoning of that parcel. The only support offered was for from the potential developer, Mr. Andrew Watson's legal representation. Mr. Watson later registered WAVE Development, LLC, just prior to the purchase of the property in September of 2017.

4 current residential lots in Belle Pointe, Danny Parks' home on Lot #2 and his recently sold Lot #3 just east of his home to Jennifer and Michael Gorum are all homes and lots directly adjacent to Ace Hardware under construction in what was previously Parks Lot #1. While it could be worse, it is an unattractive commercial building with a large asphalt parking lot. This is far from what we desired when we purchased our home in May of 2017.

The initial rezoning of Belle Pointe Lot #1 in 2017 was a clear example of Spot Zoning that is inconsistent with the area and surroundings, placing businesses in a clearly residential area. This was clearly and loudly opposed by the surrounding neighbors. Yet, somehow, the council moved forward with the decision to rezone it.

Naturally, having Belle Pointe Lot #1 north of Belgrove Ave rezoned to B-1(a) made it much easier to justify rezoning of Parks' Lot #1 on the south side of Belgrove Ave – the new Ace Hardware is now under construction.

I do however offer a protest to Belle Pointe Lot #1's current status of B-1(a) in reference to Daphne's Land Use and Development Ordinance, Article 22-2, Reversionary Clause. Therefore, Belle Pointe Lot #1 shall revert back to the previous residential zoning classification, exceeding the 2 year time limit for B-1 zones up to 3 acres. I formally request records of reversionary period extensions, if any have been filed by the parcel owner. Per the ordinance, however, failure to request an extension of the reversion period shall result in the reestablishment of the previous zoning of the property.

Traffic and safety of pedestrians are major areas of concern. There is already a significant increase in traffic at the intersection of Belgrove and Hwy 181 due to the construction of the Ace Hardware. When the business opens, it will only get worse.

When my wife and I first started looking at the Belle Pointe lots in 2016, then under ownership of Colony Homes, we were attracted to this pocket of land that was nestled between a quiet subdivision and beautiful, large estate lots. The Wulff property directly north of Belle Pointe subdivision was of particular attraction due to its immense greenery and towering trees.

There will be a significant loss in real estate property and home value for myself and my neighbors as a result of the current Ace Hardware.

We regularly use Belgrove Ave for walks with our family, and regularly see joggers and other walkers every day. This additional rezoning and development will make it unsafe with additional traffic that we and our neighbors never intended on having.

Further B-1(a) development will make all of these things worse.

I urge you to disapprove the proposed rezoning, and from recent meetings and discussions with my neighbors, I know my opinions are shared by many who have not managed to attend meeting or write letters and emails.

Thank you for your continued service and support of our communities.

Best Regards,

Scott Quick

Roy A Wulff and Cynthia J. Wulff Revocable Trust
Pre-Zoning and Annexation Request
26730 AL-181 Daphne, AL 36526

Exhibit A

State of Alabama

County of Baldwin

Descriptions of property to be pre-zoned to B-1(A) Limited Local Business

PARCEL A

Commencing at the NW CORNER OF SEC. 14 T-5-S R-2-E BALDWIN COUNTY, AL.

; thence S00°16'10"W, a distance of 1,341.50 feet to a POINT; thence S89°44'35"E, a distance of 40.00 feet more or less to a 1/2" CAPPED REBAR "ILLEGIBLE" on the East R-O-W of State Hwy 181 to the POINT OF BEGINNING; thence continue Easterly along said bearing and leaving said R-O-W, a distance of 774.69 feet to a 1/2" CAPPED REBAR "ILLEGIBLE"; thence S00°12'42"W, a distance of 168.81 feet; thence N89°43'57"W, a distance of 774.97 feet to a POINT on said R-O-W; thence N00°18'18"E, along said R-O-W a distance of 168.67 feet to the POINT OF BEGINNING, said parcel containing 3.00 acres, more or less.

PARCEL B

Commencing at the NW CORNER OF SEC. 14 T-5-S R-2-E BALDWIN COUNTY, AL.

; thence S00°16'10"W, a distance of 1,341.50 feet to a POINT; thence S89°44'35"E, a distance of 40.00 feet more or less to a 1/2" CAPPED REBAR "ILLEGIBLE" on the East R-O-W of State Hwy 181; thence S00°18'18"W along said R-O-W a distance of 168.67 to the POINT OF BEGINNING; thence S89°43'57"E leaving said R-O-W, a distance of 774.97 feet to a POINT; thence S00°12'42"W, a distance of 168.81 feet to a 1/2" CAPPED REBAR "ILLEGIBLE"; thence N89°43'20"W, a distance of 775.24 feet to a 1/2" CAPPED REBAR "ILLEGIBLE" on said East R-O-W; thence N00°18'18"E, along said R-O-W a distance of 168.67 feet to the POINT OF BEGINNING, said parcel containing 3.00 acres, more or less.

**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**



DATE: May 8, 2023
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development 
SUBJECT: Roy A. Wulff and Cynthia J. Wulff Revocable Trust Dated 12/14/2016 Annexation Petition

PRESENT ZONING: RSF-E, Residential Single Family Estate, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne

LOCATION: B-1(a), Limited Local Business

RECOMMENDATION: At the May 4, 2023 special called meeting of the City of Daphne Planning Commission, eight members were present and the motion carried for a favorable recommendation for the above mentioned annexation petition.

Attached please find the appropriate documentation and action of the Daphne Planning Commission.

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda to set a public hearing.

Thank you,
ADJ/jv

1. Community Development Report and Supplemental Documents
2. Petition for Annexation
3. Legal Description (Exhibit A)
4. Boundary Survey (Exhibit B)

ANNEXATION PETITION
ROY A. AND CYNTHIA J. WULFF
REVOCABLE TRUST (DATED 12/14/16)



STAFF RECOMMENDS ANNEXATION OF THE SUBJECT PROPERTY

ANNEXATION REQUEST WULFF REVOCABLE TRUST 12/14/16

North of the intersection of Belgrove Avenue and Highway 181



REQUEST

The applicant proposes to annex the subject property into the corporate limits. The site meets the contiguity requirement because it is abuts land in the City of Daphne.

RECOMMENDATION

The Comprehensive Plan encourages expansion and annexation of land contiguous to the existing corporate limits. Staff and the Planning Commission recommends approval of the request to annex this land into the City of Daphne.

Excerpt from Article 23-1 Procedure [for Annexation Requests]

The application shall be reviewed by the Planning Commission at its next regular meeting and said Commission shall have thirty (30) calendar days from said regular meeting within which to submit a recommendation to the City Council. If the Commission fails to submit a recommendation to the City Council within the thirty (30) calendar day period, it shall be deemed to have approved the proposed amendment...Before enacting any amendment to this Ordinance, a public hearing thereon shall be held by the City Council with proper notice as required by law. Said public hearing shall be held at the earliest possible time to consider the proposed annexation, and the Council shall take action on said proposed annexation within forty-five (45) calendar days from the date of the public hearing except in the case where the tentative action is not in accordance with the Planning Commission's certified recommendation.

23-2 PROCEDURE FOR ZONING NEWLY ANNEXED LAND

Any land annexed to the City of Daphne hereafter shall be classified as an R-1, Low Density Single Family Residential District unless otherwise recommended by the Planning Commission through the zoning amendment procedure provided in Article 22-1, Zoning Amendment Procedures. In such case, City Council may consider, after due process of publication and hearing as required by law, specific applications to zone newly annexed land into one or more existing or proposed new zoning classifications recommended by the Planning Commission.

APPLICATION & SUPPLEMENTAL INFORMATION

STATE OF ALABAMA

COUNTY OF BALDWIN

**PETITION FOR ANNEXATION OF CERTAIN PROPERTY
INTO THE CORPORATE LIMITS OF THE MUNICIPALITY
OF THE CITY OF DAPHNE, ALABAMA**

(Cynthia J. Wulff)

The undersigned, Roy A Wulff and Cynthia J Wulff
Revocable Trust Dated 12/14/2016 files this petition with the Clerk of the
City of Daphne requesting the property hereafter described, commonly referred to as,
26730 Highway 181, to be annexed into the City of Daphne, a
municipal corporation incorporated under the laws of the State of Alabama, and submits the
following in support of its petition:

1. **Description of Property:** The description of the property which the petitioner requests to be annexed into the City of Daphne is described in **Exhibit "A"** attached hereto and made a part of this petition as fully set out herein (**the "Property"**).

2. **Map of Property:** Attached hereto as **Exhibit "B"** and made a part of this petition, is a map of the property showing its relationship to the corporate limits of the municipality of the City of Daphne.

3. **Owner:** The petitioner, Roy A Wulff and Cynthia J Wulff
Revocable Trust Dated 12/14/2016 is the owner of the property hereby sought to be annexed into the corporate limits of the City of Daphne.

4. **Specific Conditions:** This petition is conditioned upon the adoption of an ordinance, which shall specifically include the conditions requested below upon annexing the property into the corporate limits of the City of Daphne.

Requested zoning, if other than R-1: B1-A

Any other conditions which may apply upon annexation:

5. **Code:** This Petition is filed pursuant to the provisions of Article 21, Chapter 42, Title 11, Code of Alabama, 1975, as amended.

DATED this 24th day of March, 2023

Respectfully submitted by,

Cynthia J Wulff as Trustee
Name of Owner (Print)

Cynthia J. Wulff, Trustee
Name of Owner (Signature)

STATE OF ALABAMA
COUNTY OF BALDWIN

I, Aurelia C Bryars, the undersigned Notary Public in and for said county and state, hereby certify that Cynthia J Wulff as Trustee of has signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, he/she executed the same voluntarily on the day the same bears date. X Roy A Wulff and Cynthia J Wulff Revocable Trust dated 12/16/2016 AB

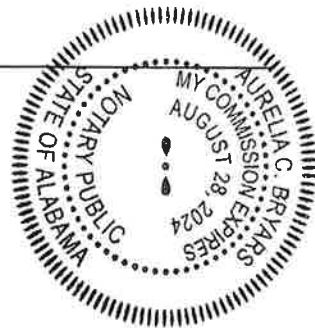
Given under my hand and official seal this 24th day of March, 2023

Aurelia C Bryars
NOTARY PUBLIC

My commission expires: _____

Owner's Address

26730 State Highway 181
Daphne AL 36526



ADDITIONAL INFORMATION

We, the undersigned, constituting all of the owners of all of the hereinafter described real property do hereby execute and file this written petition asking and requesting that our property as described be annexed to the City of Daphne, Alabama, under the authority of Section 11-42-20 through 11-42-24, Code of Alabama 1975.

Initials: CGW

We further certify that said property is contiguous to the city limits of Daphne, Alabama. A map and written legal description of said property is hereto attached.

Initials: CGW

We certify that the property is a single or multiple parcels under single or multiple ownership.

Initials: CGW

We certify that we fully understand that upon annexation, the subject property shall be subject to all laws and codes administered by the City of Daphne, including, but not limited to, the zoning code, the subdivision regulations and the municipal code of the City of Daphne.

Initials: CGW

Option# 1: We do hereby request pre-zoning of the subject property to the following zoning classification(s): B-1A; Limited Local Business, and certify that a petition for rezoning, associated fees and documents have been submitted prior to or concurrently with this petition.

Initials: CGW

Or

Option# 2: We do hereby certify that we understand fully that upon annexation the subject property will be zoned R-1, Low Density Single Family Residential.

Initials: _____

We do hereby request that the Planning Commission and City Council give such notice, hold such hearing and adopt such ordinance and do all such things or acts as is required by law so that the corporate limits of the City of Daphne, Alabama shall be rearranged so as to include such territory.

IN WITNESS WHEREOF, we have hereunto subscribed our names this, the 24th day of March, 2023.

Legal Description Attached (Exhibit A)? ☒ Map or Survey Attached (Exhibit B)? ☒
Recorded Subdivision Plat OR Preliminary/Final Subdivision plat approved by Planning Commission
Attached (Exhibit C)? _____ Acreage _____
Subdivision Name _____ Lot Number(s) _____

Names and Signature of ALL property owners:

✓ Signature: Cynthia J. Wulff Signature: _____
✓ Printed Name: Cynthia J. Wulff Printed Name: _____
✓ Mailing Address: 26130 State Hwy 181 Mailing Address: _____
Daphne, AL 36526

[illegible]

THIS PLAT REPRESENTS THE 2 PARCELS AS PURCHASED BY 2 DESCENDANTS OF COUNTY TAX PAYER
SHOWS THIS AS ONE TAX PARCEL & THEREFORE AS 2 DESCENDANTS IN THE TITLE OF RECORD

NOTES

- 1) At least one of the parties to a contract is a minor or an infant who is not a legal adult.
- 2) The contract is voidable at the option of the minor or infant.
- 3) The contract is enforceable against the adult party.
- 4) The minor or infant is not a party to the contract.
- 5) The contract is not a contract of necessity.
- 6) The contract is not a contract of public policy.
- 7) The contract is not a contract of public policy.
- 8) The contract is not a contract of public policy.
- 9) The contract is not a contract of public policy.
- 10) The contract is not a contract of public policy.

STATE HWY 181 80' R-0-W

PARCEL A
3.00 acres

PARCEL B

PLAT OF A BOUNDARY LINE SURVEY
PREPARED FOR

SCARLATA
BALDWIN COUNTY

TIME 10	SURVEY DATE	SCAT
13 03 00 A	17 07 78	1400
DEATH BY: S. T. LANE	CIRCUMSTANCES: S. T. LANE	

LEGEND AND SYMBOLS

- | | |
|---|--------------------------|
|  | PERFORATED REINFORCEMENT |
|  | WELDED REINFORCEMENT |
|  | SEE REIN. PLAN |
|  | FOUR IRON PIG |
|  | PI N. KOT. ST |
|  | POINT OF COMMENCEMENT |
|  | POINT OF BEGINNING |
|  | NOT TO SCALE |
|  | REKCP |
|  | SEE REIN. PLAN |
|  | CONCRETE MONUMENT |

DAVID LOWERY
SURVEYING, L.L.C.

55284 MARTIN LN
STOCKTON, AL 38579
251-937-2757 ph. 251-937-2756 fax
disurvey25@hotmail.com



D. D. Ky

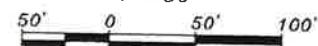
Devil Army
A La No 26623
KATAD M... In
Stokio AL 365/1
281 233 2757

CERTIFICATION

I, David L. Lewis, a Licensed Land Surveyor in the State of Alabama, do hereby certify the foregoing to be a true plot or map of a survey performed by me or under my supervision, containing the acreage and being accurate as both shown and stated herein. I further certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief.

*GRID NORTH

SCALE

 $1'' \approx 50'$ [illegible]

DAVID LOWERY SURVEYING, L.L.C.

Roy A Wulff and Cynthia J. Wulff Revocable Trust
Pre-Zoning and Annexation Request
26730 AL-181 Daphne, AL 36526

Exhibit A

State of Alabama

County of Baldwin

Descriptions of property to be pre-zoned to B-1(A) Limited Local Business

PARCEL A

Commencing at the NW CORNER OF SEC. 14 T-5-S R-2-E BALDWIN COUNTY, AL.
; thence S00°16'10"W, a distance of 1,341.50 feet to a POINT; thence S89°44'35"E, a distance of 40.00 feet more or less to a 1/2" CAPPED REBAR "ILLEGIBLE" on the East R-O-W of State Hwy 181 to the POINT OF BEGINNING; thence continue Easterly along said bearing and leaving said R-O-W, a distance of 774.69 feet to a 1/2" CAPPED REBAR "ILLEGIBLE"; thence S00°12'42"W, a distance of 168.81 feet; thence N89°43'57"W, a distance of 774.97 feet to a POINT on said R-O-W; thence N00°18'18"E, along said R-O-W a distance of 168.67 feet to the POINT OF BEGINNING, said parcel containing 3.00 acres, more or less.

PARCEL B

Commencing at the NW CORNER OF SEC. 14 T-5-S R-2-E BALDWIN COUNTY, AL.
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**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**



DATE: May 8, 2023
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development 
SUBJECT: Proposed Amendments to the Land Use and Development Ordinance to amend Articles 35 and 36

At the May 4, 2023 special called meeting of the City of Daphne Planning Commission, eight members were present. The motion carried unanimously to set forth a favorable recommendation to the City Council to amend Article 35, Table of Permitted Uses, and Article 36, The Village Overlay District, of the Land Use and Development Ordinance.

Attached please find the appropriate documentation and action of the Daphne Planning Commission.

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda to set a public hearing.

Thank you,
ADJ/jv

Attachment

cc: file

SECTION 35-3**PERMITTED USES & CONDITIONS****By Right****Planning Commission Approval****Special Exception BZA Approval**

Barber and beauty supplies and equipment sales	B-1, B-1(a) B-2, B-2(a), C/I		
Bed & Breakfast		R-1, R-2, R-3	
Bicycle, lawnmower sales, service and repair	B-2, C/I	B-2(a)	
*Billiard or pool hall	B-2		
Boat construction, storage, service and repair, wet and dry, major; need not be enclosed within a structure	C/I	B-2	
Boat dry storage; pleasure boats having lengths not greater than 31 feet	B-2, C/I		
Boat sales, accessories and service	B-2, C/I		
Boat storage, service and repair, minor; a marina for docking pleasure boats and providing services thereto and to the occupants thereof, including minor servicing and minor repair to boats while in the water, sale of fuel and supplies, and provision of lodging, food, beverages and entertainment as accessory uses, may include dry storage in an enclosed structure	B-2, C/I		
Book store	B-1, B-1(a) B-2, B-2(a)		
Bottling works	C/I	B-2	
Bowling alley	B-2		

CITY OF DAPHNE

ORDINANCE NO. 2016-39

**AN ORDINANCE AMENDING THE CITY OF DAPHNE, ALABAMA
LAND USE AND DEVELOPMENT ORDINANCE 2011-54, AS ADOPTED BY THE
CITY COUNCIL ON JULY 18, 2011**

CREATING A NEW ZONING DISTRICT

B-1(a), LIMITED LOCAL BUSINESS DISTRICT

WHEREAS, the City Council of the City of Daphne, after due consideration believes that certain revisions to the City of Daphne Land Use & Development Ordinance are necessary for the proper administration of said Ordinance; and,

WHEREAS, at the special called City of Daphne Planning Commission meeting on May 5, 2016 the Commission considered certain proposed amendments to the City of Daphne Land Use & Development Ordinance, Ordinance 2011-54, and any amendments to the same and set forth a unanimous favorable recommendation to the City Council of the City of Daphne; and,

WHEREAS, the B-1(a), Limited Local Business District, is to be a more restrictive subset of the existing B-1, Local Business District, B-1(a) is a new and separate zoning district with many of the same restrictions and conditions applicable to B-1; and,

WHEREAS, the B-1(a) zone might be appropriate in situations where the more extensive business districts would allow businesses that could threaten to have too adverse an impact on the surrounding neighborhood; and,

WHEREAS, the North American Industry Classification System (NAICS), most current edition was adopted as a reference to the Land Use & Development Ordinance, Ordinance 2011-54 as amended, as an expansion of uses similar in nature, but not expressly provided in the Table of Permitted Uses; and,

WHEREAS, it is the City's intent that any proposed use that is inconsistent with the provisions of Article XXXV or uses similar in nature thereto as found in the NAICS manual shall be considered as prohibited in any B-1(a), Limited Local Business District; and,

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on June 20, 2016; and,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA as follows:

SECTION I: THIS SECTION HEREBY AMENDS THE LAND USE AND DEVELOPMENT ORDINANCE AS FOLLOWS:

- A. Add B-1(a), Limited Local Business District, to Section 12-2, List of Zoning Districts and Section 14-2, Uses Permitted.
- B. Add B-1(a) to Section 12-4, Business Districts, and also renumber each subsequent subsection header accordingly.

B-1(a), Limited Local Business District: This district is intended to allow a restricted variety of small retail stores as well as personal service establishments in or near residential neighborhoods. In general where B-1, Local Business District, is a permissible district so shall B-1(a), Limited Local Business District also be allowed. And, where B-1, Local Business District, is a prohibited district so shall B-1(a), Limited Local Business District also be prohibited.

- C. Add B-1(a) to Section 13-4, Requirements for lot area, width, coverage, density, height and other factors. Said requirements shall be the same standards as in a B-1, Local Business District.
- D. Add B-1(a) to Section 13-6, Minimum zoning district setback requirements. Said requirements shall be the same standards as in a B-1, Local Business District.
- E. Add B-1(a) to Section 14-17, Setbacks. Said requirements shall be the same standard as in a B-1, Local Business District.
- F. Add B-1(a) to Section 19-9, Buffer zone requirements (a)(v) as follows: Where a business district, B-1, Local Business, B-1(a), Limited Local Business, or B-3, Professional Office, abuts any part of a residential district, a ten-foot-wide buffer zone shall be required.
- G. Add B-1(a) to Section 33-10, Permitted signs as follows: (c) Wall-mounted signs: Each establishment in a shopping center or each business premises in B-1, Local Business, B-1(a), Limited Local Business, B-2, General Business, B-3, Professional, and C/I, Commercial/Industrial, districts may acquire an additional permit for a wall-mounted sign of a size not to exceed the lesser of three hundred fifty (350) square feet or thirty (30) percent of the surface frontal area of its building or portion of building.
- H. Add B-1(a) to 33-11, Schedule of permitted sign requirements. Said requirements shall be the same standard as in a B-1, Local Business District.
- I. Add B-1(a) to Section 36-16, Setbacks. Said requirements shall be the same standard as in a B-1, Local Business District.

SECTION II: THIS SECTION HEREBY ADDS TO AND AMENDS LAND USE AND DEVELOPMENT ORDINANCE ARTICLE XXXV, ~~PERMITTED USES AND CONDITIONS AS FOLLOWS:~~

- A. Add B-1(a), Limited Local Business District, to the List of Districts in Section 35-2, List of districts and cross reference for R-4 designation.
- B. Amend Section 35-3, Permitted Uses & Conditions Table, to permit in B-1(a), Limited Local Business District, the following uses as permissible by right:

Accessory buildings and uses, when located on the same lot or parcel as the principal structure or use and customarily incidental thereto, provided the requirements in all pertinent sections of this Ordinance are met;

Apparel and accessory store; Appliance store; Art gallery or museum; Art supplies; Bakery, retail; Barber shop or beauty parlor; Book store; Camera and photographic supply store; Candy, nut and confectionery store; Catering shop or service; Churches and related accessory buildings; City Hall, police station, fire station, courthouse, federal office building and similar public building; Club or lodge, fraternal, civic, charitable or similar organization, public or private, but not including any such club, lodge or organization, the chief activity of which is a service or product customarily carried on as a business; Dairy products sales; Delicatessen; Drug Store; Dry goods or fabric store; Employee credit union office; Floor covering sales and service; Floral shop;

-By Right -

By Right

Fruit and produce, retail; Gift shop; Grocery store, retail; Hardware store, retail, wholesale, storage and sales; Hobby shop and supply store; Home occupation; Ice cream parlor; Interior decorating shop; Laboratory, medical or dental; Laundry, self-service; Laundry, and dry cleaning pick-up station; Leather goods or luggage goods store; Library; Loan office; Locksmith; Music store; News stand; Office buildings, general; Office buildings, professional; Office equipment and supplies, retail; Optician; Paint and wallpaper store; Photographic studio and/or processing; Shoe repair shop; Shoe store, retail; Sporting goods store; Studio for dance or music; Studio for professional work or teaching of fine arts such as photography, drama, speech and painting; Tailor shop; Toy store; Variety store.

PC Approval

- C. Amend Section 35-3, Permitted Uses & Conditions Table, to permit in B-1(a), Limited Local Business District, the following uses as permissible upon approval of the Planning Commission:

Ambulance/EMS service; Bank, including drive-in bank; Cafe, grill, lunch counter and drive-in restaurant, and restaurant but not including night club, bar, tavern; Clinic, dental, medical or psychiatric for humans; Dry cleaning shop, including self-service; Fix-it shop, including small appliance repair; Funeral home, mortuary or undertaking establishment; Gymnasium, commercial; Printing, blueprinting, bookbinding, photostating, lithographing and publishing establishment; Temporary uses, including revival tents, sale of Christmas trees, carnivals, sale of seasonal fruit and vegetables from roadside stands, and similar uses, for a period not to exceed four (4) weeks in any calendar year; Art sculptures, statues, monuments; Business machines sales and service; Business school or college; College or university, provided that they are located on a lot fronting on an arterial street or road and that no building is located within 100 feet of any property line; Electric power substation; need not be enclosed within a structure, but must be secured by a chain link or similar fence, or raised above ground so as to be inaccessible to unauthorized persons; requires visual screen in most districts; Clinic, convalescent or nursing home, extended care facility or sanitarium for humans; Natural preservation areas including bird and wildlife sanctuaries, nature and hiking trails; Post office; Telephone exchange; Theater, indoor.

Special Exception BZA

- D. Amend Section 35-3, Permitted Uses & Conditions Table, to permit in B-1(a), Limited Local Business District the following uses as permissible upon approval of a Special Exception:
Pet shop; Picture framing and/or mirror silvering; Tourist home

All other sections, articles and/or content of the City of Daphne Land Use and Development Ordinance shall remain the same and shall be unchanged by this ordinance.

SECTION III: CONFLICT WITH OTHER ORDINANCES

That any Ordinance heretofore adopted by the City Council of Daphne, Alabama, which is in conflict with this Ordinance, be and is hereby replaced to the extent of such conflict.

SECTION IV: SEVERABILITY

The provisions of this Ordinance are severable. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION V: EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS 5TH DAY OF JULY, 2016.


Dane Haygood, Mayor

ATTEST:


Rebecca A. Hayes, City Clerk

ARTICLE XXXVI
THE VILLAGE OVERLAY DISTRICT

36-1 PURPOSE

The intent of this Article is to provide for the creation of the district in order to establish minimum standards and provisions for residential, business, or commercial development in the areas outlined the map provided herein and to achieve a healthy, beautiful, and safe community by the following means:

- **Aesthetics:** Improve the appearance of all areas through the incorporation of innovative landscaping and open space into development in ways that harmonize and enhance the natural beauty of the environment.
- **Land Values:** Maintain and increase the value of land by incorporating innovative designs and criteria into development, thus becoming itself a valuable capital asset.
- **Human Values:** Provide direct and important physical and psychological benefits to human beings through the use of landscaping and tree preservation as a buffer zone between residential and business development to reduce noise and glare, and to break up the monotony and soften the harsher aspects of urban development.
- **Improved Design:** Promote innovative and cost conscious approach to the design and construction of the District.
- **Improved Administration and Enforcement:** Establish procedures and standards for the administration and enforcement of this Article.

36-2 USES PERMITTED

(a) General

The following zoning districts provided herein established and most specifically defined in Article 12, Establishment of Districts: B-1, Local Business, B-2, General Business, B-3, Professional Business, R-4, Single Family and Multi-Family Residential, and MU, Mixed Use. Article 35, the Table of Permitted Uses and Conditions, outlines the restrictions for each district, except with regard to mixed-uses as provided in the following subsections.

The term R-4 shall be synonymous with the newly adopted zoning designations as provided in *Article 12, Establishment of Districts*. The Planning Commission shall no longer consider zoning or rezoning amendments for an R-4 zoning district. All existing R-4, High Density Single and Multi-Family Residential Districts shall be developed in accordance with the standards provided herein; however, R-6(G), R-6(D), R-7(A), R-7(M) and R-7(T) shall be respectively considered for all garden/patio homes, duplexes, apartments and townhouses, and mid-rise condominiums requests.

(b) Mixed-Use Developments in the Village Overlay District

It is the intent of the City to encourage mixed-use developments in the Village Overlay District. Zoning districts that will allow mixed-use developments by right include MU, Mixed Use; B-1, Local Business; B-2, General Business; and B-3, Professional Business. The residential density of any mixed use development shall not exceed 14 units per acre and shall require a minimum of 1.5 parking spaces per residential unit.

Said mixed-use development may have a vertical configuration, meaning the primary business is located on the ground floor and the secondary use is located on an upper floor, or may otherwise meet the provisions of an accessory dwelling unit as provided in section (c) below.

(c) Accessory Dwelling Units (ADU) in the Village Overlay District shall adhere to the following provisions.

1. Detached accessory dwelling is defined as a dwelling unit separate from the principal structure. The dwelling shall be clearly subordinate in size, height, and purpose to the principal structure, it shall be located on the same lot as the principal structure, but may be served by separate utility meter(s), and is detached from the principal structure if approved by the Building Official. A detached accessory dwelling may be an independent structure, a dwelling unit above a garage, or attached to a workshop or other accessory structure on the same lot as the principal structure.
2. It is the intent of this ordinance to allow, where deemed appropriate by the Planning Commission, accessory dwelling units that maintain an appropriate proportional relationship to the adjacent principal structure(s) on the same site.
3. The accessory dwelling unit may function as purely residential use or as a mixed use building that allows separate commercial and residential usage.
4. While these provisions apply to detached accessory dwelling units, the provisions do not supersede or override applicable life safety standards found in the applicable codes adopted by the city.

5. When deemed appropriate by the Planning Commission, in business and commercial districts located in the Village Overlay district, a detached accessory dwelling may be considered where such detached accessory dwelling complies with the following requirements:
- a) A recreational vehicle (RV) shall not be considered as an ADU.
 - b) Shall not exceed 60% of the size (measured in square feet) of the principal building.
 - c) Shall not be located on a lot by itself, nor be located in or extend into the front yard.
 - d) Shall not be constructed to exceed more than two (2) stories.
 - e) Shall not be constructed to exceed thirty (30) feet mean roof height; however, the accessory dwelling unit shall not exceed the height of the primary business or commercial building.
 - f) Shall not encroach into any easement.
 - g) Shall maintain a side yard setback and rear yard setback of not less than six (6) feet where abutting property zoned for business or commercial use.
 - h) Where the adjacent property is zoned for residential use, the side yard and rear yard setback shall be no less than the standard zoning district setback requirement.
 - i) Requests for variances to the provisions of this section shall be submitted to the Board of Zoning Adjustment.
 - j) There shall be one (1) power meter to service both the primary business and the accessory structure, unless a second power meter is approved by the Building Official. The decision of the Building Official may be appealed to the Board of Zoning Adjustment in accordance with provisions established herein.
 - k) Prefabricated accessory structures (such as utility sheds, conex storage boxes and the like) shall not be utilized for the purpose of habitation.

- l) No more than one detached accessory dwelling shall be permitted on a single lot in conjunction with the principal structure,
- m) The detached accessory dwelling may not be divided from the property ownership of the principal dwelling,
- n) The detached accessory dwelling shall be of similar style, design and material color as used for the principal structure and shall use similar architectural characteristics, including roof form and pitch, to the existing principal structure.

36-3 SPECIAL PROVISIONS

The following shall apply:

- (a) The provisions of this Article shall be required for all residential projects involving the construction of two (2) or more dwelling units including apartments, town homes, condominiums, planned unit developments, subdivisions, business, commercial, industrial, and/or institutional structures; all existing structures which increase the gross floor area by thirty (30) percent or more, except a single family residence; construction of a park, public way, open space, public building or structure; construction of a public utility whether publicly or privately owned; and other uses as required by the Planning Commission. A golf course which was in existence prior to the enactment of this Ordinance is hereby exempt from the provisions of this Article.
- (b) Size of properties reserved or laid out for business, or commercial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- (c) A site plan review shall be accomplished by the recommendation of the Director of Community Development and approval of the Planning Commission to assure compliance with the provisions of Land Use and Development Ordinance in conformity with its purpose as stated in Article I, as well as, applicable Building and Fire Codes, latest edition.
- (d) Said approval shall be authorization to begin work, subject to the issuance of a Site Disturbance Permit. Such approval shall become void upon one (1) year from the date of approval if no such permit has been acquired and/or if no such building or construction activity has occurred.
- (e) When all required improvements are installed, the developer/owner shall call for a final inspection. The Director of Community Development or his/her duly authorized representative shall inspect the site to determine if the required improvements are satisfactorily installed according to the plans and specifications.

- (f) Applicant shall be responsible for posting a sign providing public notice of site plan review. Failure to post said sign fifteen (15) calendar days prior to Planning Commission review, shall cause the application to be withdrawn from the meeting agenda. Said sign shall not be an advertisement sign for the proposed project, but an advertisement of the Planning Commission meeting dates and times in accordance with the standards established for such provided in the Supplemental Information.

36-4 PLAN CONTENT

The plan shall contain all information shown on the current departmental check list for a site plan which may be modified at the discretion of the Director of Community Development when applicable.

36-5 WAIVER

The Director of Community Development may waive certain requirements contained in this Article if, in his/her opinion, the requirements are not essential to a proper decision on the project; or, he/she may supplement the list with other requirements deemed necessary to clarify the nature of the proposed development.

36-6 FEES

An application for site plan review shall be accompanied by the appropriate fee as more specifically enumerated in *Article 34, Schedule of Fees*.

36-7 ISSUANCE OF APPLICABLE PERMITS

(a) Site Disturbance Permit

Each person, firm, corporation, utility, entity or agent thereof engaged in any site preparation and/or construction activities shall acquire a Site Disturbance Permit from the Department of Community Development prior to commencement of such activities as established pursuant to the provisions of this Article and no such activity shall commence prior to the approval of the site plan by the Planning Commission. Fees for said permit shall be as more specifically enumerated in *Article 34, Schedule of Fees*.

(b) Issuance of Building Permit

Deleted: 36-8.

Upon approval of the site plan, either as submitted or with changes and/or special conditions required by the Planning Commission, the Building Official may issue a building permit for a portion or all of the proposed development provided that the application is in compliance with all applicable City, County, State and Federal requirements.

Deleted: <object>

36-8 BALCONIES AND OVERHANGS

The City intends to encourage safe, useable outdoor areas in the Village Overlay District that provides for seating, decorative features, landscaping, and pedestrian accessibility. Multi-story buildings that include balconies, canopies, and other similar projections are highly encouraged. The following provisions shall apply to proposed balconies, canopies, and other similar projections:

- (a) A balcony, canopy, and/or similar overhang may encroach into the front building setback and corner side setback, except at that the corner of Main Street and Bay Front Drive, where no encroachment shall be allowed into corner side setback. For setback details, see Table 36-16, Setbacks.
- (b) Subject to the provisions of the Right-of-Way Ordinance as provided in Ordinance 2020-22 as may be amended from time to time, a balcony, canopy, and/or similar overhang may project over the right-of-way or other public property.
 - (1) Balconies or canopies that project into the right-of-way shall have a drainage system that prevents water from draining directly onto the right-of-way. All drainage designs shall be approved by the City Engineer.
- (c) Balconies must comply with the following:
 - (1) Nothing shall be placed on, over or beyond the railing or wall of the balcony or other similar projection.
 - (2) At all times at least five (5) feet of the sidewalk area shall remain clear and free of impediments and objects. Placement of supportive columns shall be given consideration of structural and architectural integrity, vehicular and pedestrian safety and ADA compliance.
 - (3) The minimum finished floor elevation of any balcony shall be twelve (12) feet above grade or as otherwise determined appropriate by the City Engineer.
 - (4) The distance between the back of the curb and the furthest point of said projection shall be at least ten (10) feet or as otherwise determined appropriate by the City Engineer.
- (d) Balconies, canopies, and other similar projections shall comply with the provisions provided in the Table of Permissible Projections.

TABLE OF PERMISSIBLE PROJECTIONS					
Right of Way Encroachments			Front Setback Encroachments		
Clearance of the projection (finished floor height measured above grade)	Allowable projection of balcony, overhang, canopy into the R.O. W. (feet)	Allowable projection of architectural details (inches)	Clearance of the projection (finished floor height measured above grade)	Allowable projection of balcony, overhang, canopy into front setback (feet)	Allowable projection of architectural details (inches)
8-ft	n/a	6	8-ft	n/a	6
Over 8-ft to 9-ft	4	7	Over 8-ft to 9-ft	4	7
Over 9-ft to 10-ft	6	8	Over 9-ft to 10-ft	6	8
Over 10-ft to 11-ft	6	9	Over 10-ft to 11-ft	8	9
Over 11-ft to 12-ft	6	10	Over 11-ft to 12-ft	10	10

36-9 PARKING REQUIREMENTS

Any mixed-use development in the Village Overlay district shall provide a minimum of one and one-half (1.5) parking space per residential unit. Any other business development located within the Village Overlay District with a lot frontage of fifty (50) feet shall require a minimum of four (4) parking spaces, with a lot frontage of twenty-five feet shall require a minimum of two (2) parking spaces, and shall also comply with the minimum design and improvements standards as otherwise outlined in this Ordinance and ADA requirements.

Off-street parking for multi-use or mixed use developments shall be located in the rear of the building(s) adjacent to the street unless an alternate location is approved by the Planning Commission.

For any use for which the above referenced parking requirement cannot be met due to the unique conditions of a particular parcel of property, off-street parking spaces of the public type may be considered toward the requirements necessary to comply with the Article upon determination of the Director of Community Development and approval of the Planning Commission.

36-10 SIGNAGE

The maximum allowable square footage established in each zoning designation and/or overlay district shall apply as provided in each district. Said allowable area shall not be exceeded. In the event that channel letters, as defined in *Article 8, Definitions*, are proposed, then the maximum allowable square footage shall be calculated at a rate of eighty percent (80%) in lieu of the standard rate of one hundred percent (100%).

(a) Nonconformance:

Any sign in existence on the date of the adoption of this Ordinance that is not in conformance shall be considered a nonconforming sign and shall be permitted to continue to exist subject to the conditions and prohibitions set forth in the provisions of *Article 33, Sign Provisions*.

(b) Single-Use Building (A commercial building with one tenant):

Signs indicating the name of a business or retail use permitted in this District with a single-use building shall have one (1) sign not to exceed fifteen (15) square feet in area per face, five (5) feet in height, of the ground sign or pylon type, and have two (2) faces.

Each establishment of a business or retail use permitted in this District with a single-use building may acquire an additional permit for a wall-mounted sign of a size not to exceed ten percent (10%) of the surface frontal area of its building or portion of the building. Signs mounted on mansards, marquees, windows, and awnings are deemed to be wall signs.

- (c) Multi-Use Building (A commercial building which houses more than one commercial tenant):

Signs indicating the name of a business or retail use permitted in this District with a multi-use building shall have one (1) sign not to exceed thirty-two (32) square feet in area per face, ten (10) feet in height, of the ground sign or pylon type, and have two (2) faces.

Each establishment of a business or retail use permitted in this District with a multi-use building may acquire an additional permit for a wall-mounted sign of a size not to exceed ten percent (10%) of the surface frontal area of its building or portion of building. Signs mounted on mansards, marquees, windows, and awnings are deemed to be wall signs.

- (d) Fees:

Signs permitted under this Article shall require a permit as more specifically enumerated in *Article 33, Sign Provisions*. Fees for each permitted sign shall be as more specifically enumerated in *Article 34, Schedule of Fees*.

36-11 SIDEWALKS

A sidewalk of a minimum six (6) feet in width shall be required to be located adjacent to the front property line and in the interior of multi-use developments.

36-12 LANDSCAPE STANDARDS

- (a) General Requirements:

Any use in this District shall suitably landscape at least five percent (5%) of the subject property and also comply with the requirements of *Article 19, Landscape and Tree Protection*.

Innovative landscape designs to include planters and/or hanging plants, as well as, a "natural cluster of trees" may be approved; if recommended by the Director of Community Development and given approval by the Planning Commission; if it is determined the landscape design is compatible with the character of the District.

More stringent design and landscape standards may be required if it is determined that the design would be more compatible with the development and more beneficial to the aesthetics of the City.

(b) Off-Street Parking Landscape Requirements:

The design and appearance of parking areas are intended to be compatible with the character of the community. Toward this objective, the following landscaping standards shall be observed in the construction of off-street parking areas:

- (1) Landscaped areas and perimeter areas shall be so graded as to receive a reasonable portion of the rainfall from the surrounding pavement. Protective curbing around landscaped areas will leave openings for the flow of water onto unpaved areas.
- (2) Landscaped areas shall be protected from vehicular encroachment by the use of curbing or wheel stops.
- (3) The owner, tenant and/or agent, if any, shall be jointly and severally responsible for watering and maintaining all landscaping in a healthy, neat and orderly condition, replacing it when necessary, and keeping it free of refuse and debris.
- (4) Adjacent residential property owners may jointly agree on the establishment of a common landscaped or fenced area between their properties which meet the requirements of this Article.

(c) Buffer Zone Requirements:

Where a business district abuts any part of a residential district, a buffer zone ten (10) feet in width shall be required. The buffer shall run the entire length of the abutting lot line(s). Under no circumstances shall this buffer impair vehicular flow and shall be part of the yard requirements. Said protection buffer shall be maintained in such a manner to accomplish its purpose continuously.

This District shall comply with the following minimum standards and said buffer zone shall be constructed of at least one of the following three (3) designs or a combination thereof as determined by the Director of Community Development and approved by the Planning Commission:

(1) Wall or Fence:

If a wall or fence of solid appearance is provided as a protection buffer, it shall be at least six (6) feet in height and of a construction and a design approved by the Planning Commission.

(2) Screen Planting Strip:

A staggered double row of Evergreen plantings at least ten (10) feet in width which will grow to at least ten (10) feet in height and spaced in a manner in which after three years it will provide an impervious visual barrier.

(3) Natural Forest:

A natural, undisturbed forest which provides a nearly impervious visual barrier due to the dense nature of the plants and/or trees. If this option is chosen, the width of the buffer zone shall be ten (10) feet in width and shall be included on the landscape plan.

The Director of Community Development shall determine whether the barrier is satisfactory via site inspection prior to approval.

36-13 SUPERVISION

The landscape architect shall be responsible for the supervision of all plantings. After completion, the landscape architect shall certify in writing to the City of Daphne that the submitted, approved landscape plan has been implemented and complies with the requirements of this Article.

36-14 CERTIFICATE OF OCCUPANCY

A certificate of occupancy shall not be issued until the submitted, approved landscape plan has been implemented or a bond has been posted. Said bond shall be in an amount equal to one hundred and fifty percent (150%) of the actual landscape cost which shall be certified by a professional landscape architect.

36-15 PENALTIES

The Code Enforcement Officer of the City of Daphne shall serve the owner of said property, each person, firm or corporation engaged in the activities regulated hereunder in which the activities are being conducted in violation of any provision of this Article with a Summons and Complaint citation. The person(s) shall be fined upon conviction, not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) and costs of the court for each offense.

36-16 SETBACKS**MINIMUM DISTRICT REQUIREMENTS**

DISTRICT	FRONT YARD	REAR YARD	SIDE YARD	CORNER LOT SIDE YARD
R-4, Single Family or R-6(G)	15	20	6	15 Deleted: 25
R-4, Multi-Family or R-7(A, T or M) or MU	15	20	a	c Deleted: 25
B-1, Local Business B-1(a), Limited Local Business	10	b	b	c Deleted: 25
B-2, General Business	10	b	b	c Deleted: 25
B-3, Professional Business	10	b	b	c Deleted: 25

- (a) When dwelling unit faces the side yard, the dwelling unit shall not be less than twenty-five (25) feet from the side lot line.
- (b) None. If there is a rear alley, the setback shall be twenty-five (25) feet. When abutting a residential district it shall be not less than ten (10) feet. (See Buffer Requirements, § 36-12).
- (c) None, except when abutting Main Street, the corner yard setback shall be not less than twenty-five (25) feet.

36-17 MAXIMUM BUILDING HEIGHT

Except as otherwise provided herein, no structure shall exceed thirty-five (35) feet in height in any R-4, Single Family and Multi-Family Residential, district or more than 50 (fifty) feet in height in any Business or Mixed-Use District. Structures of more than fifty (50) feet may be permitted subject to the approval of the City Council (See Definition of Height, Building in *Article 8, Definition of Terms*).

36-18 DRAINAGE

Any use in this District shall comply with *Article 18, Drainage and Stormwater Management*.

36-19 SUBDIVISION REGULATIONS

Any use in this District shall comply with *Article 17, Procedures for Subdivision Review* where applicable.

36-20 DISTRICT MAP

The Village Overlay District Map, Exhibit C, is hereby adopted and as a part of this Ordinance. (See Appendix).

**CITY OF DAPHNE
RESOLUTION 2023-30**

Acceptance of Roads and Rights-of-Way: The Reserve at Daphne, Phase Two

WHEREAS, the City Council of the City of Daphne, Alabama has received notice that the Daphne Planning Commission has given Final Plat approval to The Reserve at Daphne, Phase Two on May 4, 2023, and the City of Daphne hereby recommends acceptance of the roads and rights-of way located in The Reserve at Daphne, Phase Two; and

WHEREAS, an inspection was made by the Director of Community Development, and all reports and other related documents have been provided stating that said streets and associated storm water drainage have been installed in conformity with City standards; and

WHEREAS, an inspection was made by the Director of Public Works, and said director has recommended acceptance of said streets and associated storm water drainage, to the extent such drainage facilities affect the rights-of-way, of The Reserve at Daphne, Phase Two; and

WHEREAS, the developer has provided to the City a two-year maintenance bond in the amount of \$310,753.19 as required and now requests acceptance and dedication of the same for maintenance of said improvements as outlined in Article XVII, entitled the Procedures for Subdivision Review, of the City of Daphne Land Use and Development Ordinance; and

WHEREAS, the developer has caused the plat to be recorded on slides 2883-A, 2883-B, 2883-C and 2883-D of the records in the Baldwin County Judge of Probate Office; and

WHEREAS, the City Council of the City of Daphne believes it is in the best interest of the citizens of the City for the City to accept said rights-of-way.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE AS FOLLOWS: that the following rights-of-way within The Reserve at Daphne, Phase Two, according to the plat presented by Dewberry Engineers Inc. as recorded in the Office of the Judge of Probate, Baldwin County, Alabama, are hereby accepted by the City of Daphne, Alabama as city streets for maintenance:

a portion of Elemis Drive (4145 linear feet), a 50-ft right of way; a portion of Sonesta Drive (397 linear feet), a 50-ft right of way; a portion of Agora Drive (446 linear feet), a 50-ft right of way; a portion of Evensong Drive (778 linear feet), a 50-ft right of way; and a portion of Montelucia Way (812 linear feet), a 50-ft right of way.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE _____ DAY OF _____, 2023.

Robin Le Jeune, Mayor

ATTEST:

Candace G. Antinarella, CMC, City Clerk

COMMUNITY DEVELOPMENT INTERNAL MEMORANDUM



DATE: May 8, 2023
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development 
CC: Josh Newman, City Engineer, Ronnie Huskey, Public Works Director, William Eringman,
Deputy Director Public Works, and Natasha Miles, Planner
SUBJECT: The Reserve at Daphne, Phase Two, Acceptance of Roads and Rights-of-Ways

LOCATION: North of the intersection of County Road 64 and Montelucia Way

RECOMMENDATION: At the May 4, 2023 regular meeting of the City of Daphne Planning Commission, eight members were present. The motion carried unanimously for a favorable recommendation for the acceptance of Elemis Drive, Sonesta Drive, Agora Drive, Evensong Drive and Montelucia Way.

Attached please find the appropriate documentation and action of the Daphne Planning Commission.

Upon receipt of said documentation, please prepare a resolution for placement on the City Council agenda.

Thank you,
ADJ/jv

Attachment(s)

cc: file

1. Correspondence from project engineer requesting acceptance
2. Record plat
3. Petition of Acceptance of Roads and Rights-of-Ways

[illegible]

6,576 LF=1.25 MILES

111



Dewberry Engineers Inc. 251.990.9950
25353 Friendship Road 251.990.9910 fax
Daphne, AL 36526 www.dewberry.com

January 23, 2023

Mrs. Adrienne Jones
Planning Director, City of Daphne
P.O. Box 400
Daphne, Alabama 36526

RE: THE RESERVE AT DAPHNE PHASE 2
ENGINEER'S CERTIFICATION

Dear Mrs. Jones:

I, Andy Bobe, a professional engineer registered in the State of Alabama, Registration Number 30021, do hereby certify that the streets for THE RESERVE AT DAPHNE PHASE 2 has been completed in full and to the best of my knowledge and to the best of my belief, conforms to the requirements of the City of Daphne Subdivision regulations and to all other rules, regulations, laws, and ordinances applicable to my design.

Therefore, I hereby request that the City of Daphne accept the roads and drainage for THE RESERVE AT DAPHNE PHASE 2 subdivision.

If you have any questions or comments, regarding this information please give me a call at 251-990-9950.

Sincerely,
Dewberry Engineers Inc.

A handwritten signature in blue ink, appearing to read "Andy Bobe", with a stylized flourish at the end.

Andy Bobe, P.E.
Senior Associate

AB/db

**CITY OF DAPHNE
PETITION FOR ACCEPTANCE
OF ROAD(S) AND/OR RIGHTS-OF-WAY**

SUBDIVISION NAME: THE RESERVE AT DAPHNE PHASE 2

THIS PETITION FOR ACCEPTANCE OF ROADS AND/OR RIGHTS-OF-WAY is made this 27th day of March, 2023 by 68V RESERVE AT DAPHNE 2021, LLC, hereinafter called "the sub-divider," owner of certain property located in the City of Daphne, Alabama known as THE RESERVE AT DAPHNE PHASE 2 to be recorded in the office of the Judge of Probate of Baldwin County, Alabama; and,

WHEREAS, the sub-divider has agreed to the dedication of the roads and rights-of-way located in said subdivision to the City of Daphne, and further warrants that said roads and rights-of-way are complete and are in compliance with the minimum standards as outlined for construction in the City of Daphne Land Use and Development Ordinance, Article XVII, entitled Procedures for Subdivision Review, and Article XI, Minimum Requirements and Required Improvements for Subdivisions and Commercial Site Developments. The sub-divider further warrants that the same are free from defects from any cause and are free and clear of any liens and encumbrances; and,

WHEREAS, a bond is required by the City as a condition of the acceptance of any new roads or rights-of-way as outlined in Article XVII in an amount equal to twenty percent (20%) of all street and drainage improvements in the subdivision as a warranty for such improvements to last for a period of two (2) years after the date of dedication and upon acceptance by the City Council, the sub-divider has provided a \$ 310,753.19 maintenance bond; and,

WHEREAS, the project engineer, Andy Bobe, P.E., acting on behalf of the sub-divider does hereby certify that all roads and rights-of-ways are complete and are in compliance with the minimum standards for construction as outlined in the City of Daphne Land Use and Development Ordinance, Article XVII, entitled, Procedures for Subdivision Review, and Article XI, Minimum Requirements and Required Improvements for Subdivisions and Commercial Site Developments, and further warrants that the same are free from defects from any cause; and,

CITY OF DAPHNE
PETITION FOR ACCEPTANCE
OF ROAD(S) AND/OR RIGHTS-OF-WAY

NOW, THEREFORE, in consideration of the premises, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the sub-divider does hereby dedicate the roads and rights-of-way in said subdivision to the City of Daphne, a municipal corporation, as per the favorable recommendation of the City of Daphne Planning Commission voted upon at its meeting held on April 27, 2023. Said subdivision according the plat recorded in the Judge of Probate, Baldwin County, Alabama and said streets being named as follows:

Name of Right of Way	Length (linear feet) From Plat	Width (feet)
ELEMIS DRIVE	4,145	50
SONESTA DRIVE	397	50
AGORA DRIVE	446	50
EVENSONG DRIVE	778	50
MONTELCUCIA WAY	812	50

Are each hereby dedicated to the City of Daphne, Alabama as a city street.

**CITY OF DAPHNE
PETITION FOR ACCEPTANCE
OF ROAD(S) AND/OR RIGHTS-OF-WAY**

IN WITNESS WHEREOF, the subdivider has caused the execution of this dedication as of the date set forth above.

Respectfully submitted,
68V RESERVE AT DAPHNE 2021, LLC
Name of Individual or Corporation (Printed)

By: Hansen Babington

(Print Legibly and Sign)

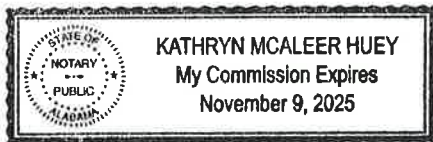
Its: AUTHORIZED PERSON

(Print Legibly)

**STATE OF ALABAMA)
COUNTY OF BALDWIN)**

I, the undersigned Notary Public in and for said State and County, hereby certify that Hansen Babington whose name as Authorized Person of 68V Reserve at daphne 2021, LLC Alabama corporation or as owner of The Reserve at Daphne, Phase Two is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he as such officer or owner and with full authority, executed the same voluntarily on the day same bears date.

Given under my hand and official seal on this the 24th day of March, 2023.



Kathryn McAleer Huey (NOTARY SEAL)
NOTARY PUBLIC

My commission expires: November 9, 2025

**CITY OF DAPHNE
PETITION FOR ACCEPTANCE
OF ROAD(S) AND/OR RIGHTS-OF-WAY**

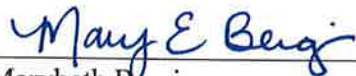
Favorable recommendation on behalf of Daphne Public Works:

City Engineer
City of Daphne



Favorable recommendation on behalf of Daphne Planning Commission:

Marybeth Bergin
Planning Commission Chairman
City of Daphne



POINT OF COMMENCEMENT 11 12
14 13

OWNERS:

68V RESERVE AT DAPHNE 2021 LLC
707 BELROSE AVE
DAPHNE, AL 36526
PID# 43-06-13-0-000-002.011

DEVELOPER:

68V RESERVE AT DAPHNE 2021 LLC
707 BELROSE AVE
DAPHNE, AL 36526

SURVEYOR/ENGINEER:

DAVID L. HARRIS, P.E.
25555 FRIENDSHIP ROAD, DAPHNE, AL 36526
VICTOR L. GERMAIN, PLS LIC. NO. 38473
ANDREW N. BOHR, PLS LIC. NO. 38021

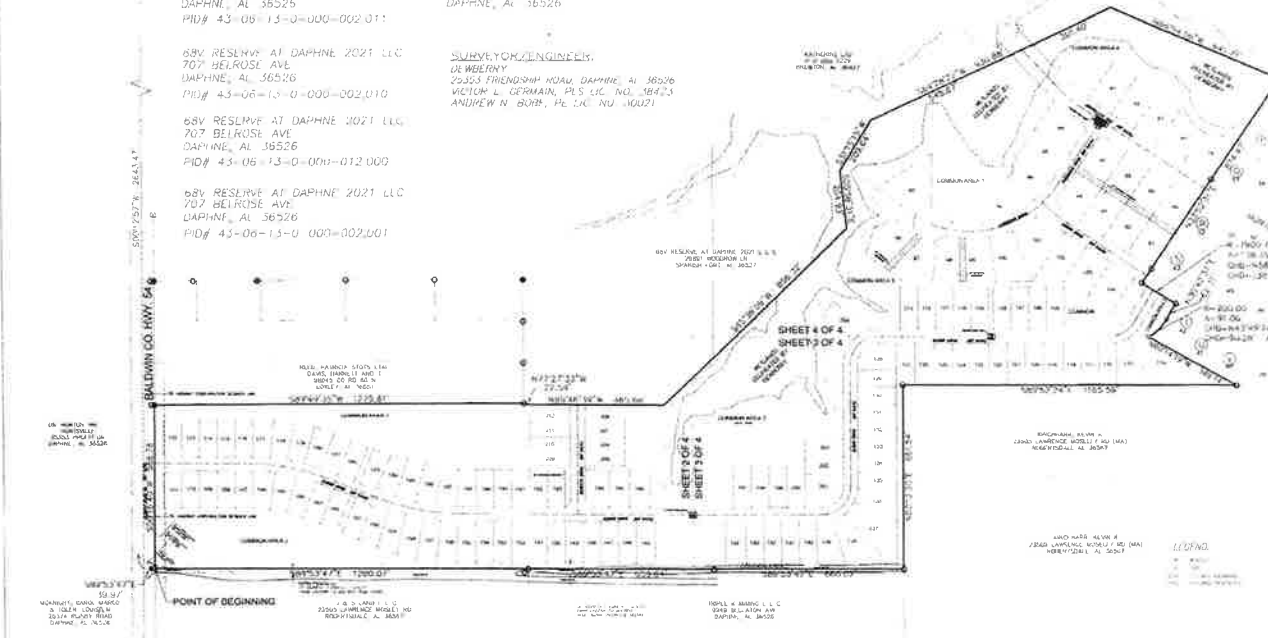
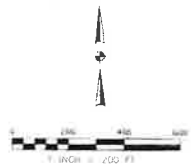
68V RESERVE AT DAPHNE 2021 LLC
707 BELROSE AVE
DAPHNE, AL 36526
PID# 43-06-13-0-000-002.010

68V RESERVE AT DAPHNE 2021 LLC
707 BELROSE AVE
DAPHNE, AL 36526
PID# 43-06-13-0-000-012.000

68V RESERVE AT DAPHNE 2021 LLC
707 BELROSE AVE
DAPHNE, AL 36526
PID# 43-06-13-0-000-002.001

ALUMINUM ENCLOSURE

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- 100. ALUMINUM ENCLOSURE



CERTIFICATE OF APPROVAL BY TELEPHONE (AT&T)

[Signature]
March 23, 2023

CERTIFICATE OF APPROVAL BY RIVERA UTILITIES (ELECTRIC)

[Signature]
March 23, 2023

CERTIFICATE OF APPROVAL BY BELFOREST WATER SYSTEM

[Signature]
March 23, 2023

CERTIFICATE OF APPROVAL BY BALDWIN COUNTY SEWER SERVICE

[Signature]
March 23, 2023

ENGINEER'S CERTIFICATION OF IMPROVEMENTS

[Signature]
March 23, 2023

CERTIFICATION OF OWNERSHIP AND DEDICATION

[Signature]
March 23, 2023

ACKNOWLEDGEMENT OF NOTARY PUBLIC

[Signature]
March 23, 2023

MORTGAGEE'S ACKNOWLEDGEMENT OF MORTGAGE

[Signature]
March 23, 2023

DIRECTION OF COMMUNITY DEVELOPMENT

[Signature]
March 23, 2023

CERTIFICATION OF APPROVAL BY STATE'S DRAINAGE AND IMPROVEMENTS

[Signature]
March 23, 2023

MORTGAGEE'S ACKNOWLEDGEMENT OF MORTGAGE

[Signature]
March 23, 2023

SITE DATA

CURRENT ZONING: R-2 (LOTS 79-104)
R-6 (G) (LOTS 105-212)
MINIMUM LOT SIZE: R-2 (15,000 SF)
R-6 (G) (5,000 SF)
MINIMUM LOT WIDTH: R-2 (50 FT)
R-6 (G) (50 FT)
LIN. FT. SHEETS: 6.5/8 LF
NUMBER OF LOTS: 134 (183 LOTS/ACRE)
DENSITY: 1.83 LOTS/ACRE
SMALLEST LOT: 7,280 SF
LARGEST LOT: 32,647 SF
COMMON AREAS: 30.94 AC (9.15 AC UTIL. (ENTION 17%)
(3.05 AC RECREATION 10%)
TOTAL ACRES: 73.31 AC

REQUIRED SETBACKS

LOTS 79-104
FRONT: 35 FT
REAR: 25 FT
SIDE: 10 FT
SIDE STREET: 20 FT

WATER SERVICE: BELFOREST WATER
SEWER SERVICE: BALDWIN COUNTY SEWER SERVICE
ELECTRIC SERVICE: RIVERA UTILITIES
TELEPHONE SERVICE: AT&T

[Detailed survey notes and legal descriptions, including bearings, distances, and area calculations. The text is dense and includes various technical details related to the subdivision.]

[Additional notes and signatures, including a date stamp of 03/09/23 and a notary seal for Victor L. Germain.]

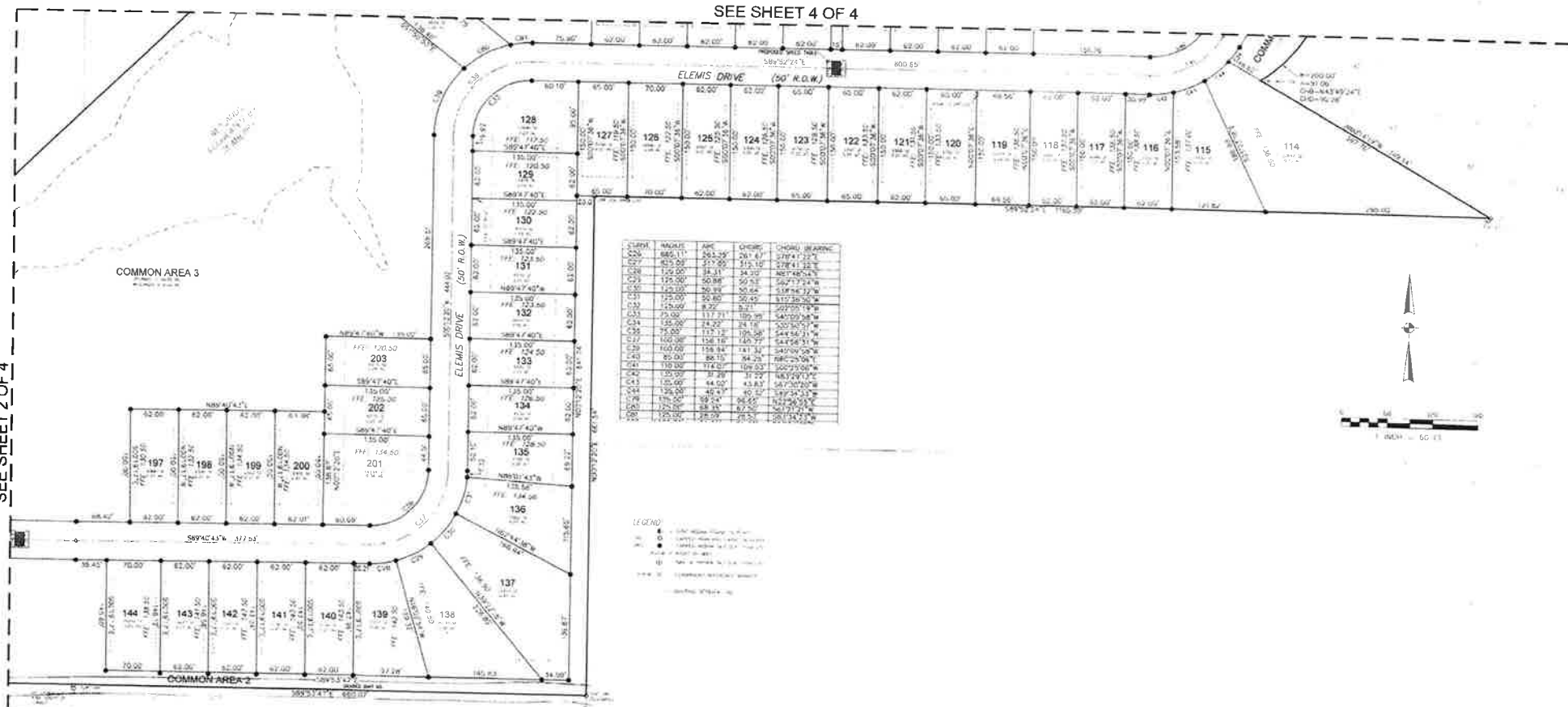
The Reserve at Daphne Phase Two
A Planned Residential Development
FINAL PLAT
MARCH 9, 2023 - SHEET 1 OF 4 SHEETS
BOUNDARY SURVEY AND PLAT OF SUBDIVISION

DATE	DEED	OWNER	ACF	CHRD	V.G.
ENG.	AKB	WORKMAN	VS G	PROV. MGR	AKB

Dewberry
1941 E. 1st St., Suite 100
Daphne, AL 36526
TEL: 251-501-0014
FAX: 251-501-0014

SEE SHEET 2 OF 4

SEE SHEET 4 OF 4



LEGEND

(a) $\rightarrow$ Circle with radius r and center O .
 (b)  $\rightarrow$ Circle with radius r and center O .
 (c)  $\rightarrow$ Circle with radius r and center O .
 (d)  $\rightarrow$ Circle with radius r and center O .
 (e)  $\rightarrow$ Circle with radius r and center O .
 (f) $\rightarrow$ Circle with radius r and center O .
 (g)  $\rightarrow$ Circle with radius r and center O .
 (h)  $\rightarrow$ Circle with radius r and center O .
 (i)  $\rightarrow$ Circle with radius r and center O .
 (j)  $\rightarrow$ Circle with radius r and center O .
 (k) $\rightarrow$ Circle with radius r and center O .
 (l)  $\rightarrow$ Circle with radius r and center O .
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 (v)  $\rightarrow$ Circle with radius r and center O .
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 (y)  $\rightarrow$ Circle with radius r and center O .
 (z) $\rightarrow$ Circle with radius r and center O .

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SHELTON COUNTY ALABAMA
 HUNTER COLLEGE JR PREPAID ADMS
 6/26/2017 2:24PM
 TOTAL 1 754.00
 1 Page

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2053842

The Reserve at Daphne Phase Two

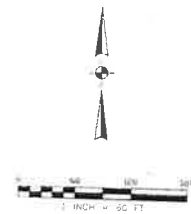
A Planned Residential Development

FINAL PLAT
MARCH 9, 2023 - SHEET 3 OF 4 SHEETS
BOUNDARY SURVEY AND PLAT OF SUBDIVISION

 **Dewberry**

SCALE 1"=60'
PROJ. NO. 50100164
FILE 50100164-PH2
SHEET 3 OF 4

*SEE SHEET 1 OF 4 FOR OVERALL BOUNDARY SURVEY



LEGEND

- 1. Survey Boundary
- 2. Easement Boundary
- 3. Right-of-Way Boundary
- 4. Common Area Boundary
- 5. Lot Boundary

Lot	Area (sq. ft.)	Area (sq. m.)	Area (ac.)	Area (ha.)
80	12,350.00	1,135.00	0.26	0.11
81	12,350.00	1,135.00	0.26	0.11
82	12,350.00	1,135.00	0.26	0.11
83	12,350.00	1,135.00	0.26	0.11
84	12,350.00	1,135.00	0.26	0.11
85	12,350.00	1,135.00	0.26	0.11
86	12,350.00	1,135.00	0.26	0.11
87	12,350.00	1,135.00	0.26	0.11
88	12,350.00	1,135.00	0.26	0.11
89	12,350.00	1,135.00	0.26	0.11
90	12,350.00	1,135.00	0.26	0.11
91	12,350.00	1,135.00	0.26	0.11
92	12,350.00	1,135.00	0.26	0.11
93	12,350.00	1,135.00	0.26	0.11
94	12,350.00	1,135.00	0.26	0.11
95	12,350.00	1,135.00	0.26	0.11
96	12,350.00	1,135.00	0.26	0.11
97	12,350.00	1,135.00	0.26	0.11
98	12,350.00	1,135.00	0.26	0.11
99	12,350.00	1,135.00	0.26	0.11
100	12,350.00	1,135.00	0.26	0.11
101	12,350.00	1,135.00	0.26	0.11
102	12,350.00	1,135.00	0.26	0.11
103	12,350.00	1,135.00	0.26	0.11
104	12,350.00	1,135.00	0.26	0.11
105	12,350.00	1,135.00	0.26	0.11
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110	12,350.00	1,135.00	0.26	0.11
111	12,350.00	1,135.00	0.26	0.11
112	12,350.00	1,135.00	0.26	0.11
113	12,350.00	1,135.00	0.26	0.11

2023042
SLIDE 0002883-D

The Reserve at Daphne Phase Two

A Planned Residential Development

FINAL PLAT
MARCH 9, 2023 - SHEET 4 OF 4 SHEETS
BOUNDARY SURVEY AND PLAT OF SUBDIVISION

DESIGN	D.E.D.	GRABER	A.E.F.	CHING	V.L.G.
DATE	A.N.B.	SUPREMAN	V.L.G.		

Dewberry
12501 Northchase Lane, Suite 100, Atlanta, GA 30328
404.261.1234

SCALE: 1"=60'
PROJECT: NO 50100164
FILE: 50100164-PH2

*SEE SHEET 1 OF 4 FOR OVERALL BOUNDARY SURVEY

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2023 – 31**

**SUPPORT OF AGREEMENT WITH THE ALABAMA DEPARTMENT OF
TRANSPORTATION TO INSTALL US 98 CORRIDOR IMPROVEMENTS BETWEEN VAN
AVENUE AND COUNTY ROAD 64**

WHEREAS, the City Council of the City of Daphne, Alabama (the “City”) previously adopted Resolution 2020-28 on May 18, 2020, authorizing the Mayor to execute an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation (the “State”), relating to a project for Access management on CR-42 (US-98) from CR-64 to Van Avenue in the City of Daphne; Project #STPOA-0042(539); CPMS Ref# 100071524 (the “Project”); and

WHEREAS, the City and the State did enter into that certain Construction Agreement for a Federal Aid Project dated January 20, 2021, as amended by that certain Supplemental Agreement No. 1 dated August 19, 2021 (as amended, the “Agreement”); and

WHEREAS, the City and the State wish to further amend the Agreement to set forth certain terms regarding utility relocation associated with the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, as follows:

1. That the City enter into Supplemental Agreement No. 2, in the form attached hereto as Exhibit A, to further amend the Agreement.
2. That the Mayor is hereby authorized to execute Supplemental Agreement No. 2 in the name of the City for and on its behalf, and that the City Clerk shall attest same and the official seal of the City be affixed thereto.
3. That upon completion of the execution of Supplemental Agreement No. 2 by all parties, that a copy of such agreement be kept on file by the City.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ DAY OF May, 2023.

Robin LeJeune, Mayor

ATTEST:

I, the undersigned qualified and acting Clerk of the City of Daphne, Alabama, do hereby certify that the above and foregoing is a true copy of a resolution lawfully passed and adopted by the City Council of the City of Daphne, at a regular meeting of the Council held on the 15th day of May, 2023, and that such resolution is on file in the City Clerk’s Office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of this _____ day of May, 2023.

Candace G. Antinarella, CMC, City Clerk

{SEAL}

EXHIBIT A

Form of Supplemental Agreement No. 2

**BETWEEN THE STATE OF ALABAMA
AND
THE CITY OF DAPHNE
Baldwin County**

**Access Management on CR-42 (US-98) from
CR-64 to Van Avenue in
The City of Daphne**

Project No. STPOA-0042(539)

CPMS Ref# 100071524

Supplemental Agreement No. 2

PART ONE (1): INTRODUCTION

This Supplemental Agreement No. 2 is made and entered into by and between the State of Alabama (acting by and through the Alabama Department of Transportation), hereinafter referred to as the STATE; and the City of Daphne, Alabama, hereinafter referred to as the CITY.

WHEREAS, the STATE and the CITY desire to cooperate in the access management on CR-42 (US-98) from CR-64 to Van Avenue in the City of Daphne; Project# STPOA-0042(539); CPMS Ref# 100071524.

WHEREAS, the STATE and the CITY desire to amend the Agreements entered into on the 20th day of January 2021 and the 19th day of August 2021, by execution of this Supplemental Agreement No. 2.

NOW, THEREFORE, the parties hereto, for, and consideration of the premises stated herein, do hereby mutually promise, stipulate, and agree that the foregoing Agreements between the parties dated January 20, 2021 and August 19, 2021 be and the same is hereby amended in the following respect:

1. Page 3, paragraph B of the foregoing Agreement is hereby amended to read as follows:
The CITY will relocate any utilities in conflict with the project improvements in accordance with applicable Federal and State laws, regulations, and procedures. Associated Utility costs will be an eligible cost as part of this Agreement.
2. By signing this contract, the contracting parties affirm, for the duration of the agreement, that they will not violate Federal immigration law or knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama. Furthermore, a contracting party found to be in violation of this provision shall be deemed in breach of the agreement and shall be responsible for all damages resulting therefrom.
3. All other and remaining terms of the Agreements of January 20, 2021 and August 19, 2021 shall remain the same.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by those officers, officials and persons duly authorized to execute same, and the Agreement is deemed to be dated and to be effective on the date hereinafter stated as the date of its approval by the Governor of Alabama.

ATTEST:

City of Daphne, Alabama

By: _____
City Clerk (Signature)

By: _____
As Mayor (Signature)

Print Name of Clerk
(AFFIX SEAL)

Print Name of Mayor

This agreement has been legally reviewed and approved as to form and content.

By: _____
William F. Patty,
Chief Counsel

RECOMMENDED FOR APPROVAL:

Matthew J. Ericksen, P.E.
Southwest Region Engineer

Bradley B. Lindsey, P.E.
State Local Transportation Engineer

Edward N. Austin, P. E.
Chief Engineer

STATE OF ALABAMA, ACTING BY AND THROUGH
THE ALABAMA DEPARTMENT OF TRANSPORTATION

John R. Cooper, Transportation Director

THE WITHIN AND FOREGOING AGREEMENT IS HEREBY EXECUTED AND
SIGNED BY THE GOVERNOR ON THIS _____ DAY OF _____, 20____.

KAY IVEY
GOVERNOR, STATE OF ALABAMA

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2023-17**

**AMENDMENT TO ORDINANCE 2004-11 (BUSINESS LICENSE ORDINANCE)
(AS PREVIOUSLY AMENDED BY ORDINANCE 2023-04 (SHORT TERM RENTALS))**

WHEREAS, the City of Daphne, after due consideration, believes that certain revisions to the City of Daphne's Business License Ordinance, Ordinance 2004-11 (as previously amended on February 20, 2023, by Ordinance 2023-04), are necessary to adjust certain provisions relating to short-term residential rentals.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, as follows:

SECTION 1. ARTICLE XVI, SHORT TERM RENTALS

(A) Section 13-351(A) of Article XVI of the Business License Ordinance is hereby amended by inserting the following language as the final sentence thereof:

One business license is required per legal entity/person operating one or more short-term residential unit.

(B) Article XVI of the Business License Ordinance is hereby amended by repealing Section 13-363 in its entirety.

SECTION 2. CONFLICT WITH OTHER ORDINANCES

Any Ordinance heretofore adopted by the City Council of Daphne, Alabama, which is in conflict with this Ordinance, is hereby repealed to the extent of such conflict.

SECTION 3. SEVERABILITY

The provisions of this Ordinance are severable. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ DAY OF _____, 2023.

ATTEST:

Robin LeJeune, Mayor

Candace G. Antinarella, CMC, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2023-18**

**Ordinance to Pre-Zone Property Located Northwest of Well Road and County Road 13
Daphne Rangers Academy/Daphne Strike Soccer Club, Inc.**

WHEREAS, Daphne Rangers Academy/Daphne Strike Soccer Club, Inc., as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property that is currently zoned by the County as RSF-2, Residential Single Family, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, be pre-zoned as C-2, Outdoor Amusement, prior to annexation into the City of Daphne; and

WHEREAS, said real property is located Northwest of Well Road and County Road 13, being more particularly described as follows:

Legal Description for Property to be Pre-Zoned:

From the northwest corner or section 16, T-5-S, R-2-E, run these south 00° 05'12" east 1997 95 feet; thence run north 89° 59'11" east 1645 16 feet to the point of beginning, thence run north 00°01'48" east 446 91 feet, thence run north 89°49'35" east 1006 61 feet, thence run south 00°01'45" west 449 72 feet, thence run south 89°59'11" west 1005 16 feet to the point of beginning together with a 20 foot wide ingress and egress easement described as follows: beginning at the southwest corner of the above described parcel, run thence south 00°02'21" west along the east boundary of the utilities board of the city of Daphne parcel a distance of 625.97 feet to a capped rebar on the north right of way line of Well Rd, thence run south 89°62'48" west along said right of way. Line 20 00 feet to a point, thence run north 00°02'15" west 825 62 feet to a point of the south boundary of the above described parcel, thence run south 89°59'42" east along said boundary 20 00 feet to the point of beginning.

WHEREAS, at the regular Planning Commission meeting on March 23, 2023, the Commission considered said request and voted to set forth an unanimously favorable recommendation to the City Council to pre-zone the property C-2, Outdoor Amusement; and,

WHEREAS, due notice of said proposed pre-zoning has been provided to the public as required by law through publication and open display at City Hall, and a public hearing was held before the City Council on May 15, 2023; and,

WHEREAS, the City Council of the City of Daphne, after due consideration and upon consideration of the recommendation and notes of the Planning Commission, deemed that said application for pre-zoning of the above described real property and as set forth on a map of the property attached hereto and made a part of this Ordinance as Exhibit "A" is proper and in the best interest of the health, safety, and welfare of the citizens of the City of Daphne, Alabama; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, as follows:

SECTION I: ZONING

That above described real property is hereby pre-zoned C-2, Outdoor Amusement, City of Daphne. Upon annexation of the property prior to the expiration of the pre-zoning as set forth in Section IV, the property shall be assigned the zoning district in accordance with the pre-zoning and the zoning ordinance and zoning map shall be amended to reflect said zoning. Should annexation not occur prior to the

expiration of this pre-zoning as set forth in Section IV, this pre-zoning shall have no effect and the designation of a zoning district for the property shall be set forth in the annexation ordinance.

Until such time as the property is annexed into the City of Daphne, the property shall remain in the unincorporated area of Baldwin County and zoned in accordance with the Baldwin County Commission's zoning plan. The County's zoning for the property at the time the request for pre-zoning was submitted was RSF-2, Residential Single Family, Baldwin County District 15, Exterritorial Planning Jurisdiction.

SECTION II: REPEALER.

All other City Ordinances or parts thereof in conflict with the provisions of this Ordinance, in so far as they conflict, are hereby repealed.

SECTION III: SEVERABILITY.

The provisions of this Ordinance are severable. If any provision, section, paragraph, sentence, or part thereof shall be held unconstitutional or invalid, such decision shall not affect or impair the remainder of said Ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence, and part thereof separately and independently of each other.

SECTION IV: EFFECTIVE AND EXPIRATION DATE.

This Ordinance shall take effect after the date of its approval by the City Council of the City of Daphne and publication as required by law. Pursuant to Code of Alabama (1975) Section 11-52-85, the zoning of the subject property shall become effective upon the date the territory is annexed into the corporate limits. If any portion of the subject property is not annexed into the corporate limits within 180 days of the initiation of annexation proceedings as provided by law, this pre-zoning shall be null and void. Should the pre-zoning become null and void, the applicant may reapply for pre-zoning at any time as long as an annexation petition is pending.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE,
ALABAMA, THIS _____ day of _____, 2023.**

Robin Le Jeune, Mayor

ATTEST:

Candace G. Antinarella, CMC, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2023-19**

**ORDINANCE TO ANNEX PROPERTY CONTIGUOUS TO THE
CORPORATE LIMITS OF THE CITY OF DAPHNE**

**Property Located Northwest of Well Road and County Road 13
Daphne Rangers Academy/Daphne Strike Soccer Club, Inc.**

WHEREAS, on the 26th day of January, 2023, Daphne Rangers Academy/Daphne Strike Soccer Club, Inc., being the owner of certain real property hereinafter described, did file with the City Clerk a petition requesting that said tracts or parcels of land be annexed into and become part of the City of Daphne, Alabama (the “City”); and

WHEREAS, said petition did contain an accurate description of the property to be annexed together with a map of the said territory showing its relationship to the corporate limits of the City of Daphne, Alabama, and the signatures of all owners of the property described; and

WHEREAS, said petition was presented to the Planning Commission of the City of Daphne at a regular scheduled meeting on March 23, 2023, and the Commission set forth a favorable recommendation for the City Council of the City of Daphne to consider said request for annexation of said property; and

WHEREAS, after proper publication, a public hearing was held by the City Council on May 15, 2023, concerning the petition for annexation.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, AS FOLLOWS:

SECTION ONE: ANNEXATION

The City Council of the City of Daphne finds and declares as the legislative body of the City that it is in the best interest of the citizens of the City and the citizens of the affected area to bring the property described in Section Three of this Ordinance into the corporate limits of the City, and has further determined that all legal requirements for annexing said real property have been met pursuant to Sections 11-42-20 through 11-42-24, *et seq.*, Code of Alabama (1975); effective on publication as required by Section 11-42-21, Code of Alabama (1975), as amended.

SECTION TWO: ZONING

At the June 5, 2023, regularly scheduled City Council meeting, Ordinance 2023-_____ was adopted pre-zoning the said property as C-2, Outdoor Amusement, with the apportionment of said zoning districts to the subject property described therein.

SECTION THREE: DESCRIPTION OF TERRITORY

The boundary lines of the City of Daphne are hereby altered or rearranged so as to include all the territory heretofore encompassed by the corporate limits of the City of Daphne and, in addition thereto, the following described property, to-wit:

Legal Description for Annexation:

From the northwest corner of section 16, T-5-S, R-2-E, run these south 00° 05' 12" east 1997 95 feet; thence run north 89° 59' 11" east 1645 16 feet to the point of beginning, thence run north 00° 01' 48" east 446 91 feet, thence run north 89° 49' 35" east 1006 61 feet, thence run south 00° 01' 45" west 449 72 feet, thence run south 89° 59' 11" west 1005 16 feet to the point of beginning together with a 20 foot wide ingress and egress easement described as follows: beginning at the southwest corner of the above described parcel, run thence south 00° 02' 21" west along the east boundary of the utilities board of the city of Daphne parcel a distance of 625.97 feet to a capped rebar on the north right of way line of Well Rd, thence run south 89° 62' 48" west along said right of way. Line 20 00 feet to a point, thence run north 00° 02' 15" west 825 62 feet to a point of the south boundary of the above described parcel, thence run south 89° 59' 42" east along said boundary 20 00 feet to the point of beginning.

SECTION FOUR: MAP OF PROPERTY

The property hereby annexed into the City of Daphne, Alabama, as described in Section Three of this Ordinance, is set forth on a map of the property attached hereto and made a part of this Ordinance as Exhibit "A" showing its relationship to the corporate limits of the City of Daphne.

SECTION FIVE: EFFECTIVE DATE AND PUBLICATION

This Ordinance shall become effective upon its date of publication as required by Section 11-42-21 Code of Alabama (1975), as amended, and the property described herein shall be then annexed into the corporate limits of the City of Daphne, and a certified copy of the same shall be filed with the Office of the Judge of Probate of Baldwin County, Alabama, in accordance with Section 11-42-21, Code of Alabama (1975), as amended.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS THE _____ DAY OF _____, 2023.

Robin Le Jeune, Mayor

ATTEST:

Candace G. Antinarella, CMC, City Clerk