

**The City of Daphne
Planning Commission Minutes
Regular Meeting of March 28, 2024
Council Chamber, City Hall - 5:00 P.M.**

Call to Order:

The Chairman called the regular meeting of the City of Daphne Planning Commission to order at 5:00 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

Kevin Spriggs, Secretary
*Adam Manning
Ronnie Huskey
John Peterson, Vice Chairman
Andrew Prescott, Chairman
Richard Johnson
Steve Olen
Nathan Jones

Mr. Manning was excused at 6:20 p.m.

Staff Present:

Adrienne Jones, AICP, Director of Community Development
Natasha Miles, Planner
Jan Vallecillo, Planning Coordinator
Patrick Dungan, Attorney
Troy Strunk, Executive Director, City Development
Joshua Newman, City Engineer
Jesi Ward, Environmental Programs Manager

The Chairman asked for input regarding the February 22, 2024 regular meeting minutes presented by staff. There being none, minutes stand approved as submitted.

The Chairman called for the next order of business: Sirmon Addition to Daphne Preliminary Plat Review.

An introductory presentation was given by the engineer, Jackson Berkbighler. He provided an overview of the preliminary subdivision plat as presented on the meeting agenda. He advised that all staff comments have been addressed with the exception of Belforest Water System, and a meeting is set for Monday to discuss their concerns.

The Chairman opened the floor for public hearing.

Janeen Miller, 27174 County Road 13, commented about storm water and drainage easements.

The Chairman closed the floor to the public hearing.

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

A motion was made by Mr. Olen and seconded by Mr. Spriggs to approve Sirmon Addition to Daphne preliminary subdivision plat contingent upon final resolution of the utility issue with Belforest Water System. There was no discussion. The motion carried unanimously.

The Chairman called for the next order of business: Proposed Amendments to Article 13, District Requirements, of the Land Use and Development Ordinance.

Mr. Strunk provided an overview of the proposed amendments to the Land Use and Development Ordinance, noted the modifications made from comments and/or suggestions at previous meetings, and presented a final draft for review and discussion.

Ms. Jones clarified that the final revision to lots of twenty thousand square feet or greater and the following language: "iii. Front porches or deeply-shaded eaves are encouraged" will be removed from the final revision of the proposed amendment.

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

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

A motion was made by Mr. Olen and seconded by Mr. Manning to set forth a favorable recommendation to City Council to adopt the proposed amendment to the Land Use and Development Ordinance subject to the removal of the following language: "iii. Front porches or deeply-shaded eaves are encouraged." There was no discussion. The motion carried. Mr. Spriggs and Mr. Johnson dissented.

The Chairman called for the next order of business: Envision 2042 Comprehensive Plan Resolution #2024-01.

An introductory presentation was given by Ms. Jones of the Envision 2042 Comprehensive Plan. She stressed the importance of having an updated plan in place to use as a guide to conduct plan review in conjunction with the Land Use and Development Ordinance to determine the compliance of applications presented to the Planning Commission.

Mr. Olen commented that state law requires that municipalities prepare and implement a comprehensive plan.

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

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

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A motion was made by Mr. Olen and seconded by Mr. Huskey to adopt the plan and to set forth a favorable recommendation to the Daphne City Council to ratify the plan. There was no discussion. The motion carried. Mr. Spriggs dissented.

The next order of business is a rezoning request for AMERICO Real Estate Company.

An introductory presentation was given by agent, Chad Rome, who deferred to Kasey Feltner, Moorhead Law Firm, to address Commissioner questions/and/or comments.

Mr. Feltner provided an overview of the zoning request as presented on the meeting agenda and advised of the progression of events since the previous rezoning request was ratified.

Mr. Olen provided the timeline of events: the City Council granted a request for a zoning change to B-2(a), General Business Alternate; for a period of approximately one-year, the applicant failed to seek the action of the Planning Commission for Planning Commission Approval for a warehouse and/or storage facility in a B-2, General Business Alternate, zone or site plan review to construct a warehouse and/or storage facility under the previously adopted version of the Land Use Ordinance; the City Council then adopted an amendment to the Land Use Ordinance to prohibit a warehouse and/or storage facility in a B-2(a), General Business Alternate, zone; now the applicant is seeking a zoning change to B-2, General Business; and, said he was adamantly opposed to recommending a request to rezone property to a more liberal zoning other than what was given by the City Council because it has a permanent impact on this property and due to their lack of action.

Mr. Spriggs stated this facility is an appropriate use in this location on U.S. Highway 98 and the owner has committed to a buffer zone abutting the residential district. Mr. Rome advised that an Open Space Conservation Easement Agreement has been provided to the city.

Mr. Feltner commented the delay in the presentation of a site plan for review was due to the pending plan review of ALDOT. Mr. Olen responded the applicant failed to present a request to seek Planning Commission Approval in a B-2(a), General Business Alternate, zone.

Mr. Spriggs commented site plan review requires approval by ALDOT. Mr. Johnson stated when this body approved the prior rezoning, it deemed that this was an appropriate location for this use and had the applicant presented a request for Planning Commission approval pending approval of the site plan U-Haul would have been grandfathered.

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

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

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A motion was made by Mr. Spriggs and seconded by Mr. Peterson to set forth a favorable recommendation to City Council to rezone the subject property to B-2, General Business. There was no discussion. The motion carried. Mr. Olen and Mr. Manning dissented.

The Chairman called for the next order of business: Malbis Plantation, Inc. Pre-Zoning Amendment and Annexation Request.

An introductory presentation was given by the agent, Brian Harris. He summarized the pre-zoning and annexation requests as presented on the meeting agenda and provided a detailed PowerPoint presentation. He advised the Church of the Highlands plans are currently under review by ALDOT for access to the subject property and actively seeking a cross access easement from the Industrial Development Board to the DISC project for interconnectivity.

The Chairman opened the floor for the public hearing.

Miles Paisant, 9614 Poet's Corner and Canterbury Place POA President, commented that Canterbury Place Subdivision property owners are opposed to a cross access easement to Champions Way due to traffic concerns.

Malcolm Nelson, 28070 State Highway 181, and Ethan Sneadeker, 28100 State Highway 181, asked about the approximate location of the access in relationship to the entrance of Plantation Estates Subdivision.

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

During rebuttal, Mr. Harris stated the access is a right-in/right in the southwest corner of the property.

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

A motion was made by Mr. Olen and seconded by Mr. Manning to set forth a favorable recommendation to City Council to rezone the subject property to B-2(a), General Business Alternate. There was no discussion. The motion carried unanimously.

A motion was made by Mr. Olen and seconded by Mr. Jones to set forth a favorable recommendation to City Council to annex the subject property. There was no discussion. The motion carried unanimously.

The Chairman called for the next order of business: Malbis Plantation, Inc. Pre-Zoning Amendment and Annexation Requests.

An introductory presentation was given by the agent, Ercil Godwin. He summarized the pre-zoning and annexation request as presented on the meeting agenda. The PUD is a total of one hundred sixty-four acres with a mixture of single-family residential, multi-family, mid-rise condominiums, innovative design, commercial and outdoor amusement uses.

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The Chairman thanked the applicant for adding the comparison and asked what other changes were made to the PUD narrative. Mr. Godwin stated they also added the public benefit. The public benefits includes presenting the design of a roundabout at the intersection Champions Way and County Road 13 which the city will construct at a future date and a public trail system that will be constructed in each phase of the development and dedicated to the city for public use.

Commissioners discussed at length the revisions to the PUD narrative and had the following comments: the requirements must be defined and establish maximums; a significant public benefit must be provided to offset all of the concessions to the Land Use Ordinance, provide provisions to protect wetlands, stream and D'Olive Creek; and, provide a plan that has interconnectivity.

The Chairman opened the floor for the public hearing.

Miles Paisant, 9614 Poet's Corner and Canterbury Place POA President, commented about drainage and requested a buffer zone abutting Canterbury Place and Bristol Creek Subdivision.

Kerry Kraft, 28820 Canterbury Road, commented and provided correspondence about traffic, walkability and safety.

Anna Brumage, 2080 Canterbury Road, reiterated the question about a buffer zone.

The Chairman closed the floor to the public hearing.

During rebuttal, Mr. Godwin stated there will be a forty-foot greenbelt and forty-foot setback abutting Bristol Creek and Canterbury Four Subdivision and advised that drainage, traffic and walkability will be addressed at the time of the presentation of the plans for the development.

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

A motion was made by Mr. Olen and seconded by Mr. Jones to table the Malbis Plantation, Inc. Pre-Zoning Amendment and Annexation Requests to the April 25, 2024 Regular Planning Commission meeting. There was no discussion. The motion carried unanimously.

Mr. Manning was excused at 6:20 p.m.

The Chairman called for the next order of business: Bertolla Properties, LLC, YOTA Properties, LLC, Frederick G. & Thomas Boni, and Sharon and John Christopher Boni Pre-Zoning Amendment and Annexation Requests.

An introductory presentation was given by the agent, Chloe Kelly. She summarized the pre-zoning and annexation request as presented on the meeting agenda.

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Ms. Kelly provided a detailed PowerPoint presentation of the proposed PUD. The PUD consists of one hundred and seventy five acres, includes two phases and is comprised of seventy acres of commercial and one hundred two acres of residential, for three hundred and twenty-eight lots, which include a mixture of single-family residential and townhomes. She referenced the PUD documents and advised they were revised to address comments presented at the Site Preview meeting regarding the open space, relocated the cottages and townhomes, the square footage of the homes, architectural guidelines and added additional amenities: four pickle ball courts, a cabana, pool, guest restrooms, guest parking, dog park, and proposed public park and access. She stated the public benefit includes the dedication of a sixty-foot right-of-way to provide an east-west connection from Alabama Highway 181 to Austin Road; the east bound approach of Milton Jones Road to Alabama Highway 181 will be widened to provide a dedicated left turn lane and a shared through lane onto Alabama Highway 181; donation of twelve and a half acres after the annexation into the city and affirmation of the seventy acres on Alabama Highway 181 as commercial; and, the donation of one acre to Belforest Water System subject to architectural review by the developer and testing by Belforest Water System.

Commissioners discussed at length the revisions to the PUD narrative and had the following comments: the requirements must be defined and establish maximums; establish acceptable access to the city park; address traffic improvements; remove the condition placed on the donation of the twelve and a half acres; provide a plan that has interconnectivity; and noted that it meets the definition of a subdivision, not a planned unit development.

The Chairman opened the floor for the public hearing.

Kevin Tigner, Belforest Estates POA President, 1004 Warrenton Road, commented that the residents in the subdivision are opposed to turning every farm field into a residential subdivision, safety and traffic.

Joe Vosicky, 25091 Austin Road, commented about flooding, drainage, traffic and the tree buffer.

Miranda Merritt, 10209 Rebel Road, commented about the density, impact on the school district, water pressure, infrastructure, character of the neighborhood and quality of life.

Daryl Cleworth, 25575 Austin Road, commented about the density of the lots, growth, quality of life, and controlled growth.

Jennifer Magli, 25465 Austin Road, asked about the annexation of her property into the city.

The Chairman stated that the property being discussed is the only property being considered for annexation and closed the floor to the public hearing.

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During rebuttal, Ms. Kelly noted a connection is not proposed to Rebel Road; the subdivision will have a minimum of a forty-foot buffer around the perimeter of the development, and addressed traffic and stormwater concerns.

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

A motion was made by Mr. Johnson and seconded by Mr. Jones to table Bertolla Properties, LLC, YOTA Properties, LLC, Frederick G. & Thomas Boni, and Sharon and John Christopher Boni Pre-Zoning Amendment and Annexation Requests to the April 25, 2024 Regular Planning Commission meeting. There was no discussion. The motion carried unanimously.

The Chairman called for the next order of business: public participation.

The Chairman opened the floor for public participation.

None presented.

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

Mr. Dungan had no report.

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

None presented.

The Chairman called for the next order of business: director's comments. Director presented the upcoming meeting dates: Site Preview is March 20th and Regular Meeting is March 28, 2024.

There being no further business, the meeting was adjourned at 6:30 p.m.

Respectfully submitted by:


Jan Vallecillo, Planning Coordinator

Approved: April 25, 2024


Andrew Prescott, Chairman