

CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA
Monday, May 20, 2024 at 6:00 P.M.

1. CALL TO ORDER

2. ROLL CALL
INVOCATION
PLEDGE OF ALLEGIANCE

PROCLAMATION: National Public Works Week

PUBLIC HEARING: Proposed Amendments to the Land Use and Development Ordinances, Article 13

PUBLIC HEARING: AMERCO Real Estate Zoning Amendment located Southeast of the Intersection of Whispering Pines and US. Highway 98

PUBLIC HEARING: Malbis Plantation, Inc. Pre-Zoning Amendment located due West of the Intersection of Plantation Drive and Alabama Highway 181

PUBLIC HEARING: Malbis Plantation, Inc. Annexation Petition located due West of the Intersection of Plantation Drive and Alabama Highway 181

3. APPROVE MINUTES: May 6, 2024 regular meeting

4. REPORTS OF STANDING COMMITTEES

A. FINANCE COMMITTEE – Phillips

B. BUILDINGS & PROPERTY COMMITTEE – Goodlin
Review the minutes from the April 8th meeting and the April 2024 new Construction and Building Reports.
Certificates of Occupancy: 15 Permits Issues: 352 New Residential Home Permits: 44
Total Fees: \$173,085.70

C. PUBLIC SAFETY COMMITTEE – Hughes
Review the minutes from the May 13th meeting.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Scott

E. PUBLIC WORKS COMMITTEE – Conaway

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS

A. BOARD OF ZONING ADJUSTMENTS – Adrienne Jones

B. DAPHNE PUBLIC SCHOOL COMMISSION – Conaway

C. DOWNTOWN REDEVELOPMENT AUTHORITY – Conaway
Review the minutes from the April meeting.

D. INDUSTRIAL DEVELOPMENT BOARD – Scott

E. LIBRARY BOARD – Goodlin

F. PLANNING COMMISSION – Olen

City Council Agenda – May 20, 2024

G. RECREATION BOARD – Hughes

H. UTILITY BOARD – Coleman

6. PUBLIC PARTICIPATION

7. MAYOR’S REPORT

8. CITY ATTORNEY REPORT

9. DEPARTMENT HEAD REPORTS

10. CITY CLERK’S REPORT

MOTION to approve the 011 – Lounge Retail Liquor – Class II (Package) to Sainath Enterprises LLC dba Daphne Liquors located at 28691 US Highway 98, Ste E, Daphne, Alabama.

11. RESOLUTIONS:

2024 – 22 – 2024-E-(03) Resurfacing and Full Depth Repairs on CR 13-Bid Award: \$962,977.11

2024 – 23 – Authorizing the Submission of an FY 2025 Transportation Alternatives Set-Aside Program Grant to the Alabama Department of Transportation to Construct on Pollard Road and Park Drive

12. 2nd READ ORDINANCES:

2024 – 08 – Pre-Zone Property Located Northeast of County Road 64 and Alabama Highway 181 – The Estate of Georgianne Simms

2024 – 09 – Annex Property Contiguous to the Corporate Limits of the City of Daphne – Located Northeast of County Road 64 and Alabama Highway 181 – The Estate of Georgianne Simms

2024 – 10 – Ordinance to Amend the City of Daphne’s Lodging Tax Ordinance 2022-53

2024 – 11 – Ordinance Authorizing the Mayor to Execute a Purchase and Sale Agreement with 68 Ventures, LLC to Convey Certain Real Property No Longer Needed for Public or Municipal Purposes

13. 1st READ ORDINANCES:

2024 – 12 – Ordinance Amending the City of Daphne’s Land Use and Development Ordinance 2011-54 – Article XIII, District Requirements

2024 – 13 – Ordinance to Re-Zone Property Located Southeast of the Intersection of Whispering Pines and US Highway 98

2024 – 14 – Ordinance to Pre-Zone Property Located Due West of the Intersection of Plantation Drive and Alabama Highway 181 – Malbis Plantation, Inc.

2024 – 15 – Ordinance to Annex Property Contiguous to the Corporate Limits of the City of Daphne – Property Located Due West of the Intersection of Plantation Drive and Alabama Highway 181 – Malbis Plantation, Inc.

14. COUNCIL COMMENTS

15. ADJOURN

CITY OF DAPHNE, ALABAMA

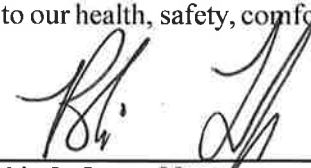
Proclamation

- 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 "Advancing Quality of Life for All" showcases the pervasiveness of Public Works to the men and women of the profession who are always there and always ready.
- 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 19 - 25, 2024* 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, MMC, City Clerk

**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**



DATE: April 1, 2024
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development 
SUBJECT: Proposed Amendments to the Land Use and Development Ordinance, Article 13 (Item #1)

At the March 28, 2024 regular meeting of the City of Daphne Planning Commission, eight members were present. The motion carried to set forth a favorable recommendation to the City Council to amend Article 13, District Requirements, of the Land Use and Development Ordinance.

Six affirmative votes and two dissensions.

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

LAND USE & DEVELOPMENT ORDINANCE

PROPOSED AMENDMENTS

13-7 PERFORMANCE STANDARDS**(1) PERFORMANCE STANDARDS FOR NONRESIDENTIAL DISTRICTS**

In all nonresidential districts (with commercial, institutional and/or industrial uses) where facilities are permitted lots, tracts or parcels shall comply with the following minimum standards:

- (a) Lots shall be of sufficient size to be used for the purpose intended, provide adequate parking and loading facilities in addition to space required for conduct of other operation of the business, and otherwise comply with the provisions provided herein.
- (b) The minimum lot size for marinas shall be one (1) acre and shall be constructed above mean sea level.
- (c) No entrances or exits shall direct traffic into adjacent residential districts.
- (d) Noise, air pollutants including dust emissions, and surface runoff shall not exceed background levels by more than ten percent (10%).
- (e) Uses in all business districts must comply with all applicable health and safety standards, including sanitary facilities; paved and landscaped parking areas, and all other requirements of this Ordinance, as well as pertinent State and Federal regulations.
- (f) Nonpermanent structures such as trailers, sheds, and other such buildings used for business purposes may be permitted in business districts on a temporary basis pending construction of a permanent building. Such structures may be permitted by the Building Official for a three (3) month period, renewable upon written request from the business owner, up to a maximum of one (1) year. Said nonpermanent structure shall be removed immediately upon completion of construction. Delayed removal of the nonpermanent structure may be allowed for no more than thirty (30) calendar days upon review and approval of the Building Official.
- (g) All non-residential structures shall be so designed as to present an aesthetically pleasing appearance that is generally compatible with existing buildings in the district, except those less desirable in appearance that have been grandfathered under this Ordinance.
- (h) Every effort to make structures aesthetically pleasing shall be made by the developer. Depending upon the location of the proposed facility, as a means to ensure compatibility with existing development or to encourage a higher standard along major corridors, subsequent improvements and changes to building architecture may be required by the Planning Commission.

- (i) In all non-residential zoning districts the following are preferred building materials for any wall area facing a public street or any residential land use: brick, textured concrete block, stone, wood, metal veneers, stucco or Exterior Insulation and Finish Systems (E.I.F.S), concrete, steel, vinyl or stone panels provided they contain some architectural relief and exhibit structural strength, or alternate building material approved by the Planning Commission. Additionally, any tilt-up tilt-slab or tilt-wall type building construction must include vertical architectural element.

Metal buildings may be permitted in any C/I, Commercial/Industrial, zoning district that is not located as follows: along County Road 13, Highway 98, Highway 90, Highway 181, Olde Towne Daphne, the Village Overlay District, the Eastern Shore Overlay District or, the Jubilee Retail Overlay District.

- (j) A shipping container may be permitted where property is zoned C-2, Outdoor Amusement, after having received approval for said use by the Planning Commission. When approved the shipping container(s) shall be no closer than fifty (50) feet to the property lines.
- (k) Architectural plans shall be signed and stamped by a Licensed Architect. Plans shall include preliminary floor plans and building elevations.
1. Elevation drawings shall be presented in color. Architectural renderings and roofline treatments shall be presented for all sides.
- (l) Streetscape. Landscaping and street furniture complement residential surroundings.

(2) PERFORMANCE STANDARDS FOR RESIDENTIAL DISTRICTS

(a) Streetscape:

1. Landscape plans shall establish street/lot themes. See Article 19 for further details.

(b) Residential Streets:

1. Traffic Calming is required within all residential developments. See Article 11 for details regarding Traffic Management Plan.
2. Street designs should discourage through traffic; reduced street paving widths may be considered where off-street guest parking bays are installed.

(c) Design Standards for New Residential Subdivisions and/or Residential Site Developments:

The following standards shall apply to all new residential site developments and/or residential subdivisions larger than two lots; provided, however, that any residential subdivision wherein each resulting lot is equal to or greater than 20,000 square feet in area shall be exempt from the application of these standards.

These Design Standards shall consider functional and aesthetic features that contribute to community sustainability, livability and the overall quality of life. As such, design standards shall address compatibility at the neighborhood, block and individual lot level. Design Standard compliance shall be provided by the applicant at the time of preliminary plat, preliminary/final plat, or site plan application. For any proposed Planned Unit Development (PUD) Rezoning or Rezoning application, Design Standard compliance shall be provided with the Rezoning or Rezoning application.

1. Architectural Themes:

- i. Building materials including brick, stone, textured traditional cement stucco (i.e., real stucco) and cement siding are required as the primary veneer on new dwellings.
- ii. Roofs must be varied in roofline treatments.
- iii. The front facing garage (i.e., garage fronts) on single family homes shall be recessed and constitute not more than forty-two percent (42%) of the residential facade (as measured from the outside edge of garage doors, not including the frame).

iv. Garage locations:1. Recessed garage doors oriented toward the front property line shall be as follows:

a. Garage doors must be positioned between five (5) feet and twenty (20) feet behind the front wall plane of the house. The front wall plane is defined as the principal building façade facing the primary street right of way.

b. The minimum front yard setback for said garage shall be forty (40) feet.

c. The minimum front yard setback for the principal structure may be reduced to twenty (20) feet.

2. The side-street facing garage setback shall be a minimum of twenty-two (22) feet from the sidewalk and recessed three (3) feet behind the side façade.

3. Where the garage is located at the rear of the primary structure, the front yard setback shall be reduced to fifteen (15) feet, or ten (10) feet with an open air front porch.

v. Any single family residential dwelling on a lot less than fifty (50) feet wide shall include an alley loaded garage that is located in the rear of the dwelling. The garage shall be set back from the alley right of way (ROW) or easement a minimum of twenty-two (22) feet.

vi. Townhome garage and required parking shall be located in the rear of the dwelling and served by an alley or drive aisle. The garage shall be set back from the alley right of way (ROW) or easement a minimum of twenty-two (22) feet.

2. Variety:

i. Colored elevations shall illustrate that a minimum of three (3) different elevations are provided in each block face.

ii. Developments of thirty-five (35) dwelling units or more should offer a minimum of five (5) different elevations and ten percent (10 %) of each respective elevation shall be provided in each block face.

3. Design Standard Review Committee:

- i. An applicant may appeal any decision of the Planning Commission regarding Design Standards for New Residential Subdivisions and/or Residential Site Developments to the Design Standards Review Committee.
- ii. Said Committee shall be appointed by the City Council and shall include the Mayor, a member of the Board of Zoning Adjustment, a member of the City Council, the Executive Director of City Development, and the Building Inspector.
- iii. An application on the prescribed form shall be filed with the Department of Community Development by the owner, developer, or authorized agent of the subject property by the first day of the month. The application shall include all the specified pertinent data including an explanation of the grounds on which the appeal is being made.
- iv. A meeting for the Design Standards Review Committee shall be held at such time and place as specified by the Committee Chairperson.
- v. In exercising the powers granted the Design Standards Review Committee may allow an alternate means of achieving the intent of the provisions the requirements outlined in the (c) Design Standards for new residential subdivisions and/or residential site developments; however, the Committee shall not be authorized to eliminate the applicability of the standards set forth.
- vi. The decision of the Committee shall be binding.

**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**



DATE: April 1, 2024
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development
SUBJECT: AMERCO Real Estate Zoning Amendment (Item #2)

PRESENT ZONING: B-2(a), General Business Alternate

PROPOSED PRE-ZONING: B-2, General Business

LOCATION: Southeast of the intersection of Whispering Pines and U.S. Highway 98

RECOMMENDATION: At the March 28, 2024 regular meeting of the City of Daphne Planning Commission, eight members were present, and the motion carried for a favorable recommendation for the above captioned zoning amendment.

Six affirmative votes and two dissensions.

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. Zoning Application
3. Legal Description (Exhibit A)
4. Boundary Survey (Exhibit B)
5. Zoning Exhibit (Exhibit C)
6. Conceptual Site Layout (Exhibit D)
7. Adjacent Property Owners List

AMERCO REAL ESTATE COMPANY REZONING REQUEST





AMERCO REAL ESTATE COMPANY

Zoning Classification:

B-2(A), General Business Alternate

Surrounding Zonings/Uses:

- North— B-1, Local Business/Riviera Utilities
- South— B-2, General Business/Exterminators
- East— R-2, Medium Density Single Family Residential
- West— B-1, Local Business/Daphne Civic Complex

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

Affected City Service Providers: Fire Station 1, Police Beat 1

Staff Recommendation to PC: (B-2, General Business)

Proposed Zoning:

B-2, General Business

Development Concept:

Storage Warehouse and Truck Rental

Council District:

1

Existing Conditions:

4 ac

Planning Commission Recommendation

(B-2, General Business)

PROPOSAL:

The applicant proposes to rezone the subject property from B-2(a), General Business Alternate to B-2, General Business, in order to build a warehouse storage and truck rental business.

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.

Objective: Promote and manage growth on undeveloped lands in a manner that will be compatible with, and complementary to, existing adjacent developed properties. **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.

EXISTING CONDITIONS

The site is S.E. of the intersection of U.S. Highway 98 and Whispering Pines Road. It is over four acres which extends from Highway 98 to Old Spanish Trail. The site abuts commercial properties to the north and south. Riviera Utilities is to the north, Daphne Civic complex to the west and an exterminator business to the south. There are residential dwellings across Old Spanish Trail to the east. Additionally, the City of Daphne owns a parcel on Old Spanish Trail which is located southeast of the site.

Background:

At the time the subject property was rezoned from B-1 to B-2(A), mini-warehouses were not permitted by right in any district. It required Planning Approval in B-2, B-2(A) and C/I zones. By comparison, B-2(A) was the most appropriate of the three aforementioned zoning districts and would be more suitable in terms of community character due to the proximity to the residential uses to the east. B-2(A) would met the owner's needs for mini-warehouses. Furthermore, according to the City Attorney, truck rentals were permissible as an accessory use in B-2(A).

Eight months after the site was rezoned, the Council adopted an amendment to the Land Use and Development Ordinance which allowed mini-warehouses as a by right use in C/I zone and as a conditional use (i.e., one which requires Planning Commission approval) in B-2.

Recommendation: This property is currently zoned B-2(a). No longer are storage warehouses permitted therein. Thus the applicant requests to rezone the property to B-2. The following page provides an excerpt from the Land Use and Development Ordinance regarding mini-warehouse and storage facilities (Article 31-6, Mini-warehouse and Storage Facilities). Staff recommends the Planning Commission set forth a favorable recommendation to Council for B-2 at this location.

31-6 MINI-WAREHOUSE AND STORAGE FACILITIES

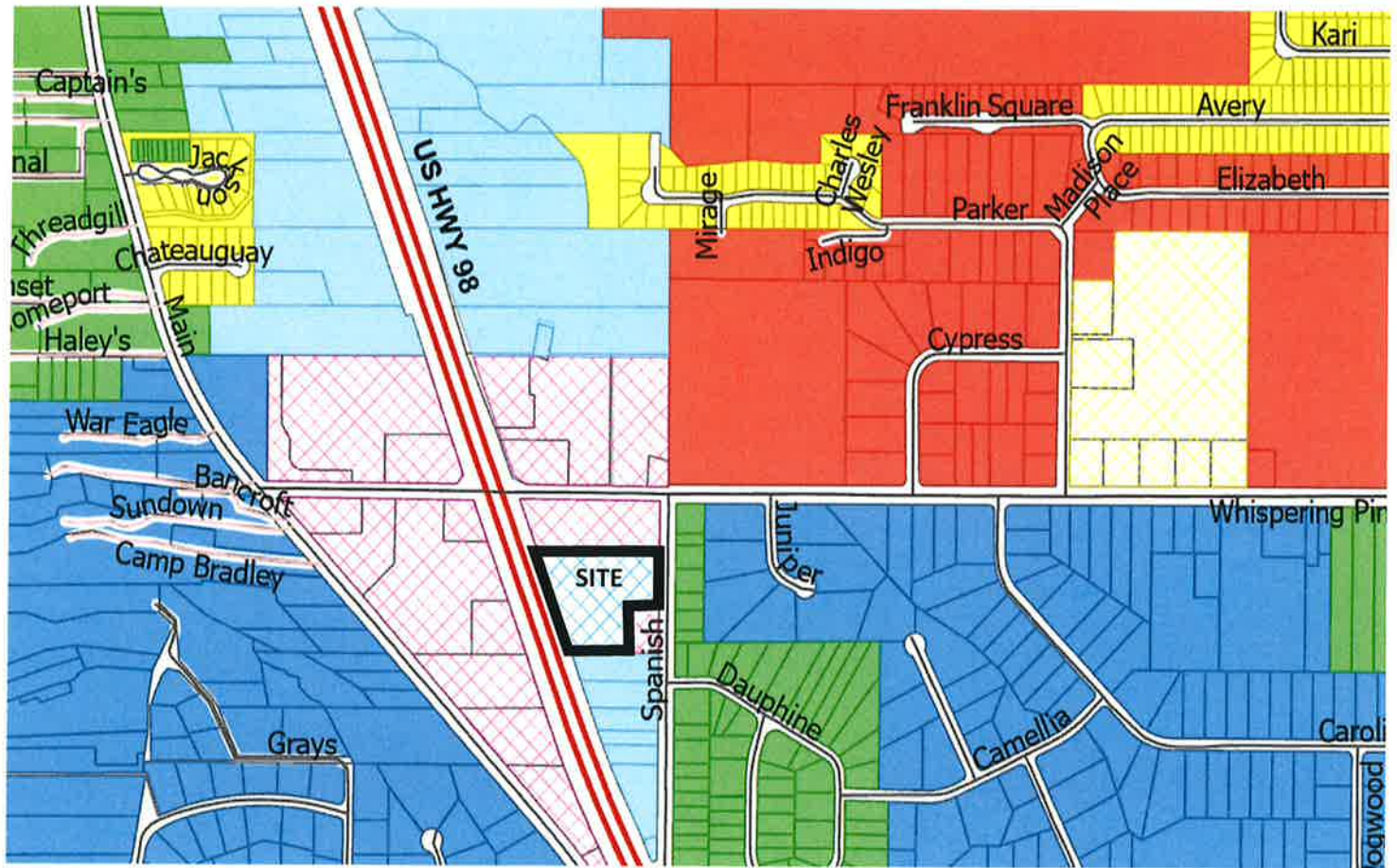
Warehouse and storage facilities include mini-type or do-it-yourself storage facilities. Said facility shall not be used for habitation or operation of commercial enterprise within any stall, cubicle, locker.

- (a) Warehouse and storage facilities may be located in a C/I, Commercial Industrial, district by right.
- (b) Warehouse and storage facilities may be located in a B-2, General Business, if certain conditions have been met. Said conditions are as follows:
 - (1) Shall be the subordinate land use where the building and associated parking shall comprise no more than 49% of the total land area of the proposed tract, parcel, lot or of the aggregate area of multiple tracts, parcels or lots.
 - (2) The primary land use and associated parking shall comprise no less than 51% of the total land area. On-site parking for each separate land use may be shared; however, as a means of effectively calculating the percentage of land uses, parking shall be calculated separately.
 - (3) Shall be placed behind the primary commercial land use.
 - (4) Shall meet all applicable standards and setbacks of the underlying zoning classification.
 - (5) On any lot, parcel, tract or aggregate thereof, with multiple road frontages i.e., corner lot or double frontage lot(s), ingress and egress for the warehouse and storage facility shall be from the same access as the primary land use. Where such configuration is not practicable, the minimum frontage landscape requirements provided in Article 19 shall be increased to provide an impervious visual buffer along the right of way.

End of Excerpt



Google Earth Imagery of the Surrounding Environs



Zoning Map Excerpt

Zoning as of 10/31/2023

-  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

Staff has provided a review of each proposed rezoning and pre-zoning application in an effort to show how to use the guidelines identified in the proposed comprehensive plan.

Suburban Corridor

In this instance, the **comprehensive plan** designates the subject property as a **Suburban Corridor placetype**. The **primary planned land uses** in the **Suburban Corridor** are **commercial and office uses**. The **secondary land uses** in the **Suburban Corridor** are **institutional, assembly, and single-family attached residential**.

- The proposed B-2 zoning is consistent with existing commercial zoning to the north.
- The proposed retail use is consistent with the Future Land Use Map.
- A commercial land use would be considered an appropriate use along U.S. Highway 98.

At the time of site plan review, *the **Essential Site Character*** would be considered. For the Suburban Corridor **placetype** there would be:

- ☐ one double-loaded aisle between the building and street;
- ☐ additional parking would be behind or beside 'street-facing' buildings;
- ☐ parking areas are to have a perimeter landscape buffer where adjacent to street(s).

SUBURBAN CORRIDOR

Suburban Corridors are formed around major thoroughfares that link various parts of the community and provide connections to neighborhoods, core urban areas, and the broader region. Roadways and vehicles serve as the underlying organizing design element. Moving traffic through the corridor is a primary concern along with other functions of providing for consumer activity. Suburban Corridors are typically lined with commercial, office and residential uses and characterized by a widely spread development pattern. Suburban Corridors also contain larger scale commercial developments such as regional shopping centers, supermarkets, movie theaters and department stores.

Low rise buildings line corridors and provide opportunities for more dense infill development on vacant and underutilized properties. Frontage roads may be used in high traffic areas. Direct vehicular access from the corridor into a site is typical. Bike lanes typically are present. Street parking may or may not be present depending on the location. The streetscape in a Suburban Corridor is characterized by street trees and landscaping, controlled lighting, and other streetscape amenities that provide identity and enhance commercial activities.

Above, Below, and Right: Suburban Corridor examples
Opposite Page: Suburban Corridor Placetype Map



Planned Characteristics

Primary Land Uses	Commercial Office
Secondary Uses	Single-family attached residential Institutional Assembly
Intensity Range	Varies based on use, typically buildings do not exceed 30 percent of site Tree canopy mitigation Stormwater management with low impact design (bio-retention, permeable surfaces, infiltration areas) Site plan and design review
Development Policies	

Essential Building Character

Building Placement	Building placement to achieve street enclosure
Frontage and Height	Articulated and modulated facades 4 stories maximum

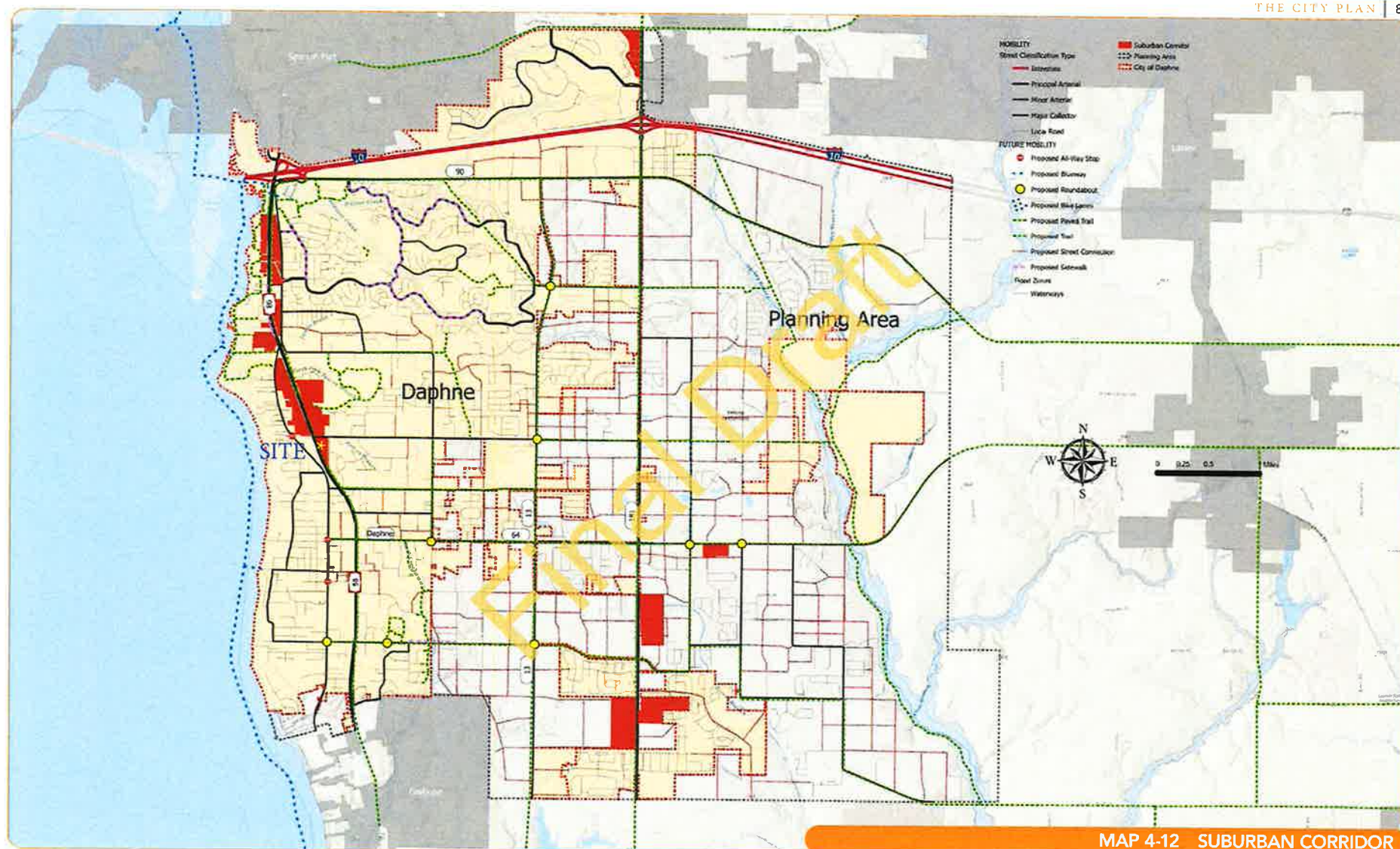
Essential Site Character

Parking and Access	One double-loaded aisle between building and street, Additional parking is behind or, beside street-facing buildings Parking areas have a perimeter landscape buffer where adjacent to street(s) Limited curb-cuts, Shared access Cross access between developments
---------------------------	--

Planned Characteristics

Landscape	Significant constructed buffering along the perimeter of the site
Amenities	Public art, quality design for identity, outdoor spaces for gathering
Mobility (see Future Mobility Network)	
Street Types	Local, Collector, Arterial
Bike/Pedestrian	Bikeways, greenways, trails - See mobility section for plan, Bike/ped connectivity to parks and adjacent places





MAP 4-12 SUBURBAN CORRIDOR



APPLICATION FOR REZONING OR PRE-ZONING

Office use only: Rev. 072816

Date Submitted February 28, 2024

Application Number:

Planning Commission Public

ZA- 24-01 or PZA-

Hearing Date: March 28, 2024

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):

PPIN#(s): 026448

SEC of US Hwy 98 & Whispering Pines Rd

Gross Site Area (acreage): 4.03

Requested Zoning or Pre-Zoning: B2

Current Zoning Designation(s): B-2a

Amended Request:

Initials:

Date:

Current Land Use: Vacant / Undeveloped

Anticipated Land Use: U-Haul Moving and Storage (self-storage,
U-Haul truck share, and retail sales

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

Please see attached for legal description

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: AMERCO Real Estate Company

Mailing Address: 2727 N Central Ave 5N, Phoenix, AZ 85004

Phone/Fax: (602)263 6555

E-mail: lora_lakov@uhaul.com

Name of Authorized Agent: U- Haul Company of Southern Alabama/
Chad Rome

Mailing Address: 1002 Spring Hill Ave, Mobile, AL 36604

Phone/Fax: (352)516-2307

E-mail: chad_rome@uhaul.com

Name of Developer*: AMERCO Real Estate Company
2727 N Central Ave 5N, Phoenix, AZ 85004

Phone/Fax: (602)263 6555

E-mail: lora_lakov@uhaul.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: 

Date 02-26-24

Agent's Signature: 

Date 02-26-24



REVERSIONARY CLAUSE ACKNOWLEDGEMENT

SKIP THIS PAGE IF REQUESTING PRE-ZONING OR PLANNED UNIT DEVELOPMENT ZONING

Pursuant to Article 22-2 of the Land Use & Development Ordinance, zoning and rezoning may revert back to prior designation if certain conditions are not met. Said conditions are specified in Article 22 of the Land Use Ordinance. Legibly sign and print/type responses below. Indicate N/A or an "X" where item is not applicable. **Submit with rezoning request where applicable.**

CURRENT OWNER'S ACKNOWLEDGEMENT

I, MATTHEW F. BRACCIA, acknowledge that I am aware that this rezoning request is subject to a reversionary clause as noted in Article 22-2 of the Land Use & Development Ordinance. Date: 03/06/24

AMERCO Real Estate Company

PRINTED NAME OF CURRENT OWNER/PETITIONER

MATTHEW F. BRACCIA

DEVELOPER'S ACKNOWLEDGEMENT

I, MATTHEW F. BRACCIA, acknowledge that I am aware that this rezoning request is subject to a reversionary clause as noted in Article 22-2 of the Land Use & Development Ordinance. Date: 03/06/24

PRESIDENT
AMERCO Real Estate Company

PRINTED NAME OF DEVELOPER

MATTHEW F. BRACCIA

PROPERTY ADDRESS OR PPIN#(s): 026448

U-HAUL OF DAPHNE AL
ZONING AMENDMENT

SOUTHEAST CORNER OF
INTERSECTION OF US HWY 98 AND WHISPERING PINES RD

EXHIBIT "A"

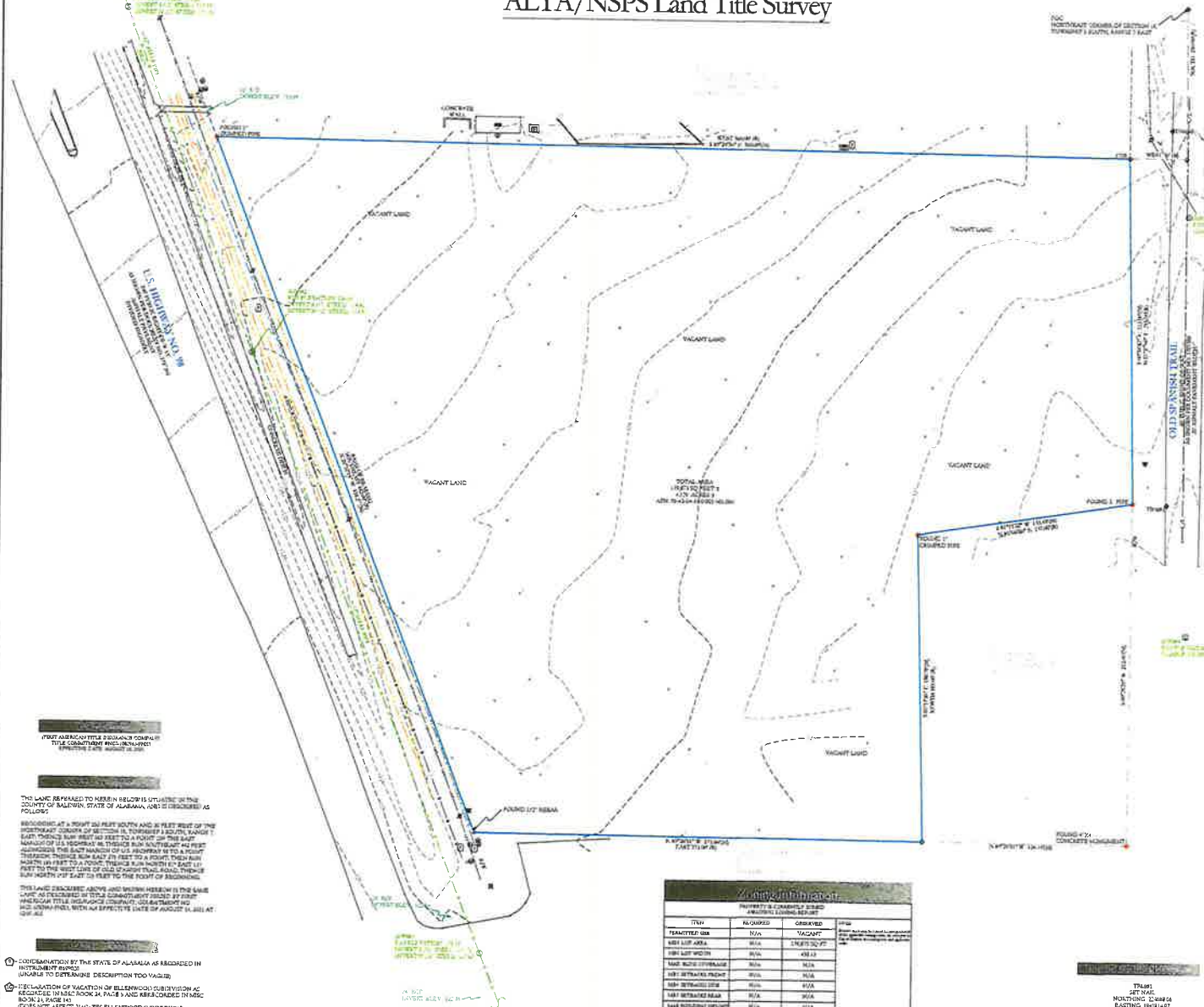
STATE OF ALABAMA

COUNTY OF BALDWIN

DESCRIPTION OF PROPERTY TO BE REZONED FROM (B-1), LOCAL BUSINESS, TO (B-2) GENERAL BUSINESS

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF BALDWIN, STATE OF ALABAMA, AND IS DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 250 FEET SOUTH AND 30 FEET WEST OF THE NORTHEAST CORNER OF SECTION 18, TOWNSHIP 5 SOUTH, RANGE 2 EAST; THENCE RUN WEST 560 FEET TO A POINT ON THE EAST MARGIN OF U.S. HIGHWAY 98; THENCE RUN SOUTHEAST 442 FEET ALONGSIDE THE EAST MARGIN OF U.S. HIGHWAY 98 TO A POINT THEREON; THENCE RUN EAST 275 FEET TO A POINT; THEN RUN NORTH 185 FEET TO A POINT; THENCE RUN NORTH 81° EAST 137 FEET TO THE WEST LINE OF OLD SPANISH TRAIL ROAD; THENCE RUN NORTH 1°37' EAST 215 FEET TO THE POINT OF BEGINNING. THE LAND DESCRIBED ABOVE AND SHOWN HEREON IS THE SAME LAND AS DESCRIBED IN TITLE COMMITMENT ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NO. NCS-1082963-PHX1, WITH AN EFFECTIVE DATE OF AUGUST 16, 2021 AT 12:00 AM.

ALTA/NSPS Land Title Survey

[illegible]

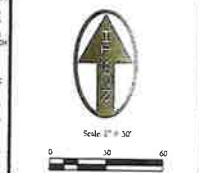
T14801
 SET NAIL
 NORTHING 22488
 EASTING 1841814
 ELEVATION 129.2

 T14802
 SET NAIL
 NORTHING 22492
 EASTING 1841810
 ELEVATION 129.2

507



- ④ FOUNDATION (AS NOTED)
 - ⑤ GROUND FLOOR
 - ⑥ TYPICAL MEMPHARE
 - ⑦ SEWER MANHOLE
 - ⑧ WATER VALVE
 - ⑨ FIBER OPTIC VALVE
 - ⑩ TELEPHONE pedestal
 - ⑪ WATER METER
 - ⑫ GAS METER
 - ⑬ FIRE HYDRANT
 - ⑭ POWER POLE
 - ⑮ TRANSFORMER
 - ⑯ GENERATOR
- ② ~~MEASURED~~ CALCULATED DIMENSIONS
- N/F NOT FORNORELY
- N/W NORTH OF WAY
- P/C PRIVATE LINE
- TRM TEMPORARY TRUCK LAID
- TRK REINFORCED CONCRETE PIPE
- B/C BACK OF CURB
- FL FLOOR LINE
- BL BELOW LINE
- SCS SLOPE OF CONCRETE
- SCS SLOPE OF ASPHALT
- SCS NATURAL GRADE
- SCS EXISTING OF ASPHALT
- TR TOP OF BANK



TO FIRST AWARD, NO TITLE INSURANCE TO BE

THIS IS TO CERTIFY THAT THERE WAS ON PLAT AND IN
LIEU OF WHICH IT WAS MADE AND IN
ACCORDANCE WITH THE FOREGOING STANDARDS
DETAILED MEASUREMENTS FOR A 1/4 SECTION LAND TITLE
SUPPORT LOCATIONS ESTABLISHED AND ADJUSTED BY
ALTA AND HPL, AND DEDICATED TO THE U.S. IN
THE 1/4 SECTION 1/4 AND 1/4 OF T4R1E 1/4
THE FIELD WORK WAS COMPLETED ON 1/1/1988.

DATE OF PAY OR WORK (DATE)



WICKLEY E. WIFE
LICENSED PROFESSIONAL LAND SURVEYOR NO. 2000
STATE OF ALABAMA
CLASSIC CO. 11/1/12

BLEW & ASSOCIATES, P.A.
CIVIL ENGINEERING AND SURVEYING

3825 N. CHILON DRIVE
FAYETTEVILLE, ARKANSAS 72710
OFFICE: 479-443-4506
FAX: 479-582-1883
www.blbinc.com

LEVENWILLER, R.	LEVENWILLER, R.	LEVENWILLER, R.
-----------------	-----------------	-----------------

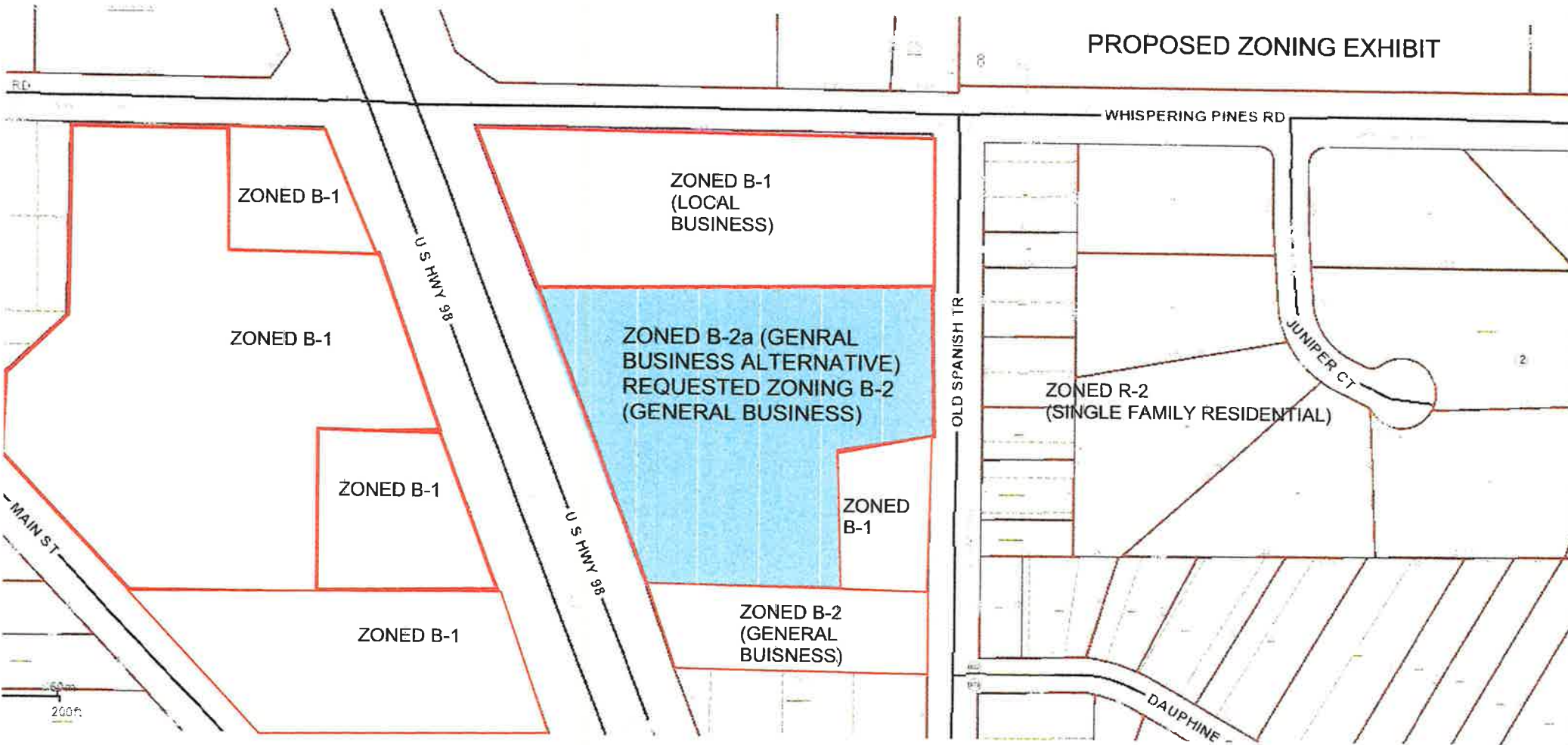
FD-302 (Rev. 1-25-60)	BDJ	2
BALDWIN COUNTY, ALABAMA	ALL HAZEL	21 13

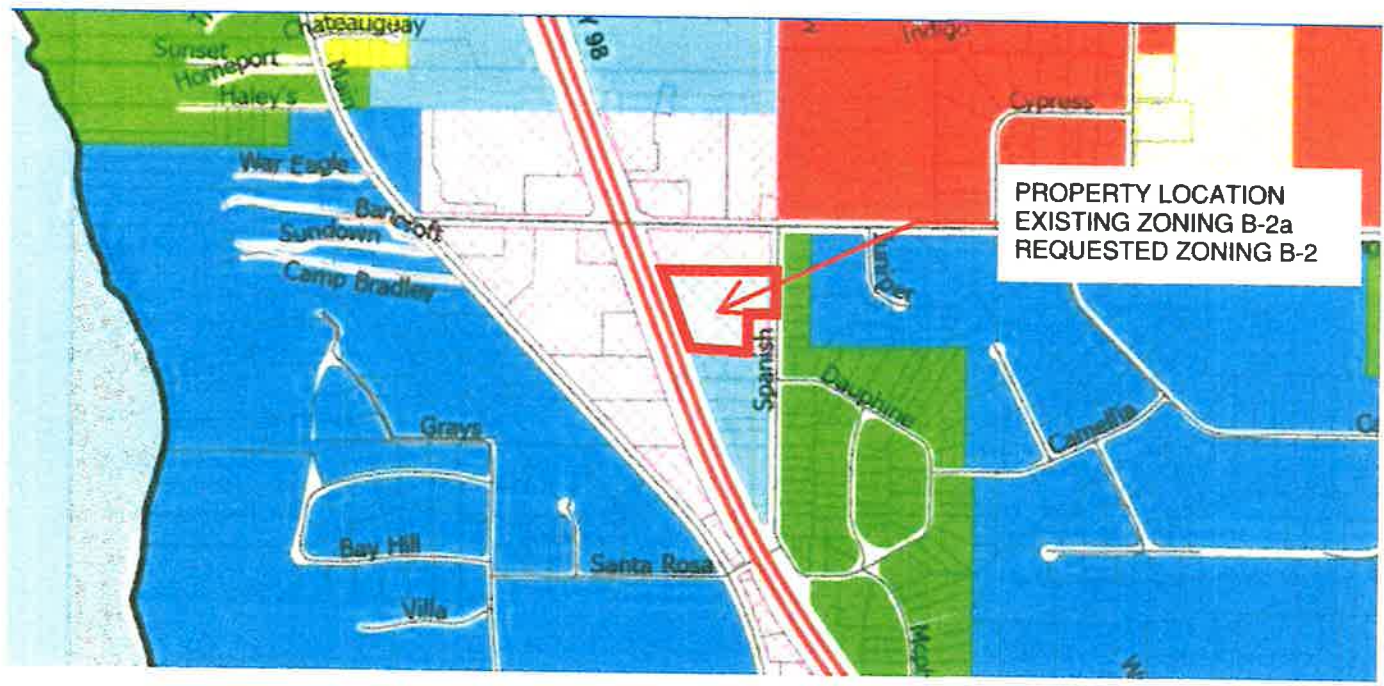
U.S. HIGHWAY 90,
DAFFNER, ALABAMA 36526

AMERCO

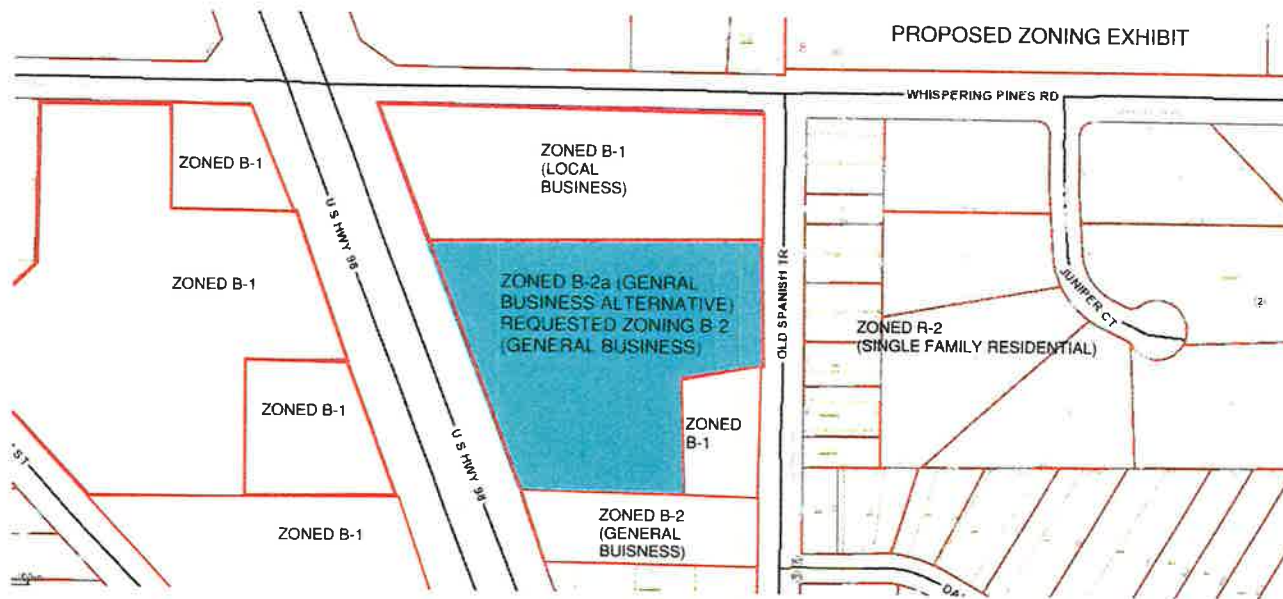
Sheet 1 of 1

PROPOSED ZONING EXHIBIT



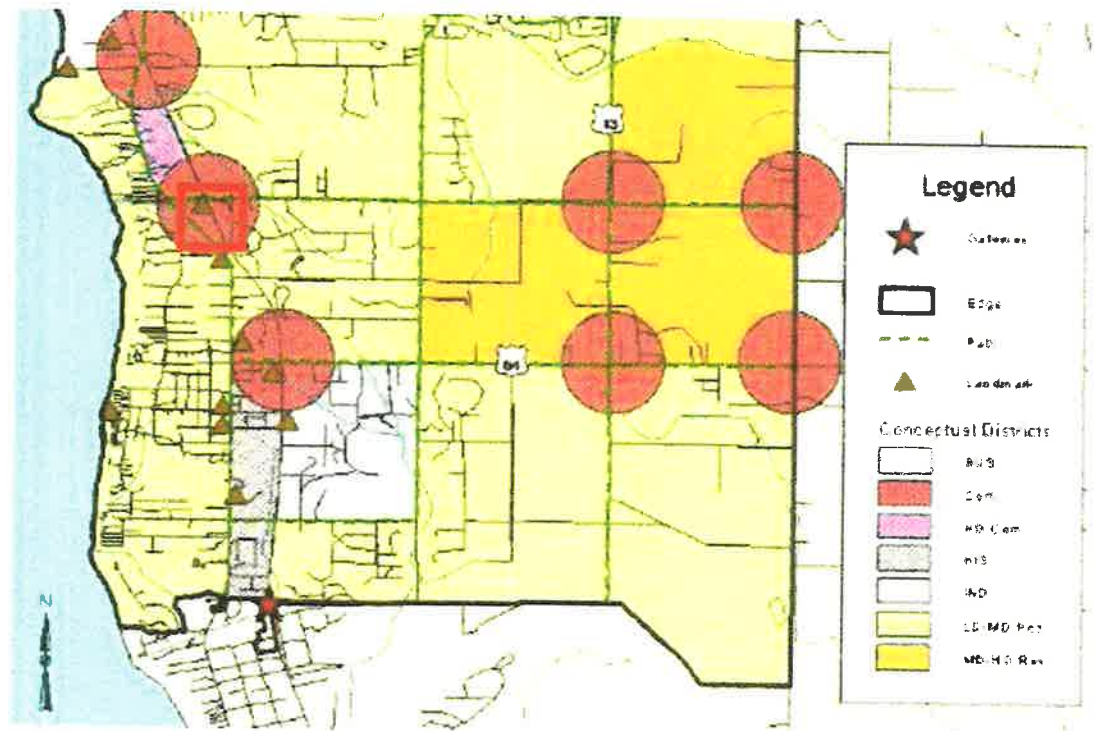


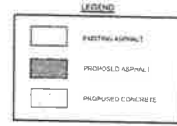
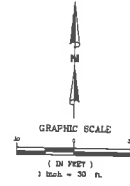
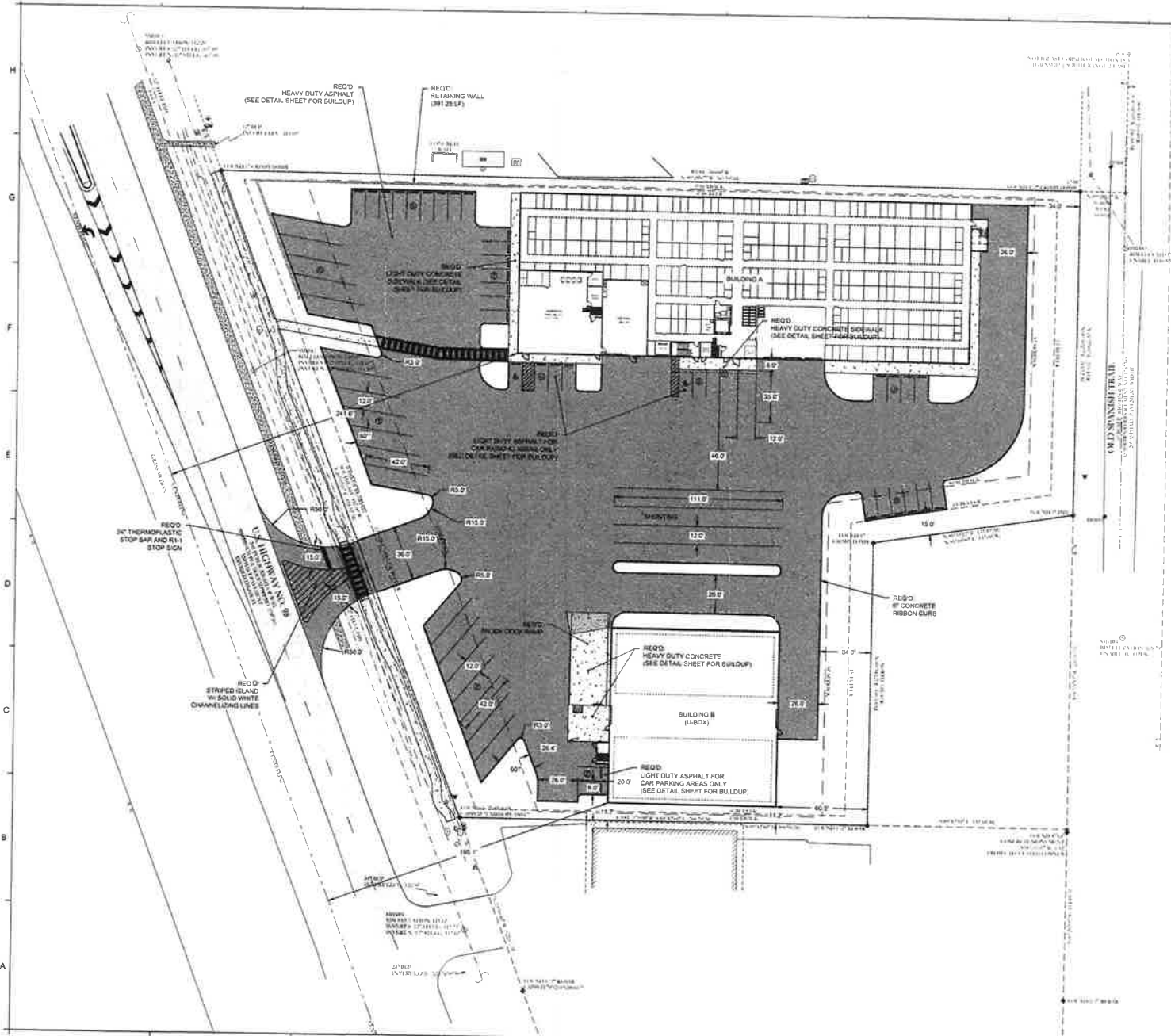
- ET JURISDICTION
- Zoning as of 10/31/2023
- B-1 Local Business
 - B-1(A) Limited Local Business District
 - B-2 General Business
 - B-2(a) General Business Alternate
 - B-3 Professional Business
 - C-2 Outdoor Amusement
 - C/I Commercial/Industrial
 - GC Golf Course
 - MU Mixed Use
 - PUD Planned Unit 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
 - Dauphin City Limits
 - Water Bodies



Proposed zoning B-2-compatible with surrounding zoning and land uses

Intersection of US 98 and Whispering Pines Road is planned for Commercial District – per City's Comprehensive plan.





OWNER/DEVELOPER	
AMERCO REAL ESTATE COMPANY & NEVADA CORP	
2727 N CENTRAL AVE	
PHOENIX, AZ 85004	
SITE DATA	
TAX PARCEL NO.	
09-43-04-11-000-001.000	
TOTAL SITE AREA	
4.13 ACRES (175,942.32 SQ. FT.)	
ZONING	
CURRENT ZONE: B-2(A) GENERAL BUSINESS ALTERNATE	
PROPOSED ZONE: B-2 GENERAL BUSINESS	
ADJACENT ZONING	
N: B-1	
S: B-2	
E: R-2 (MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL)	
W: A-1	
USES	
• VEHICLE RENTAL	
• MOVING SUPPLY SALES	
• SELF-STORAGE FACILITIES	
• MINI-STORAGE FACILITY	
ZONING REQUIREMENTS	
• MIN. 30' FRONT SETBACK	
• MIN. 30' REAR SETBACK	
• MIN. 5' SIDE SETBACK	
• 50' (4) STORES MAX. MAXIMUM HEIGHT REQUIREMENT	
UTILITIES	
POWER	
• RIVERNA UTILITIES	
SEWER	
• DAPHNE UTILITIES	
WATER	
• DAPHNE UTILITIES	
PROPOSED DATA	
• BUILDING A: NEW 3-STORY BUILDING WITH SELF-STORAGE AND TRUCK RENTAL SHOWROOM	
* PROPOSED BUILDING SF = 31,823.09 SF	
* HEIGHT = 38'	
• BUILDING B: NEW SINGLE STORY WAREHOUSE FOR U-BOX STORAGE	
* PROPOSED BUILDING SF = 13,139.98 SF	
* HEIGHT = 20'	
* BUILDING AREA % = 24.98	
• TOTAL PARKING	
* CAR PARKING = 35	
* ACCESSIBLE = 2	
* U-HAUL TRUCK PARKING = 22	
* TOTAL = 57	
• PROPOSED AREA	
* IMPERVIOUS = 142,894 SF	
* AREA % = 75.4	
* PERVIOUS = 32,048 SF	
* AREA % = 20.6	
* TOTAL = 179,942 SF	

OVERALL SITE PLAN

SCALE: 1"=30'

C-101

U-HAUL MOVING & STORAGE

U.S. HIGHWAY 98 DAPHNE, ALABAMA

U-HAUL OF SOUTHERN

ALABAMA

GMCProject: CMPB220093

ISSUE DATE

DATE: 03/03/2009

DRAWN BY: JAT

CHECKED BY: JAT



GMC

2039 Main Street
Daphne, AL 36526
T 251-626-2626
GMCNETWORK.COM

VIEWS FROM OLD SPANISH TRAIL ROAD





View A from Old Spanish Trail



View B from Old Spanish Trail

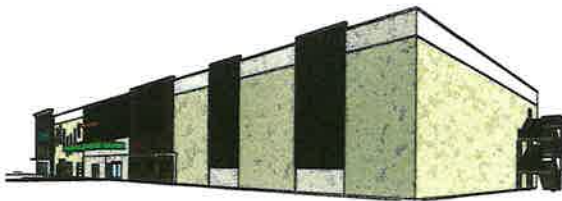


View C from Old Spanish Trail

Proposed U-Haul of Daphne AL-SEC of US Highway 98 and Whispering Pines Rd, Daphne AL
Request : Rezone to B-2 for proposed use of self-storage, truck and trailer share and related retail

MOVING & STORAGE OF DAPHNE
US Hwy 98 Daphne, AL 36526





6 SE PERSPECTIVE



5 SW PERSPECTIVE

KEY NOTES:

50. LOW GABLE DRIP EDGE TRIM
51. DOUBLE LOCKING STANDING SEAM ROOF
52. DOWNSPOUT TO DAYLIGHT
54. ROOF LINE, FLOOR WALL BEYOND
55. CONCRETE TILT PANEL, LIGHT BROOM FINISH AT EXTERIOR SIDE, 3/4" CHAMFER AT EXTERIOR EDGES
57. EXTENSION AWAY - SEE STRUCTURAL DRAWINGS FOR LOCATIONS
58. EXTENSION METAL STAIRS - GALVANIZED
109. SIDE - HINGED PLAM DOOR - SEE DOOR SCHEDULE
111. AUTO BLINDING DOOR - SEE DOOR SCHEDULE
113. SECTIONAL OVERHEAD DOOR - SEE DOOR SCHEDULE
115. ROLL-UP DOOR - SEE DOOR SCHEDULE
211. WALL-MOUNTED LIGHT FIXTURES - SEE ELECTRICAL
257. STONEFRONT CLADDING - SEE WINDOW TYPE SCHEDULE
465. HORIZONTAL SINGLE SPIN METAL PANELS
591. VERTICAL INSULATED METAL PANEL (IMP)
591. CANOPY - BY CONTRACTOR
601. METAL ELEVATOR AT WINDOW HEAD
602. 8" W METAL TRIM
603. 12" W METAL TRIM

WT

WILLIAM TESSIER
772 DOUBLE BRANCHES LN
DALLAS, GA 30132
770.728.2004
V-ARCHS.COM

Copyright © 2020 ARCHITECTS, LLC
THIS DRAWING IS THE PROPERTY OF ARCHITECTS, LLC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY INDICATED. ANY REUSE OR MODIFICATION WITHOUT WRITTEN PERMISSION IS STRICTLY PROHIBITED.

CLIENT LOGO

U-HAUL

CLIENT NAME
AMERCO REAL ESTATE COMPANY

PROJECT TITLE
DAPHNE 1
778076

PROJECT ADDRESS
US HIGHWAY 98
DAPHNE, AL

Professional Seal
I, the undersigned, being a duly licensed Professional Engineer in the State of Alabama, do hereby certify that I am the author of the design and content of the above drawing, and that I am a duly licensed Professional Engineer in the State of Alabama.
S.E.

SUBMITTALS/ REVISIONS

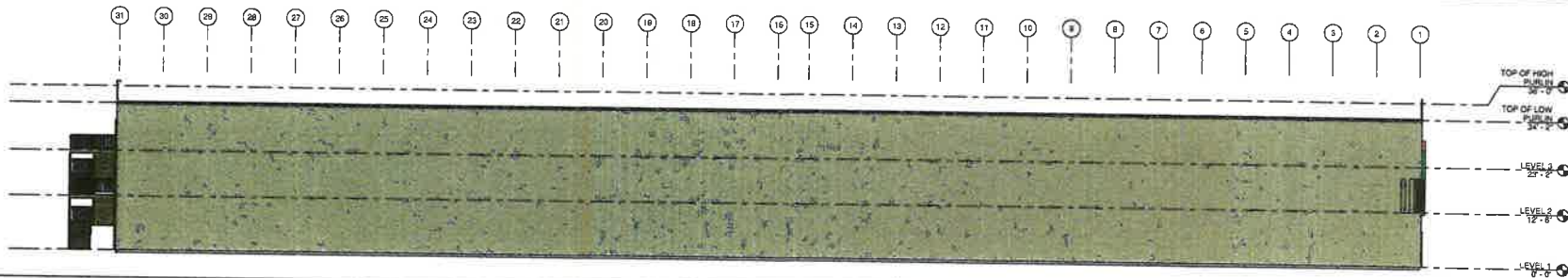
NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	08/01/2020
2	ISSUED FOR PERMIT	08/01/2020
3	ISSUED FOR PERMIT	08/01/2020
4	ISSUED FOR PERMIT	08/01/2020
5	ISSUED FOR PERMIT	08/01/2020
6	ISSUED FOR PERMIT	08/01/2020
7	ISSUED FOR PERMIT	08/01/2020
8	ISSUED FOR PERMIT	08/01/2020
9	ISSUED FOR PERMIT	08/01/2020
10	ISSUED FOR PERMIT	08/01/2020
11	ISSUED FOR PERMIT	08/01/2020
12	ISSUED FOR PERMIT	08/01/2020
13	ISSUED FOR PERMIT	08/01/2020
14	ISSUED FOR PERMIT	08/01/2020
15	ISSUED FOR PERMIT	08/01/2020
16	ISSUED FOR PERMIT	08/01/2020
17	ISSUED FOR PERMIT	08/01/2020
18	ISSUED FOR PERMIT	08/01/2020
19	ISSUED FOR PERMIT	08/01/2020
20	ISSUED FOR PERMIT	08/01/2020
21	ISSUED FOR PERMIT	08/01/2020
22	ISSUED FOR PERMIT	08/01/2020
23	ISSUED FOR PERMIT	08/01/2020
24	ISSUED FOR PERMIT	08/01/2020
25	ISSUED FOR PERMIT	08/01/2020
26	ISSUED FOR PERMIT	08/01/2020
27	ISSUED FOR PERMIT	08/01/2020
28	ISSUED FOR PERMIT	08/01/2020
29	ISSUED FOR PERMIT	08/01/2020
30	ISSUED FOR PERMIT	08/01/2020
31	ISSUED FOR PERMIT	08/01/2020

CHANGES ARE THE PROPERTY OF ARCHITECTS, LLC. ANY REUSE OR MODIFICATION WITHOUT WRITTEN PERMISSION IS STRICTLY PROHIBITED.

PROJECT NUMBER
2020-13

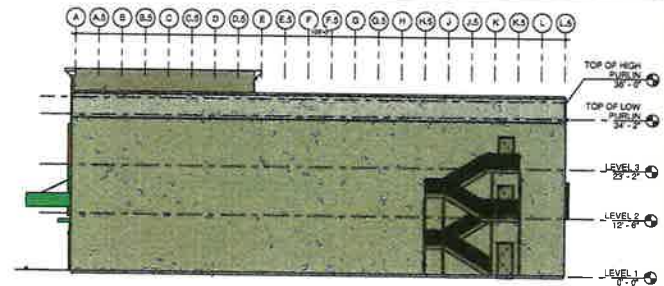
SHEET TITLE
EXTERIOR ELEVATIONS

SHEET NUMBER
A200
NOT FOR CONSTRUCTION



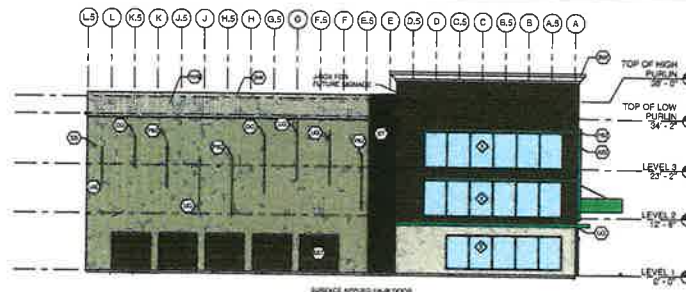
4 NORTH ELEVATION

3/32" = 1'-0"



3 EAST ELEVATION

3/32" = 1'-0"



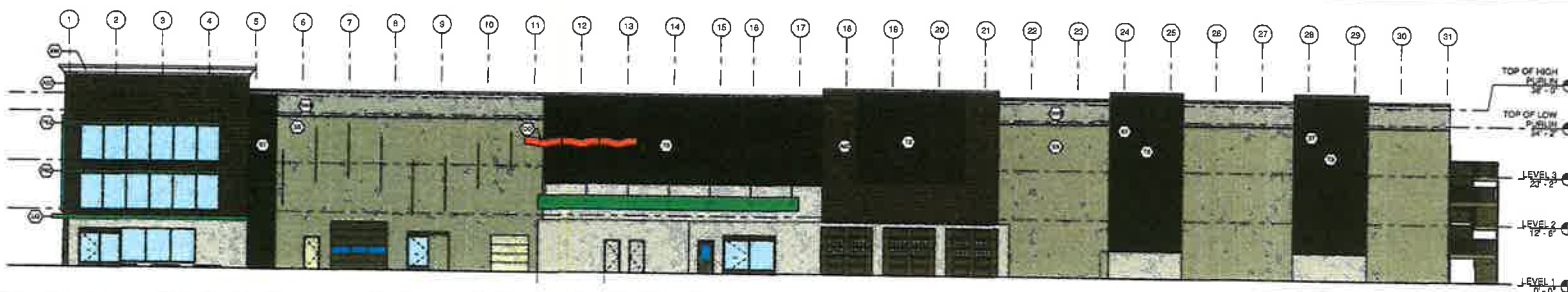
2 WEST ELEVATION

3/32" = 1'-0"

MATERIAL TYPES:

- 505 BURNISHED WILLIAMS 570 - AQUARIUM
- 601 ATAS - BONE WHITE
- 602 ATAS - RURAL WHITE
- 603 ATAS - SANDSTONE
- 604 ATAS - SURVEY BRIDGE
- 605 ATAS - TEAR SILVER
- 606 ATAS - WOODLAND SERIES WALNUT
- 607 WOOD - UH-PAUL GREEN
- 608 GERING T&B
- 609 BN 554 OCEANFRONT CRANDE
- 610 SUPRA SUNGL

NOTE: REFER TO UH DESIGN DRAWING (D50) FOR ADDITIONAL INFORMATION.



1 SOUTH ELEVATION

3/32" = 1'-0"



WILLIAM TESSIER
772 DOUBLE BRANCHES LN
DALLAS, TX 75232
772.228.2008
WARCHI.COM

COMPANY OF VISION ARCHITECTS, LLC
THIS DRAWING IS THE PROPERTY OF VISION
ARCHITECTS, LLC AND IS LOANED TO YOU FOR
CONSTRUCTION. IT IS NOT TO BE REPRODUCED OR
REUSED IN ANY MANNER WITHOUT WRITTEN
PERMISSION.

CLIENT LOGO



CLIENT NAME
**AMERCO REAL
ESTATE
COMPANY**

PROJECT TITLE
**DAPHNE 1
778076**

PROJECT ADDRESS
**US HIGHWAY 98
DAPHNE, AL**

PROFESSIONAL CERTIFICATION
I hereby certify that the design and construction of the project shown on this drawing was prepared by me, and that I am a duly licensed
architect in the State of Alabama. I am not providing any other services to the client at this time.
DATE: 01/15/2024
SIGNATURE: [Signature]

SUBMITTALS/ REVISIONS			
NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PERMIT	01/15/2024	WT
2	ISSUED FOR CONSTRUCTION	01/15/2024	WT
3	ISSUED FOR CONSTRUCTION	01/15/2024	WT
4	ISSUED FOR CONSTRUCTION	01/15/2024	WT
5	ISSUED FOR CONSTRUCTION	01/15/2024	WT
6	ISSUED FOR CONSTRUCTION	01/15/2024	WT
7	ISSUED FOR CONSTRUCTION	01/15/2024	WT
8	ISSUED FOR CONSTRUCTION	01/15/2024	WT
9	ISSUED FOR CONSTRUCTION	01/15/2024	WT
10	ISSUED FOR CONSTRUCTION	01/15/2024	WT
11	ISSUED FOR CONSTRUCTION	01/15/2024	WT
12	ISSUED FOR CONSTRUCTION	01/15/2024	WT
13	ISSUED FOR CONSTRUCTION	01/15/2024	WT
14	ISSUED FOR CONSTRUCTION	01/15/2024	WT
15	ISSUED FOR CONSTRUCTION	01/15/2024	WT
16	ISSUED FOR CONSTRUCTION	01/15/2024	WT
17	ISSUED FOR CONSTRUCTION	01/15/2024	WT
18	ISSUED FOR CONSTRUCTION	01/15/2024	WT
19	ISSUED FOR CONSTRUCTION	01/15/2024	WT
20	ISSUED FOR CONSTRUCTION	01/15/2024	WT

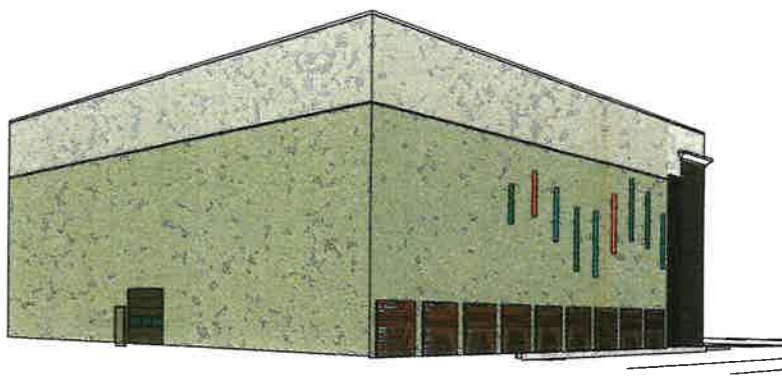
DRAWINGS ARE THE PROPERTY OF VISION
ARCHITECTS, LLC AND MAY NOT BE
COPIED, REPRODUCED OR USED WITHOUT
WRITTEN PERMISSION.

PROJECT NUMBER
22413

SHEET TITLE
**EXTERIOR
ELEVATIONS
BUILDING B**

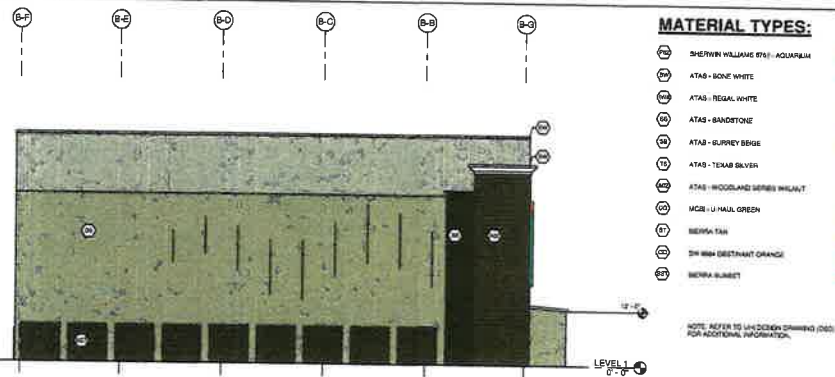
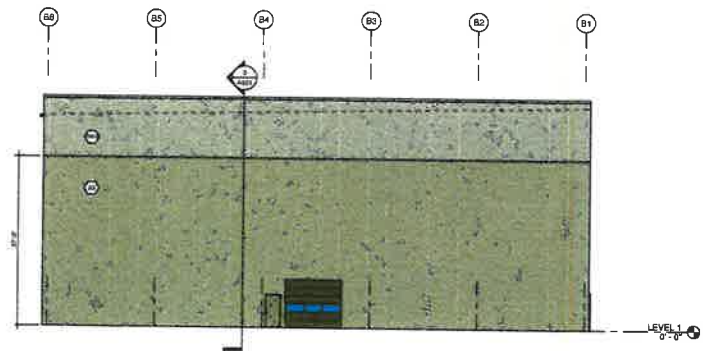
SHEET NUMBER
A201

NOT FOR CONSTRUCTION



6 NE PERSPECTIVE

5 NW PERSPECTIVE



MATERIAL TYPES:

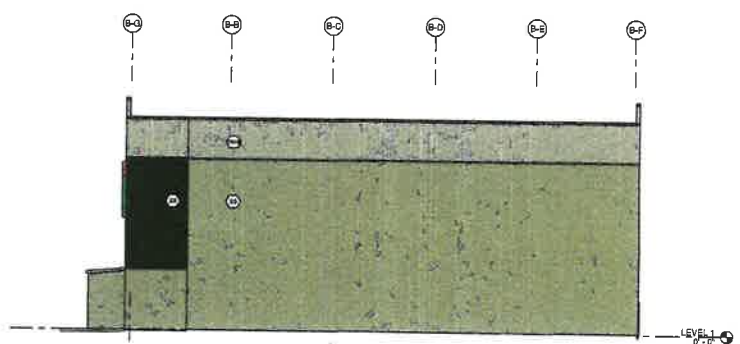
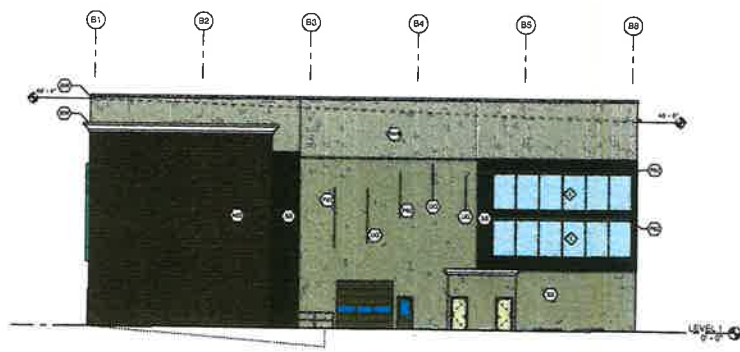
- ATAS - SHERWIN WILLIAMS 8751 - AQUARIUM
- ATAS - SONE WHITE
- ATAS - REGAL WHITE
- ATAS - BANDSTONE
- ATAS - GURNEY BEIGE
- ATAS - TEXAS SILVER
- ATAS - HOODLAND SERIES MILK/UT
- MCB - U-HAUL GREEN
- MCB - T&E
- MCB - DESTINY ORANGE
- MCB - SUNSET



NOTE: REFER TO LANDSCAPE DRAWING (LSD) FOR ADDITIONAL INFORMATION.

4 EAST ELEVATION B
3/32" = 1'-0"

3 NORTH ELEVATION B
3/32" = 1'-0"



2 WEST ELEVATION B
3/32" = 1'-0"

1 SOUTH ELEVATION B
3/32" = 1'-0"

DESCRIPTION OF REQUEST

U-Haul Company of S Alabama has prepared this application package for the opportunity to receive City of Daphne's approval regarding Rezone Application for the property located at SEC of US Highway 98 and Whispering Pines Rd, Daphne AL. The rezone will allow U-Haul to better serve the storage needs of the community and activate a property that is currently vacant.

EXISTING CONDITIONS:

The property includes parcel located at SEC of US Highway 98 and Whispering Pines Rd, Daphne AL.

Parcels are identified as:

05-43-04-41-0-001-001.00/ ID 26448

The combined area of the property is 4.03 acre. The subject property is fronting US Hwy 98 on the west, next to Old Spanish Trail to the east and Whispering Pines Road to the north.

Refer to **Exhibit 1** -Existing Conditions Map.

PROPOSED CLIMATE CONTROLLED SELF-STORAGE FACILITY DESCRIPTION:

U-Haul is proposing to build an interior access 3 story climate-controlled self-storage building 31815 SF (footprint) , 95,445 GSF and a 1 story self-storage building 13,140 SF. Access to the property is from US Hwy 98, through two proposed curb cuts.

Custom site design for every U-Haul store assures that the facility compliments the community it serves. Adherence to community objectives is key to ensure each U-Haul store is both a neighborhood asset and an economic success.

U-Haul stores characteristically serve the do-it-yourself household customer. The U-Haul Store will be staffed with 10-15 employees, both full-time and part-time. Families will generally arrive in their own automobiles, enter the showroom and may choose from a variety of products and services offered there.

- Families typically use U-Haul Self-Storage rooms to store furniture, household goods
- U-Haul stores also provide truck and trailer sharing for household moving, either in-town or across country.
- Families who need packing supplies in advance of a move or to ship personal packages can choose from a variety of retail sales items, including cartons, tape and sustainable packing materials.
- Families who tow U-Haul trailers, boats, or recreational trailers can select, and have installed, the hitch and towing packages that best meet their needs.

U-Haul is a commercial type of use that serves the residential communities within a 3-5-mile radius. We feel the U-Haul would be an appropriate use for the property and there are proven benefits for allowing self-storage facilities in communities:

- Self-storage facilities are quiet
- They provide an excellent buffer between zones
- They create very little traffic
- They have little impact on utilities
- They have no impact on schools
- They provide a good tax revenue
- They provide a community service

JUSTIFICATION FOR REZONING

EXISTING LAND USE/ZONING and PERMITTED USES:

The property was rezoned to B-2a (General Business Alternative) in 2022.

The current land use of the subject property is Undeveloped.

The future land use of the subject property is Residential/ Commercial corner/.

The proposed self-storage use requires a Rezone to B-2 zoning district. The proposed truck and trailer lease and rental use and related retail are permitted uses in B-2 zoning district.

The following land uses, and zoning districts are located adjacent to the subject property:

North : B-1/ TCU (transportation/ Communication and Utilities)

South: B-2/ Commercial

East: R-2/ Residential

West: B-1/Public

LAND USE ELEMENT/ NEIGHBORHOOD COMPATIBILITY

The existing land use of the property is Undeveloped. The future land use of the property is Residential with the property being situated within major intersection of major arterial roads of Whispering Pines Road and US 98, and the area being planned for Commercial district with retail and commercial uses per city's Comprehensive Plan. Refer to **Exhibit 3** Basis for Future Land Use Map.

The proposed use of self – storage is compatible with the surrounding uses. As previously mentioned, U-Haul is a commercial type of use that serves the residential communities within a 3-5-mile radius. The property is located next to major transportation routes, which favor commercial development. The development is fronting US 98, as it also provides screening to the residential properties to the east from the intersection's traffic noise. The proposed uses and property redevelopment are desirable for the community. The proposed self-storage use will complement the existing uses and the uses permitted in

the B-2 district by providing additional services to the area designed to the current the standards of the B-2 zoning district.

U-Haul is meeting the land use goal of the community and the Comprehensive Plan by developing a vacant site, in close proximity to US 98 which this property consists of, by increasing occupancy of businesses along US 98 and by proposing a use which supports economic development of the city and thus improving the quality of life of the community by creating new commercial opportunities and job growth for the area.

The development is adjacent to existing commercial site to the south. The development will contribute to improving the appearance and function of US 98. It will meet the B-2 district's design criteria for building design, landscaping, and infrastructure.

The property will provide buffering with the abutting residential parcels and will be designed for maximum efficiency while protecting the surrounding land uses. The existing landscape and mature trees along the eastern property line along Old Spanish trail will remain and will serve as screening to the residential properties to the east. Refer to **Exhibit 2- Views from Old Spanish Trail Road**.

The proposed development will maintain the community character and will be designed to the design standards of City of Daphne zoning ordinance. The proposed rezoning will not adversely impact the character of surrounding neighborhood. Our proposed development shall not have hours of operation, lighting, odor, noise levels, glare, dust, vibrations, fumes, pollution, or site activity that would be detrimental to area properties. Lighting will be shielded. No exterior loud speaker for purpose of paging will be at the location. Landscape will be mechanically irrigated and maintained.

U-Haul's architectural philosophy has always strived to provide compatible designs and attractive landscaping to enhance and complement the neighboring areas. In doing this U-Haul avoids building the typical industry facility and instead welcomes your community's choice of more environmentally appealing structures that emphasize the look and feel of your surrounding neighborhood.

TRANSPORTATION ELEMENT

The proposed development will promote efficient movement of traffic and safe movement of traffic within the community. Historically traffic studies have demonstrated that self-storage businesses generate very little vehicle traffic volume. This reduced traffic from a U-Haul facility will generate little if any impact to town roads and streets.

Our proposal to rezone shall not adversely impact any established residential neighborhood. Based on ITE standards, self-storage does not introduce more volume, daily traffic activity, trip generation or commercial activity to the surrounding neighborhoods.

U-Haul self-storage uses generate less traffic than most other commercial uses. See use comparison Table 1 below.

USE COMPARISON					
Use	Square Feet	Traffic		Typical Hours	Days
		Weekday 24 Hour	Saturday 24 Hour		
U-Haul Center	80,000 sq ft	31 trips	53 trips	7 am - 7 pm 12 hours	7

TABLE 1

#

ECONOMIC DEVELOPMENT ELEMENT

The proposed U-Haul center addresses the city's goal for quality of life and positive business growth.

U- Haul is a company which has been in business for more than 75 years and it is a type of company which cities will want to retain and attract, because its stability contributes to a resilient local and regional economy. The proposed new self-storage facility will address the changing needs of the community for storage.

U-Haul's market research has found a need for storage and moving services not only in this part of Daphne AL, but throughout the surrounding towns. The request will allow for the development of a quality, indoor storage facility. In addition, U- Haul's financial model will improve the City's economic development goals by offering a valuable service to the community, creating jobs, increasing tax revenues and retaining and developing new commercial activities within walking distance of residential area.

HOURS OF OPERATION

The hours of operation are as follows:

Monday - Thursday	7:00 a.m. to 7:00 p.m.
Friday	7:00 a.m. to 8:00 p.m.
Saturday	7:00 a.m. to 7:00 p.m.
Sunday	9:00 a.m. to 5:00 p.m.

CONCLUSION

Every year U-Haul develops many properties across the United States and Canada – from ground-up projects, existing building remodels and building additions. All projects utilize sustainable building techniques; from site selection in high-growth areas, to using recyclable building materials where possible. We have made much headway into introducing sustainable building practices in the building and remodeling of our projects and more innovative design techniques available for our site planning. The development of this commercial site is a prime example.

In closing, we would like to request the approval of the rezoning from City of Daphne AL for the proposed interior self-service storage facility. U-Haul looks forward to working with the City of Daphne AL as you consider the rezone application.

Sincerely,

Lora Lakov
AMERCO Real Estate Company - Planner

BLEW & ASSOCIATES, PA
CIVIL ENGINEERS & LAND SURVEYORS

LIST OF ADJOINING PROPERTY OWNERS

SUBJECT PARCEL: 05-43-04-41-0-001-001.000
Baldwin County, AL

Parcel(s): 05-43-04-41-0-001-003.000
Name: City of Daphne
Address: PO Box 400
City, State, Zip: Daphne, AL 36526

Parcel(s): 05-43-04-41-0-001-004.000
Name: City of Daphne
Street Address: 618 Whispering Pines Road
City, State, Zip: Daphne, AL 36526

Parcel(s): 05-43-04-41-0-001-002.000
Name: City of Daphne
Address: PO Box 400
City, State, Zip: Daphne, AL 36526

Parcel(s): 05-43-04-41-0-001-001.001
Name: Riviera Utilities
Street Address: 700 Whispering Pines Road
City, State, Zip: Daphne, AL 36526

Parcel(s): 05-43-04-41-0-001-001.000
Name: The Stanard Family Partnership
Address: 6475 War Eagle Dr
City, State, Zip: Daphne, AL 36526

Parcel(s): 05-43-04-41-0-001-011.000
Name: City of Daphne
Street Address: 2601 Old Spanish Trail
City, State, Zip: Daphne, AL 36526

Parcel(s): 05-43-04-41-0-001-012.000
Name: BD&Q LLC
Street Address: 2520 US-98
City, State, Zip: Daphne, AL 36526

Parcel(s): 05-43-04-17-2-002-010.000
Name: Pinnacle Properties LLC
Street Address: 2610 Old Spanish Trail
City, State, Zip: Daphne, AL 36526

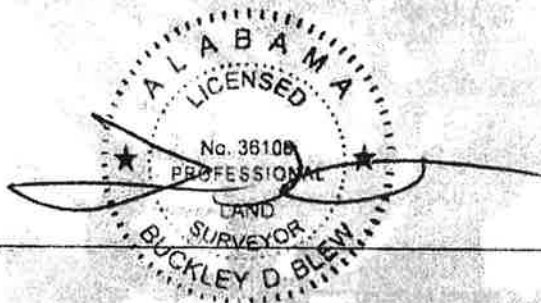
BLEW & ASSOCIATES, PA
CIVIL ENGINEERS & LAND SURVEYORS

Parcel(s): 05-43-04-17-2-002-011.000
Name: Reinhart Properties LLC
Street Address: 2608 Old Spanish Trail
City, State, Zip: Daphne, AL 36526

Parcel(s): 05-43-04-17-2-002-012.000
Name: Reinhart Michael
Street Address: 2606 Old Spanish Trail
City, State, Zip: Daphne, AL 36526

Parcel(s): 05-43-04-41-0-001-009.000
Name: Southtrust Bank of Baldwin County
Mailing Address: PO Box 2609
City, State, Zip: Carlsbad, CA 92018

Signed: _____



COMMUNITY DEVELOPMENT



March 15, 2024

Dear Sir/Ma'am,

NOTICE OF PUBLIC HEARING

A petition for REZONING will be considered by the Daphne Planning Commission. AMERCO Real Estate Company proposes to rezone 4.03 acres +/- located southeast of the intersection of Whispering Pines Road and U.S. Highway 98 from B-2(a), General Business Alternate, to B-2, General Business.

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 20, 2024 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 chairman.

The public hearing will be held by the Daphne Planning Commission on Thursday, March 28, 2024 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

Amerco Real Estate Company Zoning Amendment

U-HAUL OF DAPHNE AL
ZONING AMENDMENT

SOUTHEAST CORNER OF
INTERSECTION OF US HWY 98 AND WHISPERING PINES RD

EXHIBIT "A"

STATE OF ALABAMA

COUNTY OF BALDWIN

DESCRIPTION OF PROPERTY TO BE REZONED FROM (B-1), LOCAL BUSINESS, TO (B-2) GENERAL BUSINESS

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF BALDWIN, STATE OF ALABAMA, AND IS DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 250 FEET SOUTH AND 30 FEET WEST OF THE NORTHEAST CORNER OF SECTION 18, TOWNSHIP 5 SOUTH, RANGE 2 EAST; THENCE RUN WEST 560 FEET TO A POINT ON THE EAST MARGIN OF U.S. HIGHWAY 98; THENCE RUN SOUTHEAST 442 FEET ALONGSIDE THE EAST MARGIN OF U.S. HIGHWAY 98 TO A POINT THEREON; THENCE RUN EAST 275 FEET TO A POINT; THEN RUN NORTH 185 FEET TO A POINT; THENCE RUN NORTH 81° EAST 137 FEET TO THE WEST LINE OF OLD SPANISH TRAIL ROAD; THENCE RUN NORTH 1°37' EAST 215 FEET TO THE POINT OF BEGINNING. THE LAND DESCRIBED ABOVE AND SHOWN HEREON IS THE SAME LAND AS DESCRIBED IN TITLE COMMITMENT ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NO. NCS-1082963-PHX1, WITH AN EFFECTIVE DATE OF AUGUST 16, 2021 AT 12:00 AM.

COMMUNITY DEVELOPMENT INTERNAL MEMORANDUM

DATE: April 1, 2024
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development
SUBJECT: Malbis Plantation, Inc. Pre-Zoning Amendment (Item # 3)

A handwritten signature in black ink, appearing to be "AJ", is written over the "FROM:" line.

PRESENT ZONING: B-4, Major Commercial, and RSF-1, Residential Single Family, Baldwin County District 15

PROPOSED PRE-ZONING: B-2(a), General Business Alternate

LOCATION: Due west of the intersection of Plantation Drive and Alabama Highway 181

RECOMMENDATION: At the March 28, 2024 regular 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. Zoning Map (Exhibit B-1)
6. Zoning Exhibit (Exhibit B-2 and B-3)
7. Conceptual Site Layout (Exhibit C and D)
8. Adjacent Property Owners List

MALBIS PLANTATION, INC PRE-ZONING REQUEST





MALBIS PLANTATION, INC Prezoning Amendment

Zoning Classification:

B-4, Major Commercial and RSF-1, Residential Single Family District in Baldwin County District 15 Planning Area

Surrounding Zonings/Uses:

- **North**-B-3, Professional Business (Daphne)
- **South**-HDR, High Density Residential/The Exchange at Daphne apartments (BC, District 15)
- **East**-Unzoned/Plantation Estates Subdivision
- **West**-RSF-1, Residential Single Family/Undeveloped

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

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

Staff Recommendation to PC: Favorable

Proposed Zoning:

B-2(A), General Business
Alternate

Development Concept:
Institutional

Council District:
4 or 7

Existing Conditions:
28 acres

Planning Commission Recommendation
Favorable

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. Objective: Encourage development of sound and cohesive residential areas which meet the housing needs of current and potential residents.

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: 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.

PROPOSAL:

The applicant proposes to pre-zone the subject property to B-2(A), General Business Alternate, in order to construct a new church. The conceptual plan illustrates the vision for the site's development. The site abuts undeveloped land to the north and west. There are apartments located to the south and single family homes across Highway 181 to the east.

RECOMMENDATION:

Staff recommends approval.

Excerpt from Daphne Zoning Map



Zoning Key

	Daphne City limits
	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
	B-1 LOCAL BUSINESS
	B-2 GENERAL BUSINESS
	B-2(a) GENERAL BUSINESS ALTERNATE
	B-3 PROFESSIONAL BUSINESS
	C/I COMMERCIAL/INDUSTRIAL
	MU MIXED USE
	PUD PLANNED UNIT DEVELOPMENT
	C-2 OUTDOOR AMUSEMENT
	GC GOLF COURSE
	ET JURISDICTION

Excerpt from County's Online map



- ☒ 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)

Staff has provided a review of each proposed rezoning and pre-zoning application in an effort to show how to use the guidelines identified in the proposed comprehensive plan.

In this instance, the current version of the **comprehensive plan** designates the subject property as a **Mixed-Use Corridor placetype**. The *primary planned land uses* in the **Mixed-Use Corridor placetype** are *commercial/office and/or mixed use*. The *secondary land uses* in the **Mixed-Use Corridor placetype** are *institutional and/single family attached residential*.

- The proposed B-2(A) rezoning is consistent with existing commercial zoning to the north.
- The proposed use would be consistent with the Future Land Use Map.
- An institutional land use would be considered to be an appropriate use along Highway 181.
- Other uses in the B-2(A) zoning district would allow commercial and office uses. This is consistent with the primary placetypes in the Mixed Use Corridor.

At the time of site plan review, *the essential site character* would be considered. For the **Mixed-Use Corridor placetype**:

- parking is encouraged to be placed behind or beside the street-facing building façade on primary streets; and,
- parking areas would have a perimeter landscape buffer.

MIXED-USE CORRIDOR

Mixed-Use corridors consist of complete streets accommodating all travel modes and serve as major transportation routes that link distinct areas of the city. Ideally these corridors will include a mix of commercial and residential activity and may include maker spaces. They may also provide opportunities for the development of larger scale retail uses such as grocery stores and retailers. Mixed-Use corridors should be designed to provide convenient vehicle access while at the same time allowing for safe and appealing use by pedestrians, cyclists and other modes of transportation.

Mixed-use corridors contain multi-story structures and a compact development pattern. Buildings are located near the sidewalk to create a street wall and enhance the pedestrian environment. Mixed-Use corridors may range from two to six travel lanes, have bike lanes and on-street parking. Wide sidewalks with ample pedestrian amenities are also common. Streetscape furnishings and public art are common, sometimes with a direct theme linked to a nearby center or neighborhood.

Above, Below and Right: Mixed-Use Corridor examples
Opposite Page: Mixed-Use Corridor Placetype Map



Planned Characteristics

Primary Land Uses	Commercial/office Mixed-use
Secondary Uses	Institutional Single-family attached residential
Intensity Range	Intensely developed, residential densities of 8 to 12, floor area ratios of up to 2
Development Policies	Tree canopy mitigation Stormwater management with low impact design (bio-retention, permeable surfaces, infiltration areas) Site plan and design review

Essential Building Character

Building Placement	A variety of placement options but deep setbacks are to be avoided
Frontage and Height	Articulated facades Street-facing facades have at least one entrance that faces the street 1 to 3 stories

Essential Site Character

Parking and Access	Parking located behind or beside the street-facing building facade on primary streets Parking areas have a perimeter landscape buffer
---------------------------	--

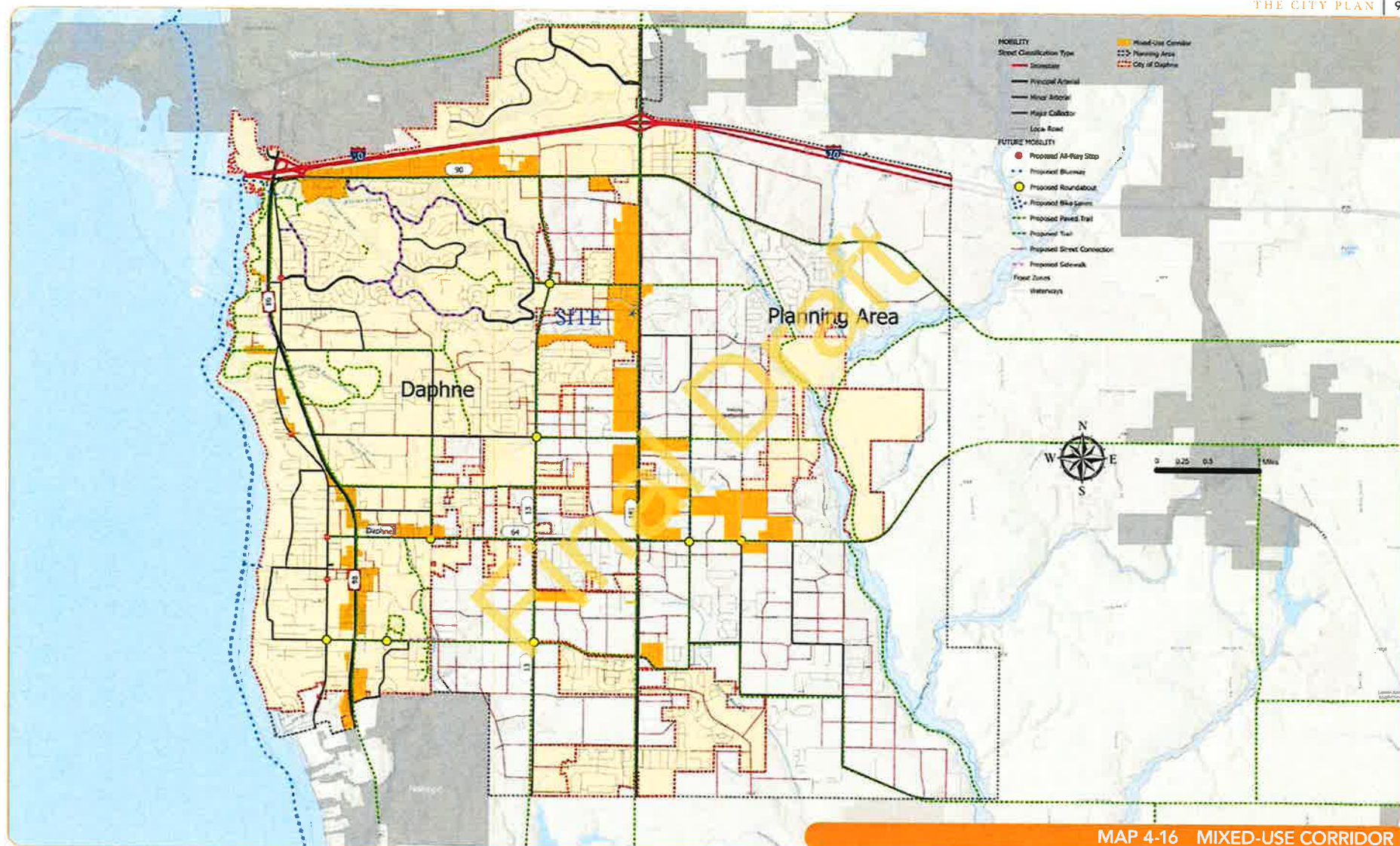
Planned Characteristics

Landscape	Green parking lot islands, tree canopy Street trees where feasible and may include green infrastructure stormwater features
Amenities	Open space or park connection where feasible

Mobility (see Future Mobility Network)

Street Types	Collector, Arterial
Bike/Pedestrian	Bikeways, greenways, trails Bike/ped connectivity to parks and adjacent places





MAP 4-16 MIXED-USE CORRIDOR



APPLICATION FOR REZONING OR PRE-ZONING

Office use only: Rev. 072816

Date Submitted February 27, 24

Application Number:

Planning Commission Public

ZA- or PZA- 24-03

Hearing Date: March 28, 24

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):
North of 28023 ST HWY 181; 28 Acres west of the
intersection of Highway 181 & Plantation Drive

PPIN#(s):
362662 & 362663

Gross Site Area (acreage): 28 Ac.

Requested Zoning or Pre-Zoning:
B-2a

Current Zoning Designation(s):
N/A - Baldwin County

Amended Request:
Initials: Date:

Current Land Use:
Vacant

Anticipated Land Use:
Place of Worship

Provide Legal Description (if necessary attach separate page entitled "Legal Description for [Name of Applicant]":
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: Malbis Plantation, Inc.

Mailing Address: 29470 ST HWY 181, Daphne, AL 36526

Phone/Fax:
E-mail:

Name of Authorized Agent: Church of the Highlands, Inc.
ArcTerra, Inc.

Mailing Address: 4700 Highlands Way, Birmingham, AL 35210
5268 Greystone Way, Hoover, AL 35242

Phone/Fax: 205-315-3328
E-mail: bhamis@arcterrainc.com

Name of Developer*: Church of the Highlands, Inc.

Phone/Fax: 205-980-5577
E-mail: bruce@churchofthehighlands.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: LS

Date 02/28/2024

Agent's Signature: [Signature]

Date

EXHIBIT A

LEGAL DESCRIPTION

Lots 1 and 2, Malbis Business Park, according to the plat thereof of, as recorded on Slide 0002540-F, in the Office of the Judge of Probate of Baldwin County, Alabama.

CERTIFICATE OF APPROVAL BY AT&T:
 THE UNDERSIGNED, AS AUTHORIZED BY AT&T, HEREBY APPROVES THE WITHIN PLAN FOR
 THE RECORDING OF SAME IN THE PROBATE OFFICE OF BALDWIN COUNTY, ALABAMA, THIS
 11 DAY OF SEP 20 15
 [Signature]
 AUTHORIZED REPRESENTATIVE

CERTIFICATE OF APPROVAL BY BALDWIN COUNTY SEWER SERVICE:
THE UNDERSIGNED, AS AUTHORIZED BY BALDWIN COUNTY SEWER SERVICE HEREBY
APPROVES THE WIRING PLAN FOR THE REMOVAL OF PUMP IN THE PRIVATE SEWER
BALDWIN COUNTY, ALABAMA, THIS 11 DAY OF September,
2012

CERTIFICATE OF APPROVAL BY THE E-911 ADDRESSING:
THE UNDERSIGNED, AS AUTHORIZED BY BALDWIN COUNTY E-911 BOARD, HEREBY
APPROVES THE WIRE NUMBER AS INDICATED ON THE WIRE PLAT AND HEREBY
APPROVES THE WIRE PLAT FOR THE RECORDING OF SAME IN THE PUBLIC
OFFICE OF BALDWIN COUNTY, ALABAMA, THIS 25 DAY OF September 2005.

CERTIFICATE OF THE BALDWIN COUNTY PLANNING DIRECTOR
 I, THE UNDERSIGNED, AS DIRECTOR OF THE BALDWIN COUNTY PLANNING AND ZONING
 DEPARTMENT, HEREBY CERTIFY THAT THE WITHIN PLAN FOR THE RECORDING OF SAME
 IN THE PHOTOLITH OFFICE OF BALDWIN COUNTY, ALABAMA.
 WAS THE 15th DAY OF September 2013

CERTIFICATION OF APPROVAL FOR RECORDING:
I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO CONFORM WITH THE ZONING LAND USE AND DEVELOPMENT ORDINANCE WITH THE EXCEPTION OF SUCH MODIFICATIONS, IF ANY, AS ARE NOTED IN THE MARGINS OF THE PLANNING COMMISSION AND WRITTEN UPON THIS PLAT AND THAT IT WAS DEE APPROVED FOR THE RECORDING IN THE OFFICE OF THE BALDWIN COUNTY JUDGE OF PROBATE.

MAILED BY 14 DAY OF September 2015
L. E. Chan
 PLANNING COMMISSION CHAIRMAN OR AUTHORIZED REPRESENTATIVE

**CERTIFICATION OF APPROVAL FOR THE CITY
OF DAPHNE'S DIRECTOR OF COMMUNITY DEVELOPMENT:**
THE UNDERSIGNED AS DIRECTOR OF THE DAPHNE COMMUNITY DEVELOPMENT
DEPARTMENT, HEREBY APPROVES THIS ZONING PLAN FOR BEHOLDING IN THE PRIMA
OFFICE OF BALDWIN COUNTY, ALABAMA THIS 1ST DAY OF

CALLS NO 2 (L.C. 196)
P.O. BOX 1658
MOCKINGBIRD, TX 75061

SURVEYOR'S CERTIFICATE
STATE OF ALABAMA
COUNTY OF BALDWIN

WE, PHILBET-RHIN, LLC, A FIRM OF LICENSED ENGINEERS AND LAND SURVEYORS OF DAPHNE, ALABAMA, HEREBY STATE THAT THE ABOVE IS A CORRECT MAP OR PLAT OF THE FOLLOWING DESCRIBED PROPERTY SITUATED IN BALDWIN COUNTY, ALABAMA

[illegible]

(DESCRIPTION COMPOSED FROM PROBATE RECORDS AND AN ACTUAL FIELD SURVEY)

WE FURTHER STATE THIS SURVEY HAS BEEN COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA, EFFECTIVE MAY 1, 2002.

9-8-2013
PHELE-REPL L.L.C.
DAVID E. DOE AL P.L.S. No. 20014
SURVEY NOT VALID WITHOUT ORIGINAL SIGNATURE AND SEAL

GENERAL NOTES:

- FOR THE LOCATION OF ALL UTILITIES, SEE CONSTRUCTION PLANS.
 ALL UTILITIES SHALL BE CONSTRUCTED UNDERGROUND.
 THERE IS DEDICATED RIGHT-OF-WAY A 15 FOOT UTILITY EASEMENT ON ALL LOT LINES
 ADJACENT TO RIGHT-OF-WAY AND A 15 FOOT (7.5 FEET EACH SIDE) UTILITY
 EASEMENT ALONG ALL SUEK LOT LINES, UNLESS A GREATER WIDTH IS SHOWN HEREON.
 THE MINIMUM ELEVATION ON ALL LOTS SHALL BE 18" ABOVE THE HIGHEST
 ADJACENT CENTERLINE OF 30'.
 THERE IS DEDICATED RIGHT-OF-WAY A 15 FOOT (7.5 FEET EACH SIDE) DRAINAGE
 EASEMENT ALONG THE REAR OF ALL LOTS, UNLESS A GREATER WIDTH IS SHOWN.
 THESE LOTS SHALL BE REQUIRED TO HAVE SELF SUFFICIENT DRAINAGE SYSTEMS FOR
 EACH INDIVIDUAL LOT.

$$\begin{array}{r} 4 \ 1 \ 3 \\ - \textcircled{\text{◆}} \underline{\quad} \\ 0 \ 1 \ 0 \end{array}$$

SURVEYOR'S NOTES:

FLOOD CERTIFICATE:

THIS PROPERTY LIES WITHIN ZONE "X" AS DOWLED FROM THE FEDERAL
EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP OF
BALDWIN COUNTY, ALABAMA, PANEL NUMBER 8100020202B, SUPPLE 1, MA
EFFECTIVE DATE JUNE 11, 2001

LEGEND:

- CONCRETE MONUMENT FOUND
- CAPPED IRON SET (CA 0901)
- PAVEMENT POST
- CURB
- SIDEWALK
- ST
- RECORD DEED OR PLAT BEARING/SUBSTANTIAL
- ACTUAL AND RECORD
- BUILDING SETBACK LINE
- FIRE HYDRANT

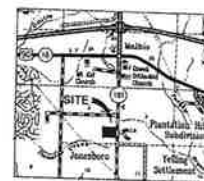
SURVEYOR'S ENGINEER

FREEDLE-RISH, L.L.C.
BELLATON AVE GADSDEN, ALABAMA 36528
DAVID E. DIEHL, PLS LIC. NO. 26014
JASON M. ESTER, PE LIC. NO. 22714

DEVELOPER/OWNER:

MALIBU PLANTATION INC
29470 ST HWY 181
DAUPHINE, AL 36526
PARCEL ID: 03-43-02-03-0-000-202 081

9 THE CALCULATED NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 3 SOUTH, RANGE 3 EAST



VICINITY MAP
1" = 1 MILE

CERTIFICATION OF OWNERSHIP AND DEDICATION

THIS IS TO CERTIFY THAT I (WE) THE UNDERSIGNED IS (ARE) THE OWNER(S) OF THE LAND SHOWN AND DESCRIBED IN THE PLAT, AND THAT I (WE) HAS (HAVE) CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED HEREIN, FOR THE USES AND PURPOSES HEREIN SET FORTH, AND I (WE) HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE DESIGN AND TITLE HEREIN INDICATED, AND GRANT ALL EASEMENTS AND EASEMENTS ALL STRIPES, ALLEYS, WALKS, PASSES AND OTHER OPEN SPACES TO PUBLIC ON PRIVATE USE, AS NOTED, TOGETHER WITH SUCH RESTRICTIONS AND CONVEYMENTS NOTED BELOW OR ATTACHED.

DATE: THIS 20 DAY OF September, 2015
 SIGNED: [Signature]
 NAME: [Name]

CERTIFICATION BY AGENTS IN THE FIELD

DECLARATION BY NOTARY PUBLIC:
STATE OF ALABAMA
COUNTY OF BARBOURS
CITY OF GADSDEN
I, Robert M. McNeil
Notary Public for the County of Barbours and for the County of Washington do hereby certify that
to the certification of ownership and declaration, appeared before me this
day in person and acknowledged that he (they) signed, sealed and delivered
and delivered said instrument for the (their) free and voluntary act for the
uses and purposes therein set forth.
GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS 9th DAY OF
January, 1968
Robert M. McNeil
Notary Public

SITE DATA

ZONING: RST-1 (COUNTY DISTRICT 15) LOT 2
B-2 (COUNTY DISTRICT 15) PROPOSED
PROPOSED USE: COMMERCIAL
NUMBER OF LOTS: 2
SMALLEST LOT: 4.06 AC
LARGEST LOT: 23.94 AC
TOTAL AREA: 28.0 AC

REQUIRED SETBACKS:
FOR B-2 ZONING (LOT 1) FOR RMF-1 ZONING (LOT 2)
FRONT: 30 FEET FRONT: 30 FEET
REAR: 25 FEET REAR: 30 FEET
SIDE: 15 FEET SIDE: 10 FEET

WATER SERVICE: BELFLOREST WATER SYSTEM
SEWER SERVICE: BALDWIN COUNTY SEWER SERVICE
ELECTRIC SERVICE: RIVIERA UTILITIES
TELEPHONE SERVICE: AT&T

SWEATI, THOMAS (JUNIOR)
28011 ST HWY 181
DAPHNE, AL 36526

SOUTH 1/2 of SOUTH 1/2
of SE 1/4 of SE 1/4
INS #1166886

INGRESS/EGRESS & UTILITY EASEMENTS:

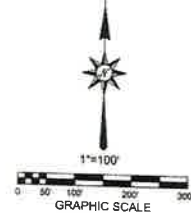
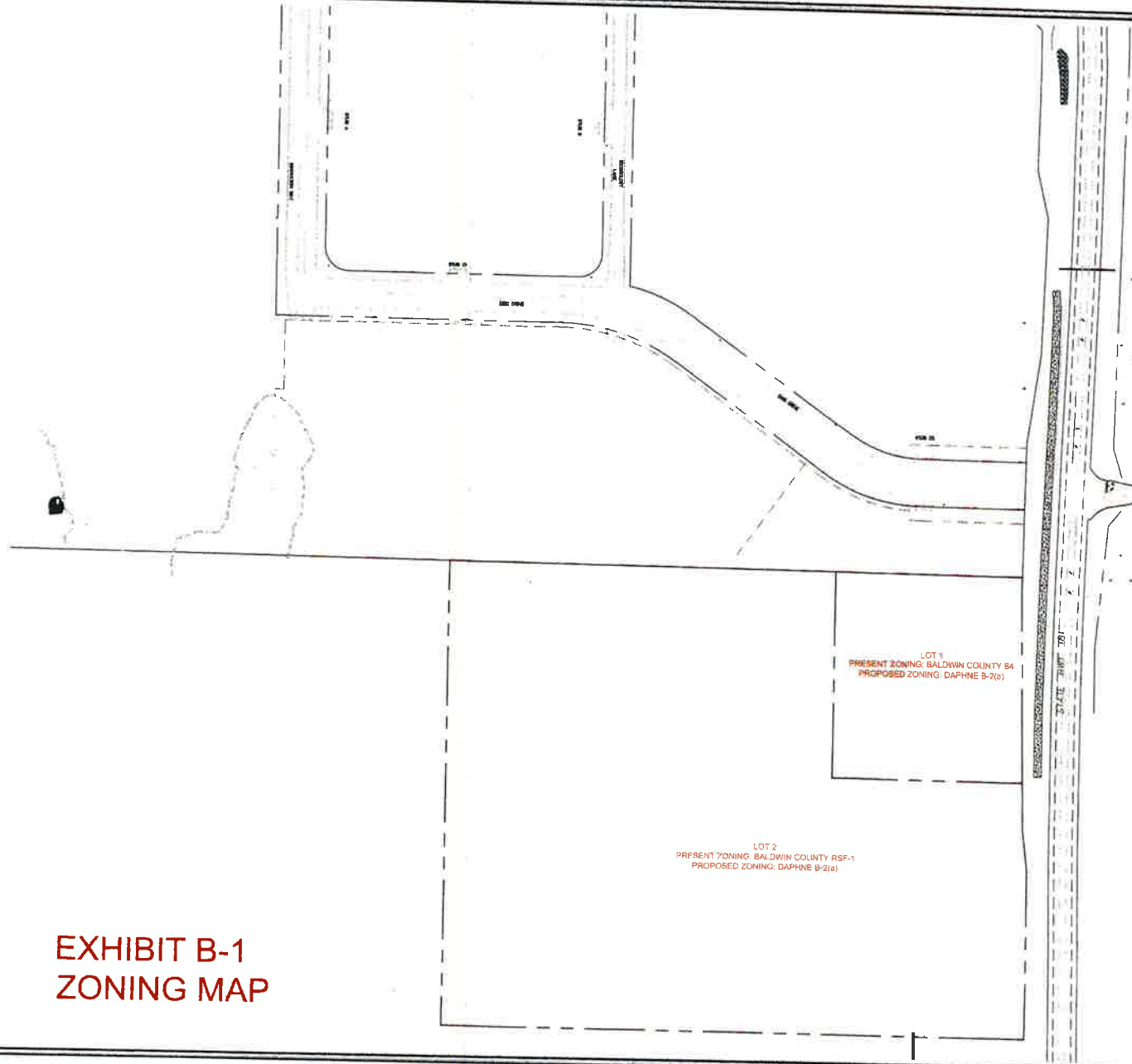
100' HIGHWAY CONSTRUCTION SETBACK
FROM THE CENTERLINE OF THE ROAD

SLIDE 0002540 5

MALBIS BUSINESS PARK I
JUNE 15, 2015 - PRELIMINARY/FINAL PLAT

BOUNDARY SURVEY AND PLAT OF SUBDIVISION					
DESIGN	D.E.D.	DRAWN	A.E.F.	CHECKD.	D.E.D.
ENG	J.A.L.	SURVEYOR	D.E.D.	PROJ MGR	D.E.D.
PREBLE-RISH L.L.C. CONSULTING ENGINEERS & SURVEYORS CIVIL - SUBDIVISION SITE PLANNING			SCALE 1" = 100' PROJ. NO. 28C.0105 FILE # 990015PRELIM-1999		
(Seal required) See Appendix B, Chapter 17, Subchapter 1, Rule 100.01(1), Wis. Stats. License No. _____ Expires _____ State of Wisconsin Department of Transportation			SHEET 1 of 1		

EXHIBIT B-1 ZONING MAP



NO.	REVISION	DATE
1	PROJECT FOR CONCEPT APPROVAL	10/1/2022
2		
3		
4		

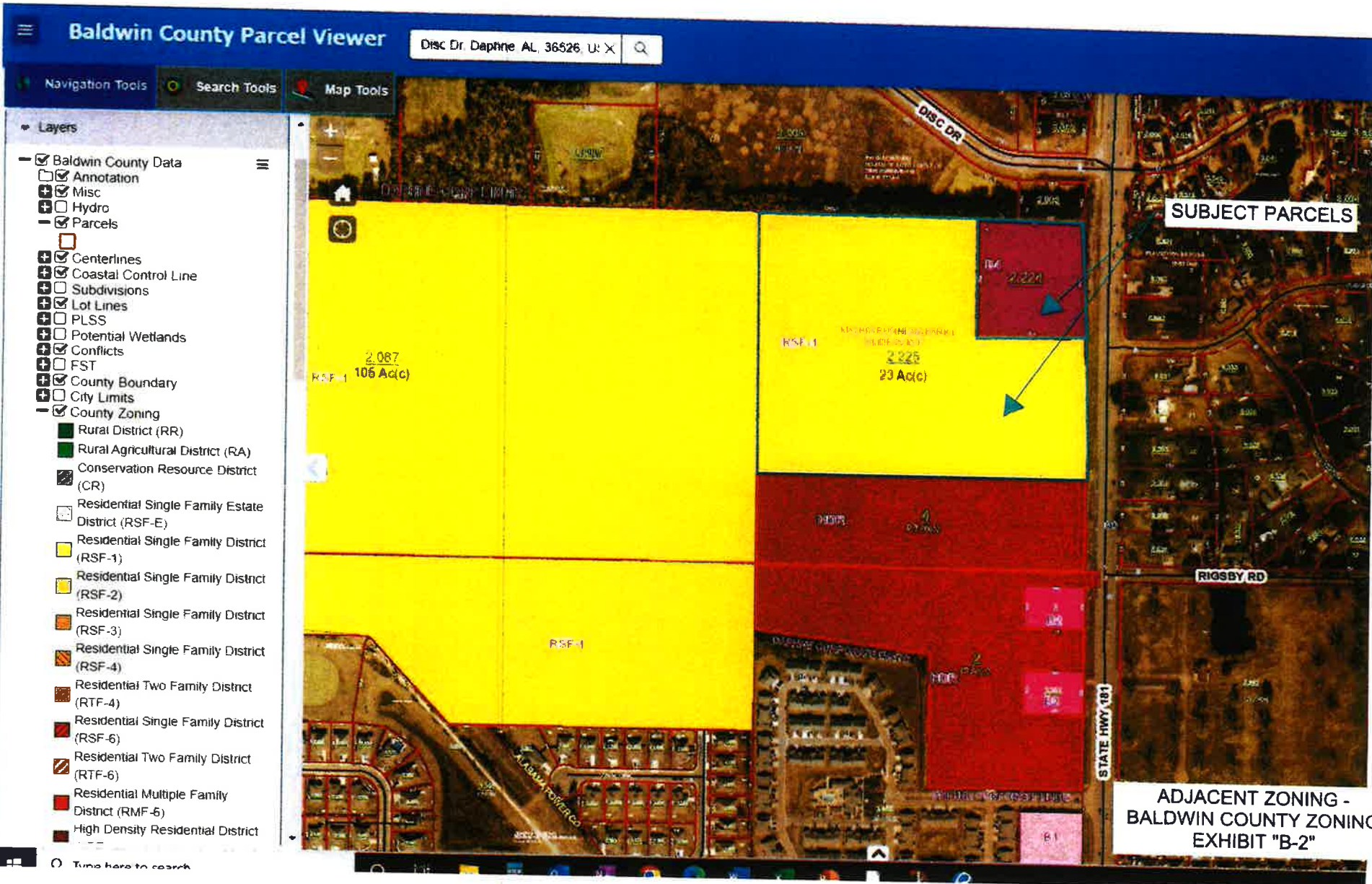
ZONING MAP

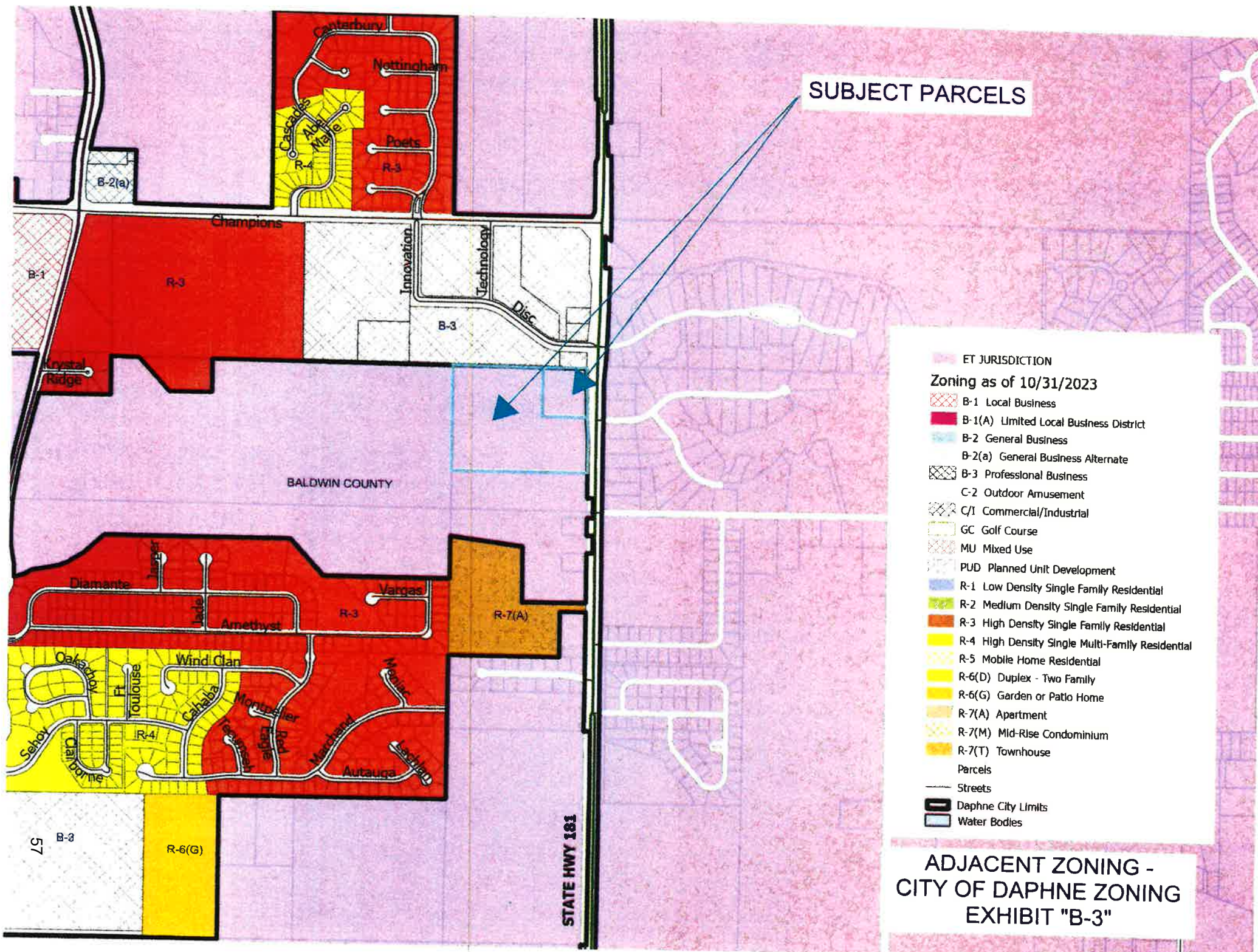
PROPOSED CHURCH
CHURCH OF THE HIGHLANDS
BALDWIN COUNTY, ALABAMA
BIRMINGHAM, ALABAMA

GONZALEZ - STRENGTH & ASSOCIATES, INC.
CIVIL ENGINEERING, TRANSPORTATION ENGINEERING, LAND SURVEYING
LAND PLANNING, PLANNING, LANDSCAPE ARCHITECTURE
1000 HOOVER AVENUE, SUITE 200
HOOPER, ALABAMA 36044
TEL: (205) 842-2000
FAX: (205) 842-2001
www.GonzalezStrength.com

PRELIMINARY
NOT FOR
CONSTRUCTION,
RECORDING,
PURPOSES OR
IMPLEMENTATION

DWG NO.
C1 RB
PROJECT
73-0495

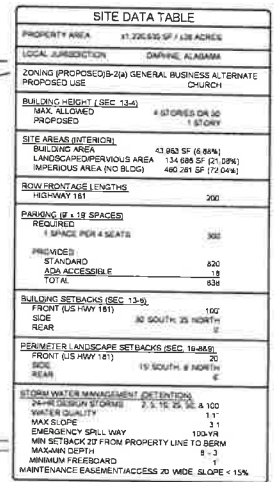




- ET JURISDICTION
- Zoning as of 10/31/2023**
- B-1 Local Business
 - B-1(A) Limited Local Business District
 - B-2 General Business
 - B-2(a) General Business Alternate
 - B-3 Professional Business
 - C-2 Outdoor Amusement
 - C/I Commercial/Industrial
 - GC Golf Course
 - MU Mixed Use
 - PUD Planned 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
 - Water Bodies

RSF-1

B2



CONCEPTUAL LAYOUT PLAN

PROPOSED CHURCH
HIGHWAY 181 AND DISC DRIVE
BALDWIN COUNTY, ALABAMA

CHURCH OF THE HIGHLANDS
BIRMINGHAM, ALABAMA

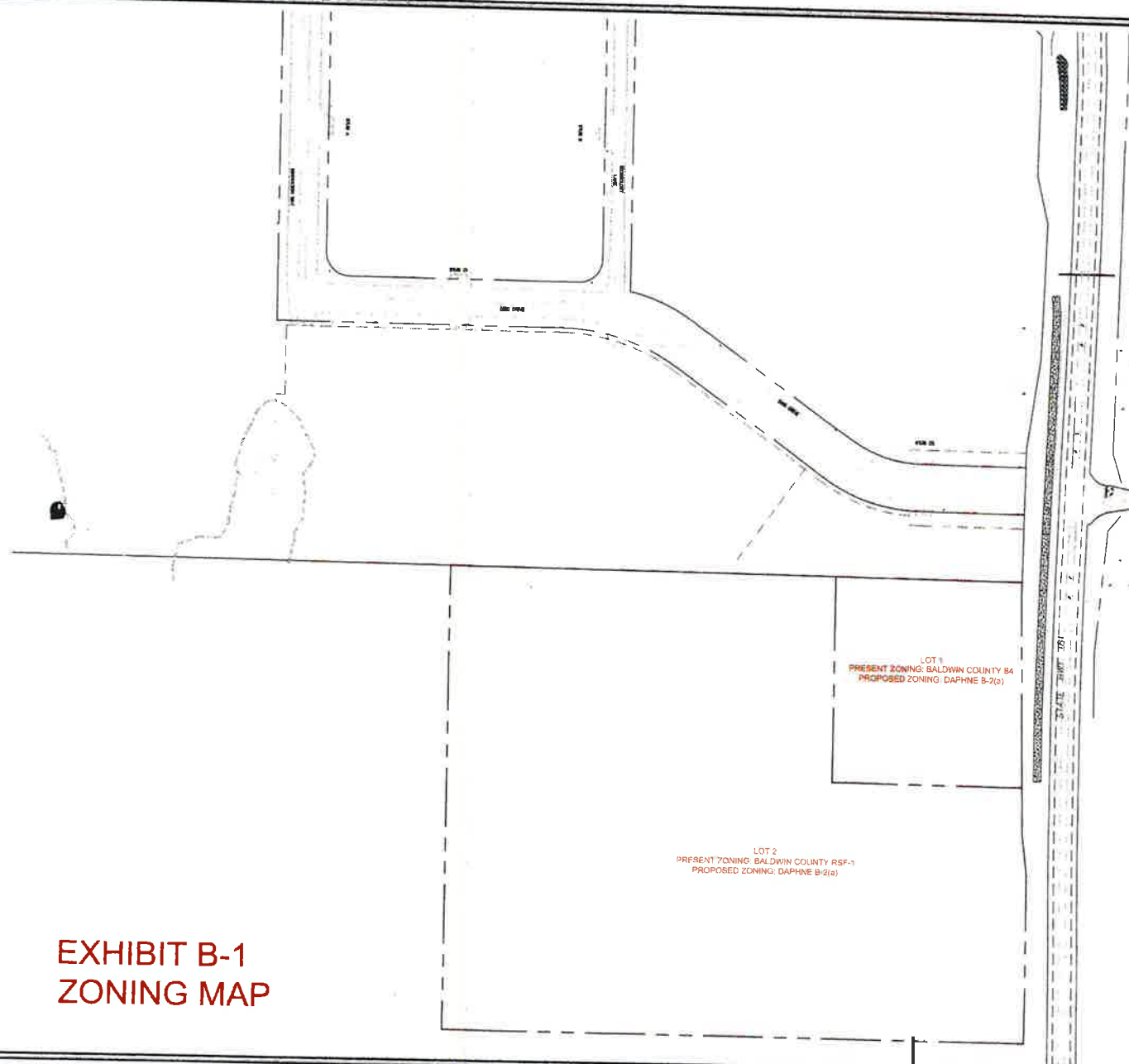


GONZALEZ • STRENGTH & ASSOCIATES, INC.
 CIVIL ENGINEERING • TRANSPORTATION ENGINEERING • LAND SURVEYING
 LAND PLANNING • LANDSCAPE ARCHITECTURE
 1555 WOODS OF ARLINGDALE DRIVE, SUITE 200
 HOUSTON, TEXAS 77046
 PHONE: (281) 940-7446

PRELIMINARY
NOT FOR
CONSTRUCTION,
RECORDING
PURPOSES OR
IMPLEMENTATION

DWG NO.
CT 42
PROJECT
J3-D485

EXHIBIT B-1 ZONING MAP



NO	PERSONAL	DESCRIPTION	DATE
1		ISSUED FOR CONCEPT APPROVAL	10/15/97
2			
3			
4			
5			

PROPOSED CHURCH
HIGHWAY 181 AND DISC DRIVE
BALDWIN COUNTY, ALABAMA
CHURCH OF THE HIGHLANDS
BIRMINGHAM, ALABAMA



GONZALEZ - STRENGTH & ASSOCIATES, INC.
 CIVIL ENGINEERING - TRANSPORTATION ENGINEERING - LAND SURVEYING
 LAND PLANNING - LANDSCAPE ARCHITECTURE

PRELIMINARY
NOT FOR
CONSTRUCTION,
RECORDING
PURPOSES OR
IMPLEMENTATION

DWG NO
C1 R0
PROJECT
23-0490



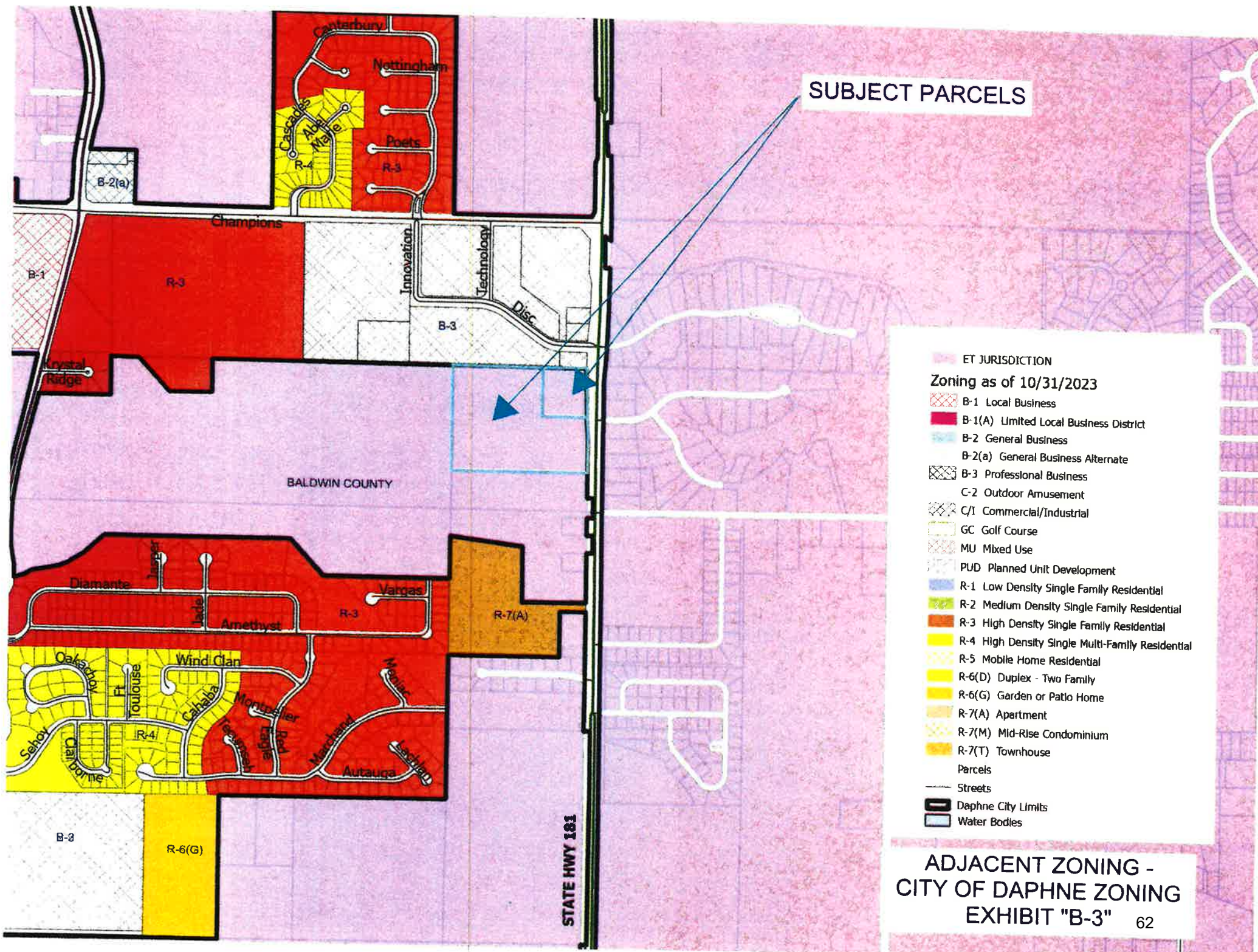


EXHIBIT C CONCEPTUAL PLAN

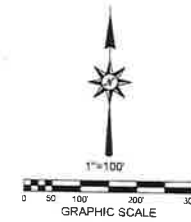
RSF-1

B2

B2

PROPOSED LEFT-IN, RIGHT-IN,
RIGHT-OUT ACCESS TO STATE HWY 181.
LOCATION HAS BEEN CONCEPTUALLY
APPROVED
BY ALDOT

SITE DATA TABLE	
PROPERTY AREA	11.226335 SF / 0.26 ACRES
LOCAL JURISDICTION	OWAYNE, ALABAMA
ZONING (PROPOSED) (B-2A)	GENERAL BUSINESS ALTERNATE CHURCH
PROPOSED USE	
BUILDING HEIGHT (SEC. 13-4)	4 STORIES OR 30' 1 STORY
MAX. ALLOWED PROPOSED	
SITE AREAS (W/TERMINAL)	
BUILDING AREA	41,983 SF (0.94 AC)
LANDSCAPE/PERVIOUS AREA	134,688 SF (3.10 AC)
IMPERVIOUS AREA (NO BLDG)	460,281 SF (10.46 AC)
ROW FRONTAGE (LENGTHS)	
ROADWAY 181	200'
PARKING (2' x 18' SPACED) REQUIRED	300
1 SPACE PER 4 SEATS	
PROVIDES	
STANDARD	400
ADA ACCESSIBLE	18
TOTAL	638
BUILDING SETBACKS (SEC. 13-9)	
FRONT (55' HWY 181)	100'
SIDE	30' SOUTH; 25' NORTH
REAR	0'
PERMITTER LANDSCAPE SETBACKS (SEC. 16-66B)	
FRONT (55' HWY 181)	20'
SIDE	15' SOUTH; 8' NORTH
REAR	0'
STORM WATER MANAGEMENT (RETENTION)	
PERMIT DESIGN BY OWNER	2.5, 5, 10, 25, 50, & 100
WATER QUALITY	1.1"
MAX SLOPE	1:1
EMERGENCY SPILL WAY	100-YR
MIN SETBACK 20' FROM PROPERTY LINE TO BERM	8'-3'
MINIMUM FREESIDE	1'
MAINTENANCE BASEMENT ACCESS 20' WIDE SLOPE < 15%	



DATE	12/15/2023
REVISION	CONCEPT FOR CONCEPT APPROVAL
NO.	1
DESCRIPTION	CONCEPTUAL LAYOUT PLAN
PROJECT	PROPOSED CHURCH
LOCATION	STATE HWY 181 AND DISC DRIVE
CITY	BUILDWATER ALABAMA
COUNTY	OWAYNE COUNTY
STATE	ALABAMA
PROJECT	CHURCH OF THE HIGHLANDS
OWNER	CHURCH OF THE HIGHLANDS
DESIGNER	GONZALEZ - STRENGTH & ASSOCIATES, INC.
ENGINEER	CIVIL ENGINEERING - TRANSPORTATION ENGINEERING - LAND SURVEYING
PLANNING	LAND PLANNING - LANDSCAPE ARCHITECTURE
ADDRESS	10000 N. STATE HWY 181, SUITE 200
CITY	HOUSTON, ALABAMA 35894
PHONE	205.832.2333
FAX	205.832.2333
EMAIL	info@gsa-inc.com
WEBSITE	www.gsa-inc.com
PROJECT	NOT FOR CONSTRUCTION, RECORDING PURPOSES OR IMPLEMENTATION
DWG NO.	23-0486
REV	01
PROJECT	23-0486

EXHIBIT D CONCEPTUAL PLAN

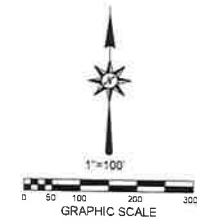
RSF-1

B2

B2

PROPOSED LEFT-IN, RIGHT-IN,
RIGHT-OUT ACCESS TO STATE HWY 181.
LOCATION HAS BEEN CONCEPTUALLY
APPROVED
BY ALDOT

SITE DATA TABLE	
PROPERTY AREA	11,200,535 SF ± 1.21 ACRES
LOCAL JURISDICTION	DAWSON, ALABAMA
ZONING (PROPOSED/EXISTING)	GENERAL BUSINESS ALTERNATE CHURCH
PROPOSED USE	
BUILDING HEIGHT (MAX. 13'4")	4 STORIES OR 50'
MAX. ALLOWED (PROPOSED)	1 STORY
SITE AREAS (INTERIOR)	
BUILDING AREA	43,803 SF (15.80 AC)
LANDSCAPED/PERVIOUS AREA	134,588 SF (21.00 AC)
IMPERVIOUS AREA (NO BLDG.)	480,281 SF (12.00 AC)
BOX FRONT SIDE LENGTHS	
HIGHWAY 181	200'
PARKING (4' x 18' SPACES)	
REQUIRED	300
1 SPACE PER 4 SEATS	300
PROVIDED	
STANDARD	320
ADA ACCESSIBLE	18
TOTAL	338
BUILDING SETBACKS (SEC. 14-8)	
FRONT (TO HWY 181)	30' SOUTH 25' NORTH
SIDE	0
REAR	0
PERMITTED LANDSCAPE SETBACKS (SEC. 14-8)	
FRONT (TO HWY 181)	15' SOUTH 8' NORTH
SIDE	0
REAR	0
STORM WATER MANAGEMENT (RETENTION)	
24-HR DESIGN STORMS	2, 5, 10, 25, 50 & 100
WATER QUALITY	1:1"
MAX SLOPE	1:1"
EMERGENCY SPILL WAY	100-YR
MIN SETBACK 20' FROM PROPERTY LINE TO BERM	8'-2'
MINIMUM FREEDOM	
MAINTENANCE EASEMENT/ACCESS 20' WIDE, SLOPE < 15%	



DATE	DESCRIPTION
10/1/2018	CONCEPT LAYOUT PLAN
10/1/2018	CONCEPT LAYOUT PLAN
10/1/2018	CONCEPT LAYOUT PLAN
10/1/2018	CONCEPT LAYOUT PLAN
10/1/2018	CONCEPT LAYOUT PLAN
10/1/2018	CONCEPT LAYOUT PLAN
10/1/2018	CONCEPT LAYOUT PLAN
10/1/2018	CONCEPT LAYOUT PLAN
10/1/2018	CONCEPT LAYOUT PLAN
10/1/2018	CONCEPT LAYOUT PLAN

CONCEPT LAYOUT PLAN
PROPOSED CHURCH
11111 STATE HWY 181
DAWSON COUNTY, ALABAMA
CHURCH OF THE HIGHLANDS

GONZALEZ - STRENGTH & ASSOCIATES, INC.
CIVIL ENGINEERING - TRANSPORTATION ENGINEERING - LAND SURVEYING
LAND PLANNING - LANDSCAPE ARCHITECTURE
11111 STATE HWY 181, SUITE 200
DAWSON, ALABAMA 35834
TEL: 205.442.3331
FAX: 205.442.3331
www.gonzalez-strength.com

PRELIMINARY
NOT FOR
CONSTRUCTION,
RECORDING
PURPOSES OR
IMPLEMENTATION

DWG NO.
11111
REV.
B-1
PROJECT
11111

EXHIBIT D CONCEPTUAL PLAN

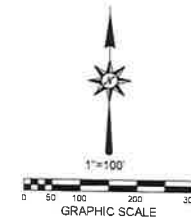
RSF-1

B2

B2

PROPOSED LEFT-IN, RIGHT-IN,
RIGHT-OUT ACCESS TO STATE HWY 181.
LOCATION HAS BEEN CONCEPTUALLY
APPROVED
BY ALDOT

SITE DATA TABLE	
PROPERTY AREA	11,200,535 SF ± 0.26 ACRES
LOCAL JURISDICTION	DAWSON, ALABAMA
ZONING (PROPOSED/EXISTING)	GENERAL BUSINESS ALTERNATE CHURCH
PROPOSED USE	
BUILDING HEIGHT (MAX. 13'-6")	4 STORIES OR 50'
MAX. ALLOWED (PROPOSED)	1 STORY
SITE AREAS (INTERIOR)	
BUILDING AREA	43,803 SF (15.80%)
LANDSCAPED/PERVIOUS AREA	134,588 SF (21.04%)
IMPERVIOUS AREA (NO BLDG.)	480,281 SF (72.14%)
BOX FRONT SIDE LENGTHS	
HIGHWAY 181	200'
PARKING OF 18 SPACES	
IN LOT 10	
1 SPACE PER 4 SEATS	300'
PROVIDED	
STANDARD	800'
ADA ACCESSIBLE	18'
TOTAL	800'
BUILDING SETBACKS (SEC. 14-8)	
FRONT (TO HWY 181)	100'
SIDE	30' SOUTH 25' NORTH
REAR	0'
PERMITTED LANDSCAPE SETBACKS (SEC. 14-8)	
FRONT (TO HWY 181)	10'
SIDE	15' SOUTH 8' NORTH
REAR	0'
STORM WATER MANAGEMENT (RETENTION)	
24-HR DESIGN STORMS	2, 5, 10, 25, 50 & 100
WATER QUALITY	1:1"
MAX SLOPE	1:1"
EMERGENCY SPILL WAY	100-YR
MIN SETBACK 20' FROM PROPERTY LINE TO BERM	8'-2'
MINIMUM FREEDOM	
MAINTENANCE EASEMENT/ACCESS 20' WIDE, SLOPE < 15%	



DATE	DESCRIPTION
10/1/2018	CONCEPT LAYOUT PLAN
10/1/2018	CONCEPT LAYOUT PLAN
10/1/2018	CONCEPT LAYOUT PLAN
10/1/2018	CONCEPT LAYOUT PLAN
10/1/2018	CONCEPT LAYOUT PLAN
10/1/2018	CONCEPT LAYOUT PLAN
10/1/2018	CONCEPT LAYOUT PLAN
10/1/2018	CONCEPT LAYOUT PLAN
10/1/2018	CONCEPT LAYOUT PLAN
10/1/2018	CONCEPT LAYOUT PLAN

CONCEPT LAYOUT PLAN
PROPOSED CHURCH
11111 STATE HWY 181, DAWSON, ALABAMA
CHURCH OF THE HIGHLANDS

GONZALEZ - STRENGTH & ASSOCIATES, INC.
CIVIL ENGINEERING - TRANSPORTATION ENGINEERING - LAND SURVEYING
LAND PLANNING - LANDSCAPE ARCHITECTURE
11111 STATE HWY 181, DAWSON, ALABAMA 35744
PHONE: 205.334.1111
FAX: 205.334.1112
www.gsa-engineers.com

PRELIMINARY
NOT FOR
CONSTRUCTION,
RECORDING
PURPOSES OR
IMPLEMENTATION

DWG NO.
11111
PROJECT
11111

Adjacent Property Owners For Church of the Highlands (PPIN # 362662 & 362663)						
Parcel Number	PPIN	Owner Name	Address	City	State	Zip
05-43-02-03-0-000-002.225	362663	MALBIS PLANTATION INC	29470 ST HWY 181	DAPHNE	AL	36526
05-43-02-03-0-000-002.224	362662	MALBIS PLANTATION INC	29470 ST HWY 181	DAPHNE	AL	36526
05-43-02-03-0-000-004.000	41581	EXCHANGE DAPHNE APARTMENTS L L C	3300 NORTHEAST EXPY NE BLDG 6	ATLANTA	GA	30341
05-43-02-03-0-000-002.087	170060	MALBIS PLANTATION INC	29470 ST HWY 181	DAPHNE	AL	36526
05-43-02-03-0-000-003.007	367364	INDUSTRIAL DEVELOPMENT BOARD OF THE CITY AND OF THE CITY OF DAPHNE	P O BOX 400	DAPHNE	AL	36526
05-43-02-03-0-000-003.005	367366	INDUSTRIAL DEVELOPMENT BOARD OF THE CITY AND OF THE CITY OF DAPHNE	P O BOX 400	DAPHNE	AL	36526
05-43-01-02-0-000-006.001	34201	JOHNSON, JOSHUA E ETAL JOHNSON, JESSICA AND LYNN	28230 STATE HIGHWAY 181	DAPHNE	AL	36526
05-43-01-02-0-000-006.002	6765	YELDON, TIMOTHY A JR	P O BOX 2871	DAPHNE	AL	36526
05-43-01-02-0-000-006.003	41868	FRANKS, PAUL NORMAN ETUX PEGGY ANN	10065 PLANTATION DR	DAPHNE	AL	36526
05-43-01-02-0-000-006.031	4104	JOHNSON, BETTY C	10044 PLANTATION DR	DAPHNE	AL	36526
05-43-01-02-0-000-006.032	4102	SNEDIGAR, ETHAN N ETAL SNEDIGAR, SADEE	28100 STATE HIGHWAY 181	DAPHNE	AL	36526
05-43-01-02-0-000-006.033	31388	NELSON, MALCOLM R ETAL NELSON, CHERYL OD AND OM	28070 ST HWY 181	DAPHNE	AL	36526
05-43-01-02-0-000-006.034	14282	FORD, MATTHEW ETUX BETHANY	28040 STATE HIGHWAY 181	DAPHNE	AL	36526
05-43-01-02-0-000-006.035	32309	DAILEY, ANITA W	28020 STATE HIGHWAY 181	DAPHNE	AL	36526
Authorized Agents For Applications						
CHURCH OF THE HIGHLANDS C/O BRUCE ADAMS			3660 GRANDVIEW PKWY STE 400	BIRMINGHAM	AL	35243
GONZALEZ STRENGTH AND ASSOCIATES, INC C/O TODD SMITH			1550 WOODS OF RIVERCHASE DR STE 200	HOOVER	AL	35244
ARCTERRA, INC. C/O BRIAN HARRIS			5268 GREYSTONE WAY	HOOVER	AL	35242

COMMUNITY DEVELOPMENT



March 15, 2024

Dear Sir/Ma'am,

NOTICE OF PUBLIC HEARING

A petition for PRE-ZONING will be considered by the Daphne Planning Commission for Malbis Plantation, Inc. containing 28 acres +/- located due west of the intersection of Plantation Drive and Alabama Highway 181, zoned B-4, Major Commercial, and RSF-1, Residential Single Family, Baldwin County District 15, to be pre-zoned to B-2(a), General Business Alternate. 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 20, 2024 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 chairman.

The public hearing will be held by the Daphne Planning Commission on Thursday, March 28, 2024 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

Malbis Plantation, Inc. Pre-Zoning Amendment

PRE-ZONING AND ANNEXATION LEGAL DESCRIPTION

Lot 1 and Lot 2, Malbis Business Park, according to the plat thereof of, as recorded on Slide 0002540-F in the Office of the Judge of Probate of Baldwin County, Alabama.

COMMUNITY DEVELOPMENT INTERNAL MEMORANDUM

DATE: April 1, 2024
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development
SUBJECT: Malbis Plantation, Inc. Annexation Petition (Item #4)

A handwritten signature in black ink, appearing to be "AG", is written over the "FROM:" line of the memorandum.

PENDING ZONING: B-2(a), General Business Alternate

LOCATION: Due west of the intersection of Plantation Drive and Alabama Highway 181

RECOMMENDATION: At the March 28, 2024 regular meeting of the City of Daphne Planning Commission, eight members were present and the motion carried unanimously 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)
5. Zoning Map (Exhibit B-1)
6. Zoning Exhibit (Exhibit B-2 and B-3)
7. Conceptual Site Layout (Exhibit C and D)

MALBIS PLANTATION, INC ANNEXATION PETITION



MALBIS PLANTATION, INC. ANNEXATION REQUEST

The applicant proposes to annex the subject property into the corporate limits. The site meets the contiguity requirement because it abuts the Daphne Innovation + Science Complex (DISC) site to the north as well as Alabama State Route 181 (Highway 181), a road right-of-way which is inside the Daphne city limits.

RECOMMENDATION

The Comprehensive Plan encourages expansion and annexation of land contiguous to the existing corporate limits. Both staff and the Planning Commission recommend approval of the request to annex this property 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.

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**

(_____)

The undersigned corporation, Malbis Plantation, Inc., files this petition with the Clerk of the City of Daphne requesting the property hereafter described, commonly referred to as, Lot 1 & 2 of Malbis Park I, 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 the 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, Malbis Plantation, Inc., 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 include specifically the conditions requested below upon annexing the said property into the corporate limits of the City of Daphne.

Requested zoning, if other than R-1: B-2a

Any other conditions which may apply upon annexation:

ADDITIONAL INFORMATION

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

Initials: LS

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: LS

We certify that the property is a single or multiple parcels under single or multiple ownership. Circle appropriate response:

Initials: LS

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: LS

SELECT ONE OF THE FOLLOWING OPTIONS

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

Initials: LS

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 28th day of February, 2024.

Legal Description Attached (Exhibit A)? X Map or Survey Attached (Exhibit B)? X
Recorded Subdivision Plat OR Preliminary/Final Subdivision plat approved by Planning Commission
Attached (Exhibit C)? X Acreage 28 Ac.
Subdivision Name Malbis Business Park I Lot Number(s) 1 & 2

Names and Signature of ALL property owners OR principle of corporation's designee:

Signature: LS [Signature] Signature: _____

Printed Name: Lewis Sterling Printed Name: _____

Mailing Address: Address Mailing Address: 201 Bellaire Dr

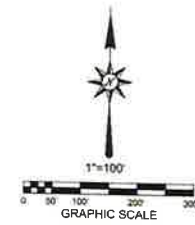
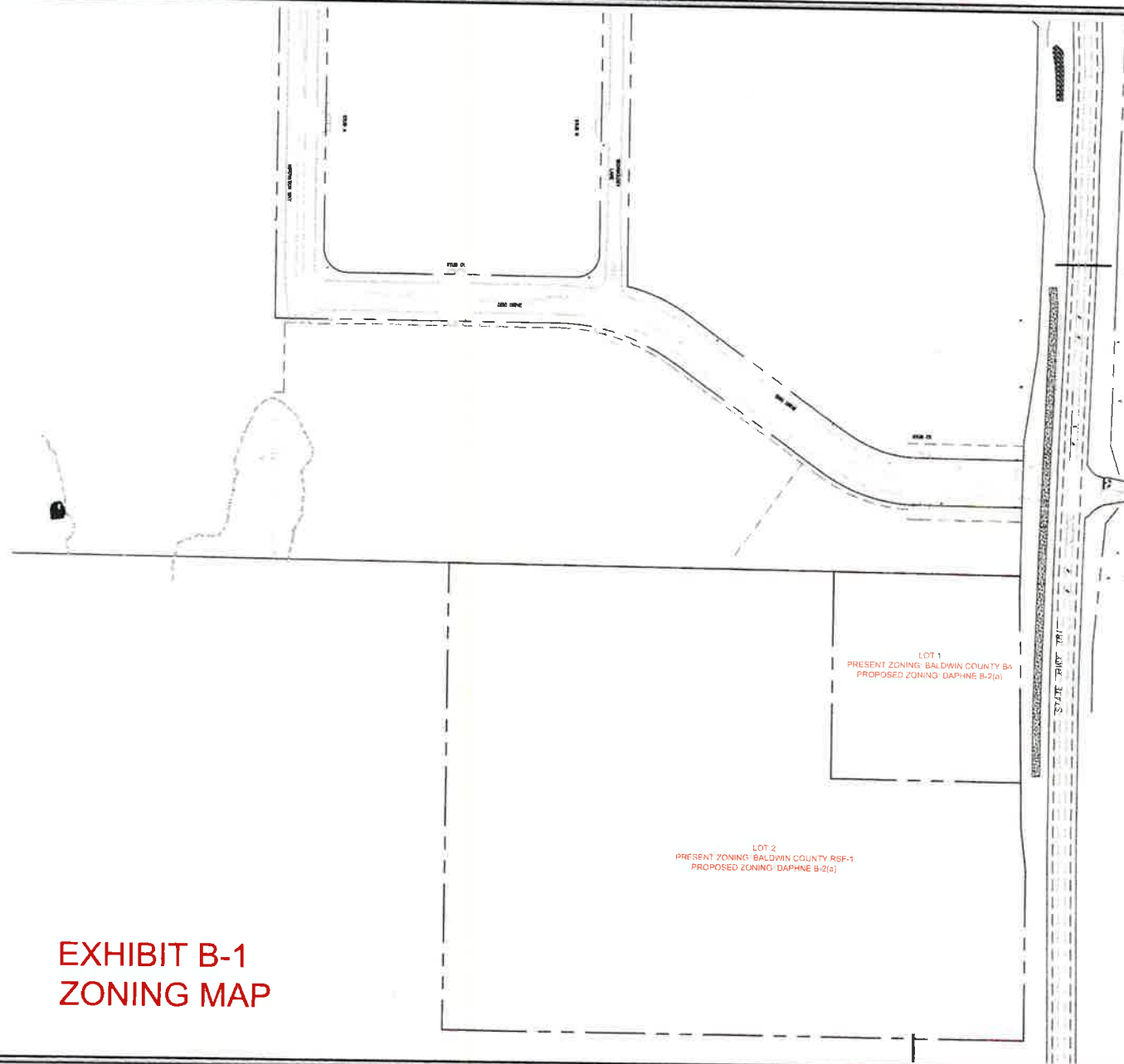
New Orleans, LA 70124

EXHIBIT A

LEGAL DESCRIPTION

Lots 1 and 2, Malbis Business Park, according to the plat thereof of, as recorded on Slide 0002540-F, in the Office of the Judge of Probate of Baldwin County, Alabama.

EXHIBIT B-1 ZONING MAP



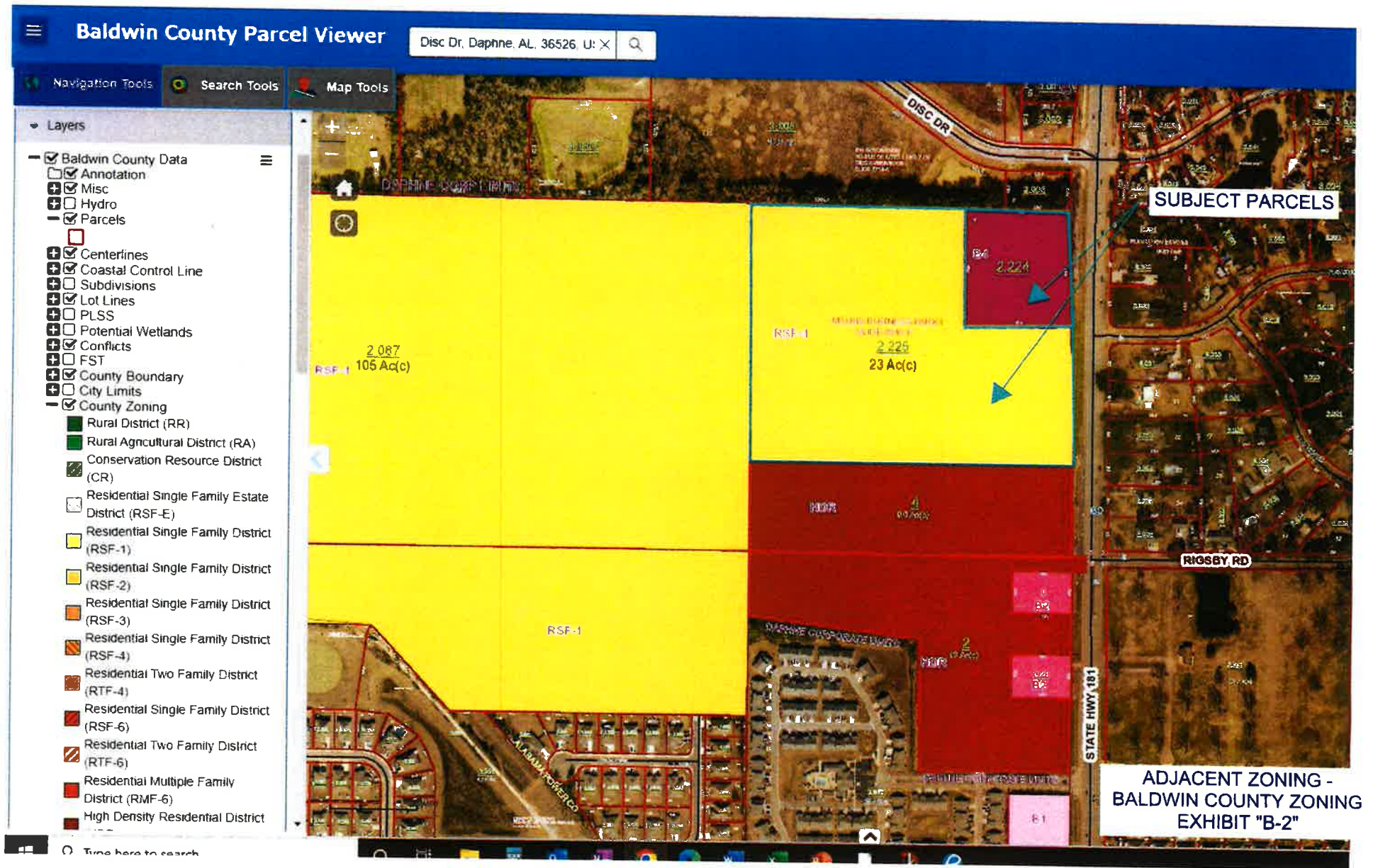
REVISIONS		DATE
NO.	DESCRIPTION	
1	ISSUED FOR CONCEPT APPROVAL	10/13/2017
2		
3		
4		
5		

PROPOSED CHURCH
HIGHWAY 181 AND DISC DRIVE
BALDWIN COUNTY, ALABAMA
CHURCH OF THE HIGHLANDS
BIRMINGHAM, ALABAMA



PRELIMINARY
NOT FOR
CONSTRUCTION,
RECORDING
PURPOSES OR
IMPLEMENTATION

DWG NO
C1 R3
PROJECT
27-0490



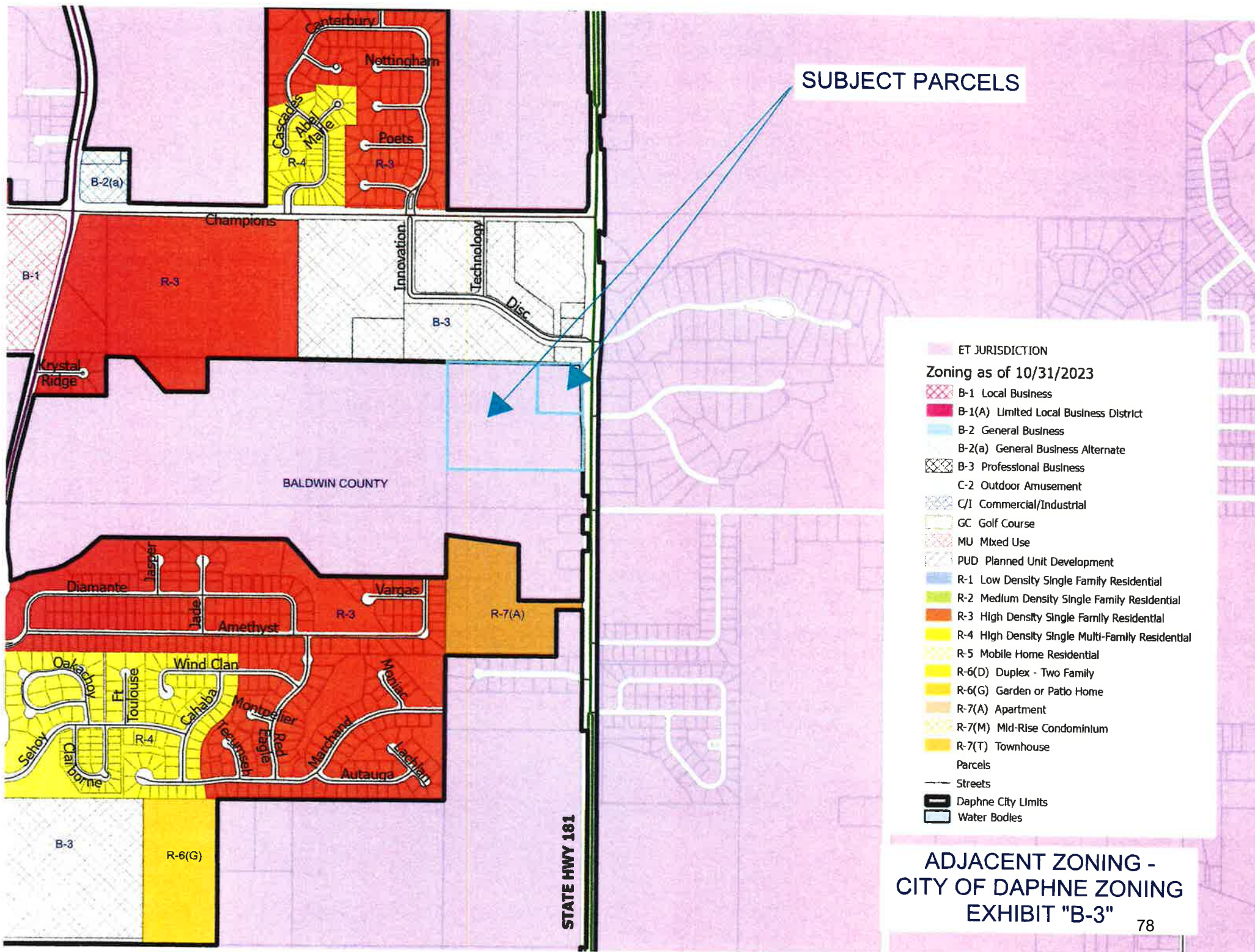


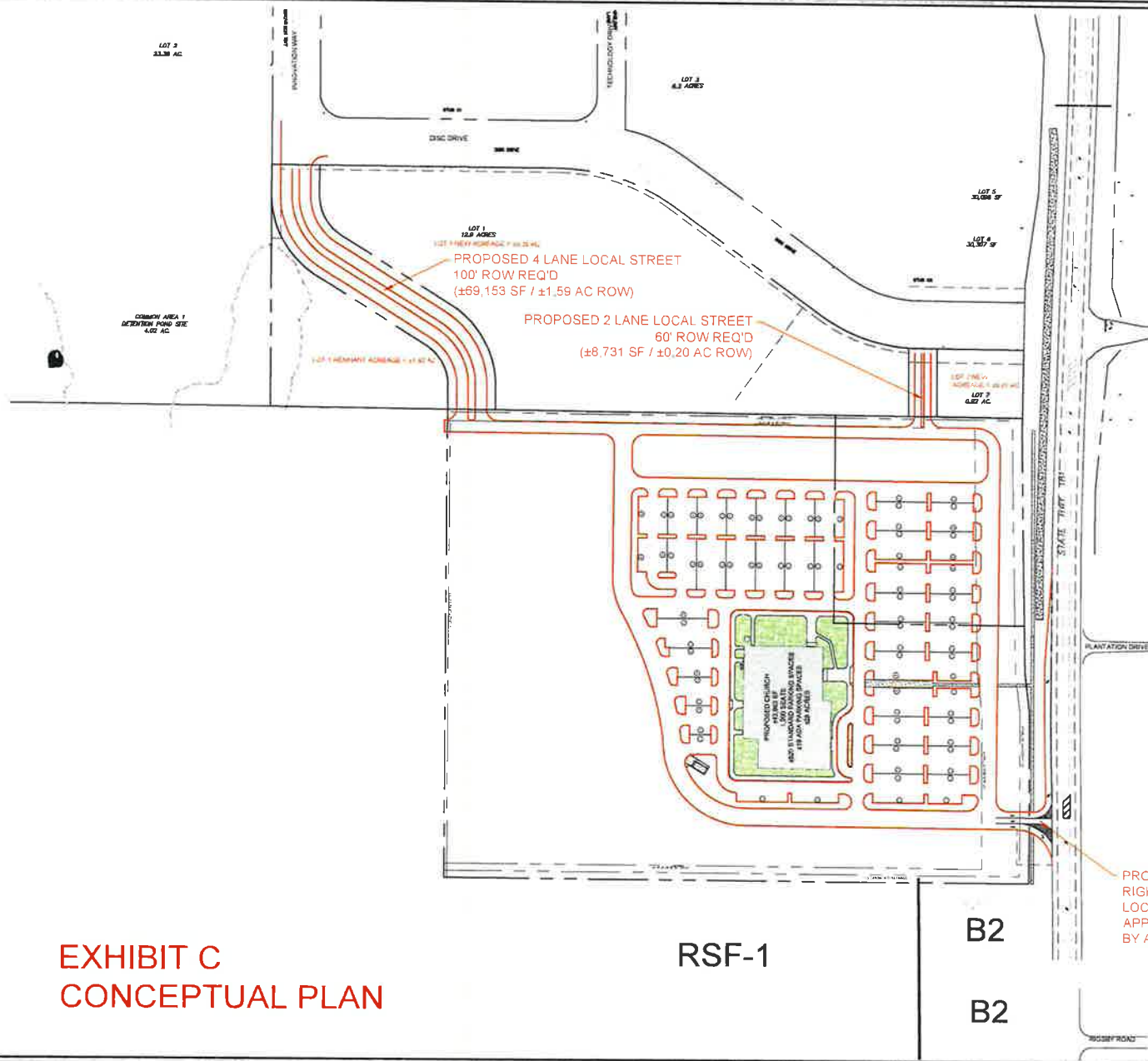
EXHIBIT C CONCEPTUAL PLAN

RSF-1

B2

B2

PROPOSED LEFT-IN, RIGHT-IN,
RIGHT-OUT ACCESS TO STATE HWY 181.
LOCATION HAS BEEN CONCEPTUALLY
APPROVED
BY ALDOT



SITE DATA TABLE	
PROPERTY AREA	±1,230,935 SF / ±28 ACRES
LOCAL JURISDICTION	DAFNE, ALABAMA
ZONING (PROPOSED)(B-2A)	GENERAL BUSINESS ALTERNATE CHURCH
PROPOSED USE	
BUILDING HEIGHT (REG. 13-6)	4 STORIES OR 30'
MAX. ALLOWED	1 ST. CITY
PROPOSED	
SITE AREA (AC)	43.843 SF (0.24%)
LANDSCAPE/PERVIOUS AREA	134,884 SF (21.28%)
IMPERVIOUS AREA (H2O BLDG)	490,291 SF (7.72%)
ROW FRONTAGE LENGTHS	
HIGHWAY 181	300'
PARKING (8' x 18' SPACES)	
REQUIRED	300
1 SPACE PER 4 SEATS	
PROVIDED	820
STANDARD	15
ADA ACCESSIBLE	15
TOTAL	835
BUILDING SETBACKS (REG. 13-6)	
FRONT (15' HWY 181)	100'
SIDE	30' SOUTH; 25' NORTH
REAR	0'
PERMITTER LANDSCAPE SETBACKS (REG. 13-6)	
FRONT (15' HWY 181)	30'
SIDE	15' SOUTH; 8' NORTH
REAR	0'
STORM WATER MANAGEMENT (RETENTION)	
24-HR DESIGN STORMS	2, 5, 10, 25, 50, & 100
WATER QUALITY	1:1
MAX SLOPE	3:1
EMERGENCY SPILL WAY	100 YRS
MIN SETBACK 20' FROM PROPERTY LINE TO BURM	5'-3'
MINIMUM DEPTH	5'-3'
MINIMUM FREEBOARD	1'
MAINTENANCE EASEMENT/ACCESS 20' WIDE SLOPE < 15%	

DATE

10/15/2022

REVISIONS

DESCRIPTION

BY

DATE

CONCEPT LAYOUT PLAN

PROPOSED CHURCH

CHURCH OF THE HIGHLANDS

BALDWIN COUNTY, ALABAMA

SIMMONS, ALABAMA

GONZALEZ STRENGTH & ASSOCIATES, INC.

CIVIL ENGINEERING, ARCHITECTURE, PLANNING

LAND PLANNING - LANDSCAPE ARCHITECTURE

1550 MOORE DR. SUITE 300

DAFNE, AL 36824

PHONE: (205) 842-2444

WWW.GSA-INC.COM

PRELIMINARY

NOT FOR

CONSTRUCTION,

RECORDING

PURPOSES OR

IMPLEMENTATION

DATE

10/15/2022

PROJECT

23-0460

EXHIBIT D CONCEPTUAL PLAN

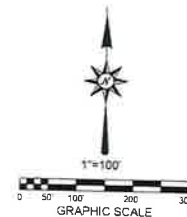
RSF-1

B2

B2

PROPOSED LEFT-IN, RIGHT-IN,
RIGHT-OUT ACCESS TO STATE HWY 181.
LOCATION HAS BEEN CONCEPTUALLY
APPROVED
BY ALDOT

SITE DATA TABLE	
PROPERTY AREA	±1,220.635 SF / ±0.028 ACRES
LOCAL JURISDICTION	DAPHNE, ALABAMA
ZONING (PROPOSED)	B-2(M) GENERAL BUSINESS ALTERNATE CHURCH
PROPOSED USE	
BUILDING HEIGHT (SEC. 12-4)	4 STORIES OR 37'
MAX. ALLOWED PROPOSED	1 STORY
SITE AREAS (INTERIOR)	
BUILDING AREA	43,000 SF (5.58%)
LANDSCAPE/PERVIOUS AREA	134,888 SF (11.02%)
IMPERVIOUS AREA (NO BLDG)	480,291 SF (39.24%)
ROW LENGTHS (LENGTHS)	
FRONT (US HWY 181)	200'
REAR (US HWY 181)	200'
PERMETER (LANDSCAPE SETBACKS (SEC. 12-4))	
FRONT (US HWY 181)	100'
REAR (US HWY 181)	30' SOUTH, 20' NORTH
PERMETER (LANDSCAPE SETBACKS (SEC. 12-4))	
FRONT (US HWY 181)	20'
REAR (US HWY 181)	15' SOUTH, 8' NORTH
STORM WATER MANAGEMENT (DETENTION)	
WATER QUALITY	2.5, 5, 10, 20, 50, 4, 100
WATER SLOPE	3:1
EMERGENCY SPILL WAY	100'-0"
MIN SETBACK 20' FROM PROPERTY LINE TO BERM	5'-3"
MINIMUM FREEBOARD	5'-3"
MAINTENANCE EASEMENT ACCESS 20' WIDE, SLOPE < 15%	



CONCEPT LAYOUT PLAN	
PROPOSED CHURCH CHURCH OF THE HIGHLANDS BIRMINGHAM, ALABAMA	
GONZALEZ - STRENGTH & ASSOCIATES, INC. CIVIL ENGINEERING - TRANSPORTATION ENGINEERING AND SURVEYING LAND PLANNING - LANDSCAPE ARCHITECTURE 1500 PROGRESS BLVD., SUITE 200 HOUSTON, ALABAMA 35244 PHONE: (205) 835-2288 FAX: (205) 835-2289 www.GS-Engineering.com	
PRELIMINARY NOT FOR CONSTRUCTION, RECORDING PURPOSES OR IMPLEMENTATION	
DWG NO.	CS-18-01
PROJECT	23-0000
DATE	2/2/2023

May 6, 2024
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 Steve Olen called the meeting to order at 6:00pm.

2. **ROLL CALL:**

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

Also Present: Patrick Dungan, City Attorney; Mayor LeJeune; Candace Antinarella, City Clerk; Chief Gulsby, Police; Troy Strunk, City Development; Charlie McDavid, Recreation; Adrienne Jones, Planning; Kellie Reid, Finance; Emmie Powell, Library; Ange Baggett, Marketing/Tourism; Vickie Hinman, Human Resources; Kent Ward, Junior Councilmember; Abby English, Junior Councilmember; and Jessica Linne, Assistant City Clerk.

INVOCATION/PLEDGE OF ALLEGIANCE:

Invocation was given by Pastor Charles Jackson, Macedonia Missionary Baptist Church.

PRESENTATION: Mayor LeJeune and the Beautification Committee presented the Quarterly Beautification Award to Synovus Bank.

PROCLAMATION: Mayor LeJeune presented a proclamation to the City Clerk for the National Municipal Clerks' Week.

PROCLAMATION: Mayor LeJeune presented a proclamation to the City's Correctional Officers for National Correctional Officers' Week.

PROCLAMATION: Mayor LeJeune presented a proclamation to Chief Gulsby and the City's Police Department for National Police Week.

PROCLAMATION: Mayor LeJeune presented a proclamation for Mental Health Awareness Month.

3. **APPROVAL OF MINUTES:**

The minutes from the April 15, 2024 regular meeting were approved.

4. **REPORT OF STANDING COMMITTEES:**

A. FINANCE COMMITTEE

Councilwoman Phillips said the minutes from the April 15th meeting are in the packet gave the Treasurer's Report for March 2024: Unrestricted Fund Balance-\$26,792,606; Total Cash Balance-\$49,888,267; Sales tax for February 2024 -\$2,045,033; Lodging Tax for February 2024-\$144,425; Debt Summary for March 2024: Warrants-\$31,763,902; Capital Leases: General Fund-\$573,974; Enterprise Fund -\$569,608. Councilwoman Phillips said the next meeting is May 20th at 4:30pm.

B. BUILDINGS & PROPERTY COMMITTEE

Councilman Goodlin said the next meeting is May 13th at 5:15pm.

C. PUBLIC SAFETY COMMITTEE

Councilman Hughes said the next meeting is May 13th at 4:30pm and the minutes from the April meeting are in the packet.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE

Councilman Scott said the next meeting is June 3rd at 4:30pm.

**May 6, 2024
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 P.M.**

E. PUBLIC WORKS COMMITTEE

Councilwoman Conaway said the next meeting is June 3rd at 5:15pm.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments

Mrs. Jones said there was no report.

B. Daphne Public School Commission

Councilwoman Conaway said the next meeting is May 28th at 5:30pm.

MOTION by Councilman Scott to appoint Ben Hughes to the Daphne Public School Commission for a three-year term (May 2024 – May 2027). Seconded by Councilman Goodlin. MOTION CARRIED UNANIMOUSLY.
--

C. Downtown Redevelopment Authority

Councilwoman Conaway said the next meeting is May 16th at 5:30pm and the minutes from the March meeting are in the packet.

D. Industrial Development Board

Councilman Scott said the next meeting is May 21st at 4:30pm.

E. Library Board

Councilman Goodlin said the next meeting is May 9th at the Library at 4:30pm.

F. Planning Commission

Councilman Olen said the next meeting is May 23rd at 5:00pm.

G. Recreation Board

Councilman Hughes said the next meeting will be May 18th at 6:00pm.

H. Utility Board

Councilman Coleman said the minutes from the March 27th meeting are in the packet and the next meeting is May 29th at 5:00pm.

6. PUBLIC PARTICIPATION:

Public participation opened at 6:25pm.

John Tolbert, 707 Adams Avenue, questioned if his property was re-zoned as commercial because he was trying to build a home.

Mamie Adams, 818 Adams Avenue, asked about why her property is zoned commercial land and said she found out it has been zoned commercial since 1988.

A lady spoke asking the Council to consider helping Mr. Tolbert because she stated “he has been very sick and needs to build a home”. The lady didn’t state her name or information.

Curt Fonger, 1443 Randall Avenue, said the May Day celebration went well along with the Community Prayer Dinner at the Civic Center. He spoke about a group who had recently used the pickleball courts.

**May 6, 2024
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 P.M.**

Tim Jones, 24861 Planters Drive, wished his wife, Adrienne Jones, a happy anniversary.

Public participation closed at 6:40pm.

7. MAYOR'S REPORT:

Mayor LeJeune said the Mayor's Prayer Breakfast event was great. He said he recently visited D.C. for the Eastern Shore MPO and met with the Federal Department of Transportation. He reminded everyone that high school graduations are happening soon.

8. CITY ATTORNEY REPORT:

City Attorney said there was no report.

9. DEPARTMENT HEAD COMMENTS:

Chief Gulsby, Police, said the recent April police graduates have been assigned and the first Citizens' Academy starts June 6th.

Chief Tacon, Fire, said the state burn ban is in effect. Captain David Saraceno thanked the Council for funding the vital scans and shared about his findings.

Ange Baggett, Marketing, said the May Day event was wonderful.

Charlie McDavid, Recreation, shared about upcoming tournaments as well as multiple sports wrapping up their season.

Adrienne Jones, Planning, shared on recent department work anniversaries: Pat Johnson – 29 years with the City and Jan Vallecillo – 31 years with the City.

Abby English, Junior City Council, gave an update on the Junior Council and their recent work with the May Day event. She said the next meeting is May 9th at 5:30pm.

10. CITY CLERK'S REPORT:

City Clerk asked the Council to consider tabling Ordinances 2024-08 and 2024-09 until the May 20th meeting when the meeting got to the Ordinances.

**MOTION by Councilwoman Phillips to approve the publication and set a public hearing on June 17, 2024 for the Official City of Daphne Zoning Map Update. Seconded by Councilman Scott.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilwoman Phillips to approve the publication and set a public hearing on June 17, 2024 for the 68V Baldwin Land Holdings, LLC, Sharon and John Boni, Sharon, Thomas and John Boni, and Sharon Boni, representative of Thelma Boni Estate Pre-Zoning Amendment located Southwest of the Intersection of County Road 13 and Milton Jones Road. Seconded by Councilman Scott.
MOTION CARRIED UNANIMOUSLY.**

**MOTION by Councilwoman Phillips to approve the publication and set a public hearing on June 17, 2024 for the 68V Baldwin Land Holdings, LLC, Sharon and John Boni, Sharon, Thomas and John Boni, and Sharon Boni, representative of Thelma Boni Estate Annexation Petition located Southwest of the Intersection of County Road 13 and Milton Jones Road. Seconded by Councilman Scott.
MOTION CARRIED UNANIMOUSLY.**

May 6, 2024
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 P.M.

11. **RESOLUTIONS:**

2024 – 16 – Resolution Ratifying the City of Daphne Planning Commission’s Adoption of the Envision 2042 Comprehensive Plan

2024 – 17 – Resolution for Approval of Infirmary Health Systems Projects Pursuant to Title 11, Chapter 62 of the Code of Alabama

2024 – 18 – Declaring Certain Personal Property Surplus and Authorizing the Mayor to Dispose – 2007 Ford Expedition and 2011 Chevy Tahoe

2024 – 19 – Appropriation: Animal Shelter Construction – 2023 Construction Fund - \$2,600,000

2024 – 20 – Acceptance of Roads and Rights-of-Ways – Jubilee Farms, Phase Twelve

2024 – 21 – Resolution to Update the Official City of Daphne Street Map

MOTION by Councilwoman Conaway to waive the reading of Resolutions 2024-16, 2024-17, 2024-18, 2024-19, 2024-20 and 2024-21. Seconded by Councilwoman Phillips.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilwoman Conaway to adopt Resolution 2024-16. Seconded by Councilman Scott.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilwoman Conaway to adopt Resolution 2024-17. Seconded by Councilman Scott.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to adopt Resolution 2024-18. Seconded by Councilwoman Phillips.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to adopt Resolution 2024-19. Seconded by Councilman Coleman.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilwoman Conaway to adopt Resolution 2024-20. Seconded by Councilman Goodlin.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilwoman Phillips to adopt Resolution 2024-21. Seconded by Councilman Goodlin.

MOTION CARRIED UNANIMOUSLY.

12. **2ND READ ORDINANCES:**

2024 – 08 – Pre-Zone Property Located Northeast of County Road 64 and Alabama Highway 181 – The Estate of Georgianne Simms

2024 – 09 – Annex Property Contiguous to the Corporate Limits of the City of Daphne – Located Northeast of County Road 64 and Alabama Highway 181 – The Estate of Georgianne Simms

May 6, 2024
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 P.M.

**MOTION by Councilman Scott to table Ordinances 2024-08 and 2024-09 until the May 20, 2024 Council meeting. Seconded by Councilwoman Phillips.
MOTION CARRIED UNANIMOUSLY.**

13. 1ST READ ORDINANCES:

2024 – 10 – Ordinance to Amend the City of Daphne's Lodging Tax Ordinance 2022-53

2024 – 11 – Ordinance Authorizing the Mayor to Execute a Purchase and Sale Agreement with 68 Ventures, LLC to Convey Certain Real Property No Longer Needed for Public or Municipal Purposes

COUNCIL COMMENTS:

Councilwoman Phillips said the stories shared at the meeting put everything in perspective.

Councilman Hughes thanked the Council for allowing him to serve on the Public School Commission.

Councilman Scott said he feels staff needs to handle the situation with the group renting the pickleball courts.

Councilman Goodlin said National Day of Prayer as well as the May Day event were both great.

Councilman Coleman commended Adrienne for her job she's doing and for working with her staff.

Councilwoman Conaway thanked the Clerk's Office for their work and said she is blessed to live in the City of Daphne.

Council President Olen said the May Day celebration was great as well as the prayer breakfast. He commended Chief Tacon for bringing the wellness check idea to the Council for approval.

15. ADJOURN:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, COUNCIL ADJOURNED AT 7:14PM.

Respectfully submitted by,

Certification of Presiding Officer,

Candace G. Antinarella, MMC, City Clerk

Steve Olen, Council President

BUILDINGS & PROPERTY COMMITTEE MEETING

April 8, 2024, 5:15 p.m.

**City Hall, Jubilee Conference Room
1705 Main Street, Daphne, AL 36526**

MEETING MINUTES

MEMBERS PRESENT: Councilwoman Phillips, Councilman Coleman, Councilman Goodlin, Councilman Hughes, Councilman Olen, Councilwoman Conaway and Councilman Scott

ALSO PRESENT: Patrick Dungan, City Attorney; Candace Antinarella, City Clerk; Troy Strunk, City Development; Mayor LeJeune; Kelli Reid, Finance; Ben Davis, Recreation; Eric Butler, Building Dept; Ronnie Huskey, Public Works; and Emmie Powell, Library.

1) CALL MEETING TO ORDER / ROLL CALL

There being a quorum present Councilman Goodlin called the meeting to order at 5:15p.m.

2) MINUTES

Councilman Goodlin reviewed the minutes from the March meeting.

3) PUBLIC PARTICIPATION

No one came forward to speak.

4) BUILDING INSPECTION REPORT

Eric Butler gave the Building and Permit Report for March.

5) CIVIC CENTER & BAYFRONT PAVILION REPORT

There was no report.

6) RECREATION REPORT

Ben Davis gave the Recreation Report.

7) LIBRARY REPORT

Emmie Powell gave the Library Report.

8) VILLAGE POINT BAYFRONT PROPERTIES REPORT

Councilman Goodlin read a letter from Selena Vaughn regarding the Village Point Volunteers and their projects.

9) FACILITIES REPORT

Ronnie Huskey gave the Public Works Report.

10) OLD BUSINESS

11) NEW BUSINESS

12) ANY OTHER BUILDINGS AND PROPERTY BUSINESS

13) NEXT MEETING

The next meeting is scheduled for Monday, May 13, 2024 at 5:15 p.m.

14) ADJOURN

There being no further business to discuss, the Committee adjourned at 5:34pm.

City of Daphne Building Department

2020 / 2021 / 2022 / 2023 / 2024 Comparison Report

	Fees Collected					Permits Issued					CO's Issued				
	2020	2021	2022	2023	2024	2020	2021	2022	2023	2024	2020	2021	2022	2023	2024
Oct	\$93,181.87	\$94,131.53	\$84,303.63	\$47,086.96	\$83,798.35	215	357	308	192	224	11	31	40	28	32
Nov	\$62,198.00	\$109,387.14	\$91,672.49	\$50,279.03	\$27,147.62	223	378	351	286	166	26	30	30	36	24
Dec	\$233,529.32	\$101,471.36	\$128,605.99	\$57,070.59	\$39,504.17	252	383	296	216	178	33	43	53	36	33
Jan	\$118,498.03	\$132,049.79	\$259,810.62	\$33,804.54	\$171,783.56	270	372	350	152	296	14	24	36	33	22
Feb	\$140,560.44	\$97,396.64	\$129,315.56	\$44,081.76	\$84,812.81	308	350	292	169	231	33	32	32	31	23
Mar	\$77,067.98	\$95,472.42	\$116,358.20	\$30,603.28	\$57,725.99	362	391	431	181	240	45	52	84	44	24
Apr	\$94,394.17	\$80,088.89	\$60,816.35	\$76,873.19	\$173,085.70	272	373	324	212	352	32	40	42	27	15
May	\$95,010.56	\$101,848.37	\$65,454.25	\$147,875.62		294	380	306	288		39	42	48	20	
June	\$179,966.08	\$100,508.32	\$147,395.66	\$234,524.02		399	394	355	308		49	50	34	25	
July	\$77,442.81	\$78,547.74	\$87,733.72	\$100,809.42		323	408	305	267		45	29	23	13	
Aug	\$105,147.77	\$59,376.50	\$61,504.63	\$60,342.37		307	309	299	192		34	30	19	4	
Sept	\$71,226.36	\$93,879.09	\$140,065.18	\$108,322.22		352	442	328	277		35	48	40	34	
Total	\$1,348,223.39	\$1,144,157.79	\$1,373,036.28	\$991,701.56	\$637,858.20	3577	4537	3945	2740	1,687	396	451	481	331	173
Percent	NA	-15.14%	20.00%	-27.77%		NA	26.84%	-13.05%	-30.54%	%	NA	13.89%	6.65%	-31.19%	

April FY2024 Notes

Building Inspections- 485

352 Permits issued, 15 Certificate Of Occupancies issued, and 44 New home permits issued

May 13, 2024
PUBLIC SAFETY MEETING MINUTES
1705 MAIN STREET
DAPHNE, AL
4:30 P.M.

1. CALL TO ORDER:

There being a quorum present, Councilman Hughes called the meeting to order at 4:30pm.

2. ROLL CALL:

COUNCIL MEMBERS PRESENT: Council President Steve Olen, Councilwoman Tommie Conaway, Councilmen Doug Goodlin, Ron Scott, Joel Coleman and Benjamin Hughes.

ABSENT: Mayor LeJeune and Councilwoman Angie Phillips.

Also Present: Jay Ross, City Attorney; Troy Strunk, City Development; Fire Department; Chief Adams, Chief Gulsby, Police Department; Candace Antinarella, City Clerk; Heather deAngelo, Recording Secretary.

3. PUBLIC PARTICIPATION:

Old Field Subdivision Speed Control

Barbara Garner 10235 Dunleith Lp.

Nathaniel Able 10109 Dunleith Lp.

1st request the City to place 2 speed bumps, one on Camberwell and one on Dunleith Lp.

2nd request for additional speed limit signs to be placed throughout the neighborhood.

Lastly, open to ideas of speed detection signs or lights on Stop Signs.

Chief Gulsby advised that the speed trailer had to be adjusted. Speeding was recorded, tickets have been issued by DPD.

Troy Strunk advised they will look over the data and meet with the Mayor. Additional speed limit signs were posted recently.

4. APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from April 08, 2023 Public Safety meeting were approved as presented.

5. POLICE DEPARTMENT – Chief Gulsby

Old Business:

New Business: Chief Gulsby provided the stats from the Old Field Subdivision area. Officer Huffman (SRO) and Deon Gatson are implementing the new Ambassador Program. (So far, maybe 20 participants) They will meet monthly. This will not be limited to Daphne residents, will include the entire Eastern shore area. Four new Police Tahoe's were delivered on Friday.

May 13, 2024
PUBLIC SAFETY MEETING MINUTES
1705 MAIN STREET
DAPHNE, AL
4:30 P.M.

6. FIRE DEPARTMENT: - Chief Adams

Old Business: Updated Council on Firetruck delivery times. Production times are speeding up. Station 3 is still having significant issues with mold and air quality. This will be discussed in the next buildings and properties meeting.

New Business:

7. OTHER BUSINESS:

None

Adjournment 5:00 p.m.

Daphne Downtown Redevelopment Authority
Jubilee Conference Room
Daphne Alabama
Thursday, April 18, 2024
5:30 p.m.

Attendees: Daphne Robinson, Chairperson; Monica Kurth, Vice Chair; Dayna Oldham, Treasurer; Jason Goffinet, Member; Laura Johnson, Member; Tommie Conaway, Council Liaison; Steve Olen, Councilman; Troy Strunk, Executive Director of City Development and Jessica Linne, Asst. City Clerk

Absent: Pamela Marks, Member; Shawn Mitchell, Member

A. Call to Order:

- a. Prayer/Pledge of Allegiance
- b. Member present roll Sheet / Greet Public Participants
- c. Approve minutes
 - a. Monica motions to approve minutes, Jason seconds, motion passes unanimously

B. Public Participation

- a. No public comments

C. Treasurer Report

- a. Monthly bank statement shows \$7,221.25 in deposits with a total balance of \$90,751.32

D. City Council update

- a. Amended agreement includes the stipulation that 5% shall be paid at least quarterly and used for the action items, implementation of strategies and purpose of providing funding for the Downtown Redevelopment Authority (DRA) as approved by the City Council. The DRA shall submit annual financial statements within 60 days of the end of the calendar year and monthly bank statements to the city finance director as well as minutes of any publicly held meeting to the city clerk.
- b. Senator Katie Britt passed a bill earmarking \$5 million to benefit Daphne and place utilities underground on Main Street currently from Lott Park to Potters Mill, current estimated cost is \$15 million.

E. Committee Progress Reports

- a. Website and Social Media Pages: Monica Kurth
 - a. Requesting photos of Main Street development progress to post on social media pages Jason to help with construction updates.
- b. Directional signs: (Tabled) Dayna Oldham
- c. Lea Avenue Development: (Tabled) Daphne Robinson
- d. Main Street Development: Daphne Robinson
 - a. Project bid is currently \$1.519 million
 - b. Laura motions to enter into a contract and to approve the current bid, Monica seconds the motion, motion passes unanimously.
 - c. Monica motions to obtain a proposal from Walcott Adams to provide interior and exterior design concepts, Jason seconds the motion, motion passes unanimously.

F. New Business

- a. Directors and Officers insurance is not a standalone product but part of a general insurance policy. Robertson Insurance Agency provided general liability for \$1500 and directors and

officers insurance for another \$1500 annually. We will need to modify plan once construction is complete and we lease or rent the units.

- b. Dana motions to move forward with Robertson Insurance, Monica seconds the motion, motion passes unanimously. Jason motions to approve up to \$5000 for premium payments Dayna seconds the motion, motion passes unanimously.
- c. Next meeting: **Thursday May 16, 2024**
 - 1. Minutes and agenda to be emailed no later than Tuesday May 14th
 - 2. Agenda items are due the Monday prior to scheduled meeting.
- d. Adjourn



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD

ALCOHOL LICENSE APPLICATION

Confirmation Number: 20240425104211455



Type License: 011 - LOUNGE RETAIL LIQUOR - CLASS II (PACKAGE) State: \$300.00 County: \$440.00

Type License:

State: County:

Trade Name: DAPHNE LIQUORS

Filing Fee: \$50.00

Applicant: SAINATH ENTERPRISES LLC

Transfer Fee:

Location Address: 28691 US HIGHWAY 98; STE E DAPHNE, AL 36526

Mailing Address: 28691 US HIGHWAY 98; STE E DAPHNE, AL 36526

County: BALDWIN Tobacco sales: YES

Tobacco Vending Machines: 0

Product Type: 03

Type Ownership: LLC

Book, Page, or Document info: 001-0114-738

Do you sell Draft Beer?:

Date Incorporated: 01/05/2024 State incorporated: AL

County Incorporated: MOBILE

Date of Authority: 01/05/2024

Federal Tax ID: 990555691

Alabama State Sales Tax ID: R012123812

Name:	Title:	Date and Place of Birth:	Residence Address:
NAGA SRILAKSHMI ANNAMDEVULA 8268780 - AL	MEMBER	01/17/1986 INDIA	8530 ROSEBUD DR N MOBILE, AL 36695
SRIDHAR SANAKA 8248304 - AL	MEMBER	12/13/1986 INDIA	8530 ROSEBUD DR N MOBILE, AL 36695

Has applicant complied with financial responsibility ABC RR 20-X-5-.14? YES

Does ABC have any actions pending against the current licensee? NO

Has anyone, including manager or applicant, had a Federal/State permit or license suspended or revoked? NO

Has a liquor, wine, malt or brewed license for these premises ever been denied, suspended, or revoked? NO

Are the applicant(s) named above, the only person(s), in any manner interested in the business sought to be licensed? YES

Are any of the applicants, whether individual, member of a partnership or association, or officers and directors of a corporation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this act? NO

Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage, or distilled liquors permit or license issued under authority of this act? NO

Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate or other licensee, or from any firm, association or corporation operating under or regulated by the authority of this act? NO

Contact Person: SRIDHAR SANAKA

Business Phone: 251-635-2337

Fax:

Home Phone: 251-635-2337

Cell Phone:

E-mail: SRIDHARSANAKA@GMAIL.COM

PREVIOUS LICENSE INFORMATION:

Trade Name:

Applicant:

Previous License Number(s)

License 1:

License 2:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20240425104211455



If applicant is leasing the property, is a copy of the lease agreement attached? YES
Name of Property owner/lessor and phone number: 98 AND VAN BUREN LLC 251-432-2520
What is lessors primary business? REAL ESTATE
Is lessor involved in any way with the alcoholic beverage business? NO
Is there any further interest, or connection with, the licensee's business by the lessor? NO

Does the premise have a fully equipped kitchen? NO
Is the business used to habitually and principally provide food to the public? NO
Does the establishment have restroom facilities? YES
Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? NO

Will the business be operated primarily as a package store? YES
Building Dimensions Square Footage: 6700 Display Square Footage: 5000
Building seating capacity: 50 Does Licensed premises include a patio area? NO
License Structure: ONE STORY License covers: PORTION OF
Number of licenses in the vicinity: 1 Nearest: 1
Nearest school: Nearest church: Nearest residence: 1 blocks
Location is within: CITY LIMITS Police protection: CITY

Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of any law violation(s)? NO

Name:	Violation & Date:	Arresting Agency:	Disposition:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20240425104211455



Initial each

☐ AS

In reference to law violations, I attest to the truthfulness of the responses given within the application

☐ AS

In reference to the Lease/property ownership, I attest to the truthfulness of the responses given within the application.

☐ AS

In reference to ACT No. 80-529, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application.

☐ NA

In reference to Special Retail or Special Events retail license, Wine Festival and Wine Festival Participant Licenses, and Food or Beverage Truck Licenses, I agree to comply with all applicable laws and regulations concerning this class of license, and to observe the special terms and conditions as indicated within the application.

☐ NA

In reference to the Club Application information, I attest to the truthfulness of the responses given within the application.

☐ NA

In reference to the transfer of license/location, I attest to the truthfulness of the information listed on the attached transfer agreement.

☐ AS

In accordance with Alabama Rules & Regulations 20-X-5-.01(4), any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.

☐ AS

The undersigned agree, if a license is issued as herein applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages.

The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the board relative to all alcoholic beverages received in this State. The undersigned,

if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the license premises are located to enter and search without

a warrant the licensed premises or any building owned or occupied by him or her in connection with said licensed premises. The undersigned hereby understands that he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued

to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama

Alcoholic Beverage Control Board.

☐ AS

I hereby swear and affirm that I have read the application and all statements therein and facts set forth are true and correct, and that the applicant is the only person interested in the business for which the license is required.

Applicant Name (print): Sridhar Sanaka

Signature of Applicant: Sridhar S

Notary Name (print): Patesa Bennett

Notary Signature: Patesa Bennett

Commission expires:

12/18/2024

Forwarded to District Office:

Received from Local Government:

Forwarded to Central Office:

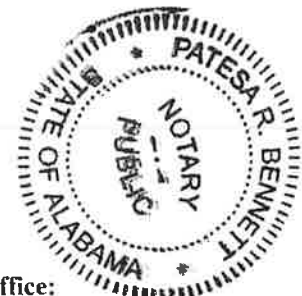
Application Taken:

App. Inv. Completed:

Submitted to Local Government:

Received in District Office:

Reviewed by Supervisor:



Receipt Confirmation Page

Receipt Confirmation Number: **20240425104211455**
Application Payment Confirmation Number: 99610524

Payment Summary	
Payment Item	Fee
Application Fee for License 011	\$50.00
Total Amount to be Charged	\$50.00

License Payment Confirmation Number:

Payment Summary			
Payment Item	County Fee	State Fee	Total Fee
011 - LOUNGE RETAIL LIQUOR - CLASS II (PACKAGE)	\$440.00	\$300.00	\$740.00
			\$0.00
Total Amount to be Charged	\$440.00	\$300.00	\$740.00

Application Type

Application Type: APPLICATION

Applicant Information

License Type 1: 011 - LOUNGE RETAIL LIQUOR - CLASS II (PACKAGE)

License Type 2:

License County: BALDWIN

Business Type: LLC

Trade Name: DAPHNE LIQUORS

Applicant Name: SAINATH ENTERPRISES LLC

Location Address: 28691 US HIGHWAY 98; STE E
DAPHNE, AL 36526

Mailing Address: 28691 US HIGHWAY 98; STE E
DAPHNE, AL 36526

Contact Person: SRIDHAR SANAKA

Contact Home Phone: 251-635-2337

Contact Business Phone: 251-635-2337

Contact Fax:

Contact Cell Phone:

Contact Email Address:

Contact Web Address:

CASE NO. 2024-9

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV 5/6/24 CAC
DATE FORWARDED TO POLICE DEPT. 5/6/24 CAC
DATE RECEIVED BY POLICE DEPT. 5/6/24 KRF

DATE 5/6/24 APPROVED ☒ DISAPPROVED ☐

POLICE DEPT SIGNATURE H. H. H. H.

DATE RETURNED TO REVENUE DIV 5/6/24 KRF
DATE FORWARDED TO CITY CLERK 5/6/24 CAC
DATE RECEIVED BY CITY CLERK 5/6/24 JL
SCHEDULED DATE ON AGENDA 5/20/24 JL

Council Action: ☐ APPROVED ☐ DISAPPROVED ☐ TABLED

COMMENTS: _____

Rescheduled for Council Agenda Date: _____

Council Action: ☐ APPROVED ☐ DISAPPROVED ☐ TABLED

COMMENTS: _____

DATE RETURNED TO REVENUE DIV.: _____

DATE RETURNED TO TAXPAYER _____
OR TO ABC FIELD OFFICE _____ (per taxpayer request)

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2024-22**

2024-E-(03) RESURFACING & FULL DEPTH REPAIRS ON CR13

WHEREAS, the City of Daphne is required under section 39-1-1(E) of the Code of Alabama to secure competitive bids for public works contracts in excess of \$ 100,000; and

WHEREAS, the City of Daphne acknowledges that the Resurfacing & Full Depth Repairs on CR13 project will exceed \$100,000; and

WHEREAS, the City of Daphne did receive and review bids for the project and has determined that the bid as presented is reasonable; and

WHEREAS, the subject bid is hereby certified contemporaneously with the passing of this resolution that the bid was let in compliance with all applicable provisions of Alabama law; and

WHEREAS, staff recommends the Base Bid (\$370,500) and Alternates #'s 5C, 5D, 8A, 11, and 12 (\$592,477.11) for a total of \$962,977.11 for the Resurfacing & Full Depth Repairs on CR13 bid be awarded to John G. Walton Construction Company, Inc.

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the City hereby accept the bid from John G. Walton Construction Company, Inc in the amount of \$962,977.11 as specified in BID SPECIFICATION NO. 2024-E-(03) RESURFACING & FULL DEPTH REPAIRS ON CR13 project.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of May, 2024

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, MMC, City Clerk

CITY OF DAPHNE
BID: 2024-E-RESURFACING & FULL DEPTH REPAIRS ON CR13
 May 1, 2024
 11:30 A.M.

Company Name	License#	Adden # 1	Bid Bond	Base Bid	Alternate 5C	Alternate 5D	Alternate 8A	Alternate 11	Alternate 12	Total (Base Bid + Alternates)
Ammons & Blackmon Const LLC	49303	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Asphalt Services Inc.	22479	✓	✓	\$450,940.20	\$139,237.00	\$62,375.75	\$67,666.50	\$108,853.00	\$203,247.50	\$1,032,319.95
Arrington Inc.	45001	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Harwell & Company	46763	✓	✓	\$532,581.00	\$120,580.00	\$87,254.00	\$82,616.50	\$124,351.00	\$225,892.00	\$1,173,274.50
H. O. Weaver & Sons Inc.	2637	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
John G. Walton Construction	20293	✓	✓	\$480,456.84	\$118,107.18	\$58,623.73	\$50,718.93	\$91,888.76	\$163,181.67	\$962,977.11
McElhenney Construction	49555	✓	✓	\$507,369.94	\$103,388.95	\$58,460.60	\$57,270.88	\$88,807.28	\$193,206.00	\$1,008,503.65

**ENGINEERING
INTERNAL MEMORANDUM**



DATE: May 3, 2024
TO: Daphne City Council
Mayor Robin LeJune
FROM: Josh Newman, PE, City Engineer *[Signature]*
CC: Suzanne Henson, NIGP-CPP, Accountant III
SUBJECT: 2024-E-Resurfacing and Full Depth Repairs on CR 13
Bid Recommendation Letter

Dear Council Members and Mayor LeJune,

I have reviewed the bids submitted on May 1, 2024, for the above-mentioned project. Four bids were received. Asphalt Services Inc., Harwell & Company, John G. Walton Construction, and McElhenney Construction provided bids. All four contractors are properly licensed and qualified to perform this work. The bid tab record is attached for review.

The qualifying low base bid and all alternates for the above referenced project was submitted by John G. Walton Construction at \$962,977.11.

It is my recommendation that the qualifying low base bid and all alternates be accepted and the contract awarded to John G. Walton Construction for the sum of \$962,977.11.

If you have any questions or need anything further from my office, please let me know.

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2024-23**

**AUTHORIZING THE SUBMISSION OF AN FY 2025 TRANSPORTATION
ALTERNATIVES SET-ASIDE PROGRAM GRANT TO THE ALABAMA
DEPARTMENT OF TRANSPORTATION TO CONSTRUCT ON POLLARD ROAD
AND PARK DRIVE**

WHEREAS, the Alabama Department of Transportation (ALDOT) is accepting applications from municipal governments for FY 2025 Transportation Alternatives Set-Aside Program (TAP) Grants; and

WHEREAS, the City of Daphne has identified the need to construct infrastructure to connect the sidewalk on Pollard Road and Park Drive to the City of Daphne's Sportsplex; and

WHEREAS, the total project cost is estimated at \$1,000,000, and if funded, the grant will pay 80% or \$800,000 and the City of Daphne will be responsible for providing 20% or \$200,000; and

WHEREAS, if funded, the City will see this project through to completion and will be responsible for providing long-term maintenance of the new facilities.

THEREFORE, BE IT RESOLVED BY the City of Daphne, IN REGULAR SESSION ASSEMBLED, that by this Resolution the City of Daphne authorizes submission of a TAP Grant to ALDOT requesting funds to construct new pedestrian facilities; and

BE IT FURTHER RESOLVED that the City Council authorizes the Mayor to sign all required grant application documents on behalf of the City.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, on the _____ of _____, 2024.

Robin LeJeune, Mayor

Attest:

Candace G. Antinarella, MMC, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2024-08**

**Ordinance to Pre-Zone Property Located Northeast of County Road 64 and Alabama
Highway 181
The Estate of Georgianne Simms**

WHEREAS, Estate of Georgianne Simms by Carl E. Johnson, 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 B-3, General Business, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, be pre-zoned as B-2(a), General Business Alternate, prior to annexation into the City of Daphne; and

WHEREAS, said real property is located Northeast of County Road 64 and Alabama Highway 181, being more particularly described as follows:

Legal Description for Property to be Pre-Zoned:

Lot A of Simms Subdivision, By Map Or Plat Thereof Recorded At Slide 2929-E, Probate Records, Baldwin County, Alabama. Being A Resubdivision Of Lot 1C, Simms-Foster Subdivision As Recorded In Slide 2825-A, A Resubdivision of Multiple Parcels, Including Lot 1, Simms Orchard, As Recorded At Slide 1844-A.

WHEREAS, at the regular Planning Commission meeting on February 22, 2024, the Commission considered said request and voted to set forth an unanimously favorable recommendation to the City Council to pre-zone the property B-2(a), General Business Alternate; 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 April 15, 2024; 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 B-2(a), General Business Alternate, 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 B-3, General Business, General Business, 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 _____, 2024.

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, MMC, City Clerk



DRAINAGE EASEMENTS
EXTERNAL NEAR AND SIDE BOUNDARY LOT LINES: 15 FEET
INTERNAL NEAR AND SIDE LOT LINES: 7.5 FEET

UTILITY EASEMENTS
EXTERNAL NEAR AND SIDE BOUNDARY LOT LINES: 15 FEET
INTERNAL NEAR AND SIDE LOT LINES: 10 FEET

FLOOD STATEMENT
PROPERTY LIES IN FLOOD ZONE "X" AS SCALED FROM FLOOD INSURANCE RATE MAP NUMBER D100308AAL, COUNTY: BALDWIN, PARCEL: 0655, SURFAC "X", MAP REVISED DATE: APRIL 19, 2019

2/04/19
SLIDE 0002829-E

SITE DATA

Planning Dist: 35
Zoning: B-3 (GENERAL BUSINESS)
Total Area: 4.98 AC.
Total Lots: 2
Smallest Lot: 32,770 SF
Largest Lot: 184,473 SF
Street Length: NONE

PARCEL NUMBER
05-48-06-14-0-000-012.000

BUILDING SETBACKS AS PER B-3 ZONING, BALDWIN COUNTY PLANNING DISTRICT 35:
FRONT: 40 FT.
REAR: 25 FT.
SIDE: 15 FT.

FRONT SETBACKS ALONG ALABAMA HIGHWAY 181 AND COUNTY ROAD 64 ARE BASED ON HIGHWAY CONSTRUCTION SETBACK AND ARE AS SHOWN HEREON.

OWNER OF RECORD & SUBDIVIDER:
ESTATE OF GEORGIANNE SIMMS
C/O CARL E. JOHNSON
PO BOX 489
FOLEY, AL 36536

UTILITY PROVIDERS
Water: BELFOREST WATER SYSTEM
Sewer: BALDWIN COUNTY SEWER SERVICE
Power: RIVERIA UTILITIES
Telephone: AT&T

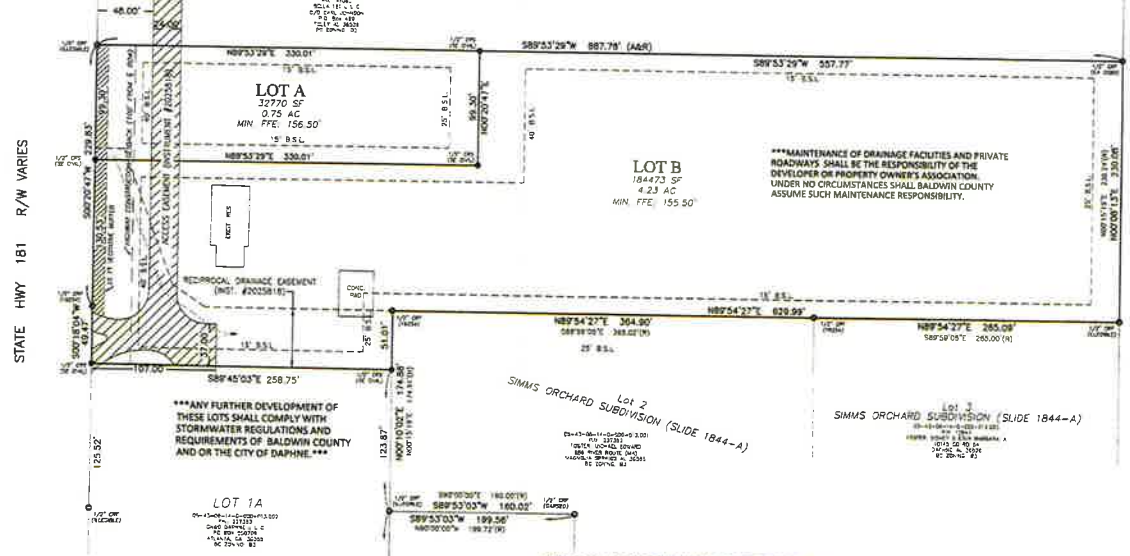
SURVEYOR
S.E. CIVIL ENGINEERING AND SURVEYING, LLC
9969 WINDMILL ROAD
FAIRHOPE, AL 36532
DAVID E. DIEHL, PLS LIC. NO. 26514

- LEGEND:**
- B.S.L. = BUILDING SETBACK LINE
 - RECORD BEARING/DISTANCE
 - CH = CHAINED REBAR SET (SEE CIV.)
 - CH = CHAINED REBAR FOUND
 - CH = CHAINED REBAR FOUND (NO CAP)
 - 10' FOOT STUMP DEDICATED HERCITY FOR PUBLIC RIGHT-OF-WAY
 - SECTION LINE
 - NECESS. EASEMENT (INSTRUMENT #2023018)



Vicinity Map
1 Inch = 1 Mile

Exhibit "B"



SURVEYOR'S NOTES:

- THAT THERE MAY BE RECORDS OF UNRECORDED DEEDS, EASEMENTS, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OF THE SUBDIVISION.
- THAT THE SURVEYOR HAS BEEN ADVISED BY THE PROPERTY OWNER THAT THE EXISTENCE, LOCATION, OR EXTENT OF ANY EASEMENTS OR DEEDS AFFECTING THE SUBDIVISION ARE SHOWN FOR INFORMATION ONLY AND ARE NOT GUARANTEED BY THE SURVEYOR.
- THAT THE SURVEY WAS CONDUCTED ON OCTOBER 30, 2024, AND IT IS RECORDED IN AN ELECTRONIC FIELD BOOK.
- THAT BEARINGS AND DISTANCES SHOWN HEREON WERE OBTAINED FROM ACTUAL FIELD MEASUREMENTS AND ARE BASED ON STATE PLANE COORDINATES.
- THAT THE SURVEYOR HAS BEEN ADVISED BY THE PROPERTY OWNER THAT THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA, EFFECTIVE JANUARY 1, 2021, HAVE BEEN FOLLOWED.

GENERAL NOTES:

- ACCESS EASEMENT AS SHOWN HEREON SHALL BE MAINTAINED BY PROPERTY OWNER AS DEFINED IN INSTRUMENT 2023-018 AND SHALL NOT BE THE RESPONSIBILITY OF BALDWIN COUNTY.
- THERE IS A DEDICATED HERCITY 10' FOOT STUMP DEDICATED ON EACH SIDE OF LOT AND CROWN AREA LINES UNLESS OTHERWISE NOTED.
- USE NECESS. EASEMENT ALONG STATE HIGHWAY 181 SHALL COMPLY WITH THE BALDWIN COUNTY ZONING ORDINANCE.
- ALL UTILITIES SHALL BE CONSTRUCTED UNDERGROUND.
- DRAINAGE/UTILITY EASEMENTS - EXISTING NEAR AND SIDE BOUNDARY LOT LINES IS 15 FEET VARIATION NEAR AND SIDE LOT LINES.
- ALL UTILITIES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA, EFFECTIVE JANUARY 1, 2021.
- LOTS ARE REQUIRED TO MAINTAIN EASEMENTS TO THE CURRENT AMENDMENTS, REQUIREMENTS AND/OR REGULATIONS.

SURVEYOR'S CERTIFICATE

I, DAVID E. DIEHL, A LICENSED SURVEYOR OF BALDWIN COUNTY, ALABAMA, HEREBY CERTIFY THAT I HAVE SURVEYED THE SUBDIVISION OF LOT 1C, SIMMS-FOSTER SUBDIVISION, AS RECORDED IN SLIDE 1844-A, A RESUBDIVISION OF MULTIPLE PARCELS, INCLUDING LOT 1, SIMMS ORCHARD, AS RECORDED IN SLIDE 1844-A.

LOT 1C, SIMMS-FOSTER SUBDIVISION AS RECORDED IN SLIDE 2825-A, A RESUBDIVISION OF MULTIPLE PARCELS, INCLUDING LOT 1, SIMMS ORCHARD, AS RECORDED IN SLIDE 1844-A, TRACT CONTAINS 4.98 ACRES MORE OR LESS.

AND THAT THE PLAT OR MAP CONTAINED HEREON IS A TRUE AND CORRECT MAP SHOWING THE SUBDIVISION INTO WHICH THE PROPERTY DESCRIBED IS DIVIDED, SHOWING THE LENGTH AND BEARING OF THE BOUNDARIES OF EACH LOT AND EASEMENT AND ITS NUMBER AND SHOWING THE STREETS, ALLEYS AND PUBLIC GROUNDS AND DIVING THE BEARING, LENGTH, WIDTH AND HANDS OF THE STREETS, ALLEYS AND PUBLIC GROUNDS HAVE BEEN PLACED AT POINTS MARKED THIS (10) AS HEREON SHOWN. I FURTHER CERTIFY THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE REQUIREMENTS OF THE ALABAMA TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

David E. Diehl
DAVID E. DIEHL, AL PLS. NO. 26514, DATE 01-02-2024

SURVEY NOT VALID WITHOUT ORIGINAL SIGNATURE AND SEAL.

CERTIFICATE OF THE BALDWIN COUNTY PLANNING DIRECTOR:
THE UNDERSIGNED, AS AUTHORIZED BY BALDWIN COUNTY PLANNING AND ZONING DEPARTMENT, HEREBY APPROVES THE WITHIN PLAT FOR RECORDING IN THE PUBLIC OFFICE OF BALDWIN COUNTY, ALABAMA, THIS 24th DAY OF JANUARY, 2024.

CERTIFICATE OF APPROVAL BY AT&T
THE UNDERSIGNED, AS AUTHORIZED BY AT&T, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SLIDE 1844-A, A RESUBDIVISION OF MULTIPLE PARCELS, INCLUDING LOT 1, SIMMS ORCHARD, AS RECORDED IN SLIDE 1844-A, TRACT CONTAINS 4.98 ACRES MORE OR LESS.

CERTIFICATE OF APPROVAL BY BELFOREST WATER SYSTEM
THE UNDERSIGNED, AS AUTHORIZED BY BELFOREST WATER SYSTEM, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SLIDE 1844-A, A RESUBDIVISION OF MULTIPLE PARCELS, INCLUDING LOT 1, SIMMS ORCHARD, AS RECORDED IN SLIDE 1844-A, TRACT CONTAINS 4.98 ACRES MORE OR LESS.

CERTIFICATE OF APPROVAL BY BALDWIN COUNTY SEWER SERVICE
THE UNDERSIGNED, AS AUTHORIZED BY BALDWIN COUNTY SEWER SERVICE, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SLIDE 1844-A, A RESUBDIVISION OF MULTIPLE PARCELS, INCLUDING LOT 1, SIMMS ORCHARD, AS RECORDED IN SLIDE 1844-A, TRACT CONTAINS 4.98 ACRES MORE OR LESS.

CERTIFICATE OF APPROVAL BY THE COUNTY ENGINEER
THE UNDERSIGNED, AS COUNTY ENGINEER OF BALDWIN COUNTY, ALABAMA, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SLIDE 1844-A, A RESUBDIVISION OF MULTIPLE PARCELS, INCLUDING LOT 1, SIMMS ORCHARD, AS RECORDED IN SLIDE 1844-A, TRACT CONTAINS 4.98 ACRES MORE OR LESS.

CERTIFICATE OF APPROVAL BY E-911 ADDRESSING
THE UNDERSIGNED, AS AUTHORIZED BY BALDWIN COUNTY E-911 ADDRESSING, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SLIDE 1844-A, A RESUBDIVISION OF MULTIPLE PARCELS, INCLUDING LOT 1, SIMMS ORCHARD, AS RECORDED IN SLIDE 1844-A, TRACT CONTAINS 4.98 ACRES MORE OR LESS.

CERTIFICATE OF APPROVAL BY BALDWIN COUNTY SEWER SERVICE
THE UNDERSIGNED, AS AUTHORIZED BY BALDWIN COUNTY SEWER SERVICE, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SLIDE 1844-A, A RESUBDIVISION OF MULTIPLE PARCELS, INCLUDING LOT 1, SIMMS ORCHARD, AS RECORDED IN SLIDE 1844-A, TRACT CONTAINS 4.98 ACRES MORE OR LESS.

CERTIFICATE OF APPROVAL BY RIVERIA UTILITIES ELECTRIC
THE UNDERSIGNED, AS AUTHORIZED BY RIVERIA UTILITIES ELECTRIC, HEREBY APPROVES THE WITHIN PLAT FOR THE RECORDING OF SLIDE 1844-A, A RESUBDIVISION OF MULTIPLE PARCELS, INCLUDING LOT 1, SIMMS ORCHARD, AS RECORDED IN SLIDE 1844-A, TRACT CONTAINS 4.98 ACRES MORE OR LESS.

CERTIFICATION OF OWNERSHIP AND DEDICATION
I, CARL E. JOHNSON, AS OWNER OF THE WITHIN PLAT, HEREBY CERTIFY THAT I AM THE OWNER OF THE WITHIN PLAT AND THAT I HAVE THE RIGHT TO DEDICATE THE WITHIN PLAT TO THE PUBLIC.

CERTIFICATION BY NOTARY PUBLIC
I, CARL E. JOHNSON, AS NOTARY PUBLIC, HEREBY CERTIFY THAT I AM A NOTARY PUBLIC IN THE STATE OF ALABAMA AND THAT I HAVE THE RIGHT TO DEDICATE THE WITHIN PLAT TO THE PUBLIC.

CERTIFICATE OF APPROVAL FOR RECORDING
STATE OF ALABAMA
COUNTY OF BALDWIN

I, DAVID E. DIEHL, A LICENSED SURVEYOR OF BALDWIN COUNTY, ALABAMA, HEREBY CERTIFY THAT I HAVE SURVEYED THE SUBDIVISION OF LOT 1C, SIMMS-FOSTER SUBDIVISION, AS RECORDED IN SLIDE 1844-A, A RESUBDIVISION OF MULTIPLE PARCELS, INCLUDING LOT 1, SIMMS ORCHARD, AS RECORDED IN SLIDE 1844-A, TRACT CONTAINS 4.98 ACRES MORE OR LESS.

CERTIFICATE OF APPROVAL FOR RECORDING
THE UNDERSIGNED, AS AUTHORIZED BY BALDWIN COUNTY PLANNING AND ZONING DEPARTMENT, HEREBY APPROVES THE WITHIN PLAT FOR RECORDING IN THE PUBLIC OFFICE OF BALDWIN COUNTY, ALABAMA, THIS 24th DAY OF JANUARY, 2024.

Georgianne Simms
GEORGIANNE SIMMS, PC 2024/1/24/24

PRELIM- FINAL PLAT		DATE: 01-02-2024
GEORGIANNE SIMMS		SCALE: 1"=40'

SIMMS SUBDIVISION
A RESUBDIVISION OF LOT 1C, SIMMS-FOSTER SUBDIVISION AS RECORDED IN SLIDE 2825-A
A RESUBDIVISION OF MULTIPLE PARCELS, INCLUDING LOT 1, SIMMS ORCHARD, AS RECORDED IN SLIDE 1844-A

SURVEYOR	ABC
OWNER	ABC
PROJECT	ABC
FILE	ABC
SHEET	1 of 1

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2024-09**

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

**Property Located Northeast of County Road 64 and Alabama Highway 181
The Estate of Georgianne Simms**

WHEREAS, on the 17th day of January, 2024, the Estate of Georgianne Simms, 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 February 22, 2024, and the Commission set forth a unanimous 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 April 15, 2024, 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 ____, regularly scheduled City Council meeting, Ordinance 2024-__ was adopted pre-zoning the said property as B-2(a), General Business Alternate, 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:

Lot A Of Simms Subdivision, By Map Or Plat Thereof Recorded At Slide 2929-E, Probate Records, Baldwin County, Alabama. Being A Resubdivision Of Lot 1C, Simms-Foster Subdivision As Recorded In Slide 2825-A, A Resubdivision of Multiple Parcels, Including Lot 1, Simms Orchard, As Recorded At Slide 1844-A.

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 “B” 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 _____, 2024.

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, MMC, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2024-10**

**AN ORDINANCE TO AMEND THE CITY OF DAPHNE'S LODGING TAX
ORDINANCE 2022-53, AS ADOPTED BY THE CITY COUNCIL ON SEPTEMBER 6, 2022**

WHEREAS, the City Council of the City of Daphne has adopted an Ordinance to Impose Lodging Taxes, as Ordinance No. 2022-53; and

WHEREAS, the City Council wishes to amend said ordinance to further set forth certain reporting requirements of public entities receiving distributions of the proceeds of the City's Lodging Tax.

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

SECTION 1. AMENDMENT OF ORDINANCE 2022-53, SECTION 9, USE OF PROCEEDS.

Section 9 of Ordinance 2022-53 is hereby repealed and replaced in its entirety with the following:

SECTION 9. USE OF PROCEEDS

A. The proceeds collected from the six percent (6%) lodging taxes which are collected described in Section 2(a) and 2(b) are hereby divided as follows:

- (1) Ten percent (10%) shall be paid at least quarterly and used for the purpose of providing funding to the Industrial Development Board (IDB) for the action items, implementation of strategies, and tactics included in the then current Strategic Economic Development Plan as approved and adopted by the City Council. The IDB shall submit annual financial statements within sixty (60) days of the end of the calendar year and monthly bank statements to the City Finance Director as well as minutes of any publicly held meetings to the City Clerk.
- (2) Five percent (5%) shall be paid at least quarterly and used for the action items, implementation of strategies and purpose of providing funding for the Downtown Redevelopment Authority (DRA) as approved by the City Council. The DRA shall submit annual financial statements within sixty (60) days of the end of the calendar year and monthly bank statements to the City Finance Director as well as minutes of any publicly held meetings to the City Clerk.
- (3) Thirty-two percent (32%) shall be used for the purpose of continued bay front uses such as acquisitions, development, and maintenance along with the service of debt incurred through the acquisition of bay front property.
- (4) The remainder of the lodging tax proceeds (53%) shall be used for the purpose of ground related capital for recreation, which does not include such items as trucks or the maintenance of fields.

B. The proceeds collected from the two-dollar (\$2.00) per night per room occupancy fee described

in Section 2(a) shall be deposited into the Lodging Tax Fund to be appropriated by the City Council pursuant to applicable law.

SECTION 2. OTHER PROVISIONS OF ORDINANCE 2022-53 REMAIN IN EFFECT

All other provisions of Ordinance 2022-53 not amended by this Ordinance are hereby ratified and shall remain in effect.

SECTION 3. 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 4. 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 5. 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 _____, 2024.

ATTEST:

Robin LeJeune, Mayor

Candace G. Antinarella, MMC, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2024-11**

**AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PURCHASE AND
SALE AGREEMENT WITH 68 VENTURES, LLC TO CONVEY CERTAIN REAL
PROPERTY NO LONGER NEEDED FOR PUBLIC OR MUNICIPAL PURPOSES**

WHEREAS, the City of Daphne (the “City”) owns a certain parcel of real property located at the southwest intersection of Champions Way and Innovation Way, having an area of approximately 9.44 acres, being a part and portion of that certain property identified by the Baldwin County Revenue Commissioner as Parcel 05-43-02-03-0-000-003.006, and being more particularly described as Lot 2B according to that certain subdivision plat entitled RE-SUB OF LOT 2, DISC SUBDIVISION, recorded at Slide 2943-E in the probate records of Baldwin County, Alabama (the “Property”); and

WHEREAS, the City Council of the City of Daphne has determined that the Property is no longer needed for public or municipal purposes; and

WHEREAS, according to records of the Baldwin County Revenue Commissioner, the appraised value of the Property is approximately \$243,350.00; and

WHEREAS, in conjunction with the Industrial Development Board of the City of Daphne (the “IDB”), the City solicited offers from multiple potential purchasers for the Property to be purchased along with certain adjacent property owned by the IDB and, after reviewing same, the offer made by 68 Ventures, LLC (“68V”) for the Property in the amount of \$567,300.00 (the “Purchase Price”) was the best offer received; and

WHEREAS, the City Council wishes to accept 68V’s offer and authorize the Mayor to convey title to the Property to 68V, subject to and contingent upon the satisfaction of certain terms and conditions of a Purchase and Sale Agreement by and among the City, the IDB, and 68V, substantially in the form attached hereto as Appendix 1 (the “Agreement”).

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

1. It is hereby established and declared that the real property of the City of Daphne, Alabama, described hereinabove as the “Property,” is no longer needed for public or municipal purposes.

2. The Mayor and the City Clerk are hereby authorized and directed to execute and attest, respectively, for and on behalf of the City of Daphne, the Agreement in substantially the form attached hereto as Appendix 1, subject to final approval by the City Attorney and formal approval by the IDB, a fully executed copy of which shall be on file in the office of the City Clerk.

3. The Mayor and the City Clerk are hereby authorized and directed, subject to the terms and conditions of the Agreement, to execute and attest, respectively, for and on behalf of the City, a statutory warranty deed, a copy of which shall be on file in the office of the City Clerk, whereby the City shall convey the Property to 68V for and in consideration of the Purchase Price.

4. The Mayor is further authorized to execute any and all other documents and instruments reasonably necessary to complete the conveyance of the Property contemplated in the Agreement as requested by 68V and approved by the City Attorney.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ DAY OF MAY, 2024.

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, MMC, City Clerk

APPENDIX 1
FORM OF PURCHASE AND SALE AGREEMENT

(attached)

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2024-12**

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

ARTICLE XIII, DISTRICT REQUIREMENTS

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 City of Daphne Planning Commission regular meeting on March 28, 2024, the Commission considered certain proposed amendments to the City of Daphne Land Use & Development Ordinance, Ordinance 2011-54 (as previously amended), and set forth a favorable recommendation to the City Council of the City of Daphne; 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, and a public hearing was held before the City Council on _____, 2024.

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

SECTION 1. AMENDMENT TO ARTICLE XIII, DISTRICT REQUIREMENTS

(A) Subsection (1)(i) of Section 13-7 of Article XIII of the Land Use and Development Ordinance is hereby repealed and replaced in its entirety with the following:

- (i) In all non-residential zoning districts the following are preferred building materials for any wall area facing a public street or any residential land use: brick, textured concrete block, stone, wood, metal veneers, stucco or Exterior Insulation and Finish Systems (E.I.F.S), concrete, steel, vinyl or stone panels provided they contain some architectural relief and exhibit structural strength, or alternate building material approved by the Planning Commission. Additionally, any tilt-up tilt-slab or tilt-wall type building construction must include vertical architectural element.

Metal buildings may be permitted in any C/I, Commercial/Industrial, zoning district that is not located as follows: along County Road 13, Highway 98, Highway 90, Highway 181, Olde Towne Daphne, the Village Overlay District, the Eastern Shore Overlay District or, the Jubilee Retail Overlay District

(B) Subsection (2) of Section 13-7 of Article XIII of the Land Use and Development Ordinance is hereby amended by adding the following subsection (c) immediately following subsection (b):

(c) Design Standards for New Residential Subdivisions and/or Residential Site Developments:

The following standards shall apply to all new residential site developments and/or residential subdivisions larger than two lots; provided, however, that any residential subdivision wherein each resulting lot is equal to or greater than 20,000 square feet in area shall be exempt from the application of these standards.

These Design Standards shall consider functional and aesthetic features that contribute to community sustainability, livability, and the overall quality of life. As such, design standards shall address compatibility at the neighborhood, block and individual lot level. Design Standard compliance shall be provided by the applicant at the time of preliminary plat, preliminary/final plat, or site plan application. For any proposed Planned Unit Development (PUD) Rezoning or Rezoning application, Design Standard compliance shall be provided with the Rezoning or Rezoning application.

1. Architectural Themes:

- i. Building materials including brick, stone, textured traditional cement stucco (i.e., real stucco) and cement siding are required as the primary veneer on new dwellings.
- ii. Roofs must be varied in roofline treatments.
- iii. The front facing garage (i.e., garage fronts) on single family homes shall be recessed and constitute not more than forty-two percent (42%) of the residential facade (as measured from the outside edge of garage doors, not including the frame).
- iv. Garage locations:
 1. Recessed garage doors oriented toward the front property line shall be as follows:
 - a. Garage doors must be positioned between five (5) feet and twenty (20) feet behind the front wall plane of the house. The front wall plane is defined as the principal building façade facing the primary street right of way.
 - b. The minimum front yard setback for said garage shall be forty (40) feet.

- c. The minimum front yard setback for the principal structure may be reduced to twenty (20) feet.
- 2. The side-street facing garage setback shall be a minimum of twenty-two (22) feet from the sidewalk and recessed three (3) feet behind the side façade.
- 3. Where the garage is located at the rear of the primary structure, the front yard setback shall be reduced to fifteen (15) feet, or ten (10) feet with an open air front porch.
- v. Any single family residential dwelling on a lot less than fifty (50) feet wide shall include an alley loaded garage that is located in the rear of the dwelling. The garage shall be set back from the alley right of way (ROW) or easement a minimum of twenty-two (22) feet.
- vi. Townhome garage and required parking shall be located in the rear of the dwelling and served by an alley or drive aisle. The garage shall be set back from the alley right of way (ROW) or easement a minimum of twenty-two (22) feet.
- 2. Variety:
 - i. Colored elevations shall illustrate that a minimum of three (3) different elevations are provided in each block face.
 - ii. Developments of thirty-five (35) dwelling units or more should offer a minimum of five (5) different elevations and ten percent (10%) of each respective elevation shall be provided in each block face.
- 3. Design Standard Review Committee:
 - i. An applicant may appeal any decision of the Planning Commission regarding Design Standards for New Residential Subdivisions and/or Residential Site Developments to the Design Standards Review Committee.
 - ii. Said Committee shall be appointed by the City Council and shall include the Mayor, a member of the Board of Zoning Adjustment, a member of the City Council, the Executive Director of City Development, and the Building Inspector.
 - iii. An application on the prescribed form shall be filed with the Department of Community Development by the owner, developer, or authorized agent of the subject property by the first day of the month. The application shall include all the specified pertinent data including an explanation of the grounds on which the appeal is being made.

- iv. A meeting for the Design Standards Review Committee shall be held at such time and place as specified by the Committee Chairperson.
- v. In exercising the powers granted the Design Standards Review Committee may allow an alternate means of achieving the intent of the provisions the requirements outlined in the (c) Design Standards for new residential subdivisions and/or residential site developments; however, the Committee shall not be authorized to eliminate the applicability of the standards set forth.
- vi. The decision of the Committee shall be binding.

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 _____, 2024.

ATTEST:

Robin LeJeune, Mayor

Candace G. Antinarella, CMC, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2024-13**

**Ordinance to Re-Zone Property Located
Southeast of the intersection of Whispering Pines and US Highway 98**

WHEREAS, AMERCO Real Estate Company, as the owner of certain real property located within the City of Daphne, has requested that said property that is currently zoned as B-2(a), General Business Alternate, be re-zoned as B-2, General Business; and

WHEREAS, said real property is located Southeast of the intersection of Whispering Pines and US Highway 98 and more particularly described as follows:

Legal Description of Property to be Re-Zoned to B-2, General Business:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF BALDWIN, STATE OF ALABAMA, AND IS DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 250 FEET SOUTH AND 30 FEET WEST OF THE NORTHEAST CORNER OF SECTION 18, TOWNSHIP 5 SOUTH, RANGE 2 EAST; THENCE RUN WEST 560 FEET TO A POINT ON THE EAST MARGIN OF U.S. HIGHWAY 98; THENCE RUN SOUTHEAST 442 FEET ALONGSIDE THE EAST MARGIN OF U.S. HIGHWAY 98 TO A POINT THEREON; THENCE RUN EAST 275 FEET TO A POINT; THEN RUN NORTH 185 FEET TO A POINT; THENCE RUN NORTH 81° EAST 137 FEET TO THE WEST LINE OF OLD SPANISH TRAIL ROAD; THENCE RUN NORTH 1°37' EAST 215 FEET TO THE POINT OF BEGINNING. THE LAND DESCRIBED ABOVE AND SHOWN HEREON IS THE SAME LAND AS DESCRIBED IN TITLE COMMITMENT ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NO. NCS-1082963-PHX1, WITH AN EFFECTIVE DATE OF AUGUST 16, 2021 AT 12:00 AM.

WHEREAS, at the regular Planning Commission meeting on March 28, 2024, the Commission considered said request and set forth a favorable recommendation; and,

WHEREAS, due notice of said proposed re-zoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, and a public hearing was held before the City Council on May 20, 2024; 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 re-zoning of the above described real property 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

The above described real property is hereby re-zoned from B-2(a), General Business Alternate to B-2, General Business, and the zoning ordinance and zoning map shall be amended to reflect the said zoning change.

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 DATE AND REVERSION.

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 after publication as required by law. This zoning classification is subject to a two (2) year reversionary clause. Two years from the date this Ordinance is enacted, if the site development has not started for the purpose listed herein, the zoning shall be null and void and the property shall revert to the prior zoning district. Refer to Section 22-2, Reversionary Clause, of the Daphne Land Use and Development Ordinance.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ DAY OF _____, 2024.

Attest:

Robin LeJeune, Mayor

Candace G. Antinarella, MMC, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2024-14**

**Ordinance to Pre-Zone Property Located Due West of the Intersection of
Plantation Drive and Alabama Highway 181
Malbis Plantation, Inc.**

WHEREAS, Malbis Plantation, 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 B-4, Major Commercial, and RSF-1, Residential Single Family, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, be pre-zoned as B-2(a), General Business Alternate, prior to annexation into the City of Daphne; and

WHEREAS, said real property is located due West of the intersection of Plantation Drive and Alabama Highway 181, being more particularly described as follows:

Legal Description for Property to be Pre-Zoned:

Lot 1 and Lot 2, Malbis Business Park, according to the plat thereof of, as recorded on Slide 0002540-F in the Office of the Judge of Probate of Baldwin County, Alabama.

WHEREAS, at the regular Planning Commission meeting on March 28, 2024, the Commission considered said request and voted to set forth an unanimously favorable recommendation to the City Council to pre-zone the property B-2(a), General Business Alternate; 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 20, 2024; 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 B-2(a), General Business Alternate, 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 B-4, Major Commercial, and RSF-1, Residential Single Family, Baldwin County District 15, Extraterritorial 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 _____, 2024.**

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, MMC, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2024-15**

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

**Property Located Due West of the Intersection of
Plantation Drive and Alabama Highway 181
Malbis Plantation, Inc.**

WHEREAS, on the 27th day of February, 2024, the Malbis Plantation, 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 28, 2024, and the Commission set forth a unanimous 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 20, 2024, 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 ____, regularly scheduled City Council meeting, Ordinance 2024-__ was adopted pre-zoning the said property as B-2(a), General Business Alternate, 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:

Lot 1 and Lot 2, Malbis Business Park, according to the plat thereof of, as recorded on Slide 0002540-F in the Office of the Judge of Probate of Baldwin County, Alabama.

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 “B” 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 _____, 2024.

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, MMC, City Clerk