

CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA
Monday, June 3, 2024 at 6:00 P.M.

- 1. CALL TO ORDER**
- 2. ROLL CALL**
INVOCATION
PLEDGE OF ALLEGIANCE

PRESENTATION: Fire Department Promotions – Battalion Chief Adam Queen
Captain Joe Staska
Lieutenant Adam Ogletree
Lieutenant Dexter Lyon
Apparatus Engineer Cameron Boyington
Apparatus Engineer Kyle Ard

PRESENTATION: Police Department Promotions – Sergeant Joshua Reeves
Sergeant Heith Brown

- 3. APPROVE MINUTES:** May 20, 2024 regular meeting
- 4. REPORTS OF STANDING COMMITTEES**

A. FINANCE COMMITTEE – Phillips
Review the minutes from the May 20th meeting.
Treasurer's Report for April 2024: Unrestricted Fund Balance - \$26,513,517;
Total Cash Balance - \$49,373,366
Sales Tax for March 2024: \$2,424,359; Lodging Tax for March 2024: \$152,833
Debt Summary – April 2024: Warrants - \$31,763,902
Capital Leases: General Fund - \$524,980; Enterprise Fund - \$551,268

MOTION to approve a temporary Patrol Officer position due to extended Military leave with no additional funding needed.

- B. BUILDINGS & PROPERTY COMMITTEE – Goodlin**
- C. PUBLIC SAFETY COMMITTEE – Hughes**
- 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**
- D. INDUSTRIAL DEVELOPMENT BOARD – Scott**
- E. LIBRARY BOARD – Goodlin**

City Council Agenda – June 3, 2024

- F. PLANNING COMMISSION – Olen**
Review the minutes from the April 25th meeting and the report from the May 23rd meeting.
- 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 publication and set a public hearing on July 15, 2024 for the Bertolla Properties, LLC YOTA Properties, LLC, Frederick G. & Thomas Boni, and Sharon and John Christopher Boni Pre-Zoning Amendment located Southeast of the intersection of Milton Jones Road and Alabama Highway 181.

MOTION to approve the publication and set a public hearing on July 15, 2024 for the Bertolla Properties, LLC, YOTA Properties, LLC, Frederick G. & Thomas Boni, and Sharon and John Christopher Boni Annexation Petition.

MOTION to approve the publication and set a public hearing on July 15, 2024 for the 68V Baldwin Land Holdings, LLC Pre-Zoning Amendment located North of the intersection of County Road 64 and Montelucia Way.

MOTION to approve the publication and set a public hearing on July 15, 2024 for the 68V Baldwin Land Holdings, LLC Annexation Petition located North of the intersection of County Road 64 and Montelucia Way.

11. RESOLUTIONS:

2024 – 24 – Appropriation: Impact Fee Study Update - \$59,875

2024 – 25 – Appropriation: Preliminary Engineering for ALDOT Project #STPSU-0181(): Installation of a Traffic Signal at SR-181 and Corte Rd/Austin Rd - \$10,000

2024 – 26 – Resolution Appointing Directors to the Board of Directors of the Renaissance Improvement District

2024 – 27 – Resolution Appointing Directors to the Board of Directors of the Renaissance Improvement District

2024 – 28 – Resolution Appoint Directors to the Board of Directors of the Renaissance Improvement District

2024-29 – Appropriation: Employee Compensation Study

City Council Agenda – June 3, 2024

12. 2nd 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.

13. 1st READ ORDINANCES:

2024 - 16 – Intergovernmental Agreement – Industrial Development Board Dedication of DISC Right-of-Way Improvements to City, and Acceptance of Same by City

2024 – 17 – Ordinance Repealing and Replacing Ordinance 2005-31 and Setting Forth a Newly Compiled Ordinance Regarding the Abatement of Unsafe Buildings and Structural Nuisances

14. COUNCIL COMMENTS

15. ADJOURN

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 6:01pm.

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 Tacon, Fire; Charlie McDavid, Recreation; Adrienne Jones, Planning; Kellie Reid, Finance; Emmie Powell, Library; Ange Baggett, Marketing/Tourism; Vickie Hinman, Human Resources; Ronnie Huskey, Public Works; BJ Eringman, Public Works; Randy Jones, Public Works; Josh Newman, City Engineer; Kent Ward, Junior Councilmember; and Jessica Linne, Assistant City Clerk.

INVOCATION/PLEDGE OF ALLEGIANCE:

Invocation was given by Councilman Ron Scott.

PROCLAMATION: Mayor LeJeune presented a proclamation to the City's Public Works' Department for National Public Works' Week.

PUBLIC HEARING: Adrienne Jones presented on the proposed amendments to the Land Use and Development Ordinance, Article 13.

Public hearing opened at 6:06pm. No one came forward to speak.

Public hearing closed at 6:11pm.

PUBLIC HEARING: Adrienne Jones recognized Melissa Hadley, GMC, who presented on the AMERCO Real Estate Zoning Amendment located Southeast of the intersection of Whispering Pines and US Highway 98.

Public hearing opened at 6:11pm. Council discussed. No one from the public came forward to speak.

Public hearing closed at 6:24pm.

PUBLIC HEARING: Adrienne Jones and Brian Harris, representing Church of the Highlands, presented on the Malbis Plantation, Inc. Pre-Zoning Amendment located due West of the intersection of Plantation Drive and Alabama Highway 181.

Public hearing opened at 6:25pm. No one came forward to speak.

Public hearing closed at 6:27pm.

PUBLIC HEARING: Adrienne Jones presented on the Malbis Plantation, Inc. Annexation Petition located due West of the intersection of Plantation Drive and Alabama Highway 181.

Public hearing opened at 6:28pm. No one came forward to speak.

Public hearing closed at 6:28pm.

3. APPROVAL OF MINUTES:

The minutes from the May 6, 2024 regular meeting were approved.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE

Councilwoman Phillips said the Committee met earlier and the next meeting is June 17th at 4:30pm.

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6:00 P.M.

B. BUILDINGS & PROPERTY COMMITTEE

Councilman Goodlin said the April 2024 new Construction and Building Reports were in the packet. He said out of those reports were 15 certificates of occupancy, 352 permits issues, 44 new residential home permits and \$173,085.70 collected in fees. He said the next meeting is June 10th at 5:15pm.

C. PUBLIC SAFETY COMMITTEE

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

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE

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

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 and no meeting for May or June.

B. Daphne Public School Commission

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

C. Downtown Redevelopment Authority

Councilwoman Conaway said the next meeting is June 20th at 5:30pm and the minutes from the April 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 June 20th 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 June 12th at 6:00pm.

H. Utility Board

Councilman Coleman said the next meeting is May 29th at 5:00pm.

6. PUBLIC PARTICIPATION:

Public participation opened at 6:32pm.

Billy Mayhand, 1372 Wilson Avenue, said the Daphne Post Office building is not being kept up and something needs to be done.

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DAPHNE, AL
6:00 P.M.**

Mark Rain, McPhillips Drive, said his street is the noisiest in Daphne. He asked if the City can do an ordinance on who is allowed to apply for rental homes.

Public participation closed at 6:39pm.

7. MAYOR'S REPORT:

Mayor LeJeune said the last days of school are this week and he spoke about the recent high school graduations. He said a few of them recently did a walk through at the new animal shelter.

**MOTION by Councilman Scott to reclassify the Solid Waste Supervisor position salary to above midpoint and to be exempt. Seconded by Councilwoman Conaway.
MOTION CARRIED UNANIMOUSLY.**

8. CITY ATTORNEY REPORT:

City Attorney said there was no report.

9. DEPARTMENT HEAD COMMENTS:

Chief Tacon, Fire, said the Fire Department had a ribbon cutting that day at the new CPAT building.

Ange Baggett, Marketing, said this week was Tourism Week in Alabama.

Emmie Powell, Library, updated the Council on upcoming Library events and said the summer kick off party is June 3rd.

Vickie Hinman, Human Resources, said the City recently had an employee ice cream party and shared about the upcoming retirement seminar.

Ronnie Huskey, Public Works, said the recent weather/rain is affecting the schedules at Public Works.

Charlie McDavid, Recreation, shared about recent large baseball and pickleball tournaments and on upcoming softball tournaments.

Kelli Reid, Finance, said the FY 2025 budget process is starting.

Josh Newman, City Engineer, updated the Council on the Lavender Lane project as well as the Halls Lane closure.

Kent Ward, Junior City Council, gave an update on the Junior Council and said the next meeting is tomorrow at 4pm.

10. CITY CLERK'S REPORT:

City Clerk congratulated the recent Junior City Council graduates.

**MOTION by Councilwoman Phillips 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. Seconded by Councilman Goodlin.
MOTION CARRIED UNANIMOUSLY.**

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REGULAR BUSINESS MEETING
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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

MOTION by Councilman Scott to waive the reading of Resolution 2024-22. Seconded by Councilman Goodlin.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to adopt Resolution 2024-22. Seconded by Councilman Goodlin.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to waive the reading of Resolution 2024-23. Seconded by Councilman Goodlin.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to adopt Resolution 2024-23. 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

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

MOTION by Councilman Scott to waive the reading of Ordinances 2024-08, 2024-09, 2024-10 and 2024-11. Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to adopt Ordinance 2024-08. Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to adopt Ordinance 2024-09. Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to adopt Ordinance 2024-10. Seconded by Councilwoman Phillips.

MOTION CARRIED UNANIMOUSLY.

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**MOTION by Councilman Scott to adopt Ordinance 2024-11. Seconded by Councilwoman Phillips.
MOTION CARRIED UNANIMOUSLY.**

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.

COUNCIL COMMENTS:

Councilwoman Conaway thanked the Public Works Department for all they do.

Councilman Scott said he wasn’t sure how to properly handle the situation at the Post Office.

Councilman Hughes said Happy Public Works’ Week and congratulations to the Fire Department on the ribbon cutting.

Councilwoman Phillips thanked the Public Works Department and encouraged citizens to contact the postmaster at the post office to discuss the state of the property. She thanked Adrienne, Troy and the Planning Department for their work on the Article 13 amendments.

Council President Olen congratulated Councilman Goodlin’s JROTC unit for winning multiple national awards.

15. ADJOURN:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, COUNCIL ADJOURNED AT 7:03PM.

Respectfully submitted by,

Certification of Presiding Officer,

Candace G. Antinarella, MMC, City Clerk

Steve Olen, Council President

CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
MAY 20, 2024
4:30 P.M.

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 4:30 p.m.

Present were:

Chairperson Mrs. Angie Phillips
Councilwoman Mrs. Tommie Conaway
Councilman Mr. Steve Olen
Councilman Mr. Joel Coleman

Councilman Mr. Ron Scott
Councilman Mr. Ben Hughes
Councilman Mr. Doug Goodlin

Also Present: Mayor Robin LeJeune, Finance Director Mrs. Kelli Reid, Revenue Officer Mrs. Julie Koptis, Human Resource Director Mrs. Vickie Hinman, City Clerk Mrs. Candace Antinarella, Fire Chief Mrs. LeAnn Tacon, Director of Events and Marketing Mrs. Ange Baggett, Public Works Director Mr. Ronnie Huskey, Lt. Jason Lazzari, and City Attorney Mr. Patrick Dungan.

II. PUBLIC PARTICIPATION

There was no public participation.

III. APPROVE MINUTES FOR THE PREVIOUS MEETING

The previous meeting minutes were approved.

IV. HUMAN RESOURCES BUSINESS

A. Update on Human Resources Department Activity

Mrs. Vickie Hinman reviewed the Human Resources Report:

- Posted/Reposted Positions – 8
- Reviewing/Testing/Interviewing/Background check - 14
- Promotion/Internal Transfer - 0
- New Hires – 13

Mrs. Hinman reviewed the monthly Safety Committee meeting topics and discussed other Human Resources projects and events.

- May Employee Spotlight: Rhonda Moss (Children's Librarian)
- RSA on-site presentation for employees on May 29th in Council Chambers

Discussion was made on reclassifying the Solid Waste Coordinator position to an exempt position and to allow the Mayor to adjust the salary beyond the midpoint. Discussion continued with the need for an updated salary survey since it has been three years. Mrs. Hinman will be bring in a proposal at the next meeting.

MOTION BY Mr. Scott to recommend to Council to Reclassify the Solid Waste Coordinator position to an exempt position and to authorize the Mayor to adjust salary beyond the midpoint range. Seconded by Mrs. Conaway.

NAY: Hughes AYE: Olen, Coleman, Scott, Phillips, Conaway, and Goodlin

V. BUSINESS LICENSE REPORT

A. Report: New Business Licenses – April, 2024

Mrs. Koptis reviewed the following reports and information:

- Code enforcement issued 13 warnings resulting in businesses becoming compliant and \$8,709.98 in revenue.
- New Businesses with a physical location in Daphne - 4
- Simplified Sellers Use Tax collections - \$192,723.70 and YTD collections - \$1,304,743.61
- Total Business Licenses issued were 52 new and 63 renewals for a total of 115 in April 2024

VI. SALES & LODGING TAX REPORT

A. Sales and Use Taxes: March, 2024

Mrs. Reid reviewed the Sales & Use Tax Reports: \$2,424,358.85 was collected for March, 2024 which was up \$31,429.41 from March 2023's collections:

- YTD Variance over Budget - \$934,491.50

B. Lodging Tax Collections, March, 2023

Mrs. Reid reviewed the Lodging Tax Collections Report and noted the collections for March, 2024 were \$152,832.73 which is down \$13,198.92 from March 2023's collections.

- YTD Variance over Budget - \$7,520.79

C. Lodging Tax Analysis Report, April, 2024

Mrs. Reid reviewed the Lodging Tax Analysis report:

- Recreation balance for related purchases - \$ 570,424.47
- Reserved balance for Bayfront related purchases - \$ 1,479,629.01
- Reserved balance for Occupancy Fee - \$161,258.50

VII. FINANCIAL SCHEDULES & REPORTS

A. Financial Reports

1. Treasurer's Report: April, 2024

Mrs. Reid reviewed the Treasurer's Report:

TREASURER'S REPORT					
As of April 30, 2024					
Account Type/Title	4/30/2024	3/31/2024	Increase (Decrease) from last Month	4/30/2023	Increase (Decrease) from Last Year
GENERAL FUND & ENTERPRISE FUNDS	\$ 15,098,902	\$ 16,254,993	\$ (1,156,091)	\$ 17,136,419	\$ (2,037,517)
INVESTMENT FUND	10,414,615	10,537,613	(122,998)	10,369,355	\$ 45,260
Total Unrestricted Cash Balance	25,513,517	26,792,606	(1,279,089)	27,505,774	(1,992,257)
SPECIAL REVENUE FUNDS					
4 CENT GAS TAX	307,393	302,185	5,209	242,963	64,430
7 CENT GAS TAX	309,213	302,742	6,471	190,388	118,825
10 CENT GAS TAX	281,781	263,472	18,308	217,928	63,853
TREE & FLOWER	10,287	10,287	-	22,660	(12,373)
COVID RELIEF FUND	-	-	-	1,693,486	(1,693,486)
ANIMAL SHELTER FUND	1,113,839	1,545,900	(432,061)	758,106	355,733
MOBILE INFIRMARY BUILDING	71,201	66,083	5,119	39,490	31,711
FEDERAL DRUG FORFEITURES	356,103	376,231	(20,127)	230,306	125,797
LOCAL DRUG FORFEITURES	95,435	95,435	-	81,862	13,573
LIBRARY	61,889	60,150	1,740	23,507	38,382
COURT TRAINING & EQUIPMENT	42,511	43,059	(548)	41,070	1,441
COURT/CORRECTION	500,596	496,335	4,261	561,557	(60,961)
LODGING TAX	2,211,312	2,297,354	(86,042)	3,506,442	(1,295,130)
AGENCY FUNDS					
SELF INSURANCE	237,509	235,068	2,442	231,985	5,524
OPEB TRUST INVESTMENT FUND	1,512,460	1,556,431	(43,971)	1,207,338	305,122
	7,111,530	7,650,731	(539,201)	9,049,088	(1,937,558)
CAPITAL PROJECT FUNDS					
CAPITAL RESERVE	7,089,558	6,111,232	978,326	7,176,745	(87,187)
2023 CONSTRUCTION FUND	9,227,530	9,187,802	39,729	-	9,227,530
	16,317,088	15,299,033	1,018,055	7,176,745	9,140,343
DEBT SERVICE FUNDS					
DEBT SERVICE	431,231	145,897	285,334	68,073	363,158
Total Restricted Cash Balance	23,859,849	23,095,661	764,188	16,293,906	7,565,944
Total City Cash Balance	\$ 49,373,366	\$ 49,888,267	\$ (514,901)	\$ 43,799,680	\$ 5,573,687
	Encumbrance Total as of		4/30/2024	\$ 43,718.75	

The Treasurer's Report as of April, 2024 Total Unrestricted Cash Balance - \$26,513,517 and Total City Cash Balance - \$49,373,366 was presented to be filed for audit.

2. Encumbrance Report

- Encumbrance balance - \$43,718.75 as of April, 2024.

Mrs. Reid reviewed the Encumbrance Report.

3. Outstanding Appropriations

Mrs. Reid reviewed the Outstanding Appropriations Report.

4. Financial Overview: Debt Summaries & Monthly Financial Statements

Mrs. Reid reviewed the following Financial Statements:

- Debt Summary Schedules (General & Enterprise Funds), April, 2024
 - Outstanding Warrant Balance as of April, 2024: \$31,763,902
 - Outstanding Capital Lease Balance as of April, 2024:
 - General Fund: \$524,980
 - Enterprise Fund: \$551,268
- Monthly Financial Statements, March 2024
 - General Fund YTD Budgetary Net Income: \$3,631,590 which is less (\$1,212,493) than the prior YTD net income
 - Solid Waste Fund Transfers \$329,376
 - Civic Center Fund Transfers \$292,881

5. Summary of Budgetary Amendments

Mrs. Reid reviewed the General Fund budgetary amendments made to the FY2024 Budget.

- Total Appropriations Year to Date – \$5,961,043
- Adjusted Expenses over Revenue – (\$5,958,862)

6. Unfunded Future Projects Expenditure Summary

Mrs. Reid reviewed the Unfunded Future Projects Expenditure Summary.

B. Bills Paid Reports – April, 2024

The Bills Paid Report was previously presented electronically.

VIII. BIDS & APPROPRIATIONS (Resolution)

There were no bid items discussed.

IX. OTHER APPROPRIATION REQUESTS: (Resolution/Ordinance)

A. Appropriation: Authorization to enter into contract with ALDOT for the Installation of a Traffic Signal at Corte Road – Preliminary Engineering - \$10,000

Mrs. Reid noted that a motion will be needed to authorize the Mayor to enter into a contract with ALDOT for the installation of traffic signal at SR-181 and Corte Road/Austin Road intersection and appropriate \$10,000 for preliminary engineering fees out of the Capital Reserve Fund.

MOTION BY Mr. Goodlin to recommend to Council to adopt a Resolution authorizing the Mayor to enter into a contract with ALDOT for the installation of traffic signal at SR-181 and Corte Road/Austin Road intersection and amending the budget to appropriate \$10,000 for preliminary engineering fees out of the Capital Reserve Fund. Seconded by Mr. Hughes.
MOTION CARRIED UNANIMOUSLY

X. SURPLUS

There were no surplus items discussed.

XI. NEW BUSINESS

A. Temporary Patrol Officer Position in FY2024 Budget due to extended Military Leave - no funding required

Discussion was made on adding a temporary Patrol Officer position in the FY2024 Budget to cover an employee who will be out on military leave for two years. No funding will be required.

***MOTION BY Mr. Scott to recommend to Council to approve a temporary patrol officer position in FY2024 Budget due to extended military leave . Seconded by Mr. Mr. Hughes.
MOTION CARRIED UNANIMOUSLY***

B. Impact Fee Study Update - Proposal – TischlerBise

Mr. Olen reviewed the updated proposal from TischlerBise for the Impact Fee Study and noted that \$59,875 would need to be appropriated. Discussion continued on what the study would involve and which surrounding cities currently had impact fees.

***MOTION BY Mr. Olen to recommend to Council to authorize the Mayor to enter into an agreement with TishlerBise for the Impact Fee Study and appropriate \$59,875 out of the General Fund for the cost of the study.
Seconded by Mr. Goodlin.
MOTION CARRIED UNANIMOUSLY***

C. City of Daphne Program Ad – Atlanta Braves Program

Mrs. Baggett presented the Atlanta Braves program which contained a program ad that the City was able to purchase at a significantly discounted price. The City's Marketing department will be able to track how and where the included QRC Code is scanned.

XII. OLD BUSINESS

A. Recycling Program

The Mayor updated the Council on the Recycling Program to be provided by the County. It is now expected that it will be early spring before curbside recycling is available. Due to this, the need to adjust the rates was revisited. Council indicated the desire to increase rates by \$3.60 to \$19/month and include a \$5/month charge for an additional receptacle. An ordinance with these proposed changes will be presented at the next Public Work meeting.

XIII. ADJOURN The meeting adjourned at 5:50 p.m.

**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**



DATE: May 28, 2024
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development
SUBJECT: Planning Commission Minutes and Report

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

Attached please find a copy of the approved minutes for the City of Daphne Planning Commission regular meeting of the April 25, 2024 and the report of the regular meeting of May 23, 2024 for placement on the June 3, 2024 City Council agenda for review.

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

ADJ/jv

**The City of Daphne
Planning Commission Minutes
Regular Meeting of April 25, 2024
Council Chamber, City Hall - 5:00 P.M.**

Call to Order:

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

Call of Roll:

Members Present:

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

Staff Present:

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

The Chairman asked for input regarding the March 28, 2024 regular meeting minutes presented by staff. There being none, minutes stand approved as submitted.

The Chairman called for the next order of business: The Official Zoning Map and Official Street Map Update.

Mr. Dungan provided a list of amendments to codify the Official Zoning Map and Official Street Map from November 1, 2023 through April 30, 2024 and noted that they include modifications resulting from changes due to street acceptance.

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

A motion was made by Mr. Johnson and seconded by Mr. Manning to set forth a favorable recommendation to City Council to amend the Official Zoning Map and Official Street Map. There was no discussion. The motion carried unanimously.

The Chairman called for the next order of business: a request for Planning Commission approval and site plan review for U-Haul Moving and Storage of Daphne.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of April 25, 2024
Council Chamber, City Hall - 5:00 P.M.**

Kasey Feltner, Moorhead Law Firm, addressed the Commissioner as the representative of the U-Haul Moving and Storage of Daphne.

Mr. Olen read Alabama Code Title 34, Article 34-3-6 (e), Professions and Businesses, and noted for the record that only such persons that have the authority to practice law and are licensed in Alabama to represent your client. Mr. Feltner then deferred to Melissa Hadley, Goodwyn, Mills & Cawood, to summarize the request for Planning Commission approval and site plan review as presented on the meeting agenda.

Mrs. Hadley provided an overview of the overall site use map and proposed uses for the site and plan revisions to include underground detention, regrading, sidewalk, relocation of the driveway and the presentation of an updated traffic impact study.

The Chairman commented on the issue with the sidewalk and headwall. Mrs. Hadley stated that issue is being addressed.

Mr. Johnson expressed concerns about granting approval of the site plan before an updated overall "use map" is presented to address the percentages of the uses. Mrs. Jones read Section 31-6 that outlines those certain conditions that a mini-warehouse and storage facility must meet to operate in a B-2, General Business, district.

Mr. Olen noted that the applicant failed to present all uses and to demonstrate what comprises the fifty-one percent.

Mr. Johnson stated retail and commercial parking calculations are not included in the site plan. Mrs. Hadley advised the parking requirements are on C101 of the site plan.

Chairman commented that the Commissioners requested to see the site outlined in its entirety with percentages. Mrs. Hadley responded that the greenbelt is not included. Mr. Olen questioned if the greenbelt must be included in the overall use map. Mr. Dungan stated that the ordinance is silent with regard to the greenbelt. Mr. Spriggs and Mr. Johnson agreed that the greenbelt should not be counted.

Mrs. Jones stated the determination of compliance with Article 31-6 is at the discretion of the Planning Commission.

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

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

A motion was made by Mr. Spriggs and seconded by Mr. Johnson to grant Planning Commission Approval for a mini-warehouse/storage facility. There was no discussion. The motion carried. Mr. Prescott, Mr. Manning, and Mr. Olen dissented.

A motion was made by Mr. Spriggs and seconded by Mr. Johnson to approve the site plan for U-Haul Moving and Storage of Daphne site plan, contingent upon the property being rezoned to B-2, General Business, and revisions to address the City Engineer's comments must be submitted. There was no discussion. The motion carried. Mr. Prescott, Mr. Manning, and Mr. Olen dissented.

An introductory presentation was given by the agent, Larry Smith. He summarized the site plan as presented on the meeting agenda for a drive-thru coffee shop. He advised that staff comments have been addressed.

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

A motion was made by Mr. Spriggs and seconded by Mr. Manning to approve Scooter's site plan. There was no discussion. The motion carried unanimously.

The Chairman called for the next order of business: Hope Vineyard, Phase 1B Final Subdivision Plat Review and Street Acceptance.

An introductory presentation was given by the agent, Cathy Barnette. She provided a summary of the final subdivision plat and petition for street acceptance as presented on the meeting agenda.

The Chairman asked for staff comments. Ms. Barnette responded that all outstanding deficiencies have been addressed including final stabilization.

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

A motion was made by Mr. Peterson and seconded by Mr. Jones to approve Hope Vineyard, Phase 1B final subdivision plat. There was no discussion. The motion carried unanimously.

A motion was made by Mr. Peterson and seconded by Mr. Johnson to set forth a favorable recommendation to the City Council to accept the streets in Hope Vineyard, Phase 1B. There was no discussion. The motion carried unanimously.

The Chairman called for the next order of business: Jubilee Farms, Phase Twelve Street Acceptance.

An introductory presentation was given by the agent, Cathy Barnette. She provided a summary of the petition for street acceptance as presented on the meeting agenda.

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

**The City of Daphne
Planning Commission Minutes
Regular Meeting of April 25, 2024
Council Chamber, City Hall - 5:00 P.M.**

A motion was made by Mr. Johnson and seconded by Mr. Jones to set forth a favorable recommendation to the City Council to accept the streets in Jubilee Farms, Phase Twelve. There was no discussion. The motion carried unanimously.

Chairman called for the next order of business: 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 and Annexation Request.

An introductory presentation was given by the agent, Chloe Kelly. She summarized the pre-zoning and annexation request as presented on the meeting agenda. The PUD is one hundred and thirty-four acres, and includes four phases, to include a total of five-hundred and ninety-four lots with a mixture of single-family residential, multi-family, townhomes and commercial uses. Ms. Kelley provided a detailed PowerPoint presentation of the proposed PUD and noted revisions to the PUD narrative include: the inclusion of architectural guidelines, a reduction in the number of lots, increased open space, defined park access parking, and a reduction to side setbacks for certain single family lots.

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

A motion was made by Mr. Olen and seconded by Mr. Johnson to set forth a favorable recommendation to the City Council for 68V Baldwin Land Holdings, LLC, Sharon and John Boni, Sharon, Thomas and John Boni, and Sharon Boni, representative of Thelma Boni Estate to pre-zone the subject property as a PUD, Planned Unit Development, contingent upon the following: providing an updated narrative that includes provisions about Architectural Theme design standards (c)(1)(iii) regarding recessed front-facing garages; (c)(1)(iv)(1.b) regarding garage locations; (c)(1)(iv)(1.c) regarding reduction to front yard setback and (c)(2) regarding recessed garages along side streets; reduction of the rear setback from 25 to 20 foot for 52.5 foot wide residential lots and 72 foot wide residential lots and annex the property into the corporate limits. There was no discussion. The motion carried unanimously.

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

The Chairman opened the floor for public participation.

None presented.

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

Mr. Dungan had no report.

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

None presented.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of April 25, 2024
Council Chamber, City Hall - 5:00 P.M.**

The Chairman called for the next order of business: director's comments. Director presented the upcoming meeting dates: Site Preview is May 15th and Regular Meeting is May 23, 2024. Commemoration of Jan Vallecillo's 31st work anniversary.

There being no further business, the meeting was adjourned at 6:05 p.m.

Respectfully submitted by:


Jan Vallecillo, Planning Coordinator

Approved: May 23, 2024


Andrew Prescott, Chairman

**CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF MAY 23, 2024
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

Report



1. **CALL TO ORDER:** 5:05 p.m.
2. **CALL OF ROLL:** Andrew Prescott, John Peterson, Ronnie Huskey, Kevin Spriggs, Nathan Jones, Richard Johnson, Steve Olen and Oliver Roberts
3. **APPROVAL OF MINUTES:** Review of minutes of the regular meeting of April 25, 2024. **(Approved)**
4. **OLD BUSINESS:**
 - A. **BERTOLLA PROPERTIES, LLC, YOTA PROPERTIES, LLC, FREDERICK G. & THOMAS BONI, AND SHARON AND JOHN CHRISTOPHER BONI PRE-ZONING AMENDMENT AND ANNEXATION PETITION:**

1. **File PZA24-05:**

(Favorable recommendation to City Council with conditions to include the items agreed upon by the Planning Commission and the developer:

- 1) **Item XI. Commercial to Commercial Connectivity – If the commercial parcel is to be developed for different uses and development types in the future, or subdivided, connectivity between parcels will be provided through reasonable means and connections.**
- 2) **Item XV. Commercial land uses shall be consistent with the B-2, General Business, district or Mixed Use district as provided in the City of Daphne Land Use & Development Ordinance with latest codifications dated through 01/12/24 except that the following uses shall not be permissible in the Iron Gate PUD:**
- 3) **The Iron Gate conceptual plan shall be updated to note that the location of the proposed roundabout will be established during the master plan review process).**

Applicant: Bertolla Properties, LLC, YOTA Properties, LLC, Frederick G. & Thomas Boni, and Sharon and John Christopher Boni

Present Zoning: ***RSF-E, Residential Single Family Estate, RSF-3, Residential Single Family, and B-3, General Business, Baldwin County District 15***

Proposed Zoning: ***PUD, Planned Unit Development***

Area: 175.21 Acres $\pm$
Location: Southeast of the intersection of Milton Jones Road and Alabama Highway 181
Owner: Bertolla Properties, LLC, YOTA Properties, LLC, Frederick G. & Thomas Boni, and Sharon and John Christopher Boni
Developer: 68 Ventures - Chloe Kelly
Agent: S.E. Civil - David Diehl

2. **File ANX24-05:** **(Favorable recommendation to City Council)**

A presentation to be given by Chloe Kelly, 68 Ventures, requesting annexation of a one hundred and seventy-five point two-one acre parcel owned by Bertolla Properties, LLC, YOTA Properties, LLC, Frederick G. & Thomas Boni, and Sharon and John Christopher Boni located southeast of the intersection of Milton Jones Road and Alabama Highway 181. The subject property is currently zoned RSF-E, Residential Single Family Estate, RSF-3, Residential Single Family, and B-3, General Business, Baldwin County District 15.

5. NEW BUSINESS:

A. SITE PLAN REVIEW:

1. File SP24-03: (Approved)

Site: Discount Tire Store

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

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

Area: 1.46 Acres $\pm$

Owner: Osprey Holding, LLC - Charles K. Breland, Jr.

Developer: Halle Properties, LLC - April Miller

Engineer: Foresite Group, LLC - Kelly Wagner

B. PRELIMINARY/FINAL PLAT REVIEW:

1. File SDPF24-02: (Approved)

Subdivision: Resubdivision of Lot 3, Russell Estate

Zoning: *R-2, Medium Density Single Family Residential*

Location: Northeast of the intersection of Sixth Street and Van Avenue

Area: 2.03 Acres $\pm$, (3) lots

Owner: Julie Russell Rowell

Surveyor: The Woodlands Group - Justin Palmer

C. THE RESERVE AT DAPHNE MASTER PLAN REVISION AND 68V BALDWIN LAND HOLDINGS, LLC PRE-ZONING AMENDMENT AND ANNEXATION PETITION:

1. MASTER PLAN AMENDMENT:

File MPA24-02: (Approved)

Presentation to be given by Aaron Collins, S.E. Civil, requesting a master plan revision of the Reserve at Daphne.

2. File PZA24-06: (Favorable recommendation to City Council)

Applicant: 68V Baldwin Land Holdings, LLC

Present Zoning: *Unzoned, Baldwin County District 7*

Proposed Zoning: *R-6 (G), Garden or Patio Home*

Area: 24.93 Acres $\pm$

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

Owner: 68V Baldwin Land Holdings, LLC - Will Lowery

Agent: S.E. Civil - Aaron Collins

3. ANX24-06: (Favorable recommendation to City Council)

A presentation to be given by Aaron Collins, S.E. Civil, requesting annexation of twenty-four point nine-three acres owned by 68V Baldwin Land Holdings, LLC. The subject property is currently unzoned, Baldwin County District 7.

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF MAY 23, 2024
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Report

6. **PUBLIC PARTICIPATION:** None presented.
7. **ATTORNEY'S REPORT:** No report.
8. **COMMISSIONER'S COMMENTS:** Eva McDonald.
9. **DIRECTOR'S COMMENTS:** Director welcomed the new Planning Commission member, Oliver Roberts, wished Troy Strunk "Happy Birthday", thanked the Commission for their service and introduced Eva McDonald, a UAB student, interested in Planning.
10. **ADJOURNMENT:** 6:15 p.m.

**CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF MAY 23, 2024
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

Report



1. **CALL TO ORDER:** 5:05 p.m.
2. **CALL OF ROLL:** Andrew Prescott, John Peterson, Ronnie Huskey, Kevin Spriggs, Nathan Jones, Richard Johnson, Steve Olen and Oliver Roberts
3. **APPROVAL OF MINUTES:** Review of minutes of the regular meeting of April 25, 2024. **(Approved)**
4. **OLD BUSINESS:**
 - A. **BERTOLLA PROPERTIES, LLC, YOTA PROPERTIES, LLC, FREDERICK G. & THOMAS BONI, AND SHARON AND JOHN CHRISTOPHER BONI PRE-ZONING AMENDMENT AND ANNEXATION PETITION:**

1. **File PZA24-05:**

(Favorable recommendation to City Council with conditions to include the items agreed upon by the Planning Commission and the developer:

- 1) **Item XI. Commercial to Commercial Connectivity – If the commercial parcel is to be developed for different uses and development types in the future, or subdivided, connectivity between parcels will be provided through reasonable means and connections.**
- 2) **Item XV. Commercial land uses shall be consistent with the B-2, General Business, district or Mixed Use district as provided in the City of Daphne Land Use & Development Ordinance with latest codifications dated through 01/12/24 except that the following uses shall not be permissible in the Iron Gate PUD:**
- 3) **The Iron Gate conceptual plan shall be updated to note that the location of the proposed roundabout will be established during the master plan review process).**

Applicant: Bertolla Properties, LLC, YOTA Properties, LLC, Frederick G. & Thomas Boni, and Sharon and John Christopher Boni

Present Zoning: ***RSF-E, Residential Single Family Estate, RSF-3, Residential Single Family, and B-3, General Business, Baldwin County District 15***

Proposed Zoning: ***PUD, Planned Unit Development***

Area: 175.21 Acres ±
Location: Southeast of the intersection of Milton Jones Road and Alabama Highway 181
Owner: Bertolla Properties, LLC, YOTA Properties, LLC, Frederick G. & Thomas Boni, and Sharon and John Christopher Boni
Developer: 68 Ventures - Chloe Kelly
Agent: S.E. Civil - David Diehl

2. **File ANX24-05:** **(Favorable recommendation to City Council)**

A presentation to be given by Chloe Kelly, 68 Ventures, requesting annexation of a one hundred and seventy-five point two-one acre parcel owned by Bertolla Properties, LLC, YOTA Properties, LLC, Frederick G. & Thomas Boni, and Sharon and John Christopher Boni located southeast of the intersection of Milton Jones Road and Alabama Highway 181. The subject property is currently zoned RSF-E, Residential Single Family Estate, RSF-3, Residential Single Family, and B-3, General Business, Baldwin County District 15.

**CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF MAY 23, 2024
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**

Report

5. NEW BUSINESS:

A. SITE PLAN REVIEW:

1. File SP24-03: (Approved)

Site: Discount Tire Store

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

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

Area: 1.46 Acres $\pm$

Owner: Osprey Holding, LLC - Charles K. Breland, Jr.

Developer: Halle Properties, LLC - April Miller

Engineer: Foresite Group, LLC - Kelly Wagner

B. PRELIMINARY/FINAL PLAT REVIEW:

1. File SDPF24-02: (Approved)

Subdivision: Resubdivision of Lot 3, Russell Estate

Zoning: *R-2, Medium Density Single Family Residential*

Location: Northeast of the intersection of Sixth Street and Van Avenue

Area: 2.03 Acres $\pm$, (3) lots

Owner: Julie Russell Rowell

Surveyor: The Woodlands Group - Justin Palmer

C. THE RESERVE AT DAPHNE MASTER PLAN REVISION AND 68V BALDWIN LAND HOLDINGS, LLC PRE-ZONING AMENDMENT AND ANNEXATION PETITION:

1. MASTER PLAN AMENDMENT:

File MPA24-02: (Approved)

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Applicant: 68V Baldwin Land Holdings, LLC

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Proposed Zoning: *R-6 (G), Garden or Patio Home*

Area: 24.93 Acres $\pm$

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

Owner: 68V Baldwin Land Holdings, LLC - Will Lowery

Agent: S.E. Civil - Aaron Collins

3. ANX24-06: (Favorable recommendation to City Council)

A presentation to be given by Aaron Collins, S.E. Civil, requesting annexation of twenty-four point nine-three acres owned by 68V Baldwin Land Holdings, LLC. The subject property is currently unzoned, Baldwin County District 7.

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF MAY 23, 2024
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

Report

6. **PUBLIC PARTICIPATION:** None presented.
7. **ATTORNEY'S REPORT:** No report.
8. **COMMISSIONER'S COMMENTS:** Eva McDonald.
9. **DIRECTOR'S COMMENTS:** Director welcomed the new Planning Commission member, Oliver Roberts, wished Troy Strunk "Happy Birthday", thanked the Commission for their service and introduced Eva McDonald, a UAB student, interested in Planning.
10. **ADJOURNMENT:** 6:15 p.m.



**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**

DATE: May 28, 2024

TO: Office of the City Clerk

FROM: Adrienne Jones, AICP, Director of Community Development 

SUBJECT: Bertolla Properties, LLC, YOTA Properties, LLC, Frederick G. & Thomas Boni, and Sharon and John Christopher Boni Pre-Zoning Amendment

PRESENT ZONING: RSF-E, Residential Single Family Estate, RSF-3, Residential Single Family, and B-3, General Business, Baldwin County District 15

PROPOSED PRE-ZONING: PUD, Planned Unit Development

LOCATION: Southeast of the intersection of Milton Jones Road and Alabama Highway 181

RECOMMENDATION: At the May 23, 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 pre-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

BERTOLLA LLC, YOTA LLC, BONI & BONI PRE-ZONING REQUEST





BERTOLLA LLC, YOTA LLC, BONI & BONI Prezoning Amendment

Zoning Classification:

RSF-E, Residential Single Family Estate and RSF-3, Residential Single Family District in Baldwin County District 15 Planning Area

Existing Utility Service Providers:

Daphne Utilities, Riviera Utilities, AT&T, Belforest Water, Baldwin County Sewer, Fairhope Gas

Affected City Service Providers:

Fire Station 3, Police Beat 3, Public Works

Council District: 4

Surrounding Zonings/Uses:

- **North**-B-3, General Business, RSF-E, Residential Single Family Estate
- **South**-RSF-2, Residential Single Family District
- **East**-RSF-2, Residential Single Family District, and RSF-E, Residential Single Family Estate
- **West**-RSF-E, Residential Single Family Estate, RA, Rural Residential, M-1, Light Industrial, B-3, General Business

Proposed Zoning: PUD, Planned Unit Development

Development Concept:
Mixed Use

Comprehensive Plan Placetype:
Multiple types (see report details)

Existing Conditions:
175.21 acres rural agriculture

Staff Recommendation to PC:
Favorable

Planning Commission Recommendation Favorable with conditions (see report)



Owners
Sharon and John Christopher Boni
1365 Orchard Dr
New Kensington, PA 15068

Thelma Marie Boni (Trustee)
28170 Co Rd 13
Daphne, AL 36526

Bertolla Properties LLC
PO Box 1527
Daphne, AL 36526

YOTA Properties, LLC
28607 Co Rd 65
Loxley, AL 36551

Developer
68 Ventures
707 Belrose Avenue
Daphne, AL 36526

Engineer/Surveyor
S.E. Civil Engineering & Surveying
9969 Windmill Road
Fairhope, AL 36532
Larry Smith, PE Lic 26348
David Diehl, PLS Lic 26014

NOTE: The location of the proposed roundabout will be established during the master plan review process.



Building Setbacks
Front 25 Ft.
Rear 20 Ft.
Side 10 Ft.
Side Street 20 Ft.

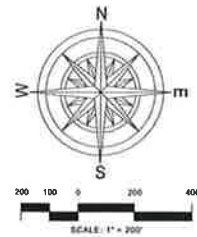


Building Setbacks
Front 25 Ft.
Rear 20 Ft.
Side 10 Ft.
Side Street 20 Ft.



Building Setbacks
Front 25 Ft.
Rear 20 Ft.
Side 6 Ft.
Side Street 15 Ft.

Typical Lots



IRON GATE

DAPHNE

A Planned Unit Development

TOTAL AREA	175.21 Acres
Current Zoning	RSF-S, RSF-E & B3 (Baldwin County)
Proposed Zoning	P.U.D. (Daphne)
Commercial Area B-2	70.05 Ac
Residential Area	102.90 Ac
The Preserve	253
52'x130's	160
76'x135's	14
80'x140's	20
TOTAL	447
Residential Density	4.96 / Ac
Open Space (Res)	21.73 Ac (21%)
Impervious Area	30.3 Acres (30%)

Residential Parking

The Enclave	278
2 Sp / unit	52
Additional	
The Collages	110
2 Sp / unit	Handicap Parking is provided for each Phase and Building
Additional	41
The Preserve	506
2 Sp / unit	Type based on current Daphne Land Use Ordinance
Additional	66
Total Parking	1033

Utility Providers

Water	Belcrest Water
Sewer	Baldwin County Sewer
Power	Rivers
Telephone	AT&T

Building Data

Type	Max. Bldg. Ht.	Max. Stories	Max. Coverage
Single Family	35 Ft.	2-1/2	35% (Lot)
Big House	40 Ft.	2-1/2	30% (Site)
Stak House	40 Ft.	2-1/2	30% (Site)

"Landscaping"

Detailed Landscaping Plans will be provided for each Plat and Site Plan submitted for approval in accordance with Article 19 of the Daphne Land Use Development Ordinance.



PROPOSAL:

The applicant proposes to pre-zone the subject property to Planned Unit Development in order to develop a mixed use project.

Envision Daphne 2042 Comprehensive Plan

In summary, the proposed pre-zoning request for a PUD is considered to be compatible with the Envision Daphne 2042 comprehensive plan.

- The comprehensive plan designates the subject properties as Suburban Corridor, Mixed Use Corridor, Suburban Neighborhood, and Neighborhood Center placetypes.
- The proposed land uses would be considered compatible with the general vicinity.
- The primary planned land uses in the Suburban Corridor placetype are commercial and office uses. The secondary land uses in the Suburban Corridor are institutional, assembly, and single-family attached residential.
- The primary planned land uses in the Mixed Use Corridor placetype are mixed use and commercial/office uses. The secondary land uses are institutional, and single-family attached residential.
- The primary planned land uses in the Neighborhood Center placetype are commercial/office and/or mixed use. The secondary land uses are institutional, assembly and/single family attached residential.
- The primary planned land uses in the Suburban Neighborhood placetype are single family detached residential. The secondary land uses are institutional and assembly.
- The proposed PUD rezoning is consistent with the placetype designations of the Future Land Use Map, with one exception: the proposed multi-family dwellings located east of Ms. D's restaurant are not listed as a primary or secondary use in the Suburban Neighborhood placetype.

STAFF RECOMMENDATION:

Overall, staff is in favor of the proposed PUD in terms of proposed layout, amenities, public benefits, and mix of residential land uses. Although one portion of the plan is inconsistent with the Envision Daphne 2042 comprehensive plan, staff recommends that a favorable recommendation to City Council move forward.

The Planning Commission will be presented an amendment to the comprehensive plan for that particular portion in June. It will be a request to amend a portion of the site from Suburban Neighborhood to Traditional Neighborhood Development.

PLANNING COMMISSION RECOMMENDATION:

Approved a motion to set forth a favorable recommendation to City Council to prezone the subject property to Planned Unit Development with conditions to include the items agreed upon by the Planning Commission and the developer:

- 1) Item XI. Commercial to Commercial Connectivity – If the commercial parcel is to be developed for different uses and development types in the future, or subdivided, connectivity between parcels will be provided through reasonable means and connections.
- 2) XV. Commercial land uses shall be consistent with the B-2, General Business, district or Mixed Use district as provided in the City of Daphne Land Use & Development Ordinance with latest codifications dated through 01/12/24 except that the following uses shall not be permissible in the Iron Gate PUD:...
- 3) The Iron Gate conceptual plan shall be updated to note that the location of the proposed roundabout will be established during the master plan review process.

As of 05/29/24 all conditions outlined by the Planning Commission have been satisfied. All documents regarding the Iron Gate PUD have been updated to meet the conditions outlined by the Commission.

Excerpt from Envision Daphne 2042 Maps



Map 4-6 Suburban Neighborhoods



Map 4-10 Neighborhood Center

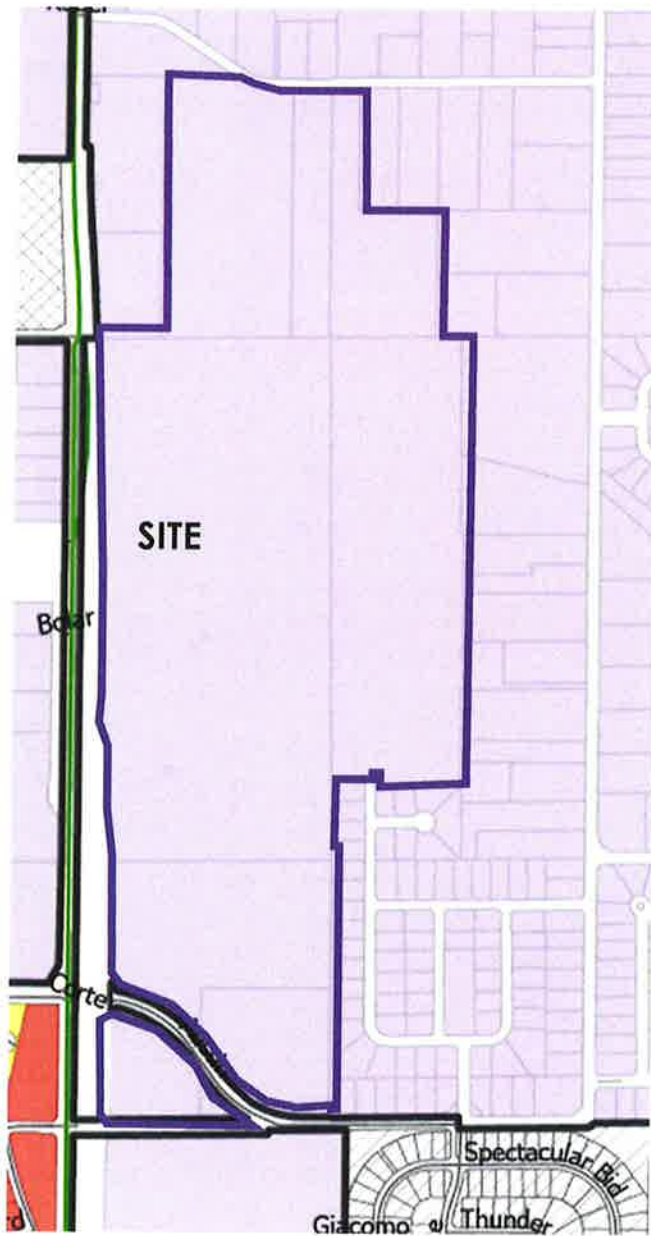


Map 4-12 Suburban Corridor



Map 4-16 Mixed-Use Corridor

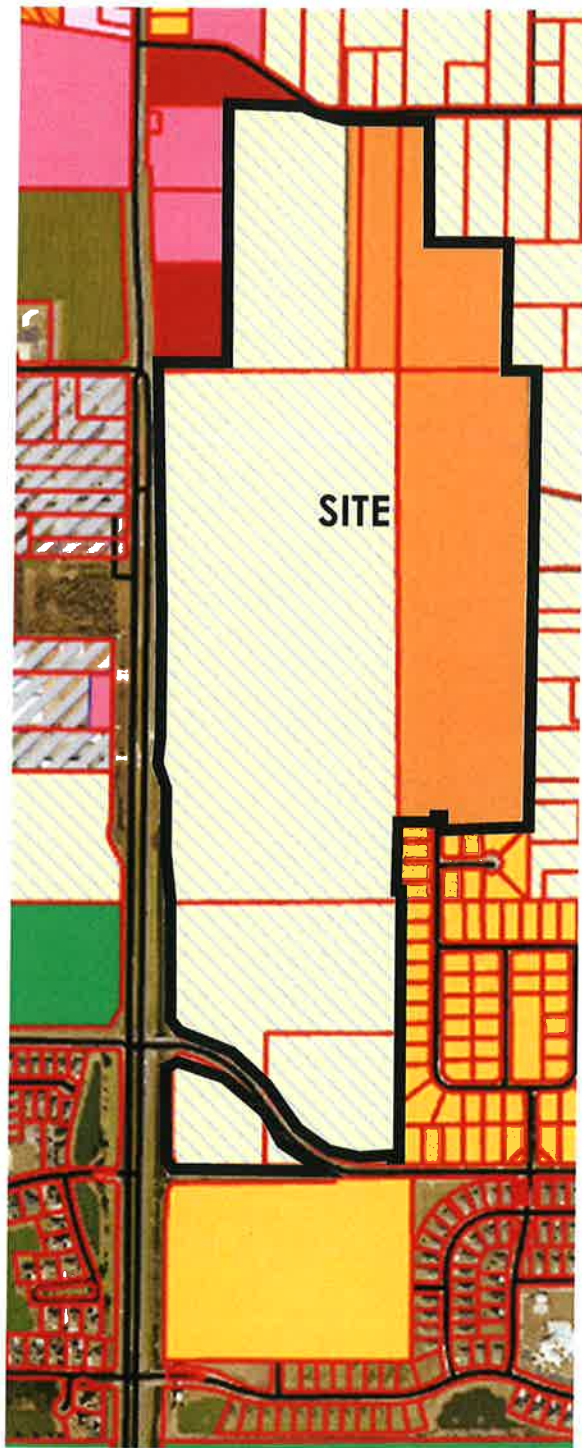
Excerpt from Daphne Zoning Map



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)

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 Bertolla Properties, LLC, YOTA Properties, LLC, Frederick G. & Thomas Boni, and Sharon and John Christopher Boni containing 175.21 acres +/- located southeast of the intersection of Alabama Highway 181 and Milton Jones Road 13 zoned RSF-E, Residential Single Family Estate, RSF-3, Residential Single Family, and B-3, General Business, Baldwin County District 15, to be pre-zoned to PUD, Planned Unit Development. 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.

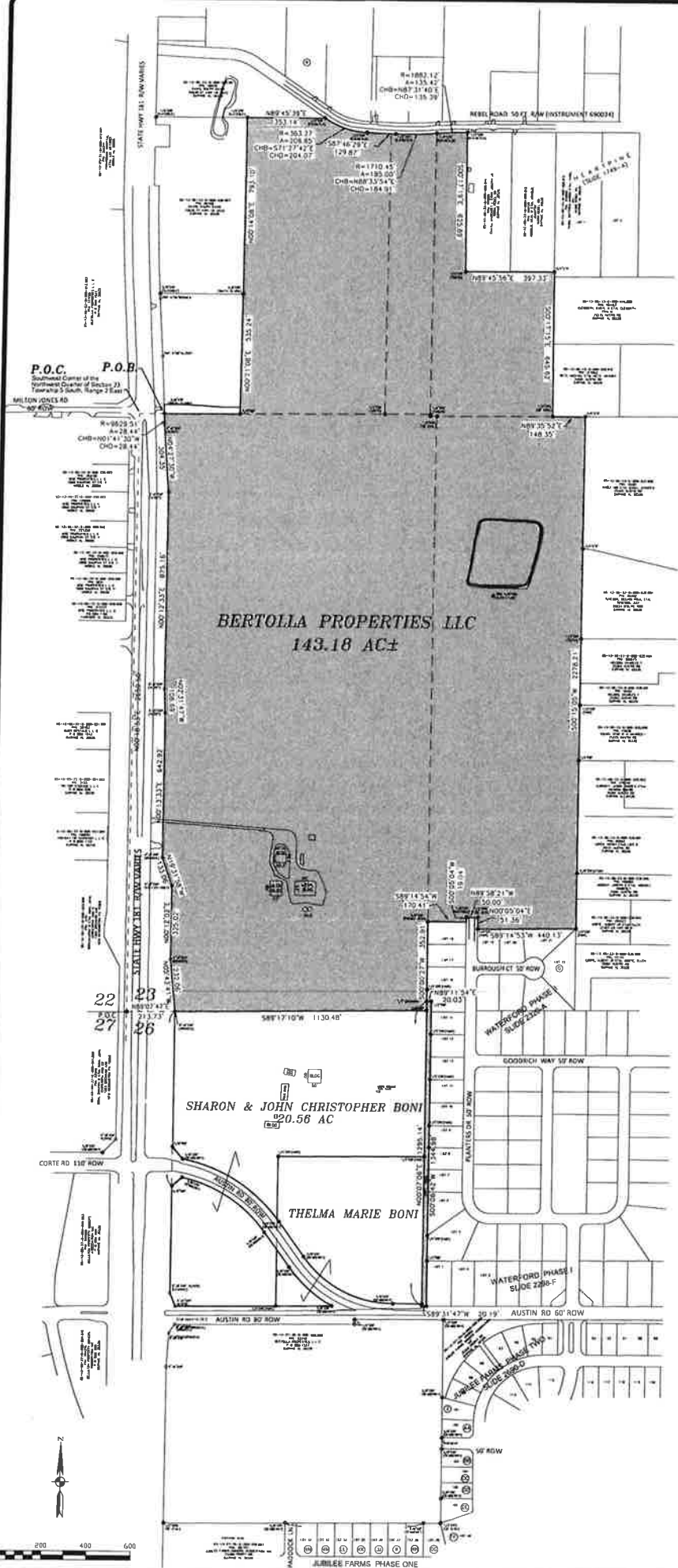
The public hearing will be held by the Daphne Planning Commission on Thursday, March 28, 2024 at 5:00 p.m. in the Council Chambers of City Hall. You may submit your views in writing, in person, or by representation.

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

Bertolla Properties, LLC, YOTA Properties, LLC, Frederick G. & Thomas Boni, and Sharon and John Christopher Boni Pre-Zoning Amendment

Parcel Number	Pin	Blank	Owner Name	Address	City	State	Zip
05-43-06-23-0-000-035.003	378346		ALBRIGHT, JASON ANDREW ETUX AMANDA BOURB AND ON	25163 AUSTIN RD	DAPHNE	AL	36526
05-43-06-23-0-000-033.006	295287		BAILEY, MATTHEW M ETAL BAILEY, ALEXANDRA AND S	10327 BURROUGH CT	DAPHNE	AL	36526
05-43-05-22-0-000-023.000	3721		BALDWIN COUNTY BOARD OF EDUCATION	2600 HAND AVE N	BAY MINETTE	AL	36507
05-43-08-27-0-000-001.000	62518		BALDWIN COUNTY BOARD OF EDUCATION	2600 HAND AVE N	BAY MINETTE	AL	36507
05-43-08-27-0-000-004.010	284216		BELLATON PROPERTY OWNERS ASSOCIATION INC	P O BOX 668	DAPHNE	AL	36526
05-43-05-22-0-000-012.002	371166		BERTOLLA PROPERTIES L L C	P O BOX 1527	DAPHNE	AL	36526
05-43-07-26-0-000-005.000	3718		BONI, SHARON O ETAL BONI, JOHN CHRISTOPH AND ER	1365 ORCHARD AVE	NEW KENSINGTON	PA	15068
05-43-07-26-0-000-005.001	256935		BONI, THELMA MARIE AS PERSONAL REPRESENT AND ATIVE OF THE ES	25170 CO RD 13	DAPHNE	AL	36526
05-43-06-23-0-000-026.008	104167		CLEWORTH, DARYL W ETAL CLEWORTH, TINA M	25575 AUSTIN RD	DAPHNE	AL	36526
05-43-06-23-0-000-026.017	620814		CORTE STEPHANIE NELSON	24001 STATE HIGHWAY 181	DAPHNE	AL	36526
05-43-06-23-0-000-036.004	285527		CORTE, ALBERT JR ETUX ELLEN	27367 US HWY 98 N	DAPHNE	AL	36526
05-43-07-26-0-000-004.036	295243		CUNNINGHAM, MAKENZIE K ETAL CUNNINGHAM, AND TRAVEIS M	24941 PLANTERS DR	DAPHNE	AL	36526
05-43-05-22-0-000-024.001	58483		CUNY RENTALS L L C	P O BOX 1643	DAPHNE	AL	36526
05-43-06-23-0-000-026.007	99206		DAVIS, RALPH DAVID	25630 ST HWY 181 (MA)	DAPHNE	AL	36526
05-43-06-23-0-000-033.008	295289		DONALDSON, WAYNE J ETAL DONALDSON, NAOMI AND R	10337 BURROUGH CT	DAPHNE	AL	36526
05-43-07-26-0-000-004.003	295196		DOSS, MICHAEL ETAL DOSS, KERRI D	24523 AUSTIN RD	DAPHNE	AL	36526
05-43-07-26-0-000-004.033	295240		DUNN, RONALD NEIL	24899 PLANTERS DR	DAPHNE	AL	36526
05-43-06-23-0-000-020.002	68760		GARRETT, JAMES HEYWARD ETAL GARRETT, LEE AND ANN	10215 REBEL ROAD	DAPHNE	AL	36526
05-43-06-23-0-000-033.003	295284		GLOVER DANIEL FOSTER AND GLOVER EMMA ADAMS	25029 PLANTERS DR	DAPHNE	AL	36526
05-43-07-26-0-000-004.035	295242		HARMON, MARGARET S	24921 PLANTERS DR	DAPHNE	AL	36526
05-43-06-23-0-000-020.001	32747		HAYES, ELIZABETH ALICE	10225 REBEL RD	DAPHNE	AL	36526
05-43-06-23-0-000-026.012	108159		HENSLEY TYLER W AND HENSLEY KELLY B	10300 REBEL RD	DAPHNE	AL	36526
05-43-05-22-0-000-024.004	108094		HIGHWAY 181 CARWASH L L C	P O BOX 1122	DAPHNE	AL	36526
05-43-07-26-0-000-004.032	295239		HIRST, CHRISTOPHER B	24881 PLANTERS DR	DAPHNE	AL	36526
05-43-07-26-0-000-004.037	295244		IVY, MARQUES ETAL IVY, MEREDITH	24971 PLANTERS DR	DAPHNE	AL	36526
05-43-07-26-0-000-004.030	295237		JONES RONALD J JR	24841 PLANTERS DR	DAPHNE	AL	36526
05-43-07-26-0-000-004.031	295238		JONES, ADRIENNE ETAL JONES, TIMOTHY	24861 PLANTERS DR	DAPHNE	AL	36526
05-43-06-23-0-000-032.001	84108		JORDAN JOE C	15 S REED AVE	MOBILE	AL	36604
05-43-06-23-0-000-033.004	295285		KING, DENISE M	25049 PLANTERS DR	DAPHNE	AL	36526
05-43-06-23-0-000-036.001	80583		LOPER, HENRY ETUX LOIS D	25151 AUSTIN RD	DAPHNE	AL	36526
05-43-06-23-0-000-015.004	80697		MACHOLZ, FREDERICK C III ETAL HARVEY, B AND OBBI JO	10135 REBEL RD	DAPHNE	AL	36526
05-43-06-23-0-000-032.000	40381		MAGLI, WIB ETAL MAGLI, JENNIFER	25465 AUSTIN RD	DAPHNE	AL	36526
05-43-06-23-0-000-033.005	295286		MCCORMICK, MATTHEW ETAL MCCORMICK, SHELL AND A	10297 BURROUGH CT	DAPHNE	AL	36526
05-43-06-23-0-000-026.016	317093		METZ, MICHAEL ETAL METZ, AMANDA	25501 AUSTIN RD	DAPHNE	AL	36526
05-43-06-23-0-000-020.003	78744		MOULTHROP, CHARLES ROBERT ETUX APIWAN	5399 WOODLAKE TRACE	DAPHNE	FL	32563
05-43-06-23-0-000-035.001	56351		NELSON, CHARLES T AS TRUSTEE OF THE CHARLES T NELSON TRUST	25303 AUSTIN RD	DAPHNE	AL	36526
05-43-06-23-0-000-033.002	295283		ROSS, BRYAN D ETAL ROSS, KELLY E	25007 PLANTERS DR	DAPHNE	AL	36526
05-43-06-23-0-000-015.003	80705		SANDERS, PHILLIPS WAYNE & BARBARA E	10175 REBEL RD	DAPHNE	AL	36526
05-43-06-23-0-000-026.014	114925		SCHUUR WARREN CRAWFORD CJ III	10286 REBEL RD	DAPHNE	AL	36526
05-43-06-23-0-000-033.007	295288		SEAHORN, JASON ETAL SEAHORN, LEIGH ANNE	10335 BURROUGH CT	DAPHNE	AL	36526
05-43-07-26-0-000-004.029	295236		SIMONTON, SCOTT KACY ETAL SIMONTON, ANGE AND LIA CHRISTINE	24825 PLANTERS DR	DAPHNE	AL	36526
05-43-07-26-0-000-004.034	295241		STANTON, JOHN V ETAL STANTON, SARAH	24917 PLANTERS DR	DAPHNE	AL	36526
05-43-06-23-0-000-021.000	18313		TAYLOR, WILLIAM PERRY ETUX WANDA SMITH	10295 REBEL RD	DAPHNE	AL	36526
05-43-05-22-0-000-024.002	5165		TIN TOP STORAGE L L C	P O BOX 820	DAPHNE	AL	36526
05-43-06-23-0-000-036.005	285684		VOSICKY, JOSEPH E ETAL VOSICKY, KIMBERLY AND V	25091 AUSTIN RD	DAPHNE	AL	36526
05-43-07-26-0-000-004.028	295235		WALTERS, WILLIAM R	24815 PLANTERS DR	DAPHNE	AL	36526
05-43-06-23-0-000-033.001	295282		WINANS, CHARLES B ETAL MERCADANTE, KAREN AND M	24991 PLANTERS DR	DAPHNE	AL	36526
05-43-05-22-0-000-020.007	265196		WISE PROPERTIES L L C	2866 DAUPHIN ST STE Y	MOBILE	AL	36606
05-43-06-23-0-000-026.015	216859		YAWN, MATTHEW AARON ETAL YAWN, JILL	10380 REBEL RD	DAPHNE	AL	36526
05-43-06-23-0-000-026.005	92957		YOTA PROPERTIES L L C	28607 CO RD 65	LOXLEY	AL	36551
05-43-06-23-0-000-035.000	42636		YOUNG, GENE N & MILDRED I	25225 AUSTIN RD	DAPHNE	AL	36526
Developer			68 VENTURES LLC	707 BELROSE AVE	DAPHNE	AL	36526
Authorized Agent / Engineer			SE CIVIL LLC	9969 WINDMILL RD	FAIRHOPE	AL	36532

[illegible]



**BERTOLLA PROPERTIES LLC
LEGAL DESCRIPTION**

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 3 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 33 MINUTES 35 SECONDS EAST, A DISTANCE OF 108.50 FEET TO THE EAST RIGHT-OF-WAY OF STATE HIGHWAY 181 FOR THE POINT OF BEGINNING; THENCE RUN NORTH 89 DEGREES 39 MINUTES 41 SECONDS EAST, A DISTANCE OF 138.48 FEET; THENCE RUN NORTH 00 DEGREES 31 MINUTES 08 SECONDS EAST, A DISTANCE OF 335.24 FEET; THENCE RUN NORTH 00 DEGREES 14 MINUTES 08 SECONDS EAST, A DISTANCE OF 793.10 FEET; THENCE RUN NORTH 89 DEGREES 45 MINUTES 38 SECONDS EAST, A DISTANCE OF 353.14 FEET TO A POINT ON THE SOUTH MARGIN OF REBEL ROAD; THENCE RUN ALONG SAID SOUTH MARGIN, THE FOLLOWING DESCRIBED COURSE:

THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 363.27 FEET, AN ARC LENGTH OF 208.89 FEET, (CHORD BEARS SOUTH 71 DEGREES 27 MINUTES 42 SECONDS EAST, A DISTANCE OF 204.07 FEET);

SOUTH 87 DEGREES 40 MINUTES 28 SECONDS EAST, A DISTANCE OF 129.87 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1710.43 FEET, AN ARC LENGTH OF 185.00 FEET, (CHORD BEARS NORTH 88 DEGREES 33 MINUTES 34 SECONDS EAST, A DISTANCE OF 184.81 FEET);

THENCE ALONG A REVERSE CURVE TO THE RIGHT, HAVING A RADIUS OF 1882.12 FEET, AN ARC LENGTH OF 135.42 FEET, (CHORD BEARS NORTH 87 DEGREES 31 MINUTES 40 SECONDS EAST, A DISTANCE OF 135.39 FEET);

THENCE DEPARTING SAID SOUTH MARGIN OF REBEL ROAD, RUN SOUTH 00 DEGREES 17 MINUTES 18 SECONDS EAST, A DISTANCE OF 625.89 FEET; THENCE RUN NORTH 89 DEGREES 45 MINUTES 36 SECONDS EAST, A DISTANCE OF 389.33 FEET; THENCE RUN SOUTH 00 DEGREES 17 MINUTES 13 SECONDS EAST, A DISTANCE OF 845.82 FEET; THENCE RUN NORTH 89 DEGREES 35 MINUTES 32 SECONDS EAST, A DISTANCE OF 148.35 FEET; THENCE RUN SOUTH 00 DEGREES 15 MINUTES 00 SECONDS WEST, A DISTANCE OF 2278.21 FEET TO A POINT ON THE NORTH LINE OF WATERFORD PHASE II, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT 5/02, 2330-A BALDWIN COUNTY PROBATE RECORDS; THENCE ALONG THE NORTH AND WEST LINE OF SAID WATERFORD PHASE II, THE FOLLOWING DESCRIBED COURSE:

SOUTH 89 DEGREES 17 MINUTES 12 SECONDS WEST, A DISTANCE OF 140.18 FEET; NORTH 00 DEGREES 00 MINUTES 10 SECONDS EAST, A DISTANCE OF 51.36 FEET; SOUTH 89 DEGREES 34 MINUTES 33 SECONDS WEST, A DISTANCE OF 50.00 FEET; SOUTH 00 DEGREES 00 MINUTES 10 SECONDS WEST, A DISTANCE OF 15.04 FEET; SOUTH 89 DEGREES 17 MINUTES 11 SECONDS WEST, A DISTANCE OF 170.44 FEET; SOUTH 00 DEGREES 00 MINUTES 08 SECONDS EAST, A DISTANCE OF 332.81 FEET; NORTH 89 DEGREES 11 MINUTES 54 SECONDS EAST, A DISTANCE OF 20.03 FEET; SOUTH 00 DEGREES 06 MINUTES 42 SECONDS WEST, A DISTANCE OF 1244.98 FEET TO A POINT ON THE NORTH MARGIN OF AUSTIN ROAD;

THENCE RUN SOUTH 89 DEGREES 31 MINUTES 41 SECONDS WEST, ALONG SAID NORTH MARGIN, A DISTANCE OF 30.19 FEET; THENCE DEPARTING SAID NORTH MARGIN, RUN NORTH 00 DEGREES 07 MINUTES 10 SECONDS EAST, A DISTANCE OF 1304.86 FEET; THENCE RUN SOUTH 89 DEGREES 17 MINUTES 10 SECONDS WEST, A DISTANCE OF 1130.48 FEET TO A POINT ON THE EAST MARGIN OF STATE HIGHWAY 181; THENCE RUN ALONG SAID EAST MARGIN THE FOLLOWING DESCRIBED COURSE:

NORTH 05 DEGREES 43 MINUTES 41 SECONDS WEST, A DISTANCE OF 232.06 FEET; NORTH 00 DEGREES 12 MINUTES 02 SECONDS EAST, A DISTANCE OF 329.02 FEET; NORTH 18 DEGREES 31 MINUTES 30 SECONDS WEST, A DISTANCE OF 133.06 FEET; NORTH 00 DEGREES 13 MINUTES 33 SECONDS EAST, A DISTANCE OF 847.82 FEET; NORTH 02 DEGREES 31 MINUTES 47 SECONDS WEST, A DISTANCE OF 108.88 FEET; NORTH 00 DEGREES 17 MINUTES 35 SECONDS EAST, A DISTANCE OF 875.16 FEET; NORTH 04 DEGREES 27 MINUTES 30 SECONDS WEST, A DISTANCE OF 304.35 FEET; LENGTH OF 47.88 FEET, (CHORD BEARS NORTH 01 DEGREES 44 MINUTES 36 SECONDS WEST, A DISTANCE OF 47.88 FEET) TO THE POINT OF BEGINNING.

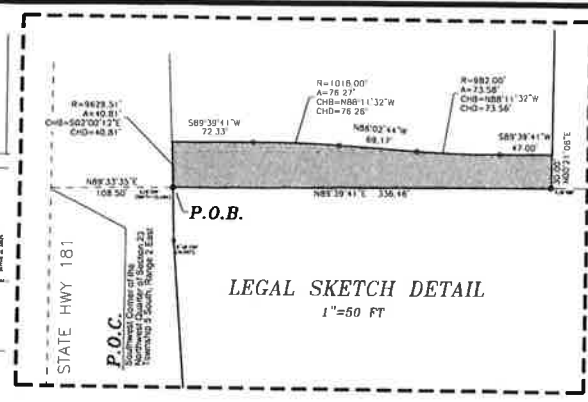
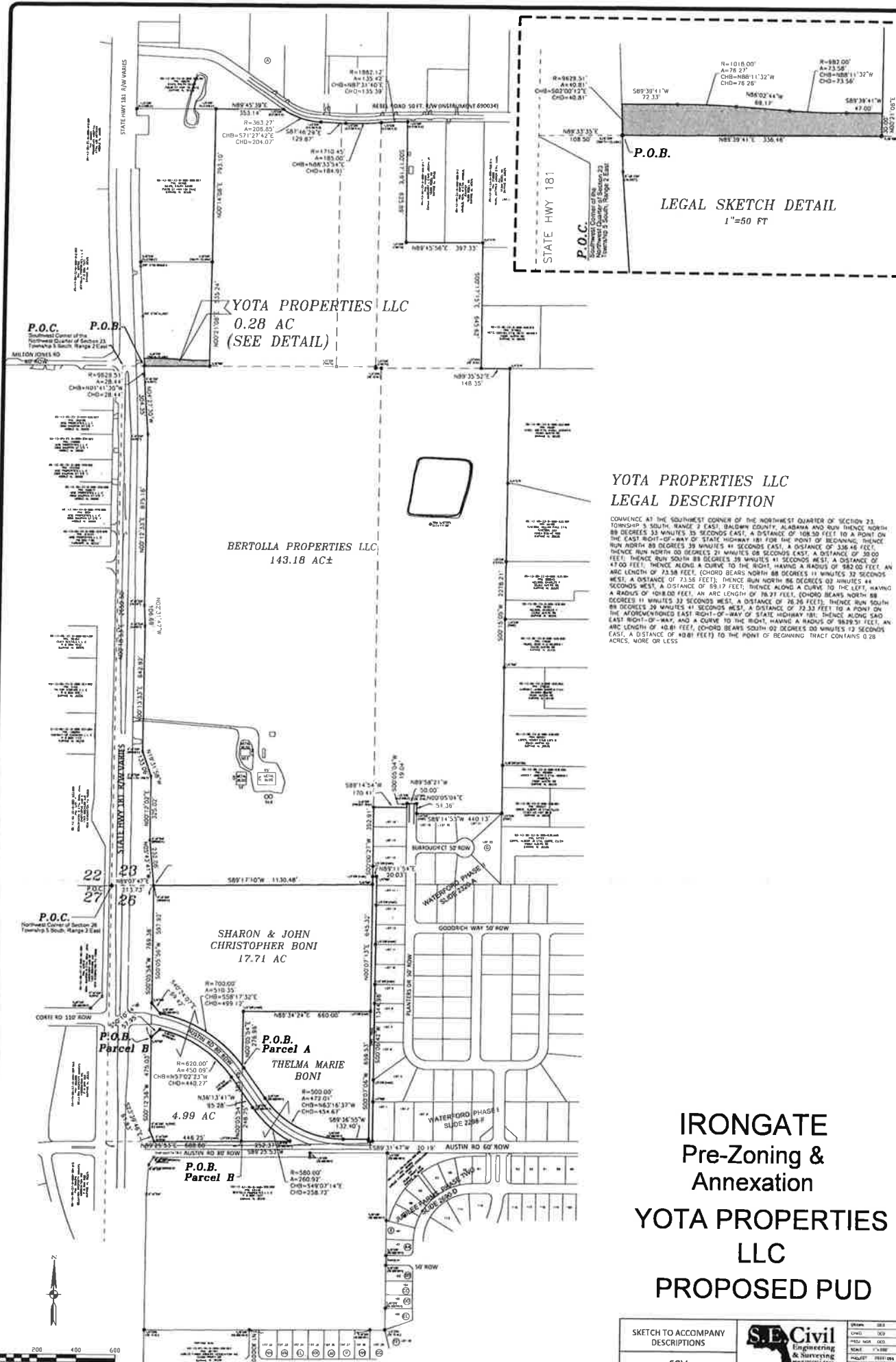
TRACT CONTAINS 143.18 ACRES, MORE OR LESS.

**IRONGATE
Pre-Zoning &
Annexation
BERTOLLA
PROPERTIES LLC
PROPOSED PUD**

SKETCH TO ACCOMPANY
DESCRIPTIONS
68V

S.E. Civil
Engineering
& Surveying
INCORPORATED
1988

DRAWN: MDS
CHECKED: MDS
FIELD: MDS
SCALE: 1"=200'
PROJECT: 333-088
DATE: 11/11/2014
SHEET: 1 OF 1

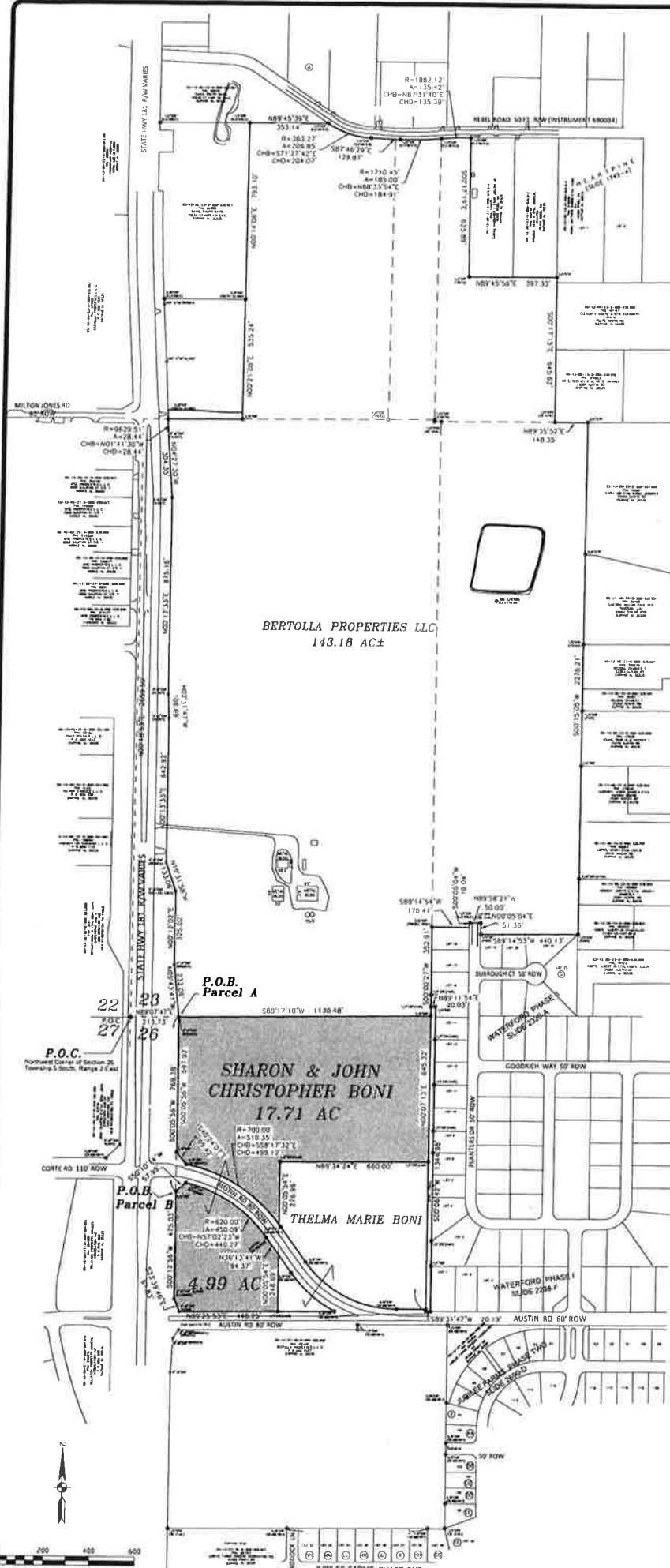


**YOTA PROPERTIES LLC
LEGAL DESCRIPTION**

CONVEYANCE AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 88 DEGREES 55 MINUTES 15 SECONDS EAST, A DISTANCE OF 108.50 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF STATE HIGHWAY 181 FOR THE POINT OF BEGINNING; THENCE RUN NORTH 88 DEGREES 59 MINUTES 11 SECONDS EAST, A DISTANCE OF 336.46 FEET; THENCE RUN NORTH 00 DEGREES 21 MINUTES 00 SECONDS EAST, A DISTANCE OF 38.00 FEET; THENCE RUN SOUTH 88 DEGREES 59 MINUTES 11 SECONDS WEST, A DISTANCE OF 4700 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 182.00 FEET, AN ARC LENGTH OF 73.58 FEET, (CHORD BEARS NORTH 88 DEGREES 11 MINUTES 32 SECONDS WEST, A DISTANCE OF 73.58 FEET); THENCE RUN NORTH 86 DEGREES 02 MINUTES 44 SECONDS WEST, A DISTANCE OF 58.17 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1018.00 FEET, AN ARC LENGTH OF 76.27 FEET, (CHORD BEARS NORTH 88 DEGREES 59 MINUTES 11 SECONDS WEST, A DISTANCE OF 76.26 FEET); THENCE RUN SOUTH 88 DEGREES 59 MINUTES 11 SECONDS WEST, A DISTANCE OF 73.33 FEET TO A POINT ON THE AFOREMENTIONED EAST RIGHT-OF-WAY OF STATE HIGHWAY 181; THENCE ALONG SAID EAST RIGHT-OF-WAY, AND A CURVE TO THE RIGHT, HAVING A RADIUS OF 989.51 FEET, AN ARC LENGTH OF 40.81 FEET, (CHORD BEARS SOUTH 02 DEGREES 00 MINUTES 12 SECONDS EAST, A DISTANCE OF 40.81 FEET) TO THE POINT OF BEGINNING. TRACT CONTAINS 0.28 ACRES, MORE OR LESS.

**IRONGATE
Pre-Zoning &
Annexation
YOTA PROPERTIES
LLC
PROPOSED PUD**

SKETCH TO ACCOMPANY DESCRIPTIONS	S.E. Civil Engineering & Surveying 10000 IRONGATE BLVD SUITE 100 DALLAS, TEXAS 75243 TEL: 972.412.1111 FAX: 972.412.1112 WWW.SECIVIL.COM	Drawn: DBB Checked: DDB Field: MDR, DDB Scale: 1"=100' Project: 68V-100 File: 68V-100 Sheet: 38 of 37
68V		



SHARON & JOHN CHRISTOPHER BONI LEGAL DESCRIPTION

Parcel A

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 07 MINUTES 47 SECONDS EAST, A DISTANCE OF 213.33 FEET TO A POINT ON THE EAST MARGIN OF STATE HIGHWAY 181 FOR THE POINT OF BEGINNING. THENCE RUN SOUTH 00 DEGREES 03 MINUTES 54 SECONDS WEST, ALONG SAID EAST MARGIN, A DISTANCE OF 387.92 FEET; THENCE RUN SOUTH 40 DEGREES 34 MINUTES 07 SECONDS EAST, A DISTANCE OF 58.42 FEET TO A POINT ON THE NORTH MARGIN OF AUSTIN ROAD. THENCE ALONG SAID NORTH MARGIN, AND A CHORD BEARS SOUTH 38 DEGREES 17 MINUTES 33 SECONDS EAST, A DISTANCE OF 488.19 FEET; THENCE CONTINUING ALONG SAID NORTH MARGIN OF AUSTIN ROAD, RUN NORTH 00 DEGREES 03 MINUTES 54 SECONDS EAST, A DISTANCE OF 276.86 FEET, THENCE DEPARTING SAID NORTH MARGIN, RUN NORTH 89 DEGREES 07 MINUTES 47 SECONDS EAST, A DISTANCE OF 600.00 FEET, THENCE RUN SOUTH 89 DEGREES 17 MINUTES 15 SECONDS WEST, A DISTANCE OF 1130.48 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 17.71 ACRES, MORE OR LESS.

Parcel B

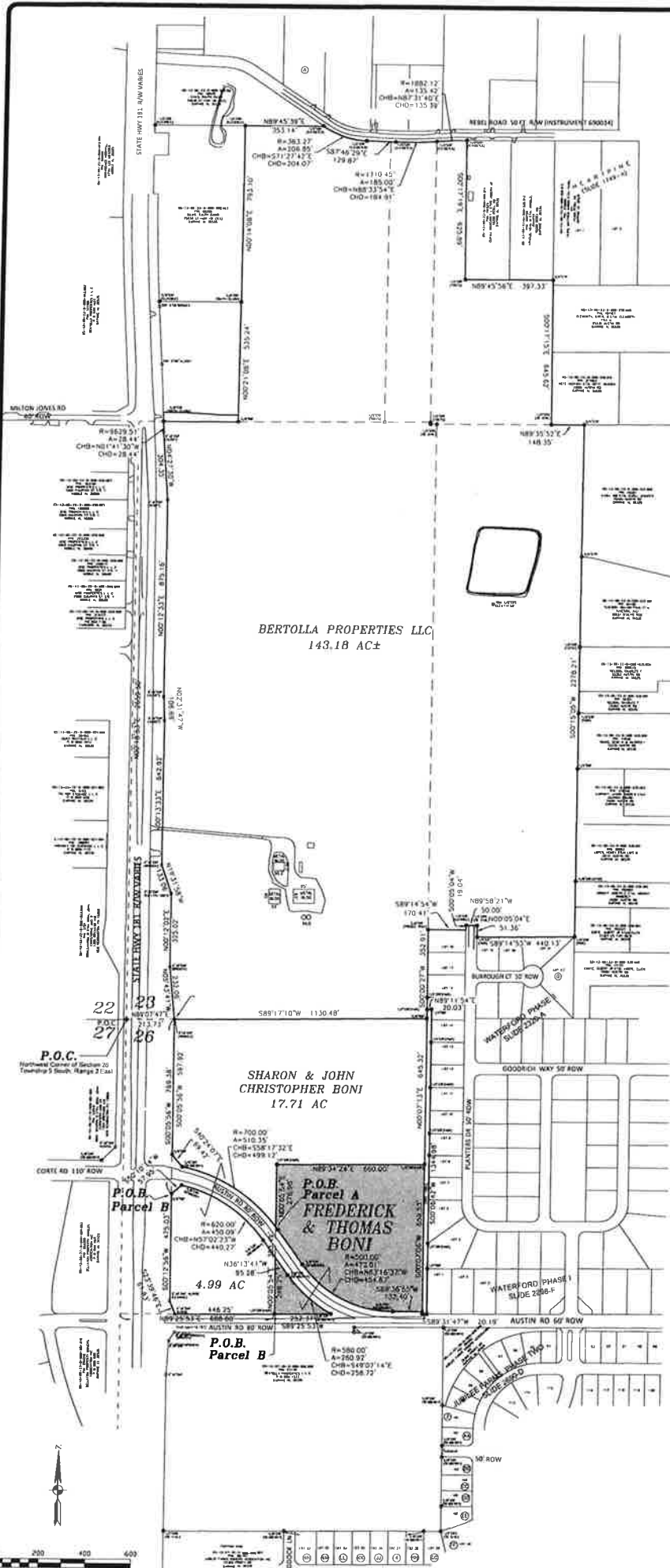
COMMENCE AT THE SOUTHWEST CORNER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 07 MINUTES 47 SECONDS EAST, A DISTANCE OF 213.33 FEET TO A POINT ON THE EAST MARGIN OF STATE HIGHWAY 181; THENCE RUN SOUTH 00 DEGREES 03 MINUTES 54 SECONDS WEST, ALONG SAID EAST MARGIN, A DISTANCE OF 160.36 FEET FOR THE POINT OF BEGINNING. THENCE RUN SOUTH 00 DEGREES 12 MINUTES 58 SECONDS WEST, A DISTANCE OF 475.03 FEET; THENCE RUN SOUTH 23 DEGREES 38 MINUTES 48 SECONDS EAST, A DISTANCE OF 518.83 FEET; THENCE RUN NORTH 89 DEGREES 23 MINUTES 53 SECONDS EAST, A DISTANCE OF 482.25 FEET; THENCE RUN NORTH 00 DEGREES 03 MINUTES 54 SECONDS EAST, A DISTANCE OF 248.68 FEET TO A POINT ON THE SOUTH MARGIN OF AUSTIN ROAD. THENCE RUN NORTH 36 DEGREES 13 MINUTES 41 SECONDS WEST, ALONG SAID SOUTH MARGIN, A DISTANCE OF 84.37 FEET; THENCE ALONG SAID SOUTH MARGIN, AND ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 820.00 FEET, AN ARC LENGTH OF 450.09 FEET, CHORD BEARS NORTH 57 DEGREES 03 MINUTES 23 SECONDS WEST, A DISTANCE OF 440.23 FEET; THENCE RUN SOUTH 50 DEGREES 10 MINUTES 14 SECONDS WEST, A DISTANCE OF 57.95 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 4.99 ACRES, MORE OR LESS.

IRONGATE Pre-Zoning & Annexation SHARON & JOHN CHRISTOPHER BONI PROPOSED PUD

SKETCH TO ACCOMPANY
DESCRIPTIONS
68V

SE Civil
Engineering &
Surveying
39

Drawn	DB
Checked	DB
Field	DB
Scale	1"=500'
Project	IRONGATE
Client	SHARON & JOHN CHRISTOPHER BONI
Date	10/1/11



**FREDERICK & THOMAS
LEGAL DESCRIPTION
Parcel A**

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE SOUTH 00 DEGREES 18 MINUTES 53 SECONDS WEST, A DISTANCE OF 1300.21 FEET; THENCE RUN NORTH 89 DEGREES 25 MINUTES 53 SECONDS EAST, A DISTANCE OF 888.80 FEET; THENCE RUN NORTH 00 DEGREES 05 MINUTES 54 SECONDS EAST, A DISTANCE OF 383.43 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00 DEGREES 05 MINUTES 54 SECONDS EAST, A DISTANCE OF 276.86 FEET; THENCE RUN NORTH 89 DEGREES 24 MINUTES 24 SECONDS EAST, A DISTANCE OF 880.00 FEET; THENCE RUN SOUTH 00 DEGREES 07 MINUTES 08 SECONDS WEST, A DISTANCE OF 849.82 FEET TO A POINT ON THE NORTH WAGON OF AUSTIN ROAD; THENCE RUN SOUTH 89 DEGREES 38 MINUTES 55 SECONDS WEST, ALONG SAID NORTH WAGON, A DISTANCE OF 132.40 FEET; THENCE CONTINUING ALONG SAID NORTH WAGON, AND ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 500.00 FEET, AN ARC LENGTH OF 472.07 FEET, (CHORD BEARS NORTH 83 DEGREES 18 MINUTES 33 SECONDS WEST, A DISTANCE OF 451.67 FEET); THENCE RUN NORTH 36 DEGREES 18 MINUTES 10 SECONDS WEST, A DISTANCE OF 203.87 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 8.43 ACRES, MORE OR LESS.

Parcel B

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE SOUTH 00 DEGREES 18 MINUTES 53 SECONDS WEST, A DISTANCE OF 1300.21 FEET; THENCE RUN NORTH 89 DEGREES 25 MINUTES 53 SECONDS EAST, A DISTANCE OF 888.80 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 00 DEGREES 05 MINUTES 54 SECONDS EAST, A DISTANCE OF 148.25 FEET TO A POINT ON THE SOUTH WAGON OF AUSTIN ROAD; THENCE RUN SOUTH 36 DEGREES 12 MINUTES 31 SECONDS EAST, ALONG SAID SOUTH WAGON, A DISTANCE OF 95.33 FEET; THENCE CONTINUING ALONG SAID SOUTH WAGON, AND A CURVE TO THE LEFT, HAVING A RADIUS OF 580.00 FEET, AN ARC LENGTH OF 260.92 FEET, (CHORD BEARS SOUTH 49 DEGREES 07 MINUTES 14 SECONDS EAST, A DISTANCE OF 258.72 FEET); THENCE RUN SOUTH 89 DEGREES 25 MINUTES 53 SECONDS WEST, A DISTANCE OF 252.37 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 0.80 ACRES, MORE OR LESS.

**IRONGATE
Pre-Zoning &
Annexation
FREDERICK & THOMAS
BONI
PROPOSED PUD**

SKETCH TO ACCOMPANY
DESCRIPTIONS

68V



DATE: 08/11/10
PROJECT: IRONGATE
SCALE: 1"=100'
DRAWN BY: JTB
CHECKED BY: JTB
APPROVED BY: JTB

IRON GATE

Included PINs



APPLICATION & SUPPLEMENTAL INFORMATION



APPLICATION FOR REZONING OR PRE-ZONING

Office use only: Rev. 072816

Date Submitted February 28, 24

Application Number:

Planning Commission Public

ZA- or PZA- 24-05

Hearing Date: March 28, 24

Legibly print or type responses below. Indicate N/A or an "X" where item is not applicable. TABLED UNTIL May 23, 2024

SITE DATA

Site Location (Address or General Proximity to Nearest Intersection):
East side of Hwy 181 between Austin Road and Rebel Road

PPIN#(s):
256935 62449 63502 111246
63828 3718 108577 92957(partial)

Gross Site Area (acreage): 175.21 Acres

Requested Zoning or Pre-Zoning: PUD

Current Zoning Designation(s): RSF-E, RSF-3 & B3
(Baldwin County)

Amended Request:

Initials: Date:

Current Land Use: Mostly Vacant - partially farmed

Anticipated Land Use: Mixed Use Residential
and Commercial

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

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: Bertolla Properties, LLC, YOTA Properties LLC
Sharon & John Christopher Boni, Frederick and Thomas Boni

Mailing Address: 26051 Predazzer Ln. Suite A Daphne, AL 36526

Phone/Fax: 251-423-1165
E-mail:

Name of Authorized Agent: S.E. Civil, LLC

Mailing Address: 9969 Windmill Road, Fairhope AL 36532

Phone/Fax: 251-990-6566
E-mail: ddiehl@secivileng.com

Name of Developer*:

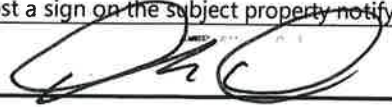
68 Ventures

Phone/Fax: 251-487-8398
E-mail: ckelly@68ventures.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 2-28-24

Agent's Signature:

Date

IRON GATE
A Planned Unit Development
Bertolla Properties, LLC
Legal Description

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 33 MINUTES 35 SECONDS EAST, A DISTANCE OF 108.50 FEET POINT ON THE EAST RIGHT-OF-WAY OF STATE HIGHWAY 181 FOR THE POINT OF BEGINNING; THENCE RUN NORTH 89 DEGREES 39 MINUTES 41 SECONDS EAST, A DISTANCE OF 336.46 FEET; THENCE RUN NORTH 00 DEGREES 21 MINUTES 08 SECONDS EAST, A DISTANCE OF 535.24 FEET; THENCE RUN NORTH 00 DEGREES 14 MINUTES 08 SECONDS EAST, A DISTANCE OF 793.10 FEET; THENCE RUN NORTH 89 DEGREES 45 MINUTES 39 SECONDS EAST, A DISTANCE OF 353.14 FEET TO A POINT ON THE SOUTH MARGIN OF REBEL ROAD; THENCE RUN ALONG SAID SOUTH MARGIN, THE FOLLOWING DESCRIBED COURSES:

THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 363.27 FEET, AN ARC LENGTH OF 206.85 FEET, (CHORD BEARS SOUTH 71 DEGREES 27 MINUTES 42 SECONDS EAST, A DISTANCE OF 204.07 FEET);

SOUTH 87 DEGREES 46 MINUTES 29 SECONDS EAST, A DISTANCE OF 129.87 FEET;

THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1710.45 FEET, AN ARC LENGTH OF 185.00 FEET, (CHORD BEARS NORTH 88 DEGREES 33 MINUTES 54 SECONDS EAST, A DISTANCE OF 184.91 FEET);

THENCE ALONG A REVERSE CURVE TO THE RIGHT, HAVING A RADIUS OF 1882.12 FEET, AN ARC LENGTH OF 135.42 FEET, (CHORD BEARS NORTH 87 DEGREES 31 MINUTES 40 SECONDS EAST, A DISTANCE OF 135.39 FEET);

THENCE DEPARTING SAID SOUTH MARGIN OF REBEL ROAD, RUN SOUTH 00 DEGREES 17 MINUTES 19 SECONDS EAST, A DISTANCE OF 625.89 FEET; THENCE RUN NORTH 89 DEGREES 45 MINUTES 56 SECONDS EAST, A DISTANCE OF 397.33 FEET; THENCE RUN SOUTH 00 DEGREES 17 MINUTES 15 SECONDS EAST, A DISTANCE OF 645.62 FEET; THENCE RUN NORTH 89 DEGREES 35 MINUTES 52 SECONDS EAST, A DISTANCE OF 148.35 FEET; THENCE RUN SOUTH 00 DEGREES 15 MINUTES 05 SECONDS WEST, A DISTANCE OF 2278.21 FEET TO A POINT ON THE NORTH LINE OF WATERFORD PHASE II, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2320-A BALDWIN COUNTY PROBATE RECORDS; THENCE ALONG THE NORTH AND WEST LINE OF SAID WATERFORD PHASE II, THE FOLLOWING DESCRIBED COURSES:

SOUTH 89 DEGREES 17 MINUTES 12 SECONDS WEST, A DISTANCE OF 440.18 FEET;

NORTH 00 DEGREES 05 MINUTES 10 SECONDS EAST, A DISTANCE OF 51.36 FEET;

SOUTH 89 DEGREES 54 MINUTES 53 SECONDS WEST, A DISTANCE OF 50.00 FEET;

SOUTH 00 DEGREES 05 MINUTES 10 SECONDS WEST, A DISTANCE OF 19.04 FEET;

SOUTH 89 DEGREES 17 MINUTES 11 SECONDS WEST, A DISTANCE OF 170.44 FEET;

SOUTH 00 DEGREES 00 MINUTES 06 SECONDS EAST, A DISTANCE OF 352.91 FEET;

NORTH 89 DEGREES 11 MINUTES 54 SECONDS EAST, A DISTANCE OF 20.03 FEET;

SOUTH 00 DEGREES 06 MINUTES 42 SECONDS WEST, A DISTANCE OF 1344.98 FEET TO A POINT ON THE NORTH MARGIN OF AUSTIN ROAD;

THENCE RUN SOUTH 89 DEGREES 31 MINUTES 47 SECONDS WEST, ALONG SAID NORTH MARGIN, A DISTANCE OF 20.19 FEET; THENCE DEPARTING SAID NORTH MARGIN, RUN NORTH 00 DEGREES 07 MINUTES 10 SECONDS EAST, A DISTANCE OF 1304.86 FEET; THENCE RUN SOUTH 89 DEGREES 17

MINUTES 10 SECONDS WEST, A DISTANCE OF 1130.48 FEET TO A POINT ON THE EAST MARGIN OF STATE HIGHWAY 181; THENCE RUN ALONG SAID EAST MARGIN THE FOLLOWING DESCRIBED COURSES:

NORTH 05 DEGREES 43 MINUTES 41 SECONDS WEST, A DISTANCE OF 232.06 FEET;

NORTH 00 DEGREES 12 MINUTES 02 SECONDS EAST, A DISTANCE OF 325.02 FEET;

NORTH 19 DEGREES 31 MINUTES 58 SECONDS WEST, A DISTANCE OF 133.06 FEET;

NORTH 00 DEGREES 13 MINUTES 33 SECONDS EAST, A DISTANCE OF 642.92 FEET;

NORTH 02 DEGREES 31 MINUTES 47 SECONDS WEST, A DISTANCE OF 106.69 FEET;

NORTH 00 DEGREES 12 MINUTES 33 SECONDS EAST, A DISTANCE OF 875.16 FEET;

NORTH 04 DEGREES 27 MINUTES 30 SECONDS WEST, A DISTANCE OF 304.35 FEET;

THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 9629.51 FEET, AN ARC LENGTH OF 47.66 FEET, (CHORD BEARS NORTH 01 DEGREES 44 MINUTES 56 SECONDS WEST, A DISTANCE OF 47.66 FEET) TO THE POINT OF BEGINNING.

TRACT CONTAINS 143.18 ACRES, MORE OR LESS.

[illegible]

PARCEL 1 DESCRIPTION

[illegible]

PARCET 2 DESCRIPTION

[illegible]

SURVIVOR'S CERTIFICATE

THESE STATE THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE.

10-10-77

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[illegible]

S.F. Civil

Surveying
New equipment, new
techniques, new
ideas, new
ideas.

[illegible]

PROPERTY BOUNDARY &
TOPOGRAPHIC SURVEY

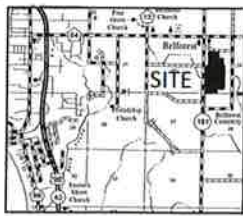
68V



S.E. Civil
Engineering
& Surveying
10000 N.W. 11th Ave.
Suite 100
Miami, FL 33150
(305) 551-1111

46

100%



VICINITY MAP
1 inch = 1 Mile

Owners

Sharon and John Christopher Boni
1365 Orchard Dr
New Kensington, PA 15068

Thelma Marie Boni (Trustee)
25170 Co Rd 13
Daphne, AL 36526

Bertolla Properties LLC
PO Box 1527
Daphne, AL 36526

YOTA Properties, LLC
28607 Co Rd 65
Loxley, AL 36551

Developer

68 Ventures
707 Belrose Avenue
Daphne, AL 36526

Engineer/Surveyor

S.E. Civil Engineering & Surveying
9969 Windmill Road
Fairhope, AL 36532
Larry Smith, PE Lic 26348
David Dicht, PLS Lic 26014

NOTE: The location of the proposed roundabout will be established during the master plan review process.



Building Setbacks
Front 25 Ft.
Rear 30 Ft.
Side 10 Ft.
Side Street 20 Ft.

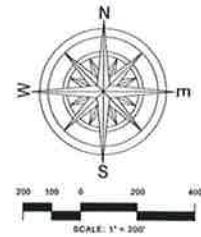


Building Setbacks
Front 25 Ft.
Rear 30 Ft.
Side 10 Ft.
Side Street 20 Ft.



Building Setbacks
Front 35 Ft.
Rear 20 Ft.
Side 6 Ft.
Side Street 15 Ft.

Typical Lots



IRON GATE

DAPHNE

A Planned Unit Development

TOTAL AREA	175.21 Acres
Current Zoning	RSF-3, RSF-E & B3 (Baldwin County)
Proposed Zoning	P.U.D. (Daphne)
Commercial Area (B-2)	70.05 Ac
Residential Area	102.50 Ac
The Preserve	253
52'x130's	160
76'x135's	14
80'x140's	20
TOTAL	447
Residential Density	4.96 / Ac
Open Space (Res)	21.73 Ac (21%)
Impervious Area	30.3 Acres (30%)

Residential Parking

The Enclave	2 Sp / unit	278
Additional		32
The Cottages	2 Sp / unit	110
Additional		41
The Preserve	2 Sp / unit	506
Additional		66
Total Parking		1033

Utility Providers

Water	Belforest Water
Sewer	Baldwin County Sewer
Power	Riviera
Telephone	AT&T

Building Data

Type	Max. Bldg. Ht.	Max. Stories	Max. Coverage
Single Family	35 Ft.	2-1/2	55% (Lot)
Big House	40 Ft.	2-1/2	30% (Site)
Slak House	40 Ft.	2-1/2	30% (Site)

"Landscaping"

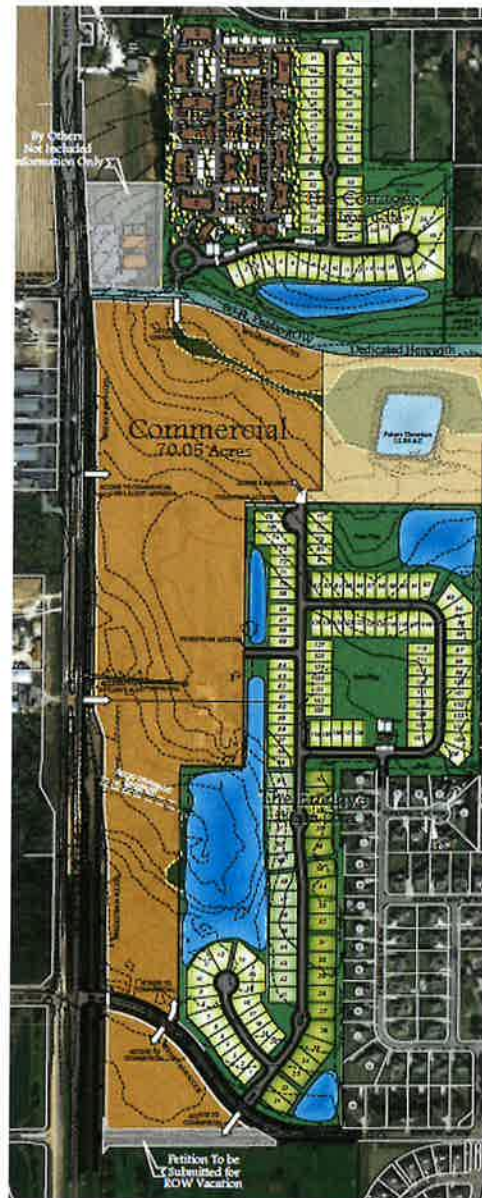
Detailed Landscaping Plans will be provided for each Mat and Site Plan submitted for approval in accordance with Article 19 of the Daphne Land Use Development Ordinance.





IRONGATE

D A P H N E



A Planned Unit Development

IRON GATE

Team

Developer:

68Venturës

707 Belrose Avenue
Daphne, AL 36526
251-625-1198

Engineer/ Surveyor:



9969 Windmill Road
Fairhope, AL 36532
251-990-6566

Landscape Architects:



WAS Design
218 N. Alston Street
Foley, AL 36535
251-948-7181

Traffic Engineer:



Neel Schaffer, Inc.
851 East I-65 Service Road
Suite 1000
Mobile, AL 36606
251-471-2000

Development Overview

Irongate is a Planned Unit Development comprising 175.21 Acres located on the east side of Alabama Highway 181 and lying between Rebel Road and Austin Road. The development will provide a diverse range of housing options from large Single Family residential lots to Multifamily dwellings, as well as an expansive area of Commercial property.

Intent

By combining the various land uses proposed in Irongate, the development goal is to promote a more efficient use of land relative to the location of public streets and natural features. The developer is dedicating a 60-foot Public Right of Way to provide a portion of a much-needed east-west connection from Highway 181 to Austin Road. The development intent is to provide diverse housing opportunities for citizens of differing economic levels, preferences, and/or stages of life.

Land Use Summary

Of the 175.21-acre Irongate development, the majority will be utilized for Single Family Residential Lots. The proposed uses are outlined below:

Residential	102.5 Acres
Commercial (B-2 w/restricted uses)	70.05 Acres
Includes Pledged Donation to the City of Daphne for a Public Park	12.5 Acres
ROW Donation for Milton Jones Rd. Extension	2.38 Acres
Donation for Belforest Water Future Well	1 Acre

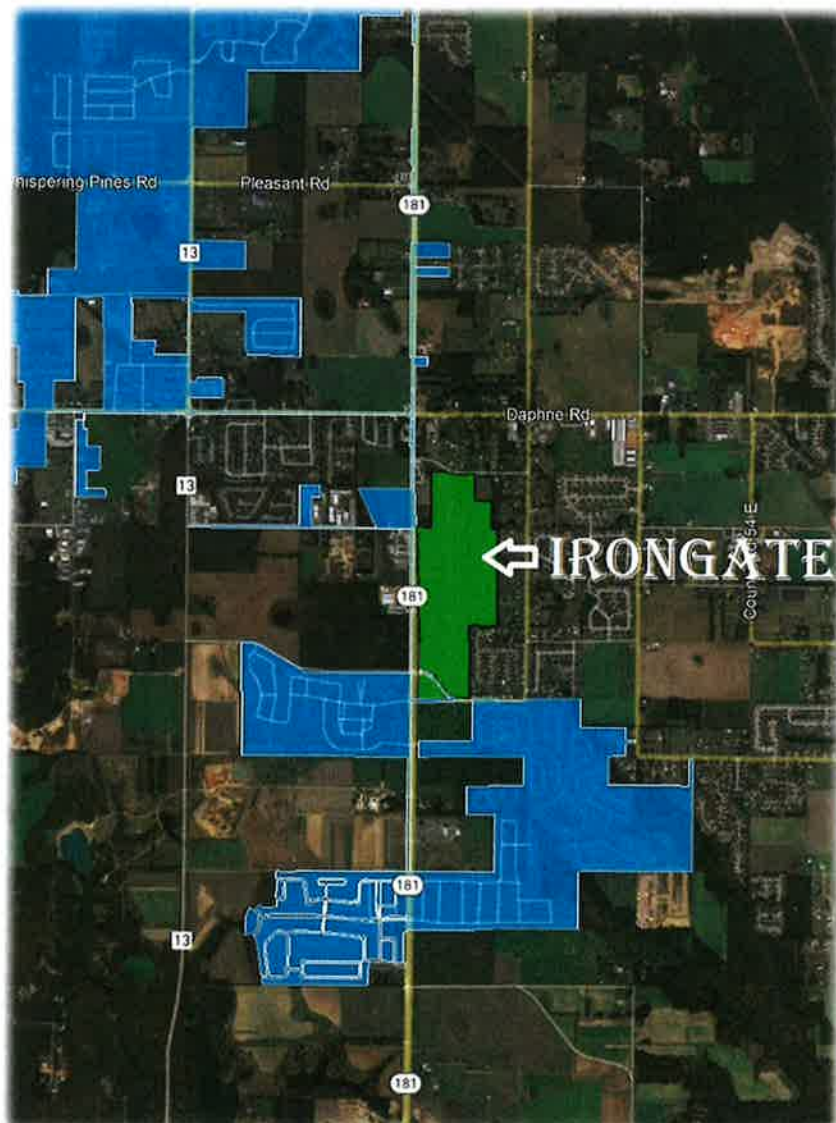
Streets, Drainage and Utilities

All streets and drainage will be designed to the current standards of the City of Daphne Land Use Ordinance. No deviations or variances will be requested. Traffic Calming is provided by the use of Traffic Circles, Speed Tables, and Stop Signs. Utilities will be provided by Belforest Water (water), Baldwin County Sewer Service (sewer), Riviera Utilities (power), and AT&T (telephone).

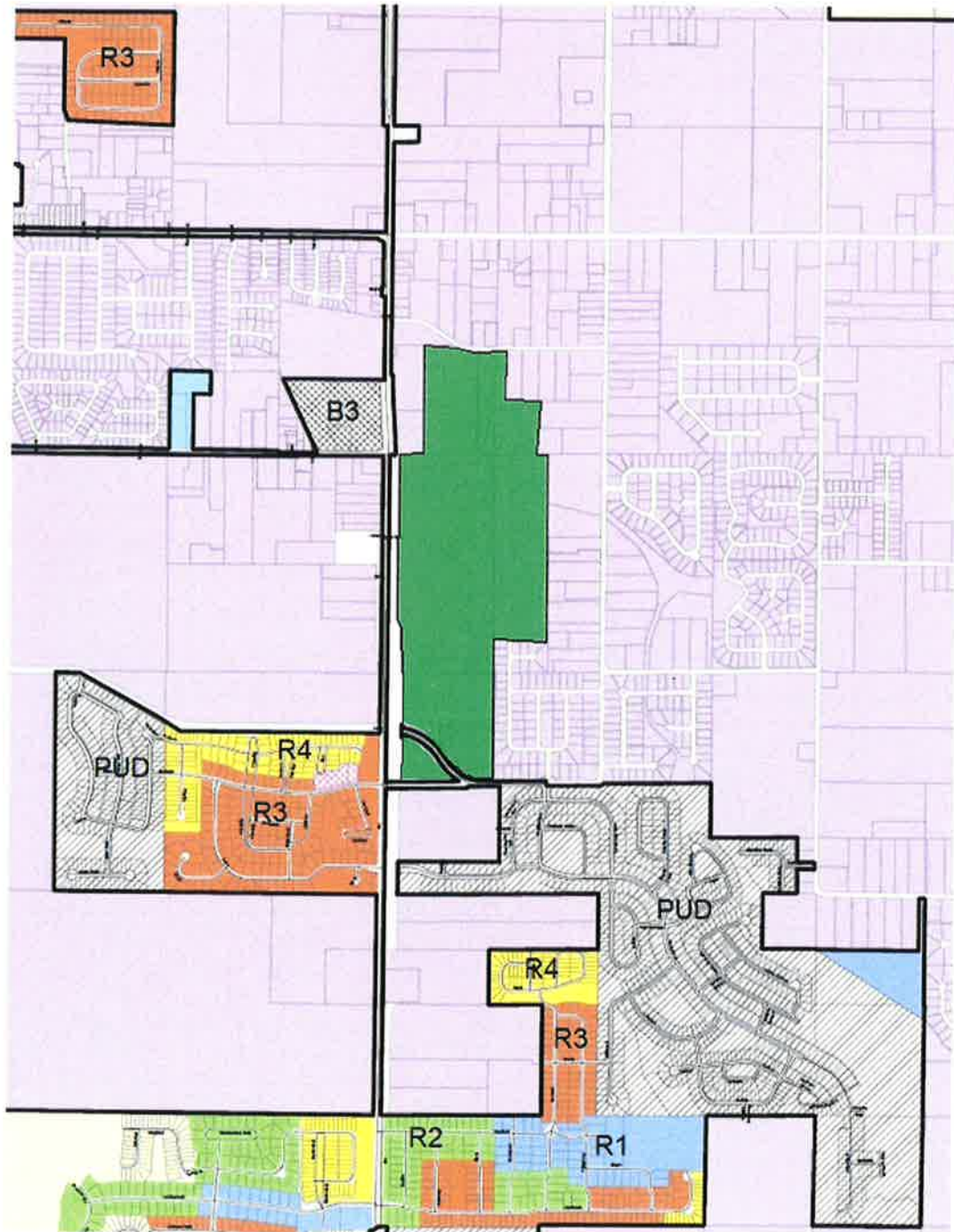
Parking

All Single-Family Residences will provide two spaces per house, with additional guest parking provided in strategic locations in the higher density neighborhood areas. Each Multifamily unit will have two parking spaces per unit, with the addition of guest parking as required in the Land Use Development Ordinance. Detailed plans have not been developed for the Commercial lots but any future Site Plans proposed will meet the current standards of the City of Daphne regarding parking.

Area Map



Current Zoning Map



Public Benefits

Irongate provides many benefits to the Public that will enhance the Daphne Community as a whole, including, but not limited to:

- 1) Donation offering by the Developer of 1 acre to Belforest Water for a future well site, which would expand water utility infrastructure in the community, a value of \$36,500¹.
- 2) Acquisition of Right-of-way, from the intersection of Highway 181 and Milton Jones Road, eastward for future extension of Milton Jones Road, a value of \$200,000.²
- 3) Future Connectivity opportunities by the donation of a 60-foot public Right-of-way from the intersection of Highway 181 and Milton Jones Road, eastward through the development for future extension of Milton Jones Road, a value of \$90,014³.
- 4) Construction of the initial intersection of Highway 181 and the Milton Jones Road extension for a length of approximately 480 feet at the Developer's expense, a value of \$240,000⁴.
- 5) Coordination by the Developer with the Veterinary Practice, now under construction, to provide access to this new Milton Jones Road extension for improved traffic access.
- 6) Annexation of 70 acres of Commercial Property along the Alabama Highway 181 corridor for a potential annual tax revenue of approximately \$510,032⁵.
- 7) Petition the City of Daphne for Vacation of the old Austin Road Right-of-way that currently dissects the proposed Commercial Properties to the south, committed by Mr. Bertolla. The City of Daphne will have the ultimate authority to Vacate.
- 8) Donation of 12.5 acres to the City of Daphne for a public park, committed by Mr. Bertolla.
- 9) Construction of parking within the future public park at Developer's expense, a value of \$30,000.

Total direct Public Benefit Value as a result of Developer's actions = \$1,106,546⁶.

¹ Based on valuation of \$36,500k/ AC

² Based on an Executed Agreement for subject ROW Acquisition

³ Based on valuation of \$36,500k/ AC., 60' ROW, Approx. 2.46 AC Gross Area

⁴ Based on construction cost of \$500/ LF, 480' of ROW.

⁵ Estimated figure calculated based on data published in City of Daphne's 2023 Annual Comprehensive *Financial Report*

⁶ Estimated figure calculated based on total Public Benefit values outlined above.

Private Benefit

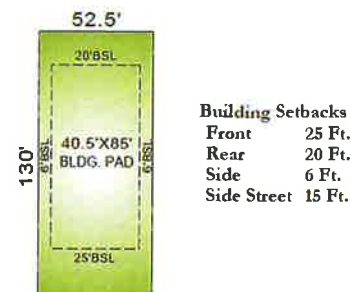
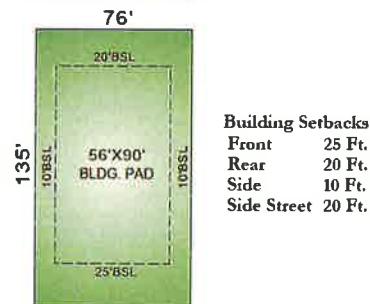
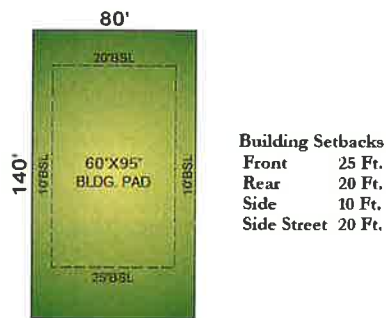
Private Benefits include the following:

- 1) Opportunity for businesses to locate along a Major Corridor with the 70 acres of Commercial created by the Planned Unit Development and Annexation.
- 2) Similarly, opportunities for nearby residents to access these businesses much closer to home.

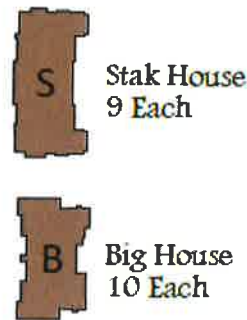
Zoning Relaxations

In general, the various aspects of the Zoning Ordinance will be met in Irongate in regards to Streets, Buffers, Parking and Open Space. However, the unique spatial characteristics of the various Lots proposed do not meet the specifics of the defined Zoning designations of the Land Use Ordinance. The Lots proposed and their related Building Setbacks are as follows:

Typical Single Family Lots



Multifamily Building Layouts



Amenities

Various amenities are included in Irongate within an overall 21.73 acres of Open Space. Open areas with trails, water features and four Pickle Ball Courts are proposed as well as Open Play areas, a future Public Park, a Dog Park, and Pool with Cabanas.

Additional Stipulations

- I. Non jurisdictional grady ponds to be filled in as a part of development.
- II. Minimum Building Setbacks for Single Family Detached Homes shall be as follows:
 - A. All Front Setbacks shall be 25 feet.
 - B. All Rear Setbacks shall be 20 feet.
 - C. Side Setbacks for 76-foot-wide and 80-foot-wide Lots shall be 10 feet.
 - D. Side Setbacks for 52-foot-wide shall be 6 feet.
 - E. Side Street Setbacks for 80 foot wide and 76-foot-wide Lots shall be 20 feet.
 - F. Side Street Setbacks for 52-foot-wide Lots shall be 15 feet.
- III. Building Data for Bighouse and Stakhouse shall be as follows:
 - A. Max Building Height for Bighouse & Stakhouse is 40ft.
 - B. Max Stories for Bighouse & Stakhouse is 2.5 Stories.
 - C. Max Coverage for Bighouse & Stakhouse is 30% of the site(s).
- IV. The traffic improvements detailed in this narrative are specific to the proposed residential development and not to the commercial development. Developer responsibility for traffic improvements for the proposed residential development will be limited to the following, per the Traffic Impact Study conducted by Neel Schaffer, dated 11/12/2023:

- A. A northbound right turn lane from Alabama Highway 181 onto the entrance of Irongate Development will be constructed.
 - B. The east bound approach of Milton Jones Road to Alabama Highway 181 will be widened to provide a dedicated left turn lane and a shared through lane onto Alabama 181.
- V. Traffic improvements for the proposed residential development aside from those outlined in Line IV above (Neel Schaffer TIS, dated 11/12/2023), will be the responsibility of the City of Daphne and will not have any ability to restrict or impact the Developer's ability to obtain final subdivision plat(s) for the proposed residential development.
- VI. Paragraphs IV and V above do not apply to the commercial development.
- VII. Developer reserves the right to alter the proposed phasing plan and change the order of construction from the proposed plan at a later date.
- VIII. Irongate PUD will be subject to City of Daphne Land Use & Development Ordinance, with latest codifications dated 01/12/2024, including all subsequent Plats, Phases, and Building Permits.
- IX. Commercial property to be site-planned at a later date, subject to City of Daphne Land Use & Development Ordinance and review by Alabama Department of Transportation. Traffic studies to be conducted at time of development and any warranted improvements, as applicable, to be constructed at time of development.
- X. Connectivity between Residential and Commercial – Developer is committing to construct two access locations during residential development to provide future connectivity between the residential and commercial components of the PUD. Additionally, the Developer is committed to providing two pedestrian access points between The Enclave and the commercial component of the PUD, see attached Exhibit A.
- XI. Commercial to Commercial Connectivity – If the commercial parcel is to be developed for different uses and development types in the future, or subdivided, connectivity between parcels will be provided through reasonable means and connections.
- XII. Donation of 12.5 acres by Mr. Bertolla to be completed after the annexation and zoning of the entirety of the 70 acres to Commercial. The subject parcel will be subject to a drainage easement and will be allowable to be counted towards greenspace requirements for the future commercial development, if applicable.
- XIII. The 1-acre parcel being offered to Belforest Water will be subject to architectural review by the Developer and applicable testing by Belforest Water System for suitability.

- XIV. Detailed Landscaping Plans will be provided for each Plat and Site Plan submitted for approval in accordance with Article 19 of the Daphne Land Use Development Ordinance.
- XV. Commercial land uses shall be consistent with the B-2, General Business, district or Mixed Use district as provided in the City of Daphne Land Use & Development Ordinance with latest codifications dated through 01/12/24 except that the following uses shall not be permissible in the Irongate PUD:
- Warehouses/storage facilities;
 - Commercial fabrication facilities;
 - Contractor lay down yard or fabrication facilities;
 - Heavy equipment sales or service facilities;
 - Wrecking yard;
 - Heavy equipment, automotive or motorcycle service or repair facilities;
 - Appliance service or repair facilities where operations do not include any retail sales;
 - Tattoo parlor;
 - Adult entertainment or adult/sex retail sale facilities;
 - Jail facilities, housing of detainees or inmates, community correction facilities of any kind;
 - Firing ranges;
 - Garbage collection, recycling facilities;
 - Fleet parking. Fleet parking is defined as outdoor, or partially indoor (covered) parking of ten (10) or more self-propelled vehicles.

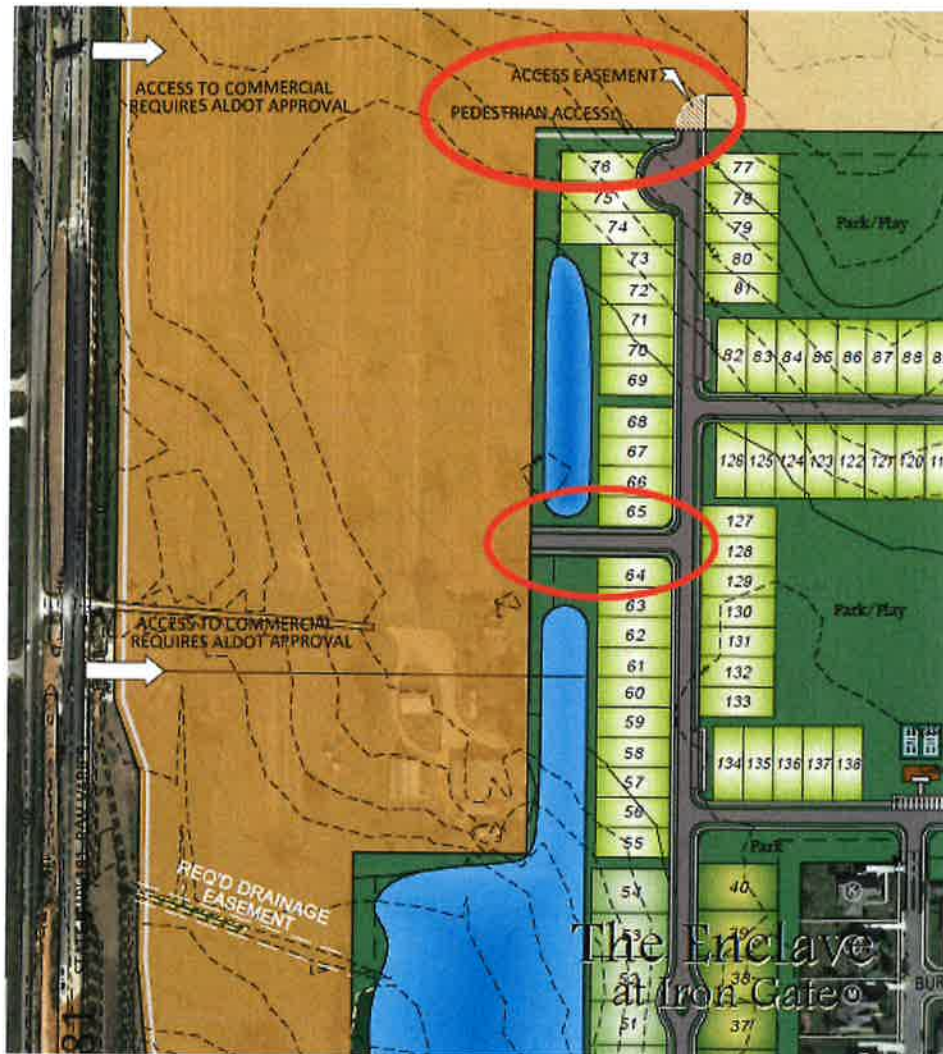
Architectural Guidelines

Single-family residences in Irongate PUD will be subject to the following Architectural Guidelines:

- 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. 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.
- V. 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 facade
- VI. 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.
- VII. Colored elevations shall illustrate that a minimum of three (3) different elevations are provided in each block face.
- VIII. 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.

Exhibit A.



COMMENTS RECEIVED

Adrienne Jones, AICP

Re: Iron Gate

PZA 24-05

From: Adrienne Jones, AICP
Sent: Thursday, March 28, 2024 9:31 AM
To: 'Joe Vosicky'
Cc: Kim Vosicky
Subject: RE: PRE ZONING, Bertolla et al

Good morning,

Thank you for sharing this information for the Planning Commission's consideration. Your correspondence will be provided to them for review.

Reminder: The Planning Commission meeting is tonight and begins at 5 pm.

Take care,
Adj

-----Original Message-----

From: Joe Vosicky <jevosity2@gmail.com>
Sent: Thursday, March 28, 2024 9:24 AM
To: Adrienne Jones, AICP <ajones@daphneal.com>
Cc: Kim Vosicky <kjvos61@gmail.com>
Subject: PRE ZONING, Bertolla et al

Adrienne, thank you for including ours views for review by the planning commission.

Joe and Kim Vosicky

March 28, 2024

TO: City of Daphne Planning Commission & Adrienne D. Jones AICP,
Director of Community Development

RE: PUBLIC HEARING / PRE-ZONING for Bertolla Properties, LLC, YOTA Properties, LLC, Frederick G. & Thomas Boni, and Sharon and John Christopher Boni containing 175.21 acres +/- located southeast of the intersections off Alabama Highway 181 and Milton Jones Road 13 zoned RSF-E, Residential Single Family Estate, RSF-3, Residential Single Family, and B-3, General Business, Baldwin County District 15, to be pre-zoned PUD.

Our views regarding the PRE-ZOING of above referenced properties are as follows:

1. The western boundary of our property adjoins a portion of the proposed 175.21 acres which is located at 25091 Austin Road.
2. We have lived on this property for 6 1/2 years and have watched acres and acres of prime Baldwin County agricultural land sold off around us and developed into tracks of residential subdivisions like Jubilee Farms.
3. Specifically our concerns with this proposed development relate to water runoff and aesthetics.
 1. During periods of heavy rain, surface water from the Bertolla agricultural fields run / drain toward the southeast, directly onto our property.
 2. In the past I've talked with a gentleman who was disking the property about this drainage / runoff issue with hopes that he could somehow "manage" the top soil so as to change the direction of the flow of surface water. The runoff continues today unabated.
 3. I've shared pictures of our property when it has flooded with David Diehl of S.E. Civil Engineering so he is aware of this issue.

4. To date I've not seen a topography map of this property nor have I seen a storm water plan to prevent them from putting their water onto our property.
 5. The issue of surface water running onto our property continues today and we can only imagine what it will look like during construction if an acceptable storm water plan is not incorporated upfront.
 6. Aesthetically we currently benefit visually from a tree line that runs north and south on the eastern boarder of the Bertolla Property; we are dreading the day that this property begins to be developed and they start by bulldozing the tree line down leaving us with a clear view of soon to be constructed high density single family homes.
4. Looking forward to working with all parties involved to resolve our concerns in advance of PRE-ZONING approval.

Thank you.

Joe and Kim Vosicky
25091 Austin Road
Daphne, AL
36526

251-454-1824
jevosicky2@gmail.com

Adrienne Jones, AICP

Re: Iron Gate
PZA 24-05

From: Adrienne Jones, AICP
Sent: Monday, March 25, 2024 8:20 AM
To: 'H&K Smith'; Troy Strunk, PLA
Cc: Miranda Merritt
Subject: RE: File PZA24-05 Pre-Zoning Amendment and Annexation Petition

Good morning,

Thank you for sharing this information for the Planning Commission's consideration. Your correspondence will be provided to them. Feel free to attend the upcoming Public Hearing on Thursday, March 28th at 5 pm.

Take care,
Adj

From: H&K Smith <heathernken@gmail.com>
Sent: Sunday, March 24, 2024 5:26 PM
To: Troy Strunk, PLA <tstrunk@daphneal.com>; Adrienne Jones, AICP <ajones@daphneal.com>
Cc: Miranda Merritt <mirandamerritt@yahoo.com>
Subject: Re: File PZA24-05 Pre-Zoning Amendment and Annexation Petition

****Correction, it was previously RSF-E, not RSF-1 in paragraph 1, my apologies. I corrected it below.**

On Sun, Mar 24, 2024 at 5:15 PM H&K Smith <heathernken@gmail.com> wrote:

Please forward to all members of the Planning Commission and Zoning Adjustment. I searched the city website for their contact information and although their names are provided, their contact email is not provided.

Greetings City of Daphne Planning Commission and Zoning Adjustment,

RE: File PZA24-05 Bertolla Properties, LLC, Yota Properties, LLC, Frederick G & Thomas Boni, and Sharon and John Christopher Boni Pre-Zoning Amendment and Annexation Petition.

I am contacting you concerning the above petition. As a member of the Belforest community and active participant in a very heated battle with Bertolla Properties during 2022, over the re-zoning of the residential property involved in the above petition. I will start with the portion of the proposal labeled "Cottages" and what appears to be some type of multifamily units. This property was purchased by Mr. Bertolla with full knowledge it was zoned RSF-E. This was property adjoined on both sides by the same zoning, and behind by agriculture zoned property. All other property in the area was zoned agriculture and RSF-E (majority) transitioned into RSF-2 surrounding established neighborhoods. However, Mr. Bertolla requested his currently zoned RSF-2 along with this newly acquired piece of property be rezoned to RSF-3. At the time there was no other RSF-3 property in the Baldwin County zoning of District 15 for over 2 miles. This was inconsistent with the vision established by the District 15 Philosophy set forth in the Zoning Ordinances, the commitment of the commission to protect the rural character of our area, but also not supported by the more than one hundred bordering/neighborhood property owners who signed a petition asking Baldwin County Commissioners to deny the request. However, 3 of our County Commissioners betrayed their citizens,

Adrienne Jones, AICP

Re: Iron Gate
PZA 24-05

From: Adrienne Jones, AICP
Sent: Thursday, March 28, 2024 4:39 PM
To: 'Wib Magli'; Troy Strunk, PLA
Subject: RE: PZA24-05 Bertolla Property, Hwy 181

Good afternoon,

Thank you for sharing this information for the Planning Commission's consideration. Your correspondence will be provided to them for review.

Take care,
Adj

-----Original Message-----

From: Wib Magli <wrmagli@gmail.com>
Sent: Thursday, March 28, 2024 4:26 PM
To: Troy Strunk, PLA <tstrunk@daphneal.com>; Adrienne Jones, AICP <ajones@daphneal.com>
Subject: PZA24-05 Bertolla Property, Hwy 181

To Town Staff and Members of the Planning Commission:

I am contacting you to express my concern about the requested annexation and rezoning of the Bertolla property on Hwy 181 in Belforest. The property has already been up-zoned recently. The majority of the property was already zoned residential and could have been developed under that zoning. The developers are now seeking even more density, plus commercial. I am not against development, but currently we are out pacing our infrastructure. Development is always a careful balance between allowing for growth while trying to maintain the good things that make a place desirable. I fear that this development, at this time, tips the balance in the wrong direction. In the least, I think it requires further study and consideration.

Thank you,

Wib Magli
25465 Austin Road
Daphne, AL 36526

one making it his last official vote in office. There are many things to note about that case, but one thing is clear. Mr. Bertolla was granted the RSF-3 zoning for the residential property only after multiple commissioners noted the difficulty of the decision...so much a decision was post-poned 30 days until a second public hearing.

Why am I telling you all of this? Because this is why Mr. Bertolla is seeking to annex this property into Daphne and again change the zoning into higher density, multi-family housing. He knows the zoning requested is incompatible with the residential environment that currently exists in Belforest, particularly the properties immediately surrounding. He knows the resistance he faced and that the Baldwin County Commission would likely deny any request to change the zoning to more dense zoning based on the recommendations made by the Baldwin County Planning & Zoning at the final meeting. You will also note the plans he has for the property now are **very** different from the plans submitted when seeking the previous re-zoning. I highly encourage you to watch that meeting on July 19, 2022, our portion of the meeting begins around 2:15 and is linked here: https://link.edgепilot.com/s/ed44755c/D_xycCFx8ESaoqDzVbfJwA?u=https://www.youtube.com/watch?v=MUtTSxsPdFY

There is **NO MULTI-FAMILY HOUSING** zoning in this area and it is incompatible with the vision not only of Baldwin County for this area, but it does not fit the vision of the city of Daphne for land use east of Daphne. In the Housing section of the Comprehensive Plan for Daphne, page IV-3, it states "*Develop moderate to high end residential uses East of Daphne...*"

Last but not least, we as a community request you delay any proposed residential development in this area until the roadway infrastructure can be upgraded to maintain what traffic **already** exists. With the addition of a school and the thousands of residents in Jubilee Farms our traffic situation is catastrophic. Please, please do your duty and seriously investigate the traffic situation that exists in the vicinity of Hwy 181 & CoRd 64 intersection and outward for at least a 1 mile radius at peak traffic times. The proposed road improvements that we were told were coming over 2 years ago have had **NO** improvements made...**NONE!!** It is so increasingly dangerous to try to turn onto 64 from any side road now.

I appreciate your time and ask that you consider **ALL** the facts about this property and the impact of this zoning/annexation request. I am confident you will see why, personal feelings aside, this property cannot be re-zoned to accommodate the proposed development. We in Belforest are not against growth. We support compatible growth that will not diminish the quality of life that we have worked hard to obtain.

I will also notate this meeting is occurring with very short notice to the community and during our local school spring break period. This is a time when many families have already made plans and spent money to travel out of town and cannot change plans at the last minute to accommodate this meeting. I am sure the timing is no coincidence on the part of the developer, but I would like to think the city would have acknowledged this fact and conducted business this week that would not include public hearings for this type of proposed zoning changes.

Please feel free to contact me if you have any questions.

Heather Smith - Teacher Daphne High School
11082 Courtland Ct.
Daphne, AL 36526
256-493-1435

Ken and Heather Smith
Phillipians 4:13

Adrienne Jones, AICP

Re: Iron Gate
PZA 24-05

From: Adrienne Jones, AICP
Sent: Monday, March 25, 2024 10:28 AM
To: 'Miranda Merritt'; Troy Strunk, PLA; Robin LeJeune; Kit Robinson; Tommie Conaway; Steve Olen; Joel Coleman; Doug Goodlin; Ron Scott; Benjamin Hughes; Angie Phillips; Natasha Miles; Jan Vallecillo; Joshua Newman, PE, CFM
Cc: Heather S.; Daryl Cleworth; Barbara M. Sanders
Subject: RE: Rezoning of Property - File PZA24-05

Good morning,

Thank you for sharing this information for the Planning Commission's consideration. Your correspondence will be provided to them. Feel free to attend the upcoming Public Hearing on Thursday, March 28th at 5 pm.

Take care,
Adj

From: Miranda Merritt <mirandamerritt@yahoo.com>
Sent: Monday, March 25, 2024 10:22 AM
To: Troy Strunk, PLA <tstrunk@daphneal.com>; Adrienne Jones, AICP <ajones@daphneal.com>; Robin LeJeune <mayorlejeune@daphneal.com>; Kit Robinson <krobinson@daphneal.com>; Tommie Conaway <councildistrict1@daphneal.com>; Steve Olen <councildistrict2@daphneal.com>; Joel Coleman <councildistrict3@daphneal.com>; Doug Goodlin <councildistrict4@daphneal.com>; Ron Scott <councildistrict5@daphneal.com>; Benjamin Hughes <councildistrict6@daphneal.com>; Angie Phillips <councildistrict7@daphneal.com>; Natasha Miles <nmiles@daphneal.com>; Jan Vallecillo <jvallecillo@daphneal.com>; Joshua Newman, PE, CFM <jnewman@daphneal.com>
Cc: Heather S. <heathernken@gmail.com>; Daryl Cleworth <251daryl@gmail.com>; Barbara M. Sanders <bmsanders@bcbe.org>
Subject: Rezoning of Property - File PZA24-05

March 28, 2024

City of Daphne

Attn: Board of Zoning Adjustment Members, City Council Members and Community Development Members

Re: File PZA24-05: Bertolla Properties, LLC, Yota Properties, LLC, Frederick G. and Thomas Boni, Sharon and John Christopher Boni Pre-Zoning Amendment and Annexation Petition.

Dear Board of Zoning Adjustment Members, City Council Members and Community Development Members,

I come to you with the following information regarding the opposition to the re-zoning planned in our community. With the outpouring of resistance to the decision made by the County Commissioners, Jeb Ball, Chip Gruber, and former Commission, Joe Davis, of rezoning our district, it should have obviously been a denial. This information was submitted to the Commissioners and it clearly should have been denied.

1. The language in the zoning ordinance for District 15 specifically stated that it had been decided and voted on that our district would permanently remain a rural area, RSF-E and RSF-1. This zoning was consistent with the area and properly

zoned. In saying this, we are not against development, only that both the County and City of Daphne stop rezoning areas that have already been zoned appropriately. The only reason for rezoning in this area is to line the developer's pockets by putting as many homes on the property as possible, when in fact, the developer would still make a huge profit by offering Estate sized homes. Mr. Bertolla and the Developer would have made a huge profit providing Estate sized homes to citizens who wished to obtain larger homesteads since there are very few of those available in this area. No logical justification was given for overturning the zoning that the commission voted on and approved back in 2006. Rezoning from 80,000 square foot lots (RSF-E) to 10,000 square foot lots (RSF-3) was simply ridiculous and unacceptable. Mr. Bertolla knew that the property was zoned RSF-E before purchasing the property and spoke to a resident stating he planned to farm the land which was a blatant lie. The previous rezoning approved by the County Commissioners was the first step towards his plan to rezone yet again, with even a higher density zoning on the property. I have attached the previous plan for your viewing which is substantially different from what is now proposed.

2. The County Planning and Zoning Commissioners recommended a DENIAL of the rezoning after speaking with the citizens living in the area.
3. The letters we submitted from certified engineers regarding the threat of flooding in our area were ignored. These additional homes will only add to that threat. Increasing the density of homes only compounds that threat even more.
4. The developer was allowed to postpone the decision but did not allow your citizens the same courtesy when they requested a continuance. This request would have given the citizens more time to prepare their arguments, obtain more signatures on the petition opposing the previous rezoning of the area, obtain flood forecasts, letters from educators regarding the schools being overwhelmed, and have a true and correct traffic study submitted.
5. Commissioner Ball informed us that only 1 person would be allowed to speak at the meeting on behalf of the objections to the re-zoning, which was in fact false. Due to his statement, many speakers left the meeting and we did have many there to voice their opinions and supply pertinent information to the Commissioners.
6. The County received a petition signed by over 150 residents stating they did not accept this rezoning and requested a denial. The Commissioners ignored the citizens and their request and left us confused how the zoning that was voted in and was part of our community's development plan was so easily overturned in favor of one person's wishes. This petition is attached.
7. The request to rezone both pieces of property was not given proper consideration as the two separate properties they are. Evidence was presented of the surrounding property not aligning with the rezoning, specifically to the map where the "bullseye" was presented to show transitioning and it was clearly shown the property to be rezoned was not a transition from the commercial area of 181/64 due to the estate sized lots with established homes that lay between, within the "bullseye" prior to reaching this property. The estate property piece of this rezone was already zoned in perfect consistency with the adjoining properties along Rebel Road and the other properties in the community. The estate property should never have been treated as joint with the previously zoned RSF-3 in the consideration by the commission, regardless of the desires and intent of the developer/property owner.
8. The County Commissioners allowed presentation of an invalid traffic study, from the developer, using information from 2017 and 2019, to be submitted as evidence that this rezoning and building of more housing in our area would not affect the traffic study. The Commissioners were made aware that this information came from a time before Jubilee Farms, which consists of 900 homes, and before the Belforest School was completed, both significantly impacting traffic. Also, the traffic study was not done in the areas that included the school traffic, specifically Rebel Road. For these reasons, the traffic study did not accurately represent the traffic that is overburdening our roadways at this point in time. We can provide pictures daily showing undeniable proof that the study submitted by the developer was inaccurate. If you are going to accept a traffic study, it should be done properly as per the regulations. Your residents and citizens tried to tell you in many instances this was a HUGE issue.

Now that Highway 181 has been four laned, the risk and danger has only increased. Residents are in danger every time we try to turn off of Rebel Road. It would be valuable information to be aware of how many accidents occur within 1 mile of the County Road 64 and Highway 181 intersection. Already, these roads are overwhelmed with traffic and if the City of Daphne and County Commissioners continue to approve subdivisions, it will only worsen. There are currently 3-4 proposed rezoning and subdivision plans within 3 miles of this intersection. At some point someone should see this is detrimental to our area as it will not only affect those living in the Belforest area, but the entirety of the City of Daphne by congesting, County Road 64, Highway 181, Highway 90 and County Road 13 even more than it already is.

9. The Chief of the Belforest Fire Department stated that currently, they are unable to put out a single house fire due to not having the proper water pressure during peak usage times. This is unacceptable. They are unable to properly provide services to those that may need them in emergency situations.

10. The law enforcement in our area and the City of Daphne is overwhelmed with calls ranging from suicides, traffic accidents, burglaries, domestic disputes and other crimes. The level of crime has increased significantly during the last four (4) years in this area and within the City of Daphne and whether it is Officers of the City of Daphne or Baldwin County Sheriff's Deputies responding to these calls, we simply do not have enough of them to appropriately handle all the emergency situations that occur on a daily basis. We have had over 27 arrests within six (6) days (See attached). These are ONLY arrests and does not include all other calls received by the Daphne Police Department in which officers must respond to.

11. The area's schools are over capacity, even with the addition of the Belforest Elementary School. It reached capacity within a year of being built. We realize that there are plans for more schools to be built in this area, however, until that occurs, what is the plan to support all the new residents and the children that need to attend school? Teachers are overwhelmed with up to 35 students in each class and unable to spend the one on one time some students require. If we continue down this path, the level of education that Baldwin County and the Eastern Shore has been known for will deteriorate.

12. The medical facilities are unable to properly provide medical care to those in emergency situations. The emergency rooms are full and patients are left out in the waiting room and along the hallways because it is filled to capacity at almost all times. Local doctors have stopped taking new patients as they simply do not have the time to see everyone in need.

13. Child care is unavailable to parents. Facilities are full and are not in the position to provide child care to those that desperately need it for their younger children which have not begun formal school.

14. Property values of those already in residence will drop tremendously if more developments such as this one continue to be built. It is the simple law of supply and demand. With a flood of new housing for newcomers to choose from, the homes that are for sale will have to lower their asking price to be considered which in turn will lower the value of all the homes surrounding them. Our county is a high value county but if it is flooded with homes that will bring the value of other homes down, the value of the county and city as a whole will depreciate. We realize the property taxes and income provided by these homes and population would be substantial, however, that income will not be enough to provide the area with all of the infrastructure needed to support them.

All of this information should be considered and therefore these points cannot be excluded and should suffice to be a clear denial of this proposed rezoning.

The citizens of this area respectfully request that you DENY this rezoning and consider the quality of life of the citizens already living within and without the city limits. With so many other subdivisions in the beginning stages of development, the affect will be devastating to the already current community and quality of life of those living in this area. It will not only affect the Belforest area, but ALL surrounding areas along the Eastern Shore and beyond. (See attached Articles re: Jubilee Farms, also owned by Bertolla Properties, LLC and another article found here: Baldwin County battles growth tensions). The residents along the Eastern Shore are truly disheartened by the rapid growth without the property infrastructure to support the influx of population. The majority of citizens should always be considered and not be taken lightly. Approving this change for one citizen and a notorious developer will be detrimental to the entire area. In the end, we all understand it comes down to money. Who has it, who wants it, who will benefit financially. Having said that, the citizens of this county and city have voted for you and have entrusted you with the power to work for them and to be their voice by making decisions that would allow Baldwin County and the City of Daphne to remain a place where they can live happily and have an amazing quality of life regardless of who walks away with millions of dollars.

I have personally lived here all of my 44 years and to say that it has been heartbreaking and disappointing to see what is becoming of the Eastern Shore is devastating. Generations of families that have lived here are now considering leaving the homes they love and worked hard for due to the influx overpopulation and the lack of infrastructure in our area. We are all asking you to do what you were voted in to do and work for the majority of your citizens and not developers. When is enough going to be enough?

Sincerely,

Miranda Merritt



Baldwin County battles growth tensions

Recently released population statistics by the U.S. Census Bureau shows Baldwin County continuing with its rapid

Adrienne Jones, AICP

Re: Iron Gate
PZA 24-05

From: Adrienne Jones, AICP
Sent: Monday, March 25, 2024 3:26 PM
To: 'Michael Metz'; cod_planning
Cc: Amanda Metz
Subject: RE: Letter of Opposition - M. Metz

Good afternoon,

Thank you for sharing this information for the Planning Commission's consideration. Your correspondence will be provided to them. Feel free to attend the upcoming Public Hearing on Thursday, March 28th at 5 pm.

The Planning Commission serves in an advisory capacity. The Commission will submit a recommendation to the City Council. A subsequent public hearing will be held by the City Council. That meeting date will likely be in May or June. Please check back on Friday for more details on the Council's hearing.

Take care,
Adj

From: Michael Metz <mmez651@gmail.com>
Sent: Monday, March 25, 2024 3:09 PM
To: cod_planning <planning@Daphne.local>; Adrienne Jones, AICP <ajones@daphneal.com>
Cc: Amanda Metz <apmetz5@yahoo.com>
Subject: Letter of Opposition - M. Metz

Please see attached for a letter of opposition concerning the rezoning of the southeast intersection of Alabama Highway 181 and Milton Jones 13.

Michael Metz
25501 Austin Road
Daphne, AL 36526
228-627-9056

Begin forwarded

LETTER OF OPPOSITION to the proposed rezoning and development of 175.21 acres located southeast of the intersection of Alabama Highway 181 and Milton Jones Road 13 currently zoned RSF-E.

Dear Commission Members,

I am, Michael Metz, a resident living at 25501 Austin Road Daphne, AL. My property adjoins and will be significantly impacted by the proposed property in the subject line. As part of the Belforest Community and a resident on Austin Road, I am writing to express my strong opposition to the proposed rezoning of the property referenced above from Residential Single Family-Estate (RSF-E) to RSF-3 and Planned Unit Development (PUD). This proposed change raises significant concerns that I believe warrant careful consideration by the Planning/Zoning Board.

The current RSF-E zoning classification supports the low-density residential character of our community, providing a peaceful environment and maintaining the quality of life that many of us have come to cherish. The shift to an RSF-3/PUD represents a fundamental alteration that could lead to higher density and a mix of uses that may not align with the existing community fabric.

The master plan of Daphne was meticulously developed through several strategic steps:

1. Studying and understanding Daphne's current community conditions including population, growth prospects, economy, natural environment, development patterns, attractiveness, and mobility.
2. Creating an inspiring vision of Daphne's future and the planning principles and goals needed to achieve it.
3. Developing a blueprint for achieving that future.
4. Creating practical community implementation strategies that will move the city towards its desired future.

The proposed rezoning to an RSF-3/PUD seems to disregard the careful planning and consideration of these steps, particularly the need to maintain the city's attractiveness and the natural environment, which are key components of our current community conditions.

The increase in density that often accompanies PUDs could lead to a shift in development patterns that are at odds with the master plan's vision. This vision emphasizes controlled growth that maintains Daphne's unique character and preserves its environmental assets. The RSF-E zoning classification is aligned with this vision, ensuring low-density residential development that protects open spaces and the natural beauty of our city.

Moreover, the proposed PUD seeks to permit lot sizes that fall beneath the minimum dimensions established by the Planning Department, Planning Commission, and City Council for our community. Granting such exceptions essentially conveys that developers have the latitude to set their own benchmarks, deciding autonomously what they deem suitable for the city. Their primary objective is to optimize profits, often at the expense of the well being and interests of the existing community.

Previously, a similar project was put forward for this tract of land, and a significant concern raised by the community was the role this property plays in regional stormwater detention. It is my concern that the PUD will likely aim to satisfy only the bare minimum stormwater requirements necessary for the development itself, without considering the preservation or enhancement of the stormwater detention capabilities that currently serve the broader community. This approach could potentially compromise our existing infrastructure and neglect the long-term environmental and safety needs of our neighborhood.

Additionally, the master plan emphasizes strategies aimed at improving transportation flow and effectively managing vehicular traffic. The increased traffic congestion likely to ensue from the PUD would be detrimental to these objectives, leading to traffic chokepoints and raising safety issues on thoroughfares that are ill-equipped for heavy traffic volumes. The junction of Austin Road and CR 64 is already recognized as a problematic area with a

notable history of traffic incidents. The traffic influx from this proposed development, compounded by other regional growth and development activities, stands to exacerbate the situation at this already hazardous intersection.

The blueprint for Daphne's future, as laid out in the master plan, calls for development that is not only inspiring but also practical. It is essential that rezoning decisions support this blueprint, fostering a future that balances growth with the preservation of the community's core values.

My specific concerns regarding this rezoning proposal are as follows:

- **Environmental Impact:** The green spaces and natural stormwater detention that exist within the RSF-E zone serve as important ecological assets. Introducing a PUD could threaten local wildlife, disrupt natural water drainage systems, and reduce the overall green coverage in the area.
- **Increased Density:** The RSF-3 and PUD zoning may allow for a higher concentration of housing units or mixed-use developments, which could lead to overcrowding, strain on local infrastructure, and a loss of open space that our neighborhood currently enjoys.
- **Traffic and Congestion:** With higher density comes increased traffic. Our local roads and intersections are not equipped to handle a significant rise in vehicle activity, which could lead to increased congestion, longer commute times, and potential safety hazards for residents.
- **Community Character:** Our neighborhood's character is defined by its spacious lots, single-family homes, and cohesive aesthetic. The introduction of a PUD could lead to a variety of building types and uses that may not complement the existing style and could potentially devalue our properties.

I understand the need for development and growth within our city; however, it is crucial that such growth is managed responsibly and in a manner that respects the wishes and needs of the existing residents. The proposed change to RSF-3/PUD zoning has the potential to undermine the thoughtful planning that has gone into preserving the unique qualities of our community.

I urge the Planning/Zoning Commission to consider these points and the broader implications of this rezoning proposal. Responsible development should enhance a community, not detract from its established character and values.

Thank you for your consideration of our position on this matter.

Respectfully,



Michael Metz

25501 Austin Road

Daphne, AL 36526

mmetz651@gmail.com

228-627-9056

Adrienne Jones, AICP

From: Adrienne Jones, AICP
Sent: Wednesday, May 15, 2024 10:20 AM
To: 'Michael Metz'
Subject: RE: Letter of Opposition - M. Metz

Good morning,

A 40-ft green belt is proposed along the perimeter of the property. That would be the landscape buffer area you're referring to. The design would be established if the zoning is approved and once detailed development plans are established.

Adj

From: Michael Metz <mmetz651@gmail.com>
Sent: Wednesday, May 15, 2024 7:26 AM
To: Adrienne Jones, AICP <ajones@daphneal.com>
Subject: Re: Letter of Opposition - M. Metz

Adrienne,

I just had a quick question about the property below. My property adjoins this proposed project. Would a landscape buffer be out of the question since there is such a difference in zoning?

Michael Metz
228-627-9056

On Mar 25, 2024, at 3:25 PM, Adrienne Jones, AICP <ajones@daphneal.com> wrote:

Good afternoon,

Thank you for sharing this information for the Planning Commission's consideration. Your correspondence will be provided to them. Feel free to attend the upcoming Public Hearing on Thursday, March 28th at 5 pm.

The Planning Commission serves in an advisory capacity. The Commission will submit a recommendation to the City Council. A subsequent public hearing will be held by the City Council. That meeting date will likely be in May or June. Please check back on Friday for more details on the Council's hearing.

Take care,
Adj

Adrienne Jones, AICP
Community Development Director

<CODSIG_9aa3e8bd-
e793-462f-9357-
7aefceb9ca77.png> ajones@daphneal.com
City of Daphne, Alabama - "The Jubilee City"
251-
Phone: 620- Web: <https://link.edgepilot.com/s/303599f0/N4nGvcEM0UmGCI4fRCveFw?u=http://www.daphneal.com/>
1700

From: Michael Metz <mmetz651@gmail.com>

Sent: Monday, March 25, 2024 3:09 PM

To: cod_planning <planning@Daphne.local>; Adrienne Jones, AICP <ajones@daphneal.com>

Cc: Amanda Metz <apmetz5@yahoo.com>

Subject: Letter of Opposition - M. Metz

Please see attached for a letter of opposition concerning the rezoning of the southeast intersection of Alabama Highway 181 and Milton Jones 13.

Michael Metz
25501 Austin Road
Daphne, AL 36526
228-627-9056

Begin forwarded

Adrienne Jones, AICP

From: Wib Magli <wrmagli@gmail.com>
Sent: Thursday, May 23, 2024 10:03 AM
To: Adrienne Jones, AICP; Troy Strunk, PLA
Subject: PZA24-05 Bertolla Properties et al PUD: Please forward to members of the Planning Commission

To the Members of the Planning Commission:

Having attended the May 13, 2024 review session on the PUD of the Bertolla property, I want to express my agreement with the concerns raised by commissioners Olen, Johnson and Spriggs, particularly as it concerns the lack of planning or detail of the proposed commercial area of the PUD. As I understand it, one of the purposes of a PUD is to give both the developer and the Planning Commission more flexibility than they might have without going through the PUD process. In exchange for this flexibility, a greater level of detail is required than would otherwise be. By refusing to plan the proposed commercial area of this PUD, the applicants are refusing to provide the level of detail that makes the PUD process effective as a planning tool.

A PUD implies a single unified project, but what the applicants have done here is package two separate projects, one of which is just a rezoning with no concrete future plan, into one PUD. A PUD shouldn't be used to rezone parcels with no detailed development plan attached. There is another rezoning process for that.

Thank you,

Wib Magli
251-367-2212

EXHIBIT A

IRON GATE

PLANNED UNIT DEVELOPMENT ZONING

OVERALL LEGAL DESCRIPTION

PARCEL 1 DESCRIPTION:

COMMENCE AT THE RECORD LOCATION OF A RAILROAD SPIKE MARKER AT THE SOUTHWEST CORNER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 07 MINUTES 47 SECONDS EAST, A DISTANCE OF 213.73 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND ON THE EAST RIGHT-OF-WAY OF STATE HIGHWAY 181 FOR THE POINT OF BEGINNING; THENCE RUN NORTH 05 DEGREES 43 MINUTES 41 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 232.06 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND; THENCE RUN NORTH 00 DEGREES 12 MINUTES 02 SECONDS EAST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 325.02 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND; THENCE RUN NORTH 19 DEGREES 31 MINUTES 58 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 133.06 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND; THENCE RUN NORTH 00 DEGREES 13 MINUTES 33 SECONDS EAST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 642.92 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND; THENCE RUN NORTH 02 DEGREES 31 MINUTES 47 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 106.69 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND; THENCE RUN NORTH 00 DEGREES 12 MINUTES 33 SECONDS EAST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 875.16 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND; THENCE RUN NORTH 04 DEGREES 27 MINUTES 30 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 304.35 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND; THENCE ALONG SAID EAST RIGHT-OF-WAY AND A CURVE TO THE LEFT, HAVING A RADIUS OF 9629.51 FEET, AN ARC LENGTH OF 88.46 FEET, (CHORD BEARS NORTH 01 DEGREES 51 MINUTES 58 SECONDS WEST, A DISTANCE OF 88.46 FEET); THENCE DEPARTING SAID EAST RIGHT-OF-WAY, RUN NORTH 89 DEGREES 39 MINUTES 41 SECONDS EAST, A DISTANCE OF 72.33 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1018.00 FEET, AN ARC LENGTH OF 76.27 FEET, (CHORD BEARS SOUTH 88 DEGREES 11 MINUTES 32 SECONDS EAST, A DISTANCE OF 76.26 FEET); THENCE RUN SOUTH 86 DEGREES 02 MINUTES 44 SECONDS EAST, A DISTANCE OF 69.17 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 982.00 FEET, AN ARC LENGTH OF 73.58 FEET, (CHORD BEARS SOUTH 88 DEGREES 11 MINUTES 32 SECONDS EAST, A DISTANCE OF 73.56 FEET); THENCE RUN NORTH 89 DEGREES 39 MINUTES 41 SECONDS EAST, A DISTANCE OF 47.00 FEET; THENCE RUN NORTH 00 DEGREES 21 MINUTES 08 SECONDS EAST, A DISTANCE OF 505.24 FEET TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (SMITH-CLARK); THENCE RUN NORTH 00 DEGREES 14 MINUTES 08 SECONDS EAST, A DISTANCE OF 793.10 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (ILLEGIBLE); THENCE RUN NORTH 89 DEGREES 45 MINUTES 39 SECONDS EAST, A DISTANCE OF 353.14 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (CA1067LS) ON THE SOUTH RIGHT-OF-WAY OF REBEL ROAD; THENCE ALONG SAID SOUTH RIGHT-OF-WAY AND A CURVE TO THE LEFT, HAVING A RADIUS OF 363.27 FEET, AN ARC LENGTH OF 206.85 FEET, (CHORD BEARS SOUTH 71 DEGREES 27 MINUTES 42 SECONDS EAST, A DISTANCE OF 204.07 FEET) TO A ONE-HALF INCH CAPPED REBAR FOUND (CA1067LS); THENCE RUN SOUTH 87 DEGREES 46 MINUTES 29 SECONDS EAST,

ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 129.87 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (CA1067LS); THENCE ALONG SAID SOUTH RIGHT-OF-WAY AND A CURVE TO THE LEFT, HAVING A RADIUS OF 1710.45 FEET, AN ARC LENGTH OF 185.00 FEET, (CHORD BEARS NORTH 88 DEGREES 33 MINUTES 54 SECONDS EAST, A DISTANCE OF 184.91 FEET) TO A ONE-HALF INCH CAPPED REBAR FOUND (CA1067LS); THENCE ALONG SAID SOUTH RIGHT-OF-WAY AND A REVERSE CURVE TO THE RIGHT, HAVING A RADIUS OF 1882.12 FEET, AN ARC LENGTH OF 135.42 FEET, (CHORD BEARS NORTH 87 DEGREES 31 MINUTES 40 SECONDS EAST, A DISTANCE OF 135.39 FEET) TO A ONE-HALF INCH CAPPED REBAR FOUND (CA1067LS); THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY, RUN SOUTH 00 DEGREES 17 MINUTES 19 SECONDS EAST, A DISTANCE OF 625.89 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (10675); THENCE RUN NORTH 89 DEGREES 45 MINUTES 56 SECONDS EAST, A DISTANCE OF 397.33 FEET TO A THREE-QUARTER INCH CRIMP TOP IRON PIPE FOUND; THENCE RUN SOUTH 00 DEGREES 17 MINUTES 15 SECONDS EAST, A DISTANCE OF 645.62 FEET TO A ONE-HALF INCH CAPPED REBAR SET (SE CIVIL); THENCE RUN NORTH 89 DEGREES 35 MINUTES 52 SECONDS EAST, A DISTANCE OF 148.35 FEET TO A THREE-QUARTER INCH CRIMP TOP IRON PIPE FOUND; THENCE RUN SOUTH 00 DEGREES 15 MINUTES 05 SECONDS WEST, A DISTANCE OF 2278.21 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (HMR) ON THE NORTH LINE OF WATERFORD PHASE II SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN SLIDE 2320-A, PROBATE COURT RECORDS, BALDWIN COUNTY, ALABAMA; THENCE RUN SOUTH 89 DEGREES 17 MINUTES 12 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 440.18 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (HMR); THENCE RUN NORTH 00 DEGREES 05 MINUTES 10 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 51.36 FEET TO A ONE-HALF INCH CAPPED REBAR SET (SE CIVIL); THENCE RUN SOUTH 89 DEGREES 54 MINUTES 53 SECONDS WEST, A DISTANCE OF 50.00 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (ILLEGIBLE); THENCE RUN SOUTH 00 DEGREES 05 MINUTES 10 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 19.04 FEET; THENCE RUN SOUTH 89 DEGREES 17 MINUTES 11 SECONDS WEST, ALONG SAID NORTH LINE, A DISTANCE OF 170.44 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (PREBLE-RISH) TO THE WEST LINE OF SAID WATERFORD PHASE II SUBDIVISION; THENCE RUN SOUTH 00 DEGREES 00 MINUTES 27 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 352.91 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (HMR); THENCE RUN NORTH 89 DEGREES 11 MINUTES 54 SECONDS EAST, ALONG SAID WEST LINE, A DISTANCE OF 20.09 FEET TO A ONE-HALF INCH REBAR FOUND (NO CAP); THENCE RUN SOUTH 00 DEGREES 06 MINUTES 42 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 1344.98 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (HMR) ON THE NORTH RIGHT-OF-WAY OF AUSTIN ROAD; THENCE RUN SOUTH 89 DEGREES 31 MINUTES 47 SECONDS WEST, ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 20.19 FEET TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN NORTH 00 DEGREES 07 MINUTES 10 SECONDS EAST, ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 9.72 FEET TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN SOUTH 89 DEGREES 36 MINUTES 55 SECONDS WEST, ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 132.40 FEET TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE ALONG SAID NORTH RIGHT-OF-WAY AND A CURVE TO THE RIGHT, HAVING A RADIUS OF 500.00 FEET, AN ARC LENGTH OF 472.01 FEET, (CHORD BEARS NORTH 63 DEGREES 16 MINUTES 37 SECONDS WEST, A DISTANCE OF 454.67 FEET) TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN NORTH 36 DEGREES 13 MINUTES 13 SECONDS WEST, ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 189.66 FEET TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE ALONG SAID NORTH RIGHT-OF-WAY AND A CURVE TO THE LEFT, HAVING A RADIUS OF 700.00 FEET, AN ARC LENGTH OF 524.56 FEET, (CHORD BEARS

NORTH 57 DEGREES 42 MINUTES 39 SECONDS WEST, A DISTANCE OF 512.37 FEET) TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN NORTH 40 DEGREES 24 MINUTES 07 SECONDS WEST, ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 69.42 FEET TO A FIVE-EIGHTHS INCH REBAR FOUND (NO CAP) ON THE AFOREMENTIONED EAST RIGHT-OF-WAY OF STATE HIGHWAY 181; THENCE RUN NORTH 00 DEGREES 05 MINUTES 56 SECONDS EAST, A DISTANCE OF 597.92 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 169.62 ACRES, MORE OR LESS.

PARCEL 2 DESCRIPTION

COMMENCE AT THE RECORD LOCATION OF A RAILROAD SPIKE MARKER AT THE SOUTHWEST CORNER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 07 MINUTES 47 SECONDS EAST, A DISTANCE OF 213.73 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND ON THE EAST RIGHT-OF-WAY OF STATE HIGHWAY 181; THENCE RUN SOUTH 00 DEGREES 05 MINUTES 56 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 769.38 FEET TO A FIVE-EIGHTHS INCH REBAR (NO CAP) FOR THE POINT OF BEGINNING; THENCE RUN SOUTH 00 DEGREES 10 MINUTES 47 SECONDS WEST, ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 474.78 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND; THENCE RUN SOUTH 23 DEGREES 39 MINUTES 46 SECONDS EAST, A DISTANCE OF 61.83 FEET TO A SIX-INCH SQUARE CONCRETE MONUMENT FOUND ON THE NORTH RIGHT-OF-WAY OF AUSTIN ROAD; THENCE RUN NORTH 89 DEGREES 25 MINUTES 53 SECONDS EAST, ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 698.62 FEET TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY) ON THE SOUTH RIGHT-OF-WAY OF AUSTIN ROAD; THENCE ALONG SAID SOUTH RIGHT-OF-WAY AND A CURVE TO THE RIGHT, HAVING A RADIUS OF 580.00 FEET, AN ARC LENGTH OF 260.92 FEET, (CHORD BEARS NORTH 49 DEGREES 07 MINUTES 14 SECONDS WEST, A DISTANCE OF 258.72 FEET) TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN NORTH 36 DEGREES 13 MINUTES 13 SECONDS WEST, A DISTANCE OF 189.65 FEET TO A FIVE-EIGHTHS INCH REBAR FOUND (DEWBERRY); THENCE ALONG SAID SOUTH RIGHT-OF-WAY AND A CURVE TO THE LEFT, HAVING A RADIUS OF 620.00 FEET, AN ARC LENGTH OF 450.09 FEET, (CHORD BEARS NORTH 57 DEGREES 02 MINUTES 23 SECONDS WEST, A DISTANCE OF 440.27 FEET) TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN SOUTH 50 DEGREES 10 MINUTES 14 SECONDS WEST, A DISTANCE OF 57.95 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 5.59 ACRES, MORE OR LESS.

IRON GATE
A Planned Unit Development
Bertolla Properties, LLC
Legal Description

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 33 MINUTES 35 SECONDS EAST, A DISTANCE OF 108.50 FEET POINT ON THE EAST RIGHT-OF-WAY OF STATE HIGHWAY 181 FOR THE POINT OF BEGINNING; THENCE RUN NORTH 89 DEGREES 39 MINUTES 41 SECONDS EAST, A DISTANCE OF 336.46 FEET; THENCE RUN NORTH 00 DEGREES 21 MINUTES 08 SECONDS EAST, A DISTANCE OF 535.24 FEET; THENCE RUN NORTH 00 DEGREES 14 MINUTES 08 SECONDS EAST, A DISTANCE OF 793.10 FEET; THENCE RUN NORTH 89 DEGREES 45 MINUTES 39 SECONDS EAST, A DISTANCE OF 353.14 FEET TO A POINT ON THE SOUTH MARGIN OF REBEL ROAD; THENCE RUN ALONG SAID SOUTH MARGIN, THE FOLLOWING DESCRIBED COURSES:

THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 363.27 FEET, AN ARC LENGTH OF 206.85 FEET, (CHORD BEARS SOUTH 71 DEGREES 27 MINUTES 42 SECONDS EAST, A DISTANCE OF 204.07 FEET);

SOUTH 87 DEGREES 46 MINUTES 29 SECONDS EAST, A DISTANCE OF 129.87 FEET;

THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1710.45 FEET, AN ARC LENGTH OF 185.00 FEET, (CHORD BEARS NORTH 88 DEGREES 33 MINUTES 54 SECONDS EAST, A DISTANCE OF 184.91 FEET);

THENCE ALONG A REVERSE CURVE TO THE RIGHT, HAVING A RADIUS OF 1882.12 FEET, AN ARC LENGTH OF 135.42 FEET, (CHORD BEARS NORTH 87 DEGREES 31 MINUTES 40 SECONDS EAST, A DISTANCE OF 135.39 FEET);

THENCE DEPARTING SAID SOUTH MARGIN OF REBEL ROAD, RUN SOUTH 00 DEGREES 17 MINUTES 19 SECONDS EAST, A DISTANCE OF 625.89 FEET; THENCE RUN NORTH 89 DEGREES 45 MINUTES 56 SECONDS EAST, A DISTANCE OF 397.33 FEET; THENCE RUN SOUTH 00 DEGREES 17 MINUTES 15 SECONDS EAST, A DISTANCE OF 645.62 FEET; THENCE RUN NORTH 89 DEGREES 35 MINUTES 52 SECONDS EAST, A DISTANCE OF 148.35 FEET; THENCE RUN SOUTH 00 DEGREES 15 MINUTES 05 SECONDS WEST, A DISTANCE OF 2278.21 FEET TO A POINT ON THE NORTH LINE OF WATERFORD PHASE II, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2320-A BALDWIN COUNTY PROBATE RECORDS; THENCE ALONG THE NORTH AND WEST LINE OF SAID WATERFORD PHASE II, THE FOLLOWING DESCRIBED COURSES:

SOUTH 89 DEGREES 17 MINUTES 12 SECONDS WEST, A DISTANCE OF 440.18 FEET;

NORTH 00 DEGREES 05 MINUTES 10 SECONDS EAST, A DISTANCE OF 51.36 FEET;

SOUTH 89 DEGREES 54 MINUTES 53 SECONDS WEST, A DISTANCE OF 50.00 FEET;

SOUTH 00 DEGREES 05 MINUTES 10 SECONDS WEST, A DISTANCE OF 19.04 FEET;

SOUTH 89 DEGREES 17 MINUTES 11 SECONDS WEST, A DISTANCE OF 170.44 FEET;

SOUTH 00 DEGREES 00 MINUTES 06 SECONDS EAST, A DISTANCE OF 352.91 FEET;

NORTH 89 DEGREES 11 MINUTES 54 SECONDS EAST, A DISTANCE OF 20.03 FEET;

SOUTH 00 DEGREES 06 MINUTES 42 SECONDS WEST, A DISTANCE OF 1344.98 FEET TO A POINT ON THE NORTH MARGIN OF AUSTIN ROAD;

THENCE RUN SOUTH 89 DEGREES 31 MINUTES 47 SECONDS WEST, ALONG SAID NORTH MARGIN, A DISTANCE OF 20.19 FEET; THENCE DEPARTING SAID NORTH MARGIN, RUN NORTH 00 DEGREES 07 MINUTES 10 SECONDS EAST, A DISTANCE OF 1304.86 FEET; THENCE RUN SOUTH 89 DEGREES 17

MINUTES 10 SECONDS WEST, A DISTANCE OF 1130.48 FEET TO A POINT ON THE EAST MARGIN OF STATE HIGHWAY 181; THENCE RUN ALONG SAID EAST MARGIN THE FOLLOWING DESCRIBED COURSES:

NORTH 05 DEGREES 43 MINUTES 41 SECONDS WEST, A DISTANCE OF 232.06 FEET;
NORTH 00 DEGREES 12 MINUTES 02 SECONDS EAST, A DISTANCE OF 325.02 FEET;
NORTH 19 DEGREES 31 MINUTES 58 SECONDS WEST, A DISTANCE OF 133.06 FEET;
NORTH 00 DEGREES 13 MINUTES 33 SECONDS EAST, A DISTANCE OF 642.92 FEET;
NORTH 02 DEGREES 31 MINUTES 47 SECONDS WEST, A DISTANCE OF 106.69 FEET;
NORTH 00 DEGREES 12 MINUTES 33 SECONDS EAST, A DISTANCE OF 875.16 FEET;
NORTH 04 DEGREES 27 MINUTES 30 SECONDS WEST, A DISTANCE OF 304.35 FEET;
THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 9629.51 FEET, AN ARC
LENGTH OF 47.66 FEET, (CHORD BEARS NORTH 01 DEGREES 44 MINUTES 56 SECONDS
WEST, A DISTANCE OF 47.66 FEET) TO THE POINT OF BEGINNING.

TRACT CONTAINS 143.18 ACRES, MORE OR LESS.

IRON GATE
A Planned Unit Development
Frederick & Thomas Boni
Legal Description

PARCEL A

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE SOUTH 00 DEGREES 18 MINUTES 53 SECONDS WEST, A DISTANCE OF 1300.21 FEET; THENCE RUN NORTH 89 DEGREES 25 MINUTES 53 SECONDS EAST, A DISTANCE OF 688.80 FEET; THENCE RUN NORTH 00 DEGREES 05 MINUTES 54 SECONDS EAST, A DISTANCE OF 383.49 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00 DEGREES 05 MINUTES 54 SECONDS EAST, A DISTANCE OF 276.96 FEET; THENCE RUN NORTH 89 DEGREES 34 MINUTES 24 SECONDS EAST, A DISTANCE OF 660.00 FEET; THENCE RUN SOUTH 00 DEGREES 07 MINUTES 06 SECONDS WEST, A DISTANCE OF 649.82 FEET TO A POINT ON THE NORTH MARGIN OF AUSTIN ROAD; THENCE RUN SOUTH 89 DEGREES 36 MINUTES 55 SECONDS WEST, ALONG SAID NORTH MARGIN, A DISTANCE OF 132.40 FEET; THENCE CONTINUING ALONG SAID NORTH MARGIN, AND ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 500.00 FEET, AN ARC LENGTH OF 472.01 FEET, (CHORD BEARS NORTH 63 DEGREES 16 MINUTES 37 SECONDS WEST, A DISTANCE OF 454.67 FEET); THENCE RUN NORTH 36 DEGREES 16 MINUTES 10 SECONDS WEST, A DISTANCE OF 203.87 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 8.45 ACRES, MORE OR LESS.

PARCEL B

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE SOUTH 00 DEGREES 18 MINUTES 53 SECONDS WEST, A DISTANCE OF 1300.21 FEET; THENCE RUN NORTH 89 DEGREES 25 MINUTES 53 SECONDS EAST, A DISTANCE OF 688.80 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 00 DEGREES 05 MINUTES 54 SECONDS EAST, A DISTANCE OF 248.75 FEET TO A POINT ON THE SOUTH MARGIN OF AUSTIN ROAD; THENCE RUN SOUTH 36 DEGREES 12 MINUTES 21 SECONDS EAST, ALONG SAID SOUTH MARGIN, A DISTANCE OF 95.33 FEET; THENCE CONTINUING ALONG SAID SOUTH MARGIN, AND A CURVE TO THE LEFT, HAVING A RADIUS OF 580.00 FEET, AN ARC LENGTH OF 260.92 FEET, (CHORD BEARS SOUTH 49 DEGREES 07 MINUTES 14 SECONDS EAST, A DISTANCE OF 258.72 FEET); THENCE RUN SOUTH 89 DEGREES 25 MINUTES 53 SECONDS WEST, A DISTANCE OF 252.37 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 0.60 ACRES, MORE OR LESS.

IRON GATE
A Planned Unit Development
Sharon & John Christopher Boni
Legal Description

PARCEL A

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 07 MINUTES 47 SECONDS EAST, A DISTANCE OF 213.73 FEET TO A POINT ON THE EAST MARGIN OF STATE HIGHWAY 181 FOR THE POINT OF BEGINNING; THENCE RUN SOUTH 00 DEGREES 05 MINUTES 56 SECONDS WEST, ALONG SAID EAST MARGIN, A DISTANCE OF 597.92 FEET; THENCE RUN SOUTH 40 DEGREES 24 MINUTES 07 SECONDS EAST, A DISTANCE OF 69.42 FEET TO A POINT ON THE NORTH MARGIN OF AUSTIN ROAD; THENCE ALONG SAID NORTH MARGIN, AND A CURVE TO THE RIGHT, HAVING A RADIUS OF 700.00 FEET, AN ARC LENGTH OF 510.35 FEET, (CHORD BEARS SOUTH 58 DEGREES 17 MINUTES 32 SECONDS EAST, A DISTANCE OF 499.12 FEET); THENCE CONTINUING ALONG SAID NORTH MARGIN OF AUSTIN ROAD, RUN NORTH 00 DEGREES 05 MINUTES 54 SECONDS EAST, A DISTANCE OF 276.96 FEET; THENCE DEPARTING SAID NORTH MARGIN, RUN NORTH 89 DEGREES 34 MINUTES 24 SECONDS EAST, A DISTANCE OF 660.00 FEET; THENCE RUN NORTH 00 DEGREES 07 MINUTES 13 SECONDS EAST, A DISTANCE OF 645.32 FEET; THENCE RUN SOUTH 89 DEGREES 17 MINUTES 10 SECONDS WEST, A DISTANCE OF 1130.48 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 17.71 ACRES, MORE OR LESS.

PARCEL B

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 07 MINUTES 47 SECONDS EAST, A DISTANCE OF 213.73 FEET TO A POINT ON THE EAST MARGIN OF STATE HIGHWAY 181; THENCE RUN SOUTH 00 DEGREES 05 MINUTES 56 SECONDS WEST, ALONG SAID EAST MARGIN, A DISTANCE OF 769.38 FEET FOR THE POINT OF BEGINNING; THENCE RUN SOUTH 00 DEGREES 12 MINUTES 56 SECONDS WEST, A DISTANCE OF 475.03 FEET; THENCE RUN SOUTH 23 DEGREES 39 MINUTES 46 SECONDS EAST, A DISTANCE OF 61.83 FEET; THENCE RUN NORTH 89 DEGREES 25 MINUTES 53 SECONDS EAST, A DISTANCE OF 446.25 FEET; THENCE RUN NORTH 00 DEGREES 05 MINUTES 54 SECONDS EAST, A DISTANCE OF 248.69 FEET TO A POINT ON THE SOUTH MARGIN OF AUSTIN ROAD; THENCE RUN NORTH 36 DEGREES 13 MINUTES 41 SECONDS WEST, ALONG SOUTH MARGIN, A DISTANCE OF 94.37 FEET; THENCE ALONG SAID SOUTH MARGIN, AND ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 620.00 FEET, AN ARC LENGTH OF 450.09 FEET, (CHORD BEARS NORTH 57 DEGREES 02 MINUTES 23 SECONDS WEST, A DISTANCE OF 440.27 FEET); THENCE RUN SOUTH 50 DEGREES 10 MINUTES 14 SECONDS WEST, A DISTANCE OF 57.95 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 4.99 ACRES, MORE OR LESS,

IRON GATE
A Planned Unit Development
YOTA Properties
Legal Description

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 33 MINUTES 35 SECONDS EAST, A DISTANCE OF 108.50 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF STATE HIGHWAY 181 FOR THE POINT OF BEGINNING; THENCE RUN NORTH 89 DEGREES 39 MINUTES 41 SECONDS EAST, A DISTANCE OF 336.46 FEET; THENCE RUN NORTH 00 DEGREES 21 MINUTES 08 SECONDS EAST, A DISTANCE OF 30.00 FEET; THENCE RUN SOUTH 89 DEGREES 39 MINUTES 41 SECONDS WEST, A DISTANCE OF 47.00 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 982.00 FEET, AN ARC LENGTH OF 73.58 FEET, (CHORD BEARS NORTH 88 DEGREES 11 MINUTES 32 SECONDS WEST, A DISTANCE OF 73.56 FEET); THENCE RUN NORTH 86 DEGREES 02 MINUTES 44 SECONDS WEST, A DISTANCE OF 69.17 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1018.00 FEET, AN ARC LENGTH OF 76.27 FEET, (CHORD BEARS NORTH 88 DEGREES 11 MINUTES 32 SECONDS WEST, A DISTANCE OF 76.26 FEET); THENCE RUN SOUTH 89 DEGREES 39 MINUTES 41 SECONDS WEST, A DISTANCE OF 72.33 FEET TO A POINT ON THE AFOREMENTIONED EAST RIGHT-OF-WAY OF STATE HIGHWAY 181; THENCE ALONG SAID EAST RIGHT-OF-WAY, AND A CURVE TO THE RIGHT, HAVING A RADIUS OF 9629.51 FEET, AN ARC LENGTH OF 40.81 FEET, (CHORD BEARS SOUTH 02 DEGREES 00 MINUTES 12 SECONDS EAST, A DISTANCE OF 40.81 FEET) TO THE POINT OF BEGINNING. TRACT CONTAINS 0.28 ACRES, MORE OR LESS.

**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**



DATE: May 28, 2024
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development 
SUBJECT: Bertolla Properties, LLC, YOTA Properties, LLC, Frederick G. & Thomas Boni, and Sharon and John Christopher Boni Annexation Petition

PRESENT ZONING: RSF-E, Residential Single Family Estate, RSF-3, Residential Single Family, and B-3, General Business, Baldwin County District 15

LOCATION: Southeast of the intersection of Milton Jones Road and Alabama Highway 181

RECOMMENDATION: At the May 23, 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 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

BERTOLLA, LLC, YOTA, LLC, BONI & BONI ANNEXATION REQUEST



BERTOLLA PROPERTIES, LLC; YOTA PROPERTIES, LLC; BONI-FREDERICK G., THOMAS, SHARON AND JOHN CHRISTOPHER ANNEXATION REQUEST

The applicant proposes to annex the subject property into the corporate limits. The site meets the contiguity requirement because it abuts the old portion of Austin Road and the new segment of Austin Road, a road right-of-way which are inside the Daphne city limits. The site also abuts Highway 181 across from the intersection of Milton Jones Road.

RECOMMENDATIONS

Pages 124 and 125 of the Comprehensive Plan identify Expansion Priorities. Expansion priorities show all areas the City desires to annex in the near future. The subject property is in Expansion Area 2, therefore, staff and the Planning Commission render a favorable recommendation 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.

[illegible]

PARCEL 1 DESCRIPTION

[illegible]**PARCEL 2 DESCRIPTION**[illegible]

SURVEYOR'S CERTIFICATE

I HEREBY STATE THAT ALL PARTS OF THIS SUMMARY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

22

11-09-2011

8475 C 24N AL 7.1 40 2020 0411

NOTE: NOT VALID WITHOUT PROPER DISPLAY BOARD
AND CPU

Case 1

SAFE Civil

Engineering

& Surveying
www.bentley.com

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PROPERTY BOUNDARY &
TOPOGRAPHIC SURVEY

68V

8

15

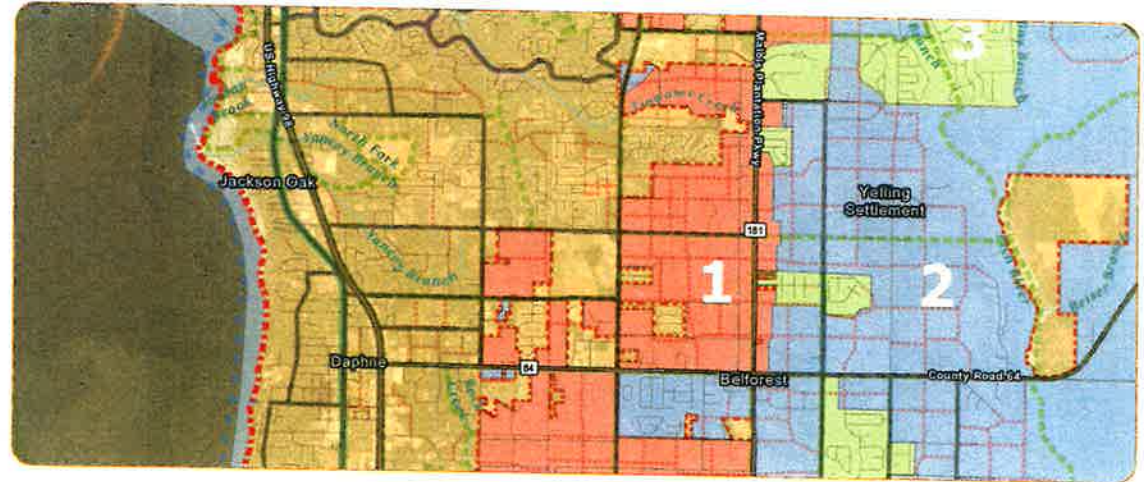
11

EXPANSION PRIORITIES

Envision Daphne 2042 includes detailed study and planning for areas not currently in the City Limits. Based on the cumulative results of planning study, community engagement, and Daphne's planning vision and themes, expansion is required to fully achieve Daphne's envisioned future. This section illustrates the prioritized expansion of Daphne's City Limits and outlines options for achieving that expansion.

Above Right: Priority expansion areas
Opposite: Placetype Map

Methods of Extending Municipal Corporate Limits



Annexation Options

Growing cities must expand their boundaries to accommodate continued growth. Rapid growth in Daphne's planning area has led to a demonstrated need for expansion to achieve the purposes of Envision Daphne 2042. Alabama offers three options for annexation as summarized below. A report entitled "Methods of Extending Municipal Corporate Limits" produced by the The Alabama League of Municipalities and revised in 2017 provides details of Alabama's annexation options. The three options are summarized below.

1. Annexation by Local Act of the Legislature

Section 104(18) of the Constitution of Alabama of 1901 specifically allows the extension of municipal boundaries by local act of the legislature. The Alabama Municipal League recommends that once a city has discussed the proposed annexation with its legislative delegation, the city should seek approval to work with Legislative Reference Service (LRS) to prepare the annexation bill.

2. Annexation by Referendum

Sections 11-42-1 through 11-42-4 of the Code of Alabama provide for an annexation referendum. Essential requirements include: written assent of at least 2 electors and property owners of 60 percent of the acreage, a map or plat of area, Council resolution, and Certification of Mayor to Probate Judge (no election required if unanimous consent). Probate Judge orders election, notice published, and election conducted. Probate Judge determines and records election results, and issues final resolution reciting results.

Annexation by Petition of 100% of Property Owners

Sections 11-42-20 through 11-42-24 of the Alabama Code allows annexation upon unanimous consent of the persons owning property in the area. The area to be considered for annexation must actually be contiguous to the corporate limits of the municipality.

Priority Expansion Areas

Priority Expansion Area 1

Priority Expansion Area 1 includes territory immediately east of and adjacent to the current City Limits of Daphne. This area includes the important intersections along the Highway 181 corridor.

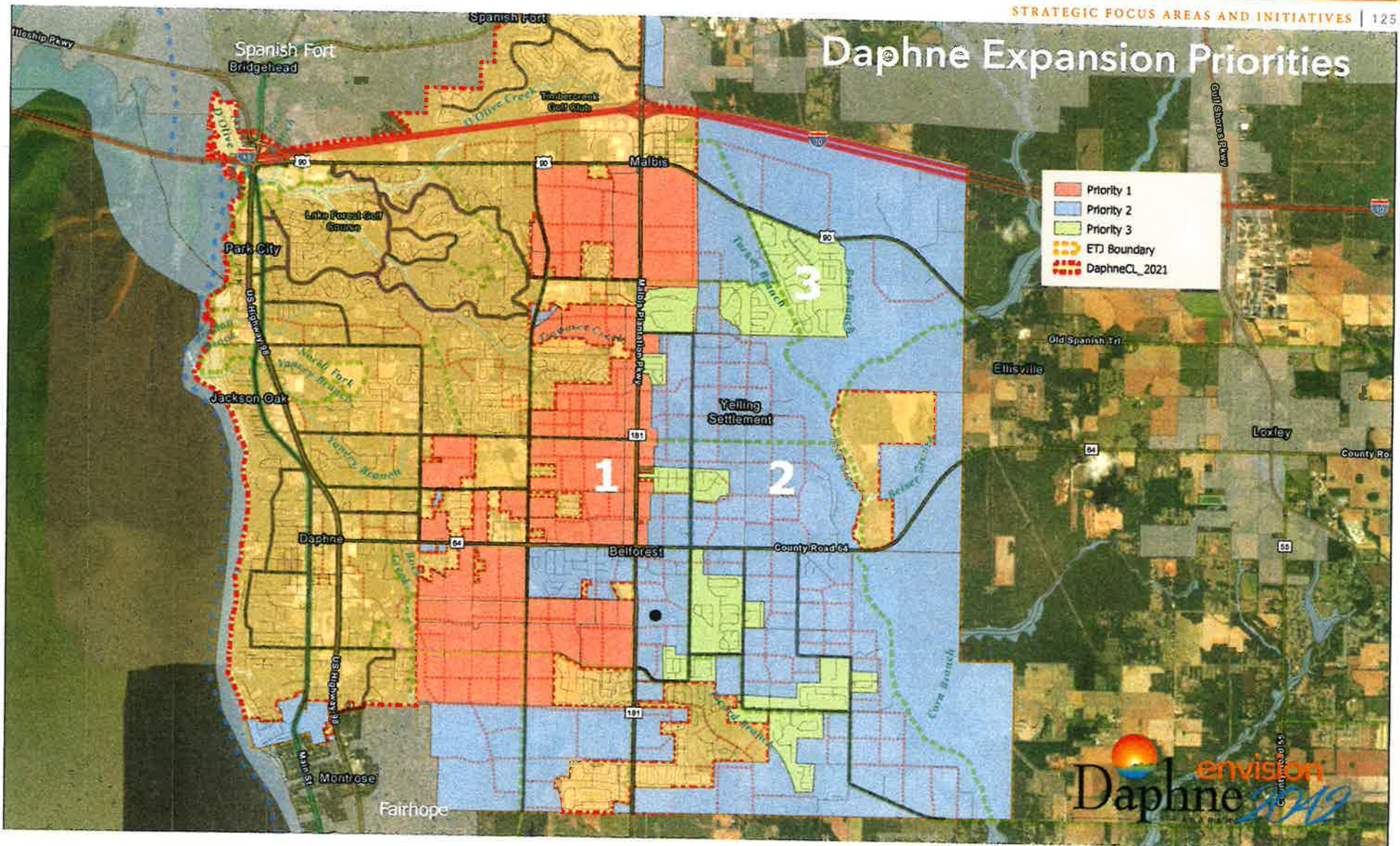
Priority Expansion Area 2

Priority Expansion Area 2 consists of land to the east of the Highway 181 corridor and lands south of the Bellaton neighborhood. This expansive area extends eastward to the limits of the planning area.

Priority Expansion Area 3

Priority Expansion Area 3 constitutes the balance of the land in the planning area. These areas are characterized by mature development.

Daphne Expansion Priorities



APPLICATION & SUPPLEMENTAL INFORMATION

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

(_____)

The undersigned corporation, BERTOLLA PROPERTIES, LLC, files this petition with the Clerk of the City of Daphne requesting the property hereafter described, commonly referred to as, IRON GATE PUD (PIN #'s attached), 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, Bertolla Properties, LLC, 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: PUD

Any other conditions which may apply upon annexation:

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

DATED this 13th day of December, 2023

Respectfully submitted,

Bertolla Properties LLC
Name of Corporation

By: Alexander Bertolla
Its: Owner

STATE OF ALABAMA
COUNTY OF BALDWIN

I, Belinda W Ellenburg, the undersigned Notary Public in and for said county and state, hereby certify that Alexander Bertolla whose name as Owner of Bertolla Properties, LLC an Alabama corporation, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, he/she as such officer and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 13th day of December, 2023.

Belinda W Ellenburg
NOTARY PUBLIC

My commission expires: 09/19/2026

Corporation's Address

P.O. Box 1527

DAPHNE AL 36526



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: AB

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: AB

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

Initials: AB

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: AB

SELECT ONE OF THE FOLLOWING OPTIONS

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

Initials: AB

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 13 day of Dec., 2023.

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

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

Signature: Alexander A. Bertella Signature: _____

Printed Name: Alexander A. Bertella Printed Name: _____

Mailing Address: P.O. Box 1527 Mailing Address: _____

Daphne, Al. 36526

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

(_____)
The undersigned corporation, YOTA PROPERTIES, LLC, files this petition with the Clerk of the City of Daphne requesting the property hereafter described, commonly referred to as, IRON GATE PUD (PIN #92957), 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, YOTA PROPERTIES, LLC, 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: PUD

Any other conditions which may apply upon annexation:

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

DATED this 12 day of February, 2024

Respectfully submitted,

Yota Properties
Name of Corporation

By: Tyler Dees
Its: Owner

STATE OF ALABAMA
COUNTY OF BALDWIN

I, Marshia L. O'Bannon, the undersigned Notary Public in and for said county and state, hereby certify that Tyler Dees whose name as owner of Yota Properties, an Alabama corporation, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, he/she as such officer and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 12th day of February, 2024.

Marshia L. O'Bannon
NOTARY PUBLIC

My commission expires: 1/8/2025

Corporation's Address



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: TD

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: TD

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

Initials: TD

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: TD

SELECT ONE OF THE FOLLOWING OPTIONS

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

Initials: TD

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: TD

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 12 day of February, 2024.

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

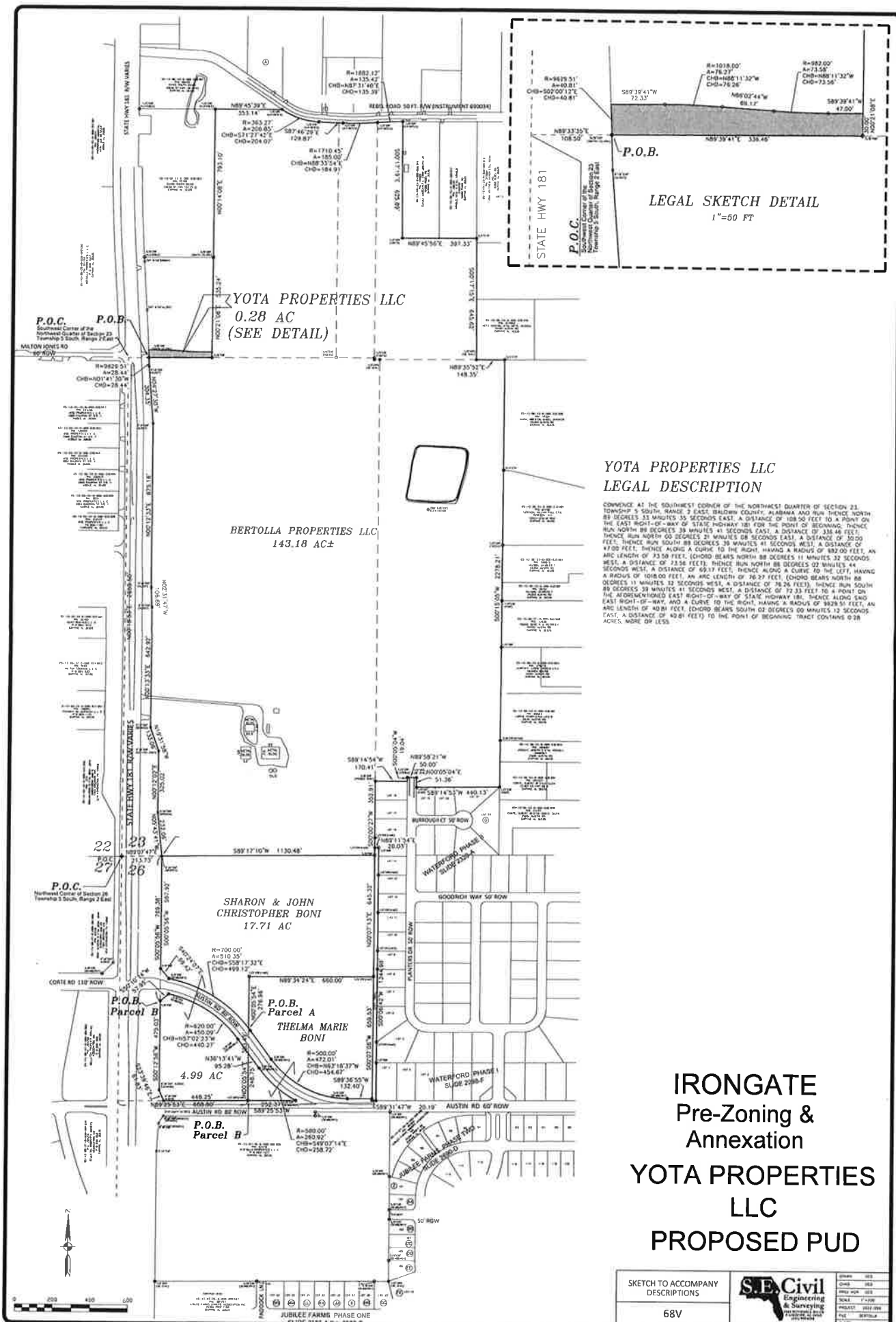
Names and Signature of ALL property owners OR principle of corporation's designee:

Signature: [Signature] Signature: _____

Printed Name: Tyler Dees Printed Name: _____

Mailing Address: 28607 CR 65 Mailing Address: _____

Loxley, AL 36551



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, Frederick G. & Thomas Boni, files this petition with the Clerk of the City of Daphne requesting the property hereafter described, commonly referred to as, IRON GATE PUD (PIN # 256935), to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of its petition:

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

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

3. **Owner:** The petitioner, Frederick G. & Thomas Boni, is the owner of the property hereby sought to be annexed into the corporate limits of the City of Daphne.

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

Requested zoning, if other than R-1: PUD

Any other conditions which may apply upon annexation:

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

DATED this 21 day of November, 2023

Respectfully submitted by,

Thomas Boni
Name of Owner (Print)

[Signature]
Name of Owner (Signature)

STATE OF ALABAMA
COUNTY OF BALDWIN

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

Given under my hand and official seal this the 21 day of November, 2023

SYDNEY MARIE HULETT
NOTARY PUBLIC, ALABAMA STATE AT LARGE
MY COMMISSION EXPIRES FEB. 18, 2026

Sydney Marie Hulett
NOTARY PUBLIC

My commission expires: Feb 18 2026

Owner's Address

1208 Belle chene Drive

Mobile AL 36693

ADDITIONAL INFORMATION

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

Initials: AB

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: AB

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

Initials: AB

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: AB

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

Initials: AB

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 21 day of November 2013

Legal Description Attached (Exhibit A)? yes Map or Survey Attached (Exhibit B)? yes

Recorded Subdivision Plat OR Preliminary/Final Subdivision plat approved by Planning Commission

Attached (Exhibit C)? _____ Acreage _____

Subdivision Name _____ Lot Number(s) _____

Names and Signature of ALL property owners:

Signature: [Signature] Signature: _____

Printed Name: Thomas Boy Printed Name: _____

Mailing Address: 1208 Mailing Address: _____

Belle Chene Drive
Mobile, AL 36693

DATED this 29 day of November, 2023

Respectfully submitted by,

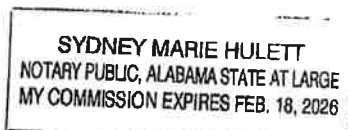
Frederick G. Boni Jr.
Name of Owner (Print)

[Signature]
Name of Owner (Signature)

STATE OF ALABAMA
COUNTY OF BALDWIN

I, Sydney Marie Hulet, the undersigned Notary Public in and for said county and state, hereby certify that Frederick Boni Jr has signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, he/she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 29th day of November, 2023



Sydney Marie Hulet
NOTARY PUBLIC

My commission expires: Feb 18 2026

Owner's Address

2605 Springhill Ave.
Mobile, AL 36607

ADDITIONAL INFORMATION

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

Initials: _____

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

Initials: _____

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

Initials: _____

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

Initials: _____

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

Initials: _____

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 ____ day of _____, 20____.

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

Names and Signature of ALL property owners:

Signature: [Signature] Signature: _____

Printed Name: Frederick G. Boni-T. Printed Name: _____

Mailing Address: 2605 Springhill Ave. Mailing Address: _____
Mobile, AL 36607

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**

(_____)

Ann

The undersigned, Sharon O. & John Christopher Boni, files this petition with the Clerk of the City of Daphne requesting the property hereafter described, commonly referred to as, IRON GATE PUD (pin # 3718), to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of its petition:

1. **Description of Property:** The description of the property which the petitioner requests to be annexed into the City of Daphne is described in **Exhibit "A"** attached hereto and made a part of this petition as fully set out herein (**the "Property"**).
2. **Map of Property:** Attached hereto as **Exhibit "B"** and made a part of this petition, is a map of the property showing its relationship to the corporate limits of the municipality of the City of Daphne.
3. **Owner:** The petitioner, Sharon O. & John Christopher Boni, is the owner of the property hereby sought to be annexed into the corporate limits of the City of Daphne.
4. **Specific Conditions:** This petition is conditioned upon the adoption of an ordinance, which shall specifically include the conditions requested below upon annexing the property into the corporate limits of the City of Daphne.

Requested zoning, if other than R-1: PUD

Any other conditions which may apply upon annexation:

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

DATED this 28th day of November, 2023

Respectfully submitted by,

Sharon Ann Boni
Name of Owner (Print)

Sharon Ann Boni
Name of Owner (Signature)

STATE OF PA
COUNTY OF BUTLER

I, VANCE WAGNER, the undersigned Notary Public in and for said county and state, hereby certify that SHARON ANN BONI has signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, he/she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 28 day of NOVEMBER, 2023

Commonwealth of Pennsylvania - Notary Seal
Vance Wagner, Notary Public
Butler County
My commission expires December 22, 2024
Commission number 1211810
Member, Pennsylvania Association of Notaries

Vance Wagner
NOTARY PUBLIC

My commission expires: 12/22/2024

Owner's Address

126 Iron Bridge Road
Sarver, PA 16055

DATED this 28 day of November, 2023

Respectfully submitted by,

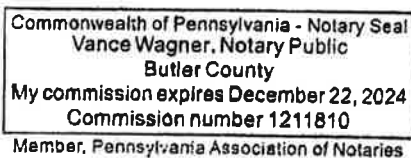
Name of Owner (Print) John Christopher Boni

Name of Owner (Signature) [Signature]

STATE OF PA
COUNTY OF BUTLER

I, Vance Wagner, the undersigned Notary Public in and for said county and state, hereby certify that JOHN CHRISTOPHER BONI has signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, he/she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 28 day of NOVEMBER, 2023



NOTARY PUBLIC [Signature]

My commission expires: 12/22/2024

Owner's Address

1365 Orchard Ave
New Kensington, PA 15068

ADDITIONAL INFORMATION

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

Initials: ACB

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: ACB

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

Initials: ACB

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: ACB

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

Initials: ACB

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 28 day of November 2023.

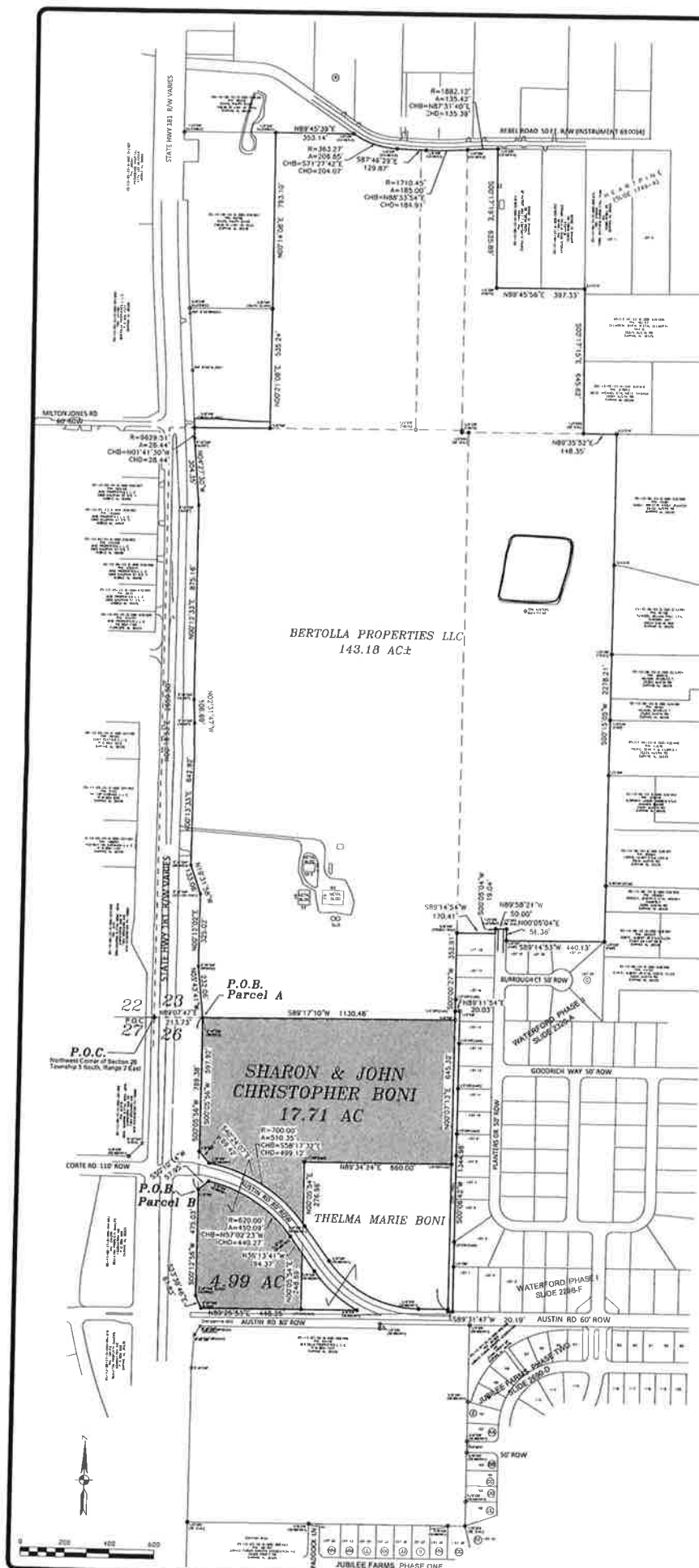
Legal Description Attached (Exhibit A)? yes Map or Survey Attached (Exhibit B)? yes
Recorded Subdivision Plat OR Preliminary/Final Subdivision plat approved by Planning Commission
Attached (Exhibit C)? _____ Acreage _____
Subdivision Name _____ Lot Number(s) _____

Names and Signature of ALL property owners:

Signature: John Christopher Boni Signature: Sharon Ann Boni

Printed Name: John Christopher Boni Printed Name: Sharon Ann Boni
1365 Orchard Ave 126 Iron Bridge Road

Mailing Address: New Kensington, PA 15068 Mailing Address: Sarver, PA 16055



SHARON & JOHN CHRISTOPHER BONI LEGAL DESCRIPTION

Parcel A

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 01 MINUTES 47 SECONDS EAST, A DISTANCE OF 213.75 FEET TO A POINT ON THE EAST MARGIN OF STATE HIGHWAY 181 FOR THE POINT OF BEGINNING. THENCE RUN SOUTH 00 DEGREES 00 MINUTES 58 SECONDS WEST, ALONG SAID EAST MARGIN, A DISTANCE OF 387.91 FEET. THENCE RUN ON THE NORTH MARGIN OF AUSTIN ROAD, THENCE ALONG SAID NORTH MARGIN, AND A CHORD BEARS SOUTH 58 DEGREES 17 MINUTES 32 SECONDS EAST, A DISTANCE OF 499.12 FEET. THENCE CONTINUING ALONG SAID NORTH MARGIN OF AUSTIN ROAD, RUN NORTH 00 DEGREES 00 MINUTES 54 SECONDS EAST, A DISTANCE OF 276.96 FEET. THENCE DEPARTING SAID NORTH MARGIN, RUN NORTH 89 DEGREES 01 MINUTES 47 SECONDS EAST, A DISTANCE OF 845.32 FEET. THENCE RUN SOUTH 89 DEGREES 17 MINUTES 10 SECONDS WEST, A DISTANCE OF 1130.48 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 17.71 ACRES, MORE OR LESS.

Parcel B

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 01 MINUTES 47 SECONDS EAST, A DISTANCE OF 213.75 FEET TO A POINT ON THE EAST MARGIN OF STATE HIGHWAY 181. THENCE RUN SOUTH 00 DEGREES 00 MINUTES 58 SECONDS WEST, ALONG SAID EAST MARGIN, A DISTANCE OF 387.91 FEET FOR THE POINT OF BEGINNING. THENCE RUN SOUTH 00 DEGREES 00 MINUTES 58 SECONDS WEST, A DISTANCE OF 475.03 FEET. THENCE RUN SOUTH 00 DEGREES 00 MINUTES 58 SECONDS WEST, A DISTANCE OF 414.91 FEET. THENCE RUN NORTH 89 DEGREES 01 MINUTES 47 SECONDS EAST, A DISTANCE OF 448.25 FEET. THENCE POINT ON THE SOUTH MARGIN OF AUSTIN ROAD, THENCE RUN NORTH 36 DEGREES 13 MINUTES 41 SECONDS WEST, ALONG SAID SOUTH MARGIN, A DISTANCE OF 34.37 FEET. THENCE ALONG SAID SOUTH MARGIN, AND ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 830.00 FEET, AN ARC LENGTH OF 450.00 FEET, CHORD BEARS SOUTH 57 DEGREES 02 MINUTES 23 SECONDS WEST, A DISTANCE OF 448.25 FEET. THENCE RUN SOUTH 00 DEGREES 00 MINUTES 58 SECONDS WEST, A DISTANCE OF 37.95 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 4.99 ACRES, MORE OR LESS.

IRONGATE
Pre-Zoning &
Annexation

**SHARON & JOHN
CHRISTOPHER BONI
PROPOSED PUD**

SKETCH TO ACCOMPANY
DESCRIPTIONS

68V

S.E. Civil
Engineering & Surveying
INCORPORATED
1111 N. 10TH AVE.
TULSA, OK 74104
PHONE: 918.438.1111
FAX: 918.438.1112
WWW: www.secivil.com

Sheet: 001
Date: 08/01/2011
Project: IRONGATE
Client: SHARON & JOHN CHRISTOPHER BONI
Title: PROPOSED PUD
Scale: 1" = 100'

IRON GATE
A Planned Unit Development
Bertolla Properties, LLC
Legal Description

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 89 DEGREES 33 MINUTES 35 SECONDS EAST, A DISTANCE OF 108.50 FEET POINT ON THE EAST RIGHT-OF-WAY OF STATE HIGHWAY 181 FOR THE POINT OF BEGINNING; THENCE RUN NORTH 89 DEGREES 39 MINUTES 41 SECONDS EAST, A DISTANCE OF 336.46 FEET; THENCE RUN NORTH 00 DEGREES 21 MINUTES 08 SECONDS EAST, A DISTANCE OF 535.24 FEET; THENCE RUN NORTH 00 DEGREES 14 MINUTES 08 SECONDS EAST, A DISTANCE OF 793.10 FEET; THENCE RUN NORTH 89 DEGREES 45 MINUTES 39 SECONDS EAST, A DISTANCE OF 353.14 FEET TO A POINT ON THE SOUTH MARGIN OF REBEL ROAD; THENCE RUN ALONG SAID SOUTH MARGIN, THE FOLLOWING DESCRIBED COURSES:

THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 363.27 FEET, AN ARC LENGTH OF 206.85 FEET, (CHORD BEARS SOUTH 71 DEGREES 27 MINUTES 42 SECONDS EAST, A DISTANCE OF 204.07 FEET);

SOUTH 87 DEGREES 46 MINUTES 29 SECONDS EAST, A DISTANCE OF 129.87 FEET;

THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1710.45 FEET, AN ARC LENGTH OF 185.00 FEET, (CHORD BEARS NORTH 88 DEGREES 33 MINUTES 54 SECONDS EAST, A DISTANCE OF 184.91 FEET);

THENCE ALONG A REVERSE CURVE TO THE RIGHT, HAVING A RADIUS OF 1882.12 FEET, AN ARC LENGTH OF 135.42 FEET, (CHORD BEARS NORTH 87 DEGREES 31 MINUTES 40 SECONDS EAST, A DISTANCE OF 135.39 FEET);

THENCE DEPARTING SAID SOUTH MARGIN OF REBEL ROAD, RUN SOUTH 00 DEGREES 17 MINUTES 19 SECONDS EAST, A DISTANCE OF 625.89 FEET; THENCE RUN NORTH 89 DEGREES 45 MINUTES 56 SECONDS EAST, A DISTANCE OF 397.33 FEET; THENCE RUN SOUTH 00 DEGREES 17 MINUTES 15 SECONDS EAST, A DISTANCE OF 645.62 FEET; THENCE RUN NORTH 89 DEGREES 35 MINUTES 52 SECONDS EAST, A DISTANCE OF 148.35 FEET; THENCE RUN SOUTH 00 DEGREES 15 MINUTES 05 SECONDS WEST, A DISTANCE OF 2278.21 FEET TO A POINT ON THE NORTH LINE OF WATERFORD PHASE II, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2320-A BALDWIN COUNTY PROBATE RECORDS; THENCE ALONG THE NORTH AND WEST LINE OF SAID WATERFORD PHASE II, THE FOLLOWING DESCRIBED COURSES:

SOUTH 89 DEGREES 17 MINUTES 12 SECONDS WEST, A DISTANCE OF 440.18 FEET;

NORTH 00 DEGREES 05 MINUTES 10 SECONDS EAST, A DISTANCE OF 51.36 FEET;

SOUTH 89 DEGREES 54 MINUTES 53 SECONDS WEST, A DISTANCE OF 50.00 FEET;

SOUTH 00 DEGREES 05 MINUTES 10 SECONDS WEST, A DISTANCE OF 19.04 FEET;

SOUTH 89 DEGREES 17 MINUTES 11 SECONDS WEST, A DISTANCE OF 170.44 FEET;

SOUTH 00 DEGREES 00 MINUTES 06 SECONDS EAST, A DISTANCE OF 352.91 FEET;

NORTH 89 DEGREES 11 MINUTES 54 SECONDS EAST, A DISTANCE OF 20.03 FEET;

SOUTH 00 DEGREES 06 MINUTES 42 SECONDS WEST, A DISTANCE OF 1344.98 FEET TO A POINT ON THE NORTH MARGIN OF AUSTIN ROAD;

THENCE RUN SOUTH 89 DEGREES 31 MINUTES 47 SECONDS WEST, ALONG SAID NORTH MARGIN, A DISTANCE OF 20.19 FEET; THENCE DEPARTING SAID NORTH MARGIN, RUN NORTH 00 DEGREES 07 MINUTES 10 SECONDS EAST, A DISTANCE OF 1304.86 FEET; THENCE RUN SOUTH 89 DEGREES 17

Exhibit
A

MINUTES 10 SECONDS WEST, A DISTANCE OF 1130.48 FEET TO A POINT ON THE EAST MARGIN OF STATE HIGHWAY 181; THENCE RUN ALONG SAID EAST MARGIN THE FOLLOWING DESCRIBED COURSES:

NORTH 05 DEGREES 43 MINUTES 41 SECONDS WEST, A DISTANCE OF 232.06 FEET;

NORTH 00 DEGREES 12 MINUTES 02 SECONDS EAST, A DISTANCE OF 325.02 FEET;

NORTH 19 DEGREES 31 MINUTES 58 SECONDS WEST, A DISTANCE OF 133.06 FEET;

NORTH 00 DEGREES 13 MINUTES 33 SECONDS EAST, A DISTANCE OF 642.92 FEET;

NORTH 02 DEGREES 31 MINUTES 47 SECONDS WEST, A DISTANCE OF 106.69 FEET;

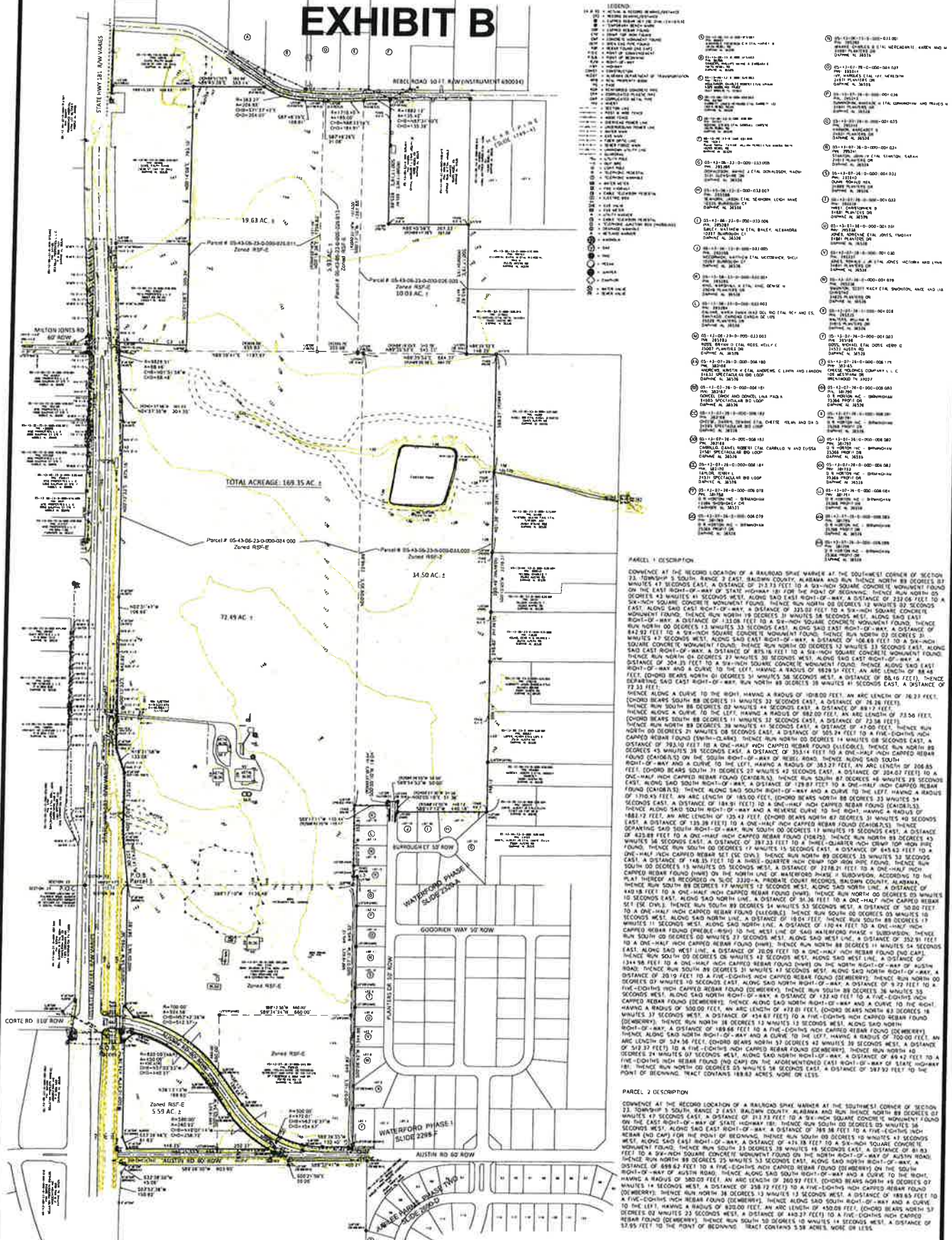
NORTH 00 DEGREES 12 MINUTES 33 SECONDS EAST, A DISTANCE OF 875.16 FEET;

NORTH 04 DEGREES 27 MINUTES 30 SECONDS WEST, A DISTANCE OF 304.35 FEET;

THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 9629.51 FEET, AN ARC LENGTH OF 47.66 FEET, (CHORD BEARS NORTH 01 DEGREES 44 MINUTES 56 SECONDS WEST, A DISTANCE OF 47.66 FEET) TO THE POINT OF BEGINNING.

TRACT CONTAINS 143.18 ACRES, MORE OR LESS.

EXHIBIT B



Year	Rating	OS/Win
1997	5.0/10 (4.0)	5.0/5.0
1998	5.0/10 (4.0)	5.0/5.0
1999	5.0/10 (4.0)	5.0/5.0
2000	5.0/10 (4.0)	5.0/5.0
2001	5.0/10 (4.0)	5.0/5.0
2002	5.0/10 (4.0)	5.0/5.0
2003	5.0/10 (4.0)	5.0/5.0
2004	5.0/10 (4.0)	5.0/5.0
2005	5.0/10 (4.0)	5.0/5.0
2006	5.0/10 (4.0)	5.0/5.0
2007	5.0/10 (4.0)	5.0/5.0
2008	5.0/10 (4.0)	5.0/5.0
2009	5.0/10 (4.0)	5.0/5.0
2010	5.0/10 (4.0)	5.0/5.0
2011	5.0/10 (4.0)	5.0/5.0
2012	5.0/10 (4.0)	5.0/5.0
2013	5.0/10 (4.0)	5.0/5.0
2014	5.0/10 (4.0)	5.0/5.0
2015	5.0/10 (4.0)	5.0/5.0
2016	5.0/10 (4.0)	5.0/5.0
2017	5.0/10 (4.0)	5.0/5.0
2018	5.0/10 (4.0)	5.0/5.0
2019	5.0/10 (4.0)	5.0/5.0
2020	5.0/10 (4.0)	5.0/5.0
2021	5.0/10 (4.0)	5.0/5.0
2022	5.0/10 (4.0)	5.0/5.0
2023	5.0/10 (4.0)	5.0/5.0
2024	5.0/10 (4.0)	5.0/5.0
2025	5.0/10 (4.0)	5.0/5.0
2026	5.0/10 (4.0)	5.0/5.0
2027	5.0/10 (4.0)	5.0/5.0
2028	5.0/10 (4.0)	5.0/5.0
2029	5.0/10 (4.0)	5.0/5.0
2030	5.0/10 (4.0)	5.0/5.0
2031	5.0/10 (4.0)	5.0/5.0
2032	5.0/10 (4.0)	5.0/5.0
2033	5.0/10 (4.0)	5.0/5.0
2034	5.0/10 (4.0)	5.0/5.0
2035	5.0/10 (4.0)	5.0/5.0
2036	5.0/10 (4.0)	5.0/5.0
2037	5.0/10 (4.0)	5.0/5.0
2038	5.0/10 (4.0)	5.0/5.0
2039	5.0/10 (4.0)	5.0/5.0
2040	5.0/10 (4.0)	5.0/5.0
2041	5.0/10 (4.0)	5.0/5.0
2042	5.0/10 (4.0)	5.0/5.0
2043	5.0/10 (4.0)	5.0/5.0
2044	5.0/10 (4.0)	5.0/5.0
2045	5.0/10 (4.0)	5.0/5.0
2046	5.0/10 (4.0)	5.0/5.0
2047	5.0/10 (4.0)	5.0/5.0
2048	5.0/10 (4.0)	5.0/5.0
2049	5.0/10 (4.0)	5.0/5.0
2050	5.0/10 (4.0)	5.0/5.0
2051	5.0/10 (4.0)	5.0/5.0
2052	5.0/10 (4.0)	5.0/5.0
2053	5.0/10 (4.0)	5.0/5.0
2054	5.0/10 (4.0)	5.0/5.0
2055	5.0/10 (4.0)	5.0/5.0
2056	5.0/10 (4.0)	5.0/5.0
2057	5.0/10 (4.0)	5.0/5.0
2058	5.0/10 (4.0)	5.0/5.0
2059	5.0/10 (4.0)	5.0/5.0
2060	5.0/10 (4.0)	5.0/5.0
2061	5.0/10 (4.0)	5.0/5.0
2062	5.0/10 (4.0)	5.0/5.0
2063	5.0/10 (4.0)	5.0/5.0
2064	5.0/10 (4.0)	5.0/5.0
2065	5.0/10 (4.0)	5.0/5.0
2066	5.0/10 (4.0)	5.0/5.0
2067	5.0/10 (4.0)	5.0/5.0
2068	5.0/10 (4.0)	5.0/5.0
2069	5.0/10 (4.0)	5.0/5.0
2070	5.0/10 (4.0)	5.0/5.0
2071	5.0/10 (4.0)	5.0/5.0
2072	5.0/10 (4.0)	5.0/5.0
2073	5.0/10 (4.0)	5.0/5.0
2074	5.0/10 (4.0)	5.0/5.0
2075	5.0/10 (4.0)	5.0/5.0
2076	5.0/10 (4.0)	5.0/5.0
2077	5.0/10 (4.0)	5.0/5.0
2078	5.0/10 (4.0)	5.0/5.0
2079	5.0/10 (4.0)	5.0/5.0
2080	5.0/10 (4.0)	5.0/5.0
2081	5.0/10 (4.0)	5.0/5.0
2082	5.0/10 (4.0)	5.0/5.0
2083	5.0/10 (4.0)	5.0/5.0
2084	5.0/10 (4.0)	5.0/5.0
2085	5.0/10 (4.0)	5.0/5.0
2086	5.0/10 (4.0)	5.0/5.0
2087	5.0/10 (4.0)	5.0/5.0
2088	5.0/10 (4.0)	5.0/5.0
2089	5.0/10 (4.0)	5.0/5.0
2090	5.0/10 (4.0)	5.0/5.0
2091	5.0/10 (4.0)	5.0/5.0
2092	5.0/10 (4.0)	5.0/5.0
2093	5.0/10 (4.0)	5.0/5.0
2094	5.0/10 (4.0)	5.0/5.0
2095	5.0/10 (4.0)	5.0/5.0
2096	5.0/10 (4.0)	5.0/5.0
2097	5.0/10 (4.0)	5.0/5.0
2098	5.0/10 (4.0)	5.0/5.0
2099	5.0/10 (4.0)	5.0/5.0
2100	5.0/10 (4.0)	5.0/5.0

Code	Radius	ARC LENGTH	CORR. BEARING	CORR. LENGTH
C1	508.58	14.23	S88.11.27 E	14.28
C2	992.02	73.56	S88.11.27 E	73.56

PROPERTY BOUNDARY &
TOPOGRAPHIC SURVEY

68V

S.E. Civil
Engineering

**Engineering
& Surveying**
our strength is
your future. www.assurancemag.com

114

**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**

DATE: May 28, 2024
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development
SUBJECT: 68V Baldwin Land Holdings, LLC Pre-Zoning Amendment

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

PRESENT ZONING: Unzoned, Baldwin County District 7
PROPOSED PRE-ZONING: R-6 (G), Garden or Patio Home
LOCATION: North of the intersection of County Road 64 and Montelucia Way

RECOMMENDATION: At the May 23, 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 pre-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)



68V BALDWIN HOLDINGS

Prezoning Amendment

Zoning Classification:

Unzoned in Baldwin County
District 7 Planning Area

Existing Utility Service

Providers: Riviera Utilities, AT&T,
Belforest Water, Baldwin
County Sewer, Fairhope Gas

Affected City Service

Providers: Fire Station 3, Police
Beat 3, Public Works

Surrounding Zonings/Uses:

- **North**-Unzoned
- **South**- R-6(G), Garden/Patio Homes
- **East**-R-2, Medium Density Single Family
- **West**-Unzoned

Proposed Zoning:

R-6(G), Garden/Patio Home

Development Concept:

Single Family Subdivision

Comprehensive Plan Place

type: Agricultural abuts
Suburban Neighborhood

Staff Recommendation to PC:

Favorable

Council District: 4

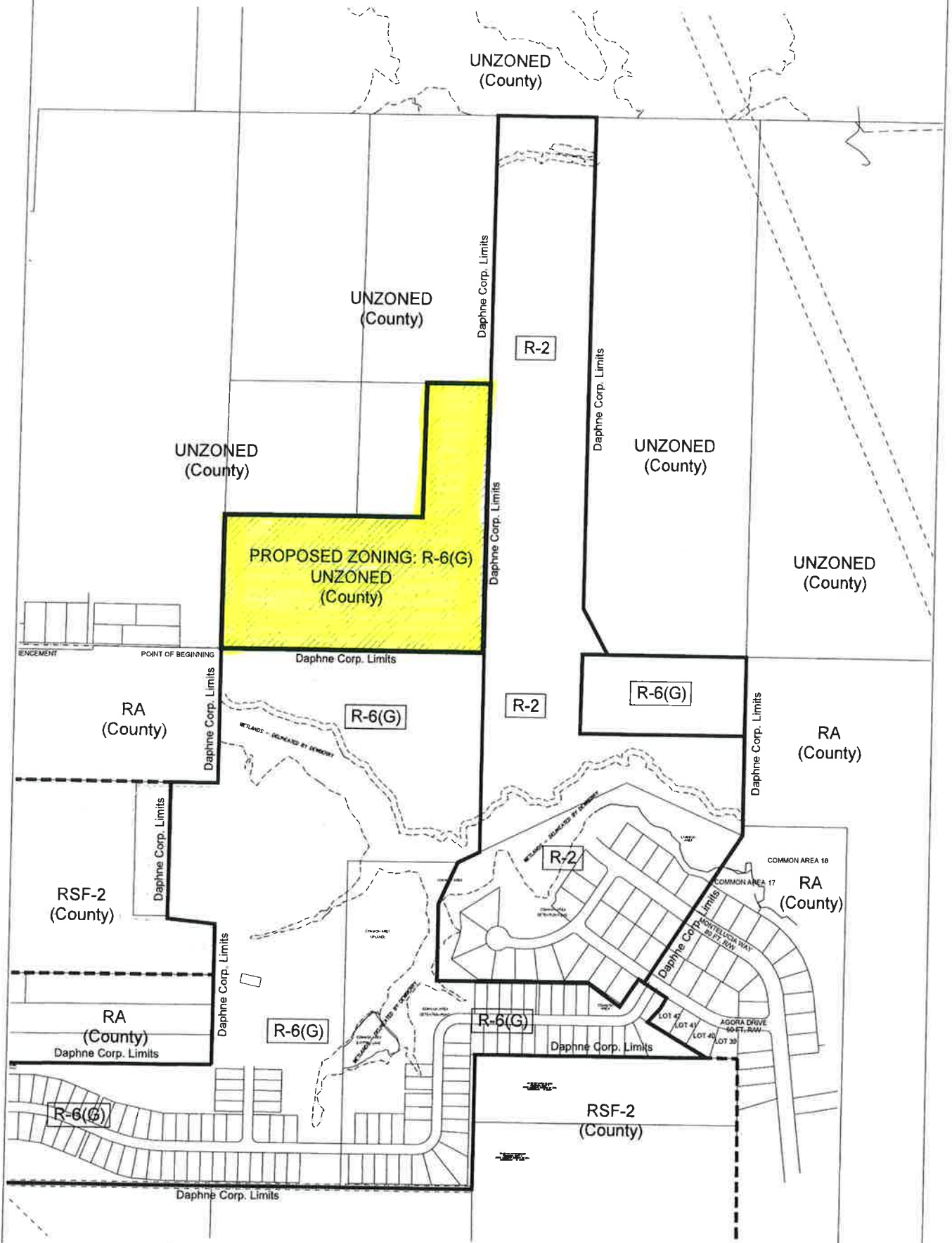
Existing Conditions:

24.93 acres

Planning Commission

Recommendation: Favorable

Map of Present and Proposed Zoning



The Reserve at Daphne

PROPOSAL:

The applicant proposes to pre-zone the subject property to R-6(G), Garden/Patio Home. This would be an expansion of The Reserve at Daphne, an existing single family residential district.

Envision Daphne 2042 Comprehensive Plan

In summary, the proposed rezoning request for R-6(G) is considered to be compatible with the existing development in the Reserve at Daphne subdivision located to the east and south of the subject property.

- The proposed residential land use is considered compatible with the existing residential uses in the general vicinity.
- The subject property identified by the Comprehensive Plan as Agriculture and Rural placetype. The parcel is located west and north of the land that is inside the city limits identified by the Plan as Suburban Neighborhood placetype.
- The primary planned land use in the Agriculture and Rural placetype is agriculture, forestry, recreation. The secondary use is estate residential. The intensity range is 1 to 2 acres per dwelling unit. As sewer service is provided in the future, densities may increase to up to 4 units per acre with conversion to other placetypes.
- The primary planned land use in the Suburban Neighborhood placetype is single family detached residential.
- The proposed R-6(G), Garden/Patio Home, rezoning request is consistent with the primary planned land use of the abutting placetype designation of the Future Development (i.e. Land Use) Map.
- Pages 124 and 125 of the Comprehensive Plan identify Expansion Priorities. Expansion priorities show all areas the City desires to annex in the near future. The subject property is in Expansion Area 2.

RECOMMENDATION:

Overall, staff is in favor of the proposed request because it is compatible with the existing land uses in the area and the adjacent placetype designation of the Envision Daphne 2042 Comprehensive Plan. Thus, staff recommends the Planning Commission render a favorable recommendation to the City Council to approve the rezoning request.

With regard to the Envision Daphne 2042 Comprehensive Plan, Staff recommends the Planning Commission amend the placetype designation from Agriculture and Rural to Suburban Neighborhood.

PLANNING COMMISSION RECOMMENDATION: FAVORABLE

Excerpt from Envision Daphne 2042 Map 4-4 Agricultural and Rural



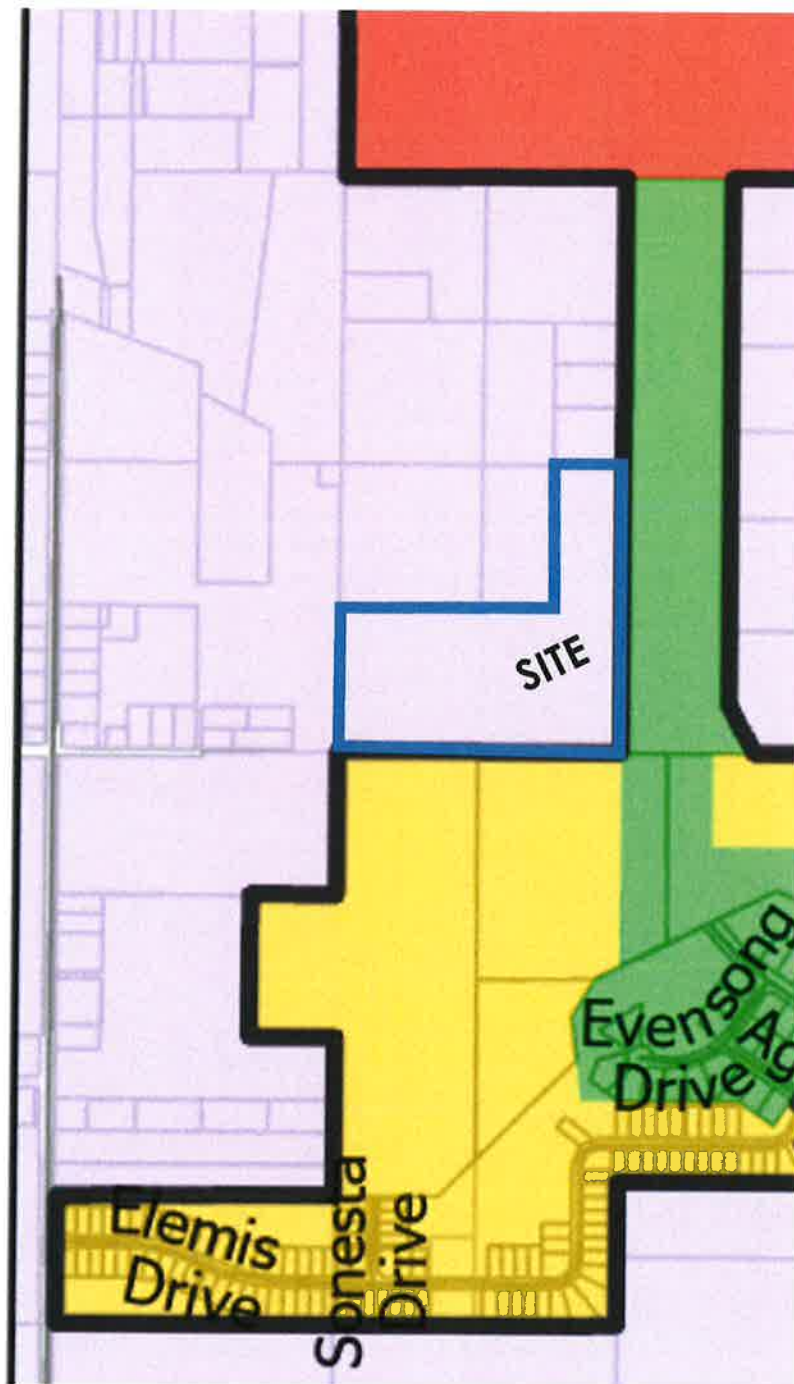
Excerpt from Envision Daphne 2042 Map 4-6 Suburban Neighborhood





Excerpt from County's Map on ISV

- ☒ 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)



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

COMMUNITY DEVELOPMENT



May 10, 2024

Dear Sir/Ma'am,

NOTICE OF PUBLIC HEARING

A petition for PRE-ZONING will be considered by the Daphne Planning Commission for 68V Baldwin Land Holdings, LLC containing 24.93 acres +/- located north of the intersection of County Road 64 and Montelucia Way unzoned, Baldwin County District 15, to be pre-zoned as R-6(G), Garden or Patio Home. 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, May 15, 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, May 23, 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

68V Baldwin Land Holdings, LLC Pre-Zoning Amendment

68V Baldwin LAND HOLDINGS, LLC

Parcel Number	Pin	Owner Name	Address	City	State	Zip
05-43-01-12-0-000-021.003	8905	HOLLAWAY, BELL	11375 HOLLAWAY LANE	DAPHNE	AL	36526
05-43-01-12-0-000-017.000	29021	MEANS, DARYL O ETUX THERESA L	PO BOX 1406	DAPHNE	AL	36526
05-43-01-12-0-000-023.000	3638	68V BALDWIN LAND HOLDINGS L L C	707 BELROSE AVE	DAPHNE	AL	36526
05-43-01-12-0-000-022.000	41859	PERDUE, JOHNNIE	P O BOX 820	DAPHNE	AL	36526
05-43-01-12-0-000-008.000	47557	TAYLOR, ALFRED L ETAL TAYLOR, BAILEY L; AND HARRIS, LUCILLE TAYLOR (HARRIS, IRIS -AT AND TY-IN-FACT- FOR TAYLOR, ALFRED) (HARRIS, AND LUCILLE -SUCCESSOR-ATTY-IN-FACT- FOR TA AND YLOR, ALFRED)	5504 WINDMILL DR	MOBILE	AL	36693
05-43-01-12-0-000-017.003	44262	MEANS, DARYL	PO BOX 1406	DAPHNE	AL	36526
05-43-06-13-0-000-002.004	25349	LAZZARI VICTOR III S.E. CIVIL	5385 RODGER RD	DAPHNE	AL	36526
			9969 WINDMILL ROAD	FAIRHOPE	AL	36526

APPLICATION & SUPPLEMENTAL INFORMATION



APPLICATION FOR REZONING OR PRE-ZONING

Office use only: Rev. 072816

Date Submitted April 22, 24

Application Number:

Planning Commission Public

ZA- or PZA- 24-06

Hearing Date: May 23, 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):

PPIN#(s):

East of Larry Street Rd.

3638

Gross Site Area (acreage):

24.93

Requested Zoning or Pre-Zoning: R6-G

Current Zoning Designation(s):

Amended Request:

Unzoned

Initials: Date: 3/27/2024

Current Land Use: VACANT

Anticipated Land Use: RESIDENTIAL SUBDIVISION

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

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

Annexation Subdivision Site Plan Special Exception Variance Specify Other

APPLICANT & AGENT INFORMATION

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

Name of Current Owner:

68V BALDWIN LAND HOLDINGS, LLC

Mailing Address:

707 BELROSE AVE. DAPHNE, AL. 36526

Phone/Fax: 251-487-8398

E-mail: ckelly@68ventures.com

Name of Authorized Agent:

AARON COLLINS

Mailing Address:

9969 WINDMILL ROAD, FAIRHOPE, AL. 36532

Phone/Fax: 251-990-6566

E-mail: acollins@secivileng.com

Name of Developer*:

68V RESERVE AT DAPHNE 2021, LLC

Phone/Fax: 251-487-8398

E-mail: ckelly@68ventures.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: [Signature]

Date 4/17/24

Agent's Signature:

Date



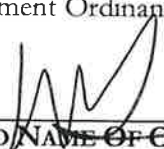
REVERSIONARY CLAUSE ACKNOWLEDGEMENT

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, Will Lowery, 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: 4/16/24



PRINTED NAME OF CURRENT OWNER/PETITIONER

DEVELOPER'S ACKNOWLEDGEMENT

I, Will Lowery ON BEHALF OF G8V BALDWIN LAND HOLDINGS, LLC, 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: 4/16/24



PRINTED NAME OF DEVELOPER

PROPERTY ADDRESS OR PPIN#(s): 3638

LEGAL DESCRIPTION
PID 05-43-01-12-0-000-023.000

EXHIBIT "A"

COMMENCE AT THE RECORD LOCATION OF A RAILROAD SPIKE AT THE SOUTHWEST CORNER OF SECTION 12, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE SOUTH 89 DEGREES 41 MINUTES 38 SECONDS EAST, A DISTANCE OF 1320.22 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (ILLEGIBLE) FOR THE POINT OF BEGINNING; THENCE RUN NORTH 00 DEGREES 23 MINUTES 24 SECONDS EAST, A DISTANCE OF 660.28 FEET TO A ONE AND ONE-HALF INCH OPEN TOP IRON PIPE FOUND; THENCE RUN SOUTH 89 DEGREES 51 MINUTES 40 SECONDS EAST, A DISTANCE OF 995.86 FEET TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN NORTH 00 DEGREES 42 MINUTES 39 SECONDS EAST, A DISTANCE OF 663.41 FEET TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN SOUTH 89 DEGREES 57 MINUTES 41 SECONDS EAST, A DISTANCE OF 316.88 FEET TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN SOUTH 00 DEGREES 12 MINUTES 38 SECONDS WEST, A DISTANCE OF 1327.87 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (19254); THENCE RUN NORTH 89 DEGREES 42 MINUTES 08 SECONDS WEST, A DISTANCE OF 1320.60 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 24.93 ACRES, MORE OR LESS.

PROPERTY IS LOCATED IN THE SW QUARTER OF SECTION 12,
TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA



VICINITY MAP
1 INCH = 1 MILE

05-43-01-12-0-000-024.003
PIN: 273168
68V RESERVE AT DAPHNE 2021 L L C
707 BELROSE AVE
DAPHNE AL 36526

SURVEYOR'S NOTES:

1. THERE WAS NO RECORD OF UNRECORDED DEEDS, EASEMENTS, RIGHT-OF-WAY, OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OF THIS SURVEY.
2. THERE WAS NO ATTEMPT TO DETERMINE THE EXISTENCE, LOCATION, OR EXTENT OF ANY SUB-SURFACE FEATURES.
3. THE LINES REPRESENTING THE CENTRAL AND BOUNDARY LINES OF THE TRACTS ARE SHOWN FOR YOUR REFERENCE. THEY ARE NOT SURVEYED. A SURVEY WAS CONDUCTED IN MARCH 2024, AND IT RECORDED IN THE ELECTRONIC FIELD BOOK.
4. BEARINGS AND DISTANCES SHOWN HEREON WERE COMPUTED FROM ACTUAL FIELD TRAPERS, AND ARE BASED ON STATE PLANE COORDINATE SYSTEM (NAD 83) DATA.
5. NO FULT, BLANK, OR REPORT WAS PROVIDED FOR THIS SURVEY.
6. THIS SURVEY HAS BEEN CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA EFFECTIVE JANUARY 1, 2021.

SURVEYOR'S CERTIFICATE

WE, S.E. CIVIL, LLC, A FIRM OF LICENSED ENGINEERS AND LAND SURVEYORS OF FARMINGTON, ALABAMA, HEREBY STATE THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

COMMENCEMENT AT THE RECORD LOCATION OF A RAILROAD SPIKE AT THE SOUTHWEST CORNER OF SECTION 12, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE SOUTH 88 DEGREES 41 MINUTES 38 SECONDS EAST, A DISTANCE OF 1320.22 FEET TO A ONE-HALF INCH CARVED REBAR FOUND (SLOBBLE) FOR THE POINT OF BEGINNING. THENCE RUN NORTH 00 DEGREES 23 MINUTES 24 SECONDS EAST, A DISTANCE OF 860.28 FEET TO A ONE AND ONE-HALF INCH OPEN TOP IRON PIPE FOUND. THENCE RUN SOUTH 88 DEGREES 51 MINUTES 40 SECONDS EAST, A DISTANCE OF 851.04 FEET TO A FIVE- EIGHTH INCH CARVED REBAR FOUND (DEWBERRY). THENCE RUN NORTH 00 DEGREES 47 MINUTES FIVE EIGHTH INCH CARVED REBAR FOUND (DEWBERRY). THENCE RUN SOUTH 88 DEGREES 51 MINUTES 40 SECONDS EAST, A DISTANCE OF 1320.22 FEET TO A ONE-HALF INCH CARVED REBAR FOUND (SLOBBLE). THENCE RUN SOUTH 88 DEGREES 51 MINUTES 40 SECONDS WEST, A DISTANCE OF 1320.22 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 24.93 ACRES, MORE OR LESS.

(DESCRIPTION COMPOSED FROM AN ACTUAL FIELD SURVEY)

S.E. CIVIL, LLC
DAVID L. DUCH
DATE: 03-23-2024
P.L.S. NO. 2024
SURVEY NOT VALID WITHOUT ORIGINAL SIGNATURE AND SEAL



PROPERTY BOUNDARY SURVEY

68 BALDWIN LAND HOLDINGS, LLC



DRAWN	ROC
CHECKED	JAF
DESIGNED	DEB
SCALE	1"=100'
PROJECT	PM-123
FILE	20240101_BLDG
SHEET	1 OF 1

EXHIBIT "B"

05-43-01-12-0-000-008.000
PIN: 475557
TAYLOR, ALFRED L ETAL TAYLOR, BAILEY L AND HARRIS, LUCILLE TAYLOR (HARRIS, HRS -AT AND 17-IN-FACT- FOR TAYLOR, ALFRED) (HARRIS AND LUCILLE -SUCCESSOR-ATTY-IN-FACT- FOR TA AND YLOR, ALFRED) 5504 WINDMILL DR MOBILE AL 36693

05-43-01-12-0-000-020.000
PIN: 475553
ARMSTRONG, COREY BLAKE ETAL ARMSTRONG, J AND ACQUELINE IVY 11375 ALABASTER DR DAPHNE AL 36526

05-43-01-12-0-000-021.003
PIN: 8905
HOLLAWAY, BELL OLYMPIA DAMS 11375 HOLLAWAY LANE DAPHNE AL 36526

05-43-01-12-0-000-021.002
PIN: 20469
HOLLAWAY, BELL OLYMPIA DAMS 11375 HOLLAWAY LANE DAPHNE AL 36526

05-43-01-12-0-000-027.000
PIN: 41859
PERDUE, JOHNNIE P O BOX 850 DAPHNE AL 36526

05-43-01-12-0-000-021.004
PIN: 475556
HOLLAWAY, BELL OLYMPIA DAMS 11375 HOLLAWAY LANE DAPHNE AL 36526

05-43-05-13-0-000-002.004
PIN: 25348
LAZZAR, VICTOR II 5282 ROGER RD DAPHNE AL 36526

05-43-05-13-0-000-002.000
PIN: 25334
68V RESERVE AT DAPHNE 2021 L L C 707 BELROSE AVE DAPHNE AL 36526

05-43-05-13-0-000-002.010
PIN: 255523
68V RESERVE AT DAPHNE 2021 L L C 25881 WOODROW LN SPANISH FORT AL 36597

- LEGEND:
- RRSP - RAILROAD SPIKE FOUND IN PLACE
 - CH - CARVED REBAR FOUND
 - OPF - OPEN END PIPE FOUND
 - SL - SECTION LINE
 - PF - POST & RING FENCE



POINT OF BEGINNING

POINT OF COMMENCEMENT
SOUTHWEST CORNER
OF SECTION 12,
TOWNSHIP 5 SOUTH,
RANGE 2 EAST

LEGAL DESCRIPTION
PID 05-43-01-12-0-000-023.000

EXHIBIT "A"

COMMENCE AT THE RECORD LOCATION OF A RAILROAD SPIKE AT THE SOUTHWEST CORNER OF SECTION 12, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE SOUTH 89 DEGREES 41 MINUTES 38 SECONDS EAST, A DISTANCE OF 1320.22 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (ILLEGIBLE) FOR THE POINT OF BEGINNING; THENCE RUN NORTH 00 DEGREES 23 MINUTES 24 SECONDS EAST, A DISTANCE OF 660.28 FEET TO A ONE AND ONE-HALF INCH OPEN TOP IRON PIPE FOUND; THENCE RUN SOUTH 89 DEGREES 51 MINUTES 40 SECONDS EAST, A DISTANCE OF 995.86 FEET TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN NORTH 00 DEGREES 42 MINUTES 39 SECONDS EAST, A DISTANCE OF 663.41 FEET TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN SOUTH 89 DEGREES 57 MINUTES 41 SECONDS EAST, A DISTANCE OF 316.88 FEET TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN SOUTH 00 DEGREES 12 MINUTES 38 SECONDS WEST, A DISTANCE OF 1327.87 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (19254); THENCE RUN NORTH 89 DEGREES 42 MINUTES 08 SECONDS WEST, A DISTANCE OF 1320.60 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 24.93 ACRES, MORE OR LESS.

**COMMUNITY DEVELOPMENT
INTERNAL MEMORANDUM**



DATE: May 28, 2024
TO: Office of the City Clerk
FROM: Adrienne Jones, AICP, Director of Community Development
SUBJECT: 68V Baldwin Land Holdings, LLC Annexation Petition

PRESENT ZONING: Unzoned, Baldwin County District 7

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

RECOMMENDATION: At the May 23, 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)

ANNEXATION PETITION

68V BALDWIN LAND HOLDINGS, LLC

THE RESERVE ANNEXATION REQUEST

The applicant proposes to annex the subject property into the corporate limits. The site meets the contiguity requirement because the land abuts The Reserve subdivision which is inside the Daphne corporate limits.

RECOMMENDATION

Pages 124 and 125 of the Comprehensive Plan identify Expansion Priorities. Expansion priorities show all areas the City desires to annex in the near future. The subject property is in Expansion Area 2. Staff and the Planning Commission render a favorable recommendation 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

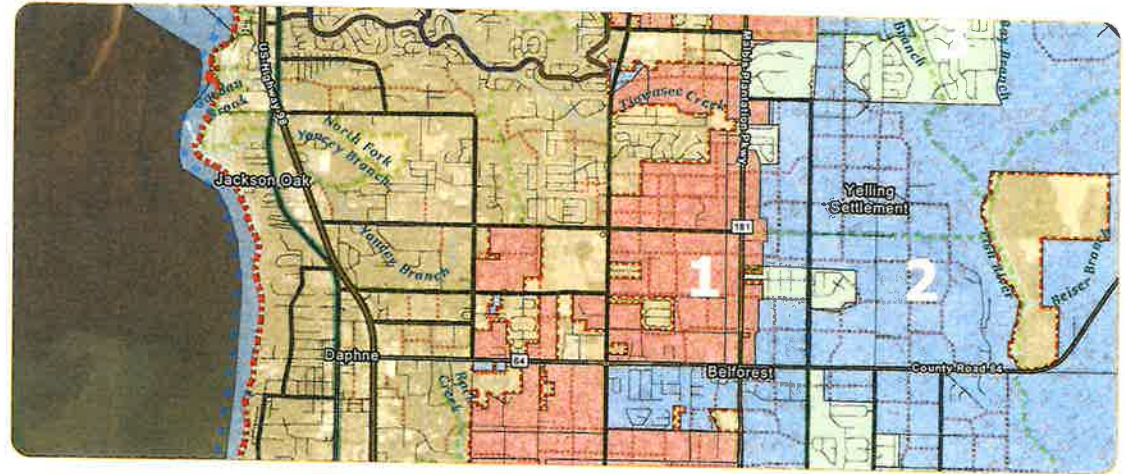
Any land annexed to the City of Daphne hereafter shall be classified as an R-1, Low Density Single Family Residential District unless otherwise recommended by the Planning Commission through the zoning amendment procedure provided in Article 22-1, Zoning Amendment Procedures. In such case, City Council 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.

EXPANSION PRIORITIES

Envision Daphne 2042 includes detailed study and planning for areas not currently in the City Limits. Based on the cumulative results of planning study, community engagement, and Daphne's planning vision and themes, expansion is required to fully achieve Daphne's envisioned future. This section illustrates the prioritized expansion of Daphne's City Limits and outlines options for achieving that expansion.

Above Right: Priority expansion areas
Opposite: Placetype Map

Methods of Extending Municipal Corporate Limits



Annexation Options

Growing cities must expand their boundaries to accommodate continued growth. Rapid growth in Daphne's planning area has led to a demonstrated need for expansion to achieve the purposes of Envision Daphne 2042. Alabama offers three options for annexation as summarized below. A report entitled "Methods of Extending Municipal Corporate Limits" produced by the The Alabama League of Municipalities and revised in 2017 provides details of Alabama's annexation options. The three options are summarized below.

1. Annexation by Local Act of the Legislature

Section 104(18) of the Constitution of Alabama of 1901 specifically allows the extension of municipal boundaries by local act of the legislature. The Alabama Municipal League recommends that once a city has discussed the proposed annexation with its legislative delegation, the city should seek approval to work with Legislative Reference Service (LRS) to prepare the annexation bill.

2. Annexation by Referendum

Sections 11-42-1 through 11-42-4 of the Code of Alabama provide for an annexation referendum. Essential requirements include: written assent of at least 2 electors and property owners of 60 percent of the acreage, a map or plat of area, Council resolution, and Certification of Mayor to Probate Judge (no election required if unanimous consent). Probate Judge orders election, notice published, and election conducted. Probate Judge determines and records election results, and issues final resolution reciting results.

Annexation by Petition of 100% of Property Owners

Sections 11-42-20 through 11-42-24 of the Alabama Code allows annexation upon unanimous consent of the persons owning property in the area. The area to be considered for annexation must actually be contiguous to the corporate limits of the municipality.

Priority Expansion Areas

Priority Expansion Area 1

Priority Expansion Area 1 includes territory immediately east of and adjacent to the current City Limits of Daphne. This area includes the important inter-sections along the Highway 181 corridor.

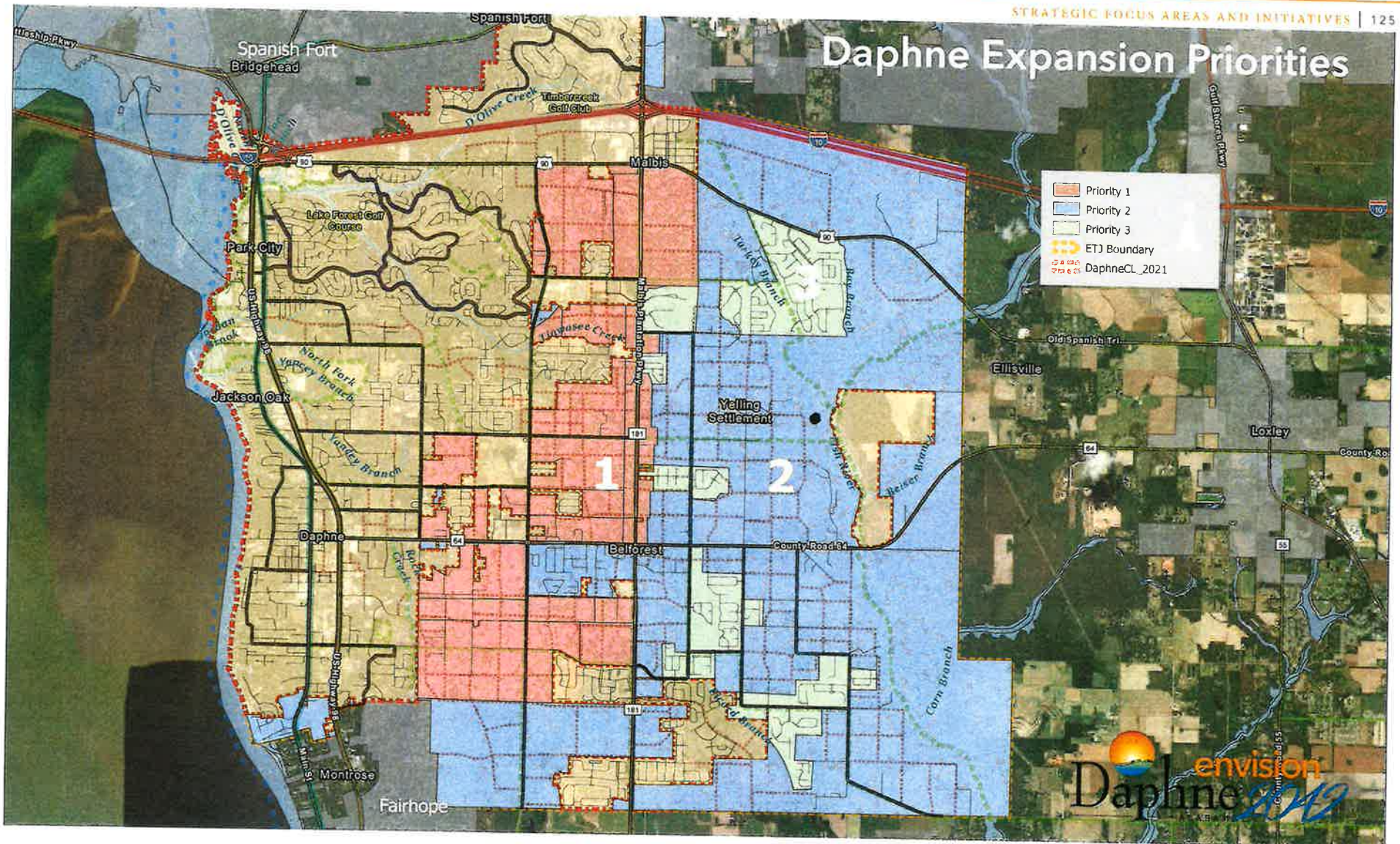
Priority Expansion Area 2

Priority Expansion Area 2 consists of land to the east of the Highway 181 corridor and lands south of the Bellatton neighborhood. This expansive area extends eastward to the limits of the planning area.

Priority Expansion Area 3

Priority Expansion Area 3 constitutes the balance of the land in the planning area. These areas are characterized by mature development.

Daphne Expansion Priorities



APPLICATION & SUPPLEMENTAL INFORMATION

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

(_____)

The undersigned corporation, 68V BALDWIN LAND HOLDINGS, LLC, files this petition with the Clerk of the City of Daphne requesting the property hereafter described, commonly referred to as, THE RESERVE AT DAPHNE, 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, 68V BALDWIN LAND HOLDINGS, LLC, 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: R6-G

Any other conditions which may apply upon annexation:

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

DATED this 16 day of April, 2024

Respectfully submitted,

68V BALDWIN LAND HOLDINGS, LLC
Name of Corporation

By:

[Signature] Will Lowery

Its:

DESIGNATED SIGNATORY

STATE OF ALABAMA
COUNTY OF BALDWIN

I, Sydney Marie Hulett, the undersigned Notary Public in and for said county and state, hereby certify that _____ whose name as _____ of 68V Baldwin Land Holdings, LLC Alabama corporation, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, he/she as such officer and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 16 day of April, 2024.

Sydney Marie Hulett
NOTARY PUBLIC

My commission expires: Feb 18 2026

Corporation's Address

707 Belrose Ave
Daphne AL 36526

SYDNEY MARIE HULETT
NOTARY PUBLIC, ALABAMA STATE AT LARGE
MY COMMISSION EXPIRES FEB. 18, 2026

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: WZ

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: WZ

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

Initials: WZ

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: WZ

SELECT ONE OF THE FOLLOWING OPTIONS

☒ Option# 1: We do hereby request pre-zoning of the subject property to the following zoning classification(s): R6-G, and certify that a petition for rezoning, associated fees and documents have been submitted prior to or concurrently with this petition.

Initials: WZ

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 _____ day of _____, 20____.

Legal Description Attached (Exhibit A)? Yes Map or Survey Attached (Exhibit B)? Yes
Recorded Subdivision Plat OR Preliminary/Final Subdivision plat approved by Planning Commission Attached (Exhibit C)? Yes Acreage 24.93 AC.
Subdivision Name The Reserve at Daphne Lot Number(s) _____

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

Signature: Will Lowery Signature: _____

Printed Name: Will Lowery Printed Name: _____

Mailing Address: 707 Bellrose Ave Mailing Address: _____
DAPHNE AL 36526

3

LEGAL DESCRIPTION
PID 05-43-01-12-0-000-023.000

EXHIBIT "A"

COMMENCE AT THE RECORD LOCATION OF A RAILROAD SPIKE AT THE SOUTHWEST CORNER OF SECTION 12, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA AND RUN THENCE SOUTH 89 DEGREES 41 MINUTES 38 SECONDS EAST, A DISTANCE OF 1320.22 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (ILLEGIBLE) FOR THE POINT OF BEGINNING; THENCE RUN NORTH 00 DEGREES 23 MINUTES 24 SECONDS EAST, A DISTANCE OF 660.28 FEET TO A ONE AND ONE-HALF INCH OPEN TOP IRON PIPE FOUND; THENCE RUN SOUTH 89 DEGREES 51 MINUTES 40 SECONDS EAST, A DISTANCE OF 995.86 FEET TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN NORTH 00 DEGREES 42 MINUTES 39 SECONDS EAST, A DISTANCE OF 663.41 FEET TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN SOUTH 89 DEGREES 57 MINUTES 41 SECONDS EAST, A DISTANCE OF 316.88 FEET TO A FIVE-EIGHTHS INCH CAPPED REBAR FOUND (DEWBERRY); THENCE RUN SOUTH 00 DEGREES 12 MINUTES 38 SECONDS WEST, A DISTANCE OF 1327.87 FEET TO A ONE-HALF INCH CAPPED REBAR FOUND (19254); THENCE RUN NORTH 89 DEGREES 42 MINUTES 08 SECONDS WEST, A DISTANCE OF 1320.60 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 24.93 ACRES, MORE OR LESS.

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2024-24**

APPROPRIATION: IMPACT FEE STUDY UPDATE

WHEREAS, Ordinance 2023-35 approved and adopted the Fiscal Year 2024 Budget on September 18, 2023; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2024 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2024 budget; and

WHEREAS, the City desires to update the Impact Fee Study that was last completed in 2007; and

WHEREAS, the a proposal has been received from TischlerBise, the nation's leading impact fee and infrastructure financing consulting firm who has conducted numerous impact fee studies in Baldwin County, including Gulf Shores, Orange Beach, Fairhope, Foley, and Daphne's previous study; and

WHEREAS, the proposal includes seven tasks to be completed over a four month period with the total fixed fee cost for the Impact Fee Study to be \$59,875.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that

1. An appropriation in the amount of **\$59,875** from the **General Fund** is appropriated and made a part of the Fiscal Year 2024 Budget for professional services to update the City of Daphne's Impact Fee Study.
2. The Mayor is hereby authorized and directed to do or perform or cause to be done or performed in the name of and behalf of the City such other acts, and to execute, deliver, file and record such other instruments, documents, certificates, notifications and related documents, all as shall be required by law or necessary or desirable to carry out the provisions and purposes of this resolution.

APPROVED AND ADOPTED 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
RESOLUTION 2024-25**

APPROPRIATION: PRELIMINARY ENGINEERING FOR ALDOT PROJECT #STPSU-0181(): INSTALLATION OF A TRAFFIC SIGNAL AT SR-181 AND CORTE RD/AUSTIN RD.

WHEREAS, Ordinance 2023-35 approved and adopted the Fiscal Year 2024 Budget on September 18, 2023; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2024 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2024 budget; and

WHEREAS, due to safety concerns, the State of Alabama Department of Transportation (ALDOT) and the City of Daphne desire to cooperate in the installation of a traffic signal at SR-181 and Corte Rd/Austin Rd.; and

WHEREAS, the City desires to enter into an agreement with ALDOT relating to Project # STPSU-0181(): Installation of a Traffic Signal at SR-181 and Corte Rd./Austin Rd.; and

WHEREAS, the preliminary engineering for the project is estimated to cost \$100,000 with the City's portion being \$10,000; and

WHEREAS, an appropriation is needed to fund the City's portion of the preliminary engineering cost and to authorize the Mayor to enter into agreement with ALDOT for Project # STPSU-0181(): Installation of a Traffic Signal at SR-181 and Corte Rd./Austin Rd.

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

1. Funds in the amount of **\$10,000** from the **Capital Reserve Fund** are appropriated and made a part of the Fiscal Year 2024 budget for ALDOT Project # STPSU-0181(): Installation of a Traffic Signal at SR-181 and Corte Rd./Austin Rd.
2. The Mayor is hereby authorized and directed to do or perform or cause to be done or performed in the name of and behalf of the City such other acts, and to execute, deliver, file and record such other instruments, documents, certificates, notifications and related documents, all as shall be required by law or necessary or desirable to carry out the provisions and purposes of this resolution.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA this ____ day of _____, 2024.

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, City Clerk

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2024 – 26**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAPHNE
APPOINTING DIRECTORS TO THE BOARD OF DIRECTORS OF THE
RENAISSANCE IMPROVEMENT DISTRICT**

WHEREAS, the City Council (the “Council”) of the City of Daphne, Alabama, (the “City”), previously elected individuals as member of the Board of Directors of the Renaissance Cooperative District (the “District”), in accordance with Chapter 99B of Title 11 of the Code of Alabama (1975), as amended (the “Act”); and

WHEREAS, Toni Fassbender and Paige Howell are duly qualified electors of the City and are eligible for election pursuant to the Act; and

WHEREAS, the City desires to appoint Toni Fassbender and Paige Howell as members of the District’s Board of Directors for The Renaissance Cooperative District.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that the following individuals are hereby appointed to the Board of Directors for The Renaissance Improvement District:

TERM ENDING

Toni Fassbender
Paige Howell

11:59 p.m. on June 5, 2027
11:59 p.m. on June 5, 2027

ADOPTED this ____ day of May, 2024.

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, MMC, City Clerk

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2024 – 27**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAPHNE
APPOINTING DIRECTORS TO THE BOARD OF DIRECTORS OF THE
RENAISSANCE IMPROVEMENT DISTRICT**

WHEREAS, the City Council (the “Council”) of the City of Daphne, Alabama, (the “City”), previously elected individuals as member of the Board of Directors of the Renaissance Cooperative District (the “District”), in accordance with Chapter 99B of Title 11 of the Code of Alabama (1975), as amended (the “Act”); and

WHEREAS, John Lake and Craig Valenti are duly qualified electors of the City and are eligible for election pursuant to the Act; and

WHEREAS, the City desires to appoint John Lake and Craig Valenti as members of the District’s Board of Directors for The Renaissance Cooperative District.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that the following individuals are hereby appointed to the Board of Directors for The Renaissance Improvement District:

TERM ENDING

John Lake
Craig Valenti

11:59 p.m. on June 5, 2026
11:59 p.m. on June 5, 2026

APPROVED this ____ day of _____, 2024.

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, MMC, City Clerk

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2024 – 28**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAPHNE
APPOINTING DIRECTORS TO THE BOARD OF DIRECTORS OF THE
RENAISSANCE IMPROVEMENT DISTRICT**

WHEREAS, the City Council (the “Council”) of the City of Daphne, Alabama, (the “City”), previously elected individuals as member of the Board of Directors of the Renaissance Cooperative District (the “District”), in accordance with Chapter 99B of Title 11 of the Code of Alabama (1975), as amended (the “Act”); and

WHEREAS, Joe Davis is a duly qualified elector of the City and are eligible for election pursuant to the Act; and

WHEREAS, the City desires to appoint Joe Davis as a member of the District’s Board of Directors for The Renaissance Cooperative District.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that the following individuals are hereby appointed to the Board of Directors for The Renaissance Improvement District:

TERM ENDING

Joe Davis

11:59 p.m. on June 5, 2025

APPROVED this ____ day of _____, 2024.

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, MMC, City Clerk

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2024-29**

APPROPRIATION: EMPLOYEE COMPENSATION STUDY

WHEREAS, Ordinance 2004-52 as adopted on January 3, 2005, established the City of Daphne Job Classification Schedule; and

WHEREAS, Ordinance 2023-35 approved and adopted the Fiscal Year 2023 Budget on September 18, 2023; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2023 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2023 budget; and

WHEREAS, recent evaluations of the current pay plan that was initially implemented in 2004 have shown that the City's current pay plan and salary tables need to be updated to be in line with the current market salary rates; and

WHEREAS, the Human Resources Department has recommended that Evergreen Solutions LLC be retained by the City to perform the Employee Compensation Study at a cost of **\$22,000**; and

WHEREAS, after further review, the City Council recommends that the proposed Consulting Services Agreement by and between the City and Evergreen Solutions, LLC be implemented.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that

- 1) Funds in the amount of **\$22,000** from the **General Fund** are hereby appropriated and made a part of the Fiscal Year 2023 Budget for the Employee Compensation Study.
- 2) The Mayor is hereby authorized to execute any and all documents required for the Employee Compensation Study.

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

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, MMC, City Clerk



Evergreen Solutions, LLC

2528 Barrington Circle • Unit #201 • Tallahassee, Florida 32308
850.383.0111 • fax 850.383.1511

April 24, 2024

Ms. Vickie Hinman, SHRM-SCP
Human Resources Director
City of Daphne

SUBMITTED VIA EMAIL: vhinman@daphneal.com

Dear Ms. Hinman:

We appreciate the opportunity to submit a letter proposal to conduct a **Compensation Study** for the City of Daphne. I have prepared a work plan outlining the tasks, activities, and milestones necessary to accomplish this study as well as a proposed timeline and cost.

Detailed Work Plan

Task 1.0 Project Initiation

TASK GOALS

- Finalize the project plan with the City.
- Gather all pertinent data.
- Finalize any remaining contractual negotiations.
- Establish an agreeable final time line for all project milestones and deliverables.

TASK ACTIVITIES

- 1.1 Discuss with the City's Project Manager (CPM) and any other key personnel the following objectives:
 - review our proposed methodology, approach, and project work plan to identify any necessary revisions;
 - reach agreement on a schedule for the project including all assignments and project milestones/deliverables;
 - establish an agreeable communication schedule.
- 1.2 Identify potential challenges and opportunities for the study. Discuss the strategic direction of the City and some of the short- and long-term priorities. This activity serves as the basis for assessing where the City is going and what type of pay plan will reinforce current and future goals.
- 1.3 Obtain relevant materials from the City, including:

Task 2.0
Evaluate the
Current System

- any previous projects, research, evaluations, or other studies that may be relevant to this project;
- organizational charts for the departments and divisions, along with related responsibility descriptions; and
- current position and classification descriptions, and salary schedule(s).

- 1.4 Review and edit the project work plan and submit a schedule for the completion of each project task.

KEY PROJECT MILESTONES

- Comprehensive project management plan
- Comprehensive database of City staff

TASK GOAL

- Conduct a comprehensive preliminary evaluation of the existing compensation plan(s) for the City.

TASK ACTIVITIES

- 2.1 Obtain the existing pay structure and compensation philosophy (if any). Review the existing pay structure and look for potential problems and issues to be resolved.
- 2.2 Discuss the strengths and weaknesses of the current pay plan(s) for the City.
- 2.3 Discuss any pay compression issues that may exist and possible solutions.
- 2.4 Complete an assessment of current conditions that details the pros and cons of the current system for the City as well as highlights areas for potential improvement in the final adopted solution.

KEY PROJECT MILESTONES

- Review of existing compensation plan(s)
- Assessment of current conditions



Task 3.0
Identify Approved
List of Benchmarks
and Survey Targets

TASK GOALS

- Identify positions to benchmark for the market salary survey.
- Identify and develop a comprehensive list of targets for conducting a successful external labor market salary assessment.

TASK ACTIVITIES

- 3.1 Identify and review with the CPM the classifications that will be used as benchmarks for the market salary survey. **Note:** Evergreen will work with the CPM to select up to 70 classifications to use as benchmarks for the market salary survey.
- 3.2 Finalize the list of benchmark positions.
- 3.3 Review with the CPM up to 20 peer organizations that should be included in the market salary survey.
- 3.4 Develop a preliminary list of organizations for the external labor market survey, placing a comparative emphasis on characteristics such as:
 - size of the organization;
 - geographic proximity to the Daphne area;
 - economic and budget characteristics; and
 - other demographic data.
- 3.5 Develop a list of survey targets by employee group. Develop a system for use of secondary data, including potential sources and weighting of secondary data, if necessary.
- 3.6 Review survey methodology with the CPM and refine survey methodology prior to distribution of survey.
- 3.7 After approval of survey methodology, develop contact list of peer organizations and notify peers of impending survey.

KEY PROJECT MILESTONES

- Initial list of survey peers
- Survey methodology
- Final list of survey organizations and contacts

Task 4.0
Conduct Market
Survey and Provide
External
Assessment
Summary

TASK GOALS

- Conduct the external labor market salary survey.
- Provide a summary of the survey results to the CPM for review.



TASK ACTIVITIES

- 4.1 Prepare a customized external labor market salary survey for the CPM's approval. Discuss the questions to include in the market salary survey.
- 4.2 Contact the targets for electronic completion of the survey. Provide paper copies by fax, if requested.
- 4.3 Conduct necessary follow-up through e-mails, faxes, and phone calls.
- 4.4 Collect and enter survey results into Evergreen's electronic data analysis tools.
- 4.5 Validate all data submitted.
- 4.6 Develop summary report of external labor market salary survey assessment results.
- 4.7 Submit summary report of external labor market salary survey assessment results to the CPM.

KEY PROJECT MILESTONES

- Market salary survey instrument
- Summary report of external labor market salary survey assessment results

TASK GOALS

- Assess the appropriateness of the City's existing compensation philosophy.
- Develop a plan for all employees, providing issue areas and preliminary recommendations for strategic improvement.

TASK ACTIVITIES

- 5.1 Identify the accepted compensation philosophy and accompanying thresholds.
- 5.2 Using the market salary survey data collected in **Task 4.0**, and compensation data reviewed in **Task 2.0**, determine the proper pay scale, including number of grades and ranges.
- 5.3 Produce a revised or new pay scale(s) that best meets the needs of the City from an external equity standpoint.



Task 6.0
Conduct Solution
Analysis

KEY PROJECT MILESTONES

- Proposed compensation strategic direction, taking into account external equity
- Plan for addressing unique, highly competitive positions

TASK GOALS

- Slot classifications into the revised or new pay scale based on market survey results.
- Propose several possible options for implementation.

TASK ACTIVITIES

- 6.1 Use a market-based approach, or other appropriate techniques, to properly slot each classification into the revised or new pay scale.
- 6.2 Place all classifications into pay grades based on **Task Activity 6.1**. Sort alphabetically by job class title, in descending order by range, and by old class title and new class specifications.
- 6.3 Create implementation solutions for consideration that take into account the current compensation philosophy and financial impact, as well as the findings from the compensation analysis. Recommend alternative compensation policy changes.
- 6.4 Determine the best solution to meet the needs of the City in the short- and long-term.
- 6.5 Document the accepted solution.

KEY PROJECT MILESTONES

- Revised or new pay scale(s)
- Classification assignments by pay grade
- Implementation plan(s)
- Documented final solution

Task 7.0
Develop Draft and
Final Reports

TASK GOALS

- Develop and submit a draft and final report of the Compensation Study to the City of Daphne.
- Present final report, if requested.



Task 8.0
Develop
Recommendations
for Compensation
Administration

TASK ACTIVITIES

- 7.1 Produce a comprehensive draft report that captures the results of each previous step. The report will include the costs associated with all recommendations as well as implementation strategies.
- 7.2 Submit the comprehensive draft report to the CPM for review and approval.
- 7.3 Make edits and submit necessary copies of the final report to the CPM.
- 7.4 Present the final report, if requested.
- 7.5 Develop a communication plan for sharing study results with the employees.
- 7.6 Develop a plan for maintaining recommendations over time.

KEY PROJECT MILESTONES

- Draft and final reports
- Final presentation
- Communication plan

TASK GOAL

- Develop recommendations for a maintenance program so administration by City staff may sustain the recommended compensation system/structure.

TASK ACTIVITIES

- 8.1 Develop recommendations and guidelines for continued administration and maintenance of the compensation system, including recommendations and guidelines related to:
 - how employees will move through the pay structure/ system as a result of transfers, promotions, or demotions;
 - how to pay employees whose base pay has reached the maximum of their pay range or value of their position;
 - the proper mix of pay;
 - how often to adjust pay scales and survey the market;
 - the timing of implementation; and



- how to keep the system fair and competitive over time.

8.2 Recommend recruitment/retention strategies, where appropriate.

8.3 Finalize and present recommendations to the CPM for review.

KEY PROJECT MILESTONES

- Recommendations for compensation administration
- Recommendations for recruitment/retention policies

Proposed Cost and Timeline

Our total, not-to-exceed, fixed cost to complete all tasks in our work plan is **\$22,000**. Our cost is all inclusive, and includes travel costs (meals and lodging), transportation, fringe benefits, indirect cost (overhead), clerical support, and all other out-of-pocket expenses. Evergreen can conduct this study in approximately three months from the execution of a contract. Our cost includes one onsite visit, if needed, as most of the work can be conducted virtually.

Our preferred method of invoicing is as follows:

- 33% - upon completion of Tasks 1 – 2
- 33% - upon completion of Tasks 3 – 4
- 34% - upon completion of Tasks 5 – 8

We would love the opportunity to again work with the City of Daphne. If you need any additional information, please feel free to contact me at (850) 383-0111 or via email at jeff@consultevergreen.com.

Sincerely,



Dr. Jeffrey Ling, President
Evergreen Solutions, LLC



**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.

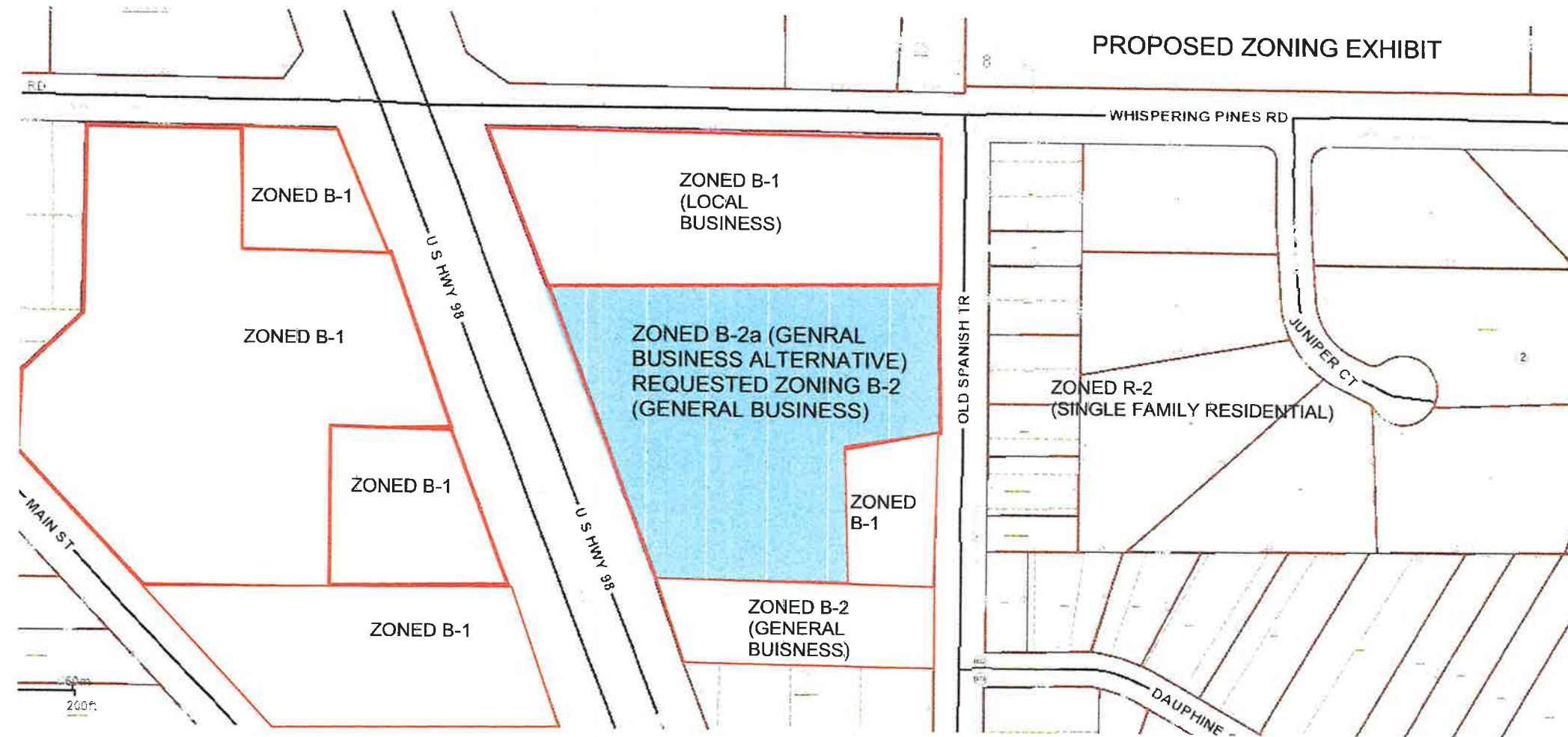
ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ DAY OF _____, 2024.

Attest:

Robin LeJeune, Mayor

Candace G. Antinarella, MMC, City Clerk

PROPOSED ZONING EXHIBIT



**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

**CITY OF DAPHNE
ORDINANCE 2024-16**

**INTERGOVERNMENTAL AGREEMENT
INDUSTRIAL DEVELOPMENT BOARD DEDICATION OF DISC RIGHT-OF-WAY
IMPROVEMENTS TO CITY, AND ACCEPTANCE OF SAME BY CITY**

WHEREAS, the Industrial Development Board of the City of Daphne, Alabama (the “IDB”) was duly created by the City Council of the City of Daphne (the “City”) pursuant to Section 11-54-80, *et seq.*, of the Code of Alabama; and

WHEREAS, on September 22, 2016, the United States Department of Commerce, Economic Development Administration (the “EDA”) approved a grant that was applied toward the IDB’s total cost of developing certain infrastructure improvements related to the proposed Daphne Innovations and Science Complex (DISC), consisting of certain roadway infrastructure and related drainage improvements (as further described herein, the “Improvements”); and

WHEREAS, construction of the Improvements was completed in September of 2019, and the IDB has continued to own and maintain the Improvements thereafter; and

WHEREAS, the IDB is nearing the completion of its oversight of the DISC project, having entered into a purchase and sale agreement to convey all parcels of real property owned by the IDB, excluding the Improvements, to a third party for development; and

WHEREAS, the Improvements are public in nature, located within the corporate boundaries of the City, and appropriate for future maintenance by the City as public right-of-way improvements; and

WHEREAS, the City and the IDB have completed all actions necessary to obtain approval from the EDA for the IDB to transfer ownership and maintenance responsibilities of the Improvements to the City; and

WHEREAS, the IDB wishes to dedicate, and the City wishes to accept, the Improvements, subject to the terms and conditions of an Intergovernmental Agreement, in substantially the form attached hereto as Appendix 1.

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

1. That the City Council hereby accepts the dedication by the IDB of the following rights-of-way, along with related drainage and other improvements located within said rights-of-way, as further depicted and described on Exhibit A attached hereto (the “Improvements”):

Name of Right-of-way	Length (linear feet)	Width (feet)
DISC Drive	1,638.38	100
Technology Lane	711.18	60
Innovation Way	697.22	100

2. That the Mayor and Clerk of the City are each hereby authorized to execute the Intergovernmental Agreement and such other documents related to the closing and acceptance of the Improvements as deemed necessary by the City Attorney.

3. That the Clerk of the City is hereby directed to record this Ordinance in the records of the Judge of Probate of Baldwin County, Alabama.

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

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, MMC, City Clerk

EXHIBIT A

Depiction and Description of Improvements

The “Improvements” include all of the real property described below, and all improvements located on said property.

COMMENCE AT THE CALCULATED NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 5 SOUTH, RANGE 2 EAST AND RUN THENCE NORTH 89 DEGREES 27 MINUTES 12 SECONDS WEST, A DISTANCE OF 115.25 FEET TO A CAPPED IRON PIN ON THE WEST RIGHT-OF-WAY OF ALABAMA HIGHWAY 181; THENCE ALONG SAID WEST RIGHT-OF-WAY, AND A CURVE TO THE RIGHT, HAVING A RADIUS OF 20174.13 FEET, AN ARC LENGTH OF 145.55 FEET, (CHORD BEARS NORTH 00 DEGREES 52 MINUTES 14 SECONDS EAST, A DISTANCE OF 145.55 FEET) TO THE POINT OF BEGINNING; THENCE RUN NORTH 89 DEGREES 27 MINUTES 12 SECONDS WEST, 20 FEET SOUTH OF, AND PARALLEL TO THE NORTH LINE OF LOT 7, DISC SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2568-E AND F, BALDWIN COUNTY PROBATE RECORDS, A DISTANCE OF 220.93 FEET; THENCE CONTINUING 20 FEET SOUTH OF, AND PARALLEL TO THE NORTH LINE OF SAID LOT 7, RUN ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 360.00 FEET, AN ARC LENGTH OF 22.04 FEET, (CHORD BEARS NORTH 87 DEGREES 41 MINUTES 57 SECONDS WEST, A DISTANCE OF 22.04 FEET) TO A POINT ON THE WEST LINE OF SAID LOT 7; THENCE ALONG A COMPOUND CURVE TO THE RIGHT, HAVING A RADIUS OF 360.00 FEET, AN ARC LENGTH OF 202.16 FEET, (CHORD BEARS NORTH 69 DEGREES 51 MINUTES 27 SECONDS WEST, A DISTANCE OF 199.52 FEET); THENCE RUN NORTH 53 DEGREES 46 MINUTES 12 SECONDS WEST, A DISTANCE OF 382.76 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 420.50 FEET, AN ARC LENGTH OF 263.53 FEET, (CHORD BEARS NORTH 71 DEGREES 43 MINUTES 27 SECONDS WEST, A DISTANCE OF 259.24 FEET); THENCE RUN NORTH 89 DEGREES 40 MINUTES 42 SECONDS WEST, A DISTANCE OF 596.23 FEET TO A POINT ON THE WEST LINE OF LOT 1 OF THE AFOREMENTIONED DISC SUBDIVISION; THENCE RUN NORTH 00 DEGREES 19 MINUTES 18 SECONDS EAST, ALONG SAID WEST LINE OF LOT 1, A DISTANCE OF 747.22 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF CHAMPIONS WAY; THENCE RUN SOUTH 89 DEGREES 40 MINUTES 42 SECONDS EAST, ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 100.00 FEET; THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY, RUN SOUTH 00 DEGREES 19 MINUTES 18 SECONDS WEST, A DISTANCE OF 597.22 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 50.00 FEET, AN ARC LENGTH OF 78.54 FEET, (CHORD BEARS SOUTH 44 DEGREES 40 MINUTES 42 SECONDS EAST, A DISTANCE OF 70.71 FEET); THENCE RUN SOUTH 89 DEGREES 40 MINUTES 42 SECONDS EAST, A DISTANCE OF 480.00 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 50.00 FEET, AN ARC LENGTH OF 78.54 FEET, (CHORD BEARS NORTH 45 DEGREES 19 MINUTES 18 SECONDS EAST, A DISTANCE OF 70.71 FEET); THENCE RUN NORTH 00 DEGREES 19 MINUTES 18 SECONDS EAST, A DISTANCE OF 597.22 FEET TO A POINT ON THE AFOREMENTIONED SOUTH RIGHT-OF-WAY OF CHAMPIONS WAY; THENCE RUN SOUTH 89 DEGREES 40 MINUTES 42 SECONDS EAST, ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 60.00 FEET TO THE NORTHEAST CORNER OF LOT 1 OF THE AFOREMENTIONED DISC SUBDIVISION; THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY, RUN ALONG THE EAST AND NORTH MARGINS OF SAID LOT 1 THE FOLLOWING DESCRIBED COURSES: SOUTH 00 DEGREES 19 MINUTES 18 SECONDS WEST, A DISTANCE OF 664.82 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 340.00 FEET, AN ARC LENGTH OF 141.08 FEET, (CHORD BEARS SOUTH 65 DEGREES 39 MINUTES 25 SECONDS EAST, A DISTANCE OF 140.07 FEET); THENCE RUN SOUTH 53 DEGREES 46 MINUTES 12 SECONDS EAST, A DISTANCE OF 424.20 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 260.00 FEET, AN ARC LENGTH OF 138.91 FEET, (CHORD BEARS SOUTH 69 DEGREES 04 MINUTES 32 SECONDS EAST, A DISTANCE OF 137.26 FEET) TO THE SOUTHWEST CORNER OF LOT 4 OF THE AFOREMENTIONED DISC SUBDIVISION; THENCE ALONG THE SOUTH LINE OF SAID LOT 4, AND A COMPOUND CURVE TO THE LEFT, HAVING A RADIUS OF 260.00 FEET, AN ARC LENGTH OF 23.02 FEET, (CHORD BEARS SOUTH 86 DEGREES 55 MINUTES 02 SECONDS EAST, A DISTANCE OF 23.01 FEET); THENCE RUN SOUTH 89 DEGREES 27 MINUTES 12 SECONDS EAST, ALONG THE SOUTH LINE OF LOT 4 AND LOT 6, DISC SUBDIVISION, A DISTANCE OF 222.10 FEET TO A POINT ON THE AFOREMENTIONED WEST RIGHT-OF-WAY OF ALABAMA HIGHWAY 181; THENCE ALONG SAID WEST RIGHT-OF-WAY, AND A CURVE TO THE LEFT, HAVING A RADIUS OF 20174.13 FEET, AN ARC LENGTH OF 100.01 FEET, (CHORD BEARS SOUTH 01 DEGREES 13 MINUTES 10 SECONDS WEST, A DISTANCE OF 100.01 FEET) TO THE POINT OF BEGINNING. EASEMENT TRACT CONTAINS 6.31 ACRES, MORE OR LESS.

The right-of-way being conveyed to the City is depicted on the attached sketch, labeled thereon as “Right-of-Way Easement.”

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APPENDIX 1
FORM OF INTERGOVERNMENTAL AGREEMENT

(attached)

INTERGOVERNMENTAL AGREEMENT

This INTERGOVERNMENTAL AGREEMENT (this “Agreement”) is made and entered into this the ___ day of _____, 2024 (the “Effective Date”), by and between the Industrial Development Board of the City of Daphne, Alabama, a public corporation organized under the laws of the State of Alabama (the “IDB”), and the City of Daphne, an Alabama municipal corporation (the “City”), these individual entities collectively referred to herein as the “Parties.”

RECITALS

WHEREAS, the IDB was duly created by the City pursuant to Section 11-54-80, *et seq.*, of the Code of Alabama; and

WHEREAS, on September 22, 2016, the United States Department of Commerce, Economic Development Administration (the “EDA”) approved a grant that was applied toward the IDB’s total cost of developing certain infrastructure improvements related to the proposed Daphne Innovations and Science Complex (DISC), consisting of certain roadway infrastructure and related drainage improvements (as further defined herein, the “Improvements”); and

WHEREAS, construction of the Improvements was completed in September of 2019, and the IDB has continued to own and maintain the Improvements thereafter; and

WHEREAS, the IDB is nearing the completion of its oversight of the DISC project, having entered into a purchase and sale agreement to convey all parcels of real property owned by the IDB, excluding the Improvements, to a third party for development; and

WHEREAS, the Improvements are public in nature, located within the corporate boundaries of the City, and appropriate for future maintenance by the City as public right-of-way improvements; and

WHEREAS, the Parties have completed all actions necessary to obtain approval from the EDA for the IDB to transfer ownership and maintenance responsibilities of the Improvements to the City; and

WHEREAS, the IDB wishes to dedicate, and the City wishes to accept, the Improvements.

NOW, THEREFORE, in consideration of the premises, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the IDB does hereby dedicate the Improvements to the City, and the City hereby accepts said dedication, upon the terms and conditions set forth herein.

1. **The Improvements.** The Improvements shall consist of the following rights-of-way, along with related drainage and other improvements located within said rights-of-way, as further depicted and described on Exhibit A attached hereto (the “Improvements”):

Name of Right-of-way	Length (linear feet)	Width (feet)
DISC Drive	1,638.38	100
Technology Lane	711.18	60
Innovation Way	697.22	100

2. Conveyance of Improvements. The IDB hereby dedicates, and the City hereby accepts, the Improvements. The City shall record the Ordinance approving this Agreement and accepting the Improvements in the records of the Judge of Probate, Baldwin County, Alabama.

3. Representations and Covenants of the IDB. The IDB hereby represents and covenants the following:

- a. Construction of the Improvements is complete and in accordance with the minimum standards as outlined for construction in the City of Daphne Land Use and Development Ordinance, Article XVII, Procedures for Subdivision Review, and Article XI, Minimum Requirements and Required Improvements for Subdivisions and Commercial Site Developments;
- b. As of the Effective Date, the Improvements are free from defects from any cause;
- c. The IDB has the full power and authority to enter into this Agreement and to carry out its respective obligations hereunder; and
- d. There is no action or proceeding pending or, insofar as the IDB knows, threatened against the IDB which could impact upon the IDB's right, power, and authority to enter into this Agreement or to otherwise carry out its obligations hereunder.

4. Representations and Covenants of the City. The City hereby represents and covenants the following:

- a. As of the Effective Date, the City shall assume maintenance of the Improvements;
- b. The City has the full power and authority to enter into this Agreement and to carry out its respective obligations hereunder; and
- c. There is no action or proceeding pending or, insofar as the City knows, threatened against the City which could impact upon the City's right, power, and authority to enter into this Agreement or to otherwise carry out its obligations hereunder.

5. Disclaimers by IDB. The City acknowledges and agrees that, except as otherwise provided in this Agreement, the IDB has not made, does not make, and specifically disclaims any representations or warranties, whether express or implied, concerning or with respect to the nature, quality, or condition of the Improvements, the suitability of the same for the City's purposes, the compliance therewith with any applicable laws, or any other matter with respect to the Improvements.

6. Assignment. This Agreement may not be assigned by any Party without the prior written consent of the other Party, and any attempt to make such assignment shall be null and void.

7. Binding Effect. This Agreement and all terms, provisions and obligations set forth herein shall be binding upon and inure to the benefit of the Parties and each of their respective successors and permitted assigns.

8. Further Assurances. The Parties shall take, and shall cause their respective affiliates to take, all appropriate action and execute or cause to be executed all documents of any kind which may be reasonably necessary or advisable to carry out any of the provisions hereof.

9. Amendment. No amendment, modification, or supplement of any provision of this Agreement or any exhibit hereto will be valid or effective unless made in writing and signed by the duly authorized representatives of the Parties.

10. Governing Law. This Agreement shall be governed by and performed in accordance with the laws of the State of Alabama. The Parties agree that venue concerning any dispute regarding the terms or enforcement of this Agreement shall only be in the State Courts of Alabama in Baldwin County.

11. Severability. Any of the provisions of this Agreement determined to be invalid or unenforceable shall be ineffective to the extent of such invalidity or unenforceability without rendering invalid or unenforceable the remaining provisions hereof or affecting the validity or enforceability of any of the provisions of this Agreement.

12. Negotiated Agreement. The Parties each hereby acknowledge that the terms and language of this Agreement were the result of negotiations among the Parties and, as a result, there shall be no presumption that any ambiguities in this Agreement shall be resolved against any particular Party. Any controversy over construction of this Agreement shall be decided without regard to events of authorship or negotiation.

13. Legal Representation Conflict Waiver. Both Parties hereby acknowledge and agree that the law firm of Adams and Reese LLP (the “Firm”) represents both Parties, and continues to represent both Parties with respect to the terms and conditions of this Agreement, and will continue to represent both Parties following the Effective Date. Both Parties acknowledge that a conflict does exist in the representation of the Parties by the Firm, and that both Parties have been given an opportunity to obtain independent counsel or advice on the terms and conditions of this Agreement. Both Parties to this Agreement agree, upon the execution hereof, to waive such conflict.

14. Counterparts; Electronic Signature. This Agreement may be executed in any number of counterparts, each of which shall be considered an original and all of which together shall constitute one and the same instrument. Transmission of images of signed signature pages by facsimile, email or other electronic means shall have the same effect as the delivery of manually signed documents.

[Signatures on Following Page]

[Signature Page for Intergovernmental Agreement]

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed as of the day and year first above written.

**THE INDUSTRIAL DEVELOPMENT BOARD OF
THE CITY OF DAPHNE**

By: _____
Name: HR Harvey
Title: Chairman

THE CITY OF DAPHNE, ALABAMA

By: _____
Name: Robin LeJeune
Title: Mayor

ATTEST:

Candace G. Antinarella, MMC, City Clerk

EXHIBIT A

Depiction and Description of Improvements

The “Improvements” include all of the real property described below, and all improvements located on said property.

COMMENCE AT THE CALCULATED NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 5 SOUTH, RANGE 2 EAST AND RUN THENCE NORTH 89 DEGREES 27 MINUTES 12 SECONDS WEST, A DISTANCE OF 115.25 FEET TO A CAPPED IRON PIN ON THE WEST RIGHT-OF-WAY OF ALABAMA HIGHWAY 181; THENCE ALONG SAID WEST RIGHT-OF-WAY, AND A CURVE TO THE RIGHT, HAVING A RADIUS OF 20174.13 FEET, AN ARC LENGTH OF 145.55 FEET, (CHORD BEARS NORTH 00 DEGREES 52 MINUTES 14 SECONDS EAST, A DISTANCE OF 145.55 FEET) TO THE POINT OF BEGINNING; THENCE RUN NORTH 89 DEGREES 27 MINUTES 12 SECONDS WEST, 20 FEET SOUTH OF, AND PARALLEL TO THE NORTH LINE OF LOT 7, DISC SUBDIVISION, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2568-E AND F, BALDWIN COUNTY PROBATE RECORDS, A DISTANCE OF 220.93 FEET; THENCE CONTINUING 20 FEET SOUTH OF, AND PARALLEL TO THE NORTH LINE OF SAID LOT 7, RUN ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 360.00 FEET, AN ARC LENGTH OF 22.04 FEET, (CHORD BEARS NORTH 87 DEGREES 41 MINUTES 57 SECONDS WEST, A DISTANCE OF 22.04 FEET) TO A POINT ON THE WEST LINE OF SAID LOT 7; THENCE ALONG A COMPOUND CURVE TO THE RIGHT, HAVING A RADIUS OF 360.00 FEET, AN ARC LENGTH OF 202.16 FEET, (CHORD BEARS NORTH 69 DEGREES 51 MINUTES 27 SECONDS WEST, A DISTANCE OF 199.52 FEET); THENCE RUN NORTH 53 DEGREES 46 MINUTES 12 SECONDS WEST, A DISTANCE OF 382.76 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 420.50 FEET, AN ARC LENGTH OF 263.53 FEET, (CHORD BEARS NORTH 71 DEGREES 43 MINUTES 27 SECONDS WEST, A DISTANCE OF 259.24 FEET); THENCE RUN NORTH 89 DEGREES 40 MINUTES 42 SECONDS WEST, A DISTANCE OF 596.23 FEET TO A POINT ON THE WEST LINE OF LOT 1 OF THE AFOREMENTIONED DISC SUBDIVISION; THENCE RUN NORTH 00 DEGREES 19 MINUTES 18 SECONDS EAST, ALONG SAID WEST LINE OF LOT 1, A DISTANCE OF 747.22 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF CHAMPIONS WAY; THENCE RUN SOUTH 89 DEGREES 40 MINUTES 42 SECONDS EAST, ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 100.00 FEET; THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY, RUN SOUTH 00 DEGREES 19 MINUTES 18 SECONDS WEST, A DISTANCE OF 597.22 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 50.00 FEET, AN ARC LENGTH OF 78.54 FEET, (CHORD BEARS SOUTH 44 DEGREES 40 MINUTES 42 SECONDS EAST, A DISTANCE OF 70.71 FEET); THENCE RUN SOUTH 89 DEGREES 40 MINUTES 42 SECONDS EAST, A DISTANCE OF 480.00 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 50.00 FEET, AN ARC LENGTH OF 78.54 FEET, (CHORD BEARS NORTH 45 DEGREES 19 MINUTES 18 SECONDS EAST, A DISTANCE OF 70.71 FEET); THENCE RUN NORTH 00 DEGREES 19 MINUTES 18 SECONDS EAST, A DISTANCE OF 597.22 FEET TO A POINT ON THE AFOREMENTIONED SOUTH RIGHT-OF-WAY OF CHAMPIONS WAY; THENCE RUN SOUTH 89 DEGREES 40 MINUTES 42 SECONDS EAST, ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 60.00 FEET TO THE NORTHEAST CORNER OF LOT 1 OF THE AFOREMENTIONED DISC SUBDIVISION; THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY, RUN ALONG THE EAST AND NORTH MARGINS OF SAID LOT 1 THE FOLLOWING DESCRIBED COURSES: SOUTH 00 DEGREES 19 MINUTES 18 SECONDS WEST, A DISTANCE OF 664.82 FEET; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 340.00 FEET, AN ARC LENGTH OF 141.08 FEET, (CHORD BEARS SOUTH 65 DEGREES 39 MINUTES 25 SECONDS EAST, A DISTANCE OF 140.07 FEET); THENCE RUN SOUTH 53 DEGREES 46 MINUTES 12 SECONDS EAST, A DISTANCE OF 424.20 FEET; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 260.00 FEET, AN ARC LENGTH OF 138.91 FEET, (CHORD BEARS SOUTH 69 DEGREES 04 MINUTES 32 SECONDS EAST, A DISTANCE OF 137.26 FEET) TO THE SOUTHWEST CORNER OF LOT 4 OF THE AFOREMENTIONED DISC SUBDIVISION; THENCE ALONG THE SOUTH LINE OF SAID LOT 4, AND A COMPOUND CURVE TO THE LEFT, HAVING A RADIUS OF 260.00 FEET, AN ARC LENGTH OF 23.02 FEET, (CHORD BEARS SOUTH 86 DEGREES 55 MINUTES 02 SECONDS EAST, A DISTANCE OF 23.01 FEET); THENCE RUN SOUTH 89 DEGREES 27 MINUTES 12 SECONDS EAST, ALONG THE SOUTH LINE OF LOT 4 AND LOT 6, DISC SUBDIVISION, A DISTANCE OF 222.10 FEET TO A POINT ON THE AFOREMENTIONED WEST RIGHT-OF-WAY OF ALABAMA HIGHWAY 181; THENCE ALONG SAID WEST RIGHT-OF-WAY, AND A CURVE TO THE LEFT, HAVING A RADIUS OF 20174.13 FEET, AN ARC LENGTH OF 100.01 FEET, (CHORD BEARS SOUTH 01 DEGREES 13 MINUTES 10 SECONDS WEST, A DISTANCE OF 100.01 FEET) TO THE POINT OF BEGINNING. EASEMENT TRACT CONTAINS 6.31 ACRES, MORE OR LESS.

The right-of-way being conveyed to the City is depicted on the attached sketch, labeled thereon as “Right-of-Way Easement.”

[Remainder of Page Intentionally Left Blank. Sketch Contained on Following Page.]

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2024-17**

**AN ORDINANCE REPEALING AND REPLACING ORDINANCE 2005-31 AND
SETTING FORTH A NEWLY COMPILED ORDINANCE REGARDING THE
ABATEMENT OF UNSAFE BUILDINGS AND STRUCTURAL NUISANCES**

WHEREAS, the existence of unsafe and dilapidated buildings and structures within the City of Daphne (“the City”) constitutes a public nuisance, the abatement of which burdens the city treasury and contributes to blight and crime in neighborhoods; and

WHEREAS, Sections 11-40-30 through 11-40-36 of the *Code of Alabama* (1975), permit the City, after meeting certain notice requirements, to move or demolish unsafe buildings; and

WHEREAS, Sections 11-53B-1 through 11-53B-16 of the *Code of Alabama* (1975), permit the City, after meeting certain notice requirements, to repair or demolish unsafe buildings and to provide an effective means of collecting an assessment lien on the property for the costs of the work involved in abating the nuisance; and

WHEREAS, the Council desires that the City employ all tools provided by law to the City for the fixing of costs, creation of liens, making of assessments, and collection of costs associated with repairing, moving, or demolishing buildings and structures, or parts of buildings and structures, party walls, and foundations when found to be unsafe to the extent of being a public nuisance from any cause, including but not limited to Section 6-5-122 of the *Code of Alabama* (1975), Sections 11-40-30 through 11-40-36, inclusive, of the *Code of Alabama* (1975), Sections 11-47-117 through 11-47-118, inclusive, of the *Code of Alabama* (1975), Section 11-47-131, of the *Code of Alabama* (1975), Sections 11-53-1 through 11-53-4, inclusive, of the *Code of Alabama* (1975), and Sections 11-53B-1 through 11-53B-16, inclusive, of the *Code of Alabama* (1975); and

WHEREAS, the City Council has determined that the provisions of Ordinance 2005-31 are due to be updated to reflect the current state of the law on nuisance abatement and to provide the City with the ability to abate nuisances in a timelier manner.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Daphne, Alabama, as follows:

SECTION 1. Definitions.

Unless the context clearly requires a different meaning, the words used in this chapter will have the meanings as set forth below:

Appropriate Municipal Official means the City building official and any other City official or City employee designated by the Mayor as the person to exercise the authority and perform the duties delegated by this Ordinance.

Assessment means the cost incurred to repair or demolish a structure as provided by this chapter.

Building means any building, structure, part of a building or structure, party wall, or foundation used or intended for supporting or sheltering any use or occupancy.

City means the City of Daphne, Alabama.

Council means the City Council of the City of Daphne, Alabama.

Owner means the person or persons, firm, association, or corporation last assessing the property who is the record owner of the property for state taxes according to the county tax assessor records.

Person means any natural or legal person including partnerships, corporations, limited liability companies and the like.

Permanent improvement means all repairs, improvements, appurtenances, buildings, and equipment attached to property as fixtures.

Public nuisance means any condition that renders a building unsafe and dangerous to the public safety, health, or welfare.

SECTION 2. Duties of Appropriate Municipal Official.

(a) The Appropriate Municipal Official may:

(1) Inspect, or cause to be inspected, semiannually all public buildings, halls, churches, theatres, hotels, tenements, commercial manufacturing, or loft buildings for the purpose of determining whether any conditions exist which render any such place a “dangerous building” as defined by this Ordinance;

(2) Inspect any building, wall, or structure about which complaints are filed by any person to the effect that a building, wall, or structure is, or may be, existing in violation of this Ordinance;

(3) Inspect any building, wall, or structure reported (as hereinafter provided for) by the fire department or police department as probably existing in violation of the terms of this Ordinance; and

(4) Perform such other duties as are set forth in this Ordinance.

(b) The Appropriate Municipal Official is hereby authorized and directed to enforce all of the provisions of this Ordinance. Upon presentation of the proper credentials, the Appropriate Municipal Official may enter any building, structure, part of building or structure, party wall, foundation, or premises for the purpose of inspection to prevent violation of the provisions of this Ordinance, and/or to carry out an order given pursuant to this Ordinance.

SECTION 3. Dangerous buildings defined.

Any building which has any of the following defects may be deemed a “dangerous building”:

(1) Those whose interior walls or other vertical structure members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base;

(2) Those which, exclusive of the foundation, show thirty-three percent (33%) or greater of damage or deterioration of one (1) or more supporting

members, or fifty percent (50%) of damage or deterioration of the non-supporting enclosing or outside walls or covering;

(3) Those which have improperly distributed loads upon the floors or roofs, or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used;

(4) Those which have been damaged by fire, wind, earthquake, flood, sinkhole, deterioration, neglect, abandonment, vandalism, or any other cause so as to have become dangerous to life, health, property, morals, safety, or general welfare of the public or the occupants;

(5) Those which have become or are so damaged, dilapidated, decayed, unsafe, unsanitary, lacking in maintenance, vermin or rat infested, containing filth or contamination, lacking proper ventilation, lacking sufficient illumination, or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to cause injury to the life, health, property, morals, safety, or general welfare of the public or the occupants;

(6) Those having light, air, heating, cooling, and sanitation facilities which are inadequate to protect the life, health, property, morals, safety, or general welfare of the public or the occupants;

(7) Those having inadequate facilities for egress in case of fire or panic, or those having insufficient stairways, elevators, fire escapes, or other means of ingress and egress to and from said building;

(8) Those which do not provide minimum safeguards to protect or warn occupants in the event of fire;

(9) Those which contain unsafe equipment, including any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to the life, health, property, morals, safety, or general welfare of the public or the occupants;

(10) Those which are so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that partial or complete collapse is possible;

(11) Those which have parts thereof which are so attached that they may fall and damage property or injure the public or the occupants;

(12) Those, or any portion thereof, which are clearly unsafe for their use or occupancy;

(13) Those which are neglected, damaged, dilapidated, unsecured, or abandoned so as to become an attractive nuisance to children who might play in or on the building to their danger; becomes a harbor for vagrants, criminals, or immoral persons; or enables persons to resort to the building for committing a nuisance or an unlawful act;

(14) Those which have any portion remaining on a site after the demolition or destruction of the same or whenever the building is abandoned so as to constitute such building as an attractive nuisance or hazard to the public;

(15) Those which because of their condition are unsafe, unsanitary, or dangerous to the life, health, property, morals, safety, or general welfare of the public or the occupants; and

(16) Those with a condition or conditions that violate the City's technical codes adopted from time to time if such violation(s) are unsafe to the extent of becoming a public nuisance.

SECTION 4. **(Reserved).**

SECTION 5. **Dangerous buildings constitute nuisances.**

All "dangerous buildings," upon a determination by the Appropriate Municipal Official and a finding of necessity by the Council after giving notice as provided in this Ordinance, may be repaired, vacated, moved, or demolished as provided by this Ordinance.

SECTION 6. **Standards for repair, removal, vacation, or demolition.**

The following standards may be followed in substance by the Appropriate Municipal Official in ordering a repair, removal, demolition, and/or vacation:

(1) If any building can reasonably be repaired within a reasonable time and at a reasonable cost relative to the value of the structure so that it will no longer exist in violation of the terms of this Ordinance, it may be ordered to be repaired.

(2) If any building can reasonably be moved so that it will no longer exist in violation of the terms of this Ordinance, it may be ordered to be moved.

(3) In any case where any building is substantially damaged or decayed, or deteriorated from its original value or structure (not including the value of the land), it may be demolished, and in all cases where any building cannot be reasonably repaired so that it will no longer exist in violation of the terms of this Ordinance, it may be demolished. In all cases where any building is a fire hazard existing in violation of the terms of this Ordinance, it may be demolished.

(4) If any building is in such condition as to make it dangerous to the life, health, property, morals, safety, or general welfare of the public or the occupants, it and/or the entirety or other portion of the premises upon which it is located may be ordered to be vacated.

Where one or more of the standards above may apply, the Appropriate Municipal Official may, in his or her sole discretion, choose to order any one, any combination, or all of the foregoing remedies.

SECTION 7. Notice from Appropriate Municipal Official of unsafe condition.

(a) Whenever the Appropriate Municipal Official of the City finds that any building situated in the City is unsafe to the extent that it is a public nuisance, the Appropriate Municipal Official shall, as set forth in this Section, give notice to remedy the unsafe or dangerous condition of the building or structure. The notice shall identify the street address, the legal description, and the parcel identification number of the property where the building, structure, part of building or structure, party wall, or foundation is located. The notice shall set forth in detail the basis for the Appropriate Municipal Official's finding and shall direct the owner or owners to take either of the following actions:

(1) In the case where repair is required, accomplish the specified repairs or improvements within forty-five (45) days of the date of the notice or if the same cannot be repaired within that time to provide the Appropriate Municipal Official with a work plan to accomplish the repairs. The work plan shall be submitted within forty-five (45) days of the making of the notice and shall be subject to the Council's approval.

(2) In the case where a move or demolition is required, move or demolish the building within forty-five (45) days of the notice.

In the case of repair, move, or demolition, the notice shall state that, in the event the owner does not comply within the time specified in the notice, the repairs, move, or demolition shall be accomplished by the City and the costs of the repairs or demolition shall be assessed against the property.

The repair, move, or demolition must be completed to the Appropriate Municipal Official's satisfaction, or the same may be completed and accomplished by the City and the cost thereof assessed against the property.

The Appropriate Municipal Official may also order that any building, structure, or part of building or structure ordered to be repaired, moved, or demolished be vacated along such terms as the Appropriate Municipal Official deems appropriate.

(b) The Appropriate Municipal Official shall give the notice required by Subsection (a) of this Section by all of the following means:

(1) By certified or registered mail, properly addressed and postage prepaid, to all of the following persons or entities:

- i. The person or persons, firm, association, or corporation last assessing the property for state taxes to the address on file in the Baldwin County Revenue Commissioner's Office;
- ii. The record property owner or owners (including any owner or owners of an interest in the property) as shown from a title search of the records of the office of the Judge of Probate of Baldwin County, Alabama, at the owner or owners' last known address and at the address of the subject property;

- iii. All mortgagees of record as shown from a title search of the records of the office of the Judge of Probate of Baldwin County, Alabama, to the address set forth in the mortgage or, if no address for the mortgagee is set forth in the mortgage, to the address determined to be the correct address by the Appropriate Municipal Official;
- iv. All lien holders of record as shown from a title search of the records of the office of the Judge of Probate of Baldwin County, Alabama, to the address set forth in the statement of lien or, if no address for the lien holder is set forth in the statement of lien, to the address determined to be the correct address by the Appropriate Municipal Official; and
- v. Any person who is otherwise known to the Clerk or to the Appropriate Municipal Official to have an interest in the property;

(2) By filing a *lis pendens* in the Baldwin County Probate Court on or before the date of mailing required by Subsection (b)(1) of this Section to give notice to any subsequent purchasers of the repair, move, or demolition proceedings;

(3) By posting notice of the order, or a copy thereof, within three (3) days of the date of mailing required by Subsection (b)(1) of this Section, at or within three feet of an entrance to the building or structure. If there is no entrance, the notice may be posted at any location on the building or structure.

SECTION 8. Hearings, appeals, and extensions.

(a) Within thirty (30) days from the date appearing on the notice given pursuant to Section 7, any person or entity having an interest in the building may file a written request for a hearing before the Council, together with that person's objections to the finding that the building is a public nuisance.

(b) The filing of the request for a hearing shall hold in abeyance any action on the finding of the official until a determination is made by the Council.

(c) The Council shall hold a hearing not less than five (5) nor more than thirty (30) days after the filing of a written request for a hearing.

(d) In the event no hearing is timely requested, the findings of the Appropriate Municipal Official shall be on the Council's agenda no earlier than thirty-five (35) days from the date the notice is given and no later than fifty (50) days from the date the notice is given.

(e) The Council shall determine whether or not the building or structure is unsafe to the extent that it is a public nuisance. If the council finds that the building is a public nuisance, the Council shall order by resolution that the building or structure be repaired, moved, or demolished after the expiration of ten (10) days from the date of the resolution.

(f) Any person aggrieved by the Council's decision may, within ten (10) days thereafter, appeal to the Circuit Court of Baldwin County upon filing with the clerk of the court notice of the appeal and bond for security of costs in the form and amount to be approved by the circuit clerk.

(1) Upon filing of the notice of appeal and approval of the bond, the clerk of the court shall serve a copy of the notice of appeal on the City Clerk, and the appeal shall be docketed in the court, and shall be a preferred case therein.

(2) The City Clerk shall, upon receiving the notice of appeal, file with the clerk of the court a copy of the Council's findings. The proceedings and trials in the Baldwin County Circuit Court shall be held without jury upon the determination of the Council that the building is a public nuisance.

SECTION 9. **Repair and demolition.**

(a) If an appeal has not been taken to the Circuit Court as provided for by Section 8(f), then after the passing of ten (10) days from the date of the decision by the Council to repair, move, or demolish a building, the ordered action may be accomplished by the City by the use of its own forces or by contract.

(b) If an appeal is taken to the Circuit Court as provided for by Section 8(f), the filing of such appeal shall hold in abeyance any action on the determination made by Council until after a judgment upholding the Council's determination becomes final as provided by law.

(c) If the building or structure is to be repaired, and the cost to repair is greater than the anticipated cost to demolish, the Council shall be notified and determine whether or not the building or structure shall be repaired or demolished.

(d) A failure by the City to accomplish the repair, move, or demolition of a building within ninety (90) days of the passage of the resolution ordering the same shall constitute an abdication of the Council's order unless one of the following conditions is satisfied:

(1) An aggrieved party has filed an appeal pursuant to this Ordinance;

(2) A court of competent jurisdiction has enjoined or otherwise halted the repair, removal, or demolition;

(3) All parties identified by the Appropriate Municipal Official pursuant to Section 7(b)(1) have entered into a written agreement allowing for an extended period of time within which the repair, removal, or demolition may be accomplished;

(4) All parties identified by the Appropriate Municipal Official pursuant to Section 7(b)(1) have noted at a meeting of the Council their agreement allowing for an extended period of time within which the repair, removal, or demolition may be accomplished and the agreement is reflected in the minutes of the Council; or

(5) Further action is taken by the Council as provided by Subsection (e) of this Section.

(e) If, for any reason, an ordered repair, move, or demolition cannot be accomplished within ninety (90) days of the passage of the resolution ordering the same, the Appropriate Municipal Official shall make a report of the same and the length of any desired extension to the Council. The Clerk shall distribute a copy of the report to the members of the Council. The Clerk shall set the report on the proposed extension for a public hearing at a meeting of the Council. The Clerk shall give no less than ten (10) days' notice of the meeting at which the proposed extension is to be considered by certified mail to all persons or entities listed in Section 7(b)(1). Notice shall be deemed complete upon mailing. Any person or entity having an interest in the property may be heard at the meeting as to any objection to the proposed extension or the length thereof. Following the public hearing, the Council may adopt a resolution extending the time for the repair, move, or demolition to be accomplished for such period of time as it deems necessary. The Council need not order an extension before the time to complete the repair, move, or demolition expires in order for the extension to be effective, but if the Council desires to extend the time to complete the repair, move, or demolition, then the Council must order the extension no more than thirty (30) days after the expiration of the then existing deadline to complete the repair, move, or demolition.

(f) Nothing in this Ordinance shall prevent the City from reinitiating the proceedings authorized by this Ordinance at any time so long as all the requirements of this Ordinance are satisfied anew.

(g) The City may sell or otherwise dispose of salvaged materials resulting from any demolition pursuant to this Ordinance; provided, however, that the proceeds of any monies received from the sale of salvaged materials shall be used or applied against the cost of the demolition.

SECTION 10. Fixing of costs as final assessment.

(a) Upon repair, move, or demolition of the building or structure, the Appropriate Municipal Official shall report to the Council the amount of the proposed assessment, and shall include an administrative fee in the amount of \$200.00 to offset the costs of administration.

(b) The Clerk shall, by first class mail, give no less than ten (10) days' notice of the meeting at which the fixing of the costs is to be considered to all persons or entities listed in Section 7(b)(1). Any person having an interest in the property may be heard at the meeting as to any objection to the fixing of such costs or the amounts thereof.

(c) Any person, firm, or corporation having an interest in the property may be heard at the meeting as to any objection to the fixing of the costs or the amounts thereof.

(d) Following the public hearing, the Council shall adopt a resolution fixing the amount that was reasonably incurred in the demolition or repair and assessing the same against the property including the \$200.00 administrative fee. The cost fixed by resolution shall constitute a final assessment against the lot(s) or parcel(s) of land upon which the building was/is located.

(e) A certified copy of the resolution fixing the final assessment shall also be recorded in the Baldwin County Probate Court.

SECTION 11. Tax lien for the final assessment of a repair, move, or demolition.

- (a) The final assessment for a repair, move, or demolition once made and confirmed by the Council shall constitute a lien on the property for the amount of the final assessment. The lien shall be superior to all other liens on the property except liens for taxes, and except for mortgages recorded prior to the creation of the lien for the final assessment, and shall continue in force until paid.
- (b) Upon the filing of the final assessment therewith, the Revenue Commissioner of Baldwin County shall add the amount of the lien to the ad valorem tax bill on the property and shall collect the amount as if it were a tax and remit the amount to the City.
- (c) The final assessment shall be assessed against any lot or lots, parcel or parcels of land purchased by the State of Alabama at any sale for the nonpayment of taxes, and where such final assessment is made against the lot or lots, parcel or parcels of land, a subsequent redemption thereof by any person authorized to redeem or sale thereof by the state shall not operate to discharge, or in any manner affect the lien of the City for the assessment, but any redemptioner or purchaser at any sale by the state of any lot or lots, parcel or parcels of land upon which an assessment has been levied, whether prior to or subsequent to a sale to the state for the nonpayment of taxes, shall take the same subject to the assessment. The assessment shall then be added to the tax bill of the property, collected as a tax, and remitted to the City.

SECTION 12. Payment of assessments, sale of property upon default, and redemption.

- (a) Payment of a final assessment resulting from a move or demolition accomplished pursuant to this Ordinance shall be made in the manner and as provided for the payment of municipal improvement assessments in Section 11-48-48 of the *Code of Alabama* (1975), as the same has heretofore or may hereafter be amended. Upon the property owner's failure to pay the assessment, the officer designated by the City to collect the assessments shall proceed to collect the assessment as provided in Sections 11-48-49 to 11-48-60, inclusive, of the *Code of Alabama* (1975). The City may, in the latter notice, elect to have the Revenue Commissioner collect the assessment by adding the assessment to the tax bill. Upon the election, the Revenue Commissioner shall collect the assessment using all methods available for collecting ad valorem taxes.
- (b) Payment of a final assessment resulting from a repair accomplished pursuant to this Ordinance shall be made in the manner and as provided in Section 11-53B-7 of the *Code of Alabama* (1975), as the same has heretofore or may hereafter be amended. Upon the property owner's failure to pay the assessment, the officer designated by the City to collect the assessments shall proceed to collect the assessment as provided in Sections 11-53B-8 to 11-53B-14, inclusive, of the *Code of Alabama* (1975).
- (c) If the property owner fails to pay the final assessment within thirty (30) days, or having elected to make installment payments, fails to make any installment payment when due, the entire balance shall immediately become due and payable, and the City may proceed to sell the property to the highest bidder for cash, but in no event less than the amount of the lien plus interest through the date of default.
- (d) Prior to the sale, notice shall be given by publication once a week for three (3) consecutive weeks in the *Baldwin Times* or other publication of general circulation in

Baldwin County, setting forth the date and time of the sale and the purpose for which the same is made, together with a description of the property to be sold. If the official shall fail to advertise and sell any property on which the payments are past due, any taxpayer of the city shall have the right to apply for a writ of mandamus requiring the official to take such action to any court of competent jurisdiction, and the court shall, on proof, issue and enforce the writ.

(e) Any owner, notwithstanding his or her default, may pay the final assessment lien with interest and all costs if tendered before a sale of the property.

(f) The cost of any notice and sale resulting from a default shall constitute a charge against the property to be sold and shall be retained out of the proceeds of the sale.

(g) The official making the sale shall execute a deed to the purchaser, conveying all the right, title, and interest that the owner had or held on the date of the final assessment or on the date of sale.

(h) Any surplus arising from the sale shall be paid to the City treasurer to be kept as a separate fund by the treasurer for the owner upon the responsibility of his or her official bond. The City may, by its agents, purchase real estate sold as provided under this chapter and, in the event of the purchase, the deed for the same shall be made to the City.

(i) No mistake in the notice of sale in the description of the property or in the name of the owner shall vitiate the final assessment or the lien and if for any reason the sale is ineffectual to pass title, it shall operate as an assignment of the lien and, upon the request of the purchaser, supplementary proceedings of the same general character as required in this act may be had to correct the errors in the proceedings for his or her benefit or the lien so assigned to him or her may be enforced by civil action.

(j) Any real property heretofore or hereafter sold for the satisfaction of an assessment lien imposed thereon by the Council may be redeemed by the former owner, or his or her assigns, or other persons authorized to redeem property sold for taxes by the state, within two years from the date of the sale by complying with the requirements of Sections 11-53B-10 through 11-53B-14 of the *Code of Alabama* (1975).

SECTION 13. Emergency action.

Notwithstanding any other provisions of this Ordinance, the Appropriate Municipal Official may initiate immediate repair or demolition of a building when, in the opinion of the official so designated, such emergency action is required due to imminent danger of structural collapse endangering adjoining property, the public right-of-way or human life or health. The cost of the emergency action shall be fixed by the court and shall be assessed as provided in this chapter.

SECTION 14. Duties of the Fire Department.

The employees of the Fire Department may make a report in writing to the building official of all buildings or structures which are, may be, or are suspected to be “dangerous buildings.” Such reports should be delivered to the building official within twenty-four (24) hours of the discovery of such buildings by an employee of the Fire Department.

SECTION 15. **Duties of the Police Department.**

All employees of the Police Department may make a report in writing to the building official of all buildings or structures which are, may be, or are suspected to be “dangerous buildings.” Such reports should be delivered to the building official within twenty-four (24) hours of the discovery of such buildings by an employee of the Police Department.

SECTION 16. **Duties of the City Attorney.**

The City Attorney is hereby authorized to:

- (1) Assist and direct the Appropriate Municipal Official to ensure compliance with the notice requirements of this Ordinance and other applicable state and federal law.
- (2) Prosecute all persons performing any act or acts deemed unlawful under Section 17 of this Ordinance.
- (3) Appear at all hearings before the Council authorized by this Ordinance.
- (4) Bring suit to collect all municipal liens, assessments, expenditures or costs incurred by the City in repairing, causing to be vacated, moved, or demolished any building, structure, part of building or structure, party wall, or foundation pursuant to this Ordinance.
- (5) Take such other legal action as is necessary to carry out the terms and provisions of this Ordinance, including, but not limited to, those actions contemplated by Section 18 of this Ordinance.

SECTION 17. **Enforcement and penalties.**

- (a) It shall be unlawful for any person, or for any agent, servant, or employee of such person, to fail to comply with an order or notice given pursuant to this Ordinance.
- (b) It shall be unlawful for any person, or for any agent, servant, or employee of such person, to fail or refuse to perform any duty imposed by this Ordinance.
- (c) It shall be unlawful for any person, or for any agent, servant, or employee of such person, to obstruct or interfere with an Appropriate Municipal Official in carrying out the purposes of this Ordinance.
- (d) It shall be unlawful for any person, or for any agent, servant, or employee of such person, to obstruct or interfere with a repair, removal, or demolition ordered pursuant to this Ordinance by remaining upon the premises or in such proximity to the premises and at such a time and location where the work cannot be accomplished without endangering the life, health, safety, or general welfare of himself or herself or another person.
- (e) It shall be unlawful for any person, or for any agent, servant, or employee of such person, to mutilate, destroy, tamper with, or remove a notice posted pursuant to Section 7(b)(3).
- (f) It shall be unlawful for any person, including an occupant or lessee in possession, to fail to comply with any notice to vacate pursuant to this Ordinance.

(g) It shall be unlawful for any person to enter, access, or be upon the premises that the Appropriate Municipal Official has ordered to be vacated and that is the subject of a notice pursuant to Section 7 or a declaration pursuant to Section 13 except for the purposes of demolishing the same, of moving the same, or of making the required repairs.

(h) It shall be unlawful for any person who has received a notice pursuant to Section 7 or a declaration pursuant to Section 13 to sell, transfer, mortgage, lease, encumber, or otherwise dispose of such building, structure, part of building or structure, party wall, or foundation that is the subject of notice to another until such person shall first provide the grantee, transferee, mortgagee, or lessee a true copy of the notice and shall provide to the City building official a signed and notarized statement from the grantee, transferee, mortgagee, or lessee acknowledging the receipt of the notice and fully accepting the responsibility without condition for making the corrections or repairs required by such notice.

(i) A violation of this Section shall be punishable by a fine not to exceed the sum of five hundred (\$500) for each offense, and if a willful violation, by imprisonment, not to exceed six months, or both, at the discretion of the court trying the same. Each day shall constitute a separate offense.

(j) The penalties and remedies provided by this Ordinance shall not apply to the City or any official (elected or appointed), agent, officer, or employee of the City who is administering this Ordinance or otherwise performing its, his, or her official duties.

SECTION 18. **Civil remedies.**

The continued or recurrent performance of any act or acts deemed unlawful under Section 17 of this Ordinance is hereby declared to be detrimental to the health, safety, comfort and convenience of the public and is a nuisance. The City, as an additional or alternative remedy, may institute injunctive proceedings in a court of competent jurisdiction to abate the same or proceed as otherwise authorized under law to address nuisances.

SECTION 19. **No effect on immunities.**

This Ordinance is adopted only to provide a service for the public as a whole, and is not for the benefit of any individual person or entity. By the adoption of this Ordinance, the City and its agents, officers, and employees accept no duty for the benefit (intended or unintended) of any person, including but not limited to any owner, mortgagee, lien holder, landlord, tenant, occupant, roomer, invitee of any type, trespasser, or any of their agents, officers, or employees. Any duty alleged to arise under this Ordinance on the part of the City or any of its agents, officers, or employees for the benefit of any person is hereby expressly rejected. The City and its agents, officers, and employees hereby expressly reserve all applicable immunities existing under any doctrine, authority, or law (whether under the common law, statute, or otherwise), including but not limited to substantive immunity, qualified immunity, and discretionary function immunity. Save for the powers and remedies that this Ordinance gives to the City and to its agents, officers, and employees who are administering this Ordinance or otherwise performing its, his, or her official duties, this Ordinance does not create any private cause of action for the benefit of any person.

SECTION 20. Cumulative effect.

This Ordinance is cumulative in nature and is in addition to any power and authority that the City may have under any other law.

SECTION 21. REPEALER.

This Ordinance expressly repeals and replaces Ordinance 2005-31 in its entirety. All other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 22. EFFECT ON EXISTING PROSECUTIONS AND ACTIONS.

The adoption of this ordinance shall not in any manner affect any prosecution of any act illegally done contrary to the provisions of any ordinance now or heretofore in existence, and every such prosecution, whether begun before or after the enactment of this ordinance shall be governed by the law under which the offense was committed; nor shall a prosecution, or the right to prosecute, for the recovery of any penalty or the enforcement of any forfeiture or lien be in any manner affected by the adoption of this ordinance; nor shall any civil action or cause of action existing prior to or at the time of the adoption of this ordinance be affected in any manner by its adoption.

SECTION 23. INCORPORATION IN THE CODE OF ORDINANCES.

The provisions of this Ordinance shall be included in and incorporated in the Code of Ordinances of Daphne, Alabama, as an addition or amendment thereto, and shall be renumbered, if appropriate, to conform to the uniform numbering system of the Code.

SECTION 24. SEVERABILITY.

The provisions, sections, paragraphs, sentences, clauses, phrases, and parts thereof of this Ordinance are severable, and if any provision, section, paragraph, sentence, clause, phrase, or part thereof of this Ordinance shall be declared unconstitutional or invalid by a court of competent jurisdiction, then such ruling shall not affect any other provision, section, paragraph, sentence, clause, phrase, or part thereof, since the same would have been enacted by the Council without the incorporation of any such unconstitutional or invalid provision, section, paragraph, sentence, clause, phrase, or part thereof.

SECTION 24. EFFECTIVE DATE.

This Ordinance shall become effective upon its adoption and publication as provided by law.

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

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, MMC, City Clerk