

CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA
Monday, October 21, 2024 at 6:00 P.M.

1. CALL TO ORDER

2. ROLL CALL
INVOCATION
PLEDGE OF ALLEGIANCE

PROMOTION: Telecommunicator II Elizabeth Christie

RECOGNITION: Infant Tree Squad

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

3. APPROVE MINUTES: October 7, 2024 regular meeting

4. REPORTS OF STANDING COMMITTEES

A. FINANCE COMMITTEE – Phillips

B. BUILDINGS & PROPERTY COMMITTEE – Goodlin

C. PUBLIC SAFETY COMMITTEE – Hughes
Review the minutes from the September meeting.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Scott

E. PUBLIC WORKS COMMITTEE – Conaway

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS

A. BOARD OF ZONING ADJUSTMENTS – Adrienne Jones

B. DAPHNE PUBLIC SCHOOL COMMISSION – Conaway

C. DOWNTOWN REDEVELOPMENT AUTHORITY – Conaway

D. INDUSTRIAL DEVELOPMENT BOARD – Scott

E. LIBRARY BOARD – Goodlin

F. PLANNING COMMISSION – Olen

G. RECREATION BOARD – Hughes

H. UTILITY BOARD – Coleman

6. PUBLIC PARTICIPATION

7. MAYOR'S REPORT

8. CITY ATTORNEY REPORT

City Council Agenda – October 21, 2024

9. DEPARTMENT HEAD REPORTS

10. CITY CLERK’S REPORT

MOTION to approve the Miles for Missions 5k on March 8, 2025 from 8:00 am – 12:00pm.

11. RESOLUTIONS:

12. 2nd READ ORDINANCES:

13. 1st READ ORDINANCES:

2024 – 34 – Ordinance to Re-Zone Property Located Southeast of the Intersection of Whispering Pines and US Highway 98

2024 – 35 – Ordinance Amending City’s Employee Handbook – Section 9.8

14. COUNCIL COMMENTS

15. ADJOURN



COMMUNITY DEVELOPMENT INTERNAL MEMORANDUM

DATE: August 23, 2024

TO: Office of the City Clerk

FROM: Adrienne Jones, AICP, Director of Community Development

SUBJECT: AMERCO Real Estate Zoning Amendment

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

PROPOSED PRE-ZONING: B-2, General Business

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

RECOMMENDATION: At the August 22, 2024 regular meeting of the City of Daphne Planning Commission, nine members were present, and the motion failed for a favorable recommendation for the above captioned zoning amendment.

Five affirmative votes and four dissensions.

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

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

Thank you,
ADJ/jv

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

AMERCO REAL ESTATE COMPANY, INC.

REZONING PETITION





AMERCO REAL ESTATE COMPANY

Zoning Classification:

B-2(A), General Business Alternate

Surrounding Zonings/Uses:

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

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

Affected City Service Providers: Fire Station 2, Police Beat 1

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

Proposed Zoning:

B-2, General Business

Development Concept:

Storage Warehouse and Truck Rental

Council District:

1

Existing Conditions:

4 ac

Planning Commission Recommendation

Favorable motion failed due to lack of supermajority vote. 5 favored 4 opposed

PROPOSAL:

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

Envision Daphne 2042 Comprehensive Plan

Suburban Corridor

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

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

EXISTING CONDITIONS

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

BACKGROUND:

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

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

On March 28, 2024, the Planning Commission rendered with a 6 to 2 vote a favorable recommendation to the City Council to rezone the site to B-2. Meeting Minutes provided for reference.

On April 25, 2024, the Planning Commission granted Planning Commission approval for the request for U-Haul Moving and Storing. The Commission voted to approve the site plan for U-Haul Moving and Storing contingent upon the property being rezoned to B-2, General Business. Revisions to address the City Engineer's comments were to be submitted.

A public hearing was held and first read for that application was presented to City Council on May 20, 2024. Minutes provided for reference. The applicant withdrew the application by submitting a written communication to the City Clerk prior to the scheduled second read of Ordinance 2024-13 and pending vote of the City Council which was scheduled for June 3, 2024.

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

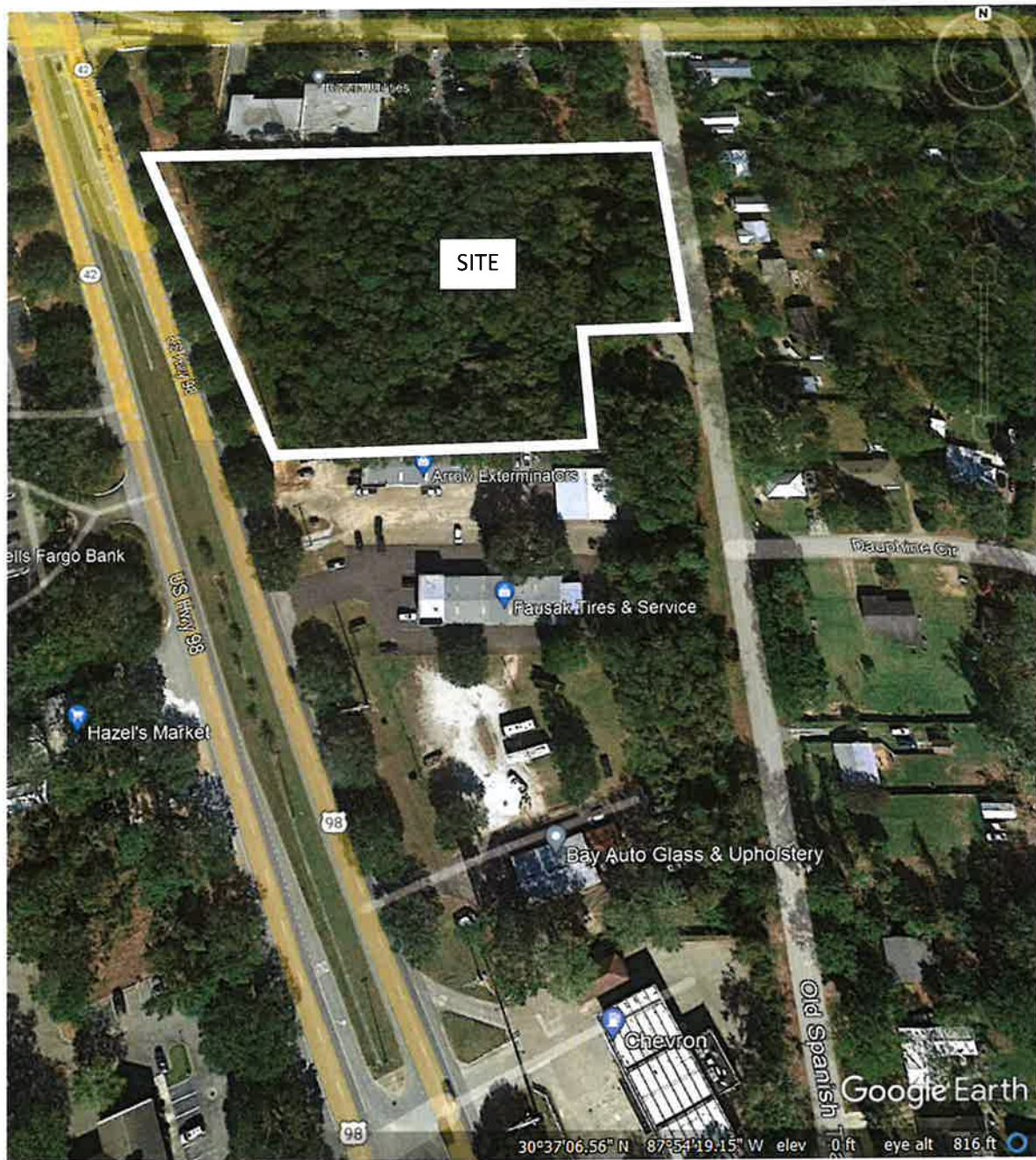
Planning Commission Recommendation: After holding a public hearing on the matter, a motion to set forth a favorable recommendation was made and seconded. The motion failed to receive a supermajority vote. There were 5 in favor of the motion and 4 opposed to the motion.

31-6 MINI-WAREHOUSE AND STORAGE FACILITIES

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

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

End of Excerpt



Google Earth Image

Zoning Map Excerpt



- ET JURISDICTION
- Zoning as of 04/30/2024
- B-1 Local Business
 - B-1(A) Limited Local Business District
 - B-2 General Business
 - B-2(a) General Business Alternate
 - B-3 Professional Business
 - C-2 Outdoor Amusement
 - C/I Commercial/Industrial
 - GC Golf Course
 - MU Mixed Use
 - PUD Planned Unit Development
 - R-1 Low Density Single Family Residential
 - R-2 Medium Density Single Family Residential
 - R-3 High Density Single Family Residential
 - R-4 High Density Single Multi-Family Residential

MINUTES – PLANNING COMMISSION

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

Call to Order:

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

Call of Roll:

Members Present:

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

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

Staff Present:

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

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

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

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

The Chairman opened the floor for public hearing.

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

The Chairman closed the floor to the public hearing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Chairman opened the floor for the public hearing.

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

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

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

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

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

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

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

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

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

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

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

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

The Chairman opened the floor for the public hearing.

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

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

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

The Chairman closed the floor to the public hearing.

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

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

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

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

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

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

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

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

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

The Chairman opened the floor for the public hearing.

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

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

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

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

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

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

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

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

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

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

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

The Chairman opened the floor for public participation.

None presented.

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

Mr. Dungan had no report.

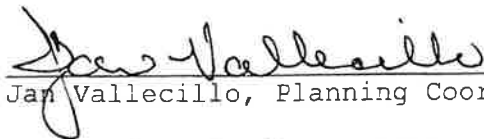
The Chairman called for the next order of business: commissioner's comments.

None presented.

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

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

Respectfully submitted by:


Jan Vallecillo, Planning Coordinator

Approved: April 25, 2024


Andrew Prescott, Chairman

MINUTES – CITY COUNCIL

May 20, 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.

May 20, 2024
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
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.

May 20, 2024
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
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.**

May 20, 2024
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 P.M.

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.

May 20, 2024
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 P.M.

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,


Candace G. Antinarella, MMC, City Clerk

Certification of Presiding Officer,


Steve Olen, Council President

APPLICATION & SUPPLEMENTAL INFORMATION



APPLICATION FOR REZONING OR PRE-ZONING

Office use only: Rev. 072816 Date Submitted July 22, 2024
 Application Number: Planning Commission Public
 ZA- 24-04 or PZA- Hearing Date: August 22, 2024

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

SITE DATA

Site Location (Address or General Proximity to Nearest Intersection): PPIN#(s):
US Highway 98 26448
 Gross Site Area (acreage): 4.131 Requested Zoning or Pre-Zoning: B-2
 Current Zoning Designation(s): Amended Request:
B-2(a) Initials: Date:
 Current Land Use: Anticipated Land Use: U-Haul Storage and moving (self- storage
Vacant & undeveloped U-Haul truck share and related sales)
 Provide Legal Description (if necessary attach separate page entitled "Legal Description for [Name of Applicant]":
see attached

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

Annexation Subdivision Site Plan Special Exception Variance Specify Other

APPLICANT & AGENT INFORMATION

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

Name of Current Owner: Amerco Real Estate Company	Phone/Fax: 602-263-6555
Mailing Address: 2727 N Central Ave, Phoenix AZ 85004	E-mail:
Name of Authorized Agent: Goodwyn Mills Cawood, LLC	Phone/Fax: 251-626-2626
Mailing Address: 2039 Main St, Daphne, AL 36526	E-mail: melissa.hadley@gmcnetwork.com
Name of Developer*: U-Haul	Phone/Fax: 352-516-2307
	E-mail:
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: <u>Matthew F Braccia</u>	Date: <u>7/19/2024</u>
Agent's Signature: <u>Melissa A. Hadley, Amanda Thompson</u>	Date: <u>7-19-24</u>

EXISTING ZONING MAP City of Daphne Districts

LEGEND

- ET JURISDICTION
- Zoning as of 07/1/2024
- B-1 Local Business
 - B-1(A) Limited Local Business District
 - B-2 General Business
 - B-2(a) General Business Alternate
 - B-3 Professional Business
 - C-2 Outdoor Amusement
 - C/I Commercial/Industrial
 - GC Golf Course
 - MU Mixed Use
 - PUD Planned Unit Development
 - R-1 Low Density Single Family Residential
 - R-2 Medium Density Single Family Residential
 - R-3 High Density Single Family Residential
 - R-4 High Density Single Multi-Family Residential
 - R-5 Mobile Home Residential
 - R-6(D) Duplex - Two Family
 - R-6(G) Garden or Patio Home
 - R-7(A) Apartment
 - R-7(M) Mid-Rise Condominium
 - R-7(T) Townhouse
 - Parcels
 - Streets
 - Daphne City Limits
 - Water Bodies





July 22, 2024
Revised August 19, 2024

Goodwyn Mills Cawood

2039 Main Street
P.O. Box 1127
Daphne, AL 36526

T (251) 626-2626
F (251) 626-6934

www.gmcnetwork.com

Daphne Planning Commission
Mr. Andrew Prescott, Chairman
Daphne City Council
Mr. Steve Olen, Council President
PO Box 400
Daphne, AL 36526

**RE: Rezoning and Land Use Application
Proposed U-Haul Site Narrative**

Dear City Council and Planning Commission Members:

Please accept this application for the rezoning of an approximate 4.13-acre parcel (Parcel ID 05-43-04-41-0-001-001.000) located on the east side of U.S. Highway 98 just south of the southeast intersection with Whispering Pines Road, and on the west side of Old Spanish Trail. The property owner is Amerco Real Estate Company acting in its capacity as providing real estate and development services to the U-Haul system. The site is surrounded by a variety of commercial and civic uses oriented to U.S. Highway 98, the primary north-south traffic corridor for west Daphne serving large-scale nearby uses such as the Daphne Civic Center and Rouse's Market. Banks, pharmacies, and a variety of other goods and services are other long-standing businesses located in close proximity. An existing single-family residential neighborhood lies to the east across Old Spanish Trail (see Figure 1 below).



Figure 1: Proposed U-Haul Location Map. The site is located east of U.S. Highway 98 near the southeast corner of Whispering Pines Road in the city of Daphne, Alabama. Map Source: Baldwin County Parcel Viewer, customized by author.

Existing Conditions

The subject site is an undeveloped wooded parcel having an average width of 480 feet and depth of 425 feet. Elevations range from 127 feet along Old Spanish Trail to 121 feet along U.S. Highway 98. Surface water flows from east to west and offsite toward U.S. Highway 98 and existing roadside swales. The site contains no designated FEMA flood hazard zones and is located in flood zone "X" (unshaded), with no wetlands present.

The site is currently zoned B-2(a), General Business Alternate District, the result of a rezoning approved by the Daphne City Council on June 20, 2022. Adjoining parcels are Zoned B-1, Local Business, to the north (Riviera Utilities business office); and B-2, General Business, to the south (Arrow Exterminators and Fausak Tire Center). The Gables subdivision on the east side of Old Spanish Trail is zoned R-2, Medium Density Single Family Residential. Refer to Figure 2 below for zoning information and Figures 3 and 4 for street views.

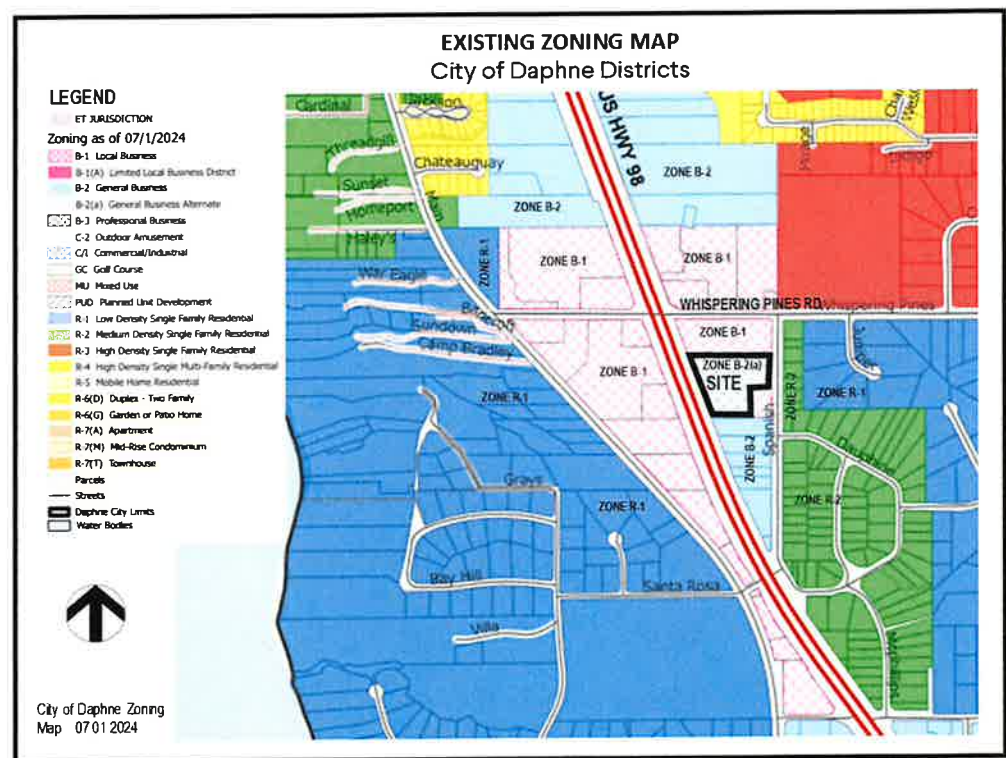


Figure 2: Existing Zoning Map showing the proposed U-Haul site context. Map Source: City of Daphne Zoning Map, dated 07/01/2024. Customized by the author.

On February 20, 2023, the City of Daphne adopted an amendment to its Land Use and Development Ordinance (LUDO) that significantly impacted warehouse and storage uses and remains the current standard. The change allowed such development "by right" in C/I zoning districts and limited to conditional uses in B-2 zoning districts only. Thus, these uses were/are no longer allowed in B-2(a) districts and created the need for the subject rezoning request. In addition, Article 31-6 was added to the LUDO outlining specific requirements for warehouse and storage uses that must be met in B-2 General Business Districts. A previous application to rezone the subject property to B-2 was recommended for approval by the Daphne Planning Commission on March 28, 2024, but subsequently withdrawn by the applicant on June 3, 2024, prior to a vote

by the City Council. Submitted with this rezoning application are separate documents that: (1) demonstrate how the U-Haul Daphne plan meets the specific land use conditions contained in Article 31-6; and (2) details the rezoning history, timeline, and previous submittals undertaken by the current property owner.

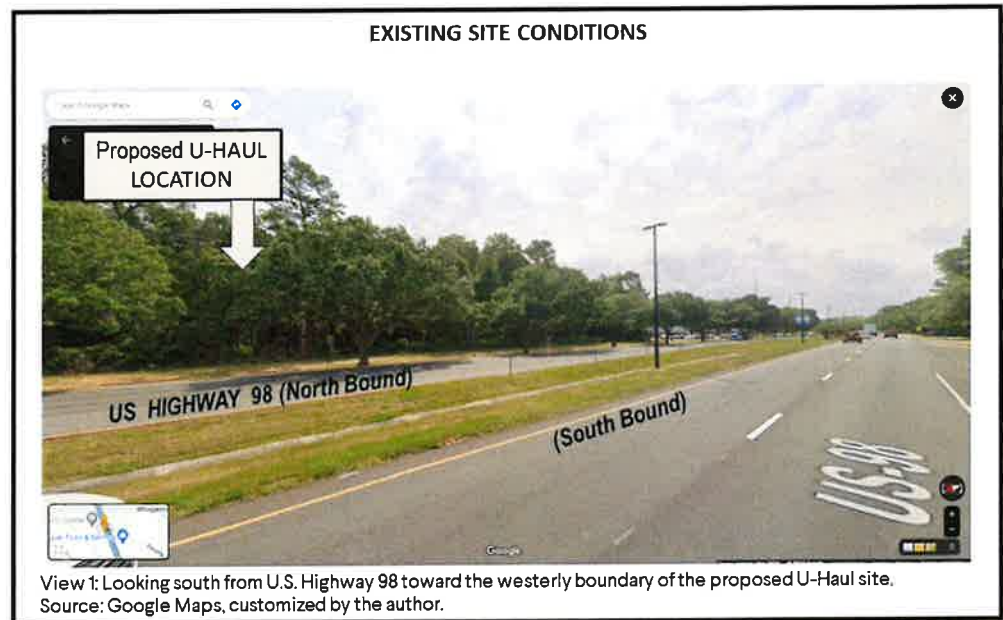


Figure 3: Street view of the proposed U-Haul site looking south along US Highway 98.



Figure 4: Street view of the proposed U-Haul site looking north along Old Spanish Trail.



Proposed Use and Site Character

The proposed zoning for the site is B-2, General Business – a zoning designation within the City of Daphne appropriate for the construction of the two primary structures for U-Haul and U-Box businesses. Four uses are proposed on the site: vehicle rental, moving supply sales, self-storage facilities, and a **U-Box facility (i.e. container rental/storage)**. The larger, three-story U-Haul building has a footprint of 31,815 square feet (95,445 gross square feet) and will be used for climate controlled, interior access self-storage. This building will also house the U-Haul retail store, showroom, and the vehicle rental center. The single-story U-Box structure contains 13,140 square feet and will hold containers for customer **rental or on-site storage if needed**.

Custom site design for every U-Haul store assures that the facility complements the community it serves, and adhering to individual community objectives is key to ensuring that each U-Haul store is both a neighborhood asset and an economic success. Therefore, a guiding site design principle employed is to protect important elements where possible. This is reflected in the preservation of a row of existing oak trees lining U.S. Highway 98 and restricting the site to one access point. Additionally, the character of the existing neighborhood along Old Spanish Trail is respected by providing landscape buffers along the east property line and not connecting to this road. Ample parking is provided on-site with **92 proposed spaces, which meets** the minimum number required. A new six (6)-foot wide sidewalk will be constructed along the US Highway 98 frontage, with a pedestrian connection within the site. Refer to the Master Plan shown below in Figure 5 for the site layout.



Figure 5: Rendering of the proposed U-Haul site and its existing context shown in aerial view.



The orientation of the larger mini-storage building has its shorter sides facing the adjoining streets to minimize the impact of the building mass. Architectural interest and façade variation is achieved through the use of an attractive color palette, material and siding choices, and building modulation. **Special attention is paid to building corners and sides facing US Highway 98 with brick veneer covering the lower story and rows of double windows on the second and third levels. Insulated metal panels used for exterior walls feature a flat, troweled embossed profile that provide the look of a richly textured masonry stucco wall. This product also provides superior insulating properties and exceeds sustainable LEED standards. Please refer to signage and architectural plans submitted with this application for additional information and building renderings.**

Detailed landscape plans submitted with the site plan application show landscaped medians located throughout the parking areas and adjacent to buildings. A variety of carefully chosen trees and shrubs will augment the site, soften building facades, and provide shade for impervious surfaces. **Perimeter buffers and greenbelts will also add privacy for the adjoining properties, including a double row of magnolia trees along the easterly boundary on Old Spanish Trail. New oak trees along the front property line on US Highway 98 will also form a double row combined with the existing oak trees saved. A total of 174 new trees and 103 shrubs will be planted on site. See the rendering in Figures 6 and 7 below for a view of how the proposed improvements will blend into the existing landscape and context.**

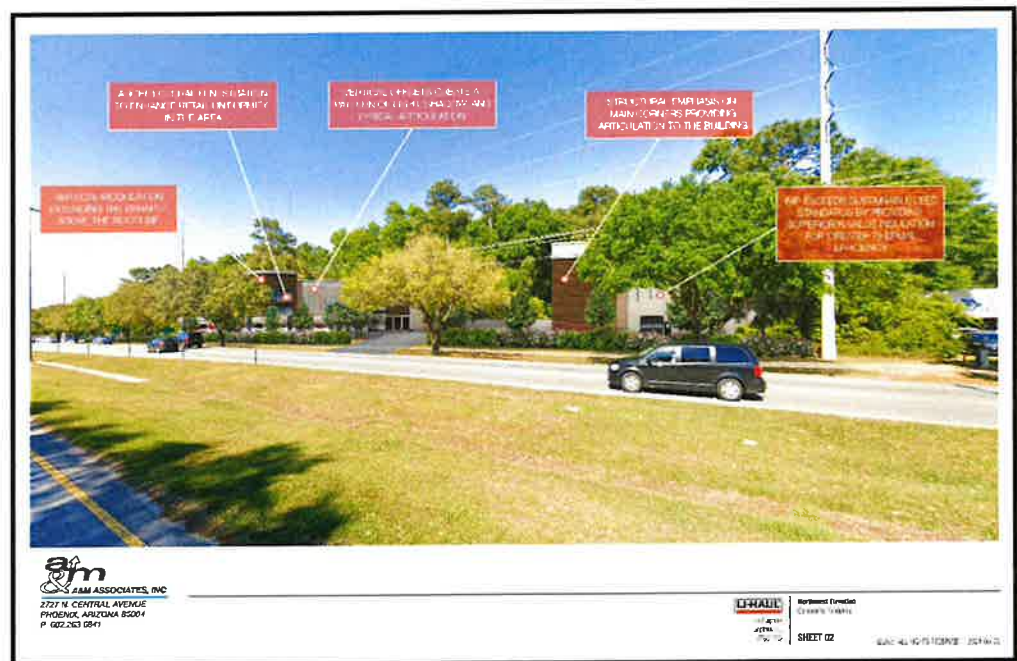


Figure 6: Rendering of the proposed U-Haul site looking north from U.S. Highway 98. The row of existing oak trees can be seen in the foreground. Source: A&M Associates, Inc.



Figure 7: Enlargement of the rendering of the proposed U-Haul site looking north from U.S. Highway 98
Source: A&M Associates, Inc.

Daphne U-Haul will employ 10 to 15 people, including both full- and part-time staff, and provide the community with various moving and hauling equipment sharing, retail sales of moving supplies, and secure storage options, things that new and existing residents need. U-Haul stores characteristically serve the do-it-yourself household customer. Families typically use U-Haul Self-Storage rooms to store furniture, household goods, and seasonal items. Large and small businesses also use U-Haul facilities to store extra inventory, work documents or files, materials, and more.

U-Box containers, like those offered at the proposed site, are small, portable moving options that can be packed, shipped, or delivered from the local facility. Each U-Box will hold about a room and a half of household goods and customers rent them in the quantity that meets their needs. The flexibility that U-Box containers offer make them a popular choice for a variety of uses, whether moving cross country, making an emergency move, or for off-site storage while renovating a home. They are also popular for student movers heading off to college who ship their furnishings ahead to dorms. Businesses frequently use U-Box containers for special events, trade shows, or conferences to store equipment and supplies. Individuals can also rent specially designed U-Haul trailers for self-pick up and return of U-Boxes.

Secondary to their retail use, containers can also be stored at a U-Box facility until the customer is ready for delivery. This is convenient for those in-between moves or waiting for a home to become available. This type of longer-term storage accounts for only about fifteen (15) percent of U-Box uses. Short term use is the most popular choice by far, with an average rental duration of six (6) days making up the remaining 85 percent of U-Box rentals.

The typical U-Haul site serves residential communities within a three (3) to five (5) mile radius. As a commercial use, U-Haul sites create many benefits and positive impacts for their community, including:

- Provide a valuable community service
- Provide a good source for tax revenue
- Create very little traffic
- Create no impact on local schools



- Contribute to the local business environment
- Self-storage facilities are quiet
- Impact to existing utilities is minimal

The proposed Daphne use is situated in an excellent location given its proximity to several major transportation corridors, including direct frontage on U.S. Highway 98 and less than three (3) miles south of Interstate 10.

Consistency with City of Daphne Comprehensive Plan

The Eastern Shore and its surrounding area have experienced steady growth for the last several decades, with Baldwin County being the fastest growing county in Alabama and Daphne one of its most rapidly growing cities. This points to the need to provide the types of goods and services associated with growth, such as that provided by the proposed U-Haul and U-Box facilities. A comprehensive plan is used in zoning as the basis for development policies and codes, primarily when considering rezoning of property so that decisions about changing land uses or densities are compatible with the overall vision of the municipality. Daphne's Comprehensive Plan, **Envision 2042**, was adopted on March 28, 2024, and lays out a vision for the city's long term future growth and development.

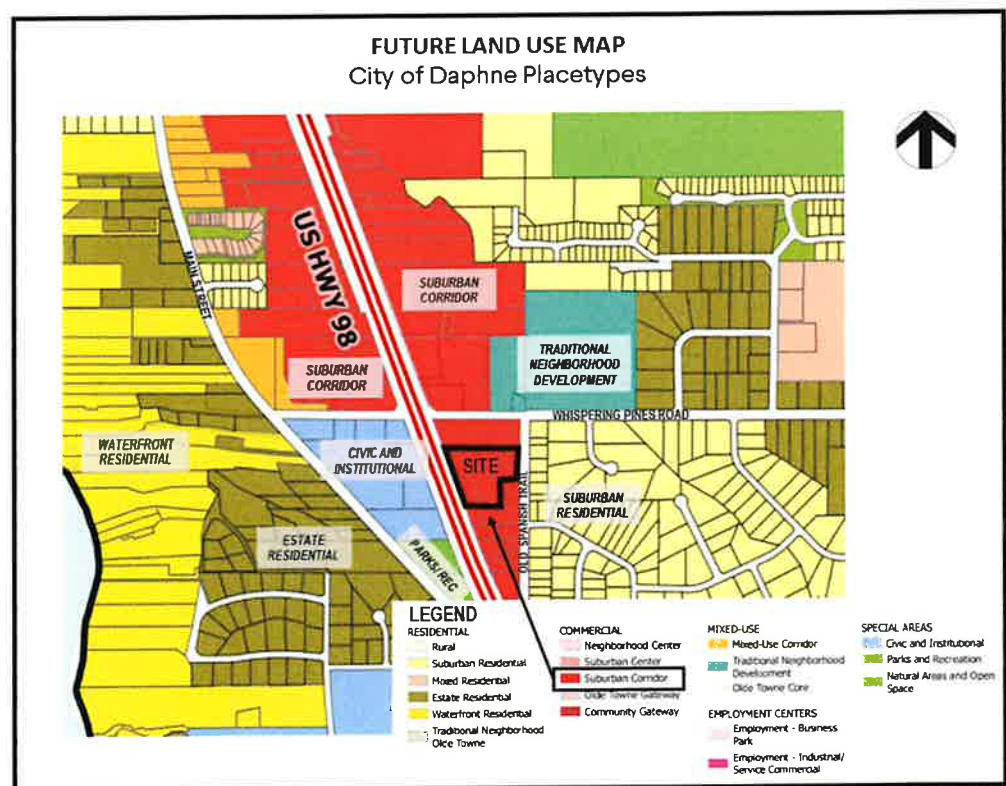


Figure 8: Future Land Use Map showing City of Daphne Placetypes. Source: City of Daphne, customized by the author.



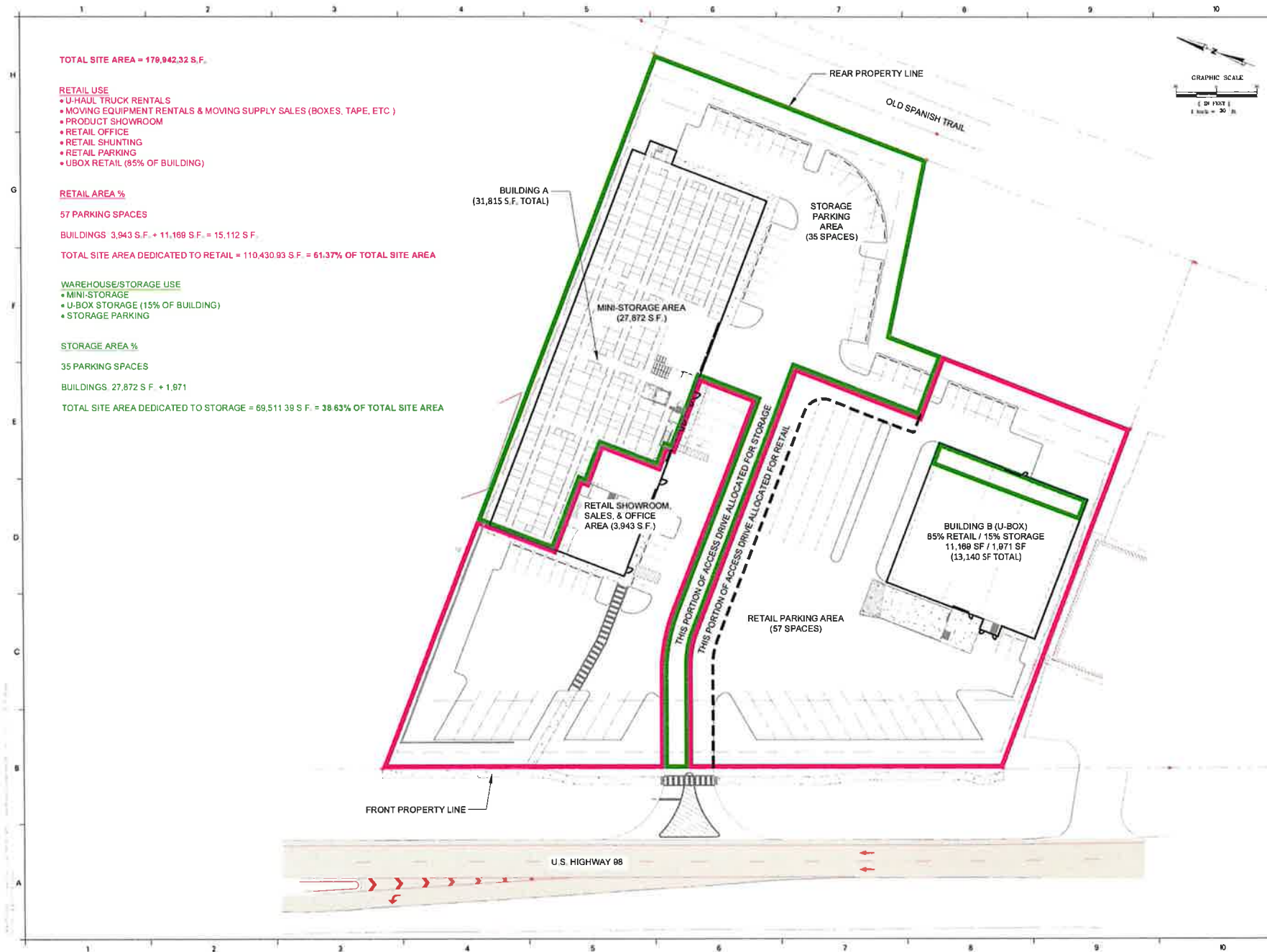
Envision 2042 identifies various "Placetypes" to categorize the ideal type of development for a particular location. As shown in Figure 8 below, the future land use for the subject site is identified as "Suburban Corridor" on the Commercial, Mixed-Use, and Special Areas Map. The Suburban Corridor placetypes are described as typically located around major intersections, include a variety of commercial uses, along with institutions and offices, and may offer large scale commercial activities. Desired characteristics in the Suburban Corridor include commercial primary uses, significant buffering along a site's perimeter, access to major streets, and articulated/modulated building facades. The uses and development design proposed for the Daphne U-Haul site are compatible with this placetype and an excellent fit to its description.

I trust that the above narrative has sufficiently demonstrated that the Daphne U-Haul's location, proposed land uses, and development plan are appropriate for the requested B-2 zoning designation and warrant support of this application. Please let me know if additional information is needed. Thank you very much.

Respectfully submitted,

Melissa Hadley

Melissa A. Hadley, PhD, RLA, AICP
Project Manager, Engineering
Goodwyn Mills Cawood, LLC
E: melissa.hadley@gmcnetwork.com
C: 850-353-3330



GMC

2039 Main Street
Daphne, AL 36526
T 251.626.2626
GMCNETWORK.COM

ISSUE	DATE
1. SUBMITTAL	07/22/2024
2. REVISION	08/19/2024
3. REVISION	08/19/2024
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U-HAUL MOVING & STORAGE

U.S. HIGHWAY 98, DAPHNE, ALABAMA

U-HAUL OF SOUTHERN ALABAMA

GMCProject: CMOB220093



SITE USE PLAN

SCALE: 1"=30'

Sheet of 25

EXHIBIT A

Amerco
Legal Description

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 PRO FORMA ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY, FILE NO. NCS-1082963-PHX1.

ALTA/NSPS Land Title Survey



ADJACENT PROPERTY OWNERS LIST
U-HAUL

05-43-04-41-0-001-001.000
Amerco Real Estate Company
2727 N. Central Avenue
Ste 500
Phoenix, AZ 85004

05-43-04-41-0-001-001.001
Riviera utilities
PO Box 1750
Foley, AL 36536

05-43-04-17-2-002-010.000
Becker, James
2610 Old Spanish Trail
Daphne, AL 36526

05-43-04-17-2-002-011.000
Reinhart Properties, LLC
251 South Section St
Fairhope, AL 36532

05-43-04-17-2-002-012.000
Reinhart, Michael
251 S. Section St
Fairhope, AL 36532

05-43-04-41-0-001-011.000
05-43-04-41-0-001-002.000
05-43-04-41-0-001-004.000
Daphne, City of
PO Box 400
Daphne, AL 36526

05-43-04-41-0-001-012.000
BD&Q, LLC
21827 County Road 3 S
Summerdale, AL 36580

05-43-04-41-0-001-009.000
Southtrust Bank of Baldwin County
PO Box 2609
Carlsbad, CA 92018

Goodwyn Mills Cawood, LLC
2039 Main Street
Daphne, AL 36526

COMMUNITY DEVELOPMENT



August 9, 2024

Dear Sir/Ma'am,

NOTICE OF PUBLIC HEARING

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

Said petition will also be considered by the Daphne City Council pursuant to Alabama Code 11-52-85. The application is available for review at City Hall in the Department of Community Development, 1705 Main Street, during regular business hours. An informal site preview meeting will be held on Wednesday, August 14, 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, August 22, 2024 at 5:00 p.m. in the Council Chambers of City Hall. You may submit your views in writing, in person, or by representation.

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

Amerco Real Estate Company Zoning Amendment

October 7, 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, Joel Coleman, Ron Scott, Steve Olen, Doug Goodlin and Ben Hughes

COUNCIL MEMBERS ABSENT: Angie Phillips

Also Present: Chief Gulsby, Police; Jay Ross, City Attorney; Candace Antinarella, City Clerk; Chief Tacon, Fire; Charlie McDavid, Recreation; Adrienne Jones, Planning; Kelli Reid, Finance; Emmie Powell, Library; Ange Baggett, Marketing/Tourism; Vickie Hinman, Human Resources; Ronnie Huskey, Public Works; Troy Strunk, City Development; Reginald Ardis, Police; Kristin Andrews, Police; Nathan Adams, Fire Department; Lamar Green, Fire Department; Dareon Maynard, Junior City Councilmember; Jonathan Eddingfield, Junior City Councilmember; John Wallace Simpson, Junior City Councilmember; Lakyn Coggin, Junior City Councilmember; Abby English, Junior City Councilmember; Stella Hawks, Junior City Councilmember; and Jessica Linne, Assistant City Clerk.

INVOCATION/PLEDGE OF ALLEGIANCE:

Invocation was given by Pastor Connor Baker, Church of the Highlands.

PROMOTION: Chief Tacon and Councilman Olen recognized Cameron Boyington in his recent promotion in the Fire Department to Lieutenant.

RECOGNITION: Chief Gulsby and Councilman Olen recognized Corporal Joshua Dunnam, Corporal Sheena Travis, Officer Brian Wenzinger and Officer Sean Capps in their receiving of the Medal of Merit. They also recognized Telecommunicator II Katie King and Telecommunicator Pamela Oberst in their receiving the Chief's Commendation Award.

PRESENTATION: Councilman Olen recognized individuals from the United States Sports Academy in their donation of a painting to be displayed in City Hall.

3. **APPROVAL OF MINUTES:**

The minutes from the September 16, 2024 regular meeting were approved.

4. **REPORT OF STANDING COMMITTEES:**

A. **FINANCE COMMITTEE**

Councilwoman Phillips was absent.

B. **BUILDINGS & PROPERTY COMMITTEE**

Councilman Goodlin said the next meeting is October 14th at 5:15pm.

C. **PUBLIC SAFETY COMMITTEE**

Councilman Hughes said the next meeting is October 14th at 4:30pm.

D. **CODE ENFORCEMENT/ORDINANCE COMMITTEE**

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

E. **PUBLIC WORKS COMMITTEE**

Councilwoman Conaway said the next meeting is November 4th at 5:15pm.

October 7, 2024
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 P.M.

5. **REPORTS OF SPECIAL BOARDS & COMMISSIONS:**

A. **Board of Zoning Adjustments**

Mrs. Jones said there is no report.

B. **Daphne Public School Commission**

Councilwoman Conaway said the next meeting is October 28th at Daphne High School at 5:30pm.

C. **Downtown Redevelopment Authority**

Councilwoman Conaway said the next meeting is October 17th at 5:30pm.

D. **Industrial Development Board**

Councilman Scott said the next meeting is October 22nd at 4:30pm.

E. **Library Board**

Councilman Goodlin said the next meeting is October 10th at 4:30pm at the Library.

F. **Planning Commission**

Councilman Olen said the next meeting is October 24th at 5:00pm.

G. **Recreation Board**

Councilman Hughes said the next meeting is October 16th at 6:00pm.

H. **Utility Board**

Councilman Coleman said the minutes from the August 28th meeting are in the packet and the next meeting is October 30th at 5:00pm.

6. **PUBLIC PARTICIPATION:**

Public participation opened at 6:20pm. No one came forward to speak.

Public participation closed at 6:20pm.

7. **MAYOR'S REPORT:**

Mayor LeJeune was absent.

8. **CITY ATTORNEY REPORT:**

City Attorney said there was no report.

9. **DEPARTMENT HEAD COMMENTS:**

Chief Tacon, Fire, thanked Councilman Goodlin for riding in the Fire Truck during the Daphne High School parade. She said there is an opening for a Fire Medic as well as the Deputy Fire Marshal.

Ange Baggett, Marketing, said Brown Bag by the Bay continues and there will be a few special Fall Sunday Series Concerts coming up.

Emmie Powell, Library, shared about the Fall Library programs and announced the Fall Festival at the Library will be on October 15th.

Charlie McDavid, Recreation, spoke on the recent baseball and pickleball tournaments.

**October 7, 2024
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 P.M.**

Troy Strunk, City Development, gave an update on the animal shelter.

Abby English, Junior City Council, said the meeting was cancelled, but it will be rescheduled soon.

10. CITY CLERK'S REPORT:

City Clerk congratulated Abby English, Junior Council President, for being named the Daphne High School Homecoming Queen.

MOTION by Councilman Hughes to approve the 011 – Lounge Retail – Class II (Package) to Sai Blessings LLC dba Legacy Spirits 2 located at 28600 US Highway 98, Unit G, Daphne, AL. Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to approve the Ballin' on Belrose Fundraiser – Run/Walk Challenge with a road closure of Belrose Avenue on May 17, 2025 from 6:30 am – 1:00pm. Seconded by Councilman Hughes.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to approve the publication and set a public hearing on November 18, 2024 for the Fortuna Investments, LLC, Industrial Development Board and the City of Daphne Zoning Amendment located Southeast of Champions Way and Alabama Highway 181. Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY.

11. RESOLUTIONS:

2024 – 47 – Declare Certain Personal Property Surplus: 2006 F350 Crew Cab Truck-V#1805 and 2014 Carolina Skiff-Recovery #4 – Donate to Daphne Search & Rescue

2024 – 48 – RFQ Award: 2024-RFQ-Safe Streets for All (SS4A) Comprehensive Safety Action Plan for the City of Daphne

2024 – 49 – Bid Award: 2024-H-Park Chemicals

MOTION by Councilman Scott to waive the reading of Resolution 2024-47. Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to adopt Resolution 2024-47. Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to waive the reading of Resolution 2024-48. Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to adopt Resolution 2024-48. Seconded by Councilman Coleman.

MOTION CARRIED UNANIMOUSLY.

October 7, 2024
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:00 P.M.

MOTION by Councilman Scott to waive the reading of Resolution 2024-49. Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY.

MOTION by Councilman Scott to adopt Resolution 2024-49. Seconded by Councilwoman Conaway.
MOTION CARRIED UNANIMOUSLY.

11. **2ND READ ORDINANCES:**

1ST READ ORDINANCES:

12. **COUNCIL COMMENTS:**

Councilman Hughes said it was great to see City Attorney, Jay Ross. He congratulated all recognized in the Fire Department and Police Department.

Councilman Scott said it was good to have Mr. Ross back. He invited everyone to the Jubilee Festival on October 19-20.

Councilman Goodlin thanked the Fire Department, Public Works and Police Department for their work with the Daphne High School Homecoming Parade.

Councilman Coleman said it was great to see Mr. Ross. He thanked Chief Tacon and Chief Gulsby for recognizing the officers for their accomplishments.

Councilwoman Conaway congratulated all those recognized that evening.

Council President Olen said he was proud of the Fire Department, Police Department and City Employees for all the work they do. He congratulated Abby English on the being crowned Homecoming Queen. He said it was good to have Mr. Ross back and his prayers are continuously with him and his family.

13. **ADJOURN:**

THERE BEING NO FURTHER BUSINESS TO DISCUSS, COUNCIL ADJOURNED AT 6:37PM.

Respectfully submitted by,

Certification of Presiding Officer,

Candace G. Antinarella, MMC, City Clerk

Steve Olen, Council President

September 9, 2024
PUBLIC SAFETY MEETING MINUTES
1705 MAIN STREET
DAPHNE, AL
4:30 P.M.

1. **CALL TO ORDER:**

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

2. **ROLL CALL:**

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

ABSENT:

Also Present: Mayor LeJeune, Patrick Dungan, City Attorney; Troy Strunk, City Development; Fire Department; Chief Tacon, Chief Gulsby, Police Department; Candace Antinarella, City Clerk; Christina Brazell, Recording Secretary.

Junior City Council present: Emma Coleman

3. **PUBLIC PARTICIPATION:**

Debbie Lazzaro, 23990 Shadowridge Dr.: Wanted to address with the Council her concerns about speeding and the traffic flow on her street.

Per the City, a speed table is to be placed on Camberwell Dr. to address some of these issues, as well as the developer to place an additional speed table on Shadowridge Dr.

Lastly, discussion was made regarding the traffic light being placed up at State Hwy 181/Corte Rd.

Tom Walker wanted to thank the Council and participating departments that were involved in the Community Spirit Day, the event went very well.

.

4. **APPROVAL OF MINUTES FROM PREVIOUS MEETING**

Minutes from August 12, 2024 Public Safety meeting were approved as presented.

5. **POLICE DEPARTMENT – Chief Gulsby**

Old Business:

Police Department is trying to fill open positions. Three new Officers being sworn in this week. Two Officers are approaching retirement.

New Business:

Also this week, Officers are attending 911 events, first responder luncheons, etc.

6. **FIRE DEPARTMENT: - Chief Tacon**

September 9, 2024
PUBLIC SAFETY MEETING MINUTES
1705 MAIN STREET
DAPHNE, AL
4:30 P.M.

Old Business: ISO Update? Working on it. Also, Chief provided and discussed monthly stats.

New Business: Baby Box discussion. Everything regarding the implementation will be donated, except for the monthly monitoring fees. This idea was brought to our City Fire Department by Carolyn Courson.

7. OTHER BUSINESS

None.

Adjournment 5:00 p.m.



City of Daphne

Event Permit Application

TYPE OF PERMIT:

- ☒ Special Event/Fundraiser ☒ Parade/Run (Streets Use) ☐ Walk (Sidewalks Only)
☐ Athletic Complex/Sporting Event ☐ Other: _____

APPLICANT & ORGANIZATION INFORMATION

ORGANIZATION NAME: Eastern Shore Baptist Church

APPLICANT NAME: Tracie Strickland

STREET: 6847 Park Drive CITY, STATE, ZIP: Daphne, AL 36526

CONTACT PHONE: 251-510-0125 EMAIL: tracie@myesbc.net

"ON SITE" CONTACT PERSON DAY OF EVENT: Chris Turner or Tracie Strickland

CELL PHONE: Chris- 318-290-4176, Tracie - 251-510-0125 EMAIL: chris@myesbc.net

EVENT INFORMATION

EVENT NAME: Miles for Missions 5k

TYPE OF/PURPOSE OF EVENT: 5k Run & 1 mile Fun Run to raise funds for 2024 Youth Choir Tour/Mission Trip

EVENT DATE: March 8, 2025 TIME (START- END): 8:00 am - Noon

ASSEMBLY TIME: 6:30 a.m. # PARTICIPANTS/VEHICLES: 100 +

EVENT LOCATION: Certified 5k course ending at City Hall, 1 mile Fun Run from City Hall to Whit's and back

FULL DESCRIPTION OF EVENT (PLEASE LIST ANY TENTS, STAGING, PORT-O-LETS, OR SIMILAR ITEMS THAT WILL BE USED ON-SITE): _____

Tents/tables for registration/water/refreshments; P/A System (provided by church), race timers

SPECIAL REQUESTS

5K Certified

ROAD CLOSURE(S) REQUESTS: ☒ Yes* ☐ No *If Yes, please indicate which City Route is requested: _____

WILL YOUR EVENT REQUIRE BARRICADES: ☒ Yes* ☐ No *If Yes, please indicate quantity & location: _____

WILL YOUR EVENT REQUIRE ELECTRICITY: ☒ Yes* ☐ No *If Yes, you must provide your own extension cords

WILL YOUR EVENT REQUIRE WATER: ☐ Yes* ☒ No *If Yes, you must provide your own hose(s)

OTHER SPECIAL ITEMS FOR RENT:

TENTS: 20' X 40' # _____ X \$321.00 10' X 10' # _____ X \$123.00/EACH

TABLES: 8' L # _____ X \$45.00/EACH CHAIRS: # _____ X \$12.00/EACH

We would like to have the 1 mile Fun Run start at City Hall and turn around at Whit's - all on Main Street

OTHER SPECIAL REQUESTS: _____

MARKETING & COMMUNICATIONS

PLEASE NOTE: As a City permitted event, the City of Daphne should be listed as a sponsor on all marketing materials promoting your event, such as, but not limited to, posters, social media outlets, website(s), t-shirts, promo items, etc. It is the event organizer's responsibility to request the official City logo from our Marketing & Events Department in a proper format. No other City of Daphne logo should be utilized. Please initial acknowledgement: TMS

Is your event open to the general public? ☒ Yes* ☐ No

* If Yes, do you wish for your event to be listed and/or shared on: www.daphneal.com? ☒ Yes ☐ No

Facebook.com? ☒ Yes ☐ No Instagram? ☒ Yes ☐ No LinkedIn? ☐ Yes ☐ No

MARKETING CONTACT (IF DIFFERENT THAN EVENT APPLICANT OR "ON SITE" EVENT CONTACT):

NAME: _____ CONTACT PHONE: _____

OTHER MARKETING REQUESTS: _____

REVENUE/BUSINESS LICENSE

WILL SALES BE GENERATED AT YOUR EVENT: ☐ Yes** ☒ No ** If Yes, please provide your City of Daphne Business License Number here: _____

PLEASE NOTE: If you are providing food trucks or other third-party vendors, they MUST be a licensed business with the City of Daphne.

INDEMNITY & HOLD HARMLESS AGREEMENT

In consideration of the permission granted to me by the City of Daphne to use grounds, sidewalks, and/or streets, I hereby indemnify and hold harmless the City of Daphne, its agents, servants and employees from any and all claims and causes of action that may arise from injury to me or third party using the grounds, sidewalks, and/or streets who are injured or suffer property damage that is in any way caused by my use of the grounds, sidewalks, and/or streets. This indemnity and hold harmless agreement is given to the City of Daphne to protect the City and its agents, servants, and employees from cost of defense and claims for injuries and damages that may be caused either directly or indirectly by my use of grounds, sidewalks, and/or streets.

Further, I have read and understand all rules and regulations according to the City of Daphne Ordinance No. 2017-35 as set forth by the governing body of the City of Daphne and will abide by these rules and regulations. I understand that damage to City property, grounds, sidewalks, and/or streets can and will result in additional fees. I also understand that if at any time the City of Daphne appointed Law Enforcement, Code Enforcement, or other personnel feel that said rules and regulations are not being followed the function will be terminated with no refund of said fees.

I have read and understand the above, including the cancellation and indemnity policies.

APPLICANT SIGNATURE: Tracie M. Strickland DATE: 10-8-24

INTERNAL USE ONLY

DATE REC'D: 10-08-2024

CITY CLERK: Candace Antinucci

FIRE DEPT: A.G. Turner

APPROVED ROUTE:

POLICE DEPT: 26

ROUTE MAP ATTACHED: ☐ Yes ☐ No

PUBLIC WORKS: 494

SPORTS & RECREATION:

EVENT FEE: ☐ Paid \$ CHK#

MARKETING & EVENTS:

☐ Waived:

** REVENUE:

PROOF OF INSURANCE REC'D: ☐ Yes ☐ No

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2024-34**

**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 August 22, 2024, the Commission considered said request and the motion failed for 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 October 21, 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

EXHIBIT A

U-Haul
Legal Description

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 PRO FORMA ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY, FILE NO. NCS-1082963-PHX1.

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2024-35**

**AMENDING CITY'S EMPLOYEE HANDBOOK
(SECTION 9.8)**

WHEREAS, the City Council of the City of Daphne, after due consideration, believes it appropriate to amend section 9.8 of the City of Daphne Employee Handbook;

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

SECTION I:

That the following section of the Employee Handbook be amended to include Juneteenth Day as a scheduled paid holiday for employees. The specific revisions to this section are set forth:

Section 9.8 Official Holidays.

Scheduled Holidays. The City Council approves the following holidays to be observed by eligible employees as paid holidays:

- | | |
|----------------------------|----------------------------|
| (1) New Year's Day | (7) Veterans Day |
| (2) Martin Luther King Day | (8) Thanksgiving Day |
| (3) Memorial Day (May) | (9) Day after Thanksgiving |
| (4) Juneteenth Day | (10) Christmas Eve |
| (5) Independence Day | (11) Christmas Day |
| (6) Labor Day | |

SECTION II: REPEALER

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

SECTION III: SEVERABILITY

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 IV: 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.

Robin LeJeune, Mayor

ATTEST:

Candace G. Antinarella, MMC, City Clerk

EXHIBIT A

ADOPTION OF NEW POLICY

1.4 ACCOMMODATION OF RELIGION AND MEDICAL CONDITIONS

The City will attempt to make appropriate accommodations for qualified employees or job applicants who have difficulty performing essential job functions or complying with our policies because of religious belief or practice, or any physical or mental disabilities, or any limitations created by pregnancy, childbirth, or related medical conditions. The City is committed to engaging in an interactive process regarding accommodations requests and evaluating if and how the City may provide accommodations. Individuals seeking accommodation must cooperate with the interactive process. The City will make every effort to handle accommodation requests sensitively and to protect the confidentiality of the information shared with the City whenever possible.

In general, a reasonable accommodation is a modification or adjustment of an individual's job or work environment that effectively enables the individual to perform essential job functions or enjoy equal employment benefits and privileges as similarly situated employees or applicants.

Requested accommodations must be reasonable and must not cause undue hardship to the City or pose a threat to the health or safety of the individual, co-workers, or others in the workplace. Some examples of unreasonable accommodation requests include permanently eliminating essential functions of a job, making other employees perform essential job functions for an employee, modifying a work schedule if the modification adversely affects other employees' ability to perform their jobs, completely excusing an employee from uniformly applied attendance rules or performance standards, indefinite leave of absence, unreasonable extensions of leave, or changes for the mere convenience or personal benefit of an employee.

Employees or applicants seeking accommodation must notify the Human Resources Director. Department Heads and other managers or supervisors who receive a request for accommodations from an employee or job applicant must notify the Human Resources Director. Individuals requesting accommodation are strongly encouraged to make these requests in writing. The City may require any person to follow up on a verbal request with a written request.

An individual seeking accommodation is responsible for reasonably describing the at-issue religious belief or practice, or the mental or physical disability, or the pregnancy-related limitation, how the individual is having difficulty or other issue with performing essential job functions or complying with the City's policies, and how the requested accommodation(s) will assist with performing essential job functions or complying with the City's policies. The City encourages individuals to suggest specific accommodation.

Individuals seeking accommodations may be required to provide further description or explanation of the requested accommodation or provide medical information concerning any pregnancy-related limitations or physical/mental disabilities. Where appropriate, the City may ask for the individual's permission to obtain additional information from medical provider(s) or require the individual to provide medical information related to the identified disability or limitation or requested accommodation.

The City reserves the right to make the final decision regarding accommodation. The City is not required to make any specific accommodation requested and may provide alternative accommodations if alternative accommodations reasonably address the issue. Accommodations

are subject to periodic review. As part of the review, the City may require employees to provide updated medical information to demonstrate that the need for accommodation is ongoing.

EXHIBIT B

REORGANIZATION
OF
HANDBOOK CHAPTER 1

<u>CHAPTER 1 EMPLOYMENT PRACTICES</u>		
1.1.	GENERAL PROVISIONS RELATED TO POLICIES AND PROCEDURES	
	Purpose	
	Contract Disclaimer	
	Scope of Policies and Procedures	
	Amendment or Supplementation	
	Operational Guidelines	
	Responsibility for Personnel Administration	
	Appointing Authority	
	Department Head	
	Disciplining Individual	
1.2.	REPORTING MISCONDUCT AND INTERNAL INVESTIGATIONS	
	Reporting Misconduct	
	Investigations	
1.3.	DISCRIMINATION AND HARASSMENT PREVENTION POLICY	
	Commitment to Equal Employment Opportunities	
	Harassment Forbidden	
	Sexual Harassment Forbidden	
	Retaliation Forbidden	
	EEO/Harassment/Retaliation Complaint Procedure	
	Investigation	
	Remedial Action	
	Appeal of Findings and Action	
1.4	ACCOMMODATION OF RELIGION AND MEDICAL CONDITIONS	
1.5.	RESIDENCY REQUIREMENTS	
1.6.	ANTI-NEPOTISM POLICY	
	Purpose	
	“Relative” Defined	
	Notice Requirements	
	Prohibitions and Restrictions	
	Remedial Action	
1.7.	POLITICAL ACTIVITY POLICY	
	Not To Affect Employment	
	Improper Use of Influence	
	Participation Rights	
	On-the-Job Political Activity Prohibited	
	Use of City Resources for Political Activity Prohibited	

	Political Activity While in Uniform Prohibited	
	City Political Office Candidates	
	Other Government Political Office Candidates	
	Other Off-Duty Political Activity	
	Reporting Violations	
	Discipline	
1.8.	DRUG AND ALCOHOL POLICY	
	Purpose	
	Prohibited Activities	
	Testing	
	Pre-employment Testing	
	Prescription Medicine Reporting Responsibility	
	Enforcement and Discipline	
1.9.	WORKPLACE VIOLENCE POLICY	
	Prohibited Activities	
	Reporting Responsibilities	
	Investigation and Remedial Action	
	Victim Assistance	
1.10.	PRIVATELY-OWNED FIREARMS IN THE WORKPLACE	
	Definitions	
	Carrying of a Firearm On Duty	
	Transportation of Firearms and Ammunition upon City Employee Parking Lots	
	Firearm and Ammunition Policy Inspection and Discipline	
1.11.	ACCESS TO CITY PREMISES AND WORK SITES	
1.12.	SMOKING POLICY	
1.13.	VEHICLE AND EQUIPMENT USE POLICY	
1.14.	ELECTRONIC MEDIA USE AND MONITORING POLICY	
	Scope	
	City's Property; Primary Use for Business Purposes	
	Restrictions	
	No Right of Privacy	
	Loss or Theft	
	Limited Personal Use	
	Confidentiality	
	Personal Electronic Equipment	
	Return of Electronic Media	

1.15.	CELL PHONE USE	
1.16.	ATTIRE	
1.17.	MOONLIGHTING	
1.18.	SOCIAL MEDIA POLICY	
	Definitions	
	Application	
	Guidelines and Prohibitions	
	Enforcement	
1.19.	EMPLOYEE REFERENCE INQUIRIES	

EXHIBIT C

AMENDMENT
OF
EXISTING SECTION 9.14

9.13. MILITARY LEAVE POLICY

Scope and Eligibility. Employees who are members of the United States Armed Forces, the Reserves, the National Guard, or the Civil Air Patrol, or who hold certain positions with the Public Health Service positions or the National Disaster Medical System (including the AL3 Disaster Medical Assistance Team) are eligible for military leave for training, service, or fitness-for-duty examinations. Military leave is available if an eligible employee needs time off from work for military training and drills, or fitness-for-duty examinations, or is called into active service by the Governor of the State of Alabama (“state military service”) or is ordered into active service under the provisions of the National Defense Act, the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 or the federal laws governing the United States Reserves (“federal military service”). This policy covers employees taking those types of leaves as well as employees who leave the City’s employment for lengthy absences or resign to enter full-time active duty service.

Notification of Military Absence/Documentation. If an employee requires leave, or desires to resign employment, due to military training, fitness-for-duty examinations, or active military service obligations, the employee must submit a written request for military leave or resignation notice to the Human Resources Director through the Department Head. The employee also must submit a copy of relevant military orders or other documentation unless the orders or documentation are not reasonably available. If orders or other documentation are not initially available, the employee must submit the orders or documentation as soon as possible after they become available. When requesting military leave, the employee also must notify the Human Resources Director through the Department Head of the reasons for the requested military leave, the anticipated date of departure, and the anticipated return-to-work date, if known. Resignation notices to become a full-time active duty member of the military should include a resignation date. Requests for extension of a previously granted military leave must be made to the Human Resources Director, provide the same information, and be supported with new orders or other written documentation provided when reasonably available.

Paid or Unpaid Military Leave. With two exceptions, military leaves are unpaid leave. An employee may elect to use available vacation pay during a military leave after exhausting available paid military leave. The City will not charge an employee’s vacation pay balance for any military leave without written instruction from the employee.

“Federal Service” Paid Leave An employee granted a military leave of absence for “federal” service, and for training and fitness-for-duty examinations as a member of the National Guard or Reserves will be paid for up to one hundred sixty eight (168) working hours per calendar year for those hours the employee otherwise would have been working for the City. For example, if the employee is not otherwise scheduled to work on weekends, then the employee will not be paid for “weekend drill.”

“State Service” Paid Leave An eligible employee also will be entitled to be paid for up to one hundred sixty eight (168) working hours at any one time while called to duty by the Alabama Governor in the active service of the State of Alabama to assist with the enforcement of the law, the preservation of the peace or for the security of the rights and lives of citizens or protection of

property in aid and relief of citizens in disaster, or any similar duty, or any other service that the Governor may for specific reasons so designate.

Health/Dental Insurance Benefits During Military Leave. During an approved military leave of absence lasting 90 calendar days or less, the employee's health and/or dental insurance, if any, will continue just as if the employee had not taken leave. The City will continue to pay its portion of the premium, and the employee must arrange to pay on time any portion of the premium the employee usually pays. An employee's health and/or dental insurance coverage may terminate if the employee fails to pay on time any portion of the premium the employee is obligated to pay. If the employee resigns employment to enter active military service, or if an employee's military leave or military absence is for 91 days or longer, health and dental insurance coverage provided by the City will lapse, but the employee may elect "continuation coverage" at the employee's expense up to 102% of the full premium to maintain health insurance.

Vacation Pay and Paid Sick Leave. An employee who is on military leave for more than ten (10) working days during a month will not accrue any paid vacation or paid sick leave for the month, as it is with other employees on a leave without pay status. An employee who separates from employment in order to join the Armed Forces will not accrue any paid vacation or paid sick leave during the period prior to re-employment. An employee who separates from employment in order to join the Armed Forces and does not return to employment with the City will forfeit unused sick leave as provided in the Paid Sick Leave policy unless the employee retires.

Other Benefits. Employees on military leave are eligible for those other benefits to which employees on leave without pay status are eligible. Retirement credit for the military service will be in accordance with the City's retirement plan.

Notification of Return from Military Absence. When an employee seeks to return to work or apply for re-employment following a military absence, the employee must provide notice to the Human Resources Director of an intent to return to work or apply for re-employment according to following schedule:

- (1) If the employee was absent for military fitness-for-duty examination or the military absence was for less than thirty-one (31) days, the employee must return to work and/or reapply for work at the beginning of the first full regular scheduled work period that starts at least eight (8) hours after the employee returns from the location of military service, training, or examination. For example, if an employee is released from a two-week National Guard drill at 8:00 a.m. on Monday, June 1, the City will allow the employee the time it takes to travel home, plus eight (8) additional hours. If the travel time is less than eight (8) hours, the employee would not be required to report for work until the next full scheduled work day, Tuesday, June 2. If the travel time is more than eight (8) hours, then the employee would not be required to report for work until Wednesday, June 3, because the travel time plus eight (8) hours will overlap into Tuesday, June 2.

- (2) If the military absence was for more than thirty (30) days but less than 181 days, the employee must return to work and/or re-apply for work no later than fourteen (14) days after completing the service or training. But if circumstances beyond the employee's control make returning within this fourteen (14) day period impossible or unreasonable, then the employee

must notify the Human Resources Director about those circumstances and return to work on the next calendar workday when returning becomes possible or reasonable.

(3) If the military absence was for more than 180 days, the employee must notify the Human Resources Director of an intent to return to work no later than ninety (90) days after the completion of the service or training by submitting a written application for re-employment.

(4) If an employee is hospitalized or recovering from an injury or illness incurred or aggravated during the military service or training which makes the employee unable to perform job duties, the employee must: (i) as soon as possible, notify the Human Resources Director regarding the injury or illness and resulting inability to work; and (ii) at the end of the necessary recovery period, notify the Human Resources Director of the intent to return to work by submitting a written application for re-employment. The City cannot guarantee reinstatement if the recovery period exceeds two (2) years unless circumstances beyond the employee's control make re-application impossible or unreasonable. In such circumstances, the employee must re-apply to the Human Resources Director on the next calendar workday when notice becomes possible.

Return-to-Work Documentation. Within two (2) weeks after returning from any military leave or absence of longer than thirty (30) days, the employee must provide documentation (unless such documentation does not yet exist or is not readily available) showing: (i) the return-to-work notice was submitted within the required time period; (ii) the total length of the period of military service; and (iii) the employee received an honorable or general discharge (if applicable).

Re-Employment Rights. If an unclassified or classified employee is called to active duty or separates from employment to join the Armed Forces, the City will re-employ the individual in the old position or position of like seniority, status, and pay upon discharge from military duty, subject to the following conditions.

- Notice Given Prior to and Following Absence. The employee must have complied with the notice provisions of this policy prior to and following the absence for military duty.
- Honorable or General Discharge. The employee must have received an honorable or general discharge from military service unless the employee remains a member of the National Guard or Reserves or is otherwise not in an active-duty service.
- Length of Service Restrictions. The employee's total cumulative absence must not exceed five (5) years, excluding certain types of military service described under federal law.

Post-Military Employment Position, Pay, Benefits. When an employee returns to work after a military absence or military leave, the employee in most circumstances will be assigned to the former job or to an equivalent job with the pay, benefits, seniority, and working conditions the employee would have had if continuously employed. If an employee separates from employment in order to join the Armed Forces, and then later exercises re-employment rights described in this policy to return to work for the City, the City will credit unused sick leave that the employee had accumulated at the time of departure to the sick leave account when the employee returns to work.

Exceptions to Re-employment Rights. Re-employment will not be required if the City's circumstances have changed so as to make it impossible or unreasonable to re-employ the

individual. Such changes include: (i) the organization has changed drastically in nature and size; (ii) the individual's old job has been abolished and employment would have been lost anyway; or (iii) the individual is no longer physically or mentally qualified for the old job or a comparable job; or (iv) the position from which the employee departed was a temporary job.

“For Cause” Discharge Protection. The City makes a limited exception to its “at-will employment” rule for any employee who returns to work from military leave or is re-employed after a military absence. If a person's period of military service or training was more than 30 days but less than 181 days, then the City will not discharge or terminate the individual, except for cause, during the 180-day period after such reemployment or return to work from leave. If a person's period of military service before reemployment with us was more than 180 days, then after re-employment, the City will not discharge or terminate the individual, except for cause, during the one-year period after the date of such reemployment.