

**The City of Daphne
Planning Commission Minutes
Regular Meeting of December 19, 2024
Council Chamber, City Hall - 5:00 P.M.**

Call to Order:

John Peterson, The Acting 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
Oliver Roberts
Adam Manning
John Peterson, Vice Chairman - The Acting Chairman
Richard Johnson
Steve Olen
Nathan Jones

Staff Present:

Adrienne Jones, AICP, Director of Community Development
Jan Vallecillo, Planning Coordinator
Patrick Dungan, Attorney
Troy Strunk, Executive Director, City Development
Andy Bobe, City Engineer

The Chairman asked for input regarding the November 14, 2024 regular meeting minutes presented by staff. There being none, minutes stand approved as submitted.

The next order of business is a presentation by Mayor Robin LeJeune.

Mayor LeJeune presented a certificate of appreciation to Adam Manning, ex officio proxy for the Mayor, and thanked him for his service as a member of the Planning Commission. He thanked the Commission for their service and advised that he has already appointed Lucy Watkins to fill the vacancy.

The Chairman called for the next order of business: Taco Bell Site Plan Review.

An introductory presentation was given by the agent, Danilo Salameda. He provided a summary of the site plan as presented on the meeting agenda, and noted that all comments have been addressed.

Mr. Olen asked about staff comments and the status of negotiations with the developer to aid in the construction of or to install a turn lane on U. S. Highway 98 with the approval by ALDOT. Mr. Bobe stated that ALDOT agrees with the proposal.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of December 19, 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. Johnson and seconded by Mr. Spriggs to approve the site plan for Taco Bell contingent upon the developer providing aid for the construction (based upon an ALDOT-approved estimate) or the developer constructing the turn lane on U.S. Highway 98. There was no discussion. The motion carried unanimously.

The Chairman called for the next order of business: Off-Site Car Storage for Kia.

An introductory presentation was given by the agent, Mark Vereen. He provided a summary of the site plan as presented on the meeting agenda, and noted that all comments have been addressed.

Mr. Olen asked about staff comments. Mr. Bobe stated his only comment was that the Planning Commission must approve any future improvements to this site.

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

A motion was made by Mr. Spriggs and seconded by Mr. Roberts to approve the site plan for Off-Site Car Storage for Kia. There was no discussion. The motion carried unanimously.

The Chairman called for the next order of business: The Enclave at Irongate, Phase 1 Preliminary Subdivision Plat Review.

An introductory presentation was given by the agent, Chloe Kelly. She provided a summary of the preliminary subdivision plat as presented on the meeting agenda.

Mr. Johnson asked about the status of a determination on the wetlands. Mr. Bobe responded that the Corps of Engineers advised that an official jurisdictional determination is required for this project.

Mrs. Kelly, a representative for the developer, 68 Ventures, stated that an application is pending with the U.S. Army Corps of Engineers and asked what section of the ordinance requires a jurisdictional determination for wetlands. Mr. Bobe responded the U.S. Army Corps of Engineers advised that the city does not have the authority to make a jurisdictional determination regarding wetlands.

Mr. Johnson commented that the City of Daphne requires that a development adhere to federal, state and local regulations.

Mrs. Jones commented that the City Council has held the first read of the annexation ordinance and the second read is set for January 6, 2025; therefore, the city does not have the authority to act on this application.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of December 19, 2024
Council Chamber, City Hall - 5:00 P.M.**

Mr. Spriggs disagreed that the grady pond is wetlands and that a jurisdictional determination is necessary.

Mr. Johnson provided an overview of the ramifications due to the failure of obtaining a jurisdictional determination. He also stated if the subdivision was approved and the Corps deemed that the grady pond is jurisdictional, that would require the subdivision to be redesigned.

Mr. Olen advised that if we move forward, not only could the developer be liable, but also the Corps could seek to hold the City responsible.

Mrs. Kelly said that the developer did not acquire a jurisdictional determination because the developer's environmental consultant advised that the grady pond was non-jurisdictional and that a determination would not be necessary.

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

Mr. Dungan stated since the city no longer has a planning jurisdiction and the property has not been annexed into the city, it would be safer for the Planning Commission to table the application to the next regular meeting; publication would not be necessary because the public hearing has been held.

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

A motion was made by Mr. Spriggs and seconded by Mr. Olen to table The Enclave at Irongate, Phase 1 preliminary subdivision plat to the regular meeting of January 23, 2025. There was no discussion on the motion. The Motion carried unanimously.

The Chairman called for the next order of business: An amendment to the Comprehensive Plan and Zoning Amendment for East Fish River, LLC.

Richard Inge, owner and managing partner, provided an overview of the process and purpose for annexation into the city.

An introductory presentation was given by the agent, Austin Lutz. Mr. Lutz summarized the amendment to the comprehensive plan and rezoning request as presented on the meeting agenda. He noted that the proposed development requires an amendment to the comprehensive plan to change the Placetype from Estate Residential to a Suburban Neighborhood and Natural Areas/Open Space. He also provided a detailed presentation of the revisions to the proposed PUD relative to lot sizes and setbacks. The PUD is five hundred and ten acres, and includes twelve phases, several amenities and cooperation with Baldwin County to improve County Road 64. He also noted that potable water and sanitary sewer are served by the City of Loxley and students will attend Loxley schools. The Chairman opened the floor for public hearing regarding the amendment to the comprehensive plan and rezoning request.

The City of Daphne
Planning Commission Minutes
Regular Meeting of December 19, 2024
Council Chamber, City Hall - 5:00 P.M.

Susan Brackin, 12351 High Plains Drive, spoke in opposition and expressed her concerns about safety, overcrowding of schools and hospitals, flooding, topography of the land, preservation of the wetlands and wildlife, quality of life, emergency vehicle access, traffic, utilities, and requested the use of the property remain single family residential.

Dawn McGhee, 12391 High Plains Drive, spoke in opposition and expressed her concerns about safety, traffic, and quality of life.

Shalela Dowdy, a representative of Mobile Baykeeper, spoke in opposition and expressed environmental concerns and sought denial of the request to rezone this property to a PUD. She stated that Mobile Baykeeper is tasked with the protection of wetlands and streams. She noted that this development would be detrimental to Fish River and would have an adverse effect on the eco-system and natural hydrology of this property.

Marynell Trione, 12468 High Plains Drive, spoke in opposition and expressed concerns about the preservation of wildlife, traffic, and the density of the subdivision.

Margie Suhs, 24050 Troybridge Court, spoke in opposition and expressed concerns about flooding, traffic, construction debris, overcrowding of schools, quality of life and utilities.

Jennifer Tate, 8820 Bain Bridge Drive, spoke in opposition and expressed concerns about traffic, overcrowding of schools, utilities, quality of life, and asked about the commercial parcel.

Ashley Lovell, spoke in opposition and expressed concerns about emergency vehicles access and traffic.

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

During rebuttal, Mr. Lutz commented that ADEM and the City of Daphne regulate stormwater drainage and protect wetlands; the developer has coordinated with Baldwin County to improve County Road 64; there is no commercial development proposed; and, the developer is donating a parcel to the city for a fire station, and noted that the amenities include a park and a trailhead.

Mr. Richard Johnson commented this development would be a great improvement in this area, that he is concerned about the school system, infrastructure, density and utilities.

Craig Johnson, agent, stated that the developer has been in communication with Loxley regarding utilities.

Mr. Strunk commented that he received an email regarding this development and stated that the developer does not have an agreement with Baldwin County to improve County Road 64.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of December 19, 2024
Council Chamber, City Hall - 5:00 P.M.**

Mr. Olen commented that when this property annexed into the city by legislative act in 2019 with the zoning designation of R-1, that the owners would have the right to develop the site, excluding the wetland area.

Hearing no comments from the commissioners, the Chairman called for a motion regarding the Comprehensive Plan Resolution.

A motion was made by Mr. Spriggs and seconded by Mr. Manning to approve an amendment to the Envision Daphne 2042 Comprehensive Plan regarding land located five hundred feet northeast of the intersection of County Road 64 and Dixon Lane (PPIN# 27122, 26, 252259 and 27121) from an Estate Residential Placetype to Suburban Neighborhood and Natural Areas/Open Space Placetype.

Upon roll call vote,

Mr. Spriggs	Aye
Mr. Manning	Aye
Mr. Peterson	Nay
Mr. Johnson	Aye
Mr. Roberts	Nay
Mr. Olen	Aye
Mr. Jones	Aye

The motion failed due to the lack of a supermajority vote of the members present. The vote was five in favor and two opposed.

During discussion, Craig Johnson, the agent, requested to table the zoning request application.

A motion was made by Mr. Olen and seconded by Mr. Manning to table the East Fish River, LLC associated applications until the January 25, 2025 Regular Planning Commission meeting. There was no discussion.

Upon roll call vote,

Mr. Spriggs	Nay
Mr. Manning	Nay
Mr. Peterson	Nay
Mr. Johnson	Nay
Mr. Roberts	Nay
Mr. Olen	Nay
Mr. Jones	Nay

The motion failed.

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

A motion was made by Mr. Spriggs and seconded by Mr. Manning to set forth a favorable recommendation to City Council to rezone the subject property to a PUD, Planned Unit Development. There was no discussion.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of December 19, 2025
Council Chamber, City Hall - 5:00 P.M.**

Upon roll call vote,

Mr. Spriggs	Aye
Mr. Manning	Aye
Mr. Peterson	Nay
Mr. Johnson	Nay
Mr. Roberts	Aye
Mr. Olen	Aye
Mr. Jones	Aye

The motion failed due to the lack of a supermajority vote of the members present. The vote was five in favor and two opposed.

The Chairman called for the next order of business: Ann White-Spunner, John White-Spunner, B Co., LLC, Jay-E LLC, SRW Investments, LLC and O Company, LLC Pre-Zoning Amendment and Annexation Request.

An introductory presentation was given by the agent, Evan Geerts. He summarized the pre-zoning and annexation requests as presented on the meeting agenda and provided a detailed PowerPoint presentation. He noted that the property is developed. He also stated that the owners were encouraged to annex in order to facilitate the donation of land to the city for the construction of Milton Jones Extension.

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

The Chairman questioned whether B-2 was the appropriate zoning for this property. Mrs. Jones advised the Commission has set a precedent for B-2 zoning in this area.

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

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

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

Several citizens: Donald Chamberlain, Ben Bertagnoli, and Ann Snyder, spoke regarding Short Term Rentals in opposition to the proposed amendment for short-term rentals. CJ Pellegrin, Lynn Davis, Tammy Bishop and Collin Crowder spoke in favor of the proposed amendment.

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

Mr. Dungan had no report. Merry Christmas and Happy New Year!

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

**The City of Daphne
Planning Commission Minutes
Regular Meeting of December 19, 2025
Council Chamber, City Hall - 5:00 P.M.**

The Commissioners thanked Adam Manning for his service.

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

Director thanked Mr. Manning for his service. Merry Christmas and Happy New Year!

There being no further business, the meeting was adjourned at 7:00 p.m.

Respectfully submitted by:


Jan Vallecillo, Planning Coordinator

Approved: January 23, 2025


Andrew Prescott, Chairman