

**The City of Daphne
Planning Commission Minutes
Regular Meeting of May 28, 2026
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 5:01 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

Kevin Spriggs, Secretary
Bobby Purvis
Ida Ross Hicks
John Peterson, Vice Chairman - The Acting Chairman
Steve Olen
Richard Johnson

Staff Present:

Adrienne Jones, AICP, Director of Community Development
Jan Allen, Planning Coordinator
Patrick Dungan, Attorney
Troy Strunk, Executive Director, City Development
Andy Bobe, City Engineer
Jesi Ward, Environmental Programs Manager

Approval of Minutes:

The Chairman called for the first order of business: approval of minutes.

The Chairman asked for input regarding the April 23, 2026 regular meeting minutes presented by staff. There being none, minutes stand approved as submitted.

Public Participation:

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

If a public hearing is required, please hold your comments until that agenda item is heard; otherwise, please feel free to come forward and speak during public participation.

The Chairman closed public participation after no one came forward to speak.

Old Business:

The Chairman called for the next order of business: The Retreat at Daphne Site Plan Review PUD, formerly referred to as the Sanctuary.

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An introductory presentation was given by the agent, Nolan Franz. He provided a summary of the site plan review as presented on the meeting agenda and advised the staff comments regarding stormwater detention have been addressed.

The Chairman asked about staff comments. Staff advised that comments have been addressed.

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 the site plan for The Retreat at Daphne PUD, formerly referred to as the Sanctuary. There was no discussion on the motion. The motion carried unanimously.

The Chairman called for the next order of business: Italian Village of Daphne Site Plan Review.

An introductory presentation was given by the agent, Charlie Trotman. He provided a summary of the site plan as presented on the meeting agenda and advised that staff comments have been addressed.

Mr. Olen asked about the status of the approval of ALDOT. Mr. Trotman stated there are still unresolved issues regarding traffic concerns and further discussion warrants a second meeting.

The Chairman asked about staff comments. Mr. Bobe stated that the applicant must have an ALDOT permit prior to the issuance of a site disturbance permit.

Mr. Johnson questioned whether ALDOT entertained the possibility of signalization at the connection point on Alabama Highway 181. Mr. Trotman stated ALDOT said the installation of a traffic signal would be too close to the one at Alabama Highway 181 and County Road 64 and noted their opposition to a left turn from the site onto Alabama Highway 181.

Mr. Purvis asked about the final resolution regarding deceleration lanes on County Road 64. Mr. Bobe stated plan revisions have been provided to meet the requirements and to make one a right-in, right-out only.

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

A motion was made by Mr. Spriggs and seconded by Mrs. Hicks to approve the site plan for the Italian Village of Daphne contingent upon ALDOT permitting. There was no discussion on the motion. The motion carried unanimously.

New Business:

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The Chairman called for the next order of business: JH Wright Request for a Waiver to the Sidewalk Requirement and Site Plan Review.

An introductory presentation was given by the agent, David Shumer. He provided a summary of the site plan review as presented on the meeting agenda.

Mr. Shumer advised that the owner has agreed to the installation of four hundred and seventy feet of sidewalk north of the YMCA and stated that staff comments have been addressed.

Mr. Johnson noted we are not granting a waiver but rather approving the relocation of the sidewalk.

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

A motion was made by Mr. Olen and seconded by Mr. Johnson to approve the relocation of four hundred and seventy feet of sidewalk as directed by the city. There was no discussion on the motion. The motion carried unanimously.

A motion was made by Mr. Olen and seconded by Mr. Spriggs to approve the site plan for JH Wright Warehouse. There was no discussion on the motion. The motion carried unanimously.

The Chairman called for the next order of business: Sabal at Fish River Master Plan Revision, Fish River II Preliminary/Final Plat, and Sabal at Fish River, Phase 1A Preliminary Plat Review.

An introductory presentation was given by the agent, Austin Lutz. He provided a summary of the associated applications as presented on the meeting agenda and requested approval of the revision to the master plan.

Mr. Johnson questioned what parameters are required to approve the subdivision plat.

Mr. Dungan advised an affirmative vote of not less than six members shall be required for the approval of a comprehensive plan, zoning amendment, annexation and preliminary subdivision plat.

The Chairman opened the floor for public hearing regarding the master plan and associated applications.

Susan Brackin, 12351 High Plains Drive, spoke in opposition, expressing concerns about the protection and preservation of Fish River.

Judy Naef, 12480 Daya Lane, spoke in opposition, expressing concerns about flooding, wildlife, pollution, environmental damage, and the long-term impact on Fish River.

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

During rebuttal, Mr. Lutz questioned which applications require a supermajority. Mr. Dungan stated the second and third applications. Mr. Lutz requested to table the associated subdivision applications.

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 approve the master plan revision for the Sabal at Fish River. There was no discussion on the motion. The motion carried. Mr. Johnson dissented.

A motion was made by Mr. Spriggs and seconded by Mr. Olen to table East Fish River II to the regular meeting of June 25, 2026. There was no discussion on the motion. The motion carried unanimously.

A motion was made by Mr. Spriggs and seconded by Mr. Olen to table Sabal at Fish River, Phase 1A to the regular meeting of June 25, 2026. There was no discussion on the motion. The motion carried unanimously.

The Chairman called for the next order of business: James A. Conaway and Barbara Conaway Trust, Dated June 17, 2010, Pre-Zoning Amendment and Annexation Petition.

An introductory presentation was given by the agent, Kenneth White. He summarized the pre-zoning and annexation requests as presented on the agenda. He noted that prior to submission that he met with staff which recommended the zoning be consistent with the property to the east.

Mr. Spriggs asked about connectivity. Mr. White replied that the conceptual plan provided shows a connection to The Reserve of Daphne and County Road 54.

Mr. Johnson asked the minimum lot size required for this zoning designation. Mrs. Jones stated the minimum lot size for R-6(G) is five thousand square feet. Mr. Spriggs commented that the ordinance favors this type of development because it is a product that first-time homeowners can afford.

Mr. Olen pointed out that the adjacent properties are R-6(G), R-2 RSF and RA, and added that in no way requires us to approve the applications.

Mr. Spriggs questioned whether the applicant considered requesting a PUD and Mr. White responded that may be a consideration.

Mr. White stated in initial conversations, staff indicated this was the appropriate zoning designation according to the Comprehensive Plan.

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The Chairman closed the floor to the public hearing and offered the agent the opportunity for rebuttal. Mr. White questioned whether this application requires a supermajority.

Mr. Dungan advised an affirmative vote of not less than six members shall be required for approval of a comprehensive plan, zoning amendment, annexation and preliminary subdivision plat.

Mr. Dungan stated that the City Council has the ultimate authority to grant or deny a pre-zoning amendment and/or annexation request.

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

Mr. Dungan advised that receiving an unfavorable recommendation at Planning Commission does not bar the applicant from resubmitting an application for pre-zoning; however, if the application is denied by the City Council, the applicant would be barred for one year from seeking the same zoning designation.

The Chairman questioned whether a motion in favor of the annexation changes the status of a pre-zoning. Mr. Dungan responded a petition for annexation is a stand-alone application, but if the annexation request was approved, the property would be annexed into the city as R-1.

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

A motion was made by Mr. Spriggs and seconded by Mr. Peterson to set forth a favorable recommendation to the City Council to pre-zone the subject property to R-6(G), Garden or Patio Home. There was no discussion on the motion. The motion failed due to the lack of a super majority vote of the Planning Commission. Six affirmative votes were needed. Three affirmative votes were cast and three dissentions. The three dissenting votes were Mr. Johnson, Mr. Purvis and Mr. Olen.

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

Mrs. Jones stated we have heard comments from the members that are not in favor of the application so it is only fair to hear from the members in favor of it. She commented that the requested zoning is compatible and harmonious with the property to the east and consistent with the Comprehensive Plan.

The Chairman stated that the zoning is consistent with that of The Reserve at Daphne Subdivision.

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The Chairman called for the next order of business: DAK Investments, LLC Zoning Amendment.

An introductory presentation was given by the agent, David Kahalley. He summarized the rezoning request as presented on the meeting agenda. He stated a combination of small-scale office and residential use would be more consistent with the intent of the Daphne Overlay District.

Mr. Olen questioned what uses are permitted in a B-3 zone and whether a residential component is permitted. Mrs. Jones responded that professional business office, not retail sales, is permitted and commercially zoned property in the Olde Towne Daphne District allows for a mix of commercial and residential.

Mr. Kahalley stated the rezoning of this property does not introduce any new commercial zoning into the area but rather brings it into compliance with the Olde Towne Daphne District. He stated it fills the gap and creates a pedestrian oriented environment with a mix of different commercial and residential uses.

Mr. Johnson requested Mr. Olen to advise of his position on the rezoning. Mr. Olen commented that the residential character of the district should be preserved and should not be rezoned commercial.

Mr. Johnson questioned the recommended zoning designation of this property in the Comprehensive Plan. Mrs. Jones stated that the Comprehensive Plan allows for a commercial or transitional residential zoning.

Mr. Spriggs stated that the point of the Olde Towne Daphne District is to create a neighborhood where there are neighborhood businesses that generate tax revenue or afford a resident the opportunity to have a local business.

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

The Chairman closed the floor to the public hearing and offered the agent the opportunity for rebuttal. Mr. Kahalley stated this would be the perfect location to put a real estate office with a living space upstairs which does not generate traffic.

The Chairman asked about the notification of adjacent property owners. Mrs. Jones stated the public was given proper notification twice by the placement of a sign on the property and certified mailings.

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

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A motion was made by Mr. Spriggs and seconded by Mr. Purvis to set forth a favorable recommendation to the City Council to re-zone the subject property from R-2, Medium Density Single Family Residential, to B-3, Professional Business. There was no discussion on the motion. The motion failed due to the lack of a super majority vote of the Planning Commission. Six affirmative votes were needed. Five affirmative votes were cast and one dissention. The dissenting vote was Mr. Olen.

The Chairman called for the next order of business: Water Oaks Master Plan Review.

An introductory presentation was given by the agent, Jason Wooten. He provided a summary of the master plan review as presented on the meeting agenda and stated that staff recommended the presentation of a master plan to develop this site in phases.

The Chairman asked about the timeline for construction. Mr. Wooten advised that a time frame has not been established.

Mrs. Jones asked the agent to explain the purpose of the construction of the infrastructure on both lots. Mr. Wooten advised there is site work associated with each lot which requires the developer to begin construction at the same time.

Mr. Strunk questioned the function of the warehouse. Mr. Wooten stated it serves as a warehouse with minor office space.

Mr. Strunk questioned whether the use of the warehouse was by right. Mr. Wooten stated the site plan for Water Oaks was approved last year.

The Chairman stated this is not a mini warehouse and advised that it is simply an accessory building for storage.

Mr. Bobe advised that approval of a master plan would allow the owner to obtain a certificate of occupancy while the other building is under construction.

The Chairman commented that the approval of a master plan is only for the purpose of staging the construction.

Mr. Strunk asked Mrs. Jones for clarification regarding construction. Mrs. Jones responded the developer will construct the parking area, detention pond and warehouse and state that this site is similar to 7 Brew where the infrastructure and pad were constructed for future development.

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

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

A motion was made by Mr. Spriggs and seconded by Mr. Purvis to approve the master plan for Water Oaks. There was no discussion on the motion. The motion carried. Mr. Olen dissented.

The Chairman called for the next order of business: Haven at Daphne Modification to the Wetland Buffer Requirement.

An introductory presentation was given by the agent, Cathy Barnette. She provided a summary of the wetland buffer modification request as presented on the meeting agenda. She stated the applicant is seeking a waiver from Sections 18-3(d) and 18-4(b) (2) of the Land Use Ordinance and is seeking verification from the Corps of Engineers to fill in an isolated wetland, for which a permit is not required but noted that the Land Use Ordinance states that a wetland buffer is protected and must be maintained. She commented that the applicant is also seeking approval to build a constructed wetland for stormwater detention which is specifically prohibited by the ordinance.

The Chairman asked for clarification. He stated you can fill the wetlands, but you cannot disturb the thirty-foot wetland buffer. Mrs. Barnette responded that is correct.

The Chairman asked for staff comments.

Mrs. Ward stated that the language in the ordinance is consistent with protection of vulnerable areas in wetlands and coastal areas. She commented there has been ambiguity since the Sackett ruling, but it does not change the intent of the ordinance. She also stated that the agent has asked for a preliminary jurisdictional determination to fill in the wetlands, but the applicant must maintain the thirty-foot wetland buffer.

Mr. Johnson stated the grady pond could become a constructed wetland to treat stormwater and with the appropriate plant life become an amenity to the neighborhood; however, the wetland buffer language in our ordinance comes into play because there is an application for development coming forward. He stated we have the authority to grant relief to the wetland buffer requirement, but do not have the authority to approve the filing of a wetland although it may be non-jurisdictional.

Mr. Dungan commented the grady pond does meet the definition of a wetland in the City's ordinance and a wetland buffer or wetlands are protected whether they are jurisdictional or non-jurisdictional. He noted the definition of a wetland is determined by the soils, hydrology and hydrophytic vegetation.

The Chairman reiterated that the city does not have the authority to determine if wetlands are jurisdictional or non-jurisdictional.

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Mr. Olen commented that the request to reduce the size of the wetlands and eliminate the wetland buffer is not in the best interest of the city and its citizens.

Mrs. Ward advised that she is in favor of a constructed wetland provided that the storage capacity is not reduced, the thirty-foot buffer is maintained, and an OPM is in place that will be followed during construction.

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

A motion was made by Mr. Spriggs and seconded by Mr. Peterson to waive the provision of Land Use Ordinance Section 18-3(d) and to allow a new constructed wetland with a thirty-foot perimeter buffer. There was no discussion on the motion. The motion carried. Mr. Olen dissented.

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

Mr. Dungan stated 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.

None presented.

There being no further business, the meeting was adjourned at 7:10 p.m.

Respectfully submitted by:



Jan Allen, Planning Coordinator

Approved: June 25, 2026



Andrew Prescott, Chairman