

CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA *AMENDED*
JULY 5, 2017

1. CALL TO ORDER

2. ROLL CALL

INVOCATION Pastor Rife Stewart of Destiny Church International

PLEDGE OF ALLEGIANCE

3. APPROVE MINUTES: Council meeting minutes / June 19, 2017 **5**

PRESENTATION: Beautification Award / Sugar Kettle **13**

4. REPORTS OF STANDING COMMITTEES:

A. FINANCE COMMITTEE / Rudicell

B. BUILDINGS & PROPERTY COMMITTEE: LeJeune

C. PUBLIC SAFETY COMMITTEE: Davis

D. CODE ENFORCEMENT / ORDINANCE COMMITTEE: Goodlin
Review minutes / June 19th **14**

E. PUBLIC WORKS COMMITTEE: Coleman
Review Museum minutes / June 19th **16**

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. BOARD OF ZONING ADJUSTMENTS: Adrienne Jones

B. DOWNTOWN REDEVELOPMENT AUTHORITY: Conaway

C. INDUSTRIAL DEVELOPMENT BOARD: Davis

D. LIBRARY BOARD: Rudicell

E. PLANNING COMMISSION: Scott
Review minutes / May 25th / Staff Report/June 22nd Meeting **18, 21**

MOTION to Set Public Hearing date for August 7, 2017 and approve advertising to consider the following:

- | | | |
|---------------------|---|-----------|
| 1. Pre-Zone: | Fred Corte | 27 |
| Property Located: | Southeast of Corte Road and County Road 13 | |
| Present Zoning: | RA, Rural Agricultural, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne | |
| Requested Zoning: | PUD, Planned Unit Development | |
| Recommendation: | Unanimous Favorable | |
|
 | | |
| 2. Pre-Zone: | Malbis Plantation, Inc. | 46 |
| Property Located: | East of County Road 13, North of Sehay Subdivision | |
| Present Zoning: | RSF-3, Single Family District, Baldwin County Extraterritorial Planning Jurisdiction | |
| Requested Zoning: | R-3, High Density Single Family Residential District | |
| Recommendation: | Unanimous Favorable | |

3. **Annexation: Malbis Plantation, Inc. 62**
 Property Located: East of County Road 13, North of Sehoj Subdivision
 Recommendation: Unanimous favorable to annex into the corporate limits and to adhere to the City's policy regarding connectivity {i.e. in favor of open access between subdivisions}

4. **Zoning of Legislative Annexation Territories / Parcel 1 / Dollar General 75**
 Property Located: Northeast of the intersection of Alabama Highway 181 and County Road 64
 Present Zoning: B-3, General Business District Baldwin County Extraterritorial Planning Jurisdiction
 Recommended Zoning: B-2(a), General Business Alternate
 Recommendation: Unanimous Favorable for a B-2(a) General Business Alternate

5. **Zoning of Legislative Annexation Territories / Parcel 2 / Palladian 97**
 Property Located: Northwest of the intersection of Alabama Highway 181 and Sommerset Drive
 Present Zoning: RMF-6, Residential Multi-Family, Baldwin County Extraterritorial Planning Jurisdiction
 Recommended Zoning: R-7(A), Apartment District
 Recommendation: Unanimous Favorable

6. **Zoning of Legislative Annexation Territories / Parcel 3 / Chevron Gas Station 119**
 Property Located: At the southwest intersection of Alabama Highway 181 and Justina Avenue
 Present Zoning: B-4, Major Commercial District, Baldwin County Extraterritorial Planning Jurisdiction
 Recommended Zoning: B-2, General Business
 Recommendation: Unanimous Favorable

7. **Zoning of Legislative Annexation Territories / Parcel 4 / JMO Subdivision 141**
 Property Located: At the northeast intersection of County Road 13 and Champions Way
 Present Zoning: B-3, General Business District, and B-1, Professional Business District, Baldwin County Extraterritorial Planning Jurisdiction
 Recommended Zoning: B-2(a), General Business Alternate
 Recommendation: Unanimous Favorable

8. **Amendment to the Land Use & Development Ordinance 2011-54 / Section 35-3, Table of Permitted Uses and Conditions, Commercial/Industrial District 163**
 Recommendation: Unanimous Favorable

MOTION to Set Public Hearing date for August 21, 2017 and approve advertising to consider the following: 181

1. **Pre-Zone: WPNVA, LLC, Jay-E, LLC, John White-Spunner & Chester J. Stephan 182**
 Property Located: Southeast corner of US Highway 98 & Johnson Road
 Present Zoning: R-4, High Density Single & Multi-Family Residential District
 Requested Zoning: B-2, General Business District
 Recommendation: Unfavorable

2. **Pre-Zone: The Citizens Bank 219**
 Property Located: Northeast corner of Alabama Highway 181 & Belgrove Avenue
 Present Zoning: RSF-2, Single Family District
 Requested Zoning: B-1(a), Limited Local Business
 Recommendation: Unfavorable

3. **Annexation: The Citizens Bank 252**
 Property Located: Northeast corner of Alabama Highway 181 & Belgrove Avenue
 Recommendation: Favorable

F. RECREATION BOARD: LeJeune

G. UTILITY BOARD: LeJeune
Review minutes / May 31st

6. MAYOR’S REPORT

7. CITY ATTORNEY REPORT

8. DEPARTMENT HEAD REPORTS

9. CITY CLERK’S REPORT

MOTION: To approve an Events Permit / Bounds Family YMCA Elf Ride / December 1, 2017 (*first for 2018*)

MOTION: To approve an Events Permit Eastern Shore Carnival Association-Mardi Gras / February 9, 2018 / Rain Date
February 11, 2018

10. PUBLIC PARTICIPATION

11. RESOLUTIONS & ORDINANCES

RESOLUTIONS:

a.) **2017-39.**2017 COPS Hiring Program

ORDINANCES:

2nd READ

a.) **2017-49.**Amending the Land Use & Development Ordinance 2011-54 / Revision to the Zoning Map

b.) **2017-50.**Amending Garbage Fees

c.) **2017-51.**Appropriation of Funds: TimberCreek North Court Drainage Improvements

d.) **2017-52.**Appropriation of Funds: TimberCreek Boulevard & Pine Run Road Repairs

e.) **2017-53.**Appropriation of Funds: Feasibility Study for Forming an Independent City School System

1st READ

a.) **2017-54.**Adopting the Rules of Procedure in All Instance for Meeting of the City Council

b.) **2017-55.**Repeal Ordinance 2017-25 Regarding Commercial Solid Waste Collection Services and
Franchises

12. COUNCIL COMMENTS

13. ADJOURN

**CITY OF DAPHNE
CITY COUNCIL**

ROLL CALL

CITY COUNCIL:

COUNCILWOMAN CONAWAY	PRESENT____	ABSENT____
COUNCILMAN RUDICELL	PRESENT____	ABSENT____
COUNCILMAN COLEMAN	PRESENT____	ABSENT____
COUNCILMAN GOODLIN	PRESENT____	ABSENT____
COUNCILMAN LEJEUNE	PRESENT____	ABSENT____
COUNCILMAN DAVIS	PRESENT____	ABSENT____
COUNCIL PRESIDENT SCOTT	PRESENT____	ABSENT____

MAYOR:

MAYOR HAYGOOD	PRESENT____	ABSENT____
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CITY CLERK:

CANDACE ANTINARELLA	PRESENT____	ABSENT____
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CITY ATTORNEY:

JAY ROSS	PRESENT____	ABSENT____
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1. CALL TO ORDER:

There being a quorum present Council President Scott called the meeting to order at 6:30 p.m.

2. ROLL CALL

COUNCIL MEMBERS PRESENT: Tommie Conaway; Pat Rudicell; Joel Coleman; Ron Scott; Robin LeJeune; Joe Davis.

ABSENT: Doug Goodlin.

Also Present: Mayor Haygood; Rebecca Hayes, City Clerk; Adrienne Jones, Planning Director; Patrick Dungan, City Attorney; James White, Fire Chief; David McKelroy, Recreation Director; Vickie Hinman, HR Director; Richard Merchant, Building Official Kelli Kichler, Finance Director/Treasurer; David Carpenter, Police Chief; Richard Johnson, Public Works Director; Margaret Thigpen, Civic Center Director; Dorothy Morrison, Beautification Committee/DRA; Don Ouellette, Environmental Advisory Committee; Candace Antinarella, incoming City Clerk.

Absent: Jay Ross, City Attorney; Tonja Young, Library Director.

INVOCATION/PLEDGE OF ALLEGIANCE:

Pastor Yvens Meloidor with Gethsemane SDA Church gave the invocation.

3. APPROVE MINUTES:

There being no corrections the June 5, 2017 council meeting minutes stand approved as written.

PUBLIC HEARING: Amending the Land Use and Development Ordinance 2011-54 – Revisions to the Zoning Map

Council President Scott opened the Public Hearing at 6:40 p.m.

No one spoke in favor or against the proposed ordinance.

Council President Scott closed the Public Hearing at 6:41 p.m.

4. REPORT OF STANDING COMMITTEES:

A. *FINANCE COMMITTEE* – Rudicell

The minutes for the June 12th meeting are in the packet.

Treasurer's Report / May 2017

May, 2017 Total Unrestricted Cash Balance - \$12,920,414 and Total City Cash Balance - \$ 33,625,866

TREASURER'S REPORT As of May 31, 2017						
Account Type/Title	Bank / Brokerage	5/31/2017	4/30/2017	Increase (Decrease) from last Month	5/31/2017	Increase (Decrease) from Last Year
Total Unrestricted Cash Balance		12,920,414	13,689,247	(768,832)	12,641,427	278,987
Total Restricted Cash Balance		20,705,451	20,605,154	100,298	7,736,520	12,968,931
Total City Cash Balance		\$ 33,625,866	\$ 34,294,401	\$ (668,535)	\$ 20,377,947	\$ 13,247,919
		Encumbrance Total as of		5/31/2017	\$ 306,879.90	

Sales & Use Tax Collections / April 2017

\$1,249,259.58 was collected for April, 2017 which was down \$3,647 from April 2016's collections:

- YTD Variance over Budget - \$ 156,497.85

Lodging Tax Collections / April 2017

Collections for April, 2017 were \$ 100,197.48 which is up \$4,700 from April 2016's collections.

- YTD Variance over Budget: \$ 35,976.98

B. BUILDINGS & PROPERTY COMMITTEE – LeJeune

The minutes for the June 5th meeting are in the packet. The next meeting will be July 5th at 4:30 p.m.

C. PUBLIC SAFETY COMMITTEE – Davis

The committee met today, and the minutes will be in the next packet. The committee discussed subjects that affect the Police Department and the Fire Department. Councilman Davis attended the EMA meeting Thursday. The next meeting will be June 17th.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Goodlin

Councilman Davis gave the report saying the committee met today, and the minutes will be in the next packet. The next meeting will be July 17th at 5:30 p.m.

E. PUBLIC WORKS COMMITTEE – Coleman

The June 5th minutes are in the packet along with the April 17th Museum minutes.

MOTION BY Councilman Coleman to authorize the Mayor and Public Works staff to engage an engineer to design a turn lane at Pollard Road and County Road 64 / Funds from \$90,000 already on account). (No second needed came out of committee)

MOTION CARRIED UNANIMOUSLY

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Adrienne Jones

The board will meet the first Thursday in July with two applications: one exception and one variance.

B. Downtown Redevelopment Authority – Conaway

The next meeting will be Wednesday at 5:30 p.m.

C. Industrial Development Board – Davis

The next meeting will be June 26th at 6:00 p.m. Councilman Davis spoke to the Rotary Club today about the DISC project, and he also spoke with the Mayor of Huntsville and Tim Russell about the project.

D. Library Board – Rudicell

No report.

E. Planning Commission – Scott

The Commission will meet Thursday June 22nd.

F. RECREATION BOARD - LeJeune

The board met and discussed the upcoming budget. The board approved a request to put forward to council.

G. Utility Board – LeJeune

The last sewer project will be completed by the end of July which will mean the whole city now has sewer.

6. MAYOR'S REPORT

No report.

7. CITY ATTORNEY REPORT:

Patrick on behalf of Adams & Reese thanked Rebecca for her years of service, and all the attorneys send their thanks and appreciation.

8. DEPARTMENT HEAD COMMENTS:

David McKelroy – Recreation Director – gave the sports report, and invited all to the July 4th celebration at Lott Park and the fireworks display at Trione.

Richard Johnson – Public Works Director – reported the EMA put out a notice for heavy rainfall from Tuesday to Thursday.

9. CITY CLERK'S REPORT:

a.) **MOTION:** To approve an Events Permit / Lupus Foundation Walk / March 17, 2018. Seconded by

**MOTION BY Councilman Davis to approve the Events Permit / Lupus Foundation Walk / March 17, 2018.
Councilwoman Conaway.**

MOTION CARRIED UNANIMOUSLY

b.) **MOTION:** To Appoint Candace Antinarella to the position of City Clerk effective July 1, 2017

MOTION BY Councilman Davis to appoint Candace Antinarella to the position of City Clerk effective July 1, 2017. Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY

Rebecca Hayes, City Clerk, as she is retiring next Friday took the opportunity to thank the council for their support during her years as City Clerk and Assistant City Clerk. She has loved working for the City of Daphne, and loves the employees. She said there is no better place one could work than the City of Daphne.

10. PUBLIC PARTICIPATION

Mr. John Lake – 110 Paige Circle – thanked Rebecca for her years of service to the city. He also spoke regarding the increase of garbage fees.

Mr. Sean Gibbs – representing the Girls Softball Association thanked David McKelroy and Charlie McDavid and employees who helped get the fields ready for the tournament. He thanked Councilman Goodlin, Councilman LeJeune and Margaret Thigpen who made it possible for the hotels to get in touch with the teams. He said it was a great turnout.

Mr. Frederick Reynolds – Representing Dunmore Subdivision – spoke regarding speeding in the community and asked council for help in stopping the speeding.

11. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) 2017-33. Declaring Certain Personal Property Surplus & Authorizing Disposition for Donation
- b.) 2017-34. Declaring Certain Personal Property Surplus & Authorizing the Mayor to Dispose of Such Property
- c.) 2017-35. Bid Award: Office Supplies / NJPA Coop Contract
- d.) 2017-36. Bid Award: Janitorial Supplies / NIPA Coop Contract
- e.) 2017-37. Bid Award: Street Signs / Vulcan Signs
- f.) 2017-38. Bid Award: 2017-E TimberCreek North Court Drainage Improvements / Blade Construction

- a.) 2017-33. . . . Declaring Certain Personal Property Surplus & Authorizing Disposition for Donation
- b.) 2017-34. . . . Declaring Certain Personal Property Surplus & Authorizing the Mayor to Dispose of Such Property
- c.) 2017-35. . . . Bid Award: Office Supplies / NJPA Coop Contract
- d.) 2017-36. . . . Bid Award: Janitorial Supplies / NIPA Coop Contract
- e.) 2017-37. . . . Bid Award: 2017-E TimberCreek North Court Drainage Improvements
- f.) 2017-38. . . . Bid Award: 2017-E TimberCreek North Court Drainage Improvements / Blade Construction

MOTION BY Councilwoman Conaway to waive the reading of Resolutions 2017-33, 2017-34, 2017-35, 2017-36, 2017-37 and 2017-38. Seconded by Councilman Rudicell.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Conaway to adopt Resolution 2017-33. Seconded by Councilman Rudicell.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilwoman Conaway to adopt Resolution 2017-34. Seconded by Councilman Rudicell.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Rudicell to adopt Resolution 2017-35. Seconded by Councilman LeJeune.

MOTION CARRIED UNANIMOUSLY

- d.) 2017-36. . . . Bid Award: Janitorial Supplies / NIPA Coop Contract
- e.) 2017-37. . . . Bid Award: 2017-E TimberCreek North Court Drainage Improvements
- f.) 2017-38. . . . Bid Award: 2017-E TimberCreek North Court Drainage Improvements / Blade Construction

MOTION BY Councilman Rudicell to adopt Resolution 2017-36. Seconded by Councilman Davis.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Rudicell to adopt Resolution 2017-37. Seconded by Councilman Davis

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Davis to adopt Resolution 2017-38. Seconded by Councilman LeJeune.

MOTION CARRIED UNANIMOUSLY

ORDINANCES:

3RD READ

a.) 2017-40.To Amend the City of Daphne Land Use and Development Ordinance 2011-54 / Article 38, Section 2 Residential High Rise Overlay Condominium District / **Withdrawn Per Applicant**

2ND READ

a.) 2017-36.Annexation: Property Located Southeast of County Road 13 and Corte Road / Fred L. Corte / **Withdrawn per Owner**

b.) 2017-47.Adjust Speed Limits and Post Speed Limit Signs in the City of Daphne

c.) 2017-48.Policy for Naming City Owned Public Buildings, Properties, Parks and Park Facilities

Ordinances 2017-36 and 2017-40 were withdrawn from the agenda per owner.

2017-47. . . .Adjust Speed Limits and Post Speed Limit Signs in the City of Daphne
2017-48. . . .Policy for naming City Owned Public Buildings, Properties, Parks and Park Facilities

MOTION BY Councilman Rudicell to waive the reading of Ordinances 2017-47 and 2017-48. Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Rudicell to adopt Ordinance 2017-47. Seconded by Councilman Davis.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Rudicell to adopt Ordinance 2017-48. Seconded by Councilman Davis.

MOTION CARRIED UNANIMOUSLY

1ST READ

a.) 2017-49.Amending the Land Use & Development Ordinance 2011-54 / Revision to the Zoning Map

b.) 2017-50.Amending Garbage Fees

c.) 2017-51.Appropriation of Funds: TimberCreek North Court Drainage Improvements

d.) 2017-52.Appropriation of Funds: TimberCreek Boulevard & Pine Run Road Repairs

e.) 2017-53.Appropriation of Funds: Feasibility Study for Forming an Independent City School System 9

Ordinances 2017-49, 2017-50, 2017-51, 2017-52 and 2017-53 are a 1st Read.

12. COUNCIL COMMENTS

Councilman Davis – thanked Rebecca for her years of service and the kindness and support she always showed to him. He said Candace will bring a different work set, and he is looking forward to working with her.

Councilman LeJeune – reminded everyone of the fireworks display July 4th at Trione Park. He thanked Rebecca for her years of service and said it has been a great pleasure working with her. He said it was always enjoyable to come to her office and visit. She has given him some good advice, and he appreciates it.

Councilman Coleman said that he and his wife met some refugees from Rwanda and the Congo, and these have lived as refugees all their lives. They really enjoy the freedoms in Daphne. He said it puts things into perspective the things they talk about at council meetings. He said they should never take for granted the freedoms we have. He said that being new Becky was the only person he could call and ask the questions he didn't want to ask council, because he did not want to be foolish in their eyes. He thanked Becky for helping him get through his initial few months on council, and it has been a pleasure.

Councilman Rudicell thanked Rebecca for all her help, and that she was one of the ones that convinced him that this was an opportunity to serve five (5) years ago, and he appreciates that she did that. He said regarding Candace that it is nice to have someone that knows Daphne and what it was, and she has a vision of where Daphne can go, and thanked her for coming on board.

Councilwoman Conaway said she has known Becky for a long time. When she was principal of Daphne East she could always come to city hall and see her friendly face, and she always provided assistance when she could not get to the Mayor, and she thanked her for that, and thanked her for 17 years of dedication and commitment to the City of Daphne, and she looks forward to working with Mrs. Antinarella.

Councilman President Scott – said they have appreciated all Becky has done, and he has seen her referee some pretty angry people. He has appreciated her leadership. He said that this council has been extremely polite, reasoned and mannered. He is looking forward to working with Candace. He said he is looking forward to seeing Becky back at the July 5th council meeting and on June 30th for her retirement party.

13. ADJOURN:

MOTION BY Councilman Coleman to adjourn. Seconded by Councilman LeJeune.

MOTION CARRIED UNANIMOUSLY

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:15 P.M.

Respectfully submitted by,

Rebecca A. Hayes, City Clerk

Certification of Presiding Officer

Ron Scott, Council President

6/15/2017

From Frederick Reynolds
10322 Dunmore Drive
Daphne Alabama 36526
251-512-517-7121

To the attention of the City Council of Daphne Alabama 36526.

We the "Home Owners" of Dunmore Estates are requesting the City install Speed bumps at the Street Crossings of Limerick and Dunmore on both the East & West intersections of Dunmore Drive.} the intersections of Doireann & Dunmore Drive also on the East and West intersections of Dunmore Drive}. Speed bumps at the intersections of Doireann and Wexford on the East and West intersections of Wexford Drive}. Speed bumps at the intersections of Wexford and Limerick on the West and East intersections of Wexford Drive}.

We have in the past worked with the City of Daphne Police Department in a effort to stop the reckless driving in our residential community over the last two years with speed meters and issuing citations, I am sad to say it has not stoped it. Reckless driving is dangerous everywhere, but it can cause particularly serious harm in residential areas, where speed limits are purposely low because children and other residents are often outside. Excessive speeding or other aggressive actions behind the wheel may result in crashes that change a family,s life forever. People are often in a hurry when they are commuting to and from work or handling an errand, but this is no reason for disregarding the lower speed limits in residential areas. Not only people in other cars but also bicylists and pedestrians, who have no protections from reckless drivers, may be at risk. There fore we believe installations of the speed bumps are warranted and request they be installed in a timely manner.

Frederick Reynolds, Dunmore Home Ownerss Association.

DAPHNE BEAUTIFICATION COMMITTEE

PRESENTS THE 2017
"MOST ATTRACTIVE RESTAURANT"
TO

The Sugar Kettle Café

For Excellence in Beautifying the City of Daphne

Awarded this 5th day of July 2017



The Jubilee City

Dane Haygood, Mayor

Laurel Anderson, Chairperson

CODE ENFORCEMENT/ORDINANCE COMMITTEE

*June 19, 2017
City Hall Executive Conference Room
1705 Main Street
Daphne, AL
5:30 P.M.*

*Councilman Goodlin, Chairman
Councilman Ron Scott
Councilman Pat Rudicell
Councilwoman Tommie Conway*

*Councilman Joe Davis
Councilman Joel Coleman
Councilman Robin LeJeune*

I. CALL TO ORDER/ROLL CALL

The chairman declared a quorum was present and called the meeting to order at 5:30 p.m.

Members Present: Ron Scott; Tommie Conaway; Pat Rudicell; Joe Davis; Joel Coleman; Robin LeJeune
(arrived at 6:20 p.m.).

Absent: Doug Goodlin.

Also Present: Rebecca Hayes, City Clerk / recording secretary; Candace Antinarella, Jamie Smith, Revenue Officer; Richard Johnson, Public Works Director; David Carpenter, Police Chief; Lt. Kenny Hempfleng; Patrick Dungan, City Attorney; Mat Creel and William Kennedy, Code Enforcement; Mr. Lynn Gowin, Republic Services.

II. APPROVE MINUTES / May 15, 2017

Councilman Scott amended the May 15, 2017 minutes under the Ordinance Review section regarding the speed limit ordinance: “amend the speed limit for Public Works Road to 35 m.p.h.” / amend to “the speed limit for Well Road to 30 m.p.h.” The May 15, 2017 meeting minutes stand approved as amended.

III. PUBLIC PARTICIPATION

Considered later in the meeting.

IV. ORDINANCE REVIEW/DISCUSSION

1.) Ordinance 2017-25 / Commercial Solid Waste Collection Services and Franchises

Patrick said he used model ordinances from other municipalities. Companies have been contacting Jamie with concerns that can be addressed in the franchise agreement. Patrick asked the committee how he should proceed, because the ordinance is set to go into effect July 1st. There have been some applications that have been filled out already.

PUBLIC PARTICIPATION

Mr. Lynn Gowin said that he has no problem with the franchise agreement. The problem is where the ordinance says that all new customers must be approved by the Mayor. That makes it cumbersome to get dumpsters to customers. His second concern was where is the actual agreement. The agreement can govern anything they may be interested in.

Richard Johnson suggested changing the effective date to January 1, 2018.

Consensus was to have a repealer ordinance on the July 5th council meeting agenda to repeal 2017-25.

2.) Council Rules of Procedure

Amendments:

1. Section VI:
 - a.) Time for turning in agenda items from 5:00 p.m. to 12:00 p.m. with the exception of the Finance Department
 - b.) Council packet sent to full council by 12:00 p.m. Friday before the council meeting to 5:00 p.m.
2. Section XIV:
 - a.) "D" No council member shall serve as chair of more than one (1) committee or board as referenced in "B"
 - b.) Committee or board meeting agenda shall be set by the committee chairman "with input from staff"

MOTION BY Councilman Rudicell to send the Council Rules of Procedure ordinance with amendments to the full council. Seconded by Councilman Scott.

MOTION CARRIED UNANIMOUSLY

FOR DISCUSSION

a.) How long a building can be in disrepair

JAY Ross wants to get materials from a conference they attended and give a presentation at a work session on ways to deal with condemnation.

This will be on the July Work Session agenda.

b.) Exemption from paying garbage fees

Richard Johnson said that for years the city has been providing exemption for garbage service. It first goes to the Health Department and they give the ok, and it come back to them and they are exempt. Public Works will help citizens fill out the application and get it to the Health Department. It was mentioned that if there is an increase there should be a press release on the exemption.

VI. OTHER BUSINES

a.) Community Grant Ordinance

Councilman Rudicell mentioned the extra contributions that have been made outside the procedure, and said that either they abide by the ordinance or amend it. He asked that the ordinance be on a work session to discuss.

b.) Impact Fees

This item will be considered at the next meeting.

VII. NEXT MEETING / July 17, 2017

VIII. ADJOURN

MOTION BY Councilman Rudicell to adjourn. Seconded by Councilman Coleman.

MOTION CARRIED UNANIMOUSLY

THERE BEING NO FURTHER BUSINESS TO DISCUSS THE MEETING ADJOURNED AT 6:25 P.M.

Old Methodist Church Museum of Daphne

Meeting Minutes

June 12, 2017

I. Call to order

Ken Balme called to order the regular meeting, followed by reciting the Pledge of Allegiance.

- II. **Attendees:** Ken Balme, Rachel Burt, Mickey Boykin, Lucy Cunningham, Al Guarisco, Lee Swetman, Dooley & Scott Berry, Arva Brown, Helen Baroco, Stephanie Middleton, Jeanne Nelson, Emily Hammond, Greg McRae

III. Approval of minutes from last meeting: May 8, 2017

- IV. **Treasures Report:** Period 4/30/17- 5/31/17 Opening balance \$5151.26 Deposits: Bricks (7) \$245 , Books & donations \$118. Ending balance \$5,514.26 Petty Cash \$22.59

- V. **Volunteer Assignments/Schedules-** We have a 5th Friday in June. Al will work 6/30/17.

VI. Committee Reports

- a) **Exhibits/Events:** No Reports
- b) **Publicity/Social Media:**
- c) **Cemetery:** No reports.
- d) **Fund Raising & Volunteer Recruitment:** 46 bricks sold to date. Time to approach people that have promised but not purchased. Ken made new fliers we can to distribute. Suggestions made; setting up a 'sales' table outside the Council meetings, Mobile Bay Monthly, LakeForest newsletter, church bulletins & Downtown business.
- e) **Special Tours :** None scheduled
- f) **Archives, Curation:** No reports

VII. Unfinished/Ongoing business

- a) **Planning Calendar:** September is Jubilee Festival & BC Fair. It was suggested we could set up a 'jubilee' exhibit for the Jubilee Festival this year. The Fair has a Ribbon theme. We can use the small maypole again.
- b) **RSVP Program:** New Volunteer Coordinator for the City is Dawn Biggs
- c) **Presentation for the Senior Center:** It will be held at the Museum 7/6, postponed from an earlier date. Ken will verify this is the correct date.
- d) **200 Year Celebration:** A follow-up meeting is 6/14 in Bay Minette.
- e) **Name Change:** Submitted. Ken suggested incorporating calligraphy in a new updated sign and/or logo. Rachel will get an estimate for a new outside sign from Coastal Vinyl.
- f) **Work Day:** Rescheduled for 6/23. Ken suggested rearrangement for the office & 'shop' area. Move the old wooden cabinet. Bring the old books & paperwork to the City vault. We

also need to create an area to display the books we own and get a new comfortable office chair.

- g) **Impact 100:** Submitted and accepted June 4, 2017. Next step would be a letter to schedule an on-site focus group to discuss proposal or a rejection letter.

VIII. New Business & Announcements

- Greg McRae told us about his Facebook group “Scenes from Old Daphne” launched about a month ago. Its’ focus being pictures of Daphne thru the 1950’s. He has scanned many from the museum. Credit is given for each as to the source. Greg does the research and posts a story about each photo. The site also allows members to post pictures accordingly. This has produced many great photos and discussions already. It is a wonderful way to share the history of Daphne and stories of our past.

IX. Adjournment

Ken Balme adjourned the meeting.

Minutes submitted by: Rachel Burt

Next regular meeting: Monday July 10 , 2017 @ 10AM!

Call to Order:

The regular meeting of the City of Daphne Planning Commission was called to order at 5:01 p.m.

Call of Roll:

Members Present:

Ed Kirby
Marybeth Bergin, Chairman
Philip Hodgson, Vice Chairman
Andrew Prescott
Chief White

Staff Present:

Adrienne Jones, Director of Community Development
Jan Vallecillo, Planning Coordinator
Jay Ross, Attorney
Brennan Walters, Planner

The first order of business is the approval of the minutes.

Chairman stated the excerpt of the minutes of the regular meeting of March 23, 2017 is for informational purposes; no action will be taken.

Chairman asked for questions, comments or corrections to the minutes ***of the regular meeting of April 27, 2017. There being none, minutes are approved as submitted.***

Chairman stated the number of members present does constitute a quorum to conduct business, but explained that Bailey Place, South Branch, Phase One, Watershed at Tiawasee, Phase 2, Malbis Plantation, Inc. zoning amendment will not be heard tonight because six members are required for action on those agenda items.

The next order of business is site plan review for Daphne Commercial Storage.

An introductory presentation was given by David Shumer, representative of Barton & Shumer Engineering, requesting site plan review of two commercial storage facilities served by common detention located northwest of the intersection of County Road 64 and Capital Drive and stated the applicant request approval, pending review of an application for a variance by the Board of Zoning Adjustment for a landscape buffer.

Chairman asked for Commission questions or comments and regarding the installation of sidewalks.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of May 25, 2017
Council Chamber, City Hall - 5:00 P.M.**

Commissioners discussed the buffer requirement on the west side of the property.

Chairman asked if a variance is not granted, does that affect an approval of the site plan. Ms. Jones stated the site plan would be revised to be in compliance with the buffer requirement and reviewed administratively.

Chief White asked the fire department access, and Mr. Shumer responded that the buildings would be shifted to accommodate the turnaround.

Chairman asked for Commission questions or comments and for a motion.

A Motion was made by Mr. Kirby and **Seconded** by Mr. Prescott **for approval of the site plan for Daphne Commercial Storage, contingent upon compliance with the provisions of the Land Use & Development Ordinance Article 19-9(a) and to approve a waiver of the sidewalk requirement. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is site plan review for "No Off Season" Athletic Facility.

An introductory presentation was given by Todd Crowley, representative of Platt Builders, requesting site plan review of a five thousand square foot athletic and personal training facility and warehouse located southeast of the intersection of County Road 64 and Friendship Road and staff deficiencies have been addressed; issuance of the ADEM is pending.

Chairman asked for Commission questions or comments and for a motion.

A Motion was made by Mr. Prescott and **Seconded** by Mr. Kirby **to approve the site plan for "No Off Season" Athletic Facility. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is an administrative presentation for a proposed amendment to the Land Use Ordinance.

Ms. Jones requested that Commissioners review and submit recommendations to Article 35, Section 35-3, Table of Permitted Uses, prior to the next meeting: changes and/or additions which will not adversely affect a Commercial/Industrial zone; and, cumulative uses of a B-2 zone which could be located in the commercial/industrial zones of Daphne Commercial Park and Daphne Business Park.

The next order of business is Comprehensive Plan discussion.

The City of Daphne
Planning Commission Minutes
Regular Meeting of May 25, 2017
Council Chamber, City Hall - 5:00 P.M.

Each commissioner was provided a copy of the 2000-2020 Comprehensive Plan.

Chairman will provide guidance on reviewing the existing plan.

The next order of business is public participation.

Chairman asked for public participation. No one came forward. He closed public participation.

The next order of business is the attorney's report.

Mr. Ross stated no report.

The next order of business is commissioner's comments.

None presented.

The next order of business is director's comments.

Ms. Jones presented the following:

- a. Ordinance Committee requests that the Planning Commission review and consider an amendment to the Land Use Ordinance to allow chickens - hens;
- b. Upcoming community events - Brown Bag concerts, Thursday, June 1, 2017, 11:30 a.m. - 1:30 p.m.;
- c. The upcoming meeting dates are site preview, June 14 & regular meeting, June 22, 2017;
- d. Allegri/Volovecky pre-zoning request at 181 & 64, 75 acres, PUD & Mixed Use, have reached out to agent with no response regarding when it will be brought back to Planning Commission;
- e. Preconstruction meetings are scheduled for June 6 & 20, 2017, 9:00 - 11:00 a.m.

There being no further business, the meeting was adjourned at 5:20 p.m.

Respectfully submitted by:


Jan Vallecillo, Planning Coordinator

Approved: June 22, 2017


Mary Beth Bergin, Chairman

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF JUNE 22, 2017
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

 REPORT

1. **CALL TO ORDER:** 5:11 p.m.
2. **CALL OF ROLL:** Philip Hodgson, Andrew Prescott, arrived @ 5:23 p.m., Ed Kirby, Ron Scott, Charles Smith, Hudson Sandefur, Chief White, and Marybeth Bergin, arrived @ 5:54 p.m.
3. **APPROVAL OF MINUTES:**

Review of minutes for the regular meeting of May 25, 2017. **(APPROVED AS SUBMITTED)**
4. **MEETING ORDER DIFFERS FROM POSTED AGENDA:**
 - A. **ADMINISTRATIVE ZONING OF LEGISLATIVELY-ANNEXED TERRITORIES PRESENTED TO BE PRESENTED BY THE CITY ATTORNEY:**
 - a. **File AZ17-01: Parcel 1, Dollar General Store on Highway 181**

The administrative zoning of legislatively-annexed territory containing 1.37 acres +/- located northeast of the intersection of Alabama Highway 181 and County Road 64 currently zoned by the County as B-3, General Business District, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction, to be zoned B-2, General Business. Said property will be annexed into the City effective July 1, 2017 per Alabama Act #2017-163. **(FAVORABLE RECOMMENDATION FOR B-2(a))**
 - b. **File AZ17-02: Parcel 2, Palladian @ Daphne Apartments on Highway 181**

The administrative zoning of legislatively-annexed territory containing 20 acres +/- located northwest of the intersection of Alabama Highway 181 and Sommerset Drive currently zoned by the County as RMF-6, Residential Multi-family District, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction, to be zoned R-7(A) Apartment District. Said property will be annexed into the City effective July 1, 2017 per Alabama Act #2017-163. **(FAVORABLE RECOMMENDATION)**
 - c. **File AZ17-03: Parcel 3, Chevron Gas Station on Highway 181**

The administrative zoning of legislatively-annexed territory containing 1 acre +/- located at the southwest intersection of Alabama Highway 181 and Justina Avenue currently zoned by the County as B-4, Major Commercial District, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction, to be zoned B-2, General Business District. Said property will be annexed into the City effective July 1, 2017 per Alabama Act #2017-163. **(FAVORABLE RECOMMENDATION)**
 - d. **File AZ17-04: Parcel 4, JMO Subdivision on County Road 13 & Champions Way**

The administrative zoning of legislatively-annexed territory containing 4.67 acre +/- located at the northeast intersection of Champions Way and County Road 13 currently zoned by the County as B-3, Major Commercial District and B-1, Professional Business, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction, to be zoned B-2, General Business District. Said property will be annexed into the City effective July 1, 2017 per Alabama Act #2017-163. **(FAVORABLE RECOMMENDATION FOR B-2(a))**
 - B. **ATTORNEY'S REPORT:** Discussion regarding Colonial Plaza by Fleetwood Lane, owner of Colonial, L.L.C. **(APPROVED TO FILE & RECORD SUBDIVISION AS AN OVERSIGHT FROM A PREVIOUS COMMISSION)**

C. ADMINISTRATIVE PRESENTATION:

1. File AP17-05:

Presentation by Community Development of a proposed amendment to the provisions of the Commercial/Industrial zoning district. (FAVORABLE RECOMMENDATION)

D. PRE-ZONING AMENDMENT:

1. File PZA17-07: Fred L. Corte: (FAVORABLE RECOMMENDATION)

Present Zoning: RA, Rural Agricultural, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne

Proposed Zoning: PUD, Planned Unit Development

Location: Southeast of Corte Road and County Road 13
Area: 73.53 Acres $\pm$
Owner(s): Fred L. Corte
Agent: Dewberry/Preble-Rish - Steve Pumphrey

E. PRELIMINARY/FINAL PLAT REVIEW:

1. File SDPF17-07: (APPROVED)

Subdivision: Watershed at Tiawasee, Phase 2

Zoning: *R-1, Low Density Single Family Residential*

Location: East of Daintree and Danube Court
Area: 21.33 $\pm$ Acres, (3) lots
Owner(s): Feliciter Investment Group, L.L.C. – Nathan Cox
Agent: Dewberry/ Preble-Rish - Steve Pumphrey
Surveyor: Dewberry/ Preble-Rish - David Diehl

2. File SDPF17-08: (APPROVED)

Subdivision: Reserve 53

Zoning: *RA, Rural Agricultural, in Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne*

Location: North of the intersection of County Road 64 and Montelucia Way
Area: 53.33 Acres $\pm$, (2) lots
Owner: GCOF Reserve at Daphne, L.L.C. – Nathan Cox
Agent: Dewberry/Preble-Rish - Steve Pumphrey
Surveyor: Dewberry/Preble-Rish- David Diehl

3. File SDPF17-09: (APPROVED)

Subdivision: M2O

Zoning: *B-2, General Business*

Location: Northwest of U.S. Highway 98 & Jordan Road
Area: 1.33 $\pm$ Acres, (2) lots
Owner(s): Nancy Jordan Estate – Marie Johnson
Developer: Boone Living Trust – Daniel Matthews
Agent: Coast Architects – Phillip Owens
Surveyor: Wattier Surveying – Mark Wattier

F. SITE PLAN REVIEW:

1. File SP17-15: (APPROVAL OF SITE PLAN & WAIVER OF SIDEWALKS ON JORDAN ROAD)

Site: AOSM

Zoning: *B-2, General Business*

Location: Northwest of the intersection of U.S. Highway 98 and Jordan Road

Area: 1.33 ± Acres

Owner: Nancy Jordan Estate – Marie Johnson

Developer: Boone Living Trust – Daniel Matthews

Agent: Coast Architects – Phillip Owens

Engineer: Barton & Shumer – David Shumer

G. FINAL PLAT REVIEW:

1. File SDF17-04: (APPROVAL, SUBJECT TO CLEARANCE FROM CITY STAFF PRIOR TO SIGNING THE PLAT)

Subdivision: Oldfield, Phase 2A

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

Location: North and west of Oldfield Subdivision, Phase One

Area: 18.63 Acres ±, (30) lots

Owner(s): Smart Living, L.L.C. -

Agent: Dewberry/Preble-Rish - Steve Pumphrey

Engineer: Dewberry/Preble-Rish – Jason Estes

H. PRELIMINARY PLAT REVIEW:

1. File SDP17-04: (APPROVED)

Subdivision: Bailey Place

Zoning: *RSF-3, Single Family District, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction*

Location: Southwest of County Road 64 and Alabama Highway 181

Area: 5.93 ± Acres, (13) lots

Owner: JIBA Development, L.L.C. – Sands Stimpson

Agent: Dewberry/Preble-Rish - Steve Pumphrey

Engineer: Dewberry/Preble-Rish – Jason Estes

Surveyor: Dewberry/Preble-Rish - David Diehl

2. File SDP17-05: (APPROVED)

Subdivision: South Branch, Phase One

Zoning: *R-3, High Density Single Family Residential*

Location: On Pollard Road, east of Eagle Creek Subdivision

Area: 13.49 Acres ±, (29) lots

Owner(s): S. Hickory, Inc. - Charles K. Breland, Jr.

Engineer: R-Squared Global, L.L.C. - Barry Dees

Surveyor: R-Squared Global, L.L.C. – B. Craig Johnson

I. PRE-ZONING AMENDMENT PETITION:

1. **File PZA17-05: Malbis Plantation, Inc. (FAVORABLE RECOMMENDATION)**

Present Zoning: RSF-3, Single Family District, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne

Proposed Pre-zoning: R-3, High Density Single Family Residential

Location: East side of County Road 13, north of Schoy Subdivision
Area: 77.54 ± Acres
Owner(s): Malbis Plantation, Inc. – Willard Simmons
Developer: Fortuna Investments, L.L.C. – Nathan Cox
Agent: Dewberry/ Preble-Rish - Steve Pumphrey
Surveyor: Dewberry/ Preble-Rish - David Diehl

2. **File ANX17-04: (FAVORABLE RECOMMENDATION TO ANNEX SAID PROPERTY INTO THE CORPORATE LIMITS AND TO ADHERE TO THE CITY'S POLICY REGARDING CONNECTIVITY {I.E. IN FAVOR OF OPEN ACCESS BETWEEN SUBDIVISIONS}).**

Presentation to be given by Steve Pumphrey, Dewberry/Preble-Rish, representative of Malbis Plantation, Inc., requesting annexation of an seventy- seven point five-four acre parcel into the City of Daphne located on the east side of County Road 13, north of Schoy Subdivision as R-3, High Density Single Family Residential. The subject property is currently zoned RSF-2, Single Family District, in Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne. Malbis Plantation, Inc. - owner.

J. PRELIMINARY PLAT REVIEW:

1. **File SDP17-06: (APPROVAL OF PLAT AND TO ALLOW FOUR-FOOT WIDE SIDEWALKS CONSISTENT WITH THOSE IN EXISTENCE IN FRENCH SETTLEMENT SUBDIVISION IN LIEU OF FIVE-FOOT WIDE SIDEWALKS)**

Subdivision: French Settlement, Phase 3

Zoning: R-1, Low Density Single Family, & R-2, Medium Density Single Family Residential

Location: Northwest of Longue Vue Boulevard and French Settlement Drive
Area: 22.26 ± Acres, (17) lots
Owner(s): Feliciter Investment Group, L.L.C. – Nathan Cox
Agent: Dewberry Preble-Rish - Steve Pumphrey
Engineer: Dewberry/Preble-Rish – Jason Estes
Surveyor: Dewberry Preble-Rish - David Diehl

K. PRE-ZONING, REZONING, ETC.

1. **File Z17-01: WPNVA, L.L.C., Jay-E, L.L.C., John White-Spunner, & Chester J. Stephan (UNFAVORABLE RECOMMENDATION)**

Present Zoning: R-4, High Density Single and Multi-Family Residential

Proposed Zoning: B-2, General Business

Location: Southeast corner of U. S. Highway 98 and Johnson Road
Area: 5.8 Acres ±
Owner(s): WPNVA, L.L.C., Jay-E, L.L.C., John White-Spunner, & Chester J. Stephan
Developer: BFHK, L.L.C. – Keith Baker
Agent: Hutchinson, Moore & Rauch – Doug Bailey

2. THE CITIZENS BANK PREZONING AND ANNEXATION PETITION:

a. File PZA17-06: The Citizens Bank (UNFAVORABLE RECOMMENDATION)

Present Zoning: RSF-2, Single Family District, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction

Proposed Pre-zoning: B-1(a), Limited Local Business

Location: Northeast corner of Belgrove Avenue and Alabama Highway 181

Area: 1.36 Acres $\pm$

Owner(s): The Citizens Bank - Paul Davis

Agent: Kopesky Britt, L.L.C. – Brian Britt

b. File ANX17-05: (FAVORABLE RECOMMENDATION)

Presentation to be given by Paul Davis, representative of The Citizens Bank, or Brian Britt, representative of Kopesky Britt, L.L.C., requesting annexation of a one point three-six acre parcel into the City of Daphne located at the northeast corner of Belgrove Avenue and Alabama Highway 181 as B-1(a), Local Limited Business. The subject property is currently zoned RSF-2, Single Family District, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne. The Citizens Bank-owner.

L. ADMINISTRATIVE PRESENTATIONS:

1. File AP17-06:

Comprehensive Plan discussion by Chairwoman Bergin. (No action taken)

2. File AP17-07:

Presentation by Community Development of a motion made on May 15, 2017 by the Ordinance Committee to send the issue of citizens having chickens in their yards within the city limits to the Planning Commission to consider amending the Land Use and Development Ordinance. (No action taken)

5. PUBLIC PARTICIPATION: None presented

6. COMMISSIONER'S COMMENTS: None presented

7. DIRECTOR'S COMMENTS:

Ms. Jones presented the following:

- a.** Independence Day Celebration, 5 p.m., fireworks at dusk @ Al Trione Sports Complex, waterslide, games and free concession

8. ADJOURNMENT: 8:37 p.m.

SET PUBLIC HEARING DATE FOR

AUGUST 7, 2017

TO CONSIDER:

- 1. Pre-Zone: Fred Corte**
Property Located: Southeast of Corte Road and County Road 13
Present Zoning: RA, Rural Agricultural, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne
Requested Zoning: PUD, Planned Unit Development
Recommendation: Unanimous Favorable
- 2. Pre-Zone: Malbis Plantation, Inc.**
Property Located: East of County Road 13, North of Sehoj Subdivision
Present Zoning: RSF-3, Single Family District, Baldwin County Extraterritorial Planning Jurisdiction
Requested Zoning: R-3, High Density Single Family Residential District
Recommendation: Unanimous Favorable
- 3. Annexation: Malbis Plantation, Inc.**
Property Located: East of County Road 13, North of Sehoj Subdivision
Recommendation: Unanimous favorable to annex into the corporate limits and to adhere to the City's policy regarding connectivity {i.e. in favor of open access between subdivisions}
- 4. Zoning of Legislative Annexation Territories / Parcel 1**
Property Located: Northeast of the intersection of Alabama Highway 181 and County Road 64
Present Zoning: B-3, General Business District Baldwin County Extraterritorial Planning Jurisdiction
Recommended Zoning: B-2(a), General Business Alternate
Recommendation: Unanimous Favorable
- 5. Zoning of Legislative Annexation Territories / Parcel 2**
Property Located: Northwest of the intersection of Alabama Highway 181 and Sommerset Drive
Present Zoning: RMF-6, Residential Multi-Family, Baldwin County Extraterritorial Planning Jurisdiction
Recommended Zoning: R-7(A), Apartment District
Recommendation: Unanimous Favorable
- 6. Zoning of Legislative Annexation Territories / Parcel 3**
Property Located: At the southwest intersection of Alabama Highway 181 and Justina Avenue
Present Zoning: B-4, Major Commercial District, Baldwin County Extraterritorial Planning Jurisdiction
Recommended Zoning: B-2, General Business
Recommendation: Unanimous Favorable
- 7. Zoning of Legislative Annexation Territories / Parcel 4**
Property Located: At the northeast intersection of County Road 13 and Champions Way
Present Zoning: B-3, General Business District, and B-1, Professional Business District, Baldwin County Extraterritorial Planning Jurisdiction
Recommended Zoning: B-2(a), General Business Alternate
Recommendation: Unanimous Favorable
- 8. Amendment to the Land Use & Development Ordinance 2011-54 / Section 35-3, Table of Permitted Uses and Conditions, Commercial/Industrial District**
Recommendation: Unanimous Favorable

To: Office of the City Clerk
From: Adrienne D. Jones, *AD*
Director of Community Development
Subject: Fred L. Corte, Pre-zone Amendment
Reference: Blackstone Lakes, a Planned
Unit Development, (Council approved in
December 2016)
Date: June 22, 2017

MEMORANDUM

PRESENT ZONING: RA, Rural Agricultural, Baldwin County
District 15, in the Extraterritorial
Planning Jurisdiction of Daphne

PROPOSED REZONING: PUD, Planned Unit Development

LOCATION: Southeast of Corte Road and County Road
13

RECOMMENDATION: At the Thursday, June 22, 2017, regular
meeting of the Daphne Planning Commission,
eight members were present, and the motion
carried for a unanimous favorable
recommendation for the above mentioned pre-
zoning amendment.

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

Upon receipt of said documentation, please prepare an
ordinance for placement on the City Council agenda to set a
public hearing for August 7, 2017.

Thank you,
ADJ/jv

cc: file

attachment(s)

1. Rezoning Application
2. Legal Description
3. Boundary Survey
4. PUD Documents
5. Community Development Report



REZONING OR PRE-ZONING APPLICATION

Office use only	Date Submitted May 23, 2017
Application Number: ZA- or PZA- 17-07	Planning Commission Public Hearing Date: June 22, 2017

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): 1/4 MILE EAST OF CO RD 13 AND CORTE RD INTERSECTION		PPIN#(s): 63517
Gross Site Area (acreage): 73.53 ACRES	Requested Zoning or Pre-Zoning: PUD	
Current Zoning Designation(s): RA (BALDWIN COUNTY)	Amended Request:	
	Initials: Date:	
Current Land Use: AGRICULTURE	Anticipated Land Use: SINGLE FAMILY RESIDENTIAL	
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

<i>*If an LLC or LLP or Corporation, provide name and signature of Registered Member or Agent and provide a copy of Articles of Incorporation.</i>	
Name of Current Owner: FRED L. CORTE	
Mailing Address: PO BOX 1156, FAIRHOPE, AL 36533	Phone/Fax: E-mail:
Name of Authorized Agent: DEWBERRY/PREBLE-RISH	251-990-9950
Mailing Address: 9949 BELLATON AVE, DAPHNE, AL 36526	Phone/Fax: 251-990-9910 E-mail: mpumphrey@dewberry.com
Name of Developer*:	Phone/Fax: 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: Fred L Corte	Date
Agent's Signature: Steve Pumphrey	Date 5-23-17

EXHIBIT A
LEGAL DESCRIPTION FOR FRED L. CORTE PROPERTY (PRE-ZONING)

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, SAID POINT ALSO KNOWN AS THE SOUTHWEST CORNER OF BELLATON SUBDIVISION, PHASE ONE AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2194-E, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 00 DEGREES 17 MINUTES 39 SECONDS EAST, ALONG THE WEST MARGIN OF SAID BELLATON SUBDIVISION, PHASE ONE, FUTURE BELLATON SUBDIVISION, PHASE FOUR, AND A PROJECTION THEREOF, A DISTANCE OF 724.68 FEET TO A CAPPED REBAR; THENCE RUN NORTH 00 DEGREES 16 MINUTES 25 SECONDS EAST, A DISTANCE OF 1267.60 FEET; THENCE RUN NORTH 00 DEGREES 40 MINUTES 23 SECONDS EAST, A DISTANCE OF 59.95 FEET TO A CAPPED REBAR ON THE SOUTH MARGIN OF BALDWIN COUNTY FARM TO MARKET ROAD (A.K.A. CORTE ROAD); THENCE RUN NORTH 58 DEGREES 32 MINUTES 58 SECONDS WEST, ALONG AN OLD FENCE ON THE SOUTH MARGIN OF SAID BALDWIN COUNTY FARM TO MARKET ROAD, A DISTANCE OF 355.59 FEET TO A CAPPED REBAR; THENCE RUN NORTH 60 DEGREES 39 MINUTES 04 SECONDS WEST, ALONG SAID OLD FENCE ON THE SOUTH MARGIN OF SAID ROAD, A DISTANCE OF 824.19 FEET TO A CAPPED REBAR; THENCE RUN NORTH 79 DEGREES 30 MINUTES 38 SECONDS WEST, ALONG SAID FENCE AND ROAD, A DISTANCE OF 40.53 FEET TO A CAPPED REBAR; THENCE RUN NORTH 89 DEGREES 21 MINUTES 29 SECONDS WEST, ALONG SAID FENCE AND ROAD, A DISTANCE OF 262.67 FEET TO A CAPPED REBAR; THENCE RUN SOUTH 00 DEGREES 14 MINUTES 57 SECONDS WEST, A DISTANCE OF 2641.94 FEET TO A CAPPED REBAR; THENCE RUN SOUTH 89 DEGREES 33 MINUTES 48 SECONDS EAST, A DISTANCE OF 1325.31 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 73.53 ACRES, MORE OR LESS, AND LIES IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

BLACKSTONE LAKES PUD STANDARDS

Blackstone Lakes, a Planned Unit Development (PUD), is a 73.53 acre site located one-quarter of a mile east of County Road 13 and is bound on the north side by Corte Road and on the east side by Bellaton Subdivision Phases 1 and 4. The property is presently in the extraterritorial jurisdiction of the City of Daphne and is located in Baldwin County Planning District 15 and is zoned RA – Rural Agriculture. Application has been made to the City of Daphne to Pre-zone this property as a PUD.

The proposed development consists of 175 single family lots, with 123 lots at 52' wide and a minimum of 6,000 sq. ft., and 52 lots at 70' wide and a minimum of 10,500 sq. ft. The proposed density of the development is 2.38 units per acre. There are 20.73 acres, or 28.19% of the total site, proposed as common area. These common areas consists of buffers, stormwater detention areas, and 7.50 acres of recreational area.

The residential lots shall have the following standards:

The 52' wide lots are to have building setbacks of 25' on the front and rear, 6' on the sides, and 15' on the street sides. The 70' wide lots are 30' on the front and rear, 10' on the sides, and 15' on the street sides. The maximum building heights for all residential lots are to be as per the City's R-3 zoning district. The maximum building coverage of each residential lot is 38%.

All utilities will be constructed underground and water, sewer, electric, and telephone are all available to the site. All roadways within the development, except for one area described below, will be public and sidewalks will be located on both sides of the proposed roadways. Sidewalks will be installed by the home builder at the time of house construction and will be required to be ADA compliant. All construction will be in accordance to the standards of the City of Daphne.

The stormwater management system will be designed in accordance with the standards of the City of Daphne. All stormwater facilities and structures outside of public right-of-ways will be maintained by the P.O.A. and not the City of Daphne.

A landscape plan will be provided as part of the subdivision process. The required landscaping will be provided in the common areas and installed during construction of the infrastructure adjacent to those common areas. Any additional landscaping will be provided by the home builders and/or the lot owners.

The PUD Master Plan proposes a mix in residential building types. As a public benefit the developer proposes to make connection to and pave Corte Road from County Road 13 to just beyond the entrance of the proposed development. This will provide connectivity from the existing Bellaton development to County Road 13 and also provide additional access to Bellaton for police, fire, ambulance, garbage service, and school buses. Due to Corte Road being a County Road, all improvements will be designed and constructed to County Standards.

The southernmost 34 lots, Lots 142-175, are proposed as a senior living section within the development with a proposed gated entryway. During the subdivision process, the developer will coordinate with emergency services, garbage services, and utility companies to provide an agreed upon method for access, whether by means of a code or keyed access. The developer plans to coordinate with the Public Works department for curbside garbage pickup service. The roadways within this section will be private and privately maintained. It is also understood that any storm related debris will not be picked up by the City along the private roadways.

Covenants and Restrictions will provide for the formation of a Property Owner's Association for the Blackstone Lakes development whereby maintenance responsibilities of the private roads, drainage infrastructure outside of public and private roadways, and common areas will be established. It is anticipated that the senior living section will have separate maintenance responsibilities than the remaining property owners of the Blackstone Lakes development but all will be under a Master set of Covenants and Restrictions. These Covenants and Restrictions will be for the Blackstone Lakes development and will not in any way be a part of the existing Bellaton development.

PLANNING COMMISSION
PREZONING REQUEST FOR
FRED L. CORTE



COMMUNITY DEVELOPMENT

Pre-zoning Request Fred L. Corte 73.53 acres

Owner: Fred L. Corte

Existing Conditions: 73.53 acres+/- agricultural land

Existing Zoning: RA, Rural Agricultural, Baldwin County District 15-ETJ

Proposed Zoning: Planned Unit Development (PUD)

Surrounding Zonings/Uses:

North – RA, Rural Agricultural, Baldwin County District 15-ETJ

South – RA, Rural Agricultural, Baldwin County District 15-ETJ

East – R-4 (High Density Single Family Residential)

West – RA, Rural Agricultural, Baldwin County District 15-ETJ

Existing Utility Service Providers:

Water – Daphne Utilities or Belforest Water

Sewer – Daphne Utilities or Baldwin County Sewer Service

Gas – Daphne Utilities or Fairhope Gas

Electric – Riviera Utilities

Affected City Service Providers:

Fire Protection-Station 3 Police Protection-Police Beat 1

Public Works Baldwin County Schools—n/a

Increased residential growth within the southeastern section of the City of Daphne will result in the need for increased public safety personnel and city resources.

The Comprehensive Plan

The comprehensive plan's overarching policy regarding land development encourages harmony and compatibility. The following are some Land Use Goals and Objectives from the Plan.

Goal: Provide a land use plan for the City of Daphne, which supports the City's economic development, housing, transportation, and open space, recreation and education goals in a manner that maintains and promotes Daphne's unique image and quality of life.

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

Goal: Grow sensibly by anticipating land use needs. **Objective:** Promote and manage growth on undeveloped lands in a manner that will be compatible with, and complementary to, existing adjacent developed properties. **Objective:** Encourage planned unit developments which are beneficial to residents and which creatively take advantage of available properties that otherwise would not be developed. **Objective:** Protect and preserve the character of Daphne through review of new developments, the encouragement of growth that enhances the community spirit, and through aesthetic considerations. **Objective:** Integrate recreational resources with residential neighborhoods to insure that all portions of Daphne's population have convenient access to parks and open space. Promote clustered commercial development in defined areas.

Existing Conditions

The site is located southeast of the intersection of Corte Road and County Road 13. Fred L. Corte owns this 153 acre parcel between County Road 13 and the western boundary of Bellaton Subdivision, Phase 4 (Baldwin County Tax PPIN #63517). Seventy-nine acres (frontage along County Road 13) is not being proposed for zoning. Seventy-three acres (abuts Bellaton Phase 1 and Phase 4) is being proposed for pre-zoning. Volterra Avenue and Bellaton Avenue both provide a mean of ingress/egress to the subject property. At this time Corte Road, a 30-ft wide dirt road, is anticipated to be another access. It is a county-maintained road. The developer proposes to pave ¼ mile of Corte Road to meet Baldwin County standards. The road itself is not part of the pre-zoning request.

The existing Bellaton community is comprised of B-1, Local Business, zone and various residential zones (R-1, R-2, R-3 and R-4). The proposed Blackstone Lake PUD design and use is compatible with Bellaton subdivision. No perimeter buffer is proposed or necessary.

Blackstone Lakes PUD Review

According to the Blackstone Lakes PUD Narrative the proposed development consists of 175 single family lots. The proposed overall density is 2.38 units/acre. This density is similar to that of an R-2, Medium Density Single Family Residential zoning district which is 2.5 units/acre. Lot widths are between 52-ft and 70-ft. The lot sizes are between six and over ten thousand square feet (similar to Patio Home lots in R-6(G)). 20.73 acres are reserved for common areas: 7.5 acres for recreation and 13.23 acres for stormwater management.

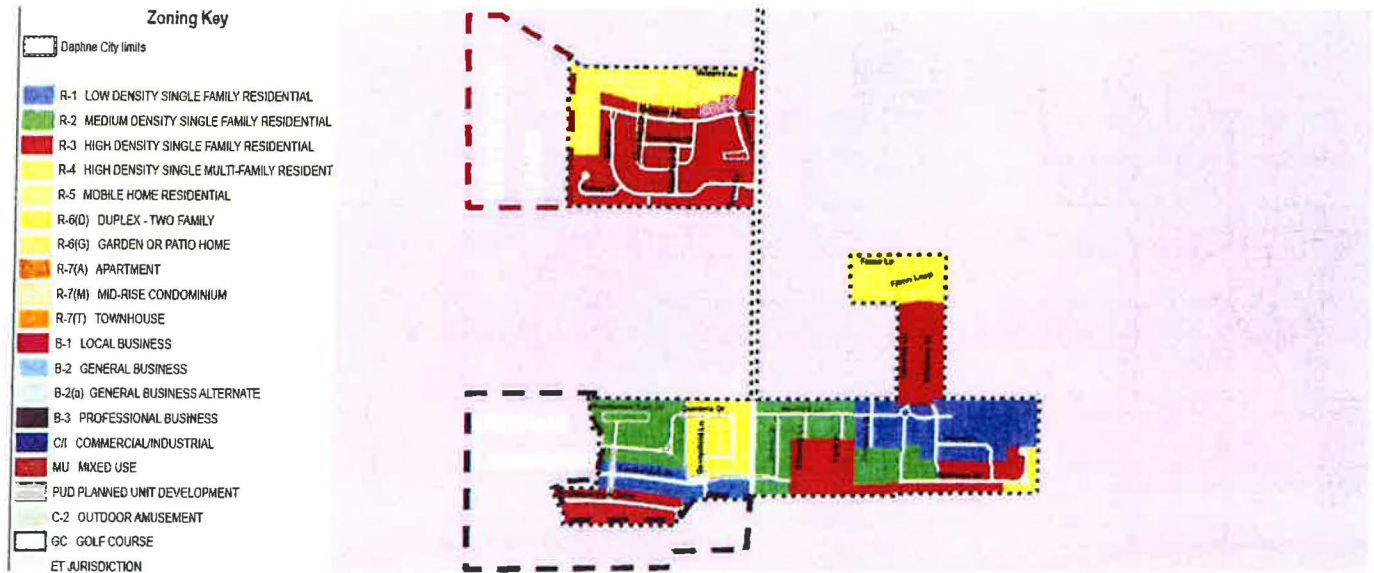
The PUD General Plan proposes a combination of two building/lot types, although architectural building elevations have not been presented to illustrate the building types. It also proposes a portion of the development to exclusively serve as a single family senior living community.

Staff Comments

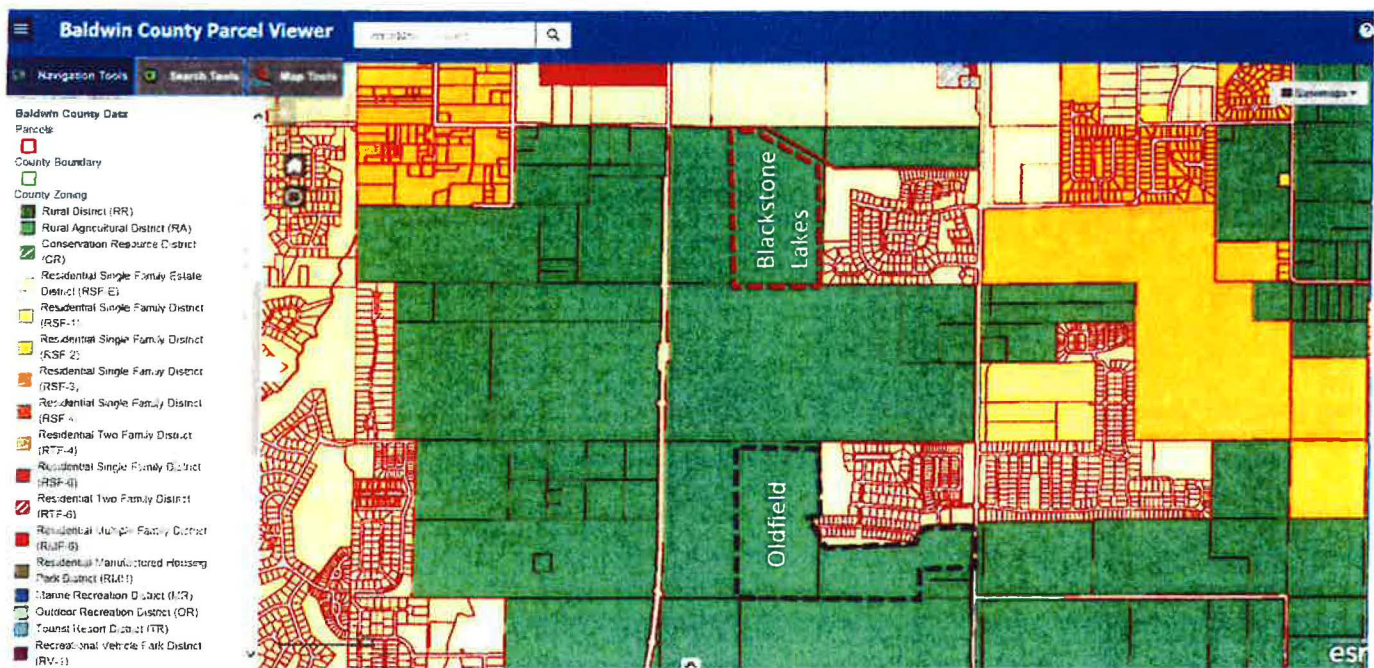
In December 5, 2016, the Daphne City Council voted to adopt Ordinance 2016-62, an ordinance which would pre-zone this site to a PUD upon annexation. The application process for rezoning has been initiated again. The PUD standards and narrative are the same as those approved in Ordinance 2016-62; therefore staff recommends approval of the request.

Related applications on City Council Agenda: n/a

Zoning Map Excerpts from the City of Daphne and Baldwin County



Excerpt from City of Daphne Zoning Map



Excerpt from County Zoning Map (from ISV website)

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2017-**

**Ordinance to Pre-Zone Property Located
Southeast of Corte Road and County Road 13
Fred L. Corte**

WHEREAS, Fred L. Corte as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property that is currently under County zoning as RA, Rural Agricultural, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, to be pre-zoned as PUD, Planned Unit Development, prior to annexing into the City of Daphne; and

WHEREAS, said real property is Southeast of Corte Road and County Road 13, and more particularly described as follows:

Legal Description for Pre-zone:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, SAID POINT ALSO KNOWN AS THE SOUTHWEST CORNER OF BELLATON SUBDIVISION, PHASE ONE AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2194-E, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 00 DEGREES 17 MINUTES 39 SECONDS EAST, ALONG THE WEST MARGIN OF SAID BELLATON SUBDIVISION, PHASE ONE, FUTURE BELLATON SUBDIVISION, PHASE FOUR, AND A PROJECTION THEREOF, A DISTANCE OF 724.68 FEET TO A CAPPED REBAR; THENCE RUN NORTH 00 DEGREES 16 MINUTES 25 SECONDS EAST, A DISTANCE OF 1267.60 FEET; THENCE RUN NORTH 00 DEGREES 40 MINUTES 23 SECONDS EAST, A DISTANCE OF 59.95 FEET TO A CAPPED REBAR ON THE SOUTH MARGIN OF BALDWIN COUNTY FARM TO MARKET ROAD (A.K.A. CORTE ROAD); THENCE RUN NORTH 58 DEGREES 32 MINUTES 58 SECONDS WEST, ALONG AN OLD FENCE ON THE SOUTH MARGIN OF SAID BALDWIN COUNTY FARM TO MARKET ROAD, A DISTANCE OF 355.59 FEET TO A CAPPED REBAR; THENCE RUN NORTH 60 DEGREES 39 MINUTES 04 SECONDS WEST, ALONG SAID OLD FENCE ON THE SOUTH MARGIN OF SAID ROAD, A DISTANCE OF 824.19 FEET TO A CAPPED REBAR; THENCE RUN NORTH 79 DEGREES 30 MINUTES 38 SECONDS WEST, ALONG SAID FENCE AND ROAD, A DISTANCE OF 40.53 FEET TO A CAPPED REBAR; THENCE RUN NORTH 89 DEGREES 21 MINUTES 29 SECONDS WEST, ALONG SAID FENCE AND ROAD, A DISTANCE OF 262.67 FEET TO A CAPPED REBAR; THENCE RUN SOUTH 00 DEGREES 14 MINUTES 57 SECONDS WEST, A DISTANCE OF 2641.94 FEET TO A CAPPED REBAR; THENCE RUN SOUTH 89 DEGREES 33 MINUTES 48 SECONDS EAST, A DISTANCE OF 1325.31 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 73.53 ACRES, MORE OR LESS, AND LIES IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

WHEREAS, at the regular Planning Commission meeting on June 22, 2017, the Commission considered said request and set forth a unanimous favorable recommendation; and,

WHEREAS, due notice of said proposed pre-zoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on August 7, 2017; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon consideration of the notes of the Planning Commission, deemed that said application for pre-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

That above described real property is hereby pre-zoned to PUD, Planned Unit Development, City of Daphne. Upon annexation of the property prior to the expiration of the pre-zoning as set forth in Section IV, the property shall be assigned the zoning district in accordance with the pre-zoning and the zoning ordinance and zoning map be amended to reflect the said zoning. Should annexation not occur prior to the expiration of this pre-zoning as set forth in Section IV, this pre-zoning shall have no effect and the designation of a zoning district for the property shall be set forth in the annexation ordinance.

Until such time as the property is annexed to the City of Daphne, the property shall remain in the unincorporated area of Baldwin County and zoned in accordance with the Baldwin County Commission's zoning plan. The County's zoning for the property at the time the request for pre-zoning was submitted was RA, Rural Agricultural, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne.

BLACKSTONE LAKES PUD STANDARDS

Blackstone Lakes, a Planned Unit Development (PUD), is a 73.53 acre site located one-quarter of a mile east of County Road 13 and is bound on the north side by Corte Road and on the east side by Bellaton Subdivision Phases 1 and 4. The property is presently in the extraterritorial jurisdiction of the City of Daphne and is located in Baldwin County Planning District 15 and is zoned RA – Rural Agriculture. Application has been made to the City of Daphne to Pre-zone this property as a PUD.

The proposed development consists of 175 single family lots, with 123 lots at 52' wide and a minimum of 6,000 sq. ft., and 52 lots at 70' wide and a minimum of 10,500 sq. ft.

The proposed density of the development is 2.38 units per acre. There are 20.73 acres, or 28.19% of the total site, proposed as common area. These common areas consists of buffers, stormwater detention areas, and 7.50 acres of recreational area.

The residential lots shall have the following standards:

The 52' wide lots are to have building setbacks of 25' on the front and rear, 6' on the sides, and 15' on the street sides. The 70' wide lots are 30' on the front and rear, 10' on the sides, and 15' on the street sides. The maximum building heights for all residential lots are to be as per the City's R-3 zoning district. The maximum building coverage of each residential lot is 38%.

All utilities will be constructed underground and water, sewer, electric, and telephone are all available to the site. All roadways within the development, except for one area described below, will be public and sidewalks will be located on both sides of the proposed roadways. Sidewalks will be installed by the home builder at the time of house construction and will be required to be ADA compliant. All construction will be in accordance to the standards of the City of Daphne.

The stormwater management system will be designed in accordance with the standards of the City of Daphne. All stormwater facilities and structures outside of public right-of-ways will be maintained by the P.O.A. and not the City of Daphne.

A landscape plan will be provided as part of the subdivision process. The required landscaping will be provided in the common areas and installed during construction of the infrastructure adjacent to those common areas. Any additional landscaping will be provided by the home builders and/or the lot owners.

The PUD Master Plan proposes a mix in residential building types. As a public benefit the developer proposes to make connection to and pave Corte Road from County Road 13 to just beyond the entrance of the proposed development. This will provide connectivity from the existing Bellaton development to County Road 13 and also provide additional access to Bellaton for police, fire, ambulance, garbage service, and school buses. Due to Corte Road being a County Road, all improvements will be designed and constructed to County Standards.

The southernmost 34 lots, Lots 142-175, are proposed as a senior living section within the development with a proposed gated entryway. During the subdivision process, the developer will coordinate with emergency services, garbage services, and utility companies to provide an agreed upon method for access, whether by means of a code or keyed access. The developer plans to coordinate with the Public Works department for curbside garbage pickup service. The roadways within this section will be private and privately maintained. It is also understood that any storm related debris will not be picked up by the City along the private roadways.

Covenants and Restrictions will provide for the formation of a Property Owner's Association for the Blackstone Lakes development whereby maintenance responsibilities

of the private roads, drainage infrastructure outside of public and private roadways, and common areas will be established. It is anticipated that the senior living section will have separate maintenance responsibilities than the remaining property owners of the Blackstone Lakes development but all will be under a Master set of Covenants and Restrictions. These Covenants and Restrictions will be for the Blackstone Lakes development and will not in any way be a part of the existing Bellaton development.

SECTION II: REPEALER.

All other City Ordinances or parts thereof in conflict with the provisions of this Ordinance, in so far as they conflict, are hereby repealed.

SECTION III: SEVERABILITY.

The provisions of this Ordinance are severable. If any provision, section, paragraph, sentence, or part thereof shall be held unconstitutional or invalid, such decision shall not affect or impair the remainder of said Ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence, and part thereof separately and independently of each other.

SECTION IV: EFFECTIVE AND EXPIRATION DATE.

This Ordinance, and in particular the pre-zoning shall take effect after the date of its approval by the City Council of the City of Daphne and publication as required by law. Pursuant to Code of Alabama (1975) Section 11-52-85, the zoning of the property, shall become effective upon the date the territory is annexed into the corporate limits. If any portion of the territory is not annexed into the corporate limits within 180 days of the initiation of annexation proceedings as provided by law then this pre-zoning shall be null and void. Should the pre-zoning become null and void, the applicant may reapply for pre-zoning at any time as long as an annexation petition is pending.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY
OF DAPHNE, ALABAMA, THIS _____ day of _____,
20_____.**

**Dane Haygood,
Mayor**

ATTEST:

**Candace G. Antinarella,
City Clerk**

EXHIBIT A
LEGAL DESCRIPTION FOR FRED L. CORTE PROPERTY (PRE-ZONING)

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, SAID POINT ALSO KNOWN AS THE SOUTHWEST CORNER OF BELLATON SUBDIVISION, PHASE ONE AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2194-E, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 00 DEGREES 17 MINUTES 39 SECONDS EAST, ALONG THE WEST MARGIN OF SAID BELLATON SUBDIVISION, PHASE ONE, FUTURE BELLATON SUBDIVISION, PHASE FOUR, AND A PROJECTION THEREOF, A DISTANCE OF 724.68 FEET TO A CAPPED REBAR; THENCE RUN NORTH 00 DEGREES 16 MINUTES 25 SECONDS EAST, A DISTANCE OF 1267.60 FEET; THENCE RUN NORTH 00 DEGREES 40 MINUTES 23 SECONDS EAST, A DISTANCE OF 59.95 FEET TO A CAPPED REBAR ON THE SOUTH MARGIN OF BALDWIN COUNTY FARM TO MARKET ROAD (A.K.A. CORTE ROAD); THENCE RUN NORTH 58 DEGREES 32 MINUTES 58 SECONDS WEST, ALONG AN OLD FENCE ON THE SOUTH MARGIN OF SAID BALDWIN COUNTY FARM TO MARKET ROAD, A DISTANCE OF 355.59 FEET TO A CAPPED REBAR; THENCE RUN NORTH 60 DEGREES 39 MINUTES 04 SECONDS WEST, ALONG SAID OLD FENCE ON THE SOUTH MARGIN OF SAID ROAD, A DISTANCE OF 824.19 FEET TO A CAPPED REBAR; THENCE RUN NORTH 79 DEGREES 30 MINUTES 38 SECONDS WEST, ALONG SAID FENCE AND ROAD, A DISTANCE OF 40.53 FEET TO A CAPPED REBAR; THENCE RUN NORTH 89 DEGREES 21 MINUTES 29 SECONDS WEST, ALONG SAID FENCE AND ROAD, A DISTANCE OF 262.67 FEET TO A CAPPED REBAR; THENCE RUN SOUTH 00 DEGREES 14 MINUTES 57 SECONDS WEST, A DISTANCE OF 2641.94 FEET TO A CAPPED REBAR; THENCE RUN SOUTH 89 DEGREES 33 MINUTES 48 SECONDS EAST, A DISTANCE OF 1325.31 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 73.53 ACRES, MORE OR LESS, AND LIES IN THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.



PLEASE Publish in the Bulletin Legal Section on Friday,
July 7, 2017

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on August 7, 2017 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance zoning certain property as PUD, Planned Unit Development as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Candace G. Antinarella, City Clerk

PROPOSED ORDINANCE:

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2017-**

**Ordinance to Pre-Zone Property Located
Southeast of Corte Road and County Road 13
Fred L. Corte**

WHEREAS, Fred L. Corte as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property that is currently under County zoning as RA, Rural Agricultural, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, to be pre-zoned as PUD, Planned Unit Development, prior to annexing into the City of Daphne; and

WHEREAS, said real property is Southeast of Corte Road and County Road 13, and more particularly described as follows:

Legal Description for Pre-zone:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA, SAID POINT ALSO KNOWN AS THE SOUTHWEST CORNER OF BELLATON SUBDIVISION, PHASE ONE AS SHOWN BY MAP OR PLAT THEREOF, RECORDED AT SLIDE 2194-E, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA AND RUN THENCE NORTH 00 DEGREES 17 MINUTES 39 SECONDS EAST, ALONG THE WEST MARGIN OF SAID BELLATON SUBDIVISION, PHASE ONE, FUTURE BELLATON SUBDIVISION, PHASE FOUR, AND A PROJECTION THEREOF, A DISTANCE OF 724.68 FEET TO A CAPPED REBAR; THENCE RUN NORTH 00 DEGREES 16 MINUTES 25 SECONDS EAST, A DISTANCE OF 1267.60 FEET; THENCE RUN NORTH 00 DEGREES 40 MINUTES

To: Office of the City Clerk
From: Adrienne D. Jones, [#]10
Director of Community Development
Subject: Malbis Plantation, Inc.
Pre-Zoning Amendment
Date: June 26, 2017

MEMORANDUM

PRESENT ZONING: RSF-3, Single Family District,
Baldwin County Exterritorial
Planning Jurisdiction

PROPOSED PRE-ZONING: R-3, High Density Single Family
Residential

LOCATION: East of County Road 13, north of
Sehoy Subdivision

RECOMMENDATION: At the Thursday, June 22, 2017,
regular meeting of the Daphne
Planning Commission, eight members
were present, and the motion carried
for a unanimous favorable
recommendation for the above
mentioned pre-zoning amendment.

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

Upon receipt of said documentation, please prepare an
ordinance for placement on the City Council agenda to set
a public hearing for August 7, 2017.

Thank you,
ADJ/jv

attachment(s)

1. Pre-zoning Application
2. Legal Description (Exhibit A)
3. Boundary Survey (Exhibit B)
4. Adjacent property owners list
5. Community Development Report

APPLICATION FOR REZONING OR PRE-ZONING

Office use only: Rev. 072816

Date Submitted **April 25, 2017**

Application Number:

Planning Commission Public

ZA- or PZA- **17-05**

Hearing Date: **May 25, 2017**

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

SITE DATA

Site Location (Address or General Proximity to Nearest Intersection):

PPIN#(s):

EAST SIDE OF COUNTY RD 13, NORTH OF SEHDY SUBDIVISION

67584

Gross Site Area (acreage): **17.54**

Requested Zoning or Pre-Zoning: **R-3**

Current Zoning Designation(s):

Amended Request:

RSF-3 BALDWIN COUNTY DISTRICT 15

Initials:

Date:

Current Land Use: **WOODED**

Anticipated Land Use: **RESIDENTIAL SUBDIVISION**

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: **MALBIS PLANTATION INC**

402-2510

Mailing Address:

29470 ST. HWY. 181, DAPHNE, AL 36526

Phone/Fax:

E-mail:

Name of Authorized Agent:

DENBERRY/PREBLE-RISH

990-9950

Mailing Address:

9949 BELLATON AVENUE, DAPHNE, AL 36526

Phone/Fax:

E-mail: **mpumphrey@gmail.com**

Name of Developer*:

FORTUNA INVESTMENTS LLC (NATHAN COX)

Phone/Fax: **625-1198**

E-mail: **ncox@battleplancapital.com**

Other:

Phone/Fax:

E-mail:

I, the applicant, certify that all of the above facts are true and correct to the best of my knowledge. I hereby agree to allow the City of Daphne to post a sign on the subject property notifying the general public of this request.

Applicant's Signature:

Date **4-24-17**

Agent's Signature:

Date **3-27-17**

EXHIBIT A

LEGAL DESCRIPTION FOR MALBIS PLANTATION INC

Lot 1 of Malbis-CR13 Subdivision as recorded on Slide 2594-F in the Probate Office of Baldwin County, Alabama.

LEGEND:

FLOOD CERTIFICATE:
 1 - FLOOD PLAIN
 2 - FLOOD HAZARD
 3 - FLOOD RISK
 4 - FLOOD DAMAGE
 5 - FLOOD LOSS
 6 - FLOOD INJURY
 7 - FLOOD DEATH
 8 - FLOOD EVACUATION
 9 - FLOOD DISPLACEMENT
 10 - FLOOD RELOCATION
 11 - FLOOD DESTRUCTION
 12 - FLOOD RUIN
 13 - FLOOD LOSS OF LIFE
 14 - FLOOD LOSS OF LIMB
 15 - FLOOD LOSS OF EYE
 16 - FLOOD LOSS OF HEARING
 17 - FLOOD LOSS OF SMELL
 18 - FLOOD LOSS OF TASTE
 19 - FLOOD LOSS OF VOICE
 20 - FLOOD LOSS OF SIGHT
 21 - FLOOD LOSS OF HEARING
 22 - FLOOD LOSS OF SMELL
 23 - FLOOD LOSS OF TASTE
 24 - FLOOD LOSS OF VOICE
 25 - FLOOD LOSS OF SIGHT

SURVEYOR'S NOTES:
 1. THIS SURVEY WAS MADE IN ACCORDANCE WITH THE SURVEYING ACT OF 1901 AND THE SURVEYING ACT OF 1917.
 2. THE SURVEY WAS MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT IS TRUE AND CORRECT.
 3. I HAVE NOT BEEN AWARE OF ANY FACTS OR CIRCUMSTANCES WHICH WOULD AFFECT THE TRUTH OR CORRECTNESS OF THIS SURVEY.
 4. I HAVE NOT BEEN AWARE OF ANY FACTS OR CIRCUMSTANCES WHICH WOULD AFFECT THE TRUTH OR CORRECTNESS OF THIS SURVEY.
 5. I HAVE NOT BEEN AWARE OF ANY FACTS OR CIRCUMSTANCES WHICH WOULD AFFECT THE TRUTH OR CORRECTNESS OF THIS SURVEY.

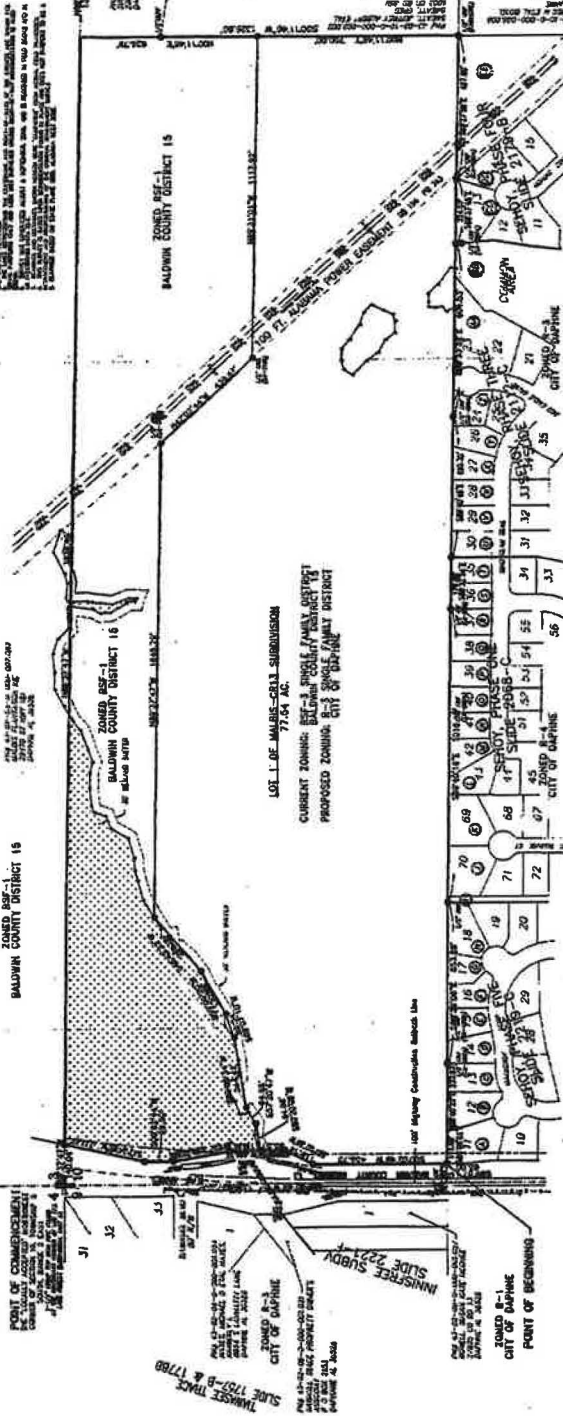


SURVEYOR:
 PIERRE-RISH
 8940 BELLARD AVE DAPHNE, ALABAMA
 DAWD E. DASH, PLS LC. NO. 26014

OWNERS:
 WALBIS PLANTATION, INC
 29470 ST HWY 181
 DAPHNE, AL 36526
 PLY 43-02-10-0-000-003.000

SURVEYOR'S CERTIFICATE:

THE SURVEYOR CERTIFIES THAT HE OR SHE HAS PERSONALLY EXAMINED THE SURVEYED LAND AND THAT THE SURVEY WAS MADE IN ACCORDANCE WITH THE SURVEYING ACT OF 1901 AND THE SURVEYING ACT OF 1917. THE SURVEYOR CERTIFIES THAT HE OR SHE HAS NOT BEEN AWARE OF ANY FACTS OR CIRCUMSTANCES WHICH WOULD AFFECT THE TRUTH OR CORRECTNESS OF THIS SURVEY.



ADJACENT PROPERTY OWNERS:

1. PLY 43-02-10-0-000-003.000	2. PLY 43-02-10-0-000-003.000	3. PLY 43-02-10-0-000-003.000	4. PLY 43-02-10-0-000-003.000
5. PLY 43-02-10-0-000-003.000	6. PLY 43-02-10-0-000-003.000	7. PLY 43-02-10-0-000-003.000	8. PLY 43-02-10-0-000-003.000
9. PLY 43-02-10-0-000-003.000	10. PLY 43-02-10-0-000-003.000	11. PLY 43-02-10-0-000-003.000	12. PLY 43-02-10-0-000-003.000
13. PLY 43-02-10-0-000-003.000	14. PLY 43-02-10-0-000-003.000	15. PLY 43-02-10-0-000-003.000	16. PLY 43-02-10-0-000-003.000
17. PLY 43-02-10-0-000-003.000	18. PLY 43-02-10-0-000-003.000	19. PLY 43-02-10-0-000-003.000	20. PLY 43-02-10-0-000-003.000
21. PLY 43-02-10-0-000-003.000	22. PLY 43-02-10-0-000-003.000	23. PLY 43-02-10-0-000-003.000	24. PLY 43-02-10-0-000-003.000
25. PLY 43-02-10-0-000-003.000	26. PLY 43-02-10-0-000-003.000	27. PLY 43-02-10-0-000-003.000	28. PLY 43-02-10-0-000-003.000
29. PLY 43-02-10-0-000-003.000	30. PLY 43-02-10-0-000-003.000	31. PLY 43-02-10-0-000-003.000	32. PLY 43-02-10-0-000-003.000
33. PLY 43-02-10-0-000-003.000	34. PLY 43-02-10-0-000-003.000	35. PLY 43-02-10-0-000-003.000	36. PLY 43-02-10-0-000-003.000
37. PLY 43-02-10-0-000-003.000	38. PLY 43-02-10-0-000-003.000	39. PLY 43-02-10-0-000-003.000	40. PLY 43-02-10-0-000-003.000
41. PLY 43-02-10-0-000-003.000	42. PLY 43-02-10-0-000-003.000	43. PLY 43-02-10-0-000-003.000	44. PLY 43-02-10-0-000-003.000
45. PLY 43-02-10-0-000-003.000	46. PLY 43-02-10-0-000-003.000	47. PLY 43-02-10-0-000-003.000	48. PLY 43-02-10-0-000-003.000
49. PLY 43-02-10-0-000-003.000	50. PLY 43-02-10-0-000-003.000	51. PLY 43-02-10-0-000-003.000	52. PLY 43-02-10-0-000-003.000
53. PLY 43-02-10-0-000-003.000	54. PLY 43-02-10-0-000-003.000	55. PLY 43-02-10-0-000-003.000	56. PLY 43-02-10-0-000-003.000
57. PLY 43-02-10-0-000-003.000	58. PLY 43-02-10-0-000-003.000	59. PLY 43-02-10-0-000-003.000	60. PLY 43-02-10-0-000-003.000
61. PLY 43-02-10-0-000-003.000	62. PLY 43-02-10-0-000-003.000	63. PLY 43-02-10-0-000-003.000	64. PLY 43-02-10-0-000-003.000
65. PLY 43-02-10-0-000-003.000	66. PLY 43-02-10-0-000-003.000	67. PLY 43-02-10-0-000-003.000	68. PLY 43-02-10-0-000-003.000
69. PLY 43-02-10-0-000-003.000	70. PLY 43-02-10-0-000-003.000	71. PLY 43-02-10-0-000-003.000	72. PLY 43-02-10-0-000-003.000
73. PLY 43-02-10-0-000-003.000	74. PLY 43-02-10-0-000-003.000	75. PLY 43-02-10-0-000-003.000	76. PLY 43-02-10-0-000-003.000
77. PLY 43-02-10-0-000-003.000	78. PLY 43-02-10-0-000-003.000	79. PLY 43-02-10-0-000-003.000	80. PLY 43-02-10-0-000-003.000
81. PLY 43-02-10-0-000-003.000	82. PLY 43-02-10-0-000-003.000	83. PLY 43-02-10-0-000-003.000	84. PLY 43-02-10-0-000-003.000
85. PLY 43-02-10-0-000-003.000	86. PLY 43-02-10-0-000-003.000	87. PLY 43-02-10-0-000-003.000	88. PLY 43-02-10-0-000-003.000
89. PLY 43-02-10-0-000-003.000	90. PLY 43-02-10-0-000-003.000	91. PLY 43-02-10-0-000-003.000	92. PLY 43-02-10-0-000-003.000
93. PLY 43-02-10-0-000-003.000	94. PLY 43-02-10-0-000-003.000	95. PLY 43-02-10-0-000-003.000	96. PLY 43-02-10-0-000-003.000
97. PLY 43-02-10-0-000-003.000	98. PLY 43-02-10-0-000-003.000	99. PLY 43-02-10-0-000-003.000	100. PLY 43-02-10-0-000-003.000



EXHIBIT B

MARCH 27, 2017 - SHEET 1 OF 1
 BALDWIN COUNTY SURVEY AND PLAT OF SURVEY

NAME	PIERRE-RISH
SCALE	1" = 100'
DATE	3/27/17
FILE NO.	43-02-10-0-000-003.000
SHEET	1

ADJACENT PROPERTY OWNERS TO LOT 1 OF MALBIS-CR13 SUBDIVISION

Parcel Number	Owner Name	Address	City	State	Zip
05-43-02-10-0-000-007.185	ANDERSON, JAMES A ETAL MACMINN, LAUREL L	27799 MONIAC CV	DAPHNE	AL	36526
05-43-02-10-0-000-007.000	ARNOLD, NEAL M	28041 OAKACHOY LOOP	DAPHNE	AL	36526
05-43-02-10-0-000-007.239	BARNETT, CHRISTOPHER M ETAL BARNETT, ASH	27864 OAKACHOY LOOP	DAPHNE	AL	36526
05-43-02-10-0-000-007.139	BARTON, BROCK T ETAL BARTON, SHAWNNA M	9475 WIND CLAN TRAIL	DAPHNE	AL	36526
05-43-02-10-0-000-007.246	BROWN, BRIAN J ETAL BROWN, DENISE C	27724 OAKACHOY LOOP	DAPHNE	AL	36526
05-43-02-10-0-000-005.008	CISNEROS, ANDRES G ETAL CISNEROS, LUZ	1622 CHADWELL DR	SANTA MARIA	CA	93454
05-43-02-10-0-000-007.242	COLLINS, ERNEST L ETUX SHARON K	27800 OAKACHOY LOOP	DAPHNE	AL	36526
05-43-02-10-0-000-007.142	CUFFLE, HARRY RICHARD ETAL MELTON-CUFFLE	9427 WIND CLAN TRL	DAPHNE	AL	36526
05-43-02-10-0-000-007.245	DIXON, JOEY W ETAL DIXON, JENNIFER A	27746 OAKACHOY LOOP	DAPHNE	AL	36526
05-43-02-10-0-000-007.184	FAISON, LARRY D TRUSTEE UNDER THE FAISON	27787 MONIAC COVE	DAPHNE	AL	36526
05-43-02-09-0-000-006.000	FELICITER INVESTMENT GROUP LLC	29891 WOODROW LANE	SPANISH FORT	AL	36527
05-43-02-10-0-000-007.003	FEW, KENNETH JANSON ETUX DEBORAH ANN	9365 WIND CLAN TRAIL	DAPHNE	AL	36526
05-43-02-10-0-000-007.006	HAMILTON, JAMES E ETAL HAMILTON, HELEN A	9315 WIND CLAN TRAIL	DAPHNE	AL	36526
05-43-02-10-0-000-007.141	HARPER, DONALD E ETAL HARPER, DEON B	9443 WIND CLAN TRAIL	DAPHNE	AL	36526
05-43-02-10-0-000-007.007	HARRIS, CHRISTOPHER M ETAL HARRIS, JENNI	9299 WIND CLAN TRIAL	DAPHNE	AL	36526
05-43-02-09-0-000-001.054	HAYES, MICHAEL D ETAL HAYES, KIMBERLY	8954 S LAMHATTY LANE	DAPHNE	AL	36526
05-43-02-10-0-000-007.243	KEMP, HAROLD ETAL KEMP, ANN B	760 TILLET LANE	OLMSTEAD	KY	42265
05-43-02-10-0-000-007.140	KERN, KIM ETAL KERN, ROBERT	9459 WIND CLAN TRAIL	DAPHNE	AL	36526
05-43-02-10-0-000-007.186	KNOWLING, EDGAR C ETAL KNOWLING, BARBARA	27776 MONIAC CV	DAPHNE	AL	36526
05-43-02-10-0-000-007.001	LANDRY, ANDREW M	9397 WIND CLAN TRL	DAPHNE	AL	36526
05-43-02-10-0-000-007.070	LEAH M LOMAX LIVING TRUST	27716 FORT TOULOUSE CT	DAPHNE	AL	36526
05-43-02-10-0-000-003.000	MALBIS PLANTATION INC	29470 ST HWY 181	DAPHNE	AL	36526
05-43-02-10-0-000-007.136	MATCHETT, CHUCK F ETAL MATCHETT, ANITA R	27660 RED EAGLE DR	DAPHNE	AL	36526
05-43-02-10-0-000-007.005	MYERS, KURT R ETUX FRANCES K	9331 WIND CLAN TRAIL	DAPHNE	AL	36526
05-43-02-10-0-000-007.244	NORRIS, LAWRENCE A ETAL NORRIS, STACEY B	27768 OAKACHOY LOOP	DAPHNE	AL	36526
05-43-02-10-0-000-007.143	O'CONNOR, TIMOTHY K	9411 WIND CLAN TRL	DAPHNE	AL	36526

05-43-02-10-0-000-002.002	PALLADIAN AT DAPHNE L L C	920 FLORENCE BLVD	FLORENCE	AL	35632
05-43-02-10-0-000-007.008	POWELL, JAMES ETAL POWELL, LINDA K	9283 WIND CLAN TRAIL	DAPHNE	AL	36526
05-43-02-10-0-000-007.002	PRATT, JEFFREY T ETUX TRACY D	9381 WIND CLAN TRAIL	DAPHNE	AL	36526
05-43-02-10-0-000-007.240	PRIEST, ELMO H ETAL PRIEST, RUTH K	27846 OAKACHOY LOOP	DAPHNE	AL	36526
05-43-02-09-0-000-001.057	ROWELL, SUSAN KATE MCGHEE	27825 CO RD 13	DAPHNE	AL	36526
05-43-02-10-0-000-007.172	SEHOY DEVELOPMENT L L C	P O BOX 2631	DAPHNE	AL	36526
05-43-02-10-0-000-007.077	SEHOY DEVELOPMENT L L C	P O BOX 2631	DAPHNE	AL	36526
05-43-02-10-0-000-007.241	SIMMONS, MARTHA R	27822 OAKACHOY LOOP	DAPHNE	AL	36526
05-43-02-10-0-000-007.137	THEIS, DANIEL R	2 LAKESHORE DR	DAPHNE	AL	36526
05-43-02-10-0-000-007.071	THOMPSON, CHRIS S ETAL THOMPSON, KIMBERL	27711 FORT TOULOUSE CT	DAPHNE	AL	36526
05-43-02-09-0-000-001.021	TIAWASEE TRACE POA	PO BOX 2153	DAPHNE	AL	36526
05-43-02-10-0-000-007.009	TOXEY, JOEY LYNN ETAL TOXEY, TIFFANY TRA	9275 WIND CLAN TRAIL	DAPHNE	AL	36526
05-43-02-10-0-000-007.004	WILLIAMSON, GERMANIA S	P O BOX 3115	DAPHNE	AL	36526

PLANNING COMMISSION
PREZONING REQUEST FOR
MALBIS PLANTATION, INC.



**COMMUNITY DEVELOPMENT
PREZONING REQUEST**

**MALBIS PLANTATION
77.5 acres**

Owner: Malbis Plantation, Inc.

Existing Conditions: 77.5 acres+/- wooded undeveloped land

Existing Zoning: Residential Single Family (RSF-3) in Baldwin County

Proposed Zoning: R-3, High Density Single Family Residential

Surrounding Zonings/Uses:

North – Residential Single Family (RSF-2) in Baldwin County

South – R-3 and R-4, High Density Single Family Residential (Sehoy Subdivision)

East – RMF-6 Residential Multiple Family (Palladian Apartments)

West – R-3, High Density Single Family Residential (residential)

Existing Utility Service Providers:

Water, Sewer, Gas - Daphne Utilities

Electric – Riviera Utilities

Affected City Service Providers:

Fire Protection-Station 3 Police Protection-Police Beat 3

Public Works

The Comprehensive Plan

The comprehensive plan's overarching policy regarding land development encourages harmony and compatibility. The future land use map shows this area as resource/extraction. Rezoning the subject property to a residential zoning district would be consistent with previously established zoning in the immediate area.



Existing Conditions

The subject property is located along County Road 13, north of Sehoj Subdivision and east of Tiawasee Trace. The property is zoned Residential Single Family (RSF-3) in Baldwin County.

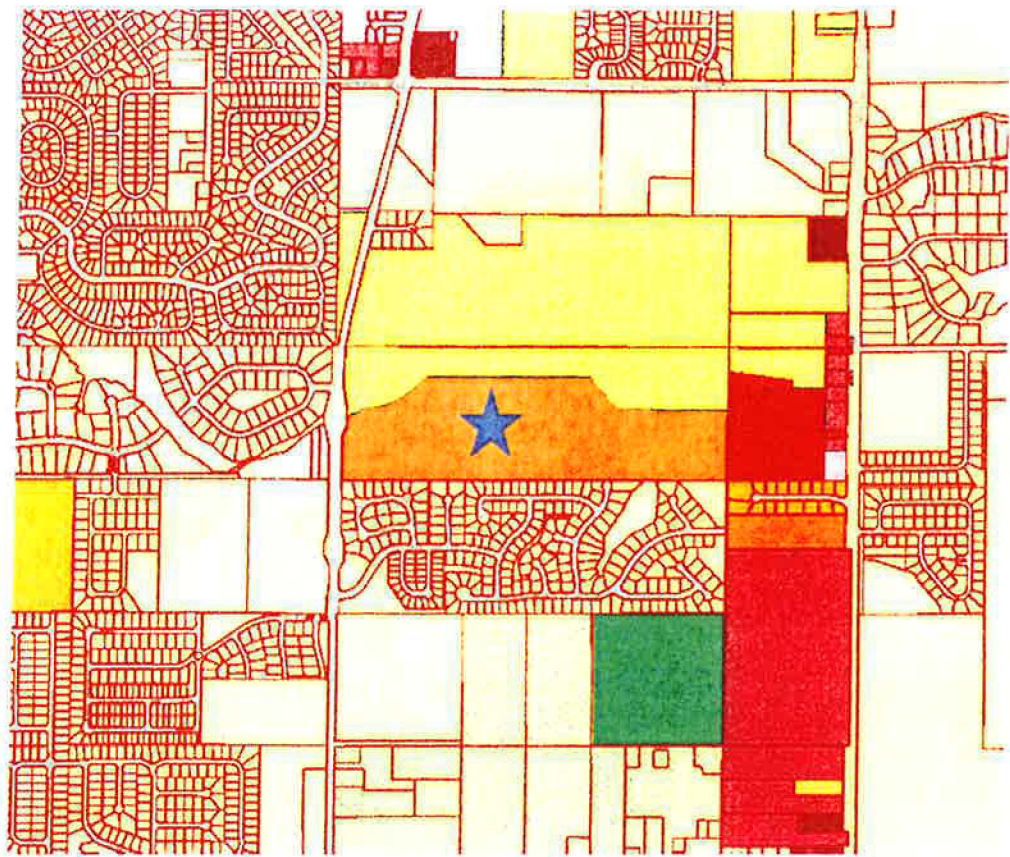
In the recent past, the property was subdivided to create a separate parcel for Diamante Subdivision. At that time, the Planning Commission noted that it would be appropriate to make a favorable recommendation to the City Council to annex the property into the City of Daphne. Malbis-CR 13 plat, a two lot subdivision of 118-acres, was approved by the Planning Commission--Lot 1, 77.54 acres, is the Diamante Subdivision property and the second lot was noted as 'remnant parcel.' In January, the Planning Commission approved a master plan for Diamante Subdivision, a 151 unit single family residential development on the subject property. The entire 77.5 acre tract is proposed to be prezoned and annexed into the City limits. The Diamante Subdivision was designed to meet the minimum standards of the City's R-3, High Density Single Family Residential district.

Recommendation:

R-3 is consistent with the zoning of Sehoj, French Settlement, Tiawasee Trace and other subdivisions in the area, thus staff recommends approval of the request to prezone the subject property as R-3, High Density Single Family Residential.

Adjoining property owner notices have been distributed and the notice for a public hearing for this petition has been properly advertised in the Courier in accordance with applicable sections of the Code of Alabama.

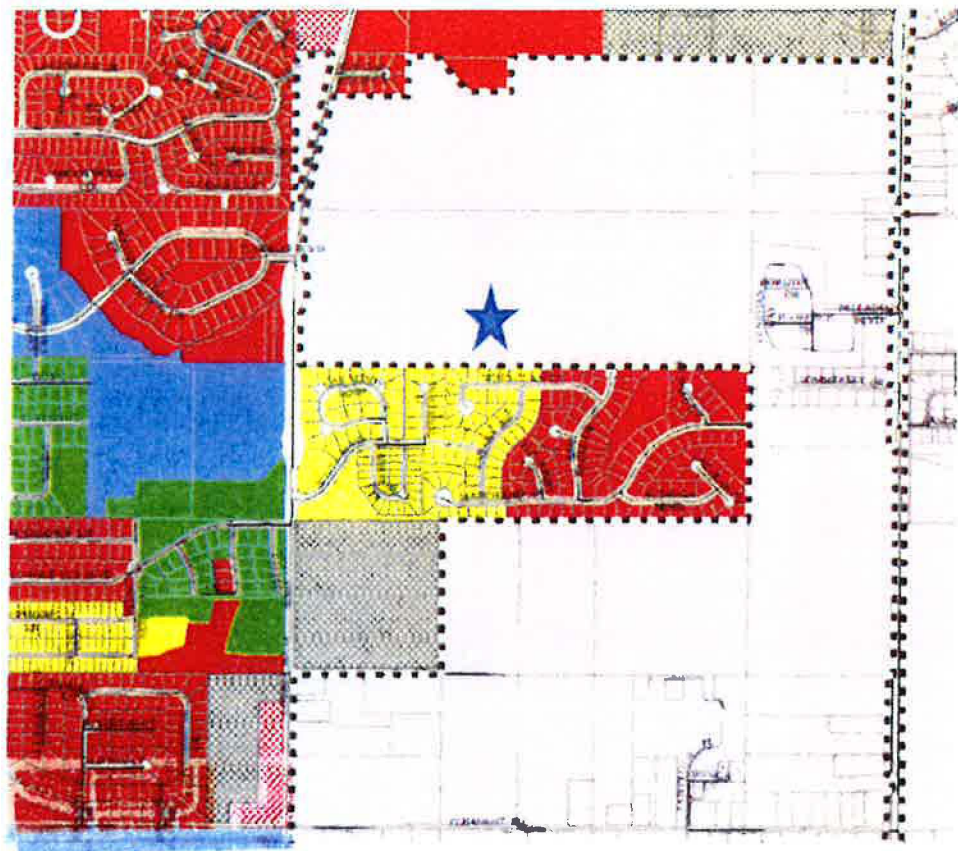
- County Zoning
- Rural District (RR)
- Rural Agricultural District (RA)
- Conservation Resource District (CR)
- Residential Single Family Estate District (RSF-E)
- Residential Single Family District (RSF-1)
- Residential Single Family District (RSF-2)
- Residential Single Family District (RSF-3)
- Residential Single Family District (RSF-4)
- Residential Two Family District (RTF-3)
- Residential Single Family District (RSF-6)
- Residential Two Family District (RTF-6)
- Residential Multiple Family District (RMF-6)
- Residential Manufactured Housing Park District (RMH)
- Marine Recreation District (MR)
- Outdoor Recreation District (OR)
- Tourist Resort District (TR)
- Recreational Vehicle Park District (RV-1)
- Professional Business District (B-1)
- Neighborhood Business District (B-2)
- General Business District (B-3)
- Major Commercial District (B-4)
- Light Industrial District (M-1)
- General Industrial District (M-2)



Zoning Key

Daphne City limits

- R-1 LOW DENSITY SINGLE FAMILY RESIDENTIAL
- R-2 MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL
- R-3 HIGH DENSITY SINGLE FAMILY RESIDENTIAL
- R-4 HIGH DENSITY SINGLE MULTI-FAMILY RESIDENTIAL
- R-5 MOBILE HOME RESIDENTIAL
- R-3(D) DUPLEX - TWO FAMILY
- R-4(G) GARDEN OR PATIO HOME
- R-7(A) APARTMENT
- R-7(M) MID-RISE CONDOMINIUM
- R-7(T) TOWNHOUSE
- B-1 LOCAL BUSINESS
- B-2 GENERAL BUSINESS
- B-2(a) GENERAL BUSINESS ALTERNATE
- B-3 PROFESSIONAL BUSINESS
- CI COMMERCIAL/INDUSTRIAL
- MU MIXED USE
- PUD PLANNED UNIT DEVELOPMENT
- C-2 OUTDOOR AMUSEMENT
- GC GOLF COURSE
- ET JURISDICTION



CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2017 - __

Ordinance to Pre-Zone Property Located
East side of County Road 13, North of Sehoj Subdivision
Malbis Plantation Inc.

WHEREAS, Malbis Plantation Inc. as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property that is currently under County zoning as RSF-3, Single Family District, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, to be pre-zoned as R3, High Density Single Family Residential District, prior to annexing into the City of Daphne; and

WHEREAS, said real property is East side of County Road 13, north of Sehoj Subdivision, and more particularly described as follows:

Legal Description for Pre-zone:

Lot 1 of Malbis-CR13 Subdivision as recorded on Slide 2594-F in the Probate Office of Baldwin County, Alabama.

WHEREAS, at the regular Planning Commission meeting on June 22, 2017, the Commission considered said request and set forth an unanimous favorable recommendation; and,

WHEREAS, due notice of said proposed pre-zoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on August 7, 2017; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon consideration of the notes of the Planning Commission, deemed that said application for pre-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

That above described real property is hereby pre-zoned to R3, High Density Single Family Residential District, City of Daphne. Upon annexation of the property prior to the expiration of the pre-zoning as set forth in Section IV, the property shall be assigned the zoning district in accordance with the pre-zoning and the zoning ordinance and zoning map be amended to reflect the said zoning. Should annexation not occur prior to the expiration of this pre-zoning as set forth in Section IV, this pre-zoning shall have no effect and the designation of a zoning district for the property shall be set forth in the annexation ordinance.

Until such time as the property is annexed to the City of Daphne, the property shall remain in the unincorporated area of Baldwin County and zoned in accordance with the Baldwin County Commission's zoning plan. The County's zoning for the property at the time the request

for pre-zoning was submitted was RSF-3, Single Family District, Baldwin County District 15 in the extraterritorial planning jurisdiction of the City of Daphne.

SECTION II: REPEALER.

All other City Ordinances or parts thereof in conflict with the provisions of this Ordinance, in so far as they conflict, are hereby repealed.

SECTION III: SEVERABILITY.

The provisions of this Ordinance are severable. If any provision, section, paragraph, sentence, or part thereof shall be held unconstitutional or invalid, such decision shall not affect or impair the remainder of said Ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence, and part thereof separately and independently of each other.

SECTION IV: EFFECTIVE AND EXPIRATION DATE.

This Ordinance, and in particular the pre-zoning shall take effect after the date of its approval by the City Council of the City of Daphne and publication as required by law. Pursuant to Code of Alabama (1975) Section 11-52-85, the zoning of the property, shall become effective upon the date the territory is annexed into the corporate limits. If any portion of the territory is not annexed into the corporate limits within 180 days of the initiation of annexation proceedings as provided by law then this pre-zoning shall be null and void. Should the pre-zoning become null and void, the applicant may reapply for pre-zoning at any time as long as an annexation petition is pending.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of _____, 20_____.

Dane Haygood,
Mayor

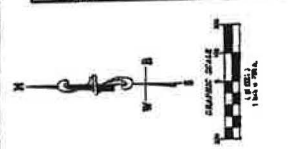
ATTEST:

Candace G. Antinarella,
City Clerk

EXHIBIT A

LEGAL DESCRIPTION FOR MALBIS PLANTATION INC

Lot 1 of Malbis-CR13 Subdivision as recorded on Slide 2594-F in the Probate Office of Baldwin County, Alabama.



LEGEND:

- 1 - RAILROAD
- 2 - HIGHWAY
- 3 - RIVER
- 4 - CREEK
- 5 - LAKE
- 6 - SWAMP
- 7 - FLOOD PLAIN
- 8 - FLOOD ZONE
- 9 - FLOOD HAZARD
- 10 - FLOOD DAMAGE SUSCEPTIBLE
- 11 - FLOOD DAMAGE SUSCEPTIBLE
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- 100 - FLOOD DAMAGE SUSCEPTIBLE

SURVEYOR:
 JERRY L. RUSH
 1000 BELLEVILLE AVE. DAPHNE, ALABAMA
 36526
 904-255-1234

OWNER:
 MALEIS PLANTATION, INC.
 29470 ST. HENRY
 DAPHNE, AL 36526
 904-255-1234

SURVEYOR'S CERTIFICATE:
 I, JERRY L. RUSH, a duly licensed Professional Engineer in the State of Alabama, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the owner, and that the same was made by me or under my direct supervision and in accordance with the requirements of the Alabama Board of Professional Engineers.

NOTES:
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
 2. ALL CORNERS ARE TO BE SET BY THE SURVEYOR.
 3. ALL DISTANCES ARE TO BE MEASURED ALONG THE CENTERLINE OF THE ROAD.
 4. ALL DISTANCES ARE TO BE MEASURED ALONG THE CENTERLINE OF THE ROAD.
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 10. ALL DISTANCES ARE TO BE MEASURED ALONG THE CENTERLINE OF THE ROAD.

ADJACENT PROPERTY OWNERS:
 1. JERRY L. RUSH, 1000 BELLEVILLE AVE., DAPHNE, AL 36526, 904-255-1234.
 2. JERRY L. RUSH, 1000 BELLEVILLE AVE., DAPHNE, AL 36526, 904-255-1234.
 3. JERRY L. RUSH, 1000 BELLEVILLE AVE., DAPHNE, AL 36526, 904-255-1234.
 4. JERRY L. RUSH, 1000 BELLEVILLE AVE., DAPHNE, AL 36526, 904-255-1234.
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 8. JERRY L. RUSH, 1000 BELLEVILLE AVE., DAPHNE, AL 36526, 904-255-1234.
 9. JERRY L. RUSH, 1000 BELLEVILLE AVE., DAPHNE, AL 36526, 904-255-1234.
 10. JERRY L. RUSH, 1000 BELLEVILLE AVE., DAPHNE, AL 36526, 904-255-1234.

POINT OF BEGINNING:
 The point of beginning is located at the intersection of the centerline of the road and the centerline of the road, and is marked by a concrete monument.

POINT OF TERMINATION:
 The point of termination is located at the intersection of the centerline of the road and the centerline of the road, and is marked by a concrete monument.

RECEIVED
 MAY 10 2017
 COMMUNITY DEVELOPMENT
 12 11 10 9 8 7 6 5 4 3 2 1

EXHIBIT L
 MARCH 27, 2017 - SHEET 1 OF 1
 SURVEY AND PLAT OF SUBDIVISION
 12 11 10 9 8 7 6 5 4 3 2 1

ADJACENT PROPERTY OWNERS:
 1. JERRY L. RUSH, 1000 BELLEVILLE AVE., DAPHNE, AL 36526, 904-255-1234.
 2. JERRY L. RUSH, 1000 BELLEVILLE AVE., DAPHNE, AL 36526, 904-255-1234.
 3. JERRY L. RUSH, 1000 BELLEVILLE AVE., DAPHNE, AL 36526, 904-255-1234.
 4. JERRY L. RUSH, 1000 BELLEVILLE AVE., DAPHNE, AL 36526, 904-255-1234.
 5. JERRY L. RUSH, 1000 BELLEVILLE AVE., DAPHNE, AL 36526, 904-255-1234.
 6. JERRY L. RUSH, 1000 BELLEVILLE AVE., DAPHNE, AL 36526, 904-255-1234.
 7. JERRY L. RUSH, 1000 BELLEVILLE AVE., DAPHNE, AL 36526, 904-255-1234.
 8. JERRY L. RUSH, 1000 BELLEVILLE AVE., DAPHNE, AL 36526, 904-255-1234.
 9. JERRY L. RUSH, 1000 BELLEVILLE AVE., DAPHNE, AL 36526, 904-255-1234.
 10. JERRY L. RUSH, 1000 BELLEVILLE AVE., DAPHNE, AL 36526, 904-255-1234.

ADJACENT PROPERTY OWNERS:
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 8. JERRY L. RUSH, 1000 BELLEVILLE AVE., DAPHNE, AL 36526, 904-255-1234.
 9. JERRY L. RUSH, 1000 BELLEVILLE AVE., DAPHNE, AL 36526, 904-255-1234.
 10. JERRY L. RUSH, 1000 BELLEVILLE AVE., DAPHNE, AL 36526, 904-255-1234.

ADJACENT PROPERTY OWNERS:
 1. JERRY L. RUSH, 1000 BELLEVILLE AVE., DAPHNE, AL 36526, 904-255-1234.
 2. JERRY L. RUSH, 1000 BELLEVILLE AVE., DAPHNE, AL 36526, 904-255-1234.
 3. JERRY L. RUSH, 1000 BELLEVILLE AVE., DAPHNE, AL 36526, 904-255-1234.
 4. JERRY L. RUSH, 1000 BELLEVILLE AVE., DAPHNE, AL 36526, 904-255-1234.
 5. JERRY L. RUSH, 1000 BELLEVILLE AVE., DAPHNE, AL 36526, 904-255-1234.
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 9. JERRY L. RUSH, 1000 BELLEVILLE AVE., DAPHNE, AL 36526, 904-255-1234.
 10. JERRY L. RUSH, 1000 BELLEVILLE AVE., DAPHNE, AL 36526, 904-255-1234.



FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on August 7, 2017 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance zoning certain property as R3, High Density Single Family Residential District as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Candace G. Antinarella, City Clerk

PROPOSED ORDINANCE:

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2017-__**

**Ordinance to Pre-Zone Property Located
East side of County Road 13, North of Sehoy Subdivision
Malbis Plantation Inc.**

WHEREAS, Malbis Plantation Inc. as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property that is currently under County zoning as RSF-3, Single Family District, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, to be pre-zoned as R3, High Density Single Family Residential District, prior to annexing into the City of Daphne; and

WHEREAS, said real property is East side of County Road 13, north of Sehoy Subdivision, and more particularly described as follows:

Legal Description for Pre-zone:

Lot 1 of Malbis-CR13 Subdivision as recorded on Slide 2594-F in the Probate Office of Baldwin County, Alabama.

WHEREAS, at the regular Planning Commission meeting on June 22, 2017, the Commission considered said request and set forth an unanimous favorable recommendation; and,

WHEREAS, due notice of said proposed pre-zoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on August 7, 2017; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon consideration of the notes of the Planning Commission, deemed that said application for pre-

To: Office of the City Clerk
From: Adrienne D. Jones, ^{AS}
Director of Community Development
Subject: Malbis Plantation, Inc.
Annexation Petition
Date: June 26, 2017

MEMORANDUM

PRESENT ZONING: RSF-3, Single Family District, Baldwin County Exterritorial Planning Jurisdiction

PROPOSED PRE-ZONING: R-3, High Density Single Family Residential

LOCATION: East of County Road 13, north of Sehay Subdivision

RECOMMENDATION: At the Thursday, June 22, 2017, regular meeting of the Daphne Planning Commission, eight members were present, and the motion carried for a unanimous favorable recommendation to annex said property into the corporate limits and to adhere to the City's policy regarding connectivity {i.e. in favor of open access between subdivisions}.

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 for August 7, 2017.

Thank you,
ADJ/jv

cc: file

attachment(s)

1. Petition for Annexation
2. Legal Description - Exhibit A
3. Boundary Survey - Exhibit B
4. Annexation Display
5. Community Development Report

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

(_____)

The undersigned corporation, MALBIS PLANTATION INC., files this petition with the Clerk of the City of Daphne requesting the property hereafter described, commonly referred to as, LOT 1 OF MALBIS-CR13 SUBDIVISION, to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of the petition:

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

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

3. **Owner:** The petitioner, MALBIS PLANTATION INC., is the owner of the property hereby sought to be annexed into the corporate limits of the City of Daphne.

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

Requested zoning, if other than R-1: R-3

Any other conditions which may apply upon annexation:

ADDITIONAL INFORMATION

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

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

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

Circle appropriate response:

Initials: WS

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

Initials: WS

SELECT ONE OF THE FOLLOWING OPTIONS

- ☐ Option# 1: We do hereby request pre-zoning of the subject property to the following zoning classification(s): R-3, and certify that a petition for rezoning, associated fees and documents have been submitted prior to or concurrently with this petition. Initials: WS

Or

- ☐ Option# 2: We do hereby certify that we understand fully that upon annexation the subject property will be zoned R-1, Low Density Single Family Residential.

Initials: _____

We do hereby request that the Planning Commission and City Council give such notice, hold such hearing and adopt such ordinance and do all such things or acts as is required by law so that the corporate limits of the City of Daphne, Alabama shall be rearranged so as to include such territory.

IN WITNESS WHEREOF, we have hereunto subscribed our names this, the 24 day of April, 2017.

Legal Description Attached (Exhibit A)? Yes Map or Survey Attached (Exhibit B)? Yes
Recorded Subdivision Plat OR Preliminary/Final Subdivision plat approved by Planning Commission Attached (Exhibit C)? Yes Acreage 77.54
Subdivision Name MALBIS-CR13 SUBDIVISION Lot Number(s) 1

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

Signature: [Signature] Signature: _____

Printed Name: Willard B. Simmons Printed Name: _____

Mailing Address: Presbit Mailing Address: _____

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

DATED this 24th day of April, 2017

Respectfully submitted,

MALBIS PLANTATION, INC.

Name of Corporation

By:

Its:

[Signature]
President

STATE OF ALABAMA
COUNTY OF BALDWIN

I, Richard E. Davis, the undersigned Notary Public in and for said county and state, hereby certify that Willard B. Sumner whose name as President of Malbis Plantation, Inc. an Alabama corporation, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, he/she as such officer and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 24th day of April, 2017.

Richard E. Davis
NOTARY PUBLIC

My commission expires: 6-27-2018

Corporation's Address

29470 St. Hwy. 181

DAPHNE, AL 36526

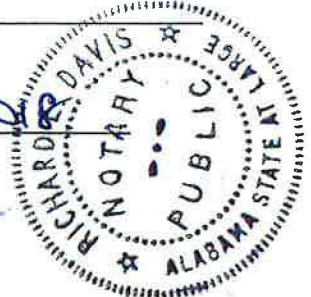
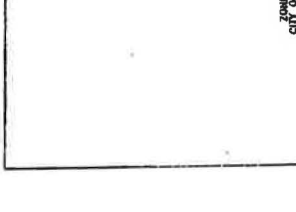


EXHIBIT A

Legal Description:

Lot 1 of Malbis-CR 13 Subdivision as recorded on Slide 2594-F in the Probate Office of Baldwin County, Alabama.



67

PLANNING COMMISSION
ANNEXATION REQUEST FOR
MALBIS PLANTATION, INC.



ANNEXATION REQUEST

Annexation of Malbis Plantation, Inc. Property County Road 13

EXCERPT FROM ARTICLE 23-1 PROCEDURE [FOR ANNEXATION REQUESTS]

The application shall be reviewed by the Planning Commission at its next regular meeting and said Commission shall have thirty (30) calendar days from said regular meeting within which to submit a recommendation to the City Council. If the Commission fails to submit a recommendation to the City Council within the thirty (30) calendar day period, it shall be deemed to have approved the proposed amendment...Before enacting any amendment to this Ordinance, a public hearing thereon shall be held by the City Council with proper notice as required by law. Said public hearing shall be held at the earliest possible time to consider the proposed annexation, and the Council shall take action on said proposed annexation within forty-five (45) calendar days from the date of the public hearing except in the case where the tentative action is not in accordance with the Planning Commission's certified recommendation.

23-2 PROCEDURE FOR ZONING NEWLY ANNEXED LAND

Any land annexed to the City of Daphne hereafter shall be classified as an R-1, Low Density Single Family Residential District unless otherwise recommended by the Planning Commission through the zoning amendment procedure provided in *Article 22-1, Zoning Amendment Procedures*. In such case, City Council may consider, after due process of publication and hearing as required by law, specific applications to zone newly annexed land into one or more existing or proposed new zoning classifications recommended by the Planning Commission.

REQUEST

The applicant has submitted a petition to annex 77.5 acres of land into the corporate limits of Daphne. Additionally, the applicant has presented a request to pre-zone (see Code 11-52-85 attached) said land to R-3, High Density Single Family Residential.

RECOMMENDATION

The Comprehensive Plan encourages expansion and annexation of land contiguous to the existing corporate limits. **Staff recommends approval of the request to annex this land into the City of Daphne.**

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2017-__**

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

**East side of County Road 13, North of Sehoj Subdivision
Malbis Plantation Inc.**

WHEREAS, on the 24th day of April, 2017, being the owner of all real property, hereinafter described, did file with the City Clerk a petition asking that the said tracts or parcels of land be annexed into and become part of the City of Daphne, Alabama; and

WHEREAS, said petition did contain the signatures of all owners of the described territory, and a map of said property showing its relationship to the corporate limits of the City of Daphne, Alabama; and

WHEREAS, after proper publication, a public hearing was held by the City Council on August 7, 2017 concerning the petition for annexation; and

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne at a regular scheduled meeting on June 22, 2017, and the Commission set forth a favorable recommendation for Annexation and to adhere to the City's policy regarding connectivity (i.e. in favor of open access between subdivisions) for the City Council of the City of Daphne to consider said request for annexation of said property.

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

SECTION ONE: ANNEXATION

The City Council of the City of Daphne, Alabama finds that and declares as the legislative body of the City of Daphne, Alabama that it is in the best interest of the citizens of the City of Daphne, Alabama and the citizens of the affected area, to bring the territory described in Section Two of this Ordinance into the City of Daphne, Alabama, and it did further determine that all legal requirements for annexing said real property have been met pursuant to Sections 11-42-20 through 11-42-24, et seq., Code of Alabama, 1975; effective on publication as required by Section 11-42-21, Code of Alabama 1975, as amended.

SECTION TWO: ZONING

At the August 7, 2017 regularly scheduled City Council meeting Ordinance 2017-__ was adopted pre-zoning the said property as R3, High Density Single Family Residential District.

SECTION THREE: DESCRIPTION OF TERRITORY

The boundary lines of the City of Daphne, Alabama, be, and the same are hereby altered or rearranged so as to include all the territory hereto before encompassed by the corporate limits of the City of Daphne, Alabama and in addition thereto the following described property, to-wit:

Legal Description for Annexation:

Lot 1 of Malbis-CR13 Subdivision as recorded on Slide 2594-F in the Probate Office of Baldwin County, Alabama.

SECTION FOUR: MAP OF PROPERTY

The property hereby annexed into the City of Daphne, Alabama is set forth and described in Exhibit "A" and attached hereto a map of the property (*Exhibit "B"*) showing its relationship to the corporate limits of the municipality of the City of Daphne and made a part of this ordinance.

SECTION FIVE: PUBLICATION

This Ordinance shall be published as required by Section 11-42-21 Code of Alabama 1975, as amended, and the property described herein shall be annexed into the corporate limits of the City of Daphne, and a certified copy of the same shall be filed with the Office of the Judge of Probate of Baldwin County, Alabama as required by Section 11-42-21, Code of Alabama 1975, as amended.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS THE ____ DAY OF _____, 2017.

**Dane Haygood,
Mayor**

ATTEST

**Candace G. Antinarella,
City Clerk**

EXHIBIT A

Legal Description:

Lot 1 of Malbis-CR 13 Subdivision as recorded on Slide 2594-F in the Probate Office of Baldwin County, Alabama.

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on August 7, 2017 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance annexing certain property into the City of Daphne as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Candace G. Antinarella, City Clerk

PROPOSED ORDINANCE:

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2017-__**

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

**East side of County Road 13, North of Sehoj Subdivision
Malbis Plantation Inc.**

WHEREAS, on the 24th day of April, 2017, being the owner of all real property, hereinafter described, did file with the City Clerk a petition asking that the said tracts or parcels of land be annexed into and become part of the City of Daphne, Alabama; and

WHEREAS, said petition did contain the signatures of all owners of the described territory, and a map of said property showing its relationship to the corporate limits of the City of Daphne, Alabama; and

WHEREAS, after proper publication, a public hearing was held by the City Council on August 7, 2017 concerning the petition for annexation; and

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne at a regular scheduled meeting on June 22, 2017, and the Commission set forth a favorable recommendation for Annexation and to adhere to the City's policy regarding connectivity (i.e. in favor of open access between subdivisions) for the City Council of the City of Daphne to consider said request for annexation of said property.

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

SECTION ONE: ANNEXATION

The City Council of the City of Daphne, Alabama finds that and declares as the legislative body of the City of Daphne, Alabama that it is in the best interest of the citizens of the City of Daphne, Alabama and the citizens of the affected area, to bring the territory described in Section Two of this Ordinance into

To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: Parcel 1, Dollar General, Alabama
Highway 181, Administrative Zoning of
Legislatively Annexed Territories
Date: June 26, 2017

MEMORANDUM

PRESENT ZONING: B-3, General Business District,
Baldwin County Exterritorial
Planning Jurisdiction

PROPOSED PRE-ZONING: B-2, General Business

LOCATION: Northeast of the intersection of
Alabama Highway 181 and County Road
64

RECOMMENDATION: At the Thursday, June 22, 2017,
regular meeting of the Daphne
Planning Commission, six members
were present. The motion carried for
a unanimous favorable recommendation
for B-2 (a), Business Alternate, for
Parcel 1, Dollar General.

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 for August 7, 2017.

Thank you,
ADJ/jv

attachment(s)

1. Alabama Act # 2017-163
2. Map of property
3. Community Development Report

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on August 7, 2017 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance zoning certain property as B-2 General Business as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Candace G. Antinarella, City Clerk

PROPOSED ORDINANCE:

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2017-_____**

**AN ORDINANCE TO ZONE PROPERTY ANNEXED BY LEGISLATIVE ACT
Parcel 1 – Dollar General Store on Highway 181**

WHEREAS, on August 15, 2016, the City Council adopted Resolution 2016-59 consenting to the annexation of certain parcels of real property into the corporate limits of the City of Daphne; and

WHEREAS, on April 20, 2017, the Governor of the State of Alabama signed into law Act 2017-163, as passed by the Alabama Legislature, which altered the corporate limits of the City of Daphne to include the following territory referred to therein as "Parcel 1":

ALL OF LOT 1, BROADWAY - AL HIGHWAY 181 A RESURVEY OF REAL PROPERTY BOOK 547 PAGE 1238 AND INSTRUMENT # 492517, AS RECORDED IN SLIDE 2505-C IN THE OFFICE OF THE PROBATE JUDGE FOR SAID COUNTY AND STATE. SAID LOT CONTAINS 1.37 ACRES MORE OR LESS.

WHEREAS, said legislative annexation has been presented to the Planning Commission of the City of Daphne at a regular scheduled meeting on June 22, 2017, and the Commission set forth a unanimous favorable recommendation for the City Council of the City of Daphne to zone the subject parcel B-2(a), General Business Alternate; and

SECTION ONE: ZONING

Upon the effective date of annexation, the above described real property is hereby zoned B-2(a), General Business Alternate.

END OF SYNOPSIS

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2017-_____**

**AN ORDINANCE TO ZONE PROPERTY ANNEXED BY LEGISLATIVE ACT
Parcel 1 – Dollar General Store on Highway 181**

WHEREAS, on August 15, 2016, the City Council adopted Resolution 2016-59 consenting to the annexation of certain parcels of real property into the corporate limits of the City of Daphne; and

WHEREAS, on April 20, 2017, the Governor of the State of Alabama signed into law Act 2017-163, as passed by the Alabama Legislature, which altered the corporate limits of the City of Daphne to include the following territory referred to therein as “Parcel 1”:

ALL OF LOT 1, BROADWAY - AL HIGHWAY 181 A RESURVEY OF REAL PROPERTY BOOK 547 PAGE 1238 AND INSTRUMENT # 492517, AS RECORDED IN SLIDE 2505-C IN THE OFFICE OF THE PROBATE JUDGE FOR SAID COUNTY AND STATE. SAID LOT CONTAINS 1.37 ACRES MORE OR LESS.

and

WHEREAS, said legislative annexation has been presented to the Planning Commission of the City of Daphne at a regular scheduled meeting on June 22, 2017, and the Commission set forth a unanimous favorable recommendation for the City Council of the City of Daphne to zone the subject parcel B-2(a), General Business Alternate; and

WHEREAS, after proper publication, a public hearing was held by the City Council on August 7, 2017, concerning the zoning of the subject parcel; and

WHEREAS, the City Council of the City of Daphne, after due consideration and upon consideration of the notes of the Planning Commission, deemed that said zoning designation is proper and in the best interest of the health, safety, and welfare of the citizens of the City of Daphne, Alabama.

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

SECTION ONE: ZONING

Upon the effective date of annexation, the above described real property is hereby zoned B-2(a), General Business Alternate.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE ____ DAY OF _____, 2017.

CITY OF DAPHNE

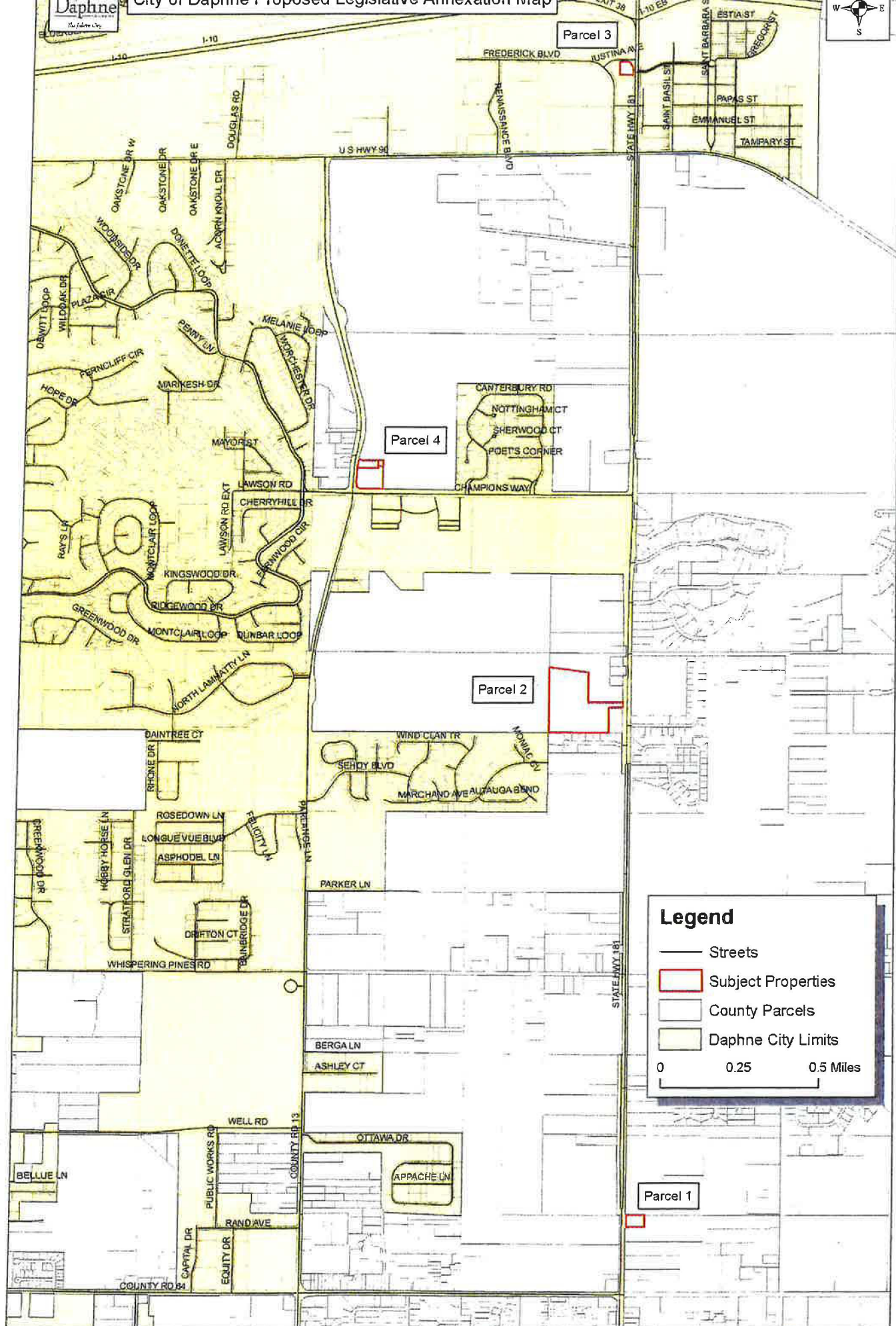
DANE HAYGOOD, MAYOR

ATTEST:

CANDACE G. ANTINARELLA, CITY CLERK

PARCEL 1

**ALL OF LOT 1, BROADWAY - AL HIGHWAY 181 A RESURVEY
OF REAL PROPERTY BOOK 547 PAGE 1238 AND INSTRUMENT # 492517,
AS RECORDED IN SLIDE 2505-C IN THE OFFICE OF THE PROBATE JUDGE
FOR SAID COUNTY AND STATE. SAID LOT CONTAINS 1.37 ACRES MORE
OR LESS.**



FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on August 7, 2017 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance zoning certain property as B-2(a) General Business Alternate as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Candace G. Antinarella, City Clerk

PROPOSED ORDINANCE:

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2017-_____**

**AN ORDINANCE TO ZONE PROPERTY ANNEXED BY LEGISLATIVE ACT
Parcel 1 – Dollar General Store on Highway 181**

WHEREAS, on August 15, 2016, the City Council adopted Resolution 2016-59 consenting to the annexation of certain parcels of real property into the corporate limits of the City of Daphne; and

WHEREAS, on April 20, 2017, the Governor of the State of Alabama signed into law Act 2017-163, as passed by the Alabama Legislature, which altered the corporate limits of the City of Daphne to include the following territory referred to therein as "Parcel 1":

ALL OF LOT 1, BROADWAY - AL HIGHWAY 181 A RESURVEY OF REAL PROPERTY BOOK 547 PAGE 1238 AND INSTRUMENT # 492517, AS RECORDED IN SLIDE 2505-C IN THE OFFICE OF THE PROBATE JUDGE FOR SAID COUNTY AND STATE. SAID LOT CONTAINS 1.37 ACRES MORE OR LESS.

and

WHEREAS, said legislative annexation has been presented to the Planning Commission of the City of Daphne at a regular scheduled meeting on June 22, 2017, and the Commission set forth a unanimous favorable recommendation for the City Council of the City of Daphne to zone the subject parcel B-2(a), General Business Alternate; and

WHEREAS, after proper publication, a public hearing was held by the City Council on August 7, 2017, concerning the zoning of the subject parcel; and

WHEREAS, the City Council of the City of Daphne, after due consideration and upon consideration of the notes of the Planning Commission, deemed that said zoning designation is proper and in the best interest of the health, safety, and welfare of the citizens of the City of Daphne, Alabama.

- 1 HB209
- 2 177801-3
- 3 By Representatives Davis and Faust (N & P)
- 4 RFD: Baldwin County Legislation
- 5 First Read: 14-FEB-17



ENROLLED, An Act,

To alter, rearrange, and extend the boundary lines and corporate limits of the City of Daphne in Baldwin County.
BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The boundary lines and corporate limits of the City of Daphne in Baldwin County are altered, rearranged, and extended to include within the corporate limits of the city, in addition to the lands now included, all of the following territory:

PARCEL 1

ALL OF LOT 1, BROADWAY - AL HIGHWAY 181 A RESURVEY OF REAL PROPERTY BOOK 547 PAGE 1238 AND INSTRUMENT # 492517, AS RECORDED IN SLIDE 2505-C IN THE OFFICE OF THE PROBATE JUDGE FOR SAID COUNTY AND STATE. SAID LOT CONTAINS 1.37 ACRES MORE OR LESS.

PARCEL 2

Commence at the Northeast Corner of Section 10, Township 5 South, Range 2 East and run thence South 00 degrees 03 minutes East, along the East margin of said Section, 825.2 feet; thence run North 89 degrees 58 minutes West 89.7 feet to a capped iron rebar found and the Point of Beginning of the Parcel described herein; thence run South 00 degrees 14 minutes 36 seconds East for a distance of 80.12 feet to a capped rebar found on the West margin of State Highway 181;

1 thence run North 89 degrees 54 minutes 13 seconds West for a
2 distance of 225.19 feet to a rebar found; thence run South 00
3 degrees 00 minutes 08 seconds West for a distance of 419.72
4 feet to a capped rebar found; thence run North 89 degrees 56
5 minutes 00 seconds West for a distance of 1009.75 feet to a
6 capped rebar found; thence run North 00 degrees 02 minutes
7 West for a distance of 1081.8 feet to a point in the
8 centerline of a dry gully; thence run South 82 degrees 34
9 minutes 44 seconds East for a distance of 650.88 feet to a
10 capped rebar found; thence run South 00 degrees 02 minutes 05
11 seconds East for a distance of 498.27 feet to a capped rebar
12 found; thence run South 89 degrees 52 minutes 01 seconds East
13 for a distance of 364.73 feet to a capped rebar found; thence
14 run South 89 degrees 55 minutes 03 seconds East for a distance
15 of 224.79 feet to the Point of Beginning of the Parcel
16 described herein, situated in Baldwin County, Alabama, and
17 containing 20.0 acres, more or less.

18 PARCEL 3

19 Commence at the Northeast Corner of Section 34,
20 Township 4 South, Range 2 East, and run thence South 00
21 degrees 12 minutes 36 seconds West 865.3 feet, more or less;
22 thence run North 89 degrees 47 minutes 14 seconds West 98.85
23 feet, more or less, to a concrete right of way monument at
24 right of way Station 17 + 52.78 as shown by Alabama State
25 Highway Department Right of Way Map Project Number I-IG-10-1

1 (17) for a point of beginning of the property herein
2 described; thence run South 00 degrees 12 minutes 36 seconds
3 West 125.8 feet to an iron pin marker; thence run North 89
4 degrees 47 minutes 24 seconds West 211.19 feet to an iron pin
5 marker; thence run North 00 degrees 07 minutes 30 seconds East
6 218.0 feet to an iron pin marker; thence run South 89 degrees
7 47 minutes 24 seconds East 158.19 feet to an iron pin marker;
8 thence run South 29 degrees 47 minutes 24 seconds East 106.64
9 feet to the point of beginning. Tract contains 1 acre, more or
10 less, and lies in the Northeast Quarter of Section 34,
11 Township 4 South, Range 2 East, Baldwin County, Alabama;
12 EXCEPTING therefrom, such oil, gas and other minerals which
13 may have heretofore been conveyed or reserved by others as
14 contained in instruments of record in the Office of the Judge
15 of Probate of Baldwin County, Alabama.

16 PARCEL 4

17 Commencing at the Southwest corner of Section 03,
18 Township 5 South, Range 2 East, Baldwin County, Alabama;
19 thence run North 00 degrees 18 minutes 45 seconds East a
20 distance of 2,641.69 feet to a point; thence run South 89
21 degrees 52 minutes 55 seconds East a distance of 661.43 feet
22 to a point; thence run North 00 degrees 44 minutes 09 seconds
23 East a distance of 55.00 feet to a point; thence run North 89
24 degrees 52 minutes 55 seconds West (along the North Right of
25 Way line of Lawson Road) a distance of 119.76 feet to the

1 Point of Beginning (a rebar cap. set); thence run North 60
 2 Degrees 28 minutes 37 seconds West a distance of 63.19 feet to
 3 a point (a rebar cap. set); thence run North 05 degrees 55
 4 minutes 03 seconds West a distance of 85.94 feet to a point (a
 5 rebar cap. set); thence run North 03 degrees 27 minutes 28
 6 seconds East a distance of 222.87 feet to a point (a rebar
 7 cap. set); thence run North 03 degrees 27 minutes 28 seconds
 8 East a distance of 7.06 feet to a point (a rebar cap. set);
 9 thence run 123.60 feet along a curve to the right with a chord
 10 of North 05 degrees 47 minutes 51 seconds East a distance of
 11 123.56 feet to a point (a rebar cap. set); thence run South 89
 12 degrees 52 minutes 56 seconds East a distance of 14.14 feet to
 13 a point (a rebar cap. set); thence run South 89 degrees 52
 14 minutes 56 seconds East a distance of 408.62 feet to a point
 15 (a rebar cap. found); thence run South 00 degrees 44 minutes
 16 09 seconds West a distance of 469.00 feet to a point (a rebar
 17 cap. found); thence run North 89 degrees 52 minutes 55 seconds
 18 West (along the North Right of Way line of Lawson Road) a
 19 distance of 379.24 feet to the Point of Beginning. Said
 20 description enclosed 4.67 acres, more or less

21 Section 2. In accordance with Section 11-42-6(b) of
 22 the Code of Alabama 1975, a map showing what territory is
 23 proposed to be annexed to the City of Daphne is on file in the
 24 office of the Judge of Probate in Baldwin County, Alabama, and
 25 the map is open to the inspection of the public.

1 Section 3. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.

Mac McClatchey

Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 09-MAR-17.

Jeff Woodard
Clerk

Don Marshall

Senate

11-APR-17

Passed

APPROVED 4-20-2017

TIME 11:00 AM

Ray Ivey
GOVERNOR

Alabama Secretary Of State

Act Num....: 2017-163
Bill Num....: H-209

Recv'd 04/20/17 01:12pmSLF

RD 1 RFD LLH1

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REPORT OF STANDING COMMITTEE

This bill having been referred by the House to its standing committee on Baldwin County was acted upon by such committee in session, and returned therefrom to the House with the recommendation that it be Passed, w/amend(s) 19th w/sub this 17th day of March, 20 17.
Frankly D. Davis Chairperson

DATE: 3-7 2017
RF RD 2 CAL

DATE: 20
RE-REFERRED ☐ RE-COMMITTED ☐
Committee _____

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, HB 209.
YEAS 53 NAYS 1

JEFF WOODARD,
Clerk

FURTHER HOUSE ACTION (OVER)

RD 1 RFD LLH1

This Bill was referred to the Standing Commr the Senate on _____ and was acted upon by such Commi session and is by order of the Com returned therefrom with a favorable w/amd(s) - w/sub - w/eng sub - by a vote of _____ years - nays - abstain - this 6th day of April, 20 17.
G. Neal Chairperson

DATE: 4-6
RF FAL RD 2 ☐ C

I hereby certify that the Resolution required in Section C of Act No. 81- was adopted and is attached to the HB 209.
YEAS 24 NAYS 0 AB 1

PATRICK HARRI
Secreta

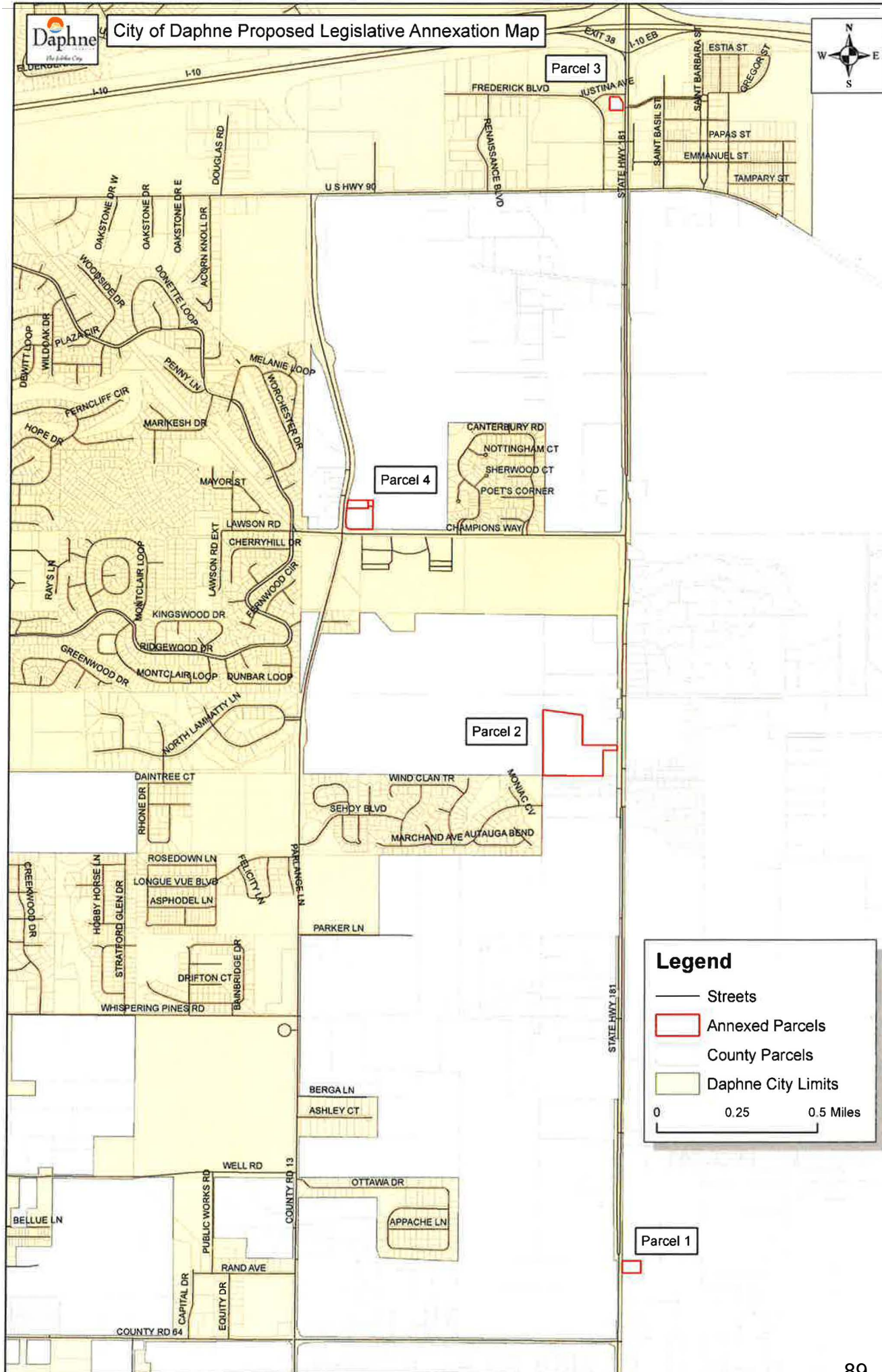
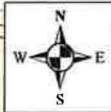
DATE: 4-11-17 RD 3 at
PASSED ☒ PASSED AS AMENDED

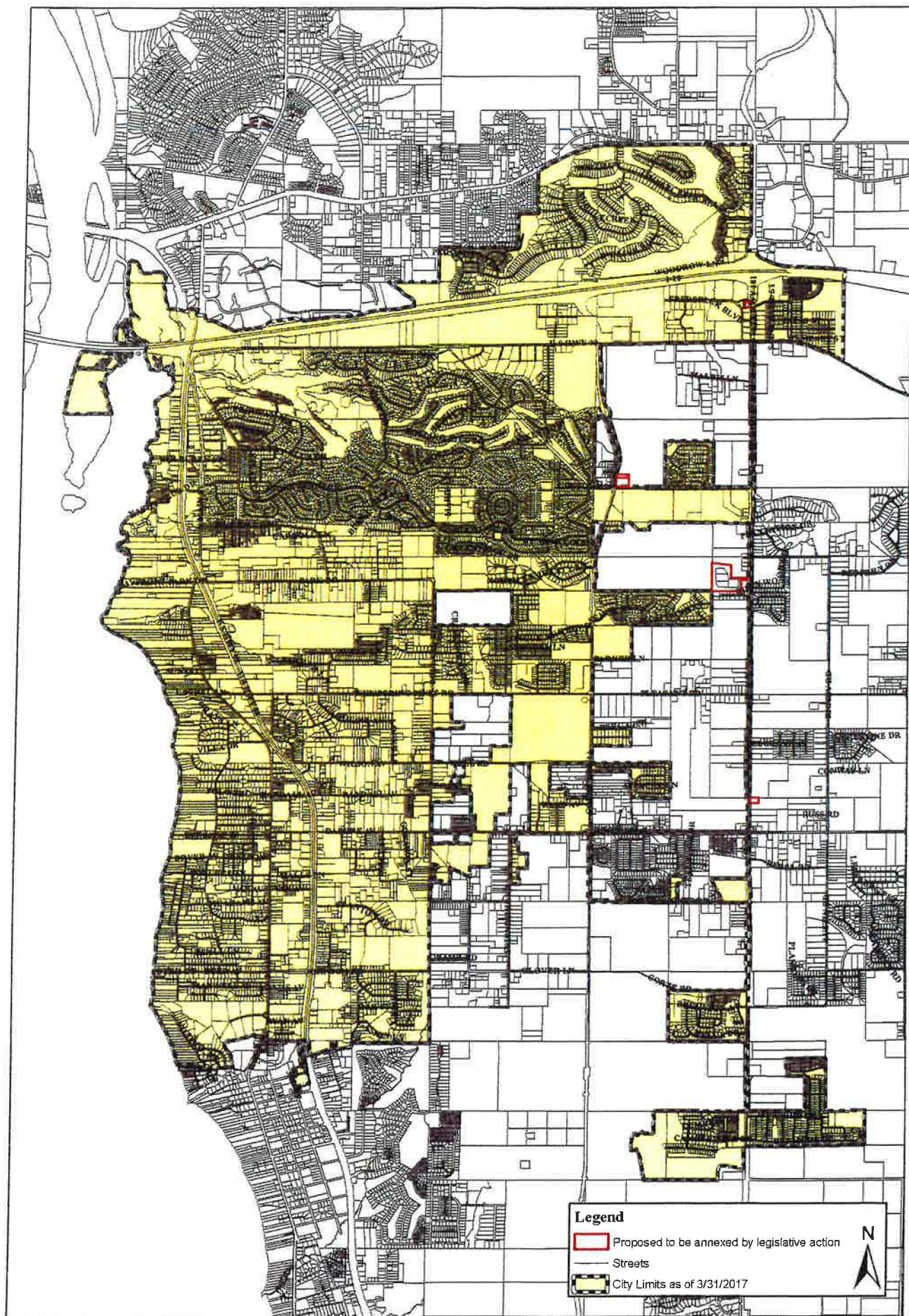
YEAS 26 NAYS 0 AB 1
And was ordered returned forthwith to the H
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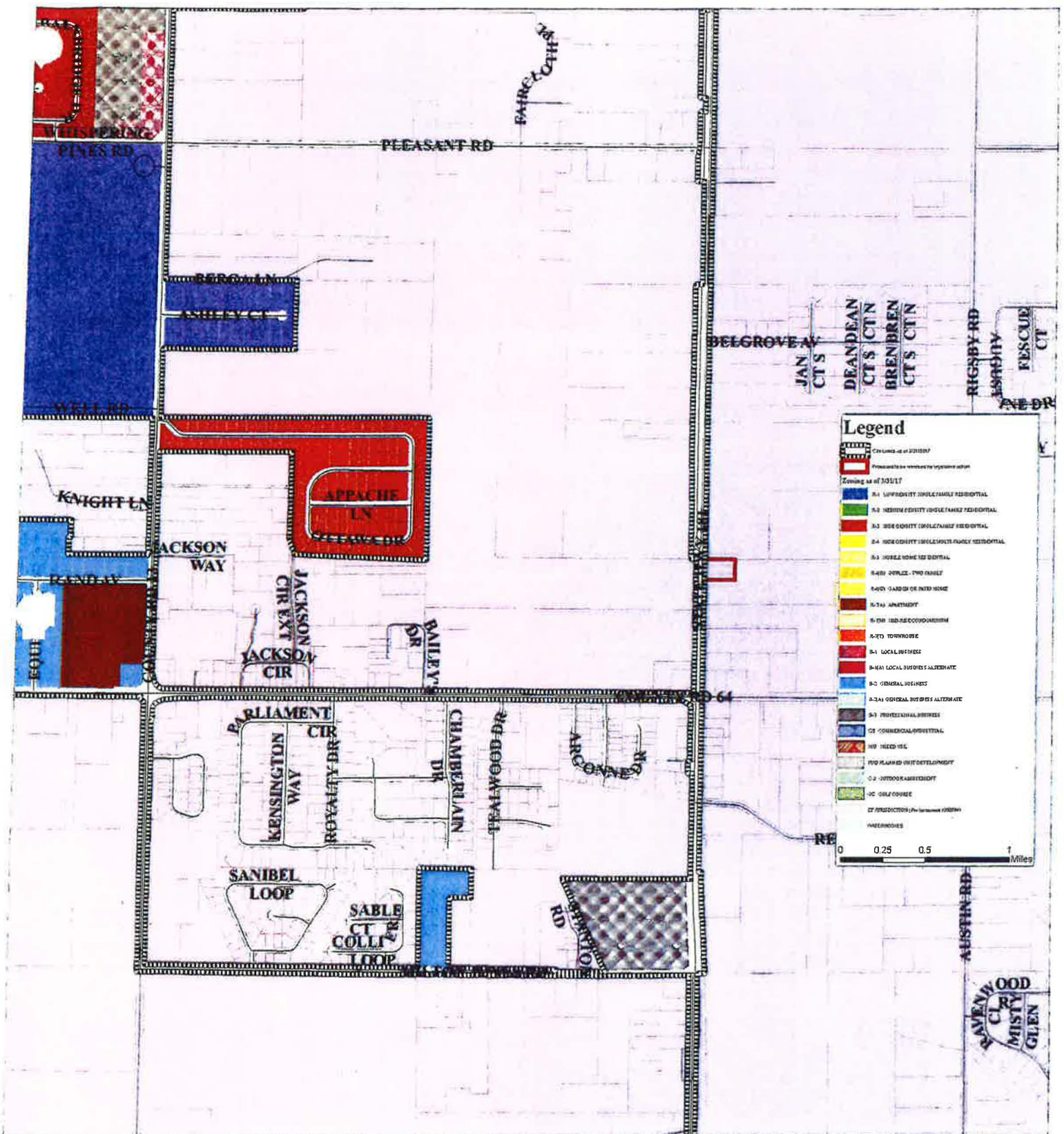
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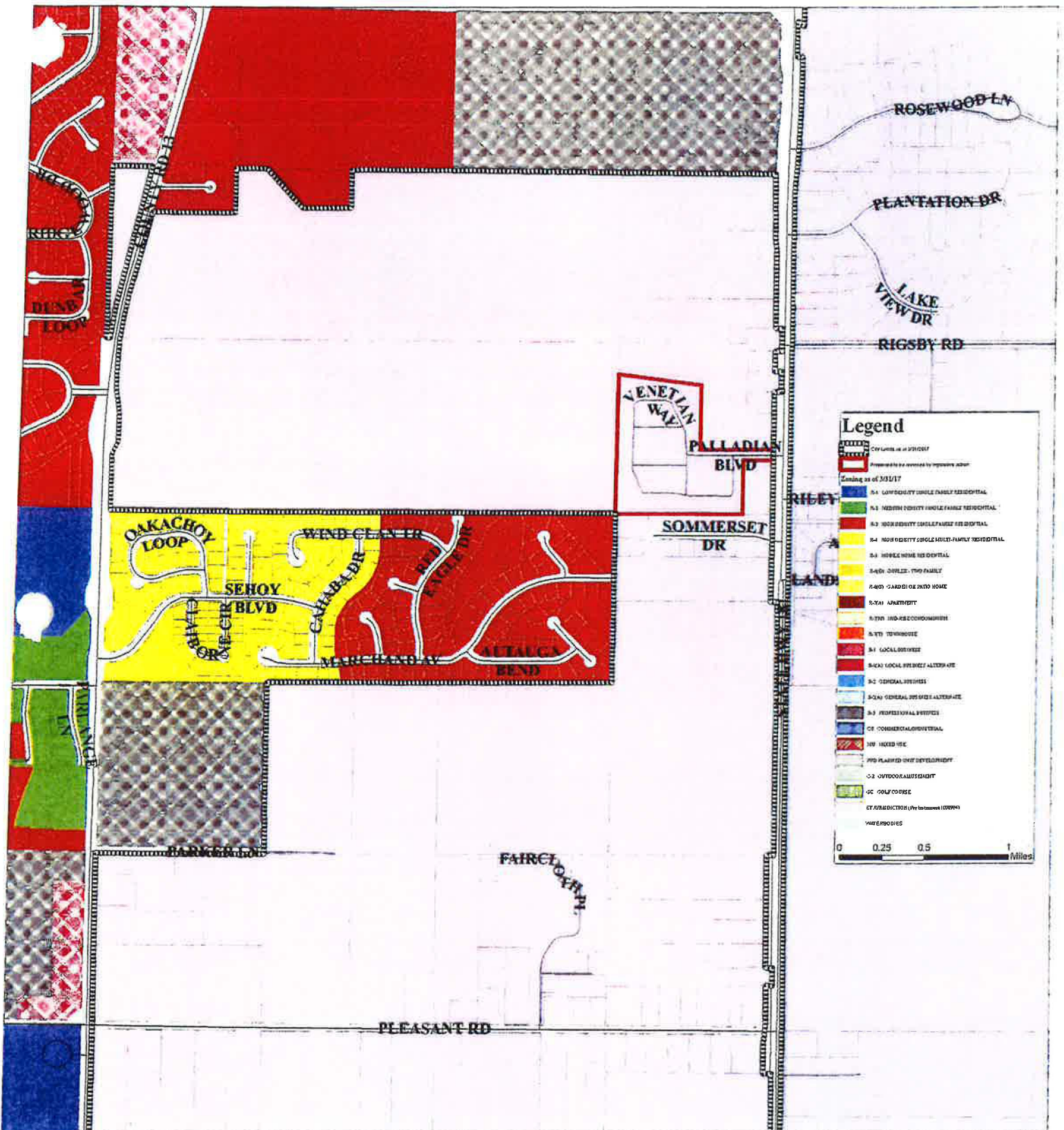
FURTHER SENATE ACTION (OVER)



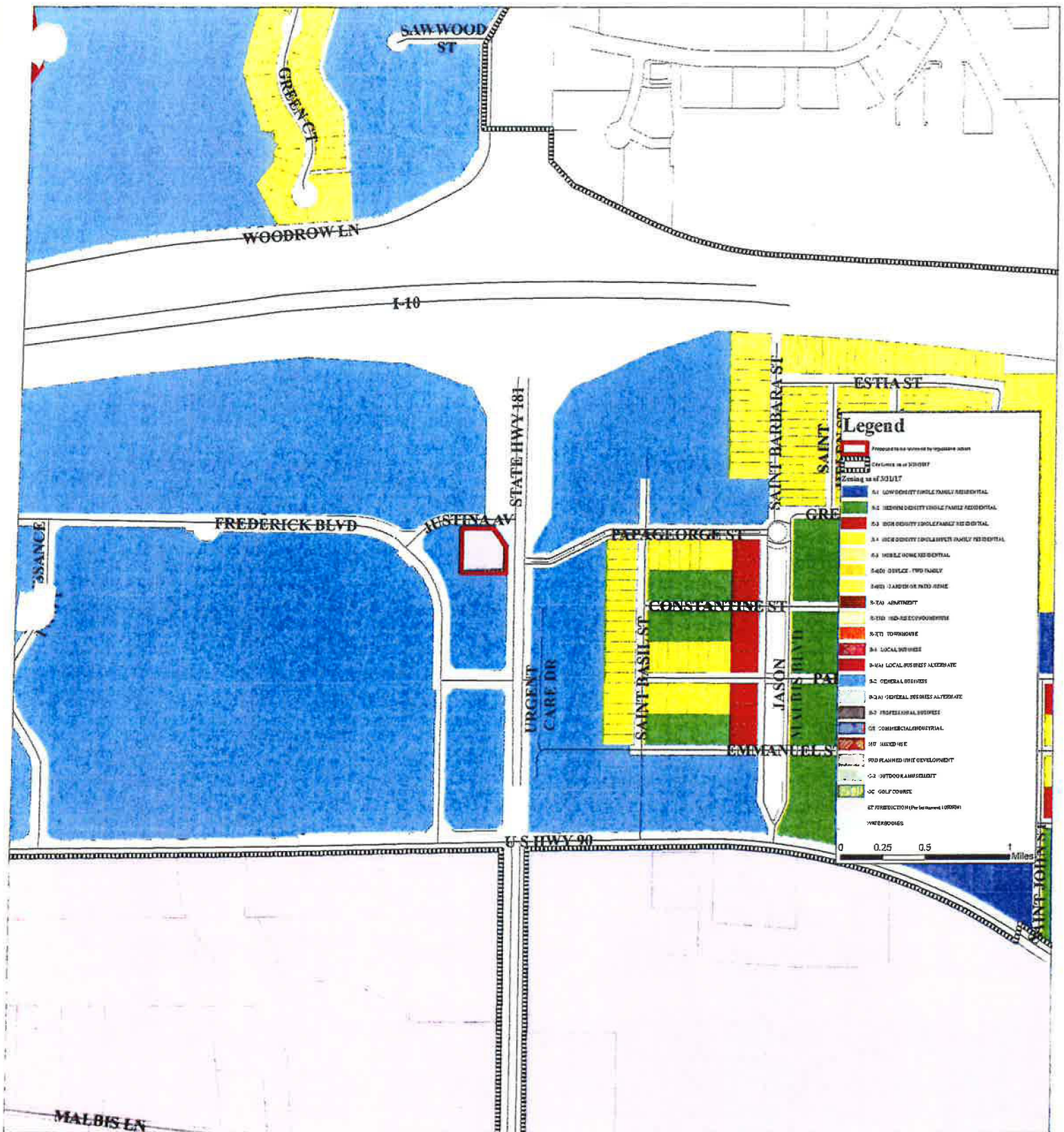




Recommendations: B-2(A) General Business Alternate or B-2, General Business



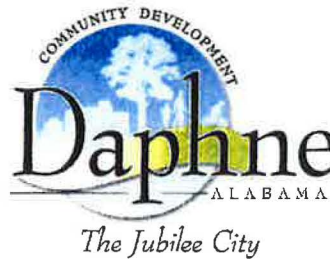
Recommendations: R-7(A), Apartments



Recommendations: B-2, General Business

94

PLANNING COMMISSION



PRE-ZONING FOR LEGISLATIVE ANNEXATION HOUSE BILL 209=ACT# 2017-163 PARCELS

Date	Chamber	
4/13/17	House	Delivered to Governor at 9:10 a.m. on April 13, 2017
4/13/17	House	Clerk of the House Certification
4/13/17	Senate	Signature Requested
4/13/17	House	Enrolled
4/13/17	House	Passed Second House
4/13/17	Senate	Motion to Read a Third Time and Pass adopted Roll Call 510
4/13/17	Senate	Third Reading Passed
4/13/17	Senate	Read for the second time and placed on the calendar
4/13/17	Senate	Read for the first time and referred to the Senate committee on Land Use
4/13/17	House	Motion to Read a Third Time and Pass adopted Roll Call 182
4/13/17	House	Third Reading Passed
4/13/17	House	Read for the second time and placed on the calendar
4/13/17	House	Read for the first time and referred to the House of Representatives committee on Land Use

Adrienne Jones

From: Dane Haygood
Sent: Friday, April 21, 2017 11:20 AM
To: Rebecca A. Hayes; Adrienne Jones; Richard D. Johnson, P.E.; Brennan Walters; William Eringman
Cc: Chief Carpenter; James White; Kelli Kichler, CPA; Jamie Smith; Richard Merchant
Subject: FW: Annexation Bill
Attachments: HB 209[3].pdf

For your records. Please note this extends the corporate limits of Daphne to include the following 4 properties:

- Dollar General on Hwy 181
- Dollar General on CR13
- New Palladian Apartments currently under construction on Hwy 181
- Chevron on Hwy 181 in Malbis

I interpret the language to mean that the effective date will be July 1, 2017

Mayor Haygood

From: Dane Haygood <mayor@daphneal.com>
Date: Friday, April 21, 2017 at 11:08 AM
Subject: Annexation Bill

The annexation bill (HB209) was signed by the Governor as act 2017-163.
I have attached the bill for your reference.

Mayor Haygood



Dane Haygood
Mayor
mayor@daphneal.com
City of Daphne, Alabama - "The Jubilee City"
Phone: 251-621-9000 Web: www.daphneal.com

To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: Parcel 2, Palladian @ Daphne
Apartments, Alabama Highway 181,
Administrative Zoning of Legislatively
Annexed Territories
Date: June 26, 2017

MEMORANDUM

PRESENT ZONING: RMF-6, Residential Multi-Family,
Baldwin County Exterritorial
Planning Jurisdiction

PROPOSED PRE-ZONING: R-7(A), Apartment District

LOCATION: Northwest of the intersection of
Alabama Highway 181 and Sommerset
Drive

RECOMMENDATION: At the Thursday, June 22, 2017,
regular meeting of the Daphne
Planning Commission, six members
were present. The motion carried for
a unanimous favorable recommendation
for Parcel 2, Palladian @ Daphne
Apartments.

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 for August 7, 2017.

Thank you,
ADJ/jv

attachment(s)

1. Alabama Act # 2017-163
2. Map of property
3. Community Development Report

CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2017-_____

AN ORDINANCE TO ZONE PROPERTY ANNEXED BY LEGISLATIVE ACT
Parcel 2 – Palladian at Daphne Apartments on Highway 181

WHEREAS, on August 15, 2016, the City Council adopted Resolution 2016-59 consenting to the annexation of certain parcels of real property into the corporate limits of the City of Daphne; and

WHEREAS, on April 20, 2017, the Governor of the State of Alabama signed into law Act 2017-163, as passed by the Alabama Legislature, which altered the corporate limits of the City of Daphne to include the following territory referred to therein as “Parcel 2”:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 10, TOWNSHIP 5 SOUTH, RANGE 2 EAST AND RUN THENCE SOUTH 00 DEGREES 03 MINUTES EAST, ALONG THE EAST MARGIN OF SAID SECTION, 825.2 FEET; THENCE RUN NORTH 89 DEGREES 58 MINUTES WEST 89.7 FEET TO A CAPPED IRON REBAR FOUND AND THE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN; THENCE RUN SOUTH 00 DEGREES 14 MINUTES 36 SECONDS EAST FOR A DISTANCE OF 80.12 FEET TO A CAPPED REBAR FOUND ON THE WEST MARGIN OF STATE HIGHWAY 181; THENCE RUN NORTH 89 DEGREES 54 MINUTES 13 SECONDS WEST FOR A DISTANCE OF 225.19 FEET TO A REBAR FOUND; THENCE RUN SOUTH 00 DEGREES 00 MINUTES 08 SECONDS WEST FOR A DISTANCE OF 419.72 FEET TO A CAPPED REBAR FOUND; THENCE RUN NORTH 89 DEGREES 56 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 1009.75 FEET TO A CAPPED REBAR FOUND; THENCE RUN NORTH 00 DEGREES 02 MINUTES WEST FOR A DISTANCE OF 1081.8 FEET TO A POINT IN THE CENTERLINE OF A DRY GULLY; THENCE RUN SOUTH 82 DEGREES 34 MINUTES 44 SECONDS EAST FOR A DISTANCE OF 650.88 FEET TO A CAPPED REBAR FOUND; THENCE RUN SOUTH 00 DEGREES 02 MINUTES 05 SECONDS EAST FOR A DISTANCE OF 498.27 FEET TO A CAPPED REBAR FOUND; THENCE RUN SOUTH 89 DEGREES 52 MINUTES 01 SECONDS EAST FOR A DISTANCE OF 364.73 FEET TO A CAPPED REBAR FOUND; THENCE RUN SOUTH 89 DEGREES 55 MINUTES 03 SECONDS EAST FOR A DISTANCE OF 224.79 FEET TO THE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN, SITUATED IN BALDWIN COUNTY, ALABAMA, AND CONTAINING 20.0 ACRES, MORE OR LESS.

and

WHEREAS, said legislative annexation has been presented to the Planning Commission of the City of Daphne at a regular scheduled meeting on June 22, 2017, and the Commission set forth a unanimous favorable recommendation for the City Council of the City of Daphne to zone the subject parcel R-7(A), Apartment District; and

WHEREAS, after proper publication, a public hearing was held by the City Council on August 7, 2017, concerning the zoning of the subject parcel; and

WHEREAS, the City Council of the City of Daphne, after due consideration and upon consideration of the notes of the Planning Commission, deemed that said zoning designation is proper and in the best interest of the health, safety, and welfare of the citizens of the City of Daphne, Alabama.

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

SECTION ONE: ZONING

Upon the effective date of annexation, the above described real property is hereby zoned R-7(A), Apartment District.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE ____ DAY OF _____, 2017.

CITY OF DAPHNE

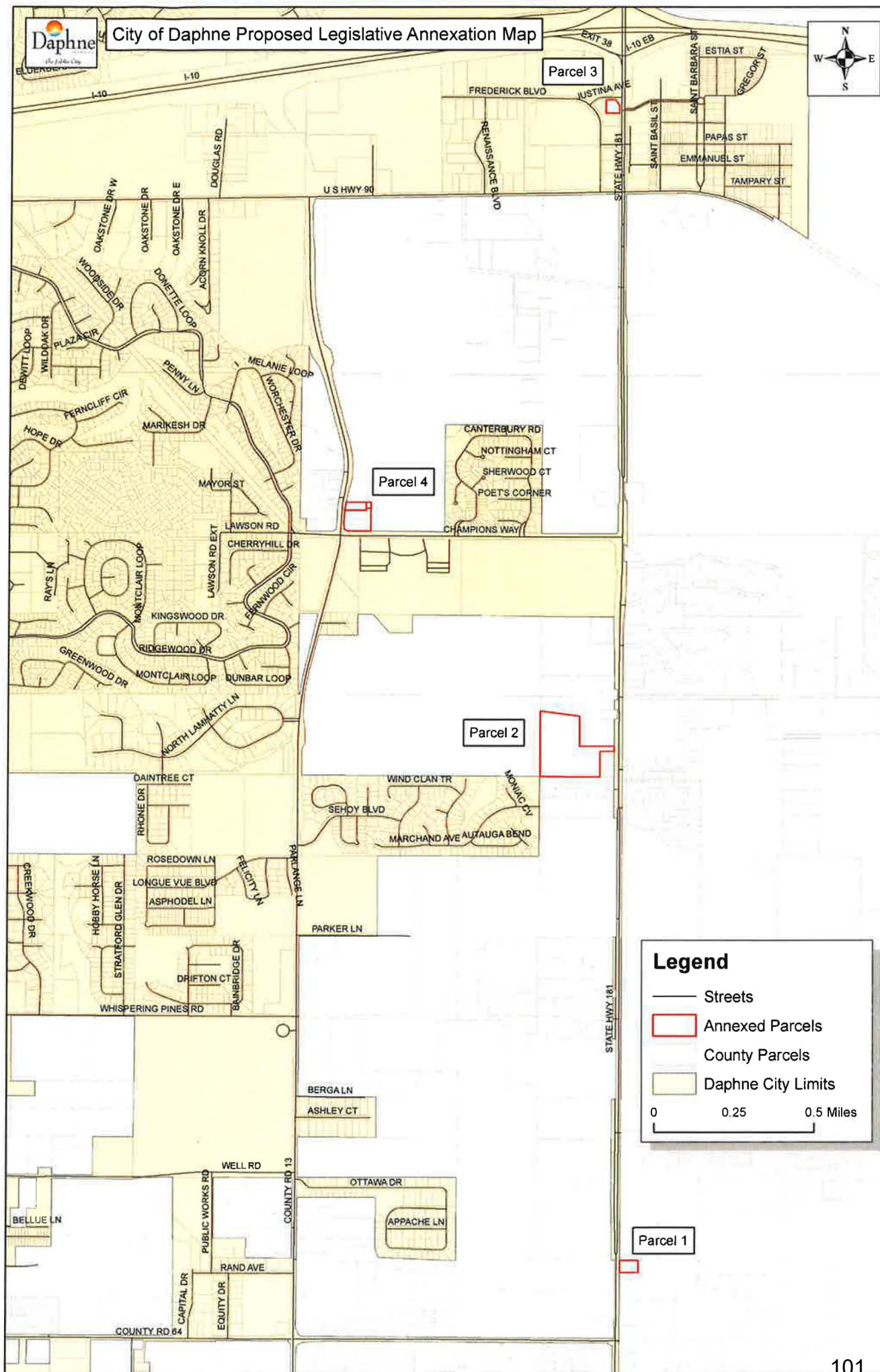
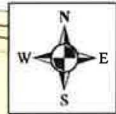
DANE HAYGOOD, MAYOR

ATTEST:

CANDACE G. ANTINARELLA, CITY CLERK

PARCEL 2

Commence at the Northeast Corner of Section 10, Township 5 South, Range 2 East and run thence South 00 degrees 03 minutes East, along the East margin of said Section, 825.2 feet; thence run North 89 degrees 58 minutes West 89.7 feet to a capped iron rebar found and the Point of Beginning of the Parcel described herein; thence run South 00 degrees 14 minutes 36 seconds East for a distance of 80.12 feet to a capped rebar found on the West margin of State Highway 181; thence run North 89 degrees 54 minutes 13 seconds West for a distance of 225.19 feet to a rebar found; thence run South 00 degrees 00 minutes 08 seconds West for a distance of 419.72 feet to a capped rebar found; thence run North 89 degrees 56 minutes 00 seconds West for a distance of 1009.75 feet to a capped rebar found; thence run North 00 degrees 02 minutes West for a distance of 1081.8 feet to a point in the centerline of a dry gully; thence run South 82 degrees 34 minutes 44 seconds East for a distance of 650.88 feet to a capped rebar found; thence run South 00 degrees 02 minutes 05 seconds East for a distance of 498.27 feet to a capped rebar found; thence run South 89 degrees 52 minutes 01 seconds East for a distance of 364.73 feet to a capped rebar found; thence run South 89 degrees 55 minutes 03 seconds East for a distance of 224.79 feet to the Point of Beginning of the Parcel described herein, situated in Baldwin County, Alabama, and containing 20.0 acres, more or less.



PLEASE Publish in the Bulletin Legal Section on Friday, July 7, 2017

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on August 7, 2017 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance zoning certain property as R-7(A), Apartment District as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Candace G. Antinarella, City Clerk

PROPOSED ORDINANCE:

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2017-_____**

**AN ORDINANCE TO ZONE PROPERTY ANNEXED BY LEGISLATIVE ACT
Parcel 2 – Palladian at Daphne Apartments on Highway 181**

WHEREAS, on August 15, 2016, the City Council adopted Resolution 2016-59 consenting to the annexation of certain parcels of real property into the corporate limits of the City of Daphne; and

WHEREAS, on April 20, 2017, the Governor of the State of Alabama signed into law Act 2017-163, as passed by the Alabama Legislature, which altered the corporate limits of the City of Daphne to include the following territory referred to therein as "Parcel 2":

COMMENCE AT THE NORTHEAST CORNER OF SECTION 10, TOWNSHIP 5 SOUTH, RANGE 2 EAST AND RUN THENCE SOUTH 00 DEGREES 03 MINUTES EAST, ALONG THE EAST MARGIN OF SAID SECTION, 825.2 FEET; THENCE RUN NORTH 89 DEGREES 58 MINUTES WEST 89.7 FEET TO A CAPPED IRON REBAR FOUND AND THE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN; THENCE RUN SOUTH 00 DEGREES 14 MINUTES 36 SECONDS EAST FOR A DISTANCE OF 80.12 FEET TO A CAPPED REBAR FOUND ON THE WEST MARGIN OF STATE HIGHWAY 181; THENCE RUN NORTH 89 DEGREES 54 MINUTES 13 SECONDS WEST FOR A DISTANCE OF 225.19 FEET TO A REBAR FOUND; THENCE RUN SOUTH 00 DEGREES 00 MINUTES 08 SECONDS WEST FOR A DISTANCE OF 419.72 FEET TO A CAPPED REBAR FOUND; THENCE RUN NORTH 89 DEGREES 56 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 1009.75 FEET TO A CAPPED REBAR FOUND;

1 HB209
2 177801-3
3 By Representatives Davis and Faust (N & P)
4 RFD: Baldwin County Legislation
5 First Read: 14-FEB-17



ENROLLED, An Act,

To alter, rearrange, and extend the boundary lines
and corporate limits of the City of Daphne in Baldwin County.
BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The boundary lines and corporate limits
of the City of Daphne in Baldwin County are altered,
rearranged, and extended to include within the corporate
limits of the city, in addition to the lands now included, all
of the following territory:

PARCEL 1

ALL OF LOT 1, BROADWAY - AL HIGHWAY 181 A RESURVEY
OF REAL PROPERTY BOOK 547 PAGE 1238 AND INSTRUMENT # 492517,
AS RECORDED IN SLIDE 2505-C IN THE OFFICE OF THE PROBATE JUDGE
FOR SAID COUNTY AND STATE. SAID LOT CONTAINS 1.37 ACRES MORE
OR LESS.

PARCEL 2

Commence at the Northeast Corner of Section 10,
Township 5 South, Range 2 East and run thence South 00 degrees
03 minutes East, along the East margin of said Section, 825.2
feet; thence run North 89 degrees 58 minutes West 89.7 feet to
a capped iron rebar found and the Point of Beginning of the
Parcel described herein; thence run South 00 degrees 14
minutes 36 seconds East for a distance of 80.12 feet to a
capped rebar found on the West margin of State Highway 181;

1 thence run North 89 degrees 54 minutes 13 seconds West for a
2 distance of 225.19 feet to a rebar found; thence run South 00
3 degrees 00 minutes 08 seconds West for a distance of 419.72
4 feet to a capped rebar found; thence run North 89 degrees 56
5 minutes 00 seconds West for a distance of 1009.75 feet to a
6 capped rebar found; thence run North 00 degrees 02 minutes
7 West for a distance of 1081.8 feet to a point in the
8 centerline of a dry gully; thence run South 82 degrees 34
9 minutes 44 seconds East for a distance of 650.88 feet to a
10 capped rebar found; thence run South 00 degrees 02 minutes 05
11 seconds East for a distance of 498.27 feet to a capped rebar
12 found; thence run South 89 degrees 52 minutes 01 seconds East
13 for a distance of 364.73 feet to a capped rebar found; thence
14 run South 89 degrees 55 minutes 03 seconds East for a distance
15 of 224.79 feet to the Point of Beginning of the Parcel
16 described herein, situated in Baldwin County, Alabama, and
17 containing 20.0 acres, more or less.

18 PARCEL 3

19 Commence at the Northeast Corner of Section 34,
20 Township 4 South, Range 2 East, and run thence South 00
21 degrees 12 minutes 36 seconds West 865.3 feet, more or less;
22 thence run North 89 degrees 47 minutes 14 seconds West 98.85
23 feet, more or less, to a concrete right of way monument at
24 right of way Station 17 + 52.78 as shown by Alabama State
25 Highway Department Right of Way Map Project Number I-IG-10-1

1 (17) for a point of beginning of the property herein
2 described; thence run South 00 degrees 12 minutes 36 seconds
3 West 125.8 feet to an iron pin marker; thence run North 89
4 degrees 47 minutes 24 seconds West 211.19 feet to an iron pin
5 marker; thence run North 00 degrees 07 minutes 30 seconds East
6 218.0 feet to an iron pin marker; thence run South 89 degrees
7 47 minutes 24 seconds East 158.19 feet to an iron pin marker;
8 thence run South 29 degrees 47 minutes 24 seconds East 106.64
9 feet to the point of beginning. Tract contains 1 acre, more or
10 less, and lies in the Northeast Quarter of Section 34,
11 Township 4 South, Range 2 East, Baldwin County, Alabama;
12 EXCEPTING therefrom, such oil, gas and other minerals which
13 may have heretofore been conveyed or reserved by others as
14 contained in instruments of record in the Office of the Judge
15 of Probate of Baldwin County, Alabama.

16 PARCEL 4

17 Commencing at the Southwest corner of Section 03,
18 Township 5 South, Range 2 East, Baldwin County, Alabama;
19 thence run North 00 degrees 18 minutes 45 seconds East a
20 distance of 2,641.69 feet to a point; thence run South 89
21 degrees 52 minutes 55 seconds East a distance of 661.43 feet
22 to a point; thence run North 00 degrees 44 minutes 09 seconds
23 East a distance of 55.00 feet to a point; thence run North 89
24 degrees 52 minutes 55 seconds West (along the North Right of
25 Way line of Lawson Road) a distance of 119.76 feet to the

1 Point of Beginning (a rebar cap. set); thence run North 60
2 Degrees 28 minutes 37 seconds West a distance of 63.19 feet to
3 a point (a rebar cap. set); thence run North 05 degrees 55
4 minutes 03 seconds West a distance of 85.94 feet to a point (a
5 rebar cap. set); thence run North 03 degrees 27 minutes 28
6 seconds East a distance of 222.87 feet to a point (a rebar
7 cap. set); thence run North 03 degrees 27 minutes 28 seconds
8 East a distance of 7.06 feet to a point (a rebar cap. set);
9 thence run 123.60 feet along a curve to the right with a chord
10 of North 05 degrees 47 minutes 51 seconds East a distance of
11 123.56 feet to a point (a rebar cap. set); thence run South 89
12 degrees 52 minutes 56 seconds East a distance of 14.14 feet to
13 a point (a rebar cap. set); thence run South 89 degrees 52
14 minutes 56 seconds East a distance of 408.62 feet to a point
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17 cap. found); thence run North 89 degrees 52 minutes 55 seconds
18 West (along the North Right of Way line of Lawson Road) a
19 distance of 379.24 feet to the Point of Beginning. Said
20 description enclosed 4.67 acres, more or less

21 Section 2. In accordance with Section 11-42-6(b) of
22 the Code of Alabama 1975, a map showing what territory is
23 proposed to be annexed to the City of Daphne is on file in the
24 office of the Judge of Probate in Baldwin County, Alabama, and
25 the map is open to the inspection of the public.

1 Section 3. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.

Mac McClatchey

Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 09-MAR-17.

Jeff Woodard
Clerk

Don Mack

Senate

11-APR-17

Passed

APPROVED 4-20-2017

TIME 11:00 AM

Ray Ivey
GOVERNOR

Alabama Secretary Of State

Act Num....: 2017-163
Bill Num....: H-209

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RD 1 RFD

REPORT OF STANDING COMMITTEE

This bill having been referred by the
 House to its standing committee on
Baldwin County was
 acted upon by such committee in ses-
 sion, and returned therefrom to the
 House with the recommendation that it be
 Passed, w/amend(s) w/sub
 this 17th day of March, 20 17.
Handy/Dan Chairperson

DATE: 3-7 2017
 RF RD 2 CAL

DATE: 20
 RE-REFERRED ☐ RE-COMMITTED ☐
 Committee

I hereby certify that the Resolution as
 required in Section C of Act No. 81-889
 was adopted and is attached to the Bill,
 HB 209
 YEAS 33 NAYS 1

JEFF WOODARD,
 Clerk

FURTHER HOUSE ACTION (OVER)

RD 1 RFD

This Bill was referred to the Standing Commi
 the Senate on

and was acted upon by such Committ
 session and is by order of the Comr
 returned therefrom with a favorable
 w/amd(s) w/sub w/eng sub
 by a vote of
 yeas 6 nays 1 abstain
 this 6th day of April, 20 17
G. Dial Chairp

DATE: 4-6
 RF FAL RD 2 ☐ C

I hereby certify that the Resolution
 required in Section C of Act No. 81-8
 was adopted and is attached to the B
 HB 209
 YEAS 24 NAYS 0 AB

PATRICK HARRIS
 Secretary

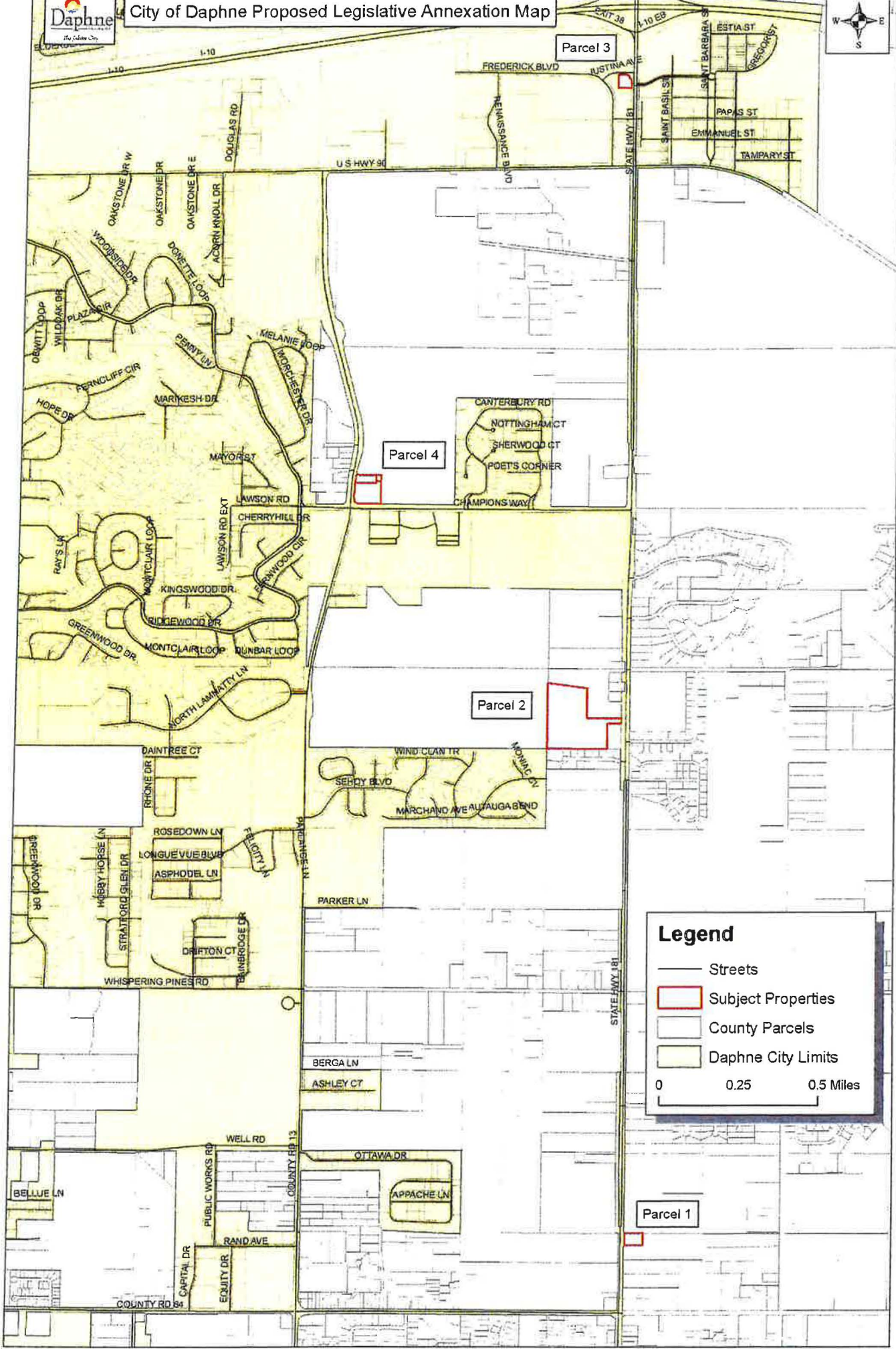
DATE: 4-11-17 RD 3 at
 PASSED ☒ PASSED AS AMENDED

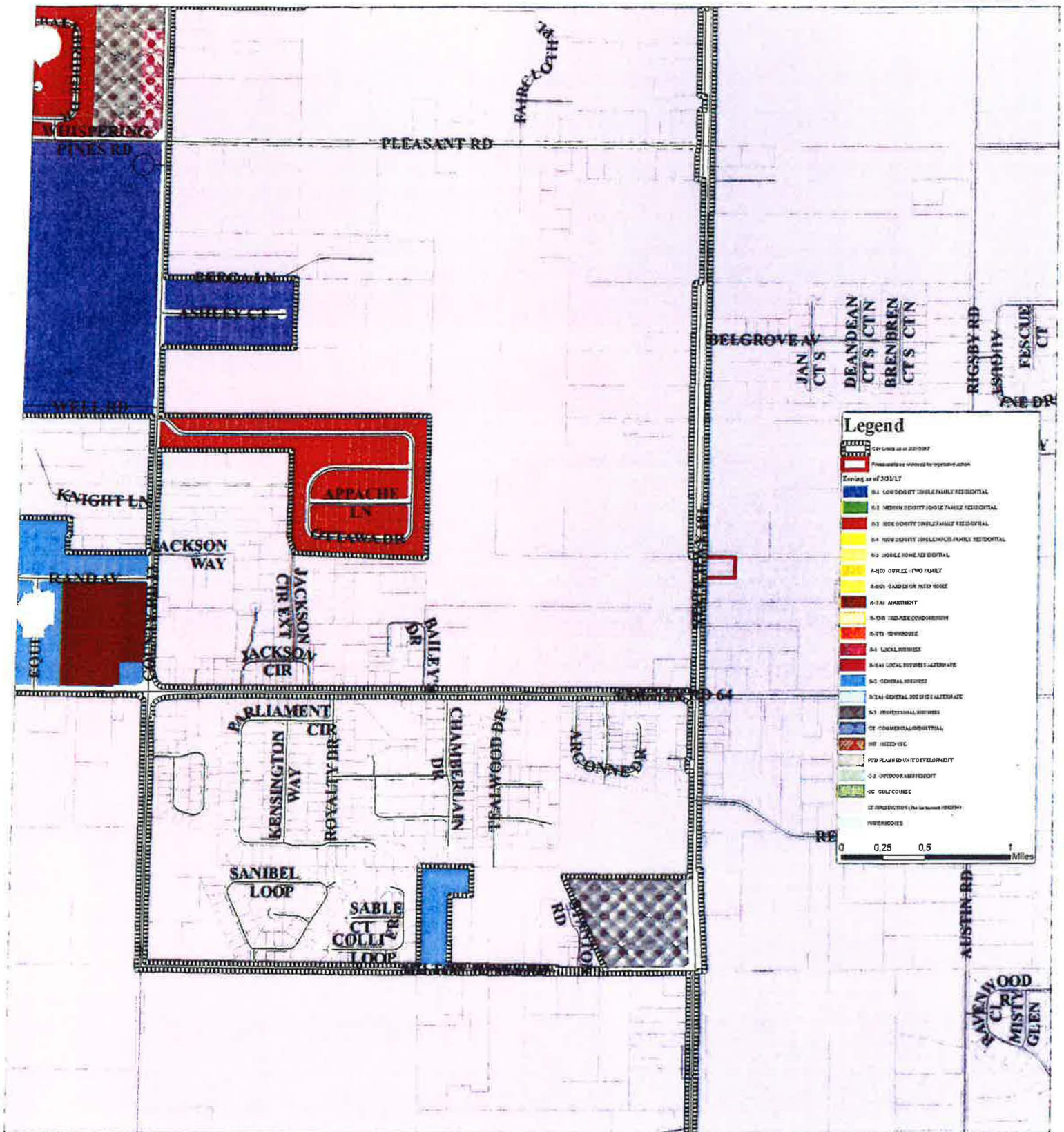
YEAS 26 NAYS 0 AB
 And was ordered returned forthwith to the H
 PATRICK HA
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DATE:
 INDEFINITELY POSTPONED YEAS NA

DATE:
 RECONSIDERED YEAS NA

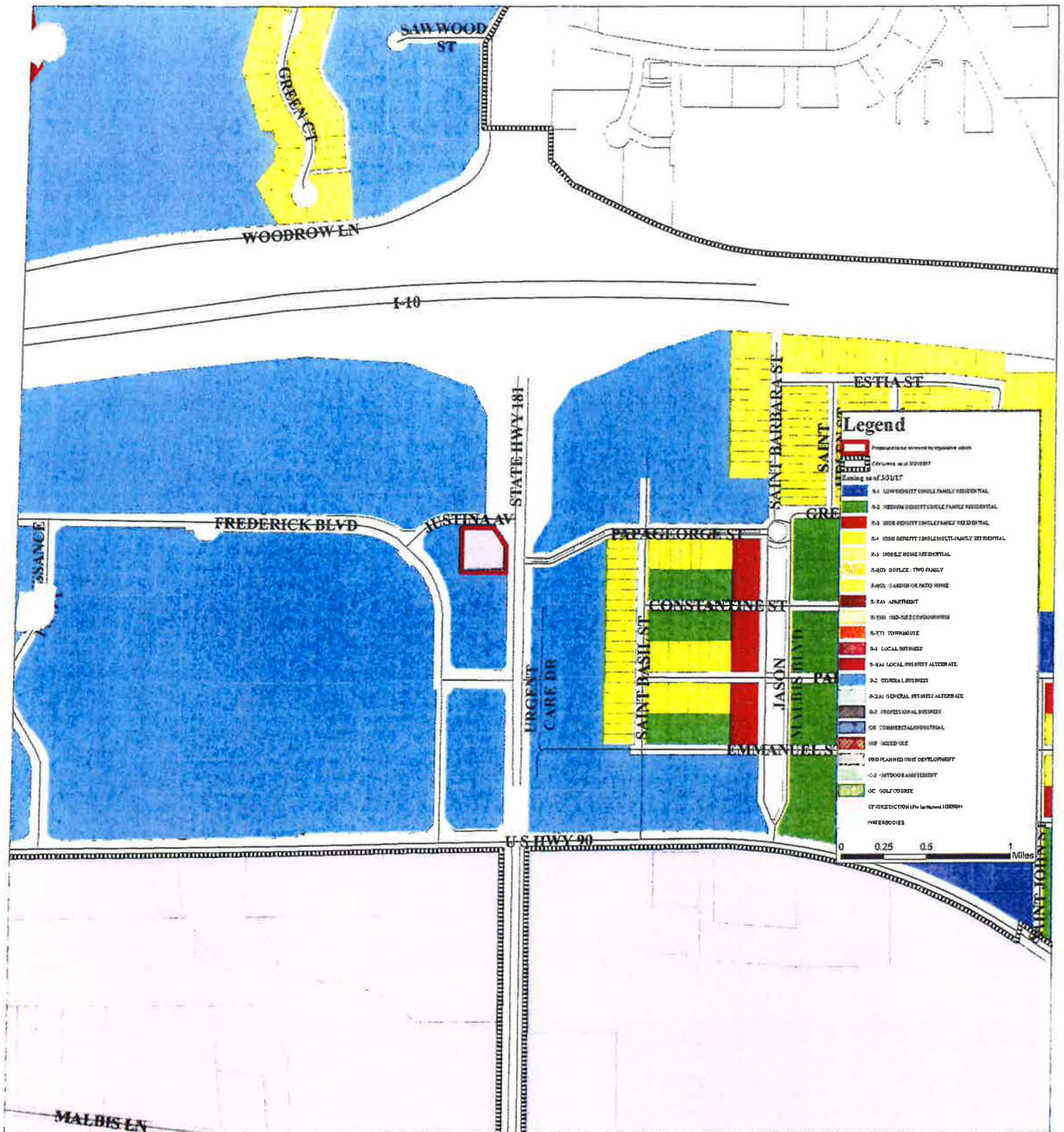
FURTHER SENATE ACTION (OVER)



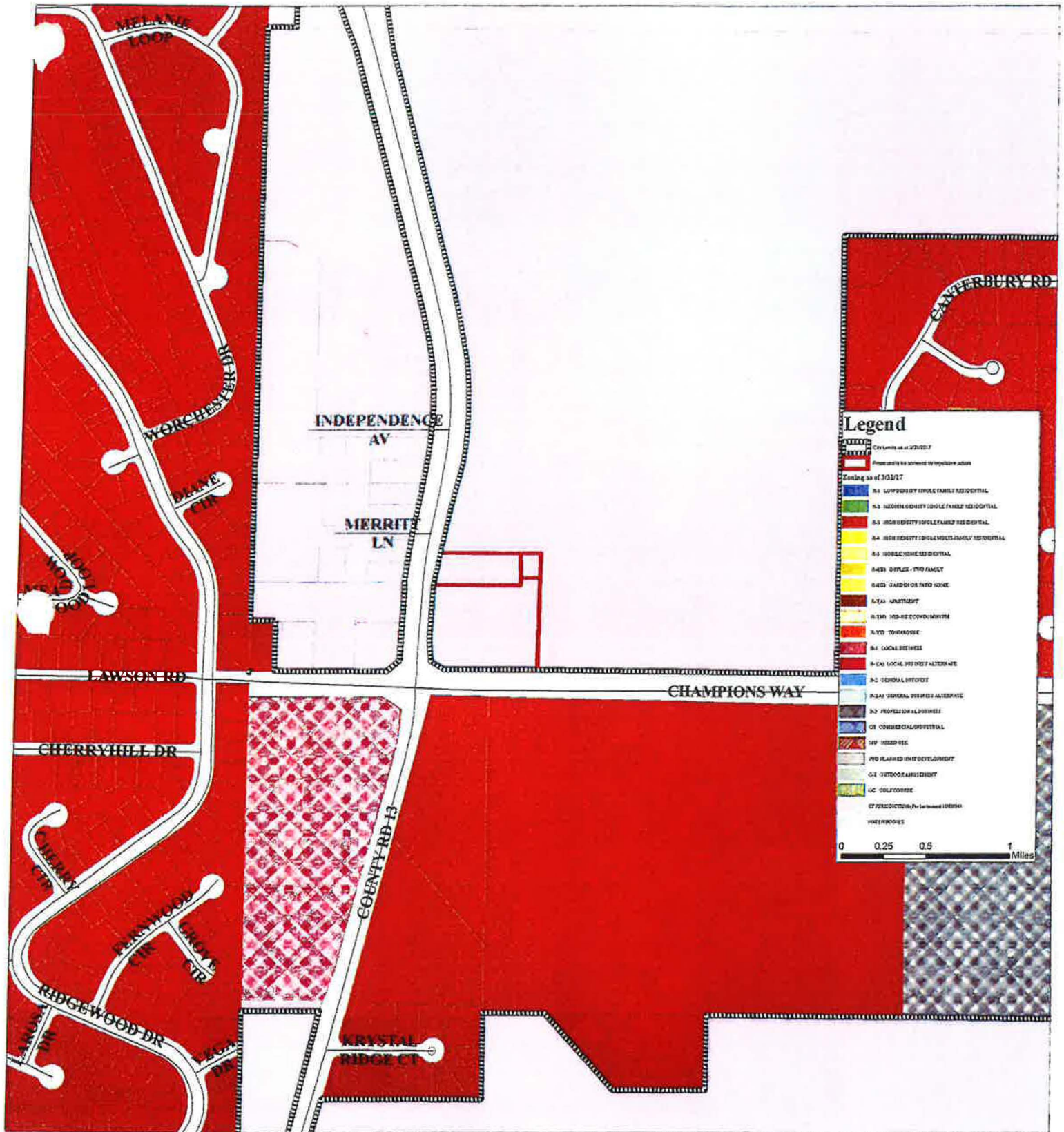


Recommendations: B-2(A) General Business Alternate or B-2, General Business





Recommendations: B-2, General Business



Recommendations: B-2(A) General Business Alternate or B-2, General Business

PLANNING COMMISSION



PRE-ZONING FOR LEGISLATIVE ANNEXATION HOUSE BILL 209=ACT# 2017-163 PARCELS

Date	Chamber	
4/13/17	House	Delivered to Governor at 9:40 a.m. on April 13, 2017
4/13/17	House	Clerk of the House Certification
4/13/17	Senate	Signature Requested
4/14/17	House	Enrolled
4/14/17	House	Passed Second House
4/14/17	Senate	Motion to Read a Third Time and Pass adopted Roll Call 516
4/14/17	Senate	Third Reading Passed
4/14/17	Senate	Read for the second time and placed on the calendar
4/14/17	Senate	Read for the first time and referred to the Senate committee on Community Development
4/14/17	House	Motion to Read a Third Time and Pass adopted Roll Call 182
4/14/17	House	Third Reading Passed
4/14/17	House	Read for the second time and placed on the calendar
4/14/17	House	Read for the first time and referred to the House of Representatives committee on Community Development

From: Dane Haygood
Sent: Friday, April 21, 2017 11:20 AM
To: Rebecca A. Hayes; Adrienne Jones; Richard D. Johnson, P.E.; Brennan Walters; William Eringman
Cc: Chief Carpenter; James White; Kelli Kichler, CPA; Jamie Smith; Richard Merchant
Subject: FW: Annexation Bill
Attachments: HB 209[3].pdf

For your records. Please note this extends the corporate limits of Daphne to include the following 4 properties:

- Dollar General on Hwy 181
- Dollar General on CR13
- New Palladian Apartments currently under construction on Hwy 181
- Chevron on Hwy 181 in Malbis

I interpret the language to mean that the effective date will be July 1, 2017

Mayor Haygood

From: Dane Haygood <mayor@daphneal.com>
Date: Friday, April 21, 2017 at 11:08 AM
Subject: Annexation Bill

The annexation bill (HB209) was signed by the Governor as act 2017-163.
I have attached the bill for your reference.

Mayor Haygood



Dane Haygood
Mayor
mayor@daphneal.com
City of Daphne, Alabama - "The Jubilee City"
Phone: 251-621-9000 Web: www.daphneal.com

To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: Parcel 3, Chevron Gas Station, Alabama
Highway 181, Administrative Zoning of
Legislatively Annexed Territories
Date: June 26, 2017

MEMORANDUM

PRESENT ZONING: B-4, Major Commercial District,
Baldwin County Exterritorial
Planning Jurisdiction

PROPOSED PRE-ZONING: B-2, General Business

LOCATION: At the southwest intersection of
Alabama Highway 181 and Justina
Avenue

RECOMMENDATION: At the Thursday, June 22, 2017,
regular meeting of the Daphne
Planning Commission, six members
were present. The motion carried for
a unanimous favorable recommendation
for the Chevron Station.

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 for August 7, 2017.

Thank you,
ADJ/jv

attachment(s)

1. Alabama Act # 2017-163
2. Map of property
3. Community Development Report

CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2017-_____

AN ORDINANCE TO ZONE PROPERTY ANNEXED BY LEGISLATIVE ACT
Parcel 3 – Chevron Gas Station on Highway 181

WHEREAS, on August 15, 2016, the City Council adopted Resolution 2016-59 consenting to the annexation of certain parcels of real property into the corporate limits of the City of Daphne; and

WHEREAS, on April 20, 2017, the Governor of the State of Alabama signed into law Act 2017-163, as passed by the Alabama Legislature, which altered the corporate limits of the City of Daphne to include the following territory referred to therein as “Parcel 3”:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 2 EAST, AND RUN THENCE SOUTH 00 DEGREES 12 MINUTES 36 SECONDS WEST 865.3 FEET, MORE OR LESS; THENCE RUN NORTH 89 DEGREES 47 MINUTES 14 SECONDS WEST 98.85 FEET, MORE OR LESS, TO A CONCRETE RIGHT OF WAY MONUMENT AT RIGHT OF WAY STATION 17 + 52.78 AS SHOWN BY ALABAMA STATE HIGHWAY DEPARTMENT RIGHT OF WAY MAP PROJECT NUMBER I-IG-10-1 (17) FOR A POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE RUN SOUTH 00 DEGREES 12 MINUTES 36 SECONDS WEST 125.8 FEET TO AN IRON PIN MARKER; THENCE RUN NORTH 89 DEGREES 47 MINUTES 24 SECONDS WEST 211.19 FEET TO AN IRON PIN MARKER; THENCE RUN NORTH 00 DEGREES 07 MINUTES 30 SECONDS EAST 218.0 FEET TO AN IRON PIN MARKER; THENCE RUN SOUTH 89 DEGREES 47 MINUTES 24 SECONDS EAST 158.19 FEET TO AN IRON PIN MARKER; THENCE RUN SOUTH 29 DEGREES 47 MINUTES 24 SECONDS EAST 106.64 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 1 ACRE, MORE OR LESS, AND LIES IN THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

and

WHEREAS, said legislative annexation has been presented to the Planning Commission of the City of Daphne at a regular scheduled meeting on June 22, 2017, and the Commission set forth a unanimous favorable recommendation for the City Council of the City of Daphne to zone the subject parcel B-2, General Business; and

WHEREAS, after proper publication, a public hearing was held by the City Council on August 7, 2017, concerning the zoning of the subject parcel; and

WHEREAS, the City Council of the City of Daphne, after due consideration and upon consideration of the notes of the Planning Commission, deemed that said zoning designation is proper and in the best interest of the health, safety, and welfare of the citizens of the City of Daphne, Alabama.

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

SECTION ONE: ZONING

Upon the effective date of annexation, the above described real property is hereby zoned B-2, General Business.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE ____ DAY OF _____, 2017.

CITY OF DAPHNE

DANE HAYGOOD, MAYOR

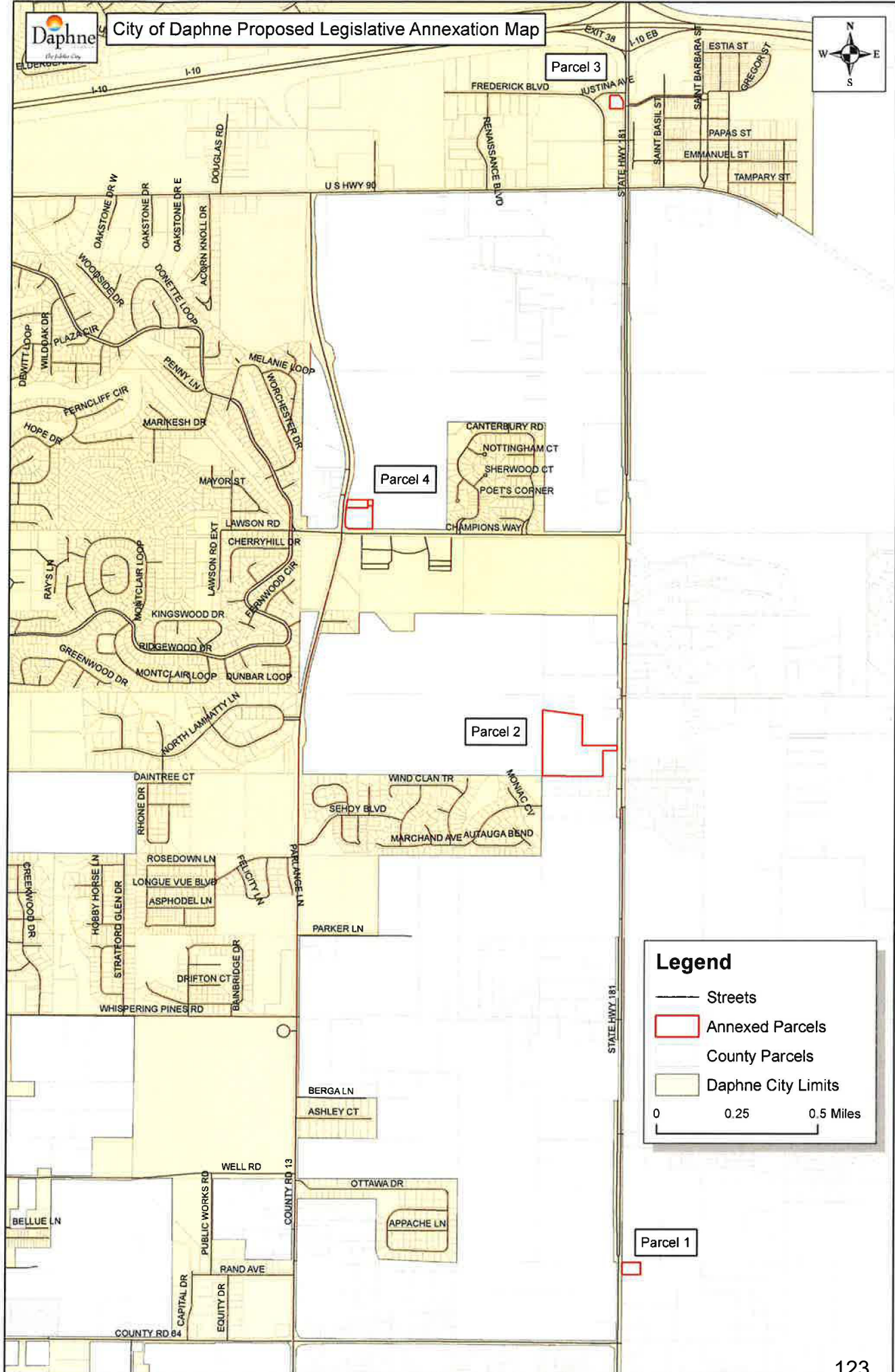
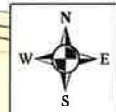
ATTEST:

CANDACE G. ANTINARELLA, CITY CLERK

PARCEL 3

Commence at the Northeast Corner of Section 34, Township 4 South, Range 2 East, and run thence South 00 degrees 12 minutes 36 seconds West 865.3 feet, more or less; thence run North 89 degrees 47 minutes 14 seconds West 98.85 feet, more or less, to a concrete right of way monument at right of way Station 17 + 52.78 as shown by Alabama State Highway Department Right of Way Map Project Number I-IG-10-1

(17) for a point of beginning of the property herein described; thence run South 00 degrees 12 minutes 36 seconds West 125.8 feet to an iron pin marker; thence run North 89 degrees 47 minutes 24 seconds West 211.19 feet to an iron pin marker; thence run North 00 degrees 07 minutes 30 seconds East 218.0 feet to an iron pin marker; thence run South 89 degrees 47 minutes 24 seconds East 158.19 feet to an iron pin marker; thence run South 29 degrees 47 minutes 24 seconds East 106.64 feet to the point of beginning. Tract contains 1 acre, more or less, and lies in the Northeast Quarter of Section 34, Township 4 South, Range 2 East, Baldwin County, Alabama; EXCEPTING therefrom, such oil, gas and other minerals which may have heretofore been conveyed or reserved by others as contained in instruments of record in the Office of the Judge of Probate of Baldwin County, Alabama.



Legend

- Streets
- Annexed Parcels
- County Parcels
- Daphne City Limits

0 0.25 0.5 Miles

PLEASE Publish in the Bulletin Legal Section on Friday, July 7, 2017

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on August 7, 2017 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance zoning certain property as B-2 General Business as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Candace G. Antinarella, City Clerk

PROPOSED ORDINANCE:

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2017-_____**

**AN ORDINANCE TO ZONE PROPERTY ANNEXED BY LEGISLATIVE ACT
Parcel 3 – Chevron Gas Station on Highway 181**

WHEREAS, on August 15, 2016, the City Council adopted Resolution 2016-59 consenting to the annexation of certain parcels of real property into the corporate limits of the City of Daphne; and

WHEREAS, on April 20, 2017, the Governor of the State of Alabama signed into law Act 2017-163, as passed by the Alabama Legislature, which altered the corporate limits of the City of Daphne to include the following territory referred to therein as "Parcel 3":

COMMENCE AT THE NORTHEAST CORNER OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 2 EAST, AND RUN THENCE SOUTH 00 DEGREES 12 MINUTES 36 SECONDS WEST 865.3 FEET, MORE OR LESS; THENCE RUN NORTH 89 DEGREES 47 MINUTES 14 SECONDS WEST 98.85 FEET, MORE OR LESS, TO A CONCRETE RIGHT OF WAY MONUMENT AT RIGHT OF WAY STATION 17 + 52.78 AS SHOWN BY ALABAMA STATE HIGHWAY DEPARTMENT RIGHT OF WAY MAP PROJECT NUMBER I-IG-10-1 (17) FOR A POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE RUN SOUTH 00 DEGREES 12 MINUTES 36 SECONDS WEST 125.8 FEET TO AN IRON PIN MARKER; THENCE RUN NORTH 89 DEGREES 47 MINUTES 24 SECONDS WEST 211.19 FEET TO AN IRON PIN MARKER; THENCE RUN NORTH 00 DEGREES 07 MINUTES 30 SECONDS EAST 218.0 FEET TO AN IRON PIN MARKER; THENCE RUN SOUTH 89 DEGREES 47 MINUTES 24 SECONDS EAST 158.19 FEET TO

1 HB209
2 177801-3
3 By Representatives Davis and Faust (N & P)
4 RFD: Baldwin County Legislation
5 First Read: 14-FEB-17



ENROLLED, An Act,

To alter, rearrange, and extend the boundary lines and corporate limits of the City of Daphne in Baldwin County.
BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The boundary lines and corporate limits of the City of Daphne in Baldwin County are altered, rearranged, and extended to include within the corporate limits of the city, in addition to the lands now included, all of the following territory:

PARCEL 1

ALL OF LOT 1, BROADWAY - AL HIGHWAY 181 A RESURVEY OF REAL PROPERTY BOOK 547 PAGE 1238 AND INSTRUMENT # 492517, AS RECORDED IN SLIDE 2505-C IN THE OFFICE OF THE PROBATE JUDGE FOR SAID COUNTY AND STATE. SAID LOT CONTAINS 1.37 ACRES MORE OR LESS.

PARCEL 2

Commence at the Northeast Corner of Section 10, Township 5 South, Range 2 East and run thence South 00 degrees 03 minutes East, along the East margin of said Section, 825.2 feet; thence run North 89 degrees 58 minutes West 89.7 feet to a capped iron rebar found and the Point of Beginning of the Parcel described herein; thence run South 00 degrees 14 minutes 36 seconds East for a distance of 80.12 feet to a capped rebar found on the West margin of State Highway 181;

1 thence run North 89 degrees 54 minutes 13 seconds West for a
2 distance of 225.19 feet to a rebar found; thence run South 00
3 degrees 00 minutes 08 seconds West for a distance of 419.72
4 feet to a capped rebar found; thence run North 89 degrees 56
5 minutes 00 seconds West for a distance of 1009.75 feet to a
6 capped rebar found; thence run North 00 degrees 02 minutes
7 West for a distance of 1081.8 feet to a point in the
8 centerline of a dry gully; thence run South 82 degrees 34
9 minutes 44 seconds East for a distance of 650.88 feet to a
10 capped rebar found; thence run South 00 degrees 02 minutes 05
11 seconds East for a distance of 498.27 feet to a capped rebar
12 found; thence run South 89 degrees 52 minutes 01 seconds East
13 for a distance of 364.73 feet to a capped rebar found; thence
14 run South 89 degrees 55 minutes 03 seconds East for a distance
15 of 224.79 feet to the Point of Beginning of the Parcel
16 described herein, situated in Baldwin County, Alabama, and
17 containing 20.0 acres, more or less.

18 PARCEL 3

19 Commence at the Northeast Corner of Section 34,
20 Township 4 South, Range 2 East, and run thence South 00
21 degrees 12 minutes 36 seconds West 865.3 feet, more or less;
22 thence run North 89 degrees 47 minutes 14 seconds West 98.85
23 feet, more or less, to a concrete right of way monument at
24 right of way Station 17 + 52.78 as shown by Alabama State
25 Highway Department Right of Way Map Project Number I-IG-10-1

(17) for a point of beginning of the property herein described; thence run South 00 degrees 12 minutes 36 seconds West 125.8 feet to an iron pin marker; thence run North 89 degrees 47 minutes 24 seconds West 211.19 feet to an iron pin marker; thence run North 00 degrees 07 minutes 30 seconds East 218.0 feet to an iron pin marker; thence run South 89 degrees 47 minutes 24 seconds East 158.19 feet to an iron pin marker; thence run South 29 degrees 47 minutes 24 seconds East 106.64 feet to the point of beginning. Tract contains 1 acre, more or less, and lies in the Northeast Quarter of Section 34, Township 4 South, Range 2 East, Baldwin County, Alabama; EXCEPTING therefrom, such oil, gas and other minerals which may have heretofore been conveyed or reserved by others as contained in instruments of record in the Office of the Judge of Probate of Baldwin County, Alabama.

PARCEL 4

Commencing at the Southwest corner of Section 03, Township 5 South, Range 2 East, Baldwin County, Alabama; thence run North 00 degrees 18 minutes 45 seconds East a distance of 2,641.69 feet to a point; thence run South 89 degrees 52 minutes 55 seconds East a distance of 661.43 feet to a point; thence run North 00 degrees 44 minutes 09 seconds East a distance of 55.00 feet to a point; thence run North 89 degrees 52 minutes 55 seconds West (along the North Right of Way line of Lawson Road) a distance of 119.76 feet to the

1 Point of Beginning (a rebar cap. set); thence run North 60
2 Degrees 28 minutes 37 seconds West a distance of 63.19 feet to
3 a point (a rebar cap. set); thence run North 05 degrees 55
4 minutes 03 seconds West a distance of 85.94 feet to a point (a
5 rebar cap. set); thence run North 03 degrees 27 minutes 28
6 seconds East a distance of 222.87 feet to a point (a rebar
7 cap. set); thence run North 03 degrees 27 minutes 28 seconds
8 East a distance of 7.06 feet to a point (a rebar cap. set);
9 thence run 123.60 feet along a curve to the right with a chord
10 of North 05 degrees 47 minutes 51 seconds East a distance of
11 123.56 feet to a point (a rebar cap. set); thence run South 89
12 degrees 52 minutes 56 seconds East a distance of 14.14 feet to
13 a point (a rebar cap. set); thence run South 89 degrees 52
14 minutes 56 seconds East a distance of 408.62 feet to a point
15 (a rebar cap. found); thence run South 00 degrees 44 minutes
16 09 seconds West a distance of 469.00 feet to a point (a rebar
17 cap. found); thence run North 89 degrees 52 minutes 55 seconds
18 West (along the North Right of Way line of Lawson Road) a
19 distance of 379.24 feet to the Point of Beginning. Said
20 description enclosed 4.67 acres, more or less

21 Section 2. In accordance with Section 11-42-6(b) of
22 the Code of Alabama 1975, a map showing what territory is
23 proposed to be annexed to the City of Daphne is on file in the
24 office of the Judge of Probate in Baldwin County, Alabama, and
25 the map is open to the inspection of the public.

1 Section 3. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.

Mac McClatchey

Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 09-MAR-17.

Jeff Woodard
Clerk

Del Mar

Senate

11-APR-17

Passed

APPROVED 4-20-2017

TIME 11:00 AM

Ray Ivey
GOVERNOR

Alabama Secretary Of State

Act Num....: 2017-163
Bill Num....: H-209

This bill having been referred by the House to its standing committee on Baldwin County was acted upon by such committee in session, and returned therefrom to the House with the recommendation that it be Passed, w/amend(s) _____ w/sub _____ this 11th day of March, 20 17.
Franklin D. Davis Chairperson

DATE: 37 2017
RF RD 2 CAL

DATE: _____ 20__	
RE-REFERRED ☐	RE-COMMITTED ☐
Committee	

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, HB 209.
YEAS 33 NAYS 1

JEFF WOODARD,
Clerk

FURTHER HOUSE ACTION (OVER)

This Bill was referred to the Standing Committee on the Senate on

and was acted upon by such Committee
session and is by order of the Committee
returned therefrom with a favorable
w/amd(s) w/sub w/eng sub
by a vote of
years days abstain
this 6th day of April 20
19 1941 Chairperson

DATE: 4-6
RF EAL RD 2 ☒ C

I hereby certify that the Resolution
required in Section C of Act No. 81-8
was adopted and is attached to the E
HB 209
YEAS 21 NAYS 0 AB

PATRICK HARRIS
Secretary

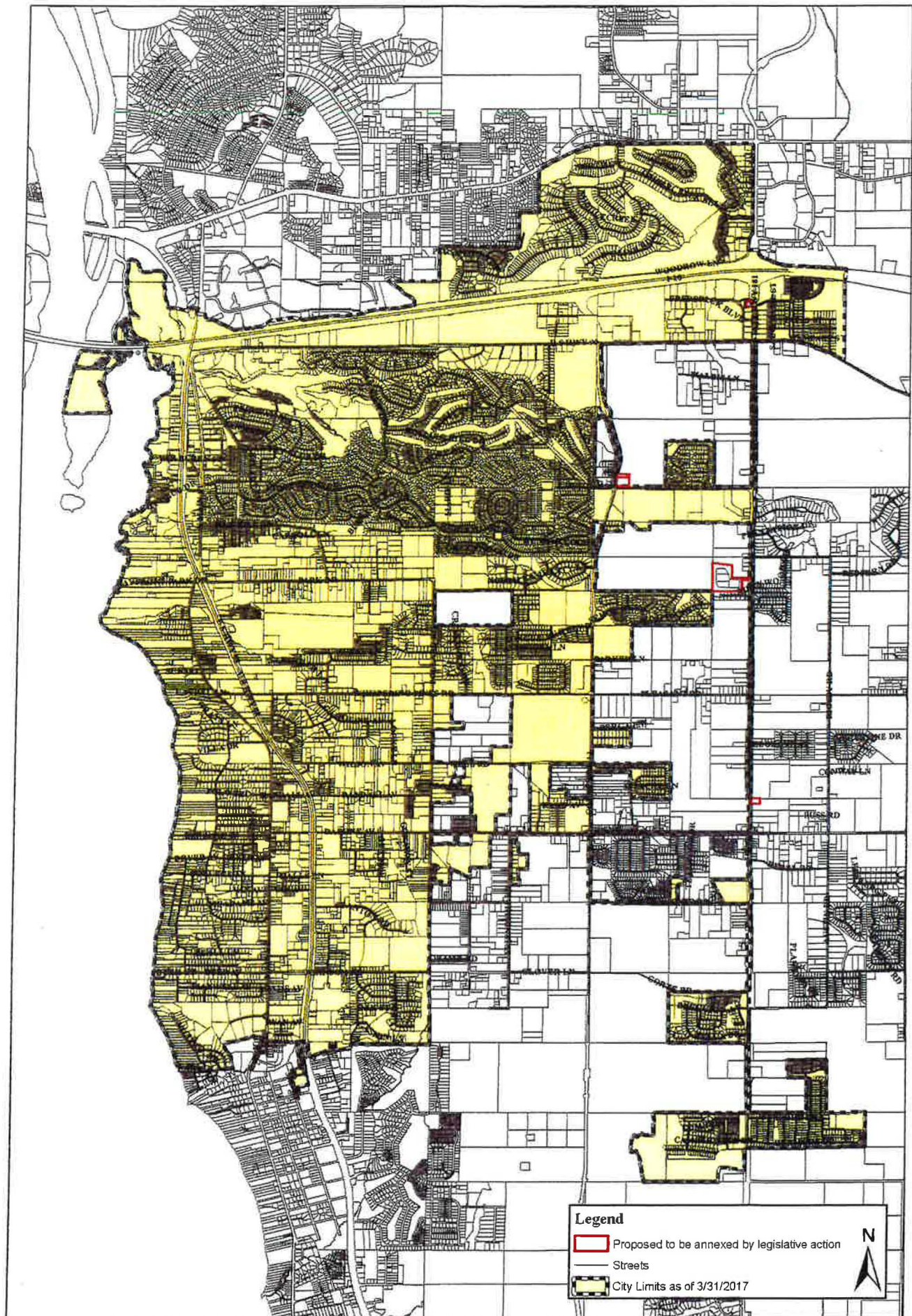
DATE:	4-1-17	RD 3 at
PASSED	☒	PASSED AS AMENDED

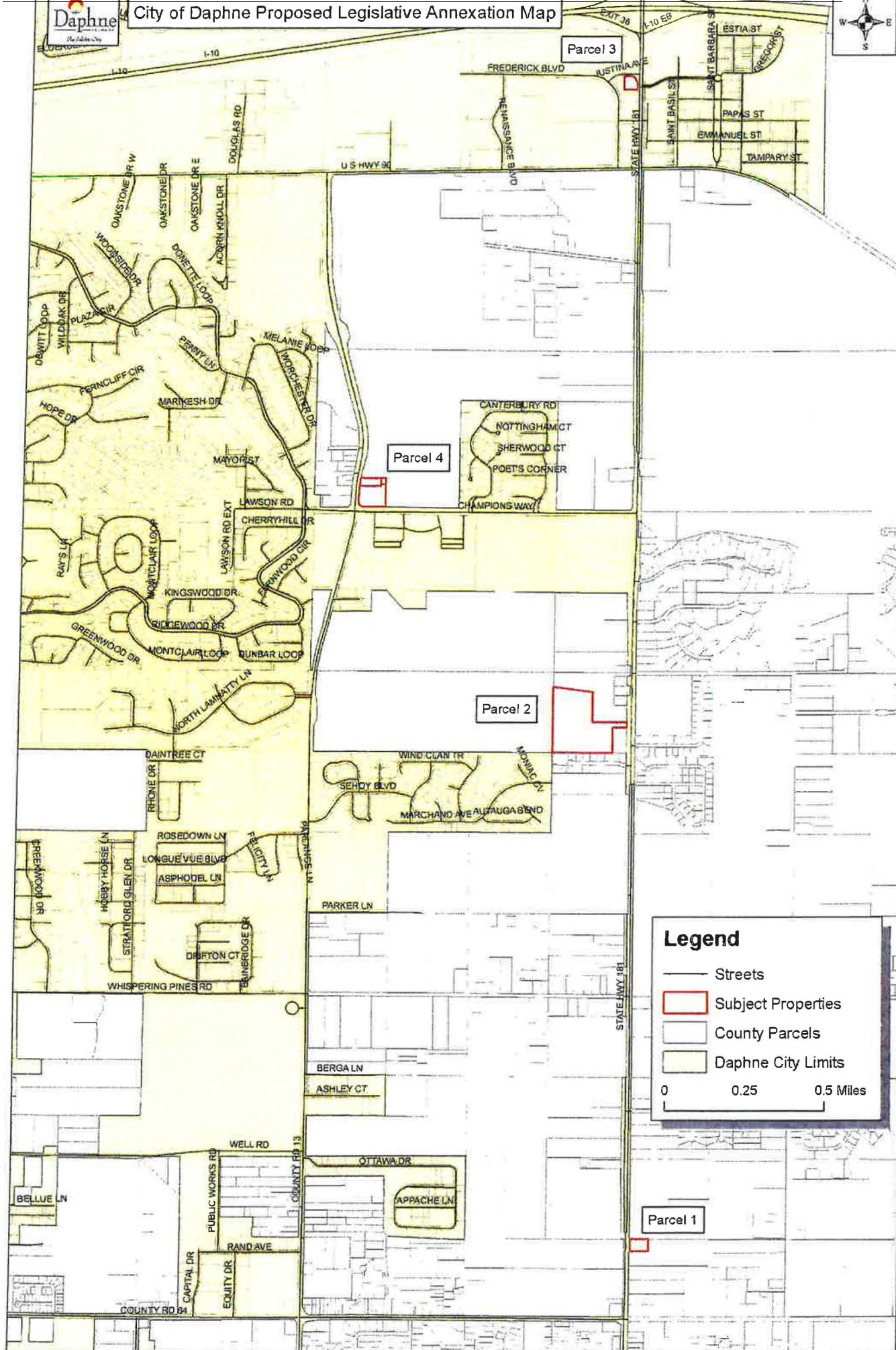
YEAS 26 NAYS 0
And was ordered returned forthwith to the House
PATRICK HARRIS
Secretary

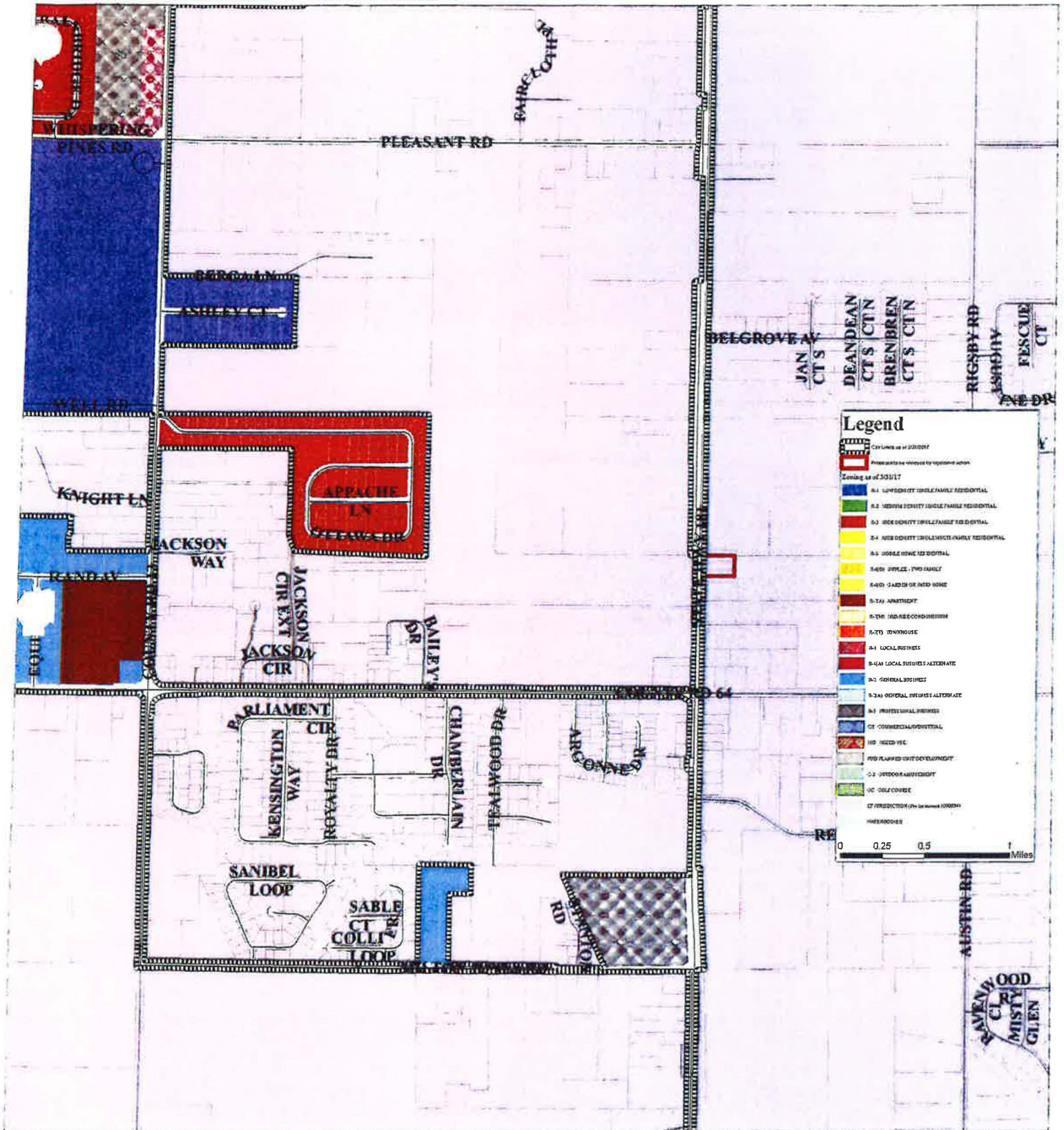
DATE:	
INDEFINITELY POSTPONED	YEAS NA

DATE:		
RECONSIDERED	YEAS	NAYS

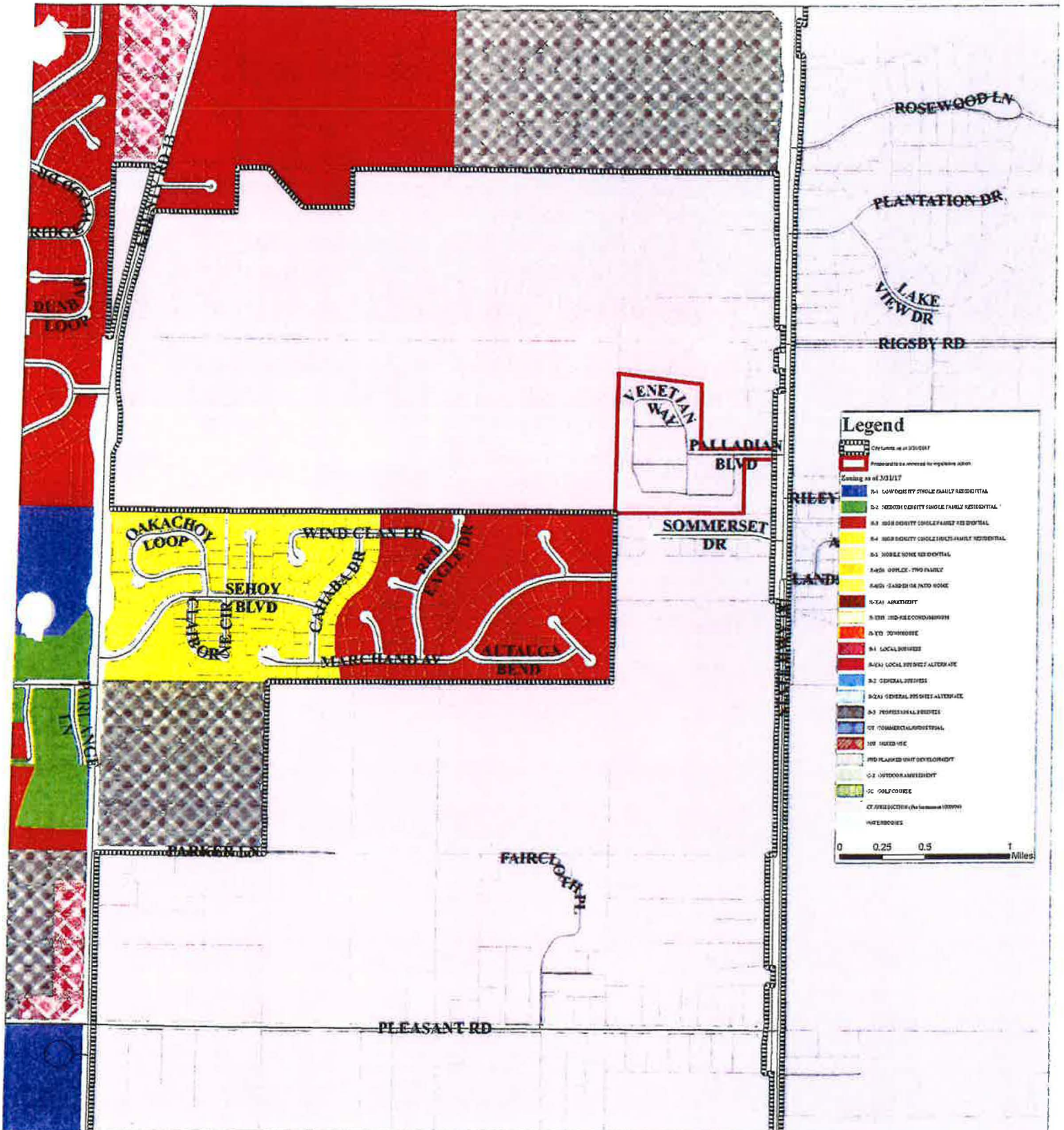
FURTHER SENATE ACTION (OVER)



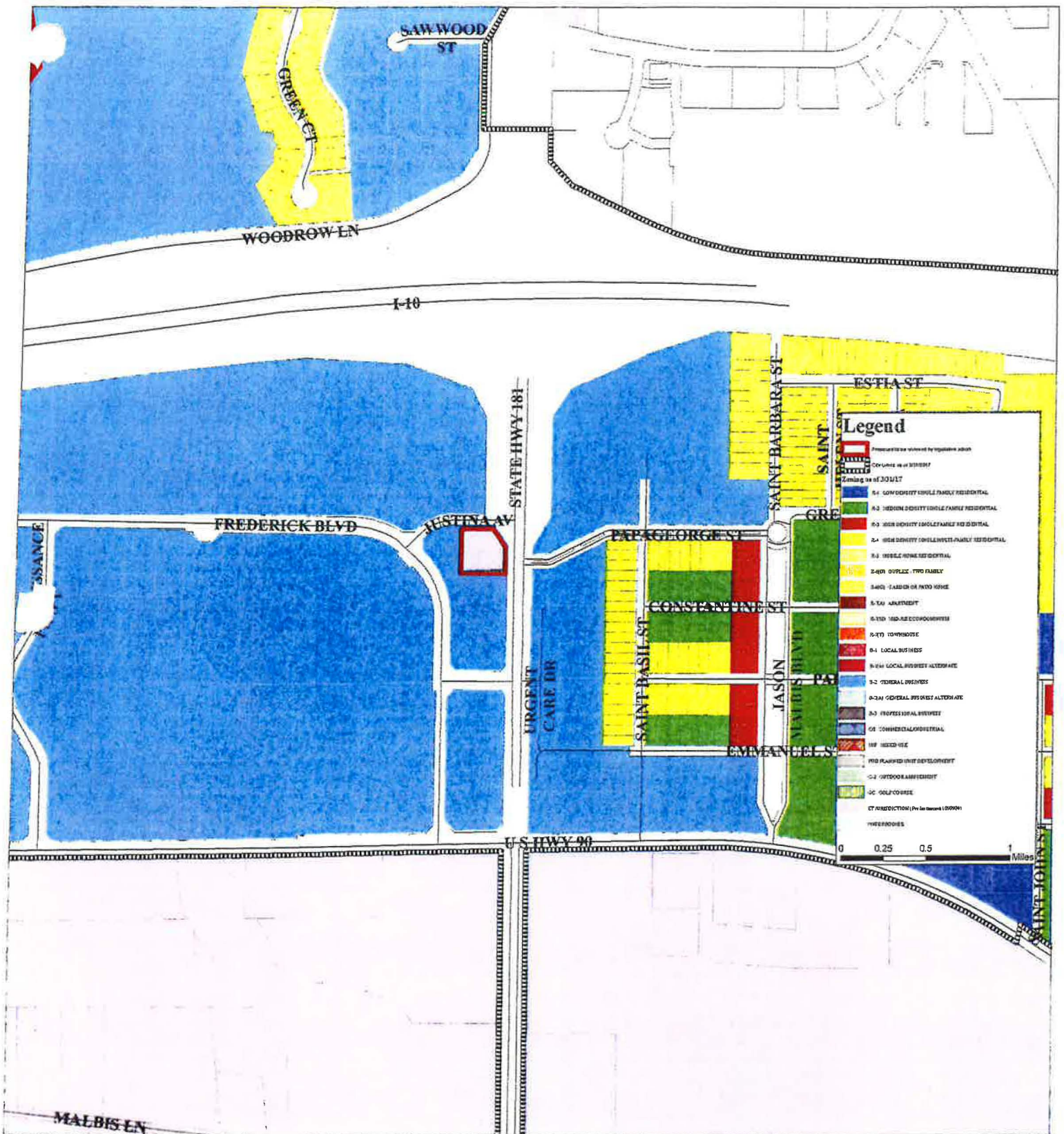




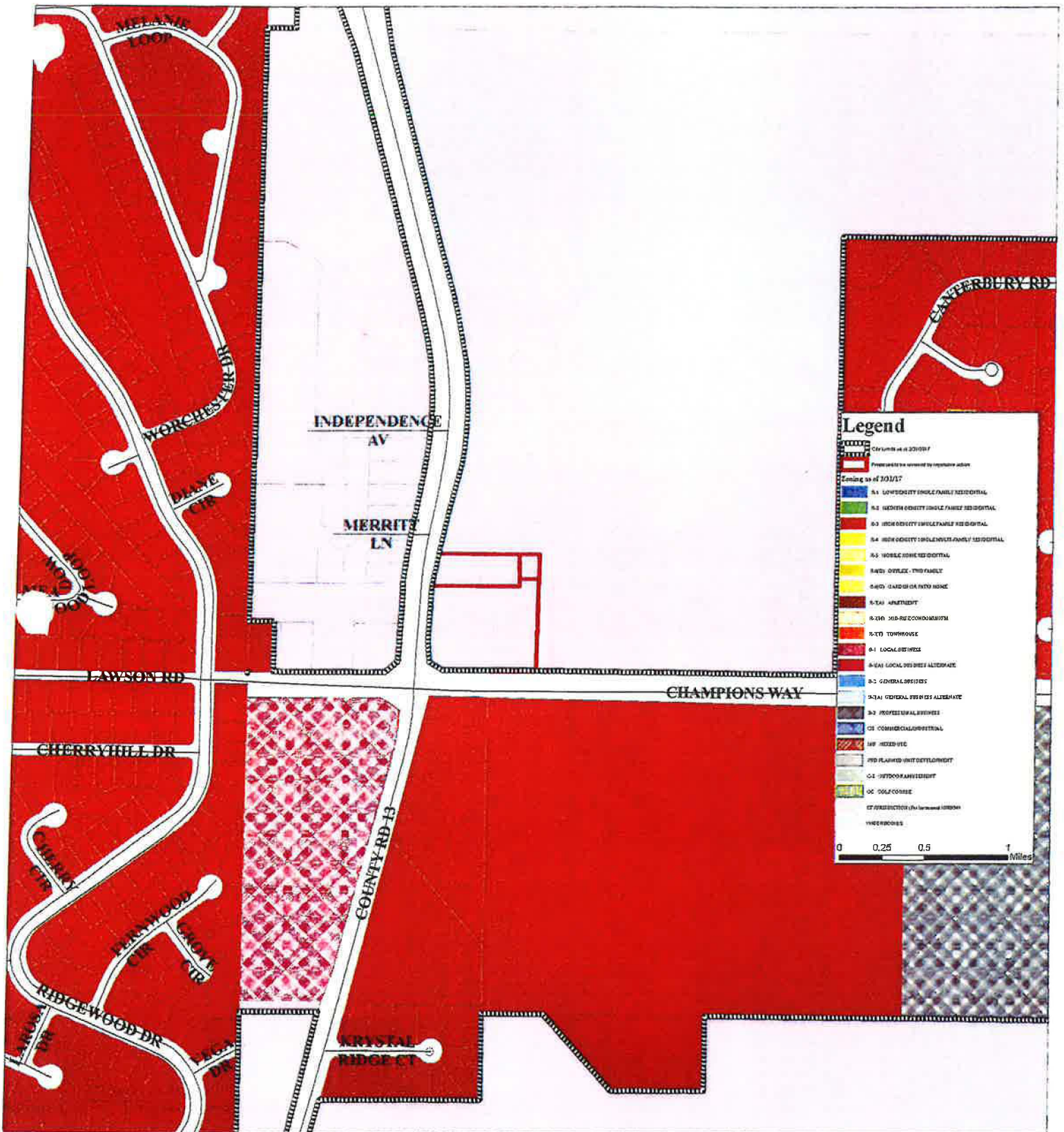
Recommendations: B-2(A) General Business Alternate or B-2, General Business



Recommendations: R-7(A), Apartments



Recommendations: B-2, General Business



Recommendations: B-2(A) General Business Alternate or B-2, General Business

PLANNING COMMISSION



PRE-ZONING FOR LEGISLATIVE ANNEXATION HOUSE BILL 209=ACT# 2017-163 PARCELS

Date	Chamber	
4/13/17	House	Delivered to Governor at 9:40 a.m. on April 13, 2017
4/13/17	House	Clerk of the House Certification
4/13/17	Senate	Signature Requested
4/13/17	House	Enrolled
4/13/17	House	Passed Second House
4/13/17	Senate	Motion to Read a Third Time and Pass adopted Roll Call 510
4/13/17	Senate	Third Reading Passed
4/13/17	Senate	Read for the second time and placed on the calendar
4/13/17	Senate	Read for the first time and referred to the Senate committee on 4/13/17
4/13/17	House	Motion to Read a Third Time and Pass adopted Roll Call 182
4/13/17	House	Third Reading Passed
4/13/17	House	Read for the second time and placed on the calendar
4/13/17	House	Read for the first time and referred to the House of Representatives committee on 4/13/17

Adrienne Jones

From: Dane Haygood
Sent: Friday, April 21, 2017 11:20 AM
To: Rebecca A. Hayes; Adrienne Jones; Richard D. Johnson, P.E.; Brennan Walters; William Eringman
Cc: Chief Carpenter; James White; Kelli Kichler, CPA; Jamie Smith; Richard Merchant
Subject: FW: Annexation Bill
Attachments: HB 209[3].pdf

For your records. Please note this extends the corporate limits of Daphne to include the following 4 properties:

- Dollar General on Hwy 181
- Dollar General on CR13
- New Palladian Apartments currently under construction on Hwy 181
- Chevron on Hwy 181 in Malbis

I interpret the language to mean that the effective date will be July 1, 2017

Mayor Haygood

From: Dane Haygood <mayor@daphneal.com>
Date: Friday, April 21, 2017 at 11:08 AM
Subject: Annexation Bill

The annexation bill (HB209) was signed by the Governor as act 2017-163.
I have attached the bill for your reference.

Mayor Haygood



Dane Haygood
Mayor
mayor@daphneal.com
City of Daphne, Alabama - "The Jubilee City"
Phone: 251-621-9000 Web: www.daphneal.com

To: Office of the City Clerk
From: Adrienne D. Jones, Director of Community Development
Subject: Parcel 4, JMO Subdivision, County Road 13 & Champions Way, Administrative Zoning of Legislatively Annexed Territories
Date: June 26, 2017

MEMORANDUM

PRESENT ZONING: B-3, General Business District, and B-1, Professional Business District, Baldwin County Exterritorial Planning Jurisdiction

PROPOSED PRE-ZONING: B-2, General Business

LOCATION: At the northeast intersection of County Road 13 & Champions Way

RECOMMENDATION: At the Thursday, June 22, 2017, regular meeting of the Daphne Planning Commission, six members were present. The motion carried for a unanimous favorable recommendation for B-2 (a), Business Alternate, for JMO Subdivision.

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 for August 7, 2017.

Thank you,
ADJ/jv

attachment(s)

1. Alabama Act # 2017-163
2. Map of property
3. Community Development Report

CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2017-_____

AN ORDINANCE TO ZONE PROPERTY ANNEXED BY LEGISLATIVE ACT
Parcel 4 – JMO Subdivision on County Road 13 and Champions Way

WHEREAS, on August 15, 2016, the City Council adopted Resolution 2016-59 consenting to the annexation of certain parcels of real property into the corporate limits of the City of Daphne; and

WHEREAS, on April 20, 2017, the Governor of the State of Alabama signed into law Act 2017-163, as passed by the Alabama Legislature, which altered the corporate limits of the City of Daphne to include the following territory referred to therein as “Parcel 4”:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 03, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00 DEGREES 18 MINUTES 45 SECONDS EAST A DISTANCE OF 2,641.69 FEET TO A POINT; THENCE RUN SOUTH 89 DEGREES 52 MINUTES 55 SECONDS EAST A DISTANCE OF 661.43 FEET TO A POINT; THENCE RUN NORTH 00 DEGREES 44 MINUTES 09 SECONDS EAST A DISTANCE OF 55.00 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 52 MINUTES 55 SECONDS WEST (ALONG THE NORTH RIGHT OF WAY LINE OF LAWSON ROAD) A DISTANCE OF 119.76 FEET TO THE POINT OF BEGINNING (A REBAR CAP. SET); THENCE RUN NORTH 60 DEGREES 28 MINUTES 37 SECONDS WEST A DISTANCE OF 63.19 FEET TO A POINT (A REBAR CAP. SET); THENCE RUN NORTH 05 DEGREES 55 MINUTES 03 SECONDS WEST A DISTANCE OF 85.94 FEET TO A POINT (A REBAR CAP. SET); THENCE RUN NORTH 03 DEGREES 27 MINUTES 28 SECONDS EAST A DISTANCE OF 222.87 FEET TO A POINT (A REBAR CAP. SET); THENCE RUN NORTH 03 DEGREES 27 MINUTES 28 SECONDS EAST A DISTANCE OF 7.06 FEET TO A POINT (A REBAR CAP. SET); THENCE RUN 123.60 FEET ALONG A CURVE TO THE RIGHT WITH A CHORD OF NORTH 05 DEGREES 47 MINUTES 51 SECONDS EAST A DISTANCE OF 123.56 FEET TO A POINT (A REBAR CAP. SET); THENCE RUN SOUTH 89 DEGREES 52 MINUTES 56 SECONDS EAST A DISTANCE OF 14.14 FEET TO A POINT (A REBAR CAP. SET); THENCE RUN SOUTH 89 DEGREES 52 MINUTES 56 SECONDS EAST A DISTANCE OF 408.62 FEET TO A POINT (A REBAR CAP. FOUND); THENCE RUN SOUTH 00 DEGREES 44 MINUTES 09 SECONDS WEST A DISTANCE OF 469.00 FEET TO A POINT (A REBAR CAP. FOUND); THENCE RUN NORTH 89 DEGREES 52 MINUTES 55 SECONDS WEST (ALONG THE NORTH RIGHT OF WAY LINE OF LAWSON ROAD) A DISTANCE OF 379.24 FEET TO THE POINT OF BEGINNING. SAID DESCRIPTION ENCLOSED 4.67 ACRES, MORE OR LESS.

and

WHEREAS, said legislative annexation has been presented to the Planning Commission of the City of Daphne at a regular scheduled meeting on June 22, 2017, and the Commission set forth a unanimous favorable recommendation for the City Council of the City of Daphne to zone the subject parcel B-2(a), General Business Alternate; and

WHEREAS, after proper publication, a public hearing was held by the City Council on August 7, 2017, concerning the zoning of the subject parcel; and

WHEREAS, the City Council of the City of Daphne, after due consideration and upon consideration of the notes of the Planning Commission, deemed that said zoning designation is proper and in the best interest of the health, safety, and welfare of the citizens of the City of Daphne, Alabama.

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

SECTION ONE: ZONING

Upon the effective date of annexation, the above described real property is hereby zoned B-2(a), General Business Alternate.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THIS THE ____ DAY OF _____, 2017.

CITY OF DAPHNE

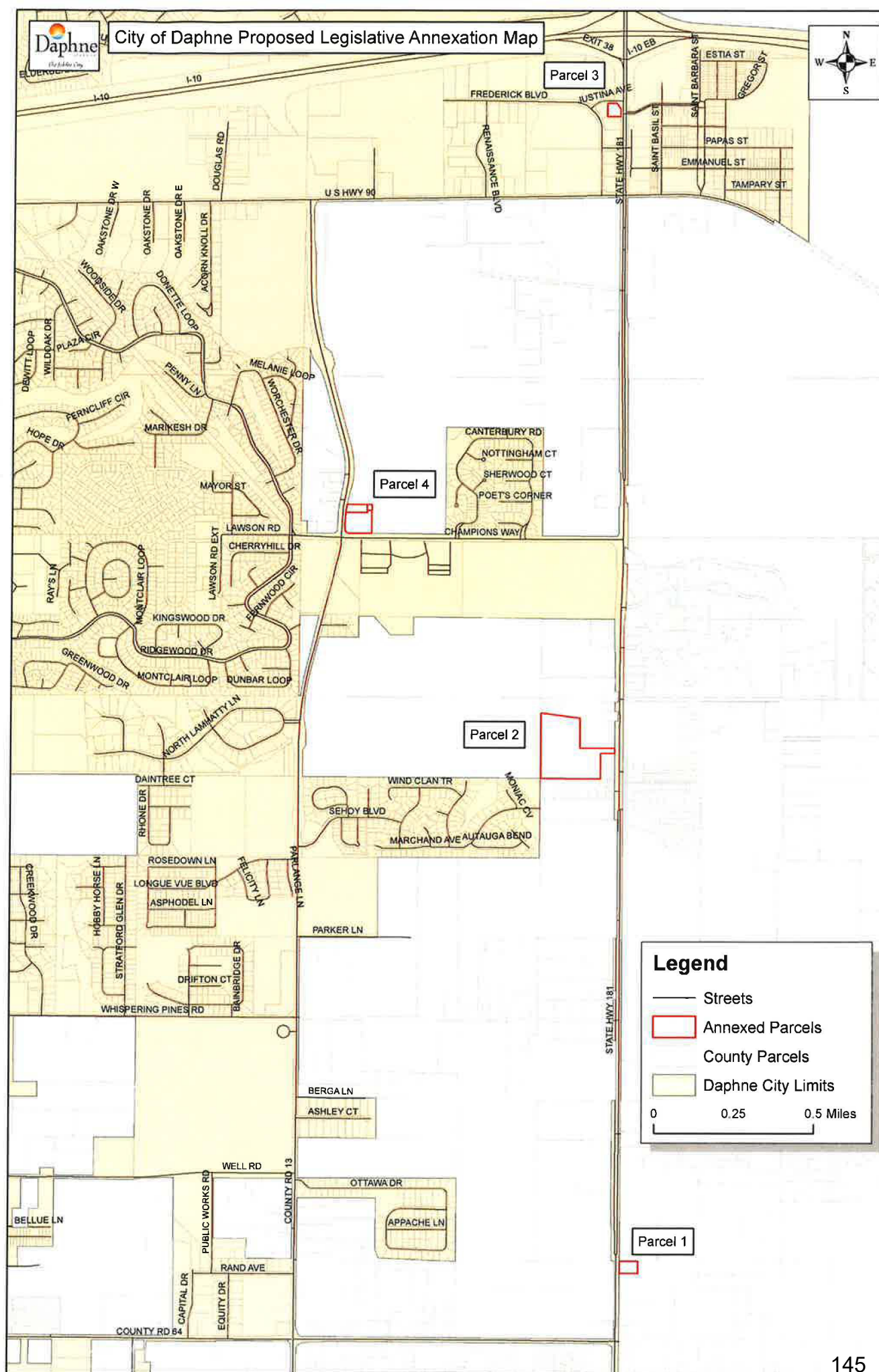
DANE HAYGOOD, MAYOR

ATTEST:

CANDACE G. ANTINARELLA, CITY CLERK

PARCEL 4

Commencing at the Southwest corner of Section 03, Township 5 South, Range 2 East, Baldwin County, Alabama; thence run North 00 degrees 18 minutes 45 seconds East a distance of 2,641.69 feet to a point; thence run South 89 degrees 52 minutes 55 seconds East a distance of 661.43 feet to a point; thence run North 00 degrees 44 minutes 09 seconds East a distance of 55.00 feet to a point; thence run North 89 degrees 52 minutes 55 seconds West (along the North Right of Way line of Lawson Road) a distance of 119.76 feet to the Point of Beginning (a rebar cap. set); thence run North 60 Degrees 28 minutes 37 seconds West a distance of 63.19 feet to a point (a rebar cap. set); thence run North 05 degrees 55 minutes 03 seconds West a distance of 85.94 feet to a point (a rebar cap. set); thence run North 03 degrees 27 minutes 28 seconds East a distance of 222.87 feet to a point (a rebar cap. set); thence run North 03 degrees 27 minutes 28 seconds East a distance of 7.06 feet to a point (a rebar cap. set); thence run 123.60 feet along a curve to the right with a chord of North 05 degrees 47 minutes 51 seconds East a distance of 123.56 feet to a point (a rebar cap. set); thence run South 89 degrees 52 minutes 56 seconds East a distance of 14.14 feet to a point (a rebar cap. set); thence run South 89 degrees 52 minutes 56 seconds East a distance of 408.62 feet to a point (a rebar cap. found); thence run South 00 degrees 44 minutes 09 seconds West a distance of 469.00 feet to a point (a rebar cap. found); thence run North 89 degrees 52 minutes 55 seconds West (along the North Right of Way line of Lawson Road) a distance of 379.24 feet to the Point of Beginning. Said description enclosed 4.67 acres, more or less



PLEASE Publish in the Bulletin Legal Section on Friday, July 7, 2017

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on August 7, 2017 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance zoning certain property as B-2(a) General Business Alternate as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Candace G. Antinarella, City Clerk

PROPOSED ORDINANCE:

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2017-_____**

**AN ORDINANCE TO ZONE PROPERTY ANNEXED BY LEGISLATIVE ACT
Parcel 4 – JMO Subdivision on County Road 13 and Champions Way**

WHEREAS, on August 15, 2016, the City Council adopted Resolution 2016-59 consenting to the annexation of certain parcels of real property into the corporate limits of the City of Daphne; and

WHEREAS, on April 20, 2017, the Governor of the State of Alabama signed into law Act 2017-163, as passed by the Alabama Legislature, which altered the corporate limits of the City of Daphne to include the following territory referred to therein as "Parcel 4":

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 03, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA; THENCE RUN NORTH 00 DEGREES 18 MINUTES 45 SECONDS EAST A DISTANCE OF 2,641.69 FEET TO A POINT; THENCE RUN SOUTH 89 DEGREES 52 MINUTES 55 SECONDS EAST A DISTANCE OF 661.43 FEET TO A POINT; THENCE RUN NORTH 00 DEGREES 44 MINUTES 09 SECONDS EAST A DISTANCE OF 55.00 FEET TO A POINT; THENCE RUN NORTH 89 DEGREES 52 MINUTES 55 SECONDS WEST (ALONG THE NORTH RIGHT OF WAY LINE OF LAWSON ROAD) A DISTANCE OF 119.76 FEET TO THE POINT OF BEGINNING (A REBAR CAP. SET); THENCE RUN NORTH 60 DEGREES 28 MINUTES 37 SECONDS WEST A DISTANCE OF 63.19 FEET TO A POINT (A REBAR CAP. SET); THENCE RUN NORTH 05 DEGREES 55 MINUTES 03 SECONDS WEST A DISTANCE

1 HB209
2 177801-3
3 By Representatives Davis and Faust (N & P)
4 RFD: Baldwin County Legislation
5 First Read: 14-FEB-17



ENROLLED, An Act,

To alter, rearrange, and extend the boundary lines and corporate limits of the City of Daphne in Baldwin County.
BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The boundary lines and corporate limits of the City of Daphne in Baldwin County are altered, rearranged, and extended to include within the corporate limits of the city, in addition to the lands now included, all of the following territory:

PARCEL 1

ALL OF LOT 1, BROADWAY - AL HIGHWAY 181 A RESURVEY OF REAL PROPERTY BOOK 547 PAGE 1238 AND INSTRUMENT # 492517, AS RECORDED IN SLIDE 2505-C IN THE OFFICE OF THE PROBATE JUDGE FOR SAID COUNTY AND STATE. SAID LOT CONTAINS 1.37 ACRES MORE OR LESS.

PARCEL 2

Commence at the Northeast Corner of Section 10, Township 5 South, Range 2 East and run thence South 00 degrees 03 minutes East, along the East margin of said Section, 825.2 feet; thence run North 89 degrees 58 minutes West 89.7 feet to a capped iron rebar found and the Point of Beginning of the Parcel described herein; thence run South 00 degrees 14 minutes 36 seconds East for a distance of 80.12 feet to a capped rebar found on the West margin of State Highway 181;

1 thence run North 89 degrees 54 minutes 13 seconds West for a
2 distance of 225.19 feet to a rebar found; thence run South 00
3 degrees 00 minutes 08 seconds West for a distance of 419.72
4 feet to a capped rebar found; thence run North 89 degrees 56
5 minutes 00 seconds West for a distance of 1009.75 feet to a
6 capped rebar found; thence run North 00 degrees 02 minutes
7 West for a distance of 1081.8 feet to a point in the
8 centerline of a dry gully; thence run South 82 degrees 34
9 minutes 44 seconds East for a distance of 650.88 feet to a
10 capped rebar found; thence run South 00 degrees 02 minutes 05
11 seconds East for a distance of 498.27 feet to a capped rebar
12 found; thence run South 89 degrees 52 minutes 01 seconds East
13 for a distance of 364.73 feet to a capped rebar found; thence
14 run South 89 degrees 55 minutes 03 seconds East for a distance
15 of 224.79 feet to the Point of Beginning of the Parcel
16 described herein, situated in Baldwin County, Alabama, and
17 containing 20.0 acres, more or less.

18 PARCEL 3

19 Commence at the Northeast Corner of Section 34,
20 Township 4 South, Range 2 East, and run thence South 00
21 degrees 12 minutes 36 seconds West 865.3 feet, more or less;
22 thence run North 89 degrees 47 minutes 14 seconds West 98.85
23 feet, more or less, to a concrete right of way monument at
24 right of way Station 17 + 52.78 as shown by Alabama State
25 Highway Department Right of Way Map Project Number I-IG-10-1

1 (17) for a point of beginning of the property herein
2 described; thence run South 00 degrees 12 minutes 36 seconds
3 West 125.8 feet to an iron pin marker; thence run North 89
4 degrees 47 minutes 24 seconds West 211.19 feet to an iron pin
5 marker; thence run North 00 degrees 07 minutes 30 seconds East
6 218.0 feet to an iron pin marker; thence run South 89 degrees
7 47 minutes 24 seconds East 158.19 feet to an iron pin marker;
8 thence run South 29 degrees 47 minutes 24 seconds East 106.64
9 feet to the point of beginning. Tract contains 1 acre, more or
10 less, and lies in the Northeast Quarter of Section 34,
11 Township 4 South, Range 2 East, Baldwin County, Alabama;
12 EXCEPTING therefrom, such oil, gas and other minerals which
13 may have heretofore been conveyed or reserved by others as
14 contained in instruments of record in the Office of the Judge
15 of Probate of Baldwin County, Alabama.

16 PARCEL 4

17 Commencing at the Southwest corner of Section 03,
18 Township 5 South, Range 2 East, Baldwin County, Alabama;
19 thence run North 00 degrees 18 minutes 45 seconds East a
20 distance of 2,641.69 feet to a point; thence run South 89
21 degrees 52 minutes 55 seconds East a distance of 661.43 feet
22 to a point; thence run North 00 degrees 44 minutes 09 seconds
23 East a distance of 55.00 feet to a point; thence run North 89
24 degrees 52 minutes 55 seconds West (along the North Right of
25 Way line of Lawson Road) a distance of 119.76 feet to the

1 Point of Beginning (a rebar cap. set); thence run North 60
2 Degrees 28 minutes 37 seconds West a distance of 63.19 feet to
3 a point (a rebar cap. set); thence run North 05 degrees 55
4 minutes 03 seconds West a distance of 85.94 feet to a point (a
5 rebar cap. set); thence run North 03 degrees 27 minutes 28
6 seconds East a distance of 222.87 feet to a point (a rebar
7 cap. set); thence run North 03 degrees 27 minutes 28 seconds
8 East a distance of 7.06 feet to a point (a rebar cap. set);
9 thence run 123.60 feet along a curve to the right with a chord
10 of North 05 degrees 47 minutes 51 seconds East a distance of
11 123.56 feet to a point (a rebar cap. set); thence run South 89
12 degrees 52 minutes 56 seconds East a distance of 14.14 feet to
13 a point (a rebar cap. set); thence run South 89 degrees 52
14 minutes 56 seconds East a distance of 408.62 feet to a point
15 (a rebar cap. found); thence run South 00 degrees 44 minutes
16 09 seconds West a distance of 469.00 feet to a point (a rebar
17 cap. found); thence run North 89 degrees 52 minutes 55 seconds
18 West (along the North Right of Way line of Lawson Road) a
19 distance of 379.24 feet to the Point of Beginning. Said
20 description enclosed 4.67 acres, more or less

21 Section 2. In accordance with Section 11-42-6(b) of
22 the Code of Alabama 1975, a map showing what territory is
23 proposed to be annexed to the City of Daphne is on file in the
24 office of the Judge of Probate in Baldwin County, Alabama, and
25 the map is open to the inspection of the public.

1 Section 3. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.

Mac McAtcham

Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 09-MAR-17.

Jeff Woodard
Clerk

Del Mac

Senate

11-APR-17

Passed

APPROVED

4-20-2017

TIME

11:00 AM

Kay Ivey
GOVERNOR

Alabama Secretary Of State

Act Num....: 2017-163
Bill Num....: H-209

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RD 1 RFD 2CL

REPORT OF STANDING COMMITTEE
 This bill having been referred by the House to its standing committee on Baldwin County was acted upon by such committee in session, and returned therefrom to the House with the recommendation that it be Passed, w/amend(s) w/sub this 17th day of March, 20 17.
Patrick Harris Chairperson

DATE: 3-7 2017
 RF RD 2 CAL

DATE: 20
 RE-REFERRED ☐ RE-COMMITTED ☐
 Committee

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, HB 209.
 YEAS 55 NAYS 1
 JEFF WOODARD,
 Clerk

FURTHER HOUSE ACTION (OVER)

RD 1 RFD LLH1

This Bill was referred to the Standing Committee on the Senate on and was acted upon by such Committee session and is by order of the Committee returned therefrom with a favorable w/amd(s) w/sub w/eng sub by a vote of yeas nays abstain this 6th day of April, 20 17.
Patrick Harris Chairperson

DATE: 4-6
 RF FAV RD 2 ☐ C

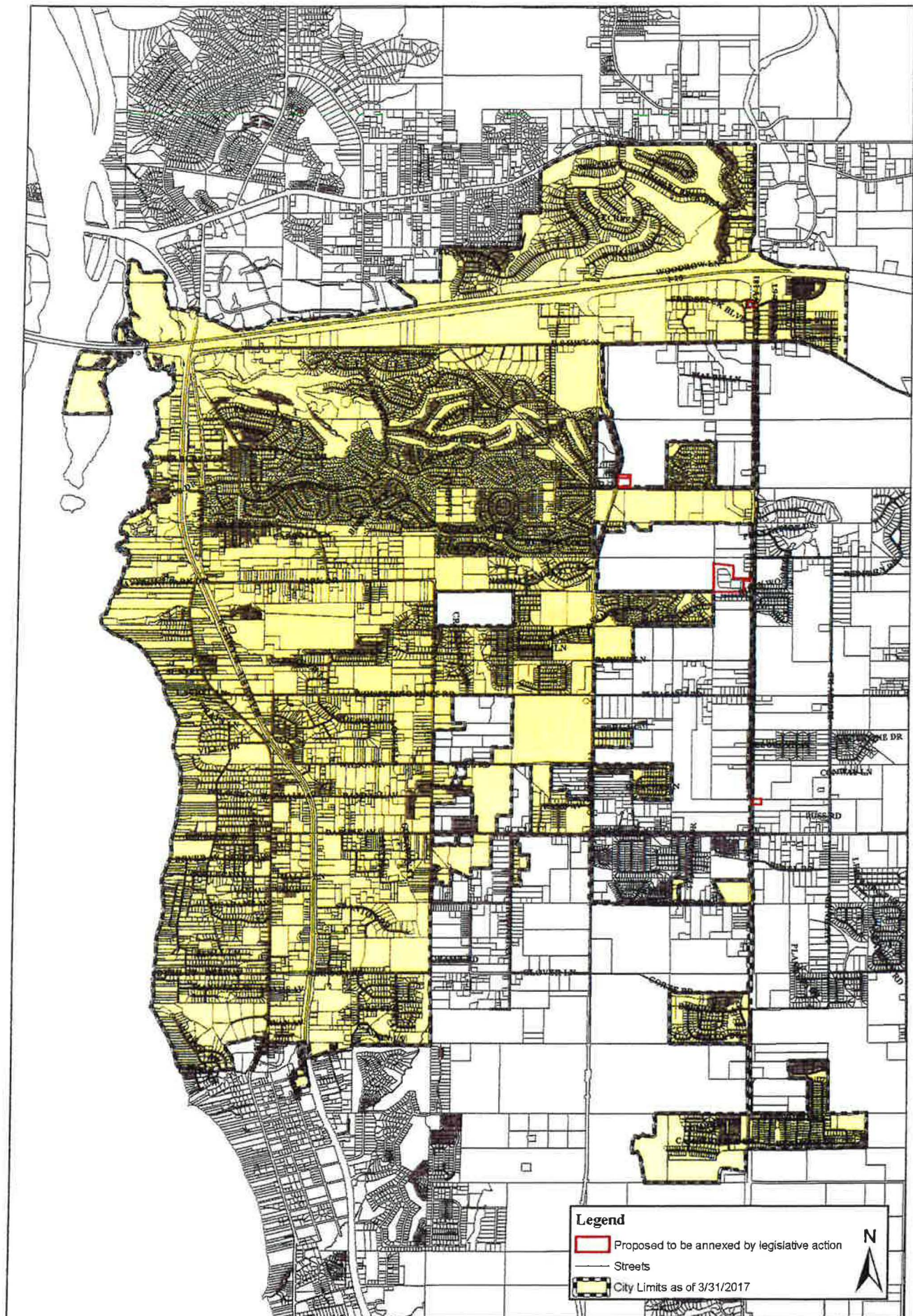
I hereby certify that the Resolution required in Section C of Act No. 81-889 was adopted and is attached to the Bill, HB 209.
 YEAS 24 NAYS 0 AB
 PATRICK HARRIS
 Secretary

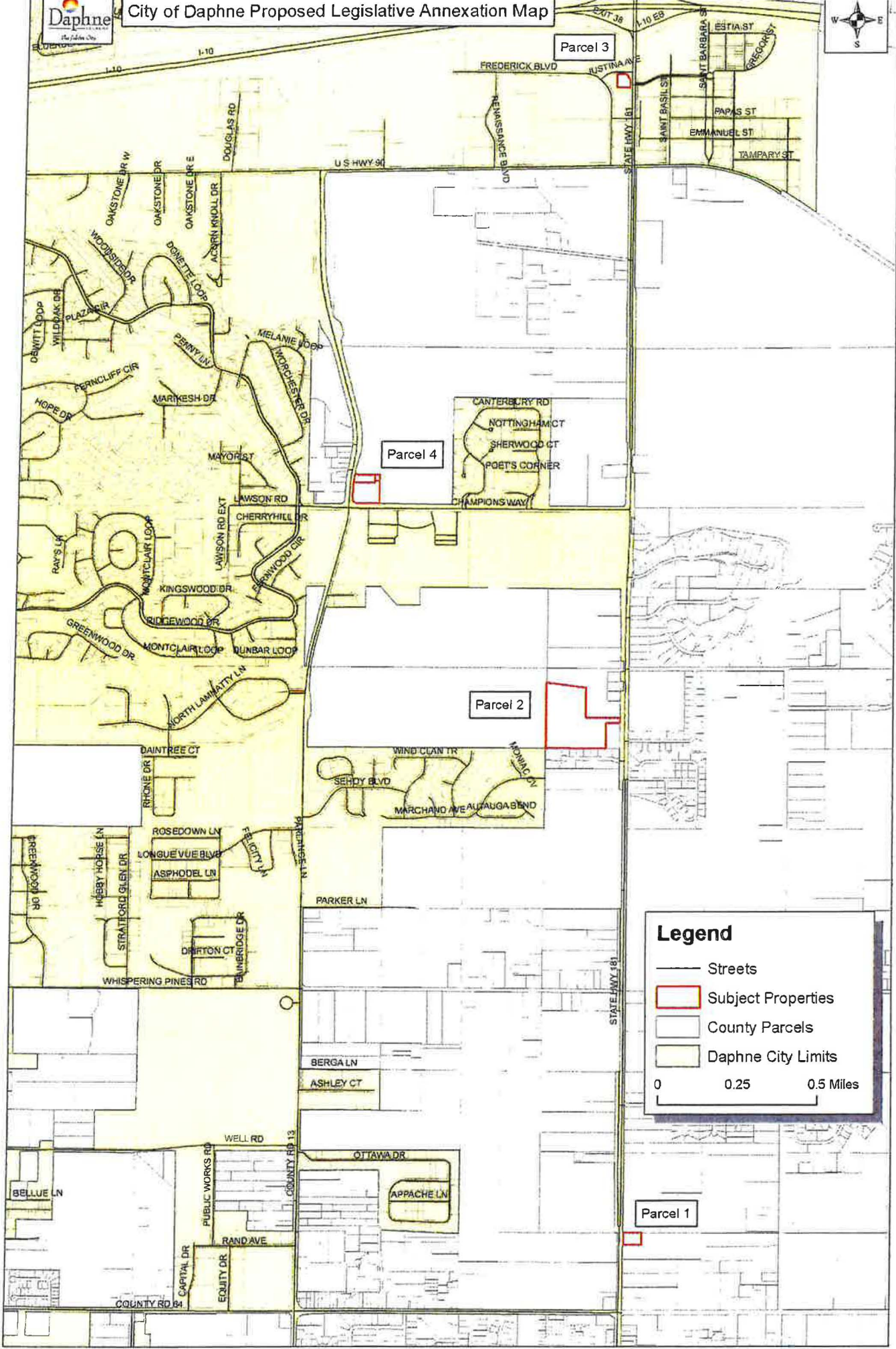
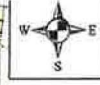
DATE: 4-11-17 RD 3 at
 PASSED ☒ PASSED AS AMENDED
 YEAS 26 NAYS 0 AB
 And was ordered returned forthwith to the House
 PATRICK HARRIS
 Secretary

DATE:
 INDEFINITELY POSTPONED YEAS NAYS

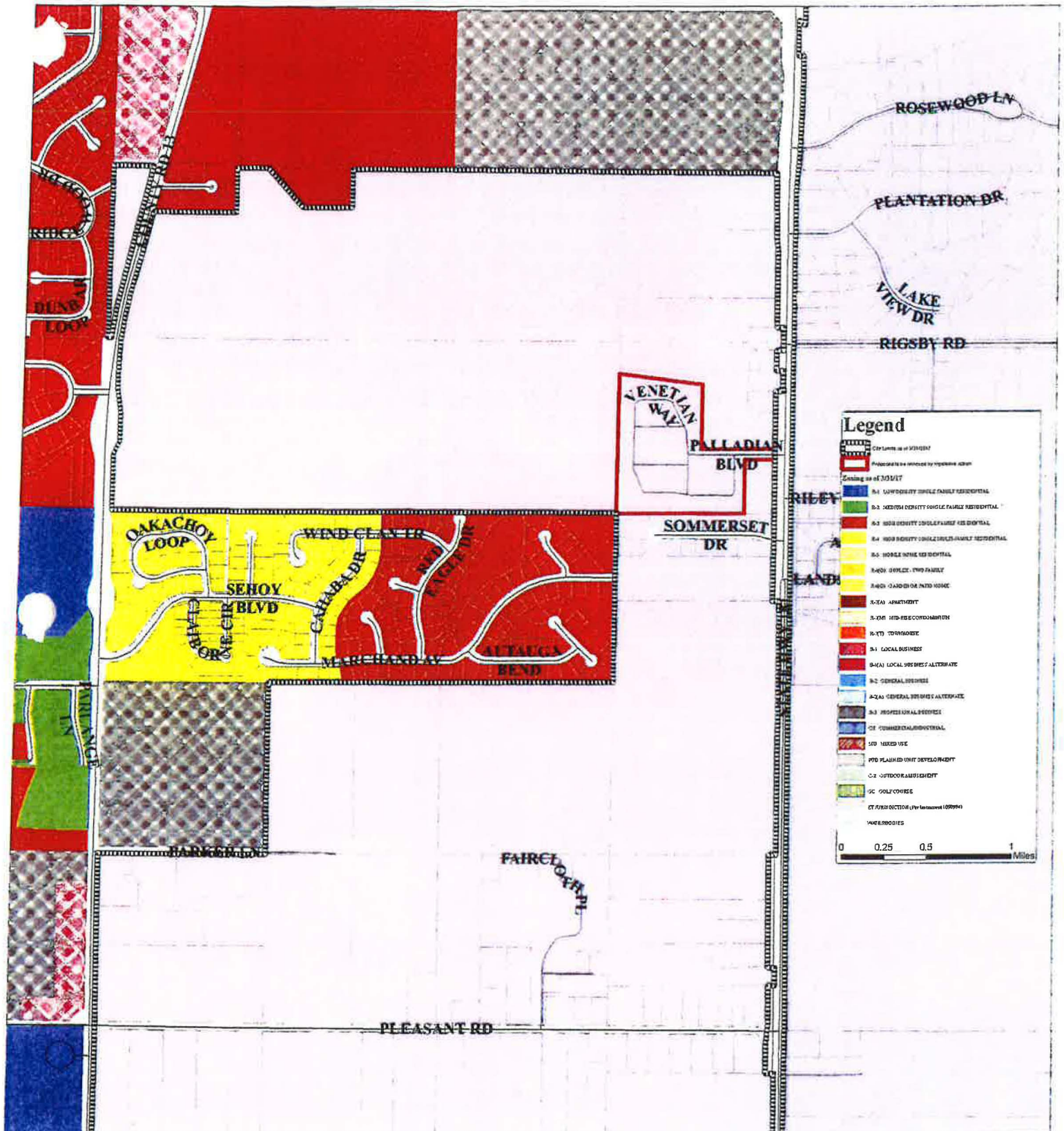
DATE:
 RECONSIDERED YEAS NAYS

FURTHER SENATE ACTION (OVER)



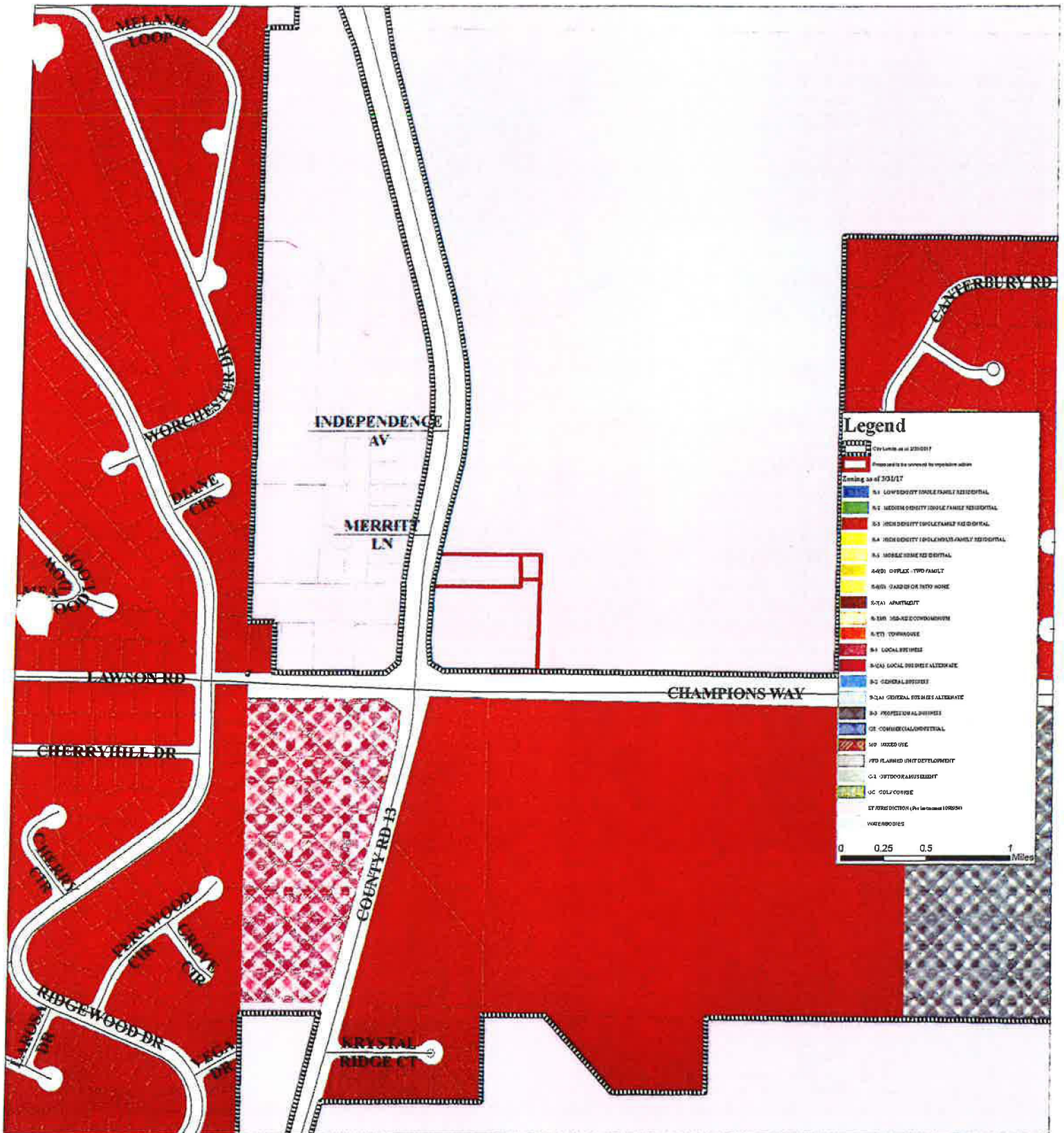






Recommendations: R-7(A), Apartments





Recommendations: B-2(A) General Business Alternate or B-2, General Business

PLANNING COMMISSION



PRE-ZONING FOR LEGISLATIVE ANNEXATION HOUSE BILL 209=ACT# 2017-163 PARCELS

Date	Chamber	
4/13/17	House	Delivered to Governor at 9:40 a.m. on April 13, 2017
4/13/17	House	Clerk of the House Certification
4/13/17	Senate	Signature Requested
4/13/17	House	Enrolled
4/13/17	House	Passed Second House
4/13/17	Senate	Motion to Read a Third Time and Pass adopted Roll Call 510
4/13/17	Senate	Third Reading Passed
4/13/17	Senate	Read for the second time and placed on the calendar
4/13/17	Senate	Read for the first time and referred to the Senate committee on Legislation
4/13/17	House	Motion to Read a Third Time and Pass adopted Roll Call 182
4/13/17	House	Third Reading Passed
4/13/17	House	Read for the second time and placed on the calendar
4/13/17	House	Read for the first time and referred to the House of Representatives committee on Legislation

From: Dane Haygood
Sent: Friday, April 21, 2017 11:20 AM
To: Rebecca A. Hayes; Adrienne Jones; Richard D. Johnson, P.E.; Brennan Walters; William Eringman
Cc: Chief Carpenter; James White; Kelli Kichler, CPA; Jamie Smith; Richard Merchant
Subject: FW: Annexation Bill
Attachments: HB 209[3].pdf

For your records. Please note this extends the corporate limits of Daphne to include the following 4 properties:

- Dollar General on Hwy 181
- Dollar General on CR13
- New Palladian Apartments currently under construction on Hwy 181
- Chevron on Hwy 181 in Malbis

I interpret the language to mean that the effective date will be July 1, 2017

Mayor Haygood

From: Dane Haygood <mayor@daphneal.com>
Date: Friday, April 21, 2017 at 11:08 AM
Subject: Annexation Bill

The annexation bill (HB209) was signed by the Governor as act 2017-163.
I have attached the bill for your reference.

Mayor Haygood



Dane Haygood
Mayor
mayor@daphneal.com
City of Daphne, Alabama - "The Jubilee City"
Phone: 251-621-9000 Web: www.daphneal.com

To: Office of the City Clerk

From: Adrienne D. Jones, ^{Asst.} AD
Community Development Director

MEMORANDUM

Subject: Proposed Amendments to Ordinance 2011-54, Land Use and Development Ordinance, Section 35-3, Table of Permitted Uses and Conditions, Commercial/Industrial District Amendment

Date: June 26, 2017

At the June 22, 2017, regular meeting of the City of Daphne Planning Commission, eight members were present. The motion carried for a unanimous favorable recommendation for the above-mentioned revision to the Land Use and Development Ordinance.

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

Upon receipt of said documentation, please prepare for placement on the City Council agenda to set the public hearing for August 7, 2017.

Thank you,
ADJ/jv

cc: file

PLANNING COMMISSION



COMMERCIAL/INDUSTRIAL DISTRICT AMENDMENT PROPOSAL

04/10/17 Finance Committee Agenda Item (excerpt from draft meeting minutes)

Re: Land Use Amendment

Mr. Rudicell discussed the information included in the packet from Baldwin County's Land Use Ordinance. Discussion continued on updating the City's ordinance and a recommendation was made to forward the request to the Planning Commission. Mrs. Jones stated she would present the information at the next Planning Commission meeting.

MOTION BY Mr. Scott to forward the request to forward the information from the County's Land Use Ordinance to the Planning Commission for discussion on amending the City's Land Use Ordinance. Seconded by Mr. Davis. MOTION CARRIED UNANIMOUSLY.

04/17/17 City Council Business Meeting (excerpt from meeting)

Reports of Standing Committees: A. Finance Committee Motions (a) To forward from the County's Land Use Ordinance to the Planning Commission Meeting for discussion on amending the City's Land Use Ordinance. MOTION CARRIED UNANIMOUSLY.

Cumulative zoning Definition: - zoning which permits any use designated as less harmful than the use permitted that is designated as most harmful upon approval of the Planning Commission of the less harmful use.

Goal of the Planning Commission -determine which "less harmful uses" could be allowed in C/I zoning district and send recommendations to City Council.

1st Task-review table of permitted B-2 uses and identify which could co-exist harmoniously in a C/I zone (April 2017)

2nd Task -create first draft of B-2 uses that can be added to C/I zone (May 2017)

3rd Task—finalize proposal and send recommendation to City Council (June 2017)

ARTICLE XXXV TABLE OF PERMITTED USES

*Revised 09/03/13: Add reference to Ordinance# 2013-46 Community Standards Ordinance and Uses.
Revised 05/27/15: Added B-2(a) zoning to Table of Permitted Uses per Ordinance# 2015-26.
Correction: 03/17/16: Corrected reference for tattoo facility from 2013-36 to 2013-38
Revised 07/25/16: Add new B-1(a) zoning district per Ordinance #2016-39*

The Table of Permitted Uses lists all of the allowable uses within the City limits and shows the zoning district in which such uses are allowed. Uses not provided for herein are prohibited. In order to promote consistency and fairness, and to avoid arbitrary and capricious decisions, the *North American Industry Classification System (NAICS)*, most current edition is hereby adopted as a reference and shall become a part of the Land Use Ordinance as an expansion of uses similar in nature but not expressly provided in the Table of Permitted Uses. The NAICS manual shall be used to provide definitions of each use or use groupings listed in the table. All sub-uses listed under a use in the NAICS manual, which is permitted in the zoning designation in question, shall be considered as a permitted use.

35-1 DEFINITIONS

The uses permitted in each of the zoning districts are categorized in the Table of Permitted Uses as follows:

(a) Uses by Right:

Uses permitted by right are subject to the conditions specified in the following table or otherwise provided herein.

(b) Uses Requiring Planning Approval:

Uses permitted upon approval by the Planning Commission depend on the location and determining whether the use is appropriate having considered the following: transportation, access, water supply, waste disposal, fire and police protection and as not causing undue traffic congestion or traffic hazards, and harmony with the orderly and appropriate development of the district in which the development is to occur.

(c) Special Exceptions:

These uses are subject to the same approval of location and site plan as uses requiring planning approval; in addition, these uses are subject to approval of the Board of Zoning Adjustment in accordance with the provisions provided herein.

Note: Properties subject to a substantial change in use may be required to make site improvements including but not limited to parking, buffering, landscaping or other improvement necessary to meet the spirit and intent of the Land Use and Development Ordinance as determined by the Director of Community Development in the administrative review process.

35-2 LIST OF DISTRICTS & CROSS REFERENCE FOR R-4 DESIGNATION

Residential Zoning Districts

R-1, Low Density Single Family Residential District
R-2, Medium Density Single Family Residential District
R-3, High Density Single Family Residential District
R-4, High Density Single & High Density Multi-Family Residential District
R-5, Mobile Home District
R-6(D), Duplex-Two Family District
R-6(G), Garden or Patio Home District
R-7(A), Apartment District
R-7(M), Mid-Rise Condominium District
R-7(T), Townhouse District

Business Districts

B-1, Local Business District
B-1(a), Limited Local Business District
B-2, General Business District
B-2(a), General Business Alternate District
B-3, Professional Business District
MU, Mixed Use District

Industrial Districts

C/I, Commercial Industrial District

Outdoor Amusement District

C-2, Outdoor Amusement District

Golf Course District

GC, Golf Course District

Planned Unit Development District

PUD, Planned Unit Development

The term R-4 shall be synonymous with the newly adopted zoning designations as provided in *Article 12, Establishment of Districts*. **The Planning Commission shall no longer consider zoning or rezoning amendments for an "R-4 zoning district."** All existing R-4, High Density Single and Multi-Family Residential Districts shall be developed in accordance with the standards provided herein; however, R-6(G), R-6(D), R-7(A), R-7(M) and R-7(T) shall be respectively considered for all garden/patio homes, duplexes, apartments, mid-rise condominiums and townhouses requests.

(a) Uses Permitted in the City Community Standards Ordinance:

Any use, as permitted in Ordinance 2013-38, Community Standards Ordinance, except a tattoo facility, may be permitted in a B-2 (General Business) zone district upon Planning Commission review and approval, or in a C/I (Commercial/Industrial) zone district by right. A tattoo facility may be permitted in a B-1 (Local Business) zone district upon Planning Commission review or B-2 zone by right. In all cases, the provisions of Ordinance 2013-38 must be satisfied for each use noted therein. *(Added 09/03/13 per Ordinance 2013-46)*

Note: Properties subject to a substantial change in use may be required to make site improvements including but not limited to parking, buffering, landscaping or other improvement necessary to meet the spirit and intent of the Land Use and Development Ordinance as determined by the Director of Community Development in the administrative review process.

**SECTION 35-3
PERMITTED USES &
CONDITIONS**

	By Right	Planning Commission Approval	Special Exception BZA Approval
Accessory buildings and uses, when located on the same lot or parcel as the principal structure or use and customarily incidental thereto, provided the requirements in all pertinent sections of this Ordinance are met	R-1, R-2, R-3, R-4, R-5 B-1, B-1(a), B-2 B-2(a), B-3, C/I C-2, GC		
Agriculture and related farming operations, including horticulture, plant nurseries market gardening, field crops, orchards, and home gardens	R-1, R-2, R-3, R-4, R-5 B-1, B-2 B-2(a), B-3	C-2, GC C/I	
Air conditioning sales and service	B-1, B-2 B-2(a), B-3, C/I		
Ambulance/EMS service	B-1, B-2 B-2(a), C/I	B-1(a), B-3	
*Amusement arcade	B-2		
Kiddie land	B-2	C/I	
Animal clinic/kennels for small animals; need not be enclosed within a structure	B-2, C/I		
Antique store, including repairing, restoration and refinishing	B-2, C/I		
Apparel and accessory store	B-1, B-1(a) B-2, B-2(a)		
Appliance store	B-1, B-1(a) B-2, B-2(a)		

**SECTION 35-3
PERMITTED USES &
CONDITIONS**

	By Right	Planning Commission Approval	Special Exception BZA Approval
Armory	B-1, B-2, B-2(a)	C/I	R-4, R-5
Art gallery or museum	B-1, B-1(a) B-2, B-2(a)		R-1, R-2, R-3, R-4, R-5 B-3
Art sculptures, statues, monuments		B-1, B-1(a), B-2 B-2(a), B-3, C/I	R-1, R-2, R-3, R-4, R-5
Art supplies	B-1, B-1(a) B-2, B-2(a)	C/I	
Auditoriums, stadiums, coliseums, and other such places of public assembly		B-2, C/I	R-1, R-2, R-3, R-4, R-5
Automobile air conditioning sales and service	B-2, C/I		
Automobile glass and upholstery installation	B-2, C/I		
Automobile laundry, where the primary function is washing automobiles, but not including trucks or trailers; operations shall be conducted only within a completely enclosed structure, and all wastes shall be discharged directly into the sewer	B-2, C/I		
Automobile parts sales, except used parts	B-2, C/I		

**SECTION 35-3
PERMITTED USES &
CONDITIONS**

	By Right	Planning Commission Approval	Special Exception BZA Approval
Automobile wrecking and salvage; need not be enclosed within a structure, but must be enclosed with a solid fence sufficiently high to obstruct noise and view; chain link or similar open fence may be permitted if a screen planting adequate to obstruct view is provided		B-2, C/I	
Automobile, travel trailer, camper, farm equipment and implements and mobile home sales (new and used); need not be enclosed within a structure, but any mechanical or body repair must be done entirely within a structure which shall not have any opening, other than a stationary window, within 100 feet of a residential district	B-2, C/I		
Automobile and truck laundry, including steam cleaning	C/I		
Automobile and truck repair garage, mechanical and body; must be conducted in a structure which shall not have any openings other than a stationary, within 100 feet of a residential district and which shall not store or otherwise maintain any parts or waste materials outside such structures	B-2, C/I		

Revised 07/25/16

Permitted Uses 5

**SECTION 35-3
PERMITTED USES &
CONDITIONS**

	By Right	Planning Commission Approval	Special Exception BZA Approval
Automobile and truck sales and service; but not including commercial wrecking, dismantling, or auto salvage yard; need not be enclosed within a structure provided the unenclosed part shall comply with the requirements for maintenance of off-street parking facilities	B-2, C/I		
Automobile and truck service station including minor repair, subject to the requirements listed under Special Provisions, where the primary function is retail sale of gasoline, oil, grease, tires, batteries and accessories and where services are limited to installation of the items sold, washing, polishing, tire changing, greasing and minor repairs, but not including commercial wrecking, dismantling or auto salvage yard, major mechanical overhauling or body work; fuel pumps need not be enclosed within a structure	C/I	B-1, B-2	
Bakery, retail	B-1, B-1(a) B-2, B-2(a)		
Bakery, wholesale	B-2, C/I		
Bank, including drive-in bank	B-1, B-2 B-2(a), B-3	B-1(a)	
Barber shop or beauty parlor	B-1, B-1(a) B-2, B-2(a)		
Barber and beauty supplies and equipment sales	B-2, B-2(a), C/I		
Bed & Breakfast		R-1, R-2, R-3	

Revised 07/25/16

Permitted Uses 6

SECTION 35-3 PERMITTED USES & CONDITIONS	By Right	Planning Commission Approval	Special Exception BZA Approval
Bicycle, lawnmower sales, service and repair	B-2, C/I	B-2(a)	
*Billiard or pool hall	B-2		
Boat construction, storage, service and repair, wet and dry, major; need not be enclosed within a structure	C/I	B-2	
Boat dry storage; pleasure boats having lengths not greater than 31 feet	B-2, C/I		
Boat sales, accessories and service	B-2, C/I		
Boat storage, service and repair, minor; a marina for docking pleasure boats and providing services thereto and to the occupants thereof, including minor servicing and minor repair to boats while in the water, sale of fuel and supplies, and provision of lodging, food, beverages and entertainment as accessory uses, may include dry storage in an enclosed structure	B-2, C/I		
Book store	B-1, B-1(a) B-2, B-2(a)		
Bottling works	C/I	B-2	
Bowling alley	B-2		
Building materials supply, provided that major storage areas are screened from view and that any machine operations are conducted entirely within an enclosed structure with no opening other than a stationary window within 100 feet of a residential district	B-2, C/I		

SECTION 35-3 PERMITTED USES & CONDITIONS	By Right	Planning Commission Approval	Special Exception BZA Approval
Bus and railroad terminal facilities	B-2, C/I		
Business machines sales and service	B-2, B-2(a), C/I	B-1, B-1(a)	
Business school or college		B-1, B-1(a), B-2 B-2(a), B-3	0/1
Butane and other liquefied petroleum gas products storage and sales; need not be enclosed within a structure			B-2, C/I
Cabinet or carpenter shop; customized marble, granite, stone countertops	B-2, C/I		
Cafe, grill, lunch counter and restaurant but not including night club, bar, tavern and drive-in restaurant	B-1, B-2, B-2(a)		0/1
Cafe, grill, lunch counter and drive-in restaurant, and restaurant but not including night club, bar, tavern		B-1(a)	
Camera and photographic supply store	B-1, B-1(a) B-2, B-2(a)	0/1	
Candy, nut and confectionery store	B-1, B-1(a) B-2, B-2(a)		
Canvas products manufacture	C/I	B-2	
Carting, express, crating, hauling, storage	B-2, C/I		
Catering shop or service	B-1, B-1(a) B-2, B-2(a)	0/1	
Cemetery, subject to requirements of the Special Provisions			R-1, R-2, R-3, R-4, R-5 B-1, B-2 B-3, C/I C-2, GC

SECTION 35-3
PERMITTED USES &
CONDITIONS

	By Right	Planning Commission Approval	Special Exception BZA Approval
Churches and related accessory buildings	B-1, B-1(a) B-2, B-2(a), B-3		R-1, R-2, R-3, R-4, R-5 C/I
City Hall, police station, fire station, courthouse, federal office building and similar public building	R-1, R-2, R-3, R-4, R-5 B-1, B-1(a), B-2 B-2(a), B-3, C/I	C-2 GC	
Clay and clay products manufacture; need not be enclosed within a structure	C/I	B-2	
Clinic, dental, medical or psychiatric for humans	B-1, B-2 B-2(a), B-3	B-1(a)	R-1, R-2, R-3, R-4, R-5 C/I
Clinic, convalescent or nursing home, extended care facility or sanitarium for humans		B-1, B-1(a) B-2, B-2(a), B-3	R-1, R-2, R-3, R-4, R-5
Club or lodge, fraternal, civic, charitable or similar organization, public or private, but not including any such club, lodge or organization, the chief activity of which is a service or product customarily carried on as a business	B-1, B-1(a), B-2	B-2(a), C/I	R-1, R-2, R-3, R-4, R-5
College or university, provided that they are located on a lot fronting on an arterial street or road and that no building is located within 100 feet of any property line		B-1, B-1(a) B-2, B-3	R-1, R-2, R-3, R-4, R-5 C/I
College sorority or fraternity house		B-1, B-2, B-3	R-1, R-2, R-3, R-4, R-5
Communications towers		C/I	B-2
Concrete and concrete products manufacture; need not be enclosed within a structure	C/I		

SECTION 35-3
PERMITTED USES &
CONDITIONS

	By Right	Planning Commission Approval	Special Exception BZA Approval
Contractor's storage yard for vehicles, equipment, materials and supplies; need not be enclosed within a structure, but must be enclosed within a solid fence to screen view; chain link or similar open fence may be permitted if a screen planting adequate to obstruct the view is provided	B-2, C/I		
Convenience store	B-2	B-1, B-2(a)	
Correctional, detention or penal institution			B-2, C/I
Dairy equipment sales	B-2, C/I		
Dairy products sales	B-1, B-1(a) B-2, B-2(a)	C/I	
Delicatessen	B-1, B-1(a) B-2, B-2(a)	C/I	
Department store	B-2(a) B-2		
Dog pound; need not be enclosed within a structure	C/I	B-2	
Drive-in restaurant	B-2, B-2(a)	B-1	
Drug Store	B-1, B-1(a) B-2, B-2(a)		
Dry cleaning shop, including self-service	B-1, B-2(a), B-2	B-1(a) C/I ?	
Dry goods or fabric store	B-1, B-1(a) B-2, B-2(a)		
Dwelling, one-family	R-1, R-2, R-3, R-4		
Dwelling, two-family	R-4		

**SECTION 35-3
PERMITTED USES &
CONDITIONS**

	By Right	Planning Commission Approval	Special Exception BZA Approval
Dwelling, multi-family	R-4		
Electric power generating plant			B-2, C/I
Electric power substation; need not be enclosed within a structure, but must be secured by a chain link or similar fence, or raised above ground so as to be inaccessible to unauthorized persons; requires visual screen in most districts		R-1, R-2, R-3 R-4, R-5 B-1, B-1(a), B-2 B-2(a), B-3, C/I GC, C-2	
Electric repair shop	B-2, C/I		
Electric supply store	B-2, C/I		
Electric supply retail store	B-2(a)		
Elevator maintenance service	B-2, C/I		
Employee credit union office	B-1, B-1(a) B-2, B-2(a), B-3	C/I	
Exterminator service office	B-2, B-2(a), C/I	B-1	
Farm and garden equipment and supply store	B-2, C/I	B-2(a)	
Farmers' markets	B-2, C/I	B-2(a)	
Fix-it shop, including small appliance repair	B-1, B-2, B-2(a), C/I	B-1(a)	
Floor covering sales and service	B-1, B-1(a) B-2, B-2(a), C/I		
Floral shop	B-1, B-1(a) B-2, B-2(a)	C/I	

**SECTION 35-3
PERMITTED USES &
CONDITIONS**

	By Right	Planning Commission Approval	Special Exception BZA Approval
Food locker plant including rental of lockers for the storage of food; cutting and packaging of meats and game, but not the slaughtering of animals or fowl.	B-2, C/I		
Food products processing plant	B-2, C/I		
Food products, wholesale storage and sales	B-2, C/I		
Freight depot, railway or truck	C/I	B-2	
Fruit and produce, retail	B-1, B-1(a), B-2	B-2(a)	
Funeral home, mortuary or undertaking establishment	B-1, B-2	B-1(a) C/I	
Furniture and home furnishing store, including office furniture and equipment	B-2, B-2(a), C/I		
Furniture repair, including upholstering and refinishing	B-2, B-2(a), C/I		
Gas regulator station		R-1, R-2, R-3 R-4, R-5 B-1, B-2 B-2(a), B-3, C/I C-2, GC	
Gift shop	B-1, B-1(a) B-2, B-2(a)		
Grocery store, retail	B-1, B-1(a), B-2	B-2(a)	
Gymnasium, commercial	B-1, B-2, B-2(a)	B-1(a) C/I	
Hardware store, retail, wholesale, storage and sales	B-1, B-1(a), B-2	B-2(a)	
Hatchery, poultry or fish	C/I		

**SECTION 35-3
PERMITTED USES &
CONDITIONS**

	By Right	Planning Commission Approval	Special Exception BZA Approval
Heating and plumbing equipment, supplies and service	B-2, C/I		
Hobby shop and supply store	B-1, B-1(a) B-2, B-2(a), C/I		
Home occupation	R-1, R-2, R-3, R-4, R-5		
	B-1, B-1(a), B-2 B-2(a), B-3		
Hospital		B-1, B-2 B-2(a), B-3	R-1, R-2, R-3, R-4, R-5
Hotel	B-2	B-1, B-2(a)	
Extended stay hotel facility	B-2		B-2(a)
Motel	B-2	B-1, B-2(a)	
Ice cream parlor	B-1, B-1(a) B-2, B-2(a)		
Ice plant	C/I		
Industrial park	C/I		
Innovative design developments		R-4	
Institution for children or the aged, day care			R-1, R-2, R-3, R-4, R-5 B-1, B-2, B-2(a)
Interior decorating shop	B-1, B-1(a) B-2, B-2(a)		
Junk yard including storage, baling or sale of rags, paper, iron or junk; need not be enclosed within a structure but must be enclosed within a fence of sufficient height to obstruct view and noise; chain link or similar fence may be permitted if screen planting is provided.	C/I		

**SECTION 35-3
PERMITTED USES &
CONDITIONS**

	By Right	Planning Commission Approval	Special Exception BZA Approval
Kindergarten, play school or day care center, public or private, provided that all activities are carried on in an enclosed building or fenced yard and that all applicable federal, state and local requirements are met.			R-1, R-2, R-3, R-4, R-5 B-1, B-2, B-2(a)
Laboratory, scientific	C/I		B-2, B-2(a)
Laboratory, medical or dental	B-1, B-1(a) B-2, B-2(a), C/I		
Landscape garden sales; need not be enclosed within a structure	B-1, B-2, C/I	B-2(a)	
Laundry, self-service	B-1, B-1(a) B-2, B-2(a)	R-4	
Laundry, and dry cleaning pick-up station	B-1, B-1(a) B-2, B-2(a)	C/I	
Laundry and dry cleaning plant	B-2, C/I		
Laundry, linen supply or diaper service	B-2, B-2(a), C/I		
Leather goods or luggage goods store	B-1, B-1(a) B-2, B-2(a)		
Liquor, wine or beer sales not to be consumed on premises and meeting local and state requirements.	B-1, B-2, B-2(a)		
Library	R-1, R-2, R-3, R-4, R-5 B-1, B-1(a) B-2, B-2(a)		
Loan office	B-1, B-1(a) B-2, B-2(a)		
Locksmith	B-1, B-1(a) B-2, B-2(a)		
Lodging and tourist homes			R-4 B-1, B-2, B-2(a)
Lumber yards and building materials; need not be enclosed within a structure	B-2, C/I		

SECTION 35-3 PERMITTED USES & CONDITIONS	By Right	Planning Commission Approval	Special Exception BZA Approval
Machine shop	C/I	B-2	
Machinery, tools and construction equipment, sales and service	C/I		B-2
Mail order house	B-2, C/I		
MANUFACTURING, REPAIR, OF A LIGHT INDUSTRIAL NATURE, ASSEMBLY OR PROCESSING ESTABLISHMENTS INCLUDING, BUT NOT LIMITED TO THE FOLLOWING:			
Automobile assembly	C/I		
Clothing and garment manufacturing	C/I		
Food products processing and packaging	C/I		
Glass products manufacturing	C/I		
Laboratories for testing materials, chemical analysis, photographic processing	C/I		
Metal products manufacturing	C/I		
Millwork and similar wood products manufacturing	C/I		
Musical instruments and parts manufacturing	C/I		
Paper products manufacturing	C/I		
Plastics manufacturing	C/I		
Scientific, optical and electronic equipment--- assembly and manufacturing	C/I		
Shipbuilding and repair yard; need not be enclosed within a structure	C/I		
Souvenirs and novelties manufacturing	C/I		
Surgical and dental supplies manufacturing	C/I		
Toy, sporting goods and athletic goods manufacturing	C/I		

END OF MANUFACTURING, REPAIR, ASSEMBLY OR PROCESSING OF A LIGHT INDUSTRIAL NATURE SECTION

SECTION 35-3 PERMITTED USES & CONDITIONS	By Right	Planning Commission Approval	Special Exception BZA Approval
Marine stores and supplies	B-2, B-2(a), C/I		
Manufactured home	R-5	R-3, R-4	
Mobile Home and/or Mobile Home park	R-5		
Mobile Home subdivision	R-5		
Motorcycle sales, service, and repair	B-2, C/I	B-2(a)	
Music store	B-1, B-1(a) B-2, B-2(a)		
Natural preservation areas including bird and wildlife sanctuaries, nature and hiking trails		R-1, R-2, R-3 R-4, R-5 B-1, B-1(a) B-2, B-2(a)	
News stand	B-1, B-1(a) B-2, B-2(a)		
Night club, bar, tavern and cocktail lounge when separate from a restaurant	B-1, B-2		
Office buildings, general	B-1, B-1(a) B-2, B-2(a), C/I		
Office buildings, professional	B-1, B-1(a) B-2, B-2(a), B-3 <i>C/I</i>		
Office equipment and supplies, retail	B-1, B-1(a) B-2, B-2(a)		
Oil and gas exploration and production activities			R-1, R-2, R-3, R-4, R-5 B-1, B-2 B-2(a), B-3, C/I C-2, GC
Optician	B-1, B-1(a) B-2, B-2(a), B-3		<i>C/I 1990 Clinic dental or med.</i>
Paint and wallpaper store	B-1, B-1(a) B-2, B-2(a), C/I		
Painting and decorating contractor	B-2, C/I		

**SECTION 35-3
PERMITTED USES &
CONDITIONS****By Right****Planning Commission
Approval****Special Exception
BZA Approval**

Paper supplies, wholesale	B-2, C/I		
Pawn Shop	B-2		B-1
Pet shop	B-2	B-2(a) C/I	B-1, B-1(a)
Photographic studio and/or processing	B-1, B-1(a) B-2, B-2(a)	C/I	
Picture framing and/or mirror silvering	B-2	C/I	B-1, B-1(a), B-2(a)
Planned Unit Development, fixed dwelling		R-1, R-2, R-3, R-4	
Planned Unit Development, mobile home		R-5	
Plastic fabrication	C/I	B-2	
Plumbing shop	B-1, B-2, C/I	B-2(a)	
Police substation, including Highway Patrol		R-1, R-2, R-3 R-4, R-5	
		B-1, B-2 B-2(a), B-3, C/I	
		C-2, GC	
Post office		R-1, R-2, R-3 R-4, R-5	
		B-1, B-1(a), B-2 B-2(a), B-3, C/I	
		C-2, GC	
Printing, blueprinting, bookbinding, photostating, lithographing and publishing establishment.	B-1, B-2 B-2(a), B-3, C/I	B-1(a)	

**SECTION 35-3
PERMITTED USES &
CONDITIONS****By Right****Planning Commission
Approval****Special Exception
BZA Approval**

Public utility production and maintenance buildings with proper screening		B-1, B-2, B-2(a) C/I	
Public utility substation with proper screening		R-1, R-2, R-3 R-4, R-5	
		B-1, B-2 B-2(a), B-3, C/I	
Radio and television antenna (amateur)	R-1, R-2, R-3 R-4, R-5	GC C-2	
	B-1, B-2 B-3, C/I		
Radio and television station and transmitting tower (commercial)		C/I	B-2
Racquetball or tennis courts, indoor		R-1, R-2, R-3 R-4, R-5	
		B-1, B-2 B-2(a), C/I	
		GC C-2	
Roofing and sheet metal shop	C/I	B-2	
Rug and/or drapery cleaning service contained within a structure	C/I	B-2	
Sand and gravel storage yard; need not be enclosed within a structure	C/I	B-2	
Sawmill or planing mill	C/I	B-2	

**SECTION 35-3
PERMITTED USES &
CONDITIONS**

	By Right	Planning Commission Approval	Special Exception BZA Approval
Schools, public and/or private, elementary and/or secondary meeting the requirements of the education laws of the State of Alabama			R-1, R-2, R-3, R-4, R-5 B-1, B-2, B-2(a), B-3, C/I
Seafood store, retail	B-1, B-2	B-2(a)	
Sewage disposal plant; need not be enclosed within a structure		B-2, C/I	
Sexually oriented business (except tattoo facility) in compliance with Ordinance 2013-38	C/I	B-2	
Shoe repair shop	B-1, B-1(a) B-2, B-2(a)	C/I	
Shoe store, retail	B-1, B-1(a) B-2, B-2(a)		
Sign shop	B-2, C/I	B-2(a)	
Sporting goods store	B-1, B-1(a) B-2, B-2(a)		
Stone monument sales, retail; may include cutting and processing merchandise sold at retail on the site; need not be enclosed within a structure	C/I		B-2 B-2(a)
Studio for dance or music	B-1, B-1(a) B-2, B-2(a)	C/I	
Studio for professional work or teaching of fine arts such as photography, drama, speech and painting	B-1, B-1(a) B-2, B-2(a)	C/I	
Surgical or dental supplies retail	B-2, B-2(a), C/I		

**SECTION 35-3
PERMITTED USES &
CONDITIONS**

	By Right	Planning Commission Approval	Special Exception BZA Approval
Tailor shop	B-1, B-1(a) B-2, B-2(a)		
Taxi dispatching station	B-1, B-2, B-2(a) 		
Tattoo facility shall be in compliance with Ordinance 2013-38	B-2	B-1, B-2(a)	
Taxi terminal, storage and repair of vehicles	B-2, C/I		
Taxidermy shop	B-1, B-2, C/I		
Teen club or youth center			R-1, R-2, R-3, R-4, R-5 B-1, B-2
Telephone exchange		R-1, R-2, R-3 R-4, R-5 B-1, B-1(a) B-2, B-2(a), B-3, C/I GC, C-2	
Telephone equipment storage including shops and garage; need not be enclosed within a structure but must provide adequate screening	B-2, C/I		
Temporary uses, including revival tents, sale of Christmas trees, carnivals, sale of seasonal fruit and vegetables from roadside stands, and similar uses, for a period not to exceed four (4) weeks in any calendar year	B-1, B-2	B-1(a), B-2(a)	
Theater, indoor	B-2, B-2(a)	B-1, B-1(a)	

SECTION 35-3
PERMITTED USES &
CONDITIONS

By Right

Planning Commission
ApprovalSpecial Exception
BZA Approval

Tires, batteries and other automotive accessories sales establishments	B-2, C/I		
Tobacco store	B-1, B-2		
Tourist home			R-4, B-1, B-1(a) B-2, B-2(a)
Toy store	B-1, B-1(a) B-2, B-2(a)		
Trade school or college		B-2	B-2(a) C/I
Transit vehicle storage and servicing; need not be enclosed within a structure		B-2 C/I	
Variety store	B-1, B-1(a) B-2, B-2(a)		
Veterinary service	B-2, C/I		
Warehouse and storage facilities, minor; mini-type do-it-yourself storage facilities		B-2, B-2(a), C/I	

SECTION 35-3
PERMITTED USES &
CONDITIONS

By Right

Planning Commission
ApprovalSpecial Exception
BZA Approval

Water storage; need not be enclosed within a structure		R-1, R-2, R-3 R-4, R-5 B-1, B-2 B-2(a), B-3, C/I C-2, GC	
Water or sewage pumping station		R-1, R-2, R-3 R-4, R-5 B-1, B-2 B-2(a), B-3, C/I GC, C-2	
Welding shop	C/I	B-2	
Well drilling company	B-2, C/I		
YMCA, YWCA and similar institutions			R-1, R-2, R-3, R-4, R-5 B-1, B-2, B-2(a)
Zoo			B-2, C/I

C/I doesn't allow retail sales of many items & are currently in somewhat secluded areas.

SECTION 35-4 PERMITTED OUTDOOR AMUSEMENT USES & CONDITIONS	By Right	Planning Commission Approval	Special Exception BZA Approval
Amusement park	C-2	B-2	
Amphitheater	C-2		
Archery range	C-2	B-2	
Athletic field or stadium such as baseball, football, soccer, etc. or similar use, provided that no building for such purposes is located within 100 feet of any property line	C-2		
Baseball batting range	C-2	B-2, B-2(a)	
Boat docking only of pleasure boats as an accessory use to a permitted principal use; maximum of three (3) slips per unit. Boat service is prohibited	C-2	R-1, R-2, R-3 R-4, R-5, B-1 B-2, B-2(a)	
Circus or carnival, fairground	C/I, C-2	B-2	
Golf, driving range and practice tee	C-2	B-2, B-2(a), B-1	
Golf course, miniature	C-2	B-1, B-2, B-2(a)	
Marina, minor; see boat storage, service and repair minor	C-2	B-2, C/I	
Marina, major; see boat construction, storage, service and repair, wet and dry, major; may also include boat sales, accessories and service	C/I C-2	B-2	
Other (outdoor) commercial amusement establishment	C-2		

SECTION 35-4 PERMITTED OUTDOOR AMUSEMENT USES & CONDITIONS	By Right	Planning Commission Approval	Special Exception BZA Approval
Park or playground including recreation centers; need not be enclosed within a structure	C-2	R-1, R-2, R-3, R-4, R-5 B-1, B-2, B-2(a)	
Riding stables or academy, horses; need not be enclosed within structure	C-2	R-1, R-2, R-3, R-4, R-5 B-1, B-2, B-2(a)	
Roller-skating and ice- skating rink	C-2		
Skate board park	C-2		
Swimming pool, commercial	C-2	B-2	
Tennis courts or club, outdoor; need not be enclosed within a structure; no building for such purposes is located within 100 feet of any property line	C-2	R-1, R-2, R-3, R-4, R-5 B-1, B-2, B-2(a) C/I	
Theater, outdoor/drive-in; need not be enclosed within a structure	C-2		

**SECTION 35-5
PERMITTED GOLF
COURSE USES &
CONDITIONS****By Right****Planning Commission
Approval****Special Exception
BZA Approval**

Golf course may include country club, golf course and ancillary use, privately or publicly owned and operated, provided that no building for such purposes is located within 100 feet of any property line and/or green space.

GC

**CITY OF DAPHNE
ORDINANCE NO. 2017-**

**AN ORDINANCE AMENDING THE CITY OF DAPHNE, ALABAMA
LAND USE AND DEVELOPMENT ORDINANCE 2011-54, AS ADOPTED BY THE
CITY COUNCIL ON JULY 18, 2011
AMENDING THE TABLE OF PERMITTED USES WITH REGARD TO THE
C/I, COMMERCIAL/INDUSTRIAL DISTRICT**

WHEREAS, the City Council of the City of Daphne, after due consideration believes that certain revisions to the City of Daphne Land Use & Development Ordinance are necessary for the proper administration of said Ordinance; and,

WHEREAS, at the City of Daphne Planning Commission regular meeting on June 22, 2017 the Commission considered certain proposed amendments to the City of Daphne Land Use & Development Ordinance, Ordinance 2011-54, and any amendments to the same and set forth a favorable recommendation to the City Council of the City of Daphne; and,

WHEREAS, according to Section 12-5 of the Land Use & Development Ordinance, the C/I, Commercial/Industrial District, is intended to provide locations for heavy commercial and light industrial activities which will not detract from the general character of the community because of hazardous operations, unsightly appearance of buildings and surroundings, objectionable emissions, or other factors that may be detrimental to the community environment; and,

WHEREAS, according to Section 12-5 of the Land Use & Development Ordinance, the B-2, General Business District, is intended to provide opportunity for activities causing noise and heavy traffic, not considered compatible in the more restrictive business district. These uses also serve as a regional, as well as, a local market and require location in proximity to major transportation routes; and,

WHEREAS, some uses permissible in B-2, General Business District, under certain conditions may be considered appropriate in C/I, Commercial/Industrial District; and,

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on August 7, 2017; and,

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

SECTION I: THIS SECTION HEREBY ADDS TO AND AMENDS THE LAND USE AND DEVELOPMENT ORDINANCE ARTICLE XXXV, TABLE OF PERMITTED USES AS FOLLOWS:

- A. Amend Section 35-3, Permitted Uses & Conditions Table, to permit in C/I, Commercial/Industrial District, the following uses as permissible by right:

Office buildings, professional; taxi dispatching station.

- B. Amend Section 35-3, Permitted Uses & Conditions Table, to permit in C/I, Commercial/Industrial District, the following uses as permissible upon approval of the Planning Commission:

Agriculture and related farming operations, including horticulture, plant nurseries market gardening, field crops, orchards, and home gardens; Art supplies; Camera and photographic supply store; Catering shop or service; Dairy products sales; Delicatessen; Dry cleaning shop, including self-service; Employee credit union office; Floral shop; Funeral home, mortuary or undertaking establishment; Gymnasium, commercial; Laundry, and dry

cleaning pick-up station; Pet shop; Photographic studio and/or processing; Shoe repair shop; Studio for dance or music; Studio for professional work or teaching of fine arts such as photography, drama, speech and painting.

- C. Amend Section 35-3, Permitted Uses & Conditions Table, to permit in C/I, Commercial/Industrial District, the following uses as permissible upon approval of a Special Exception:

Art gallery or museum; Business school or college.

All other sections, articles and/or content of the City of Daphne Land Use and Development Ordinance shall remain the same and shall be unchanged by this ordinance.

SECTION II: CONFLICT WITH OTHER ORDINANCES

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

SECTION III: SEVERABILITY

The provisions of this Ordinance are severable. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 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 ____ 2017.

Dane Haygood,
Mayor

ATTEST:

Candace Antinarella, City Clerk

FIRST NOTICE OF PUBLIC HEARING

Notice is hereby given the first time that the City Council of the City of Daphne will hold a Public Hearing on August 7, 2017 at 6:30 pm in the Council Chambers at City Hall, 1705 Main Street, Daphne, Alabama. The public is welcome to attend and offer comments opposing or favoring a proposed Ordinance amending the Land Use and Development Ordinance 2011-54/Commercial/Industrial District as presented below. Any person with an American's with Disabilities Act disability must contact the City Clerk's office ten days prior to the Public Hearing, in order for accommodations to be made.

Candace G. Antinarella, City Clerk

PROPOSED ORDINANCE:

**CITY OF DAPHNE
ORDINANCE NO. 2017-**

**AN ORDINANCE AMENDING THE CITY OF DAPHNE, ALABAMA
LAND USE AND DEVELOPMENT ORDINANCE 2011-54, AS ADOPTED BY THE
CITY COUNCIL ON JULY 18, 2011
AMENDING THE TABLE OF PERMITTED USES WITH REGARD TO THE
C/I, COMMERCIAL/INDUSTRIAL DISTRICT**

WHEREAS, the City Council of the City of Daphne, after due consideration believes that certain revisions to the City of Daphne Land Use & Development Ordinance are necessary for the proper administration of said Ordinance; and,

WHEREAS, at the City of Daphne Planning Commission regular meeting on June 22, 2017 the Commission considered certain proposed amendments to the City of Daphne Land Use & Development Ordinance, Ordinance 2011-54, and any amendments to the same and set forth a favorable recommendation to the City Council of the City of Daphne; and,

WHEREAS, according to Section 12-5 of the Land Use & Development Ordinance, the C/I, Commercial/Industrial District, is intended to provide locations for heavy commercial and light industrial activities which will not detract from the general character of the community because of hazardous operations, unsightly appearance of buildings and surroundings, objectionable emissions, or other factors that may be detrimental to the community environment; and,

WHEREAS, according to Section 12-5 of the Land Use & Development Ordinance, the B-2, General Business District, is intended to provide opportunity for activities causing noise and heavy traffic, not considered compatible in the more restrictive business district. These uses also serve as a regional, as well as, a local market and require location in proximity to major transportation routes; and,

SET PUBLIC HEARING DATE FOR

AUGUST 21, 2017

TO CONSIDER

- 1. Pre-Zone:** **WPNVA, LLC, Jay-E, LLC, John White-Spunner & Chester J. Stephan**
Property Located: Southeast corner of US Highway 98 & Johnson Road
Present Zoning: R-4, High Density Single & Multi-Family Residential
Requested Zoning: B-2, General Business
Recommendation: Unfavorable
- 2. Pre-Zone:** **The Citizens Bank**
Property Located: Northeast corner of Alabama Highway 181 & Belgrove Avenue
Present Zoning: RSF-2, Single Family District
Requested Zoning: B-1(a), Limited Local Business
Recommendation: Unfavorable
- 3. Annexation:** **The Citizens Bank**
Property Located: Northeast corner of Alabama Highway 181 & Belgrove Avenue
Recommendation: Favorable

To: Office of the City Clerk

From: Adrienne D. Jones, ^{AD}
Director of Community Development

Subject: WPNVA, L.L.C. Jay-E, L.L.C., John
White-Spunner & Chester J. Stephan
Zoning Amendment

Date: June 26, 2017

MEMORANDUM

PRESENT ZONING: R-4, High Density Single & Multi-Family Residential

PROPOSED PRE-ZONING: B-2, General Business

LOCATION: Southeast corner of U.S. Highway 98
& Johnson Road

RECOMMENDATION: At the Thursday, June 22, 2017, regular meeting of the Daphne Planning Commission, eight members were present, and the motion carried for a unfavorable recommendation for the above mentioned zoning amendment.

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

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda to set a public hearing for August 21, 2017.

Thank you,
ADJ/jv

attachment(s)

1. Zoning Amendment Application
2. Legal Description (Exhibit A)
3. Boundary Survey (Exhibit B)
4. Adjacent property owners list
5. Community Development Report
6. Citizen Comments

REZONING OR PRE-ZONING APPLICATION

Office use only

Date Submitted

March 27, 2017

Application Number:

Planning Commission Public

Postponed April 2017

ZA- 17-01 or PZA-

Hearing Date:

May 25, 2017

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

SITE DATA

Site Location (Address or General Proximity to Nearest Intersection):

PPIN#(s):

East of US HWY 98 South of Johnson Road

035698

Gross Site Area (acreage):

5.8

Requested Zoning or Pre-Zoning:

B-2

Current Zoning Designation(s):

R-4

Amended Request:

Initials:

Date:

Current Land Use:

Agricultural

Anticipated Land Use:

Commercial

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

See attached Legal Description Exhibit A

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

Annexation Subdivision Site Plan Special Exception Variance Specify Other

APPLICANT & AGENT INFORMATION

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

Name of Current Owner: JAY-E, LLC John White-Spunner
WPNVA, LLC Chester Stefan

Mailing Address: c/o White Spinner & Assoc.

Phone/Fax:

251-471-1000

PO Box 7475 Mobile, AL 36670

E-mail:

Name of Authorized Agent: Hutchinson, Moore & Rauch

Douglas A. Bailey, P.E.

Mailing Address:

2039 Main St Daphne, AL

Phone/Fax:

251-626-2626

E-mail:

dab@hmrengineers.com

Name of Developer*:

BFHK, LLC

Phone/Fax:

E-mail:

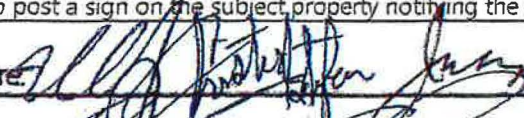
bbaker@slidelloil.com

Other:

Phone/Fax:

E-mail:

I, the applicant, certify that all of the above facts are true and correct to the best of my knowledge. I hereby agree to allow the City of Daphne to post a sign on the subject property notifying the general public of this request.

Applicant's Signature: 	Date: 3-23-2017
Agent's Signature: 	Date:

WPNVA, L.L.C., JOHN WHITE-SPUNNER, JAY-E, L.L.C. & CHESTER STEPHAN

SOUTHEAST CORNER OF U.S. HIGHWAY 98 AND JOHNSON ROAD

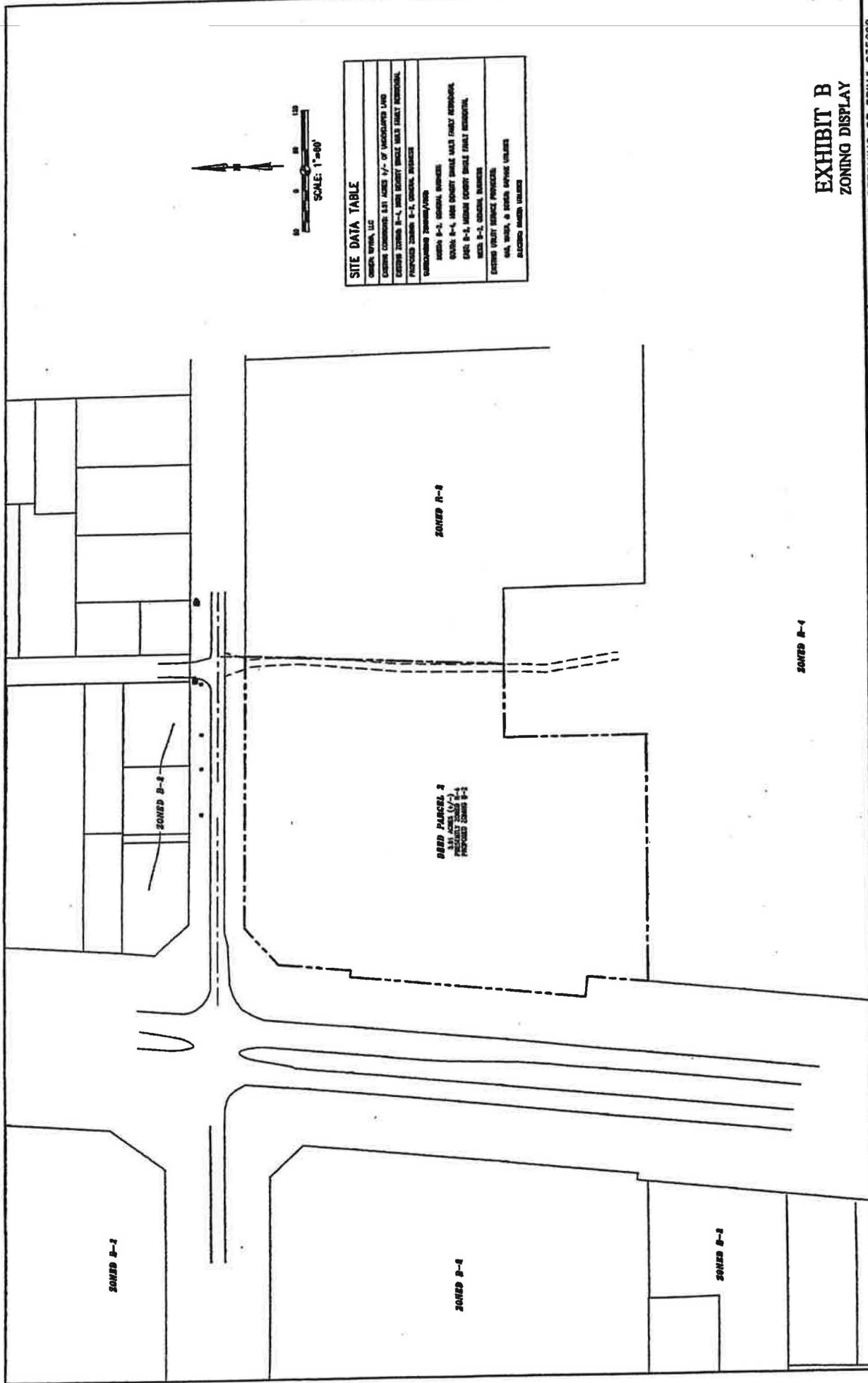
ZONING AMENDMENT

Exhibit "A"

LEGAL DESCRIPTION OF PROPERTY:

PARCEL 2 (a/k/a Lenz Property), an undivided 20% interest in the following property:

From the Northeast corner of the Northwest Quarter of Section 29, Township 5 South, Range 2 East, Baldwin County, Alabama: run South 89 Degrees 25 minutes West along the section line a distance of 684.5 feet to a point; thence run South 02 degrees 10 minutes West a distance of 34 feet to an iron pin lying on the South right of way margin of Johnson Road for the POINT OF BEGINNING; thence run South 02 degrees 25 minutes West a distance of 384.27 feet to an iron pin; thence run South 89 degrees 16 minutes 21 seconds West a distance of 109 feet to a concrete monument; thence run South 0 degrees 35 minutes South; [sic] a distance of 210.33 feet to a concrete monument; thence run South 89 degrees 14 minutes West a distance of 363.64 feet to an iron pin lying on the East right of way margin of U.S. Highway 98; [sic]thence run North 05 degrees 00 minutes South [sic] along said East right of way margin a distance of 88.63 feet to a concrete monument; thence run North 84 degrees 49 minutes West along said East right of way margin a distance of 30 feet to a right of way monument; thence run North 05 degrees 11 minutes East along said East right of way margin a distance of 351.51 feet to a right of way monument; thence run South 85 degrees 30 minutes South [sic] along said East right of way margin a distance of 10 feet to a right of way monument; thence run North 04 degrees 55 minutes 35 seconds East along said East right of way margin a distance of 106.77 feet to a right of way monument; thence run north 46 degrees 55 minutes 35 seconds East along said East right of way margin a distance of 75.25 feet to a right of way monument on the South right of way margin of Johnson Road; thence run North 89 degrees 39 minutes East along said South right of way margin a distance of 403 feet to the POINT OF BEGINNING; containing 5.8 acres more or less.



SITE DATA TABLE

OWNER: WPNVA, LLC
EXISTING CONDITIONS: 0.57 ACRES +/- OF UNDEVELOPED LAND
EXISTING ZONING: B-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL
PROPOSED ZONING: B-2, GENERAL BUSINESS
UNDERLYING ZONING/USE:
B-1, GENERAL BUSINESS
B-2, LOW DENSITY SINGLE FAMILY RESIDENTIAL
B-3, MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL
B-4, GENERAL BUSINESS
B-5, GENERAL BUSINESS
EXISTING UTILITY SERVICE PROVIDERS:
GAS: TUSCALOOSA & BIRMINGHAM UTILITIES
ELECTRIC: BIRMINGHAM UTILITIES

EXHIBIT B
ZONING DISPLAY

PROPOSED REZONING OF PPIN# 035698 ZONING DISPLAY WPNVA, LLC		DATE: 1-14-07 DRAWN BY: JAC	SHEET: 1 OF 1
NOT FOR CONSTRUCTION		HUTCHINSON, MOORE & RAUCH, LLC ENGINEERS & SURVEYORS LAND PLANNERS 2019 MAIN STREET DAPHNE, ALABAMA 36526 TEL (251) 625-2520 FAX (251) 625-4934 dh@hutchinsonmoore.com	



HUTCHINSON, MOORE & RAUCH, LLC

ENGINEERS & SURVEYORS
LAND PLANNERS

TEL (251) 625-2520
FAX (251) 625-4934
dh@hutchinsonmoore.com

NOT FOR CONSTRUCTION

PROPOSED REZONING OF PPIN# 035698

ZONING DISPLAY

WPNVA, LLC

DATE: 1-14-07

DRAWN BY: JAC

SHEET: 1 OF 1

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PROPOSED REZONING OF PPIN# 035698

ZONING DISPLAY

WPNVA, LLC



43-09-29-2-000-007.000

PICKETT, OTIS ETAL PICKETT, MADELINE
3716 HOLLY RIDGE CIR
DAUPHINE, AL 36693

43-04-20-3-000-067.001

WILLIAMS, ELLEN
1308 OAK ST
DAUPHINE, AL 36526

43-04-20-3-000-071.001

AUTRY, MAXINE
1005 JOHNSON RD
DAUPHINE, AL 36526

43-04-20-3-000-071.000

43-04-20-3-000-071.002

LAWSON, JEWEL
PO BOX 2
DAUPHINE, AL 36526

43-04-20-3-000-052.000

DAUPHINE, CITY OF
PO BOX 400
DAUPHINE, AL 36526

43-09-29-2-000-009.000

CITIZENS BANK INC
PO BOX 569
ROBERTSDALE, AL 36567

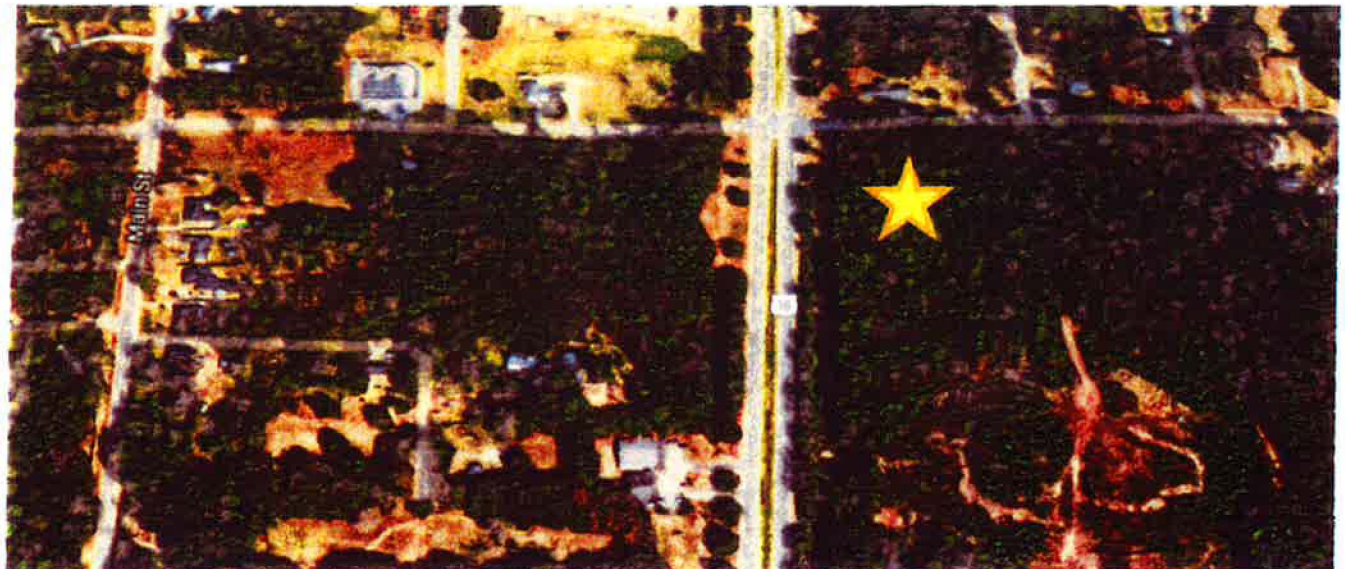
43-09-29-2-000-020.000

JOHNSON, ROBERT L ETUX MONYA M
1960 STORY RD
SAN JOSE, CA 95122

43-09-29-2-000-027.000

COLONNADA AT EASTERN SHORE LLC
116 ONE MADISON PLAZA, SUITE 2100
MADISON, MS 39110

PLANNING COMMISSION
REZONING REQUEST FOR
WPNVA, LLC., JAY-E, LLC., JOHN WHITE-SPUNNER,
CHESTER J. STEPHAN



COMMUNITY DEVELOPMENT

Rezoning Request

WPNVA, LLC., JAY-E, LLC., JOHN WHITE-SPUNNER, CHESTER J. STEPHAN
5.8 acres

Owner: WPNVA, LLC., JAY-E, LLC., John White-Spunner and Chester J. Stephan

Existing Conditions: 5.8 acres+/- wooded undeveloped land

Existing Zoning: R-4 High Density Single Family Residential

Proposed Zoning: B-2, General Business

Surrounding Zonings/Uses:

North – B-2, General Business/residence

South – R-4, High Density Single Family Residential/The Colonnade Apartments

East – R-2, Medium Density Single Family Residential/undeveloped wooded land

West – B-2, General Business/Johnson Road Drainage Improvement project site

Existing Utility Service Providers:

Water, Sewer, Gas - Daphne Utilities

Electric – Riviera Utilities

Affected City Service Providers:

Fire Protection-Station 1

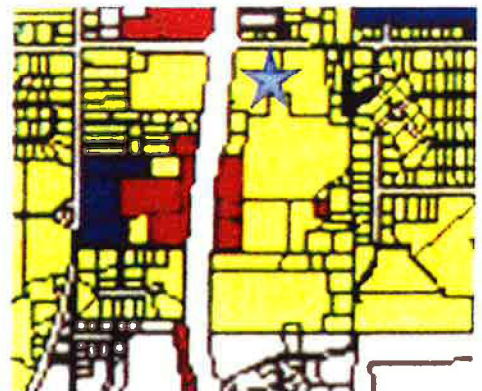
Police Protection-Police Beat 1

Public Works

Baldwin County Schools—n/a

The Comprehensive Plan

The comprehensive plan's overarching policy regarding land development encourages harmony and compatibility. The future land use map shows this area as residential; however, the plan did not take into account the presence of B-2, General Business zones on three corners of Highway 98 and Johnson Road. Rezoning the subject property to a commercial zoning district would be consistent with previously established zoning in the immediate area.



Existing Conditions

The site is located southeast of the intersection of Johnson Road and U.S. Highway 98. This intersection is the gateway into the Daphmont neighborhood, a single family residential community which has been in existence since 1958. Three parcels to the north across Johnson Road are zoned B-2, General Business. There are two residences and one undeveloped lot; however, at this time, neither parcel is being used for commercial purposes. The subject property abuts the Colonnade Apartment complex, a 240-unit multi-family residential development which opened late 2016. The lot to the west is zoned R-2, Medium Density Single Family Residential: the site is also undeveloped.

Staff Comments

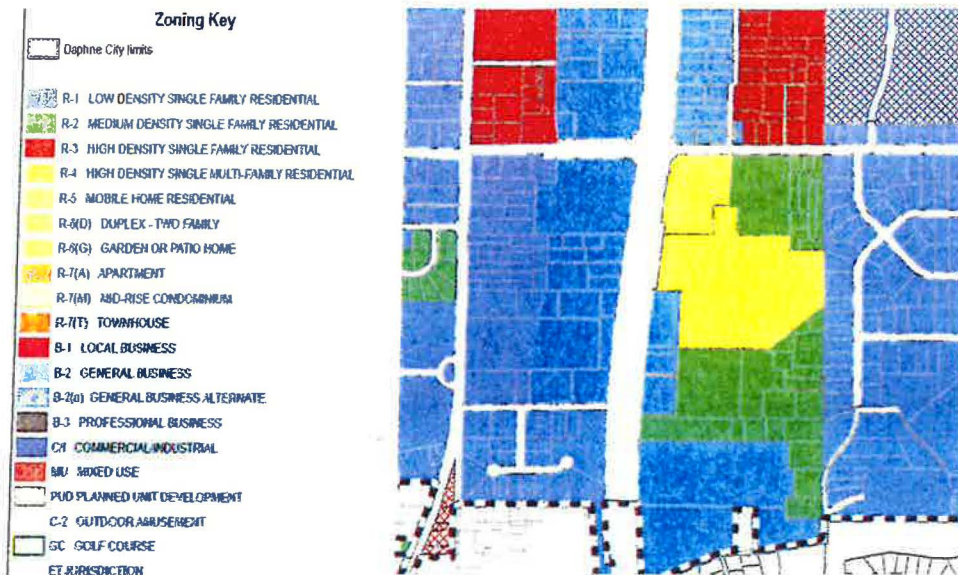
The applicant has submitted a partial site plan for development of a convenience store and gas station which is permissible by right in B-2.

Convenience Store (Definition from Article 8 of the Land Use and Development Ordinance). A retail establishment which offers the retail sales of an assortment of container food items (snacks, grocery items), refrigerated food items stored in display coolers, tobaccos, toiletries, accessory items, and other convenience items; and which may offer the sale of beer and wine, but not liquor, in unopened containers, for off-site consumption, as an accessory part of the principal establishment being retail sales of other products; and which may or may not include the sale of automotive fuels dispensed by the purchaser, but not including bays, other than drive-through car washes, for automobile service or repair.

The Planning Commission recently recommended B-2(A) zoning to City Council in lieu of B-2. The property along Highway 90, south of Renaissance Boulevard, is located on a major roadway, across from B-2 and abuts residential zoned property. The Planning Commission made a favorable recommendation for B-2(A) in lieu of B-2 (reference-George Kalasountas pre-zoning request). The Council hearing is on May 15th. Also, the White-Spunner property at the northwest intersection of CR 13 and Highway 90 was initially presented as B-2, but after Planning Commission input, the applicants changed part of that request to B-2(A). Council approved B-2 at the intersection only and the remaining area along CR 13 as B-2(A). The B-2(A) zoned portion abuts newly zoned residential property (reference-White-Spunner rezoning Ordinance 2016-81-see attached).

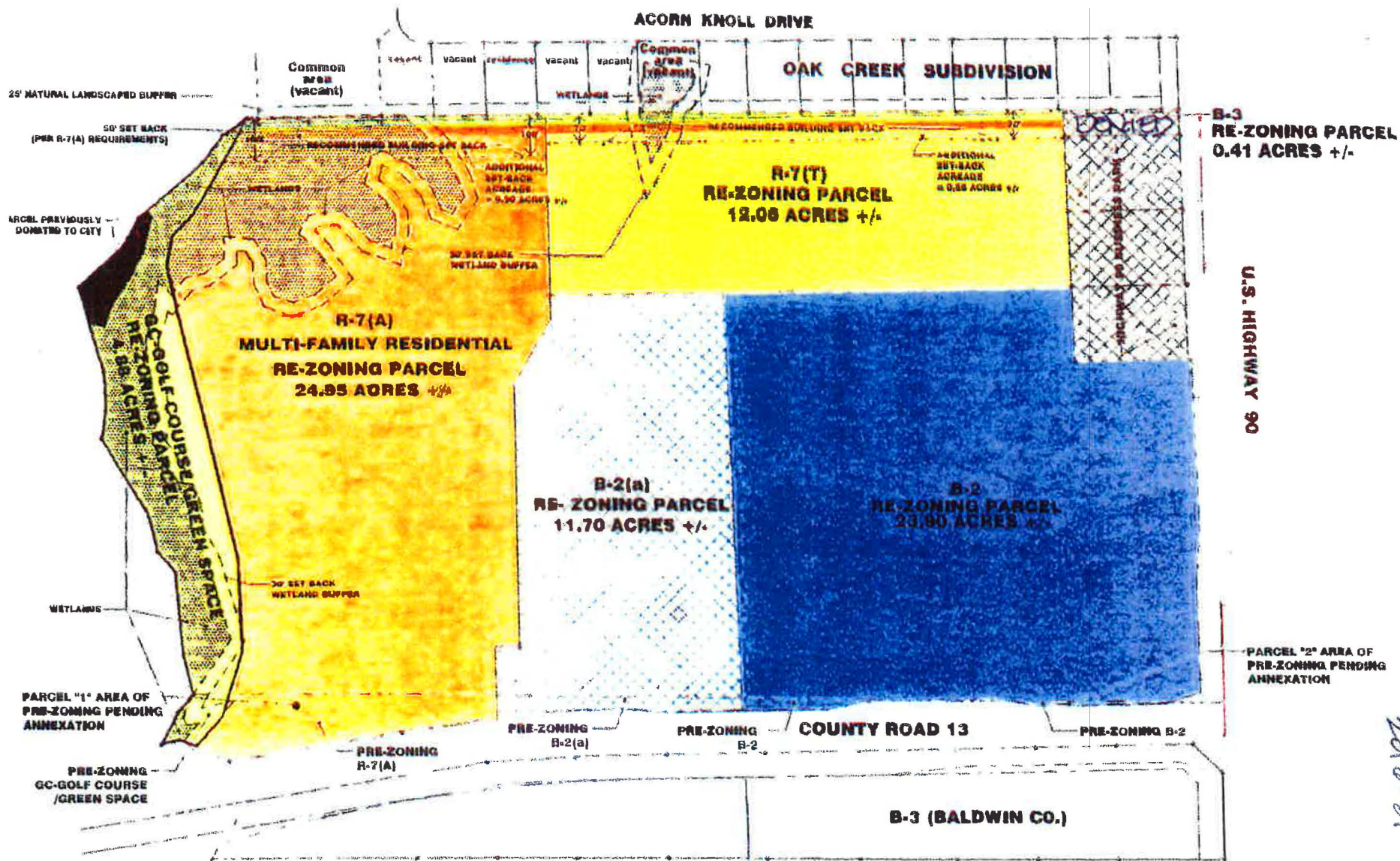
Recommendation: B-2 is consistent with the zoning of property located to the north and across Highway 98 to the west, a convenience store and gas station could be developed by right on those three corners. Commercial zoning is an obvious choice for a major intersection. With B-2(A) zoning, the proposed use and other intense uses could be subjected to more stringent design standards to mitigate any impact on the neighborhood, than would a project zoned B-2. Also, the proposed use of the remaining portion of the site has yet to be determined. Thus, staff recommends B-2(A) zoning as a more appropriate district in lieu of B-2.

Adjoining property owner notices have been distributed, a zoning notification sign has been posted, and the notice for a public hearing for this petition has been properly advertised in the Courier in accordance with applicable sections of the Code of Alabama.



Excerpt from City of Daphne Zoning Map

1.3.17
C. Campbell



ZONING DISPLAY MAP
U.S. HIGHWAY 90 @ COUNTY ROAD 13



Ordinance
2016-81

**SECTION 35-3
PERMITTED USES &
CONDITIONS**

By Right

**Planning Commission
Approval**

**Special Exception
BZA Approval**

Contractor's storage yard for vehicles, equipment, materials and supplies; need not be enclosed within a structure, but must be enclosed within a solid fence to screen view; chain link or similar open fence may be permitted if a screen planting adequate to obstruct the view is provided	B-2, C/I		
Convenience store	B-2	B-1, B-2(a)	←
Correctional, detention or penal institution			B-2, C/I
Dairy equipment sales	B-2, C/I		
Dairy products sales	B-1, B-1(a) B-2, B-2(a)		
Delicatessen	B-1, B-1(a) B-2, B-2(a)		
Department store	B-2(a) B-2		
Dog pound; need not be enclosed within a structure	C/I	B-2	
Drive-in restaurant	B-2, B-2(a)	B-1	
Drug Store	B-1, B-1(a) B-2, B-2(a)		
Dry cleaning shop, including self-service	B-1, B-2(a), B-2	B-1(a)	
Dry goods or fabric store	B-1, B-1(a) B-2, B-2(a)		
Dwelling, one-family	R-1, R-2, R-3, R-4		
Dwelling, two-family	R-4		

Revised 07/25/16

Permitted Uses 10

**PUBLIC COMMENTS
SUBMITTED TO THE
PLANNING COMMISSION**

Pat Johnson

From: Anthony Sampson <ASampson@bcbe.org>
Sent: Thursday, June 22, 2017 4:30 PM
To: Pat Johnson
Subject: Fwd: Public Hearing

Sent from my iPhone

Begin forwarded message:

From: ASampson@bcbe.org
Date: June 22, 2017 at 4:27:06 PM CDT
To: "Ajones@daphneal.com" <Ajones@daphneal.com>
Subject: Public Hearing

Good afternoon Ms. Jones,

As requested.

FYI and dissemination to Planning Commission and City Council.

Good evening,

My name is Anthony Tyrone Sampson. I reside at 800 Daphmont Dr., Daphne, AL 36526.

I am requesting that this correspondence be read aloud and included in the official records of the Daphne Planning Commission's Public Hearing regarding the proposed development at the intersection of Highway 98 and Johnson Road.

Regrettably, I am unable to attend due to work obligations.

I respectfully request that Mayor Haygood, members of this Council and Planning Commission stand symbolically in solidarity with the residents of the Daphmont subdivision by voting to oppose this development.

Respectfully submitted,

Anthony Sampson
Daphmont Resident

Sent from my iPhone

Gas stations have become more common than grocery stores in suburban areas and as numerous as package stores, because many of them are a combination of grocery, package store and gas stations. We have six gas stations on Highway 98 between Interstate 10 and County Road 104. This is an average of 1 gas station per 1.3 miles.

It has become very clear that gas stations are not good neighbors in residential neighborhoods and that one should be very careful when choosing a site and allowing the construction of one. When thinking of the benefits a gas station might bring to a neighborhood, serious consideration should be given to the negative impact that it may have on your health, the health of your family, and the health of the community.

In a study on the effects of air contamination from gas stations, it found that there were increased levels of airborne chemicals within 150 feet of gas stations due to the evaporation of gasoline during the filling process. The more pumps at the station, the larger the area of contamination, extending up to 300 feet from the station. Benzene is probably the most harmful. It is a known carcinogen, having an effect on the central nervous system respiratory track as well as possibly causing brain damage and other serious problems. Another chemical, Toulene, is also found in gasoline vapors and is associated with cardiac, liver, and kidney problems and developmental problems in unborn babies.

Additionally, gas stations may affect your quality of life, something that the residents of Daphne value highly. Most stations are designed to accommodate large numbers of cars and tractor trailers rather than the individual resident. When they are set back from the street with pumps in front of a one story building, they must provide high visibility for passing cars and to deter would-be armed robbers, consequently they are very well lit. This poses a significant issue for nearby residents.

Earl Kellum

The Johnson Road/Highway 98 intersection already has a traffic issue due to the increased volume from the apartment complex recently constructed nearby. With the additional traffic, large and numerous curb cuts to allow for the flow into and out of the gas station, it will adversely affect pedestrians and discourage walking and cycling in this area. Many residents on the eastern side of Highway 98 cross over to cycle and walk on Main Street. This will become virtually impossible, especially for those people who walk and cycle with their children.

The construction of a gas station will impact not only those of us who live here now, but future generations as well. How many times have we seen gas stations closed and shuttered? Take a drive through any city and you will see many that have been closed for years, falling into disrepair. There are not many ways that a building that housed a gas station can be repurposed. Canopies and buildings can be demolished, but what about the underground tanks? Removal and cleanup of these can be very costly and usually does not lead to redevelopment.

Building a gas station on this property will have nothing but a negative impact on this community and will prevent any further development of a project that could have a positive impact and promote the vision for our future for this neighborhood.

Thank You

PETITION TO OPPOSE REZONING

File Z17-01 Southeast Corner of Highway 98 and Johnson Road

To: The Planning Commission and the Daphne City Council Members

We, the undersigned property owners and/or residents of the Daphmont Subdivision, do hereby oppose the proposed rezoning of the property on the Southeast Corner of U.S. Highway 98 and Johnson Road.

We respectfully request NO zoning change on this parcel. We feel that any change in zoning of this property would negatively affect our subdivision.

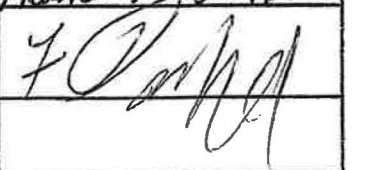
Print Name	Address	Phone #	Signature
Elzse Powe	1306 Warren Dr	626 1534	Elzse C Powe
Cooper Banks	1009 Pickett Ave	689-4055	Cooper Banks
Mary Yelding	1012 Jones	251-626-5035	Mary Yelding
Alexander Miller	1114 Johnson Rd	251-232-4489	Alexander Miller
Elizabeth W.R. Gilbert	1112 Johnson Rd	251-626-0911	Elizabeth W.R. Gilbert
Margerie Y. Lewis	715 Daphmont Drive	251-626-1638	Margerie Y. Lewis
Chae Arnold	1111 Harawa Drive	(251) 626-6871	Chae Arnold
Michael L. Hobbs	706 Daphmont Drive Daphne, AL 36526	251 599-0394	Michael L. Hobbs
Tammy Taylor	1317 Oak Street Daphne, AL 36526	251 409-2093	Tammy Taylor
Ellen Williams	1308 Oak St Daphne, AL 36526	251 626-1080	Ellen Williams
Robert M. Anderson	Dear	626-8532	

Print Name	Address	Phone #	Signature
LEON L. ALLEN	816 DAPHNE DR	626-5951	Leon L. Allen
Sierra Patterson	711 Cedar Drive	525-0737	Sierra Patterson
Rhonda Pettibone	603 Elm Dr	604-1431	Rhonda Pettibone
JAMES SEWELL	1309 Johnson Rd.	716-2390	James Sewell
Josephine Sewell	1309 Johnson Rd.	222-2139	Josephine Sewell
Mari Sappard	504 Pine St		Mari Sappard
Mary C. Longmire	600 Pine St	(51) 689-6047	Mary C. Longmire
Marlene Autry	1005 Johnson	251-289389	Marlene Autry
Jennett Stubbs	1406 Maple Dr	621-1397	Jennett Stubbs
Linda + Thomas Batie	1312 Warren Dr.	626-1432	Linda Batie
Eddie Rudolph	710 Daphne Dr Daphne	348-4870	Eddie Rudolph
Majid Gharbi	503 Pine St	707 534-9220	Majid Gharbi
George Rudolph	1306 Oak St Daphne	605-4378	George Rudolph
Iola Lafferty	604 Pine St Daphne	251-626- 1768	Iola Lafferty
Eddie Herrin	604 Pine St Daphne, al.	626-1768	Eddie Herrin
Terese Howard	604 Pine St Daphne, al.	626-1768	Terese Howard
Trudie Hopkins	704 Pine St Daphne	367-1696	Trudie Hopkins
Richard Hopkins	704 Pine St Daphne	367-1344	Richard Hopkins
Alfred Agnew	702 Pine St Daphne	251-626- 1611	Alfred Agnew
Yvonne Agnew	702 Pine St	251-626- 1611	Yvonne Agnew

Print Name	Address	Phone #	Signature
Robert Gully	1403 Maple Dr	251 626 773	Robert Gully
George Smith	1408 Wren Dr	622-5468	George Smith
Gloria Smith	1408 Wren Dr	622-5468	Gloria Smith
Jennett Stubbs	1407 Maple	621-1397	J.S.
Mary Coats	1404 Maple Dr	626-1221	Mary H. Coats
Rendy Tinsley	1408 Maple Dr	689-1939	Rendy Tinsley
Bernadette Douglas	504 Pecan Dr	459-1963	Bernadette Douglas
Lena Quinney	501 Pecan Dr	626-2106	Lena Quinney
Jason Barrow	502 Pecan Dr	272-0171	Jason Barrow
Bessie Walker	501 Pecan Dr		Bessie Walker
Carl L. Sifford	504 PINE ST.	626-5498	Carl L. Sifford
Cedric Sledge	605 Daphnont Dr	786-0399	Cedric Sledge
Adell Powe	607 Daphnont Dr	209-2031	A Powe
Lynndon Montgomery	1126 Valrie Lane	(251) 382-5112	Lynndon Montgomery
Orville Miller	136 Valrie Lane	251 382-5017	Orville Miller
Marcelle Mitchell	1277 Valrie Ln	251-626-1071	Marcelle Mitchell
Dagmar Reed	110 Valrie Lane	(251) 680-6234	Dagmar Reed
Andre McConico	113 Valrie Lane	251-591-4343	Andre McConico
William Sampson	667 Daphnont Dr	251 209 5828	William Sampson
Derick Yelding	712 Daphnont Dr	251 367 0581	Derick Yelding

Print Name	Address	Phone #	Signature
Denita Patterson	711 Cedar Dr. Daphne	232-6320	Denita Patterson
Bob Patterson	711 Cedar Dr. Daphne	232-1291	Bob Patterson
Brianna Patterson	711 Cedar Dr. Daphne	232-1863	Brianna Patterson
T. M. Othy Wms	712 Cedar Dr	367-5840	T. M. Othy Wms
Gloria Wmsby	712 Cedar Dr	367-5840	Gloria Wmsby
Evelyn Campbell	714 Cedar Dr.	625-4460	EVELYN Campbell
Yang & Hazel Bolden	721 Cedar Dr	622-0654	HAZEL & MARY BOLDEN
Julius Bradley	719 Cedar Dr.	626-3687	Julius Bradley
Deborah Bradley	719 Cedar Dr.	626-3687	Deborah Bradley
DANIELA WILSON	707 CEDAR DR	626-5483	DANIELA WILSON
Evan Hector	707 CEDAR DR	626-5483	EVAN HECTOR
DANIELA WILSON	707 CEDAR DR	626-5483	DANIELA WILSON
Evan Hector	707 CEDAR DR	626-5483	EVAN HECTOR
Bria Howard	404 Pine St.	626-1768	Bria Howard
Vashti Johnson	800 Pine St.	678-386-7446	Vashti Johnson
Jordan Smith	800 Pine St.		
Sony Reel	802 Pine St	251-554-5886	Sony Reel
Sony Reel	802 Pine St		Sony Reel
Sienna Hunt	802 Pine St		Sienna Hunt
Sony Reel Jr	802 Pine St		Sony Reel Jr.

Ardella Jackson 501 Pine St, Daphne 251-610-1816 Ardella Jackson

Print Name	Address	Phone #	Signature
Cora Johnson	7736 Gaskin Lane	554-8482	Cora Johnson
Henry Thomas	7470 Gaskin LA.	2093718	Henry Thomas
Rachel Thomas	7470 GASKIN LA	2093716	Rachel Thomas
Edward Schubert	1301 Oak St.	408-1628	
Ashtley Schubert	1301 OAK ST.	408-1078	
William Wright	604 Daphnoid Dr	6235055	
Susan Wright	604 Daphnoid Dr	554-1438	
Laurie Smith	907 Jones ST	753-4030	Laurie Smith
Joseph Smith	907 Jones St	604-0171	Joseph Smith
Robert Tensley	1004 Pickett (Ald)	623-2323	Robert Tensley
Byron Baker	508 Pine Street	232-2279	Byron Baker
Rudolph Baker	508 Pine St	656-5899	Rudolph Baker
Kathleen Baker	508 Pine St.	621-1713	Kathleen Baker
Fred Pickett			

PETITION TO OPPOSE REZONING

File Z17-01 Southeast Corner of Highway 98 and Johnson Road

To: The Planning Commission and the Daphne City Council Members

We, the undersigned property owners and/or residents of the Daphmont Subdivision, do hereby oppose the proposed rezoning of the property on the Southeast Corner of U.S. Highway 98 and Johnson Road.

We respectfully request NO zoning change on this parcel. We feel that any change in zoning of this property would negatively affect our subdivision.

Print Name	Address	Phone #	Signature
Cona Campbell	603 Daphmont Dr	251-664947	Cona Campbell
Lurea Dugan	506 Daphmont Dr	272-2302	Lurea Dugan
Toni White	1198 Browns Ln	281-6456	Toni White
I RENE	GASKIN	(B)THER	
Daphmont	501 Daphmont Dr	545-5018	Daphmont
W. White	201 Daphmont	251-6458960	W. White
Ch...	207	251-6458960	Ch...
CLARA DALE	251-508-3451		
PAUL DALE	251-786-6292		
PAUL DALE JR	251-229-6231		
Dorothy Dale	251-990-8441		Dorothy Dale

PETITION TO OPPOSE REZONING

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Print Name	Address	Phone #	Signature
Ruth Y Bolton	1205 WARREN DR	251 626-8981	Ruth Y Bolton
LARRY L. YELDING	1207 WARREN DR	251 422-8215	Larry L. Yelding
Ellen L Yelding	1207 Warren DR	251 422-8215	Ellen L Yelding
Erny G. Yelding	1207 Warren Drive	251-550-4445	Erny G. Yelding
Charlesetta Rudolph	703 Daphmont	251-455-0337	Charlesetta Rudolph
Mary Wood	713 Daphmont Dr.	251-626-0931	Mary Wood
Damian Bolton	1205 Warren Dr	251-636-8981	Damian Bolton
Rosa Nell Turner	700 Pine St Daphne	251-454-0788	Rosa Nell Turner
Nancy Hegel	1205 Warren Dr	251-391-1850	Nancy Hegel
NORMAN HEGEL	1205 Warren Dr	251-604-3078	NORMAN HEGEL
Christine Greene	807 Daphmont Dr.	251-610-1155	Christine Greene

PETITION TO OPPOSE REZONING

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Print Name	Address	Phone #	Signature
Erica Washington	700 Cedar drive	(251) 455-8469	[Signature]
Lewy Bugas	702 Cedar drive	(251) 626-2044	[Signature]
Clifford Hall Sr	701 Cedar Dr.	251/626-0709	Clifford Hall Sr
Julius FRYE	703 Cedar DR	251-626-6384	Julius Frye
Leonard Nichols	705 Cedar Dr	251-654-1188	[Signature]
Mary A. Highsmith	704 Cedar Dr. Daphne	251-643-5496	Mary A. Highsmith
George Highsmith	704 Cedar Dr Daphne	251-406-9178	George Highsmith
Alize V. Hardin	708 CEDAR DAPHNE	251-644-8278	Alize V. Hardin
Barbara Smith	709 Cedar Dr	621-7818	Barbara Smith
Sharonda Gregory	715 Cedar Dr Daphne, AL	295-5669	S. Gregory
Minnie Reid	713 Cedar Dr.	251-626-3317	Minnie Reid

PETITION TO OPPOSE REZONING

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Print Name	Address	Phone #	Signature
Alice Smith	P.O. Box 1722 DAPHNE, AL 36526	251-232-4044	Alice Smith
Don Smith	P.O. Box 1722 DAPHNE, AL 36526	251-229-0742	Don Smith
Janet Cottrell	P.O. Box 412 DAPHNE, AL 36526	251-423-4300	Janet Cottrell
Cameron Reed	P.O. Box 1722 DAPHNE, AL 36526	(251) 626-6094	Cameron Reed
Ellen Thompson	1003 9th St DAPHNE, AL	251-626-9859	Ellen Thompson
LAURA BALDWIN	913 JONES ST DAPHNE, AL	251-626-0997	Laura Baldwin
JOYCE HUTERA	912 JONES ST DAPHNE, AL	251-224-7575	Joyce Hutera
Mechelle Howard	P.O. Box 795 604 Pine ST	251-626-1768	Mechelle Howard
FLOYD TOLBOR	715 CEDAR DRIVE	251-209-3530	Floyd Tolbor
Tabatha Reed	705 Pine Street	251-611-7861	Tabatha Reed
Matilda Bigham	1404 Warren Dr Daphne	251-449-1285	Matilda Bigham

PETITION TO OPPOSE REZONING

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Print Name	Address	Phone #	Signature
Alma Rudolph	703 Daphmont Drive	251-626-1665	A. R.
JOSEPH MOODLES	705 DAPHMONT DR	251-626-2495	JR
Delwin Knight	1302, Oak, St. Oak St	251-222-6598	D.K.
William Armstrong	1304 Oak St	425-1625	WAS
Irvin Rudolph	1305 Oak St	251-643-2733	Irvin Rudolph
Willie Shaw	1315 OAK ST	251-402-9880	Willie Shaw
Edmond Taylor	1317 OAK ST	251-709-2092	Edmond Taylor
Dorcas Banks	1318 Oak St.	334-360-2174	Dorcas Banks
MOSES MORRIS	1320 OAK ST.	251-626-7056	Moses Morris
James Ash	1407 Maple St.	251-716-0569	James Ash
Bryant Faust	1405 Maple St.	251-510-0021	Bryant Faust

PETITION TO OPPOSE REZONING

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Print Name	Address	Phone #	Signature
Merley Thomas	7462 Keel Lane Daphne, Alabama	404-713-8385	<i>[Signature]</i>
Mary A Benson	P.O. Box 695 Daphne, AL 36526	251-626-1594	Mary Alice Benson
Charles L. Thomas	P.O. Box 695 Daphne, Alabama	251-626-1594	Charles L. Thomas
Ed Thomas	P.O. Box 2251 AL	621-1373	Ed Thomas
Pam Thomas	" " " "	" " "	Pam Thomas
Walter Bray	P.O. Box 1360 Daphne	401-9443	Walter Bray
Brenda Reed	AL P.O. Box 1202	621-0232	Brenda Reed
Sankie Reed	AL P.O. Box 1202 Daphne	AL-621-0232	Sankie Reed

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Print Name	Address	Phone #	Signature
Michael L. Hobbs	706 Daphmont Dr. Daphne, AL 36526	251 599-0394	Michael L. Hobbs
LISA BANKS	1110 Johnson Rd DAPHNE AL 36526	251 321-3525	Lisa Banks
GEORGE GLENN	810 Daphmont Dr Daphne AL 36526	(251) 1076-3061	George Glenn

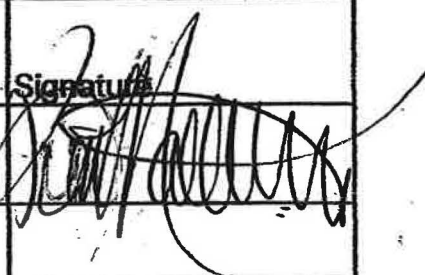
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We respectfully request NO zoning change on this parcel. We feel that any change in zoning of this property would negatively affect our subdivision.

Print Name	Address	Phone #	Signature
Kimberly Matthews	87042 US HWY 98 Daphne AL 36526	830-3775	

June 12, 2017

**Daphne Planning Commission
Daphne City Council
Daphne City Hall
1708 Main Street
Daphne, AL 36526**

Dear Ladies & Gentlemen:

As the owner of the Colonnade Apartment complex I wanted to say how happy we are to be in Daphne. In addition, we are pleased to hear a convenience store is planned for the adjacent property on the corner of Hwy. 98 and Johnson Road. We look forward to having this new facility to help provide convenience for our residents.

Thank you for the opportunity to be part of the Daphne community and for the support of the new convenience store proposed next door to the Colonnade.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith Bourgeois", with a horizontal line extending from the end of the signature.

**Keith Bourgeois
Member
The Colonnade at Eastern Shore LLC**

CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2017 -__

Ordinance to Re-Zone Property Located
Southeast Corner of US Highway 98 and Johnson Road
WPNVA, LLC, Jay-E LLC, John White-Spunner & Chester J. Stephan

WHEREAS, WPNVA, LLC, Jay-E LLC, John White-Spunner & Chester J. Stephan as the owner of certain real property located within the City of Daphne, has requested that said property that is currently under County zoning as R-4, High Density Single and Multi-Family Residential District, to be Re-Zoned as B-2, General Business District; and

WHEREAS, said real property is Southeast Corner of US Highway 98 and Johnson Road, and more particularly described as follows:

Legal Description for Re-Zone:

PARCEL 2 (a/k/a Lenz Property), an undivided 20% interest in the following property:

From the Northeast corner of the Northwest Quarter of Section 29, Township 5 South, Range 2 East, Baldwin County, Alabama: run South 89 Degrees 25 minutes West along the section line a distance of 684.5 feet to a point; thence run South 02 degrees 10 minutes West a distance of 34 feet to an iron pin lying on the South right of way margin of Johnson Road for the POINT OF BEGINNING; thence run South 02 degrees 25 minutes West a distance of 384.27 feet to an iron pin; thence run South 89 degrees 16 minutes 21 seconds West a distance of 109 feet to a concrete monument; thence run South 0 degrees 35 minutes South; [sic] a distance of 210.33 feet to a concrete monument; thence run South 89 degrees 14 minutes West a distance of 363.64 feet to an iron pin lying on the East right of way margin of U.S. Highway 98; [sic]thence run North 05 degrees 00 minutes South [sic] along said East right of way margin a distance of 88.63 feet to a concrete monument; thence run North 84 degrees 49 minutes West along said East right of way margin a distance of 30 feet to a right of way monument; thence run North 05 degrees 11 minutes East along said East right of way margin a distance of 351.51 feet to a right of way monument; thence run South 85 degrees 30 minutes South [sic] along said East right of way margin a distance of 10 feet to a right of way monument; thence run North 04 degrees 55 minutes 35 seconds East along said East right of way margin a distance of 106.77 feet to a right of way monument; thence run north 46 degrees 55 minutes 35 seconds East along said East right of way margin a distance of 75.25 feet to a right of way monument on the South right of way margin of Johnson Road; thence run North 89 degrees 39 minutes East along said South right of way margin a distance of 403 feet to the POINT OF BEGINNING; containing 5.8 acres more or less.

WHEREAS, at the regular Planning Commission meeting on June 22, 2017, the Commission considered said request and set forth an unfavorable 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, a public hearing was held before the City Council on August 21, 2017; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon consideration of the 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

That above described real property is hereby rezoned from R-4, High Density Multi-Family Residential District to B-2 General Business District, and that the zoning ordinance and zoning map 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 AND EXPIRATION 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 after publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of _____, 20_____.

Dane Haygood,
Mayor

ATTEST:

Candace G. Antinarella,
City Clerk

WPNVA, L.L.C., JOHN WHITE-SPUNNER, JAY-E, L.L.C. & CHESTER STEPHAN

SOUTHEAST CORNER OF U.S. HIGHWAY 98 AND JOHNSON ROAD

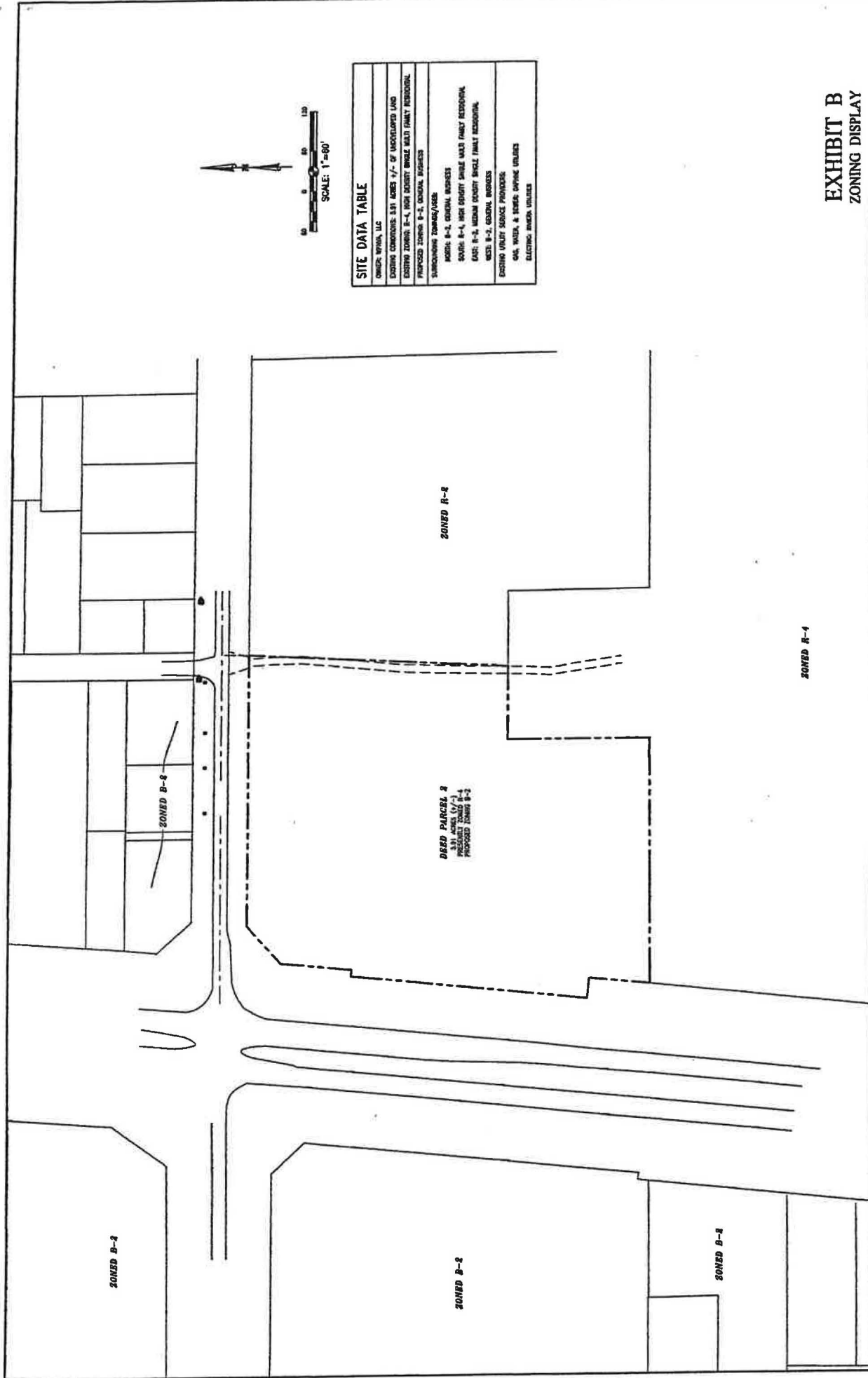
ZONING AMENDMENT

Exhibit "A"

LEGAL DESCRIPTION OF PROPERTY:

PARCEL 2 (a/k/a Lenz Property), an undivided 20% interest in the following property:

From the Northeast corner of the Northwest Quarter of Section 29, Township 5 South, Range 2 East, Baldwin County, Alabama: run South 89 Degrees 25 minutes West along the section line a distance of 684.5 feet to a point; thence run South 02 degrees 10 minutes West a distance of 34 feet to an iron pin lying on the South right of way margin of Johnson Road for the POINT OF BEGINNING; thence run South 02 degrees 25 minutes West a distance of 384.27 feet to an iron pin; thence run South 89 degrees 16 minutes 21 seconds West a distance of 109 feet to a concrete monument; thence run South 0 degrees 35 minutes South; [sic] a distance of 210.33 feet to a concrete monument; thence run South 89 degrees 14 minutes West a distance of 363.64 feet to an iron pin lying on the East right of way margin of U.S. Highway 98; [sic]thence run North 05 degrees 00 minutes South [sic] along said East right of way margin a distance of 88.63 feet to a concrete monument; thence run North 84 degrees 49 minutes West along said East right of way margin a distance of 30 feet to a right of way monument; thence run North 05 degrees 11 minutes East along said East right of way margin a distance of 351.51 feet to a right of way monument; thence run South 85 degrees 30 minutes South [sic] along said East right of way margin a distance of 10 feet to a right of way monument; thence run North 04 degrees 55 minutes 35 seconds East along said East right of way margin a distance of 106.77 feet to a right of way monument; thence run north 46 degrees 55 minutes 35 seconds East along said East right of way margin a distance of 75.25 feet to a right of way monument on the South right of way margin of Johnson Road; thence run North 89 degrees 39 minutes East along said South right of way margin a distance of 403 feet to the POINT OF BEGINNING; containing 5.8 acres more or less.



SITE DATA TABLE	
OWNER: WPNVA, LLC	
EXISTING COMPOSITE: 3.11 ACRES 1/4-1/4 OF UNDEVELOPED LAND	
EXISTING ZONING: R-4, HIGH DENSITY SINGLE FAMILY RESIDENTIAL	
PROPOSED ZONING: R-4, HIGH DENSITY SINGLE FAMILY RESIDENTIAL	
SURROUNDING ZONING/USE:	
NORTH: R-2, GENERAL BUSINESS	
SOUTH: R-4, HIGH DENSITY SINGLE FAMILY RESIDENTIAL	
EAST: R-2, MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL	
WEST: R-2, GENERAL BUSINESS	
EXISTING UTILITY SERVICE PROVIDER:	
GAS, WATER, & SEWER DRYLINE UTILITIES	
ELECTRIC: BROWNS UTILITIES	

EXHIBIT B ZONING DISPLAY

PROPOSED REZONING OF PPIN# 035698 ZONING DISPLAY WPNVA, LLC		NOT FOR CONSTRUCTION	HUTCHINSON, MOORE & RAUCH, LLC ENGINEERS & SURVEYORS LAND PLANNERS 2039 MAIN STREET DAPHNE, ALABAMA 36526 TEL (251) 626-2628 FAX (251) 626-8634 dgr@hutchinsonmoore.com	PREPARED BY DATE CHECKED BY DATE 1 OF 1
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HUTCHINSON, MOORE & RAUCH, LLC
 ENGINEERS & SURVEYORS
 LAND PLANNERS
 2039 MAIN STREET
 DAPHNE, ALABAMA 36526
 TEL (251) 626-2628
 FAX (251) 626-8634
 dgr@hutchinsonmoore.com

NOT FOR
 CONSTRUCTION

PROPOSED REZONING OF PPIN# 035698
 ZONING DISPLAY
 WPNVA, LLC

PREPARED BY	DATE	CHECKED BY	DATE
-------------	------	------------	------

To: Office of the City Clerk
From: Adrienne D. Jones, ^{AD}
Director of Community Development
Subject: The Citizens Bank, Pre-zoning Amendment
Date: June 26, 2017

MEMORANDUM

PRESENT ZONING: RSF-2, Single Family District,,
Baldwin County Exterritorial
Planning Jurisdiction

PROPOSED PRE-ZONING: B-1(a), Limited Local Business

LOCATION: Northeast corner of Alabama Highway
181 & Belgrove Avenue

RECOMMENDATION: At the Thursday, June 22, 2017,
regular meeting of the Daphne
Planning Commission, eight members
were present, and the motion carried
for an unfavorable recommendation
for B-1(a) for the above mentioned
pre-zoning amendment.

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

Upon receipt of said documentation, please prepare an
ordinance for placement on the City Council agenda to set
a public hearing for August 21, 2017.

Thank you,
ADJ/jv

attachment(s)

1. Pre-zoning Application
2. Legal Description (Exhibit A)
3. Boundary Survey (Exhibit B)
4. Adjacent property owners list
5. Community Development Report
6. Citizen Comments



APPLICATION FOR REZONING OR PRE-ZONING

Office use only: Rev. 072816

Date Submitted May 12, 2017

Application Number:

Planning Commission Public

ZA- or PZA-17-06

Hearing Date: June 22, 2017

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):

NE Corner 181st Belgrave Ave

098461

Gross Site Area (acreage):

1.36 Acres

Requested Zoning or Pre-Zoning: B1 A

Current Zoning Designation(s):

RSF-2

Amended Request:

Initials:

Date:

Current Land Use:

VACANT

Anticipated Land Use:

Commercial

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

Lot 1 Belle Pointe Sub slide 2452-C

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:

The Citizens Bank, Paul Davis

(251) 517-9601

Mailing Address:

P.O. Box 1249 Fairhope AL 36533

Phone/Fax:

E-mail: pdavis@enterprise.net

Name of Authorized Agent:

Citizens Bank, Paul Davis or Brian Britt, Kopcsky Britt

Mailing Address:

PO Box 1249 Fairhope AL 36533

Phone/Fax: 251-928-9900

E-mail:

Name of Developer*:

n/a

Phone/Fax:

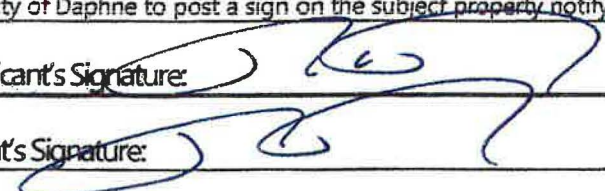
E-mail:

Other:

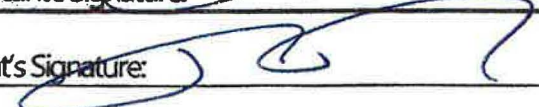
Phone/Fax:

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: 

Date 5/14/17

Agent's Signature: 

Date 5/16/17

THE CITIZENS BANK

PRE-ZONING AND ANNEXATION

**NORTHEAST CORNER OF ALABAMA HIGHWAY 181 AND BELGROVE AVENUE
BALDWIN COUNTY, ALABAMA**

EXHIBIT "A"

**LEGAL DESCRIPTION OF PROPERTY TO BE PRE-ZONED AS B-1(A) AND ANNEXED
TO THE CITY OF DAPHNE:**

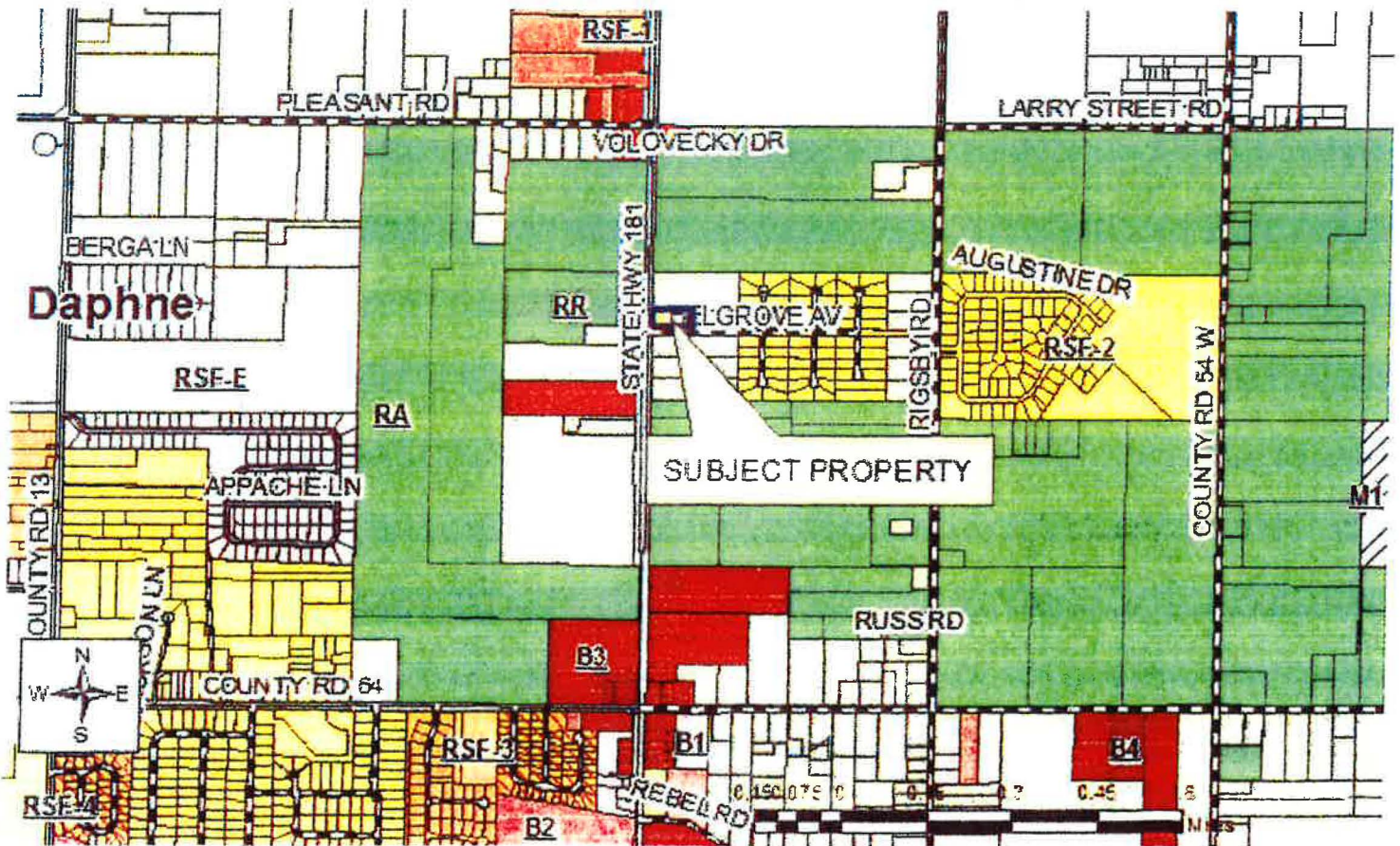
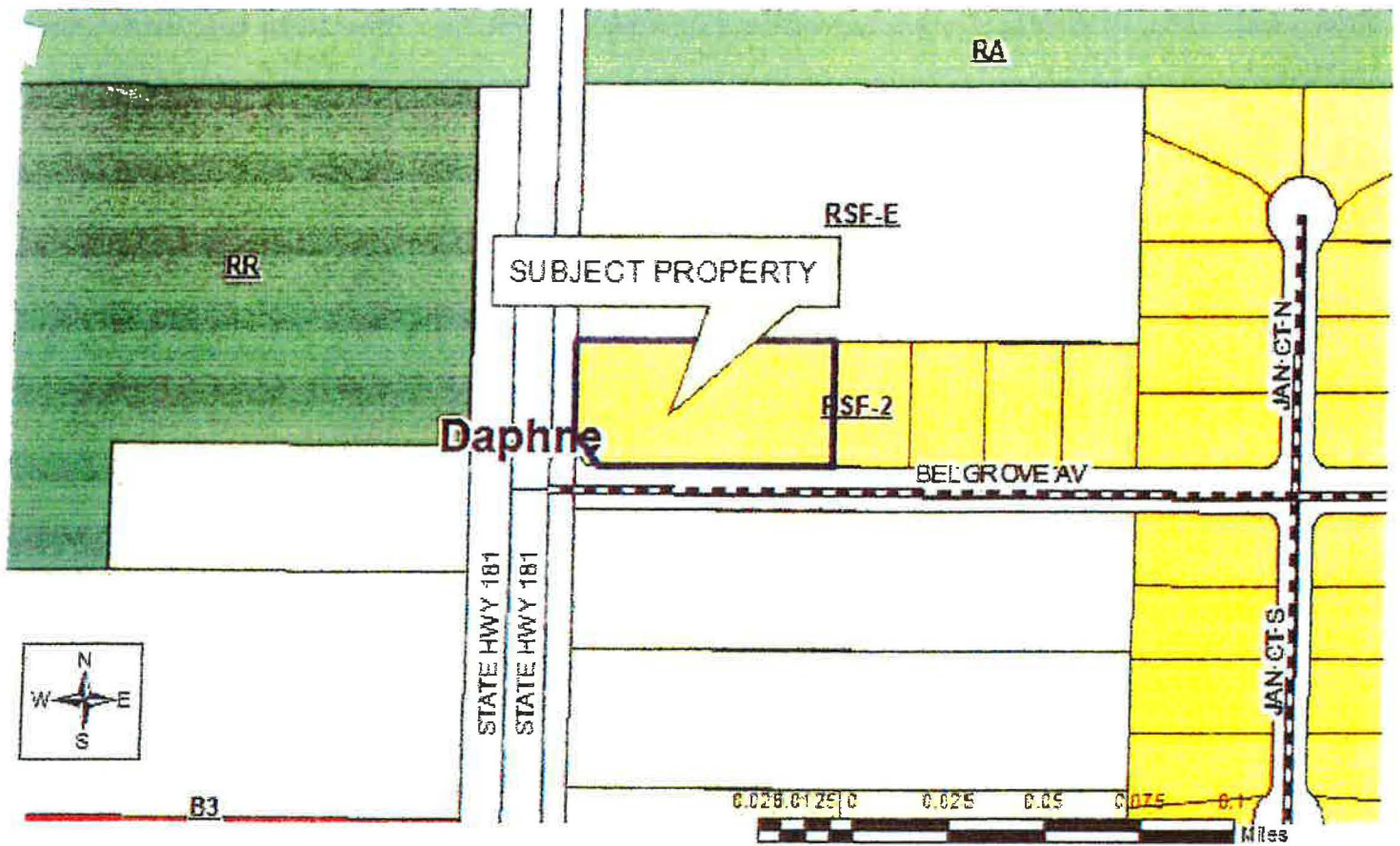
BEING MORE PARTICULARLY DESCRIBED AS:

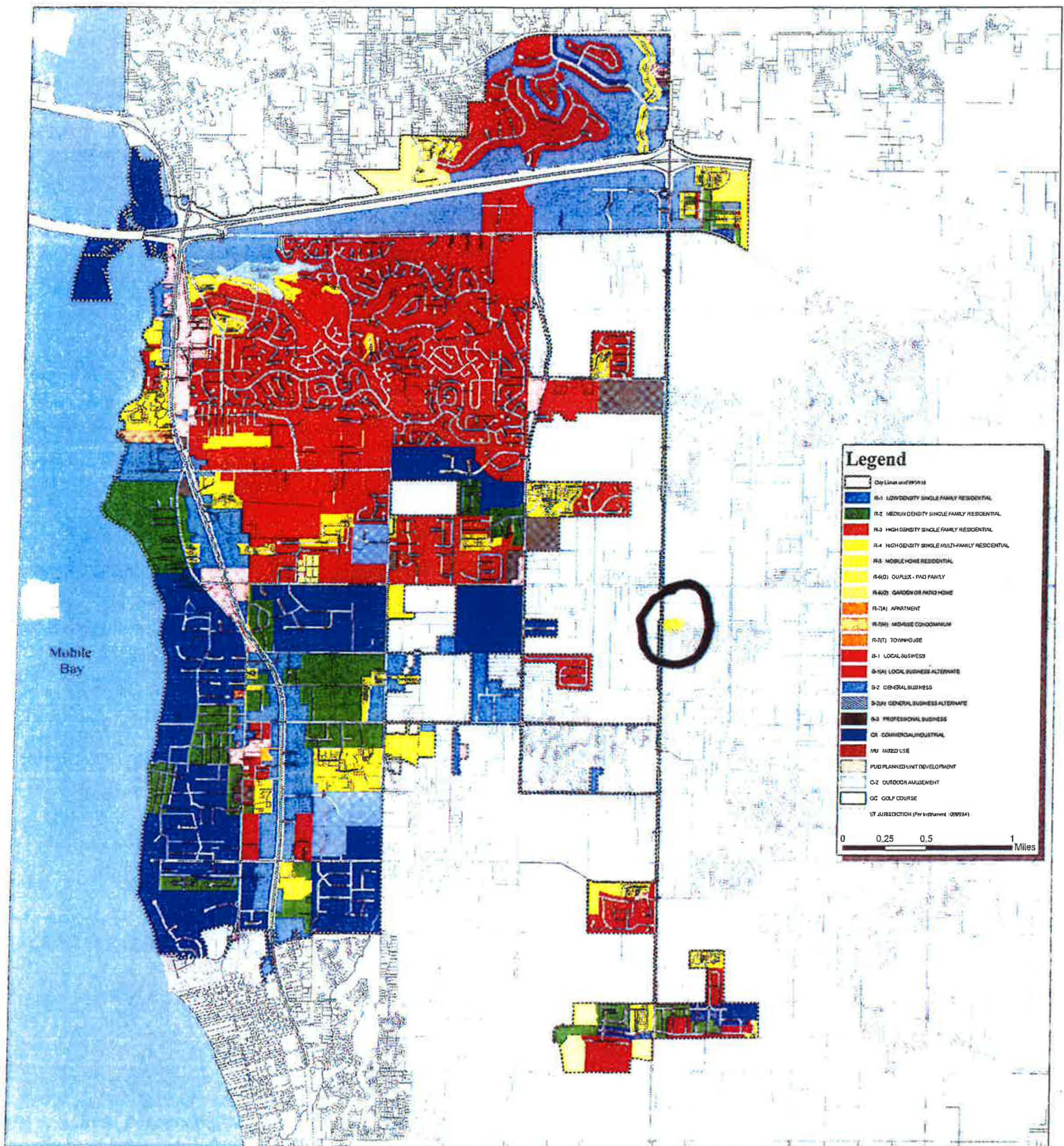
**LOT 1, BELLE POINTE SUBDIVISION, AS PER MAP OR PLAT THEREOF RECORDED
IN SLIDE NUMBER 2452-C AND CONTAINING 1.36 ACRES MORE OR LESS AND
LYING IN SECTION 14, TOWNSHIP 5 SOUTH, RANGE 2 EAST IN THE RECORDS IN
THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA.**

2452-C

222

Locator Map





Information contained in the data distributed by the City of Daphne is derived from a variety of public and private sources and is not to be dependent, but the accuracy, completeness and currency thereof are not guaranteed. The City of Daphne makes no warranty, expressed or implied as to the accuracy, completeness, currency, reliability, or suitability for any particular purpose of the information or data contained in or generated from the City Geographic Information System. Additionally, the City of Daphne or any agent, servant, or employee thereof assumes no liability associated with the use of the data, and assumes no responsibility for maintaining it in any manner or form. Any questions regarding zoning or any data should be directed to the City of Daphne Department of Community Development at 251-621-3184.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THE 21ST DAY OF NOVEMBER, 2016.

[Signature]
Don Haynes, Mayor

ATTEST:
[Signature]
Rebecca A. Hayes, City Clerk

D.R. HORTON INC.
25366 Profit Drive
Daphne, AL 36526

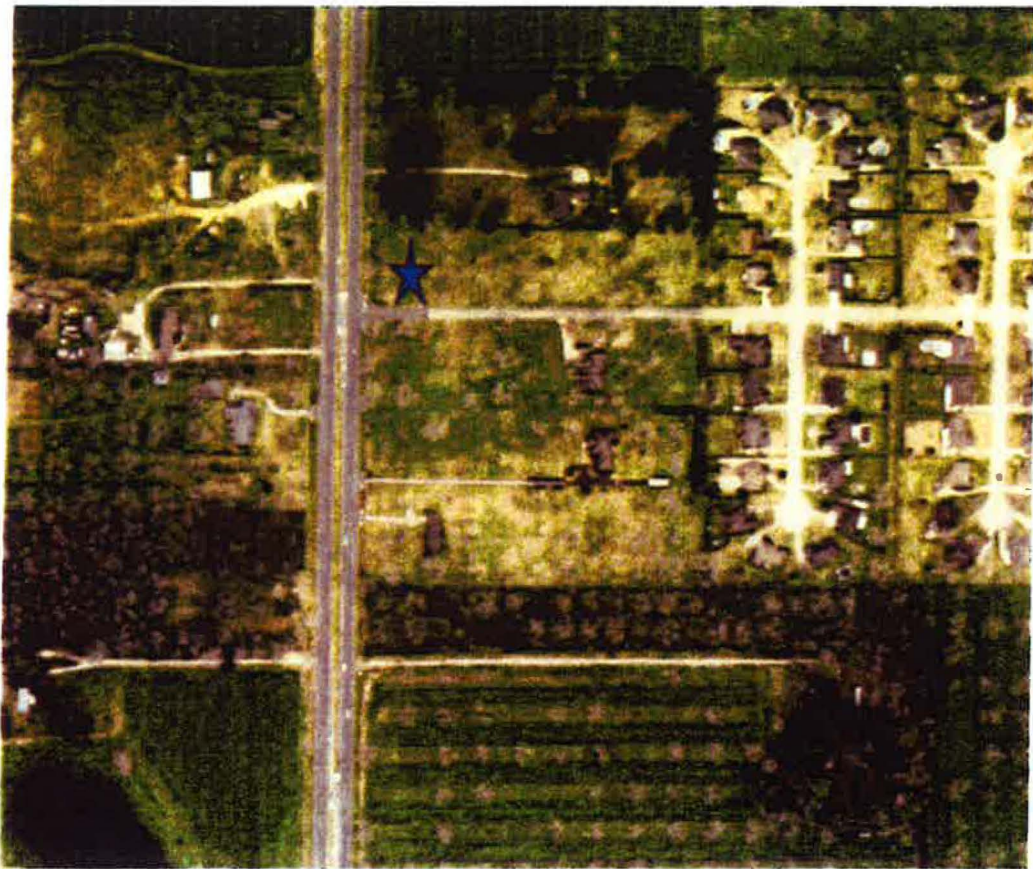
ROY & CYNTHIA WULFF TRUST
26730 State Highway 181
Daphne, AL 36526

RAYMOND BRUCE SANDERS, JR
26675 State Highway 181
Daphne, AL 36526

DANNY & DONNA PARKS
26626 State Highway 181
Daphne, AL 36526

JESSIE GRADDICK III
26615 State Highway 181
Daphne, AL 36526

PLANNING COMMISSION
PREZONING REQUEST FOR
THE CITIZENS BANK



COMMUNITY DEVELOPMENT

PREZONING REQUEST FOR THE CITIZENS BANK 1.36 acres

Owner: The Citizens Bank

Existing Conditions: 1.36 acres+/- undeveloped land

Existing Zoning: Residential Single Family (RSF-2) in Baldwin County

Proposed Zoning: B-1(A) Limited Local Business

Surrounding Zonings/Uses:

North – Residential Single Family Estate (RSF-E) in Baldwin County

South – Residential Single Family Estate (RSF-E) in Baldwin County

East – Residential Single Family (RSF-2) in Baldwin County

West – R-R, Rural Residential

Existing Utility Service Providers:

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

Electric – Riviera Utilities

Affected City Service Providers:

Fire Protection-Station 3 Police Protection-Police Beat 3

Public Works

The Comprehensive Plan:

The comprehensive plan's overarching policy regarding land development encourages harmony and compatibility. **Goal:** Provide a land use plan for the City of Daphne, which supports the City's economic development, housing, transportation, and open space, recreation and education goals in a manner that maintains and promotes Daphne's unique image and quality of life. **Objective:** Encourage development of sound and cohesive residential areas which meet the housing needs of current and potential residents.

Goal: Grow sensibly by anticipating land use needs. **Objective:** Promote and manage growth on undeveloped lands in a manner that will be compatible with, and complementary to, existing adjacent developed properties.

Existing Conditions:

The subject property is a 1.35 acre lot located along Highway 181 at the northeast intersection of Belgrove Avenue. The property is zoned Residential Single Family (RSF-2) in Baldwin County. It is Lot 1 of Belle Pointe Subdivision, a 4 lot subdivision zoned RSF-2. There is a single family residence to the north and one to the south across Belgrove Avenue. This intersection is the gateway and only existing ingress/egress into the Belgrove Estates neighborhood. Belgrove Avenue is a 60-ft wide right of way which currently provides the sole access to Belle Pointe Subdivision (recorded as slide 2452-C in Baldwin County Probate Records) and Belgrove Estates (recorded as slide 1708 A & B in Baldwin County Probate Records in Baldwin County Probate Records). According to the record plat, Lot 1 of Belle Pointe has restricted road access. Although there is 125 feet of road frontage along Alabama Highway 181 the note on the record plat states the following: *"Lots abutting Highway 181 shall have access to Belgrove Avenue only."*

The Baldwin County Commission recently rezoned property in the general vicinity to commercial. Late 2016 land located west of the subject property (26675 Hwy 181) was rezoned by the Commission from RSF-E to RR, Rural Residential, to—according to the application—allow storage buildings to be sold on the parcel. There are other properties zoned commercial located north of the subject property at the intersection of Pleasant Road and Highway 181 and to the south along Highway 181, Dollar General, which is zoned B-3. These properties were zoned in 2008 with the establishment of District 15. The newest business in the area is located at 26503 State Hwy 181, southwest of the subject property. The business is Belforest Pointe Events Center and is zoned B-3.

The DISC (Daphne Innovation + Science Complex) site at the northwest intersection of Highway 181 and Champions Way is the most recently approved commercial zone on Highway 181 in the City of Daphne. The site was zoned B-3, Professional Business and annexed in 2016 (Ordinance 2016-21 and Ordinance 2016-45).

Staff Comments:

The applicant proposes to zone the property to B-1(a), Limited Local Business. According to *Ordinance 2016-39, An Ordinance Amending the City of Daphne, Alabama Land Use & Development Ordinance 2011-54, as adopted by the City Council on July 18, 2011 Creating a New Zoning District, B-1(a), Limited Local Business District*, the district might be appropriate in situations where the more extensive business districts would allow businesses that could threaten to have too adverse an impact on the surrounding neighborhood. B-1(a) was created to be a more

restrictive subset of the B-1, Local Business district. See Ordinance 2016-39 for the full list of permitted uses and conditions of the B-1(a) district.

Recommendation:

Highway 181 is spotted with commercial zoning from Highway 31 in Spanish Fort to Highway 98 in Fairhope. As a matter of natural progression, this north-south corridor that connects traffic to Interstate 65 much like Highway 98 and Highway 59 will continue to be developed for commercial usage. Commercial zoning at and near major intersections such as Highway 31 and 90, County Road 64, 104, 48 and 44 is to be expected. The territory between those intersections along Highway 181 is considered to be transitional in nature.

The subject property is in a transitional area, flowing from commercial to residential back to commercial between Highway 181 intersection with Pleasant Road and the Highway 181 intersection with County Road 64. The proposed B-1(a) zoning is one of two zoning districts that may be considered in this transitional area. B-3, Professional Business is the second option.

Consider the following Land Use & Development Ordinance excerpts from Article 12, Establishment of Districts in the decision making process of the appropriateness of both:

12-1 GENERAL PROVISIONS

The City of Daphne is hereby divided into zoning districts as described below and as shown on the official Zoning District Map, for the purpose of:

- (a) Providing a residential environment free of incompatible uses and safe from natural and manmade hazards.
- (b) Promoting, where possible, planned residential, commercial, and industrial areas in appropriate locations with appropriate standards and minimum service cost to local government.
- (c) Providing a compact convenient urban pattern for urban areas.
- (d) Providing a level of flexibility of control sufficient to promote innovation and creativity in community development and to encourage maximum living comfort and convenience at the lowest cost.
- (e) Promoting the Comprehensive Plan for the City of Daphne.

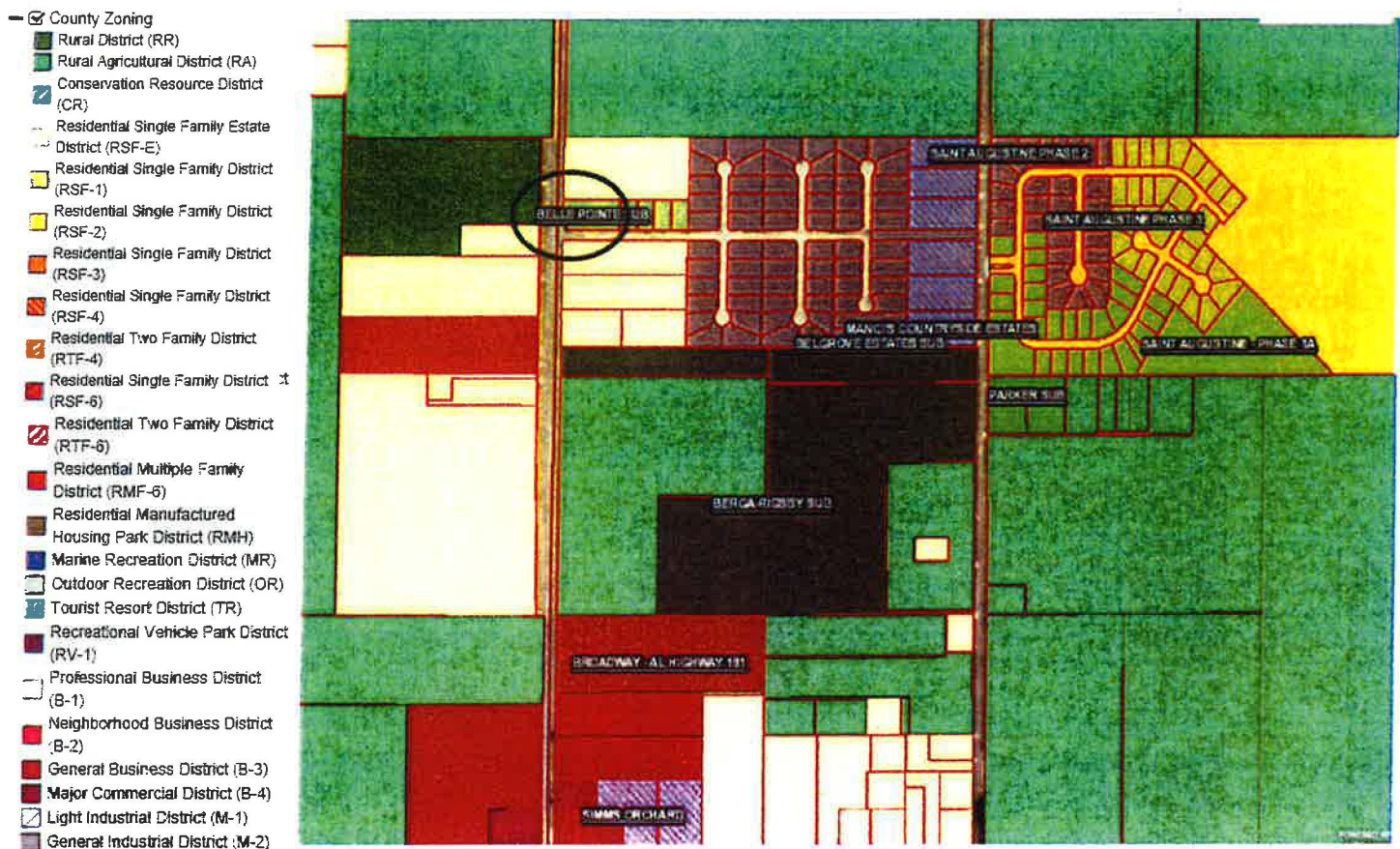
12-4 BUSINESS DISTRICTS

- (b) B-1(a), Limited Local Business District: B-1(a), Limited Local Business District: This district is intended to allow a restricted variety of small retail stores as well as

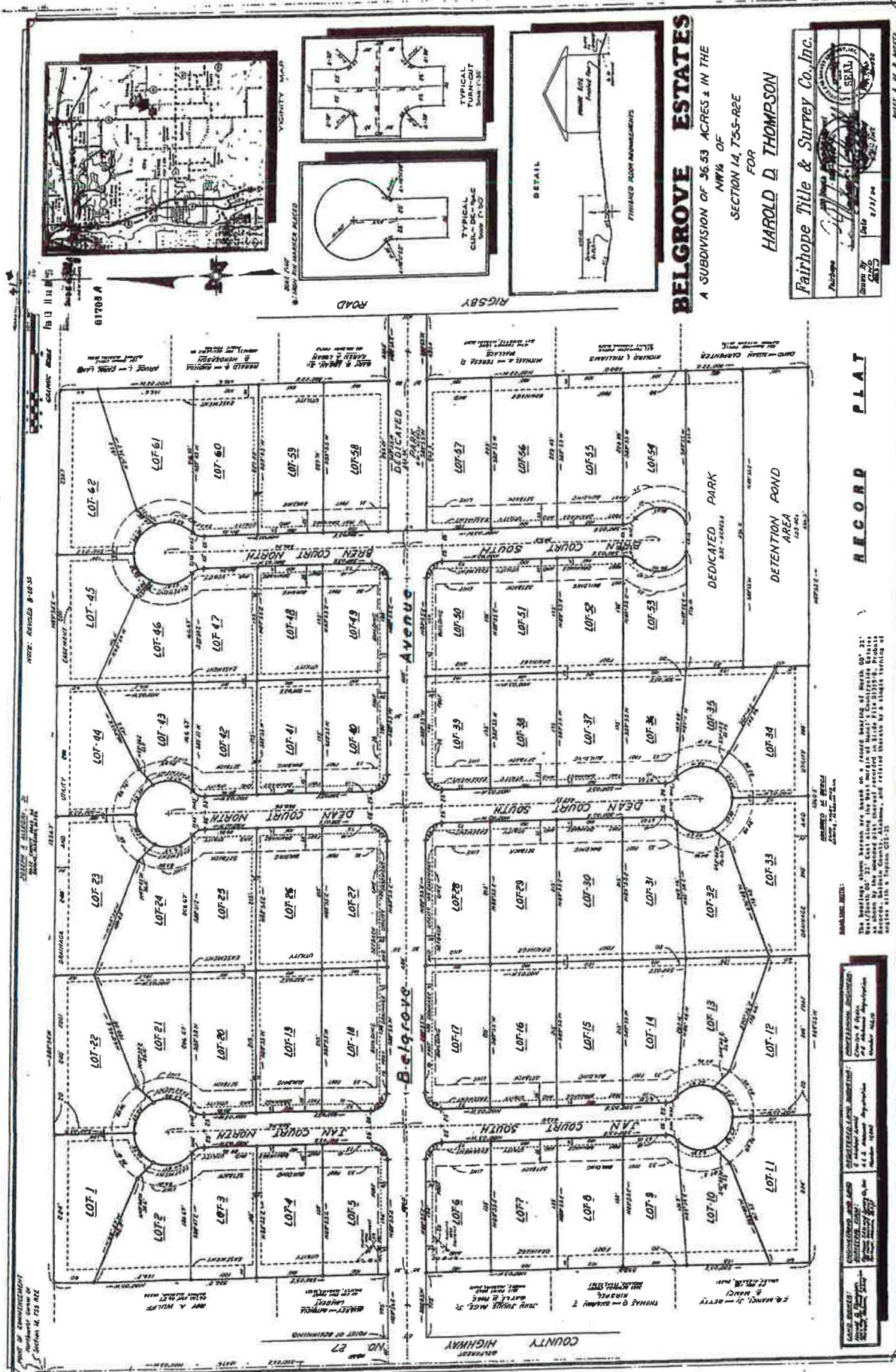
personal service establishments in or near residential neighborhoods. In general where B-1, Local Business District, is a permissible district so shall B-1(a), Limited Local Business District also be allowed. And, where B-1, Local Business District, is a prohibited district so shall B-1(a), Limited Local Business District also be prohibited.

(e) B-3, Professional Business District: This district is established to provide an opportunity for business establishments of a professional nature and is restricted to offices and businesses which provide specific corporate functions or professional services to the general public, but not the sale of goods or services at retail or wholesale.

Adjoining property owner notices have been distributed and the notice for a public hearing for this petition has been properly advertised in the Courier in accordance with applicable sections of the Code of Alabama.



708-1



PLAT
RECORD
PLAT

Adjacent Subdivision

CITY OF DAPHNE

ORDINANCE NO. 2016-39

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

**CREATING A NEW ZONING DISTRICT
B-1(a), LIMITED LOCAL BUSINESS DISTRICT**

WHEREAS, the City Council of the City of Daphne, after due consideration believes that certain revisions to the City of Daphne Land Use & Development Ordinance are necessary for the proper administration of said Ordinance; and,

WHEREAS, at the special called City of Daphne Planning Commission meeting on May 5, 2016 the Commission considered certain proposed amendments to the City of Daphne Land Use & Development Ordinance, Ordinance 2011-54, and any amendments to the same and set forth a unanimous favorable recommendation to the City Council of the City of Daphne; and,

WHEREAS, the B-1(a), Limited Local Business District, is to be a more restrictive subset of the existing B-1, Local Business District, B-1(a) is a new and separate zoning district with many of the same restrictions and conditions applicable to B-1; and,

WHEREAS, the B-1(a) zone might be appropriate in situations where the more extensive business districts would allow businesses that could threaten to have too adverse an impact on the surrounding neighborhood; and,

WHEREAS, the North American Industry Classification System (NAICS), most current edition was adopted as a reference to the Land Use & Development Ordinance, Ordinance 2011-54 as amended, as an expansion of uses similar in nature, but not expressly provided in the Table of Permitted Uses; and,

WHEREAS, it is the City's intent that any proposed use that is inconsistent with the provisions of Article XXXV or uses similar in nature thereto as found in the NAICS manual shall be considered as prohibited in any B-1(a), Limited Local Business District; and,

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on June 20, 2016; and,

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

SECTION I: THIS SECTION HEREBY AMENDS THE LAND USE AND DEVELOPMENT ORDINANCE AS FOLLOWS:

- A. Add B-1(a), Limited Local Business District, to Section 12-2, List of Zoning Districts and Section 14-2, Uses Permitted.
- B. Add B-1(a) to Section 12-4, Business Districts, and also renumber each subsequent subsection header accordingly.

B-1(a), Limited Local Business District: This district is intended to allow a restricted variety of small retail stores as well as personal service establishments in or near residential neighborhoods. In general where B-1, Local Business District, is a permissible district so shall B-1(a), Limited Local Business District also be allowed. And, where B-1, Local Business District, is a prohibited district so shall B-1(a), Limited Local Business District also be prohibited.

- C. Add B-1(a) to Section 13-4, Requirements for lot area, width, coverage, density, height and other factors. Said requirements shall be the same standards as in a B-1, Local Business District.
- D. Add B-1(a) to Section 13-6, Minimum zoning district setback requirements. Said requirements shall be the same standards as in a B-1, Local Business District.
- E. Add B-1(a) to Section 14-17, Setbacks. Said requirements shall be the same standard as in a B-1, Local Business District.
- F. Add B-1(a) to Section 19-9, Buffer zone requirements (a)(v) as follows: Where a business district, B-1, Local Business, B-1(a), Limited Local Business, or B-3, Professional Office, abuts any part of a residential district, a ten-foot-wide buffer zone shall be required.
- G. Add B-1(a) to Section 33-10, Permitted signs as follows: (c) Wall-mounted signs: Each establishment in a shopping center or each business premises in B-1, Local Business, B-1(a), Limited Local Business, B-2, General Business, B-3, Professional, and C/I, Commercial/Industrial, districts may acquire an additional permit for a wall-mounted sign of a size not to exceed the lesser of three hundred fifty (350) square feet or thirty (30) percent of the surface frontal area of its building or portion of building.
- H. Add B-1(a) to 33-11, Schedule of permitted sign requirements. Said requirements shall be the same standard as in a B-1, Local Business District.
- I. Add B-1(a) to Section 36-16, Setbacks. Said requirements shall be the same standard as in a B-1, Local Business District.

SECTION II: THIS SECTION HEREBY ADDS TO AND AMENDS LAND USE AND DEVELOPMENT ORDINANCE ARTICLE XXXV, PERMITTED USES AND CONDITIONS AS FOLLOWS:

- A. Add B-1(a), Limited Local Business District, to the List of Districts in Section 35-2, List of districts and cross reference for R-4 designation.
- B. Amend Section 35-3, Permitted Uses & Conditions Table, to permit in B-1(a), Limited Local Business District, the following uses **as permissible by right**:

Accessory buildings and uses, when located on the same lot or parcel as the principal structure or use and customarily incidental thereto, provided the requirements in all pertinent sections of this Ordinance are met;

Apparel and accessory store; Appliance store; Art gallery or museum; Art supplies; Bakery, retail; Barber shop or beauty parlor; Book store; Camera and photographic supply store; Candy, nut and confectionery store; Catering shop or service; Churches and related accessory buildings; City Hall, police station, fire station, courthouse, federal office building and similar public building; Club or lodge, fraternal, civic, charitable or similar organization, public or private, but not including any such club, lodge or organization, the chief activity of which is a service or product customarily carried on as a business; Dairy products sales; Delicatessen; Drug Store; Dry goods or fabric store; Employee credit union office; Floor covering sales and service; Floral shop;

Fruit and produce, retail; Gift shop; Grocery store, retail; Hardware store, retail, wholesale, storage and sales; Hobby shop and supply store; Home occupation; Ice cream parlor; Interior decorating shop; Laboratory, medical or dental; Laundry, self-service; Laundry, and dry cleaning pick-up station; Leather goods or luggage goods store; Library; Loan office; Locksmith; Music store; News stand; Office buildings, general; Office buildings, professional; Office equipment and supplies, retail; Optician; Paint and wallpaper store; Photographic studio and/or processing; Shoe repair shop; Shoe store, retail; Sporting goods store; Studio for dance or music; Studio for professional work or teaching of fine arts such as photography, drama, speech and painting; Tailor shop; Toy store; Variety store.

C. Amend Section 35-3, Permitted Uses & Conditions Table, to permit in B-1(a), Limited Local Business District, the following uses as permissible upon approval of the Planning Commission:

Ambulance/EMS service; Bank, including drive-in bank; Cafe, grill, lunch counter and drive-in restaurant, and restaurant but not including night club, bar, tavern; Clinic, dental, medical or psychiatric for humans; Dry cleaning shop, including self-service; Fix-it shop, including small appliance repair; Funeral home, mortuary or undertaking establishment; Gymnasium, commercial; Printing, blueprinting, bookbinding, photostating, lithographing and publishing establishment; Temporary uses, including revival tents, sale of Christmas trees, carnivals, sale of seasonal fruit and vegetables from roadside stands, and similar uses, for a period not to exceed four (4) weeks in any calendar year; Art sculptures, statues, monuments; Business machines sales and service; Business school or college; College or university, provided that they are located on a lot fronting on an arterial street or road and that no building is located within 100 feet of any property line; Electric power substation; need not be enclosed within a structure, but must be secured by a chain link or similar fence, or raised above ground so as to be inaccessible to unauthorized persons; requires visual screen in most districts; Clinic, convalescent or nursing home, extended care facility or sanitarium for humans; Natural preservation areas including bird and wildlife sanctuaries, nature and hiking trails; Post office; Telephone exchange; Theater, indoor.

D. Amend Section 35-3, Permitted Uses & Conditions Table, to permit in B-1(a), Limited Local Business District the following uses as permissible upon approval of a Special Exception:

Pet shop; Picture framing and/or mirror silvering; Tourist home

All other sections, articles and/or content of the City of Daphne Land Use and Development Ordinance shall remain the same and shall be unchanged by this ordinance.

SECTION III: CONFLICT WITH OTHER ORDINANCES

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

SECTION IV: SEVERABILITY

The provisions of this Ordinance are severable. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION V: 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 5TH DAY OF JULY, 2016.



Dane Haygood, Mayor

ATTEST:



Rebecca A. Hayes, City Clerk

**PUBLIC COMMENTS
SUBMITTED TO THE
PLANNING COMMISSION**

June 12, 2017

To: City of Daphne Planning Commission
1705 Main Street
Daphne, Alabama 36526

From: Belle Pointe and Belgrove Estates' Homeowners
Daphne, Alabama 36526

Subject: PROTEST PETITION TO COMMERCIAL REZONING BY CITIZENS BANK OF LOT 1 AT THE INTERSECTION OF BELGROVE AVENUE AND HIGHWAY 181

Parcel Identification Number: 05-43-06-14-0-000-003.002.

We, the undersigned owners of property affected by the requested zoning change, do hereby protest against any change in the zoning, which would zone the property to any classification other than RSF-2 Single Family District. We protest this application for rezoning for the following reasons:

The property is most suitable as a residential space as demonstrated by the many families that live in Belgrove Estates off Belgrove Avenue, as well as the contiguous residential lots 2,3,4 and 5 in Belle Pointe Subdivision. It is vital that the property remain as is currently zoned since it is located at the main entrance of Belgrove Estates and on Belgrove Avenue, which is the only egress and ingress to Belle Pointe and Belgrove Estates Subdivisions. Traffic flow and traffic safety would be a major factor affecting both subdivisions if the zoning were changed to B-1(a). Additionally, the proposed commercial zoning aligned with four residential sites (Belle Pointe Subdivision) all to be completed on 1,056 feet (1/5 mile) of road frontage constitutes economic obsolescence as this zoning would alter the image of and undermine the character of our neighborhood adversely impacting overall community property values. There is no compensation for loss in property value resulting from zoning ordinances of this nature. Lot 1, the parcel of land requested to be rezoned by Citizens Bank constitutes 46% of the subdivision in Belle Pointe Subdivision (See Plat attached) Additionally, there are no other commercial buildings located on Highway 181 at the entrance of a subdivision.

The re-zoning application of a parcel of land to a classification that differs from the general surrounding area would be solely in the interest of the applicant. Singling out a small parcel of land for a use entirely different from that of the surrounding area could only be for the benefit of the owner of such property and to the detriment of other surrounding property owners. (Belgrove Estates is contiguous to Belle Pointe Subdivision) The proposed commercial development is not consistent with the adjacent existing development as they are all zoned residential.

As demonstrated, there are absolutely no compelling reasons to consider a zoning change. In fact, there is substantial evidence that to rezone the property would be unconscionable. We strongly urge you to do what is best for the residents of Belgrove Estates and Belle Pointe, Baldwin County, Daphne, Alabama, by opposing the rezoning of this property, thus preserving the character of our neighborhoods, their property values and the safety of our residents. (The request to have this parcel of land rezoned to commercial by Colony Homes was heard by the Baldwin County Planning Commission on May 7, 2015 at which time the Commission voted to recommend denial of the request based on access being limited to Belgrove Avenue, as well as strong opposition from the neighboring residents.) The zoning request by Citizens' Bank was denied by the Bay Minette Commission in April, 2017 and Citizens Bank is currently suing Baldwin County over the decision.) We do thank you for your time and consideration in this matter.

We, the undersigned residents of Belgrove Estates and Belle Pointe, oppose the rezoning and commercial development of the property located at the northeast intersection of Belgrove Avenue and Highway 181.

Baldwin County Commission
c/o Baldwin County Planning & Zoning Department
22251 Palmer Street
Robertsdale, Alabama 36567
Re: Case No. Z-17009, Citizens Bank Property

Dear Commissioners,

I am writing to you as a 14-year resident of Belgrove Estates who is unable to attend the April 4, 2017, meeting due to my employment. On behalf of all the residents of Belgrove Estates and the residents and future residents of Belle Pointe Subdivision, I would like to express my sincere hope that you will agree with the recommendation of the Planning & Zoning Board to deny the B-2 zoning sought for Lot 1 and keep it zoned as RSF-2.

Belgrove Estates is one of the original subdivisions located on the former County Road 27 corridor in the Belforest area. It represents a stable, established community of citizens, many of whom have resided there since its inception. For over a decade we have witnessed firsthand the impending growth of this area, and while we do not wish to impede the wave of progress, we would obviously like to preserve the residential character of Belgrove Avenue, beginning with the entrance to our two subdivisions. Our neighbors frequently utilize this entire street to walk for exercise and enjoyment, and our children and grandchildren ride bicycles and get on and off the school bus on this road. We feel that putting any type of business in Lot 1 would increase vehicle and delivery truck traffic through our entire neighborhood, thereby limiting our use and enjoyment of our property, as well as our sense of safety and security.

The fact of the matter is that Belle Pointe Lot 1 has never been actively marketed as a residential home site by any developer. When the subdivision and RSF-2 designation were granted only a couple of years ago, Colony Homes immediately sought to rezone it as B-1 in a vain attempt to either "flip" the lot in order stay afloat or increase their borrowing ability to try and remain solvent. I believe there are options for situating a home on this lot that would place it farther from Highway 181 than the two end homes in Sommerset once their property was taken to accommodate increasing the road to four lanes. There is also a recently constructed residential home farther north that fronts the road and has access directly on 181.

With these facts in mind, I implore you to give the Belle Pointe Subdivision a chance to succeed as originally granted, with the highest and best use being residential, and not to punish the long-time residents of this area for the poor financial decisions of Colony Homes. I also thank you for your service and dedication to the citizens of Baldwin County.

Highest regards,


Deanna Jones

D Hart

From: Derek Douglas <derekrdouglas@gmail.com>
Sent: Wednesday, February 01, 2017 3:01 PM
To: D Hart
Subject: Rezoning Lot 1 Belle Pointe Belgrove Ave

Dear Ms. Hart

I am writing to ask that you deny the request to rezone Lot 1 of Belle Pointe subdivision. We are against the commercial zoning since we live in Belle Pointe Subdivision (Lot 5) and have 3 small children under the ages of 4. The zoning would affect our family's quality of life, our children's safety, and without a doubt, cause a decline in our property value. Who wants to live 4 lots down from a commercial building? We bought this house less than 2 years ago with the assurance that it would be all residential homes. Our main concerns are our children and their having to grow up in a subdivision with a commercial building located in it. Belle Pointe Subdivision is only 1/5 mile so the presence of a commercial building would ruin the landscape of this small strip of residential parcels. This would be the only subdivision with a commercial building at its entrance if it were to be approved. We strongly oppose this rezoning and ask that you deny it based on what is equitable for the homeowners who live off Belgrove Avenue.

Thank you for your consideration.

Sincerely,
Derek and Natalie Douglas

<u>RESIDENT NAME</u>	<u>ADDRESS</u>
1. <u>Mrs. Donald Williams</u>	<u>10174 Belgrave Ave Al 36526</u>
2. <u>William Williams</u>	<u>10174 belgrave ave Daphne AL 36521</u>
3. <u>Helen W. in</u>	<u>10174 belgrave ave Daphne AL 36526</u>
4. <u>Peggy Hayda</u>	<u>26607 Jan Court S 36526</u>
5. <u>Paul Hayda</u>	<u>26607 Jan Court S</u>
6. <u>Charles Anderson</u>	<u>26607 Jan Court S</u>
7. <u>Patricia Croft</u>	<u>26591 Jan Ct. S.</u>
8. <u>Gale Croft</u>	<u>26591 Jan Ct. S.</u>
9. <u>Thomas Croft</u>	<u>26591 Jan Ct. S.</u>
10. <u>Mr. & Mrs. Mack Bassey</u>	<u>26579 Jan Ct. South</u>
11. <u>Mr & Mrs. James Blubugh</u>	<u>26606 Jan Court South</u>
12. <u>Kaitlyn Blubugh</u>	<u>26606 Jan Court South</u>

RESIDENT NAMEADDRESS

1. Mr. & Mrs. MacGowan 26728 Jan Ct. N. Daphne, AL 36526
2. Mr. & Mrs. Michael Findley 26694 Jan Ct. N. Daphne, AL 36526
3. Sarah Beth Findley 26694 Jan Ct N, Daphne, AL 36526
4. Donna & Eric Nicholas 26744 Jan Ct N. Daphne, AL 36526
5. John Minton/Dawn Minton 26709 Jan Ct. N. Daphne, AL 36526
6. Cathy & Ken Lushby 26729 Jan Ct North Daphne AL 36526
7. Yvonne & Ray Craig 26739 Jan Ct N Daphne AL 36526
8. Scott & Judy Chappin 26741 Jan Ct N. Daphne, AL 36526
9. Marina Hodge 26652 Jan Ct. N Daphne 36526
10. M. & Mrs. Roy Wall 26730 State Hwy 181, Daphne 36526
11. Ray Loebe 26730 State Hwy 181, Daphne 36526
12. Robert F. Dawson 26730 Jan Ct. Daphne 36526

13. John P. Williams 10204 Belgrove Ave
Scott + Denise Farmer 26626 Jan Ct. South
14. Mr and Mrs. Jack R. Brown 26592 Jan CTS
15. Mrs. Michael Donaldson 26564 S Jan Ct
16. Kathleen Tryjinski 26580 Jan Ct. S.
17. Richard Tryjinski 26580 Jan Ct. S.
Lydia Bridges
Wendy Krish
18. George F. Rush 26631 Jan Ct S
19. A. L. Wilh 10204 BELGROVE AVE
20. _____
21. _____
22. _____
23. _____
24. _____
25. _____
26. _____
27. _____

RESIDENT NAME**ADDRESS**

1. Bill & Darlene Sommer 26692 Dean Ct N Daphne AL 36526
2. Joe & James Lofgren 26728 Dean Ct Daphne AL 36526
3. Ther & Margaret Jones 26750 Dean Ct No.
4. David & Catherine Adkins 26740 Dean Ct. N.
5. Michael & Sarah Strand 26731 Dean Ct N
6. Charles P. Warden 26727 Dean Court N Daphne, AL 36526
7. James Igh 26685 Dean Ct. N. Daphne 36526
8. Judy & Clarence Burgess 10297 Belgrove Ave Daphne 36526
9. Rebecca Bays & Steve Wright 26709 Bren Ct Daphne 36526
10. Ronald E. Fletcher 26707 Dean Ct N Daphne, 36526
11. M/n Tony & Della Sanchez 26745 Dean Ct. N. 36526
12. T _____

RESIDENT NAME**ADDRESS**

1. Marcie & Lisa Williams 26606 Dean Ct. S. Daphne, AL 36526
2. Akron Williams 26606 Dean Ct. S. Daphne, AL 36526
3. Kim & Brad Pitt 10272 Belgrave Ave. Daphne AL 36526
4. Taylor Pitt 10272 Belgrave Ave Daphne AL 36526
5. Mark & Jane Blanda 26625 Dean Court S. Daphne, AL 36526
6. Kara & Joe Rose 26593 Dean Ct. S. Daphne AL 36526
7. Will & Lisa Scott 26583 Dean Court S. Daphne AL 36526
8. Mike & Anne Clements 26575 Dean Ct. S. Daphne, AL 36526
9. Susan J. Ames 26580 DEAN CT S, Daphne AL 36526
10. Kim & Kenneth Bertagnoli 26594 Dean CTS Daphne AL 36526
11. Joey & Kristi Laster 26643 Dean CTS, Daphne 36526
12. Robert & Julie
Greenhouse 26626 Dean Ct S. Daphne, 36526

CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2017 -__

Ordinance to Pre-Zone Property Located
Northeast Corner of Belgrove Avenue and Alabama Highway 181
The Citizens Bank

WHEREAS, The Citizens Bank as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property that is currently under County zoning as RSF-2, Single Family District, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne, to be pre-zoned as B-1(a), Limited Local Business District, prior to annexing into the City of Daphne; and

WHEREAS, said real property is Northeast Corner of Belgrove Avenue and Alabama Highway 181, and more particularly described as follows:

Legal Description for Pre-zone:

LOT 1, BELLE POINTE SUBDIVISION, AS PER MAP OR PLAT THEREOF RECORDED IN SLIDE NUMBER 2452-C AND CONTAINING 1.36 ACRES MORE OR LESS AND LYING IN SECTION 14, TOWNSHIP 5 SOUTH, RANGE 2 EAST IN THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA.

WHEREAS, at the regular Planning Commission meeting on June 22, 2017, the Commission considered said request and set forth an unfavorable recommendation for B-1(a), Limited Local Business District; and,

WHEREAS, due notice of said proposed pre-zoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on August 21, 2017; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon consideration of the notes of the Planning Commission, deemed that said application for pre-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

That above described real property is hereby pre-zoned to B-1(a), Limited Local Business District. Upon annexation of the property prior to the expiration of the pre-zoning as set forth in Section IV, the property shall be assigned the zoning district in accordance with the pre-zoning and the zoning ordinance and zoning map be amended to reflect the said zoning. Should annexation not occur prior to the expiration of this pre-zoning as set forth in Section IV, this pre-zoning shall have no effect and the designation of a zoning district for the property shall be set forth in the annexation ordinance.

Until such time as the property is annexed to the City of Daphne, the property shall remain in the unincorporated area of Baldwin County and zoned in accordance with the Baldwin County Commission's zoning plan. The County's zoning for the property at the time the request for pre-zoning was submitted was RSF-2, Single Family District, Baldwin County District 15, in the extraterritorial planning jurisdiction of the City of Daphne.

SECTION II: REPEALER.

All other City Ordinances or parts thereof in conflict with the provisions of this Ordinance, in so far as they conflict, are hereby repealed.

SECTION III: SEVERABILITY.

The provisions of this Ordinance are severable. If any provision, section, paragraph, sentence, or part thereof shall be held unconstitutional or invalid, such decision shall not affect or impair the remainder of said Ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence, and part thereof separately and independently of each other.

SECTION IV: EFFECTIVE AND EXPIRATION DATE.

This Ordinance, and in particular the pre-zoning shall take effect after the date of its approval by the City Council of the City of Daphne and publication as required by law. Pursuant to Code of Alabama (1975) Section 11-52-85, the zoning of the property, shall become effective upon the date the territory is annexed into the corporate limits. If any portion of the territory is not annexed into the corporate limits within 180 days of the initiation of annexation proceedings as provided by law then this pre-zoning shall be null and void. Should the pre-zoning become null and void, the applicant may reapply for pre-zoning at any time as long as an annexation petition is pending.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of _____, 20_____.

Dane Haygood,
Mayor

ATTEST:

Candace G. Antinarella,
City Clerk

THE CITIZENS BANK

PRE-ZONING AND ANNEXATION

NORTHEAST CORNER OF ALABAMA HIGHWAY 181 AND BELGROVE AVENUE
BALDWIN COUNTY, ALABAMA

EXHIBIT "A"

LEGAL DESCRIPTION OF PROPERTY TO BE PRE-ZONED AS B-1(A) AND ANNEXED
TO THE CITY OF DAPHNE:

BEING MORE PARTICULARLY DESCRIBED AS:

LOT 1, BELLE POINTE SUBDIVISION, AS PER MAP OR PLAT THEREOF RECORDED
IN SLIDE NUMBER 2452-C AND CONTAINING 1.36 ACRES MORE OR LESS AND
LYING IN SECTION 14, TOWNSHIP 5 SOUTH, RANGE 2 EAST IN THE RECORDS IN
THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA.

3452-C

250

2452-C

251

To: Office of the City Clerk
From: Adrienne D. Jones, ^{AD}
Director of Community Development
Subject: The Citizens Bank, Annexation Petition
Date: June 26, 2017

MEMORANDUM

PRESENT ZONING: RSF-2, Single Family District,
Baldwin County Exterritorial
Planning Jurisdiction

PROPOSED PRE-ZONING: B-1(a), Limited Local Business

LOCATION: Northeast corner of Alabama Highway
181 & Belgrove Avenue

RECOMMENDATION: At the Thursday, June 22, 2017,
regular meeting of the Daphne
Planning Commission, eight members
were present, and the motion carried
to annex said property.

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 for August 21, 2017.

Thank you,
ADJ/jv

attachment(s)

1. Petition for Annexation
2. Legal Description (Exhibit A)
3. Boundary Survey (Exhibit B)
4. Annexation Display
5. Community Development Report

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

(_____)
The undersigned corporation, The Citizens Bank, files this petition with the Clerk of the City of Daphne requesting the property hereafter described, commonly referred to as, Lot 1 Belle Pointe Subdivision, to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of the petition:

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

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

3. **Owner:** The petitioner, The Citizens Bank, is the owner of the property hereby sought to be annexed into the corporate limits of the City of Daphne.

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

Requested zoning, if other than R-1: B1 A

Any other conditions which may apply upon annexation:

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

DATED this 11th day of May, 2017

Respectfully submitted,

The Citizens Bank
Name of Corporation

By: [Signature]
Its: Senior Vice President

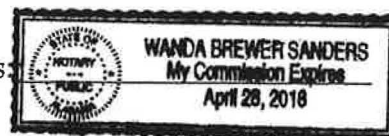
STATE OF ALABAMA
COUNTY OF BALDWIN

I, Wanda Brewer Sanders the undersigned Notary Public in and for said county and state, hereby certify that Paul H Davis whose name as Senior Vice President of The Citizens Bank, an Alabama corporation, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, he/she as such officer and with full authority, executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 11 day of May, 2017.

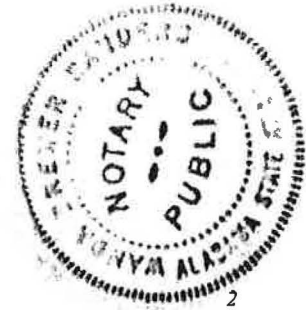
Wanda Brewer Sanders
NOTARY PUBLIC

My commission expires



Corporation's Address

104 South Section Street
Fairhope, Al 36532



ADDITIONAL INFORMATION

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

Initials: GA

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

Initials: GA

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

Initials: GA

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

Initials: GA

SELECT ONE OF THE FOLLOWING OPTIONS

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

Initials: GA

Or

- ☐ Option# 2: We do hereby certify that we understand fully that upon annexation the subject property will be zoned R-1, Low Density Single Family Residential.

Initials: _____

We do hereby request that the Planning Commission and City Council give such notice, hold such hearing and adopt such ordinance and do all such things or acts as is required by law so that the corporate limits of the City of Daphne, Alabama shall be rearranged so as to include such territory.

IN WITNESS WHEREOF, we have hereunto subscribed our names this, the 11th day of May, 2017.

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

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

Attached (Exhibit C)? yes Acreage 1.36 +/-

Subdivision Name Belle Pointe Subdivision Lot Number(s) 1

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

Signature: [Signature] Signature: _____

Printed Name: Paul H. Davis Printed Name: The Citizens Bank

Mailing Address: P.O. Box 1249 Mailing Address: _____

Fairhope, AL 36533

3

THE CITIZENS BANK

PRE-ZONING AND ANNEXATION

**NORTHEAST CORNER OF ALABAMA HIGHWAY 181 AND BELGROVE AVENUE
BALDWIN COUNTY, ALABAMA**

EXHIBIT "A"

**LEGAL DESCRIPTION OF PROPERTY TO BE PRE-ZONED AS B-1(A) AND ANNEXED
TO THE CITY OF DAPHNE:**

BEING MORE PARTICULARLY DESCRIBED AS:

**LOT 1, BELLE POINTE SUBDIVISION, AS PER MAP OR PLAT THEREOF RECORDED
IN SLIDE NUMBER 2452-C AND CONTAINING 1.36 ACRES MORE OR LESS AND
LYING IN SECTION 14, TOWNSHIP 5 SOUTH, RANGE 2 EAST IN THE RECORDS IN
THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA.**

Code of Alabama Section 11-52-85

PRE-ZONING TERRITORY PROPOSED FOR ANNEXATION

Section 11-52-85 of the Code of Alabama allows “pre-zoning of property.” In this case, both requests have been submitted concurrently and are moving on the same path. The Planning Commission will make a recommendation to Council for zoning and also make a recommendation for annexation.

Code of Alabama Section 11-52-85

Pre-zoning of territory proposed for annexation by municipality. (Highlights by staff)

A municipality which exercises its authority to zone territory within its corporate limits may pre-zone territory proposed for annexation into the corporate limits of the municipality prior to the effective date of the annexation by complying with this article. If all the requirements, including all notice and public hearing requirements, of this article are met, the zoning shall become effective upon the date the territory is annexed into the corporate limits, or upon the date the zoning process is completed, whichever is later.

(b) A municipality which exercises its authority to zone territory within its corporate limits shall pre-zone territory as provided in subsection (a) and issue a statement of zoning classification to an affected property owner if the individual property owner residing in the area to be annexed requests in writing that a zoning determination be made pursuant to this section prior to being annexed.

(c) Any pre-zoning established by a municipality pursuant to this section for territory proposed for annexation shall be null and void as to any portion of the territory that is not annexed into the corporate limits within 180 days of the initiation of annexation proceedings as provided by law.

(d) Nothing contained in this section shall allow a municipality to zone territory outside the corporate limits of the municipality that is not in the process of being annexed into the corporate limits of a municipality as provided by law.

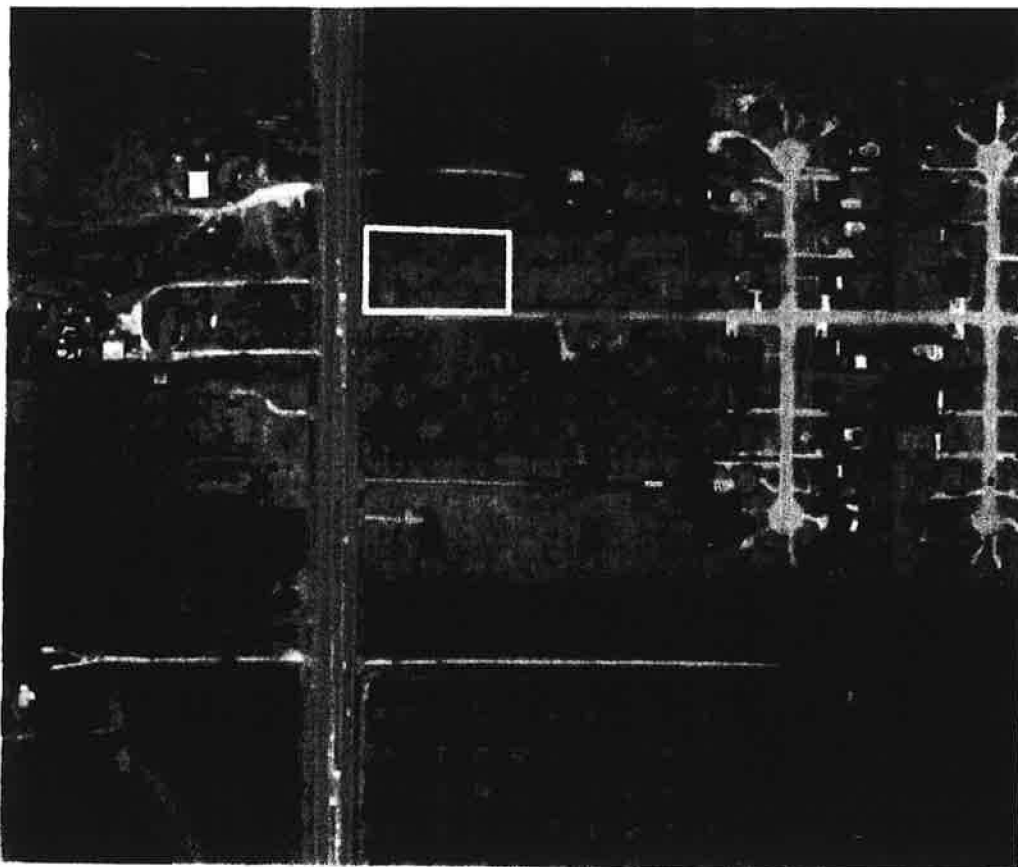
(e) Section 6-5-127 shall be applicable to any property pre-zoned pursuant to this section.

(Act 2009-629, p. 1926, §1.)

PLANNING COMMISSION
ANNEXATION REQUEST FOR
THE CITIZENS BANK



The Jubilee City



**COMMUNITY DEVELOPMENT
ANNEXATION REQUEST**

**Annexation of The Citizens Bank Property
1.36 acres**

EXCERPT FROM ARTICLE 23-1 PROCEDURE [FOR ANNEXATION REQUESTS]

The application shall be reviewed by the Planning Commission at its next regular meeting and said Commission shall have thirty (30) calendar days from said regular meeting within which to submit a recommendation to the City Council. If the Commission fails to submit a recommendation to the City Council within the thirty (30) calendar day period, it shall be deemed to have approved the proposed amendment...Before enacting any amendment to this Ordinance, a public hearing thereon shall be held by the City Council with proper notice as required by law. Said public hearing shall be held at the earliest possible time to consider the proposed annexation, and the Council shall take action on said proposed annexation within forty-five (45) calendar days from the date of the public hearing except in the case where the tentative action is not in accordance with the Planning Commission's certified recommendation.

23-2 PROCEDURE FOR ZONING NEWLY ANNEXED LAND

Any land annexed to the City of Daphne hereafter shall be classified as an R-1, Low Density Single Family Residential District unless otherwise recommended by the Planning Commission through the zoning amendment procedure provided in *Article 22-1, Zoning Amendment Procedures*. In such case, City Council may consider, after due process of publication and hearing as required by law, specific applications to zone newly annexed land into one or more existing or proposed new zoning classifications recommended by the Planning Commission.

REQUEST

The applicant has requested to annex the subject property into the city limits and has presented a request to pre-zone the land to B-1(A), Limited Local Business. The land is located along the east side of Highway 181, north of the intersection of Belgrove Avenue.

RECOMMENDATION

The Comprehensive Plan encourages expansion and annexation of land contiguous to the existing corporate limits. **Staff recommends approval of the request to annex this land into the City of Daphne.**

Associated Application-PZA17-06 Pre-zone 1.36 acres to B-1(A), Limited Local Business zone.

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2017-__**

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

**Northeast Corner of Belgrove Avenue and Alabama Highway 181
The Citizens Bank**

WHEREAS, on the 11th day of May, 2017, being the owner of all real property, hereinafter described, did file with the City Clerk a petition asking that the said tracts or parcels of land be annexed into and become part of the City of Daphne, Alabama; and

WHEREAS, said petition did contain the signatures of all owners of the described territory, and a map of said property showing its relationship to the corporate limits of the City of Daphne, Alabama; and

WHEREAS, after proper publication, a public hearing was held by the City Council on August 21, 2017 concerning the petition for annexation; and

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne at a regular scheduled meeting on June 22, 2017, and the Commission set forth a favorable recommendation for the City Council of the City of Daphne to consider said request for annexation of said property.

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

SECTION ONE: ANNEXATION

The City Council of the City of Daphne, Alabama finds that and declares as the legislative body of the City of Daphne, Alabama that it is in the best interest of the citizens of the City of Daphne, Alabama and the citizens of the affected area, to bring the territory described in Section Two of this Ordinance into the City of Daphne, Alabama, and it did further determine that all legal requirements for annexing said real property have been met pursuant to Sections 11-42-20 through 11-42-24, et seq., Code of Alabama, 1975; effective on publication as required by Section 11-42-21, Code of Alabama 1975, as amended.

SECTION TWO: ZONING

At the August 21, 2017 regularly scheduled City Council meeting Ordinance 2017-__ was adopted pre-zoning the said property as B-1(a), Limited Local Business District.

SECTION THREE: DESCRIPTION OF TERRITORY

The boundary lines of the City of Daphne, Alabama, be, and the same are hereby altered or rearranged so as to include all the territory hereto before encompassed by the corporate limits of the City of Daphne, Alabama and in addition thereto the following described property, to-wit:

Legal Description for Annexation:

LOT 1, BELLE POINTE SUBDIVISION, AS PER MAP OR PLAT THEREOF RECORDED IN SLIDE NUMBER 2452-C AND CONTAINING 1.36 ACRES MORE OR LESS AND LYING IN SECTION 14, TOWNSHIP 5 SOUTH, RANGE 2 EAST IN THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA.

SECTION FOUR: MAP OF PROPERTY

The property hereby annexed into the City of Daphne, Alabama is set forth and described in Exhibit "A" and attached hereto a map of the property (*Exhibit "B"*) showing its relationship to the corporate limits of the municipality of the City of Daphne and made a part of this ordinance.

SECTION FIVE: PUBLICATION

This Ordinance shall be published as required by Section 11-42-21 Code of Alabama 1975, as amended, and the property described herein shall be annexed into the corporate limits of the City of Daphne, and a certified copy of the same shall be filed with the Office of the Judge of Probate of Baldwin County, Alabama as required by Section 11-42-21, Code of Alabama 1975, as amended.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS THE ____ DAY OF _____, 2017.

Dane Haygood,
Mayor

ATTEST

Candace G. Antinarella,
City Clerk

THE CITIZENS BANK

PRE-ZONING AND ANNEXATION

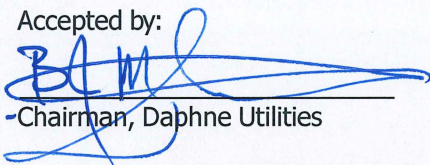
**NORTHEAST CORNER OF ALABAMA HIGHWAY 181 AND BELGROVE AVENUE
BALDWIN COUNTY, ALABAMA**

EXHIBIT "A"

**LEGAL DESCRIPTION OF PROPERTY TO BE PRE-ZONED AS B-1(A) AND ANNEXED
TO THE CITY OF DAPHNE:**

BEING MORE PARTICULARLY DESCRIBED AS:

**LOT 1, BELLE POINTE SUBDIVISION, AS PER MAP OR PLAT THEREOF RECORDED
IN SLIDE NUMBER 2452-C AND CONTAINING 1.36 ACRES MORE OR LESS AND
LYING IN SECTION 14, TOWNSHIP 5 SOUTH, RANGE 2 EAST IN THE RECORDS IN
THE OFFICE OF THE JUDGE OF PROBATE OF BALDWIN COUNTY, ALABAMA.**

Accepted by:

Vice-Chairman, Daphne Utilities



APPROVED MINUTES

Utilities Board Meeting

Council Chambers, Daphne City Hall ♦ May 31, 2017 ♦ 5:00 p.m.

I. Call to Order

The regular May 2017 Board meeting for the Utilities Board of the City of Daphne was held on May 31, 2017 at 5:00 p.m. in the Council Chambers at Daphne City Hall and called to order by Vice Chairman Billy Mayhand, proceeded by the Roll Call:

II. Roll Call

Members Present:

Billy Mayhand, Vice Chairman
Selena Vaughn, Secretary/Treasurer
Mayor Dane Haygood, Board Member - arrived at 5:07 pm
Robin LeJeune, Board Member
Randy Fry, Board Member

Members Absent:

Others Present:

Jerry Speegle – Board Attorney
Danny Lyndall – General Manager
Van Baggett – Operations Manager
Drew Klumpp – Administrative Services Manager
Teresa Logiotatos – Finance Manager
Samantha Coppels – Communications Manager
Melinda Immel – Volkert & Associates
Ray Moore – HMR

Others Absent:

Lori May-Wilson – Executive Assistant

III. Pledge of Allegiance

The Vice Chairman led the Board and meeting attendees in the Pledge of Allegiance.

IV. Approval of Minutes

A. Utilities Board Minutes from April 26, 2017:

The Vice Chairman requested any additions, corrections, or deletions for the submitted Minutes from the April 26, 2017 Utilities Board Meeting.

MOTION by Randy Fry to approve the submitted Minutes for the April 26, 2017, Utilities Board meeting; SECONDED by Selena Vaughn.

AYE: Fry, LeJeune, Mayhand, Vaughn

NAY:

ABSENT: Haygood

ABSTAIN:

MOTION CARRIED

The Vice Chairman announced he would modify the Agenda choosing to address Old Business after the New Business Item A. Election of Vacant Board Officer Position and allow the newly-elected Chairman to continue the meeting.

V. NEW BUSINESS –

A. Election of Vacant Board Officer Position (BOARD ACTION: Motion)

The Vice Chairman called for nominations for the vacant Chairman position.

Selena Vaughn nominated Randy Fry.

Robin LeJeune nominated Billy Mayhand.

Since there were no other nominations, the Vice Chairman closed the nominations.

The Vice Chairman then called for a vote for those in favor to elect Randy Fry as Chairman.

AYE	NAY	ABSTAIN	ABSENT
Selena Vaughn		Randy Fry	Mayor Dane Haygood
Billy Mayhand			

The Vice Chairman called for a vote for those in favor to elect Billy Mayhand as Chairman.

AYE	NAY	ABSTAIN	ABSENT
Robin LeJeune		Randy Fry	Mayor Dane Haygood

The Vice Chairman announced the majority number of votes had been cast for Mr. Randy Fry and congratulated him as the new Chairman. He then relinquished the remainder of the meeting to Chairman Fry who thanked the Board members.

Chairman Fry directed the attendees to return to Old Business.

VI. OLD BUSINESS –

A. Amendments to Standard Construction Specification (BOARD ACTION: Motion)

Danny Lyndall invited Volkert's Melinda Immel to update the Board on comments.

Mrs. Immel advised that they did advertise the Admendments and received only clarification items from Adrienne Jones, the City of Daphne's Director/Zoning Administrator. Mrs. Immel requested the Board's approval after rewording the clarification items as suggested by Ms. Jones. Mr. Lyndall affirmed that Ms. Jones' comments were indeed clarifications and not suggested changes on any technical aspects, and respectfully requested the Board's approval.

MOTION by Selena Vaughn to adopt the Standard Construction Specifications Amendments (as clarified); SECONDED by Billy Mayhand.

AYE: Fry, LeJeune, Mayhand, Vaughn **NAY:** **ABSENT:** Haygood **ABSTAIN:** **MOTION CARRIED**

B. Presentation of 2015/2016 Audit by Mike Andreoli of Robertson, Andreoli & Covington, PC

Mike Andreoli of Robertson, Andreoli & Covington, PC addressed the Board with the findings of the annual audit. He highlighted total assets, liabilities, long term debt, the net position of the Utility Board, statements of revenue and expenses, statement of cash flows, capital

assets note, long-term debt, supplementary information, budget, and internal controls. The Chairman thanked Mr. Andreoli for his detailed presentation.

Mayor Haygood arrived.

C. Recommendation for Award: Jubilee Point/Windscape Lift Stations Force Main Improvements (BOARD ACTION: Motion)

Mr. Lyndall requested Melinda Immel of Volkert to discuss this recommendation. Mrs. Immel explained the bid process, summarized the scope of the project and answered questions from the Board.

MOTION by Billy Mayhand to award the contract to the lowest bidder (Nordan Contracting Co., in the amount of \$233,272.50); SECONDED by Selena Vaughn.

AYE: Fry, Haygood, LeJeune, Mayhand, Vaughn

NAY:

ABSENT:

ABSTAIN:

MOTION CARRIED

D. Recommendation for Award: Spanish Fort New Pump Station and Force Main (BOARD ACTION: Motion)

Danny Lyndall explained the project as the lift station on Highway 31 west of Highway 225 that was previously discussed with the Board. He introduced Mr. Joe Asarisi from Asarisi & Associates, LLC to review the project and bids. Mr. Asarisi summarized the project, gave an award recommendation and answered questions from the Board.

MOTION by Billy Mayhand to award the contract to Hughes Mechanical & Plumbing for the Spanish Fort New Pump Station and Force Main in the amount of \$187,228.12; SECONDED by Selena Vaughn.

AYE: Fry, Haygood, LeJeune, Mayhand, Vaughn

NAY:

ABSENT:

ABSTAIN:

MOTION CARRIED

VII. BOARD ATTORNEY'S REPORT

Mr. Speegle had nothing to add to his report but pointed out that a decision was received from the United States Court of Appeals for the Eleventh Circuit on Mr. Goodloe's appeal and the appellate court affirmed the trial court verdict from the jury which is a win in the process in this case. He advised that Mr. Goodloe can ask for the full panel of the Eleventh Circuit review his case, which would be the next appeal available. Mr. Speegle acknowledged that he was not aware if Mr. Goodloe will appeal for the full Court review the trial court decision but the Court does not have to grant the appeal. He stated that the Eleventh Circuit panel that ruled on this case issued an opinion and offered it for review to the Board. He advised that there were still a couple of ongoing cases that Mr. Andy Ruten is managing and updating him.

VIII. FINANCIAL REPORT

Teresa Logiotatos thanked Mike Andreoli for the good job with the audit he does for Daphne Utilities every year. She then reviewed the financial highlights of the month for the Board pointing out the revenues, expenses, net income, and capital items. She mentioned the Natural Gas department not reaching its budgeted revenues due to a warmer winter. Mrs. Logiotatos noted the restricted assets inventory as well as the Net Increase (Decrease) in Cash on the Cash Flow Report. She concluded by reviewing the Check History Report.

IX. GENERAL MANAGER'S REPORT

A. GM Report

Danny Lyndall introduced Antonio Winston as the new Facility Support Manager. He mentioned the success of Daphne Utilities' Customer Appreciation Day and the search for Civil War era burials at Village Point Preserve - D'Olive Cemetery with our GPR unit.

B. Operations Report

Van Baggett updated the Board on the 7 locations of the sewerage of Daphne project and answered questions about the project from the Board.

C. Engineering & Consulting Reports

Melinda Immel from Volkert had nothing further to add to her report.

Ray Moore from HMR had nothing to add to his report.

X. PUBLIC PARTICIPATION – None.

XI. BOARD ACTION – Previously addressed.

XII. BOARD COMMENTS –

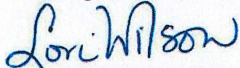
Mayor Haygood thanked Mr. Lyndall and staff for their involvement in Public Works Day; Mr. Mayhand thanked Mrs. Logiotatos and her staff for the excellent financial management, thanked Mr. Lyndall and his staff for his continued determined efforts, commended the selection of Mr. Fry as Chairman and expressed his confidence of the good job he will execute, and told Mr. Lyndall he would like to discuss the easement charges brought up at the recent mid-year financial meeting; Mrs. Vaughn expressed her pride in the Daphne Utilities organization, employees and the financial position and stressed her commitment as a Board member to continue to guide in this positive direction; she also congratulated Antonio Winston for his promotion. Mr. LeJeune had no comment. Mr. Fry voiced his appreciation for the Customer Appreciation car wash, thanked Mr. Andreoli for his audit presentation, congratulated Antonio Winston as well, and thanked Mr. Mayhand for the confidence he asserted by his nomination.

XIII. ADJOURNMENT –

MOTION by Billy Mayhand to adjourn.

The meeting adjourned at 5:44 pm.

Preceding minutes submitted to the Daphne Utilities Board by:



Lori Wilson, Executive Assistant, Daphne Utilities



City of Daphne Event Permit Application

Date of Application: June 28, 2017 Permit Requested: ☐ Event/Fundraiser ☒ Parade/Run ☐ Band

Contact Information

Organization Name: Bounds Family YMCA
Contact Name: Kathy Dunn E-mail Address: kathydunn010@gmail.com
Address: 9264 Sehay Blvd, Daphne, AL 36526
Street / P.O. Box City/State/Zip Code
Primary Phone Number: 251-281-4816 Secondary: Same

Event Information

Event Name: Elf Ride Event Date: December 1, 2017
Event Location: City Hall - See Attached Map # Participants/Vehicles: 150-200
Start Time: 5:30 p.m. Stop Time: 7:30 p.m. Assembly Time: 4:00 - 5:30 p.m.
Parades/Runs Only
Special Requests: _____
Road Closures Requested: ☒ Yes ☐ No

Special Instructions

Approval: Internal Use Only

Date Routed: June 28, 2017
Fire Dept: [Signature]
Police Dept: [Signature]
Public Works: [Signature]
Parks & Recreation: N/A
Only required if event is held on Daphne parks

For Special Event/Band Permits:

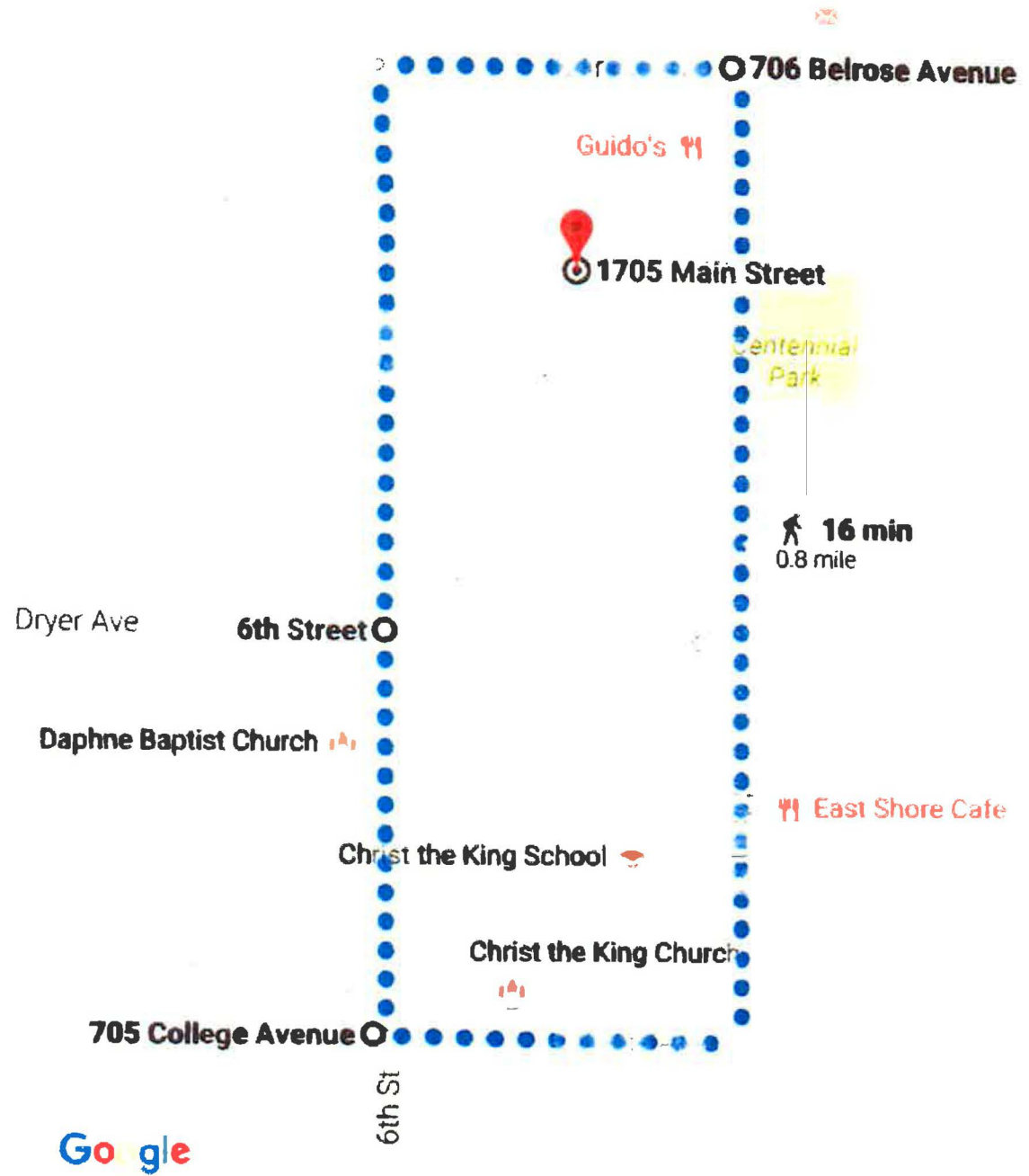
Council Member: _____
Clerk/Chair Signature

For Parade/Run Permits & Use of City Grounds:

City Council: July 5, 2017
Date of Approval

Parade/Run Permits ONLY

☐ Fee Paid: \$ _____ ☐ N/A ☐ Waived
☐ Insurance Filed ☐ N/A
Route Selection: ☐ 1 ☐ 2 ☐ 3 ☐ 4





City of Daphne Event Permit Application

Date of Application: June 27, 2017 Permit Requested: ☐ Event/Fundraiser ☒ Parade/Run ☐ Band

Contact Information

Organization Name: Eastern Shore Carnival Association

Contact Name: Frederick Joiner Sr. E-mail Address: joiner.fred@gmail.com

Address: P.O. Box 417 Daphne, Alabama 36526

Primary Phone Number: 251-661-0064 Secondary: 251-525-1515

Event Information

Event Name: Eastern Shore Carnival Association Parade Event Date: February 9, 2018

Event Location: Civic Center to Downtown Daphne # Participants/Vehicles: TBA

Start Time: 6:30 p.m. Stop Time: 8:00 p.m. Assembly Time: TBA

Special Requests: Rain Out Day - February 11, 2018

Road Closures Requested: ☒ Yes ☐ No

Special Instructions

Approval: Internal Use Only

Date Routed: June 27, 2018

Fire Dept: [Signature]

Police Dept: [Signature]

Public Works: [Signature]

Parks & Recreation: N/A

For Special Event/Band Permits:

Council Member: [Signature]

For Parade/Run Permits & Use of City Grounds:

City Council: 7105117

Parade/Run Permits ONLY

☒ Fee Paid: \$ 4750 ☐ N/A ☐ Waived

☒ Insurance Filed ☐ N/A

Route Selection: ☐ 1 ☐ 2 ☐ 3 ☐ 4

CITY OF DAPHNE

RESOLUTION 2017-39

2017 COPS Hiring Program (CHP)

WHEREAS, the City of Daphne proposes to apply for the 2017 COPS Hiring Program (CHP) to provide for the health and wellbeing of the general public by increasing the community policing capacity and crime-prevention efforts; and

WHEREAS, the City intends to make application to the Department of Justice for two (2) Police Officers; and

WHEREAS, the COPS Hiring Program will provide funding to pay up to 75% (*75% the first year, 72% the second year and 70% the third year*) of the salaries of newly hired Police Officers which are in addition to current staffing for the first three years, and then the City of Daphne will fully fund these positions for an additional year (*4th year*).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Daphne, Alabama that the City of Daphne make application for the 2017 COPS Hiring Program through the Department of Justice; and

BE IT FURTHER RESOLVED by that in the event a grant is awarded, the City of Daphne understands that it will sign assurances to comply with all applicable federal laws, rules and regulations and commit to fund these Police Officers positions for the first three (3) years according to the agreement with the Department of Justice, and then fully fund the two (2) Police Officer positions for an additional year (*4th year*).

ADOPTED AND APPROVED this _____ day of _____, 2017.

Dane Haygood, Mayor

ATTEST:

Candace Antinarella, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2017-49**

**Zoning District Map
Revision to the City of Daphne
Land Use and Development Ordinance**

WHEREAS, the Planning Commission of the City of Daphne, Alabama at their regular meeting held on April 27, 2017 favorably recommended to the City Council of the City of Daphne certain amendments to the Daphne Land Use and Development Ordinance / Zoning District Map approved and adopted by No. 2011-54 and 2016-69; and

WHEREAS, said amendments are necessary due to various rezoning and annexation requests which have been approved since the adoption of 2016-69; and

WHEREAS, due notice of said proposed zoning map amendments has been provided to the public as required by law through publication and open display at the City of Daphne Public Library and City Hall; and

WHEREAS, a public hearing regarding the proposed Zoning District Map amendments was held by the City Council on June 19, 2017; and

WHEREAS, the City Council of the City of Daphne after due consideration and upon recommendation of the Planning Commission believe it in the best interest of the health, safety and welfare of the citizens of the City of Daphne to amend said Zoning District Map as recommended; and

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

SECTION I: ZONING DISTRICT MAP

The Zoning District Map referenced hereto as Exhibit "A" shall be the official zoning map of the City of Daphne, Alabama and shall be further designated in Appendix H of the City of Daphne Land Use and Development Ordinance, as set forth in Ordinance No. 2011-54 and its amendments.

SECTION II: REPEALER

Ordinance No. 2011-54, Appendix H "Exhibit A", and Ordinance No. 2016-69 are hereby repealed, and any Ordinance(s), parts of Ordinance(s) or Resolution(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION III: EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the date of its approval by the City of Daphne City Council and publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA ON THE _____ DAY OF _____, 2017.

Dane Haygood, Mayor

ATTEST:

Candace Antinarella, City Clerk



Zoning & Street Map Codifications Report (October 1, 2016 through March 31, 2017)

Petitions	Council Approval Date	Council Action Ordinance	Property Size	
Annexation				
Jeanette D. Lazzari Ins# 1599106	October 3, 2016	#2016-59	68.87 ac	
Bertolla Properties, LLC Ins#1617012	January 17, 2017	#2017-02	20.66 ac	
White Spinner, et. al Ins#1617013	January 17, 2017	#2017-03 (see also #2016-82)	2.52 ac	
Rezoning or Prezoning				
Jeanette D. Lazzari Ins# 1599105	October 3, 2016	#2016-58	ETJ/prezone to PUD	68.87 ac
Earth, Inc Ins#1612667	November 21, 2016	#2016-68	Rezone R-3 to R-6(G)	5.95 ac
GCOF 64-13, LLC Ins#1612668	November 21, 2016	#2016-70	Rezone B-2 to R-7(A)	16.83 ac
White Spinner, et. al Ins#1612669	January 3, 2017	#2016-81	Rezone R-3 to R-7(A), R-7T, B-2, B-2(A), GC	77.49 ac
White Spinner, et. al Ins#1612670	January 3, 2017	#2016-82	ETJ/prezone to R-7(A), B-2, B-2(A), GC	2.52 ac
Bertolla Properties, LLC Ins#1617011	January 17, 2017	#2017-01	ETJ/prezone to B-3	20.66 ac
Street Acceptance				
Lake Shore Drive – Lake View Subdivision	October 2016	#2016-74	Maintenance Bond (20% of value)	Linear Feet
			n/a	600
Caroline Woods Phase Two C & D	December 5, 2016	#2016-92	\$46,202.67	861
Brookhaven Unit 3	February 6, 2017	#2017-05	\$101,604.08	1,969.41
Bellaton Phase 4	March 6, 2017	#2017-12	\$88,132.89	3,639

- City GIS zoning, street and city limits shapefiles have been updated to include all applicable, above-noted amendments.
- Previous street map adopted Resolution #2016-73 on October 3, 2016.
- Previous zoning map adopted Ordinance #2016-69 on November 21, 2016.

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2017-50**

AN ORDINANCE AMENDING THE FEE FOR GARBAGE COLLECTION

WHEREAS, the fee charged by the City for the collection of garbage and rubbish has not been revised in approximately fifteen (15) years; and

WHEREAS, the costs to the City for the collection of garbage and rubbish have increased significantly since 2002.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that Ordinance 1972-02, as previously amended by Ordinances 1992-06, 1995-20, 1997-21, and 2002-12, is hereby amended as follows:

SECTION ONE: REVISED GARBAGE COLLECTION RATE

Ordinance 2002-12, which amended Section 9 of Ordinance Number 1972-02 (as amended by Ordinance 1992-06), is hereby repealed and replaced, and said Section 9 is hereby amended to read as follows:

SECTION 9: FEES FOR COLLECTION AND DISPOSAL

Every person or persons occupying a building or dwelling unit which generates garbage or rubbish within the City limits of the City of Daphne, Alabama, shall be subject to a fee of \$15.90 per month. Such fees for the collection and disposal of garbage and rubbish shall be subject to change from time to time as deemed necessary in order to cover the increased or decreased cost of collection and disposal services. Any change in the fee for such services must be publicly advertised at least thirty (30) days before the effective date of the change.

SECTION TWO: EFFECTIVE DATE

This Ordinance shall take effect as provided by law after passage, approval, and publication.

APPROVED AND ADOPTED by the **CITY COUNCIL** of the **CITY OF DAPHNE, ALABAMA** this _____ day of _____, 2017.

Dane Haygood, Mayor

ATTEST:

Candace Antinarella, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2017-51**

TIMBERCREEK - NORTH COURT DRAINAGE IMPROVEMENTS

WHEREAS, Ordinance 2016-56 approved and adopted the Fiscal Year 2017 Budget on September 19, 2016; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2017 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2017 budget; and

WHEREAS, the TimberCreek - North Court area has had repetitive drainage issues; and

WHEREAS, the repair of this public infrastructure is necessary to preserve the health, safety, and convenience of the public; and

WHEREAS, Ordinance 2016-35 appropriated \$16,500 from the Seven Cents Gas Tax Fund for engineering for the initial survey and design of the project; and

WHEREAS, bids were received for the TimberCreek - North Court Drainage Improvements project, and the total cost for the project is \$261,307.50 (*Construction: \$222,807.50 + Survey/Design-\$16,500.00 (Ord 2016-35) + CE&I Fees: \$22,000.00*).

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

1. The Fiscal Year 2017 Budget is hereby amended to include an appropriation from the General Fund in the amount of \$244,807.50 for the TimberCreek - North Court Drainage Improvements project; and
2. The Mayor is hereby authorized to enter into any agreements, on behalf of the City of Daphne, associated with the project.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA this _____ day of _____, 2017.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2017-52**

**APPROPRIATION: TIMBERCREEK BOULEVARD &
PINE RUN ROAD REPAIRS**

WHEREAS, Ordinance 2016-56 approved and adopted the Fiscal Year 2017 Budget on September 19, 2016; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2017 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2017 budget; and

WHEREAS, the City of Daphne has taken an active role in transportation planning and improvements throughout the City; and

WHEREAS, the Timbercreek Property Owners Association has agreed to repair and adjust the irrigation system along Timbercreek Boulevard to aid in the structural longevity of the roadway in the specified area; and

WHEREAS, the road repairs shall not be initiated until these adjustments to the irrigation system along Timbercreek Boulevard are approved by the City of Daphne appointed personnel; and

WHEREAS, the City of Daphne has received competitive quotations to complete the road repairs on Timbercreek Boulevard and Pine Run Road; and

WHEREAS, the lowest qualified quotation was received by Asphalt Services in the amount of \$35,014.60.

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

1. The quotation for the specified road repairs by Asphalt Services in the amount of \$35,014.60 is accepted; and
2. Funds in the amount of \$8,190.00 from the Public Works asphalt budget will be allocated for the asphalt material; and
3. Funds in the amount of \$26,824.60 (\$35,014.60-\$8,190) from the General Fund are appropriated and made a part of the Fiscal Year 2017 budget; and
4. The Mayor is authorized to execute any agreements and/or documents between all involved parties for the roadway repairs.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA this ____ day of _____, 2017.

ATTEST:

Dane Haygood, Mayor

Rebecca A. Hayes, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2017-53**

**APPROPRIATION: FEASIBILITY STUDY FOR FORMING
AN INDEPENDENT CITY SCHOOL SYSTEM**

WHEREAS, Ordinance 2016-56 approved and adopted the Fiscal Year 2017 Budget on September 19, 2016; and

WHEREAS, subsequent to the adoption of the Fiscal Year 2017 budget, the City Council has determined that certain appropriations are required and should be approved and made a part of the Fiscal Year 2017 budget; and

WHEREAS, a feasibility study is needed to conduct a comprehensive study examining the feasibility, benefits, and disadvantages of creating an independent municipal school system and board of education to govern and operate the public schools located within the municipal boundaries of the City of Daphne; and

WHEREAS, the feasibility study will provide a concise explanation of laws governing the financing and administrations of public schools in Alabama, an analysis of the allocation of local taxes to the new separate school system, and an analysis of the fiscal requirements under existing law to maintain the current state of educational operations of the existing school site and potential additional sites comprising the proposed Daphne City School System; and

WHEREAS, the City Council previously appropriated \$35,000 in the FY2017 Budget for a feasibility study (*Ordinance # 2016-56*); and

WHEREAS, proposals were submitted for the City Council to review, but the amount previously appropriated is insufficient to permit the Council to accept either of the proposals.

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

1. The Fiscal Year 2017 Budget is hereby amended to include an additional appropriation from the General Fund in the amount of \$35,000.00 for a feasibility study regarding the formation of an independent City School System; and
2. The Mayor is authorized to execute all agreements, on behalf of the City of Daphne, as necessary for such purpose.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA this ____ day of _____, 2017.

Dane Haygood, Mayor

ATTEST:

Rebecca A. Hayes, City Clerk

**CITY OF DAPHNE
ORDINANCE 2017-54**

**AN ORDINANCE ADOPTING THE RULES OF PROCEDURE IN ALL
INSTANCES FOR MEETINGS OF THE CITY COUNCIL**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the Order Procedure in All Instances for Meetings of the City Council shall be as follows:

SECTION I: GOVERNING RULES

The Rules of Procedure herein contained shall govern the deliberations and meetings of all of the Council of the City of Daphne, Alabama.

- A. Amending the Council Rules of Procedure. The rules of the Council may be amended in the same manner as any other ordinance of general or permanent nature.
- B. Suspension of the Rules of Procedure. The Rules of the Council may be temporarily suspended by unanimous roll call vote of all members present.

SECTION II: COUNCIL MEETING TIME

The regular meetings of the City Council shall be held on the first and third Mondays of each month, which meeting shall convene at 6:30 p.m. at the City Hall Council Chamber. All meetings, regular and special, shall be opened to the public, except when Council meets in executive session as authorized by State law. The regularly scheduled work session will be held on the second Monday of each month at 6:30 p.m. at the City Hall Council Chambers. Any meeting that is scheduled to meet on a Monday that is observed by the City as a holiday shall instead meet on the Tuesday after the holiday at the regularly scheduled time.

SECTION III: SPECIAL CALLED MEETINGS

All special meetings may be held as provided by Section 11-43-50, Code of Alabama (1975) (as amended). Special meetings may be held at the call of the presiding officer by serving notice on each member of the Council not less than twenty-four hours before the time set for such special called meeting. The presiding officer shall call special meetings whenever two (2) Council members or the Mayor request the presiding officer in writing to call a meeting. Upon the failure or refusal of the presiding officer to call a meeting when requested, the two (2) Council members or the Mayor making the request shall have the right to call the meeting. Notice of all special meetings shall be posted on the council approved bulletin board and appropriate customary media notified, and shall be accessible to the public at least twenty-four hours prior to such scheduled meeting.

SECTION IV: QUORUM

A Quorum shall be determined as provided by Section 11-43-40, Code of Alabama (1975) (as amended).

SECTION V: ORDER OF BUSINESS

That the order of business of each council meeting shall be as follows:

1. Call to Order
2. Roll Call/Invocation/Pledge of Allegiance
3. Approval of the Minutes of the Previous Meeting(s)
4. Reports of Standing Committees:
 - Finance Committee
 - Building/Property Committee
 - Code Enforcement/Ordinance Committee
 - Public Safety
 - Public Works/Solid Waste Committee
5. Reports of Special Boards and Commissions
 - Board of Zoning Adjustment
 - Downtown Redevelopment Authority
 - Industrial Development Board
 - Library Board
 - Planning Commission
 - Recreation Board
 - Utility Board
6. Report of Mayor
7. Report of City Attorney
8. Report by Department Heads
9. City Clerk's Report
10. Public Participation
11. Resolution, Ordinances and Other Business
12. Council Comments
13. Adjournment

SECTION VI: SUBMISSION OF COUNCIL MEETING MATERIAL

- A. It is desired that information be supplied to the City Clerk in time to be made part of the council meeting or work session packet. Any item to be placed on council meeting and work session agenda must be turned in to the City Clerk with all background materials by 12:00 p.m. on the Wednesday before the council meeting or work session. The Council President retains the authority to add or remove items to the agenda. However, any item may be placed upon the agenda if two council members submit a written request to the City Clerk prior to the above mentioned deadline. The council meeting packet will be sent to the full City Council by 5:00 p.m. Friday before the City council meeting or work session, and posted on the city website Friday before a council meeting or work session.
- B. All motions, resolutions, ordinances or other business required to be in writing shall be prepared and supplied to all Council members by noon one full city work day before the council meeting in which it is to be presented. (e.g. if City offices are not open the Friday before the Monday council meeting, then the writings and documentation shall be supplied to each city council member by placing same in each member's mailbox at City Hall by noon Thursday.)
- C. When a work session is called or scheduled between two council meetings, all motions, resolutions, ordinances or other business required to be in writing shall be presented in substantially the same form as that which is required for presentation at council meeting.
- D. In the event of an emergency sections A. and B., hereinabove, shall not apply. An emergency exists if a failure to act would result in an immediate and irrefutable harm to the City or any of its citizens or otherwise it is physically impossible to comply with notice requirements set forth herein. The presiding officer of the Council at the earliest meeting dealing with said emergency shall have final say over interpretations of this section.

SECTION VII: COMMENTS BY COUNCILMEMBERS

- A. Comments by Councilmembers and Mayor. Any comments or discussion by councilmembers or the Mayor shall be with permission of the presiding officer, and for not more than three (3) minutes. The presiding officer may grant additional comments after all other council members have had the opportunity to speak.
- B. Number of comments by councilmember on a subject. No member shall speak more than twice on the same subject without permission of the presiding officer. The presiding officer may grant the councilmember additional comments after all other council members have had the opportunity to speak.

SECTION VIII: PUBLIC PARTICIPATION / PRESENTATIONS

- A. Public Participation. At the designated time in the order of business, any member of the public may address the City Council concerning any item appearing on the agenda for the council meeting or work session. Discussion on a subject scheduled for a public hearing shall be limited to that public hearing. No individual who is not a member of the City Council or the Mayor shall be allowed to address the same while in session without permission of the presiding officer and for not more than three (3) minutes, unless approved by the presiding officer.
- B. Presentations to Council. An individual wishing to make a presentation to the council with permission of the Council President or Presiding Officer may be allowed 10 minutes. The individual must provide in writing a synopsis of the topic to be discussed to the City Clerk by the Wednesday before the council meeting at 5:00 p.m.

SECTION IX: MOTIONS

- A. Discuss any Motion. The City Council may have the ability to have a discussion on any motion.
- B. Seconding Motions. Any motion coming from committees do not require a second.
- C. Reconsider a Motion. Those motions to reconsider must be made by a council member who voted with the majority at the same or next succeeding meeting of the Council.
- D. Recording of "Ayes" and Nays" / Division on any Question. Whenever it shall be required by one or more members the "ayes" and the "nays" shall be recorded and any member may call for a division on any question.
- E. Order of Motions. Motions to lay any matter on the table shall be first in order, and on all questions, the last amendment, the most distant day, and the largest financial sum shall be first put.

SECTION X: QUESTIONS OF ORDER

All questions of order shall be decided by the presiding officer of the Council with the right of appeal to the full Council.

SECTION XI: PROCEDURE FOR CHAIRMAN TO ADDRESS THE COUNCIL

The presiding officer of the Council may call any members to take the chair to allow him or her to address the Council or make a motion or discuss any other matter at issue.

SECTION XII: EXECUTIVE SESSION

The Council may meet in executive session only for purposes authorized by State law and only after the City Attorney certifies the stated purposes for the executive session are authorized by state law. When a council person makes a motion for executive session for an enumerated purpose, the presiding officer shall put the motion to a roll call vote. The estimated length of the executive session shall be stated prior to the roll call vote. The City Attorney shall then certify that the reason stated to enter into executive session is legal according to the Open Meetings Act. If the majority of the council shall vote in favor of the motion for executive session the body shall move into executive session for discussion of the matter for which executive session was called. No action may be taken in an executive session. When the discussion has been completed, the council shall resume its deliberations in public.

SECTION XIII: MOTION FOR ADJOURNMENT

A motion for adjournment shall always be in order.

SECTION XIV: COMMITTEES / BOARDS

- A. The chair of each respective committee, or the council member acting for him or her, shall submit and make report to the Council when so requested by the presiding officer or any member of the Council.
- B. Each Council member shall be a member of the following committees: Public Safety Committee, Public Works Committee, Finance Committee, Code Enforcement/Ordinance Committee and Buildings and Property Committee. Each of these committees shall consist of seven (7) members of the City Council. Should a member leave the office of City Councilperson, they will also forfeit membership of the aforementioned committees. Once said vacancy is filled, the replacement will become a member of each of the aforesaid committees upon taking the office of City Councilperson.
- C. Chairman shall be selected by members of committee or board.
- D. No council member shall serve as chair of more than one (1) committee or board as referenced in "B".
- E. Council President shall not chair a committee or board.
- F. Committee or board meeting agenda shall be set by the committee chairman with input from staff.
- G. The Mayor may add any item to any committee or board agenda with notification to the chairman.
- H. The Mayor shall not delete any agenda item without approval from the committee or board chairman.

SECTION XV: ORDINANCES THAT REQUIRE EXPENDITURE OF MONEY

All ordinances, resolutions or propositions submitted to Council which require the expenditure of money will lie over until the next Council meeting; provided that such ordinance, resolution or propositions may be considered earlier by unanimous consent of the Council members present at such meeting by roll call vote and provided further that this rule shall not apply to the current expenses of, or contracts previously made with, or regular salaries of officers, or wages of employees of the City.

SECTION XVI: ATTENDANCE REQUIREMENT

The City Clerk, Treasurer, City Attorney, Chief of Police, Fire Chief, Finance Director, Public Works Director, Human Resources Director, Building Departments Director, Community Development Director, Parks and Recreation Director, Library Director, Civic Center Director and such other department heads or their designated employee shall attend all meetings of the City Council, and shall remain at the council meeting after Department Heads Report when they have items pertaining to their department on the agenda. Department Heads shall attend Council work sessions when items on the agenda pertain to their department.

SECTION XVII: ROBERTS RULES OF ORDER

That Roberts Rules of Order 11th edition be and is hereby adopted as the rules of procedure for this Council in those situations which cannot be resolved by the rules set forth in this Ordinance.

SECTION XVIII: PUBLIC HEARINGS

The City Council will set all public hearings by a majority vote. At all public hearings after the initial presentation all questions and comments are limited to three (3) minutes per speaker.

SECTION XIX: REPEALER

That Ordinance 2016-66 be and is hereby repealed in its entirety and that other ordinance(s), parts of ordinance(s) or resolutions(s) conflicting with the provisions of this Ordinance are hereby repealed insofar as they conflict.

SECTION XX: SEVERABILITY

That the provisions of this Ordinance are severable. If any provision, section, paragraph, sentence are part thereof shall be held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not effect or impair the remainder of this Ordinance, it being the legislative intent to ordain and act each provision section, paragraph, sentence, and part thereof separately and independently of each other.

SECTION XXI:

This Ordinance shall take effect and be enforced from and after approval by the City Council of the City of Daphne upon publication required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA on this the ____ day of _____, 2017.

**CITY OF DAPHNE,
AN ALABAMA MUNICIPAL CORPORATION**

**DANE HAYGOOD,
MAYOR**

ATTEST:

CANDACE ANTINARELLA, CITY CLERK

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2017-55**

**AN ORDINANCE TO REPEAL ORDINANCE 2017-25 REGARDING
COMMERCIAL SOLID WASTE COLLECTION SERVICES AND FRANCHISES**

WHEREAS, the City Council of the City of Daphne, Alabama adopted Ordinance 2017-25 on April 17, 2017, establishing rules and regulations related to commercial solid waste collection services and franchises; and

WHEREAS, Ordinance 2017-25 became effective on July 1, 2017; and

WHEREAS, the Council has determined that it is in the best interest of the City of Daphne to delay the implementation of said rules and regulations.

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

SECTION 1. Ordinance 2017-25 is hereby repealed in its entirety.

SECTION 2. Ordinance 2017-08, which was repealed by Ordinance 2017-25, shall remain repealed in its entirety.

SECTION 3. 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 ON THIS THE _____ DAY OF _____, 2017.

CITY OF DAPHNE

DANE HAYGOOD, MAYOR

ATTEST:

CANDACE G. ANTINARELLA, CITY CLERK