

CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA
AUGUST 7, 2017

1. CALL TO ORDER

2. ROLL CALL

INVOCATION: Pastor Charlie Stafford – Coastal Church

PLEDGE OF ALLEGIANCE

3. APPROVE MINUTES: Council Meeting minutes – July 17, 2017

4

PUBLIC HEARINGS:

Pre-Zone: Fred Corte

10

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

Pre-Zone: Malbis Plantation, Inc.

29

Property Located: East of County Road 13, North of Sehoy 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

Annexation: Malbis Plantation, Inc.

45

Property Located: East of County Road 13, North of Sehoy 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}

Zoning of Legislative Annexation Territories / Parcel 1

58

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

Zoning of Legislative Annexation Territories / Parcel 2

80

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

Zoning of Legislative Annexation Territories / Parcel 3

102

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

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Zoning of Legislative Annexation Territories / Parcel 4

124

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

Amendment to the Land Use & Development Ordinance 2011-54 / Section 35-3, Table of Permitted Uses and Conditions, Commercial/Industrial District

146

Recommendation: Unanimous Favorable

4. REPORTS OF STANDING COMMITTEES

A. FINANCE COMMITTEE – Rudicell

RESOLUTIONS:

1. 2017-V-Tiawasee Creek Tributary Stream Restoration – Resolution 2017-42

218

B. BUILDINGS & PROPERTY COMMITTEE – LeJeune

C. PUBLIC SAFETY COMMITTEE – Davis

Review minutes – July 17, 2017

164

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Goodlin

E. PUBLIC WORKS COMMITTEE – Coleman

Review Museum minutes – July 10, 2017

167

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS

A. BOARD OF ZONING ADJUSTMENTS – Adrienne Jones

Review minutes – July 6, 2017

170

B. DOWNTOWN REDEVELOPMENT AUTHORITY – Conaway

Review minutes – July 26, 2017

173

MOTION: That the City of Daphne accept and approve the Downtown Redevelopment Authority's Revised Development Area map.

177

C. INDUSTRIAL DEVELOPMENT BOARD – Davis

D. LIBRARY BOARD – Rudicell

E. PLANNING COMMISSION – Scott

Review minutes – June 22, 2017

188

F. RECREATION BOARD – LeJeune

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G.	UTILITY BOARD – LeJeune	207
	Review minutes – June 28, 2017	
6.	MAYOR’S REPORT	
7.	CITY ATTORNEY REPORT	
	MOTION – Authorizing Mayor Haygood to execute an Agreement between the City of Daphne and Alligator Alley, LLC.	
8.	DEPARTMENT HEAD REPORTS	
9.	CITY CLERK’S REPORT	
	ABC License – Southwood Enterprises LLC, Southwood Kitchen – 020-Restaurant Retail Liquor	210
10.	PUBLIC PARTICIPATION	
11.	RESOLUTIONS & ORDINANCES	
	RESOLUTIONS:	
A.	2017-42 - 2017-V-Tiawasee Creek Tributary Stream Restoration	218
	2ND READ ORDINANCES:	
A.	2017-56 - Appropriation: Fire Station #5 Architectural Design & Civil/Site Design	219
B.	2017-57 - Appropriation: Main Street Drainage Study: Daphne Civic Center to Yancey Branch	226
C.	2017-58 - Establish Surety Bond Limits – New City Clerk	228
D.	2017-59 – Garbage Collection Ordinance	229
12.	COUNCIL COMMENTS	
13.	ADJOURN	

**JULY 17, 2017
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER:

There being a quorum present Council President Scott called the meeting to order at 6:34 p.m.

2. ROLL CALL

COUNCIL MEMBERS PRESENT: Tommie Conaway; Pat Rudicell; Joel Coleman; Doug Goodlin; Ron Scott; Robin LeJeune (arrived at 6:39pm); Joe Davis.

Also Present: Dane Haygood, Mayor; Candace Antinarella, City Clerk; Jenny White, Assistant City Clerk Adrienne Jones, Planning Director; Jay Ross, City Attorney; James White, Fire Chief; David McKelroy, Recreation Director; Richard Merchant, Building Official; Kelli Kichler, Finance Director/Treasurer; David Carpenter, Police Chief; Richard Johnson, Public Works Director; Vickie Hinman, Human Resources Director; Tonja Young, Library Director; Margaret Thigpen, Civic Center Director; Dorothy Morrison, Beautification Committee/DRA.

INVOCATION/PLEDGE OF ALLEGIANCE:

Pastor Danny Theurer, City Hope Church gave the invocation.

3. APPROVE MINUTES:

There being no corrections the July 5, 2017 City Council meeting minutes and July 10, 2017 Work Session minutes stand approved as written.

4. REPORT OF STANDING COMMITTEES:

A. *FINANCE COMMITTEE* – Rudicell

The July 10, 2017 Finance Committee minutes are in the packet.

B. *BUILDINGS & PROPERTY COMMITTEE* – LeJeune

The July 5, 2017 Buildings & Property Committee minutes are in the packet.

C. *PUBLIC SAFETY COMMITTEE* – Davis

The June 19, 2017 Public Safety Committee minutes are in the packet.

D. *CODE ENFORCEMENT/ORDINANCE COMMITTEE* – Goodlin

The committee is looking at the Special Events and Community Grants ordinances.

E. *PUBLIC WORKS COMMITTEE* – Coleman

The June 19th Museum minutes are in the packet.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. *Board of Zoning Adjustments* – Adrienne Jones

No report.

B. *Downtown Redevelopment Authority* – Conaway

The next meeting will be July 26 at 5:30 p.m.

C. *Industrial Development Board* – Davis

The board is looking into meeting more frequently.

D. *Library Board* – Rudicell

No report.

**JULY 17, 2017
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E. Planning Commission – Scott

The Planning Commission will meet on July 27, 2017.

F. RECREATION BOARD - LeJeune

No report.

G. Utility Board – LeJeune

No report.

6. MAYOR'S REPORT

Mayor Haygood explained that he vetoed Ordinance No. 2017-50 and submitted the necessary letter to the City Clerk.

Mayor Haygood mentioned the school feasibility study and that both companies are very capable but one would be selected later in the meeting.

7. CITY ATTORNEY REPORT:

Jay Ross indicated a need for an Executive Session to discuss potential litigation. Mr. Ross anticipated the session lasting approximately 10-15 minutes.

8. DEPARTMENT HEAD COMMENTS:

Vickie Hinman – *Human Resources Director* – The employee benefits fair will be held on July 26, 2017 at the civic center.

Tonia Young – *Library Director* – The children's summer reading programs have been a huge success.

9. CITY CLERK'S REPORT:

a.) **MOTION:** To approve ABC License – Hilton Garden Inn – 160-Special Retail

MOTION BY Councilman Coleman to postpone the approval the ABC Special Retail License for Hilton Garden Inn. Seconded by Councilman LeJeune.

MOTION CARRIED UNANIMOUSLY

b.) **MOTION:** To select a consultant to move forward with the Feasibility Study for forming an independent school system.

MOTION BY Councilman LeJeune to approve Criterion Consulting, LLC to perform a feasibility study for forming an independent school system. Seconded by Councilman Rudicell.

MOTION CARRIED UNANIMOUSLY

10. PUBLIC PARTICIPATION

Jewel Lawson – Ms. Lawson has concerns of the possible development at Johnson Road and US Highway 98. She invited the council to visit the proposed site.

Ebony Yielding – Ms. Yielding has concern of the striping of various city roads. She questioned if any roads were being resurfaced and suggested that roads be resurfaced before they are striped. It was suggested that she speak with Richard Johnson.

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Anthony Sampson – Mr. Sampson has concerns of the potential gas station at Johnson Road. He wants to live in harmony with his neighbors without the new development.

John Lake – Mr. Lake asked the council to remember that Johnson Road is “these people’s homes”. He also said Luther Strange will be speaking in the area soon.

Victoria Phelps – Lake Forest POA – Ms. Phelps asked the council to take a look at the B-2a zoning. Also, she thanked the Mayor, the City and Public Works for the city’s beautification. Ms. Phelps also encouraged the council to support the Mobile Estuary Program. Lastly, she agreed it is a good idea to get information on the school feasibility and look at it.

Rod Drummond – Mr. Drummond mentioned the feasibility study and said there are no complaints about the school. He suggested waiting to see if Daphne grows. He suggested the council slow down.

Starke Irvine – Mr. Irvine stated the City voted down a school system in the past, so why spend more money on the issue. He compared Daphne to other cities.

11. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

a.) 2017-40. Bid: 2017-R-Police Uniforms

MOTION BY Councilwoman Conaway to waive the reading of Resolution 2017-40. Seconded by Councilman Rudicell.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilwoman Conaway to adopt Resolution 2017-40. Seconded by Councilman Rudicell.

MOTION CARRIED UNANIMOUSLY

b.) 2017-41. Bid: 2017- S-Park Chemicals

MOTION BY Councilwoman Conaway to waive the reading of Resolution 2017-41. Seconded by Councilman Rudicell.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilwoman Conaway to adopt Resolution 2017-41. Seconded by Councilman Rudicell.

MOTION CARRIED UNANIMOUSLY

ORDINANCES:

2nd READ

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

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

MOTION BY Councilman Rudicell to waive the reading of Ordinances 2017-54 and 55. Seconded by Councilman Davis.

MOTION CARRIED UNANIMOUSLY

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MOTION BY Councilman Rudicell to table Ordinance 2017-54. Seconded by Councilman Goodlin.

MOTION CARRIED UNANIMOUSLY

MOTION BY Councilman Rudicell to adopt Ordinance 2017-55. Seconded by Councilman Davis.

MOTION CARRIED UNANIMOUSLY

1st READ

- a.) **2017-56** - Appropriation: Fire Station #5 Architectural Design & Civil/Site Design
- b.) **2017-57** - Appropriation: Main Street Drainage Study: Daphne Civic Center to Yancey Branch
- c.) **2017-58** - Establish Surety Bond Limits – New City Clerk
- d.) **2017-59** – Garbage Collection Ordinance

12. COUNCIL COMMENTS

Councilman Davis mentioned the next Public Safety meeting will be August 21.

Councilman LeJeune mentioned the school study and that we are not currently in a need but we should plan for the future.

Councilwoman Conaway commended Tonia Young and the library for the summer reading programs.

Mayor Haygood stated that a little over 16 miles of road have been requested for striping. Mayor Haygood also said there are many options on schools and there are still some missing pieces. We have a great school system but we will see more with the study. He feels this is a necessary step in Daphne.

Councilman Scott stated the Strategic Planning Committee will be meeting on Thursdays, August 3 and August 17 to look at the vision statement.

MOTION BY Councilwoman Conaway to adjourn into Executive Session to consider imminent threat of litigation. Seconded by Councilman Coleman.

The City Attorney certified that the reason stated for entering into Executive Session was according to the Open Meetings Act of Alabama, and the session will last for 15 minutes.

ROLL CALL VOTE

Conaway	Aye	LeJeune	Aye
Coleman	Aye	Davis	Aye
Goodlin	Aye	Scott	Aye

MOTION CARRIED UNANIMOUSLY

**JULY 17, 2017
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13. ADJOURN:

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

MOTION CARRIED UNANIMOUSLY

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:32 P.M.

Respectfully submitted by,

Certification of Presiding Officer

Candace G. Antinarella, City Clerk

Ron Scott, Council President

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, General Business
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.

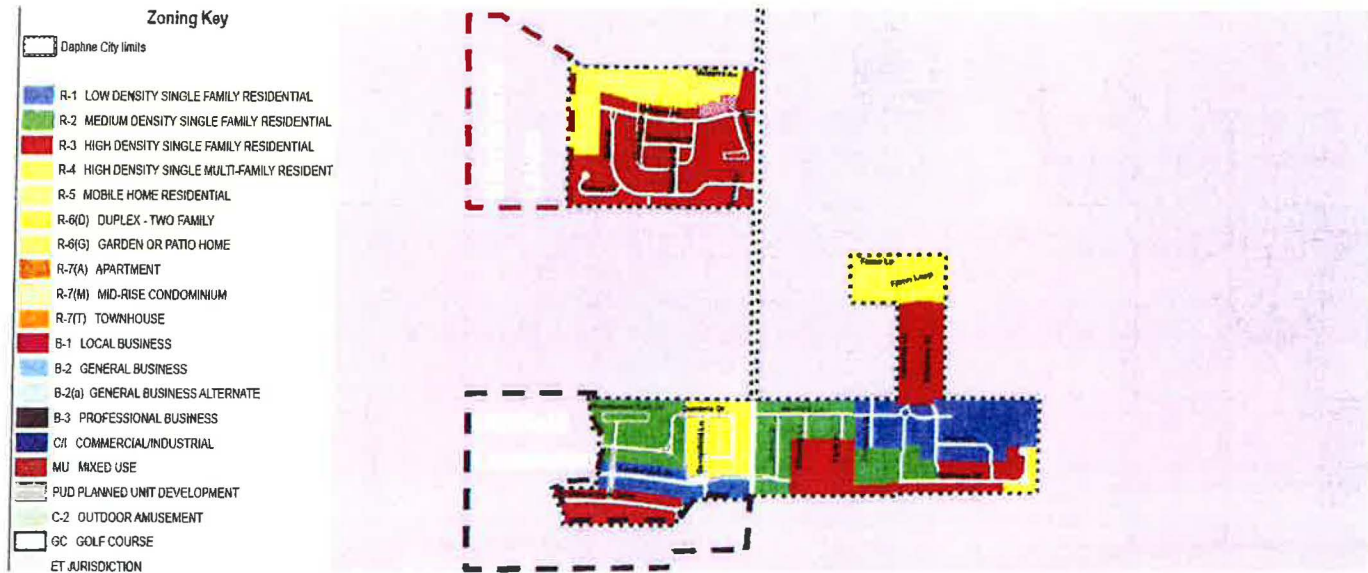
The PUD General Plan proposes a combination of two building/lot types, although architectural building elevations have not been presented to illustrate the building types. It also proposes a portion of the development to exclusively serve as a single family senior living community.

Staff Comments

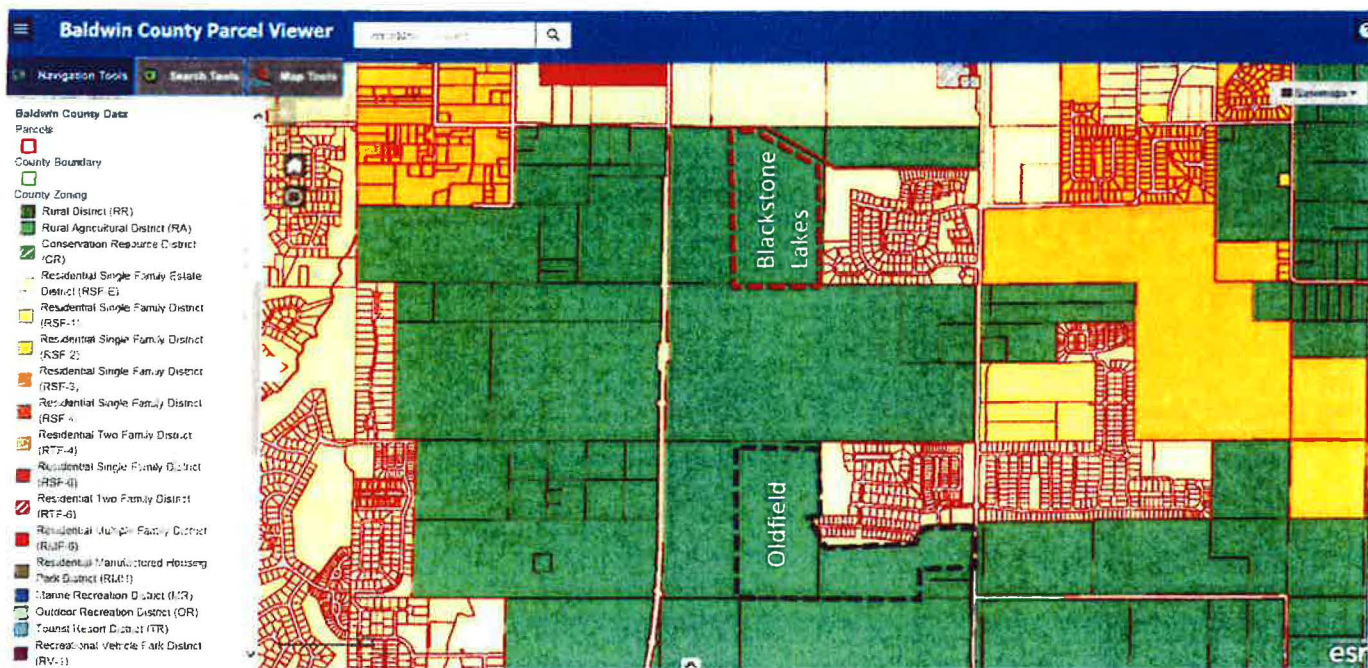
In December 5, 2016, the Daphne City Council voted to adopt Ordinance 2016-62, an ordinance which would pre-zone this site to a PUD upon annexation. The application process for rezoning has been initiated again. The PUD standards and narrative are the same as those approved in Ordinance 2016-62; therefore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

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	DAHPNE	AL	36526
05-43-02-10-0-000-007.000	ARNOLD, NEAL M	28041 OAKACHOY LOOP	DAHPNE	AL	36526
05-43-02-10-0-000-007.239	BARNETT, CHRISTOPHER M ETAL BARNETT, ASH	27864 OAKACHOY LOOP	DAHPNE	AL	36526
05-43-02-10-0-000-007.139	BARTON, BROCK T ETAL BARTON, SHAWNNA M	9475 WIND CLAN TRAIL	DAHPNE	AL	36526
05-43-02-10-0-000-007.246	BROWN, BRIAN J ETAL BROWN, DENISE C	27724 OAKACHOY LOOP	DAHPNE	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	DAHPNE	AL	36526
05-43-02-10-0-000-007.142	CUFFLE, HARRY RICHARD ETAL MELTON-CUFFLE	9427 WIND CLAN TRL	DAHPNE	AL	36526
05-43-02-10-0-000-007.245	DIXON, JOEY W ETAL DIXON, JENNIFER A	27746 OAKACHOY LOOP	DAHPNE	AL	36526
05-43-02-10-0-000-007.184	FAISON, LARRY D TRUSTEE UNDER THE FAISON	27787 MONIAC COVE	DAHPNE	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	DAHPNE	AL	36526
05-43-02-10-0-000-007.006	HAMILTON, JAMES E ETAL HAMILTON, HELEN A	9315 WIND CLAN TRAIL	DAHPNE	AL	36526
05-43-02-10-0-000-007.141	HARPER, DONALD E ETAL HARPER, DEON B	9443 WIND CLAN TRAIL	DAHPNE	AL	36526
05-43-02-10-0-000-007.007	HARRIS, CHRISTOPHER M ETAL HARRIS, JENNI	9299 WIND CLAN TRIAL	DAHPNE	AL	36526
05-43-02-09-0-000-001.054	HAYES, MICHAEL D ETAL HAYES, KIMBERLY	8954 S LAMHATTY LANE	DAHPNE	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	DAHPNE	AL	36526
05-43-02-10-0-000-007.186	KNOWLING, EDGAR C ETAL KNOWLING, BARBARA	27776 MONIAC CV	DAHPNE	AL	36526
05-43-02-10-0-000-007.001	LANDRY, ANDREW M	9397 WIND CLAN TRL	DAHPNE	AL	36526
05-43-02-10-0-000-007.070	LEAH M LOMAX LIVING TRUST	27716 FORT TOULOUSE CT	DAHPNE	AL	36526
05-43-02-10-0-000-003.000	MALBIS PLANTATION INC	29470 ST HWY 181	DAHPNE	AL	36526
05-43-02-10-0-000-007.136	MATCHETT, CHUCK F ETAL MATCHETT, ANITA R	27660 RED EAGLE DR	DAHPNE	AL	36526
05-43-02-10-0-000-007.005	MYERS, KURT R ETUX FRANCES K	9331 WIND CLAN TRAIL	DAHPNE	AL	36526
05-43-02-10-0-000-007.244	NORRIS, LAWRENCE A ETAL NORRIS, STACEY B	27768 OAKACHOY LOOP	DAHPNE	AL	36526
05-43-02-10-0-000-007.143	O'CONNOR, TIMOTHY K	9411 WIND CLAN TRL	DAHPNE	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.

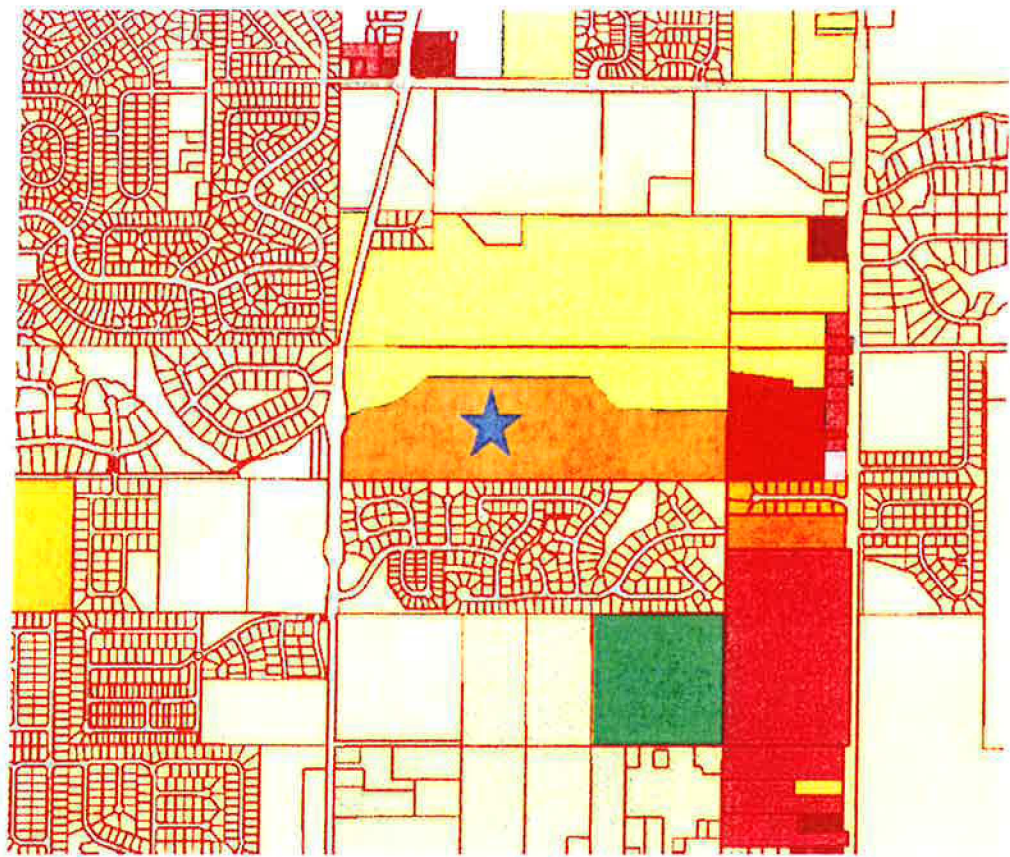
In the recent past, the property was subdivided to create a separate parcel for Diamante Subdivision. At that time, the Planning Commission noted that it would be appropriate to make a favorable recommendation to the City Council to annex the property into the City of Daphne. Malbis-CR 13 plat, a two 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.

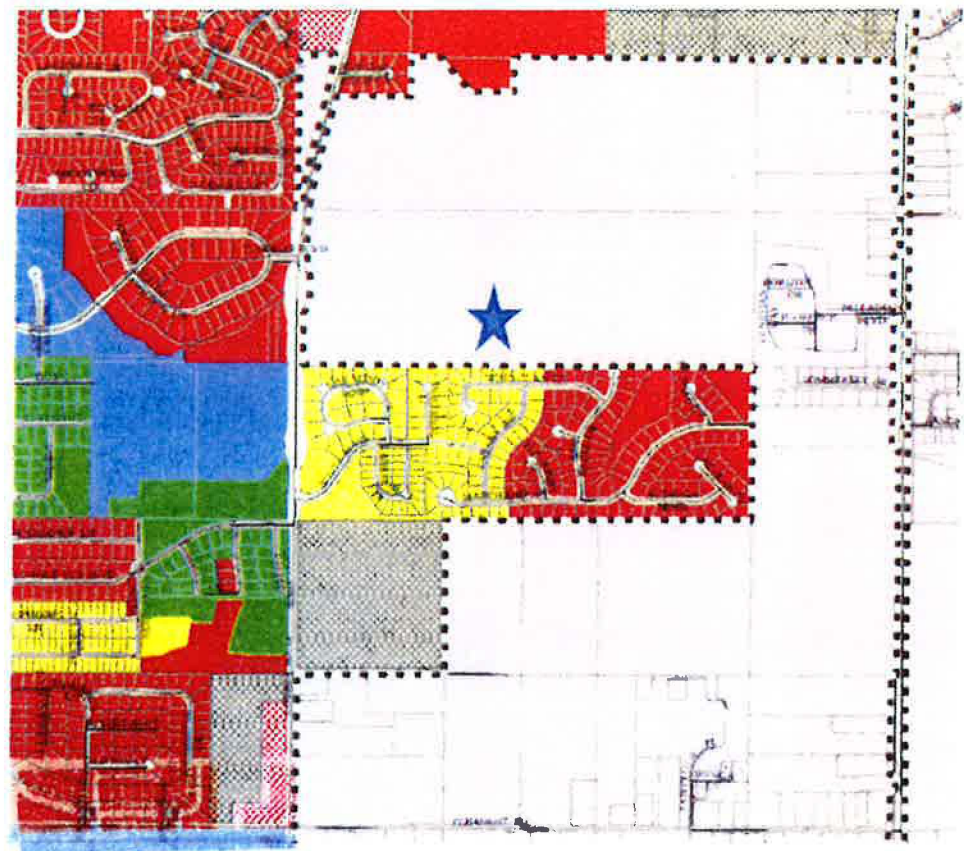
- County Zoning
- Rural District (RR)
- Rural Agricultural District (RA)
- Conservation Resource District (CR)
- Residential Single Family Estate District (RSF-E)
- Residential Single Family District (RSF-1)
- Residential Single Family District (RSF-2)
- Residential Single Family District (RSF-3)
- Residential 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-6(D) DUPLEX - TWO FAMILY
- R-6(G) GARDEN OR PATIO HOME
- R-7(A) APARTMENT
- R-7(M) MID-RISE CONDOMINIUM
- R-7(T) TOWNHOUSE
- B-1 LOCAL BUSINESS
- B-2 GENERAL BUSINESS
- B-2(a) GENERAL BUSINESS ALTERNATE
- B-3 PROFESSIONAL BUSINESS
- 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

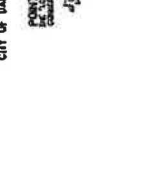
ATTEST:

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.



CITY OF CHICAGO
OFFICE OF THE COMPTROLLER
FISCAL MANAGEMENT
CHIEF FINANCIAL OFFICER
CITY OF CHICAGO

7/17/08
TAMMSEEE TRACE
SLIDE 1757-B & 1776B

**ZONED
CITY OF
POINT**

4 5 6

©

10

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:

[Signature]

Its:

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

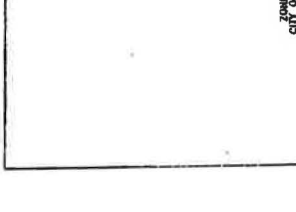
DAPHNE, AL 36526



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.



50

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**

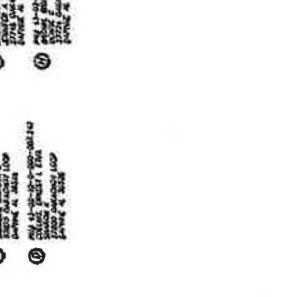
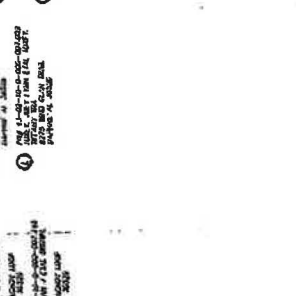
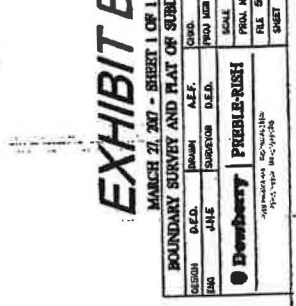
ATTEST

**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

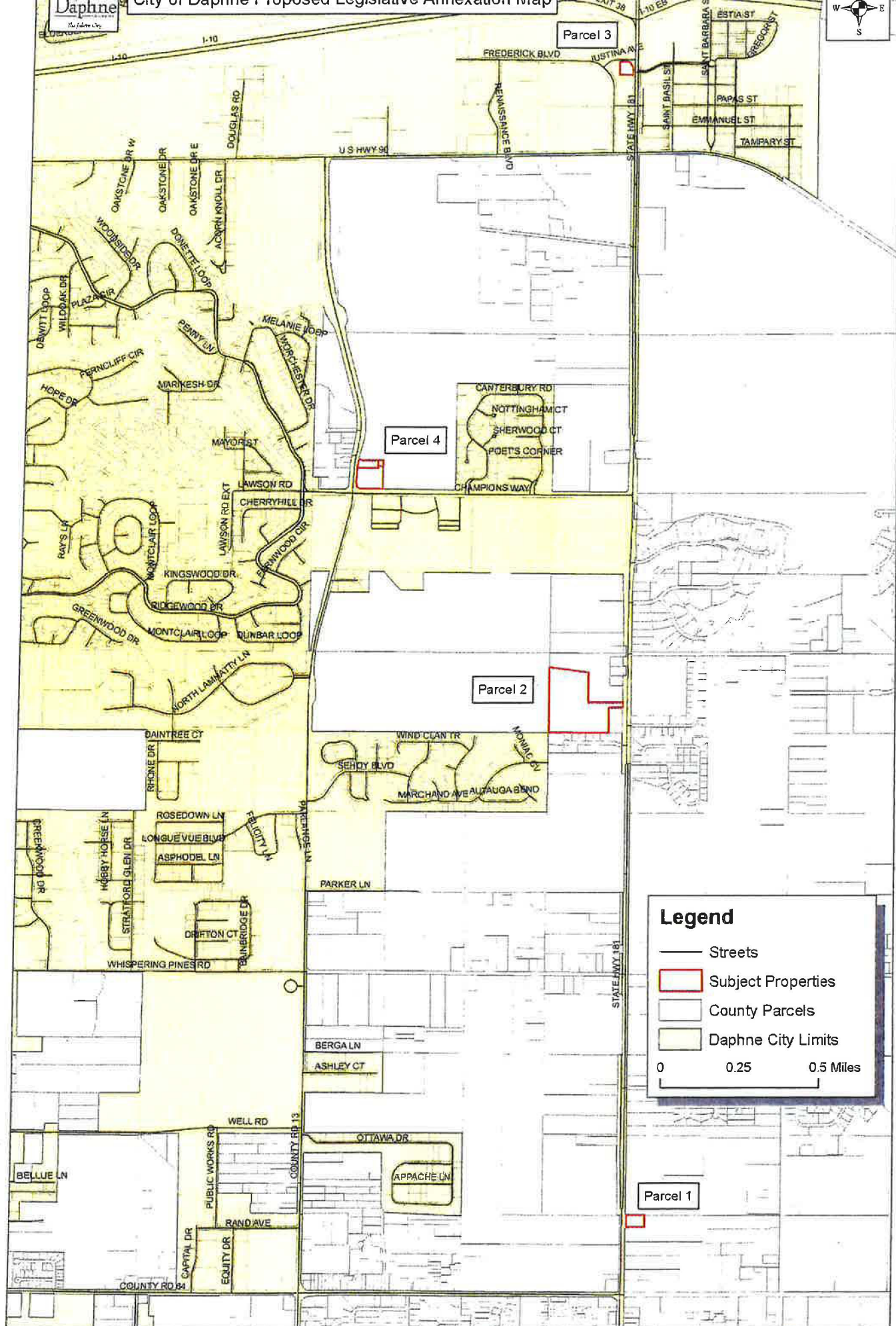
DANE HAYGOOD, MAYOR

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

(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
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 16 09 seconds West a distance of 469.00 feet to a point (a rebar
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 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 March 20 17
this 19th day of March, 20 17
Patrick H. Harris Chairperson

DATE: 3-7 2017
RF FAL 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
Patrick H. Harris Chairperson

DATE: 4-6
RF FAL 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 1

PATRICK HARRIS
Secretary

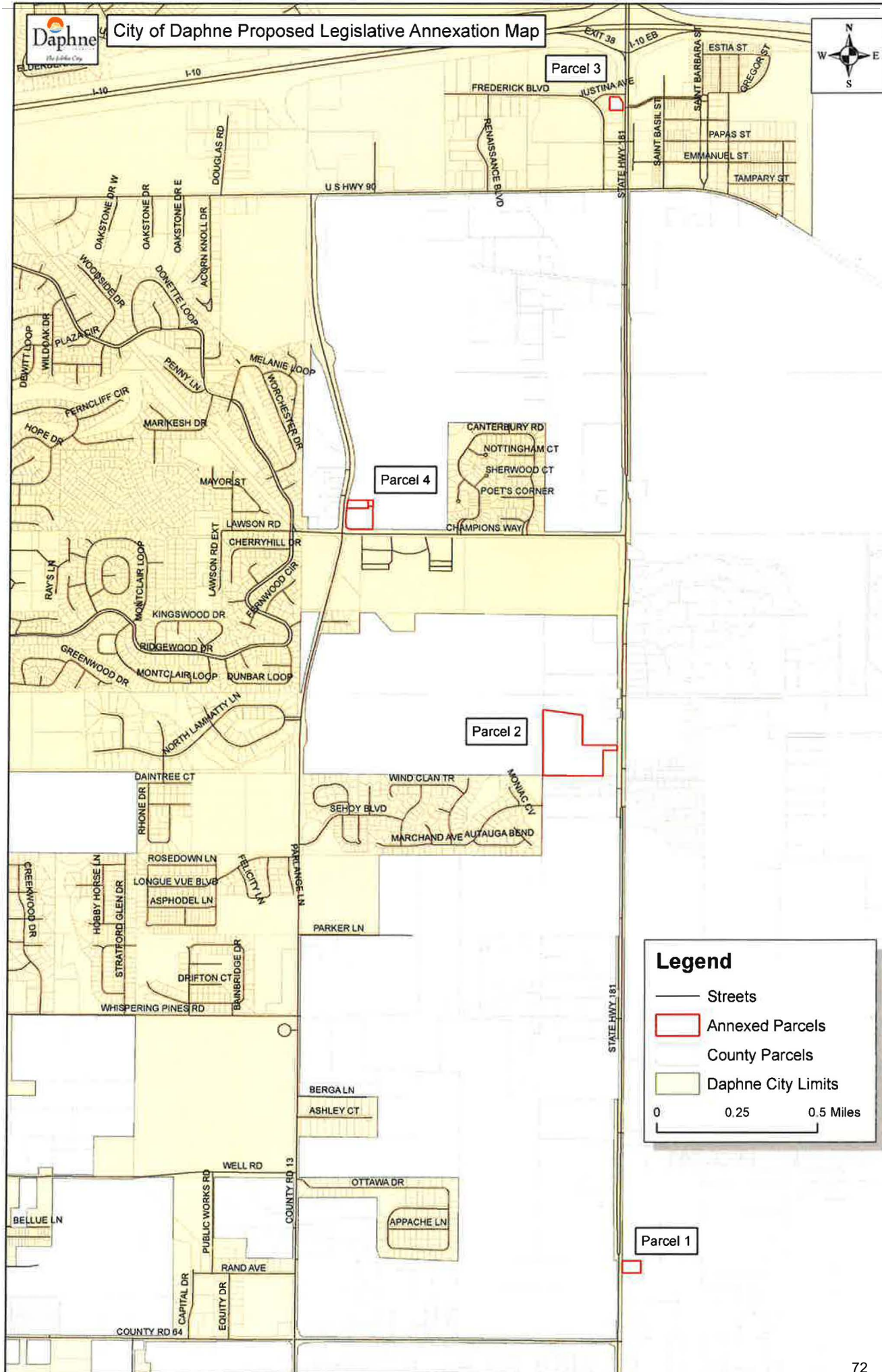
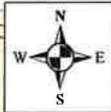
DATE: 4-11-17 RD 3 at 17
PASSED ☒ PASSED AS AMENDED ☐

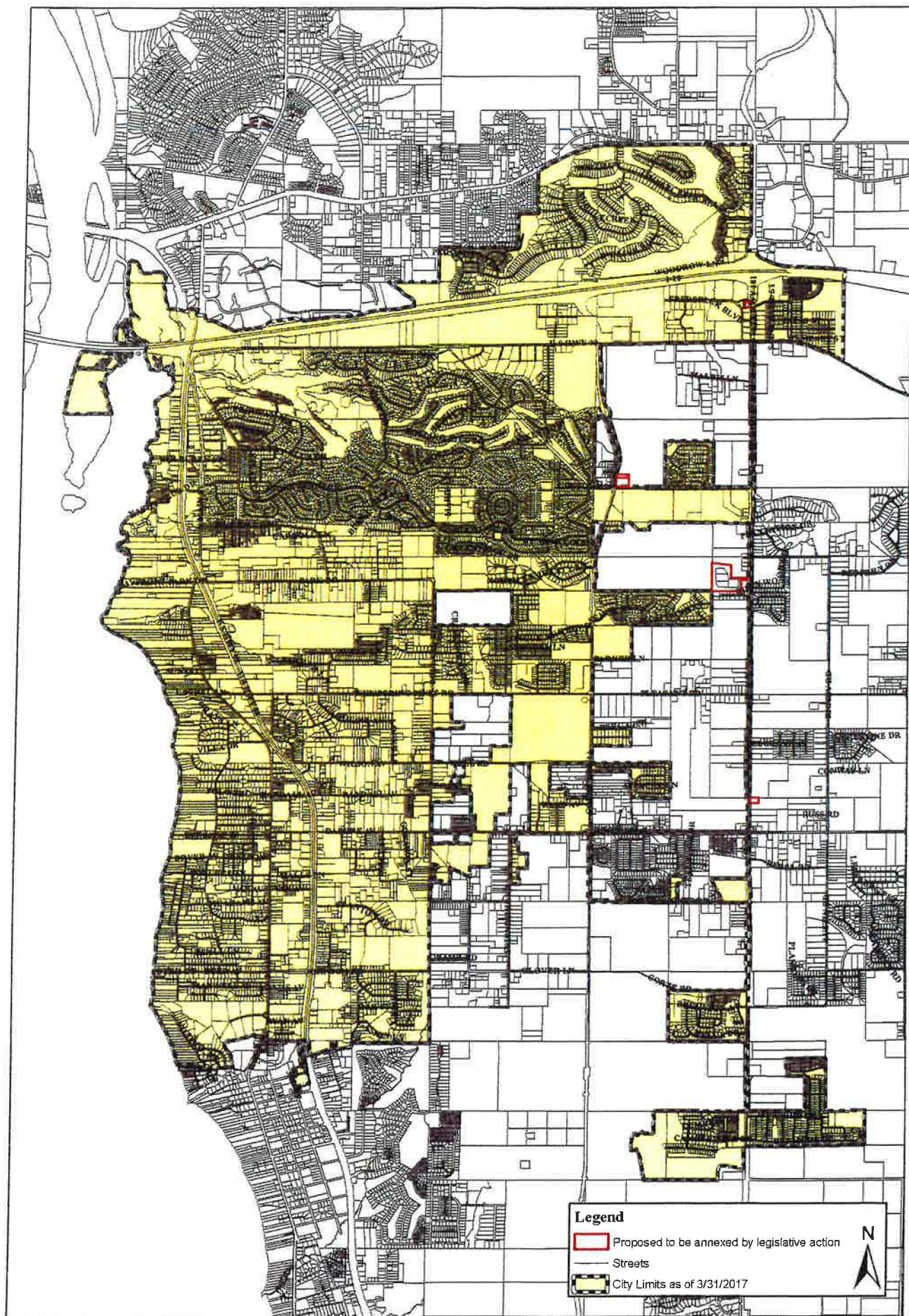
YEAS 26 NAYS 0 AB 1
And was ordered returned forthwith to the House
PATRICK HARRIS
Secretary

DATE: _____
INDEFINITELY POSTPONED YEAS _____ NAYS _____

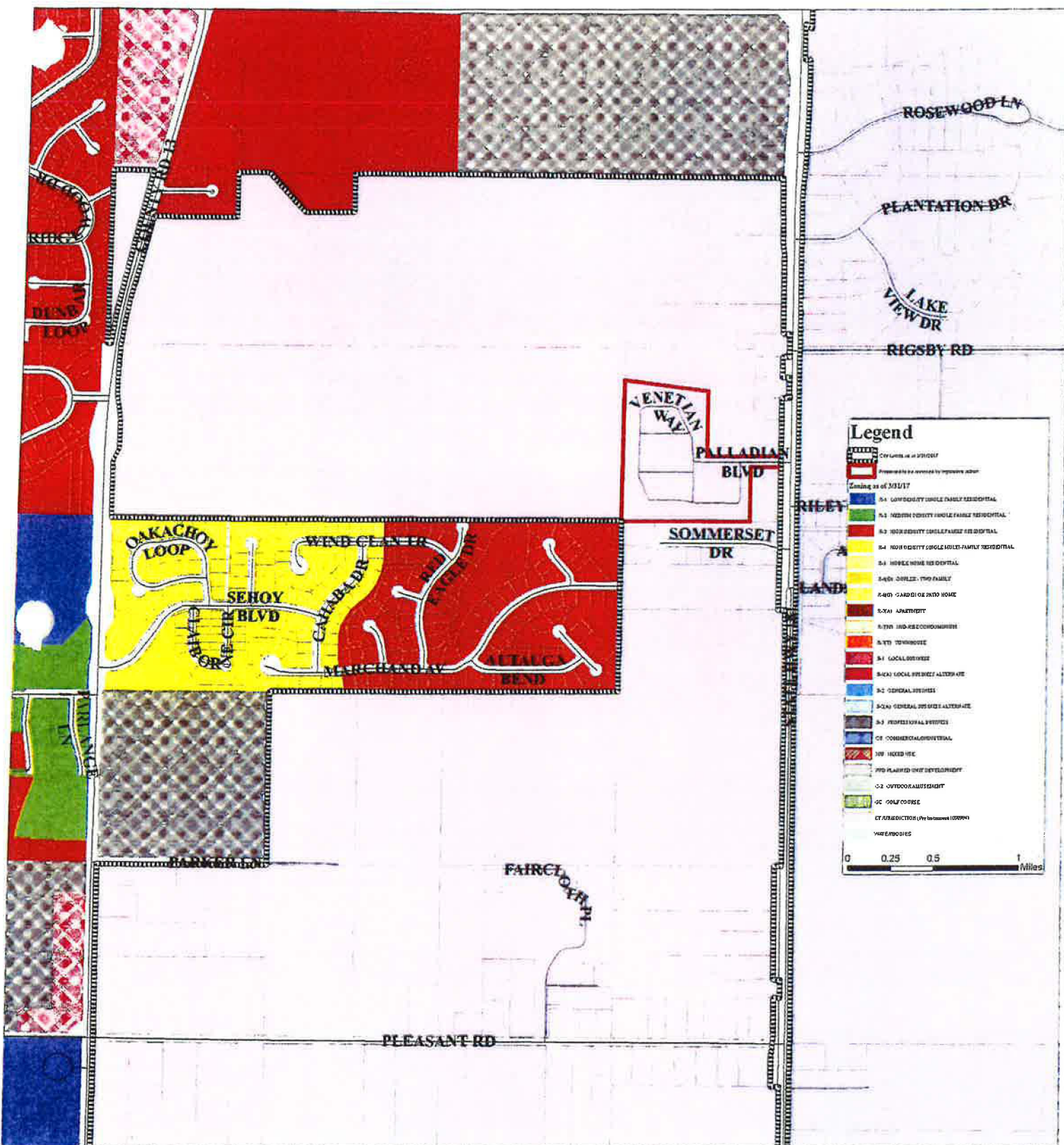
DATE: _____
RECONSIDERED _____ YEAS _____ NAYS _____

FURTHER SENATE ACTION (OVER)

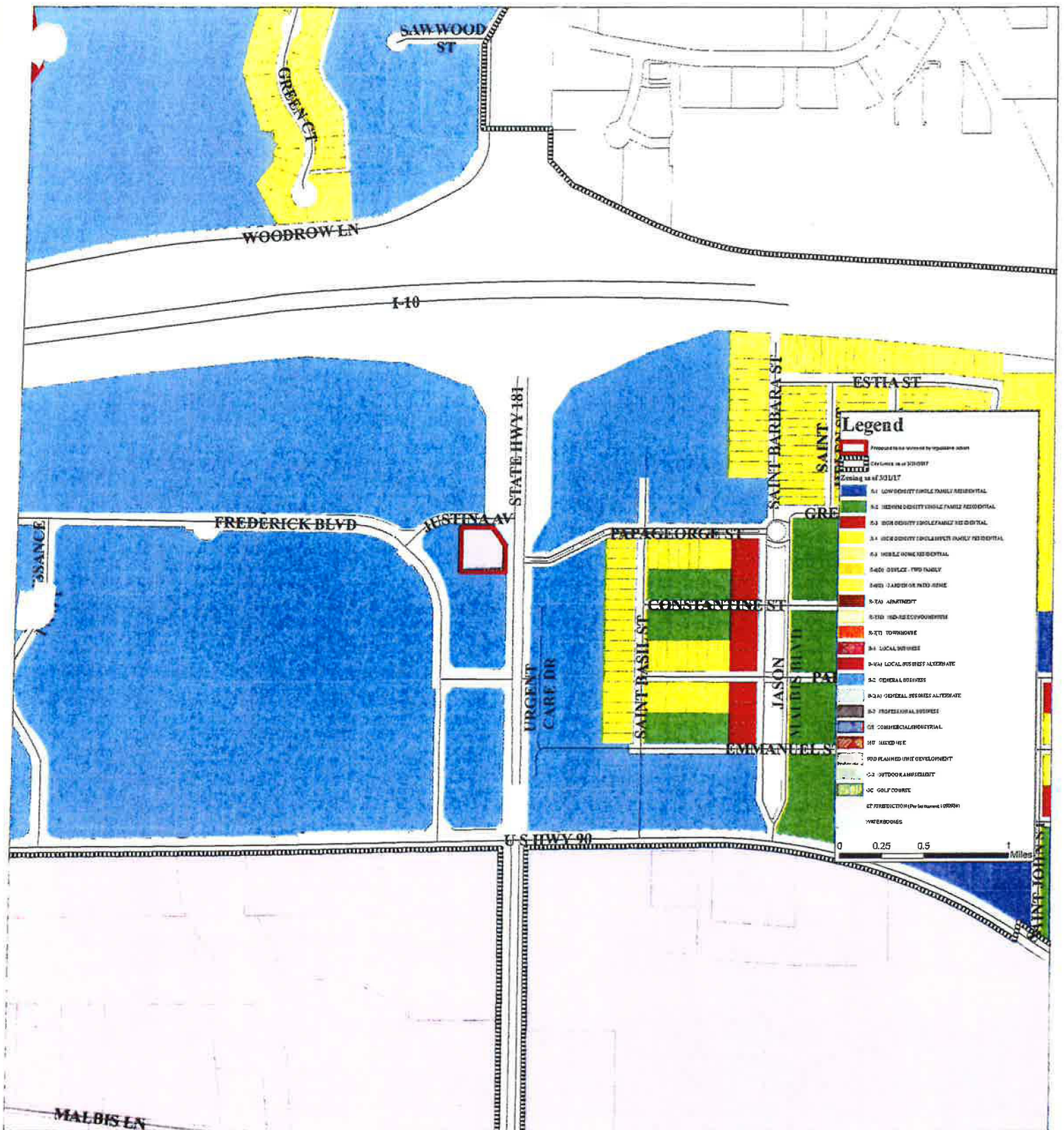




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Recommendations: R-7(A), Apartments



Recommendations: B-2, General Business

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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 Community Development
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 Community Development

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

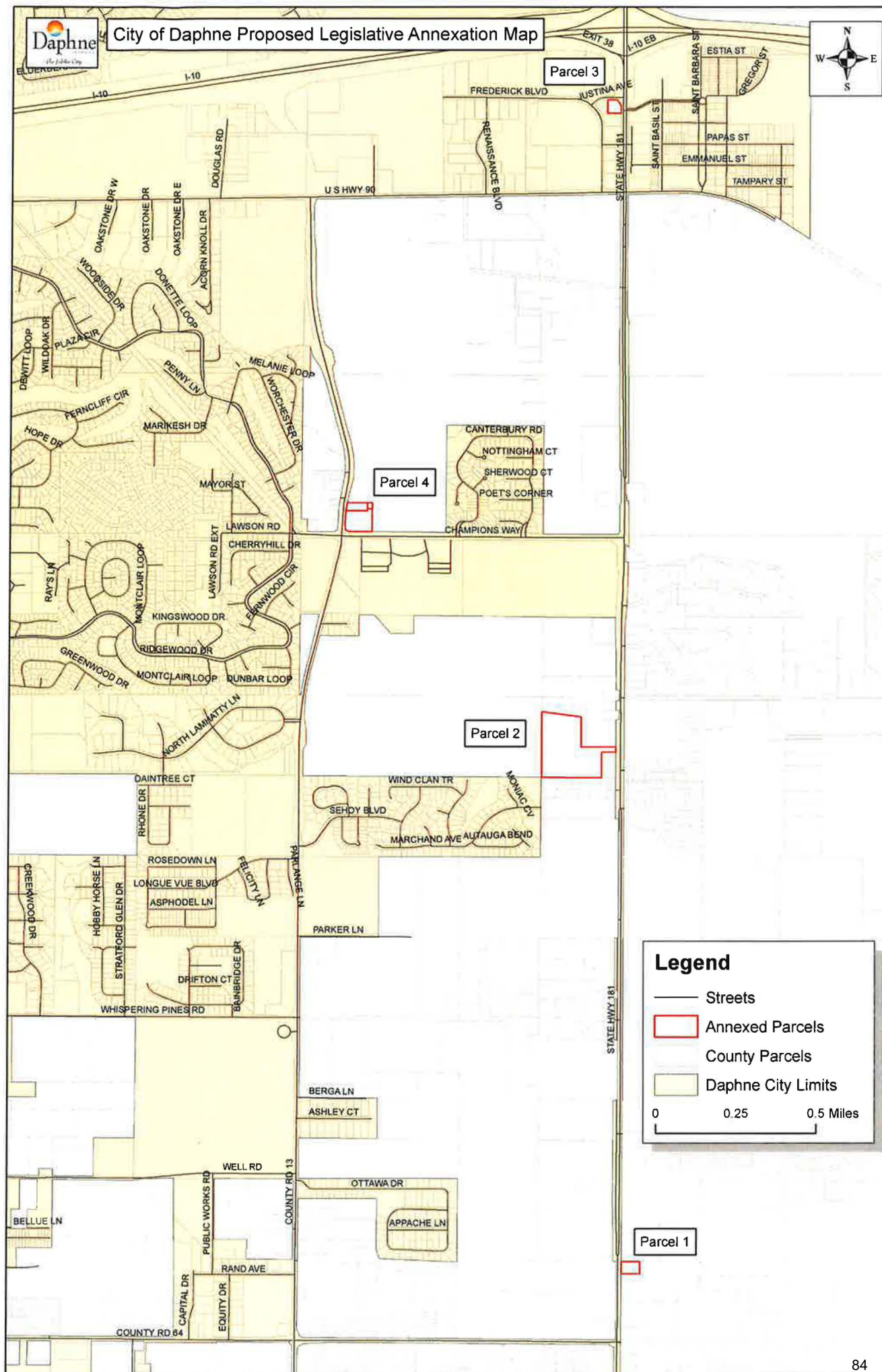
DANE HAYGOOD, MAYOR

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

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ORDINANCE NO. 2017-_____**

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12 EXCEPTING therefrom, such oil, gas and other minerals which
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14 contained in instruments of record in the Office of the Judge
15 of Probate of Baldwin County, Alabama.

16 PARCEL 4

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3 approval by the Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

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Senate

11-APR-17

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APPROVED 4-20-2017

TIME 11:00 AM

Ray Ivey
GOVERNOR

Alabama Secretary Of State

Act Num....: 2017-163
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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 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 33 NAYS 1
 JEFF WOODARD,
 Clerk

FURTHER HOUSE ACTION (OVER)

RD 1 RFD

This Bill was referred to the Standing Committee 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 FAC RD 2 ☐ C

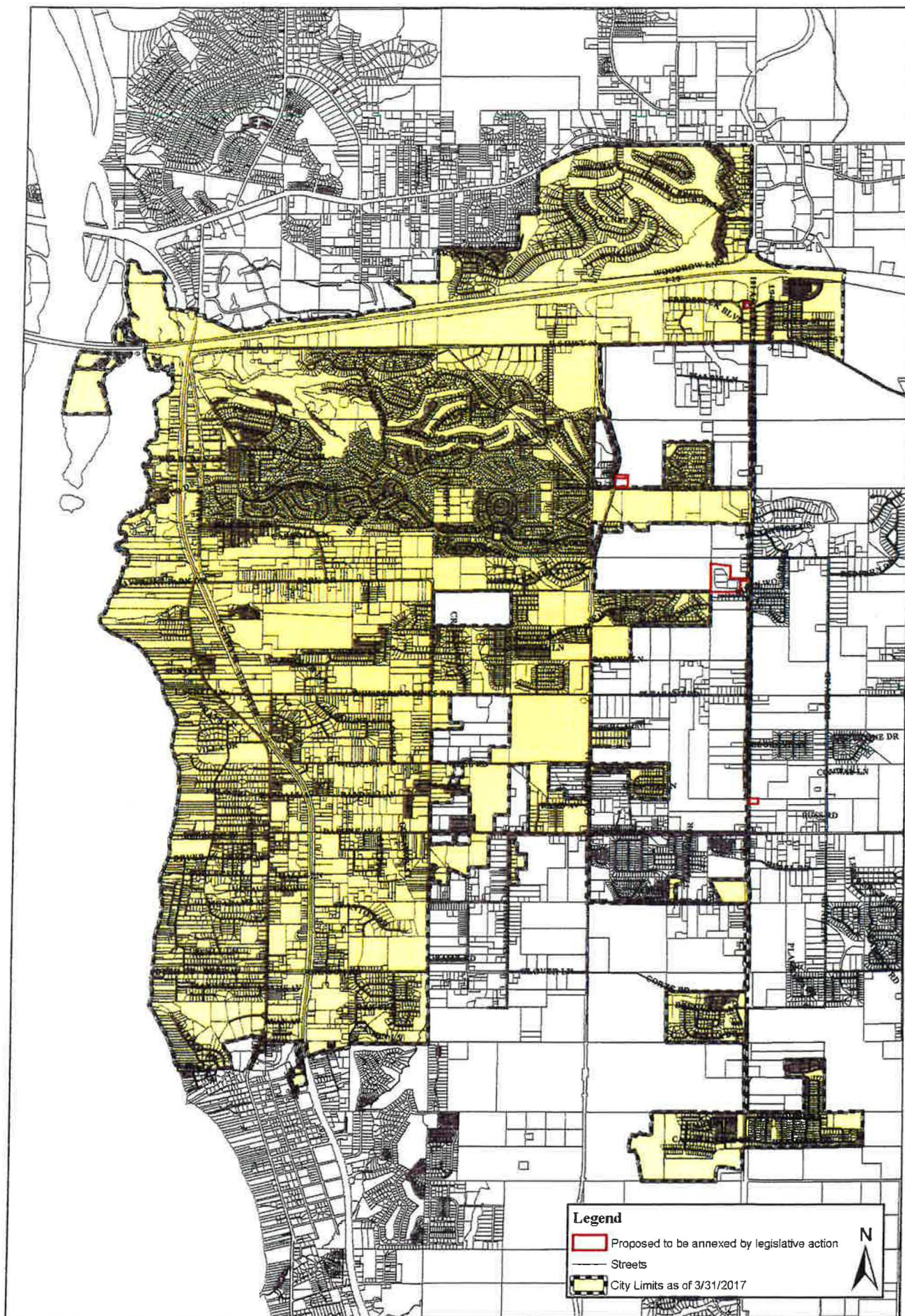
I hereby certify that the Resolution required in Section C of Act No. 81-889 was adopted and is attached to the Bill, HB 209.
 YEAS 24 NAYS 0
 PATRICK HARRIS
 Secretary

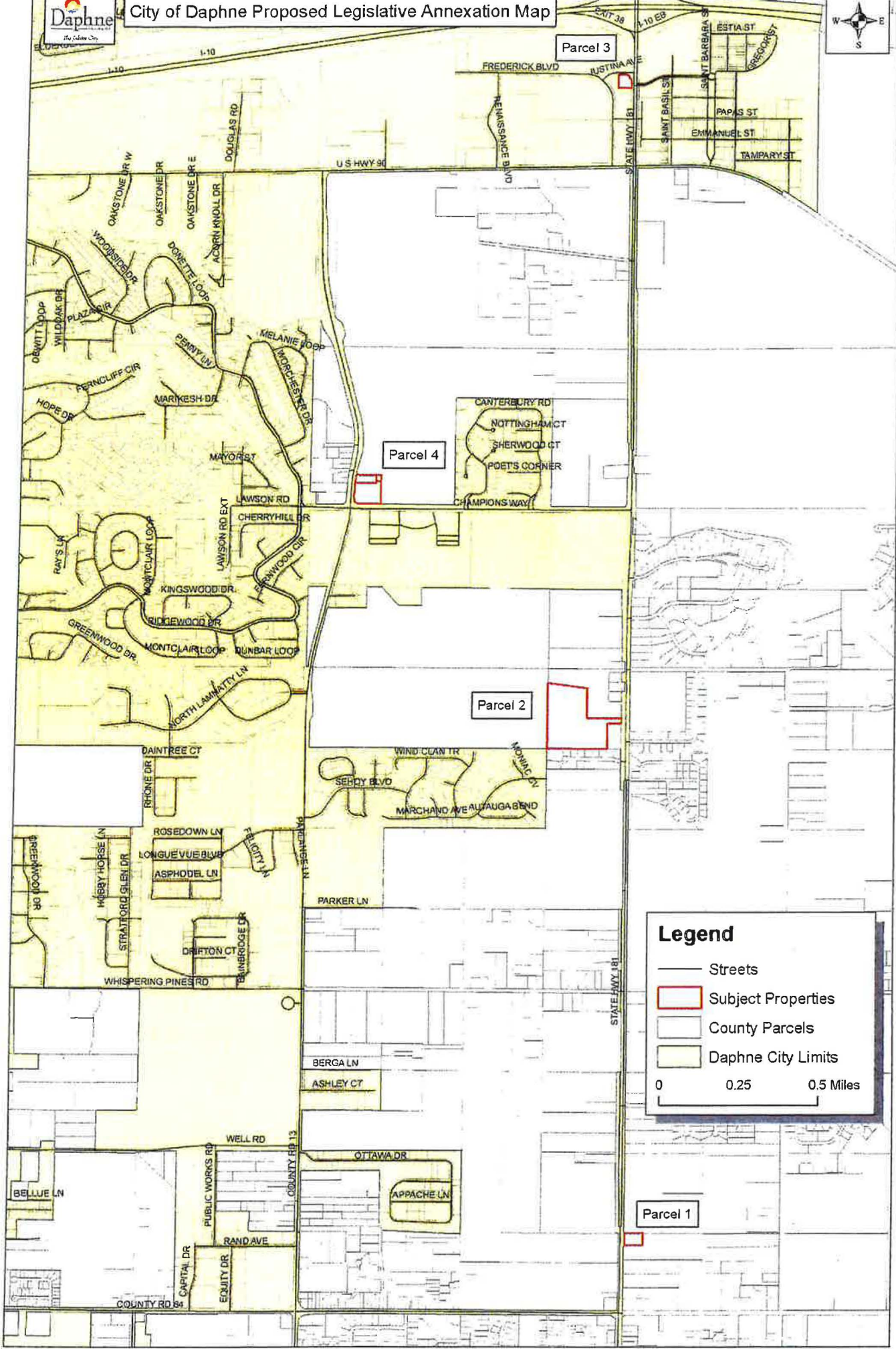
DATE: 4-11-17 RD 3 at
 PASSED ☒ PASSED AS AMENDED
 YEAS 26 NAYS 0
 And was ordered returned forthwith to the House.
 PATRICK HARRIS
 Secretary

DATE:
 INDEFINITELY POSTPONED YEAS NAYS

DATE:
 RECONSIDERED YEAS NAYS

FURTHER SENATE ACTION (OVER)

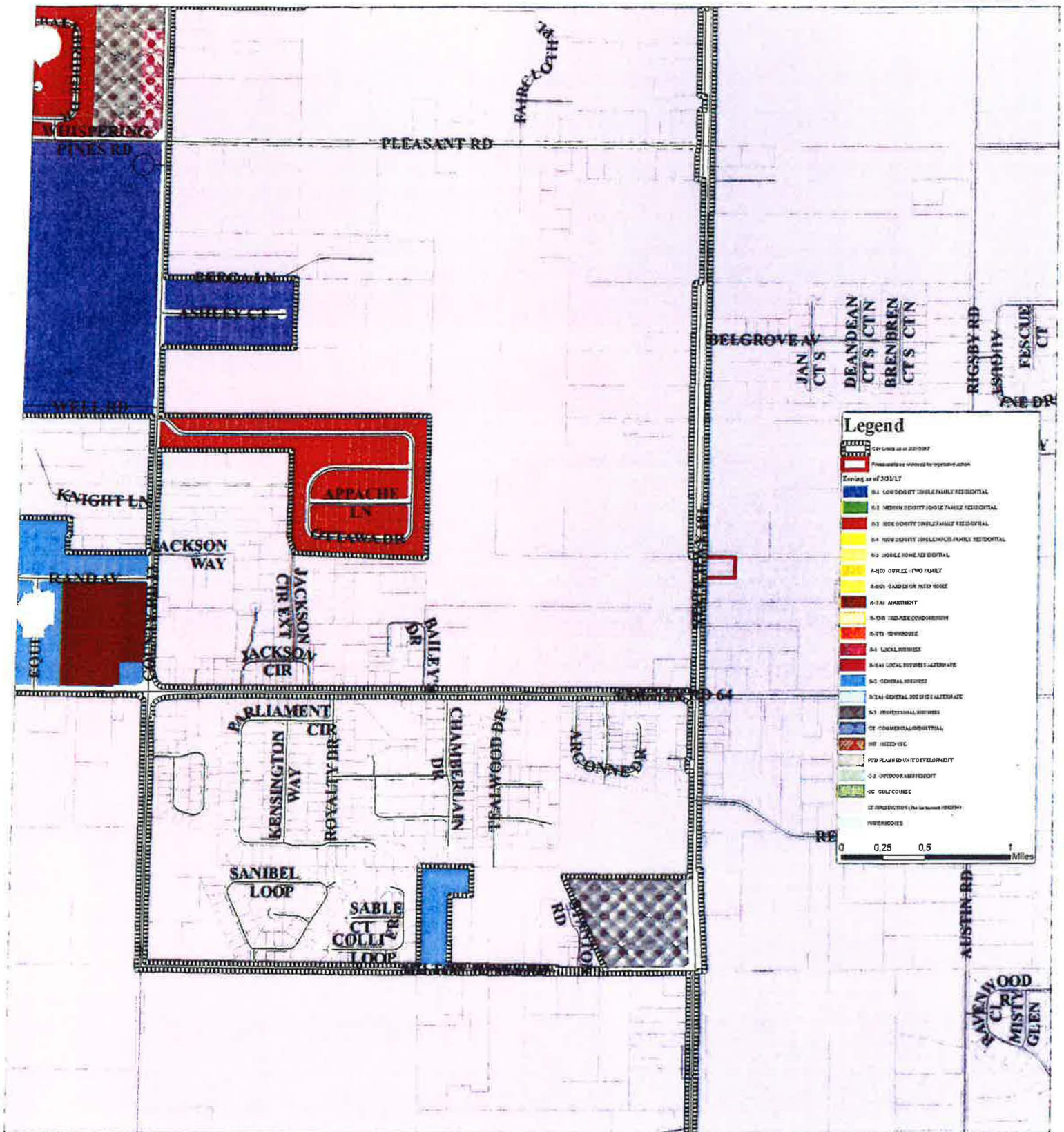




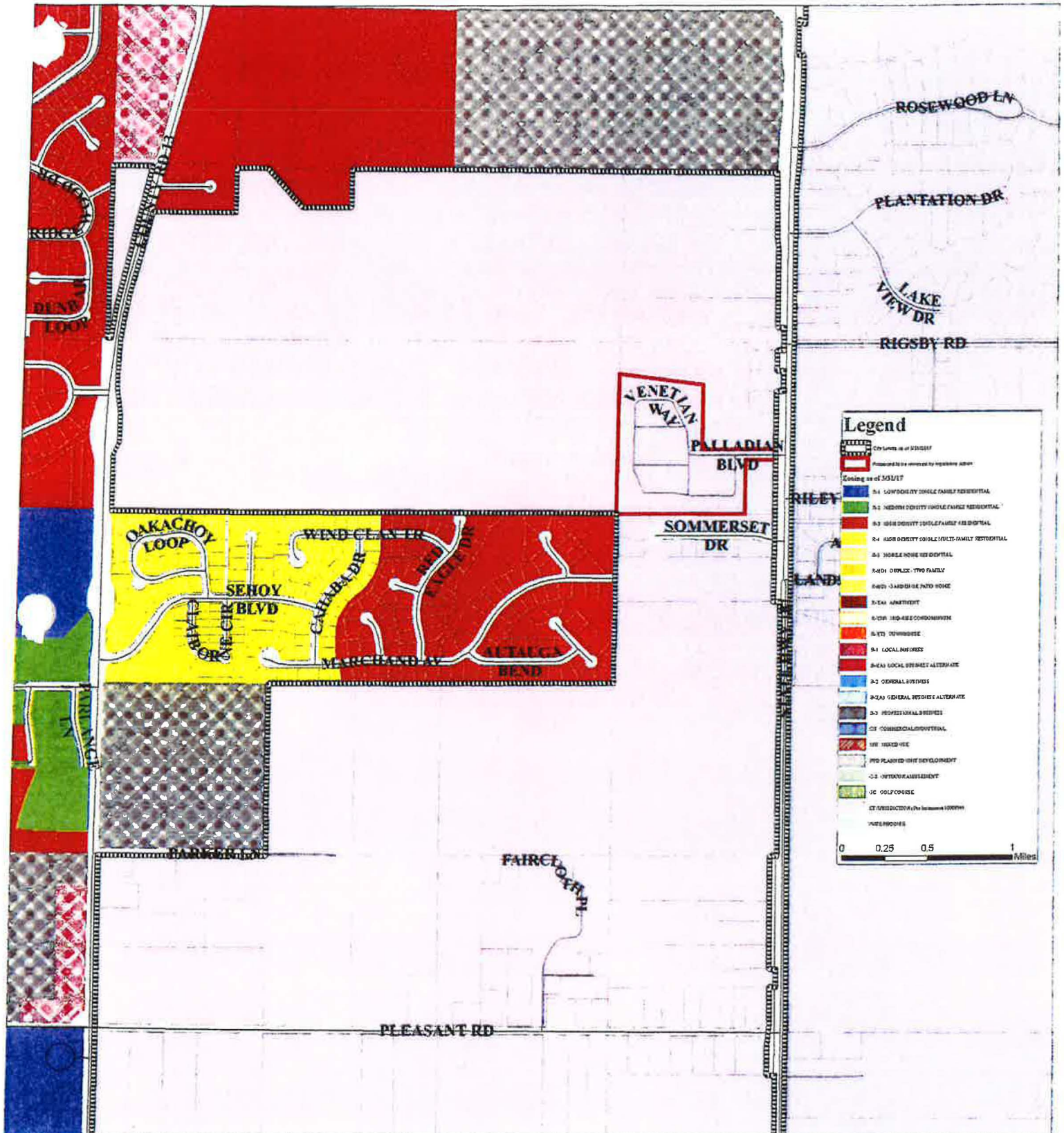
Legend

- Streets
- Subject Properties
- County Parcels
- Daphne City Limits

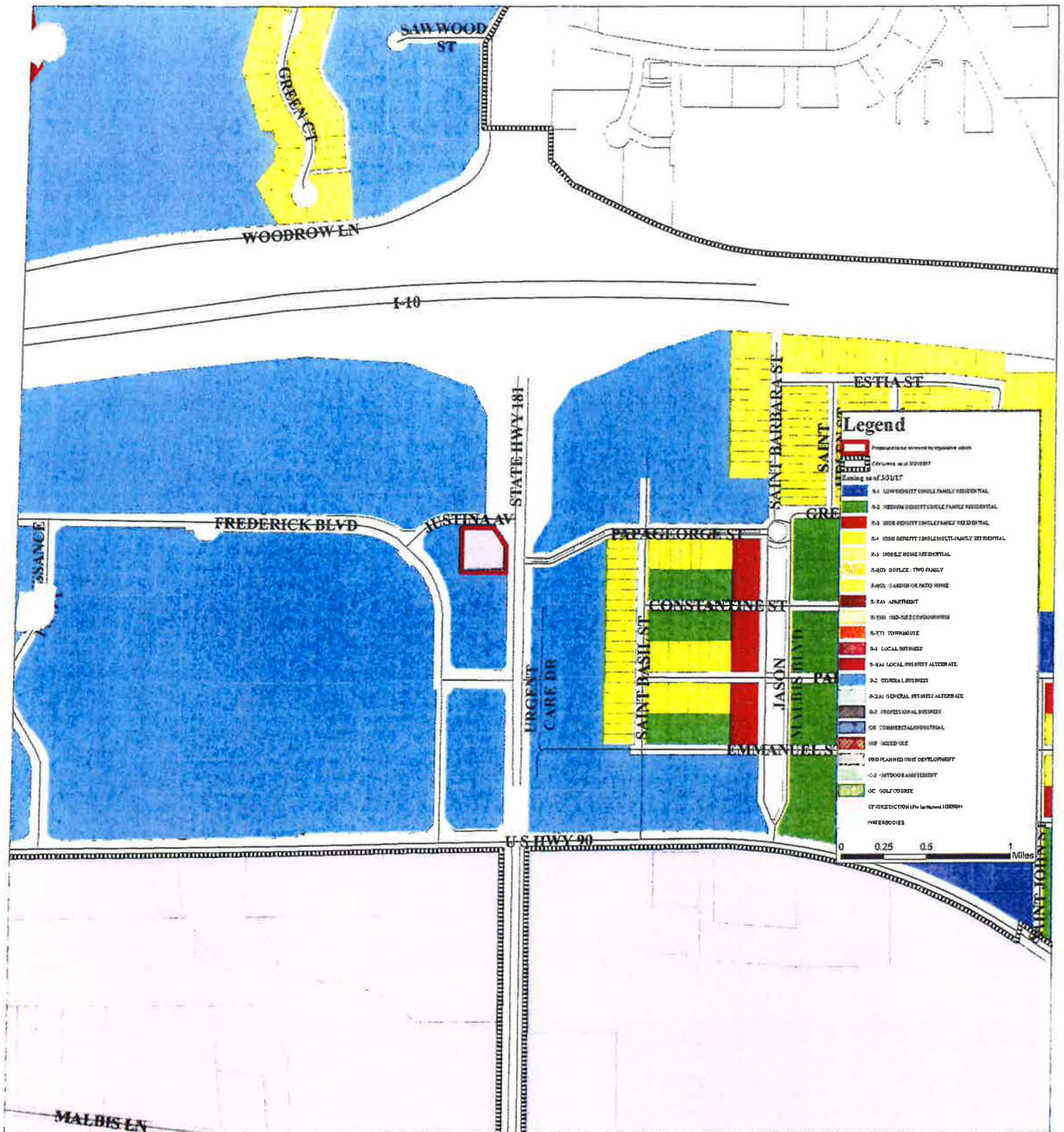
0 0.25 0.5 Miles



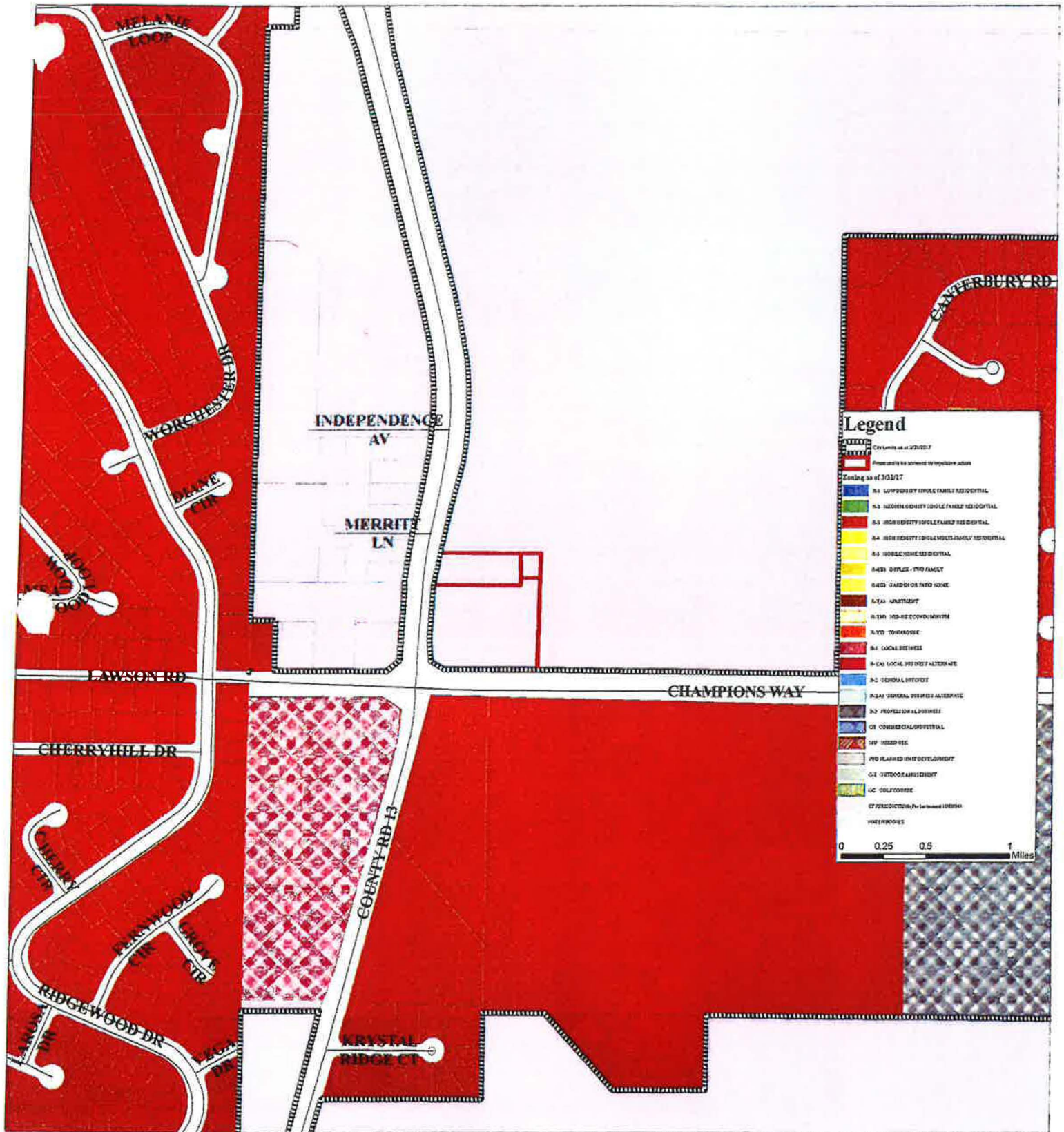
Recommendations: B-2(A) General Business Alternate or B-2, General Business



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
4/14/17	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

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 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

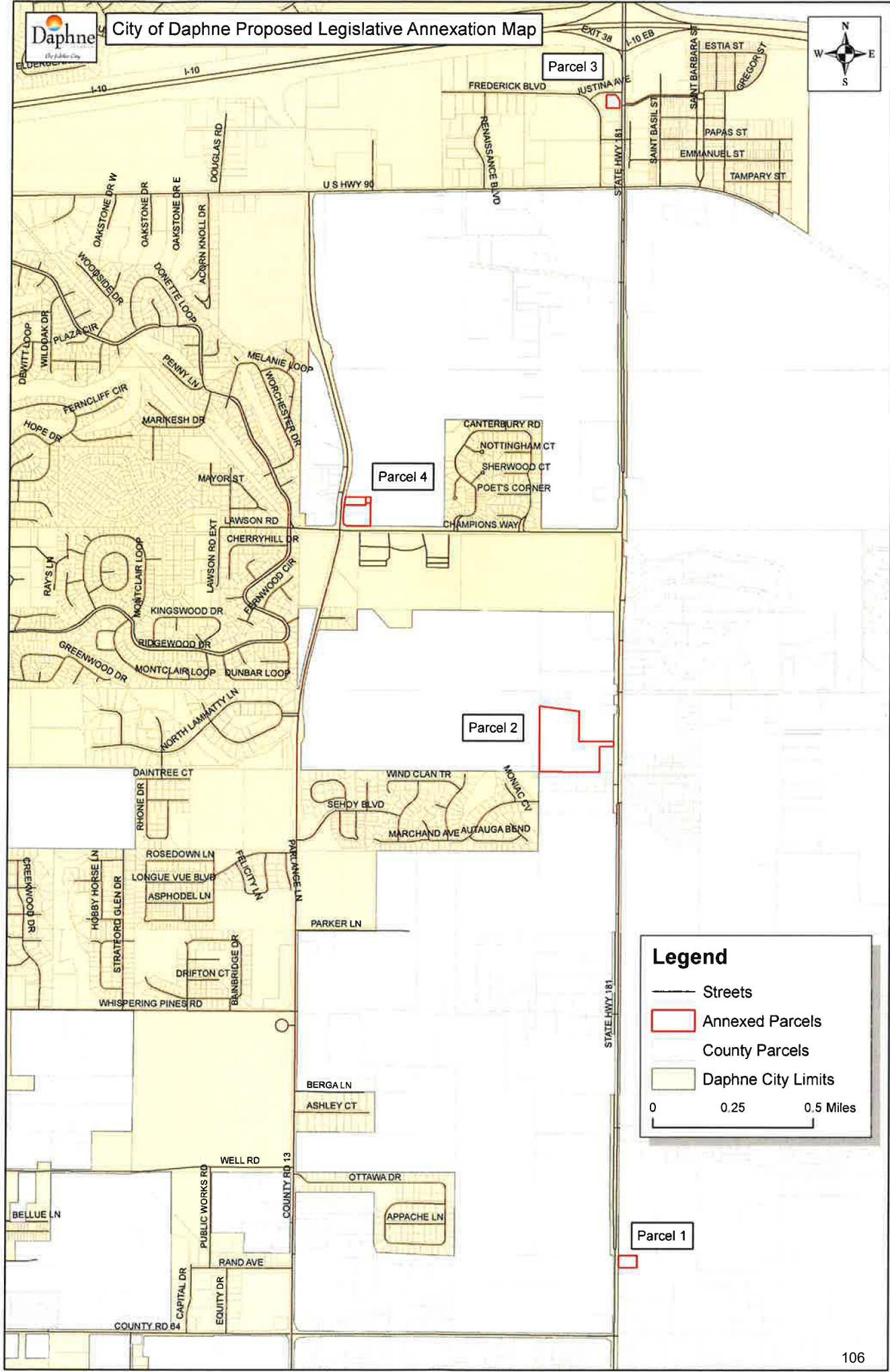
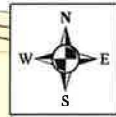
ATTEST:

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

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

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

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

8-21-94 28
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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.
Frankly 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 55 NAYS 1
 JEFF WOODARD,
 Clerk

FURTHER HOUSE ACTION (OVER)

RD 1 RFD LLH1

This Bill was referred to the Standing Committee 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.
 Chairperson

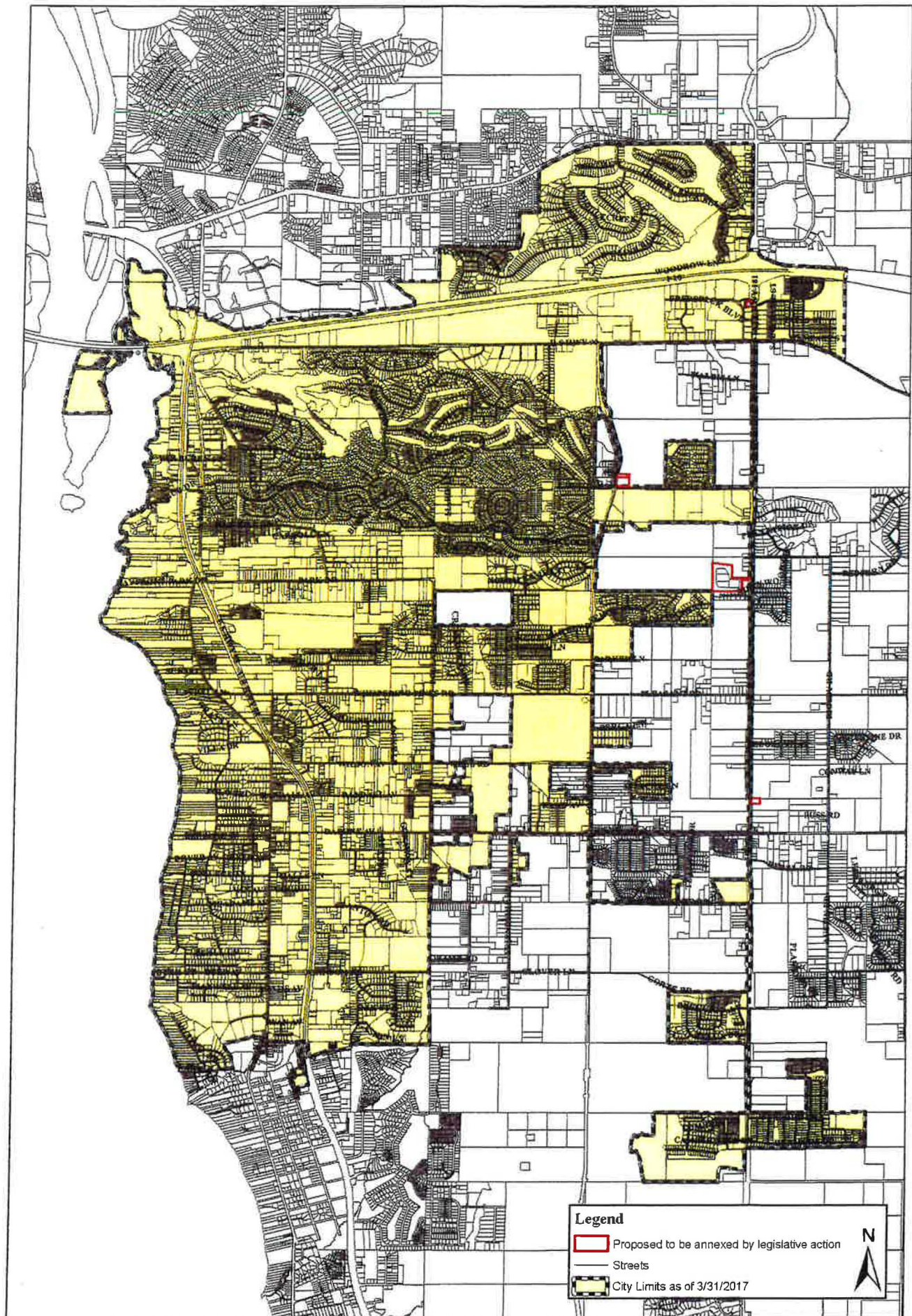
DATE: 4-6
 RF FAV RD 2 ☐ C

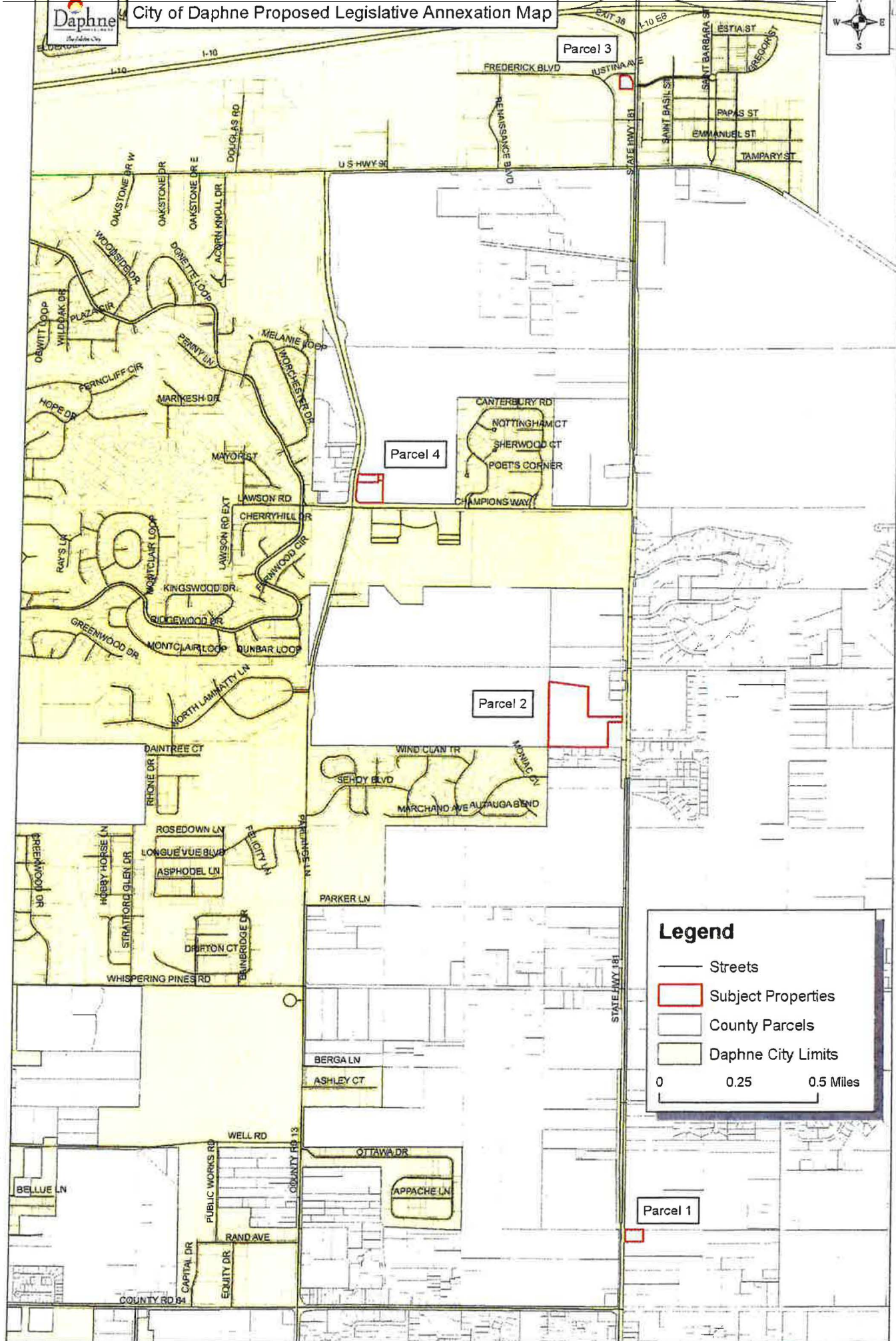
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 YEAS 21 NAYS 0 AB
 PATRICK HARRIS
 Secretary

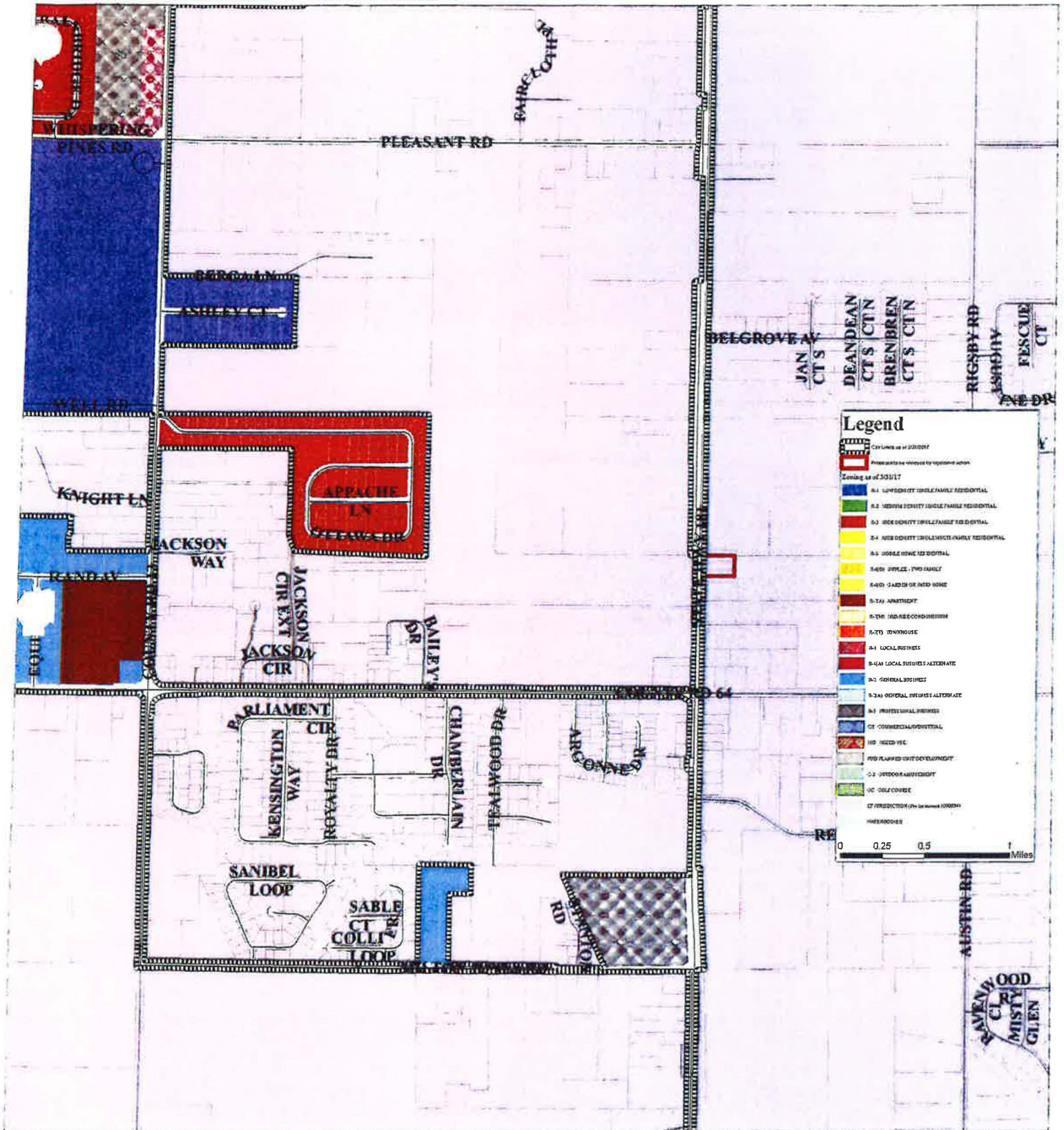
DATE: 4-11-17 RD 3 at
 PASSED ☒ PASSED AS AMENDED
 YEAS 26 NAYS 0 AB
 And was ordered returned forthwith to the House
 PATRICK HARRIS
 Secretary

DATE:
 INDEFINITELY POSTPONED YEAS NAYS
 DATE:
 RECONSIDERED YEAS NAYS

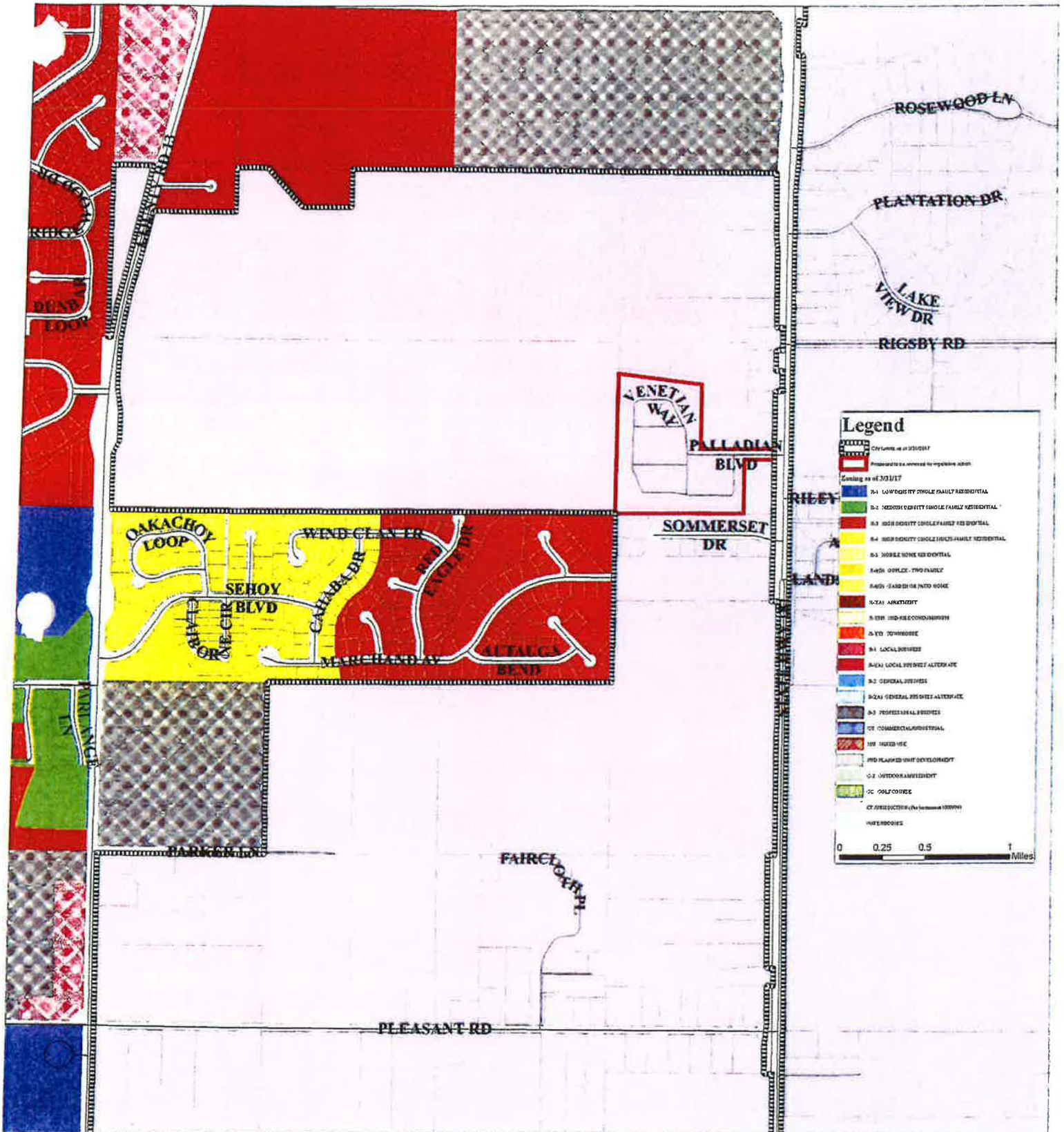
FURTHER SENATE ACTION (OVER)



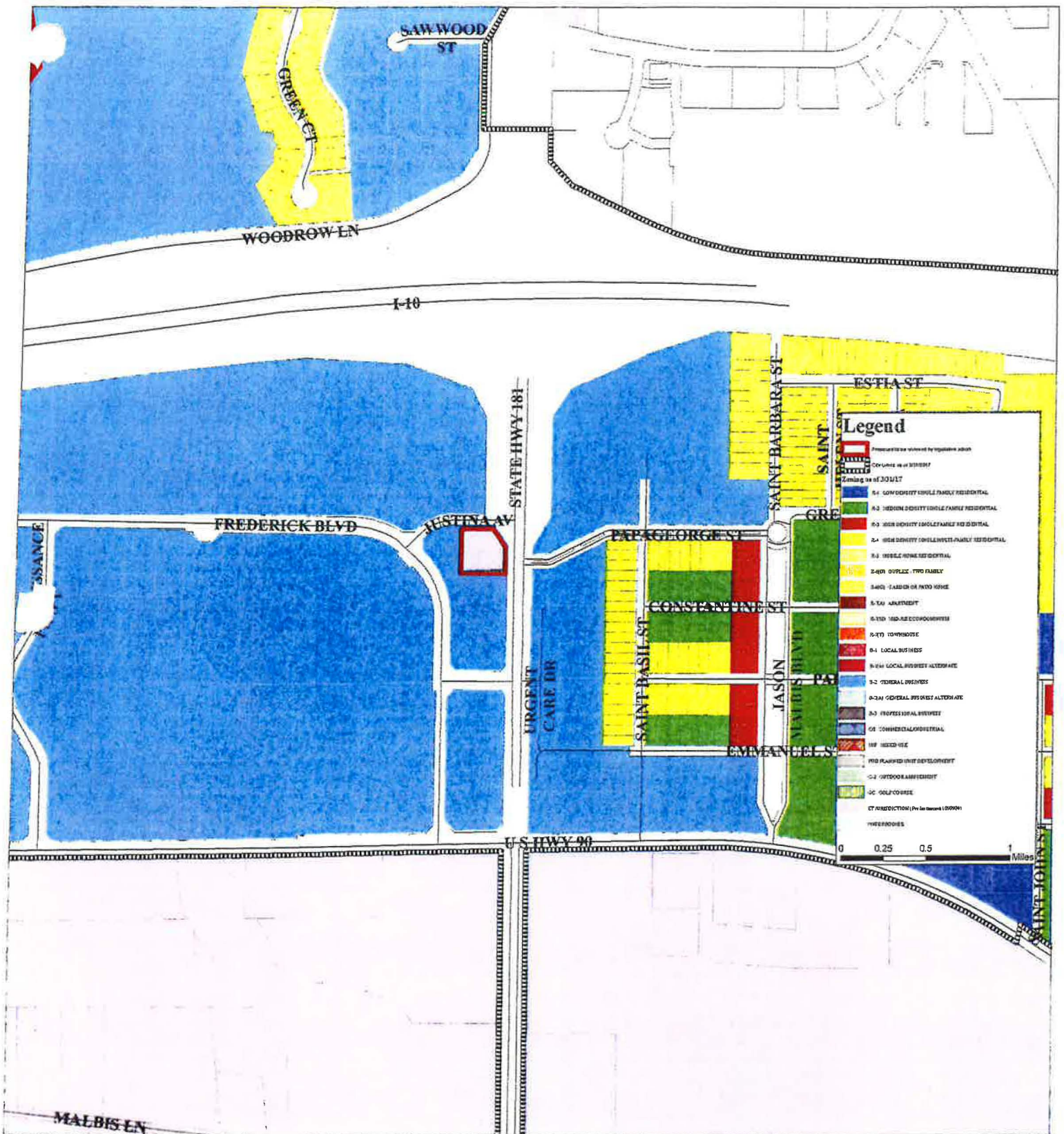




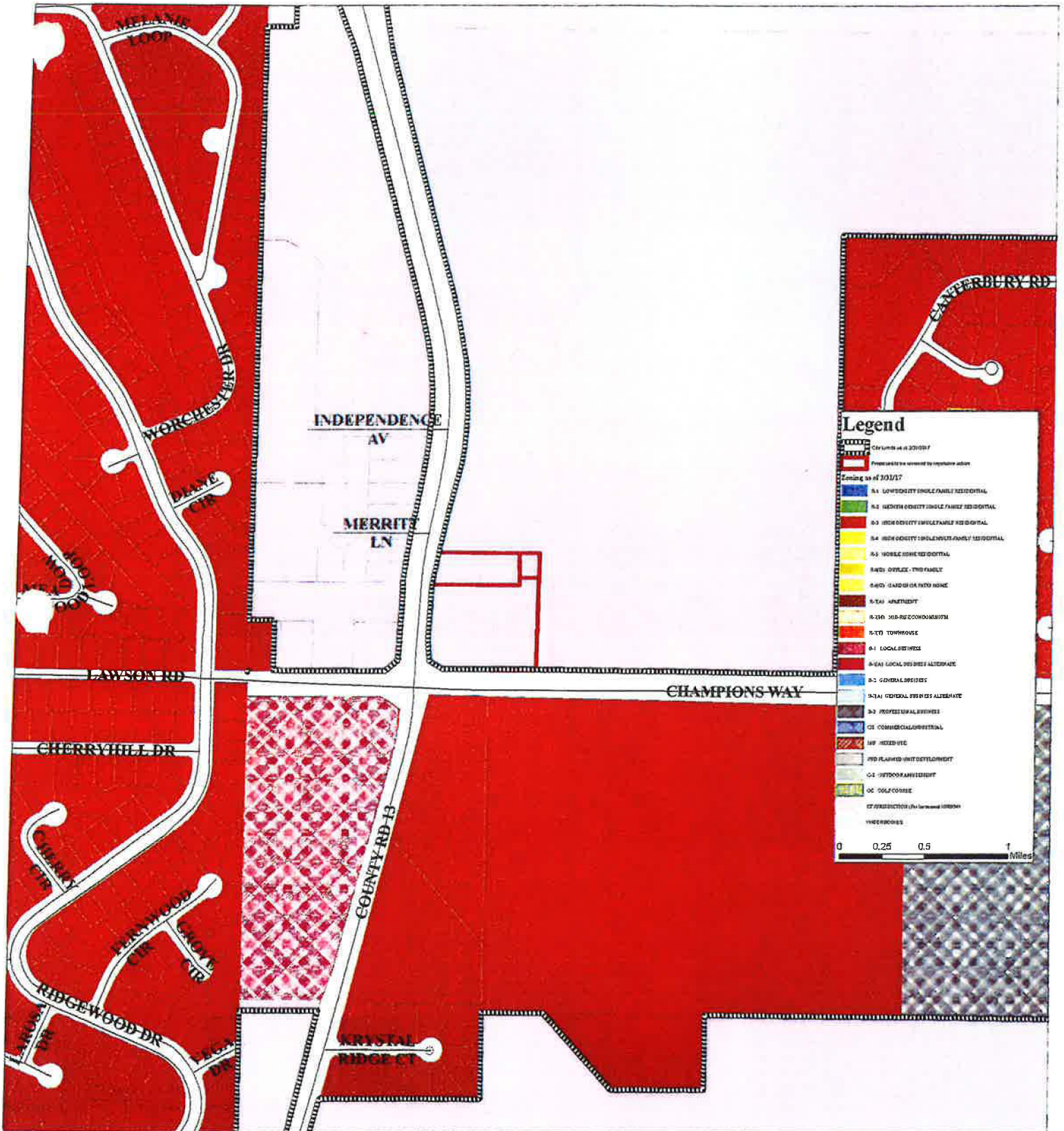
Recommendations: B-2(A) General Business Alternate or B-2, General Business



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
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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

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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
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- 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

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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

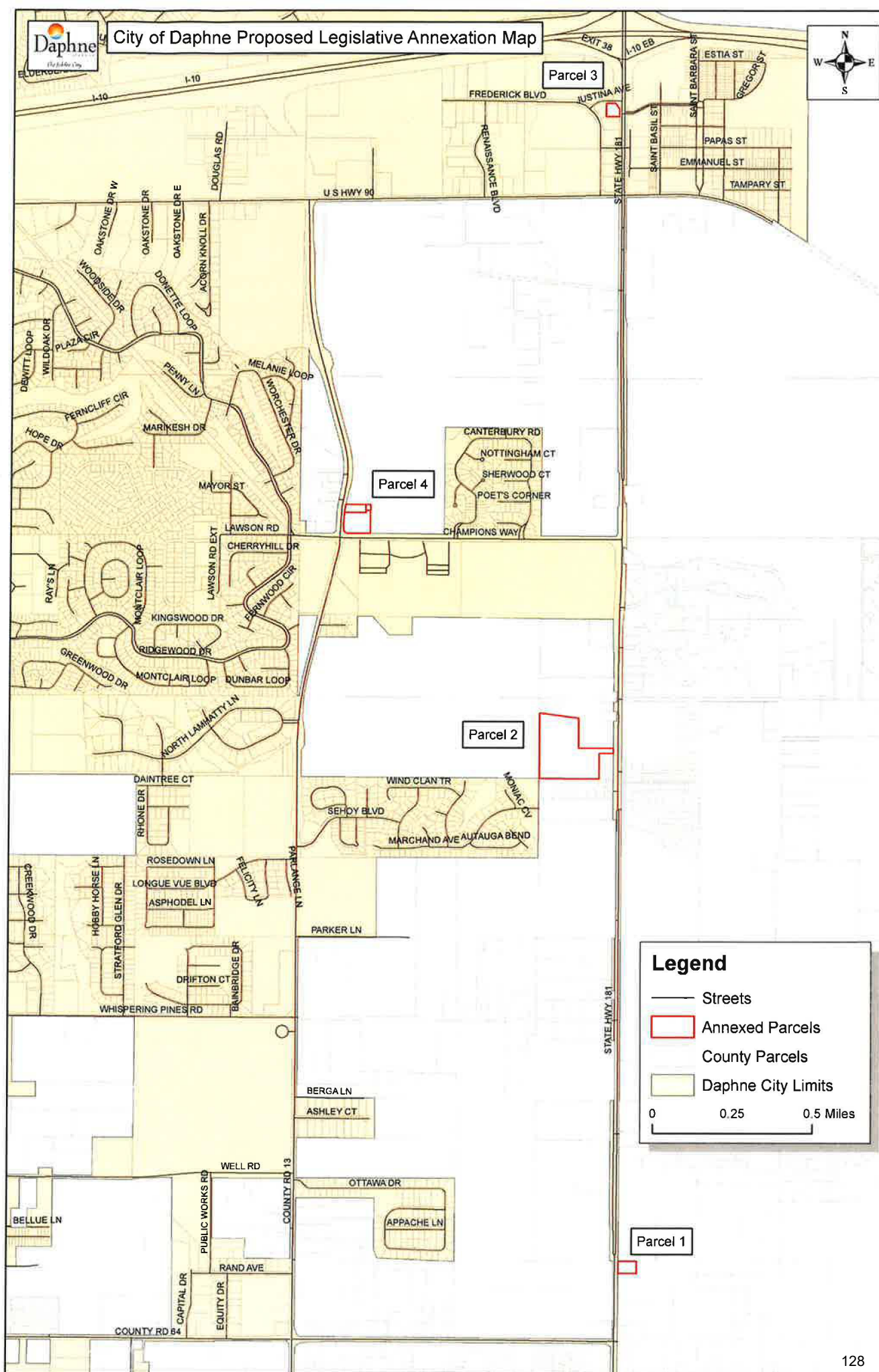
DANE HAYGOOD, MAYOR

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

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

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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 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

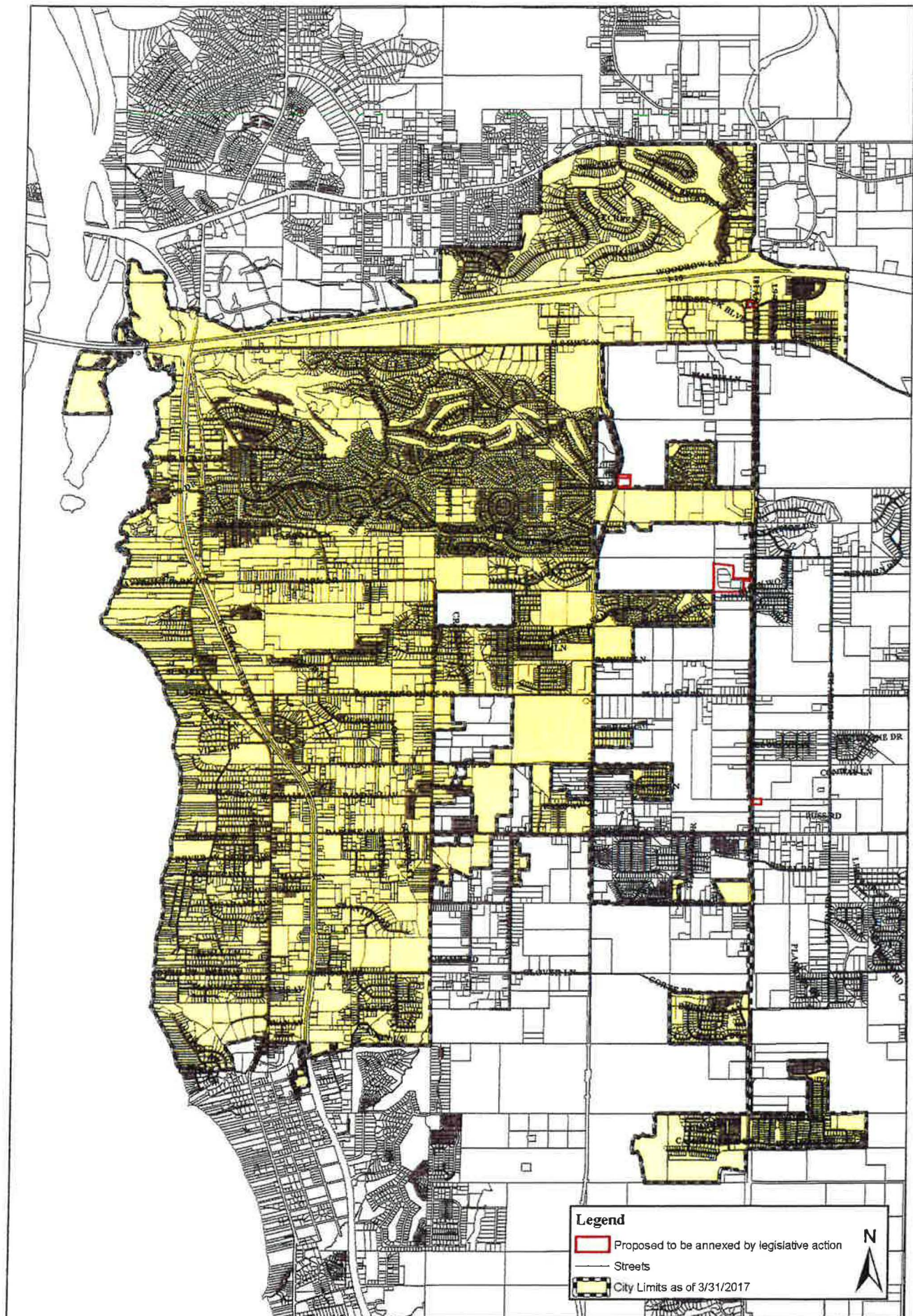
I hereby certify that the Resolution required in Section C of Act No. 81-889 was adopted and is attached to the Bill, HB 209.
 YEAS 24 NAYS 0 AB
 PATRICK HARRIS
 Secretary

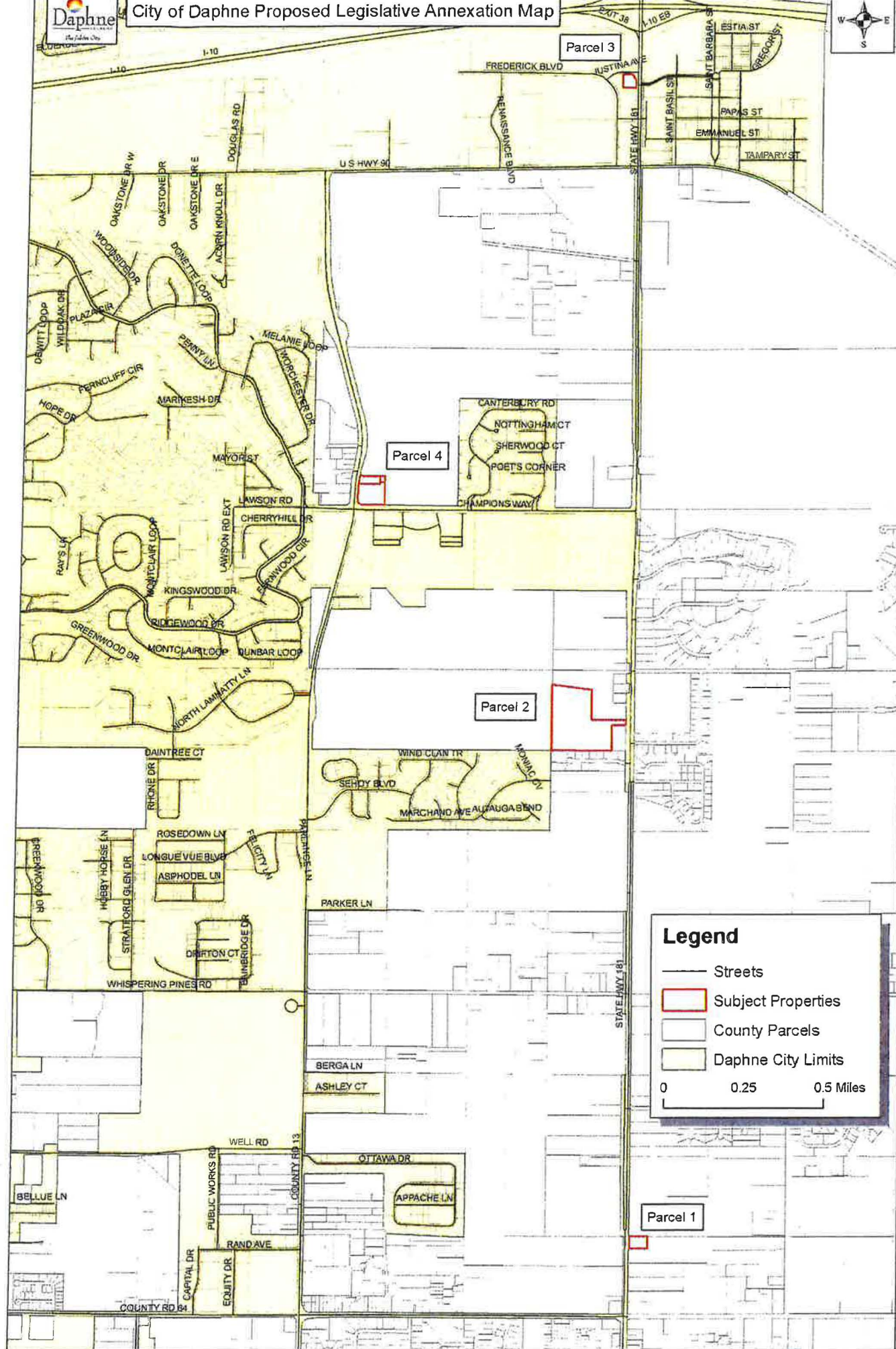
DATE: 4-11-17 RD 3 at
 PASSED ☒ PASSED AS AMENDED
 YEAS 26 NAYS 0 AB
 And was ordered returned forthwith to the House
 PATRICK HARRIS
 Secretary

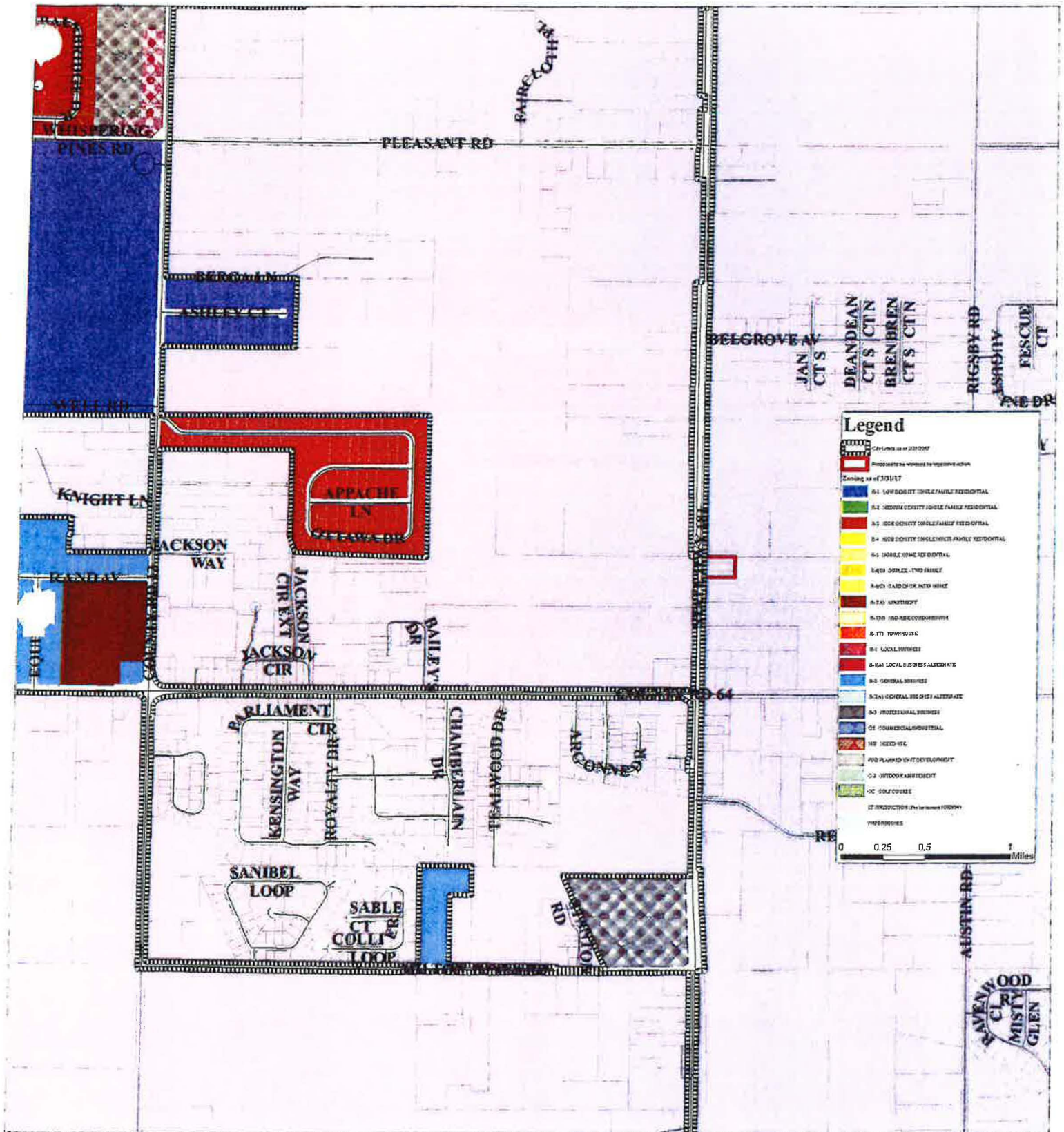
DATE:
 INDEFINITELY POSTPONED YEAS NAYS

DATE:
 RECONSIDERED YEAS NAYS

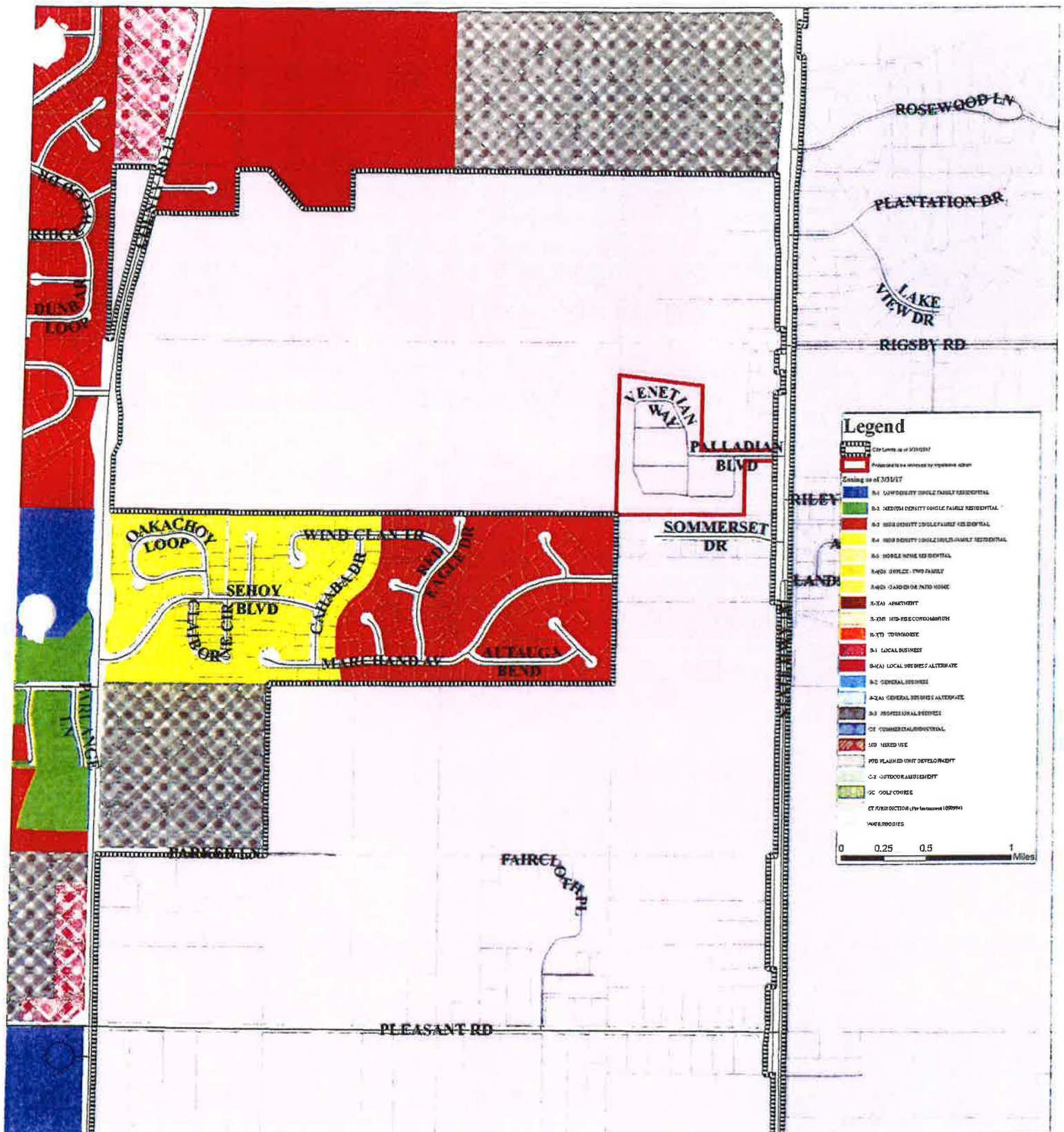
FURTHER SENATE ACTION (OVER)



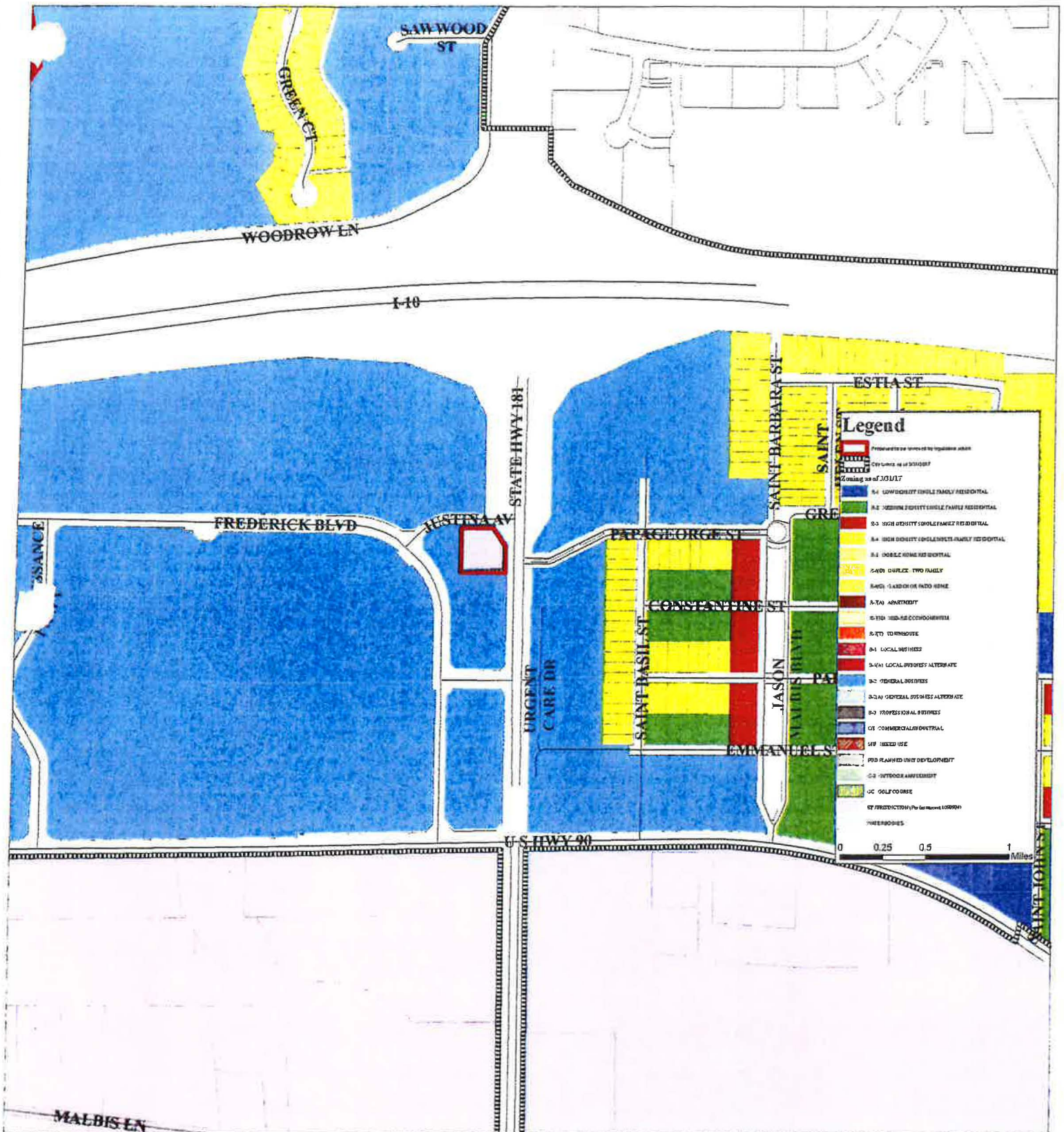




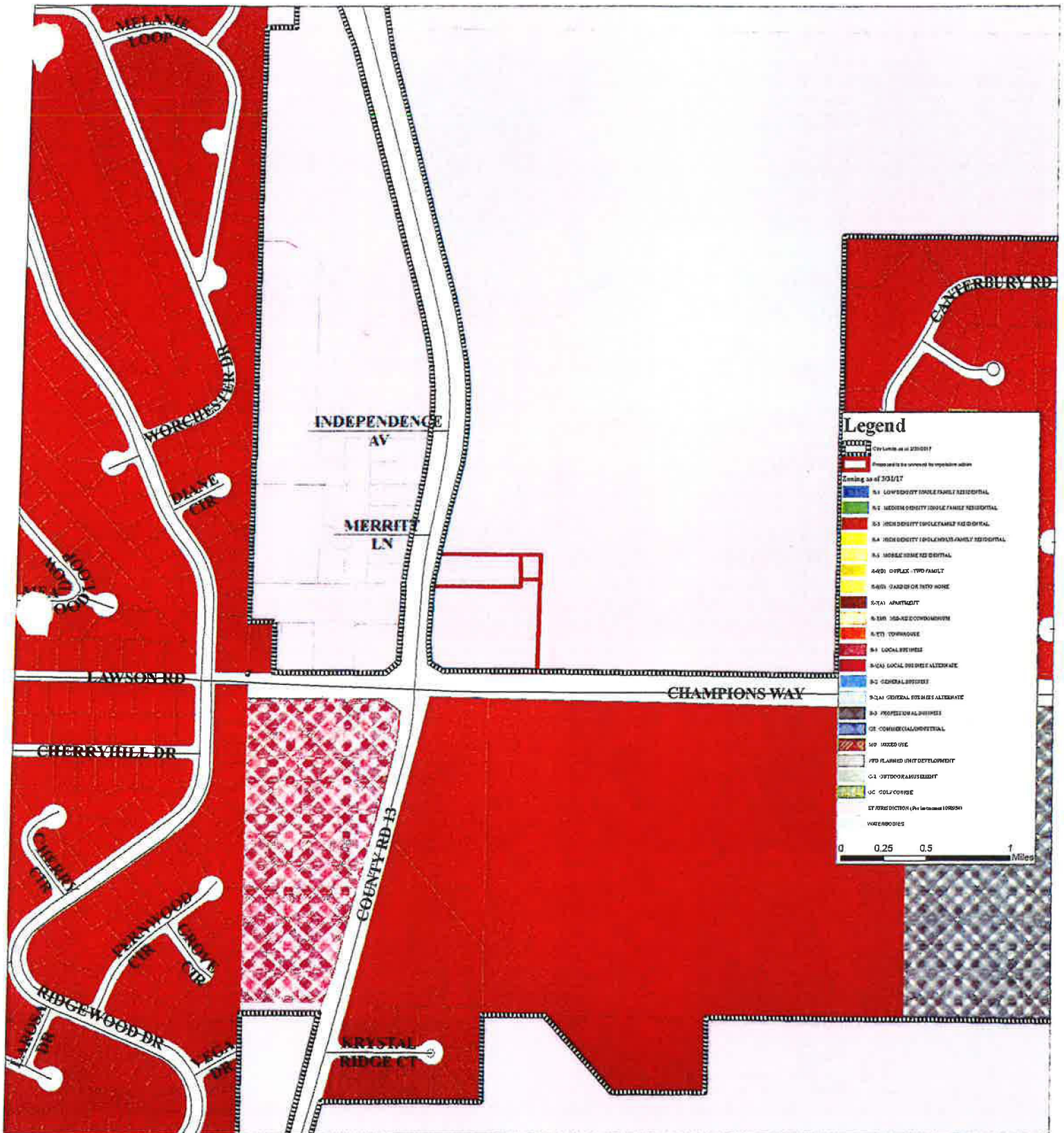
Recommendations: B-2(A) General Business Alternate or B-2, General Business



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 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.}
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		

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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	

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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	C/I
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)		C/I
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)	C/I	
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)	C/I	
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) <i>C/I</i> B-2, B-2(a), B-3		
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 use 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

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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

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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
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Public Safety Committee

Monday, July 17, 2017

Councilman Pat Rudicell
Councilman Doug Goodlin
Councilman Robin LeJeune
Councilman Ron Scott
Fire Chief James White
Public Works Director, Richard Johnson

Police Chief David Carpenter
Captain Scott Taylor
Samantha Cooper - Secretary
Councilwoman Tommie Conaway
Councilman Joe Davis
Councilman Joel Coleman

Committee Members Attending:

Councilman Joe Davis, Councilman Pat Rudicell, Councilman Ron Scott, Councilwoman Tommie Conaway, Councilman Doug Goodlin, Councilman Joel Coleman, Councilman Robin LeJeune, Public Works Director Richard Johnson, Chief David Carpenter, Lieutenant Ric Yelding, Chief James White

CALL TO ORDER

Councilman Joe Davis **convened** the meeting at 4:30 p.m.

PUBLIC PARTICIPATION – Victoria Phelps, Lake Forest Property Owners Association, wanted to thank all of the Public Safety Officials for keeping everyone safe. Later throughout the meeting, she asked that the committee consider adding Rollinghill/Bayview Dr. to the speed issue/study that was discussed this evening.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from June 19, 2017 were approved as read.

POLICE DEPARTMENT

A. New Business - Chief informed the council members in attendance of a few items of new business he wanted to address that weren't listed on the agenda. He stated that the police department has made a few drug & gun related arrests this week where search warrants were served on a few local "repeated" suspects/offenders, the ATF (Feds) will be taking over the cases due to the drug activity within the house. The location is on Carolina Ave. Lt. Hempfleng also responded to an accident where a gentleman, Anthony Le, was involved in the accident ran over to a sitting car and threw a gun and drugs into the other car (not involved). He was arrested on the charges, which resulted in the search warrants to the Carolina location and the takeover of the case from the ATF. Two additional arrests of juveniles were also made in connection with the numerous B&E's of vehicles that happened in late June in the Creekside area.

Chief presented the stats and D-runs for May. Councilman LeJeune questioned Lt. Yedling about the Spanish Fort and Jail costs, currently \$50 and they cover their own medical costs. He wanted clarification as to the number on the stats, wondering if that included their medical costs as well. The medical cost number listed on the statistics is for City of Daphne Arrests/Inmates only. LeJeune also questioned the number listed for pets that were unadoptable/euthanized – which was 14 in the month of May. Lt. Yelding explained that those are deemed pets that are feral, often time aggressive felines, or have to be euthanized due to medical reasons. Chief also brought up 2 robberies that were listed on the statistics in May. One happened on 2nd Ave. and had his cell phone and games stolen off of him, but the detectives believe it is drug related and may involve the Anthony Le subject (that was just arrested for other charges as discussed above) in relation to this case as well. The other one was at the Eastern Shore Motel.

Chief also stated that the Mayor has him and Public Works looking at a few speed signs that clocks the speed. Councilman Goodlin added that they are a sign that records downloadable data, that you can also have it record data without showing the speeds to try and get a more true indicator of what people are going without the sign flashing their speed, the sign is moveable and can be utilized in any location deemed necessary, and will help in determining if a speeding issue is prevalent in a given area. The signs are apx. \$2,500, and the Mayor and Richard Johnson, Public Works, are currently working on obtaining these signs.

Councilman Scott inquired to Chief about the cameras on I-10/Bayway about if these are recordable devices or if it is just a live feed through the camera. This was brought up due to the recent traffic fatality accident that happened in Daphne, approaching the Bayway, which had both sides of the interstate shut down for hours on end. Numerous exits, roads and highways were also completely grid-locked during this time due to the interstate closure for hours. Both vehicles involved left the scene of the accident, where the motorcyclist (who was at fault) was killed. He wanted to know if we were able to obtain any information off of those cameras. It was stated that those cameras are only a live feed and do not record. Richard Johnson spoke on this subject, stating that we do, if the council were to decide, have the ability when the IPS is put in on Hwy 98 to record and/or have live feed from all the roadway/light cameras currently in place within the city limits if it was decided to do so. Some people do not want the liability of these recordings/live feeds, but Johnson wanted to let the council know if it is something they wanted to do, we do have the capability to do it.

FIRE DEPARTMENT

A: New Business – Chief White brought some visuals for the committee to look at regarding complaints from his guys at Fire Station 4 about tractor trailers coming down Woodrow/Green Court parking and blocking the driveway to the Fire station. Several different options were discussed regarding signage and solutions to solve this issue. Councilman Scott asked if Woodrow could be closed. Ordinance Officer Creel spoke about issues they have at the end of Woodrow/Green Ct. and dumping, but the owner of that property does not want access to be hindered to his property. Options of a No Parking sign, or a No Outlet sign could help minimize this, or a possible turn around area for these semi's and tractor trailers to have a turnaround help fix this problem was mentioned as well. It was decided that a solution and plan needs to be put in place moving forward for this area. Richard Johnson said he would look further into different options for this area. Councilman Davis said he would help in finding a solution as this is his area.

Old Business – Fire Station 2 is near completion. Richard Johnson just recently had a walk through and is meeting with the contractor at the end of this week. Richard Merchant has also assisted Johnson and Chief White in pointing out some issues that might not have been previously thought about. Johnson stated there are a few lingering issues to include the roll-up doors. The completion deadline is set for August 11, and Johnson reiterated to the contractor that they will not have portables at the end of August so it is crucial this deadline is met. The contractor has requested 12 additional days, which would put the completion around the 23rd of August, which is still in the time frame of being complete by the end of August.

OTHER BUSINESS –

Councilman Pat Rudicell spoke on behalf of Dr. Stallings. Dr. Stallings was meant to be at the meeting for public participation, but was unable to make it. Councilman Rudicell brought up Dr. Stallings concern which was making sure Public Safety – Police and Fire – were able to access his location if in an emergency situation. Rudicell explained how in parts of old town Daphne near the bay etc. there are

cuts in the roads, where the road ends, but picks up in a different location, to include Old County Rd., Santa Rosa, College etc. Dr. Stallings lives in one of these areas where the road is spliced and wanted to make sure the Police and Fire officers are able to find his location if needed. Chief Carpenter and Chief White stated they are both very familiar and comfortable navigating these areas. Chief Carpenter stated that his officers, during training, spend time driving these streets in order to become familiar with different locations and splits. Dispatch also assists our officers when they respond, giving them a cross location to reference to. Rudicell also spoke of lighting issues down in this area, around Beall and Old County Rd. Richard Johnson stated that several of these lights have just recently been replaced with LED lights. Public Works is also working on cutting and trimming trees in this area. BJ with Public Works gave kudos to the Police Officers, as each month they send Public Works a compiled list of lights they notice are out while patrolling during night shift. He stated this really helps Public Works out in knowing when a light is out, where it is at, and being able to quickly change them out. Rudicell also asked Chief White and Chief Carpenter how they each respond to an address that has a gated, locked driveway. Chief Carpenter stated that often times they give us a key, but if we do not have a key to access these locations, the Fire Department has cutters where the locks are cut in order for us to access.

Councilman Scott addressed Councilman Davis, asking where they currently stand with Spanish Fort/Daphne address situation in Timbercreek. Davis stated the business on Woodrow Ln. have been addressed, the next thing is to move the residential. Scott stated the problem is, is the post office is showing that as Spanish Fort and when a statistical analysis is done Spanish Fort is getting credit for all of that when in reality it should be Daphne. Scott suggested possibly asking our 'Lobbyist' in conjunction with the Mayor to see if they could address/change this issue. Scott and Davis agreed that some type of action needs to happen and they would both follow up with the necessary people.

Councilwoman Conaway briefly addressed Richard Johnson regarding last month's minutes and where he stands in the 'action plan' he was going to create and present to the Mayor on the speed bumps/speed traps analysis and suggestions for the various locations that are currently being looked at. Johnson stated they are meeting with the Mayor to discuss this more tomorrow, but suggested in the locations such as Dunmore or Old Field and the likes of Belrose, speed bumps that are portable and able to be bolted and unbolted are going to be the best option as they are cost effective and able to be removed if for some reason they were not wanted in years to come without damaging the road structure. Old Field is also looking at some stop signs to be added in with a new phase that is being implemented and planned. They are still currently on hold with the planning commission regarding implanting a plan for new neighborhoods or new phases that are attached to existing neighborhoods and incorporating a plan for traffic calming devices to be incorporated into the development process from the beginning. The Mayor has put this on hold and that is currently where it stands with no further updates.

Councilman LeJeune asked Johnson what the status of the Daphne East Connection is and Johnson stated it should all be finished by the end of July, weather permitting.

ADJOURN

There being no further business to discuss, Councilman Scott made a motion to adjourn the meeting at 5:21 p.m. The next meeting will be Monday, August 21, 2017 at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,

Daphne Public Safety Committee

Daphne History Museum

Meeting Minutes

July 10, 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,

III. Approval of minutes from last meeting: June 12, 2017

- IV. **Treasures Report:** Period 5/31/17- 6/30/17 Opening balance \$5,514.26 Deposits: \$50.00 Credits: #1338 \$53.97 Ending balance \$5,510.26 Petty Cash \$21.58

- V. **Volunteer Assignments/Schedules-** An extra Sat & Sun in July. 7/29 Helen will work. 7/30 Al will work.

VI. Committee Reports

- a) **Exhibits/Events:** No Reports
- b) **Publicity/Social Media:** Mickey was able to get a note about the bricks in the Lake Forest newsletter via Thomasina Warner (sp?)
- c) **Cemetery:** No reports.
- d) **Fund Raising & Volunteer Recruitment:** See brick sale
- e) **Special Tours :** None scheduled
- f) **Archives, Curation:** FYI: Hector Montford accepted a teaching position in Brunswick GA.

VII. Unfinished/Ongoing business

- a) **Planning Calendar:** September is Jubilee Festival & BC Fair.
- b) **Brick Sale:** Time to approach people that have promised but not purchased. Dooley reported the prices on the engraved bricked have gone down : 25-99 went from \$35 to \$20.50 ea. 100 & over \$18.50. These prices are good until year end. We would now be place an order for fewer than 100 (shipping est. \$200-\$300). It was agreed to set a deadline just after the Jubilee Festival. Maybe 10-1-17.. Delivery expected approximately 6 wk from order placement.
- c) **Presentation for the Senior Center:** It will be held at the Museum 7/11, postponed from an earlier date. Ken invited any members to attend.
- d) **200 Year Celebration:** Ongoing preparations.
- e) **Name Change:** Another step is involved in the name change, but Ken is working on it.
- f) **Work Day:** New date to be determined.

- g) **Impact 100:** We made it through the first cut. The next step is, a team visit to take place 8/8/17 on site.

VIII. New Business & Announcements

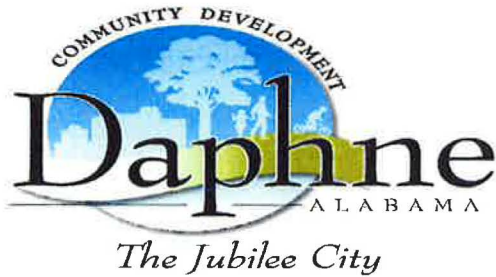
- Mickey located the books Bill Benbow left at the museum, feared to be missing.
- Big copier has an error message. Ken will contact City or Baker Bites to see if someone can do a service call. The old copier is still working.
- Stephanie gave a 'shout out' to Candice. The Friday she had a major problem with the door, Candice had a City employee on site within 20 minutes. It was agreed, she is such an invaluable asset to us as a liaison, going above and beyond her duties to help.
- Scott requested, everyone should check the fountain water level on their work day. If it's low the pump will stop. Remove the cover on the back and add water.
- The refrigerator has been found defrosted several times. We need to check and watch. Motion was passed to purchase a new one if necessary.

IX. Adjournment

Ken Balme adjourned the meeting.

Minutes submitted by: Rachel Burt

Next regular meeting: Monday August14 , 2017 @ 10AM!



**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT AGENDA
AUGUST 3, 2017 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL**

1. **CALL TO ORDER** - 6:05 p.m.
2. **CALL OF ROLL** - Present W. Robison, B. Mayhand, H. Cole, D. Wolstenholme, T. Warner/arrived at 6:05 p.m.
3. **APPROVAL OF MINUTES** - Approved

July 6, 2017

4. **OLD BUSINESS**
5. **NEW BUSINESS**

Appeal #2017-06 & 2017-07 Mark & Sonja Crowell - Denied

A request for a Variance to the Daphne Land Use and Development Ordinance has been filed with the City of Daphne Board of Zoning Adjustment. The request, if granted, would establish two lot areas of ten thousand, six hundred and fifty square feet each, in lieu of the required fifteen thousand square feet, with a lot width of seventy-one feet each, in lieu of the required ninety feet. The property is Lot 1, 3 & 5, Block 7, Dryer Subdivision, which is zoned R-2, Medium Density, Single Family Residential.

6. **ADJOURNMENT** - 6:28 p.m.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF JULY 6, 2017 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Chairman stated the number of members present constitutes a quorum and the regular meeting of the Board of Zoning Adjustment was called to order at 6:00 p.m. and he asked for roll call.

Members Present:

Billy Mayhand
Philip Durant
Willie Robison, Chairman
Herb Cole

Staff Present:

Adrienne D. Jones, Director of Community Development
Pat Johnson, Recording Secretary
Tony Hoffman, BZA Attorney

Members Absent:

Thomas Warner

Chairman called for the **Approval of Minutes** of the March 2, 2017 meeting. There were no corrections, additions or deletions.

The Minutes were approved unanimously.

Chairman called the next item on the agenda, **Appeal #2017-04 Patricia Grant**, a request for a Special Exception to the Daphne Land Use and Development Ordinance, the request if granted, would allow the operation of a learning disorder school for grades 1-8. The property is 26450 Pollard Road, which is zoned B-2, General Business.

Ms. Jones displayed a Power Point Presentation of 26450 Pollard Road depicting Well Road to the north, Pollard Road to the west and the surrounding residential and B-2, general business zones. Staff recommended approval and cited that the needed recommendations from the Public Works Director and the Building Official were also favorable.

Chairman opened the floor for public participation.

Mr. Monroe stated I am Spence Monroe and I represent the owner Patricia Grant, who is requesting approval for a school with 64 students to be operated at this address. Also with me tonight is Ms. Courtney Klotz, Founder of the school who is working with engineers to establish state code for the building and between us we will answer any questions you may have.

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF JULY 6, 2017 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL**

The Board questioned and discussed the number of employees and parking, the number of students, ingress and egress onto Well and Pollard Road during peak school hours, and modifications to the building.

The Chairman asked would anyone else like to speak in favor or opposition of the variance. Being none, Chair closed the floor for public participation and entertained a motion.

A **Motion** was made by **Mr. Durant** and **Seconded** by **Mr. Mayhand** to **approve Appeal #2017-04, Patricia Grant, for a Special Exception to the Daphne Land Use and Development Ordinance. The request allows the operation of a learning disorder school for grades 1-8. The property is 26450 Pollard Road, which is zoned B-2, General Business.**

Upon roll call vote, **the Motion carried unanimously.**

Mr. Durant	Aye
Mr. Mayhand	Aye
Mr. Cole	Aye
Mr. Robison	Aye

The Chairman stated the request for the special exception is approved. You can up your paperwork tomorrow morning around 9:00 a.m. in the office of Community Development. Thank you.

Chairman called the next item on the agenda, **Appeal #2017-05 26088 Capital LLC**, a request for a variance to the provisions of the Land Use & Development Ordinance Buffer Zone Requirements, Article 19-9(a)(vi), the variance if granted, would allow an encroachment of eleven feet into the required fifteen foot wide buffer along the western property line. The property is PPIN #227649, undeveloped land, which is zoned B-2, General Business.

Ms. Jones displayed a Power Point Presentation of PPIN #227649, the undeveloped land on Capital Drive directly across from the existing Daphne Commercial Storage business. The request is to encroach into the required fifteen foot buffer by eleven feet for a paved fire truck turnaround, which is also required for commercial driveways over 150 feet in length. Pictures were shown depicting the existing tree line and surrounding properties and the site plan. Ms. Jones stated that the Planning Commission had granted site plan approval contingent upon meeting the provisions of the Ordinance, but if approval was not given by the Board then they will have to modify their site plan to be in compliance. Staff cited that there was no hardship on the land.

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF JULY 6, 2017 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL**

Mr. Spencer stated my name is Tony Spencer and I represent TPS Design, we desire variance approval in order to provide a paved fire truck turnaround for our commercial driveway because it is over 150 feet in length according to the ordinance because economically we desire our buildings to be bigger. If I may I would like to pass out a letter of support from the west side adjacent property owner to the Board.

The Board reviewed the letter and questioned the excessiveness of the variance into the buffer zone, and cited that the conditions of a variance do not exist, and a larger building footprint for economic gain was also not sufficient criteria.

The Chairman stated does the Board have any other questions or comments? If not, let the record show there is not anyone present to speak in opposition of this appeal. The Chairman will entertain a motion.

A **Motion** was made by **Mr. Durant** to approve **Appeal #2017-05, 26088 Capital LLC**, a request for a variance to the provisions of the **Land Use & Development Ordinance Buffer Zone Requirements, Article 19-9(a)(vi)**, the variance will allow an encroachment of eleven feet into the required fifteen foot wide buffer along the western property line. The property is **PPIN #227649**, undeveloped land, which is zoned **B-2, General Business**.

The appeal was denied due to the lack of a second.

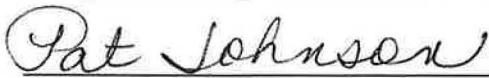
There being no other business the Chairman called for a **Motion to Adjourn**.

A **Motion** was made by **Mr. Durant** and **Seconded** by **Mr. Cole** to adjourn. There was no discussion on the motion.

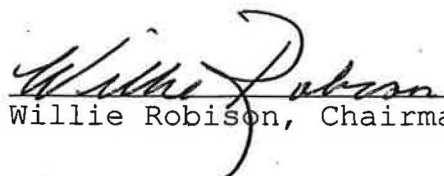
The Motion carried unanimously.

The meeting was adjourned at 6:33 p.m.

Respectfully submitted by:


Pat Johnson, Recording Secretary

APPROVED: August 3, 2017


Willie Robison, Chairman

**DOWNTOWN REDEVELOPMENT AUTHORITY
CITY OF DAPHNE
CITY HALL
1705 MAIN STREET
DAPHNE, AL 36526
JULY 26, 2017**

MEETING MINUTES

MEMBERS PRESENT: Daniel Dyas, Doug Bailey, Dorothy Morrison, Debbie Strahley, Ken Balme, and Dayna Oldham

MEMBER ABSENT: Belle Laurendine, Brandy Lister, Nicole Simms, and Patricia Vanderpool

COUNCIL LIASON PRESENT: Councilwoman Tommie Conaway

OTHER PRESENT: Jenny Opal White, Recording Secretary and Starke Irvine

1. CALL TO ORDER, INVOCATION, ROLL CALL

- There being a quorum present Daniel Dyas called meeting to order at 5:30 p.m.
- Daniel Dyas presented invocation at meeting.
- Jenny Opal White administered roll call.

2. PUBLIC PARTICIPATION

Mr. Starke Irvine participated in public participation. Starke confirmed to authority that Irvine Co., Inc. doesn't have a real estate contract with the Downtown Redevelopment Authority reference prior minutes from June 28, 2017.

3. APPROVAL OF MINUTES – June 28, 2017

Daniel Dyas asked members to review minutes in meeting packet from June 28, 2017.

Motion by Dorothy Morrison to approve minutes from June 28, 2017 Second by Doug Bailey Aye, All in favor Motion Carried Unanimously
--

4. TREASURER'S REPORT

Doug Bailey presented Treasurer's Report.

Motion by Dorothy Morrison to approve Treasurer's Report
Second by Dana Oldham
Aye, All in favor
Motion Carried Unanimously

5. OLD BUSINESS

Downtown Redevelopment Authority Map, Adopted, February 22, 2017

Daniel Dyas presented the 2nd presentation to the City Council at the Work Session on July 10, 2017. Daniel prepared follow-up letter addressed to Mayor and Council on July 21, 2017 requesting revised development area to be placed on agenda at the next City Council Meeting on August 7, 2017 for acknowledgement and acceptance.

Starke Irvine inquired on expansion of downtown redevelopment area. Daniel Dyas commented we would expand area to undertake improvements.

Downtown Redevelopment Authority Website

Daniel Dyas is preparing draft letter to JMF Solutions to terminate current website contract with the Downtown Redevelopment Authority and request an itemized statement for refund reference motion approved on June 28, 2017.

Downtown Redevelopment Authority Logo

Daniel Dyas noted the Downtown Redevelopment Authority logo was approved by motion on June 28, 2017. Jenny Opal White will obtain pdf and jpeg versions of logo from Nicole Simms. The logo format will be forwarded to authority members for official Downtown Redevelopment Authority business on letterhead, business cards, etc.

Main Street Alabama

Daniel Dyas noted approved motion on June 28, 2017 for Dorothy Morrison to attend the Main Street Alabama "Alabama Downtown Laboratory" on August 21-23, 2017 in Florence, Alabama.

Dorothy Morrison turned receipt in for reimbursement on July 19, 2017 in the amount of \$220.00 for registration of the event. Downtown Redevelopment Authority reimbursed Dorothy on Check 1050 in the amount of \$220.00 on July 26, 2017.

Downtown Properties for Development

Starke Irvine inquired if Downtown Redevelopment Authority was interested in property for development on Daphne Avenue. Daniel Dyas responded on inquiry that on behalf of the Downtown Redevelopment Authority they would take no action now on Daphne Avenue property.

Daniel Dyas informed Starke Irvine that the Downtown Redevelopment Authority has approved motion from June 28, 2017 to negotiate and make offer on 1809 Main Street, Daphne, Alabama on behalf of the Downtown Redevelopment Authority to facilitate retail space subject to approval of the Downtown Redevelopment Authority. Daniel noted he's reviewing package on property and hasn't made offer yet.

6. NEW BUSINESS

Your Town Alabama

Daniel Dyas asked Jenny Opal White to remove Your Town Alabama from agenda.

Mini-Grant Applications (Southern Napa and Pigeon Hole)

Daniel Dyas asked members to review Mini-Grant Applications on Southern Napa and Pigeon Hole.

Ken Balme reviewed with Authority the intent and guidelines of the Downtown Redevelopment Authority Mini-Grant Application. Daniel Dyas suggested Authority revise Mini-Grant Application. Mini-Grant Application will be discussed further on agenda at August meeting.

Motion by Doug Bailey to deny Southern Napa and Pigeon Hole
Mini-Grant Applications for advertising

Second by, Dorothy Morrison

Aye, All in favor

Motion Carried Unanimously

7. COMMUNITY LIAISON REPORTS

Beautification Committee

Dorothy Morrison presented the Beautification Committee report. Dorothy received request for planter box on Belrose Avenue. Dorothy suggested expanding planter boxes to Belrose Avenue.

Industrial Development Board

Doug Bailey presented Industrial Development Board report. Doug commented the DISC Project is moving forward. IDB establishing new meeting schedule.

Daphne Museum

Ken Balme presented Daphne Museum report. Ken commented the museum is applying for the Impact 200 Grant.

8. OPEN DISCUSSION

Councilwoman Tommie Conaway inquired on assistance for fence at Little Bethel Baptist Church. Dorothy Morrison commented the fence is on hold. Dorothy noted she would follow-up. Daniel Dyas commented they could apply for a Mini-Grant Application.

9. NEXT MEETING

Daniel Dyas noted next DRA meeting is scheduled for Wednesday, August 23, 2017 at Daphne City Hall in the Jubilee Conference Room at 5:30 p.m.

10. ADJOURN

**Motion by Doug Bailey to adjourn meeting at 6:43 p.m.
Second by Dayna Oldham
Aye, All in favor
Motion Carried Unanimously**



DOWNTOWN REDEVELOPMENT AUTHORITY

1705 Main Street
P.O. Box 400
Daphne, AL 36526
251-621-9000

July 21, 2017

Honorable Mayor and Esteemed Members of the City Council:

As Chairman of the Downtown Daphne Redevelopment Authority, I am writing you today after having appeared at two work sessions recently regarding our newly amended Downtown Redevelopment Authority Development Area. I am hereby requesting the Revised Development Area be placed on the agenda of the next City Council meeting for acknowledgement and acceptance by the Council.

We appreciate you all very much and we look forward to proceeding very soon, with your help, on several exciting projects to improve our downtown area.

Respectfully Submitted,
Daniel Dyas, Chairman
Downtown Daphne Redevelopment Authority

DOWNTOWN REDEVELOPMENT AUTHORITY
PRESENTATION OF MAPS

Presented by:

Daniel Dyas, Sr. and Doug Bailey

At

City Council Work Session

Monday, July 10, 2017

6:30 p.m.

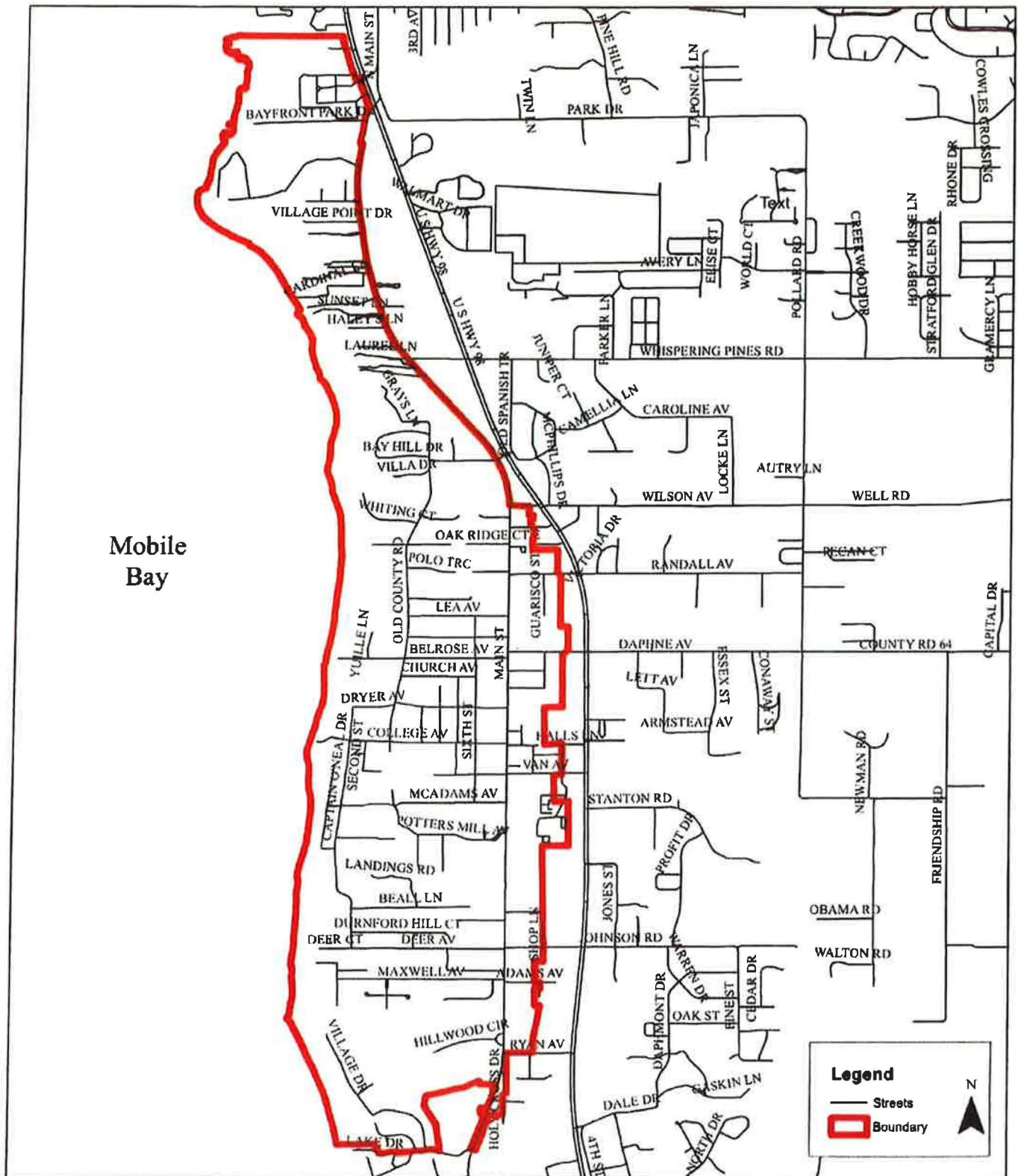
- **Development Area of the Daphne Downtown Redevelopment Authority, Adopted, February 22, 2017**
- **Olde Town Daphne District, Published on September 12, 2016**
- **Olde Towne Overlay**
- **Addition to the Olde Towne Overlay District**
- **The Village Overlay District, Ordinance 2004-50, Revision 1 Ordinance 2005-12, Revision 2 Ordinance 2008-04**

**DEVELOPMENT AREA OF THE DAPHNE
DOWNTOWN REDEVELOPMENT AUTHORITY**

Adopted, February 22, 2017

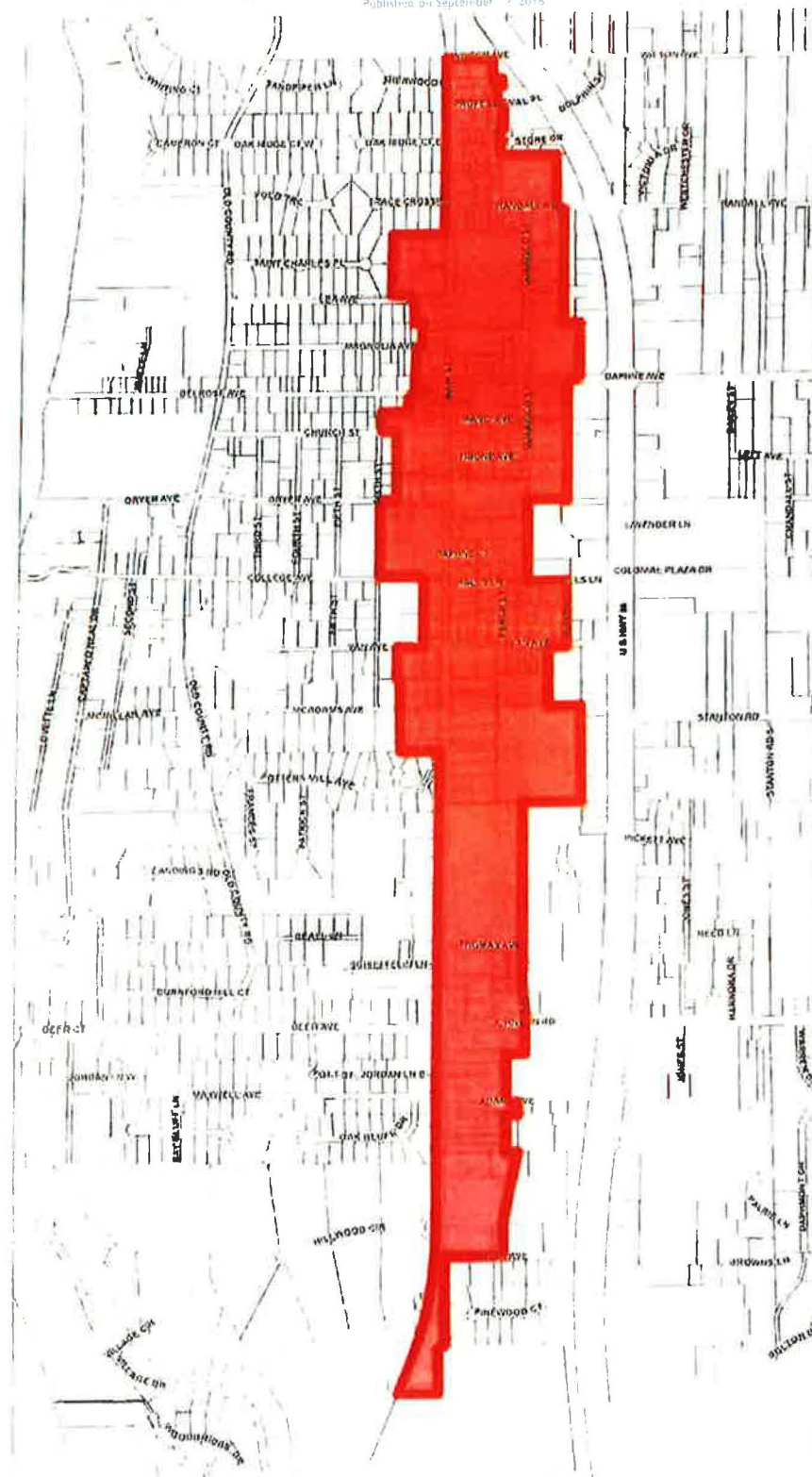
DEVELOPMENT AREA OF THE DAPHNE DOWNTOWN REDEVELOPMENT AUTHORITY

Adopted February 22, 2017



Olde Towne Daphne District

Appendix Olde Towne Daphne District Map Revisions as per Ordinance 2001-05, 2005-12, 2008-04, 2009-06 and 2016-08
Published on September 7, 2016



The information contained in the data distributed by the City of Daphne is derived from a variety of public and private sources considered to be dependable, but the accuracy, completeness and currency thereof cannot be guaranteed. The City of Daphne makes no warranty, expressed or implied, as to the accuracy, completeness, currency, reliability, or suitability for any purpose of the information or data contained in or generated from the City of Daphne Information System. Additionally, the City of Daphne is not responsible for any errors or omissions in any data or information regarding zoning or any data should be directed to the City of Daphne Planning Department. Tel: 251-481-1188

Legend

- Olde Towne Daphne District
- Parcels



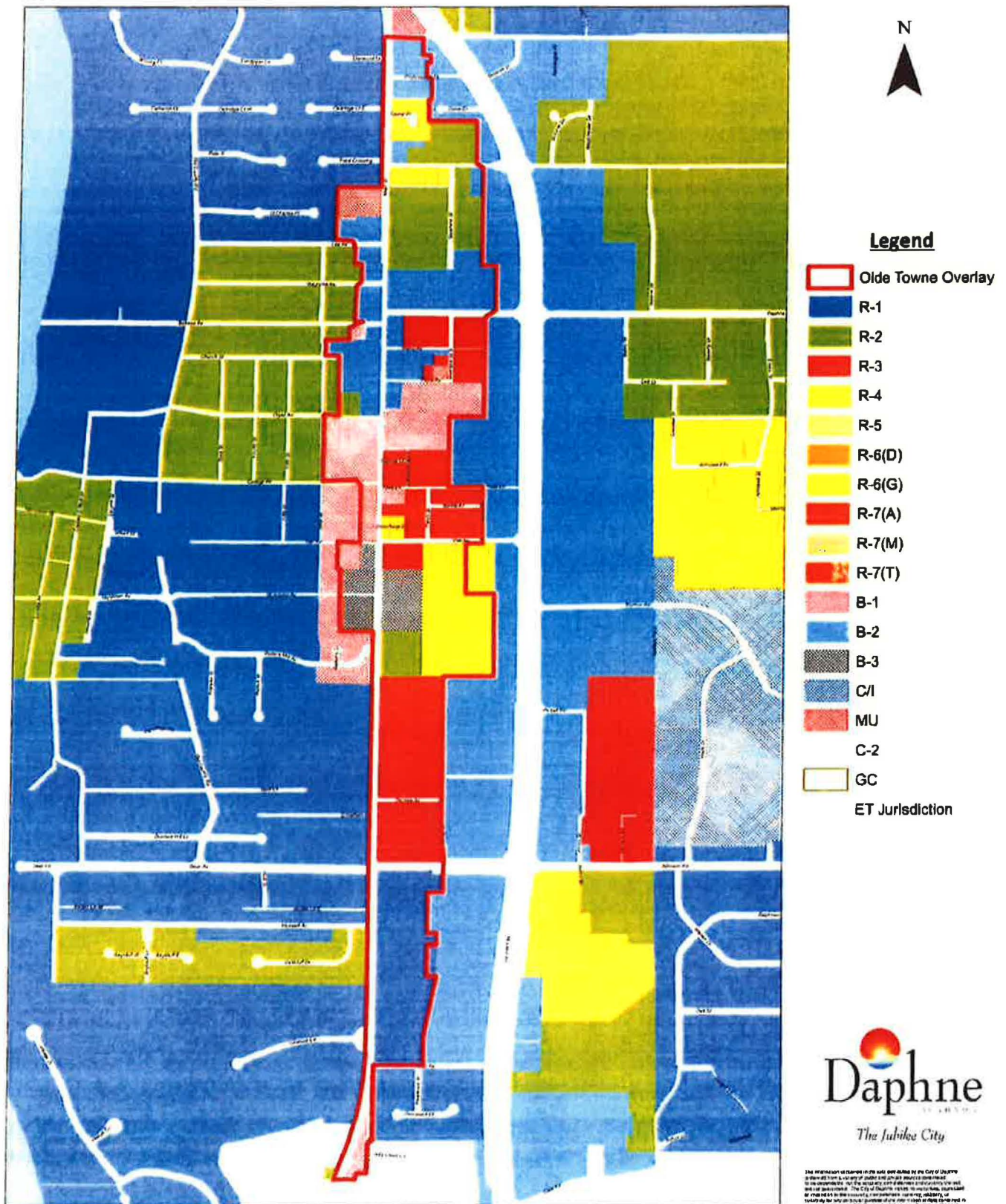
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OLDE TOWNE DAPHNE DISTRICT

Published on September 12, 2016

OLDE TOWNE OVERLAY

Olde Towne Overlay



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Holy Cross: Dr.

Additional Parcels
Olde Towne Overlay
Daphne City Limits

Daphne
ALABAMA
The Jubilee City

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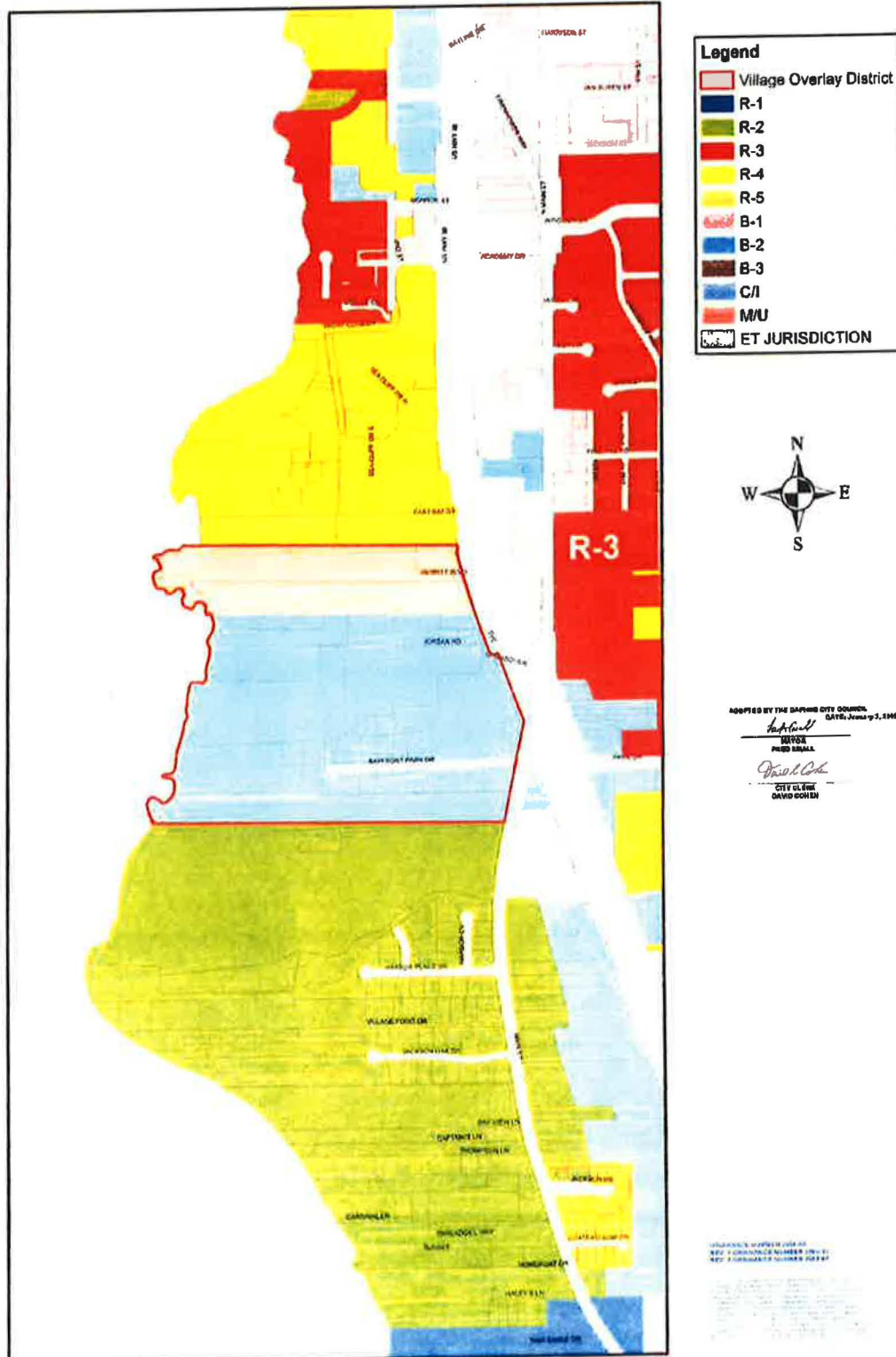
THE VILLAGE OVERLAY DISTRICT

Ordinance 2004-50

Revision 1 Ordinance Number 2005-12

Revision 2 Ordinance Number 2008-04

The Village Overlay District



To: Office of the City Clerk
From: Adrienne D. Jones, 
Community Development Director
Subject: Planning Commission Minutes and Report
Date: August 1, 2017

MEMORANDUM

Attached please find a copy of the approved minutes for the City of Daphne Planning Commission regular meeting of June 22, 2017, and the report of the regular meeting of July 27, 2017 for placement on the Monday, August 7, 2017 City Council agenda for review.

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

ADJ/jv

From the Office of

Adrienne D. Jones,
Community Development Director
P. O. Box 400
Daphne, Alabama 36526
251-621-3184 ph
251-621-3185 fx

The City of Daphne
Planning Commission Minutes
Regular Meeting of June 22, 2017
Council Chamber, City Hall - 5:00 P.M.

Call to Order:

Vice Chairman called the regular meeting of the City of Daphne Planning Commission to order at 5:11 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

Andrew Prescott arrived @ 5:23 p.m.
Ed Kirby
Charles Smith, Secretary
Marybeth Bergin, Chairman arrived @ 5:54 p.m.
Ron Scott
Philip Hodgson, Vice Chairman
Hudson Sandefur
Chief White

Staff Present:

Adrienne Jones, Director of Community Development
Jan Vallecillo, Planning Coordinator
Patrick Dungan, Attorney
Brennan Walters, Planner

Vice Chairman apologized that the call to order was delayed, but the order of the agenda will be amended to begin conducting business awaiting the arrival of the Chairman.

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

Vice Chairman asked for questions, comments or corrections to the minutes ***of the regular meeting of May 25, 2017. There being none, minutes are approved as submitted.***

The next order of business is administrative zoning of legislatively-annexed territories.

Mr. Dungan identified four properties set to be annexed into the City of Daphne effective July 1, 2017 by legislative act. There is precedence to assign the analogous zoning compatible to the county, and staff recommendations for the zoning designations.

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

A Motion was made by Mr. Scott and ***Seconded*** by Mr. Kirby ***to send a favorable recommendation to Council to zone the subject property Parcel 1 of Act 2017-63 (Dollar General Store on Highway 181) to B-2(a), General Business Alternate District. There was no discussion on the motion. The Motion carried unanimously.***

The City of Daphne
Planning Commission Minutes
Regular Meeting of June 22, 2017
Council Chamber, City Hall - 5:00 P.M.

A Motion was made by Mr. Scott and **Seconded** by Mr. Kirby **to send a favorable recommendation to Council to zone the subject property Parcel 2 of Act 2017-63 (Palladian @ Daphne Apartments on Highway 181) to R-7(A), Apartment District. There was no discussion on the motion. The Motion carried unanimously.**

A Motion was made by Mr. Scott and **Seconded** by Mr. Kirby **to send a favorable recommendation to Council to zone the subject property Parcel 3 of Act 2017-63 (Chevron Gas Station on Highway 181) to B-2, General Business District. There was no discussion on the motion. The Motion carried unanimously.**

A Motion was made by Mr. Scott and **Seconded** by Mr. Kirby **to send a favorable recommendation to Council to zone the subject property Parcel 4 of Act 2017-63 (JMO Subdivision at intersection of County Road 13 & Champions Way-Dollar General and undeveloped land along Champions Way) to B-2(a), General Business Alternate District. There was no discussion on the motion. The Motion carried unanimously.**

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

Mr. Dungan requested administrative review of a request of a re-plat presented by Fleetwood Lane to Community Development for Colonial Plaza.

Vice Chairman asked for Commission questions or comments.

Mr. Scott asked if documentation was presented to support a subdivision in 1995. Ms. Jones stated Baldwin County has no record of a division of land. There has been an assignment of parcel 1 and 2 in Planning Commission & Board of Zoning Adjustment minutes when site plans were presented for the construction of the buildings; therefore, the request is for the Commission to determine if that information is sufficient to establish the subdivision, although the documentation was never filed in Probate.

Mr. Scott asked if the property has one owner and Ms. Jones confirmed.

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

A Motion was made by Mr. Scott and Seconded by Mr. Kirby to approve and allow the owner to file and record this subdivision as an oversight from a previous Commission. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is an administrative presentation for the proposed amendment to the Land Use Ordinance for the Commercial/Industrial zoning district.

Ms. Jones presented the staff recommendation for the changes and/or additions to Article 35, Section 35-3, Table of Permitted Uses, affecting Commercial/Industrial zones; and, cumulative uses of a B-2 zone.

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

A Motion was made by Mr. Scott and Seconded by Mr. Smith to send a favorable recommendation to Council to amend the Table of Permitted Uses to permit in a Commercial/Industrial zone the following: by Right: Office buildings, professional and taxi dispatching station; by Planning Commission Approval: 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; and by Special Exception: Art gallery or museum; business school or college. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is a request for pre-zoning for Fred L. Corte.

Ms. Jones commented that the request is basically the same as the one approved by Planning Commission and City Council previously.

An introductory presentation was given by Steve Pumphrey, representative of Dewberry/Preble-Rish, of a request to pre-zone a seventy-three point five three acre parcel located southeast of Corte Road and County Road 13 and stated that the request has not changed, but rather a concern was expressed about a procedural technicality regarding the timing of the approval of a pre-zoning and annexation so the owner elected to start over.

Vice Chairman asked for Commission questions or comments.

Mr. Kirby asked for confirmation of the approval of the pre-zoning.

Ms. Jones stated the application is going back through the process to the Council which should affirm the pre-zoning, and the Commission has approved the subdivision for Blackstone Lakes which is still valid.

Mr. Scott stated that this is a timing issue for the owner and developer and commented that the residents of Bellaton Subdivision were not opposed to the layout.

Vice Chairman opened the floor to public participation.

Ms. Jones asked Mr. Pumphrey to state for the record the public benefit. Mr. Pumphrey stated the primary public benefit is providing a paved roadway from the entrance of the development onto Corte Road to County Road 13, access from the west to Bellaton Subdivision, and circular access for a school bus and emergency vehicles.

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Mr. Scott stated the City of Daphne and the Baldwin County Commission have entered into an agreement to improve Corte Road from County Road 13 to Alabama Highway 181.

Vice Chairman closed public participation and asked for a motion.

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Kirby **to send a favorable recommendation to Council to pre-zone the subject property for Fred L. Corte, a seventy-three point five three acre parcel, as a Planned Unit Development. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is preliminary/final plat review for Watershed at Tiawasee Subdivision, Phase Two.

An introductory presentation was given by Steve Pumphrey, representative of Dewberry/ Preble-Rish, requesting preliminary/final plat review of a three-lot subdivision consisting of approximately twenty-one point three-three seven acres located east of Daintree & Danube Court and stated the two lots located in the northwest corner of this property access the Retreat of Tiawasee as shown on the Watershed of Tiawasee/French Settlement master plan. There were some issues regarding water service, and Daphne Utilities/Belforest Water has worked out an agreement.

Vice Chairman asked for Commission questions or comments.

Mr. Scott asked is the intent to not further subdivide the property.

Mr. Pumphrey stated the owner has not mentioned extending the roadway as the intent is to sell the property as estate type lots.

Vice Chairman opened the floor to public participation. No one came forth. He closed public participation and asked for a motion.

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Kirby **to approve the Watershed at Tiawasee, Phase Two preliminary/final subdivision plat. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is preliminary/final plat review for Reserve 53 Subdivision.

An introductory presentation was given by Steve Pumphrey, representative of Dewberry/ Preble-Rish, requesting preliminary/final plat review of a two-lot subdivision consisting of approximately fifty three point three-three acres located north of the intersection of County Road 64 & Montelucia Way and stated this is the first step of the process so that we can move forward with the development of the Reserve of Daphne, Phase Two. It is necessary for us to carve out this tract for that purpose.

Vice Chairman opened the floor to public participation. No one came forth and he closed public participation.

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Vice Chairman asked for Commission questions or comments.

Mr. Smith asked if there were traffic considerations for this development. Mr. Johnson, Public Works Director, stated this property is located in the extraterritorial planning jurisdiction. This portion of County Road 64 right-of-way is not in the City of Daphne, but at the time of the development of phase one, the developer installed turn lanes.

Chief White commented that his and the Fire Marshal's concern was the placement of the hydrant which was addressed by the developer.

Vice Chairman asked for Commission questions or comments.

A Motion was made by Mr. Scott and **Seconded** by Mr. Sandefur **to approve Reserve 53 preliminary/final subdivision plat. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is preliminary/final plat review for M20 Subdivision.

An introductory presentation was given by Phillip Owens, representative of Coast Architects, requesting preliminary/final plat review of a two-lot subdivision consisting of approximately one point three-three acres located northwest of U.S. Highway 98 and Jordan Road.

Vice Chairman asked for Commission questions or comments.

Mr. Sandefur asked is the residence occupied or abandoned. Mr. Owens stated abandoned.

Chairman opened the floor to public participation. No one came forth. He closed public participation and asked for a motion.

A Motion was made by Mr. Smith and **Seconded** by Mr. Kirby **to approve M20 preliminary/final subdivision plat. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is site plan review for AOSM.

An introductory presentation was given by Phillip Owens, representative of Coast Architects, requesting site plan review of a medical facility located northwest of U.S. Highway 98 and Jordan Road.

Vice Chairman asked for Commission questions or comments.

Ms. Jones asked if the residence will remain and the size of the proposed medical facility. Mr. Owens stated demolished and replaced with a six thousand eight hundred square foot building.

Mr. Scott asked about the requirement for the installation of sidewalks.

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Mr. Johnson stated none are proposed for the public road frontage of Jordan Road to the south and because no sidewalks are planned in this area so a waiver is warranted.

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

A Motion was made by Mr. Scott and **Seconded** by Mr. Smith to **approve the AOSM site plan and to waive the sidewalk requirement. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is final plat review for the Oldfield Subdivision, Phase 2B.

An introductory presentation was given by Steve Pumphrey, representative of Dewberry/Preble-Rish, requesting final plat review of a thirty-lot subdivision consisting of approximately eighteen point six three acres located south and west of Oldfield Subdivision, Phase One. This phase is in accordance with the master plan. There is an outstanding issue that remains of a drainage repair of which the owner is requesting approval subject to completion to staff's satisfaction.

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

A Motion was made by Mr. Scott and **Seconded** by Mr. Kirby to **approve Oldfield, Phase 2B final subdivision plat, subject to clearance from city staff prior to signing of the plat. There was no discussion on the motion. The Motion carried unanimously.**

The Commission recessed @ 5:47 p.m.

Vice Chairman passed the gavel to Chairman.

Chairman apologized for her tardiness and reconvened the meeting @ 5:54 p.m.

The next order of business is preliminary plat review for Bailey Place Subdivision.

An introductory presentation was given by Steve Pumphrey, representative of Dewberry/Preble-Rish, requesting preliminary plat review of a thirteen-lot subdivision consisting of approximately five point three acres located southwest of County Road 64 and Alabama Highway 181 and stated the design is fairly simple and has received the approval of Baldwin County.

Chairman asked for Commission questions or comments.

Chairman opened the floor to public participation. No one came forth. She closed public participation.

Mr. Scott asked about a turn lane. Mr. Johnson stated there are three clear lanes in place.

Chairman asked for a motion.

A Motion was made by Mr. Kirby and **Seconded** by Mr. Smith **to approve Bailey Place preliminary subdivision plat.**

During discussion, Mr. Scott asked about annexation. Chairman stated it was discussed, but was not required because the subdivision is served by Belforest Water and Baldwin County Sewer.

There was no further discussion on the motion. The Motion carried unanimously.

The next order of business is preliminary plat review for South Branch Subdivision, Phase One.

An introductory presentation was given by Barry Dees, representative of R-Squared, requesting preliminary plat review of a twenty-nine lot subdivision consisting of approximately thirteen point four nine acres located on Pollard Road, east of Eagle Creek Subdivision and responded that staff deficiencies have been reviewed and addressed.

Chairman asked for Commission questions or comments.

Mr. Scott asked the status of annexation. Ms. Jones confirmed annexation as R-3, High Density Single Family Residential.

Chairman opened the floor to public participation. No one came forth. She closed public participation and asked for a motion.

A Motion was made by Mr. Scott and **Seconded** by Mr. Smith **to approve South Branch, Phase One preliminary subdivision plat. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is a request of pre-zoning and annexation for Malbis Plantation, Inc.

An introductory presentation was given by Steve Pumphrey, representative of Dewberry/Preble-Rish, of a request to pre-zone a seventy-seven point five four acre parcel for Diamante Subdivision located on the east side of County Road 13, north of Sehoy Subdivision.

Chairman stated this is a request for pre-zoning and annexation, not for subdivision review. Mr. Pumphrey stated you have already approved Malbis 13 and Diamante Subdivision.

Chairman asked for Commission questions or comments.

Mr. Smith mentioned that there was an issue regarding the installation of a turn lane. Mr. Johnson responded that the developer is installing a left & right deceleration lane during the construction of first phase of the development.

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Mr. Scott stated the subdivision plat approval was predicated upon the applicant requesting annexation.

Chairman opened the floor to public participation. *

Ms. Valrie Stunavan asked if this is a part of the Malbis Plantation Historical District. Chairman commented this property is located on County Road 13. Mr. Scott responded the county historical district is located on Alabama Highway 181 from Malbis Lane to U.S. Highway 90.

Chairman closed public participation.

Chairman stated the Commission has been asked to consider the inclusion of a recommendation regarding connectivity and asked for a motion.

A Motion was made by Mr. Scott and Seconded by Mr. Kirby to send a favorable recommendation to Council to pre-zone the subject property for Malbis Plantation, Inc., as R-3, High Density Single Family Residential, to annex the seventy-seven point five-four acre parcel into the corporate limits, and to adhere to the city's policy regarding connectivity {i.e. in favor of open access between subdivisions}.

During discussion, Chief White asked for the Commission to explain the policy regarding connectivity. Mr. Scott stated we encourage connectivity when possible for public safety and services.

There was no further discussion on the motion. The Motion carried unanimously.

The next order of business is preliminary plat review for French Settlement, Phase Three.

An introductory presentation was given by Steve Pumphrey, representative of Dewberry/Preble-Rish, requesting preliminary plat review of a seventeen-lot subdivision consisting of approximately twenty-two point two six acres located northwest of Longue Vue Boulevard and French Settlement Drive, and stated this is the last phase of the Watershed of Tiawasee/French Settlement master plan. At the time of construction, the developer will construction a detention pond for phase three and address the outstanding issues in phase two. An easement has been added to this phase directing drainage to County Road 13. A note has also been added stating that the common area cannot be accessed from County Road 13.

Chairman asked for Commission questions or comments and commented on a request to grant a waiver for the width of the sidewalks.

Mr. Scott commented on correspondence from Marguerite Soper, 8686 Rosedown Lane, which is not opposed to the subdivision, but is concerned with access to French Settlement Subdivision.

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Mr. Johnson stated that access improvements on County Road 13 are set to begin construction, and the city is currently advertising the bid for the installation of the sidewalks. Ms. Jones stated the concerns mentioned may be issues that need to be presented to the Public Works or Public Safety Committee.

Chairman opened the floor to public participation. No one came forth. She closed public participation and asked for a motion.

A Motion was made by Mr. Hodgson and Seconded by Mr. Kirby **to approve French Settlement, Phase Three preliminary subdivision plat and to allow the installation of a four-foot wide sidewalk consistent with those in existence in French Settlement Subdivision, in lieu of the five-foot requirement. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is a request for rezoning for WPNVA, L.L.C., Jay-E, L.L.C., John White-Spunner, & Chester J. Stephan.

An introductory presentation was given by Doug Bailey, representative of Hutchinson, Moore & Rauch, of a request to rezone from a R-4 to a B-2 five-point eight acre parcel located at the southeast corner of U. S. Highway 98 and Johnson Road which is the entrance to Daphmont Subdivision and stated this zoning is consistent with the zoning of the properties at that intersection. The proposed use is a service station co-branded with a restaurant/drive-in on a two-acre parcel with access to Johnson Road and right-in/right-out access to U.S. Highway 98.

Chairman asked for Commission questions or comments.

Mr. Kirby commented that staff has recommended B-2(a), asked if the owner would accept that zoning designation, and expressed his concerns regarding traffic at this intersection. Mr. Bailey stated that the client would consider B-2(a).

Mr. Kirby stated at the time of the creation of the zoning map, the Commission drew an arbitrary line with zoning designations.

Mr. Bailey asked Ms. Jones to define the uses allowed in a B-2(a) zone. Ms. Jones stated that a convenience store is allowed by Planning Commission approval in B-2(a) zone.

Mr. Bailey asked is Planning Commission approval similar to a special exception and/or conditional use which would allow the Commission to regulate hours of operation, lighting, setbacks and buffers. Ms. Jones confirmed.

Mr. Smith asked if the owner would consider or accept B-2(a). Mr. Bailey agreed to accept B-2(a).

Chairman asked at what point does, the Commission establish those conditions. Ms. Jones stated at site plan review. Mr. Bailey stated a public meeting should take place prior to site plan review.

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Mr. Scott asked if the Commission granted Planning Commission approval for a convenience store would approval run with the land with the same restrictions. Ms. Jones confirmed.

Mr. Sandefur asked what is planned for the remainder of the property. Mr. Bailey stated there are no plans.

Mr. Smith asked if those restrictions are in the ordinance. Ms. Jones stated they are not. The owner will negotiate those conditions with the adjacent property owners, and the Commission will establish which conditions will be enumerated. Mr. Smith asked when this activity takes place. Ms. Jones stated prior to site plan review of this use or any other use requiring planning commission approval of this portion or the remainder of the property.

Mr. Scott commented if the property is not rezoned, the applicant may appeal to the circuit court for a review of the zoning map and deem whether or not it should be B-2 and the Commission will have lost the chance to place conditions on the property.

Mr. Bailey stated at the public meeting, the operating hours of open twenty-four hours was the main concern. Ms. Jones stated final conditions for the use of the land are set by the Planning Commission.

Chairman stated for the record, the Commission has an extensive list of names presented in a petition and correspondence from Mr. Samson opposed to the development and favorable comments from the owner of the apartment complex adjacent to the site.

Chairman opened the floor to public participation.

Bob Patterson, 711 Cedar Drive, spoke in opposition to a convenience store because this development would affect public safety and quality of life. He questioned whether the city regulated hours of operation for businesses.

Earl Kellum, resident of District 2, spoke in opposition and commented on the negative effects of the contamination from airborne chemicals from service stations, public safety, traffic and the effect on the quality of life.

Michael Hobbs, 706 Daphmont Drive, spoke in opposition to the development of a service station and asked the Commission to support the community.

Jewel Lawson, 1001 Johnson Road, spoke in opposition to the service station or rezoning to any business zone, asked the Commission to preserve this historical African American community, and mentioned that the petition presented to the Commission contains one hundred and seventy-three signatures of the residents of Daphmont Subdivision opposed to rezoning.

**The City of Daphne
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Dorothy Williams, 126 Valrie Lane, spoke in opposition to the service station and addressed traffic and noise.

Sankey Reed, III, Pastor, spoke in opposition and stated no service stations in front of a subdivision in Daphne.

Dehabelin Faust, 1001 Pickett Avenue, representative for my mother & grandmother, spoke in opposition to the construction of a service station and additional traffic.

William Wright, 604 Daphmont Drive, spoke in opposition to the service station because of public safety.

Anthony Samson, 800 Daphmont Drive, spoke in opposition, stated that he is pro-business, but asked that the Commission consider a business development that would be in harmony with the neighborhood.

Whitney Hobbs, 706 Daphmont Drive, spoke in opposition, because of public safety.

Larry Yelding, 1207 Daphmont Avenue, spoke in opposition, and stated that the Commission has done a great job and hope that you continue to do so.

Francis Ribbon, resident of Fairhope, spoke regarding the impact of the development at the intersection of U.S. Highway 98 and Parker Road.

Chairman closed public participation and asked for Commission questions or comments.

Ms. Jones stated that to answer Mr. Patterson's question, the City does not regulate hours of operation for any establishment. Chairman asked does that change with Planning Commission approval. Mr. Jones stated that it could be a consideration of Planning Commission approval.

Mr. Hodgson stated that the Commission is not considering approval of the site plan. Chairman commented although the representative has presented a site plan, the Commission is considering the rezoning of the property to B-2.

Mr. Scott responded a gas station is located in front of Malbis Plantation Subdivision which is a part of a planned unit development and commented that he could not support this rezoning.

Chairman asked for a motion.

A Motion was made by Mr. Scott and Seconded by Mr. Kirby to send an unfavorable recommendation to Council regarding the rezoning of the subject property for WPNVA, L.L.C., Jay-E, L.L.C., John White-Spunner, & Chester J. Stephan, a five-point eight acre parcel, from R-4 to B-2. There was no discussion on the motion. The Motion carried. Mr. Prescott dissented.

**The City of Daphne
Planning Commission Minutes
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Council Chamber, City Hall - 5:00 P.M.**

The meeting recessed 7:28 and reconvened at 7:35 p.m.

Mr. Scott recused himself from discussion and action on The Citizen's Bank agenda items.

The next order of business is a request of pre-zoning for The Citizens Bank.

An introductory presentation was given by Brian Britt, representative of Kopesky Britt, L.L.C., of a request to rezone a one-point three-six acre parcel located at the northeast corner of Belgrove Avenue and Alabama Highway 181 and stated the one-acre parcel was acquired by foreclosure, is the largest of the residential lots, and was excluded from the covenants of Belle Pointe Subdivision. There is no intended use, may be an office building. The applicant is requesting pre-zoning because an application for rezoning was denied by Baldwin County. The realtor has advised that this is property should be commercial. This development of this property would not negatively affect the residents as there are other properties immediately adjacent to the property that would serve as a buffer.

Chairman asked for Commission questions or comments.

Mr. Sandefur stated that he concern is the request to pre-zone with no intended use which would allow any use in the requested zone. Mr. Britt stated that the setbacks, the size and access to Belgrove Avenue would make it difficult to develop anything other than a professional office.

Mr. Sandefur asked if the owner would consider B-3. Mr. Britt stated the owner would consider it.

Chairman opened the floor to public participation.

Donna Nicholson, representative for the Belgrove Estates and Belle Pointe Subdivision residents, spoke in opposition. She provided a timeline of the applications presented and denied by the Baldwin County Planning Commission and County Commission and shared her concerns regarding business zoning, traffic impact, the negative impact on neighborhood character and property value; furthermore. There are no subdivisions along Alabama Highway 181 which have a commercial development at their entrance other than those which are a part of a planned unit development.

Mike Trzcinski, 26580 Jan Court North, spoke in opposition and stated that he agrees that property along Alabama Highway 181, should be commercial if developed properly, but is opposed to this development because of denied access to Alabama Highway 181, traffic concerns and access to Belgrove Avenue.

Tony Sanchez, 26745 Jan Court North, spoke in opposition, due to the substandard width of Belgrove Avenue and drainage concerns.

The City of Daphne
Planning Commission Minutes
Regular Meeting of June 22, 2017
Council Chamber, City Hall - 5:00 P.M.

Della Sanchez, 26745 Jan Court North, spoke in opposition, due to the effect on the quality of life.

Cynthia Wolfe, 26730 Highway 181, spoke in opposition and asked the Commission to preserve the cohesive residential neighborhood.

Chairman closed public participation.

Chairman asked for Commission questions or comments.

Chief White asked how the gentleman knows that the applicant could not have access to Alabama Highway 181. Ms. Jones stated there is a note on the plat which states that the access is to Belgrove Avenue.

Chairman asked for a motion.

A **Motion** was made by Mr. Sandefur and **Seconded** by Mr. Kirby **to send an unfavorable recommendation to Council regarding the pre-zoning of the subject property for The Citizens Bank, one-point three six acre parcel, to B-1(a). There was no discussion on the motion.**

Upon roll call vote, the Motion carried.

Mr. Prescott	Aye
Mr. Kirby	Nay
Mr. Smith	Nay
Ms. Bergin	Nay
Mr. Scott	Abstained
Mr. Hodgson	Nay
Mr. Sandefur	Nay
Chief White	Nay

A **Motion** was made by Mr. Prescott and **Seconded** by Mr. Hodgson **to send a favorable recommendation to Council regarding the pre-zoning of the subject property for The Citizens Bank, one-point three six acre parcel, to B-3. There was no discussion on the motion.**

Upon roll call vote, the Motion failed.

Mr. Prescott	Aye
Mr. Kirby	Nay
Mr. Smith	Nay
Ms. Bergin	Nay
Mr. Scott	Abstained
Mr. Hodgson	Aye
Mr. Sandefur	Nay
Chief White	Nay

A **Motion** was made by Mr. Hodgson and **Seconded** by Mr. Prescott **to send a favorable recommendation to Council to annex the subject property for The Citizens Bank, one-point three six acre parcel, into the corporate limits.**

**The City of Daphne
Planning Commission Minutes
Regular Meeting of June 22, 2017
Council Chamber, City Hall - 5:00 P.M.**

There was discussion regarding zoning the property to R-1, if the Council doesn't approve another zone.

The Motion carried. Mr. Scott abstained.

The next order of business is Comprehensive Plan discussion.

No action taken.

The next order of business is a presentation by a 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.

The next order of business is public participation.

Chairman asked for public participation.

Corley Lauderdale, representative of Goodwyn, Mills & Caywood, and Charles Dube, representative of Belforest Water Authority, presented correspondence from Belforest Water Board about the Well Head Protection Area, as defined in the Land Use Ordinance.

Chairman closed public participation.

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

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

There being no further business, the meeting was adjourned at 8:37 p.m.

Respectfully submitted by:

Jan Vallecillo, Planning Coordinator

The City of Daphne
Planning Commission Minutes
Regular Meeting of June 22, 2017
Council Chamber, City Hall - 5:00 P.M.

Approved: July 27, 2017

Mary Beth Bergin, Chairman

The City of Daphne
Planning Commission Minutes
Regular Meeting of June 22, 2017
Council Chamber, City Hall - 5:00 P.M.

Approved: July 27, 2017



Ed Kirby, Acting Chairman

**CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF JULY 27, 2017
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.**


REPORT

1. **CALL TO ORDER:** 5:03 p.m.
2. **CALL OF ROLL:** Andrew Prescott, Ed Kirby, Ron Scott, Hudson Sandefur, and Chief White
3. **APPROVAL OF MINUTES:**

Review of minutes for the regular meeting of July 27, 2017. **(APPROVED AS SUBMITTED)**
4. **NEW BUSINESS:**
 - A. **SITE PLAN REVIEW: (WITHDRAWN BY OWNER)**
 1. **File SP17-17:**

Site: Renaissance School of the Eastern Shore

Zoning(s): B-2, General Business

Location: Southeast corner of Pollard and Well Road
Area: 1.7 ± Acres
Owner(s): Patricia Mayo Grant
Tenant: Renaissance School of the Eastern Shore – Courtney Klotz
Agent: Ashurst & Neimeyer - Spence Monroe
 - B. **BERTOLLA PROPERTIES, L.L.C. APPLICATIONS:**
 1. **ANNEXATION PETITION:**

File ANX17-06: (DUE TO THE LACK OF A SUPER MAJORITY OF MEMBERS PRESENT, ITEM TABLED UNTIL AUGUST 24, 2017 REGULAR MEETING)

Presentation to be given by Steve Pumphrey, representative of Dewberry/Preble-Rish, representing Bertolla Properties, L.L.C., requesting annexation of a three hundred and sixty-one point five-five acre parcel into the City of Daphne located southeast of Austin Road and Alabama Highway 181 as a PUD, Planned Unit Development. The subject property is currently zoned RSF-2, Single Family District, in Baldwin County District 15, in the Extraterritorial Planning Jurisdiction of Daphne. Bertolla Properties, L.L.C., Owner.
 - C. **PRELIMINARY PLAT REVIEW:**
 1. **File SDP17-08: (DUE TO THE LACK OF A SUPER MAJORITY OF MEMBERS PRESENT, ITEM TABLED UNTIL AUGUST 24, 2017 REGULAR MEETING)**

Subdivision: The Reserve at Daphne, Phase Two

Present Zoning: RA, Rural Agricultural, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction, pending rezoning by Baldwin County to RSF-2, Single Family District

Location: North of the intersection of County Road 64 and Montelucia Way
Area: 53.29 Acres ±, (56) lots
Owner: GCOF Reserve at Daphne, L.L.C. - Nathan Cox
Agent: Dewberry/Preble-Rish - Steve Pumphrey
Engineer: Dewberry/Preble-Rish - Jared Landry
Surveyor: Dewberry/Preble-Rish- David Diehl
 - D. **ADMINISTRATIVE PRESENTATIONS:**
 1. **File AP17-06:**

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

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF JULY 27, 2017 **REPORT**
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

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)

3. **File AP17-08:**

Presentation by Community Development to discuss B-2 zoning in the Olde Towne Daphne and Village Overlay District. (Discussion by Starke Irvine, Irvine Co., regarding the creation of an overlay district and the establishment of the business/residential in a B-2 zone)

4. **File AP17-09:**

Presentation by Community Development to discuss tree protection measures and rooming/boarding homes. (No action taken)

5. **PUBLIC PARTICIPATION:** Maurice Horsey, President of the Austin Brook and Austin Park I & II POA commented that he will be present next meeting to speak at the public hearing for Bertolla Properties, L.L.C. (Jubilee Farms Subdivision)

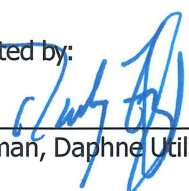
6. **ATTORNEY'S REPORT:** No report

7. **COMMISSIONER'S COMMENTS:** None presented

8. **DIRECTOR'S COMMENTS:** Congratulations Ms. Bergin for the birth of her daughter.

9. **ADJOURNMENT:** 5:43 p.m.

Accepted by:


Chairman, Daphne Utilities



APPROVE MINUTES

Utilities Board Meeting

Council Chambers, Daphne City Hall ♦ June 28, 2017 ♦ 5:00 p.m.

I. Call to Order

The regular June 2017 Board meeting for the Utilities Board of the City of Daphne was held on June 28, 2017 at 5:05 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

Members Absent: Randy Fry, Chairman
Robin LeJeune, Board Member

Others Present: Jerry Speegle – Board Attorney
Danny Lyndall – General Manager
Van Baggett – Operations Manager
Drew Klumpp – Administrative Services Manager
Rebecca Williamson – Accounting Assistant
Lori May-Wilson – Executive Assistant
Melinda Immel – Volkert & Associates
Ray Moore – HMR

Others Absent: Teresa Logiotatos – Finance Manager

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 May 31, 2017:

The Vice Chairman requested any additions, corrections, or deletions for the submitted Minutes from the May 31, 2017 Utilities Board Meeting.

MOTION by Mayor Dane Haygood to approve the submitted Minutes for the May 31, 2017, Utilities Board meeting; **SECONDED** by Selena Vaughn.

AYE: Haygood, Mayhand, Vaughn

NAY:

ABSENT: Fry, LeJeune

ABSTAIN:

MOTION CARRIED

V. OLD BUSINESS – None

VI. NEW BUSINESS –

A. Approval of Park City Water Authority Water Purchase Agreement (BOARD ACTION: Motion)

Danny Lyndall explained to the Board that the submitted resolution is to execute the agreement between Daphne Utilities and Park City Water Authority for the sale of bulk water throughout the year. He advised that the agreement had been in place since 1977 with an expiration date of September 2017 and that Park City has expressed an interest in continuing to purchase bulk water from Daphne Utilities. Mr. Lyndall noted that attorneys from both entities have been in discussions and have worked to develop a mutual final agreement and explained the differences from the previous arrangement.

MOTION by Mayor Dane Haygood to adopt the submitted Resolution 2017-05 regarding an Agreement between the Utilities Board of the City of Daphne and the Park City Water Authority for the purchase and sale of water; SECONDED by Selena Vaughn.

AYE: Haygood, Mayhand, Vaughn

NAY:

ABSENT: Fry, LeJeune

ABSTAIN:

MOTION CARRIED

VII. BOARD ATTORNEY'S REPORT

Mr. Speegle had nothing to add to his report and offered to answer any questions from the Board. He answered Mayor Haygood's questions relative to the shared gas line issue settlement

VIII. FINANCIAL REPORT

Rebecca Williamson highlighted the inventory reduction, the sewer revenue influence from the Spanish Fort billing, and reviewed several checks in the Check History Report.

IX. GENERAL MANAGER'S REPORT

A. GM Report

Danny Lyndall announced several position promotions. He then requested Melinda Immel and Dr. Josh Boltz from Volkert to give a brief presentation on an optimization study project being considered for the wastewater treatment plant that would heighten the efficiency and cost-effectiveness of the plant processes. Dr. Boltz introduced a new process called "Aqua-Nerada" using aerobic granular sludge and talked about the challenges facing the Daphne Utilities' wastewater treatment plant and the necessity of expansion and possibly more stringent permit limits affecting the quality of the discharged water. He briefly explained the new Nerada process and answered questions from the Board. Mr. Lyndall noted that further detailed discussions will be taking place involving costs, long-term full-scale build out and the possibility of applying for future green-energy grants. He also mentioned the continued planned plant upgrades in our CIP and the hesitation to initiate them due to unknown anticipated ADEM nutrient limits.

B. Operations Report

Van Baggett informed the Board of two overflows within our system during the heavy rains of the tropical storm. He briefly outlined the scope of work to prevent potential future overflows in these areas.

C. Engineering & Consulting Reports

Melinda Immel from Volkert elaborated on the upcoming work Jubilee/Windscape project.

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 congratulated Carliss Johnson and Jerry Stanton on their promotions and expressed sympathies to Mr. Fry and his family regarding the recent passing of Mr. Fry's mother. Mrs. Vaughn also congratulated Carliss Johnson and Jerry Stanton. Mr. Mayhand echoed the congratulations to Carliss Johnson and Jerry Stanton.

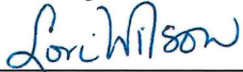
Lastly, Mr. Lyndall introduced engineer Mr. Joe Asarisi who will be overseeing the Spanish Fort lift station project beginning next month. Mr. Asarisi briefed the Board on the status of the project.

XIII. ADJOURNMENT –

MOTION by Mayor Dane Haygood to adjourn.

The meeting adjourned at 5:39 pm.

Preceding minutes submitted to the Daphne Utilities Board by:



Lori Wilson, Executive Assistant, Daphne Utilities



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20170727095742171

Type License: 020 - RESTAURANT RETAIL LIQUOR

State: **County:**

Type License:

State: **County:**

Trade Name: SOUTHWOOD KITCHEN

Filing Fee:

Applicant: SOUTHWOOD ENTERPRISE LLC

Transfer Fee: \$50.00

Location Address: 1203 HWY 98; SUITES 3 D AND 3 I DAPHNE, AL 36526

Mailing Address: 1203 HWY 98; SUITE 3D DAPHNE, AL 36526

County: BALDWIN **Tobacco sales:** NO

Tobacco Vending Machines:

Type Ownership: LLC

Book, Page, or Document info: ENTITY 395-947

Date Incorporated: 7/13/2017 **State incorporated:** AL

County Incorporated:

Date of Authority: 7/13/2017

Alabama State Sales Tax ID: R009818894

Federal Tax ID: 82-2108455

Name:	Title:	Date and Place of Birth:	Residence Address:
JEREMIAH TEAL MATTHEWS 6819677 - AL	MEMBER	10/30/1976 AUGUSTA, ME	221 ROYAL LANE FAIRHOPE, AL 36532

Has applicant complied with financial responsibility ABC RR 20-X-5-.14? YES

Does ABC have any actions pending against the current licensee? NO

Has anyone, including manager or applicant, had a Federal/State permit or license suspended or revoked? NO

Has a liquor, wine, malt or brewed license for these premises ever been denied, suspended, or revoked? NO

Are the applicant(s) named above, the only person(s), in any manner interested in the business sought to be licensed? YES

Are any of the applicants, whether individual, member of a partnership or association, or officers and directors of a corporation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this act? NO

Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage, or distilled liquors permit or license issued under authority of this act? NO

Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate or other licensee, or from any firm, association or corporation operating under or regulated by the authority of this act? NO

Contact Person: JEREMIAH MATTHEWS

Home Phone: 251-656-5298

Business Phone: 251-626-6676

Cell Phone:

Fax:

E-mail: JEREMIAH@SOUTHWOODKITCHEN.COM

PREVIOUS LICENSE INFORMATION:

Previous License Number(s)

Trade Name: ROSIES GRILL

License 1: 020-001909602-440

Applicant: ROSIES GRILL LLC

License 2:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20170727095742171

If applicant is leasing the property, is a copy of the lease agreement attached? **YES**
Name of Property owner/lessor and phone number: **HPJ PROPERTIES LLC 251-454-7550**
What is lessors primary business? **REAL ESTATE**
Is lessor involved in any way with the alcoholic beverage business? **YES**
Is there any further interest, or connection with, the licensee's business by the lessor? **NO**

Does the premise have a fully equipped kitchen? **YES**
Is the business used to habitually and principally provide food to the public? **YES**
Does the establishment have restroom facilities? **YES**
Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? **YES**

Will the business be operated primarily as a package store? **NO**
Building Dimensions Square Footage: **3500** Display Square Footage:
Building seating capacity: **125** Does Licensed premises include a patio area? **YES**
License Structure: **ONE STORY** License covers: **OTHER**
Location is within: **CITY LIMITS** Police protection: **CITY**

Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of any law violation(s)?

Name:	Violation & Date:	Arresting Agency:	Disposition:
JEREMIAH TEAL MATTHEWS	PUBLIC INTOXICATION - 7/20/2012	TETON COUNTY SHERIFFS	PAID FINE
JEREMIAH TEAL MATTHEWS	MARIJUANA POSS - 11/20/1994	BALDWIN CO SHERIFFS DEPT	PAID FINE



STATE OF ALABAMA

ALCOHOLIC BEVERAGE CONTROL BOARD

ALCOHOL LICENSE APPLICATION



Confirmation Number: 20170727095742171

Initial each

Signature page



In reference to law violations, I attest to the truthfulness of the responses given within the application.



In reference to the Lease/property ownership, I attest to the truthfulness of the responses given within the application.



In reference to ACT No. 80-529, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application.



In reference to Special Retail or Special Events retail license, I agree to comply with all applicable laws and regulations concerning this class of license, and to observe the special terms and conditions as indicated within the application.



In reference to the Club Application information, I attest to the truthfulness of the responses given within the application.



In reference to the transfer of license/location, I attest to the truthfulness of the information listed on the attached transfer agreement.



In accordance with Alabama Rules & Regulations 20-X-5-.01(4), any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.



The undersigned agree, if a license is issued as herein applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages.

The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the license premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him or her in connection with said licensed premises. The undersigned hereby understands that he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.



I hereby swear and affirm that I have read the application and all statements therein and facts set forth are true and correct, and that the applicant is the only person interested in the business for which the license is required.

Applicant Name (print): Jeremy T. Matthews

Signature of Applicant:

Notary Name (print):

Betty G. Dean

Notary Signature:

Betty G. Dean

Commission expires:

1/13/2019

Application Taken:

App. Inv. Completed:

Forwarded to District Office:

Submitted to Local Government:

Received from Local Government:

Received in District Office:

Reviewed by Supervisor:

Forwarded to Central Office:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20170727095742171

Private Clubs / Special Retail / or Special Events licenses ONLY

Private Club

Does the club charge and collect dues from elected members?

Number of paid up members:

Are meetings regularly held?

How often?

Is business conducted through officers regularly elected?

Are members admitted by written application, investigation, and ballot?

Has Agent verified membership applications for each member listed?

Has at least 10% of members listed been confirmed and highlighted?

Agent's Initials:

For what purpose is the club organized?

Does the property used, as well as the advantages, belong to all the members?

Do the operations of the club benefit any individual member(s), officer(s), director(s), agent(s), or employee(s) of the club rather than to benefit of the entire membership?

Special Retail

Is it for 30 days or less?

More than 30 days?

Franchisee or Concessionaire of above?

Other valid responsible organization:

Explanation:

Special Events / Special Retail (7 days or less)

Starting Date: Ending Date:

Special terms and conditions for special event/special retail:

Other Explanations

License Covers: SUITE 3D AND 3I

Is the lessor involved in any way with the alcohol beverage business?: MANCI'S
ANTIQUE CLUB



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
Confirmation Number: 20170727095742171



NOTICE OF TRANSFER OF ABC LICENSED BUSINESS

NOTE: A Copy of Operating Agreement Must be Attached To Application

CURRENT LICENSEE:
ROSIES GRILL LLC
Address: 1203 HWY 98; STE 3D
DAPHNE, AL 36526
Telephone: 251-424-7550

NEW APPLICANT:
SOUTHWOOD ENTERPRISE LLC
Address: 1203 HWY 98; SUITE 3D
DAPHNE, AL 36526
Telephone: 251-626-6676

Current License No: 020-001909602-440

LICENSED PREMISES ADDRESS: 1203 HWY 98 DAPHNE, AL 36526

THE AFORENAMED HEREBY SERVE NOTICE TO THE ABC BOARD OF THE ATTACHED CONTRACTUAL AGREEMENT GOVERNING THE CONTINUATION OF SALES OF ALCOHOLIC BEVERAGES ON THE LICENSED PREMISES.

The Parties to this agreement hereby acknowledge and affirm that the New (Applicant) Licensee will, at all times, act as the AGENT for the Current (Named) Licensee, and the Current Licensee shall act as PRINCIPAL for the purposes of the attached Agreement. The Principal shall be bound by all acts and/or omissions of the Agent in the operation of the licensed premises.

The Current Licensee is now and shall remain liable for any violations of ABC Rules and Regulations or other Alabama Law for the duration of the attached Agreement; and, further, that the Current Licensee has the right and authority, under Alabama Law, to surrender the ABC License to the ABC Board at any time.

The parties acknowledge that the operation of the licensed premises shall remain subject to inspection by ABC Enforcement, and must comply with all State and Local regulations and Laws, and that the local ABC Enforcement District Office must be immediately notified of any change in the attached Agreement.

THE CURRENT LICENSE WILL NOT BE RENEWED.

WITNESS our hands and seals on this the 26 day of July, 20 17.

CURRENT LICENSEE (NAMED ON LICENSE)

NEW LICENSEE (APPLICANT)

Harry P. Johnson
Print Name: HARRY P. JOHNSON
Title: member

Jeremish Matthews
Print Name: Jeremish Matthews
Title: member

WITNESS: (By ABC Enforcement)
Revised 9/08

Betty S. Wilson

Receipt Confirmation Page

Receipt Confirmation Number: **20170727095742171**
Application Payment Confirmation Number: **30741814**

Payment Summary	
Payment Item	Fee
Transfer Fee for License 020	\$50.00
Total Amount to be Charged	\$50.00

Application Type

Application Type: TRANSFER

Applicant Information

License Type 1: 020 - RESTAURANT RETAIL LIQUOR
License Type 2:
License County: BALDWIN
Business Type: LLC
Trade Name: **SOUTHWOOD KITCHEN**
Applicant Name: **SOUTHWOOD ENTERPRISE LLC**
Location Address: 1203 HWY 98; SUITES 3 D AND 3 I
DAPHNE, AL 36526

Mailing Address: 1203 HWY 98; SUITE 3D
DAPHNE, AL 36526

Contact Person: JEREMIAH MATTHEWS
Contact Home Phone: 251-656-5298
Contact Business Phone: 251-626-6676
Contact Fax:
Contact Cell Phone:
Contact Email Address:
Contact Web Address:

[Main Menu](#)**Application Payment Receipt Confirmation Page****Receipt Confirmation Number: 20170727095742171****Application Payment Confirmation Number: 30741814**

Payment Summary	
Payment Item	Fee
Transfer Fee for License 020	\$50.00
Total Amount to be Charged	\$50.00

Application Information

Application Type: TRANSFER

License Type 1: 020 - RESTAURANT RETAIL LIQUOR

[Continue](#)Technical Support: 866-353-3468 or support@alabamainteractive.org

Version 2.3.6

CASE NO. 2017-6

ABC LICENSE ROUTING

DATE RECEIVED BY REVENUE DIV. 8/3/17 (initial) CAC
DATE FORWARDED TO POLICE DEPT. 8/3/17 CAC
DATE RECEIVED BY POLICE DEPT. 8-3-17 LY
DATE: 8/3/17 APPROVED ☒ DISAPPROVED ☐
POLICE DEPT SIGNATURE [Signature]
DATE RETURNED TO REVENUE DIV. 8-3-17 LY
DATE FORWARDED TO CITY CLERK 8/3/17 CAC
DATE RECEIVED BY CITY CLERK 8/3/17 CBA
SCHEDULED DATE ON AGENDA 8-7-17 CBA

Council Action: ☐ APPROVED ☐ DISAPPROVED ☐ TABLED

COMMENTS: _____

Rescheduled for Council Agenda Date: _____

Council Action: ☐ APPROVED ☐ DISAPPROVED ☐ TABLED

COMMENTS: _____

DATE RETURNED TO REVENUE DIV.: _____

DATE RETURNED TO TAXPAYER
OR TO ABC FIELD OFFICE _____ (per taxpayer request)

Please Email Back to
Connie. Thanks

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2017-42**

2017-V-TIAWASEE CREEK TRIBUTARY STREAM RESTORATION

WHEREAS, the City of Daphne is required under section 39-1-1(E) of the Code of Alabama to secure competitive bids for public works contracts in excess of \$ 50,000; and

WHEREAS, the City of Daphne acknowledges that TIAWASEE CREEK TRIBUTARY STREAM RESTORATION will exceed \$50,000; and

WHEREAS, the City's goal is to support environmental endeavors which will improve water quality and lessen the potential for impacts to the City's watersheds which are part the greater Mobile Bay estuary.

WHEREAS, the City of Daphne has received Alabama Department of Environmental Management ADEM 319 grants for Restoration of an TIAWASEE CREEK TRIBUTARY STREAM RESTORATION project; and

WHEREAS, grant monies in the amount of \$108,961 are available for the TIAWASEE CREEK TRIBUTARY STREAM RESTORATION project; and

WHEREAS, a contract for engineering services was bid and awarded to Goodwin Mills Cawood for Tiawasee Creek Restoration grant projects and will be funded through remaining available grant funds; and

WHEREAS, the City of Daphne did receive bids for the TIAWASEE CREEK TRIBUTARY STREAM RESTORATION and has determined that the bid as presented is reasonable; and

WHEREAS, staff recommends the bid for TIAWASEE CREEK TRIBUTARY STREAM RESTORATION be awarded to North State Environmental, Inc.. ..

NOW, THEREFORE BE IT RESOLVED, AND IT IS HEREBY RESOLVED, BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the City hereby

1. Accepts the bid from North State Environmental, Inc. in the amount of \$103,487.28 as specified in BID SPECIFICATION NO. **2017-V-TIAWASEE CREEK TRIBUTARY STREAM RESTORATION**.
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:

Candace G. Antinarella, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2017-56**

Appropriation for Fire Station #5: Architectural Design and Civil/Site Design

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 is evaluating a parcel of real property upon which a future Fire Station/Public Safety Complex may be constructed to better serve the safety needs of the citizens of Daphne ; and

WHEREAS, an offer has been made by the property owner to donate property located on Milton Jones Road and the proposed donation is currently being negotiated; and

WHEREAS, a new Fire Station facility will require architectural design and civil/site design services; and

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 **\$59,890** for the architectural design (\$34,500) and civil/site design (\$25,390) for Fire Station #5; and
2. The Mayor is hereby authorized to enter into any agreements associated with the project on behalf of the City of Daphne.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA this ____ day of _____, 2017.

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk



61 Saint Joseph Street, Suite 902
Mobile, Alabama 36602

☎ 251.432.3480
☎ 251.432.3482

pcda.net

June 6, 2017

Chief White
Daphne Fire Department
28280 North Main Street
Daphne, AL 36526

Re: Proposal for Architectural Services

Dear Chief White:

It was a pleasure talking with you about your project. I appreciate the opportunity to present you with my proposal for construction drawings.

Scope: PCDA will provide construction drawings for the new fire station in Daphne. The project will be separated into two parts; a Civil Package and a Building Package. We will present you with 3 conceptual plans to review. Once reviewed, PCDA will incorporate your comments on the selected plan and begin construction drawings. The civil package will include site design and landscape design. The building package will include structural, mechanical and electrical design work.

Fee Structure:

Engineering (Civil Package): Survey, Design, Geotechnical, Drawings, P&Z Approval, Contract Documents and Letting Cost for Civil Site Work -	\$17,000 —
Architectural (Building Package): Design, Structural, Mechanical, Contract Documents and Letting Cost for Turnkey Fire Station based on a ready site -	\$35,000
CE&I (Engineering-Civil Package):	\$3,500 —
CE&I (Architectural – Building Package) -	\$4,500
Total	\$60,000

Schedule: Work can begin immediately.

If you have any questions please do not hesitate to call me.

Sincerely,

A handwritten signature in dark ink that reads "Paul C. Davis".

Paul C. Davis, President
Paul Carpenter Davis Architecture, P.C.



June 14, 2017

Mayor Dane Haygood
Daphne City Hall
P.O. Box 400
Daphne Alabama 36526

RE: Informational Design/Build Budget for Daphne Fire Station on Hwy 181

Dear Mayor:

Per your request we have reviewed the plans for the recently constructed Foley Fire Station and visited the potential site. This is an informational design/build budget to help in your decision-making process for a new fire station for the City of Daphne that matches the Foley Fire Station. Fulcrum Construction is grateful to be a part of this process and is committed to helping in any capacity to better serve our home town.

Civil Design \$8,500.00
Landscape Architect \$3,000.00
Architectural and Structural \$40,000.00
Construction Costs \$982,000.00

Total Budget \$1,033,500.00

We have excluded builder's risk insurance, performance bond, building permit, tap fees, utility extensions, and road borings from this informational design/build budget.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ron Yaeger", is written over a faint, larger signature.

Ron Yaeger
President

805 Trilene Avenue • Daphne, Alabama • 36526
phone 251.243.0708 • facsimile 251.217.2867

Kelli Kichler

From: James White <jwhite@daphnefire.org>
Sent: Thursday, June 22, 2017 9:27 AM
To: Kelli Kichler
Subject: FW: Adams Stewart Architects, Fire Station #5

From: Brian Puckett [<mailto:brian@whlcarchitecture.com>]
Sent: Thursday, June 22, 2017 8:38 AM
To: James White
Subject: RE: Adams Stewart Architects, Fire Station #5

Chief White, we have looked over the items that you provided. Based on an estimated budget of \$900,000.00 we could provide design services for a 6% fee (\$54,000). That would include the following:

- Architectural Design
- Structural Design
- Mechanical Design
- Electrical Design
- Plumbing Design
- Fire protection Design

Items not included would be:

- Civil design (which we would recommend HMR)
- Landscape Design (which we would recommend WAS Landscape)

If you need this in an official letter format proposal please let me know

Thanks

Brian Puckett

WHLC | ARCHITECTURE
EXPLORE. INSPIRE. COLLABORATE.

70 South Section Street Suite 4 | Fairhope, AL | 36532
[T] 251.990.6200 | [F] 251.990.6041 | [map](#)
www.whlcarchitecture.com

From: James White [<mailto:jwhite@daphnefire.org>]
Sent: Friday, June 2, 2017 7:23 AM
To: Brian Puckett <brian@whlcarchitecture.com>
Subject: FW: Adams Stewart Architects, Fire Station #5

James White

From: Richard D. Johnson, P.E. <rjohnson@daphneal.com>
Sent: Wednesday, May 24, 2017 2:52 PM
To: James White
Cc: William Eringman; Scott Hutchinson; Kelli Kichler; Todd Stewart; Jaye Robertson (jaye@hmrengineers.com)
Subject: Fire Station #5 - Finance Committee Information
Attachments: Daphne Fire Station Milton Jones Road (1.59 MB); RE: Adams Stewart Architects, Fire Station #5 (773 KB)

Chief:

Here are the numbers:

Site Design (HMR Engineers)

Preliminary Site Planning:	\$ 750.00 (Includes discussions with the owner for development layout and coordination with architect.)
Engineering Design and Construction Plans:	\$ 15,500.00 (Site design, entrance road design, grading, drainage and detention, Utility Design, Erosion Control and Meeting Representation/Coordination)
ADEM NOI Registration Documents:	\$ 1,500.00
Landscaping and Photometric Design:	\$ 2,640.00 (HMR will team with WAS Design)
Bidding:	\$ 2,000.00
Geotechnical Investigation:	\$ 3,000.00
Total Site Design/Letting:	\$25,390.00

Building Design (Adams Stewart Architects, Ilc)

Schematic Design:	10% - \$5,920.00 **
Design Development:	10% - \$5,920.00 **
Construction Documents:	60% - \$35,520.00
Bidding and Negotiating:	5% - \$2,960.00
Construction Administration:	15% - \$8,880.00
Total Building Design:	100% - \$59,200.00

** If a site adapt from a previous design is acceptable, there will be no charge for the schematic design and design development phases. Therefore, the total fee would be reduced by (\$11,840.00)

See attached Foley Construction Costs - Site with Eng - \$250k – Building with Architecture - \$850K – Project Total \$1.1 Million.

All supporting documents are attached.

Yours,

Forrest Daniell & Associates, P.C.

consultants required for completion of the project. The basis of design will be similar in scope to the fire station plan recently constructed in Foley, Alabama.

Reimbursable expenses include shipping and printing, if needed.

If this proposal is acceptable, please sign, scan and email the signed proposal back to me.

Sincerely,


Forrest Daniell
President

Fire Chief James White

Date



Forrest Daniell & Associates, P.C.
8007 American Way
Daphne, Alabama 36526
(251) 625-6490 | (251) 625-6494 fax

June 29, 2017

James White
Fire Chief
Daphne City Hall
1705 Main Street
Daphne, Alabama 36526

Re: Proposal for Architectural Services for a New Fire Station
Daphne, Alabama

Dear Chief White,

I appreciate the opportunity to submit this proposal for Architectural Services for your new Fire Station project. We propose to provide architectural, structural, mechanical, electrical and plumbing plans and specifications for the purpose of permitting and construction for a **fixed fee of \$34,500.00** as broken down in the chart below.

Service Phase	% of fee	Value of Service Phase
Schematic Design:	5%	\$1,725.00
Design Development:	15%	\$5,175.00
Construction Documents:	60%	\$20,700.00
Construction Administration:	20%	\$6,900.00
Total:	100%	\$34,500.00

Following is a description of each Service Phase:

Schematic Design: a scaled single line floor plan and site plan to establish the basic design.

Design Development: further development of the floor plan, site plan, and exterior elevations for final approval with the Owner prior to commencement of Construction Documents. These plans can also be used to establish and/or verify the construction cost budget.

Construction Documents: fully engineered plans and specifications for the purpose of bidding, permitting and construction.

Construction Administration: bi-weekly site visits and OAC meetings (Owner, Architect and Contractor meetings), checking shop drawings, responding to Contractor RFI's (Requests for Information), and processing Pay Applications. In addition to the bi-weekly scheduled site visits and OAC meetings, we will make other site visits as needed to assist the Contractor and Owner during the project.

This proposal is based on the assumption that civil engineering, geotechnical engineering and landscape plans will be contracted directly by the City of Daphne and are not part of this proposal. We will coordinate with all

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2017-57
MAIN STREET DRAINAGE STUDY FOR THE AREA: DAPHNE CIVIC
CENTER TO YANCEY BRANCH**

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 Main Street area from the Daphne Civic Center to Yancey Branch on the East side of Main Street 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, the City Council has determined it to be in the best interest of the City to evaluate this project by requesting a drainage study of this area to evaluate the drainage issues and improvements needed; and

WHEREAS, this study would include a survey of the existing drainage structures along the east side of Main Street, modeling of the system and a drainage report detailing the findings.

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 \$9,100 for the Main Street Drainage Study for the area from the Daphne Civic Center to Yancey Branch; 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:

Candace G. Antinarella, City Clerk

City of Daphne – Public Works Committee

Notice of Action Taken

Meeting Date: July 5, 2017

Agenda Item #	Description	Action Taken	Forwarded To	Person to Implement	Notes
III.C. & IV.E.	HMR Engineers - Main Street Drainage Study that includes survey, field investigations, modeling and Drainage Report for the pipe and inlet system located from the Daphne Civic Center to Yancey Branch on east side of Main street. This work can be done for \$9,100.00 .	Unanimous Motion by full Committee to place on Finance Agenda (7/10/17) for Appropriation. (Finance will need to draft Ordinance for funding appropriation)	Finance 	Kelli Kichler - Suzanne Henson	This action has resulted from a persistent complaint by Citizens on the west side of Main Street. Last month Committee requested options for system improvements.
IV.D.	Renewal of "On Call and Rotational" Survey & Engineering Professional Services - RFQ	Unanimous Motion by full Committee to place on City Council Agenda (7/17/2017) for Action – the Council wants to renew the agreements with the four firms currently under contract.	City Clerk	Candice Antinarella – Jenny White	Check with Legal – Motion is probably all that is required: <i>"Authorize the Mayor to update and renew the City's On Call and Rotational Survey & Engineering Professional Services Agreements with the following firms: Dewberry Engineers, Inc; Hutchinson, Moore & Rauch, LLC (rotational & "on call"); Mott MacDonald Alabama, LLC; and Volkert, Inc."</i>

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2017-58**

**AN ORDINANCE TO ESTABLISH SURETY BOND LIMITS FOR CERTAIN
MUNICIPAL OFFICERS AND EMPLOYEES**

WHEREAS, a review of statutorily-mandated Surety Bonds has been conducted and certain coverage revisions have been recommended.

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

SECTION 1. Ordinance 2011-05 is hereby repealed in its entirety.

SECTION 2. The following officers and employees of the City of Daphne, Alabama, are hereby required to maintain Surety Bonds in the amount listed below for the duration of their term in their respective position:

- a) Mayor - \$500,000
- b) Finance Director/Treasurer - \$500,000
- c) Revenue Officer - \$500,000
- d) Municipal Court Magistrate - \$500,000
- e) City Clerk - \$100,000

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA this ____ day of _____, 2017.

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2017-59**

GARBAGE COLLECTION ORDINANCE

WHEREAS, the City Council of the City of Daphne, Alabama desires to promote the health, welfare, and safety of the residents of the City of Daphne, Alabama: and

WHEREAS, the City Council of the City of Daphne wishes to maintain and operate a service for the orderly, effective, and systematic collection of garbage in the City of Daphne, Alabama; to establish the rules, regulations, and conditions which shall regulate the accumulation, removal, and disposal of garbage and other wastes; to provide definitions and receptacle requirements; to define prohibited acts; and to provide penalties for the violation hereof within the City of Daphne, Alabama; and

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 2002-34 is hereby repealed and replaced as follows:

SECTION I. DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, the words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directive.

A. Garbage. The term “garbage” shall mean putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food, including wastes from markets, storage facilities, the handling and sale of produce and other food products, and excepting such materials that may be serviced by garbage grinders and handled as household sewage.

B. Commercial Establishments. The term “commercial establishment” shall mean and refer to all commercial establishments, including but not being limited to apartments,

motels, and hotels maintaining centralized locations for garbage, laundries, and cleaning establishments, industrial establishments, and all other places not classed as residential, producing or accumulating garbage.

C. Residential Unit. The term “residential unit” shall mean any structure or shelter or any part or curtilage thereof used or constructed for use as a residence of one family.

D. Garbage Receptacle. The term “garbage receptacle” shall mean a container that is commercially available for use as a garbage container which is (a) not greater than 35 gallon capacity or less than 30 gallon capacity, or (b) a 96 gallon semi-automated garbage cart, as approved by the City of Daphne. The receptacle shall be free of jagged or sharp edges and shall be watertight and of impervious material, provided with a tight-fitting cover suitable to protect the contents from flies, insects, rats, and other animals, and which shall not have any inside structures, such as inside bands or reinforcing angles or anything within that would prevent the free discharge of the contents. In no event shall metal drums be used as garbage receptacles.

E. Person. The term “person” shall mean any person or persons, firm, corporation, or association of any type.

F. Contractor. The term “contractor” shall mean the City of Daphne Solid Waste Department, or any person, firm, or corporation to whom the City of Daphne has granted a franchise for the right to collect garbage within the City of Daphne, Alabama.

G. Owner. The term “Owner” shall mean person or persons, firm, corporation, or association who shall accumulate or cause to accumulate garbage for pickup and disposal by the Contractor.

H. Code Enforcement Officer. The Code Enforcement Officer of the City of Daphne or a duly authorized representative of the City appointed by the Mayor to oversee enforcement of the terms of this Ordinance.

I. Garbage Disposal Site. “Garbage Disposal Site” shall mean areas or facilities established for disposal of garbage as designated by the Code Enforcement Officer.

SECTION II. TERRITORIAL APPLICATION OF THIS ORDINANCE

The Provisions of this Ordinance shall apply to all territory which presently lies within the city limits or which may be hereinafter annexed to the City of Daphne.

SECTION III. REQUIREMENTS FOR GARBAGE REMOVAL

A. Residential. All residents and occupants of residential units in Daphne, Alabama, shall be required to have accumulations of garbage removed and disposed of by: (1) the City of Daphne Solid Waste Department or a contractor to whom the City of Daphne has granted a franchise, (2) transporting to approved bulk containers or approved disposal sites, or (3) obtaining a permit from the Health Department to transport to a landfill.

B. Commercial. All occupants of premises used for commercial purposes shall be required to have accumulations of garbage removed and disposed of by: (1) a licensed, franchised contractor or (2) transporting in vehicles approved by the Code Enforcement Officer to approved disposal sites.

C. Evidence of Accumulation. The fact that any residence or any place of business is occupied shall be prima facie evidence that garbage is being produced and accumulated upon such premises, and garbage shall be stored, transported, and disposed of in a manner approved by the Code Enforcement Officer and in compliance with the requirements of this Ordinance and any amendments thereto.

D. Placement. All garbage must be placed at the curbside within six (6) feet of the street before 7:00 a.m. on the day scheduled for pick up. No garbage shall be placed at the curbside more than twenty four (24) hours prior to the day scheduled for pick up. If trash and garbage are scheduled for collection on the same day, materials should be neatly placed in separate areas of the curbside. Containers shall be removed from the curbside within twelve (12) hours after collection has occurred.

E. Sanitary Nuisance. Accumulation of garbage at any residential unit or any commercial unit for more than five (5) days shall be prima facie evidence of a sanitary nuisance. The Code Enforcement Officer shall, upon finding a nuisance as described above, issue a municipal offense ticket pursuant to the Municipal Offense Ordinance of the City of Daphne, and may pursue all legal remedies available to the City under the law, including but not limited to taking any action necessary to abate the nuisance.

SECTION IV. PREPARATION AND RECEPTACLE REQUIREMENTS

A. Preparation Requirements. All garbage must be placed in bags and placed in a garbage receptacle as defined herein. Red-colored bags will not be collected, as red is the universal color for medical waste. All garbage, cans, and bottles shall be drained of all liquids prior to deposit in the required receptacles. Receptacles shall comply with

requirements of the definition as established herein, and shall be kept tightly covered at all times except when it is necessary to lift the cover to deposit garbage.

B. Location of Receptacles; Residential. Garbage receptacles shall be placed at ground level, within six feet from the roadway on the property of the residential unit or commercial establishment which has accumulated the garbage, and shall not be kept upon city, county, or public property or neighboring property not in the ownership or tenancy of the person by whom the garbage is accumulated, whether such neighboring property be vacant or improved except that it may be kept on the City right-of-way. Such placement of garbage receptacles shall be easily accessible to the Code Enforcement Officer for inspection and to employees of the contractor for collection.

- (1) Garbage shall be neatly placed so as to allow convenient passage of persons and vehicles on the roadway. At no time shall a receptacle or garbage be placed in a street, drainage ditch, storm drain, or gutter, nor should it be placed near trees, power lines, street signs, or near utility, cable, or telephone equipment. If garbage is placed near service equipment and damage occurs to said equipment due to collection efforts, the property owner shall be responsible for all necessary repairs or replacements.
- (2) Ownership of and responsibility for garbage material shall remain with the producer until collected.

C. Minimum Receptacle Specifications.

- (1) Receptacles Required. All garbage must be placed in bags and the bags placed in garbage receptacles as defined herein. Such receptacles shall be in sufficient number to hold all garbage produced between regular collections.
- (2) Commercial Receptacle Exceptions. Garbage from commercial establishments may be stored or collected in a container designed for mechanical pickup provided that such container and the location of such container have been approved by the Code Enforcement Officer.
- (3) Improper Receptacles. Any container used for the collection or storage of garbage failing to meet the requirements of this section shall be clearly marked or identified by an agent of the Contractor or Code Enforcement Officer, which marking or identification shall legibly specify in what manner the container fails to meet the requirements of garbage receptacles. Any container so tagged must be replaced with an acceptable container within five (5) days after notification by the Code Enforcement Officer. The contractor

will not be responsible for removing garbage that is not properly prepared and placed in approved receptacles.

SECTION V. FREQUENCY OF COLLECTION

Garbage shall be picked up by the Contractor from each location once per week. All collection schedules are subject to change due to legal holidays and/or weather conditions. Persons desirous of garbage pickup shall call the Public Works Department of the City of Daphne to obtain a garbage collection schedule.

SECTION VI. FEES FOR COLLECTION AND DISPOSAL

Every person or persons occupying a building or dwelling unit which generates garbage within the City Limits of the City of Daphne, Alabama, shall be subject to a fee of fifteen dollars and forty cents (\$15.40) per month, which may only be adjusted by a subsequent ordinance amending this article. Said fee shall include service for garbage and recycling collection and disposal. Such fees for the collection and disposal of garbage shall be subject to change from time to time as deemed necessary by the City Council in order to cover an increased 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 VII. PROHIBITED ACTS

- A. Accumulation of Garbage. It shall be unlawful for any person to accumulate or to cause, permit, or allow to be accumulated any garbage upon his or her property or premises except during regular intervals between collections by the Contractor.
- B. Unlawful Disposal. It shall be unlawful for any person to dump or bury any garbage on public or private property not owned by him or her unless permission has been obtained from the respective property owner or owners and such disposal has been authorized by the Code Enforcement Officer. If any garbage is found on public or private property or roadway and its origin is traced to a commercial establishment or residential unit by identification such as mail, statements, checks, etc., and such person or owners are not receiving disposal service by the franchised Contractor, such information presented in a statement signed by the Code Enforcement Officer, shall be prima facie evidence that such garbage came from that commercial establishment or residential unit and such person or owner is in violation of this Ordinance. The provisions of this section do not apply to dumping on private property, with owner's permission, of sand, dirt, broken brick, blocks, broken pavement, or other material suitable for use as fill material to raise the elevation of land.

C. Contagious Disease Refuse. Refuse consisting of clothing, bedding, or other waste from homes or other places where highly infectious or contagious diseases have prevailed shall not be placed in containers for regular collection. Removal of such materials shall be performed under the supervision and direction of the Code Enforcement Officer.

D. Flammable Or Explosive Refuse. Highly flammable or explosive materials shall not be placed in containers for regular collection but shall be disposed of as directed by the Code Enforcement Officer at the expense of the owner or possessor thereof.

E. Other Hazardous Materials. No person shall place or cause to be placed in receptacles such materials as unwrapped razor blades and glass, acid, and other like materials which have caused or may cause personal injury to employees of the Collection Personnel. Such material shall not be collected unless wrapped, rendered harmless, or identified as injurious materials.

F. Dead Animals. The disposal of all dead animals on private property shall be the responsibility of the property owner. Disposal shall be as required by the Code Enforcement Officer.

G. Scattering Garbage. It shall be unlawful to molest, disturb, scatter, or spread about or cause to be molested, disturbed, scattered, or spread about any contents of receptacles set out or intended to be collected and removed.

H. Medical Waste. The City of Daphne Solid Waste Department shall not collect any medical waste. The disposal of medical waste shall be the responsibility of the property owner, and shall be collected by a private, licensed contractor in accordance with all federal, state and local laws.

SECTION VIII. PENALTIES

Any person violating any provision of these rules and regulations shall be deemed guilty of a misdemeanor and punished by a fine (fine for a misdemeanor) of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).

SECTION IX. SEVERABILITY

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

SECTION X. REPEALER

Ordinance No. 2002-34 is hereby repealed in its entirety and 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 XI. EFFECTIVE DATE

This Ordinance shall take effect and be in force commencing January 1, 2018, and following publication as required by law.

APPROVED AND ADOPTED by the CITY COUNCIL of the CITY OF DAPHNE, ALABAMA this _____ day of _____, 2017.

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk