**The City of Daphne**
**Planning Commission Minutes**
**Regular Meeting of December 21, 2017**
**Council Chamber, City Hall - 5:00 P.M.**

**Call to Order:**

Chairman called the regular meeting of the City of Daphne Planning Commission to order at 5:04 p.m. The number of members present constitutes a quorum.

**Call of Roll:**

**Members Present:**

Ed Kirby (Excused @ 6:15 p.m.)
Andrew Prescott
Charles Smith, Secretary
Marybeth Bergin, Chairman
Phillip Hodgson, Vice Chairman
Ron Scott
Hudson Sandefur

**Staff Present:**

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

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

Chairman asked for questions, comments or corrections to the minutes ***of the regular meeting of November 16, 2017. There being none, minutes are approved as submitted.***

The next order of business is a request for a modification to the wetland buffer requirement for South Branch Subdivision.

An introductory presentation was given by Barry Dees, representative of R-Squared Global, requesting a modification to the wetland buffer requirement. He stated in the interest of the protection of vegetation and minimization of stream bank erosion & sedimentation impacts, the applicant is asking for a waiver to allow the extension of the storm water discharge system to terminate at the base of the slope near the wetland line and for a connection to the existing sanitary sewer main adjacent to Tiawasee Creek. Due to the steep slopes in this development, it is necessary to install a bubble-up system in the detention facility and acquire a modification to allow us to direct the storm water onto the City's property or into the creek.

Chairman commented that the modification request for a waiver to allow buffer impacts is similar to two other projects which were granted approval by the Commission which set the precedent.

Chairman asked for Commission questions or comments.

Ms. Campbell commented she is working with Mr. Dees and the adjacent property owners to minimize the impact to the wetland buffer, and stated a permit is required from ADEM & Corp of Engineers.

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Hodgson ***to approve South Branch Wetland Buffer Modification. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is a presentation by Community Development.

A presentation was given by Brennan Walters, Planner, on "Smart Growth" which is an effort to develop your community in a way that is human-centric as opposed to car-centric. Smart Growth is an effort to regain development patterns pre-war. Concepts of smart growth are: mixed use & compact design, diverse housing choices, walkability, strong sense of place, open space & environmental conservation, direct development toward existing development, diverse transportation choices, make development decisions that are cost effective & fair, and to encourage community collaboration.

The next order of business is a zoning amendment for Jacob's Well, L.L.C. and Ruth Metcalfe Rye.

An introductory presentation was given by Craig Dyas, representative of Dyas, L.L.C., Commercial Real Estate & Development, requesting rezoning of six-point two-two acres located northwest of U.S. Highway and Halls Lane presently zoned R-7(T), Townhome District, B-2, General Business, and R-3, High Density Single Family Residential, to a PUD, Planned Unit Development, for a mixed use development. He noted the benefits of rezoning to a Planned Unit Development are: allow for mixed use, single family attached & detached units, and commercial development with relaxed setbacks, open & recreational area, signalization on U.S. Highway 98, possibility of providing an electronic gate, landscape buffer, slower traffic velocity by adding aggressive curves in the right-of-way, cobblestone thresholds and islands to act as a traffic calming device. According to Mr. Dyas, the points of contingency are creating a thoroughfare from U.S. Highway 98 to Main Street through Daphne Court, access and peak traffic volumes; however, the twenty-two feet width of Daphne Court provides sufficient right-of-way for a secondary access.

David Hudgens, representative of Hudgens Company, referenced Section 503.2.1 of the International Fire Code and stated that the fire code does not contain a definition of a shoulder. He stated Appendix D describes the access and we believe the valley curb is a concrete surface and could support more weight than the asphalt portion of the road; therefore, a fair interpretation of the code under these circumstances is to include the valley curb as a part of the width of the road. He referenced Section 104.8, if it is deemed by the Fire Marshal that Daphne Court does not meet the code, a modification could be given which would be more in keeping with the intent of the code.

Mr. Scott stated that the developer can appeal the decision of the Fire Marshal to the Board of Appeals or Circuit Court. Mr. Ross stated that the appeal allows for some remedy depending on what the Planning Commission and City Council decide.

Chairman asked for Commission questions or comments and opened the floor to public participation.

Sandy Robinson, spoke in opposition and expressed her concerns about access to a narrow, substandard road which would be a burden on the residents of Daphne Court, access by emergency vehicles, vehicle & pedestrian congestion in school zones, and public safety.

John Mangan, 802 Daphne Court, spoke in opposition and expressed his concerns about access to Main Street in that Daphne Court is not a through-street. Residential & school traffic on Main Street are at full capacity, and the fear of the erosion of the character of downtown Daphne. The use as an access will affect our privacy and create malfunction. The benefits as provided by the developer are erroneous because they do not own the Rye property.

Bill Hawkins, 801 Daphne Court, spoke in opposition and expressed his concerns about access to Main Street and sidewalks.

Bill Robinson, 1500 Main Street, spoke in opposition and expressed his concerns about public safety and sidewalks.

Ed Baldwin, 903 Halls Lane, spoke in opposition and expressed his concern about access to Main Street.

Chip Martin, Fire Marshal, stated the twenty feet is exclusive of the shoulder, and the right-of-way of Daphne Court does not meet the minimum width of twenty feet.

Chairman closed public participation.

Chairman asked for Commission questions or comments.

Mr. Kirby referenced Mr. Dungan comments and asked if the developer can utilize the north leg of the subdivision as the secondary access. Ms. Bergin stated the developer has different plans for that property.

Mr. Hodgson asked Mr. Ross to address Mr. Dungan's comments. Mr. Ross stated his interpretation of the code did not include an opinion on whether or not the valley curb is a part of the road. If the Commission recommends the rezoning as presented and it goes to City Council, the access must be in compliance or addressed by the developer to the Board of Appeals or Circuit Court, if a compromise is not reached.

Ms. Bergin asked Mr. Ross in light of the recent court decision that the City Council cannot make changes to the application. Mr. Ross stated if changes are made, those recommendations would go back to Planning Commission for review.

Commissioners discussed ingress/egress, fire department access, setbacks, common & open space, and landscape buffer.

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

A **Motion** was made by Mr. Kirby and **Seconded** by Smith ***to send forth an unfavorable recommendation to Council regarding Jacobs Well, L.L.C. and Ruth Metcalfe Rye proposed Planned Unit Development zoning.***

Upon roll call vote:

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| Mr. Kirby | Aye |
| Mr. Sandefur | Nay |
| Mr. Scott | Nay |
| Mr. Prescott | Aye |
| Ms. Bergin | Aye |
| Mr. Hodgson | Nay |
| Mr. Smith | Aye |

During discussion, Commissioners considered a recommendation to exclude: Daphne Court due to noncompliance with the fire code and other unresolved issues, the residential (Rye) property & access to Daphne Court, or asking the developer to make the appropriate changes prior to voting.

***The Motion carried four to three.***

Mr. Prescott commented on introducing this type of development into a neighborhood. Ms. Bergin commented that she is not comfortable with the transition from a commercial & townhome into a residential district and expressed concern about the secondary access not being in compliance with the fire code.

Mr. Kirby asked to be excused at 6:15 p.m.

The next order of business is site plan review for Benchmark Office.

An introductory presentation was given by Max Dearing, representative of Jade Consulting, of a request for site plan review of a business office facility with associated drainage, parking, and landscaping located northeast of Professional Place and Main Street. He stated the Fire Marshal's concerns were addressed by the addition of a note on the site plan stating that a fire hydrant shall be installed in the right-of-way at the front of lot prior to construction of the future building.

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

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Hodgson ***to approve Benchmark Office site plan. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is site plan review for R H Industrial.
An introductory presentation was given by Jason Estes, representative of Dewberry/Preble-Rish, of a request for site plan review of a commercial/industrial facility with common detention, parking, and landscaping located northeast of World Court and American Way and stated staff deficiencies have been reviewed and addressed and the applicant is requesting a sidewalk waiver. He also indicated that the detention pond will be cleaned out by property owners association.

Jeremy Sasser, Public Works Director, indicated that he was in favor of granting the sidewalk waiver.

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

A **Motion** was made by Mr. Sandefur and **Seconded** by Mr. Prescott ***to approve R H Industrial site plan with a waiver to the sidewalk requirement. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is final plat review for Winged Foot Subdivision, Phase 1.

An introductory presentation was given by Jason Estes, representative of Dewberry/Preble-Rish, of a request for final plat review of an eighty-one lot subdivision consisting of approximately thirty-six point six two acres located northeast of Edgewood Drive and County Road 64.

Chairman asked for Commission questions or comments.

Mr. Scott commented that the meandering configuration of the roadway serves as the traffic calming device in this subdivision.

Chairman asked for Commission questions or comments and for a motion.
A **Motion** was made by Mr. Scott and **Seconded** by Mr. Sandefur ***to approve Winged Foot Subdivision, Phase 1 final plat. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is preliminary plat review for Winged Foot Subdivision, Phases 2A, 2B and 3.

An introductory presentation was given by Jason Estes, representative of Dewberry/Preble-Rish, of a request for preliminary plat review of Winged Foot Subdivision, Phases 2A, 2B and 3, with a total of one hundred and twenty lots on approximately thirty-two point two-seven acres located northeast of Edgewood Drive and County Road 64.

Chairman asked for Commission questions or comments and opened the floor to public participation.

Pauline Ouellette, 7720 Elizabeth Drive, commented on the preservation of trees and the provision for open space.

Ms. Jones stated that the development met the requirement of the common area and open space in phase one.

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Smith ***to approve Winged Foot Subdivision, Phases 2A, 2B and 3. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is public participation.

Chairman asked for public participation.

Don Ouellette, 7720 Elizabeth Drive, commented on the expansion of Daphne Court and consideration of participation to address their drainage concerns.

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

Mr. Ross stated no report.

The next order of business is commissioner's comments.

None presented.

The next order of business is director's comments.

Ms. Jones presented that the upcoming meeting dates are site preview, January 17 & regular meeting, January 25, 2018, and Merry Christmas.

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

***Respectfully submitted by:***

Jan Vallecillo
Jan Vallecillo, Planning Coordinator

**Approved**: January 25, 2018

Mary E Bergin
Marybeth Bergin, Chairman