

The City of Daphne
Planning Commission Minutes
Regular Meeting of March 23, 2017
Council Chamber, City Hall - 5:00 P.M.

Call to Order:

The regular meeting of the City of Daphne Planning Commission was called to order at 5:10 p.m.

Call of Roll:

Members Present:

Charles Smith, Secretary
Marybeth Bergin, Chairman
Andrew Prescott
Ron Scott, Councilman
Hudson Sandefur
Chief White

Staff Present:

Adrienne Jones, Director of Community Development
Jan Vallecillo, Planning Coordinator
Jay Ross, Attorney
Patrick Dungan, 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 February 23, 2017. There being none, minutes are approved as submitted.*

Chairman commented on a request to change the order of the agenda to hear a pre-zoning amendment for George Kalasountas.

Chairman stated if Commissioners would like to consider this that she would entertain a motion to rearrange the order of the agenda.

A **Motion** was made by Chief White and **Seconded** by Mr. Sandefur *to change the order of the agenda to hear a pre-zoning amendment for George Kalasountas.*

During discussion, Ms. Jones commented that the agenda has been published for a while and some people may show up later in the meeting expecting to be able to speak on the item. Although the Commission may hear a discussion now, it would be appropriate to reopen the hearing and to vote later at its current position on the agenda.

Having considered Ms. Jones' comments, Chief White and Mr. Sandefur rescinded the motion.

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Chairman stated the agenda item shall remain in the order presented.

The next order of business is the Residential High Rise Condominium Development District Amendment.

An introductory presentation was given by Cheryl Stovall, representative of WHLC Architecture, of a five and one-half acre high density multi-family residential parcel located southwest of 2nd Street and U.S. Highway 98. Our firm is currently unable to construct a seventy-nine unit development with a fifty-foot height restriction; therefore, we have asked that the Residential High Rise Condominium Development District be amended to include our property.

Chairman asked for Commission questions or comments.

Mr. Scott commented that it is his understanding that a request for a building height of two hundred feet is no longer available. Ms. Jones stated a height of one hundred ten feet or ten stories is my recommendation for a request to be included in this district which is to be determined upon justification and Commission approval.

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

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Sandefur **to set forth a favorable recommendation to council to amend Article 38, Residential High Rise Condominium Development District, Section 11, District Map to include Lots 2 and 2a of Westbrook Commercial Park Subdivision as recorded in the Office of the Judge of Probate of Baldwin County as Instrument No. 2133-C and to amend the provisions of Article 38, Residential High Rise Condominium Development District, Section 2(a), Height Exceptions, to read as follows: building height may be allowed up to two hundred (200) feet or sixteen (16) stories by the Planning Commission, with the exception that any land added to the High Rise Condominium Development District boundary after October 2, 2006 may be allowed up to one hundred and ten (110) feet or ten (10) stories by the Planning Commission; and conditioned that the land owner shall impose upon the subject property a restrictive covenant that expressly states that the maximum height for any structure thereupon shall be no greater than one hundred and ten (110) feet in height. There was no discussion on the motion. The Motion carried unanimously.**

Mr. Scott stated this is only a recommendation to City Council of which they may add additional restrictions or approve it as is.

The next order of business is site plan review for Johnson Road Grading & Drainage.

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An introductory presentation was given by Andy Bobe, representative of Dewberry/Preble-Rish, requesting site plan review of a grading and drainage improvement project located southwest of the intersection of U.S. Highway 98 and Johnson Road. This site was obtained by foreclosure and is owned by Citizens Bank. Although there is no proposed use for this site at this time, the owner proposes a drainage improvement project for marketing purposes.

Chairman asked about permitting from the Corp of Engineering and ADEM and the tree survey. Mr. Bobe stated the permits are still pending. Ms. Jones stated the survey has been completed.

Mr. Scott asked about the deficiencies outlined by the Public Works Director and Environmental Programs Manager. Ms. Campbell stated this site has significant downstream impacts which have been addressed by the Public Works Director.

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 site plan for Johnson Road Grading & Drainage, subject to U.S. Army Corp of Engineer and ADEM permitting. There was no discussion on the motion. The Motion carried unanimously.

An Amended Motion was made by Mr. Scott and Seconded by Mr. Smith to approve the site plan for Johnson Road Grading & Drainage, subject to U.S. Army Corp of Engineer and ADEM permitting; Planning Commission also allows a modification to the stream buffer and allows construction therein. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is site plan review for Take 5 Daphne.

An introductory presentation was given by Mark LeCraw, representative of LeCraw Engineering, and Wilson Blum, representative of Take 5, requesting site plan review of an oil change facility located northwest corner of U.S. Highway 98 and Main Street which was formally a gas station and carwash. The plan consists of the addition of a one thousand seven hundred square foot facility, decrease of storm water runoff, maintenance of access points, and improvement to the Main Street access by limiting it to a right in/right out only.

Chairman asked for Commission questions or comments.

Ms. Jones stated the proposed use must be approved by the Commission, as well as, the site plan.

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Mr. Sandefur asked how this site plan is different from the previous use of the property.

Ms. Jones stated the Land Use Ordinance states that, "Automobile service including minor repair and installation of items sold, including gas, oil or grease is permitted by Planning Commission approval".

Chief White asked if the deficiencies outlined by the Code Enforcement Officer regarding signage have been addressed.

Mr. LeCraw stated we are aware of the sign comments and agree to comply with the request. Ms. Jones stated the applicant must submit a sign permit application in compliance with the ordinance to acquire a sign permit.

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 the site plan for Take 5 Daphne oil change facility including the proposed use. There was no discussion on the motion. The Motion carried unanimously.**

Mr. Smith recused himself from discussion or action on the following agenda item: site plan review for Macedonia Baptist Church Playground.

The next order of business is site plan review for Macedonia Baptist Church Playground.

An introductory presentation was given by Carlos Gant, representative of Carlos Gant Architecture, requesting site plan review of two-point two-acre site of which the church would like to add a basketball court, two playgrounds, and the necessary storm water drainage located southeast of the intersection of Guarisco and Manci Avenue.

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

A Motion was made by Mr. Sandefur and **Seconded** by Mr. Smith **to approve the site plan for Macedonia Baptist Church Playground. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is site plan review for Auto Zone Store.

An introductory presentation was given by Ray Flake, representative of Civil Engineering Services, requesting site plan review of automotive retail parts store located at the southwest corner of U.S. Highway 98 and Wilson Avenue.

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Chairman asked for Commission questions or comments and about the deficiencies outlined by the Public Works Director and Environmental Programs Manager, and stated that the owner has agreed to work with Public Works regarding the installation of sidewalks.

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

A Motion was made by Mr. Smith and **Seconded** by Mr. Sandefur **to approve the site plan for Auto Zone Store. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is site plan review for Waffle House.

An introductory presentation was given by Paul Marcinko and Max Dearing, representatives of Jade Consulting, requesting site plan review of restaurant facility located on the west side of U.S. Highway 98 between Van Avenue and Halls Lane.

Chairman asked for Commission questions or comments.

Mr. Scott commented on residents on Bass Street to express their concerns and asked about a vegetative buffer and not to direct lighting into the residential neighborhood. Mr. Marcinko stated on the landscape plan, a six-foot privacy feet is shown, and we will address the issue of lighting.

Chairman stated this is also a request for a waiver of the installation of sidewalks on U.S. Highway 98 and Bass Street and asked for a motion.

A Motion was made by Mr. Scott and **Seconded** by Chief White **to approve the site plan for Waffle House and waiver of sidewalks on U. S. Highway and Bass Street. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is site plan review for Olde Towne Daphne Townhomes.

An introductory presentation was given by Daniel Dyas, representative of Dyas Development, requesting site plan review for the development of thirty-six units in an R-7(T), Townhouse District, located northwest of U.S. Highway and Halls Lane.

Chairman asked for Commission questions or comments and about the green belt and stated the Commissioners have received a revision to the plan for review. Mr. Dyas stated the greenbelt area comment has been addressed by providing a diagram of a greenbelt that exceeds the buffer requirements by thirty percent.

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Chairman asked for Commission questions or comments.

Chief White stated the revision does not address the secondary access.

Mr. Dyas stated the latest revision of the site plan illustrates the proposed location of a secondary access to be either at the southwest corner of the property near Jacobs Way or the fifty-foot ingress/egress easement at the northeast corner of the property. We are committed to providing a secondary access prior to the issuance of a certificate of occupancy.

Chief White commented these access points are proposed and the fire department would prefer a dedicated secondary access.

Mr. Smith asked weren't we informed that the adjacent property owner was not in favor of providing property for the secondary access. Chairman confirmed receipt, but could not verify the location of the property.

Chairman asked for Commission questions or comments and about the deficiencies outlined by the Public Works Director.

Mr. Johnson recommended site plan approval, conditioned upon the owner establishing all required requisite ALDOT right-of-way improvements that were associated with approval of the first phase of Shore Oaks Center, and that those improvements shall be in place prior to the issuance of the first certificate of occupancy. Mr. Dyas consented to the stipulation.

Mr. Scott stated the recommended motion does include Mr. Johnson comments.

Mr. Smith commented on traffic congestion associated with the proposed residential development behind the existing commercial businesses, and Chief White responded that is why the fire department requested a secondary access.

Mr. Dyas stated clarified that a connection could be made to the right-of-way of U.S. Highway 98 along the fifty-foot strip on the north side of the property, but that he would prefer to negotiate a connection to Main Street for the benefit of the development and city from a connectivity and walkability standpoint.

Chief White asked if they dedicate the fifty-foot strip as the secondary access would the applicant be able to revise the site plan. Ms. Jones stated the Commission should address that in the motion.

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Mr. Prescott asked Ms. Jones if the revised site revision address staff comments.

Ms. Jones stated Mr. Ross needs to speak to the greenbelt requirement as it requires a twenty-five foot wide greenbelt along the perimeter of the property, and what has been presented to you is a variation of that. The ordinance does not speak to the Planning Commission having the authority to grant a variation of the greenbelt. Section 13-3, Compliance with District Requirements, states any use permitted in any district whether by Right, Planning Approval, Administrative Approval, or as a Special Exception, must comply with the requirements of the district in which it is located.

Ms. Jones stated unless a variance from such requirement is specifically requested and granted by the Board of Zoning Adjustment; unless approved as a Planned Unit Development with modifications as required by the Planning Commission provisions of Article 11-5, Subdivision Exceptions and Exemptions. The R-7(T) requirements provide the minimum setbacks, maximum height, distance between the buildings, and a greenbelt along the remaining roadway and project boundary, and Mr. Ross can expound on the requirement of the greenbelt. Mr. Ross stated this section states that the twenty-five foot wide greenbelt shall be along perimeter roadway and shall run the entire length of the project boundary. If you look at twenty-five feet around the circumference of the property, that may equate to forty two thousand square feet. The design is clever; however, because of location of the greenbelt in relationship to the roadway, it is hard to determine if it meets the requirements. It may be more square footage, but it does not seem to comply with the ordinance.

Mr. Dyas stated we are building a residential use and are surrounded by commercial uses so the setback and the greenbelt are for the benefit of the adjacent property owners. If you require a continuous greenbelt the property in an R-7(T) district, you preclude an owner from gaining access into his property. Mr. Scott asked Mr. Ross to address you cannot access your property in the strict interpretation of the ordinance.

Ms. Jones stated actually you can because at the southwest corner of the property in which he has proposed the secondary access and running east to west is the access to his property. The problem is the design is putting an alley way the greenbelt is supposed to be. Mr. Dyas stated that the design exists with the setback exceeds the area calculations of the twenty-five foot wide greenbelt by thirty percent.

Mr. Scott stated it is my understanding that you have already been to the BZA.

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Mr. Ross stated they have been to the BZA on a particular aspect of this project, but were denied, and they have appealed that decision to Circuit Court. Mr. Scott asked if that appeal was for the greenbelt. Mr. Ross stated the request was regarding setbacks. Mr. Dyas stated by gaining the setback variance, it would have allowed us to save some of the Live Oaks on the property.

Mr. Prescott asked why he had not pursued a Planned Unit Development which would have resolved the issue with the setback and the greenbelt requirement. Mr. Dyas stated we pursued this development as the entitled use based on the zoning of the property. We see the greenbelt issue as a difference of opinion with regard to interpretation of the ordinance and believe that our design exceeds the greenbelt requirement by thirty percent.

Mr. Dyas stated the property was rezoned in 2016 at which time it was B-2 with zero setback and greenbelt. Ms. Jones stated Eastern Shore Associates, L.L.C. is the current owner, and they presented along with their application to rezone to R-7(T), a design concept that met all of the requirements of the ordinance.

Mr. Prescott asked the definition of a greenbelt. Mr. Ross stated Section 19-8 states that a greenbelt zone shall be designated on each site to create a natural buffer along the perimeter of the proposed development site, and that greenbelt areas shall be landscaped with trees, shrubs, ground cover and grass.

Ms. Jones asked the number of Live Oaks to be removed and/or preserved. Mr. Dyas stated there are eight onsite. Ms. Jones stated there are twelve Live Oaks to be preserved and three to be removed which are mitigated in the landscape plan.

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 the site plan for Olde Towne Daphne Townhomes, with the greenbelt as presented in lieu of Article 13-3, contingent upon compliance with the minimum setback requirements; contingent upon receipt of a signed and recorded agreement regarding an ingress/egress easement through Shore Oaks Center to be submitted to Community Development prior to the issuance of a site disturbance permit; with a condition that no certificate of occupancy will be issued until such time as a satisfactory secondary access is provided and available for ingress/egress, and all requisite ALDOT right-of-way improvements shall be installed prior to issuance of the first certificate of occupancy. There was no discussion on the motion. The Motion carried. Ms. Bergin and Mr. Prescott dissented.

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Mr. Prescott recused himself from discussion or action on the upcoming agenda item, final plat review for Caroline Woods Subdivision, Phase Three B.

The next order of business is final plat review for Caroline Woods Subdivision, Phase Three B.

An introductory presentation was given by Steve Pumphrey, representative of Dewberry Preble-Rish, requesting final plat review of a twenty-five lot subdivision consisting of approximately seven point five two acres located north of Madison Place Subdivision, west of Daphne Commercial Park, Phase Two.

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 the final plat for Caroline Woods Subdivision, Phase Three B. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is preliminary/final plat review for Corte-13 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 one hundred and fifty-two point seven-six acres located southeast of County Road 13 and Corte Road and stated this is the first step of the process so we can move forward with the development of Blackstone Lakes Subdivision. It is necessary for us to carve out Lot 1 of this tract for that purpose and to dedicate additional right-of-way for the improvement a portion of Corte Road.

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

Richard Jaehne, 9499 Bella Drive, recommended improvement of the right-of-way of Corte Road to Alabama Highway 181.

Chairman closed public participation.

Mr. Scott stated that Mr. Johnson has been authorized by City Council to acquire and improve the right-of-way of Corte Road from County Road 13 to Alabama Highway 181.

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 preliminary/final plat for Corte-13 Subdivision.**

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

The next order of business is a pre-zoning amendment for Louise Volovecky, Volovecky Farms, and Joseph A. Allegri Jr. Properties I and II, L.L.C.

Chairman reiterated that the next agenda item of an application for pre-zoning for Volovecky and Allegri, Alabama Highway 181 and County Road 64 has been postponed to the regular meeting of April 27, 2017. The agenda item will be heard concurrently with an application for pre-zoning for Allegri remanded back to the Planning Commission by the City Council on February 20, 2017.

The next order of business is a pre-zoning amendment for S. Hickory, Inc.

An introductory presentation was given by William Miller, representative of S. Hickory, Inc., of a request to pre-zone and annex seventy-nine point seven-two acres located on the east side of Pollard Road, north of Creekside Subdivision from an RSF-2, Single Family District, Baldwin County District 15, in the extraterritorial planning jurisdiction of Daphne, to R-3, High Density Single Family Residential District.

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

Greta Collins, 27324 Creekwood Drive, expressed concerns regarding drainage, density, preservation of trees and traffic and asked if the cleared area for the installation of drainage behind Tiawasee Creek Subdivision was for fire and police access.

Kevin Spriggs, 23 Signal Hill Road, stated a Bill is before the legislature to cut funding for education by five million dollars and asked residents to contact their legislators to ask that funding of the Baldwin County School System remain. This amount of growth of school system is going to need the funding.

Bill Lees, 27430 Creekwood Drive, expressed concerns regarding the setbacks and the downstream impacts and asked if public notices are sent to all residents.

Ms. Jones stated only to contiguous property owners and a sign is posted on the property.

Don Ouellette, 7720 Elizabeth Drive, expressed concerns regarding traffic congestion on Pollard Road.

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Randy Jones, an adjacent resident, asked how many units will be in the subdivision.

Chairman stated we do not know the number of units, but the lot size will be comparable to the neighboring subdivisions. That is a drainage project for the city. An additional access will come from this development's connection to the Retreat of Tiawasee through Tiawasee Trace and Stratford Glen Subdivisions.

Mr. Miller responded that Creekside Subdivision is zoned R-3 and Brookside is zoned R-4 which is a zoning designation that is no longer available. The density of the property will be at about sixty percent and less than what would be allowed by Baldwin County which equates to approximately one hundred sixty or eighty lots. The developer has made committed to address the traffic and drainage issues at the time of development.

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

Mr. Scott stated this property will be developed whether it is in the county or city. We are not approving a subdivision, but rather a request to pre-zone the property to R-3 to the same zoning designation as Creekside Subdivision. If the zoning designation is deemed appropriate, then we will consider a request to annex.

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

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Sandefur **of a favorable recommendation to the City Council to pre-zone seventy-nine point seven two acres for S. Hickory, Inc. to R-3, High Density Single Family Residential. There was no discussion on the motion. The Motion carried unanimously.**

Chairman stated this is a recommendation to the City Council of which there will another public hearing to express your concerns. Mr. Scott asked the date of the council public hearing. Ms. Jones responded the first meeting in May.

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

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Smith **of a favorable recommendation to the City Council to annex seventy-nine point seven two acres for S. Hickory, Inc. into the City of Daphne. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is a pre-zoning amendment for George Kalasountas.

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An introductory presentation was given by Christopher Thompson, representative of George Kalasountas on behalf of Infirmary Health Systems, of a request to pre-zone and annex three-lots consisting of seventeen point eight acres located on the south side of U.S. Highway 90 at Renaissance Boulevard from an RSF-1, Single Family District, Baldwin County District 15, in the extraterritorial planning jurisdiction of Daphne, to B-2, General Business. There are no existing structures onsite, and the current land use is general open space. As far as the future use of the site, my client is seeking to develop a series of medical and office buildings of eighty to one hundred thousand square feet.

Mark Nix, President and CEO of Infirmary Health System, stated the development of a free-standing emergency department has in a positive way increased the need for medical physicians to move into this area to serve the continued population growth. Our goal for the seventeen-acre site is to continue to build professional medical and office facilities and a B-3, Professional Business, zoning designation would be a low density, limited use facility. The nature of the businesses would be medical and office space, as well as, other related uses to support the facilities such as a credit union, retail gift shop or coffee shop.

Mr. Scott commented on the recommendations provided by staff for B-2 and B-2(a) and asked if the uses Mr. Nix mentioned would be allowed in B-2(a). Ms. Jones stated both uses are allowable in either zone.

Mr. Scott stated when we looked at the pre-zoning of the property previously as B-2, with no specific use, the Commission denied the request because it was speculative in nature; however, the proposed request as B-2 or B-2(a) would be an appropriate use for that portion of the property that on U.S. Highway 90, but would be problematic for property that abuts Malbis Lane.

Chairman asked for Commission questions or comments.

Mr. Sandefur asked is it necessary for all of the lots to be the same zoning and the buffer requirements. At the work session, the representative commented that additional buffering will be installed abutting the residential neighborhood. Ms. Jones stated you have the right to pre-zone one or two of the lots a different zoning in the recommendation, and the setback and buffer requirements are the same for B-2 and B-2(a).

Mr. Smith asked if there is a height restriction and Ms. Jones responded the maximum height is fifty feet, unless otherwise approved by the Planning Commission.

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Mr. Nix commented that he had met with the adjacent property owners in an effort to address their concerns which are: the alignment with the traffic signal, shield lighting from the residential neighborhood. He noted that the facilities have finite hours and not open on weekends.

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

Normand McAllister, 9595 Malbis Lane, President for the Homeowners' Association of Malbis and Vlahlos Lane, responded that uses he referenced would also be allowed in a B-3 zone. The homeowners would like for the property to remain R-1 and have expressed concerns about the preservation of the Historic District designation; that the Infirmary Health Systems development may not occur, and the property will be commercial.

Felicia McAllister, 9595 Malbis Lane, reiterated the recommendation to rezone the property to B-3.

George Kalasountas, 9563 Malbis Lane, expressed support to rezone the property for the development of the medical facility as it will benefit the community and the city.

Clark Geck, 9756 Malbis Lane, expressed support of rezoning the property to B-3.

Betty Godwin, 9790 Malbis Lane, expressed support for the development of the emergency department and related uses for the betterment of the community, and also thanked the Commissioners for acting in good faith in the protection of their community, for the future of the residents of Daphne, and asked to consider two different zoning designations to further protect the residents.

Chairman closed public participation.

Mr. Scott asked if the Commission can recommend the installation of a brick wall similar to the one separating the residential and commercial developments in Historic Malbis Subdivision. Ms. Jones stated the ordinance says where a commercial abuts, a B-2, General Business district, abuts any part of a residential district, a natural undisturbed buffer fifteen (15) feet in width and an eight (8) foot high privacy fence shall be required, or a planted buffer fifteen (15) feet in width and an eight (8) foot high privacy fence shall be required, but the recommendation should be done at site plan review. Mr. Nix commented that Infirmary Health Systems has embraced the Historic District at the time of the development of the stand-alone emergency department and stated they will address the buffer requirement and the installation of a wall at site plan review.

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Chairman asked for Commission questions or comments.

Mr. McAllister requested to speak and Chairman responded this is a recommendation to the City Council of which there will another public hearing to express your concerns.

Mr. Scott asked the size of the parcel on U.S. Highway 90 and to the south, and Chairman commented the parcel on U.S. Highway 90 is three hundred feet, and the one to the south is four hundred feet.

Mr. Sandefur expressed support and stated this is the perfect potential development for the residents and this area, but expressed concern with a recommendation of B-2.

Ms. Jones stated the Planning Commission has the ability to apply the reversionary clause to the zoning which sets a period of time to start development.

Mr. Sandefur asked the period of time. Ms. Jones stated with B-1, B-2 or B-3 property, the period of time is two to three years depending on acreage of the property.

Mr. Nix requested the Commission to consider B-2 for the property on U.S. Highway 90 and B-2(a) for the property abutting the residents.

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

A Motion was made by Mr. Scott and Seconded by Chief White of a favorable recommendation to the City Council to pre-zone seventeen-point eight acres for George Kalasountas to B-2(a), General Business Alternate. There was no discussion on the motion. The Motion carried unanimously.

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

A Motion was made by Mr. Scott and Seconded by Mr. Sandefur of a favorable recommendation to the City Council to annex seventeen-point eight acres for George Kalasountas into the City of Daphne. There was no discussion on the motion. The Motion carried unanimously.

Ms. Jones requested a brief recess.

Meeting recessed at 7:08 p.m. and reconvened at 7:21 p.m.

The next order of business is a pre-zoning amendment for Bertolla Properties, L.L.C.

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An introductory presentation was given by Steve Pumphrey, representative of Dewberry/Preble-Rish on behalf of the owner and developer, of a request to pre-zone three hundred and sixty-one point five-five acres, known as Jubilee Farms, located southeast of Alabama Highway 181 from an RSF-2, Single Family District, Baldwin County District 15, in the extraterritorial planning jurisdiction of Daphne, to a PUD, Planned Unit Development. The developer of Jubilee Farms proposes a range of lot sizes for the nine hundred and fifteen lots. In exchange of the zoning designation as a planned unit development, the master plan consists of one fourth or eighty-eight acres of common area, nine acres of wetlands, twenty-six acres of formal open space, and fifty-three acres of passive open space, walking trails, sidewalks and amenities. Traffic concerns will be addressed by the Alabama Department of Transportation by planning to four-lane Alabama Highway 181 to State Highway 104. There is a consideration from the city to improve Corte Road from County Road 13 to Alabama Highway 181, and they are in discussions with Baldwin County and the developer to realign Austin Road and Corte Road for the installation of a traffic signal at Alabama Highway 181 and Corte Road. This development will be accessed at Alabama Highway 181, Austin Road and through Dunmore Subdivision. Also, you will notice there are two pods that are a part of this development which consist of fifty lots and access County Road 54, not this development. As far as the comments from the Board of Education, this is a county that has exploded and shame on us for not addressing this sooner and whereby doing a disservice to our young people. Developers build where the homeowners want to live. Throughout this county are specific areas that people want to live and this city and school district is one that they want to be a part of. The development of this subdivision will occur over the next twenty years.

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

Kevin Spriggs, 23 Signal Hill Road, stated a Bill is before the legislature to cut funding for education by five million dollars and asked residents to contact their legislators to ask that funding of the Baldwin County School System remain. This amount of growth of school system is going to need the funding. My experience as a business owner has been that the city is a very processed procedure oriented organization and will afford you every opportunity to provide comments regarding development.

Richard Jaehne, 9499 Bella Drive, commented on development in the area recommended the improvement of the infrastructure and right-of-ways of Corte Road and Alabama Highway 181 for the benefit of public safety.

Bill Hatter, 9743 Bella Drive, reiterated Mr. Jaehne's comments regarding public safety.

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Karen Simmons, 25896 Austin Road, spoke in opposition and stated that Austin Road is narrow and is not suitable for automobile or pedestrian traffic and access to Alabama Highway is impossible.

Sean Walker, 24782 Bosbyshell, spoke in opposition and commented regarding drainage and flooding issues of Austin Bridges Subdivision,

Cynthia Lazzari, 11118 County Road 64, spoke in opposition and commented regarding drainage and flooding issued on her property.

Stephanie Alexander, 829 Portobello Road, spoke in opposition and commented regarding drainage and flooding issues of Austin Bridges Subdivision, traffic congestion, and the school system; there is no benefit of this development to Belforest and asked that the Planning Commission to be objective and preserve the community that is there now.

John Wilson, CFO of the Baldwin County Board of Education, stated that he is speaking on behalf of Superintendent Eddie Tyler and the Baldwin County Board of Education. There are a couple of points that he would like to address to the Commission. The system is at full capacity at almost every school across the Eastern Shore. The Board is building and implementing expansion now to meet the growth that we are aware of. It is very important to keep the Board informed about the growth about the developers that have long range plans in the community which will help us to utilize what limited funding that we have to prepare for growth in the area. The residents of Baldwin County rejected the additional tax necessary to fund growth of the school system. Since rejection, the school board has been cutting the budgets and reducing spending to provide for the pay as you go plan to improve schools. The Board's options when presented with overcrowding situations throughout the county are the expansion of current facilities or the addition of portable classrooms. The other option in lieu of a tax increase is attendance zone rebalancing or redistricting. There is no guarantee that any property or subdivision hereof is guaranteed attendance in a school zone of which it is currently placed. To be blunt, this unplanned growth, lack of coordination, and gross lack in infrastructure is putting the Board in a very difficult situation where all options must be on the table and considered. Also, would like to point out that this is not solely a Daphne issue. As you move forward, please consider the implications that will affect the school system.

Robert Lane, Dunmore Subdivision, spoke in opposition and commented regarding speeding, and traffic congestion and access to Alabama Highway 181,

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Jeff Shoemaker, 11232 St. Ives Court, spoke in opposition and commented regarding drainage and flooding issues of Avalon Subdivision and size of the lots in the pods that access County Road 54.

Darryl Moyer, 24226 Tullamore, spoke in opposition and commented about the traffic patterns of Scully Lanes and that access to Dunmore Subdivision is denied.

Clayton Lincoln, 11210 St. Ives Court, spoke in opposition and commented that the current infrastructure or public services cannot support this subdivision.

Terry Moseley, 24650 County Road 54 West, spoke in opposition and commented regarding traffic congestion on County Road 54.

Lee Yokel, 320 Whiting Court, spoke in opposition and commented that the city and the county should be working together to counteract the comments that have been made tonight and to consider a special zoning that has the special qualities of the city, if you are considering annexing this property.

Mike Rader, 24454 Saxon Court, spoke in opposition and commented regarding drainage and flooding issues of Avalon Subdivision and size of the lots in the pods that access County Road 54.

Veronica Keyes, 10614 Sassaman Court, spoke in opposition and commented regarding drainage and flooding issues of Avalon Subdivision, traffic congestion and asked if there is a landfill in Baldwin County that can support development in this area.

Robert Smith, 10572 Sassaman Court, spoke in opposition and commented regarding traffic congestion and suggested the installation of a traffic signal on Alabama Highway 181.

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

Mr. Scott commented that this subdivision is comparable to TimberCreek Subdivision which construction in 1989 with eight hundred lots and is still under construction. There is a limit to what we can do if the developer subdivides the property in a legal way in the city or the county at which time all of the issues mentioned tonight will be addressed. The only issue before the Commission tonight is a planned unit development the appropriate zoning for this property. Also, the landowner is donating an acre and one-half for the city to erect a fire station on Milton Jones Road.

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Mr. Scott stated that communication is a two-way street. We discovered the school board was adding fourteen new classrooms at Daphne East Elementary School when the construction sign was erected. We need to communicate with the school board in a better way and ensure that they have access to Planning Commission agendas that are distributed on a monthly basis for development that is coming before the Planning Commission. The question before the Commission tonight is it appropriate planning to allow for a fifteen to twenty-year development of a subdivision and for it to be in the city.

Chairman asked when this property was zoned RA and RSF-2. Ms. Jones stated it was zoned when Baldwin County established Baldwin County District 15.

Mr. Scott stated there was no zoning established until 2007.

Mr. Sandefur asked the difference between formal and passive open space and Mr. Pumphrey responded formal open space is the amenities and passive open space is the trail ways and the detention pond will serve as a lake.

Chief White commented on public safety and stated that annexation of this property would provide for city fire and police protection.

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

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Sandefur **of a favorable recommendation to the City Council to pre-zone three hundred and sixty-one point five-five acres for Bertolla Properties, L.L.C. to a PUD, Planned Unit Development. There was no discussion on the motion. The Motion carried unanimously.**

Mr. Scott stated this is just a recommendation and that nothing is final until it goes to City Council.

Chairman asked Ms. Jones to explain the one hundred and eighty days with regard to the recommendation for pre-zoning. Ms. Jones stated the first meeting in May maybe the City Council's public hearing, and you will be given an opportunity to speak again. The third Monday would be the meeting at which the Council will decide to pre-zone the property. At that point, the developer has one hundred and eighty days to request annexation into the city. If the property is not annexed within the one hundred and eighty day time period, the pre-zoning amendment is null and void.

The next order of business is a petition for annexation for Fred L. Corte.

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An introductory presentation was given by Steve Pumphrey, representative of Dewberry/Preble-Rish, of a request to annex seventy-three point five three acres located southeast of County Road 13 and Corte Road as a PUD, Planned Unit Development.

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

A **Motion** was made by Mr. Scott and **Seconded** by Chief White **of a favorable recommendation to the City Council to annex seventy-three point five-three acres for Fred L. Corte into the City of Daphne. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is public participation.

Mike Rader, 24454 Saxon Court, asked why notification is required and Mr. Scott responded because it is required by Alabama Law.

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.

None presented.

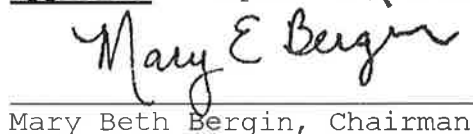
There being no further business, the meeting was adjourned at 8:26 p.m.

Respectfully submitted by:



Jan Vallecillo, Planning Coordinator

Approved: April 27, 2017



Mary Beth Bergin, Chairman