

The City of Daphne
Planning Commission Minutes
Regular Meeting of November 16, 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 5:00 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

Angie Phillips
Andrew Prescott
Charles Smith, Secretary
Marybeth Bergin, Chairman
Phillip Hodgson, Vice Chairman
Ron Scott
Chief White

Staff Present:

Adrienne Jones, Director of Community Development
Jan Vallecillo, Planning Coordinator
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 October 26, 2017. There being none, minutes are approved as submitted.***

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. The point of contingency is creating a thoroughfare from U.S. Highway 98 to Main Street; however, the egress through the Rye property was moved to the north property line abutting Christ the King Early Childhood Center for those units to be at the thirty-foot setback line in order to create a park environment. There also will be an island in the center of the right-of-way, cobblestone breaks at each end as a traffic calming device, and possibly security gates at each access point.

Daniel Dyas, representative of Dyas Construction Management, L.L.C., said we have an approval for the development of thirty-six units, zoned R-7 (T), of which we had a preconstruction meeting so it can move forward.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of November 16, 2017
Council Chamber, City Hall - 5:00 P.M.**

Daniel Dyas stated we are entitled to develop another five or six residential units on the Rye property. From a development and density standpoint, we are only talking about four additional units. From a planning standpoint, we are trying to facilitate a livable, walkable, and smart growth type of development like Rosemary Beach or Seaside where people can live, work and walk downtown. He addressed issues outlined in the citizens' written comments: drainage will be incorporated into the storm water design; the extension of Daphne Court has been designed to a residential speed and traffic pattern; and consideration of a gated community for public safety purposes.

Chairman asked for Commission questions or comments.

Mr. Prescott asked if the revised plan addressed staff comments regarding traffic calming. Ms. Jones stated it is their intention to use these as traffic calming measures, but they would like some flexibility and the ability to use other calming devices in the median and will address it during site plan review.

Mr. Prescott asked what type of buffer is planned for the units which abut Halls Lane. Craig Dyas stated a thirty-foot buffer which contains a twelve-foot alley and ten-foot vegetative buffer.

Mr. Prescott asked the reasoning behind rezoning the dog leg of the parcel for a B-2 use. Craig Dyas stated the development must have two access points: the perpetual easement through the center of Shore Oaks Center at U.S. Highway 98, and Main Street. We would like to develop the fifty-foot wide parcel as a retail facility.

Chief White commented in previous conversations, we have discussed two means of ingress & egress in order to make this a viable project. Daphne Court is seventeen-point eight feet and does not meet the minimum of twenty feet required by the fire code. Craig Dyas responded he was told the width is twenty feet. Chief White stated, as it stands now, the street width does not meet code. The smallest fire truck is nine feet wide, and that width does not take into consideration residents or guests parked on the right-of-way.

Chairman commented if Daphne Court does not have sufficient width, then the proposed extension would not meet code because of the island in the middle of it. Craig Dyas stated each lane would be eleven-feet. Chairman stated the fire department need twenty-feet unimpeded.

Mr. Hodgson asked what will change if the property is zoned to a PUD. Craig Dyas stated the reduction from a fifty to thirty-foot setback.

Mr. Scott asked why we are discussing buffer requirements which are part of site plan review.

The City of Daphne
Planning Commission Minutes
Regular Meeting of November 16, 2017
Council Chamber, City Hall - 5:00 P.M.

Ms. Jones stated PUD standards are the documents that determine the layout and configuration of the buffers and setbacks, as far as the design is concerned, and site plan review consists of determining whether or not the site plan is consistent with the overall master plan and standards recorded with the zoning ordinance.

Chairman asked is there a buffer between this property and the western tract, a playground. Craig Dyas stated a five-foot buffer.

Mr. Scott commented regardless of the recommendation, there will be another public hearing when it comes before City Council. Mr. Dungan stated the City Council cannot make changes to a PUD and approve it. If changes are made, those recommendations would go back to Planning Commission for review. Mr. Scott responded there was a ruling by the Supreme Court that said whatever is advertised must be adopted even if it is more restrictive; or, it has to be re-advertised the way that it will be passed.

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

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.

John Mangan, 802 Daphne Court, spoke in opposition and expressed his concerns about access to Main Street, residential & school traffic on Main Street are at full capacity, and the fear of the erosion of the character of downtown Daphne.

Faye Earnest, 804 Daphne Court, spoke in opposition and expressed her concerns about access to Main Street and emergency vehicles access to Daphne Court.

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

Robert Dyer, 905 Halls Lane, spoke in opposition and expressed his concerns about capacity of utility company and drainage.

Pat Rudicell, 505 Belrose Avenue, spoke in opposition and expressed his concerns about the additional traffic on Main Street; reduction of the buffer requirement of fifty-feet for R-7(T) to forty-feet for a PUD; and additional density for the Rye property by three to six units; he also stated the BZA denied the request for a reduction of the buffer requirement to thirty feet.

Chairman closed public participation.

The City of Daphne
Planning Commission Minutes
Regular Meeting of November 16, 2017
Council Chamber, City Hall - 5:00 P.M.

Daniel Dyas responded that the variance request for a reduction of the buffer requirement to thirty feet was due to the revision to the site plan to preserve Live Oaks, and the request was denied by the BZA.

Ms. Jones stated the approved site plan for the R-7(T) portion has been re-drawn to meet the minimum setback and buffer requirements, and a preconstruction meeting was held. Issuance of a site disturbance permit is pending the presentation of an ADEM permit and appropriate fee.

Mr. Scott stated that Daphne Court is substandard road and asked the right-of-way width. Ms. Jones stated the plat states that it is a twenty-eight foot public driveway.

Chairman asked if the Live Oaks on the plan are the trees to be removed or to remain. Craig Dyas stated those are the ones that will remain.

Chairman asked for Commission questions or comments.

Mr. Smith commented on the revised plan that shows ten units. Chairman stated the plan was conceptual, but their goal was to construct ten units on the parcel to the west. Mr. Smith stated if it is fewer than ten units, it may be acceptable.

Chief White stated that his concern is Daphne Court. Chairman stated the existing right-of-way of Daphne Court is substandard.

Ms. Phillips commented that a public roadway cannot be gated unless it is private and the owner accepts the maintenance. Ms. Jones stated roads proposed in the interior of the development are currently presented as private.

Mr. Hodgson asked as a stand-alone parcel, the Rye property, can be landlocked. Mr. Dungan responded it cannot be a landlocked parcel. Chairman stated the Rye property's right-of-way frontage is Daphne Court. Ms. Jones stated also Falkenberry.

Ms. Jones commented that previously a proposal was presented to Mr. Johnson tying into Daphne Court; he provided the requirements for the development of a single purpose road and requested improvement of Falkenberry.

Mr. Prescott asked who would incur the cost of those improvements. Ms. Jones stated the developer.

Mr. Prescott asked what would be the possibly of making the rear entrance an emergency access only.

Ms. Jones stated if the Planning Commission feels that is appropriate, then it should be a part of the recommendation, and City Council will make the determination.

The City of Daphne
Planning Commission Minutes
Regular Meeting of November 16, 2017
Council Chamber, City Hall - 5:00 P.M.

Mr. Scott stated that would be a little unusual in that the fire truck would be approaching from east side on U.S. Highway 98. Mr. Prescott stated because they are required to have two access points.

Mr. Scott asked if that would satisfy the fire code. Chief White responded that he would have to research that. Chairman stated that still leaves substandard Daphne Court as your access point.

Mr. Hodgson asked if it is a requirement that you have two access points. Chief White stated you must have two means of ingress and egress for emergency vehicles. Mr. Scott commented that the fire code requires two access points for a subdivision with thirty lots.

Chairman stated that the public hearing is closed, but that there will be another opportunity to speak at the public hearing held by the City Council.

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

A **Motion** was made by Mr. Hodgson and **Seconded** by Chief White **to table the application until the December 21, 2017 Planning Commission meeting.**

During discussion on the motion, Ms. Jones stated since the next meeting exceeds thirty days, the developers need to waive the thirty-day requirement. Craig Dyas agreed to waive the thirty-day requirement.

The Motion carried. Ms. Bergin dissented.

The next order of business is an administrative presentation of the City of Daphne Street Map.

Ms. Jones stated this is a codification of amendments made to the street map.

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

A **Motion** was made by Mr. Scott and **Seconded** by Ms. Phillips **sent forth a favorable recommendation to Council to approve amendments to the Official Street Map. 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".

The next order of business is public participation.

Chairman asked for public participation.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of November 16, 2017
Council Chamber, City Hall - 5:00 P.M.**

Craig Dyas, Dyas, L.L.C., commented that the "Smart Growth" presentation should have occurred prior to the Jacob's Well, L.L.C. and Ruth Metcalfe Rye zoning amendment for the benefit of the public.

Daniel Dyas, Dyas Construction Management, L.L.C. stated the public hearing requirement has been met and no further public participation should be allowed.

Don Ouellette, 7720 Elizabeth Drive, asked about the requirement of two access points to a development and commented the Commission should concentrate more on long range planning.

Pauline Ouellette, 7720 Elizabeth Drive, commented on noise & air pollution and preservation of trees.

Kevin Spriggs, 1 Signal Hill, commented that the Commission should lift the height restrictions and should monitor the development by ALDOT of the Diverging Diamond Interchange in Malbis.

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

Mr. Dungan stated no report, but indicated that although a public hearing was held, it's at the discretion of Chairman when public participation is allowed.

The next order of business is commissioner's comments.

Mr. Prescott commented on access to Olde Towne Daphne Townhomes.

Mr. Scott commented on the Diverging Diamond Interchange, Daphne Court and the Strategic Plan.

Ms. Phillips asked that the "Smart Growth" presentation be added to the December 21, 2017 agenda.

The next order of business is director's comments.

Ms. Jones presented that the upcoming meeting dates are site preview, December 13 & regular meeting, December 21, 2017, and Happy Thanksgiving.

There being no further business, the meeting was adjourned at 5:45 p.m.

Respectfully submitted by:


Jan Vallecillo, Planning Coordinator

The City of Daphne
Planning Commission Minutes
Regular Meeting of November 16, 2017
Council Chamber, City Hall - 5:00 P.M.

Approved: December 21, 2017



Marybeth Bergin, Chairman