

The City of Daphne
Planning Commission Minutes
Regular Meeting of August 24, 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:

Angie Phillips
Andrew Prescott
Ed Kirby
Marybeth Bergin, Chairman
Phillip Hodgson, Vice Chairman
Ron Scott
Hudson Sandefur
Chief White

Staff Present:

Adrienne Jones, Director of Community Development
Jan Vallecillo, Planning Coordinator
Misty Gray, 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 July 27, 2017. There being none, minutes are approved as submitted.***

Mr. Prescott recused himself from discussion and action on Winged Foot, Phase One.

The next order of business is a presentation regarding Winged Foot Subdivision, Phase One.

An introductory presentation was given by Cathy Barnette, representative of Dewberry/Preble-Rish, of a request for permission to stockpile and spread material generated from construction of phase one onto the future development site of Phase Two and stated it will not environmentally impact that phase.

Chairman commented staff and the engineer are working on a staging plan.

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

Mr. Kirby asked would the stockpiled material require relocation or the issuance of a permit. Ms. Jones responded no.

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A Motion was made by Mr. Hodgson and **Seconded** by Mr. Scott *to allow the spreading of stockpile material generated from Phase One onto a future development site, Phase Two. There was no discussion on the motion. The Motion carried. Mr. Prescott abstained.*

The next order of business is site plan review for the Daphne Innovation and Science Complex (Infrastructure Improvements Site Plan).

An introductory presentation was given by Andy Bobe, representative of Dewberry/Preble-Rish, on behalf of the Daphne Industrial Development Board, requesting site plan review of the infrastructure improvements to include storm water detention, drainage, streets and utilities for a professional office facility located southwest of Alabama Highway 181 and Champions Way and of a request for a waiver to discharge into the wetland buffer.

Chairman asked for Commission questions or comments.

Mr. Sandefur asked if a waiver is denied would that affect the storm water design. Mr. Bobe commented the area designated for detention is platted at this location; the location of discharge can change, but the outfall will be located at the bottom of the hill in order to eliminate erosion issues in the future.

Cathy Barnette, representative of Dewberry/Preble-Rish, commented the purpose of a wetland buffer at the time it was instituted was for sediment treatment so you could potentially capture sedimentation prior to it entering a protected area. Obviously, this is a part of a priority watershed, and the concern is the amount of federal dollars which have been invested to restore and repair the impacts. The design with a waiver is better suited to handle storm water and site management. There has been some concern about a precedent. Very few places in the ordinance does it spell out how to grant a deviation from the regulations, but this section states the Planning Commission can grant a waiver to the wetland buffer requirement. Sites are unique and some you will consider a valid request and some you won't, but in this case to handle the drainage design we are asking for you to grant the waiver.

Mr. Scott asked environmentally, would you change the grades or grant a waiver.

Ms. Campbell stated she would have designed a low impact development to minimize the pond size. A site can have all types of designs, and other sites in Daphne have met the requirements. A twenty-five foot buffer is required on a NPDES site so they will have to contact ADEM about their buffer requirements. It appears there will be rip rap in the entire thirty-feet of non-disturbed wetland buffer. Buffers were intended to prevent sediment/erosion and to help protect streams by allowing the water to spread out and travel through vegetation. Sediment was the main concern, but we have learned that the stream is impaired and is inundated with degradation.

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Ms. Campbell stated she did not want to set a precedent, but it is your decision, if you choose to move forward with it. A modification is in the ordinance for the Planning Commission to make the decision.

Chief White asked for a legal interpretation of the waiver.

Ms. Gray stated it is the responsibility of the Planning Commission to weigh all of the comments from environmental and engineer and decide whether or not to grant the waiver.

Mr. Bobe stated that the ordinance requires first flush prior to storm water leaving the detention basin, and that is set up to handle sedimentation coming into the pond.

Mr. Scott asked which direction is the preference to release the water. Mr. Bobe stated the west side.

Mr. Kirby asked about the location of the outfall and if it is located in the buffer. Mr. Bobe stated the outfall structure, a pipe and rip rap will encompass the entire thirty-feet of the wetland buffer.

Mr. Prescott asked has ADEM reviewed the plans. Ms. Barnette stated yes.

Chairman stated the site plan presented is only for the infrastructure of Lot 1.

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

A Motion was made by Mr. Scott and Seconded by Mr. Kirby Smith to approve the DISC site plan with a waiver of the wetland buffer requirement. There was no discussion on the motion. The Motion carried unanimously.

Chairman announced that the Commission will only hold one public hearing for the Bertolla Properties, L.L.C. applications.

The next order of business is a petition for annexation for Bertolla Properties, L.L.C.

An introductory presentation was given by Jason Estes, Dewberry/Preble-Rish, of a request to annex a three hundred sixty-one point five-five-acre parcel located southeast of Alabama Highway 181 and Austin Road.

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

A Motion was made by Mr. Scott and Seconded by Mr. Kirby of a favorable recommendation of the annexation petition for Bertolla Properties, L.L.C. There was no discussion on the motion. The Motion carried unanimously.

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The next order of business is master plan review for Jubilee Farms Subdivision.

An introductory presentation was given by Jason Estes, representative of Dewberry/Preble-Rish, of master plan review for Jubilee Farms Subdivision and stated that the plan was revised to include: sidewalks along Austin Road & a landscape buffer on the south side.

Chairman asked for Commission questions or comments and stated the Chair will entertain a motion.

A Motion was made by Mr. Scott and Seconded by Mr. Kirby to approve Jubilee Farms Subdivision master plan, as amended. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is preliminary plat review for Jubilee Farms Subdivision, Phases One, Three, Two, Four and Five.

An introductory presentation was given by Jason Estes, representative of Dewberry/Preble-Rish, requesting preliminary plat review of the first five phases of Jubilee Farms Subdivision consisting of approximately one hundred and twenty-two point six nine acres located southeast of southeast of Alabama Highway 181 and Austin Road.

Chairman commented on the concern of the disturbance of more than seventeen and a half acres and do you plan to exceed that requirement. Cathy Barnette, Dewberry/Preble-Rish, responded we do not have a problem meeting the seventeen and a half acres per phase rule. Mr. Estes responded once a contractor is chosen a scheduling plan can be provided to staff.

Chairman stated the public hearing is for preliminary plat review of all of the phases of the development. She asked for Commission questions or comments and opened the floor to public participation.

John Lake, 110 Paige Circle, expressed his concern about the impact of a waiver of the stream and wetland buffers on how it will affect Fish River.

Maurice Horsey, 25825 Ravenwood Circle, President of the Austin Brook and Austin Park I & II POA, commented that he welcomes growth and opportunity and expressed concern about the design of the storm water detention and the effect downstream.

Chairman closed public participation.

Ms. Barnette, Dewberry/Preble-Rish, outlined the requests for a waiver of the stream and/or wetland buffer requirement for phase four and five.

Mr. Kirby asked if the ponds are designated for retention or lakes. Mr. Estes responded that the ponds will maintain a normal water level at all times.

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Chairman expressed concern about why the residents opposed to pre-zoning are not here tonight and asked Mr. Scott if they were at the City Council public hearing. Mr. Scott stated the residents of Austin Bridges and Austin Brook Subdivision were present, but the Council felt as if it was advantageous to pre-zone the property because the city's regulations are more stringent.

Chairman asked if there has been any additional communication with the Board of Education. Ms. Jones responded approved master plans and subdivision preliminary plats, were provided to the Board. They were most appreciative and provided a formula to calculate the number of students, kindergarten to twelfth grade, which could potentially come from each development. Mr. Scott stated they are going to wait to see what Daphne does with the study for a municipal school system before they move forward with the construction of an elementary school in the Belforest area.

Chairman asked for Commission questions or comments.

Mr. Sandefur asked to discuss the disturbance of more than seventeen and a half acres. Ms. Campbell stated they must phase the development and for each phase they must submit an erosion & sediment control plan.

Mr. Sandefur asked Ms. Campbell to comment on Weeks Bay. Ms. Campbell stated that Fish River is a master watershed for which a watershed management plan is being created. One of the key issues is headwaters treatment to all of our streams. The regulations are pretty stringent and should be sufficient to protect downstream. They must take great care to make sure that we do not have sediment and turbidity offsite.

Ms. Campbell asked about the Oak trees to be removed and commented that significant trees are protected in the landscape ordinance. She also commented that she does not agree with the waiver to allow stream buffer disturbance in phase four, crossings are allowed if permitted by the Corp of Engineers, along with verification of the wetland delineation.

Ms. Barnette stated there are seventeen live oaks that would be impacted by the right-of-ways, basins and roads of phase four and five. A request was provided to the Corp of Engineers in April to permit the wetland fill of the basin in phase one.

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 Jubilee Farms Subdivision, Phase One & Three, preliminary plat, with a waiver to permit wetland fill pending Corp of Engineers approval of the proposed wetland fill. There was no discussion on the motion. The Motion carried unanimously.

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A Motion was made by Mr. Scott and **Seconded** by Mr. Sandefur **to approve Jubilee Farms Subdivision, Phase Two, preliminary plat. There was no discussion on the motion. The Motion carried unanimously.**

A Motion was made by Mr. Scott and **Seconded** by Mr. Hodgson **to approve Jubilee Farms Subdivision, Phase Four, preliminary plat, with a waiver to allow stream buffer disturbance, as requested. There was no discussion on the motion. The Motion carried unanimously.**

A Motion was made by Mr. Scott and **Seconded** by Mr. Hodgson **to approve Jubilee Farms Subdivision, Phase Five, preliminary plat, with a waiver of the wetland and stream buffer requirements, as requested. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is preliminary plat review for the Reserve of Daphne, Phase Two.

An introductory presentation was given by Jared Landry, representative of Dewberry/Preble-Rish, requesting preliminary plat review of a fifty-six lot subdivision consisting of approximately fifty-three point two nine acres located north of the intersection of County Road 64 and Montelucia Way and stated this phase is located immediately north of phase one.

Chairman stated this subdivision is located in the extraterritorial planning jurisdiction and asked if the County has accepted the streets. Mr. Landry confirmed and stated the County has also approved the rezoning of the property.

Chairman asked have the setbacks for lot 99 been revised. Mr. Landry confirmed.

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. Prescott **to approve the Reserve of Daphne Subdivision, Phase Two, preliminary plat. There was no discussion on the motion. The Motion carried unanimously.**

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

An introductory presentation was given by Cathy Barnette, 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, and stated the Commission has approved the preliminary plat for Blackstone Lakes Subdivision.

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

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A **Motion** was made by Mr. Scott and **Seconded** by Mr. Sandefur **of a favorable recommendation of the annexation petition for Fred L. Corte. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is Comprehensive Plan discussion.

No action taken.

The next order of business is 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.

A **Motion** was made by Mr. Hodgson and **Seconded** by Mr. Sandefur **to return to Ordinance Committee for more input. There was no discussion on the motion. The Motion carried unanimously.**

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

Ms. Jones requested review of proposed revisions to the ordinance for properties zoned B-2 in the Olde Towne Daphne & Village Overlay District, lots of record, and a residential/business configuration of a mixed use development.

Mr. Scott asked the Commission to consider a revision to the ordinance to require the installation of traffic calming devices in subdivisions.

The next order of business is an administrative presentation of street acceptance for Oldfield Subdivision, Phase 2A.

An introductory presentation was given by Adrienne Jones, Director of Community Development, of a recommendation for acceptance of the right-of-ways contained within Oldfield Subdivision, Phase 2A.

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

A **Motion** was made by Ms. Bergin and **Seconded** by Mr. Phillips **of a favorable recommendation for Oldfield Subdivision, Phase 2A street dedication and acceptance. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is public participation.

Chairman asked for public participation.

Laurel Anderson, 28899 Moniac Cove, commented regarding a group home in Sehoy Subdivision.

Ms. Gray stated group homes are not regulated by the ordinance.
Chairman closed public participation.

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

Ms. Gray 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:

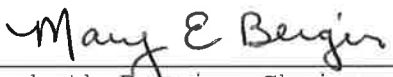
- a. City Council approved all administrative zonings of legislatively annexed territories, and the amendment to the provisions of the Commercial/Industrial zoning district on Monday, August 21, 2017;
- b. Planning Commission Training Class, Tuesday, August 29, 2017, 9:30 a.m. at the International Trade Center, 250 N. Water Street, Mobile;
- c. The upcoming meeting dates are site preview, September 20 & regular meeting, September 28, 2017;

There being no further business, the meeting was adjourned at 7:03 p.m.

Respectfully submitted by:


Jan Vallecillo, Planning Coordinator

Approved: September 28, 2017


Marybeth Bergin, Chairman