

The City of Daphne
Planning Commission Minutes
Regular Meeting of February 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 5:00 p.m.

Call of Roll:

Members Present:

Ed Kirby
Charles Smith, Secretary
Marybeth Bergin, Vice Chairman
Tyrone Fenderson
Ron Scott, Councilman
Philip Hodgson

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.

Vice Chairman, Marybeth Bergin, asked for questions, comments or corrections to the minutes ***of the regular meeting of January 26, 2017. There being none, minutes are approved as submitted.***

The next order of business is the election of officers.

Vice Chairman opened the floor for nominations for Chairman. Mr. Scott nominated Ms. Bergin. The nominations were closed. With no other nominations, Ms. Bergin is Chairman.

Chairman opened the nominations for Vice Chairman. Mr. Scott nominated Mr. Hodgson. The nominations were closed. With no other nominations, Mr. Hodgson is Vice Chairman.

Chairman explained that the agenda item of an application for pre-zoning for Volovecky, Alabama Highway 181 and County Road 64 has been postponed to the regular meeting of March 23, 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 first order of business under new business is master plan review for the Watershed at Tiawasee/French Settlement Subdivision.

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An introductory presentation was given by Steve Pumphrey, Dewberry/Preble-Rish, representing the applicant to request a revision of the master plan for French Settlement Subdivision to accommodate the design of two different subdivisions, the Watershed at Tiawasee Subdivision, Phase 1 & 2 and French Settlement, Phase 2 & 3. The northern portion, the Watershed at Tiawasee, Phase 1 & 2, shall consist of two phases with five lots, four residential of which two shall access through the Retreat at Tiawasee, and two shall access County Road 13, and the remaining parcel will be a conservation easement with no development. The southern portion, French Settlement, Phase 2 & 3, shall consist of two phases with twenty-eight lots, twenty-four residential, the existing/proposed detention areas, and the common area/green space to the west located northwest of Longue Vue Boulevard and County Road 13.

Chairman asked for Commission questions or comments.

Mr. Fenderson asked about deficiencies outlined by Ms. Campbell. Chairman stated Ms. Campbell was not able to attend tonight, but at the site preview meeting she recommended that a drainage study be conducted.

Chairman asked Mr. Johnson to comment on the study. Mr. Johnson stated the city has engaged a hydrology engineer for modeling of the tributary, D'Olive Watershed, and Diamante Subdivision to calibrate that our regulations do achieve the desired outcome; or, to provide information so we can work with a design engineer to tweak discharges and things of that nature. Again, it is not a condition of approval, but rather an understanding or a mechanism to determine how it would relate to developments in this watershed.

Mr. Pumphrey responded that deficiencies have been addressed with regard to locating streambanks, and the developer elected to add a fifty-foot wetland buffer.

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

A Motion was made by Mr. Scott and Seconded by Mr. Fenderson to approve the master plan for the Watershed at Tiawasee/French Settlement Subdivision. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is preliminary/final plat review for French Settlement Subdivision, Phase Two.

An introductory presentation was given by Steve Pumphrey, Dewberry/Preble-Rish, requesting preliminary/final plat review of a four lot subdivision consisting of approximately one point six-six acres located northwest of Longue Vue Boulevard and County Road 13.

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Mr. Pumphrey stated the lots face the existing roadway and have utilities available.

Chairman asked for Commission questions or comments and if a note will be added to the plat about the location of the driveways in relationship to the median or if it will be addressed in the covenants.

Mr. Pumphrey stated that the developer will be happy to work with Mr. Johnson to address that.

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 Subdivision, Phase Two. There was no discussion on the motion. The Motion carried unanimously.**

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

An introductory presentation was given by Steve Pumphrey, Dewberry/Preble-Rish, requesting preliminary plat review of a two-lot subdivision consisting of approximately six point four seven acres located northwest of Longue Vue Boulevard and County Road 13.

Chairman asked for Commission questions or comments and stated the application could potentially be preliminary/final, contingent upon documentation from the utility companies prior to a signature on the final plat.

Ms. Jones stated there has not a precedent set in which there has been a change in an application at a meeting, but you can make an exception.

Ms. Jones stated a change in the application would require, as with City Council, to suspend the rules to approve the subdivision as a preliminary/final, in lieu of a preliminary; and, for Mr. Pumphrey to provide a revised application, a copy of the signed/recorded documentation from Daphne Utilities and Belforest Water Authority, prior to a signature on the plat.

Mr. Pumphrey stated if the agreement does not go through, the owner will install the water line as previously submitted.

Mr. Pumphrey stated it appears to be a plan agreeable to both utility companies at this point in time.

Chairman asked for Commission questions or comments.

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Mr. Scott stated that the MPO's project plans to install turn lanes at Sehoey and French Settlement Subdivision and asked if this project is taking that into consideration. Mr. Johnson 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. Fenderson and **Seconded** by Mr. Smith **to approve the Watershed at Tiawasee Subdivision, Phase One.**

Chairman asked are we approving the subdivision as a preliminary or preliminary, with conditions.

Ms. Jones stated that Mr. Scott is good at suspending the rules so let's start by suspending the rules and then a motion for approval.

Chairman asked Mr. Fenderson if he would consider withdrawing the motion.

Mr. Fenderson withdrew the motion.

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Fenderson **to suspend the rules in order to consider. There was no discussion on the motion.**

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

Mr. Kirby	Aye
Mr. Smith	Aye
Ms. Bergin	Aye
Mr. Fenderson	Aye
Mr. Scott	Aye
Mr. Hodgson	Aye

Chairman asked for a motion for a preliminary/final, potentially with conditions.

A **Motion** was made by Mr. Fenderson and **Seconded** by Mr. Smith **to approve the Watershed at Tiawasee Subdivision, Phase One, as a preliminary/final plat, contingent upon submission of a signed/recorded agreement between Daphne Utilities and Belforest Water Authority regarding water service to Diamante Subdivision, Phase One and Watershed at Tiawasee, Phase One. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is preliminary/final plat review for Malbis-CR 13 Subdivision.

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An introductory presentation was given by Steve Pumphrey, Dewberry/Preble-Rish, requesting preliminary/final plat review of a two-lot subdivision consisting of approximately one hundred and eighteen point three acres located on the east side of County Road 13, north of Sehoy and stated this is the first step of the process so that we can move forward with the development of Diamante Subdivision. It is necessary for us to carve out lot 1 of this tract for that purpose.

Chairman asked for Commission questions or comments and stated this is basically a formality in order to re-subdivide the property.

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. Kirby and Seconded by Mr. Smith to approve Malbis-CR 13 Subdivision. There was no discussion on the motion. The Motion carried unanimously.

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

An introductory presentation was given by Steve Pumphrey, representative of Dewberry Preble-Rish, requesting preliminary plat review of phase one, a sixty-one lot subdivision consisting of approximately thirty-seven point four five acres located on the east side of County Road 13, north of Sehoy Subdivision.

Mr. Pumphrey responded that deficiencies have been addressed. Mr. Johnson stated that the establishment of the wetland line and channel, as well as, grady pond have been addressed and commented that he is a proponent of annexation, and there is still the issue of the gate at the interface.

Ms. Jones stated that Ms. Campbell asks that the Commission consider placing a note on the plat for the thirty-foot non-disturbed wetland buffer, as well as, illustrating the stream and associated buffers. Mr. Pumphrey stated the developer has agreed to thirty-foot from the jurisdictional wetland line or fifty-feet from the bank of the stream.

Chairman asked for Commission questions or comments.

Mr. Smith asked if a traffic study has been conducted in conjunction with the improvement proposed in this corridor. Mr. Johnson stated a part of a MPO funded project for Sehoy and French Settlement, a traffic study of this area is required to make sure the improvements were warranted. The recommendation was the widening of the turn lane for County Road 13 to remain to be a through road, and the city is requiring that the developer incorporate that into their design.

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Ms. Jones asked Mr. Pumphrey to address the request for a waiver to modify the thirty-foot wetland buffer. Mr. Pumphrey stated the Corps of Engineers determined that the wetlands are non-jurisdictional; however, the city's regulations identify jurisdictional and wetlands so in order to develop the grady pond as a detention area, it requires a waiver from the Commission.

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

Mr. Richard Keller, 27795 Oakachoy Loop, asked if we cannot agree on limited access at Red Eagle Drive, then why is there a connection.

Ms. Bergin stated if you have more than thirty lots, you are required to have two points of ingress and egress. Mr. Johnson stated in all changes of codes, they are not retroactive, if there is a complete tear down/remodel as with Sehoj Subdivision, they met the regulations at the time of construction, and with the access, if there was ever a requirement then it has been met.

Mr. Scott stated Chief White had mentioned that a second access is required after one-hundred and eighty lots. Mr. Johnson responded in the International Fire Code, a secondary access is required after thirty lots. Ms. Bergin stated there is language that you can have more than thirty lots, if you provide for future development and obtain a secondary access.

Mr. Keller stated the residents of Sehoj Subdivision and our preference is to not have a connection, if it is not gated.

Kristy Thomas, 9443 Ottawa Drive, asked have improvements been discussed about south of County Road 13 to accommodate heavy volume of traffic at the schools. Mr. Johnson stated the city is out for bid for the infrastructure part of Trione Park which includes the construction of a road that connects to Daphne East Elementary and has multiple routes to Whispering Pines and Well Roads.

Doug Goodlin, 8955 North Lamhatty Lane, asked procedurally, if a subdivision uses Daphne Utilities, it is required to annex into the city, and requested the addition of bike trails on County Road 13.

Ms. Bergin stated with regard to your question about annexation the Commission can consider that recommendation as a condition of the motion.

Gregory Sweatt, 28013 Alabama Highway 181, asked if there will be a buffer required near the wetlands on the north property line. Ms. Bergin stated the portion of property that abuts yours is the remnant portion of Malbis-CR 13; therefore, your property does not appear to be changing, and there is not development directly adjacent to you.

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

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Smith **to approve Diamante Subdivision Phase One, contingent upon the following changes to the plat: to show the thirty-foot non-disturbed buffer area, illustrate the stream name and associated fifty-foot buffer along said stream.**

Ms. Jones asked the Commission to amend the motion to include the variance for the isolated wetlands.

Chairman asked Mr. Scott to consider amending the motion. Mr. Scott accepted the amendment.

An **Amended Motion** was made by Mr. Scott and **Seconded** by Mr. Smith **to approve Diamante Subdivision Phase One, contingent upon the following changes to the plat: to show the thirty-foot non-disturbed buffer area, illustrate the stream name and associated fifty-foot buffer along said stream; and to grant a variance regarding the isolated wetlands as requested by the applicant.**

Mr. Scott asked based on staff recommendation, the wetland and stream buffers are required. Mr. Johnson confirmed.

Chairman stated with the motion that is on the table, there is no directive from this Commission with regard to the emergency-only gated access.

Mr. Scott stated staff's recommendation is that the subdivision be connected because we have required that in our Comprehensive Plan and Land Use Ordinance. There is only one gate in Daphne in TimberCreek Phase Eleven which was a result of an agreement between the jurisdictions of Daphne and Spanish Fort. This should be a City Council decision and is not appropriate that we make a recommendation.

Richard Davis, Davis & Fields, stated that Mr. Scott's motion states that the property is annexed, and we have no control over whether or not we are annexed. He respectfully requests that the motion state that the applicant applies for annexation, the application is timed so that the public hearing coincides simultaneously or immediately after approval of the plat so we stay in same jurisdiction.

Mr. Scott stated Mr. Davis is correct that it is the City Council who determines if the annexation is in the best interest of the city.

Mr. Dungan stated that the ordinance says that the Planning Commission make a recommendation, at some point, as to whether or not they believe that it is in the best interest of the city to annex prior to final plat approval.

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Mr. Dungan noted that there is an amendment to a motion and a motion on the floor, and Mr. Scott requested to withdraw both motions.

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Smith **to approve Diamante Subdivision Phase One, contingent upon the following changes to the plat: to show the thirty-foot non-disturbed buffer area, illustrate the stream name and associated fifty-foot buffer along said stream; to grant a variance regarding the isolated wetlands as requested by the applicant; and Planning Commission recommends to City Council that it is deemed appropriate to annex the subject property into the City of Daphne prior to final plat approval. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is site plan review for M & M Bank.

An introductory presentation was given by Larry Smith, representative of S. E. Civil, requesting site plan review of a commercial banking facility with associated access, parking, and landscaping located southeast of the intersection of U.S. Highway 98 and Main Street and stated this is the former KFC site and will utilize two access points at Main Street and U. S. Highway 98. The structure will be demolished and replaced with a two thousand five hundred square foot banking facility with three drive-thru areas and an ATM. With this development, we will be decreasing the impervious foot print; therefore, reducing the runoff from the site.

Chairman asked Mr. Johnson to comment regarding the installation of sidewalks.

Mr. Johnson stated that the applicant cannot install on-site sidewalks and be ADA compliant so it is my recommendation that the developer install sidewalks along Veteran's Pointe.

Chairman asked if the sidewalks will be on the right-of-way. Mr. Johnson stated yes, and their landscaping will encroach onto Veteran's Pointe as well.

Chairman asked for Commission questions or comments.

Mr. Scott commented that the city is going to install a street scape down to the Bay Front Park and Veteran's Pointe will be a great addition to that area.

Mr. Kirby stated in the past the monument sign was required not to exceed twenty-one feet high. Ms. Jones stated this is in the Village Overlay District so that may be why it is different.

Mr. Kennedy, Code Enforcement Officer, stated this is not a monument sign, but rather wall signage.

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Ms. Jones clarified the motion and stated that she was not sure if the developer is required to install the sidewalks or participate materially in the cost of the installation as a part of the site plan.

Clayton LeGear, Chief Operating Officer for Merchant & Marine Bank, stated our intent is to partner with the city and other stakeholders to participate with the master landscape design by WAS. Our intention is to fund a very significant portion of the overall cost of the Veteran's Pointe development and to utilize some of the resources of the city and other stakeholders to do some of the work there.

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

A Motion was made by Mr. Hodgson and **Seconded** by Mr. Scott **to approve M & M Bank, with a condition that in lieu of installing on-site sidewalks, the developer shall install sidewalks along Veteran's Pointe and shall participate materially in the cost of the installation. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is a pre-zoning amendment for Louise Volovecky and Volovecky Farms.

Chairman reiterated that the next agenda item of an application for pre-zoning for Volovecky, Alabama Highway 181 and County Road 64 has been postponed to the regular meeting of March 23, 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 the Residential High Rise Overlay 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 which allows seventy-eight units, with a two parking space per unit requirement and fifty-foot height restriction, our firm cannot come up with a plan that works and is requesting an amendment to the Residential High Rise Overlay District to allow for a seventy-eight to eighty unit, Class A development.

Chairman asked for Commission questions or comments.

Mr. Fenderson asked if the proposed height was ninety feet.

Ms. Stovall stated there would be six to eight floors of residential units and one level of parking with additional parking on the surface.

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Mr. Hodgson asked the maximum height in the high rise residential overlay district and Ms. Stovall responded two hundred feet. Ms. Jones stated sixteen stories.

Ms. Jones presented a rendering of Apalachee Residential Community site west of U.S. Highway 98 approved in 2005 by the Planning Commission and given a height exception by the City Council for one hundred and ninety feet.

Mr. Kirby commented once this property is incorporated into the high rise residential zone, you would have the ability to build at the maximum height in that district, sixteen stories, and that is too tall of a development abutting the current residential district.

Mr. Scott commented that he agreed with Mr. Kirby in that Apalachee Residential Community is isolated by commercial and is not abutting residential. An applicant can propose re-zoning and do a high rise development less than sixteen stories. Ms. Jones stated the Commission can set a restriction on what is presented tonight.

Mr. Scott stated it is not the job of the Commission to re-zone in order to maximize the value of the property, and would like to see a conceptual plan before we speculatively re-zone property.

Mr. Fenderson stated to determine the best use for this location having a conceptual drawing to consider is important.

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

A Motion was made by Mr. Scott and *Seconded* by Mr. Smith to table the Residential High Rise Overlay District Amendment until the regular meeting of March 23, 2017. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is an administrative presentation for street acceptance for Bellaton Subdivision, Phase Four.

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

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 accept the right-of-ways within Bellaton Subdivision, Phase Four. There was no discussion on the motion. The Motion carried unanimously.

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The next order of business is an administrative presentation of Slope Stabilization-DAE on Highway 90 between Oak Stone and Oak Stone Drive West, and Stream Restoration-DAF1 on Worchester Drive in Lake Forest Subdivision.

A presentation was given Matthew Jones, Integrated Science Engineering, for the Mobile Bay National Estuary Program & the National Fish and Wildlife Foundation for Slope Stabilization-DAE on Highway 90 between Oak Stone and Oak Stone Drive West, and John Peterson, Mott MacDonald, for Stream Restoration-DAF1 on Worchester Drive in Lake Forest Subdivision.

The next order of business is public participation.

Joel Coleman, 28509 2nd Street, asked the Commission to request the presentation of a more specific plan in that the consideration of an amendment to the Residential High Rise Overlay District is a drastic change to a predominantly residential neighborhood.

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

Mr. Dungan stated no report.

The next order of business is commissioner's comments.

Tyrone Fenderson commented on his relocation to Spanish Fort, he thanked the Commissioners, and stated that it was a pleasure to serve on the Commission.

The next order of business is director's comments.

Ms. Jones presented the following:

- a. City Council remanded Joseph A. Allegri Jr. Properties I and II, L.L.C. pre-zoning back to the Planning Commission for reconsideration;
- b. Upcoming community events - Mardi Gras parades, February 25 and 26, 6:45 p.m.;
- c. The upcoming meeting dates are site preview, March 15 & regular meeting, March 23, 2017;
- d. Congratulated the new officers, mentioned Councilmembers in attendance, and thanked Commissioners for their service.

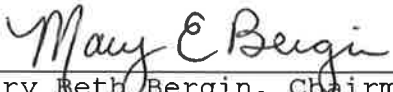
There being no further business, the meeting was adjourned at 6:50 p.m.

Respectfully submitted by:


Jan Vallecillo, Planning Coordinator

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Mary Beth Bergin, Chairman