

**The City of Daphne
Planning Commission Minutes
Regular Meeting of September 22, 2016
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 5:02 p.m.

Call of Roll:

Members Present:

Ed Kirby
William Scully
Marybeth Bergin, Secretary
Larry Chason, Chairman
Tyrone Fenderson
Ron Scott, Councilman
Hudson Sandefur

Staff Present:

Adrienne Jones, Director of Community Development
Jan Vallecillo, Planning Coordinator
Kevin Boucher, 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 August 25, 2016. There being none, the minutes are approved as submitted.***

The next order of business is site plan review for Daphne's Shoe Boutique on Mancini.

Mr. Scully asked to be recused from discussion or action on the next agenda item.

An introductory presentation was given by Doug Bailey, representative of Hutchinson, Moore & Rauch, of site plan review for a two-story mixed use facility consisting of a retail business, shoe boutique, and residence located southwest of the intersection of Guarisco Street and Mancini Avenue, and stated that the construction would require demolition of and removal of the existing single family structure and asphalt.

Chairman asked about the deficiencies outlined by the Public Works Director. Mr. Bailey responded that staff deficiencies have been reviewed and addressed.

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

**The City of Daphne
Planning Commission Minutes
Regular Meeting of September 22, 2016
Council Chamber, City Hall - 5:00 P.M.**

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Fenderson **to grant approval of the site plan for Daphne's Shoe Boutique on Manci. There was no discussion on the motion. The Motion carried. Mr. Scully abstained.**

The next order of business is preliminary/final plat review for the Resubdivision of Lot 2, Sundowne Subdivision.

An introductory presentation was given by Doug Bailey, representative of Hutchinson, Moore & Rauch, of preliminary/final plat review for a two-lot subdivision consisting of approximately two-point nine one acres located north of Van Buren Street and west of U. S. Highway 98 for the development of Rich's Carwash.

Chairman asked for Commission questions or comments and about the effect of the proposed development may have on the adjacent property, Sunrise Marine. Mr. Bailey stated none, because storm water drainage is directed southwest into an existing pipe which goes into the bay.

Mr. Sandefur asked about access to the undeveloped property, Apalachee Residential Community, to the west. Mr. Bailey responded that access is at Van Buren and 2nd Street.

Chairman opened the floor to public participation. No one came forth. He closed public participation and stated the Chair will entertain a motion.

A **Motion** was made by Mr. Kirby and **Seconded** by Mr. Sandefur **to grant approval of the preliminary/final plat for the Resubdivision of Lot 2, Sundowne Subdivision. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is site plan review for Rich's Carwash.

An introductory presentation was given by Doug Bailey, representative of Hutchison, Moore & Rauch, of site plan review for a car wash located north of Van Buren Street and west of U. S. Highway 98.

Chairman asked about the deficiencies outlined by staff. Mr. Bailey responded that the landscape plan was revised to include the required landscape buffer and the signature of the owner, a six-foot wide sidewalk will be installed to the west of the service road and will crossover to the east, addressed the comment regarding the requirement for first flush, and the extension of the service southward as required by ALDOT.

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

The City of Daphne
Planning Commission Minutes
Regular Meeting of September 22, 2016
Council Chamber, City Hall - 5:00 P.M.

A **Motion** was made by Ms. Bergin and **Seconded** by Mr. Kirby to **grant approval of the site plan for Rich's Carwash, pending verification and submission of the ALDOT permit to staff. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is preliminary/final plat review for the Doggett Subdivision.

An introductory presentation was given by Don Rowe, representative of Rowe Engineering and Surveying, requesting preliminary/final plat review for a four-lot subdivision consisting of approximately eleven-point three four acres located on Parker Lane Extension immediately north of Yancey Branch Woods Subdivision, Phase II.

Chairman asked for Commission questions or comments and about access, utilities, and if the owner plans to further subdivide. Mr. Rowe stated there are no utilities available to these lots, and the access is from an unimproved access driveway. The owner has no development plans. There is an existing lot which is the residence of the owners. The subdivision is solely for the purpose of the conveyance of the property to the children.

Mr. Scully asked could this be considered for administrative review of a subdivision exemption. Ms. Jones responded Article 11, Exempt Subdivision, applies to a subdivision exemption in the unincorporated extraterritorial planning jurisdiction.

Chairman opened the floor to public participation. No one came forth. He closed public participation and stated the Chair will entertain a motion.

A **Motion** was made by Mr. Scully to **grant approval of the preliminary/final plat for Doggett Subdivision, conditioned upon there being no further subdivision of Lots 1 & 2 until the access improvements that meet the appropriate standards for commercial development.**

Chairman stated the motion failed due to the lack of a second.

A **Motion** was made by Mr. Scully and **Seconded** by Mr. Kirby to **grant approval of the preliminary/final plat for Doggett Subdivision, conditioned upon the addition of a note on the plat which states, "No further subdivision of the four lots will occur without the provision of access improvements that meet the appropriate standards to the satisfaction of the Planning Commission". There was no discussion on the motion. The Motion carried unanimously.**

The City of Daphne
Planning Commission Minutes
Regular Meeting of September 22, 2016
Council Chamber, City Hall - 5:00 P.M.

The next order of business is master plan revision of Oldfield Subdivision and preliminary plat review for Oldfield Subdivision, Phase 3A and 2B, Revised.

An introductory presentation was given by Steve Pumphrey, representative of Preble-Rish, of a master plan revision for Oldfield Subdivision consisting of lots developed in phase one, a revision of the location of lots, and the detention pond in the previously approved phases of two and three.

The Commissioners discussed the relocation of the lots to accommodate the detention pond and asked for clarification on the location of the construction entrance.

Mr. Pumphrey stated that the lots were shifted so that the detention pond could be relocated to the north to connect to the existing pond in phase one and allow for the elimination of the open ditch to the west. The construction entrance is the dirt road north of the subdivision. At the final stage of construction of 2A, the construction entrance for Phase 2B, Revised, and 3A will be established at Alabama Highway 181.

Mr. Scott commented that he has a problem with that. In prior discussions, the comfort level for the residents was secure in that the construction entrance for those phases is established at Alabama Highway 181.

Chairman stated those comments will be discussed during preliminary plat review at the time of the public hearing, and clarified that the revision to the master plan consists of the shifting of the lots for the relocation of the detention pond.

Mr. Pumphrey stated in Phase 2B, Revised, and 3A, lots were shifted so that the detention pond could be relocated to the north, and the construction entrance is established at Alabama Highway 181. The detention ponds will remain under separate ownership, and the developer is in agreement to be responsible for maintenance. The developer has also proposed the possibility of a combining the entities so that the issue of ownership and maintenance can be addressed in one set of restrictive covenants.

Chairman asked Mr. Boucher to address the issue. Mr. Boucher asked about the status of the agreement. Mr. Pumphrey stated that the status is currently pending acceptance by the Oldfield POA.

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

Mr. Sean Gibbs, 9792 Camberwell Drive, commented that the agreement was not immediately acceptable.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of September 22, 2016
Council Chamber, City Hall - 5:00 P.M.**

Mr. Sean Gibbs stated that the residents are in agreement with the proposed master plan once the ingress/egress of the construction entrance is well defined.

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

Chairman asked the Environmental Programs Manager to comment. Ms. Campbell stated per post construction management, the detention pond in Oldfield Subdivision, Phase One would be declared a nuisance of which property owners would be responsible and assessed under Nuisance and Abatement Ordinance.

Mr. Pumphrey reiterated that at the final stage of construction of 2A, the connection to Phase 2B, Revised, and 3A to Alabama Highway 181 will be established.

Ms. Jones stated that a site disturbance permit cannot be issued until such time permission is granted to the developer by Oldfield POA.

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. Scully to grant approval of the master plan revision of Oldfield Subdivision.

During Commission discussion, in agreement if there is an agreement in place, and the construction entrance is established to Alabama Highway 181. The Motion carried. Mr. Fenderson dissented.

A Motion was made by Mr. Scott and Seconded by Mr. Sandefur to grant preliminary plat approval of Oldfield Subdivision, Phase 3A and 2B, Revised, with the caveat that the construction entrance is established at Alabama Highway 181. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is a zoning amendment for Earth, Inc.

An introductory presentation was given by Robert Stankoski, Jr. representative of Stankoski Myrick, L.L.C., of a request to rezone a five-point nine five acre parcel located southwest of the intersection of Park Drive and Tallent Lane, east of the future Daphne Sports Complex from R-3, High Density Single Family Residential, to R-6 (G), Garden or Patio Home District and stated this application was reviewed previously in 2013 and given an unfavorable recommendation.

Mr. Stankoski, Jr., respectfully requested a favorable recommendation and to be able to respond after public comments.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of September 22, 2016
Council Chamber, City Hall - 5:00 P.M.**

Mr. Scully asked about the staff recommendation that there be no reversion to original zoning. Ms. Jones stated because the requested zoning is compatible to development in this area.

Chairman asked for Commission questions or comments and opened the floor to public participation. No one came forth. He closed public participation and stated the Chair will entertain a motion.

A Motion was made by Mr. Scully and Seconded by Mr. Kirby of an affirmative recommendation by the Planning Commission to the City Council of Daphne of rezoning a five-point nine five acre parcel located southwest of the intersection of Park Drive and Tallent Lane, east of the future Daphne Sports Complex from R-3, High Density Single Family Residential, to R-6 (G), Garden or Patio Home District for Earth, Inc., with the provision that the reversionary clause is not applicable. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is a zoning and pre-zoning amendment for John White-Spunner, et al.

An introductory presentation was given by John Peterson, representative of Mott McDonald, of a request to rezone a seventy-seven acre parcel located at the southwest intersection of County road 13 and U.S. Highway 90 from an R-3, High Density Single Family Residential, and unzoned, Baldwin County, to a B-2, General Business, R-7(A), Apartment District, and GC, Golf Course. The conceptual plan presented consists of an established B-3, Professional Business, and R-3, High Density Single Family, zone with arterial access, with no development planned at this time. The request to rezone to commercial is consistent with the Comprehensive Plan that is adopted and for providing a transition from the commercial to the residential area. In accordance with citizen comments, the owner has provided a wider vegetative buffer to the south in the location of the golf course and NEP stream restoration project, as well as, taken into considerations alternative commercial zones.

Mr. Peterson asked to be able to respond after public comment.

Chairman asked for Commission questions or comments.

Mr. Scott stated you mentioned that a portion of this property is unzoned, Baldwin County; however, I believe it is zoned RA, Rural Agricultural, Baldwin County District 15. Ms. Jones explained that Baldwin County may have assumed that it was in the city limits, and the maps are consistent that the purple area is unincorporated.

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

The City of Daphne
Planning Commission Minutes
Regular Meeting of September 22, 2016
Council Chamber, City Hall - 5:00 P.M.

Mr. Michael Koepp, 29291 Deciduous, resident of Oak Creek Subdivision and President of the POA, spoke in opposition, expressed his concern of a significant buffer zone and depreciation of property values if this property develops as an R-7(a) zone.

Chairman commented although we appreciate the presentation of a conceptual plan, the Commission does not rely on it to determine the appropriateness of the use requested by the applicant for a recommendation for action by the City Council.

Ms. Lavada Farmer, 29242 Acorn Knoll, spoke in opposition, expressed concern regarding traffic congestion and depreciation of property values.

Ms. Victoria Phelps, 111 Worchester Drive, asked for the consideration of the establishment of a transition neighborhood zone abutting the residential subdivisions, the establishment of a vegetative buffer to the south, the implementation of the stream restoration, and commercial development on County Road 13.

Ms. Victoria Phelps asks the height and density requirements of R-7(A) and Ms. Jones responded three stories or fifty feet and ten units per acre.

Mr. Ervin Thornton, 29555 Douglas Road, resident of Douglas Subdivision and President of the POA, spoke in opposition, expressed concern that this development will have a drastic impact on our environment.

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

Chairman asked the Environmental Programs Manager to comment on this application. Ms. Campbell stated that the Mobile Bay National Estuary Program has a draft set of plans for implementation of the stabilization and stream restoration, pending the approval of the zoning amendment.

Chairman asked for a characterization of the effect on storm water drainage of the development of the seventy-seven acres as residential or commercial. Ms. Campbell stated the effect will not be positive until the stream restoration occurs; however, Article 18, Drainage and Storm Water Management, of the Land Use Ordinance is applicable to either.

Mr. Scott commented that if there is not an immediate use for the property that he is opposed to the rezoning.

Ms. Bergin asked if it is based on the lot line or one lot. Ms. Jones stated one lot, and the request would be PUD.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of September 22, 2016
Council Chamber, City Hall - 5:00 P.M.**

Chairman stated there are three options available to the Commission: action on the present request, to recommend action on a different zoning, or to table action to allow for discussion regarding residential/commercial, traffic, and drainage and to allow for modifications to the request in accordance with land use.

Mr. Peterson, representative of Mott McDonald, requested to table action until the next regular meeting.

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. Fenderson to table the rezoning and pre-zoning amendment for John White-Spunner, et al. until the regular meeting of October 27, 2016. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is a zoning amendment for GCOF Daphne Commercial Property 13-64, L.L.C.

Mr. Scully and Chairman asked to be recused from discussion or action on the next agenda item and the Chair passed the gavel to the Secretary.

An introductory presentation was given by Doug Bailey, representative of Hutchinson, Moore & Rauch, of a request to rezone a sixteen-point eight acre parcel located at the southwest intersection of Rand Avenue and County Road 13 from B-2, General Business, to R-7(A), Apartment District, and stated that an apartment district is a suitable transition from single family residential to commercial.

Mr. Edward Taylor, BFT Development, commented that the proposed development consists of approximately one hundred and sixty-eight units and has access to the north and west to County Road 64 and 13. He presented that the preliminary traffic impact analysis summarization states that all study intersection approaches are projected to operate at acceptable levels of service during the morning and afternoon peak hours.

Ms. Jones commented however, the traffic impact analysis does not take into consideration the impact of the development of Winged Foot Subdivision.

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

Mr. Vince Nicholson, 26060 County Road 13, spoke in opposition, expressed concern about traffic at this intersection and reiterated the need for the property to remain commercial.

The City of Daphne
Planning Commission Minutes
Regular Meeting of September 22, 2016
Council Chamber, City Hall - 5:00 P.M.

Mr. John Peterson, 8888 County Road 64, representative for Ascension Lutheran Church, expressed concern about traffic and drainage, and requested to be notified when development plans are presented.

Mr. John Ritchie, 8967 Rand Avenue, representative of RichTex Fabrics, spoke in opposition, expressed concern about traffic at this intersection and the effect on his business if the access is on Rand Avenue.

Secretary asked for Commission questions or comments. She closed public participation and stated the Chair will entertain a motion.

Mr. Scott responded that the request for rezoning to apartments is appropriate in that the use is less intense.

A Motion was made by Mr. Fenderson and **Seconded** by Mr. Kirby **of an affirmative recommendation by the Planning Commission to the City Council of Daphne of the rezoning of a sixteen point eight acre parcel located at the southwest intersection of Rand Avenue and County Road 13 from B-2, General Business, to R-7 (A), Apartment District, for GCOF Daphne Commercial Property 13-64, L.L.C. There was no discussion on the motion. The Motion carried. Mr. Chason and Mr. Scully abstained.**

Mr. Boucher stated that he could justify having five affirmative votes rather than six, as provided in Article 5, Transaction of Business, as being acceptable.

The next order of business is a petition for vacation of easement for Magnolia Trace Partnership, L.L.C.

An introductory presentation was given by Mr. Brian Braun, representative for EMC Engineering, of a request to vacate the twenty foot storm drainage easement on Lot 1, Edgewater Subdivision located on the northwest corner of Main Street and Bayfront Drive.

Chairman asked for Commission questions or comments and opened the floor to public participation. No one came forth. He closed public participation and stated the Chair will entertain a motion.

A Motion was made by Mr. Scott and **Seconded** by Mr. Sandefur **of an affirmative recommendation by the Planning Commission to the City Council of Daphne of the vacation of the twenty foot storm drainage easement on Lot 1, Edgewater Subdivision located on the northwest corner of Main Street and Bayfront Drive for Magnolia Trace Partnership, L.L.C. There was no discussion on the motion. The Motion carried unanimously.**

**The City of Daphne
Planning Commission Minutes
Regular Meeting of September 22, 2016
Council Chamber, City Hall - 5:00 P.M.**

The next order of business is an administrative presentation of street acceptance for the Lake View Subdivision Property Owners Association.

An introductory presentation was given by Mr. Elliott Riser, President of the Lake View Subdivision Property Owners Association, of the presentation of a resolution to request acceptance of the right-of-way of Lake Shore Drive contained in of Lakeview Subdivision as a city street for maintenance.

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. Fenderson for an affirmative recommendation by the Planning Commission to the City Council of the acceptance of the right-of-way of Lake Shore Drive contained in Lake View Subdivision as a city street for maintenance. There was no discussion on the motion. The Motion carried unanimously.

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

Ms. Jones stated the maps are codifications of amendments made to the zoning and street map.

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. Scully to grant approval of the Street Map and of an affirmative recommendation by the Planning Commission to the City Council of Daphne for the adoption of the City of Daphne Zoning Map. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is the election of officers.

A Motion was made by Mr. Fenderson and Seconded by Mr. Scott to table the election of officers until the next regular meeting. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is public participation.

Chairman asked for public participation. No one came forward. He closed public participation.

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

Mr. Boucher stated no report.

The City of Daphne
Planning Commission Minutes
Regular Meeting of September 22, 2016
Council Chamber, City Hall - 5:00 P.M.

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 7:53 p.m.

Respectfully submitted by:


Jan Vallecillo, Planning Coordinator

Approved: October 27, 2016


Larry Chason, Chairman