

The City of Daphne
Planning Commission Minutes
Regular Meeting of October 27, 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 5:00 p.m.

Call of Roll:

Members Present:

William Scully
Marybeth Bergin, Secretary
Charles Smith, Vice Chairman
Larry Chason, Chairman
Ron Scott, Councilman
Hudson Sandefur
Chief White

Staff Present:

Adrienne Jones, Director of Community Development
Jan Vallecillo, Planning Coordinator
Jay Ross, 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 September 22, 2016.*

During Commission discussion, Ms. Bergin commented that she asked for a correction to the minutes as Mr. Fenderson dissented on the motion for the master plan, not the preliminary plat for Oldfield Subdivision, 2B (Revised) and 3A.

After discussion, the minutes were approved as submitted.

The next order of business under old 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 and pre-zone 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, in the extraterritorial planning jurisdiction, to B-2, General Business, B-2(a), General Business Alternate, B-3, Professional Business, R-7(A), Apartments, R-7(T), Townhouses, 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 an arterial access, with no development planned at this time.

The City of Daphne
Planning Commission Minutes
Regular Meeting of October 27, 2016
Council Chamber, City Hall - 5:00 P.M.

Mr. Peterson stated the request to rezone to commercial is consistent with the Comprehensive Plan adopted in 2003 and provides for a transition from commercial to residential. In accordance with citizen comments, the owner has provided a wider vegetative buffer to the south in the area of the golf course and NEP stream restoration project, as well as, taken into consideration alternative residential and commercial zones.

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

Chairman asked for Commission questions or comments.

Mr. Scully asked with the consideration of the addition of the R-7(T), Townhome District, is the small parcel to the west proposed to rezone to B-3, Professional Business, for an access to the townhomes. Mr. Peterson stated I do not know. Mr. Sandefur expressed his concern about another potential access to this property.

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

Mr. Michael Koepp, 29291 Deciduous, resident of Oak Creek Subdivision and President of the POA, spoke in opposition, expressed his concern about a significant buffer zone and depreciation of property values, if the property develops as a three story, apartment district, or a two and one half, thirty-five foot townhome district.

Ms. Victoria Phelps, 111 Worchester Drive, stated that the Comprehensive Plan established that commercial development should be at the corridor of U. S. Highway 90 and County Road 13, not over fifty percent of the property as shown on the zoning display; commented on the adverse effects on property downstream.

Ms. Lavada Farmer, 29242 Acorn Knoll, spoke in opposition, expressed concern regarding traffic congestion and storm water drainage.

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

Chairman asked about the Commissioners options when considering the rezoning or pre-zoning of each district. Ms. Jones stated the option would be to vote on each district.

Mr. Peterson commented that the zoning display was revised based on the fact that there are significant wetlands and topography from Lot 23, Oak Creek Subdivision to the common area which would affect the building setback.

Mr. Matt White, representative of White-Spunner Realty and authorized agent, stated that the owner is proposed to donate four acres of the wetlands located in the watershed.

The City of Daphne
Planning Commission Minutes
Regular Meeting of October 27, 2016
Council Chamber, City Hall - 5:00 P.M.

Mr. Peterson distributed a revision to the zoning display to address the concerns of the Commissioners and citizen comments.

Ms. Victoria Phelps asked to address the Commission regarding the presentation of the zoning display.

Chairman stated that public participation is closed; however, he recognized Mr. Koepp and allowed his comment.

Mr. Michael Koepp, 29291 Deciduous, resident of Oak Creek Subdivision and President of the POA, spoke in opposition, reiterated his concern of the development of the two and one half, thirty-five foot townhome district shown on the revised zoning display.

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

A **Motion** was made by Mr. Scully and **Seconded** by Mr. Smith of an **affirmative recommendation by the Planning Commission to the City Council of Daphne of the rezoning of a twenty-three point nine acre parcel, as referenced in Exhibit "A", located at the southwest intersection of County Road 13 and U.S. Highway 90 from an R-3, High Density Single Family Residential, to a B-2, General Business District, for John White-Spunner et al.**

During Commission discussion, Chairman asked to amend the main motion to include a recommendation for the pre-zoning for each zoning district. Mr. Scully accepted the amendment.

The **Motion** was amended by Mr. Scully and **Seconded** by Mr. Smith of an **affirmative recommendation by the Planning Commission to the City Council of Daphne of the rezoning and pre-zoning of a twenty-three point nine 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, in Baldwin County Extraterritorial Planning Jurisdiction, to a B-2, General Business District, for John White-Spunner et al. The Motion carried unanimously.**

A **Motion** was made by Mr. Scully and **Seconded** by Mr. Sandefur of an **affirmative recommendation by the Planning Commission to the City Council of Daphne of the rezoning and pre-zoning of a eleven point 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, in Baldwin County Extraterritorial Planning Jurisdiction to a B-2(A), General Business Alternative District, for John White-Spunner et al. The Motion carried unanimously.**

The City of Daphne
Planning Commission Minutes
Regular Meeting of October 27, 2016
Council Chamber, City Hall - 5:00 P.M.

A Motion was made by Mr. Scully and Seconded by Mr. Sandefur of an affirmative recommendation by the Planning Commission to the City Council of Daphne of the rezoning and pre-zoning of a four point six nine 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, in Baldwin County Extraterritorial Planning Jurisdiction, to a GC, Golf Course, for John White-Spunner et al. The Motion carried unanimously.

A Motion was made by Mr. Scott and Seconded by Ms. Bergin of an unfavorable recommendation by the Planning Commission to the City Council of Daphne of the rezoning of an zero point four one 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, to a B-3, Professional Business District, for John White-Spunner et al.

During Commission discussion, Mr. Scully commented that the Comprehensive Plan provides for the transition to the west of this intersection to be zoned commercial. Mr. Sandefur commented that he is in favor of a B-3 zone with concessions with regard to height, buffers and setbacks. Mr. Scott was in agreement.

The Motion carried. Mr. Scully dissented.

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 conditional rezoning of a twelve point zero six 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, to a R-7(T), Townhouse District, with a seventy-foot setback from the west property line for John White-Spunner et al. The Motion carried. Ms. Bergin dissented.

A Motion was made by Mr. Scully and Seconded by Mr. Sandefur of an affirmative recommendation by the Planning Commission to the City Council of Daphne of the conditional rezoning and pre-zoning of a twenty-four point nine five 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, in Baldwin County Extraterritorial Planning Jurisdiction, to a R-7(A) Apartment District, with a one hundred foot setback from the west property line for John White-Spunner et al. The Motion carried. Ms. Bergin dissented.

The next order of business under new business is master plan review for Winged Foot Subdivision.

The City of Daphne
Planning Commission Minutes
Regular Meeting of October 27, 2016
Council Chamber, City Hall - 5:00 P.M.

An introductory presentation was given by Steve Pumphrey, representative of Dewberry/Preble-Rish, of master plan review for Winged Foot Subdivision and stated that plan is identical to the one presented at the time of approval of the PUD designation, with the exception that the commercial area is B-3, Professional Business.

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. Smith **to grant approval of the master plan review of Winged Foot Subdivision. There was no discussion on the motion. The Motion carried unanimously.**

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

An introductory presentation was given by Steve Pumphrey, representative of Dewberry/Preble-Rish. He stated the one remaining issue has been resolved, and the outstanding conditions are clear so that the developer can move forward with the development. The first phase has seventy-nine single family residential and two commercial lots with a roadway connection for County Road 64 to Well Road.

Ms. Jones stated the contingency regarding the developer's donation of ninety thousand dollars has been received and the subject property is annexed.

Chairman asked about the deficiencies outlined by staff. Mr. Pumphrey responded that the lift station has been relocated, the construction entrance will be on Well Road, and a phasing plan has been presented to include the wetlands.

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

Ms. Patricia Gipson, 8545 County Road 64, expressed her concern with the setback requirement of the east side of the property for Phase Two and Three, asked the time line of development, and if the property will continue to be farmland.

Mr. Fred Minke, 8305 Edgewood Drive, expressed concern regarding drainage.

Chairman closed public participation and asked Mr. Pumphrey to respond.

Mr. Pumphrey stated that storm water drainage will be addressed at the time of the construction of the roadway and the submission of a site plan for commercial lots.

The City of Daphne
Planning Commission Minutes
Regular Meeting of October 27, 2016
Council Chamber, City Hall - 5:00 P.M.

Chairman stated that phase two and three will remain farmland until such time in the future that the property is developed.

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

A **Motion** was made by Ms. Bergin and **Seconded** by Mr. Scott **to grant preliminary plat approval of Winged Foot Subdivision, Phase One. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is the election of officers.

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

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

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

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. Ross stated no report.

The next order of business is commissioner's comments.

Mr. Chason commented on the expiration of his term, and the members and Director expressed their appreciation for his service to the Planning Commission.

The next order of business is director's comments.

Ms. Jones yielded the floor to Ashley Campbell.

An introductory presentation was given by Ashley Campbell, Environmental Programs Manager, of the proposed D'Olive Creek Tributary Restoration Project by the Mobile Bay National Estuary Program. She will make a video presentation at the November meeting.

The City of Daphne
Planning Commission Minutes
Regular Meeting of October 27, 2016
Council Chamber, City Hall - 5:00 P.M.

Ms. Jones discussed the Land Use and Development Ordinance with regard to an application presented for pre-zoning and noncompliance of the requirement of an accurate legal description and current certified survey. She stated the applicant has presented documentation from the Baldwin County Revenue Commission for consideration and requested a determination by the Planning Commission.

A Motion was made by Mr. Scott and **Seconded** by Mr. Smith *to accept material submitted for Planning Commission's review at the November meeting, and require an accurate legal description and current certified survey prior to official approval. There was no discussion on the motion. The Motion carried unanimously.*

Ms. Jones presented the following:

- a. Next City Council meeting for the pre-zoning of Fred L. Corte, Black Stone Lakes, November 7, 2016, 6:30 p.m.;
- b. City Council public hearing on zoning amendments, Earth, Inc. and GCOF Daphne Commercial 13 & 64, L.L.C., November 7, 2016, 6:30 p.m.;
- c. The upcoming meeting dates are site preview, November 9, & regular meeting, November 17, 2016;
- d. Thanksgiving holidays, November 24 and 25.

There being no further business, the meeting was adjourned at 6:40 p.m.

Respectfully submitted by:



Jan Vallecillo, Planning Coordinator

Approved: November 17, 2016



William Scully, Chairman

