

The City of Daphne
Planning Commission Minutes
Regular Meeting of November 17, 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:

Ed Kirby
Marybeth Bergin, Vice Chairman
William Scully, Chairman
Ron Scott, Councilman
Hudson Sandefur
Philip Hodgson
Chief White

Staff Present:

Adrienne Jones, Director of Community Development
Jan Vallecillo, Planning Coordinator
Missty 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 October 27, 2016. There being none, the minutes are approved as submitted.***

The next order of business is the pre-zoning amendment ordinance for Fred L. Corte.

Chairman asked is there a presentation regarding the City Council's concerns and how the Commission should proceed.

Ms. Jones stated that the City Council remanded the pre-zoning request back to the Planning Commission. Blackstone Lakes was originally proposed as Bellaton West, to Bellaton Subdivision which has connections to the existing subdivision to Bellaton Phase Four. They have revised the master plan and general PUD provisions to modify the configuration of the connection and the roadway which would tie into Corte Road and eventually to County Road 13. The Bellaton Subdivision, Phase Four preliminary plat was approved with stub-outs to the subject property. The City Council remanded the application for you to reconsider the two points of connection that are shown on the Blackstone Lakes proposal.

Chairman reiterated the comment that this is a pre-zoning issue and the necessity for public notice.

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Ms. Jones stated a public hearing was held by the Commission and notice was given for the portion of the process that you participated in. Ms. Gray stated no notice is required because there are no changes to the plan presented. The public hearing you had previously still covers this plan. Mr. Scott stated that Mr. Ross had stated a public hearing is not necessary as long as there are no substantial changes. If we vote to change the plan, a public hearing may be required by the City Council.

Chairman asked for clarification of the request from City Council.

Ms. Jones stated that the caption on the agenda speaking to you to outline that the ordinance was remanded by to you by City Council to consider remove the ingress and egress connections to Bellaton Subdivision.

Chairman stated the Commission cannot change their plan and would have to make a recommendation to the City Council to approve the pre-zoning request with the proviso that those two ingress and egress connections be removed.

Ms. Jones stated that they are either removed or remain and should you make the recommendation that they be removed, it is the applicant that will decide whether to move forward and accepting a PUD zoning without the connections to Bellaton.

Mr. Scott stated the residents of Bellaton Subdivision have been measured and make several requests and out of that the owner has changed the name from Bellaton West to Blackstone Lake, the annexation of land for a fire station, and the paving of Corte Road to County Road 13.

Mr. Scott asked Mr. Johnson to address the Commission regarding the importance of connectivity.

Mr. Johnson, Public Works Director, addressed the importance of subdivision regulations which require the connectivity of subdivision for the community with regard to traffic, quality of life, public benefit and emergency services.

Chairman asked for Mr. Pumphrey to respond prior to opening public participation.

Steve Pumphrey, representative of Dewberry/Preble-Rish, asked to be able to respond after public comment and on behalf of the developer and for the Commission to recommend to the City Council that the connections remain. The only thing that Mr. Johnson did not mention is the connectivity is necessary for school buses. A development with more than thirty units is now required to have more than one access point.

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Mr. Richard Jaehne, 9499 Bella Drive, spoke in opposition as representation for the residents of Bellaton Subdivision to reiterate their concerns on effect of the additional traffic, safety, speed of the vehicles and referenced the petition presented to the Commission containing sixty-one signatures of residents opposed to a connection through their subdivision. In keeping with the public benefit, the residents would like a distinction and a separate connection to Alabama Highway 181 or Corte Road

Chairman closed public participation.

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 that the two ingress and egress connections between Blackstone Lakes, proposed PUD, and Bellaton Subdivision remain.

During discussion, Chief White stated from a public safety standpoint that he cannot support one access and Ms. Bergin commented that she is in favor of the connections, but opposed to the PUD.

The Motion carried unanimously.

The next order of business is a pre-zoning amendment for Bertolla Properties, L.L.C.

An introductory presentation was given by Jessica McDill, representative of Chason Law, of a request to pre-zone a twenty-acre parcel located northwest of Alabama Highway 181 and Milton Jones Road from a B-2, Neighborhood Business District, in Baldwin County District 15, to B-3, Professional Business District.

Chairman opened the floor to public participation. No one came forth. He closed public participation.

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

A Motion was made by Mr. Kirby and Seconded by Ms. Bergin of a favorable recommendation to the City Council to pre-zone the Bertolla Properties, L.L.C. property to B-3, Professional Business District. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is an annexation request for Bertolla Properties, L.L.C.

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An introductory presentation was given by Jessica McDill, representative of Chason Law, of a request to annex a twenty-acre parcel located northwest of Alabama Highway 181 and Milton Jones Road from B-2, Neighborhood Business, in Baldwin County District 15, to B-3, Professional Business which is currently used for farming. The requested zoning is to accommodate future development and a land donation to the City of Daphne for a fire station.

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 **of a favorable recommendation to the City Council to annex the Bertolla Properties, L.L.C. property into the city limits. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is a pre-zoning amendment for Joseph A. Allegri, Jr.

An introductory presentation was given by Craig Dyas, representative of Dyas, L.L.C., of a request to pre-zone a forty-two acre parcel located northwest of Alabama Highway 181 and County Road 64 from RA, Rural Agricultural, in Baldwin County District 15, to a PUD, Planned Unit Development.

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

Mr. Harold Saden, 25990 Argonne Drive, resident of Overton Place Subdivision, spoke in opposition, expressed his concern about the development of the property as business and residential.

Mr. Don Ouellette, 111 Worchester Drive, resident of Madison Place Subdivision, spoke in opposition, expressed his concern about connectivity and access.

Chairman asked for Commission questions and closed public participation.

Chairman stated that there is not sufficient information for the Commission to make a recommendation to the City Council and asked Mr. Dyas if he wished for the agenda item to be continued.

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

A **Motion** was made by Mr. Kirby and **Seconded** by Ms. Bergin **to table the pre-zoning amendment for Joseph A. Allegri, Jr. until the regular meeting of December 15, 2016. There was no discussion on the motion. The Motion carried unanimously.**

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The next order of business is an annexation request for John White-Spunner, et al.

An introductory presentation was given by John Peterson, representative of Mott McDonald, of a request to annex two small parcels consisting of two-point five acres located at the southwest intersection of County Road 13 and U.S. Highway 90.

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 **of a favorable recommendation to the City Council to annex the John White-Spunner et al. property into the city limits. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is an administrative presentation for street acceptance for Caroline Woods Subdivision, Phase Two C & D.

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 Caroline Woods Subdivision, Phase Two C & D 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 **of a favorable recommendation to the City Council of acceptance of the right-of-ways within Caroline Woods Subdivision, Phase Two C & D. There was no discussion on the motion. The Motion carried unanimously.**

Chief White was excused at 6:06 p.m. and returned 6:09 p.m. after the administrative presentation for Caroline Woods Subdivision, Phase Two C & D.

The next order of business is an administrative presentation for a proposed amendment to the Land Use and Development Ordinance.

An introductory presentation was given by Mr. Matt Creel, Code Enforcement Officer, of a proposed amendment to the Land Use and Development Ordinance, Article 14, Section 14-11, Olde Towne Daphne District, of the addition of criteria for a drive-thru and wall-mounted menu type sign.

The specifications of menu type sign is not provided for in the overlay district, Olde Towne Daphne District. The addition was requested by the owner of Whit's Frozen Custard.

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Commissioners discussed the size requirement of a menu type sign for this type of business in other areas of the city.

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. Hodgson **of a favorable recommendation to the City Council of an amendment to Article 14, Section 14-11, Olde Towne Daphne District of the Land Use Ordinance to: add provisions for a drive-thru menu type sign which shall not exceed twenty-one square feet in area per face, two faces per sign, five feet maximum height; and to permit a walk-up wall mounted menu type sign not to exceed twelve square feet. Mr. Fenderson commented that the sign seemed large for this district. The Motion carried unanimously.**

The next order of business is an administrative presentation of the D'Olive Creek Tributary Restoration Project.

An introductory and video presentation was given by Ashley Campbell, Environmental Programs Manager, and Roberta Swann, Mobile Bay National Estuary Program, of the proposed D'Olive Creek Tributary Restoration Project.

State Representative Randy Davis commended Ashley Campbell and the Mobile Bay National Estuary Program for their service on the restoration projects in Daphne.

Mr. Kirby was excused at 6:15 p.m. prior to public participation.

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.

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. Welcomed new councilmembers, Mr. Goodlin and Mr. Coleman to the City Council;

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- b. City Council meeting for the pre-zoning of Fred L. Corte, Blackstone Lakes, December 5, 2016, 6:30 p.m.;
- c. City Council public hearings on zoning amendments, Earth, Inc. and GCOF Daphne Commercial 13 & 64, L.L.C., November 7, 2016, 6:30 p.m.;
- d. Thanksgiving holidays, November 24 and 25, 2016;
- e. The upcoming meeting dates are site preview, December 7 & regular meeting, December 15, 2016.

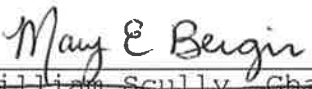
There being no further business, the meeting was adjourned at 6:37 p.m.

Respectfully submitted by:



Jan Vallecillo, Planning Coordinator

Approved: December 15, 2016



~~William Scully, Chairman~~
MARYBETH BERGIN, VICE CHAIRMAN