

The City of Daphne
Planning Commission Minutes
Regular Meeting of March 24, 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 5:05 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

William Scully
Marybeth Bergin, Secretary
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

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 February 25, 2016. There being none, the minutes are approved as submitted.***

The next order of business is site plan review for Malbis Station.

An introductory presentation was given by Mr. Scott Hutchinson, representative of Hutchinson, Moore & Rauch, requesting site plan review of a retail commercial facility with associated access, parking, and landscaping located northwest of the intersection of U.S. Highway 90 and Renaissance Boulevard, Lot 17A of the Resubdivision of Lots 8, 11-17, of Renaissance Center Subdivision, Phase Three.

Mr. Hutchinson stated staff comments have been addressed and a document was executed for the easement required for Lots 17 and 17A for the fire department turn around. The document will be recorded, if the site plan is approved.

Chairman asked for Commission questions and comments and commented on placement of the curb cuts approved by ALDOT. He referenced note 10 and the twenty-foot access easement shown on the plat on the north property line of Lots 15, 16, 17 and 17a. Mr. Hutchinson stated all of the lots have access to the existing curb cuts and have the right to access other lots although no easement is shown.

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Mr. Hutchinson stated the twenty-foot easement appears to be access to the detention pond on Lot 18 and is not of sufficient width for access to those lots. However, the access easement referenced in the notes for Lots 11, 13A, 13B and 14 has a reasonable access width.

Chairman asked has the Commissioners received a copy of the site plan illustration of Lot 15 as it exists with the stub-out. Mr. Scully commented that would not grant any rights of access to those lots.

Mr. Richard Davis, Davis & Fields, the representative for H-Properties, and for full disclosure of Mayor Dane Haygood, the applicant, stated he did not create the rights to those properties. Those rights were established in the restrictive covenants of the Renaissance Center Subdivision. The owner also has an option to purchase Lot 16. Mr. Scully asked if Lot 16 was granted those rights also. Mr. Davis confirmed.

Ms. Jones commented that the Commissioners should not hold up the site plan application based on note 10. Mr. Ross stated that the site plan appears to comply with the Land Use Ordinance and should not be denied without sufficient reason because the owner may have to address the conflict in the notes and covenants relative to access in court.

Mr. Hutchinson stated as the engineer, our responsibility is to the site plan and that access is optional and also not the responsibility of the Planning Commission.

Chairman stated that the original plat and restrictive covenants appears to give those lots access to Renaissance Boulevard, as well as, U.S. Highway 90.

Chairman stated that Lot 17A can stand alone in that it has access to U.S. Highway 90. Mr. Sandefur asked if that access is optional. Chairman stated that access is dictated by the ALDOT. Mr. Davis stated the restrictive covenants gave the lots the right of ingress and egress in April 2014 prior to the addition of note 10 to the plat.

Mr. David Vaughn, representative of William Hunt, stated that BBB Industries, L.L.C., the owner of Lot 15, is opposed to a gravel drive in a tree protection zone with access to Lot 16 and the parking area of Lot 15 for vehicular traffic. The intent in accordance with the subdivision plat and note 10 was for ingress and egress to be the twenty-foot drainage, utility and access easement on the north property line.

Mr. Johnson, Public Works Director, stated this is a retail center. The radius of the median cut allows for a left turn onto Renaissance Boulevard from a functioning lot. Full access is a minimum requirement, and this lot has right-in and right-out access to U.S. Highway 90.

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Mr. Vaughn referenced Exhibit C of documents presented to the Planning Commission for the owner of Lot 15, BBB Industries, L.L.C.

Chairman stated that there is a turn out on Lot 15 at Renaissance Boulevard.

Ms. Jones asked is the primary access the curb cut onto U.S. Highway 90. Mr. Hutchinson confirmed.

Mr. Hunt, BBB Industries, L.L.C., commented that he has no desire for vehicular traffic from Lot 17A to cross the parking area of Lot 15. There are no cross easements to allow for interconnecting parking lots because the access for those lots is confined to the existing curb cuts onto U.S. Highway 90 at the existing curb cuts.

Ms. Jones stated that there has been a precedent with regard to sidewalks.

Chairman stated for the record, that acceptance of the site plan is not intended as approval of an access from Lot 17A through Lot 16 into the parking area of Lot 15.

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

A Motion was made by Mr. Scott and Seconded by Mr. Scully to grant approval of the site plan for Malbis Station. No discussion on the motion. The Motion carried unanimously.

The next order of business is preliminary/final plat review for Red Barn Subdivision.

An introductory presentation was given by Mr. Steve Pumphrey, representative of Preble-Rish, requesting preliminary/final plat review of a three-lot subdivision with approximately two hundred twenty-eight located south and west of Oldfield Subdivision, Phase One consisting of Lot 1, Tom & Julie Bierster, Lot 2, Red Barn, L.L.C, and Lot 3, an outparcel of the remainder of the development. The expansion of Lot 2 was done by the owner to clarify what portion of that lot is in the city and to provide a buffer.

Chairman asked for Commission questions or comments and confirmed that the plat is in compliance with the Land Use Ordinance. He opened the floor to public participation. No one came forth. He closed public participation and asked for a motion for approval.

A Motion was made by Mr. Sandefur and Seconded by Mr. Scully to grant preliminary/final plat approval of Red Barn Subdivision. There was no discussion on the motion. The Motion carried unanimously.

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

An introductory presentation was given by Ms. Beverly Terry, representative for Malbis Place, L.L.C., requesting preliminary/final plat review of a three-lot subdivision consisting of approximately two point nine eight acres located northeast of the intersection of U.S. Highway 90 and Renaissance Boulevard.

Chairman asked for Commission questions or comments and staff comments have been addressed.

Mr. Johnson stated the development has a common access to U.S. Highway 90, and the storm water drainage is directed into the common detention pond.

Mr. Sandefur asked does the curb cut exist and Mr. Johnson confirmed.

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

A Motion was made by Ms. Bergin and Seconded by Mr. Sandefur to grant preliminary/final plat approval of Malbis Place Subdivision. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is a zoning amendment for Elizabeth Wright.

An introductory presentation was given by Mr. Ronald Bell, representative of the owner, Elizabeth Wright, requesting re-zoning of a zero point six two acre parcel located southeast of Main Street and Van Avenue from B-3, Professional Business, to B-1, Local Business. Mr. Bell stated that he has an option to purchase the property contingent upon approval of the rezoning and site plan displayed for the construction of a frozen custard shop.

Chairman asked for Commission questions or comments and expressed his concern with the uses permitted of a B-1 zone in an overlay district.

The Commissioners also expressed their concerns of the uses permitted in B-1 which may not be compatible with the surrounding neighborhood and overlay district.

Mr. Bell stated that he could address that by deed restrictions to prohibit certain uses.

Mr. Scott asked is this type of business permitted in the present B-3 zone. Ms. Jones stated that neither the beauty shop nor the yogurt shop allowed in a B-3 zone. The beauty shop exists as a grandfathered nonconforming use.

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Chairman suggested addressing the issue by creating a B-1a zoning district. Mr. Bell accepted the proposal, but stated that he was on a time line for approval and purchase of the property.

Chairman asked for Commission questions or comments and opened the floor to public participation. No one came forth. He closed public participation.

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

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Sandefur **of an unanimous unfavorable recommendation by the Planning Commission to the City Council of Daphne of the rezoning of a zero point six two acre parcel located southeast of Main Street and Van Avenue from B-3, Professional Business District, to B-1, Local Business for Elizabeth Wright. There was no discussion on the motion. The Planning Commission asked staff to convey to the City Council that a new zoning district of B-1(a) is forth coming. The Motion carried unanimously.**

The next order of business is an administrative presentation for the proposed annexation of County Road 64 from County Road 13 to Alabama State Highway 181.

An introductory presentation was given by Mr. Richard Johnson, Public Works Director, requesting annexation of the right-of-way of County Road 64 from County Road 13 to Alabama State Highway 181. As a part of an agreement with Baldwin County for the construction of a roundabout at County Road 13 and 64 and the relocation of utilities, the City of Daphne agreed to the annexation of the right-of-way into the corporate limits of the City of Daphne for maintenance.

Chairman asked for Commission questions or comments and a motion for recommendation of acceptance.

A **Motion** was made by Mr. Sandefur and **Seconded** by Ms. Bergin **for an affirmative recommendation by the Planning Commission to the City Council of the acceptance of the right-of-way of County Road 64 from County Road 13 to Alabama State Highway 181 into the corporate limits of the City of Daphne for maintenance. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is an administrative presentation of the Daphne Parks Improvement Master Plan.

An introductory presentation was given by Mr. Tim Patton, Volkert, Inc., of the Daphne Parks Improvement Master Plan for the upgrade to the amenities at the park facilities: Lott Park, Trione Park and Daphne Sports Complex on Park Drive.

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Chairman asked for Commission questions or comments.

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Sandefur **to grant approval of the Daphne Parks Improvement Master Plan. The Motion carried unanimously.**

The next order of business is planning commission discussion.

An introductory presentation was given by Mr. Matt Creel, Code Enforcement Officer, of the Land Use and Development Ordinance, Article 33, Sign Provisions, Section 33-5(g)(5), Political Signs, Districts in Which Authorized, Non-Illuminated, states that "two (2) non-illuminated signs per lot or parcel may be placed on private property in any zoning district in the City and shall not exceed four (4) square feet in area or four (4) feet in height; and political signs in business, commercial and industrial districts shall not exceed sixteen (16) square feet in area or eight (8) feet in height". He indicated that there were issues raised in enforcing this provision during the recent election and needed Planning Commission and City Council to review the matter and make changes if necessary.

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

Mr. Kevin Spriggs, Spriggs Enterprises, stated that the current sign provisions allows for only two political signs per private residential property in any zoning district and restricts the size to four square feet, and sixteen square feet in a business or commercial district; however, a business may have a development sign of thirty-two square feet. This section of the ordinance should allow for one political sign per candidate and of a size comparable to other signs, but more specifically a development sign, of thirty-two square feet in area which is consistent with a recent Supreme Court ruling.

Chairman stated that the ordinance should allow one sign per candidate or issue.

Chairman asked for Commission questions or comments and a recommendation of approval.

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Scully **of an affirmative recommendation by the Planning Commission to the City Council of a proposed amendment to Ordinance 2011-54, Land Use and Development Ordinance, Article 33, Sign Provisions, Section 33-5(g)(5), Political Sign Requirements, to allow two (2) political signs per lot or parcel in a residential zoning district, or one (1) non-illuminated sign may be placed on private property perpendicular to each street frontage in any business, commercial and industrial district for each candidate or each issue not to exceed thirty-two (32) square feet in area or eight (8) feet in height.**

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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. Ross 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 that the upcoming meeting dates are site preview, April 20, and regular meeting, April 28, 2016.

There being no further business, the meeting was adjourned at 7:13 p.m.

Respectfully submitted by:



Jan Vallecillo, Planning Coordinator

Approved: April 28, 2016



Larry Chason, Chairman