The City of Daphne
Planning Commission Minutes
Regular Meeting of April 28, 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 5:34 p.m.

Call of Roll:

Members Present:

Marybeth Bergin, Secretary
Charles Smith, Vice Chairman
Larry Chason, Chairman
Ron Scott, Councilman

Staff Present:

Adrienne Jones, Director of Community Development
Jan Vallecillo, Planning Coordinator
Kevin Boucher, Attorney

Chairman stated the number of members present does not constitute a quorum and explained that Allegri Two-Lot, Resubdivision of Lot 8, Austin Commons, Agee Place, W & R, DISC, Oldfield, Phase 2A Subdivision, and Daphne Rudicell Robinson zoning amendment cannot be heard tonight because a six members are required to take action on those agenda items. A special meeting is tentatively set for Thursday, May 5, 2016 at 5:00 p.m.

Mayor Dane Haygood announced his appointment Ed Kirby to fill the unexpired term of Dwayne Smith who submitted his resignation on April 28, 2016.

The regular meeting of the City of Daphne Planning Commission was called to order again at 5:46 p.m.

Call of Roll:

Members Present:

Ed Kirby
Marybeth Bergin, Secretary
Charles Smith, Vice Chairman
Larry Chason, Chairman
Ron Scott, Councilman

Notice was given of a special meeting. The number of members present constitutes a quorum.

The first order of business is the approval of the minutes.

Ms. Jones stated the Commissioners will see those in May.

The next order of business is a subdivision exemption review of the Replat of Lots 10 & 11, Edgemere Oaks Subdivision.

An introductory presentation was given by Mr. Daniel Calhoun, representative of Mr. & Mrs. McLaughlin, of a subdivision exemption review of a replat for a two-lot subdivision consisting of approximately two-point two acres located southwest of the intersection of Old County Road and Whiting Court.

Chairman asked for Commission questions or comments.

Mr. Calhoun stated there is an encroachment issue and the replat would remedy the issue between the adjacent property owners.

Chairman stated this is a request for an exemption to correct an error where a retaining wall was constructed across the property line, and the property owners have agreed to a replat.

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

A **Motion** was made by Mr. Scott and **Seconded** by Ms. Bergin ***to grant approval of the subdivision exemption of the Replat of Lots 10 & 11, Edgemere Oaks Subdivision. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is site plan review for Belrose Office Building.

An introductory presentation was given by Mr. Karl Gustafson, owner, requesting site plan review of a commercial office building at 706 Belrose Avenue of an addition to the existing structure with an associated one-way access, parking, and landscaping located southwest of the intersection of Main Street and Belrose Avenue

Chairman asked for Commission questions and comments and if sidewalk issue had been addressed. Mr. Gustafson confirmed.

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

A **Motion** was made by Mr. Kirby and **Seconded** by Mr. Smith ***to grant approval of the site plan for Belrose Office Building. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is site plan review for the new office building for Fulcrum.

An introductory presentation was given by Mr. Trey Jinright, representative of Jade Consulting, of a commercial office building for Fulcrum Construction on the site formerly known as Camellia Café located on Manci Street.

Chairman asked for Commission questions and comments the location of the new building and commented on the removal of the accessory structure and carport. Mr. Jinright stated this structure will be located between the Camellia Café and the new two-story office facility.

Chairman asked about the addition of a sidewalk and fire hydrant. Mr. Jinright stated they have been added to the plans.

Chairman asked for an explanation of the detention area east of the restaurant. Mr. Jinright stated that storm water is directed into a small swale and allowed to sheet flow.

Chairman asked if the driveway will remain open. Mr. Jinright confirmed.

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

A **Motion** was made by Ms. Bergin and **Seconded** by Mr. Smith ***to grant approval of the site plan for the office building for Fulcrum. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is master plan review for DISC.

An introductory presentation was given by Mr. Steve Pumphrey, representative of Dewberry/Preble-Rish, of a seven-lot subdivision with seventy-three point seventy six acres which is based on this master plan located southwest of the intersection of Champions Way and Alabama Highway 181.

Chairman asked for Commission questions or comments and stated the twenty-six acre, lot 1, on the master plan will be the initial take down, but storm water detention is located on a four-acre parcel in the southwest corner of phase one. Mr. Pumphrey stated it is offsite. There is a parcel that is set aside which will provide most of the detention for this tract. There is another detention pond that is southeast of Alabama Highway 181 which will be onsite.

Chairman commented at the work session we discussed that phase one will be in phases, and that measures will be taken to slow down the traffic within the development. Mayor Dane Haygood stated with the first phase of the development, there is a proposed roadway onto Alabama Highway 181, and there is a possibility that phase one will be sub-phased.

Mayor Haygood stated it is the preference of the IDB to construct all of this phase, but that will be dictated by budgetary constraints.

Chairman commented that the need for common area and open space. Mayor Haygood stated with the drawing at this scale there does not appear to be, but there is significant green space and elements for amenities.

Chairman asked if the width of right-of-way is sufficient for the widening of Champions Way. Mayor Haygood stated that this plan does not directly contemplate that, and that Mr. Johnson, the Public Works Director, had advised that the right-of-way is sufficient to add an additional lane.

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

A **Motion** was made by Mr. Scott and **Seconded** Mr. Smith ***to grant approval of the master plan for DISC. There was no discussion on the motion. The Motion carried unanimously.***

Ms. Jones stated a point of clarification, to confirm receipt of all of the utility letters for the DISC Subdivision, except for Daphne Utilities.

The next order of business is planning commission discussion.

Chairman outlined work session discussion of subdivision exemptions, sidewalk waivers in residential or commercial developments, temporary vendors, and the use of a nonpermanent structure on a temporary or permanent basis for the operation of a business and shall establish a fixed period not to exceed eighteen months, and the creation of a B-1 (a) zoning district.

No action will be taken on the proposed land use amendments because it requires a super majority of members.

The next order of business is public participation.

Chairman asked for public participation.

Mr. Starke Irvine, Irvine Co., Inc., representative of McBride and Romero, commented on a rezoning request for McBride/Romero and requested a waiver of the requirement of the submission of a current certified survey with the application.

Chairman asked for Commission questions or comments and can a waiver be granted. Mr. Boucher stated the description of a recorded warranty deed guides the transaction, not a survey, so they are practically independent of each other.

Chairman stated I believe that the Commission can grant a waiver, but would like to research it to make sure that it is not the BZA. Mr. Irvine asked if the applicant could move forward without the certified survey. Ms. Jones stated yes, but one would be required prior to presentation to the City Council.

Mr. Scott asked would it be possible for the City Council to grant approval predicated of the receipt of a certified survey. Ms. Jones stated while Mr. Boucher is researching that matter that she can look into tying it into another record to give us some level of comfort.

Mayor Haygood commended the Commissioners for the job they do serving the city and commitment to the public.

Mayor Haygood asked Mr. Boucher to consider if a warranty deed provides a valid substitute if a current certified survey were not available as outlined in the ordinance, and if that deed/legal description is a valid substitute for conveyance. Acceptance may solve the issue without the Commissioners having to consider a waiver or variance.

Mayor Haygood commented that he is happy to hear that the Commission is moving forward with zoning districts which are subsets of the districts with the ten percent of the uses that are not exercised.

Chairman closed public participation.

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

Mr. Boucher stated no report.

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 6:33 p.m.

Respectfully submitted by:

Jan Vallecillo, Planning Coordinator

Approved: May 26, 2016

Larry Chason, Chairman