The City of Daphne
Planning Commission Minutes
Regular Meeting of May 26, 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
William Scully
Marybeth Bergin, Secretary
Charles Smith, Vice Chairman
Larry Chason, Chairman
Tyrone Fenderson (arrived @ 5:05 p.m.)
Ron Scott, Councilman
Hudson Sandefur
Chief White

Staff Present:

Adrienne Jones, Director of Community Development
Jan Vallecillo, Planning Coordinator
Kevin Boucher, 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 March 24, 2016. Mr. Kirby requested to abstain due to his absence at that meeting and stated meeting was prior to his reappointment to Planning Commission. After discussion, the minutes were approved as submitted.***

Chairman asked for questions, comments or corrections to the minutes ***of the regular meeting of April 28, 2016. There being none, the minutes are approved as submitted.***

Chairman asked for questions, comments or corrections to the minutes ***of the special meeting of May 5, 2016. Chairman requested to change the phrase prefacing a motion to: the Chairman will entertain a motion. Ms. Jones commented that is a template that is used, and the proposed verbiage will be used in the future. Mr. Scully expressed his appreciation of Ms. Vallecillo conscientious notation of his late arrival of 5:51 p.m.at the last meeting. Chairman stated you never know when that may be important. After discussion, the minutes were approved as submitted.***

The next order of business is site plan review for Christ the King Athletic Complex Phase I.

An introductory presentation was given by Mr. Bruce Smith, representative of Cowles, Murphy & Glover, and Mr. John Crane, representative of Christ the King Catholic Church, requesting to table that portion of the site plan review regarding the sidewalk issue, and to be able to move forward with the building permit process for the construction of the restrooms located southeast of Main Street and Trione Avenue.

Chairman asked for Commission questions or comments and stated the submission of a site plan for a concession stand is the reason that the installation of sidewalks was required.
Ms. Jones stated the initial site plan consisted of the concession stand and parking lot. Prior to site preview, they withdrew that portion of the plan applicable to the parking lot; however, Mr. Johnson's comments were based on the initial plan of which his review recommended the installation of sidewalks for connectivity to the concession stand, parking lot, and the existing facilities of Christ the King. The applicant is requesting to continue with the plans to construct a concession stand, contingent upon the submission of a sidewalk plan at the next regular meeting.

Mr. Scully stated he is opposed to approval of a plan in violation of the ordinance and commented that the applicant should either request a waiver for the installation of sidewalks or provided a plan. Chairman stated this is a request to grant a thirty-day extension of the submission of a sidewalk plan, not a waiver. Mr. Scully asked if the site is approved to construct the slab, and the applicant cannot afford to construct sidewalk, then what happens. Mr. Scott stated the Building Official will not issue a certificate of occupancy for the use of the building.

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. Sandefur ***to grant conditional site plan approval to the revision to Christ the King Athletic Complex Phase I, and the terms of the conditions include: the applicant's sidewalk plan shall be submitted for Planning Commission review within thirty-days as of this date, May 26, 2016; no certificate of occupancy for the concession stand will be granted until said sidewalks plan is approved. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is site plan review for the Bay Pointe Dance Academy.

An introductory presentation was given by Ms. Katherine Huffman, representative of PCDA Architecture, and Chris Lieb, Lieb Engineering Company.

Ms. Huffman stated we are requesting site plan review of a dance academy with associated access from Equity Drive to Rand Avenue, parking, and landscaping located northwest of Equity Drive and Rand Avenue on Lot 18, Austin Place Commercial Park, Phase Two.

Chairman asked for Commission questions and comments and requested the status of the ADEM permit and a revision to the turn-out radius. Mr. Lieb stated the plans have been revised and the permit is pending.

Chairman stated this storm water for this site is directed into a common detention facility, and at site preview, Ms. Campbell commented that the City is acquiring a grant to repair and maintain the pond. The applicant requested a waiver of the installation of sidewalks.

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. Kirby ***to grant approval of the site plan of Bay Pointe Dance Academy and waived the requirement for the installation of sidewalks. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is preliminary/final plat review for Uncle Joe Subdivision.

An introductory presentation was given by Mr. Carl Wade, the owner, requesting preliminary/final plat review of a two-lot subdivision consisting of approximately two point two located southwest of Garrett Road and County Road 54.

Chairman asked for Commission questions or comments.

Mr. Wade stated this is a subdivision of a two-acre parcel into two lots for the purpose of the construction of a home.

Chairman stated the site has potable water and septic tank. He 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. Scott and **Seconded** by Mr. Fenderson ***to grant approval of the preliminary/final plat for Uncle Joe Subdivision. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is a request for rezoning for Robert McBride, Lissa McBride, David Romero & Ellen Romero.

An introductory presentation was given by Mr. Starke Irvine, representative of Irvine Co., Inc., of a request to rezone five point nine three acres located southeast of Pollard and Well Road.

Chairman noted an agenda correction regarding the location as southeast of Pollard and Well Road, not southwest.

Chairman asked for Commission questions or comments.

Mr. Irvine stated the adjacent property located in the city limits is B-2, and the Chairman stated the adjacent property in the county is zoned industrial for a concrete manufacturer.

Mr. Scully asked if the driveway southeast of Pollard is a part of this development. Mr. Irvine stated Bellue Lane is the access to one of these parcels.

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 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 a request to rezone of five point nine three acres located southeast of the intersection of Pollard and Well Road from a R-1, Low Density Single Family Residential, to a B-2, General Business, for Robert McBride, Lissa McBride, David Romero & Ellen Romero. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is a request for rezoning for Anne K. Irvine.

An introductory presentation was given by Mr. Starke Irvine, representative of Irvine Co., Inc., of a request to rezone one point one nine acres located northwest of County Road 64 and Pollard Road, and that the parcel is the remainder of a prior subdivision, La Piazza De San Francisco, and the zoning would be consistent with the parcels to the north and east, Hughes Funeral Home and Baldwin Bone & Joint.

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

Mr. Irvine stated recently the Commission had approved a resubdivision of La Piazza De San Francisco Subdivision which created an additional buffer to the west of forty-five feet which consists of a buffer area, detention, and utility easements.

Mr. Irvine stated that he intends to extend that buffer onto the subject property.

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

A ***Motion*** was made by Mr. Fenderson and ***Seconded*** by Mr. Smith ***of an affirmative recommendation by the Planning Commission to the City Council of a request to rezone one point nine acres located northwest of County Road 64 and Pollard Road from a R-4, High Density Single Family Residential, to a B-2, General Business, for Anne K. Irvine. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is a request for rezoning for AJD Family Limited Partnership, L.L.C.

An introductory presentation was given by Ms. Patsy DeFilippi, the owner, and Tania Lazzari, the owner's representative, of a request to rezone ten point three eight acres located southeast of the intersection of County Road 64 and Friendship Road of which there is recorded restrictive covenants and an architectural review board. They stated that they verified that the seventy acres of vacant farm land to the east under the same ownership is zoned B-2, Local Business District, in Baldwin County District 15.

Chairman asked for Commission questions or comments and stated that B-2, Local Business District, Baldwin County District 15, mirrors our B-1, Local Business District.

Mr. Scully commented that the Commissioners should make a recommendation to the City Council to update the Comprehensive Plan. Mr. Scott stated that Ms. Jones has asked the City Council to appropriate funds an update to the plan.

Mr. Scott stated the City Council at our recommendation has annexed the right-of-way of County Road 64 from County Road 13 to Alabama Highway 181.

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

Mr. Bill Chapman of St. Stephen Catholic Church, 25566 Friendship Road, expressed his concerns regarding traffic and drainage on Friendship Road and County Road 64.

Ms. Carolyn Wright, 25759 Friendship Road, reiterated Mr. Chapman's concerns regarding traffic congestion on Friendship Road and County Road 64.

Mr. Scott stated the Planning Commission makes a recommendation to the City Council, and that body will hold a public hearing which gives you another opportunity to speak on this issue.

Chairman closed public participation and commented that Mr. Johnson told me that County Road 64 is well suited to handle the volume of traffic that we have there now.
Mr. Kirby asked is the offset shown on the vicinity map is a part of the rezoning. Ms. DeFilippi stated no because that is the detention pond.

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. Fenderson ***of an affirmative recommendation by the Planning Commission to the City Council of a request to rezone ten point three eight acres located southeast of the intersection of County Road 64 and Friendship Road from B-1, Local Business, to B-2, General Business, for AJD Family Limited Partnership, L.L.C.***

During discussion, Chairman expressed his disappointment in the request to rezone from B-1 to B-2, General Business, rather than the softer zoning district of B-2(a), General Business Alternate, and stated although there is an architectural review board in place, that he could not support the request.

Mr. Scully asked if the Chairman proposed an amendment to the motion. Chairman stated that he cannot make or amend a motion.

Mr. Fenderson stated that with the B-2 she would have the opportunity for consistency and continuity in the neighborhood.

Mr. Scott stated Mobile Lumber Company on Friendship Road is an intense use; therefore, this rezoning would be consistent with uses in this area. The owner could use the restrictive covenants and the architectural review to be a good neighbor.

The Motion carried. Mr. Chason dissented.

The next order of business is a request for rezoning for Eastern Shore Associates, L.L.C.

An introductory presentation was given by Mr. Andy Bobe, representative of Dewberry Preble-Rish, of a request to rezone four point three six acres located northwest of the intersection of Halls Lane and U.S. Highway 98 and discussed the realignment of Halls Lane and the service road to accommodate at traffic signal in alignment with Lavender Lane.

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

Mr. Rye, Daphne Court, stated that she did not receive a notification letter, but was not opposed to the development. She asked if the developer is going to retain the wooded area along the west property line. Mr. Bobe stated the wooded area will remain along the west boundary of the rear buildings.

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. Bergin and ***Seconded*** by Mr. Kirby ***of an affirmative recommendation by the Planning Commission to the City Council of a request to rezone four point three six acres located northwest of the intersection of Halls Lane and U.S. Highway 98 from a B-2, General Business, to R-7(T), Townhouse District, for Eastern Shore Associates, L.L.C. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is a request for annexation for Bills' No. 2, L.L.C.

An introductory presentation was given by Ms. Jones, Director of Community Development, of a request for annexation of seventy-three point six acres located at the southwest corner of Champions Way and Alabama Highway 181.

Chairman asked for Commission questions or comments and if the request for the entire seventy-three acres as PUD. Mr. Scully asked will the property be annexed in increments. Ms. Jones stated at this time, the request is for the entire subdivision which is already pre-zoned 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. Fenderson ***of an affirmative recommendation by the Planning Commission to the City Council of a request to annex seventy-three point six acres located at the southwest corner of Champions Way and Alabama Highway 181 for the Bills' No. 2, L.L.C. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is planning commission discussion.

An introductory presentation was given by Adrienne Jones, Director of Community Development Director, of the Land Use and Development Ordinance, Article 31(j)(18)(19), Home Occupations, regarding outdoor display or storage of materials, supplies or equipment used in the operation of a business shall be permitted outside the dwelling; that an automobile/truck/boat/vehicle related business is permitted as a home occupation.

Chairman asked for Commission questions or comments.

Mr. Scully asked is the business in operation. Ms. Jones stated no.

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 Ms. Bergin ***of an affirmative recommendation by the Planning Commission to the City Council of a proposed amendment to repeal Ordinance 2011-54, Land Use and Development Ordinance, Article 31(j)(18)(19), Home Occupations, to the following: an outdoor display or storage of materials, goods, supplies or equipment used in the operation of a business shall not be permitted outside a dwelling; an automobile/truck/boat/vehicle related business shall not be permitted as a home occupation. Vehicle related businesses include, but are not exclusive to: vehicle maintenance, repair, renovation, restoration and/or sales. There was no discussion on the motion. The Motion carried unanimously.***

No minutes were recorded for other Planning Commission discussion.

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 next order of business is commissioner's comments.

Chairman commented on the need to schedule work sessions to discuss a revision to the 2003 Comprehensive Plan and Future Land Use Map to address changes at the corridor of the city limits. Mr. Scott stated the Community Development Director has asked for a budget appropriation of funds for such a revision. Ms. Jones stated a consultant will assist in the preparation of the plan.

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The next order of business is director's comments.

Happy Memorial Day!

There being no further business, the meeting was adjourned at 7:16 p.m.

Respectfully submitted by:

Jan Vallecillo

Jan Vallecillo, Planning Coordinator

Approved: June 23, 2016

Larry Chason, Chairman