

The City of Daphne
Planning Commission Minutes
Regular Meeting of July 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 5:02 p.m.

Call of Roll:

Members Present:

Ed Kirby
William Scully
Marybeth Bergin, Secretary
Larry Chason, Chairman
Tyrone Fenderson
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 June 23, 2016. There being none, the minutes are approved as submitted.***

The next order of business is site plan review for Whit's Frozen Custard.

An introductory presentation was given by Mr. Trey Jinright, representative of Jade Consulting, of site plan review for an Old Towne Daphne single-story retail custard facility consisting of approximately zero point six acres located southeast of the intersection of Van Avenue and Main Street. He distributed a revised rendering to the Commission of the building elevation to illustrate the change in the façade to metal, brick, and masonry with a screened mechanical area.

Chairman asked for Commission questions or comments and for a description of the buffer. Mr. Jinright stated the owner proposes to install a landscape buffer encompassing the property with a six-foot wooden privacy fence along the northern boundary and a three or four foot detailed decorative wall along the southern boundary.

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

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A Motion was made by Mr. Scott and **Seconded** by Mr. Fenderson **to grant Planning Commission approval of a custard shop in a B-1(a), Limited Local Business, zone and approval of the site plan for Whit's Frozen Custard. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is site plan review for the Daphne Sports Complex, Phase 2.

An introductory presentation was given by Mr. Scott Hutchinson, representative of Hutchinson, Moore & Rauch, of site plan review for the second phase of the sports complex proposed by the recreation board consisting of approximately eight-three acres located southwest of the intersection of Pinehill Road and Park Drive.

Chairman asked for Commission questions or comments and commented on the request to reduce the wetland buffer from thirty to ten feet.

Mr. Hutchinson referenced correspondence provided to the Commission by Richard Johnson, Public Works Director, addressing the request for a variance to modify the wetland buffer and phasing. The variance would allow for encroachments into the wetland buffers and for the maximum disturbed area to exceed seventeen acres during the construction for the establishment of the second phase of the sports complex, roadway and detention basin/lake. The city plans to mitigate and/or offset any potential negative impacts on the four isolated encroachment points of the buffers and to re-establish vegetation.

Chairman asked for Commission questions or comments and if the necessary permits have been obtained. Ms. Campbell, the Environmental Programs Manager, stated that the final ADEM permit is pending and must be issued prior to the issuance of the site disturbance permit. A revised BMP plan is required to insure that additional measures are being taken during construction for those areas that will exceed seventeen acres or the required maximum disturbed area.

Mr. Kirby asked if traffic has been addressed. Mr. Hutchinson stated that the installation of a turn lane was required by Mr. Eady in the first phas.

Mr. Scott stated they will have a staggered schedule, and traffic will have the ability to travel east or west.

Chairman stated as a past dirt pit and/or dump site, the development of this site will improve the off-site impacts. Mr. Scott stated that the step pools and drainage feature will improve the effects on Yancey Branch. Mr. Johnson stated that the development is warranted to improve drainage, and the site will be developed with an abundance of caution.

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Mr. Scully stated that the Commission addressed the retaining wall buffer encroaching into the wetlands during discussion at the work session and asked how that will be addressed. Mr. Hutchinson stated that the intention is to flag the area and install orange fencing to protect the wetland buffers.

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. Sandefur **to grant approval of the site plan, to include a variance to reduce the wetland buffer area from 30-foot buffer area from 30 (thirty) to 10 (ten) feet and to allow the land disturbance area to exceed 17.5 (seventeen point five) acres for Daphne Sports Complex, Phase 2. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is preliminary/final plat review for the Lipscomb Split.

An introductory presentation was given by Ms. Christine Clolinger, representing Davis & Fields, P.C., of preliminary/final plat review for a two-lot subdivision consisting of approximately five point eight seven acres located southeast of U.S. Highway 90 and Jenkins Road. The subdivision was granted an exemption by Baldwin County for a one time split for the owner to sell the southeastern corner of the property and a portion of a driveway.

Chairman asked for Commission questions or comments.

Mr. Scully asked why the parcel is not being subdivided to allow the purchase of the entire driveway. Ms. Clolinger stated originally it was; however, subsequently the owners revised the plat to allow for the sale of a portion of the driveway.

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

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 grant approval of the preliminary/final plat for the Lipscomb Split. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is preliminary/final plat review for the Witherington Acres.

An introductory presentation was given by Mr. Randall Witherington, representing Robert & Wanda Witherington, of preliminary/final plat review of a two-lot subdivision consisting of approximately one point

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nine two acres located southeast of Alabama Highway 181 and County Road 64.

Mr. Witherington stated that the subdivision was granted a subdivision exemption by Baldwin County for a one time split for my parents. **Chairman opened the floor for public participation. No one came forth. He closed the floor.**

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 Mr. Fenderson **to grant approval of the preliminary/final plat for Witherington Acres. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is a pre-zoning amendment for James V. Roberts, Jr., as conservator of Jeanette D. Lazzari.

An introductory presentation was given by Mr. John Avent, representative of Dewberry/Preble-Rish, of the pre-zoning of a sixty-eight point eight seven acre parcel located northeast of Edgewood Drive and County Road 64 from RA, Rural Agricultural, in Baldwin County District 15 to a PUD, Planned Unit Development, for James V. Roberts, Jr., as conservator of Jeanette D. Lazzari.

Mr. Avent presented a revision to the exhibit reflecting atwenty-foot buffer to encompass the property and the commercial areas are now designated as B-3, Professional Business in lieu of B-2, General Business.. A traffic impact study was conducted to analyze the present level of service and determined that it is poor. The narrative suggests that certain infrastructure improvements are deemed necessary at this intersection prior to or concurrent with development: striping and turn lanes for County Road 64 and Pollard Road, as well as, the installation of a roundabout at the intersection of Well and Pollard Road is recommended. The narrative serves as clarification regarding the traffic improvements as being a public benefit and to give fifteen percent of the estimated six hundred thousand dollars less the cost of the off-site studies for a total participation of seventy-five thousand dollars of which the city can seek funding through the participation of ALDOT, MPO, or a grant with an eighty/twenty percent match.

Chairman asked for Commission questions or comments and stated that a PUD, Planned Unit Development, is a relatively new tool in which lots do not have a specific width, setback and perimeter buffering in order to begin negotiations of the public benefit.

Mr. Boucher commented that a recommendation to the City Council of the proposed amendment in conjunction with this discussion is particularly concerning to as it may be construed as contract zoning. Mr. Scully stated this discussion is in regard to the mitigating the impacts of

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the proposed development and felt it wouldn't be considered contract zoning..

Mr. Boucher stated the discussion is pertinent if the proposed infrastructure improvements are a part of the city's master plan or planned future projects.

Mr. Scott commented that the public benefit would be the annexation of the property.

Mr. Johnson stated the traffic impact study indicated that the weak link is the intersection of Pollard Road and County Road 64. The infrastructure improvements are not sufficient to handle the traffic at this intersection, and there is a strong recommendation to provide signalization at Wilson Avenue and Well Road, not a roundabout. The developer of the Colonnade at Eastern Shore apartments participated in the improvements to the signalization at Johnson Road and U.S. Highway 98.

Chairman stated that the initial phase would make the connection from County Road 64 to Well Road, but the development of the subdivision would span over seven to ten years.

Mr. Fenderson stated this is the spirit of concessions. The developer should provide the narrative of the traffic impact study that supports a roundabout and provide a timeline and a roadway improvement plan as part of the PUD document..

Mr. Avent stated the public benefit of the planned unit development will be a connection from Well Road to County Road 64 in order to alleviate some of the traffic on Well Road, and the placement of a five-foot easement along County Road 64 for sidewalks.

Ms. Jones commented on the compatibility of the development with the surrounding area, the connection to Well Road, and the amenities and suggested that the Planning Commission provide a copy of the summary and recommendations from the traffic impact study to the City Council through the Public Works Director in order to initiate discussions regarding traffic issues and the possibilities of getting funding from the MPO and adding these improvements as a part of their visionary list. She also stated that the Colonnade at Eastern Shore apartment complex contribution was based on the recommendations of a traffic study at the time of the approval of a site plan, not a condition of re-zoning.

Mr. Scott suggested the consideration of the improvements at Pollard Road and County Road 64 and omitting the roundabout.

Ms. Bergin commented that she did review the traffic impact study that was conducted in June, but suggested that the intersection, as well

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as, County Road 13 and Friendship Road be included and re-evaluated once school is in session because the results would likely be more accurate than what is currently noted. She also considers it appropriate to realign Pollard Road.

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

Ms. Patricia Gipson, 8545 County Road 64, spoke in opposition, commented on traffic and questioned if the buffer requirements would include a privacy fence because she leases the property for farming which creates dust.

Mr. Donald Gudates, 8279 Edgewood Drive, spoke in opposition and expressed concern regarding the buffer requirements and drainage.

Ms. Ruth Lazzari, 11974 County Road 54, spoke in opposition, stated that the Ms. Jeannette Lazzari is not incapacitated and expressed concern that this development is not something that she would have wanted the family to do with the property.

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

A Motion was made by Mr. Scully and **Seconded** by Mr. Scott **of an affirmative recommendation by the Planning Commission to the City Council of Daphne of the pre-zoning of a sixty-eight point eight seven acre parcel to a PUD, Planned Unit Development, for James V. Roberts, Jr., as conservator of Jeanette D. Lazzari with the condition that the developer materially contributes to the amelioration and/or mitigation of off-site traffic impacts caused by this development in a manner in which the City Council deems appropriate after presentation of the traffic impact study for review and discussion with the Public Works Director. There was no discussion on the motion. The Motion carried. Ms. Bergin dissented.**

The next order of business is annexation review for James V. Roberts, Jr., as conservator of Jeanette D. Lazzari, an incapacitated person.

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 an affirmative recommendation by the Planning Commission to the City Council of Daphne for the annexation of a sixty-eight point eight seven acre parcel into the City of Daphne located northeast of Edgewood Drive and County Road 64. There was no discussion on the motion. The Motion carried unanimously.**

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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.

Mr. Scott commented on the activation of the Divergent Diamond Traffic Signal at the intersection of Alabama Highway 181 and U. S. Highway 90.

Mr. Scully discussed a revision to the 2003 Comprehensive Plan. Ms. Jones stated the new planner will assist in the preparation of a revision to the plan.

The next order of business is director's comments.

Ms. Jones presented the following:

- a. Registration for the Town of Alabama classes, August 31 - September 2, 2016, requested participation from members;
- b. Discussed travel reimbursement for the University of North Alabama classed in July 2016;
- c. City Council approval of the Daphne Rudicell Robinson and B-1(a), Limited Local Business District, July 5, 2016, 6:30 p.m.;
- d. City Council action on zoning amendments for Eastern Shore Associates, Anne K. Irvine, McBride Romero, AJD Family Limited Partnership, as well as, annexation of the Bills' No. 2, L.L.C. property is set for August 2, 2016, 6:30 p.m.;
- e. The upcoming meeting dates are site preview, August 17, & regular meeting, August 25, 2016.

There being no further business, the meeting was adjourned at 6:50 p.m.

Respectfully submitted by:


Jan Vallecillo, Planning Coordinator

Approved: August 25, 2016


Larry Chason, Chairman