The City of Daphne
Planning Commission Minutes
Regular Meeting of September 25, 2014
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. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

Monty Montgomery
Don Terry
Larry Chason, Chairman
Ed Kirby, Vice Chairman
Ron Scott, Councilman
Hudson Sandefur

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 August 21, 2014. There being none, the minutes are approved as submitted.***

The next order of business under new business is a subdivision exemption review for Atlas Bolar Estes.

An introductory presentation was given by Mr. Vincent Nicholson, a representative for Dorothy Allen, Executor, requesting a family land division by probated estate be exempt from the subdivision process for twenty-seven lots northeast of County Road 64 and 54.

Chairman asked for Commission questions or comments and stated that he had discussed this matter with the City Attorney prior to the meeting. Mr. Kirby stated the plan exists and has parcel numbers; therefore, we are not dealing with a subdivision, but rather an exemption. Mr. Boucher stated this application is not a subdivision which would have to follow the exemption method.

Mr. Boucher stated the Commission should authorize staff to draft correspondence with language similar to: in accordance with Section VIII, Land Use and Development Ordinance, a division of land by a probated will and testament is not by definition a subdivision and falls outside the purview of our regulations.

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

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Kirby ***stated that after review of the application and supporting documentation of the probated last will & testament of Atlas Bolar, the Commission has concluded that in accordance with Article VIII of the Land Use & Development Ordinance, property divided by a probated family estate is not by definition a subdivision. Thus, the proposed division does not fall under the subdivision regulations of the City of Daphne. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is a site plan review for Tiawasee Creek - Verizon Wireless Cellular Tower.

An introductory presentation was given by Ms. Doria Durham, representative of Verizon Wireless, and Mr. Logan Locicero, representative of Tower Engineering Company, for a one hundred seventy foot monopole telecommunication tower west of the intersection of Well and Public Works Road.

Chairman asked for Commission questions or comments and commented on the proposed location of the tower. He asked in what zoning district is a telecommunication tower permitted. Ms. Jones stated a wireless telecommunications facility is permitted by special exception in a B-2, General Business; and by right in a C/I, Commercial/Industrial, district. The applicant has applied for the special exception and a variance for the setback adjacent to the residential property. The Ordinance refers to the use and not the zoning of the property. Chairman asked what happens to the approval of the site plan if the BZA denies the application. Ms. Jones stated the approval would be void.

Ms. Durham stated Verizon Wireless pursued the property to the north owned by the Baldwin County Board of Education, and were not successful, then chose this site as an alternative location.

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

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Terry ***to grant site plan approval to Tiawasee Creek - Verizon Wireless Cellular Tower, contingent upon the approval of the special exception by the Board of Zoning Adjustment. There was no discussion on the motion. The Motion carried unanimously.***

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

An introductory presentation was given by Mr. Stephen Pasquale, representative of WP Construction, Inc., for a professional office building northwest of the intersection of Mill Lane and Timber Circle on Lot 10, TimberCreek Business Park.

Chairman asked for Commission questions or comments and expressed support of approval contingent upon the repair of the common detention pond during construction as outlined in the correspondence from the applicant. He asked about the presentation of the drainage narrative and addition of sidewalks.

Mr. Pasquale stated those issues have been addressed.

Ms. Jones stated the engineer has obtained error and omission insurance.

Mr. Boucher asked the Chairman to recognize Mr. James Pittman, attorney for the TimberCreek Property Owners Association, to speak to this issue.

Chairman opened the floor to public participation.

Mr. James Pittman, representative of TimberCreek Property Owners Association, stated the pond functioned properly previously, but cannot accommodate the additional storm water from the commercial development of TimberCreek Village Subdivision, which caused flooding on Pine Court. The Public Works Director has asked the POA to return the structure back to the original specifications, and the applicant has agreed to payment of that modification. He requested consideration of working together to fix the pond. Ms. Campbell commented on flooding in the area.

Mr. Schild, the owner of TimberCreek Office Building, commented that of all the developments from Alabama Highway 181 to Interstate 10, his four thousand square foot building was miniscule.

Mr. Sandefur expressed his concern with the decision of the owner to offer his certificate of occupancy as collateral in the event the negotiations fail.

Chairman closed public participation. He asked for Commission questions or comments and a motion for approval.

A **Motion** was made by Mr. Hudson and **Seconded** by Mr. Scott ***to grant site plan approval to TimberCreek Office Building, contingent upon approval by the Public Works Director of the repair of the common detention pond of TimberCreek Subdivision. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is site plan review for Chicken Salad Chick.

An introductory presentation was given by Mr. Doug Bailey, representative of Hutchinson, Moore & Rauch, of a modification to the approved site plan for Ollie's Restaurant northeast of the intersection of U.S. Highway 98 and Daphne Avenue. Prior to the requirement of detention, a weir was installed in the southeast ditch.

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

A **Motion** was made by Mr. Kirby and **Seconded** by Mr. Terry ***to grant site plan approval to Chicken Salad Chick. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is site plan review for Olde Towne Daphne Water Treatment Facility.

An introductory presentation was given by Mr. Danny Lyndall, General Manager of the Utilities Board of the City of Daphne, and Ray Moore, a representative of Hutchinson, Moore & Rauch, for a renovation of the residence at 1608 6^{th} Street to a water treatment facility. The existing facilities on 6^{th} Street and Centennial Park which serve Montrose, Olde Towne Daphne and Village Pointe, are too small, and in need of repair and/or replacement. The modification replaces the process of chlorine gas with salt/bleach to disinfect water.

Chairman asked for Commission questions or comments.

Ms. Jones asked Mr. Lyndall to address provisions to limit noise sound.

Mr. Moore stated to lessen noise; the unit will be contained inside the residence.

Chairman opened the floor to public participation.

Ms. Donna Dunn, 605 Church Avenue, addressed the Commission to ask how the renovation of this residence to a water treatment facility would affect her property values.

Mr. Scott commented on the beautiful job that Daphne Utilities did with the site on Well Road and asked her to meet with Mr. Lyndall and Mr. Moore to discuss the project.

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

A **Motion** was made by Mr. Terry and **Seconded** by Mr. Kirby ***to grant subdivision replat approval to Olde Towne Daphne Treatment Facility, to Replat Lots 5 and the south one-half of Lot 4, Dryer Subdivision. There was no discussion on the motion. The Motion carried unanimously.***

A **Motion** was made by Mr. Terry and **Seconded** by Mr. Kirby ***to grant Planning Commission approval of a water treatment facility in an R-2 zoned district. There was no discussion on the motion. The Motion carried unanimously.***

A **Motion** was made by Mr. Kirby and **Seconded** by Mr. Terry ***to grant site plan approval to Olde Towne Daphne Treatment Facility. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is site plan review for Enterprise Rent-A-Car.

An introductory presentation was given by Mr. Don Gordon, representative of Don Gordon Construction, for a two thousand five hundred square foot sales office and associated parking. The storm water runoff will be reduced by the addition of one thousand square feet of landscaping.
Mr. Gordon stated the carwash will be inside the building with an oil interceptor installed connecting the drain and trash dumpster to sanitary sewer.

Chairman commented that a NPDES permit is required. The owner has requested to waive the installation of sidewalks. He asked for Commission questions or comments and a motion for approval.

A **Motion** was made by Mr. Kirby and **Seconded** by Mr. Terry ***to grant site plan approval to Enterprise Rent-A-Car. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is site plan review for an unknown Franchise Hotel.

An introductory presentation was given by Mr. Pankaj "Pete" Patel, representative of P & R Property Investments, for a proposed franchised hotel northeast of the intersection of Alabama Highway 181 and Sawwood Drive. There is no plan to move forward with construction. Part of the arbitration agreement with the Architect asks for an approved site plan. Therefore, I am seeking approval conditioned upon revisions of the plans to current regulations being submitted at the time of construction. The plans presented were approved in 2010.

Chairman asked for Commission questions or comments.

Ms. Jones stated the plans may have been approved by the Building Department and the State, but not the Planning Commission. Mr. Patel asked to table the application prior to presentation to the Planning Commission. The Section(s) of the Land Use and Development Ordinance of which the plan does not comply was not revised in 2011.

Chairman stated we are not in a position to act on this application until a complete site is submitted.

Mr. Patel stated if a conditional approval cannot be done, I would like to withdraw the application.

The next order of business is an administrative presentation for Genesis Career College.

An introductory presentation was given by Mr. Pratt Thomas, representative of Merrill Thomas Company, asking for Planning Commission approval to allow Genesis Career College to operate in a B-2 zoning district at 2200 U.S. Highway 98. The tenant and a community partner would like to lease a portion of the building, with adequate associated parking in the rear, for a medical assistant program.

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

A **Motion** was made by Mr. Kirby and **Seconded** by Mr. Scott ***to grant Planning Commission approval to Genesis College to operate in a B-2 zoning district at 2200 U.S. Highway 98. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is an administrative presentation for Apalachee Residential Community.

An introductory presentation was given by Dr. Barry Booth and Ms. Celia Wallace, the owners, requesting consideration of the approval of a two-year extension for the site disturbance permit issued for Apalachee Residential Community.

Chairman asked for Commission questions or comments. He commented that the Site Preview meeting, Dr. Booth agreed to present a complete set of plans at the time of construction.

Mr. Scott commented that he had voted for the project while on Planning Commission and City Council and asked if this extension is approved will it be the last request.

Dr. Booth stated no.

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

A **Motion** was made by Mr. Kirby and **Seconded** by Mr. Sandefur ***to grant a two-year extension for the site disturbance permit issued to the Apalachee Residential Community set to expire on November 15, 2016. The Motion carried. Five members voted in the affirmative and one dissented (Mr. Scott).***

The next order of business is Planning Commission discussion.

Ms. Campbell referenced the D'Olive Creek Watershed study and requested review and comments from the Commission. The information contained in the study will provide assistance with the restoration of watersheds, retrofitting, and indicates areas eligible for common detention that may be limited because of topography. The Planning Commission asked questions and Ms. Campbell asked for additional comments in writing.

The next order of business is public participation.

Chairman asked for public participation. No one came forward. He closed public participation.

Chairman commented on correspondence received regarding annexation and development of the property at County Road 13 and 64, and asked Staff to prepare a letter to acknowledge receipt of the correspondence.

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 opened the floor for nominations for Chairman. Mr. Scott nominated Mr. Chason. The nominations were closed. With no other nominations, Mr. Chason is Chairman.

Chairman opened the nominations for Vice Chairman. Mr. Scott nominated Mr. Kirby. Mr. Kirby stated his term expires October 31, 2014, has not been reappointed, and could not accept the nomination. Mr. Scott nominated Mr. Terry. The nominations were closed. With no other nominations, Mr. Terry is Vice Chairman.

Chairman opened the nominations for Secretary. Mr. Terry nominated Mr. Montgomery. The nominations were closed. With no other nominations, Mr. Montgomery is Secretary.

Mr. Kirby commented on the expiration of his term, the length of service on the Planning Commission, and expressed his gratitude to the Commission if he is not reappointed for another term.

The next order of business is director's comments.

Ms. Jones presented the following:

The announcement of appointment of the new Planning Commission member of Dwayne Smith by Mayor Dane Haygood to fill the remaining one-year term of Joe Lemoine.

The Mobile River Bridge meetings will be held at 5 Rivers on September 29, 2014 from 4 to 8 p.m., and requested members to complete a comment form in support of the project.

The upcoming meeting dates are site preview, October 15, and regular meeting, October 23, 2014.

Expressed appreciation for Mr. Kirby's service to the Planning Commission.

There being no further business, the meeting was adjourned at 6:52 p.m.

Respectfully submitted by:

Jan Vallecillo

Jan Vallecillo, Planning Coordinator

Approved: October 23, 2014

L. S. Chason

Larry Chason, Chairman