

The City of Daphne
Planning Commission Minutes
Special Meeting of October 30, 2014
Council Chamber, City Hall - 5:00 P.M.

Call to Order:

The special meeting of the City of Daphne Planning Commission was called to order at 5:03 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

Monty Montgomery, Secretary
Dwayne Smith
Larry Chason, Chairman
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 October 23, 2014. There being none, the minutes are approved as submitted.***

The next order of business is a preliminary/final plat review for Lot 1 & 2, Resubdivision of Lot 1, TimberCreek Business Park, Unit 2.

An introductory presentation was given by Mr. Trey Jinright, representative of Jade Consulting, of a two-lot subdivision consisting of approximately one point one acres located southwest of the intersection of Mill Lane and McSara Court for the development of two general office buildings.

Chairman asked if the plan included sidewalks.

Ms. Jones stated one of which the site plan will be presented next month. Sidewalks will be added at that time.

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

**The City of Daphne
Planning Commission Minutes
Special Meeting of October 30, 2014
Council Chamber, City Hall - 5:00 P.M.**

A Motion was made by Mr. Scott and **Seconded** by Mr. Sandefur to **grant preliminary/final approval for Lot 1 & 2, Resubdivision of Lot 1, TimberCreek Business Park, Unit 2. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is a preliminary/final plat review for Brookins Subdivision.

An introductory presentation was given by Mr. David Shumer, representative of Barton & Shumer Engineering, of a six-lot subdivision consisting of approximately twenty point five nine acres located at the intersection of County Road 54 and River Road with no improvements.

Chairman asked if the County's deficiencies had been addressed. Mr. Shumer stated we are waiting on final acceptance. Ms. Jones stated a copy of an email from the Health Department was presented in the special packet. Baldwin County is waiting on confirmation of approval. Chairman commented on correspondence from Ms. Sirmon regarding the issue of the effect of drainage on the adjacent property and also what type of housing will be allowed. Mr. Shumer commented that the effect will be minimal, and a majority of the lots will drain to the north. When I spoke to Baldwin County, they were not aware of a situation in which water crossed the road.

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

Cynthia Sirmon, 23612 River Road North, stated we contacted Baldwin County to ask them to address the drainage in that area and asked if there is an issue, who would I need to contact.

Chairman stated the maintenance of the street and drainage is Baldwin County.

Mr. Shumer addressed the question regarding the type of housing. Mr. Scott stated Baldwin County does not have the ability to restrict mobile homes because that is civil in nature and would have to be addressed in the covenants. Mr. Shumer stated the owner's covenants will restrict mobile homes.

Chairman asked for Commission questions or comments. None were presented. He closed public participation and asked for a motion for approval.

A Motion was made by Mr. Scott and **Seconded** by Mr. Smith to **grant preliminary/final approval for Brookins Subdivision. There was no discussion on the motion. The Motion carried unanimously.**

The City of Daphne
Planning Commission Minutes
Special Meeting of October 30, 2014
Council Chamber, City Hall - 5:00 P.M.

The next order of business is a preliminary/final plat review for the Preserve of Tiawasee Subdivision.

An introductory presentation was given by Mr. Steve Pumphrey, representative of Preble-Rish, of a three-lot subdivision consisting of fifty-one point three-three acres located west of the Estates of Tiawasee Subdivision and southeast of Park Drive and Pollard Road.

Mr. Pumphrey stated access for the lots is an ingress/egress easement through Lot 24 of the Estates of Tiawasee Subdivision for Lot 1 & 2, and 3 to access Pollard Road. He explained that the owner is willing to provide deed restrictions as follows: no further subdivision of the land, allow no cross easements, and access for Lot 3 to access Pollard Road.

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

Mr. Robert Stankoski, attorney for Tiawasee Trace Property Owners Association, spoke in opposition to the development. He advised that he would withdraw an objection to the subdivision and annexation conditioned upon certain deed restrictions being imposed and recorded on the plat: no further subdivision of the land, allow no cross easements, and access for Lot 3 is Pollard Road. Mr. Boucher, City Attorney, asked if the ingress/easement had been drafted. Mr. Richard Davis, attorney for Provision Investment, L.L.C., stated we have the right to impose the easement of which will be prepared and transferred at the time of conveyance of the lots. Mr. Boucher asked if Mr. Davis is proposing the conditions. Mr. Davis stated the application will include those conditions.

Chairman asked for Commission questions or comments. None were presented. He closed public participation and asked for a motion for approval.

A Motion was made by Mr. Scott and Seconded by Mr. White to grant preliminary/final approval for the Preserve of Tiawasee Subdivision, predicated upon the addition of the deed restrictions. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is a petition for annexation review for Provision Investments, L.L.C.

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

The City of Daphne
Planning Commission Minutes
Special Meeting of October 30, 2014
Council Chamber, City Hall - 5:00 P.M.

A Motion was made by Mr. Scott and **Seconded** by Mr. Sandefur **of an affirmative recommendation by the Planning Commission to the City Council of the annexation of a fifty-one point three-three acre parcel into the City of Daphne located west of the Estates of Tiawasee Subdivision and southeast of the intersection of Park Drive and Pollard Road with R-1, Low Density Single Family, zoning, for Provision Investments, L.L.C. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is a pre-zoning amendment for George Kalasountas.

An introductory presentation was given by Mr. Daryl Russell, representative of Coleman Engineering Group of McCrory & Williams.

Chairman stated we acted on the replat of the interior property lot lines at the last meeting and asked for Commission questions or comments.

Mr. Sandefur asked for the purpose of the business zone. Mr. Russell stated there is not a specific use. Mr. Scott stated he did not believe in speculative zoning without a plan and he would prefer that the zoning requested is business zone of less intensity.

Chief White asked what safeguards have been put in place to protect the church and the cemetery. Mr. Russell stated there will be a buffer between the development and the church.

Mr. Montgomery asked has this applicant applied for rezoning in the County. Mr. Russell stated no. Ms. Jones stated his application was for conditional use of the property, but it was denied.

Chairman opened the floor to public participation.

Mrs. Felicia McAllister, 9595 Malbis Lane, spoke in opposition and asked for the denial of the request. She commented on the removal of trees which served as a buffer, a sound barrier, and provided privacy; flooding, and the use of his property for soccer practice which is prohibited by Baldwin County.

Ms. Gertrude Malbis, 9655 Malbis Lane, mentioned that the neighborhood now consists of elderly residents and the transients in the proposed development would not be safe.

Ms. Leeann Lanham, 29240 Vlahos Lane, spoke in opposition and stated that she strongly opposed the request. She mentioned: the congestion of low density development, the adverse effect on the adjacent property, and preservation of the historic value of the property. The request is premature without a development plan.

**The City of Daphne
Planning Commission Minutes
Special Meeting of October 30, 2014
Council Chamber, City Hall - 5:00 P.M.**

Chairman asked Ms. Jones if an R-7 (T), Townhome, district exists in the City. Ms. Jones stated this will be the first one, but all other townhome developments are zoned R-4, for example: Summer Oaks.

Dimitrios Mathews, 29289 State Highway 181, spoke in opposition and asked for the denial of the request. Although the applicant has the right to develop his property, this is a bold maneuver in that the development of the right-of-way by the lake will impact the quality of life for the residents of Malbis and Vlahos Lane.

Mr. Norman McAllister, 9595 Malbis Lane, stated this is a residential and agricultural zoned area with a one hundred and thirty year old church. Thirteen families are in unanimous disagreement with the request.

Mr. John Lawler, 804 Commerce Building, attorney for the homeowners' association of Malbis and Vlahos Lane, stated this is a planning opportunity. Lessen the blow and allow this property to remain single family until the applicant has submitted a plan.

Mr. George Kalasountas, 9563 Malbis Lane, asked for support of the development.

Mr. William Scully, attorney for Mr. George Kalasountas, stated Malbis Lane, if the property is developed, the ingress/egress easement adjacent to the lake will not access Malbis Lane. The proposed B-2 zone is not speculative and is consistent with B-2 on U.S. Highway 90, and with a shortness of townhomes, R-7 would be good for Daphne. Also, in response to the comment regarding the soccer practice, it is on an occasional basis. Mr. Kalasountas is not scofflaw with regard to Baldwin County's order. He follows the law as it exists.

Mr. Norman McAllister stated if the property is ever developed, it could access the ingress/egress easement to Malbis Lane. It is also my understanding that the soccer team leases the property from Mr. Kalasountas. Mr. Scully stated I am not aware of the lease.

Mr. Kevin Spriggs, owner of Malbis Shell 29640 State Highway 181, stated the real question is one of planning. The Commission must establish where the residential and commercial boundary will be south of U.S. Highway 90.

Chairman asked for Commission questions or comments. None were presented. He closed public participation.

Chief White asked if anyone had contacted the church regarding the rezoning.

Mr. George Kalasountas commented that the church is in support of the request.

**The City of Daphne
Planning Commission Minutes
Special Meeting of October 30, 2014
Council Chamber, City Hall - 5:00 P.M.**

Chairman commented on the consideration of the appropriateness of the rezoning and expressed his appreciation for the public interest. The Commission can send forward a favorable or unfavorable recommendation or amend the request.

Mr. Sandefur stated he should be able to develop his property and transition from B-2 to the R-7 (T), but asked if the Commission can ask him to provide a plan which provides additional buffers in order to protect the homeowners.

Commissioners discussed the fifty-foot setback, parking, landscaping and buffer requirements of an R-7 (T) zone. Ms. Jones stated the buffer would be planted, not just grass to meet the minimum standards.

Chairman asked for Commission questions or comments and a motion for a recommendation for pre-zoning.

A Motion was made by Mr. Scott and Seconded by Mr. Montgomery of an negative recommendation by the Planning Commission to the City Council of the pre-zoning of seventeen point eight two acre parcel into the City of Daphne located on the south side of U.S. Highway 90 at Renaissance Boulevard with B-2, General Business, R-7 (T) Townhouse and R-1, Low Density Single Family Residential for George Kalasountas.

The Motion failed. Two members voted in the affirmative and four dissented (Mr. Smith, Mr. Montgomery, Mr. Chason and Mr. Sandefur).

An Amended Motion was made by Mr. Scott and Seconded by Mr. White of an affirmative recommendation by the Planning Commission to the City Council of the pre-zoning of seventeen point eight two acre parcel into the City of Daphne located on the south side of U.S. Highway 90 at Renaissance Boulevard with B-1, Local Business, R-7 (T) Townhouse and R-1, Low Density Single Family Residential for George Kalasountas. The Motion failed. Three members voted in the affirmative and three dissented (Mr. Montgomery, Mr. Chason and Mr. Sandefur).

During discussion on the motion, Commissioners not that B-2 may be appropriate with a site plan and R-7 (T) may be appropriate with a good buffer. If B-1 were approved, the property owner could re-apply for B-2 zoning in the future.

A Motion was made by Mr. Montgomery and Seconded by Mr. Sandefur of an affirmative recommendation by the Planning Commission to the City Council of the pre-zoning of seventeen point eight two acre parcel into the City of Daphne located on the south side of U.S. Highway 90 at Renaissance Boulevard with R-1, Low Density Single Family Residential for George Kalasountas. There was no discussion on the motion.

**The City of Daphne
Planning Commission Minutes
Special Meeting of October 30, 2014
Council Chamber, City Hall - 5:00 P.M.**

The Motion failed. Four members voted in the affirmative and two dissented (Chief White and Mr. Scott).

The next order of business is a petition for annexation review for George Kalasountas.

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

A Motion was made by Mr. Scott and **Seconded** by Mr. Sandefur **of an affirmative recommendation by the Planning Commission to the City Council of the annexation of seventeen point eight two acre parcel into the City of Daphne located on the south side of U.S. Highway 90 at Renaissance Boulevard with the appropriate zoning as determined by the City Council.**

Commission discussed the pending motion and Mr. Scott explained that pre-zoning gives the applicant the opportunity to accept the zoning of the property prior to acceptance of annexation into the City.

Mr. Montgomery stated from my standpoint, the motion for annexation should not be construed as a favorable recommendation with regard to zoning because it should be zoned R-1.

The Motion carried unanimously.

The next order of business is Planning Commission discussion.

No discussion.

The next order of business is public participation.

Chairman asked for public participation.

Mr. Spriggs commented that businesses south of U.S. Highway 98 and Interstate 10 are suffering because of a traveler's visibility issue caused by the trees along the corridor.

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.

Mr. Sandefur stated although the regular meeting of October 23, 2014 was his last meeting, he expressed appreciation for what Mr. Kirby brought to the Commission and the City.

**The City of Daphne
Planning Commission Minutes
Special Meeting of October 30, 2014
Council Chamber, City Hall - 5:00 P.M.**

Chairman expressed appreciation for the Commission's consideration of the agenda items and expressing their opinions.
The next order of business is director's comments.

Ms. Jones presented the following:

The upcoming meeting dates are site preview, November 12, and regular meeting, November 20, 2014.

There being no further business, the meeting was adjourned at 6:16 p.m.

Respectfully submitted by:



Jan Vallecillo, Planning Coordinator

Approved: November 20, 2014



Larry Chason, Chairman