

The City of Daphne
Planning Commission Minutes
Regular Meeting of April 24, 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 5:02 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

Monty Montgomery (arrived @ 5:09 p.m.)
Don Terry, Secretary
Larry Chason, Chairman
Ron Scott, Councilman
Hudson Sandefur
Chief White

Staff Present:

Adrienne Jones, Director of Community Development
Jan Vallecillo, Planning Coordinator
Jay Ross, Attorney
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 27, 2014**. He asked to amend the minutes during the discussion of the motion for approval of the preliminary/final plat of Malbis Plantation, Inc. to include: "Chairman stated regardless of the fact that the ALDOT has issued the permit he felt that the access to CVS at Alabama Highway 181 was too close to the intersection, in his opinion someone will be injured and/or killed". **There was no further discussion regarding the correction. The minutes stand approved as corrected.**

Ms. Jones reminded the Commissioners to state in the record the need for comments to be documented verbatim.

The next order of business is site plan review for Ford Lumber & Millworks.

An introductory presentation was given by Mr. Jason Estes, representative of Preble-Rish, of a retail sales office and thirty thousand square foot warehouse facility north of U.S. Highway 90, Lot 1, Wooten Subdivision, and formerly Harley Davidson. Drainage and utilities are in place and will be extended to the building to the rear.

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Mr. Estes stated ALDOT is requiring the owner to reconfigure the entrance as a right-in and right-out only.

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 Ford Lumber & Millworks. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is site plan review for the Office Building for BBB Industries, Lot 15, Renaissance Center.

An introductory presentation was given by Mr. Trey Jinright, representative of Jade Consulting, of a two-story office building northwest of U.S. Highway 90 and Renaissance Boulevard.

Chairman asked for Commission questions or comments.

Chief White thanked him for relocating the fire hydrant to a more appropriate location.

Mr. Scott asked about the maintenance form presented from the Renaissance Improvement District. Mr. Jinright stated the City needs to appoint new members to the board. Mr. Scott stated Ms. Jones and I need to discuss this matter with Mr. John Lake, Councilman, as he is a member of the board, in order to resolve this matter. Ms. Jones stated until it is resolved, I intend to forward Ms. Campbell's information to Mr. Jinright to address any issues regarding the detention pond.

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 the Office Building for BBB Industries, Lot 15, Renaissance Center. There was no discussion on the motion. The Motion carried unanimously.**

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

An introductory presentation was given by Ms. Terri Wilson, owner, of a three-lot residential family division consisting of approximately nine point five-three acres northeast of the intersection of Pollard and Well Roads for the purpose of deeding two of the lots to her children.

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Chairman asked for Commission questions or comments. He read Land Use and Development Section 11-8, Improvement Standards, and asked if this is an issue that should be addressed for interior lots of a subdivision which have a private driveway for access and not a roadway. In the future, we need to address all weather surfaces for driveways.

Mr. Scott read Land Use and Development Section 11-14 (g), Special Provisions, regarding annexation into the City of Daphne prior to approval of said subdivision.

Ms. Wilson said she had submitted an application requesting annexation, but wished to move forward with the construction of a home for herself and daughter and also wanted to have horses on the land.

Mr. Scott stated you will have to apply for a special exception to the Board of Zoning Adjustment to have equine and/or horses, in a residential district.

Chairman questioned the location of the nearest fire hydrant and the distance requirement.

Ms. Jones stated within five hundred feet.

Chairman discussed that the installation of a six-inch water line and fire hydrant would be required. He opened the floor to public participation. No one came forth. He closed public participation and 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 preliminary/final plat approval to Terri Subdivision, contingent upon submission and processing of a petition of annexation. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is subdivision replat review for Lands South, L.L.C.

An introductory presentation was given by Mr. Matt Orrell, representative of Polysurveying, of a two-lot subdivision consisting of two point three-three acres northeast of the intersection of Alabama Highway 98 and Park Drive. The site consist a business office and retail shopping center constructed on four parcels of which the owner would like to combine to make two parcels. A revised plat has been submitted with a note regarding the shared parking agreement with the church.

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

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A Motion was made by Mr. Scott and **Seconded** by Mr. Terry **to approve the subdivision replat for Lands South, L.L.C. There was no discussion on the motion. The Motion carried unanimously.**

Chairman recused himself from any discussion and/or action on the matter, but continued to conduct the meeting.

The next order of business is subdivision replat review for Velma Dale Jackson, et.al.

An introductory presentation was given by Mr. Joseph Thetford, Chason & Chason, of a three-lot subdivision consisting of twenty-two point six four acres northeast of the intersection of U.S. Highway 98 and Dale Road. The firm represents Velma Dale Jackson, the plaintiff, in the court case in a sale for division of the property. In 2008, the court entered an order to sale the twenty-two acres. Because two of the heirs had constructed houses on the property, the court ordered that those lots be divided from the parcel and reserved. The remaining twenty acres is to be sold. It is technically a subdivision, however, I asked for a subdivision exemption because one of the grounds for an exemption from the subdivision regulations is a court order.

Mr. Scott asked Mr. Ross if any action is required. Mr. Ross stated no action is required by the Commission other than discussion that is reflected in the minutes of the meeting as a copy of the approved minutes can be acquired for reference. Mr. Scott asked for the record to transcribe his comments verbatim. The discussion at the work session was that the minutes of the meeting would reflect that the Planning Commission understands that the Circuit Court has created three lots from a twenty-two point six four acre parcel. This body also recognizes the Court's authority to create such a division, and the action will be recorded in the minutes. When the minutes are approved, you may obtain a copy as an official recognition by this body that the lots created by the court order are legal. He asked if his comments were correct. Mr. Boucher stated I could not have said it better myself. Mr. Ross stated you can add that I echo that on behalf of Mr. Scott. That was very well stated. Mr. Scott stated we have the survey, but I would ask that staff get a PPIN number, parcel number, or legal description to reference the parcels.

Mr. Thetford stated a copy of the legal description of the three lots created, a survey, and the court order were attached to the exemption request. Mr. Scott stated once those deeds are recorded, Baldwin County will recognize the new parcels of which Daphne will collect ad valorem tax. Mr. Thetford asked is it my understanding that there is no need for a resolution, and that the minutes will be sufficient, and the Commission agreed.

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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. Ross updated the Commission on the Malbis Lane/Vlahos Lane property owners vs. Baldwin County, the City of Daphne, and Foresite Group litigation. There has been a lot of activity on this case. The hearing on the motion to dismiss presented by Baldwin County and the developer were taken under submission. AMIC appointed counsel on our behalf, and he filed a motion of summary judgment. Mr. Boucher stated there is no official motion to dismiss in front of the court on behalf of the Planning Commission at that time. However, when our counsel listened to the discussion from the other parties, he jumped in and made an oral argument which was well taken by the Judge. He was fairly irritated at plaintiff's counsel, Mr. Lawler, and asked why we discussing issues of the other case. Mr. Lawler attempted to answer the question, but I do not think it was to the Judge's satisfaction. The Planning Commission is very well postured in the case at this point. Mr. Ross stated we expect an order of summary judgment pretty quick. Once it is received, I will forward a copy to you.

Chairman asked any other items to report. Mr. Ross stated I think that is all.

The next order of business is commissioner's comments.

Chief White referenced the comments made at site preview on the Velma Dale property. I contacted the family to discuss the matter. For the most part, the way it is being handled by the Judge now, the heirs are content and want to move forward with the sale.

Mr. Sandefur commented on the Volunteer Breakfast and said it was a nice event which he appreciated.

Chairman asked is a simpler way to make modifications to the wording of the Land Use Ordinance.

Ms. Jones stated no. I would like to do it similar to the zoning map with a renewal every six months and periodically updates. There are a couple of things that I have worked on, but not presented because of the Sign Ordinance.

Chairman stated I like the idea of dealing with modifications every six months.

The next order of business is director's comments.

**The City of Daphne
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Regular Meeting of January 23, 2014
Council Chamber, City Hall - 5:00 P.M.**

DRAFT

Director presented the following:

The upcoming meeting dates are site preview, May 14, and regular meeting, May 22, 2014.

The University of North Alabama continuing education class on PUD's will be held in Gulf Shores on June 4, 2014. Please advise if you wish to attend. It would be beneficial for Planning Commission members because the more you know, the easier it is for you to devise and amend the regulations. It is also open to the City Council members because the more you understand the easier it is to get through the process.

On April 29, 2014 is Jan's anniversary date. She has worked for the City of Daphne for twenty-one years.

Ms. Jones referenced Ms. Wilson's subdivision's annexation. We have to figure out the most capable zone so we can advertise that. Chairman asked what the adjacent properties are zoned. Ms. Jones stated the adjacent properties are B-2, General Business and county zoning. Mr. Scott stated the county zoning is residential. Annexation as R-1, Low Density Single Family Residential, would have no fee. Perhaps going forward any subdivision that may fall under 11-14 (g), Special Provisions, that is served by Daphne Utilities, the incentive for annexation is it is at no cost to the applicant.

The Commission needs to develop comprehensive planning for future uses in this particular area. Also, next month there are only three agenda items so it may be a good time to tweak the Ordinance. We need to create a rural agricultural district and revise the planned unit development section.

There being no further business, the meeting was adjourned at 6:49 p.m.

Respectfully submitted by:


Jan Vallecillo, Planning Coordinator

Approved: May 22, 2014


Larry Chason, Chairman