The City of Daphne
Planning Commission Minutes
Regular Meeting of May 22, 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 5:04 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

Don Terry, Secretary
Larry Chason, Chairman
Ron Scott, Councilman
Hudson Sandefur
Chief White (excused @ 6:13 p.m.)

Staff Present:

Adrienne Jones, Director of Community Development
Jan Vallecillo, Planning Coordinator
Jay Ross, Attorney (arrived @ 5:32)
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 April 24, 2014. There being none, the minutes are approved as submitted.***

Chairman stated there are not sufficient members present to continue. Therefore, the next order of business is an administrative presentation by the Director.

Ms. Jones gave a presentation regarding the Comprehensive Plan adopted in 2003. State law vests the Planning Commission with the responsibility of developing and maintaining the Comprehensive Plan. With that, we have proposed a process to amend the Comprehensive Plan by the coordination of the Planning Commission and City Councilmembers with existing boards and/or committees to review the existing elements. Planning Commission members and their element of focus are: Chief White - Housing; Hudson Sandefur - Economic Development; Ron Scott - Land Use; Don Terry - Education; Monty Montgomery - Open Space; Ed Kirby - Transportation; and Angie Phillips - Community Facilities. Chairman has asked for a master list of the plan to proceed. Ms. Jones agreed. Mr. Scott commented on the completion and the cost of the Spanish Fort and Baldwin County Comprehensive Plans. Mr. Terry asked if South Alabama Regional Planning Commission will participate. Mr. Scott commented that they mainly assist cities which do not have their own planning department.

The next order of business is an administrative presentation and Planning Commission discussion regarding Malbis Ventures Retail Shops and the Resubdivision of Lot 2, Block A, Historic Malbis Subdivision.

An introductory presentation was given by Mr. Kevin Spriggs, representative of Spriggs Enterprises. Due to the community reaction by the residents of Historic Malbis Subdivision, the developer has elected not to proceed with the development of Hardee's Restaurant. There is no longer a need for the subdivision since I will be the owner and executor of the project. As such, I have requested removal of the four conditions placed on the approval of the original site plan in order to obtain a site disturbance permit prior to the expiration of the extension.

Chairman asked for Commission questions or comments and if the architectural board is considering this a "new" request for review of the site plan. Mr. Spriggs commented that the architectural board had granted approval with a nine month time frame which has expired. The board has taken an extension of the site plan under consideration, contingent upon final approval of the specifics of the project such as the tenants, color scheme, features, and brick choice. Mr. Scott asked if he felt the extension will be granted. Mr. Spriggs reiterated that they had met the conditions and previously received approval by the property owners' association and the architectural board. He also is committed to a monument sign, not a pylon sign. Chairman asked Ms. Jones to explain the procedure for an extension to the Commissioners. Ms. Jones stated you are operating under the "old" Ordinance so you have the ability to grant another extension. Chairman asked the time frame necessary for him to proceed with the project. Mr. Spriggs stated with an extension of the site plan, the issuance of a site disturbance permit would allow up to one year for construction. Chairman clarified that granting an extension would give a specific expiration date to the site plan. It would not be affected by or contingent upon approval of the architectural board.

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Terry ***for approval of a site plan ninety day extension, removal of the restrictions outlined in the original motion for Malbis Ventures Retail Shops by the Planning Commission on April 24, 2011.***

Chairman asked for public participation and recognized Ms. Jennifer Miller, 103 Tampary Street, but she had no comment.

Ms. Angie Phillips, 10398 Papas Street, a resident of Historic Malbis Subdivision and a city employee, applauded the decision of the Planning Commission. The residents will be happy with this decision; however, there is a misunderstanding of their role. The approval of a site plan does not dictate the type of businesses which will be there.

Ms. Phillips stated this process although it has been controversial, hopefully now some of the residents have a better understanding of the Ordinance and what the purpose it serves. In that everything was done appropriately and both the Director and the Commissioners do a fantastic job.

Chairman asked for additional comments. We have often said that not only the citizens of Daphne, but the Planning Commission learns the Ordinance one application at a time. He closed public participation and asked for Commission questions or comments and a motion for approval.

Ms. Jones asked for clarification on the motion. The motion was for the removal of any restrictions that referred the subdivision in the original motion and asked if that includes caveat regarding signage. Mr. Scott stated the motion included removal of that restriction also.

The resulting Motion reads as follows:

Approved, *~~in an effort to assist the applicant, the following motion was made due to his expressed time constraints and with the understanding that the Planning Commission has explained proceeding without final subdivision of the parcel in question presents the potential for problems with subdividing the property once work has begun and conditioned upon approval by the Historic Malbis Subdivision Property Owners' Association, provide a copy of an agreement from owner for reciprocal ingress/egress easement for the rear parcel, to the east, provide a preliminary/final subdivision with right-of-way easement(s), and approval of signage for the development shall be presented and discussed at the time of the presentation for the subdivision. Also,~~* ***with no consideration for approval should be assumed regarding the future use of the Office/Retail space shown on the rear of the parcel. There was no discussion on the motion. The Motion carried unanimously.***

Mr. Scott requested that the Commission take a five-minute break.

The Commission recessed at 5:47 p.m. and reconvened 5:54 p.m.

The next order of business is vacation of right-of-way for Rockwell Family, L.P.

Chairman asked if a representative was present. Ms. Jones asked Ms. Vallecillo to give an update. Ms. Vallecillo stated the agent had requested that the agenda item be tabled. Chairman stated I wish to discuss this request. Ms. Jones stated it is scheduled as a public hearing.

Chairman commented on the Public Works Director's memorandum, which says, "The public does not expect the City to vacate a right-of-way". This application has a few unique features associated with the vacation. There are three options to consider: a partial vacation, all of it, or none of it. The center piece is the consideration. No documentation has been presented representative of the value of the property. The location of right-of-way is preventing the businesses from having signage; therefore, I would not be opposed to the vacation of the southern portion. However, a recommendation should not be made until documentation establishing a monetary value is presented to the Planning Commission.

Mr. Scott asked about the history of the right-of-way. Chairman stated prior to the four-lane, this was a portion of Old Spanish Trail.

Ms. Jones asked Councilman Scott which Council committee would consider a vacation of right-of-way. Mr. Scott stated Buildings and Properties. Ms. Jones stated this Council review process will occur in the future, that is why there is no monetary information presented. You are to determine if there is a valid public use for the property and base your recommendation on that finding. Chairman stated if the worth is a nominal amount, there is no need for the vacation; if it is at fair market value, then I know what my recommendation would be. Ms. Jones stated prior to the motion to table, you may hold a public hearing tonight and at a subsequent meeting.

Chairman asked for public participation. No one came forth. He closed public participation. He asked for Commission questions or comments and a motion for table.

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Sandefur ***to table the vacation of right-of-way for Rockwell Family, L.P., until the regular meeting of June 26, 2014.***

During discussion, Mr. Terry commented that the Commissioners should follow the Land Use Ordinance and the review of the appraisal at fair market value should be the function of the City Council.

Mr. Ross agreed that is the Council's function. The Planning Commission is only making a recommendation.

Mr. Boucher stated the manner in which it was acquired changes the manner in which the City owns the right-of-way. If it was acquired fee simple, the City owns that portion of the right-of-way. If it was acquired prescriptively, it is basically an easement which would essentially change the valuation, as well.

There was no further discussion on the motion. The Motion carried unanimously.

The next order of business is preliminary/final plat review for Consolidated Acres, Unit Three.

Chairman stated due to the lack of a super majority of members present, the agenda item must be tabled until the next meeting. Ms. Jones stated the upcoming meeting dates are site preview, June 18, and regular meeting, June 26, 2014.

Ms. Jones stated you may hold the public hearing tonight.

Chairman asked for public participation. None were presented. He closed public participation.

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 asked the Commissioners for a motion to enter into executive session to discuss pending litigation regarding the Retreat of Tiawasee. He certified that it is in accordance with Alabama Sunshine Law.

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Terry ***to enter into executive session at 6:15 p.m. There was no discussion on the motion. The Motion carried unanimously.***

The Commission reconvened at 6:31 p.m.

The next order of business is commissioner's comments.

None were presented.

The next order of business is director's comments.

None were presented. Happy Holiday!

There being no further business, the meeting was adjourned at 6:33 p.m.

Respectfully submitted by:

Jan Vallecillo

Jan Vallecillo, Planning Coordinator

Approved: June 26, 2014

Larry Chason

Larry Chason, Chairman