

The City of Daphne
Planning Commission Minutes
Special Meeting of May 5, 2016
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 5:00 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

Ed Kirby
*William Scully
**Marybeth Bergin, Secretary
Charles Smith, Vice Chairman
Larry Chason, Chairman
Tyrone Fenderson
Ron Scott, Councilman
Hudson Sandefur
Chief White

*Arrived 5:51 p.m. during Oldfield Subdivision discussion
** Excused 5:59 p.m. prior to Daphne Rudicell Robinson zoning amendment and returned during subdivision exemption discussion

Staff Present:

Adrienne Jones, Director of Community Development
Jan Vallecillo, Planning Coordinator
Jay Ross, Attorney

The next order of business is preliminary/final plat review for Allegri Two Lot Subdivision.

An introductory presentation was given by Mr. Craig Dyas, Dyas, L.L.C., the representative for Joseph Allegri, Jr., requesting preliminary/final plat review of a two-lot subdivision consisting of approximately nine point four acres located southwest of County Road 54 and 64.

Chairman asked for Commission questions or comments.

Chairman asked for Commission questions or comments and opened the floor to public participation. No one came forth. He closed public participation and asked for a motion for approval.

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Fenderson **to grant approval of the preliminary/final plat for Allegri Two Lot Subdivision. There was no discussion on the motion. The Motion carried unanimously.**

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The next order of business is preliminary/final plat review for the Resubdivision of Lot 8, Austin Commons Subdivision.

An introductory presentation was given by Ms. Lynn Tomlinson, representative for William Easterling, requesting preliminary/final plat review of a two-lot subdivision consisting of approximately three point two five acres located northeast corner of Austin and Belforest Cemetery Roads.

Chairman asked for Commission questions or comments and thanked Ms. Tomlinson for the revision of the plat.

Mr. Scott asked the status of the approval of Baldwin County. Ms. Tomlinson stated still pending.

Chairman asked for Commission questions or comments and opened the floor to public participation. No one came forth. He closed public participation and asked for a motion for approval.

A Motion was made by Mr. Scott and **Seconded** by Mr. Sandefur **to grant approval of the preliminary/final plat for Resubdivision of Lot 8, Austin Commons Subdivision. There was no discussion on the motion. The Motion carried unanimously.**

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

An introductory presentation was given by Mr. David Shumer, representative of Barton & Shumer Engineering, requesting preliminary/final plat review of a two-lot subdivision consisting of approximately zero point nine-nine acres located northwest of Japonica and Park Lane and commented that he expanded the drainage easement and revised the plat to account for overlap of property.

Chairman asked for Commission questions or comments.

Mr. Bergin asked staff if utility letters have been presented. Ms. Jones confirmed.

Chairman asked for Commission questions or comments and opened the floor to public participation. No one came forth. He closed public participation and asked for a motion for approval.

A Motion was made by Ms. Bergin and **Seconded** by Mr. Smith **to grant approval of the preliminary/final plat for Agee Place Subdivision. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is preliminary/final plat review for W & R Subdivision.

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An introductory presentation was given by Mr. Jerry Perez, representative of Bay Area Surveying, requesting preliminary/final plat review of a two-lot subdivision consisting of approximately three point two acres located southeast of the intersection of Alabama Highway 181 and Highway 31.

Chairman asked for Commission questions or comments and if the ALDOT had approved access to Alabama Highway 181. Mr. Perez stated that ALDOT will not deny access, but could not give a permit until the business use is known.

Mr. Scott asked if a part of that area was annexed into Spanish Fort.

Mr. Chason stated there was some confusion regarding this parcel. At one point, the subdivision was reviewed and approved by Spanish Fort and then they realized it was in the exterritorial planning jurisdiction of Daphne.

Mr. Scott asked so this parcel is still in the county and was not annexed. Mr. Perez confirmed.

Chairman stated at the work session, we discussed that the existing lot is on a septic tank. Mr. Perez stated that once the new lot is sold both lots will have to connect to sanitary sewer.

Chairman asked for Commission questions or comments and opened the floor to public participation. No one came forth. He closed public participation and asked for a motion for approval.

A Motion was made by Mr. Scott and Seconded by Mr. Fenderson to grant approval of the preliminary/final plat for W & R Subdivision. There was no discussion on the motion. The Motion carried unanimously.

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

Chairman asked for Commission questions or comments and stated the master plan was approved at the regular meeting.

An introductory presentation was given by Mr. Steve Pumphrey, representative of Dewberry/Preble-Rish, requesting preliminary/final plat review of a seven-lot subdivision of property whereby we have carved out the pieces to be consistent with the master plan and the initial phase to be created is Lot 1. The southwest corner of that lot is a parcel or common area which will be the detention pond for most of the development. As a result of discussion at the work session, there was an easement added to the plat to provide a rear access to Lots 5 & 6, and a note stating that we will have to adhere to the Access Management Plan of ALDOT.

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Mr. Pumphrey stated there is also a temporary easement to the common area along the rear of Lot 1 for access until this lot is further subdivided. As Lot 1 is developed, the proposed roadway will dissect that lot into two pieces and through the platting process, the easement may have to be relocated.

Chairman stated a point of discussion was that Lot 1 will be phased.

Ms. Jones asked Mr. Pumphrey to point out the changes on the revised plat. Mr. Pumphrey stated the only change was the easement that we discussed at the work session.

Chairman asked is there a written agreement to direct storm water into the common area. Mr. Pumphrey stated that has been a part of the negotiations and will be a part of the agreement with the IDB at the time of the purchase of the property.

Mr. Fenderson asked if the contract is between the two parties for the option on Lot 1 and that contract is not executed what happens to the agreement for common area. Mr. Pumphrey stated the city would not purchase the property without that agreement in place. Chairman stated if the Commissioners approved the subdivision plat that area is designated as detention.

Mr. Kirby stated we are subdividing this property as if it is in the extraterritorial planning jurisdiction but wasn't there a request for annexation. Ms. Jones stated on the regular meeting of May is a request for annexation of the entire property. Chairman stated the Planning Commission approved pre-zoning of B-3, Professional Business, with the anticipation of annexation.

Chairman asked for Commission questions or comments and opened the floor to public participation. No one came forth. He closed public participation and asked for a motion for approval.

A Motion was made by Mr. Scott and Seconded by Mr. Kirby to grant approval of the preliminary/final plat for the DISC Subdivision. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is preliminary plat review for the Oldfield Subdivision, Phase 2A.

An introductory presentation was given by Mr. Steve Pumphrey, representatives of Dewberry/Preble-Rish, requesting preliminary plat review of a thirty-lot subdivision, the first phase of the development, consisting of approximately eighteen point six-three acres located south and west of Oldfield Subdivision, Phase One. This is a phase that will include the extension of the main road into Oldfield Subdivision.

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Mr. Pumphrey stated there was some discussion at the work session regarding the detention pond and lake, and indemnification forms were provided stating that the developer will be responsible for maintenance of that facility. As agreed, the construction entrance will be the unimproved dirt road to the north of Oldfield. There will be no access through the main entrance of the existing development during the construction of the infrastructure. Phase 2B will be accessed from Alabama Highway 181.

Chairman asked if the construction entrance runs along the north side of Oldfield and turns south to access road Phase 2A, why couldn't you continue to use it for construction traffic. Mr. Pumphrey stated it is not a public road. Mr. Estes, the engineer, stated at that point, the construction traffic would be crossing the lots in Phase 2A.

Chairman stated at the work session, we discussed the addition of a fire hydrant and a sidewalk and addressing the environmental comments. Mr. Pumphrey confirmed that all comments have been addressed.

Mr. William Scully arrived at 5:51 p.m.

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

Sarah Toulson, 9501 Cobham Park Drive, expressed her concern that the approval of the master plan was contingent upon the concurrent construction of a secondary entrance. These plans do not include that so I would like for the Commission to consider postponing this phase until you have the plans for Phase 2B that do include a secondary construction entrance to alleviate traffic coming into the neighborhood.

Chairman asked to clarify the language. Ms. Jones stated the conditional approval of the master plan revision for Oldfield Subdivision that includes the note which states the following or similar language: modifications to this master plan will be made as deemed appropriate by the Daphne Planning Commission; the master plan is a conceptual drawing which shows potential development; however, all subdivisions development is subject to applicable city, county, state and federal regulations, as well as, the Comprehensive Plan, and a note shall be added stating that a secondary access will be constructed concurrent with the development of the new phases. There was no discussion on the motion and the motion carried unanimously. That was from the regular meeting of December 17, 2015.

Chairman asked Ms. Toulson why isn't the road to north of Oldfield Subdivision considered a secondary access. Ms. Toulson stated it is not an access and is only being used as a construction entrance for this phase.

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Mr. Pumphrey stated that those phases have different access points. The construction entrance for this phase was always the unimproved dirt road to the north.

Mr. Scott asked has the access been authorized by ALDOT and what if it is not approved. Mr. Pumphrey stated that is part of the delay of Phase 2B, the coordination with ALDOT and designing a master drainage plan for the entire site. Mr. Avent, owner of Dewberry/Preble-Rish, stated the access point has designated in accordance with the ALDOT State Access Point Design Access Management Plan for a right in/right out.

Mr. Avent stated the property owner to the south, Arthur Corte, expressed his concerns regarding drainage and that is why there will be a master drainage plan. Chairman asked if the west line is the end of the portion annexed and is still in the county. Mr. Avent affirmed.

Chairman stated that the wording of the motion does not require the secondary access to be on Alabama Highway 181.

Mr. Avent stated there is a difference in bringing building supplies onto a basically rural road than construction traffic for the infrastructure.

Ms. Bergin asked if ALDOT will specify a construction entrance for Phase 2B onto Alabama Highway 181. Mr. Avent affirmed.

Mr. Scott Hunter, 24199 Weatherbee Park Drive, expressed his concerns regarding storm water drainage. The real reason that they are using the unimproved road for a construction entrance is they have to fill in the fifteen-foot culvert to construct the roads to the north which run parallel to Camberwell Drive.

Chairman asked clarification as to whether or not it is a culvert or a ditch. Mr. Estes stated a ditch which will be piped.

Mr. Daniel White, 9972 Camberwell Drive, expressed his concerns regarding storm water drainage and asked for clarification for storm water. Chairman stated the storm water for Phase 2A will be directed west to the lake. Storm water to the south will be addressed in one of the other phases of the development.

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

A Motion was made by Mr. Scully and Seconded by Mr. Fenderson to grant approval of the preliminary plat for Oldfield Subdivision, Phase 2A. There was no discussion on the motion. The Motion carried. Mr. Scott and Ms. Bergin dissented.

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The next order of business is a zoning amendment for Daphne Rudicell Robinson.

Ms. Bergin was excused at 5:59 p.m. Mr. Scully recused himself from discussion or action on the agenda item.

An introductory presentation was given by Mr. Steve and Daphne Rudicell Robinson, requesting re-zoning of a zero point five acre parcel located southwest of Guarisco and Main Street from B-2, General Business, to MU, Mixed Use for the construction of an office/apartment.

Chairman asked for Commission questions or comments and opened the floor to public participation. No one came forth. He closed public participation and asked for a motion for approval.

Chairman stated for clarification that the site plan included shows the removal of the single story wood framed building and to construct a two-story building similar to the one that is there, but we are not doing anything with the site plan tonight.

A Motion was made by Mr. Scott and Seconded by Mr. Sandefur of a unanimous affirmative recommendation by the Planning Commission to the City Council of Daphne of re-zoning of a zero point five acre parcel located southwest of Guarisco and Main Street from B-2, General Business, to MU, Mixed Use. There was no discussion on the motion. The Motion carried. Mr. Scully abstained.

The next order of business is planning commission discussion.

Chairman outlined work session discussion of subdivision exemptions, sidewalk waivers in residential or commercial developments, temporary vendors, and the use of a nonpermanent structure on a temporary or permanent basis for the operation of a business and shall establish a fixed period not to exceed eighteen months, and the creation of a B-1 (a) zoning district.

Chairman stated the existing ordinance requires that the Planning Commission to hear the application and acknowledge an exemption and no action on the subdivision. The Commission grants the exception under certain requirements which will remain the same, but the applicant will not come before the Planning Commission. An application will be submitted for administrative review by the Community Development Director. Ms. Jones stated that will include plats that the county considers to be exempt.

Commissioners discussion of administrative approval of a subdivision exemption for parcels or lots, not in the city and under common ownership for the relocation of an interior lot line, and does not include the creation of additional lots.

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Chairman asked for Commission questions or comments and a recommendation of approval.

A **Motion** was made by Mr. Scully *to amend Article 11-5 (b), Subdivision Exemptions and Exceptions, to state in relevant part that the interior lot line may be exempt from these regulations and approval granted by the Community Development Director and the rest of the language of that section is to remain the same.*

During discussion, Mr. Scott asked to add, "provided that no additional lots are added in a replat in the city limits", so that we will have addressed the issue of a family subdivision that we cannot turn down. Mr. Scully stated that to adequately address the issues that you have raised the Commission will have to review the family exemption regulations of Baldwin County.

Mr. Scott asked for the Commissioners to delay action on the revision to the ordinance until such time the amendment is compared to Baldwin County regulations for subdivision exemptions. Mr. Scully withdrew the motion.

Commissioners discussed and provided revisions to the B-1(a), Limited Local Business District.

Chairman asked for Commission questions or comments and a recommendation of approval.

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Scully *of an affirmative recommendation by the Planning Commission to the City Council of a proposed amendment to Ordinance 2011-54, Land Use and Development Ordinance, for the creation of a the B-1(a), Limited Local Business District, as edited. There was no discussion on the motion. The Motion carried. Mr. Scully abstained.*

The next order of business is public participation.

Chairman asked for public participation.

An introductory presentation was given by Mr. Mike Allen, representative of Bugs Bite, requesting an amendment to the Land Use Ordinance, Sign Provisions, to allow professionally printed yard signs on private property in a residential district for a period of twenty-one days for advertising.

Chairman asked for Commission questions or comments.

Mr. Scott stated the issue here is that Daphne does not allow off-premise signs, but does allow a sign while a company is conducting business and/or construction on private property in a residential district.

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Mr. Scully commented that you cannot discriminate between political and commercial signs. Mr. Scott stated court cases state that you can restrict commercial signs, but you cannot restrict freedom of speech on political issues.

Mr. Ross stated there is a new court case regarding this issue that states that the signage must be content neutral, and you cannot discriminate on the size. This is an issue that is evolving.

Ms. Jones stated that she invited Mr. Allen because any change to the Land Use Ordinance begins with the Planning Commission.

Mr. Scott requested Mr. Allen attend the Ordinance Committee Meeting on Monday, May 16, 2016 @ 5:30 p.m.

Chairman closed public participation.

The next order of business is the attorney's report.

Mr. Ross stated no report.

The next order of business is commissioner's comments.

None presented.

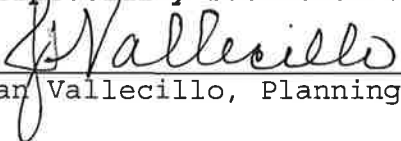
The next order of business is director's comments.

Ms. Jones presented the following:

- a. The zoning amendment for Christ the King Catholic Church was adopted by the City Council on Monday, April 18, 2016;
- b. The upcoming meeting dates are site preview, May 18, and regular meeting, May 26, 2016.

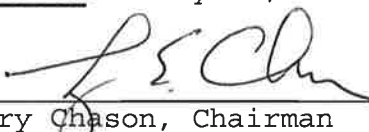
There being no further business, the meeting was adjourned at 7:05 p.m.

Respectfully submitted by:



Jan Vallecillo, Planning Coordinator

Approved: May 26, 2016



Larry Chason, Chairman