The City of Daphne
Planning Commission Minutes
Regular Meeting of May 24, 2018
Council Chamber, City Hall - 5:00 P.M.

Call to Order:

Chairman called the regular meeting of the City of Daphne Planning Commission to order at 5:07 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

Charles Smith, Secretary
Ed Kirby
Marybeth Bergin, Chairman
Angie Phillips
Andrew Prescott (arrived @ 5:17 p.m.)
Hudson Sandefur
Chief White (excused @ 5:45 p.m.)

Staff Present:

Adrienne Jones, Director of Community Development
Jan Vallecillo, Planning Coordinator
Jay Ross, Attorney
Brennan Walters, Planner
Troy Strunk, Executive Director, City Development

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 26, 2018. There being none, minutes are approved as submitted.***

Mr. Prescott arrived at 5:17 p.m.

The next order of business is a zoning amendment for R & S Leasing, L.L.C.

An introductory presentation was given by Andy Bobe, representative of Dewberry/Preble-Rish and on behalf of his client, Ford Lumber, and stated he proposes to construct an additional building onsite, but do not have sufficient space to provide adequate parking. The uses, manufacturing, millwork, retail/wholesale sales, and warehousing are consistent and fit commercial/industrial, and current developed and undeveloped properties zoned B-2 would not be affected as this site is currently developed.

Chairman asked for Commission questions or comments.

Mr. Kirby asked about spot zoning, rezoning of properties on U.S. Highway 90, and for a retailer/wholesaler of lumber products to ask for commercial/industrial. Mr. Bobe stated because zoning is tied to parking requirements, and this option is a more compatible in order to continue to develop this site.

Mr. Ross stated you made some valid points, but it does not qualify as spot zoning.

Mr. Sandefur recommended pursuing a parking variance as the course of action rather than rezoning. Mr. Bobe stated inadequate space for parking does not constitute a hardship.

Mr. Ross stated the state statute is the standard BZA has to follow, and it would be hard to argue that it is a hardship. Mr. Kirby asked if it is a self-imposed hardship. Mr. Ross confirmed.

Chairman asked about the definition and zones designated in the Table of Permitted Uses. Ms. Jones presented similar uses that are allowed in a B-2 and C/I zone by right, but may not be permissible on the subject property.

Chairman asked has the owner considered voluntary use restrictions. Mr. Bobe responded he will ask his client.

Mr. Smith asked if restricted use is applied to this property would it remain. Mr. Ross stated in theory, if restrictions are self-imposed by the owner, then they would run with the land.

Chairman asked if Commissioners are at liberty to impose restrictions or it must be the owner. Mr. Jones stated the owner. Mr. Ross stated the City Council can include restrictions, but the owner must agree.

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

Lee Reddick, 173 Lakeview Loop, spoke in opposition of the rezoning, and expressed concern about the possibly of the development of the undesirable commercial/industrial uses.

Chairman closed public participation.

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

During discussion, Commissioners stated possible ramifications and setting precedent of commercial/industrial. Mr. Kirby and Mr. Smith mentioned that the intent was for the U.S. Highway 90 corridor to be zoned B-2 and that there would be negative ramifications from development of this and future industrial applications on Highway 90, and that this would be setting a precedent by approving rezoning outside of the designated area for commercial/industrial.

A **Motion** was made by Mr. Kirby and ***Seconded*** by Mr. Smith ***to send*** a ***unfavorable recommendation to the City Council regarding the rezoning of the subject property for R & S Leasing, L.L.C. from B-2, General Business, to C/I, Commercial/Industrial. There was no discussion on the motion. The Motion carried. Mr. Prescott dissented.***

Chief White was excused @ 5:45 p.m.

The next order of business is an administrative presentation of the City of Daphne Zoning and Street Map.

Ms. Jones stated this is a codification of amendments made to the zoning and street map for the past six months.

Chairman asked for Commission questions or comments and stated the Chair will entertain a motion.

A **Motion** was made by Ms. Phillips and **Seconded** by Mr. Prescott ***to send a favorable recommendation to Council to amend Official Zoning and Street Map as presented. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is Planning Commission discussion.

Mr. Ross presented that the Council has asked for the Commission to draft language to create a mechanism to bring nonconforming lots of record into conformity. Ms. Jones stated the proposed language for substandard lots of record would bring the lots closer to meeting the zoning requirements, without the necessity of going to the Board of Zoning Adjustments. A draft will be presented to the Commission at June 20, 2018 meeting.

The next order of business is public participation.

Chairman asked for public participation.

None presented.

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. City Council Actions:
   1. Public hearing held for Bertolla Properties, L.L.C. (Jubilee Farms) pre-zoning amendment/annexation and John W. West zoning amendment, April 16, 2018;
   2. Troy Strunk, Executive Director, City Development introduction;
b. The upcoming meeting dates are site preview, June 20 & regular meeting of June 28, 2018;
c. Outlined approved, permitted and completed projects.

Ms. Jones thanked the Commission for their commitment and for making Daphne a desirable place to work, worship and play.

There being no further business, the meeting was adjourned at 6:00 p.m.

Respectfully submitted by:

Jan Vallecillo, Planning Coordinator

Approved: June 28, 2018

Marybeth Bergin, Chairman