The City of Daphne
Planning Commission Minutes
Regular Meeting of July 26, 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 5:10 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

Charles Smith, Secretary
Ed Kirby
Marybeth Bergin, Chairman
Andrew Prescott
Ron Scott
Angie Phillips
Chief White

Staff Present:

Adrienne Jones, Director of Community Development
Jan Vallecillo, Planning Coordinator
Patrick Dungan, Attorney
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 June 28, 2018. There being none, minutes are approved as submitted.***

The next order of business is a zoning amendment for Jacob's Well, L.L.C.

An introductory presentation was given by Craig Dyas, representative of Dyas, L.L.C., requesting rezoning of six-point two-two acres located west of the intersection of Lavender Lane & U. S. Highway 98, east of the intersection of Daphne Court & Falkenberry Lane presently zoned R-7(T), B-2, and R-3, to a PUD for a mixed use development. He presented an overview the revisions to the proposed PUD plan and documents: allow for a mixed use development consisting of single family attached & detached and live/work units, twenty-foot all weather surface for a secondary fire department access to U.S. Highway 98, construction of a hammerhead at the terminus of Daphne Court East as a vehicle turnaround, installation of a sidewalk along Main Street to Christ the King Early Childhood Development Center, elimination of traffic concerns by restricting access from U.S. Highway 98 to the single family detached units, creation of a walkable community by allowing pedestrian and bicycle traffic to traverse to Main Street, and the addition of central park area.

Chairman asked for Commission questions or comments.

Mr. Kirby asked about the cross access mentioned in the staff report.

Ms. Jones responded that comment was based on the previous plan submitted, and that submission is no longer relevant.

Chairman commented on the dimensions of the lots shown on the plan and asked if the developer plans to subdivide the property. Mr. Dyas responded no, minimum distances and setbacks are shown for reference.

Mr. Scott asked about a POA. Mr. Dyas responded that all units will be a part of a POA.

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

Sandy Robinson, 1500 Main Street, spoke in opposition and presented a comparison of the zoning and attributes of adjacent subdivisions, expressed her concern about the proposed development of single family units with a thirty-foot lot width, and asked for withdrawal of the application for PUD and submission of a subdivision for the R-3 parcel.

Steve Olen, 437 Village Drive, spoke in opposition and expressed his concern about the PUD request and asked Commissioners to uphold the Comprehensive Zoning and Subdivision Regulations to protect and preserve established subdivisions; the development of anything other than R-3 would fundamentally alter the neighborhood.

Ed Baldwin, 903 Halls Lane, spoke in opposition and expressed his concern about the PUD documents, increased traffic, and safety issues.

Robert Dyer, 905 Halls Lane, spoke in opposition and expressed his concerns about consideration of the installation of a sidewalk along Main Street to Christ the King Early Childhood Development Center as a public benefit.

Bill Robinson, 1500 Main Street, spoke in opposition and expressed his concern about public safety, access to Main Street, Falkenberry and Halls Lane, and preserving the character of downtown Daphne.

Chairman closed public participation.

Chairman asked for Commission questions or comments.

Commissioners discussed public benefit, restriction of single family units & lot width on the one-point eight acre parcel, height & design of a privacy fence along the north property line, vehicular cross access between Olde Towne Daphne Townhomes and the single family detached units on Daphne Court East, and pedestrian access to Main Street.

Chairman asked about amendments to the documents of a Planned Unit Development. Mr. Dungan advised revisions proposed by the City Council to PUD documents would be sent back to the Planning Commission for review.

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

Five motions were made and debated by the Planning Commission before the final motion carried to unfavorably recommend the above captioned zoning amendment.

A **Motion** was made by Mr. Scott ***to set forth a favorable recommendation to City Council to rezone the subject properties as requested with certain conditions as follows: 1. Vehicular cross traffic between Olde Towne Daphne Townhomes on Daphne Court extension shall be prohibited; 2. No more than six single family detached units on the one-point eight acre property; 3. An ingress/egress easement for pedestrian access shall be provided from Daphne Court to Shore Oaks; 4. The City shall reserve the right to require a privacy fences along the exterior perimeter of the property where abutting existing single family residential uses or where otherwise deemed appropriate; and, the City shall also reserve the right to review the height and design of said fence.***

The Motion failed for the lack of a second.

A **Motion** was made by Mr. Kirby ***to set forth an unfavorable recommendation to City Council to rezone the subject properties to a PUD, Planned Unit Development.***

The Motion failed for the lack of a second.

A **Motion** was made by Mr. Kirby and **Seconded** by Mr. Prescott ***to set forth a favorable recommendation to City Council to rezone the subject property zoned R-7(T) to a PUD, Planned Unit Development, and for the one-point eight acre property to remain R-3.***

Mr. Dungan stated essentially, that would be an unfavorable motion to the City Council because the specific PUD standards presented would limit rezoning to a portion of the property and would not be in line with the PUD review process and procedures.

The Motion was withdrawn by Mr. Kirby.

A **Motion** was made by Mr. Kirby and **Seconded** by Mr. Scott ***to set forth a favorable recommendation to City Council to rezone the subject properties to a PUD, Planned Unit Development, with a stipulation that the single family detached units have a minimum lot size of six thousand five hundred square feet.***

An **Amended Motion** was made by Mr. Kirby and **Seconded** by Mr. Scott ***to set forth a favorable recommendation to City Council to rezone the subject properties to a PUD, Planned Unit Development, with a stipulation that the single family detached units have a minimum lot size of six thousand five hundred square feet, vehicular cross traffic between Olde Towne Daphne Townhomes on Daphne Court extension shall be prohibited, the City shall reserve the right to require a privacy fences along the exterior perimeter of the property where abutting existing single family residential uses or where otherwise deemed appropriate, and the City shall also reserve the right to review the height and design of said fence.***

During discussion, Chief White inquired about the number of 6,500 square foot lots that could be developed on the one point eight acre site. The answer as estimated to be twelve lots.

The Motion was withdrawn by Mr. Kirby.

A **Motion** was made by Ms. Bergin and **Seconded** by Mr. Prescott ***to set forth an unfavorable recommendation to City Council to rezone the subject properties to a PUD, Planned Unit Development.***

During discussion, Ms. Bergin noted that the R-7(T) zone is appropriate: not on the entire parcel.

The Motion carried. Mr. Scott dissented.

Commission recessed @ 6:24 p.m. and reconvened @ 6:29 p.m.

The next order of business is site plan review for Harbor Freight Tools.

An introductory presentation was given by Eric Brown, representative of Caliber Capital, L.L.C., requesting site plan review of a retail sales facility with associated drainage, parking, utilities, and landscaping located southeast of Stanton Road and U.S. Highway 98.

Chairman asked for Commission questions or comments and stated staff deficiencies have been addressed and ALDOT permitting is pending.

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

A **Motion** was made by Ms. Phillips and **Seconded** by Mr. Prescott ***to approve Harbor Freight Tools Site Plan. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is site plan review for Judge's Square Academy.

An introductory presentation was given by Robert Cummings, representative of Hutchinson, Moore & Rauch, requesting site plan review of four mixed use buildings consisting of commercial and residential above with associated drainage, parking, utilities, and landscaping located southwest of Holy Cross Circle and Holy Cross Drive and stated the site plan has been revised to provide underground detention and realignment of parking.

Chairman asked for Commission questions or comments and commented that parking has been reduced.

Commissioners asked about fire department access to Main Street and the Public Works Director comments. Mr. Cummings responded that staff deficiencies have been addressed.

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

A **Motion** was made by Mr. Kirby and **Seconded** by Mr. Scott ***to approve Judge's Square Site Plan. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is site plan review for Renaissance Academy.

An introductory presentation was given by Clyde Tant, representative of Daphne RA, L.L.C., requesting site plan review of a childcare center with associated drainage, parking, utilities, and landscaping located northwest of Renaissance Boulevard and U.S. Highway 90 and stated staff deficiencies have been addressed.

Chairman asked for Commission questions or comments and stated the Renaissance Improvement District has agreed to perform maintenance on the common detention pond.

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

A **Motion** was made by Ms. Phillips and **Seconded** by Mr. Prescott ***to approve Renaissance Academy Site Plan. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is site plan review for Ford Lumber Building Addition.

An introductory presentation was given by Andy Bobe, representative of Dewberry, requesting site plan review of an addition to the existing facility with associated drainage, parking, utilities, and landscaping located north of U.S. Highway 90. He stated staff deficiencies have been addressed, and the site plan has been modified to accommodate the addition.

Chairman asked about the rezoning. Mr. Bobe responded that the application was withdrawn.

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

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Smith ***to approve Ford Lumber Building Addition site plan. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is final plat review for Winged Foot Subdivision, Phase 2A.

An introductory presentation was given by Steve Pumphrey, representative of Dewberry, requesting final plat review of a twenty-five lot subdivision consisting of approximately six point eight five acres located northeast of Edgewood Drive and County Road 64.

Chairman stated staff deficiencies have been addressed.

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

A **Motion** was made by Mr. Kirby and **Seconded** by Mr. Kirby ***to approve the final plat and set forth a favorable recommendation to City Council to accept the streets in Winged Foot Subdivision, Phase 2A. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is final plat review for Winged Foot Subdivision, Phase 2B.

An introductory presentation was given by Steve Pumphrey, representative of Dewberry, requesting final plat review of a twenty-eight lot subdivision consisting of approximately ten-point three-six acres located northeast of Edgewood Drive and County Road 64.

Chairman stated staff deficiencies have been addressed.

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

A **Motion** was made by Mr. Kirby and **Seconded** by Mr. Kirby ***to approve the final plat and set forth a favorable recommendation to City Council to accept the streets in Winged Foot Subdivision, Phase 2B. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is preliminary/final plat review for Citrus 54.

An introductory presentation was given by David Shumer, representative of Barton & Shumer Engineering, requesting preliminary/final plat review of a three-lot subdivision consisting of approximately six-point five acres located at the intersection of County Road 54 and River Road and stated Baldwin County deficiencies have been addressed.

Chairman asked for Commission questions or comments.

Mr. Scott asked who reviews the plat first. Chairman responded the City of Daphne.

Chairman opened the floor to public participation. No one came forth. She closed public participation and asked for a motion.

A **Motion** was made by Mr. Kirby and **Seconded** by Mr. Smith ***to approve Citrus 54 Subdivision preliminary/final plat. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is preliminary/final plat review for the Resubdivision of Lot 3, Wachter Subdivision.

An introductory presentation was given by David Shumer, representative of Barton & Shumer Engineering, requesting preliminary/final plat review of a two-lot subdivision consisting of approximately zero-point one-seven acres located northwest of Trione and Guarisco Street and stated this is the final division of a commercial site plan. The subdivision was conditioned on the demolition of the residential home in preparation of construction of the last two buildings.

Chairman asked for Commission questions or comments.

Mr. Scott stated the site should adhere to a mixed use zone and be required to construct a mixed use structure.

Chairman opened the floor to public participation.

Chason Wachter, 118 General Canby Drive, and owner, expressed concern about the requirement of a two-story structure.

Daphne Rudicell, 403 Dryer Avenue, spoke in opposition and asked the Commission to require that the development adhere to the intent of a mixed use zone.

Chairman closed public participation and asked for a motion.

A **Motion** was made by Mr. Scott and **Seconded** by Ms. Phillips ***to table the application for Resubdivision of Lot 3, Wachter Subdivision, preliminary/final plat, to the August 23, 2018 regular meeting. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is preliminary plat review for Riverwood Estates Subdivision.

An introductory presentation was given by Steve Pumphrey, representative of Dewberry, requesting preliminary plat review of a sixteen-lot subdivision consisting of approximately one hundred and fourteen-point eight-eight acres located on the south side of U.S. Highway 90, approximately one point seven miles east of Plantation Hills and stated the developer has increased the right-of-way width to twenty-feet as requested by the Fire Marshal. He also noted that Baldwin County granted a waiver to the installation of curb & gutter and sidewalks and confirmed compliance with their regulations. A note has been added regarding the floodway and the thirty-foot wetland buffer.

Chairman asked for Commission questions or comments.

Mr. Scott asked about fire protection. Chief White responded Loxley Fire Department jurisdiction.

Chairman opened the floor to public participation. No one came forth. She closed public participation.

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

A **Motion** was made by Mr. Kirby and **Seconded** by Mr. Scott ***to approve Riverwood Estates Subdivision preliminary plat, with a waiver to sidewalk and curb & gutter requirement, and a required roadway width of twenty feet. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is a vacation of easement for Kristy Lee Thomas.

An introductory presentation was given by Ann Akridge, representative of Roberts Brothers Realty, requesting vacation of a twenty-foot drainage easement to clear the tile of an encroachment of the pool.

Chairman asked for Commission questions or comments and stated Public Works and the POA recommend acceptance.

Chairman opened the floor to public participation. No one came forth. She closed public participation and asked for a motion.

A **Motion** was made by Mr. Scott and **Seconded** by Ms. Phillips ***to set forth a favorable recommendation to the City Council to vacate said easement along the east property line of Lot 96, Ottawa Springs Subdivision, Phase Two. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is a request for a rezoning of Lot 131 and 135, Lake Front Drive.

Mr. Kirby recused himself from discussion or action on the agenda item.

An introductory presentation was given by Bradley Creasy, representative of LMS Investment Management, and David O'Brien, representative of Crest Residential, requesting rezoning of a zero-point four-eight acre parcel located west of Lake Front and Bayview Drive from R-3, High Density Single Family Residential, to R-7(A), Apartment District and stated Lake Forest Board has expressed support of the rezoning.

Chairman asked for Commission questions or comments and stated the Lake Forest POA Board supports the rezoning for the intended purpose of an amenity structure or use as provided in a letter from the Board Chairman.

Chairman opened the floor to public participation. No one came forth. She closed public participation and asked for a motion.

Chairman stated uses discussed at the work session were a courtyard or game area, but not a swimming pool. Mr. O'Brien confirmed.

A ***Motion*** was made by Mr. Scott and ***Seconded*** by Mr. Prescott ***to set forth a favorable recommendation to the City Council to rezone the subject properties, Lot 82 and 83, Unit 7, Lake Forest Subdivision from R-3 to R-7(A), as requested.***

During discussion, Mr. Scott asked about a deed-restriction. Mr. O'Brien responded the intended use proposed is a leasing center; the deed-restriction prohibits the construction of any additional multi-family units.

The Motion carried. Mr. Kirby abstained.

The next order of business is Planning Commission discussion.

Troy Strunk, Executive Director of City Development, discussed the proposal of an Olde Towne Daphne Residential Overlay District to define that area affected west of Main Street and create certain criteria for the Commission to review subdivision re-plats on a case-by-case basis to determine compatibility and conformity.

Mr. Scott commented that the proposed language for substandard lots of record is a result of the denial of a variance for a subdivision re-plat of three-lots by the Board of Zoning Adjustment.

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. Dungan stated no report.

The next order of business is commissioner's comments.

None presented.

The next order of business is director's comments.

Director stated kudos to Marybeth Bergin, Carolyn Courson, Ed Kirby, and Jan Vallecillo for acquiring the University of North Alabama Planning & Zoning Official Certification and Re-certification.

There being no further business, the meeting was adjourned at 7:23 p.m.

Respectfully submitted by:

Jan Vallecillo

Jan Vallecillo, Planning Coordinator

Approved: August 23, 2018

Mary E Bergin

Marybeth Bergin, Chairman