The City of Daphne
Planning Commission Minutes
Regular Meeting of September 27, 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 5:05 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

Angie Phillips
Ed Kirby
Marybeth Bergin, Chairman
Phillip Hodgson, Vice Chairman
Ron Scott (excused @ 6:45 p.m.)
Andrew Prescott
Chief White (excused @ 5:30 p.m.)

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 August 23, 2018. There being none, minutes are approved as submitted.***

Mr. Scott recused himself from discussion and action on the next agenda item.

Chairman explained six members are required for action on the Claymark Properties, L.L.C. zoning amendment, and stated the agenda has been rearranged to hear this agenda item first.

The next order of business is a zoning amendment for Claymark Properties, L.L.C.

An introductory presentation was given by Larry Chason, representative of Chason & Earle, of a request to rezone a one-point one-five acre parcel located southwest of Van Avenue and Main Street, and stated that the proposed use is office space associated with the proposed development at the southeast corner of Van Avenue and Main Street. He stated there is no immediate plan for development. Five of the seven mobile homes and/or residence in the mobile home park are occupied, and that at the time of development the owner plans to provide assistance with the occupants' relocation.

Chairman asked for Commission questions or comments and opened the floor to public participation. As no one came forth the chairman closed the floor and called for a motion.

A ***Motion*** was made by Mr. Kirby and ***Seconded*** by Mr. Prescott ***to set forth a favorable recommendation to the City Council to rezone the subject property for Claymark Properties, L.L.C. from R-2, Medium Density Single Family Residential, to B-3, Professional Business. There was no discussion on the motion. The Motion carried. Mr. Scott abstained.***

Chief White was excused @ 5:30 p.m.

The next order of business is a site plan review for Lot 7, Austin Place Commercial Park, Phase One.

An introductory presentation was given by David Stovall, representative of Engineering Design Group, requesting site plan review of an office located northwest of the intersection of County Road 64 and Equity Drive.

Chairman asked for Commission questions or comments and if staff deficiencies have been addressed. Mr. Stovall stated that the Public Works comments regarding first flush and curb cuts were addressed.

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

A **Motion** was made by Mrs. Phillips and **Seconded** by Mr. Kirby ***to approve Lot 7, Austin Place Commercial Park, Phase One site plan and a waiver to sidewalk requirement, as no adjacent sidewalks exist on Equity Drive. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is a site plan review for Elite Way.

An introductory presentation was given by Vince LaCoste, representative of Bethel Engineering, requesting site plan review of a multi-tenant lease space located northeast of County Road 64 and Edgewood Drive. He noted that he is not comfortable presenting a certification for the drainage system of Winged Foot Subdivision, Phase One. He also asked for a waiver to the sidewalk requirement due to the deep back slope necessary to install a drainage pipe along County Road 64.

Ms. Jones responded that the Commission should grant a temporary waiver to allow for additional time to address the issues of the sidewalk and drainage at the time of the review of future phases.

Chairman asked is storm water directed to the detention pond or ditch along County Road 64. Mr. LaCoste responded to the detention pond.

Chairman asked for Commission questions or comments and stated staff deficiencies have been addressed. Ms. Campbell confirmed acceptance.

Jeremy Sasser, Public Works Director, commented regarding flooding in the turn lane on County Road 64 near this development because the turn lane is lower than the entrance of Predazzer Lane. Ms. Jones responded that water is over the top of and on south side of the road.

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

A **Motion** was made by Mr. Kirby and **Seconded** by Mr. Prescott ***to approve Elite Way site plan and a temporary waiver to the sidewalk requirement along County Road 64. The sidewalk issue will be re-visited upon review of future planned site improvements. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is a final plat review for Oldfield Subdivision, Phase 3A.

An introductory presentation was given by Joe Rector, representative of Mullins, L.L.C., requesting final plat review of a forty-lot subdivision consisting of approximately fourteen point one-six acres located north and west of Oldfield Subdivision, Phase One.

Chairman asked about correspondence from Riviera Utilities. Ms. Jones responded submission of documentation of acceptance is still outstanding.

Chairman asked about vegetation and detention. Mr. Rector commented the subdivision has grass. Jeremy Sasser, Public Works Director, responded sparsely grassed. Mr. Rector stated that storm water is captured and directed north to a common detention pond.

Chairman asked about Richard Johnson's, previous Public Works Director, review comments regarding filling the lots during the construction. Mr. Sasser expressed his concerns about drainage and condition of the right-of-way associated with mass earth moving or the amount of dirt required to fill the lots. Ashley Campbell, Environmental Programs, concurred and expressed her concerns about drainage and erosion control.

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

A Motion was made by Mr. Kirby and Seconded by Mrs. Phillips to table Oldfield Subdivision, Phase 3A final plat, until the meeting of October 25, 2018. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is a preliminary plat review for Oldfield Subdivision, Phase 3B.

An introductory presentation was given by Jason Estes, representative of Dewberry, requesting preliminary plat review of a ninety lot subdivision consisting of approximately twenty-five point seven-seven located south and west of Oldfield Subdivision, Phase One.

Chairman asked for Commission questions or comments and about the presentation of a landscape plan. Ms. Jones confirmed receipt.

Chairman asked if staff deficiencies have been addressed. Ms. Campbell questioned whether the outfall directs storm water into wetlands.

Mr. Estes responded there will be no impact to the wetlands, and noted that the wetlands are located in a future phase located in the county.

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

Tom Bierster, 23325 State Highway 181, displayed photographs and expressed his concerns about the adverse effects that flooding and storm water have had on his property since the development of these phases of Oldfield subdivision.

Chairman closed public participation and allowed Mr. Estes addressed the Commission to clarify the drainage issues concerning Phase 3A and 3B. Mr. Estes indicated that flooding has not been caused by the Oldfield development as the original topography flowed to the south. The new roadway has been built up and the detention pond has doubled in size. Swales could be added to mitigate the drainage concerns.

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 Oldfield Subdivision, Phase 3B preliminary plat. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is a request for pre-zoning for Danny and Donna Parks.

An introductory presentation was given by Larry Smith, representative of S.E. Civil, of a request to pre-zone and annex a three-point three-seven acre parcel located at the southeast corner of Belgrove Avenue and Alabama Highway 181. He described the surrounding land uses and recent precedent set by the City of Daphne in annexing the land to the north and zoning it B-1(a) and indicated that the land would be subdivided for residential lots and one commercial lot to mirror the land across Belgrove Avenue.

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

Christina Quick, 10111 Belgrove Avenue, spoke in opposition and stated that the zoning change would negatively impact Belgrove Avenue and shared her concerns regarding a proposed business zone, traffic; negative impact on neighborhood character, property values; and safety of the children that live in the neighborhood.

Christina Quick read a letter on behalf of Natalie & Derek Douglas, 10147 Belgrove Avenue, in opposition and reiterated the previous concerns regarding traffic congestion; negative impact on character of the residential neighborhood, and the safety of the children that live in the neighborhood. Both letters were submitted for the record.

Brook Whittington, 10109 Belgrove Avenue, spoke in opposition and on behalf of Patrick Kain, and read a letter which was submitted for the record. She stated a zoning change for a use other than single family residential is in direct conflict with the Comprehensive Plan and voiced concerns about the quality of life of the Belgrove Avenue residents, the goals of preserving established neighborhoods, protecting the value of adjacent residential properties, and developing moderate to high end residential uses.

During rebuttal, Mr. Smith responded there is not a specific use proposed for the commercial parcel. The existing residence is to remain.

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

Commissioners asked Ms. Jones to present the uses allowed in a B-1(a) zone.

Ms. Jones read from the Land Use and Development Ordinance Article 35, Table of Permitted Uses, a summary of uses allowed in a B-1(a), Limited Local Business District.

Mr. Scott expressed his concern regarding speculative zoning.

Chairman asked about the consideration to pre-zone to R-1 rather than R-3. Mr. Smith responded the size of the lots could meet the requirements of R-1.

Chairman 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. Prescott ***to set forth a favorable recommendation to the City Council to rezone the subject property for Danny & Donna Parks to R-3, High Density Single Family, and B-1(a), Limited Local Business. There was no discussion on the motion. The Motion carried. Mr. Scott voted nay.***

A ***Motion*** was made by Mr. Kirby and ***Seconded*** by Mr. Prescott ***to set forth a favorable recommendation to the City Council to annex the subject property into the Daphne city limits. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is Planning Commission discussion.

Ms. Jones commented about a proposed amendment to the Olde Towne Daphne District of which a resubdivision of substandard lots of record would create lots which are more in conformance and consistent with the general context with the area. She reiterated that the proposed language is a result of the Board of Zoning Adjustment's denial of a variance request associated with a proposed replat of three-lots. A draft will be presented to the Ordinance Committee on Monday, October 1, 2018 meeting and then presented to the Planning Commission.

The next order of business is the election of officers.

Chairman opened the floor for nominations for Chairman. Mr. Scott nominated Ms. Bergin. The nominations were closed. With no other nominations, Ms. Bergin is Chairman.

Chairman opened the nominations for Vice Chairman. Mr. Scott nominated Mr. Hodgson. The nominations were closed. With no other nominations, Mr. Hodgson is Vice Chairman.

Chairman opened the nominations for Secretary. Mr. Scott nominated Mr. Prescott. The nominations were closed. With no other nominations, Mr. Prescott is Secretary.

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.

Mr. Scott was excused @ 6:45 p.m.

The next order of business is director's comments.

Ms. Jones asked Commissioners to begin to envision the future of the Highway 181 corridor with hopes that the contiguous areas are annexed into the city to ensure that development is done well and coordinated rather than hodgepodge and haphazard. She also presented the following:

a. City Council Actions: 2nd read on the ordinance for Jacob's Well, L.L.C. zoning amendment on October 1, 2018;
b. The upcoming meeting dates: site preview, October 17 & regular meeting, October 25, 2018; and,
c. Requested a change to November regular meeting date from Tuesday, November 20th to Thursday, November 29th. In consideration of the 2018 Thanksgiving Holiday, the **Planning Commission voted unanimously to move the regular meeting date to Thursday, November 29th.**

There being no further business, the meeting was adjourned at 6:50 p.m.

Respectfully submitted by:

Jan Vallecillo

Jan Vallecillo, Planning Coordinator

Approved: October 25, 2018

Mary E Bergin

Marybeth Bergin, Chairman