

The City of Daphne
Planning Commission Minutes
Regular Meeting of December 20, 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 5:01 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

Charles Smith
Marybeth Bergin, Chairman
Phillip Hodgson, Vice Chairman
Ron Scott
Hudson Sandefur
Andrew Prescott, Secretary

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 November 29, 2018. There being none, minutes are approved as submitted.*

The next order of business is site plan review for 1809 Main Street.

An introductory presentation was given by Dennis Baldwin, owner, requesting site plan review of a retail/commercial business facility located northwest of Main Street and Belrose Avenue and stated staff deficiencies have been addressed by the presentation of a revision to the plans relative to drainage and access.

Chairman asked for Commission questions or comments.

Mr. Scott asked for a revision to the site plan to reflect the location of the site as Daphne rather than Fairhope.

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

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Hodgson *to approve 1809 Main Street site plan.*

An **Amendment** was made by Mr. Scott and **Seconded** by Mr. Hodgson *to approve 1809 Main Street site plan with the condition that revisions shall be approved by the Public Works Director. There was no discussion on the motion. The Motion carried unanimously.*

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A vote on the main motion as amended was unanimously approved.

The next order of business is site plan review for Signs Now.

An introductory presentation was given by Steve Fisher, representative of Element³ Engineering, requesting site plan review of a commercial business facility located northeast of Stanton Road and U.S. Highway 98.

Chairman asked for Commission questions or comments and about staff comments. Mr. Fisher stated staff deficiencies have been addressed.

Chairman asked for a motion.

A Motion was made by Mr. Hodgson and ***Seconded*** by Mr. Sandefur ***to approve Signs Now site plan. There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is final plat review for Oldfield Subdivision, Phase 4.

An introductory presentation was given by Joe Rector, representative of Mullins, L.L.C., requesting final plat review of a fifty-three lot subdivision consisting of approximately seventeen point three-nine acres located west of Oldfield Subdivision, Phase One and stated staff deficiencies have been addressed.

Chairman asked for Commission questions or comments and stated staff recommends acceptance.

Chairman asked for a motion.

A Motion was made by Mr. Prescott and ***Seconded*** by Mr. Smith ***to approve Oldfield Subdivision, Phase 4 final plat. There was no discussion on the motion. The Motion carried unanimously.***

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

An introductory presentation was given by Steve Pumphrey, representative of Dewberry, requesting preliminary/final plat review of a two-point three-six acre parcel of a one hundred and ninety acre parcel located at the southeast corner of Vlahos and Malbis Lane. He stated that the owner wishes to carve out one-lot from the parent parcel for the purpose of development; Baldwin County staff deficiencies have been addressed, and a note regarding the subdivision of property has been added to the plat.

Chairman asked for Commission questions or comments.

Mr. Scott commented about the concerns expressed by Cliff Chatham, adjacent property owner, and proper notification for citizens of meetings. Ms. Jones responded for clarification, the notice sent out is in your packet.

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Ms. Jones stated the notice mentions the subdivision of a two-point six acre parcel from one hundred and ninety acres in District 15, Exterritorial Planning Jurisdiction, and gives the location as well.

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. Hodgson and **Seconded** by Mr. Prescott **to approve Vlahos preliminary/final plat. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is a rezoning request for Cynthia Pierce.

An introductory presentation was given by Cynthia Pierce, owner, requesting rezoning of a zero-point eight-nine acre parcel located southwest of Whispering Pines and Pollard Road from R-1, Low Density Single Family Residential, to R-6(G), Garden/Patio Home for the purpose of the creation of a three-lot subdivision with frontage on Pollard Road.

Chairman asked for Commission questions or comments.

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 Mr. Smith **to set forth a favorable recommendation to the City Council to rezone the subject property for Cynthia Pierce from R-1, Low Density Single Family Residential, to R-6(G), Garden/Patio Home. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is a rezoning request for TH Tanglewood 2018, L.L.C.

An introductory presentation was given by Steve Pumphrey, representative of Dewberry, requesting rezoning of a four-point seven four acre parcel located southeast of Whispering Pines and Caroline Avenue from R-1, Low Density Single Family Residential, to R-2, Medium Density Single Family Residential, for the purpose of the creation of a three-lot subdivision with frontage on Whispering Pines Road that is compatible with the neighborhood.

Chairman asked for Commission questions or comments.

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. Hodgson and **Seconded** by Mr. Sandefur **to set forth a favorable recommendation to the City Council to rezone the subject property for TH Tanglewood 2018, L.L.C. from R-1, Low Density Single Family Residential to R-2, Medium Density Single Family Residential. There was no discussion on the motion. The Motion carried unanimously.**

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The next order of business is a request for pre-zoning and annexation for Redbarn, L.L.C.

An introductory presentation was given by Steve Pumphrey, representative of Dewberry, requesting to table the pre-zoning amendment and annexation petition for Redbarn, L.L.C. due to allow for pending completion of the Baldwin County Board of Education redistricting of school zones.

Chairman asked for Commission questions or comments.

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 Mr. Smith **to table the pre-zoning and annexation requests for Redbarn, L.L.C. to the regular meeting of January 24, 2019.**

During discussion on the motion, Ms. Jones stated the next meeting exceeds thirty days; the agent needs to waive the thirty-day requirement. Steve Pumphrey agreed to waive the thirty-day requirement.

The Motion carried unanimously.

The next order of business is an administrative presentation of street acceptance for Oldfield Subdivision, Phase 3A.

An introductory presentation was given by Adrienne Jones, Director of Community Development, requesting a recommendation for acceptance of the right-of-ways in Oldfield Subdivision, Phase 3A and stated all appropriate documentation has been presented.

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

A **Motion** was made by Ms. Bergin and **Seconded** by Mr. Sandefur **to set forth a favorable recommendation to Council to accept the streets in Oldfield Subdivision, Phase 3A. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is Planning Commission discussion.

Ms. Jones presented a draft of a proposed amendment of Article 9. The goal is to set standards of which a re-plat of substandard lots of record would create lots which are more in conformance and consistent with the general context with the area. The creation of the Olde Towne Daphne Residential District shall define an area west of Main Street to Mobile Bay that is affected and shall establish the border of an overlay district for substandard lots of record which do not lie within an established subdivision; it shall provide criteria of which allows the Planning Commission to grant exceptions to a subdivision re-plat with regard to minimum lot size and setbacks based on the character of an area. The exceptions shall be granted by the Planning Commission, not the Board of Zoning Adjustments and shall not require rezoning of the property.

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Ms. Jones stated the criteria for an application of a subdivision re-plat of substandard lots of record to be considered for an exception it shall be: single-family residential uses, a context area of two-hundred foot, and have a minimum lot size of twelve thousand square feet.

The next order of business is public participation.

Chairman asked for public participation.

Steve Olsen, 437 Village Drive, spoke and expressed his opposition about Articles 14, and stated he is concerned that the proposed amendment to the Land Use Ordinance may go too far by granting the Planning Commission discretion to grant approval of variations to perimeters outlined in the district requirements when re-platting nonconforming lots of record; reiterated that the power to grant a variance is prescribed in state law as the sole power of the Board of Zoning Adjustment; and, the amendment does not dictate to whom an aggrieved party can file an appeal, if an application for a subdivision re-plat is denied.

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

Mr. Dungan stated no report.

The next order of business is commissioner's comments.

Merry Christmas!

The next order of business is director's comments.

Ms. Jones presented the following:

- a. City Council Actions:
 - 1. Public hearing held for Danny & Donna Parks Pre-zoning Amendment and Annexation, and Claymark Properties, L.L.C. Zoning Amendment, and Angie Phillips was sworn in as a City Council member were held on December 17, 2018;
- b. The upcoming meeting dates are site preview, January 16 & regular meeting, January 24, 2019.

There being no further business, the meeting was adjourned at 6:09 p.m.

Respectfully submitted by:


Jan Vallecillo, Planning Coordinator

Approved: January 24, 2019


Marybeth Bergin, Chairman