

CITY OF DAPHNE
1705 MAIN STREET, DAPHNE, AL
CITY COUNCIL BUSINESS MEETING AGENDA
November 4, 2019
6:30 P.M.

1. **CALL TO ORDER**
2. **ROLL CALL**
INVOCATION: Father Tuck Bowen, St. Stephen's Charismatic Episcopal Church
PLEDGE OF ALLEGIANCE

PROCLAMATION: Ecumenical Ministries

PRESENTATION: Daphne Utilities
3. **APPROVE MINUTES:** Council Meeting – October 21, 2019
4. **REPORTS OF STANDING COMMITTEES**
 - A. **FINANCE COMMITTEE** – Conaway
Review the minutes from the October 21st Meeting.
Treasurer's Report (September 2019):
 - i. Unrestricted Fund Balance - \$14,457,511
 - ii. Total Cash Balance - \$23,431,675Sales Tax (August 2019) - \$1,496,945
Lodging Tax (August 2019) - \$95,408
 - B. **BUILDINGS & PROPERTY COMMITTEE** – Goodlin
 - C. **PUBLIC SAFETY COMMITTEE** – Scott
 - D. **CODE ENFORCEMENT/ORDINANCE COMMITTEE** – Phillips
 - E. **PUBLIC WORKS COMMITTEE** – Coleman
5. **REPORTS OF SPECIAL BOARDS & COMMISSIONS**
 - A. **BOARD OF ZONING ADJUSTMENTS** – Adrienne Jones
 - B. **DOWNTOWN REDEVELOPMENT AUTHORITY** – Conaway
 - C. **INDUSTRIAL DEVELOPMENT BOARD** - Rudicell
 - D. **LIBRARY BOARD** –Phillips
 - E. **PLANNING COMMISSION** – Scott
Review the minutes from the September 26, 2019 meeting.
 - F. **RECREATION BOARD** – LeJeune
 - G. **UTILITY BOARD** – LeJeune
6. **MAYOR'S REPORT**

City Council Agenda – November 4, 2019

7. **CITY ATTORNEY REPORT**
8. **DEPARTMENT HEAD REPORTS**
9. **CITY CLERK’S REPORT**

MOTION to approve the SEEDS Classic Rock 5k and 1 mile fun run on March 7, 2020.

MOTION to approve the Public Hanukkah Menorah Lighting at Daphne City Hall on December 29, 2019 from 5:00pm – 9:30pm.

MOTION to appoint Khalilah Burton to the Education Advisory Committee for a two year term (November 2019-2021).

MOTION to approve the issuance of the 020 – Restaurant Retail Liquor to Daphne IWC LLC dba Island Wing Company located at 29740 A Urgent Care Drive, Daphne, AL.

MOTION to approve the publication and set a public hearing on December 16, 2019 for the Rachel Burmeister and James Stocks proposed zoning amendment located southwest of Main Street and Belrose Avenue.

MOTION to approve the publication and set a public hearing on December 16, 2019 for the proposed amendments to the Ordinance 2011-54, Land Use and Development Ordinance, Articles 13, 14 and 36.

10. **PUBLIC PARTICIPATION**
11. **RESOLUTIONS & ORDINANCES**

A. RESOLUTIONS:

2019-60 – Public Safety Vehicle Equipment

B. 2ND READ ORDINANCES:

2019-46 – Pre-zoning – Down by the Bay, LLC located NE of Cnty Rd 64 and Cnty Rd 13, SE of Rand Ave and Cnty Rd 13

2019-47 – Annexation – Down by the Bay, LLC located NE of Cnty Rd 64 and Cnty Rd 13, SE of Rand Ave and Cnty Rd 13

C. 1ST READ ORDINANCES:

12. **ELECTION OF OFFICERS**
13. **COUNCIL COMMENTS**
14. **ADJOURN**

CITY OF DAPHNE, ALABAMA

Proclamation

WHEREAS; Ecumenical Ministries, Inc. of Baldwin County ~ hereinafter known as EMI ~ is a, faith-based, nonprofit organization founded in 1970; and

WHEREAS; EMI has helped hundreds of volunteers, organizations and multiple churches come together to help those in need in communities throughout Baldwin County; and

WHEREAS; in the year 2020, EMI celebrates fifty years of service; and

WHEREAS; EMI volunteers, staff and donors helped more than 96,000 individuals facing emergencies, including providing more than a million meals through their pantries; and

WHEREAS; EMI's Meals on Wheels volunteers and staff delivered more than a half-million low-cost meals to elderly, shut-ins and handicapped individuals; and

WHEREAS; EMI volunteers, staff and donors have repaired more than 480 low-income, owner-occupied houses in the last five years ~ many of them roofs that saved a house or handicap ramps which provide critical access to a home; and

WHEREAS; EMI volunteers, staff and donors provided more than 25,000 hand-picked, Christmas gifts to low income children and elderly; and

WHEREAS; EMI volunteers, staff and donors initiated the paving of 350 miles of roads in rural communities ~ many of them serving low income families; and

WHEREAS; EMI volunteers, staff and donors initiated racial reconciliation opportunities for thousands of individuals; and

WHEREAS; the example set by EMI volunteers, staff and donors shows how communities can be improved civilly when citizens of all denominations, races, economic status and political persuasions work together on a common community problem.

NOW,
THEREFORE; I, Dane Haygood, as the Mayor of the City of Daphne, along with the Daphne City Council, do hereby proclaim the last Sunday in January 2020 will be recognized as

Ecumenical Ministries Day

in the City of Daphne, urge all citizens to express their sincere and deep appreciation for Ecumenical Ministries, Inc. and its volunteers' tens of thousands of hours of diligent and cooperative work.


Dane Haygood, Mayor

ATTEST:


Candace G. Antinarella, City Clerk



**October 21, 2019
CITY COUNCIL MEETING
REGULAR BUSINESS MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER:

There being a quorum present Council President Pat Rudicell called the meeting to order at 6:30 p.m.

2. ROLL CALL:

COUNCIL MEMBERS PRESENT: Pat Rudicell, Tommie Conaway, Joel Coleman, Doug Goodlin, Robin LeJeune, Ron Scott and Angie Phillips

Also Present: Candace Antinarella, City Clerk; Jay Ross, City Attorney; Mayor Haygood; Vickie Hinman, Human Resources Director; Troy Strunk, Executive Director of City Development; Tonya Young, Library Director; BJ Eringman, Public Works Deputy Director; Betsy Schneider, Operations Director; James White, Fire Department; David Carpenter, Police Department; Ange Baggett, Marketing Director and Jessica Linne, Assistant City Clerk.

INVOCATION/PLEDGE OF ALLEGIANCE:

Invocation was given by Reverend Thack Dyson, St. Paul's Episcopal Church.

PRESENTATION: Dorothy Morrison with the Beautification Committee presented the fourth quarter Beautification Award to Daphne Commons. She shared about Daphne Commons and the different businesses located in the center.

PUBLIC HEARING: Tim Lolley with Goodwyn, Mills and Cawood Engineering presented on the pre-zone Amendment and petition for Annexation for Down by the Bay, LLC located Northeast of County Road 64 and County Rd 13, Southeast of Rand Avenue and County Road 13.

Public Hearing opened at 6:37pm. No one spoke.

Public Hearing closed at 6:38pm.

Mayor Haygood said he wanted to explain for the public what pre-zoning was. He shared that if a piece of property is not already in the City it has to be pre-zoned before it can be annexed.

Councilman Rudicell said that these ordinances will be voted on in two weeks. Allan Dees, 902 Camilla Court, said he has never had a single complaint about city employees.

3. APPROVE MINUTES:

The minutes of the October 7, 2019 regular meeting were approved.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE

Councilwoman Conaway said the committee met that afternoon and a report will be given at the next Council meeting. She commended the Finance Director and Department for receiving the CAFR Award for the 7th year.

B. BUILDINGS & PROPERTY COMMITTEE

Councilman Coleman said the next meeting is November 12th at 5:15pm.

C. PUBLIC SAFETY COMMITTEE

Councilman Scott said the next meeting is November 12th at 4:30pm.

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D. CODE ENFORCEMENT/ORDINANCE COMMITTEE

Councilwoman Phillips said the committee will not meet in November, but the next meeting is December 2nd at 4:30pm.

E. PUBLIC WORKS COMMITTEE

Councilman Coleman said the committee will meet on November 4th for two hours, from 4:30 – 6:30pm.

**MOTION by Councilman Coleman to close the Recycling Drop Off Center to the public with the exception of the following time: Monday after Thanksgiving Day through the first business day after New Year's Day (closed on weekend).
MOTION CARRIED UNANIMOUSLY.**

He said the minutes from the September 2019 Public Works meeting, minutes from the August 2019 Beautification meeting and minutes from the September 2019 History Museum meeting are in the packet.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments

Mrs. Jones said there will be no meeting in November.

**MOTION by Councilman Scott to reappoint Willie Robison for a 3 year term (November 2019-November 2022). Seconded by Councilwoman Conaway.
MOTION CARRIED UNANIMOUSLY.**

Councilman Scott said Mr. Robison is a great asset to BZA.

B. Downtown Redevelopment Authority

Councilwoman Conaway said the next meeting is November 21st at 5:30pm.

C. Industrial Development Board

Councilman Rudicell said the committee met a few weeks ago and they are working on a resolution to pay back the loan to the City.

D. Library Board

**MOTION by Councilwoman Phillips to reappoint Elliott Riser to the Library Board for a 4 year term (2019-2023). Seconded by Councilman Scott.
MOTION CARRIED UNANIMOUSLY.**

Councilman Scott said Mr. Riser is in his district and he commended his service to the City.

Councilwoman Phillips said the next meeting is November 14th at 4:00pm. She said the Porch is now complete and there will be a celebration on Tuesday, November 19th at 6:00pm.

E. Planning Commission

Councilman Scott said the next meeting is Thursday at 5:00pm. He said there will be a site plan review.

F. Recreation Board

Councilman LeJeune said the Board had a great meeting recently. He thanked Ange Baggett for attending. He said the next meeting is November 13th at 6:30pm.

G. Utility Board

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Councilman LeJeune said the next meeting is October 30th. He said one of the topics is the hiring of a new general manager/director of the Utility Board. He said hopefully that will be filled soon.

6. MAYOR'S REPORT:

Mayor Haygood said the Utility Board has extended an offer to Scott Polk and he will be the new General Manager. He recognized the Finance Department for receiving the CAFR for 7 years in a row. He mentioned the *Out of the Darkness Walk* was yesterday and they had a great turnout. Mayor Haygood said that Daphne High School hosted the Eastern Shore Band Classic this past weekend and had a great attendance.

7. CITY ATTORNEY REPORT:

No report.

8. DEPARTMENT HEAD COMMENTS:

Fire Department and Police Department had no report.

Ange Baggett, Recreation and Civic Center, reported that basketball registration is going on through November 3rd. She said the Bicentennial Celebration is November 7th. The Daphne Christmas Parade is December 7th. She said the Porch is now complete at the Library and the celebration will be November 19th.

Tonja Young, Library, thanked Councilwoman Phillips and other employees for all their help in completing the Porch Project.

BJ Eringman, Public Works, mentioned the Turkey Trot 5K this coming Saturday as well as the Witches Ride on Sunday.

Adrienne Jones, Planning, said there is a meeting this upcoming Thursday for Planning Commission.

9. CITY CLERK'S REPORT:

**MOTION by Councilman Scott to add the motion from the October Public Works meeting to formally reject all Solid Waste bids to the agenda. Seconded by Councilwoman Phillips.
MOTION CARRIED UNANIMOUSLY.**

MOTION by Councilman Scott to accept the recommendation from staff to reject all Solid Waste bids. Seconded by Councilwoman Phillips.

Councilwoman Conaway	aye	Councilman Goodlin	nay
Councilman Rudicell	aye		
Councilman Coleman	aye		
Councilman Scott	aye		
Councilman LeJeune	aye		
Councilwoman Phillips	aye		

MOTION CARRIED.

10. PUBLIC PARTICIPATION:

Public Participation opened at 6:56pm.

Sandy Robinson, 1500 Main Street, asked for clarification on the upcoming Ordinance and Public Works meetings in November.

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Robert Dire, 905 Halls Lane, said he wanted to make sure he understood that Council is rejecting all bids for Solid Waste services. Councilman Coleman said that they rejected all the bids that were submitted. He said they are holding an extended Public Works Meeting on November 4th to discuss different options. Mayor Haygood said they are opposed to privatizing Solid Waste. Mayor Haygood said there will be a public hearing at the November 18th meeting. Mayor Haygood said “privatization is effectively off the table”.

Public Participation closed at 7:01pm.

11. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

ORDINANCES:

2nd READ:

2019-45 – Appropriation – ADECA Grant Match for the Recreational Trails Program to Construct a Walking Trail at Village Point Reserve

MOTION by Councilman Scott to waive the reading of Ordinance 2019-45. Seconded by Councilwoman Conaway.

MOTION CARRIED UNANIMOUSLY.

**MOTION by Councilman Scott to adopt Ordinance 2019-45. Seconded by Councilwoman Conaway.
MOTION CARRIED UNANIMOUSLY.**

1st READ:

2019-46 – Pre-zoning – Down by the Bay, LLC

2019-47 – Annexation – Down by the Bay, LLC

12. COUNCIL COMMENTS:

Councilwoman Phillips congratulated Daphne High School who was recognized as an “A” school. She said this is a great achievement.

City Clerk asked Council President Rudicell, as a matter of order, that council comments were just being done before the public hearing. He said they were.

Councilwoman Conaway said the Education Advisory Committee will meet on Monday, October 28th, at 11:00am in the Conference Room.

Mayor Haygood said he looked forward to the public hearing that was about to ensue.

Councilman LeJeune asked if Council could take a 5 minute recess before the public hearing began.

Council meeting recessed at 7:04pm.

Council meeting resumed at 7:09pm.

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13. PUBLIC HEARING: Business License Revocation

Sergeant Jason Vannoy with Daphne Police Department stated that Daphne Police Department received a report from Foley Police Department that an undercover officer entered a massage parlor in Foley and had a sex act performed on him for monetary gain. The report also stated that an undercover officer went into a massage parlor in Daphne owned by the same individual as Foley and a sex act was performed in that parlor for monetary gain. He said the worker at the Daphne location was arrested for prostitution and the owner of the massage parlor in Daphne was arrested for promoting prostitution. He said that the Daphne Police Department is asking the City Council to consider revoking the business license of Tranquility Massage based on the fact that it was operating as a den of prostitution.

Josh O'Neal, attorney for Tranquility Massage, had a few questions involving the investigation. He asked if it was the same employee at both massage parlor locations. Sergeant Vannoy said he did not know that answer. Mr. O'Neal asked if the owner of Tranquility Massage was present at either location when the arrests happened. Sergeant Vannoy said that the owner was present at the Daphne location.

Mr. O'Neal said the owner of Tranquility Massage has been in business in the area for a few years. He said these were acts of her employees and she desires to comply with the laws and run a business that is suitable for the public and doesn't engage in these acts of her employees. He asked if it would be a possibility to request from the Council other measures besides revoking the license.

General discussion was had amongst Council members, Sergeant Vannoy and Mr. O'Neal.

MOTION by Councilman Scott to revoke the business license of Tranquility Massage. Seconded by Councilwoman Conaway. Amendments were made to include the business address, 27955 Highway 98 Unit P, Daphne, AL 36526, and the effective date to be immediately.

Councilwoman Conaway	aye
Councilman Coleman	aye
Councilman Goodlin	aye
Councilman Scott	aye
Councilman LeJeune	aye
Councilwoman Phillips	aye

Councilman Rudicell	nay
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MOTION CARRIED.

14. ADJOURN:

THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE MEETING ADJOURNED AT 7:29 P.M.

Respectfully submitted by,

Certification of Presiding Officer,

Candace G. Antinarella, City Clerk

Pat Rudicell, Council President

CITY OF DAPHNE
FINANCE COMMITTEE MINUTES
OCTOBER 21, 2019 - 4:30 P.M.



I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 4:30 p.m.

Present were:

Chairperson Mrs. Tommie Conaway
Councilman Mr. Pat Rudicell
Councilman Mr. Joel Coleman
Councilman Mr. Doug Goodlin

Councilman Mr. Ron Scott
Councilman Mr. Robin LeJeune
Councilman Mrs. Angie Phillips

Also Present: Mayor Dane Haygood, Finance Director Mrs. Kelli Reid, Senior Accountant Mrs. Suzânn Henson, Human Resource Director Vickie Hinman, Revenue Officer Courtney Coleman, Public Works Director Mr. Jeremy Sasser, Operations Director Mrs. Betsy Schneider, City Clerk Mrs. Candace Antinarella, Executive Director of City Development Troy Strunk, Events and Marketing Director Ange Baggett, Public Works Deputy Director William Eringman, Solid Waste Supervisor Randy Jones, City Attorney Mr. Jay Ross and Patrick Dungan.

II. PUBLIC PARTICIPATION

There was no public participation.

III. APPROVE MINUTES FOR THE PREVIOUS MEETING

The previous minutes were approved.

IV. HUMAN RESOURCES BUSINESS

A. Update on Human Resources Department Activity

Mrs. Vickie Hinman reviewed the Human Resource Report:

- Posted Positions – 4
- Re-Posted Positions - 4
- Reviewing/Testing/Interviewing/Background check - 4
- Promotion/Internal Transfer/ Fire Oral Board/Police Written Test - 3
- New Hires – 1 (IT Director-starts 10/31/19)
- Open positions – 1 (PS Worker-Parks)

Mrs. Hinman reviewed the monthly Safety Committee meeting topics discussed and other Human Resource projects and events.

- HR training for employees re: Supervisory Training on Oct. 15/16
- Oral Board for Lieutenant and Battalion Chief promotions: Oct. 22/23
- Planning Fall employee picnic: November 14 – Mrs. Hinman invited Council to attend the employee picnic.
- Finalizing revisions of personnel policies in Employee Personnel Handbook

Mr. Goodlin asked Mrs. Hinman about the employee handbook updates. Mrs. Hinman reviewed the updates including changes in employment law that needed to be updated in the handbook. Discussion was made on the Fire Department trainees program. Mrs. Reid noted that currently there was not any monies budgeted for the stipends but will need to be before hiring.

B. Overtime Report and Special Events Overtime Recap Report

Mrs. Reid reviewed the overtime report. Mr. Scott stated he wanted to recognize that overtime was down from the last couple years and noted that overtime was over \$100,000 down from FY2017's total. Discussion continued on the process changes made for monitoring employee overtime.

V. BUSINESS LICENSE REPORT

A. Report: New Business Licenses – September, 2019

Mrs. Coleman reviewed the following reports and information and noted she is still working out the kinks after the new software conversion to Munis.

- Code enforcement issued 8 warnings resulting in businesses becoming compliant and \$749 in revenue.
- New Businesses with a physical location in Daphne - 14
- Simplified Sellers Use Tax collections - \$53,892.52 and YTD collections - \$397,934.36

BUSINESS LICENSE ACTIVITY REPORT	
BUSINESS LICENSE COUNT through 09/30/2019	
NEW Licenses	49
RENEWAL Licenses (2019)	22
Total Issued THIS MONTH	71
Total Issued THIS MONTH - PREVIOUS YEAR	91
Net Gain/-Loss Current VS Previous Yr MONTH	-20
Total Issued YTD 2019	4,651
Total Issued YTD - PREVIOUS YEAR	4,436
Net Gain/-Loss Current VS Previous Yr YTD	+ 215

Business License Fee Historical Comparison 2018 / 2019				
	FY 18	FY 19	+/- Previous Year	Budget 2019 * \$2,215,000
October	\$5,258.84	\$7,486.91	\$2,228.07	(\$2,207,513.09)
November	\$8,566.59	\$3,983.03	(\$4,583.56)	(\$2,203,530.06)
December	\$41,564.84	\$2,614.81	(\$38,950.03)	(\$2,200,915.25)
January	\$1,420,279.64	\$1,409,468.98	(\$10,810.66)	(\$791,446.27)
February	\$569,031.88	\$698,411.44	\$129,379.56	(\$93,034.83)
March	\$183,259.10	\$169,548.90	(\$13,710.20)	\$76,514.07
April	\$29,229.51	\$48,761.33	\$19,531.82	\$125,275.40
May	\$15,686.44	\$28,001.93	\$12,315.49	\$153,277.33
June	\$16,524.34	\$15,746.69	(\$777.65)	\$169,024.02
July	\$14,904.40	\$22,076.77	\$7,172.37	\$191,100.79
August	\$10,524.31	\$9,802.05	(\$722.26)	\$200,902.84
September	\$12,237.73	\$10,009.81	(\$2,227.92)	\$210,912.65
Year to Date	\$2,327,067.62	\$2,425,912.65	\$98,845.03	\$275,912.65
* Amounts include penalty and interest.				

VI. SALES & LODGING TAX REPORT

A. Sales and Use Taxes: August, 2019

Mrs. Henson reviewed the Sales & Use Tax Reports and Graphs: \$1,496,944.75 was collected for August, 2019 which was up \$89,936.43 from August 2018's collections: :

- YTD Variance over Budget - \$728,378.38

B. Lodging Tax Collections, August, 2019

Mrs. Henson reviewed the Lodging Tax Collections Report and noted the collections for August, 2019 were \$95,408.26 which is down (\$8,821.01) from August 2018's collections .

- YTD Variance over Budget: \$ 72,695

C. Lodging Tax Fund : Statement of Rev over Exp, September, 2019

Mrs. Henson reviewed the preliminary Lodging Tax Statement of Revenues over Expenditure report for September, 2019 and noted there was some expenditure activity made for the Trione Sports Complex.

- Unreserved balance for Bayfront related purchases - \$ 1,559,062
- Recreation related purchases - \$ 732,684

Mrs. Reid noted that this statement is preliminary since finance is still working on closing FY2019.

VII. FINANCIAL SCHEDULES & REPORTS

A. Financial Reports

1. Treasurer's Report: September, 2019

Mrs. Reid reviewed the Treasurer's Report:

TREASURER'S REPORT					
As of September 30, 2019					
Account Type/Title	9/30/2019	8/31/2019	Increase (Decrease) from last Month	9/31/2018	Increase (Decrease) from Last Year
GENERAL FUND & ENTERPRISE FUNDS	\$ 8,274,680	\$ 6,806,174	\$ 1,468,507	\$ 7,736,406	\$ 538,274
CERTIFICATE OF DEPOSIT	500,000	500,000	-	502,134	\$ (2,134)
INVESTMENT FUND	5,669,872	5,598,167	71,705	5,325,910	\$ 343,962
CREDIT CARD ACCOUNT	12,959	13,459	(500)	4,154	\$ 8,805
Total Unrestricted Cash Balance	14,457,511	12,917,800	1,539,712	13,568,604	888,907
SPECIAL REVENUE FUNDS					
AGENCY FUNDS					
CAPITAL PROJECT FUNDS					
CAPITAL RESERVE	2,851,720	3,079,894	(228,174)	3,629,260	(777,540)
2016 CAPITAL IMPROVEMENTS	-	-	-	845,871	(845,871)
2017 CONSTRUCTION	-	-	-	5,994,132	(5,994,132)
2019 CAPITAL IMPROVEMENTS	919,755	919,378	378	-	919,755
	3,771,475	3,999,271	(227,796)	10,469,263	(6,697,788)
DEBT SERVICE FUNDS					
Total Restricted Cash Balance	8,974,164	9,154,402	(180,238)	16,335,080	(7,360,916)
Total City Cash Balance	\$ 23,431,675	\$ 22,072,201	\$ 1,359,474	\$ 29,903,684	\$ (6,472,009)
	Encumbrance Total as of		9/30/2019	\$ 300,969.24	

Mrs. Reid noted the unrestricted cash balance is up \$1.9 million from last years comparison but the total restricted cash balance and the city cash balance is down. Mrs. Reid noted that funds from the 2016 Capital Improvements and 2017 Construction have been spent on designated projects so those accounts have a zero balance.

The Treasurer's Report as of SEPTEMBER, 2019 Total Unrestricted Cash Balance - \$14,457,511 and Total City Cash Balance - \$23,431,675 was presented to be filed for audit.

2. Encumbrance Report

- Encumbrance balance is - \$300,969.24 as of September, 2019.

Mrs. Reid reviewed the Encumbrance Report and reviewed several projects that would soon be completed and removed off the encumbered report.

3. Outstanding Appropriations

Mrs. Reid reviewed the Outstanding Appropriations report that was included in the packet.

4. Financial Overview: Debt Summaries & Monthly Financial Statements, September, 2019

Mrs. Reid reviewed the following Financial Statements:

- Debt Summary Schedules (General & Enterprise Funds), September, 2019
- Jubilee Square: Debt payments are currently fully paid through December 2018 thus 9 months in arrears. Arrearage includes \$486,784 in principal and \$87,850 in interest

Mrs. Reid stated that the financial statements would be included in the next Finance meeting packet after Fiscal Year 2019 was closed.

5. Unfunded Future Projects Expenditure Summary

Mrs. Reid reviewed the Unfunded Future Projects Expenditure Summary. No appropriations have been made.

- Total Project Estimated Cost: \$8,900,000 - Total City Cost needing to be appropriated - \$6,182,000
- Annual Yearly Expenditures: \$ 1,650,000 - Total City Cost needing to be appropriated - \$1,650,000

Mrs. Reid and Mayor Haygood discussed that the Pollard Road / CR 64 project amount may change due to a MPO agreement change. Mrs. Reid discussed the new Ten Cent Gas Tax fund and noted the use of the funds will be similar to the Four and Seven Cent Gas Tax monies restrictions.

6. Summary of Budgetary Amendments

Mrs. Reid reviewed the General Fund budgetary amendments made to the FY2019 Budget.

- Total Appropriations Year to Date – \$ 3,180,670
- Adjusted Expenses over Revenue – (\$3,119,270)

B. Bills Paid Reports – September, 2019

The Bills Paid Report were previously presented electronically.

VIII. NEW BUSINESS

A. Certificate of Achievement of Excellence in Financial Reporting (CAFR) Award – FY2018.

Mrs. Reid stated the City was awarded the CAFR award for the fiscal year 2018. Discussion continued on the report and recognition was given to Mrs. Reid and the Finance Department for their hard work.

B. Discuss Sewer Assessment Balance Update & Discussion on Write-offs

Mrs. Reid reviewed the Sewer assessment list and reviewed potential write-offs. Mrs. Reid noted a couple locations are actually retention ponds and should not have had sewer assessments for these properties. Discussion continued the process to take on writing off the assessments for these locations. Also discussed were placing liens on the remaining unpaid landholder for three lots.

C. Solid Waste – Sustainable Capital Equipment Plan

Mr. Sasser handed out a Solid Waste Equipment Assessment Schedule. Mayor Haygood reviewed the equipment on the list and discussed depreciation that needs to be imbedded in the schedule/budget. Mayor Haygood stated if no changes are made that the cost to operate the City's Solid Waste department will be at an loss of approximately \$6.06/customer. Mr. Scott stated he has spoken to several citizens requesting the garbage services remain with the city. Discussion continued on what portion of the loss the City would consider subsidizing for the citizens. Mr. Goodlin noted these cost would go away if the City outsourced these services. Mrs. Reid discussed if the City continues the recycle service and buys two new trucks that two hopper positions would not be needed since the new trucks are automated. Mrs. Reid noted this would create a savings of approximately \$110,00 in personnel. Mr. Sasser noted that there is currently two vacancies in that department and other position openings within the City that employees could apply for. Discussion continued on recycling. Mrs. Phillips asked about looking at picking up recycling every other week to reduce cost. Mr. Sasser showed a video of current recycling housed at the Public Works facility and the process required for employees to transition the recycling materials from storage to the transport trailer. Discussion continued that the City will need to find

a solution of where to take the recycling to since the City is no longer under contract with ECUA for receiving recycling. Also discussed was how to educate the citizens on which recycling material will be accepted.

Mr. Scott discussed setting a public hearing date and discussing what options should be considered at the November 4, 2019 Public Works Committee meeting as well as finding an interim solution for where to take the recycling materials to. Mr. Scott made that motion but withdrew it for further discussion. Discussion was made on moving the meeting time up for the Public Works meeting to allow time for this discussion. Discussion continued that the city should set three viable options to be discussed at the Public Hearing that could be later voted on. Mr. LeJeune noted that it could also be a combination of some of the options.

Mrs. Reid stated from the discussion just made she had heard four options:

1. Raising Garbage rates
2. Changing or reducing the recycling stream
3. Changing to an every other week recycling pickup
4. Outsource Garbage and Recycling service to the County

MOTION BY Mr. Scott to recommend to add discussion of Garbage and Recycling options to the Public Works meeting agenda on November 4, 2019. Seconded by Mrs. Phillips.

MOTION CARRIED UNANIMOUSLY

X. OLD BUSINESS

A. Update on OPEB (Other Post-Employment Benefits) Trust Fund

Mrs. Reid gave an update on the City setting up an OPEB fund and noted that she had met with a Regions representative that afternoon. Discussion continued on the need for the fund and how much the funding would be required. Mrs. Reid stated she would bring some information on setting up the new account to next month's meeting.

XI. ADJOURN

The meeting adjourned at 6:14 p.m.

The City of Daphne
Planning Commission Minutes
Regular Meeting of September 26, 2019
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:

Ed Kirby
Marybeth Bergin, Chairman
Phillip Hodgson, Vice Chairman
Ron Scott
Hudson Sandefur
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 August 22, 2019. There being none, minutes are approved as submitted.*

Chairman stated the next order of business is a request for Planning Commission approval and site plan review for MRM Storage. She explained that the Commission will hold a public hearing because a storage facility is not allowed by right in a B-2 zone.

An introductory presentation was given by Robert Cummings, representative of Goodwyn, Mills & Cawood, requesting consideration of a proposed commercial use in a B-2 zone and site plan review of a two-phase self-storage facility located southeast of the intersection of Pollard Road and Randall Avenue with associated drainage, parking, utilities, and landscaping.

Mr. Cummings stated that staff deficiencies have been addressed. Chairman responded that the Environmental Programs Manager and Public Works Director have provided updated memorandums.

Chairman asked about the necessity of a fence on the north and east side of the property. Ms. Jones responded a fence along the southern boundary is a requirement of the Pollard Commercial Subdivision plat.

Chairman asked for Commission questions or comments.

Mr. Kirby asked about the detention pond.

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Mr. Cummings responded that storm water detention was designed to accommodate both phases.

Chairman opened the floor to public participation.

Karl Brantley, 26214 Pollard Road, spoke in opposition and expressed concerns about adversely affecting property values, drainage, noise and a buffer.

James Brantley, 26250 Pollard Road, spoke in opposition and expressed concerns about drainage, noise, dust and a buffer.

Curt Fonger, President of the Gardens on Randall HOA, spoke in favor of the development and commented about similar drainage issues. He stated that this might be the best use of the property compared to the other uses allowed in B-2. He urged Commissioners to be consistent with architecture and aesthetics of development along Pollard Road because it encompasses residential development, it will no longer be a spot zoned rural street.

Chairman closed public participation.

During rebuttal, Mr. Cummings stated that storm water detention is designed in accordance with city standards. He stated the buffers will consist of a fifteen-foot landscaped buffer and eight-foot opaque fence on the residential sides. He also noted that this property is zoned B-2 and will be developed as a business use.

Mr. Scott asked for consideration of a monument sign; the developer was in agreement.

Chairman asked for Commission questions or comments and a motion.

A Motion was made by Mr. Scott and **Seconded** by Mr. Kirby **to grant planning approval for a storage facility as requested.**

During discussion, Mr. Scott asked Ms. Jones to present a summarization of uses allowed in a B-2 zone and stated this is the less intensive use for this property.

The Motion carried unanimously.

Chairman asked the rationale for the fence on the north and west side of the property. Mr. Cummings responded the ordinance requires an opaque fence where a general business district abuts a residential district on the south and east of the property. It is not a requirement on the north and west side so for security purposes, the owner will install a chain link fence with barbed wire.

Chairman commented that the combination of the chain link fence and barbed wire seems peculiar. Ms. Jones responded that an eight-foot wooden fence along the southern boundary is a requirement of the Pollard Commercial Subdivision plat.

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Chairman asked for consideration of an opaque fence along the road frontage; the developer was in agreement.

Chairman asked for Commission questions or comments and a motion.

A Motion was made by Mr. Kirby and **Seconded** by Mr. Sandefur **to approve the site plan for MRM Storage.**

During discussion, Mr. Scott asked if the motion should include the revision to the fence. There was no further discussion on the motion.

An Amended Motion was made by Mr. Kirby and **Seconded** by Mr. Sandefur **to approve the site plan for MRM Storage, contingent on revising the fence from chain link to wood along the road frontage. There was no discussion on the motion.**

Chairman called for a vote on the motion as amended. The Motion carried unanimously.

The next order of business is master plan review for Infirmary Health Malbis Medical Office Building.

An introductory presentation was given by Christopher Grant, representative of Thompson Engineering, requesting master plan review of Infirmary Health Malbis Medical Office Building located on the south side of U.S. County Road 90 at Renaissance Boulevard.

Chairman asked for Commission questions or comments and a motion.

A Motion was made by Mr. Kirby and **Seconded** by Mr. Hodgson **to approve the master plan for Infirmary Health Malbis Medical Office Building. There was no discussion on the motion. The Motion carried unanimously.**

An introductory presentation was given by Christopher Grant, representative of Thompson Engineering, requesting site plan review of three-story eighty-two thousand square foot medical office building with associated drainage, parking, utilities, and landscaping located on the south side of U. S. Highway 90 at Renaissance Boulevard.

Chairman asked for Commission questions or comments.

Mr. Scott commented about the controversy and criticism surrounding the rezoning of the property as B-2(a) and stated the medical facility is an appropriate use of the property. He stated that the residents have requested a small berm along the south property line to protect residential development on Malbis Lane. Mr. Grant responded that the site plan does meet and/or exceed the current landscape/buffer requirements, and there is a significant cost associated with that.

Chief White asked about the impact to the property to the west. Mr. Grant responded an eight-foot high opaque fence will be installed along with an additional landscape buffer, as well as, there will be no disturbance of the existing buffer. The only impact to this property will be construction of a turn lane on U.S. Highway 90.

The City of Daphne
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Chairman asked about the location of the fence in relationship to the easement. Mr. Grant responded the fence will be constructed in the interior of the easement.

Chairman stated that the Environmental Programs Manager and Public Works Director have provided updated memorandums.

Chairman opened the floor to public participation as promised at the Site Preview meeting.

Tom Granger, representative of Malbis Lane residents, stated that the residents appreciate the efforts of the developer with regard to landscaping and buffers and welcome the facility to the area, but they also wish to maintain their privacy and quality of life. Their concerns are the direction of the installation of opaque fencing and lighting and ask for the consideration of the placement of a berm along the south property line for screening.

George Kalasoutas, 9863 Malbis Lane, expressed support for the development of the medical office facility and related uses for the betterment of the community.

Willard Simmons, 9828 Malbis Lane, expressed concern about lighting and screening for the adjacent residents.

Betty Godwin, 9790 Malbis Lane, expressed concern about lighting and screening for the adjacent residents.

Mr. Scott asked about the ordinance regarding lighting. Ms. Jones responded there is a lighting ordinance and advised that she will provide the ordinance to their representative.

Chairman closed public participation.

Chairman asked for Commission questions or comments and a motion.

A Motion was made by Mr. Kirby and Seconded by Mr. Hodgson to approve the site plan for Infirmary Health Malbis Medical Office Building. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is site plan review for Valentine Automotive.

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

Ms. Jones advised that Mr. Valentine reduced the size and scope of the project and needs Commissioners to reaffirm approval.

Chairman stated Valentine Automotive was granted site plan approval last year and administrative site plan approval of a scaled-back modification that expired in July.

Chairman asked for Commission questions or comments and a motion.

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A Motion was made by Mr. Kirby and **Seconded** by Mr. Sandefur *to approve the site plan for Valentine Automotive. There was no discussion on the motion. The Motion carried. Mr. Scott abstained.*

The next order of business is final plat review for Jubilee Farms Subdivision, Phase Four.

An introductory presentation was given by Casey Hill, representative of Dewberry, requesting final review of Jubilee Farms Subdivision, Phase Four located southeast of Austin Road and Alabama Highway 181 and stated that in lieu of completion of the remainder of the improvements, the developer has posted a performance bond.

Ms. Hill stated that staff deficiencies have been addressed. Chairman responded that she has received a memorandum of acceptance from the Public Works Director and Environmental Programs Manager.

Chairman noted that the performance bond includes the final wearing surface of the roadways. Steve Harbin, representative of DR Horton, stated that the wearing surface for this phase has been completed in preparation for closing out the other phases within the next two months.

Chairman asked for Commission questions or comments.

Mr. Kirby asked about the performance bond. Ms. Jones responded that the bond presented is for the greatest amount shown on the cost estimates in the Planning Commission packet.

Chairman asked for Commission questions or comments and a motion.

A Motion was made by Mr. Scott and **Seconded** by Mr. Kirby *to approve the final plat for Jubilee Farms Subdivision, Phase Four. There was no discussion on the motion. The Motion carried unanimously.*

An introductory presentation was given by Morgan Ashurt, representative of Ashurt Niemeyer Real Estate, of a request to rezone a zero-point two acre parcel located at the northwest corner of Van Avenue and Main Street as MU, Mixed Use, for the existing mixed use, commercial and residential, building.

Chairman asked about the reason for rezoning. Ms. Jones responded the owner wishes to sale the property and guarantee the continued use of the building as mixed use.

Chairman asked for Commission questions or comments.

Mr. Scott expressed interest in the date of construction and history of the site. Ms. Anderson provided an overview of residential/commercial uses of the past and present: it was constructed in 1898 and renovated in 1910.

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

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Chairman asked for Commission questions or comments and a motion.

A **Motion** was made by Mr. Kirby and **Seconded** by Mr. Hodgson **to set forth a favorable recommendation to rezone the subject property from R-2, Medium Density Single Family Residential to MU, Mixed Use. The Motion carried unanimously.**

The next order of business is planning commission discussion of a proposed amendment to Article 14, Olde Towne Daphne District, and Article 36, Village Overlay District.

Ms. Jones presented the second draft of the proposed amendment to Article 14 that incorporates the changes mentioned at the site preview meeting. She stated the final draft of the proposed amendment with modifications applicable to Building and Fire Code will be presented to the Commission in October.

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. Hodgson nominated Mr. Prescott. The nominations were closed. With no other nominations, Mr. Prescott is Vice Chairman.

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

The next order of business is public participation.

Chairman asked for public participation.

Diane Smith, 10572 Sassaman, expressed comments regarding the six-foot white vinyl fencing installed along the perimeter of Jubilee Farms Subdivision that will run parallel and to the north of Austin Bridges Subdivision. She hopes the area remains open for the continued view of the greenery.

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.

None presented.

The City of Daphne
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Council Chamber, City Hall - 5:00 P.M.

There being no further business, the meeting was adjourned at 6:05 p.m.

Respectfully submitted by:


Jan Vallecillo, Planning Coordinator

Approved: October 24, 2019


Marybeth Bergin, Chairman



City of Daphne Event Permit Application

Date of Application: 10/20/2019 Permit Requested: ☐ Event/Fundraiser ☒ Parade/Run ☐ Band

Contact Information
Organization Name: SEEDS - Supporting Educational Excellence in Daphne Schools
Contact Name: Beth Dunn E-mail Address: seedsindaphne@gmail.com
Address: P.O. Box 460 Daphne, AL 36526
Primary Phone Number: 251-802-5002 Secondary: 251-581-0144

Event Information
Event Name: Classic Rock 5K and 1 mile Fun Run Event Date: March 7
Event Location: Daphne City Hall # Participants/Vehicles: 1,000 people
Start Time: 6:00 AM Stop Time: 12:00 PM Assembly Time: 6:30 AM
Special Requests: Diagram 3 for both races Road Closures Requested: ☒ Yes ☐ No

Special Instructions

Approval: Internal Use Only

Date Routed: 10/23/19
Fire Dept: [Signature]
Police Dept: [Signature]
Public Works: [Signature] ☐ Use of Alcohol
Parks & Recreation: [Signature]
Only required if event interrupts traffic near Daphne parks

For Special Event/Band Permits:
City Clerk: _____
Signature

For Parade/Run Permits & Use of City Grounds:
City Council: _____
Date of Approval

Parade/Run Permits ONLY
☐ Fee Paid: \$ _____ ☐ N/A ☐ Waived
☐ Insurance Filed ☐ N/A
Route Selection: ☐ 1 ☐ 2 ☐ 3 ☐ 4



City of Daphne Event Permit Application

Date of Application: 10/2/19 Permit Requested: ☒ Event/Fundraiser ☐ Parade/Run ☐ Band

Contact Information

Organization Name: Congregation Mayim Chayim

Contact Name: Rabbi David Tokajer E-mail Address: rabbi@shalomeasternshore.com

Address: 10526 County Road 64 Daphne, AL 36527

Primary Phone Number: 251-279-0068 Street / P.O. Box Secondary: 251-295-1484 (Rabbi's Cell) City/State/Zip Code

Event Information

Event Name: Public Hanukkah Menorah Lighting Event Date: 12/29/19

Event Location: Daphne City Hall (Outdoors) # Participants/Vehicles: 200-300/75+

Start Time: 5:00pm Stop Time: 9:30 Assembly Time: _____

Special Requests: Could we put a banner out on City Hall property a few days before announcing the event?
We'd be setting up at 5pm, event starting at about 6:30pm. Road Closures Requested: ☐ Yes ☒ No

Special Instructions

Approval: Internal Use Only

Date Routed: 10/21/19

Fire Dept: [Signature]

Police Dept: [Signature]

Public Works: [Signature]

Parks & Recreation: _____

Only required if event interrupts traffic near Daphne parks

For Special Event/Band Permits:

Council Member: _____
District # Signature

Parade/Run Permits ONLY

☐ Fee Paid: \$ _____ ☐ N/A ☐ Waived

For Parade/Run Permits & Use of City Grounds:

☐ Insurance Filed ☐ N/A

City Council: _____
Date of Approval

Route Selection: ☐ 1 ☐ 2 ☐ 3 ☐ 4

Khalilah V. Burton

107 De Juzan Circle • Daphne, AL, 36526

Email: khalilahv.burton@gmail.com • **Phone:** (256) 694 – 3132

Linkedin: <https://www.linkedin.com/in/khalilahv-burton/>

Executive Profile: Educational professional with over 15 years of experience in secondary education, higher education, and regulatory compliance for academic institutions. Leadership experience in organizational management, volunteer coordination, and community support.

Education:

Morgan State University, Baltimore, MD USA

Doctor of Education, Community College Leadership: August 2011 – present

*In Dissertation

Alabama Agricultural and Mechanical University, Normal, AL USA

Masters of Science Degree in Biology: July 23, 2004 GPA: 3.89

Bachelors of Science Degree in Biology: May 10, 2003 (Magna Cum Laude)

Work Experience:

Assistant Provost for Institutional Effectiveness and Accreditation December 2014 - present

Columbia Southern University, Orange Beach, AL USA

Operational Duties

Provide leadership in the implementation and monitoring of best practices for institutional effectiveness and improvement including accreditation, learning outcomes assessment, strategic planning, state authorization and licensure, and institutional research.

Key Areas of Responsibility

Institutional Effectiveness and Accreditation

- Work closely with the President and Provost on matters related to institutional effectiveness and accreditation.
- Oversee daily operations of the Department of Institutional Effectiveness and Accreditation while monitoring workloads to ensure service to the campus and external constituents is provided in a professional, ethical, and timely manner.
- Develop and implement a culture of accreditation through the application of planning, assessment, data analysis and reporting.
- Provide oversight and supervision for accreditation, assessment, research, evaluation strategies, trend analysis for environmental scanning, and serve as an institutional resource for these actions.

Institutional Strategic Planning

- Guide institutional strategic planning and environmental scanning, and assist in coordinating the annual assessment, planning, budgeting processes with University leadership.
- Develop and implement a comprehensive system for assessing effectiveness of University programs and services, including surveys, data reports, qualitative and quantitative analyses, and research design to assist in institutional improvements.

Compliance, Institutional Research, and Assessment

- Coordinate and conduct training for outcomes assessment and other areas where institutional tools have been developed for internal departments or external agencies.
- Facilitate the creation, administration, and reporting of institutional surveys, evaluations, and assessments.
- Coordinate and facilitate state, federal, accreditor and other required compliance reports of the University.

Director of Curriculum Planning and Outcomes Assessment April 2013 – December 2014

Columbia Southern University, Orange Beach, AL USA

Outcomes Assessment

- Guided faculty in curriculum planning and outcomes assessment goals for all academic programs.
- Developed and implemented the assessment planning cycle and reports for the university.
- Collaborated with Institutional Research and Curriculum Development to measure and assess learning via reporting, evaluation of trends, and data analysis.

Strategic Planning/Institutional Effectiveness

- Led and implemented university planning structure reflecting institutional and departmental planning.
- Monitored institutional effectiveness compliance with accreditation standards.
- Chaired the university's strategic planning committee to ensure the assessment of department plans.

Accreditation

- Led university efforts for assessment of institutional health and candidacy preparation.
- Organized and educated teams to accreditation standards and narrative writing.
- Revised and edited narratives for grammatical structure and relevancy to compliance.

Biology Instructor August 2008-2011

J.F. Drake State Technical College, Huntsville, AL USA

Group Leader – Institutional Effectiveness, Planning and Assessment 2009-2011

- Trained, analyzed, and assisted department chairs, student services directors, faculty, and staff with unit planning and assessment of student learning.
- Developed the planning document forms for student learning outcomes and unit plans.
- Researched data and prepared narratives for the college's accreditation candidacy application regarding student learning outcomes and unit plans.
- Incorporated budgeting and finance parameters with student learning outcomes and unit plans.

Co-Principal Investigator – SPEED-UP Grant from the National Science Foundation 2008-2011

- Developed a cross disciplinary curriculum for the summer bridge program involving mathematics, biology, computer science, and physics.
- Analyzed and assessed the learning of summer bridge students for the future curriculum and program qualifications.
- Participated in the planning of summer bridge and summer technology institute.

Special Responsibilities and Accomplishments

- Provided strategies and solutions for student retention.
- Researched, developed, and implemented online delivery methods for courses and programs.
- Actively served on the eLearning committee which resulted in the purchase and usage of Blackboard and the development of the distance learning manual.
- Served as the institution's administration for the online learning management system during the development of online and hybrid courses.

Department of General Education

- Supervised five Biology Adjunct instructors and two Biology tutors.
- Designed and taught traditional and online courses in the areas of Biology, Microbiology, and Human Anatomy and Physiology.
- Instructed and demonstrated laboratory techniques that included microscopy, hematology, and dissections.
- Participated in planning and maintaining the budget and requisitions for biology supplies and instruction.

Adjunct Experience – Natural Sciences

J.F. Drake State Community and Technical College, Huntsville, AL USA

September 2007 – August 2008, August 2011 – August 2013

- Designed and taught online courses in the areas of Biology, Microbiology, and Human Anatomy and Physiology.
- Instructed and demonstrated laboratory techniques including microscopy, hematology, and dissections.
- Taught Orientation to College courses onsite and online to first year students.
- Provided tutorial assistance to students in the area of Biology.
- Administered the Work Keys Test for Orientation to College students.

Lawson State Community College, Birmingham, AL USA January 2013 – May 2013

- Facilitated learning through teaching Human Anatomy & Physiology.
- Conducted laboratory experiences for Human Anatomy & Physiology students.

Faulkner University January 2006-August 2011

Various Campuses in North Alabama

- Taught Biology, Human Anatomy and Physiology, and Environmental Science Courses to military and civilian students.
- Provided and designed laboratory curricula, materials, and activities.

Alabama A&M University, Normal, AL USA August 2005 – May 2011

- Responsible for teaching undergraduate labs in the area of Biology to major and non-major students
- Responsible for following department and the School of Arts and Sciences' guidelines for teaching Biology courses and labs

J.F. Drake State Community and Technical College, Huntsville, AL USA Summers 2007 and 2008

National Science Foundation SPEED-UP Program

- Prepared and administered Biological lab activities for High School students.
- Submitted to the Division Chair a course plan for each course taught.
- Exposed students to various aspects of Science and Technology.
- Informed students about Health Careers and the benefits of attending J.F. Drake Technical College.

Calhoun Community College, Huntsville, AL USA August 2007-December 2007

- Learned and executed the use of TEGRITY Learning System.
- Taught Human Anatomy and Physiology Courses to General and Nursing Students.
- Instruct and demonstrate laboratory techniques that include microscopy, hematology, and dissections.

Science Teacher

Madison County High School, Gurley, AL USA July 2004 – May 2007

- Served as Team Leader for the School Improvement Team.
- Taught various areas of Science and Dual Enrollment Biology Classes for Calhoun Community College.
- Remediation Teacher for Alabama High School Graduation Exam.
- Liaison between the faculty and the Principal for various school improvement projects.
- Nominated as Teacher of the Year for 2005-2006 School Year.
- Served as Junior Varsity and Varsity Cheerleading coach.

Graduate Assistant

Alabama A&M University June 2003-2004

Biology Department

- Responsible for instructing Biology Laboratory courses to undergraduate students.
- Lead student in the Mycology Research and Microbiology Research labs.
- Assisted undergraduate students in Mycology research and laboratory techniques.
- Assist professors in class lecture and class laboratory preparations.

Mycology Researcher

Alabama A&M University January 2003-May 2003

Biology Department

- Performed Mycology Research on “Fungal Allergens.”
- Learned laboratory techniques for researching Fungi.
- Learned proper handling procedures for select Fungi and other microorganisms.

Soil Science Intern

Alabama A&M University May 2002-July 2002

Center for Hydrology, Soil Climatology and Remote Sensing

- Performed Soil Research on “Soil Characteristics in a Decatur Catena.”
- Learned various research techniques with soil analysis.
- Completed classes in Hydrology, GIS, Remote Sensing, and Introduction to Soil Science.

Research Experience:

A Comparative Analysis of the Effects of Alpha and Ultraviolet Radiation on the Growth of Aspergillus Niger in a Simulated Aerospace Environment, July 2009-October 2010

J. F. Drake State Technical College

- Supported in part by the National Science Foundation
- Served as the project advisor.
- Provided and taught background research to the student researcher.
- Taught techniques and methodology for the research.
- Responsible for this research and data presented at the National Science Foundation HBCU-UP Conference 2009.

Transforming Teaching to Inspire Minority Student Interest in STEM Education, October 2008

National Science Foundation – HBCU-UP Program

J.F. Drake State Technical College

- Presented facts of the Summer Bridge Program developed by Drake State made possible by funding from the National Science Foundation.
- Displayed data that showed an increase in student attitudes towards STEM fields.

Evaluation of the Physical and Electrical Property Resistance of Synthetic Polymeric Material to Select Fungi, September 2003-February 2004

Alabama A&M University

Presented: Annual Biomedical Research Conference for Minority Students, San Diego, CA

Mycology Laboratory

- Responsible for implementing the protocol for testing selected fungi on cable wire presented by Wirewood Electronics of Huntsville, AL.
- Cultured and maintained fungal samples to be used on cable wire.
- Presented data and results of the 90 day experiment to the sponsoring company.

Screening Fungal Isolates from the T.M. Elmore Health Science Building of Alabama A&M University for Allergens, January 2003 – October 2003

Alabama A&M University

Mycology Laboratory

- Tested air samples from select buildings on campus.
- Created methodology and performed specific procedures for acquiring the results.
- Abstract accepted for a Poster Presentation at the Annual Biomedical Research Conference for Minority Students in San Diego, CA.
- Presented research data and results at conferences.

Presentation Experience:

Change Management: Maintaining Professionalism and Positive Leadership Amidst Organizational Change

- Presented at the Academic Advising and Student Support Center Annual Conference, August 2019

A Culture of Evidence: The “E” in Effectiveness, October 2017

- Presented during the Distance Education Accrediting Commission Fall Workshop General Session

Faculty Engagement and Outcomes Assessment, Spring 2014

- Presented to university faculty of Columbia Southern University (multiple presentations)

Leadership and Institutional Strategic Planning, May 2014

- Presented to Supervisors Academy of Columbia Southern University

Outcomes Assessment Plan and Curriculum Mapping, Summer 2013

- Presented to the Department of Defense Third Party Assessment Group at Columbia Southern University.

Outcomes Assessment Plan and Calendar, Summer 2013

- Presented to the Executive Council for the Columbia Southern Education Group.

SACS Candidacy Visit, Fall 2011

- Presented to the Faculty and Staff of J.F. Drake State Technical College in preparation for the Southern Association of Colleges and Schools candidacy visit.

Turning Technologies, July 2011

- Presented for the Faculty at J.F. Drake State Technical College.

Distance Learning at J.F. Drake State Technical College, July 2009, 2010, and 2011

- Presented for the Summer Technology Institute participants.

STEM Builders: STEM Education and the SPEED-UP Program, November 2009, 2010

- Presented to members of the Alabama Community College Association (ACCA) at ACCA Conferences in 2009 and 2010.

Planning Hearings and Student Learning Outcomes, Summer 2010

- Presented to the Faculty and Staff of J.F. Drake State Technical College in preparation for accreditation.

Service:

- Panelist, Central States Private Education Network for Institutional Compliance, August 2019
- Accreditation Standards Committee Member for the Distance Education Accrediting Commission (DEAC), June 2019 - present
- Conference Chair for the DEAC Annual Conference, April 2018
- Accreditation Evaluator for DEAC, February 2017 - present
- National Science Foundation HBCU-UP Conference Poster Judge 2008, 2009, 2011
- Alabama A&M University STEM Day Poster Judge, 2009, 2011
- University of Alabama in Huntsville STEM DAY Poster Judge, 2008

Community Service

- Girl Scouts of Southern Alabama Troop Leader, (2014 – present)
- Daphne Elementary School Volunteer Coordinator (2015-present), Parent Advisory Committee Representative (2016 - present), Parent Teacher Organization, Board Vice President (2016-2018)
- Community Restoration and Development Corporation, Executive Director

- W.J. Carroll Intermediate School, Parent Volunteer (2017 – present)
- Gulf Shores Elementary School, Parent Advisory Committee and SACS (accreditation) team (2013-2014)

Organizational Interest and Achievements:

- Member, 2020 Class for Leadership Baldwin County
- Member, Eastern Shore Toastmasters Club 8422 (2019 – present)
- 2016 Recipient of the DEAC Rising Start Award
- Development Team member - Community Restoration and Development Corporation, Daphne, AL (2016-2018)
- 2015-2016 Editor for Delta Sigma Theta Sorority, Inc. – Baldwin County Alumnae Chapter
- Co-Founder of the Jones-Miller Scholarship Foundation (2009-present)
- 2010 Nominee for the Chamber of Commerce Young Professional of the Year Award
- 2010 Nominee for the Leadership Huntsville Connect Class 2011
- 2010 Nominee for the Huntsville Leadership Academy
- Education Committee Leader for the Young Professionals Club (2010-2011)
- 2009 Finalist for Young Professional of the Year awarded by the Huntsville Chamber of Commerce
- Member of Alpha Kappa Mu and Beta Kappa Chi National Honor Societies
- President of Delta Delta Chapter of Delta Sigma Theta Sorority, Inc. (2001-2002)
- Community Service Chairperson for Sigma Tau Epsilon Professional Fraternity (2001-2002)
- Alabama Science in Motion Teacher Participant
- Louis Stokes Alliance for Minority Participation Scholar (LSAMP Program)



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20191028103408736

Type License: 020 - RESTAURANT RETAIL LIQUOR

State: \$300.00 **County:** \$440.00

Type License:

State: **County:**

Trade Name: ISLAND WING COMPANY

Filing Fee: \$50.00

Applicant: DAPHNE IWC LLC

Transfer Fee:

Location Address: 29740 A URGENT CARE DRIVE DAPHNE, AL 36526

Mailing Address: 29740 A URGENT CARE DRIVE DAPHNE, AL 36526

County: BALDWIN **Tobacco sales:** NO

Tobacco Vending Machines:

Type Ownership: LLC

Book, Page, or Document info: ENTITY 590-372

Date Incorporated: 10/18/2019 **State incorporated:** AL

County Incorporated:

Date of Authority: 10/18/2019

Alabama State Sales Tax ID: R009566839

Federal Tax ID: 38-4014653

Name:	Title:	Date and Place of Birth:	Residence Address:
JOSEPH LOBIONDO JR 7914814 - AL	MEMBER	11/19/1959 FORT LAUDERDALE, BROWARD, FL	317 COLLINWOOD LOOP FOLEY, AL 36535

Has applicant complied with financial responsibility ABC RR 20-X-5-.14? YES

Does ABC have any actions pending against the current licensee? NO

Has anyone, including manager or applicant, had a Federal/State permit or license suspended or revoked? NO

Has a liquor, wine, malt or brewed license for these premises ever been denied, suspended, or revoked? NO

Are the applicant(s) named above, the only person(s), in any manner interested in the business sought to be licensed? YES

Are any of the applicants, whether individual, member of a partnership or association, or officers and directors of a corporation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this act? NO

Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage, or distilled liquors permit or license issued under authority of this act? NO

Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate or other licensee, or from any firm, association or corporation operating under or regulated by the authority of this act? NO

Contact Person: JOSEPH LOBIONDO

Home Phone: 251-550-5959

Business Phone: 251-550-5959

Cell Phone: 251-550-5959

Fax:

E-mail: joelobiondo1@gmail.com

PREVIOUS LICENSE INFORMATION:

Previous License Number(s)

Trade Name:

License 1:

Applicant:

License 2:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20191028103408736

If applicant is leasing the property, is a copy of the lease agreement attached? **YES**

Name of Property owner/lessor and phone number: **AETOS LLC 251-471-8000**

What is lessors primary business? **REAL ESTATE**

Is lessor involved in any way with the alcoholic beverage business? **NO**

Is there any further interest, or connection with, the licensee's business by the lessor? **NO**

Does the premise have a fully equipped kitchen? **YES**

Is the business used to habitually and principally provide food to the public? **YES**

Does the establishment have restroom facilities? **YES**

Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? **YES**

Will the business be operated primarily as a package store? **NO**

Building Dimensions Square Footage: **4000** Display Square Footage:

Building seating capacity: **125** Does Licensed premises include a patio area? **NO**

License Structure: **ONE STORY** License covers: **ENTIRE STRUCTURE**

Location is within: **CITY LIMITS** Police protection: **CITY**

Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of any law violation(s)?

Name:	Violation & Date:	Arresting Agency:	Disposition:



STATE OF ALABAMA

ALCOHOLIC BEVERAGE CONTROL BOARD

ALCOHOL LICENSE APPLICATION



Confirmation Number: 20191028103408736

Initial each

Signature page

[Signature]

In reference to law violations, I attest to the truthfulness of the responses given within the application.

[Signature]

In reference to the Lease/property ownership, I attest to the truthfulness of the responses given within the application.

[Signature]

In reference to ACT No. 80-529, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application.

N/A

In reference to Special Retail or Special Events retail license, I agree to comply with all applicable laws and regulations concerning this class of license, and to observe the special terms and conditions as indicated within the application.

N/A

In reference to the Club Application information, I attest to the truthfulness of the responses given within the application.

N/A

In reference to the transfer of license/location, I attest to the truthfulness of the information listed on the attached transfer agreement.

[Signature]

In accordance with Alabama Rules & Regulations 20-X-5-.01(4), any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.

[Signature]

The undersigned agree, if a license is issued as herein applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages.

The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the license premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him or her in connection with said licensed premises. The undersigned hereby understands that he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.

[Signature]

I hereby swear and affirm that I have read the application and all statements therein and facts set forth are true and correct, and that the applicant is the only person interested in the business for which the license is required.

Applicant Name (print): *Joseph LaBiondo Jr.*

Signature of Applicant: *[Signature]*

Notary Name (print): Betty G. Dean

Notary Signature: *Betty G. Dean*

Commission expires: 01/14/2023

Application Taken:

App. Inv. Completed:

Forwarded to District Office:

Submitted to Local Government:

Received from Local Government:

Received in District Office:

Reviewed by Supervisor:

Forwarded to Central Office:

Receipt Confirmation Page

Receipt Confirmation Number: **20191028103408736**

Application Payment Confirmation Number: 51706276

Payment Summary	
Payment Item	Fee
Application Fee for License 020	\$50.00
Total Amount to be Charged	\$50.00

License Payment Confirmation Number:

Payment Summary			
Payment Item	County Fee	State Fee	Total Fee
020 - RESTAURANT RETAIL LIQUOR	\$440.00	\$300.00	\$740.00
			\$0.00
Total Amount to be Charged	\$440.00	\$300.00	\$740.00

Application Type

Application Type: APPLICATION

Applicant Information

License Type 1: 020 - RESTAURANT RETAIL LIQUOR
License Type 2:
License County: BALDWIN
Business Type: LLC
Trade Name: **ISLAND WING COMPANY**
Applicant Name: **DAPHNE IWC LLC**
Location Address: 29740 A URGENT CARE DRIVE
DAPHNE, AL 36526
Mailing Address: 29740 A URGENT CARE DRIVE
DAPHNE, AL 36526
Contact Person: JOSEPH LOBIONDO
Contact Home Phone: 251-550-5959
Contact Business Phone: 251-550-5959
Contact Fax:
Contact Cell Phone: 251-550-5959
Contact Email Address:
Contact Web Address:

To: Office of the City Clerk

MEMORANDUM

From: Adrienne D. Jones, 
Director of Community Development

Subject: Rachel Burmeister and James Stokes
Zoning Amendment

Date: October 25, 2019

PRESENT ZONING: R-2, Medium Density Single Family
Residential

PROPOSED REZONING: MU, Mixed Use

LOCATION: Southwest of Main Street and Belrose
Avenue

RECOMMENDATION: At the Thursday, October 24, 2019
regular meeting of the Daphne
Planning Commission, seven members
were present, and the motion carried
unanimously for a favorable
recommendation for the above
captioned zoning amendment.

Attached please find the appropriate documentation and
action of the Daphne Planning Commission.

Upon receipt of said documentation, please prepare an
ordinance for placement on the City Council agenda to set
a public hearing.

Thank you,
ADJ/jv

Attachment(s)

1. Zoning Amendment Application
2. Legal Description (Exhibit A)
3. Boundary Survey (Exhibit B)
4. Adjacent property owners list
5. Community Development Report

FILE
10/25/19 33
4:30 PM



APPLICATION FOR REZONING OR PRE-ZONING

Office use only: Rev. 072816	Date Submitted Sept. 24, 2019
Application Number: ZA-19-06 or PZA-	Planning Commission Public Hearing Date: Oct. 24, 2019

Legibly print or type responses below. Indicate N/A or an "X" where item is not applicable.

SITE DATA

Site Location (Address or General Proximity to Nearest Intersection): 704 Belrose Avenue Daphne, AL 36526		PPIN#(s): 72058
Gross Site Area (acreage): 0.30 AC	Requested Zoning or Pre-Zoning: MU	
Current Zoning Designation(s): R-2	Amended Request:	
	Initials: Date:	
Current Land Use: Residential	Anticipated Land Use: Mixed Use Commercial	
Provide Legal Description (if necessary attach separate page entitled "Legal Description for [Name of Applicant]": Please see attached.		

Specify other recently approved or pending requests related to the subject property. Circle the answer(s).

Annexation Subdivision Site Plan Special Exception Variance Specify Other

APPLICANT & AGENT INFORMATION

<i>*If an LLC or LLP or Corporation, provide name and signature of Registered Member or Agent and provide a copy of Articles of Incorporation.</i>	
Name of Current Owner: Burmeister, Rachel Beth Etal Stockes James	Phone/Fax: E-mail:
Mailing Address: 704 Belrose Avenue Daphne, AL 36526	
Name of Authorized Agent: Dewberry	Phone/Fax: E-mail:
Mailing Address: 25353 Friendship Road Daphne, AL 36526	
Name of Developer*: 68 Ventures 68V Pay Dirt, LLC <i>UXH</i>	Phone/Fax: 251 625 1198 E-mail:
Other:	Phone/Fax: E-mail:

I, the applicant, certify that all of the above facts are true and correct to the best of my knowledge. I hereby agree to allow the City of Daphne to post a sign on the subject property notifying the general public of this request.

Applicant's Signature: <i>James St. BB Burmeister</i>	Date
Agent's Signature: <i>Steve Humphrey</i>	Date 9-24-19



REVERSIONARY CLAUSE ACKNOWLEDGEMENT

SKIP THIS PAGE IF REQUESTING PRE-ZONING OR PLANNED UNIT DEVELOPMENT ZONING

Pursuant to Article 22-2 of the Land Use & Development Ordinance, zoning and rezoning may revert back to prior designation if certain conditions are not met. Said conditions are specified in Article 22 of the Land Use Ordinance. Legibly sign and print/type responses below. Indicate N/A or an "X" where item is not applicable. **Submit with rezoning request where applicable.**

CURRENT OWNER'S ACKNOWLEDGEMENT

I, James H. RHBurns, acknowledge that I am aware that this rezoning request is subject to a reversionary clause as noted in Article 22-2 of the Land Use & Development Ordinance. Date: 09/24/19

James Stocks and Rachel Beth Burmeister
PRINTED NAME OF CURRENT OWNER/PETITIONER

DEVELOPER'S ACKNOWLEDGEMENT

I, [Signature], acknowledge that I am aware that this rezoning request is subject to a reversionary clause as noted in Article 22-2 of the Land Use & Development Ordinance. Date: 10-1-19

Nathan Cox Manager Q8V Pay Dirt, LLC
PRINTED NAME OF DEVELOPER

PROPERTY ADDRESS OR PPIN#(s): 72058

RACHEL BURMEISTER AND JAMES STOKES

(704 BELROSE AVENUE)

ZONING AMENDMENT

LEGAL DESCRIPTION

EXHIBIT "A"

TRIONE SUBDIVISION, A RE-PLAT OF LOTS 29 & 30, BLOCK 3 OF THE YUILLE BELROSE WHARF SUBDIVISION, ACCORDING TO PLAT THEREOF RECORDED ON SLIDE 2478-D OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA. TRACT CONTAINS 0.30 ACRES, MORE OR LESS.

Adjacent Properties to Trione Subdivision

Parcel Number	Owner Name	Address	City	State	Zip
05-43-04-41-0-005-029.003	FORTUNA INVESTMENTS L L C	29891 WOODROW LN STE 300	SPANISH FORT	AL	36527
05-43-04-41-0-005-002.000	FORTUNA INVESTMENTS L L C	29891 WOODROW LN STE 300	SPANISH FORT	AL	36527
05-43-04-41-0-005-029.000	BURMEISTER, RACHEL BETH ETAL STOCKS, JAM	704 BELROSE AVE	DAPHNE	AL	36526
05-43-04-41-0-005-003.000	BELROSE AVENUE L L C	1855 TELEGRAPH ROAD	MOBILE	AL	36610
05-43-04-41-0-005-028.000	BURMEISTER, STEVEN G ETUX BLYTHE W	700 BELROSE AVE	DAPHNE	AL	36526
05-43-04-41-0-005-030.000	DAPHNE, CITY OF	P O BOX 400	DAPHNE	AL	36526

DANE HAYGOOD
MAYOR

ADRIENNE D. JONES
COMMUNITY DEVELOPMENT
DIRECTOR/ZONING ADMINISTRATOR



CITY COUNCIL
TOMMIE CONAWAY
DISTRICT 1
PAT RUDICELL
DISTRICT 2
JOEL COLEMAN
DISTRICT 3
DOUG GOODLIN
DISTRICT 4
RON SCOTT
DISTRICT 5
ROBIN LEJEUNE
DISTRICT 6
ANGIE PHILLIPS
DISTRICT 7

October 11, 2019

NOTICE OF PUBLIC HEARING

A petition for REZONING will be considered by the Daphne Planning Commission for Rachel Burmeister and James Stokes: 0.30 acres +/- located southwest of Main Street and Belrose Avenue zoned R-2, Medium Density Single Family Residential, is proposed to be rezoned to MU, Mixed Use.

Said petition will also be considered by the Daphne City Council pursuant to Alabama Code 11-52-85. The application is available for review at City Hall in the Department of Community Development, 1705 Main Street, during regular business hours. An informal site preview meeting will be held on Wednesday, October 16, 2019 at 8:30 a.m. in the Council Chambers of City Hall. The public is invited to attend: limited participation may be allowed by the chairman.

The public hearing will be held by the Daphne Planning Commission on Thursday, October 24, 2019 at 5:00 p.m. in the Council Chambers of City Hall. You may submit your views in writing, in person, or by representation.

Sincerely,
Adrienne D. Jones
Director of Community Development

Rachel Burmeister and James Stokes Zoning Amendment

P. O. Box 400 - Daphne, Alabama 36526
Phone: 251.620.1700

REZONING REQUEST
RACHEL BURMEISTER AND JAMES STOKES

APPLICATION:

S.W. of the intersection
of Main Street and
Belrose Avenue

APPLICANT:

Rachel Burmeister &
James Stokes

AREA:

0.30 ac

LOTS:

1

PPIN:

72058

ZONING:

R-2, Medium Density
Single Family Residential

PROPOSED ZONING:

MU, Mixed Use

**EXISTING PRECEDENT
FOR PROPOSED ZONING:**

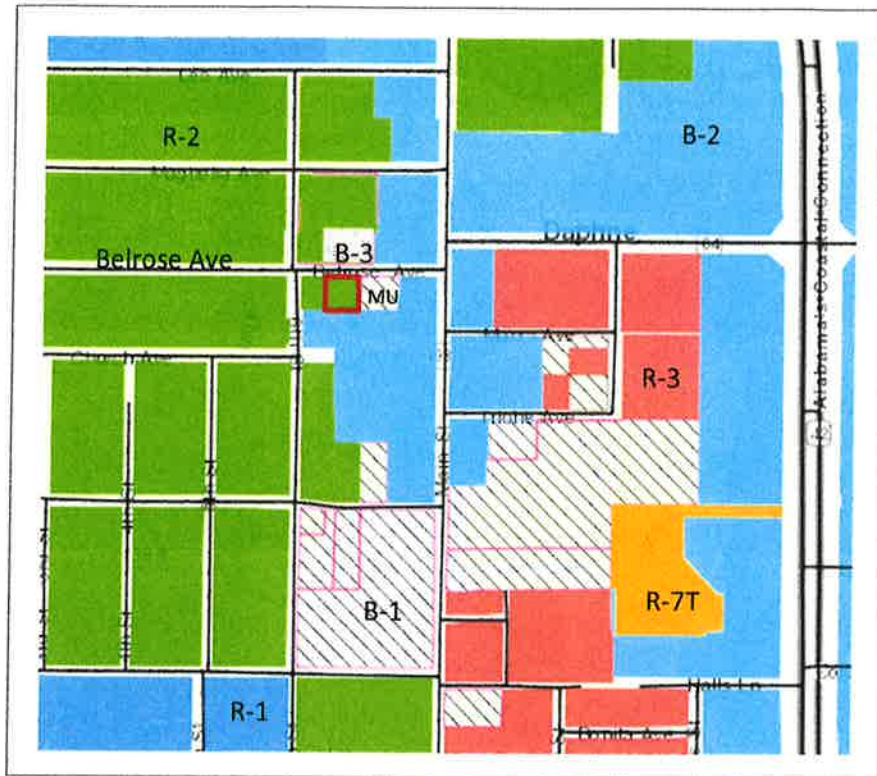
Yes, adjacent property
to the east

COMPREHENSIVE PLAN:

Consistent, Compatible

RECOMMENDATION:

Approval



REZONING REQUEST FORTUNA INVESTMENTS, LLC

Existing Conditions: 0.3 acre+/- parcel with a house
Existing Zoning: R-2, Medium Density Single Family Residential
Proposed Zoning: MU, Mixed Use District

Surrounding Zonings/Uses:

North – B-3, Professional Business and B-2, General Business
South – B-2, General Business/Daphne City Hall
West – R-2, Medium Density Single Family Residential/Residence
East – MU, Mixed Use District/undeveloped

Existing Utility Service Providers:

Water – Daphne Utilities	Sewer – Daphne Utilities
Gas – Daphne Utilities	Electric – Riviera Utilities

Affected City Service Providers:

Fire Protection-Station 1
Police Protection-Police Beat 1
Public Works

The Comprehensive Plan

The comprehensive plan's overarching policy regarding land development encourages harmony and compatibility. The following are some Land Use Goals and Objectives from the Plan that are applicable to this application.

Goal: Grow sensibly by anticipating land use needs.

Objective: Promote and manage growth on undeveloped lands in a manner that will be compatible with, and complementary to, existing adjacent developed properties.

REZONING REQUEST

FORTUNA INVESTMENTS, LLC

The petitioner proposes to rezone the subject 0.3 acre parcel from R-2, Medium Density Single Family Residential to MU in order to redevelop the site. The existing neighborhood character is a mix of eateries, offices, and institutional facilities along with a few remaining residences.

Rezoning this site to allow low intensity commercial and residential use would be considered compatible with the existing development and proposed redevelopment plans.

14-17 SETBACKS

MINIMUM DISTRICT REQUIREMENTS ^d				
Zoning Districts	Front Yard	Rear Yard	Side Yard	Corner Lot Side Yard
R-4 ^e , Single Family R-6(D or G), Duplex or Garden or Patio Home	15	20	6	25
R-4 ^e , Multi-Family	15	20	a	25
B-1, Local Business B-1(a), Limited Local Business	10	b	b	25
B-2, General Business	10	b	b	25
B-3, Professional Business	10	b	b	25
MU, Mixed Use	15	e	b	25

(a) When dwelling unit faces side yard, the dwelling unit shall not be less than twenty-five (25) feet from the side lot line.

(b) None. If there is a rear alley, the setback shall be twenty-five (25) feet. When abutting a residential district it shall be not less than ten (10) feet. (See Buffer Requirements, Section 14-13, Landscape Standards).

(c) The Planning Commission shall no longer consider zoning or rezoning amendments to an R-4 zoning district. All existing R-4, High Density Single and Multi-Family Residential Districts shall be developed in accordance with the standards provided herein. For all new requests, the following districts shall be considered in lieu of R-4: R-6(G) for all garden/patio homes developments; R-6(D) for duplexes; R-7(A) for apartments; and R-7(T) for townhouses and R-7(M) for mid-rise condominiums.

(d) Minimum district requirements for any zoning district not specifically listed in this table shall meet the minimum standards as established in Requirement for lot area, width and setbacks in Section 13-4, Requirements For Lot Area, Width, Coverage, Density, Height and Other Factors and 13-6, Minimum Zoning District Setback Requirements, herein.

(e) None. If there is an alley, the setback shall be twenty-five (25) feet. When abutting a residential district it shall be not less than fifteen (15) feet. (See Buffer Requirements, Section 14-13, Landscape Standards).

Excerpt from Section 12-4, Establishment of Districts, MU, Mixed-Use District:

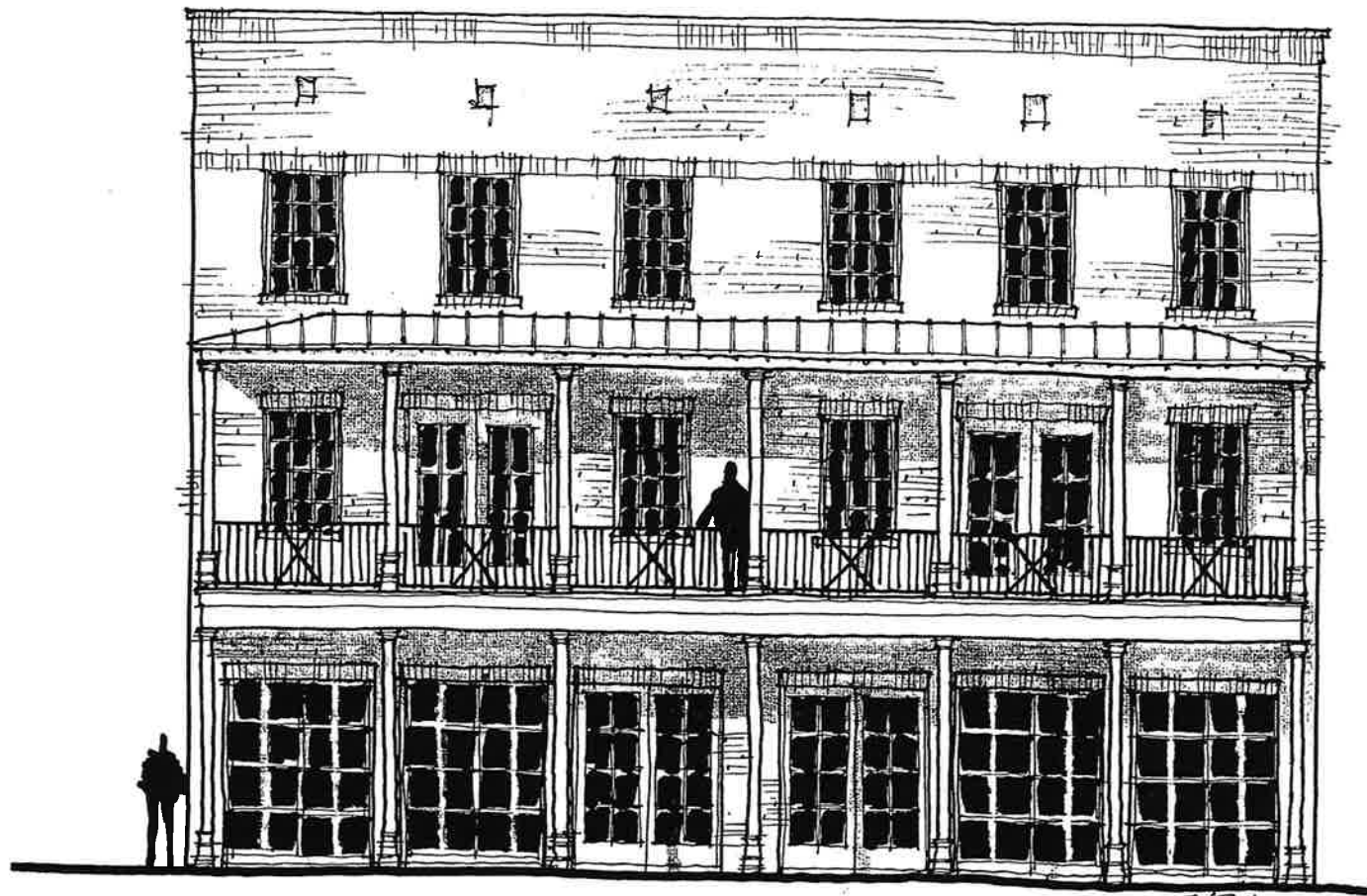
A mixed-use district is allowed only within a designated overlay district. A mixed-use district shall be limited to a combination of either B-1, Local Business, B-2, General Business, B-3, Professional Business, and either R-7(A) Apartments, R-7(M) Mid-Rise Condominiums, or R-7(T) Townhouses.

This district is established to provide an opportunity to encourage the concentration of limited retail convenience goods and personal service establishments, business establishments of a professional nature, and high density residential development compatible with a good, high density living environment.

Staff Recommendation

Staff recommends approval

BELROSE MIXED-USE CONCEPT BUILDING
NORTH ELEVATION



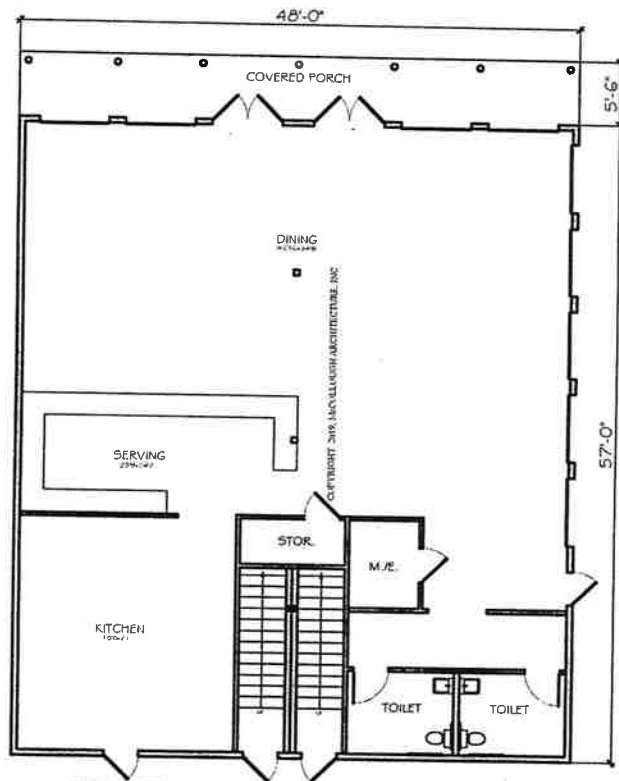
McCOLLOUGH
ARCHITECTURE, INC.
P.O. BOX 6310
GULF SHORES, ALABAMA
36547-6310
PHONE: 251-968-7222

COPYRIGHT 2019, McCOLLOUGH ARCHITECTURE, INC.

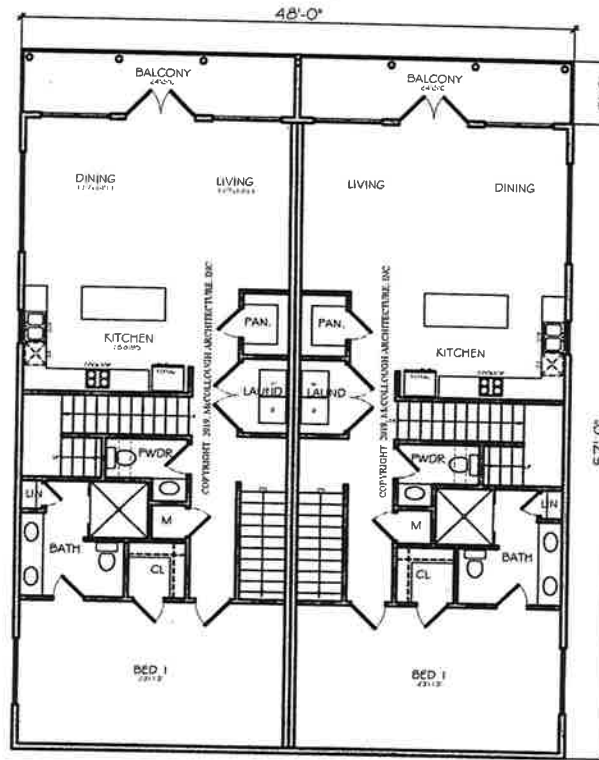
BELROSE MIXED-USE CONCEPT BUILDING

FLOOR PLANS

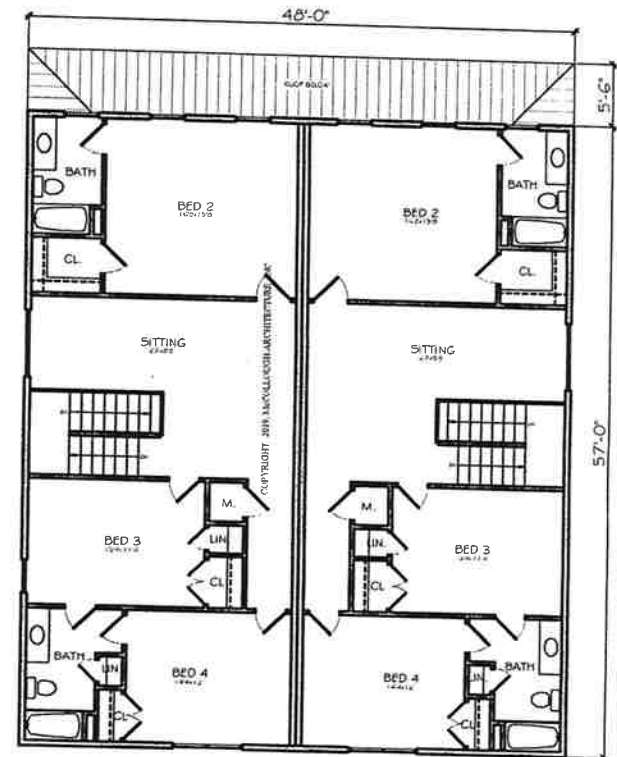
SCALE 3/32" = 1'-0"



1st FLOOR



2nd FLOOR



3rd FLOOR

NOT FOR
CONSTRUCTION



McCOLLOUGH
ARCHITECTURE, INC.

P.O. BOX 6310
GULF SHORES, ALABAMA
36547-6310
PHONE: 251-968-7222



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RACHEL BURMEISTER AND JAMES STOKES

(704 BELROSE AVENUE)

ZONING AMENDMENT

LEGAL DESCRIPTION

EXHIBIT "A"

TRIONE SUBDIVISION, A RE-PLAT OF LOTS 29 & 30, BLOCK 3 OF THE YUILLE BELROSE WHARF SUBDIVISION, ACCORDING TO PLAT THEREOF RECORDED ON SLIDE 2478-D OF THE RECORDS IN THE OFFICE OF THE JUDGE OF PROBATE, BALDWIN COUNTY, ALABAMA. TRACT CONTAINS 0.30 ACRES, MORE OR LESS.

To: Office of the City Clerk

From: Adrienne D. Jones, 
Community Development Director

Subject: Proposed Amendments to Ordinance 2011-
54, Land Use and Development Ordinance,
Articles 13, 14 and 36

Date: October 25, 2019

MEMORANDUM

At the October 24, 2019, regular meeting of the City of Daphne Planning Commission, seven members were present. The motion carried for a unanimous **favorable recommendation** to approve a proposed amendment to the Land Use and Development Ordinance, Article 13, 14, and 36, to allow property zoned B-1, B-2 and B-3 within the Olde Towne Daphne District and Village Overlay District to have a residential component.

Attached please find the appropriate documentation and action of the Daphne Planning Commission.

Upon receipt of said documentation, please prepare an ordinance for placement on the City Council agenda to set a public hearing.

Thank you,
ADJ/jv

attachment(s)

cc: file

FILE
10/25/19
4:30pm



LUDO AMENDMENT REQUEST TIMELINE

07/15/19

At the July 15, 2019 City Council meeting, the City Council considered a motion set forth by the Ordinance Committee. The motion passed with unanimous consent. The Council requests that the Planning Commission prepare an amendment to the Land Use & Development Ordinance to allow a residential component in property zoned B-1, B-2, and B-3 in a vertical manner in the Olde Towne Daphne and the Village Overlay districts.

08/22/19

On August 22, 2019, the 1st draft presented to the Planning Commission was met with favorable comments. Additional consideration of accessory dwelling units on commercial sites was requested by the Planning Commission.

09/26/19

On September 26, 2019, the 2nd draft presented to the Planning Commission regarding accessory dwelling units on commercial sites was presented and met with favorable comments.

10/24/19

On October 24, 2019, the final drafts presented to the Planning Commission regarding Mixed Uses in the Olde Towne Daphne and the Village Overlay districts were considered. The Planning Commission set forth a unanimously favorable recommendation to City Council for approval of the proposed amendments.

10/25/19 The following are provided herewith:

1. Redlined version of Article 13-6 Minimum District Requirements, *amend paragraph as shown*.
2. Redlined version of Article 14-2 Uses Permitted, *amend as shown*.
3. Redlined version of Article 36-2 Uses Permitted, *amend as shown*.

13-6 Minimum Zoning District Setback Requirements

The following setback requirements shall apply in districts as outlined below, except in a Planned Unit Development, the Olde Towne Daphne District, the Village Overlay District, the Eastern Shore Park Overlay District, or the Jubilee Retail Overlay District unless otherwise provided in said overlay district.

SETBACKS

Zoning District	Front Yard				Rear Yard	Side Yard	Corner Lot Side Yard	
	Arterial & Collector Streets	Local Streets & Service Roads	U.S. Highway 98 ^e	U.S., State or County Roads			Arterial & Collector Streets	Local Streets & Service Roads
R-1	40	40	50	e	40	15	40	25
R-2	35	35	50	e	35	10	35	20
R-3	30	30	50	e	30	10	30	20
R-4SF& R6(G)	25	25	50	e	25	6	30	20
R-4 TF	30	30	50	e	30	a	30	20
R-4 MF	30	30	50	e	30	a	30	20
R-5	See Article 25		e					
New MF Districts	See Section 13-9, Minimum Requirements for Fixed Dwellings			e				
Innovative Design SF	25	25	50	e	25	6	30	20
ET SF*	30	30	50	e	30	10	30	20
B-1, B-1(a)	30	20	50	e	20	b,d	30	25
B-2	30	20	50	e	b,d	b,d	30	25
B-3	30	20	50	e	b,d	b,d	30	25
C/I	50	30	50	e	c, d	c, d	30	20
MU	30	30	n/a	n/a	30	a	30	25

See notes on the following page.

NOTES FOR PREVIOUS TABLE:

(a) Side yards shall be ten (10) feet plus two (2) additional feet for each floor above two stories, but not exceeding twenty (20) feet; when the dwelling unit faces the side yard, the dwelling unit shall be at least twenty-five (25) feet from the side lot line.

(b) None, except it will be five (5) feet where abutting an alley, or where abutting a residential district it shall be at least thirty (30) feet.

(c) Yard shall be twenty (20) feet, except when abutting any part of a Residential or Business district, a setback at least forty (40) feet is required.

(d) Where a public or semi-public use, multi-family residential, or mixed use district abuts any part of a single family residential district, a buffer zone ten (10) feet wide shall be required. Where a B-2 district abuts any part of a single family residential district, a buffer zone fifteen (15) feet wide shall be required. Where an industrial district abuts any part of a business or mixed use district, a buffer zone of twenty (20) feet shall be required. Where an industrial district abuts any part of a residential, a buffer zone of thirty (30) feet shall be required. Each buffer zone shall be designed in compliance with the provisions established in *Article 19, Landscape Standards & Tree Protection*.

(e) Per Act No. 94-572 of the Legislature of Alabama enacted April 21, 1994 as amended, the following setbacks shall apply for any state or county road or highway and measured from the centerline of the R.O.W: principal arterials—Interstate 10 and U.S. Highway 98—require a hundred twenty five (125) foot setback; minor arterials—U.S. Highway 90, State Highway 181 and U.S. 31 require a hundred (100) foot setback; major collectors—County Road 64 requires a seventy five (75) foot setback.

Lot Orientation: On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension. **ET-SF*:** Applies to unzoned lots contained within any subdivision located in the extraterritorial planning jurisdiction where the size of the development exceeds ten (10) acres. **Side yards on buildings between fifty (50) feet and one hundred twenty five (125) feet in height:** all yard setbacks shall be at least fifty (50) feet on each side of building. Additional provisions are outlined in the *Article 38, Residential High Rise Condominium Development District*.

ARTICLE XIV

THE OLDE TOWNE DAPHNE DISTRICT

Red-lined Draft

14-1 PURPOSE

The intent of this Article is to provide for the creation of the district in order to establish minimum standards and provisions for residential, business, or commercial development in the areas outlined the map provided herein and to achieve a healthy, beautiful, and safe community by the following means:

- **Aesthetics:**

Improve the appearance of all areas through the incorporation of innovative landscaping and open space into development in ways that harmonize and enhance the natural beauty of the environment.

- **Land Values:**

Maintain and increase the value of land by incorporating innovative designs and criteria into development, thus becoming itself a valuable capital asset.

- **Human Values:**

Provide direct and important physical and psychological benefits to human beings through the use of landscaping and tree preservation as a buffer zone between residential and business development to reduce noise and glare, and to break up the monotony and soften the harsher aspects of urban development.

- **Improved Design:**

Promote innovative and cost conscious approach to the design and construction of the District.

- **Improved Administration and Enforcement:**

Establish procedures and standards for the administration and enforcement of this Article.

14-2 USES PERMITTED

(a) General

The following zoning districts provided herein established and most specifically defined in Article 12, Establishment of Districts: B-1, Local Business, B-1(a) Limited Local Business District; B-2, General Business, B-3, Professional Business, R-4, Single Family and Multi-Family Residential, and MU, Mixed Use. Article 35, the Table of Permitted Uses

and Conditions, outlines the restrictions for each district, except with regard to mixed-uses as provided in the following subsections. (See also Article 12, Establishment of Districts).

The Planning Commission shall no longer consider zoning or rezoning amendments for B-2, General Business or R-4 zoning districts. All existing B-2, General Business and R-4, High Density Single and Multi-Family Residential Districts shall be developed in accordance with the standards provided herein. For any new request, the following districts shall be considered in lieu of R-4: R-6(G) for all garden/patio homes developments; and, R-6(D) for duplexes.

(b) Mixed-Use Developments in the Olde Towne Daphne District

It is the intent of the City to encourage mixed-use developments in the Olde Towne Daphne District. Zoning districts that will allow mixed-use developments by right include MU, Mixed Use; B-1, Local Business; B-2, General Business; and B-3, Professional Business. Said mixed-use development may have a vertical configuration, meaning the primary business is located on the ground floor and the secondary use is located on an upper floor, or may otherwise meet the provisions of an accessory dwelling unit as provided in section (c) below.

(c) Accessory Dwelling Units (ADU) in the Olde Towne Daphne District shall adhere to the following provisions.

1. Detached accessory dwelling is defined as a dwelling unit separate from the principal structure. The dwelling shall be clearly subordinate in size, height, and purpose to the principal structure, it shall be located on the same lot as the principal structure, but may be served by separate utility meter(s), and is detached from the principal structure if approved by the Building Official. A detached accessory dwelling may be an independent structure, a dwelling unit above a garage, or attached to a workshop or other accessory structure on the same lot as the principal structure.
2. It is the intent of this ordinance to allow, where deemed appropriate by the Planning Commission, accessory dwelling units that maintain an appropriate proportional relationship to the adjacent principal structure(s) on the same site.
3. The accessory dwelling unit may function as purely residential use or as a mixed use building that allows separate commercial and residential usage.
4. While these provisions apply to detached accessory dwelling units, the provisions do not supersede or override applicable life safety standards found in the applicable codes adopted by the city.

5. When deemed appropriate by the Planning Commission, in business and commercial districts located in the Olde Towne Daphne district, a detached accessory dwelling may be considered where such detached accessory dwelling complies with the following requirements:

- a) A recreational vehicle (RV) shall not be considered as an ADU.
- b) Shall not exceed 60% of the size (measured in square feet) of the principal building.
- c) Shall not be located on a lot by itself, nor be located in or extend into the front yard.
- d) Shall not be constructed to exceed more than two (2) stories.
- e) Shall not be constructed to exceed thirty (30) feet mean roof height; however, the accessory dwelling unit shall not exceed the height of the primary business or commercial building.
- f) Shall not encroach into any easement.
- g) Shall maintain a side yard setback and rear yard setback of not less than six (6) feet where abutting property zoned for business or commercial use.
- h) Where the adjacent property is zoned for residential use, the side yard and rear yard setback shall be no less than the standard zoning district setback requirement.
- i) Requests for variances to the provisions of this section shall be submitted to the Board of Zoning Adjustment.
- j) There shall be one (1) power meter to service both the primary business and the accessory structure, unless a second power meter is approved by the Building Official. The decision of the Building Official may be appealed to the Board of Zoning Adjustment in accordance with provisions established herein.
- k) Prefabricated accessory structures (such as utility sheds, conex storage boxes and the like) shall not be utilized for the purpose of habitation.

- l) No more than one detached accessory dwelling shall be permitted on a single lot in conjunction with the principal structure.
- m) The detached accessory dwelling may not be divided from the property ownership of the principal dwelling.
- n) The detached accessory dwelling shall be of similar style, design and material color as used for the principal structure and shall use similar architectural characteristics, including roof form and pitch, to the existing principal structure.

14-3 SPECIAL PROVISIONS

The following shall apply:

- (a) The provisions of this Article shall be required for all residential projects involving the construction of two (2) or more dwelling units including apartments, town homes, condominiums, planned unit developments, subdivisions, business, commercial, industrial, and/or institutional structures; all existing structures which increase the gross floor area by thirty (30) percent or more, except a single family residence; construction of a park, public way, open space, public building or structure; construction of a public utility whether publicly or privately owned; and other uses as required by the Planning Commission.
- (b) A site plan review for minor expansions of commercial or institutional uses, renovations or changes in use shall be subject to administrative review and approval by the Director of Community Development to determine compliance with the provisions of this Ordinance.
- (c) Whenever a major development is proposed the developer should informally consult with the Department of Community Development prior to site plan application to ensure compliance with the required regulations. No fee shall be charged for the review and no formal application shall be required.
- (d) Any development which is to be constructed in phases or units shall require a master plan of the site which shall be submitted to the Planning Commission for approval prior to submitting a site plan application. The subdivider shall submit to the Department of Community Development, a written request for review and approval by the Planning Commission and a copy of said master plan. The master plan shall be of sufficient detail to show the proposed street and lot layout, drainage, utilities, detention, common, recreational, landscaped areas and maximum density (gross and net).

- (e) Size of properties reserved or laid out for business, or commercial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- (f) A site plan review shall be accomplished by the recommendation of the Director of Community Development and approval of the Planning Commission to assure compliance with the provisions of the Land Use and Development Ordinance in conformity with its purpose as stated in Article I, Purpose, Repeals, Enactment and Short Title, as well as, applicable Building and Fire Codes, latest edition.
 - (1) Site plan approval shall become void one (1) year from the date of Planning Commission approval if no site disturbance permit has been acquired for the project. The site disturbance permit and site plan shall both become void one (1) year from the issuance of the site disturbance permit if no substantial building or construction activity has occurred.
 - (2) Prior to expiration, a one (1) year extension of time may be granted for the approved site plan and the site disturbance permit by the Director of Community Development, upon written request of the applicant stating good reason.
 - (3) If no construction activity has occurred after the expiration of the extended time, an additional one (1) year extension of time may be considered by the Planning Commission. At no time shall any site plan and related site disturbance permit be granted an extension beyond this time. The site plan and site disturbance permit shall automatically be deemed null and void.
- (g) After site plan approval and before the issuance of a site disturbance permit, a pre-construction conference shall be held between the developer, contractors, the Departments of Community Development, Public Works, Building Inspections; Riviera Utilities, Daphne Utilities; any other applicable public or private utility company, local, state, and/or federal agency. At the pre-construction conference, involved parties will discuss issues related to permitting, construction safety, general expectations during construction, final inspection protocol, etc.
- (h) When all required improvements are installed in accordance with the site plans and specifications approved by the Planning Commission, the developer or owner shall request a final inspection by the design engineer and the registered landscape architect. Both shall forward compliance letters to the Director of Community Development. Upon receipt thereof the Director or his/her duly authorized representative shall inspect the site to determine if the required improvements are satisfactorily installed prior to signing the certificate of occupancy or final plat.

14-4 SITE PLAN APPLICATION

Prior to making any improvements, the developer/owner shall submit to the Planning Commission a site plan of the project for review in accordance with the following procedure. These items shall be received in the Department of Community Development not less than thirty (30) days prior to a regularly scheduled meeting of the Planning Commission at which meeting the site plan is to be formally submitted for review.

(a) Developer's Responsibility-the developer shall submit to the Department of Community Development:

- (1) Completed application on prescribed forms signed by the property owner or authorized agent; an agent authorization letter—if applicable; a copy of the recorded warranty deed of the subject property (as proof of ownership); the Owner's Indemnification and Maintenance Agreement Form for Commercial Developments; drainage calculations; Certification of Engineering Design form; applicable State and/or Federal permit applications; in accordance with specifications provided in the Site Plan Supplemental Documentation List in the Appendix; the site plan; documentation of all applicable utility companies' service availability and willingness to provide services; the filing fee as specifically enumerated in Article 34, Schedule of Fees.
- (2) The developer shall submit a site plan and utility sheets to each utility company for review. Paper and electronic copies shall be provided to the Department of Public Works, Bureau of Fire Prevention, Riviera Utilities, Daphne Utilities and the Building Department. The subdivider shall submit a site plan and applicable documents as may be necessary to any and all applicable utility companies, local, state and/or federal agencies for review. Sign details shall be submitted to the Code Enforcement Officer for review.

(a) Site Plan Content:

The site plan shall contain all information as reflected on the current Site Plan Supplemental Documentation List and the Site Plan Review checklist as provided in the Appendix. Either may be modified at the discretion of the Director of Community Development when applicable. However, any modifications to either the checklist or supplemental list shall be requested of the applicant and approved by the Director of Community Development during or as a result of a pre-application conference. Incomplete submissions shall not be accepted by the Department of Community Development.

Site plans shall be designed and certified by a professional design engineer. Landscape plans shall be designed and certified by a

registered landscape architect. Site plans shall include the following sheets: boundary survey, existing conditions, tree survey, site plan, geometric plan, utility plan, water and sewer plan, grading and drainage plan, construction best management practices plan, applicable construction details and notes as may be applicable, an overall master plan, if applicable, landscape plan and irrigation plan, building elevations, floor plans, and sign details. Site plans shall be designed to meet all applicable provisions of this Ordinance.

(b) Posting Notice of Site Plan Review:

Applicant shall be responsible for posting a sign providing public notice of site plan review. Failure to post said sign fifteen (15) days prior to Planning Commission review, shall cause the application to be withdrawn from the meeting agenda. Said sign shall not be an advertisement sign for the proposed project, but an advertisement of the Planning Commission meeting dates and times in accordance with the standards established for such provided in the Supplemental Information.

14-5 WAIVER

The Director of Community Development may waive certain requirements contained in this Article if, in his/her opinion, the requirements are not essential to a proper decision on the project; or, he/she may supplement the list with other requirements deemed necessary to clarify the nature of the proposed development.

14-6 BOND REQUIREMENT FOR OFF-SITE IMPACTS

- (a) Whenever a person, firm, corporation, developer or other entity proposes to develop a commercial, public, semi-public or multi-family, or mixed use project that, in the opinion of the Director of Community Development constitutes a land disturbing activity which may pose a risk of drainage and/or siltation damage outside the boundaries of the project, such person, firm, corporation, developer or other entity conducting the land disturbing activity shall be required to submit a non-cancelable performance bond in the name of the permittee, a letter of credit or cashier's check, to the City prior to the issuance of a site disturbance permit.
- (b) At the time of the site plan approval, the bond shall become effective and shall extend for a period of at least two (2) years following the issuance of the certificate of occupancy by the City. The bond shall be in the amount of twenty percent (20%) of the total cost for the performance of all site work. Said bond shall cover drainage, erosion and siltation damage, if any.
- (c) The Director of Community Development or other administrative official as designated by the City Council shall determine the prescribed bond, as well as, the adequacy and the security thereon.

14-7 FEES & APPLICATION WITHDRAWAL PROCEDURES

An application for site plan review, site disturbance permit and extension requests shall be accompanied by the appropriate fee as specifically enumerated in Article 34, the Schedule of Fees. If, for any reason, an item scheduled for initial presentation before the Planning Commission is requested to be tabled or withdrawn within seven (7) calendar days of submission to the Department of Community Development, then the application fee and notification fee will be credited toward re-submittal of the application; however, beyond the seven (7) calendar day period, fees shall not be refunded nor credited toward subsequent submittals. The request to withdraw or table the item shall be submitted in writing to the Department of Community Development prior to the scheduled hearing date.

14-8 ISSUANCE OF SITE DISTURBANCE PERMIT

Each person, firm, corporation, utility, entity or agent thereof preparing to engage in any site preparation and/or construction activities shall acquire a site disturbance permit from the Department of Community Development prior to commencement of such activities as established pursuant to the provisions of this Article and no such activity shall commence prior to the approval of a site plan by the Planning Commission if required by Section 14-3(a) or administrative review by the Director of Community Development if required by Section 14-3(b). Fees for said permit and permit extension requests are enumerated in Article 34, Schedule of Fees.

14-9 ISSUANCE OF BUILDING PERMIT

Upon approval of the site plan either as submitted or with changes and/or special conditions required by the Planning Commission, the Building Official may issue a building permit for a portion or all of the proposed development provided that the application is in compliance with all applicable city, county, state and federal requirements.

14-10 PARKING REQUIREMENTS

Any business use located within the Olde Towne Daphne District with a lot frontage of fifty (50) feet shall require a minimum of four (4) parking spaces, with a lot frontage of twenty-five feet shall require a minimum of two (2) parking spaces, and shall also comply with the minimum design and improvements standards as otherwise outlined in this Ordinance and ADA requirements.

Off-street parking for multi-use buildings or mixed use developments shall be located in the rear of the building(s) adjacent to the street.

For any use for which the above referenced parking requirement cannot be met due to the unique conditions of a particular parcel of property as documented on the site plan, off-street parking spaces of the public type may be considered toward the requirements necessary to comply with the Article upon determination of the Director of Community Development and approval of the Planning Commission.

14-11 SIGNAGE

The maximum allowable square footage established in each zoning designation and/or overlay district shall apply as provided in each district. Said allowable area shall not be exceeded. In the event that channel letters, as defined in Article 8, Definitions, are proposed, then the maximum allowable square footage shall be calculated at a rate of eighty percent (80%) in lieu of the standard rate of one hundred percent (100%).

(a) Nonconformance:

Any sign in existence on the date of the adoption of this Ordinance that is not in conformance shall be considered a nonconforming sign and shall be permitted to continue to exist, subject to the conditions and prohibitions set forth in the provisions of Article 33, Sign Provisions.

(b) Single-Use Building (A commercial building with one commercial tenant):

Signs indicating the name of a business or retail use permitted in this District with a single-use building shall have one (1) sign not to exceed fifteen (15) square feet in area per face, five (5) feet in height, of the ground sign or pylon type, and have two (2) faces.

Each establishment of a business or retail use permitted in this District with a single-use building may acquire an additional permit for a wall-mounted sign of a size not to exceed ten percent (10%) of the surface frontal area of its building or portion of the building. Signs mounted on mansards, marquees, windows, and awnings are deemed to be wall signs.

(c) Multi-Use Building (A commercial building which houses more than one commercial tenant):

Signs indicating the name of a business or retail use permitted in this District with a multi-use building shall have one (1) sign not to exceed thirty-two (32) square feet in area per face, ten (10) feet in height, of the ground sign or pylon type, and have two (2) faces.

Each establishment of a business or retail use permitted in this District within a multi-use building may acquire an additional permit for a wall-mounted sign of a size not to exceed ten percent (10%) of the surface frontal area of its building or portion of building. Signs mounted on mansards, marquees, windows, and awnings are deemed to be wall signs.

(d) Menu Type Signs:

(1) Drive-Thru Service:

One menu type sign shall be permitted not to exceed twenty-one (21) square feet in area, five (5) feet in height and two (2) faces.

(2) Wall mounted menu for walk-up service:

One wall mounted menu board shall be permitted for walk-up service not to exceed twelve (12) square feet in area.

--Amended per Ordinance 2017-04--

(e) Fees:

Signs permitted under this Article shall require a permit as more specifically enumerated in Article 33, Sign Provisions. Fees for each permitted sign are specifically enumerated in Article 34, Schedule of Fees.

14-12 SIDEWALKS

A sidewalk of a minimum six (6) feet in width shall be required to be located adjacent to the front property line and in the interior of multi-use developments.

14-13 LANDSCAPE STANDARDS

(a) General Requirements:

The developer of any use in this District shall suitably landscape at least five percent (5%) of the subject property and also comply with the requirements of Article 19, Landscape and Tree Protection.

If the landscape design is determined to be compatible with the character of the District, an innovative landscape design, to include planters and/or hanging plants, as well as, a “natural cluster of trees” may be approved if recommended by the Director of Community Development and given approval by the Planning Commission.

More stringent design and landscape standards may be required if it is determined that the design would be more compatible with the development and more beneficial to the aesthetics of the Olde Towne Daphne district.

(b) Off-Street Parking Landscape Requirements:

The design and appearance of parking areas are intended to be compatible with the character of the community. Toward this objective, the following landscaping standards shall be observed in the construction of off-street parking areas:

- (1) Landscaped areas and perimeter areas shall be so graded as to receive a reasonable portion of the rainfall from the surrounding pavement. Protective curbing around landscaped areas will leave openings for the flow of water onto unpaved areas.
- (2) Landscaped areas shall be protected from vehicular encroachment by the use of curbing or wheel stops.
- (3) The owner, tenant, occupant and/or agent, if any, shall be jointly and severally responsible for watering and maintaining all landscaping in a healthy, neat and orderly condition, replacing it when necessary, and keeping it free of refuse and debris.
- (4) Adjacent residential property owners may jointly agree on the establishment of a common landscaped or fenced area between their properties which meets the requirements of this Article.

(c) Buffer Zone Requirements:

Where a business district abuts any part of a residential district, a buffer zone ten (10) feet in width shall be required. The buffer shall run the entire length of the abutting lot line(s). Under no circumstances shall this buffer impair vehicular flow and shall be part of the yard requirements. Said protection buffer shall be maintained in such a manner to accomplish its purpose continuously.

This District shall comply with the following minimum standards and said buffer zone shall be constructed of at least one of the following three (3) designs or a combination thereof as determined by the Director of Community Development and approved by the Planning Commission:

(1) Wall or Fence

If a wall or fence of solid appearance is provided as a protection buffer, it shall be at least six (6) feet in height and of a construction and a design approved by the Planning Commission.

(2) Screen Planting Strip

A staggered double row of Evergreen plantings at least ten (10) feet in width which will grow to at least ten (10) feet in height and spaced in a manner in which after three (3) years it will provide an impervious visual barrier.

(3) Natural Forest

A natural, undisturbed forest which provides a nearly impervious visual barrier due to the dense nature of the plants and/or trees. If this option is chosen, the width of the buffer zone shall be ten (10) feet in width and shall be included on the landscape plan.

The Director of Community Development shall determine whether the barrier is satisfactory via site inspection prior to approval.

14-14 SUPERVISION

The landscape architect shall be responsible for the supervision of all plantings. After completion, the landscape architect shall certify in writing to the City of Daphne that the submitted, approved landscape plan has been implemented and complies with the requirements of this Article.

14-15 CERTIFICATE OF OCCUPANCY

A certificate of occupancy shall not be issued until the submitted, approved landscape plan has been implemented or cash or cashier's check has been submitted in an amount equal to one hundred and fifty percent (150%) of the actual landscape cost which shall be certified by a professional landscape architect with a signed/sealed cost estimate for incomplete work.

14-16 PENALTIES

The Code Enforcement Officer of the City of Daphne shall serve the owner of said property, each person, firm or corporation engaged in the activities regulated hereunder in which the activities are being conducted in violation of any provision of this Article with a Summons and Complaint citation.

The person(s) shall be fined upon conviction, not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) and costs of the court for each offense.

14-17 SETBACKS

MINIMUM DISTRICT REQUIREMENTS^d				
Zoning Districts	Front Yard	Rear Yard	Side Yard	Corner Lot Side Yard
R-4 ^c , Single Family R-6(D or G), Duplex or Garden or Patio Home	15	20	6	25
R-4 ^c , Multi-Family	15	20	a	25
B-1, Local Business B-1(a), Limited Local Business	10	b	b	25
B-2, General Business	10	b	b	25
B-3, Professional Business	10	b	b	25
MU, Mixed Use	15	e	b	25

- (a) When dwelling unit faces side yard, the dwelling unit shall not be less than twenty-five (25) feet from the side lot line.
- (b) None. If there is a rear alley, the setback shall be twenty-five (25) feet. When abutting a residential district it shall be not less than ten (10) feet. (See Buffer Requirements, Section 14-13, Landscape Standards).
- (c) The Planning Commission shall no longer consider zoning or rezoning amendments to an R-4 zoning district. All existing R-4, High Density Single and Multi-Family Residential Districts shall be developed in accordance with the standards provided herein. For all new requests, the following districts shall be considered in lieu of R-4: R-6(G) for all garden/patio homes developments; R-6(D) for duplexes; R-7(A) for apartments; and R-7(T) for townhouses and R-7(M) for mid-rise condominiums.
- (d) Minimum district requirements for any zoning district not specifically listed in this table shall meet the minimum standards as established in Requirement for lot area, width and setbacks in Section 13-4, Requirements For Lot Area, Width, Coverage, Density, Height and Other Factors and 13-6, Minimum Zoning District Setback Requirements, herein.
- (e) None. If there is an alley, the setback shall be twenty-five (25) feet. When abutting a residential district it shall be not less than fifteen (15) feet. (See Buffer Requirements, Section 14-13, Landscape Standards).

14-18 MAXIMUM BUILDING HEIGHT

Except as otherwise provided herein, no structure shall exceed thirty-five (35) feet in height in any R-4, Single Family and Multi-Family Residential, district or more than 50 (fifty) feet in height in any Business or Mixed Use District. Structures of more than fifty (50) feet shall not be permitted. (See Definition of Building Height in Article 8, Definition of Terms).

14-19 DRAINAGE

Any use in this District shall comply with Article 18, Drainage and Storm Water Management Facilities and Erosion/Sediment Control.

14-20 DISTRICT MAP

The Olde Towne District Map, Exhibit B, is hereby adopted and as a part of this Ordinance. (See Appendix I, Table of Contents).

ARTICLE XXXVI THE VILLAGE OVERLAY DISTRICT

Red-lined Draft

36-1 PURPOSE

The intent of this Article is to provide for the creation of the district in order to establish minimum standards and provisions for residential, business, or commercial development in the areas outlined the map provided herein and to achieve a healthy, beautiful, and safe community by the following means:

- **Aesthetics:** Improve the appearance of all areas through the incorporation of innovative landscaping and open space into development in ways that harmonize and enhance the natural beauty of the environment.
- **Land Values:** Maintain and increase the value of land by incorporating innovative designs and criteria into development, thus becoming itself a valuable capital asset.
- **Human Values:** Provide direct and important physical and psychological benefits to human beings through the use of landscaping and tree preservation as a buffer zone between residential and business development to reduce noise and glare, and to break up the monotony and soften the harsher aspects of urban development.
- **Improved Design:** Promote innovative and cost conscious approach to the design and construction of the District.
- **Improved Administration and Enforcement:** Establish procedures and standards for the administration and enforcement of this Article.

36-2 USES PERMITTED

(a) General

The following zoning districts provided herein established and most specifically defined in Article 12, Establishment of Districts: B-1, Local Business, B-2, General Business, B-3, Professional Business, R-4, Single Family and Multi-Family Residential, and MU, Mixed Use. Article 35, the Table of Permitted Uses and Conditions, outlines the restrictions for each district, except with regard to mixed-uses as provided in the following subsections.

The term R-4 shall be synonymous with the newly adopted zoning designations as provided in *Article 12, Establishment of Districts*. The Planning Commission shall no longer consider zoning or rezoning

amendments for an R-4 zoning district. All existing R-4, High Density Single and Multi-Family Residential Districts shall be developed in accordance with the standards provided herein; however, R-6(G), R-6(D), R-7(A), R-7(M) and R-7(T) shall be respectively considered for all garden/patio homes, duplexes, apartments and townhouses, and mid-rise condominiums requests.

(b) Mixed-Use Developments in the Village Overlay District

It is the intent of the City to encourage mixed-use developments in the Village Overlay District. Zoning districts that will allow mixed-use developments by right include MU, Mixed Use; B-1, Local Business; B-2, General Business; and B-3, Professional Business. Said mixed-use development may have a vertical configuration, meaning the primary business is located on the ground floor and the secondary use is located on an upper floor, or may otherwise meet the provisions of an accessory dwelling unit as provided in section (c) below.

(a) Accessory Dwelling Units (ADU) in the Village Overlay District shall adhere to the following provisions.

1. Detached accessory dwelling is defined as a dwelling unit separate from the principal structure. The dwelling shall be clearly subordinate in size, height, and purpose to the principal structure, it shall be located on the same lot as the principal structure, but may be served by separate utility meter(s), and is detached from the principal structure if approved by the Building Official. A detached accessory dwelling may be an independent structure, a dwelling unit above a garage, or attached to a workshop or other accessory structure on the same lot as the principal structure.
2. It is the intent of this ordinance to allow, where deemed appropriate by the Planning Commission, accessory dwelling units that maintain an appropriate proportional relationship to the adjacent principal structure(s) on the same site.
3. The accessory dwelling unit may function as purely residential use or as a mixed use building that allows separate commercial and residential usage.
4. While these provisions apply to detached accessory dwelling units, the provisions do not supersede or override applicable life safety standards found in the applicable codes adopted by the city.
5. When deemed appropriate by the Planning Commission, in business and commercial districts located in the Village Overlay district, a detached accessory dwelling may be considered where

such detached accessory dwelling complies with the following requirements:

- a) A recreational vehicle (RV) shall not be considered as an ADU.
- b) Shall not exceed 60% of the size (measured in square feet) of the principal building.
- c) Shall not be located on a lot by itself, nor be located in or extend into the front yard.
- d) Shall not be constructed to exceed more than two (2) stories.
- e) Shall not be constructed to exceed thirty (30) feet mean roof height; however, the accessory dwelling unit shall not exceed the height of the primary business or commercial building.
- f) Shall not encroach into any easement.
- g) Shall maintain a side yard setback and rear yard setback of not less than six (6) feet where abutting property zoned for business or commercial use.
- h) Where the adjacent property is zoned for residential use, the side yard and rear yard setback shall be no less than the standard zoning district setback requirement.
- i) Requests for variances to the provisions of this section shall be submitted to the Board of Zoning Adjustment.
- j) There shall be one (1) power meter to service both the primary business and the accessory structure, unless a second power meter is approved by the Building Official. The decision of the Building Official may be appealed to the Board of Zoning Adjustment in accordance with provisions established herein.
- k) Prefabricated accessory structures (such as utility sheds, conex storage boxes and the like) shall not be utilized for the purpose of habitation.
- l) No more than one detached accessory dwelling shall be permitted on a single lot in conjunction with the principal structure.

- m) The detached accessory dwelling may not be divided from the property ownership of the principal dwelling.
- n) The detached accessory dwelling shall be of similar style, design and material color as used for the principal structure and shall use similar architectural characteristics, including roof form and pitch, to the existing principal structure.

36-3 SPECIAL PROVISIONS

The following shall apply:

- (a) The provisions of this Article shall be required for all residential projects involving the construction of two (2) or more dwelling units including apartments, town homes, condominiums, planned unit developments, subdivisions, business, commercial, industrial, and/or institutional structures; all existing structures which increase the gross floor area by thirty (30) percent or more, except a single family residence; construction of a park, public way, open space, public building or structure; construction of a public utility whether publicly or privately owned; and other uses as required by the Planning Commission. A golf course which was in existence prior to the enactment of this Ordinance is hereby exempt from the provisions of this Article.
- (b) Size of properties reserved or laid out for business, or commercial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- (c) A site plan review shall be accomplished by the recommendation of the Director of Community Development and approval of the Planning Commission to assure compliance with the provisions of Land Use and Development Ordinance in conformity with its purpose as stated in Article I, as well as, applicable Building and Fire Codes, latest edition.
- (d) Said approval shall be authorization to begin work, subject to the issuance of a Site Disturbance Permit. Such approval shall become void upon one (1) year from the date of approval if no such permit has been acquired and/or if no such building or construction activity has occurred.
- (e) When all required improvements are installed, the developer/owner shall call for a final inspection. The Director of Community Development or his/her duly authorized representative shall inspect the site to determine if the required improvements are satisfactorily installed according to the plans and specifications.
- (f) Applicant shall be responsible for posting a sign providing public notice of site plan review. Failure to post said sign fifteen (15) calendar days prior to Planning Commission review, shall cause the application to be withdrawn from the meeting agenda. Said sign shall not be an advertisement sign for the proposed project, but an advertisement of the Planning Commission meeting dates and times in accordance with the standards established for such provided in the Supplemental Information.

36-4 PLAN CONTENT

The plan shall contain all information shown on the current departmental check list for a site plan which may be modified at the discretion of the Director of Community Development when applicable.

36-5 WAIVER

The Director of Community Development may waive certain requirements contained in this Article if, in his/her opinion, the requirements are not essential to a proper decision on the project; or, he/she may supplement the list with other requirements deemed necessary to clarify the nature of the proposed development.

36-6 FEES

An application for site plan review shall be accompanied by the appropriate fee as more specifically enumerated in *Article 34, Schedule of Fees*.

36-7 ISSUANCE OF SITE DISTURBANCE PERMIT

Each person, firm, corporation, utility, entity or agent thereof engaged in any site preparation and/or construction activities shall acquire a Site Disturbance Permit from the Department of Community Development prior to commencement of such activities as established pursuant to the provisions of this Article and no such activity shall commence prior to the approval of the site plan by the Planning Commission. Fees for said permit shall be as more specifically enumerated in *Article 34, Schedule of Fees*.

36-8 ISSUANCE OF BUILDING PERMIT

Upon approval of the site plan, either as submitted or with changes and/or special conditions required by the Planning Commission, the Building Official may issue a building permit for a portion or all of the proposed development provided that the application is in compliance with all applicable City, County, State and Federal requirements.

36-9 PARKING REQUIREMENTS

Any business use located within the Village Overlay District with a lot frontage of fifty (50) feet shall require a minimum of four (4) parking spaces, with a lot frontage of twenty-five feet shall require a minimum of two (2) parking spaces, and shall also comply with the minimum design and improvements standards as otherwise outlined in this Ordinance and ADA requirements.

Off-street parking for multi-use or mixed use developments shall be located in the rear of the building(s) adjacent to the street.

For any use for which the above referenced parking requirement cannot be met

due to the unique conditions of a particular parcel of property, off-street parking spaces of the public type may be considered toward the requirements necessary to comply with the Article upon determination of the Director of Community Development and approval of the Planning Commission.

36-10 SIGNAGE

The maximum allowable square footage established in each zoning designation and/or overlay district shall apply as provided in each district. Said allowable area shall not be exceeded. In the event that channel letters, as defined in *Article 8, Definitions*, are proposed, then the maximum allowable square footage shall be calculated at a rate of eighty percent (80%) in lieu of the standard rate of one hundred percent (100%).

(a) Nonconformance:

Any sign in existence on the date of the adoption of this Ordinance that is not in conformance shall be considered a nonconforming sign and shall be permitted to continue to exist subject to the conditions and prohibitions set forth in the provisions of *Article 33, Sign Provisions*.

(b) Single-Use Building (A commercial building with one tenant):

Signs indicating the name of a business or retail use permitted in this District with a single-use building shall have one (1) sign not to exceed fifteen (15) square feet in area per face, five (5) feet in height, of the ground sign or pylon type, and have two (2) faces.

Each establishment of a business or retail use permitted in this District with a single-use building may acquire an additional permit for a wall-mounted sign of a size not to exceed ten percent (10%) of the surface frontal area of its building or portion of the building. Signs mounted on mansards, marquees, windows, and awnings are deemed to be wall signs.

(c) Multi-Use Building (A commercial building which houses more than one commercial tenant):

Signs indicating the name of a business or retail use permitted in this District with a multi-use building shall have one (1) sign not to exceed thirty-two (32) square feet in area per face, ten (10) feet in height, of the ground sign or pylon type, and have two (2) faces.

Each establishment of a business or retail use permitted in this District with a multi-use building may acquire an additional permit for a wall-mounted sign of a size not to exceed ten percent (10%) of the surface frontal area of its building or portion of building. Signs mounted on mansards, marquees, windows, and awnings are deemed to be wall signs.

(d) Fees:

Signs permitted under this Article shall require a permit as more specifically enumerated in *Article 33, Sign Provisions*. Fees for each permitted sign shall be as more specifically enumerated in *Article 34, Schedule of Fees*.

36-11 SIDEWALKS

A sidewalk of a minimum six (6) feet in width shall be required to be located adjacent to the front property line and in the interior of multi-use developments.

36-12 LANDSCAPE STANDARDS

(a) General Requirements:

Any use in this District shall suitably landscape at least five percent (5%) of the subject property and also comply with the requirements of *Article 19, Landscape and Tree Protection*.

Innovative landscape designs to include planters and/or hanging plants, as well as, a “natural cluster of trees” may be approved; if recommended by the Director of Community Development and given approval by the Planning Commission; if it is determined the landscape design is compatible with the character of the District.

More stringent design and landscape standards may be required if it is determined that the design would be more compatible with the development and more beneficial to the aesthetics of the City.

(b) Off-Street Parking Landscape Requirements:

The design and appearance of parking areas are intended to be compatible with the character of the community. Toward this objective, the following landscaping standards shall be observed in the construction of off-street parking areas:

- (1) Landscaped areas and perimeter areas shall be so graded as to receive a reasonable portion of the rainfall from the surrounding pavement. Protective curbing around landscaped areas will leave openings for the flow of water onto unpaved areas.
- (2) Landscaped areas shall be protected from vehicular encroachment by the use of curbing or wheel stops.
- (3) The owner, tenant and/or agent, if any, shall be jointly and severally responsible for watering and maintaining all landscaping in a healthy, neat and orderly condition, replacing it when necessary, and keeping it free of refuse and debris.
- (4) Adjacent residential property owners may jointly agree on the establishment of a common landscaped or fenced area between their properties which meet the requirements of this Article.

(c) **Buffer Zone Requirements:**

Where a business district abuts any part of a residential district, a buffer zone ten (10) feet in width shall be required. The buffer shall run the entire length of the abutting lot line(s). Under no circumstances shall this buffer impair vehicular flow and shall be part of the yard requirements. Said protection buffer shall be maintained in such a manner to accomplish its purpose continuously.

This District shall comply with the following minimum standards and said buffer zone shall be constructed of at least one of the following three (3) designs or a combination thereof as determined by the Director of Community Development and approved by the Planning Commission:

(1) **Wall or Fence:**

If a wall or fence of solid appearance is provided as a protection buffer, it shall be at least six (6) feet in height and of a construction and a design approved by the Planning Commission.

(2) **Screen Planting Strip:**

A staggered double row of Evergreen plantings at least ten (10) feet in width which will grow to at least ten (10) feet in height and spaced in a manner in which after three years it will provide an impervious visual barrier.

(3) Natural Forest:

A natural, undisturbed forest which provides a nearly impervious visual barrier due to the dense nature of the plants and/or trees. If this option is chosen, the width of the buffer zone shall be ten (10) feet in width and shall be included on the landscape plan.

The Director of Community Development shall determine whether the barrier is satisfactory via site inspection prior to approval.

36-13 SUPERVISION

The landscape architect shall be responsible for the supervision of all plantings. After completion, the landscape architect shall certify in writing to the City of Daphne that the submitted, approved landscape plan has been implemented and complies with the requirements of this Article.

36-14 CERTIFICATE OF OCCUPANCY

A certificate of occupancy shall not be issued until the submitted, approved landscape plan has been implemented or a bond has been posted. Said bond shall be in an amount equal to one hundred and fifty percent (150%) of the actual landscape cost which shall be certified by a professional landscape architect.

36-15 PENALTIES

The Code Enforcement Officer of the City of Daphne shall serve the owner of said property, each person, firm or corporation engaged in the activities regulated hereunder in which the activities are being conducted in violation of any provision of this Article with a Summons and Complaint citation. The person(s) shall be fined upon conviction, not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) and costs of the court for each offense.

36-16 SETBACKS

MINIMUM DISTRICT REQUIREMENTS				
DISTRICT	FRONT YARD	REAR YARD	SIDE YARD	CORNER LOT SIDE YARD
R-4, Single Family or R-6(G)	15	20	6	25
R-4, Multi-Family or R-7(A, T or M) or MU	15	20	a	25
B-1, Local Business B-1(a), Limited Local Business	10	b	b	25
B-2, General Business	10	b	b	25
B-3, Professional Business	10	b	b	25

- (a) When dwelling unit faces the side yard, the dwelling unit shall not be less than twenty-five (25) feet from the side lot line.
- (b) None. If there is a rear alley, the setback shall be twenty-five (25) feet. When abutting a residential district it shall be not less than ten (10) feet. (See Buffer Requirements, § 36-12).

36-17 MAXIMUM BUILDING HEIGHT

Except as otherwise provided herein, no structure shall exceed thirty-five (35) feet in height in any R-4, Single Family and Multi-Family Residential, district or more than 50 (fifty) feet in height in any Business or Mixed-Use District. Structures of more than fifty (50) feet may be permitted subject to the approval of the City Council (See Definition of Height, Building in *Article 8, Definition of Terms*).

36-18 DRAINAGE

Any use in this District shall comply with *Article 18, Drainage and Stormwater Management*.

36-19 SUBDIVISION REGULATIONS

Any use in this District shall comply with *Article 17, Procedures for Subdivision Review* where applicable.

36-20 DISTRICT MAP

The Village Overlay District Map, Exhibit C, is hereby adopted and as a part of this Ordinance. (See Appendix).

**CITY OF DAPHNE, ALABAMA
RESOLUTION 2019-60**

**PUBLIC SAFETY VEHICLE EQUIPMENT:
GSA Contract: GS-07F-0512T - Dana Safety Supplies, Inc.**

WHEREAS, the City of Daphne is required under section 41-16-20 of the Code of Alabama to secure competitive bids for purchases of goods or services in excess of \$15,000; and

WHEREAS, the City of Daphne acknowledges that the cost for Public Safety Vehicle Equipment will exceed this amount; and

WHEREAS, Alabama Code § 41-16-51(a)(17) exempts from competitive bidding “the purchase of goods or services ... from vendors that have been awarded a current and valid Government Services Administration contract”; and

WHEREAS, Alabama Code § 41-16-51(a)(15) exempts from competitive bidding “contractual services and purchases of products related to, or having an impact upon, security plans, procedures, assessments, measures, or systems, or the security or safety of persons, structures, facilities, or infrastructures”; and

WHEREAS, Staff has reviewed the GSA Contract from Dana Safety Supplies, Inc. for Public Safety Vehicle Equipment and determined that the bid as presented is reasonable; and

WHEREAS, Staff recommends that the City of Daphne utilize the GSA Contract: GS-07F-0512T awarded to Dana Safety Supplies, Inc.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that:

1. The purchase of the Public Safety Vehicle Equipment is related to and has an impact on security procedures and the security or safety of persons;
2. The City hereby accepts the bid of Dana Safety Supply, Inc., and shall retain the same benefits throughout the term of the contract (*with annual renewal through July 31, 2022*) as specified in the GSA Contract: GS-07F-0512T with Dana Safety Supplies, Inc.; and
3. The Mayor is hereby authorized to execute any documents required in order for the City of Daphne to purchase goods through GSA Contract: GS-07F-0512T with Dana Safety Supplies, Inc.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA this ____ day of _____, 2019.

Dane Haygood, Mayor

ATTEST:

Candace G. Antinarella, City Clerk

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2019-46**

**Ordinance to Pre-zone Amendment for Property
Located Northeast of County Road 64 and County Road 13, southeast of Rand Avenue and
County Road 13
Down by the Bay, LLC**

WHEREAS, Down by the Bay, LLC, as the owner of certain real property located within the unincorporated area of Baldwin County, Alabama, has requested that said property that is currently zoned B-1 Professional Business District, in the extraterritorial planning jurisdiction of the City of Daphne, to be pre-zoned as B-2(a), General Business Alternate District prior to annexing into the City of Daphne; and

WHEREAS, said real property is Northeast of County Road 64 and County Road 13, southeast of Rand Avenue and County Road 13, and more particularly described as follows:

Legal Description for Pre-zone:

COMMENCING FROM A 1/2" IRON REBAR WITH CAP (CA#604) AT THE NORTHEAST CORNER OF LOT 1, GCOF & WSR 64-13 REPLAT, AS SHOWN ON PLAT THEREOF RECORDED ON SLIDE 2514-A IN PROBATE RECORDS BALDWIN COUNTY ALABAMA; THENCE RUN NORTH 72°55'50" EAST A DISTANCE OF 100.53 FEET TO A 1/2" IRON REBAR WITH CAP (LS#23660) ON THE EAST MARGIN OF BALDWIN COUNTY HIGHWAY 13, AN 80' RIGHT-OF- WAY, FOR THE POINT OF BEGINNING; THENCE RUN NORTH 00°22'21" EAST ALONG SAID EAST RIGHT-OF-WAY A DISTANCE OF 415.12 FEET TO A 5/8" IRON REBAR WITH CAP (ILLEGIBLE); THENCE LEAVING SAID RIGHT-OF-WAY NORTH 87°43'08" EAST A DISTANCE OF 154.33 FEET TO A 5/8" IRON REBAR WITH CAP (CA#597); THENCE RUN NORTH 05°43'56" WEST A DISTANCE OF 76.78 FEET TO A 5/8" IRON REBAR WITH CAP (LS#17519); THENCE RUN NORTH 89°55'57" EAST A DISTANCE OF 207.66 FEET TO A 5/8" IRON REBAR WITH CAP (LS#17519); THENCE RUN SOUTH 89°56'17" EAST A DISTANCE OF 391.26 FEET TO A 1" OPEN TOP IRON PIPE; THENCE RUN SOUTH 89°43'25" EAST A DISTANCE OF 40.29 FEET TO A 1/2" IRON REBAR WITH CAP (CA#604); THENCE RUN SOUTH 00°14'00" EAST A DISTANCE OF 46.77 FEET TO A 1/2" IRON REBAR; THENCE RUN SOUTH 00°09'40" WEST A DISTANCE OF 453.13 FEET TO A 1/2" IRON REBAR WITH CAP (ILLEGIBLE); THENCE RUN NORTH 89°43'41" WEST A DISTANCE OF 85.37 FEET TO A 1/2" IRON REBAR; THENCE RUN NORTH 89°56'59" WEST A DISTANCE OF 420.50 FEET TO A 1/2" IRON REBAR WITH CAP (ILLEGIBLE); THENCE RUN NORTH 89°24'57" WEST A DISTANCE OF 60.14 FEET TO A 1/2" IRON REBAR WITH CAP (LS#10675); THENCE RUN NORTH 89°27'19" WEST A DISTANCE OF 60.37 FEET TO A 3/4" IRON REBAR; THENCE RUN NORTH 89°45'57" WEST A DISTANCE OF 161.01 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED PARCEL CONTAINING 8.74 ACRES, MORE OR LESS, AND LYING WITH THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

WHEREAS, at the regular Planning Commission meeting on August 22, 2019, the Commission considered said request and set forth a unanimous favorable recommendation to the City Council to pre-zone the property B-2(a), General Business Alternate District; and,

WHEREAS, due notice of said proposed pre-zoning has been provided to the public as required by law through publication and open display at City Hall, a public hearing was held before the City Council on October 21, 2019; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon consideration of the notes of the Planning Commission, deemed that said application for pre-zoning of the above described real property is proper and in the best interest of the health, safety and welfare of the citizens of the City of Daphne, Alabama; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, as follows:

SECTION I: ZONING

That above described real property is hereby pre-zoned to B-2(a), General Business Alternate District, City of Daphne. Upon annexation of the property prior to the expiration of the pre-zoning as set forth in Section IV, the property shall be assigned the zoning district in accordance with the pre-zoning and the zoning ordinance and zoning map be amended to reflect the said zoning. Should annexation not occur prior to the expiration of this pre-zoning as set forth in Section IV, this pre-zoning shall have no effect and the designation of a zoning district for the property shall be set forth in the annexation ordinance.

Until such time as the property is annexed to the City of Daphne, the property shall remain in the unincorporated area of Baldwin County and zoned in accordance with the Baldwin County Commission's zoning plan. The County's zoning for the property at the time the request for pre-zoning was submitted was B-1 Professional Business District.

SECTION II: REPEALER.

All other City Ordinances or parts thereof in conflict with the provisions of this Ordinance, in so far as they conflict, are hereby repealed.

SECTION III: SEVERABILITY.

The provisions of this Ordinance are severable. If any provision, section, paragraph, sentence, or part thereof shall be held unconstitutional or invalid, such decision shall not affect or impair the remainder of said Ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence, and part thereof separately and independently of each other.

SECTION IV: EFFECTIVE AND EXPIRATION DATE.

This Ordinance, and in particular the pre-zoning shall take effect after the date of its approval by the City Council of the City of Daphne and publication as required by law. Pursuant to Code of Alabama (1975) Section 11-52-85, the zoning of the property, shall become effective upon the date the territory is annexed into the corporate limits. If any portion of the territory is not annexed into the corporate limits within 180 days of the initiation of annexation proceedings as provided by law then this pre-zoning shall be null and void. Should the pre-zoning become null and void, the applicant may reapply for pre-zoning at any time as long as an annexation petition is pending.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of _____, 2019.

Dane Haygood,
Mayor

ATTEST:

Candace G. Antinarella,
City Clerk

To: Office of the City Clerk
From: Adrienne D. Jones, 
Director of Community Development
Subject: Down by the Bay, L.L.C.
Pre-Zoning Amendment
Date: August 23, 2019

MEMORANDUM

PRESENT ZONING: B-1, Professional Business District,
Baldwin County District 15,
Exterritorial Planning Jurisdiction

PROPOSED PRE-ZONING: B-2(a), General Business Alternate
District

LOCATION: Northeast of County Road 64 and
County Road 13, southeast of Rand
Avenue and County Road 13

RECOMMENDATION: At the Thursday, August 22, 2019,
regular meeting of the Daphne
Planning Commission, six members
were present and the motion carried
unanimously for a favorable
recommendation for the above
mentioned pre-zoning amendment.

Attached please find the appropriate documentation and
action of the Daphne Planning Commission.

Upon receipt of said documentation, please prepare an
ordinance for placement on the City Council agenda for
placement on the City Council agenda to set a public
hearing.

Thank you,
ADJ/jv

attachment(s)

1. Pre-zoning Application
2. Legal Description (Exhibit A)
3. Boundary Survey (Exhibit B)
4. Adjacent property owners list
5. Community Development Report



APPLICATION FOR REZONING OR PRE-ZONING

Office use only: Rev. 072816

Date Submitted July 22, 2019

Application Number:

Planning Commission Public

ZA- or PZA- 19-01

Hearing Date: Aug. 22, 2019

Legibly print or type responses below. Indicate N/A or an "X" where item is not applicable.

SITE DATA

Site Location (Address or General Proximity to Nearest Intersection):

PPIN#(s):

East Side CR 13 (North of CR 64).

22754

Gross Site Area (acreage): 8.74

Requested Zoning or Pre-Zoning:

B-2a with permitted use as storage facility

Current Zoning Designation(s):

Amended Request:

B-1 (County)

Initials:

Date:

Current Land Use:

Undeveloped

Anticipated Land Use:

storage facility

Provide Legal Description (if necessary attach separate page entitled "Legal Description for [Name of Applicant]":
see attached

Specify other recently approved or pending requests related to the subject property. Circle the answer(s).

Annexation Subdivision Site Plan Special Exception Variance Specify Other

APPLICANT & AGENT INFORMATION

If an LLC or LLP or Corporation, provide name and signature of Registered Member or Agent **and provide a copy of Articles of Incorporation.*

Name of Current Owner: Down By the Bay, LLC

Mailing Address: 11850 Jericho Dr, Daphne, AL 36526

Phone/Fax: 251-604-2838

E-mail:

Name of Authorized Agent: Tim Lawley

Mailing Address: PO Box 1127, Daphne, AL 36526

Phone/Fax: 251-380-8746

E-mail:

Name of Developer*: Down By The Bay, LLC

Phone/Fax: 678-280-6749

E-mail:

Other:

Phone/Fax:

E-mail: tim.lawley@gmcnetwork.com

I, the applicant, certify that all of the above facts are true and correct to the best of my knowledge. I hereby agree to allow the City of Daphne to post a sign on the subject property notifying the general public of this request.

Applicant's Signature: <u>[Signature]</u>	Date <u>7/22/19</u>
Agent's Signature: <u>[Signature]</u>	Date <u>7/22/19</u>

ADDITIONAL INFORMATION

We, the undersigned, constituting all of the owners of all of the hereinafter described real property do hereby execute and file this written petition asking and requesting that our property as described be annexed to the City of Daphne, Alabama, under the authority of Section 11-42-20 through 11-42-24, Code of Alabama 1975.

Initials: RF, AF, KB

We further certify that said property is contiguous to the city limits of Daphne, Alabama. A map and written legal description of said property is hereto attached.

Initials: RF, AF, KB

We certify that the property is a single or multiple parcels under single or multiple ownership.

Initials: RF, AF, KB

We certify that we fully understand that upon annexation, the subject property shall be subject to all laws and codes administered by the City of Daphne, including, but not limited to, the zoning code, the subdivision regulations and the municipal code of the City of Daphne.

Initials: RF, AF, KB

Option# 1: We do hereby request pre-zoning of the subject property to the following zoning classification(s): B-2, and certify that a petition for rezoning, associated fees and documents have been submitted prior to or concurrently with this petition.

Initials: RF, AF, KB

Or

Option# 2: We do hereby certify that we understand fully that upon annexation the subject property will be zoned R-1, Low Density Single Family Residential.

Initials: ~~RF, AF, KB~~

We do hereby request that the Planning Commission and City Council give such notice, hold such hearing and adopt such ordinance and do all such things or acts as is required by law so that the corporate limits of the City of Daphne, Alabama shall be rearranged so as to include such territory.

IN WITNESS WHEREOF, we have hereunto subscribed our names this, the 22 day of July, 2019.

Legal Description Attached (Exhibit A)? X Map or Survey Attached (Exhibit B)? X
Recorded Subdivision Plat OR Preliminary/Final Subdivision plat approved by Planning Commission
Attached (Exhibit C)? _____ Acreage _____
Subdivision Name _____ Lot Number(s) _____

Names and Signature of ALL property owners:

Signature: Ken Barber

Printed Name: Ken Barber

Signature: Ryan Fields

Printed Name: Ryan Fields

Mailing Address: 2678 Hickory Level Rd
Villa Rica, GA 30180

Mailing Address: 11850 Jericho Dr, Daphne, AL 36526

Signature: Allison Fields

Printed Name: Allison Fields

Mailing Address: 11850 Jericho Dr, Daphne, AL 36526



REVERSIONARY CLAUSE ACKNOWLEDGEMENT

SKIP THIS PAGE IF REQUESTING PRE-ZONING OR PLANNED UNIT DEVELOPMENT ZONING

Pursuant to Article 22-2 of the Land Use & Development Ordinance, zoning and rezoning may revert back to prior designation if certain conditions are not met. Said conditions are specified in Article 22 of the Land Use Ordinance. Legibly sign and print/type responses below. Indicate N/A or an "X" where item is not applicable. **Submit with rezoning request where applicable.**

CURRENT OWNER'S ACKNOWLEDGEMENT

I, Kenneth L. Barber, acknowledge that I am aware that this rezoning request is subject to a reversionary clause as noted in Article 22-2 of the Land Use & Development Ordinance. Date: 7/22/19

Kenneth L Barber Kenneth L Barber
PRINTED NAME OF CURRENT OWNER/PETITIONER

DEVELOPER'S ACKNOWLEDGEMENT

I, Ryan Fields, acknowledge that I am aware that this rezoning request is subject to a reversionary clause as noted in Article 22-2 of the Land Use & Development Ordinance. Date: 7/22/19

Ryan Fields Ryan Fields
PRINTED NAME OF DEVELOPER

PROPERTY ADDRESS OR PPIN#(s): 22754

DEVELOPER'S ACKNOWLEDGEMENT

I, Allison Fields, acknowledge that I am aware that this rezoning request is subject to a reversionary clause as noted in Article 22-2 of the Land Use & Development Ordinance. Date: 7/22/19

Allison B Fields Allison Fields
PRINTED NAME OF DEVELOPER

Down By the Bay, L.L.C.

Pre-Zoning Amendment & Annexation

Legal Description

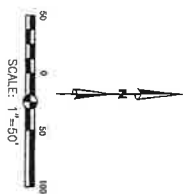
Exhibit "A"

LEGAL DESCRIPTION:

COMMENCING FROM A 1/2" IRON REBAR WITH CAP (CA#604) AT THE NORTHEAST CORNER OF LOT 1, GCOF & WSR 64-13 REPLAT, AS SHOWN ON PLAT THEREOF RECORDED ON SLIDE 2514-A IN PROBATE RECORDS BALDWIN COUNTY ALABAMA; THENCE RUN NORTH 72°55'50" EAST A DISTANCE OF 100.53 FEET TO A 1/2" IRON REBAR WITH CAP (LS#23660) ON THE EAST MARGIN OF BALDWIN COUNTY HIGHWAY 13, AN 80' RIGHT-OF- WAY, FOR THE POINT OF BEGINNING; THENCE RUN NORTH 00°22'21" EAST ALONG SAID EAST RIGHT-OF-WAY A DISTANCE OF 415.12 FEET TO A 5/8" IRON REBAR WITH CAP (ILLEGIBLE); THENCE LEAVING SAID RIGHT-OF-WAY NORTH 87°43'08" EAST A DISTANCE OF 154.33 FEET TO A 5/8" IRON REBAR WITH CAP (CA#597); THENCE RUN NORTH 05°43'56" WEST A DISTANCE OF 76.78 FEET TO A 5/8" IRON REBAR WITH CAP (LS#17519); THENCE RUN NORTH 89°55'57" EAST A DISTANCE OF 207.66 FEET TO A 5/8" IRON REBAR WITH CAP (LS#17519); THENCE RUN SOUTH 89°56'17" EAST A DISTANCE OF 391.26 FEET TO A 1" OPEN TOP IRON PIPE; THENCE RUN SOUTH 89°43'25" EAST A DISTANCE OF 40.29 FEET TO A 1/2" IRON REBAR WITH CAP (CA#604); THENCE RUN SOUTH 00°14'00" EAST A DISTANCE OF 46.77 FEET TO A 1/2" IRON REBAR; THENCE RUN SOUTH 00°09'40" WEST A DISTANCE OF 453.13 FEET TO A 1/2" IRON REBAR WITH CAP (ILLEGIBLE); THENCE RUN NORTH 89°43'41" WEST A DISTANCE OF 85.37 FEET TO A 1/2" IRON REBAR; THENCE RUN NORTH 89°56'59" WEST A DISTANCE OF 420.50 FEET TO A 1/2" IRON REBAR WITH CAP (ILLEGIBLE); THENCE RUN NORTH 89°24'57" WEST A DISTANCE OF 60.14 FEET TO A 1/2" IRON REBAR WITH CAP (LS#10675); THENCE RUN NORTH 89°27'19" WEST A DISTANCE OF 60.37 FEET TO A 3/4" IRON REBAR; THENCE RUN NORTH 89°45'57" WEST A DISTANCE OF 161.01 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED PARCEL CONTAINING 8.74 ACRES, MORE OR LESS, AND LYING WITH THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.



Site plan of the proposed detention facility. The plan shows a large rectangular area labeled "DETENTION" in the center. To the left of the detention area are three rows of "STORAGE UNITS". To the right of the detention area are three rows of "STORAGE UNITS". At the bottom of the plan, there are three rows of "RV/BOAT STORAGE". The plan also shows a "ROADWAY" at the top, a "RAILROAD" at the bottom, and a "WATERWAY" on the right. Various dimensions and bearings are provided for the boundaries and internal divisions.



GMC Project: CMOB190265

JULY	2019
DRAWN BY T.D.L.	
CHECKED BY	

GMC

REZONING PPIN #22754
ADJACENT PROPERTY OWNERS LIST

05-43-05-15-0-000-033.000
Blue Water Services, LLC
10935 Niblick Loop
Fairhope, AL 36532

05-43-05-15-0-000-019.007
Ellis, Irma Lee
25725 Friendship Road
Daphne, AL 36526

05-43-05-15-0-000-016.000
Jackson, Angelo
4205 Rollins Avenue
Mobile, AL 36618

05-43-05-15-0-000-026.000
Jackson, George Roy
PO Box 974
Daphne, AL 36526

05-43-05-15-0-000-019.006
Jackson, Leroy
3891 Harmony Ridge Circle
Semmes, AL 36575

05-43-05-15-0-000-016.001
05-43-05-15-0-000-016.003
Jackson, Raymond
9070 Jackson Way
Daphne, AL 36526

05-43-05-15-0-000-031.000
Jemison, James
PO Box 88
Montrose, AL 36559

05-43-05-15-0-000-019.000
Johns, Alice
PO Box 2
Daphne, AL 36526

05-43-05-15-0-000-025.000
Lawrence, James U.
300 River Route
Magnolia Springs, AL 36555

05-43-05-15-0-000-023.000
McMillian, Sannie
12832 Brittany Road
Desert Hot Springs, CA 92240

05-43-05-16-0-000-021.000
Belforest Apartments, LLC
P.O. Box 1667
Shreveport, LA 71165

05-43-05-15-0-000-017.000
Pine Grove CME Methodist Church
26154 County Road 13
Daphne, AL 36526

05-43-05-15-0-000-021.000
Nicholson, Maria
26060 County Road 13
Daphne, AL 36526

05-43-05-15-0-000-032.000
Rothchild, Thelma
PO Box 3064
Daphne, AL 36526

05-43-05-15-0-000-027.000
Watson, Kema Baker
PO Box 892
Daphne, AL 36526

05-43-05-15-0-000-018.000
Down By The Bay, LLC
11850 Jericho Drive
Daphne, AL 36526

DANE HAYGOOD
MAYOR

ADRIENNE D. JONES
COMMUNITY DEVELOPMENT
DIRECTOR/ZONING ADMINISTRATOR



CITY COUNCIL
TOMMIE CONAWAY
DISTRICT 1
PAT RUDICELL
DISTRICT 2
JOEL COLEMAN
DISTRICT 3
DOUG GOODLIN
DISTRICT 4
RON SCOTT
DISTRICT 5
ROBIN LEJEUNE
DISTRICT 6
ANGIE PHILLIPS
DISTRICT 7

August 9, 2019

NOTICE OF PUBLIC HEARING

A petition for PRE-ZONING will be considered by the Daphne Planning Commission for Down by the Bay, L.L.C. containing 8.74 acres +/- located northeast of County Road 64 and County Road 13, southeast of Rand Avenue and County Road 13, zoned B-1, Professional Business District, Baldwin County District 15, in the Extraterritorial Planning Jurisdiction, to be pre-zoned as B-2(a), General Business Alternate District. A petition to annex said property has also been submitted.

Said petition will also be considered by the Daphne City Council pursuant to Alabama Code 11-52-85. The application is available for review at City Hall in the Department of Community Development, 1705 Main Street, during regular business hours. An informal site preview meeting will be held on Wednesday, August 14, 2019 at 8:30 a.m. in the Council Chambers of City Hall. The public is invited to attend; limited participation may be allowed by the chairman.

The public hearing will be held by the Daphne Planning Commission on Thursday, August 22, 2019 at 5:00 p.m. in the Council Chambers of City Hall. You may submit your views in writing, in person, or by representation.

Sincerely,
Adrienne D. Jones
Director of Community Development

Down by the Bay, L.L.C. Pre-Zoning Amendment

P. O. Box 400 - Daphne, Alabama 36526
Phone: 251.620.1700

PREZONING REQUEST
DOWN BY THE BAY, LLC

LOCATION:
N.E. of intersection of
County Road 13 and
County Road 64

APPLICANT:
Down by the Bay, LLC

AREA:
8.74 AC

LOTS:
1

PPIN:
22754

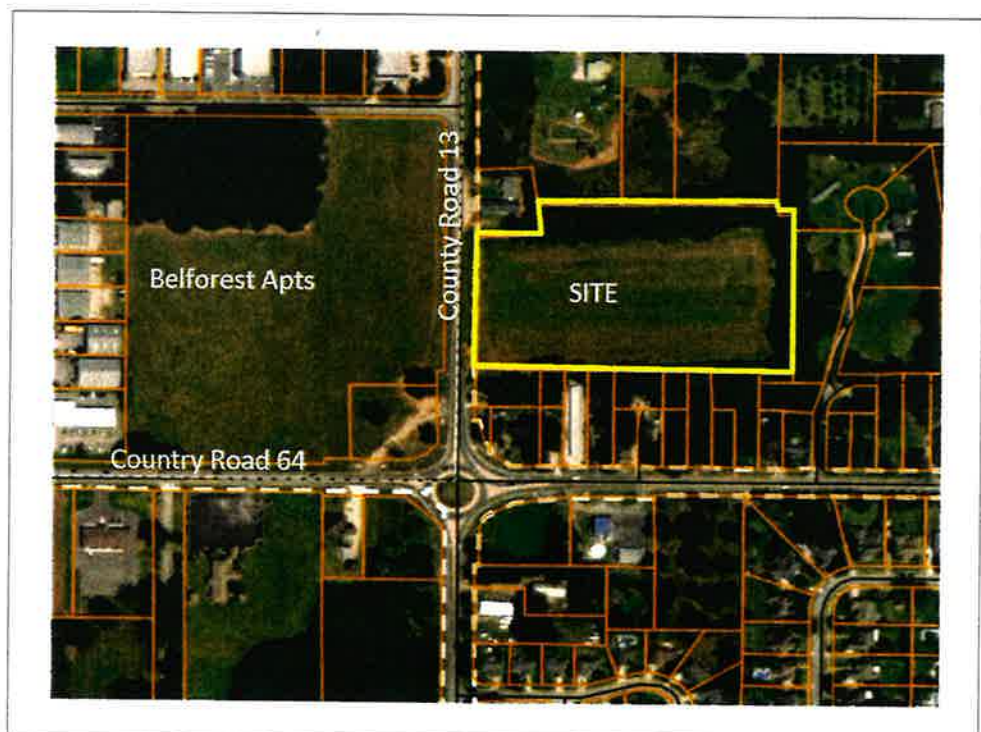
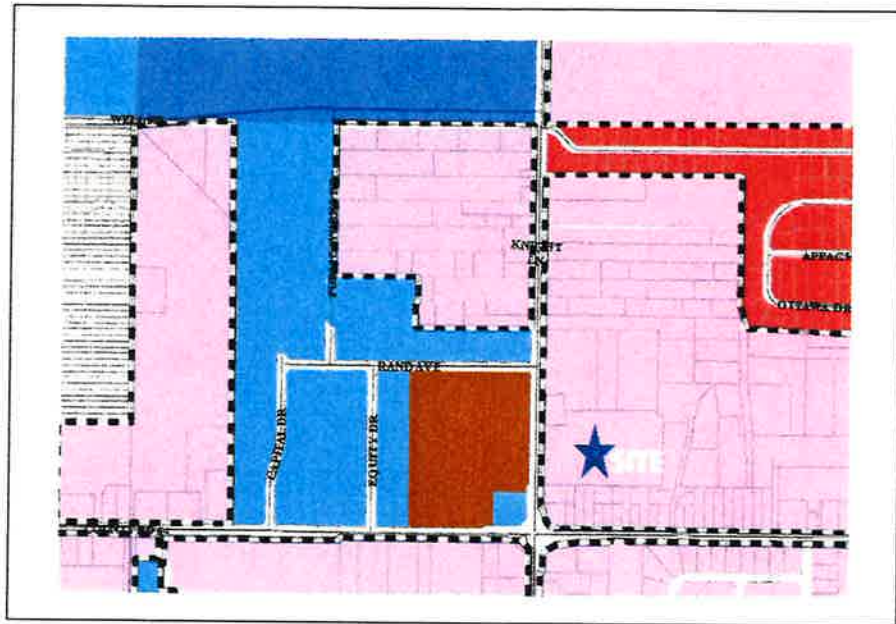
ZONING:
B-1, Professional
Business (ETJ)

PROPOSED ZONING:
B-2(A), General Business
Alternate

EXISTING PRECEDENT:
B-2, General Business to
the southwest at
intersection of CR 64 and
CR 13

COMPREHENSIVE PLAN:
Consistent

RECOMMENDATION:
Approval



PREZONING REQUEST
DOWN BY THE BAY, LLC

Existing Conditions: 8.74 acre+/- Undeveloped

Existing Zoning: B-1, Professional Business (ETJ)

Proposed Zoning: B-2(A), General Business Alternate

Surrounding Zonings/Uses:

North – RSF-1, Residential Single Family in Baldwin County/Church/Residential dwellings

South – RSF-1, Residential Single Family in Baldwin County /residential/church/mini-warehouses/undeveloped

West – R-7(A), Apartments/Belforest Apartments under construction

East – RSF-1, Residential Single Family in Baldwin County/residential

Existing Utility Service Providers:

Water – Belforest Water

Sewer – Daphne Utilities

Gas – Daphne Utilities

Electric – Riviera Utilities

Affected City Service Providers:

Fire Protection-Station 1

Police Protection-Police Beat 1

Public Works

The Comprehensive Plan

The comprehensive plan's overarching policy regarding land development encourages harmony and compatibility. The following are some Land Use Goals and Objectives from the Plan that are applicable to this application.

Goal: Grow sensibly by anticipating land use needs. **Objective:** Promote and manage growth on undeveloped lands in a manner that will be compatible with, and complementary to, existing adjacent developed properties.

Existing Conditions

The site is N.E. of intersection of County Road 13 and County Road 64 across from Belforest Apartments (under construction). There are approximately fourteen adjacent properties which range from institutional, commercial, and residential. These uses are also located in unincorporated Baldwin County. In April 2019, the Planning Commission approved a preliminary/final plat request to subdivide the subject property into six lots. Although the property has recently changed hands, the plat approval remains valid through April 2020.

Staff Comments

The petitioner proposes to prezone the site to B-2(A), General Business Alternate, in order to construct a mini-warehouse storage facility. Mini-warehouses are not permitted by right in any district. It requires Planning Approval in B-2, B-2(A) and C/I zones. By comparison, B-2(A) is the most appropriate of the three zoning districts. B-2(A) would meet the owner's needs and be more suitable in terms of community character.

Excerpt from the Land Use & Development Ordinance

Section 12-4 BUSINESS DISTRICTS

(c) B-2, General Business District:

This district is intended to provide opportunity for activities causing noise and heavy traffic, not considered compatible in the more restrictive business district. These uses also serve as a regional, as well as, a local market and require location in proximity to major transportation routes.

(d) B-2(a), General Business Alternate District:

This district is intended to provide opportunity for activities that are more compatible with restrictive business districts and residential uses than those allowed in B-2, General Business. These uses may serve as a regional or a local market and may require location in proximity to major transportation routes.

Recommendation: B-2(A) is intended to be more compatible with restrictive business districts and residential uses than those allowed in B-2, General Business. This property is already zoned B-3, General Business in the County. It would therefore be appropriate to rezone the site B-2(A) and annex the land into the City of Daphne.

DANE HAYGOOD
MAYOR

CANDACE G. ANTINARELLA
CITY CLERK

ADRIENNE D. JONES
COMMUNITY DEVELOPMENT
DIRECTOR/ZONING
ADMINISTRATOR



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DOUG GOODLIN
DISTRICT 4
RON SCOTT
DISTRICT 5
ROBIN LEJEUNE
DISTRICT 6
ANGIE PHILLIPS
DISTRICT 7

August 23, 2019

Down By The Bay LLC
11850 Jericho Drive
Daphne, AL 36526

Subject: Pre-Zoning Request for the East side of CR 13 (NE of CR 64 & CR 13, SE of Rand Avenue) Project Status #PZA19-01 & Annexation Petition #ANX19-01

Dear Down By The Bay LLC,

On August 22, 2019, the Daphne Planning Commission approved a motion to set forth a made a favorable recommendation to the City Council to pre-zone the subject property to B-2(a), General Business Alternate.

Additionally, the Planning Commission also approved a motion to set forth a favorable recommendation to annex the subject 8.74 acre property into the Daphne city limits.

Documentation of these recommendations will be sent to the City Clerk for further processing. If you have any questions, feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adrienne D. Jones'.

Adrienne D. Jones,
Community Development Director & Zoning Administrator

cc: City Clerk
Tim Lawley – Email
File

**CITY OF DAPHNE, ALABAMA
ORDINANCE 2019-47**

**ORDINANCE TO ANNEX PROPERTY CONTIGUOUS
TO THE CORPORATE LIMITS OF THE CITY OF DAPHNE**

**Located Northeast of County Road 64 and County Road 13, southeast of Rand
Avenue and County Road 13
Down by the Bay, LLC**

WHEREAS, on the 18th day of July 2019, being the owner of all real property, hereinafter described, did file with the City Clerk a petition asking that the said tracts or parcels of land be annexed into and become part of the City of Daphne, Alabama; and

WHEREAS, said petition did contain the signatures of all owners of the described territory, and a map of said property showing its relationship to the corporate limits of the City of Daphne, Alabama; and

WHEREAS, after proper publication, a public hearing was held by the City Council on October 21, 2019 concerning the petition for annexation; and

WHEREAS, said petition has been presented to the Planning Commission of the City of Daphne at a regular scheduled meeting on August 22, 2019, and the Commission set forth a unanimous favorable recommendation for the City Council of the City of Daphne to consider said request for annexation of said property.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, AS FOLLOWS:

SECTION ONE: ANNEXATION

The City Council of the City of Daphne, Alabama finds that and declares as the legislative body of the City of Daphne, Alabama that it is in the best interest of the citizens of the City of Daphne, Alabama and the citizens of the affected area, to bring the territory described in Section Two of this Ordinance into the City of Daphne, Alabama, and it did further determine that all legal requirements for annexing said real property have been met pursuant to Sections 11-42-20 through 11-42-24, et seq., Code of Alabama, 1975; effective on publication as required by Section 11-42-21, Code of Alabama 1975, as amended.

SECTION TWO: ZONING

At the November 4, 2019 regularly scheduled City Council meeting Ordinance 2019-__ was adopted pre-zoning the said property as B-2(a), General Business Alternate District.

SECTION THREE: DESCRIPTION OF TERRITORY

The boundary lines of the City of Daphne, Alabama, be, and the same are hereby altered or rearranged so as to include all the territory hereto before encompassed by the corporate limits of the City of Daphne, Alabama and in addition thereto the following described property, to-wit:

Legal Description for Annexation:

COMMENCING FROM A 1/2" IRON REBAR WITH CAP (CA#604) AT THE NORTHEAST CORNER OF LOT 1, GCOF & WSR 64-13 REPLAT, AS SHOWN ON PLAT THEREOF RECORDED ON SLIDE 2514-A IN PROBATE RECORDS BALDWIN COUNTY ALABAMA; THENCE RUN NORTH 72°55'50" EAST A DISTANCE OF 100.53 FEET TO A 1/2" IRON REBAR WITH CAP (LS#23660) ON THE EAST MARGIN OF BALDWIN COUNTY HIGHWAY 13, AN 80' RIGHT-OF-WAY, FOR THE POINT OF BEGINNING; THENCE RUN NORTH 00°22'21" EAST ALONG SAID EAST RIGHT-OF-WAY A DISTANCE OF 415.12 FEET TO A 5/8" IRON REBAR WITH CAP

(ILLEGIBLE); THENCE LEAVING SAID RIGHT-OF-WAY NORTH 87°43'08" EAST A DISTANCE OF 154.33 FEET TO A 5/8" IRON REBAR WITH CAP (CA#597); THENCE RUN NORTH 05°43'56" WEST A DISTANCE OF 76.78 FEET TO A 5/8" IRON REBAR WITH CAP (LS#17519); THENCE RUN NORTH 89°55'57" EAST A DISTANCE OF 207.66 FEET TO A 5/8" IRON REBAR WITH CAP (LS#17519); THENCE RUN SOUTH 89°56'17" EAST A DISTANCE OF 391.26 FEET TO A 1" OPEN TOP IRON PIPE; THENCE RUN SOUTH 89°43'25" EAST A DISTANCE OF 40.29 FEET TO A 1/2" IRON REBAR WITH CAP (CA#604); THENCE RUN SOUTH 00°14'00" EAST A DISTANCE OF 46.77 FEET TO A 1/2" IRON REBAR; THENCE RUN SOUTH 00°09'40" WEST A DISTANCE OF 453.13 FEET TO A 1/2" IRON REBAR WITH CAP (ILLEGIBLE); THENCE RUN NORTH 89°43'41" WEST A DISTANCE OF 85.37 FEET TO A 1/2" IRON REBAR; THENCE RUN NORTH 89°56'59" WEST A DISTANCE OF 420.50 FEET TO A 1/2" IRON REBAR WITH CAP (ILLEGIBLE); THENCE RUN NORTH 89°24'57" WEST A DISTANCE OF 60.14 FEET TO A 1/2" IRON REBAR WITH CAP (LS#10675); THENCE RUN NORTH 89°27'19" WEST A DISTANCE OF 60.37 FEET TO A 3/4" IRON REBAR; THENCE RUN NORTH 89°45'57" WEST A DISTANCE OF 161.01 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED PARCEL CONTAINING 8.74 ACRES, MORE OR LESS, AND LYING WITH THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

SECTION FOUR: MAP OF PROPERTY

The property hereby annexed into the City of Daphne, Alabama is set forth and described in Exhibit "A" and attached hereto a map of the property (*Exhibit "B"*) showing its relationship to the corporate limits of the municipality of the City of Daphne and made a part of this ordinance.

SECTION FIVE: PUBLICATION

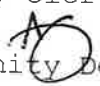
This Ordinance shall be published as required by Section 11-42-21 Code of Alabama 1975, as amended, and the property described herein shall be annexed into the corporate limits of the City of Daphne, and a certified copy of the same shall be filed with the Office of the Judge of Probate of Baldwin County, Alabama as required by Section 11-42-21, Code of Alabama 1975, as amended.

APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS THE _____ DAY OF _____, 2019.

Dane Haygood,
Mayor

ATTEST

Candace G. Antinarella,
City Clerk

To: Office of the City Clerk
From: Adrienne D. Jones, 
Director of Community Development
Subject: Down by the Bay, L.L.C. -
Annexation Petition
Date: August 26, 2019

MEMORANDUM

PRESENT ZONING: B-1, Professional Business District,
Baldwin County District 15,
Exterritorial Planning Jurisdiction

LOCATION: Northeast of County Road 64 and
County Road 13, southeast of Rand
Avenue and County Road 13

RECOMMENDATION: At the Thursday, August 22, 2019,
regular meeting of the Daphne
Planning Commission, six members
were present, and the motion carried
unanimously for a favorable
recommendation for the above
mentioned annexation petition.

Attached please find the appropriate documentation and
action of the Daphne Planning Commission.

Upon receipt of said documentation, please prepare an
ordinance for placement on the City Council agenda for
placement on the City Council agenda to set a public
hearing.

Thank you,
ADJ/jv

attachment(s)

1. Petition for Annexation
2. Legal Description (Exhibit A)
3. Boundary Survey (Exhibit B)
4. Community Development Report

STATE OF ALABAMA

COUNTY OF BALDWIN

**PETITION FOR ANNEXATION OF CERTAIN PROPERTY
INTO THE CORPORATE LIMITS OF THE MUNICIPALITY
OF THE CITY OF DAPHNE, ALABAMA**

(PPIN 22754)

The undersigned, Down By The Bay, LLC, files this petition with the Clerk of the City of Daphne requesting the property hereafter described, commonly referred to as, PIN 22754, to be annexed into the City of Daphne, a municipal corporation incorporated under the laws of the State of Alabama, and submits the following in support of its petition:

1. **Description of Property:** The description of the property which the petitioner requests to be annexed into the City of Daphne is described in **Exhibit "A"** attached hereto and made a part of this petition as fully set out herein (the "Property").

2. **Map of Property:** Attached hereto as **Exhibit "B"** and made a part of this petition, is a map of the property showing its relationship to the corporate limits of the municipality of the City of Daphne.

3. **Owner:** The petitioner, Down By The Bay, LLC, is the owner of the property hereby sought to be annexed into the corporate limits of the City of Daphne.

4. **Specific Conditions:** This petition is conditioned upon the adoption of an ordinance, which shall specifically include the conditions requested below upon annexing the property into the corporate limits of the City of Daphne.

Requested zoning, if other than R-1: B-2(a)

Any other conditions which may apply upon annexation:

permitted use as storage facility

5. **Code:** This Petition is filed pursuant to the provisions of Article 21, Chapter 42, Title 11, Code of Alabama, 1975, as amended.

DATED this 18th day of July, 2019

Respectfully submitted by,

Allison Fields

Name of Owner (Print)

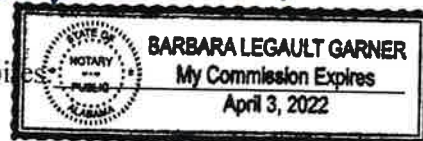
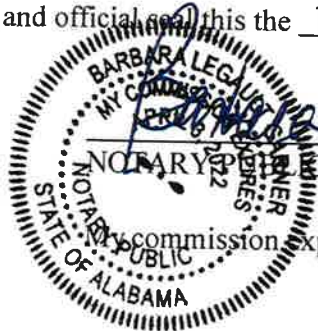
Allison Fields

Name of Owner (Signature)

STATE OF ALABAMA
COUNTY OF BALDWIN

I, Barbara LeGault Garner, the undersigned Notary Public in and for said county and state, hereby certify that Allison Fields has signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, he/she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 18th day of July, 2019.



Owner's Address

11850 Jericho Lane

Daphne, AL 36526

DATED this 18th day of July, 2019,

Respectfully submitted by,

Name of Owner (Print) Ryan Fields

Name of Owner (Signature) Ryan Fields

STATE OF ALABAMA
COUNTY OF BALDWIN

I, Barbara LeGault Garner, the undersigned Notary Public in and for said county and state, hereby certify that Ryan Fields has signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, he/she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 18th day of July, 2019.



Owner's Address

11850 Jericho Dr

Daphne, AL 36526

DATED this 18th day of July, 2019

Respectfully submitted by,

Kenneth Barber

Name of Owner (Print)

Kenneth Barber
Name of Owner (Signature)

STATE OF ALABAMA
COUNTY OF BALDWIN

I, Barbara LeGault Garner, the undersigned Notary Public in and for said county and state, hereby certify that Kenneth Barber has signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of the instrument, he/she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this the 18th day of July, 2019.



Owner's Address

2678 Hickory Level Rd

Villa Rica, GA 30180

Down By the Bay, L.L.C.

Pre-Zoning Amendment & Annexation

Legal Description

Exhibit "A"

LEGAL DESCRIPTION:

COMMENCING FROM A 1/2" IRON REBAR WITH CAP (CA#604) AT THE NORTHEAST CORNER OF LOT 1, GCOF & WSR 64-13 REPLAT, AS SHOWN ON PLAT THEREOF RECORDED ON SLIDE 2514-A IN PROBATE RECORDS BALDWIN COUNTY ALABAMA; THENCE RUN NORTH 72°55'50" EAST A DISTANCE OF 100.53 FEET TO A 1/2" IRON REBAR WITH CAP (LS#23660) ON THE EAST MARGIN OF BALDWIN COUNTY HIGHWAY 13, AN 80' RIGHT-OF- WAY, FOR THE POINT OF BEGINNING; THENCE RUN NORTH 00°22'21" EAST ALONG SAID EAST RIGHT-OF-WAY A DISTANCE OF 415.12 FEET TO A 5/8" IRON REBAR WITH CAP (ILLEGIBLE); THENCE LEAVING SAID RIGHT-OF-WAY NORTH 87°43'08" EAST A DISTANCE OF 154.33 FEET TO A 5/8" IRON REBAR WITH CAP (CA#597); THENCE RUN NORTH 05°43'56" WEST A DISTANCE OF 76.78 FEET TO A 5/8" IRON REBAR WITH CAP (LS#17519); THENCE RUN NORTH 89°55'57" EAST A DISTANCE OF 207.66 FEET TO A 5/8" IRON REBAR WITH CAP (LS#17519); THENCE RUN SOUTH 89°56'17" EAST A DISTANCE OF 391.26 FEET TO A 1" OPEN TOP IRON PIPE; THENCE RUN SOUTH 89°43'25" EAST A DISTANCE OF 40.29 FEET TO A 1/2" IRON REBAR WITH CAP (CA#604); THENCE RUN SOUTH 00°14'00" EAST A DISTANCE OF 46.77 FEET TO A 1/2" IRON REBAR; THENCE RUN SOUTH 00°09'40" WEST A DISTANCE OF 453.13 FEET TO A 1/2" IRON REBAR WITH CAP (ILLEGIBLE); THENCE RUN NORTH 89°43'41" WEST A DISTANCE OF 85.37 FEET TO A 1/2" IRON REBAR; THENCE RUN NORTH 89°56'59" WEST A DISTANCE OF 420.50 FEET TO A 1/2" IRON REBAR WITH CAP (ILLEGIBLE); THENCE RUN NORTH 89°24'57" WEST A DISTANCE OF 60.14 FEET TO A 1/2" IRON REBAR WITH CAP (LS#10675); THENCE RUN NORTH 89°27'19" WEST A DISTANCE OF 60.37 FEET TO A 3/4" IRON REBAR; THENCE RUN NORTH 89°45'57" WEST A DISTANCE OF 161.01 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED PARCEL CONTAINING 8.74 ACRES, MORE OR LESS, AND LYING WITH THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

ANNEXATION REQUEST
DOWN BY THE BAY, LLC

LOCATION:
*N.E. of intersection of
County Road 13 and
County Road 64*

APPLICANT:
Down by the Bay, LLC

AREA:
8.74 AC

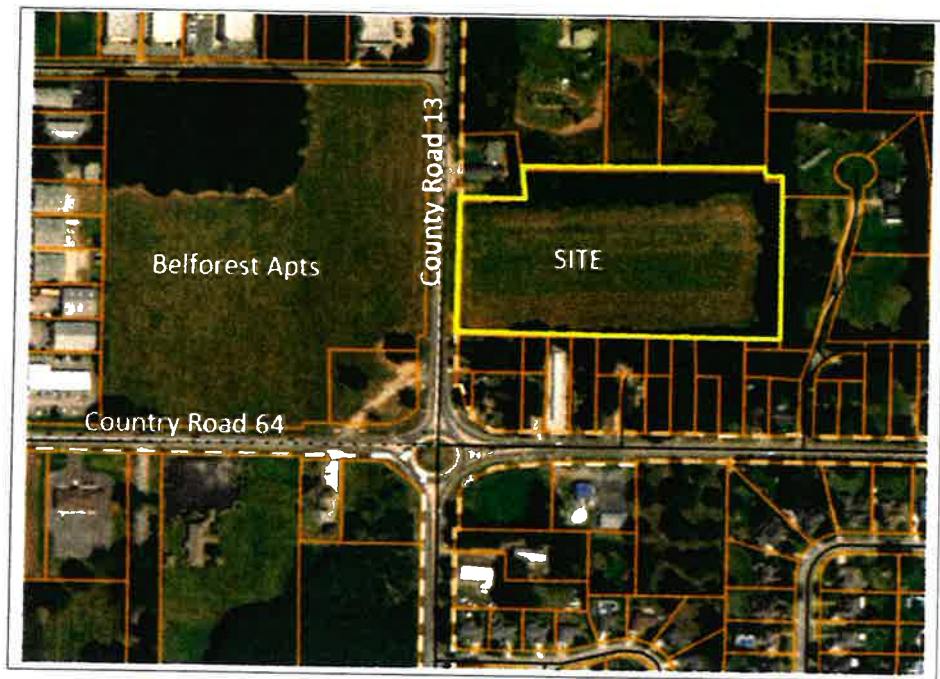
LOTS:
1

PPIN:
22754

ZONING:
*B-1, Professional
Business (ETJ)*

**PROPOSED
PREZONING:**
*B-2(A), General
Business Alternate*

RECOMMENDATION:
Approval



REQUEST

The applicant proposes to annex 8.74 acres into the corporate limits. Associated pre-zoning application has been submitted for consideration.

RECOMMENDATION

The Comprehensive Plan encourages expansion and annexation of land contiguous to the existing corporate limits. Staff recommends approval of the request to annex this land into the City of Daphne.

Code of Alabama Section 11-52-85

PRE-ZONING TERRITORY PROPOSED FOR ANNEXATION

Section 11-52-85 of the Code of Alabama allows “pre-zoning of property.” In this case, both requests have been submitted concurrently and are moving on the same path. The Planning Commission will make a recommendation to Council for zoning and also make a recommendation for annexation.

Code of Alabama Section 11-52-85

Pre-zoning of territory proposed for annexation by municipality. (*Highlights by staff*)

- (a) A municipality which exercises its authority to zone territory within its corporate limits may pre-zone territory proposed for annexation into the corporate limits of the municipality prior to the effective date of the annexation by complying with this article. If all the requirements, including all notice and public hearing requirements, of this article are met, the zoning shall become effective upon the date the territory is annexed into the corporate limits, or upon the date the zoning process is completed, whichever is later.
- (b) A municipality which exercises its authority to zone territory within its corporate limits shall pre-zone territory as provided in subsection (a) and issue a statement of zoning classification to an affected property owner if the individual property owner residing in the area to be annexed requests in writing that a zoning determination be made pursuant to this section prior to being annexed.
- (c) Any pre-zoning established by a municipality pursuant to this section for territory proposed for annexation shall be null and void as to any portion of the territory that is not annexed into the corporate limits within 180 days of the initiation of annexation proceedings as provided by law.
- (d) Nothing contained in this section shall allow a municipality to zone territory outside the corporate limits of the municipality that is not in the process of being annexed into the corporate limits of a municipality as provided by law.
- (e) Section 6-5-127 shall be applicable to any property pre-zoned pursuant to this section.

(Act 2009-629, p. 1926, §1.)

Down By the Bay, L.L.C.

Pre-Zoning Amendment & Annexation

Legal Description

Exhibit "A"

LEGAL DESCRIPTION:

COMMENCING FROM A 1/2" IRON REBAR WITH CAP (CA#604) AT THE NORTHEAST CORNER OF LOT 1, GCOF & WSR 64-13 REPLAT, AS SHOWN ON PLAT THEREOF RECORDED ON SLIDE 2514-A IN PROBATE RECORDS BALDWIN COUNTY ALABAMA; THENCE RUN NORTH 72°55'50" EAST A DISTANCE OF 100.53 FEET TO A 1/2" IRON REBAR WITH CAP (LS#23660) ON THE EAST MARGIN OF BALDWIN COUNTY HIGHWAY 13, AN 80' RIGHT-OF- WAY, FOR THE POINT OF BEGINNING; THENCE RUN NORTH 00°22'21" EAST ALONG SAID EAST RIGHT-OF-WAY A DISTANCE OF 415.12 FEET TO A 5/8" IRON REBAR WITH CAP (ILLEGIBLE); THENCE LEAVING SAID RIGHT-OF-WAY NORTH 87°43'08" EAST A DISTANCE OF 154.33 FEET TO A 5/8" IRON REBAR WITH CAP (CA#597); THENCE RUN NORTH 05°43'56" WEST A DISTANCE OF 76.78 FEET TO A 5/8" IRON REBAR WITH CAP (LS#17519); THENCE RUN NORTH 89°55'57" EAST A DISTANCE OF 207.66 FEET TO A 5/8" IRON REBAR WITH CAP (LS#17519); THENCE RUN SOUTH 89°56'17" EAST A DISTANCE OF 391.26 FEET TO A 1" OPEN TOP IRON PIPE; THENCE RUN SOUTH 89°43'25" EAST A DISTANCE OF 40.29 FEET TO A 1/2" IRON REBAR WITH CAP (CA#604); THENCE RUN SOUTH 00°14'00" EAST A DISTANCE OF 46.77 FEET TO A 1/2" IRON REBAR; THENCE RUN SOUTH 00°09'40" WEST A DISTANCE OF 453.13 FEET TO A 1/2" IRON REBAR WITH CAP (ILLEGIBLE); THENCE RUN NORTH 89°43'41" WEST A DISTANCE OF 85.37 FEET TO A 1/2" IRON REBAR; THENCE RUN NORTH 89°56'59" WEST A DISTANCE OF 420.50 FEET TO A 1/2" IRON REBAR WITH CAP (ILLEGIBLE); THENCE RUN NORTH 89°24'57" WEST A DISTANCE OF 60.14 FEET TO A 1/2" IRON REBAR WITH CAP (LS#10675); THENCE RUN NORTH 89°27'19" WEST A DISTANCE OF 60.37 FEET TO A 3/4" IRON REBAR; THENCE RUN NORTH 89°45'57" WEST A DISTANCE OF 161.01 FEET TO THE POINT OF BEGINNING; SAID DESCRIBED PARCEL CONTAINING 8.74 ACRES, MORE OR LESS, AND LYING WITH THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.