

The City of Daphne
Planning Commission Minutes
Regular Meeting of January 25, 2018
Council Chamber, City Hall - 5:00 P.M.

Call to Order:

Chairman called the regular meeting of the City of Daphne Planning Commission to order at 5:05 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

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

Staff Present:

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

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 December 21, 2017. Mr. Prescott requested to amend the minutes, page 4, to reflect that he is not opposed to the development; he commented on introducing this type of development into the neighborhood.*

A *Motion* was made by Mr. Scott and *Seconded* by Ms. Phillips *to approve the minutes as amended. There was no discussion on the motion. The Motion carried unanimously.*

The next order of business is final plat review for French Settlement Subdivision, Phase 3.

An introductory presentation was given by Steve Pumphrey, representative of Dewberry/Preble-Rish, of a request for final plat review of a seventeen-lot subdivision consisting of approximately twenty-two point two six acres located northwest of Longue Vue Boulevard and French Settlement Drive.

Mr. Pumphrey stated staff deficiencies have been addressed. Ms. Jones confirmed Public Works Director's acceptance.

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

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A Motion was made by Ms. Phillips and **Seconded** by Mr. Prescott *to approve French Settlement Subdivision, Phase 3 final plat. There was no discussion on the motion. The Motion carried unanimously.*

The next order of business is a request for rezoning for WPNVA, L.L.C., Jay-E, L.L.C., John White-Spunner, and Chester J. Stephan.

An introductory presentation was given by B.J. Lyon, representative of WPNVA, L.L.C and the other owners, of a request to rezone from R-4 to B-2, a five-point eight acre parcel, located at the southeast corner of U. S. Highway 98 and Johnson Road. The existing zoning is not the highest and best use of property on a major thoroughfare because the parcel is suitable for current uses on U.S. Highway 98. The comparable parcels recently rezoned are located at U.S. Highway 98 and Dale Road and U.S. Highway 90 and County Road 13. This parcel meets the criteria for B-2 and is appropriate and consistent with the uses of the properties along U.S. Highway 98 and at this intersection. He read a portion of the staff recommendation stating that "a B-2 zoning district would be consistent with the zoning of property to the north and across U.S. Highway 98 to the west" then asked the Commission to apply the ordinance consistently and fairly and rezone this property B-2.

Chairman asked for Commission questions or comments.

Mr. Scott asked the status of the prior application, confirmation of an unfavorable recommendation, and has the application changed. Ms. Jones responded the application presented last year was withdrawn prior to action by the Council. Mr. Smith confirmed the recommendation from the Planning Commission was unfavorable regarding the request for a B-2 zoning change.

Ms. Jones responded Mr. Lyon read a part of the report, not the rest of it, and perhaps the most important part is the recommendation from staff. The other sentence in the report that he did not mention says, "Commercial zoning is an obvious choice for a major intersection, but it may be the case that B-2(a) is the better choice".

Mr. Scott stated this is a historical area of Daphne, the residents realize that this parcel will be zoned business, but would prefer one that allows more compatible uses.

Mr. Scott asked Mr. Ross what's the recourse if the Commission and Council deny the rezoning. Mr. Ross stated for the property to remain R-4 or an appeal to Circuit Court.

Mr. Sandefur asked if a site plan was submitted and would the owners consider B-2(a). Mr. Lyon responded no and stated that the State statute does not require it, and that B-2 zoning district restricts uses.

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Ms. Jones mentioned the City recently established a B-2(a) zone. When the Dale property was rezoned, the only option was B-1, B-2 or B-3. Since the adoption of the B-2(a) zone, the most recent precedence established for commercial zoning was the approval by Council of two applications presented as B-2(a) in lieu of B-2.

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

Mr. Lyon asked to respond after public comments.

Larry Yelding, 1207 Warren Drive, spoke in opposition to the rezoning of the property and stated it is not conducive to our neighborhood and in favor of businesses that would close at 5 pm.

Elise Poe, 1306 Warren Drive, spoke in opposition, asked the Commission to preserve this historical community and quality of life.

Jewel Lawson, 1001 Johnson Road, has submitted a petition to the Commission containing one hundred and seventy-eight signatures of the residents of Daphmont Subdivision opposed to rezoning. She spoke in opposition to a service station or rezoning to any business zone that will negatively affect the quality of life, traffic, safety, and health concerns of the citizens of Daphmont and asked the Commission to preserve this historical community and rezone this property B-1.

Chairman stated the Commission has an extensive list of names presented in a petition and correspondence from Mr. Sampson opposed to the development.

Dorothy Williams, 126 Valrie Lane, spoke in opposition to the rezoning and addressed traffic, noise and quality of life.

During rebuttal, Mr. Lyon responded that the parcels to the north of this property and at this intersection are B-2 and asked does the rezoning of this parcel adversely affect the health, safety and welfare of the residents of Daphmont when B-2 exists across the street.

Chairman closed public participation.

Mr. Scott stated the Commission is charged with the preservation of the health, safety and welfare of the community, cannot treat anyone different, and must treat everyone on a level playing field. We could ask Council to reject the rezoning, and then it would be in another Court's hands. However, it may be wise for us to recommend B-1 to recognize that residential homes will not face U. S. Highway 98, and this zoning will restrict the type of uses that can be developed on that parcel.

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

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A *Motion* was made by Mr. Scott and *Seconded* by Ms. Phillips to send a favorable recommendation to Council regarding the rezoning of the subject property for WPNVA, L.L.C., Jay-E, L.L.C., John White-Spunner, and Chester J. Stephan to B-1, Local Business, in lieu of B-2, General Business.

During discussion, Commissioners asked the protocol for recommending a zoning other than B-2, and the definition and uses allowed in a B-1, Local Business.

Chairman stated that the motion is simply a recommendation to City Council.

Ms. Jones stated the Commission can recommend B-1 in lieu of B-2. Mr. Ross confirmed.

Mr. Scott stated "This district is intended to provide for limited retail convenience goods and personal service establishments in residential neighborhoods and to encourage the concentration of these uses in one location for each residential neighborhood rather than in scattered sites occupied by individual shops throughout a neighborhood."

Ms. Jones read from the Land Use and Development Ordinance Article 35, Table of Permitted Uses allowed in B-1 by right and stated a convenience is allowed by Planning Commission approval.

The Motion carried unanimously.

The next order of business is a petition for vacation of easement for Olde Towne Daphne Developmente, Inc.

An introductory presentation was given by Stark Irvine, representative of Olde Towne Daphne Developmente, Inc., of a request for vacation of ingress and access easements which is a housekeeping issue from a previously recorded subdivision for a nine-lot subdivision under construction on Pollard Road, north of Baldwin Bone and Joint.

Chairman commented the two-hatched areas or easements shown are a part of a preliminary plat approved by this body and asked about the clarification of utilities.

Mr. Ross stated that the approval of the Public Works Director is sufficient. Chairman asked because there are no utilities installed in the easements. Mr. Ross stated that is correct.

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

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A **Motion** was made by Mr. Scott and **Seconded** by Mr. Sandefur **to send a favorable recommendation to Council to vacate the subject ingress/egress easements for Olde Towne Daphne Developments, Inc. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is administrative presentation for Daphne Commons.

An introductory presentation was given by Andy Bobe, representative of Dewberry/Preble-Rish, of a request for an extension of time for the site disturbance permit issued to Daphne Commons located east of the intersection of U.S. Highway 98 and U.S. Highway 90, north of Jubilee Square Shopping Center. A subdivision and site plan were approved in 2016. The owner was granted an extension in 2017 in order to acquire lease holders to make the site viable. He is at that point now and is requesting another one-year extension because it expires on January 26, 2018, and plans to begin construction in February or March.

Chairman stated it was noted that you held a preconstruction meeting and asked is there a time frame now. Ms. Jones stated once the Commission grants approval, and the owner acquires a site disturbance permit, he has one-year to begin construction. Once construction begins, it is an active permit until a certificate of occupancy is issued.

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

A **Motion** was made by Mr. Scott and **Seconded** by Ms. Phillips **to approve a one-year extension of the site disturbance permit for Daphne Commons. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is an administrative presentation of street acceptance for Winged Foot Subdivision, Phase 1.

An introductory presentation was given by Adrienne Jones, Director of Community Development, of a recommendation for acceptance of the right-of-ways within Winged Foot Subdivision, Phase 1, and stated all appropriate documentation has been presented.

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

A **Motion** was made by Ms. Bergin and **Seconded** by Mr. Sandefur **to send a favorable recommendation to Council to accept the streets in Winged Foot Subdivision, Phase 1. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is public participation.

Chairman asked for public participation.

None presented.

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

Mr. Ross stated no report.

The next order of business is commissioner's comments.

None presented.

The next order of business is director's comments.

Ms. Jones presented the following:

- a. City Council Actions:
 - 1. Approved Zoning Map on January 22, 2018;
- b. The upcoming meeting dates are site preview, February 14 and regular meeting, February 22, 2018.

There being no further business, the meeting was adjourned at 6:15 p.m.

Respectfully submitted by:



Jan Vallecillo, Planning Coordinator

Approved: February 22, 2018



Marybeth Bergin, Chairman