

**The City of Daphne
Planning Commission Minutes
Regular Meeting of January 26, 2023
Council Chamber, City Hall - 5:00 P.M.**

Call to Order:

Chairwoman called the regular meeting of the City of Daphne Planning Commission to order at 5:02 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

Marybeth Bergin, Chairwoman
Adam Manning
Andrew Prescott
Kevin Spriggs
John Peterson
Nathan Jones
Ronnie Huskey
Steve Olen

Staff Present:

Adrienne Jones, AICP, Director of Community Development
Patrick Dungan, Attorney
Troy Strunk, Executive Director, City Development
Joshua Newman, City Engineer
Cody Ledet, Environmental Programs Manager

Chairwoman Bergin called for the approval of minutes.

Chairwoman asked for input regarding the December 15, 2022 minutes presented by staff. There being none, minutes stand approved as submitted.

Chairwoman Bergin called for the next order of business: a request for Planning Commission approval and site plan review for Boothe Storage as presented on the meeting agenda.

An introductory presentation was given by the agent, Mr. Jonathan McGehee.

Chairwoman asked for staff comments and Mr. Newman said his comments have been addressed. Mrs. Jones responded that no outstanding items have been identified.

Mr. Peterson posed questions regarding detention, discharge and downstream capacity. In response Mr. Newman described the path of discharge and said he does not anticipate impacts to Tiawasee Creek.

Mr. Huskey inquired about maintenance of the area on the west side of the property. After discussion among staff, it was determined the area is the city's responsibility, the improved detention pond should sufficiently handle discharge and that no further improvements would be warranted.

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Mr. Spriggs noted that there is no sidewalk connection to cross Public Works Road. Staff acknowledged that he was correct and said that such should be made a condition of site plan approval.

The chairwoman opened the floor for public hearing of the Planning Commission approval portion. The floor was closed after no one came forward to speak. She then called for a motion.

A motion was made by Mr. Peterson and seconded by Mr. Prescott to grant Planning Approval for a mini-warehouse/storage facility on the subject property. There was no discussion. The vote carried unanimously.

Mrs. Bergin then called for a motion regarding the site plan review.

A motion was made by Mr. Olen and seconded by Mr. Spriggs to approve the site plan subject to a modification of the sidewalk to provide a connection to cross Public Works Road. There was no discussion. The vote carried unanimously.

Chairwoman Bergin called the next order of business: Bradley-Cina Preliminary/Final Subdivision plat review. The associated site plan has been tabled until February 23, 2023.

An introductory presentation was given by the agent, Ms. Sharon Kimbrough. She acknowledged that the site plan has been tabled and described the proposed two lot subdivision as pronounced on the meeting agenda.

Mrs. Bergin questioned whether revisions to the plat had been presented regarding setbacks and the cross-access easement to connect Van Avenue through the site and connect to the Highway 98 access on the property to the south. Ms. Kimbrough indicated that the setbacks have been added but not the cross-access easement.

Mrs. Bergin also questioned the impact of the easement's location upon the pending revisions to the site plan.

Mr. Olen suggested that the plat application should be tabled because there is uncertainty about the impact of the cross-access easement upon the proposed site plan revisions.

Staff confirmed that tabling the application would be a viable option. Chairwoman asked for further comments from the commission and/or staff.

Chairwoman Bergin opened the floor for a public hearing. The floor was closed after no one came forward to speak. She then called for a motion.

A motion was made by Mr. Olen and seconded by Mr. Huskey to table the Bradley-Cina Preliminary/Final Plat review until the February 23, 2023 Planning Commission regular meeting. There was no discussion. The vote carried unanimously.

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Chairwoman Bergin called the next order of business: South Branch Subdivision, Phase One, preliminary plat review.

An introductory presentation was given by the agent, Mr. Jason Wooten. He summarized the proposed subdivision as listed on the meeting agenda and stated that he submitted a request to table the application until the February 23, 2023 meeting. This time will be used for them to re-evaluate certain aspects of the stormwater system and allow time for staff review.

Mrs. Bergin opened the floor for the public hearing.

Mr. Bill Lees, 27430 Creekwood Drive, spoke in opposition and expressed concerns regarding: sewage, traffic, buffers, quality of life, and control over growth.

Gordon Denniston, 27487 Stratford Glen Drive, spoke in opposition and expressed concerns regarding: traffic jams, traffic study, poorly planned development and limiting access. He also questioned how to obtain a copy of the traffic study.

Tim Roth, 27929 Cowles Crossing, spoke in opposition and expressed concerns regarding: bridge capacity in Tiawasee Estates for construction traffic and safety.

Janet Boullemetukangsh, 27498 Stratford Glen Drive, spoke in opposition and expressed concerns regarding: traffic, cookie cutter houses, lack of architectural variety and needed improvements.

The chairwoman closed the floor to the public hearing and offered the agent and staff the opportunity for rebuttal.

Mrs. Jones stated that anyone interested in obtaining copies of any record submitted for this application or any other may be obtained from Community Development through the Freedom of Information Act. Additionally, she said that the city is trying to improve the quality of life and manage growth through the Land Use and Development Ordinance.

Mr. Wooten said he would take the comments under advisement and address them at the next meeting.

Chairwoman Bergin stated that the request to table has been submitted and then questioned whether action was needed. Staff confirmed that action was required. Then, she asked for any additional comments from the Commission.

Mr. Olen said that in reading the opposition letters and emails submitted regarding South Branch subdivision, one was found to be out of line and needed to be addressed. He clarified that the chairwoman had no conflict of interest as was suggested by the e-mail.

Mr. Spriggs explained that the original application was approved several years ago, and the zoning classification entitles the owner the ability to develop land in accordance with existing regulations and property

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rights. He suggested that citizens should work with the City Council to address issues and deficiencies for resolution.

Mr. Huskey indicated that the proposed phase of development for South Branch only connects to Pollard Road. The volume of drainage will remain the same based upon city regulations and bridge inspections are performed every two years, as per requirements of the State of Alabama.

Hearing no further comments from the commissioners, the chairwoman called for a motion.

A motion was made by Mr. Olen and seconded by Mr. Peterson to table the request for South Branch, Phase One, preliminary subdivision plat review, until the February 23, 2023 Planning Commission regular meeting. There was no discussion. The vote carried unanimously.

Mr. Olen requested the floor. Chairwoman Bergin yielded the floor to him.

Mr. Olen posed the following question to the City Attorney regarding Robert's Rules of Order: can a previously approved motion be amended at the subsequent meeting if a motion is made by someone who voted on the prevailing side? Mr. Dungan affirmed the answer as being yes.

Mr. Olen distributed a handout to support his finding that the commission should amend the previous action taken regarding the wetland modification. A discussion was held among the commissioners and it was determined to be appropriate to amend the previously taken action.

A motion was made by Mr. Peterson to amend the action previously taken by the Commission at its regular meeting of December 15, 2022, approving the modification to the wetland buffer for South Branch Phase One and seconded by Mr. Huskey. A discussion was held regarding whether to make the wetland buffer modification contingent upon the developer posting a bond to the City of Daphne prior to the issuance of any Site Disturbance Permit. The vote passed unanimously.

Mr. Olen recommended that the commission require a bond to cover the cost of mitigating a wetland impact. The developer would be responsible for submitting a one hundred thousand dollar bond to the city. After discussion among the staff and commissioners, it was determined that a bond from the developer would be reasonable and the amount should be based upon the overall development cost associated. After discussion, the chairwoman called for a motion.

A motion was made by Mr. Olen and seconded by Mr. Prescott to make the previously-approved wetland buffer modification contingent upon the developer posting a bond to the City of Daphne in an amount equal to twenty percent (20%) of the site development cost estimate valuation for Phase One prior to the issuance of any Site Disturbance Permit. There was no discussion. The vote carried unanimously.

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Chairwoman Bergin called the next order of business: public participation.

Tom Marshall, 8656 Danube Court, posed several exploratory questions regarding changes to the South Branch development.

Gordon Denniston, 27487 Stratford Glen Drive, inquired about minimum house size requirements. Mrs. Jones clarified that the city establishes minimum lot sizes but house sizes are established by the developer with restrictive covenants.

Karrie Bishop, 8034 Eagle Creek Drive, requested consideration regarding turn lanes into Eagle Creek.

Janet Boullemetukangsh, 27498 Stratford Glen Drive, questioned the correlation between pervious and impervious requirements. Mr. Newman explained briefly the drainage design criteria for pre- and post-development runoff co-efficients.

Beth Navarro, 27675 Rhone Drive, mentioned her concern about drainage.

The chairwoman closed the floor to public participation.

Chairwoman Bergin called the next order of business: the attorney's report.

Mr. Dungan had no report.

Chairwoman Bergin called the next order of business: commissioner's comments.

No comments were made.

Chairwoman Bergin called the next order of business: director's comments.

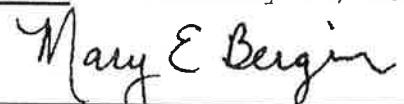
Mrs. Jones thanked the public for coming, encouraged them to stay engaged and then closed by listing the February 15th and February 23rd as the upcoming meeting dates.

There being no further business, the meeting was adjourned at 6:26 p.m.

**Respectfully submitted by Adrienne Jones on behalf of
Janet Vallecillo:**


Jan Vallecillo, Planning Coordinator

Approved: February 23, 2023


Marybeth Bergin, Chairwoman