

The City of Daphne
Planning Commission Minutes
Regular Meeting of February 22, 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 5:00 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

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

Staff Present:

Adrienne Jones, Director of Community Development
Jan Vallecillo, Planning Coordinator
Missty Gray, 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 January 25, 2018. There being none, minutes are approved as submitted.***

The next order of business is a request for a waiver to the sidewalk requirement for Rich's Car Wash.

An introductory presentation was given by Doug Bailey, representative of Hutchinson, Moore & Rauch, to request a waiver for the installation of the sidewalk and stated ALDOT has authorized the removal of the sidewalk and striped stopped crossing shown on the overall layout.

Chairman stated Public Works has no objection to approval of the waiver and asked did ALDOT require the service road to abut the property line. Mr. Bailey stated the service road layout was dictated by the location of the drainage, trees and utilities.

Chairman asked for Commission questions or comments.

Mr. Scott commented he is opposed to granting sidewalk waivers because of pedestrian traffic, but does not have this one because the sidewalk terminates north of this site at Zaxby's.

A **Motion** was made by Mr. Kirby and **Seconded** by Mr. Smith **to approve the sidewalk waiver for Rich's Carwash. There was no discussion on the motion. The Motion carried unanimously.**

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Chairman announced that the Commission will hold one public hearing for Diamante Subdivision, Phase Two and Three.

The next order of business is preliminary plat review for Diamante Subdivision, Phase Two.

An introductory presentation was given by Steve Pumphrey, representative of Dewberry/Preble-Rish, of a request for preliminary plat review of Diamante Subdivision, Phase 2 and 3, with a total of ninety-lots consisting of approximately forty-point zero nine acres located east side of County Road 13, north of Sehoj. The first phase of the development is currently under construction with the primary entrance onto County Road 13 and a connection to the south to Sehoj Subdivision, and he clarified that connection does not include a gate. The development of phase two and three will reduce the amount of storm water directed onto Sehoj Subdivision. The developer has agreed to the ten-foot tree buffer along the southern property line. Because the wetland area to the north of Amethyst Drive is considered non-jurisdictional wetlands, the developer requests a waiver to allow the common area to become a detention pond and noted that the waiver was granted at the time of the approval of the phase one.

Ms. Jones responded because the wetland area is also a part of phase two, a waiver should be considered again.

Chairman asked about the Fire Marshal comments. Ms. Jones responded the modifications have been addressed.

Chairman asked for Commission questions or comments.

Mr. Scott commented the Council supports connectivity, but the Fire Code requires more than one access point for emergency and public services.

Chairman asked can the location of the construction entrance be a condition of approval of the preliminary plat. Ms. Jones responded yes, Oldfield Subdivision is the more recent precedent.

Mr. Scott stated he would support that. He stated in the interest of full disclosure, my sister and her husband purchased a home in Sehoj Subdivision, and that he would not do anything to adversely affect property values.

Ms. Jones asked is the ten-foot buffer an undisturbed, wooded area and will the buffer be a part of the notes and shown on the lots. Mr. Pumphrey commented the trees that are there will remain, and the ten-foot tree buffer will be graphically shown on those lots.

Chairman asked what phase has the tree buffer. Mr. Pumphrey stated the ten-foot tree buffer is for phases two and three.

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Ms. Jones advised that the City adopted the definition of a No Clear Zone which is more stringent than the buffer and asked where would be the appropriate location for a fence. Mr. Scott responded fences should be on the property line.

Ms. Campbell commented on the enforcement issues of a No Clear Zone experienced in Rolling Hills Subdivision. Ms. Gray stated private deed restrictions or covenants are a civil matter for the POA or the adjacent property owner to address.

Ms. Campbell commented on drainage issues present in Sehay Subdivision caused by the Palladian of Daphne.

Chairman summarized that a No Clear Zone says you cannot remove underbrush or trees, except to install a fence on the property line; to install utility lines or to remove trees that have died naturally; if vegetation is removed for the installation of utilities, it shall be replanted.

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

Jim Anderson, 27799 Moniac Cove and Sehay POA President, spoke in support of the implementation of a No Clear Zone; commented on flooding, requested fences installed along the southern boundary be requested to connect to existing fences, and asked to review any revision to the plats.

Mr. Scott provided a copy of the definition to Mr. Anderson and stated the ordinance has to be amended to say ten feet rather than twenty-five feet.

Laurel Anderson, 27799 Moniac Cove, referenced correspondence and photographs presented to the Commission regarding flooding and requested the removal of the four lots in Diamante, Phase 2 which would adversely affect her property.

Nehal Bodalia, spoke regarding storm water drainage directed onto his property from Sehay Subdivision and the Palladian of Daphne.

Larry Faison, 27787 Moniac Cove, commented regarding drainage, flooding, and the possibility of redirecting storm water into the pond.

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

During rebuttal, Mr. Pumphrey stated the addition of the note will be a condition of approval of the plats, and the note will be added prior to final plat review.

Mr. Sandefur asked when the road will be constructed to intercept the storm water.

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Mr. Pumphrey responded after the construction of the detention pond.

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

A Motion was made by Mr. Scott and Seconded by Mr. Kirby to approve Diamante Subdivision, Phase Two preliminary plat with a modification to the wetland buffer requirement which would allow filling an isolated wetland area in Common Area 7: conditioned upon installation of a ten-foot wide No Clear Zone along the southern boundary of the property. There was no discussion on the motion. The Motion carried unanimously.

A Motion was made by Mr. Scott and Seconded by Mr. Kirby to approve Diamante Subdivision, Phase Three preliminary plat: conditioned upon installation of a ten-foot wide No Clear Zone along the southern boundary of the property. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is a pre-zoning amendment and the annexation petition for Bertolla Properties, L.L.C.

Ms. Jones stated that Jubilee Farms Subdivision, Phases One through Five, consisting of one hundred and ninety-nine lots and amenities was approved by the Planning Commission on August 24, 2017; if a site disturbance permit is not issued by August 24, 2018, the approval will expire. The previously submitted annexation petition was withdrawn prior to action by the City Council so we must go through the pre-zoning and annexation process again, but the preliminary plat approvals are still valid.

An introductory presentation was given by Steve Pumphrey, representative of Dewberry/Preble-Rish on behalf of the owner and developer, of a request to pre-zone and annex three hundred and sixty-one point five-five acres, known as Jubilee Farms, located southeast of Alabama Highway 181 from an RSF-2, Single Family District, and RA, Rural Agricultural, Baldwin County District 15, in the extraterritorial planning jurisdiction of Daphne, to a PUD, Planned Unit Development and stated the developer of Jubilee Farms Subdivision proposes a range of lot sizes for the nine hundred and nine lots.

Chairman asked for Commission questions or comments and about the traffic study conducted for this development. Mr. Pumphrey stated the traffic concerns will be addressed by ALDOT when they four-lane Alabama Highway 181 to State Highway 104. There are plans to improve Corte Road from County Road 13 to Alabama Highway 181, and to realign Austin Road and Corte Road for the installation of a traffic signal at Alabama Highway 181 and Corte Road. Mr. Scott stated also, the long term goal of the City and MPO is the connection from Corte Road through Johnson Road to U.S. Highway 98.

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. Hodgson *to set forth a favorable recommendation to the City Council to approve the Bertolla Properties, L.L.C. Planned Unit Development pre-zoning request. There was no discussion on the motion. The Motion carried unanimously.*

A *Motion* was made by Mr. Scott and *Seconded* by Mr. Sandefur *to set forth a favorable recommendation to the City Council to annex the land for Bertolla Properties, L.L.C. into the city limits. There was no discussion on the motion. The Motion carried unanimously.*

The next order of business is a request for rezoning for John W. West Irrevocable Trust.

An introductory presentation was given by Scott Hutchinson, representative of Hutchinson, Moore & Rauch and Two Hands Design, of a request to rezone a one-point seven-seven acre parcel, located southwest of Holy Cross Circle and Holy Cross Drive and stated the developer proposes to rezone the Judge Roy Bean property on Scenic 98 to Mixed Use designation to allow for professional and retail uses with a residential component. Because this location is the entrance to the city, we would like to set the tone for the Olde Towne Daphne District.

Chairman asked for Commission questions or comments.

Mr. Sandefur asked does a Mixed Use zone allow for general business uses and would the applicant consider restricting the businesses to uses compatible to a local business zone. Mr. Hutchinson responded yes, conditioned upon some exceptions and asked if B-3 uses are allowed in B-1 zone. Ms. Jones confirmed.

Mr. Kirby stated his reservation mentioned in the Site Preview meeting regarding Holy Cross Drive as a compromised lane was unfounded. Upon site visit, he saw it was an improved access.

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

John Brown, 700 Hillwood, asked the height restriction and number of facilities proposed on the property.

Ms. Jones stated a maximum height of fifty feet.

Mr. Hutchinson stated if the rezoning is successful, then the developer will re-plat the lots to create one parcel in preparation of the submission of a site plan. In response to the Chairman's question regarding the process, Ms. Jones stated a re-plat is an administrative review, but the Commission must approve the site plan.

Chairman asked about the maximum density on this lot.

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Ms. Jones stated ten units per acre would be allowed in a high density residential district: possibly seventeen units containing residential and commercial.

Michael Gagnet, 24437 Main Street, spoke in favor of the rezoning on behalf of himself, mother, and mother-in-law, and stated he is not opposed to the development, but expressed his concerned about drainage.

Chairman closed public participation.

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

A **Motion** was made by Mr. Kirby and **Seconded** by Mr. Smith **to send a favorable recommendation to the City Council regarding the rezoning of the subject property for John W. West Irrevocable Trust from B-1, Local Business, to MU, Mixed Use.**

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. The director indicated that the Commission can add conditions to the motion.

A **Amended Motion** was made by Mr. Kirby and **Seconded** by Mr. Smith **to send a favorable recommendation to the City Council regarding the rezoning of the subject property for John W. West Irrevocable Trust with a condition that all associated business uses shall be consistent with B-1, Local Business, and B-3, Professional Business type uses as listed in Land Use & Development, Article 35, Permitted Use Table. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is an administrative presentation by Adrienne Jones, Community Development Director, of a request by the Ordinance Committee for a proposed amendment to the Sidewalk Installation Agreement and Sidewalk Bond language to read, "The bond shall be valid for a period of two years after the first building permit is issued". A draft will be presented at the next meeting to address those concerns.

No action taken.

The next order of business is public participation.

Chairman asked for public participation.

Don Ouellette, 7720 Elizabeth Drive, asked who would control the "No Clear Zone".

Chairman commented that it should be addressed in the restrictive covenants.

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

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Ms. Gray 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. Jacob's Well and Ruth Metcalfe Rye Zoning Amendment was withdrawn by agent; no application for rezoning of this property has been submitted;
- b. The upcoming meeting dates are site preview, March 14 & regular meeting, March 22, 2018.

There being no further business, the meeting was adjourned at 6:35 p.m.

Respectfully submitted by:


Jan Vallecillo, Planning Coordinator

Approved: March 22, 2018


Marybeth Bergin, Chairman