

The City of Daphne
Planning Commission Minutes
Regular Meeting of February 25, 2021
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:

Steve Olen
John Peterson
Andrew Prescott, Vice Chairman
Ronnie Huskey
Kevin Spriggs
Adam Manning
Marybeth Bergin, Chairman

Staff Present:

Troy Strunk, Executive Director, City Development
Jan Vallecillo, Planning Coordinator
Patrick Dungan, Attorney

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 28, 2021. There being none, minutes are approved as submitted.*

The next order of business is a presentation by Mayor Robin LeJeune.

Mayor LeJeune presented a certificate of appreciation to Hudson Sandefur, ex officio for the Mayor, and thanked him for his service as a member of the Planning Commission for eight years, community leader and owner of Zaxby's. He thanked the Commission for their service and stated that Mr. Manning has taken that role of ex officio.

The next order of business is site plan review for the New Access Road at TimberCreek Village.

An introductory presentation was given by Frank Leatherwood, representative of Thompson Engineering, of a two-lane road intended to serve as access for TimberCreek Village Subdivision on Highway 31 to future commercial development. He advised that an ALDOT permit is currently under review, and the issuance is pending. The owner also requested a waiver to the sidewalk requirement because there are currently no sidewalks in that area.

Chairman noted that storm water is directed to an existing detention pond.

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Chairman asked for Commission questions or comments and stated staff recommended consideration of a waiver to the sidewalk requirement, but to revisit it upon future development of the site. Mr. Leatherwood stated his client is agreeable to that.

Chairman asked for a motion.

A Motion was made by Mr. Prescott and **Seconded** by Mr. Spriggs **to approve the New Access Road at TimberCreek Village site plan conditioned upon a waiver to the sidewalk exemption and to revisit the need for a sidewalk upon presentation of a site plan for further commercial development. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is site plan review for Popeye's North Daphne.

An introductory presentation was given by Paul Marcinko, representative of Jade Consulting, requesting site plan review of a restaurant with associated parking, drainage, and landscaping located northwest of Timber Circle and Mill Lane.

Chairman asked for Commission questions or comments and asked about the recommended changes or improvements outlined by the traffic impact study. Mr. Marcinko advised that no improvements or an ALDOT permit were required; however, ALDOT request a queue analysis for review.

Chairman asked about the single access/double stacked design. Mr. Marcinko responded typically, Popeye's would have a single driveway, but at recommendation of staff and the TimberCreek POA, the site will have a double stacked driveway. He advised of the hours of operation and that no deliveries will be made during business hours.

Chairman advised of correspondence received regarding the possible impacts of the off-street parking to the businesses on Timber Circle. Mr. Marcinko responded that the covenants for TimberCreek Business Park prohibit parking on the right-of-way. He noted that with the addition of the double-stacked driveway, no access to Mill Lane, and the additional parking provided, we expect all patrons to park onsite.

Mr. Spriggs asked if Mill Lane is a city street. Chairman responded yes.

Chairman asked for a motion.

A Motion was made by Mr. Prescott and **Seconded** by Mr. Spriggs **to approve Popeye's North Daphne site plan. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is site plan review for Oakside Village.

An introductory presentation was given by Casey Hill and Brent Anderson, representatives of Dewberry, of a thirteen-unit multi-family development located south and adjacent to Lake Forest Boulevard and north of Country Club Drive.

Chairman asked for Commission questions or comments.

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Mr. Spriggs requested a modification to the location of the sidewalk to minimize the impacts to the landscaping area maintained by Loma Alta Towers. Mr. Anderson stated we will coordinate with the city staff to determine the exact location of the sidewalk and landscaping in the right-of-way.

Chairman stated staff had advised that any improvements to the right-of-way would require permitting and coordination with Public Works. Mr. Strunk commented a part of the long-term master plan for Lake Forest Subdivision is to provide a sidewalk in the median of the entire community and staff recommended the sidewalk in that location.

Mr. Peterson asked about the proximity of the north driveway and the gated access of Loma Alta Towers. Mr. Strunk stated the accesses are aligned.

Chairman asked for Commission questions or comments and a motion.

A Motion was made by Mr. Spriggs and **Seconded** by Mr. Prescott **to approve Oakside Village site plan conditioned upon coordination with staff of the location of the sidewalk and landscaping on the right-of-way. There was no discussion on the motion. The Motion carried unanimously.**

Chairman explained that the applications for the revision of the master plan for the Reserve of Daphne, Phase Two, and the administrative presentations for the DISC Overlay District and Official Zoning/Street Maps have been removed from the agenda.

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

An introductory presentation was given by Al Finley, representative of Dewberry, requesting preliminary/final plat review of a two-lot subdivision consisting of one point eight-three acres located west and adjacent to Pollard Road. He stated this is a family subdivision and Resubdivision of Lot 9, Houlson Estates Subdivision.

Chairman asked for Commission questions or comments.

Chairman stated a family subdivision in the city requires the approval of the Commission and asked him to address the existing dwelling on Lot 2. Mr. Finley responded staff had advised that if there are any improvements on Lot 2, that will require the removal of the dwelling.

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

A Motion was made by Mr. Prescott and **Seconded** by Mr. Olen **to approve Lewis Family preliminary/final subdivision plat. There was no discussion on the motion. The Motion carried unanimously.**

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

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An introductory presentation was given by Casey Hill, representative of Dewberry, requesting preliminary/final plat review of a four-lot subdivision consisting of one-point five eight acres located southwest of Randall Avenue and Via Del San Francesco. She advised that a general note was added to the subdivision plat stating that the singular driveway is an ingress and egress, as well as, a utility easement.

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

The residents of the La Casa di San Francesco Subdivision and the Gardens of Randall Subdivision, spoke in opposition, and expressed concerns about flooding, buffer requirements of property abutting an alley, setbacks, configuration of the homes, and an access for emergency vehicles.

Chairman asked the representative to address the orientation of the homes. Ms. Hill advised that the developer is unsure of the orientation of the homes.

Chairman reiterated the concerns expressed during public comment about the proximity of the residential homes and vehicle access to the alley.

Chairman asked about a modification to the setbacks or orientation of the residential homes. Ms. Hill advised that the developer is open to modification of the setbacks.

Mr. Dungan advised that he could not adequately respond tonight and would have to review the Land Use Ordinance to see whether this is something this body can do or if it would be another body. In viewing the easement and or alley mentioned, it is wholly within La Casa di San Francesco Subdivision that is not be effected by this subdivision.

Mr. Strunk noted that the private access into the adjoining neighborhood is facing the rear of the backyards of this development and may not be a problematic planning concern. He noted that their subdivision has a public right-of-way that emergency vehicles would utilize.

Mr. Spriggs asked would the removal of existing dwelling be a part of this development. Ms. Hill stated it is gone.

Mr. Spriggs asked for confirmation that the developer would agree to modify the setbacks of Lots 2 and 4 and asked the zoning of the subdivision. Chairman responded R-2. Ms. Hill responded that she would have to discuss that with the client.

Ms. Hill stated responded that this is a residentially zone property abutting an existing residential subdivision and does not require a buffer. She advised that the ten-foot side setback meet the requirements of the zoning ordinance. Mr. Strunk concurred.

Chairman asked if the Commission requests a setback modification, would that require that the application to be tabled.

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Mr. Dungan provided an overview of the contents of Section 11-5 and advised that it does allow the Commission to make slight modifications to the subdivision regulations, if documented and there is good reason to do so. However, Section 9-5, Flag Lots, is specific to the setbacks of flag lots, and it is clear that the front would be the northern side of the lots facing Randall Avenue.

Mr. Prescott stated because it is on private property the front setback should not be adjusted.

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

A Motion was made by Mr. Prescott and **Seconded** by Mr. Peterson **to approve Cedar Knoll preliminary/final subdivision plat. There was no discussion on the motion.**

Upon roll call vote:

Mr. Olen	Nay
Mr. Peterson	Aye
Mr. Prescott	Aye
Mr. Huskey	Aye
Ms. Bergin	Aye
Mr. Spriggs	Aye
Mr. Manning	Aye

The Motion carried.

The next order of business is a preliminary plat review of Jubilee Farms Subdivision, Phase Fourteen.

An introductory presentation was given by Al Finley, representative of Dewberry, requesting preliminary plat review of a forty-four lot subdivision consisting of approximately nine-point three-nine acres located southeast of Alabama Highway 181 and Austin Road.

Chairman asked for Commission questions or comments and stated the only construction in this phase is of the roadways. The common area is in the southwest corner and storm water detention has been installed.

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

A Motion was made by Mr. Prescott and **Seconded** by Mr. Spriggs **to approve Jubilee Farms Subdivision, Phase Fourteen preliminary plat. There was no discussion on the motion. The Motion carried unanimously.**

Chairman stated the next order of business is a request for Planning Commission approval of sand volleyball courts in a B-2, General Business, district, at 25620 Friendship Road of a proposed expansion to the east.

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Chairman explained that the Commission will hold a public hearing because the ordinance does not specifically address this use in the Land Use and Development Ordinance.

A presentation was given by Gavin Willisson, representative of No Off Season, requesting consideration of Planning Approval of sand volleyball courts at 25620 Friendship Road.

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

A Motion was made by Mr. Prescott and Seconded by Ms. Bergin to grant Planning Commission approval of sand volleyball courts at 25620 Friendship Road for No Off Season. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is public participation.

Chairman asked for public participation.

Don Whitt, President of Loma Alta Towers POA, and Hal Callaway, board member and resident, spoke in opposition of approval of Oakside Village, without allowing public input to express concerns about installing a sidewalk on the right-of-way, rather than the property; the preservation of the landscaped area maintained by the POA, and, additional traffic on Lake Forest Boulevard. Judy Graham and Frances Harris, the owners of Cedar Knoll, thanked the Commission for approval of their subdivision.

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

Mr. Dungan stated no report.

The next order of business is commissioner's comments.

Commissioners welcomed Adam Manning to the Planning Commission. Kevin Spriggs commented on allowing public comment during the presentation of a site plan, preservation of a private organization's beautification of a right-of-way, and encroachment onto private property.

The next order of business is director's comments.

Chairman presented the upcoming meeting dates. Site Preview is March 17, and the Regular Meeting is March 25, 2021.

Ms. Vallecillo noted that there have been several applications submitted for next month.

There being no further business, the meeting was adjourned at 6:28 p.m.

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Respectfully submitted by:



Jan Vallecillo, Planning Coordinator

Approved: April 22, 2021



Marybeth Bergin, Chairman