

The City of Daphne
Planning Commission Minutes
Regular Meeting of March 28, 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 5:12 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

Bolton Tucker
Marybeth Bergin, Chairman
Andrew Prescott, Secretary
Ron Scott
Hudson Sandefur

Staff Present:

Adrienne Jones, Director of Community Development
Jan Vallecillo, Planning Coordinator
Patrick Dungan, Attorney
Troy Strunk, Executive Director, City Development

Chairman explained that the agenda items for preliminary/final plats for Tanglewood, J Cattle and HSC Johnson Road, L.L.C. Subdivision cannot be heard tonight because there is not a super majority present to take action on those items; however, the Commission will still hold a public hearing. The agenda items will be heard at a special Planning Commission prior to April 25, 2019; once the date is set, it will be posted on the city's website.

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 24, 2019. There being none, minutes are approved as submitted.**

Chairman stated the next order of business is a request for Planning Commission approval of an outdoor amusement facility, Tropics Volleyball, Bar and Grill, located northwest of U.S. Highway 98 and Walmart Drive. She stated the Commission will hold a public hearing because right in a B-2 zone does not allow an outdoor amusement facility. Depending on how the vote transpires, the next agenda item will be site plan review.

An introductory presentation was given by Chris Lieb, representative of Lieb Engineering, and Weston Hawkins, representative of Tropics Volleyball, requesting consideration of Planning Commission approval of an outdoor amusement facility in a B-2 zone for Tropics Volleyball, Bar and Grill. This business will consist of nine volleyball courts and a concession stand.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of March 28, 2019
Council Chamber, City Hall - 5:00 P.M.**

Chairman clarified that the property lies between Main Street and U.S. Highway 98 and has a zoning designation of R-2, Medium Density Single Family Residential, and B-2, General Business, but the use that you are proposing would be limited to the parcel zoned B-2. Mr. Lieb concurred.

Chairman asked if the use can encroach into the property zoned R-2. Ms. Jones stated no.

Chairman stated the proposed use is an outdoor volleyball facility, and the Table of Permitted Uses and Conditions does not define a zoning district in which this use is appropriate; a comparable use is outdoor amusement uses, which require Planning Commission approval. She also stated that this is a volleyball facility with a bar and grill. Mr. Hawkins responded the prior location was a bar & grill, and we provide volleyball courts to allow players to play beach volleyball at any level. This will be a volleyball complex with a concession stand to serve the players.

Chairman asked for Commission questions or comments for the applicant.

Chairman stated Chief White expressed concern about this facility being next to a funeral home. Mr. Hawkins stated a shared access agreement has been executed with the funeral home, and the development will enhance their visibility from U.S. Highway 98. The property owner has a good relationship with the adjacent property owners.

Mr. Sandefur spoke in support of the project and asked Mr. Hawkins to describe the nature of his operation with regard to noise, lighting and the location. Mr. Hawkins outlined his hours of operation, level and direction of lighting, and noise level.

Chairman stated the director shared the easement agreement that confirms that the funeral home is in agreement with the use, does not believe that it will be a detriment, and has stipulations associated with development.

Chairman asked if the access agreement will be recorded and run with the land. Mr. Broughton, owner, responded it does.

Ms. Jones responded that the easement agreement should be recorded in probate records and stated that she had an issue with the construction entrance because access for clearing and/or construction is not be permitted onto Main Street. She also stated this is a stipulation in the agreement; stating that no construction access through the shared drive; however, there are other options. Mr. Lieb responded one option is to place a temporary construction entrance between the driveways on the north side.

Chairman asked about the approval of ALDOT. Mr. Lieb stated conceptual approval has been given.

Mr. Prescott asked about the "no build area" specified in the agreement and the parking area shown in that area. Mr. Lieb responded the intent is a building cannot be constructed in that area.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of March 28, 2019
Council Chamber, City Hall - 5:00 P.M.**

Mr. Sandefur asked how many players are on the premises when the site is at full capacity. Mr. Hawkins stated the Junior Event Day in late May is the busiest day of the year, and there will be approximately eighty-two players registered.

Chairman commented that it is hard to differentiate concession stand from a bar and grill. Mr. Hawkins responded the grill serves Mediterranean food and alcohol.

Chairman asked if it would be a staged development. Mr. Hawkins stated no.

Chairman stated the Commission will hold a public hearing on this matter to address concerns about the use of the property, not issues relative to the site plan. She noted that they have received correspondence from citizens expressing concerns about the development.

Chairman opened the floor to public participation.

Paul Soutullo, Haley's Lane, spoke in opposition and expressed concerns about shelter during inclement weather and lack of ALDOT approval.

Chairman responded the site does not have a large area for congregating, except for the concession area, indoor seating, and a couple of containers and will receive clarity on that during site plan review. She noted that the site plan does have conceptual approval from ALDOT. Mr. Scott commented that ALDOT has not given approval for the construction entrance on U.S. Highway 98.

Mel Brandon, 6453 Cardinal Lane, spoke in opposition and expressed concerns about the effect of storm water drainage on his and neighboring properties.

Tess Keller, 27795 Oakachoy Loop, spoke in opposition and expressed concerns about lighting and noise complaints at the previous location.

Tom Morgan, 6301 Thompson Lane, spoke in opposition and expressed concerns about noise.

Craig Savage, Pine Court, spoke in support of the facility and stated that Mr. Hawkins is a top engineer and architect in this region, and that he has one hundred percent confidence in his ability to address all of the local and community issues from architectural and design standpoint.

Collette Waite, 6498 Jackson Oaks Drive, agreed that this is fabulous for the city and stated she is in favor of having this facility in the community, but expressed concerns about the location. In the past, there has been consideration given to a residential area abutting a business zone and only certain local businesses were allowed. She noted this would not be an appropriate use adjacent to the counseling center and asked the Commission to preserve the residential neighborhoods along Main Street.

The City of Daphne
Planning Commission Minutes
Regular Meeting of March 28, 2019
Council Chamber, City Hall - 5:00 P.M.

Brenda Gates, representative of Crossway Counseling, stated that she is the property owner to the north and had previously provided correspondence to the Commission in opposition, and expressed concerns about access, drainage, erosion, noise, and the hours of operation. She also commented that she would rather see a professional development on this site.

Holly Morgan, 6301 Thompson Lane, spoke in opposition and expressed concern that a residential neighborhood is not the appropriate location for a bar, grill and athletic facility.

Roy Hall, 6378 Jackson Oaks Drive, spoke in opposition and expressed concerns about flooding, drainage and noise.

Sherry Jones, spoke in support of the facility and its benefit to the children in the community.

Connie Whitaker, Jackson Oaks Drive, spoke in opposition and expressed concerns about flooding and drainage.

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

During discussion, Commissioners endorsed the sport and concept, but could not support the location.

A Motion was made by Mr. Scott and Seconded by Ms. Bergin to deny the use as an outdoor amusement facility for volleyball courts in a B-2, General Business district. The Motion failed due to lack of verbal/audible votes.

After discussion, a motion was made and a vote was taken by roll call.

A Motion was made by Mr. Scott and Seconded by Ms. Bergin to deny the use as an outdoor amusement facility for volleyball courts in a B-2, General Business district. There was no further discussion on the motion.

Upon roll call vote, **the Motion carried.**

Mr. Tucker	Aye
Ms. Bergin	Nay
Mr. Scott	Aye
Mr. Prescott	Aye
Mr. Sandefur	Aye

Ms. Bergin dissented.

The next order of business is site plan review for Tropics Volleyball, Bar and Grill.

No action taken by the Planning Commission.

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

The City of Daphne
Planning Commission Minutes
Regular Meeting of March 28, 2019
Council Chamber, City Hall - 5:00 P.M.

An introductory presentation was given by Casey Hill, representative of Dewberry, requesting preliminary/final plat review of a subdivision located southwest of Whispering Pines Road and Pollard Road, recently rezoned by the City Council to R-2, Medium Density Single Family Residential, for the purpose of the creation of a three-lot subdivision.

Chairman asked for Commission questions or comments.

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 Ms. Bergin and Seconded by Mr. Scott to table Tanglewood Subdivision preliminary/final plat until the next meeting either on or before April 25, 2019. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is preliminary/final plat review for J Cattle Subdivision.

An introductory presentation was given by David Shumer, representative of Barton Shumer Engineering, requesting preliminary/final plat review of a five-lot subdivision located northwest of Sedona Drive and County Road 54, east of Avalon Subdivision. He noted that the subdivision consists of four three-acre lots and a remnant parcel retained by the applicant. He also noted that approval by Baldwin County is pending subject to the vacation of twenty-feet of a forty-foot right-of-way north of Sedona Subdivision.

Chairman asked for Commission questions or comments.

Chairman opened the floor to public participation.

Pat Hider, President of the Avalon Subdivision POA, spoke on behalf of the POA and expressed his support for approval of the subdivision.

Chairman closed public participation and asked for a motion.

A Motion was made by Ms. Bergin and Seconded by Mr. Scott to table J Cattle Subdivision preliminary/final plat until the next meeting either on or before April 25, 2019. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is preliminary/final plat review for HSC Johnson Road, L.L.C. Subdivision and request for street acceptance.

An introductory presentation was given by Trey Jinright, representative of Jade Consulting, requesting preliminary/final plat review of a two-lot subdivision located southwest of Johnson Road and U.S. Highway 98. He noted that the owner is dedicating a twenty-five foot right-of-way to the city for access to Adams Avenue and stated that the easement document will be recorded separately.

Chairman asked for Commission questions or comments.

The City of Daphne
Planning Commission Minutes
Regular Meeting of March 28, 2019
Council Chamber, City Hall - 5:00 P.M.

Mr. Prescott asked about the location of access to Lot 1. Mr. Jinright responded that lot will be accessed from Johnson Road through an ingress and egress easement maintained by the developer.

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 Ms. Bergin and **Seconded** by Mr. Sandefur **to table HSC Johnson Road, L.L.C. Subdivision preliminary/final plat until the next meeting either on or before April 25, 2019. There was no discussion on the motion. The Motion carried unanimously.**

A Motion was made by Ms. Bergin and **Seconded** by Mr. Sandefur **to table the street acceptance request until the next meeting either on or before April 25, 2019. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is an administrative presentation of a modification to the PUD requirements of Jubilee Farms Subdivision.

An introductory presentation was given by Casey Hill, representative of Dewberry, requesting a modification to the PUD requirements of Jubilee Farms Subdivision to separate the amenities development from infrastructure improvements required for Jubilee Farms Subdivision, Phase One. She stated the design of the amenities is underway; however, the timeline of construction is July 2019 through May 2020; however, the infrastructure construction of phase one is seventy-five percent complete, and the developer wishes to move forward with final plat review for phase one.

Chairman asked for Commission questions or comments and about mailboxes. Ms. Jones responded an individual mailbox is not permitted in this residential subdivision; Ms. Hill responded due to fact that the amenities will not be constructed at the time that some of the homes are occupied; the developer will construct a temporary kiosk in the common area adjacent to the amenity area.

A Motion was made by Mr. Prescott and **Seconded** by Mr. Sandefur **to modify Phase One of Jubilee Farms to separate the amenity improvements from infrastructure development contingent upon submission of an amenity area site plan for staff review and approval. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is an administrative presentation of a request for a waiver to the sidewalk requirement for Jubilee Farms Subdivision, Phase One.

An introductory presentation was given by Casey Hill, representative of Dewberry, requesting a waiver to the sidewalk requirement for Jubilee Farms Subdivision, Phase One. Ms. Hill stated the developer has agreed to install a sidewalk on the north side of the right-of-way, add a crosswalk connection at the median, and install a portion of a sidewalk on the south side of Secretariat Boulevard.

The City of Daphne
Planning Commission Minutes
Regular Meeting of March 28, 2019
Council Chamber, City Hall - 5:00 P.M.

Chairman asked for Commission questions or comments.

A **Motion** was made by Mr. Scott and **Seconded** by Ms. Bergin **to grant a waiver of a segment of the sidewalk along Secretariat Blvd as presented at this meeting. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is an administrative presentation of street acceptance for Oldfield Subdivision, Phase 4.

An introductory presentation was given by Adrienne Jones, Director of Community Development, requesting a recommendation of acceptance for the right-of-ways in Oldfield Subdivision, Phase 4. She 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. Scott **to set forth a favorable recommendation to Council to accept the streets in Oldfield Subdivision, Phase 4. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is public participation.

Chairman asked for public participation.

Weston Hawkins, representative of Tropics Volleyball, expressed his disappointment regarding the denial of Planning Commission approval for Tropics Volleyball.

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

Mr. Dungan stated no report.

The next order of business is commissioner's comments.

Hudson Sandefur commented although the request was denied, he hoped that Tropics Volleyball still considers a development in Daphne. Andrew Prescott thanked the Chairman for her professional management of the meeting.

The next order of business is director's comments.

Ms. Jones presented the following:

- a. City Council Meeting:
 1. Architects Southwest presentation of development strategies for Olde Towne Daphne, March 19 & 20, 2019; thanked members for coming; and,
- b. The upcoming meeting dates are site preview, April 17 & regular meeting, April 25, 2019. Special called meeting date to be announced.


The City of Daphne
Planning Commission Minutes
Regular Meeting of March 28, 2019
Council Chamber, City Hall - 5:00 P.M.

There being no further business, the meeting was adjourned at 6:40 p.m.

Respectfully submitted by:


Jan Vallecillo, Planning Coordinator

Approved: April 25, 2019


Marybeth Bergin, Chairman