

The City of Daphne
Planning Commission Minutes
Regular Meeting of April 26, 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 5:01 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

Ed Kirby
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
Misty 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 March 22, 2018. There being none, minutes are approved as submitted.***

The next order of business is discussion regarding Certified Used Car Center.

An introductory presentation was given by John St. George, Operations Manager for SE & Associates Management Group, and Toni Fassbender, Administrative Director SE & Associates Management Group, requesting a proposed change of the use of a portion of an existing employee parking lot to an automobile sales display area located at the southeast intersection of Frederick and Renaissance Blvd.

Chairman stated an administrative site plan was approved previously for this site, and a change in the use of the subject property requires review by the Planning Commission.

Chairman asked for Commission questions or comments.

Mr. Scott stated that he is not in favor of the request unless a sidewalk is installed on Renaissance and Frederick Boulevard. All of other properties in the subdivision have sidewalks. When a sidewalk is not required, it becomes the responsibility of the city to incur the cost of installation.

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Commissioners asked about sidewalk installation as a condition of approval and condition of the parking surface.

Ms. Jones stated administrative site review included approval of the installation of milling and railroad ties.

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

A Motion was made by Mr. Scott and **Seconded** by Mr. Sandefur **to approve Certified Used Car Center change in use for part of employee parking lot to be used as an automobile display area with a condition that sidewalks shall be installed along Renaissance and Frederick Boulevard. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is a request for a modification to the wetland buffer requirement for Diamante Subdivision, Phase One.

An introductory presentation was given by John Avent, representative of Dewberry/Preble-Rish, requesting a modification to the wetland buffer requirement for an encroachment which occurred during construction. He stated the owner agrees to the installation of temporary wetland buffer signage to delineate the boundaries.

Chairman asked for Commission questions or comments.

Ms. Campbell stated she has no objection to approval of the modification to the wetland buffer.

A Motion was made by Mr. Kirby and **Seconded** by Mr. Sandefur **to approve Diamante Subdivision, Phase One wetland buffer encroachment as presented. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is site plan review for Millwood Circle Office Building.

An introductory presentation was given by Chris Lieb, representative of Lieb Engineering, requesting site plan review of an professional office facility with associated drainage, parking, utilities, and landscaping located northwest of the intersection of Mill Lane and Millwood Circle.

Chairman commented the minor outstanding issues have been addressed and asked for Commission questions or comments.

Mr. Scott commented the TimberCreek POA is responsible for maintenance of the common detention pond and has asked for participation from commercial development. Mr. Lieb responded that he will make the owner aware of it.

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

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Prescott **to approve Millwood Circle Office Building site plan as presented. There was no discussion on the motion. The Motion carried unanimously.**

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

An introductory presentation was given by David Shumer, representative of Barton & Shumer Engineering, requesting preliminary/final plat review of a three-lot subdivision consisting of approximately ten point two-eight acres located west of Alabama Highway 181 and Milton Jones Road.

Chairman stated the presentation of a master plan was required by the Planning Commission for a standard application.

Mr. Shumer presented a master plan consisting of two rear lots with access to a sixty-foot right-of-way, two frontage lots, and an additional lot retained by owner and stated a wetland buffer is located at the northeast corner of the property.

Chairman asked for Commission questions or comments.

Commissioners asked for the addition of a note to the plat stating there will be no access to Tealwood Subdivision.

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

Richard Jaehne, 9499 Bella Drive, expressed a concern for public safety for the location of the new fire station on Alabama Highway 181. Mr. Scott responded this property is on Milton Jones Road.

Chairman closed public participation and asked for a motion.

A **Motion** was made by Mr. Hodgson and **Seconded** by Mr. Scott **to approve Parker Commercial Subdivision, preliminary/final plat. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is review of a master plan revision for Jubilee Farms Subdivision.

An introductory presentation was given by John Avent, representative of Dewberry/Preble-Rish, of a master plan revision for Jubilee Farms Subdivision.

Chairman stated the revision consists of the relocation of the phase line between Phase 6 and 7, Phase 7 and 11, and the addition of a second access to Phase 7.

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Chairman asked for Commission questions or comments and stated the Chair will entertain a motion.

A Motion was made by Mr. Scott and **Seconded** by Mr. Kirby **to approve Jubilee Farms Subdivision, PUD master plan revision. There was no discussion on the motion. The Motion carried unanimously.**

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

An introductory presentation was given by John Avent, representative of Dewberry/Preble-Rish, requesting preliminary/final plat review of a three-lot subdivision consisting of approximately three hundred sixty-one point five-five acres located southeast of southeast of Alabama Highway 181 and Austin Road. He stated the purpose of this subdivision is to divide the property into three parcels for a real estate transaction relative to phasing of the development.

Chairman asked for Commission questions or comments.

Mr. Scott asked the approximate acreage of these phases and if Mr. Bertolla will continue to farm the undeveloped phases. Mr. Avent confirmed. Ms. Jones responded two hundred eight point five nine acres.

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. Scott and **Seconded** by Mr. Hodgson **to approve Jubilee Acres Subdivision, preliminary/final plat. There was no discussion on the motion. The Motion carried unanimously.**

Chairman announced that the Commission will only hold one public hearing for the Jubilee Farms Subdivision applications.

The next order of business is preliminary plat review for Jubilee Farms Subdivision, Phases Six, Seven and Eight.

An introductory presentation was given by John Avent, representative of Dewberry/Preble-Rish, requesting preliminary plat review of three phases of Jubilee Farms Subdivision consisting of approximately eighty-five point nine-two acres located southeast of southeast of Alabama Highway 181 and Austin Road.

Chairman asked for Commission questions or comments and stated the owner has acquired a Corps of Engineers permit.

Ms. Campbell referenced the bmp plan regarding phasing and stated ADEM limits land disturbance activity to seventeen acres per phase.

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Jennifer McDill, representative of Bertolla Properties, L.L.C. stated until acquisition, Mr. Bertolla will retain ownership of the other properties and control of land disturbance.

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

Richard Jaehne, 9499 Bella Drive, expressed concern for a public health issue and its effect on the adjacent property owners of Bellaton Subdivision when a developer is allowed to burn prior to construction.

Chairman closed public participation.

Chairman clarified during construction this development will have three access points, and upon completion the primary accesses are Alabama Highway 181 and Scully Lane in Dunmore Subdivision.

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

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

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

A Motion was made by Mr. Scott and **Seconded** by Ms. Bergin **to approve Jubilee Farms Subdivision, Phase Eight, preliminary plat, with a condition that no construction access will be allowed through Scully Lane in Dunmore Subdivision. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is a request for rezoning for the Estate of Victorine Nelson.

An introductory presentation was given by Larry Chason, representative of Chason & Earle, of a request to rezone a one-point two-one acre parcel, located southeast of Van Avenue and Main Street.

Chairman asked if a Commissioner has recused himself, does a zoning amendment still require the action of a supermajority of members. Ms. Gray confirmed.

Chairman asked what action if any can the Commission take. Ms. Gray stated if no action is due to an insufficient quorum of members, the Planning Commission sent the zoning amendment to City Council with no recommendation.

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The next order of business is an administrative presentation of a proposed amendment to the Land Use Ordinance.

Ms. Jones presented the proposed amendment to the provisions of Article 17, Procedures for Subdivision Review, Section 4, Final Plat Application (b) Maintenance Bonds of the Land Use and Development Ordinance regarding Sidewalk Installation Obligations with revisions.

A Motion was made by Mr. Scott and *Seconded* by Mr. Hodgson to send forth a favorable recommendation to the City Council to accept the proposal as submitted. 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.

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

Ms. Gray stated no report.

The next order of business is commissioner's comments.

Commissioners discussed Comprehensive Plan and sidewalks.

The next order of business is director's comments.

Ms. Jones presented the following:

- a. City Council Actions:
 1. Public hearing held for Bertolla Properties, L.L.C. (Jubilee Farms) pre-zoning amendment/annexation and John W. West zoning amendment, April 16, 2018;
 2. Executive Director, City Development (reviewing applications);
- b. Volunteer Appreciation Breakfast, May 16, 2018 at 7:45 a.m.;
- c. The upcoming meeting dates are site preview, May 16 & regular meeting, May 24, 2018;
- d. Outlined approved, permitted and completed projects.

Ms. Jones thanked the Commission for their service.

There being no further business, the meeting was adjourned at 6:06 p.m.

Respectfully submitted by:


Jan Vallecillo, Planning Coordinator

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Approved: May 24, 2018



Marybeth Bergin, Chairman