

The City of Daphne  
Planning Commission Minutes  
Regular Meeting of August 22, 2019  
Council Chamber, City Hall - 5:00 P.M.

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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:

Andrew Prescott, Secretary  
Marybeth Bergin, Chairman  
Phillip Hodgson, Vice Chairman (excused @ 6:10 p.m.)  
Ron Scott  
Hudson Sandefur  
Chief White

Staff Present:

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

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 July 25, 2019. There being none, minutes are approved as submitted.*

The next order of business is preliminary/final plat review for Archer Commercial Park.

An introductory presentation was given by Jon Archer, representative of Zeigler Corporation, requesting preliminary/final plat review of a two-lot subdivision consisting of approximately nine acres southwest of County Road 54 West and County Road 64 and in the extraterritorial planning jurisdiction.

Chairman opened the floor to public participation. No one came forth. She closed public participation.

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 Archer Commercial Park preliminary/final subdivision. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is preliminary/final plat review for Victor Nicholson Estates Subdivision.

The City of Daphne  
Planning Commission Minutes  
Regular Meeting of August 22, 2019  
Council Chamber, City Hall - 5:00 P.M.

---

---

An introductory presentation was given by Victor Nicholson, owner, requesting preliminary/final plat review of a three-lot subdivision consisting of approximately four-point nine-one acres southeast of Beverly Drive and Crandall Street for the purpose of conveyance of Lot 2 and asked about the requirement for improvement of Lett Avenue.

Chairman commented about the discussion at the site preview meeting regarding the necessity of improvement of the right-of-way prior to recording or prior to development.

Ms. Jones provided draft motions to the Public Work Director for review and advisement.

Mr. Sasser advised that he is agreeable to the motion to grant approval of the subdivision conditioned upon the addition of notes to the plat to address the timing of road improvements. He stated this would satisfy Public Works concerns regarding improvements in the right-of-way, would allow Mr. Nicholson to move forward with the development and sale of Lot 2, and would address remaining improvements to Lot 3.

Chairman asked about fire department concerns.

Chief White advised approval would require installation of a fire department access road and fire hydrant. He noted that the right-of-way shown as Beverly Drive is Crandall Street.

Ms. Jones responded that the correct street name will be on the final document, in addition to the notes that you deem appropriate.

Chairman opened the floor to public participation. No one came forth. She closed public participation.

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 Victor Nicholson Estates preliminary/final subdivision, conditioned upon adding the following notes to the plat prior to recording in Probate Records: 1. The City of Daphne shall not be responsible for installing improvements associated with the division of adjacent properties along Lett Ave right-of-way; 2. The City of Daphne shall not issue an address, land disturbance permit, demolition permit or building permit for the lots within this subdivision until such time as the Public Works Department submits to Community Development Department a letter indicating that the right-of-way improvements of Lett Avenue and fire hydrant have both been satisfactorily completed; 3. The lots within this subdivision shall not be further subdivided until such time as Lett Avenue right-of-way improvements have been fully installed to meet the provisions of Article 11, Minimum Standards and Required Improvements for Subdivisions and Commercial Site Developments.**

During discussion, Mr. Prescott asked for clarification of the motions.

The City of Daphne  
Planning Commission Minutes  
Regular Meeting of August 22, 2019  
Council Chamber, City Hall - 5:00 P.M.

---

---

Chairman explained the difference in the motions.

***There was no discussion on the motion. The Motion carried unanimously.***

The next order of business is an administrative presentation of a proposed amendment to the Olde Towne Daphne District Map and rezoning request for Francis and Patricia Jones.

An introductory presentation was given by Robert Cummings, representative of Goodwyn, Mills & Cawood, of a request for a modification to the boundary of the Olde Towne Daphne District to include the parcel southeast of Main Street and Ryan Avenue. One of the benefits of being included in the district is the landscape and buffer requirements of commercial development abutting a residential subdivision. He stated that the rezoning request is for B-1(a), Limited Local Business, similar to Whitt's Frozen Custard.

Chairman asked for Commission questions or comments.

Mr. Hodgson asked about the proposed use of the property. Mr. Cummings responded that the proposed rezoning is for the purpose of the development of a European-style neighborhood market.

Jason Tickle, developer, expressed his desire to develop a small market similar to Whole Foods market. He is in collaborations with Harvest Market, which he thinks would work in conjunction with the Judge's Square development.

Ms. Jones was asked to present the uses allowed in a B-1(a) zone.

Ms. Jones read a summary of uses allowed in a B-1(a), Limited Local Business District from Ordinance 2016-39.

Chairman opened the floor to public participation for both applications presented by Francis and Patricia Jones.

Sherri Killam Albee, 812 Pinewood Court, spoke in opposition and stated that she is the resident of Pinewood Subdivision. Rezoning to accommodate a market is not necessary. She asked Commissioners to preserve the peace and tranquility of the neighborhood by allowing the property to remain R-1.

Larry Lambert, 624 Main Street, spoke in opposition and asked the Commissioners to consider the history of the area and Daphne.

Steve Olen, 437 Village Drive, spoke in opposition and stated that the zoning of surrounding properties is R-1 and he believes this is spot zoning. The development is not a part of the Judge's Square development and should not be included in the Olde Towne Daphne Overlay district.

Garred Brannon, 501 Pinewood Street, spoke in opposition and expressed his concerns regarding the rezoning and removal of trees.

The City of Daphne  
Planning Commission Minutes  
Regular Meeting of August 22, 2019  
Council Chamber, City Hall - 5:00 P.M.

---

---

Ann McLaurin, 705 Hillwood Circle, spoke in opposition and stated that according to the store website for Harvest Market, it consists of a market, café, coffee shop, expresso loft and a bar with a variety of operation hours seven days a week.

Mary Reddit, an adjacent property owner, spoke in opposition and expressed concerns about Judge's Square and the extension of commercial development into residential development neighborhood.

Andy Allegri, 904 Ryan Avenue, spoke in opposition and expressed concern about the rezoning, the hours of operation, noise and odor from dumpsters.

Jenny White, 403 Village Drive, spoke in opposition and expressed concern about additional traffic from U.S. Highway 98, and it may be spot zoning.

Michael Gagnet, 24437 Main Street, spoke in favor of the rezoning on behalf of himself, mother, and mother-in-law, spoke and expressed his concern about restrictive covenants to control the use of the property or for the property to remain R-1.

During rebuttal, Mr. Cummings responded that this parcel is not a part of Pinewood Subdivision, and traffic is designed to accommodate a mixed use business. He said that B-1(a) is what the City wants, small-scale developments on streets classified as minor collectors; proximity to MU zoning is not spot zoning.

Chairman closed public participation and called for a motion regarding the proposed district map amendment.

**A Motion** was made by Mr. Scott and **Seconded** by Mr. Sandefur **to set forth an unfavorable recommendation to City Council with regard to a proposed amendment to the Land Use and Development Ordinance, Article 14, Section 20(a) to amend the boundary of the Olde Towne Daphne District Map to include the parcel located at the southeast intersection of Ryan Avenue and Main Street.**

During discussion, Mr. Sandefur commented that the arguments presented to support rezoning were not compelling enough to overcome the reasons not to rezone the property; Mr. Hodgson stated that the property should not be residential and may be rezoned commercial at some point in the future.

**There was no further discussion on the motion. The Motion carried unanimously.**

Chairman called for a motion regarding the rezoning request.

**A Motion** was made by Mr. Scott and **Seconded** by Mr. Hodgson **to set forth an unfavorable recommendation to the City Council regarding the rezoning of the subject property from R-1, Low Density Single Family Residential to B-1(a), Limited Local Business.**

The City of Daphne  
Planning Commission Minutes  
Regular Meeting of August 22, 2019  
Council Chamber, City Hall - 5:00 P.M.

---

---

During discussion, Mr. Scott mentioned Whitt's Frozen Custard and also noted that there was an unfavorable recommendation to rezone property at the northwest corner of Ryan Avenue and Main Street in the past. He stated this property abuts a residential subdivision, the concept of a neighborhood market is a great, but this is not the appropriate location for it.

Chief White asked Mr. Lambert if Judge Roy Bean posed a hardship on the neighborhood. Mr. Lambert stated the bar was located one block to the south and posed similar concerns.

Mr. Scott advised that the Commission makes a recommendation to the City Council, and that body will hold a public hearing that gives another opportunity to speak on this issue.

***There was no further discussion on the motion. The Motion carried unanimously.***

The next order of business is a request for pre-zoning for Down by the Bay, L.L.C.

An introductory presentation was given by Tim Lawley, representative of Goodwyn, Mills & Cawood, of a request to pre-zone and annex an eight-point seven-four acre parcel northeast of County Road 64 and County Road 13 as B-2(a), General Business Alternate District for the development of a storage facility. He also discussed the modification to the turn lane on County Road 13.

Mr. Scott commended the owner for annexing into the city.

Chairman commented that the development of a storage facility in a B-2(a) requires Planning Commission approval and advised that city staff will issue a right-of-way permit for a turn lane north of the subdivision entrance in conjunction with construction of the previously approved subdivision.

Ms. Jones asked about the status of the subdivision. Mr. Lawley stated that the developer is holding the subdivision as an option in case the zoning is not approved.

Chairman opened the floor to public participation. No one came forth. She closed public participation.

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

A ***Motion*** was made by Mr. Scott and ***Seconded*** by Mr. Hodgson ***to set forth a favorable recommendation to pre-zone the subject property from County B-1, Professional Business, to B-2(a), General Business Alternate.***

An ***Amendment to the main motion*** was made by Mr. Scott and ***Seconded*** by Mr. Hodgson ***to grant approval to allow a storage facility use on the subject property, if annexed and pre-zoned to B-2(a).***

The City of Daphne  
Planning Commission Minutes  
Regular Meeting of August 22, 2019  
Council Chamber, City Hall - 5:00 P.M.

---

During discussion, Ms. Jones stated this does not preclude any requirements during site plan approval.

**The Chair called for a vote on the motion as amended. The vote carried unanimously.**

The Chair called for a vote on the annexation request.

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 eight-point seven-four acre parcel into the Daphne city limits. There was no discussion on the motion. The Motion carried unanimously.**

Mr. Hodgson was excused at 6:10 p.m.

The next order of business is an administrative presentation of the Mobile Bay NEP-Montclair Loop Stream Restoration Project was given by Ashley Campbell, Environmental Programs Manager, and Andrew James, Volkert, Inc., of the Mobile Bay NEP-Montclair Loop Stream Restoration Project.

The next order of business is planning commission discussion of a proposed amendment to Article 14, Olde Towne Daphne District, and Article 36, Village Overlay District.

Ms. Jones presented a proposed amendment to Article 14 to allow property zoned B-1, B-2 and B-3 that lies in the Olde Towne Daphne District or Village Overlay District to have a residential component upstairs/vertical.

Mr. Strunk commented on a proposal for accessory residential units on existing commercial sites in the Olde Towne Daphne District or Village Overlay District.

Mr. Dungan discussed the potential to use a tiered density in the districts as the maximum R-7 zoning requirement may not work.

Mr. Scott asked for further discussion at the next meeting.

The next order of business is public participation.

Chairman asked for public participation.

Sandy Robinson, 1500 Main Street, spoke in favor of a mixed use development with a cohesive building with a residential component upstairs, but expressed concern accessory dwelling units in the Olde Towne Daphne District and Village Overlay District.

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

Mr. Dungan stated no report.

The City of Daphne  
Planning Commission Minutes  
Regular Meeting of August 22, 2019  
Council Chamber, City Hall - 5:00 P.M.

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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. EnerGov Land Management Program is operational now; and,
- b. The upcoming meeting dates are site preview, September 18 & regular meeting, September 26, 2019.

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

*Respectfully submitted by:*

  
Jan Vallecillo, Planning Coordinator

Approved: September 26, 2019

  
Marybeth Bergin, Chairman