

The City of Daphne
Planning Commission Minutes
Regular Meeting of September 26, 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 5:05 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
Chief White

Staff Present:

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

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 August 22, 2019. There being none, minutes are approved as submitted.*

Chairman stated the next order of business is a request for Planning Commission approval and site plan review for MRM Storage. She explained that the Commission will hold a public hearing because a storage facility is not allowed by right in a B-2 zone.

An introductory presentation was given by Robert Cummings, representative of Goodwyn, Mills & Cawood, requesting consideration of a proposed commercial use in a B-2 zone and site plan review of a two-phase self-storage facility located southeast of the intersection of Pollard Road and Randall Avenue with associated drainage, parking, utilities, and landscaping.

Mr. Cummings stated that staff deficiencies have been addressed. Chairman responded that the Environmental Programs Manager and Public Works Director have provided updated memorandums.

Chairman asked about the necessity of a fence on the north and east side of the property. Ms. Jones responded a fence along the southern boundary is a requirement of the Pollard Commercial Subdivision plat.

Chairman asked for Commission questions or comments.

Mr. Kirby asked about the detention pond.

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Mr. Cummings responded that storm water detention was designed to accommodate both phases.

Chairman opened the floor to public participation.

Karl Brantley, 26214 Pollard Road, spoke in opposition and expressed concerns about adversely affecting property values, drainage, noise and a buffer.

James Brantley, 26250 Pollard Road, spoke in opposition and expressed concerns about drainage, noise, dust and a buffer.

Curt Fonger, President of the Gardens on Randall HOA, spoke in favor of the development and commented about similar drainage issues. He stated that this might be the best use of the property compared to the other uses allowed in B-2. He urged Commissioners to be consistent with architecture and aesthetics of development along Pollard Road because it encompasses residential development, it will no longer be a spot zoned rural street.

Chairman closed public participation.

During rebuttal, Mr. Cummings stated that storm water detention is designed in accordance with city standards. He stated the buffers will consist of a fifteen-foot landscaped buffer and eight-foot opaque fence on the residential sides. He also noted that this property is zoned B-2 and will be developed as a business use.

Mr. Scott asked for consideration of a monument sign; the developer was in agreement.

Chairman asked for Commission questions or comments and a motion.

A Motion was made by Mr. Scott and **Seconded** by Mr. Kirby **to grant planning approval for a storage facility as requested.**

During discussion, Mr. Scott asked Ms. Jones to present a summarization of uses allowed in a B-2 zone and stated this is the less intensive use for this property.

The Motion carried unanimously.

Chairman asked the rationale for the fence on the north and west side of the property. Mr. Cummings responded the ordinance requires an opaque fence where a general business district abuts a residential district on the south and east of the property. It is not a requirement on the north and west side so for security purposes, the owner will install a chain link fence with barbed wire.

Chairman commented that the combination of the chain link fence and barbed wire seems peculiar. Ms. Jones responded that an eight-foot wooden fence along the southern boundary is a requirement of the Pollard Commercial Subdivision plat.

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Chairman asked for consideration of an opaque fence along the road frontage; the developer was in agreement.

Chairman asked for Commission questions or comments and a motion.

A **Motion** was made by Mr. Kirby and **Seconded** by Mr. Sandefur **to approve the site plan for MRM Storage.**

During discussion, Mr. Scott asked if the motion should include the revision to the fence. There was no further discussion on the motion.

An **Amended Motion** was made by Mr. Kirby and **Seconded** by Mr. Sandefur **to approve the site plan for MRM Storage, contingent on revising the fence from chain link to wood along the road frontage. There was no discussion on the motion.**

Chairman called for a vote on the motion as amended. The Motion carried unanimously.

The next order of business is master plan review for Infirmary Health Malbis Medical Office Building.

An introductory presentation was given by Christopher Grant, representative of Thompson Engineering, requesting master plan review of Infirmary Health Malbis Medical Office Building located on the south side of U.S. County Road 90 at Renaissance Boulevard.

Chairman asked for Commission questions or comments and a motion.

A **Motion** was made by Mr. Kirby and **Seconded** by Mr. Hodgson **to approve the master plan for Infirmary Health Malbis Medical Office Building. There was no discussion on the motion. The Motion carried unanimously.**

An introductory presentation was given by Christopher Grant, representative of Thompson Engineering, requesting site plan review of three-story eighty-two thousand square foot medical office building with associated drainage, parking, utilities, and landscaping located on the south side of U. S. Highway 90 at Renaissance Boulevard.

Chairman asked for Commission questions or comments.

Mr. Scott commented about the controversy and criticism surrounding the rezoning of the property as B-2(a) and stated the medical facility is an appropriate use of the property. He stated that the residents have requested a small berm along the south property line to protect residential development on Malbis Lane. Mr. Grant responded that the site plan does meet and/or exceed the current landscape/buffer requirements, and there is a significant cost associated with that.

Chief White asked about the impact to the property to the west. Mr. Grant responded an eight-foot high opaque fence will be installed along with an additional landscape buffer, as well as, there will be no disturbance of the existing buffer. The only impact to this property will be construction of a turn lane on U.S. Highway 90.

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Chairman asked about the location of the fence in relationship to the easement. Mr. Grant responded the fence will be constructed in the interior of the easement.

Chairman stated that the Environmental Programs Manager and Public Works Director have provided updated memorandums.

Chairman opened the floor to public participation as promised at the Site Preview meeting.

Tom Granger, representative of Malbis Lane residents, stated that the residents appreciate the efforts of the developer with regard to landscaping and buffers and welcome the facility to the area, but they also wish to maintain their privacy and quality of life. Their concerns are the direction of the installation of opaque fencing and lighting and ask for the consideration of the placement of a berm along the south property line for screening.

George Kalasoutas, 9863 Malbis Lane, expressed support for the development of the medical office facility and related uses for the betterment of the community.

Willard Simmons, 9828 Malbis Lane, expressed concern about lighting and screening for the adjacent residents.

Betty Godwin, 9790 Malbis Lane, expressed concern about lighting and screening for the adjacent residents.

Mr. Scott asked about the ordinance regarding lighting. Ms. Jones responded there is a lighting ordinance and advised that she will provide the ordinance to their representative.

Chairman closed public participation.

Chairman asked for Commission questions or comments and a motion.

A Motion was made by Mr. Kirby and **Seconded** by Mr. Hodgson **to approve the site plan for Infirmary Health Malbis Medical Office Building. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is site plan review for Valentine Automotive.

Mr. Scott recused himself from discussion or action on the agenda item.

Ms. Jones advised that Mr. Valentine reduced the size and scope of the project and needs Commissioners to reaffirm approval.

Chairman stated Valentine Automotive was granted site plan approval last year and administrative site plan approval of a scaled-back modification that expired in July.

Chairman asked for Commission questions or comments and a motion.

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A **Motion** was made by Mr. Kirby and **Seconded** by Mr. Sandefur *to approve the site plan for Valentine Automotive. There was no discussion on the motion. The Motion carried. Mr. Scott abstained.*

The next order of business is final plat review for Jubilee Farms Subdivision, Phase Four.

An introductory presentation was given by Casey Hill, representative of Dewberry, requesting final review of Jubilee Farms Subdivision, Phase Four located southeast of Austin Road and Alabama Highway 181 and stated that in lieu of completion of the remainder of the improvements, the developer has posted a performance bond.

Ms. Hill stated that staff deficiencies have been addressed. Chairman responded that she has received a memorandum of acceptance from the Public Works Director and Environmental Programs Manager.

Chairman noted that the performance bond includes the final wearing surface of the roadways. Steve Harbin, representative of DR Horton, stated that the wearing surface for this phase has been completed in preparation for closing out the other phases within the next two months.

Chairman asked for Commission questions or comments.

Mr. Kirby asked about the performance bond. Ms. Jones responded that the bond presented is for the greatest amount shown on the cost estimates in the Planning Commission packet.

Chairman asked for Commission questions or comments and a motion.

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

An introductory presentation was given by Morgan Ashurt, representative of Ashurt Niemeyer Real Estate, of a request to rezone a zero-point two acre parcel located at the northwest corner of Van Avenue and Main Street as MU, Mixed Use, for the existing mixed use, commercial and residential, building.

Chairman asked about the reason for rezoning. Ms. Jones responded the owner wishes to sale the property and guarantee the continued use of the building as mixed use.

Chairman asked for Commission questions or comments.

Mr. Scott expressed interest in the date of construction and history of the site. Ms. Anderson provided an overview of residential/commercial uses of the past and present: it was constructed in 1898 and renovated in 1910.

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

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Chairman asked for Commission questions or comments and a motion.

A **Motion** was made by Mr. Kirby and **Seconded** by Mr. Hodgson **to set forth a favorable recommendation to rezone the subject property from R-2, Medium Density Single Family Residential to MU, Mixed Use. The Motion carried unanimously.**

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 the second draft of the proposed amendment to Article 14 that incorporates the changes mentioned at the site preview meeting. She stated the final draft of the proposed amendment with modifications applicable to Building and Fire Code will be presented to the Commission in October.

The next order of business is the election of officers.

Chairman opened the floor for nominations for Chairman. Mr. Scott nominated Ms. Bergin. The nominations were closed. With no other nominations, Ms. Bergin is Chairman.

Chairman opened the nominations for Vice Chairman. Mr. Hodgson nominated Mr. Prescott. The nominations were closed. With no other nominations, Mr. Prescott is Vice Chairman.

Chairman opened the nominations for Secretary. Mr. Scott nominated Mr. Hodgson. The nominations were closed. With no other nominations, Mr. Hodgson is Secretary.

The next order of business is public participation.

Chairman asked for public participation.

Diane Smith, 10572 Sassaman, expressed comments regarding the six-foot white vinyl fencing installed along the perimeter of Jubilee Farms Subdivision that will run parallel and to the north of Austin Bridges Subdivision. She hopes the area remains open for the continued view of the greenery.

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

Mr. Dungan stated no report.

The next order of business is commissioner's comments.

None presented.

The next order of business is director's comments.

None presented.

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There being no further business, the meeting was adjourned at 6:05 p.m.

Respectfully submitted by:


Jan Vallecillo, Planning Coordinator

Approved: October 24, 2019


Marybeth Bergin, Chairman