

The City of Daphne
Planning Commission Minutes
Regular Meeting of October 22, 2020
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 5:02 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

James "Bo" White
Andrew Prescott, Vice Chairman
Ron Scott
Phillip Hodgson, Secretary
Marybeth Bergin, Chairman
Ed Kirby
Kevin Spriggs

Staff Present:

Adrienne Jones, AICP, 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 September 24, 2020. There being none, minutes are approved as submitted.*

An introductory presentation was given by Dwayne Smith, representative of Anchor Engineering, requesting site plan review of the renovation of an existing building located at the southeast corner of North Main Street and Van Buren Street. He advised of a revision to the notes on the site plan and stated that the improvements required by the city and associated with the right-of-way are to be negotiated by City Council.

Chairman asked for Ms. Jones to explain the requirement of site plan review for an existing commercial site. Ms. Jones advised that a change in use, requires that the site to come into compliance with the Land Use Ordinance. Because the improvements warranted are located in the right-of-way, i.e., parking, landscaping and sidewalks, staff's recommendation is to forward this portion of the review to City Council as it is outside of the Planning Commission's jurisdiction.

Chairman asked for Commission questions or comments.

Chairman asked about the party responsible for the improvements and commented about a revised memorandum from the Deputy Public Works Director to recommend that Public Works not perform any work in the right-of-way and to require an agreement be negotiated between the owner and City Council.

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Mr. Strunk stated staff does not agree with expending city funds or the use of city employees to construct the necessary improvements in the right-of-way on a commercial site.

Mr. Scott advised that he was opposed to city-funded improvements and asked if the owner is in agreement with completion of the improvements prior to the issuance of a certificate of occupancy. Mr. Smith indicated that the owner understands and is agreeable to incurring the cost of the improvements.

For clarification, Chairman asked if an agreement is required prior to the installation of improvements on the right-of-way. Ms. Jones stated correct.

Chairman asked for Commission questions or comments and a motion.

A Motion was made by Mr. Hodgson and Seconded by Mr. Prescott to approve Daphne Package Store site plan, contingent upon Community Development's receipt of an executed agreement between the City and the business owners, i.e., Brittney, L.L.C., with regard to the construction of improvements including, but not limited to, parking, driveways, sidewalks, landscaping, etc., within the public rights-of-way of North Main Street and Van Buren Street. 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 Cherice Brannan, representative of Dewberry, of an apartment complex located south and adjacent to Lake Forest Boulevard and north of Country Club Drive. She advised that the owner presented a waiver of the sidewalk requirement, and Public Works recommended denial of that request.

Mr. Kirby recused himself from discussion and action on the agenda item.

Ms. Jones stated the current zoning of R-4 allows for a maximum of fifty-foot, three-story, multi-family development consisting of fourteen units per acre; however, the developer proposes a two-story, twenty-four unit apartment complex with associated parking, landscaping and sidewalks. She stated, as mentioned, there is a request for a waiver to the sidewalk requirement, and staff's recommendation is in lieu of a sidewalk along the frontage that sidewalks are required to be installed in the median. Article 11-11, provides that sidewalks are required and talks about the connection between existing and planned sidewalk. A super majority vote of the Planning Commission, six members, and a favorable recommendation from the Public Works Director is required to grant a waiver of the sidewalk requirement.

Chairman asked for Commission questions or comments.

Mr. Scott advised that he was opposed to a waiver of the sidewalk requirement and city-funded installation of a sidewalk along a right-of-way. Mr. Spriggs concurred.

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Chairman asked for Commission questions or comments and a motion.

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Spriggs *to deny the request for a sidewalk exemption. There was no discussion on the motion. The Motion carried unanimously.*

A **Motion** was made by Mr. Scott and **Seconded** by Mr. Hodgson *to approve Oakside Village site plan with the following condition: the certificate of occupancy for the development will be withheld until sidewalks have been addressed as per an executed agreement between the City and the developer. There was no discussion on the motion. The Motion carried. Mr. Kirby abstained.*

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

An introductory presentation was given by Daryl Russell, representative of the owners, requesting preliminary/final plat review of a three-lot subdivision consisting of four-point four-two acres located southeast of Sixth Street and College Avenue.

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.

Ms. Jones advised of the receipt of a letter in support of the subdivision provided by Cathy Barnette, adjacent property owner.

A **Motion** was made by Mr. Prescott and **Seconded** by Mr. Hodgson *to approve Russell Estate preliminary/final subdivision plat. 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, and Glenn Miller, Vice President, of Loma Alta Towers POA, as well as, Hal Callaway and Peggy Miller, board members and residents, spoke in opposition of the approval of Oakside Village Apartments and expressed concerns about the adverse effect on the Crepe Myrtles in the median and traffic on Lake Forest Boulevard; as well as, expressed the need for a sidewalk for those residents whom exercise in Lake Forest 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 and Director expressed their appreciation for Councilman Scott and Ed Kirby's service to the Planning Commission; welcomed Kevin Spriggs, and announced the appointment of Steve Olen, Councilman District 2, to the Planning Commission in November.

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The next order of business is director's comments.

Director advised of the upcoming meeting dates. Site Preview is Thursday, November 12, and the Regular Meeting is November 19, 2020.

There being no further business, the meeting was adjourned at 5:42 p.m.

Respectfully submitted by:


Jan Vallecillo, Planning Coordinator

Approved: November 19, 2020


Marybeth Bergin, Chairman