

The City of Daphne  
Planning Commission Minutes  
Regular Meeting of October 24, 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 5:02 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

Bo Tucker  
Ed Kirby  
Marybeth Bergin, Chairman  
Phillip Hodgson, Secretary (excused @ 5:55 p.m.)  
Ron Scott  
Andrew Prescott, Vice Chairman  
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 September 26, 2019. There being none, minutes are approved as submitted.**

Chairman stated the next order of business is a request for Planning Commission approval of a psychic services business at 29159 U.S. Highway 98. She explained that the Commission will hold a public hearing because the ordinance does not specifically address this use in the Land Use and Development Ordinance.

An introductory presentation was given by Jennifer Marks, representative, requesting consideration of a proposed psychic services business in a B-2 zone at 29159 U.S. Highway 98, north of the intersection of Shriner Avenue and U.S. Highway 98. She presented an overview of the psychic services provided.

Chairman stated the agenda item is before us for consideration because there isn't a specific designation in the ordinance that states where the use is allowed and asked for Commission questions or comments.

Mr. Dungan advised that the Table of Permitted Uses does not have a specific category for these types of services; however, there is a provision in the ordinance where you utilize the NAICS code to find similar personal service uses that would require Planning Commission approval to operate in a general business zone.

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Mr. Dungan stated that other municipalities do allow this type of business by right in a general business zone.

Chairman opened the floor to public participation and no one came forward; additional discussion followed.

Mr. Kirby expressed concern about this type of business at this location. He stated the second sentence of Article 35, Table of Permitted Uses, states, "Uses not provided for herein are prohibited."

Mr. Kirby stated this use is allowed by right in a C/I, Commercial/Industrial zone. Mr. Dungan concurred.

Chairman asked if Commissioners approve the request would it be specific to this site. Mr. Dungan responded this is specific to an application for a business license at this location and does not set a precedent.

Mr. Scott asked about the operation of this type of business at a different location. Ms. Marks responded that this has been an established family business in Foley for approximately thirteen years.

Chairman commented correspondence from the City of Foley stated that the business was annexed into the city limits and grandfathered as an appropriate use and no negative comments were provided.

Mr. Scott referred to the fireworks stand located on Alabama Highway 181 being annexed and grandfathered.

Chairman opened the floor to public participation.

David Pope, 1105 Whispering Pines, spoke in opposition and asked about the fees and if they are taxable.

Chairman responded that isn't our purview, Ms. Marks has a business license application that will be registered with the city; she will be responsible for the applicable taxes.

Jewel Sparks, 8223 Pecan Court, spoke in opposition and expressed concern about minors and children viewing this type of business as entertainment; she asked about identification and age requirements for minors and fees.

Chairman stated that the applicant has noted that most of her clients are seen by appointment and not open hours. Ms. Marks concurred.

During rebuttal, Ms. Marks stated that her clientele is mainly middle age and older.

Chairman closed public participation.

Chairman asked about the consideration of an age limitation.

Mr. Dungan stated Commissioners must determine if B-2 is an appropriate zoning district for this type of use.

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Mr. Kirby reiterated his concern about this type of business on U.S. Highway 98 rather than in a commercial district and expressed concern about the minimum age requirement.

Chairman asked for Commission questions or comments and a motion.

**A Motion** was made by Mr. Kirby and **Seconded** by Mr. Scott **to deny planning approval for a psychic studio. There was no discussion on the motion.**

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

Mr. Tucker	Nay
Mr. Kirby	Aye
Ms. Bergin	Nay
Mr. Hodgson	Nay
Mr. Scott	Aye
Chief White	Nay

**A Motion** was made by Mr. Hodgson and **Seconded** by Mr. Tucker **to grant Planning Commission approval for a psychic studio.**

During discussion, Mr. Scott asked for the motion to include twelve months as a trial period.

Chairman asked for Commission questions or comments.

**An Amendment to main motion** was made by Mr. Scott and **Seconded** by Mr. Kirby **to grant Planning Commission approval for a psychic studio for twelve months as a trial period. There was no further discussion on the motion.**

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

During discussion, Mr. Dungan stated that the business license would expire December 31, 2020. Mr. Scott asked to amend the motion to include "through December 31, 2020 as a trial period".

**An Amendment to the main motion** was made by Mr. Scott and **Seconded** by Mr. Kirby **to grant Planning Commission approval for a psychic studio through December 21, 2020 as a trial period. There was no further discussion on the motion.**

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

Chairman stated that Planning Commission approval has been granted through December 31, 2020 prior to expiration of the business license. To operate at this location you are required to seek Planning Commission approval again.

The next order of business is site plan review for J H Wright Warehouse.

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An introductory presentation was given by Phillip Owens, representative of Coastal Architects, requesting site plan review of a warehouse with associated drainage, landscaping, and irrigation located northwest of the intersection of Whispering Pines and Pollard Road.

Chairman asked for Commission questions or comments and about staff deficiencies.

Ms. Jones responded that Public Works and Environmental Programs issues have been addressed.

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

**A Motion** was made by Mr. Scott and **Seconded** by Mr. Kirby **to approve J H Wright Warehouse site plan. There was no discussion on the motion. The Motion carried unanimously.**

Chairman explained that the agenda items, Alberstadt Place, Planning Approval and Manufactured Home Site, and Frances & Patricia Jones, Zoning Amendment, were withdrawn by the applicants prior to the regular meeting.

The next order of business is master plan review for Eastwood Hills Subdivision.

An introductory presentation was given by Ercil Godwin, representative of Sawgrass Consulting, to request master plan review of a four-phased development and preliminary plat review of Eastwood Hills, Phase One, a thirty-nine lot residential subdivision consisting of approximately twenty-six point eight-five acres located east of Plantation Hills along Highway 90 south of Yance Lane.

Mr. Godwin presented an overview of the master plan including an addition of walking trails, lake feature, dog park, and playground. He also stated that ALDOT requires the construction of an acceleration and deceleration lane and a secondary access.

Mr. Scott asked about the school district. Mr. Goodwin advised the subdivision are served by Loxley water, fire, and school district.

Chief White responded the Fire Marshal requested a performance bond because the fire code requires a secondary access for a subdivision of more than thirty lots; however, Baldwin County advised that they could not accept a bond for private streets.

Chairman asked for Commission questions or comments and about staff deficiencies. Ms. Jones responded that Environmental Program Manager's issues have been addressed.

Chairman had Ms. Jones address the revisions to the master plan. Ms. Jones stated that the walking trail connects to the common areas and asked about amenities. Mr. Godwin stated that the dog park and playground will be constructed in phase one.

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Chairman opened the floor to public participation.

Dale Karwowski, 12073 U. S. Highway 90, spoke in opposition and expressed concerns about additional traffic on U.S. Highway 90; effect on storm water drainage; square footage of the homes; possible negative impact on property values; speed limit decrease on U. S. Highway 90; traffic impact; dirt & debris from construction; public safety issues, and risk assessment of crime. He asked how to provide his comments to the Commissioners.

Chairman advised him to provide the comments to Community Development and Baldwin County.

Mr. Scott clarified that the subdivision is in Baldwin County, but the legislature designated an extraterritorial planning jurisdiction to ensure they use the design standards that the city requires.

David Nedoff, 12111 U.S. Highway 90, spoke in opposition and expressed concerns about the location of the primary access.

Chairman closed public participation and asked for a motion.

**A Motion** was made by Mr. Scott and **Seconded** by Mr. Kirby **to approve the Eastwood Hills Subdivision master plan review as presented. There was no discussion on the motion. The Motion carried unanimously.**

**A Motion** was made by Mr. Kirby and **Seconded** by Mr. Prescott **to approve Eastwood Hills Subdivision, Phase One preliminary plat with a sidewalk exemption along U.S. Highway 90. There was no discussion on the motion. The Motion carried unanimously.**

Mr. Hodgson was excused at 5:55 p.m.

The next order of business is a rezoning request for Rachel Burmeister and James Stocks.

An introductory presentation was given by Steve Pumphrey, representative of Dewberry, to request rezoning of a zero-point three-acre parcel located southwest of Belrose Avenue and Main Street as MU, Mixed; he stated that the property while pending approval of rezoning required re-districting into the Olde Towne Daphne District, submission of a re-plat of the lots, and incorporation into the site to the east for participation in providing parking options for commercial business at Main Street; the site will also include a decorative masonry wall/fence on the west property line.

Chairman asked for Commission questions or comments.

Mr. Kirby asked about the boundary of the Olde Towne Daphne District.

Mr. Pumphrey responded this property serves as the western boundary of the district.

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Chairman asked for public participation.

None presented.

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

Mr. Dungan stated no report.

The next order of business is commissioner's comments.

Mr. Scott asked for consideration of proposing an amendment to the Land Use Ordinance to regulate short-term rentals and/or Airbnb regulations; he also requested citizen participation in the SYNC program sponsored by Daphne Police Department.

Mr. Prescott commented on his attendance at a downtown redevelopment conference, Secrets to Good Design, the quarterly training for Main Street Alabama in Wetumpka.

The next order of business is director's comments.

Ms. Jones presented the upcoming meeting dates. Site Preview is November 13, and the Regular Meeting is November 21, 2019.

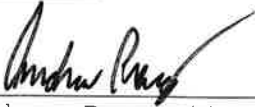
*There being no further business, the meeting was adjourned at 6:29 p.m.*

*Respectfully submitted by:*



Jan Vallecillo, Planning Coordinator

Approved: November 21, 2019



Andrew Prescott, Vice Chairman