

**The City of Daphne
Planning Commission Minutes
Regular Meeting of May 26, 2022
Council Chamber, City Hall - 5:00 P.M.**

Call to Order:

Chairwoman 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:

Adam Manning
John Peterson
Phillip Hodgson, Secretary
Marybeth Bergin, Chairwoman
Ronnie Huskey
Steve Olen
Kevin Spriggs

Staff Present:

Adrienne Jones, AICP, Director of Community Development
Jan Vallecillo, Planning Coordinator
Patrick Dungan, Attorney
Troy Strunk, Executive Director, City Development
Josh Newman, City Engineer
Tim White, Environmental Programs Manager

The first order of business is the approval of the minutes.

Chairwoman asked for questions, comments or corrections to the minutes ***of the regular meeting of April 28, 2022. There being none, minutes are approved as submitted.***

The next order of business is site plan review for the Building Addition to Extra Space Storage.

An introductory presentation was given by Scott Armstrong, Storage Advantage, L.L.C., requesting site plan review of a two-story addition to an existing storage facility with associated parking, drainage, and landscaping located southeast of Walmart Drive and U.S. Highway 98.

Chairwoman asked for Commission questions or comments and advised of staff deficiencies. Staff advised their comments about sidewalks, parking, and the fifty-foot wetland buffer have been addressed.

Mr. Spriggs commented on the height of the retaining wall. Mr. Armstrong advised the retaining walls were removed.

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

A **Motion** was made by Mr. Hodgson and **Seconded** by Mr. Spriggs ***to approve the Building Addition to Extra Space Storage site plan. There was no discussion on the motion. The Motion carried unanimously.***

**The City of Daphne
Planning Commission Minutes
Regular Meeting of May 26, 2022
Council Chamber, City Hall - 5:00 P.M.**

The next order of business is preliminary plat review for Hope Vineyard, Phase One.

An introductory presentation was given by Cathy Barnette, Dewberry, requesting preliminary plat review of a one hundred thirty-six-lot subdivision consisting of fifty-five point four-five acres located east of County Road 13.

Chairwoman asked for Commission questions or comments and advised of staff deficiencies.

Ms. Barnette advised that an updated Traffic Impact Study was provided and plan revisions at the second entrance on County Road 13 include: a right turn lane, right in/right out only, and a curbed, landscaped island. Staff advised their comments have been addressed.

Chairwoman asked for Commission questions or comments. She 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. Spriggs and Seconded by Mr. Hodgson to approve Hope Vineyard, Phase One preliminary subdivision plat. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is a pre-zoning, rezoning and annexation request for KJC Investments, L.L.C.

An introductory presentation was given by William Graham, Jade Consulting, of a request to pre-zone/annex a fifty-two acre parcel located in Baldwin County consisting of residential and commercial zoning, as well as, to rezone a three-point nine-four acre parcel located southeast of the intersection of County Road 64 and Friendship Road to B-2, General Business.

Chairwoman asked for Commission questions or comments.

Mr. Spriggs commented about the grady pond and stormwater from this site. Mr. Graham responded that the grady pond and the fifteen-foot strip along County Road 64 are currently in the city. He stated that stormwater flows west to Friendship Road.

Chairwoman commented drainage will be discussed during the presentation of a site plan. Ms. Jones noted that although Mr. Graham mentioned the strip along County Road 64, we have only advertised the rezoning of the grady pond. Mr. Graham responded that parcel is currently zoned B-1.

Ms. Jones stated that the application is in order and ready for a recommendation from the Commission.

Mr. Spriggs asked about the city's plan to address traffic on County Road 64. Mr. Strunk advised this application is a zoning amendment and that traffic will be addressed at the time of the presentation of a site plan and traffic impact study.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of May 26, 2022
Council Chamber, City Hall - 5:00 P.M.**

Chairwoman opened the floor to public participation for the pre-zoning and rezoning requests.

Ms. Jones advised of correspondence received from Mr. & Mrs. Eagleson regarding the requests.

Donna Eagleson, 25604 Friendship Road, spoke in favor of the rezoning and expressed her concerns: a possible connection to the private driveway to the south for construction vehicles to access to Friendship Road. She asked for consideration of a fifty-foot buffer zone between the residential and commercial zone, as well as, the installation of a privacy fence and landscaping along the perimeter of the proposed development.

Chairwoman closed public participation.

During rebuttal, Mr. Graham advised that a site plan and traffic analysis would be presented to address traffic concerns on County Road 64 and Friendship Road.

In response to Mrs. Eagleson's comment regarding a connection to the private driveway, the Chairwoman stated the applicant presented a conceptual site plan with access to County Road 64 and Friendship Road and cannot access the ingress and egress to the south unless it is a public right-of-way or by the express permission of the adjacent property owner.

Chairwoman then called for a motion.

A Motion was made by Mr. Peterson and Seconded by Mr. Huskey to set forth a favorable recommendation to City Council to pre-zone the subject property to B-2, General Business. There was no discussion on the motion. The Motion carried unanimously.

A Motion was made by Mr. Peterson and Seconded by Mr. Olen to set forth a favorable recommendation to City Council to annex the subject property into the Daphne city limits. There was no discussion on the motion. The Motion carried unanimously.

A Motion was made by Mr. Peterson and Seconded by Mr. Manning to set forth a favorable recommendation to City Council to rezone the subject property to B-2, General Business. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is master plan and site plan review for Small's Smokehouse.

An introductory presentation was given by Scott Hutchinson, Goodwyn, Mills & Cawood, requesting master plan and site plan review of the addition of a sixty-six square foot restroom and storage area adjacent to the existing structure located southeast of Santa Rosa Avenue and Main Street. He stated that the plan revisions presented to the City Engineer included the removal of the gravel access to Santa Rosa Avenue; and, the addition of landscaping, handicapped parking and a sidewalk along Main Street.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of May 26, 2022
Council Chamber, City Hall - 5:00 P.M.**

Ms. Jones advised that she had not received the plan revisions.

Chairwoman advised this is master plan review because of the addition to the existing structure with a permanent building being constructed in the future with additional parking improvements. Mr. Hutchinson stated that is correct.

Chairwoman stated this is the site plan and the master plan remains unchanged. Ms. Jones asked is the master plan irrelevant now. Mr. Hutchinson stated no. In response to that, the applicant withdrew the master plan.

Mr. Strunk advised the plan revisions were provided because Mr. Small indicated that he would rather come into compliance with the Land Use Ordinance rather than receiving approval with a contingency placed on the business license.

Mr. Olen stated the question posed at the Site Preview meeting was whether the trailer being on the property on a permanent basis is in compliance with the ordinance. Mr. Dungan clarified that the question was can the Commission approve a structure on a temporary basis and delay the installation of the improvements.

Mr. Spriggs responded a trailer is a temporary use and cannot be a permanent structure. Ms. Jones concurred, but the trailer has been there since 2013.

Chairwoman advised that the Commission will move forward with the meeting until the City Attorney is prepared to render his interpretation of temporary use or temporary vendor.

The next order of business is preliminary/final plat review for the Resubdivision of Lot 9, Randall Subdivision.

An introductory presentation was given by Randall Tillman, David Lowery Surveying, requesting preliminary/final plat review of a two-lot subdivision consisting of five-point one-eight acres located northeast of County Road 64 and Essex Street.

Chairwoman asked for Commission questions or comments. She 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. Hodgson and Seconded by Mr. Huskey to approve the Resubdivision of Lot 9, Randall Subdivision preliminary/final subdivision plat. There was no discussion on the motion. The Motion carried unanimously.

The next order of business is preliminary plat review for Hope Vineyard, Phase Two.

An introductory presentation was given by Cathy Barnette, Dewberry, requesting preliminary plat review of a seventy-three lot subdivision consisting of forty-four point one-one acres located east of County Road 13.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of May 26, 2022
Council Chamber, City Hall - 5:00 P.M.**

Chairwoman asked for Commission questions or comments and advised of staff deficiencies.

Ms. Barnette advised that this phase had the same issues as Phase One and have been resolved. Staff advised that their comments have been addressed.

Chairwoman asked for Commission questions or comments. She 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. Hodgson and **Seconded** by Mr. Spriggs **to approve Hope Vineyard, Phase Two preliminary subdivision plat. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is a rezoning request for Olde Town Properties, L.L.C.

An introductory presentation was given by Ryan Robinson, Konbit Haiti, of a request to rezone a zero point one-nine acre parcel located southeast of Van Avenue and Main Street to B-1(a), Limited Local Business, for the purpose of transitioning part of the office space to a retail business/coffee shop.

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

Cathy Barnette, 612 Van Avenue, spoke in favor of the rezoning.

Chairman closed public participation and asked for a motion.

A Motion was made by Mr. Hodgson and **Seconded** by Mr. Olen **to set forth a favorable recommendation to City Council to rezone the subject property from B-3, Professional Business, to B-1(a), Limited Local Business. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is a petition for vacation of easement for Interstate-Baldwin Investments, L.L.C.

An introductory presentation was given by Cathy Barnette, Dewberry, requesting a vacation of the easements along the common property line in order to re-plot the lots for construction of a residential home.

Chairwoman asked for Commission questions or comments and 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. Spriggs and **Seconded** by Mr. Manning **to set forth a favorable recommendation to City Council to vacate the utility easement between Lots 20 and 21, TimberCreek Subdivision, Phase Eleven. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is a petition for vacation of easement for Interstate-Baldwin Investments, L.L.C.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of May 26, 2022
Council Chamber, City Hall - 5:00 P.M.**

An introductory presentation was given by Cathy Barnette, Dewberry, requesting a vacation of the easements along the common property line in order to re-plat the lots for construction of a residential home.

Chairwoman asked for Commission questions or comments and 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. Spriggs and **Seconded** by Mr. Manning **to set forth a favorable recommendation to City Council to vacate the utility easement between Lots 22 and 23, TimberCreek Subdivision, Phase Eleven. There was no discussion on the motion. The Motion carried unanimously.**

The Chairman called for further discussion regarding Small's Smokehouse.

Mr. Dungan advised that based on the Mobile Food Truck Ordinance adopted by the City Council, if an operator has written permission from the property owner and follows all of the criteria set forth in the ordinance, there is no timeframe set for removal of the food truck.

Chairwoman asked does our determination affect the decision of the health department.

Mr. Dungan read the following from the Mobile Food Truck Ordinance: "mobile food vehicle shall mean a food establishment that is motorized or non-motorized and located upon a vehicle, pulled by a vehicle, or which may be pushed or pulled by an individual, where food or beverage is cooked, prepared and/or served for individual portion service, such as a mobile food kitchen. This includes a truck, cart, wagon, and the like. This Ordinance shall not apply to ice cream trucks that move from place to place and are stationary in the same location for no more than fifteen minutes at a time".

Mr. Dungan stated the city is not obligated to enforce health department requirements.

Mr. Spriggs stated this is a site plan for a restroom.

Chairwoman asked should the applicant formally withdraw the master plan. Ms. Jones responded yes. Mr. Hutchinson requested withdrawal.

Mr. Hutchinson asked does the construction of a restroom and storage area require site plan approval.

Chairwoman asked when a site is not in compliance what level of improvement is required for compliance with the ordinance.

Mr. Dungan read from the Land Use and Development Ordinance the following requirement for a site plan: "The provisions of this Article shall be required for all residential developments involving the construction of two (2) or more dwelling units, apartments, town homes, condominiums; business, commercial, and industrial structures; all existing structures which increases the gross floor area by thirty (30) percent or more, construction of a park, public way, open space, public building or structure, or public utility, whether publicly or privately owned, and other uses as required by the Planning Commission".

**The City of Daphne
Planning Commission Minutes
Regular Meeting of May 26, 2022
Council Chamber, City Hall - 5:00 P.M.**

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

A Motion was made by Mr. Hodgson and **Seconded** by Mr. Spriggs **to approve Small's Smokehouse site plan submitted via email on May 26, 2022. There was no discussion on the motion. The Motion carried. Mr. Olen dissented.**

The next order of business is the Official Zoning Map and Official Street Map Update.

Ms. Jones presented an overview of the modifications to the Official Zoning Map and Official Street Map and advised that this is the codification of amendments from December 1, 2021 through May 31, 2022.

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

A Motion was made by Ms. Bergin and **Seconded** by Mr. Olen **to set forth a favorable recommendation to City Council to approve the Official Zoning Map and Official Street Map. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is public participation.

Chairwoman 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. Spriggs commented about the need to install a portion of a sidewalk along County Road 13 right-of-way in French Settlement Subdivision, Phase 4A.

The next order of business is director's comments.

Director presented the upcoming meeting dates. Site Preview is June 15, and the Regular Meeting is June 23, 2022.

There being no further business, the meeting was adjourned at 6:16 p.m.

Respectfully submitted by:



Jan Vallecillo, Planning Coordinator

Approved: May 26, 2022



Marybeth Bergin, Chairwoman