

The City of Daphne
Planning Commission Minutes
Regular Meeting of August 27, 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 5:07 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

William "BJ" Eringman, Public Works Deputy Director
*Ed Kirby (excused @ 6:38 p.m.)
James "Bo" White
Phillip Hodgson, Secretary
Marybeth Bergin, Chairman
Ron Scott
Andrew Prescott, Vice Chairman

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 June 25, 2020.*

During discussion, Chairman advised of a minor correction to the minutes to reflect coordination with the Public Works Committee rather than the Public Works Director.

After discussion, minutes are approved as amended.

The next order of business is site plan review for Daphne City Hall Parking Lot Addition.

An introductory presentation was given by Amanda Thompson, representative of Goodwyn, Mills & Cawood, of a parking lot addition located southwest of Belrose Avenue and Main Street; it is connected to the existing city hall parking by a sidewalk. She noted that the driving portion of the parking lot is asphalt; the parking stalls are pervious pavers.

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

Mr. Scott commented that this adds thirty-three parking spaces that city hall and the downtown area desperately need.

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Chairman stated Public Works Director advised at the site preview meeting that the city owns the parking lot; however, shared parking agreements may be negotiated with adjacent property owners in the future.

Chairman asked for Commission questions or comments and a motion.

A Motion was made by Mr. Prescott and **Seconded** by Mr. Scott **to approve the Daphne City Hall Parking Lot Addition site plan. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is preliminary/final plat review for Lazzari Acres Subdivision.

An introductory presentation was given by Hunter Smith, representative of Smith, Clark & Associates, requesting preliminary/final plat review of a two-lot subdivision consisting of seventy-five point three acres located northwest of County Road 64 and Pursley Road to create a fourteen acre outparcel.

Chairman asked for Commission questions or comments.

Chairman stated the application initially qualified as a family exemption for administrative review. She asked for clarification. Ms. Jones responded that the Lazzari's submitted a subdivision exemption application to Baldwin County to request a family division. Prior to city's approval, the property was conveyed which disqualifies it from the exempt subdivision process; therefore, a preliminary/final subdivision is the only process to cure what is considered an illegal subdivision of land.

Chairman 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. Prescott **to approve Lazzari Acres preliminary/final subdivision plat. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is preliminary/final plat review for Van Avenue Gardens and a rezoning request for ODRG 2019, L.L.C.

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

An introductory presentation was given by David Diehl, representative of S.E. Civil, requesting preliminary/final plat review of a three-lot subdivision consisting of one-point one five acres and a zoning request from B-3 to an R-6(G) located southwest of Van Avenue and Main Street to develop three residential lots. He advised he has provided a revision to the availability letter for Riviera Utilities, and the revised the subdivision plat to reflect a ten-foot side setback and tree protection buffer on the west property line and a fifteen-foot tree protection buffer on the south property line. He noted that the developer requests that all other setbacks correspond with the requested zoning district.

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Renderings of the house styles were distributed to the Planning Commission for review.

Chairman asked for Commission questions or comments and if a commercial zoned property can be subdivided for residential use. Ms. Jones advised that the zoning of a subdivision must be consistent with the proposed use.

Ms. Jones clarified that the applicant is not interested in subdividing this property for commercial use, and that the applicant requested the plat accompany the rezoning application; however, he understands that this does not entitle it to approval tonight; it may be tabled or have a contingency set upon zoning.

Chairman read the note added to the plat "plat approval is contingent upon a favorable outcome for the R-6(G) rezoning request" and asked can the applicant remove the note without further Planning Commission approval. Ms. Jones responded that the table and note presented are informational purposes only and for a comparison of the current and proposed zoning of the subdivision. Upon certification of the final plat by the Planning Commission, the only notes that will remain are the setbacks and no further resubdivision will be permitted on this property.

Chairman asked for Commission questions or comments.

Mr. Hodgson asked should the Commissioners discuss rezoning prior to the subdivision and if the developer is agreeable to the three residential lot restriction. Mr. Diehl said the applicant is agreeable to the restriction.

Chairman stated as a matter of order, a motion could be presented for rezoning first.

Chairman opened the floor to public participation.

Pat Rudicell, 605 Dryer Avenue, spoke in opposition and provided an overview of the history of the trailer park and the request to rezone the property to commercial. He asked about the consideration of ten-foot setback and conformity of the zoning consistent with the residential neighborhood.

Anderson Reed, representative of 68 Ventures, commented about the rezoning to commercial and right to develop it as mixed use, residential/commercial, and that this is a downgrade on zoning. He added that the setbacks are narrow, but offset by the backyard area.

Jack McAleer, 1401 Main Street, stated that he is curious about the dimensions of the property and quality of the homes.

Chairman responded the lot frontage varies, but cannot speak to the quality of the homes.

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Chairman asked for Commission questions or comments and closed public participation.

Mr. Kirby referenced the rendering presented and asked the width of the homes. Chairman responded fifty-foot wide.

Mr. Diehl stated the width of the house will fit on the lot with a six-foot, not ten-foot setbacks. In regards to the zoning, property to the east is commercial and this would be a good transition to residential.

Chairman asked for a motion.

A Motion was made by Mr. Hodgson and Seconded by Mr. Kirby to approve Van Avenue Gardens preliminary/final subdivision plat, contingent upon City Council's favorable determination regarding the rezoning petition for R-6(G). There was no discussion on the motion. The Motion carried. Mr. Scott abstained.

Chairman asked for Commission questions or comments and a motion.

A Motion was made by Mr. Hodgson and Seconded by Mr. Prescott to set forth a favorable recommendation to rezone the subject property from B-3 to R-6(G) with the following conditions: development of the subject property shall be limited to no more than three (3) residential lots upon review and approval through the city's subdivision process and thereafter shall not be further subdivided; and, rezoning shall not be subject to the reversionary clause. There was no discussion on the motion. The Motion carried. Mr. Scott abstained.

The next order of business is rezoning request for John & Deborah Kim.

An introductory presentation was given by John Kim, owner, of a rezoning request from R-2 to B-3 located southwest of County Road 64 and Pollard Road. He stated initially, the rezoning request presented in 2015 when the property was purchased was denied because a tenant was not secured. A building permit was issued in April and meetings were held with Councilman Scott, Councilwoman Conaway and Community Development. The residence was remodeled with the intent and vision to renovate this property for a professional business. The reason for the rezoning request is the analysis of this property in accordance with development trends dictates that property on County Road 64 is best suited for professional or medical; especially, since this property sits at an intersection of which three corners were zoned general business by the City or Baldwin County. The proposed tenant, Flourish Counseling, operates a community-based service of life coaching for woman and at-risk teen girls of which services conducted are in a private and discreet setting; therefore, parking, noise and traffic are similar to typical residential occupancy.

Mr. Eringman asked if a site plan or in specific a parking geometry plan submission for staff review. Ms. Jones stated no, it is a gravel parking lot. Mr. Kim responded a site plan was presented to the Building Department.

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Ms. Jones stated the site plan that Mr. Kim is referring to is in your packet.

Mr. Kim stated we understand that upon rezoning, a site plan is required in order to use this property as professional business.

Mr. Scott stated asked prior to obtaining a business license to operate as a professional business if they must meet all the requirements. Ms. Jones stated yes.

Mr. Prescott asked about the installation of sidewalks on Pollard Road. Ms. Jones responded that at the site preview meeting, Public Works indicated that it is a part of the sidewalk master plan so sidewalks will be required along Pollard Road.

Mr. Prescott asked installed by the landowner? Ms. Jones responded prior to the issuance of a business license; that will be a part of administrative site plan review by staff.

Ms. Jones clarified that Mr. Kim mentioned that he meet with us during the renovations to discuss the potential options for that property, but he did not mention "timing". In their meeting she had advised that the only use by right of the property is residential or AIRBNB, not commercial. They met after renovations were completed. He later requested consideration of a special exception as a medical office; however, the proposed use was general office in nature, not medical.

Natalie Wynn, representative of Flourish Counseling, operates a community-based service of life coaching for women and at-risk teen girls of which services conducted are in a private and discreet setting with limited traffic.

Mr. White asked if her services include suicide prevention. Ms. Wynn advised that she is not a counselor, but rather a life coach that counsels teens below poverty level that are at-risk for career training and job placement.

Seller Payne, realtor and appraiser, stated based on the location, traffic count and the zoning of the properties on County Road 64, the highest and less intensive use of the property is professional business. He stated that Chief Appraiser of Baldwin County advised the property taxes of the adjacent property owners would not increase due to the zoning change of the subject property.

Ms. Jones asked if he wished to submit that document to be a part of the record. Mr. Payne stated yes.

Chairman asked about the encroachment of the residence into the right-of-way. Ms. Jones responded the structure is grandfathered.

Chairman asked for Commission questions or comments.

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Mr. Scott commented on the previous zoning request to B-2 denied due to speculative zoning. He stated that professional business is the appropriate and less intensive zoning for this property to transition to residential.

Chairman opened the floor to public participation.

Ethel Washington, representative of Clarence Hubert, 1707 Pollard Road, spoke in opposition of the rezoning and expressed concerns about preservation of the historical residential area, adverse effect on property taxes, and traffic.

Paul Houlson, adjacent property owner, spoke in opposition of the rezoning and expressed concerns about preservation of the residential area, but he stated that he has no objection to what Mr. Kim is doing.

Willie Williams, 1513 Pollard Road, spoke in opposition of the rezoning and expressed concerns about the residential growth and commercial traffic on Pollard Road from Friendship Road.

Kay Frances Williams, 1501 Conaway Street, spoke in opposition of the rezoning and expressed concerns about preservation of the residential area and traffic.

Andrea Conaway, 1314 Daphne Avenue, spoke in opposition of the rezoning and expressed concern about traffic & commercial encroachment.

George Pickett, 1002 Pickett Avenue, spoke in favor of the rezoning and stated that his property on Pickett Avenue is already commercial and noted that many here in opposition are not adjacent property owners.

Diron Curtis, 28595 Bay Branch Drive, spoke in opposition of the rezoning and expressed concern about the type of counseling and clients that will be at this location upon approval of the rezoning.

Cassandra Boykin, 821 Daphmont Drive, expressed concern about the existing commercial traffic on Pollard Road from Friendship Road.

Francis Conaway, 1606 Conaway Street, spoke in opposition of the rezoning and expressed concerns about preservation of a residential area, traffic, and lighting impacts of a commercial development.

Chairman closed public participation and asked the applicant to address the Commission.

Mr. Kim, spoke in rebuttal, to address traffic, property taxes and elaborated on the proposed use of the property.

Chairman asked about conditions of the rezoning to B-3. Ms. Jones advised that Mr. Kim would have to be agreeable to the conditions so that it would be a part of the ordinance.

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Ms. Jones clarified that the Planning Commission set forth a favorable recommendation in 2013; there was no action by the City Council so it failed.

Chairman asked for Commission questions or comments and a motion.

Mr. Hodgson clarified that we are the Planning Commission, not the City Council, who will make the final decision. He commented that professional business is the appropriate and least intensive zoning for this property.

A Motion was made by Mr. Hodgson and Seconded by Mr. Kirby to set forth a favorable recommendation to rezone the subject property. There was no discussion on the motion. Due to the lack of a supermajority vote, the Planning Commission failed to set forth a favorable recommendation to City Council to rezone the subject property from R-2 to B-3, Professional Business. Five voted in the affirmative and two dissented (Mr. White and Mr. Scott).

Mr. Kirby was excused at 6:38 p.m.

The next order of business is public participation.

Chairman asked for public participation.

Willie Young, Pollard Road, asked if the city plans to develop this area (i.e. Pollard Road south of County Road 64) commercial.

Chairman respond no.

Willie Williams, 1513 Pollard Road, spoke in opposition of the rezoning and expressed concerns about preservation of the residential community and spot zoning.

Kesha Young, Pollard Road, spoke in opposition of the rezoning and expressed concern about traffic.

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.

Site Preview is September 14, and the Regular Meeting is September 23, 2020. She commented that she is now a Certified Planner and thanked Troy for his support.

Ms. Jones stated the city will be working on a Comprehensive Plan within the next year and hope that you in the audience are in those discussions. We appreciate you being here.

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Ms. Jones stated you are always welcome to attend and to stay informed about what is going on in your community because you are vital to and are the City of Daphne. Kay Frances Williams said black lives matter and black people's property matter. Yes, they do, but all of God's children lives matter. It is my hope that we do not create a division in the City of Daphne that would mirror what is going on in the world. Stay close and stay as one in the community because that is where change will happen.

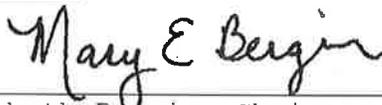
There being no further business, the meeting was adjourned at 6:50 p.m.

Respectfully submitted by:



Jan Vallecillo, Planning Coordinator

Approved: September 24, 2020



Marybeth Bergin, Chairman