

**CITY COUNCIL BUSINESS MEETING AGENDA
1705 MAIN STREET, DAPHNE, AL
JANUARY 3, 2011
BUSINESS MEETING
6:30 P.M.**

1. CALL TO ORDER

**2. ROLL CALL/INVOCATION /
PLEDGE OF ALLEGIANCE**

3. APPROVE MINUTES: Council meeting minutes / December 20, 2010

PUBLIC HEARINGS:

1.) Rezone: Plan B Investments

Located: Northeast of the intersection of Parker Lane and Whispering Pines Road
Northwest of Madison Place Subdivision

Present Zoning: R-3, High Density single Family Residential District

Requested Zoning: R-4, High Density Single Family Residential District

Recommendation: *Recommend Approval* / Unanimous / **Ordinance 2011-01**

2.) Rezone: MPWS, LLC / **Withdrawn per owner / Attached Letter**

Located: Southwest corner of Lawson Road and County Road 13

Present Zoning: B-1, Local Business District

Requested Zoning: B-2, General Business District

Recommendation: *Unfavorable* / Eight members present / Seven members
voted in the affirmative and one dissented / **Ordinance 2011-02**

MOTION: Change the January 10, 2011 Work Session Date

MOTION: Change the January 17, 2011 Council Meeting Date (Martin Luther King Day)

4. REPORT STANDING COMMITTEES:

A. FINANCE COMMITTEE / Boulware

1.) BP Grant Status and Proposed Reallocation of Funds

B. BUILDINGS & PROPERTY - Lake

MOTION: To authorize the Mayor to waive all fees associated with the Martin Luther
King Committee March & Program at the Civic Center as has been done in the past

C. PUBLIC SAFETY – Palumbo

Review minutes / December 8th

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE - Palumbo

E. PUBLIC WORKS COMMITTEE / SOLID WASTE AUTHORITY - Yelding

Review minutes / December 20th

MOTION: To allow Cub Scout Pak 87 permission to “Adopt a Mile” from 1501 Main Street
to 602 Main Street

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Jones

B. Downtown Redevelopment Authority – Barnette

C. Industrial Development Board – Yelding

- D. Library Board – Lake
Review minutes / November 4th
- E. Planning Commission – Barnette
Review minutes / November 18th
- F. Recreation Board – Reese
- G. Utility Board - Scott

6. REPORTS OF OFFICERS:

A. Mayor’s Report

- a.) MOTION: Approve requests as set forth in the letter from the Eastern Shore Chamber of Commerce for the 23rd Annual Jubilee Festival to be held September 24, 25, 2011
- b.) Parade Permit / Martin Luther King, Jr. Celebration March / January 17, 2011

B. City Attorney’s Report

C. Department Head Comments

7. PUBLIC PARTICIPATION:

8. RESOLUTIONS & ORDINANCES:

RESOLUTIONS:

- a.) Acceptance of Property / BC Board of Education. /Resolution 2011-01

ORDINANCES:

2ND READ

- a.) Rezone: Big Sandy Property. /Ordinance 2010-72
- b.) Rezone: TDG Lake Forest, LLC Property. /Ordinance 2010-73
- c.) Reclassify Parts Technician @Mechanical Shop. /Ordinance 2010-74
- d.) Reclassify and Reorganize Personnel @Civic Center. /Ordinance 2010-75
- e.) Centennial Park Gazebo. /Ordinance 2010-76

1ST READ

- f.) Rezone: Plan B Investments Property. /Ordinance 2011-01
- g.) Rezone: MPWS, LLC Property (*Withdrawn per owner*) /Ordinance 2011-02

9. COUNCIL COMMENTS

10. ADJOURN

**CITY OF DAPHNE
CITY COUNCIL MEETING**

ROLL CALL

CITY COUNCIL:

CALL VOTES

COUNCILMAN YELDING

PRESENT__ ABSENT__ __

COUNCILWOMAN BARNETTE

PRESENT__ ABSENT__

COUNCILMAN LAKE

PRESENT__ ABSENT__ __

COUNCILMAN BURNAM

PRESENT__ ABSENT__ __

COUNCILMAN SCOTT

PRESENT__ ABSENT__ __

COUNCILMAN BOULWARE

PRESENT__ ABSENT__ __

COUNCILMAN PALUMBO

PRESENT__ ABSENT__ __

MAYOR

MAYOR SMALL

PRESENT__ ABSENT__ __

CITY CLERK:

DAVID L. COHEN

PRESENT__ ABSENT__

CITY ATTORNEY:

CITY ATTORNEY JAY ROSS

PRESENT__ ABSENT

MINUTE NOTES:

**CITY COUNCIL MEETING
MINUTES**

NOTES:

COMMITTEE RECOMMENDATIONS

**DECEMBER 20, 2010
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

1. CALL TO ORDER

Council President Barnette called the meeting to order at 6:30 p.m.

2. ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Invocation was given by Councilman Lake.

COUNCIL MEMBERS PRESENT: Bailey Yelding; Cathy Barnette; Kelly Reese; Ron Scott; Derek Boulware; August Palumbo.

ABSENT: John Lake.

Also present: Mayor Small; Rebecca Hayes, Assistant City Clerk; Erick Bussey, Attorney; James White, Fire Chief; Kim Briley, Finance Director; Richard Johnson, Publics Works Director; Adrienne Jones, Planning Director; Richard Merchant, Building Official; Margaret Thigpen, Civic Center Director; David McKelroy, Recreation Director; Vickie Hinman, Human Resource Director; Anne Morris, Reference Librarian; Lt. Jud Beedy, Police Department; Scott Hutchinson, City Engineer; Duke Crutchfield, City Garage; Tomasina Werner, Beautification Committee; Joe Lemoine, Planning Commission; Dorothy Morrison, Beautification Committee; John Peterson, Recreation Board; Darrelyn Bender, Eastern Shore Chamber of Commerce.

Absent: David Cohen, City Clerk; Jay Ross, City Attorney; Tonja Young, Library Director; David Carpenter, Police Chief.

3. APPROVE MINUTES

MOTION BY Councilman Boulware to approve the December 6, 2010 Council meeting minutes. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Boulware to approve the December 13, 2010 Council Work Session minutes. *Seconded by Councilman Yelding.*

AYE Yelding, Reese, Scott, Boulware, Barnette ABSTAIN Palumbo

MOTION CARRIED

PUBLIC HEARING:

1.) **Rezone:** Big Sandy / 0.72 acres

Located: Southeast of the intersection of U.S. Highway 98 and Johnson Road

Present Zoning: B-2, General Business

Requested Zoning: R-4, High Density Multi-Family Residential District

Planning Commission Recommendation: Unanimous Favorable

Mrs. Adrienne Jones gave the presentation.

Council President Barnette opened the Public Hearing at 6:40 p.m.

Mr. Willie Williams – 1513 Pollard Road – spoke opposing the rezoning.

Mr. David Preston – Past and future resident of Daphne – spoke regarding his concern with traffic in that area.

Council President Barnette closed the Public Hearing at 6:46 p.m.

2.) **Rezone:** TDG Lake Forest, LLC / 2.92 acres & 3.39 acres

Located: Southeast of Van Buren Street and North Main Street

Present Zoning: B-1, Local Business and R-3, High Density Single Family Residential District

Requested Zoning: R-4, High Density Multi-Family Residential District

Planning Commission Recommendation: Unfavorable / Six members present / Five members Voted in the affirmative and one dissented. A supermajority is required for a favorable recommendation

Mrs. Adrienne Jones gave the presentation.

Mr. David Diehl, Engineer Development Services, stated that they are not asking for anymore multi-family than that is already there.

Council President Barnette opened the Public Hearing at 6:58 p.m.

Dr. Barry Booth – 7210 Chapel Street, Montrose – spoke saying that he is not opposed to the rezoning, but asked the council to take back the Right-of-Way and bring the parking into compliance.

Mr. David Preston – Past and future resident of Daphne – spoke regarding a compromise in the parking to add signs that say temporary parking – no overnight parking.

Council President Barnette closed the Public Hearing at 7:01 p.m.

4. REPORT OF STANDING COMMITTEES:

A. FINANCE COMMITTEE – Boulware

The minutes for the December 13th meeting are in the packet.

Treasurers Report / November 30, 2010

**MOTION BY Councilman Boulware to accept the Treasurers report with a balance of \$17,873,631.16.
*Seconded by Councilman Scott.***

AYE	ALL IN FAVOR	NAY	NONE OPPOSED	MOTION CARRIED
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Sales and Use Tax Collections / October 31, 2010

Sales and Use Tax Collected for October 2010 is \$800,277.

Lodging Tax Collections, October 31, 2010

The Lodging Tax Collections report shows \$56,001.39 collected for October 2010.

Next meeting will be January 10th at 4:00 p.m. in the Executive Conference Room

B. BUILDINGS AND PROPERTY COMMITTEE – Lake

The committee sent a couple of matters to the Finance Committee, and they will be forth coming to the council. They discussed amending some of the procedures, and reclassifying some personnel at the Civic Center. Ordinance 2010-75 addresses that. Specifically, to merge two (2) Sales Assistant positions into one (1) Sales Manager position with a savings of \$18,982. The two Sales Assistant positions are vacant at this time.

Land Swap with Daphne Utilities

The committee recommended that the City Attorney work with Mr. Speegle, attorney for Daphne Utilities on the land swap. They will bring it to council when the agreement is finished.

Plaque to be donated by the Downtown Redevelopment Authority

The committee gave a favorable recommendation to this request. This will be a plaque recognizing the sculptress Fran Newman who sculpted the statue and designed the fountain in front of city hall. The cost will be covered by DRA funds.

MOTION BY Councilman Palumbo to approve the placement of the plaque on city property as outlined in the motion sent to the Buildings and Property Committee as follows:

MOTION BY Ronald Nero to seek permission from the city to build a monument and plaque to recognize Fran Neuman for her valued contributions as designer of the fountain and sculptress of the statue of "Daphne" in front of city hall, and the many contributors to the project. The Olde Daphne Fountain/Park, Inc. will provide funding (up to \$900) to construct an 18" (w) x 18" (d) x 4' (h) pedestal and plaque. Location of the pedestal will be in a prominent place between the fountain and clock. Appropriate City of Daphne protocol will be followed to see the project to completion. The design must be approved by the Downtown Redevelopment Authority prior to construction and placement. The Authority recommends this project to the Buildings and Property Committee. Seconded by Laura Gorowsky.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

Seconded by Councilman Scott.

Council discussed the language on the plaque. They agreed to wait for approval until the language on the plaque is approved by the Buildings and Property Committee.

Councilman Palumbo withdrew his motion. Councilman Scott withdrew his second.

Councilman Palumbo stated that this will carry over to the next Buildings and Property meeting.

Council President Barnette asked Mrs. Hayes to make sure the language gets to the Buildings and Property Committee.

BACK TO FINANCE REPORT

Council President Barnette stated that she over looked the BP Status and Proposed Reallocation of Funds.

Mrs. Briley stated that she was working on it at this time, but is not ready yet.

Council President Barnette stated that she will carry this over to the next meeting.

C. PUBLIC SAFETY COMMITTEE –

Councilman Palumbo stated that the budget ordinance is on the agenda tonight, and there was one item brought to them late at the Public Safety meeting, actually, it just came up after the work session on the budget and since the budget was prepared. The Police Department were notified recently by the State Forensics Laboratory that they are, basically, charging cities when they send a cadaver through the DA's office to the forensics lab. They are charging a fee for doing that. There was some discussion between the Police Department and the District Attorney's office about who would pay the

fee, and the District Attorney's office felt like it is the city's responsibility. The bottom line is going back to how many bodies per year for the last several years that the city has sent in it would come out

to about \$3,000 for the upcoming year. Councilman Palumbo is going to make a motion when the ordinance comes up to amend it and give the Police Department an additional \$3,000 to take care of this fee.

D. CODE ENFORCEMENT/ORDINANCE COMMITTEE – Palumbo

No report.

E. PUBLIC WORKS COMMITTEE/SOLID WASTE AUTHORITY – Yelding

The council received as a handout the Public Works Director's report that covers all activity performed by the Public Works Department. The committee met today, and will meet on the 3rd Monday in January at 5:00 p.m.

5. REPORTS OF SPECIAL BOARDS & COMMISSIONS:

A. Board of Zoning Adjustments – Mrs. Jones

Mrs. Jones stated that at the last council meeting Mr. Scott asked about the terms of the BZA members, and she reported that Mr. Billy Mahan and Frank Lamb's terms will be up in March of 2011, Glen Swaney's term will be up in May 2013, Willie Robison's term will be up in November 2013, Jerry Hargiss's term will be up in July 2012. The Alternates Barry Taylor's term will be up in June 2011 and James Moss's term will be up in February 2011. There will not be a meeting in January.

B. Downtown Redevelopment Authority – Barnette

No report. There will not be a meeting for December.

C. Industrial Development Board – Yelding

No report.

D. Library Board – Lake

No report.

E. Planning Commission – Barnette

No report.

F. Recreation Board – Reese

No report.

G. Utility Board – Scott

No report. The next meeting will be January 5th.

Councilman Scott suggested changing the January work session date, because that is the night that Auburn plays their bowl game.

Council President Barnette requested that this be on the January 3rd agenda.

6. REPORTS OF THE OFFICERS:

A. Mayor's Report

No report.

B. City Attorney Report

Mr. Bussey reported on the BZA members terms saying that he and Mr. Ross researched the terms for BZA members, and to their surprise the staggered terms for BZA members are not the same, they thought they were as Planning Commission members terms. It is proper to appoint at the same council meeting two (2) BZA members. He checked with the City Clerk's office, and Mrs. Jones is entirely correct on the dates that she stated for the BZA terms within their natural expiration date. Mr. Bussey supplied council with a summary of the Jubilee Square Agreement. It amends the original agreement.

Council had a lot of questions regarding the agreement.

Council President Barnette requested that the Jubilee Square Reciprocal Agreement be put on the January work session.

Mr. Ron Carlson – LA-Daphne – stated that LA-Daphne owns the shopping Center, and that AIG Baker is still in existence, but does not own the center any longer. They have a commitment to their lender to provide this agreement. It was a negotiation between them and Home Depot. Home Depot is the primary owner, you might say, of this agreement. This is simply a housekeeping issue. They are both in default of the original REA. They have buildings outside the envelopes that the city approved. They have building heights that are in violation, and all this agreement does is clean that up. It is not a commitment, it is not a contract to provide additional services or ask anything from the city that has not been approved. He was called by Missty Grey, and went through the document with her prior to the last city council meeting. It was on the agenda for the last city council meeting, and at the last minute he was called and told the city council would like a couple of weeks to look at this agreement, and he said that is fine, but he has time constraints and he could not let it go into January, she said that is fine, and that is why he is here tonight, and he is, frankly, kind of surprised that this has become such an issue.

C. Department Head Comments

David McKelroy – Recreation Director – stated that they are in the process of getting estimates on the damaged items at Trione Park. The lighting for Trione will be delivered Friday, and should be installed by the end of January.

Richard Johnson – Public Works Director – reminded everyone that if their garbage and recycle pickup day is Thursday, December 23rd or Friday, December 24th their garbage will be picked up on Wednesday, December 22nd.

Kim Briley – Finance Director – reported that the new Revenue Officer will start February 3rd.

Vickie Hinman – Human Resource Director – also reported that the Revenue Officer will start February 3rd, and the posted position of Recreation Programs Coordinator will close tomorrow. She asked what procedure

the council wants the HR Department and Director's to follow when a position is vacant and they feel that they need to fill it. How should they go about getting approval to fill the vacancy.

Council President Barnette said that they will work in that protocol and have it at the first meeting in January.

7. PUBLIC PARTICIPATION

Mr. Kevin Spriggs – Owner of Eastern Shore Motel and other businesses in Daphne – spoke regarding the budget.

Mr. Willie Williams – 1513 Pollard Road - spoke regarding the multi-family rezoning, the complaint that he brought to council at the last meeting regarding a racial comment made by a worker for the sewer Community Block grant and the 24th Annual Martin Luther King Celebration.

Mr. David Preston – Past and future resident of Daphne – spoke regarding getting statistics on the BP Oil Spill grant on how money was spent.

8. RESOLUTIONS, ORDINANCES, ORDERS AND OTHER BUSINESS

RESOLUTIONS:

a.) Bid Award: Crowd Barricades / Friedrichs Custom Mfg /Resolution 2010-111

b.) Declare Certain Property Surplus /Resolution 2010-112

MOTION BY Councilman Boulware to waive the reading of Resolution 2010-111. *Seconded by Councilman Scott.*

Councilman Palumbo requested an assessment what the needs are for barricades from the Public Works Director and Public Safety.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Boulware to adopt Resolutions 2010-111. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Boulware to waive the reading of Resolution 2010-112. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Boulware to adopt Resolution 2010-1112. *Seconded by Councilman Yelding.*

AYE Yelding, Reese, Scott, Boulware, Palumbo, Barnette

NAY Lake

MOTION CARRIED

ORDINANCES:

2ND READ

- a.) Revisions to Zoning Map...../Ordinance 2010-66
- a.) Amending the Land Use Ordinance Table of Uses and Conditions / Bowling Alley & Family Entertainment Center..... /Ordinance 2010-69
- c.) Amending the Land Use Ordinance Table of Uses and Conditions / Convenient Store /Ordinance 2010-70
- d.) Fiscal Year 2011 Budget..... /Ordinance 2010-71

1ST READ

- e.) Rezone: Big Sandy Property /Ordinance 2010-72
- f.) Rezone: TDG Lake Forest, LLC Property..... /Ordinance 2010-73
- f.) Reclassify Parts Technician @Mechanical Shop /Ordinance 2010-74
- g.) Reclassify and Reorganize Personnel @Civic Center /Ordinance 2010-75
- h.) Centennial Park Gazebo /Ordinance 2010-76

MOTION BY Councilman Scott to waive the reading of Ordinance 2010-66. *Seconded by Councilman Boulware.*

AYE ALL IN FAVOR

NAY NONE OPPOSED

MOTION CARRIED

MOTION BY Councilman Scott to adopt Ordinance 2010-66. *Seconded by Councilman Yelding.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to waive the reading of Ordinance 2010-69. *Seconded by Councilman Boulware.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Scott to adopt Ordinance 2010-69. *Seconded by Councilman Yelding.*

ROLL CALL VOTE

Yelding	Aye	Boulware	Nay
Lake	Nay	Palumbo	Nay
Reese	Nay	Barnette	Aye
Scott	Aye		

AYE Yelding, Scott, Barnette NAY Lake, Reese, Boulware, Palumbo

MOTION FAILED

MOTION BY Councilman Boulware to waive the reading of Ordinance 2010-70. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Boulware to adopt Ordinance 2010-70. *Seconded by Councilman Scott.*

ROLL CALL VOTE

Yelding	Aye	Boulware	Nay
Lake	Nay	Palumbo	Nay
Reese	Nay	Barnette	Aye
Scott	Aye		

AYE Yelding, Scott, Barnette NAY Lake, Reese, Boulware, Palumbo

MOTION FAILED

MOTION BY Councilman Boulware to waive the reading of Ordinance 2010-71. *Seconded by Councilman Scott.*

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

MOTION BY Councilman Boulware to adopt Ordinance 2010-71 with Option #3. *Seconded by Councilman Palumbo.*

Councilman Scott stated that the procedure for filling a vacant position would be for the Director to put a proposal together justifying filling the position if necessary, and bring it to the Finance Committee, and the committee would send it to council with a recommendation.

MOTION BY Councilman Palumbo to include an additional \$3,000 to Option #3 for the Police Department for forensic purposes as previously discussed in the council meeting. *Seconded by Councilman Boulware.*

VOTE ON AMENDMENT

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

VOTE ON ORIGINAL MOTION AS AMENDED

Councilman Scott requested to mandate a six (6) month review by the Finance Committee of budget to see if there is an opportunity for the city to contribute to other organizations that they are not able to do at this time.

AYE ALL IN FAVOR NAY NONE OPPOSED MOTION CARRIED

ORDINANCES 2010-72, 2010-73, 2010-74, 2010-75 AND 2010-76 WERE MADE A FIRST READ.

8. COUNCIL COMMENTS

Mayor Small – wished everyone a Merry Christmas.

Councilman Yelding wished everyone a Merry Christmas and a Happy New Year.

Councilman Lake wished everyone a Merry Christmas and Happy New Year.

Councilman Reese wished everyone a Merry Christmas and a Happy New Year. He said that he knows as they go through the upcoming year that they will have some request from people for money and community contributions, and to be honest money is tight, and not to be a scrooge or Grinch at some point he does not know how virtuous it is to give away other people's money. They will have to think pretty hard about those issues, and the revenue situation for the next few months.

Councilman Scott said it is hard to be benevolent with somebody else's money, he agrees. He wished everyone a Merry Christmas. He said the one question that he has is that they have a developer that was expecting to get something done in a relatively short period of time, and how do people interact with the council, what is the correct way. They are not anti-business they welcome new developments, they welcome what is happening with Dick's Sporting Goods, and they welcome a lot of other things that could happen in that development. The council does not want to be seen as anti-business, but they have a certain process that they need to go through, and he hopes they can streamline that a little bit so that when someone comes in they know what the time table is. He does not know if that comes through the Mayor's office or the Clerk's office. The Mayor has no control over the council.

Mayor Small said that that information comes through Community Development.

Councilman Scott stated that they need to streamline that so that developers know exactly what type of input and the type of thorough vetting of most situations that come through the council. He thinks that all of the council members take their job very seriously, and they do not always agree, but they do always examine from a lot of different points of view. They need to have process so that they can make that as painless as possible for people that want to do business in Daphne.

Councilman Boulware wished everyone a Merry Christmas. He said that it is an exciting time around his house with their first Christmas with a child in the house. It is a reliving of something that you tend to forget until you see it through a child's eyes. Tonight's vote was a hot button issue, and it certainly felled the way he hoped that it would. He knows that the people that would have been directly affected by this particular vote are certainly pleased this evening by the outcome, and he is happy for them. He is most happy about what they did with the budget. It is not a perfect budget, but if you took last years and this years and looked at them side by side this one did something that last years did not. This addressed a systemic issue that is in the city, which is a revenue and expenditure issue. They are going in two different directions. This was the first attempt at truly addressing that problem going forward, and it is something that has to be recognized and addressed, and he knows that they will be greeted with many, many opportunities to think about this as they are presented with a case for hiring new people. He thinks that the council understands that the city's future is still uncertain as to revenue, and they have a projection that goes out to 2015 that paints a pretty bleak

future for the city unless they take these actions now. This is the kind of work that they were asked to do, and it is unpopular at times, but it is most certainly required of any government that hopes to continue to provide the services that the tax payers demand, and still to take into consideration the hard work and dedication of city employees. It is not perfect, but it is most certainly an improvement in his opinion over last year, and he hopes this will go a long way in addressing the problem that they have.

Councilman Palumbo said that he is gratified, along with the rest of the council, that they have finally have a budget in place. The differences in opinion eventually always get worked out to the extent that they pass a budget. Although, as Councilman Scott said they are three (3) months into it. They do have a budget in place. He asked the Department Heads to pay particular attention to the Budget Ordinance regarding the hiring freeze. They left an escape clause, if you will, the council can change this, but he does not think it is the council's intent to change it because there is a request to fill that spot. It is the council's intention by passage of this ordinance not to fill that position, and he urged that unless it is an emergency that the Department Heads ask the folks in your department to just work and try a little harder, because what they are doing right now by passing this budget tonight they are saving jobs. There are other communities that are laying off folks, mandating furloughs which are days off without pay, cutting pay by five to ten percent (5%-10%) all the communities around in Baldwin County. Last year Orange Beach laid off 40 employees. Daphne did not lay off any, and they did not lay any off this year. One reason that they were able to do it is because of the hiring freeze. He hopes that everyone in the city, the Department Heads in particular, will give the message to the employees that they worked very hard to save the jobs and not cut anybody's pay, but at the same token if there is a person on a crew that retires or quits or moves away or passes away it is not the intent of the council, unless it is an emergency situation, to fill that job. He hopes that they do not get a special request every time they get an opening. He wished everyone a Merry Christmas and hopes that 11 is a lucky number, and they will get a turnaround in the economy, and they will be talking about good things so far as revenues verses expenses.

Councilwoman Barnette stated that there are three (3) members of the Planning Commission that are currently dealing with some illness, and she asked that everyone send out prayers for them as they recuperate and get healthy. She asked that they be mindful that although this is the holiday season, and there a lot of people that are merry and expectant of the jolly old elf coming down the chimney there are also a number of other people that are suffering and having a hard time because they live alone the little acts of kindness goes a long way. She is trying to focus on that herself, and there are a lot of people that are lonely this time of year, and people do not think about it when so many are blessed with so many fortunes just like the community of Daphne.

9. ADJOURN

MOTION BY Councilman Scott to adjourn. Seconded by Councilman Boulware.

AYE	ALL IN FAVOR	NAY	NONE OPPOSED	MOTION CARRIED
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**DECEMBER 20, 2010
CITY COUNCIL MEETING
1705 MAIN STREET
DAPHNE, AL
6:30 P.M.**

13

There being no further business to discuss the meeting adjourned at 8:52 p.m.

Respectfully submitted by,

David L. Cohen,
City Clerk, MMC

Certification by Presiding Officer:

Cathy S. Barnette,
Council President

**PUBLIC HEARING LIST
FOR COUNCIL MEETING**

JANUARY 3, 2011

TO CONSIDER:

- 1.) **Rezone:** Plan B Investments
Located: Northeast of the intersection of Parker Lane and
Whispering Pines Road Northwest of Madison
Place Subdivision
Present Zoning: R-3, High Density single Family Residential District
Requested Zoning: R-4, High Density Single Family Residential District
Recommendation: *Recommend Approval* / Unanimous

 - 2.) **Rezone:** MPWS, LLC
Located: Southwest corner of Lawson Road and County Road 13
Present Zoning: B-1, Local Business District
Requested Zoning: B-2, General Business District
Recommendation: *Unfavorable* / Eight members present / Seven members
voted in the affirmative and one dissented
- Withdrawn per owner**

To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: Plan B Investments, L.L.C.
Zoning Amendment Review
Date: November 18, 2010

MEMORANDUM

PRESENT ZONING: R-3, High Density Single Family Residential, City of Daphne

PROPOSED ZONING: R-4, High Density Single Family Residential, City of Daphne

LOCATION: Northeast of the intersection of Parker Lane and Whispering Pines Road, Northwest of Madison Place Subdivision

RECOMMENDATION: At the Thursday, November 18, 2010, regular meeting of the Daphne Planning Commission, eight members were present and the motion to recommend approval carried unanimously.

The appropriate documentation and action has been provided to the City Attorney for preparation of the ordinance.

Upon receipt of documentation, please place on the appropriate City Council agenda to set the public hearing for action by the City Council on Monday, January 3, 2011.

Thank you,
ADJ/jd

cc: file
attachment(s)

1. Community Development Report
2. Petition
3. Legal description
4. Map of property
5. Adjacent property owners' list

COMMUNITY DEVELOPMENT ZONING AMENDMENT REVIEW

PLAN B INVESTMENTS, LLC

R-3 TO R-4

Plan B Investments, LLC proposes to rezone 3.47 acres of property in Caroline Woods Phase 2 and Phase 3 from R-3 to R-4. A revision to the master plan for Caroline Woods is on this same agenda for the Planning Commission's review and approval. The subject property is noted as lots 27, 74, 70, 69 and 68 (see attached master plan). The only property in the entire subdivision which remains R-3 has already been developed in Phase 1. On November 1st, the City Council approved the R-3 to R-4 rezoning request for the 12.42 acres noted as Phase 3 on the rezoning sketch.

The Future Land Use Map designates the subject property as residential, thus the proposal is consistent with the Comprehensive plan.

Zoning Recommendation: Approval contingent upon approval of the revised master plan submitted by EDS.

THE CITY OF DAPHNE
PLANNING DEPARTMENT
APPLICATION FOR ZONING AMENDMENT

Application Number: Z10-06 Date Plat Submitted: 10/18/10

Date Presented: 11/18/10

Name of Owner: PLAN B INVESTMENTS LLC

Address: 105 LAKE DR FAIRHOPE, AL 36532 Telephone# 988-1230
(Street or P.O. Box) (City) (State) (Zip Code)

Name of Authorized Agent, if other than owner: EDS L.L.C.

Address: 9499 BELLATON AVE DAPHNE, AL 36526 Telephone# 626-2122
(Street or P.O. Box) (City) (State) (Zip Code)

Subdivision: A PART OF CAROLINE WOODS, PHASE TWO, Part A + D

Lot(s): _____ Unit _____

- Two (2) copies of legal description of the subject property.
- Two (2) copies of subdivision plat or site plan drawn to scale, (28" x 36").
- List of the names and mailing addresses for the adjacent property owners (Date Submitted: Oct. 18, 2010).

Meeting Dates:

Planning Commission: NOV. 18, 2010

City Council: _____

Reason(s) for requesting the Zoning Amendment:

TO DEVELOP PATIO GARDEN HOMES SIMILAR TO REST OF CAROLINE WOODS PHASE TWO AND THREE WHILE PROTECTING SOME SIGNIFICANT OAKS IN COMMON AREAS.



SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

(Application for a Zoning Amendment information shall be that of the owner of the subject property).

APPLICATION FOR ZONING AMENDMENT

STATE OF ALABAMA)
COUNTY OF BALDWIN)
CITY OF DAPHNE)

This is to certify that I (we) the undersigned am the owner(s) of said property and do hereby request the City of Daphne to grant a Zoning Amendment for said property for the reasons outlined herein:

1) Description of property for which amendment is requested:

a) Address _____

b) Name of Subdivision TO BE KNOWN AS A ^{portion of} CAROLINE WOODS PHASE TWO PART A+D

c) Lot numbers involved in change N/A

d) Total acreage of change 3.47 acres

e) Recorded in Map Book N/A Page _____

f) Owned in whole by the undersigned? YES

g) If owned in part, name(s) of co-owner(s) :

2) Zoning change requested:

a) Present classification of property R-3

b) Reclassification desired R-4 S.F.

c) Character of neighborhood MOSTLY R-4 SF WITH SOME R-3 SF

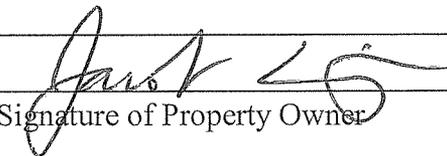
3) Certifications:

a) Owner's Name PLAN B INVESTMENTS LLC

b) Address 105 LAKE DR FAIRHOPE, AL 36532

c) Telephone Number 988-1230

d) Date 10/18/2010


Signature of Property Owner

Signature of Property Owner

AGREEMENT

...ALLOWING THE CITY OF DAPHNE TO POST PUBLIC NOTICE SIGNS ON THE PROPERTY FOR WHICH AN APPLICATION FOR A ZONING AMENDMENT HAS BEEN SUBMITTED TO THE CITY COUNCIL.

I hereby agree to allow the City of Daphne to post on my property, for which an application for a zoning amendment has been submitted to the City Council, a sign or sign(s) notifying the general public of said request. I understand the City of Daphne shall erect and maintain said sign(s) for the prescribed period of time and remove the same.

10/18/10
Date


Signature of Property Owner

PLAN B INVESTMENTS LLC
ZONING AMENDMENT REVIEW
NORTHEAST OF THE INTERSECTION OF PARKER
LANE AND WHISPERING PINES ROAD, NORTHWEST OF MADISON
PLACE SUBDIVISION
EXHIBIT "A"

(A PORTION OF CAROLINE WOODS SUBDIVISION, PHASES A & D)

LEGAL DESCRIPTION:

COMMENCE AT THE SOUTHWEST CORNER OF LOT NUMBER 7 OF CAROLINE WOODS SUBDIVISION, PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2423-C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, FOR A POINT OF BEGINNING: THENCE RUN SOUTH 89 DEGREES 54 MINUTES 03 SECONDS WEST, FOR A DISTANCE OF 110.23 FEET; THENCE RUN NORTHWESTWARDLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 30 FEET, AN ARC DISTANCE OF 47.12 FEET (CHORD BEARS NORTH 45 DEGREES 05 MINUTES 57 SECONDS WEST, 42.43 FEET); THENCE RUN NORTH 00 DEGREES 05 MINUTES 57 SECONDS WEST, FOR A DISTANCE OF 79.05 FEET; THENCE RUN NORTH 79 DEGREES 57 MINUTES 03 SECONDS WEST, FOR A DISTANCE OF 50.79 FEET; THENCE RUN NORTH 00 DEGREES 05 MINUTES 57 SECONDS WEST, FOR A DISTANCE OF 236.96 FEET; THENCE RUN NORTHWESTWARDLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1071.71 FEET, AN ARC DISTANCE OF 281.22 FEET (CHORD BEARS NORTH 07 DEGREES 37 MINUTES 00 SECONDS WEST, 280.42 FEET); THENCE RUN NORTH 15 DEGREES 08 MINUTES 03 SECONDS WEST, FOR A DISTANCE OF 67.34 FEET; THENCE RUN NORTH 89 DEGREES 54 MINUTES 03 SECONDS EAST, FOR A DISTANCE OF 36.94 FEET; THENCE RUN NORTH 76 DEGREES 51 MINUTES 49 SECONDS EAST, FOR A DISTANCE OF 84.84 FEET; THENCE RUN SOUTH 89 DEGREES 57 MINUTES 25 SECONDS EAST, FOR A DISTANCE OF 174.3 FEET; THENCE RUN SOUTH 00 DEGREES 04 MINUTES 34 SECONDS WEST, FOR A DISTANCE OF 139.01 FEET; THENCE RUN SOUTH 24 DEGREES 01 MINUTES 42 SECONDS WEST, FOR A DISTANCE OF 54.45 FEET; THENCE RUN SOUTH 03 DEGREES 47 MINUTES 20 SECONDS WEST, FOR A DISTANCE OF 262.06 FEET; THENCE RUN SOUTH 01 DEGREE 50 MINUTES 51 SECONDS WEST, FOR A DISTANCE OF 266.69 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 3.47 ACRES, MORE OR LESS, AND LIES IN FRACTIONAL SECTION 8 AND GRANT SECTION 19 AND 38, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

EARTH, INC.

EXHIBIT "B" PLAN B INVESTMENTS, LLC

CAROLINE WOODS
PHASE THREE
(NOT YET APPROVED)

ZONED R-3
12.42 AC±

CAROLINE WOODS
PHASE TWO

ZONED R-4
10.01 AC±

ZONED R-3
3.47 AC±

CAROLINE WOODS
PHASE ONE
(SLIDE 2423-C)
ZONED R-3
4.36 AC±

PROPOSED R-4
SINGLE-FAMILY

ZONED R-4
SINGLE-FAMILY
2.00 AC±

MADISON PLACE, PHASE TWO
"AMENDED"
(SLIDE 2258-F)

ZONED R-4
SINGLE-FAMILY
6.00 AC±

MADISON PLACE, PHASE ONE
(SLIDE 2116-E)

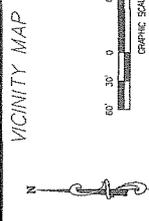
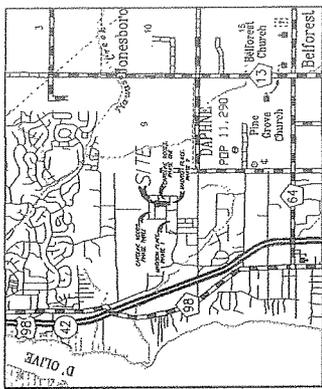
ZONE R-3
6.78 AC

EAGLE CREEK SUBDIVISION, PHASE 2
SLIDE FILE 2085-F
ZONED R-3

ZONED C1

ZONED C1
307 AC

DAHPNE COMMERCIAL PARK
SLIDE FILE 2223-E



LEGAL DESCRIPTION:
THE PART OF LOT 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

DESCRIPTION COMPOSED FROM RECORDS.
ENGINEERING DEVELOPMENT SERVICES LLC
DAVID E. DEHRL, P.E.
ALABAMA LICENSE NO. 28014

NO.	DATE	DESCRIPTION	BY	CHECKED
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2	11/11/2004	REVISED	DD	DD
3	11/11/2004	REVISED	DD	DD
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100	11/11/2004	REVISED	DD	DD

Eds
engineering development services, llc
engineering planning • surveying • construction management
1918 halahan avenue • daphne, alabama 36626
(251) 691-2122 • fax (251) 691-6229
ed@edsllc.com

**REZONING SKETCH
FOR A PORTION OF
CAROLINE WOODS
PHASE TWO**

FUTURE CITY SPORTSPLEX
ZONED R-3
830 AC±

PLAN B INVESTMENTS
ZONING AMENDMENT
Adjacent Property Owners List

A & B-10 L L C
P O BOX 1395
DAPHNE AL 36526

ADAMS, SUSAN WALKER
7730 AVERY LANE
DAPHNE AL 36526

ANDERSON, HENRY
27267 PERDIDO BEACH BLVD#111
ORANGE BEACH AL 36561

ASHLEY, JONATHAN A ETAL
ASHLEY, ASHLEY L
27269 ELISE CT
DAPHNE AL 36526

BALBACH, DEBORAH A
27326 ELISE COURT
DAPHNE AL 36526

BENCHMARK HOMES INC
2936 MCVAY DR N
MOBILE AL 36606

CLARK, GREG ETUX JACQUELINE M
27284 ELISE COURT
DAPHNE AL 36526

COLONY HOMES L L C
200 ROCK CREEK PKWY
FAIRHOPE AL 36532

DYER, LISA M ETAL BAKKEN, VICKI
27243 ELISE COURT
DAPHNE AL 36526

EDS LLC
9949 BELLATON AVE
DAPHNE AL 36526

HEPPNER, MYRON R ETAL
HEPPNER, LORETTA M
7698 AVERY LANE
DAPHNE AL 36526

HOLLINGSHEAD, TONYA E
7723 AVERY LN
DAPHNE AL 36526

JACKSON, BRENDA F
27323 ELISE COURT
DAPHNE AL 36526

KERN, MELANIE L
27224 LASHAY DRIVE
DAPHNE AL 36526

LEMOINE, JOSEPH A JR ETAL
LEMOINE, NANCY
7742 AVERY LANE
DAPHNE AL 36526

MABIRE, JONATHAN B
27311 ELISE CT
DAPHNE AL 36526

MADISON PLACE PROPERTY
OWNERS ASSOCIATIO
P O DRAWER 2308
DAPHNE AL 36526

MAVERICK CAPITAL L L C
416 TRAVIS ST SUITE #715
SHREVEPORT LA 71101

MESTRE, ROBERT J
7722 AVERY LANE
DAPHNE AL 36526

OVERSTREET, DOROTHY ANN
27236 LASHAY DR
DAPHNE AL 36526

PERRY, HAYNE A
7684 AVERY LANE
DAPHNE AL 36526

PINYAN, PAULINE
7701 AVERY LANE
DAPHNE AL 36526

PLAN B INVESTMENTS L L C
105 WILLOW LAKE DR
FAIRHOPE AL 36532

SCOTT, SUSAN E
7687 AVERY LN
DAPHNE AL 36526

SCRIMPSHIRE, CELIA R
7709 AVERY LANE
DAPHNE AL 36526

SELLERS, ROBERT ETAL SELLERS,
TERESA A
7745 ELIZABETH DR
DAPHNE AL 36526

STANLEY, LYDIA M
7743 AVERY LANE
DAPHNE AL 36526

THOMAS, LEONARDO C ETAL
THOMPSON-THOMAS,
27273 ELISE CT
DAPHNE AL 36526

TOFIQUL, ISLAM ETAL REHMAN,
SABAHET
27231 ELISE CT
DAPHNE AL 36526

WATKINS, THOMAS E ETUX
SHARRON A
11606 CO RD 54
DAPHNE AL 36526

WEBB, CHARLES B ETAL WEBB,
EUNICE L
7731 AVERY LANE
DAPHNE AL 36526

WILLIAMS, EDRICK ETAL WILLIAMS,
TAMEKA L
27248 ELISE COURT
DAPHNE AL 36526

WILLIS, GREGORY C ETAL WILLIS,
ANDREA L
27236 ELISE COURT
DAPHNE AL 36526

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2011-**

**Ordinance to Rezone Property Located
Northeast of the intersection of Parker Lane and Whispering Pines Road,
Northwest of Madison Place Subdivision**

WHEREAS, Plan B Investments, L.L.C., as the owner of certain real property located within the City of Daphne, Alabama, has requested that said property be rezoned from R-3, High Density Single Family Residential to R-4, High Density Single Family Residential; and,

WHEREAS, said real property is located Northeast of the intersection of Parker Lane and Whispering Pines Road, Northwest of Madison Place Subdivision, and more particularly described as follows:

COMMENCE AT THE SOUTHWEST CORNER OF LOT NUMBER 7 OF CAROLINE WOODS SUBDIVISION, PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2423-C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, FOR A POINT OF BEGINNING: THENCE RUN SOUTH 89 DEGREES 54 MINUTES 03 SECONDS WEST, FOR A DISTANCE OF 110.23 FEET; THENCE RUN NORTHWESTWARDLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 30 FEET, AN ARC DISTANCE OF 47.12 FEET (CHORD BEARS NORTH 45 DEGREES 05 MINUTES 57 SECONDS WEST, 42.43 FEET); THENCE RUN NORTH 00 DEGREES 05 MINUTES 57 SECONDS WEST, FOR A DISTANCE OF 79.05 FEET; THENCE RUN NORTH 79 DEGREES 57 MINUTES 03 SECONDS WEST, FOR A DISTANCE OF 50.79 FEET; THENCE RUN NORTH 00 DEGREES 05 MINUTES 57 SECONDS WEST, FOR A DISTANCE OF 236.96 FEET; THENCE RUN NORTHWESTWARDLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1071.71 FEET, AN ARC DISTANCE OF 281.22 FEET (CHORD BEARS NORTH 07 DEGREES 37 MINUTES 00 SECONDS WEST, 280.42 FEET); THENCE RUN NORTH 15 DEGREES 08 MINUTES 03 SECONDS WEST, FOR A DISTANCE OF 67.34 FEET; THENCE RUN NORTH 89 DEGREES 54 MINUTES 03 SECONDS EAST, FOR A DISTANCE OF 36.94 FEET; THENCE RUN NORTH 76 DEGREES 51 MINUTES 49 SECONDS EAST, FOR A DISTANCE OF 84.84 FEET; THENCE RUN SOUTH 89 DEGREES 57 MINUTES 25 SECONDS EAST, FOR A DISTANCE OF 174.3 FEET; THENCE RUN SOUTH 00 DEGREES 04 MINUTES 34 SECONDS WEST, FOR A DISTANCE OF 139.01 FEET; THENCE RUN SOUTH 24 DEGREES 01 MINUTES 42 SECONDS WEST, FOR A DISTANCE OF 54.45 FEET; THENCE RUN SOUTH 03 DEGREES 47 MINUTES 20 SECONDS WEST, FOR A DISTANCE OF 262.06 FEET; THENCE RUN SOUTH 01 DEGREE 50 MINUTES 51 SECONDS WEST, FOR A DISTANCE OF 266.69 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 3.47 ACRES, MORE OR LESS, AND LIES IN FRACTIONAL SECTION 8 AND GRANT SECTION 19 AND 38, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

WHEREAS, at the City of Daphne Planning Commission meeting on November 18, 2010, the Commission considered said request and set forth a favorable recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, due notice of said proposed rezoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on January 3, 2010; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon consideration of the recommendation of the Planning Commission, deemed that said application for rezoning of the above described real property is proper and in the best interest of the health, safety and welfare of the citizens of the City of Daphne, Alabama; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, as follows

SECTION I: ZONING

That above described real property is hereby rezoned from R-3, High Density Single Family Residential to R-4, High Density Single Family Residential, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

SECTION II: REPEALER.

All other City Ordinances or parts thereof in conflict with the provisions of this Ordinance, in so far as they conflict, are hereby repealed.

SECTION III: SEVERABILITY.

The provisions of this Ordinance are severable. If any provision, section, paragraph, sentence, or part thereof shall be held unconstitutional or invalid, such decision shall not affect or impair the remainder of said Ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence, and part thereof separately and independently of each other.

SECTION IV: EFFECTIVE DATE.

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and after publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ day of _____, 2011.

**Cathy S. Barnette,
Council President**

**Fred Small,
Mayor**

ATTEST:

**David L. Cohen
City Clerk, MMC**

To: Office of the City Clerk
From: Adrienne D. Jones,
Director of Community Development
Subject: MPWS, L.L.C.
Zoning Amendment Review
Date: November 22, 2010

MEMORANDUM

PRESENT ZONING: B-1, Local Business, City of Daphne
PROPOSED ZONING: B-2, General Business, City of Daphne
LOCATION: Southwest corner of Lawson Road and
County Road 13
RECOMMENDATION: At the Thursday, November 18, 2010,
regular meeting of the Daphne Planning
Commission, eight members were present
and the motion to set forth a
unfavorable recommendation carried.
Seven members voted in the affirmative
and one dissented.

Upon receipt of said documentation, please place on the
appropriate City Council agenda to set the public hearing for
action by the City Council on Monday, January 3, 2011.

Thank you,
ADJ/jd

cc: file

attachment(s)

1. Community Development Report
2. Petition
3. Legal description
4. Map of property
5. Adjacent property owners' list
6. Correspondence of Citizen Concerns

RESTER AND COLEMAN ENGINEERS, INC.
CONSULTING ENGINEERS - LAND SURVEYORS
66 MIDTOWN PARK WEST - (251) 479-4518
MOBILE, AL 36606

December 27, 2010

City of Daphne
P.O. Drawer 400
Daphne, Alabama 36526

Attn: Mr. David Cohen, City Clerk

Re: Re-zone of Lot 2, Lake Forest Plaza

Dear Mr. Cohen:

On behalf of MPWS, L.L.C., we respectfully request to withdraw the re-zoning application for Lot 2, Lake Forest Plaza scheduled for the meeting of January 3, 2011. The prospective buyers have abandoned the project at this location. Therefore, there is no need to carry on further with the re-zoning.

Should you have any questions about this matter please feel free to contact me.

Yours truly,

RESTER & COLEMAN ENGINEERS, INC.



D. Joel Coleman, P.E.

jc

COMMUNITY DEVELOPMENT ZONING AMENDMENT REVIEW

MPWS, LLC **B-1 to B-2**

In 2007, applicant petitioned the city to annex the site and the surrounding parcels into the city with a B-2 zoning designation. The representative amended the request to B-1 upon the Planning Commission's comments. In 2007, a conceptual plan was given showing development along Lawson Road and County Road 13 intersection. No development was shown on the subject property as no plans were envisioned for this particular site.

On September 23, 2010 the applicant submitted a proposal to rezone the subject property from B-1 to B-2 **and** also submitted a request to amend the Table of Permitted Uses to allow a Bowling alley (family entertainment center) in a B-1 zone district **pending site plan approval by the Planning Commission**. *The applicant withdrew the petition at the September hearing prior to the Planning Commission public hearing.* (See attached Planning Commission minutes.)

Uses requiring Planning Approval allows the Planning Commission flexibility in ensuring the maximum level of harmony between different type uses where a use allowed "by right" is only required to meet the minimum standards established in the Land Use & Development Ordinance. Zoning runs with the land and does not change unless the owner petitions the municipality to amend the zoning. The owner has the right to construct any allowable use listed in the Table of Permitted Use "by right". There is no essentially no flexibility with a "by right" use, at the site plan approval level, i.e. Planning Commission options are extremely limited.

Excerpt from Article 13-2 Table of Permitted Uses (Defined)

Uses in the Table identified by (P) are permitted upon approval by the Planning Commission of the location and the site plan appropriate with regard to *transportation, access, water supply, waste disposal, fire, police protection, and other public facilities; as not causing undue traffic congestion or creating a traffic hazard; and in harmony with the orderly and appropriate development of the district in which the development is to occur.*

Excerpt from Article 13-3 Compliance with District Requirements

"Any use requiring planning approval is subject to review and approval of the Planning Commission. Each application to the Planning Commission for approval must be accompanied by a site plan prepared by the applicant or his agent. The Planning Commission shall review the application at its next meeting and take into consideration all existing regulations and ordinances of the City of Daphne, as well as, recommendations from the Zoning Administrator, the Director of Community Development, the Code Enforcement Officer, the Baldwin County Health Department, and any other such local officials. The Planning Commission may approve the use request as is, it may approve it with conditions, or it may deny it."

The comprehensive plan is out of date. It still shows the future use as residential although the B-1 zoning was established in 2007. Upon revising the Future Land Use Map, this location will be amended to reflect a "Commercial use".

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF SEPTEMBER 23, 2010
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

MPWS zoning request

Minutes from
Prior Discussion of
DRAFT - Sep 2010 -
B-2 Zoning on Cr. 13

File Z10-02: MPWS, L.L.C. (Associated with Lake Forest Plaza Subdivision)

Location: Southwest of the intersection of Lawson Road and County Road 13, Lot 2, Lake Forest Plaza Subdivision
Area: 4.44 Acres ±
Owner: MPWS, L.L.C. - Matt White
Engineer: Rester & Coleman Engineers - Joel Coleman

Present Zoning: B-1, Local Business

Proposed Zoning: B-2, General Business

An introductory presentation was given by Mr. Joel Coleman, representing Rester & Coleman Engineers, requesting the rezoning of a four point four-four acre parcel located southwest of the intersection of Lawson Road and County Road 13 known as Lot 2 of Lake Forest Plaza Subdivision from a B-1, Local Business, to a B-2, General Business, zone. With the presentation of this project, we are still talking about the property at the intersection of Lawson Road and County Road 13. At the time of the planning for the projected development for this site, the owner thought the property was zoned B-2, General Business, but it is not. This property is zoned B-1. The owner has contracted for the development of a family entertainment center for the city. We felt it may be a better proposal for us and the residents to ask for an addition and/or amendment to the City of Daphne Land Use Ordinance, Article XXXV, the Table of Permitted Uses and Conditions rather than asking for a rezoning from B-1 to B-2. I will be happy to answer any questions you may have.

Chairman: Do any of the Commissioners have any questions or comments?

Ms. Phelps: Just a comment. The property was rezoned as B-1 because of the uses near the subdivision. I would be more inclined to hear your argument for a revision to the Table of Uses because B-2 is not a suitable use for this site.

Mr. Coleman: The owner would like to withdraw the petition for the zoning amendment.

with-drawal

The next order of business is an administrative presentation requesting consideration of an amendment to the Daphne Land Use and Development, Article XXXV, the Table of Permitted Uses and Conditions.

ADMINISTRATIVE PRESENTATION:

Discussion re: Table Amendment Request

An introductory presentation was given by Mr. Joel Coleman, representing Rester & Coleman Engineers, requesting the consideration of an amendment to the Daphne Land Use and Development Ordinance, Article XXXV, the Table of Permitted Uses to allow the operation of a bowling alley as a use permitted in a B-1, Local Business, zoning district upon site plan review and approval by the Planning Commission.

Mr. Coleman: I would like defer to the owner and developer, Mr. Matt White representing White-Spunner & Associates, to discuss the change to the Table of Permitted Uses and the conceptual plan.

Mr. Matt White presented to the Commission the request to amend the Table of Permitted Uses based on the fact we did not know this site was zoned B-1 and have a client which proposes the development of a family entertainment center on Lot 2, Lake Forest Plaza Subdivision which will include bowling lanes, arcade, laser tag, snack bar, adult pool table, family restaurant, bar and party rooms.

Mr. Butch Cole, the owner of the Gulf Bowl in Foley, Alabama and the proposed owner of the Eastern Shore Family Entertainment Center, addressed the Commission to convey the development will not be a bowling alley. The facility will be a "family oriented" family entertainment center for activities for all members of the family. The first location selected was on U.S. Highway 90 in the Renaissance Center Subdivision which did not go forward due to funding. We began searching for alternative sites and this location was chosen mainly due to the fact it was zoned B-2. Now there is a process to achieve permission or rezoning to go on this site and still obtain approval of our plan with a loan approval deadline of December 31, 2010.

Chairman: Do any of the Commissioners have any questions or comments?

Ms. Barnette: I do not think the conceptual plan should be presented or considered for a request for a change in permitted uses based on the proposed use of the site. The plan would be more suitable for presentation and considerable of the zoning amendment.

Chairman: Do any of the Commissioners have any further questions or comments? If there is no objection, the Chair will entertain a motion.

A Motion was made by Ms. Barnette and **Seconded** by Ms. Phelps *for the affirmative recommendation by the Planning Commission to the City Council of Daphne to amend Article XXXV, the Table of Permitted Uses and Conditions in the Daphne Land Use and Development Ordinance, to add a bowling alley as a use allowed upon Planning Commission approval in a B-1, Local Business, zoning district. Ms. Barnette, Ms. Phelps, Chief White and Mr. Lemoine voted in the affirmative. Chairman dissented. Mr. Gibson abstained.*

Clarification Note: Although a majority of those present voted in favor of the motion, a super majority would have been necessary for a favorable recommendation.

Ms. Barnette: I would like to make a motion to add a bowling alley/family entertainment center to the Table of Permitted Uses and Conditions.

decision

additional motion

Chairman: Do any of the Commissioners have any questions or comments? If there is no objection, the Chair will entertain a motion.

A Motion was made by Ms. Barnette and Seconded by Ms. Phelps for the affirmative recommendation by the Planning Commission to the City Council of Daphne to amend Article XXXV, the Table of Permitted Uses and Conditions in the Daphne Land Use and Development Ordinance, to add a family entertainment center as a use allowed upon Planning Commission approval in a B-1, Local Business, zoning district. The Motion carried unanimously.

decision

The next order of business is public participation.

PUBLIC PARTICIPATION:

Chairman: Is there anyone who would like to address the Planning Commission?

No public participation.

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

ATTORNEY'S REPORT:

Mr. Ross: No report Mr. Chairman. However, I would like to ask the Planning Commission to make a motion to enter into executive session to discuss pending litigation, act on that motion, and then make a motion to adjourn so staff does not have to wait until the meeting reconvenes.

The next order of business is the director's comments.

DIRECTOR'S COMMENTS:

No comments. The director had asked earlier to be excused for a family emergency.

The next order of business is commissioner's comments.

COMMISSIONER'S COMMENTS:

Chairman: Do any of the Commissioners have any questions or comments?

Ms. Phelps: Just a comment for the family entertainment center. Buffering of the commercial development abutting a residential subdivision and the screening of the trash receptacle will be a concern at the time of the submittal of the site plan.

Ms. Barnette: We, the Planning Commission, are looking at whether or not the City's developments are suitable, and those with issues should not be presented to us without a staff recommendation or the Commission allowing public participation.

13-3 COMPLIANCE WITH DISTRICT REQUIREMENTS

Any use permitted in any district whether by Right, Planning Approval, Administrative Approval, or as a Special Exception, must comply with the requirements of the district in which it is located, unless a variance from such requirements is specifically requested and granted by the Board of Zoning Adjustment or unless approved under the Planned Unit Development with modifications as required by the Planning Commission provisions of this Ordinance.

(a) Planning Approval:

Any use requiring planning approval is subject to review and approval of the Planning Commission. Each application to the Planning Commission for approval must be accompanied by a site plan prepared by the applicant or his agent. The Planning Commission shall review the application at its next meeting and take into consideration all existing regulations and ordinances of the City of Daphne, as well as, recommendations from the Zoning Administrator, the Director of Community Development, the Code Enforcement Officer, the Baldwin County Health Department, and any other such local officials. The Planning Commission may approve the use request as is, it may approve it with conditions, or it may deny it.

In any case where a requested use is not specifically referred to in the Table of Permitted Uses, its status shall be determined by the Planning Commission by reference to the most clearly analogous use or uses that are specifically referred to in the Table of Permitted Uses.

When the status of a use has been so determined by the Planning Commission, such determination shall thereafter have general application to all uses of the same type and shall be added to the Table of Permitted Uses.

(b) Special Exception:

Any use permitted by special exception is subject to review and approval of the Board of Zoning Adjustment. Each application shall be accompanied by a site plan which if approved shall then be submitted to the Planning Commission for review and consideration. The Board of Zoning Adjustment shall consider the recommendations of the Zoning Administrator, the Director of Community Development, and the Code Enforcement Officer and make them a part of the record of any public hearing held on an application for a special exception, prior to making a decision on the application. If the decision of the Board of Zoning Adjustment is not consistent with such recommendations, the minutes of the meeting at which such decision is made shall set forth the particular reasons for deviating from such recommendations.

APPLICATION FOR ZONING AMENDMENT

STATE OF ALABAMA)
COUNTY OF BALDWIN)
CITY OF DAPHNE)

This is to certify that I (we) the undersigned am the owner(s) of said property and do hereby request the City of Daphne to grant a Zoning Amendment for said property for the reasons outlined herein:

1) Description of property for which amendment is requested:

- a) Address 577' +/- South of the Southwest corner of Lawson Road and Baldwin County
Road No. 13
- b) Name of Subdivision Lake Forest Plaza
- c) Lot numbers involved in change Lot 2
- d) Total acreage of change 4.4408 Ac.
- e) Recorded in Map Book N/A Page N/A
- f) Owned in whole by the undersigned? Yes
- g) If owned in part, name(s) of co-owner(s) :

2) Zoning change requested:

- a) Present classification of property B-1
- b) Reclassification desired B-2
- c) Character of neighborhood Business/School/Residential

3) Certifications:

- a) Owner's Name MPWS, LLC ATTN: John White-Spunner
- b) Address 3201 Dauphin Street Mobile, AL 36606
- c) Telephone Number (251)471-1000
- d) Date August 27, 2010

John White
Signature of Property Owner

Signature of Property Owner

Adrienne Jones

From: Gulf Bowl [gulfbowl@gulftel.com]
Sent: Wednesday, November 10, 2010 2:27 PM
To: ajonesdpln@bellsouth.net
Subject: Eastern Shore Entertainment Center, Inc.

Adrienne:

I do not have email addresses for the planning commission. Can you forward this email to them or send me their email address so I may forward this to them. I have already sent this to the City Council.

Dear City Council Members and Planning Commission Members:

The Cole Family wanted each of you to know why we have moved forward with the Family Entertainment Center, Inc. on County Road 13 & Lawson. We wanted each of you to know how we have gotten to this point and time.

Back in April 2010 we applied for a USDA Government Guaranteed Loan and it was approved in July 2010. After searching Daphne we decided that the piece of property at the Renaissance Center would be great. We spent close to \$50,000 getting this property engineered, surveyed, appraised and we were almost ready to close on this property. The bank was doing the title work and found out about the bonds & covenants that were placed on this property for improvements which were never disclosed to us until that point.

The banks attorney at that time felt uneasy with this and told us we would be responsible for about \$25,000 a year for the next 28 years above and beyond sales tax and property tax. At that time we had a offer on the table for \$400,000 for 3.5 acres. Mr. Terry Ogletree had gone up on us one time already from \$375,000 because we could not close the loan within a certain amount of time. So when the bonds were not disclosed to us up front, I think everyone got nervous including the bank.

Then we had a phone call from Sharon Wright and Matt White about County Road 13 & Lawson property. The first thing I ask them both, are there any restrictions, bonds and is it zoned properly. They both said yes it was zoned correctly. So we preceded with the survey, appraisals, engineering etc. and spent another \$15,000 and come to find out it is zone incorrectly. Now we are \$75,000 in the down and stunned. So Matt White and Sharon told us that we might could get this piece of property rezoned. It is in a great location and everyone really thought it would be the perfect spot. So the hearings begin! Wow, we had no idea that we would have funding in place for a beautiful center and no home for it.

After the last council meeting we attended, we decided to try the Renaissance Center one more time. The bank felt like if we could offer less money and put the difference in a CD with the bank, to pay on the bonds, that they would consider us going back to Renaissance. So we made a lower offer on the property at Renaissance Center about two weeks ago and Mr. Ogletree turned down the offer and came back with the amount of \$950,000 for the same lot and a \$25,000 non refundable retainer fee. So of course we could not afford that property.

Now we are still stuck with an approved loan and no home for this FEC. We really have gone off information given to us by the real estate people, listening to the planning commission & city council. The other problem that we face are the land prices and comps. Our loan is set and cannot be changed. So finding a piece of property that will appraise high and sell at a lower rate has been a challenge. There are also stipulations on this loan that it has to be within a 3 to 5 mile radius of the Renaissance Center due to the business plan that was approved by USDA.

So the above has been a challenge for us and a challenge for the City of Daphne as well. We do not want anyone in Lake Forrest upset with us about this project and we do not know where to go from here. We have asked for an extension due to the loan expiring 12/31/2010, but have not heard back from the bank as of today.

Thank you so much for your time.

Frank & Sonya Cole

AGREEMENT

...ALLOWING THE CITY OF DAPHNE TO POST PUBLIC NOTICE SIGNS ON THE PROPERTY FOR WHICH AN APPLICATION FOR A ZONING AMENDMENT HAS BEEN SUBMITTED TO THE CITY COUNCIL.

I hereby agree to allow the City of Daphne to post on my property, for which an application for a zoning amendment has been submitted to the City Council, a sign or sign(s) notifying the general public of said request. I understand the City of Daphne shall erect and maintain said sign(s) for the prescribed period of time and remove the same.

August 27, 2010

Date

Mark White

Signature of Property Owner

MPWS, LLC

REZONING APPLICATION

SOUTHWEST CORNER OF LAWSON ROAD AND BALDWIN COUNTY HIGHWAY NO. 13

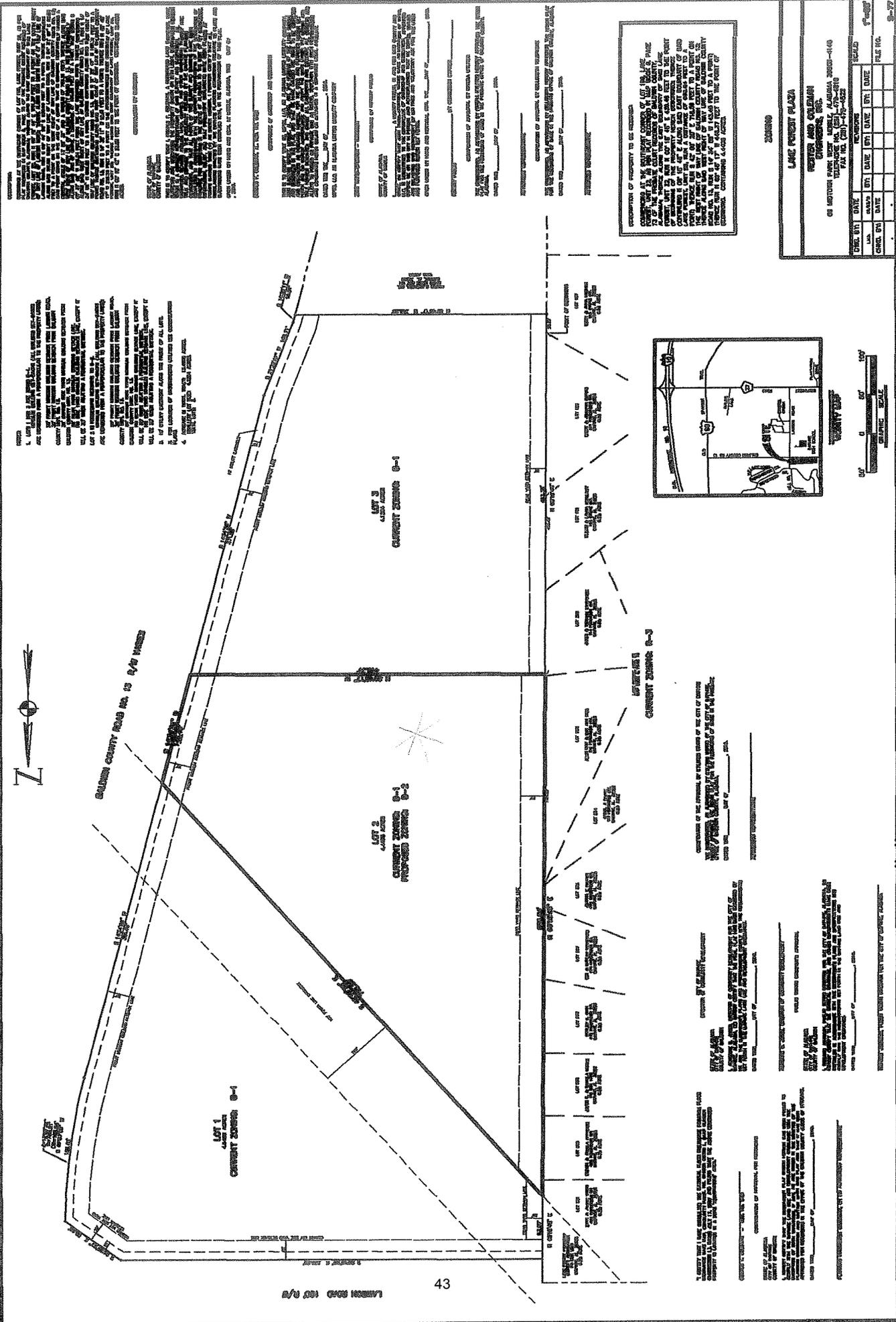
EXHIBIT "A"

(LAKE FOREST PLAZA)

LEGAL DESCRIPTION:

(TO BE KNOWN AS LOT 2, LAKE FOREST PLAZA)

COMMENCING AT THE SOUTHEAST CORNER OF LOT 198, LAKE FOREST, UNIT 22, AS PER PLAT RECORDED IN MAP BOOK 8, PAGE 73 OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE ALONG THE EAST BOUNDARY OF SAID LAKE FOREST, UNIT 22, RUN N 00° 18' 45" E 439.46 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUING N 00° 18' 45" E ALONG SAID EAST BOUNDARY OF SAID LAKE FOREST, UNIT 22, RUN A DISTANCE OF 668.84 FEET TO A POINT; THENCE RUN S 42° 00' 20" E 718.50 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD NO. 13; THENCE ALONG SAID WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD NO. 13, RUN S 14° 34' 56" W 143.46 FEET TO A POINT; THENCE RUN N 89° 45' 17" W 448.37 FEET TO THE POINT OF BEGINNING. CONTAINING 4.4408 ACRES.



NOTES

1. THIS PLAN IS A PRELIMINARY PLAN. ALL NEIGHBORING PROPERTIES ARE TO BE ADVISED OF THIS PLAN AND THEIR COMMENTS RECEIVED AND CONSIDERED. THE CITY ENGINEER SHALL REVIEW THIS PLAN AND ISSUE A PERMIT TO CONSTRUCT. THE CITY ENGINEER SHALL REVIEW THIS PLAN AND ISSUE A PERMIT TO CONSTRUCT. THE CITY ENGINEER SHALL REVIEW THIS PLAN AND ISSUE A PERMIT TO CONSTRUCT.
2. ALL UTILITIES SHOWN ON THIS PLAN ARE BASED ON RECORD PLANS AND FIELD SURVEY. THE CITY ENGINEER SHALL REVIEW THIS PLAN AND ISSUE A PERMIT TO CONSTRUCT.
3. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF. THE CITY ENGINEER SHALL REVIEW THIS PLAN AND ISSUE A PERMIT TO CONSTRUCT.
4. THE CITY ENGINEER SHALL REVIEW THIS PLAN AND ISSUE A PERMIT TO CONSTRUCT.

COMMISSIONER OF REVENUE TO BE RECEIVED

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PLWS, LLC ZONING AMENDMENT EXHIBIT 'B'
 LOT 2, LAKE FOREST PLAZA SUBDIVISION (PROPOSED)

MPWS,LLC
LAKE FOREST PLAZA
ZONING APPLICATION
ADJACENT PROPERTY OWNERS LIST

MPWS, LLC
3201 DAUPHIN ST
MOBILE, AL 36606

ETHINGTON JAMES A & TOMALEE A
114 FERNWOOD CIR
DAPHNE, AL 36526

RIOS ALVIN RAY & SUE ANN
116 FERNWOOD CIR
DAPHNE, AL 36526

SHORE CAROL A
117 FERNWOOD CIR
DAPHNE, AL 36526

PALMER JOANNA E
472 RIDGEWOOD DR
DAPHNE, AL 36526

WOODWARD BEN ET AL
474 RIDGEWOOD DR
DAPHNE, AL 36526

CAIN SHIRLEY M
476 RIDGEWOOD DR
DAPHNE, AL 36526

MICSAN JAMES R & DANIELA P
PO BOX 1465
DAPHNE, AL 36526

APPLETON STEVEN D & ANGELA B
480 RIDGEWOOD DR
DAPHNE, AL 36526

YODER ZANE B & JANICE E
482 RIDGEWOOD DR
DAPHNE, AL 36526

BALDWIN COUNTY BOARD OF EDUCATION
2600 NORTH HAND AVE
BAY MINETTE, AL 36507

EASTERN SHORE CHRISTIAN CENTER
9078 LAWSON RD
DAPHNE, AL 36526

LAKE FOREST OWNERS ASSOCIATION
PO BOX 1087
DAPHNE, AL 36526

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2011-**

**Ordinance to Rezone Property Located at the
Southwest Corner of Lawson Road and County Road 13**

WHEREAS, MPWS, L.L.C., as the owner of certain real property located within the City of Daphne, Alabama, has requested that said property be rezoned from B-1, Local Business District to B-2 General Business District; and,

WHEREAS, said property is located at the Southwest corner of Lawson Road and County Road 13, and being more particularly described as follows:

(TO BE KNOWN AS LOT 2, LAKE FOREST PLAZA)

COMMENCING AT THE SOUTHEAST CORNER OF LOT 198, LAKE FOREST, UNIT 22, AS PER PLAT RECORDED IN MAP BOOK 8, PAGE 73 OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE ALONG THE EAST BOUNDARY OF SAID LAKE FOREST, UNIT 22, RUN N 00° 18' 45" E 439.46 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUING N 00° 18' 45" E ALONG SAID EAST BOUNDARY OF SAID LAKE FOREST, UNIT 22, RUN A DISTANCE OF 668.84 FEET TO A POINT; THENCE RUN S 42° 00' 20" E 718.50 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD NO. 13; THENCE ALONG SAID WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD NO. 13, RUN S 14° 34' 56" W 143.46 FEET TO A POINT; THENCE RUN N 89° 45' 17" W 448.37 FEET TO THE POINT OF BEGINNING. CONTAINING 4.4408 ACRES.

WHEREAS, at the City of Daphne Planning Commission meeting on November 18, 2010, the Commission considered said request and set forth an unfavorable recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on January 3, 2011; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon consideration of the recommendation of the Planning Commission, deemed that said application for rezoning of the above described real property is proper and in the best interest of the health, safety and welfare of the citizens of the City of Daphne, Alabama; and,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, as follows:

SECTION I: ZONING

That above described real property is hereby rezoned from B-1 Local Business District to B-2 General Business District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

SECTION II: REPEALER.

All other City Ordinances or parts thereof in conflict with the provisions of this Ordinance, in so far as they conflict, are hereby repealed.

SECTION III: SEVERABILITY.

The provisions of this Ordinance are severable. If any provision, section, paragraph, sentence, or part thereof shall be held unconstitutional or invalid, such decision shall not affect or impair the remainder of said Ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence, and part thereof separately and independently of each other.

SECTION IV: EFFECTIVE DATE.

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and after publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS _____ day of _____, 2011.

**Cathy S. Barnette,
Council President**

**Fred Small,
Mayor**

ATTEST:

**David L. Cohen
City Clerk, MMC**



Post Office Box 7475, Mobile, Alabama 36670-0475
TEL: 251.471.1000 | FAX: 251.471.1785

September 23, 2010

Daphne Planning Commission Members
Daphne City Council

Re: Eastern Shore Family Entertainment Center – Lawson Road and County Road 13

Dear Ladies and Gentlemen:

We write to you regarding a multi-million dollar Family Entertainment Center we have the good fortune to locate in the Daphne Community. The Cole Family has been operating family oriented bowling facilities since 1959 and most recently has built a family entertainment center in Foley that includes a well known restaurant and arcade. The Cole Family projects that the facility will generate \$75,000 in sales tax revenue for the City of Daphne and create 43 new jobs paying an average of \$10.90 per hour. These wages would be spent in the local community.

White-Spunner & Associates, Inc. has worked closely with the City Staff, Planning Commission members and local residents to listen to any suggestions for the development and will make what changes that are feasible resulting from these conversations. As with any worthwhile project, there are things to be addressed and we stand ready to address additional concerns.

Enclosed is a conceptual site plan depicting the development. We look forward to assisting the City of Daphne in locating a new community business member. Please call me with any questions or suggestions.

Sincerely,

E. Matthew White
President

EMW/jhl
Encl.

WSA WHITE-SPUNNER & ASSOCIATES, INC.

Post Office Box 7475, Mobile, Alabama 36670-0475
TEL: 251.471.1000 | FAX: 251.471.1785

September 17, 2010

Mrs. Adrienne Jones
Director of Community Development
City of Daphne
PO Box 400
Daphne, AL 36526

Re: Lake Forest Plaza

Dear Adrienne:

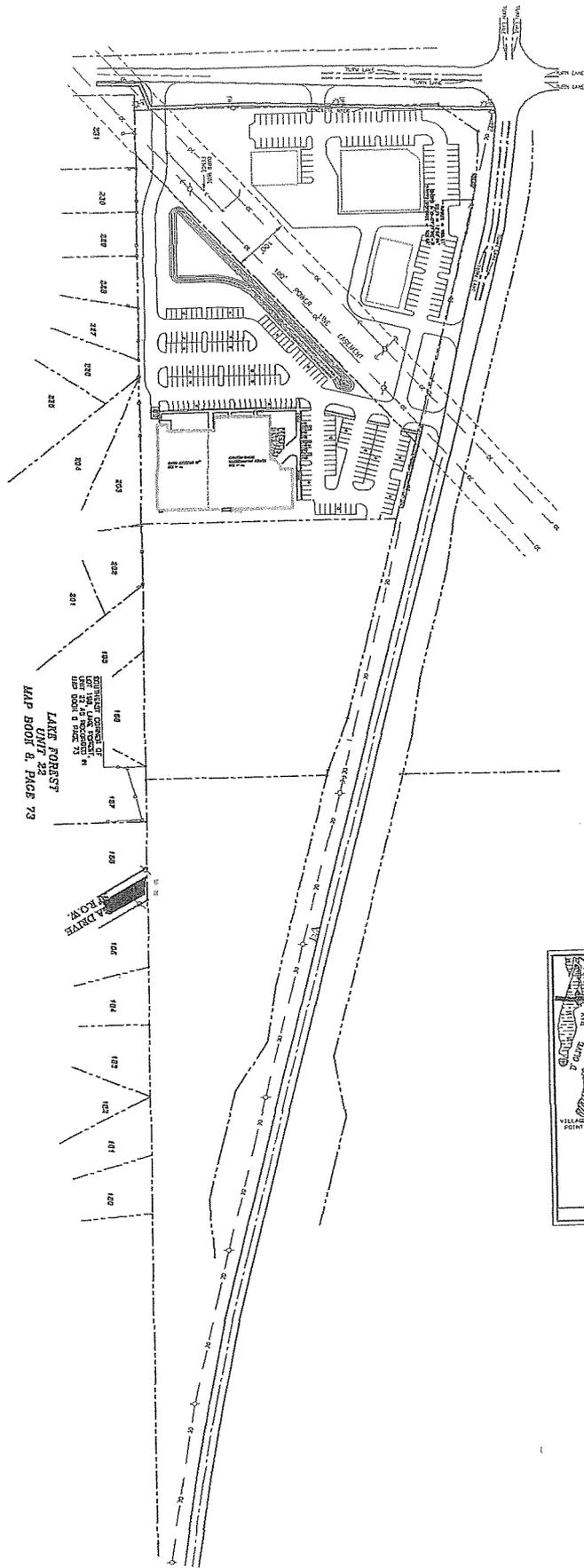
I am enclosing a conceptual drawing that shows what the ownership of the entire 14 acres envisions for the property. As each parcel is developed, the usage will dictate how the buildings, landscaping, parking, etc. will deviate from the conceptual.

Sincerely,



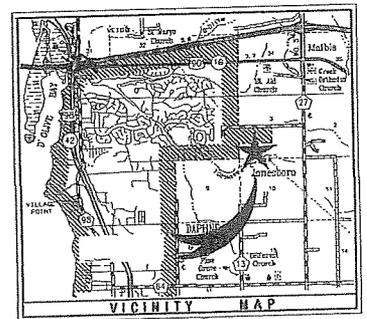
E. Matthew White
President

EMW/jhp



LARGE FOREST
 UNIT 22
 MAP BOOK 8, PAGE 73

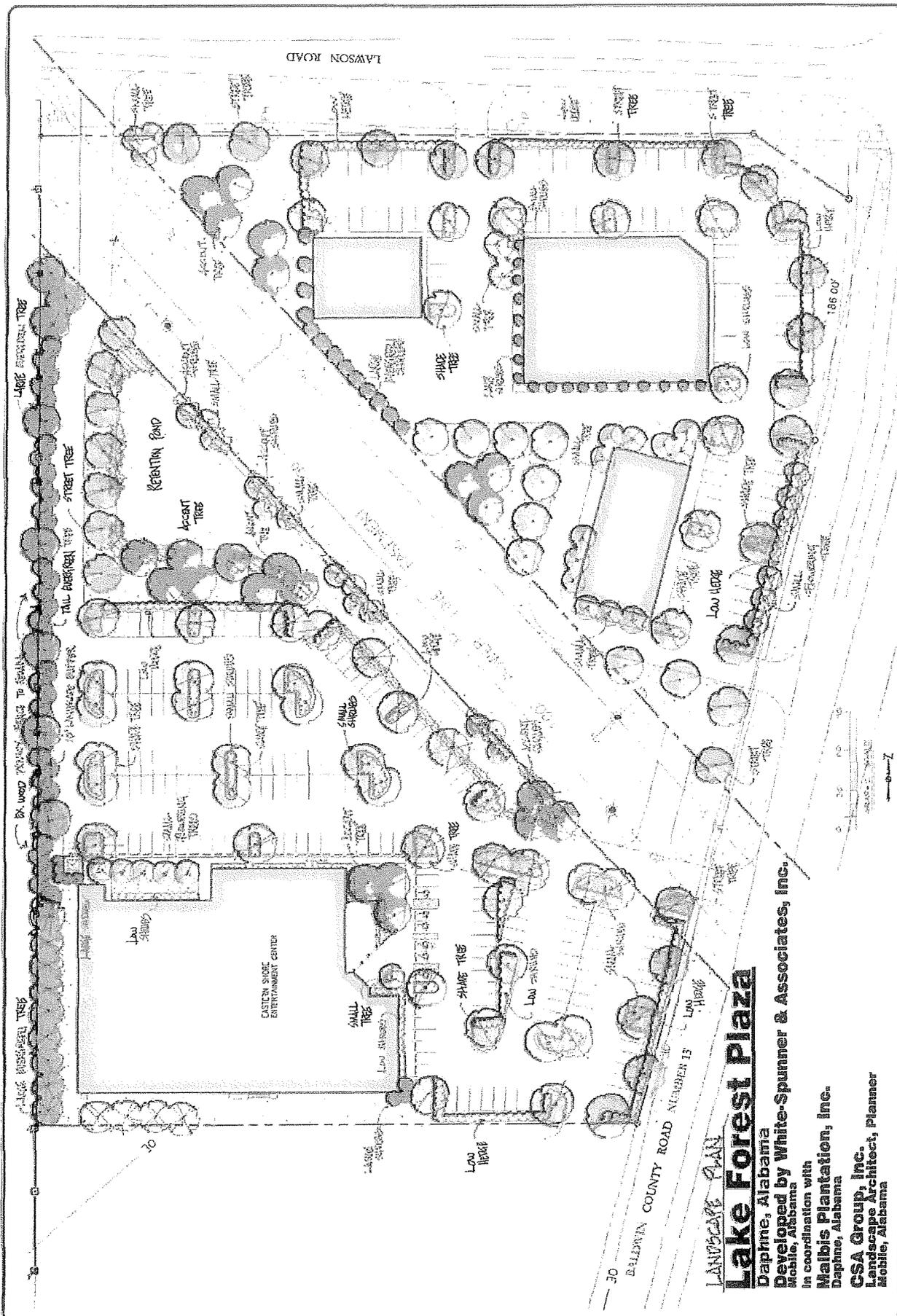
PA DRIVE
 1/2" W. 1/2" S. 1/2" E. 1/2" N.



MPWS, L.L.C. ZONING AMENDMENT CONCEPTUAL PLAN

RESTER AND COLEMAN ENGINEERS, INC. 66 HIGHTOWN PARK WEST MOBILE, ALABAMA 36606-4149 TELEPHONE NO. (251)-479-4518 FAX NO. (251)-479-4522									
DWG. BY:	DATE:	REVISIONS						SCALE:	
D.V.	8/26/10	BY:	DATE:	BY:	DATE:	BY:	DATE:	1" = 100'	
CHECK BY:	DATE:							FILE NO.	
								5-52	

V:\2010\10-10-10\10-10-10.dwg



LANDSCAPE PLAN
Lake Forest Plaza
 Daphne, Alabama
 Developed by White-Spunner & Associates, Inc.
 Mobile, Alabama
 In coordination with
 Malbis Plantation, Inc.
 Daphne, Alabama
CSA Group, Inc.
 Landscape Architect, Planner
 Mobile, Alabama

August 26, 2010

Eastern Shore Entertainment Center, Inc.
Daphne, Al. 36535

RE: Daphne Bowling Center

Please find attached a history of our current business, products and services that we will bring to the Daphne area, market needs and employment opportunities that are strictly guided by USDA.

We also want the City of Daphne to know that we anticipate bringing in close to \$75,000 a year in city sales tax (if I understand the rate to be currently 3%) and we know that we will bring in a beautiful entertainment center that the City of Daphne will be proud of.

We also rely on part of our income from alcohol sales and want to be sure that the City of Daphne knows that we take pride in our center and follow all the strict rules and regulations when it comes to serving alcohol. Keep in mind that we are a family oriented entertainment center and all aspects of our income depend on arcade, bowling food and beverage, birthday parties and alcohol sales. If there is any doubt that this will be an issue with the City of Daphne, please let us know. We understand that we are close to schools and a church on County Road 13/Lawson as we are here in Foley. We take pride in our business and we want you to know that. Our staff is well trained and our customer service skills are top notch.

Respectfully,



Sonya Cole
251/943-4595 office
251/747-0298 cell
www.gulfbowl.com

The Gulf Bowl -- 1959-2010

History of our Family Business

The Gulf Bowl was opened in 1959 by Hugh and Barbara Cole and was located on Hwy 59 in the parking lot across from Visions Bank in Foley. Hugh & Barbara opened with 10 lanes . In 1960 added 6 more lanes and lounge called Alley 17. There wasn't much to do back then, so bowling it was!

Around 1979 the Baldwin County Bowling Association was formed to service our league bowlers in the surrounding counties. At that time there were several bowling centers in the county, Fairhope, BayMinette and for a short time Gulf Shores . All have closed except for BayMinette which opened Strike City several years ago.

In 1982 Hugh & Barbara decided to build a new center on Michigan Avenue. They moved the equipment over and opened a new center with 16 lanes, snack bar, small restaurant and a few pool tables. In 1986 Butch, son of Hugh and Barbara and Butch's wife Sonya came into management to help the family business as Hugh had expanded into other business in the area and Barbara had a young son, Kevin at home 17 years younger than Butch. In 1990 Butch joined the work force with the airline industry to become a pilot and is currently a pilot with Delta Airlines. Sonya took over the business with the support of Butch and together they worked long hours.

Over the next 22 years Butch & Sonya Cole kept the business alive with the constant upgrading of equipment, automatic scoring came into play, new seating and of course cosmic bowling!

As with any business, our leagues grew in size and sometimes decreased in size We went from smoking to non-smoking and from cutting our lanes to a synthetic overlay.

No Smoking Facility.

Butch and Sonya have two children, Dusty now 26 and Amber now 21. Dusty joined the family business in 2003. Went to many classes, seminars and learned the business from the pro-shop to mechanics and now part of management.

In 2005 Butch, Sonya and Dusty started to think about expanding the bowling center or building a new center again. After a long time coming, we decided to build a family entertainment center in Foley and bring the community a center that they would be proud of. We struggled and Butch must have looked at 100 centers before we decided what to do. Our league members supported us in this decision and told us that if we build it, they would come!

In 2007 we broke ground on this new entertainment center .

During that time Hugh Cole passed away and never got to see the finished center and Barbara passed away a few years prior to that. He would have been so proud. We put in new Brunswick lanes & machines, equipment, seating, snack bar, full service seafood sports bar & grill, arcade and adult pool table area. The family and dedicated employees helped us paint the entire new center. We opened the new center in August 2008 to start out our Winter League Season. We have now been opened a full year and still can't believe that we did it again. 50 years in business, what a remarkable history for the Cole Family and the bowling industry.

Hugh and Barbara attended "Bowling Center Management" classes in 1960, Sonya in 1986 and then again with son Dusty, 2009.

My oh my how the bowling industry has changed in 50 years. We are proud of our business and hope you will come see us in the future. We hope our children will keep the business going for another 50 years. We have a Frank Hugh Cole, Sr. -- Jr. -- III and now our newest edition Frank Hugh Cole IV.

Products and Services

The bowling business is family entertainment. This is a sport that all ages can participate in and enjoy as individuals or in groups. It is where grandparents take grandchildren of all ages to have a bonding outing. The new computer technology enables anyone to experience the excitement of the sport without having to know how to keep score, because it is done automatically by the computer and displayed on a monitor. The core revenue producer is the league structure, which is all encompassing. The basic element in leagues is its three levels--beginning with youth leagues, it progresses until it reaches the senior citizen. The largest number of league bowlers are in the 35-50 age group, married with two children, home owning, with an annual income between \$40,000 and \$75,000. These leagues are primarily made up of married couples with similar backgrounds. Large corporations, adult school-booster organizations, and churches are excellent sources for forming this type of league. League development is only limited by management's imagination; however, the key is to find a common interest which each member of the league shares. Eastern Shore Bowling Center is a multi-media entertainment center that will also have a billiard, arcade, laser tag, full service restaurant, snack bar and much more with its own league structure. Dusty's Sports Bar & Grill will be a full service restaurant will feature live entertainment or Karaoke for the late-night customers a few nights a week.

Market Needs

The demographics of Eastern Shore Bowling Center indicate it will be filling a void that has existed for years in the local entertainment market. This market has a higher income than the average section of Baldwin County; therefore, more money is available for entertainment.

Pricing Strategy

All prices will be competitive and fair to the customer. The cost of products sold will determine the selling price after adding overhead and profit. Although the demographics are stronger in the Eastern Shore area, we have conservatively used some pricing from the Foley location for the Eastern Shore Bowling Center.

Management Summary

As stated earlier the key managers of the highly successful Gulf Bowl will be managing the new center. (See Appendix D for resumes)

Our management philosophy is based on mutual respect for all contributions made by our employees without regard to the position they hold in the company. People who work at Eastern Shore Bowling Center want to work here because the work environment enables them to work smarter--not harder, and they know their suggestions are appreciated.

The ability of Eastern Shore Bowling Center to accomplish its goals and lead the bowling industry is significantly related to the expertise, abilities, and social conscience of the management team.

Employee Summary

The total employment will equal at least 45 jobs which includes management. The total number of jobs created will be 43. The average wage pay will equal \$10.90 per hour, 150% of Federal Minimum Wage. Management offers employees health insurance and Eastern Shore Bowling Center will pay for more than 50%. There is a readily available supply of labor in this market area. The market area is experiencing unprecedented unemployment. There is a readily available supply of raw materials and we have never had a problem obtaining necessary supplies to run our business.

Jan Dickson

From: "Adrienne Jones" <ajonesdpln@bellsouth.net>
To: "Jan Dickson" <jandplcr@bellsouth.net>
Sent: Thursday, September 23, 2010 1:33 PM
Subject: FW: Eastern Shore Family Entertainment Center

From: Gulf Bowl [mailto:gulfbowl@gulftel.com]
Sent: Thursday, September 23, 2010 1:22 PM
To: ajonesdpln@bellsouth.net
Subject: Eastern Shore Family Entertainment Center

Adrienne,

I have forwarded several letters to you from residences and coaches who have sent them to me in support of our Family Entertainment Center for the Eastern Shore.

Just a few concerns going into this meeting that we wanted you and the planning commission to know. We have already been approved for this loan by USDA and Vision's Bank for this center in Daphne, AL. One of our major concerns is that our funding with USDA will expire December 31, 2010 and we will have to start all over again. Not sure we want to go down that road again. The paperwork and the funding process was very long and detailed.

We also were under the impression that when we signed the contract with White-Spinner it was already zoned B2. That played a big factor in the selection of this property, so you can imagine the deep sinking feeling we have knowing that our time is running out on this USDA loan guarantee and the property being zoned B1 with no bowling centers allowed.

The other concern is the stigma of a "bowling alley" which is not what we are building. That term was used in the 70's. We are building a Family Entertainment Center that will be "no smoking" and family oriented. It will have 24 Brunswick lanes, arcade, laser tag, family restaurant, snack bar, adult pool table room and party rooms.

It was brought up several times at the site preview meeting about the other property and why we did not go there. I am sure most of the commission knows that USDA & Vision's Bank would not allow us to go thru with that purchase of the property at the Renaissance Center due to the bonds. We are ready to break ground as soon as we can.

It is really crucial that we get this project off the ground as the funding was a nightmare and will of course expire soon.

Respectfully
The Cole Family
251/747-0298 cell

SUPPORT

Citizen Comments

-NOTICE-

The following information is a compilation of support for the proposed rezoning. Most documents were submitted for the original September 23rd Planning Commission public hearing.



ATTN: Adrienne Jones
Please forward to Council!

To: City of Daphne
City Council Members

Subject: Support to allow amended use to B1 zoning of property at Lawson Road and County Road 13 for Family Entertainment Center/Bowling Center.

As current residents of the City of Daphne/Lake Forest, we are in support of this amended use.

34

Name	Address	Date
Dennis Basso	2200 E Bay Dr #29 Daphne AL	11/03/10
Linda BONES	9354 Sanibel Loop Daphne AL	11-4-10
Robert LAVOIE	131 Greenbay Dr. Daphne AL	11/4/10
Brandon Cox	608 Magnolia Ave Daphne AL	11/4/10
Edward King	27944 Turkey Branch Dr Daphne AL	11/4/10
David Singleton	26001 Creston Dr Daphne	11/5/10
Nicole Taylor	1512 Tiffany Lane Daphne	11/5/10
Dorella Patey	1512 Tiffany Lane Daphne	11/5/10
Sam Farley	1512 Tiffany Lane Daphne	11/5/10
Andrew Darnant	118 Buena Vista Rd. Daphne	11/5/10
Suzanne Wright	1016 McMillan Ave. Daphne	11/5/10
Jane Shaw	" " " " " "	" " " "
Dani Stewart	25660 Austin Rd Daphne	11-5-10
Marlaret Vicker	25660 Austin Rd Daphne	11-5-10
Deanne Jones	8160 Conch Palms Daphne	11-5-10
Julie Cummings	9424 Wind Clantail Daphne	11-6-10
Kathleen Carraway	114 Pineridge Rd, Daphne	11-7-10
Nathan Carraway	114 Pineridge Rd Daphne	11-7-10
Denise Harbison	7870 Landing Eagle Dr. NW. Daphne	11-7-10
Jennifer Hill	279 Rolling Hill Dr. Daphne AL	11-7-10
Laurie Kelly	279 Rolling Hill Dr Daphne AL	11/7/10
Tyler Branning	104 Leigh Circle Daphne AL	11/7/10
Whitney Moore	135 Daphne Cir Daphne AL	11/9/2010
Rebecca Sill	Willow brook Cir Daphne AL	11-8-10
XXXXXXXXXX		
Jerika Johnson	1503 Pollard Rd Daphne, AL	11-9-10
Laura Glasco	118 Cameron Circle Daphne, AL	11-9-10
Jan M...	27161 Hwy 98 Daphne AL 36526	11-9-10
Alan	27442 US Hwy 98 Apt 313 Daphne 36524	11-9-2010
Stephen	102 Lake Forest Camp Daphne AL	11-9-2010
Ellie	107 Michael Ln	11-9-2010
Victoria Mitchell	2333 Howard Rd Daphne AL	11-9-10
Thelma Hammond	146 Bay View Dr. 36526	11-9-10
Elliot Jones	133 Lakeland Dr 36526	11-9-10
Keith Gardner	102 Iron Rock Cir Daphne 36526	11-9-10

Baldwin County Economic Development Alliance

September 24, 2010

Sharon White
WHITE-SPUNNER & ASSOCIATES, INC.
3201 Dauphin Street
Mobile, Alabama 36606

Dear Sharon White,

Thank you for asking us about our knowledge of the Gulf Bowl and its potential Daphne project.

The Alliance has worked with Gulf Bowl owners in the past and we have watched it grow from a small, low tech, small employer in Foley to a major entertainment center featuring high tech games and bowling and a very popular restaurant. Owners have presented us with information on their proposed Daphne project and it appears that it would add something new to the area and would be a nice generator of sales tax dollars.

We are not involved with their efforts to buy and/or rezone property and are not offering any opinion on these matters, but our past experience with the organization has been very positive.

Sincerely,

Robert Ingram
President/CEO

Sharon Wright

From: Gulf Bowl [gulfbowl@gulftel.com]
Sent: Tuesday, September 07, 2010 1:08 PM
To: 'Sharon Wright'
Subject: FW: Letter CSU

Sharon, here is a letter of support by Columbia Southern University. They have over 400 employees now and expanding.

From: Brittany Berry [mailto:brittany.berry@columbiasouthern.edu]
Sent: Tuesday, September 07, 2010 1:03 PM
To: Gulf Bowl
Subject: RE: Letter

Here you go. ☺

To Whom this may concern:

Columbia Southern University has been working with the Gulf Bowl in Foley, Alabama for the last 3 years. Many of our staff enjoy the facility with family and friends and when we have company events we continue to call on Gulf Bowl. I personally know the owners who continue to go out of their way to make our events a great time. The facility is top of the line with great food and professional staff. Each year we have company events at their facility and it is always a huge success for us. I think having Gulf Bowl in Foley, Alabama has made a huge impact on our community and our company.

Sincerely,

Chantell M. Cooley

Columbia Southern University
Executive Vice President of Admissions/Partnership Development
251-224-0541
800-977-8449 ext 1121
www.columbiasouthern.edu

Brittany Berry

Executive Assistant to the Executive Vice President of Admissions/ Partnership Development
800-977-8449 ext. 1154 | (251) 224-0591- Direct Line
Fax: 251-224-0580
PO Box 3110 | Orange Beach, AL 36561
brittany.berry@columbiasouthern.edu

Become a Partner. Build a Future.
Ask me how to receive a 10 % tuition discount!

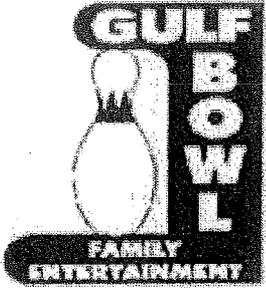
Sharon Wright

From: Gulf Bowl [gulfbowl@gulftel.com]
Sent: Monday, September 06, 2010 9:22 AM
To: 'Sharon Wright'
Subject: FW: High Rollers Sign Ups

This group from CSU Columbian Southern University had a great time and this is their add to start up another league. If you will look at the bottom there are written quotes from some of their employees.

From: Michelle Miller [mailto:michelle.miller@columbiasouthern.edu]
Sent: Monday, August 09, 2010 1:32 PM
To: CSU-Broadcast
Cc: Gulf Bowl
Subject: High Rollers Sign Ups

HIGH ROLLERS



High Rollers Board

President—Ken Styron
 Vice President—Michelle Miller
 Sergeant of Arms—Kim Clay

For more information about the High Rollers, or if you are interested in signing up, contact Michelle Miller.



Congratulations to Ken Styron on his perfect score at our No-Tap Tournament on July 30th.



NEW LEAGUE FORMING FOR FALL

Looking for something to do Fridays after work? Well you have come to the right place!

Come bowl with us this 2010/2011 Winter League **Short Season**

Meet this Friday August 13th at 3:30 PM

Start bowling Friday August 20th at 3:30 PM

We will have 3 people to a team. This will be a 12 week session starting on 08-20-10 and will end 11-05-10.

Fees: \$12.00 (includes bowling, secretarial/ treasurer fees and prize fund.)

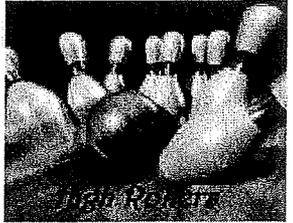


Spring 2010 High Rollers

USBC CARDs
 \$17.50 women \$19.00 men

Any questions call Sonya Cole 943-4575

This league will be open to the public, so bring your friend, spouse or neighbor down to bowl. Help us grow this league.



QUOTES

The best sound in the world is hearing 10 pins drop, come and join us for the fun and friendship.
 ~~Kim Clay

I have got to really know some of the great people at CSU. I thoroughly enjoy hanging out with them. Oh yeah and the bowling is fun too.
 ~~Ken Styron

The CSU bowling league has grown my respect for the people that I work with. It is a good way to release stress at the end of the week.
 ~~Andrew Hanes

Sharon Wright

From: Gulf Bowl [gulfbowl@gulftel.com]
Sent: Tuesday, September 07, 2010 1:08 PM
To: 'Sharon Wright'
Subject: FW: Letter CSU

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Sent: Tuesday, September 07, 2010 1:03 PM
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Subject: RE: Letter

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Sincerely,

Chantell M. Cooley

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PO Box 3110 | Orange Beach, AL 36561
brittany.berry@columbiasouthern.edu

Become a Partner. Build a Future.
Ask me how to receive a 10 % tuition discount!

CITY OF DAPHNE,

I AM WRITING ON BEHALF OF GULF BOWL IN FOLEY, ALABAMA. AS A TEACHER IN THE BALDWIN COUNTY I CAN ATTEST TO THE QUALITY OF MANAGEMENT AND SERVICES TO THE COMMUNITY OF FOLEY. GULF BOWL IS ALWAYS WILLING TO HELP THE SCHOOLS IN ANY WAY POSSIBLE. AS A PARENT OF TWO SMALL CHILDREN I HAVE NEVER HAD ANY RESERVATIONS ABOUT TAKING THEM TO GULF BOWL. IT IS A FAMILY ORIENTED SAFE ENVIRONMENT. THE CITY OF DAPHNE WILL BE NOTHING BUT PLEASED WITH WHAT GULF BOWL WILL BRING TO YOUR COMMUNITY.

SINCERELY,

RUSTY HINSON
FOLEY ELEMENTARY SCHOOL

Foley Intermediate Foley, AL

News & Events | Intellectual | Social | Athletics | Alumni

search for LatestNews keywords? on This Site

 Student Grades 
News & Events Latest News Calendar Library Class Schedule Lunchroom Principal's Corner About The School Handbook School Publications School Staff Forms Spotlight
Intellectual Classroom Assignments Fine Arts
Social Clubs & Organizations Community Services Guidance
Athletics Sports
Alumni Alumni

Bowling Tournament Winners

Wednesday, December 09, 2009

Print Email

We have had fun bowling at the Gulf Bowl during P.E. on Fridays. Coach Anderson had a Bowling Tournament. The bowling tournament winners for 5th grade girls are: 1st Place Kaylee Vines, 2nd Place Natalee Grumbley, and 3rd Place Emily Ivey. The winners for 5th grade Boys are: 1st Place Miguel Lopez, 2nd Place David Esparza, 3rd Place Kyle Melton. The winners for the 6th grade girls are: 1st Place Taylor Knighten, 2nd Place Olivia Shoots, 3rd Place Jenny Pham. The winners for 6th grade boys are: 1st Place Bailey Thompson, 2nd Place Osman Valladares, 3rd Place Wil McWatters. Congratulations to all winners!!!



View all Highlights

Print Email

Highlights

Welcome Back, Students!

Supply Lists

CHRISTIAN MURRAY WINS SCHOLARSHIP!

Archery Club goes to Nationals

Infection Control in the School Setting

Sock Hop

more articles..



Navy Junior Reserve Officer Training Corps
Gulf Shores High School
P.O. Box 3729
Gulf Shores, Al 36547

To Whom it may concern,

It is my pleasure to recommend the Gulf Bowl entertainment center in Foley. I am the Senior Naval Science instructor at Gulf Shores high school and we have had the pleasure of using their facility for the past eight years. We have incorporated bowling into our overall sports program and visit the center around 6 times during the school year.

Our cadets really enjoy bowling. The atmosphere is friendly and fun and I think the staff does their best at making it a great experience. We feel welcome there.

Please contact me at (251) 968-4774 if I can provide any additional information on this fine organization.

Sincerely,



CDR Bruce McLandless, USN (ret)

9/22/2010

To whom it may concern;

As a property owner in Lake Forest I would like to express my support of the Family Entertainment Center that is proposed for the property located on the corner of Lawson Rd and Cnty Rd 13, behind the Lake Forest subdivision. My home is within 500 ft of where this proposed site is located and I feel this center will be a positive enhancement to our subdivision. I believe this is a great location for the center because it will be a family entertainment center right next door (within walking distance) to the largest family subdivision in our area. In addition this center will be a great asset to the city of Daphne as it will provide jobs and revenue in a time when our city really needs them. It will also keep our money in our city and not spent in Foley, Bay Minette or Mobile.

Thank you,



Sean Womack

104 Cherryhill Dr.

Daphne, AL. 36526

Dear City of Daphne:

We are long time residents of Lake Forest and use the Lawson Road entrance/exit frequently. We understand there is a proposed Family Entertainment Center off Co. Rd. 13 near Lawson Rd. We are in total support and favor of the Family Entertainment Center and the proposed site. Children, adults and especially teenagers need a family friendly place to go for fun in Daphne. This is an excellent location for such a center and we feel it will be a big asset to the area.

Thank you for your time.

Sincerely,

Handwritten signature of Bob and Jane Anderton in cursive script.

**Bob and Jane Anderton
107 Pagan Circle
Daphne, AL**

I make Lake Forest subdivision my home and have for a number of years. In regards to a new bowling alley being built in Daphne adjacent to Lake Forest, I think it's a great idea. The entire Eastern Shore will benefit from it. At the present time you have to go to Mobile or Foley to enjoy bowling and I'd rather not have to travel. Plus, I'd prefer to spend my money in Daphne if possible.

Please approve the bowling alley at Lawson and 13.

Thank you,

Sara Trione

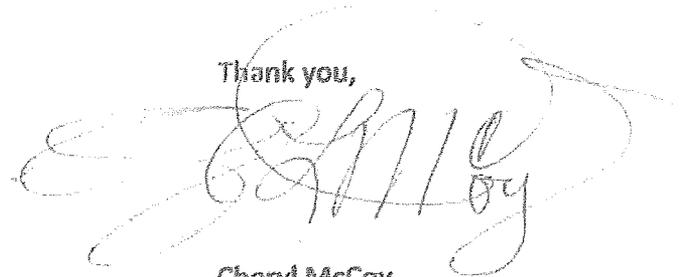
A handwritten signature in cursive script, appearing to read "Sara Trione". The signature is written in black ink and is positioned below the typed name.

9/22/2010

To whom it may concern;

As a property owner in Lake Forest I would like to express my support of the Family Entertainment Center that is proposed for the property located on the corner of Lawson Rd and Cnty Rd 13, behind the Lake Forest subdivision. I believe this is a great location for the center as it will be a family entertainment center right next door to the largest family subdivision in our area. In addition this center will be a great asset to the city of Daphne as it will provide jobs and revenue in a time when our city really needs it. It will also keep our communities dollars spent within our community.

Thank you,

A handwritten signature in black ink, appearing to read "Cheryl McCoy", written over a circular stamp or seal.

Cheryl McCoy

To Whom It May Concern

I live in Daphne in the Lake Forest community and I'm in favor of the proposed Family Entertainment Center at County Road 13 and Lawson Road. Daphne is in need of a facility where people of all ages can go for entertainment. Please vote yes on allowing this center at the proposed location in Daphne.

Anne Trione
Lake Forest Resident

A handwritten signature in black ink that reads "Anne Trione". The signature is written in a cursive style with a large, looping initial "A".

To the City of Daphne:

I am writing this letter in support of the family entertainment center going in on county road 13, that backs up to Lake Forest. I think this would be a great asset to the city of Daphne and the families of the eastern shore. This facility would generate income for the city, which I think the city could use and also would generate jobs. I am also a homeowner of Lake Forest and I do not see this hurting property values, I see it as a great asset, especially with so many families living in Lake Forest and the city of Daphne, these families would spend their money here in Daphne, instead of going to Mobile, Bay Minette or Foley. We need to put Daphne back on the map and I think putting a family entertainment center would not only be great for the city of Daphne, but it would bring families from other cities to experience the eastern shore.



Jason Boylan
118 Chatam Loop
Daphne, Al 36526

September 22, 2010

City of Daphne

RE: Eastern Shore Entertainment Center

This is in reference to the family entertainment center that is to be located on County Road 13 & Lawson in Daphne, Al. I have been a residence of Lake Forrest community for the past 15 years and I am also a league bowler currently bowling at The Gulf Bowl in Foley. I have known the Cole Family for over 20 years and they have done a great job with The Gulf Bowl in respect to a beautiful center and customer service. I know that they will bring a beautiful Family Entertainment Center to the Daphne area and I am in full support of this center on County Road 13 & Lawson.

My wife and I were at the meeting last week for the Lake Forrest residence and we cannot attend the meeting on Thursday, September 22, 2010. If you have any questions, please feel free to contact me.

Respectfully,

Don & Theresa Wiggins
251/751-1727 cell

Don Wiggins
Theresa Wiggins

September 2010

To Whom It May Concern:

Gulf Bowl has been a very positive addition to Foley. They have been in the area for a very long time and the move to the new location in Foley has made things even better than before. We started a Church Bowling Team 3 years ago and it has brought a lot of people together. I have seen the new location cater to Schools, Youth Groups, Church Groups, Seniors, Men and Woman groups that have a passion for bowling. The arcade is a great place for young and old. The restaurant is a wonderful place for lunch and dinner.

I would support their opening another Bowling Center and think it would benefit any community.

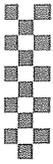
Sincerely,

Cindy Deemer
FUMC Church Financial Secretary
And
Bowler

OPPOSITION
Citizen Comments

--NOTICE--

The following information is a compilation of opposition to the proposed rezoning. Most documents were submitted for the original September 23rd Planning Commission public hearing.



Jan and Byron Yoder
482 Ridgewood Drive
Daphne, Al 36526
251/626-3743

Adrienne D. Jones
Director of Community Development
Planning & Zoning Department
P.O. Box 400
Daphne, Al 36526

September 8, 2010

Re: Lot 2, Lake Forest Subdivision
4.44 acres
SW of Lawson Rd and Co 13
Zoning Amendment from B1 to B2

Dear Adrienne D. Jones and Committee:

We live on the corner of Ridgewood and Lawson Road, bordering the above property. We have lived here for over 30 years and have the reasonable expectation that any immediate neighbors would be residential or at the most, B1 local business.

With the ever-declining residential property values, we feel the change from B1 to B2 and the potential presence of a bowling alley behind our home, would further decrease and actually devastate our home value as well as affecting several other homes in this area. As residents of Lake Forest, even though we are on a corner and border the above property, we would never be allowed to change our own zoning to B2 to compensate for the nuisances we would suffer. Due to our proximity to a school and church, we already face traffic nightmares at certain times during the day.

Although a bowling alley would be nice to have in Daphne, we most certainly do not want one or other similar businesses behind our home or our neighbor's homes. There is no buffer. The increase in traffic, noise and possibly all types of characters wandering behind our homes really goes against the safety theme of this neighborhood. We have children walking to and from school who could be exposed to all of the above. We have neighborhood people walking along the sidewalk adjacent to the property all the time in this area. Our current traffic situation is already pretty much at its safety limit for a school neighborhood. If the property is subdivided and changed to B2, there is no way to keep any business from opening next to our residential neighborhood.

There are many other pieces of property for sale in Daphne, even on highway 13, that would not present the noise/traffic/nuisance/safety issues of this particular property.

Page two

We are hereby stating our dislike and disapproval of the proposed changes, both for subdividing and rezoning.

Thank you for notifying us of this proposed change. We hope and beg that you will consider the situation carefully before opening this community up to further potentially haphazard, noisy, high traffic, home devaluing, non-residential development.

Sincerely,
Jan and Byron Yoder



Subj: Re:Gulf Bowl Entertainment Center
 Date: 9/8/2010 10:35:07 A.M. Central Daylight Time
 From: MRSYODER@aol.com
 To: mayorassist@bellsouth.net

Dear Mayor,

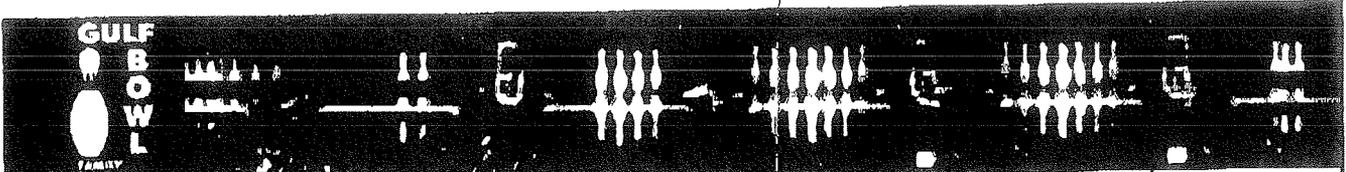
I looked up the above facility in Foley, which is located behind the Tangier Center.

It is a 7 day a week facility, complete with restaurant, and bar, open all day until 12 or 1 pm . Why
 would we want this facility in a residential area, right across the street from a high school?
 I cannot believe that the City would even consider it.
 I do not want this facility in my backyard which where it would be.

Please look at the website and ask your council and your zoning committee to do the same.
<http://www.gulfbowl.com/>

Thank you,
 Sincerely,
 Jan Yoder
 482 Ridgewood Drive
 Daphne, Al 36526
 251/626-3743

Copy for zoning committee



Home	Leagues	Tournaments	Parties	Youth Fun	Photo Gallery	Contact Us
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2881 S. Jumper Nat Folev. Al 36537 [Click here to subscribe to our email list.](#)

Welcome to The Gulf Bowl online!

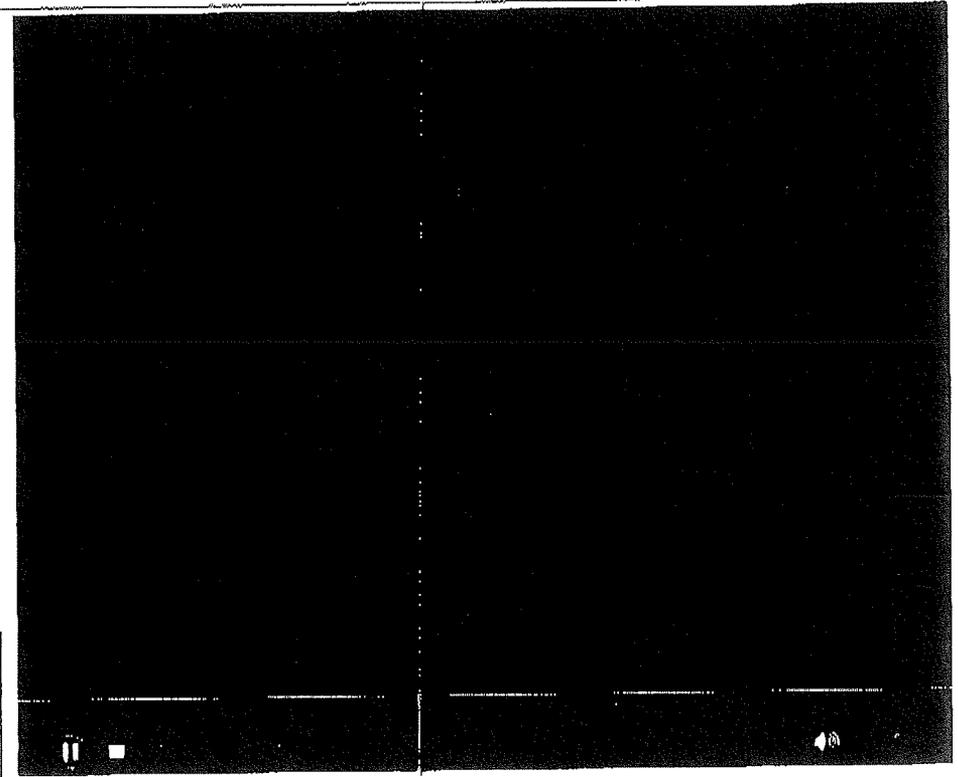


Photo Gallery
Video Gallery
Event Listings
Contact Us
ONLINE RESERVATIONS
Open Play Prices
Coach It Up Program
Bar
Game Room
Pro Shop
Snack Bar
Captain's Choice
PBA Regionals
CSU Bowling Day
Custom Video
50th Celebration
The Tanger Outlet
LETSGOBOWLINGUSA.COM
Terrific Tuesdays

The Gulf Bowl Entertainment Center is open 7 days a week. We offer 24 high quality lanes with easy automatic scoring for Family, friends and league bowling, Cosmic Bowling every Saturday night from 10 PM - 1 AM. Join a league, have a party, or just bowl for fun. We have a full service restaurant "Captain's Choice Sports Bar & Grill, snack bar, party rooms, upstairs mezzanine viewing area, adult pool table room, family arcade/redemption and much more. A 30,000 sq. ft. grand facility. Have your company party, shower, meeting in one our party rooms.

Hours of Operation
 Sunday 11 AM - 12 Midnight
 Monday- Thursday 9 AM - 12 Midnight
 Friday & Saturday 9 AM - 1:00 AM

Online Reservations
 Click here to reserve your lanes online!

Specials!

2

September 30, 2010

Daphne Council
Daphne Zoning/Planning

Re: proposed Gulf Bowl/zoning list change

Dear Council and Committee:

The residents of the Lawson/Hwy 13 area have signed petitions, written letters, and some have attended meetings regarding the proposed bowling alley, "family entertainment" center, bar, restaurant, grill, pool hall and gaming facility. We are not sure what else we can do to convince all of you that we do not want this facility behind our homes.

As a whole, we feel this facility has no place butting up to a residential neighborhood. It is not a neighborhood improvement visibly. It is a huge facility. It will have approximately 250 to 300 parking spaces, which probably isn't enough for a Friday or Saturday night. It has outdoor dining. It serves alcohol across the street from a high school. It is open until 1pm. It will be noisy as people come and go. It goes against the Daphne guidelines for zoning and growth in this area. It will border several homes in our neighborhood. It is a B2 zoned business that is trying to be put on the B1 list.

We also do not want this type of business to be removed from B2 and placed to B1 just so they can go ahead with their plans for this facility. I believe it would set a very bad precedence for the entire city.

Yes, we have a neighborhood pizza pub/bar around the intersection corner, but it is not very big or noisy. We have a women's small fitness center around the corner that probably services no more than 5 to 10 women max at a time. We have a corner gas station/convenience store. These are all in the county and out of our city's control zoning-wise, but it doesn't mean we have to jump on the bandwagon. They also are not very large facilities. The other primary businesses back here are offices, a day care and a storage facility. They tend to only be noisy in the daytime hours and none of them butt up to residential back yards. The fire station is about the noisiest thing in the back of Lake Forest with the exception of seasonal football games and the constant flow of traffic. Quite simply, we do not need another high traffic facility here butting up to this long-standing, previously quiet, residential neighborhood.

Highway 13 & Lawson has become a very busy, active route for the residents of Lake Forest. The traffic situation is not good. I wouldn't say it's very safe for all the walkers who currently use this intersection, both children and adults. If this bowling alley comes to fruition, it will make this intersection even more high traffic and less safe for longer hours. Highway 13 will continue to become busier and busier, and this high attendance facility will make it much worse, faster.

I am attaching pictures of the Gulf Bowl facility in Foley. It is on a side road behind the Tanger Center, and has no immediate neighbors. About two or three large lots away to the south are other commercial entities. Gulf Bowl does not butt up to a school, a church or a residential neighborhood. Would you want this facility behind your house, and visible to you on a daily and nightly basis?

We would love a bowling alley in the City of Daphne, but we do not want it in our back yard. We are aware that there are several people campaigning for this facility to be put on Hway 13/Lawson, but they do not live in the immediate area affected, and their primary goal is to have a place to bowl. They have insinuated it is a "done deal", and that all but one on the council want the bowling alley here. While we understand and sympathize with the need, we don't understand the desire to put this facility in this location where so many of us will be affected adversely.

Please earnestly consider the residents who do not want this facility behind our homes. We ask that you think of our neighborhood's benefit and not the dollar signs of business.

Sincerely,
Jan & Byron Yoder
251/626-3743

Gulf Bowl

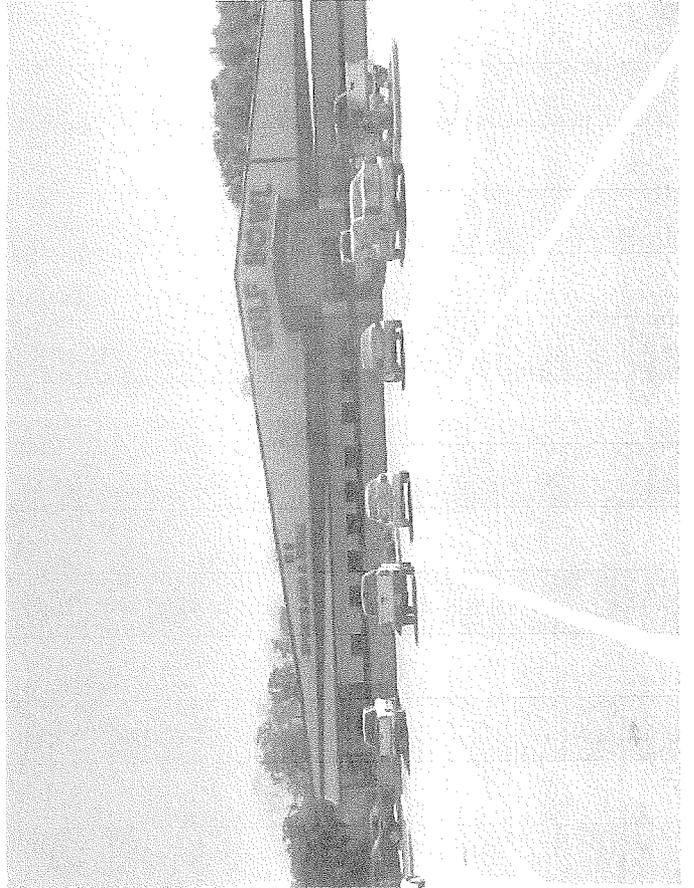
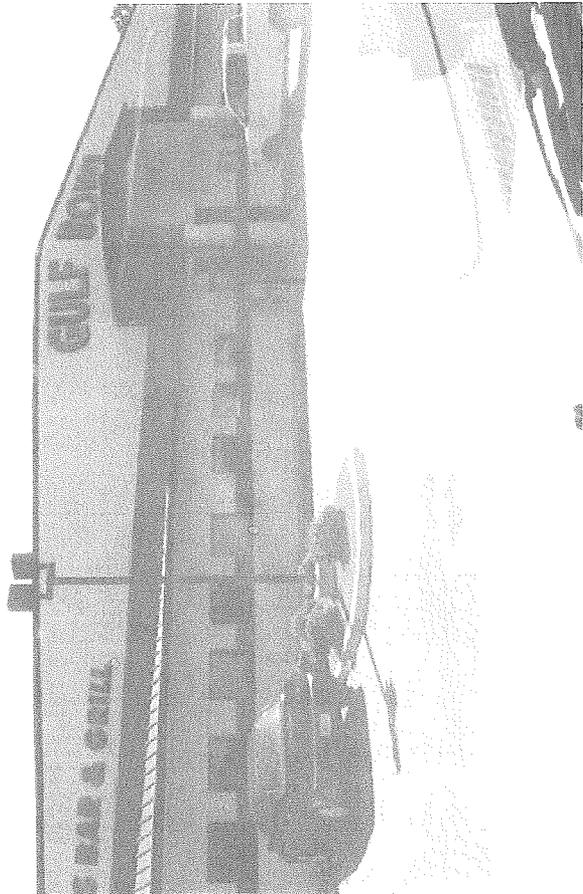
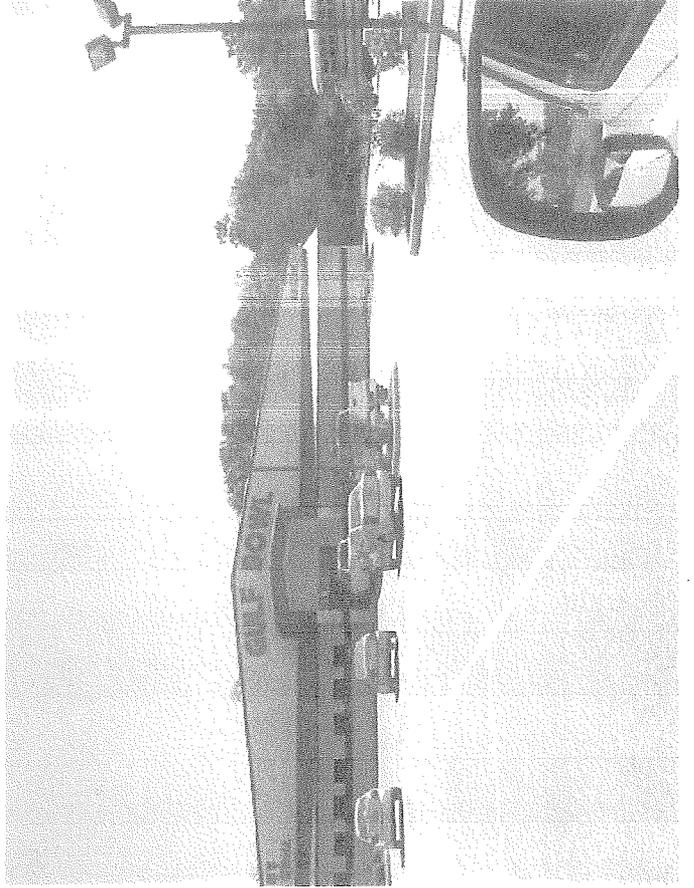
9/29/10



Left
Side



Right
Side



Subj: **Re: Comprehensive Plan and new bowling alley zoning/plan**
Date: 9/18/2010 11:47:01 A.M. Central Daylight Time
From: MRSYODER@aol.com
To: mayorassist@bellsouth.net, yelding1@bellsouth.net, barnette2@bellsouth.net,
johnlake3@bellsouth.net, ronscott5@bellsouth.net, Boulware6@bellsouth.net,
palumbo7@bellsouth.net

Dear Mayor and Council: (can you please copy this to the zoning committee)

In reading Daphne's Comprehensive plan, I discovered back up for those of us who do not want this strip facility/zoning change at the busy intersection of the Lawson/Highway 13 entrance to Lake Forest.

Page IV-3

Develop moderate to high end residential uses East of Daphne to encourage vehicular circulation through the downtown area and **not further increase traffic congestion on Co Road 13**

Page V-2

Future commercial development should be directed to **clustered areas, not in strip fashion.**

Future development policies shall **not allow such problem intersections to be created.**

Page IX-18

The current Land Use and Development Ordinance has provisions for visual and noise buffering between incompatible land uses. This resulted from complaints from residents primarily located in East Daphne are who are adjacent to heavy commercial development and the resulting traffic.

Commercial development in Daphne is mainly strip type development without any clustering of similar type businesses. The result is offices adjacent to car repair next to retail. Not only has the lack of commercial clustering resulted in an **aesthetically displeasing landscape, but has also contributed to traffic congestion.**

Page IX-19

Daphne has several strong and cohesive neighborhoods which attract growth and promote stability. **Conservation of these neighborhoods should be a high priority as new industrial and commercial and residential growth continues to occur.**

Please do consider all of this regarding the upcoming decision about this neighborhood, school district, church, and already over-crowded intersection.

Thank you,
Jan Yoder
482 Ridgewood Drive
Daphne, AL 36526
251/626-3743

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF SEPTEMBER 23, 2010 REPORT
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

D. ADMINISTRATIVE PRESENTATION:

Presentation to be given by Mr. Joel Coleman, representing Rester & Coleman Engineers and MPWS, L.L.C., to request the consideration of an amendment to the Daphne Land Use and Development Ordinance, Article XXXV, the Table of Permitted Uses to allow a bowling alley as a use allowed upon Planning Commission approval in a B-1, Local Business, zoning district. (SIX MEMBERS WERE PRESENT AND THE MOTION FAILED TO SET FORTH A FAVORABLE RECOMMENDATION TO AMEND ARTICLE XXXV, THE TABLE OF PERMITTED USES TO ADD A BOWLING ALLEY AS A USE ALLOWED UPON PLANNING COMMISSION APPROVAL IN A B-1, LOCAL BUSINESS, ZONING DISTRICT. FOUR MEMBERS VOTED IN THE AFFIRMATIVE, ONE DISSENTED, AND ONE ABSTAINED).

(THE MOTION CARRIED UNANIMOUSLY TO SET FORTH A FAVORABLE RECOMMENDATION TO AMEND ARTICLE XXXV, THE TABLE OF PERMITTED USES TO ADD A FAMILY ENTERTAINMENT CENTER AS A USE ALLOWED UPON PLANNING COMMISSION APPROVAL IN A B-1, LOCAL BUSINESS, ZONING DISTRICT.)

6. PUBLIC PARTICIPATION
7. ATTORNEY'S REPORT
8. COMMISSIONER'S COMMENTS
9. DIRECTOR'S COMMENTS
10. ADJOURNMENT

Jan Dickson

From: "Adrienne Jones" <ajonesdpln@bellsouth.net>
 To: "Jan Dickson" <jandplcr@bellsouth.net>
 Sent: Monday, September 20, 2010 9:49 AM
 Subject: FW: Comprehensive Plan and new bowling alley zoning/plan

From: Jane Robbins [mailto:mayorassist@bellsouth.net]
 Sent: Monday, September 20, 2010 9:08 AM
 To: Adrienne Jones
 Cc: mayorsmall@bellsouth.net
 Subject: FW: Comprehensive Plan and new bowling alley zoning/plan

F Y I

Jane Robbins

Assistant to Mayor Fred Small
 City of Daphne
 1705 Main Street
 Post Office Box 400
 Daphne, AL 36526
 251.621.9000
www.daphneal.com

From: MRSYODER@aol.com [mailto:MRSYODER@aol.com]
 Sent: Saturday, September 18, 2010 11:47 AM
 To: mayorassist@bellsouth.net; yelding1@bellsouth.net; barnette2@bellsouth.net;
 johnlake3@bellsouth.net; ronscott5@bellsouth.net; Boulware6@bellsouth.net; palumbo7@bellsouth.net
 Subject: Re: Comprehensive Plan and new bowling alley zoning/plan

Dear Mayor and Council: (can you please copy this to the zoning committee)

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Please do consider all of this regarding the upcoming decision about this neighborhood, school district,

church, and already over-crowded intersection.

Thank you,
Jan Yoder
482 Ridgewood Drive
Daphne, AL 36526
251/626-3743

TO: Ms. Adrienne Jones

RE: Objections to Zoning Change of Property at Lawson Rd & County 13 from B-1 to B-2

Ms. Jones,

Enclosed are letters of protests from residents who live close to the proposed site. Would you please see that the members of the committee receive copies so that all are aware.

Sincerely,

CITY OF DAPHNE
PLANNING AND ZONING
COMMUNITY DEVELOPMENT

SUBJECT: **OBJECTION TO REZONE PROPERTY LOCATED AT LAWSON RD & COUNTY RD 13
FROM B1 TO B2**

As a current resident of Lake Forest Community, it has come to my attention that a request has been made to change the zoning on property located at Lawson Road and County Road 13 from B1 (local business) to B2 (general business).

It is my understanding that this change has been requested in order to build a family entertainment center (bowling alley) on this property.

This property backs up to several residences and is in a mainly residential area, Lake Forest, Tiawasee, Sehoj, Crystal Ridge, and Canterbury. Beside the fact that this area is residential, the Daphne High School is within 1000 feet of this proposed property.

All the other current businesses in the area are local and most are businesses that are only open 8am until 5pm.

Rezoning this property to B2 and allowing the construction of a bowling alley will make the area undesirable as a residence and degrade the values of all the homes in this area.

Currently the traffic does not flow at certain times of the day at this intersection and this proposal will certainly increase traffic causing even more traffic problems.

A family entertainment center (bowling alley) sometimes have restaurants and lounges and usually always sell alcoholic beverages. This is not needed across the street from a high school. This could potentially become a hangout for teenagers.

The noise level will potentially be elevated and at undesirable hours.

If food is sold at the bowling alley, there will be a need for dumpsters and with only garbage pick up once a week, there is a chance of bad odors and attracting rodents, a real health threat.

Please accept this letter as an objection to the proposal to rezone the property located at Lawson Road and County Road 13.

Susan Edmond

102 Cherryhill dr

September 15, 2010

✓

SHIRLEY M. CAIN
476 Ridgewood Drive
Daphne, Al. 36526

September 17, 2010

Mr. Adrienne Jones
Director of Community Development
Planning and Zoning Department
P. O. Box 400
Daphne, Alabama 36526

RE: Rezoning property at the corner
of Lawson Road and County Road 13

Dear Mr. Jones:

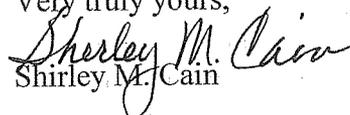
The purpose of this letter is to oppose the rezoning of the property at the Southwest corner of Lawson Road and County Road 13 from Zone B-1, local business to B-2 general business.

I understand a bowling alley will be built on that property. That will be a high traffic business, and the Lawson Road-County Road 13 intersection is a very congested corner several times a day, particularly in the morning and afternoon. Further, Ridgewood has become a shortcut from Highways 98 and 90, and it is not unusual to have six to eight cars at the Ridgewood-Lawson Road intersection, presenting a traffic problem for Lake Forest. Bowling alleys have leagues, which could be upwards to 100 people, and the leagues would be coming at a time people are going home after work, parents trying to get in and out of the day care on Lawson Road to pick up children, further adding to the congestion.

Bowling alleys usually serve alcohol, and in all probability that will be the case for that establishment. There are six subdivisions within about a mile radius, a high school within a half block, and church across the street and another church a half block away that would be impacted. Bowling alleys tend to be hangouts and their hours go into the late night hours, and for the Lake Forest residents in the Lawson Road area, this will certainly have a tremendously adverse impact on our quality of life.

I ask that the City of Daphne protect their residential areas and deny the zone change.
Thank you.

Very truly yours,


Shirley M. Cain

CITY OF DAPHNE
PLANNING AND ZONING
COMMUNITY DEVELOPMENT

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All the other current businesses in the area are local and most are businesses that are only open 8am until 5pm.

Rezoning this property to B2 and allowing the construction of a bowling alley will make the area undesirable as a residence and degrade the values of all the homes in this area.

Currently the traffic does not flow at certain times of the day at this intersection and this proposal will certainly increase traffic causing even more traffic problems.

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The noise level will potentially be elevated and at undesirable hours.

If food is sold at the bowling alley, there will be a need for dumpsters and with only garbage pick up once a week, there is a chance of bad odors and attracting rodents, a real health threat.

Please accept this letter as an objection to the proposal to rezone the property located at Lawson Road and County Road 13.

September _____, 2010

Ray A Drake 103 Meadow Wood Loop Daphne
 Laurie A Drake 103 Meadow Wood Loop Daphne
 Cathy Laremy 102 Meadow Wood Loop Daphne
 Rhonda McCormick 104 Meadow Wood Dr. Daphne
 Tom McCormick 104 Meadow Wood Dr. Daphne

TO: CITY OF DAPHNE
 PLANNING AND ZONING
 COMMUNITY DEVELOPMENT

SUBJECT: OBJECTION TO REZONE PROPERTY LOCATED AT LAWSON RD AND COUNTY RD 13
 FROM B1 TO B2

NAME		DATE
ANNA HILEMAN	106 Grove Cr	9-21-10
Kevin Hileman	106 Grove Cr	9/21/10
MARVIN E GIBNS, SR	102 Grove Cr	9/21/10
David & Angela D'Ambrose	100 Grove Cr	9/21/10
Carl Carl	110 Fernwood	9-21-10
Cera Ard	110 Fernwood	9/21/10
Tomalee Ethington	114 Fernwood	9/21/10
Alvin R. Ior	116 Fernwood	9/21/10
Donna Dheant	115 Fernwood	9/21/10
Grace Ellis	109 Fernwood Cir.	9/21/10
Kelli Lowry	107 Fernwood Circle	9/21/10
Lyn Jenkins	105 Grove Cr	9/12/10
Lynn Jenkins	105 Grove Cir	9-21-10
Laura McKelroy	103 Grove Cr.	9-21-10
DAVID MCKELROY	103 GROVE CR	9/22/10
Barbara J Burnell	104 Grove Circle	9-22-10
Scott Ans	104 Fernwood Cir -	9-22-10

TO: CITY OF DAPHNE
PLANNING AND ZONING
COMMUNITY DEVELOPMENT

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Please accept this letter as an objection to the proposal to rezone the property located at Lawson Road and County Road 13.




September 18, 2010

PLANNING AND ZONING
COMMUNITY DEVELOPMENT

OBJECTION TO REZONE PROPERTY LOCATED AT LAWSON ROAD
FROM B1 TO B2

As a current resident of Lake Forest Community, it has come to my attention that a request has been made to change the zoning on property located at Lawson Road and County Road 13 from B1 (local business) to B2 (general business).

It is my understanding that this change has been requested in order to build a family entertainment center (bowling alley) on this property.

This property backs up to several residences and is in a mainly residential area, Lake Forest, Tiawasee, Sehoj, Crystal Ridge, and Canterbury. Beside the fact that this area is residential, the Daphne High School is within 1000 feet of this proposed property.

All the other current businesses in the area are local and most are businesses that are only open 8am until 5pm.

Rezoning this property to B2 and allowing the construction of a bowling alley will make the area undesirable as a residence and degrade the values of all the homes in this area.

Currently the traffic does not flow at certain times of the day at this intersection and this proposal will certainly increase traffic causing even more traffic problems.

A family entertainment center (bowling alley) sometimes have restaurants and lounges and usually always sell alcoholic beverages. This is not needed across the street from a high school. This could potentially become a hangout for teenagers.

The noise level will potentially be elevated and at undesirable hours.

If food is sold at the bowling alley, there will be a need for dumpsters and with only garbage pick up once a week, there is a chance of bad odors and attracting rodents, a real health threat.

Please accept this letter as an objection to the proposal to rezone the property located at Lawson Road and County Road 13.

Elizabeth & Pete Jennings

September 15, 2010

109 Cherryhill Drive, Daphne, AL

PLEASE NOTE OTHER SIGNATURES ON
SECOND PAGE.

ATTN: Adrienne Jones
Please forward to Council

To: City of Daphne
City Council Members

Subject: Support to allow amended use to B1 zoning of property at Lawson Road and County Road 13 for Family Entertainment Center/Bowling Center.

As current residents of the City of Daphne/Lake Forest, we are in support of this amended use.

Name	Address	Date
Donna Barnes	2200 E Bay Dr #29 Daphne AL	11/03/10
Linda BORNES	9354 Sanibel Loop Daphne AL	11-4-10
Robert LAYOTE	131 Greenbay Dr. Daphne AL	11/4/10
Brandon Cox	608 Magnolia Ave Daphne AL	11/4/10
Edward [unclear]	27944 Turkey Branch Dr Daphne	11/4/10
David Singleton	26001 Creston Dr Daphne	11/5/10
Nargis Farley	1512 Tiffany Lane Daphne	11/5/10
Dorisilla Farley	1512 Tiffany Lane Daphne	11/5/10
Sam Farley	1512 Tiffany Lane Daphne	11/5/10
Andrew Dannant	116 Buena Vista Rd. Daphne	11/5/10
Jessie Wright	101 McMillan Ave. Daphne	11/5/10
Colene [unclear]	" " " "	" "
Sam Stewart	25660 Austin Rd Daphne	11-5-10
Marbaret Vicker	25660 Austin Rd Daphne	11-5-10
Deanne Jones	8160 Conch Pkwy Daphne	11-5-10
Julie Cummings	9424 Wind Clantail, Daphne	11-6-10
Kathleen Carraway	114 Pineridge Rd, Daphne	11-7-10
Nathan Carraway	114 Pineridge Rd Daphne	11-7-10
Denita Harison	7670 Landing Eagle Dr. NW. Daphne	11-7-10
Jennifer Kelly	279 Rolling Hill Dr. Daphne AL	11-7-10
Laurie Kelly	279 Rolling Hill Dr Daphne AL	11/7/10
Tyler Browning	104 Leigh Circle Daphne AL	11/7/10
Whitney Moore	135 Donna Cir Daphne AL	11/8/2010
Rebecca Hill	Willow brook Cir Daphne AL	11-8-10
XXXXXXXXXX		
Terika Johnson	1503 Pollard Rd Daphne, AL	11-9-10
Laura Gilasch	118 Cameron Circle Daphne AL	11-9-10
Jan [unclear]	27161 Hwy 98 Daphne AL 36526	11-9-10
Mar [unclear]	27442 US Hwy 98 Apt 313 Daphne 36524	11-9-2010
Stephen [unclear]	102 Lake Forest Blvd Daphne AL	11-9-2010
[unclear]	107 Michael Ln	11-9-2010
Victoria Mitchell	2333 Howard Rd Daphne AL	11-9-10
Hilome Hammond	146 Bay View Dr. 36526	11-9-10
Elliot Jones	133 Lakelands Dr 36526	11-9-10
Keith Gardner	102 Iron Rock Cir Daphne 36520	11-9-10

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1205

To: City of Daphne
City Council Members

Subject: Support to allow amended use to B1 zoning of property at Lawson Road and County Road 13 for Family Entertainment Center/Bowling Center.

As current residents of the City of Daphne/Lake Forest, we are in support of this amended use.

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Name	Address	Date
Nicole Hunsader	8087 Pine Run	11/16/10
Carrie Baynes	133 Lebe front Dr.	11/16/10
Trisha Hinoje	69100 n main st.	11/16/10
Joshua Tumbler	2200 E Bay Dr. Apt 113	11/16/10
SARA Shirab	2093 SEA CLIFF DR South	11/16/10
Jeffrey Threadgill	2093 Sea Cliff Dr South	11/16/10
TIFRANI KIMBALL	912 VAN AVENUE #1612, Daphne	11/17/10
Valencia W. Rainey	912 Van Ave #1612, Daphne	11/17/10
Karen B. Koch	9239 Marchand Ave. Daphne	11/17/10
April White	493 Ridgewood Dr. Daphne, A	11/17/10
Caroline Turner	112 Timberline Dr Daphne	11/18/10
Charles [unclear]	912 Van Ave Apt 1214 Daphne AL 36526	11/18/10
HOWARD [unclear]	106 Timberline Dr. Daphne	11/19/10
GREG PATRICK	323 GAY'S LAKE DAPHNE	11/19/2010
Scott Hicks	143 Brentwood Ave	11/19/2010
Jana Seelig		11/20/10
JEN WITFORD ROBERTSON		11/20/10
ADAM FAUST	165 Brentwood Dr.	11/20/10
Jack Seyler	165 Brentwood Dr	11/20/10
Anna Strasser	106 Maxwell Dr	11/20/10
Rodney Strasser	106 Maxwell Dr	
Lon Ann Strasser	106 Maxwell Dr	
Chara Strasser	106 Maxwell Dr	
Jeff Gates	106 Maxwell Dr.	
Shawn Strasser	P.O. Box 455 Daphne	
Russell Strasser	P.O. Box 455 Daphne	
Robbie Reynolds	10201 Kelsey Ct	11/20/10
Brandon [unclear]	102 Vista Cir.	11/20/10
[unclear]	102 Vista Cir	11/20/10
Douglas [unclear]	131 Brentwood Dr Daphne	11-21-10
Cheryl Moore	2721 Bay Branch Dr Daphne	11-21-10
Bullena Mullerand	27048 Bit + Spur Drive Daphne	11/22/10
Rbin [unclear]	121 Hornwood Cr Daphne 36526	11-21-10
Anthony Tidwell	26920 Pollard Rd apt 222 36526	11-22-10

**CITY COUNCIL MEETING
STANDING COMMITTEE RECOMMENDATIONS:**

FINANCE COMMITTEE REPORT

BUILDINGS & PROPERTY COMMITTEE REPORT

PLANNING/ZONING/CODE ENFORCEMENT COMMITTEE REPORT

PUBLIC SAFETY/ORDINANCE COMMITTEE REPORT

PUBLIC WORKS/BEAUTIFICATION/MUSEUM COMMITTEE REPORT

BUILDINGS & PROPERTY COMMITTEE

MOTION: To authorize the Mayor to waive all fees associated with the Martin Luther King Committee March & Program at the Civic Center as has been done in the past.

Becky

From: CCDirector <ccdirc@bellsouth.net>
Sent: Tuesday, December 21, 2010 9:27 AM
To: barnette2@bellsouth.net
Cc: 'Becky'; 'Jane Robbins'
Subject: Martin Luther King Event
Attachments: Minutes Aug 2 2010.docx

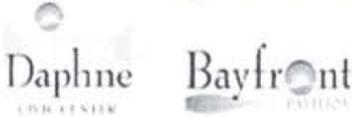
Please see attached for I have highlighted the area in question. I still stand firm on the not waving the entire fee for I need to be able to cover the labor to setup and work the event and then tear down and clean up after the event especially after our reduced budget was passed last night. Though they have stated that they will only be here for 2 hours history does not concur.

FYI - My decision was based on looking at our past waivers and I feel that if we are going to grow our revenue, we have got to curb our waivers as well as stay consistent with groups alike.

If there is any other information needed, please let me know.

Thanks.

Margaret Thiigpen, Director



daphneciviccenter.org
daphnebayfrontpark.org
251-626-5300

Voting at Civic Center - Mayor Small received a call from a concerned citizen addressing some issues at the most recent county election. Vehicles with signs (trucks) were parked up front taking up parking spaces. She didn't think there were enough handicapped spaces but the city is in compliance with required spaces. The south doors were not open for use of entry. There is a law that says you can't politic or solicit votes 30 feet from entrance. There was discussion of an ordinance that would prohibit this and designate a certain area for trucks/signs. The Mayor suggested that while we were on the topic of elections that the city should consider have municipal elections at the Civic Center and perhaps Trojan Hall. Two locations that everyone is familiar with instead of multiple locations.

Civic Center – Margaret Thigpen, Director, reported on the following items:

- Volkert/ALDOT are requesting fees be waived for a public meeting. It was recommended that we waive fees for rental but not for labor.
- Cat Coalition Request – Proceed with same agreement as last year. Waive rental for facility but not labor.
- **Martin Luther King Celebration – they are asking that all fees be waived. We have done that in the past but the Mayor feels like we just can't continue to do this and have not done it for any other groups. John Lake said they bring in about 1000 people to the city, etc. Labor and cleaning costs would be approximately \$900. Gus made a motion that we waive rental fee and they pay for cleaning and labor. Mayor seconded it – motion approved.**
- Rate Ordinance – go into effect August 16th. Is on the agenda for this evening's council meeting – 1st read.
- City Hall Rental – The question has been raised about renting city hall when other facilities are not available or someone wants to. After discussion the consensus is that majority of committee not in favor of doing this and Margaret pointed out that there is not enough staff to handle this facility too.
- Part Time Assistant vs. Temps – She is proposing that she reorganize and shift dollars spent on temps and hire part time assistant. No extra dollars spent just better control and use of employee vs. temp. All agreed to move forward with this request and the Mayor said she needed to get with Kim to reflect this in her budget.
- Sponsorship Package – Margaret has put together a package whereby businesses could obtain a package where they would benefit from all civic center events instead of asking for their support for each individual event. Pensacola CC takes this approach and others as well.
- Bayfront Emergency Needs - Margaret and Frank reported that as they have been replacing the insulation under the building they have found the sub floor underneath is rotting and underneath the dance floor area is the worst. This is a

Public Safety Committee

Wednesday, December 8, 2010

Councilman Gus Palumbo, Chairman
Councilman Derek Boulware
Councilman Kelly Reese
Fire Chief James White
Public Works Director, Richard Johnson

Police Chief David Carpenter
Captain Scott Taylor
Captain Daniel Bell
Tracy Bishop - Secretary

Committee Members Attending:

Councilman Gus Palumbo, Councilman Kelly Reese, Councilman Derek Boulware, Lt. Jud Beedy, PW Director Richard Johnson, and Chief James White.

CALL TO ORDER

Councilman Palumbo **convened** the meeting at 4:30 p.m.

PUBLIC PARTICIPATION –

Michael Hudson did not show for Public Participation. Larry Cook was in attendance complaining about his neighbors street light that shone down on the road below it and onto his driveway. Code Enforcement Officer Lonnie Jones has looked into this complaint and says there is no violation under the City of Daphne Ordinance. Larry says that the light shines out of the lamp sideways shining into his house at night. The members of the Public Safety Committee that were present suggested he talk to his attorney since they could find no violation.

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Minutes from October 2010 – Councilman Palumbo made a motion to adopt the minutes, the motion was seconded. Motion passed.

FIRE DEPARTMENT

A. New Business – Chief White stated that the New York firefighters were coming in that afternoon. Part of their trip was to go to Dauphin Island and make a monetary donation to the Fire Chief that was seriously hurt fighting a fire. The fire department received reimbursement from Fairhope this week for a couple of hazardous material suits that were used assisting them. They are close to finalizing the mutual aid agreement with Belforest. Palumbo asked where we stand with the burn ordinance. They can burn now, but we use discretion on issuing the permits. It was asked if chimneas or fireplaces can burn without a permit, and chief said they don't need permits. Councilman Boulware asked what the cost is to run calls to assisted living, nursing homes, etc. Chief White said he did the study some time back but couldn't remember the cost.

He agreed with Boulware that with doctors and nurses on staff, why they call our fire department on their medical calls. It ties up the firefighters as well as the time and money spent. Councilman Palumbo said some cities charge for false alarms on houses, maybe we could do a surcharge on nursing homes, or assisted living for medical calls. Chief Carpenter asked if anyone from the fire department has talked to the homes about calling them for all medical calls. Chief White stated that in their defense, their medical staff is not all certified medical doctors and in lieu of calling an ambulance, they call the city's EMT's to check out the patients. Councilman Palumbo stated that Chief should talk to them and let them know that we will be happy to respond for medical calls, but all non emergency medical calls should be handled in-house.

B. Old Business – None

POLICE DEPARTMENT

- A. New Business** – Chief reviewed the stats for September and October 2010. Chief explained to Councilman Palumbo that we hold for the Sheriffs' Department until the Corrections Van for Baldwin County picks them up and transports to Bay Minette. Councilman Boulware asked how many sex offenders we have in Daphne. Chief advised that we have three sex offenders in the City of Daphne. Councilman Boulware thought we had more but Chief explained that they might hold a Daphne address but live in the county. Community Development draws us a map outlining the area affected and those that need to be informed by notices delivered to their houses.

Councilman Palumbo stated that Willie Robison stated that the stop sign at Justina Drive, which is the road going to the Honda Dealership is being ran consistently and asked that the police department watch it a little closer for violations.

Lt. Jud Beedy explained that there was a new state law that the responsible law enforcement agency that sends a body to Forensic Science must pay for storage and transportation. Forensic Sciences bills the County Commission who in turn bills agency at \$300 per body. We have already received a \$425 bill from the County Commission. This came into effect long after we had submitted our budget. We average 9 or 10 per year. Chief asked that the money be placed into the Detective Budget. Palumbo stated we could plug it in at the next council meeting when they vote on the budget, or send to Finance for special appropriation to put in their fund. Derek stated that it is law, it should be added to the budget as a new line item in the Detective budget. Chief stated that \$3,000 should cover the annual expense of transportation and storage of bodies. Palumbo made a motion to recommend to the council to amend the budget to include \$3,000 to be added to the detective budget in the upcoming year to cover autopsy transportation.

Palumbo acknowledged receipt of the decreased OT expenses sheet that Captain Taylor submitted for informational purposes. Palumbo stated that the new vehicles that were requested are still in the budget.

- B. Old Business** –The Attorney General office has received a grant for investigating cold cases files and we have one that they are interested in. It was a 1989 rape of a Lake Forest jogger we worked.

OTHER BUSINESS – Chief White handed out a break down sheet on his full and part time OT for review. Councilman Palumbo stated that it really wasn't questioned and Chief White advised he passed it out just for informational purposes.

ADJOURN

There being no further business to discuss, Mr. Palumbo adjourned the meeting at 5:20 p.m. The next meeting will be Wednesday, January 12, 2010 at 4:30 p.m. at City Hall Council Chambers.

Respectfully submitted,
Daphne Public Safety Committee

CITY OF DAPHNE
FIRE DEPARTMENT MONTHLY REPORT
 Report Period: September 2010

	Current:	FY to Date:
Suppression:		
1-Fire/Explosion:	-	-
10-Fire, Other	0	5
11-Structure Fire/Commercial	0	5
11-Structure Fire/Residential	1	20
12-Fire in Mobile Property used as fixed structure	1	1
13-Mobile Property (vehicle) Fire	1	12
14-Natural Vegetation Fire	0	9
15-Outside Rubbish Fire	0	2
16-Special Outside Fire	1	5
17-Cultivated Vegetable Crop Fire	2	2
2-Overpressure Rupture:	0	1
3-Rescue Call and Emergency Medical Service Incidents:	155	1313
4-Hazardous Conditions (No fire):	6	26
5-Service Call:	7	179
6-Good Intent Call:	14	145
7-False Alarm & False Call:	20	155
8-Severe Weather & Natural Disaster:	0	1
9-Other Situation:	0	0
Total Emergency Calls:	202	1846
Monthly Total Calls:	208	1910
Highest:		
	13	13
Lowest:		
	<1	<1
Average (Minutes/Seconds) :		
	4:44	4:44
Miscellaneous Reports:		
Training Hours	53	1267
Property Loss - \$	10,100	827,892
Fire Personnel Injuries by Fire/Civilian Injuries by Fire	0	0
Advance Life Support Rescues	151	875
Number of Patients Treated	157	1225
Child Passenger Safety Seat Inspections/Installations	10	142
Classes		
	2	2
Persons Attending		
	196	3859
Plan Reviews		
	1	20
Final/Certificate of Occupancy		
	0	3
General/Annual Inspections		
	82	339
General/Re-Inspections (Violation Follow-up - Annual)		
	5	70
Business Licenses		
	5	41
Consultations-		
	0	0
All Other/Misc. Activities		
	0	0
Total Activities:	93	873

Authorized by:

James White
 Chief James White

CITY OF DAPHNE
FIRE DEPARTMENT MONTHLY REPORT
Report Period: October 2010

	Current:	FY to Date:
Suppression:		
1-Fire/Explosion:	-	-
10-Fire, Other	0	5
11-Structure Fire/Commercial	0	5
11-Structure Fire/Residential	0	20
12-Fire in Mobile Property used as fixed structure	0	1
13-Mobile Property (vehicle) Fire	1	13
14-Natural Vegetation Fire	3	12
15-Outside Rubbish Fire	1	3
16-Special Outside Fire	1	6
17-Cultivated Vegetable Crop Fire	0	2
2-Overpressure Rupture:	0	1
3-Rescue Call and Emergency Medical Service Incidents:	165	1478
4-Hazardous Conditions (No fire):	0	26
5-Service Call:	15	194
6-Good Intent Call:	13	158
7-False Alarm & False Call:	23	178
8-Severe Weather & Natural Disaster:	1	1
9-Other Situation:	0	0
Total Emergency Calls:	216	2062
Monthly Total Calls:	222	2132
Highest:		
	16:00	16:00
Lowest:		
	<1	<1
Average (Minutes/Seconds) :		
	4:51	4:51
Miscellaneous Reports:		
Training Hours	15	1282
Property Loss - \$	16050	843,942
Fire Personnel Injuries by Fire/Civilian Injuries by Fire	0	0
Advance Life Support Rescues		875
Number of Patients Treated		1225
Child Passenger Safety Seat Inspections/Installations	13	155
Classes		
	54	56
Persons Attending		
	1363	5222
Plan Reviews		
	3	23
Final/Certificate of Occupancy		
	0	3
General/Annual Inspections		
	69	408
General/Re-Inspections (Violation Follow-up - Annual)		
	0	70
Business Licenses		
	10	51
Consultations-		
	0	0
All Other/Misc. Activities		
	0	0
Total Activities:	82	955

Authorized by:

James White

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Chief James White

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**CITY OF DAPHNE
PUBLIC WORKS COMMITTEE MEETING
Time: 5:00 PM on December 20, 2010
Location: City Hall Council Chambers**

CHAIRMAN - Councilman Bailey Yelding, District 1
Councilwoman Cathy Barnette, District 2
Councilman John Lake, District 3

I. CALL TO ORDER

The August meeting of the Public Works Committee was called to order at 5:00 PM

Present: Mayor Fred Small, Councilman Bailey Yelding, Councilwoman Cathy Barnette, Councilman John Lake, Richard Johnson-Public Works Director, Melvin McCarley-PW Superintendent, Sandra Cushway-Public Works Assistant, Jaye Robertson-HMR, Doug Bailey-HMR, Vickie Hinman-Daphne HR Director, Dorothy Morrison-DBC, Andrew White-Rehrig Pacific

II. PUBLIC PARTICIPATION & CORRESPONDENCE

- A. **Work Request Report** – November & YTD
- B. **Vehicle/Equipment Maintenance Report** – November 2010 & YTD reports reviewed. Mayor Small questioned why Mowing's non-routine numbers were so high. Richard Johnson responded that a majority of that was the Hydra Mower and even though it is out of warranty, we are working on getting them to cover it anyhow.
- C. **Correspondence** – Letter from Kristie Green regarding Solid Waste employees Tommy Bertagnolli and Clayton Fields.
- D. **Correspondence** – E-Mail from citizen regarding Solid Waste employees John Archer and Johnathon Chappell.
- E. **Public Participation** – None

III. OLD BUSINESS

- A. **Minutes** – November 15, 2010 **Councilwoman Barnette made a motion to approve the minutes from the November 15, 2010 Public Works Committee Meeting. Motion was seconded by Councilman Lake.**
- B. **Mosquito Reports** – No Activity
- C. **Street Sweeper Reports** – November 2010 reports reviewed.
- D. **PALS (People Against A Littered State)** Adopt a Mile program.

IV. NEW BUSINESS

- A. **Delinquent Garbage 2008, 2009 & 2010.** Richard Johnson stated that this will be an ongoing item. Working to get a handle on arrears. Are putting new policies and procedures in place. Our current agreement with the Utility Board states that we are responsible for collections of arrears. When monies are received by the Utility Board, they are applying it first to water and sewer, rather than garbage service. Richard would like to sit down and come up with an agreement with them so that payments are being applied appropriately. We are staying on top of current billing. A majority of the letters mailed out are being returned as undeliverable. January's numbers should be more manageable. Councilman Yelding stated that it was a good idea to focus on current bills, but we still need to sit down with the Utility Board. Mayor Small asked about a new ordinance. Richard responded that he shared our drafted ordinance with the Ordinance Committee. The committee felt that the Utility Board had an obligation to collect garbage fees. Councilman Yelding said that we need to set up a meeting and settle this issue. Mayor Small added that the ordinance needs to read that the garbage fee is the responsibility of the property owner, and when monies are paid to the Utility Board, the

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garbage fees should come off the top. The residential homeowner should be held liable. People are paying their bills minus the garbage fee. Richard stated that we need an agreement in place that states that they give us a full accounting of monies received. Councilman Yelding suggested that we have our attorney meet with their attorney. Mayor Small said that he would prefer to send a letter and try to set up a meeting with them first.

- B. **Human Resources** – Vickie Hinman, Human Resource Director spoke regarding the reassignment of Kerry Elliotte’s position. The Mechanical Maintenance Department generates more invoices than any other department in the City. A Comprehensive Study was submitted and the recommendation came back that her position should be modified to a grade 9. This has already been before the Finance Committee and was submitted back in early September. They are going to vote on this at the next council meeting. **Councilwoman Barnette made a motion for the record of support for the reassignment of this position. Motion was seconded by Councilman Lake.**

V. DIRECTOR’S REPORT

- A. **Garbage – Fleet Management Plan, Specifications and Bids on Collection Trucks** – Richard stated that we are close to the bid opening for the Recycle Trucks. We are trying to be strategic in our outlook and be prepared for the future. Our oldest truck is a 2005 and has 274,923 miles on it. It needs to be retired. When a truck goes down for repairs or maintenance, we do not have a spare. We need to purchase a replacement and keep the oldest truck as a backup for emergencies. Richard reviewed the 2011, 2012 and 2015 suggested replacement and surplus schedule. We need to have a five truck fleet at all times. We will add approximately 208 new residents this year and may need to add additional routes. These trucks need to be retired at 300,000 miles. **Motion made by Councilman Lake to move forward with getting specifications on replacement trucks and forward information gathered to the Finance Committee. Motion seconded by Councilwoman Barnette.**
- B. **Discussion – Park City Restroom** – Richard stated that the gazebo was discussed at the last Finance Committee meeting. We have encumbered funds for three (3) restrooms. The restroom at Joe Lewis Park has already been built, but Park City still does not have a restroom. The Finance Committee feels that the restroom at Park City Park is a higher priority than the gazebo. Richard showed plans for the restrooms that he is recommending. Our Building Maintenance Supervisor also liked these plans best. It is the most cost effective option. It is a cinderblock building with a green steel roof. The inside is white and there are various options on fixtures. Richard stated that he prefers the model with the porch. We can get a water tap. Building Inspections feels that this is doable. We just need to locate it where a grinder would not be needed. Richard stated that he just needs to send out for quotes. It has already been approved by the Council. Councilman Lake and Councilwoman Barnette would both like to see a water fountain added. **Councilwoman Barnette made a motion to go with the Public Works Director’s recommendation and send this to the Recreation Board and the Buildings and Property Committees. Motion was seconded by Councilman Lake.**

VI. SOLID WASTE AUTHORITY

- A. Nothing to report

VII. MUSEUM COMMITTEE

- A. Minutes – Nothing to report. Minutes not submitted.

VIII. BEAUTIFICATION COMMITTEE

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- A. Minutes – December 3, 2010
- B. Top 10 list – December 2010
- C. DBC Update – Dorothy commented that she is pleased with the progress that Public Works and the Beautification Committee are making. Over 100 items have been removed/accomplished from their list. Public Works is doing a great job. Councilwoman Barnette commented that a request had been received from a resident requesting Christmas decorations for the south end of town. Dorothy responded that the Beautification Committee will take that under consideration and will discuss it in a future meeting. Dorothy commented that the Beautification meetings are now being held at the Public Works facility. It was noted that they should check the Sunshine Law to ensure that they are still in compliance. Nothing has changed except the location of the meeting. It is still open for the public to attend and participate.

IX. ENGINEER REPORT

- A. **HMR Update** – Working on the design for Lake Forest resurfacing. Lawson Road turn lane at CR 13 almost complete. January 13th going before the County Commission.
- B. **Volkert Update** – None

V. FUTURE BUSINESS

- A. Next Meeting – January 18, 20, 2011

XI. ADJOURNMENT

The meeting adjourned at 6:20 PM. **Councilman Lake made a motion to adjourn. Motion seconded by Councilwoman Barnette.**

County Adopt-A-Mile Program
Application for County Road Adoption

County Baldwin

Applicant (Participating Organization) Cub Scout Pack 87
Daphne, Alabama

Mailing Address: P.O. Box 896
Fairhope, AL 36533

Telephone Number: 251-929-2294

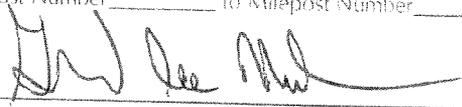
Road section(s) you propose to adopt:
(minimum of one mile)

County Road Number 98 (Scenic 98)

Address 602 main street Address 1501 main street
Milepost Number _____ to Milepost Number _____

County Road Number _____
See enclosed map

Milepost Number _____ to Milepost Number _____



Gerald Lee Marlowe
Authorized Signature of Applicant

Recommended Approval: _____
County Engineer

Chairman, County Commission

Approved: _____
District Engineer, Alabama Dept. of Transportation

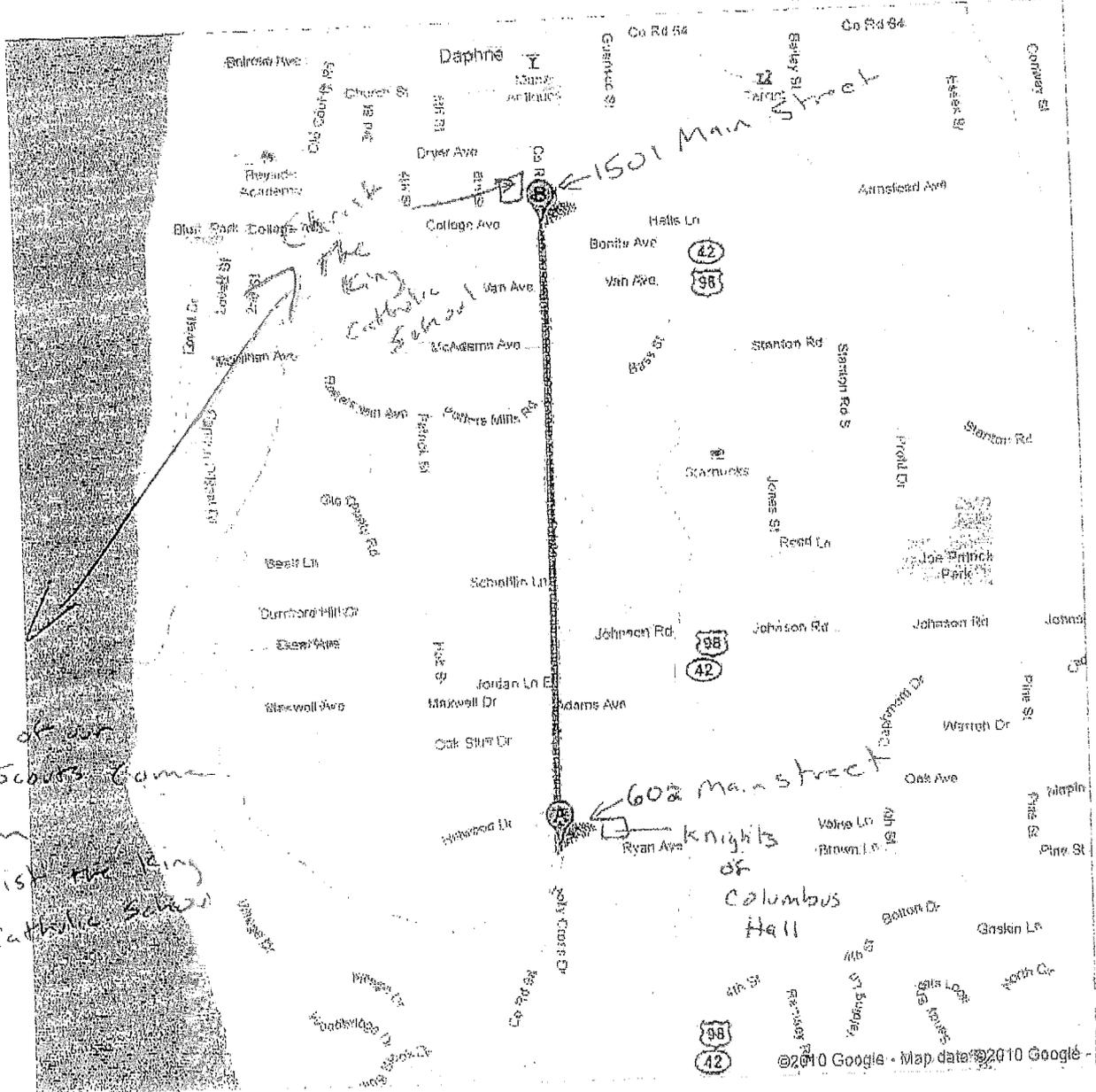
Interested in "adopting"
Fill out application form and mail to:

Alabama PALS
340 North Hull Street
Montgomery, AL 36104

Google maps

Directions to 1501 Main St, Daphne, AL 36526
1.0 mi - about 3 mins

Save trees. Go green!
Download Google Maps on your phone at google.com/gmm



Most of our
Cub Scouts came
from
Christ the King
Catholic School

Fax to Lori

937-0227

The Knights of Columbus
is the Cub Scout Pack
sponsor organization

From Cub Scout pack 97

Gerry Marlowe
924-2294

http://maps.google.com/maps?hl=en&source=s_d&saddr=602+Main+Street,+Daphne,+AL&... 8/23/2010

Google maps

Directions to 1501 Main St, Daphne, AL 36526
1.0 mi - about 3 mins



 602 Main St, Daphne, AL 36526

1. Head north on Co Rd 98/Main St toward Hillwood Dr
Destination will be on the left
About 4 mins

go 1.0 mi
total 1.0 mi

 1501 Main St, Daphne, AL 36526

These directions are for planning purposes only. You may find that construction projects, traffic weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

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**CITY COUNCIL MEETING
REPORTS OF SPECIAL COMMITTEES**

NOTES:

BOARD OF ZONING ADJUSTMENTS REPORT:

DOWNTOWN REDEVELOPMENT AUTHORITY REPORT:

INDUSTRIAL DEVELOPMENT BOARD:

LIBRARY BOARD:

PLANNING COMMISSION REPORT:

RECREATION BOARD REPORT:

UTILITY BOARD REPORT:

**Daphne Public Library Board
November 4, 2010
Meeting Minutes**

In Attendance:

Library Director Tonja Young; Board Chair Jan Blankenhorn; Library Board Members Windrila Longmire, Andre LaPalme and Jim Bodman; Friends President Carol Simmons.

1) Call to Order:

After a quorum was established, Library Board Chairman Jan Blankenhorn called the meeting to order at 4:05 pm.

2) Reading and Approval of the Minutes:

The minutes of the October meeting were approved; a motion was made by Andre to approve the minutes as written and seconded by Jim. The motion passed.

3) Library Board Chairman's Report:

Ms. Blankenhorn stated that she and Ron met the artist at the sculpture dedication. She also stated that there had been many good activities in the library recently.

Jan asked for a motion to skip the December meeting and one was made by Windrila. The motion was seconded by Andre. Motion passed. The next meeting is set for January 6, 2011.

4) Library Director's Report:

Tonja stated that the October statistical reports were in the Board packets.

For October 2010, total patronage was down 8.64% to 17,714 compared with 19,389 for October, 2009. October 2010 circulation was down 0.79% at 25,841 compared to 26,046 in October 2009. Overall circulation year-to-date for FY2011 was 25,841 for October 2010, compared to 26,046 for this time in 2009, for an overall decrease in circulation of 0.79%. A total of 165 patrons were given library cards or renewals, and volunteers gave a total of 329 hours (Book Shop Manager = 135; Book Shop Staff = 135; Friends Board = 5; Shelves = 60) to the library in October.

Meeting room attendance was 650. Computer users numbered 2,458 as compared with 1,252 in October 2009, for an increase of 96.33%.

Tonja announced the upcoming computer classes and events, including Dr. Wayne Flynt speaking at the Local History Forum on December 1 on Harper Lee and the Alabama Literature Renaissance. Christmas events were announced, including the children's ornament make and take on December 3, the children's gift make and take on December 10, and Santa Stories on December 16. Copies of press releases for the month were included in the packet.

5) Public Participation

Carol announced that the Friends of the Library had sponsored the Halloween event and had donated funds for purchasing books throughout the year. She also announced that the Friends were sponsoring Santa Stories and a staff luncheon during December.

6) Other Business

None.

7) Adjourned

The meeting was adjourned by Jan at 4:42 pm.

Respectfully submitted by T. Young, November 18, 2010

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF NOVEMBER 18, 2010
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

CALL TO ORDER:

The number of members present constitutes a quorum and the regular meeting of the City of Daphne Planning Commission was called to order at 6:00 p.m.

CALL OF ROLL:

Members Present:

Fred Small, Mayor
Joe Lemoine, Vice Chairman
Dan Gibson
Don Terry
Ed Kirby, Chairman
Larry Chason
Cathy Barnette, Councilwoman
Chief James "Bo" White

Members Absent:

Victoria Phelps

Staff Present:

Adrienne Jones, Director of Community Development
Jan Dickson, Planning Coordinator
Nancy Anderson, GIS Manager
Jay Ross, Attorney
Ashley Campbell, Environmental Programs Manager

Staff Absent:

Misty Gray, Attorney
Erick Bussey, Associate Attorney

Others Absent:

Rob McElroy, General Manager/Utilities Board of the City of Daphne
Danny Lyndall, Operations Manager/Utilities Board of the City of Daphne

The first order of business is the call to order.

Chairman: Please let the record reflect Ms. Phelps is not present.

The next order of business is approval of the minutes.

APPROVAL OF MINUTES:

The minutes of the October 28, 2010 regular meeting were considered for approval.

Chairman: A copy of the minutes was furnished to us previously. Do any of the Commissioners have any questions or comments? If there are no additions, deletions, or corrections at this time, the Chair will entertain a motion.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF NOVEMBER 18, 2010
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

Mr. Chason: I would like to request a revision to on page fourteen of the minutes. The minutes say I asked for a clarification on a quorum and the thirty-day rule. What it should say or what I meant to say is the Planning Commission needs a clarification, but not on a quorum. If you have a quorum of the Commission present, but the number is less than the six members which is required for action on a subdivision, then what is the appropriate action that should be taken on the application.

A Motion was made by Mr. Chason and **Seconded** by Mr. Lemoine *to approve the minutes of the October 28, 2010 regular meeting, contingent upon the revision to the minutes on page fourteen. The Motion carried. Mr. Terry abstained due to his absence at that meeting.*

The next order of under old business is the election of officers.

OLD BUSINESS:

ELECTION OF OFFICERS:

Chairman: At the last regular Planning Commission meeting this agenda item was tabled until the next regular meeting of November so I would like to begin with the election of officers. I would like to open the floor to nominations for Chairman.

Ms. Barnette: I would like to nominate Mr. Kirby for Chairman.

A Motion was made by Ms. Barnette and **Seconded** by Mr. Lemoine *to nominate Mr. Kirby for Chairman.*

A Motion was made by Mayor Small and **Seconded** by Mr. Gibson *to nominate Mr. Chason for Chairman.*

Chairman: If there are no other motions, the nominations for Chairman are closed. Do any of the Commissioners have any questions or comments? If not, the Chair will entertain a motion on the first nomination.

Chairman: Mr. Ross, does the vote need to be written or verbal.

Mr. Ross: It has to be verbal.

Action on the nomination for Mr. Kirby as Chairman.

A Motion was made by Ms. Barnette and **Seconded** by Mr. Lemoine *to nominate Mr. Kirby as the Chairman.*

Mayor Small	Nay
Joe Lemoine	Aye
Dan Gibson	Nay
Don Terry	Aye
Ed Kirby	Aye
Larry Chason	Abstained
Cathy Barnette	Aye
Chief White	Aye

Upon roll call vote, the Motion carried.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF NOVEMBER 18, 2010
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

Chairman: Mr. Kirby is the Chairman. Mr. Chason is the vice chairman by acclamation. I would like to open the floor to nominations for Secretary.

A **Motion** was made by Ms. Barnette and **Seconded** by Chief White to ***nominate Mr. Lemoine as Secretary.***

Chairman: If there are not more motions, the nominations for Secretary are closed.

A **Motion** was made by Ms. Barnette and **Seconded** by Chief White to ***nominate Mr. Lemoine as Secretary. The Motion carried unanimously.***

The new officers are Mr. Kirby, Chairman; Mr. Chason, Vice Chairman, and Mr. Lemoine, Secretary.

The next order of business is site plan review for the Springs @ Eastern Shore.

SPRINGS AT EASTERN SHORE:

SITE PLAN REVIEW:

File S10-13:

Site: Springs @ Eastern Shore

Zoning(s): *B-2, General Business, and R-4, High Density Multi-Family Residential*

Location: Southeast of the intersection of U. S. Highway 98 and Johnson Road

Area: 20.31 Acres ±

Owner: Big Sandy, L.L.C. - Jacob Cunningham, Managing Member

Developer: Heritage Construction Company

Engineer: Hutchinson, Moore & Rauch - Jaye Robertson

An introductory presentation was given by Mr. Jaye Robertson, representing Hutchinson, presenting Hutchinson, Moore, & Rauch, requesting site plan review of an apartment complex located southeast of the intersection of U.S. Highway 98 and Johnson Road. There are two changes to the site plan. We have revised the fifty-foot right-of-way to a thirty-foot easement for access to the traffic signal at the intersection of Johnson Road and U.S. Highway 98. The easement will be a thirty-foot easement with twenty-four feet of pavement constructed to the City's specifications. The owners of the property to the north have provided documentation supporting their agreement with the owner of this property, Big Sandy, L.L.C., and their intend to convey the easement. The adjacent property owners, Mr. John White-Spunner and others, have expressed their desire to not sign the legal documentation necessary for conveyance and recording until such time all approvals and permitting is in place. We have also added the detail for the installation of the geo-grid material in the area of the fire department turnaround.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF NOVEMBER 18, 2010
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

Mr. Robertson: The storm water detention does meet or exceed the requirements of the Daphne Land Use Ordinance. I know Ms. Barnette had a concern about treatment of the storm water so we have added a separator to filter the grease, oil and the trash. I will be happy to answer any questions you may have.

Chairman: Do any of the Commissioners have any questions or comments?

Ms. Barnette: The area you intend to use for storm water drainage is unstable.

Mr. Hutchinson: That is correct. This area is unstable so we intend to install piping to address this.

Ms. Barnette: We had a moratorium on development in R-4, high density multi-family residential, zoning districts which we have allowed to expire which allows you to develop this property with a higher density. I think the Alabama Department of Transportation should review the site plan to address drainage issues, the access and the additional traffic which will be created by the development of this property.

Mayor Small: I would like to see the owner of this property provide for the improvement of the intersection at Johnson Road and U.S. Highway 98 by revising the site plan for the Springs @ Eastern Shore to include the construction of a right turn lane.

Mr. Hutchinson: Mr. Chairman, if I may. My name is Scott Hutchinson, representing Hutchinson, Moore & Rauch. It is a significant burden on the developer financially to submit to the Alabama Department of Transportation for review. That would require the review, approval and the issuance of a permit. The submission and review period with them is a lengthy process, and the right turn lane may or may not be approved. We will gladly entertain the idea and agree to the revision to the site plan to include a right turn lane contingent upon the approval of the Alabama Department of Transportation.

Ms. Jones: I would like confirmation that the owner and engineer understand if the site plan is approved tonight, the issuance of the site disturbance permit is contingent upon the registration or re-registration of NPDES ADEM permit, a formal document granting the thirty-foot easement to Johnson Road, and the review and submission of comments from the Alabama Department of Transportation regarding the approval or denial of a right turn lane at the intersection of U. S. Highway 98 and Johnson Road.

Chairman: Do any of the Commissioners have any further questions or comments? If there is no objection, the Chair will entertain a motion.

A Motion was made by Ms. Barnette and **Seconded** by Mr. Terry *to approve the site plan for the Springs @ Eastern Shore.*

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF NOVEMBER 18, 2010
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

Amendments to the motion proposed by Mayor Small and **Seconded** by Mr. Lemoine *to approve the site plan for the Springs @ Eastern Shore, contingent upon a revision to the plan to include the construction of a right turn lane at the intersection of U.S. Highway 98 and Johnson Road subject to the approval of the Alabama Department of Transportation.*

An Amended Motion was made by Ms. Barnette and **Seconded** by Mr. Terry *to approve the plan for the Springs @ Eastern Shore to include the construction of a right turn lane at the intersection of U. S. Highway 98 and Johnson, subject to the review and approval of the Alabama Department of Transportation. The Motion carried unanimously.*

The next order of business under new business is an administrative review for Laurel Springs Apartments.

NEW BUSINESS:

ADMINISTRATIVE PRESENTATION:

Chairman: I am going to change the order of the agenda to allow Mr. Davenport to be the first agenda item under new business.

An introductory presentation was given by Mr. Mitchell Davenport, representing Jubilee Ridge, L.L.C., requesting master plan review of Laurel Springs Apartments, formerly known as Jubilee Ridge Condominiums. The subject property is located Southeast of the intersection of County Road 64 and Pollard Road. We are proposing to purchase the property owned by Jubilee Ridge Condominiums in order to construct one hundred and fourteen town homes on fifteen point three acres. We have removed eight of the buildings shown on the previous plan to comply with the density for an R-4, High Density Multi-Family Residential, zoning district. I will be happy to answer any questions you may have.

Chairman: Do any of the Commissioners have any questions or comments? If there is no objection, the Chair will entertain a motion.

A Motion was made by Ms. Barnette and **Seconded** by Mayor Small *to approve the master plan for the Laurel Springs Apartments, formerly known as Jubilee Ridge Condominiums. The Motion carried unanimously.*

The next order of business is site plan review for the Daphne Central Services Facility.

DAPHNE UTILITIES CENTRAL SERVICES FACILITY:

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF NOVEMBER 18, 2010
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

File S10-14:

Site: Daphne Central Services Facility

Zoning(s): B-2, General Business

Location: Northeast of the intersection of Pollard Road and Well Road

Area: 9.5 Acres ±

Owner: Utilities Board of the City of Daphne - Rob McElroy, General Manager, or Danny Lyndall, Operations Manager

Engineer: Volkert & Associates, Inc. - Melinda Immel

An introductory presentation was given by Ms. Melinda Immel, representing Volkert & Associates, requesting site plan review of a central services facility located northeast of the intersection Pollard Road and Well Road. Based on the comments given at site preview, we have revised the plan to include a walking trail, and the improvement of Well Road to the end of the property line to the east. They will do more if the funding is available. I will be happy to answer any questions you may have.

Chairman: Do any of the Commissioners have any questions or comments?

Mayor Small: I think if the Utilities Board is going to develop this property they should have to improve the road from Pollard Road to Public Works Road. If the site plan presented was for a private business owner, we would require him to improve the access.

Ms. Immel: Mr. McElroy, the General Manager of the Utilities Board of the City of Daphne, and Mr. Johnson, the Public Works Director, have had meetings to discuss this, but I have not been present at those meetings. We are concerned about funding available in the budget to extend the improvement of that road, and the condition of the material in the right-of-way beyond our property. The condition of the material would determine the cost of the improvement of the road.

Mayor Small: Mr. Chairman, I would like to see the road improved from the east side of the right-of-way of Pollard Road and to extend to the east to Public Works Road.

Ms. Immel: If that is going to be a condition of the approval of the site plan, may I be excused in order to call my client to discuss this matter with him.

Chairman: Do any of the Commissioners have any further questions or comments? If there is no objection, the Chair will entertain a motion.

A Motion was made by Ms. Barnette and Seconded by Mr. Terry to table the site plan for Daphne Central Services Facility and to reconsider action later in the meeting to allow Ms. Immel to consult with the Utilities Board of the City of Daphne. The Motion carried unanimously.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF NOVEMBER 18, 2010
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

The next order of business is final plat review for Dunmore Subdivision, Phase Two, Part B.

DUNMORE SUBDIVISION, PHASE TWO, PART B:

FINAL PLAT REVIEW:

File SDF10-03:

Subdivision: Dunmore, Phase Two, Part B

Zoning(s): *R-4, High Density Single Family Residential*

Location: On the East side of Alabama Highway 181, South of Austin Road, North of Dick Higbee Road

Area: 10.47 Acres ±, (28) lots

Owner: Hearthstone Multi-Asset Entity

Engineer: Rester & Coleman Engineers - Joel Coleman

An introductory presentation was given by Mr. Joel Coleman, representing Rester & Coleman Engineers, requesting final plat review of a ten-point four-seven acre subdivision consisting of twenty-eight lots located on the East side of Alabama Highway 181, South of Austin Road and North of Dick Higbee Road. We have installed the improvements to the subdivision with the exception of sidewalks and grassing for which we have posted a performance surety bond for each. We had comments from the Public Works Director requesting a clean up which happened as a result of a rain storm. This is being addressed today. I will be happy to answer any questions you may have.

Chairman: Do any of the Commissioners have any questions or comments?

Ms. Barnette: Do you have a letter from Baldwin County Sewer Service?

Ms. Jones: No.

Mayor Small: I do not think we should approve it if Belforest Water Authority certify that they can provide adequate water for fire protection. Can they provide adequate water for fire protection, Chief?

Chief White: They have adequate fire flow for fire protection.

Mayor Small: I do not think we should approve a subdivision unless Belforest Water Authority changes their letter to certify to the fire flow.

Mr. Chason: Once the subdivision has been constructed, it is too late to discuss this. This would have to be a condition given during the presentation of the preliminary plat.

THE CITY OF DAPHNE
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COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

Ms. Jones: If you consider approval of the final plat, I will not sign it until he provides us with a letter from Baldwin County Sewer Service.

Chairman: Do any of the Commissioners have any further questions or comments? If there is no objection, the Chair will entertain a motion.

A Motion was made by Ms. Barnette and Seconded by Mr. Chason to approve the final plat for Dunmore Subdivision, Phase Two, Part A. The Motion carried. Mayor Small and Mr. Lemoine dissented.

The next order of business is an administrative presentation regarding the installation of sidewalks in Dunmore Subdivision, Phase Two, Part B.

ADMINISTRATIVE PRESENTATION:

An introductory presentation was given by Mr. Joel Coleman, representing Rester & Coleman Engineers, requesting to waive the requirement for sidewalks and to defer the required installation, with the presentation of a performance bond to cover such expense, and to allow sidewalks to be installed as individual lots are developed.

Chairman: Do any of the Commissioners have any questions or comments? If there is no objection, the Chair will entertain a motion.

A Motion was made by Ms. Barnette and Seconded by Mr. Terry to waive the requirement for sidewalks and to defer the required installation, with the presentation of a performance bond to cover such expense, and to allow sidewalks to be installed as individual lots are developed, contingent upon the installation of the sidewalks on stub-out streets and nonresidential areas. The Motion carried unanimously.

The next order of business is an administrative presentation for street acceptance in Dunmore Subdivision, Phase Two, Part B.

ADMINISTRATIVE PRESENTATION:

An introductory presentation was given by Mr. Joel Coleman, representing Rester & Coleman Engineers, requesting acceptance of the street(s) contained within Dunmore Subdivision, Phase Two, Part B.

Chairman: Do any of the Commissioners have any questions or comments? If there is no objection, the Chair will entertain a motion.

A Motion was made by Ms. Barnette and Seconded by Mr. Terry for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the acceptance of the streets in Dunmore Subdivision, Phase Two, Part B. The Motion carried unanimously.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF NOVEMBER 18, 2010
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

The next order of business is reconsideration of site plan review for the Daphne Central Services Facility.

DAPHNE UTILITIES CENTRAL SERVICES FACILITY:

File S10-14:

Site: Daphne Central Services Facility

Zoning(s): B-2, General Business

Location: Northeast of the intersection of Pollard Road and Well Road

Area: 9.5 Acres ±

Owner: Utilities Board of the City of Daphne - Rob McElroy, General Manager, or Danny Lyndall, Operations Manager

Engineer: Volkert & Associates, Inc. - Melinda Immel

Ms. Immel: I spoke to Mr. McElroy, the General Manager of the Utilities Board of the City of Daphne, and he said he and Mr. Johnson, the Public Works Director, have reached an agreement for the improvement of the right-of-way from Pollard Road to Public Works Road. They have had meetings to discuss this, but I have not been present nor had knowledge if there had been a resolution to this matter. Thank you for tabling the item temporarily to allow me to consult with him. However, there is a portion of right-of-way that belongs to the Baldwin County Board of Education which will have to be obtained prior to the improvement which is a timely process. I would like this to be considered with the approval of the site plan and the contingency being the improvement of the right-of-way beyond the Utilities Board property line.

Chairman: Do any of the Commissioners have any further questions or comments? If there is no objection, the Chair will entertain a motion.

A Motion was made by Ms. Barnette and **Seconded** by Mr. Terry *to approve the site plan for Daphne Central Services Facility, with the agreement to the improvement of the street, Well Road, beginning at the east side of the right-of-way of Pollard Road extending to the east to Public Works Road, and constructed in accordance with the minimum standards outlined in Article XI, Minimum Requirements and Required Improvements, of the Daphne Land Use and Development Ordinance, contingent upon acquisition of the right-of-way from the Baldwin County Board of Education. The Motion carried unanimously.*

Ms. Barnette: For the record, I will be abstaining from the discussion of Caroline Woods Subdivision, Phases Two and Three.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF NOVEMBER 18, 2010
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

The next order of business is an administrative presentation for revised master plan revision of Caroline Woods Subdivision, Phases Two & Three.

CAROLINE WOODS SUBDIVISION, PHASES TWO & THREE:

MASTER PLAN:

An introductory presentation was given by Mr. David Diehl, representing Engineering Development Services, requesting revised master plan review for Caroline Woods Subdivision, Phases Two and Three. The revised master plan is simply a reflection of the rezoning which was previously approved and the rezoning proposed in Phases Two and Three of Caroline Woods Subdivision.

Chairman: Do any of the Commissioners have any questions or comments? If there is no objection, the Chair will entertain a motion.

A Motion was made by Mr. Chason and Seconded by Mr. Terry to approve the revised master plan for Caroline Woods Subdivision, Phases Two & Three. The Motion carried unanimously.

The next order of business is final plat review for Caroline Woods Subdivision, Phase Two A.

FINAL PLAT REVIEW:

File SDF10-04:

Subdivision: Caroline Woods, Phase Two A

Zoning(s): R-4, High Density Single Family Residential, and R-3, High Density Single Family Residential

Location: Northeast of the intersection of Parker Lane and Whispering Pines Road, North of Madison Place Subdivision, West of Daphne Commercial Park, Phase Two

Area: 4.0 Acres ±, (13) lots

Owner: Plan B Investments, L.L.C. - Jacob Cunningham

Engineer: Engineering Development Services - David Diehl

An introductory presentation was given by Mr. David Diehl, representing Engineering Development Services, requesting final plat review of a four-acre subdivision consisting of thirteen lots located northeast of the intersection of Parker Lane and Whispering Pines Road and north of Madison Place Subdivision. We have addressed the Public Works and Fire Department requirements by installing a gravel turn around at the end of the subdivision. I will be happy to answer any questions you have.

Chairman: Do any of the Commissioners have any questions or comments?

THE CITY OF DAPHNE
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COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

Ms. Campbell: I have concerns regarding four wheelers and truck traffic that have been entering into and damaging the basin. I would like to see some type of fencing placed there.

Mr. Diehl: I will recommend to the owner that he put posted across this area to provide traffic from entering into this area.

Chairman: Do any of the Commissioners have any further questions or comments? If there is no objection, the Chair will entertain a motion.

A Motion was made by Mayor Small and Seconded by Mr. Lemoine to approve the final plat for Caroline Woods, Phase Two A. The Motion carried. Ms. Barnette abstained.

The next order of business is an administrative presentation regarding the installation of sidewalks in Caroline Woods Subdivision, Phase Two A.

ADMINISTRATIVE PRESENTATION:

An introductory presentation to be given by Mr. David Diehl or Jason Estes, representing Engineering Development Services, Engineering Development Services, requesting to waive the requirement for sidewalks and to defer the required installation, with the presentation of a performance bond to cover such expense, and to allow sidewalks to be installed as individual lots are developed. The sidewalks have been installed by there was an error by the owner and/or contractor. The width of the sidewalk installed is four rather than five feet. We would like to ask for a waiver to allow the four-foot sidewalk installed to remain, approval without the submission of a performance bond, and contingent upon the installation of five-foot sidewalks in all future phases of Caroline Woods Subdivision and sidewalk connection from Caroline Woods Subdivision to Madison Place Subdivision. I will be happy to answer any questions you may have.

Ms. Jones: The Public Works Director recommends the approval of the waiver rather than the owner having to remove the four-foot sidewalk and installing the five-foot sidewalk.

Chairman: Do any of the Commissioners have any questions or comments? If there is no objection, the Chair will entertain a motion.

A Motion was made by Ms. Chason and Seconded by Mr. Terry to waive the requirement and to defer the required installation of sidewalks until the individual lots are developed, without the submission of a performance bond, and acceptance of the four-foot sidewalk installed in lieu of the required five foot sidewalk, contingent upon the continuation of a five-foot sidewalk in all future phases, and the construction of a sidewalk connection from Caroline Woods Subdivision to Madison Place Subdivision. The Motion carried. Ms. Barnette abstained.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF NOVEMBER 18, 2010
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

The next order of business is an administrative presentation for street acceptance in Caroline Woods Subdivision, Phase Two A.

An introductory presentation was given by Mr. David Diehl, representing Engineering Development Services, requesting street acceptance of all streets contained within Caroline Woods Subdivision, Phase Two A. I will be happy to answer any questions you may have.

Chairman: Do any of the Commissioners have any questions or comments? If there is no objection, the Chair will entertain a motion.

A Motion was made by Mr. Chason and Seconded by Mayor Small for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the acceptance of the streets in Caroline Woods Subdivision, Phase Two A. The Motion carried. Ms. Barnette abstained.

The next order of business is a zoning amendment for Plan B Investments, L.L.C.

PETITIONS:

ZONING AMENDMENT:

File Z10-06: Plan B Investments, L.L.C. (a portion of Caroline Woods Subdivision, Phase Two, Part A and D)

Present Zoning: R-3, High Density Single Family Residential

Proposed Zoning: R-4, High Density Single Family Residential

Location: Northeast of the intersection of Parker Lane and Whispering Pines Road, North of Madison Place Subdivision
Area: 3.47 Acres ±
Owner: Plan B Investments, L.L.C. - Jacob Cunningham
Engineer: Engineering Development Services - David Diehl or Jason Estes

An introductory presentation was given by Mr. David Diehl, representing Engineering Development Services, requesting the rezoning of a three-point four seven-nine acre parcel located northeast of the intersection of Parker Lane and Whispering Pines Road and north of Madison Place Subdivision from an R-3, High Density Single Family Residential to an R-4, High Density Single Family Residential, zone. The owner is asking for the rezoning of this portion of Caroline Woods Subdivision, Phase Two, Part A & D, so the lot size is compatible with the surrounding development. I will be happy to answer any questions you may have.

Chairman: Do any of the Commissioners have any further questions or comments?

THE CITY OF DAPHNE
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COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

Ms. Jones: How many additional lots will be created by rezoning the property?

Mr. Diehl: I am not sure, but approximately eight or nine lots after the approval of the rezoning, and five additional lots are shown on the master plan.

Chairman: Do any of the Commissioners have any questions or comments? He opened the floor to public participation. With no adjacent property owners present, he closed public participation. If there is no objection, the Chair will entertain a motion.

A Motion was made by Mr. Lemoine and Seconded by Mayor Small for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the rezoning of a three-point four seven-nine acre parcel located northeast of the intersection of Parker Lane and Whispering Pines Road and north of Madison Place Subdivision from an R-3, High Density Single Family Residential to an R-4, High Density Single Family Residential, zone. The Motion carried. Ms. Barnette abstained.

The next order of business is a preliminary plat review for Caroline Woods Subdivision, Phase Three.

PRELIMINARY PLAT REVIEW:

File SDP10-04:

Subdivision: Caroline Woods, Phase Three

Zoning(s): R-4, High Density Single Family Residential

Location: Northeast of the intersection of Parker Lane and Whispering Pines Road, North of Madison Place Subdivision

Area: 12.46 Acres \pm , (41) lots

Owner: A & B-10, L.L.C. - John Avent & Joe Bullock

Engineer: Engineering Development Services - David Diehl

An introductory presentation was given by Mr. David Diehl, representing Engineering Development Services, requesting preliminary plat review of a twelve-point four six-acre subdivision consisting of forty-one lots located northeast of the intersection of Parker Lane and Whispering Pines Road and north of Madison Place Subdivision. The only change is the lots have been shifted to save a couple of significant trees in the subdivision. I will be happy to answer any questions you may have.

Chairman: Do any of the Commissioners have any questions or comments? He opened the floor to public participation. With no adjacent property owners present, he closed public participation. If there is no objection, the Chair will entertain a motion.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF NOVEMBER 18, 2010
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

A Motion was made by Mayor Small and **Seconded** by Mr. Terry *to approve the preliminary plat for Caroline Woods Subdivision, Phase Three. The Motion carried. Ms. Barnette abstained.*

The next order of business is a zoning amendment for MPWS, L.L.C.

PETITIONS:

ZONING AMENDMENT:

Present Zoning: *B-1, Local Business*

Proposed Zoning: *B-2, General Business*

File Z10-02: MPWS, L.L.C.

Location: Southwest corner of Lawson Road and County Road 13, Lot 2, Lake Forest Plaza Subdivision
Area: 4.44 Acres \pm
Owner: MPWS, L.L.C. - John White-Spunner or Matt White
Engineer: Rester & Coleman Engineers - Joel Coleman

An introductory presentation was given by Mr. Joel Coleman, representing Rester & Coleman Engineers, requesting the rezoning of a four-point four acre parcel located southwest corner of Lawson Road and County Road 13 on Lot 2 of Lake Forest Plaza Subdivision from a B-1, Local Business, to a B-2, General Business, zone. At the time of the application for the zoning amendment and the request for the amendment to the Table of Permitted Uses and Conditions of the Land Use and Development Ordinance, as requested we withdraw the application for the zoning amendment may have not received a favorable recommendation to the City Council. When the request to set the public hearing for the amendment to the Table of Uses to allow a bowling alley in a B-1, Local Business zone, it was their recommendation to pursue the application for the zoning amendment rather than the amendment to the Table of Permitted Uses. Therefore, the owner of the property has submitted another application for rezoning of Lot 2 of the Lake Forest Plaza Subdivision for consideration by the Planning Commission. I will be happy to answer any questions you may have.

Chairman: Do any of the Commissioners have any questions or comments?

The Chairman opened the floor to public participation.

Ms. Susan Edmond: Opposed to this type of use. The area is too highly residential and near a school. The existing area businesses are small scale. The width of this parcel is approximately three to five hundred feet. We are concerned about having late night activities in our backyard.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF NOVEMBER 18, 2010
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

Ms. Jan Yoder: This proposal may be good in another location. A large metal building does not belong adjacent to residences as it will likely devalue the twelve homes and affect the quality of life. The bowling alley includes a bowling alley, a pool hall, a restaurant and a bar like the one they have at their other location. We do not want a metal building constructed adjacent to our homes. This property is bordered by twelve home which will have a daily view of what we thought would be residential homes, and now it is zoned business. It was change to B-1, Local Business because we did not want it to be zoned B-2, General Business because of the existing traffic problem and safety issues. It is in direct conflict with guidelines of the City.

Ms. Loris Carson: The proposed business is not in agreement with the neighborhood. They do not need to develop businesses there. We do not need a place that sells alcohol that close a school.

Shirley Shane: I agree with the others. This proposal will probably devalue the adjoining properties.

Mr. Willie Robison: I also live in Lake Forest, but I am in favor of the rezoning of this property. If a parcel is rezoning for the bowling alley, you will know what type of development is going to be built there. The adjacent property owners which oppose the rezoning of this property do not realize if the property is not rezoned, and it is developed as a B-1, Local Business, zone, the types of uses which would be allowed to go in that zone. For example, in a B-1, Local Business, zone the owner would be allowed by right to build a night club, hotel, motel, public utility, convenience store, public works maintenance facility without screening, a utility substation and/or pumping station. The facility will be owned by the developers of a facility in Foley which is a family oriented entertainment facility with other uses than bowling lanes. I understand that you may not want this in your backyard, but there are other uses that may be allowed that you may also not want in your backyard. The bowling alley provides bowling for schools and churches in the area, as well as, tournaments for bowling leagues. The City of Daphne needs the revenue from this type of business. Thank you, Mr. Chairman for allowing me to speak over my time limit.

Mr. Matt White: I am representing the owner. We had a meeting at the Lake Forest Yacht Club for the adjacent property owners and tried to address some of their concerns. The family entertainment center owner of this facility is proposing to install a privacy fence, landscaping, noise controls and lighting. Brunswick prefers a family residential setting.

Mr. Byron Yoder: I would love to have a bowling alley in Daphne, but not in my backyard. Maybe somewhere else on County Road 13. This will devalue the property values and cause controversy. This property was zoned B-1, Local Business, for a reason.

The Chairman closed public participation.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF NOVEMBER 18, 2010
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

Chairman: Do any of the Commissioners have any further questions or comments?

Mr. Gibson: Mr. Chairman, I have a question. Are we considering the rezoning of the property or the use?

Chairman: We are considering only the rezoning of the property. I would like to say that I would consider the rezoning of this lot to be spot zoning, and I would not be in favor of it.

Mr. Chason: In listening to your concerns that you would like to have a bowling alley, but just not in your backyard. You would rather have a home constructed there and not a business with a metal building. You are concerned about traffic. If the Table of Permitted Uses and Conditions were amended to allow this type of development there with Planning Commission approval that would give you through the Planning Commission control of what will be developed.

Mr. Terry: Why didn't the owner verify the zoning of the property before he proceeded with his plans to develop the property?

Ms. Jones: There was an error for the zoning classification shown on the zoning map for this particular parcel. That was our fault, not theirs.

Chairman: Do any of the Commissioners have any further questions or comments? If there is no objection, the Chair will entertain a motion.

A Motion was made by Ms. Barnette and **Seconded** by Mr. Gibson *for the unfavorable recommendation by the Planning Commission to the City Council of Daphne for the rezoning of a four-point four acre parcel located southwest corner of Lawson Road and County Road 13 on Lot 2 of Lake Forest Plaza Subdivision from a B-1, Local Business, to a B-2, General Business, zone. Chief White dissented.*

Ms. Jones: I would like for you to outline for me the criteria for denial.

Ms. Barnette: B-2 was not what we envisioned for the development of this parcel, now or in 2007. If we consider the B-2 on this parcel, we have to consider it on the adjoining property, and B-2 is not appropriate at either location.

Mr. Chason: In order for me to be in favor of a zoning amendment for this lot, I would also like to see the owner include the parcel to the north in his application to rezone the property to B-2, General Business.

The next order of business is business which was discussed, but was not an agenda item.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF NOVEMBER 18, 2010
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

OTHER BUSINESS:

The next order of business is the reconsideration of a Daphne Land Use Ordinance, Table of Permitted Uses and Conditions.

RECONSIDERATION TO AMEND ARTICLE XXXV, DAPHNE LAND USE ORDINANCE, TABLE OF PERMITTED USES AND CONDITIONS:

The reconsideration of a previous motion to amend Article XXXV, the Table of Permitted Uses and Conditions to add a bowling alley as a use allowed upon Planning Commission approval in a B-1, Local Business, zoning district.

Ms. Barnette: Mr. Chairman, the City Council will hold a public hearing to consider action on the amendment to the Table of Permitted Uses and Conditions on Monday, December 6, 2010 at 6:30 p.m. Because of the number of members present at the Planning Commission when we considered the amendment to the Table and the number of members present tonight, I would like to ask for a motion to reconsider the amendment.

Chairman: Do any of the Commissioners have any questions or comments? If there is no objection, the Chair will entertain a motion.

A Motion was made by Ms. Barnette and **Seconded** by Mayor Small *for the favorable recommendation by the Planning Commission to the City Council of Daphne to amend Article XXXV, the Table of Permitted Uses and Conditions in the Daphne Land Use and Development Ordinance, to add a bowling alley as a use allowed upon Planning Commission approval in a B-1, Local Business, zoning district. Mr. Kirby dissented.*

The next order of business is an administrative presentation for street acceptance in Oldfield Subdivision, Phase One.

OLDFIELD SUBDIVISION, PHASE ONE:

An introductory presentation was given by Ms. Cathy Barnette, Council President, of a requesting street acceptance of all streets contained within the subdivision and the storm water drainage for Oldfield Subdivision, Phase One.

Chairman: Do any of the Commissioners have any questions or comments?

Ms. Barnette: The request for acceptance of streets was presented to the Public Works Committee to by the Public Works Director.

Ms. Jones: My recommendation is that you send it on.

Ms. Barnette: The owner/developer of the subdivision is bankrupt. The subdivision has approximately five homes which have no street lights so the Public Works Committee would like the Planning Commission to send a recommendation to the City Council on this matter.

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF NOVEMBER 18, 2010
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

Chairman: Do any of the Commissioners have any further questions or comments? If there is no objection, the Chair will entertain a motion.

A Motion was made by Ms. Barnette and **Seconded** by Mayor Small *for the affirmative recommendation by the Planning Commission to the City Council of Daphne for the acceptance of the streets in Oldfield Subdivision, Phase One. The Motion carried unanimously.*

The next order of business is the consideration of a change to the meeting time.

CONSIDERATION OF MEETING TIME CHANGE:

Ms. Barnette: I would like to propose to change the time of the meeting from 6:00 p.m. to 5:00 p.m.

Chairman: Do any of the Commissioners have any questions or comments?

A unanimous motion was made to change the time of the meeting of the Planning Commission from 6:00 p.m. to 5:00 p.m.

The next order of business is public participation.

PUBLIC PARTICIPATION:

Chairman: Is there anyone who would like to address the Planning Commission?

No public participation

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

ATTORNEY'S REPORT:

Mr. Ross: No report.

The next order of business is the director's comments.

DIRECTOR'S COMMENTS-2011 GOALS OF COMMUNITY DEVELOPMENT AND THE PLANNING COMMISSION:

Ms. Jones: No report.

The next order of business is commissioner's comments.

COMMISSIONER'S COMMENTS:

Chairman: Do any of the Commissioners have any questions or comments?

THE CITY OF DAPHNE
PLANNING COMMISSION MINUTES
REGULAR MEETING OF NOVEMBER 18, 2010
COUNCIL CHAMBERS, CITY HALL - 6:00 P.M.

Mayor Small: I would like to recommend that the Planning Commission or staff send a letter to the Belforest Water Authority to request them to revise their review letter for subdivisions to address fire protection.

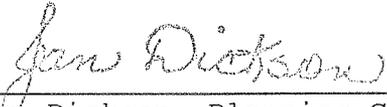
Ms. Barnette: I think we should authorize the Mayor to send that letter.

ADJOURNMENT:

Chairman: Do any of the Commissioners have any questions or comments? If there is no objection, the Chair will entertain a motion to adjourn.

There being no further business, the meeting was adjourned at 7:54 p.m.

Respectfully submitted by:



Jan Dickson, Planning Coordinator

APPROVED: December 16, 2010



Ed Kirby, Chairman

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF DECEMBER 16, 2010 REPORT
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

1. CALL TO ORDER DATE: DECEMBER 21, 2010

2. CALL OF ROLL ADJ/JD

3. APPROVAL OF MINUTES:

Review of minutes for the regular meeting of November 18, 2010. (APPROVED AS SUBMITTED)

4. OLD BUSINESS:

A. ADMINISTRATIVE PRESENTATION:

1. Presentation to be given by Dr. Barry Booth requesting an extension of time for the site disturbance permit issued for the Apalachee Residential Community. The site plan was approved by the Daphne Planning Commission on July 28, 2005 and revised in August 28, 2006. Site disturbance permit was issued on March 21, 2007: One-year extension was granted on January 24, 2008, January 22, 2009 and December 17, 2009. (APPROVAL OF A TWO-YEAR EXTENSION SET TO EXPIRE ON JANUARY 26, 2012)

5. NEW BUSINESS:

A. SITE PLAN REVIEW:

1. File S10-15: (APPROVED, SUBJECT TO THE APPROVAL OF THE ACCESS TO ALABAMA HIGHWAY 181 BY THE ALABAMA DEPARTMENT OF TRANSPORTATION)

Site: Bay Community Church, Phase II
New Worship Center

Zoning(s): *B-2, General Business*

Location: Southwest of the intersection of Alabama Highway 181 and Interstate 10, Historic Malbis Subdivision, Phase Three

Area: 15.3 Acres ±

Owner: Bay Community Church - Pastor, Jerry Taylor or Executive Pastor, Bart Hare

Architect: Forrest Daniell & Associates - Jeff Jordan

Engineer: Polysurveying & Engineering - Vincent LaCoste, II

B. PRELIMINARY/FINAL PLAT REVIEW:

1. File SDPF10-12: (APPROVED)

Subdivision: TimberCreek Golf Course, Resubdivision of Parcel B

Zoning(s): *B-2, General Business*

Location: Northwest of the intersection of Alabama Highway 181 and Interstate 10

Area: 137.44 Acres ±, (2) lots

Owner: TimberCreek Investments, L.L.C. - Larry Waldrep, Manager and Bradley Investments, Inc. - Robert Bradley

Engineer: Rester & Coleman Engineers - Joel Coleman

CITY OF DAPHNE
PLANNING COMMISSION AGENDA
REGULAR MEETING OF DECEMBER 16, 2010 REPORT
COUNCIL CHAMBERS, CITY HALL - 5:00 P.M.

2. File SDPF10-13: (GIVEN PRELIMINARY PLAT APPROVAL)

Subdivision: Malbis Business Park, Unit One, Resubdivision of Lot 2

Zoning(s): *B-4, Major Commercial District, Baldwin County District 10*

Location: On the east side of Alabama Highway 181, two hundred feet north of Eastern Shore Boulevard, City of Daphne extraterritorial planning jurisdiction

Area: 0.96 Acres \pm , (2) lots

Owner: Otis Smith

Engineer: Rester & Coleman Engineers - Joel Coleman

C. ADMINISTRATIVE PRESENTATION:

Presentation to be given by Mr. Matthew Roberts, representing Gulf State Engineering, requesting a replat review to remove a common line of Lots 25 and 26, Austin Place Commercial Park, Unit Three. (APPROVED)

6. PUBLIC PARTICIPATION

7. ATTORNEY'S REPORT

8. COMMISSIONER'S COMMENTS

9. DIRECTOR'S COMMENTS

10. ADJOURNMENT

**CITY COUNCIL MEETING
MAYOR'S REPORT**

NOTES:



**EASTERN
SHORE**
CHAMBER OF
COMMERCE

P.O. Drawer 310
Daphne, Alabama 36526-0310

Overlook
29750 Larry Dee Cawyer Drive
Daphne, Alabama
251.621.8222
FAX 251.621.8001

Downtown Fairhope
327 Fairhope Avenue
251.928.6387
FAX 251.928.6389

www.ESchamber.com
email: office@ESchamber.com



December 15, 2010

City of Daphne
Mayor & City Council
Post Office Box 400
Daphne, Alabama 36526

Re: 23rd Annual Jubilee Festival – September 24 & 25, 2011

Dear Mayor Small and City Council Members:

The 23rd Annual Jubilee Festival is scheduled to be held September 24 & 25, 2011. As always, the continued support of the Mayor and City Council is essential. At this time the festival committee would like to request the following from the City of Daphne:

1. Permission to block Main Street from Magnolia Avenue South to Dryer Avenue. The closing of this area would still allow access by area residents and church visitors.
2. Permission to use Centennial Park for KidsART.
3. Permission to allow children to paint on the back fence in Centennial Park.
4. Assistance from Police and Street Department with street closings and barricades from Friday, September 23, 2011 after 5:00 p.m. until Sunday, September 25, 2011 after 6:00 p.m.
5. Coordination by the Mayor with Riviera Utilities for additional electrical power access at the City Hall entrance utility pole.
6. Permission to use City Hall as headquarters for the festival staff and volunteers.
7. Permission to place temporary banners to help promote the 22nd Annual Jubilee Festival. Specifics of the banners are as follows:

- Banners to read: *Jubilee Festival, September 24th & 25th*
- Banners to be posted 2 weeks prior to event
- Size of Banners to be 120" x 34"
- Locations to include:

Santa Rosa & Main Street
Jubilee Mall
Lawson Road
Highway 98 at Montrose Welcome Sign

8. Permission to place banners within the site of the festival.

Please place this request on the agenda for the next available City Council Meeting. Please contact Ginger Parnell at the Eastern Shore Chamber of Commerce (621-8222) with the date of the meeting.

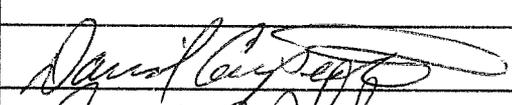
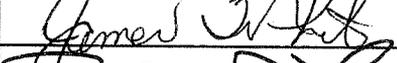
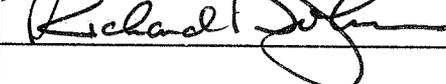
The Eastern Shore Chamber of Commerce and the Jubilee Festival Committee greatly appreciate the City's continued support of this annual event. We are looking forward to another successful event for both the Chamber and the City. The Festival continues to grow each year, but success of the event is only possible with the combined effort of the City, the Chamber and the volunteers.

Sincerely,


Darrelyn J. Bender
President/CEO

cc: City Council, Eastern Shore Chamber of Commerce Board of Directors, Jubilee Chairs Sally Wagner and Shea Dean.

CITY OF DAPHNE PARADE PERMIT

ORGANIZATION:	<i>Baldwin County Martin Luther King Jr. Celebration Committee Inc. (501- 3C Tax Exempt Organization)</i>
CONTACT PERSON:	<i>Willie Williams</i>
ADDRESS:	<i>P.O. Box 434 Point Clear, Al 36564</i>
PHONE NUMBER (HOME): PHONE NUMBER (BUSINESS):	<i>251-626-9344 251-928-9672</i>
TYPE OF PARADE:	<i>March</i>
DATE OF PARADE:	<i>January 17,2011</i>
ROUTE TO BE TRAVELED:	<i>North on main st. to the Daphne Civic Center at 2603 U.S. Highway98, Daphne, Al for a program following the march.</i>
APPROXIMATE # OF PEOPLE & CARS:	<i>500+</i>
START TIME:	<i>10:30 A.M.</i>
STOP TIME:	<i>11:30 A.M.</i>
ASSEMBLY AREA/STREET:	<i>Daphne City Hall, 1705 Main St, Daphne, Al 36526</i>
ASSEMBLY TIME:	<i>10:00 A.M.</i>
SPECIAL REQUEST:	<i>Police Escort for Marchers</i>
APPROVAL	
POLICE: Chief David Carpenter	
FIRE: Chief James White	
PUBLIC WORKS: Richard Johnson	
CITY COUNCIL: 1-03-2011	
SPECIAL INSTRUCTIONS:	
DATE ROUTED:	
NOTIFICATION OF APPROVAL:	

CITY ATTORNEY'S REPORT

NOTES:

DEPARTMENT HEAD'S COMMENTS

**CITY COUNCIL MEETING
RESOLUTIONS, ORDINANCES, ORDERS & OTHER BUSINESS**

NOTES:

RECOMMENDATIONS

COUNCIL COMMENTS:

CITY OF DAPHNE

RESOLUTION NO.: 2011-01



=

WHEREAS, the Baldwin County Board of Education, an agency of the State of Alabama, desires to grant, bargain, sell and convey to the City of Daphne, Alabama a certain parcel of real property for use as an Easement for construction and maintenance of a sidewalk, and;

WHEREAS, the City of Daphne desires to accept the herein described real property, and;

WHEREAS, said property is located within the corporate limits of the City of Daphne, Baldwin County, Alabama and is more particularly described as follows:

Commencing at the Northwest corner of Section 16, Township 5 South, Range 2 East; thence run S-9000'00"-W 40.37 feet to a point; thence run S-0000'00"-E 49.66 feet to a point on the West right-of-way line of Baldwin County Road 13 and the Point of Beginning; thence run S-0025'12"-W, along said West right-of-way line 2608.79 feet to a point; thence run S-8955'57"-W, leaving said West right-of-way line 5.00 feet to a point; thence run N-0025'12"-E, 1519.17 feet to a point; thence run N-5719'38"-W, 33.21 feet to a point; thence run N-0025'12"-E, 56.49 feet to a point; thence run N-4354'30"-W, 70.85 feet to a point; thence run N-4605'30"-E, 101.62 feet to a point; thence run N-0025'12"-E, 893.88 feet to a point on the South right-of-way line of Whispering Pines Road; thence run S-8942'19"-E, along said South right-of-way line 10.00 feet to the Point of Beginning.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA that the above described property is hereby accepted by the City of Daphne, Alabama.

ADOPTED AND APPROVED THIS _____ DAY OF _____, 2011.

**THE CITY OF DAPHNE, ALABAMA
AN ALABAMA MUNICIPAL CORPORATION**

**CATHY S. BARNETTE
COUNCIL PRESIDENT**

**FRED SMALL
MAYOR**

ATTEST:

STATE OF ALABAMA

COUNTY OF BALDWIN

EASEMENT

KNOW ALL MEN BY THESE PRESENTS: The Baldwin County Board of Education, an agency of the State of Alabama (hereinafter referred to as the "Grantor"), for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration to it in hand paid by the City of Daphne, Alabama, an Alabama municipal corporation (hereinafter referred to as the "Grantee"), the receipt and sufficiency of which is hereby acknowledged, and the benefits accruing to Grantor as a result of the improvements to be made on this easement, does hereby grant, bargain, sell and convey unto the Grantee, the following non-exclusive easement for the purpose of constructing and maintaining a sidewalk:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 16, TOWNSHIP 5 SOUTH, RANGE 2 EAST; THENCE RUN S-90°00'00"-W 40.37 FEET TO A POINT; THENCE RUN S-00°00'00"-E 49.66 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF BALDWIN COUNTY ROAD 13 AND THE POINT OF BEGINNING; THENCE RUN S-00°25'12"-W, ALONG SAID WEST RIGHT-OF-WAY LINE 2608.79 FEET TO A POINT; THENCE RUN S-89°55'57"-W, LEAVING SAID WEST RIGHT-OF-WAY LINE 5.00 FEET TO A POINT; THENCE RUN N-00°25'12"-E, 1519.17 FEET TO A POINT; THENCE RUN N-57°19'38"-W, 33.21 FEET TO A POINT; THENCE RUN N-00°25'12"-E, 56.49 FEET TO A POINT; THENCE RUN N-43°54'30"-W, 70.85 FEET TO A POINT; THENCE RUN N-46°05'30"-E, 101.62 FEET TO A POINT; THENCE RUN N-00°25'12"-E, 893.88 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF WHISPERING PINES ROAD; THENCE RUN S-89°42'19"-E, ALONG SAID SOUTH RIGHT-OF-WAY LINE 10.00 FEET TO THE POINT OF BEGINNING.

Construction activities by Grantee shall not interfere with any existing improvements. Prior to performing any construction, maintenance or repair, it shall be the sole responsibility of the

Grantee to provide advance written notification to the principal of Daphne Middle School and properly barricade or fence the site and maintain said barricade or fence until the project is complete. All work shall be performed in such way to insure the safety of the Grantor's employees, students and visitors. Grantee shall restore any areas disturbed as a consequence of construction to the condition that existed prior to construction.

The Grantee promises to indemnify and hold Grantor harmless from and against any damage or cause of action accruing or resulting from the Grantee's activities.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed by its duly authorized representatives on this 30th day of August, 2010.

THE BALDWIN COUNTY BOARD OF EDUCATION,
an agency of the State of Alabama

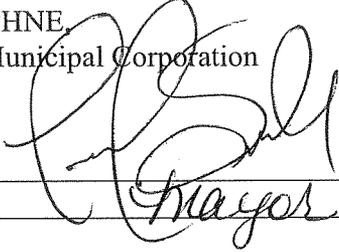
By: Tracy Roberts
TRACY ROBERTS
As its President

ATTEST:

Alan T. Lee
ALAN T. LEE
As Its Superintendent and Ex-Officio Secretary

ACCEPTED AND AGREED TO:

CITY OF DAPHNE
An Alabama Municipal Corporation

By: 
Its: Mayor

ATTEST:



STATE OF ALABAMA

COUNTY OF BALDWIN

I, Elizabeth L. Coe, a Notary Public, in and for said County in said State, hereby certify that TRACY ROBERTS whose name as President, and ALAN T. LEE, whose name as Superintendent and Ex-Officio Secretary of the BALDWIN COUNTY BOARD OF EDUCATION, are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, they, as such officers and with full authority, executed the same voluntarily for and as the act of said Board.

Given under my hand and seal this 30th day of August, 2010.


Notary Public, Baldwin County, Alabama
My Commission Expires: 10/5/2010

STATE OF ALABAMA

COUNTY OF BALDWIN

I, Barbara A. Garner a Notary Public, in and for said County in said State, hereby certify that Fred Small, whose name as Mayor, and _____, whose name as _____ of the CITY OF DAPHNE, an Alabama municipal corporation, are signed to the foregoing instrument and who are known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, they, as such officers and with full authority, executed the same voluntarily for and as the act of said Board.

Given under my hand and seal this 13th day of September, 2010.

Barbara A. Garner
Notary Public, Baldwin County, Alabama
My Commission Expires: 01-25-14

GRANTOR'S ADDRESS:
2600 North Hand Avenue
Bay Minette, AL 36507

GRANTEE'S ADDRESS:

This instrument prepared by:

R. Scott Lewis of

STONE, GRANADE & CROSBY, P.C.
Attorneys at Law
Post Office Drawer 1509
Bay Minette, Alabama 36507
(251) 937-2417

ORDINANCE NO. 2010-72

**Ordinance to Rezone Property Located Southeast of the
Intersection of U.S. 98 and Johnson Road
Big Sandy, LLC
(0.72 Acres)**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from B-2, General Business District, to R-4 High Density Multi-Family Residential District, to said property is located, southeast of the intersection of U.S. Highway 98 and Johnson Road being more particularly described as follows:

Legal Description:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 29, TOWNSHIP 5 SOUTH, RANGE 2 WEST; THENCE RUN SOUTH, 627.00 FEET TO A POINT; THENCE RUN N-89°31'00"-E, 1510.40 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 98 AND THE POINT OF BEGINNING; THENCE RUN N-89°45'46"-E, LEAVING SAID EAST RIGHT-OF-WAY LINE 140.47 FEET TO A POINT; THENCE RUN S-00°19'34"-W, 208.89 FEET TO A POINT; THENCE RUN N-89°36'05"-W, 160.19 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY 98; THENCE RUN N-05°45'46"-E, ALONG SAID EAST RIGHT-OF-WAY LINE 208.24 FEET TO THE POINT OF BEGINNING, CONTAINING 0.72 ACRES, MORE OR LESS.

WHEREAS, the Planning Commission of the City of Daphne on October 28, 2010 has considered said request and set forth an affirmative recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on Monday, December 20, 2010 concerning the requested rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that said property described above is hereby rezoned from B-2, General Business District, to an R-4, High Density Multi-Family Residential District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ day of _____, 2010.

**Cathy S. Barnette,
Council President**

**Fred Small,
Mayor**

ATTEST:

**David L. Cohen
City Clerk, MMC**

**BIG SANDY, L.L.C.
ZONING AMENDMENT REVIEW**

**800' SOUTH OF JOHNSON ROAD EAST OF HIGHWAY 98
EXHIBIT "A"**

(RESUBDIVISION OF LOT 1, SPRINGS AT EASTERN SHORE)

LEGAL DESCRIPTION:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 29, TOWNSHIP 5 SOUTH, RANGE 2 WEST; THENCE RUN SOUTH, 627.00 FEET TO A POINT; THENCE RUN N-89°31'00"-E, 1510.40 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY 98 AND THE POINT OF BEGINNING; THENCE RUN N-89°45'46"-E, LEAVING SAID EAST RIGHT-OF-WAY LINE 140.47 FEET TO A POINT; THENCE RUN S-00°19'34"-W, 208.89 FEET TO A POINT; THENCE RUN N-89°36'05"-W, 160.19 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY 98; THENCE RUN N-05°45'46"-E, ALONG SAID EAST RIGHT-OF-WAY LINE 208.24 FEET TO THE POINT OF BEGINNING, CONTAINING 0.72 ACRES, MORE OR LESS.

PROJECT REFERENCE: SPRINGS AT EASTERN SHORE

ORDINANCE NO. 2010-73

**Ordinance to Rezone Property Located Southeast of
Van Buren Street and North Main Street
TDG Lake Forest, LLC
(2.92 Acres and 3.39 Acres)**

WHEREAS, the owners of certain real property within the City of Daphne, Alabama, have requested that said property be rezoned from B-1, Local Business District and R-3, High Density Single Family Residential, to R-4, High Density Multi-Family Residential District, to said property is located, southeast of Van Buren Street and North Main Street being more particularly described as follows:

B-1 - Legal Description:

COMMENCING AT A POINT WHERE THE SOUTH RIGHT OF WAY LINE OF VAN BUREN STREET IS INTERSECTED BY THE WEST RIGHT OF WAY LINE OF 5TH STREET (NOT OPEN), AND RUN THENCE SOUTH 89 DEGREES 43 MINUTES 04 SECONDS WEST, A DISTANCE OF 240.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89 DEGREES 43 MINUTES 04 SECONDS WEST ALONG SAID LINE, A DISTANCE OF 239.86 FEET; THENCE RUN SOUTH 00 DEGREES 14 MINUTES 25 SECONDS EAST, A DISTANCE OF 314.94 FEET; THENCE RUN SOUTH 00 DEGREES 02 MINUTES 39 SECONDS WEST, A DISTANCE OF 37.63 FEET; THENCE RUN NORTH 89 DEGREES 45 MINUTES 37 SECONDS EAST, A DISTANCE OF 659.11 FEET; THENCE RUN NORTH 00 DEGREES 10 MINUTES 35 SECONDS WEST, A DISTANCE OF 37.40 FEET; THENCE RUN SOUTH 89 DEGREES 44 MINUTES 12 SECONDS WEST, A DISTANCE OF 239.38 FEET; THENCE RUN NORTH 00 DEGREES 20 MINUTES 30 SECONDS WEST, A DISTANCE OF 150.22 FEET; THENCE RUN SOUTH 89 DEGREES 43 MINUTES 11 SECONDS WEST, A DISTANCE OF 179.40 FEET; THENCE RUN NORTH 00 DEGREES 15 MINUTES 40 SECONDS WEST, A DISTANCE OF 165.35 FEET TO THE POINT OF BEGINNING. CONTAINING 2.92 ACRES, MORE OR LESS.
LEGAL DESCRIPTION:

R-3 - Legal Description: 3.39 Acres

COMMENCE AT A POINT WHERE THE EAST RIGHT OF WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 11 (FORMERLY OLD HIGHWAY 98) IS INTERSECTED BY THE SOUTH RIGHT OF WAY LINE OF JACKSON STREET; SAID POINT BEING THE POINT OF BEGINNING; THENCE RUN SOUTH 89 DEGREES 55 MINUTES 53 SECONDS EAST, A DISTANCE OF 95.08 FEET; THENCE RUN NORTH 00 DEGREES 02 MINUTES 39 SECONDS EAST, A DISTANCE OF 37.63 FEET; THENCE RUN NORTH 89 DEGREES 45 MINUTES 37 SECONDS EAST, A DISTANCE OF 659.11 FEET; THENCE RUN SOUTH 00 DEGREES 10 MINUTES 35 SECONDS EAST, A DISTANCE OF 37.40 FEET; THENCE RUN SOUTH 00 DEGREES 07 MINUTES 45 SECONDS EAST, A DISTANCE OF 159.23 FEET; THENCE RUN SOUTH 89 DEGREES 54 MINUTES 26 SECONDS WEST, A DISTANCE OF 339.23 FEET; THENCE RUN SOUTH 75 DEGREES 23 MINUTES 06 SECONDS WEST, A DISTANCE OF 124.53 FEET; THENCE RUN NORTH 66 DEGREES 28 MINUTES 59 SECONDS WEST, A DISTANCE OF 71.16 FEET; THENCE RUN SOUTH 89 DEGREES 56 MINUTES 31 SECONDS WEST, A DISTANCE OF 229.81 FEET; THENCE RUN NORTH 00 DEGREES 02 MINUTES 10 SECONDS EAST, A DISTANCE OF 160.17 FEET TO THE POINT OF BEGINNING. CONTAINING 3.39 ACRES, MORE OR LESS.

WHEREAS, the Planning Commission of the City of Daphne on October 28, 2010 has considered said request and set forth an unfavorable recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, after proper publication, a public hearing was held by the City Council on Monday, December 20, 2010 concerning the requested rezoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, that said property described above is hereby rezoned from B-1, Local Business District and R-3, High Density Single Family Residential, to an R-4, High Density Multi-Family Residential District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ day of _____, 2011.

Cathy S. Barnette,
Council President

Fred Small,
Mayor

ATTEST:

David L. Cohen
City Clerk, MMC

**TDG LAKE FOREST, LLC
(LAKE FOREST APARTMENTS)**

ZONING AMENDMENT

**SOUTHEAST OF THE INTERSECTION OF
VAN BUREN STREET AND NORTH MAIN STREET**

EXHIBIT "A"

**B-1, LOCAL BUSINESS, TO R-4, HIGH DENSITY
MULTI-FAMILY RESIDENTIAL
(2.92 ACRES)**

LEGAL DESCRIPTION:

COMMENCING AT A POINT WHERE THE SOUTH RIGHT OF WAY LINE OF VAN BUREN STREET IS INTERSECTED BY THE WEST RIGHT OF WAY LINE OF 5TH STREET (NOT OPEN), AND RUN THENCE SOUTH 89 DEGREES 43 MINUTES 04 SECONDS WEST, A DISTANCE OF 240.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89 DEGREES 43 MINUTES 04 SECONDS WEST ALONG SAID LINE, A DISTANCE OF 239.86 FEET; THENCE RUN SOUTH 00 DEGREES 14 MINUTES 25 SECONDS EAST, A DISTANCE OF 314.94 FEET; THENCE RUN SOUTH 00 DEGREES 02 MINUTES 39 SECONDS WEST, A DISTANCE OF 37.63 FEET; THENCE RUN NORTH 89 DEGREES 45 MINUTES 37 SECONDS EAST, A DISTANCE OF 659.11 FEET; THENCE RUN NORTH 00 DEGREES 10 MINUTES 35 SECONDS WEST, A DISTANCE OF 37.40 FEET; THENCE RUN SOUTH 89 DEGREES 44 MINUTES 12 SECONDS WEST, A DISTANCE OF 239.38 FEET; THENCE RUN NORTH 00 DEGREES 20 MINUTES 30 SECONDS WEST, A DISTANCE OF 150.22 FEET; THENCE RUN SOUTH 89 DEGREES 43 MINUTES 11 SECONDS WEST, A DISTANCE OF 179.40 FEET; THENCE RUN NORTH 00 DEGREES 15 MINUTES 40 SECONDS WEST, A DISTANCE OF 165.35 FEET TO THE POINT OF BEGINNING. CONTAINING 2.92 ACRES, MORE OR LESS.

**TDG LAKE FOREST, LLC
(LAKE FOREST APARTMENTS)
ZONING AMENDMENT**

**SOUTHEAST OF THE INTERSECTION OF
VAN BUREN STREET AND NORTH MAIN STREET**

EXHIBIT "A"

**R-3, HIGH DENSITY SINGLE FAMILY RESIDENTIAL, TO R-4 HIGH DENSITY
MULTI-FAMILY RESIDENTIAL (3.39 ACRES)**

LEGAL DESCRIPTION:

COMMENCE AT A POINT WHERE THE EAST RIGHT OF WAY LINE OF BALDWIN COUNTY HIGHWAY NO. 11 (FORMERLY OLD HIGHWAY 98) IS INTERSECTED BY THE SOUTH RIGHT OF WAY LINE OF JACKSON STREET; SAID POINT BEING THE POINT OF BEGINNING; THENCE RUN SOUTH 89 DEGREES 55 MINUTES 53 SECONDS EAST, A DISTANCE OF 95.08 FEET; THENCE RUN NORTH 00 DEGREES 02 MINUTES 39 SECONDS EAST, A DISTANCE OF 37.63 FEET; THENCE RUN NORTH 89 DEGREES 45 MINUTES 37 SECONDS EAST, A DISTANCE OF 659.11 FEET; THENCE RUN SOUTH 00 DEGREES 10 MINUTES 35 SECONDS EAST, A DISTANCE OF 37.40 FEET; THENCE RUN SOUTH 00 DEGREES 07 MINUTES 45 SECONDS EAST, A DISTANCE OF 159.23 FEET; THENCE RUN SOUTH 89 DEGREES 54 MINUTES 26 SECONDS WEST, A DISTANCE OF 339.23 FEET; THENCE RUN SOUTH 75 DEGREES 23 MINUTES 06 SECONDS WEST, A DISTANCE OF 124.53 FEET; THENCE RUN NORTH 66 DEGREES 28 MINUTES 59 SECONDS WEST, A DISTANCE OF 71.16 FEET; THENCE RUN SOUTH 89 DEGREES 56 MINUTES 31 SECONDS WEST, A DISTANCE OF 229.81 FEET; THENCE RUN NORTH 00 DEGREES 02 MINUTES 10 SECONDS EAST, A DISTANCE OF 160.17 FEET TO THE POINT OF BEGINNING. CONTAINING 3.39 ACRES, MORE OR LESS.

Ordinance 2010-74

**An Ordinance Amending Job Classification Schedule
Mechanical Shop**

WHEREAS, Ordinance 2004-52 as adopted January 3, 2005 established the City of Daphne Job Classification Schedule; and

WHEREAS, in order to insure that the City's Job Classification Schedule remains current, Human Resources was charged with coordinating with the Archer Company in order to determine whether revisions to the Job Classification Schedule are warranted; and

WHEREAS, the Archer Company has conducted such review and certain revisions are recommended for implementation; and

WHEREAS, Ordinance 2004-52 requires that subsequent revisions or amendments to the Job Classification Schedule be approved by the City Council.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that: the reclassification and amendment as recommended by the Archer Company is hereby approved to revise the Mechanical Shop Parts Technician from Grade 6 Non-exempt to Grade 9 Non-Exempt at an annual cost of \$ 2,790 and 2) the following amendment is hereby incorporated into the City of Daphne Job Classification Schedule:

FROM:	Mechanical Shop Parts Tech	<u>Grade</u> 6NE
TO:	AdminTech	9NE

Total Annual Cost: 2,790. Fiscal 2011 Cost: 2,093.

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this _____ day of _____, 2011.

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

Ordinance 2010-75

**An Ordinance Amending Job Classification Schedule
Civic Center**

WHEREAS, Ordinance 2004-52 as adopted January 3, 2005 established the City of Daphne Job Classification Schedule; and

WHEREAS, in order to insure that the City's Job Classification Schedule remains current, Human Resources was charged to coordinate with the Archer Company to determine whether revisions to the Job Classification Schedule are warranted; and

WHEREAS, the Archer Company has conducted such review and certain revisions are recommended for implementation; and

WHEREAS, Ordinance 2004-52 requires that subsequent revisions or amendments to the Job Classification Schedule be approved by the City Council.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Daphne, Alabama, that: the reclassification and amendment as recommended by the Archer Company is hereby approved to:

- 1) reclassify the Audio Visual Manager to Operations Manager with an annual cost of \$ 4,841; and
- 2) reclassify the Sales Assistant position to a Sales Manager and thereby reduce the current staffing level from two Sales Assistants to one Sales Manager with an annual cost reduction of \$ 18,982; and
- 3) the following amendment is hereby incorporated into the City of Daphne Job Classification Schedule:

		<u>Grade</u>
FROM:	Audio Visual Manager	9NE
TO:	Operations Manager	18NE
FROM:	Sales Assistant	9NE
TO:	Sales Manager	17E

Furthermore, be it ordained that the Sales Assistant positions are no longer to be funded and filled until such time as the City Council determines necessary.

Total Annual Cost Reduction: 14,141. FY 11 Cost Reduction 10,606.

APPROVED AND ADOPTED by the City Council of the City of Daphne, Alabama, this _____ day of _____, 2011.

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk, MMC

ORDINANCE 2010-76

**CENTENNIAL PARK GAZEBO APPROPRIATION & PARK CITY PARK
BATHROOM PROJECT**

WHEREAS, the Fiscal Year 2011 Budget is being considered by the City Council;
and

WHEREAS, prior to the adoption of the Fiscal Year 2011 budget, the City Council
has determined that certain appropriations are required and should be approved
and made a part of the Fiscal Year 2011 budget; and

WHEREAS, the Public Works Committee has recommended constructing a
gazebo at Centennial Park for the use and enjoyment of Daphne's citizens; and

WHEREAS, the cost of the gazebo construction is \$ 12,799; and

WHEREAS, funds have previously been encumbered for the construction of
Restrooms at Park City Park.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of
Daphne, Alabama, that a General Fund appropriation in the amount of \$12,799
be hereby approved for the construction of the Centennial Park Gazebo and that
the Park City Park Restroom project shall be expediently installed as previously
funded and encumbered.

APPROVED AND ADOPTED by the Mayor and City Council of the City of
Daphne, Alabama, this _____ day of _____, 2011.

Cathy S. Barnette, Council President

Fred Small, Mayor

ATTEST:

David L. Cohen, City Clerk MMC

CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2011-01

**Ordinance to Rezone Property Located
Northeast of the intersection of Parker Lane and Whispering Pines Road,
Northwest of Madison Place Subdivision**

WHEREAS, Plan B Investments, L.L.C., as the owner of certain real property located within the City of Daphne, Alabama, has requested that said property be rezoned from R-3, High Density Single Family Residential to R-4, High Density Single Family Residential; and,

WHEREAS, said real property is located Northeast of the intersection of Parker Lane and Whispering Pines Road, Northwest of Madison Place Subdivision, and more particularly described as follows:

COMMENCE AT THE SOUTHWEST CORNER OF LOT NUMBER 7 OF CAROLINE WOODS SUBDIVISION, PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2423-C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, FOR A POINT OF BEGINNING: THENCE RUN SOUTH 89 DEGREES 54 MINUTES 03 SECONDS WEST, FOR A DISTANCE OF 110.23 FEET; THENCE RUN NORTHWESTWARDLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 30 FEET, AN ARC DISTANCE OF 47.12 FEET (CHORD BEARS NORTH 45 DEGREES 05 MINUTES 57 SECONDS WEST, 42.43 FEET); THENCE RUN NORTH 00 DEGREES 05 MINUTES 57 SECONDS WEST, FOR A DISTANCE OF 79.05 FEET; THENCE RUN NORTH 79 DEGREES 57 MINUTES 03 SECONDS WEST, FOR A DISTANCE OF 50.79 FEET; THENCE RUN NORTH 00 DEGREES 05 MINUTES 57 SECONDS WEST, FOR A DISTANCE OF 236.96 FEET; THENCE RUN NORTHWESTWARDLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1071.71 FEET, AN ARC DISTANCE OF 281.22 FEET (CHORD BEARS NORTH 07 DEGREES 37 MINUTES 00 SECONDS WEST, 280.42 FEET); THENCE RUN NORTH 15 DEGREES 08 MINUTES 03 SECONDS WEST, FOR A DISTANCE OF 67.34 FEET; THENCE RUN NORTH 89 DEGREES 54 MINUTES 03 SECONDS EAST, FOR A DISTANCE OF 36.94 FEET; THENCE RUN NORTH 76 DEGREES 51 MINUTES 49 SECONDS EAST, FOR A DISTANCE OF 84.84 FEET; THENCE RUN SOUTH 89 DEGREES 57 MINUTES 25 SECONDS EAST, FOR A DISTANCE OF 174.3 FEET; THENCE RUN SOUTH 00 DEGREES 04 MINUTES 34 SECONDS WEST, FOR A DISTANCE OF 139.01 FEET; THENCE RUN SOUTH 24 DEGREES 01 MINUTES 42 SECONDS WEST, FOR A DISTANCE OF 54.45 FEET; THENCE RUN SOUTH 03 DEGREES 47 MINUTES 20 SECONDS WEST, FOR A DISTANCE OF 262.06 FEET; THENCE RUN SOUTH 01 DEGREE 50 MINUTES 51 SECONDS WEST, FOR A DISTANCE OF 266.69 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 3.47 ACRES, MORE OR LESS, AND LIES IN FRACTIONAL SECTION 8 AND GRANT SECTION 19 AND 38, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

WHEREAS, at the City of Daphne Planning Commission meeting on November 18, 2010, the Commission considered said request and set forth a favorable recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, due notice of said proposed rezoning has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on January 3, 2010; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon consideration of the recommendation of the Planning Commission, deemed that said application for rezoning of the above described real property is proper and in the best interest of the health, safety and welfare of the citizens of the City of Daphne, Alabama; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, as follows

SECTION I: ZONING

That above described real property is hereby rezoned from R-3, High Density Single Family Residential to R-4, High Density Single Family Residential, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

SECTION II: REPEALER.

All other City Ordinances or parts thereof in conflict with the provisions of this Ordinance, in so far as they conflict, are hereby repealed.

SECTION III: SEVERABILITY.

The provisions of this Ordinance are severable. If any provision, section, paragraph, sentence, or part thereof shall be held unconstitutional or invalid, such decision shall not affect or impair the remainder of said Ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence, and part thereof separately and independently of each other.

SECTION IV: EFFECTIVE DATE.

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and after publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ day of _____, 2011.

**Cathy S. Barnette,
Council President**

**Fred Small,
Mayor**

ATTEST:

**David L. Cohen
City Clerk, MMC**

**PLAN B INVESTMENTS LLC
ZONING AMENDMENT REVIEW
NORTHEAST OF THE INTERSECTION OF PARKER
LANE AND WHISPERING PINES ROAD, NORTHWEST OF MADISON
PLACE SUBDIVISION
EXHIBIT "A"**

(A PORTION OF CAROLINE WOODS SUBDIVISION, PHASES A & D)

LEGAL DESCRIPTION:

COMMENCE AT THE SOUTHWEST CORNER OF LOT NUMBER 7 OF CAROLINE WOODS SUBDIVISION, PHASE ONE, AS SHOWN BY MAP OR PLAT THEREOF RECORDED AT SLIDE 2423-C, PROBATE RECORDS, BALDWIN COUNTY, ALABAMA, FOR A POINT OF BEGINNING: THENCE RUN SOUTH 89 DEGREES 54 MINUTES 03 SECONDS WEST, FOR A DISTANCE OF 110.23 FEET; THENCE RUN NORTHWESTWARDLY, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 30 FEET, AN ARC DISTANCE OF 47.12 FEET (CHORD BEARS NORTH 45 DEGREES 05 MINUTES 57 SECONDS WEST, 42.43 FEET); THENCE RUN NORTH 00 DEGREES 05 MINUTES 57 SECONDS WEST, FOR A DISTANCE OF 79.05 FEET; THENCE RUN NORTH 79 DEGREES 57 MINUTES 03 SECONDS WEST, FOR A DISTANCE OF 50.79 FEET; THENCE RUN NORTH 00 DEGREES 05 MINUTES 57 SECONDS WEST, FOR A DISTANCE OF 236.96 FEET; THENCE RUN NORTHWESTWARDLY, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1071.71 FEET, AN ARC DISTANCE OF 281.22 FEET (CHORD BEARS NORTH 07 DEGREES 37 MINUTES 00 SECONDS WEST, 280.42 FEET); THENCE RUN NORTH 15 DEGREES 08 MINUTES 03 SECONDS WEST, FOR A DISTANCE OF 67.34 FEET; THENCE RUN NORTH 89 DEGREES 54 MINUTES 03 SECONDS EAST, FOR A DISTANCE OF 36.94 FEET; THENCE RUN NORTH 76 DEGREES 51 MINUTES 49 SECONDS EAST, FOR A DISTANCE OF 84.84 FEET; THENCE RUN SOUTH 89 DEGREES 57 MINUTES 25 SECONDS EAST, FOR A DISTANCE OF 174.3 FEET; THENCE RUN SOUTH 00 DEGREES 04 MINUTES 34 SECONDS WEST, FOR A DISTANCE OF 139.01 FEET; THENCE RUN SOUTH 24 DEGREES 01 MINUTES 42 SECONDS WEST, FOR A DISTANCE OF 54.45 FEET; THENCE RUN SOUTH 03 DEGREES 47 MINUTES 20 SECONDS WEST, FOR A DISTANCE OF 262.06 FEET; THENCE RUN SOUTH 01 DEGREE 50 MINUTES 51 SECONDS WEST, FOR A DISTANCE OF 266.69 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 3.47 ACRES, MORE OR LESS, AND LIES IN FRACTIONAL SECTION 8 AND GRANT SECTION 19 AND 38, TOWNSHIP 5 SOUTH, RANGE 2 EAST, BALDWIN COUNTY, ALABAMA.

**CITY OF DAPHNE, ALABAMA
ORDINANCE NO. 2011-02**

**Ordinance to Rezone Property Located at the
Southwest Corner of Lawson Road and County Road 13**

WHEREAS, MPWS, L.L.C., as the owner of certain real property located within the City of Daphne, Alabama, has requested that said property be rezoned from B-1, Local Business District to B-2 General Business District; and,

WHEREAS, said property is located at the Southwest corner of Lawson Road and County Road 13, and being more particularly described as follows:

(TO BE KNOWN AS LOT 2, LAKE FOREST PLAZA)

COMMENCING AT THE SOUTHEAST CORNER OF LOT 198, LAKE FOREST, UNIT 22, AS PER PLAT RECORDED IN MAP BOOK 8, PAGE 73 OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE ALONG THE EAST BOUNDARY OF SAID LAKE FOREST, UNIT 22, RUN N 00° 18' 45" E 439.46 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUING N 00° 18' 45" E ALONG SAID EAST BOUNDARY OF SAID LAKE FOREST, UNIT 22, RUN A DISTANCE OF 668.84 FEET TO A POINT; THENCE RUN S 42° 00' 20" E 718.50 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD NO. 13; THENCE ALONG SAID WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD NO. 13, RUN S 14° 34' 56" W 143.46 FEET TO A POINT; THENCE RUN N 89° 45' 17" W 448.37 FEET TO THE POINT OF BEGINNING. CONTAINING 4.4408 ACRES.

WHEREAS, at the City of Daphne Planning Commission meeting on November 18, 2010, the Commission considered said request and set forth an unfavorable recommendation to the City Council of the City of Daphne that said property be rezoned; and,

WHEREAS, due notice of said proposed amendment has been provided to the public as required by law through publication and open display at the Daphne Public Library and City Hall, a public hearing was held before the City Council on January 3, 2011; and,

WHEREAS, the City Council of the City of Daphne after due consideration and upon consideration of the recommendation of the Planning Commission, deemed that said application for rezoning of the above described real property is proper and in the best interest of the health, safety and welfare of the citizens of the City of Daphne, Alabama; and,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, as follows:

SECTION I: ZONING

That above described real property is hereby rezoned from B-1 Local Business District to B-2 General Business District, and that the zoning ordinance and zoning map be amended to reflect the said zoning change.

SECTION II: REPEALER.

All other City Ordinances or parts thereof in conflict with the provisions of this Ordinance, in so far as they conflict, are hereby repealed.

SECTION III: SEVERABILITY.

The provisions of this Ordinance are severable. If any provision, section, paragraph, sentence, or part thereof shall be held unconstitutional or invalid, such decision shall not affect or impair the remainder of said Ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence, and part thereof separately and independently of each other.

SECTION IV: EFFECTIVE DATE.

This Ordinance shall take effect and be in force from and after the date of its approval by the City Council of the City of Daphne and after publication as required by law.

ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DAPHNE, ALABAMA, THIS ____ day of _____, 2011.

**Cathy S. Barnette,
Council President**

**Fred Small,
Mayor**

ATTEST:

**David L. Cohen
City Clerk, MMC**

MPWS, LLC

REZONING APPLICATION

SOUTHWEST CORNER OF LAWSON ROAD AND BALDWIN COUNTY HIGHWAY NO. 13

EXHIBIT "A"

(LAKE FOREST PLAZA)

LEGAL DESCRIPTION:

(TO BE KNOWN AS LOT 2, LAKE FOREST PLAZA)

COMMENCING AT THE SOUTHEAST CORNER OF LOT 198, LAKE FOREST, UNIT 22, AS PER PLAT RECORDED IN MAP BOOK 8, PAGE 73 OF THE PROBATE COURT RECORDS OF BALDWIN COUNTY, ALABAMA; THENCE ALONG THE EAST BOUNDARY OF SAID LAKE FOREST, UNIT 22, RUN N 00° 18' 45" E 439.46 FEET TO THE POINT OF BEGINNING OF THE PROPERTY HEREIN DESCRIBED; THENCE CONTINUING N 00° 18' 45" E ALONG SAID EAST BOUNDARY OF SAID LAKE FOREST, UNIT 22, RUN A DISTANCE OF 668.84 FEET TO A POINT; THENCE RUN S 42° 00' 20" E 718.50 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD NO. 13; THENCE ALONG SAID WEST RIGHT OF WAY LINE OF BALDWIN COUNTY ROAD NO. 13, RUN S 14° 34' 56" W 143.46 FEET TO A POINT; THENCE RUN N 89° 45' 17" W 448.37 FEET TO THE POINT OF BEGINNING. CONTAINING 4.4408 ACRES.

RESTER AND COLEMAN ENGINEERS, INC.
CONSULTING ENGINEERS - LAND SURVEYORS
66 MIDTOWN PARK WEST • (251)479-4518
MOBILE, AL 36606

December 27, 2010

City of Daphne
P.O. Drawer 400
Daphne, Alabama 36526

Attn: Mr. David Cohen, City Clerk

Re: Re-zone of Lot 2, Lake Forest Plaza

Dear Mr. Cohen:

On behalf of MPWS, L.L.C., we respectfully request to withdraw the re-zoning application for Lot 2, Lake Forest Plaza scheduled for the meeting of January 3, 2011. The prospective buyers have abandoned the project at this location. Therefore, there is no need to carry on further with the re-zoning.

Should you have any questions about this matter please feel free to contact me.

Yours truly,

RESTER & COLEMAN ENGINEERS, INC.



D. Joel Coleman, P.E.

jc