

**The City of Daphne
Planning Commission Minutes
Regular Meeting of March 23, 2023
Council Chamber, City Hall - 5:00 P.M.**

Call to Order:

Chairwoman Bergin called the regular meeting of the City of Daphne Planning Commission to order at 5:04 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

Kevin Spriggs
Adam Manning
John Peterson, Secretary
Kimberly Samry
Marybeth Bergin, Chairwoman
Nathan Jones
Ronnie Huskey
Steve Olen
Andrew Prescott, Vice Chairman

Staff Present:

Adrienne Jones, AICP, Director of Community Development
Jan Vallecillo, Planning Coordinator
Patrick Dungan, Attorney
Troy Strunk, Executive Director, City Development
Joshua Newman, City Engineer
Jesi Ward, Environmental Programs Manager
Phillip Adams, Site Containment Officer

Chairwoman called for the first order of business: approval of the minutes.

Chairwoman asked for input regarding the February 23, 2023 minutes presented by staff. There being none, minutes stand approved as submitted.

Chairwoman called for the next order of business: Bradley-Cina preliminary/final plat review.

An introductory presentation was given by the agent, Sharon Kimbrough. She summarized the proposed subdivision as presented on the meeting agenda.

Hearing no comments from the commissioners, the chairwoman called for a motion.

A motion was made by Mr. Prescott and seconded by Mr. Peterson to approve Bradley-Cina preliminary/final subdivision plat. There was no discussion. The vote carried unanimously.

Chairwoman called for the next order of business: Chipotle/Starbucks site plan review.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of March 23, 2023
Council Chamber, City Hall - 5:00 P.M.**

An introductory presentation was given by the agent, Sharon Kimbrough. She summarized the proposed site plan as presented on the meeting agenda.

Chairwoman asked for staff comments. Mr. Newman said his comments regarding drainage and maintenance of underground detention have not been addressed. Mrs. Jones stated that landscape revisions are pending review.

Mr. Olen asked about the gas line. Mrs. Jones stated that Daphne Utilities requested coordination with staff for removal of the gas line.

Hearing no further comments from the commissioners, the chairwoman called for a motion.

A motion was made by Mr. Spriggs and seconded by Mr. Peterson to approve Chipotle/Starbucks site plan with conditions as follows: submission of a revised drainage manual and revisions to underground detention design subject to approval of the City Engineer; coordination of gas line removal with Daphne Utilities; and, submission of revised landscape plan subject to the approval of Community Development. There was no discussion. The vote carried unanimously.

Chairwoman called for the next order of business: South Branch preliminary/final and South Branch, Phase One preliminary plat review.

An introductory presentation was given by the agent, Jason Wooten. He summarized the proposed subdivisions as presented on the meeting agenda.

Chairwoman Bergin opened the floor for the public hearing.

Tim Roth, 27229 Cowles Crossing, spoke in opposition and expressed concerns about the bridge capacity in the Estates of Tiawasee, traffic study, and issues addressed in the McCrory and Williams report of 2006.

Benjamin Snow, 8677 Caballo Court, spoke in opposition and expressed concerns about safety and traffic on Whispering Pines and Pollard Road.

Casey Burns, 27538 Stratford Glen Drive, spoke in opposition and expressed concerns about the effect on the school district.

The chairwoman closed the floor to the public hearing and offered the agent and staff the opportunity for rebuttal.

Mr. Newman stated his comments have been addressed. He noted that this phase will not affect traffic, and the floodway is below the Corps of Engineer's requirement.

At the Chairwoman's request, Mr. Olen gave a summary of the previously approved bond requirement associated with the wetland bond modification: the developer would be required to obtain a bond in an amount of twenty percent of the cost of the project to protect the city from damages from any off-site impacts.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of March 23, 2023
Council Chamber, City Hall - 5:00 P.M.**

Hearing no further comments from the Commissioners, the chairwoman called for a motion.

A motion was made by Mr. Prescott and seconded by Mr. Manning to approve South Branch preliminary/final subdivision plat. There was no discussion. The vote carried unanimously.

Chairwoman outlined the revisions to phase one: the addition of an access easement to future phases, improvements to the subdivision and the addition of a turn lane.

Chairwoman asked for staff comments. Mr. Newman stated his comments have been addressed. Mrs. Jones advised that she had no outstanding issues.

Hearing no comments from the commissioners, the chairwoman called for a motion.

A motion was made by Mr. Spriggs and seconded by Mr. Manning to approve South Branch, Phase One preliminary subdivision plat. There was no discussion. The vote carried. Mr. Olen dissented.

Chairwoman called for the next order of business: The Reserve at Daphne, Phase Two final plat review.

An introductory presentation was given by the agent, Andy Bobe. He summarized the final plat as presented on the meeting agenda and advised that the remaining comments are minor and will be addressed.

Chairwoman asked for staff comments. Mr. Newman stated his comments have been addressed.

Mr. Olen inquired about notification of the adjacent property owner of the off-site impact and removal of sedimentation from their property. Mr. Bobe responded that the adjacent property owner and ADEM have been notified.

Hearing no comments from the commissioners, the chairwoman called for a motion.

A motion was made by Mr. Prescott and seconded by Mr. Peterson to approve the Reserve at Daphne, Phase Two final subdivision plat. There was no discussion. The vote carried unanimously.

Chairwoman called for the next order of business: Chick-fil-a site plan review.

An introductory presentation was given by the agent, Jason O'Toole. He summarized the site plan as presented on the meeting agenda.

Chairwoman stated the plan consists of the demolition of Chick-fil-a and Wacky Shrimp for the construction of Chick-fil-a.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of March 23, 2023
Council Chamber, City Hall - 5:00 P.M.**

Mr. O'Toole said ALDOT has required a right in/right out onto U.S. Highway 98 and coordination during construction for Lavender Lane.

Hearing no comments from the commissioners, the chairwoman called for a motion.

A motion was made by Mr. Prescott and seconded by Mr. Manning to approve Chick-fil-a site plan. There was no discussion. The vote carried unanimously.

Chairwoman called for the next order of business: Caliber Collision.

An introductory presentation was given by the agents, Brett Flory and Blake Cox. Mr. Flory summarized the site plan as presented on the meeting agenda.

Chairwoman asked about the traffic study improvements. Mr. Cox advised the issues outlined in the traffic study are existing and expressed concern about the requirement of a turn lane so close to that intersection.

Mr. Newman said the traffic study states that a left turn lane and study of the other access are warranted. He noted that the Public Works Division requested a right in/right out only on County Road 64.

Mr. Olen responded the traffic study is unsatisfactory until the City Engineer is satisfied. He asked should the applicant consider tabling the agenda item. Mr. Newman responded yes. Mr. Spriggs stated that an option is that the site plan can be approved with contingencies.

Chairwoman asked about staff comments regarding the buffer. Mr. Strunk responded the fence and buffer have been addressed.

Hearing no comments from the commissioners, the chairwoman called for a motion.

A motion was made by Mr. Olen and seconded by Mrs. Bergin to table Caliber Collision site plan until the regular meeting of April 27, 2023 to allow additional time to resolve issues identified by the City Engineer and finalization and approval of the associated re-plat.

During discussion, Mr. Peterson asked about drainage. Mr. Newman responded it is acceptable.

Mr. Spriggs	Nay
Mr. Manning	Nay
Mr. Peterson	Aye
Ms. Samry	Aye
Mr. Jones	Aye
Mr. Huskey	Aye
Mr. Olen	Aye
Mr. Prescott	Aye

**The City of Daphne
Planning Commission Minutes
Regular Meeting of March 23, 2023
Council Chamber, City Hall - 5:00 P.M.**

Upon roll call vote, the motion carried.

Chairwoman called for the next order of business: ALDI Grocery Store.

An introductory presentation was given by the agent, Nikolas Melancon. He summarized the site plan as presented on the meeting agenda.

Chairwoman asked for staff comments about the dead-end parking and ADA requirements. Mr. Newman stated his comments have been addressed.

Mr. Newman said he had an on-site meeting with the engineer and William Eringman, Deputy Director of Public Works. Improvements on Whispering Pines Road are scheduled to begin on April 1st.

Hearing no comments from the commissioners, the chairwoman called for a motion.

A motion was made by Mr. Prescott and seconded by Mr. Huskey to approve ALDI Grocery Store site plan. There was no discussion. The vote carried unanimously.

Chairwoman called for the next order of business: Moe's BBQ.

An introductory presentation was given by the agent, Andy Bobe. He summarized the site plan as presented on the meeting agenda and advised that the comments have been addressed.

Chairwoman asked for staff comments. Mrs. Jones advised that the site would require a temporary construction agreement on the north side of the property and finalization of the re-plat.

Hearing no comments from the commissioners, the chairwoman called for a motion.

A motion was made by Mr. Olen and seconded by Mr. Prescott to approve Moe's BBQ site plan contingent upon issuance of a temporary construction easement for the improvements shown on city property located to the north and finalization and approval of the associated re-plat. There was no discussion. The vote carried unanimously.

Chairwoman called for the next order of business: Tidal Wave Auto Spa.

An introductory presentation was given by the agent, Evan Geerts. He summarized the site plan as presented on the meeting agenda and advised of the revisions for access to the concrete apron and the addition of sidewalk around the obstruction on Bayview Drive and along the frontage.

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

Chairwoman asked for staff comments. Mr. Newman stated his comments have been addressed.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of March 23, 2023
Council Chamber, City Hall - 5:00 P.M.**

Chairwoman asked about signage. Mr. Geerts commented that a revised sign package in compliance with the ordinance would be provided to Code Enforcement.

Mr. Huskey noted that the pedestrian crossing and sidewalks are in the right-of-way. There was discussion among staff regarding a resolution to the appropriate sidewalk location. Mr. Geerts confirmed that they would make the necessary modifications as warranted by staff.

Hearing no further comments from the commissioners, the chairwoman called for a motion.

A motion was made by Mr. Manning and seconded by Mr. Huskey to approve Tidal Wave Auto Spa. There was no discussion. The vote carried. Mr. Prescott abstained.

Chairwoman announced that the Park at Whispering Pines, Phase Two has been tabled.

Chairwoman called for the next order of business: Carolyn Place preliminary/final plat review.

An introductory presentation was given by the agent, Stacey Gibbs. She summarized the proposed subdivision as presented on the meeting agenda.

Chairwoman noted the City Engineer required the addition of a drainage easement on the plat running east to west. Mr. Newman advised that dedicating an easement in the current drainage path will allow the property owners to address drainage in the future.

Mr. Peterson asked about wetlands. Mr. Newman stated there are no wetlands on this parcel.

The Chairwoman opened the floor for public hearing. The floor closed after no one came forward to speak.

Hearing no comments from the commissioners, the chairwoman called for a motion.

A motion was made by Mr. Peterson and seconded by Mr. Prescott to approve Carolyn Place preliminary/final subdivision plat. There was no discussion. The vote carried unanimously.

Chairwoman called for the next order of business: Jubilee Farms, Phase Thirteen final plat review and street acceptance.

An introductory presentation was given by the agent, Andy Bobe. He summarized the final plat and street acceptance as presented on the agenda.

Chairwoman asked for staff comments. Mr. Newman stated his comments have been addressed.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of March 23, 2023
Council Chamber, City Hall - 5:00 P.M.**

Hearing no comments from the commissioners, the chairwoman called for a motion.

A motion was made by Mr. Prescott and seconded by Mr. Huskey to approve Jubilee Farms, Phase Thirteen final subdivision plat. There was no discussion. The vote carried unanimously.

A motion was made by Mr. Prescott and seconded by Mr. Olen to set forth a favorable recommendation to the City Council to accept the streets in Jubilee Farms Subdivision, Phase Thirteen conditioned upon receipt of the recorded plat for the subdivision. There was no discussion. The vote carried unanimously.

Chairwoman called for the next order of business: Daphne Rangers Academy/Daphne Strike Club, Inc. pre-zoning and annexation request.

An introductory presentation was given by the agent, Geraldo Flores. He summarized the pre-zoning and annexation request as presented on the agenda.

The Chairwoman opened the floor for public hearing. The floor closed after no one came forward to speak.

Hearing no comments from the commissioners, the chairwoman called for a motion.

A motion was made by Mr. Prescott and seconded by Mr. Huskey to set forth a favorable recommendation to the City Council to pre-zone the subject property to C-2, Outdoor Amusement. There was no discussion. The vote carried unanimously.

A motion was made by Mr. Prescott and seconded by Mr. Huskey to set forth a favorable recommendation to the City Council to annex the subject property into the Daphne city limits. There was no discussion. The vote carried unanimously.

Chairwoman called for the next order of business: Ace Hardware administrative presentation.

An introductory presentation was given by the agent, Dwayne Smith. He summarized the request as presented on the agenda.

Chairwoman stated the administrative presentation is to seek guidance on a site plan to restrict or self-restrict a single tenant or a secondary use.

Mr. Dungan stated typically, a tenant use does not normally require Planning Commission approval as long as the site plan complies with the parking requirements. If the use is located within the same footprint, it requires administrative staff review and must comply with the Land Use and Development Ordinance and Comprehensive Plan.

**The City of Daphne
Planning Commission Minutes
Regular Meeting of March 23, 2023
Council Chamber, City Hall - 5:00 P.M.**

Mr. Dungan stated for a secondary use, it would have to comply with the definition of a shopping center and would require submission of a revised site plan for review by the Planning Commission.

Commissioners concurred that it required administrative review and no action was taken.

Chairwoman called for the next order of business: public participation.

Chairman opened the floor for public participation. The floor was closed after no one came forward to speak.

Chairwoman called for the next order of business: attorney's report.

Mr. Dungan had no report.

Chairwoman called for the next order of business: commissioner's comments.

Commissioners welcomed Kimberly Samry to the Planning Commission.

Chairwoman called for the next order of business: director's comments.

Mrs. Jones advised that April 19th and April 27th are the upcoming meeting dates.

There being no further business, the meeting was adjourned at 6:20 p.m.

Respectfully submitted by:



Jan Vallecillo, Planning Coordinator

Approved: May 4, 2023



Marybeth Bergin, Chairwoman