

**PLANNING COMMISSION REGULAR MEETING MINUTES
FEBRUARY 17, 2016
DOTHAN, ALABAMA**

The Dothan Planning Commission met in a Regular Meeting on Wednesday, February 17, 2016 at 9:00 a.m. in the City Commission Chambers, Dothan, Alabama.

Members Present:

Chairman George "Chuck" Harris
Vice Chairman Jerry Coleman
Gayla White
Jim Freeland
Mickey Davis
Ron Tindall
David Cornelius
Mike Palmer, Supernumerary

Members Absent:

David Brewer
Debora Pettway

Others present were: Todd L. McDonald, AICP, Planning Director; Frank Breaux, AICP, Senior Planner; Bart Barefoot, Engineering Services Manager; Craig Scurlock, Building Official; Members of the Media, and Janice Palmer, Secretary, who recorded the minutes.

Chairman Harris explained that the Planning Commission does not rezone properties but rather recommends rezoning to the City Commission for approval. He suggested any group present designate a spokesperson to address any questions or concerns. For the record, all meetings are recorded.

1. Approval of Agenda

Mr. Coleman made a motion to approve the agenda as presented. Mr. Tindall seconded and the motion passed unanimously.

2. Approval of January 20, 2016 Meeting Minutes.

Ms. White made a motion to approve the January 20, 2016 Meeting Minutes. Mr. Freeland seconded and the motion to approve the January Meeting Minutes passed unanimously.

Old Business

None

New Business

- 3. RZ-16-0009: Request recommendation for Rezoning of 831 John D. Odom Rd from A-C to O-I & R-1, The Haven, Inc. represented by Northstar Engineering Services. Refer to case: S-16-0007 (Brookwood Subdivision).** Mr. Breaux spoke regarding the rezoning of approximately 80 acres owned by The Haven, from A-C to R-1 (Residential Single -Family Low Density) and O-I (Office and Institutional). It is actually two separate parcels and is surrounded by single family residences. The southernmost 6.36 acre portion of the property is proposed to be rezoned to O-I, and the majority and remainder is to be zoned R-1. The property was annexed into the City in 1975 as part of a legislative act. It has been in our holding zone, which is A-C for newly annexed properties, and has never been requested to be rezoned. The Haven is a legally existing nonconforming use, so in order to protect that use going forward, it is necessary for the property to be rezoned for the requested O-I designation. The remainder of the property could today be subdivided by right to R-1 standards under the A-C designation, the only exception being that the minimum lot size would be 15,000 sf as opposed to 12,000 sf. There are some significant

grade changes and wetlands that impact the property, so they will have to work with various agencies to get their approval. This A-C zoning is not an appropriate designation for land located within this urbanized area. Chairman Harris asked who is representing this case, and Mr. Lee Brown, with Northstar Engineering, and Mr. Chapman, with CWS, Inc. responded at the podium. Chairman Harris mentioned a dump site on a portion of this property. He stated that there would need to be additional work with borings, etc. should the project be approved. They agreed. ***Chairman Harris called for a motion regarding RZ-15-0728. Mr. Coleman recommended that case RZ-16-0009, request for rezoning of 831 John D. Odom Rd. from A-C to O-I & R-1, be approved and referred to the Dothan City Commission for their approval. Ms. White seconded and the motion passed unanimously.***

4. **S-16-0007: Request approval of a Preliminary Plat for Brookwood Subdivision located at 831 John D. Odom Rd., A-C District (Residential Single-Family, Very Low Density), CWS, Inc. represented by Northstar Engineering Services.** Mr. Breaux stated that the Brookwood Subdivision is the R-1 District portion of what was just discussed (Case RZ-16-0009). This is a 74 lot, single family subdivision within the R-1 portion, and there will be one commercial lot, which will be the Office/Institution portion on the south side of the property for The Haven. The single family residential uses are allowed within the A-C District, the only difference being the minimum lot size of 15,000 sf as opposed to 12,000 sf. There are wetlands throughout the property and substantial grade changes which will need to be addressed. There will also be a secondary emergency access which will be provided through The Haven's property. All the lots meet minimum dimensional requirements for the proposed R-1 zoning, and we are recommending approval of the Preliminary Plat of Brookwood Subdivision with the conditions noted in the staff report. Mr. Barefoot responded to Mr. Davis's question about the dump site cleanup as the property is developed. Areas where homes will be built will be noted on the plat. When construction starts on those lots and if any material is found, there will be notes that state that these materials will need to be removed and density tests will be required. Chairman Harris asked who is here concerning this case, and Mr. Lee Brown, Northstar Engineering, and Mr. Charles Chapman, CWS, Inc. responded. Chairman Harris asked if there were any problems with the items in the staff report, and Mr. Brown commented that he had spoken with the engineering staff regarding item #9: This subdivision will require 5' sidewalks as per code requirements. He believes that based on the density, they would not be required, but the developer wants to do a 4' sidewalk on one side everywhere except the three short cul-de-sac areas, which only affects a few lots. Mr. Breaux stated he believes the Subdivision Regulations Table states that densities between 2.5 and 4 dwelling units per acre would require sidewalks with a minimum of 5' on one side. Mr. Brown responded that they are under 2 – 2.5 dwelling units per acre. Mr. Brown pointed out the sidewalk areas proposed by the developer on the aerial map shown. Mr. Tindall asked about sidewalks at the lower cul-de-sac, and said the residents and their children should be able to walk within the subdivision off the street to get from one neighbor to another. Chairman Harris asked who was present in the audience concerning this matter. Mrs. Kelly Shepherd, a homeowner in Westbrook Subdivision, came forward and asked about the new subdivision and how it will affect her property value. Chairman Harris responded that the proposed lots are larger than the lots within her subdivision, and there is no interconnection between the two subdivisions. Mr. Tindall asked who would be owning and maintaining the wetlands area of the subdivision. Mr. Brown responded that the homeowners association would be responsible for all the common areas. Mr. McDonald said to Chairman Harris that he disagrees with the characterization of the sidewalks. The regulations state: "Sidewalks shall be provided in residential subdivisions according to the chart below and/or as otherwise required by the Planning Commission. Where zoning exists, sidewalks shall be provided according to those designations." He continued that zoning exists here, and 5' sidewalks shall be provided on one side of the street. This is the literal reading of the regulations. Mr. Brown responded that he did not understand the chart which gives sidewalk requirements for different unit densities. Mr. McDonald stated that when the chart was adopted the commission was exercising their ETJ control in areas outside the city, where zoning did not exist. Chairman Harris asked if everyone was now clear that sidewalks are required, 5' one side of the street. Everyone agreed. Mr.

McDonald continued by explaining that, typically, you have an ADA compliant ramp with downsloping access where the sidewalk dead ends into the cul-de-sac. **Chairman Harris called for a motion regarding S-16-0007, Brookwood Subdivision, with the comments from the city departments and staff recommendations of four items (as noted below). Ms. White made the motion to approve case S-16-0007 to include the staff recommendations and city department recommendations. Mr. Palmer seconded and the motion passed unanimously.**

1. Preliminary Plat approval is valid for 12 months from the date of approval and construction plans must be submitted within 12 months unless a one-time extension has been granted by the Planning Commission;
2. The comments of all city departments are satisfied and/or incorporated into the Construction Plans and Final Plat; and,
3. All future correspondence and submittals shall reference Case S-16-0007.
4. The property is rezoned by the City Commission.

5. **DPMA 16-0016: Request for approval of Development Plans for a New Retail Development on Westgate Parkway (Parcel ID No. 0902031007020000), B-3 District, The Broadway Group represented by Northstar Engineering Services.** Mr. Breaux stated this is a retail request on Westgate Parkway, across from Autumn Crest Subdivision. The owners requested a rezoning recently to B-3, which was approved. They also subdivided the parcel out in anticipation of this development. There were a number of items discussed in the review of the proposed development, namely the driveway location and also issues with buffers. The Broadway Group has given staff an easement document for the required Type II Buffer on both the north and east side of the site, because they abut residential zoning. A 25 ft. required buffer is required, but they failed to identify this on the south side of the property. They are requesting on the south side that the buffer be reduced from 25 ft. to 20 ft., which is allowable in the zoning ordinance, with the Planning Commission consent. In lieu of the 25 ft., they would be required to provide an 8 ft. privacy fence as well as an increase of 20% of the plant material on that affected side. If the commission feels this is appropriate, then this would be an automatic condition. He also noted that there was a deficiency of one parking space, but he has been told the building is not quite 9,100 sf, as was represented on the site plans. Therefore, they will most likely be able to provide the required number, 1 space per 200 sf of gross floor area, per the zoning. Chairman Harris asked who was present to represent this case, and Mr. Curtis Parcus and Melissa Ballard, The Broadway Group, came to the podium to ask for approval of the site development plans for the Westgate Parkway development. Chairman Harris asked if they had seen all the staff recommendations and if there were any problems with their comments. Mr. Parcus said most all of the issues had been addressed and worked out with engineering. Chairman Harris stated that with respect to the 20 ft. setback buffer on the south side of the property (the rear of the property), the commission would require a wooden fence plus additional plantings of 20% landscaping. Mr. Parcus agreed to this requirement. Chairman Harris also noted that there is no parapet wall to hide the mechanical equipment on the roof of the building. Mr. Parcus said that they can make a modification to comply with this recommendation. Additionally, Chairman Harris said split-face block wainscoting would be preferred, or shrub plantings along both sides of the building, to hide a plain, metal building in this predominant residential setting. Mr. Breaux commented that split-face block wainscoting would be the only option, because there is a sidewalk between the parking lot and the building. The Broadway Group representatives agreed to make this modification to the existing plans. Mr. Breaux summarized by stating the south side of the retail development is adjacent to the church property, and there will be a fence, 20 ft. buffer area, and an additional 20% trees and shrubs, per the schedule in the zoning ordinance. Chairman Harris asked if anyone else present had an interest in this case, and Pastor Doug McCormick of Crossroads Baptist Church spoke. He said the church's main concern is the proximity of the church's property line to this retail development. He stated the 8 ft. fence barrier is needed due to the church school and excess pedestrian traffic. He wanted to make sure the landscaping will be done professionally to make this development look attractive, since it is next to a church and residential area. Pastor McCormick also wanted to reiterate that in a previous meeting he had mentioned that there should be no

retail sales of alcohol within 600 feet of a church, which he has been assured by the developer these sales would not be pursued. Mr. Breaux summarized Mr. Tindall's question about the revised landscaping by stating that once the revised plans addressing not only landscaping, but also engineering, etc. issues, have been submitted, all the agencies will review these revised plans to make sure all staff recommended changes/modifications have been made before proceeding to the next development phase.

Chairman Harris called for a motion regarding DPMA-16-0016, with 7 items of staff recommendations, with #6 being a wood fence and the additional plantings, and #7 being the parapet wall and split-face block wainscoting along the north and south sides of the building. Mr. Freeland made the motion to approve case DPMA-16-0016 with the now 7 noted items as described by Chairman Harris. Mr. Tindall seconded and the motion passed unanimously.

1. A Type II Buffer shall be provided along the south property line adjacent to the Church property;
 2. The comments of all city departments are incorporated into the final construction plans before a building permit is issued by the Building Official's Office;
 3. Resubmit the development plan incorporating all design changes;
 4. All future correspondence or building permit plan submittal must make reference to Case DP-16-0016;
 5. The Development Plan approval will lapse and re-approval by the Planning Commission will be necessary if a building permit is not obtained within one year of the approval date;
 6. A five foot buffer reduction is approved along the south property line per the provisions of Sec 114-242(b)(2) of the zoning regulations; and,
 7. Split-face block Wainscoting, matching the front façade, shall be provided along the full length of the north and south sides of the building, and a parapet wall shall be required around all elevations to screen roof mounted equipment.
6. **RZ-16-0017: Request recommendation for Rezoning of 2 lots located at 410/426 E. Burdeshaw St. (09-06-24-1-003-004-000/09-06-24-1-003-005-000), from L-I District to B-1 District, City of Dothan.** Mr. Breaux stated the old Howell School property had been rezoned some months ago in anticipation of the redevelopment that would be taking place for senior housing as well as a community center. At the time, these two subject lots were excluded from that rezoning request, and are located on the southeast corner of College Street and East Burdeshaw Street across from the old Howell School. These two lots are intended to be apartments for senior citizens. This is an area of town where there are incompatible land uses and incompatible zoning. Properties are zoned light industrial in a mix of single family residences, which is not appropriate. Under the same logic as used before with the old Howell School property, we are recommending that these two lots be rezoned to B-1 to allow this project to move forward and to clean up the inconsistent zoning that currently exists in this portion of the city. Mr. Breaux confirmed to Chairman Harris that this request has been initiated by the City. No other public came forward concerning this case. **Chairman Harris called for a motion regarding RZ-16-0017. Mr. Coleman recommended that case RZ-16-0017, request for rezoning of 2 lots located at 410/426 E. Burdeshaw St. from L-I District to B-1 be approved and referred to the Dothan City Commission for their approval. Mr. Freeland seconded and the motion passed unanimously.**
7. **Consent Items: Minor Development Plans & Subdivision Plats**
Mr. Breaux reported that Cook's Pest Control development plans have been approved in-house for a 10,000 sf office facility on Napier Field Rd.
8. **Discussion**
Chairman Harris commented that this is the second month of operating with a new schedule of receiving and reviewing the Planning Commission meeting documents in advance of the pre-meeting and regular meeting. The extra time between the PC deadline and regular meeting gives staff more time to solve any problems/concerns and work with the developers regarding their requests.

Continuation of O-3 District discussion regarding properties on Kent Drive.

Mr. McDonald reviewed his findings of the O-3 District regarding a previous issue from the January 20, 2016 meeting. The O-3 district was originally adopted in December 2008, and at that time the only uses permitted were offices, business, or professional. In 2010, when the ordinance was expanded, the personal care services category was inserted as a permitted use. This was certainly not the planning commission's original intent when they created this District. As far as 700 Kent Drive is concerned, that property is zoned B-3. It was rezoned O-3 to B-3 for the purpose of Denney Vision building an office there. Denney Vision never submitted plans to build at this location, but the zoning remains B-3. Unless this property is rezoned by the City through the legislative process, the zoning remains B-3. The commission meeting minutes for this property did state that if the development plans presented were not implemented, (the Planning Commission has not approved any development plans to date) there were some parameters in a letter submitted by Mr. Baxley, District 6 Commissioner at the time, that stated it would be rezoned back to O-3. As mentioned, there is not a reverter clause for rezoning, so this would have to go back through the City's rezoning process. If the Planning Commission would like for staff to send a letter to Denney Vision and ask them what their plans are for the property, this can be done. Should Denney Vision reply that they have no plans or they will sell the property, then the City would be at liberty to initiate a rezoning on that property back to O-3. As far as 701 Kent Drive (property on the corner adjacent to Mr. McCrory) where there is a nail salon proposed, that use is currently permitted, even though no development plan has been submitted. The development plan, because it is located in the O-3 District, will require a masonry wall be constructed between the properties. The landscaping, parking, and storm water drainage will need to meet commercial guidelines, as well as access to the property. There was language in a previous Planning Commission approval (2009), stipulating access would be from the frontage road and not Kent Drive. Until we have a development plan for this property (701 Kent Dr.), and because it is adjacent to two residential properties, it will come back to the Planning Commission for approval. The decision point for the Planning Commission is to direct staff to initiate a text change to remove the personal care services provisional use from the zoning ordinance. Chairman Harris agreed this personal care services language needs to be removed from the zoning ordinance, and a letter to Denney Vision should be initiated asking them their plans for development of this property, since a stipulation was put on the rezoning of the property by the City Commission at the time of approval. **Chairman Harris called for a motion regarding this zoning ordinance text amendment. Mr. Coleman made a motion for staff to proceed with a text amendment to remove Personal Care Services use from the O-3 District zoning ordinance. Ms. White seconded and the motion passed unanimously.**

9. **Adjourn.**

Mr. Tindall made a motion to adjourn. Ms. White seconded and the meeting was adjourned at 9:47 a.m.


George C. "Chuck" Harris, Chairman
Jerry Colomano, Vice Chairman


Kim Vann, Secretary