

**PLANNING COMMISSION
REGULAR MEETING MINUTES
APRIL 20, 2016
DOTHAN, ALABAMA**

The Dothan Planning Commission met in a Regular Meeting on Wednesday, April 20, 2016 at 9:00 a.m. in the City Commission Chambers, Dothan, Alabama.

Members Present:

Chairman George "Chuck" Harris
Vice Chairman Jerry Coleman
David Cornelius
Gayla White
David Brewer
Debora Pettway
Ron Tindall
John N. Taylor, Supernumerary
Mike Palmer, Supernumerary

Members Absent:

Jim Freeland
Mickey Davis

Others present were: Todd L. McDonald, AICP, Planning Director; Frank Breaux, AICP, Senior Planner; Jonathan Lucas, Engineering Services; Robert Cox, Traffic Services; 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 and state their name and address when addressing the Board. For the record, all meetings are recorded, and all cellular devices should be turned off or silenced.

1. Approval of Agenda

Vice Chairman Coleman made a motion to approve the agenda as presented. Ms. White seconded and the motion passed unanimously.

2. Approval of March 16, 2016 Meeting Minutes

Mr. McDonald stated that the minutes for the Hobo Pantry case were quite detailed and wanted to confirm that all members had read and were in agreement with the conclusion of the meeting minutes for this case. *Ms. White made a motion to approve the March 16, 2016 Meeting Minutes. Vice Chairman Coleman seconded and the motion to approve the March Meeting Minutes passed unanimously.*

Old Business

None

New Business

- 3. RZ-16-0091: Request recommendation for Rezoning of 2846 Columbia Hwy, Eastside Childcare, (Parcel ID 381005212000004-001), from H-I (Heavy Industry) District to B-2 (Hwy. Commercial) District, for Wendy Calhoon, represented by Mark Pepe, Architect PC.**
Mr. Breaux stated that this request arose from the applicant's desire to expand their existing commercial daycare. He explained that the property in the surrounding area is zoned heavy industrial, and their ability to obtain a building permit could not be accommodated because it is a legally existing non-conforming use in the H-I District. The B-2 zoning is being sought to allow for the building expansion as well as protection of the on-going use of the commercial daycare. He pointed out that in 2005, the BZA granted a

Special Exception for the daycare operation in the M-3 zone, which no longer exists, and that a commercial daycare was a use on appeal to the BZA. Since then, the zoning has changed to H-I. He said that the nearest B-2 properties are approximately 0.75 miles away at Ross Clark Circle, Kelly Rd., and East Burdeshaw St. He explained that this request would allow B-2 zoning within a predominately H-I area and would constitute "Spot Zoning" because it would not be compatible with the heavy industrial land uses; it would only benefit one land owner (applicant); would not be consistent with the Future Land Use Map; and would undermine the pre-existing rights and uses of adjacent property owners. Therefore, staff does not support this request for rezoning to B-2 District. Mr. Mark Pepe, Architect, representing Wendy Calhoon (daycare owner) and Mr. & Mrs. Rase (property owners), spoke regarding the past operation of the daycare prior to the rezoning from M-3 to H-I and their plan to expand the daycare. Ms. Calhoon and Ms. Linda O'Connell, Alfred Saliba Family Services Center, are partners with the Eastside Childcare Head Start Program. Ms. O'Connell stated that the State recommended more square footage be added during the annual safety inspection, and awarded the facility federal grant monies to move ahead with the expansion. She further stated that this federal grant money must be spent by the end of September 2016. **Chairman Harris called for a motion regarding RZ-16-0091. Vice Chairman Coleman recommended that case RZ-16-0091, request for rezoning of 1.67 acres located at 2846 Columbia Hwy. from H-I to B-2, be approved and referred to the Dothan City Commission for their approval. Ms. White seconded and the motion passed unanimously.**

4. **RZ-16-0102: Request recommendation for Rezoning of 0.390 acres, 1587 Third Ave., Parcel ID #38-10-09-30-3-003-026.000, from R-4 to B-2, Cornelia Turrittin. Mr. Breaux stated the rezoning application was from R-4 to B-2 District, but he has received an email from the owner/applicant, Mrs. Turrittin, to amend her request based on staff's recommendation to B-3 District, Local Shopping.** Mr. Breaux addressed the commission and informed them that the applicant had requested permission to amend their application to rezone to B-3 instead of B-2. He explained that because this is a downzoning from her original request, it would not have to be re-advertised. He described the site as a small corner property surrounded by single-family residential properties (R-4 and R-2) and that it was originally the site of a grocery store built in 1955. He said that it had not operated for over 20 years, and had lost its legal nonconforming status. He noted that the Future Land Use Map identifies this area as suitable for single-family residential uses, and that the request was therefore inconsistent with the Future Land Use Plan. He stated that the request to B-2 was problematic, but noted that the B-3 District, which is transitional by design, would be more acceptable, and that the intent of this District is to provide services to residences in the general vicinity (i.e. small retail store, office use or personal services). She asked that the Planning Commission consider her amended request for B-3 zoning. Mr. Breaux responded to a question from Mr. Tindall and explained that the size of the site may be an issue with constructing a commercial building with conforming parking, landscaping and buffers. Mr. Breaux stated that if the zoning remained R-4, up to seven (7) residential dwelling units could theoretically be constructed. He pointed out that once parking, buffers and landscaping, a storm water pond, etc., were factored in, that the site may more realistically accommodate a triplex or something similar. Mr. Cornelius disclosed that the property management company he owns manages an adjoining property, and that he will abstain from voting on this case. Mr. McDonald advised the commission that any development plan application forthcoming on this property will be presented to them for approval. **Chairman Harris called for a motion regarding RZ-16-0102, 1587 Third Avenue, rezoning from R-4 to B-3. Vice Chairman Coleman recommended that case RZ-16-0102, request for property rezoning at 1587 Third Ave. from R-4 to B-3, having been duly considered at a public hearing today April 20, 2016, be approved and referred to the Dothan City Commission for their approval. Ms. White seconded and the motion passed with five (5) approval votes; three (3) disapproval votes (Mr. Tindall, Ms. Pettway, and Mr. Palmer); and one (1) abstained vote (Mr. Cornelius).**
5. **RZ-16-0106: Request for recommendation of a Rezoning for 5 parcels located at 3299 Ross Clark Cir., (38-09-05-15-2-006-001.000, 38-09-15-2-006-002.000, 38-09-05-2-006-**

009.00, 38-09-05-15-2-006-010.000, 38-09-05-15-2-006-011.000), from O-2/R-2 to B-3, Ameris Bank. Mr. Breaux explained that a portion of the bank site is zoned R-2, and as such is a legal nonconformity. In order to cure this nonconformity and make the bank's property as consistent as possible with the predominant B-3 zoning (transitional zoning) within its vicinity, the bank is requesting that their existing O-2 and R-2 zoning be changed to B-3. He noted that the entire property is 2.5 acres in size, that financial institutions are not allowed uses within the R-2 district, but would be a "by right" use within the B-3 District. He pointed out that there are numerous commercial properties in the immediate area, that there are only six (6) remaining R-2 lots on the block, and that this rezoning would create consistency and uniformity. He recommended that the Planning Commission approve the request. Mr. Ben Barron was representing Ameris Bank. He restated that the entire Ameris Bank property (5 parcels) are to be considered for the B-3 rezoning. Mr. Barron introduced Mr. Harry Pittman, President, and Kelly Pilot, Branch Manager, for Ameris Bank who were also in attendance. ***Chairman Harris called for a motion regarding RZ-16-0106. Ms. Pettway recommended that case RZ-16-0106, request for rezoning from O-2/R-2 to B-3 be approved and referred to the Dothan City Commission for their approval. Vice Chairman Coleman seconded and the motion passed unanimously.***

6. **Consent Items: Minor Development Plans & Subdivision Plans**

Mr. Breaux stated that Southern Blow Pipe had submitted a development plan for a small expansion of their facility located at 377 Bic Rd.

7. **Discussion: Zoning Ordinance Text Amendments**

Mr. Breaux presented a memorandum outlining text amendments identified since the last update of the Zoning Ordinance:

- 1) **Sec. 114-116 Establishment of Zoning Districts. Remove A-C from the Residential District table.**
- 2) **Reestablish Custom Assembly as a use within the Table of Permitted Uses.**
- 3) **Remove Personal Care Services from the Table of Permitted Uses in the O-3 District (ref. Kent Drive discussion)**
- 4) **Reestablish Single-Family Dwelling as a permitted use within the B-1 District.**

Each item was discussed individually by board members and staff. Mr. Harry Hall, an attorney representing Ms. Cathy Nguyen, owner of 701 Kent Drive, addressed the commission regarding item 3. He informed the commission that his client is in the process of submitting a development plan for this property and fears that she may encounter an unachievable deadline if the proposed text change is made to remove the Personal Care Services as a permitted use in O-3 District. He asked that any revisions made to the O-3 zoning Table of Permitted Uses by the Planning Commission have some provision to protect the use of this property as it was permitted at the time of purchase. Mr. Jim McCrory, 607 Kent Drive, restated his concern about this property and with allowing Personal Care Services in the O-3 District. Chairman Harris stated he was in agreement that the inclusion of the Personal Care Services in the O-3 zoning language was an error in the re-writing of the ordinance. Mr. McDonald agreed that the inclusion of the personal care services use was not in keeping with the original intent of the O-3 District.

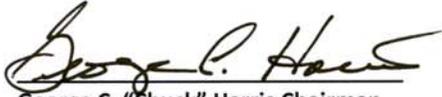
Mr. Breaux continued to review his memo with two additional items for consideration:

- 5) **Architectural Requirements for commercial buildings.** He stated that staff is suggesting that specific language be inserted into the zoning regulations so that there is no confusion regarding the architectural requirements of the City.
- 6) **Temporary and Directional Signs.** Mr. McDonald stated that the City has struggled with finding ways to implement its sign regulations following the *Reed vs. Town of Gilbert, AZ*, Supreme Court decision. He pointed out the First Amendment issues associated with the case and gave a history of how the City has already amended its sign regulations in its attempt to comply with the law. He stated that he is in the process of drafting a text amendment and that he would hopefully have something for review at the May meeting.

Chairman Harris asked for consent from the board to move forward with items 1- 4 for their consideration at the June 15, 2016 Planning Commission meeting. All board members were in agreement.

8. Adjourn.

Vice Chairman Coleman made a motion to adjourn. Ms. White seconded and the meeting was adjourned at 10:10 a.m.


George C. "Chuck" Harris Chairman


Kim Vann, Secretary