

**PLANNING COMMISSION  
REGULAR MEETING MINUTES  
JUNE 15, 2016  
DOTHAN, ALABAMA**

The Dothan Planning Commission met in a Regular Meeting on **Wednesday, June 15, 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  
Deborah Pettway  
Ron Tindall  
Mike Palmer, Supernumerary  
John Taylor, Supernumerary

**Members Absent:**

David Brewer  
Jim Freeland  
Mickey Davis

Others present were: Todd L. McDonald, AICP, Planning Director; Frank Breaux, AICP, Senior Planner; Shaoming Zhang, Planner I; Craig Scurlock, Building Inspector; Bart Barefoot, Engineering Services; Jonathan Lucas, Engineering Services; Tyler Reeder, Engineering Services; Robert Cox, Traffic Services; Members of the Media, Theresa Eddy, Secretary, 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**

*Ms. White made a motion to approve the agenda, with the removal of item 4, case S-15-0389, as requested by the applicant's representative. Ms. Pettway seconded, and the motion passed unanimously.*

**2. Approval of May 18, 2016 Meeting Minutes**

*Vice Chairman Coleman made a motion to approve the May 18, 2016 Meeting Minutes. Ms. White seconded, and the motion to approve the May Meeting Minutes passed unanimously.*

**3. Disclosure of ex parte contact**

Chairman Harris explained this is a new item on the Agenda going forward, for the purposes of disclosing to the public any board member's prior contact with the applicants or adjacent property owners, regarding general questions about the application process and items of concern or interest. *Mr. Cornelius and Mr. Palmer both disclosed they had received a phone call from someone in the Ardilla Community asking about the City initiated rezoning from L-1 to A-C and R-1.*

**Old Business**

4. **S-15-0389, Legacy Case, approved July 15, 2015: Request for modification of sidewalk requirements, Highlands Cove Subdivision, S. Brannon Stand and Flowers Chapel Rd., R-3 District, Wheelless Development Ltd., represented by Northstar Engineering Services.**  
See #1 (Approval of Agenda) – Item requested to be removed and was agreed upon with motion from Ms. White and Ms. Pettway seconded the motion.

**New Business**

5. **S-16-0158: Request approval of Final Subdivision Replat Lot 2, Block A, Cooks Properties, (Legacy S-15-0191), W. of 3373 Napier Field Rd, B-2 District, 8.35 acres, BHR Properties LLC and John & Jo Ann Gause, represented by Northstar Engineering Services.**  
Mr. Breaux opened the discussion by explaining the lots in question. Mr. Breaux stated the lots meet all the requirements for B-2 district. Chairman Harris asked who was here concerning this item. Mr. Lee Brown with Northstar Engineering was present and represented the applicant. Chairman Harris asked if Mr. Brown had any concerns regarding staff recommendations. Mr. Brown stated he did not. Chairman Harris asked if anyone else was here concerning this item and there were none. **Ms. White motioned to approve with the staff recommendations. Mr. Coleman seconded and the motion passed unanimously.**
6. **RZ-16-0183: Request recommendation for a City initiated rezoning of multiple parcels of land from L-I District (Light Industrial) to A-C District (Agricultural-Conservation) and R-1 (Residential Single-Family Low Density) located in the Ardilla Community.**  
Mr. Breaux opened the discussion by explaining that the Ardilla community had widespread incompatible zoning. Mr. Breaux stated that single family homes existed within an L-I (light industrial) area, creating nonconformities since the zoning regulations changed in January 2016. Mr. Breaux stated that the L-I district previously accommodated single family use by special exception but that provision had been removed with the new regulations change. Mr. Breaux stated that after a property owner was unable to obtain financing from a bank based on the L-I zoning on the property, the Planning Staff looked to match the appropriate land uses with the appropriate zoning within the Ardilla community. Mr. Breaux stated that based on the future land use map, no land in this area was appropriate for L-I uses. He stated that letters to all land owners had been sent and the Planning Department had received two letters from the owners wishing to opt out of the rezoning. Chairman Harris asked to list these properties. Mr. Breaux stated that the Snell and the Skinner properties were the properties requesting to not be included.
- Snell, Ann Adkins, 107 Paddock Drive, Dothan AL
  - Skinner, Pam, 103 Captain Ct., Dothan, AL
- Mr. Breaux stated that more can request to be removed before the City Commission approves the rezoning, as long as the request is received before it is advertised. Chairman Harris then asked who in the audience was present concerning this request. Three people raised their hands. Mr. Richard Tally, Bethel Baptist Church, 3257 E. Cottonwood Rd, Dothan, AL, addressed the commission. Mr. Tally wanted clarification of the zoning and the signage under residential and agriculture zoning. Mr. Tally also said that the church might expand the religious institution to include a school in the future. Mr. Breaux explained that the Church was a legally existing nonconformity which means that it's in jeopardy of going away if something happens to it and that it cannot expand under the current zoning scheme. He said that by rezoning to A-C, the church could petition the Board of Zoning Adjustment, through the special exception provision, to expand or modify. Reverend Mark Kocsis, Trinity Lutheran Church, 105 Luther Way, was also present. Reverend Kocsis expressed concern with the change in zoning. Mr. Breaux stated that zoning is created so that there is a logical use of the land; that you don't create issues of incompatibility. Mr. Breaux stated that a religious institution would not be compatible in an

H-I district for reasons such as noise and smell as well as safety and welfare. Reverend Kocsis agreed with the rezoning. Chairman Harris asked if there was anyone else in the audience that wanted to speak. No public response. **Chairman Harris called for a motion regarding RZ-16-0183. Ms. Pettway made a motion to recommend RZ-16-0183 to City of Dothan Commission for approval. Mr. Tindall seconded and the motion passed unanimously.**

7. **DPMA-16-0203: Request approval of a Development Plan for a parking lot located at 206 Virginia Dr., R-1 District, Episcopal Church of the Nativity represented by Praestare Engineering.** Mr. Breaux stated that the church is requesting additional parking, and has proposed to pave the area shown and to expand the area to bring it up to code. Mr. Breaux stated that there is a type 2 buffer required due to the single family residence located to the North. Mr. Breaux stated the church will probably lose a couple of parking spaces and that the dumpster needs to be placed in an appropriate location based on the R-1 adjacent property. Mr. Breaux stated that the Board of Zoning Adjustments did approve a special exception for the expansion on June 1<sup>st</sup>. Mr. Breaux stated there was a ten foot requirement for trees and shrubs along the streets, as well as internal landscaped islands. Chairman Harris asked who was present regarding this request. Mr. Alan Parker, Praestare Engineering was present. Chairman Harris asked if Mr. Parker had reviewed staff recommendations and if they could abide by them. Mr. Parker stated they could and asked if the resubmittal would be reviewed by the Planning Commission or by Planning Staff. Chairman Harris said that it would be reviewed by the Planning Staff. Mr. Parker said they had no problems with the list. Chairman Harris asked if there was anyone else in the audience concerning this item. No public response. **Chairman Harris called for a motion regarding DPMA-16-0203. Ms. White made a motion to approve DPMA-16-0203 to include the 8 staff recommendations. Mr. Palmer seconded and the motion passed unanimously.**
  
8. **RZ-16-0212: Request recommendation for Rezoning of 9.4 acres located at 4390 Westgate Pkwy., from an L-I District to an A-C District, Dothan Community Church, represented by Northstar Engineering Services.** Mr. Breaux stated that the Dothan Community Church located on Westgate Parkway has split zoning, L-I and A-C, and that the majority of the improvements are within the L-I portion of the site. He explained that the proposal was to expand the building and create additional parking. Mr. Breaux stated that due to the L-I zoning, the use was a legally existing nonconforming use and that the expansion was not allowed without rezoning. Mr. Breaux stated that the development plans had been reviewed at the staff level. Chairman Harris opened the floor up to the public. Mr. Andy Gosselin of Gosselin Design and Lee Brown of Northstar Engineering represented Dothan Community Church. Mr. Gosselin stated there were no issues with the staff recommendations, and this was something that needed to be done in order for the proposed expansion to be built. **Chairman Harris called for a motion regarding RZ-16-0183. Ms. Pettway made a motion to recommend RZ-16-0212 to City of Dothan Commission for approval. Ms. White seconded and the motion passed unanimously.**
  
9. **RZ-16-0216: Request recommendation for Rezoning of 17.27 acres located at 831 John D. Odom Rd., currently zoned O-I & R-1 to R-1 & O-I, The Haven Inc. represented by Northstar Engineering Services.** Mr. Breaux stated this property had received a number of different approvals over past couple of months. Mr. Breaux briefly reviewed the history of the previous requests and stated that The Haven is planning to demolish the existing structures and relocate the buildings on the property. Mr. Breaux stated that after the previous approval, it was discovered that the property was unsuitable because of soil conditions, and that the current request would modify the zoning scheme so that it meets their desire for development on portions of the property that can be developed. Mr. Breaux stated that they eventually intend to develop the southern portion of the property

for single-family residential and that will require additional approval by the Planning Commission. Chairman Harris opened the floor up to the public. Lee Brown of Northstar Engineering presented the request. Chairman Harris asked Mr. Brown if they could comply with the 5 recommendation by staff and Mr. Lee stated they could. Chairman Harris asked if there was anyone else in the audience concerning this item, and there were none. Chairman Harris stated this request is for property that the dormitories will be relocated to and that rezoning the remainder of the property to residential is for future use. **Chairman Harris called for a motion regarding RZ-16-0216. Vice Chairman Coleman made a motion to recommend case RZ-16-0216 to City of Dothan Commission for approval. Ms. White seconded and the motion passed with a vote of 7 to 1 (Mr. Tindall) opposed.**

10. **DPMA-16-0217: Request approval of a Development Plan for a new 14,340 square foot group care facility at 831 John D. Odom Rd., A-C District, The Haven Inc., represented by Northstar Engineering Services.** Mr. Breaux stated that the two residential buildings are the same design as previously approved but located on a different portions of the property. Both are 7170 square foot buildings. Mr. Breaux stated the development plans meet all the requirements for the O-I district, which is the proposed zoning classification. Mr. Breaux stated the landscaping and parking are satisfactory and that this plan approval is contingent upon the successful rezoning of this property to O-I. Mr. Lee Brown, of Northstar Engineering Services was present regarding this case. Chairman Harris asked Mr. Brown if they could comply with the five staff recommendations and Mr. Brown stated they could. Chairman Harris asked if there was anyone else here for this case and there were none. Mr. Tindall asked when the applicant first learned that the property included a significant area of and old landfill. Mr. Breaux stated that the landfill was first discussed at the preliminary agenda review meeting. Mr. Breaux stated that the City Engineers report, item #12, points out that there is existing landfill debris in the area which may require significant excavation and removal. Mr. Tindall requested additional information regarding existing landfill debris testing, as well as density and compactions issues. Mr. Tindall also asked if the developer had done soil testing for the proposed buildings. Mr. Brown stated they have done the appropriate testing for the proposed development site. Mr. Tindall asked if they mapped where the existing landfill limitations are to determine that these buildings will not be located there. Mr. Brown referred to the layout plan that was turned in with the site plan. Mr. Brown stated that everything north of the areas outlined on the map is where they encountered the debris. Mr. Tindall asked if the City Engineer was satisfied. Bart Barefoot with Engineering Services said that he hadn't seen the map yet, but would be satisfied with what is submitted. Mr. Palmer asked if he could interpret that this area did not incorporate any of the unsuitable materials within the footprint of the area that is being developed. Mr. Brown stated yes and that they could comply with the staff recommendations. Chairman Harris asked if there were any other questions. No committee response. Chairman Harris asked the audience if anyone else had any concerns regarding this item and there were none. **Chairman Harris called for a motion regarding DPMA-16-0217. Vice Chairman Coleman made a motion that case DPMA-16-0217 be approved including with the five recommendations from Staff. Ms. White seconded and the motion passed with a vote of seven to one, Mr. Tindall abstaining.**

11. **Consent Items: Minor Development Plans & Subdivision Plats**

Mr. Breaux stated there was a minor subdivision, Replat of Lots 10-14 Highland Subdivision and a minor development plan at Dothan Community Church. Mr. Breaux stated there was also a development plan submitted for a new restaurant at the old Crystal River site called Newk's Eatery.

12. **Zoning Ordinance Text Amendments**

Mr. Breaux gave an overview of the following text amendments:

**a. Sec. 114-116 Establishment of Zoning Districts. Remove A-C from the Residential District table.**

Mr. Breaux stated that this was still appearing as a single-family district which was not consistent with the text changes made in January 2016. Mr. Breaux stated that a stand-alone category called "Agriculture District" now appears in the text.

**b. Reestablish Custom Assembly as a use within the Table of Permitted Uses.**

Mr. Breaux stated this item was inadvertently removed and requires reinsertion.

**c. Remove Personal Care Services from the Table of Permitted Uses in the O-3 District (ref. Kent Drive discussion)**

**d. Reestablish Single-Family Dwelling as a permitted use within the B-1 District. Request from Board of Zoning Adjustments.**

Mr. Breaux stated that single-family residential uses were inadvertently removed as permitted uses in the B-1 District during the last round of test changes, and that it needed to be reinserted due to the numerous nonconformities created by doing so.

**e. Allow Group Homes meeting the definition of the Fair Housing Act as permitted use in A-C, R-1, R-2, R-3 and R-4 Districts.**

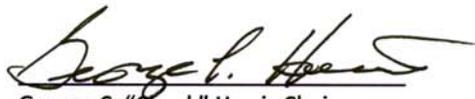
Mr. McDonald stated that an analysis is conducted every 5 years to identify any impediments to fair housing as part of the City's participation in the CDBG program. One of the things the consultant pointed out in the latest study is that the City has a barrier to group homes because we require them to have special exception approval from the Board of Adjustment. Mr. McDonald stated that because these are federally protected classes of individuals, group homes cannot generally be denied and must be treated like any other family group. Mr. McDonald asked if anyone had any questions. No response from commission or public.

Mr. Breaux discussed implementation of architectural requirements and provided some examples of text from other jurisdictions. He suggested that he be allowed to present specific language at next month's meeting for consideration by the Planning Commission. Chairman Harris said that the language looked good and asked everyone on the Planning Commission to look those over and get back with staff with any thoughts. Mr. Tindall stated that the verbiage from Florence was most adequate and thorough. Mr. Breaux suggested that copies be sent to the commission and then waiting until August before advertising it for a public hearing.

Mr. McDonald stated that staff needs approval to advertise these for public hearing next month. He stated that draft language on the architectural standards and temporary signage would be presented at the next meeting for further discussion. **Mr. Chairman asked for a motion regarding the five work item to be changed. Ms. White made a motion to approve the advertising for the zoning ordinance information to be changed. Mr. Tindall seconded and the motion passed unanimously.**

**13. Adjourn.**

*Ms. Pettway made a motion to adjourn. Mr. Tindall seconded, the motion passed unanimously, and the meeting was adjourned at 9:47 a.m.*

  
George C. "Chuck" Harris Chairman

  
Kim Vann, Secretary