

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

The Dothan Planning Commission met in a Regular Meeting on **Wednesday, July 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
Debra Pettway
Ron Tindall
David Brewer
Jim Freeland
John Taylor, Supernumerary

Members Absent:

Mickey Davis
Mike Palmer, Supernumerary

Others present were: Todd L. McDonald, AICP, Planning Director; Frank Breaux, AICP, Senior Planner; Craig Scurlock, Building Inspector; Bart Barefoot, Engineering Services; Jonathan Lucas, Engineering Services; Tyler Reeder, Engineering Services; and Theresa Eddy, Secretary.

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

Chairman Harris asked Mr. Breaux if there were any changes to the agenda. Mr. Breaux responded that he had a request to continue item #5 to the August meeting.

Ms. Pettway made a motion to approve the agenda, including the continuance of item #5 until August, Mr. Tindall seconded, and the motion passed unanimously.

2. Approval of June 15, 2016 Meeting Minutes

Chairman Harris stated that there was a correction that needed to be made to the June 15, 2016 meeting minutes. Mr. Breaux responded that the last sentence in item #6 was corrected. Secretary Eddy responded that the corrected minutes were submitted for signature. ***Ms. White made a motion to approve the corrected June 15, 2016 Meeting Minutes. Mr. Tindall seconded, and the motion passed unanimously.***

3. Disclosure of ex parte contact

Chairman Harris explained this is an item on the agenda 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. ***No disclosures were made.***

Old Business

4. None

New Business

5. **S-16-0248: Request approval of a preliminary plat for Madison Corners Subdivision located at the southwest corner of Madison Ave. and Carroll St., R-4 District, B.C. Dillard represented by Michael Jernigan.** Mr. Breaux directed everyone's attention to the PowerPoint presentation and explained that the subject property has three existing lots and that the request is to re-subdivide it to add an additional lot. He said that it was in a transitional area that consists of heavy commercial and mixed residential uses to the East and to the South. It is zoned R-4 and is appropriate for single-family, attached or detached. All of the lots meet the dimensional requirements. There will be construction plans submitted for utility installation and staff is recommending approval. Chairman Harris asked who was there concerning this item. Mr. Brock Matthews with Benchmark Land Services addressed the board and stated that he prepared the layout. He explained that there would be a single water main tap to minimize damage to the roadway and that the construction plans would reflect that design. He explained that the drainage and topography of the site are adequate to build these houses with minimal cut and disturbance to the land and that some trees would be preserved. He said that they could comply with all of the requirements in the staff report. Chairman Harris asked if anyone had any questions. Mr. Cornelius asked Mr. Matthews what he meant by one tap. Mr. Matthews responded that they propose to come off of Carroll Street with a 2" main service line and then extend that line to the end of the property to a flush hydrant, and each lot will tap into the new service main. Mr. Cornelius asked if there would be four separate meters and Mr. Mathews said that there would. Chairman Harris asked the audience if anyone wanted to address the board concerning this item. Ms. Eloise Stivey of 205 E. Carroll Street stated that she was told that this was supposed to be apartment housing and that's why she and others were there. Chairman Harris stated that they are subdividing the property into four lots which could be attached townhomes or single detached homes. Mr. Tyree of 408 Madison Avenue addressed the board with his concern about the size of houses going on to the lots, and that it seemed that the property didn't appear to be big enough to support four individual residences of any size at all. He asked how big the houses would be. Chairman Harris stated that the minimum house size was 750 square feet in the R-4 district. Mr. Jernigan, representing Mr. B.C. Dillard, addressed the issue by stating that they were putting 1600-1700 square foot, single-family homes on the property. Mr. Tindall asked if they were planning to be two story homes. Mr. Jernigan responded, no. Ms. Sue Anne Chalker of 401 Madison Street, who lives directly across from the large lot, addressed the board. She stated her concerns about maintaining property values and stated that she and her neighbors believed that the neighborhood was experiencing a comeback. She stated her desire that this property remain as three lots and not be replatted to four. Chairman Harris stated that the applicant has asked that the property be replatted into four lots and at this time he asked for a motion. ***Vice Chairman Coleman made a motion that Case S-16-0248 be approved as presented, including in the proposal the 3 comments made by staff, Mr. Freeman seconded. The motion carried on an 8 to 1 vote, and Ms. Pettway opposed. Chairman Harris stated that the motion is approved subject to three conditions.***
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-16-0248.

6. **DPMA-16-0258: Request approval of a Development Plan for a commercial daycare facility located at 900 Irwin St., R-4 District, Ursula Eutsey represented by Northstar Engineering Services.** Mr. Breaux directed everyone's attention to the PowerPoint presentation and stated that the property was an old residence. He said that it had been used for daycare, assistant living, etc. in the past, but that it was not grandfathered because it had been idle for a number of years. He pointed out that there were nonconformities associated with the site that would need to be addressed. He explained the transitional character of the area, pointing the mix or duplex, single family, commercial and church properties in the immediate vicinity. He explained the requirement for vehicle queueing, for picking and dropping off children, and the need to have this occur on private property and not in the street. He pointed out that the parking and maneuvering areas would be located on the lot to the west of the house and that there would also be ADA compliant parking. He stated that the commercial daycare anticipated up to 60 children with 6 employees and that the Board of Zoning Adjustment had granted a special exception, with the condition that the site meet all requirements of zoning and approval from the Planning Commission. He pointed out that commercial daycare uses were no longer allowed within residential districts because of the issues inherent in converting single-family residences into commercial properties. Mr. Breaux stated that a Type 2 buffer was required along the south side of the property, but there was no way to get the full twenty-five feet because of the location of the house. He asked that the Planning Commission allow staff to work with the applicant in achieving compliance to the extent possible. He pointed out that required parking and vehicle queueing areas were adequately designed and recommended approval. Mr. Lee Brown from Northstar Engineering addressed the board along with Ms. Ursula Eutsey. Chairman Harris asked if Mr. Brown had seen the six items that staff recommended and if he had any problems with them. Mr. Brown replied he had seen them and that they could comply. Chairman Harris asked if anyone else was there concerning this item. Ms. Pettway asked about the location of the storm-water pond and Mr. Brown referred everyone to the plans. He stated that the pond would be fenced. Vice Chairman Coleman asked Mr. Breaux if another condition was required regarding the buffer and Mr. Breaux responded that the Type 2 buffer was already listed in item #2. Chairman Harris asked if anyone else had any questions. No response. **Chairman Harris asked for a motion on case number DPMA-16-0258. Ms. White motioned to approve DPMA-16-0258 with the 6 listed staff recommendations. Ms. Pettway seconded and the motion passed unanimously.**

1. 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;
2. A Type 2 buffer shall be provided along the south property line per the requirements of Sec 114-242(A)(2);
3. The storm water ponds must be properly fenced if located in the outdoor play area;
4. Resubmit the development plan incorporating all design changes;
5. All future correspondence or building permit plan submittal must make reference to Case DP-16-0258; and,
6. 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.

7. **DPMA-16-0257: Request approval of a Development Plan for a Commercial Daycare Center at 930 E Burdeshaw St., R-4 District, Zann Stewart represented by Northstar Engineering Services.** Mr. Breaux directed everyone's attention to the PowerPoint presentation and pointed out the site near the Dothan Lodge. He pointed out the large parking facility for the Dothan Lodge located directly to the west of the site and said that the applicant was pursuing the legal right to use it for required parking and vehicle queueing. He said that the plan provided for the required parking, ADA compliance and

queueing, and that the Board of Adjustment approved a special exception for the use on December 2, 2015. He said that a Type 2 buffer was required but that the full twenty-five foot width was not possible due to the location of the house. He stated that there would, however, be plantings provided within the buffer that met the requirements of the Type 2 buffer. He again stated that the City was still awaiting legal documents for the use of the parking lot. Chairman Harris asked who was there concerning this issue. Mr. Brown of Northstar Engineering and Ms. Zann Stewart addressed the commission. Chairman Harris asked if they had issues with the 6 items listed by staff. Mr. Brown responded, no. Chairman Harris asked if anyone else was here regarding this issue and if anyone had any questions for Mr. Brown. Mr. Tindall asked if there was a detention area required. Mr. Brown said that he would submit pre and post storm-water runoff calculations to the Engineering Department to show the increase but that the only additional paving was one small driveway that was less than 400 square feet. Mr. Tindall then asked about the driveway locations and the location of the vehicle queueing area. He stated that he was concerned with vehicles entering driveways in the wrong direction. Mr. Brown responded that "Do Not Enter" signage for that driveway would be provided. Mr. Tindall expressed further concern about drivers being confused about where to enter and exit the site. Mr. Brown said that drivers entering the site could see where vehicles were queued and that there might be a slight learning curve in the beginning. Chairman Harris asked if anyone else had any questions. Ms. Pettway asked whether or not the signage would be permanent and Mr. Brown said that it would. She also asked about the condition for the resubmittal of the plans and Mr. Brown responded that he had already submitted the landscaping plan for the Type 2 buffer. He stated that recording a lease for the required parking was the only outstanding item yet to be completed. Chairman Harris asked if there were any further questions. No response. **Chairman Harris asked for a motion concerning Case #DPMA-16-0257. Ms. Pettway, referencing Case #DPMA-16-0257, moved for approval subject to the 6 conditions in the staff report. Vice Chairman Coleman seconded, and the motion passed unanimously.**

1. 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;
 2. A Type 2 buffer shall be provided along the east property line per the requirements of Sec 114-242(A) (2);
 3. A valid lease or perpetual parking easement shall be provided, and the agreement shall be executed and recorded in the county recording office and shall be binding on subsequent purchasers, inheritors or assigns, and a copy provided to the planning and development department per Sec 114-182(H)(6).
 4. Resubmit the development plan incorporating all design changes;
 5. All future correspondence or building permit plan submittal must make reference to Case DP-16-0257 and,
 6. 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.
8. **S-16-0269: Request approval of a Preliminary Plat for the Highlands Cove Subdivision located on Flowers Chapel Road (Parcel ID 38-09-04-19-0-000-011.001), near the intersection of Brannon Stand Road, R-3 District, Hugh Wheelless represented by Northstar Engineering Services.** Mr. Breaux stated that the board had seen this before and that the developer presently has a valid approval for a preliminary plat. He directed everyone to the PowerPoint presentation and pointed out the property in question. He pointed out the changes to the plan including the clubhouse relocation, emergency access and the new roadway configuration. Mr. Breaux stated that he felt that this was a much better layout. He said that the roads were to remain private and that the applicant was asking for approval of a design that was non-standard with regard to the pavement width, right-of-way width, and a reduced width of the sidewalks. He said that they were

proposing sidewalks on both sides of the street that would be 42 inches in width and a 24 ft. roadway. He said that 24 foot wide streets were currently being discussed by the subdivision rewrite committee as a way to slow down traffic on local streets. He stated that staff had no objection to the request and that the Planning Commission could approve the design with the approval of the Public Works Director. Chairman Harris said that he saw that the Fire Marshall had approved the minimum cul-de-sac diameter. Chairman Harris asked who was present concerning this issue. Mr. Hugh Wheelless stepped to the podium. Chairman Harris asked if they had read staff recommendations and if he had any problem with them. Mr. Wheelless responded that he would like to get the road in front of the Clubhouse reduced down to 20 feet and that it only affected the 6 lots backing up to Brannon Stand Road. He said doing so would calm traffic and create more green space. He said he wanted the 42-inch sidewalks on both sides of streets to enhance lifestyle and to create more green space. Chairman Harris expressed his concern regarding service vehicles and reducing the width of the road from 24 to 20 feet. He asked if fire trucks, garbage trucks, and city service trucks could adequately maneuver. Mr. Breaux answered that the Fire Department had reviewed the plans and they were comfortable that they could maneuver through the 20 ft. wide looped road. Mr. Barefoot of Engineering Services stated that he had spoken with Mr. Metzger in Traffic Engineering and that they didn't like anything less than 24 ft. He said that they could re-review if necessary. Mr. Tindall stated he understood that all of the roads were going to be 24 feet wide except for that section behind the Clubhouse, and asked if the turning radii were adequate for trucks with trailers. Chairman Harris pointed out to Mr. Tindall the section of the 20 foot wide road on the map. Vice Chairman Coleman asked Mr. Breaux what the minimum house size was in R-3 zoning. Mr. Breaux responded that it was 1000 square feet. Chairman Harris asked if there was anyone else present concerning this item. Mr. Brewer asked whether or not the storm-water pond was to be shared with the commercial development on the corner and Mr. Wheelless said yes. Ms. Pettway asked for clarification regarding sidewalks on both sides of the street. Mr. Wheelless responded, yes, but that he was requesting 42 inch sidewalks. Mr. Tindall asked Mr. Wheelless to explain the request to reduce the sidewalk width. Mr. Wheelless stated that there would be more green space and that it would improve the aesthetics of the project. Mr. Tindall stated that he did not agree with that logic and asked staff for clarification on the requirements of the subdivision regulations. Mr. Breaux responded that a 5 foot wide sidewalk was required on both sides of the street. Chairman Harris asked if anyone else had any questions. No response. **Chairman Harris asked for a motion concerning Case #S-16-0269 Highlands Cove residential subdivision. Ms. Pettway moved for approval referencing Case #S-16-0269, Ms. White seconded.** Mr. Breaux asked for clarification on the roadway width issue. **Ms. White clarified that staff be directed to work with the applicant relative to the 20 foot width of the street.** Mr. Breaux asked Ms. Pettway to amend her motion. **Ms. Pettway amended her motion to include item #5 to allow the Engineering Department to work with the applicant on reducing the size of the street to 20 feet as shown on the plan. Vice Chairman Coleman seconded.** After additional discussion concerning sidewalk width **Ms. White made a motion to add condition #6 to allow for 42" sidewalks on both sides of the street. Vice Chairman Coleman seconded the motion. Chairman Harris stated that this is a vote on the amendment of adding item #5 to the staff recommendations. Chairman Harris asked for approval with a show of hands and the amendment to add item #5 passed unanimously. Chairman Harris then called for approval on the main motion with items number 5 and 6 added to the staff recommendations by a show of hands 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 Public Works Director approves all deviations from the customary technical standards for roads, rights-of-way, and sidewalks;
3. The comments of all city departments are satisfied and/or incorporated into the Construction Plans and Final Plat; 4. All future correspondence and submittals shall reference Case S-16-0269.
5. The Planning Commission approved the construction of a 20-foot wide pavement segment located on the loop road with the authorization of the Public Works Director, and;
6. The Planning Commission approved the use of 42 inch wide sidewalks to be constructed on both sides of the streets.

9. Zoning Ordinance Text Amendments:

Mr. Breaux explained that these were the Text Amendments that staff had been working with the Planning Commission on for several months.

- a. *Sec. 114-116 Establishment of Zoning Districts. Remove A-C from the Residential District table.*
- b. *Reestablish Custom Assembly as a use within the Table of Permitted Uses.*
- c. *Remove Personal Care Services from the O-3 District.*
- d. *Reestablish Single-Family Dwelling as a permitted use within the B-1 District.*
- 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.*

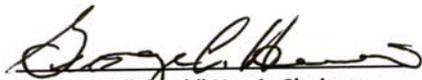
Mr. Brewer moved to recommend amending the Zoning Ordinance with these five items and adding two-Family dwelling as a permitted use in the B-1 District to item #d. Vice Chairman Coleman seconded. The motion passed unanimously.

10. Consent Items: Minor Development Plans & Subdivision Plats

Mr. Tindall wanted to know the status of the subdivision regulations rewrite. Mr. Breaux gave an overview of the progress that the committee had made and informed the commission that staff would be making a presentation to them in the near future.

11. Adjourn.

Mr. Freeland made a motion to adjourn, Ms. Pettway seconded and passed unanimously. The meeting adjourned at 9:56 a.m.


George C. "Chuck" Harris Chairman


Kim Vann, Secretary