

**PLANNING COMMISSION REGULAR MEETING MINUTES
OCTOBER 16, 2013
DOTHAN, ALABAMA**

The Planning Commission (PC) met in a Regular Meeting on Wednesday, October 16, 2013 at 9:00 a.m. in the City Commission Chambers, Dothan, Alabama.

Members Present:

George C. "Chuck" Harris, Chairman
Jerry Coleman, Vice-Chairman
Robert James
Ron Tindall
David Brewer
John Taylor
John Bush
Ben Barron

Others present were: Todd L. McDonald, AICP, Planning Director; Dawn Wrinn, CAPZO, Planner II; Frank G. Breaux, AICP, Planner II; Robert Cox, P.E., Traffic Engineer; Allan Kramer, Engineering Services Manager; Larry Lofton, P.E., Civil Engineer; Critt Snellgrove; Members of the Media and Wendy Shiver, Secretary, who recorded the minutes.

Chairman Harris called the meeting to order at 9:00 a.m.

Chairman Harris explained that the PC does not rezone properties but rather recommends rezoning to the City Commission for approval. He suggested any group present to designate a spokesperson to address any questions or concerns.

1. Approval of Agenda

Vice-Chairman Coleman made a motion to approve the agenda as presented. Mr. James seconded and the motion to approve passed unanimously.

2. Approval of September 18, 2013 Meeting Minutes

Vice-Chairman Coleman made a motion to approve the September 18, 2013 meeting minutes. Mr. Brewer seconded and the motion to approve passed unanimously.

Old Business

None.

New Business

3. DP-13-0594: Request approval of development plans for a 7,400 square foot retail development located on 1.49 acres at 3435 Montgomery Hwy. (formerly Old Mexico Restaurant), B-2 District, Brian Harris, PE of Gonzalez Strength & Associates representing Terra Equities, LLC.

Mr. Breaux stated that this item started out as an in-house minor development plan review; however, a letter of objection was received from an adjacent property owner and therefore, the request has been referred to the PC for review. He presented issues of note regarding this request to include that the former restaurant building has been demolished, the adjacent property owner is concerned about the developer's proposed use of recorded easements and staff recommends approval subject to conditions outlined in the staff report. Mr. Breaux stated that the developer and adjacent property owner have since discussed the easement issue and the developer has modified their plans to reflect no improvements on the eastern and southern sides. Mr. Steve Etheredge of the Law Offices of Buntin, Etheredge & Dowling, LLC and representative of adjacent property owner Zebra Investments, LLC stated that the modified development plans address many of the issues and the only issue that remains is the existence of a pylon sign in the easement. He stated

that they requested the developer either remove the pylon sign or enter into an agreement that they will remove it when requested. He stated that no response has been received and therefore, they object to approval of the plans until the pylon sign is removed. Mr. Alan Hawkins, owner of Terra Equities, LLC, stated that they have amended their development plans to take into consideration all of the easements. Mr. Hawkins stated that he has just recently received the letter from Mr. Etheredge and has not had a chance to review the pylon sign request with his attorney; however, it is their position that their plans meet all the regulations and they are seeking approval today. He stated that the sign was installed at its current location by the previous property owner without objection. He stated that they will continue to work with the adjacent property owner regarding the easement. Mr. McDonald advised that this is a private easement and therefore, the city has no enforcement authority. There being no further questions or comments, Chairman Harris called for a motion. ***Vice-Chairman Coleman made a motion to approve case number DP-13-0594 with the three staff recommendations. Mr. Tindall seconded and the motion to approve passed unanimously.***

1. The pole sign must be brought into compliance with the current signage regulations should it be determined that it is nonconforming in any respect prior to the issuance of a Certificate of Occupancy.
 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; and,
 3. 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.
4. **DP-13-0599: Request approval of development plans for a 5,000 sq. ft. building for "A New Sanctuary for Church of Dothan" located on 1.15 acres at 875 N. Oates St., L-I District, Church of Dothan represented by Mark Pepe, Architect.**

Ms. Wrinn presented issues of note regarding this request to include that the applicant received a 17-foot side yard variance by the Board of Zoning Adjustment on September 4, 2013, a smaller building was approved by the PC in December of 2012, the proposed exit lane onto North Oates Street from the church parking lot will not be permitted by Alabama Department of Transportation and staff recommends approval subject to conditions outlined in the staff report. Mr. Mark Pepe stated that they will eliminate the proposed exit drive from the plans and rotate the dumpster to prevent trucks from having to back out on to Houston Street. Mr. Pepe stated that the increased detention area requirement may prevent him from fulfilling Traffic Engineering's request to widen the aisles to at least 22 feet. Mr. Cox stated that no regulations exist regarding aisle widths for parking and his request was based on architectural standards for 90 degree parking. He stated that he is willing to work with the engineering firm to determine the best fit. Mr. Tindall confirmed with Mr. Pepe that two parking spaces can be eliminated to allow for more room for vehicle turns. Mr. Pepe stated the island can be eliminated and the lights relocated. He stated that a parking space can be added in the area where the exit drive is being eliminated. Mr. Tindall confirmed with Mr. Pepe that the parking area next to the detention basin will be raised and the back of the property will be accessible. There were six people present in support and no one present in opposition of this request. There being no further questions or comments, Chairman Harris called for a motion. ***Vice-Chairman Coleman made a motion to approve case number DP-13-0599 with the six staff recommendations. Mr. James seconded and the motion to approve passed unanimously.***

1. Any detention area required by the Engineering Services Office must be sodded and maintained as a landscaped area;
2. The wainscoting be extended to the fourth side (south façade) to complete the building's appearance;
3. The lighting "wall packs" on the building's walls be covered and pointing downward to mitigate light shining that may affect adjacent residential property and the driving public;
4. A sign permit be obtained from the Building Permits and Inspections office before a new sign is erected on the site;

5. 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;
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, which will be October 31, 2014.

5. Consent Items: Minor Development Plans & Subdivision Plats

Chairman Harris acknowledged two subdivision plats reviewed by staff in September 2013.

Mr. Tindall asked for an update on the procedures for notifying owners of noncompliant signs. Mr. McDonald stated that there is a 90-day grace period in effect. He stated that staff will begin to identify noncompliant signs and make informal contact with the owners to notify them of the regulations. He advised that a formal enforcement process will be implemented after the grace period ends. Mr. McDonald confirmed for Mr. Tindall that the regulations do not specify penalties for noncompliance; if found guilty of violating city ordinance, fines and penalties are set at the purview of the judge.

Ms. Wrinn stated that the updated pages of the zoning ordinance and the updated roster were provided to members present today.

6. Adjourn.

Vice-Chairman Coleman made a motion to adjourn. Mr. James seconded and the meeting was adjourned at 9:24 a.m.


George C. "Chuck" Harris, Chairman


Secretary