

**PLANNING COMMISSION REGULAR MEETING MINUTES  
MARCH 16, 2016  
DOTHAN, ALABAMA**

The Dothan Planning Commission met in a Regular Meeting on Wednesday, March 16, 2016 at 9:00 a.m. in the City Commission Chambers, Dothan, Alabama.

**Members Present:**

Vice Chairman Jerry Coleman  
David Cornelius  
Gayla White  
Jim Freeland  
David Brewer  
Mickey Davis  
Debora Pettway  
Ron Tindall  
John N. Taylor

**Members Absent:**

Chairman George "Chuck" Harris

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

Vice Chairman Coleman 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**

*Mr. Davis made a motion to approve the agenda as presented. Ms. White seconded and the motion passed unanimously.*

2. **Approval of February 17, 2016 Meeting Minutes.**

*Ms. Pettway made a motion to approve the February 17, 2016 Meeting Minutes. Ms. White seconded and the motion to approve the February Meeting Minutes passed unanimously.*

**Old Business**

*None*

**New Business**

3. **RZ-16-0045: Request recommendation for Rezoning of 2.07 acres, 2500 Block Westgate Parkway, Parcel ID #38-09-02-03-1-007-020, from R-4 to B-3, Riley Andrews, Executor of L. F. Andrews Estate.** Mr. Breaux said that subject property is 2.027 acres and wraps around a recently created B-3 parcel that is proposed to be developed as a Dollar General Store. The acreage is part of a larger parcel that has split zoning (R-4 & B-3). The property owner wants to rezone the rest of this parcel to B-3. Similar B-3 zoning exists at the corner of Denton and across Westgate Pkwy in front of the single family residential lots, so it is compatible. We recommend it be approved by the Planning Commission to be referred to the Dothan City Commission for approval. Mr. Riley Andrews, executor to his father's estate, 2518 Westgate Parkway, stated his name and address and said his intention is to develop the land as a future retail use. *Vice Chairman Coleman called for a motion regarding RZ-16-0045. Ms. White recommended that case RZ-16-0045, request for*

***rezoning from R-4 to B-3 be approved and referred to the Dothan City Commission for their approval. Ms. Brewer seconded and the motion passed unanimously.***

4. **RZ-16-0048: Request recommendation for Rezoning of .408 acres, 103 Sixth Ave., Parcel ID: 38-10-04-19-1-002-016.000, from L-I District to B-2 District, Sara F. Wright.** Mr. Breaux stated this property is currently an existing church and the owners want to make additions/renovations to the rear of the property. Today, the use is a legal non-conformity because religious institutions are not allowable in the L-I (Light Industry) zoning district. In order for them to protect the existing use and expand as they are proposing, the owners are requesting the property be rezoned to B-2. This is a transitional area, with a current mix of B-2 (adjacent) and L-I zoning and residential across the street. He said there are no issues, since the church is a good transitional use, therefore approval by the Planning Commission is recommended. Mrs. Sara Wright, 103 Sixth Ave., came to the podium to make the request. ***Vice Chairman Coleman called for a motion regarding RZ-16-0048. Ms. Pettway recommended that case RZ-16-0048, request for rezoning from L-I District to B-2 District be approved and referred to the Dothan City Commission for their approval. Ms. White seconded and the motion passed unanimously.***
  
5. **S-16-0071: Request approval of a Preliminary Plat for Hidden Lake East Subdivision, Phase II, located at 1 Cotton Ridge Ln., R-3 District (Residential Single-Family, High Density), CWS, LLC represented by Northstar Engineering Services.** Mr. Breaux showed the existing platted Hidden Lakes East subdivision and the proposed plat, which will be connected to Cotton Ridge Lane at three points. It will be a looped roadway connecting the easternmost portion of the property to East Main Street. Previously, the planning commission approved a plat in 2008, but the approval lapsed. The current proposal is to subdivide 43.3 acres of the land into 96 single family lots. The lots are larger than what was previously approved. All streets are proposed to be dedicated to the public. He is recommending approval with the conditions stipulated in the staff report. Vice Chairman Coleman asked who was representing this case, and Mr. Phillip Santora, Northstar Engineering addressed the board. Mr. Coleman asked if he had seen the three conditional comments made in the staff report. He answered there is no problem in complying with those conditions. Mr. Davis asked if there would be sidewalks on streets where there are cul-de-sacs. Mr. Santora responded "no", there would not be sidewalks down the streets with cul-de-sacs. He said it will meet the code, which does not require the sidewalks to be down cul-de-sacs. Mr. Davis also asked if the developer would provide streetlights. He said that he will be abstaining from this vote, because he is a homeowner in Hidden Lake West. Also, the only sidewalk is on one side of Cotton Ridge. There are no sidewalks on any of the cul-de-sac streets. Mr. Santora stated the proposed new plat for Hidden Lake East Phase II will be like the existing subdivision – the city and power companies are responsible for putting in the lights. Mr. Davis restated that the residents are concerned about the sidewalks and streetlights in the new phase, and to inquire as to who provides these amenities/services. Mr. Breaux responded to Mr. Davis that the current subdivision regulations state sidewalks shall be provided in residential subdivisions according to a chart, and/or as otherwise required by the Planning Commission where zoning exists, sidewalks shall be provided to these designations. The chart indicates that the requirements are 5 ft. sidewalks on one side of the street in this subdivision. This is not a cul-de-sac subdivision, so to look at those individual cul-de-sacs and say the developer doesn't have to provide sidewalks there is not what these regulations require. The Planning Commission has the ability to require sidewalks based on what is appropriate for the size and scale of the development. Mr. Santora disagreed with Mr. Breaux and said that those three streets are defined as cul-de-sacs, and no sidewalks are required in a cul-de-sac. Mr. Tindall confirmed with Vice Chairman Coleman that this issue came before the Planning Commission at the February 2016 meeting and the Director read what Mr. Breaux just read to extend the 5 ft. sidewalk on one side of the street to the end of the cul-de-sac (so all residents have access to a sidewalk), as written into our approval last month. Vice Chairman Coleman confirmed it was written in the minutes, "yes". Mr. Davis stated that the February 2016 approval for the Brookwood subdivision on John D. Odom Rd. with the same developer, represented by the same engineer. Mr. Barefoot stated that on the

current preliminary plat, there are no requirements for lighting by Wiregrass Electric/Alabama Power. The lighting would be paid for by the developer. The City of Dothan does not require the developer to pay for electric installation, and the City completes the installation. In this case, the homeowners association or some other entity would be responsible for paying for this installation of lighting. Mr. Barefoot continued that the code is somewhat unclear as to what is meant by the sidewalk requirements, but the Planning Commission can make requirements with the approval.

The floor was opened to the public: Mr. Steven Mlecik, 906 Edinburgh Way, raised the issue regarding the lights and sidewalks to make sure the board is aware that by not having these in the neighborhood, it will not be compliant with the Americans with Disabilities Act (ADA). Mr. Ben Shere, 118 Middlebury Court, has a few concerns: 1) no additional greenspace is allowed in this new plat for 96 residents; 2) the water level at the lake and the developer's responsibility to dredge the lake or keep it at a certain level of depth; 3) according to the Alabama Geological Survey, there is a sinkhole behind his house, so what happens when they start digging? Is there some abatement for this or concern?

Mr. Davis stated that the cul-de-sac off Cotton Ridge has had a number of issues with natural springs that discharge to the existing storm drains. Mr. Barefoot commented that he is not aware of a sinkhole that has been brought to the City's attention during that phase of the construction. Regarding the current proposed preliminary plat, engineering staff comments have been made requiring additional under drain in certain areas to carry the water to the storm drain system. The developer also has to show the Engineering staff their design for inlets and the storm drainage system specifically for Phase II, in order to verify the calculation for this internal drainage system (not for the pond). Mr. Barefoot confirmed Mr. Tindall's question that the pond calculations show that it is adequate storage for a peak 100 year flood. As construction begins, there may be even more requirements if engineering feels it is necessary. He continued that once the development is finished, it will be the homeowners' association responsibility to take care of the lake. During construction, if there is silt run-off from the storm drainage system into the lake, Engineering would require the developer to remove that specific sediment. He summarized by stating that the inlet structure and pond was originally designed for all the storm water runoff from the existing and proposed subdivisions (Ph. II), including the enlargement of the pond. Mr. Davis responded to Mr. Shere's question about greenspace by saying that this common area is the responsibility of the homeowners' association. Mr. Davis asked the developer if they are depending on the existing playground area next to the lake to be part of the greenspace for this new Phase II. Mr. Santora answered "yes" that is what the developer proposes as well as increasing the size of the individual residential lots. It was stated that there will be additional greenspace area in the next development phase (Phase III).

Continued public comments on the floor: Ms. Kim Busby, 114 Hattiesburg (existing cul-de-sac off Hwy. 84) stated the level of the lake increased 12 – 15 feet at the end and almost to the covered bridge. The developer does need to make sure that the lake can handle a 100 year flood. No pictures were taken, but the water line is still visible where it came up to. Mr. Barefoot stated this entire lake area is part of a special flood zone, therefore, it would come up to the level Ms. Busby said during the recent storm. He told Ms. Busby that she can come and examine the flood maps in Engineering Services, on floor 3, Suite 309, or she can go to FEMA's website and pull up her address.

Mr. Brewer returned to the sidewalk discussion regarding ADA minimum requirements. Mr. McDonald said he believes ADA minimum is 4 ft. sidewalks, with standards regarding cross slopes. Mr. Brewer offered a compromise for the developer to consider 4 ft. sidewalk and offset the cost of adding it in the cul-de-sac, in case the planning commission requires the sidewalks in the cul-de-sac. Mr. McDonald explained that the existing guidelines are for 5 ft. sidewalks on one side of the street for the whole development – not specific single finger cul-de-sacs. The Haven development approved on John D. Odom at the February meeting is basically one large cul-de-sac, with 74 lots and one road for ingress/egress. In Hidden Lake East (Ph. II), there are two roads for ingress/egress. There would be a

separate procedure required if the planning commission were to alter the guideline requirements from a 5 ft. to a 4 ft. sidewalk, which would involve a justification statement by the developer for that purpose. Mr. Tindall stated that a 4 ft. sidewalk is not sufficient room for a neighborhood of this size to accommodate all residents walking with strollers, dogs, etc. Vice Chairman Coleman reminded the board that as they consider the issue of sidewalks, they are to decide based upon case #S-16-0071, Hidden Lake East Subdivision, as to how it is presented today. Ms. White confirmed that item # 7 of the Engineering portion of the Staff Report states: This subdivision will require 5' sidewalk as per code requirements. She questioned whether this language is intended to include the cul-de-sacs or not? Mr. Barefoot responded, since he was responsible for writing these comments (which may be different than Mr. Breaux's and Mr. McDonald's interpretation), he understands the code to mean the roads in question, by definition, are cul-de-sacs, and his #7 would **not** include the cul-de-sacs being required to have 5' sidewalks. The remainder of the streets within the whole subdivision would be included to require 5' sidewalks. Mr. McDonald explained that as a planning commission, you have to look at this development at a whole, and if the planning commission agrees not to have the sidewalks in three cul-de-sacs in a development that will have 96 lots or more, then the regulations are flexible enough to allow this to happen. Mr. McDonald explained that the cul-de-sac exception is intended for smaller developments with less than 400 trips per day. Here, we are talking about a larger development, as opposed to the John D. Odom subdivision approved last month, which was basically one cul-de-sac. Mr. McDonald explained that the 400 ft. trip exception is in the code for smaller developments where sidewalks would be economically difficult to do. Mr. Tindall said that he believes this is an inadequate subdivision design and will not be able to approve the case when it comes to a vote. Mr. Santora responded that this preliminary plat meets all City regulations. ***Vice Chairman Coleman called for a motion regarding S-16-0071, Hidden Lake East Subdivision Phase II. Ms. White made the motion to approve case S-16-0071 to include the three staff recommendations and city department recommendations. Mr. Freeland seconded and the motion passed with six yes votes, two no votes (Tindall & Pettway), and one abstained vote (Davis).***

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-16-0071.

6. **DPMA-16-0072: Request approval of a Development Plan for a new 14,340 square foot group care facility, 831 John D Odom Rd., A-C District, The Haven Inc., represented by Northstar Engineering Services.** Mr. Breaux stated that the Planning Commission had recently approved the rezoning of the property into two separate districts (southernmost 6.42 acre portion to be rezoned to O-I and the remainder to be zoned R-1). This rezoning is still pending and will be acted upon by the City Commission on April 5, 2016. A subdivision plat has been approved by the Planning Commission that would create 74 single-family lots within the R-1 portion and one commercial lot within the O-I portion for The Haven facility. This development plan application is for the proposed O-I commercial lot for The Haven, and two residential buildings are being proposed, each with 7,170 sf. All existing buildings on the site will be demolished as the developer is going through this construction phase. He showed the site layout with this new commercial lot abutting the proposed single family lots. They are proposing typical elevations that are very compatible with the single family setting. He summarized that Planning and Development is recommending approval. Mr. Wayne Palmer, Engineering Systems, came to the podium to represent the developer and state he has no objections to the seven conditions for approval, as presented in the staff report. There were no public comments or questions from the commission members. ***Vice Chairman Coleman called for a motion regarding DPMA-16-0072, The Haven, Inc. Ms. Pettway made the motion to approve case DPMA-16-0072 including the seven (7) conditions in the staff report. Mr. Taylor seconded and the motion passed unanimously.***

1. Parking calculations must be provided on the plan showing compliance with the required standard;
  2. Rezoning approval by the City Commission of the property to O-I as proposed;
  3. The concrete columns and sign must be removed from the public right-of-way;
  4. 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;
  5. Resubmit the development plan incorporating all design changes;
  6. All future correspondence or building permit plan submittal must make reference to Case DP-16-0072 and,
  7. 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-16-0073: Request approval of a Development Plan for a 3,020 square foot gas station/convenience store located at Brannon Stand Rd. and Flowers Chapel Rd., B-3 District, Home Oil Company represented by Northstar Engineering Services.** Mr. Breaux stated the adjacent property was recently approved as a residential subdivision. He showed the proposed site plan and said that changes will be required affecting the driveways, roadway improvements on Flowers Chapel Rd., and that the state DOT requirement allow only one driveway on S. Brannon Stand Rd. The store is approximately 3,000 sq. ft. on 2.3 acres, and convenience stores are permitted only by special exception within the B-3 District, based on the new zoning code provisions which took effect January 2016. Therefore, this case will go before the Board of Zoning Adjustment to authorize this gas station use with 16 fueling positions; 2 separate canopies. A Type II Buffer is required to separate the commercial use from the approved single-family use subdivision to the east. We are recommending approval with our staff recommendations (1 – 5). Mr. Tim Shirley, 2300 Brookhill Drive, President of Home Oil Company, addressed the Board and said he concurs with everything the staff has recommended with the exception of the Type II Buffer along the eastside. Due to safety reasons, maintenance, customer and employee safety and security, he cannot agree to the Type II Buffer. He met with the staff two weeks ago hoping to resolve this issue. As he understands the regulations, there is a 25 ft. Type II buffer when a commercial operation locates next to a residential use. Our engineers have designed a pond large enough to take care of the storm water from both developments. We met two weeks ago and asked that the retention pond be allowed to serve as the buffer, because the pond is bigger than the buffer required. He said this was not received positively in the meeting, but as a developer, businessman and taxpayer, he does not know why a retention pond that is 32 ft. to 62 ft. wide cannot serve as a buffer also. Vice Chairman Coleman asked Mr. Breaux if the retention pond is on the Home Oil Co. property or someone else's property. Mr. Breaux responded that it would be on the adjacent property. Mr. Shirley stated that he bought the proposed 2.3 acre property from Mr. Hugh Wheelless, the owner of this adjacent property, which gives him lifetime easement for use of that retention pond. They are both using Northstar Engineering Services for the entire development, and have been in business 50 years, operating in 3 states and 107 communities. He summarized that the rule unfortunately doesn't allow flexibility for the staff, but he has met the spirit of the intent by offering a retention pond as a buffer.

The floor was opened to the public for comments: Mrs. Connie Markendorf, 106 Critton Court, addressed her concerns: 1) Highlands Elementary School is located across the street from the proposed convenience store/gas station, which will be selling liquor/alcohol to customers, 2) the traffic pattern will be disrupted and safety issue will exist with the parents picking up their children to/from school. Vice Chairman Coleman responded the liquor license would be addressed by the City Commission and ABC board. Mr. McDonald stated they would most likely apply for an off-premise license for beer and wine, not liquor, which would have to be approved by the City Commission. Mr. Steven Mlecik, 906 Edinburgh Way, stated 1) the elevations are misleading, showing a quaint store, rather than the large canopies which will be brightly lit; 2) he is concerned about the signage; 3) he wants to see what vegetation and plantings will be around the store; 4) a development of this type is not commensurate with the character of the neighborhood and school, but

would be better at the vacant space on Hwy. 84 and corner of S. Brannon Stand Rd.; and 5) these facilities are well known for high crime. Mr. Breaux stated that this use is not allowed by right and requires the approval of the Board of Zoning Adjustment (BZA). Therefore, he would invite anyone who has a concern about the use of this property to come to the next BZA meeting, to be held April 6, 2016, in this same room. The BZA can deny the use, approve it as presented, or approve with additional conditions. The landscaping plans and site development plans (including signage) are located in the Planning and Development office on Floor 3, Suite 305, for public viewing. Mr. Breaux confirmed Mr. Tindall's question that the landscaping plan meets the requirements, with the exception of the required shrub sizes not being identified.

Mr. Cornelius asked Mr. Breaux if the Type II buffer's intent is to shield the building from the neighboring property. Mr. Breaux read the definition of the buffer: The use of landscaping, retained native vegetation, or landscaping along with berms, walls, or decorative fencing that has 80% opacity within five (5) years so as to screen from the street or an abutting property, vehicular use areas, parking lots, parked cars, detention ponds and conflicting activity areas in order to mitigate the impacts noise, light, and other nuisances. Mr. Breaux summarized that the site plans originally received and reviewed by staff show the Type II buffer. After submission of this plan, the developer met with Mr. McDonald and the City Manager and explained he did not want to provide the Type II buffer as presented (entirely on his property). He understands the developer wants to shift the Type II buffer into the retention pond. He stated that he was not part of these recent conversations with Mr. Shirley and no other plan was received. The Planning Commission has the ability to reduce a Type II buffer, by up to 5 ft. If it is reduced by 5 ft., then they are required to enhance the trees and shrubs by 20% and to provide an 8 ft. fence. The code is specific that if anyone requests a variance to the buffer requirements, that request needs to be made with the development plan application, provide justification as to why they need the reduction, and then staff can analyze the request and make a recommendation to the Planning Commission. We did not receive any such request with the original application, and reacted only to what was submitted to us. Mr. Shirley responded that the reason this retention pond was not proposed initially, is because the driveway entrance had to be moved based on the state's requirements to also serve a future lot. He explained that the convenience store will not sell liquor and that in the mid-80's, his company wrote, supported, and passed the Responsible Vendor Program with the ABC Board in Montgomery, AL. His employees receive extensive training to sell alcohol on the site. He responded to the sign/lighting concern of the store/gas station by saying that the public is welcome to see another store located at 2808 East Main Street and Beverly Rd., which is similar to this proposed location at S. Brannon Stand. He also wanted to clarify the crime concern stated earlier that convenience stores are not the top target for robberies at businesses, but cash stores and banks are higher targets. Mr. Davis asked for clarification regarding the relationship between the buffer and the car wash site for the development plan. Mr. Shirley said that there have been three choke points created with the 25 ft. buffer. Because of one driveway having to be relocated, trucks have to make a 90 degree turn, creating a safety and maintenance issue. Eighty percent (80%) of our business is done in 20% of the time, which causes choke points due to volume of activity. Our engineers have adapted the drawings to the City's requirements, and this is what caused us to meet two weeks ago. As he understands the ordinance, 25 ft. of his property has been taken away from development to satisfy the buffer. He needs the extra space in the northern back corner of the lot to create a better environment (so the carwash cannot be moved to this back location, as asked by Mr. Brewer, as an option to consider). Ms. Pettway had a concern about the proximity to Highlands Elementary School, and asked Mr. Shirley if this was a concern of his when he purchased the property. He said it is not a concern because he has had a gas station/convenience store across from Dothan High School, and has two stations on each side of Northview High School, with many faculty and students as customers. Mr. Freeland wanted to confirm regarding the buffer that the Planning Commission could only give the developer 5 ft. Mr. Breaux confirmed that the ordinance says up to 5 ft. and that no variance from that could be granted. Mr. Shirley replied that he is asking the Planning Commission to allow him to move the buffer and use the retention

pond as the buffer. Mr. Freeland wanted to point out to the commission that the Planning Commission recently approved a Raceway gas station/convenience store on the corner of Westgate Parkway and Hwy. 231 (Northview High School across the street), and there were no concerns or comments at the time of approval. Ms. White wanted clarification on the easement and how Mr. Shirley's proposed gas station/convenience store site will use that easement he has rights to for the buffer. Mr. Breaux responded that it is the Planning Commission's decision regarding this perpetual easement. As was the case with the Dollar General Store on Westgate Parkway, approved by the Planning Commission in February 2016, we received a perpetual easement for the purpose of providing a buffer that was on the adjacent property. This procedure is not unprecedented anymore, and it is a legal document which would be sufficient to ensure that the property would only have that specific use. The issue here is that we have only been provided the preliminary plan which shows a Type II buffer (per the code requirements), rather than this new proposal with a retention pond to be shared. As I read to you before, the buffer provisions are to screen things like retention ponds, so we do not recommend putting a buffer in the retention pond. I do not know how we would do this and still meet the intention of the code, or how that affects the functional nature of the retention pond, with vegetation planted in it. If the developer asks for a reduction to the buffer, it needs to be part of the application, with justification, and then the planning and development staff can make a recommendation to the Planning Commission. Mr. Davis wanted clarification and asked if Mr. Shirley is planning on planting inside the retention pond, or what is the actual buffering proposed to hide the convenience store/gas station from the residential area? Mr. Barefoot stated that the City would not want any planting in the retention pond, but depending on the embankment slope, the area can be used for plantings of trees/shrubs at the top of the pond itself. Mr. Freeland stated that since there is confusion about the buffer issue, it may be best to table this decision so clarification can be made and more time given to meet with the city regarding the future documents to be provided. Mr. Brewer reiterated that as the application was submitted, it includes a Type II buffer. He then asked Mr. Shirley if this issue is a deal breaker. Mr. Shirley responded "Yes, it is a deal breaker for me." He said he has experience in dealing with the choke points of the gas station/convenience store/car wash area. We don't anticipate any problems here, but know that our vendors, employees, customers, and maintenance occur during the following hours (80% of our business), which must be accommodated: 7:30 – 9:30 am, 11:30 – 1:30 pm, 4 – 6 pm, and 8 – 10 pm.

Ms. White asked if Mr. Shirley had been told at the meeting two weeks ago that he needed a letter requesting a variance from the original plans submitted. Mr. McDonald responded he met with Mike West, Mr. Shirley, and the contractor. They discussed that the Planning Commission does not have the authority to reduce the buffer to anything less than 20 feet. With the plan that was originally submitted, there is no need for a variance, as has been indicated to you in the staff report. The regulations say the buffer can be reduced from 25 ft. to 20 ft. (a reduction of 5 ft.), but not below 20 ft. At the meeting, he said he wanted to locate the buffer on the adjacent property (Mr. Wheelless, owner). No discussions have been had with the owners of the adjacent property. Since we already have problems in the city with retention ponds, we should not allow planting in them. The construction plans have not been approved yet. There is no guarantee that the pond configuration will be the same whenever engineering services makes its final approval. Mr. Breaux then presented the current plans, dated February 12, 2016, which are the only plans that have ever been received and are the basis for the staff report. Ms. White asked if staff has seen the easement document from Mr. Wheelless. Mr. McDonald answered "no." Mr. Shirley said he will provide what is needed to the Planning and Development department. Mr. Brewer commented that if Mr. Shirley is suggesting moving the buffer to the adjacent property, then that property owner would need to give Mr. Shirley a 25 ft. easement there and locate the retention pond beyond that. Mr. Shirley said that in the meeting two weeks ago he was told there was to be nothing planted in the retention pond. Mr. Brewer and Ms. White agreed that there should be nothing planted in the retention pond. Mr. Shirley responded that the buffer would start 5 ft. behind the carwash. If a fence is needed, he can put one up. Mr. Brewer said the width of the buffer (pond) doesn't stop the sound or

light, but the plantings in the buffer will. Mr. Santora clarified that Mr. Shirley wants to use the adjacent property owner's retention area, which Mr. Shirley has an easement to (the pond is designed for both property sides), to be a dual purpose buffer to reduce the impact on land. Mr. Santora also confirmed that whichever development is constructed first (Wheelless or Shirley) will build the proposed retention pond. Mr. Barefoot added that the engineering department currently has the subdivision plans in-house and is reviewing them for approval at the same time.

Mr. Tindall proposed a motion that DPMA-16-0073 be approved with all of the comments by staff, and with an additional condition that the applicant's engineer submits drawings/profiles to the satisfaction of the city's planning and engineering departments that the plantings off the property boundary next to the proposed buffer area meet with their approval and the requirements of a Type II buffer. There was no second to Mr. Tindall's motion. Mr. Brewer made a motion to approve case DPMA-16-0073 with the five (5) staff conditions; adding the following:

6) A shared Type II buffer, with 5 ft. on this development and 20 ft. on the adjacent property. Additional plantings of 20% and an 8 ft. privacy fence will be constructed on the 5 ft. of Mr. Shirley's development.

7) Mr. Shirley will provide written documentation of the perpetual easement that he has with the adjacent property owner.

8) A revised plan to the city's planning and development staff that documents changes to the existing landscape/development plan proposed.

Mr. Tindall seconded this motion. Vice Chairman Coleman asked if there was any further discussion. Ms. White then asked how the additional plantings and fence will fit on the 5 ft. area. Mr. McDonald responded that the additional plantings could not be accommodated within only the 5 ft. side of the buffer.

Mr. Brewer then stated he can revise his motion to be a 25 ft. buffer, 5 ft. on Mr. Shirley's side and 20 ft. on Mr. Wheelless's side, and eliminate the privacy fence. Mr. Santora agreed that this would be a "cleaner" plan, from an engineering standpoint. **Vice Chairman Coleman requested Mr. Brewer restate the motion for approval for case DPMA-16-0073, including the five (5) staff conditions. Mr. Brewer continued the motion, adding the following conditions:**

**6) A 25 ft. Type II shared buffer (5 ft. on proposed development and 20 ft. on the adjacent property), with no retention pond allowed within this buffer. No plantings of the buffer will be allowed in the retention pond.**

**7) Provide written documentation of the perpetual easement shared on the property.**

**8) Provide a revised landscape plan to the planning and development to staff for approval.**

**Mr. Tindall seconded and the motion passed with eight (8) yes votes and one (1) no vote (Ms. Pettway).**

1. Approval of a Special Exception by the Board of Zoning Adjustment;
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. A shared Type II Buffer shall be provided between the subject site and the site to the east. Said buffer shall be located 5 feet on the subject site and 20 feet on the adjoining property and no plantings shall be allowed within any interior portion of the detention/retention pond;
5. A perpetual buffer easement document must be submitted to the City for review and approval prior to its recordation in the public record of Houston County;
6. A buffer plan depicting full details on plantings, buffer locations, pond locations, etc., must be submitted to the City for review and approval prior to the commencement of any construction;
7. All future correspondence or building permit plan submittal must make reference to Case DP-16-0073 and,
8. 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. **DPMA-16-0075: Request approval of a Development Plan for a new 3,750 square foot fellowship hall, Greater Dothan Ministries, 2041 Mimosa Dr., R-1 District, Greater Dothan Baptist Ministries represented by Northstar Engineering Services.** Mr. Breaux showed the site map of the existing church and proposed fellowship hall, which is zoned R-1, and is on a 0.5 acre lot. The adjacent property across the street on Mimosa Dr. is zoned agricultural. They will utilize their existing parking, and the church will be connected by a breezeway to the fellowship hall. The institutional use is only allowed by special exception, and the Board of Zoning Adjustment (BZA) did grant them approval at the March 2, 2016 meeting. They did agree as a condition to the approval that a Type II Buffer be around all four sides of the property. The only question we have is what the future use of the existing building will be once they move into the fellowship hall, which may require them to come back before the BZA or Planning Commission because there may be issues with traffic or parking. With this being said, we are making recommendation for approval with the five (5) conditions in the staff report. Ms. White asked for clarification that the Type II Buffer is required along all four sides of the site, as opposed to three sides. Mr. Breaux stated the code requires that whenever you have a non-residential use that abuts residentially zoned or used property, and a two lane roadway (Mimosa Dr.) is considered to be an adjacent property, then the property is required to have this additional Type II buffering. Mr. Jones, 312 Chapelwood, came to the podium on behalf of the church. This will be a children's ministry building for multi-classroom space and various activities, but not for a school. This is a dirt road that no one wants to pave, with existing hedges in front of the building and a fence on the left side as you face the building. He wanted to know why the requirements for the plantings will be additional, and if they need to dig up the current ones that are there. Does the fence suffice on the left side, separating the property from individual homes, or does it need to be replaced by hedges and trees? Mr. Breaux responded "no" it will not need to be removed, just enhanced with landscaping plantings. Mr. Santora asked for clarification on the front of the property to buffer a dirt road, which will only have to be added to the existing plantings. Mr. Breaux restated that as the Board of Zoning Adjustment (BZA) approved, the 25 ft. Type II Buffer is around the entirety of the church's property (all four sides). Because the church owns property to the east of the existing building, it is subject to the Type II Buffer requirement. The code requires that the site be brought up to the current landscaping standards due to the expansion of the use. **The church property does not conform with the current code.** Vice Chairman Coleman confirmed with Mr. Breaux that the Board of Zoning Adjustment (BZA) is requiring them to put shrubbery and trees on all the property that the church owns. Mr. Breaux explained that the BZA discussed this and agreed that all four (4) sides of the property require the Type II Buffer. The expanded use that is now proposed for the church needs to be brought into compliance with the existing code. The buffer border must go around the entire property that is owned by the church. Mr. Breaux asked Mr. Jones if he was in attendance at the Board of Zoning Adjustment (BZA) March 2, 2016 meeting, and he responded he was not. Mr. Breaux continued that the buffer is not for the church, but for existing residential uses and for what will develop in the future. The adjacent property is zoned agricultural, but single family residential can be built in agricultural zones following R-1 standards. Mr. Santora asked that if Mr. Jones agrees to the Type II Buffer today and then goes back to the BZA and get the buffers changed, would the church need to come back before the Planning Commission for approval? Vice Chairman Coleman said this can be addressed as a condition in the motion before a vote is taken. Mr. Breaux summarized by stating it was the BZA's interpretation as to how far that buffer needed to extend, and their final action to approve, as recommended in the staff report, was that there would be no reductions to the buffers. This was discussed at both the pre-meeting and regular meeting of the Board of Zoning Adjustment (BZA) in March 2016. Vice Chairman Coleman suggested that the Planning Commission approve "as-is", with an additional condition that says the Planning Commission will accept any further decisions made by the Board of Zoning Adjustment (BZA) regarding this case. **Vice Chairman Coleman called for a motion regarding DPMA-16-0075, fellowship hall, Greater Dothan Ministries. Mr. Brewer made the motion to approve case DPMA-16-0075 with the five (5) staff conditions, and if the applicant goes before the Board of Zoning Adjustment (BZA) and has the buffer reduced, the Planning**

**Commission will accept those changes approved by the Board of Zoning Adjustment (BZA). Ms. White seconded and the motion passed unanimously.**

1. A Type II Buffer shall be provided along all property lines per Sec 114-242(2);
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. Further Planning Commission action will not be necessary if the Board of Zoning Adjustments revises their approval conditions regarding buffering;
5. All future correspondence or building permit plan submittal must make reference to Case DP-16-0075 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.

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

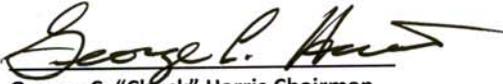
Mr. Breaux stated there were two new projects:  
New Aviation Training Center on Flight Safety Drive  
Krystal Restaurant at 1051 Ross Clark Circle

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

In the interest of time, Mr. Freeland requested this discussion be continued next month.  
**Mr. Brewer motioned this discussion item be continued to the April 20, 2016 meeting. Ms. White seconded and the motion passed unanimously.**

**11. Adjourn.**

**Mr. Brewer made a motion to adjourn. Mr. Freeland seconded and the meeting was adjourned at 11:32 a.m.**

  
George C. "Chuck" Harris Chairman

  
Kim Vann, Secretary