



PLANNING COMMISSION AGENDA

A public hearing will be held by the Planning Commission of the City of Dothan, Alabama, on **Wednesday, May 18, 2016 at 9:00 a.m.**, in the City Commission Chambers, 126 North St. Andrews Street, Room 203, of the Roy L. Driggers Municipal Building (Civic Center).

The Planning Commission will have a preliminary meeting to review the agenda with the Planning Staff on Monday, May 16, 2016 at 3:30 p.m., in **Board Room, Second floor of the Civic Center.** This meeting is also open to the public.

The following items will be reviewed at both meetings:

1. ***Approval of Agenda***
2. ***Approval of April 20, 2016 Meeting Minutes***
3. ***Disclosure of ex parte contact***

Old Business

None

New Business

4. **RZ-16-0109:** Request recommendation for Rezoning of 1620 East Burdeshaw Street, (Parcel ID 381004191001006.000), From H-I District to R-3 District, Alexander Johnson and Channie Johnson.
5. **RZ-16-0144:** Request recommendation for Rezoning of 1111 West Burdeshaw Street from B-3 District to R-4 District, Jimmy Gay.
6. **DPMA-16-0149:** Request approval of a Development Plan for the expansion of the rental equipment parking lot at United Rentals, 1321 Montgomery Hwy, L-I District, Ronnie Driskell.
7. **RZ-16-0152:** Request recommendation for Rezoning of 11.1 acres located behind 1004 Circleview Dr., (Parcel ID 38-09-07-36-4-002-031.000) from H-I District to A-C District, John T. Watkins, Jr.
8. ***Consent Items: Minor Development Plans & Subdivision Plats***
9. ***Adjourn.***

Anyone interested in any item listed on this agenda is encouraged to contact the Planning and Development Office at 615-4410 for further information.

**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 Plats**

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



**PLANNING COMMISSION
STAFF REPORT – May 18, 2016 MEETING
CASE NUMBER: RZ-16-0109
Case Manager: Frank G. Breaux, AICP**

Summary of Information:

Property Location:	1620 East Burdeshaw Street (multiple lots)
Requested Action:	Rezoning from H-I to R-3
Applicant:	Alexander Johnson
Property Owner:	Alexander Johnson

Zoning/Land Use:

EXISTING LAND USE - SUBJECT	SINGLE-FAMILY RESIDENCE & VACANT LOTS
EXISTING LAND USE - NORTH	VACANT
EXISTING LAND USE - SOUTH	INDUSTRIAL/IDLE
EXISTING LAND USE - EAST	VACANT
EXISTING LAND USE - WEST	SINGLE-FAMILY RESIDENCES/
ZONING DISTRICT(S) - SUBJECT	H-I (HEAVY INDUSTRIAL)
ZONING DISTRICT - NORTH	H-I
ZONING DISTRICT - SOUTH	H-I
ZONING DISTRICT - EAST	H-I
ZONING DISTRICT - WEST	H-I
PROPOSED ZONING - SUBJECT	R-3 (SINGLE-FAMILY HIGH DENSITY RESIDENTIAL)

ARTICLE VII. - CLASSIFICATION AND ESTABLISHMENT OF USES

R-3, Residential single-family, high density. This district is intended to provide for high density urban residential development, containing single-family dwellings along with related recreational facilities protected from intrusion of non-residential activity. Lots sizes in R-3 districts range from four-thousand (4,000) square feet to eight-thousand-three-hundred-ninety-nine (8,399) square feet.

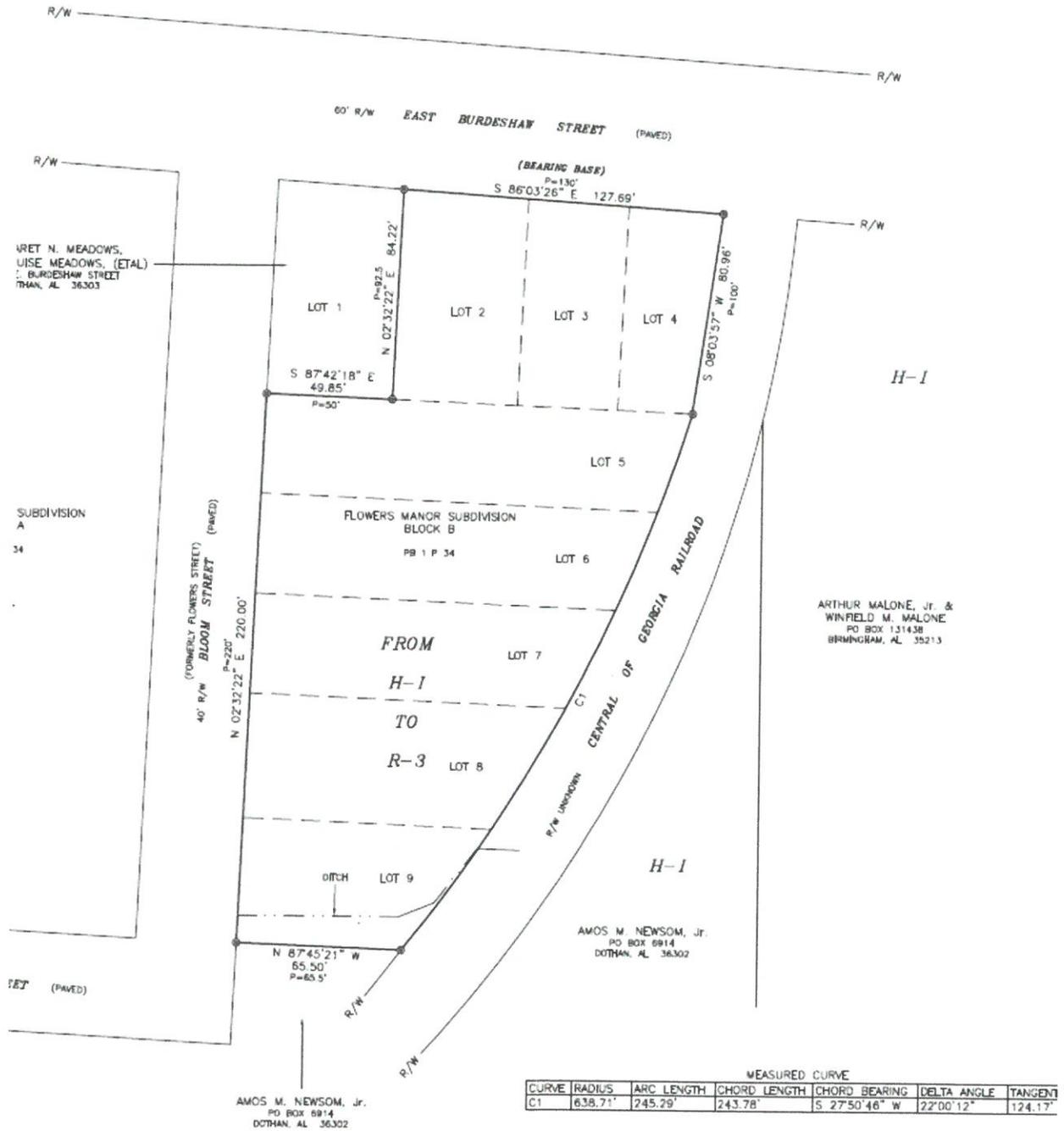
General Discussion: The subject property consists of eight (8) lots, more specifically referred to as Lots 2-9, Block B, of Flowers Manor Subdivision. Lots 2-4 front on East Burdeshaw Street and Lots 5-9 front on Bloom Street. Lots 4-9 also abut the right-of-way of the Central of Georgia Railroad (inactive). There is a single-family residence located at 1620 E. Burdeshaw (Lot 2) that is a legally existing nonconforming use in the H-I District. The H-I District does not allow any type of residential use.



VICINITY



AERIAL



H-1

SURVEY

Findings of Fact:

- A single-family residence is not an allowed use in the H-1 Zoning District.
- A single-family residence is a permitted “by right” use within the R-3 Zoning District.

Staff Recommendation: Staff finds that the request is reasonable given the property’s location and the applicant’s desire to cure its nonconforming status. The rezoning of the subject lots to R-3 will make it consistent with the predominant single-family uses in the immediate vicinity and the proposed R-3 District is also consistent with the Future Land Use Map. Staff therefore recommends that Case No. RZ-16-0109, a request to rezone Lots 2-9, Block B, of Flowers Manor Subdivision from H-I to R-3, having been duly considered in a public hearing held on May 18, 2016, following advertised legal notice, **be referred to the Dothan City Commission with an affirmative recommendation** from the Planning Commission subject to the provisions of the City of Dothan Zoning Ordinance.



**PLANNING COMMISSION
STAFF REPORT – May 18, 2016 MEETING
CASE NUMBER: RZ-16-0144
Case Manager: Frank G. Breaux, AICP**

Summary of Information:

Property Location:	1111 West Burdeshaw Street
Requested Action:	Rezoning from B-3 to R-4
Property Owner:	Jimmy Gay

Zoning/Land Use:

EXISTING LAND USE - SUBJECT	DUPLEX APARTMENTS
EXISTING LAND USE - NORTH	SINGLE-FAMILY RESIDENTIAL
EXISTING LAND USE - SOUTH	OFFICE
EXISTING LAND USE - EAST	SINGLE-FAMILY RESIDENTIAL
EXISTING LAND USE - WEST	CHURCH
ZONING DISTRICT - NORTH	R-4 (RESIDENTIAL ATTACHED MULTI-FAMILY)
ZONING DISTRICT - SOUTH	B-3 (LOCAL SHOPPING)
ZONING DISTRICT - EAST	B-3
ZONING DISTRICT - WEST	R-4
PROPOSED ZONING - SUBJECT	R-4

ARTICLE VII. - CLASSIFICATION AND ESTABLISHMENT OF USES

R-4, Residential, attached multi-family, 2-7 dwelling units, high density. This district is intended to provide for high density urban residential development, containing at least two (2) attached dwelling units but not more than seven (7) attached dwelling units, along with related recreational facilities protected from the intrusion of non-residential activity. Single-family dwellings are permitted in R-4 districts utilizing R-3 dimensional regulations as part of the overall mix of housing uses but not independently. Lot sizes in R-4 districts range from four-thousand-eight-hundred (4,800) square feet to sixteen-thousand-eight-hundred (16,800) square feet, but lots can be larger if so desired. When approved by the building official and the planning commission, zero lot lines are permitted along common walls of attached dwelling units. However, a minimum separation is required between all unattached buildings and/or structures; see the Table of District Dimensional Regulations for standards. This definition is intended to include townhouses as modified by this chapter.



VICINITY



AERIAL

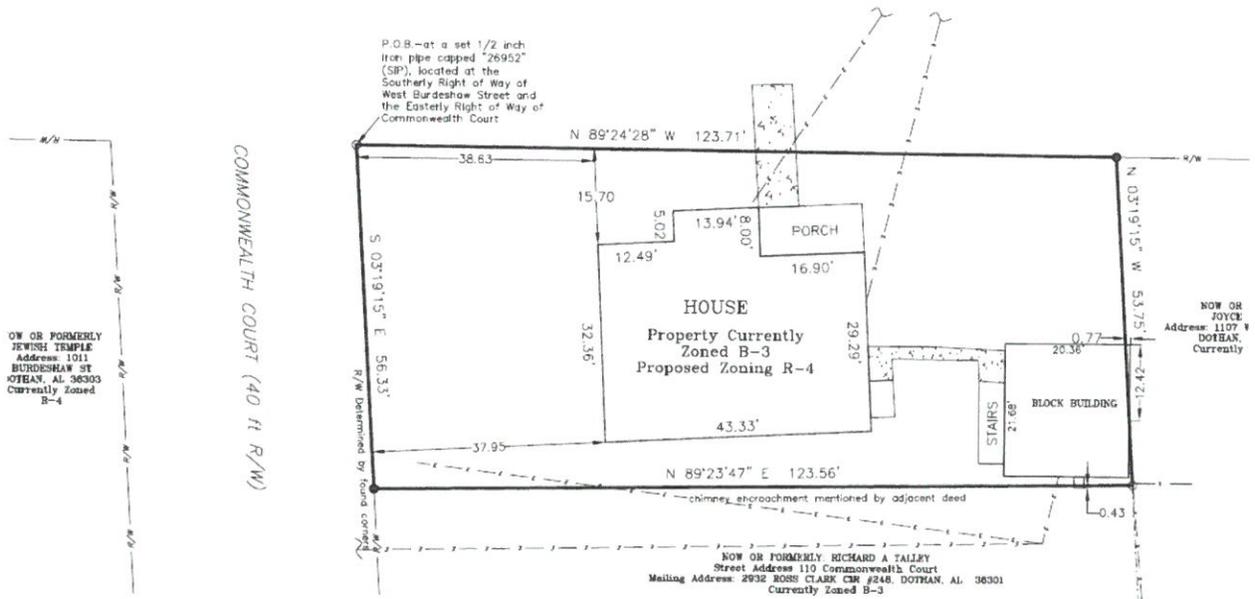


Said land Located in the Northwest 1/4 of the Northeast 1/4 of Section 23, Township 3 North, Range 26 East, and being the all or part of the same properties described in Deed 647, Page 557, Houston County, Alabama, Probate Records.

EXCEPT AS THE SURVEY IS OTHERWISE SPECIFICALLY NOTED, THIS SURVEY IS SUBJECT TO CHANGE DUE TO NATURAL CAUSES AND MAY OR MAY NOT REPRESENT ACTUAL LOCATION OF LIMIT OF TITLE, FOUNDATIONS AND UNDERGROUND UTILITIES ARE NOT LOCATED UNLESS OTHERWISE SHOWN OR NOTED.



WEST BURDESHAW STREET (60 ft R/W)



SURVEY

General Discussion: The subject property is located at the southeast corner of West Burdeshaw Street and Commonwealth Court. Improvements include a duplex apartment and a detached garage apartment. Residential uses are not allowed within the B-3 district. According to City utility records, the property has not been used for residential purposes since 2012. Given the time that has elapsed, the residential use of the property is no longer “grandfathered” and any subsequent use will need to comply with the Table of Permitted Uses for the B-3 District.

Findings of Fact:

- Apartments are not an allowed use in the B-3 Zoning District.
- Apartments (2-7 units) are a permitted “by right” use within the R-4 Zoning District.
- The lots are adjacent to single-family residential uses.
- There is R-4 zoning to the north and to the west of the subject.

- The immediate vicinity constitutes a transitional area between predominantly residential uses to the north and office/light commercial uses to the south.
- The physical attributes of the subject lot do not lend themselves well to development as a commercial property.

Land Use Impact on Vicinity: The land uses allowed within the R-4 District are similar to and consistent with surrounding nearby residential properties. The residential structure located at 1111 West Burdeshaw Street has existed since 1940 and rezoning the lot to R-4 will have no impact on surrounding properties.

Land Use Compatibility/Land Use Plan: The Future Land Use Map identifies the subject parcel as suitable for commercial uses. The request is therefore inconsistent with the Future Land Use Plan.



FUTURE LAND USE MAP

Impact on the Environment: The property is typical of others in the vicinity and there are no anticipated environmental impacts.

Impact on Public Services and Facilities: The property is located within the urbanized area with existing infrastructure. There are no anticipated impacts to public services or facilities with the proposed rezoning.

Staff Recommendation: Although inconsistent with the Future Land Use Map, Staff finds that the request is reasonable given the property's location and the applicant's desire to cure its

nonconforming status. The rezoning of the subject lot to R-4 will make it consistent with the predominant residential uses in the immediate vicinity and will allow an otherwise idle and deteriorating property to again be used as local housing stock. Staff therefore recommends that Case No. RZ-16-0144, a request to rezone 1111 West Burdeshaw Street from B-3 to R-4, having been duly considered in a public hearing held on May 18, 2016, following advertised legal notice, **be referred to the Dothan City Commission with an affirmative recommendation** from the Planning Commission subject to the provisions of the City of Dothan Zoning Ordinance.



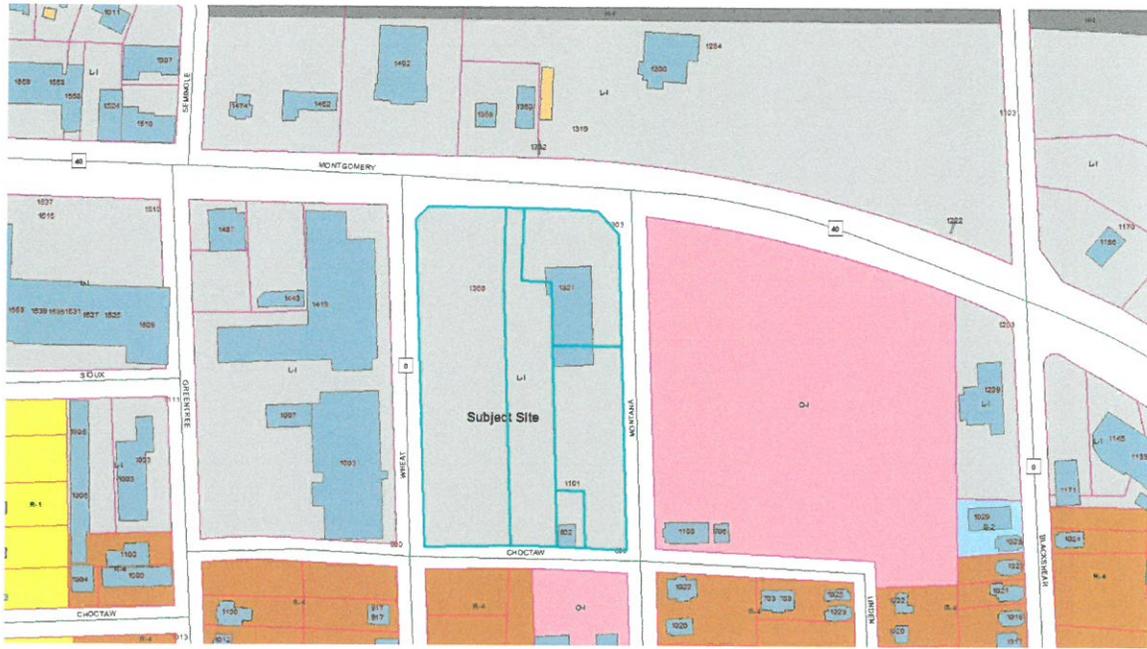
PLANNING COMMISSION
MEETING DATE – May 18, 2016
CASE NUMBER: DP-16-0149
Case Manager: Frank G. Breaux, AICP

Summary of Information:

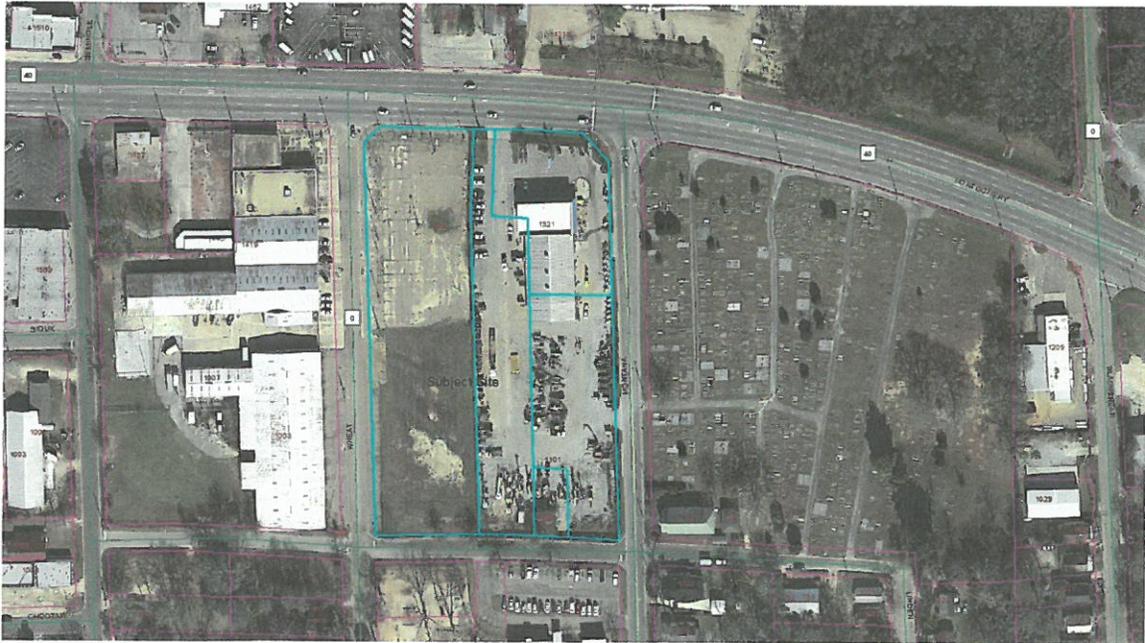
Project Name:	United Rentals Expansion
Property Address:	1321 Montgomery Highway
Requested Action:	Development Plan Approval
Applicant:	United Rentals
Property Owner:	Loftin Building Partnership

Zoning/Land Use:

ACREAGE OF SITE	2.07 (EXPANSION AREA)
PROPOSED USE	HEAVY EQUIPMENT SALES/RENTAL
EXISTING LAND USE - SUBJECT	HEAVY EQUIPMENT SALES/RENTAL
EXISTING LAND USE - NORTH	COMMERCIAL/RETAIL
EXISTING LAND USE - SOUTH	INSTITUTIONAL/SCHOOL
EXISTING LAND USE - EAST	INSTITUTIONAL/CEMETARY
EXISTING LAND USE - WEST	COMMERCIAL/INDUSTRIAL
ZONING DISTRICT - SUBJECT	L-I (LIGHT INDUSTRIAL)
ZONING DISTRICT - NORTH	L-I
ZONING DISTRICT - SOUTH	R-4 (RESIDENTIAL ATTACHED HIGH DENSITY) & O-I (OFFICE & INSTITUTIONAL)
ZONING DISTRICT - EAST	O-I
ZONING DISTRICT - WEST	L-I
FUTURE LAND USE MAP - SUBJECT	COMMERCIAL
FUTURE LAND USE MAP - NORTH	COMMERCIAL
FUTURE LAND USE MAP - SOUTH	RESIDENTIAL SINGLE-FAMILY
FUTURE LAND USE MAP - EAST	COMMERCIAL
FUTURE LAND USE MAP - WEST	COMMERCIAL
SETBACK-FRONT	20 FT.
SETBACK-REAR	35 FT.
SETBACK-SIDE	20 FT.
BUFFERS	TYPE 2 - ALONG SOUTH



VICINITY



AERIAL



SITE PLAN

General Discussion: United Rentals operates a heavy equipment rental business at 1321 Montgomery Highway in the L- I District. The applicant proposes to expand their inventory storage area to the vacant parcel to the west of the current site. This adjacent parcel is the former site of Solomon Chevrolet and is partially improved with a paved parking surface over the north half of the site. According to the plans submitted, the only proposed improvements to the site include security fencing, peripheral landscaping and the addition of gravel to the southernmost unpaved half of the property.

Land Use Impact on Vicinity: The uses in the vicinity of the subject site are primarily commercial and industrial. There are, however, single-family residences and an elementary school located to the south of the site. Proper buffering is therefore critical towards mitigating any negative impacts on surrounding properties.

Land Use Compatibility/Land Use Plan: The proposed expansion, while compatible with existing industrial and commercial land uses, may conflict with the single-family residential properties to the south if not properly buffered. The Future Land Use Plan identifies the subject site as suitable for Commercial uses but maintains a Single-Family Residential designation for the lands to the south.

Impact on the Environment: There are no anticipated environmental impacts associated with the proposed expansion.

Landscaping: A 10 foot landscaped area is required along all rights-of-way unless otherwise reduced by the Planning Commission. The plan proposes the required 10 foot landscaped area only along front (Montgomery Hwy.) side of the site. No such area is shown on the west side adjacent to Wheat Street. The plan instead proposes an 8 foot chain link fence with PVC slats. It is noted here that the 8 foot tall chain link fence is also proposed along the front of the site and within the 20 foot required front yard setback. Section 114-183(B)(3)(b) limits fence height to no more than 4 feet in any required front yard. The fence will either need to be relocated or a variance obtained.

Parking: No additional parking is required for the expansion.

Buffers: A Type 2 buffer is required and has been provided along the south property line adjacent to the residentially zoned areas (on the south side of Houston Street). However, the plantings are located behind the 8 foot chain link fence and need to be relocated to the exterior of the fence where the shrubbery and groundcover will be visible from the street.

Impact on Travel: No comments.

Impact on Public Services and Facilities:

Engineering Comments:

1. We have received the storm water calculations for the above referenced development. If there are any changes to the construction plans we will require revised stormwater calculations to reflect any changes.
2. An Erosion Control Plan and Best Management Practices Plan in accordance with the Stormwater Ordinance will be required for review and approval when applying for a building permit. If more than one acre of land is disturbed we will require a copy of the ADEM NPDES general permit along with copies of all inspection reports during construction. The permit (if required) and BMP shall be provided before approval for construction will be given.
3. Provide a note on the construction plans stating that all erosion control measures shall be in place as required by the engineer, plans, and City of Dothan representative. An inspection log will be required to be submitted to the City of Dothan. Siltation control measures shall be inspected per the NPDES permit. Any deficiencies shall be corrected immediately and no further work will proceed until said deficiencies are corrected to the City of Dothan or engineer's approval.

Utilities Comments:

1. The developer shall protect any existing water mains and water services located behind the curbing across the development frontage.

Fire Marshal's Comments:

- 1) Knox pad locks or gate switches required on all access gates.

Staff Recommendation:

Staff recommends that Case No. DP-16-0149, request for approval of development plans, as shown on the map stamped "Received April 11, 2016, be approved, as authorized by Article V of the Zoning Ordinance, subject to the following conditions:

1. The 8 foot tall fence must either be removed from the required front yard or a variance to the requirements of Section 114-183(B)(3)(b) obtained from the BZA;
2. The Planning Commission must approve a reduction to the 10 foot landscape requirement along Wheat Street;
3. Buffer plantings within the Type 2 buffer must be located on the outside of the fence;
4. The comments of all city departments must be 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 submittals must make reference to Case DP-16-0149 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.



PLANNING COMMISSION
STAFF REPORT – May 18, 2016, MEETING
CASE NUMBER: RZ-16-0152
Case Manager: Frank G. Breaux, AICP

Summary of Information:

Property Location:	1004 Circleview Drive
Requested Action:	Rezoning from H-I to A-C
Applicant/Owner:	John T. Watkins, Jr.

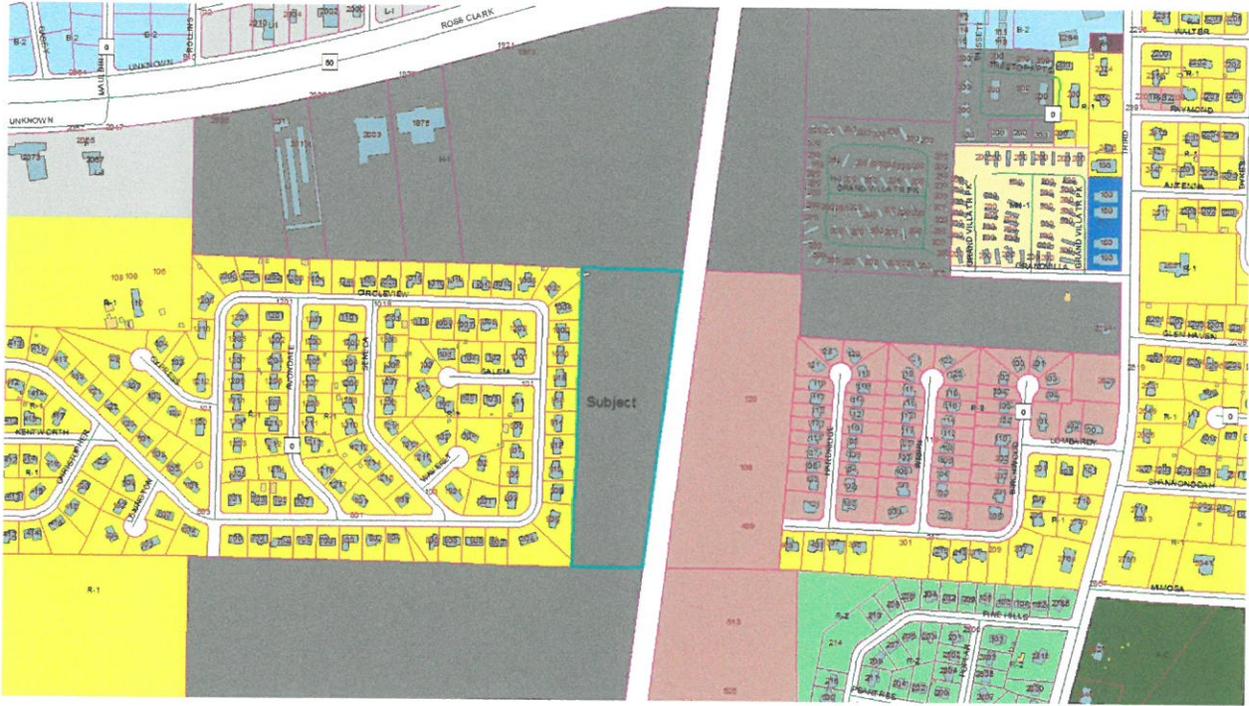
Zoning/Land Use:

EXISTING LAND USE - SUBJECT	VACANT
EXISTING LAND USE - NORTH	VACANT
EXISTING LAND USE - SOUTH	VACANT
EXISTING LAND USE - EAST	SINGLE-FAMILY RESIDENTIAL
EXISTING LAND USE - WEST	SINGLE-FAMILY RESIDENTIAL
REQUESTED ZONING	A-C (AGRICULTURAL CONSERVATION)
ZONING DISTRICT - SUBJECT	H-I (HEAVY INDUSTRIAL)
ZONING DISTRICT - NORTH	H-I
ZONING DISTRICT - SOUTH	H-I
ZONING DISTRICT - EAST	R-3 (HIGH DENSITY SINGLE-FAMILY)

ARTICLE VII. - CLASSIFICATION AND ESTABLISHMENT OF USES

Agricultural-Conservation (A-C) District. Regulations for the agricultural district are intended to provide for development on land situated in urban areas that is intended primarily for agricultural uses. Very low density residential uses are also permitted. District dimensional regulations require a minimum of one (1) acre lots for site-built, stand-alone residential uses in this district. Structures not built in a subdivision must comply with the dimensional requirements outlined in the Table of District Dimensional Regulations (Article VIII, Section 114-132). However, if located in an approved subdivision, lot sizes shall be a minimum of fifteen-thousand (15,000) square feet and shall comply with R-1 district dimensional regulations other than lot size.

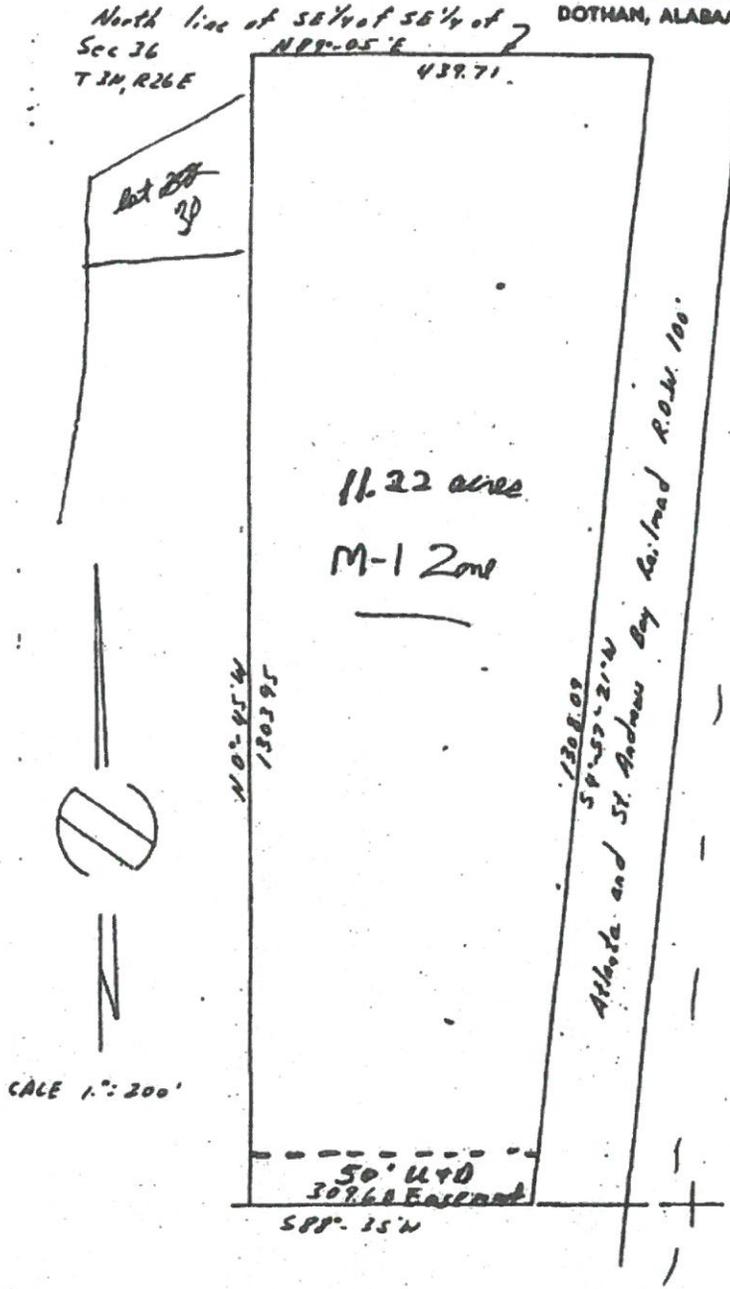
H-I, Heavy industry. The H-I district is intended to provide for the competitive location for manufacturing and related industries that may, by nature, create nuisances. The intent is to preserve land for such industry in locations with access to major streets as designed on the thoroughfare plan, as well as locations generally accessible to railroad transportation and to prohibit residential uses. Due to the objectionable impacts that may be created in this district, special buffer requirements and/or setback areas will be required.



VICINITY



AERIAL



DESCRIPTION

A parcel of land in the City of Dothan, Houston County, Alabama and being more particularly described as follows: Beginning at the intersection of the North line of the SE 1/4 of the SE 1/4 of Sec. 36, T3N, R26E with the West side of the Atlanta and St. Andrews Bay Line Railroad and thence S4-57'-21"E along the West side of said railroad, 1308.09 feet to the South line of said forty; thence S88-35'W along the South line of said forty, 309.68 feet; thence N0-45'W, 1303.95 feet to the North line of said forty; thence N89-05'E, 439.71 feet to the point of beginning. Said land being in said forty and containing 11.22 acres, more or less.

SURVEY

General Discussion: The applicant owns an 11.22 acre tract of land located adjacent to the railroad right-of-way that parallels the easternmost lots of Circleview Heights Subdivision, 2nd Addition. The parcel is landlocked and has no direct access to any roadways. The applicant is requesting to rezone the property from H-I to A-C in order to legitimize the keeping of livestock.

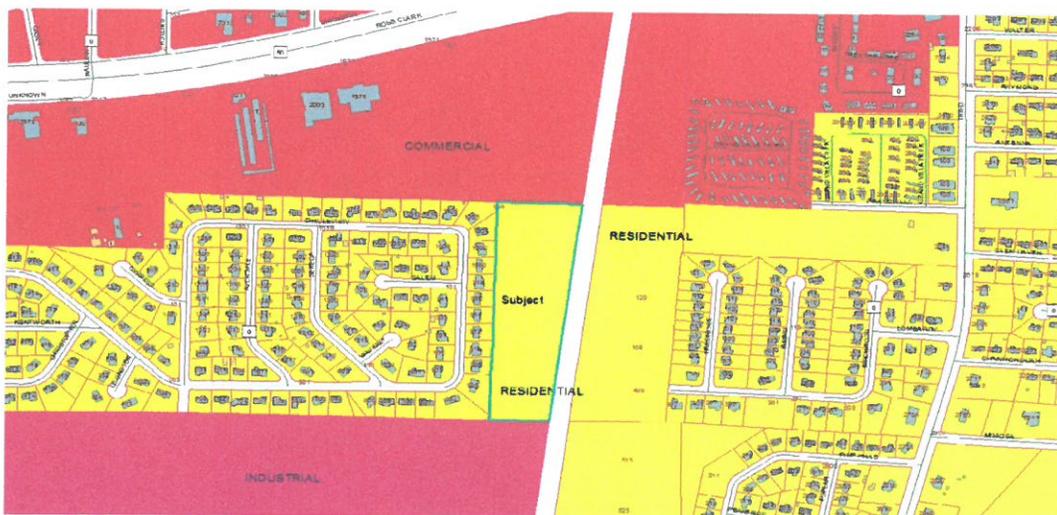
Findings of Fact:

- The property owner was cited for keeping poultry and goats on the premises on April 5, 2016, after receiving a complaint from a neighboring owner.
- The owner applied for the rezoning on April 12th following the zoning citation issuance.
- The keeping of livestock and general agricultural uses are not allowed within the H-I District.
- The H-I zoning designation of the property dates back to at least 1977 according to available records.
- The owner claims that the property has been in continuous agricultural use since he purchased it in the 1980's.
- The owner has presented no evidence of continuous agricultural use to the City substantiating the "grandfathering" claim.
- The applicant has recently introduced pigs to the property (following the issuance of the citation).

Land Use Impact on Vicinity: The subject parcel is sandwiched between single-family zoning to its east and west. To the west is Circleview Heights Subdivision which is zoned R-1, and to the east is an undeveloped tract of R-3 zoned property on the opposite side of the railroad right-of-way. In the opinion of Staff, both A-C and H-I designations are problematic for various reasons. Both districts allow for uses that would be incompatible with adjacent residential uses.

Staff is already aware of compatibility issues (with the keeping of animals) as evidenced by complaints received from the neighboring owner. Complaints include noise from roosters and goats, animals escaping into neighboring properties, conflicts between pet animals (dogs) and escaped animals, etc. This, will in all likelihood, be exacerbated with the recent introduction of pigs as previously noted herein.

Land Use Compatibility/Land Use Plan: The Future Land Use Map identifies the subject parcel as suitable for single-family residential uses. The request is therefore **inconsistent** with the Future Land Use Map and Plan.



Impact on the Environment: There are no environmental impacts associated with the request.

Impact on Public Services and Facilities: There are no impacts on public services or facilities associated with this request.

Staff Recommendation:

Staff finds that the requested rezoning is problematic given the incompatibility issues that have already arisen. Staff further believes that the likelihood of the parcel ever being used (on its own) for Heavy Industrial purposes is unlikely given its shape and lack of access. Given the totality of the circumstances, the only zoning designations that Staff would consider appropriate would be one of the single-family districts. Staff therefore recommends that Case No. RZ-16-0152, a request to rezone the subject 11.22 acres of property from H-I to A-C, having been duly considered in a public hearing held on February 27, 2016, following advertised legal notice, be referred to the Dothan City Commission with a **negative** recommendation from the Planning Commission.