

NOTICE

Notice is hereby given that on the _____ day of _____, 20____, the Board of Commissioners of the City of Dothan, Alabama, will consider for passage and adoption at its regular meeting in the Commission Chamber in the City Hall of said City the following ordinance at which time all persons who desire shall have an opportunity of being heard in opposition to or in favor of said ordinance.

ORDINANCE NO. 20____ - _____

BE IT ORDAINED by the Board of Commissioners of the City of Dothan, Alabama, as follows:

Section 1. Upon the favorable recommendation by a five to three vote by the Planning Commission of the City of Dothan, Alabama on April 20, 2016, and after public notices and hearing thereon as required by law, Chapter 114 of the Code of Ordinances of the City of Dothan, Alabama, and the Zoning Map of the City of Dothan, Alabama, adopted therein and on file in the offices of the City Clerk and the City Engineer of the City of Dothan, Alabama, are hereby amended as follows:

The following described land, owned by Cornelia Turritin, now zoned R-4 District by Chapter 114 of the Code of Ordinances and shown on the Zoning Map of the City of Dothan, Alabama, is hereby rezoned and classified as B-3 District:

A parcel of land located in the City of Dothan, Houston County, Alabama, and being more particularly described as follows:

LEGAL DESCRIPTION: SOURCE OF TITLE DB 696 P 769 (APPLICABLE PORTION OF)

One parcel of land in the City of Dothan, Alabama, described as follows, to-wit; Commencing at the northeast corner of the intersection of Donna Drive and Third Avenue, 360 feet North from the South line of the NE1/4 of SW1/4 of Section 30, Township 3, Range 27, and running thence East parallel with the South line of said forty 190 feet; thence North parallel with Third Avenue 90 feet; thence West parallel with the South line of said forty 190 feet to the East side of Third Avenue; thence South along the East side of Third Avenue 90 feet to the starting point.

Section 2. That portions of said Zoning Map of the City of Dothan, Alabama, referred to in said Chapter 114 of the Code of Ordinances, which have been zoned and classified as set out above to be changed to show aforesaid rezoning and classification.

PASSED, ADOPTED, AND APPROVED ON _____, 20__.

Mayor

ATTEST:

Tammy Danner, City Clerk

Associate Commissioner District 1

Associate Commissioner District 2

Associate Commissioner District 3

Associate Commissioner District 4

Associate Commissioner District 5

Associate Commissioner District 6
BOARD OF CITY COMMISSIONERS

I hereby certify that the above ordinance/notice was published once a week for two consecutive weeks in THE DOTHAN EAGLE on _____ and _____.

Tammy Danner, City Clerk

I, Tammy Danner, do hereby certify that the above ordinance was published in THE DOTHAN EAGLE, a newspaper of general circulation and published in the City of Dothan, Alabama, on _____.

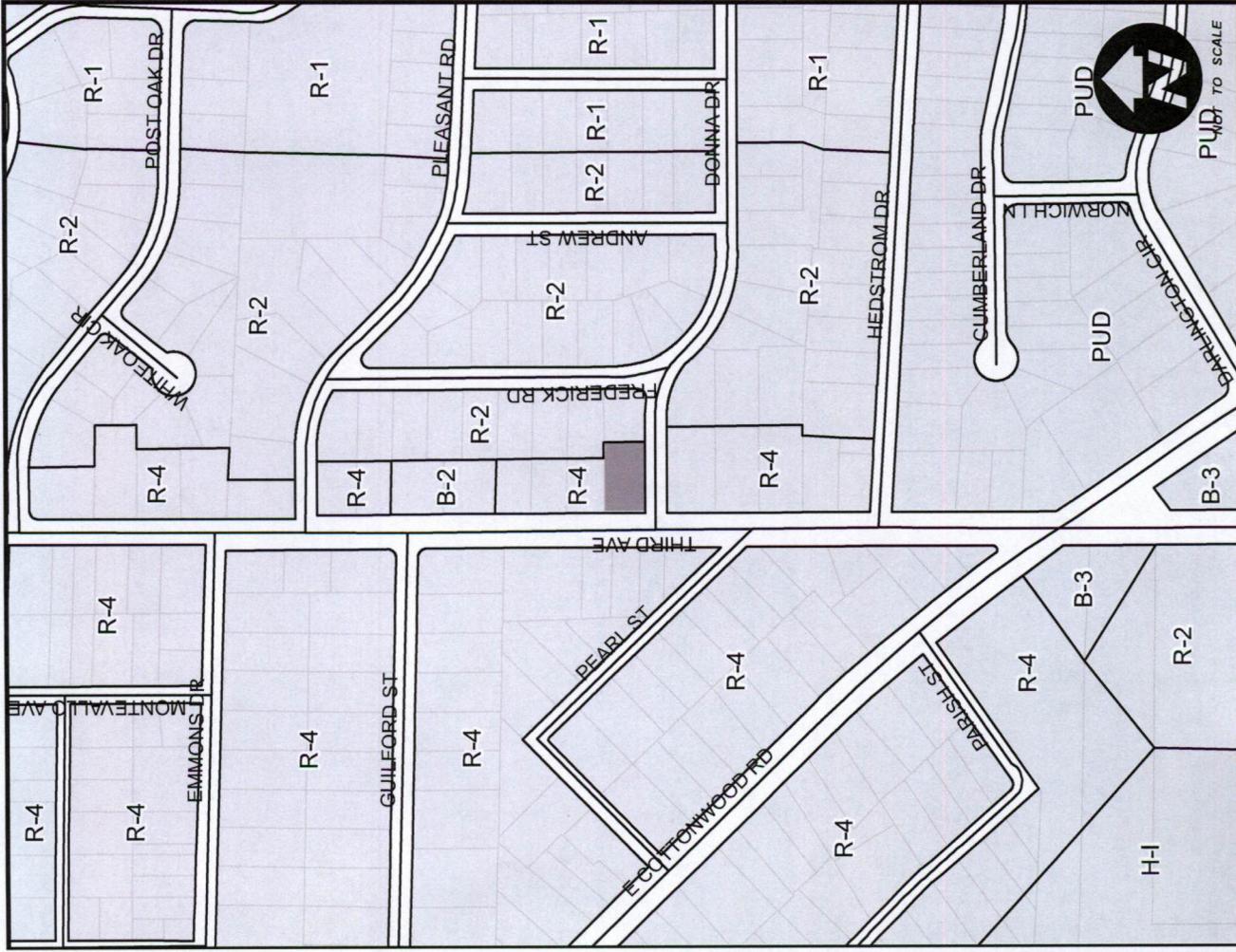
Tammy Danner, City Clerk

I hereby certify that a copy of the above ordinance has been filed in the Office of the Probate Judge together with plans pertaining thereto.

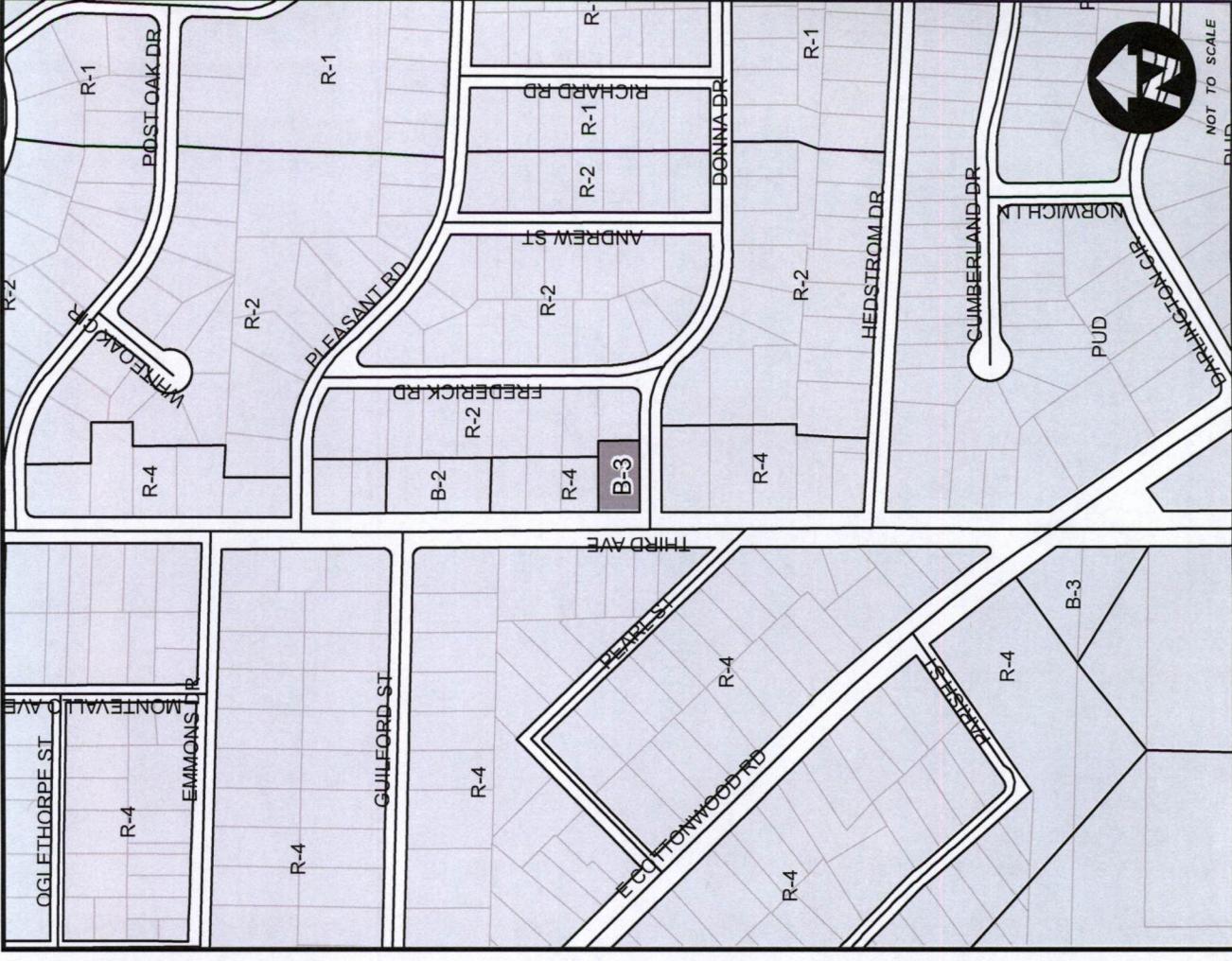
Tammy Danner, City Clerk

Rezoning: 1587 Third Avenue

Current Zoning - R-4: Residential Attached, High Density (2-7 units)



Proposed Zoning
B-3: Local Shopping





**PLANNING COMMISSION
STAFF REPORT – APRIL 20, 2016, MEETING
CASE NUMBER: RZ-16-0102
Case Manager: Frank G. Breaux, AICP**

Summary of Information:

Property Location:	1587 Third Avenue
Requested Action:	Rezoning from R-4 to B-2
Applicant/Owner:	Cornelia B. Turrittin

Zoning/Land Use:

EXISTING LAND USE - SUBJECT	NONCONFORMING COMMERCIAL BUILDING - IDLE
EXISTING LAND USE - NORTH	SINGLE-FAMILY RESIDENTIAL
EXISTING LAND USE - SOUTH	SINGLE-FAMILY RESIDENTIAL
EXISTING LAND USE - EAST	SINGLE-FAMILY RESIDENTIAL
EXISTING LAND USE - WEST	SINGLE-FAMILY RESIDENTIAL
ZONING DISTRICT - SUBJECT	R-4 (HIGH DENSITY ATTACHED MULTI-FAMILY)
ZONING DISTRICT - NORTH	R-4
ZONING DISTRICT - SOUTH	R-4
ZONING DISTRICT - EAST	R-2 (SINGLE-FAMILY RESIDENTIAL MEDIUM DENSITY)
ZONING DISTRICT - WEST	R-4

ARTICLE VII. - CLASSIFICATION AND ESTABLISHMENT OF USES

B-2, Highway commercial. The B-2 district is intended for major retail and service activities removed from the CBD, with major thoroughfare access and with adequate open space and parking. Landscaping and aesthetic considerations are important to this area with regional significance. The district is intended to serve residents, non-residents and transient traffic using major thoroughfares that run through and around the city. Development or redevelopment of these areas is subject to all regulations as established in article V, development plans, and is also subject to regulations and design guidelines as established for the downtown overlay district.

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. The chart below illustrates the minimum and maximum number of dwelling units as well as the minimum lot area for

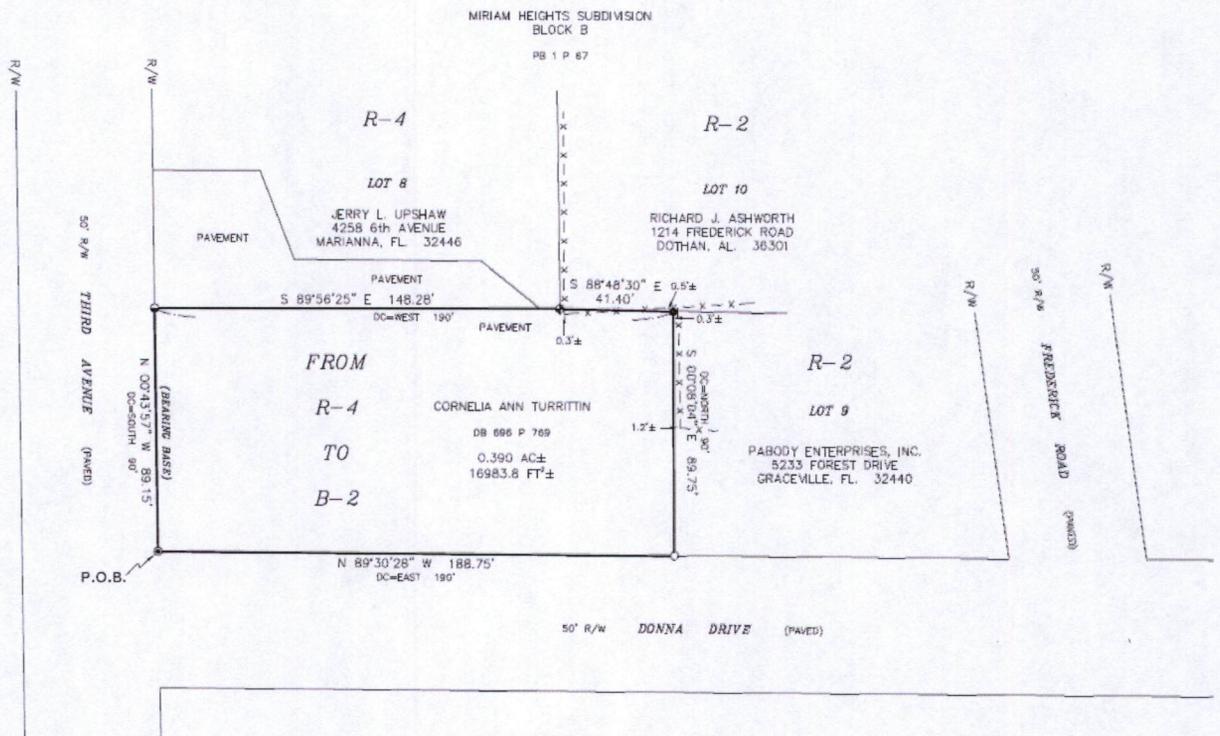
developments in R-4 district. When approved by the building official and the planning commission, zero lot lines are permitted along common walls of attached dwelling units.



VICINITY



AERIAL



SURVEY

General Discussion: The applicant is requesting a rezoning from R-4 to B-2 in order to reestablish the legal conforming status of a commercial property located at the NE corner of Third Avenue and Donna Drive. The property was the location of a grocery store that operated for decades but lost its legal nonconforming status once it discontinued operation. Business license records indicate no active licenses for this location since 2001 and it is unsure when the business actually closed.

Findings of Fact:

- The property is surrounded by single-family residences.
- The property is contiguous to R-4 and R-2 zoned properties.
- According to County records, the building was constructed in 1955.
- The subject building appears to have traditionally functioned as a “commercial corner” serving the residents in the general vicinity since the mid part of the last century.
- Commercial uses are generally prohibited within the R-4 District.
- The existing building and site improvements are nonconforming and any future use of the site for would require the approval of the Planning Commission (if rezoned as proposed).

Land Use Impact on Vicinity: The existing conditions within the vicinity of the subject property are typical of other “commercial corners” located within older parts of the City. Small commercial establishments such as grocery stores, general retail stores and service

establishments were once common elements in most of the City's original neighborhoods and still serve today as vital links to goods and services for those citizens lacking transportation.

Land Use Compatibility/Land Use Plan: The Future Land Use Map identifies the subject parcel as suitable for Residential Single-Family uses. The requested B-2 zoning designation is therefore inconsistent with the Future Land Use Map and Plan.



FUTURE LAND USE MAP

Impact on the Environment: The property is fully developed and there are no environmental impacts associated with the request.

Impact on Public Services and Facilities: The property is located within the urbanized area and existing infrastructure may need to be upgraded depending upon the ultimate use of the property. The Utilities Department has offered no comments at this time and the Fire Department has indicated that any new building construction/modification may require additional fire protection.

Staff Recommendation: Staff finds that the request is problematic given the property's location and the fact that B-2 zoning will allow for a number of uses that would prove incompatible with the surrounding single-family residences. Staff therefore recommends that Case No. RZ-16-0102, a request to rezone property located at 1587 Third Avenue from R-4 to B-2, having been duly considered in a public hearing held on April 20, 2016, following advertised legal notice, **be referred to the Dothan City Commission for denial** with a negative recommendation from the Planning Commission subject to the provisions of the City of Dothan Zoning Ordinance.

The Planning Commission may, however, find that the B-3 (Local Shopping) zoning classification would be more appropriate given the fact that B-3 is a transitional district by design. The applicant may request that the Planning Commission consider amending the application without requiring a rehearing.

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 Turriffin.** 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. Turriffin, 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