



A Grand City on a CHARMING SCALE

Community Planning & Development

MEMORANDUM

DATE: December 19, 2012
TO: Stacy Gilley
Cc: Herman Marks, City Attorney
FROM: Karen Smith *H. Pearson for*
SUBJECT: Agenda Items for City Council

Please place the following items on the agenda for the City Council meeting, scheduled for January 7, 2013.

Let us know if you have any questions.

Thank You

1. **Rezoning Request 1266-12**
(Berval and Sandra Bennett)

(Recommend Denial)

2. **Rezoning Request 1267-12**
a. (Vulcan Holding)

(Recommended Approval)



A Grand City on a **CHARMING SCALE**

Planning Department

December 19, 2012

Honorable Mayor and City Council
City of Decatur
P.O. Box 488
Decatur, AL 35602

RE: Rezoning Request 1266-12

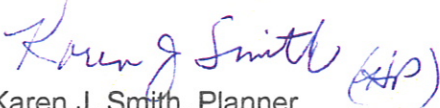
Gentlemen:

At the December 18, 2012 meeting of the Decatur City Planning Commission, action was taken recommending to the City Council that they **deny** the attached ordinance pertaining to rezoning request 1266-12 as an amendment to the Zoning Ordinance of the City of Decatur, Alabama. The request is to rezone a parcel of land from an R-3, Single-Family Residential District, to a B-1, Business District. The property is located at the southeast corner of Wilson Street NW and Sycamore St. NW in an R-3 Single Family Residential District.

If you have any questions concerning this request, please contact the City Planning Department.

Very truly yours,

DECATUR CITY PLANNING COMMISSION


Karen J. Smith, Planner
For Gil Aldrich, Chairman

Cc: Herman Marks, City Attorney

ORDINANCE NO. 13-4137

BE IT ORDAINED by the City Council of the City of Decatur, in the State of Alabama, as follows:

Section 1. That the district boundaries of the City of Decatur Official Zoning Map, heretofore adopted by Section 27-1, Code of Decatur, Alabama, 1956, now Section 25-1, Code of Decatur, Alabama, as thereafter amended, are further amended, changed and modified as follows:

Rezoning Request No. 1266-12

The property being considered for rezoning is located at the southeast corner of Wilson Street NW and Sycamore St. NW in a R-3 Single Family Residential District.

Part of Lot 83 in the City of Decatur, Alabama, being a rectangular lot fronting 68 feet on the southerly line of Wilson Avenue (formerly Pond Street) and 120 feet on the easterly line of Sycamore Street, which area is now shown and classified on said map as being in an R-3, Single-Family Residential District, and shall be shown and classified on said map as being in a B-1, Business District, and shall be shown and classified on said map as being in a B-1, Business District, subject to all rules, regulations and requirements therefore set forth in Section 25-11, Code of Decatur Alabama, and other provisions applicable therefore.

Section 2. This Ordinance shall take effect and be in force from and after the date of its adoption and publication as required by law.

ADOPTED this the _____ day of _____, 20 ____.

Gary Hammon, President
Decatur City Council

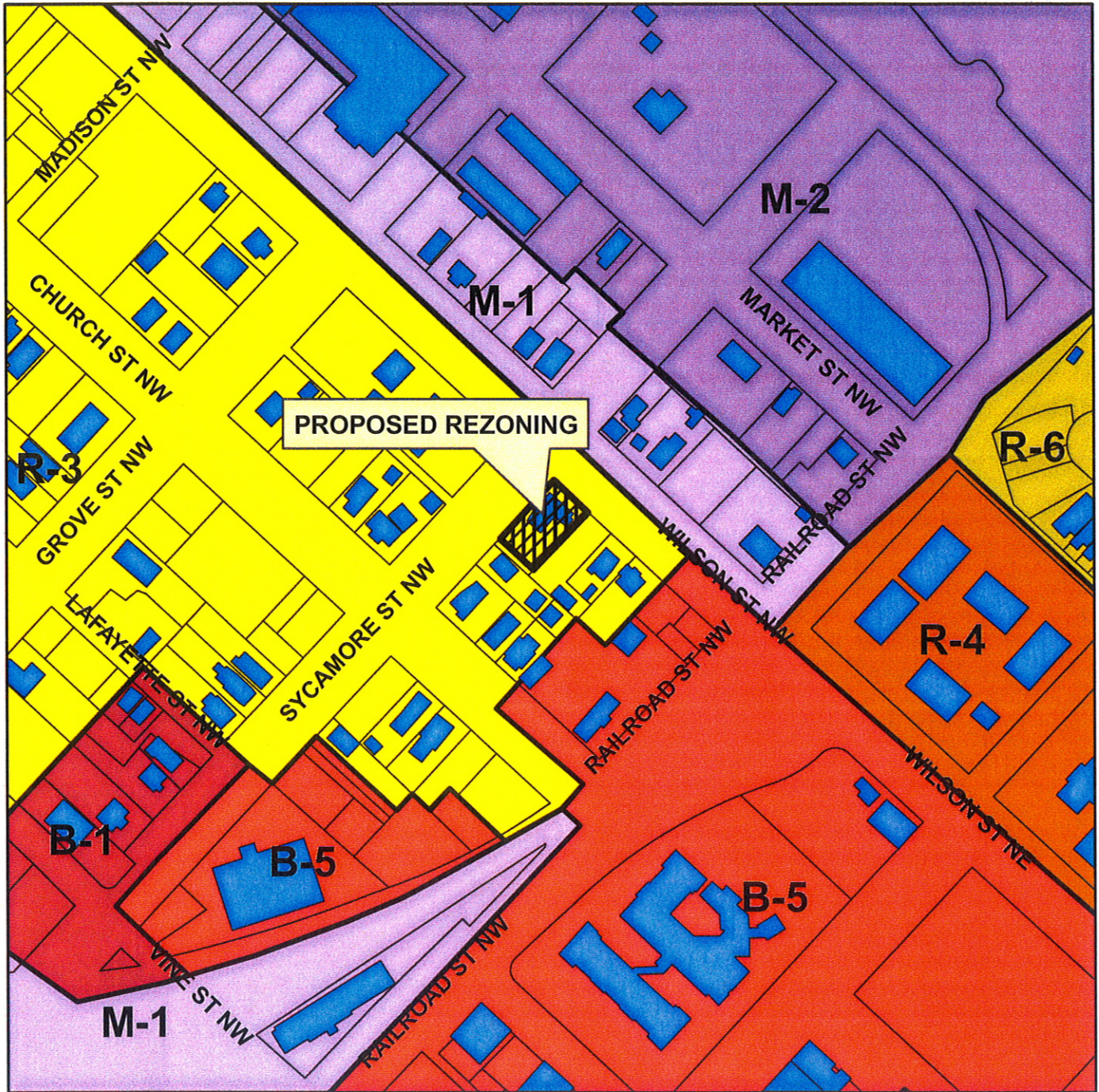
Authenticated:

Stacy Gilley

APPROVED this the ____ day of _____, 20 ____.

Don Kyle, Mayor

REZONING REQUEST NO. 1266-12 FROM R-3 TO B-1 .18 ACRES



LOCATION MAP

Legend



SUBJECT PROPERTY

PREPARED BY THE CITY OF DECATUR
PLANNING DEPARTMENT

APPLICANT :BERVAL AND SANDRA BENNETT



DRAWING NOT TO SCALE

PROPERTY ZONED R-3

Note: Every reasonable effort has been made to assure the accuracy of this map. The City of Decatur does not assume liability arising from the use of this map. This map is provided without warranty of any kind, either expressed or implied.

COMPARE R3 TO B1

SECTION	R3	B1
USES PERMITTED	<p>From R3 Section</p> <p>There is hereby created an R-3 Residential District for those areas so designated by this chapter and the zoning map of the City, which R-3 Districts shall allow: Single family dwellings. (See also regulations common to all "R" Districts, listed in Section 25-10)</p> <p>District Requirement R" Districts shall allow: Accessory structures; gardens; playgrounds; parks; public buildings; including public schools and libraries.</p>	<p><i>Uses permitted:</i> Off-premises sale of beer and table wine; neighborhood retail stores and markets, including the following types: food, general merchandise, apparel; furniture; household and hardware; radio and television; drugs and sundries; jewelry and gifts; florists; sporting goods; pet shops, photograph studios and photo retail sales. Neighborhood services including the following types: Dry cleaning and laundry pickup stations; customer operated laundrettes and customer operated dry cleaning establishments; filling stations, provided, however, that gasoline storage above ground in excess of five hundred(500) gallons is prohibited; barber and beauty shops; shoe repair; offices, banks; post offices; playgrounds; parks; public building (i.e., municipal, county, state or federal, including public schools and libraries); public utilities; churches and similar places of worship; dancing and music academies; nurseries, kindergartens, or day care for children; parking lots.</p>
USES PERMITTED ON APPEAL	<p>Residential District Requirements</p> <p>These uses shall also be permitted on appeal: Customary home occupations; public utilities, general hospitals for humans, except primary for mental cases; semi-public buildings; golf courses; municipal, county, state or federal use; clubs located on and embracing within its sole possessory right, one tract or parcel of land not less than twenty (20) acres in size; and on premises and off premises sale of alcoholic beverage by clubs meeting the acreage requirements above when duly licensed as a class I or class II club by the City of Decatur and the Alabama Alcoholic Beverage Control Board under and pursuant to the Alcoholic Beverage Licensing Code.</p>	<p><i>Uses permitted on appeal:</i> Restaurants; any uses permitted or permitted on appeal in an R-4, Residential District as subject to all district requirements of said district as specified in section 25-10 of this Code.</p>
USES PROHIBITED	<p>From R3 Section</p> <p>Uses prohibited: Any use not permitted, or permitted on appeal, is prohibited</p> <p>From Residential District Requirements</p> <p>Uses prohibited: Except as expressly permitted, or permitted on appeal, the following uses are prohibited in all residential districts, including without limitation planned residential</p>	<p>Uses prohibited: Any use not permitted or permitted on appeal.</p>

COMPARE R3 TO B1

SECTION	R3	B1
	development districts, specialty and restricted residential districts: ("R" Districts): All buildings, structures and units constructed off-site (except for modular homes as in section 25-2) without regard to whether or not such building, structures or units are designed and built in compliance with state or federal standards, including without limitation, mobile homes, manufactured homes, house trailers, and trailer coaches; trailer or manufactured home parks, courts or camps, and commercial and industrial uses, including parking lots and parking areas in connection with any of these uses, not specifically permitted	
MINIMUM LOT SIZE	From R3 Section (2) <i>Specific Requirements.</i> a. Minimum lot area: Seven thousand (7,000) square feet. b. Maximum building area: None specified	<i>Minimum lot size:</i> It is the intent of this section that lots of sufficient size be used for any business or service use to provide adequate parking and loading space in addition to the space required for the other normal operations of the business or services.
MINIMUM YARD SIZE	From R3 Section c. Minimum front yard setback: Thirty (30) feet d. Minimum rear yard setback: Thirty-five (35) feet e. Minimum side yard setbacks: One side eight (8) feet and the other side six (6) feet. f. Minimum feet at building line: Fifty (50) feet	<i>Minimum yard size:</i> Front 25 feet; rear 20 feet; side, not specified, except on a lot adjoining along its side lot line which is in a residential district, there shall be a side yard not less than eight (8) feet wide.
MAXIMUM BUILDING AREA	Maximum coverage - None specified	Maximum coverage - None specified
MAXIMUM HEIGHT	From R3 Section g. Maximum building height: Thirty-five (35) feet. h. Maximum height in stories: Two and one half (2 1/2).	<i>Maximum height:</i> 45 feet or 3 stories
OFF STREET PARKING	From R3 Section (1) <i>General requirements.</i>	<i>Off-street parking:</i> See § 25-16

COMPARE R3 TO B1

SECTION	R3	B1
	a. Off-street parking and vehicle access shall be provided as set forth in section 25-16 hereof.	
OFF STREET LOADING AND UNLOADING	<p>From R3 Section</p> <p>b. A carport, porte-cochere, porch or structure part thereto, attached to or situated within five feet of the main structure as defined in section 25-2 thereof, shall be considered as a part of the main building and shall be subject to the setback and side yard requirements of the district in which it is located.</p>	<i>Off-street loading and unloading:</i> Shall use required rear or side yard for loading and unloading.

LETTER OF SUPPORT

125 WILSON ST. NW

We the undersigned support and have no objections to Berval and Sandi Bennett establishing and antique mall in the house located at 125 Wilson St. NW. It will be zoned from residential to business.

Name	Address	Phone
Craig White	202 Wilson St. N.W.	(256) 350-6278
James E. Burch	113 Wilson St. N.W.	(205) 706-3297
Winnie Priest	213 Wilson St. N.W.	350-4174
Pastor at St Paul Sp Church	211 Wilson St. NW	
Schunie M. Knight	906 Sycamore St	256 353-8498
Wayne Lamm	114 Church St. NW	(256) 445-1371
Thermyth Reader	202 Church St. NW	Phone 256 565 8445
F.O. Elliot	709 Sycamore St. N.W.	256-556-2234
M. H. L. Lamm	163 Sycamore St	256-360-4569
Bo Dear Cordle	701 Sycamore St	256-270-4450
Darrell Elliott	701 Sycamore St	"
Robert Harst	Cobble - Five Lumber	256-353-5713
Rachel Wilson	111 Market St NW	256 340 9210
Kevin Hammett	904 McCartney St. NW	
Shanda J. Jorain	113 1/2 Wilson St. NW	256 227-8223
Ronald J. Jorain	117 Church St NW	256-476-6005
John F. Fann	102 Wilson St NW	256 255-3666
Sharon Whitfield	116 Church St	256-355-7418
Crystal Cannon	807 Grove St NW	256 642-9489
Wynne Starn		256 637-6364

Janet Barber 901 Railroad St NW 303-781-6027
(Dancy Polk House Inn)

LETTER OF SUPPORT

125 WILSON ST. NW

We the undersigned support and have no objections to Berval and Sandi Bennett establishing and antique mall in the house located at 125 Wilson St. NW. It will be zoned from residential to business.

256-345-3362

Sharon Jones 302 Church St NW
Raynell McEmore 710 Grove St NW 256 5660535
Debra Washburn 306 Vine St.
James H. Washburn 406 5th St NW
Sharon Burman 307 Walnut St NW 308-1500 Massage
Kathleen Segar Adlin 402 Cherry St. NW 256 606 1845
Sandra J. Wiggins 604 Madison St. 256 432-2724
Marquita Savage 426 Lafayette St. 350-4925
Manny Woods 420 Church St NW 466-4615 (256)
Clarice Calhoun 315 Church St NW 309-8218 (256)
Polly Baker 310 Church St. NW 355-0023
Randall Jordan 601 Madison St NW 686-2264
Lillian French Gray 412 Walnut St. NW
Anthony Bralantus 408 Walnut St NW 466-3409 (256)
Calvin Ellison 222 10th AVE NW -256-227-233
Sharon Kyker 421 Church St. NW 256-152-1174
Vivian M. Horton 915 Grove St. N.W. 256-355-7176
Dorothy L. Powers 627 McCartney St 256-227-0831