

Agenda Planning Commission

City of Decatur, AL

February 19, 2012

Time: 3:15 PM

City Council Chambers

Commissioners: **Gil Aldrich**, *Chairman*; **Tracy Tubbs**, *Vice Chairman*; **Em Barran**, *Secretary*;
Gary Borden; **Chuck Ard**; **Eddie Pike**; **Collis Stevenson**; **Joseph Wynn**; **Nell Standridge**

1. CALL MEETING TO ORDER

2. APPROVAL OF MINUTES – January 22, 2013

3. PUBLIC HEARING

- | | | |
|---------------|---|-------|
| A. ZTA 218-12 | Entertainment District
(The proposed district will be less than ½ mile square in area and encompass both the Bank St. redevelopment area and the 2 nd Ave. redevelopment area as established by the DDRA.) | 1/4-8 |
|---------------|---|-------|

4. CONSENT APPROVALS

PAGE/MAP

CERTIFICATES

- | | | |
|------------|---|---------|
| A. 3202-13 | Certificate to Consolidate and Subdivide
(South of Chapel Hill Rd. on the west side of Chula Vista Drive SW) | 1/9-11 |
| B. 3203-13 | Certificate to Subdivide
(South of Chapel Hill Rd. SW and northwest of Woodtrail SW) | 2/12-14 |

BOND REVIEW

- | | |
|---|------|
| A. King's Estate Addition
(North of Madison St NW and east of McCartney St NW) | 2/15 |
|---|------|

END OF CONSENT APPROVALS

VACATION REQUEST

- | | | |
|-----------|--|---------|
| A. 475-12 | Hardees
(North of Market St NE and east of Wells St NE) | 2/16-18 |
|-----------|--|---------|

SITE PLAN REVIEW

A. 499-13

(South of Church St NE and east of 6th Avenue NE)

3/19

**Minutes
Subdivision Committee
February 12, 2013**

PUBLIC HEARING

ZONING TEXT AMENDMENT 218-13

Applicant: City of Decatur
Owner: N/A

Zoning: N/A
Acreage: N/A

Request: To adopt an amendment to the Zoning Ordinance that allows for an entertainment district in downtown Decatur that is reflective of the privileges allowed in House Bill 20.

Location: The proposed district will be less than ½ mile square in area and encompass both the Bank St. redevelopment area and the 2nd Ave. redevelopment area as established by the DDRA.

Recomm: The Zoning Committee recommends approval and the Planning Department concurs

END PUBLIC HEARING

CONSENT AGENDA

Certificates

3202-13 Certificate to Consolidate and Subdivide

Applicant: Cathy Armstrong
Owner: Same

Zoning: AG-2, Agricultural
Acreage: 2.98 acres

Request: Consolidate a 1.35 acre tract, a .87 acre tract and a .76 acre tract into one tract and subdivide into two tracts of 1.50 acres and 1.48 acres

Location: South of Chapel Hill Rd. on the west side of Chula Vista Drive SW

- Conds:
1. Amend Certificate to Subdivide to show two tracts instead of three
 2. Amend certificate to remove Morgan County Commission wording
 3. Payment of recording fees
 4. Show existing structures on the survey

***Pt. of Info: Any relocation of utilities will be at the owner's expense.
No access to Chapel Hill Rd from Lot 2.***

Recomm: Approval with stated conditions

3203-13 Certificate to Subdivide

Applicant: Dorothy Louise Mitchell
Owner: Same

Zoning: AG-2, Agricultural
Acreage: 24.52 acres

Request: Subdivide 24.52 acres into three tracts of 2.16 acres, 11.76 acres and 10.60 acres

Location: South of Chapel Hill Rd. SW and northwest of Woodtrail SW

- Conds:
1. Provide septic tank approval for Tract One (2.16 acres)
 2. Payment of recording fees
 3. Owner to provide letter requesting subdivision of property
 4. No further subdivision of this property will be permitted without a plat and this to be stated in the Body of the Certificate
 5. Provide 15' utility easement for existing electric line on Tract One

Pt. of Info: Any relocation of utilities will be at the owner's expense.

Recomm: Approval with stated conditions.

Bond Review

Kings Estate Addition

Applicant: Decatur Housing Authority
Owner: Same

Zoning: R-5, Patio Homes
Acreage: 8.5 acres

Request: Bond review for completion of public improvements (final wearing surface to alley ways)
LOC Expires 4/9/2013 – Amount \$6,500

Location: North of Madison St NW and east of McCartney St NW

Recomm: The Subdivision Committee recommends that the LOC be extended for one additional year, based on conversations with the DHA construction supervisor.

END CONSENT AGENDA

Vacation Request

475-13

Applicant: Waterfront Investments LLC

Zoning: B-5, Central Business

Owner: Same

Acreage: .01 acres

Request: Vacate .01 acres of an existing dut&e lying in Lot 2 of The Waterfront at Rhodes Ferry to accommodate a new building addition

Location: North of Market St NE and east of Wells St NE

Conds: 1. Verify no other utilities present, per DU

Pt. of Info: Any relocation of utilities will be at the owner's expense. Vacation will not proceed to City Council until storm pipe has been relocated and verified by DU and Engineering

Recomm: Approval with stated condition

Site Plan Review

499-13

Applicant: Realty Link
Owner: Hardees

Zoning: B-2 , Gen Business
Acreage: .54 acres

Request: Site plan review for a new Hardees development

Location: South of Church St NE and east of 6th Avenue NE

Conds: 1. Provide permanent cross access easements with both adjoining tracts, provide copy to Planning Department for recording
2. Provide site grading and drainage plan
3. Show hotel parking stripes on the site plan
4. Move Church Street entrance further east to avoid traffic conflicts (ALDOT)

***Pt. of Info: Any relocation of utilities will be at the owner's expense.
If existing landscaping to be used, must be cleaned out and brought into conformance with landscaping ordinance.***

Recomm: Approval with stated conditions

LEGAL NOTICE
NOTICE OF PROPOSED CHANGES IN THE ZONING ORDINANCE
THE CITY OF DECATUR, ALABAMA

Notice is hereby given that the Decatur Planning Commission will hold a public hearing on the proposed zoning text amendments prior to making a recommendation to the City Council, City of Decatur, that amendments to the Zoning Ordinance be adopted.

This hearing will be held on Tuesday, February 19, 2013 at 3:15 p.m. in the City Council Chambers of City Hall, at 402 Lee Street N.E. in the City of Decatur, Alabama.

At said time and place all interested persons are invited to be present and shall have the opportunity to be heard in opposition to or in favor of the said amendments to the Zoning Ordinance.

ZONING TEXT AMENDMENT NO. – 218-13

The effect of the proposed amendment will be to amend the Code of Decatur, Alabama to add Article IX to Chapter 25 which establishes an Entertainment District.

Section 25-187. Entertainment District: area established

Under the authority granted in Section 28-3A-17.1 of the Code of Alabama 1975, the council hereby creates an Entertainment District, where outside consumption of alcoholic beverages shall be permitted and regulated; the boundaries of the entertainment districts are described as follows;

Beginning at the intersection of Gordon Drive SE with 4th Avenue SE, said intersection being the True Point of Beginning and shall be known as the Entertainment District; thence from the True Point of Beginning run in a northwesterly direction along the centerline of Gordon Drive SE to the centerline of 1st Avenue SE, SE; thence north along the centerline of 1st Avenue SE to the intersection with Moulton Street West; thence continue north along the centerline of 1st Avenue NE a distance of 850 feet more or less to a point; thence in a northwesterly direction along the northerly ROW margin of an unnamed alley a distance of 635 feet more or less to a point; thence in a northwesterly direction a distance of 315 feet more or less to a point; thence in an easterly direction 22 feet more or less to a point; thence northwesterly 710 feet more or less to the northerly ROW margin of a 15 foot alley if extended; thence in a northeasterly direction 415 feet more or less to a point; thence northwesterly 50 feet more or less to a point; thence northeasterly 150 feet more or less to the centerline of Cherry Street NE; thence continue northeasterly direction 310 feet more or less to the centerline of Walnut Street NE; thence in a southeasterly direction along the centerline of Walnut Street NE a distance of 60 feet more or less to a point on the centerline of an alley if extended; thence northeasterly along the centerline of said alley 300 feet more or less to the centerline of Vine Street NE; thence in a northwesterly direction along the said centerline of Vine Street NE 550 feet more or less to a point of the Southern Railway ROW; thence northeasterly along Southern Railway ROW to centerline of Wilson Street NW; thence southeasterly along the centerline of said Wilson Street to the intersection of Canal Street NE;

thence south westerly along the centerline of said Canal Street NE to the centerline of Church Street NE; thence in a northwesterly direction along the centerline of said Church Street NE a distance of 230 feet more or less to the centerline of an alley if extended, said alley located west of First United Methodist Church; thence in a southwesterly direction along said alley to the centerline of Lafayette Street NE; thence continue in a southwesterly direction along the westerly line of the First United Methodist Church property, tax parcel no. 03 04 18 1 032 001.000 a distance of 300 feet more or less to the centerline of Vine Street NE; thence southeasterly along said centerline of Vine Street NE a distance of 15 feet more or less to a point; thence southwesterly along the west line of lots 327 and 328 of the map of the Decatur Mineral and Land Company's property in Section 18, T5S, R4W, City of Decatur, Morgan County, Alabama, on file and recorded in Map Book 1 at page 7 in the Office of the Judge of Probate of Morgan County Alabama to the centerline of Walnut Street NE; thence in a southeasterly direction along the centerline of said Walnut Street NE a distance of 55 feet more or less to a point; thence in a southwesterly direction 150 feet more or less to a point, said point being 110 feet west of the ROW for Canal Street NW, thence northeasterly 30 feet more or less to a point; thence southwesterly 150 feet more or less to a point, said point being the centerline of Cherry Street NE; thence in a northwesterly direction along the said centerline of Cherry Street NE a distance of 35 Feet to a point; thence in a southwesterly direction along the west line of lot 324 and 323 of the map of Decatur Mineral and Land Company's property in section 18, T5S, R4W, City of Decatur, Morgan County Alabama, on file and recorded in Map Book 1 at Page 7 in the Office of the Judge of Probate of Morgan County Alabama, a distance of 150 feet more or less to the southwest corner of said Lot 324; thence in a southeasterly direction 60 feet more or less to the northeast corner of Lot F of said Lot 323 of the map of D.M.L.C. property; thence southwesterly along the east line of said Lot F a distance of 152 feet more or less to the centerline of Cain Street NE; thence continue in a southwesterly direction along the east line of an existing 15 foot wide alley to the centerline of Davis Street NE; thence continue in a southwesterly direction along the same line a distance of 70 feet more or less to the southwest corner of tax parcel no. 03 04 18 4 028 002.001, address 213 Canal Street NE; thence in a southeasterly direction along the south property line of said lot a distance of 170 feet more or less to the centerline of Canal Street NE; thence in a southwesterly direction along said centerline of Canal Street NE a distance of 160 feet more or less to a point; thence in a southeasterly direction 45 feet north and running parallel with Lee Street NE to the centerline of an alley, said alley being 15 feet in width and 100 feet east of Canal Street NE; thence northeasterly along the centerline of said alley to the centerline of Davis Street NE; thence southeasterly along said centerline of Davis Street NE to the centerline of Line Street NE; thence southwesterly along said centerline of Line Street NE to the centerline of Lee Street NE; thence southeasterly along said centerline of Lee Street NE to the centerline of 2nd Avenue NE; thence South along said centerline of 2nd Avenue NE to the

centerline of Holly Street NE; thence east along the centerline of Holly Street NE a distance of 570 feet more or less to a point; thence south 130 feet more or less to the centerline of an alley; thence east 310 feet more or less along said alley to the centerline of 4th Avenue NE; thence south along 4th Avenue NE to the centerline of West Moulton Street; thence continue south along the centerline of 4th Avenue SE to the centerline of an alley if extended, said alley located 190 feet more or less, south of the centerline of Johnston Street SE; thence west along said alley 345 feet more or less to the east property line of a City of Decatur parking lot, Tax Parcel No. 03 04 19 1 009 012.000; thence south along said east line to the centerline of Grant Street SE; thence east along the centerline of said Grant Street SE a distance of 80 feet more or less to a point; thence south along the west line of Tax Parcel No. 03 04 19 1 012 002.000 to the centerline of an alley; thence east along centerline of said alley 125 feet more or less to a point; thence north along the east line of said parcel No. 03 04 19 1 012 002.000 to the centerline of Grant Street SE; thence east along the centerline of Grant Street SE to the centerline of 4th Avenue SE; thence south along the centerline of 4th Avenue SE to the centerline of Gordon Drive SE and the True Point of Beginning.

Section 25-188. Entertainment District: Definitions

As used in this Article, unless the context clearly indicates otherwise the following terms shall mean:

- (1) Alcoholic beverages shall mean any alcoholic, spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mixed liquor, a part of which is spirituous, vinous, fermented or otherwise alcoholic, and all drinks or drinkable liquids, preparations or mixtures intended for beverage purposes, which contain one-half of one per cent or more of alcohol by volume, and shall include liquor, beer and wine, both fortified and table wine.
- (2) Public place shall mean and include any place or gathering which the public generally attends or is admitted to, either by invitation, common consent or right, or by the payment of an admission or other charge, and, without limiting the generality of the foregoing, shall include any store or place where merchandise of any kind is offered for sale any theater or place of amusement, any athletic contest, city hall, library, school buildings, and auditoriums; provided, that such term shall not mean or include premises which have been duly licensed by the city for sale thereon of alcoholic beverages.

Section 25-189. Entertainment District: Regulations

The following regulations shall be in effect in the Entertainment District:

- (1) One drink on-street limit: Any establishment, within the boundaries of the entertainment district, licensed to dispense alcoholic beverages by the drink for consumption on the premises is authorized to dispense an alcoholic beverage in a paper or plastic container, or other container other than a can, bottle, or glass, for removal from the premises;

provided, however, that no establishment shall dispense to any person more than one such alcoholic beverage at a time for removal from the premises, and no person shall remove at one time more than one such alcoholic beverage from the licensed premises.

(2) Beverages outside premises: Patrons, guests or members of licensed premises may exit the licensed premises with one alcoholic beverage and consume with certain restrictions such alcoholic beverage anywhere within the confines of the District, but may not enter or re-enter a licensed premise or any public place with an alcoholic beverage acquired elsewhere.

(3) All applicable laws in effect: A licensee who is within the entertainment district shall comply with all laws, rules and regulations which govern its license type.

(4) Size limited to 16 ounces: No container in which an alcoholic beverage is dispensed and removed from the licensed premise shall exceed 16 fluid ounces in size. No person shall be in possession of any above prescribed alcoholic beverage container which exceeds 16 fluid ounces in size on the streets and sidewalks, in parks, or in other public places within the defined entertainment district area.

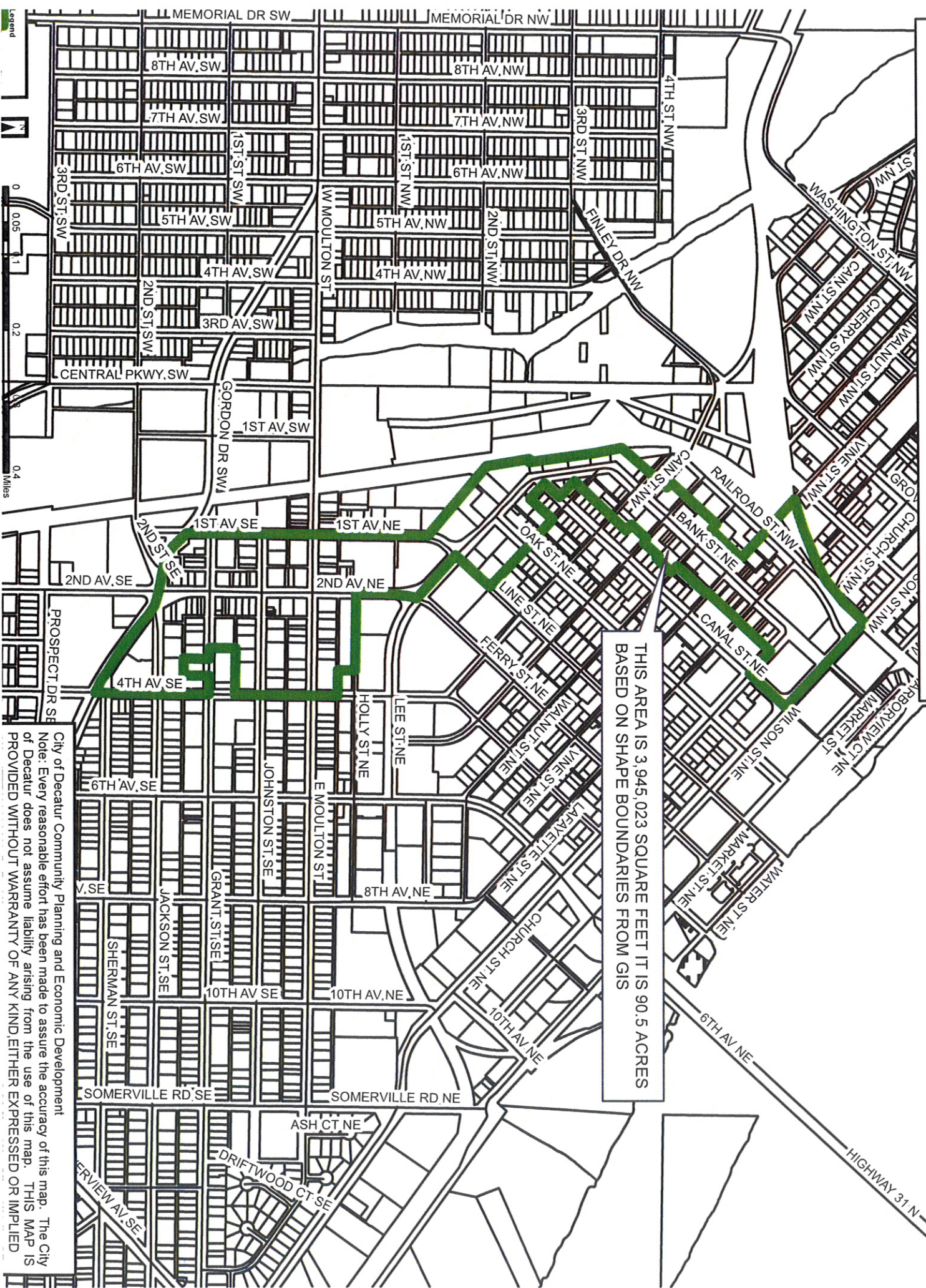
(5) Drinking from can, bottle, or glass is prohibited: It shall be unlawful for any person within the confines of the Entertainment District to drink or attempt to drink any alcoholic beverage from a can, bottle, or glass or to possess in an open can, bottle, or glass any alcoholic beverage on the streets, sidewalks, rights-of-way, and parking lots, whether public or private; other than as duly licensed by the State of Alabama and the City of Decatur.

(6) Open Container Laws applicable: Open Container Laws of the State of Alabama and the City of Decatur still govern to the extent that the respective provisions are not strictly modified by either Section 28-3A-17.1 of the Code of Alabama 1975, Section 28-3A-20.1 of the Code of Alabama 1975 or the provisions of this Article.

(7) Hours in effect: The above regulations notwithstanding no person shall be in possession of an alcoholic beverage in an above prescribed container dispensed by a duly licensed establishment within the Entertainment District boundaries no earlier than 6:00 AM nor later than 1:00 AM Monday through Saturday and between the hours of 1 A.M. to 12 p.m. (noon) on Sunday.

SECTION (). This Ordinance shall take effect_____.

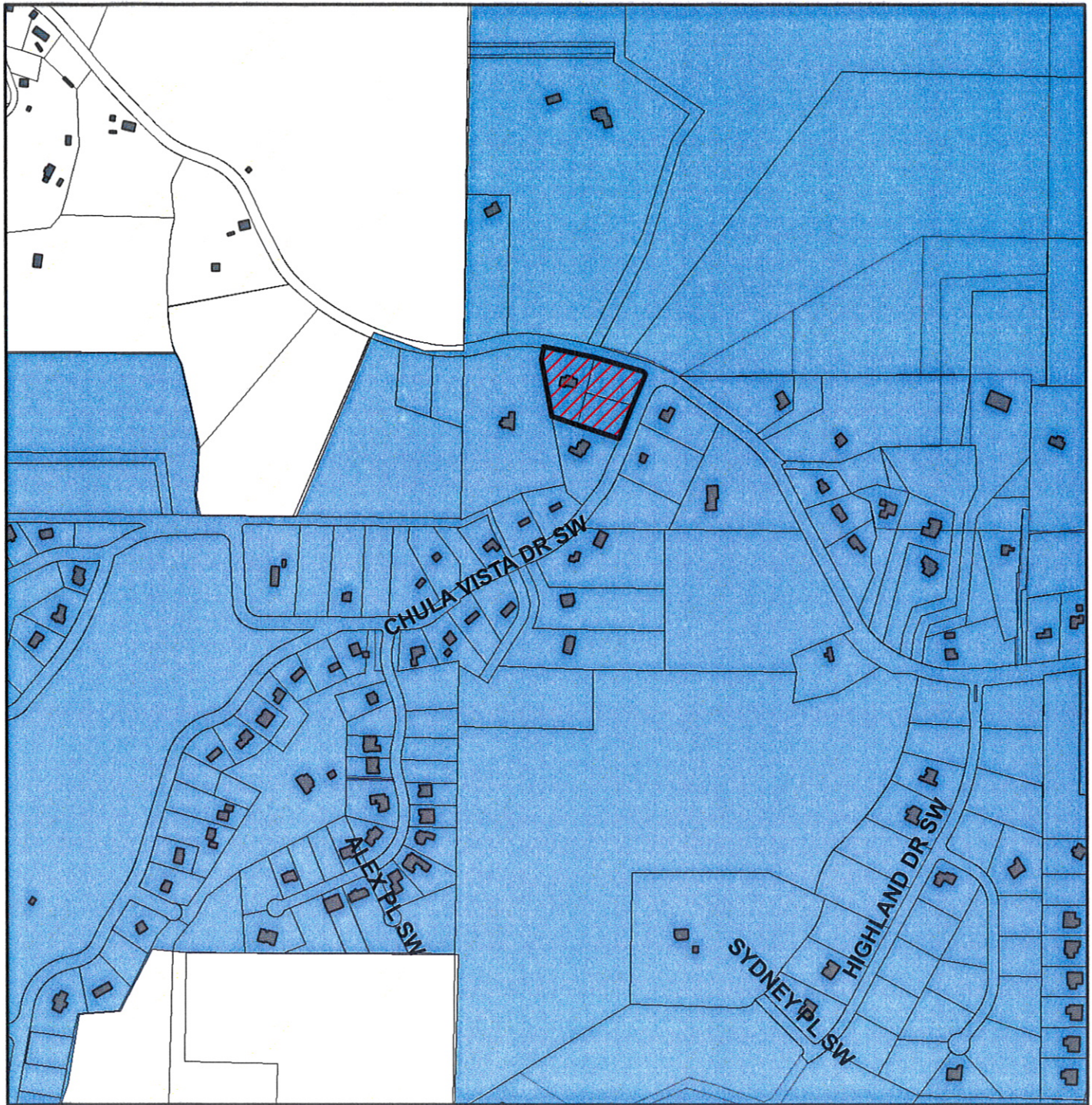
DRAFT OF PROPOSED ENTERTAINMENT DISTRICT



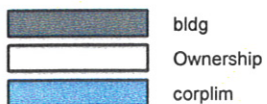
THIS AREA IS 3,945,023 SQUARE FEET IT IS 90.5 ACRES
BASED ON SHAPE BOUNDARIES FROM GIS

City of Decatur Community Planning and Economic Development
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

CERTIFICATE TO SUBDIVIDE & CONSOLIDATE NO. 3202-13



Legend



LOCATION MAP

PREPARED BY THE CITY OF DECATUR
PLANNING DEPARTMENT

APPLICANT: CATHY ARMSTRONG



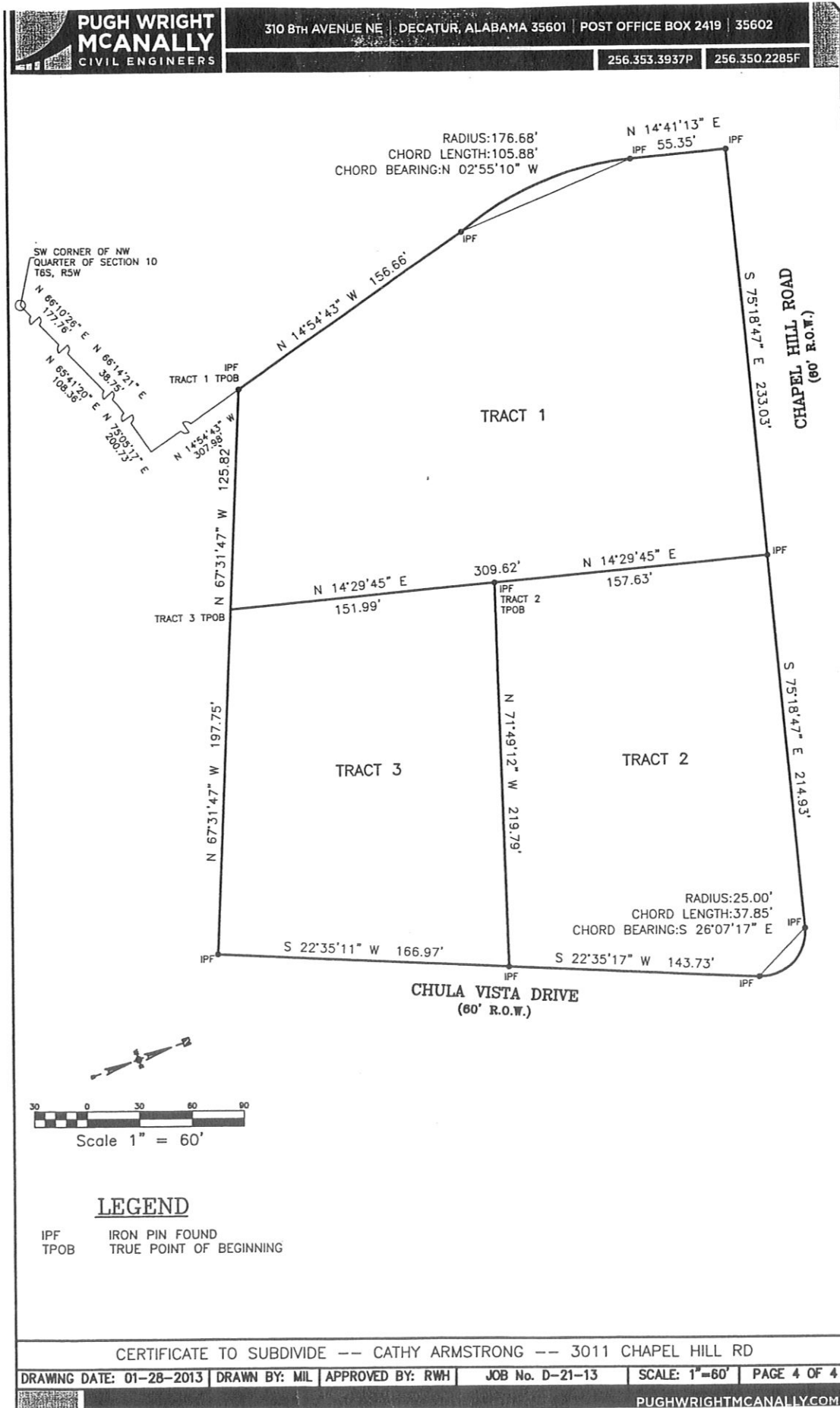
DRAWING NOT TO SCALE

 **SUBJECT PROPERTY**

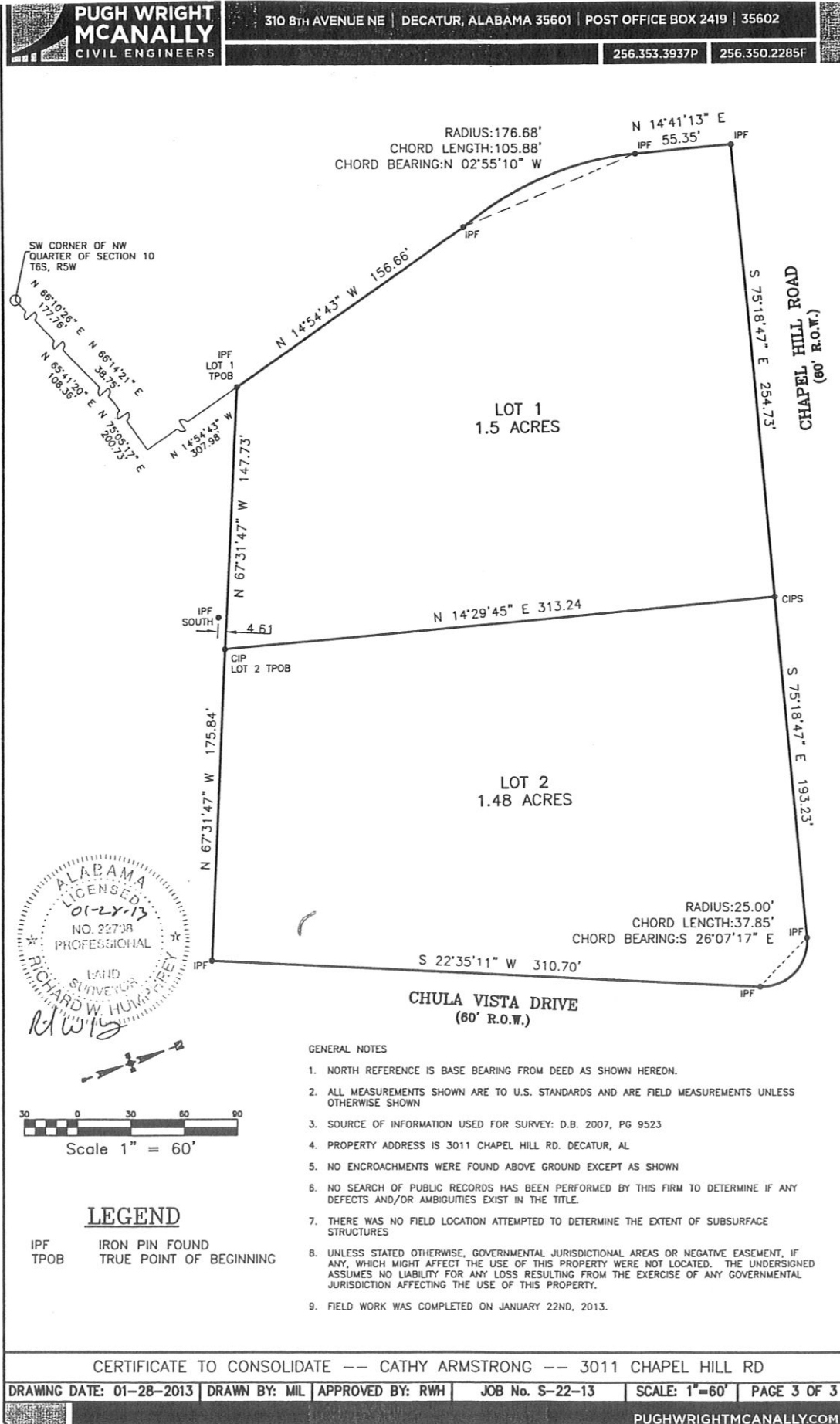
ZONED AG-2

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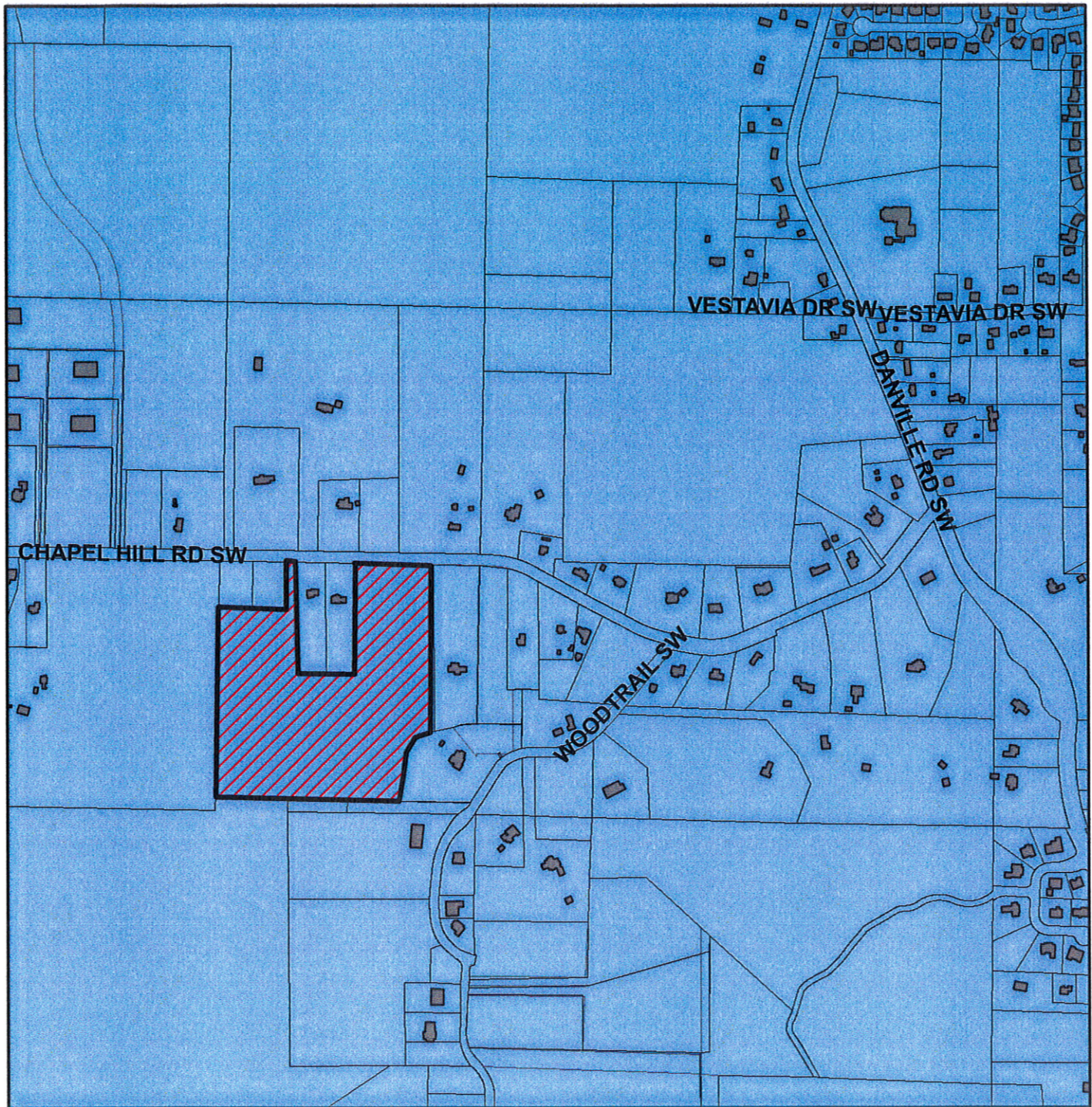
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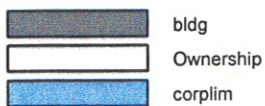
CERTIFICATE TO SUBDIVIDE AND CONSOLIDATE NO. 3202-13



CERTIFICATE TO SUBDIVIDE NO. 3203-13



Legend



LOCATION MAP

PREPARED BY THE CITY OF DECATUR
PLANNING DEPARTMENT

APPLICANT: DOROTHY LOUISE MITCHELL



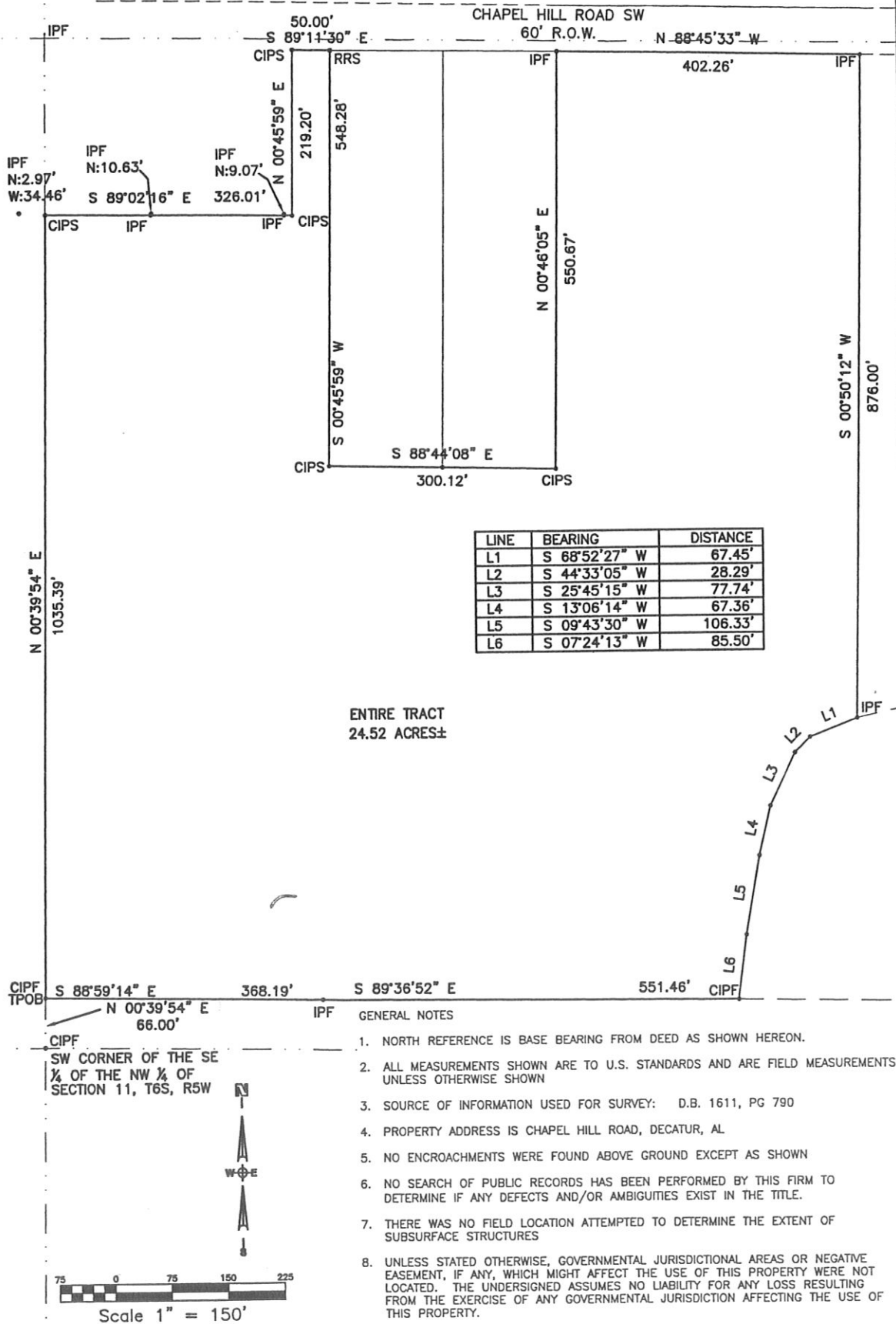
DRAWING NOT TO SCALE

 **SUBJECT PROPERTY**

ZONED AG-2

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CERTIFICATE TO SUBDIVIDE NO. 3203-13



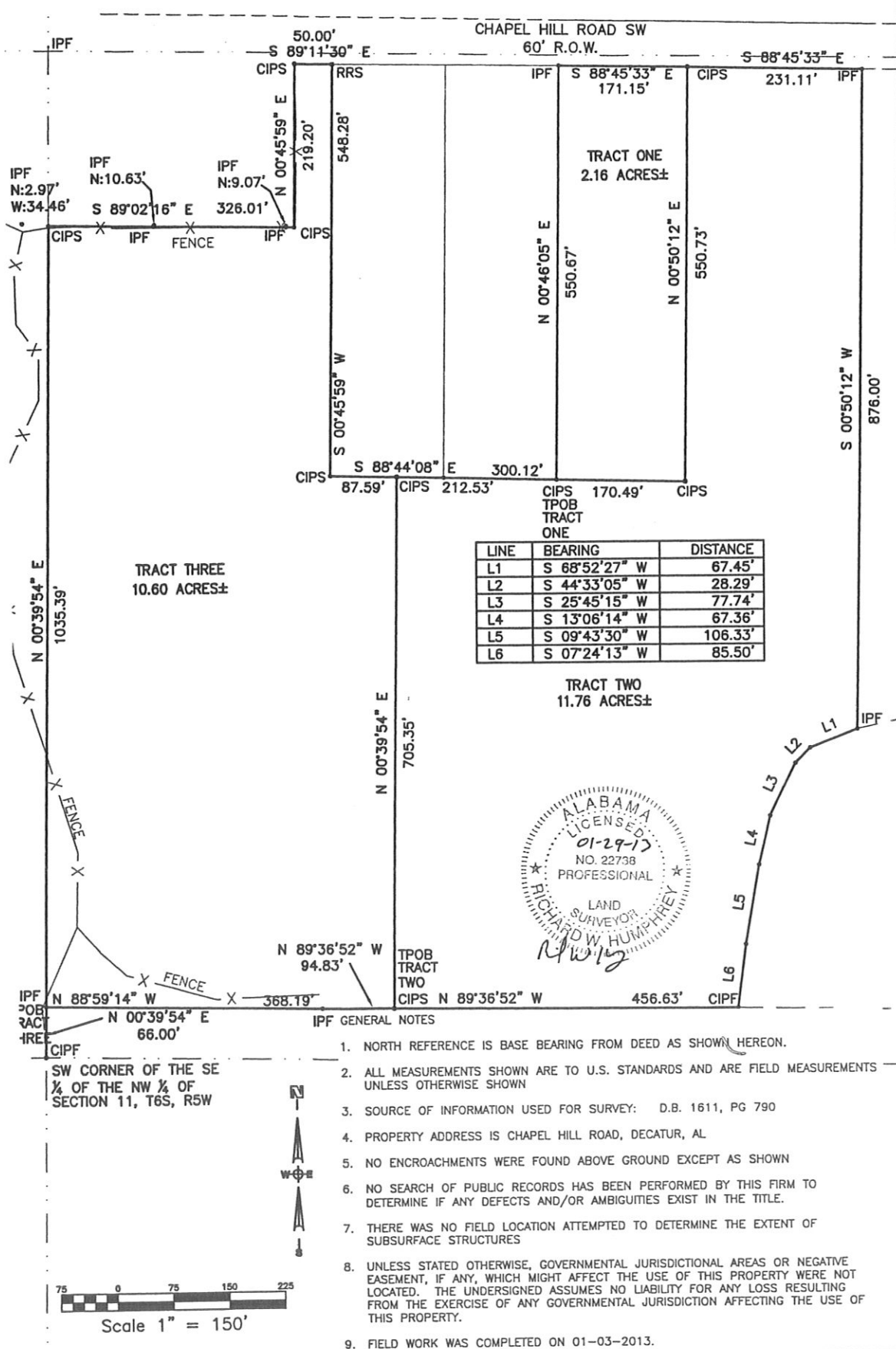
PROPERTY SURVEY -- MITCHELL -- CHAPEL HILL ROAD

DRAWING DATE: 01-17-13 | DRAWN BY: RDH | APPROVED BY: RWH | JOB No. D-162-12 | SCALE: 1"=150' | PAGE 3 OF 3

PUGHWRIGHTMCANALLY.COM

13

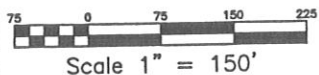
CERTIFICATE TO SUBDIVIDE NO. 3203-13



LINE	BEARING	DISTANCE
L1	S 68°52'27" W	67.45'
L2	S 44°33'05" W	28.29'
L3	S 25°45'15" W	77.74'
L4	S 13°06'14" W	67.36'
L5	S 09°43'30" W	106.33'
L6	S 07°24'13" W	85.50'

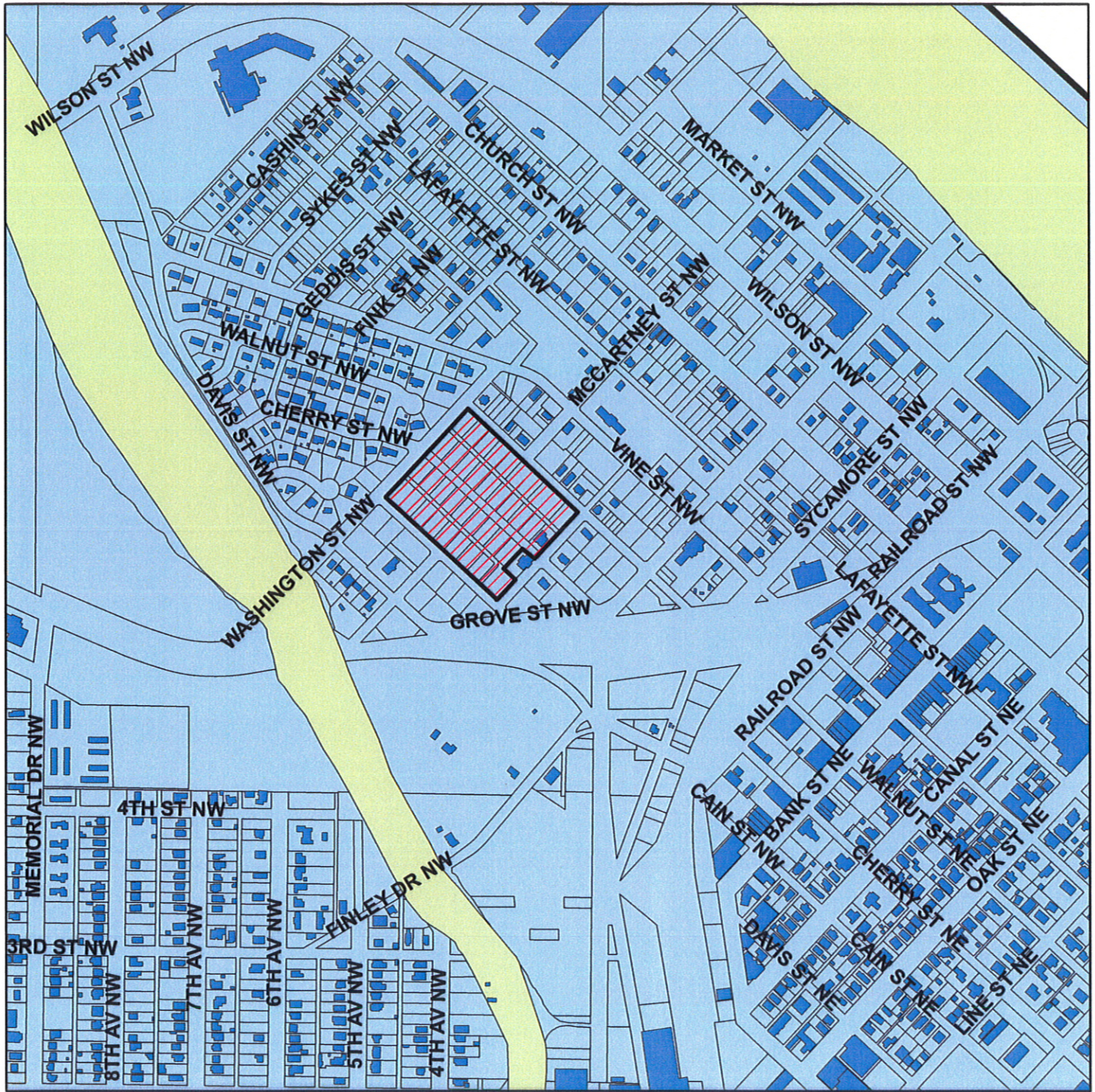


SW CORNER OF THE SE
¼ OF THE NW ¼ OF
SECTION 11, T6S, R5W



PROPERTY SURVEY -- MITCHELL -- CHAPEL HILL ROAD

BOND REVIEW FOR KINGS ESTATE ADDITION



Legend

- bldg
- floodway
- parcel
- corplim
- SUBJECT PROPERTY

ZONED R-5

LOCATION MAP

PREPARED BY THE CITY OF DECATUR
PLANNING DEPARTMENT

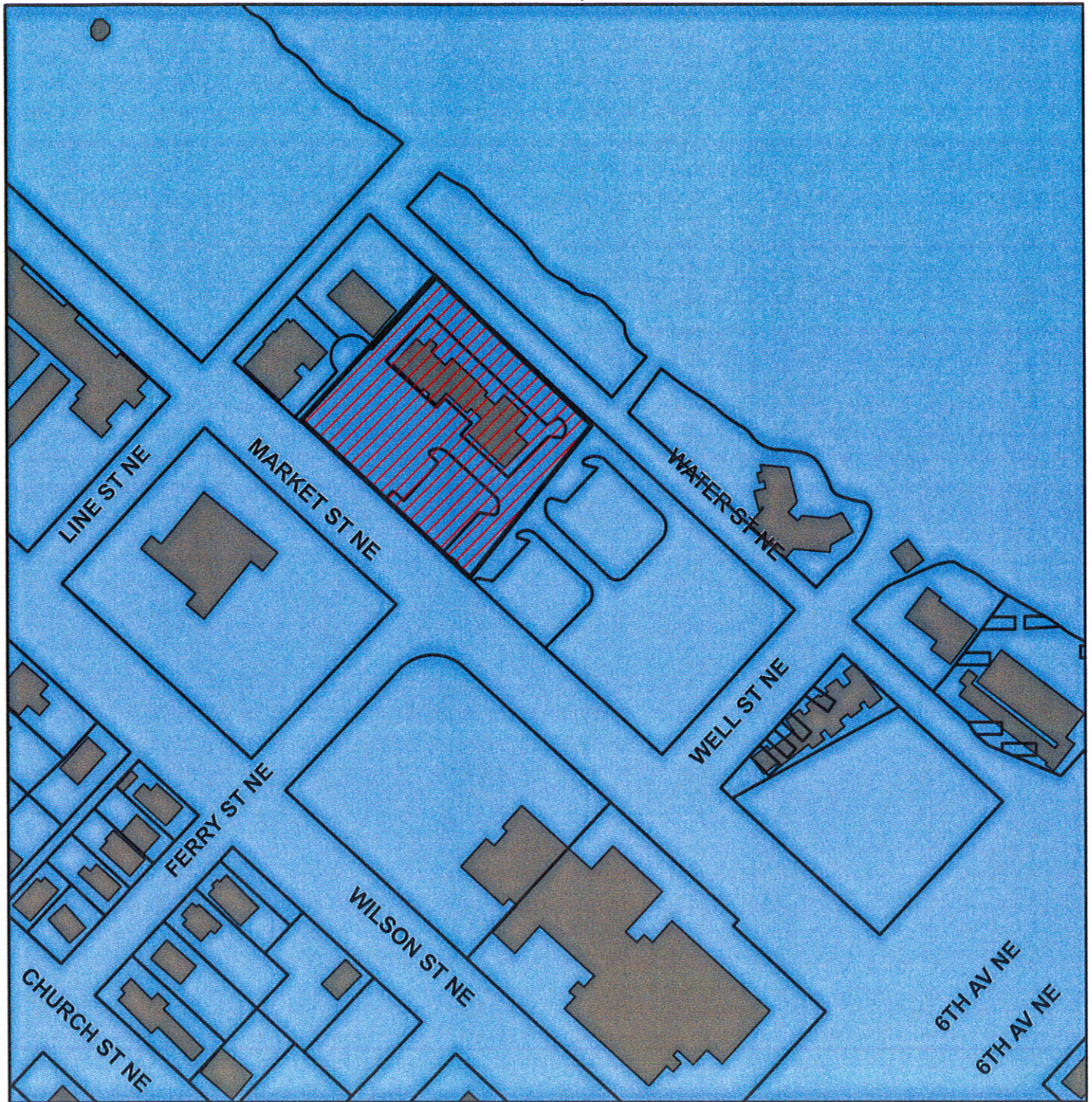
APPLICANT: Decatur Housing Authority



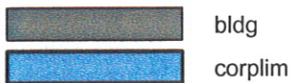
DRAWING NOT TO SCALE

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VACATION REQUEST 475-13



Legend



LOCATION MAP

PREPARED BY THE CITY OF DECATUR
PLANNING DEPARTMENT

APPLICANT: WATERFRONT INVESTMENT LLC



DRAWING NOT TO SCALE

 **SUBJECT PROPERTY**

ZONED B-5

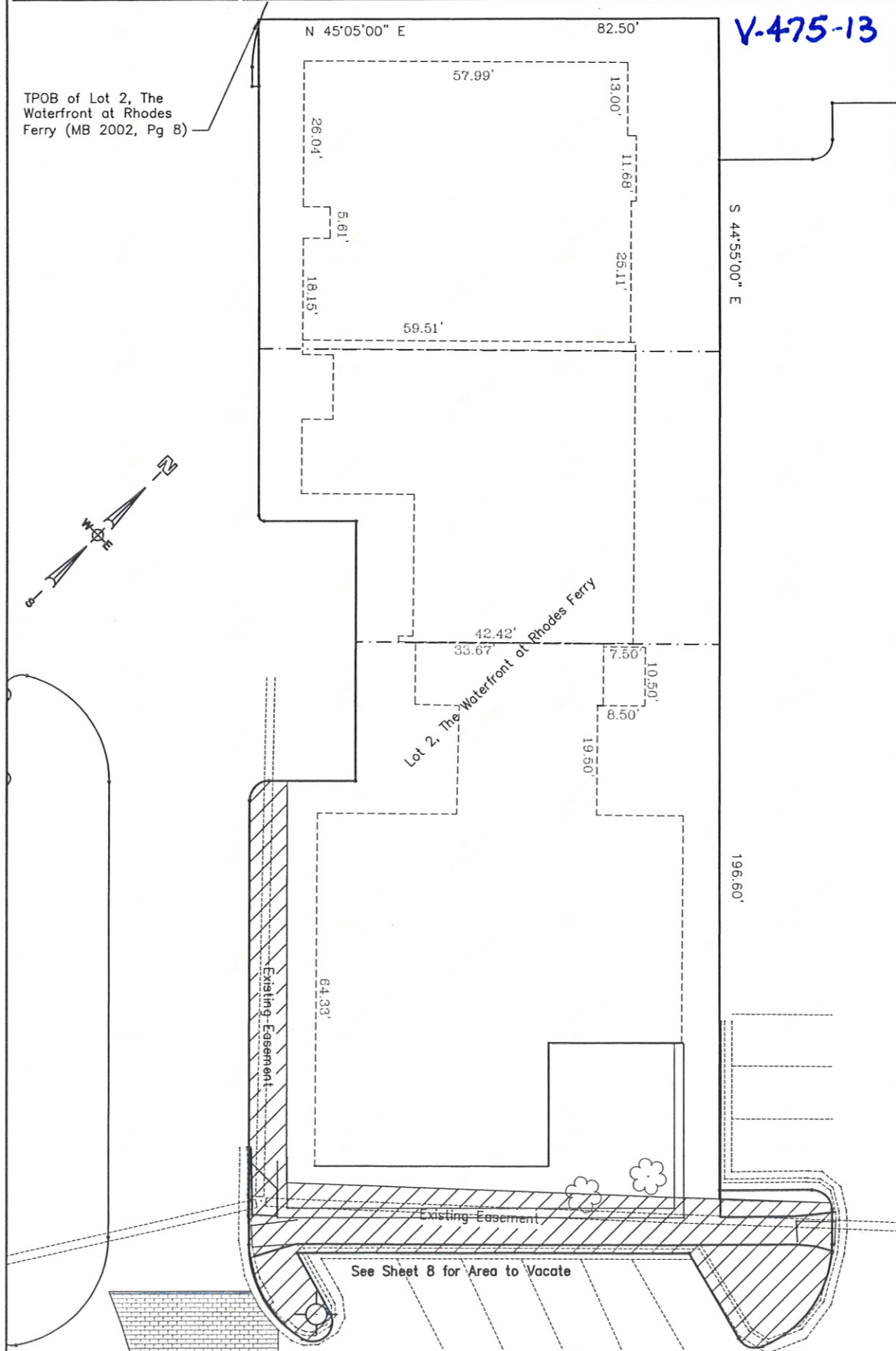
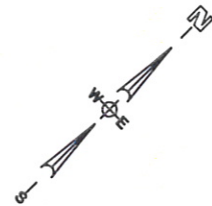
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110



V-475-13

TPOB of Lot 2, The
Waterfront at Rhodes
Ferry (MB 2002, Pg 8)



EASEMENT VACATION -- WATERFRONT INVESTMENTS, LLC -- 300 MARKET ST NE

DRAWING DATE: FEB 2013

DRAWN BY: DDP

APPROVED BY: HBM

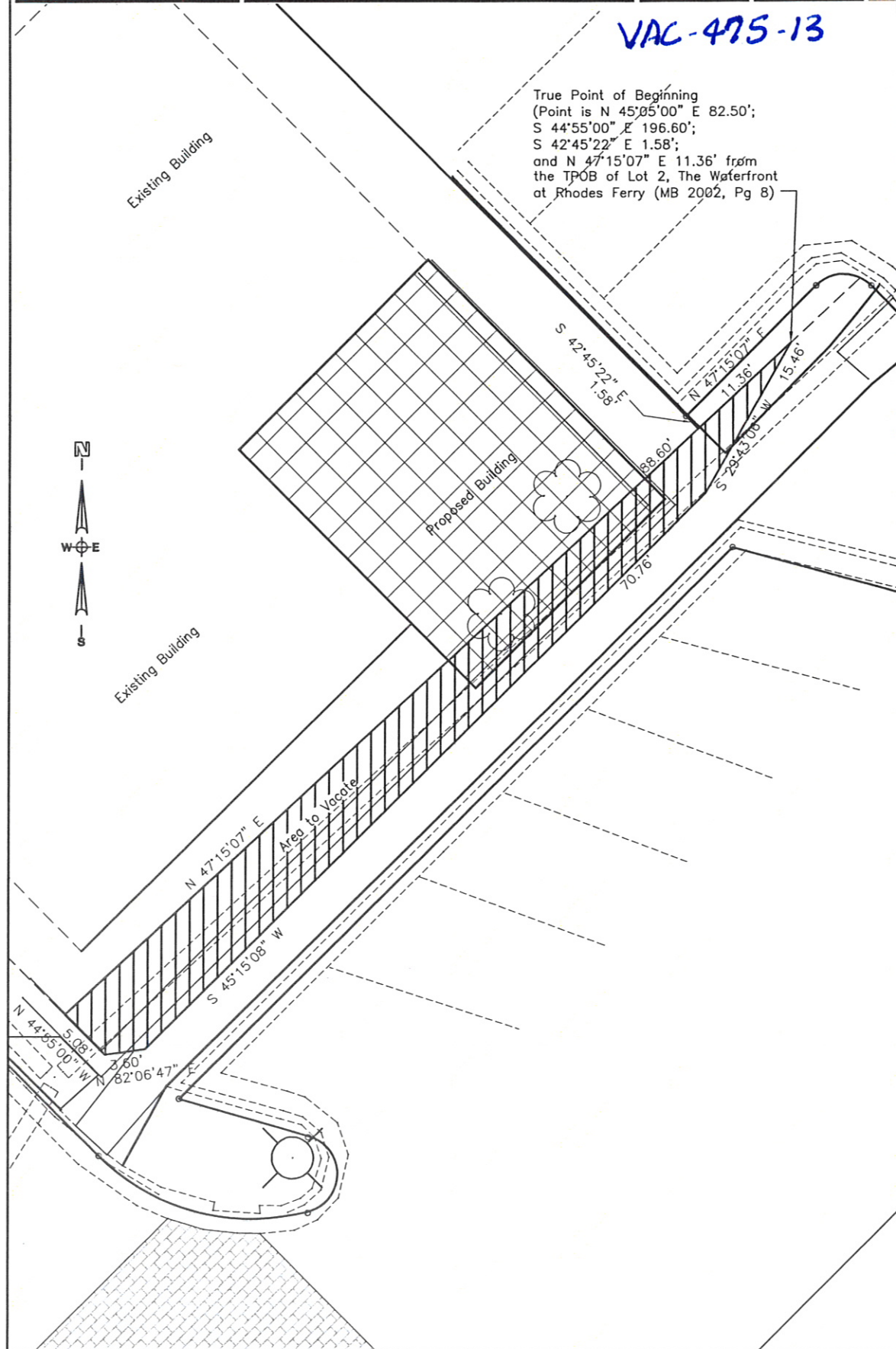
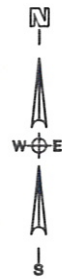
JOB No. D-14-13

SCALE: 1"=10'

PAGE 7 OF 8

VAC-475-13

True Point of Beginning
(Point is N 45°05'00" E 82.50';
S 44°55'00" E 196.60';
S 42°45'22" E 1.58';
and N 47°15'07" E 11.36' from
the TPOB of Lot 2, The Waterfront
at Rhodes Ferry (MB 2002, Pg 8)



EASEMENT VACATION -- WATERFRONT INVESTMENTS, LLC -- 300 MARKET ST NE

DRAWING DATE: FEB 2013

DRAWN BY: DDP

APPROVED BY: HBM

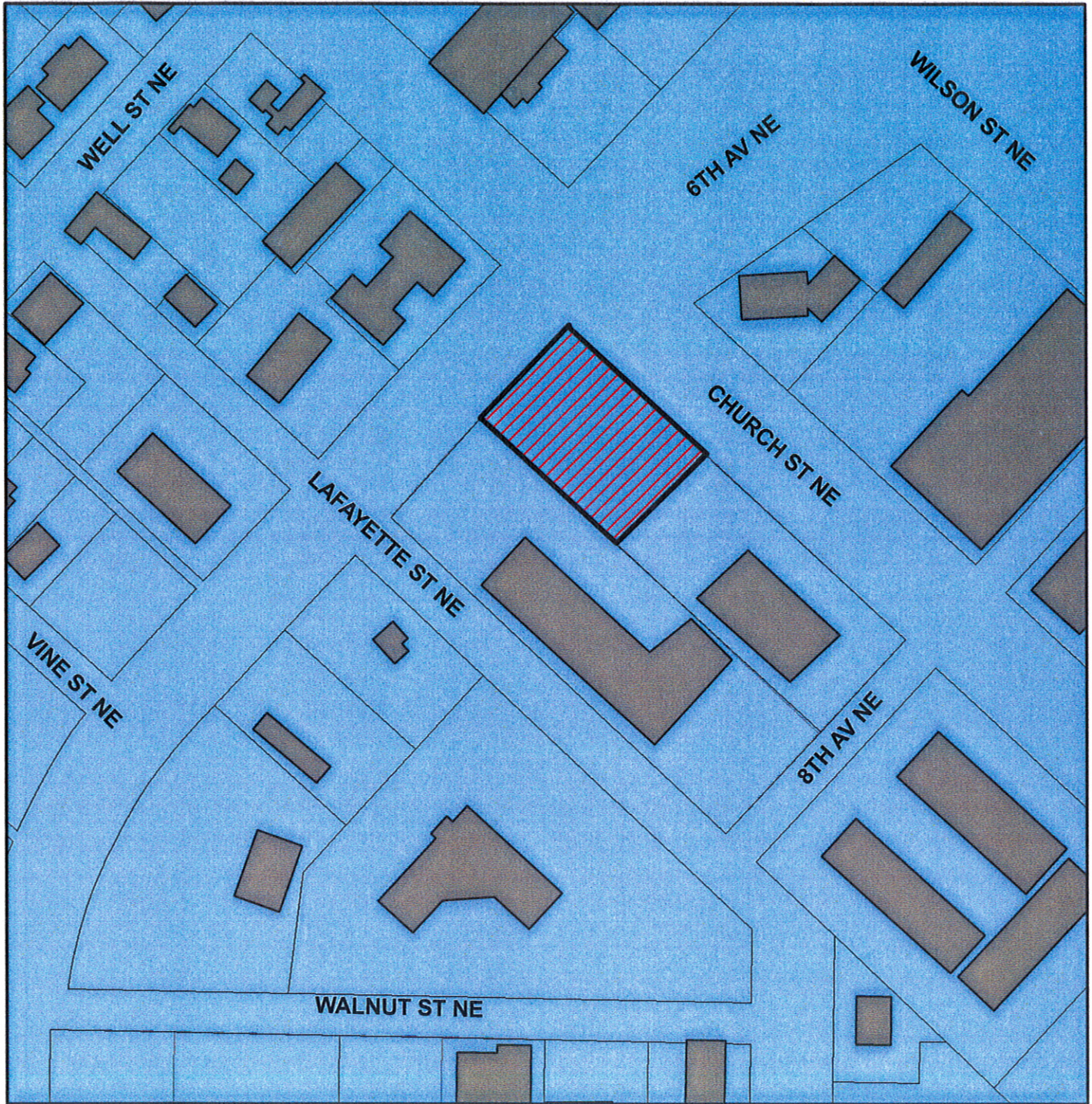
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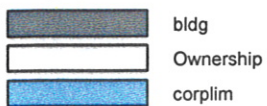
PAGE 8 OF 8

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SITE PLAN REVIEW NO. 499-13



Legend



LOCATION MAP

PREPARED BY THE CITY OF DECATUR
PLANNING DEPARTMENT

APPLICANT: REALTY LINK FOR HARDEES



DRAWING NOT TO SCALE

 **SUBJECT PROPERTY**

ZONED B-2

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