

## **MEMORANDUM**

**DATE:** August 13, 2014

**TO:** Planning Commissioners

**CC:** Mayor Don Kyle; Wally Terry; Herman Marks; Tony Powell; Tom Polk; Mark Petersohn; Carl Prewitt; Planning Staff

### **PLANNING COMMISSION MEETING**

**August 19, 2014**

**Pre-meeting – 2:15 p.m. (Annex)**

**Meeting – 3:15 p.m. (Council Chambers)**

# Agenda Planning Commission

City of Decatur, AL

**August 19, 2014**

Time: 3:15 PM

City Council Chambers

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

## 1. CALL MEETING TO ORDER

## 2. APPROVAL OF MINUTES- July 22, 2014

## 3. PUBLIC HEARING

PAGE/MAP

### REZONING REQUESTS

A. 1285-14	Zoning (North of Bennich Rd. SE and west of Indian Hills Rd. SE)	1/5-6
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## 4. CONSENT AGENDA

### CERTIFICATES

A. 3251-14	Certificate to Subdivide (North of Austin Street SW and east of State Street SW)	1/7-9
B. 3252-14	Certificate to Subdivide (North of Red Bank Rd. SE and west of Indian Hills Rd. SE)	2/10-12

### SITE PLANS

A. 517-14	Center for the Fine Arts (South of Lee St NE and west of 2 <sup>nd</sup> Avenue NE )	2/13 see plat
B. 518-14	Holiday Inn Express (North of Old Moulton Rd. SW and west side of Highway 67 Beltline Rd.)	3/14 see plat

## 5. OTHER BUSINESS

### CERTIFICATES

A. 3250-14	Certificate to Subdivide (North of W. Moulton Street and west of 13 <sup>th</sup> Avenue NW)	3/15-18
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### VACATION REQUEST

A. 486-14	(South of Lee Street and west of 2 <sup>nd</sup> Avenue NE)	4/19
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Minutes  
Zoning Committee  
August 12, 2014

**PUBLIC HEARING**

**ZONINGS AND REZONINGS**

**REZONING 1285-14**

Applicant: City  
Owner: Stratton Orr for Heritage Trust  
Request: To apply a B1 (Local Shopping District) zone to a piece of recently annexed property (Annexation 342-14)  
Location: North of Bennich Rd. SE and west of Indian Hills Rd. SE  
Recomm: Approval. This property is currently commercial and the building on the property is not suitable for anything else.

Zoning: Apply a B1 Zone to a piece of recently annexed property  
Acreage: 2 acres

**END PUBLIC HEARING**

**CONSENT AGENDA**

Minutes  
Subdivision Committee  
August 12, 2014

**Certificates**

**3251-14 Certificate to Subdivide**

Applicant: Pennymac Mortgage Investment Trust Holdings LLC  
Owner: Same  
Request: Subdivide .88 acres into three tracts of .30, .30 and .28 acres  
Location: North of Austin Street SW and east of State Street SW

Zoning: R-3, SF Residential  
Acreage: .88 acres

Conds: 1. Payment of recording fees

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

Recomm: Approval with stated conditions

### **3252-14 Certificate to Subdivide**

Applicant: Burningtrees Valley Associates

Zoning: R-1, R-2 & R-6

Owner: Same

Acreage: 189.81 acres

Request: Subdivide Lot 1 of Burningtrees Valley, Add No. 5 into three tracts of 7.27 acres, 1.98 acres and 180.56 acres

Location: North of Red Bank Rd. SE and west of Indian Hills Rd. SE

Conds: 1. Payment of recording fees  
2. No building permit will be issued for either tract until a street, built to city standards, and utilities are extended to both tracts - or until such time as both tracts are divided by plat and all public improvements are built or bonded. **This statement to be placed in the body of the Certificate to Subdivide and stated on the survey.**

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

Recomm: Approval with stated conditions

## **Site Plan Reviews**

### **517-14 Center for Fine Arts**

Applicant: AL State Bd. of Educ. & Athens State Univ.

Zoning: B-5

Owner:

Acreage:

Request: Site plan review for phase II development of the Center for Fine Arts in downtown Decatur

Location: South of Lee St NE and west of 2<sup>nd</sup> Avenue NE

Conds: 1. Completion of Vacation Request 486-14

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

Recomm: Approval with stated conditions

**518-14      Holiday Inn Express**

Applicant: Shivam Hospitality Group LLC

Zoning: M-1A, Expressway Commercial

Owner: Same

Acreage:

Request:      Site plan approval for the construction of a car wash

Location:      North of Old Moulton Rd. SW and west side of Highway 67 Beltline Rd

Conds:      1.      Provide lighting and irrigation plans  
                 2.      Finalize Mitchell Crossing plat  
                 3.      Provide parking calculations to Building and Planning Departments  
                 4.      Provide drainage calculations to Engineering

***Pt. of Info:***

***(1) Any relocation of utilities will be at the owner's expense.***

***(2) Structural plans to be reviewed by the State of Alabama Building Commission***

Recomm:      Approval with stated conditions

<b>END CONSENT AGENDA</b>
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**Certificates**

**3250-14      Certificate to Subdivide**

Applicant: RVBY Ventures Inc.

Zoning: M-1, Light Industry

Owner: Same

Acreage: 4.1 acres

Request:      Subdivide 4.1 acres into two tracts of 3.38 acres and 0.71 acres

Location:      North of W. Moulton Street and west of 13<sup>th</sup> Avenue NW

Conds:      1.      Payment of recording fees  
                 2.      Provide shared parking agreement or determine if there is adequate parking and ingress from West Moulton Rd.  
                 3.      Dedicate a 15' electric easement at the rear of the building  
                 4.      Determine if a firewall divides the two units – to be determined by a design professional.

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

Recomm:      Approval with stated conditions

## Vacation Request

486-14

Applicant: AL State Bd of Education & Athens State Univ  
Owner: Same

Zoning: B-5

Acreage:

Request: Vacate a portion of an existing 40' easement running north and south –  
Lot 1 of the Downtown Art Center

Location: South of Lee Street and west of 2<sup>nd</sup> Avenue NE

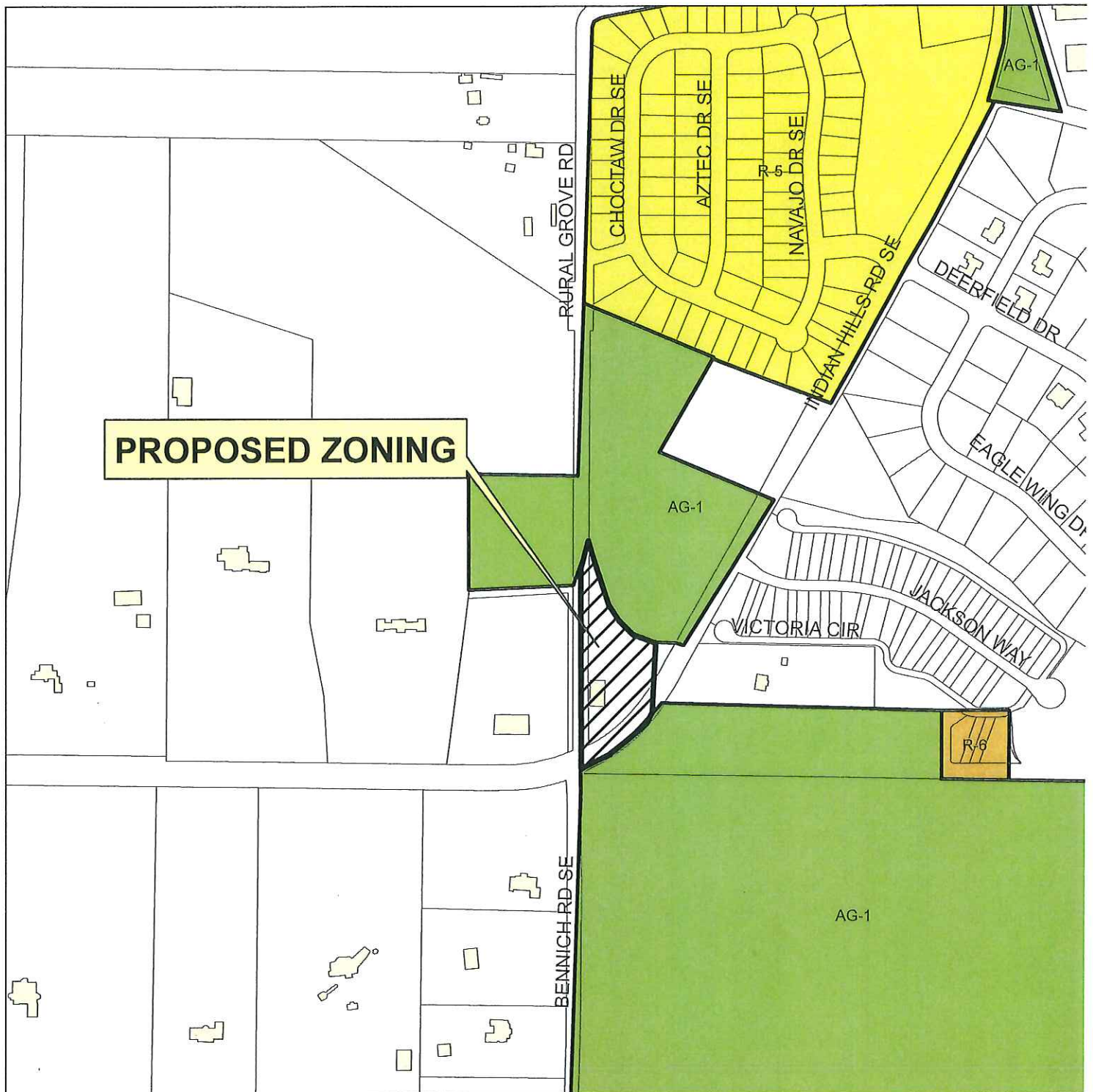
Conds: 1. Utilities will need to be relocated and a new easement dedicated.

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

Recomm: Approved with stated conditions.





# ZONING REQUEST NO. 1285-14 FROM NEWLY ANNEXED TO B-1 2 ACRES



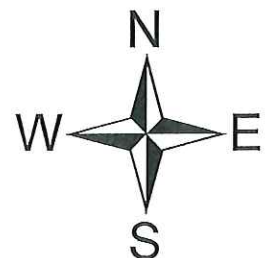
## LOCATION MAP

### Legend

-  Ownership
-  Buildings

 **SUBJECT PROPERTY**

**APPLICANT: STRATTON ORR**



5  
**DRAWING NOT TO SCALE**

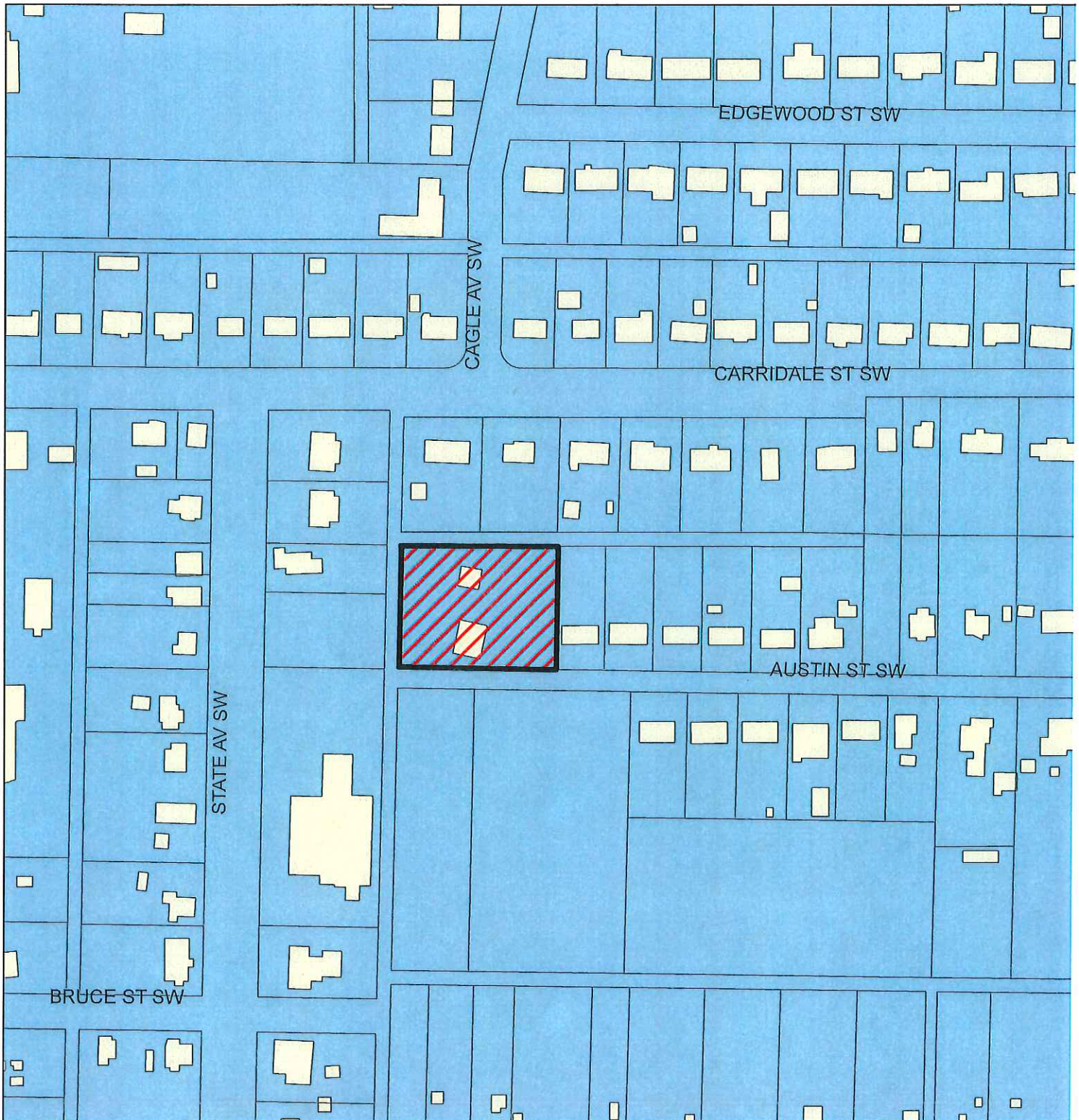


# B1 ZONING DISTRICT 8/12/2014

District	USE REGULATIONS	SPACE AND HEIGHT REGULATIONS	District
B-1 (Local Shopping District)	<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; event venues; 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> <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 <u>section 25-10</u> of this Code.</p> <p><i>Uses prohibited:</i> Businesses licensed under the Deferred Presentment Services Act and/or, Pawnshop Act and/or, Dealers in Gold or Precious Items Act; and any use not permitted or permitted on appeal.</p>	<p><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 service.</p> <p><i>Minimum yard size:</i> Front 25 feet; rear 20 feet; side, not specified, except on a lot adjoining along its side lot line a lot which is in a residential district, there shall be a side yard not less than eight (8) feet wide.</p> <p><i>Maximum height:</i> 45 feet or 3 stories.</p> <p><i>Off-street parking:</i> See <u>§ 25-16</u></p> <p><i>Off-street loading and unloading:</i> Shall use required rear or side yard for loading and unloading.</p>	B-1 (Local Shopping District)



# CERTIFICATE TO SUBDIVIDE NO. 3251-14



## Legend

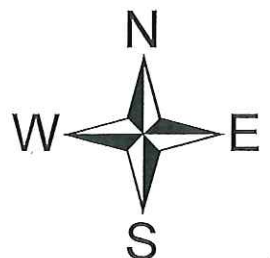
-  Ownership
-  Buildings
-  Corporate Limits

 **SUBJECT PROPERTY**

## LOCATION MAP

**APPLICANT: PENNYMAC MORTGAGE  
INVESTMENT TRUST HOLDINGS 1, LLC**

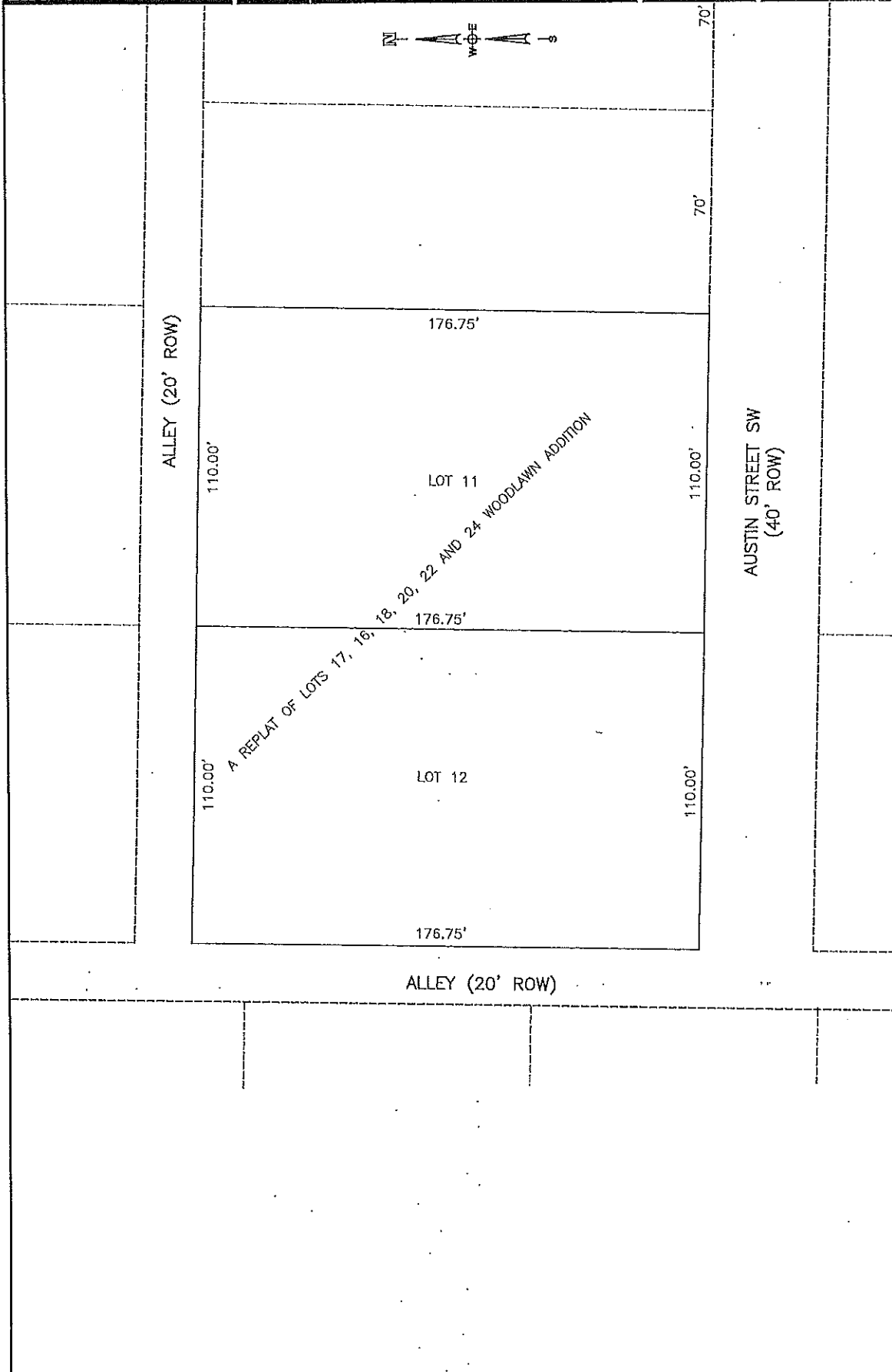
**PROPERTY ZONED R-3**



**DRAWING NOT TO SCALE**

# CERTIFICATE TO SUBDIVIDE NO. 3251-14

	310 8TH AVENUE NE   DECATUR, ALABAMA 35601   POST OFFICE BOX 2419   35602	
	256.353.3937P	256.350.2285F



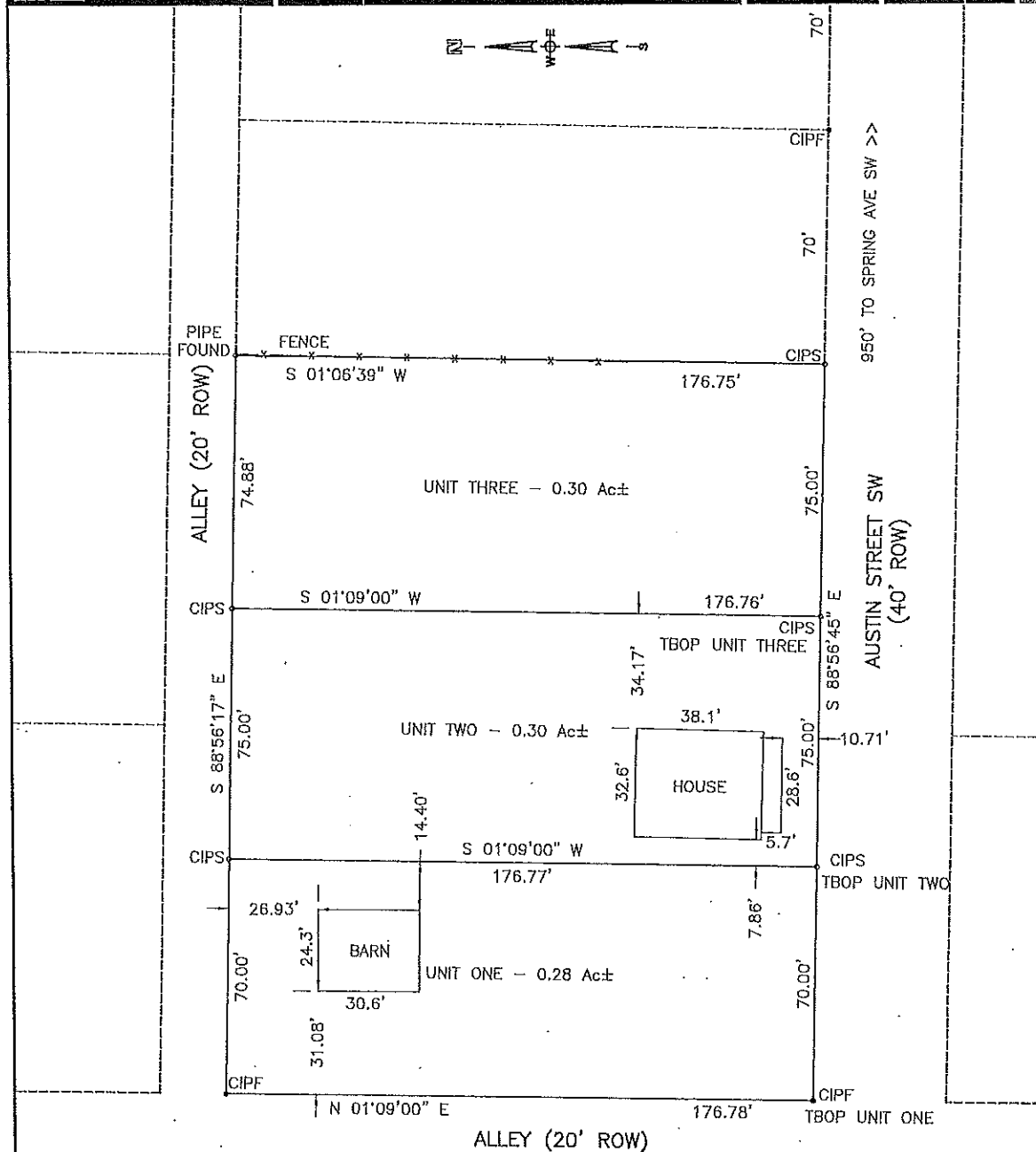
# CERTIFICATE TO SUBDIVIDE NO. 3251-14



310 8TH AVENUE NE | DECATUR, ALABAMA 35601 | POST OFFICE BOX 2419 | 35602

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256.350.2285F

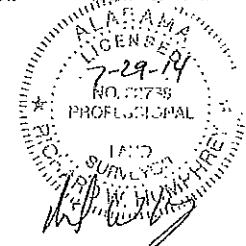


## GENERAL NOTES

1. NORTH REFERENCE IS ALABAMA STATE COORDINATE SYSTEM GRID BEARING - WEST ZONE [NAD83] AS SHOWN HEREON.
2. ALL MEASUREMENTS SHOWN ARE TO U.S. STANDARDS AND ARE FIELD MEASUREMENTS UNLESS OTHERWISE SHOWN
3. SOURCE OF INFORMATION USED FOR SURVEY: D.B. 2013, PG 7952 & M.B. 3, PG 43
4. PROPERTY IS LOCATED ON AUSTIN STREET SW, DECATUR, AL
5. NO ENCROACHMENTS WERE FOUND ABOVE GROUND EXCEPT AS SHOWN
6. NO SEARCH OF PUBLIC RECORDS HAS BEEN PERFORMED BY THIS FIRM TO DETERMINE IF ANY DEFECTS AND/OR AMBIGUITIES EXIST IN THE TITLE.
7. THERE WAS NO FIELD LOCATION ATTEMPTED TO DETERMINE THE EXTENT OF SUBSURFACE STRUCTURES
8. UNLESS STATED OTHERWISE, GOVERNMENTAL JURISDICTIONAL AREAS OR NEGATIVE EASEMENT, IF ANY, WHICH MIGHT AFFECT THE USE OF THIS PROPERTY WERE NOT LOCATED. THE UNDERSIGNED ASSUMES NO LIABILITY FOR ANY LOSS RESULTING FROM THE EXERCISE OF ANY GOVERNMENTAL JURISDICTION AFFECTING THE USE OF THIS PROPERTY.
9. FIELD WORK WAS COMPLETED IN JULY, 2014.

## LEGEND

TPOB TRUE POINT OF BEGINNING  
CIPS CAPPED IRON PIN SET  
CIPF CAPPED IRON PIN FOUND  
ROW RIGHT-OF-WAY

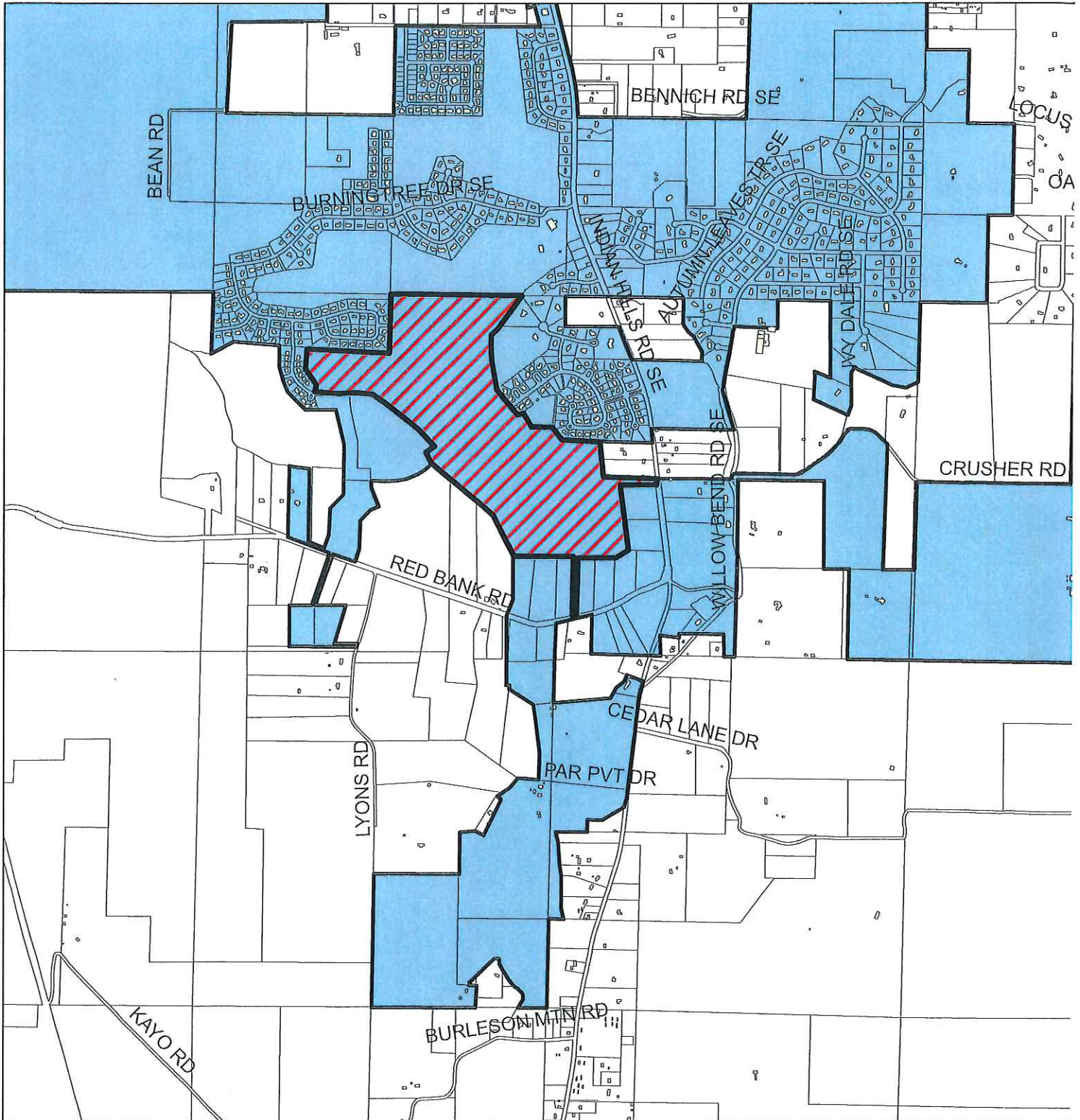


BOUNDARY SURVEY --- PENNYMAC MORTGAGE INVESTMENT TRUST HOLDINGS I, LLC

DRAWING DATE: JULY 2014 | DRAWN BY: DDP | APPROVED BY: RWH | JOB No. S-114-14 | SCALE: 1"=40' | PAGE 3 OF 3



# CERTIFICATE TO SUBDIVIDE NO. 3252-14



### Legend

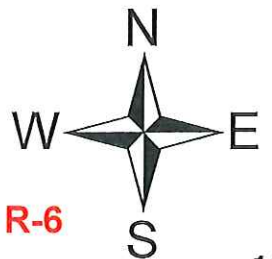
-  Ownership
-  Buildings
-  Corporate Limits

 **SUBJECT PROPERTY**

## LOCATION MAP

**APPLICANT: BURNINGTREE VALLEY ASSOCIATES**

**PROPERTY ZONED R-1, R-2 AND R-6**



10  
DRAWING NOT TO SCALE

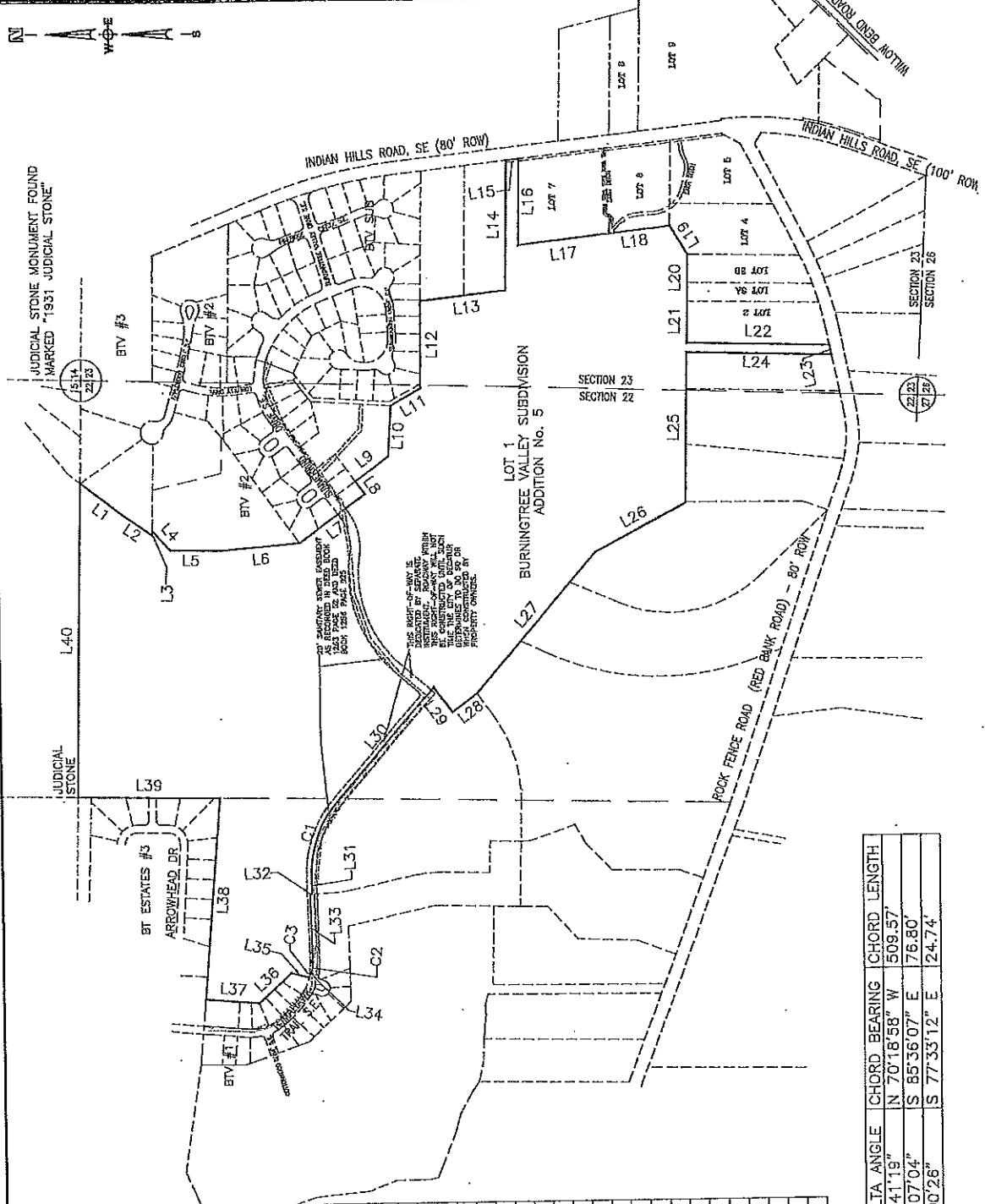
# CERTIFICATE TO SUBDIVIDE NO. 3252-14

**PUGH WRIGHT  
MCANALLY**  
CIVIL ENGINEERS

310 8TH AVENUE NE | DECATUR, ALABAMA 35601 | POST OFFICE BOX 2419 | 35602

256.353.3937P

256.350.2285F



LINE	BEARING	DISTANCE
L1	N 37°05'04" E	353.76'
L2	N 34°19'51" E	207.89'
L3	N 88°50'32" W	27.87'
L4	N 47°36'35" E	168.11'
L5	N 01°13'29" E	324.79'
L6	N 04°35'28" W	497.31'
L7	N 36°13'25" W	510.00'
L8	S 53°46'35" W	100.00'
L9	N 36°13'25" W	259.87'
L10	N 86°21'34" W	315.88'
L11	N 29°37'30" W	215.48'
L12	N 89°25'47" W	545.04'
L13	N 06°35'15" W	540.00'
L14	N 88°58'58" W	807.00'
L15	N 06°32'30" W	80.69'
L16	S 88°58'58" E	538.09'
L17	N 06°32'30" W	585.00'
L18	N 06°32'30" W	380.00'
L19	N 58°15'47" E	208.37'
L20	S 88°58'58" E	290.00'
L21	S 88°58'58" E	260.00'
L22	N 01°28'07" E	894.95'
L23	N 78°18'45" E	61.62'
L24	S 01°28'07" W	908.97'
L25	S 88°58'58" E	942.92'
L26	S 28°03'19" E	647.47'
L27	S 48°58'19" E	1158.71'
L28	S 36°13'25" E	196.08'
L29	S 53°46'35" W	193.81'
L30	S 48°58'18" E	934.41'
L31	N 88°20'21" E	102.68'
L32	S 01°39'39" E	15.00'
L33	N 88°20'21" E	422.18'
L34	N 10°26'36" E	10.00'
L35	S 14°27'01" W	117.49'
L36	S 42°12'58" E	277.70'
L37	S 04°43'50" W	341.01'
L38	N 85°16'10" W	1288.12'
L39	S 01°13'16" W	901.57'
L40	N 88°46'31" W	1984.67'

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	521.55'	700.00'	42°41'19"	N 70°18'58" W	509.57'
C2	76.94'	363.79'	12°07'04"	S 85°36'07" E	76.80'
C3	24.74'	353.79'	4°00'26"	S 77°33'12" E	24.74'

CERTIFICATE TO SUBDIVIDE --- BURNINGTREE VALLEY ASSOCIATES --- DECATUR, AL

DRAWING DATE: JULY 9, 2014 | DRAWN BY: RWH | APPROVED BY: RWH | JOB No. D-101-14 | SCALE: 1"=800' | PAGE 5 OF 8

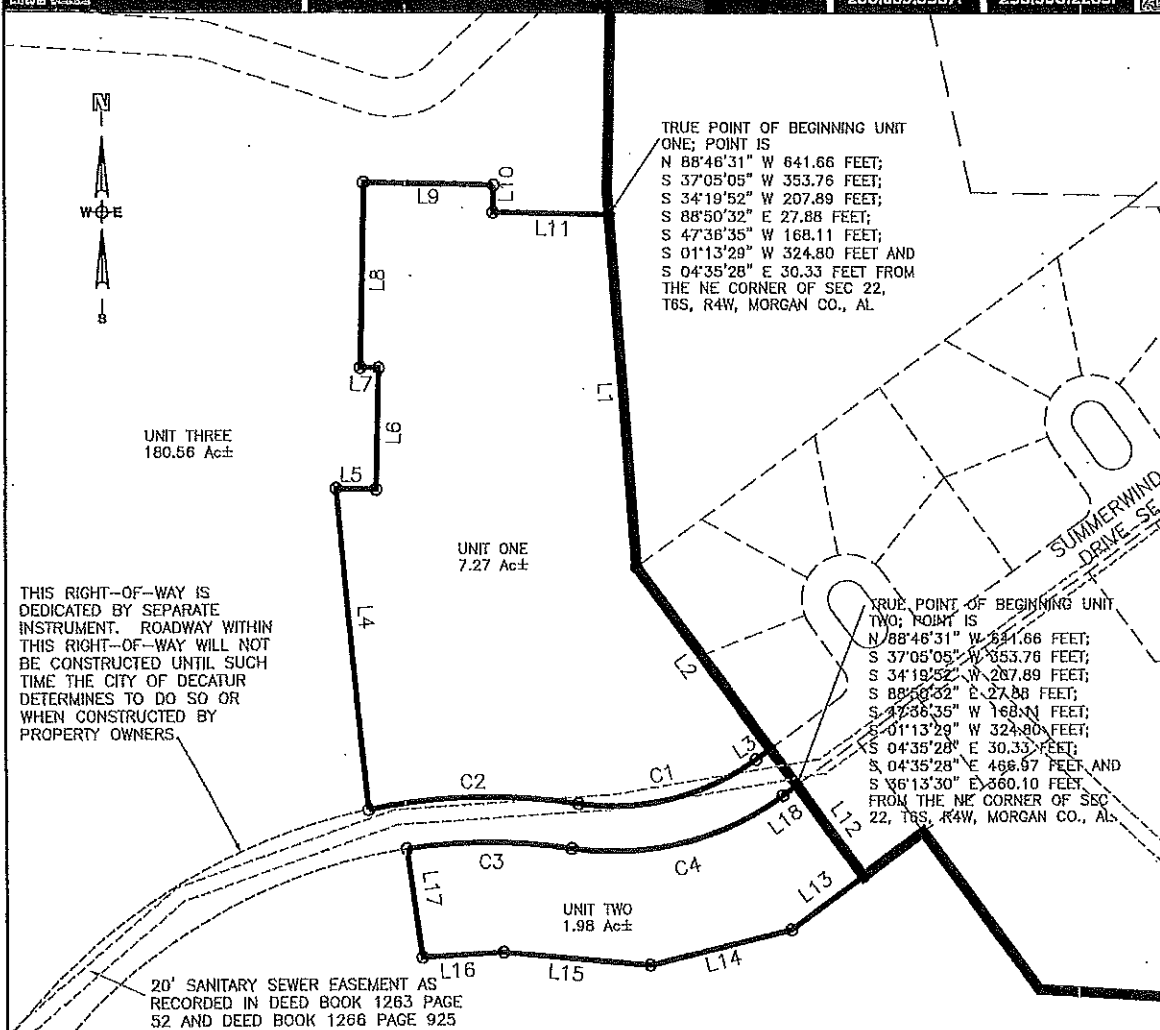
# CERTIFICATE TO SUBDIVIDE NO. 3252-14

**PUGH WRIGHT  
MCANALLY**  
CIVIL ENGINEERS

310 8TH AVENUE NE | DECATUR, ALABAMA 35601 | POST OFFICE BOX 2419 | 35602

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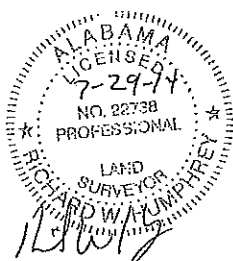


LINE	BEARING	DISTANCE
L1	N 04°35'28" W	466.97'
L2	N 36°13'25" W	300.10'
L3	N 53°46'35" E	23.23'
L4	S 05°38'40" E	427.73'
L5	N 88°50'11" W	52.62'
L6	S 01°09'49" W	180.00'
L7	N 88°50'11" W	23.84'
L8	S 01°09'49" W	244.37'
L9	N 88°47'19" W	173.42'
L10	N 01°08'28" E	36.11'
L11	N 88°50'11" W	155.25'
L12	N 36°13'25" W	149.90'
L13	N 53°46'35" E	118.81'
L14	N 76°04'33" E	193.56'
L15	S 84°46'22" E	197.45'
L16	N 86°45'57" E	109.51'
L17	S 08°21'29" E	145.02'
L18	N 53°46'35" E	23.24'

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	250.69'	320.00'	44°53'07"	N 76°13'08" E	244.33'
C2	283.02'	805.00'	20°08'39"	N 88°35'22" E	281.57'
C3	222.48'	745.00'	17°06'36"	S 89°53'36" E	221.65'
C4	297.69'	380.00'	44°53'07"	S 76°13'08" W	290.14'

## GENERAL NOTES

- NORTH REFERENCE IS BASE BEARING FROM PLAT AS SHOWN HEREON.
- ALL MEASUREMENTS SHOWN ARE TO U.S. STANDARDS AND ARE FIELD MEASUREMENTS UNLESS OTHERWISE SHOWN
- SOURCE OF INFORMATION USED FOR SURVEY: M.B. 2014, PG 8
- PROPERTY IS LOCATED NORTH OF RED BANK ROAD AND WEST OF INDIAN HILLS RD.
- NO ENCROACHMENTS WERE FOUND ABOVE GROUND EXCEPT AS SHOWN
- NO SEARCH OF PUBLIC RECORDS HAS BEEN PERFORMED BY THIS FIRM TO DETERMINE IF ANY DEFECTS AND/OR AMBIGUITIES EXIST IN THE TITLE.
- THERE WAS NO FIELD LOCATION ATTEMPTED TO DETERMINE THE EXTENT OF SUBSURFACE STRUCTURES
- UNLESS STATED OTHERWISE, GOVERNMENTAL JURISDICTIONAL AREAS OR NEGATIVE EASEMENT, IF ANY, WHICH MIGHT AFFECT THE USE OF THIS PROPERTY WERE NOT LOCATED. THE UNDERSIGNED ASSUMES NO LIABILITY FOR ANY LOSS RESULTING FROM THE EXERCISE OF ANY GOVERNMENTAL JURISDICTION AFFECTING THE USE OF THIS PROPERTY.
- FIELD WORK WAS COMPLETED IN JULY, 2014.



BOUNDARY SURVEY --- BURNINGTREE VALLEY ASSOCIATES --- DECATUR, AL

DRAWING DATE: JULY, 2014 | DRAWN BY: DDP | APPROVED BY: RWH | JOB No. S-02-14 | SCALE: 1"=200' | PAGE 5 OF 5



# SITE PLAN NO. 517-14



## LOCATION MAP

**APPLICANT: ALABAMA STATE BOARD  
OF EDUCATION and ATHENS STATE UNIVERSITY**

Legend



**SUBJECT PROPERTY**

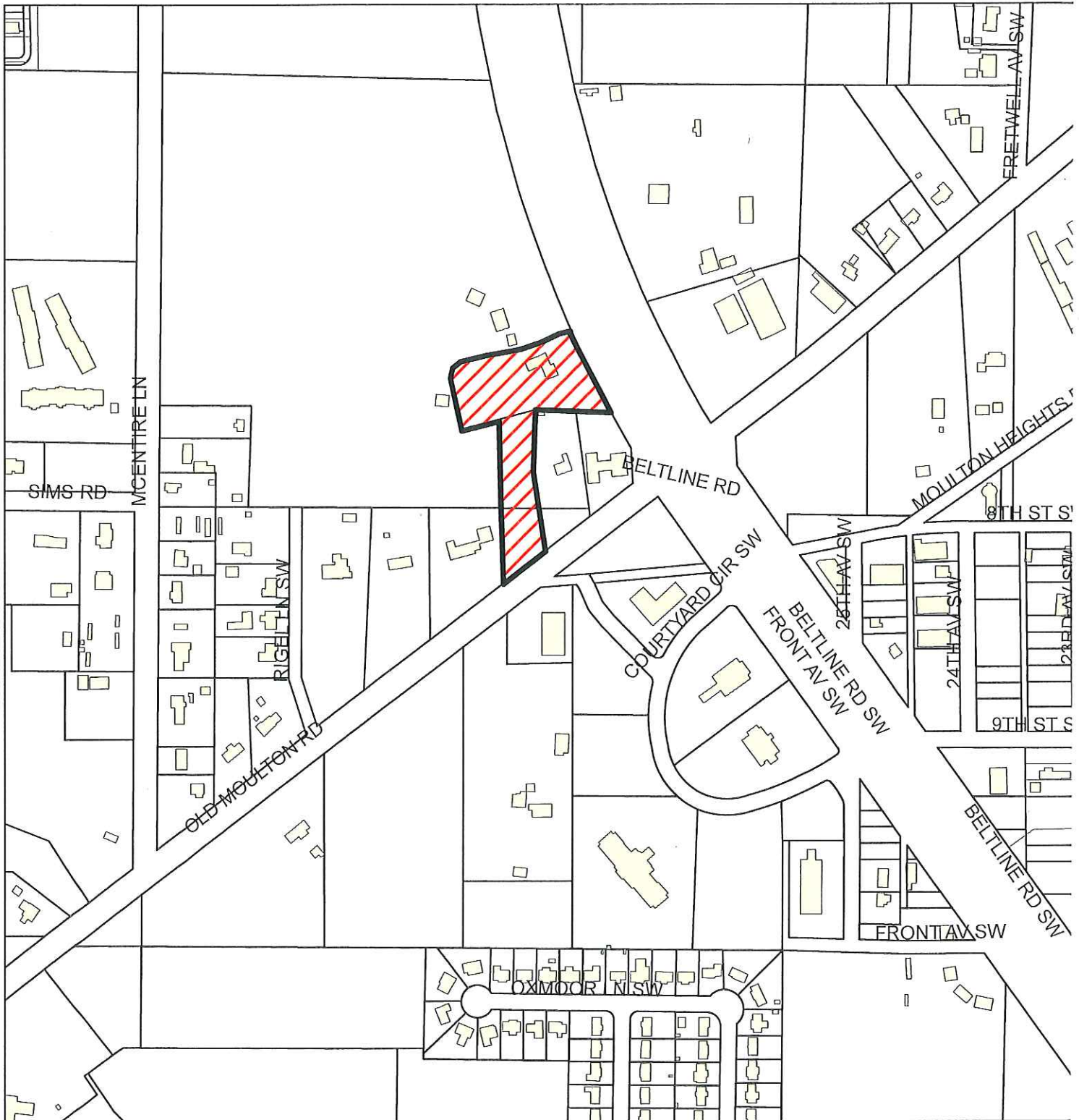
**PROPERTY ZONED B-5**



**DRAWING NOT TO SCALE**



# SITE PLAN NO. 518-14



## LOCATION MAP

### Legend

-  Ownership
-  Buildings

 **SUBJECT PROPERTY**

**APPLICANT: SHIVAM HOSPITALITY GROUP LLC**

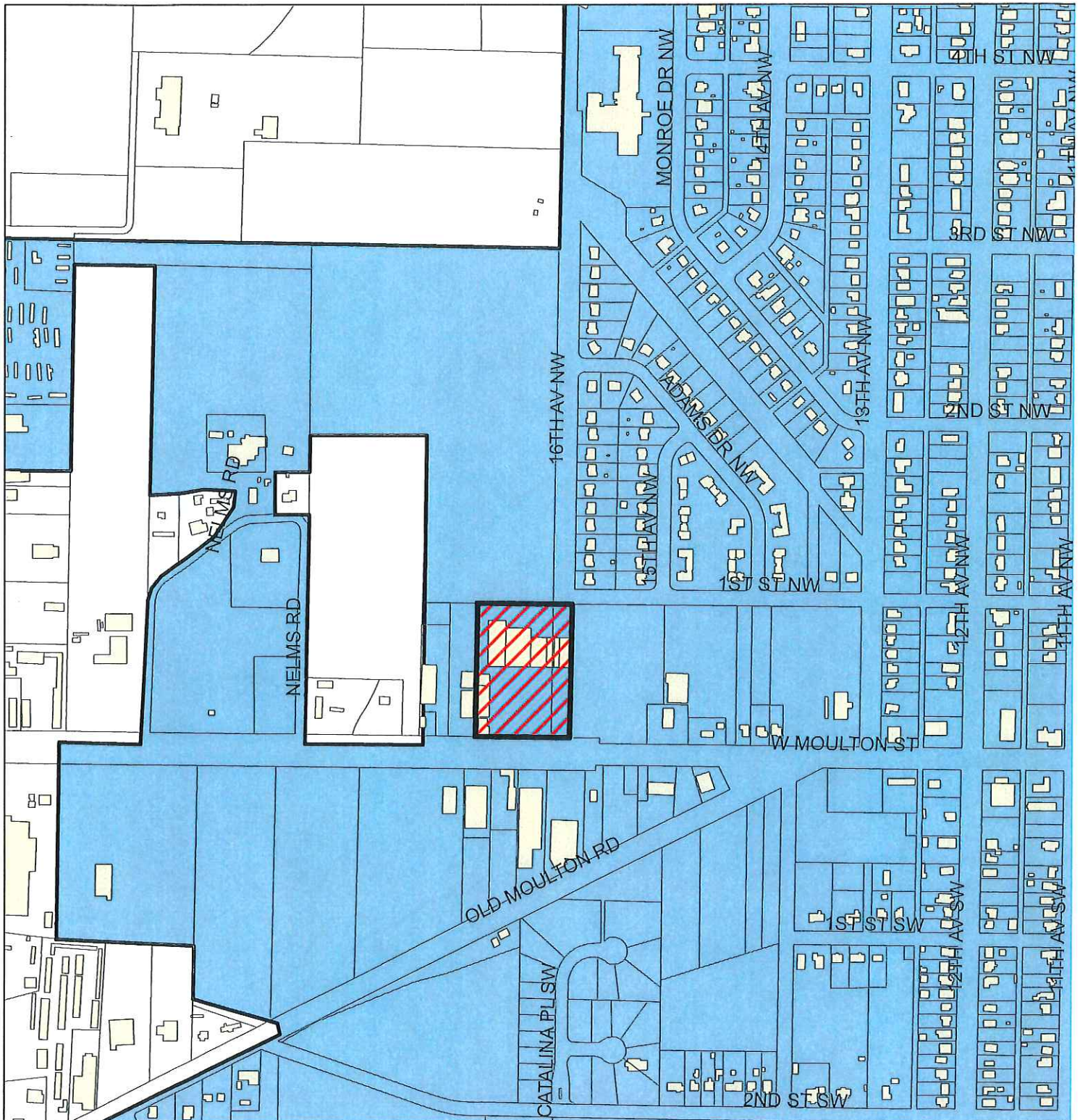
**PROPERTY ZONED M-1A**



**DRAWING NOT TO SCALE**



# CERTIFICATE TO SUBDIVIDE NO. 3250-14



## Legend

- Ownership
- Buildings
- Corporate Limits
- SUBJECT PROPERTY**

## LOCATION MAP

**APPLICANT: RVBY VENTURES,  
INC. an ALABAMA CORP.**

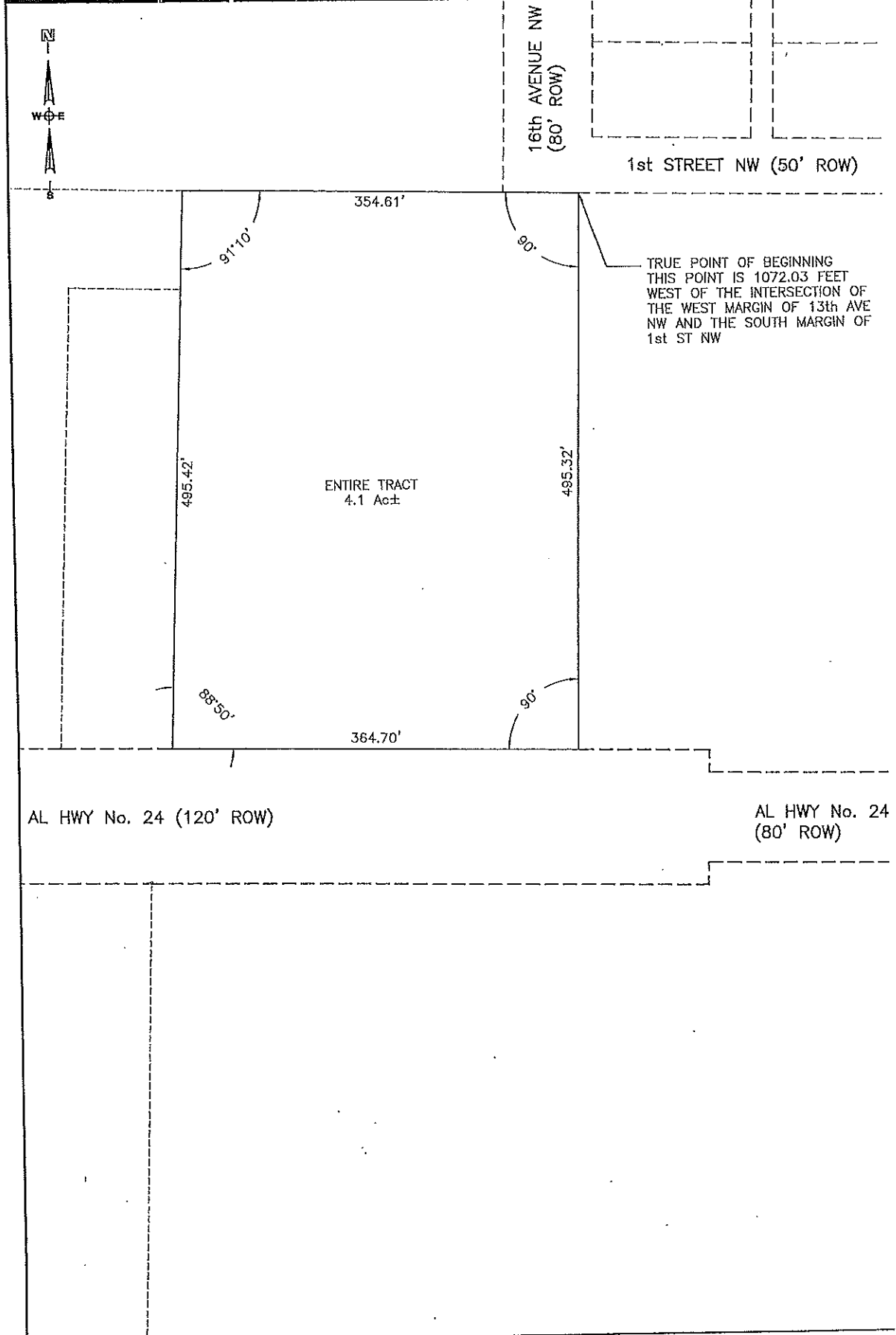
**PROPERTY ZONED M-1**



15  
DRAWING NOT TO SCALE

# CERTIFICATE TO SUBDIVIDE NO. 3250-14

	310.8TH AVENUE NE   DECATUR, ALABAMA 35601   POST OFFICE BOX 2419   35602	
	256.353.3937P	256.350.2285F



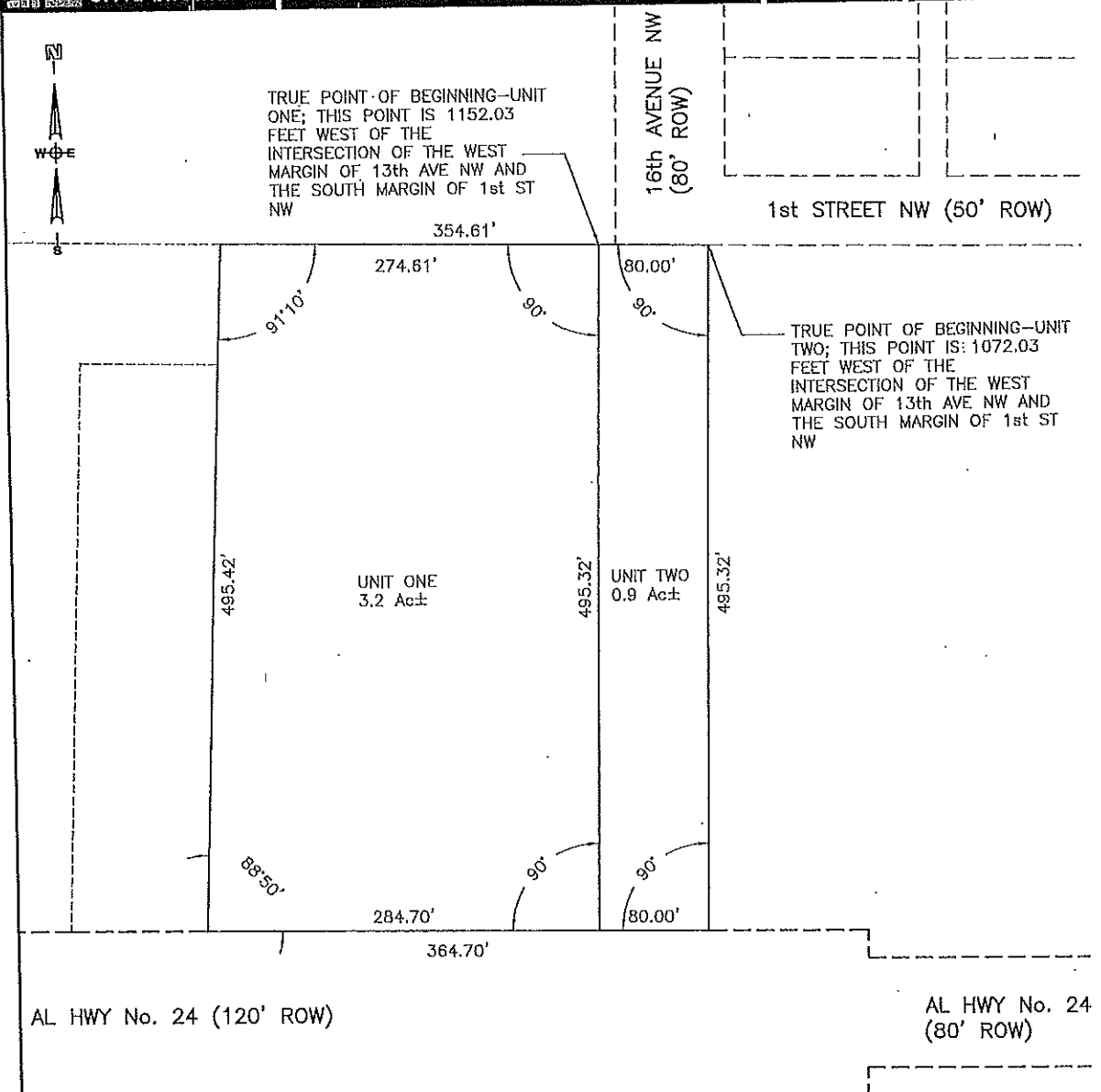
# CERTIFICATE TO SUBDIVIDE NO. 3250-14

**PUGH WRIGHT  
MCANALLY**  
CIVIL ENGINEERS

310 8TH AVENUE NE | DECATUR, ALABAMA 35601 | POST OFFICE BOX 2419 | 35602

256.353.3937P

256.350.2285F



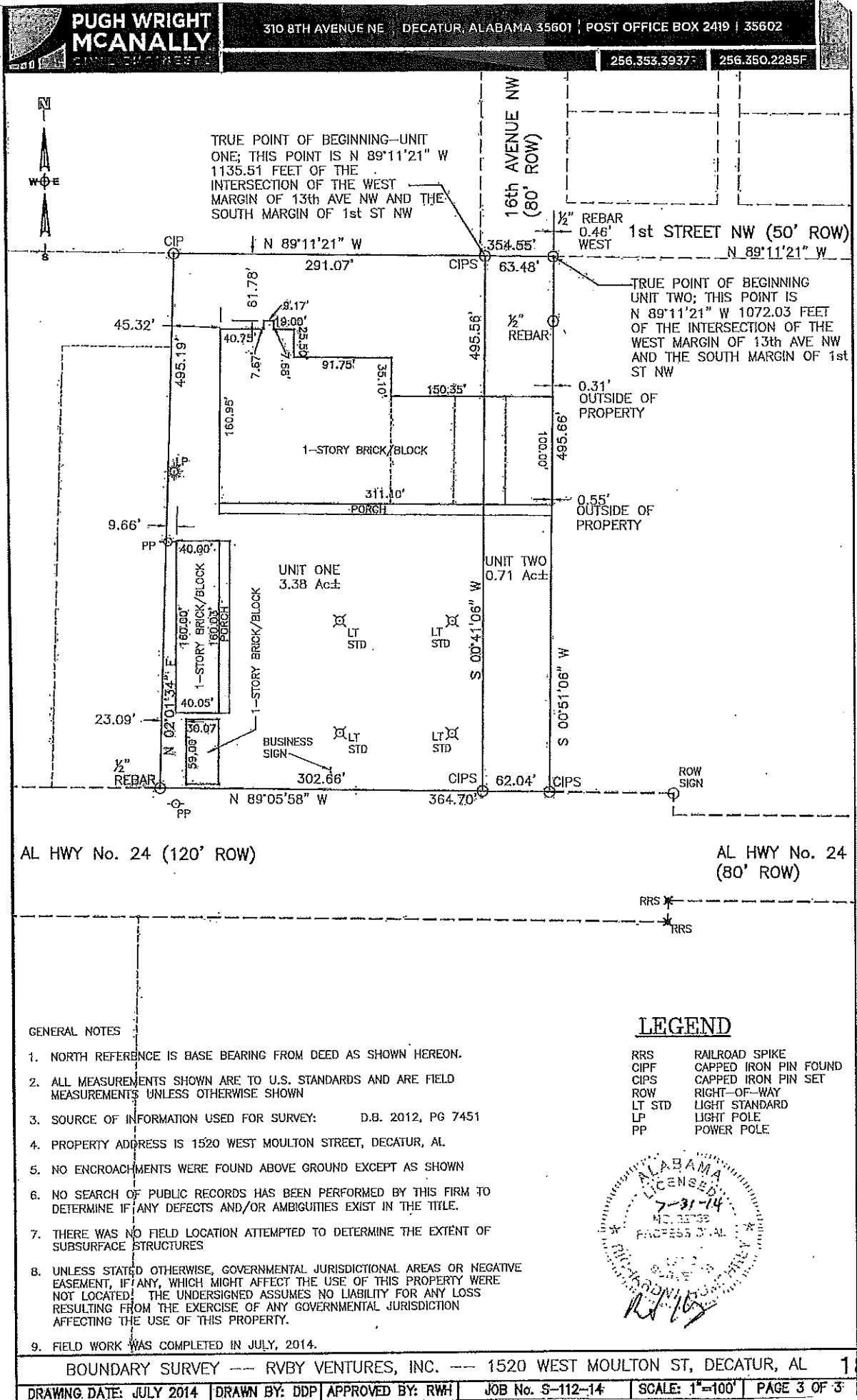
## GENERAL NOTES

1. NORTH REFERENCE IS BASE BEARING FROM DEED AS SHOWN HEREON.
2. ALL MEASUREMENTS SHOWN ARE TO U.S. STANDARDS AND ARE FIELD MEASUREMENTS UNLESS OTHERWISE SHOWN
3. SOURCE OF INFORMATION USED FOR SURVEY: D.B. 2012, PG 7451
4. PROPERTY ADDRESS IS 1520 WEST MOULTON STREET, DECATUR, AL
5. NO ENCROACHMENTS WERE FOUND ABOVE GROUND EXCEPT AS SHOWN
6. NO SEARCH OF PUBLIC RECORDS HAS BEEN PERFORMED BY THIS FIRM TO DETERMINE IF ANY DEFECTS AND/OR AMBIGUITIES EXIST IN THE TITLE.
7. THERE WAS NO FIELD LOCATION ATTEMPTED TO DETERMINE THE EXTENT OF SUBSURFACE STRUCTURES
8. UNLESS STATED OTHERWISE, GOVERNMENTAL JURISDICTIONAL AREAS OR NEGATIVE EASEMENT, IF ANY, WHICH MIGHT AFFECT THE USE OF THIS PROPERTY WERE NOT LOCATED. THE UNDERSIGNED ASSUMES NO LIABILITY FOR ANY LOSS RESULTING FROM THE EXERCISE OF ANY GOVERNMENTAL JURISDICTION AFFECTING THE USE OF THIS PROPERTY.
9. FIELD WORK WAS COMPLETED IN JULY, 2014.

BOUNDARY SURVEY --- RVBY VENTURES, INC. --- 1520 WEST MOULTON ST, DECATUR, AL

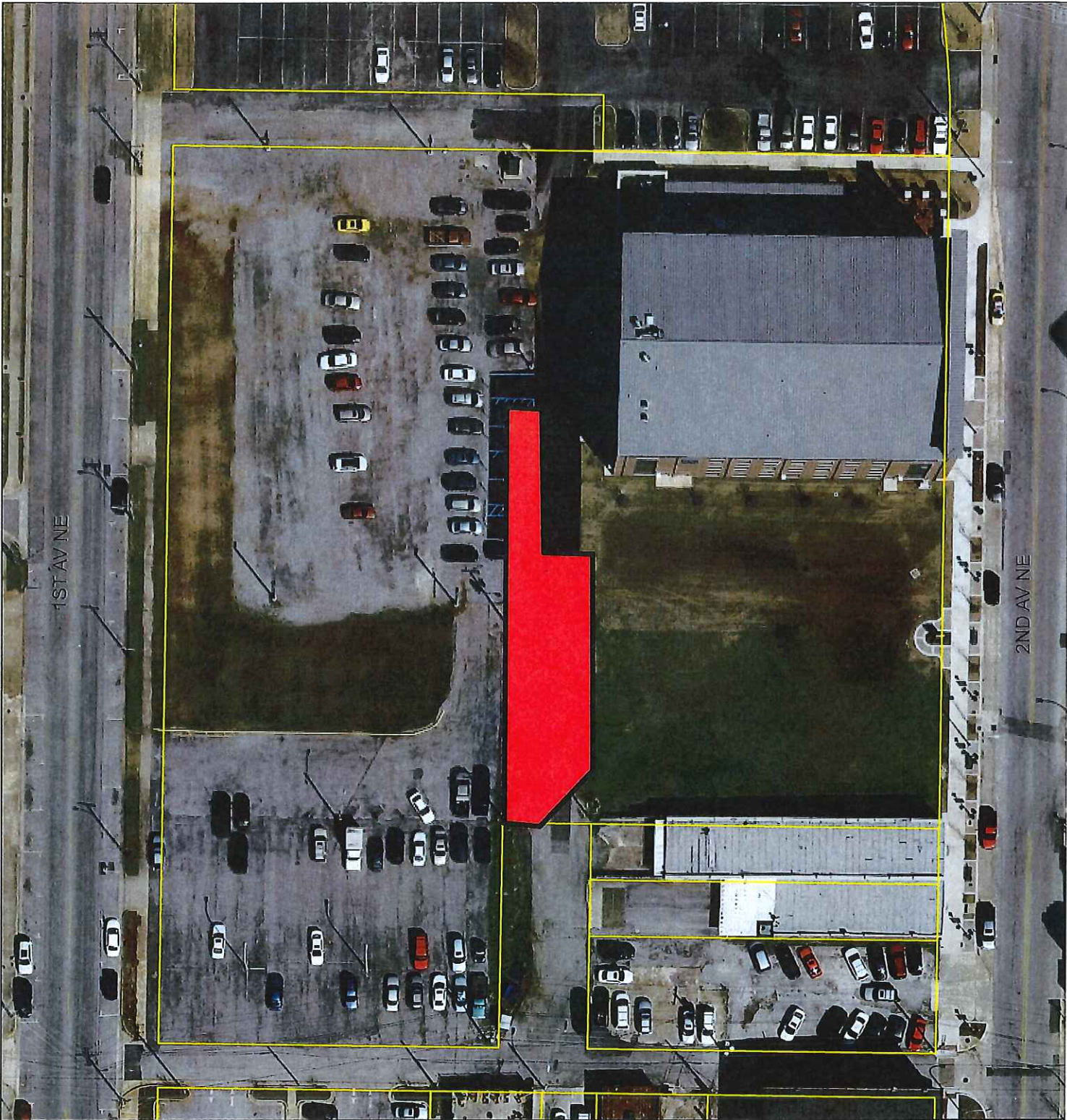
DRAWING DATE: JULY 2014 | DRAWN BY: DDP | APPROVED BY: RWH | JOB No. S-112-14 | SCALE: 1"=100' | PAGE 3 OF 3

# CERTIFICATE TO SUBDIVIDE NO. 3250-14





VACATION REQUEST 486-14



LOCATION MAP

APPLICANT: ALABAMA STATE BOARD  
OF EDUCATION and ATHENS STATE UNIVERSITY

Legend



SUBJECT PROPERTY

PROPERTY ZONED B-5



DRAWING NOT TO SCALE