

MEMORANDUM

DATE: September 14, 2016

TO: Planning Commissioners

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

PLANNING COMMISSION MEETING

September 20, 2016

Pre-meeting – 2:15 p.m. (Annex)

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

Agenda Planning Commission

City of Decatur, AL
September 20, 2016

Time: 3:15 PM
City Council Chambers

Commissioners: **Tracy Tubbs**, *Chairman*; **Kent Lawrence**, *Vice Chairman*; **Gary Borden**, *Secretary*; **Chuck Ard**; **Frances Tate**; **Joseph Wynn**; **Nell Standridge**; **Eddie Pike**; **Em Barran** ?

1. CALL MEETING TO ORDER

2. APPROVAL OF MINUTES- August 23, 2016

3. PUBLIC HEARING

PAGE/MAP

Rezoning

A. 1305-16 1/4-7
(Northwest corner of East Moulton St. and First Ave.)

4. CONSENT AGENDA

CERTIFICATES

A. 3328-16 Certificate to Consolidate 1/8-9
(South of Ben Poole Rd. SE and east side of Ruby Pointe Dr. SE)

B. 3329-16 Certificate to Subdivide 2/10-11
(South of Presbyterian Dr. SW and west of Danville Rd. SW)

BOND REVIEW

A. Windsor Place 2/12
(South of Gordon Terry Parkway and west of McEntire Lane SW)

4. OTHER BUSINESS

VACATION REQUEST

A. 493-16 3/13
(South of Ben Poole Rd. SE and east of Ruby Pointe Dr. SE)

**Minutes
Zoning Committee
September 13, 2016**

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|-----------------------|
| PUBLIC HEARING |
|-----------------------|

Rezoning

1305-16

Applicant: Renew Properties
Owner: Astrid McIntosh

Zoning: B-5
Acreage: .16 acres

Request: To rezone approximately .16 acres from B5 (Central Business District) to M1 (Light Industry)

Location: Northwest corner of East Moulton St. and First AV.

Recomm: Approval this is an extension of the M1 zoning to the south of and adjacent to this property.

**Minutes
Subdivision Committee
September 13, 2016**

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| CONSENT AGENDA |
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Certificates

3328-16 Certificate to Consolidate

Applicant: Pugh, Wright, McAnally
Owner: Kenneth and Connie Thorn

Zoning: R-3, SF Residential
Acreage: .55

Request: Consolidate Lots 2 & 3 of Crown Pointe, Addition No. 4 into one tract of

Location: South of Ben Poole Rd. SE and east side of Ruby Pointe Dr. SE

Conds:

1. Vacate existing 10' easement between Lots 2 & 3 (5' on each side line)
2. Completion of Vacation Request 493-16
3. Payment of recording fees

4. Provide a stamped and sealed survey for recording
5. Provide State Plane coordinates chart as described in the Subdivision Regulations Section 4 subparagraph 2 of Subsection B of Section IX

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

Recomm: Approval with stated conditions.

3329-16 Certificate to Subdivide

Applicant: Billy Campbell
Owner: Danville Park Properties LLC

Zoning: B-2 and B-6
Acreage: 12.8 acres

Request: Subdivide 12.8 acres into two tracts of 7.57 acres and 5.23 acres

Location: South of Presbyterian Dr. SW and west of Danville Rd. SW

Conds:

1. Payment of recording fee
2. Provide copy of deed showing proof of ownership
3. Property owner to sign application requesting subdivision
4. Provide State Plane coordinates chart as described in the Subdivision Regulations Section 4 subparagraph 2 of Subsection B of Section IX
5. Show or verify drainage easement for existing ditch

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

Recomm: Approval with stated conditions.

Bond Review

Windsor Place

Applicant: Littrell Development Inc.
Owner: Same

Zoning: R-3 & R-5, SF Residential
Acreage: 27.39

Request: Bond review for completion of all public improvements and sidewalks (LOC #L071755 - \$45,009.45 for completion of public streets and LOC #L071758 - \$64K for sidewalks)

Location: South of Gordon Terry Parkway and west of McEntire Lane SW

Recomm: Extend Letters of Credit until such time as development build-out requires completion.

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| END CONSENT AGENDA |
|---------------------------|

OTHER BUSINESS

Vacation Request

493-16

Applicant: Pugh, Wright, McAnally
Owner: Kenneth & Connie Thorn

Zoning: R-3, SF Residential
Acreage:

Request: Vacate a 10' dut easement between Lots 2 & 3 of Crown Pointe, Addition No. 4

Location: South of Ben Poole Rd. SE and east of Ruby Pointe Dr. SE

Conds:

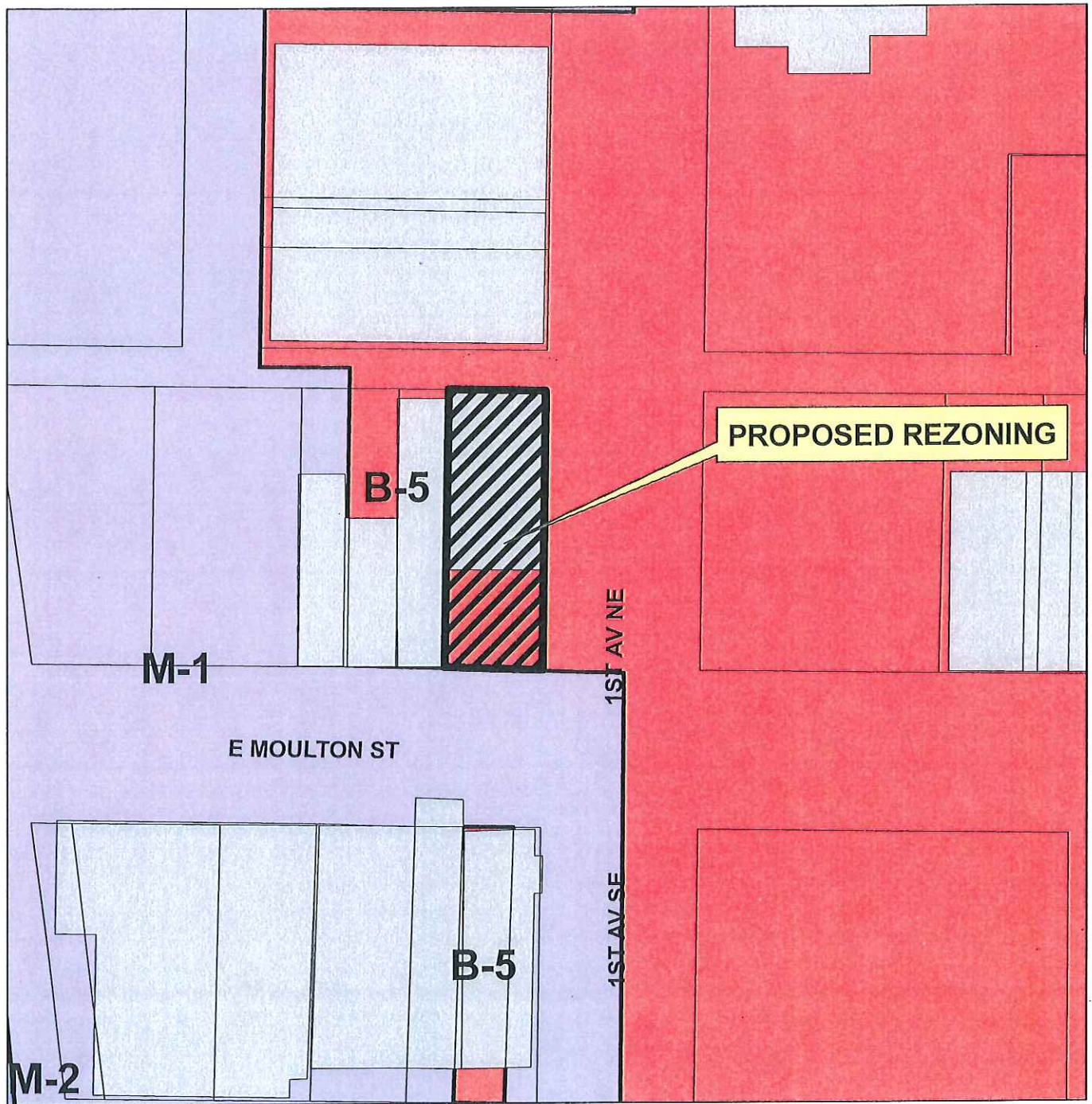
1. Completion of Certificate to Consolidate 3328-16

Pt. of Info:

1. ***Any relocation of utilities will be at the owner's expense.***
2. ***Applicant to pay recording fees to City Clerk once application clears City Council***

Recomm: Approval with stated condition.

REZONING REQUEST NO. 1305-16 FROM B-5 TO M-1 .16 ACRES



Legend

-  Ownership
-  bldg



SUBJECT PROPERTY

LOCATION MAP

PREPARED BY THE CITY OF DECATUR
PLANNING DEPARTMENT



DRAWING NOT TO SCALE

APPLICANT : RENEW PROPERTIES LLC

PROPERTY ZONED B-5

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.

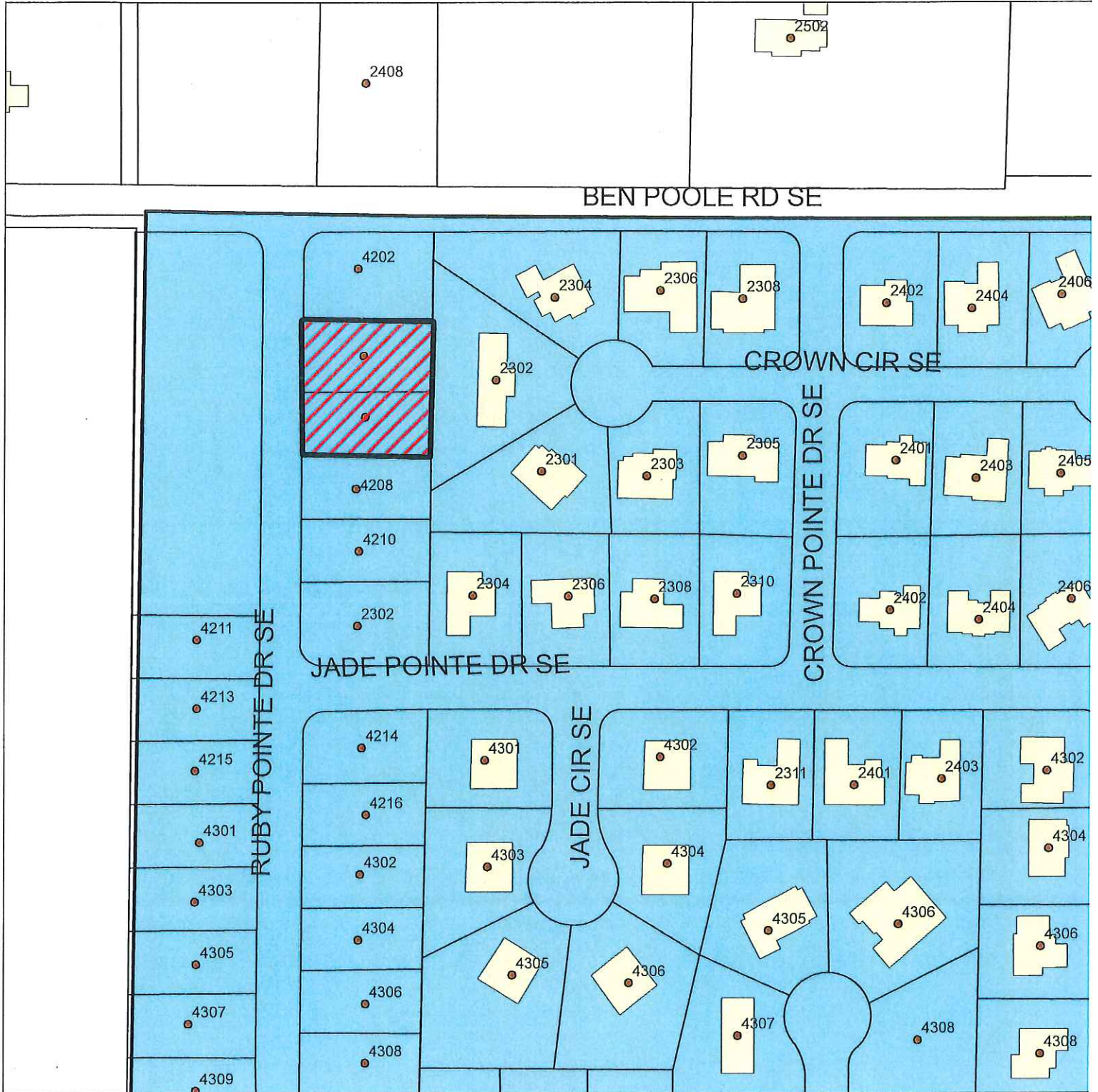
ZONING COMPARISONS

| SECTION | CURRENT B5 | PROPOSED M1 |
|-----------------------|--|--|
| USES PERMITTED | <p><i>Uses permitted:</i> Off premises sale of alcoholic beverages; On premises sale of table wine; On premises sale of alcoholic beverages by the Princess Theatre Center for the Performing Arts and any other valid responsible organization of good reputation, if duly licensed as a special retail licensee; on premises sale of alcoholic beverages by duly licensed restaurants; and on premises sale of alcoholic beverages by lounges located in and constituting an integral part of a restaurant licensed by the Alabama Alcoholic Beverage Control Board to sell alcoholic beverages as a restaurant; and on premises sale by a lounge located in, and constituting an integral part of a hotel or motel having fifty (50) or more rooms for rent to the public; residential dwellings (multiple family or single family); provided that such dwellings conform to all requirements set forth in the residential zoning requirements (section 25-10) other than the maximum height provision, setback requirements, lot size, and parking set forth therein, which shall not be applicable. Retail stores and markets, including the following types: food, general merchandise; apparel; furniture; household and hardware; radio and T.V.; drugs and sundries; jewelry and gifts; florists; sporting goods; and similar types. Services including the following types: dry cleaning and laundry pickup stations; event venues, filling stations, provided however that gasoline storage above ground is prohibited; barber shops and beauty shops; shoe repair; offices; hotels; motels; post offices; banks; theaters and similar services. Public buildings, including public schools and libraries; public utilities; semi-public buildings; municipal, county, state and federal buildings; gardens; playgrounds and parks.</p> | <p><i>Uses permitted:</i> Off premises sale of alcoholic beverages; clubs; and on premises and off premises sale of alcoholic beverages by clubs when duly licensed as a class I club by the City of Decatur and the Alabama Alcoholic Beverage Control Board under and pursuant to the Alcoholic Beverage Licensing Code, light industrial operations, not obnoxious, offensive, or detrimental to neighborhood property by reason of dust, smoke, vibration, noise, odor, effluence, or appearance (i.e. ice cream plants and creameries; cold storage plants; ice plants; bottling and central distribution plants; warehouses; dry cleaners and laundries). Any retail or wholesale business or service not specifically restricted or prohibited.</p> |
| USES PERMITTED | <p><i>Uses permitted on appeal:</i> Restaurants; clubs; on premises and off premises sale</p> | <p><i>Uses permitted on appeal:</i> Mobile home parks; brewpubs as defined by Chapter</p> |





| SECTION | CURRENT B5 | PROPOSED M1 |
|------------------|--|--|
| ON APPEAL | of alcoholic beverages by clubs when duly licensed as a Class I club by the City of Decatur and the Alabama Alcoholic Beverage Control Board under and pursuant to the Alcoholic Beverage Licensing Code; and on premises and off premises sale of beer and table wine by food establishments which have monthly gross receipts from the serving of meals and food that constitute more than sixty (60) percent of the monthly gross receipts of the business; architecturally compatible accessory structures may be permitted as a use permitted on appeal for a residential use; brewpubs as defined by Chapter 4A of Title 28 the Code of Alabama (Alabama Brewpub Act) and subject to all requirements of that Chapter, as last amended; dry cleaners and laundries; manufacturing incidental to a retail business where articles are sold at retail on the premises, for only those uses specifically permitted. | 4A of Title 28 the Code of Alabama (Alabama Brewpub Act) and subject to all requirements of that Chapter, as last amended; sale of alcoholic beverages by a manufacturers licensee when duly licensed by the City of Decatur and the Alabama Alcoholic Control Board under and pursuant to the Alcoholic Beverage Licensing Code, as last amended. Any uses permitted or permitted on appeal in an R-4, Residential District and subject to all district requirements of said district as specified in section 25-10, hereof, other than the maximum height provision set forth therein which shall not be applicable. |
| USES PROHIBITED | <i>Uses prohibited:</i> Major auto repair, except as may be a part of a new car sales, and Businesses licensed under the Deferred Presentment Services Act and/or, Pawnshop Act and/or, Dealers in Gold or Precious Items Act. Any use not permitted or permitted on appeal. | <i>Uses prohibited:</i> Slaughterhouse; stockyard; bag cleaning; boiler and tank works; central mixing plant for cement, mortar, plaster and painting materials; curing, tanning or storage of hides; distillation of bones, coal, tar, or wood; fat rendering; forage plants; gasoline storage above ground in excess of five hundred (500) gallons; manufacture of acetylene, acid, alcohol for non-consumption, ammonia, bleaching powder, brick, pottery, terra cotta or tile, cement blocks, candles, disinfectants, dye-stuffs, fertilizers, illuminating or heating gas, including storage of same, paint, turpentine, varnish, soap, and tar products; wool pulling or scouring; junk yards; cotton waste reclaiming; and similar types of plants or operations; Businesses licensed under the Deferred Presentment Services Act and/or, Pawnshop Act and/or, Dealers in Gold or Precious Items Act. |
| PARKING | <i>Off-street parking:</i> None specified | <i>Off-street parking:</i> See § 25-16. |
| MINIMUM LOT AREA | <i>Minimum lot size:</i> It is the intent of this section that lots of sufficient size be used | <i>Minimum lot size:</i> It is the intent of the section that lots of sufficient size be used |

| SECTION | CURRENT B5 | PROPOSED M1 |
|----------------------------------|---|--|
| | for any business or service use to provide adequate parking and loading space in addition to the spaces required for the other normal operations of the business or service. | for any industrial, service or business use for any industrial, service or business use space in addition to the space required for the other normal operation of the enterprise. |
| MINIMUM BUILDING AREA | | |
| MINIMUM FRONT YARD SETBACK | <i>Minimum yard size:</i> None specified | <i>Minimum yard size:</i> FRONT YARD: None specified, except where existing establishments (other than residential) are set back, any new structures shall be set back not less than the average of the setbacks of the existing establishments within one hundred (100) feet each side thereof.. |
| MINIMUM REAR YARD SETBACK | <i>Minimum yard size:</i> None specified | |
| MINIMUM SIDE YARD SETBACKS | <i>Minimum yard size:</i> None specified | SIDE YARDS: None specified, excepting a lot, adjoining its side lot line another lot which is in a residential district, there shall be a side yard not less than eight (8) feet wide |
| MAXIMUM HEIGHT | <i>Maximum height:</i> None specified | <i>Maximum height:</i> None. |
| MAXIMUM HEIGHT IN STORIES | <i>Maximum height:</i> None specified | <i>Maximum height:</i> None. |
| OFF STREET LOADING AND UNLOADING | <i>Off-street loading and unloading:</i> Shall provide space for loading and unloading for structures hereafter erected or altered. In the case of brewpubs provisions shall be made for adequate space for loading or unloading all vehicles or trucks incidental to the operation of the brewpub on site. | <i>Off-street loading and unloading:</i> Shall provide adequate space for loading or unloading all vehicles or trucks incidental to the operation of the industry or use |

CERTIFICATE TO CONSOLIDATE NO. 3328-16



Legend

-  Ownership
 Buildings
 Corporate Limits
 **SUBJECT**

LOCATION MAP

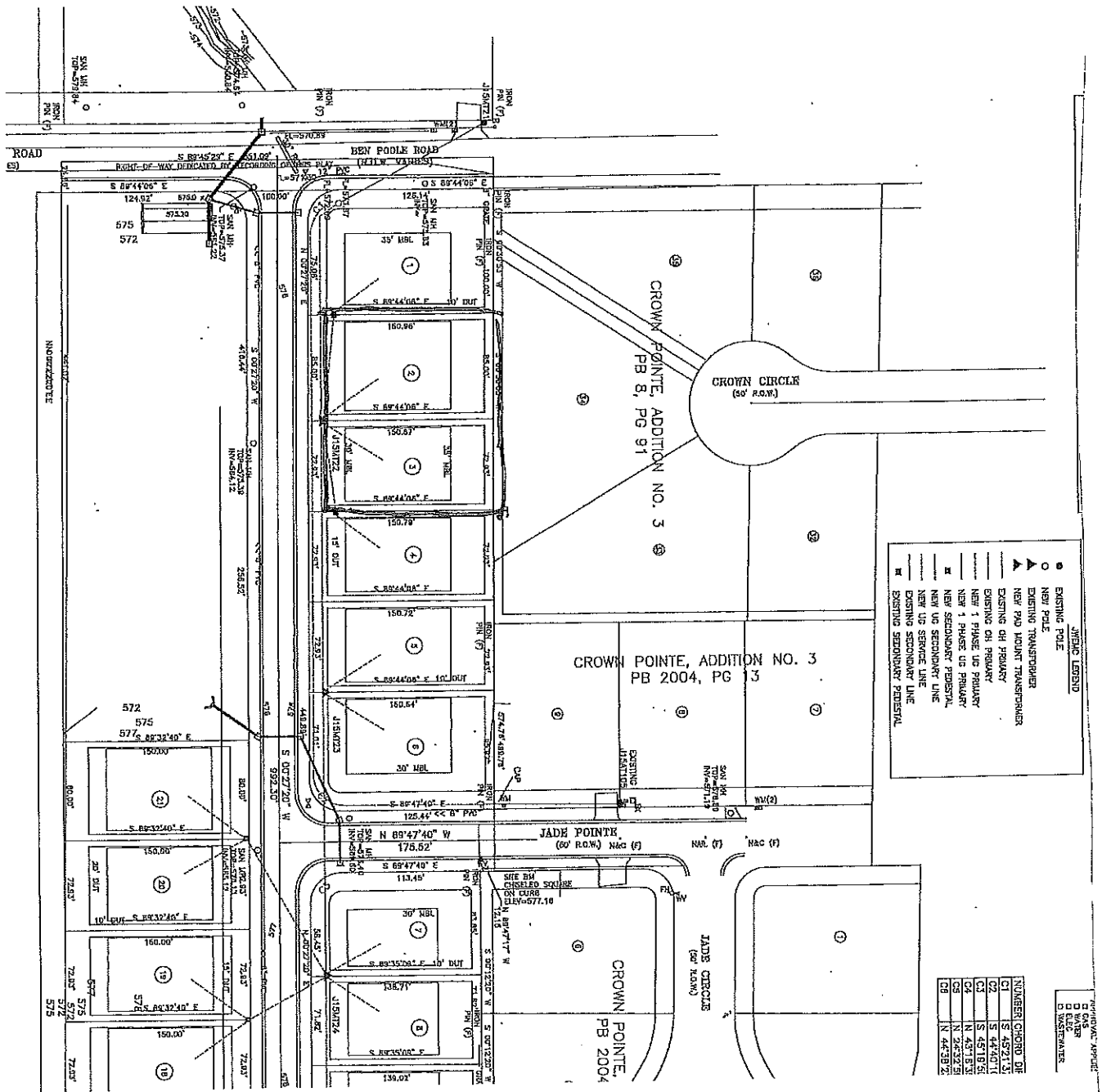
APPLICANT: KENNETH AND CONNIE THORN

PROPERTY ZONED R-3

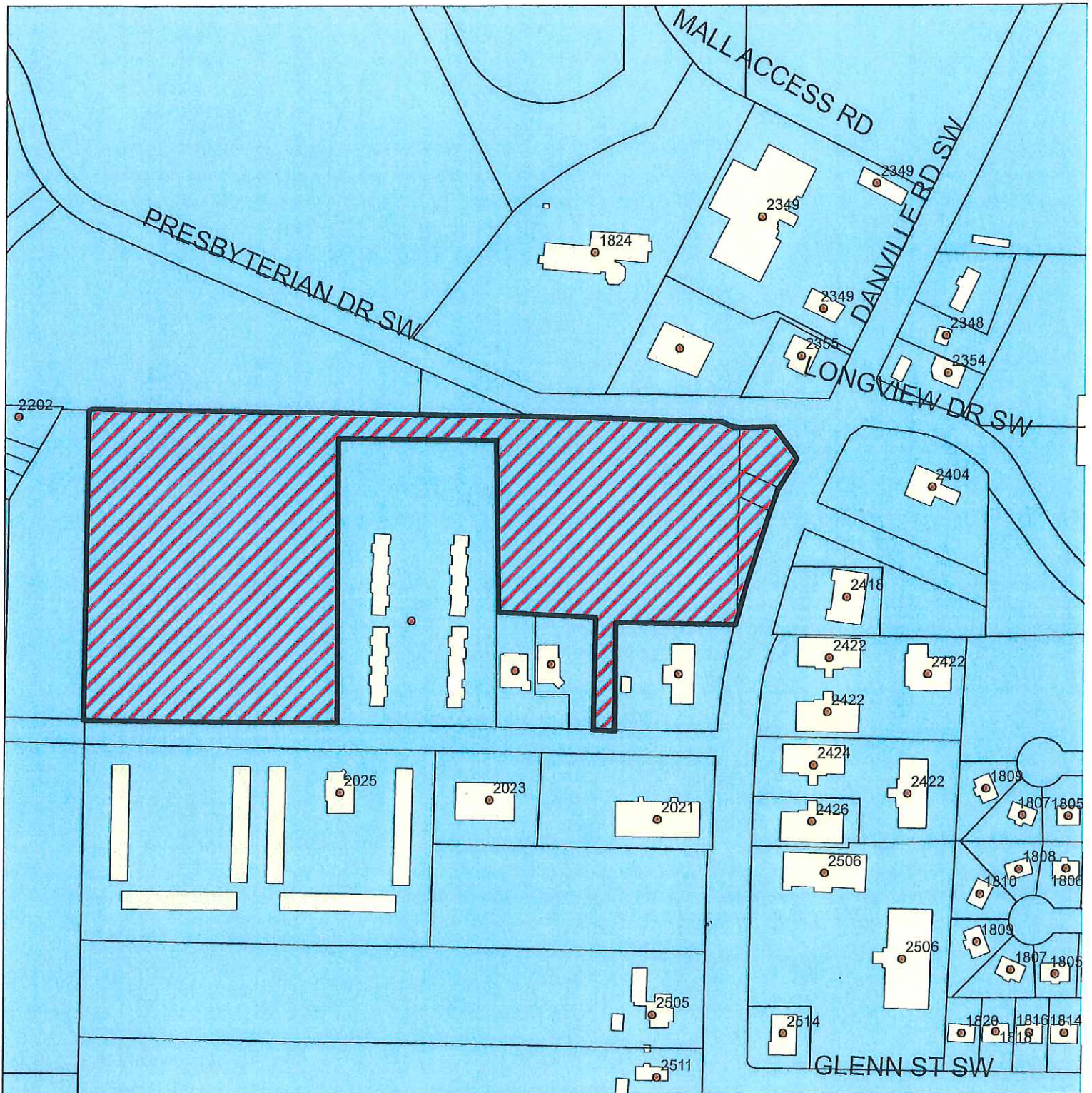


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CERTIFICATE TO CONSOLIDATE NO. 3328-16



CERTIFICATE TO SUBDIVIDE NO. 3329-16



Legend

- Ownership
- Buildings
- Corporate Limits

SUBJECT PROPERTY

LOCATION MAP

**APPLICANT: BILLY CAMPBELL FOR DANVILLE
PARK PROPERTIES LLC**

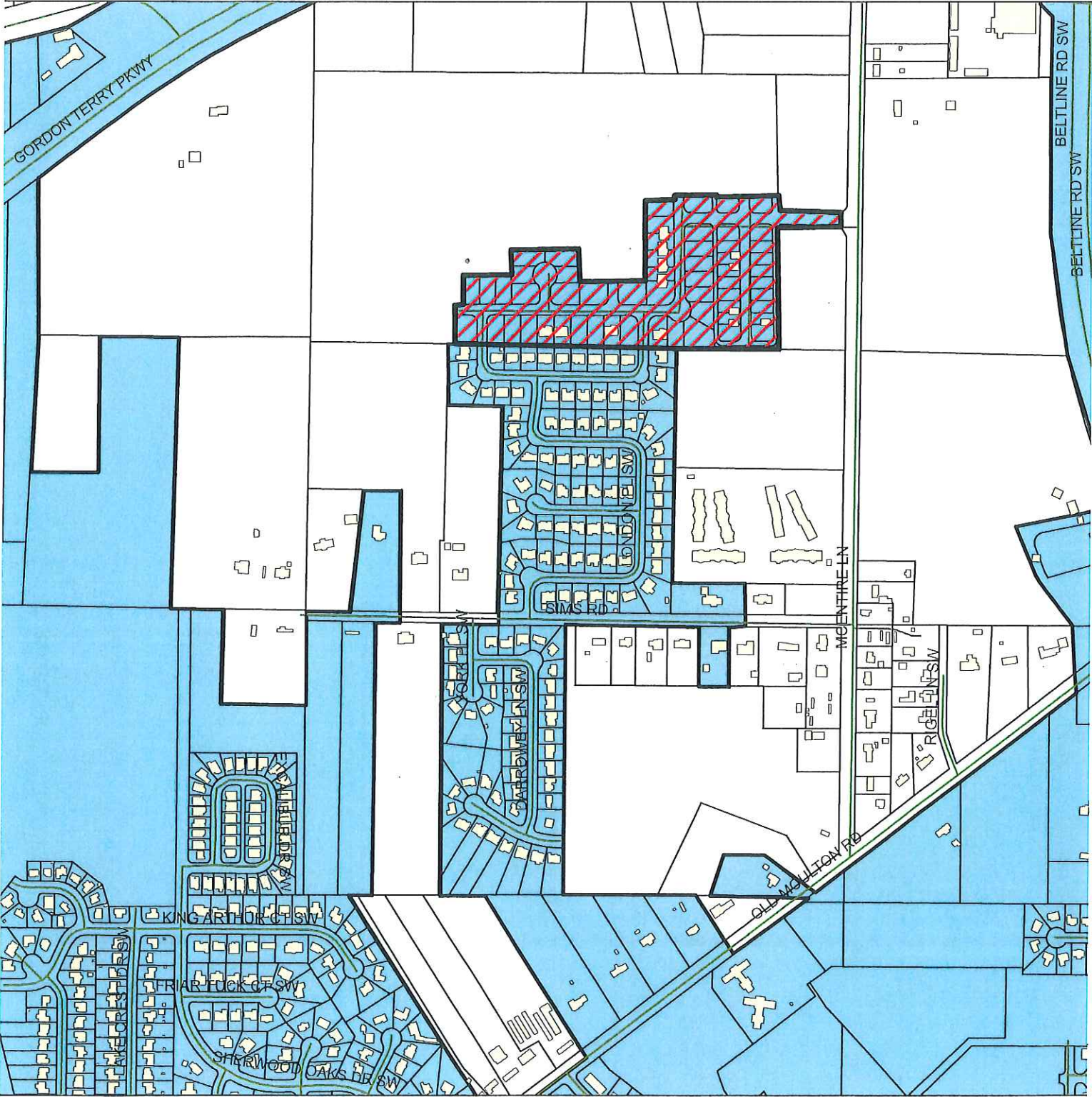
PROPERTY ZONED B-2 AND B-6



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BOND REVIEW - WINDSOR PLACE

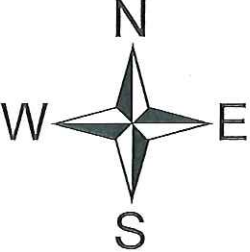


LOCATION MAP

APPLICANT: LITRELL DEVELOPMENT, INC.

PROPERTY ZONED - R3 & R5

- Legend**
-  Buildings
 -  Corporate Limits
 -  **SUBJECT PROPERTY**



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VACATION REQUEST 493-16



Legend

-  Ownership
-  Buildings
-  Corporate Limits

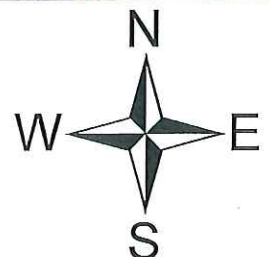


SUBJECT PROPERTY

LOCATION MAP

APPLICANT: KENNETH AND CONNIE THORN

PROPERTY ZONED R-3



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