

## **MEMORANDUM**

**DATE:** December 13, 2017

**TO:** Planning Commissioners

**CC:** Mayor Tab Bowling; Wally Terry; Herman Marks;  
Tony Powell; Tom Polk; Carl Prewitt; Planning Staff

### **PLANNING COMMISSION MEETING**

**December 19, 2017**

**Pre-meeting – 2:15 p.m. (Annex)**

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

# Agenda

## Planning Commission

City of Decatur, AL

**December 19, 2017**

Time: 3:15 PM

City Council Chambers

Commissioners: Kent Lawrence, *Vice Chairman*; Gary Borden, *Secretary*; Chuck Ard; Frances Tate; Joseph Wynn; Nell Standridge; Eddie Pike; Myna Burroughs; Daniel Culpepper

### 1. CALL MEETING TO ORDER

### 2. APPROVAL OF MINUTES- November 21, 2017

### 3. PUBLIC HEARING

#### Amendment to the Zoning Ordinance

PAGE/MAP

A. 238-17

(North of East Moulton ST and west of First AV NE)

1-4-7

#### PLAT REVIEW

PAGE/MAP

A. Rosebarrow Subdivision – Minor Plat

(North of Boys Ranch Rd. and east side of Neel School Rd.)

1-8

see plat

### 3. CONSENT AGENDA

#### CERTIFICATES

A. 3374-17

Certificate to Subdivide

(North of Clark St. SW and west of Sandlin Rd. SW)

2/9

B. 3375-17

Certificate to Consolidate & Subdivide

(North side of Mud Tavern Rd. SW and east of South Chapel Hill Rd. SW)

2/10-12

### 5. OTHER BUSINESS

#### VACATION REQUEST

A. 499-17

Decatur Mall/Property/Carmike Cinema

(Corner of Danville Rd. SW and Beltline Rd. SW)

3/13

#### ELECTION OF OFFICERS

Minutes  
Zoning Committee  
December 12, 2017

<b>PUBLIC HEARING</b>
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**Amendment to the Zoning Ordinance**

**238-17**

Applicant: Trey Atwood, Cross-Eyed Owl Brewing Co.  
Owner: Astrid McIntosh, Renew Properties

Zoning: M1  
Acreage: .16

Request: To extend the boundaries of the Arts and Entertainment District to include the property at 105 First AV NE

Location: North of East Moulton ST and west of First AV NE

Recomm: Approval to extend the boundaries of the Arts and Entertainment Overlay District it include the Microbrewery at 105 First AV NE.

As a point of information, this recommendation is based on the current use of the property. The committee recommends that the city closely monitor the use of this property and should it change from a Microbrewery to another use that does not and/or cannot have an alcohol license a reduction of the boundaries of the Arts and Entertainment overlay district may be needed.

Minutes  
Subdivision Committee  
December 12, 2017

**Plat Review**

**Rosebarrow Subdivision – Minor Plat**

Applicant: Pugh Wright McAnally  
Owner: Heirs of the J.O. Sims Estate

Zoning: Outside Corp Limits  
Acreage: 130.24 acres

Request: Final review to subdivide 130.24 acres into 9 tracts of land equaling 130.24 acres

Location: North of Boys Ranch Rd. and east side of Neel School Rd.

Conds:

1. Payment of \$136.08 for notification of adjacent property owners
2. Payment of \$21.00 for plat recording fee
3. Use correct certification/signature blocks
4. Show flood location and provide flood information on Lot 1 – (flood note, zones, boundary)
5. ALL signatures on the plat (except County Engineer & Planning Commission Chairman) are required prior to the auction of the land.

6. Dedicate a 15' utility easement adjacent to Neel School Road the full length of the property.
7. Confirm County water

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

Recomm: Approval with stated conditions

## END PUBLIC HEARING

## CONSENT AGENDA

### Certificates

#### 3374-17 Certificate to Subdivide

Applicant: Eco-Site  
Owner: Life Bridge Church

Zoning: R-2, SF Residential  
Acreage: 2.99 acres

Request: Subdivide a 2.99 acre tract into two tracts of .20 acres and 2.79 acres

Location: North of Clark St. SW and west of Sandlin Rd. SW

- Conds:
1. Payment of recording fees
  2. Dedicate a 5' utility easement to service Tract 2 and show on plat – location to be approved by Decatur Utilities

***Pt of Info:***

- 1) Any relocation of utilities will be at the owner's expense.***
- 2) Reformat plat or use Certificate to Subdivide formatting***

Recomm: Approval with stated condition

#### 3375-17 Certificate to Consolidate and Subdivide

Applicant: Pugh Wright McAnally  
Owner: Ronald & Sandra Eddy & Glenn Eddy

Zoning: AG-1, Agricultural  
Acreage : 98.88 acres

Request: Subdivide .14 acres from 86.22 acre tract and consolidate it with the 12.66 acre tract to make two tracts of 12.80 acres and 86.08 acres

Location: North side of Mud Tavern Rd. SW and east of South Chapel Hill Rd. SW

- Conds:
1. Provide proof of property ownership
  2. Payment of recording fees
  3. Provide stamped and sealed survey for recording

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

Recomm: Approval with stated conditions

## END CONSENT AGENDA

## OTHER BUSINESS

### Vacation Request

#### 499-17 Decatur Mall Property/Carmike Cinema

Applicant: Decatur Mall LLC  
Owner: Decatur Mall LLC

Zoning: B-4 Regional Shopping  
Acreage:

Request: Vacate portions of existing utility easements (sewer and water) between the Mall and the subdivided cinema tract

Location: Corner of Danville Rd. SW and Beltline Rd. SW

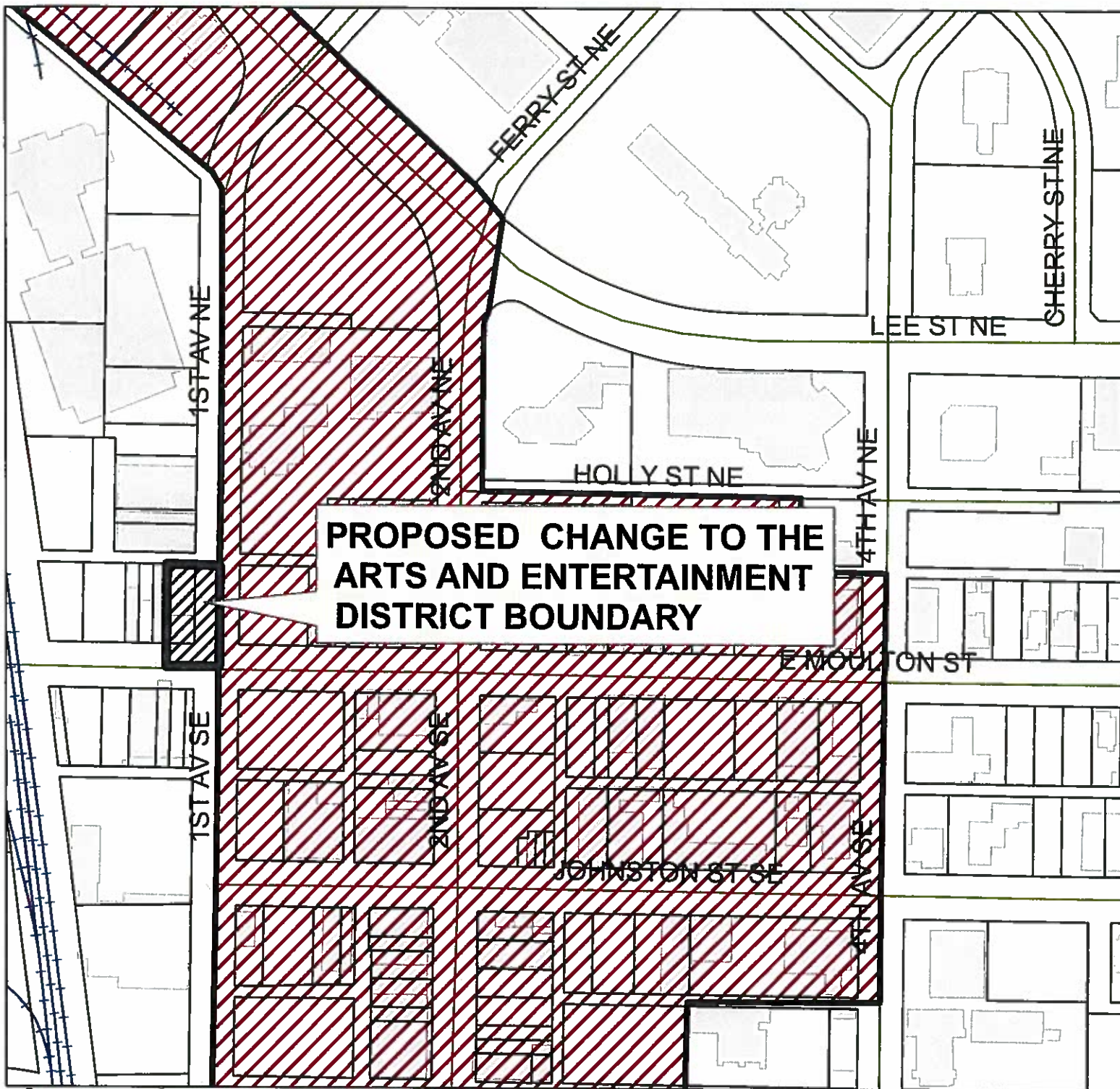
Conds: 1. Declaration of Vacation to be signed  
2. Modify legal descriptions as required.

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

Recomm: Approval with stated conditions

### Election of Officers

# REZONING REQUEST NO. 1313-17 .16 ACRES

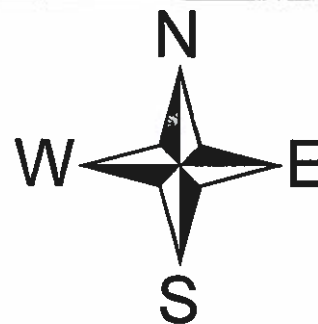


## Legend

-  Ownership  
 Art and Enterta  
 Buildings  
 **SUBJECT PROPERTY**

## LOCATION MAP

**APPLICANT: ASTRID McINTOSH,  
RENEW PROPERTIES LLC**  
**PROPERTY ZONED M-1**



**DRAWING NOT TO SCALE**

## ARTICLE IX. - ARTS AND ENTERTAINMENT DISTRICT

### Sec. 25-187. - Arts and 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 Arts and Entertainment District, where outside consumption of alcoholic beverages shall be permitted and regulated; the boundaries of the Arts and Entertainment District are described as follows;

Beginning at the intersection of Gordon Drive SE with 4<sup>th</sup> Avenue SE, said intersection being the True Point of Beginning and shall be known as the Arts and 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 1<sup>st</sup> Avenue SE; thence north along the centerline of 1<sup>st</sup> Avenue SE to the intersection with Moulton Street West; thence continue north along the centerline of 1<sup>st</sup> 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 525 feet more or less to a point; Said point being the SE corner of Morgan County Alabama Tax Parcel No. 03 04 18 4 029 002.000; thence N 42° 05' 18" E a distance of 155.13 feet to a point; thence in a northwesterly direction 100 feet from and parallel with Lee Street NE a distance of 200 feet more or less to a point; thence N 42° 05' 18" E a distance of 100 feet more or less to the south right-of-way line of Lee Street NE; thence in a northerly direction along said south right-of-way line of Lee Street NE to the point of intersection with the west ROW line of Bank Street NW; thence in a northeasterly direction along said west ROW line of Bank Street NW to the centerline of Cain Street NW; thence northwesterly along the centerline of Cain Street NW a distance of 115 feet to a point; thence in a northeasterly direction parallel and at a maximum of 115 feet from the west ROW line of Bank Street NW, a lesser distance shall be applied and adjusted to the back wall of existing buildings where applicable, said line shall extend to the centerline of Lafayette Street NW; thence in a northwesterly direction along the said centerline of Lafayette Street NW to the centerline of Railroad St. NW; thence in a northeasterly direction along said centerline of Railroad Street NW to centerline of Wilson Street NW; thence in a southeasterly direction along said centerline of Wilson Street NW to the centerline of Canal Street NE; thence in a southwesterly direction along said centerline of Canal Street NE to the north ROW line of Church Street NE; thence in a northwesterly direction along said north ROW line of Church Street NE a distance of 200 feet to a point on said north ROW line of Church Street NE; thence southeasterly a distance of 99 feet to a point on the south ROW line of Church Street NE, said point being S 47° 07' E 131 feet from the east ROW line of Bank Street NE, said point also being the NW corner of a public alley as shown on a subdivision plat Bank Street Plaza area, a plat of a portion of the Plan of Decatur (Old Town) Decatur Alabama recorded at Book 7, Pages 5 & 6 Morgan, County Probate Judges Office; thence in a southwesterly direction parallel and at maximum of 131 feet from the east ROW line of Bank Street NE, a lesser distance shall be applied and adjusted to the back wall of existing buildings where applicable, said line shall extend to the south ROW line of Vine Street NE; thence northwesterly along said south ROW line of Vine Street NE a distance of 15 feet more or less to a point; thence in a southwesterly direction parallel and at a maximum of 116 feet from the east ROW line of Bank Street NE, a lesser distance shall be applied and adjusted to the back wall of existing buildings where applicable, said line shall extend to the north ROW line of Lee Street NE; thence in a southeasterly direction along the north ROW line of said Lee Street NE to the east ROW line of 2<sup>nd</sup> Avenue NE if extended; thence south along the east ROW line of 2<sup>nd</sup> 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 4<sup>th</sup> Avenue NE; thence south along 4<sup>th</sup> Avenue NE to the centerline of East Moulton Street; thence continue south along the centerline of 4<sup>th</sup> 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 4<sup>th</sup> Avenue SE; thence south along the centerline of 4<sup>th</sup> Avenue SE to the centerline of Gordon Drive SE and the True Point of Beginning.

( [Ord. No. 13-4140A](#), 4-1-13; [Ord. No. 13-4153, § 1](#), 8-5-13)

Sec. 25-188. - Arts and 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 (½) of one (1) percent 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.

( [Ord. No. 13-4140A](#), 4-1-13)

Sec. 25-189. - Arts and entertainment district: Regulations.

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

- (1) *One (1) drink on-street limit:* Any establishment, within the boundaries of the Arts and 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 (1) such alcoholic beverage at a time for removal from the premises, and no person shall remove at one (1) time more than one (1) 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 (1) alcoholic beverage and consume with certain restrictions such alcoholic beverage anywhere within the confines of the Art and Entertainment District, but may not enter or re-enter a licensed premises or any public place with an alcoholic beverage acquired elsewhere.
- (3) *All applicable laws in effect:* A licensee who is within the Arts and Entertainment District shall comply with all laws, rules and regulations which govern its license type.
- (4) *Size limited to sixteen (16) ounces:* No container in which an alcoholic beverage is dispensed and removed from the licensed premises shall exceed sixteen (16) fluid ounces in size. No person shall be in possession of any above prescribed alcoholic beverage container which exceeds sixteen (16) fluid ounces in size on the streets and sidewalks, in parks, or in other public places within the defined Arts and Entertainment District Area.
- (5) *Drinking from can, bottle, or glass is prohibited:* It shall be unlawful for any person within the confines of the Arts and 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.

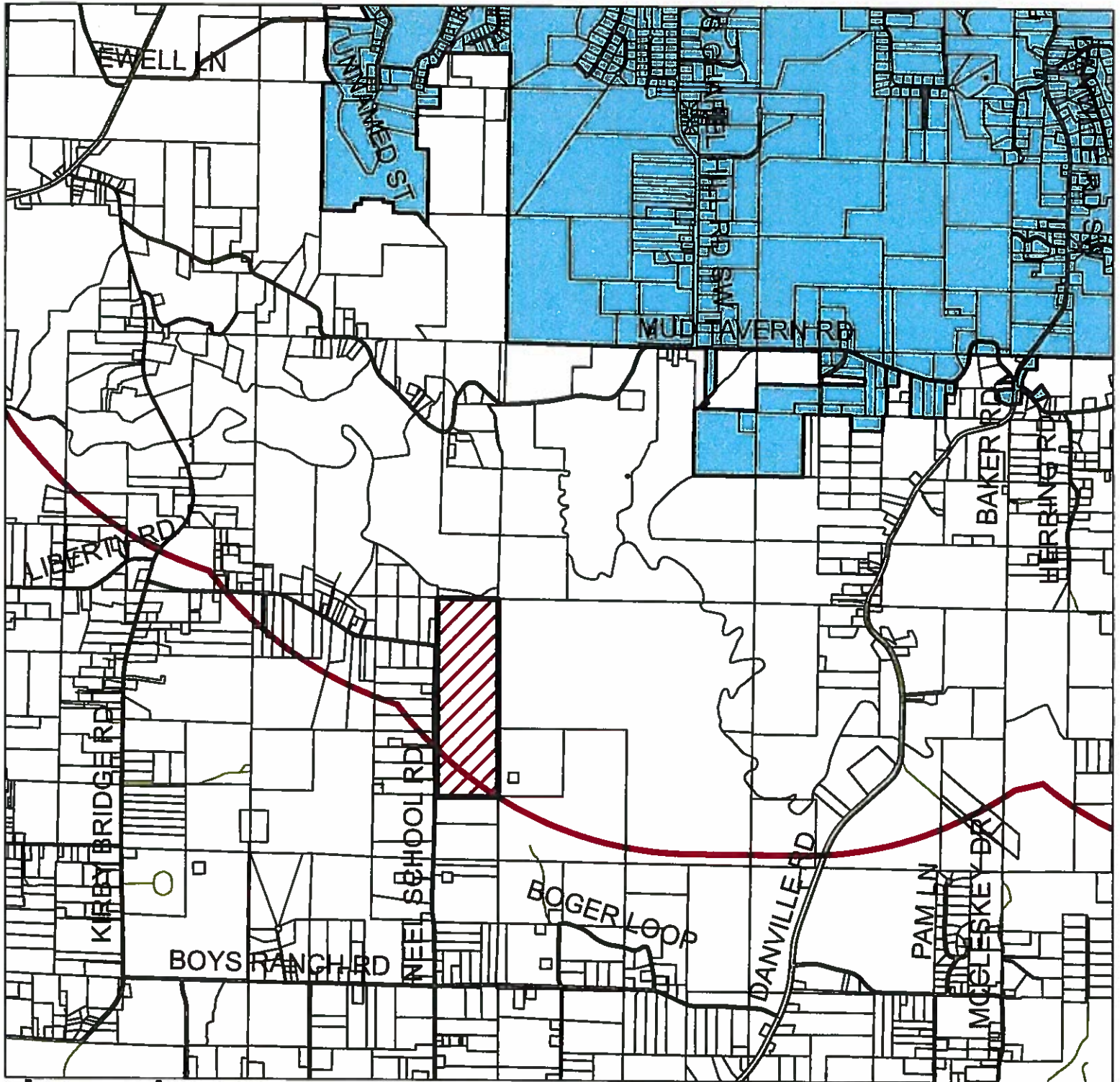


- (6) *Open container laws applicable:* Open container laws of the State of Alabama and the City of Decatur still govern to the extent that the respective provisions are not strictly modified by either Section 28-3A-17.1 of the Code of Alabama 1975, Section 28-3A-20.1 of the Code of Alabama 1975 or the 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 Arts and Entertainment District boundaries between the hours of 1:00 a.m. to 4:00 p.m. on Monday through Thursday and between the hours of 1:00 a.m. to 12:00 p.m. (noon) on Friday, Saturday and Sunday. Hours may be extended on specific days with city council permission.

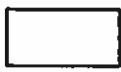



( Ord. No. 13-4140A, 4-1-13)

Secs. 25-190—25-194. - Reserved.

# ROSEBARROW SUBDIVISION MINOR PLAT



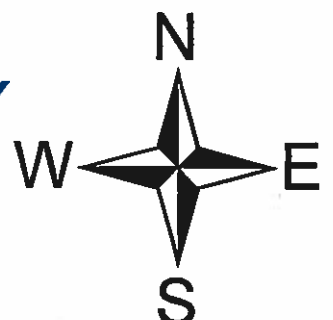
## Legend

-  Ownership
-  Corporate Limits
-  codgis2013.DBO.Planning Juris
-  **SUBJECT PROPERTY**

## LOCATION MAP

**APPLICANT: J.O. SIMS PROPERTY**

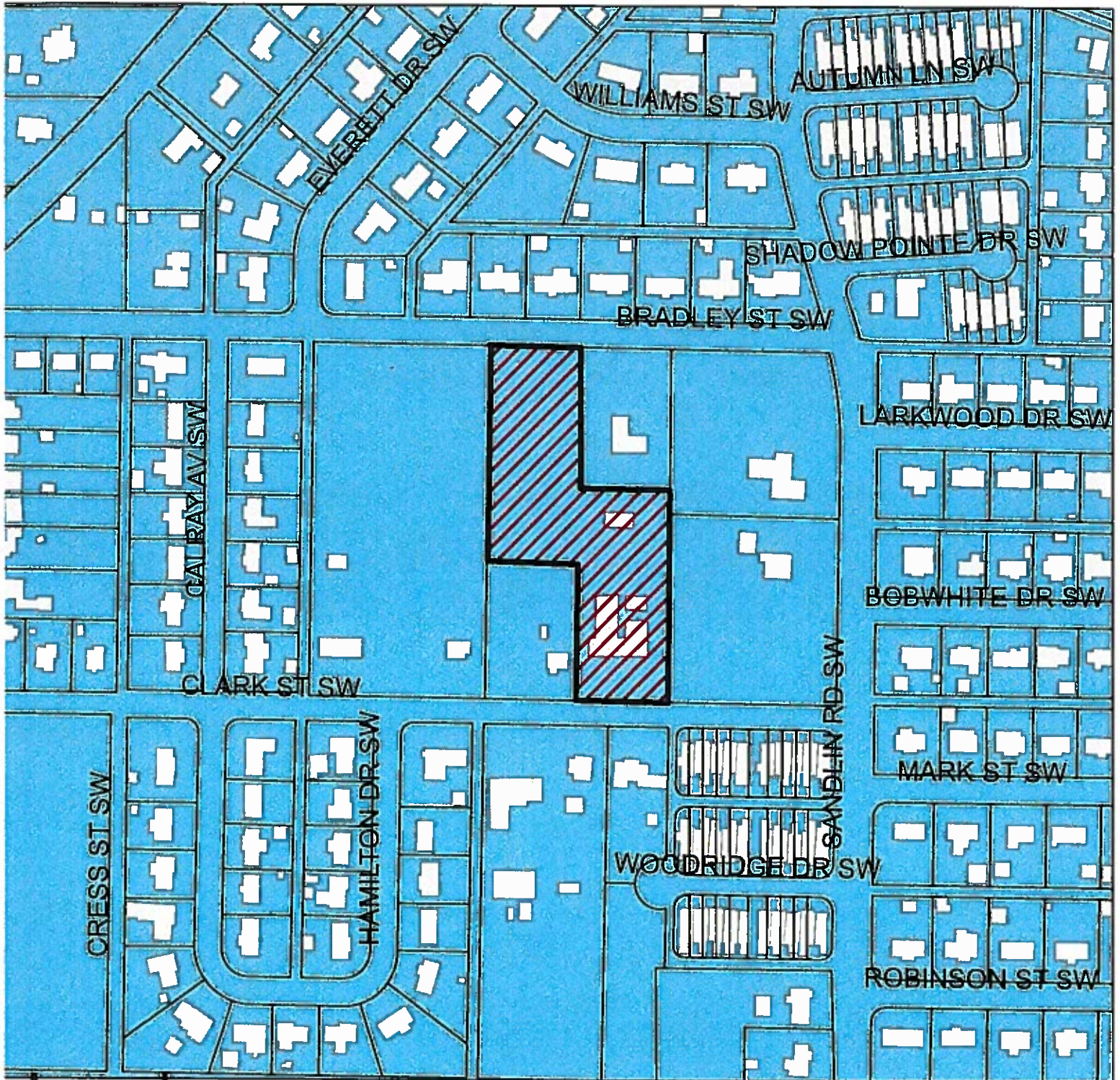
**PROPERTY PJ ONLY**







DRAWING NOT TO SCALE



# CERTIFICATE TO SUBDIVIDE NO.3374-17



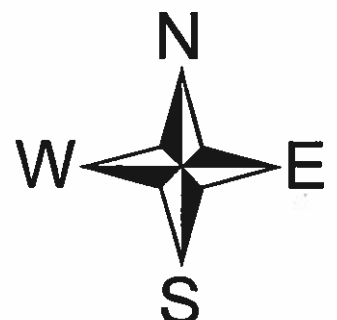
## Legend

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

## LOCATION MAP

***APPLICANT: LIFE BRIDGE CHURCH***

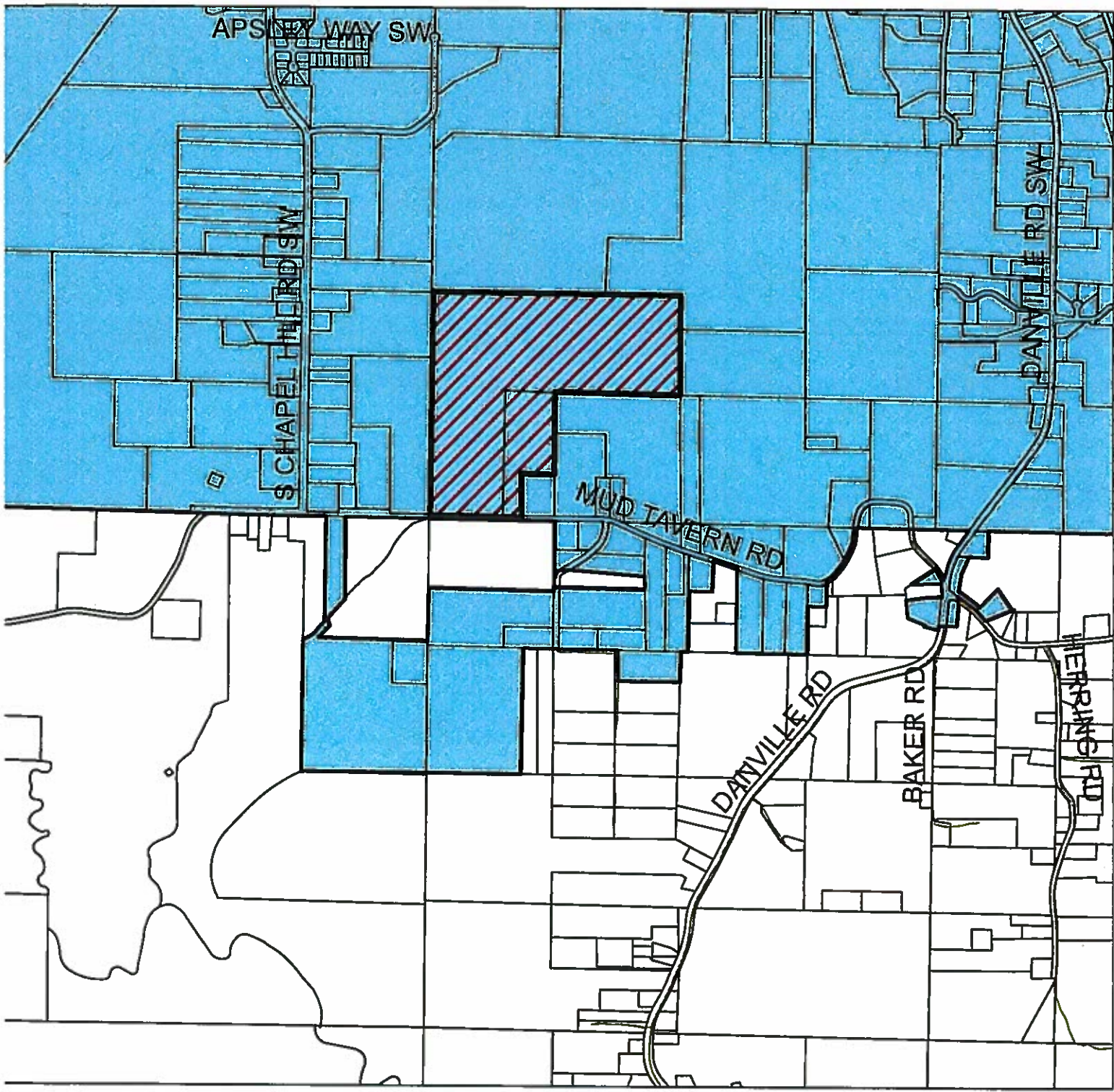
**PROPERTY ZONED R-2**



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CERTIFICATE TO CONSOLIDATE AND SUBDIVIDE NO.3375-17



LOCATION MAP

APPLICANT: SANDRA AND RONALD EDDY  
AND GLENN EDDY

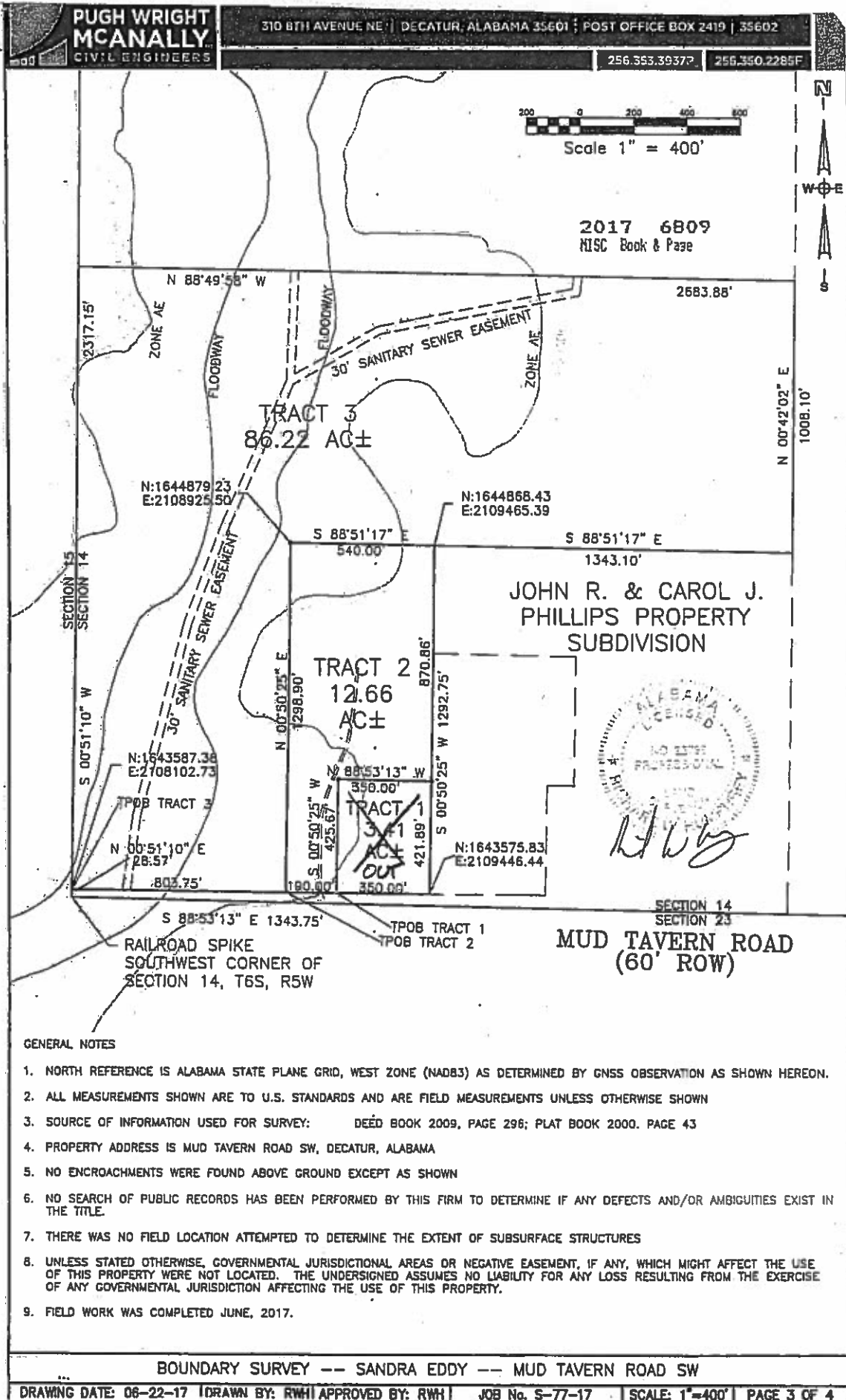
- Legend
-  Ownership
  -  Corporate Limits
  -  SUBJECT PROPERTY

PROPERTY ZONED AG-1

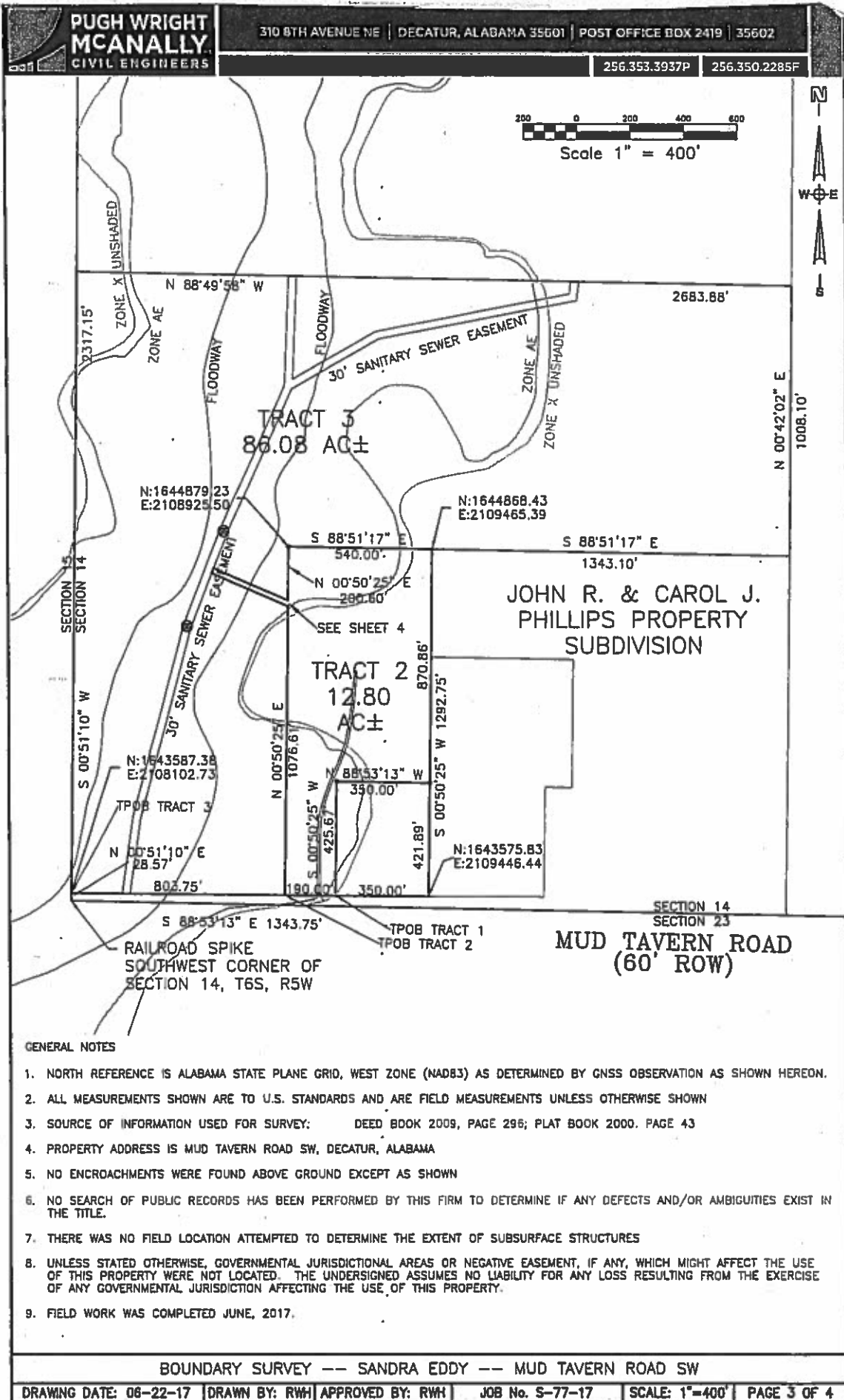


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# CERTIFICATE TO CONSOLIDATE AND SUBDIVIDE NO. 3375-17

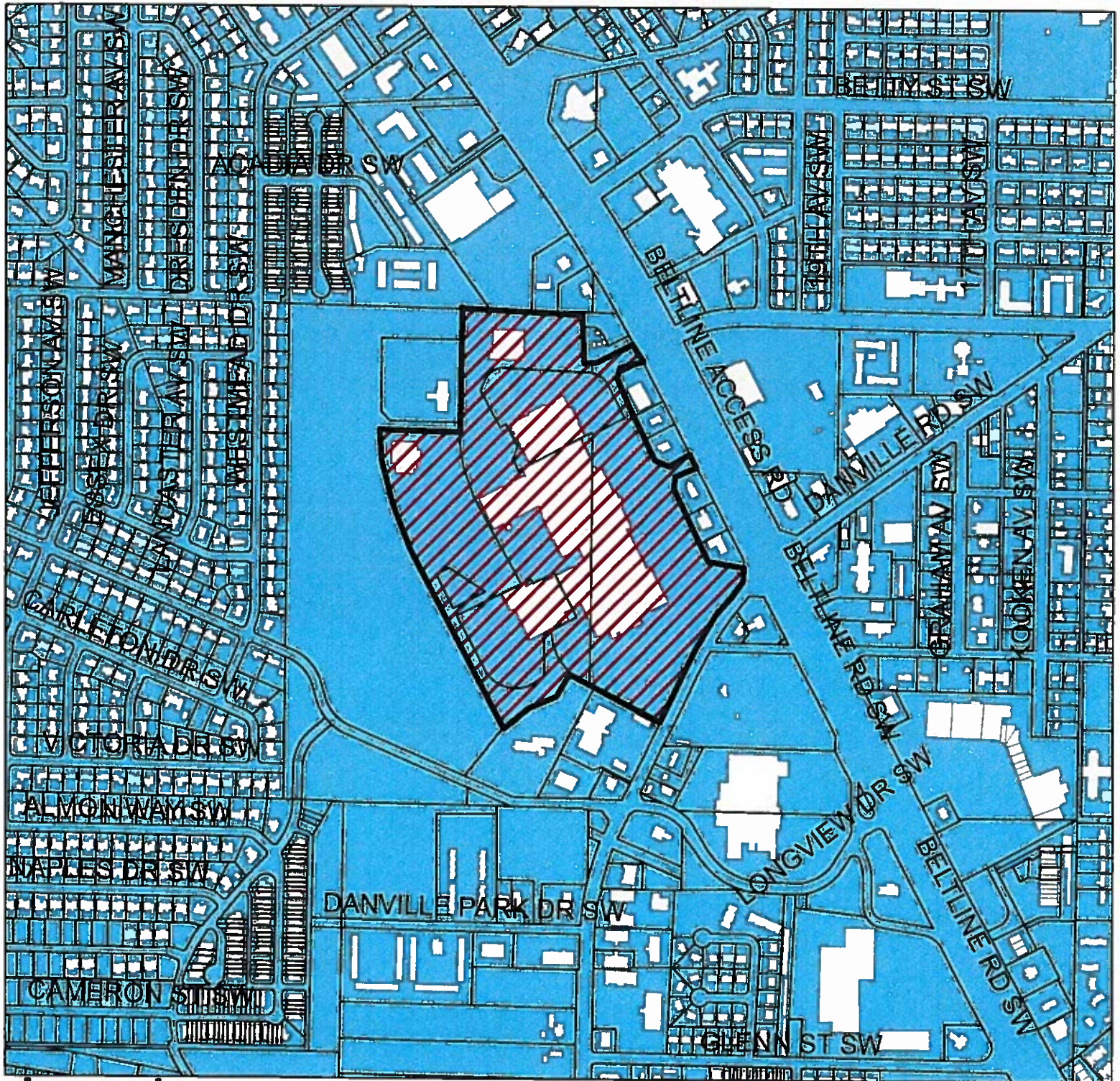


# CERTIFICATE TO CONSOLIDATE AND SUBDIVIDE NO. 3375-17









# VACATION REQUEST NO. 499-17



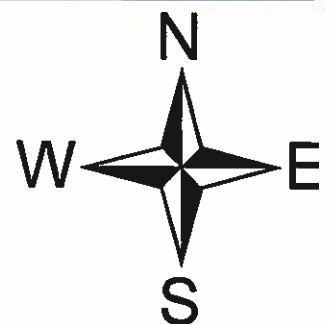
## Legend

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

## LOCATION MAP

**APPLICANT: DECATUR MALL LLC**

**PROPERTY ZONED B-4**



**DRAWING NOT TO SCALE**