

MEMORANDUM

DATE: January 18, 2017

TO: Planning Commissioners

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

PLANNING COMMISSION MEETING

January 24, 2017

Pre-meeting – 2:15 p.m. (Annex)

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

Agenda Planning Commission

City of Decatur, AL

January 24, 2017

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- December 20, 2016

3. PUBLIC HEARING

PAGE/MAP

REZONING

- A. Rezoning 1307-17 1/5-7
(North side of West Moulton ST and west of 11th AV SW)

4. CONSENT AGENDA

PAGE/MAP

CERTIFICATES

- | | | |
|------------|---|---------|
| A. 3343-17 | Certificate to Subdivide
(South of Hwy 20 and east side of McEntire Lane) | 1/8-12 |
| B. 3344-17 | Certificate to Consolidate
(North of 3 rd St. NW and east side of 10 th Avenue NW) | 2/13-14 |
| C. 3346-17 | Certificate to Subdivide
(South of Bird Springs Rd. and east side of Baker Rd.) | 2/15-17 |
| D. 3347-17 | Certificate to Subdivide
(South of Bird Springs Rd. and east side of Baker Rd.) | 2/18-20 |
| E. 3348-17 | Certificate to Subdivide – Withdrawn by Applicant | 3 |
| F. 3349-17 | Certificate to Subdivide
(North of Poole Valley Rd. SW and east side of Central Avenue SW.) | 3/21-23 |
| G. 3350-17 | Certificate to Subdivide
(North of 14 th St. SE and west side of 4 th Avenue SE) | 3/24-26 |

5. OTHER BUSINESS

CERTIFICATE

A. 3345-17	Certificate to Subdivide (Northwest of Beltline Rd. SW and south of Mall Access Road)	4/27-29
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SITE PLANS GIVEN ADMINISTRATIVE APPROVALS

4

Minutes
Zoning Committee
January 17, 2017

PUBLIC HEARING

Rezoning

1307-16

Applicant: Olivia Hernandez Torres
Owner: Olivia Hernandez Torres

Zoning: B1
Acreage: .53

Request: To rezone approximately .53 acres located from B1 (local shopping district) B2 (general business district).

Location: North side of West Moulton ST and west of 11th AV SW

Recomm:: The Zoning Committee recommends approval. This is in conformance with the Comprehensive Plan and adjacent properties.

Minutes
Subdivision Committee
January 17, 2017

CONSENT AGENDA

Certificates

3343-17 Certificate to Subdivide

Applicant: Tower Com
Owner: Thomas Pickens

Zoning: Outside Corp Limits
Acreage: .23 acres

Request: Create a lease tract for the construction of a cell tower

Location: South of Hwy 20 and east side of McEntire Lane

Conds:

1. Provide letter from property owner requesting subdivision
2. Provide copy of deed showing proof of ownership
3. Payment of recording fees
4. Amend survey to include four State Plane coordinates for tract
5. Provide an Extraterritorial Jurisdiction Certificate to Subdivide
6. Amend survey to show 30' easement to be an "exclusive easement."

Pt. of Info:

- (1) ***Any relocation of utilities will be at the owner's expense.***
- (2) ***No additional subdivision of this tract will be permitted without real property to a public right-of-way***

Recomm: Approval with stated conditions.

3344-17 Certificate to Consolidate

Applicant: Lee Greene
Owner: Erick Turner

Zoning: R-3, SF Residential
Acreage: .32 acres

Request: Consolidate Lots 15 & 17 of Block 33, DLI&F, Addition No. 1 into one tract of .32 acres

Location: North of 3rd St. NW and east side of 10th Avenue NW

- Conds:
1. Provide copy of deed showing proof of ownership
 2. Payment of recording fees

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

Recomm: Approval with stated conditions.

3346-17 Certificate to Subdivide

Applicant: Pugh Wright McAnally
Owner: Morris Family (Jeremy, Jason, Jennifer, Timothy, Larry & Glenda)

Zoning: Outside Corp Limits
Acreage: 5 acres

Request: Subdivide 5 acres into two tracts of 2.50 acres each

Location: South of Bird Springs Rd. and east side of Baker Rd.

- Conds:
1. Amend survey to show 30' of ROW from the centerline of the road
 2. Verify/obtain septic tank approvals for both tracts
 3. Payment of recording fees
 4. Amend certificate to Extraterritorial Jurisdiction

Pt. of Info:

- (1) ***Any relocation of utilities will be at the owner's expense.***
- (2) ***No further subdivision of properties without submission of a minor plat***

Recomm: Approval with stated conditions

3347-17 Certificate to Subdivide

Applicant: Pugh Wright McAnally
Owner: Morris Family (Jennifer, Timothy, Larry & Glenda)

Zoning: Outside Corp Limits
Acreage: 5 acres

Request: Subdivide 5 acres into two tracts of 2.50 acres each

Location: South of Bird Springs Rd. and east side of Baker Rd.

- Conds:
1. Amend survey to show 30' of ROW from the centerline of the road
 2. Verify/obtain septic tank approvals for both tracts
 3. Payment of recording fees
 4. Amend certificate to Extraterritorial Jurisdiction

Pt. of Info:

- (1) ***Any relocation of utilities will be at the owner's expense.***
- (2) ***No further subdivision of properties without submission of a minor plat***

Recomm: Approval with stated conditions

3348-17 Certificate to Subdivide – Withdrawn by Applicant

3349-17 Certificate to Subdivide

Applicant: Pugh Wright McAnally
Owner: Alan Nunnelee

Zoning: Outside Corp Limits
Acreage: 14.61 acres

Request: Subdivide 14.61 acres into three tracts of 2.50, 2.50 and 9.61 acres

Location: North of Poole Valley Rd. SW and east side of Central Avenue SW

- Conds:
1. Payment of recording fees
 2. Extend sewer to Tracts 1 & 2 or verify/obtain septic tank approvals
 3. Provide stamped and sealed survey for recording
 4. Amend survey to show State Plane coordinates
 5. Dedicate 20' either side of existing power line

Pt. of Info:

- (1) ***Any relocation of utilities will be at the owner's expense.***
- (2) ***Twenty-four foot (24') deed gap shown on survey is not City ROW/alley. This is a surveyor discrepancy.***

Recomm: Approval with stated conditions.

3350-17 Certificate to Subdivide

Applicant: Pugh Wright McAnally
Owner: Carlton McMasters

Zoning: M-2, Heavy Industry
Acreage: 1.28 acres

Request: Subdivide 1.28 acres into two tracts of 1.23 acres and .05 acres (easement for CSX RR)

Location: North of 14th St. SE and west side of 4th Avenue SE

- Conds:
1. Payment of recording fees
 2. Provide State Plane Coordinates

Pt. of Info:

1. *Any relocation of utilities will be at the owner's expense.*
2. *Dedicate Unit 2 as ROW with a separate instrument to the City of Decatur*

Recomm: Approval with stated conditions.

END CONSENT AGENDA

OTHER BUSINESS

Certificate

3345-17 Certificate to Subdivide

Applicant: Pugh Wright McAnally
Owner: James Hull & Hull 200, LLLP

Zoning: B-4, Regional Shopping
Acreage: .94 acres

Request: Subdivide .94 acres into two tracts of .34 acres and .60 acres

Location: Northwest of Beltline Rd. SW and south of Mall Access Road

- Conds:
1. Provide stamped and sealed survey for recording
 2. Provide State Plane Coordinates on survey
 3. Meet parking requirements for each tract or provide shared parking agreement and cross access easements with the mall
 4. Dedicate easements on relocated gas and electric lines (5' either side)

Pt. of Info:

- (1) *Any relocation of utilities will be at the owner's expense (water will need to be relocated if separate tracts are created).*
- (2) *Firewall will be required between Aspen and new construction.*

Recomm: Approval with stated conditions.

Site Plans Given Administrative Approvals

Applicant: Decatur Mall
Owner: Hull Property Group

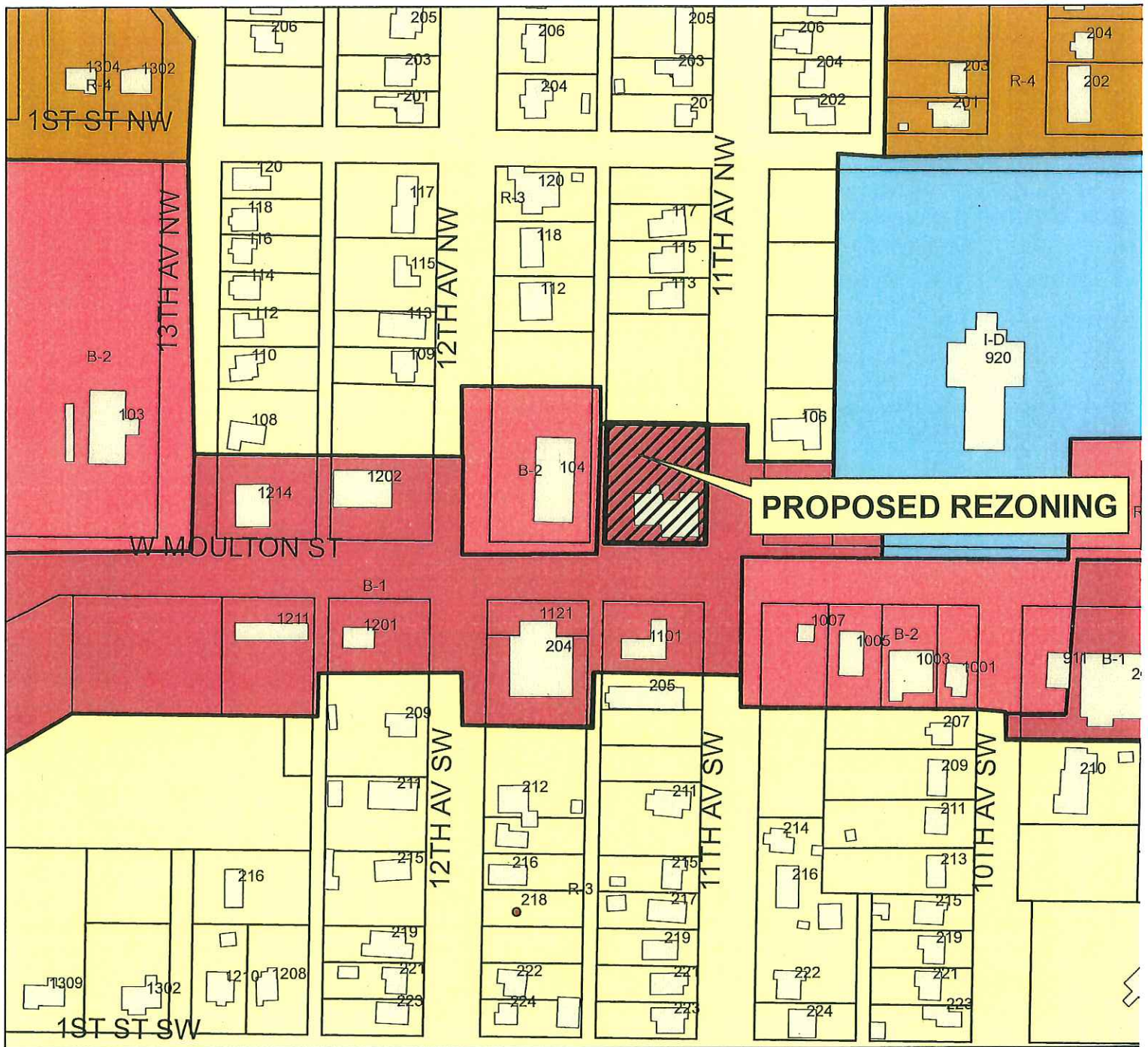
Zoning: B4
Acreage: approximately 20

Request: Hull Property Group will be demolishing the two back wings of the mall and the old movie theater. This will improve the visibility of the new Theater. The back of the mall will be improved dramatically.

Location: Intersection of Danville RD. SW and the Beltline

Recomm.: This was approved administratively.

REZONING REQUEST NO. 1307-17 FROM B-1 TO B-2 .53 ACRES



LOCATION MAP

Legend

-  Buildings
-  Ownership



SUBJECT PROPERTY

APPLICANT: OLIVIA HERNANDEZ TORRES

PROPERTY ZONED B-1

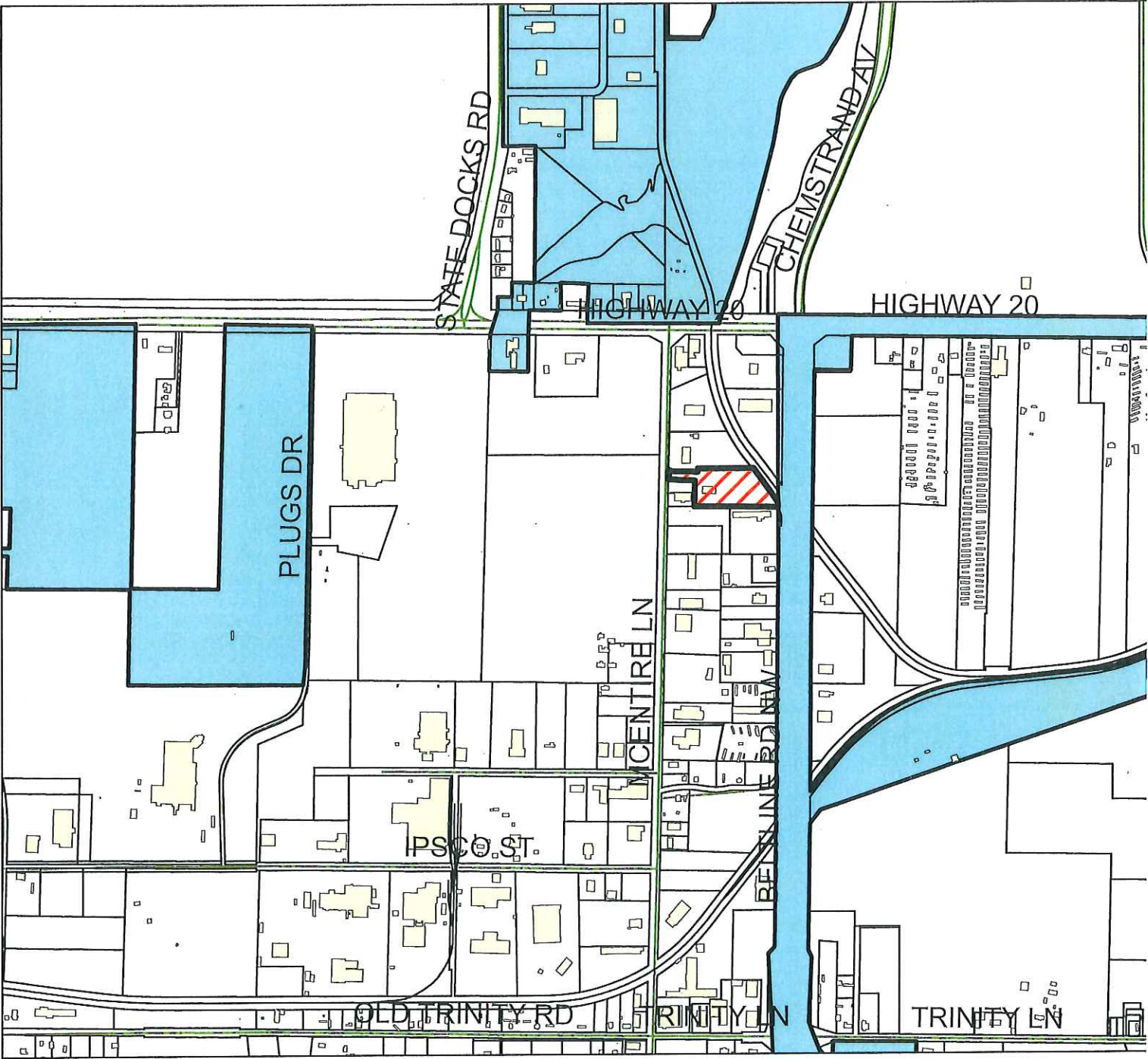


ZONING COMPARISONS

SECTION	B1	B2
USES PERMITTED	Uses permitted: 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.	Clubs; on premises and off premises sale of alcoholic beverages; Businesses licensed under the Deferred Presentment Services Act, and/or Pawnshop Act, and/or Dealers in Gold or Precious Items Act where there is a 1,500-foot separation between the closest property boundary of the legal lot on which the said business is located and the closest property boundary of any other legal lot on which any business licensed under these Acts is located. However, the above notwithstanding there may be one (1) of each type business licensed under the Deferred Presentment Services Act, and/or Pawnshop Act, and/or Dealers in Gold or Precious Items Act located on the same legal lot duly approved by the City of Decatur and in conformance with the Subdivision Regulations as amended. Any retail or wholesale business or service not specifically restricted or prohibited; and places of amusement and assembly.
USES PERMITTED ON APPEAL	Uses permitted on appeal: 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.	Dry cleaners and laundries; and manufacturing incidental to a retail business where articles are sold at retail on the premises, not specifically prohibited herein; major automobile repairs. Any use permitted or permitted on appeal in the R-4, Residential District, and subject to all district requirements of an R-4 District as specified in section 25-10 , hereof, other than the maximum height provision set forth therein which shall not be applicable.
USES PROHIBITED	Uses prohibited: 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.	Stockyard; live animal or poultry sales; coal yards; lumber yards or mills; auto wrecking; gasoline, oil or alcohol storage above the ground in excess of five hundred (500) gallons, grist or flour mills; ice plants; junk, scrap paper, rag, storage or bailing, stone or monument works.

SECTION	B1	B2
PARKING	Off-street parking: See § 25-16. Off-street loading and unloading: Shall use required rear or side yard for loading and unloading.	Shall provide space for loading and unloading for structures hereafter erected or altered when same is not on lot adjoining a public or private alley. See § 25-16. For off street parking
MINIMUM LOT AREA	B1 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.	Same as for B-1 Business District. B1 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.
MINIMUM BUILDING AREA		
MINIMUM FRONT YARD SETBACK	Minimum yard size: Front 25 feet;	Same as for B-1, Local Shopping District. B1 Minimum yard size: Front 25 feet; rear 20 feet;
MINIMUM REAR YARD SETBACK	rear 20 feet; side,	FROM B1 rear 20 feet
MINIMUM SIDE YARD SETBACKS	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. Maximum height: 45 feet or 3 stories.	FROM B1 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.
MAXIMUM HEIGHT		
MAXIMUM HEIGHT IN STORIES		

CERTIFICATE TO SUBDIVIDE NO. 3343-17



LOCATION MAP

Legend

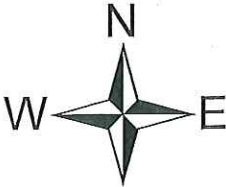
-  Buildings
-  Corporate Limits
-  Ownership



SUBJECT PROPERTY

APPLICANT: TOWER COM 1X,LLC

PROPERTY PJ ONLY



8
DRAWING NOT TO SCALE

SECTION 14 TOWNSHIP 5 SOUTH RANGE 5 WEST HUNTSVILLE MERIDIAN KANSAS COUNTY ALABAMA	DRAWN BY: NEW	CHECKED BY: JLC	SHEET
		APPROVED: C. INER	1
		DATE: JULY 26, 2016	
		PT20, 308 ft. G160416	OF

[illegible]

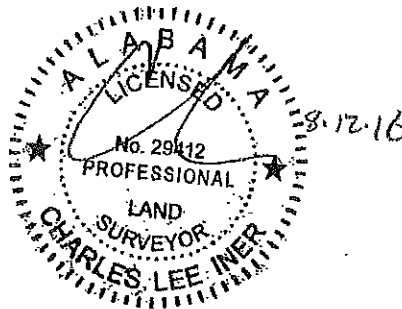
CERTIFICATE TO SUBDIVIDE NO.3343-17

PROPOSED LEASE AREA
TOWERCOM IX, LLC & FIDELITY NATIONAL TITLE INSURANCE COMPANY
"CHEMSTRAND"

All that tract or parcel of land lying and being in the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 14, Township 5 South, Range 5 West of the Huntsville Meridian, Morgan County, Alabama, being more particularly described as follows:

To find the point of beginning, commence at a point on the easterly right-of-way line of McEntire Lane (having an 80-foot right-of-way), said point being located South $00^{\circ}48'28''$ East, 1098.65 feet, more or less, from the northwest corner of Section 14, and said point having an Alabama West state plane coordinate value of N=1679740.56, E=2108641.78; thence leaving said easterly right-of-way line of McEntire Lane and running, South $89^{\circ}28'32''$ East, 402.61 feet to a point; thence, South $77^{\circ}03'32''$ East, 153.43 feet to a point; thence, North $00^{\circ}32'23''$ East, 50.00 feet to a point and the true POINT OF BEGINNING; Thence running, South $89^{\circ}27'37''$ East, 100.00 feet to a point; Thence, South $00^{\circ}32'23''$ West, 100.00 feet to a point; Thence, North $89^{\circ}27'37''$ West, 100.00 feet to a point; Thence, North $00^{\circ}32'23''$ East, 100.00 feet to a point and the POINT OF BEGINNING.

Said tract contains 0.230 acres (10,000 square feet), more or less, as shown in a survey prepared for Towercom IX, LLC and Fidelity National Title Insurance Company by POINT TO POINT LAND SURVEYORS, INC. dated July 26, 2016 and last revised August 12, 2016.



CERTIFICATE TO SUBDIVIDE NO.3343-17

PROPOSED 30' INGRESS-EGRESS & UTILITY EASEMENT
TOWERCOM IX, LLC & FIDELITY NATIONAL TITLE INSURANCE COMPANY
"CHEMSTRAND"

Together with a proposed 30-foot wide ingress-egress and utility easement lying and being in the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 14, Township 5 South, Range 5 West of the Huntsville Meridian, Morgan County, Alabama, being described by the following centerline data:

BEGINNING at a point on the easterly right-of-way line of McEntire Lane (having an 80-foot right-of-way), said point being located South $00^{\circ}48'28''$ East, 1098.65 feet, more or less, from the northwest corner of Section 14, and said point having an Alabama West state plane coordinate value of N=1679740.56, E=2108641.78; Thence leaving said easterly right-of-way line of McEntire Lane and running, South $89^{\circ}28'32''$ East, 402.61 feet to a point; Thence, South $77^{\circ}03'32''$ East, 153.43 feet to the ENDING at a point.

As shown in a survey prepared for Towercom IX, LLC and Fidelity National Title Insurance Company by POINT TO POINT LAND SURVEYORS, INC. dated July 26, 2016 and last revised August 12, 2016.



Legend

- Buildings
Corporate Limits
Ownership

PROPERTY ZONED R-3

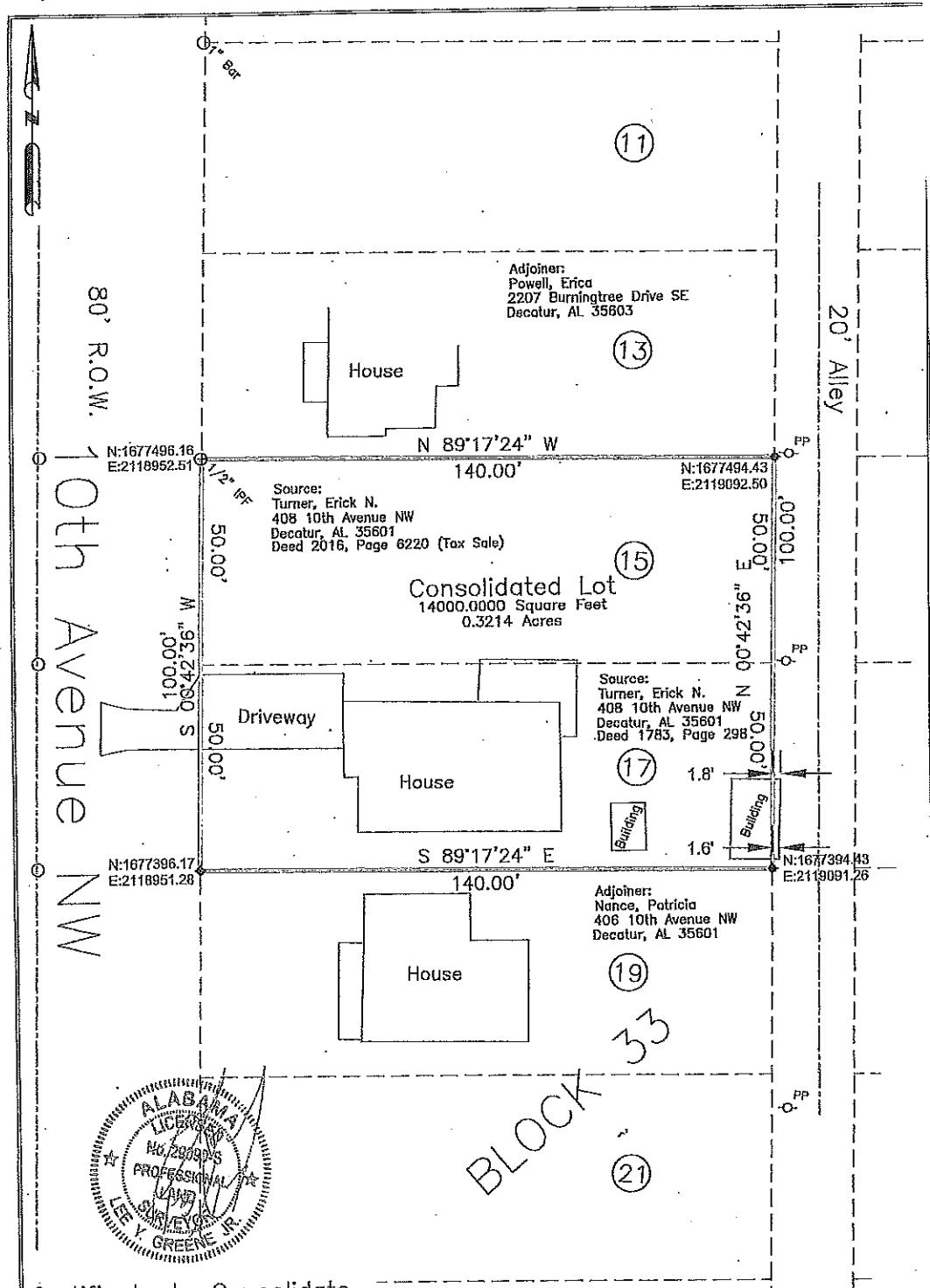


SUBJECT PROPERTY



S 13
DRAWING NOT TO SCALE

CERTIFICATE TO CONSOLIDATE NO. 3344-17



Certificate to Consolidate

Turner, Erick N.
408 10th Avenue NW
Decatur, AL 35601

- 1) Bearings and coordinates shown hereon are based on Alabama State Plane Grid, West Zone, NAD83, and were determined from GPS observations. Contours and spot elevations are based on the NAVD83 datum and were determined from GPS observations.
- 2) No subsurface investigation was performed to locate underground utilities. Utilities shown hereon are limited to and are per observed evidence only.

LEGEND OF SYMBOLS

---	Fence Line (Possession)
---	Centerline
---	Overhead Utility Lines
---	1/2" Iron Pin Set w/ Cop Stamped "GREENE 29090-S"
○	Monument Found
○	Utility Pole

Not Original without Red Seal and Dated Signature.
Copyright © 2017, Lee Y. Greene & Associates, Inc.
All Rights Reserved

Checked By:

NOTE:

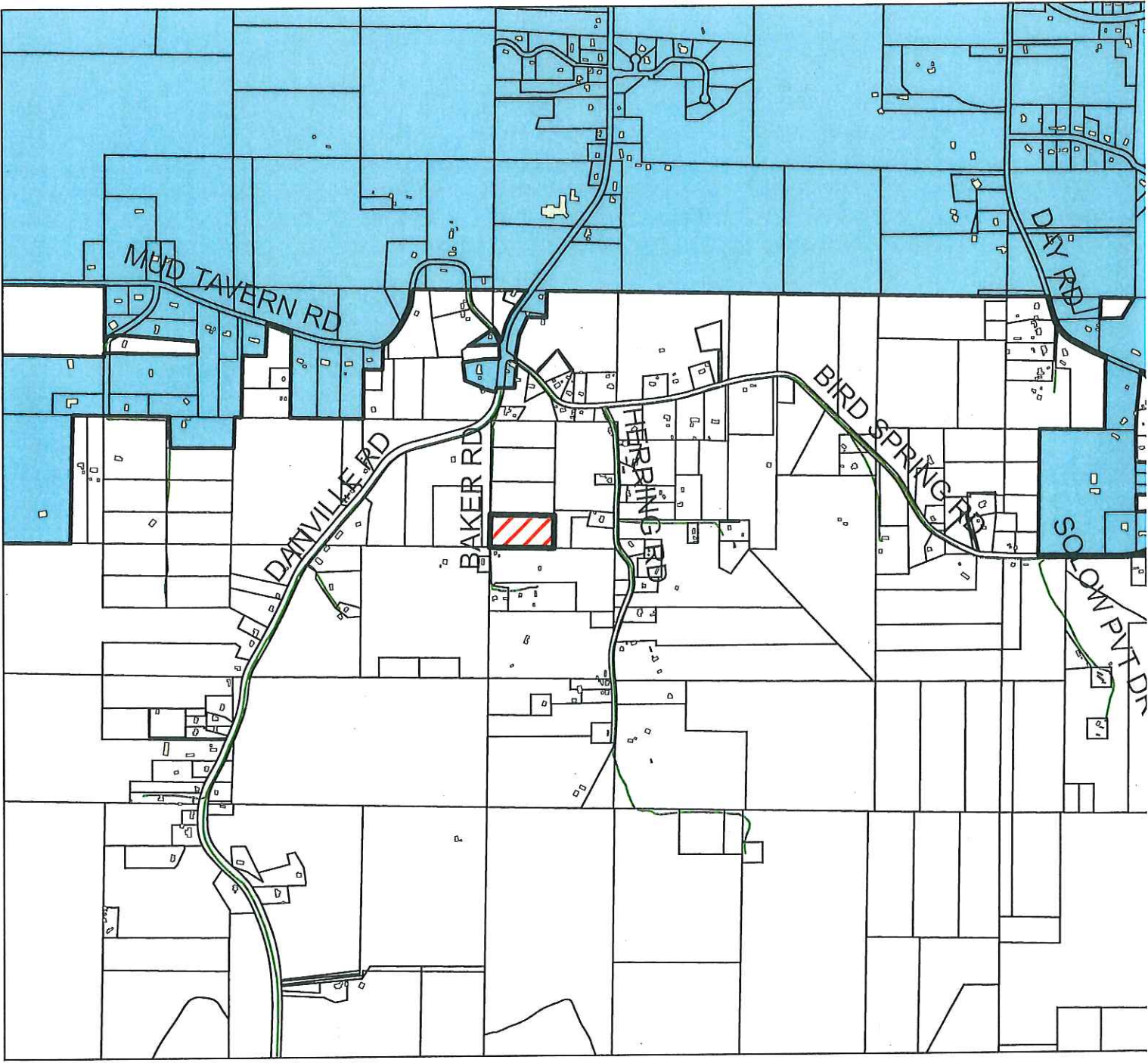
Any relocation of utilities is to be at the applicant's expense.



Lee Y. Greene & Associates, Inc.
Engineering & Surveying
121 Sparkman Street SW, Marietta, AL 35540
(256) 773-2304 (256) 773-2361 FAX
www.lesgreene.com
Alabama CA Number: 1332-E, 389-LS

Drawing Date: 1/03/2017 Field Survey: 11/21/2016
Drawn By: LYG-2 File Number: 2016339.DWG

CERTIFICATE TO SUBDIVIDE NO. 3346-17



LOCATION MAP

Legend

-  Buildings
-  Corporate Limits
-  Ownership



SUBJECT PROPERTY

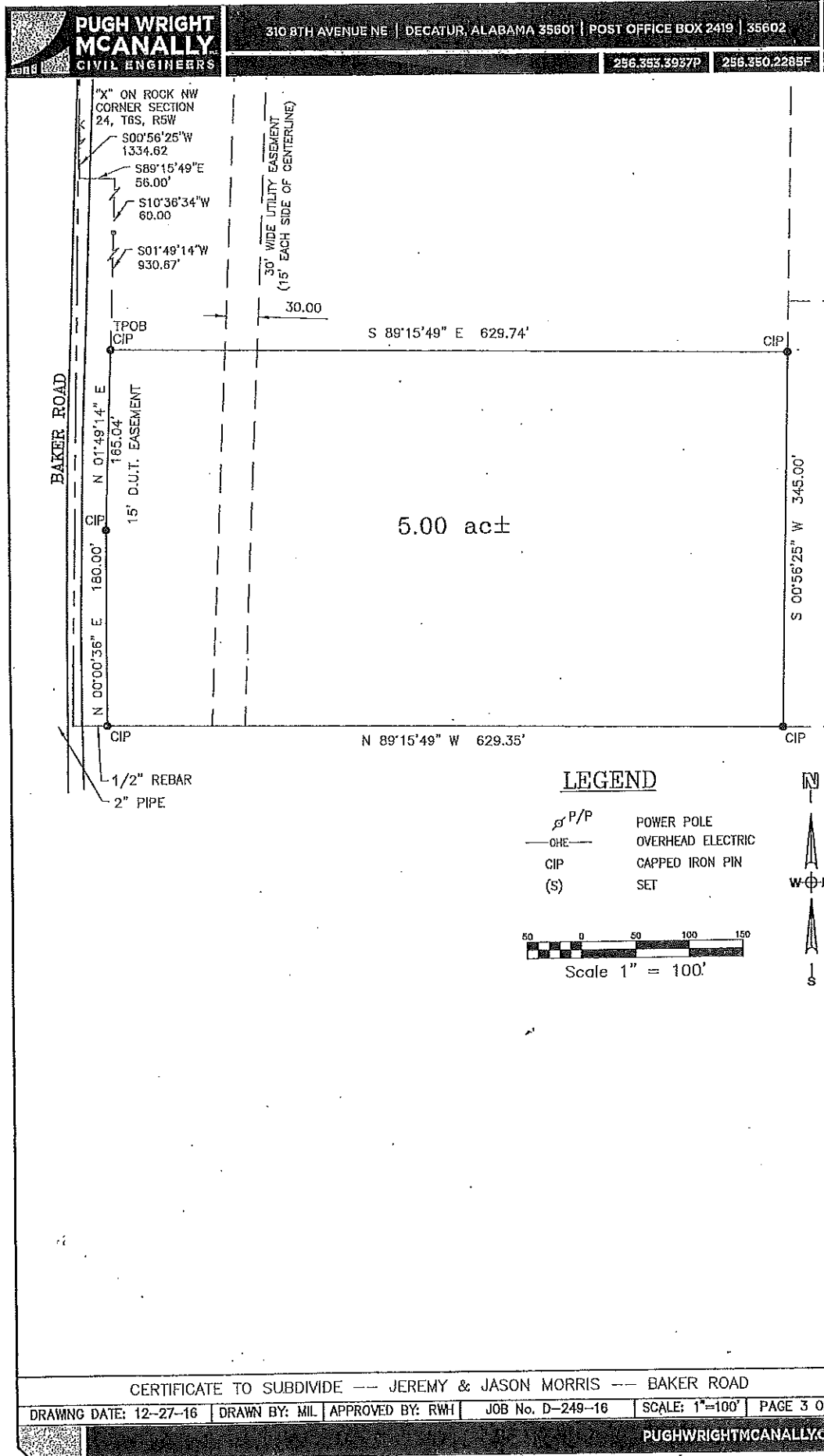
APPLICANT: MORRIS ET.AL. JEREMY MORRIS

PROPERTY PJ ONLY

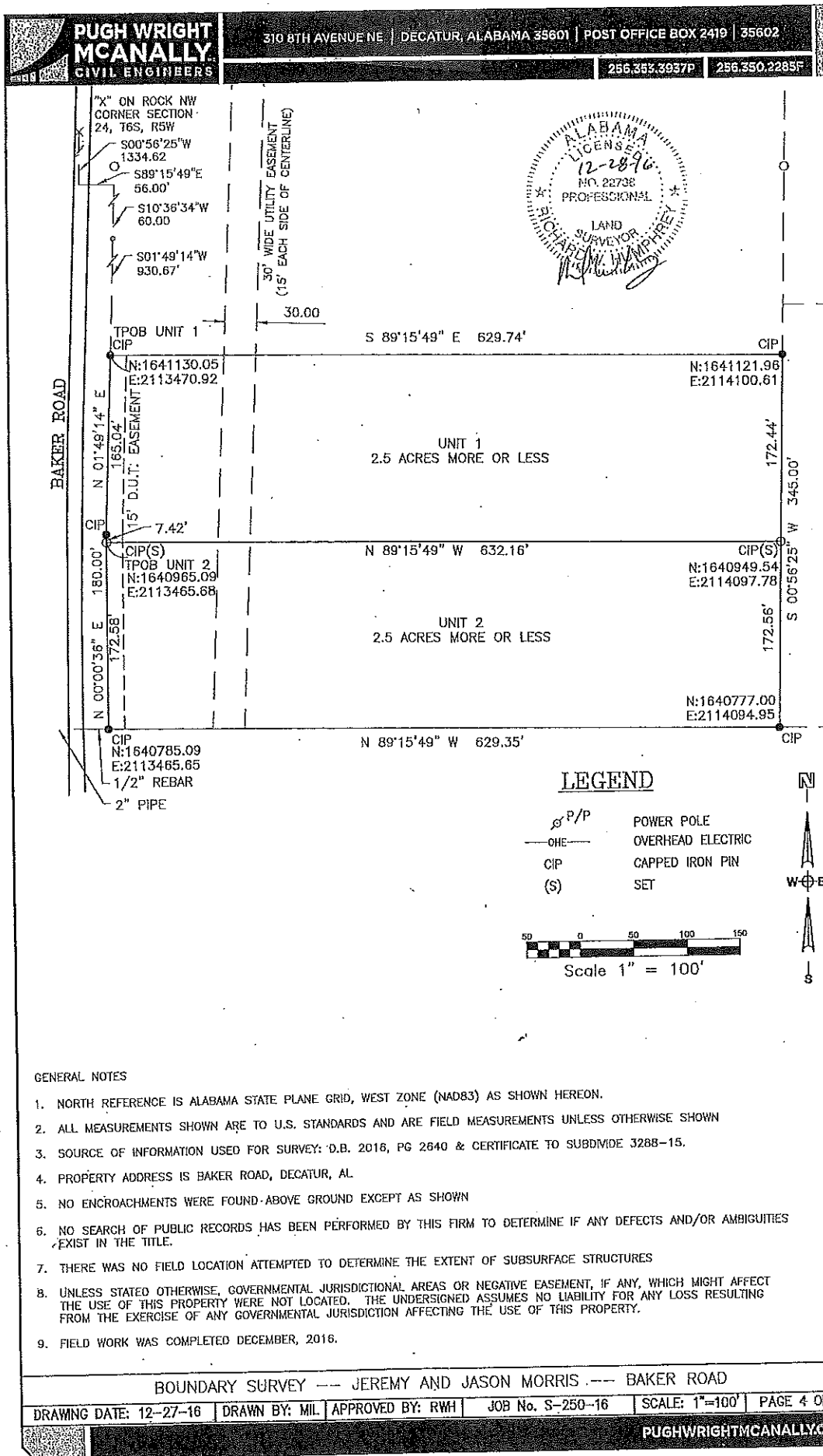


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DRAWING NOT TO SCALE

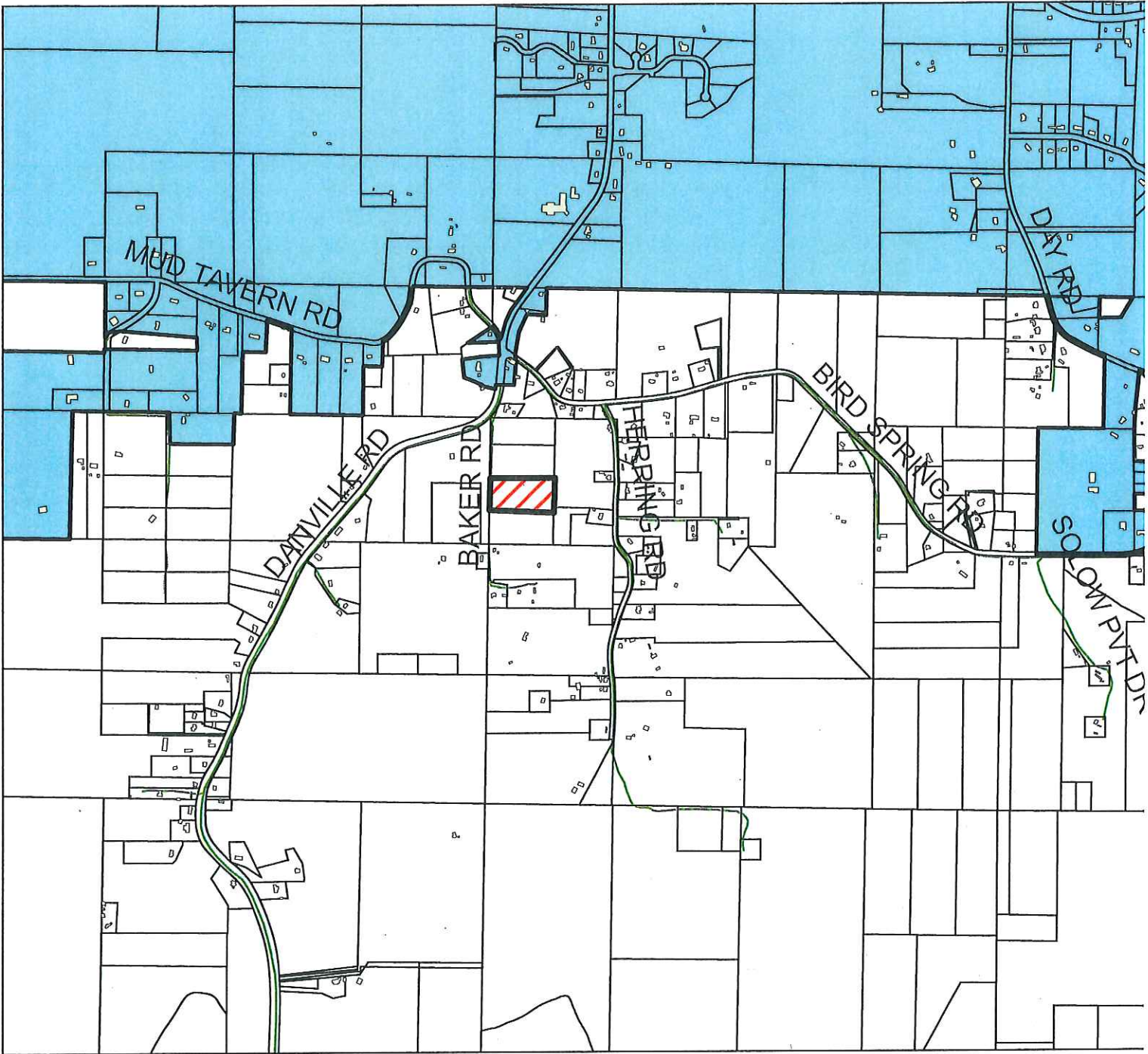
CERTIFICATE TO SUBDIVIDE NO. 3346-17



CERTIFICATE TO SUBDIVIDE NO. 3346-17



CERTIFICATE TO SUBDIVIDE NO. 3347-17



LOCATION MAP

Legend

-  Buildings
-  Corporate Limits
-  Ownership



SUBJECT PROPERTY

APPLICANT: MORRIS ET.AL. TIMOTHY MORRIS

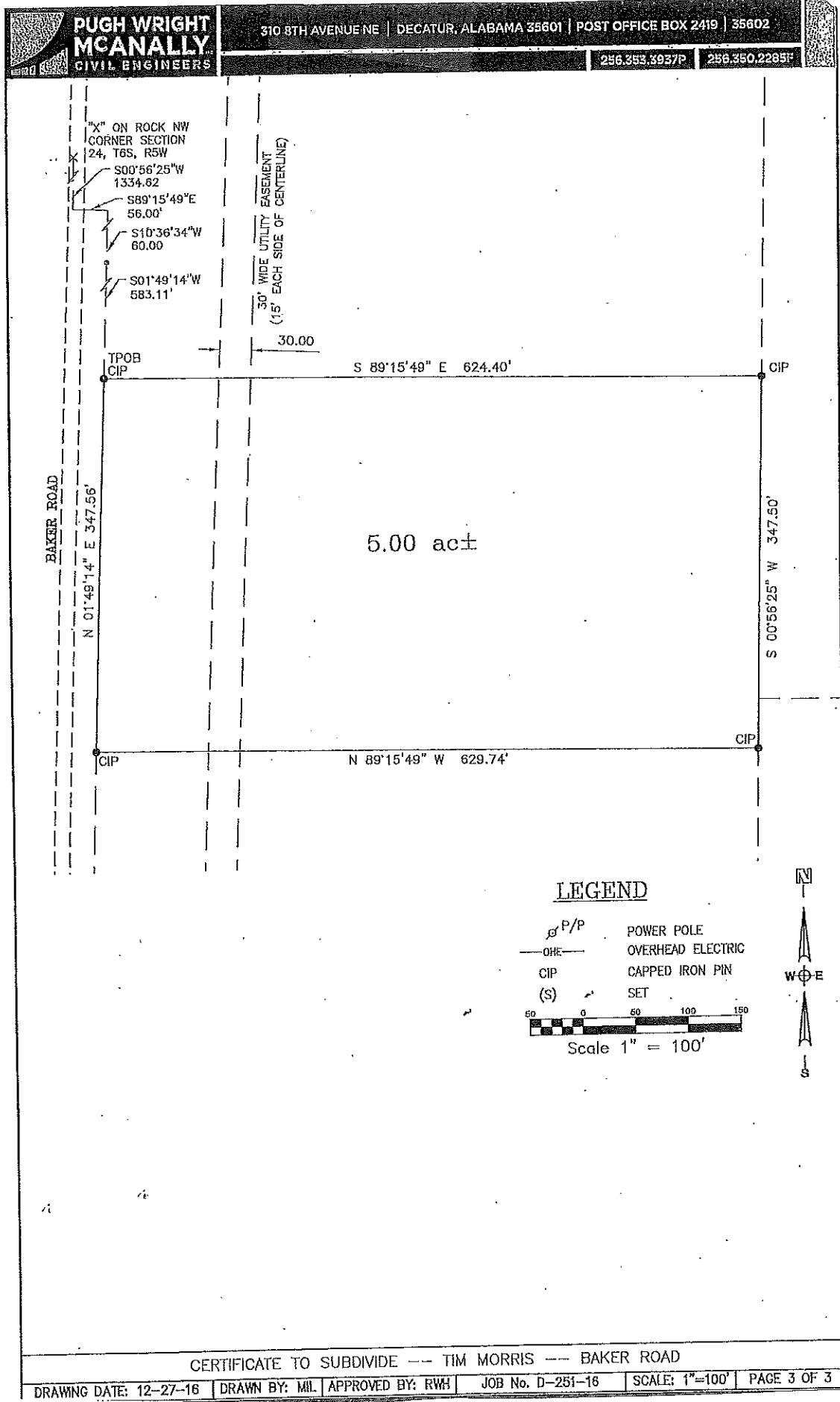
PROPERTY PJ ONLY



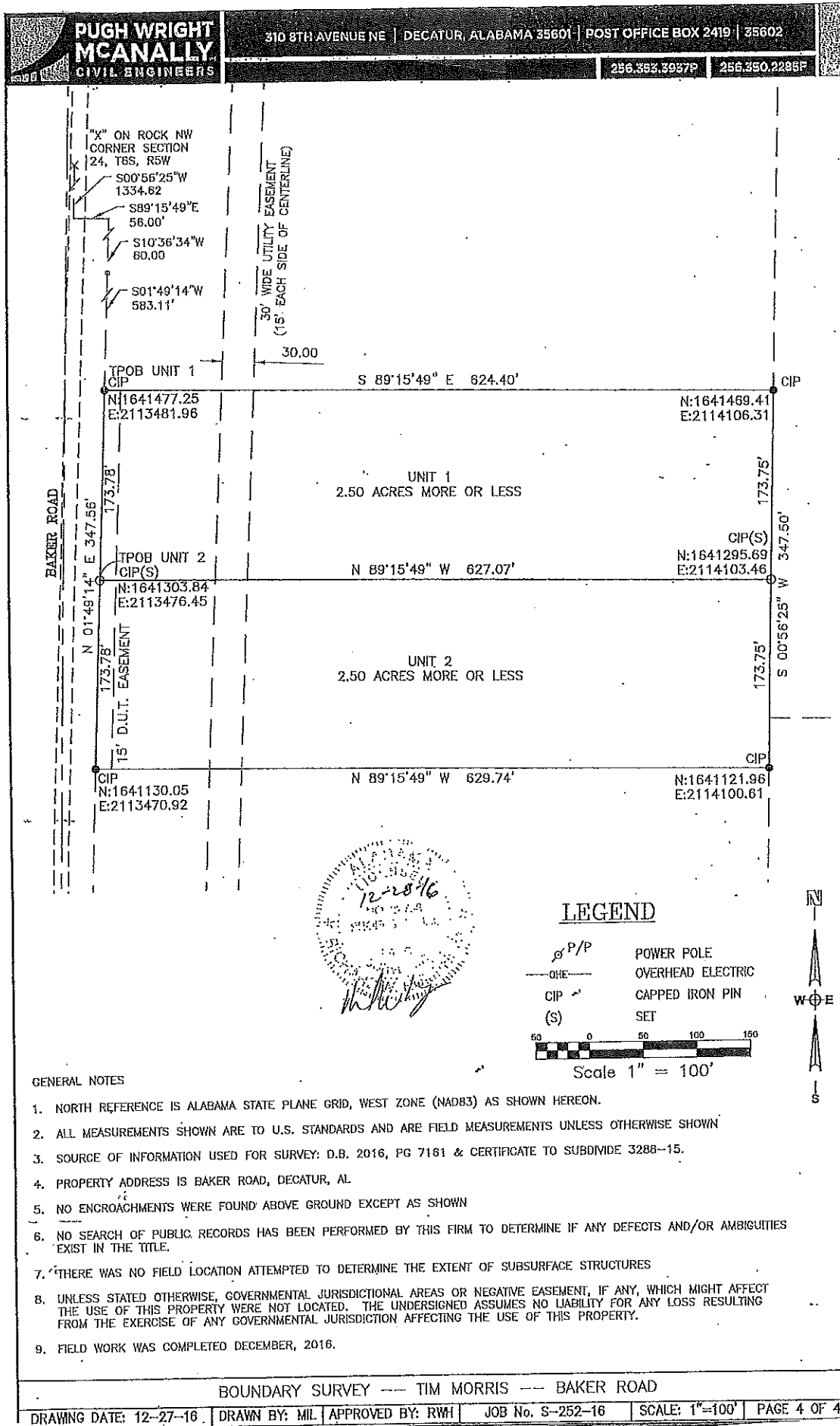
S 18

DRAWING NOT TO SCALE

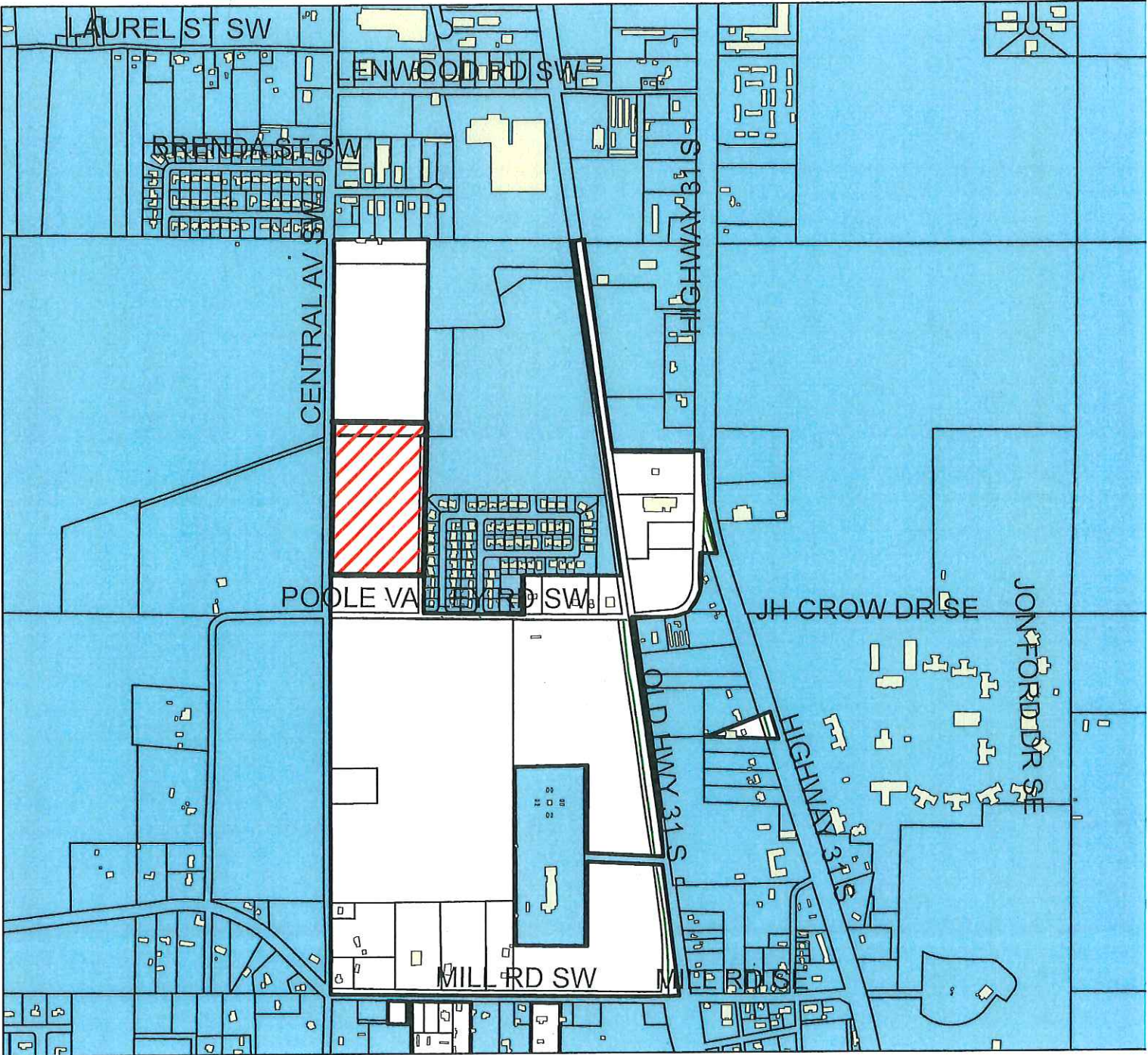
CERTIFICATE TO SUBDIVIDE NO. 3347-17



CERTIFICATE TO SUBDIVIDE NO. 3347-17






CERTIFICATE TO SUBDIVIDE NO. 3349-17



LOCATION MAP

Legend

-  Buildings
-  Ownership
-  Corporate Limits



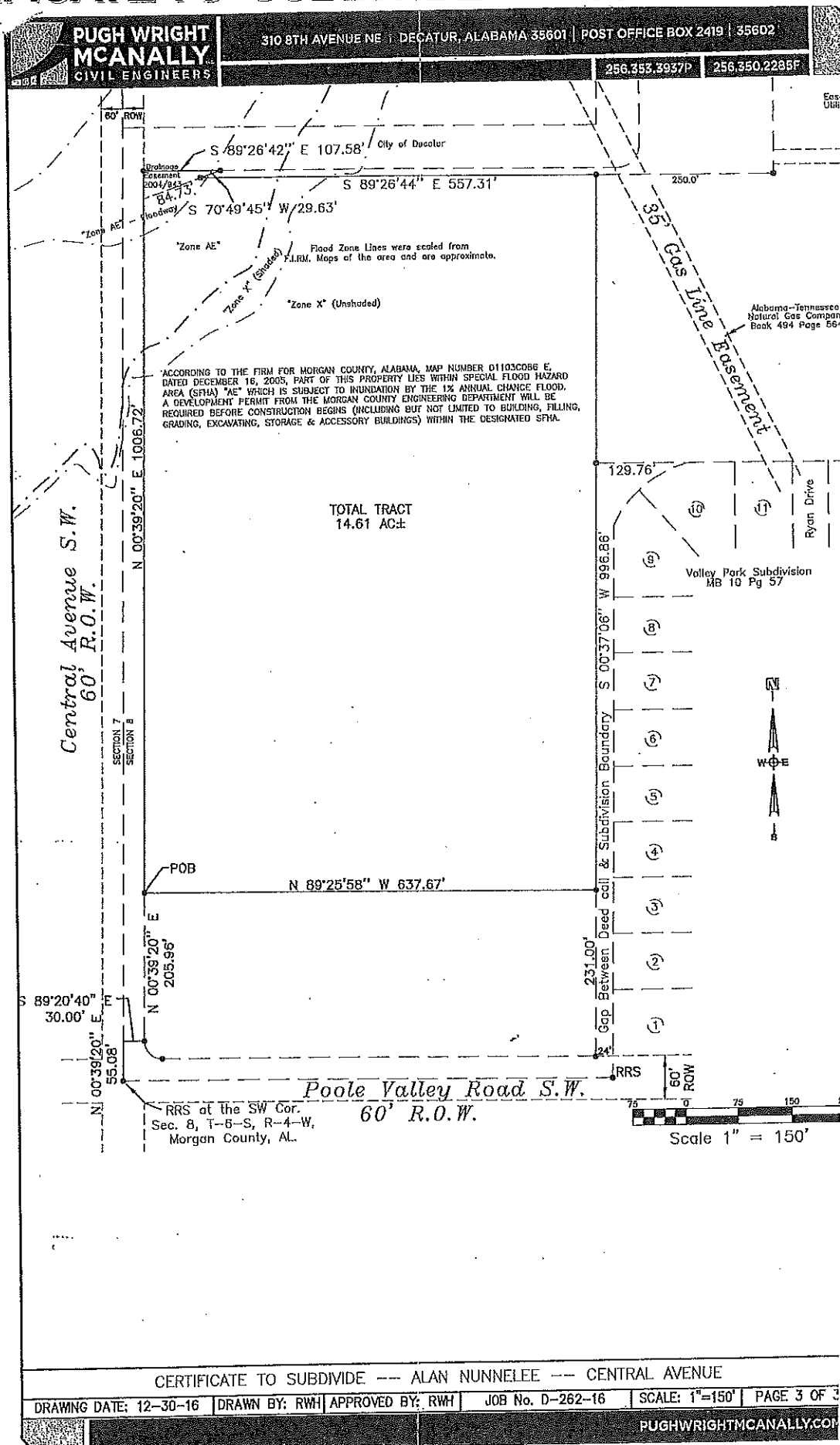
SUBJECT PROPERTY

APPLICANT: ALAN NUNNELEE

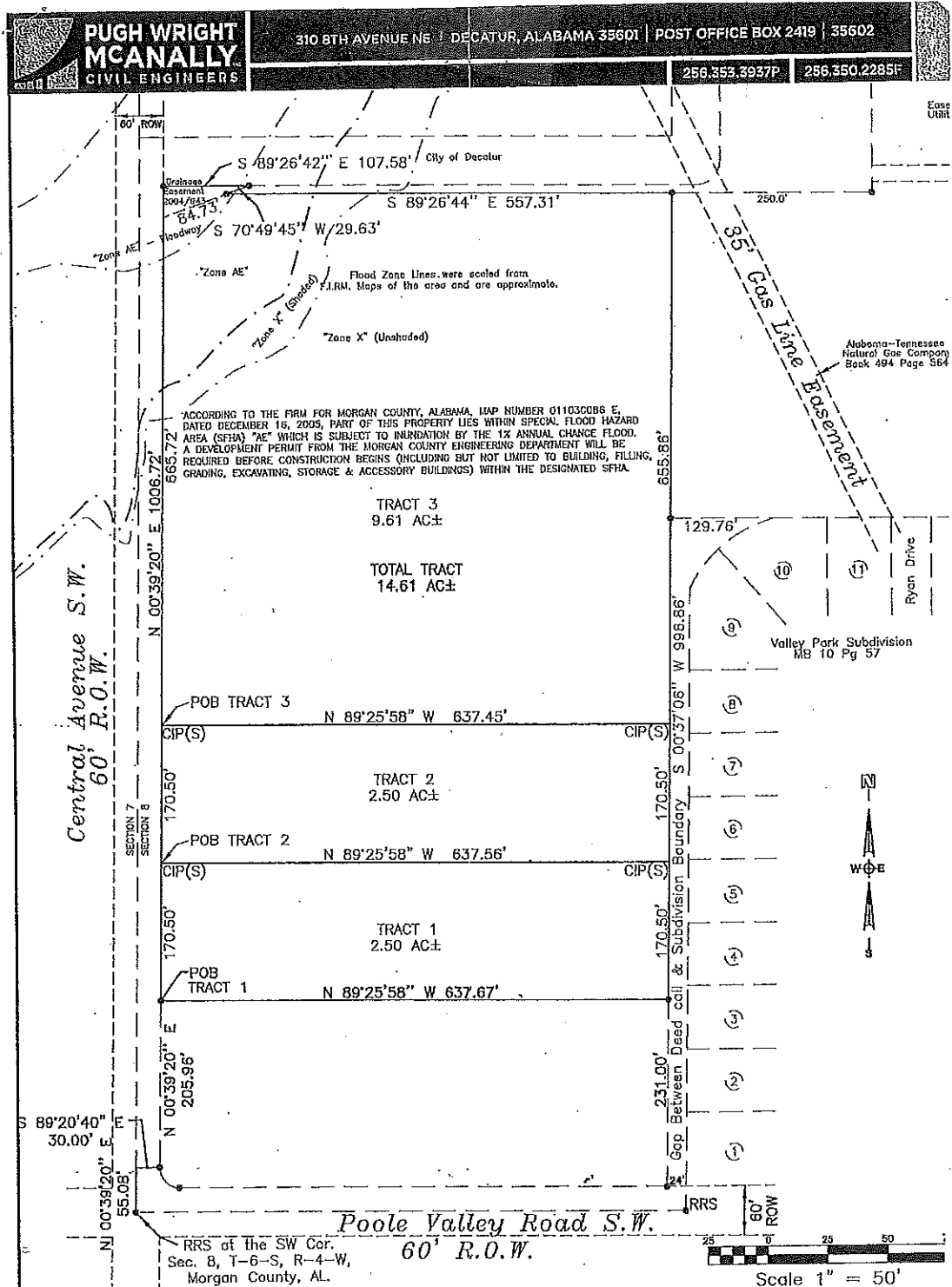
PROPERTY PJ ONLY



DRAWING NOT TO SCALE



CERTIFICATE TO SUBDIVIDE NO. 3349-17



GENERAL NOTES

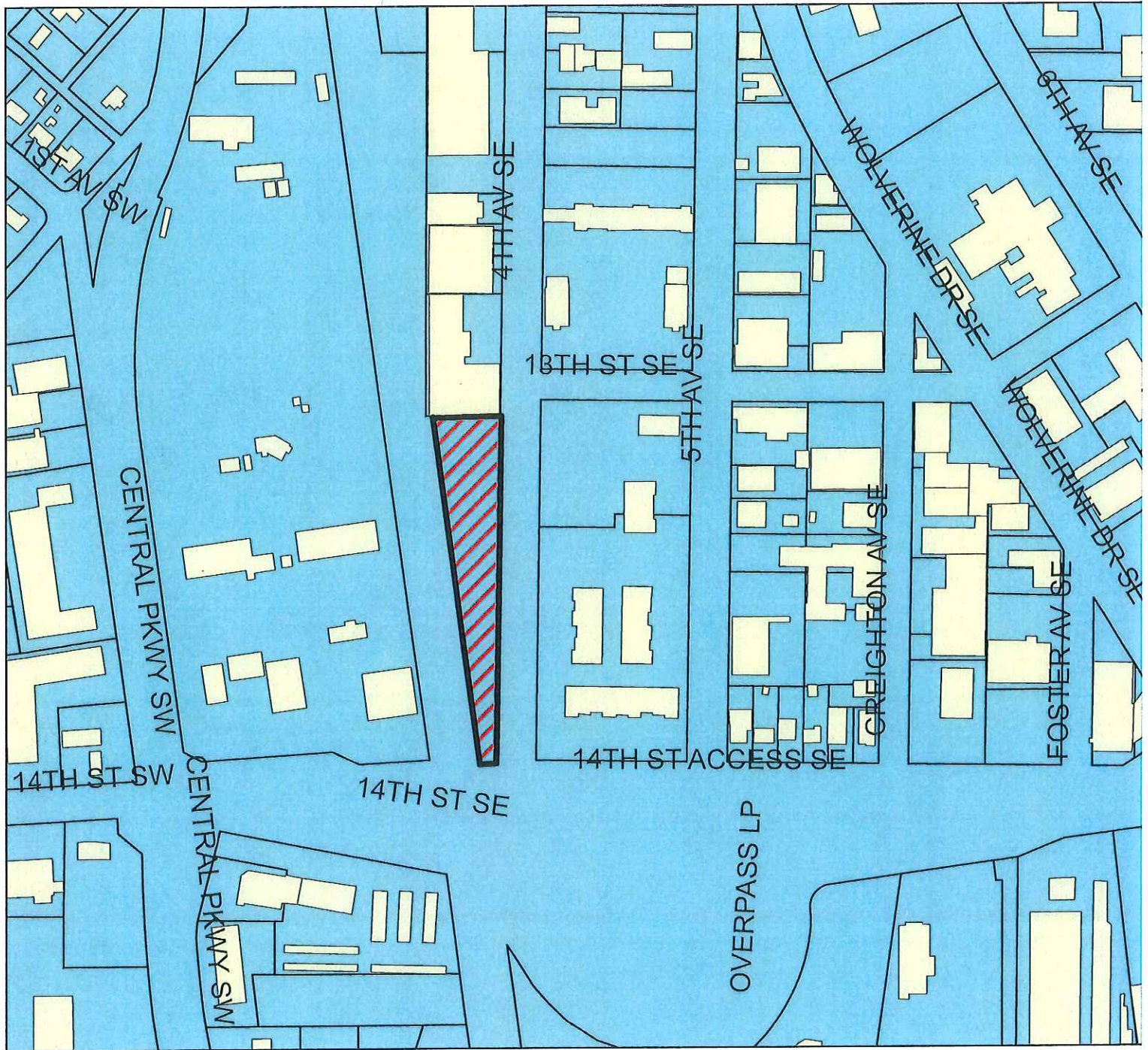
1. NORTH REFERENCE IS BASE BEARING FROM DEED AS SHOWN HEREON.
2. ALL MEASUREMENTS SHOWN ARE TO U.S. STANDARDS AND ARE FIELD MEASUREMENTS UNLESS OTHERWISE SHOWN
3. SOURCE OF INFORMATION USED FOR SURVEY: D.B. 2008, PG 6743
4. PROPERTY ADDRESS IS CENTRAL AVENUE, DECATUR, ALABAMA
5. NO ENCROACHMENTS WERE 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 JANUARY, 2017.

BOUNDARY SURVEY --- ALAN NUNNELEE --- CENTRAL AVENUE NORTH OF POOLE VALLEY ROAD

DRAWING DATE: 12-30-16 | DRAWN BY: RWH | APPROVED BY: RWH | JOB No. S-263-16 | SCALE: 1"=150' | PAGE -- OF --

PUGHWRIGHTMCANALLY.COM

CERTIFICATE TO SUBDIVIDE NO. 3350-17



LOCATION MAP

Legend

-  Buildings
-  Ownership
-  Corporate Limits



SUBJECT PROPERTY

APPLICANT: CARLTON McMASTERS

PROPERTY ZONED M-2



DRAWING NOT TO SCALE

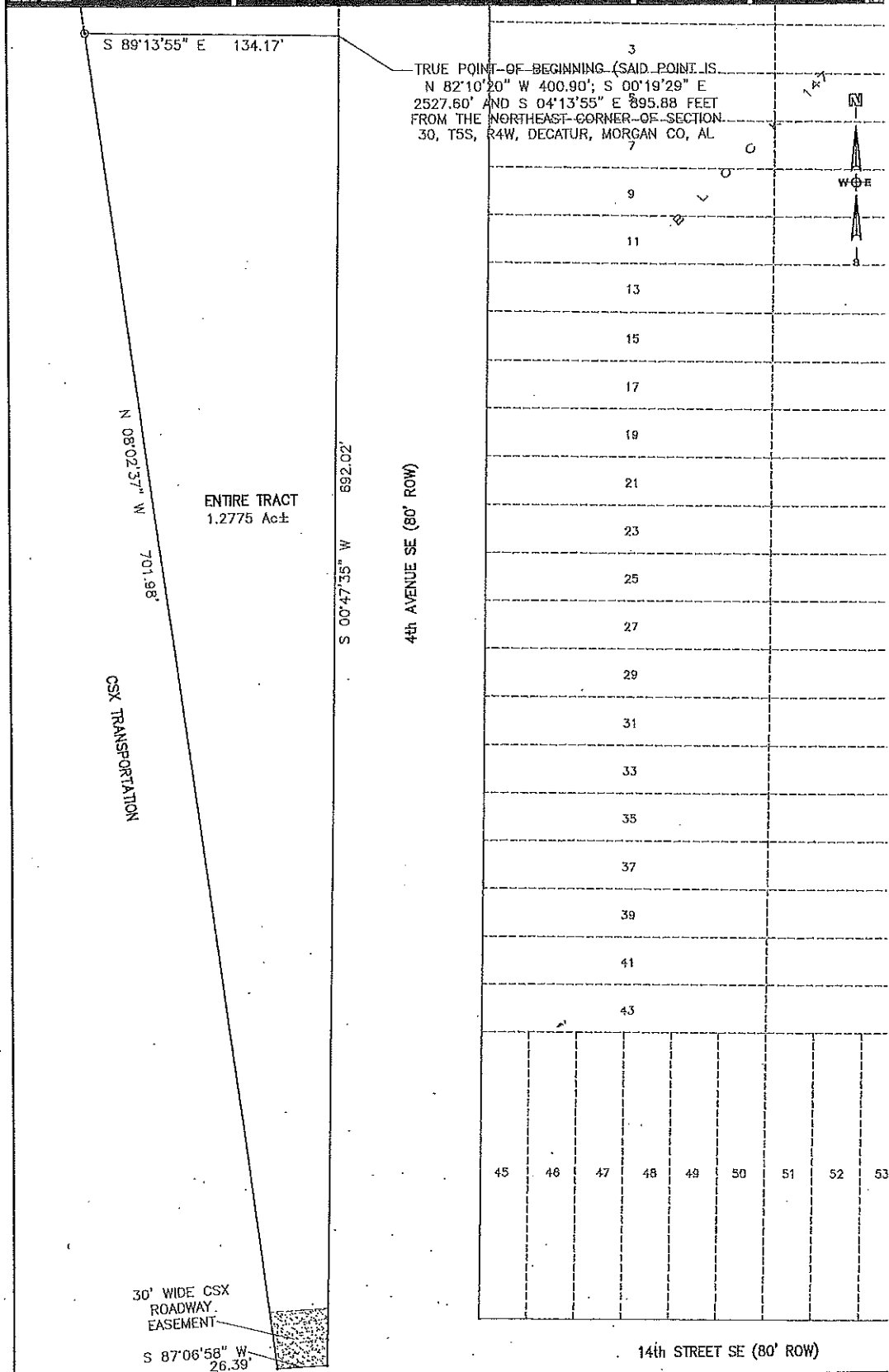
CERTIFICATE TO SUBDIVIDE NO. 3350-17

**PUGH WRIGHT
MCANALLY**
CIVIL ENGINEERS

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

256.353.3937P

256.350.2285F



CERTIFICATE TO SUBDIVIDE -- CARLTON McMASTERS -- 4th AVENUE SE, DECATUR, AL

DRAWING DATE: DEC 2016

DRAWN BY: DDP

APPROVED BY: RWI

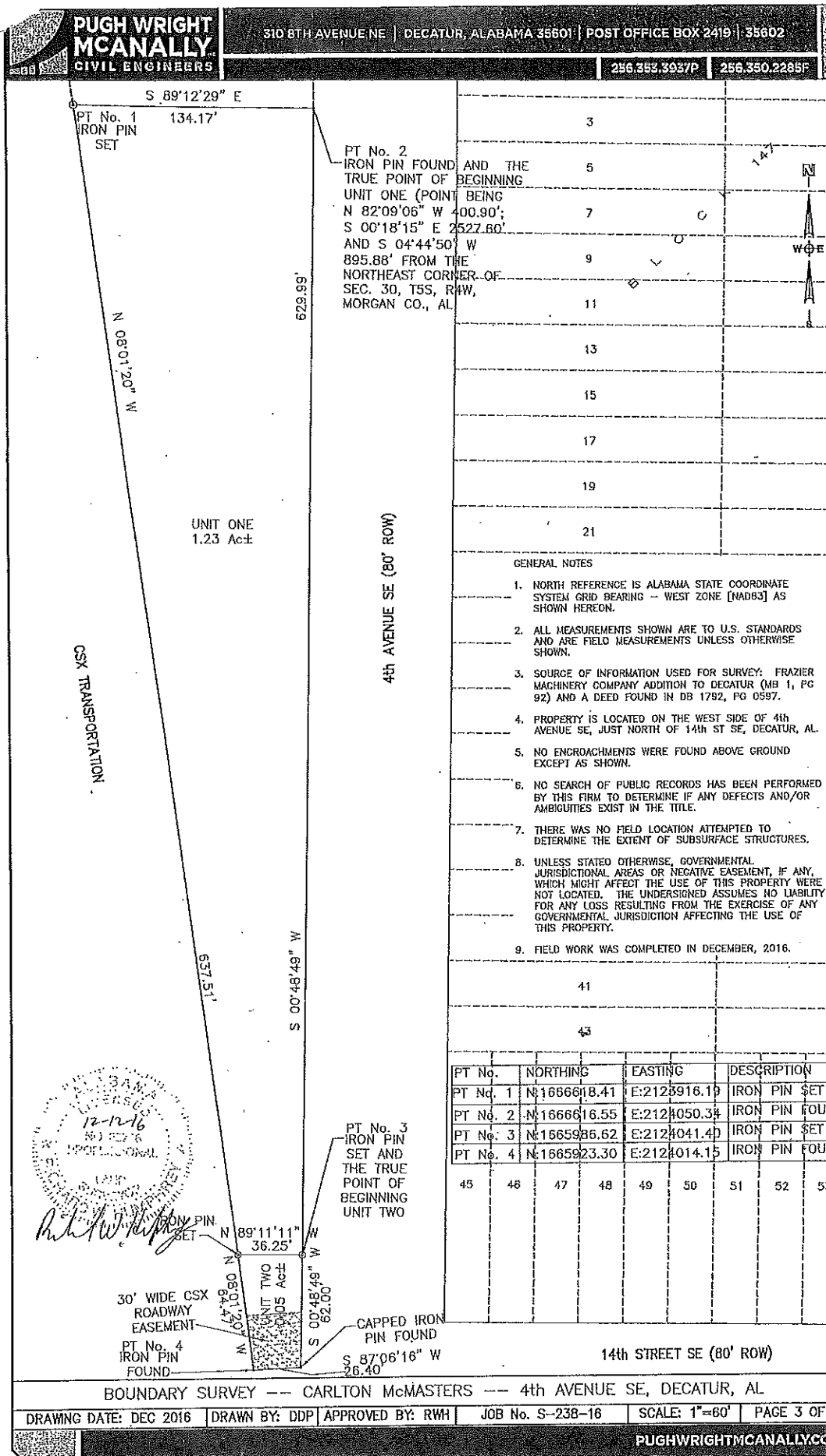
JOB No. D-237-16

SCALE: 1"=60'

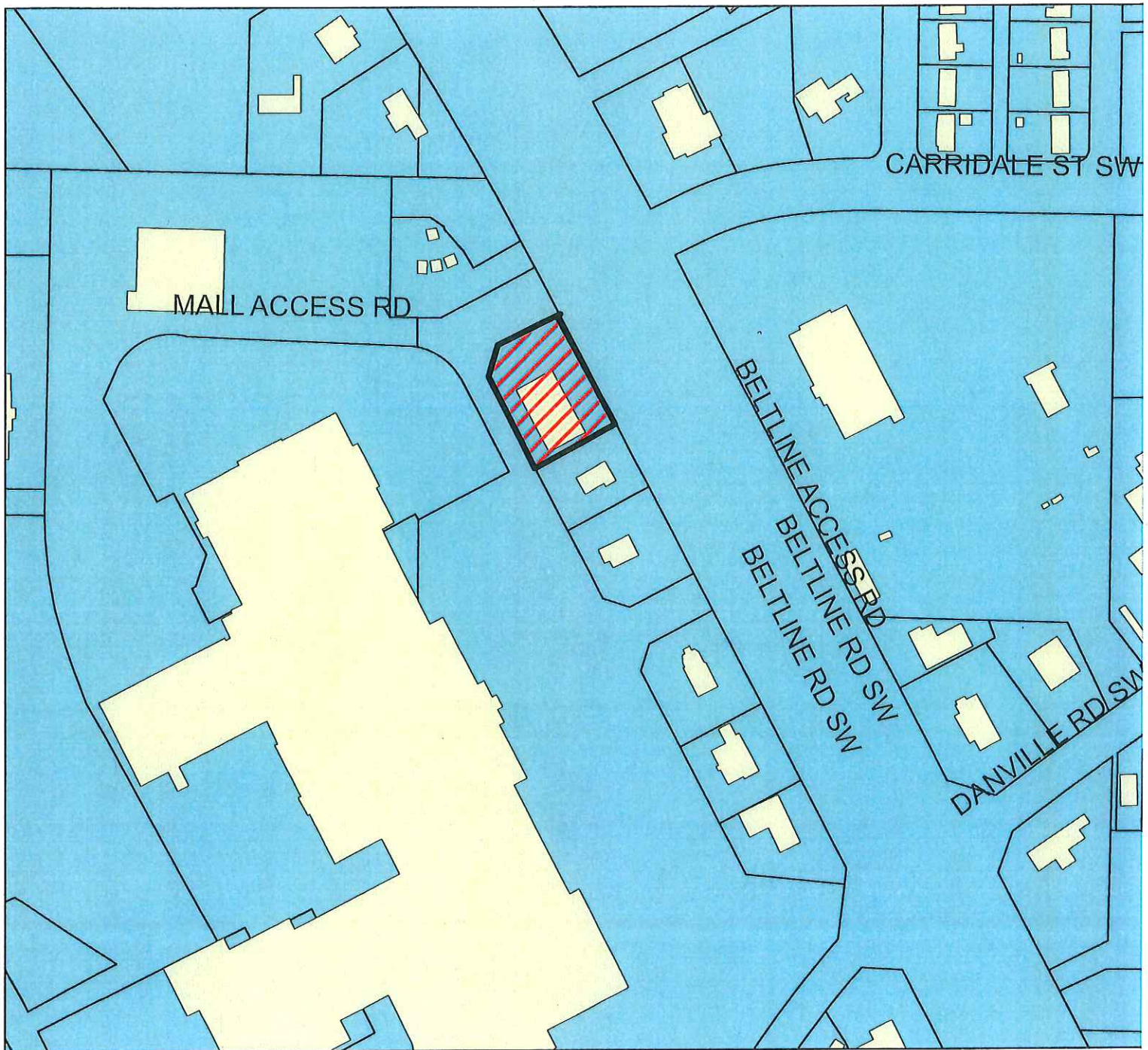
PAGE 3 OF 3

PUGHWRIGHTMCANALLY.COM

CERTIFICATE TO SUBDIVIDE NO. 3350-17






CERTIFICATE TO SUBDIVIDE NO. 3345-17



LOCATION MAP

Legend

-  Buildings
-  Corporate Limits
-  Ownership

APPLICANT: JAMES HULL

PROPERTY ZONED B-4



SUBJECT PROPERTY



DRAWING NOT TO SCALE

28

CERTIFICATE TO SUBDIVIDE NO. 3345-17

