



## **MEMORANDUM**

**DATE:** February 11, 2015

**TO:** Planning Commissioners

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

### **PLANNING COMMISSION MEETING**

**February 17, 2015**

**Pre-meeting – 2:15 p.m. (Annex)**

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

# Agenda Planning Commission

City of Decatur, AL

**February 17, 2015**

Time: 3:15 PM

City Council Chambers

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

## 1. CALL MEETING TO ORDER

## 2. APPROVAL OF MINUTES- January 20, 2015

## 3. PUBLIC HEARING

PAGE/MAP

### REZONING

- |            |  |       |
|------------|--|-------|
| A. 1288-15 | Rezoning<br>(North of Red Bank Rd. SE and west of Indian Hills Rd. SW) | 1/4-8 |
|------------|--|-------|

## 4. CONSENT AGENDA

### CERTIFICATES

- |            |   |        |
|------------|---|--------|
| A. 3261-15 | Certificate to Consolidate<br>(North of Burleson Mountain Rd and west of Indian Hills Rd. SE) | 1/9-10 |
|------------|---|--------|

### BOND REVIEWS

- |   |      |
|---|------|
| A. City View Estates, Addition No. 3<br>(South of Auburn Drive SW and west of Englewood Drive SW) | 2/11 |
| B. Kings Estates Addition<br>(North of Madison St. NW and east of McCartney St. NW)               | 2/12 |
| C. 2171-97 Certificate to Subdivide<br>(South of Longview Drive SW and east of Danville Rd. SW)   | 2/13 |

## 5. OTHER BUSINESS

### ANNEXATION

- |           |   |      |
|-----------|---|------|
| A. 343-14 | Calhoun College<br>(North of Airport Road and west of Highway 31 North) | 3/14 |
|-----------|---|------|

**Minutes  
Zoning Committee  
February 10, 2015**

<b>PUBLIC HEARING</b>
-----------------------

**REZONING**

1258-15

Applicant: Kent Lawrence

Zoning: R1E

Owner: Kent Lawrence

Acreage: 5.94

Request: To rezone an approximately 4.94 acres tract from R6 (single family residential semi-attached) to R1E (single family residential estate)

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

Recomm: Approval. The changes are in conformance with the long range plan.

<b>END PUBLIC HEARING</b>
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**Minutes  
Subdivision Committee  
February 10, 2015**

<b>CONSENT AGENDA</b>
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**CERTIFICATES**

3261-15 Certificate to Consolidate

Applicant: B&H Rentals, LLC  
Owner: Same

Zoning: Outside Corp Limits  
Acreage: 6.21 acres

Request: Consolidate a .21 acre tract with a 6 acre tract to create a 6.21 acre tract

Location: North of Burleson Mountain Rd and west of Indian Hills Rd. SE

Conds: None

Recomm: Approval

## BOND REVIEWS

### City View Estates, Addition No. 3

Applicant: Vernon Lane  
Owner: Same

Zoning: R-2 & R-5, SF Res  
Acreage:

Request: Bond review for completion of public improvements (sidewalks) for City View Estates, Addition No. 3 (LOC Expires May, 2015 Amt: \$28,000)

Location: South of Auburn Drive SW and west of Englewood Drive SW

Recomm: Construct the sidewalks or extend the LOC until construction build out requires completion.

### 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 way). LOC Expires 4/9/15 – Amt: \$6,500)

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

Recomm: The final wearing surface has been completed. Recommend releasing the LOC.

### 2172-97 Certificate to Subdivide

Applicant: Stephen Koslow  
Owner: Same

Zoning: B-2, General Business  
Acreage: .72 acres

Request: Bond review for the extension of sewer (250' to Tract 2). LOC Amt: \$18,750. Bond was increased from \$10,000 to \$18,750 in April, 2004 and increased again to \$30,000 in March, of 2011).

Location: South of Longview Drive SW and east of Danville Rd. SW

Recomm: The Subdivision Committee recommends extending the LOC until such time as development occurs.

<b>END CONSENT AGENDA</b>
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## ANNEXATIONS

343-14

Applicant: Calhoun College  
Owner: Same

Zoning: Outside Corp Limits  
Acreage: 29.09 acres

Request: Annex 29.09 acres into the corporate limits of the City of Decatur

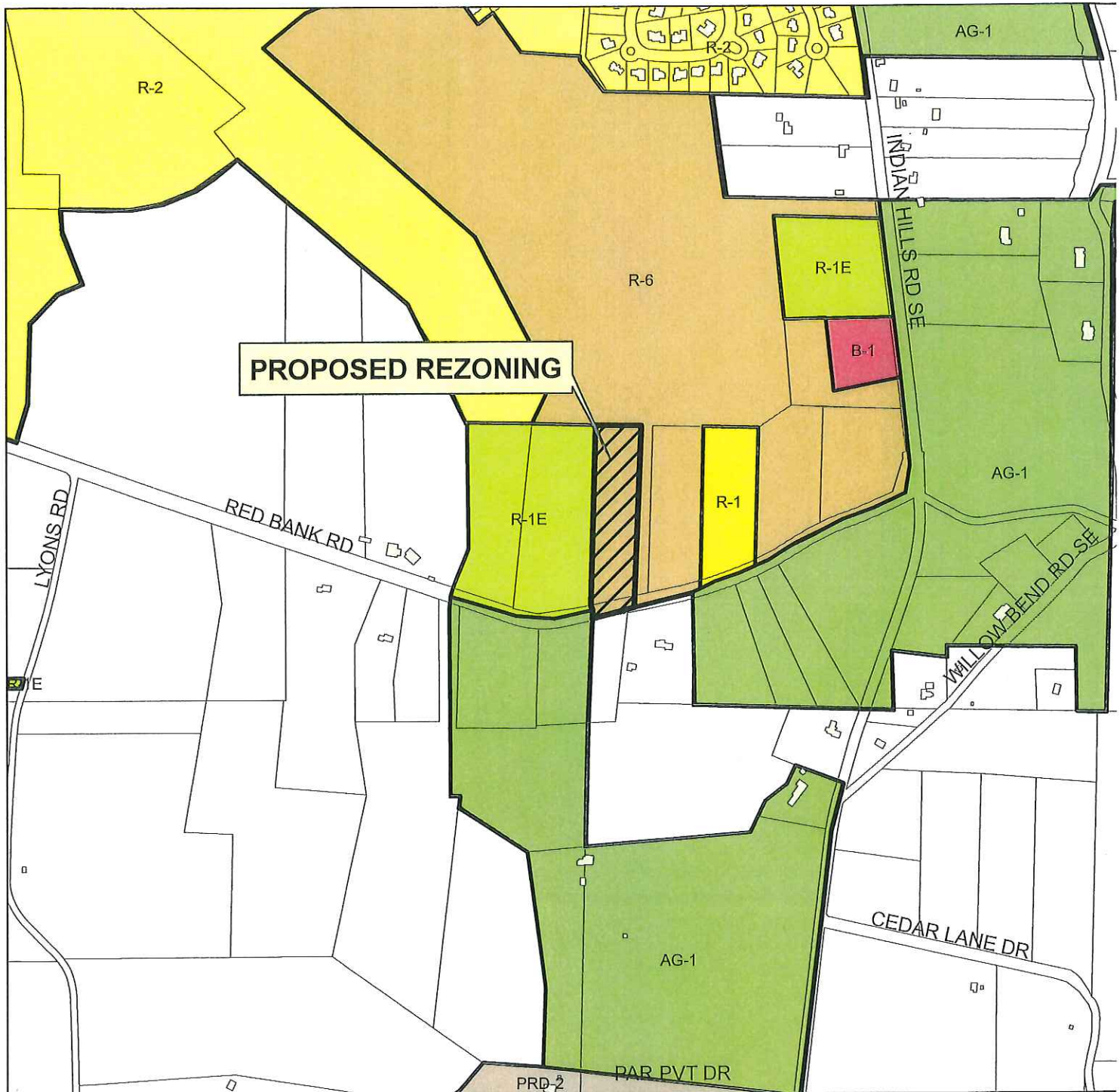
Location: North of Airport Road and west of Highway 31 North

Conds: None

Recomm: Approval



# REZONING REQUEST NO. 1288-15 FROM R-6 TO R1-E 4.94 ACRES



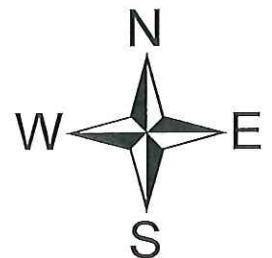
## Legend

- Buildings
- Ownership
- Corporate Limits
- SUBJECT PROPERTY

## LOCATION MAP

**APPLICANT: KENT LAWRENCE**

**PROPERTY ZONED R-6**



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**DRAWING NOT TO SCALE**

## Compare R-6 to R1E

	<b>R-6 Single Family semi attached</b>	<b>R1E</b>
<b>Uses Permitted</b>	<b>From General Residential Requirements</b>	<b>From General Residential Requirements</b>
	<p>There are hereby created a "R" Residential District (Residential) for those areas so designated by this chapter and the zoning map of the City, which "R" Districts shall allow: Accessory structures; gardens; playgrounds; parks; public buildings; including public schools and libraries.</p> <p><b>From R6</b></p> <p>There is hereby created an R-6 Residential District (single-family semi-attached) for those areas so designated by this chapter and the zoning map of the City of Decatur, Alabama, which R-6 Districts shall allow single-family semi-attached residences, subject to use regulations common to all "R" Districts as set forth in section 25-10 hereof, except that accessory structure side yard setback requirements shall be the same as required in section 25-10.2(2)(D) for the main structure, and the rear yard setbacks would remain at the minimum of five (5) feet for accessory structures, and further subject to the following requirements and conditions:</p>	<p>There are hereby created a "R" Residential District (Residential) for those areas so designated by this chapter and the zoning map of the City, which "R" Districts shall allow: Accessory structures; gardens; playgrounds; parks; public buildings; including public schools and libraries.</p> <p><b>From R1E</b></p> <p>There is hereby created an R-1E Residential Estate District (Large lot open space district) for those areas so designated by this chapter and the zoning map of the City of Decatur, Alabama, which R-1E Districts shall allow single family large lot or estate residences subject to use regulations common to all "R" zoning districts as set forth in section 25-10 hereof, and further subject to the following requirements and conditions.</p> <p>(1) Purpose: The R-1E district is intended to provide areas for single-family development in an open space setting or where topography, utility capacities and/or natural amenities limit the use of the land. Provisions are made for those uses necessary and incidental to single family living.</p> <p>(2) Permitted Uses: In addition to those uses permitted in section 25-10 the following uses shall be permitted:</p> <ol style="list-style-type: none"> <li>a. Church and parsonage</li> <li>b. Horses shall be permitted on lots</li> </ol>

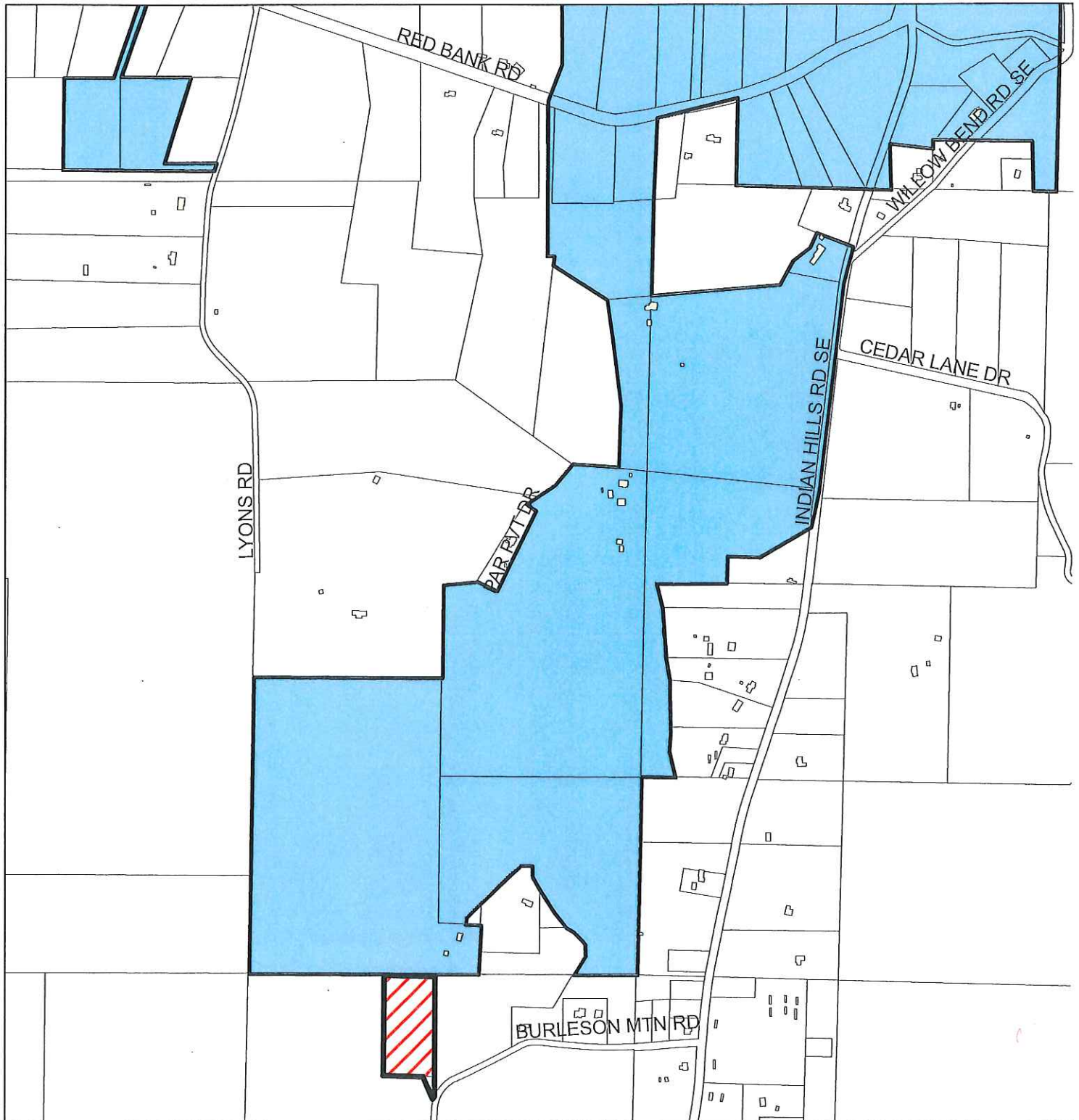
		<p>of five (5) acres or more at a rate of two for the first five (5) acres, and one (1) for each additional acre thereafter.</p> <p>c. Accessory buildings and uses including stables, corrals, barns, private garages, tack rooms, hay barns, a guest house with no kitchen facilities, and other buildings and uses customarily appurtenant to a permitted use</p>
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



<p><b>Uses Permitted On Appeal</b></p>	<p><b>From General Residential Requirements</b></p> <p><i>Uses Permitted on appeal:</i> Customary home occupations; public utilities general hospitals for humans, except primary for mental cases; semi-public buildings; golf courses; municipal, county, state or federal use; clubs located on and embracing within its sole possessory right, one tract or parcel of land not less than twenty (20) acres in size; and on premises and off premises sale of alcoholic beverage by clubs meeting the acreage requirements above when duly licensed as a class I or class II club by the City of Decatur and the Alabama Alcoholic Beverage Control Board under and pursuant to the Alcoholic Beverage Licensing Code.</p>	<p><b>From General Residential Requirements</b></p> <p>These uses shall also be permitted on appeal: Customary home occupations; public utilities, general hospitals for humans, except primary for mental cases; semi-public buildings; golf courses; municipal, county, state or federal use; clubs located on and embracing within its sole possessory right, one tract or parcel of land not less than twenty (20) acres in size; and on premises and off premises sale of alcoholic beverage by clubs meeting the acreage requirements above when duly licensed as a class I or class II club by the City of Decatur and the Alabama Alcoholic Beverage Control Board under and pursuant to the Alcoholic Beverage Licensing Code.</p> <p><b>From R1E</b></p> <p>Uses permitted on appeal. In addition to those uses permitted on appeal in section 25-10 a barn shall be permitted on appeal on tracts of five (5) acres or more where a residential structure is planned.</p>
<p><b>Uses Prohibited</b></p>	<p><b>From General Residential Requirements</b></p> <p>Uses prohibited: Except as expressly permitted, or permitted on appeal, the following uses are prohibited in all residential districts, including without limitation planned residential development districts, specialty and restricted residential districts: ("R" Districts): All buildings, structures and units constructed off-site (except for modular homes as in section 25-2) without regard to whether or not such building, structures or units are designed and built in compliance with state or federal standards, including without limitation, mobile homes, manufactured homes, house trailers, and trailer coaches; trailer or manufactured home parks, courts or camps, and commercial and industrial uses, including parking lots and parking areas in connection with any of these uses,</p>	<p><b>From General Residential Requirements</b></p> <p>Uses prohibited: Except as expressly permitted, or permitted on appeal, the following uses are prohibited in all residential districts, including without limitation planned residential development districts, specialty and restricted residential districts: ("R" Districts): All buildings, structures and units constructed off-site (except for modular homes as in section 25-2) without regard to whether or not such building, structures or units are designed and built in compliance with state or federal standards, including without limitation, mobile homes, manufactured homes, house trailers, and trailer coaches; trailer or manufactured home parks, courts or camps, and commercial and industrial uses,</p>

	not specifically permitted.  <b>From R6</b> (3) Uses prohibited. Any use not permitted, or permitted on appeal, is prohibited.	including parking lots and parking areas in connection with any of these uses, not specifically permitted. <b>From R1E</b> Uses prohibited - Any use not permitted or permitted on appeal, is prohibited.
<b>General Requirements</b>	(A) Single-family semi-attached dwellings shall not form long, unbroken lines of row housing. No more than eight (8) contiguous units shall be allowed. (B) Each single-family semi-attached dwelling unit shall be constructed on its own lot. (C) No unit located in an R-6 District shall be located closer than twenty (20) feet to a dedicated exterior street or exterior lot line on the perimeter of one district. (D) Maximum density (exclusive of public ROW) shall not exceed twelve (12) dwelling units per acre per development. (E) No unit within an R-6 District shall have direct access to an existing major thoroughfare as defined by the zoning ordinance or comprehensive plan; or a major thoroughfare as shall be defined by future plans adopted by the planning commission of the City of Decatur.	
<b>Yard and Setback Requirements Specific Requirements</b>	(A) Minimum lot size: 2,000 square feet. (B) Minimum lot size at building line: 20 feet. (C) Minimum front yard setback: 25 feet. (D) Minimum side yard setbacks applicable only at unattached ends and to exterior lots of a development: 10 feet (one-story); 12 feet (two-story). (E) Minimum rear yard setback: 20 feet. (F) Maximum height in stories: 2 1/2. (G) Maximum building height: 35 feet. (H) Off-street parking spaces per unit: 2.	(3) Area, yard and bulk requirements a. Minimum lot area- One (1) acre or five (5) acres if horses are to be kept. b. Minimum width front building line- One hundred (150) feet. c. Minimum front yard - Setback fifty (50) feet. d. Minimum rear yard - Setback sixty (60) feet. e. Minimum side yard - Setback twenty-five (25) feet. f. Maximum height - Fifty (50) feet. g. Maximum stories - Two and a half (2 1/2). h. Maximum coverage - None specified i. Off Street parking - Two spaces per dwelling unit.

# CERTIFICATE TO CONSOLIDATE NO. 3261-1



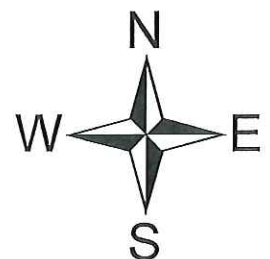
## Legend

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

## LOCATION MAP

**APPLICANT: B AND H RENTALS**

**PROPERTY ZONED ( NO ZONING PJ ONLY )**



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# CERTIFICATE TO CONSOLIDATE NO. 3261-15

<b>GURNEY'S SURVEYING COMPANY, INC.</b>		
1222 MAIN STREET WEST	(256) 773-2882	HARTSELLE, AL 35640
SCALE: 1" = 100'	TITLE: Boundary Survey for 6.27 Acres in the NW1/4-NE1/4 of Section 34, T6S, R4W, Morgan County, Alabama	NO. 12-053
DRAWN BY: fwg	Certificate to Consolidate	DATE: 6-22-13 1-20-15
Sheet 1 of 2		

Deed 930.87'

W.T. Prince  
Opal Marie Prince  
683-964  
40 Acres

Edward John Markushewski  
Cynthia Markushewski  
1541-267 (1-1-94)  
34.48 Acres

William W. King  
Virginia V. King  
1068-560 (1-25-82)  
1068-794 (1-27-82)

Daniel Frank Crampsey, II  
2012-556 (1-26-12) 6.00 Ac.  
2014-5047 (6-17-14) 0.21 Ac.

B & H Rentals, LLC  
2014-10556 (12-18-14)

Danny F. Loft  
2002-7992 (10-28-02)

TOTAL TRACT  
6.21 ACRES

**LEGEND:**

- = Set Mag Nail & Brass stamped Gurney LS-11083
- = Set 1/2" Capped I.P. stamped Gurney LS-11083
- = Existing Marker
- X--- = Fence

**Date of Field Survey: 6-15-13**

**DEDICATION**

B & H Rentals, LLC, the owner of the property as shown on this plat, hereby dedicate the right of way for Burleson Mtn. Road for the use of the public (as noted on this plat).

Witness my hand, this the 23 day of January 2015.

*[Signature]*  
B & H Rentals, LLC

**ACKNOWLEDGMENT**

I, *[Signature]* Notary Public in and for Morgan County, Alabama, hereby certify that the above, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this date, that being informed of the contents of this instrument, he executed the same voluntarily.

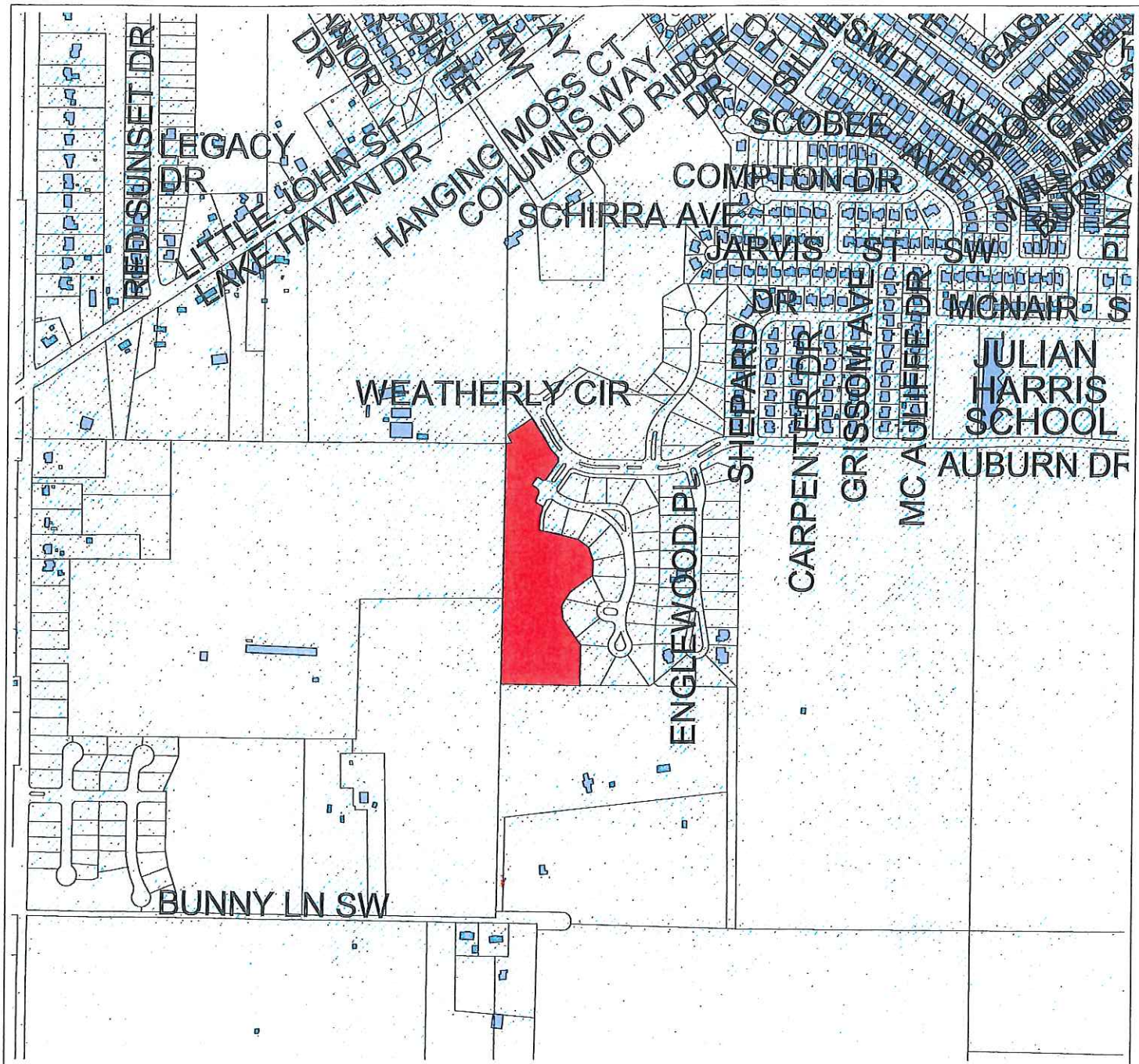
Given under my hand and official seal, this the 23 day of January 2015.

*[Signature]*  
Notary Public

**NOTE:** The 6.0 acre tract was created when W.T. Prince deeded a portion of his 40 acres to William W. King in January 1982. The deed failed to provide access to the Public Road (Burleson Mtn. Road). In order to correct this mistake without a court ordered condemnation, an agreement with the current owner (Edward John Markushewski) of the parent tract will correct this by deeding 0.27 acres (0.21 acres net) to Daniel Frank Crampsey, II.



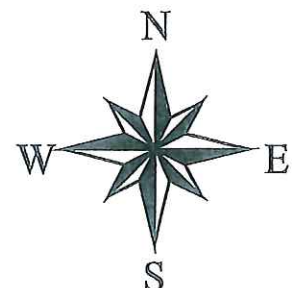
# CITY VIEW ESTATES ADD. NO. 3



## LEGEND

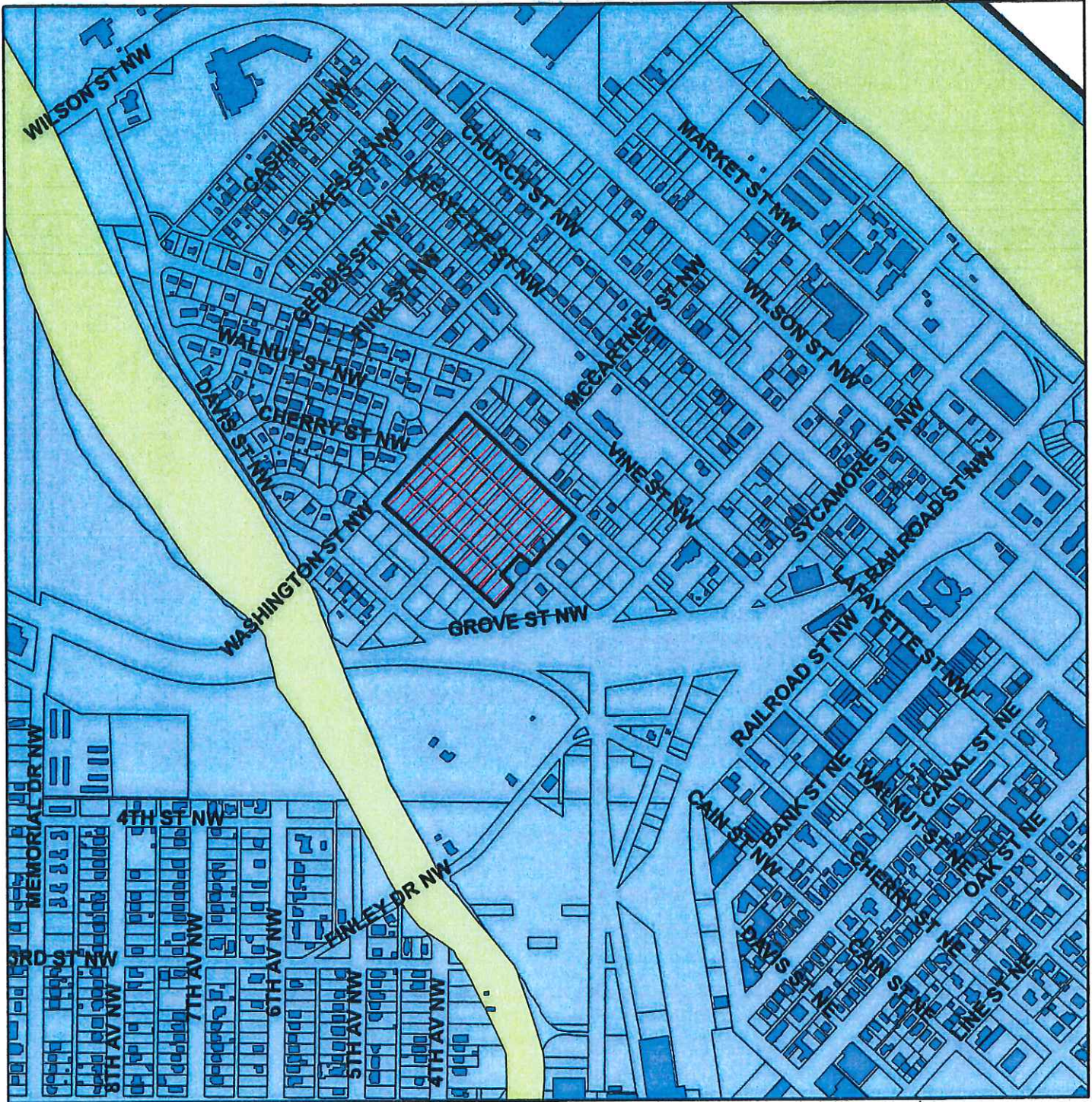
 SUBJECT PROPERTY  
ZONING R-2 AND R-5

 PARCELS  
 BUILDINGS  
 CORPORATE LIMITS





# 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**

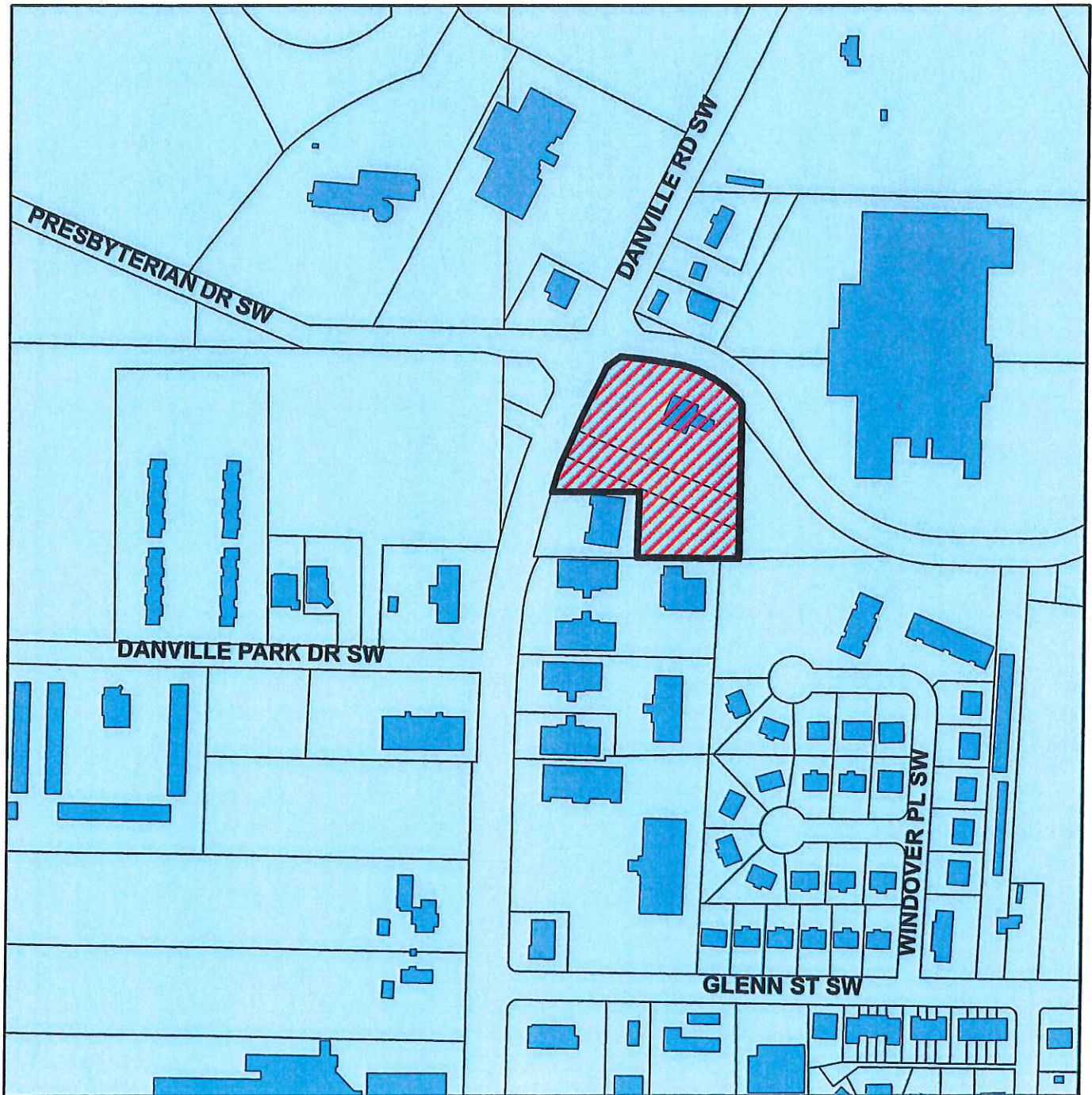


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


BOND REVIEW  
CERTIFICATE 2172-97



## LOCATION MAP

PREPARED BY THE CITY OF DECATUR  
PLANNING DEPARTMENT

### Legend

-  bldg
-  Ownership
-  corplim
-  SUBJECT PROPERTY

ZONED B-2

**APPLICANT: STEPHEN KOSLOW**



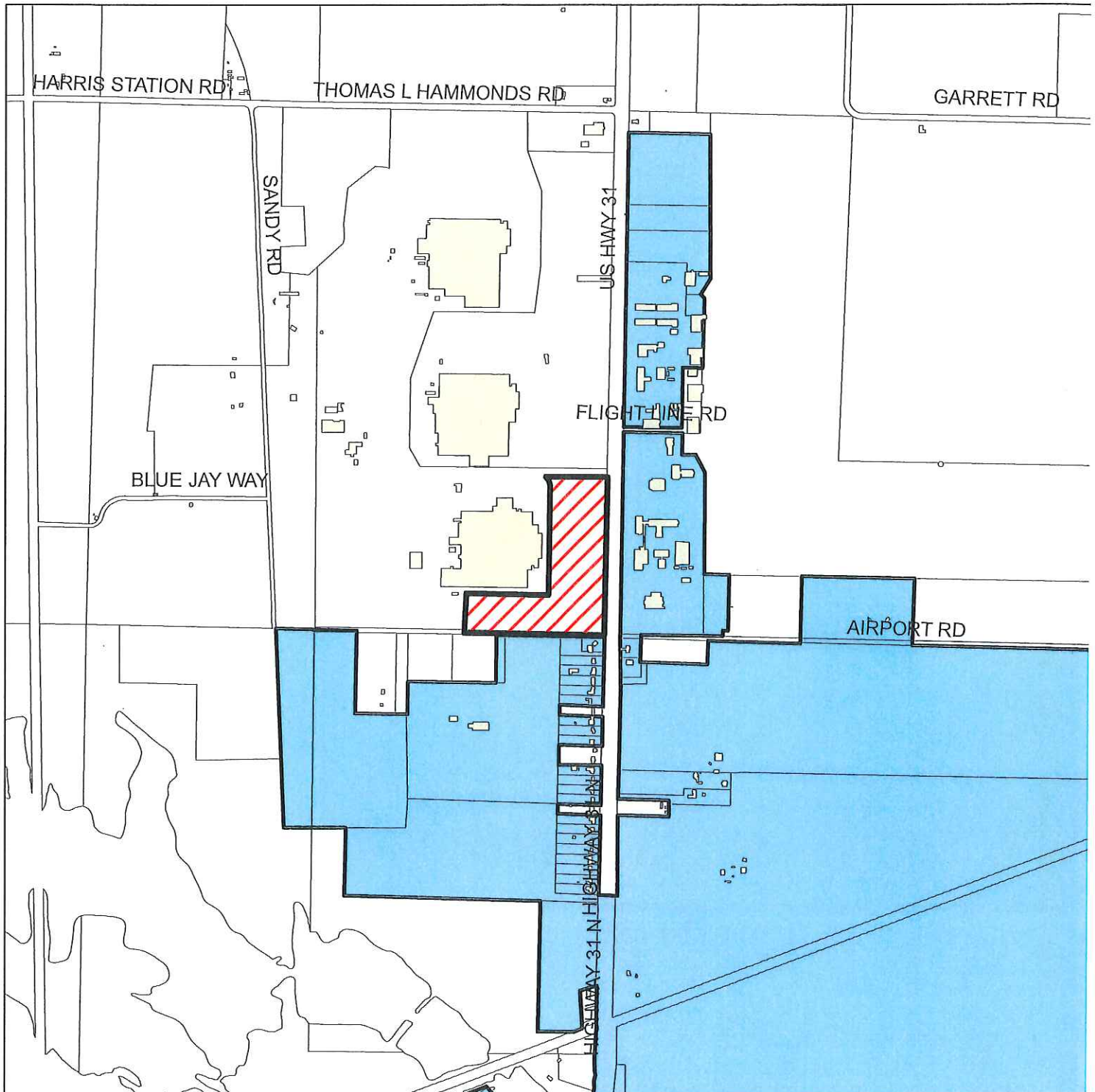
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# ANNEXATION REQUEST NO. 343-15

## APPROX. 29.09 ACRES



### Legend

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

### LOCATION MAP

**APPLICANT: CALHOUN COLLEGE**

