

MEMORANDUM

DATE: August 16, 2017

TO: Planning Commissioners

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

PLANNING COMMISSION MEETING

August 22, 2017

Pre-meeting – 2:15 p.m. (Annex)

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

Agenda Planning Commission

City of Decatur, AL

August 15, 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; Myna Burroughs

1. CALL MEETING TO ORDER

2. APPROVAL OF MINUTES- July 18, 2017

3. PUBLIC HEARING

REZONING

PAGE/MAP

- | | |
|--|-------|
| A. Rezoning 1311-17
(North of Brid Springs RD and east of Danville RD) | 1/4-6 |
| A. Rezoning 1312-17
(North of Old Moulton RD and west of the Beltline) | 1/7-9 |

SUBDIVISION REGULATION AMENDMENT

- | | |
|--|------|
| A. Central Avenue Lots – Minor Plat
(North of Poole Valley Rd. SW and east side of Central Avenue SW) | 1/10 |
|--|------|

4. CONSENT AGENDA

PAGE/MAP

CERTIFICATES

- | | | |
|------------|--|---------|
| A. 3362-17 | Certificate to Subdivide
(South of Crusher Rd. SE and east side of Indian Hills Rd. SE) | 2/11-13 |
| B. 3363-17 | Certificate to Subdivide – withdrawn & replaced with minor plat | |
| B. 3364-17 | Certificate to Consolidate
(North of Bird Springs Rd. and west side of Day Rd.) | 3/14-16 |

5. OTHER BUSINESS

VACATION REQUEST

A. 497-17

(North of Vestavia Pvt. Dr. and west side of Danville Rd. SW)

3/17-18

Minutes
Zoning Committee
August 15, 2017

PUBLIC HEARING

Zonings

1311-17

Applicant: The City of Decatur

Zoning: AG 1

Owner: Josh and Ashley Howard and Alice Glaze

Acreage: 1.77

Request: To apply and AG1 (Agricultural zone) to a recently annexed 1.77 acre tract

Location: North of Brid Springs RD and east of Danville RD

Recomm: The Zoning Committee recommends approval as this is in conformance with the Comprehensive Plan and the nature and character of the surrounding area.

1312-17

Applicant: City of Decatur

Zoning: R2

Owner: Richard and Karen Millwood

Acreage: 80

Request: To apply a R2 (single family residential zone) zoning to a recently annexed .80 acre tract.

Location: North of Old Moulton RD and west of the Beltline

Recomm: The Zoning Committee recommends approval as this is in conformance with the Comprehensive Plan and the nature and character of the surrounding area.

Minutes
Subdivision Committee
August 15, 2017

Plats

3363-17 Minor subdivision plat on Central Parkway

Applicant: Pugh Wright Mcanally

Zoning: Outside Corp Limits

Owner: Allen Nunlee

Acreage: 7.1 acres

Request: Subdivide 7.1 acres into 3 tracts of 2.77 acres, 1.86 acres, and 2.49 acres

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

Conds:

1. Payment of plat recording and application fees
2. Extend sewer or provide septic tank approval for all three tracts. Add a signature block for the Morgan County Health Department if septic tanks are to be used. If sewer is to be used annexation will be required.
3. Completion of Certificate 3355-17
4. With draw certificate 3363-17
5. Provide a subdivision name
6. Fill out and submit a minor subdivision application
7. Provide GPS coordinates as specified in the subdivision regulations
8. Provide flood zone information as specified by the county engineer if not annexed. If the property is annexed provide flood zone information as specified by the city engineer.

Pt. of Info:

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

END PUBLIC HEARING

CONSENT AGENDA

Certificates

3362-17 Certificate to Subdivide

Applicant: Pugh Wright McAnally
Owner: Burningtrees Valley Associates

Zoning: AG-1, Agricultural
Acreage: 17.04 acres

Request: Subdivide 17.04 acres into tracts of 13.98 acres and 3.06 acres

Location: South of Crusher Rd. SE and east side of Indian Hills Rd. SE

Conds:

1. Payment of recording fees
2. Provide copy of deed showing property ownership
3. Provide letter from applicant requesting subdivision of property

Pt. of Info:

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

Recomm: Approval with stated conditions.

3363-17 Certificate to Subdivide – withdrawn and replace with minor plat

3364-17 Certificate to Consolidate

Applicant: Pugh Wright Mcanally
Owner: Edward and Teresa Baker

Zoning: Outside Corp Limits & AG-1
Acreage: 11.45 acres

Request: Consolidate 11.5 acres and .06 acres into one tract of 11.45 acres

Location: North of Bird Springs Rd. and west side of Day Rd.

Conds:
1. Payment of recording fees

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

Recomm: Approval with stated condition.

END CONSENT AGENDA

OTHER BUSINESS

Vacation Request

497-17

Applicant: Ricky J. Wilhite
Owner: Francisco Hernandez

Zoning: AG-2, Agricultural
Acreage: 0.14 acres

Request: Vacate a 15' utility easement running east to west traversing the entire property

Location: North of Vestavia Pvt. Dr. and west side of Danville Rd. SW

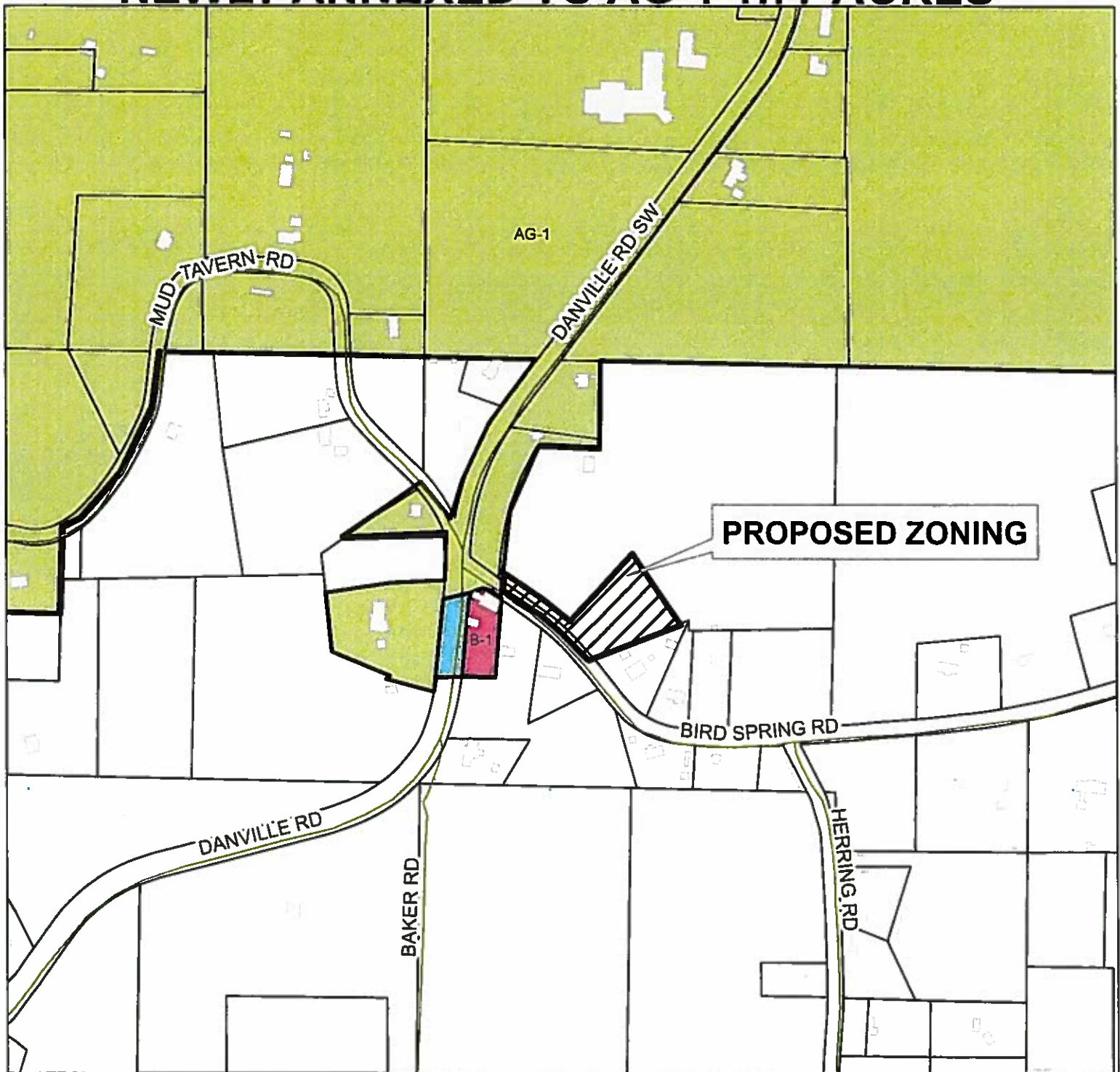
Conds:
1. Applicant to sign "Declaration of Vacation"
2. Legal descriptions don't match in Declaration & resolutions to CC and PC
3. Guy wire easement on the Southwest corner approved by Decatur Utilities
4. Change road name on the survey

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 Vacation Request has
Cleared City Council.***

Recomm: Approval with stated conditions.

ZONING REQUEST NO. 1311-17 NEWLY ANNEXED TO AG-1 1.77 ACRES



LOCATION MAP

Legend

- Buildings
- Corporate Limits
- SUBJECT PROPERTY

**APPLICANT : JOSH AND ASHLEY HOWARD
AND ALICE GLAZE**

PROPERTY NEWLY ANNEXED



DRAWING NOT TO SCALE

Sec. 25-12.1. - Agricultural district requirements.

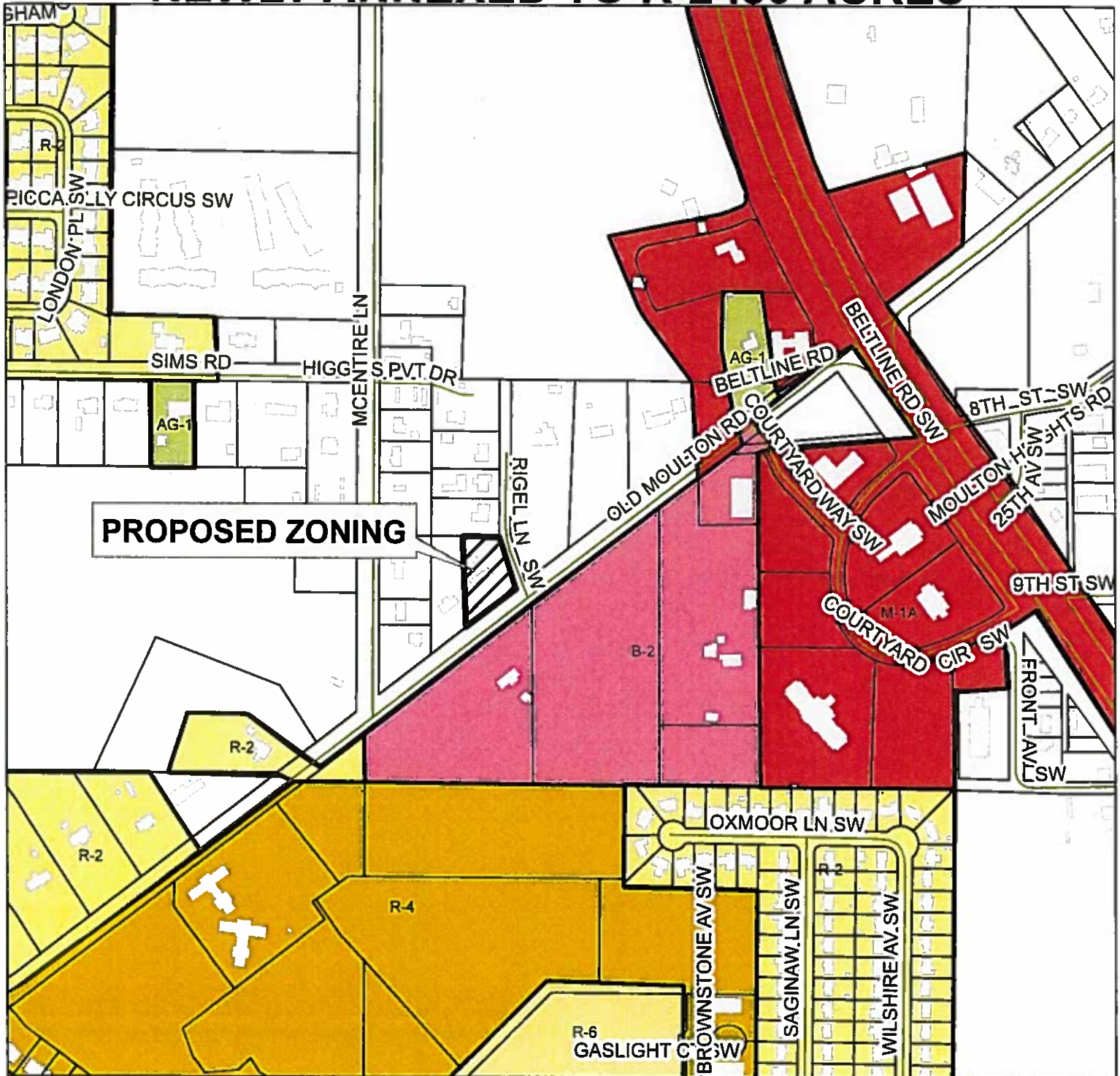
District	Use Regulations	Space and Height Regulations
AG-1 (Agricultural district)	<p><i>Uses permitted:</i> General farming including horticulture; dairying; apiaries; livestock and poultry raising; fish hatcheries; and other similar enterprises or uses.</p> <p>Aircraft landing fields; hangars and equipment; cemeteries; golf courses, swimming pools; country clubs; recreation buildings of a public or quasi-public character, sanatoriums, convalescent and nursing homes for human care; charitable institutions; animal hospitals and kennels; private clubs, lodges, summer camps, lodging and boarding houses.</p> <p>Accessory buildings and uses customarily incidental to the above uses.</p> <p>Any use permitted or permitted on appeal in an R-1 residential district and subject to all district requirements of an R-1 district as specified in section 25-10.</p> <p>Outdoor advertising structures, provided however, that such use shall be conditional as follows: Within sixty (60) days of the time that the zoning map is amended to cause advertising structures which have been erected in an AG-1 agricultural district to fall within a residential district such structures shall be removed.</p> <p><i>Uses permitted on appeal:</i> Sports arenas, recreational and amusement enterprises operated on a commercial basis; clubs the chief activity of which is customarily carried on as a business; clubs; 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</p>	<p><i>Minimum lot size:</i> Minimum required lot area—15,000 square feet. Minimum required lot width at building line—100 feet.</p> <p><i>Minimum yard size:</i> Front, 20 feet; rear, 45 feet; sides, 15 feet; except any structure used for the housing of livestock of any kind shall not be located closer than 100 feet to any property line or line of a district other than an agricultural district.</p> <p><i>Maximum height:</i> 35 feet or 2½ stories.</p> <p><i>Off-street parking:</i> See § 25-16.</p> <p><i>Off-street loading and unloading:</i> Shall provide adequate space for loading and unloading on rear and/or side yard.</p>

Alcoholic Beverage Control Board under the pursuant to the Alcoholic Beverage Licensing Code; on-premises and off-premises sale of alcoholic beverages by organizations complying with the definition of a class II club located on and embracing within its sole possessory right, one (1) tract or parcel of land not less than twenty (20) acres in size provided such tract or parcel of land is utilized by such organization on a regular basis for recreational or athletic purposes and further provided that such organization is duly licensed as a class II club by the City of Decatur and the Alabama Alcoholic Beverage Control Board under and pursuant to the Alcoholic Beverage Licensing Code; event venue, tourist courts, tourist homes; motor courts and trailer courts, when these uses, in the opinion of the board of zoning adjustment will not impair an existing or potential future residential neighborhood and permitted subject to such conditions as the said board may require to preserve and protect the character of the district and otherwise promote the purpose of this chapter.

Uses prohibited: On premises and off-premises sale of alcoholic beverages, except as herein otherwise allowed; residential, commercial and industrial uses, not specifically permitted or permitted on appeal.

(Code 1956, § 27-12.1; Ord. No. 85-2426, §§ 17, 18, 2-4-85; Ord. No. 86-2556, § 1, 4-7-86; Ord. No. 98-3446, § 1, 5-11-98; [Ord. No. 14-4173, § 11](#), 4-7-14; [Ord. No. 14-4181, §§ 6, 7](#), 5-12-14)

ZONING REQUEST NO. 1312-17 NEWLY ANNEXED TO R-2 .80 ACRES





LOCATION MAP

**APPLICANT :RICHARD AND
KAREN MILLWOOD**

PROPERTY NEWLY ANNEXED

Legend

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



DRAWING NOT TO SCALE

Sec. 25-10. - Residential district requirements.

There is hereby created an "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. 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 (1) 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 and the state alcoholic beverage control board under and pursuant to the Alcoholic Beverage Licensing Code.

(1) General requirements.

- a. Off-street parking and vehicle access shall be provided as set forth in section 25-16 hereof.
- b. A carport, porte-cochere, porch or structure part thereto, attached to or situated within five (5) feet of the main structure as defined in section 25-2 thereof, shall be considered as a part of the main building and shall be subject to the setback and side yard requirements of the district in which it is located.

(2) Specific requirements.

- a. Minimum lot area: None specified.
- b. Maximum building area: None specified.
- c. Minimum front yard setback:
 1. Public and semi-public structures: Thirty-five (35) feet.
- d. Minimum rear yard setback:
 1. Public and semi-public structures: Thirty-five (35) feet.
 2. Accessory structures: Five (5) feet.
- e. Minimum side yard setbacks:
 1. Public and semi-public structures: Thirty-five (35) feet.
 2. Accessory structures: Five (5) feet.
- f. Maximum building height: Forty-five (45) feet.
- g. Maximum height in stories: Three (3).
- h. 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, not specifically permitted.

(Ord. No. 98-3434, § 5, 3-2-98; Ord. No. 05-3835, § 1, 7-11-05)

Sec. 25-10.9 - R-2 Residential District requirements.

There is hereby created an R-2 Residential District for those areas so designated by this chapter and the zoning map of the city, which R-2 Districts shall allow: Single-family dwellings (see also regulations common to all "R" Districts, listed in section 25-10).

(1) *General requirements.*

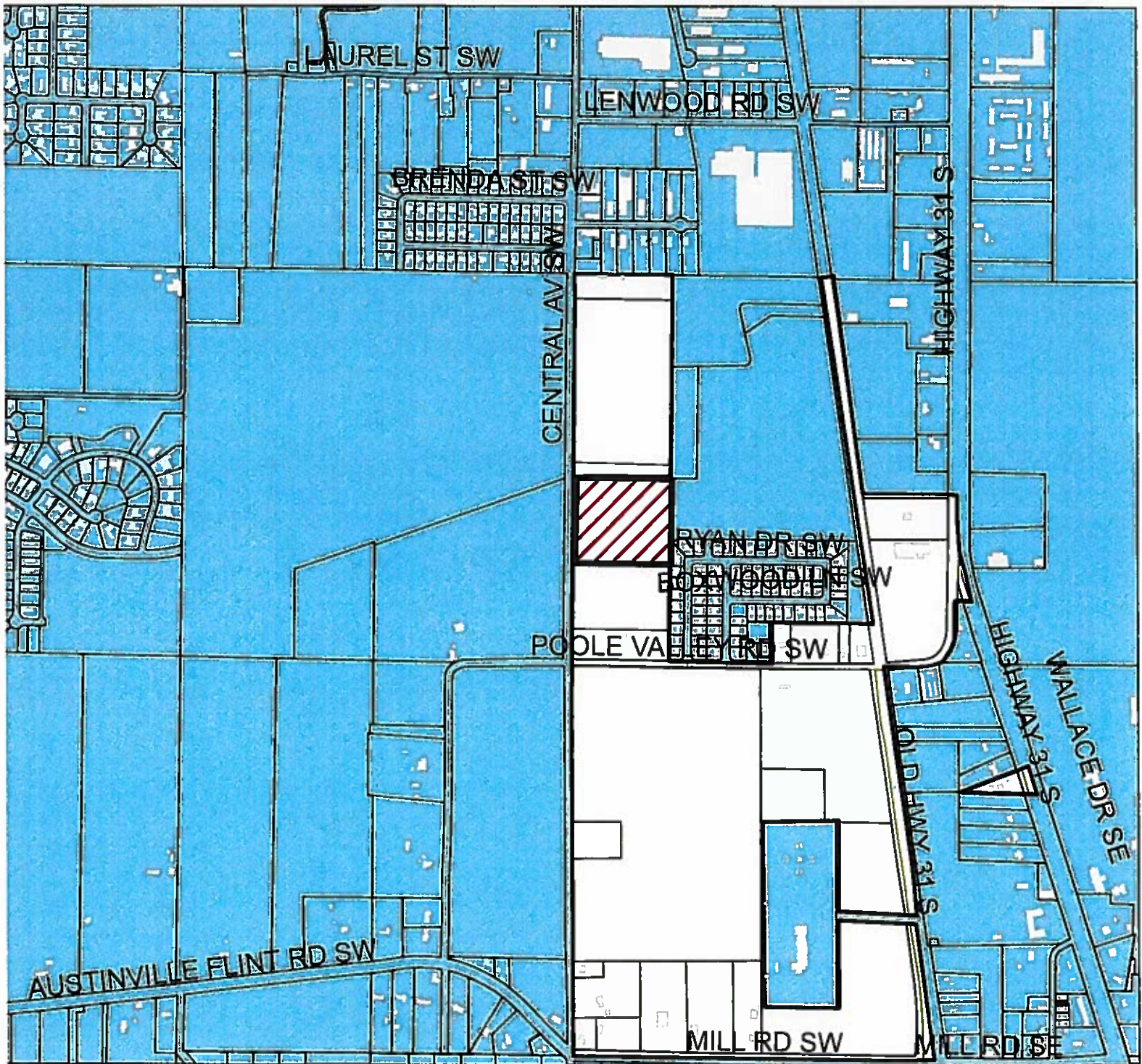
- a. Off-street parking and vehicle access shall be provided as set forth in section 25-16 hereof.
- b. A carport, porte-cochere, porch or structure part thereto, attached to or situated within five (5) feet of the main structure as defined in section 25-2 thereof, shall be considered as a part of the main building and shall be subject to the setback and side yard requirements of the district in which it is located.

(2) *Specific requirements.*





- a. Minimum lot area: Ten thousand (10,000) square feet.
- b. Maximum building area: None specified.
- c. Minimum front yard setback: Thirty-five (35) feet.
- d. Minimum rear yard setback: Forty (40) feet.
- e. Minimum side yard setbacks: Eight (8) feet.
- f. Minimum feet at building line: Seventy (70) feet.
- g. Maximum building height: Thirty-five (35) feet.
- h. Maximum height in stories: Two and one-half (2½).
- i. Uses prohibited: Any use not permitted, or permitted on appeal, is prohibited.

(Ord. No. 05-3835, § 3, 7-11-05)

CENTRAL AVENUE LOTS MINOR PLAT



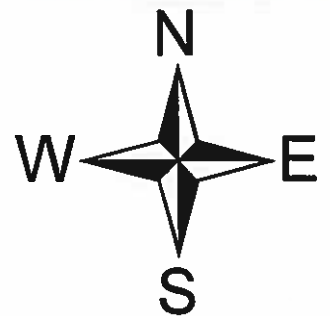
Legend

-  codgis2013.DBO.Morgan_Parcels
-  Buildings
-  CorporateLimits
-  SUBJECT PROPERTY

LOCATION MAP

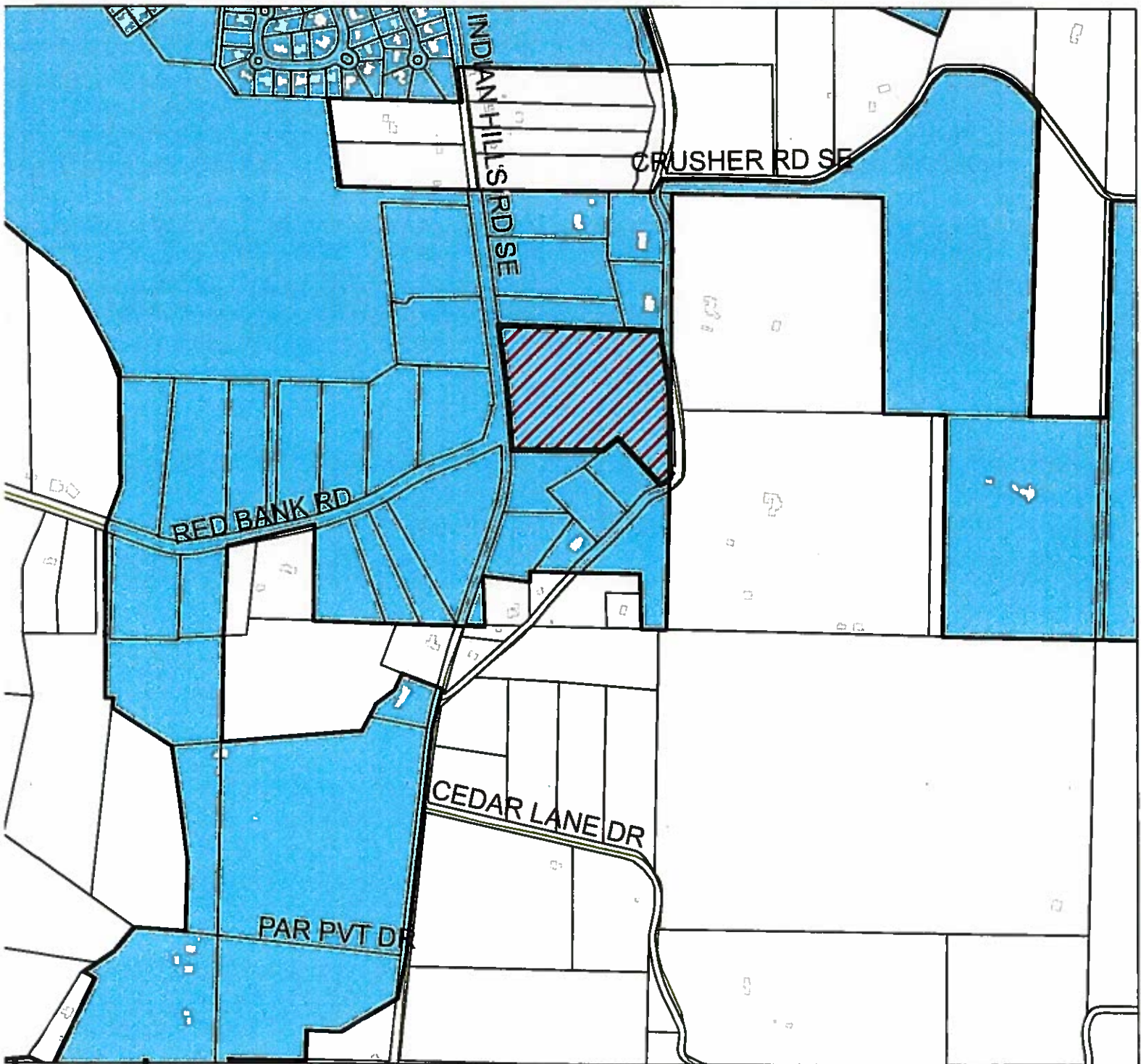
APPLICANT: ALAN NUNNELEE

PROPERTY PJ ONLY



DRAWING NOT TO SCALE

CERTIFICATE TO SUBDIVIDE NO. 3362-17

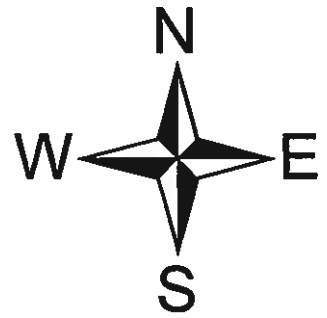


- Legend**
- Ownership
 - Buildings
 - Corporate Limits
 - SUBJECT PROPERTY**

LOCATION MAP

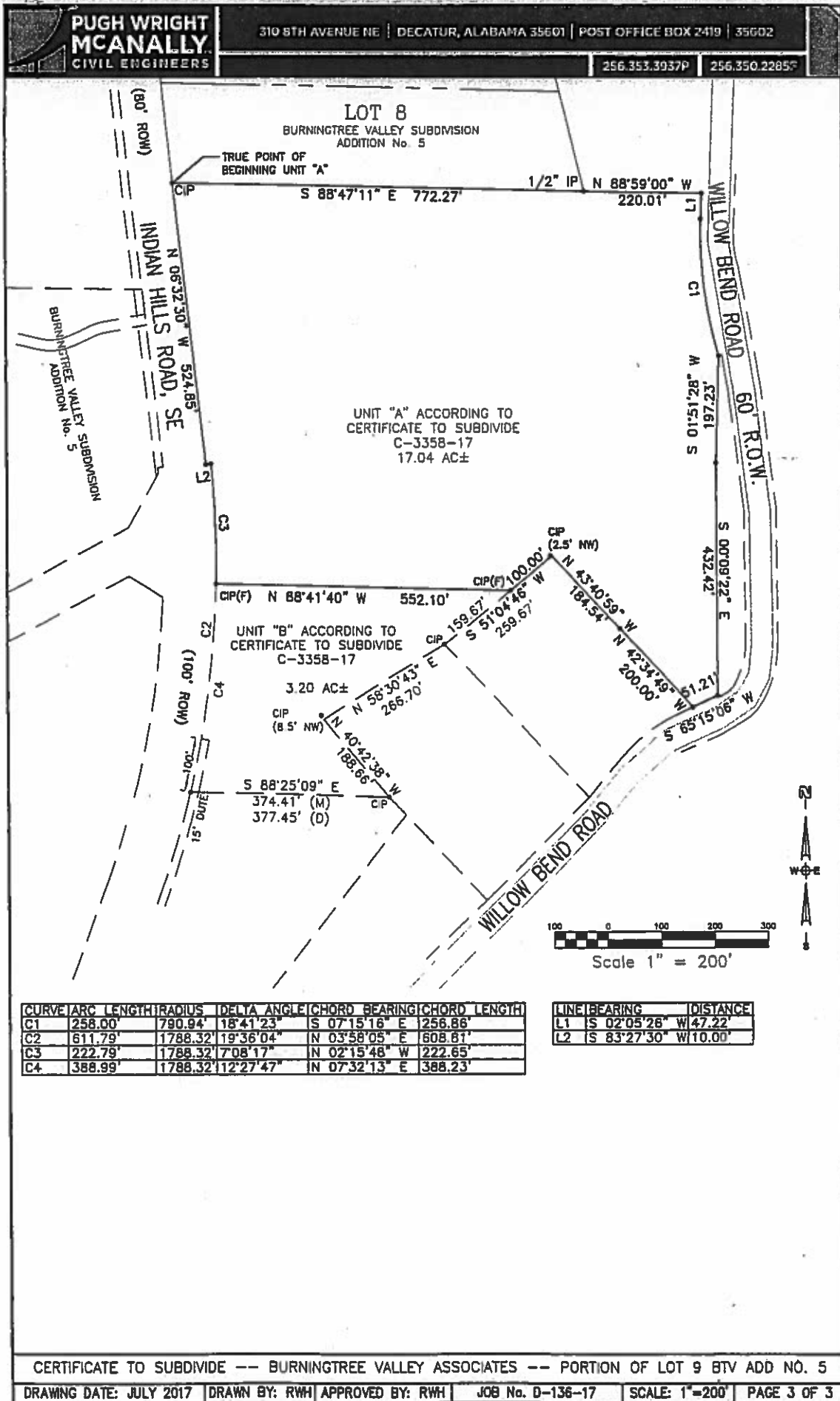
APPLICANT: BURNINGTREE VALLEY ASSOCIATES

PROPERTY AG-1

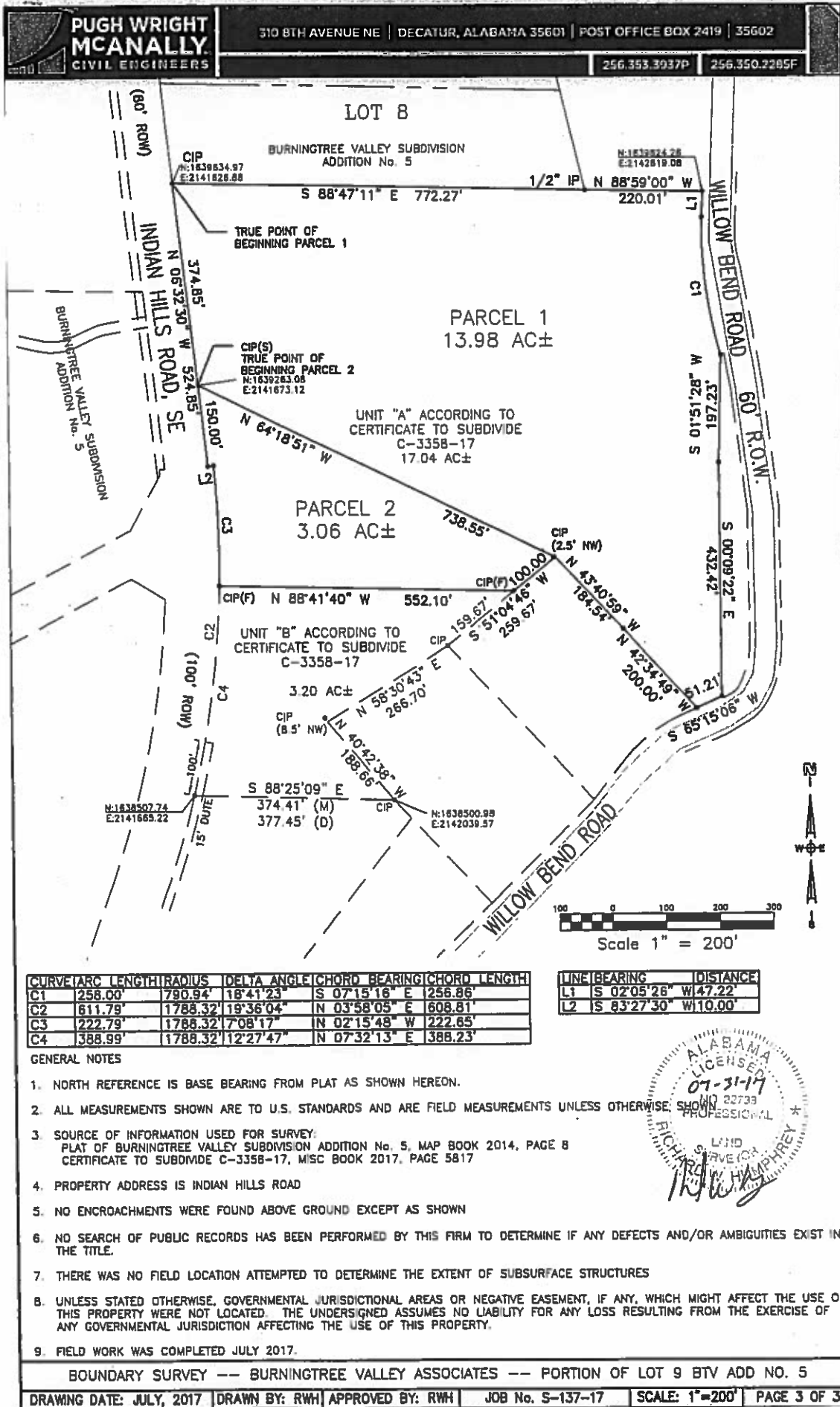


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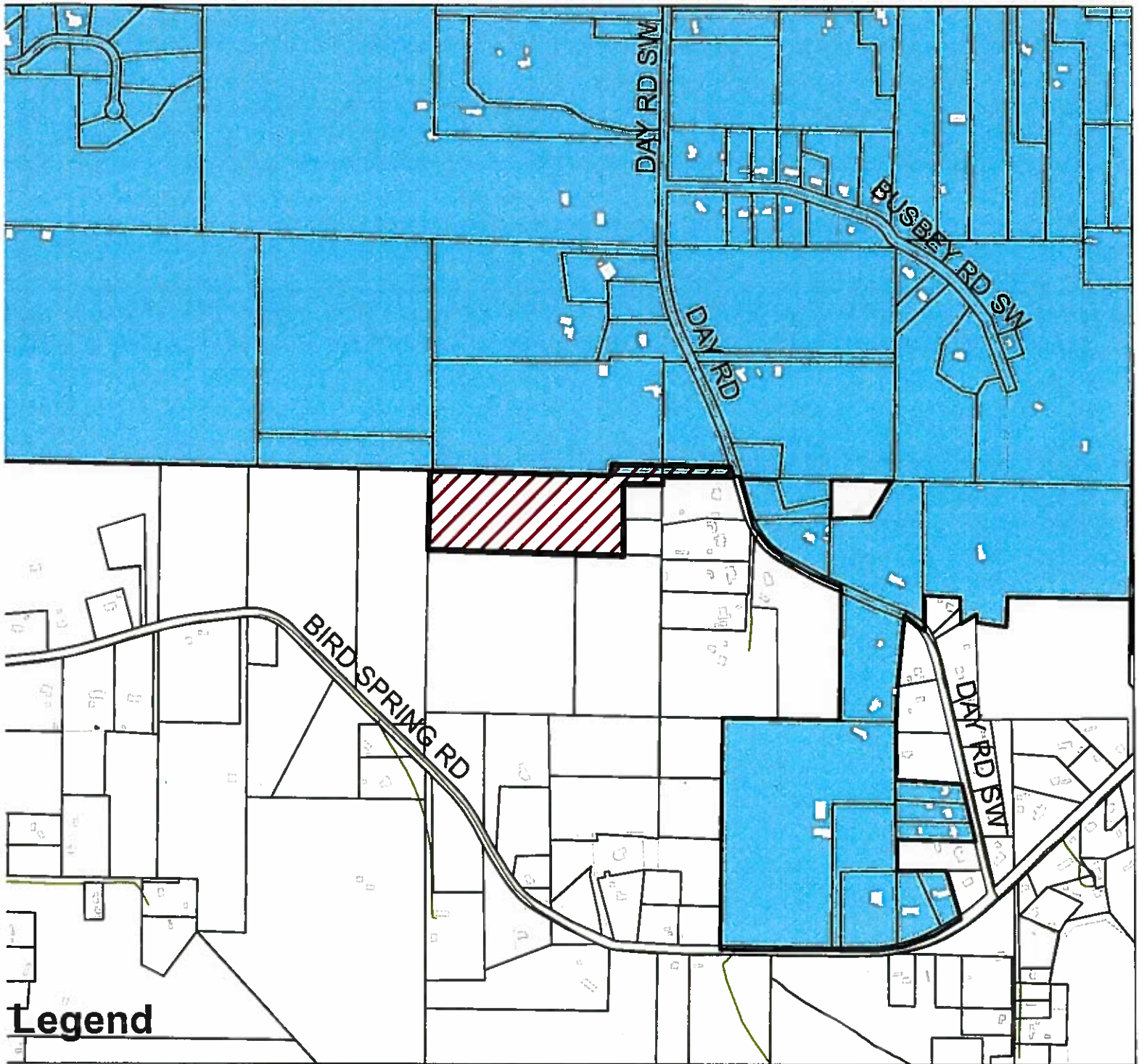
CERTIFICATE TO SUBDIVIDE NO. 3362-17




CERTIFICATE TO SUBDIVIDE NO. 3362-17



CERTIFICATE TO CONSOLIDATE NO. 3364-17



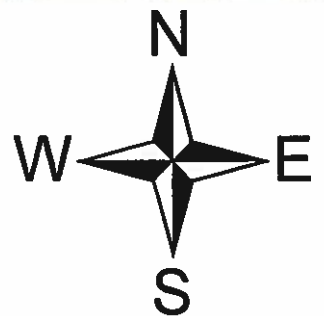
Legend

-  codgis2013.DBO.Morgan Parcels
-  Ownership
-  Buildings
-  Corporate Limits
-  **SUBJECT PROPERTY**

LOCATION MAP

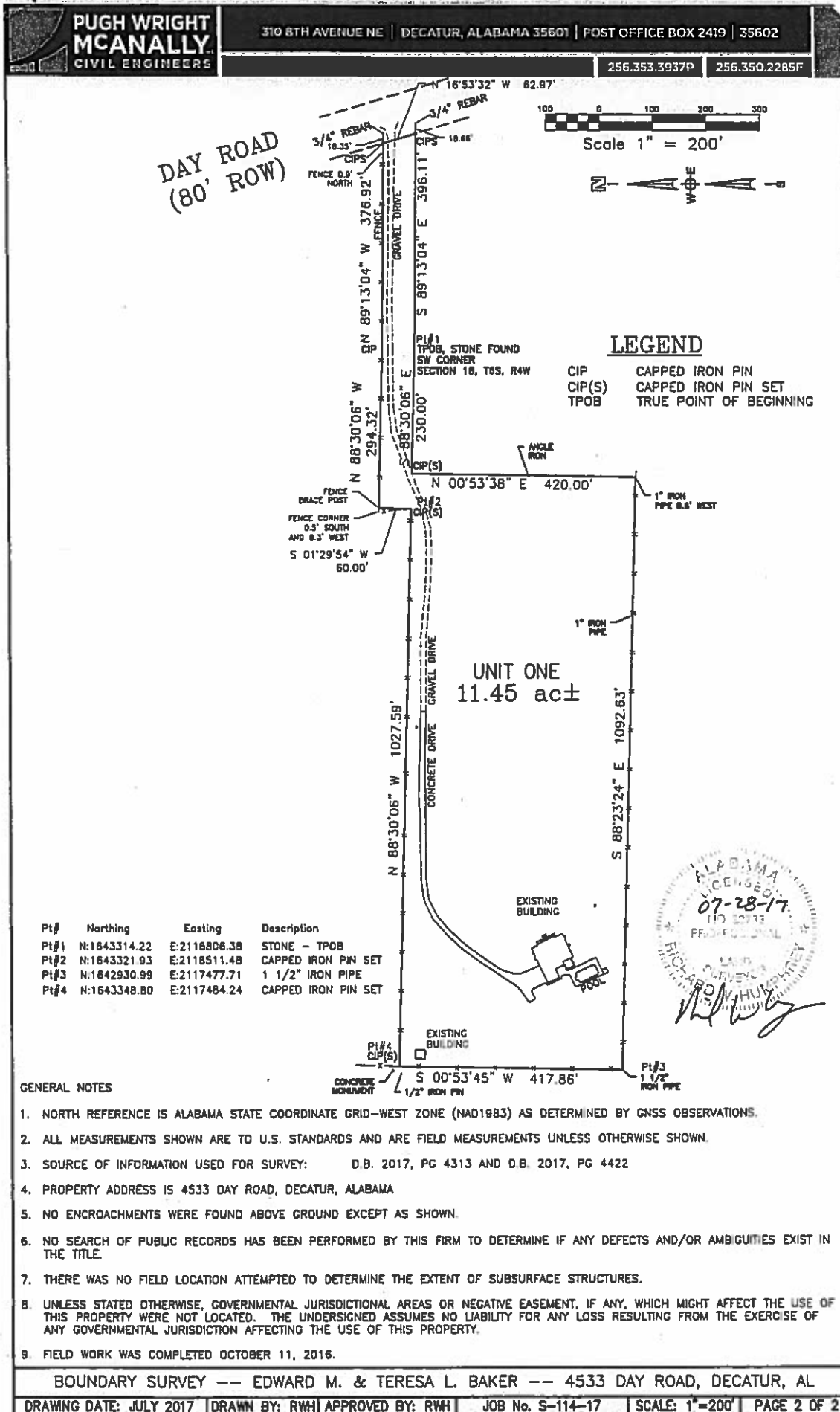
**APPLICANT: EDWARD AND
TERESA BAKER**

PROPERTY PJ AND AG-1

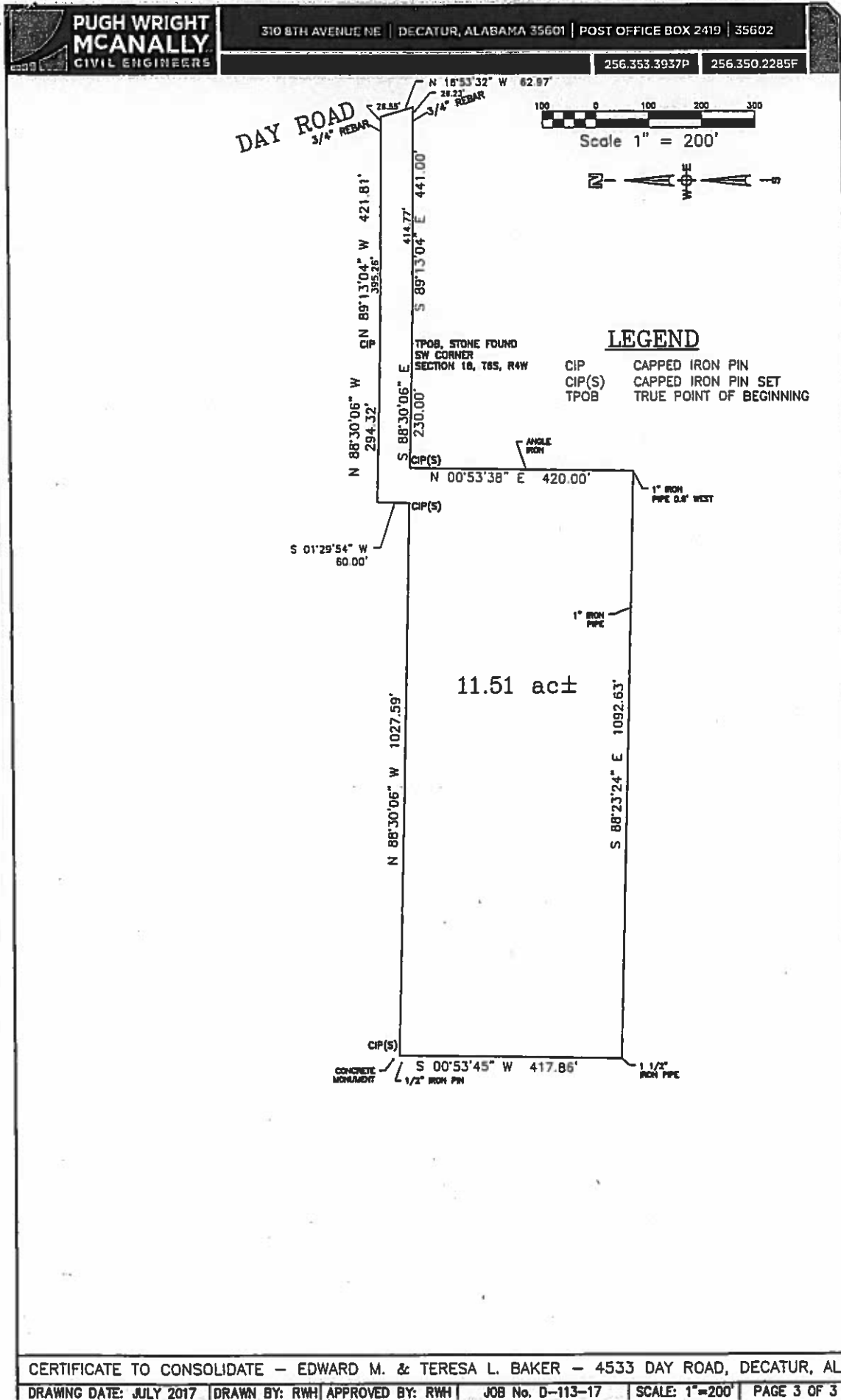


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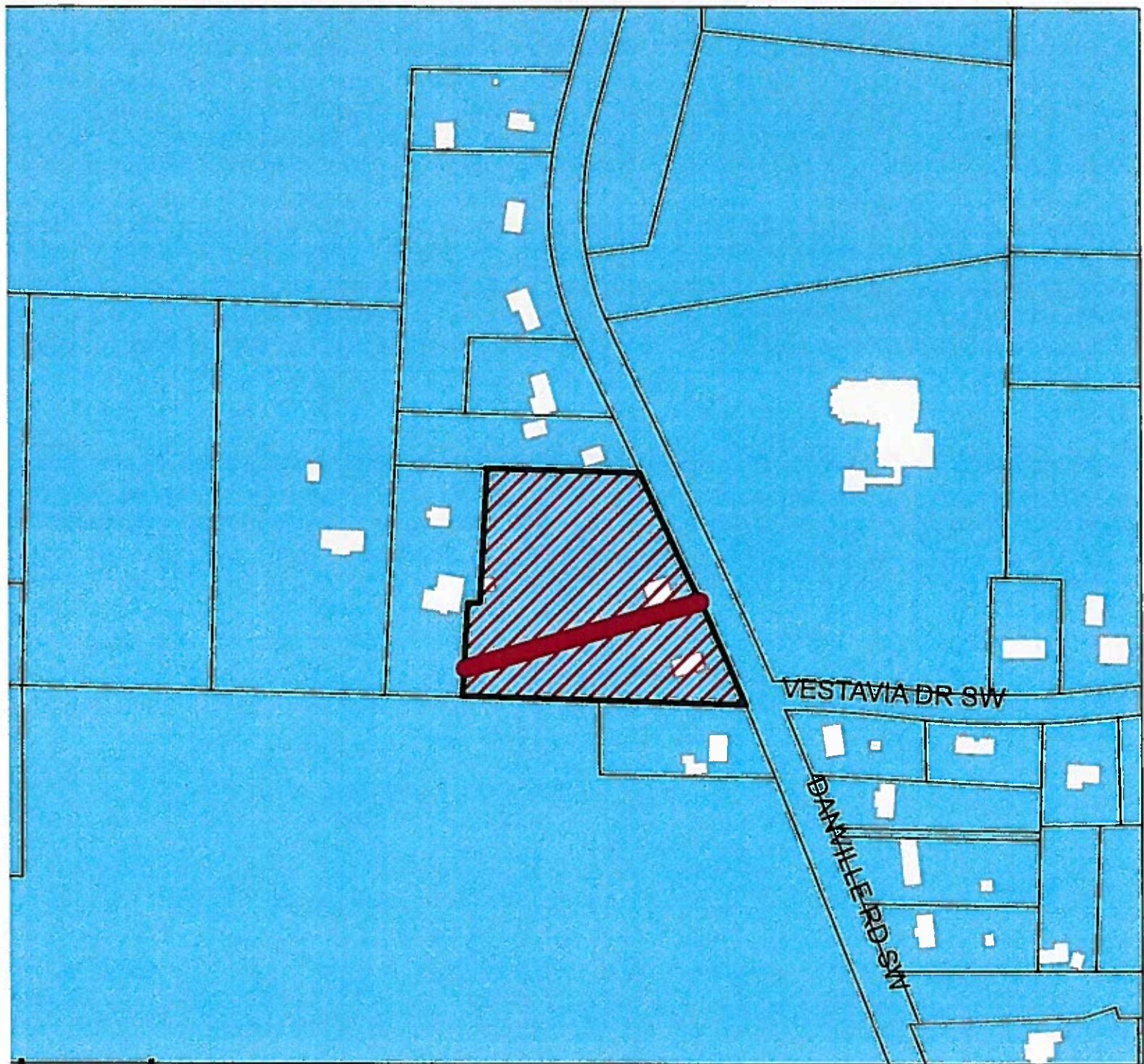
CERTIFICATE TO CONSOLIDATE NO. 3364-17







CERTIFICATE TO CONSOLIDATE NO. 3364-17



VACATION REQUEST No. 497-17



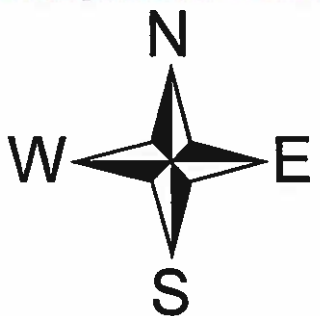
Legend

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

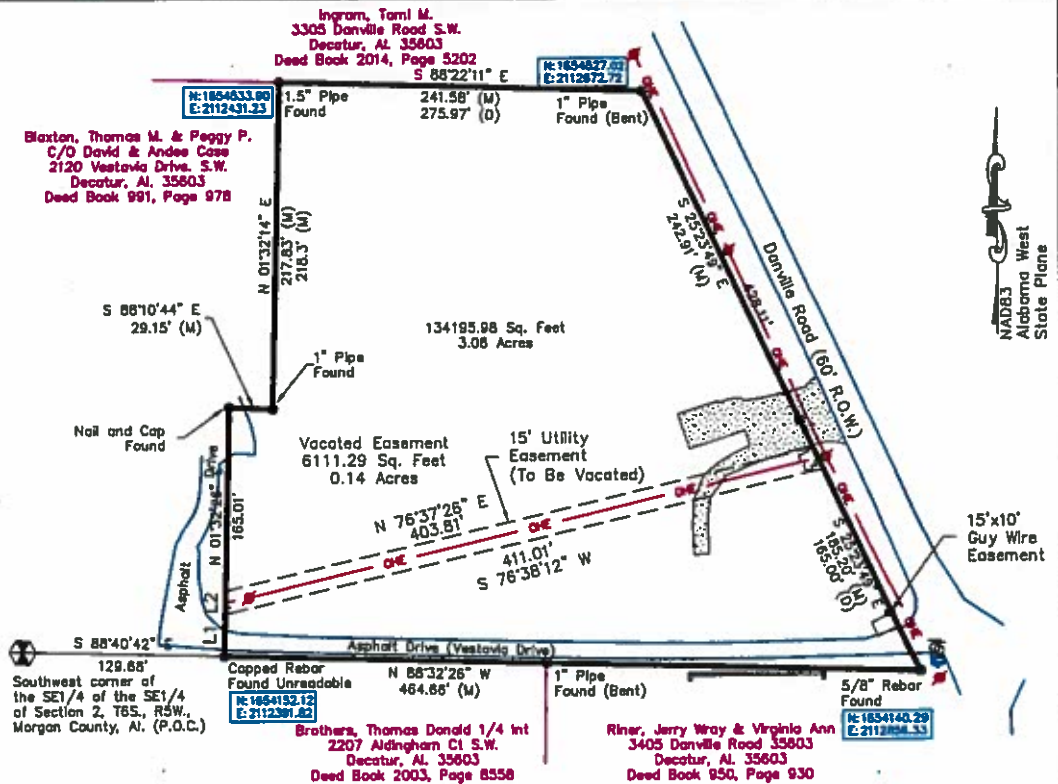
LOCATION MAP

APPLICANT: FRANCISCO HERNANDEZ

PROPERTY ZONED AG-2



DRAWING NOT TO SCALE



STATE OF ALABAMA
COUNTY OF MORGAN

I, Ricky J. Wilhite, a Licensed Professional Land Surveyor, State of Alabama, hereby report that to the best of my knowledge, information and beliefs, the following is a true and correct map or plat of the following described tract of land:

A 15 foot utility easement situated in the SE1/4 of the SE1/4 of Section 2, Township 6 South, Range 5 West, Morgan County, Alabama and containing 0.14 acres, more or less, being more particularly described as follows:

Commencing at a found 1/2" rebar the southwest corner of the SE1/4 of the SE1/4 of Section 2 thence South 88 degrees 40 minutes 42 seconds East along the southerly boundary of said SE1/4 of the SE1/4 for 129.68 feet to a found 1/2" capped rebar (unreadable); thence North 01 degrees 32 minutes 26 seconds East for 27.72 feet to the point of beginning; thence continue North 01 degrees 32 minutes 26 seconds East for 15.52 feet; thence North 76 degrees 37 minutes 26 seconds East for 403.81 feet to westerly right of way margin of Danville Road; thence South 25 degrees 23 minutes 49 seconds East along said right of way margin for 15.34 feet; thence South 76 degrees 38 minutes 12 seconds West for 411.01 feet back to the point of beginning. Said tract being subject to any existing easements and rights of way, both recorded and unrecorded.



LEGEND			
PROPERTY COR. FOUND	○	FENCE LINE	—+—+—
PLAT	(P)	OVERHEAD ELEC.	—O—O—
MEASURED	(M)	GAS METER	—G—G—
POINT OF BEGINNING	P.O.B.	WATER METER	—W—W—
POINT OF COMMENCEMENT	P.O.C.	WATER VALVE	—V—V—
RIGHT-OF-WAY	R-O-W	SIGN	—S—S—
ELECTRIC POLE	—	MAIL BOX	—M—M—
GUY WIRE	—	CONCRETE	—C—C—

LINE	BEARING	DISTANCE
L1	N 01°32'26" E	27.72'
L2	N 01°32'26" E	15.52'
L3	S 25°23'49" E	15.34'



Ricky J. Wilhite, PLS
592 County Road 1286
Vineyard, AL 35179
PH: (256) 727-5944

Frank Hernandez
Easement Vacation

DATE: 7-28-17
SHEET: 1
APP: []

I hereby state that all parts of this survey and drawing have been completed in accordance with the requirements of the Standards of Practice for Land Surveying in the State of Alabama, this being to the best of my knowledge, information and beliefs. Copyrighted by Ricky J. Wilhite, no part of this drawing may be copied, added to, altered or reproduced by any means without the permission from Ricky J. Wilhite, Alabama license No. 21785.