

MEMORANDUM

DATE: October 18, 2017

TO: Planning Commissioners

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

PLANNING COMMISSION MEETING

October 24, 2017

Pre-meeting – 2:15 p.m. (Annex)

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

Agenda Planning Commission

City of Decatur, AL

October 24, 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- September 19, 2017

3. PUBLIC HEARING

	PAGE/MAP
Zoning Text Amendment	
A. 237-17	1/6-10

4. CONSENT AGENDA

		PAGE/MAP
CERTIFICATES		
A. 3367-17	Certificate to Consolidate (North of Deerfoot Way SW and east side of Covington Lane SW)	1/11-13
B. 3368-17	Certificate to Consolidate (North of Deerfoot Way SW and west side of Covington Lane SW)	2/14-16
C. 3369-17	Certificate to Subdivide (South of West Chapel Hill Rd. SW and west of Highland Drive SW)	2/17-19

SITE PLAN REVIEW

A. 559-17	Chick-fil-A (South of Pt. Mallard Parkway and east side of Highway 31 South)	3/20 see plat
B. 560-17	Interstate Development LLC – removed from agenda	

C. 561-17	Wavaho (South of Red Bank Rd. SE and east side of Highway 31 South)	3/21 see plat
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BOND REVIEWS

A. Windsor Place (South of Gordon Terry Parkway & west of McEntire Lane SW)	4/22
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B. Princeton Place (North of Deerfoot Way SW and east side of Shady Grove Lane SW)	4/23
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5. OTHER BUSINESS

VACATION REQUEST

A. 498-17 (North of Market Street NE and east of Highway 31 North)	4/24
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Minutes
Zoning Committee
October 17, 2017

PUBLIC HEARING

Zoning Text Amendments

237-17

Applicant: The City of Decatur
Owner: n/a

Zoning: n/a
Acreage: n/a

Request: To amend section 25-9.1 of the zoning ordinance

Location: This will reduce the separation requirement between restaurants and schools or churches from either 500 feet or 200 feet to 25 feet.

Recomm: The Zoning Committee and Planning Department recommend approval.

END PUBLIC HEARING

CONSENT AGENDA

Minutes
Subdivision Committee
October 17, 2017

Certificates

3367-17 Certificate to Consolidate

Applicant: Pugh Wright McAnally
Owner: Violet Fisher

Zoning: R-2, SF Residential
Acreage: 2.24 acres

Request: Consolidate Lots 9 & 10 of Deerfoot Estates, Add. #4 with Lots 11, 12, 13 of Deerfoot Estates, Add. #4 which were consolidated by Cert. 3270-15 into one tract of 2.24 acres

Location: North of Deerfoot Way SW and east side of Covington Lane SW

- Conds:
1. Provide signed letter from property owner requesting consolidation
 2. Provide copy of deed showing property ownership
 3. Payment of recording fees
 4. Provide a stamped and sealed survey for recording

5. Provide State Plane Coordinates on final survey
6. Property owner to install sidewalks on all the combined lots and/or bond for no more than six (6) months
7. Satisfaction of liens against Lots 9 & 10

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

Recomm: Approval with stated conditions.

3368-17 Certificate to Consolidate

Applicant: Pugh Wright McAnally
Owner: Violet Fisher

Zoning: R-2, SF Residential
Acreage: .96 acres

Request: Consolidate Lots 1 & 2 of Deerfoot Estates, Add #4 into one tract of .96 acres

Location: North of Deerfoot Way SW and west side of Covington Lane SW

- Conds:
1. Provide signed letter from property owner requesting consolidation
 2. Provide copy of deed showing property ownership
 3. Payment of recording fees
 4. Provide a stamped and sealed survey for recording
 5. Provide State Plane Coordinates on final survey
 6. Property owner to install sidewalks on all the combined lots and/or bond for no more than six (6) months.
 7. Satisfaction of liens against Lots 1 & 2

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

Recomm: Approval with stated conditions.

3369-17 Certificate to Subdivide

Applicant: Pugh Wright McAnally
Owner: Jeff Parker

Zoning: AG-2 & PJ
Acreage: 68.6 acres

Request: Subdivide 68.6 acres into two tracts of 60.6 acres and 8 acres

Location: South of West Chapel Hill Rd. SW and west of Highland Drive SW

- Conds:
1. Provide signed letter from property owner requesting subdivision
 2. Provide copy of deed showing property ownership
 3. Payment of recording fees
 4. Provide a stamped and sealed survey for recording
 5. Show ROW width for West Chapel Hill Road
 6. Show and/or dedicate 20' easement for existing gas line on Unit 1

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

Recomm: Approval with stated conditions.

Site Plan Reviews

559-17 Chick-fil-A

Applicant: Bowman Consulting
Owner: Bullock & Bullock

Zoning: B-2, General Business
Acreage: Approx 1.6 acres

Request: Site plan approval for the development of a Chick-fil-A drive-thru restaurant

Location: South of Pt. Mallard Parkway and east side of Highway 31 South

- Conds:
1. Subject to ALDOT approval
 2. Grease interceptor sizing subject to review and approval by Decatur Utilities
 3. Existing force main with easement to be shown on revised site plan
 4. Subject to verification of old certificate to subdivide or submission of new certificate to create tract
 5. Provide architectural plans to the Health Department

Pt. of Info:

- (1) ***Any relocation of utilities will be at the owner's expense.***
- (2) ***Parking variance and loading & unloading to be approved by BOZA***

Recomm: Approval with stated conditions.

560-17 Interstate Development LLC - removed from agenda.

561-17 Wavaho Gas Station/Convenience Store

Applicant: Wavaho Lane Corporation
Owner: Steve Hough

Zoning: M-1, Light Industry
Acreage: 16 acres

Request: Site plan approval for the construction of a new Wavaho Gas Station/Convenience Store

Location: South of Red Bank Rd. SE and east side of Highway 31 South

- Conds:
1. ALDOT approval required to maintain existing ingress/egress and drainage materials
 2. Meet parking requirements of the City of Decatur and comply with ANSI 117.1-06
 3. Show all existing water lines
 4. Change all references from Huntsville to Decatur on notes
 5. Joe Wheeler is electrical provider. Change signature block to reflect this.
 6. Proposed canopy appears to be within the KVA electrical line easement. Location to be approved by Joe Wheeler.
 7. Provide architectural plans to the Health Department and plans for designed septic system
 8. Suppression hood may be required per Fire Marshall. Subject to approval.

Pt. of Info:

- (1) ***Any relocation of utilities will be at the owner's expense***
- (2) ***Signage to be approved by the Building Department***

Recomm: Approval with stated conditions.

Bond Reviews

Windsor Place

Applicant: Rich Littrell
Owner: Littrell Development Inc.

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

Request: Bond review for the completion of all public improvements & sidewalks. Letter of credit expires 12/14/17 – (Amt.\$64,000 for sidewalks and \$45,009.65 for public street improvements).

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

Recomm: Extension of bond for one year or until such time as development build out requires completion.

Princeton Place

Applicant: Danny Hill
Owner: Same

Zoning: R-3, SF Residential
Acreage: 15.8 acres

Request: Bond review for the completion of sidewalks. LOC expires 1/19/2018 (Amt. \$38,000 for sidewalks)

Location: North of Deerfoot Way SW and east side of Shady Grove Lane SW

Recomm: Extension of bond for one year or until such time as development build out requires completion.

Recomm: Approval with stated condition.

END CONSENT AGENDA

OTHER BUSINESS

VACATION REQUEST

498-17

Applicant: Pugh Wright McAnally
Owner: Alabama Farmers Co-op

Zoning: M-2, General Industry
Acreage: 0.143 acres

Request: Vacate an existing drainage easement – portion of Lot 16 of Church Street – 8th Avenue Area Project UR-ALA-11-1.

Location: North of Market Street NE and east of Highway 31 North

Conds: 1. Applicant to sign "Declaration of Vacation"

Pt. of Info:

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

(2) Applicant to pay recording fees to City Clerk's Office once vacation request has cleared City Council.

Recomm: Approval with stated condition.

AMENDMENTS TO CHAPTER 25-9.1

SECTION	CURRENT	PROPOSED
25-9.1	<p>Sec. 25-9.1. - Location near church or school.</p> <p>Notwithstanding provisions to the contrary set forth in this chapter, subject to exceptions herein contained, no facility or property shall be authorized for on-premises sale or off-premises sale of alcoholic beverages where any part of the building in which the premises is located is less than five hundred (500) feet from any building in which there is a church, or a public or private elementary or secondary school. Provided, however, as regards:</p> <ol style="list-style-type: none"> (1) Off-premises sale of beer and table wine; and (2) On-premises sale of alcoholic beverages by licensees other than class I lounges not operated in conjunction with a licensed restaurant, hotel or motel, and off premises sale of alcoholic beverages other than beer and table wine, where no part of the building in which the licensed premises is located is closer than two hundred (200) feet from any building in which there is a church, or a public or private elementary or secondary school, the aforesaid distance restrictions shall not apply in the following enumerated cases: <ol style="list-style-type: none"> (a) Where the licensed premises are separated from the church or school by a street or highway having four (4) or more traffic lanes, or (b) Where the licensed premises and the church or school front on different streets and do not have common exits or driveways providing access, or (c) Where the licensed premises and the church or school are separated by a permanent building, or topographical or manmade barrier and the council or its duly delegated agent finds that the separation adequately screens and insulates the premises whereby the spirit of the separation requirements herein provided is substantially achieved. <p>Furthermore, where the church or school was established after the licensed premises began operation and said operation has not been</p>	<p>Sec. 25-9.1. - Location near church or school.</p> <p>Notwithstanding provisions to the contrary set forth in this chapter, subject to exceptions herein contained, no facility or property shall be authorized for on-premises sale or off-premises sale of alcoholic beverages where any part of the building in which the premises is located is less than five hundred (500) feet from any building in which there is a church, or a public or private elementary or secondary school. Provided, however, as regards:</p> <ol style="list-style-type: none"> (1) Off-premises sale of beer and table wine; and (2) Except for premises located within a B5 (Central Business District) Zoning District, on-premises sale of alcoholic beverages by licensees other than class I lounges not operated in conjunction with a licensed restaurant, hotel or motel, and off-premises sale of alcoholic beverages other than beer and table wine, where no part of the building in which the licensed premises are located is closer than two hundred (200) feet from any building in which there is a church, or a public or private elementary or secondary school the aforesaid distance restrictions shall not apply in the following enumerated cases: <ol style="list-style-type: none"> a. Where the licensed premises are separated from the church or school by a street or highway having four (4) or more traffic lanes; b. Where the licensed premises and the church or school front on different streets and do not have common exits or driveways providing access; c. Where the licensed premises and the church or school are separated by a permanent building, or topographical or man-made barrier, and the council or its duly delegated agent finds that the separation adequately screens and insulates the premises whereby the spirit of the separation requirement herein provided is substantially achieved; or (3) For premises located in a B5 (Central Business District) Zoning District, on-premises sale of alcoholic beverages by licensees other than class I lounges not operated in conjunction with a licensed restaurant, hotel or motel, and off-premises sale of alcoholic beverages other than beer and table wine, where no part of the building

SECTION	CURRENT	PROPOSED
	<p>abandoned or discontinued for a period of six (6) months the above distance restrictions do not apply. When measuring from a church or a school, the closest exterior wall of the closest building in the church or school complex wherein an essential function or activity of the church or school is carried on shall constitute the beginning point for measurement. When measuring from the licensed premises, the closest point on the exterior wall of the building occupied by the licensee shall be used for measurement purposes if the building is occupied solely by the licensee, otherwise, such measurement shall be made from the closest point of the licensee's occupancy within the building in question.</p>	<p>in which the licensed premises are located is closer than twenty five (25) feet from any building in which there is a church, or a public or private elementary or secondary school the aforesaid distance restrictions shall not apply. However, no alcoholic beverages can be served or consumed on the licensed premises in the exterior part of the building adjacent to a church or school.</p> <p>Furthermore, where the church or school was established after the licensed premises began operation and said operation has not been abandoned or discontinued for a period of six (6) months the above distance restrictions do not apply. When measuring from a church or a school, the closest exterior wall of the closest building in the church or school complex wherein an essential function or activity of the church or school is carried on shall constitute the beginning point for measurement. When measuring from the licensed premises, the closest point on the exterior wall of the building occupied by the licensee shall be used for measurement purposes if the building is occupied solely by the licensee, otherwise, such measurement shall be made from the closest point of the licensee's occupancy within the building in question.</p>

INFORMATION ON THE B5 ZONING DISTRICT IS PROVIDED ON THE NEXT PAGE

Sec. 25-11. - Business district requirements.

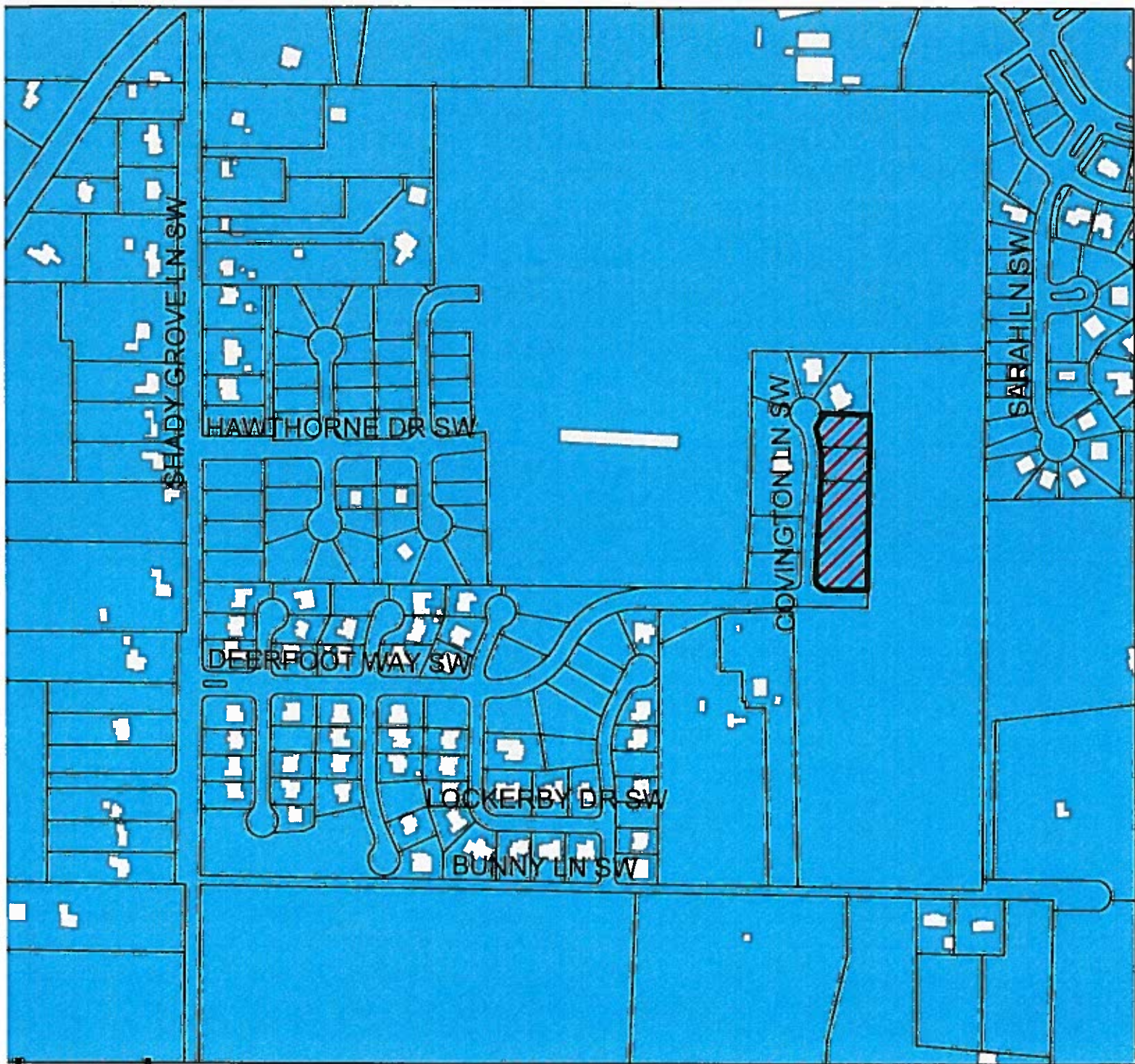
District	USE REGULATIONS	SPACE AND HEIGHT REGULATIONS	District
B-5 (Central Business District)	<p>Uses permitted: Off premises sale of alcoholic beverages; On premises sale of table wine; On premises sale of alcoholic beverages by the Princess Theatre Center for the Performing Arts and any other valid 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;</p>	<p>Minimum lot size: 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 spaces required for the other normal operations of the business or service.</p> <p>Minimum yard size: None specified</p> <p>Maximum height: None specified</p> <p>Off-street parking: None specified</p> <p>Off-street loading and unloading: 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.</p>	B-5 (Central Business District)

District	USE REGULATIONS	SPACE AND HEIGHT REGULATIONS	District
	<p>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>Uses permitted on appeal:</p> <p>Restaurants; 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 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.</p> <p>Uses prohibited: Major auto repair,</p>		





District	USE REGULATIONS	SPACE AND HEIGHT REGULATIONS	District
	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.		

(Code 1956, § 27-11; Ord. No. 85-2426, §§ 3—9, 2-4-85; Ord. No. 85-2491, § 1, 9-9-85; Ord. No. 05-3830, § 1, 7-11-05; Ord. No. 08-3943, § 1, 4-7-08; Ord. No. 11-4083, § 1, 12-6-11; Ord. No. 12-4123, §§ 1, 2, 9-4-12; Ord. No. 13-4159, §§ 1, 2, 9-3-13; Ord. No. 14-4173, §§ 1—6, 4-7-14; Ord. No. 14-4181, §§ 2—5, 5-12-14)

CERTIFICATE TO CONSOLIDATE NO. 3367-17



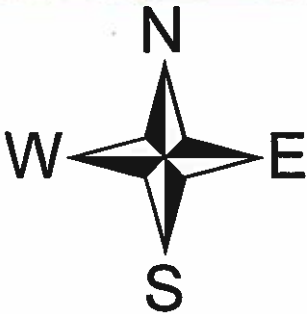
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-  Ownership
-  Buildings
-  Corporate Limits
-  **SUBJECT PROPERTY**

LOCATION MAP

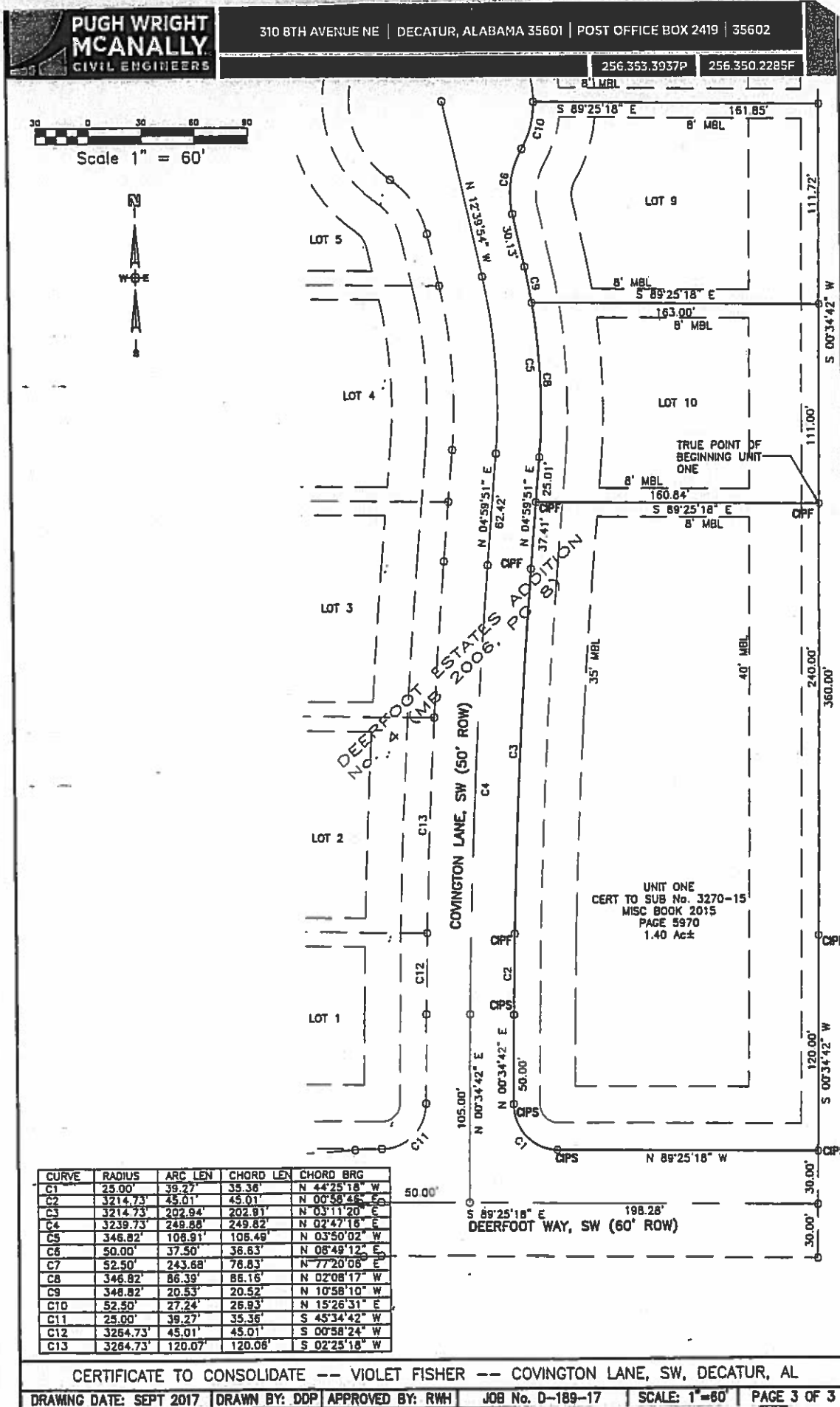
APPLICANT : VIOLET FISHER

PROPERTY ZONED R-2



DRAWING NOT TO SCALE

CERTIFICATE TO CONSOLIDATE NO. 3367-17



CERTIFICATE TO CONSOLIDATE NO. 3367-17

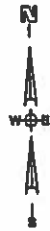
**PUGH WRIGHT
MCANALLY**
CIVIL ENGINEERS

310 6TH AVENUE NE | DECATUR, ALABAMA 35601 | POST OFFICE BOX 2419 | 35602

256.353.3937P

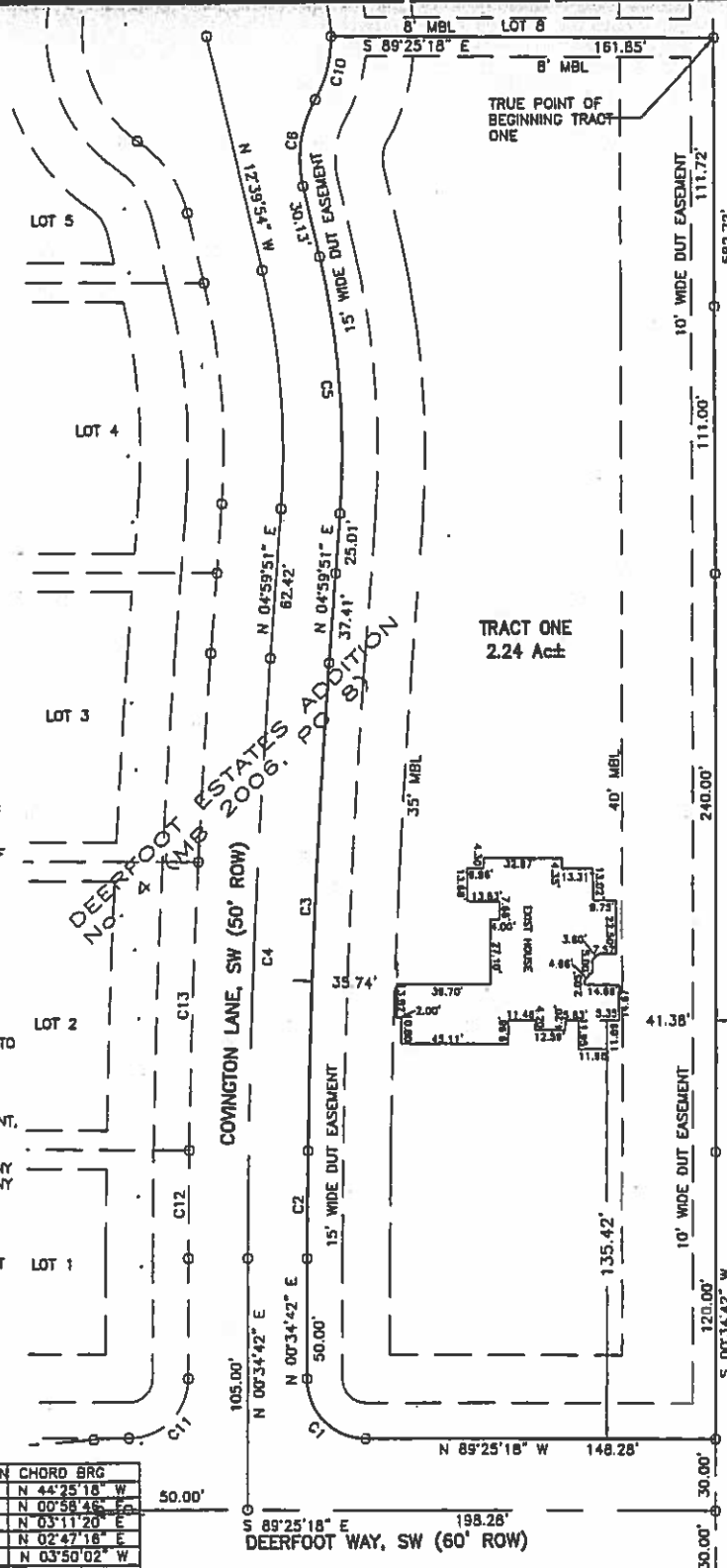
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Scale 1" = 60'



GENERAL NOTES

1. NORTH REFERENCE IS ALABAMA STATE COORDINATE SYSTEM GRID BEARING - WEST ZONE [NAD83] 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: M.B. 2006, PG 8
4. PROPERTY IS LOCATED ON THE EAST SIDE OF COVINGTON LANE, SW, NORTH OF DEERFOOT WAY, SW, DECATUR, AL.
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 IN OCTOBER, 2017. CAPPED IRON PINS (CIPS) WERE SET ON THE PROPERTY CORNERS, OR CAPPED IRON PINS (CIPF) WERE LOCATED.

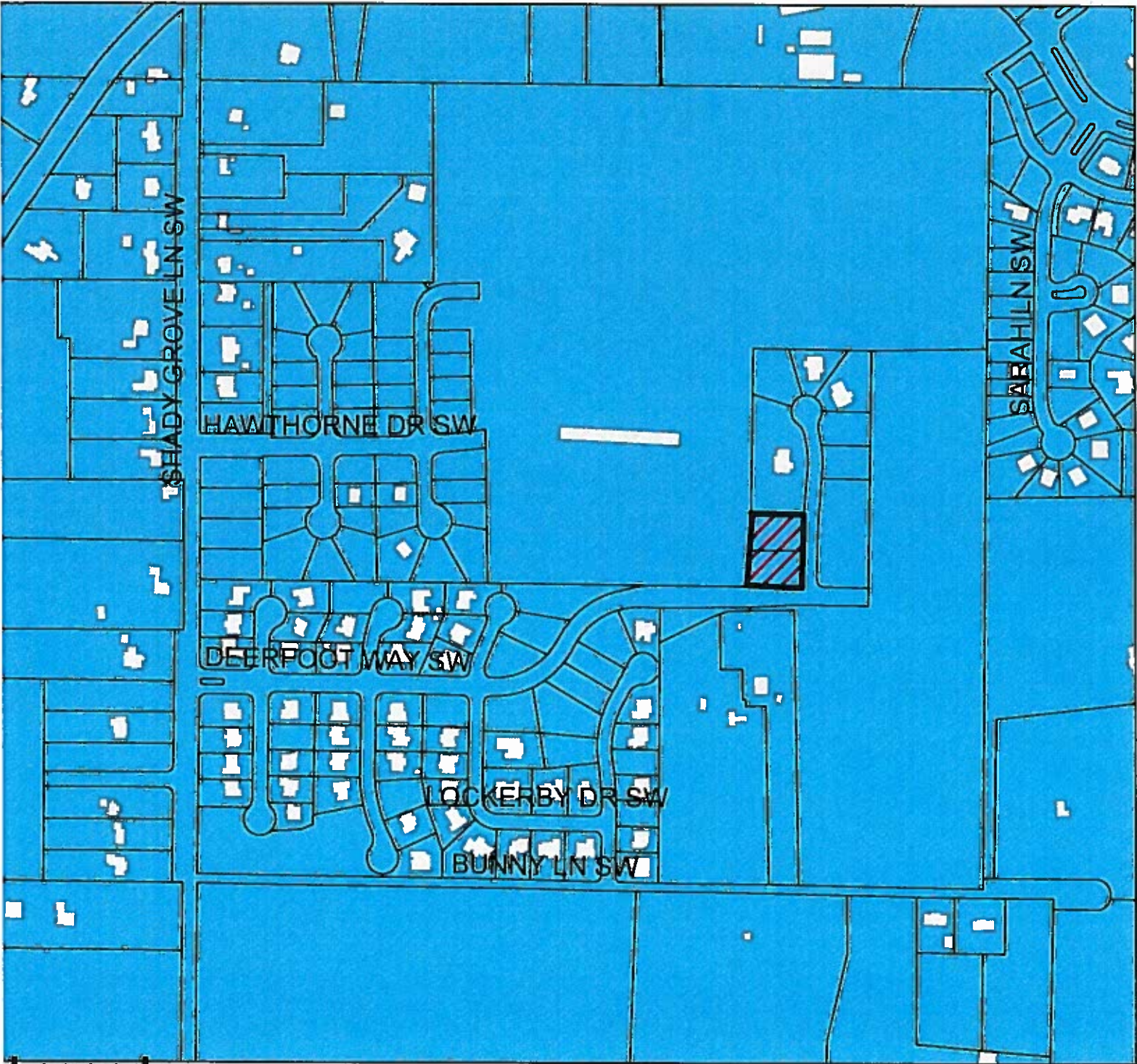


CURVE	RADIUS	ARC LEN	CHORD LEN	CHORD BRG
C1	25.00'	39.27'	35.36'	N 44°25'18" W
C2	3214.73'	45.01'	45.01'	N 00°58'46" E
C3	3214.73'	202.94'	202.91'	N 03°11'20" E
C4	3239.73'	249.88'	249.82'	N 02°47'16" E
C5	346.82'	106.91'	108.49'	N 03°50'02" W
C6	50.00'	37.50'	36.63'	N 08°49'12" E
C7	52.50'	243.68'	76.83'	N 77°20'08" E
C8	346.82'	86.39'	86.16'	N 02°08'17" W
C9	346.82'	20.53'	20.52'	N 10°58'10" W
C10	52.50'	27.24'	26.93'	N 15°26'31" E
C11	25.00'	39.27'	35.36'	S 45°34'42" W
C12	3264.73'	45.01'	45.01'	S 00°58'24" W
C13	3264.73'	120.07'	120.06'	S 02°25'18" W

BOUNDARY SURVEY -- VIOLET FISHER -- COVINGTON LANE, SW, DECATUR, AL

DRAWING DATE: SEPT 2017 | DRAWN BY: DDP | APPROVED BY: RWH | JOB No. S-190-17 | SCALE: 1"=60' | PAGE 3 OF 3

CERTIFICATE TO CONSOLIDATE NO. 3368-17



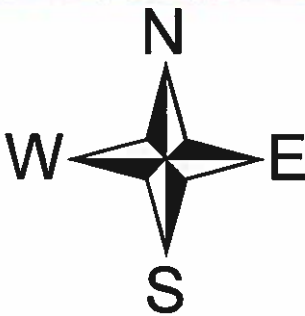
Legend

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

LOCATION MAP

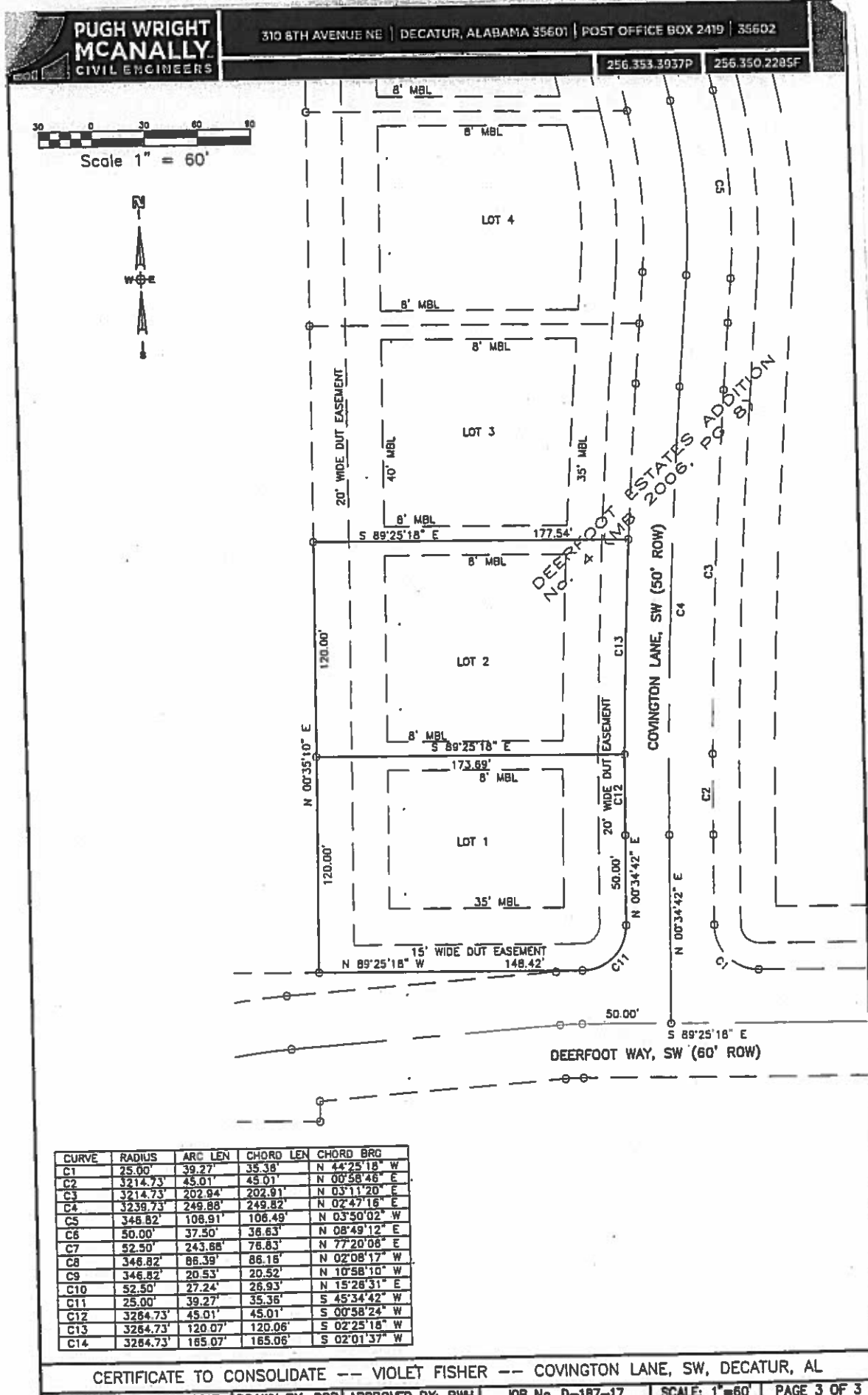
APPLICANT : VIOLET FISHER

PROPERTY ZONED R-2

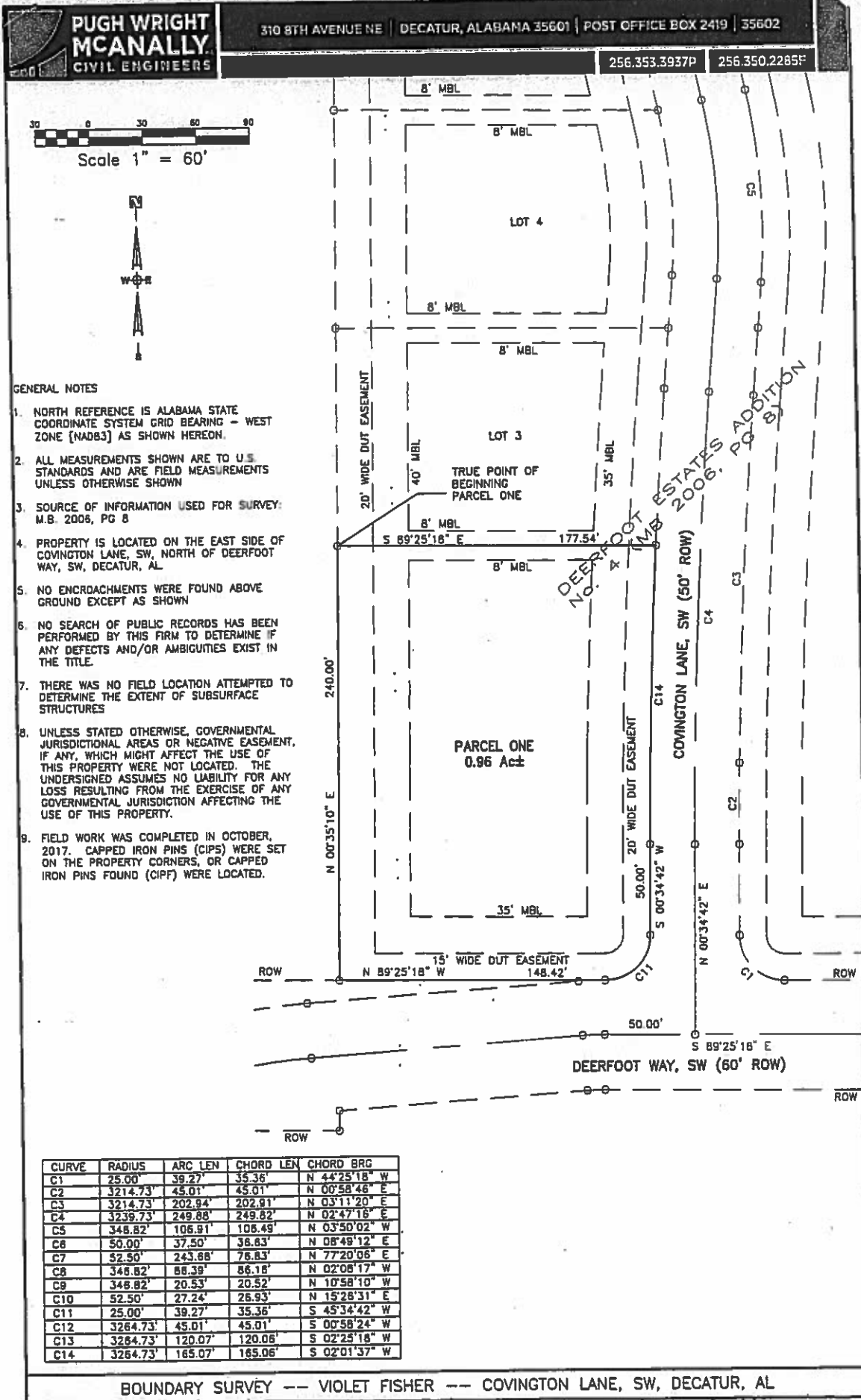


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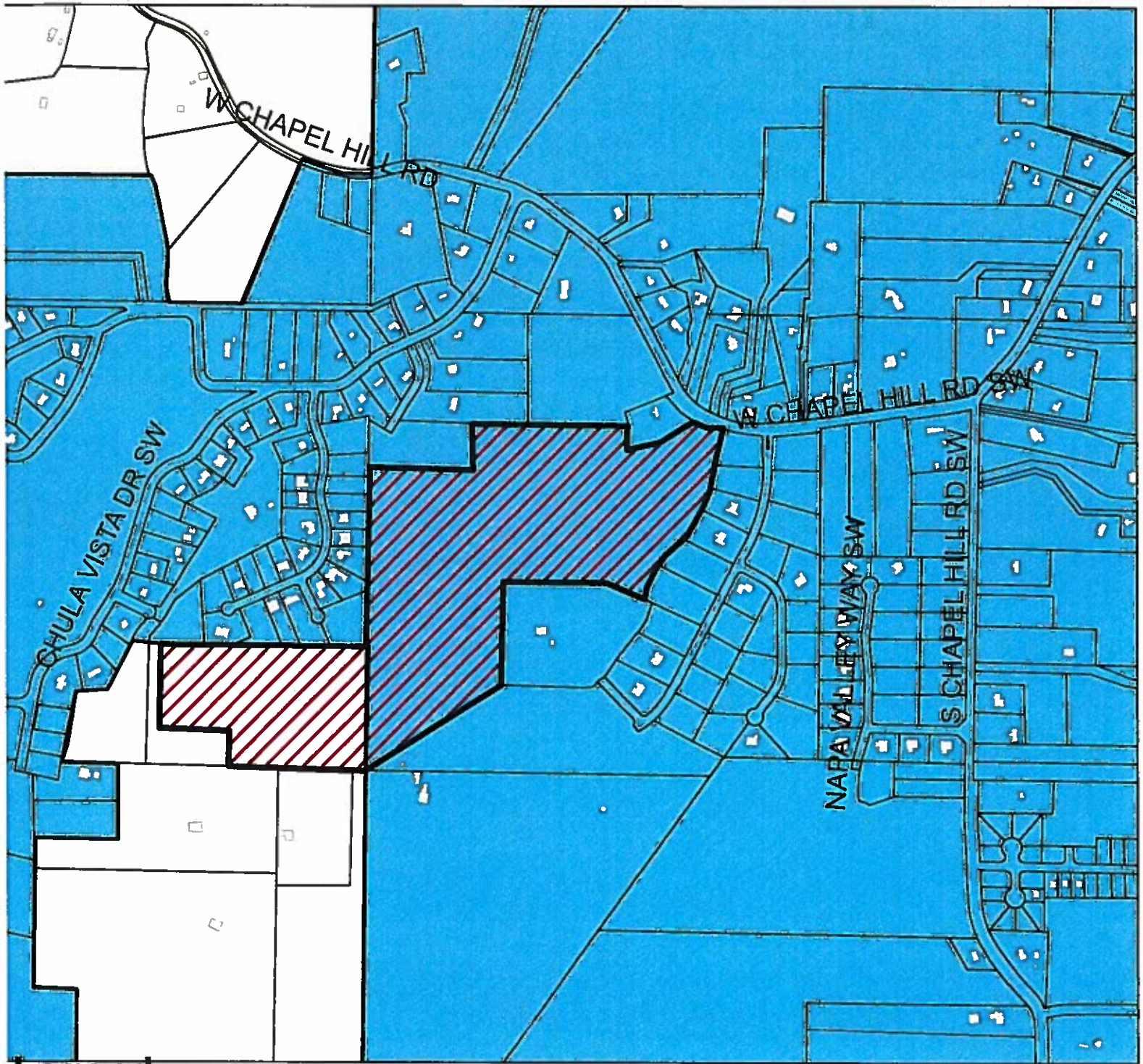
CERTIFICATE TO CONSOLIDATE NO. 3368-17



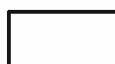



CERTIFICATE TO CONSOLIDATE NO. 3368-17



CERTIFICATE TO SUBDIVIDE NO. 3369-17



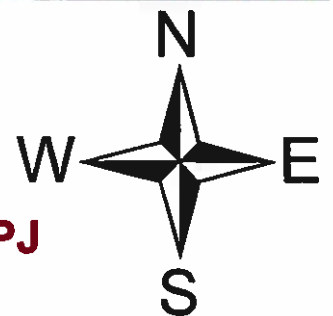
Legend

-  Ownership
-  Buildings
-  Corporate Limits
-  SUBJECT PROPERTY

LOCATION MAP

APPLICANT: JEFF PARKER

PROPERTY ZONED AG-2 AND PJ



DRAWING NOT TO SCALE

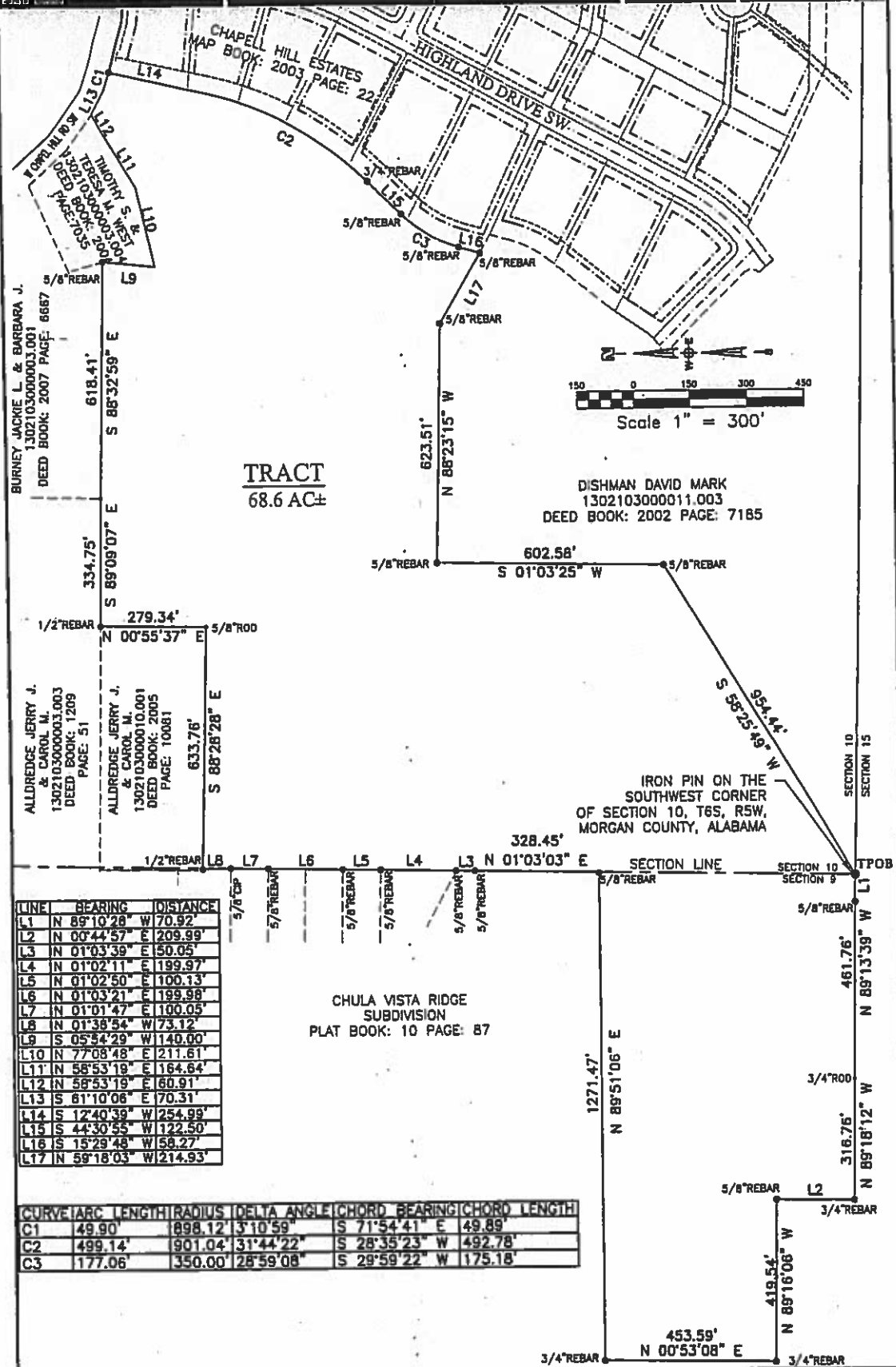
CERTIFICATE TO SUBDIVIDE NO. 3369-17

**PUGH WRIGHT
MCANALLY**
CIVIL ENGINEERS

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

256.353.3937P

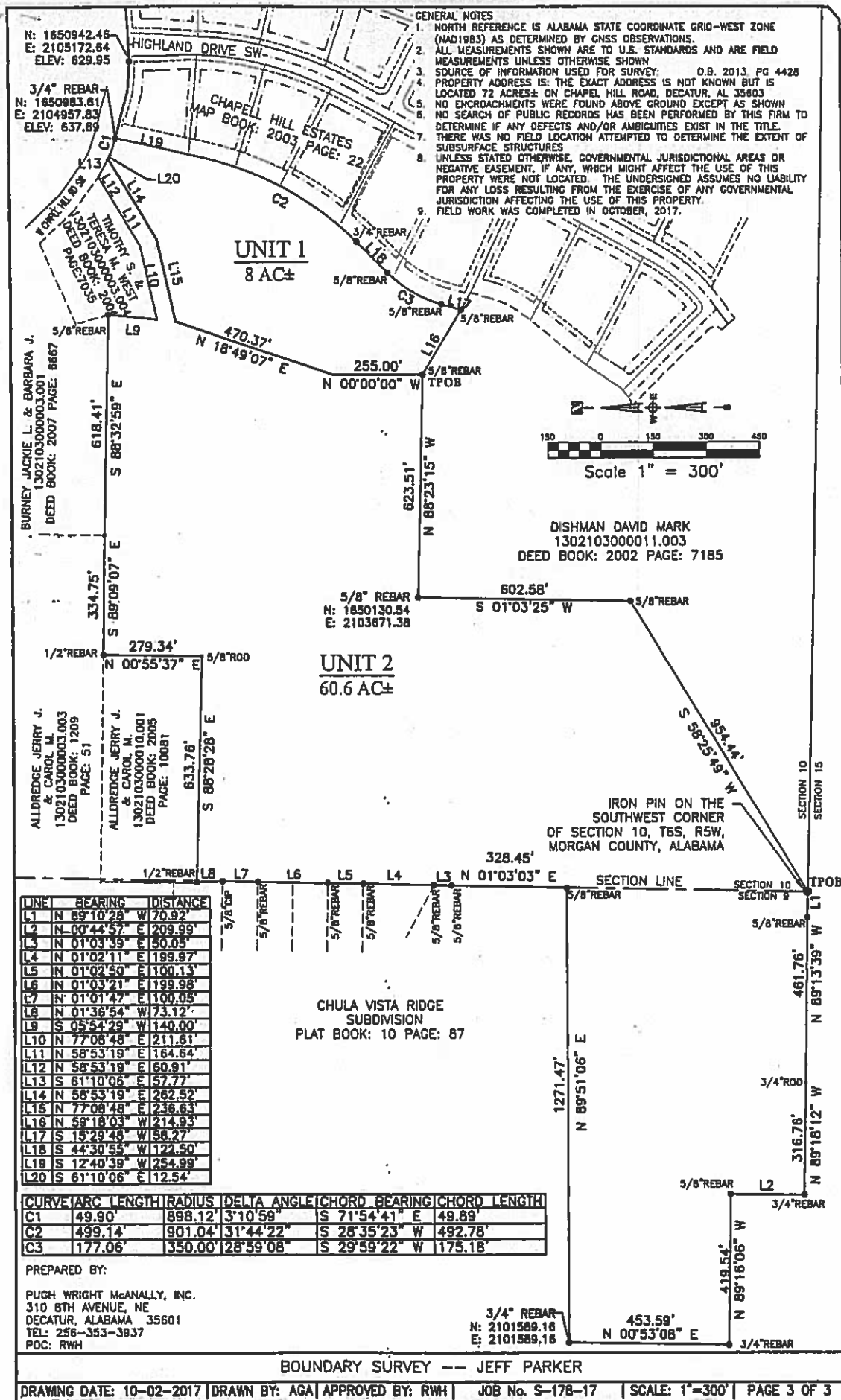
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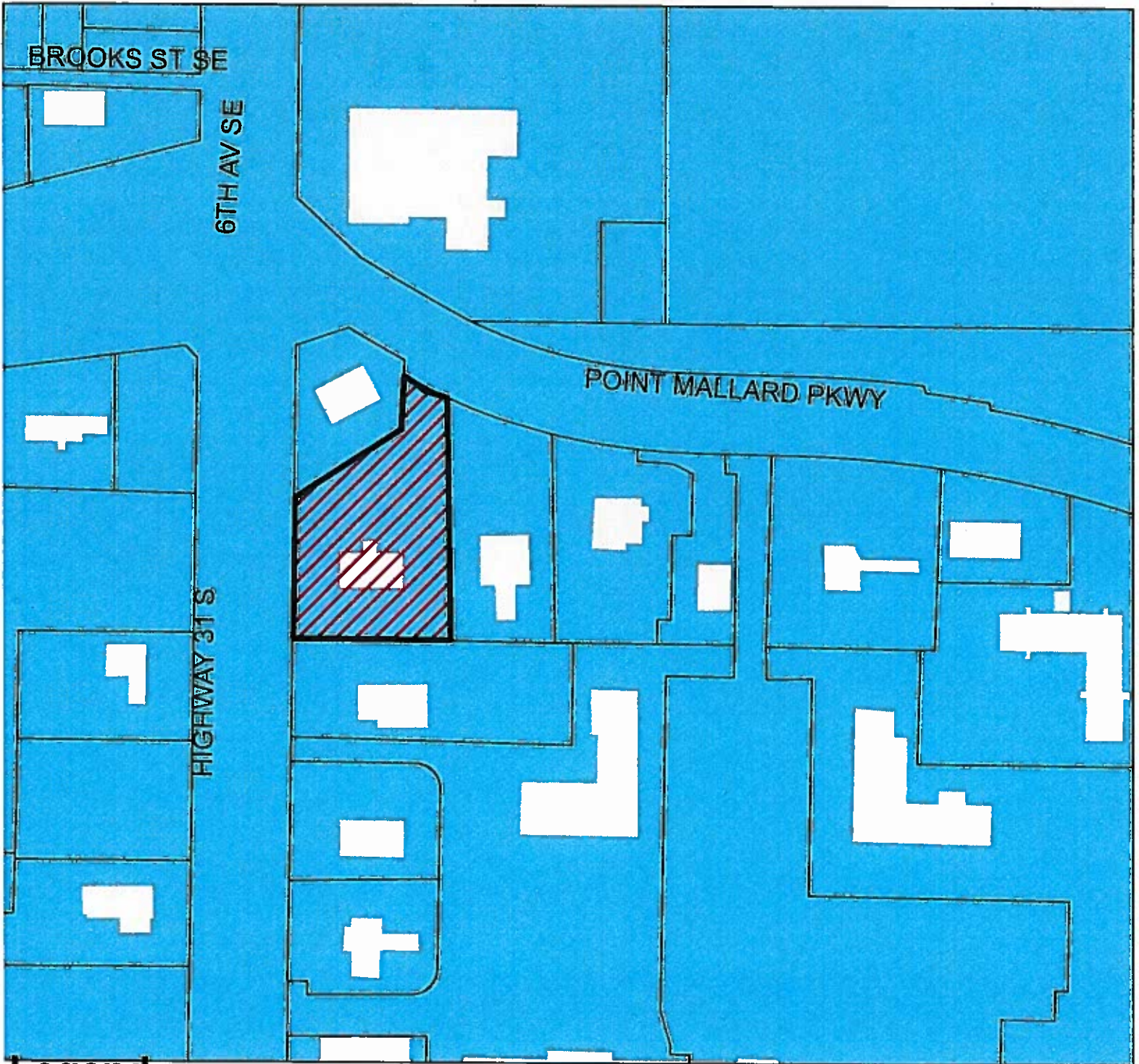
CERTIFICATE TO SUBDIVIDE -- JEFF PARKER

DRAWING DATE: 10-02-2017 | DRAWN BY: AGA | APPROVED BY: RWH | JOB No. D-177-17 | SCALE: 1"=300' | PAGE 3 OF 3





CERTIFICATE TO SUBDIVIDE NO. 3369-17



SITE PLAN NO. 559-17



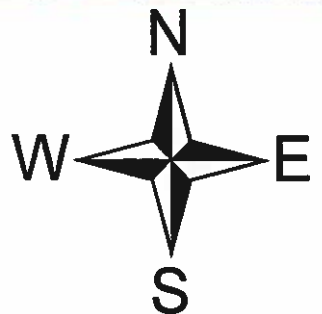
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-  Ownership
-  Buildings
-  Corporate Limits
-  **SUBJECT PROPERTY**

LOCATION MAP

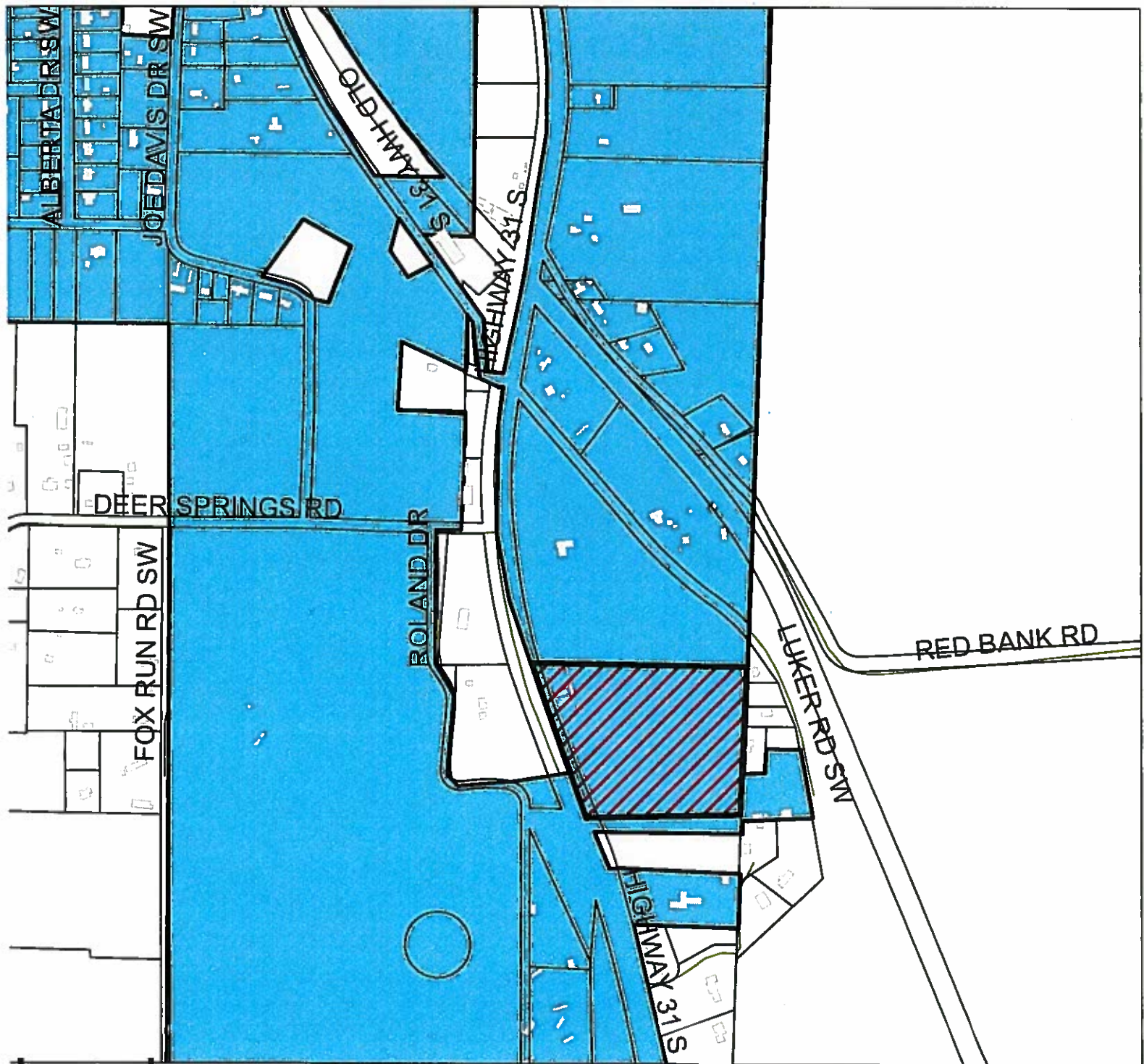
APPLICANT: CHICK-FILL-A INC.

PROPERTY ZONED B-2







DRAWING NOT TO SCALE

SITE PLAN NO. 561-17



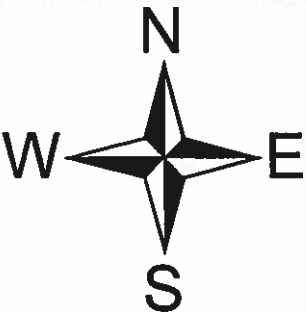
Legend

-  Ownership
-  Buildings
-  Corporate Limits
-  SUBJECT PROPERTY

LOCATION MAP

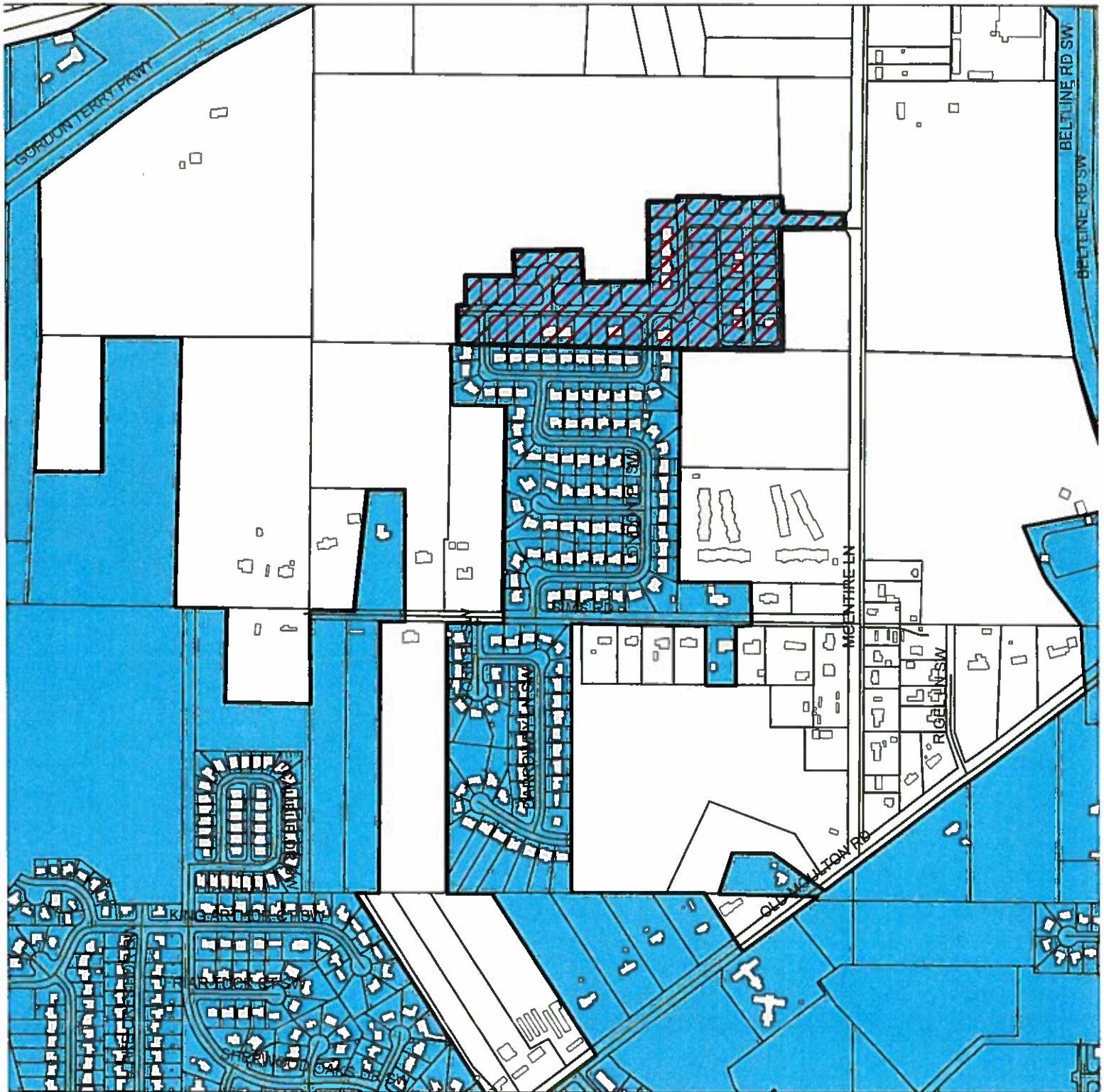
APPLICANT: WAVAHO LAND CORP.

PROPERTY ZONED M-1



DRAWING NOT TO SCALE

BOND REVIEW - WINDSOR PLACE




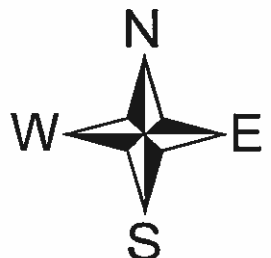
LOCATION MAP

APPLICANT: LITRELL DEVELOPMENT, INC.

PROPERTY ZONED - R3 & R5

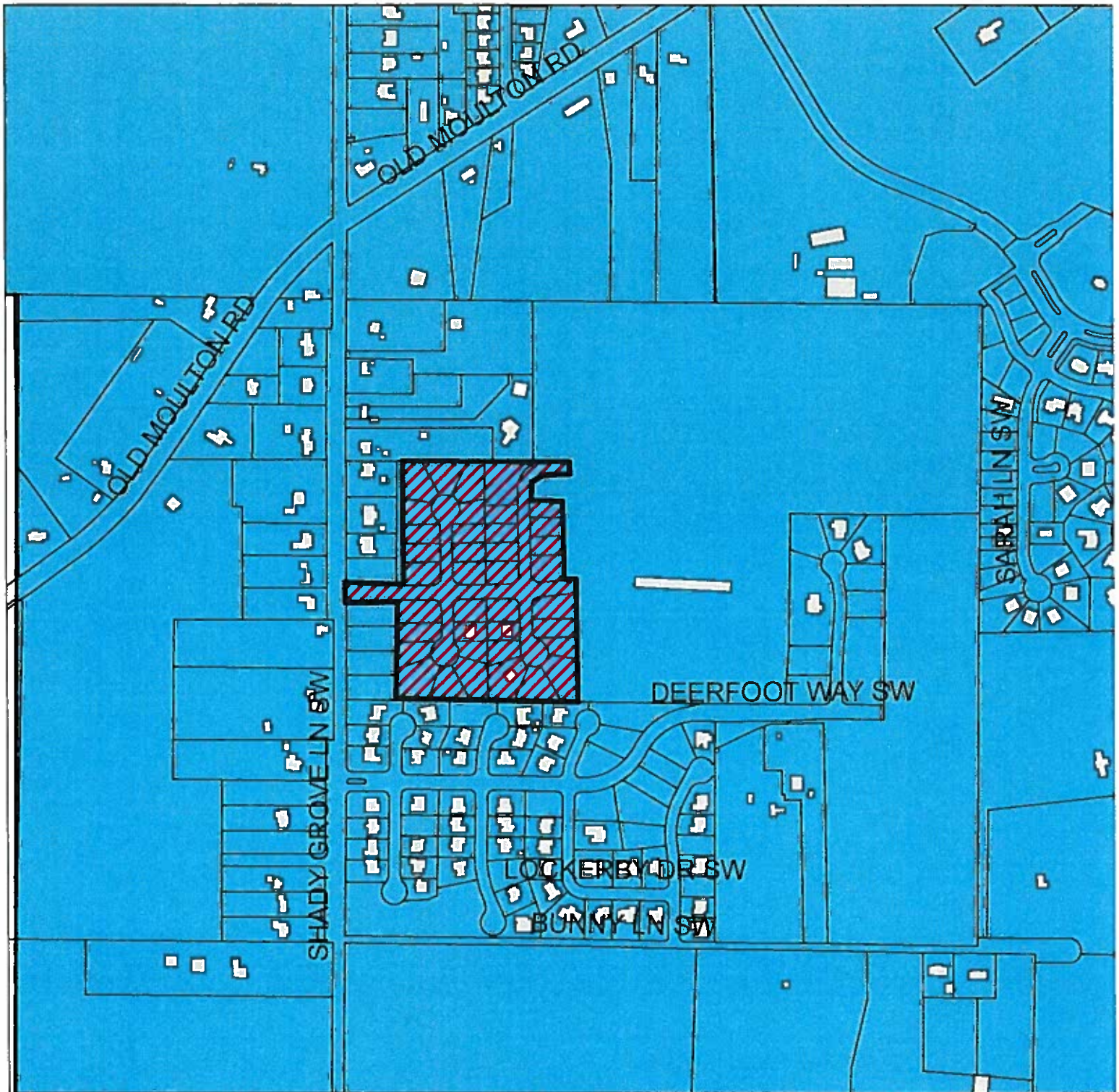
Legend

-  Buildings
-  Corporate Limits
-  SUBJECT PROPERTY







DRAWING NOT TO SCALE

BOND REVIEW PRINCETON PLACE SUBDIVISION



Legend

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

LOCATION MAP

APPLICANT: DANNY HILL

PROPERTY ZONED R-3



DRAWING NOT TO SCALE

VACATION REQUEST NO. 498-17



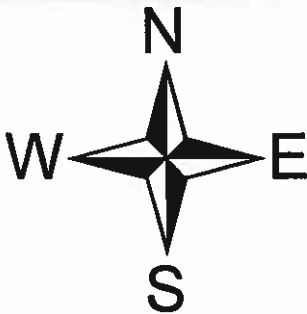
Legend

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

LOCATION MAP

APPLICANT: ALABAMA FARMERS CO OP

PROPERTY ZONED M-2



DRAWING NOT TO SCALE