

MEMORANDUM

DATE: October 17, 2018

TO: Planning Commissioners

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

PLANNING COMMISSION MEETING

October 23, 2018

Pre-meeting – 2:15 p.m. (Annex)

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

Agenda

Planning Commission

City of Decatur, AL

October 23, 2018

Time: 3:15 PM

City Council Chambers

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

1. CALL MEETING TO ORDER

2. APPROVAL OF MINUTES- September 18, 2018; October 10, 2018

3. PUBLIC HEARING

ZONING TEXT AMENDMENTS

PAGE/MAP

A. 242-18

1-2

See attachments labeled #1

B. 243-18

2

See attachments labeled #2

3. CONSENT AGENDA

CERTIFICATES

A. 3422-18

Certificate to Consolidate

(South of Ben Poole Rd. SE and west side of Ruby Pointe Dr. SE)

3-5

B. 3423-18

Certificate to Subdivide

(South of McGlathery Lane SE & west of Veterans Dr. SE)

6-9

SITE PLANS

A. 581-18

(North of Cedar Lake Rd. SW and east side of Sandlin Rd. SW.)

10-11

(see plat)

4. OTHER BUSINESS

VACATION REQUESTS

A. 510-18

(South of Pt. Mallard Dr. SE and west end of Park Terrace SE.)

12-14

5. NEW BUSINESS

A. Res. 006-18 Brunch Bill.

15

See attachments labeled #3

B. Res. 007-18 Adopt PC By-Laws

16

See attachments labeled #4

**STAFF REPORT FOR
PLANNING COMMISSION
ZONING COMMITTEE SEPTEMBER 11, 2018**

FILE NUMBER: ZTA 242-18

CONTROL NO. 7898

ACRES: WHOLE CITY

CURRENT ZONE: NA

NEW ZONE: NA

APPLICANT: CITY OF DECATUR

PROPERTY OWNER/PROPERTY ADDRESS: NA

REQUEST: This is a request to:

1. To amend the separation requirement as it impacts Class 1 restaurants in the B5 zone. Restaurants in a B5 zone can be within 25 feet of a church or a school but class 1 restaurants will be subject to the separation requirement as it exists for establishments selling alcohol in all zoning districts, and
2. Amend the B5 zoning district to add Class 1 restaurants as a use permitted on appeal.

Also being discussed are changes to the definition of restaurant in Chapter 2.5 of the code of Decatur.

1. Amend the definition of restaurant to reduce the food to alcohol ratio from 60% food, 40% alcohol, to at least 50% of the total gross receipts being food. The amendment also clarifies what can be used when calculating the items sold for food. Any consumable items that does not qualify as an alcoholic beverage by Alabama Beverage Control.
2. To add a definition for a Class 1 restaurant that would allow for a restaurant to have at least 25% of the total gross being food.
3. The separation requirement exists in both Chapter 25 and Chapter 2.5 and the same recommendation as it impacts Class 1 restaurants will be recommended here.

CURRENT LANDUSE: N/A

PROPOSED LANDUSE: N/A

ONE DECATUR Future Landuse: N/A

ONE DECATUR STREET TYPOLOGY: N/A

COMMENTS AND RECOMMENDATIONS FROM ZONING COMMITTEE:
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The commission continued the special called meeting with a work session. After a great deal of discussion the commission would like to recommend that the definition for Class 1 Restaurants be changed to at least 30% of the total gross being food. The Zoning committee would like to recommend that the Commission make that recommendation to the City Council. They would like to recommend that the City Council make these proposed changes to chapter 2.5 of the Code of Decatur.

They would also like to recommend the proposed changes to Chapter 25. They would like to recommend that Class 1 restaurants be allowed in the B5 zone as a use permitted on appeal and that Class 1 Restaurants **NOT** be subject to the same separation requirements as restaurants in the B5 zone. In the B5 zone restaurants may be within 25 feet of a church or a school. All types of restaurants in the B5 zone are Uses Permitted on Appeal.

FILE NUMBER: ZTA 243-18

CONTROL NO. 7913

ACRES: WHOLE CITY

CURRENT ZONE: NA

NEW ZONE: NA

APPLICANT: CITY OF DECATUR

PROPERTY OWNER/PROPERTY ADDRESS: NA

REQUEST: This request is to amend the AG2 requirements to make provisions to allow for the manufacture of table wine and related authorized uses.

CURRENT LANDUSE: N/A

PROPOSED LANDUSE: N/A

ONE DECATUR Future Landuse: N/A

ONE DECATUR STREET TYPOLOGY: N/A

COMMENTS AND RECOMMENDATIONS FROM ZONING COMMITTEE:
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The Zoning Committee would like to recommend that the proposed AG2 amendment include a size requirements of at least 5 acres being dedicated to the growing of grapes.

RESOLUTION TO ASK COUNCIL TO TAKE STEPS TO AMEND HOURS OF SUNDAY SALES TO REFLECT BRUNCH BILL.

CONSENT AGENDA

STAFF REPORT FOR PLANNING COMMISSION October 16, 2018

FILE NUMBER: Certificate to Consolidate 3422-18

CONTROL NO. 7909

ACRES: .50 acres

CURRENT ZONE: R-3, SF Residential

NEW ZONE:

APPLICANT: Lee Y. Greene & Associates, Inc. for Laura Cannon

PROPERTY OWNER/PROPERTY ADDRESS: South of Ben Poole Rd. SE and west side of Ruby Pointe Dr. SE

REQUEST: Consolidate Lots 15 & 16 of Crown Pointe Subdivision, Addition No. 4

CURRENT LANDUSE: Single family residential

PROPOSED LANDUSE: Same

ONE DECATUR Future Landuse: Residential Low Density

ONE DECATUR STREET TYPOLOGY: Local

COMMENTS AND RECOMMENDATIONS FROM THE TECHNICAL REVIEW COMMITTEE:

Recommend approval with the following conditions:

1. Payment of recording fees
2. Provide State Plane Coordinates on survey
3. Vacate 5' dut easement along each side of all side lot lines (see plat note #1 on Crown Pt. Add. 4)
4. Verify or dedicate a 10' easement along the north property line for the sewer

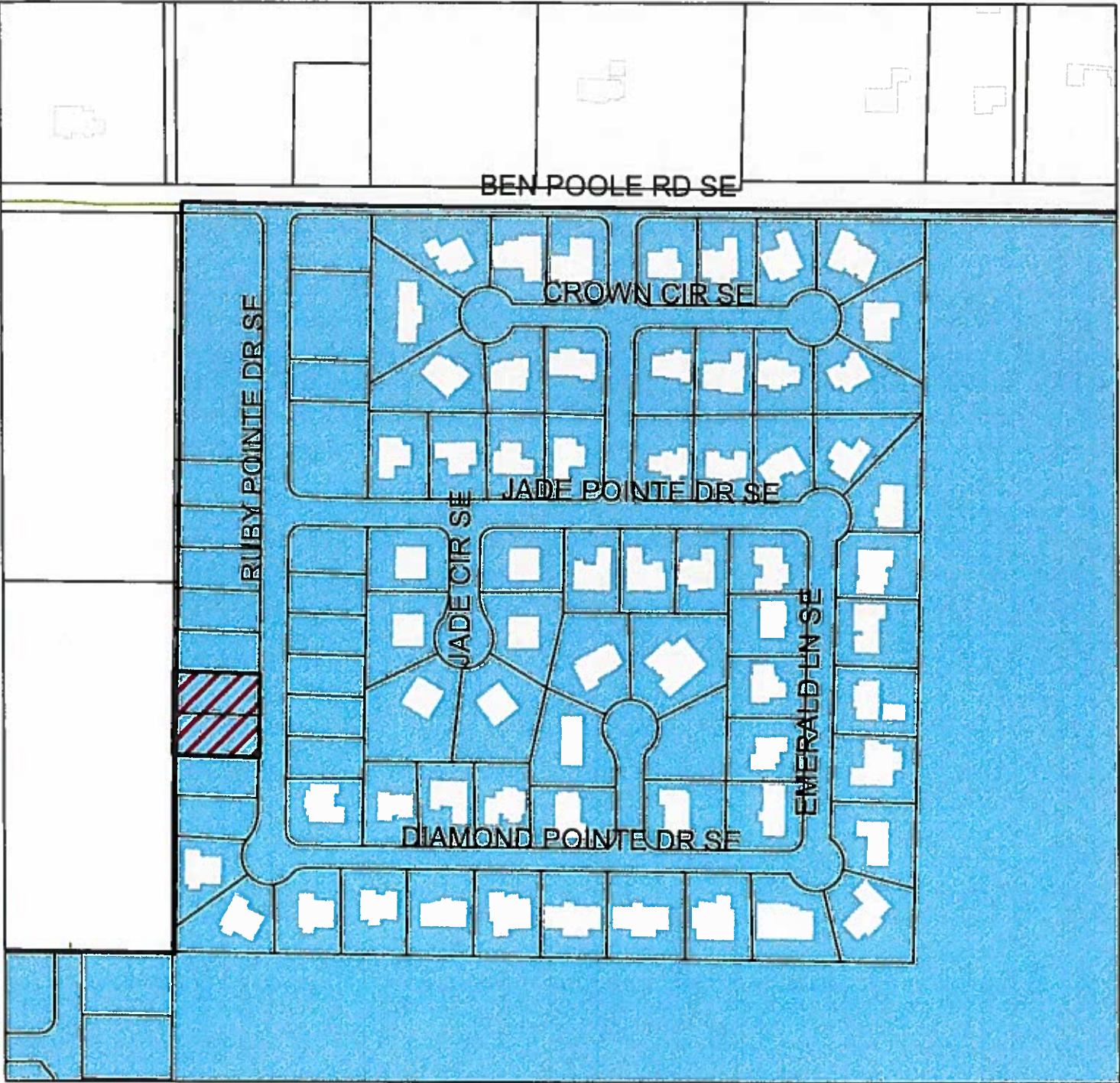
Pt. of Info: Any relocation of utilities will be at the owner's expense.

COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:

Prepared by: Hannah Pearson

Date: October 9, 2018

CERTIFICATE TO CONSOLIDATE NO. 3422-18



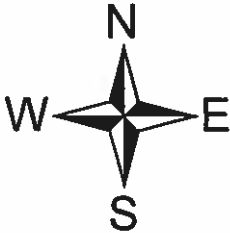
LOCATION MAP

Legend

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

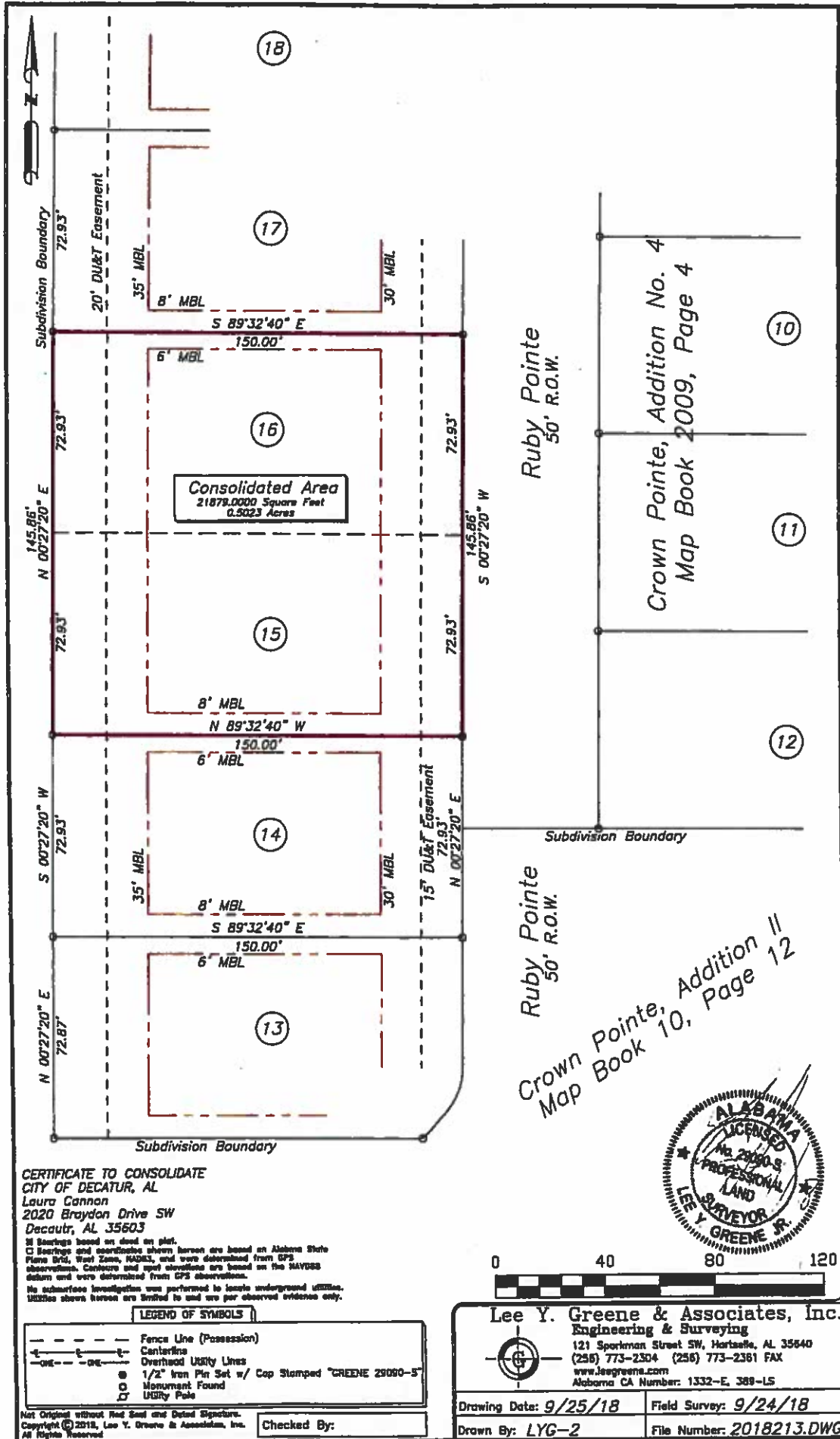
APPLICANT: LAURA CANNON

PROPERTY ZONED R-3



DRAWING NOT TO SCALE

CERTIFICATE TO CONSOLIDATE NO.3422-18



CERTIFICATE TO CONSOLIDATE
CITY OF DECATUR, AL
Laura Cannon
2020 Braydon Drive SW
Decatur, AL 35603

All bearings based on deed on plot.
All bearings and coordinates shown herein are based on Alabama State Plane 83rd, 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.
No subsurface investigation was performed to locate underground utilities. Utilities shown herein 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/ Cap Stamped "GREENE 25080-S"
- Monument Found
- Utility Pole

Not Original without Red Seal and Dated Signature.
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Checked By:

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121 Sparkman Street SW, Hartsville, AL 35640
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www.leeagreene.com
Alabama CA Number: 1332-E, 389-LS

Drawing Date: 9/25/18

Field Survey: 9/24/18

Drawn By: LYG-2

File Number: 2018213.DWG

**STAFF REPORT FOR
PLANNING COMMISSION
October 16, 2018**

FILE NUMBER: Certificate to Subdivide 3423-18

CONTROL NO. 7910

ACRES: 26.60 acres

CURRENT ZONE: M-2, General Industry

NEW ZONE:

APPLICANT: Pugh, Wright, McAnally for Willo Products

PROPERTY OWNER/PROPERTY ADDRESS: South of McGlathery Lane SE & west of Veterans Dr. SE

REQUEST: Subdivide 26.60 acres into two tracts of 2.67 acres and 23.93 acres

CURRENT LANDUSE: General Industry

PROPOSED LANDUSE: Same

ONE DECATUR Future Landuse: Flex Employment Center

ONE DECATUR STREET TYPOLOGY: City Connector

COMMENTS AND RECOMMENDATIONS FROM THE TECHNICAL REVIEW COMMITTEE:
--

Recommend approval with the following conditions:

1. Provide copy of deed showing property ownership
2. Payment of recording fees
3. Provide stamped and sealed survey for recording
4. Show State Plane Coordinates on the survey
5. Extend sewer to both properties
6. Dedicate a 15' electrical easement and a 15' gas easement on the south side of the office building

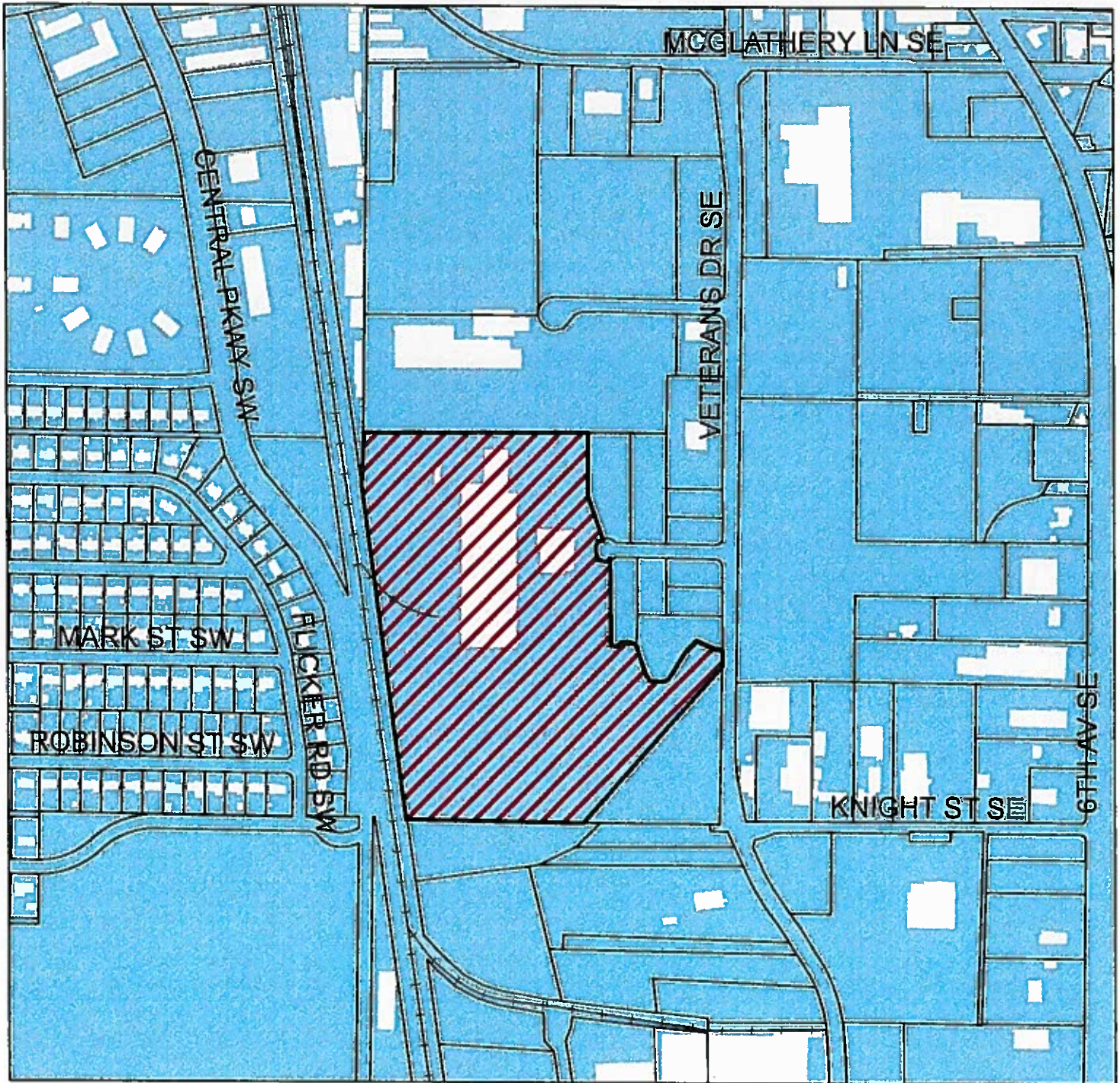
Pt. of Info: (1) Any relocation of utilities will be at the owner's expense. (2) No further subdivision of Tract 2 without access to a public ROW.

COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:

Prepared by: Hannah Pearson

Date: October 9, 2018

CERTIFICATE TO SUBDIVIDE NO. 3423-18



LOCATION MAP

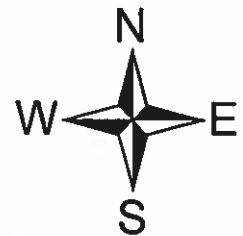
APPLICANT: WILLO PRODUCTS CO. INC

Legend

-  Ownership
-  Buildings
-  Corporate Limits

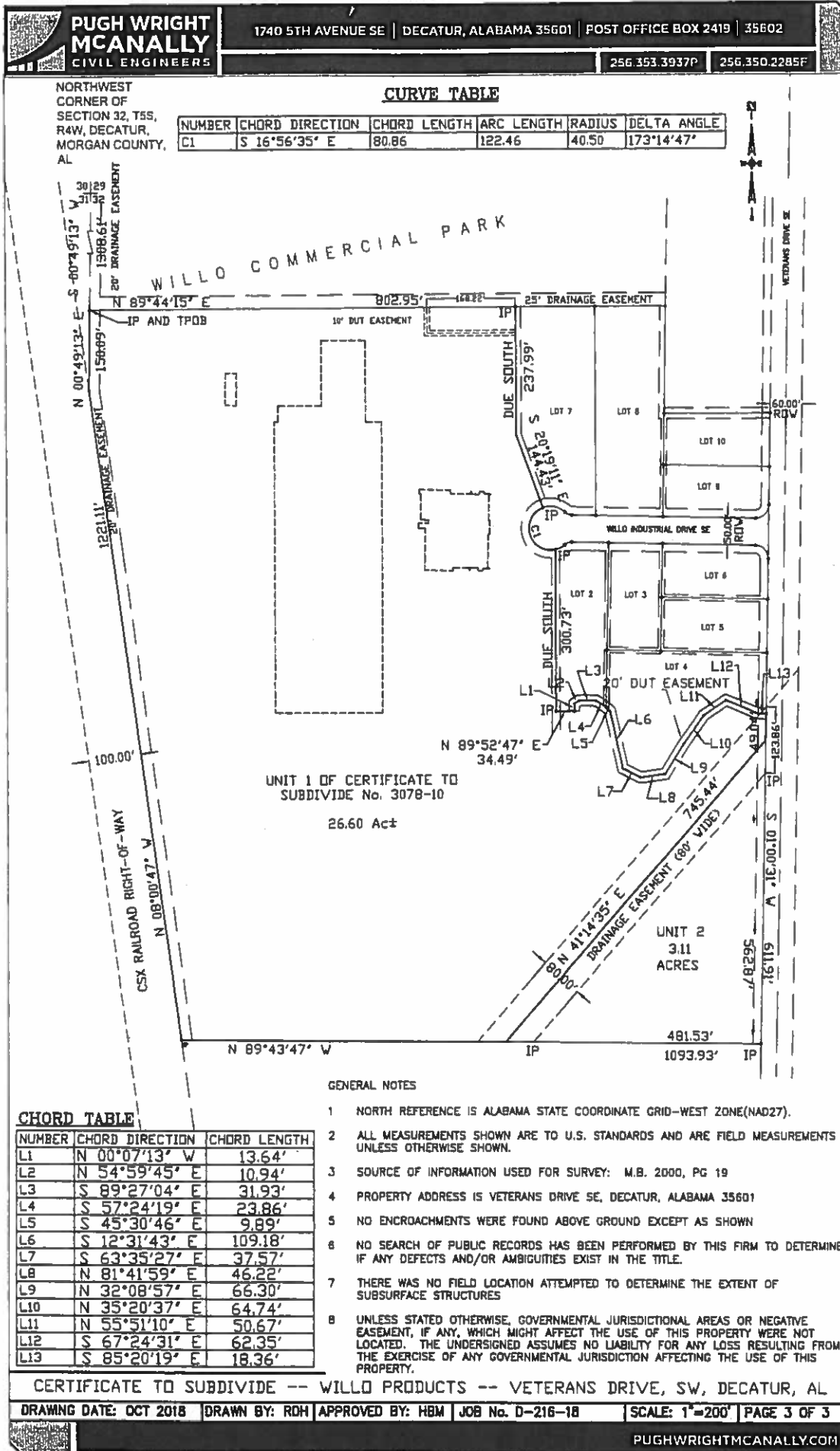
 **SUBJECT PROPERTY**

PROPERTY ZONED M-2

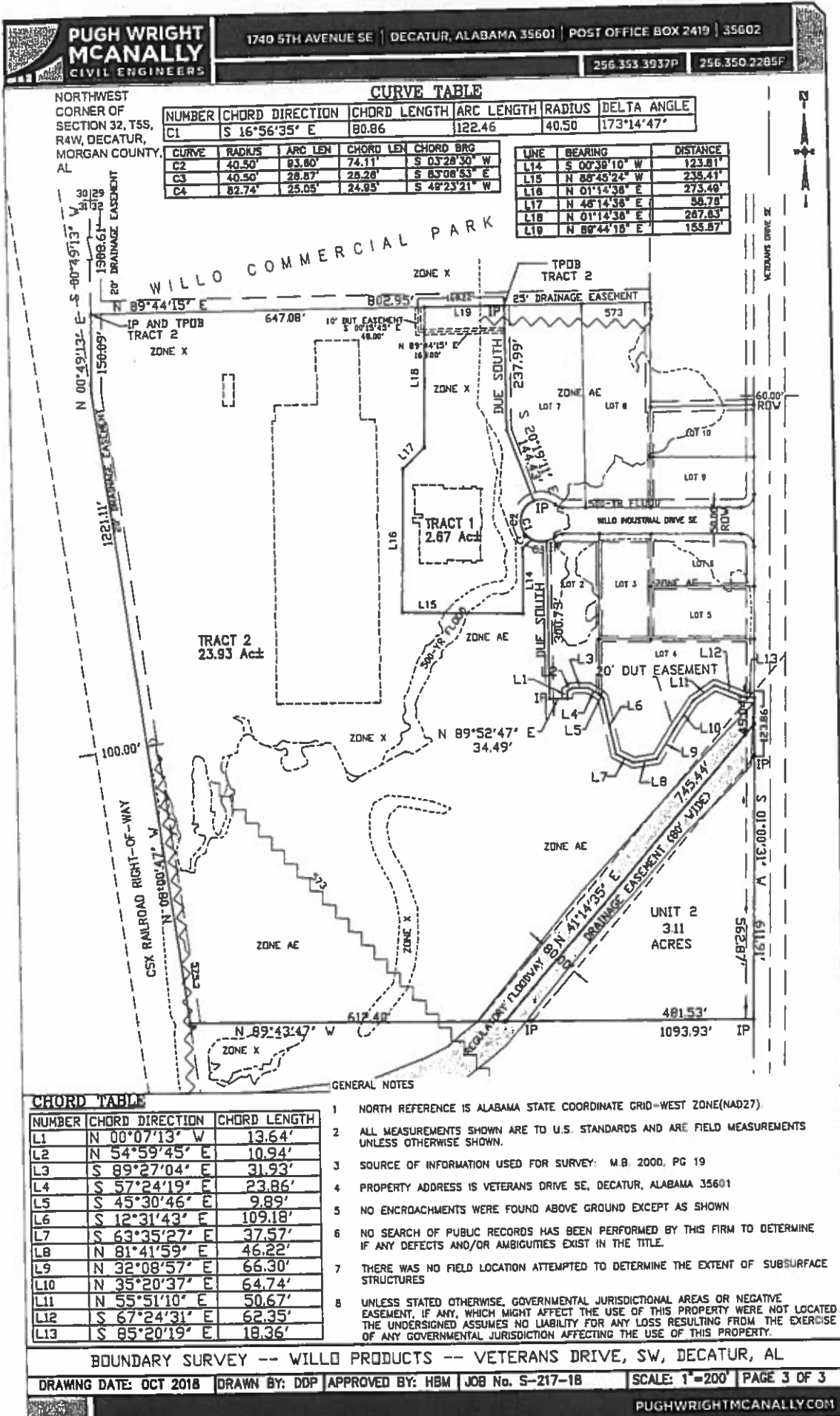


DRAWING NOT TO SCALE

CERTIFICATE TO SUBDIVIDE NO.3423-18



CERTIFICATE TO SUBDIVIDE NO.3423-18



**STAFF REPORT FOR
PLANNING COMMISSION
October 16, 2018**

FILE NUMBER: Site Plan 581-18

CONTROL NO. 7912

ACRES: Approx .87

CURRENT ZONE: AG-1, Agricultural

NEW ZONE:

APPLICANT: Pugh, Wright, McAnally for ICD, Inc.

PROPERTY OWNER/PROPERTY ADDRESS: North of Cedar Lake Rd. SW and east side of Sandlin Rd. SW

REQUEST: Site plan review for the construction of a mosque

CURRENT LANDUSE: Residential, medium high density

PROPOSED LANDUSE: mosque

ONE DECATUR Future Landuse: Residential, medium high density

ONE DECATUR STREET TYPOLOGY: Local

COMMENTS AND RECOMMENDATIONS FROM THE TECHNICAL REVIEW COMMITTEE:
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Recommend approval with the following conditions: None

Pt. of Info: (1) Any relocation of utilities will be at the owner's expense. (2) Frontage or foundational landscaping will be required.

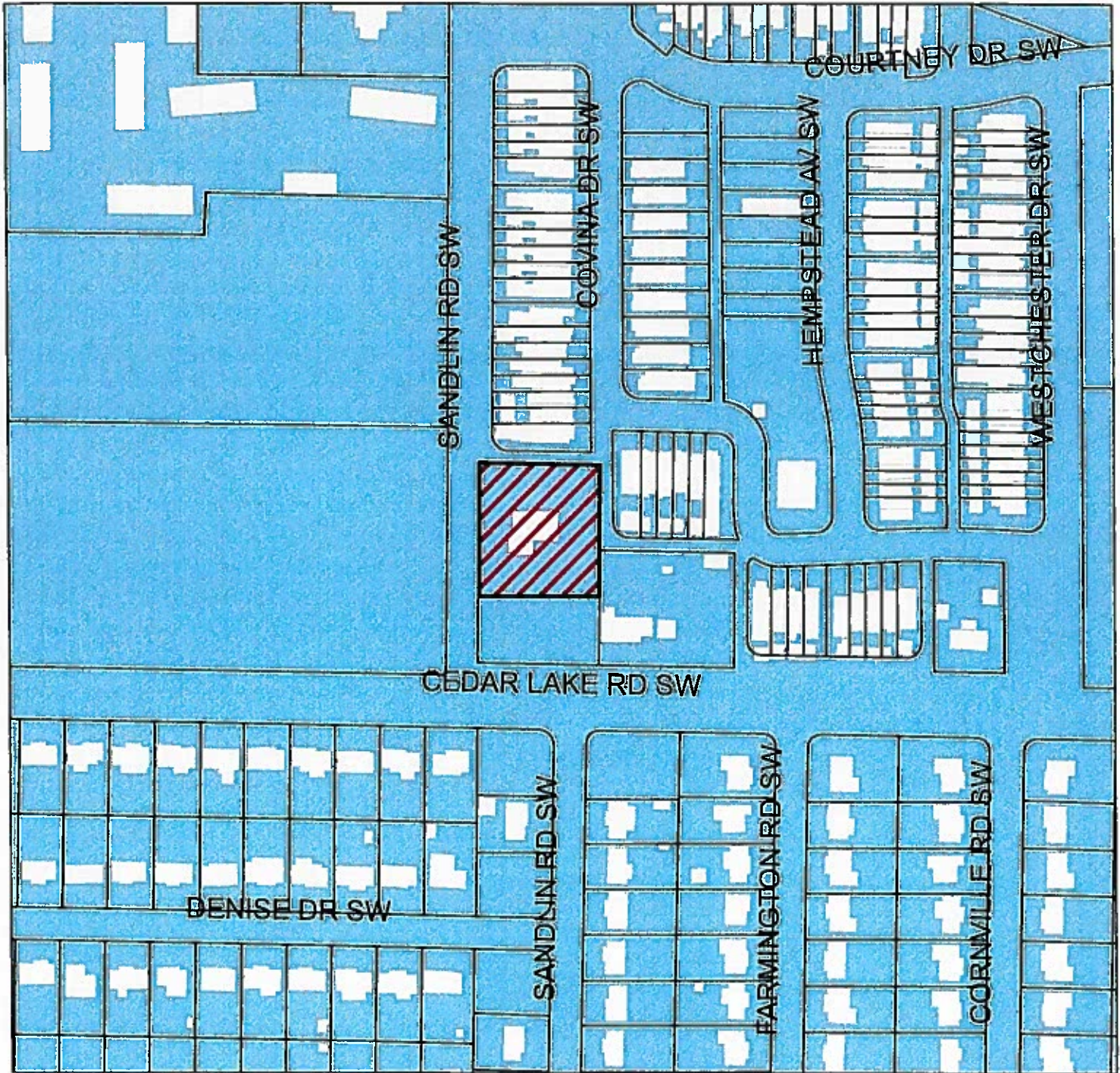
COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:

END CONSENT AGENDA

Prepared by: Hannah Pearson

Date: October 9, 2018

SITE PLAN NO. 581-18



LOCATION MAP

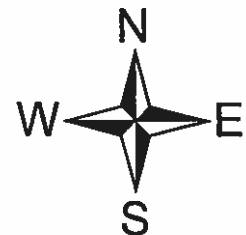
APPLICANT: SAM MOZEB FOR ICD, INC

Legend

-  Ownership
-  Buildings
-  Corporate Limits

 **SUBJECT PROPERTY**

PROPERTY ZONED AG-1



DRAWING NOT TO SCALE

OTHER BUSINESS

STAFF REPORT FOR PLANNING COMMISSION October 16, 2018

FILE NUMBER: **Vacation Request 510-18**

CONTROL NO. 7911

ACRES: .02 acres

CURRENT ZONE: R-5, Patio Homes

NEW ZONE:

APPLICANT: Lee Y. Greene & Associates for Ricky McCurry Homebuilders, Inc.

PROPERTY OWNER/PROPERTY ADDRESS: South of Pt. Mallard Dr. SE and west end of Park Terrace SE

REQUEST: Vacate the east two feet (2') of the west 10' du&t easement on Lot 20, Park Place Add No. 7

CURRENT LANDUSE: Residential, Medium Density

PROPOSED LANDUSE: Same

ONE DECATUR Future Landuse: Residential, Medium High Density

ONE DECATUR STREET TYPOLOGY: Local

COMMENTS AND RECOMMENDATIONS FROM THE TECHNICAL REVIEW COMMITTEE:

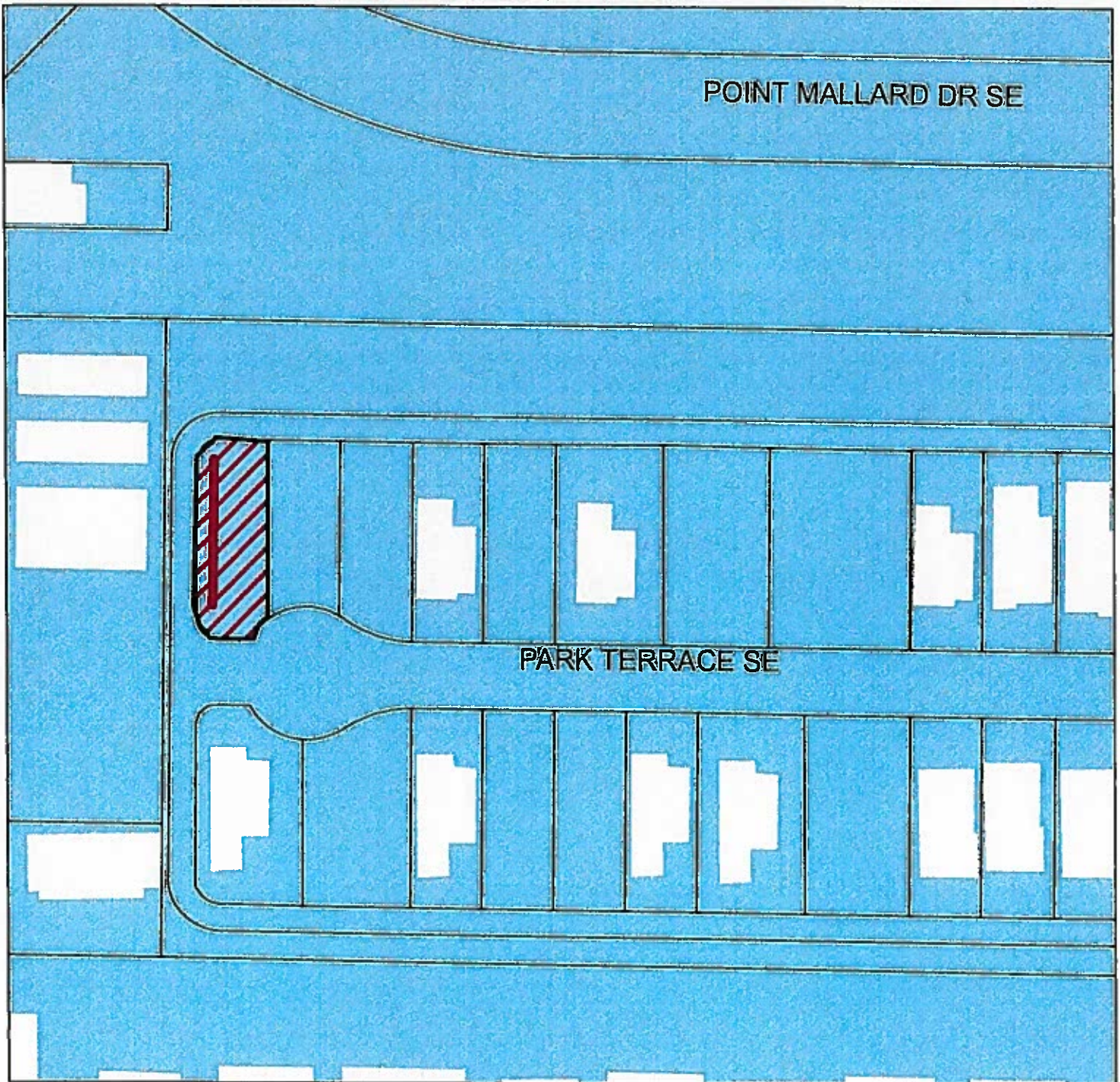
Recommend approval with the following conditions:

1. Call utility locator to locate underground electric line and mark location with survey stakes. The underground electric line must be outside the 2' to be vacated.
2. Payment of recording fees

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

COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:

VACATION REQUEST NO.510-18



LOCATION MAP

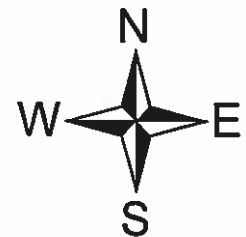
Legend

-  Ownership
-  Buildings
-  Corporate Limits

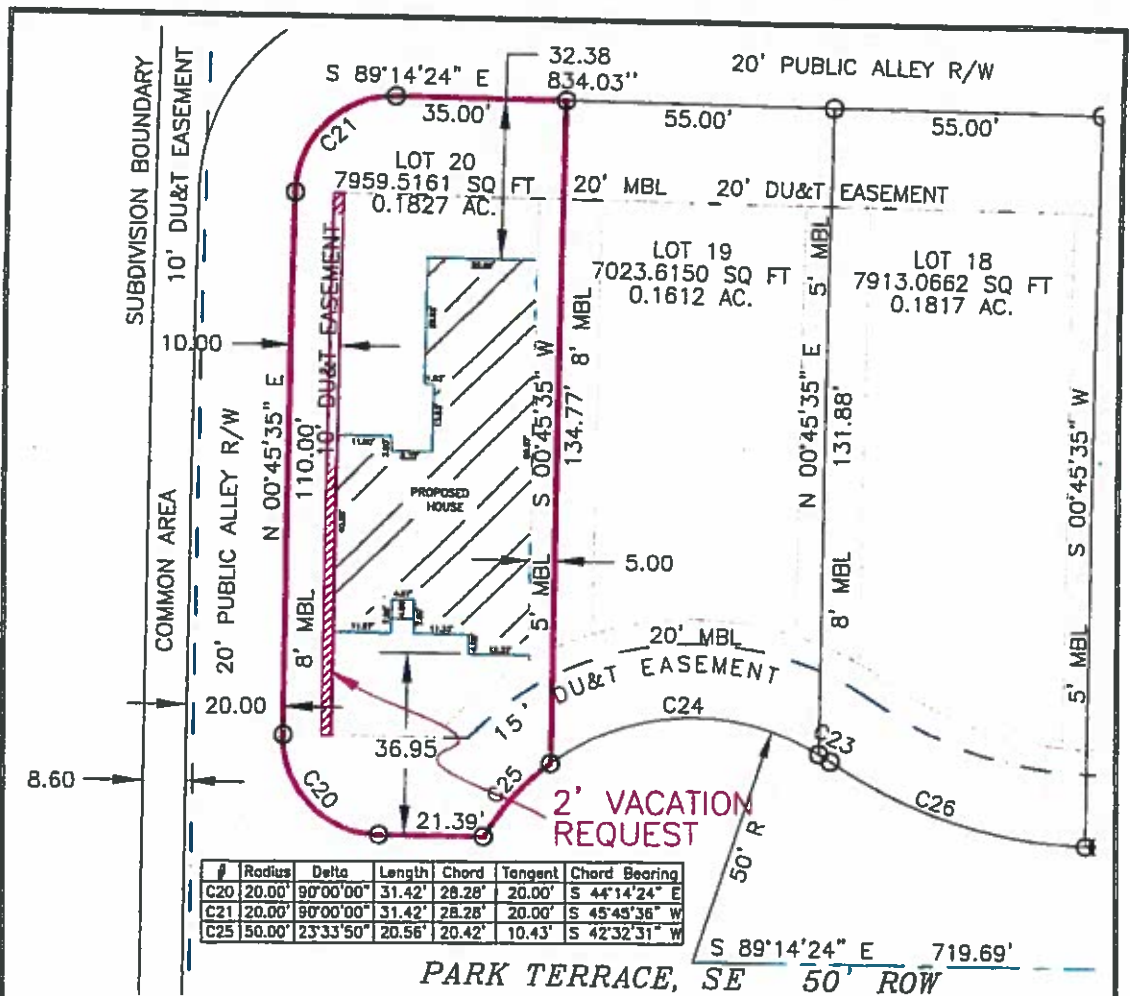
 **SUBJECT PROPERTY**

**APPLICANT: RICKY McCURRY
HOMEBUILDERS, INC**

PROPERTY ZONED R-5



DRAWING NOT TO SCALE



STATE OF ALABAMA)
MORGAN COUNTY)

I, Lee Y. Greene, Jr., a Registered Professional Engineer and Land Surveyor of Hartselle, Alabama hereby certify that all parts of this survey have been completed in accordance with the requirements of the Standards of Practice for Land Surveying in the State of Alabama, and that the foregoing is a true and correct plat or map of the following real estate, to-wit:

Lot 20, Park Place, Addition No. 7, Decatur, Morgan County, Alabama as shown by map or plat of said subdivision file and of record in the Office of the Judge of Probate of Morgan County, Alabama in Plat Book 2000 at Page 47.

I further certify that there are no encroachments by buildings on the adjoining property; and that there are no right-of-way, easements, or joint driveways over or across said land visible on the surface of the ground; there are no electric or telephone wires (excluding wire which serves the premises only) or structures of supports thereof including poles, anchors and guy wires on or over said premises, except as shown.

Subsurface and environmental conditions were not surveyed or examined or considered as part of the survey. No evidence or statement is made concerning the existence of underground or overhead conditions, containers, facilities, or any historical or cultural resources that may affect the use or development of this property. The professional surveyor has made no investigation of independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose. In providing this boundary survey, no attempt has been made to obtain or show data concerning existence, size, depth, condition, capacity or location of any utility existing on site, whether private or public owned. According to my survey this the 28th day of August, 2018.



☐ Bearings based on deed on plot.
☐ Bearings and coordinates shown herein 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.
No subsurface investigation was performed to locate underground utilities. Utilities shown herein 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/ Cap Stamped "GREENE 29090-S"
	Monument Found
	Utility Pole

Not Original without Red Seal and Dated Signature.
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www.leeagreene.com
Alabama CA Number: 1332-E, 389-LS

Drawing Date: 8/30/18	Field Survey: 8/30/18
Drawn By: TAS	File Number: 2018238.dwg

**STAFF REPORT FOR
PLANNING COMMISSION**

NEW BUSINESS

FILE NUMBER: Resolution # 006-18

CONTROL NO. 7914

ACRES: NA

CURRENT ZONE: NA

NEW ZONE: NA

APPLICANT: Downtown redevelopment and Downtown Merchants Association

PROPERTY OWNER/PROPERTY ADDRESS: NA

REQUEST: A resolution to ask the Council to take the necessary steps to change the Sunday Sales requirements in Decatur

CURRENT LANDUSE: NA

PROPOSED LANDUSE: NA

ONE DECATUR Future Landuse: NA

ONE DECATUR STREET TYPOLOGY: NA

COMMENTS AND RECOMMENDATIONS FROM ZONING COMMITTEE:
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Recommend: Approval

COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:

FILE NUMBER: Resolution # 007-18

CONTROL NO. 7915

ACRES: NA

CURRENT ZONE: NA

NEW ZONE: NA

APPLICANT: Planning Department

PROPERTY OWNER/PROPERTY ADDRESS: NA

REQUEST: To amend and adopt the By Laws of the Planning Commission to make the following changes:

1. Change the start time of the meetings to 3:30,
2. Change the order of business to reflect the Consent agenda procedures,
3. To establish a yearly review of the Comprehensive Plan,
4. To adjust the jurisdiction of the Subdivision Regulations to be the same at the Police Jurisdiction,
5. To change the name of the Subdivision Committee to the Technical Review Committee,
6. To adjust the membership of the Technical Review Committee in include new departments,
7. To clarify the third member of the Zoning Committee,
8. To change the election dates of Planning Commission officers to be January 1 and the establish a yearly review of the By Laws by the Commission.

CURRENT LANDUSE: NA

PROPOSED LANDUSE: NA

ONE DECATUR Future Landuse: NA

ONE DECATUR STREET TYPOLOGY: NA

COMMENTS AND RECOMMENDATIONS FROM TECHNICAL REVIEW COMMITTEE AND ZONING COMMITTEE:

Recommend approval: These amended by laws better reflect how business is currently being done by the Planning Commission. They also make a provision for yearly review of the by laws to better reflect how the Planning Commission operates.

COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION: