

## **MEMORANDUM**

**DATE:** January 15, 2019

**TO:** Planning Commissioners

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

### **PLANNING COMMISSION MEETING**

**January 22, 2019**

**Pre-meeting – 1:15 p.m. (Annex)**

**Meeting – 3:30 p.m. (Council Chambers)**

# Agenda Planning Commission

City of Decatur, AL

January 22, 2019

Time: 3:30 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**; **Forrest Temple**

## 1. CALL MEETING TO ORDER

## 2. APPROVAL OF MINUTES- December 18, 2018

## 3. PUBLIC HEARING

| ZONINGS    |   | PAGE/MAP |
|------------|---|----------|
| A. 1320-19 | (South of Bibb Garrett Rd. west of I65 in Limestone County) | 1-7      |
| A. 1321-19 | (North of 8th ST SW west side of Hoover Lane SW)            | 8-9      |

## 3. CONSENT AGENDA

### CERTIFICATES

|            |   |       |
|------------|---|-------|
| A. 3432-19 | Certificate to Subdivide<br>(South of Bibb Garrett Rd. and west of I-65)            | 10-13 |
| B. 3433-19 | Certificate to Subdivide<br>(North of Chapel Hill Rd. SW & west of Danville Rd. SW) | 14-16 |

## 4. OTHER BUSINESS

### VACATION REQUESTS

|           |  |       |
|-----------|--|-------|
| A. 513-19 | (South of Ben Poole Rd. SE and west of Ruby Pointe Dr. SE) | 17-19 |
|-----------|--|-------|

**STAFF REPORT FOR  
ZONING COMMITTEE JANUARY 15, 2019**

**PUBLIC HEARING**

**FILE NUMBER: ZONING 1320-19**

**CONTROL NO. 7933**

**ACRES: 27.35 ACRES**

**CURRENT ZONE: AG 2**

**NEW ZONE: M1**

**APPLICANT: PUGH WRIGHT REPRESENTING WG PEEBLES AND JOHN BRENT PEEBLES**

**PROPERTY OWNER/PROPERTY ADDRESS: South of Bibb Garrett Rd. west of I65 in Limestone County**

**REQUEST: To rezone a 27.35 acre tract from AG2 Agricultural Zone to M1 Light Manufacturing Zone.**

**CURRENT LANDUSE: vacant**

**PROPOSED LANDUSE: Commercial warehouse / Distribution**

**ONE DECATUR Future Landuse: Flex Employment**

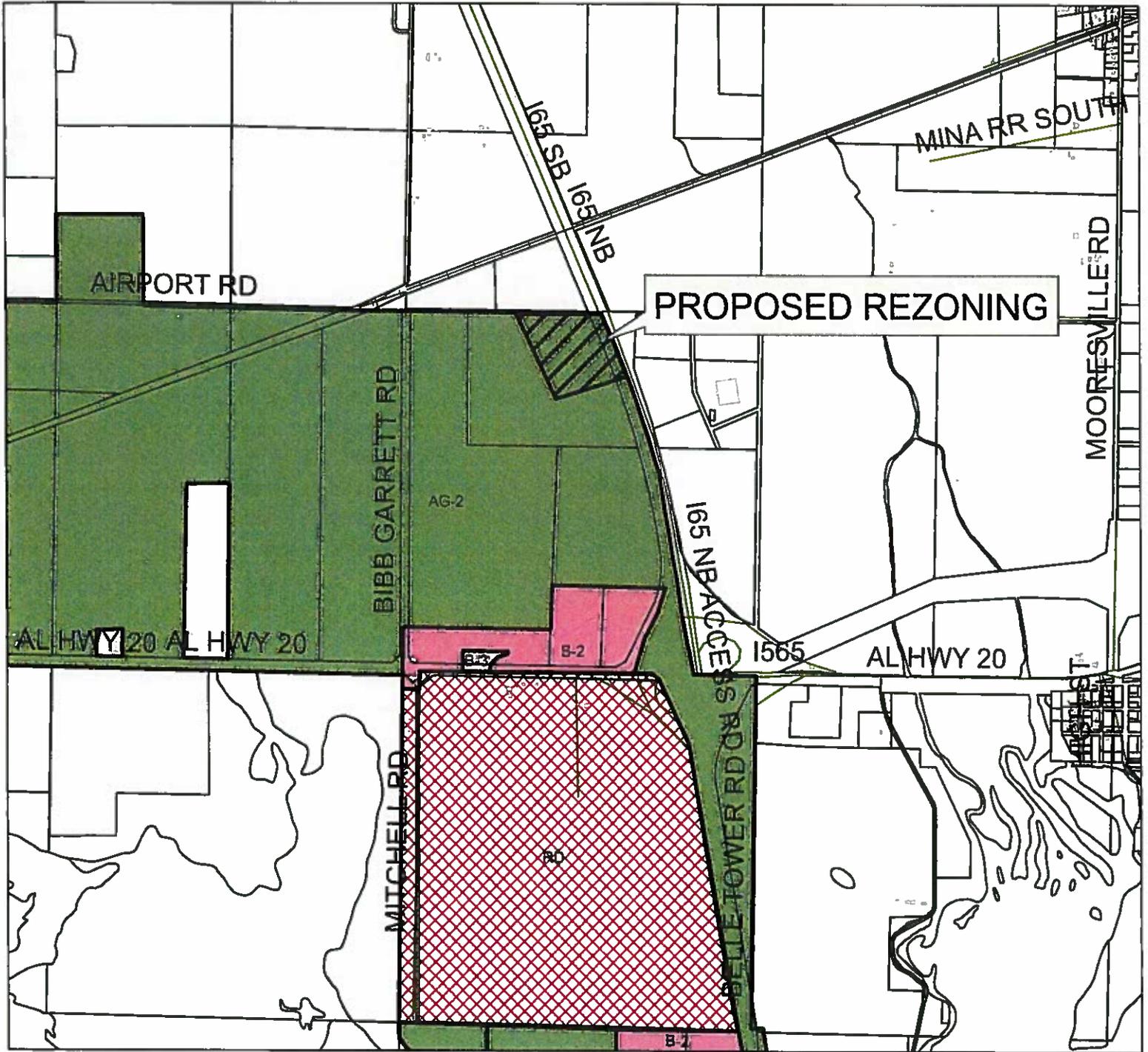
**ONE DECATUR STREET TYPOLOGY: Work Horse / Interstate**

**COMMENTS AND RECOMMENDATIONS FROM ZONING COMMITTEE:**

The Zoning Committee and the Planning Department recommend approval of this request. It does comply with the One Decatur Flex Employment Description. "Flex Employment includes an array of modern, low-impact industrial uses that includes assembly and processing, warehousing and distribution ...." The proposed use on this site will be for warehousing and distribution.

**As a point of information** the zoning committee recommends that the requirements of the traffic study submitted with this request be met prior to releasing the site plan and that the site plan include design plans that show landscaping treatments, façade improvement and façade articulation to avoid long blank wall planes.

# REZONING REQUEST NO.1320-19 FROM AG-2 TO M-1 27.35 ACRES



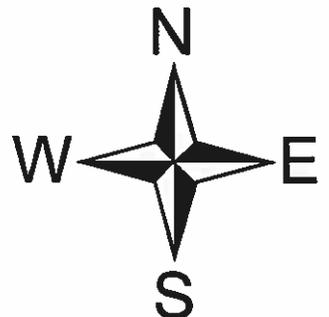
## LOCATION MAP

### Legend

-  Buildings
-  Ownership
-  SUBJECT PROPERTY

**APPLICANT: W. G. PEEBLES AND  
JOHN B. PEEBLES**

**PROPERTY ZONED AG-2**



**DRAWING NOT TO SCALE**

| CODE SECTION                 | AG2   | M1   |
|------------------------------|---|--|
| <p><b>USES PERMITTED</b></p> | <p><b>AG2</b></p> <p><i>Uses permitted:</i> All uses permitted and regulated in an AG-1 agricultural district.</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><b>AG1</b></p> <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><b>ALL RESIDENTIAL DISTRICTS</b></p> <p>There is hereby created an "R" Residential District (Residential) for those areas so</p> | <p><i>Uses permitted:</i> Off premises sale of alcoholic beverages; clubs; and 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, light industrial operations, not obnoxious, offensive, or detrimental to neighborhood property by reason of dust, smoke, vibration, noise, odor, effluence, or appearance (i.e. ice cream plants and creameries; cold storage plants; ice plants; bottling and central distribution plants; warehouses; dry cleaners and laundries). Any retail or wholesale business or service not specifically restricted or prohibited.</p> |

| CODE SECTION                           | AG2  | M1   |
|--|--|--|
|  | <p>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</p> <p style="text-align: center;"><b>R1</b></p> <p>There is hereby created an R-1 Residential District for those areas so designated by this chapter and the zoning map of the city, which R-1 Districts shall allow: Single-family dwellings (See also regulations common to all "R" Districts, listed in section 25-10).</p> |  |
| <p><b>USES PERMITTED ON APPEAL</b></p> | <p><b>AG2</b><br/> <i>Uses permitted on appeal:</i> Manufacturing, storage and processing of natural resources indigenous to Decatur, roadside stands, provided no part of the structure of good display encroaches upon a public right-of-way or dedicated street, livestock sales, event venues, antique or craft shop and any use permitted on appeal in an AG-1 Agricultural District and subject to the same requirements and conditions set forth for the uses permitted on appeal in AG-1 Agricultural District, when these uses, in the opinion of the board of zoning adjustment will not impair an existing or potential future neighborhood and permitted subject to such conditions as the board may require to preserve and protect the</p>   | <p><i>Uses permitted on appeal:</i> Mobile home parks; 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; sale of alcoholic beverages by a manufacturers licensee when duly licensed by the City of Decatur and the Alabama Alcoholic Control Board under and pursuant to the Alcoholic Beverage Licensing Code, as last amended. Any uses permitted or permitted on appeal in an R-4, Residential District and subject to all district requirements of said district as specified in section 25-10, hereof, other than the maximum height provision set forth therein which shall not be applicable.</p> |

| CODE SECTION                  | AG2   | M1  |
|-------------------------------|---|---|
|                               | <p>character of district and otherwise promote the purpose of this chapter.</p> <p><b>AG 1</b><br/> <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 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.</p> |   |
| <p><b>USES PROHIBITED</b></p> | <p><b>AG2</b></p> <p><i>Uses prohibited:</i> Residential, commercial and industrial uses not specifically permitted or permitted on appeal.</p>   | <p><i>Uses prohibited:</i> Slaughterhouse; stockyard; bag cleaning; boiler and tank works; central mixing plant for cement, mortar, plaster and painting materials; curing, tanning or storage of hides; distillation of bones, coal, tar, or wood; fat rendering; forage plants; gasoline storage above ground in excess of five hundred (500) gallons; manufacture of</p> |

COMPARE AG2 TO M1

| CODE SECTION                    | AG2  | M1   |
|---------------------------------|--|--|
|                                 | <p><b>R1</b></p> <p>i. Uses prohibited: Any use not permitted, or permitted on appeal, is prohibited.</p>  | <p>acetylene, acid, alcohol for non-consumption, ammonia, bleaching powder, brick, pottery, terra cotta or tile, cement blocks, candles, disinfectants, dye-stuffs, fertilizers, illuminating or heating gas, including storage of same, paint, turpentine, varnish, soap, and tar products; wool pulling or scouring; junk yards; cotton waste reclaiming; and similar types of plants or operations; Businesses licensed under the Deferred Presentment Services Act and/or, Pawnshop Act and/or, Dealers in Gold or Precious Items Act.</p> |
| <p><b>MINIMUM LOT SIZE</b></p>  | <p><b>AG2</b></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><b>R1</b></p> <p>a. Minimum lot area: Fourteen thousand (14,000) square feet.</p>   | <p><i>Minimum lot size:</i> It is the intent of the section that lots of sufficient size be used for any industrial, service or business use for any industrial, service or business use space in addition to the space required for the other normal operation of the enterprise</p>  |
| <p><b>MINIMUM YARD SIZE</b></p> | <p><b>AG2</b></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><b>R1</b></p> <p>b. Maximum building area: None specified.</p> <p>c. Minimum front yard setback: Forty (40) feet.</p> <p>d. Minimum rear yard setback: Forty-five (45) feet.</p> <p>e. Minimum side yard setbacks: Fifteen (15) feet.</p> <p>f. Minimum feet at building line: One-hundred (100) feet.</p> | <p><i>Minimum yard size:</i></p> <p><b>FRONT YARD:</b> None specified, except where existing establishments (other than residential) are set back, any new structures shall be set back not less than the average of the setbacks of the existing establishments within one hundred (100) feet each side thereof.</p> <p><b>SIDE YARDS:</b> None specified, excepting a lot, adjoining its side lot line another lot which is in a residential district, there shall be a side yard not less than eight (8) feet wide.</p>                     |
| <p><b>MAXIMUM HEIGHTS</b></p>   | <p><b>AG2</b></p> <p><i>Maximum height:</i> 35 feet or 2½ stories</p>  | <p><i>Maximum height:</i> None.</p>  |

COMPARE AG2 TO M1

| CODE SECTION                     | AG2   | M1  |
|----------------------------------|---|---|
|                                  | <p><b>R1</b></p> <p>g. Maximum building height: Thirty-five (35) feet.</p> <p>h. Maximum height in stories: Two and one-half (2½).</p>  |   |
| OFF STREET PARKING               | <p><b>AG2</b></p> <p><i>Off-street parking: See § 25-16.</i></p> <p><b>R1</b></p> <p>(1) <i>General requirements.</i></p> <p>a. Off-street parking and vehicle access shall be provided as set forth in section 25-16 hereof.</p> <p>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.</p> | <i>Off-street parking: See § 25-16</i>  |
| OFF STREET LOADING AND UNLOADING | <p><b>AG2</b></p> <p><i>Off-street loading and unloading: Same as for an AG-1 agricultural district.</i></p>  | <i>Off-street loading and unloading: Shall provide adequate space for loading or unloading all vehicles or trucks incidental to the operation of the industry or use.</i> |

**FILE NUMBER: ZONING 1321-19**

**CONTROL NO. 7934**

**ACRES: .64 acres**

**CURRENT ZONE: Recently Annexed**

**NEW ZONE: M1**

**APPLICANT: City of Decatur representing Darryl Miller**

**PROPERTY OWNER/PROPERTY ADDRESS: North of 8th ST SW west side of Hoover Lane SW**

**REQUEST: To apply an M1 Light Manufacturing Zone to a .64 acre tract recently annexed into the city.**

**CURRENT LANDUSE: vacant property**

**PROPOSED LANDUSE: light industry commercial**

**ONE DECATUR Future Landuse: Flex Employment**

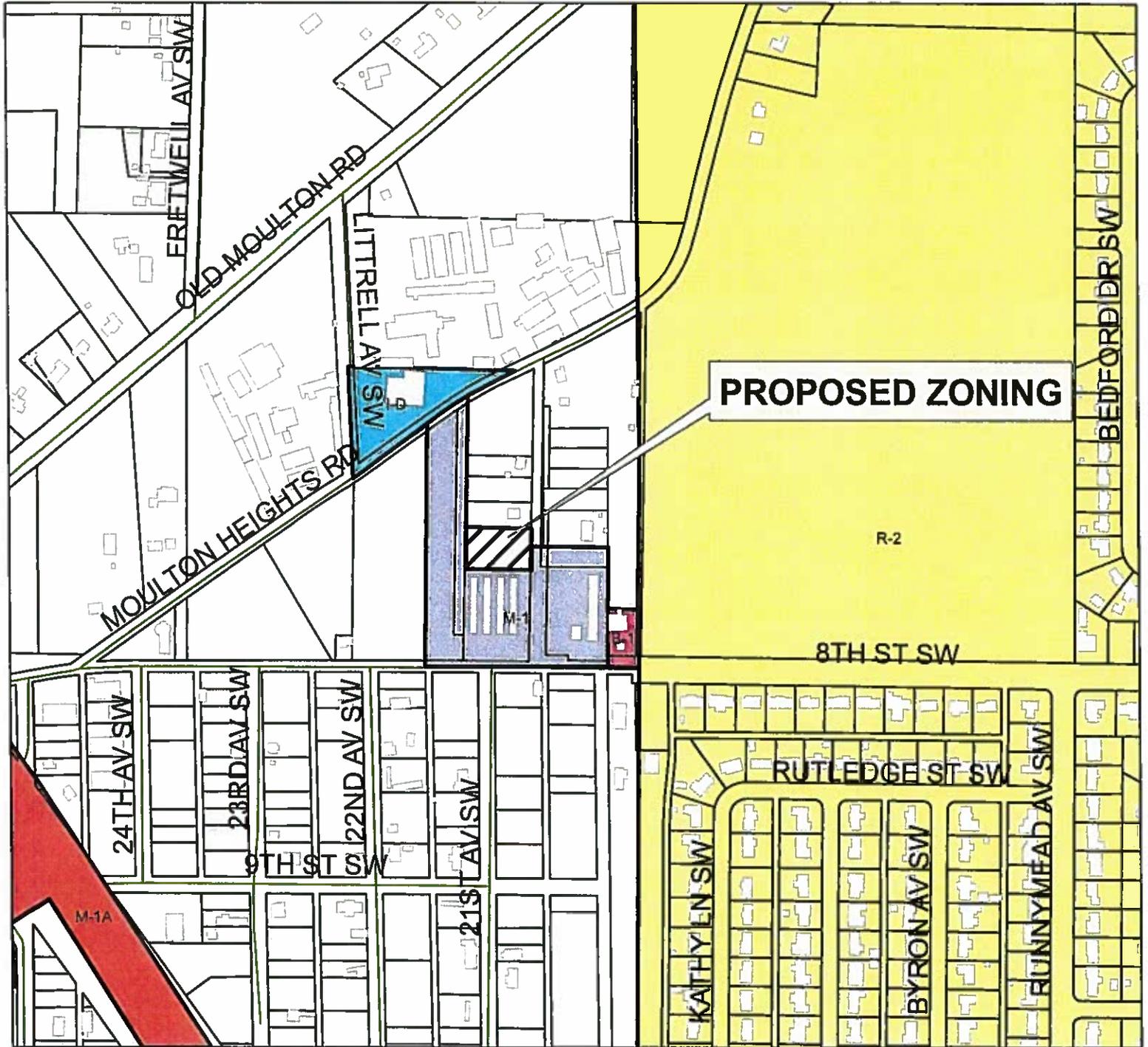
**ONE DECATUR STREET TYPOLOGY: Hoover AV SW is a local Street**

**COMMENTS AND RECOMMENDATIONS FROM ZONING COMMITTEE:**

The Zoning Committee and the Planning Department recommend approval of this request. It does comply with the One Decatur Flex Employment Description. "Flex Employment includes an array of modern, low-impact industrial uses that includes assembly and processing, warehousing and distribution ....." The proposed use on this site will be for warehousing and storage. The property to the west property line and the south property line are both zoned M1 this will be a continuation of the bordering zones.

**END PUBLIC HEARING**

# ZONING REQUEST NO.1321-19 FROM NEWLY ANNEXED TO M-1 .64 ACRES

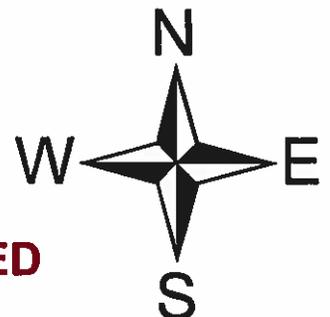


## LOCATION MAP

### Legend

- Buildings
- Ownership
- SUBJECT PROPERTY

**APPLICANT: DARRYL McMILLAN**



**PROPERTY NEWLY ANNEXED**

DRAWING NOT TO SCALE

**STAFF REPORT FOR  
PLANNING COMMISSION  
January 15, 2019**

**CONSENT AGENDA**

**FILE NUMBER: 3432-18**

**CONTROL NO. 7930**

**ACRES: 103.02 acres**

**CURRENT ZONE: AG-2, Agricultural**

**NEW ZONE: N/A**

**APPLICANT: PUGH, WRIGHT, MCANALLY FOR W.G. PEEBLES III & JOHN BRENT PEEBLES**

**PROPERTY OWNER/PROPERTY ADDRESS: South of Bibb Garrett Rd. and west of I-65**

**REQUEST: Subdivide 103.02 more or less acres into two tracts of 25.25 acres and 74.61 acres more or less**

**CURRENT LANDUSE: Undeveloped Agricultural**

**PROPOSED LANDUSE: M-1, Light Industry**

**ONE DECATUR Future Landuse: Flex Employment Center**

**ONE DECATUR STREET TYPOLOGY: Freeway and Local**

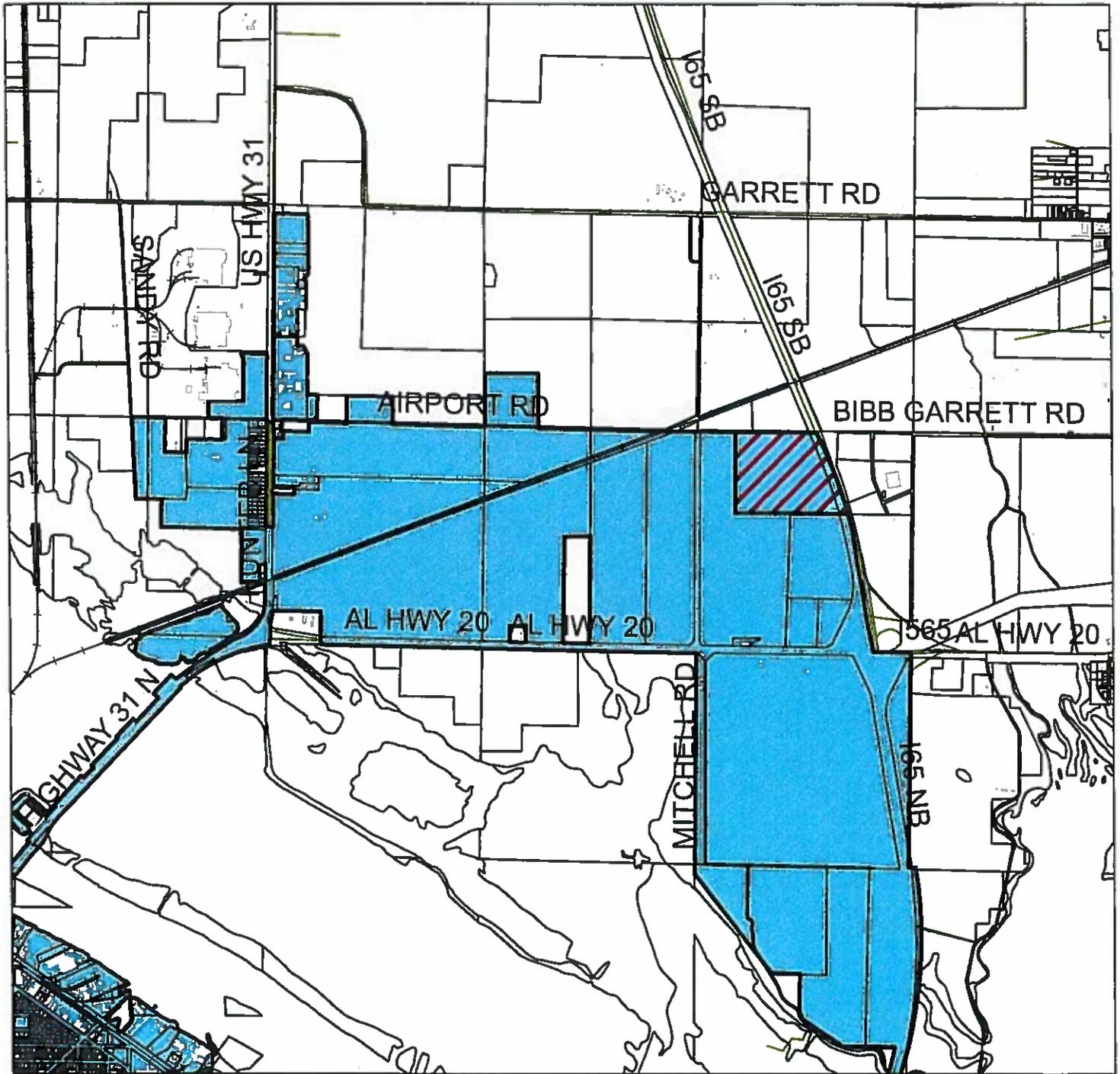
**COMMENTS AND RECOMMENDATIONS FROM THE TECHNICAL REVIEW COMMITTEE:**

1. Payment of recording fees **Recommend approval with the following conditions:**
2. Provide a stamped and sealed survey for recording
3. Identify ROW for Bibb Garrett Road and subject to approval of utilities and City Engineer - show on survey

***Pt. of Info: (1) Any relocation of utilities will be at the owner's expense. (2) Site plan will be required prior to the time of development and to include improvements proposed by Skipper Consulting Traffic Study, Jan 2019.***

**COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:**

# CERTIFICATE TO SUBDIVIDE NO. 3432-19



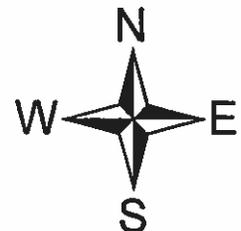
## LOCATION MAP

### Legend

- Ownership
- Buildings
- Corporate Limits
- SUBJECT PROPERTY

**APPLICANT: W. G.. PEEBLES III AND JOHN BRENT PEEBLES**

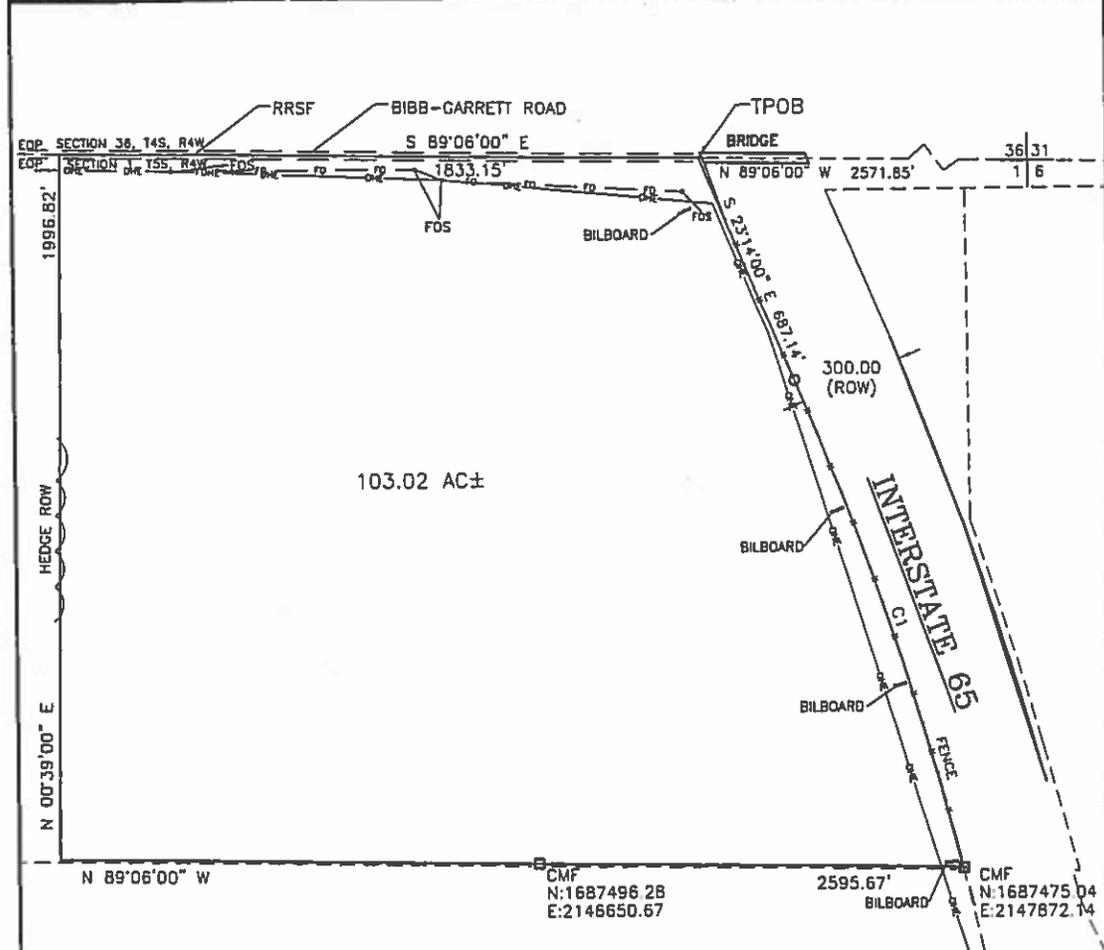
**PROPERTY ZONED AG-2**



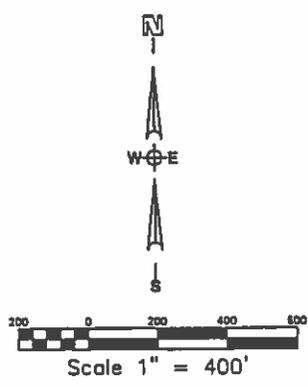
**DRAWING NOT TO SCALE**

# CERTIFICATE TO SUBDIVIDE NO.3432-19

|  |   |
|--|---|
| <b>PUGH WRIGHT<br/>MCANALLY</b><br>CIVIL ENGINEERS | 310 8TH AVENUE NE   DECATUR, ALABAMA 35601   POST OFFICE BOX 2419   35602 |
|  | 256.353.3937P   256.350.2285F   |



| CURVE | ARC LENGTH | RADIUS   | DELTA ANGLE | CHORD BEARING | CHORD LENGTH |
|-------|------------|----------|-------------|---------------|--------------|
| C1    | 1456.28'   | 9399.30' | 8°52'38"    | S 18°47'41" E | 1454.82'     |
| C2    | 345.72'    | 9399.30' | 2°06'27"    | S 22°10'47" E | 345.70'      |
| C3    | 1110.56'   | 9399.30' | 6°46'11"    | S 17°44'28" E | 1109.91'     |



- LEGEND**
- ROW      RIGHT OF WAY
  - CMF      CONCRETE MONUMENT FOUND
  - RRSF     RAILROAD SPIKE FOUND
  - FOS      FIBER OPTIC SIGN
  - ro—    UNDERGROUND FIBER OPTIC
  - oe—    OVERHEAD ELECTRIC



**STAFF REPORT FOR  
PLANNING COMMISSION  
January 15, 2019**

**FILE NUMBER: 3433-19**

**CONTROL NO. 7931**

**ACRES: 11.99 acres**

**CURRENT ZONE: AG-2, Agricultural**

**NEW ZONE:**

**APPLICANT: RICKY WILHITE FOR IGNACIO & HUMBERTO HERNANDEZ**

**PROPERTY OWNER/PROPERTY ADDRESS: North of Chapel Hill Rd. SW & west of Danville Rd. SW**

**REQUEST: Subdivide 11.99 acres into three tracts of 5.13 acres, .87 acres and 6.00 acres**

**CURRENT LANDUSE: Single family residential**

**PROPOSED LANDUSE: Single family residential**

**ONE DECATUR Future Landuse: Residential, Low Density**

**ONE DECATUR STREET TYPOLOGY: Neighborhood Connector**

**COMMENTS AND RECOMMENDATIONS FROM THE TECHNICAL REVIEW COMMITTEE:**

**Recommend approval with the following conditions:**

1. Provide letter from applicants requesting subdivision
2. Payment of recording fees
3. Provide 200' x 50' dut easement for existing overhead power line and gas line
4. Firewall separation may be required for existing garage (see Bldg. Dept.) – on property line

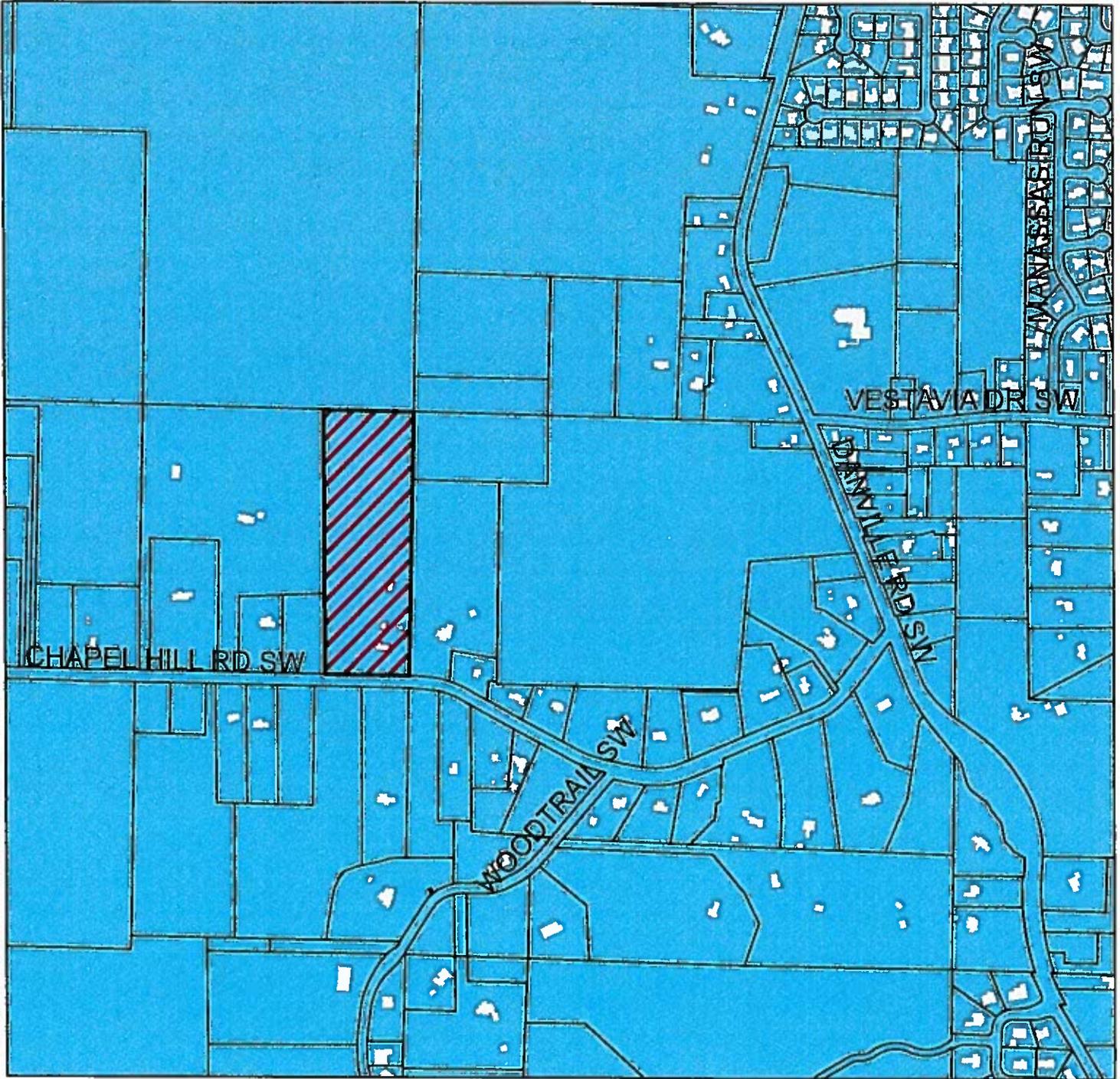
**Pt. of Info: Any relocation of utilities will be at the owner's expense.**

**COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:**

**END CONSENT AGENDA**

**OTHER BUSINESS**

# CERTIFICATE TO SUBDIVIDE NO. 3433-19



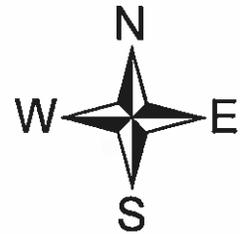
## LOCATION MAP

### Legend

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

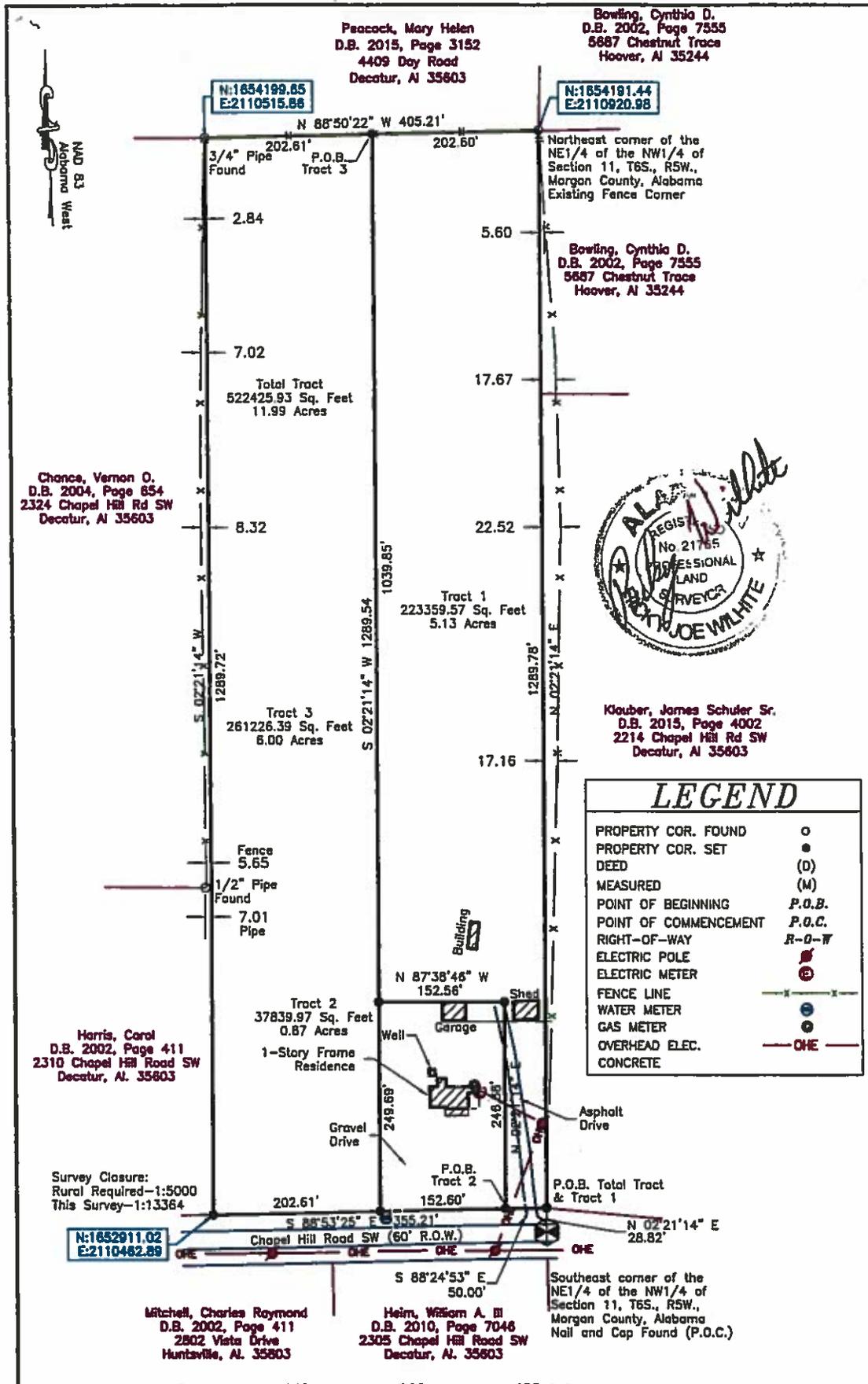
***APPLICANT: IGNACIO HERNANDEZ  
AND HUMBERTO HERNANDEZ***

**PROPERTY ZONED AG-2**



**DRAWING NOT TO SCALE**

# CERTIFICATE TO SUBDIVIDE NO.3433-19



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

**Ricky J. Wilhite, PLS**  
392 County Road 1286  
Vineport, Al 35179  
PH: (256) 727-3944

**Ignacio Hernandez**  
Certificate to Subdivide  
Ref. D.B. 2013, Page 4823

|          |               |               |
|----------|---------------|---------------|
| PLAN R/W | SCALE 1"=140' | DATE 12-29-16 |
| DATE     |               |               |

**STAFF REPORT FOR  
PLANNING COMMISSION  
January 15, 2019**

**FILE NUMBER: VAC 513-19**

**CONTROL NO. 7932**

**ACRES:**

**CURRENT ZONE: R-3, Single Family**

**NEW ZONE:**

**APPLICANT: LEE Y. GREENE FOR LAURA CANNON**

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

**REQUEST: Vacate north & south 5' portions of a 10' wide drainage easement between Lots 15 & 16 of Crown Pointe, Addition 4 subdivision**

**CURRENT LANDUSE: Single family residential**

**PROPOSED LANDUSE: Same**

**ONE DECATUR Future Landuse: Low density residential**

**ONE DECATUR STREET TYPOLOGY: Local**

**COMMENTS AND RECOMMENDATIONS FROM THE TECHNICAL REVIEW COMMITTEE:**

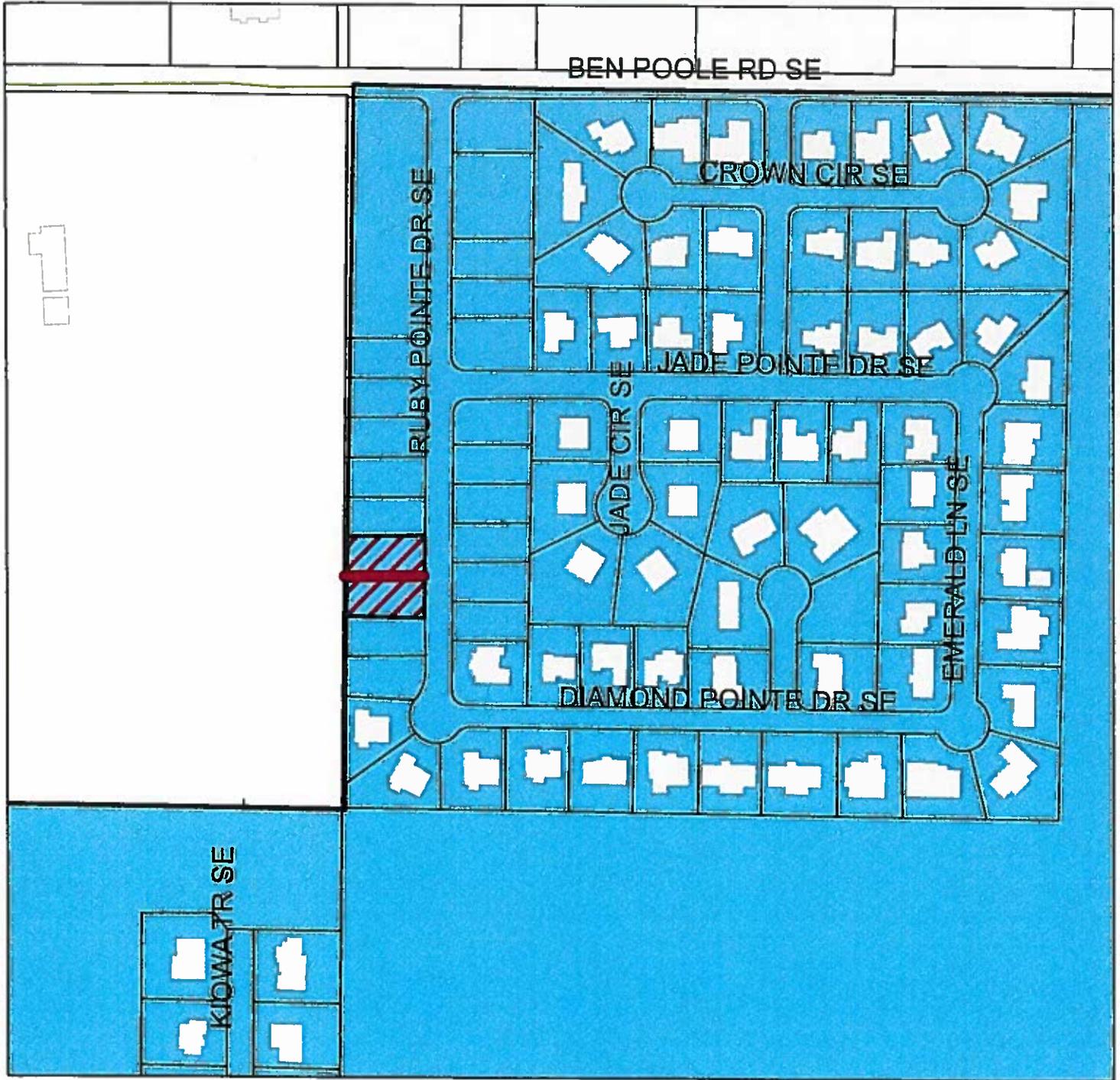
**Recommend approval with the following conditions:**

1. Applicant to sign Declaration of Vacation
2. Completion of Certificate to Consolidate 3422-19

**Pt. of Info: (1) Any relocation of utilities will be at the owner's expense. (2) Recording fees to be paid to the City Clerk Office once Vacation has cleared City Council hearing.**

**COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:**

# VACATION REQUEST NO. 513-19



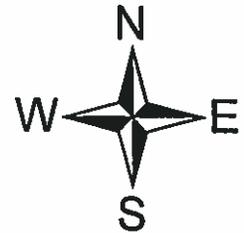
## LOCATION MAP

**APPLICANT: LAURA CANNON**

### Legend

- Ownership
- Buildings
- Corporate Limits
- SUBJECT PROPERTY

**PROPERTY ZONED R-3**



**DRAWING NOT TO SCALE**

