

## **MEMORANDUM**

**DATE:** July 18, 2019

**TO:** Planning Commissioners

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

### **PLANNING COMMISSION MEETING**

**July 23, 2019**

**Pre-meeting – 2:15 p.m. (Annex)**

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

# Agenda Planning Commission

City of Decatur, AL

JULY 23 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- June 18, 2019

## 3. PUBLIC HEARING

		PAGE/MAP
<b>REZONINGS</b>		
A. 1331-19	(West side of Indian Hills Rd, south of Cedar)	1-10
B. 1332-19	(Southwest corner of the intersection of Modaus Rd and Fairgrounds Rd)	11-18
C. 1333-19	(At the southwest corner of Wimberly Dr and Fairgrounds Rd)	19-26
D. 1334-19	(At the intersection of West Moulton St and 13 <sup>th</sup> Av NW)	27-32
E. 1335-19	(At the northeast corner of the intersection of 11 <sup>th</sup> St SE and 19 <sup>th</sup> Av SE)	33-38
<b>PLAT REVIEWS</b>		
A. Greystone Subdivision Addition V	(At the end of Tintagel Dr SW and Aldingham Dr SW)	39-42 see plat
B. Hopkins Farms Minor Subdivision	(West of Danville Rd SW and south of Duncansby Dr SW)	43-46 see plat

## 4. CONSENT AGENDA

### CERTIFICATES

A. 3451-19	Certificate (Southeast corner of the intersection of Fairgrounds Rd. and Wimberly Dr.)	47-51
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B. 3452-19	Certificate (East side of Indian Hills Rd.)	52-56
C. 3453-19	Certificate (South side of Legacy Dr.)	57-61
D. 3454-19	Certificate (North side of Beltline Rd.)	62-66
E. 3455-19	Certificate (East side of Indian Hills Rd, north of Red Bank Road)	67-71
F. 3456-19	Certificate (East side of Woodall Rd)	72-75

#### **SITE PLAN REVIEW**

A. 585-19	(South & west of Commerce Dr.)	76-79 see plat
B. 586-19	(Southwest corner of the intersection of Memorial Dr. and Second Av)	80-83 see plat

#### **SIDEWALK CAFE REVIEW**

A. Sidewalks Café – 307 2 <sup>nd</sup> Av SE	(West side of 2 <sup>nd</sup> Av. Between Gordon Dr. and Grant St.)	84-86
B. Sidewalks Café – 107 2 <sup>nd</sup> Av NE, Suite A	(West side of 2 <sup>nd</sup> Av. between Holly St. and East Moulton St.)	87-90

**STAFF REPORT FOR  
ZONING COMMITTEE  
July 16, 2019**

**PUBLIC HEARING**

**FILE NUMBER:** 1331-19

**CONTROL NO.** 7974

**ACRES:** 165.83

**CURRENT ZONE:** PRD 2

**NEW ZONE:** AG-1

**APPLICANT:** Pugh Wright McAnally for Roger Minor

**PROPERTY OWNER/PROPERTY ADDRESS:** 5301 Indian Hills Rd. West side of Indian Hills Rd south of Cedar Lane

**REQUEST:** To rezoning 165.83 acres from PRD 2 to AG1

**CURRENT LAND USE:** Vacant with one residential structure nearby

**PROPOSED LAND USE:** Low density residential

**ONE DECATUR Future Land use:** Rural Edge Agricultural

**ONE DECATUR STREET TYPOLOGY:** Indian Hills Rd is a neighborhood connector

**COMMENTS AND RECOMMENDATIONS FROM ZONING COMMITTEE:**

The Committee recommends that the Planning Commission recommend this rezoning to the City Council. The area is planned for a Rural Edge Agricultural and the AG1 zoning would be reflective of that.

**COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:**



# REZONING 1331-19

## PRD-2 TO AG-1



SCAN QR CODE FOR ZONING INFORMATION:



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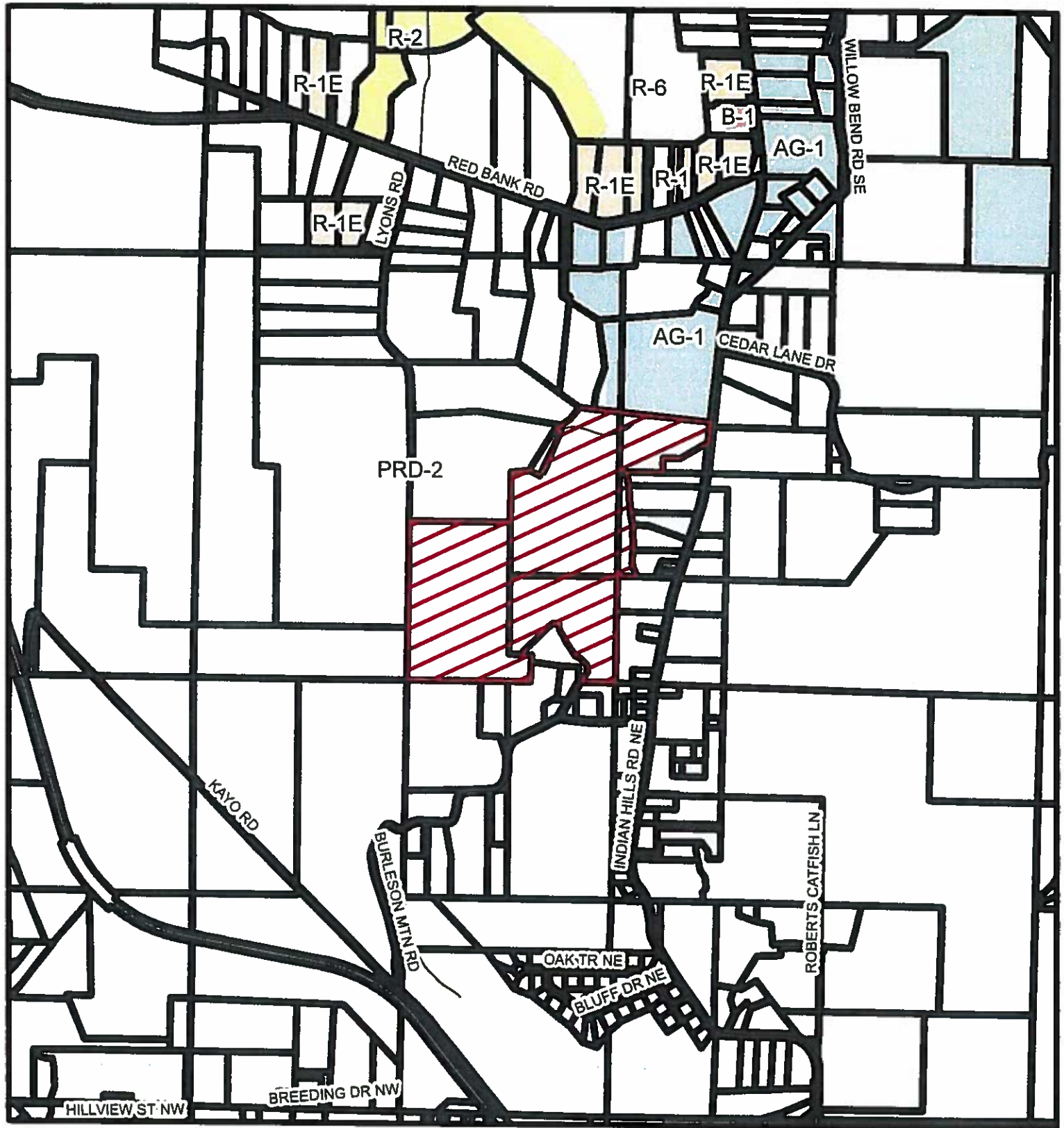
SUBJECT PROPERTY

City of Decatur Department of Development

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# Rezoning 1331-19 Current Zoning



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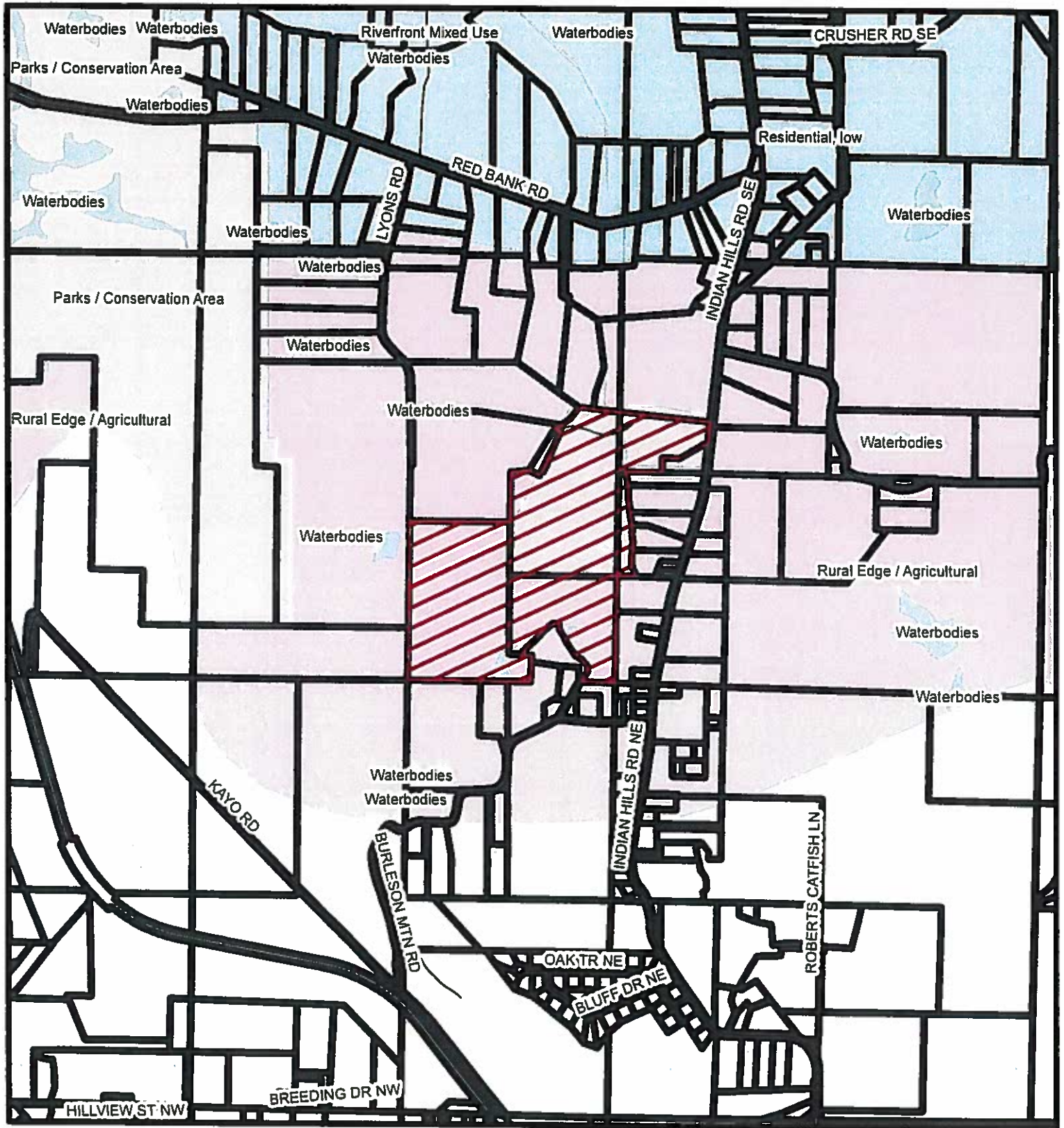
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# Rezoning 1331-19 Future Land Use



950 475 0 950 Feet

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Legend

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**SUBJECT PROPERTY**

SECTION	AG-1
USES PERMITTED	<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 <a href="#">section 25-10</a>.</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>
USES PERMITTED ON APPEAL	<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</p>



SECTION	AG-1
	<p>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>
USES PROHIBITED	<p><i>Uses prohibited:</i> 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.</p>
MINIMUM LOT SIZE	<p><i>Minimum lot size:</i> Minimum required lot area—15,000 square feet. Minimum required</p>

SECTION	AG-1
	lot width at building line—100 feet.
MINIMUM YARD SIZE	<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.
MAXIMUM PERCENTAGE LOT COVERAGE OF BUILDINGS ON GROSS DEVELOPMENT	N/A
MAXIMUM HEIGHT	<i>Maximum height:</i> 35 feet or 2½ stories.
OFF-STREET PARKING	<i>Off-street parking:</i> See <a href="#">§ 25-16</a> .
OFF-STREET LOADING AND UNLOADING	<i>Off-street loading and unloading:</i> Shall provide adequate space for loading and unloading on rear and/or side yard.

Sec. 25-10.1. - Planned residential development districts.

- (A) *Purpose.* The purpose of this section is to permit flexibility in the development of substantial tracts of land by permitting a variety of residential uses in accordance with a specific plan for large scale developments. Planned residential developments are of such a nature as to require specific regulations separate and apart from those of general application to the other districts created in the zoning ordinance. Said planned residential developments are intended to permit exceptions and variations from standard zoning regulations to permit flexibility in the development of the real estate affected; which can result in; a maximum choice in the types of environment and living units open to the public; the preservation of open space, trees, and other natural features; the development of recreation areas; an efficient use of land resulting in smaller networks of utilities and streets; and the creation of an environment of a stable character in harmony with surrounding development.
- (B) *Definition.* A Planned Residential Development District is a tract of land consisting of five (5) or more acres, developed as a unit for residential use, which when completed will contain two (2) or more residential buildings. The density, lot size, bulk, yard sizes, and other nonuse standards within the district shall comply with the standards established by the planning commission for each specific planned residential development, subject to the minimum requirements of the particular PRD zone applicable to the area. The various PRD zones created are as set forth below.
- (C) *Adoption of ordinance.* A Planned Residential Development District of the number hereafter provided for may be created by the city council through the adoption of an ordinance in accordance with the normal procedures providing for the adoption of amendments to the zoning ordinance. Upon the adoption of such ordinance, the area within the district shall be designated on the "City of Decatur, Official Zoning Map" as a "PRD" district, with the PRD number so adopted, and an application for specific planned residential development may be made as hereinafter set forth.
- (D) *Submission of development plan for concept approval.* Any person seeking approval of a planned residential development within a Planned Residential Development (PRD) District shall submit three (3) copies of the PRD development plan, including all appropriate text, maps, and graphics, to the

planning department for transmittal to the planning commission. Said documents shall include, but need not be limited to:

- (1) A land use plan, describing, and indicating the area to be developed for specific uses;
- (2) A master plan, consisting of appropriate text, maps, and graphics, describing the design concept and location of all structures and improvements to be constructed and of proposed streets, parks, other public ways, drainage, public utilities, and other public facilities, provided, however, that detailed engineering plans shall not be required for master plan approval;
- (3) A description, related to the land use and master plan, of the density, location and type of residential units and accessory uses and structures to be developed;
- (4) A developmental schedule which shall include the anticipated starting and completion dates of the total planned residential development; and
- (5) Proposed covenants;
- (6) Such other information as the planning commission shall require.

All documents relating to streets, parks, public ways, drainage, utilities, and other public facilities shall be submitted to the city engineer at the time of original application. The planning commission may provide for the submission of copies of relevant documents to other city departments and agencies at the time of application. The fee for filing an application for a planned residential development shall be one hundred dollars (\$100.00). All plans and related information shall be sufficient detail to enable the planning commission and other city departments to evaluate the proposed development in accordance with the provisions of this section. Within forty-five (45) days after the filing of the proposed PRD development plan for a planned residential development, the city planning department shall transmit said development plan to the planning commission, together with the department's recommendations and comments.

- (E) *Plan review.* The planning commission shall investigate and ascertain that the plans for a planned residential development shall comply with the following conditions:
- (1) That the tract of land for the planned residential development comprises not less than five (5) acres. It shall be owned, leased or controlled by a single person or corporation, or by a group of individuals or corporations subject to common control. Conveyance of portions of the area is permissible after original approval of the plan concept by the planning commission.
  - (2) That the establishment, maintenance and operation of the planned residential development will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
  - (3) That the establishment of the planned residential development will not impede the normal and orderly development and improvement or surrounding property for uses permitted in that zoning district.
  - (4) That adequate utilities, access roads, drainage and/or other necessary facilities will be provided.
  - (5) That adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets, and that the proposed planned residential development shall be accessible from public roads that are adequate to carry the traffic that will be imposed upon them.
  - (6) That the uses contained in the planned residential development are residential in character, except for such accessory uses as the planning commission shall determine are desirable and appropriate with respect to the primary purpose of the development, and except for such uses specifically provided for herein.

To aid in the consideration of a planned residential development, the planning commission may request additional reports and information from the applicant, the city planning department, and any other city officer or department. The planning commission may impose such restrictions and conditions on the planned residential development which are in harmony with the general purpose and intent of this section. It may, upon its own initiative, hold public hearings and make such other investigations as it shall deem necessary.

- (F) *Approval of planned residential development.* Upon completion of its investigation, the planning commission may approve or reject the development plan as submitted or may approve said plan as modified.

Upon approval of the development plan a copy shall be filed among the records of the Decatur Building Department and the original thereof recorded in the office of the probate court of Morgan County and shall thereafter be binding upon the applicants, their heirs, successors, and assigns, shall limit and control the issuance and validity of permits and certificates, and shall restrict and limit the use and operation of all land and structures within the area designated in the development plan to all conditions and limitations specified in such plan and the approval thereof; provided, however, that the Decatur Building Department may, upon a showing of engineering or architectural necessity therefor, permit minor changes in the location of structures and site improvements, if such minor changes will not change the character of the development, or otherwise cause the development plan to fail to meet the conditions specified herein. Pursuant to the same procedure and subject to the same limitations and requirements by which a development plan was approved, filed and recorded, it may be amended or withdrawn, either partially or completely, if all land and structures remaining comply with all the conditions and limitations of the development plan and approval thereof and all land and structures withdrawn comply with all regulations established by all other subsections of this section.

After the approval and recording of the development plan, the developer may proceed with final engineering and construction plans which shall conform in all respects with the ordinances and subdivision regulations of the City of Decatur. Upon approval of the planning commission the planned residential development may be constructed in phases, provided that each phase shall meet the standards of a subdivision as set forth in the subdivision regulations of the City of Decatur and is in compliance with the approved development plan. The planning commission may enter into such agreements with the developer as may be necessary to effectuate the provisions of the development plan or any specific phase thereof, and may impose such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the planned residential development which it may deem necessary for the protection of the public interest.

- (G) *Use regulations.*

- (1) Uses permitted. In a PRD District only the following uses are permitted:
  - (a) Single-family detached, duplex, townhouses, multiple dwellings and apartments.
  - (b) Other uses as permitted in all "R" Districts.
  - (c) Neighborhood retail uses and other nonresidential uses limited to those enumerated in the B-1 District as may be specifically and selectively authorized in the approved development plan as to type and size only when integrated by design as an accessory element of the project, and only when located in an area that could be appropriately zoned for said use and approved as provided below, provided that the development is planned for more than four hundred (400) dwelling units.
  - (d) Such other uses, including neighborhood retail and other nonresidential uses authorized in a B-1 District, as the planning commission finds to be directly related and necessary to the primary purpose of the development and which are limited to the sale, lease or furnishing of goods or services to residents of the development.

- (H) *Use control.*

- (1) The development of neighborhood retail uses in PRD Districts shall not be permitted until two hundred (200) or more dwelling units are under construction or completed; provided, however, that this subdivision shall not apply to uses which the planning commission has found to be directly related and necessary to the primary purpose of the development and which are limited to the sale, lease or furnishing of goods or services to residents of the development.
- (2) There shall be a minimum of ten (10) per cent of the total area of the PRD dedicated or reserved as usable common "open space" land. Common "open space" land shall be clearly designated on the plan as to the character of use and development but shall not include:



- (a) Areas reserved for the exclusive use or benefit of an individual tenant or owner, nor
- (b) Dedicated streets, alleys or other public rights-of-way, nor
- (c) Vehicular drives, parking, loading and storage areas.
- (3) Adequate guarantees must be provided to insure permanent retention and maintenance of "open space" land area, either by private reservation for the use of the residents within the PRD or by dedication to the public or a combination thereof.
- (4) Off-street parking shall be provided in accordance with section 25-16 of this [zoning] Ordinance.
- (i) *PRD Districts, and layout and design requirements.* PRD Districts together with applicable minimum yard, height, area coverage, and density requirements for each district are hereby established as follows:

PRD Districts	Maximum Dwelling Units Per Gross Acre	Maximum Building Height Stories	Feet	Maximum Percentage Lot Coverage of Buildings on Gross Development	Building Setback Requirements in Feet (at Exterior Boundaries of PRD Site)		
					Front	Rear	Side
PRD-1	2.0	2.5	35	25	40	45	15
PRD-2	2.6	2.5	35	25	40	45	15
PRD-3	3.0	2.5	35	25	35	40	8
PRD-4	3.5	2.5	35	25	35	40	8
PRD-5	4.25	3.0	40	30	30	35	8
PRD-6	5.0	3.0	40	30	30	35	8
PRD-7	12.5	N/A	N/A	35	25	30	8
PRD-8	20.0	N/A	N/A	35	25	30	8

In addition to the above building setback requirements, for buildings and structures exceeding fifteen (15) feet in height there shall be a distance equal to the required yard plus one additional foot for each foot of building height in excess of fifteen (15) feet, as measured from the exterior property lines of the PRD site.

(Code 1956, § 27-10.1)

**STAFF REPORT FOR  
ZONING COMMITTEE  
July 16, 2019**

**FILE NUMBER:** 1332-19

**CONTROL NO.** 7974

**ACRES:** 5.6 acres

**CURRENT ZONE:** AG-2

**NEW ZONE:** M1A

**APPLICANT:** H M Nowlin / Southeaster Properties

**PROPERTY OWNER/PROPERTY ADDRESS:** South west corner of the intersection of Modaus Rd and Fairgrounds Rd

**REQUEST:** To rezone a 5.6 acre tract from AG2 to M1A

**CURRENT LAND USE:** Vacant

**PROPOSED LAND USE:** Commercial use

**ONE DECATUR Future Land use:** Mixed Neighborhood

**ONE DECATUR STREET TYPOLOGY:** Modaus Rd is a city connector and Fairgrounds Rd is a local street

<b>COMMENTS AND RECOMMENDATIONS FROM ZONING COMMITTEE:</b>
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The committee recommends recommending the rezoning to the city council because it is a logical extension of the M1A zone.

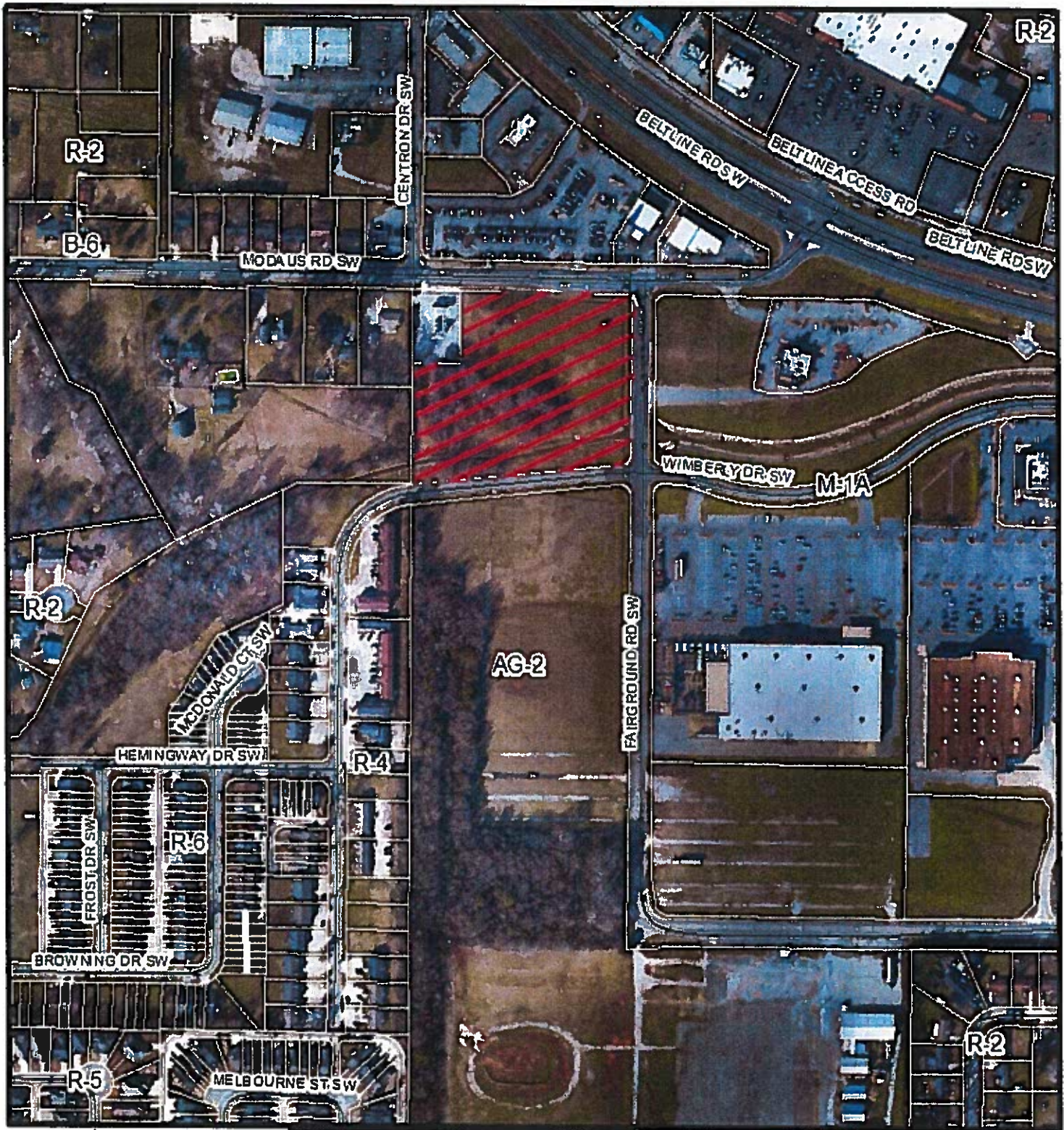
This will also impact the planned land use and a change will be needed. The property was owned by a semipublic entity at the time the plan was developed but has been sold. The new ownership will impact the future land use.

<b>COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:</b>
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# REZONING 1332-19

## AG-1 TO M-1A



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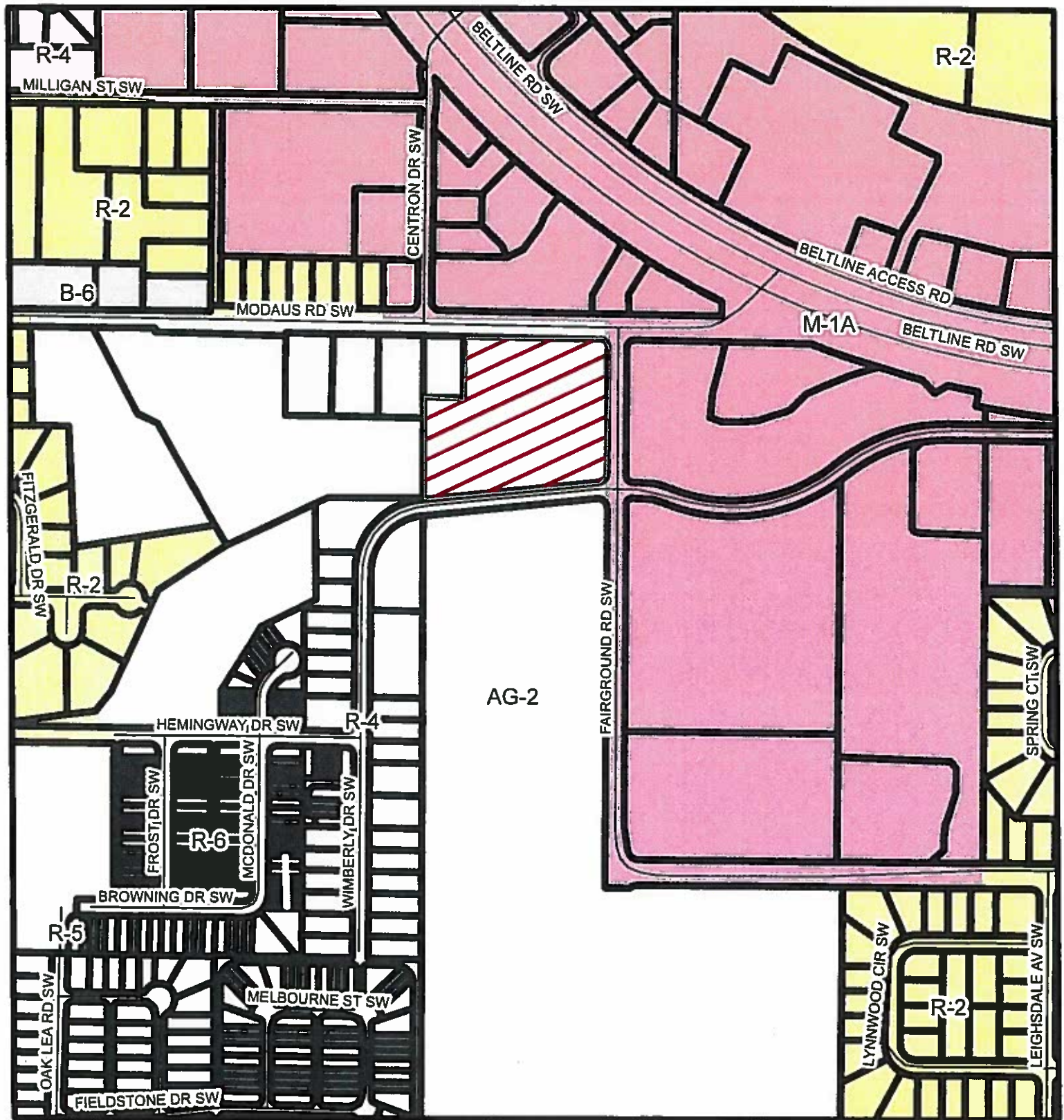


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# Rezoning 1332-19 Current Zoning



240 120 0 240 Feet

City of Decatur Department of Development

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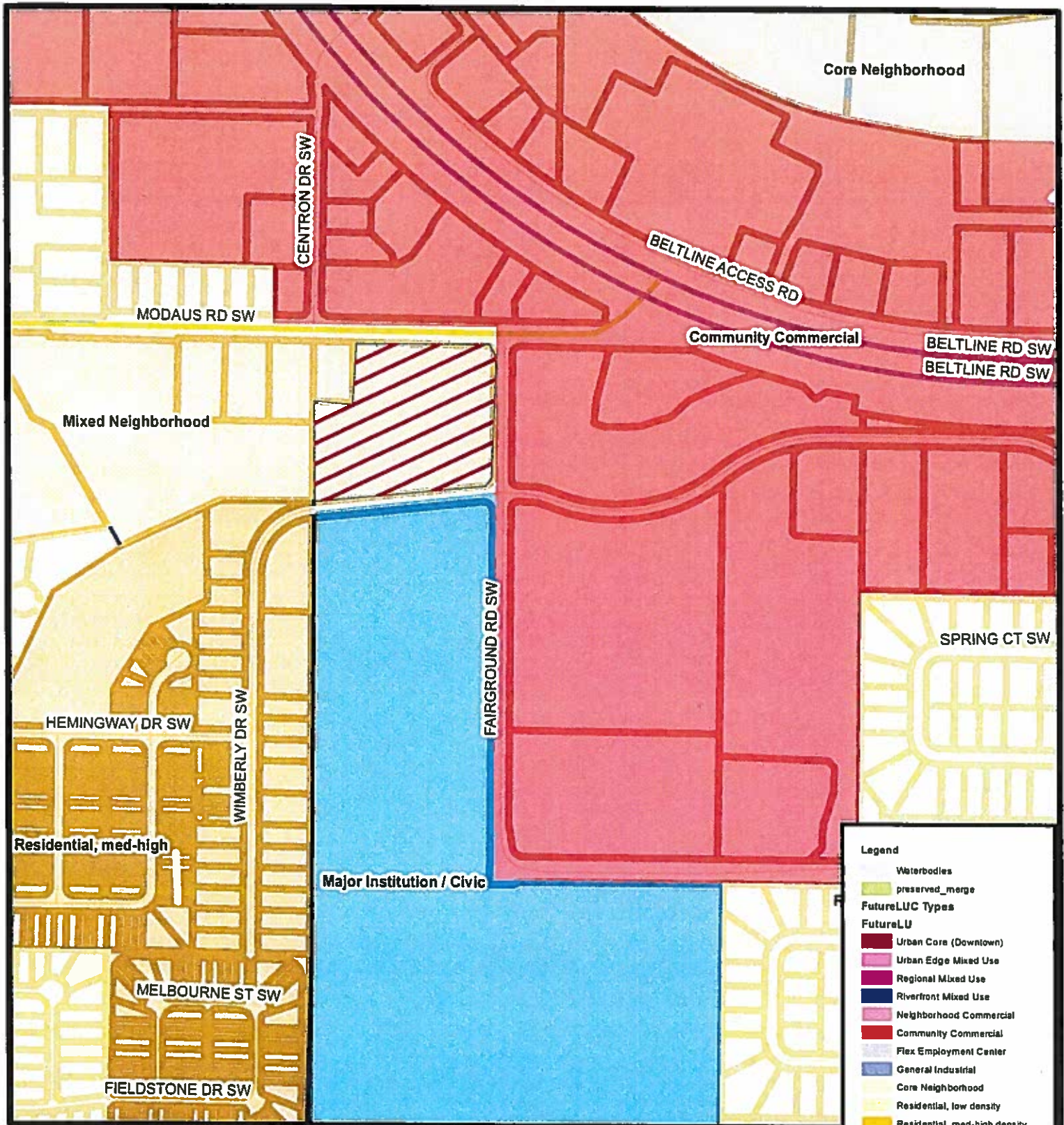
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# REZONING 1332-19 FUTURE LAND USE



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Section	Ag-2	M-1A
Uses Permitted	<p>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 <a href="#">section 25-10</a>.</p>	<p>On premises sale and off premises sale of alcoholic beverages; public and semi-public uses, including governmental buildings, hospitals, clinics, churches, schools, academies, and clubs; Businesses licensed under the Deferred Presentment Services Act, and/or Pawnshop Act, and/or Dealers in Gold or Precious Items Act where there is a 1,500-foot separation between the closest property boundary of the legal lot on which the said business is located and the closest property boundary of any other legal lot on which any business licensed under these Acts is located. However, the above notwithstanding there may be one (1) of each type business licensed under the Deferred Presentment Services Act, and/or Pawnshop Act, and/or Dealers in Gold or Precious Items Act located on the same legal lot duly approved by the City of Decatur and in conformance with the subdivision regulations as amended. Any retail or wholesale business of service not specifically restricted or prohibited; provided that special consideration is given for the development of all uses and their relationship to the adjoining service roads providing direct access, or adjoining "expressways" or other major arterial as designated by the major thoroughfare plan which may provide direct, or indirect access via a service road. The</p>



		<p>plat and plan of the proposed use and any subsequent addition thereto shall be submitted and have the approval of the planning commission before any structures or uses are authorized in these districts and before a building permit is issued for any structure or certificate of occupancy given for any use not requiring a structure.</p>
Uses Permitted on Appeal	<p>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 character of district and otherwise promote the purpose of this chapter.</p>	<p>Light industrial operations not obnoxious, offensive or detrimental to neighboring property by reason of dust, smoke, vibration, noise, odor, or effluents; mobile home parks, provided such parks are laid out and utilities are made available for not less than ten trailers or mobile homes; and any use permitted in an R-4 Residential District, provided such use shall be subject to all district requirements thereof as set forth and specified in <a href="#">section 25-10</a> hereof, other than the maximum height provision set forth therein which shall not be applicable, provided however no such use permitted on appeal shall have direct access to the Beltline Road (Alabama Highway 67) unless such applicant shall present to the board of zoning adjustment a limited access plan in writing, approved by the city engineer, or other duly designated authority, which plan must meet the approval of the board, and be a condition of any grant or approval by such board.</p> <p>Uses prohibited: Stockyard; live animals or poultry sales; coal</p>

		yards; lumber mills; auto wrecking; grist or flour mills; ice plants; junk scrap paper, rag, storage or bailing; stone or monument works. Any use as determined by Building Director whose operations would be obnoxious, offensive, or detrimental to neighborhood property by reason of dust, smoke, vibration, noise, odor, effluence, or appearance.
Uses Prohibited	Residential, commercial and industrial uses not specifically permitted or permitted on appeal.	Stockyard; live animals or poultry sales; coal yards; lumber mills; auto wrecking; grist or flour mills; ice plants; junk scrap paper, rag, storage or bailing; stone or monument works. Any use as determined by Building Director whose operations would be obnoxious, offensive, or detrimental to neighborhood property by reason of dust, smoke, vibration, noise, odor, effluence, or appearance.
Min. Lot Size	Minimum required lot area—15,000 square feet. Minimum required lot width at building line—100 feet.	It is the intent of the ordinance that lots of sufficient size be used for any use to provide adequate off-street parking and off-street loading space in addition to the space required for the other normal operations of the enterprise or use.
Min. Yard Size	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.	Sixty (60) foot minimum set back from and along the Beltline Road; thirty-five (35) foot minimum set back from and along all other public street rights-of-way; thirty-five (35) foot minimum rear yard; and no side yard required excepting a lot adjoining its side lot line another lot which is in a residential district there shall be a twenty-five (25) foot minimum yard size. Gasoline pump islands (uncovered) may be placed within the front yard



ZONING COMPARISON: AG-2 TO M-1A

		or set back area along the Beltline Road provided they maintain a thirty-five (35) foot minimum set back from all public street rights-of-way. In the event of conflict between any of the provisions herein, the stricter of such provisions shall apply.
Max. Height	35 feet or 2½ stories	None
Off-Street Parking	See <a href="#">§ 25-16</a> .	See <a href="#">§ 25-16</a> .
Off-Street Loading/Unloading	Shall provide adequate space for loading and unloading on rear and/or side yard.	Adequate space for loading and unloading of all vehicles or trucks incidental to the operation of the business or use shall be provided.

**STAFF REPORT FOR  
ZONING COMMITTEE  
July 16, 2019**

**FILE NUMBER:** 1333-19

**CONTROL NO.** 7975

**ACRES:** 11.79

**CURRENT ZONE:** AG 2

**NEW ZONE:** M1A

**APPLICANT:** Pugh Wright McAnally for Aaron and Barbara Guthrie

**PROPERTY OWNER/PROPERTY ADDRESS:** The Property is located at the south west corner of Wimberly Dr and Fairgrounds Rd

**REQUEST:** To rezone 11.79 acres from AG2 to M1A

**CURRENT LAND USE:** Vacant

**PROPOSED LAND USE:** Commercial

**ONE DECATUR Future Land use:** Major institution / Civic

**ONE DECATUR STREET TYPOLOGY:** Fairgrounds and Wimberly are both local streets

<b>COMMENTS AND RECOMMENDATIONS FROM ZONING COMMITTEE:</b>
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The committee recommends recommending the rezoning to the city council because it is a logical extension of the M1A zone.

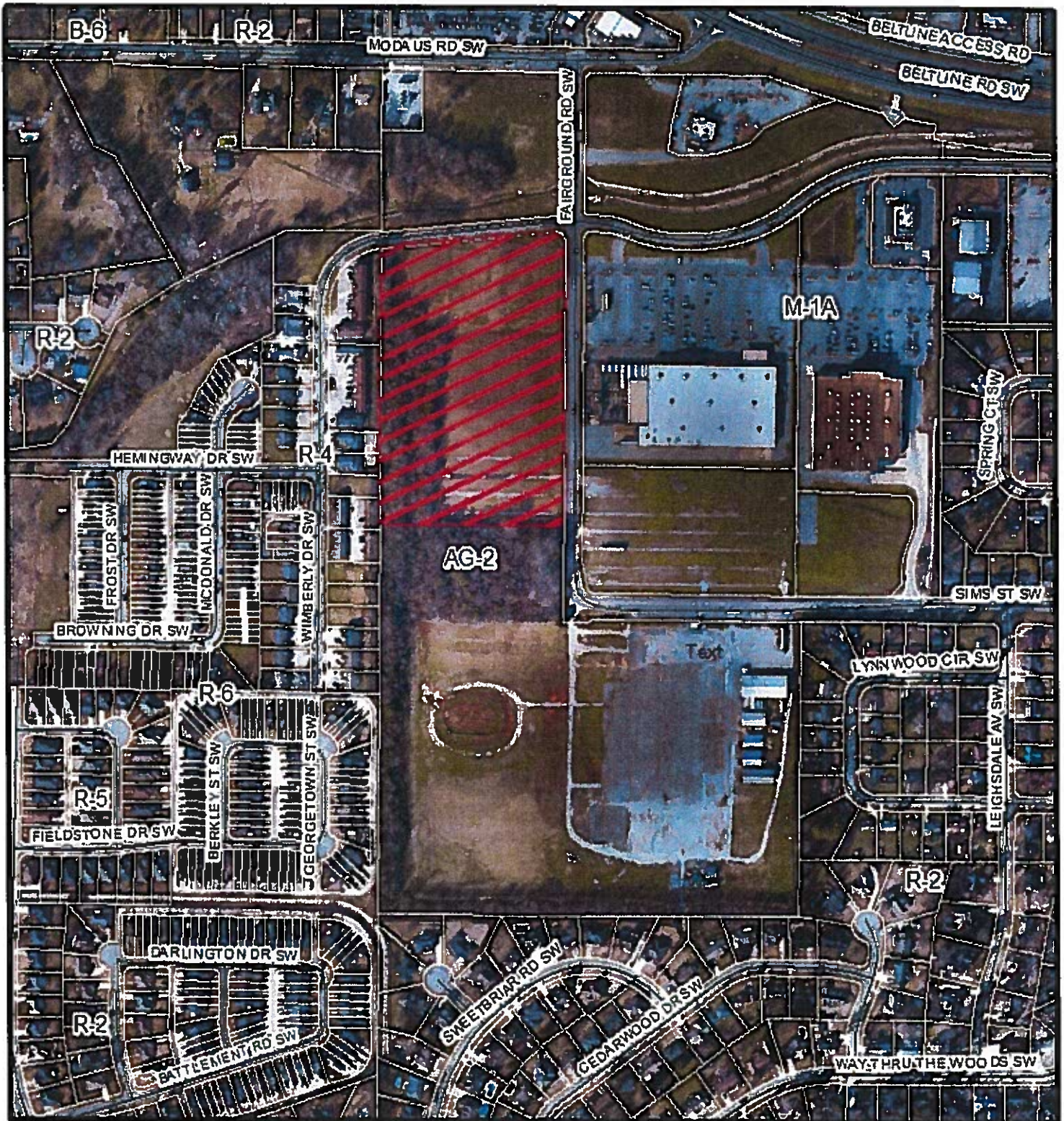
This will also impact the planned land use and a change will be needed. The property was owned by a semipublic entity at the time the plan was developed but has been sold. The new ownership will impact the future land use.

<b>COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:</b>
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# REZONING 1333-19

## AG-2 TO M-1A



SCAN QR CODE FOR ZONING INFORMATION:

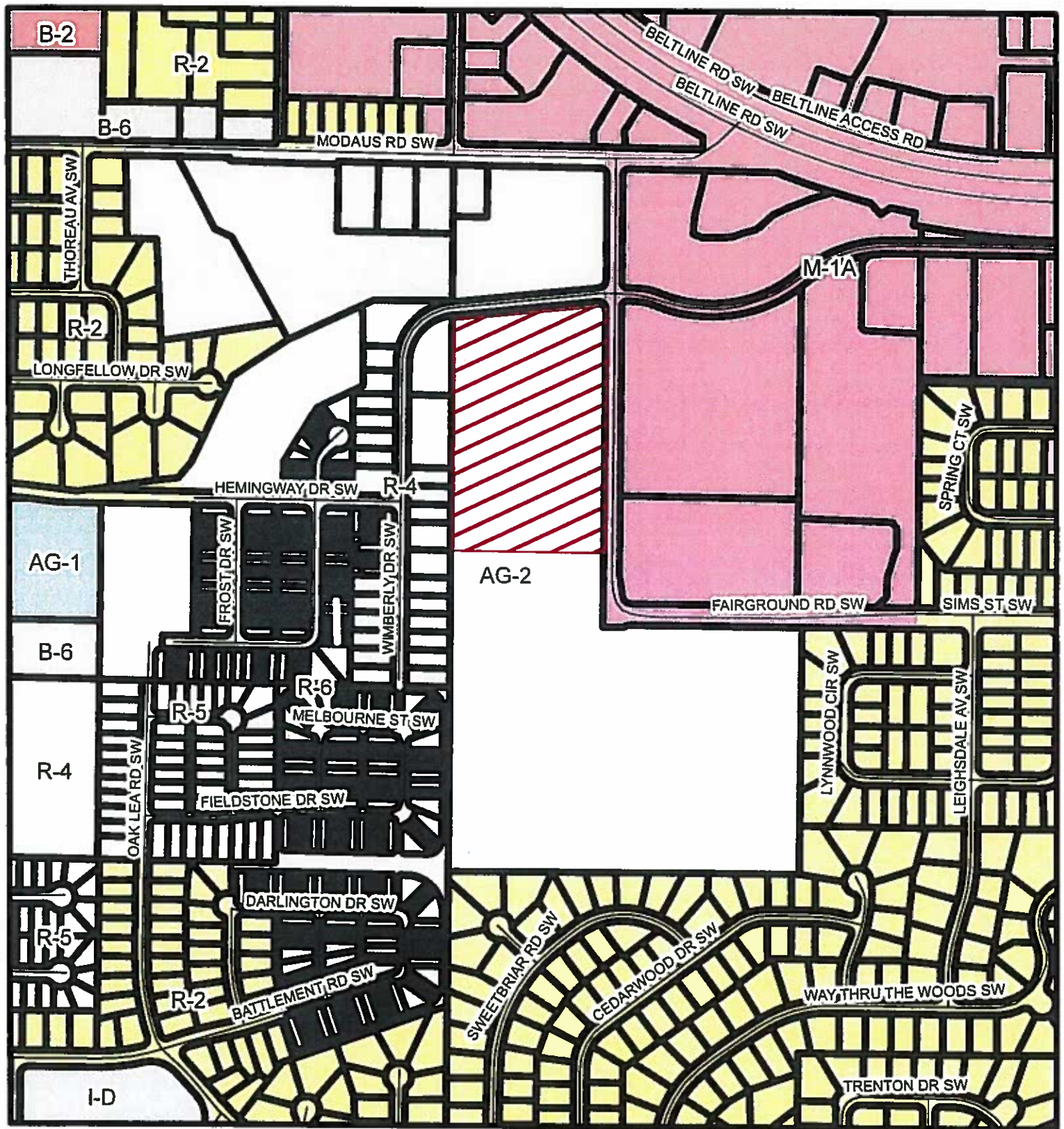


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# Rezoning 1333-19 Current Zoning



City of Decatur Department of Development

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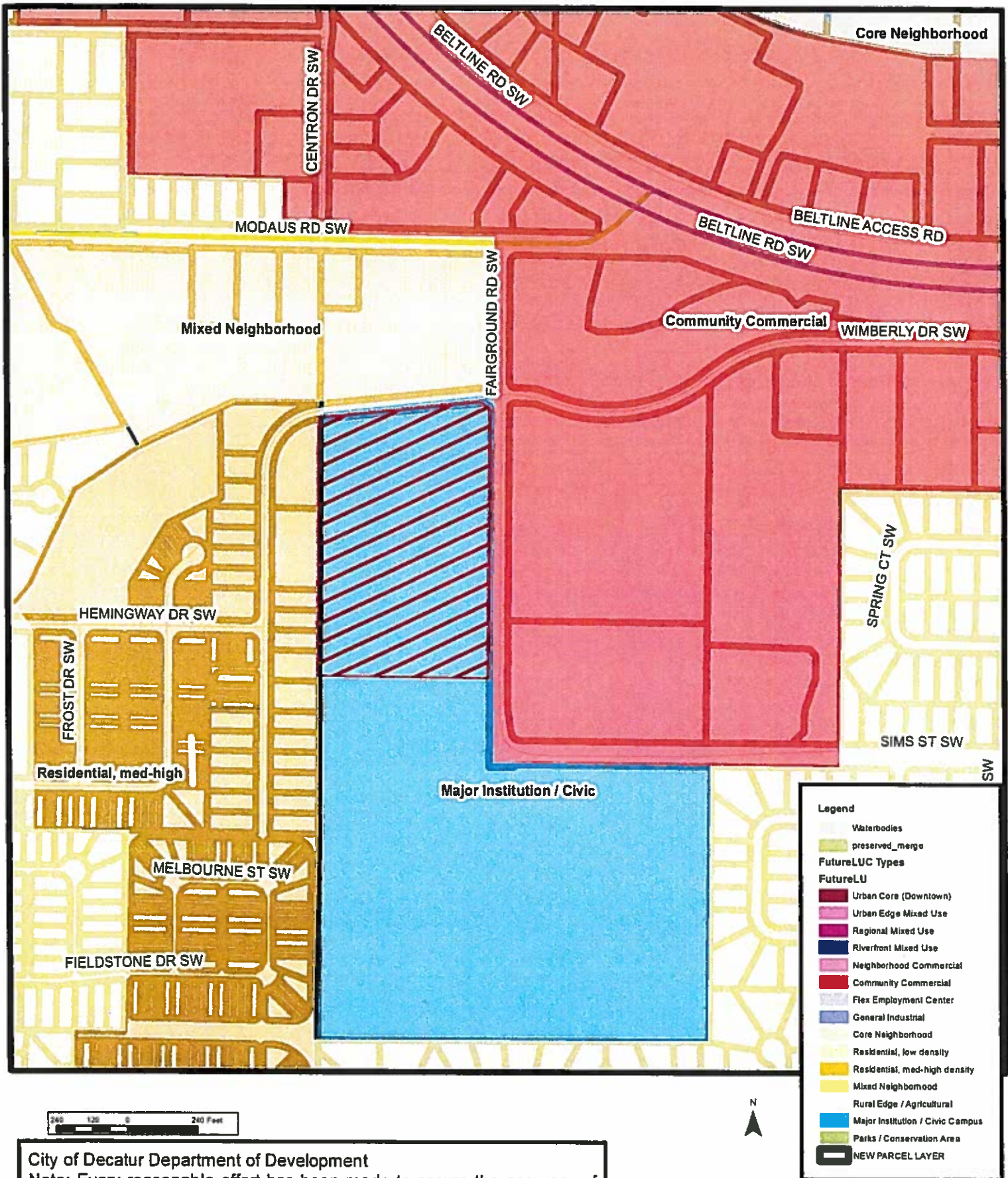
NEW PARCEL LAYER



**SUBJECT PROPERTY**



# REZONING 1333-19 FUTURE LAND USE



ZONING COMPARISON: AG-2 TO M-1A

Section	Ag-2	M-1A
<p>Uses Permitted</p>	<p>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 <a href="#">section 25-10</a>.</p>	<p>On premises sale and off premises sale of alcoholic beverages; public and semi-public uses, including governmental buildings, hospitals, clinics, churches, schools, academies, and clubs; Businesses licensed under the Deferred Presentment Services Act, and/or Pawnshop Act, and/or Dealers in Gold or Precious Items Act where there is a 1,500-foot separation between the closest property boundary of the legal lot on which the said business is located and the closest property boundary of any other legal lot on which any business licensed under these Acts is located. However, the above notwithstanding there may be one (1) of each type business licensed under the Deferred Presentment Services Act, and/or Pawnshop Act, and/or Dealers in Gold or Precious Items Act located on the same legal lot duly approved by the City of Decatur and in conformance with the subdivision regulations as amended. Any retail or wholesale business of service not specifically restricted or prohibited; provided that special consideration is given for the development of all uses and their relationship to the adjoining service roads providing direct access, or adjoining "expressways" or other major arterial as designated by the major thoroughfare plan which may provide direct, or indirect access via a service road. The</p>



		plat and plan of the proposed use and any subsequent addition thereto shall be submitted and have the approval of the planning commission before any structures or uses are authorized in these districts and before a building permit is issued for any structure or certificate of occupancy given for any use not requiring a structure.
Uses Permitted on Appeal	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 character of district and otherwise promote the purpose of this chapter.	Light industrial operations not obnoxious, offensive or detrimental to neighboring property by reason of dust, smoke, vibration, noise, odor, or effluents; mobile home parks, provided such parks are laid out and utilities are made available for not less than ten trailers or mobile homes; and any use permitted in an R-4 Residential District, provided such use shall be subject to all district requirements thereof as set forth and specified in <a href="#">section 25-10</a> hereof, other than the maximum height provision set forth therein which shall not be applicable, provided however no such use permitted on appeal shall have direct access to the Beltline Road (Alabama Highway 67) unless such applicant shall present to the board of zoning adjustment a limited access plan in writing, approved by the city engineer, or other duly designated authority, which plan must meet the approval of the board, and be a condition of any grant or approval by such board.  Uses prohibited: Stockyard; live animals or poultry sales; coal

ZONING COMPARISON: AG-2 TO M-1A

		yards; lumber mills; auto wrecking; grist or flour mills; ice plants; junk scrap paper, rag, storage or bailing; stone or monument works. Any use as determined by Building Director whose operations would be obnoxious, offensive, or detrimental to neighborhood property by reason of dust, smoke, vibration, noise, odor, effluence, or appearance.
Uses Prohibited	Residential, commercial and industrial uses not specifically permitted or permitted on appeal.	Stockyard; live animals or poultry sales; coal yards; lumber mills; auto wrecking; grist or flour mills; ice plants; junk scrap paper, rag, storage or bailing; stone or monument works. Any use as determined by Building Director whose operations would be obnoxious, offensive, or detrimental to neighborhood property by reason of dust, smoke, vibration, noise, odor, effluence, or appearance.
Min. Lot Size	Minimum required lot area—15,000 square feet. Minimum required lot width at building line—100 feet.	It is the intent of the ordinance that lots of sufficient size be used for any use to provide adequate off-street parking and off-street loading space in addition to the space required for the other normal operations of the enterprise or use.
Min. Yard Size	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.	Sixty (60) foot minimum set back from and along the Beltline Road; thirty-five (35) foot minimum set back from and along all other public street rights-of-way; thirty-five (35) foot minimum rear yard; and no side yard required excepting a lot adjoining its side lot line another lot which is in a residential district there shall be a twenty-five (25) foot minimum yard size. Gasoline pump islands (uncovered) may be placed within the front yard



# ZONING COMPARISON: AG-2 TO M-1A

		or set back area along the Beltline Road provided they maintain a thirty-five (35) foot minimum set back from all public street rights-of-way. In the event of conflict between any of the provisions herein, the stricter of such provisions shall apply.
Max. Height	35 feet or 2½ stories	None
Off-Street Parking	See <a href="#">§ 25-16</a> .	See <a href="#">§ 25-16</a> .
Off-Street Loading/Unloading	Shall provide adequate space for loading and unloading on rear and/or side yard.	Adequate space for loading and unloading of all vehicles or trucks incidental to the operation of the business or use shall be provided.

**STAFF REPORT FOR  
ZONING COMMITTEE  
July 16, 2019**

**FILE NUMBER:** 1334-19

**CONTROL NO.** 7976

**ACRES:** .32 acres

**CURRENT ZONE:** B1

**NEW ZONE:** B3

**APPLICANT:** Aracelli Flores

**PROPERTY OWNER/PROPERTY ADDRESS:** Emile and Farris Lufti – Birmingham letter in file approving rezoning request

**REQUEST:** To rezone .32 acres from B1 to B3 at the intersection of West Moulton St and 13<sup>th</sup> AV NW

**CURRENT LAND USE:** Unoccupied restaurant

**PROPOSED LAND USE:** New sit down restaurant

**ONE DECATUR Future Land use:** Urban Edge mixed use

**ONE DECATUR STREET TYPOLOGY:** West Moulton is a work horse

<b>COMMENTS AND RECOMMENDATIONS FROM ZONING COMMITTEE:</b>
--

**Recommend approval with the following conditions:**

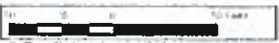
The Committee recommends that the Commission recommend this rezoning to the City Council. The B3 Zoning District is a better fit for the Urban Edge Mixed Use than B2. This will make provisions for adaptive reuse of this building.

<b>COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:</b>
---

- Point of information the applicant needs to verify compliance with parking regulations, and make needed adjustments.



**REZONING 1334-19**  
**B-1 TO B-3**



SCAN QR CODE FOR ZONING INFORMATION:



Legend

NEW PARCELLAYER

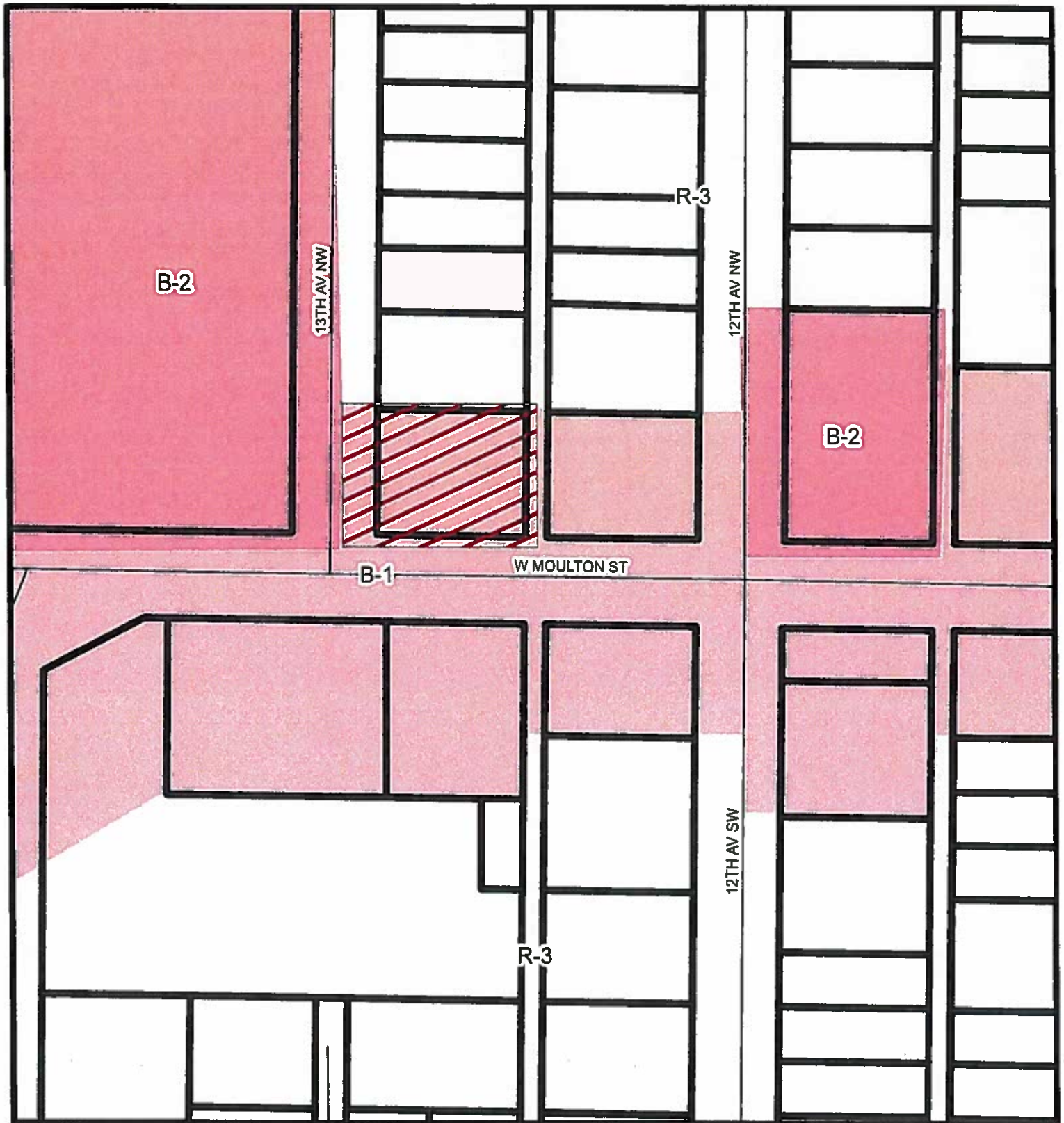


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# REZONING 1334-19 ZONING

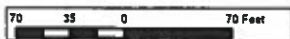
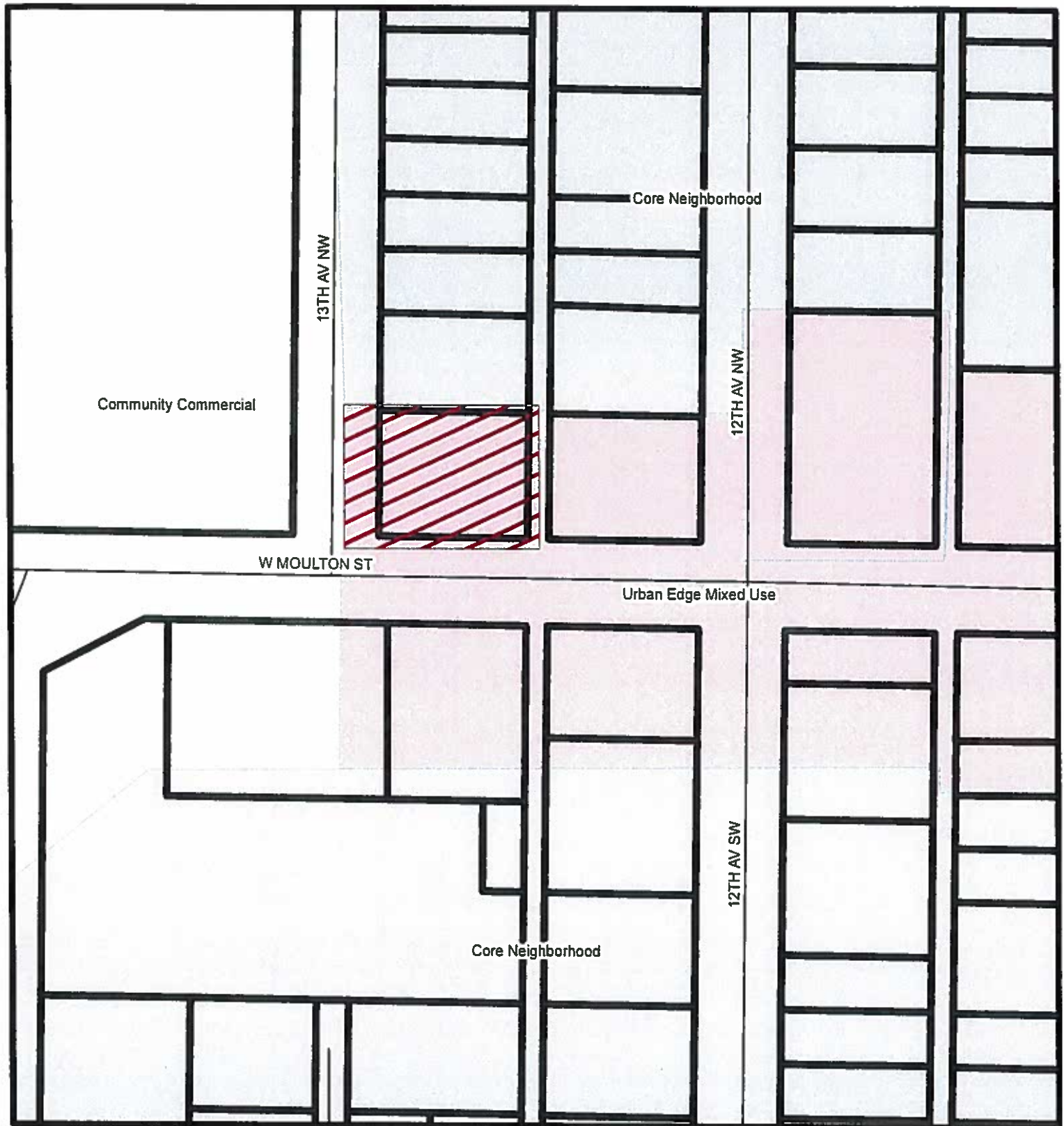


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# REZONING 1334-19 FUTURE LANDUSE



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SUBJECT PROPERTY

SECTION	B1	B3
<b>USES PERMITTED</b>	<i>Uses permitted:</i> Off-premises sale of beer and table wine; neighborhood retail stores and markets, including the following types: food, general merchandise, apparel; furniture; household and hardware; radio and television; drugs and sundries; jewelry and gifts; florists; sporting goods; pet shops, photograph studios and photo retail sales. Neighborhood services including the following types: Dry cleaning and laundry pickup stations; customer operated laundrettes and customer operated dry cleaning establishments; filling stations, provided, however, that gasoline storage above ground in excess of five hundred (500) gallons is prohibited; barber and beauty shops; shoe repair; offices, banks; post offices; event venues; playgrounds; parks; public building (i.e., municipal, county, state or federal, including public schools and libraries); public utilities; churches and similar places of worship; dancing and music academies; nurseries, kindergartens, or day care for children; parking lots.	<i>Uses permitted:</i> Clubs; on premises and off premises sale of alcoholic beverages; hotels, motels, trailer restaurants, event venues, novelty shops.
<b>USES PERMITTED ON APPEAL</b>	<i>Uses permitted on appeal:</i> Restaurants; any uses permitted or permitted on appeal in an R-4, Residential District as subject to all district requirements of said district as specified in section 25-10 of this Code.	<i>Uses permitted on appeal:</i> Indoor repair on automobiles, any retail business or service similar to the above permitted uses and which is dependent upon read access to the tourist trade.
<b>USES PROHIBITED</b>	<i>Uses prohibited:</i> Businesses licensed under the Deferred Presentment Services Act and/or, Pawnshop Act and/or, Dealers in Gold or Precious Items Act; and any use not permitted or permitted on appeal.	<i>Uses prohibited:</i> Any use not permitted or permitted on appeal.
<b>MINIMUM LOT SIZE</b>	<i>Minimum lot size:</i> 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 space required for the other normal operations of the business or service.	<i>Minimum lot size:</i> It is the intent of this section that lots of sufficient size be used for any industrial, service or business use to provide adequate parking and loading space in addition to the space required for other normal operations of the enterprises.



COMPARE B1 AND B3

SECTION	B1	B3
<b>MINIMUM YARD SIZE</b>	<i>Minimum yard size:</i> Front 25 feet; rear 20 feet; side, not specified, except on a lot adjoining along its side lot line a lot which is in a residential district, there shall be a side yard not less than eight (8) feet wide.	<i>Minimum yard size:</i> Front, 35 feet; rear 35 feet; side, not specified, except on a lot adjoining along its side lot line a lot which is in a residential district, there shall be a side yard not less than 15 feet wide.
<b>MAXIMUM HEIGHT</b>	<i>Maximum height:</i> 45 feet or 3 stories.	<i>Maximum height:</i> 35 feet or 2 stories.
<b>OFF-STREET PARKING</b>	<i>Off-street parking:</i> See § 25-16.	<i>Off-street parking:</i> See § 25-16.
<b>OFF-STREET LOADING AND UNLOADING</b>	<i>Off-street loading and unloading:</i> Shall use required rear or side yard for loading and unloading.	<i>Off-street loading and unloading:</i> Shall use required rear or side yard for loading and unloading.

**STAFF REPORT FOR  
ZONING COMMITTEE  
July 16, 2019**

**FILE NUMBER:** 1335-19

**CONTROL NO.** 7977

**ACRES:** 1.67 ACRES

**CURRENT ZONE:** B1

**NEW ZONE:** B2

**APPLICANT:** Suresh Patel

**PROPERTY OWNER/PROPERTY ADDRESS:** Suresh Patel 1802, 6, 8, and 10 11th ST SE North east corner of the intersection of 11th ST SE and 19th AV SE Morningside shopping center

**REQUEST:** To rezone 1.67 acres from B1 to B2

**CURRENT LAND USE:** Commercial some vacant some occupied

**PROPOSED LAND USE:** Car dealership

**ONE DECATUR Future Land use:** Neighborhood commercial

**ONE DECATUR STREET TYPOLOGY:** 11th ST is a neighborhood connector

<b>COMMENTS AND RECOMMENDATIONS FROM ZONING COMMITTEE:</b>
--

**Recommend approval with the following conditions:**

- Recommend that the planning commission not recommend this to the City Council. The B2 zone is not appropriate on a neighborhood connector or in a planned neighborhood commercial area.

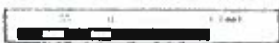
<b>COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:</b>
---

- Comprehensive plan shows neighborhood commercial, and that doesn't seem to fit with B2
- Surrounded by R4 and R2, B1 is meant for a neighborhood commercial.



# REZONING 1335-19

## B-1 TO B-2



SCAN QR CODE FOR ZONING INFORMATION:



Legend  
NEW PARCEL AVER



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City of Decatur Department of Development

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# REZONING 1335-19 ZONING



80 40 0 80 Feet

City of Decatur Department of Development

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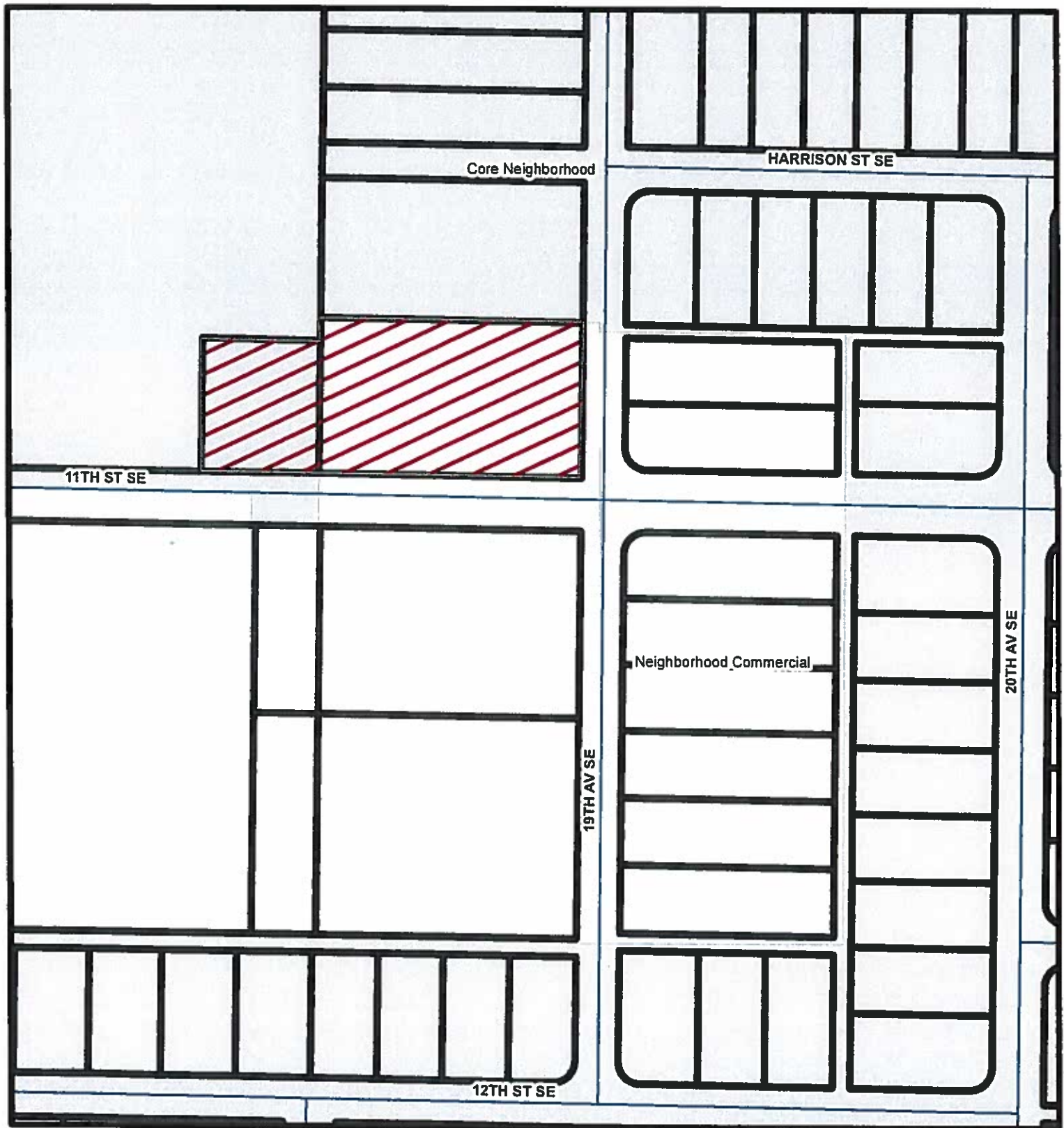
streets

NEW PARCEL LAYER



SUBJECT PROPERTY

# REZONING 1335-19 FUTURE LANDUSE



80 40 0 80 Feet

City of Decatur Department of Development

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Legend

streets



NEW PARCEL LAYER



SUBJECT PROPERTY



Section	B1	B2
<b>USES PERMITTED</b>	<p><i>Uses permitted:</i> Off-premises sale of beer and table wine; neighborhood retail stores and markets, including the following types: food, general merchandise, apparel; furniture; household and hardware; radio and television; drugs and sundries; jewelry and gifts; florists; sporting goods; pet shops, photograph studios and photo retail sales. Neighborhood services including the following types: Dry cleaning and laundry pickup stations; customer operated laundrettes and customer operated dry cleaning establishments; filling stations, provided, however, that gasoline storage above ground in excess of five hundred (500) gallons is prohibited; barber and beauty shops; shoe repair; offices, banks; post offices; event venues; playgrounds; parks; public building (i.e., municipal, county, state or federal, including public schools and libraries); public utilities; churches and similar places of worship; dancing and music academies; nurseries, kindergartens, or day care for children; parking lots.</p>	<p><i>Uses permitted:</i> Clubs; on premises and off premises sale of alcoholic beverages; Businesses licensed under the Deferred Presentment Services Act, and/or Pawnshop Act, and/or Dealers in Gold or Precious Items Act where there is a 1,500-foot separation between the closest property boundary of the legal lot on which the said business is located and the closest property boundary of any other legal lot on which any business licensed under these Acts is located. However, the above notwithstanding there may be one (1) of each type business licensed under the Deferred Presentment Services Act, and/or Pawnshop Act, and/or Dealers in Gold or Precious Items Act located on the same legal lot duly approved by the City of Decatur and in conformance with the Subdivision Regulations as amended. Any retail or wholesale business or service not specifically restricted or prohibited; and places of amusement and assembly.</p>
<b>USE PERMITTED ON APPEAL</b>	<p><i>Uses permitted on appeal:</i> Restaurants; any uses permitted or permitted on appeal in an R-4, Residential District as subject to all district requirements of said district as specified in section 25-10 of this Code.</p>	<p><i>Uses permitted on appeal:</i> Dry cleaners and laundries; and manufacturing incidental to a retail business where articles are sold at retail on the premises, not specifically prohibited herein; major automobile repairs. Any use permitted or permitted on appeal in the R-4, Residential District, and subject to all district requirements of an R-4</p>

COMPARE B1 AND B2

Section	B1	B2
		District as specified in section 25-10, hereof, other than the maximum height provision set forth therein which shall not be applicable.
<b>USES PROHIBITED</b>	<i>Uses prohibited:</i> Businesses licensed under the Deferred Presentment Services Act and/or, Pawnshop Act and/or, Dealers in Gold or Precious Items Act; and any use not permitted or permitted on appeal.	<i>Uses prohibited:</i> Stockyard; live animal or poultry sales; coal yards; lumber yards or mills; auto wrecking; gasoline, oil or alcohol storage above the ground in excess of five hundred (500) gallons, grist or flour mills; ice plants; junk, scrap paper, rag, storage or bailing, stone or monument works.
<b>MINIMUM LOT SIZE</b>	<i>Minimum lot size:</i> 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 space required for the other normal operations of the business or service.	<i>Minimum lot size:</i> Same as for B-1 Business District.
<b>MINIMUM YARD SIZE</b>	<i>Minimum yard size:</i> Front 25 feet; rear 20 feet; side, not specified, except on a lot adjoining along its side lot line a lot which is in a residential district, there shall be a side yard not less than eight (8) feet wide.	<i>Minimum yard size:</i> Same as for B-1, Local Shopping District.
<b>MAXIMUM HEIGHT</b>	<i>Maximum height:</i> 45 feet or 3 stories.	NONE GIVEN
<b>OFF STREET PARKING</b>	<i>Off-street parking:</i> See § 25-16.	<i>Off-street parking:</i> See § 25-16.
<b>LOADING AND UNLOADING</b>	<i>Off-street loading and unloading:</i> Shall use required rear or side yard for loading and unloading	<i>Off-street loading and unloading:</i> Shall provide space for loading and unloading for structures hereafter erected or altered when same is not on lot adjoining a public or private alley.

**STAFF REPORT FOR  
PLANNING COMMISSION  
July 16, 2019**

**FILE NUMBER:** Greystone Subdivision Addition V

**CONTROL NO.** 7978

**ACRES:** 12.42

**CURRENT ZONE:** R5

**NEW ZONE:** N/A

**APPLICANT:** Lynn White and Collins for John Strickland

**PROPERTY OWNER/PROPERTY ADDRESS:** Greystone Properties of Decatur, L.L.C at the end of Tintagel Dr. SW and Aldingham Dr. SW

**REQUEST:** Major Subdivision to subdivide 12.42 acres into 7 patio home lots and one 8.12 acre lot

**CURRENT LANDUSE:** Vacant

**PROPOSED LANDUSE:** Single Family Residential

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

**ONE DECATUR STREET TYPOLOGY:** Both Tintagel Dr and Aldingham Dr are local streets

<b>COMMENTS AND RECOMMENDATIONS FROM TECHNICAL REVIEW COMMITTEE:</b>
--

**Recommend approval with the following conditions:**

1. Add a plat note that lot 7 shall only have one residential structure with access to a street in Greystone Subdivision. – If access can be achieved to the north, east or south a subdivision plat showing this will be required.
2. Provide DUTE easements between lots 4 and 5, and lots 6 and 3 – total of ten feet 5 feet either side of the property line.
3. Update the construction drawings to the current Decatur Utilities specifications.

**Pt. of Info:**

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

<b>COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:</b>
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# GREYSTONE SUBDIVISION ADDITION V



SCAN QR CODE FOR ZONING INFORMATION:

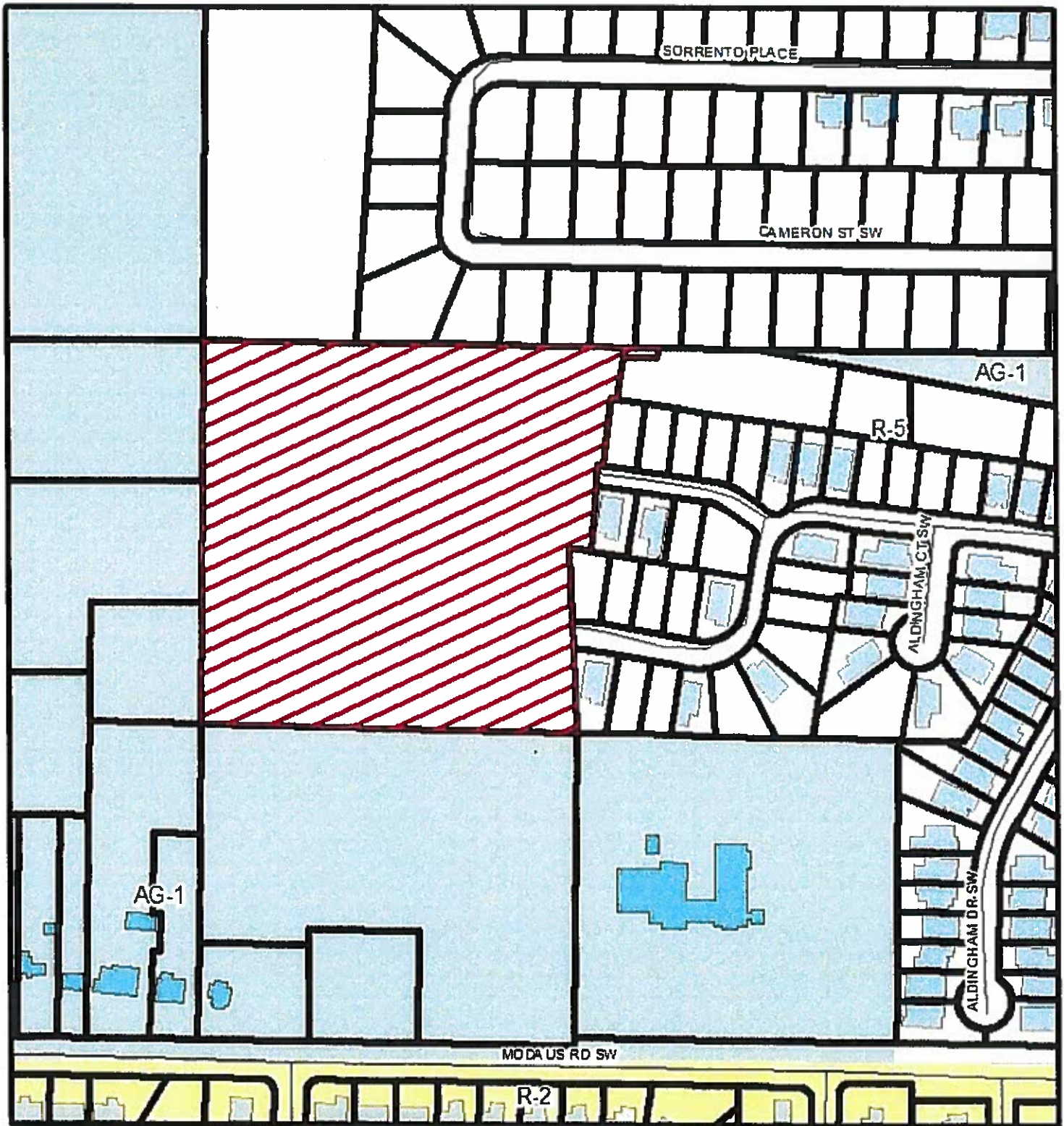


SUBJECT PROPERTY

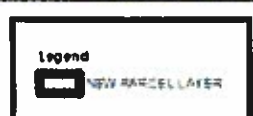
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# GREYSTONE SUBDIVISION ADDITION V



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**STAFF REPORT FOR  
PLANNING COMMISSION  
July 16, 2019**

**FILE NUMBER:** Hopkins Farms Minor Subdivision

**CONTROL NO.** 7987

**ACRES:** 13.16

**CURRENT ZONE:** AG-1

**NEW ZONE:** N/A

**APPLICANT:** Pugh Wright McAnally for Zane Mattox

**PROPERTY OWNER/PROPERTY ADDRESS:** 2923, 2925, and 3003 Danville Rd

**REQUEST:** Minor Subdivision to subdivide 13.16 acres into 4 lots of 3.03 acres, 3 acres, 3.02 acres, and 3.49 acres

**CURRENT LANDUSE:** Residential

**PROPOSED LANDUSE:** Residential

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

**ONE DECATUR STREET TYPOLOGY:** Danville Rd is a City connector

<b>COMMENTS AND RECOMMENDATIONS FROM TECHNICAL REVIEW COMMITTEE:</b>
--

**Recommend approval with the following conditions:**

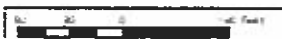
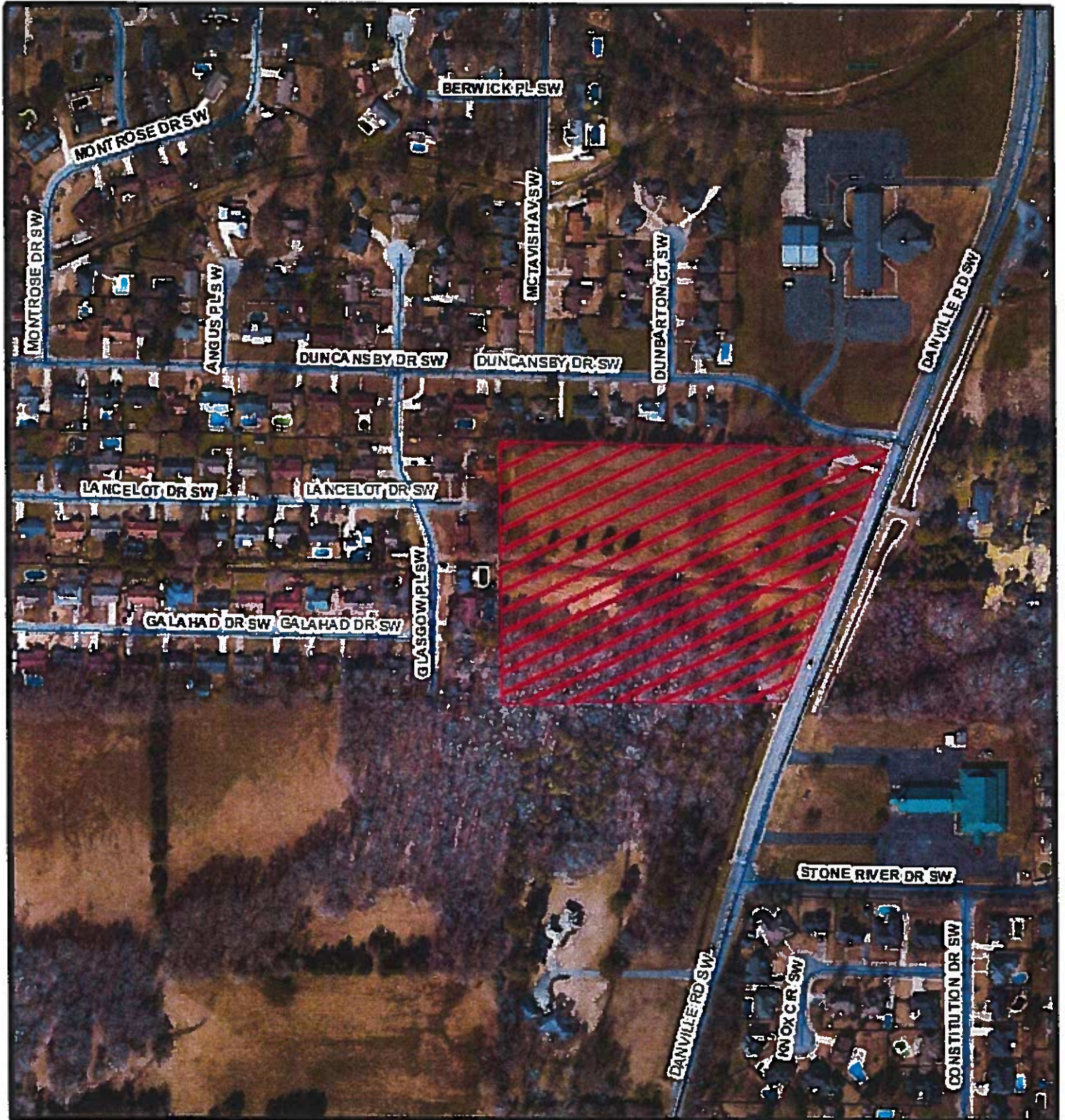
1. Dedicate a 20 foot DUTE easement for the existing ditch.

**Pt. of Info:**

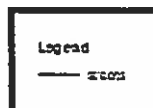
1. Any relocation of utilities will be at the owner's expense.

<b>COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:</b>
---

# Hopkins Farms



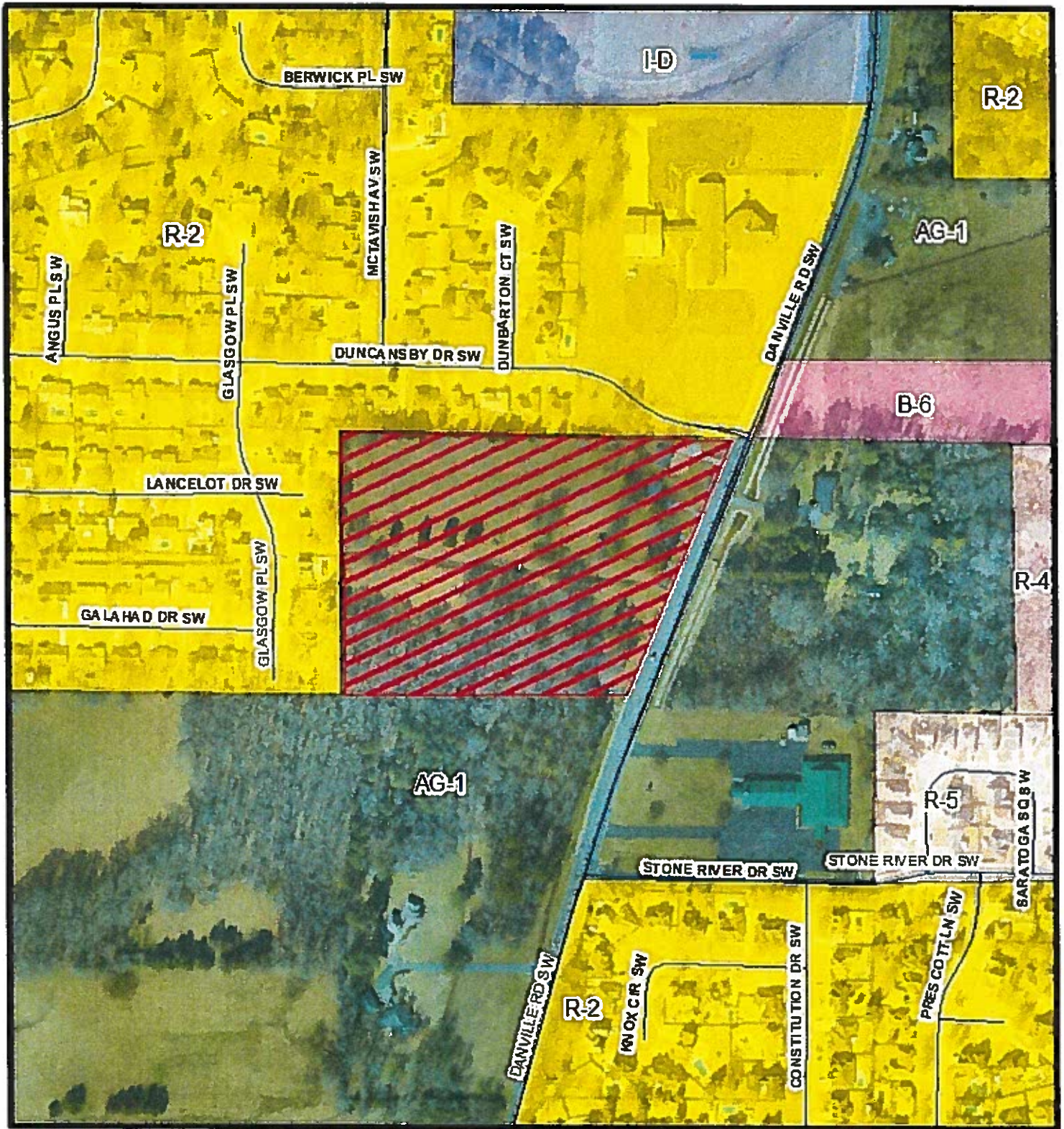
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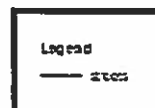
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# Hopkins Farms



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SUBJECT PROPERTY



**END PUBLIC HEARING**

**STAFF REPORT FOR  
PLANNING COMMISSION  
July 16, 2019**

<b>CONSENT AGENDA</b>
-----------------------

**FILE NUMBER:** CERTIFICATE 3451-19

**CONTROL NO.** 7981

**ACRES:** 11.79

**CURRENT ZONE:** AG-2

**NEW ZONE:** N/A

**APPLICANT:** Pugh Wright McAnally for Aaron and Barbara Guthrie

**PROPERTY OWNER/PROPERTY ADDRESS:** 2801 Fairgrounds Rd SW; Southeast corner of the intersection of Fairgrounds Rd. and Wimberly Dr.

**REQUEST:** To subdivide one tract of 11.79 Acres into two tracts of 4.08 and 7.71 acres

**CURRENT LAND USE:** Vacant/Fairgrounds Property

**PROPOSED LAND USE:** Commercial

**ONE DECATUR Future Land Use:** Major Institution / Civic Campus

**ONE DECATUR STREET TYPOLOGY:** Fairgrounds Rd and Wimberly Dr are local streets

<b>COMMENTS AND RECOMMENDATIONS FROM TECHNICAL REVIEW COMMITTEE:</b>
--

**Recommend approval with the following conditions:**

1. Recording fees and sealed survey required prior to recording.
2. Dedicate a five foot Drainage, Utilities and Telecommunications Easement (DUTE) along all roads.
3. Dedicate a 20 foot DUTE easement along the west property line.
4. Provide plat note on survey or in Certificate that no access will be allowed to Wimberly Dr. SW from tract one.
5. Show special flood hazard area on the survey (floodplain/ floodway)

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

1. This property is included in rezoning request 1333-19.
2. The future land use will change due to the recent sale which normally occurs once a year.
3. This property will have a pond to make adequate drainage provisions.
4. This property should maintain the existing vegetative buffer of trees along the west boundary.

<b>COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:</b>
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# CERTIFICATE 3451-19 AERIAL



City of Decatur Department of Development

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## Legend

streets

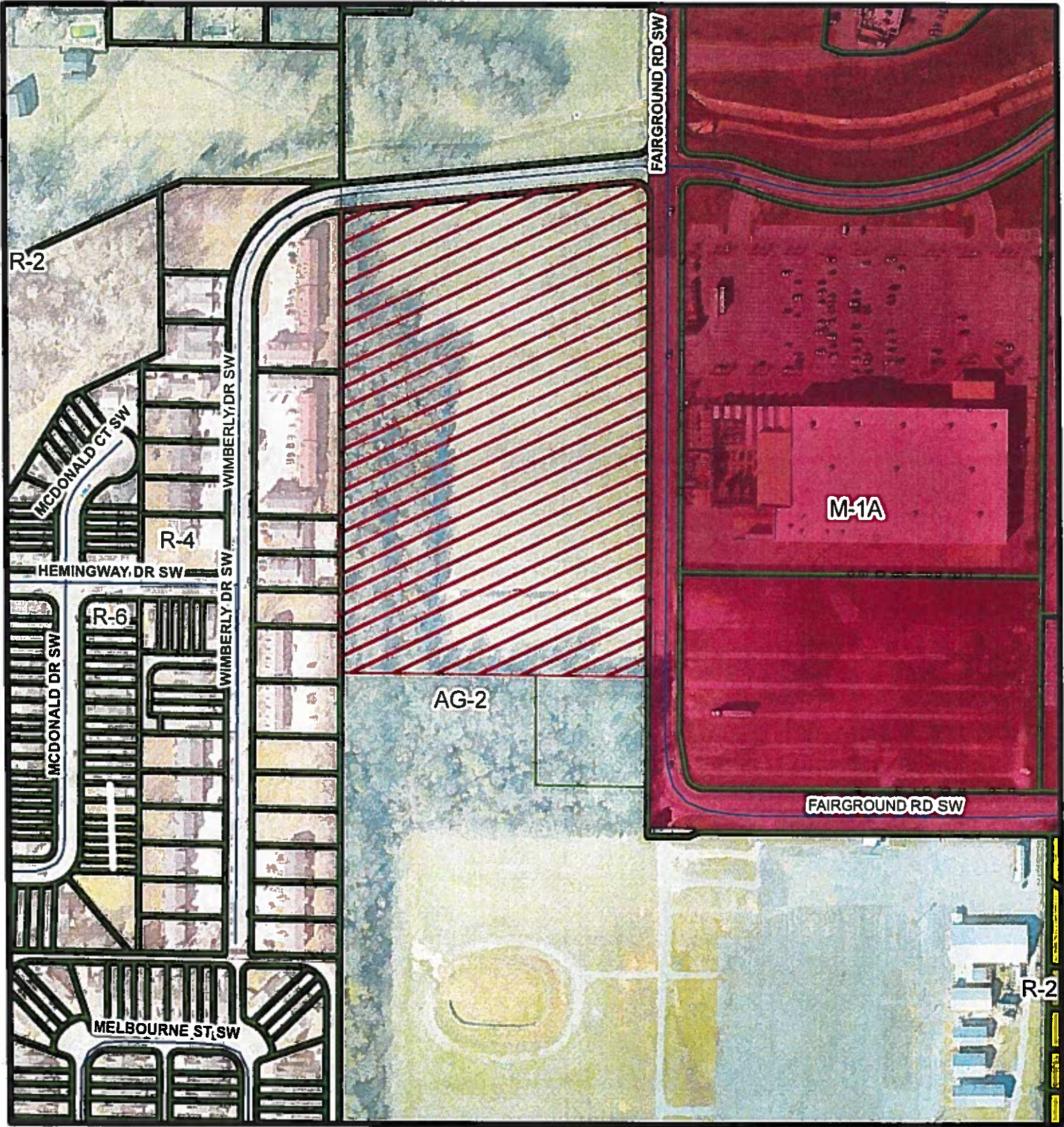
NEW PARCEL LAYER



SUBJECT PROPERTY



# CERTIFICATE 3451-19 ZONING



140 70 0 140 Feet

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Legend

- streets
- NEW PARCEL LAYER

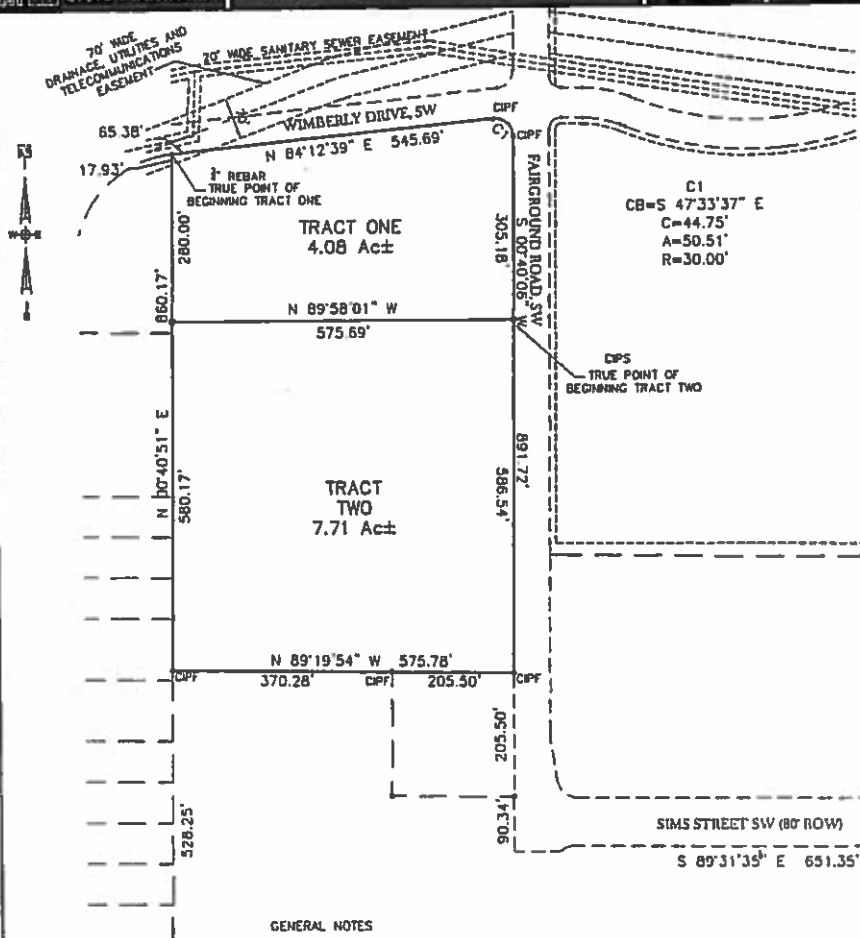


SUBJECT PROPERTY









### LEGEND

CIPF CAPPED IRON PIN FOUND  
CPS CAPPED IRON PIN SET  
(M) MEASURED DISTANCE  
(P) PLAT DISTANCE

### GENERAL NOTES

1. NORTH REFERENCE IS ALABAMA STATE PLANE GRID - WEST ZONE (NAD83) BEARINGS 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. 2007, PG 9; MISC 2019, PG 1067
4. PROPERTY IS LOCATED ON FAIRGROUNDS ROAD, SW, SOUTH OF WIMBERLY DRIVE, 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 JULY, 2019.

BOUNDARY SURVEY -- AARON AND BARBARA GUTHRIE -- FAIRGROUNDS ROAD SW

DRAWING DATE: JULY 2019 | DRAWN BY: DDP | APPROVED BY: HBM | JOB No. S-150-19 | SCALE: 1"=200' | PAGE 3 OF 3

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**STAFF REPORT FOR  
PLANNING COMMISSION  
July 16, 2019**

**FILE NUMBER:** Certificate 3452-19

**CONTROL NO.** 7982

**ACRES:** 165.83

**CURRENT ZONE:** PRD-2

**NEW ZONE:** N/A

**APPLICANT:** Pugh Wright McAnally for Roger Gwin and Jearldene Minor

**PROPERTY OWNER/PROPERTY ADDRESS:** 5301 Indian Hills Rd SE; East side of Indian Hills Rd.

**REQUEST:** To consolidate three tracts of 73.46, 62.77, and 29.60 acres into one tract of 165.83 acres

**CURRENT LANDUSE:** Vacant/Rural

**PROPOSED LANDUSE:** Single Family Residential

**ONE DECATUR Future Landuse:** Parks/Conservation-Rural Edge/Agriculture

**ONE DECATUR STREET TYPOLOGY:** Indian Hills Rd is a Neighborhood Connector

<b>COMMENTS AND RECOMMENDATIONS FROM TECHNICAL REVIEW COMMITTEE:</b>
--

**Recommend approval with the following conditions:**

1. Recording fees and sealed survey required prior to recording.
2. Provide state plane coordinates.
3. Dedicate easements as needed to make provisions for public services to the lot the north and west of the property. (Melba Teague PIN 28924) Subject to approval of Decatur Utilities and the city Engineer.

**Pt. of Info:**

1. Any relocation of utilities will be at the owner's expense.
2. Approval of rezoning 1331-19

<b>COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:</b>
---



# CERTIFICATE 3452-19 AERIAL



City of Decatur Department of Development  
 Note: Every reasonable effort has been made to assure the accuracy of this map. The City of Decatur does not assume liability arising from the use of this map. THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESSED OR IMPLIED.



SUBJECT PROPERTY



# CERTIFICATE 3452-19 ZONING



City of Decatur Department of Development

**Note:** Every reasonable effort has been made to assure the accuracy of this map. The City of Decatur does not assume liability arising from the use of this map. THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESSED OR IMPLIED.



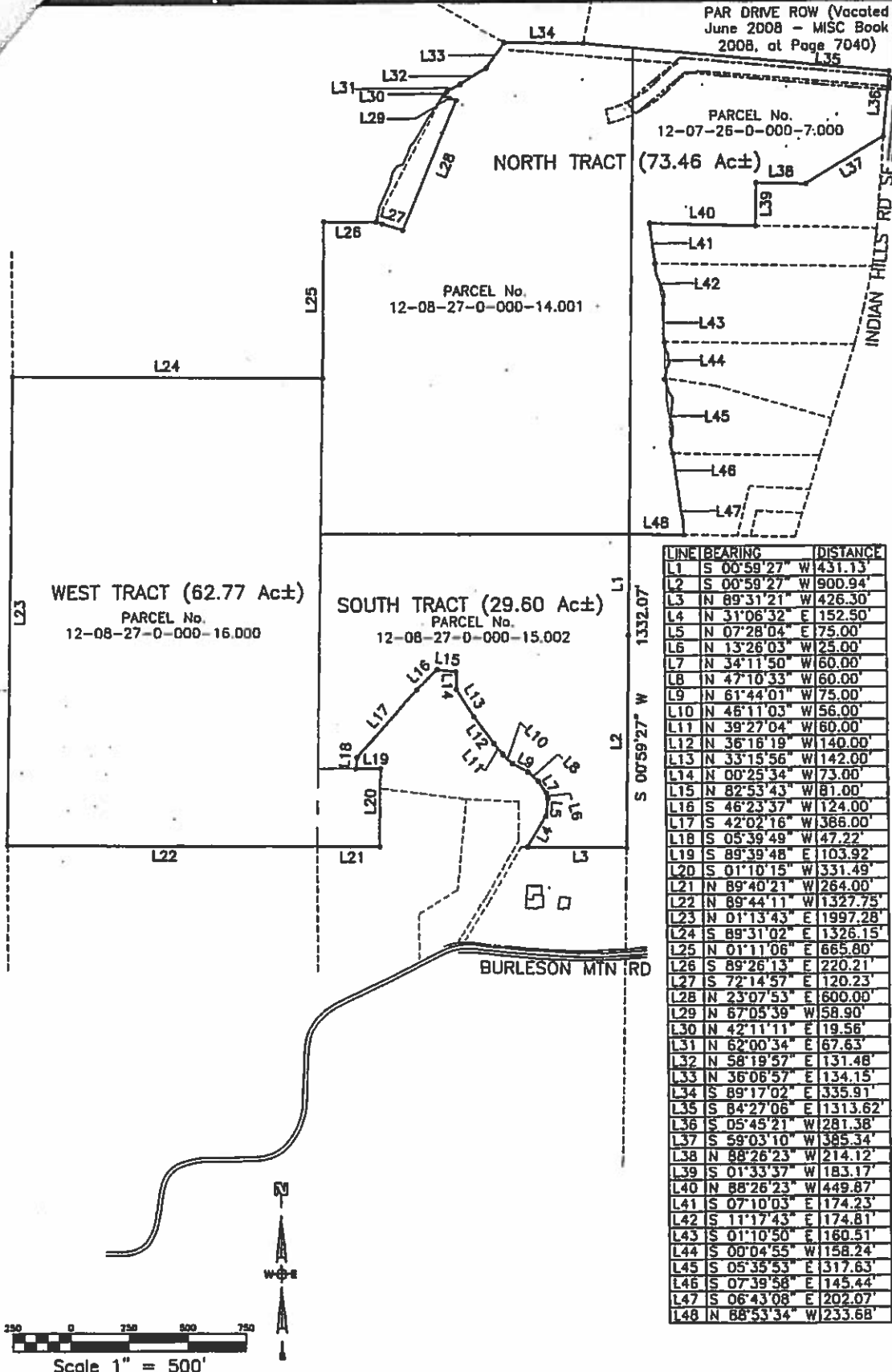
### Legend

**streets**

 NEW PARCEL LAYER

**SUBJECT PROPERTY**



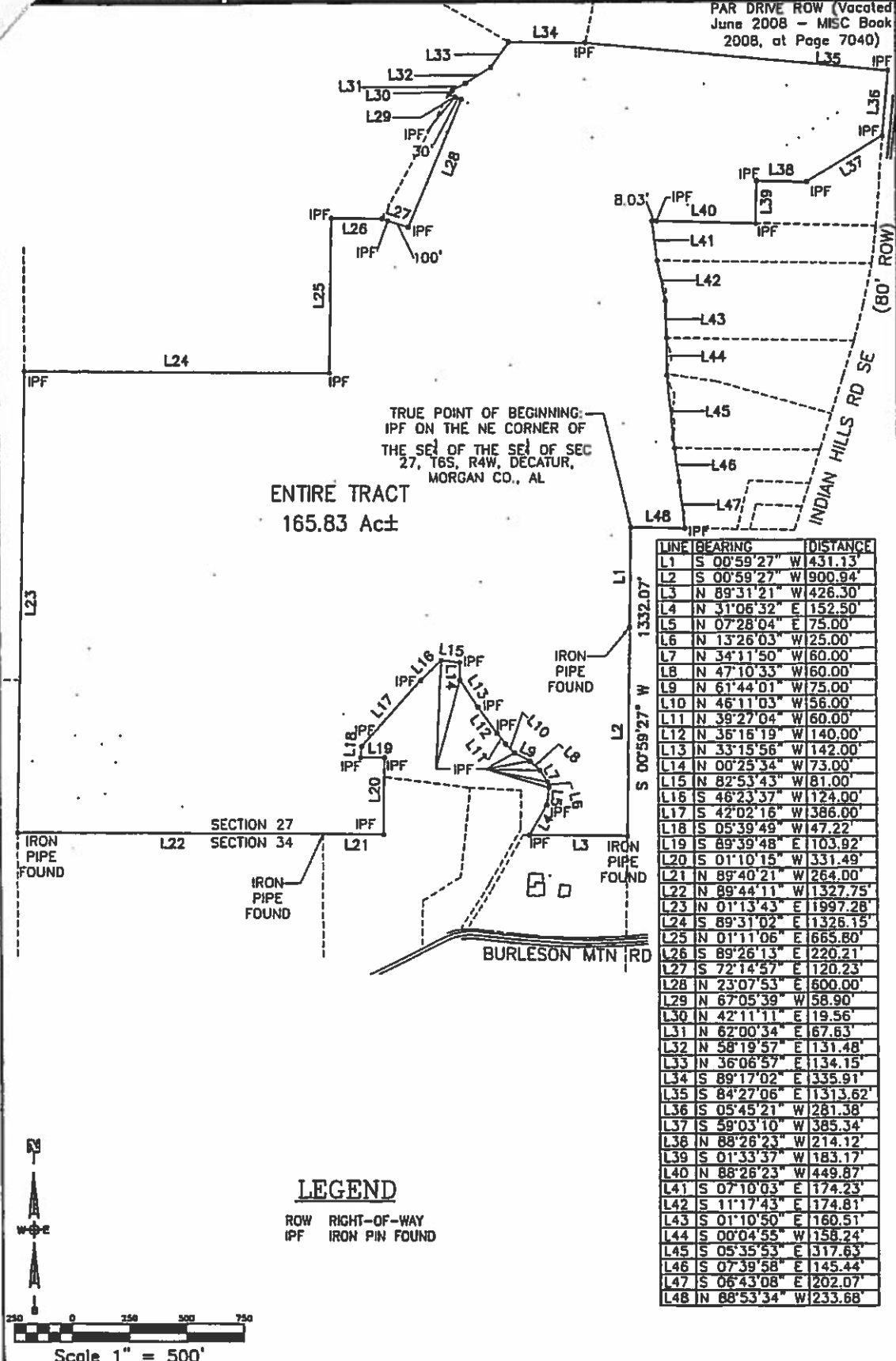


CERTIFICATE TO CONSOLIDATE --- ROGER MINOR --- INDIAN HILLS ROAD SE, DECATUR, AL

DRAWING DATE: JUNE 2019 | DRAWN BY: DDP | APPROVED BY: HBM | JOB No. D-137-19 | SCALE: 1"=500' | PAGE 5 OF 5

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PAR DRIVE ROW (Vacated  
June 2008 - MISC Book  
2008, at Page 7040)



BOUNDARY SURVEY -- ROGER MINOR -- INDIAN HILLS ROAD SE, DECATUR, AL

DRAWING DATE: JUNE 2019 | DRAWN BY: DDP | APPROVED BY: HBM | JOB No. S-138-19 | SCALE: 1"=500' | PAGE 3 OF 3

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**STAFF REPORT FOR  
PLANNING COMMISSION  
July 16, 2019**

**FILE NUMBER:** Certificate 3453-19

**CONTROL NO.** 7983

**ACRES:** .55

**CURRENT ZONE:** R2

**NEW ZONE:** N/A

**APPLICANT:** Pugh Wright McAnally for Steven C. and Jennifer Ledbetter

**PROPERTY OWNER/PROPERTY ADDRESS:** 2938 Legacy Dr SW; South side of Legacy Dr.

**REQUEST:** To subdivide one tract of .55 acres into two tracts of .28 and .27 acres

**CURRENT LAND USE:** Single Family Residential

**PROPOSED LAND USE:** Single Family Residential

**ONE DECATUR Future Land use:** Residential Low Density

**ONE DECATUR STREET TYPOLOGY:** Legacy Dr is a local street

<b>COMMENTS AND RECOMMENDATIONS FROM TECHNICAL REVIEW COMMITTEE:</b>
--

**Recommend approval with the following conditions:**

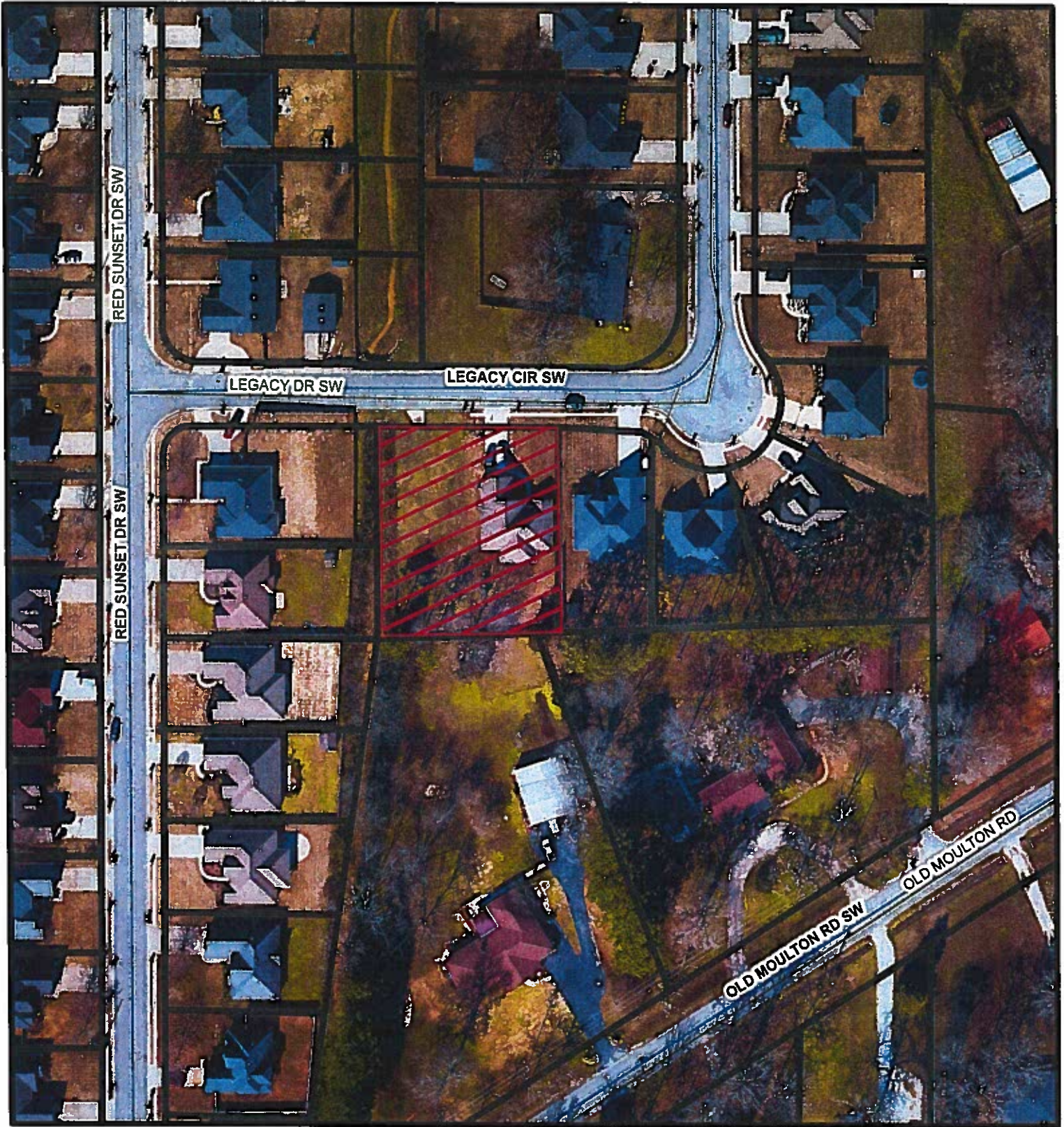
1. Recording fees and sealed survey required prior to recording.

**Pt. of Info:**

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

<b>COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:</b>
---

# CERTIFICATE 3453-19



City of Decatur Department of Development  
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**SUBJECT PROPERTY**



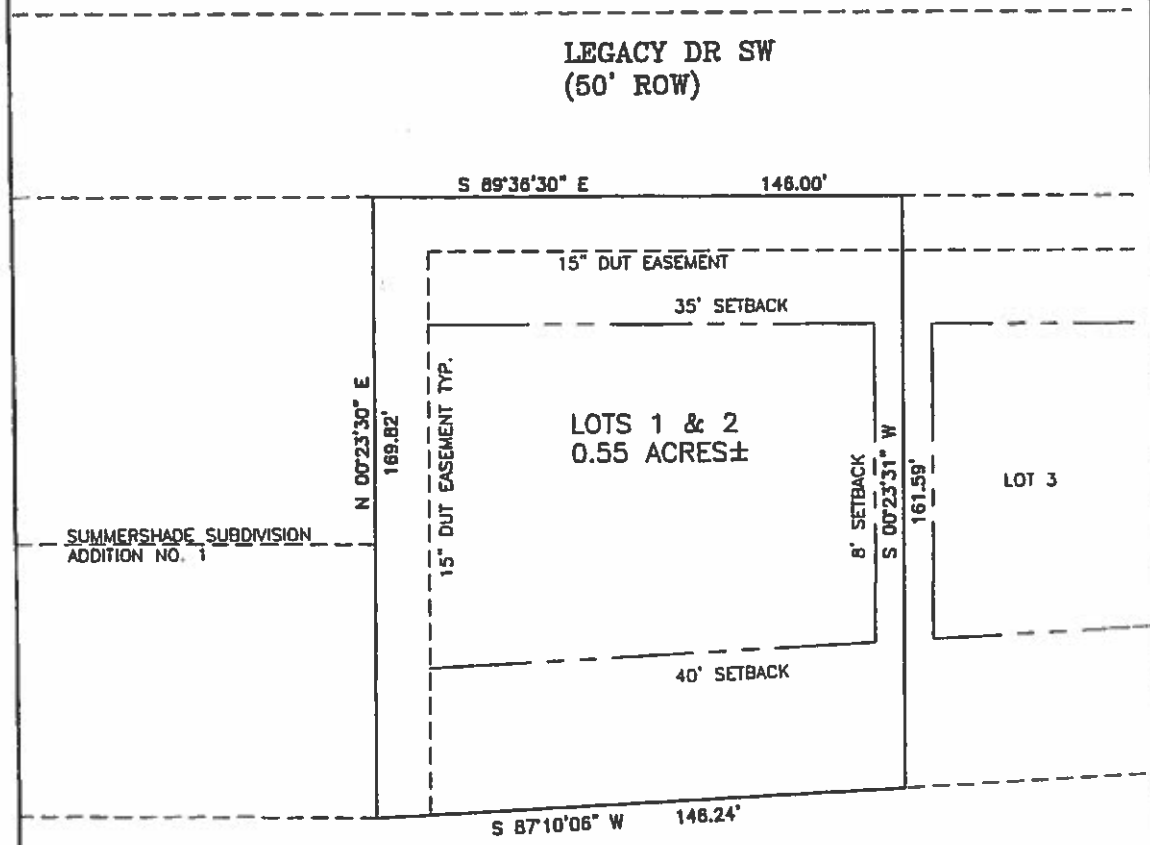
# CERTIFICATE 3453-19 ZONING



City of Decatur Department of Development  
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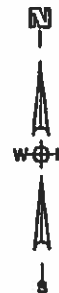


SUBJECT PROPERTY



**LEGEND**

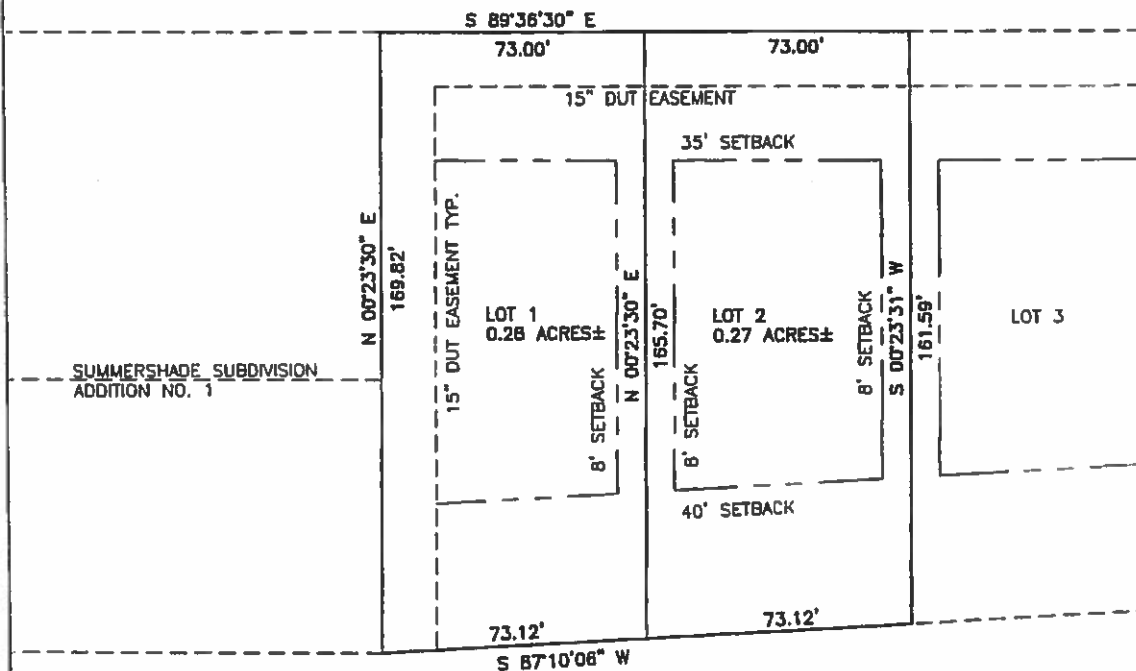
ROW RIGHT OF WAY  
DUT DRAINAGE, UTILITY,  
TELECOMMUNICATIONS  
EASEMENT



Scale 1" = 40'



**LEGACY DR SW  
(50' ROW)**



**LEGEND**

ROW RIGHT OF WAY  
DUT DRAINAGE, UTILITY,  
TELECOMMUNICATIONS  
EASEMENT

**GENERAL NOTES**

1. NORTH REFERENCE IS BASE BEARING FROM DEED 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. 2005, PG 16
4. PROPERTY ADDRESS IS 2938 LEGACY DRIVE SW, DECATUR, AL 35603
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 JULY, 2019.



Scale 1" = 40'

BOUNDARY SURVEY -- STEVEN C. & JENNIFER LEDBETTER -- 2938 LEGACY DRIVE SW

DRAWING DATE: 07-02-19 | DRAWN BY: CSC | APPROVED BY: RWH | JOB No. S-182-19 | SCALE: 1"=40' | PAGE 2 OF 2

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**STAFF REPORT FOR  
PLANNING COMMISSION  
July 16, 2019**

**FILE NUMBER:** Certificate 3454-19

**CONTROL NO.** 7984

**ACRES:** .69

**CURRENT ZONE:** B2

**NEW ZONE:** N/A

**APPLICANT:** Pugh Wright McAnally for Jimmy Johnson

**PROPERTY OWNER/PROPERTY ADDRESS:** 512 Beltline Rd SW; North side of Beltline Rd.

**REQUEST:** To consolidate four tracts of .17, .21, .187, and .184 acres into one tract of .69 acres

**CURRENT LANDUSE:** Commercial

**PROPOSED LANDUSE:** Commercial

**ONE DECATUR Future Land Use:** Community Commercial

**ONE DECATUR STREET TYPOLOGY:** Beltline Rd SW is a Beltline

<b>COMMENTS AND RECOMMENDATIONS FROM TECHNICAL REVIEW COMMITTEE:</b>
--

**Recommend approval with the following conditions:**

1. Recording fees and sealed survey required prior to recording.

**Pt. of Info:**

1. Any relocation of utilities will be at the owner's expense.
2. Property owner to be provided a copy of the temporary sign ordinance and made aware of the provisions with regard to streamers.

<b>COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:</b>
---



# CERTIFICATE 3454-19 AERIAL



City of Decatur Department of Development  
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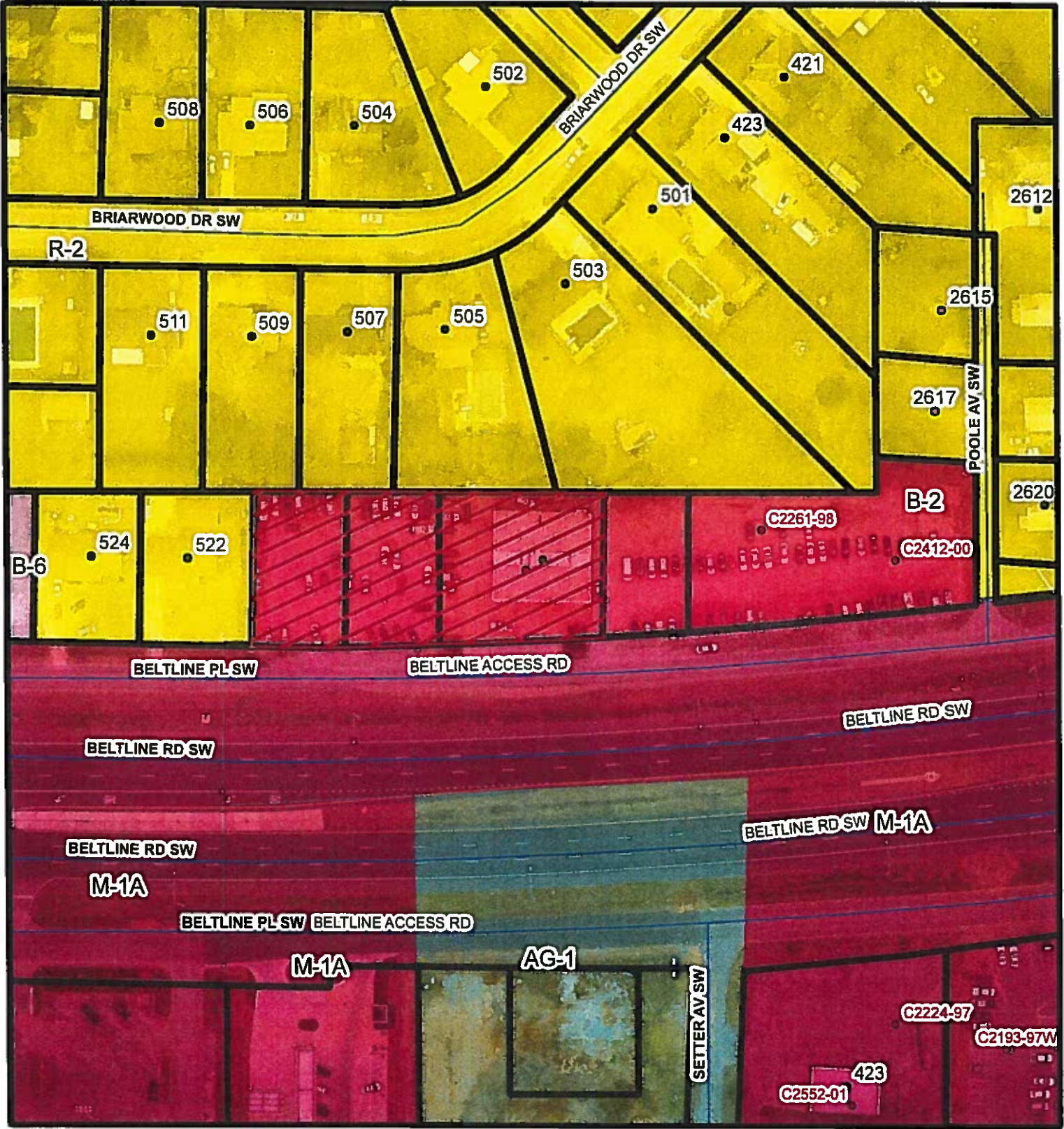
Legend  
 — streets  
 NEW PARCEL LAYER



SUBJECT PROPERTY

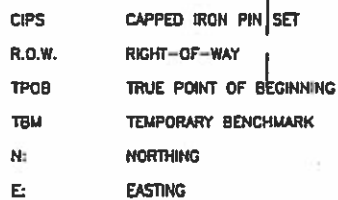


# CERTIFICATE 3454-19 ZONING



City of Decatur Department of Development  
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N: 1659493.12  
E: 2121073.89

N: 1659383.19  
E: 2121072.62

CIP S 00°42'53" W 109.94'

CIP 40'  
TPOB  
UNIT 1

605'

SOUTHEAST CORNER  
OF THE SE1/4 OF THE  
SW1/4 OF SECTION 31,  
T55S, R41W, DECATUR,  
MORGAN COUNTY,  
ALABAMA

### LEGEND

● CIPS	CAPPED IRON PIN SET
○ IPF	IRON PIN FOUND
R.O.W.	RIGHT-OF-WAY
TPOB	TRUE POINT OF BEGINNING
N:	NORTHING
E:	EASTING

126'  
15' WIDE DU&T  
EASEMENT

**UNIT 1**  
0.69 Ac±

LINDA B.  
WATKINS

S 89°06'31" E 272.01'

N 89°06'31" W 272.01'

RIGHT-OF-WAY

FRONTAGE ROAD

BELTLINE ROAD SW

WILLARD SHANE  
SPEARS

MICHELLE  
GRIFFIN

1/2" REBAR  
(0.16' SOUTH)

N: 1659387.42  
E: 2120800.84

N 00°42'53" E 109.94'

CIP

#### GENERAL NOTES

1. NORTH REFERENCE IS PLAT BEARING AS SHOWN HEREDIN.
2. ALL MEASUREMENTS SHOWN ARE TO U.S. STANDARDS AND ARE FIELD MEASUREMENTS UNLESS OTHERWISE SHOWN.
3. SOURCE OF INFORMATION USED FOR SURVEY: DB 2002, PG 6583
4. NO ENCROACHMENTS WERE FOUND ABOVE GROUND EXCEPT AS SHOWN.
5. NO SEARCH OF PUBLIC RECORDS HAS BEEN PERFORMED BY THIS FIRM TO DETERMINE IF ANY DEFECTS AND/OR AMBIGUITIES EXIST IN THE TITLE.
6. THERE WAS NO FIELD LOCATION ATTEMPTED TO DETERMINE THE EXTENT OF SUBSURFACE STRUCTURES
7. 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.
8. FIELD WORK WAS COMPLETED IN JULY, 2018.

BOUNDARY SURVEY -- JIMMY R. JOHNSON--BELTLINE MOTORS, DECATUR, AL

DRAWING DATE: JULY 2018 | DRAWN BY: CSC | APPROVED BY: HBM | JOB No. S-154-18 | SCALE: 1"=30' | PAGE 2 OF 2

PUGHWRIGHTMCANALLY.COM



**STAFF REPORT FOR  
PLANNING COMMISSION  
July 16, 2019**

**FILE NUMBER:** Certificate 3455-19

**CONTROL NO.** 7985

**ACRES:** 13.98

**CURRENT ZONE:** AG-1

**NEW ZONE:** N/A

**APPLICANT:** Pugh Wright McAnally for Burningtrees Valley Associates

**PROPERTY OWNER/PROPERTY ADDRESS:** Burningtrees Valley Associates; East side of Indian Hills Rd., north of Red Bank Rd.

**REQUEST:** To subdivide 13.98 acres into two tracts of 4.46 and 9.52 acres

**CURRENT LAND USE:** Agricultural

**PROPOSED LAND USE:** Single Family Residential

**ONE DECATUR Future Land Use:** Residential Low

**ONE DECATUR STREET TYPOLOGY:** Indian Hills Rd is a neighborhood connector and Willow Bend Rd is a local street

<b>COMMENTS AND RECOMMENDATIONS FROM TECHNICAL REVIEW COMMITTEE:</b>
--

**Recommend approval with the following conditions:**

1. Recording fees and sealed survey required prior to recording.
2. Deed needed

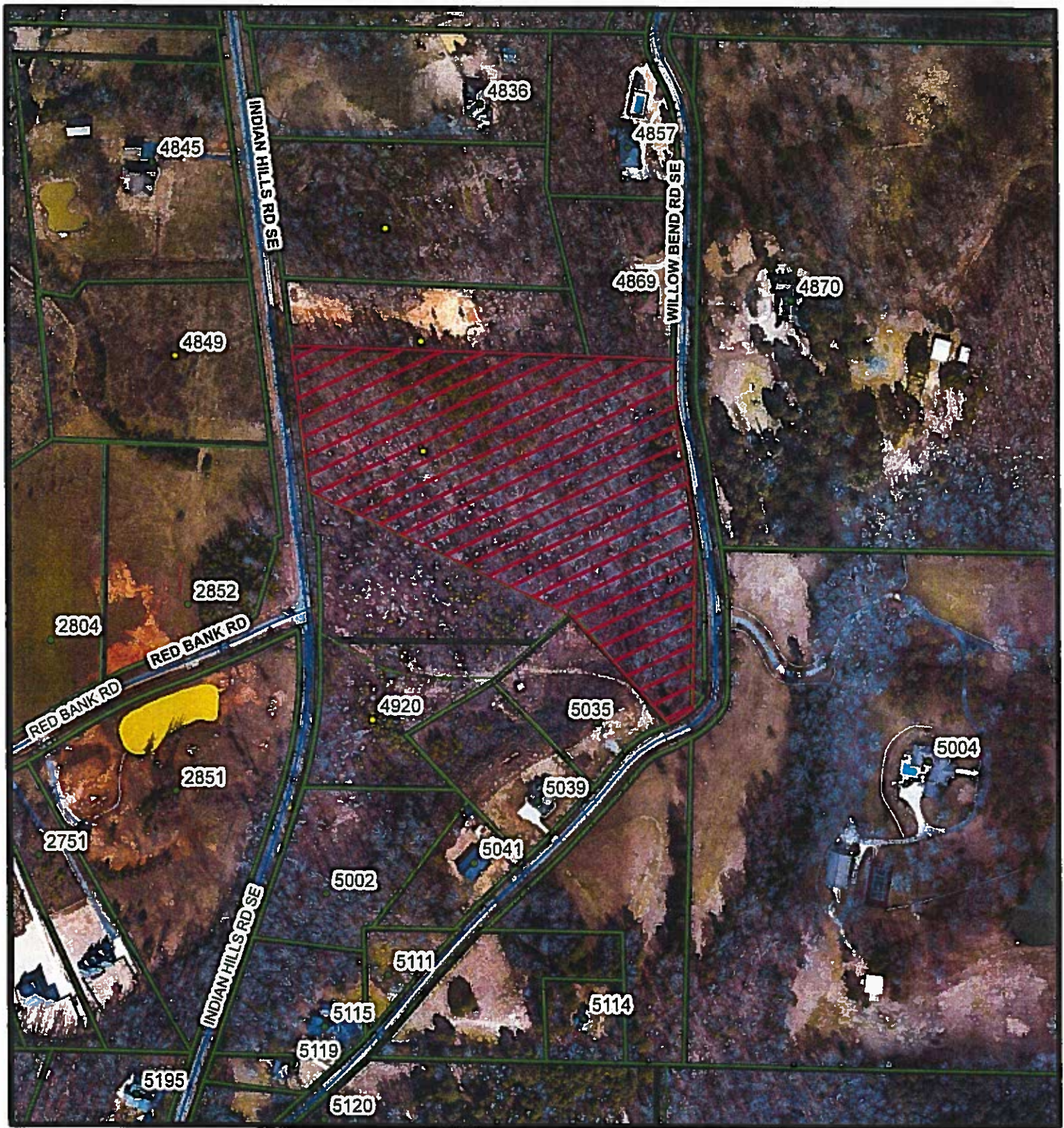
**Pt. of Info:**

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

<b>COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:</b>
---



# CERTIFICATE 3455-19 AERIAL



City of Decatur Department of Development  
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## Legend

Streets

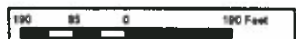
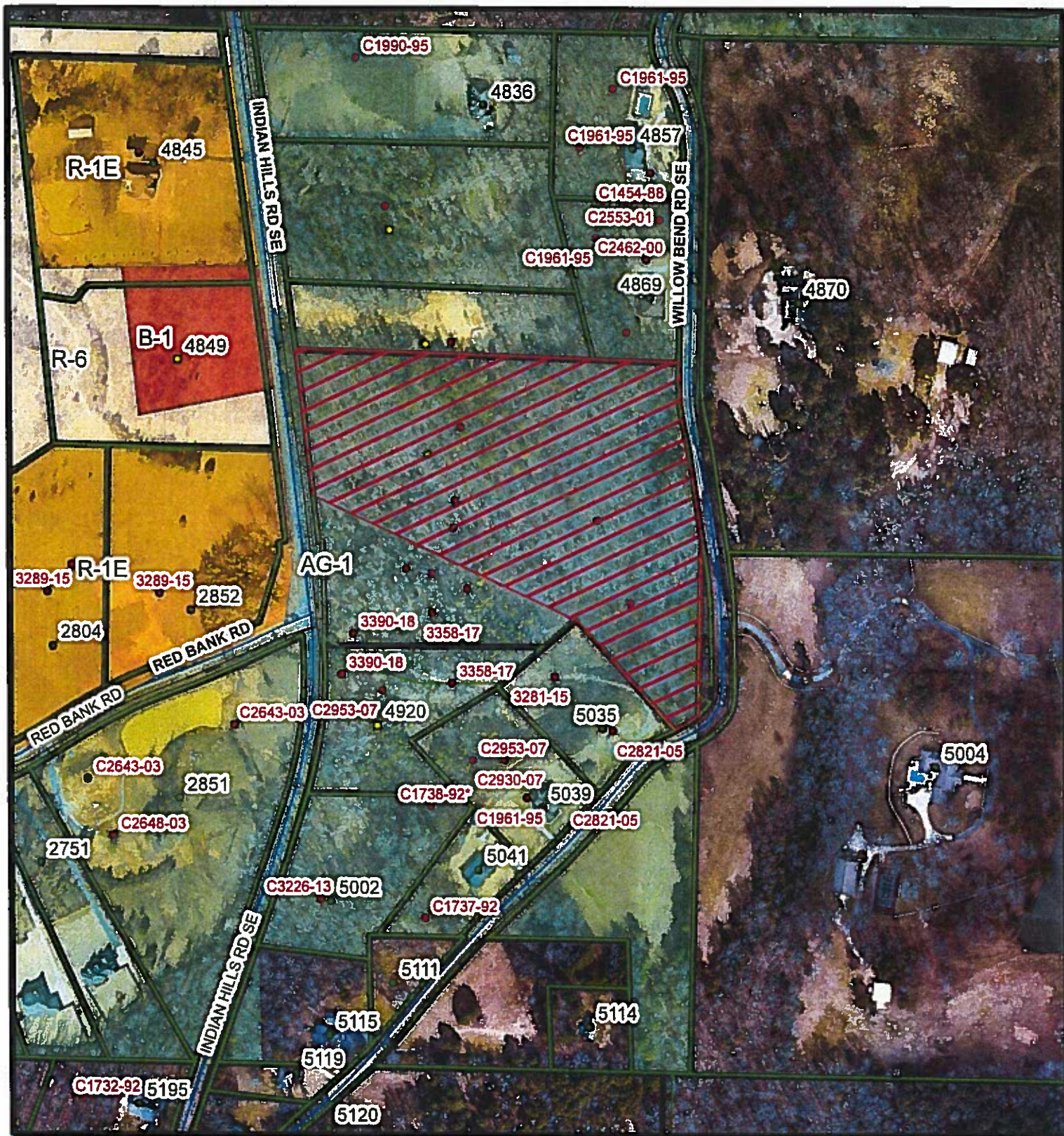
NEW PARCEL LAYER



SUBJECT PROPERTY



# CERTIFICATE 3455-19 ZONING

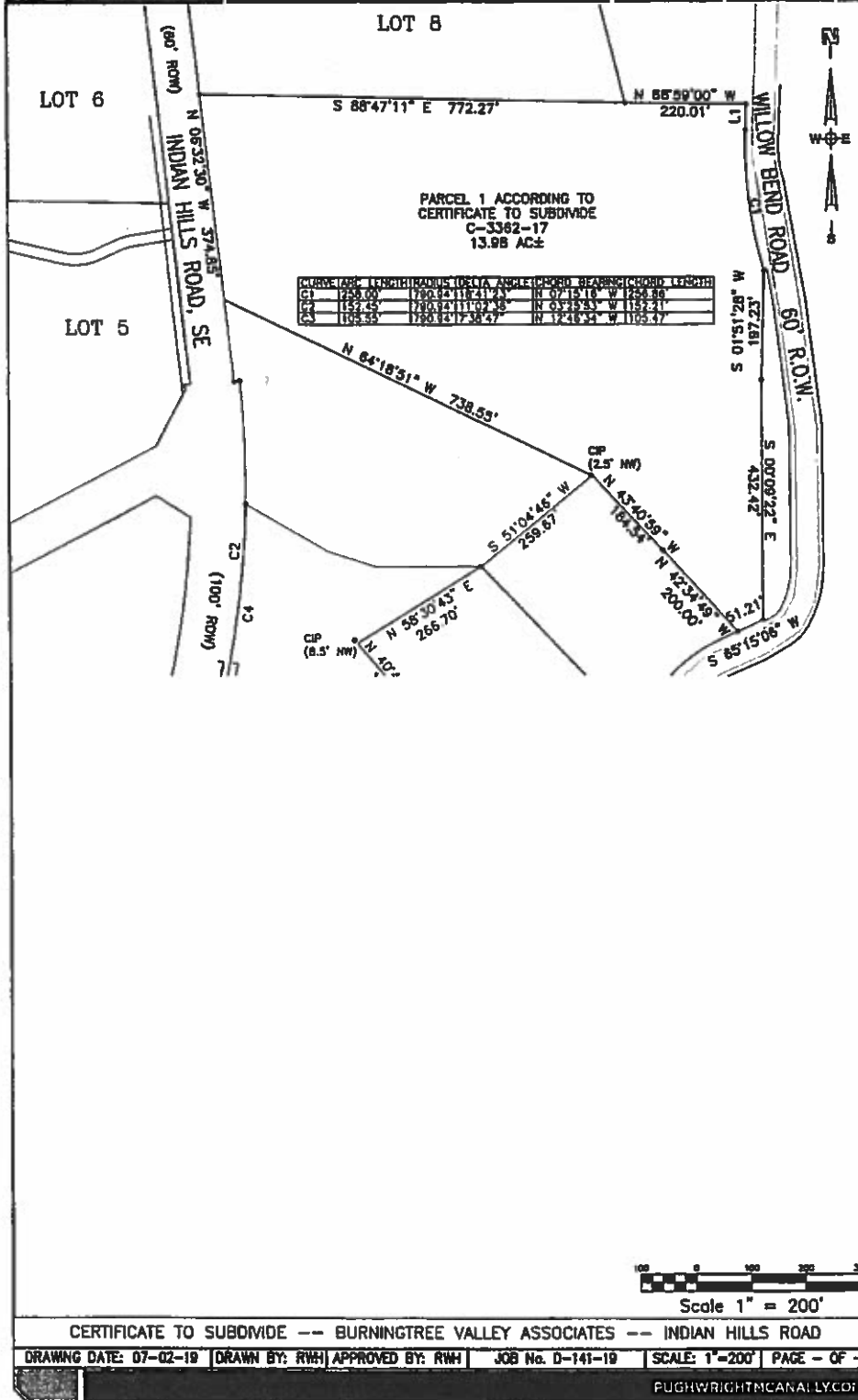


City of Decatur Department of Development  
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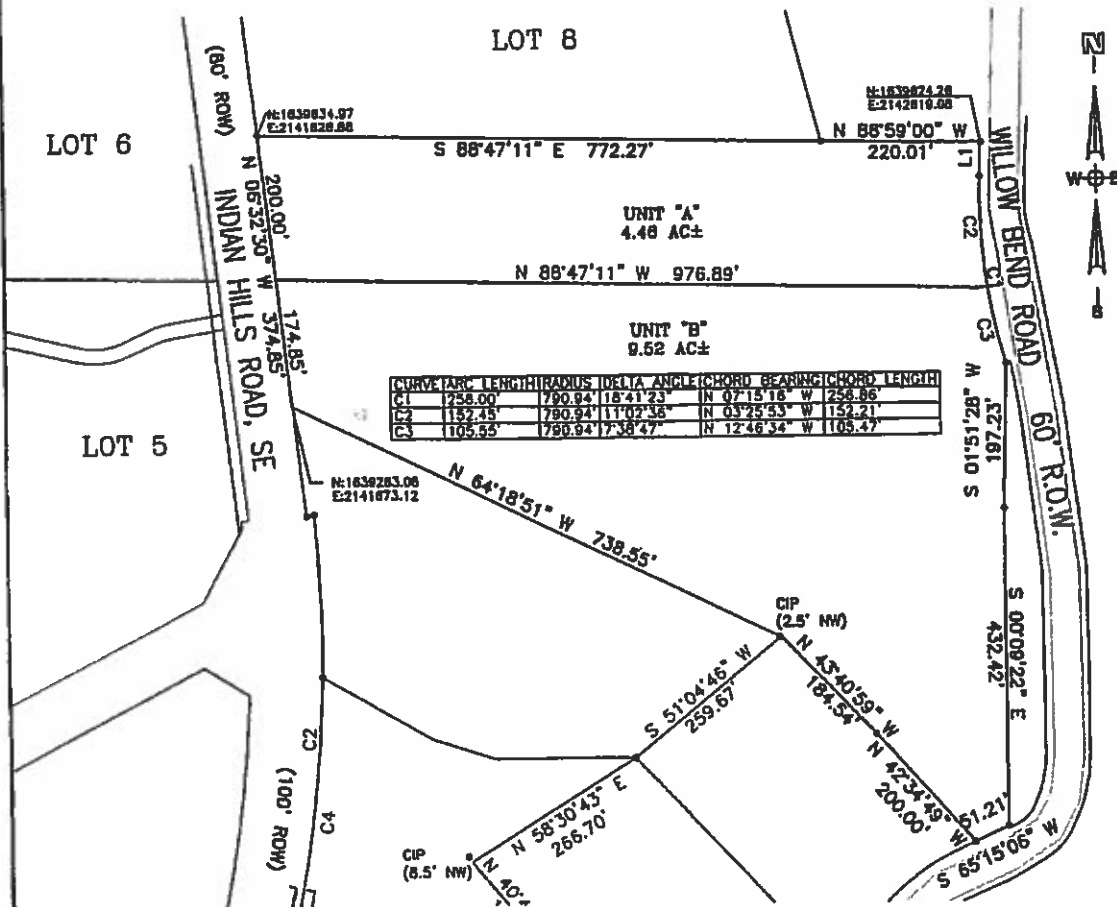


**SUBJECT PROPERTY**









BOUNDARY SURVEY -- BURNINGTREE VALLEY ASSOCIATES -- INDIAN HILLS ROAD

DRAWING DATE: 07-02-19 | DRAWN BY: RWH | APPROVED BY: RWH | JOB No. S-142-19 | SCALE: 1"=200' | PAGE 3 OF 3

PUGHWRIGHTMCANALLY.COM

**STAFF REPORT FOR  
PLANNING COMMISSION  
July 16, 2019**

**FILE NUMBER:** Certificate 3456-19

**CONTROL NO.** 7986

**ACRES:** 27.0395

**CURRENT ZONE:** AG-1

**NEW ZONE:** N/A

**APPLICANT:** Lee Y. Greene and Associates for Steve Shelton

**PROPERTY OWNER/PROPERTY ADDRESS:** 1515 and 1519 Woodall Rd SW; East side of Woodall Rd.

**REQUEST:** To subdivide one tract of 27 acres into three tracts of 23.8932, 1.3879, and 1.7584 acres

**CURRENT LAND USE:** Single Family Residential

**PROPOSED LAND USE:** Single Family Residential

**ONE DECATUR Future Land use:** Residential Low

**ONE DECATUR STREET TYPOLOGY:** Woodall Rd is a city connector

<b>COMMENTS AND RECOMMENDATIONS FROM TECHNICAL REVIEW COMMITTEE:</b>
--

**Recommend approval with the following conditions:**

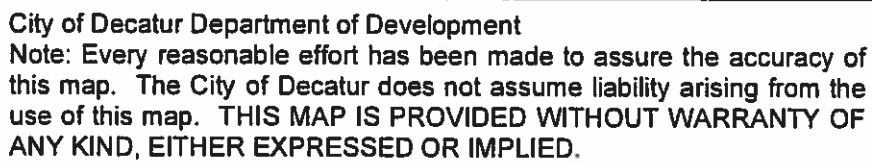
1. Recording fees required prior to recording.
2. Deed needed.
3. Provide copies of the septic tank permits for tract A and tract B
4. Show special flood hazard area on the survey (floodplain/ floodway)

**Pt. of Info:**

1. Any relocation of utilities will be at the owner's expense.
2. Review certificate 1533-89 book 1316 page 312 and verify that those lots are not impacted.

<b>COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:</b>
---

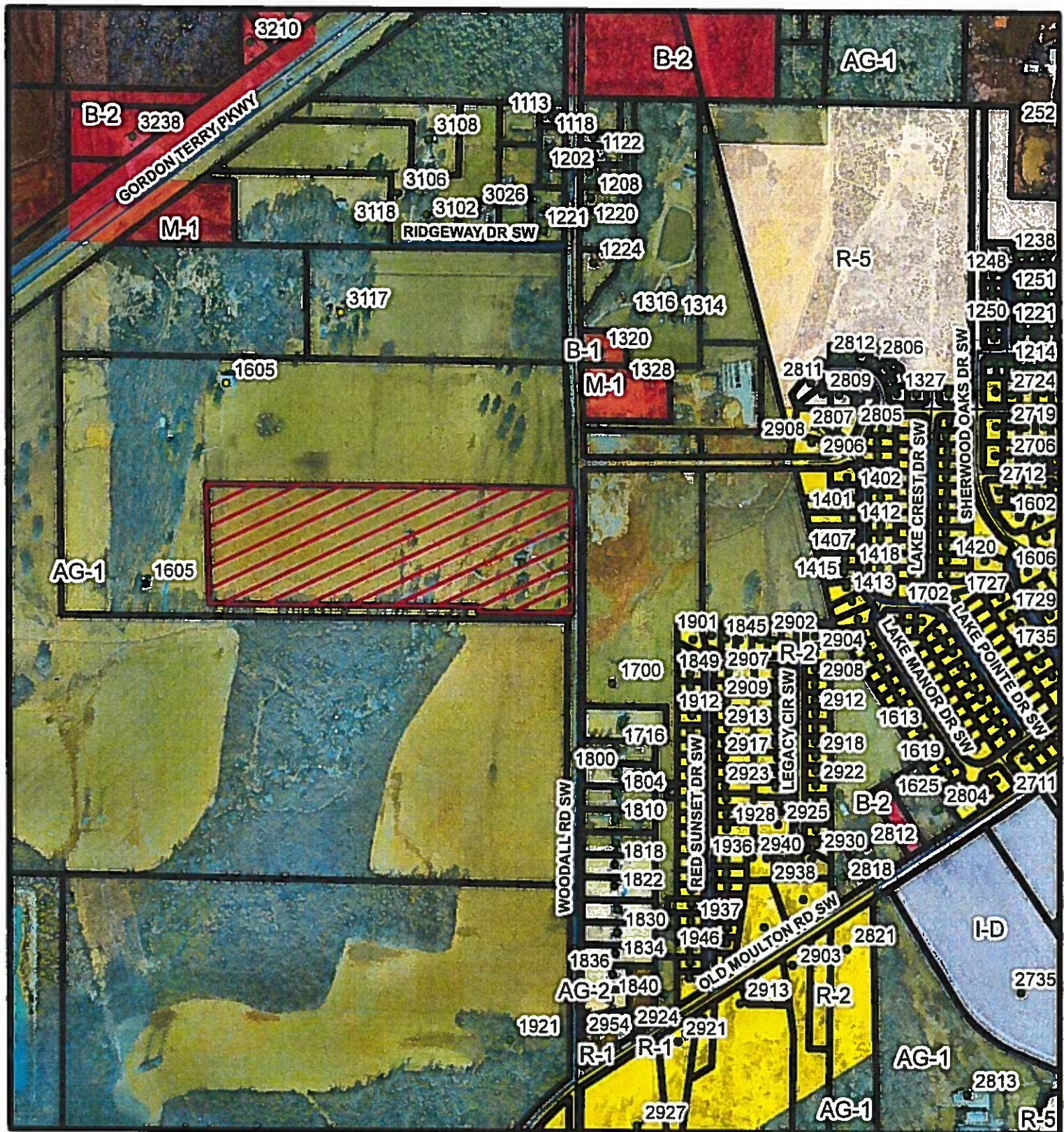


[illegible]

## SUBJECT PROPERTY



# CERTIFICATE 3456-19 ZONING



City of Decatur Department of Development

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### Legend

— streets

 **NEW PARCEL LAYER**

**SUBJECT PROPERTY**





**STAFF REPORT FOR  
PLANNING COMMISSION  
July 16, 2019**

**FILE NUMBER:** Site Plan 585-19

**CONTROL NO.** 7979

**ACRES:** 5.11

**CURRENT ZONE:** M-2

**NEW ZONE:** N/A

**APPLICANT:** Pugh Wright McAnally for Alan McCall

**PROPERTY OWNER/PROPERTY ADDRESS:** 2301 Commerce Dr.; South & west of Commerce Dr.

**REQUEST:** Site Plan Review

**CURRENT LAND USE:** Industrial

**PROPOSED LAND USE:** Industrial

**ONE DECATUR Future Land use:** General Industrial

**ONE DECATUR STREET TYPOLOGY:** Commerce Dr is a local street

<b>COMMENTS AND RECOMMENDATIONS FROM TECHNICAL REVIEW COMMITTEE:</b>
--

**Recommend approval with the following conditions:**

1. Confirm the address.

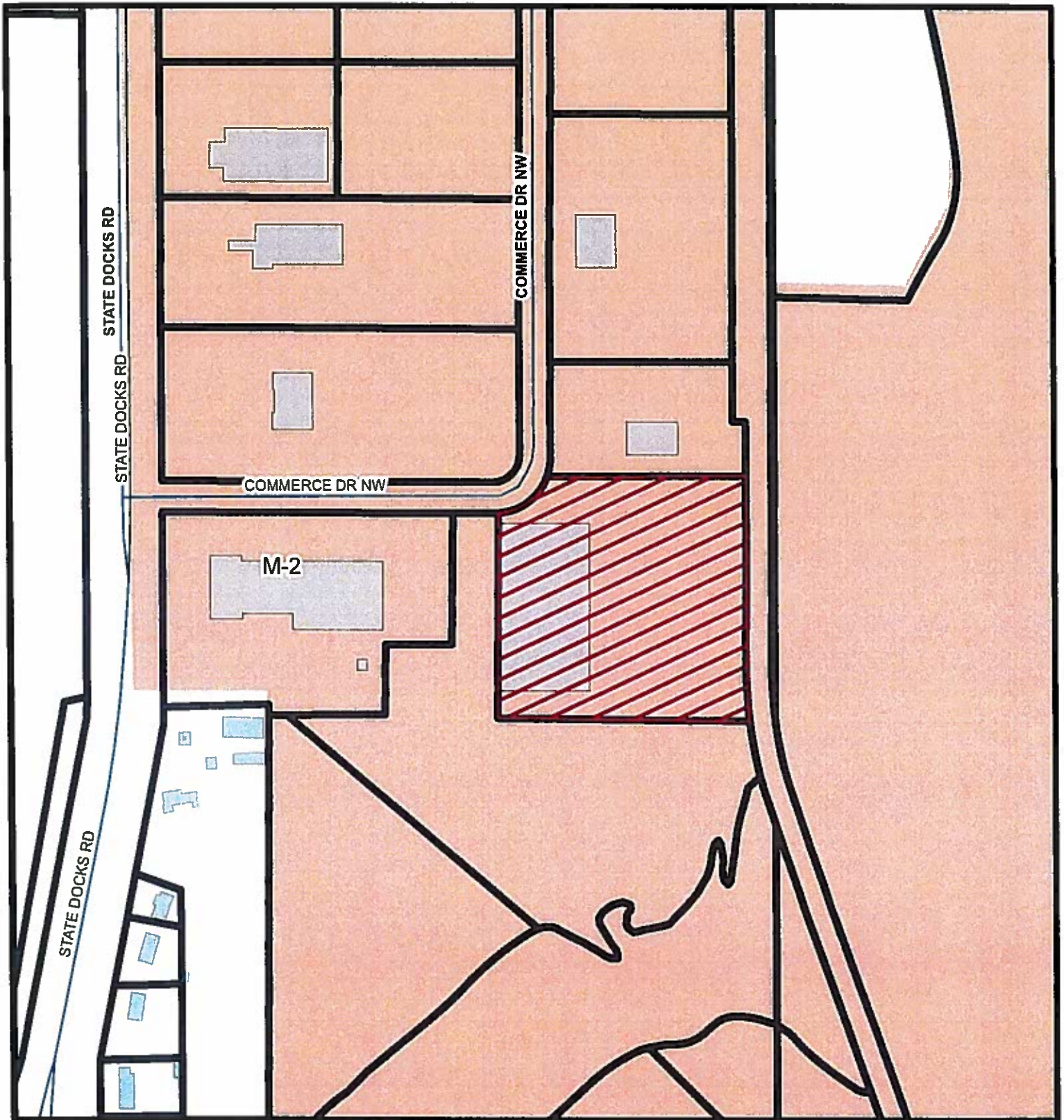
**Pt. of Info:**

1. Any relocation of utilities will be at the owner's expense.
2. Locate and show utilities on the drawings. Dedicate and adjust easements to include all utilities.
3. Make provisions for drainage on the drawings to be approved by the city engineer.

<b>COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:</b>
---



# SITE PLAN 585-19



140 70 0 140 Feet

City of Decatur Department of Development  
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SUBJECT PROPERTY



# 1302 Commerce Dr. NW



240 120 0 240 Feet

City of Decatur Department of Development

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Legend

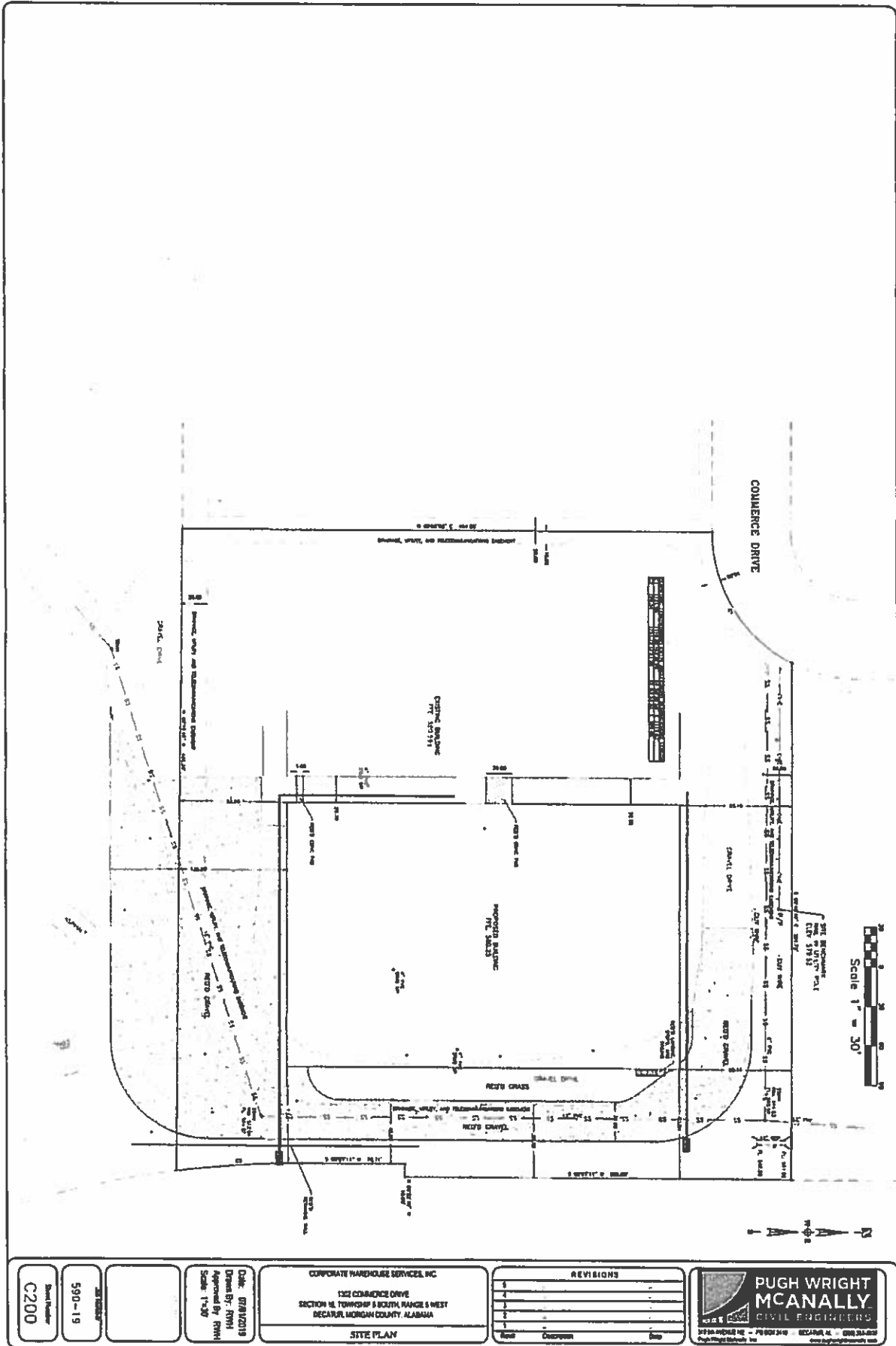
streets

NEW PARCEL LAYER



SUBJECT PROPERTY





**STAFF REPORT FOR  
PLANNING COMMISSION  
July 16, 2019**

**FILE NUMBER:** Site Plan 586-19

**CONTROL NO.** 7980

**ACRES:** 7.83

**CURRENT ZONE:** R2

**NEW ZONE:** N/A

**APPLICANT:** Pugh Wright McAnally for Apostolic Church of God

**PROPERTY OWNER/PROPERTY ADDRESS:** 601 Memorial Dr SW; Southwest corner of the intersection of Memorial Dr. and Second Av.

**REQUEST:** Site plan review for Gillette Pavilion

**CURRENT LAND USE:** Vacant

**PROPOSED LAND USE:** Church

**ONE DECATUR Future Land use:** Mixed Neighborhood

**ONE DECATUR STREET TYPOLOGY:** Memorial Dr is a neighborhood connector

<b>COMMENTS AND RECOMMENDATIONS FROM TECHNICAL REVIEW COMMITTEE:</b>
--

**Recommend approval with the following conditions:**

1. Subject to Decatur Utilities approval and concurrence that sewer rerouting is complete and easements are in place.

**Pt. of Info:**

1. Any relocation of utilities will be at the owner's expense.
2. This will need Board of Zoning Adjustment approval for a semi-public use prior to construction of a church building.
3. Provide easements and dedicate as needed for utilities. Subject to approval of Decatur Utilities.
4. Drainage approved, prior building permit being requested, subject to approval of the city engineer.

<b>COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:</b>
---



# 601 Memorial Dr.-Gillette Pavillion



City of Decatur Department of Development

Note: Every reasonable effort has been made to assure the accuracy of this map. The City of Decatur does not assume liability arising from the use of this map. THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESSED OR IMPLIED.



Legend

streets

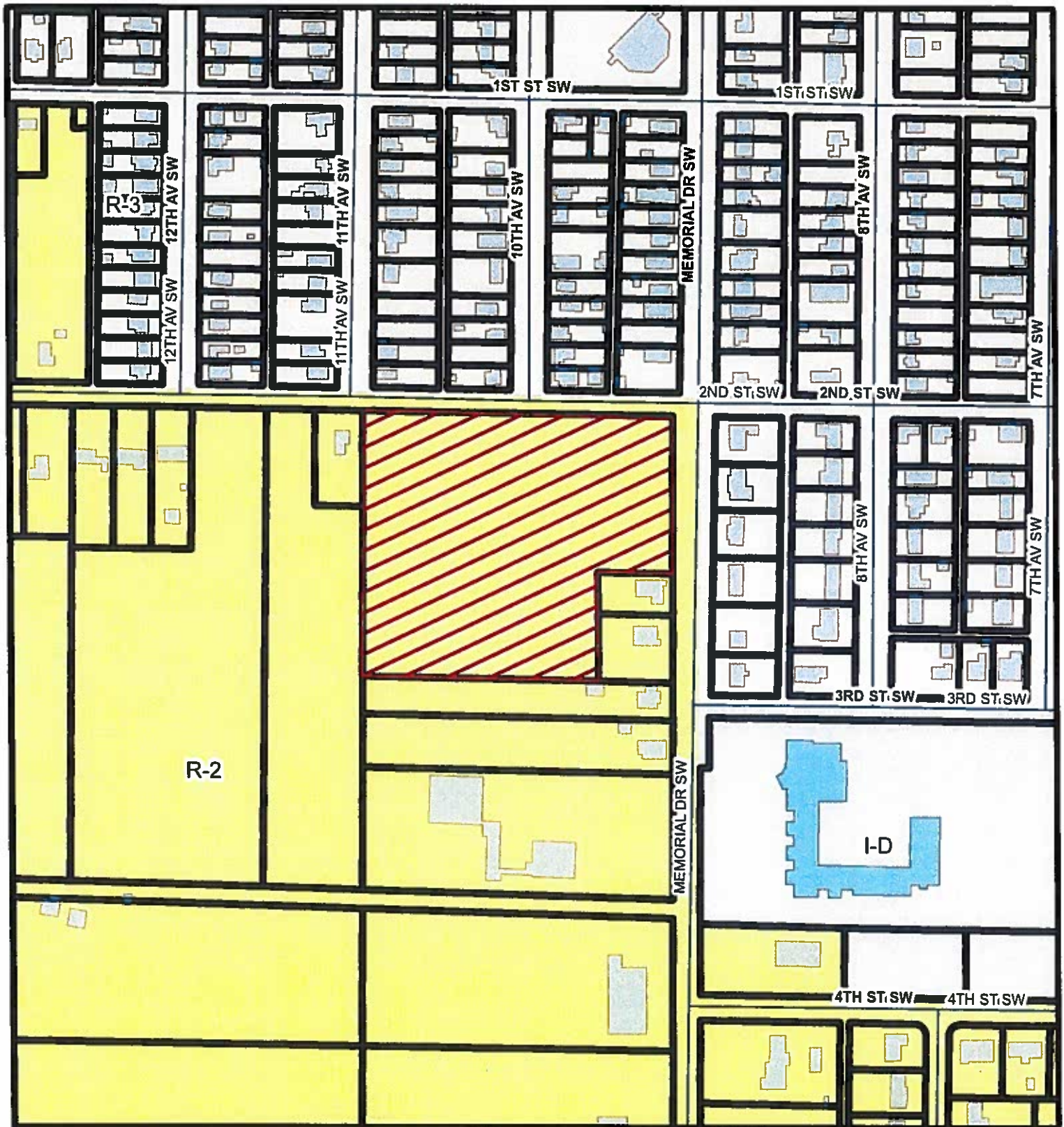
NEW PARCEL LAYER



SUBJECT PROPERTY



# 601 MEMORIAL DRIVE GILLETTE PAVILLION ZONING



100 0 100 Feet

City of Decatur Department of Development  
 Note: Every reasonable effort has been made to assure the accuracy of this map. The City of Decatur does not assume liability arising from the use of this map. THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESSED OR IMPLIED.



SUBJECT PROPERTY





**STAFF REPORT FOR  
PLANNING COMMISSION  
July 16, 2019**

**FILE NUMBER:** Sidewalk Café, 307 2<sup>nd</sup> Ave SE

**CONTROL NO.** 7989

**ACRES:** N/A

**CURRENT ZONE:** B5

**NEW ZONE:** N/A

**APPLICANT:** Tyler Jones/High Point Market, LLC

**PROPERTY OWNER/PROPERTY ADDRESS:** High Point Market LLC, 307 2nd Av. SE; West side of 2nd Av. between Gordon Dr. and Grant St.

**REQUEST:** Sidewalk Café Approval

**CURRENT LANDUSE:** Business

**PROPOSED LANDUSE:** Business

**ONE DECATUR Future Land Use:** Urban Core Downtown

**ONE DECATUR STREET TYPOLOGY:** Second Ave is a local connector

<b>COMMENTS AND RECOMMENDATIONS FROM TECHNICAL REVIEW COMMITTEE:</b>
--

Recommend approval with the following conditions:

1. Be consistent with the net clear opening starting at the edge of the base of the stanchion.

**Pt. of Info:**

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

<b>COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:</b>
---



# 307 2nd AVE SE SIDEWALK CAFE



Legend  
 NEW PARCEL LAYER

City of Decatur Department of Development

Note: Every reasonable effort has been made to assure the accuracy of this map. The City of Decatur does not assume liability arising from the use of this map. THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY





# 307 2nd AVE SE SIDEWALK CAFE ZONING



**Legend**

NEW PARCEL LAYER

City of Decatur Department of Development  
 Note: Every reasonable effort has been made to assure the accuracy of this map. The City of Decatur does not assume liability arising from the use of this map. THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY





**STAFF REPORT FOR  
PLANNING COMMISSION  
July 16, 2019**

**FILE NUMBER:** Sidewalk Café, 107 2<sup>nd</sup> Ave NE

**CONTROL NO.** 7988

**ACRES:** N/A

**CURRENT ZONE:** B5

**NEW ZONE:** N/A

**APPLICANT:** Curtis W. Parker & Vince Stephens

**PROPERTY OWNER/PROPERTY ADDRESS:** 107 2nd Ave NE Suite A; West side of 2nd Av. between Holly St. and East Moulton St.

**REQUEST:** Sidewalk Café Approval

**CURRENT LANDUSE:** Business

**PROPOSED LANDUSE:** Business

**ONE DECATUR Future Landuse:** Urban Core Downtown

**ONE DECATUR STREET TYPOLOGY:** Second AV is a local connector

<b>COMMENTS AND RECOMMENDATIONS FROM TECHNICAL REVIEW COMMITTEE:</b>
--

**Recommend approval with the following conditions:**

1. Be consistent with the net clear opening starting at the edge of the base of the stanchion.

**Pt. of Info:**

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

<b>COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:</b>
---

<b>END CONSENT AGENDA</b>
---------------------------

# 107 2ND AVE NE SIDEWALK CAFE



Legend  
 NEW PARCEL LAYER

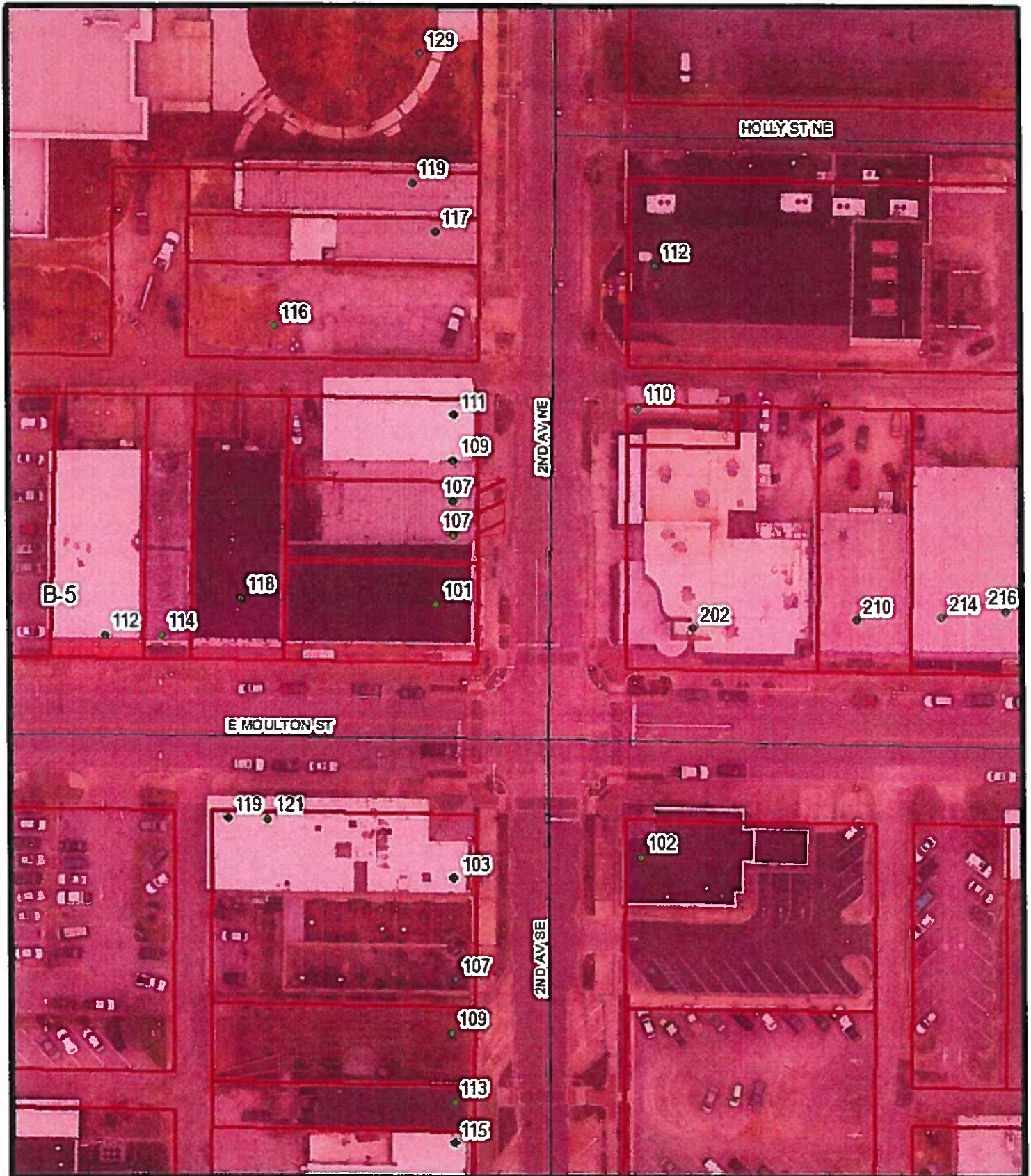
City of Decatur Department of Development

Note: Every reasonable effort has been made to assure the accuracy of this map. The City of Decatur does not assume liability arising from the use of this map. THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY





# 107 2ND AVE NE SIDEWALK CAFE ZONING



Legend  
 NEW PARCEL LAYER

City of Decatur Department of Development

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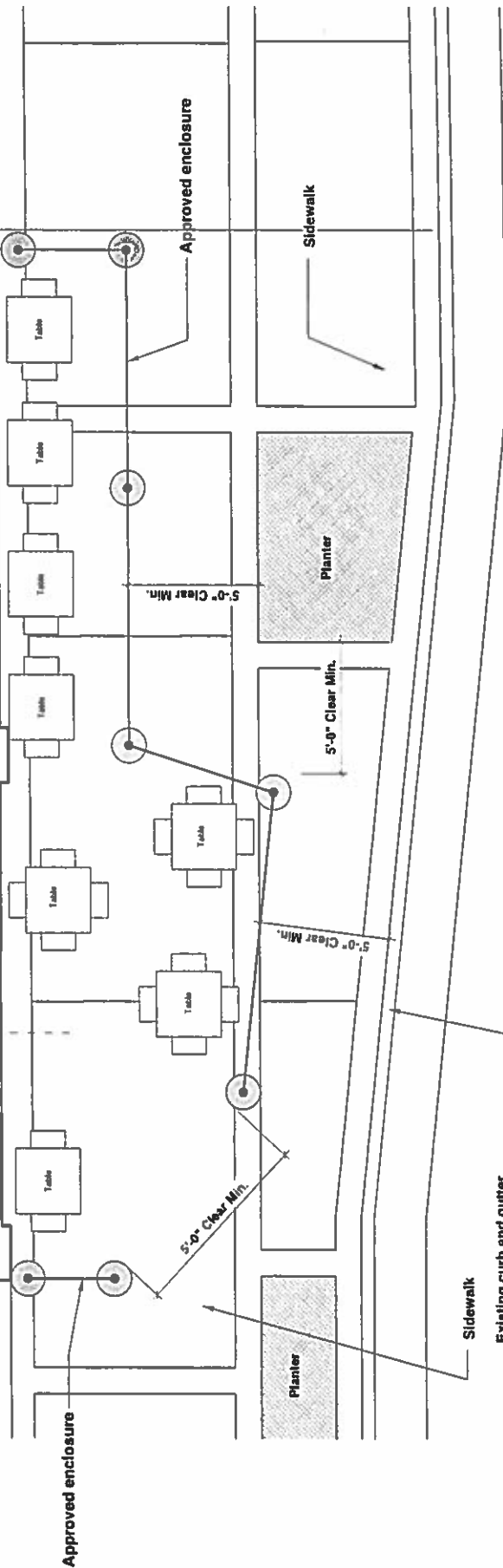


# THE CASUAL GOURMET

CL Door

5'-0" Clear Min.

EXISTING BUILDING



PROPOSED OUTDOOR CAFE LAYOUT

## THE CASUAL GOURMET

107 2ND AVENUE SE DECATUR, AL

Scale: 1/4" = 1'-0"

05/07/13

