

## MEMORANDUM

DATE: September 21, 2021

TO: Planning Commissioners

CC: Mayor Tab Bowling; Herman Marks; Tom Polk;  
Dane Shaw, Carl Prewitt; Planning Staff

### PLANNING COMMISSION MEETING

September 21, 2021

Pre-meeting – 2:45 p.m. (Council  
Chambers)

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

# Agenda Planning Commission

City of Decatur, AL

September 21, 2021

Time: 3:30 PM

City Council Chambers

Commissioners: **Kent Lawrence**, *Chairman*; **Gary Borden**, *Vice Chairman*; **Daniel Culpepper**, *Secretary*; **Hunter Pepper**, **Frances Tate**; **Joseph Wynn**; **Eddie Pike**; **Myna Burroughs**; **Forrest Temple**

## CALL MEETING TO ORDER

## OLD BUSINESS

### CERTIFICATE

### PAGE/MAP

A. 3541-21

(1303 Hwy 20)

1-4

## PUBLIC HEARING

### REZONING

### PAGE/MAP

A. Rezoning 1377-21

(Milligan St SW, East of Danville Rd)

5-10

B. Rezoning 1378-21

(West of Hwy 31 and South of Hightower St SE)

11-16

<b>CONSENT AGENDA</b>
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**CERTIFICATES****PAGE/MAP**

A. 3553-21 (1311 19 <sup>th</sup> Ave SE)	16-19
B. 3554-21 (2105 Beltline Rd SW)	20-23
C. 3555-21 (126 Mill Rd SW)	24-27

**SITE PLAN REVIEWS****PAGE/MAP**

A. Site Plan 619-21 (23366 Bibb Garrett Rd)	28-31
B. Site Plan 620-21 (2009 6 <sup>th</sup> Ave SE)	32-35

## OLD BUSINESS

### TABLED CERTIFICATE FROM AUGUST 2021

**FILE NAME OR NUMBER:** Extra-territorial Certificate 3541-21

**ACRES:** 6.6

**CURRENT ZONE:** None

**APPLICANT:** Mid-South Testing Inc. for Ashley Spangler

**LOCATION AND OR PROPERTY ADDRESS:** 1303 Highway 20

**REQUEST:** Consolidate three parcels of 0.7, 3.9, and 2.0 acres to create one parcel of 6.6 acres.

**PROPOSED LAND USE:** Commercial

**ONE DECATUR FUTURE LAND USE:** Flex Employment

**ONE DECATUR STREET TYPOLOGY:** Highway 20 is a Principal Arterial

### COMMENTS AND RECOMMENDATIONS FROM TECHNICAL REVIEW COMMITTEE:

#### Conditions to be met:

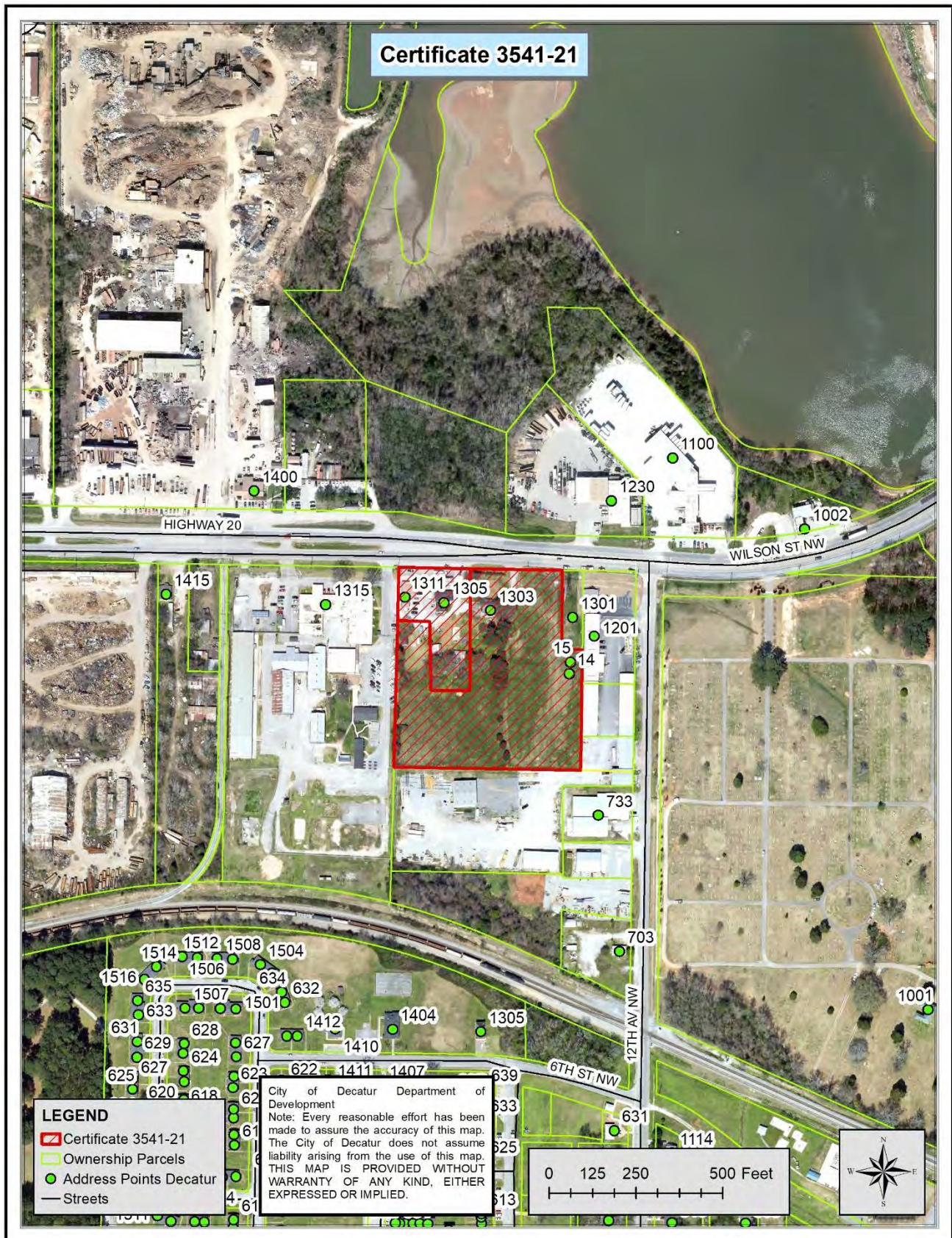
1. Recording fees
2. Updated legal description with two notary blocks. We need one for County Engineer.  
The certificate needs to be in the extra-territorial format
3. Legal description on total tract. Language is a little confusing. Look at paragraphs 2 and 3 and see if it needs to be re-worded
4. Name on the certificate should be how they are deeded
5. Remove "Proposed RV Park" from the name of the plat
6. Powerline that runs east/west across property we will need a 40 ft easement, 20ft on each side from center line
7. Need a 20 ft easement, 10 ft on either side of the centerline, for lines coming off of the main line

#### Pt. of Info:

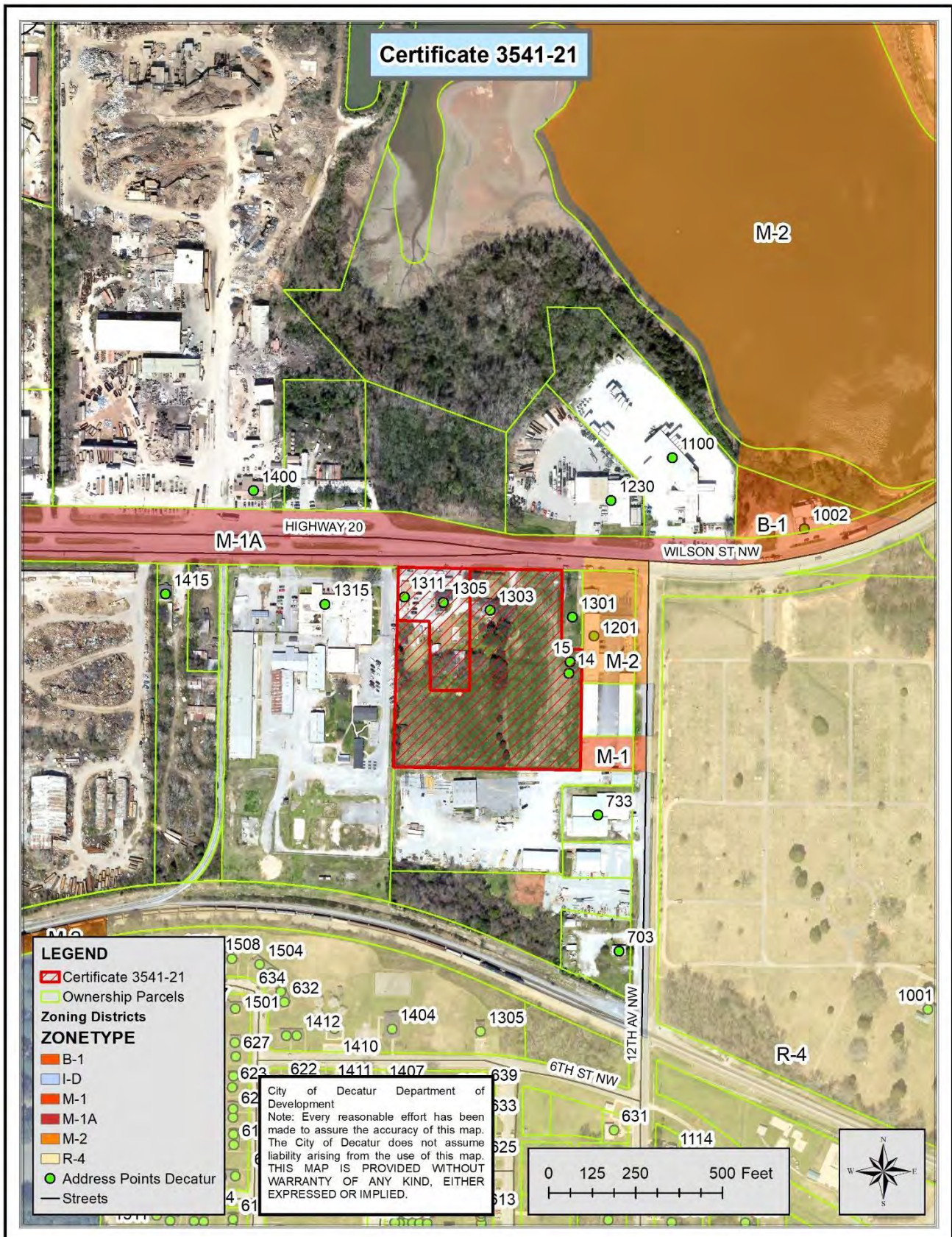
Any relocation of utilities will be at the owner's expense

### COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:

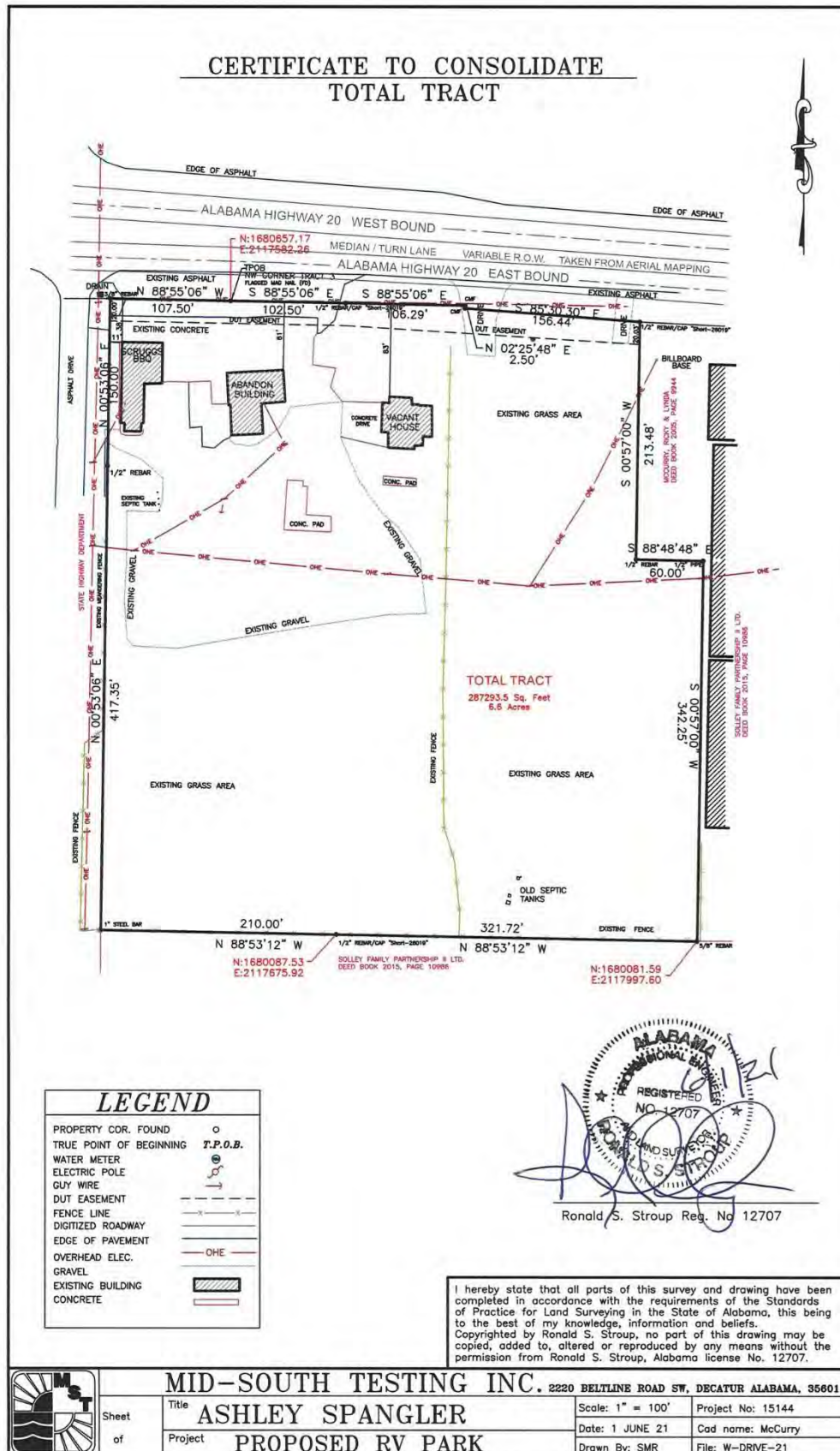












**PUBLIC HEARING****REZONING**

**FILE NAME OR NUMBER:** Rezoning 1377-21

**ACRES:** 6.5

**CURRENT ZONE:** B-2

**APPLICANT:** Julia Dunlap

**LOCATION AND OR PROPERTY ADDRESS:** Milligan St SW, East of Danville Rd SW

**REQUEST:** Rezone 6.5 acres from B-2 (General Business) to M-1 (Light Industry)

**NEW ZONE:** M-1

**PROPOSED LAND USE:** Commercial (mini storage)

**ONE DECATUR FUTURE LAND USE:** Neighborhood Commercial

**ONE DECATUR STREET TYPOLOGY:** Milliagan St SW is a local street

**COMMENTS AND RECOMMENDATIONS FROM ZONING COMMITTEE:****Comments from Zoning Committee**

The Zoning Committee was generally in favor of this request, but they want to see what surrounding property owners have to say about it. One reason for support was that the development potential of the property is limited by the power lines running through, and the proposed use of self-storage sounds like a good use of the property. One concern mentioned was the possibility that an M-1 use (other than self-storage) that is not compatible with the surrounding neighborhood could be allowed there if the rezoning were to go through.

**Conditions to be met**

None

**Pt. of Info:**

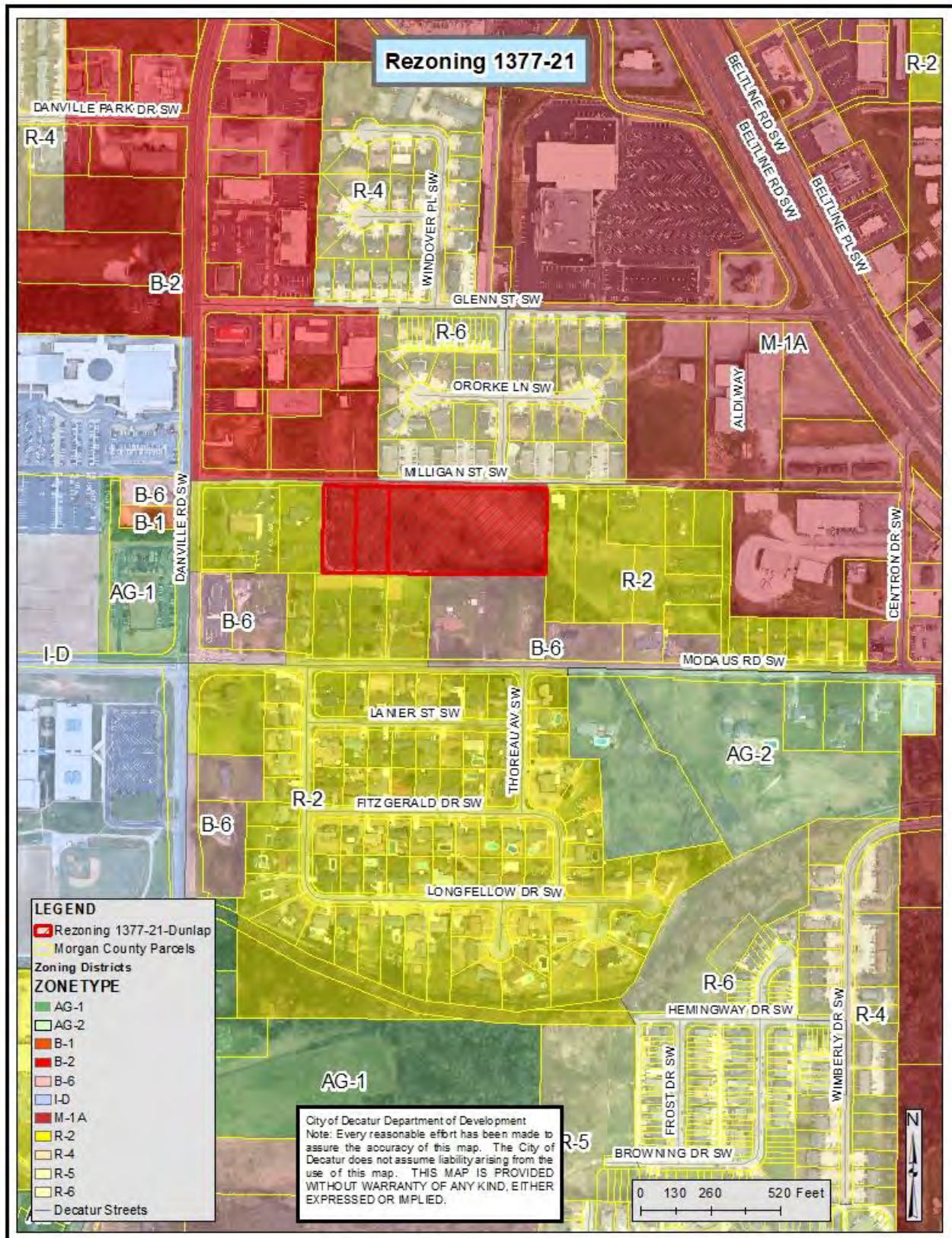
Any relocation of utilities will be at the owner's expense

**COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:**









<b>ZONING DISTRICT COMPARISON B-2 TO M-1</b>		<b>September 14, 2021</b>
<b>SECTION</b>	<b>B-2</b>	<b>M-1</b>
<b>USES PERMITTED</b>	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.	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.
<b>USES PERMITTED ON APPEAL</b>	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 District as specified in section 25-10, hereof, other than the maximum height provision set forth therein which shall not be applicable.	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.
<b>USES PROHIBITED</b>	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,	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



<b>ZONING DISTRICT COMPARISON B-2 TO M-1</b>		<b>September 14, 2021</b>
<b>SECTION</b>	<b>B-2</b>	<b>M-1</b>
	storage or bailing, stone or monument works.	rendering; forage plants; gasoline storage above ground in excess of five hundred (500) gallons; manufacture of 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.
MINIMUM LOT AREA	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.	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.
MAXIMUM BUILDING AREA	None specified.	None specified.
MINIMUM FRONT YARD	25 feet	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.
MINIMUM REAR YARD SETBACK	20 feet	None specified.
MINIMUM SIDE YARD SETBACK	None specified.	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.
MINIMUM FEET AT BUILDING LINE	None specified.	None specified.
MAXIMUM BUILDING HEIGHT	None specified.	None specified.
MAXIMUM HEIGHT IN STORIES	None specified.	None specified.
OFF STREET PARKING	Off-street parking: See § 25-16.	Off-street parking: See § 25-16.

<b>ZONING DISTRICT COMPARISON B-2 TO M-1</b>		<b>September 14, 2021</b>
<b>SECTION</b>	<b>B-2</b>	<b>M-1</b>
OFF-STREET UNLOADING	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.	Shall provide adequate space for loading or unloading all vehicles or trucks incidental to the operation of the industry or use.

**FILE NAME OR NUMBER:** Rezoning 1378-21

**ACRES:** 8.98

**CURRENT ZONE:** B-3

**APPLICANT:** Doug Bachuss for Bramlett Auto

**LOCATION AND OR PROPERTY ADDRESS:** West of Hwy 31, South of Hightower St SE

**REQUEST:** Rezone 8.98 acres from B-3 (Tourist Commercial) to M-1 (Light Industry)

**NEW ZONE:** M-1

**PROPOSED LAND USE:** Commercial (Auto Sales)

**ONE DECATUR FUTURE LAND USE:** Flex Employment Center

**ONE DECATUR STREET TYPOLOGY:** Hwy 31 is a Major Arterial, Hightower St SE in a local street

<b>COMMENTS AND RECOMMENDATIONS FROM ZONING COMMITTEE:</b>
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**Comments from the Zoning Committee**

The Zoning Committee was in favor of this request

**Conditions to be met**

None

**Pt. of Info:**

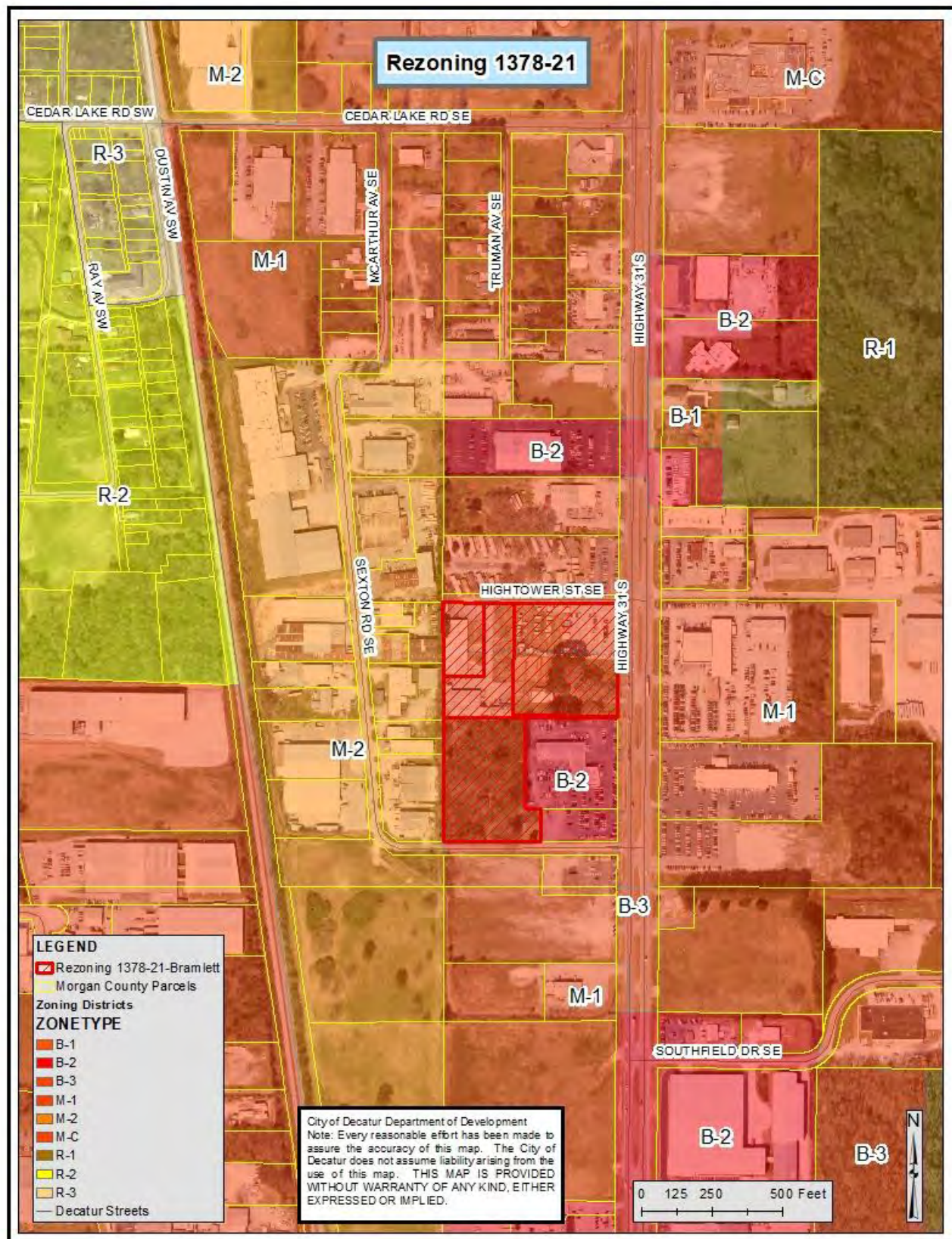
Any relocation of utilities will be at the owner's expense

<b>COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:</b>
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<b>ZONING DISTRICT COMPARISON B-3 TO M-1</b>		<b>September 14, 2021</b>
<b>SECTION</b>	<b>B-3</b>	<b>M-1</b>
<b>USES PERMITTED</b>	Clubs; on premises and off premises sale of alcoholic beverages; hotels, motels, trailer restaurants, event venues, novelty shops.	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.
<b>USES PERMITTED ON APPEAL</b>	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.	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.
<b>USES PROHIBITED</b>	Any use not permitted or permitted on appeal.	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 acetylene, acid, alcohol for non-consumption, ammonia, bleaching powder, brick,



<b>ZONING DISTRICT COMPARISON B-3 TO M-1</b>		<b>September 14, 2021</b>
<b>SECTION</b>	<b>B-3</b>	<b>M-1</b>
		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.
MINIMUM LOT AREA	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.	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.
MAXIMUM BUILDING AREA	None specified.	None specified.
MINIMUM FRONT YARD	35 feet	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.
MINIMUM REAR YARD SETBACK	35 feet	None specified.
MINIMUM SIDE YARD SETBACK	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.	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.
MINIMUM FEET AT BUILDING LINE	None specified.	None specified.
MAXIMUM BUILDING HEIGHT	35 feet	None specified.
MAXIMUM HEIGHT IN STORIES	2	None specified.
OFF STREET PARKING	Off-street parking: See § 25-16.	Off-street parking: See § 25-16.
OFF-STREET UNLOADING	Shall use required rear or side yard for loading and unloading.	Shall provide adequate space for loading or unloading all vehicles or trucks incidental to the operation of the industry or use.

**CONSENT AGENDA ITEMS****CERTIFICATES**

**FILE NAME OR NUMBER:** Certificate 3553-21

**ACRES:** 4.82

**CURRENT ZONE:** R-3

**APPLICANT:** Pugh, Wright, McAnally for Decatur Community Development

**LOCATION AND OR PROPERTY ADDRESS:** 1311 19<sup>th</sup> Ave SE

**REQUEST:** Subdivide one parcel of 4.82 acres into three parcels of 3.1, 0.69, and 1.03 acres

**PROPOSED LAND USE:** Institutional/Civic

**ONE DECATUR FUTURE LAND USE:** Core Neighborhood

**ONE DECATUR STREET TYPOLOGY:** 19<sup>th</sup> St SE is an Urban Collector

**COMMENTS AND RECOMMENDATIONS FROM TECHNICAL REVIEW COMMITTEE:****Conditions to be met:**

1. Signed Owner Letter
2. Recording Fees
3. Signed, sealed survey with 3 state plane coordinates
4. Sewer extension will be required for the creation of city lot 2. The director may waive this condition if it is determined that sewer is not needed

**Pt. of Info:**

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

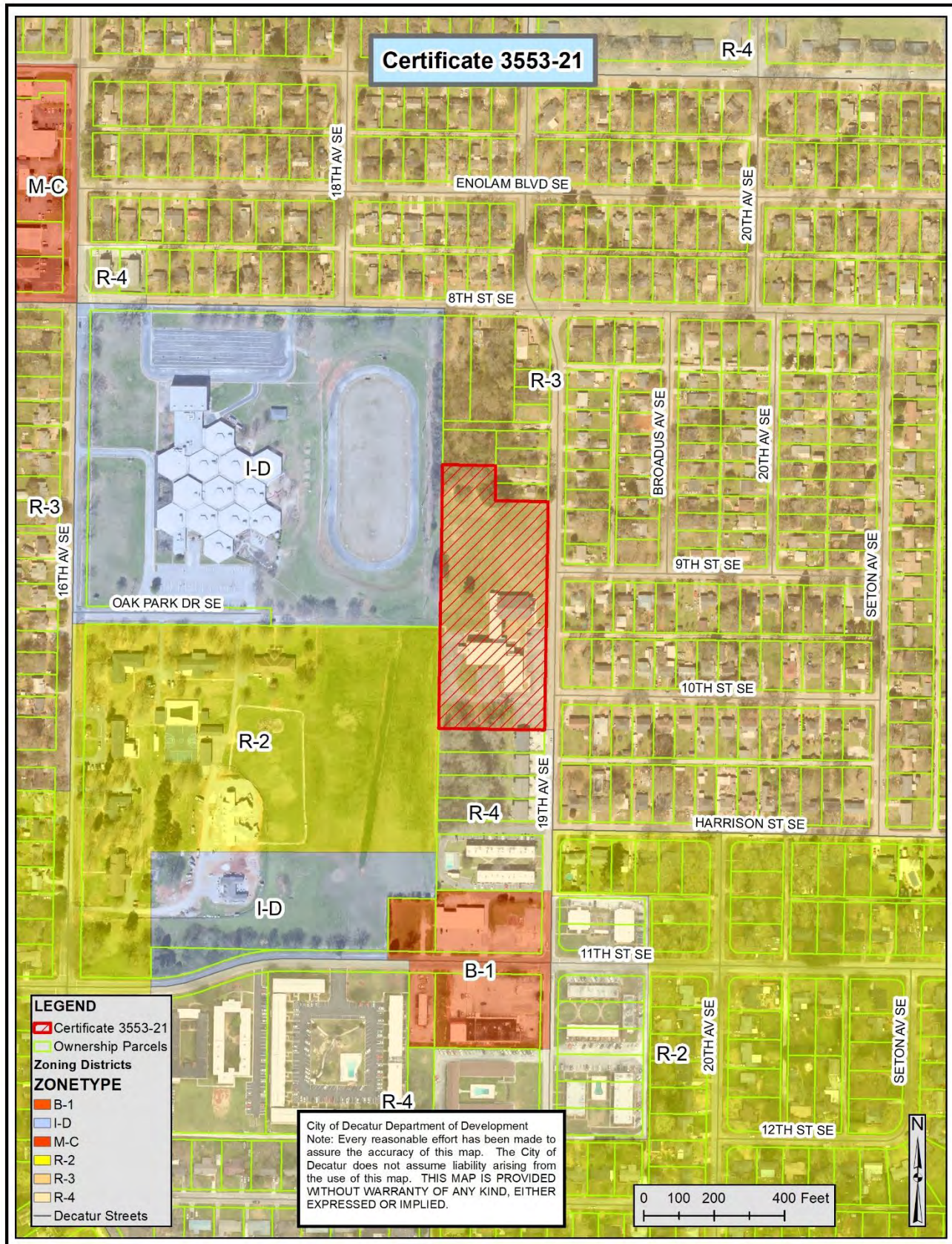
Lot 3 will either need sewer extension or septic system approval prior to development

**COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:**













**FILE NAME OR NUMBER:** Certificate 3554-21

**ACRES:** 3.21

**CURRENT ZONE:** M-1A

**APPLICANT:** Pugh, Wright, McAnally for Kenneth Shelton

**LOCATION AND OR PROPERTY ADDRESS:** 2105 Beltline Rd SW

**REQUEST:** Move lot lines between two parcels of 1.66 and 1.55 acres to create two lots of 2.42 and 0.79 acres

**PROPOSED LAND USE:** Commercial

**ONE DECATUR FUTURE LAND USE:** Community Commercial

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

<b>COMMENTS AND RECOMMENDATIONS FROM TECHNICAL REVIEW COMMITTEE:</b>
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**Conditions to be met:**

1. Recording fees
2. Signed owner letter
3. Signed, sealed survey with 3 state plane coordinates
4. Confirmation from DU that 5 ft easement (2.5 ft on either side) next to sidewalk, going to the security light pole, that was previously a condition, has either been addressed or is no longer needed

**Pt. of Info:**

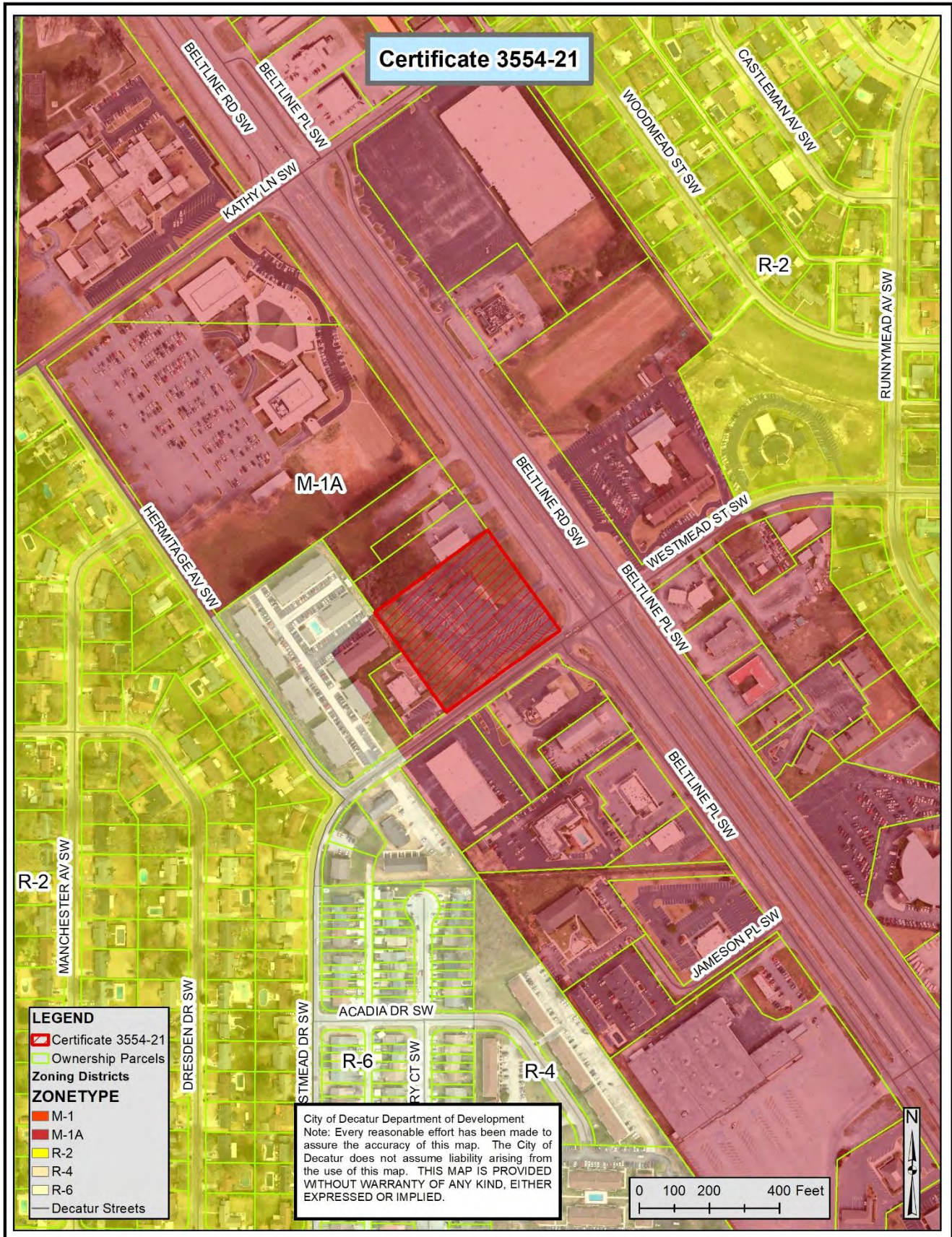
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<b>COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:</b>
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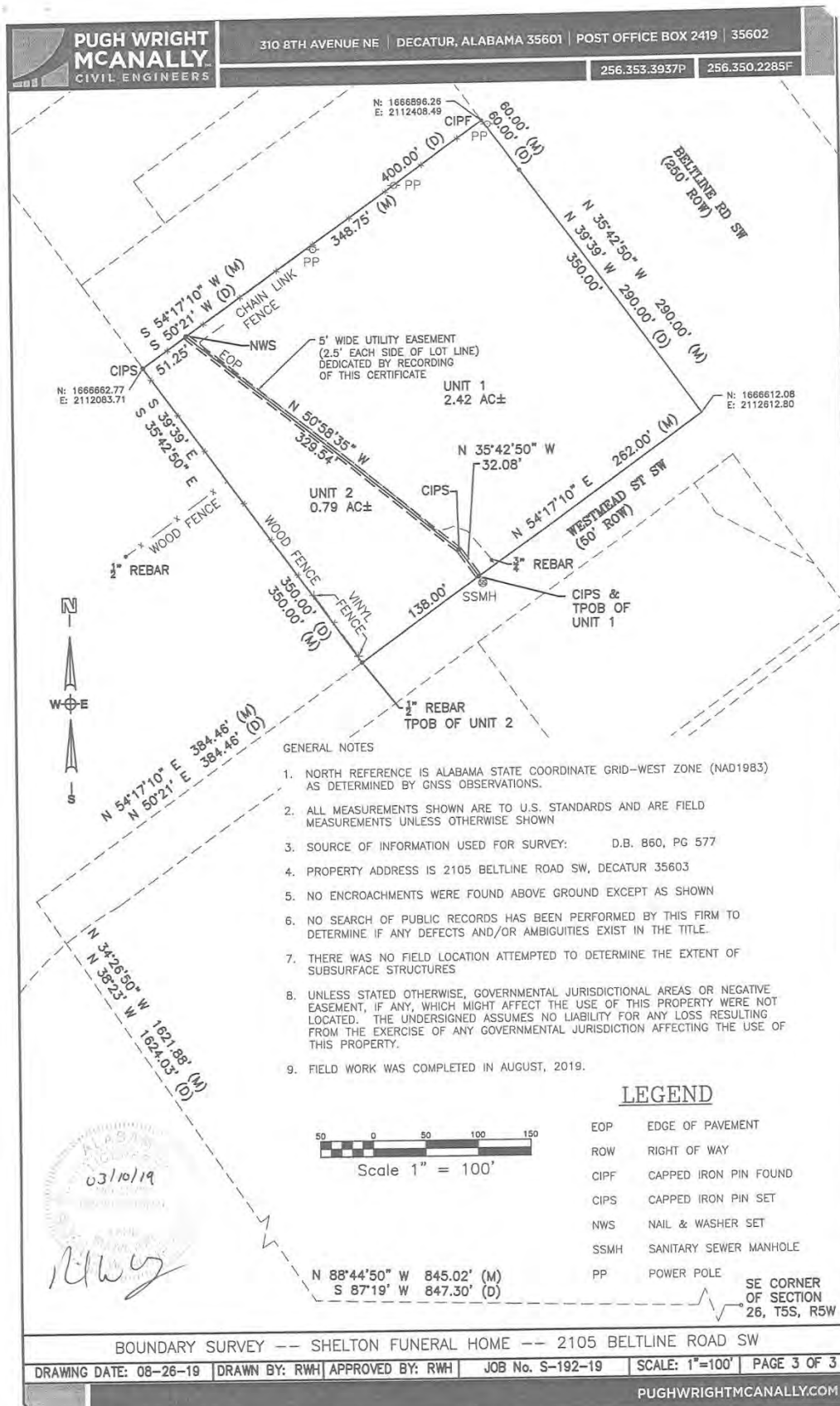














**FILE NAME OR NUMBER:** Extra-territorial Certificate 3555-21

**ACRES:** 15.17

**CURRENT ZONE:** None

**APPLICANT:** Morgan County Commission for Ty Batchelor and Keith Holdbrooks

**LOCATION AND OR PROPERTY ADDRESS:** 126 Mill Rd SW

**REQUEST:** Subdivide a parcel of 15.17 acres into two parcels of 11.08 acres and 3.82 acres with 0.27 acres being dedicated as new ROW for Whitten Ln SW

**PROPOSED LAND USE:** N/A

**ONE DECATUR FUTURE LAND USE:** Mixed Neighborhood

**ONE DECATUR STREET TYPOLOGY:** Mill Rd SW is a Minor Arterial

<b>COMMENTS AND RECOMMENDATIONS FROM TECHNICAL REVIEW COMMITTEE:</b>
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**Conditions to be met:**

1. Recording fees
2. Signed owner letter
3. Signed, sealed survey with 3 state plane coordinates
4. Correct the street name error on the plat showing the subdivided parcels, currently it says "Mill Street" instead of "Mill Road"
5. Show Blackbear LLC gas line and easement on the plat
6. Coordinate with Joe Wheeler to get their power easement added to the plat. Get confirmation from Joe Wheeler that this condition is satisfied

**Pt. of Info:**

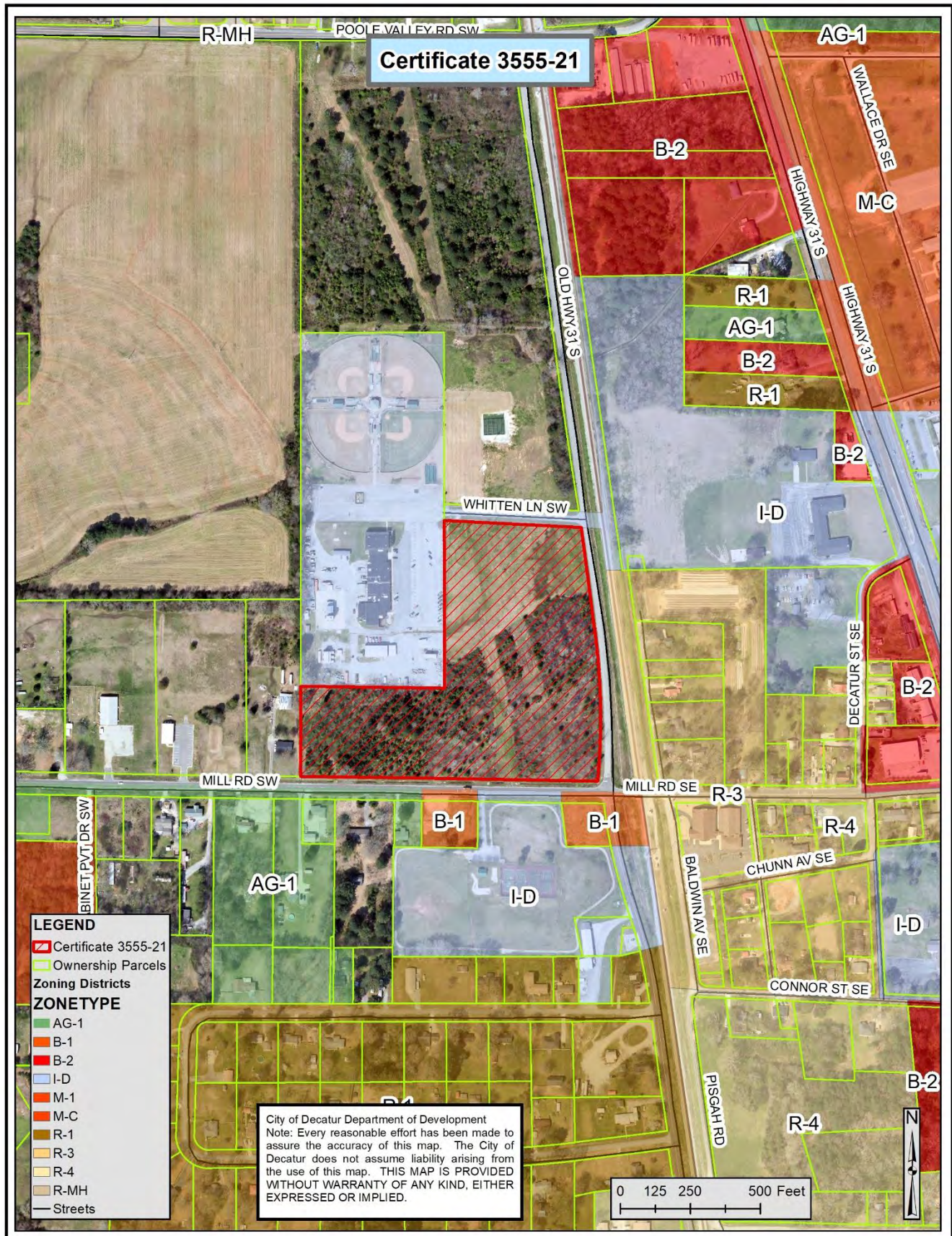
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<b>COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:</b>
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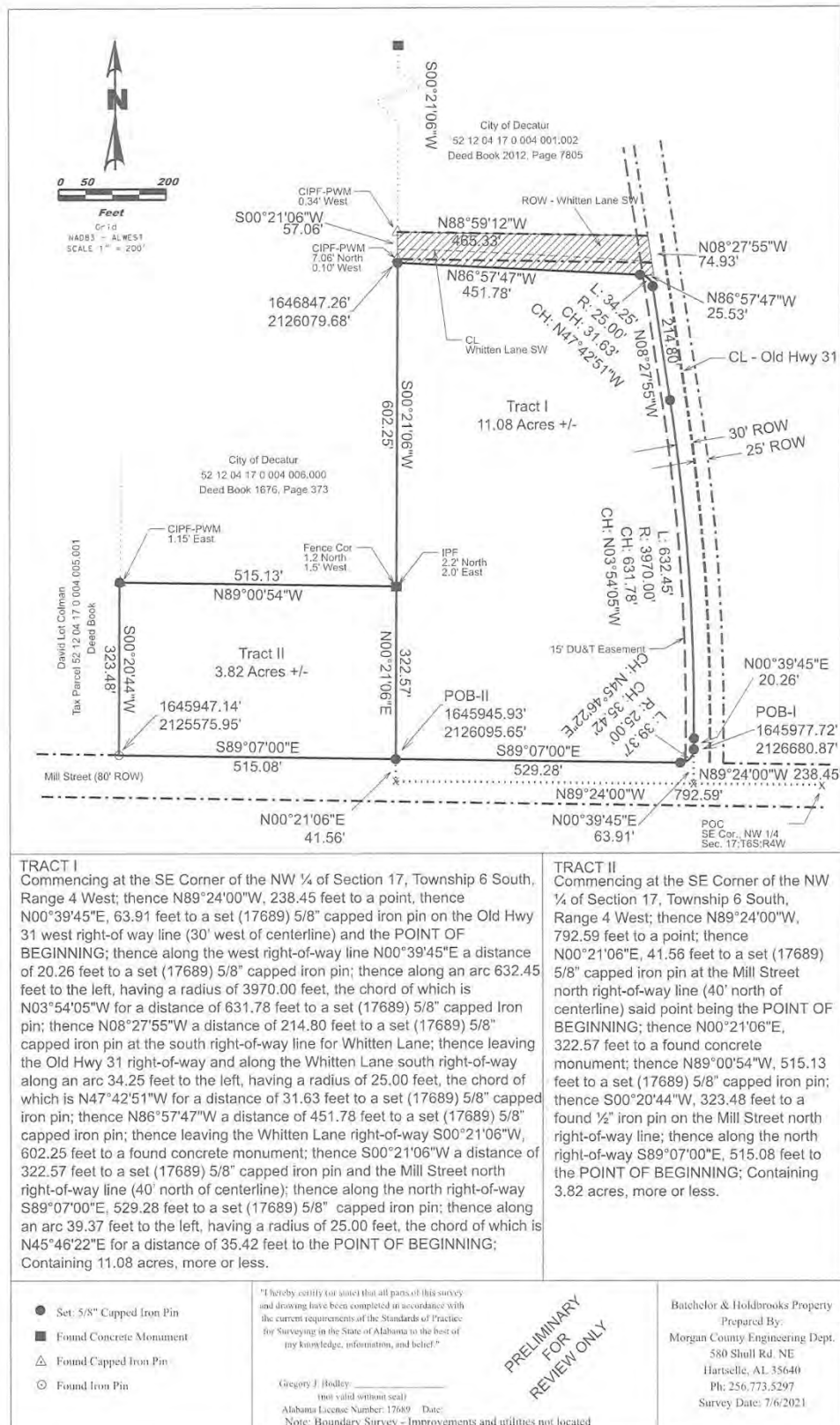














**SITE PLANS**

**FILE NAME OR NUMBER:** Site Plan 619-21

**ACRES:** 25.6

**CURRENT ZONE:** M-1

**APPLICANT:** Pugh, Wright, McAnally for Graham and Co

**LOCATION AND OR PROPERTY ADDRESS:** 23366 Bibb Garrett Rd

**REQUEST:** Approval of a revised site plan for a distribution center

**PROPOSED LAND USE:** Industrial

**ONE DECATUR FUTURE LAND USE:** Flex Employment Center

**ONE DECATUR STREET TYPOLOGY:** Bibb Garrett Rd is a Local Street

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

**Conditions to be met:**

None

**Pt. of Info:**

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

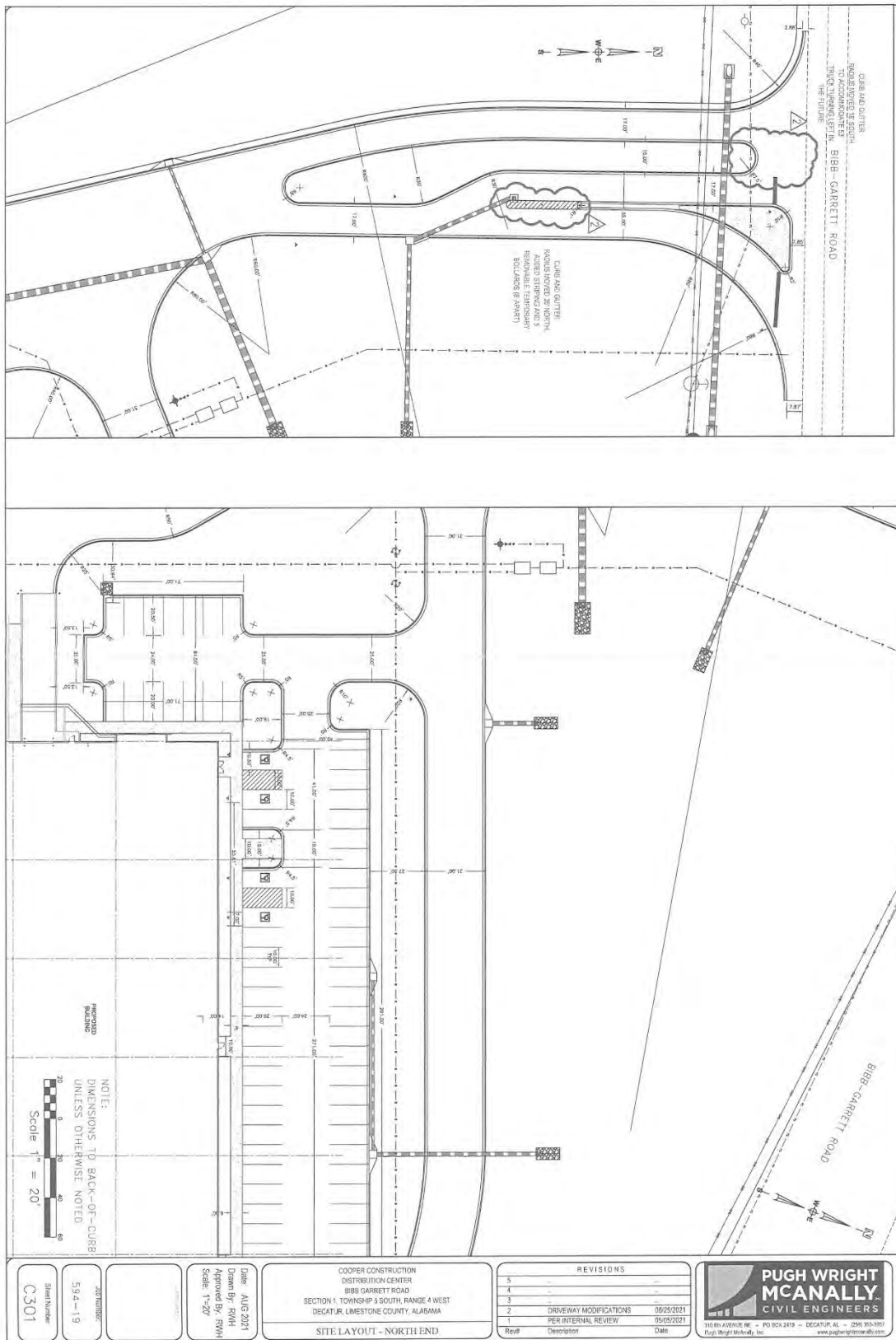
**COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:**













**FILE NAME OR NUMBER:** Site Plan 620-21

**ACRES:** 2.52

**CURRENT ZONE:** M-1 and B-2

**APPLICANT:** Pugh, Wright, McAnally for Fivefold Properties, LLC

**LOCATION AND OR PROPERTY ADDRESS:** 2009 6<sup>th</sup> Ave SE

**REQUEST:** Approval of a site plan for a new restaurant

**PROPOSED LAND USE:** Commercial

**ONE DECATUR FUTURE LAND USE:** Community Commercial

**ONE DECATUR STREET TYPOLOGY:** 6<sup>th</sup> Ave SE is a Principal Arterial

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

**Conditions to be met:**

1. Need landscaping plan
2. Need photometric plan
3. Grease interceptor will be required
4. 25 ft easement needed for DU water and sewer from McGlathery Ln
5. DU Approval of sewer construction plans

**Pt. of Info:**

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

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