



MEMORANDUM

DATE: October 19, 2021

TO: Planning Commissioners

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

PLANNING COMMISSION MEETING

October 19, 2021

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

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

Agenda Planning Commission

City of Decatur, AL

October 19, 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

PUBLIC HEARING

REZONING	PAGE/MAP
A. Zoning 1379-21 (W of McEntire Lane & N of Wingate Way)	1-5
B. Zoning 1380-21 (W of McEntire Lane & N of Wingate Way)	6-10
C. Pre-Zoning 1381-21 (E of Central Ave & S of Poole Valley Rd)	11-15

CONSENT AGENDA

CERTIFICATES	PAGE/MAP
A. Extra-territorial Certificate #3556-21 (2645 Kirby Bridge Rd)	16-18
B. Extra-territorial Certificate #3557-21 (4709 Norris Mill Rd)	19-22

PAGE/MAP

C. Certificate 3558-21

23-26

(2605 Highway 31 South)

SITE PLANS

A. Site Plan 621-21

27-30

(119 6th Ave NE)

B. Site Plan 622-21

31-34

(2605 Hwy 31 South)

RESOLUTION

BOND REVIEW

PAGE/MAP

A. Aldi, Inc

35-36

(1413 Beltline Road)

PUBLIC HEARING**ZONING**

FILE NAME OR NUMBER: Zoning 1379-21

ACRES: 12.53

CURRENT ZONE: None

APPLICANT: City of Decatur Planning Department

LOCATION AND OR PROPERTY ADDRESS: W of McEntire Ln and N of Wingate Way

REQUEST: Zone a recently annexed 12.53 acre tract to R-3 Residential District

NEW ZONE: R-3

PROPOSED LAND USE: Residential

ONE DECATUR FUTURE LAND USE: Mixed Neighborhood

ONE DECATUR STREET TYPOLOGY: McEntire Lane is an Urban Collector

COMMENTS AND RECOMMENDATIONS FROM ZONING COMMITTEE:

All members in favor of zoning R-3

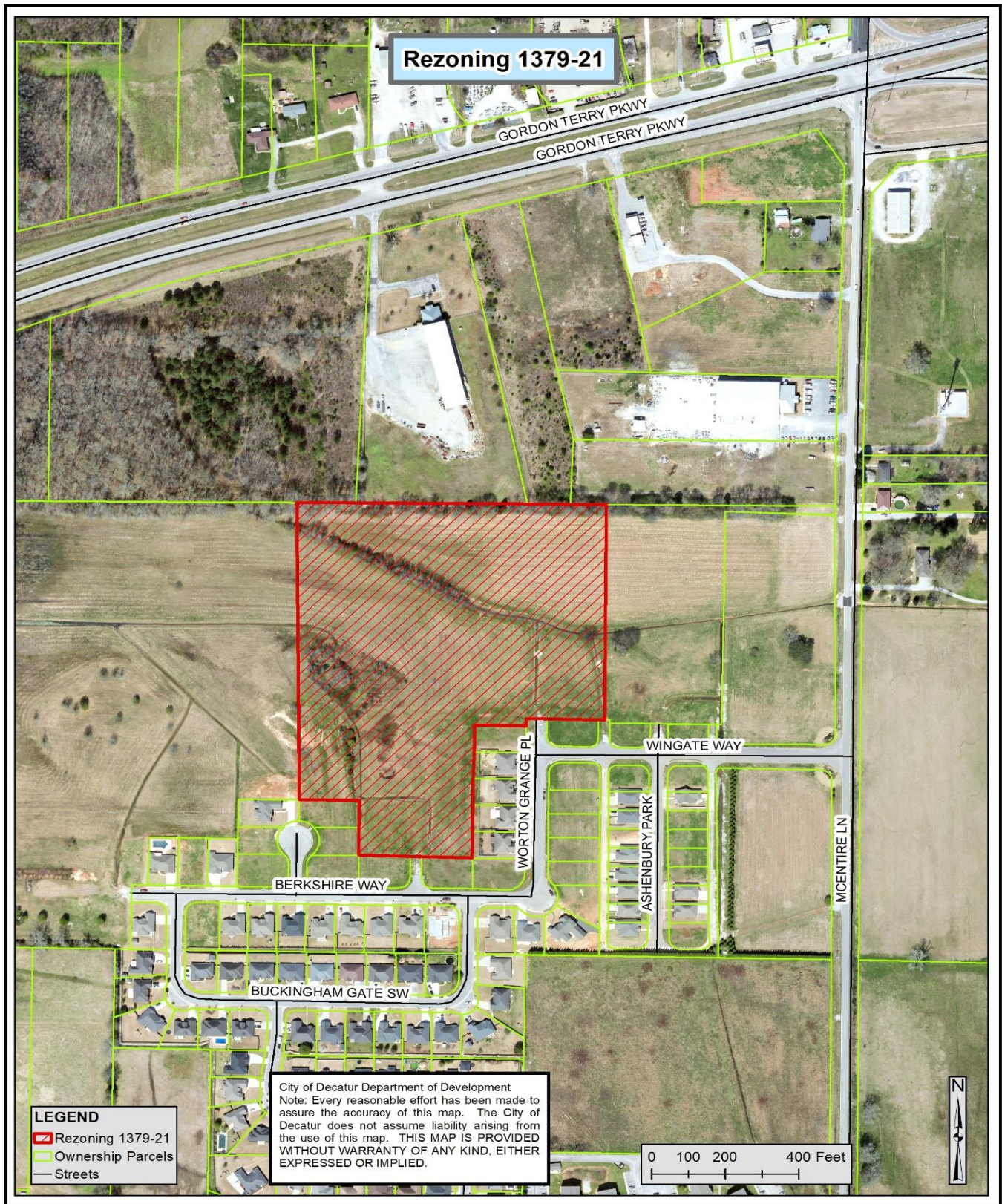
Conditions to be met

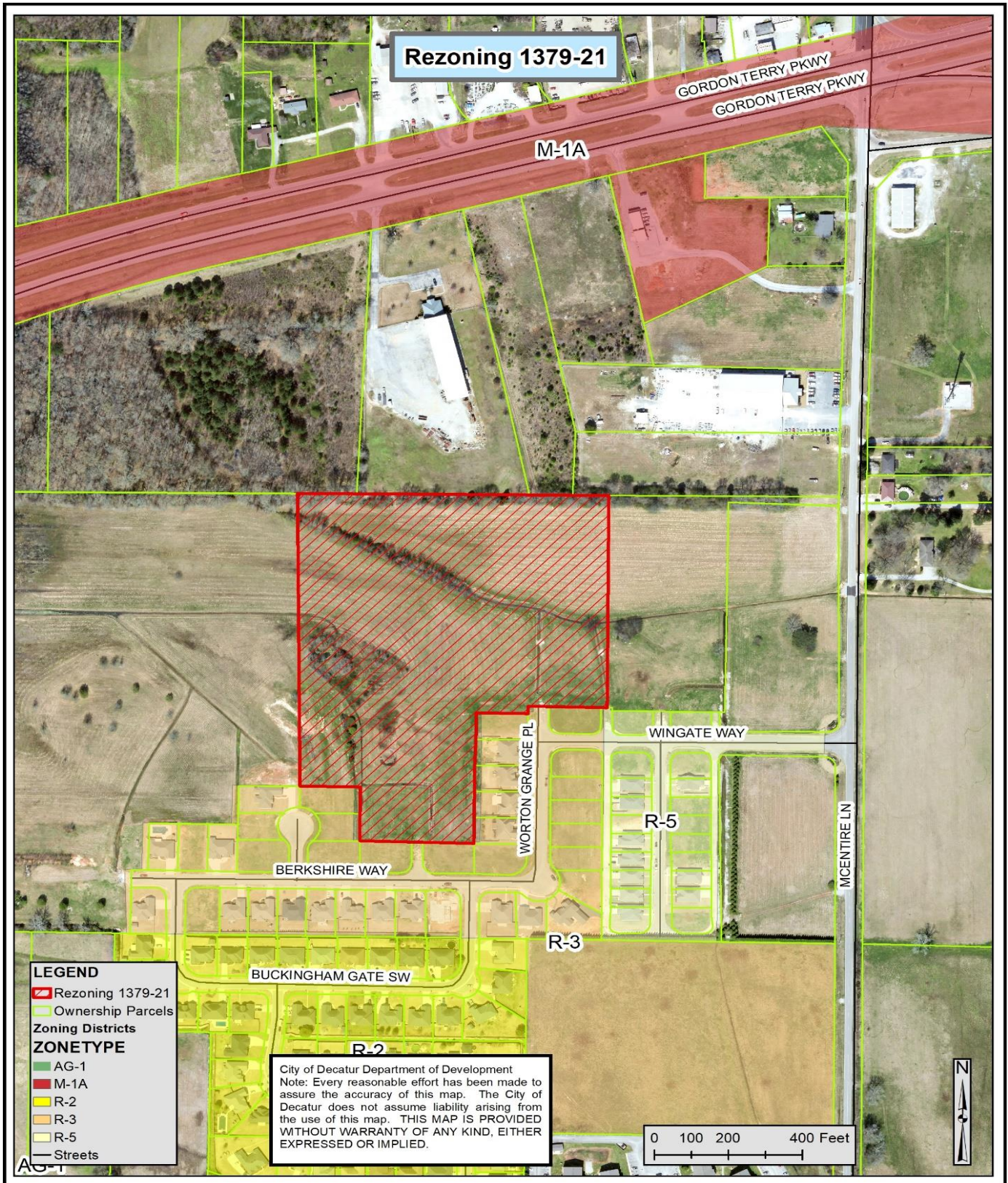
None

Pt. of Info:

- Portion of property lies within flood zone and will have to comply with zoning ordinance.
- Any relocation of utilities will be at the owner's expense

COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:





ZONING DISTRICT COMPARISON NONE TO R3		October 19, 2021
SECTION	None	R3
USES PERMITTED		<p>There is hereby created an R-3 Residential District for those areas so designated by this chapter and the zoning map of the city, which R-3 Districts shall allow: Single-family dwellings (see also regulations common to all "R" Districts, listed in section 25-10).</p> <p>(1) (1)General requirements.a.Off-street parking and vehicle access shall be provided as set forth in section 25-16 hereof.b.A carport, porte-cochere, porch or structure part thereto, attached to or situated within five (5) feet of the main structure as defined in section 25-2 thereof, shall be considered as a part of the main building and shall be subject to the setback and side yard requirements of the district in which it is located.</p>
USES PERMITTED ON APPEAL		<p>There is hereby created an "R" Residential District (Residential) for those areas so designated by this chapter and the zoning map of the city, which "R" Districts shall allow: Accessory structures; gardens; playgrounds; parks; public buildings; including public schools and libraries. These uses shall also be permitted on appeal: Customary home occupations; public utilities, general hospitals for humans, except primary for mental cases; semi-public buildings; golf courses; municipal, county, state or federal use; clubs located on and embracing within its sole possessory right, one (1) tract or parcel of land not less than twenty (20) acres in size; and on premises and off premises sale of alcoholic beverage by clubs meeting the acreage requirements above when duly licensed as a class I or class II club by the city and the state alcoholic beverage control board under and pursuant to the Alcoholic Beverage Licensing Code.</p>
USES PROHIBITED		<p>Uses prohibited: Except as expressly permitted, or permitted on appeal, the following uses are prohibited in all residential districts, including without limitation planned residential development districts, specialty and restricted residential districts: ("R" Districts): All buildings, structures and units constructed off-site (except for modular homes as in section 25-2) without regard to whether or not such building, structures or units are designed and built in compliance with state or federal standards, including without limitation, mobile homes, manufactured homes, house trailers, and trailer coaches; trailer or manufactured home parks, courts or camps, and commercial and industrial uses, including parking lots and parking areas in connection with any of</p>

ZONING DISTRICT COMPARISON NONE TO R3		October 19, 2021
SECTION	None	R3
		these uses, not specifically permitted.
MINIMUM LOT AREA		Minimum lot area: Seven thousand (7,000) square feet.
MAXIMUM BUILDING AREA		Maximum building area: None specified.
MINIMUM FRONT YARD		Minimum front yard setback: Thirty (30) feet.
MINIMUM REAR YARD SETBACK		Minimum rear yard setback: Thirty-five (35) feet.
MINIMUM SIDE YARD SETBACK		Minimum side yard setbacks: One side eight (8) feet and the other side six (6) feet.
MINIMUM FEET AT BUILDING LINE		Minimum feet at building line: Fifty (50) feet.
MAXIMUM BUILDING HEIGHT		Maximum building height: Thirty-five (35) feet.
MAXIMUM HEIGHT IN STORIES		Maximum height in stories: Two and one-half (2½).
OFF STREET PARKING		(1) Residential. In all cases of new structures, provision for the Off-street parking and vehicle access shall be provided as set forth in section 25-16 hereof. Parking of two (2) vehicles shall be provided for the use of the occupants of each dwelling unit.

FILE NAME OR NUMBER: Zoning 1380-21

ACRES: 4.6

CURRENT ZONE: None

APPLICANT: City of Decatur Planning Department

LOCATION AND OR PROPERTY ADDRESS: W of McEntire Ln and N of Wingate Way

REQUEST: Zone a recently annexed 4.6 acre tract to R-5 (single-family patio home)

NEW ZONE: R-5

PROPOSED LAND USE: Residential

ONE DECATUR FUTURE LAND USE: Mixed Neighborhood

ONE DECATUR STREET TYPOLOGY: McEntire Lane is an Urban Collector

COMMENTS AND RECOMMENDATIONS FROM ZONING COMMITTEE:
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All members in favor of zoning R-5

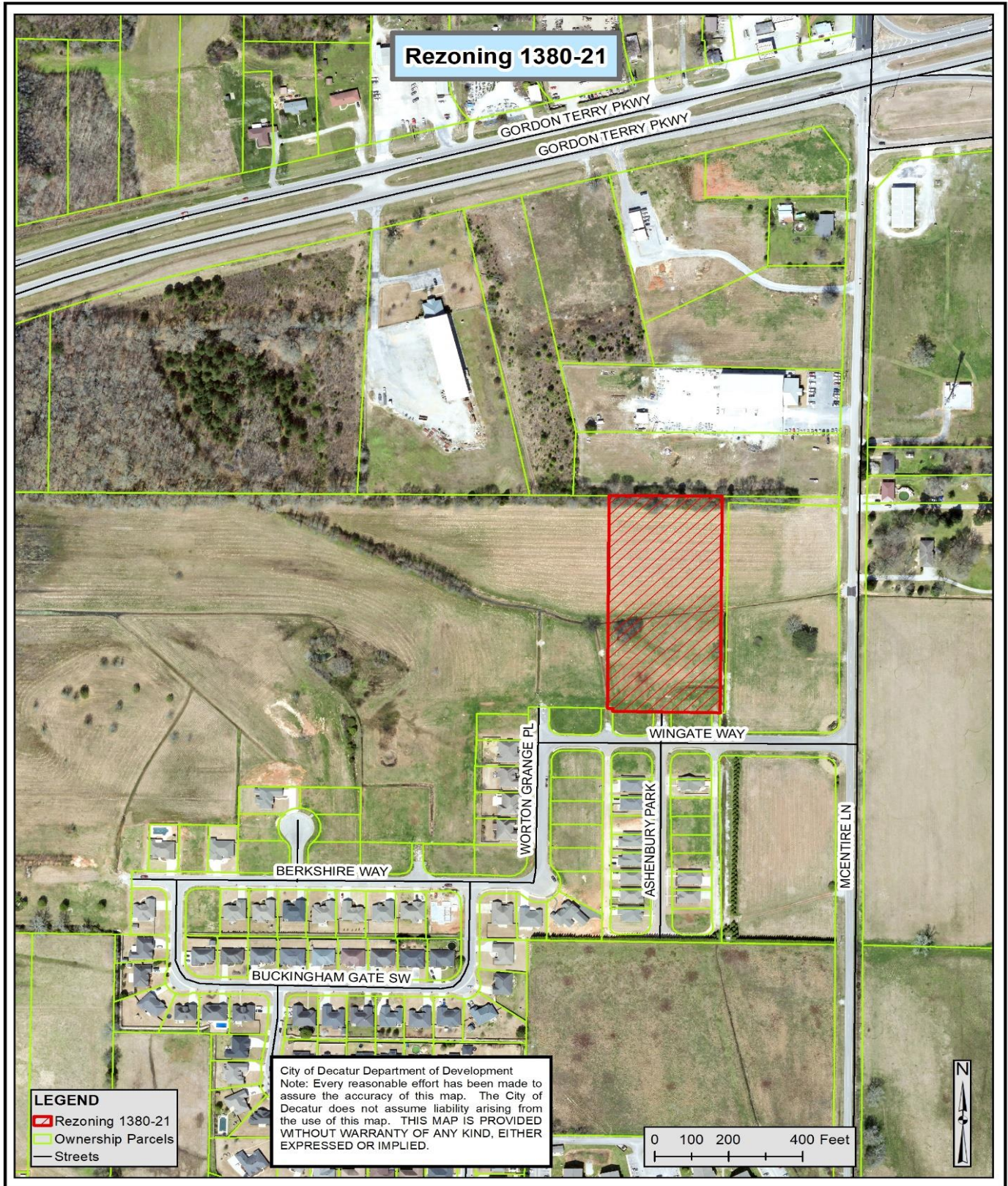
Conditions to be met

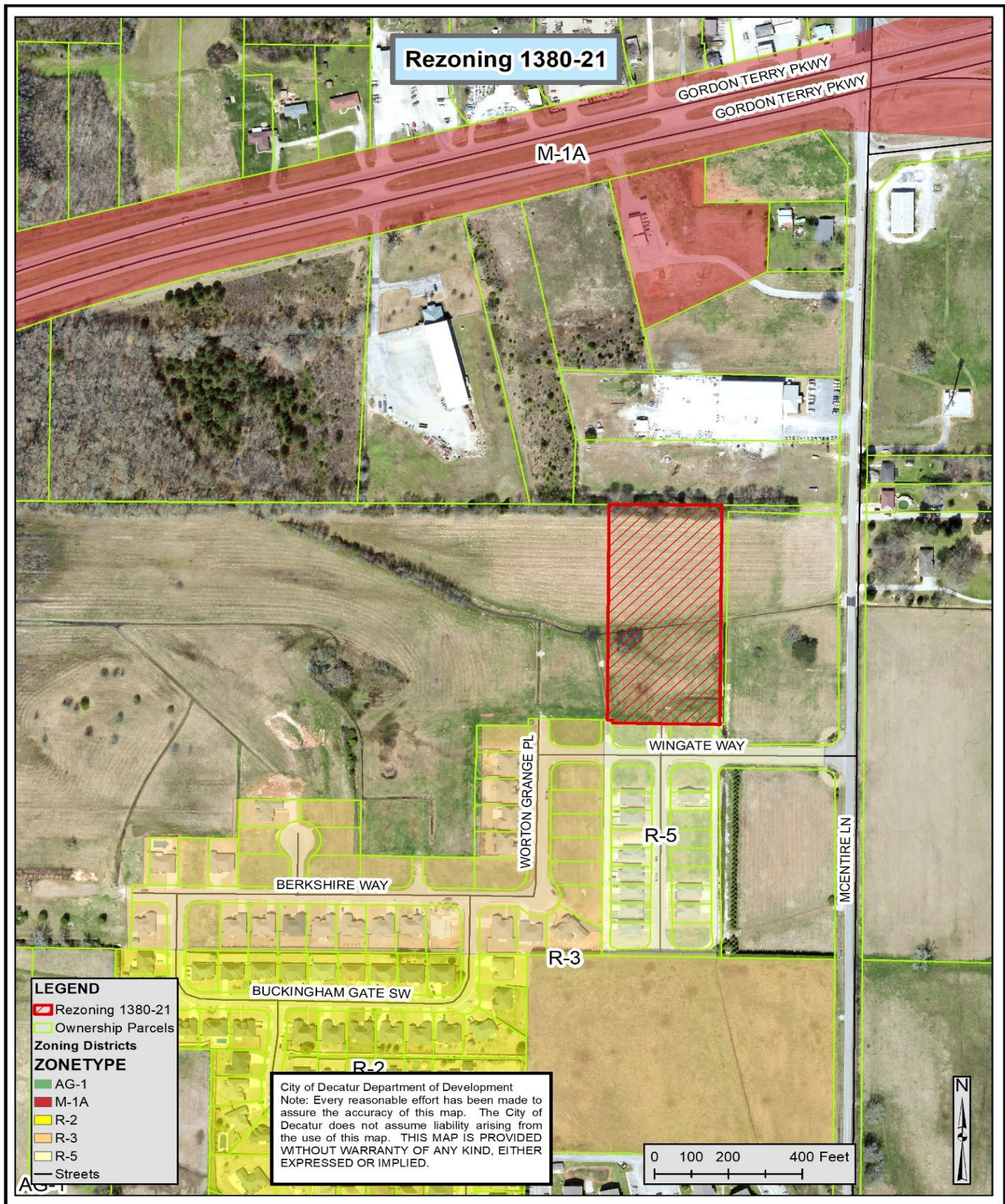
None

Pt. of Info:

- Portion of property lies within flood zone and will have to comply with zoning ordinance
- Any relocation of utilities will be at the owner's expense

COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:





ZONING DISTRICT COMPARISON NONE TO R5		October 19, 2021
SECTION	None	R5
USES PERMITTED		<p>There is hereby created an R-5 Residential District (single-family patio home) for those areas so designated by this chapter and the zoning map of the City of Decatur, Alabama, which R-5 Districts shall allow single-family patio home residences subject to use regulations common to all "R" Districts as set forth in section 25-10 hereof, and further subject to the following requirements and conditions:</p> <p>(2) General requirements:</p> <p>a.) Each dwelling unit shall be constructed on its own lot.</p> <p>b.) No dwelling or lot within a R-5 District shall have vehicle access to an existing major thoroughfare (e.g., "collector street" or higher classified street) as defined by the zoning ordinance or comprehensive plan, or a major thoroughfare as defined by future plans adopted by the planning commission of the city.</p> <p>c.) There shall be a minimum separation of thirteen (13) feet between structures on separate lots.</p> <p>d.) All building setback lines shall be indicated on the preliminary and final plats.</p> <p>e.) Perimeter setbacks: 1. Reserved. 2. Where R-5 lots adjoin (in any manner or configuration) a major thoroughfare (e.g. collector street or higher classification), then an additional twenty-foot setback shall be added to those setback requirements set forth hereinbelow in subsections (2)(d) through (2)(f), of this section and shall be measured from the lot line.</p>
USES PERMITTED ON APPEAL		<p>There is hereby created an "R" Residential District (Residential) for those areas so designated by this chapter and the zoning map of the city, which "R" Districts shall allow: Accessory structures; gardens; playgrounds; parks; public buildings; including public schools and libraries. These uses shall also be permitted on appeal: Customary home occupations; public utilities, general hospitals for humans, except primary for mental cases; semi-public buildings; golf courses; municipal, county, state or federal use; clubs located on and embracing within its sole possessory right, one (1) tract or parcel of land not less than</p>

ZONING DISTRICT COMPARISON NONE TO R5		October 19, 2021
SECTION	None	R5
		twenty (20) acres in size; and on premises and off premises sale of alcoholic beverage by clubs meeting the acreage requirements above when duly licensed as a class I or class II club by the city and the state alcoholic beverage control board under and pursuant to the Alcoholic Beverage Licensing Code.
USES PROHIBITED		Uses prohibited: Except as expressly permitted, or permitted on appeal, the following uses are prohibited in all residential districts, including without limitation planned residential development districts, specialty and restricted residential districts: ("R" Districts): All buildings, structures and units constructed off-site (except for modular homes as in section 25-2) without regard to whether or not such building, structures or units are designed and built in compliance with state or federal standards, including without limitation, mobile homes, manufactured homes, house trailers, and trailer coaches; trailer or manufactured home parks, courts or camps, and commercial and industrial uses, including parking lots and parking areas in connection with any of these uses, not specifically permitted.
MINIMUM LOT AREA		Minimum lot area: Five thousand (5,000) square feet.
MAXIMUM BUILDING AREA		Maximum building area: None specified.
MINIMUM LOT WIDTH		Minimum lot width at building line: Forty (40) feet.
MINIMUM FRONT YARD		Minimum front yard setback (also see perimeter setbacks) (1)e: Twenty (20) feet.
MINIMUM REAR YARD SETBACK		Minimum rear yard setback (also see perimeter setbacks) (1)e: Twenty (20) feet.
MINIMUM SIDE YARD SETBACK		Minimum side yard setbacks (also see perimeter setbacks) (1)e: Five (5) feet one side, eight (8) feet the other.
MAXIMUM BUILDING HEIGHT		Maximum building height: Thirty-five (35) feet.
OFF STREET PARKING		Off-street parking: Two (2) spaces per dwelling unit.
MAXIMUM DENSITY		Maximum density: Seven (7) dwelling units per gross acre.
USES PROHIBITED		Uses prohibited: Any use not permitted, or permitted on appeal, is prohibited.

FILE NAME OR NUMBER: Pre-zoning 1381-21

ACRES: 59.8

CURRENT ZONE: None

APPLICANT: Pugh Wright McAnally for Greystone Properties, LLC and Land Services LLC

LOCATION AND OR PROPERTY ADDRESS: E of Central Ave and S of Poole Valley Rd

REQUEST: Pre-zone 59.8 acres to R-5 (single-family patio homes)

NEW ZONE: R-5

PROPOSED LAND USE: Single Family Residential

ONE DECATUR FUTURE LAND USE: Mixed Neighborhood

ONE DECATUR STREET TYPOLOGY: Central Ave is a Minor Arterial

COMMENTS AND RECOMMENDATIONS FROM ZONING COMMITTEE:
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All members in favor of Pre-zoning R-5

Conditions to be met

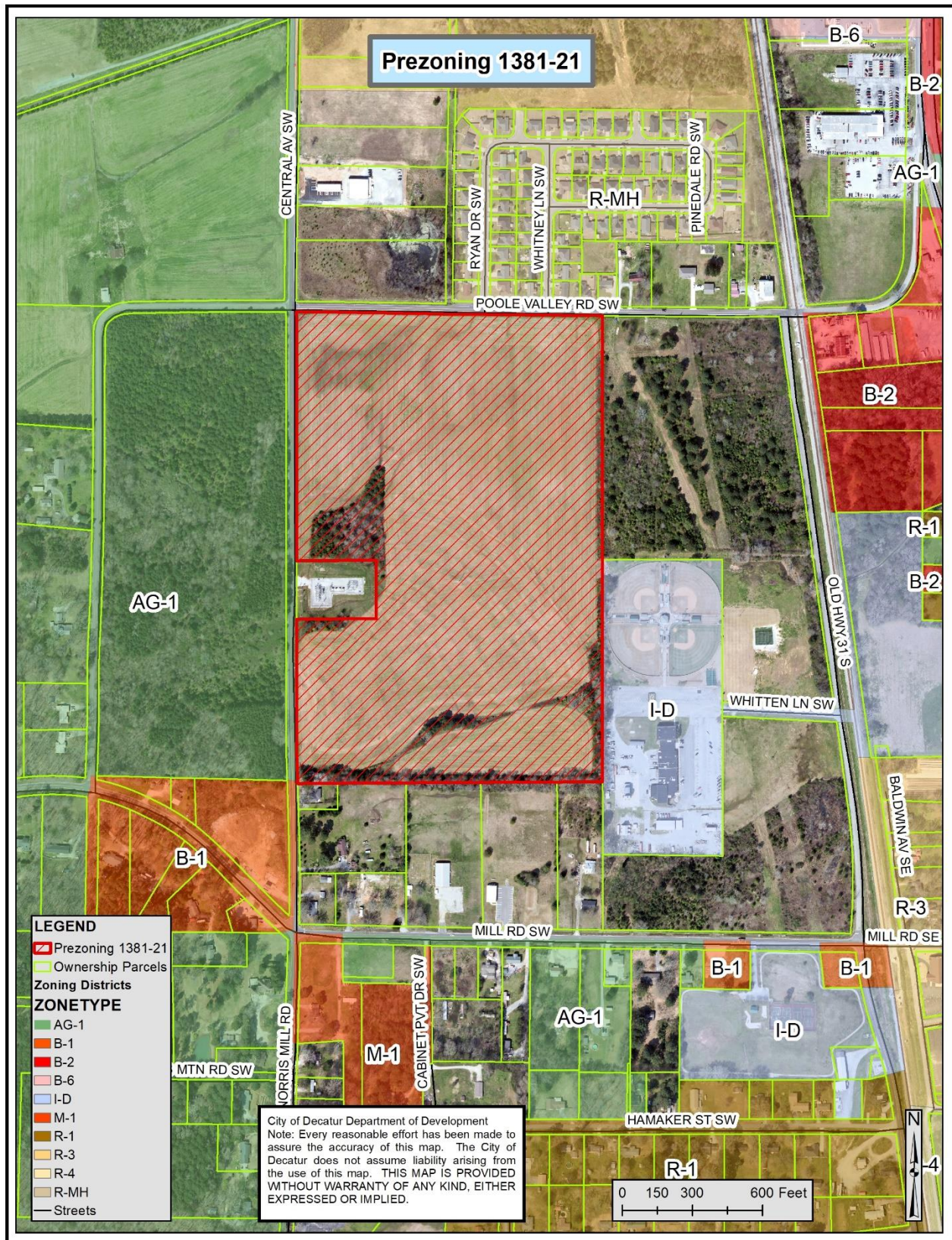
None

Pt. of Info:

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

COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:





ZONING DISTRICT COMPARISON NONE TO R5		October 19, 2021
SECTION	None	R5
USES PERMITTED		<p>There is hereby created an R-5 Residential District (single-family patio home) for those areas so designated by this chapter and the zoning map of the City of Decatur, Alabama, which R-5 Districts shall allow single-family patio home residences subject to use regulations common to all "R" Districts as set forth in section 25-10 hereof, and further subject to the following requirements and conditions:</p> <p>(3) General requirements:</p> <ul style="list-style-type: none"> f.) Each dwelling unit shall be constructed on its own lot. g.) No dwelling or lot within a R-5 District shall have vehicle access to an existing major thoroughfare (e.g., "collector street" or higher classified street) as defined by the zoning ordinance or comprehensive plan, or a major thoroughfare as defined by future plans adopted by the planning commission of the city. h.) There shall be a minimum separation of thirteen (13) feet between structures on separate lots. i.) All building setback lines shall be indicated on the preliminary and final plats. j.) Perimeter setbacks: 1. Reserved. 2. Where R-5 lots adjoin (in any manner or configuration) a major thoroughfare (e.g. collector street or higher classification), then an additional twenty-foot setback shall be added to those setback requirements set forth hereinbelow in subsections (2)(d) through (2)(f), of this section and shall be measured from the lot line.
USES PERMITTED ON APPEAL		<p>There is hereby created an "R" Residential District (Residential) for those areas so designated by this chapter and the zoning map of the city, which "R" Districts shall allow: Accessory structures; gardens; playgrounds; parks; public buildings; including public schools and libraries. These uses shall also be permitted on appeal: Customary home occupations; public utilities, general hospitals for humans, except primary for mental cases; semi-public buildings; golf courses; municipal, county, state or federal use; clubs located on and embracing within its sole possessory right, one (1) tract or parcel of land not less than twenty (20) acres in size; and on premises and off premises sale of alcoholic beverage by clubs meeting the acreage requirements above when duly licensed as a class I or class II club by the city and the state alcoholic beverage control board under and pursuant to the Alcoholic Beverage Licensing Code.</p>
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ZONING DISTRICT COMPARISON NONE TO R5		October 19, 2021
SECTION	None	R5
		manufactured homes, house trailers, and trailer coaches; trailer or manufactured home parks, courts or camps, and commercial and industrial uses, including parking lots and parking areas in connection with any of these uses, not specifically permitted.
MINIMUM LOT AREA		Minimum lot area: Five thousand (5,000) square feet.
MAXIMUM BUILDING AREA		Maximum building area: None specified.
MINIMUM LOT WIDTH		Minimum lot width at building line: Forty (40) feet.
MINIMUM FRONT YARD		Minimum front yard setback (also see perimeter setbacks) (1)e: Twenty (20) feet.
MINIMUM REAR YARD SETBACK		Minimum rear yard setback (also see perimeter setbacks) (1)e: Twenty (20) feet.
MINIMUM SIDE YARD SETBACK		Minimum side yard setbacks (also see perimeter setbacks) (1)e: Five (5) feet one side, eight (8) feet the other.
MAXIMUM BUILDING HEIGHT		Maximum building height: Thirty-five (35) feet.
OFF STREET PARKING		Off-street parking: Two (2) spaces per dwelling unit.
MAXIMUM DENSITY		Maximum density: Seven (7) dwelling units per gross acre.
USES PROHIBITED		Uses prohibited: Any use not permitted, or permitted on appeal, is prohibited.

CONSENT AGENDA ITEMS**CERTIFICATES**

FILE NAME OR NUMBER: Extra-territorial Certificate 3556-21

ACRES: 0.96

CURRENT ZONE: None

APPLICANT: Pugh, Wright, McAnally for Kevin & Shannon Robertson

LOCATION AND OR PROPERTY ADDRESS: 2645 Kirby Bridge Rd

REQUEST: Subdivide one parcel of 0.96 acres into two parcels of 0.61 and 0.35 acres

PROPOSED LAND USE: Residential

ONE DECATUR FUTURE LAND USE: Rural Edge/Agricultural

ONE DECATUR STREET TYPOLOGY: Kirby Bridge Rd is an Urban Collector

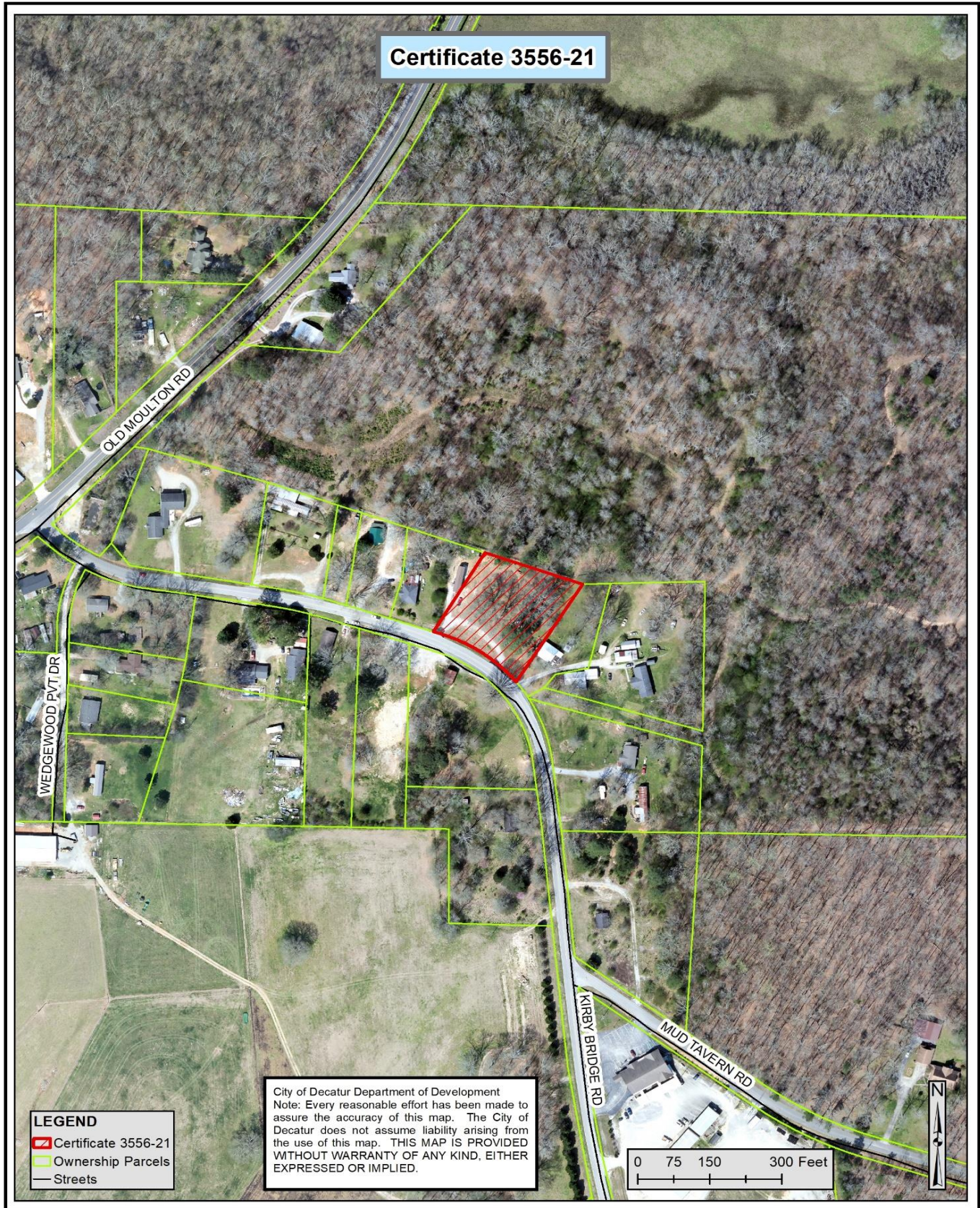
COMMENTS AND RECOMMENDATIONS FROM TECHNICAL REVIEW COMMITTEE:**Conditions to be met:**

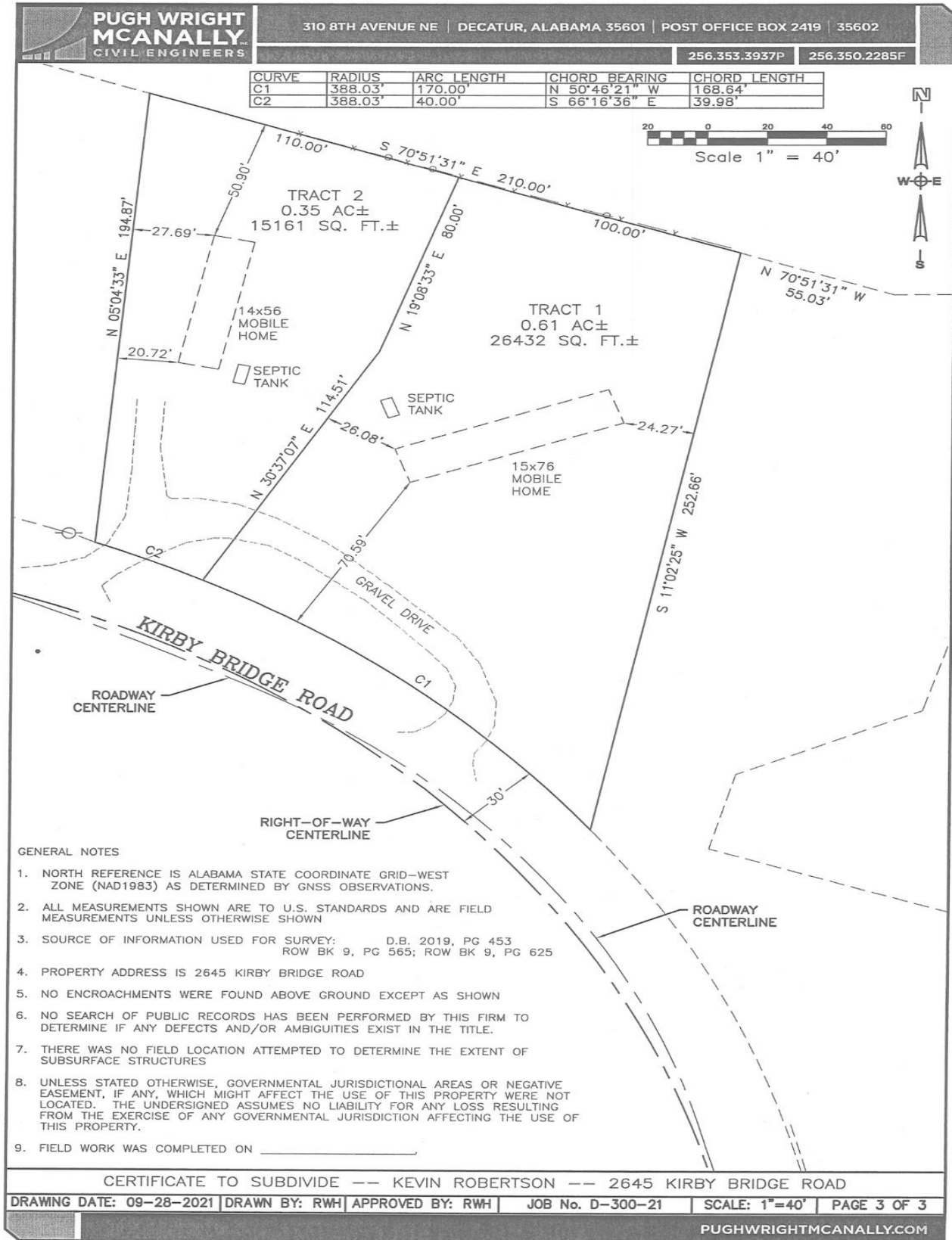
1. Signed Owner Letter
2. Recording Fees
3. Signed, sealed survey with 3 state plane coordinates
4. ROW needs to be shown as 30 ft. from centerline and needs to be dedicated if not
5. POB's and POC's should be shown

Pt. of Info:

- Easement for driveway should be considered across tract 1
- Any relocation of utilities will be at the owner's expense

COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:





FILE NAME OR NUMBER: Extra-territorial Certificate 3557-21

ACRES: 2.0

CURRENT ZONE: None

APPLICANT: Pugh, Wright, McAnally for Eber Aviles

LOCATION AND OR PROPERTY ADDRESS: 4709 Norris Mill Rd

REQUEST: Subdivide one parcel of 2.0 acres into two parcels of 0.81 and 1.19 acres

PROPOSED LAND USE: Residential

ONE DECATUR FUTURE LAND USE: Rural Edge/Agricultural

ONE DECATUR STREET TYPOLOGY: Norris Mill Rd is Minor Arterial

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

1. Signed Owner Letter
2. Recording Fees
3. Signed, sealed survey with 3 state plane coordinates
4. POC should be shown
5. Line running east-west on north of property needs a 30 ft. easement
6. Three-phase line on Norris Mill Rd needs 40 ft. easement
7. Line running north-south on west of property needs 10 ft. easement

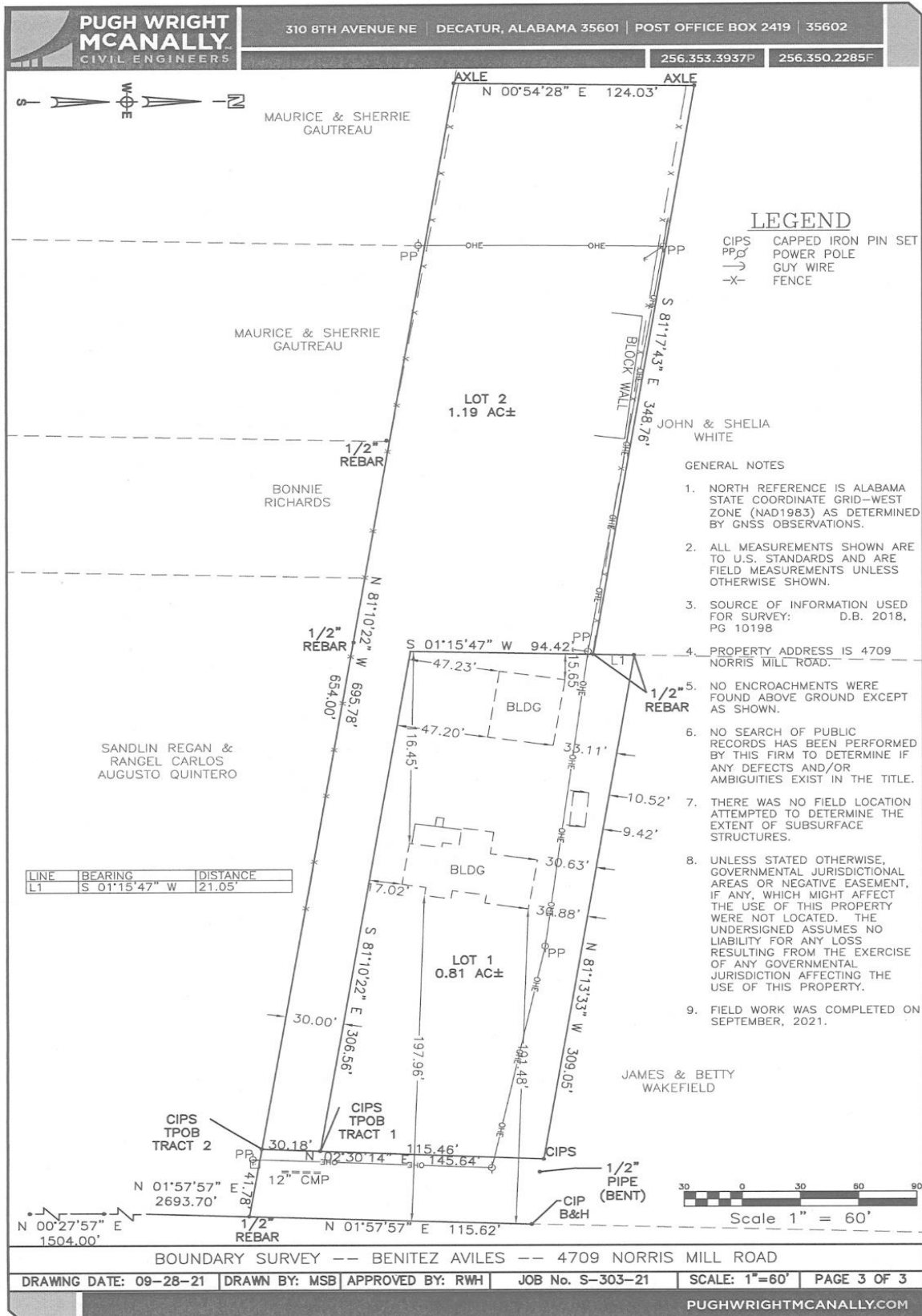
Pt. of Info:

- No further subdivision of the property would be possible without reconfiguration of property lines
- Second house on property cannot be sold or rented without being on its own property
- Any relocation of utilities will be at the owner's expense

COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:







FILE NAME OR NUMBER: Certificate 3558-21

ACRES: 5.07

CURRENT ZONE: M-1

APPLICANT: Pugh, Wright, McAnally for Baker Properties LLC

LOCATION AND OR PROPERTY ADDRESS: 2605 Hwy 31 South

REQUEST: Subdivide one parcel of 5.07 acres into two parcels of 4.44 and 0.63 acres

PROPOSED LAND USE: Commercial

ONE DECATUR FUTURE LAND USE: Community Commercial

ONE DECATUR STREET TYPOLOGY: Hwy 31 South is a Principal Arterial

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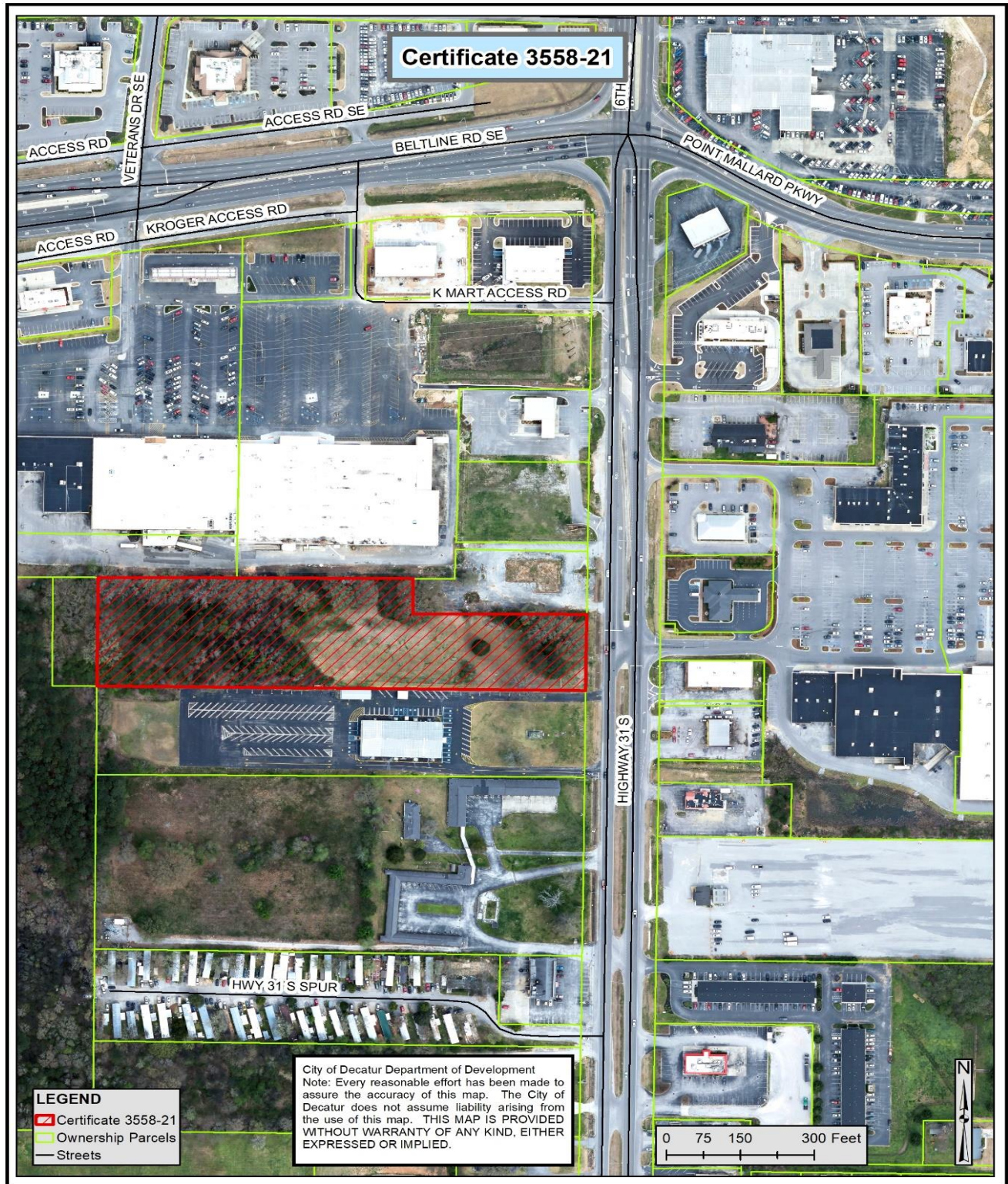
Conditions to be met:

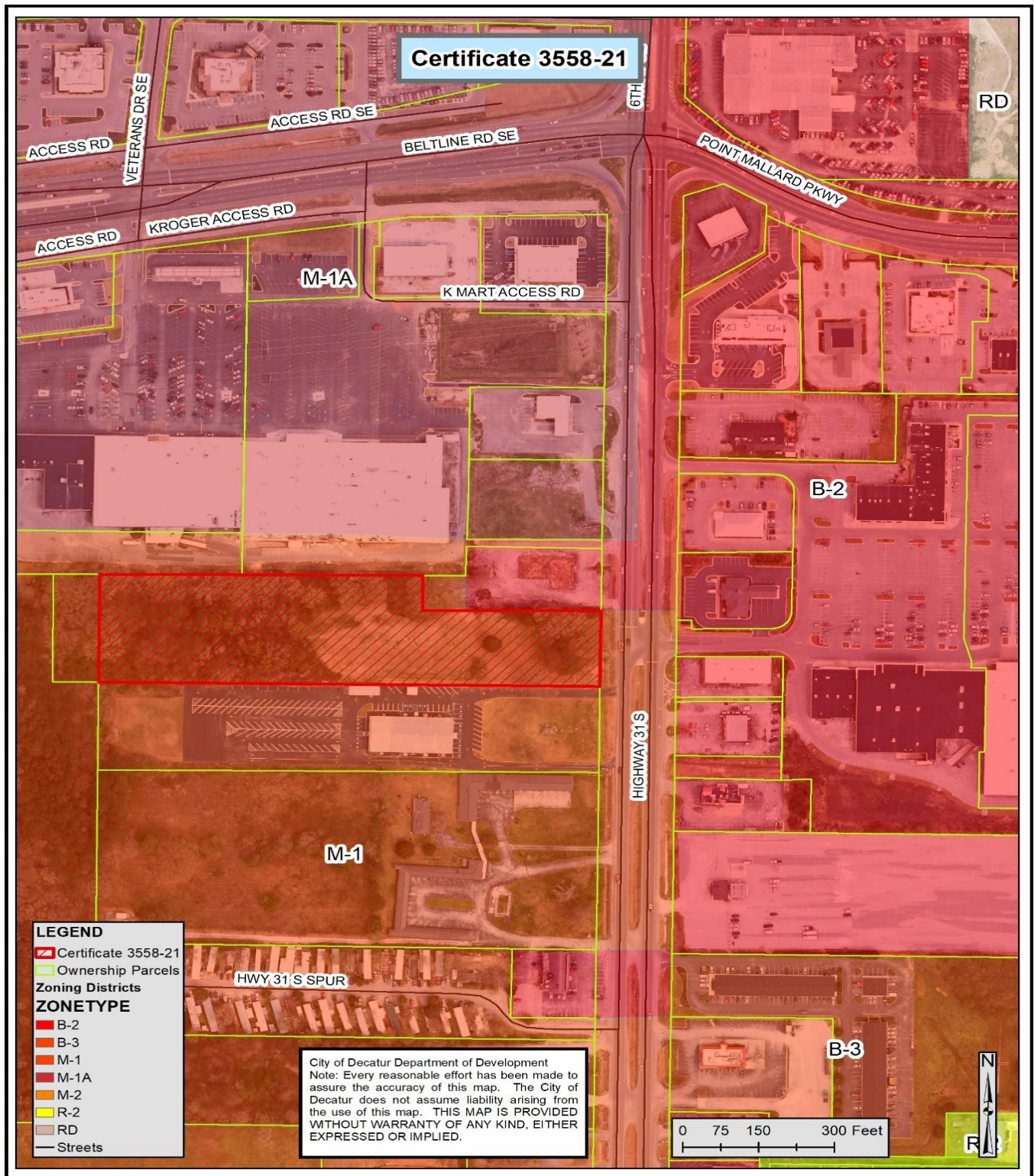
1. Signed, sealed survey with 3 state plane coordinates
2. Signed owner letter
3. Recording fees

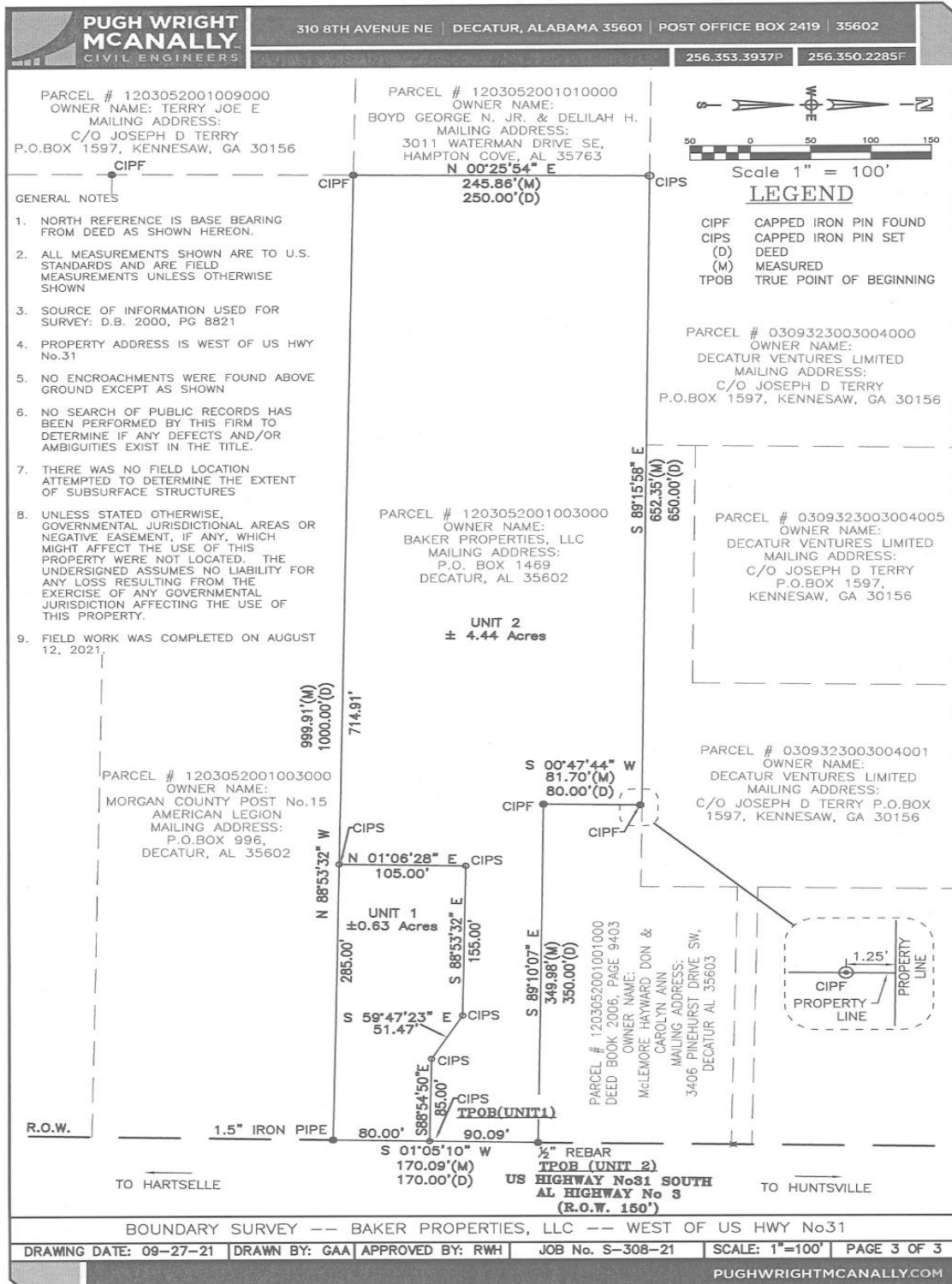
Pt. of Info:

- Unit 1 will need new gas service
- Any relocation of utilities will be at the owner's expense

COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:







SITE PLANS

FILE NAME OR NUMBER: Site Plan 621-21

ACRES: 0.79

CURRENT ZONE: B-2

APPLICANT: Pugh, Wright, McAnally for Renasant Bank

LOCATION AND OR PROPERTY ADDRESS: 119 6th Ave NE

REQUEST: Approve commercial site plan

PROPOSED LAND USE: Commercial

ONE DECATUR FUTURE LAND USE: Urban Core Downtown

ONE DECATUR STREET TYPOLOGY: 6th Ave is a Principal Arterial

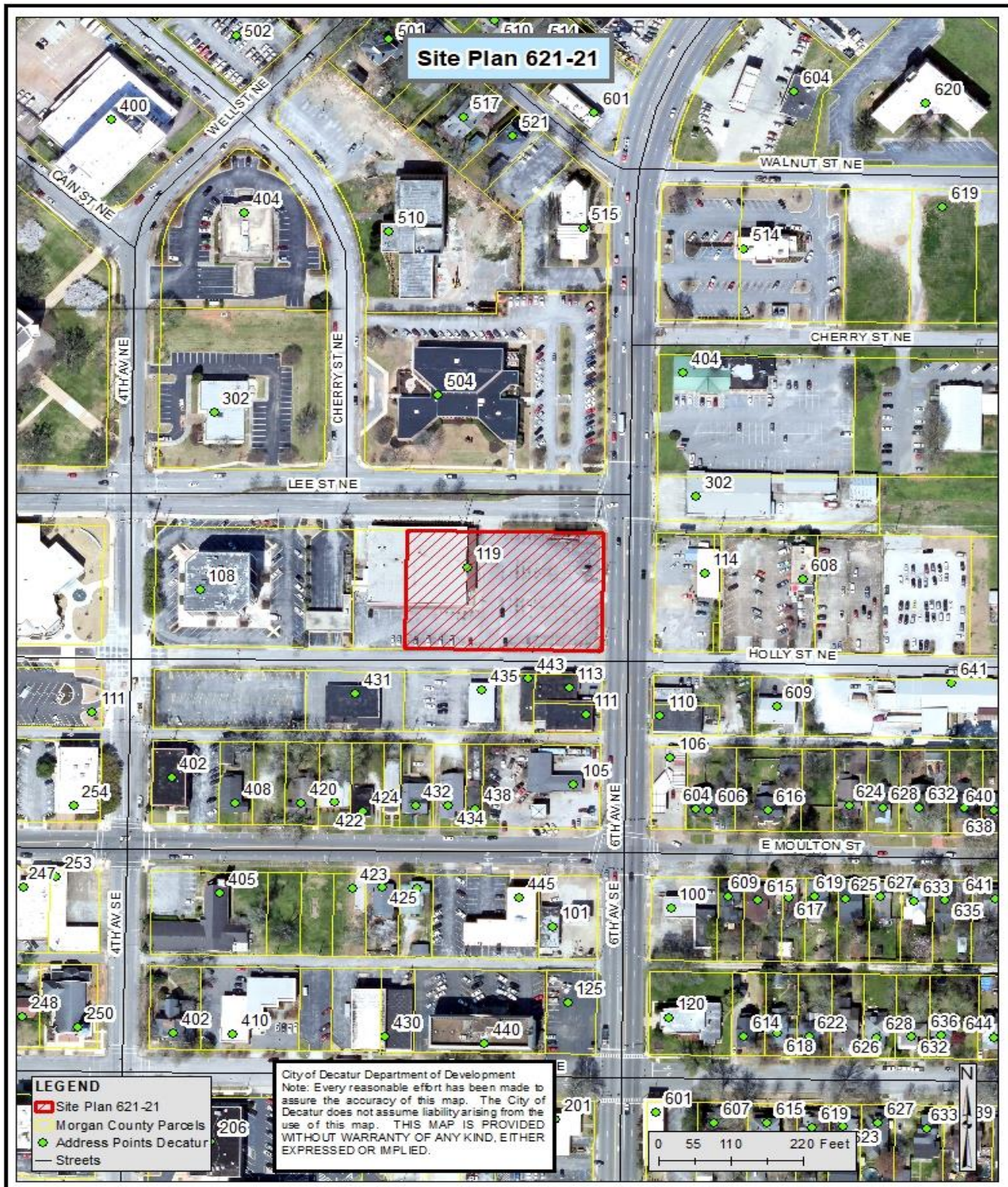
COMMENTS AND RECOMMENDATIONS FROM TECHNICAL REVIEW COMMITTEE:**Conditions to be met:**

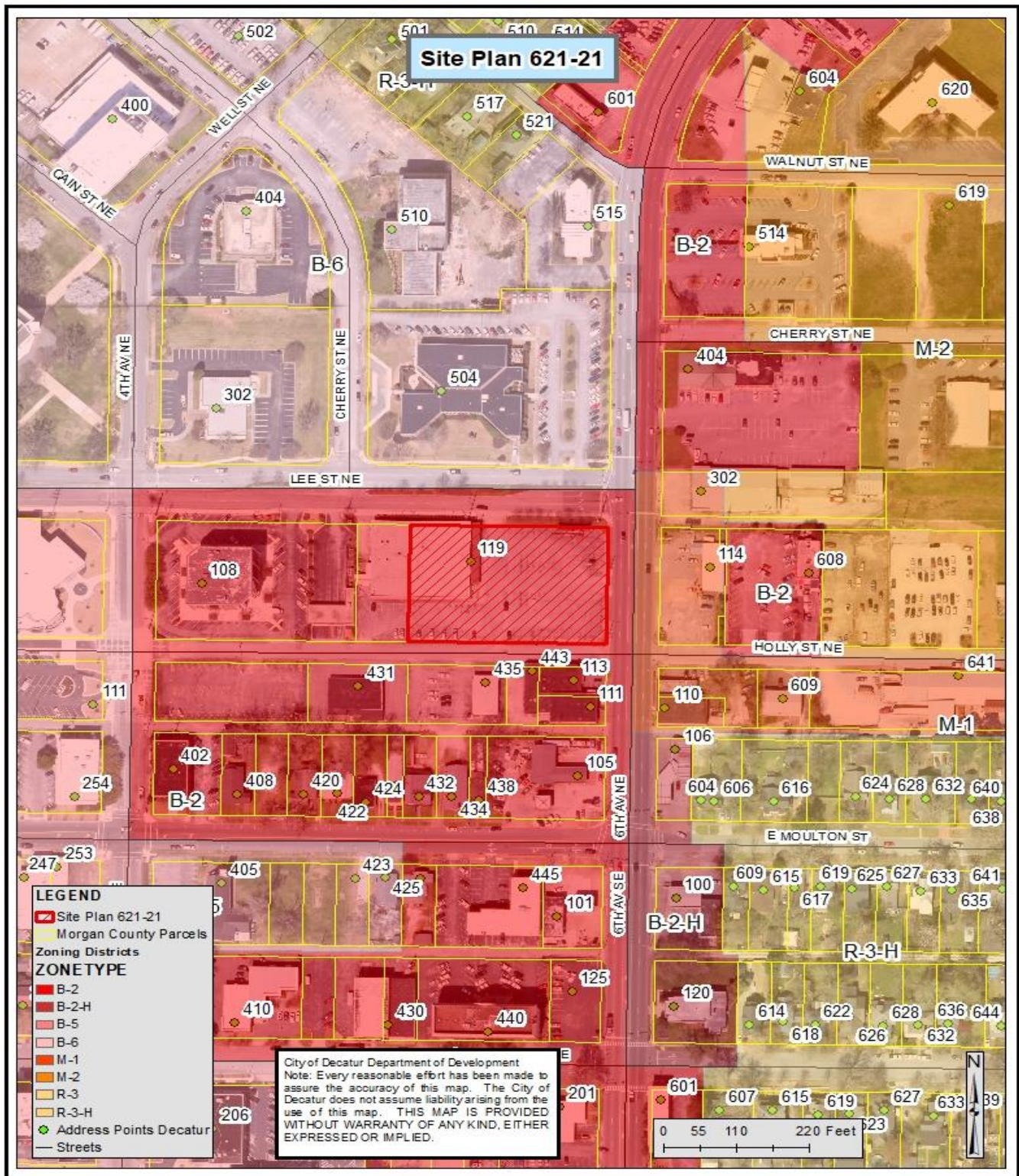
1. Need copy of deed
2. Signed ALDOT permit affidavit needed
3. Rear yard set-back dimension needs to be shown (20 ft.)
4. Parking calculation needed
5. Construction fencing detail needed with plan for pedestrian redirect
6. Per Engineering approval
7. 15 ft. easement needed for sewer extension
8. Need height of wall facing 6th ave shown from street elevation.

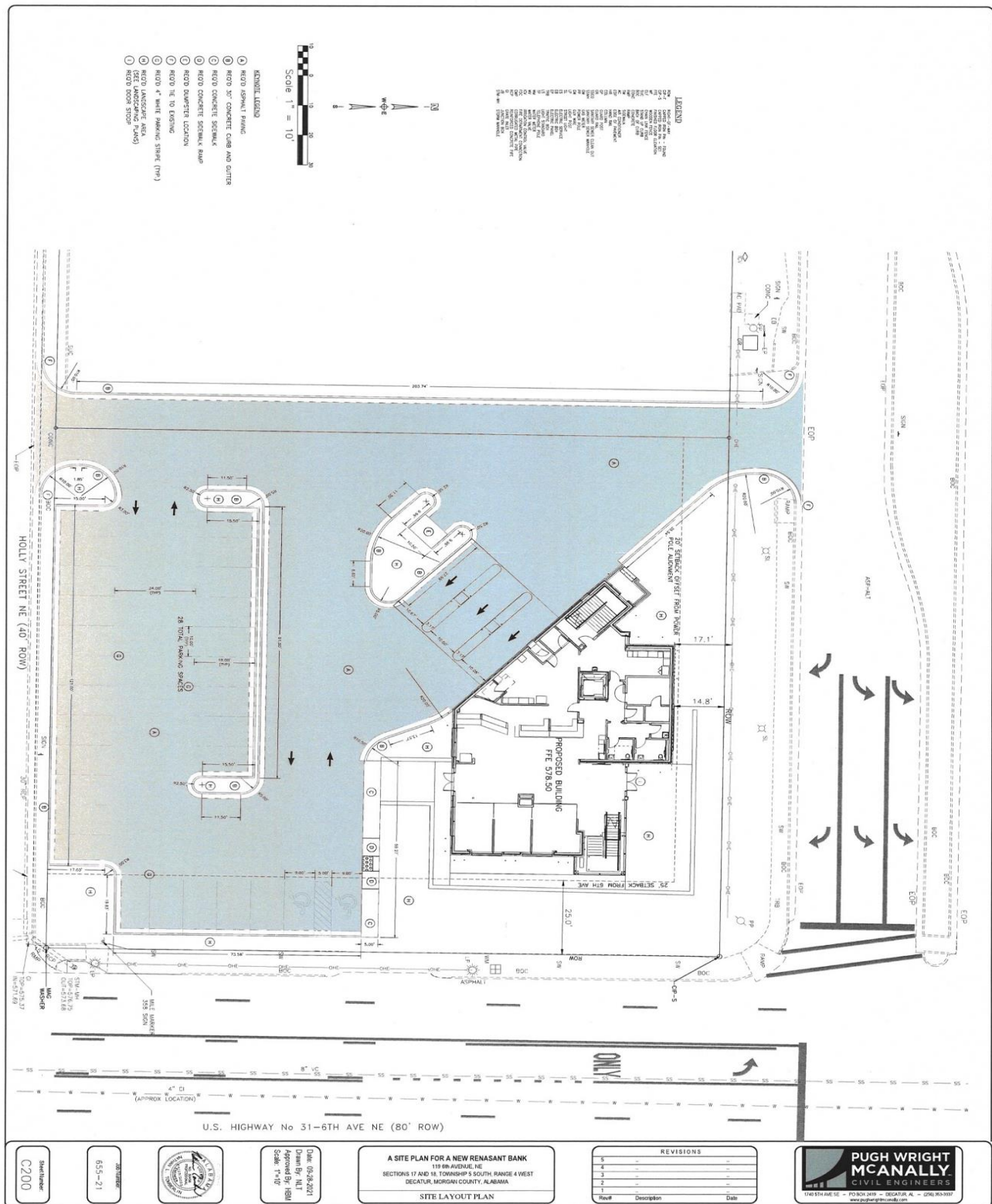
Pt. of Info:

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

COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:







FILE NAME OR NUMBER: Site Plan 622-21

ACRES: 4.56

CURRENT ZONE: M-1

APPLICANT: Pugh, Wright, McAnally for Baker Properties LLC

LOCATION AND OR PROPERTY ADDRESS: 2605 Hwy 31 South

REQUEST: Commercial Site Plan Approval

PROPOSED LAND USE: Commercial

ONE DECATUR FUTURE LAND USE: Community Commercial

ONE DECATUR STREET TYPOLOGY: Hwy 31 South is a Principal Arterial

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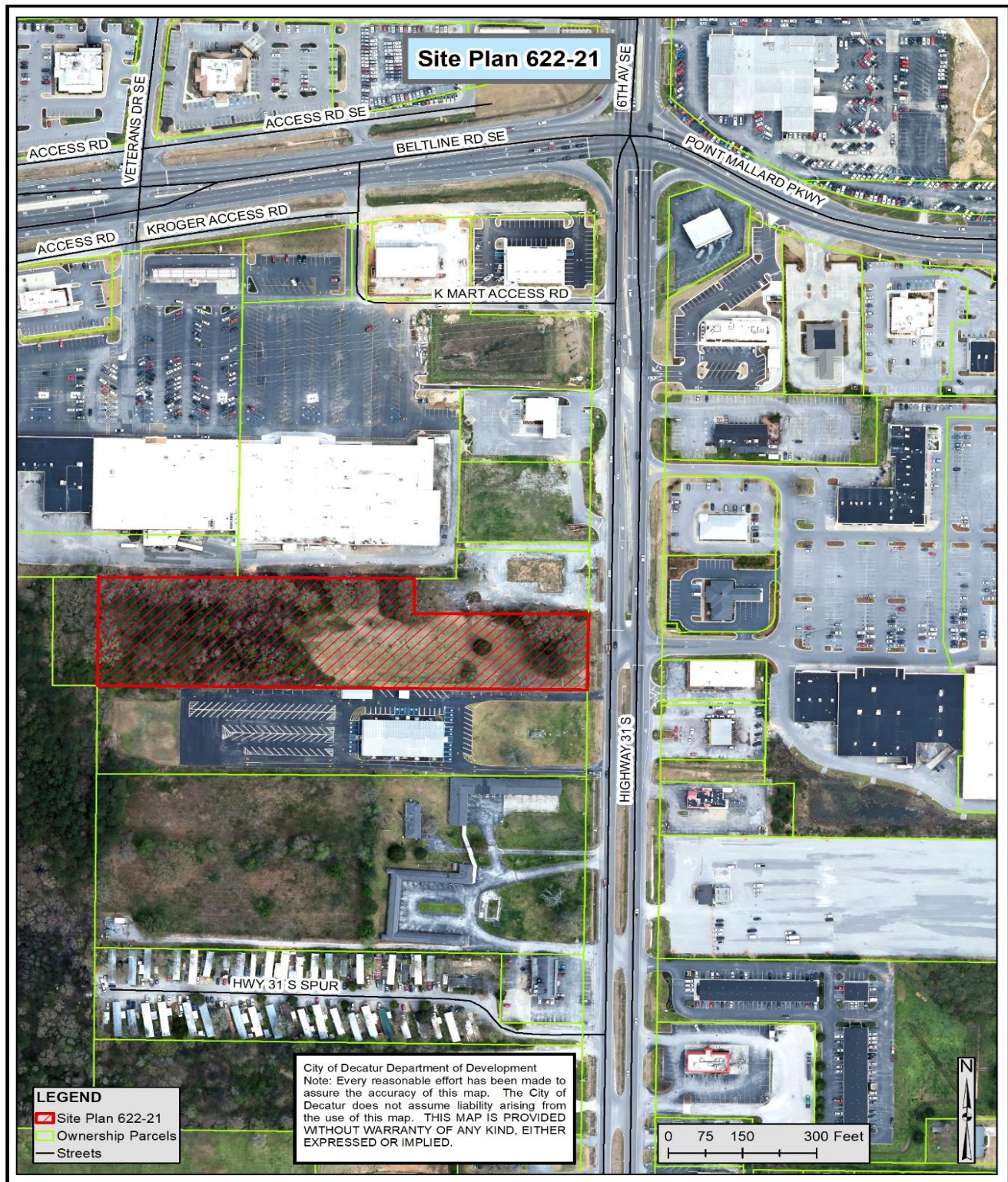
Conditions to be met:

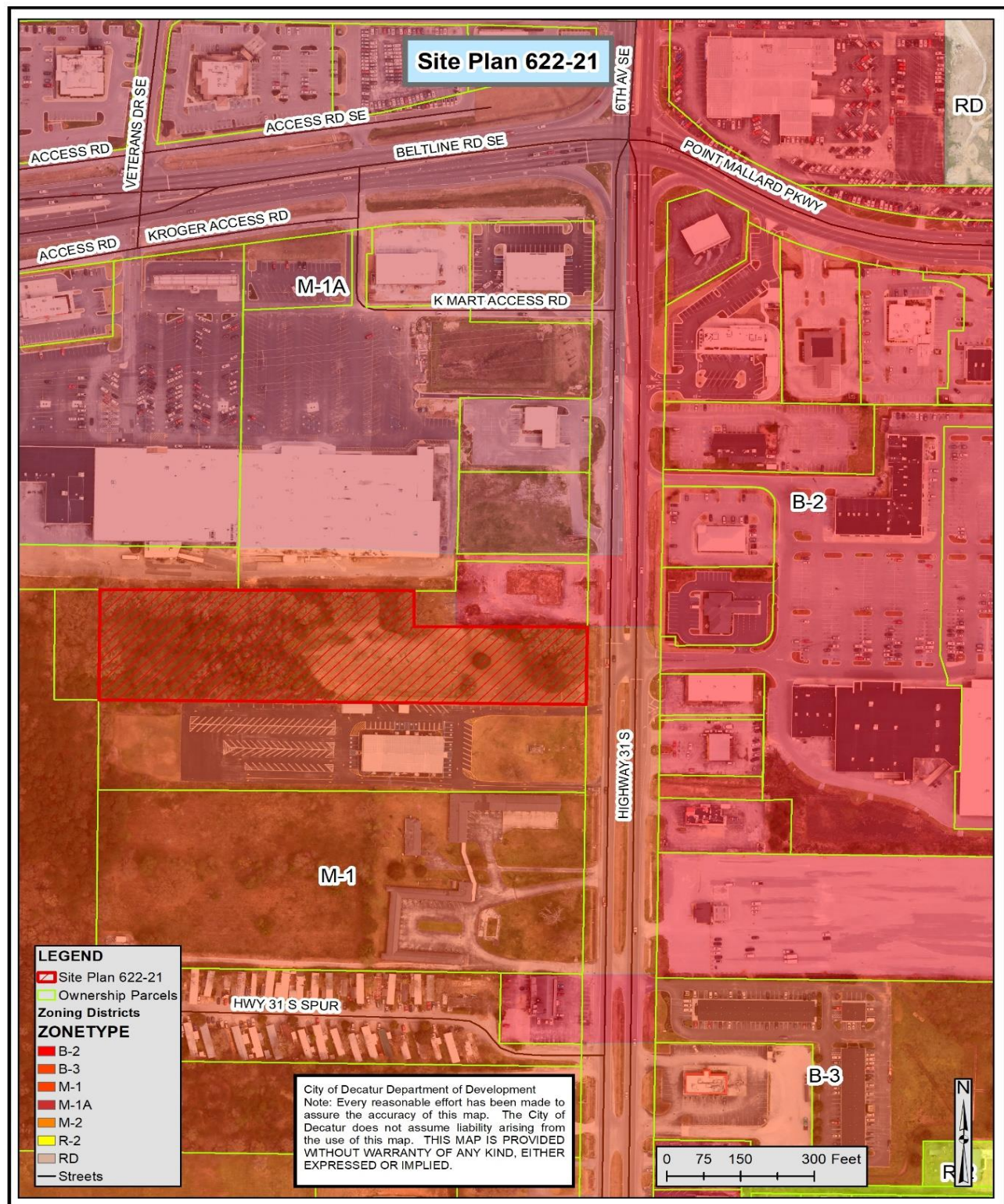
1. Signed ALDOT permit affidavit needed

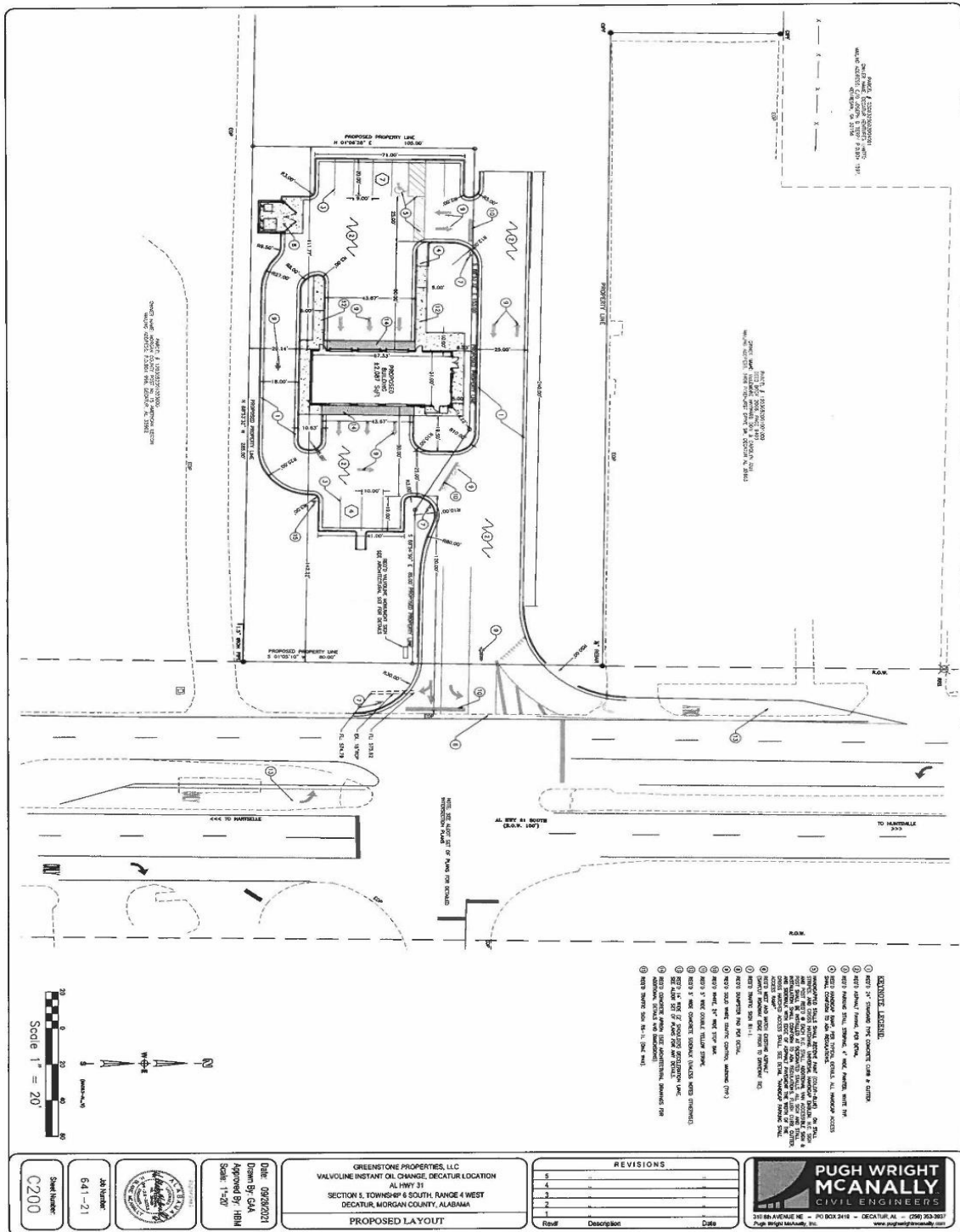
Pt. of Info:

- Approval of site plan does not constitute ALDOT approval of intersection design or access to Hwy 31
- Drive is not designed to city standard and cannot be dedicated as city street
- Oil interceptor needed
- Any relocation of utilities will be at the owner's expense

COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:







OTHER BUSINESS**RESOLUTION**

FILE NAME OR NUMBER: ALDI INC. CENTER – BOND REVIEW

ACRES: ~9.07

CURRENT ZONE: M1A

APPLICANT: ALDI

LOCATION AND OR PROPERTY ADDRESS: 1413 Beltline Rd SW

REQUEST: To review and approve release of bond for completion of public improvements (ALDI WAY)

PROPOSED LAND USE: Grocery Store

ONE DECATUR FUTURE LAND USE: Community Commercial

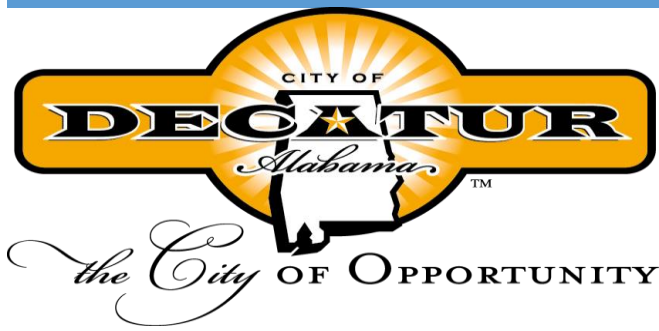
ONE DECATUR STREET TYPOLOGY: Beltline Rd SW is a Principal Arterial

COMMENTS AND RECOMMENDATIONS FROM TECHNICAL REVIEW COMMITTEE:

Conditions to be met:

NONE

COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:



Planning Department

RESOLUTION NO. _____

BE IT RESOLVED by the Planning Commission of the city of Decatur, Alabama that the required public improvements required of the developer for the construction of The Aldi development in Decatur, Alabama which are secured by a Bond (No.285063887) in the amount of \$225,000.00, are completed.

BE IT FURTHER RESOLVED that the surety securing the required public improvements is hereby released.

ADOPTED this _____ day of _____, 2021.

X

Kent Lawrence - Chairman
Decatur City Planning Commission

STATE OF ALABAMA)

MORGAN COUNTY)

I, _____, the undersigned authority, a notary public in and for said county in said state, hereby certify that Kent Lawrence, whose name as Chairman of the city of Decatur Planning commission, is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he in his capacity as such officer executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this _____.

X

Michelle Stinnett Notary Public