



MEMORANDUM

DATE: January 18th, 2022

TO: Planning Commissioners

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

PLANNING COMMISSION MEETING

January 18th, 2022

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

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

Agenda Planning Commission

City of Decatur, AL

January 18, 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

APPROVAL OF MINUTES- December 2021

PUBLIC HEARING

ZONING

PAGE/MAP

A. Zoning 1383-22

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(3827 and 3831 Hwy 31 S)

PRELIMINARY PLAT

A. Princeton Place Phase 2 Preliminary Plat – Pugh Wright McAnally
for Hill Development Co., LLC

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(East of Hawthorne Dr SW)

CONSENT AGENDA

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(1709 and 1713 14th Ave SE)

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(North of Kiowa Tr SE and west of Ruby Point Dr SE)

SITE PLANS

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(1227th Ave SE)

- B. Site Plan 629-22 Fairground Property Warehouse – Pugh Wright McAnally
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(2919 Fairgrounds Rd SW)

- C. Site Plan 630-22 Central Ave Mini Storage – Pugh Wright McAnally
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(3339 Central Ave SW)

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PUBLIC HEARING**ZONING**

FILE NAME OR NUMBER: Zoning 1383-22

ACRES: 7.1

CURRENT ZONE: None

APPLICANT: City of Decatur Planning Department

LOCATION AND OR PROPERTY ADDRESS: 3827 and 3831 Hwy 31 S

REQUEST: Zone newly annexed parcels to B-2

NEW ZONE: B-2

PROPOSED LAND USE: Commercial

ONE DECATUR FUTURE LAND USE: Flex Employment Center

ONE DECATUR STREET TYPOLOGY: Highway 31 S is a Principal Arterial

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

The members of the Zoning Committee were in favor of this zoning request

Conditions to be met

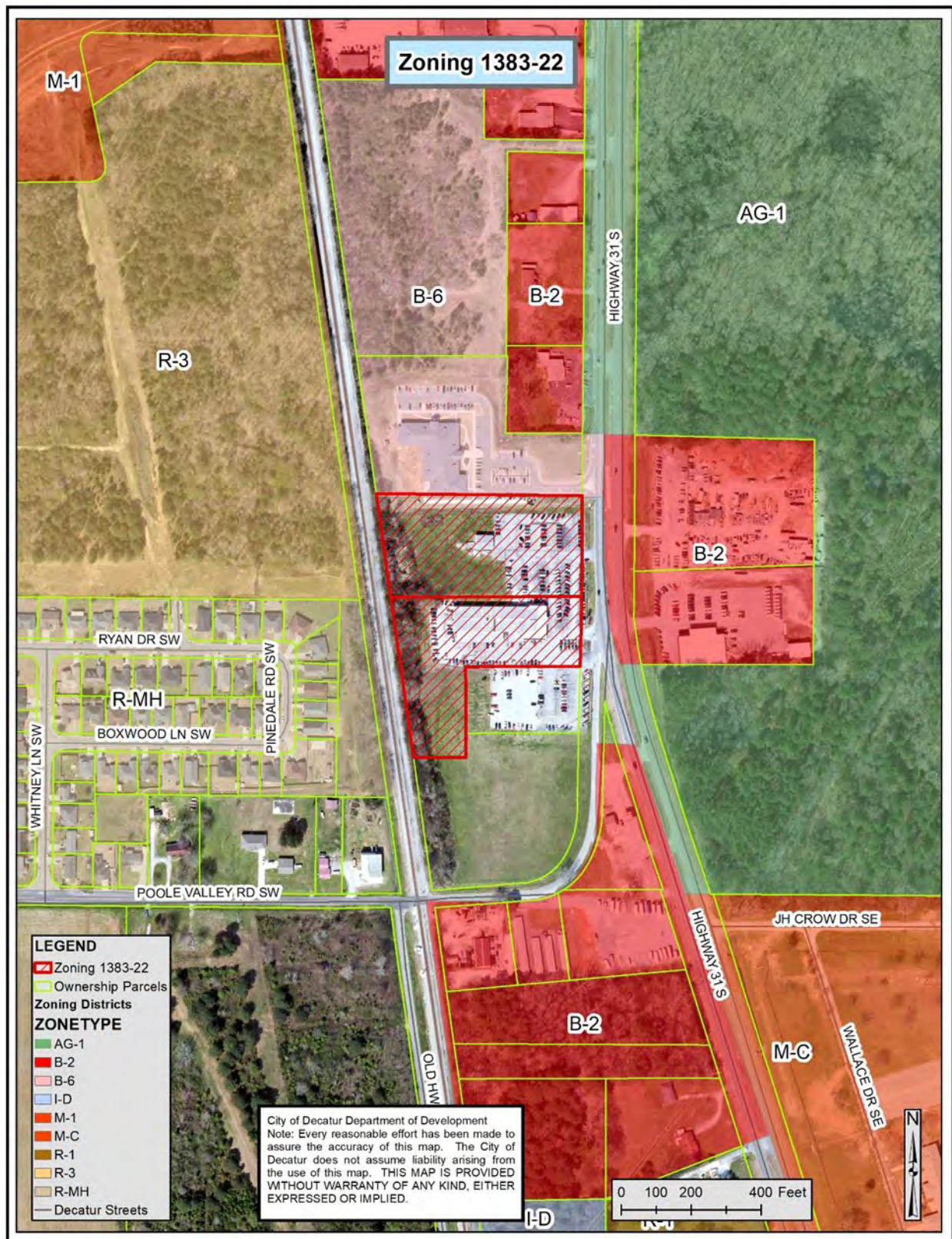
None

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 B-2		January 11, 2022
SECTION	None	B-2
USES PERMITTED		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.
USES PERMITTED ON APPEAL		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.
USES PROHIBITED		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.

ZONING DISTRICT COMPARISON None to B-2		January 11, 2022
SECTION	None	B-2
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.
MAXIMUM BUILDING AREA		None specified.
MINIMUM FRONT YARD		25 feet
MINIMUM REAR YARD SETBACK		20 feet
MINIMUM SIDE YARD SETBACK		None specified.
MINIMUM FEET AT BUILDING LINE		None specified.
MAXIMUM BUILDING HEIGHT		None specified.
MAXIMUM HEIGHT IN STORIES		None specified.
OFF STREET PARKING		Off-street parking: See § 25-16.
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.

FILE NAME OR NUMBER: Princeton Place Phase 2 – Preliminary Plat

ACRES: 20.18

CURRENT ZONE: R-3 (Residential)

APPLICANT: Pugh, Wright, McAnally for Hill Development Co., LLC

LOCATION AND OR PROPERTY ADDRESS: E of Hawthorne Dr SW

REQUEST: Preliminary Plat Approval

PROPOSED LAND USE: Single Family Residential

ONE DECATUR FUTURE LAND USE: Residential, low density

ONE DECATUR STREET TYPOLOGY: Hawthorne Dr SW is a Local Street

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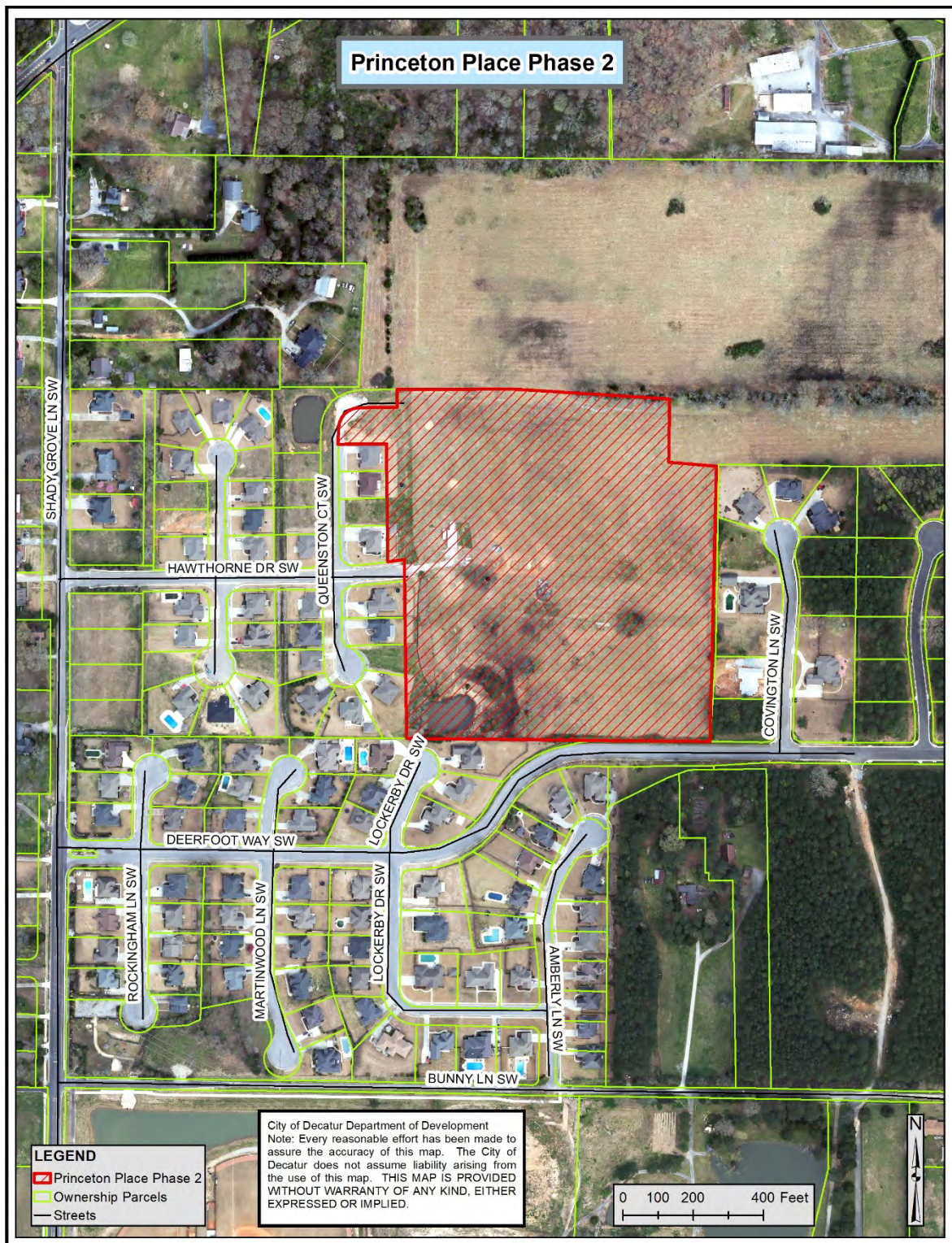
Conditions to be met:

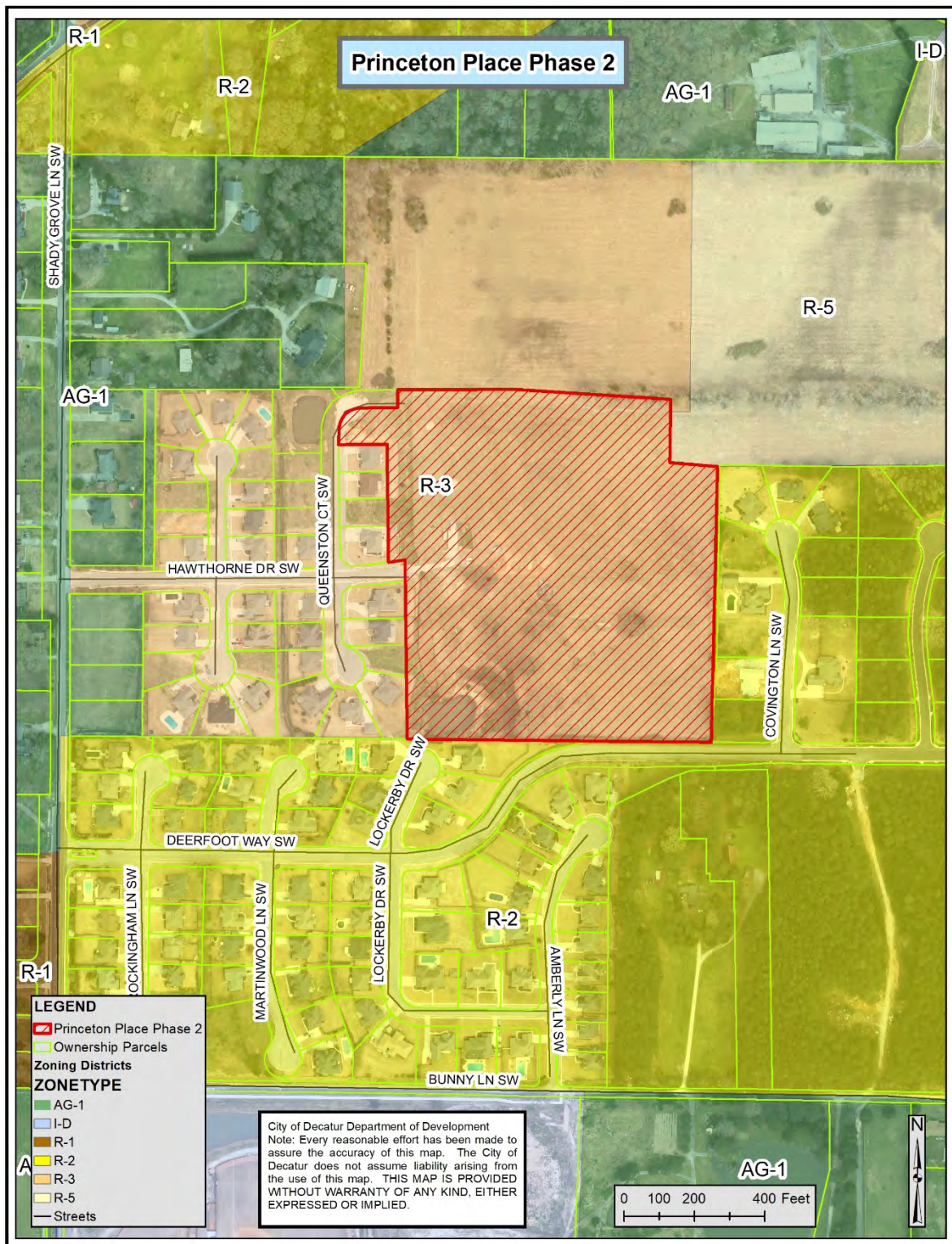
1. Plat Application Fee
2. Adjacent Property Owner Letters Fee
3. Signed and sealed construction drawings approved by DU and Engineering
4. On Final Plat, add note that sidewalks are the responsibility of the home builder for individual lots and they must be constructed and completed before any Certificate of Occupancy (CO) will be issued

Pt. of Info:

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

COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:





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Consent Agenda

FILE NAME OR NUMBER: Certificate 3567-22

ACRES: 1.06

CURRENT ZONE: R-3 (Residential)

APPLICANT: Pugh Wright McAnally for Joey and Rebecca Pilgrim

LOCATION AND OR PROPERTY ADDRESS: 1709, 1713 14th Ave SE

REQUEST: Consolidate two parcels of .62 and .44 into one parcel of 1.06 acres

PROPOSED LAND USE: Residential

ONE DECATUR FUTURE LAND USE: Core Neighborhood

ONE DECATUR STREET TYPOLOGY: 14th Ave SE is a local street

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

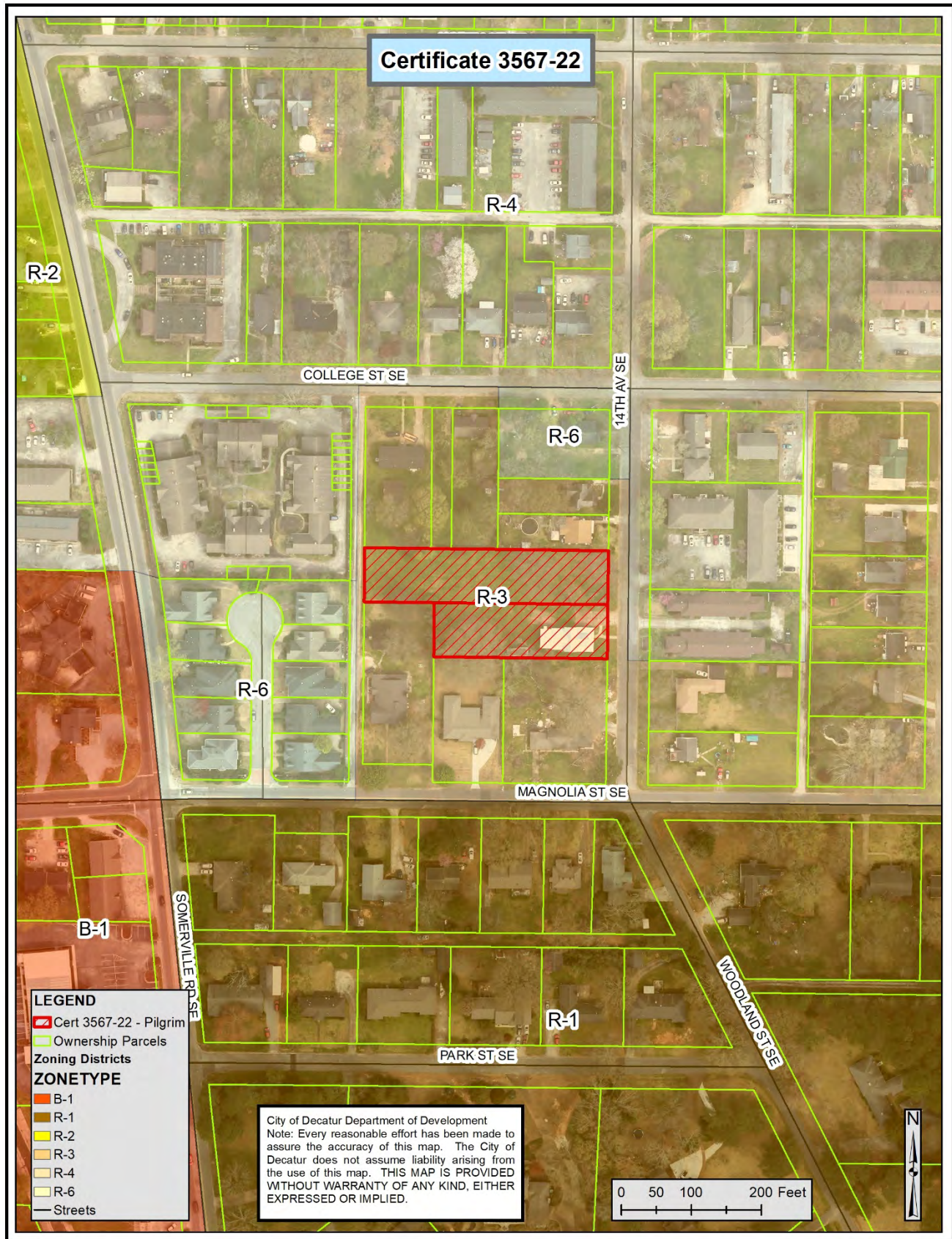
1. Need signed owner letter
2. Need recording fees
3. Signed, sealed survey with 3 state plane coordinates

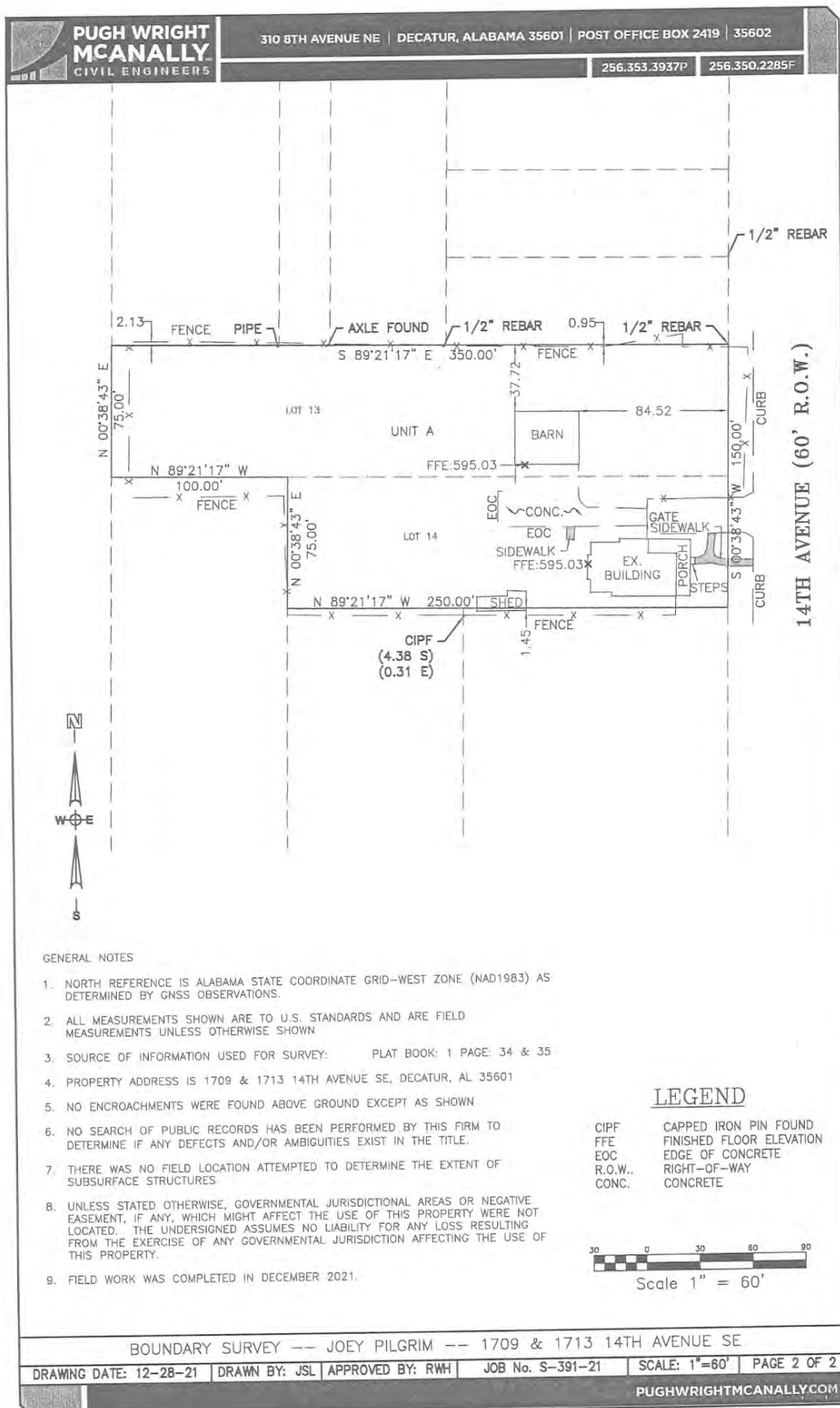
Pt. of Info:

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

COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:







FILE NAME OR NUMBER: Foxwood Subdivision Addition 3 - Layout Plat

ACRES: 9.8

CURRENT ZONE: R-3 (Residential)

APPLICANT: Pugh, Wright, McAnally for Arthur Steber

LOCATION AND OR PROPERTY ADDRESS: North of Kiowa Tr SE and west of Ruby Point Dr SE

REQUEST: Layout Plat Approval

PROPOSED LAND USE: Single Family Residential

ONE DECATUR FUTURE LAND USE: Residential low density

ONE DECATUR STREET TYPOLOGY: Kiowa Tr SE and Ruby Point Dr SE are local streets

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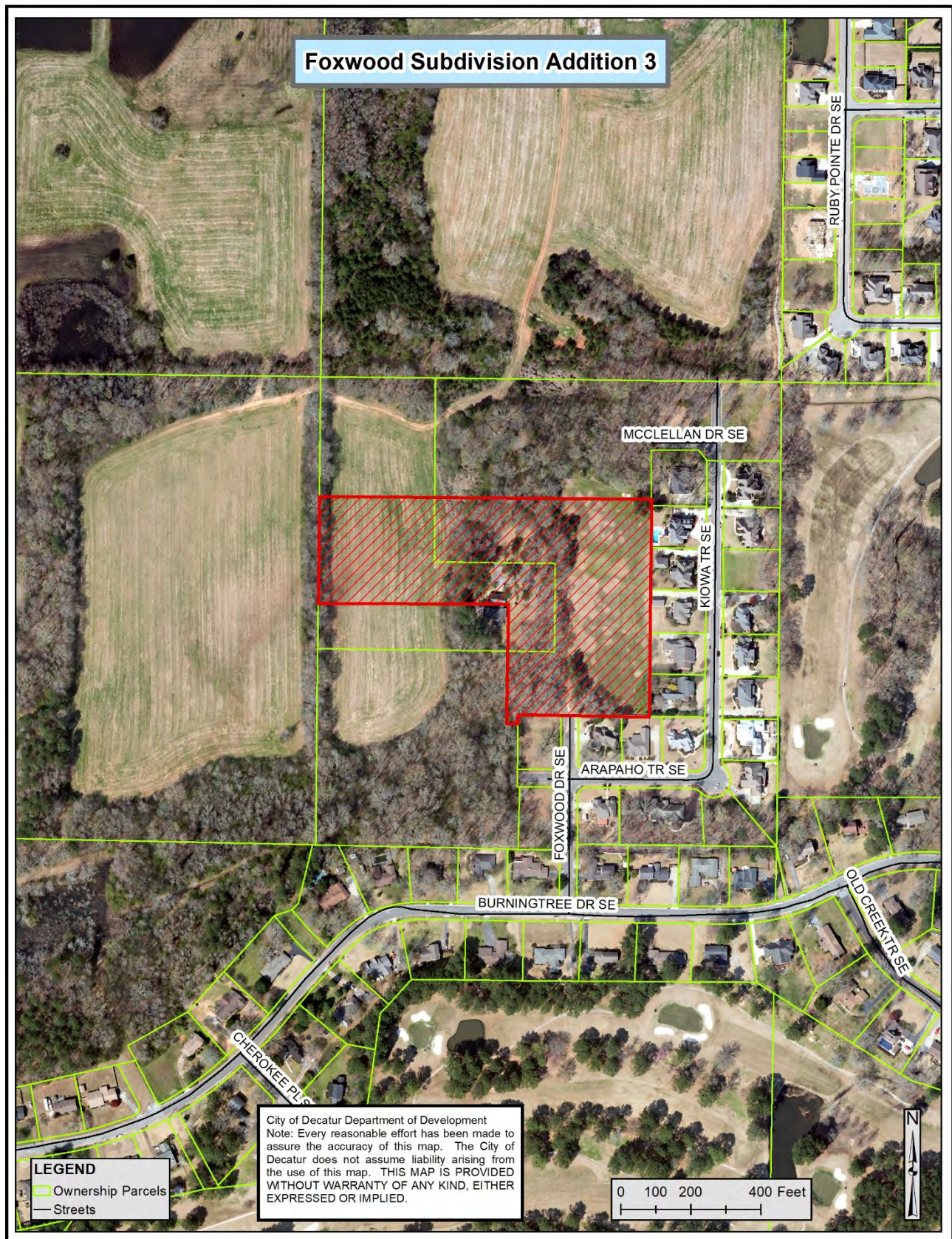
Conditions to be met:

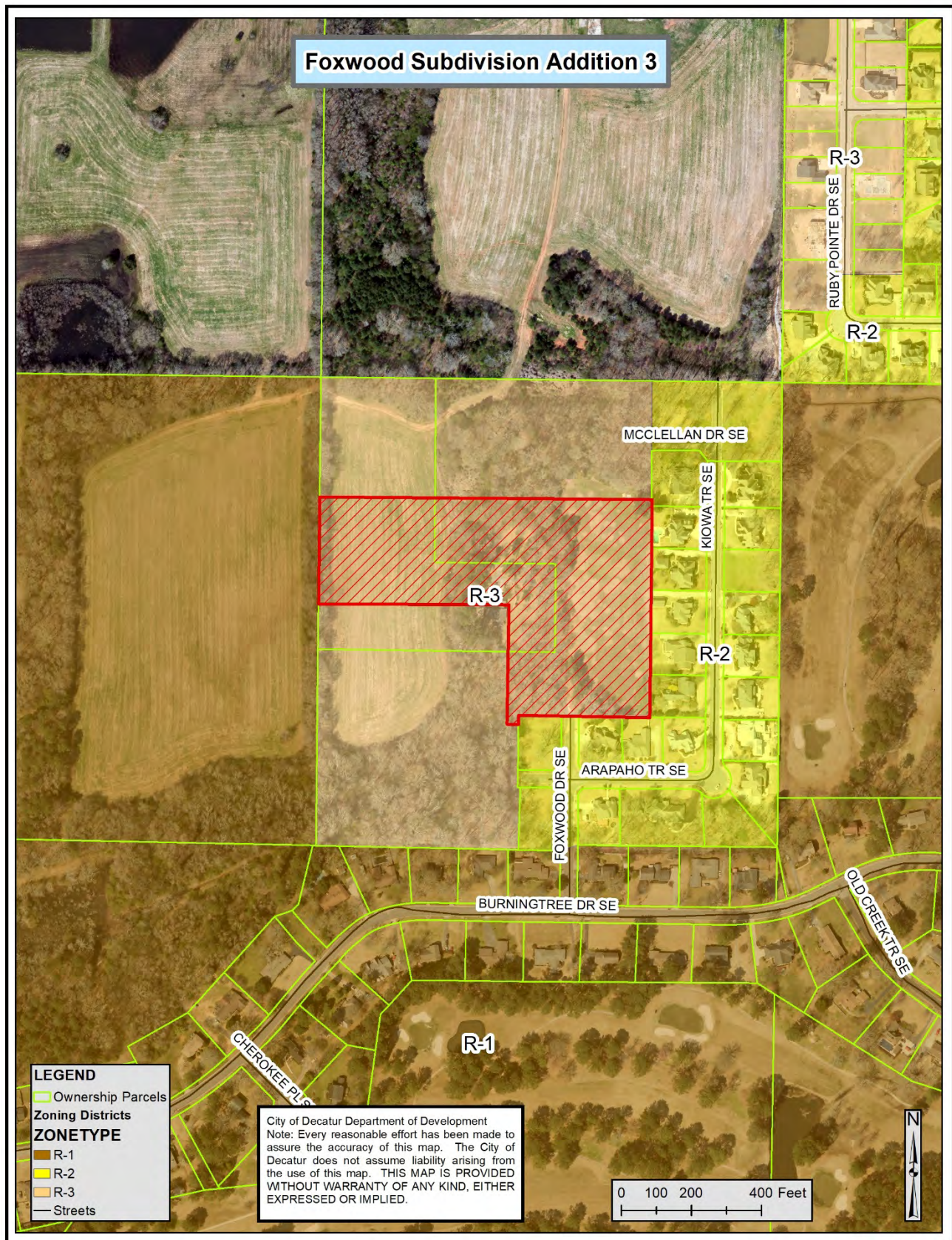
1. Per Engineering Approval

Pt. of Info:

1. Any relocation of utilities will be at the owner's expense
2. Be aware of double front setbacks on corner lots
3. Consider continuing Foxwood Dr. to the north instead of turning west to provide another future connection to Ben Poole Rd.

COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:







FILE NAME OR NUMBER: Site Plan 628-22

ACRES: 1.75

CURRENT ZONE: RD (Redevelopment District)

APPLICANT: WD Group for Henri Fontaine, LLC

LOCATION AND OR PROPERTY ADDRESS: 1227 6th Ave SE

REQUEST: Approve Commercial Site Plan

PROPOSED LAND USE: Commercial - Carwash

ONE DECATUR FUTURE LAND USE: Urban Edge Mixed Use

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

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

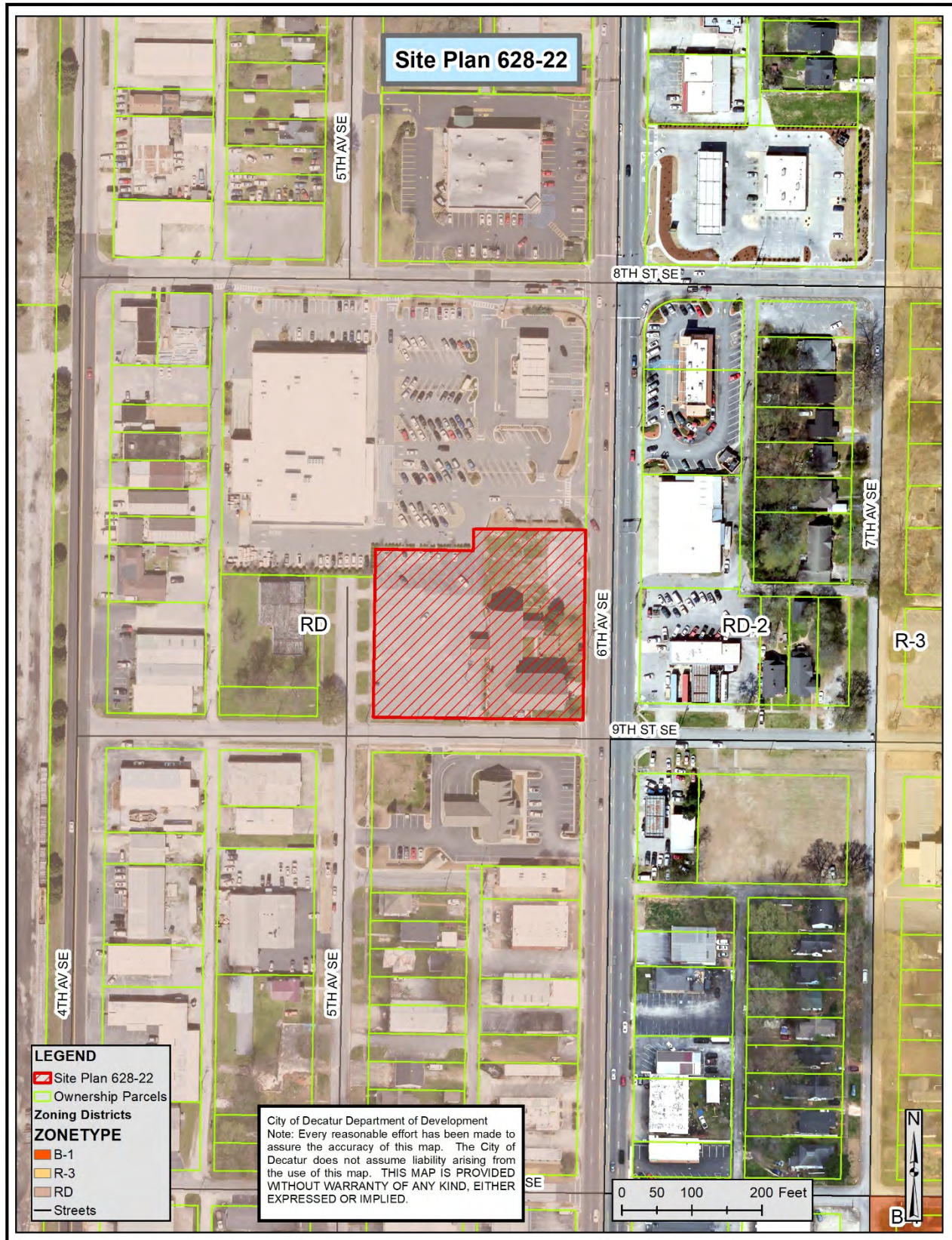
1. Provide photometric plan
2. Handicap ramp detail needed
3. Dumpster enclosure detail needed
4. Sign will need to be moved or BOZA variance obtained
5. Sign ALDOT affidavit
6. Need 5ft DUT easement along 6th Ave property line
7. Need 5ft DUT easement along 9th St property line
8. Per Engineering Approval
9. Per DU Approval

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 629-22

ACRES: 2.98

CURRENT ZONE: M-1A (Expressway Commercial District)

APPLICANT: Pugh Wright McAnally for Jeff Parker

LOCATION AND OR PROPERTY ADDRESS: 2919 Fairgrounds Rd SW

REQUEST: Approve Commercial Site Plan

PROPOSED LAND USE: Warehouse

ONE DECATUR FUTURE LAND USE: Major Institution - Civic

ONE DECATUR STREET TYPOLOGY: Fairgrounds Rd SW is an Urban Collector

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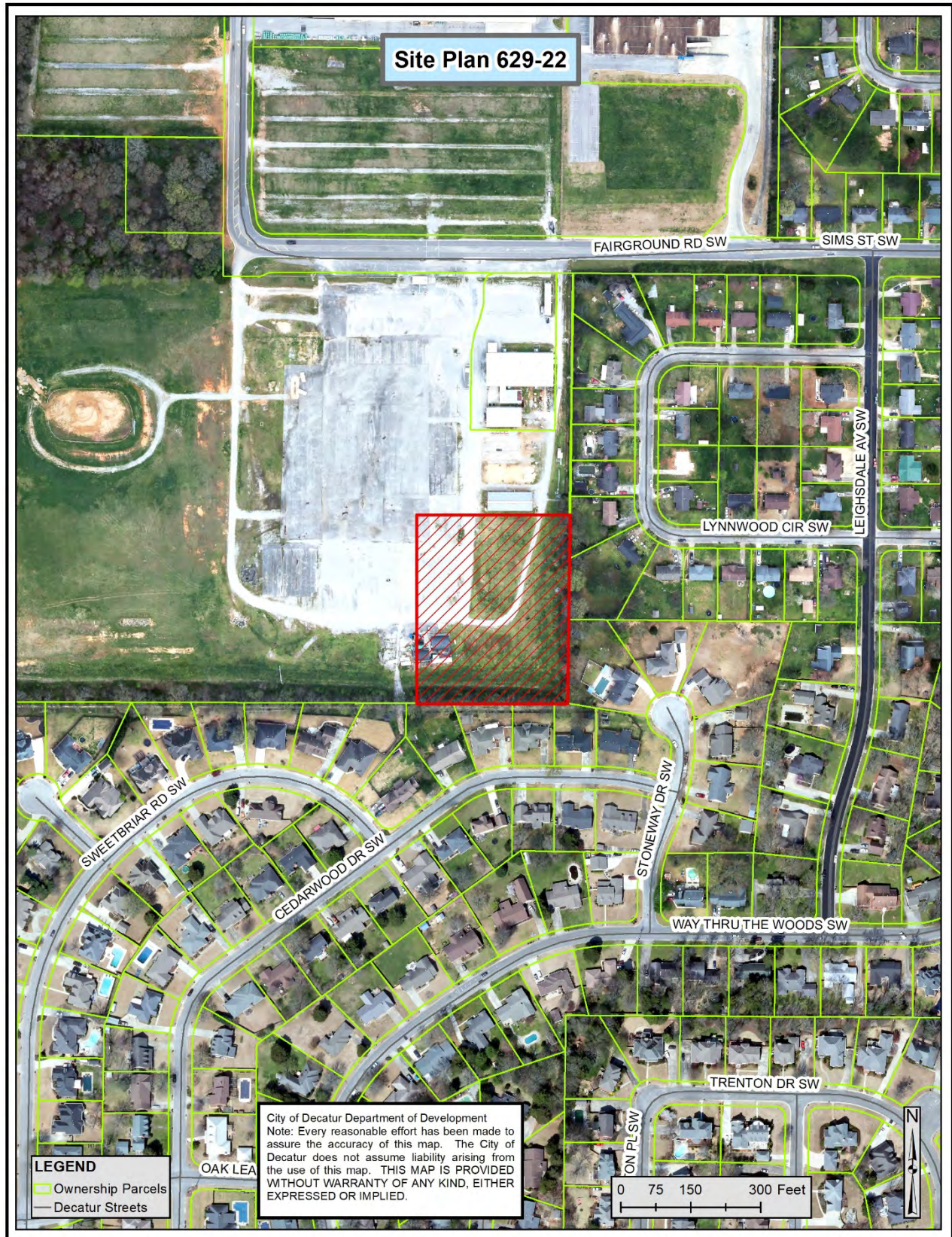
Conditions to be met:

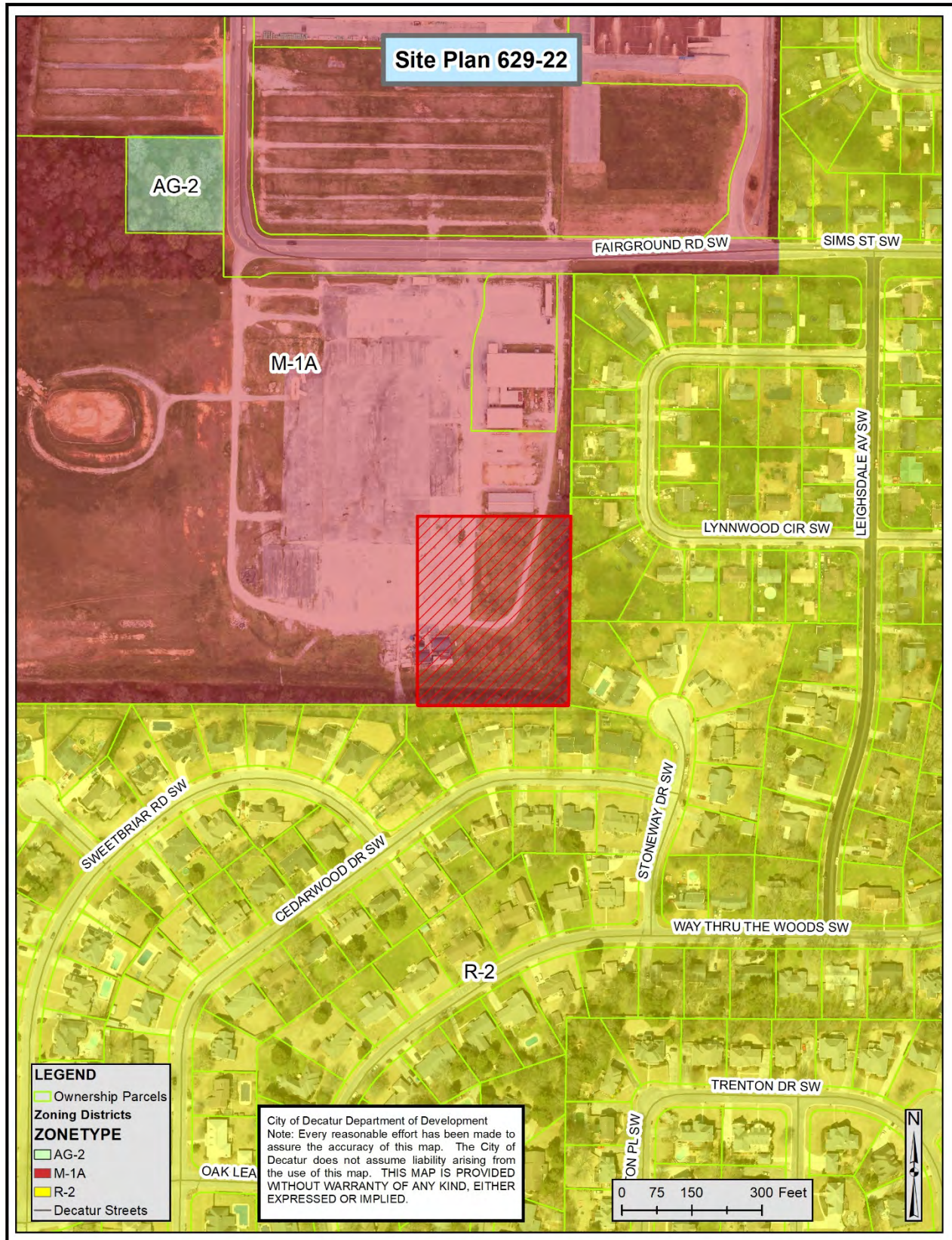
1. Extend electric easement past cul-de-sac and power pole shown on the plan
2. Extend easement for water and gas, if needed
3. Per Engineering Approval
4. Per DU Approval

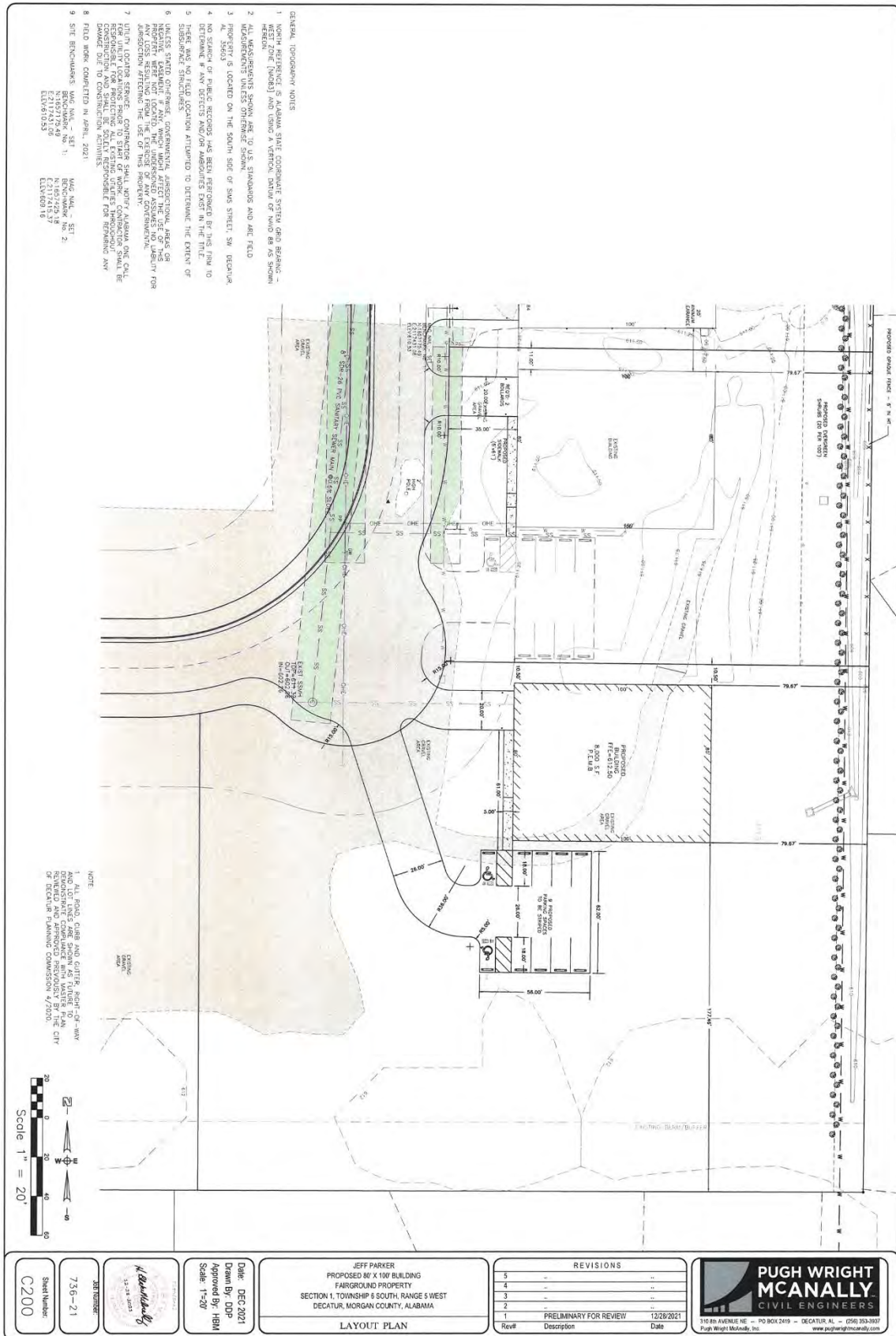
Pt. of Info:

1. Any relocation of utilities will be at the owner's expense
2. Frontage landscaping will be required prior to issuance of a Certificate of Occupancy
3. Streets need to be approved for construction through the subdivision plat process

COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:







FILE NAME OR NUMBER: Site Plan 630-22

ACRES: 1.11

CURRENT ZONE: M-1 (Light manufacturing)

APPLICANT: Pugh Wright McAnally for Jerry L. Smith & Associates

LOCATION AND OR PROPERTY ADDRESS: 3339 Central Ave SW

REQUEST: Approve Commercial Site Plan

PROPOSED LAND USE: Warehouse

ONE DECATUR FUTURE LAND USE: Flex Employment Center

ONE DECATUR STREET TYPOLOGY: Central Ave SW is a Minor Arterial

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

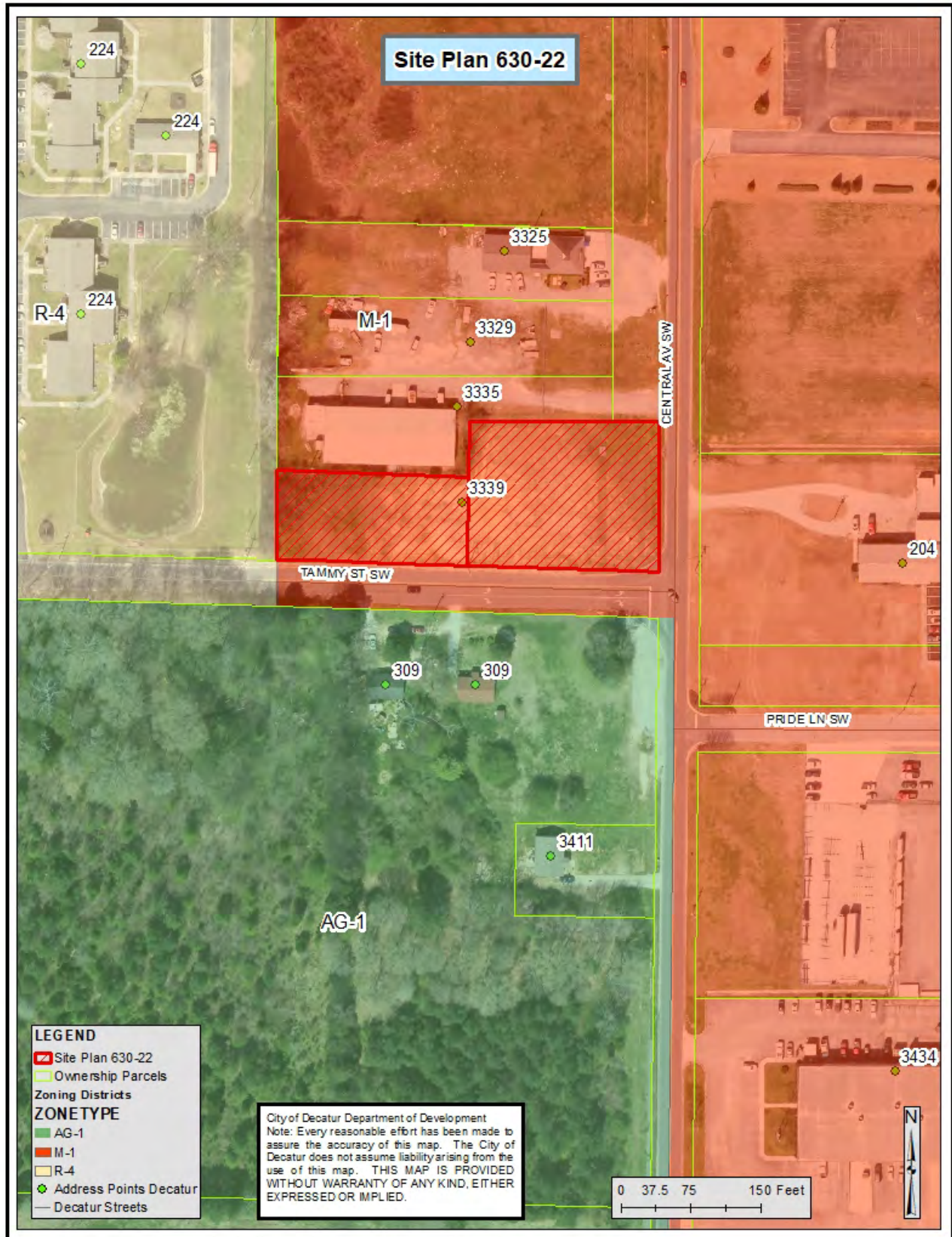
1. Per Engineering Approval

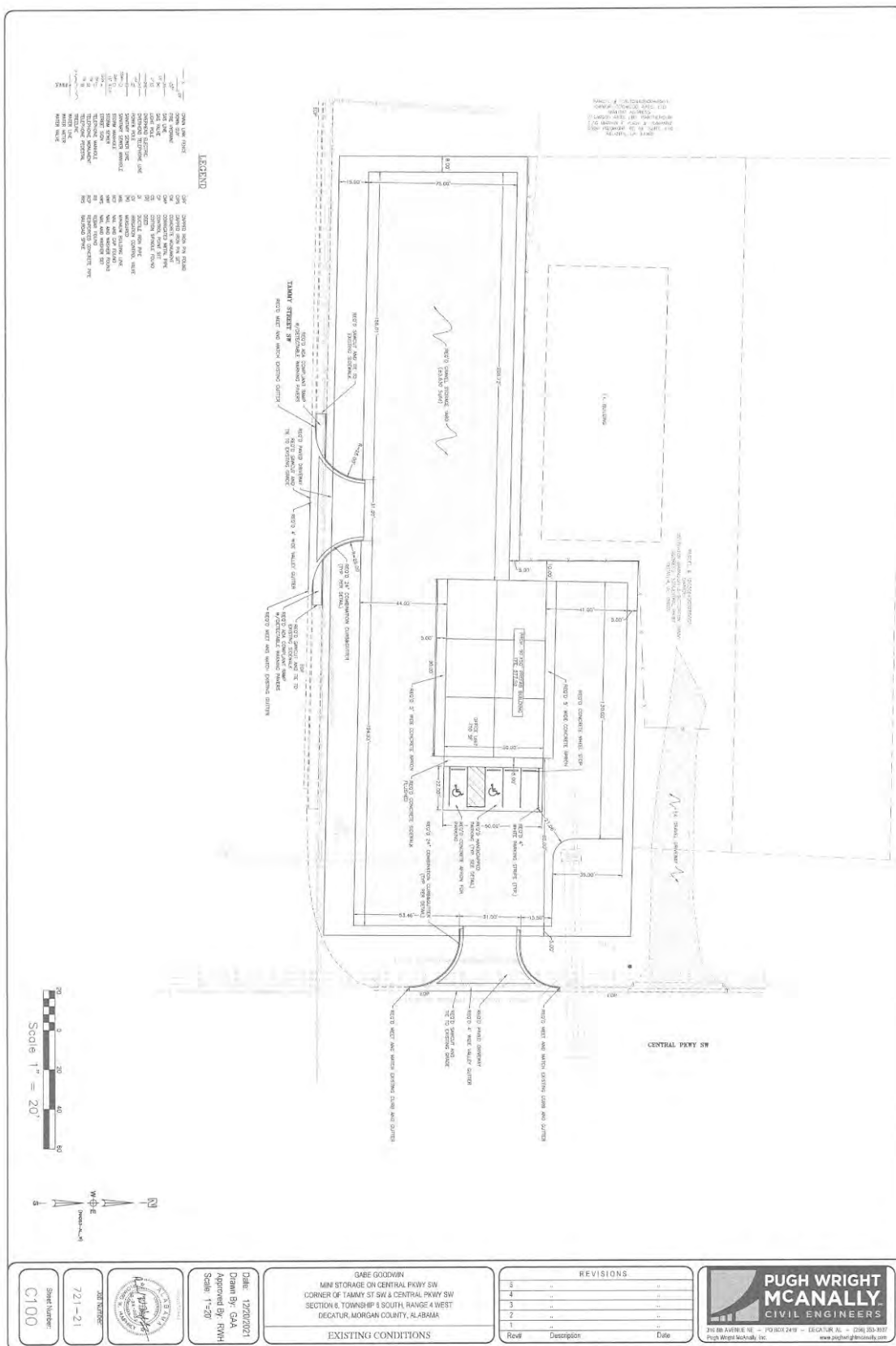
Pt. of Info:

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

COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:







OTHER BUSINESS**ANNEXATIONS**

FILE NAME OR NUMBER: Annexation 367-22 Foxwood Subdivision Add 3

ACRES: 20.1

CURRENT ZONE: None (Pre-zoned R-3)

APPLICANT: Pugh Wright McAnally for Melissa Curry

LOCATION AND OR PROPERTY ADDRESS: North of Kiowa Tr SE and west of Ruby Point Dr SE

REQUEST: Annex 20.1 acres

PROPOSED LAND USE: Residential

ONE DECATUR FUTURE LAND USE: Residential low density

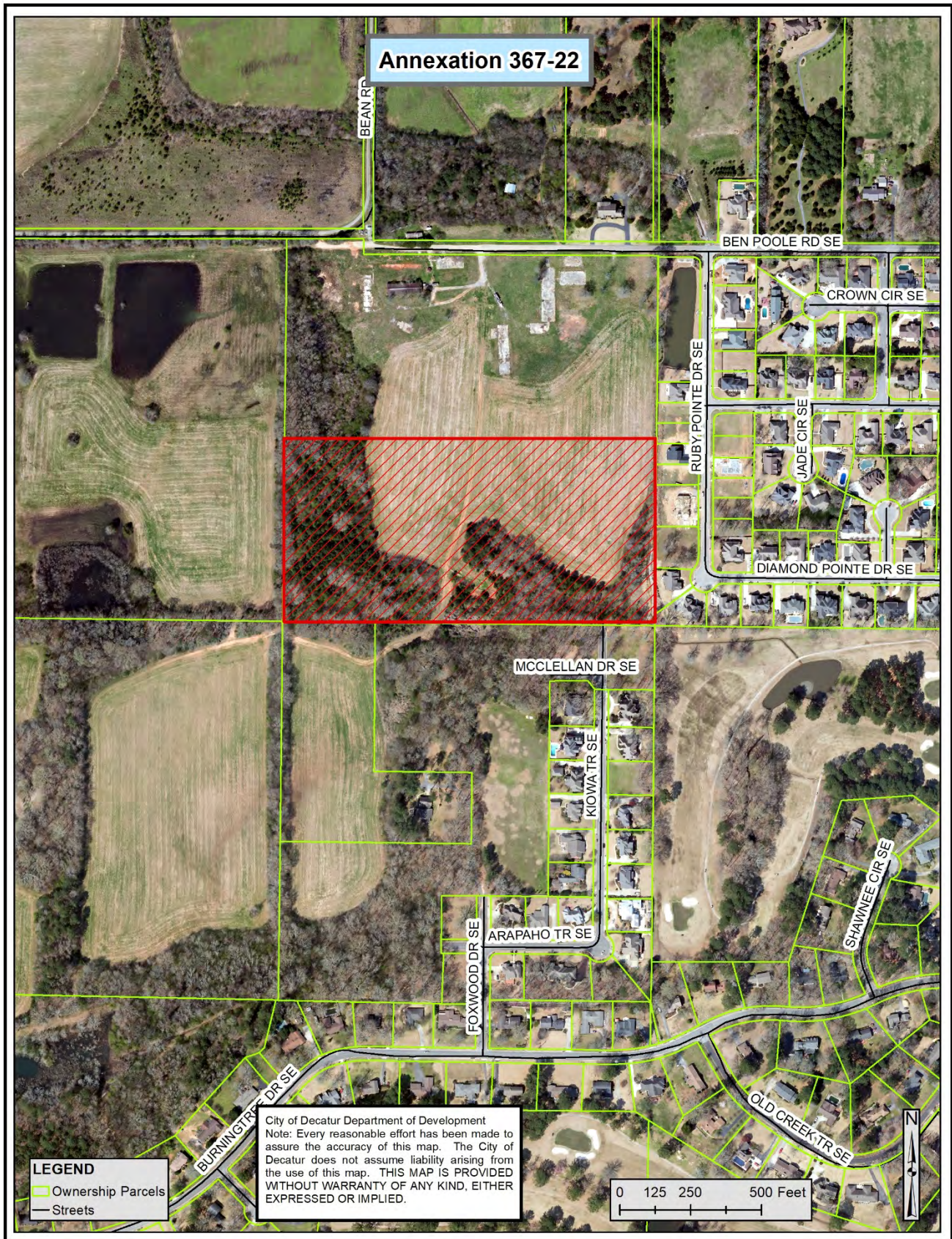
ONE DECATUR STREET TYPOLOGY: Kiowa Tr SE and Ruby Point Dr SE are local streets

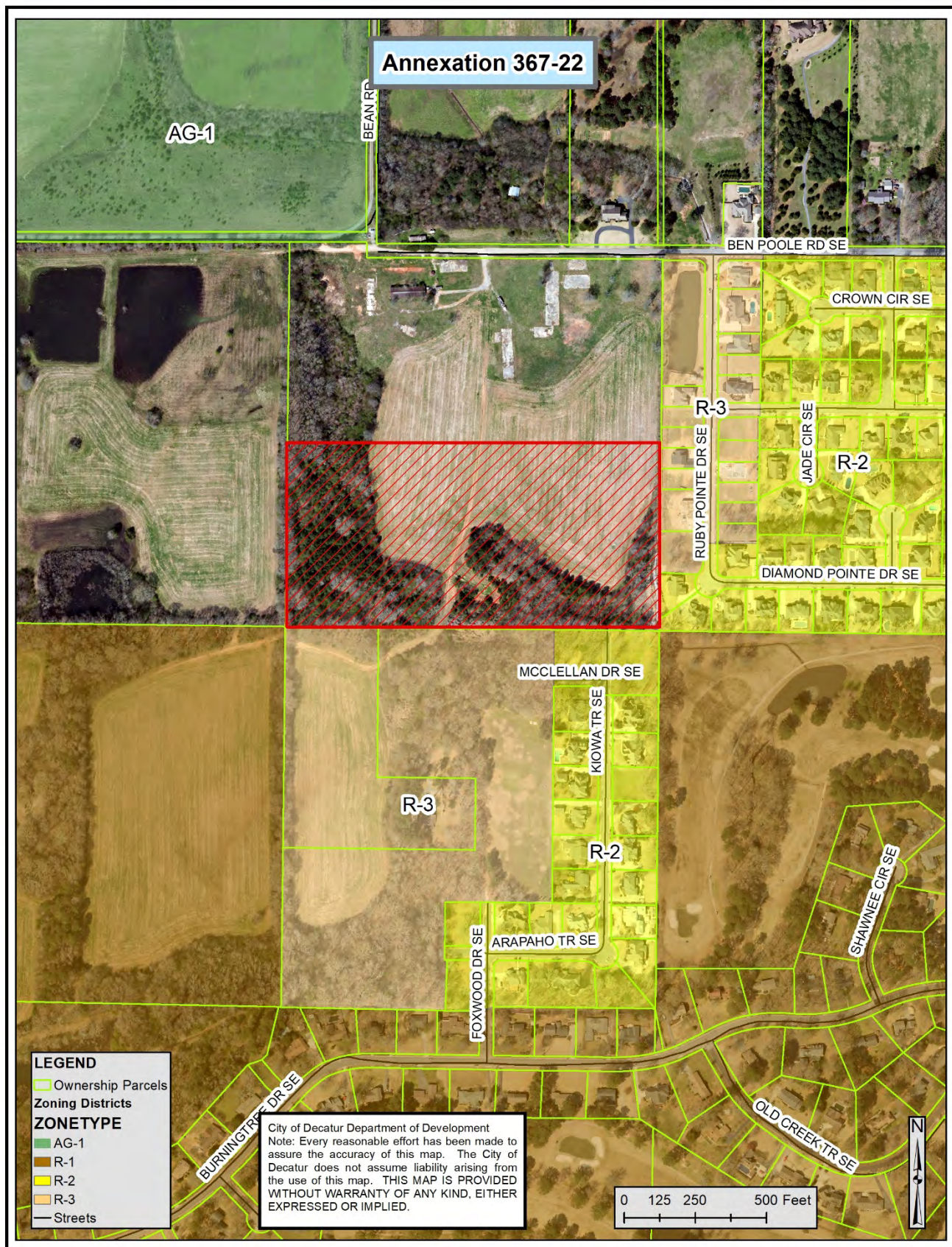
COMMENTS AND RECOMMENDATIONS FROM TECHNICAL REVIEW COMMITTEE:**Conditions to be met:**

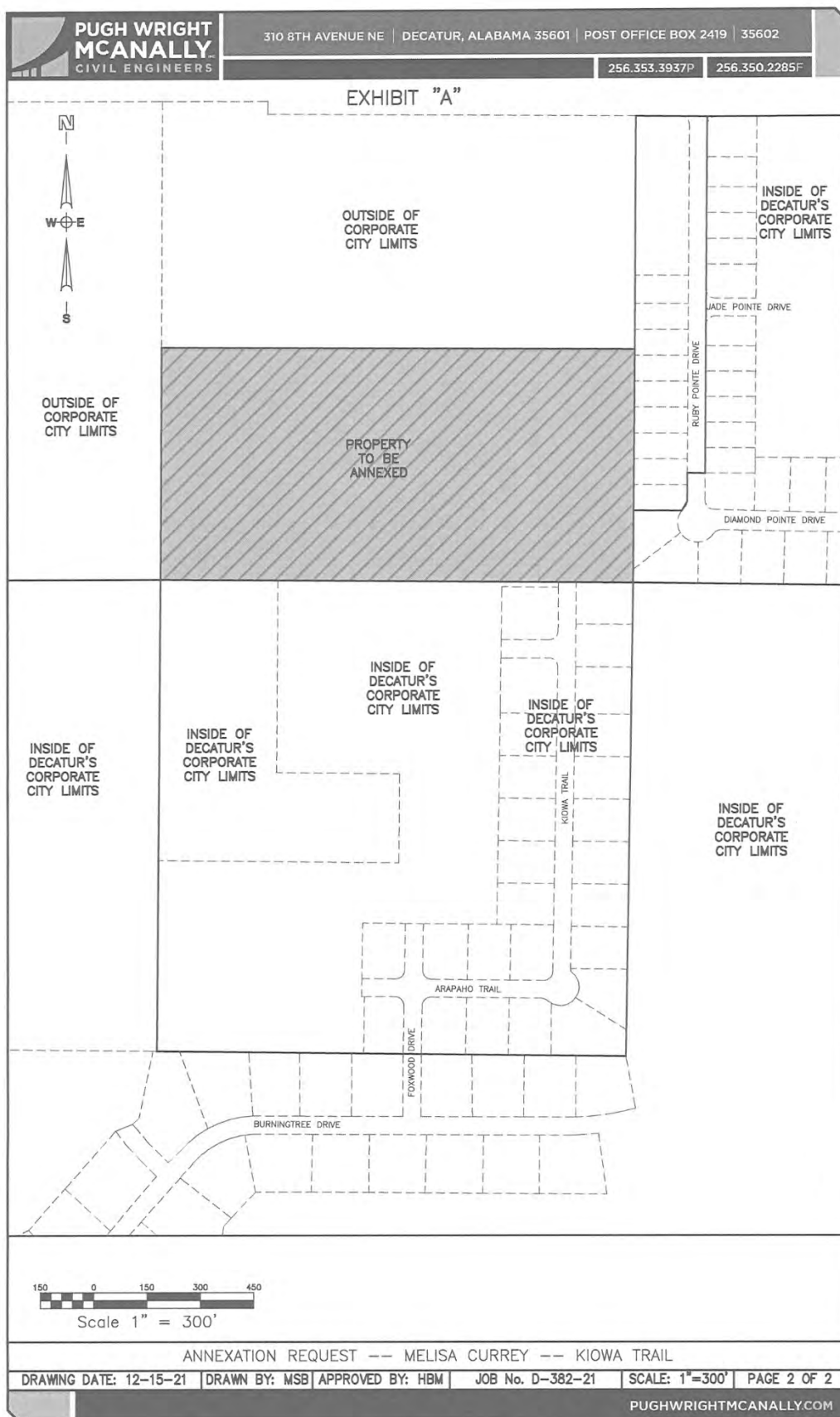
1. None

Pt. of Info:

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







ZONING TEXT AMENDMENTS

FILE NAME OR NUMBER: ZTA 247-22

APPLICANT: City of Decatur Planning Department

LOCATION AND OR PROPERTY ADDRESS: N/A

REQUEST: A zoning text amendment to amend Sections 25-143, 25-146 & 25-147 of the zoning ordinance regarding Home Occupations.

NEW ZONE: N/A

PROPOSED LAND USE: N/A

ONE DECATUR FUTURE LAND USE: N/A

ONE DECATUR STREET TYPOLOGY: N/A

COMMENTS AND RECOMMENDATIONS FROM ZONING COMMITTEE:

Comments from Zoning Committee

With the updates listed under conditions, the Zoning Committee was in favor of this ZTA

Conditions to be met

1. Under section Sec. 25-146, add the word “permit” in the first paragraph so that it reads “The granting of a home occupation permit...”
2. Also update item 4 to make it consistent on the wording. Wording should be “The applicant shall obtain a city business privilege license from the Revenue Department only after obtaining a home occupation permit from the Building Department, and application fee has been paid.”

Pt. of Info:

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

COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:

Zoning Text Amendment 247-22

The effect of the proposed amendment will be to amend Section 25-143, Section 25-146, and Section 25-147.

Section 1: That Section 25-143 – Applicability is hereby amended to read as follows:

Sec. 25-143 – Applicability

Home occupations shall be a use permitted subject to verification of zoning district by the Building Department, applicant signature on Home Occupation Questionnaire and the obtaining of a City Business Privilege License from the Revenue Department. The Building Department may approve or deny the use permitted in any residential zoning district subject to their review based on the criteria found in this section.

Section 2: That Section 25-146 – Required permits and approvals is hereby amended to read as follows:

Sec. 25-146 – Required permits and approvals

Home occupation procedure: The granting of a home occupation permit by the Building Department may be obtained by submitting an application to the building director of the city on forms provided by them and providing such information as may be necessary for a determination that the request complies in all respects to the terms of this section.

(1) Zoning verification required: The building director will examine the zoning map to determine that the address of the home occupation provided by the applicant is located in the appropriate zoning district.

(2) Home occupation questionnaire required: The building director will provide a questionnaire containing all listed requirements of a home occupation to be filled out and signed by the applicant verifying that all requirements have been met.

(3) Application fee required: A nonrefundable fifty dollars (\$50.00) application fee is required to be collected from the applicant by the building director.

(4) City business privilege license required: The applicant shall obtain a city business privilege license from the Revenue Department after home occupation permit has been issued by Building Department.

(5) Home occupations nontransferable: All home occupations are personal to the applicant and as such are nontransferable to another location, subject to provisions of this section.

Section 3: That Section 25-147 – Termination of previously granted permits and approvals is hereby amended to read as follows:

Sec. 25-147 – Termination of previously granted permits and approvals

(a) Any grant of a permit or approval for a home occupation shall be deemed a privilege and requires the continual compliance with all rules, regulations, and conditions applied to the permit or approval. At any time after the granting of same, the Building Department or Revenue Department may revoke a previously granted permit or approval upon being presented with evidence of potential violation of the previously granted permit or approval.

(b) No entity receiving a permit of approval for a home occupation shall receive thereby any property right or other interest in such approval or permit.

(c) Should a previously granted permit or approval be revoked, the permit holder shall be allowed sixty (60) days to close the home occupation.

Section 4:

This Ordinance shall take effect immediately upon its approval and publication as provided by law.

FILE NAME OR NUMBER: ZTA 248-22

APPLICANT: City of Decatur Planning Department

LOCATION AND OR PROPERTY ADDRESS: N/A

REQUEST: A zoning text amendment to amend Sections 25-110, 25-112, 25-113 & 25-114 of the zoning ordinance regarding Temporary Occupancy Business Requirements.

NEW ZONE: N/A

PROPOSED LAND USE: N/A

ONE DECATUR FUTURE LAND USE: N/A

ONE DECATUR STREET TYPOLOGY: N/A

COMMENTS AND RECOMMENDATIONS FROM ZONING COMMITTEE:
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Comments from Zoning Committee

The Zoning Committee was in favor of this ZTA

Conditions to be met

Pt. of Info:

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

COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:

Zoning Text Amendment 248-22

The effect of the proposed amendment will be to amend Section 25-110, Section 25-112, Section 25-113, and Section 25-114.

Section 1: That Section 25-110 – Applicability is hereby amended to read as follows:

Sec. 25-110 – Applicability

(a) Temporary occupancy businesses shall be a use permitted subject to verification of zoning district by the Building Department, applicant signature on Temporary Occupancy Business Requirements Affidavit, and the obtaining of a City Business Privilege License from the Revenue Department.

(b) Notwithstanding provisions to the contrary set forth in this chapter, a property in any zoning classification except residential may be authorized for a temporary occupancy business.

Section 2: That Section 25-112 – Requirements applicable to temporary occupancy businesses is hereby amended to read as follows:

Sec. 25-112 – Requirements applicable to temporary occupancy businesses

(a) Signs shall comply with the sign ordinance.

(b) Approved temporary toilet facilities shall be provided for the entire length of the occupancy. This requirement may be waived at the discretion of the building director.

(c) Off-street parking shall be provided in accordance with the zoning district and occupancy classification applied for on the application subject to the discretion of the building director.

(d) A site plan showing the required parking shall be required.

(e) All electrical hookups shall comply with the currently adopted electrical code of the city.

(f) All portable storage/office buildings shall meet the manufacturer's installation instructions and the requirements of the currently adopted building code of the city.

(g) All tents shall comply with tent certification on flame resistance.

(h) A nonrefundable fifty dollars (\$50.00) application fee is required.

(i) A signed Temporary Occupancy Business Requirements Affidavit shall be required.

(j) A city business privilege license is required and a copy shall be maintained on file in the Revenue Department.

Section 3: That Section 25-113 – Required permits and approvals for a temporary occupancy business is hereby amended to read as follows:

Sec. 25-113 – Required permits and approvals for a temporary occupancy business

(a) Temporary occupancy businesses procedure. A request for a temporary occupancy business shall be accomplished by receiving a zoning verification of the property from the Building Department. If the zoning is deemed appropriate according to the provisions of this article the applicant's signature shall be required on a Temporary Occupancy Business Requirements Affidavit. Proof of the signed Temporary Occupancy Business Requirements Affidavit and zoning verification from the Building Department shall be presented to the Revenue Department before the issuance of a city business privilege license.

(b) Temporary occupancy business approvals are nontransferable. All temporary occupancy businesses are personal to the applicant and as such are nontransferable to another location and are good for the original time period only and subject to provisions of this article.

Section 4: That Section 25-114 – Termination of previously granted permits and approvals is hereby amended to read as follows:

Sec. 25-114 – Termination of previously granted permits and approvals

Any grant of a permit or approval for a temporary occupancy business shall be deemed a privilege and requires the continual compliance with all rules, regulations, and conditions applied to the permit or approval. At any time after the granting of same, the Building Department or Revenue Department may revoke a previously granted permit or approval upon being presented with evidence of potential violation of the previously granted permit or approval.

Section 5:

This Ordinance shall take effect immediately upon its approval and publication as provided by law.