



MEMORANDUM

DATE: March 22nd, 2022

TO: Planning Commissioners

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

PLANNING COMMISSION MEETING

March 22nd, 2022

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

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

Agenda Planning Commission

City of Decatur, AL

March 22, 2022

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

ZONING

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| (1201 Moulton St W) | |
| B. Zoning 1390-22 | 6-12 |
| (~4000 Spring Ave SW) | |
| C. Zoning 1391-22 | 13-23 |
| (2705 Modaus Rd SW) | |

PRELIMINARY PLAT

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| Foxwood Subdivision Phase 3 | 24-27 |
| (North of Arapaho Tr SE and west of Kiowa Tr SE) | |

CONSENT AGENDA

CERTIFICATES

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(110 Johnston St SE) | 32-35 |
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OTHER BUSINESS

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PUBLIC HEARING**ZONING**

FILE NAME OR NUMBER: Rezoning 1389-22

ACRES: 0.33

CURRENT ZONE: B-1 (Local Shopping District)

APPLICANT: Ben Hampton for Mike Aziz

LOCATION AND OR PROPERTY ADDRESS: 1201 Moulton St W

REQUEST: Rezone 0.33 acres from B-1 to B-2

NEW ZONE: B-2 (General Business)

PROPOSED LAND USE: Commercial – package store

ONE DECATUR FUTURE LAND USE: Urban Edge, Mixed Use

ONE DECATUR STREET TYPOLOGY: Moulton St W is a Principal Arterial

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

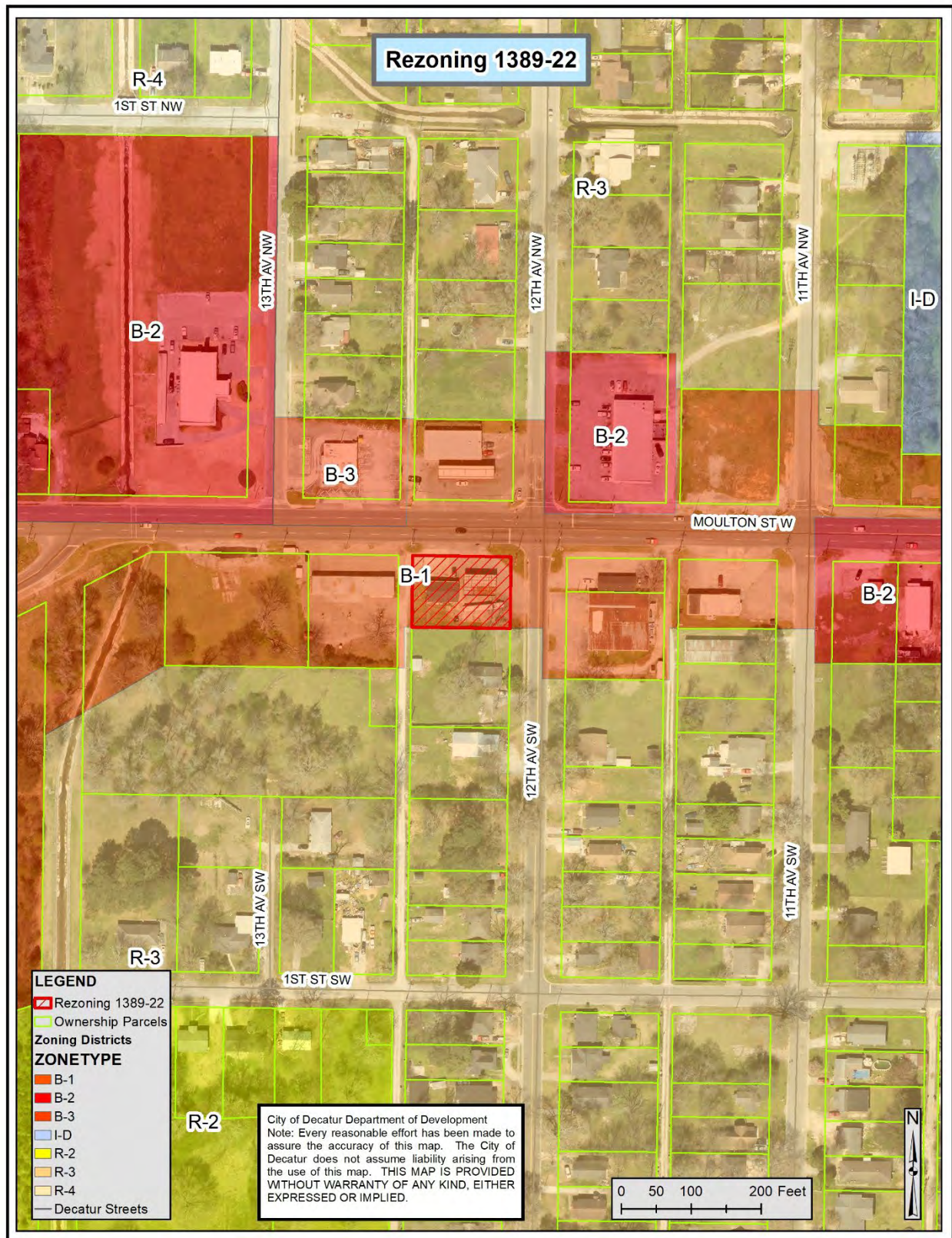
The Zoning Committee was not in favor of this request. Concerns were expressed about the compatibility with the surrounding residential neighborhood and other uses that could be allowed if the property were sold to someone else. The applicant was advised to talk to members of the neighborhood and see if they could gain their support.

Pt. of Info:

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

COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:





ZONING DISTRICT COMPARISON B-1 to B-2		March 15, 2022
SECTION	B-1	B-2
USES PERMITTED	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 launderettes 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.	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	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.	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	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.	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

ZONING DISTRICT COMPARISON B-1 to B-2		March 15, 2022
SECTION	B-1	B-2
		plants; junk, scrap paper, rag, storage or bailing, stone or monument works.
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 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	None specified.
MINIMUM FRONT YARD	25 feet	25 feet
MINIMUM REAR YARD SETBACK	20 feet	20 feet
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 eight (8) feet wide.	None specified.
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.
OFF-STREET UNLOADING	Shall use required rear or side yard for loading and 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: Rezoning 1390-22

ACRES: 33.12

CURRENT ZONE: AG-1 (Agricultural District)

APPLICANT: Schoel Engineering for Kim Shuster and Rhonda Spangler

LOCATION AND OR PROPERTY ADDRESS: ~4000 Spring Ave SW

REQUEST: Rezone 33.12 acres from AG-1 to R-5

NEW ZONE: R-5 (Single-family patio homes)

PROPOSED LAND USE: Residential

ONE DECATUR FUTURE LAND USE: Mixed Neighborhood

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

COMMENTS AND RECOMMENDATIONS FROM ZONING COMMITTEE:
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Comments from Zoning Committee

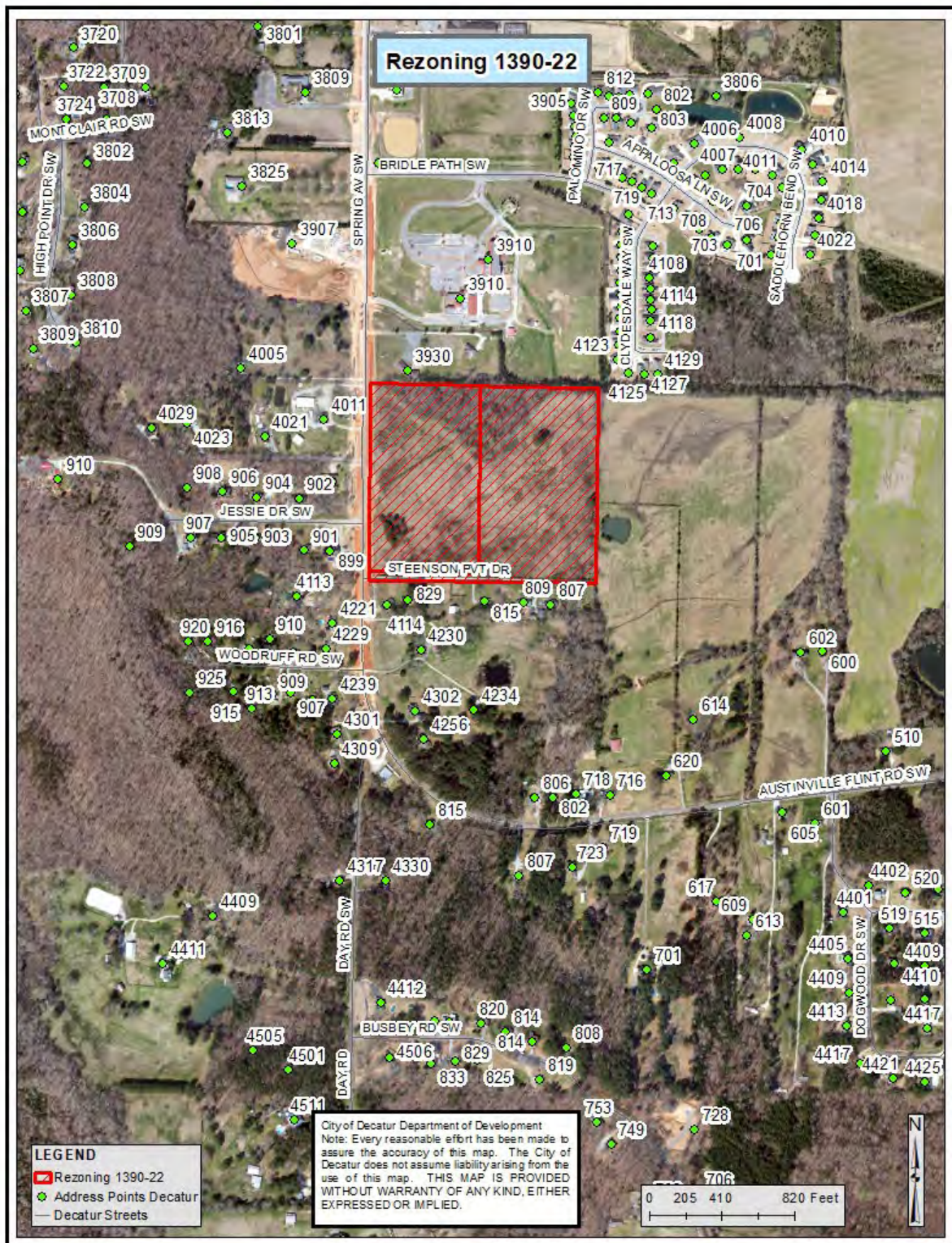
The Zoning Committee was in favor of this request

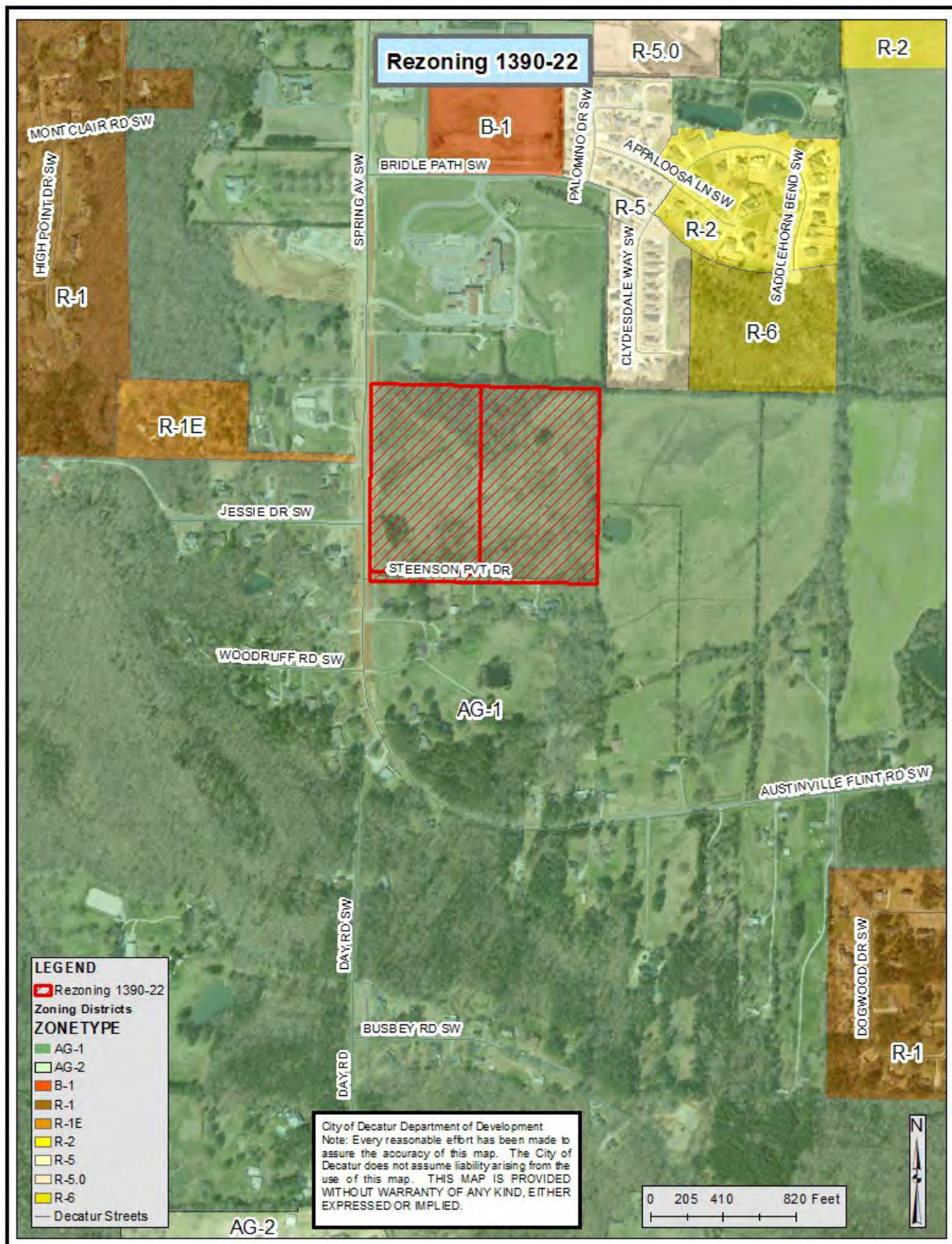
Conditions to be met

Pt. of Info:

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

COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:





ZONING DISTRICT COMPARISON AG-1 TO R-5		March 15, 2022
SECTION	AG-1	R-5
USES PERMITTED	<p>Uses permitted: General farming including horticulture; dairying; apiaries; livestock and poultry raising; fish hatcheries; and other similar enterprises or uses.</p> <p>Aircraft landing fields; hangars and equipment; cemeteries; golf courses, swimming pools; country clubs; recreation buildings of a public or quasi-public character, sanatoriums, convalescent and nursing homes for human care; charitable institutions; animal hospitals and kennels; private clubs, lodges, summer camps, lodging and boarding houses.</p> <p>Accessory buildings and uses customarily incidental to the above uses.</p> <p>Any use permitted or permitted on appeal in an R-1 residential district and subject to all district requirements of an R-1 district as specified in section 25-10.</p> <p>a. Outdoor advertising structures, provided however, that such use shall be conditional as follows: Within sixty (60) days of the time that the zoning map is amended to cause advertising structures which have been erected in an AG-1 agricultural district to fall within a residential district such structures shall be removed.</p>	<p>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>(1) 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</p>

ZONING DISTRICT COMPARISON AG-1 TO R-5		March 15, 2022
SECTION	AG-1	R-5
		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>Uses permitted on appeal: Sports arenas, recreational and amusement enterprises operated on a commercial basis; clubs the chief activity of which is customarily carried on as a business; clubs; on premises and off premises sale of alcoholic beverages by clubs when duly licensed as a class I club by the City of Decatur and the Alabama Alcoholic Beverage Control Board under the pursuant to the Alcoholic Beverage Licensing Code; on-premises and off-premises sale of alcoholic beverages by organizations complying with the definition of a class II club located on and embracing within its sole possessory right, one (1) tract or parcel of land not less than twenty (20) acres in size provided such tract or parcel of land is utilized by such organization on a regular basis for recreational or athletic purposes and further provided that such organization is duly licensed as a class II club by the City of Decatur and the Alabama Alcoholic Beverage Control Board under and pursuant to the Alcoholic Beverage Licensing Code; event venue, tourist courts, tourist homes; motor courts and trailer courts, when these uses, in the opinion of the board of zoning adjustment will not impair an existing or potential future residential neighborhood and permitted subject to such conditions as the said board may require to preserve and protect the character of the district and</p>	<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>

ZONING DISTRICT COMPARISON AG-1 TO R-5		March 15, 2022
SECTION	AG-1	R-5
	otherwise promote the purpose of this chapter.	
USES PROHIBITED	Uses prohibited: 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.	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 size: 15,000 square feet.	Minimum lot area: Five thousand (5,000) square feet.
MAXIMUM BUILDING AREA	Maximum building area: None specified.	Maximum building area: None specified.
MINIMUM FRONT YARD	Minimum front yard setback: 20 feet.	Minimum front yard setback (also see perimeter setbacks) (1)e: Twenty (20) feet.
MINIMUM REAR YARD SETBACK	Minimum rear yard setback: 45 feet.	Minimum rear yard setback (also see perimeter setbacks) (1)e: Twenty (20) feet.
MINIMUM SIDE YARD SETBACK	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.	Minimum side yard setbacks (also see perimeter setbacks) (1)e: Five (5) feet one side, eight (8) feet the other.
MINIMUM LOT WIDTH	Minimum required lot width at building line—100 feet.	Minimum lot width at building line: Forty (40) feet.
MAXIMUM BUILDING HEIGHT	Maximum height: 35 feet	Maximum building height: Thirty-five (35) feet.

ZONING DISTRICT COMPARISON AG-1 TO R-5		March 15, 2022
SECTION	AG-1	R-5
MAXIMUM HEIGHT IN STORIES	Maximum height in stories: Two and one-half (2½).	None specified.
OFF STREET PARKING	Off-street parking: See § 25-16. Off-street loading and unloading: Shall provide adequate space for loading and unloading on rear and/or side yard.	Off-street parking: Two (2) spaces per dwelling unit.

FILE NAME OR NUMBER: Rezoning 1391-22

ACRES: 80.86

CURRENT ZONE: AG-1 (Agricultural District)

APPLICANT: Pugh Wright McAnally for Steven Osborne and Steve Lee

LOCATION AND OR PROPERTY ADDRESS: 2705 Modaus Rd SW

REQUEST: Rezone 80.86 acres from AG-1 to R-5 and R-6

NEW ZONE: R-5 (Single family patio homes) and R-6 (Single family semi-attached townhomes)

PROPOSED LAND USE: Single Family Residential

ONE DECATUR FUTURE LAND USE: Mixed Neighborhood

ONE DECATUR STREET TYPOLOGY: Modaus Rd SW is a Minor Arterial

COMMENTS AND RECOMMENDATIONS FROM ZONING COMMITTEE:
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Comments from Zoning Committee

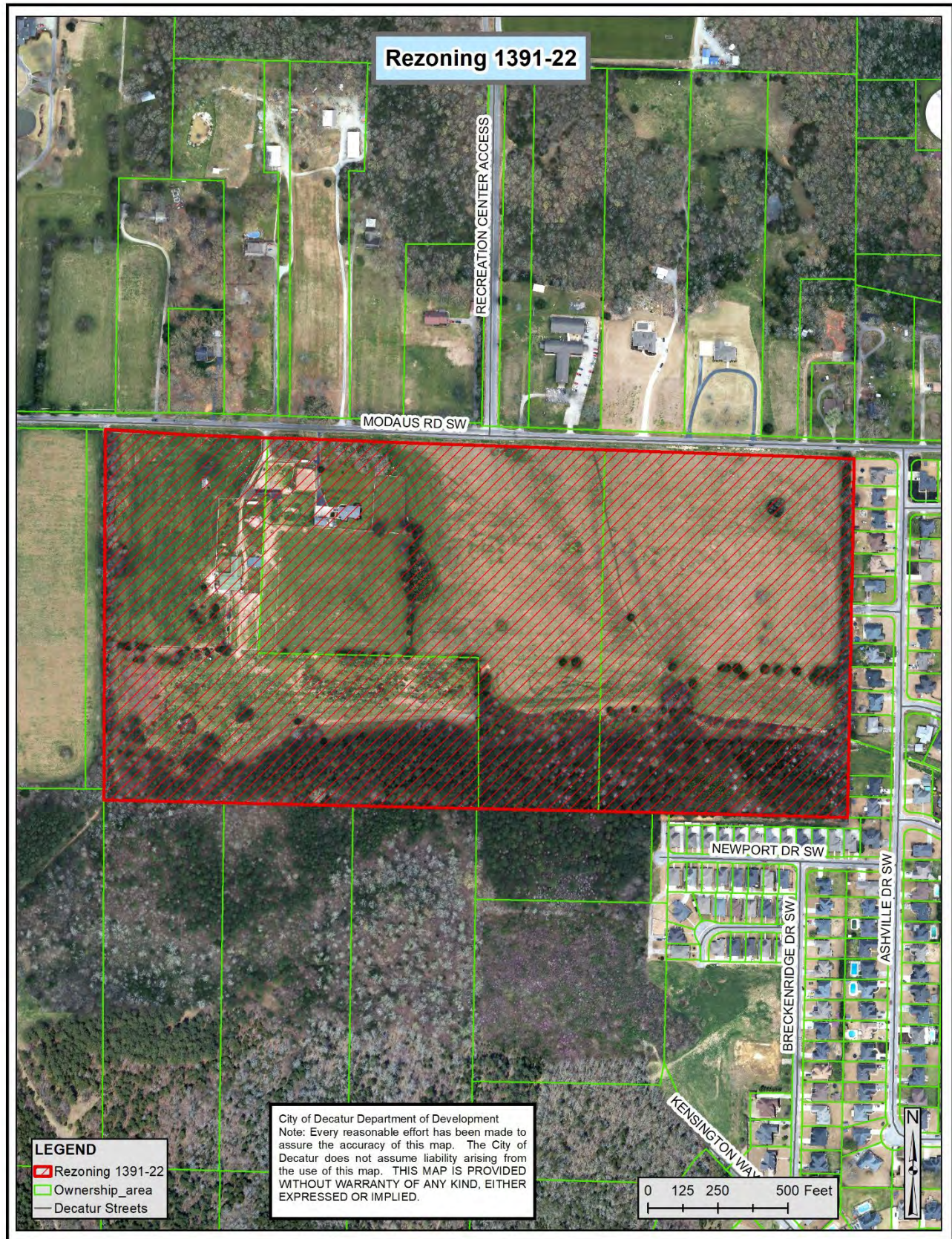
The Zoning Committee was in favor of this request

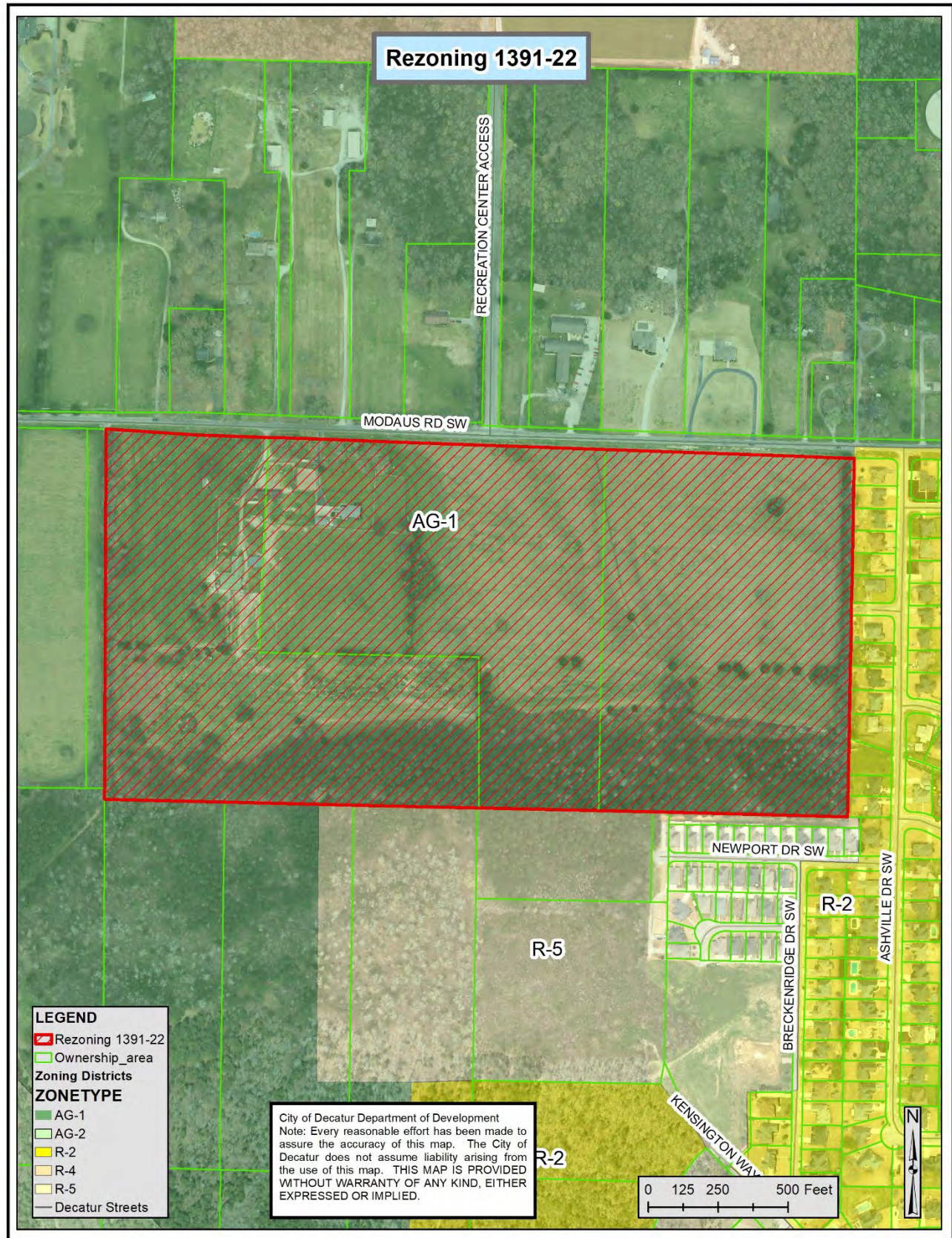
Conditions to be met

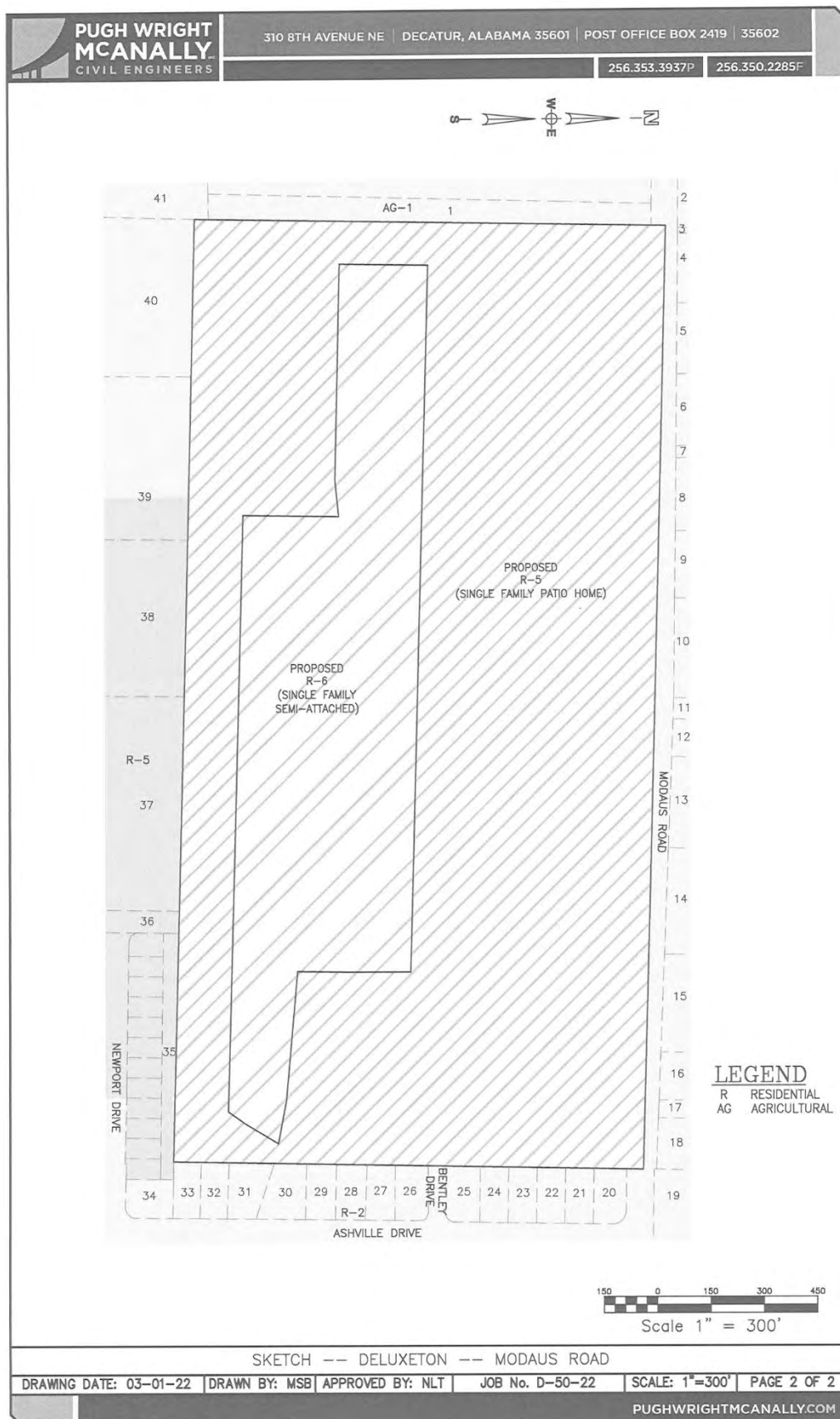
Pt. of Info:

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

COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:







ZONING DISTRICT COMPARISON AG-1 TO R-5		March 15, 2022
SECTION	AG-1	R-5
USES PERMITTED	<p>Uses permitted: General farming including horticulture; dairying; apiaries; livestock and poultry raising; fish hatcheries; and other similar enterprises or uses.</p> <p>Aircraft landing fields; hangars and equipment; cemeteries; golf courses, swimming pools; country clubs; recreation buildings of a public or quasi-public character, sanatoriums, convalescent and nursing homes for human care; charitable institutions; animal hospitals and kennels; private clubs, lodges, summer camps, lodging and boarding houses.</p> <p>Accessory buildings and uses customarily incidental to the above uses.</p> <p>Any use permitted or permitted on appeal in an R-1 residential district and subject to all district requirements of an R-1 district as specified in section 25-10.</p> <p>b. Outdoor advertising structures, provided however, that such use shall be conditional as follows: Within sixty (60) days of the time that the zoning map is amended to cause advertising structures which have been erected in an AG-1 agricultural district to fall within a residential district such structures shall be removed.</p>	<p>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>f.) Each dwelling unit shall be constructed on its own lot.</p> <p>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.</p> <p>h.) There shall be a minimum separation of thirteen (13) feet between structures on separate lots.</p> <p>i.) All building setback lines shall be indicated on the preliminary and final plats.</p> <p>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</p>

ZONING DISTRICT COMPARISON AG-1 TO R-5		March 15, 2022
SECTION	AG-1	R-5
		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	Uses permitted on appeal: Sports arenas, recreational and amusement enterprises operated on a commercial basis; clubs the chief activity of which is customarily carried on as a business; clubs; on premises and off premises sale of alcoholic beverages by clubs when duly licensed as a class I club by the City of Decatur and the Alabama Alcoholic Beverage Control Board under the pursuant to the Alcoholic Beverage Licensing Code; on-premises and off-premises sale of alcoholic beverages by organizations complying with the definition of a class II club located on and embracing within its sole possessory right, one (1) tract or parcel of land not less than twenty (20) acres in size provided such tract or parcel of land is utilized by such organization on a regular basis for recreational or athletic purposes and further provided that such organization is duly licensed as a class II club by the City of Decatur and the Alabama Alcoholic Beverage Control Board under and pursuant to the Alcoholic Beverage Licensing Code; event venue, tourist courts, tourist homes; motor courts and trailer courts, when these uses, in the opinion of the board of zoning adjustment will not impair an existing or potential future residential neighborhood and permitted subject to such conditions as the said board may require to preserve and protect the character of the district and otherwise promote the purpose of this chapter.	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.

ZONING DISTRICT COMPARISON AG-1 TO R-5		March 15, 2022
SECTION	AG-1	R-5
USES PROHIBITED	Uses prohibited: 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.	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 size: 15,000 square feet.	Minimum lot area: Five thousand (5,000) square feet.
MAXIMUM BUILDING AREA	Maximum building area: None specified.	Maximum building area: None specified.
MINIMUM FRONT YARD	Minimum front yard setback: 20 feet.	Minimum front yard setback (also see perimeter setbacks) (1)e: Twenty (20) feet.
MINIMUM REAR YARD SETBACK	Minimum rear yard setback: 45 feet.	Minimum rear yard setback (also see perimeter setbacks) (1)e: Twenty (20) feet.
MINIMUM SIDE YARD SETBACK	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.	Minimum side yard setbacks (also see perimeter setbacks) (1)e: Five (5) feet one side, eight (8) feet the other.
MINIMUM LOT WIDTH	Minimum required lot width at building line—100 feet.	Minimum lot width at building line: Forty (40) feet.
MAXIMUM BUILDING HEIGHT	Maximum height: 35 feet	Maximum building height: Thirty-five (35) feet.
MAXIMUM HEIGHT IN STORIES	Maximum height in stories: Two and one-half (2½).	None specified.

ZONING DISTRICT COMPARISON AG-1 TO R-5		March 15, 2022
SECTION	AG-1	R-5
OFF STREET PARKING	Off-street parking: See § 25-16. Off-street loading and unloading: Shall provide adequate space for loading and unloading on rear and/or side yard.	Off-street parking: Two (2) spaces per dwelling unit.

ZONING DISTRICT COMPARISON AG-1 TO R-6		March 15, 2022
SECTION	AG-1	R-6
USES PERMITTED	<p>Uses permitted: General farming including horticulture; dairying; apiaries; livestock and poultry raising; fish hatcheries; and other similar enterprises or uses.</p> <p>Aircraft landing fields; hangars and equipment; cemeteries; golf courses, swimming pools; country clubs; recreation buildings of a public or quasi-public character, sanatoriums, convalescent and nursing homes for human care; charitable institutions; animal hospitals and kennels; private clubs, lodges, summer camps, lodging and boarding houses.</p> <p>Accessory buildings and uses customarily incidental to the above uses.</p> <p>Any use permitted or permitted on appeal in an R-1 residential district and subject to all district requirements of an R-1 district as specified in section 25-10.</p> <p>c. Outdoor advertising structures, provided however, that such use shall be conditional as follows: Within sixty (60) days of the time that the zoning map is amended to cause advertising structures which have been erected in an AG-1 agricultural district to fall within a residential district such structures shall be removed.</p>	<p>There is hereby created an R-6 Residential District (single-family semi-attached) for those areas so designated by this chapter and the zoning map of the City of Decatur, Alabama, which R-6 Districts shall allow single-family semi-attached residences, subject to use regulations common to all "R" Districts as set forth in section 25-10 hereof, except that accessory structure side yard setback requirements shall be the same as required in section 25-10.2(2)(D) for the main structure, and the rear yard setbacks would remain at the minimum of five (5) feet for accessory structures, and further subject to the following requirements and conditions:</p> <p>d. (1) General requirements: (A) Single-family semi-attached dwellings shall not form long, unbroken lines of row housing. No more than eight (8) contiguous units shall be allowed.(B) Each single-family semi-attached dwelling unit shall be constructed on its own lot.(C) No unit located in an R-6 District shall be located closer than twenty (20) feet to a dedicated exterior street or exterior lot line on the perimeter of one district.(D) Maximum density (exclusive of public ROW) shall not exceed twelve (12) dwelling units per acre per development.(E) No unit</p>

ZONING DISTRICT COMPARISON AG-1 TO R-6		March 15, 2022
SECTION	AG-1	R-6
		within an R-6 District shall have direct access to an existing major thoroughfare as defined by the zoning ordinance or comprehensive plan; or a major thoroughfare as shall be defined by future plans adopted by the planning commission of the City of Decatur.
USES PERMITTED ON APPEAL	Uses permitted on appeal: Sports arenas, recreational and amusement enterprises operated on a commercial basis; clubs the chief activity of which is customarily carried on as a business; clubs; on premises and off premises sale of alcoholic beverages by clubs when duly licensed as a class I club by the City of Decatur and the Alabama Alcoholic Beverage Control Board under the pursuant to the Alcoholic Beverage Licensing Code; on-premises and off-premises sale of alcoholic beverages by organizations complying with the definition of a class II club located on and embracing within its sole possessory right, one (1) tract or parcel of land not less than twenty (20) acres in size provided such tract or parcel of land is utilized by such organization on a regular basis for recreational or athletic purposes and further provided that such organization is duly licensed as a class II club by the City of Decatur and the Alabama Alcoholic Beverage Control Board under and pursuant to the Alcoholic Beverage Licensing Code; event venue, tourist courts, tourist homes; motor courts and trailer courts, when these uses, in the opinion of the board of zoning adjustment will not impair an existing or potential future residential neighborhood and permitted subject to such conditions as the said board may	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.

ZONING DISTRICT COMPARISON AG-1 TO R-6		March 15, 2022
SECTION	AG-1	R-6
	require to preserve and protect the character of the district and otherwise promote the purpose of this chapter.	
USES PROHIBITED	Uses prohibited: 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.	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 size: 15,000 square feet.	Minimum lot size: 2,000 square feet.
MAXIMUM BUILDING AREA	Maximum building area: None specified.	Maximum building area: None specified.
MINIMUM FRONT YARD	Minimum front yard setback: 20 feet.	Minimum front yard setback: 25 feet.
MINIMUM REAR YARD SETBACK	Minimum rear yard setback: 45 feet.	Minimum rear yard setback: 20 feet.
MINIMUM SIDE YARD SETBACK	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.	Minimum side yard setbacks applicable only at unattached ends and to exterior lots of a development: 10 feet (one-story); 12 feet (two-story).
MINIMUM FEET AT BUILDING LINE	Minimum required lot width at building line—100 feet.	Minimum lot size at building line: 20 feet.
MAXIMUM BUILDING HEIGHT	Maximum height: 35 feet	Maximum building height: Thirty-five (35) feet.

ZONING DISTRICT COMPARISON AG-1 TO R-6		March 15, 2022
SECTION	AG-1	R-6
MAXIMUM HEIGHT IN STORIES	Maximum height in stories: Two and one-half (2½).	Maximum height in stories: Two and one-half (2½).
OFF STREET PARKING	Off-street parking: See § 25-16. Off-street loading and unloading: Shall provide adequate space for loading and unloading on rear and/or side yard.	(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: Foxwood Subdivision Phase 3 - Preliminary Plat

ACRES: 10.02

CURRENT ZONE: R-3 (Single family residential)

APPLICANT: Pugh, Wright, McAnally for Arthur Steber

LOCATION AND OR PROPERTY ADDRESS: North of Arapaho Tr SE and west of Kiowa Tr SE

REQUEST: Preliminary plat approval

PROPOSED LAND USE: Single family residential

ONE DECATUR FUTURE LAND USE: Residential Low Density

ONE DECATUR STREET TYPOLOGY: Arapaho Trail SE and Kiowa Trail SE are Local Streets

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

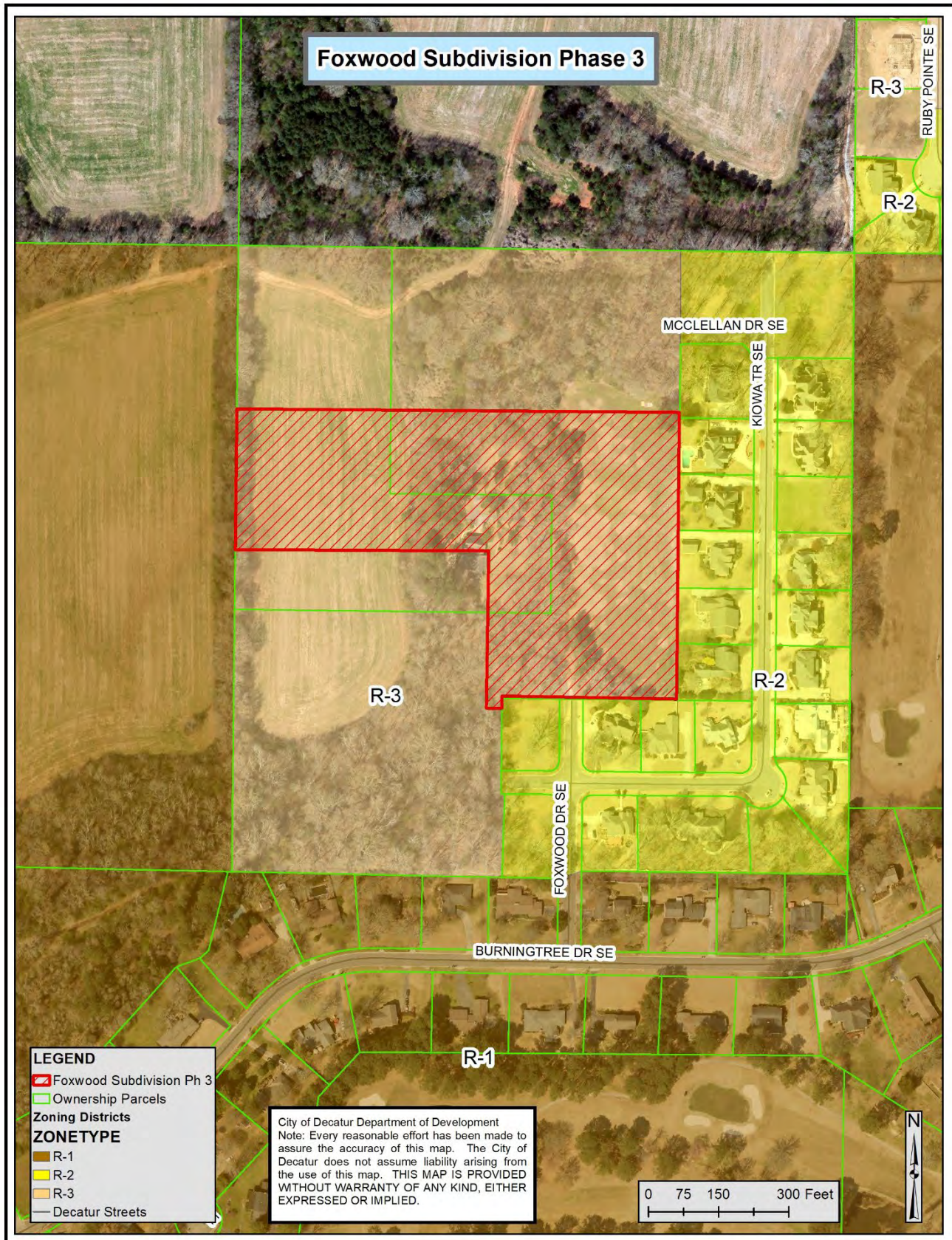
1. Adjacent Property Owner Letter Fees

Pt. of Info:

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

COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:







Consent Agenda

FILE NAME OR NUMBER: Certificate 3570-22

ACRES: 7.07

CURRENT ZONE: B-2 (General Business)

APPLICANT: Pugh Wright and McAnally for Hamm Associates, LLC

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

REQUEST: Change lot line between two parcels totaling 7.07 acres to create two parcels of 3.66 & 3.41 acres

PROPOSED LAND USE: Car Dealership

ONE DECATUR FUTURE LAND USE: Flex Employment Center

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

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

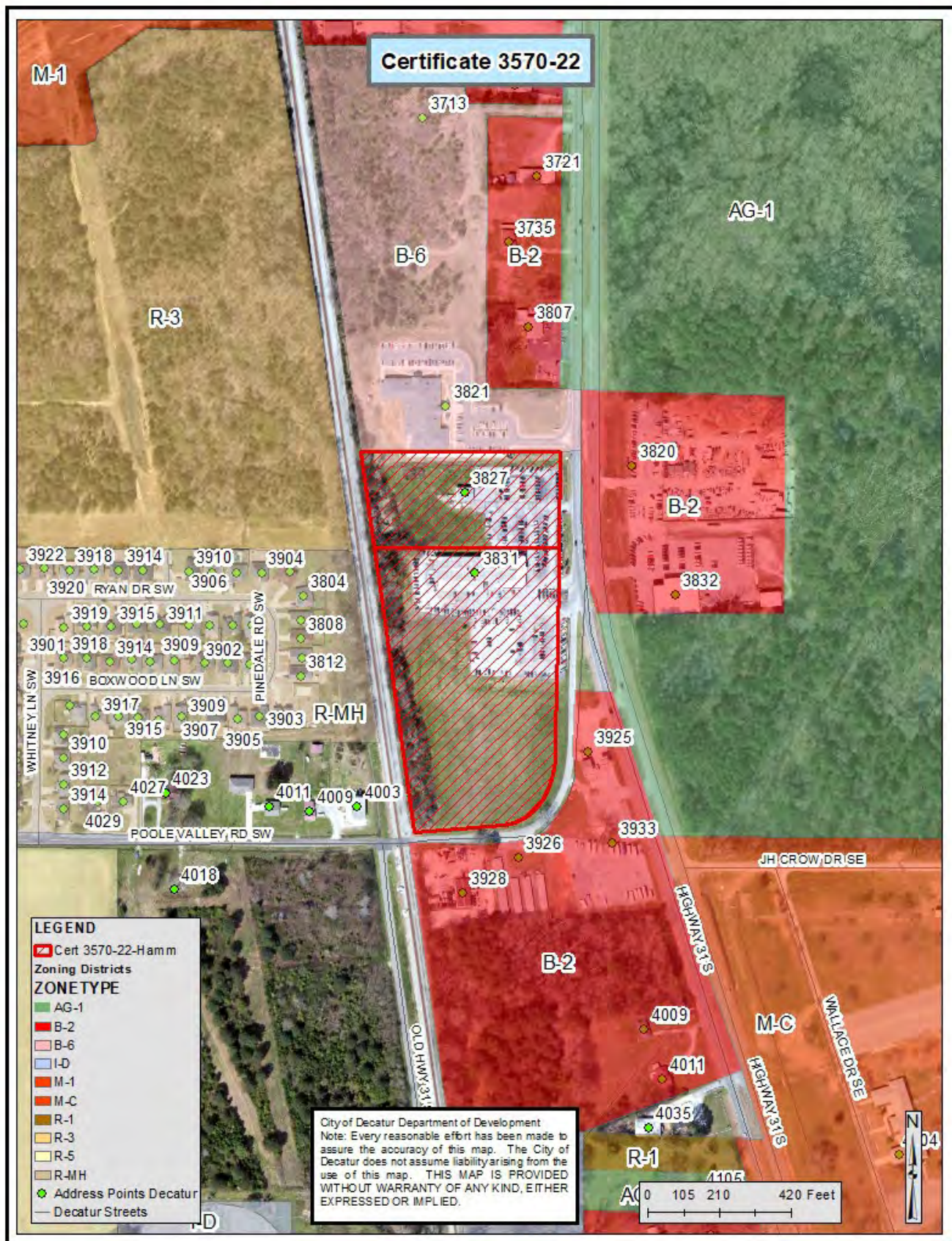
1. Recording fees
2. Locate gas service along Unit 1 and dedicate a 5' easement if gas line encroaches onto property

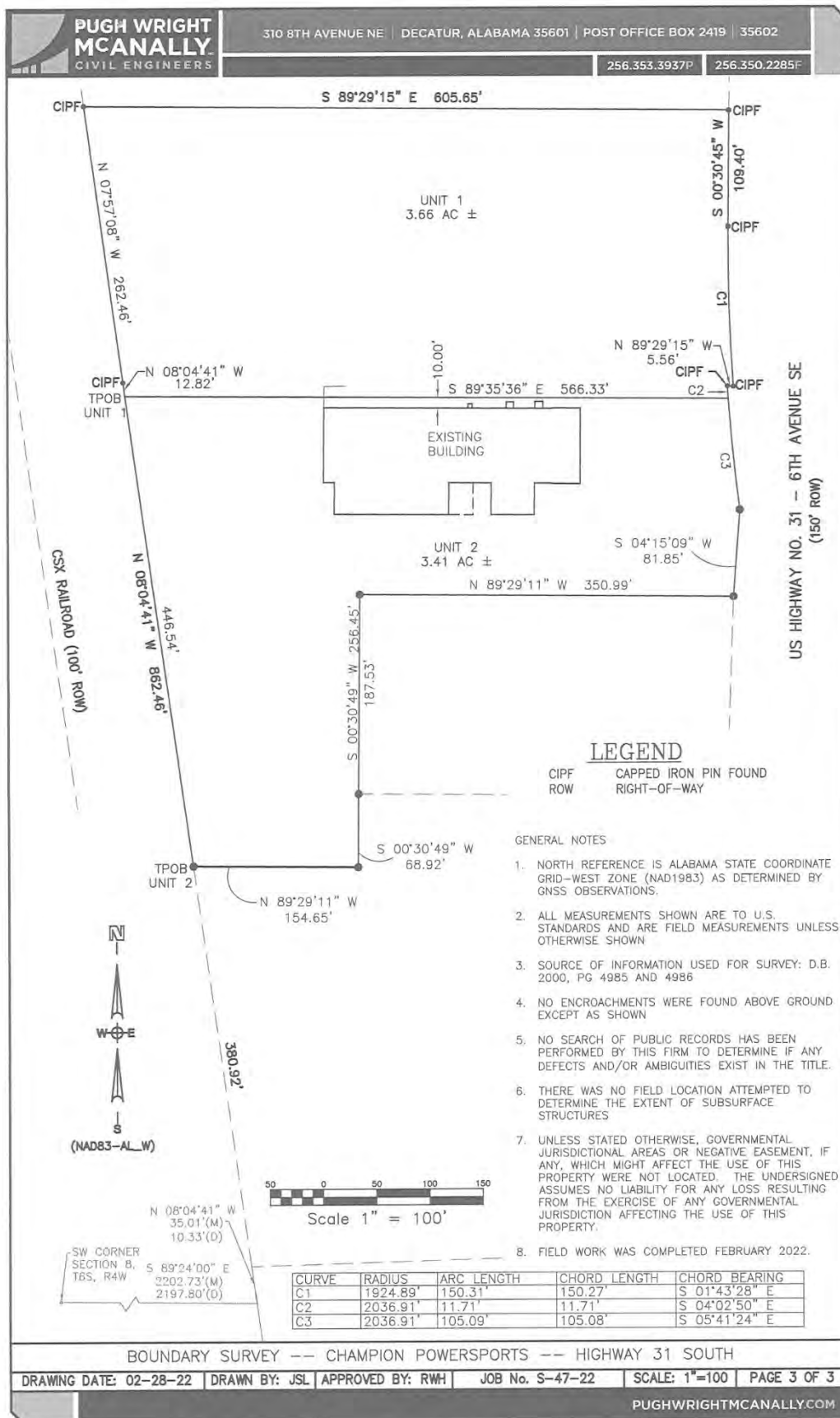
Pt. of Info:

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

COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:







FILE NAME OR NUMBER: Certificate 3571-22

ACRES: 0.62

CURRENT ZONE: B-5 (Central Business District)

APPLICANT: GMC for Alabama Community College System

LOCATION AND OR PROPERTY ADDRESS: 110 Johnston St SE

REQUEST: Consolidate two parcels of 0.27 and 0.35 acres into one parcel of 0.62 acres

PROPOSED LAND USE: ACA Dormitories

ONE DECATUR FUTURE LAND USE: Urban Core Downtown

ONE DECATUR STREET TYPOLOGY: Johnston St SE is a Local Street

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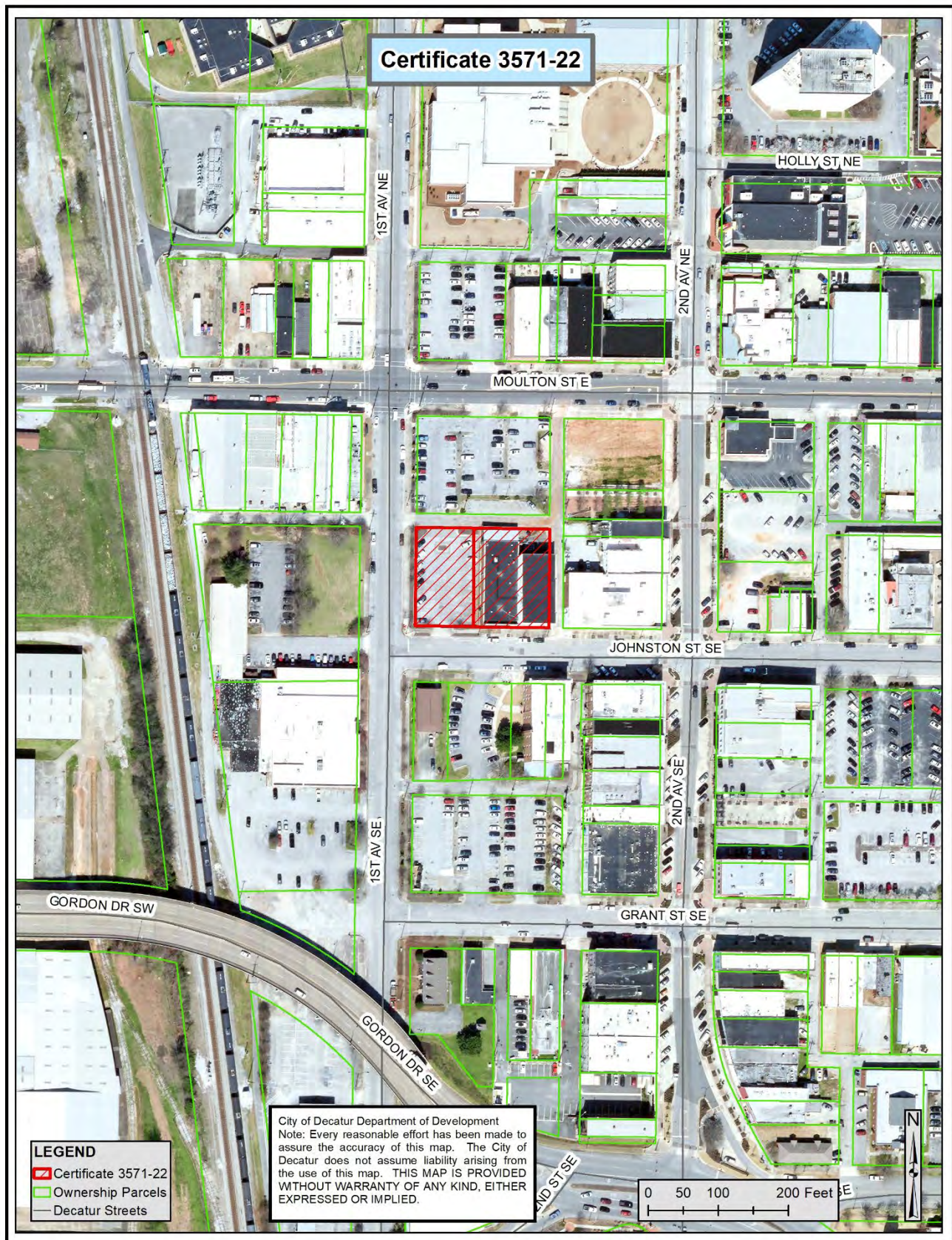
Conditions to be met:

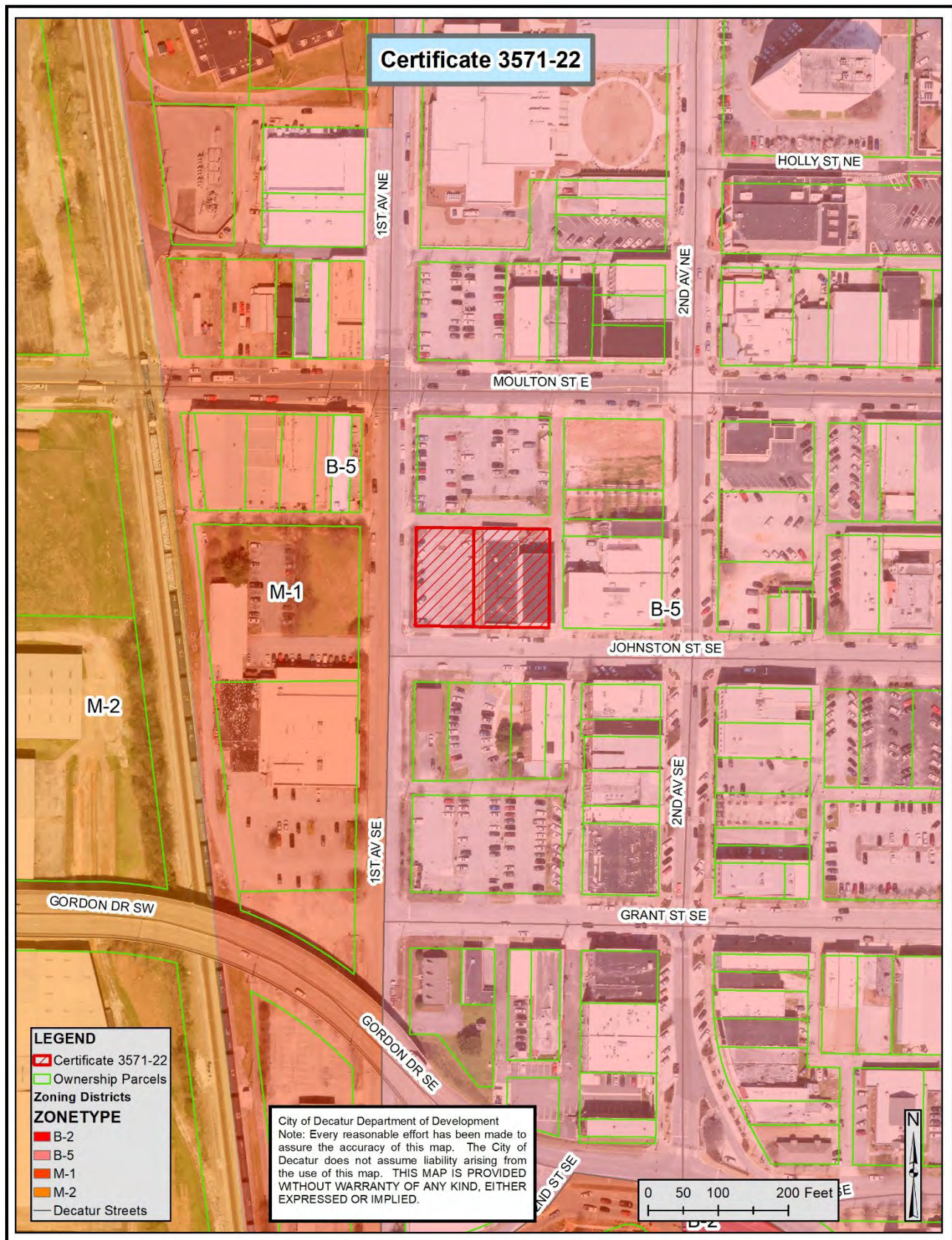
1. Recording fees
2. Copies of deeds showing common ownership

Pt. of Info:

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

COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:







FILE NAME OR NUMBER: Certificate 3572-22

ACRES: 0.92

CURRENT ZONE: R-6 (Single-family semi-attached)

APPLICANT: Pugh Wright and McAnally for Justin Roberts

LOCATION AND OR PROPERTY ADDRESS: 2847 Hempstead Ave SW

REQUEST: Subdivide one parcel of 0.92 acres into two parcels of 0.5 acres and 0.42 acres

PROPOSED LAND USE: Single Family Residential

ONE DECATUR FUTURE LAND USE: Residential, Medium-High Density

ONE DECATUR STREET TYPOLOGY: Hempstead Ave SW is a Local Street

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

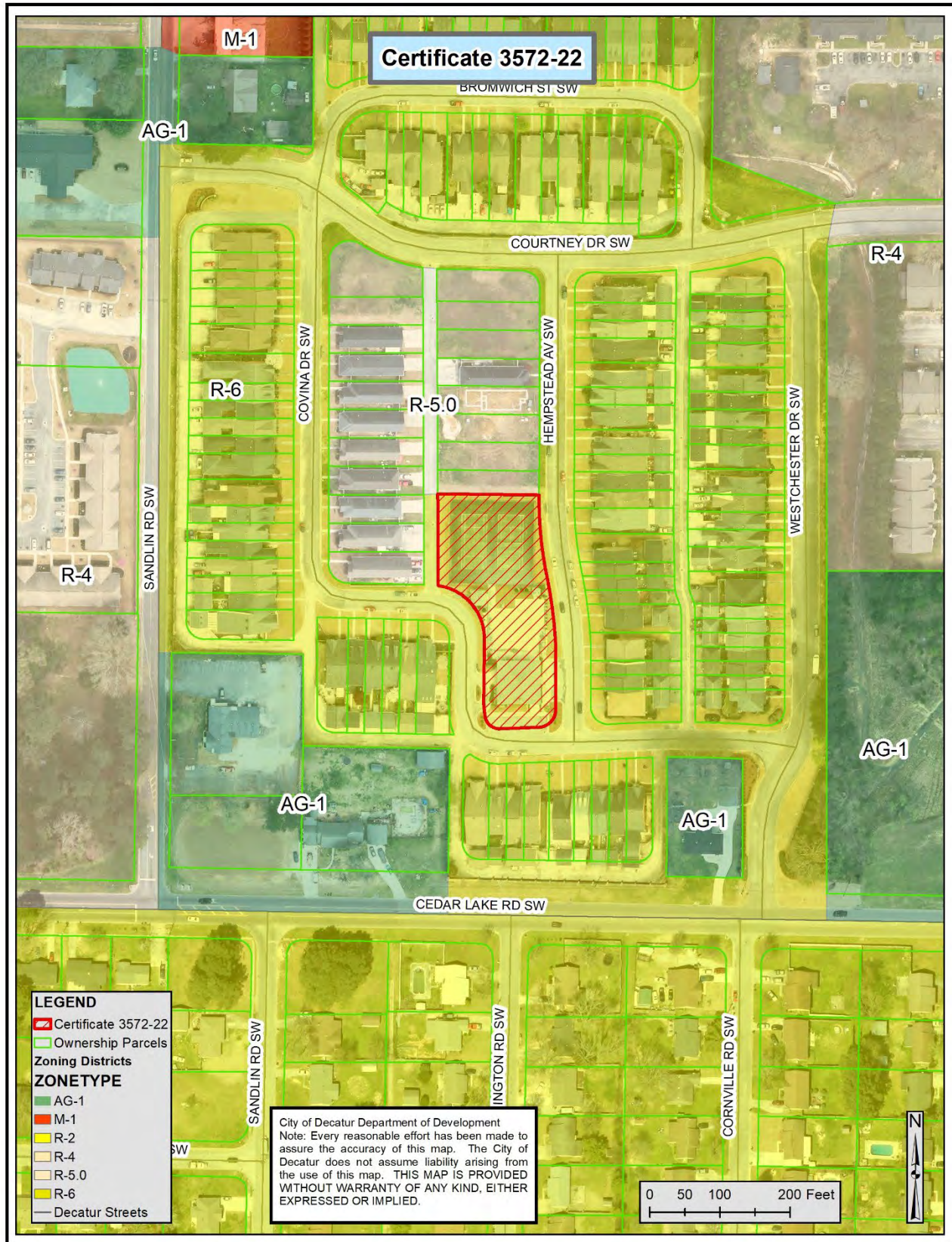
1. Signed, sealed survey with 3 state plane coordinates
2. Signed owner letter
3. Recording fees

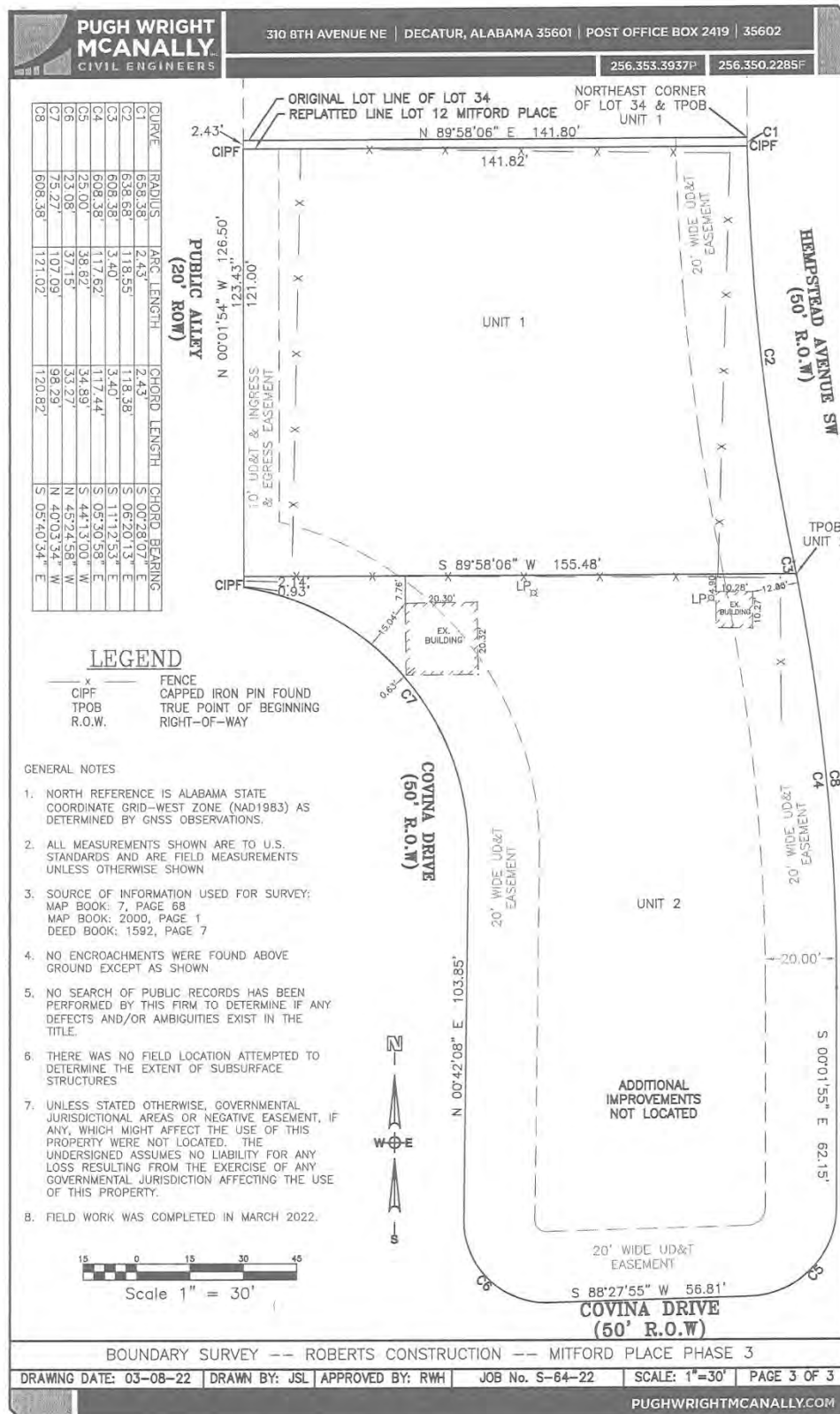
Pt. of Info:

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

COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:







FILE NAME OR NUMBER: Site Plan 631-22

ACRES: 3.66

CURRENT ZONE: B-2 (General business)

APPLICANT: Pugh Wright McAnally for Hamm Associates, LLC

LOCATION AND OR PROPERTY ADDRESS: 3831 Hwy 31 S

REQUEST: Site plan approval

PROPOSED LAND USE: Commercial – Car dealership

ONE DECATUR FUTURE LAND USE: Flex Employment Center

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

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

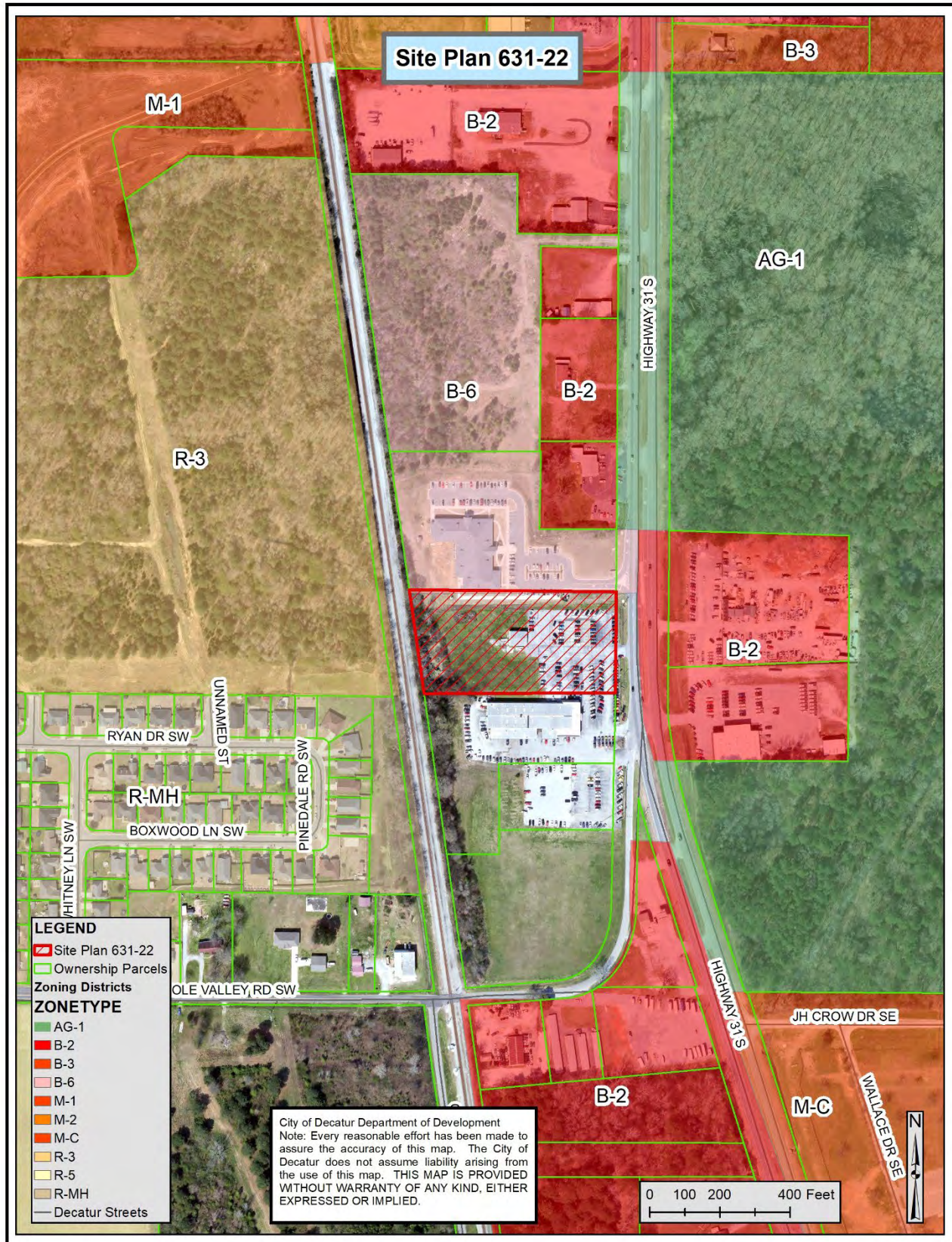
1. Landscaping plan
2. Lighting plan
3. Signed ALDOT affidavit
4. Show proposed building square footage
5. Parking calculation needed
6. Per Engineering approval

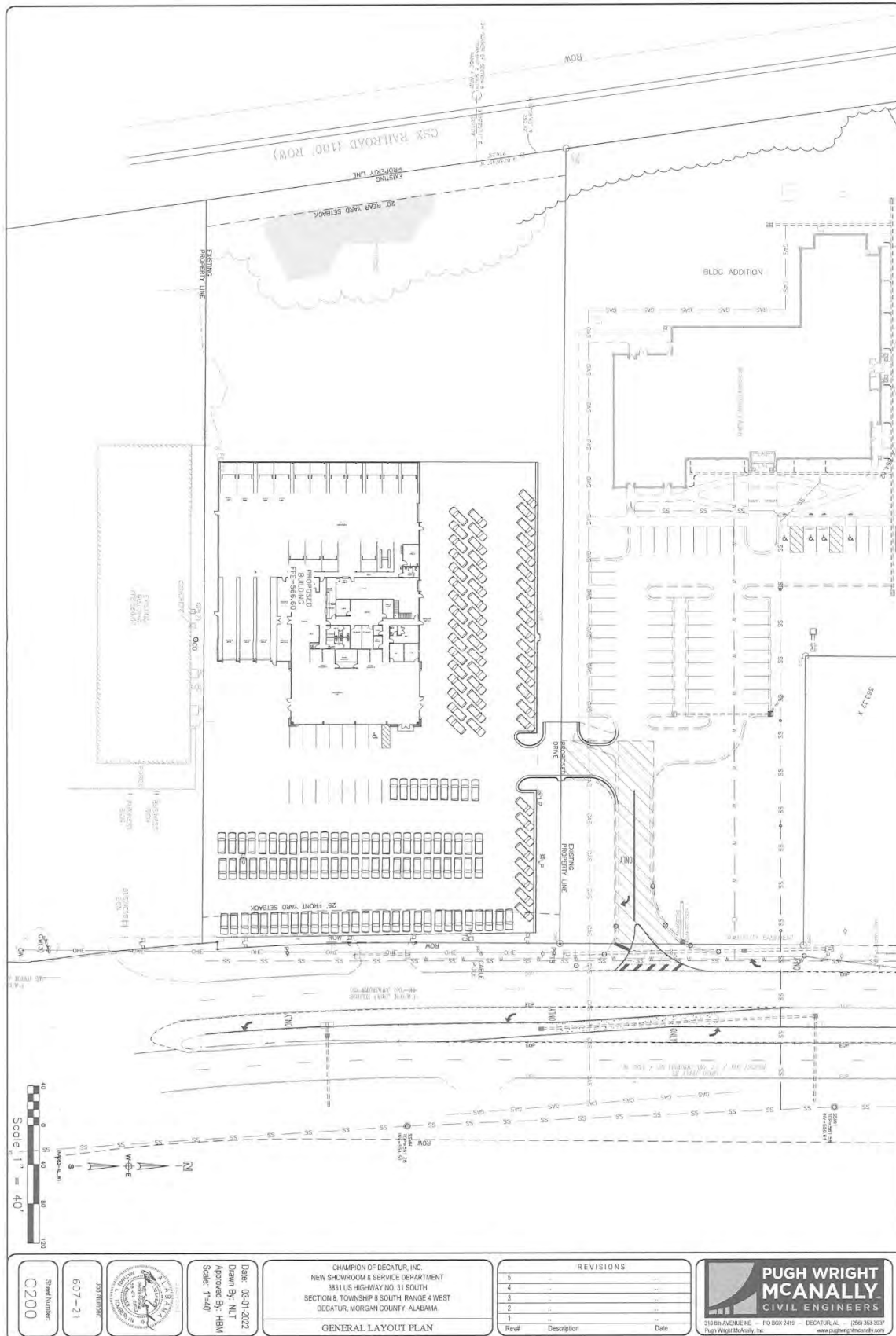
Pt. of Info:

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

COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:







FILE NAME OR NUMBER: Site Plan 632-22

ACRES: 0.35

CURRENT ZONE: B-5 (Central Business District)

APPLICANT: GMC for AL Community College System

LOCATION AND OR PROPERTY ADDRESS: 110 Johnston St SE

REQUEST: Site plan approval

PROPOSED LAND USE: Institutional-Dormitory

ONE DECATUR FUTURE LAND USE: Urban Core Downtown

ONE DECATUR STREET TYPOLOGY: Johnston St SE is a Local Street

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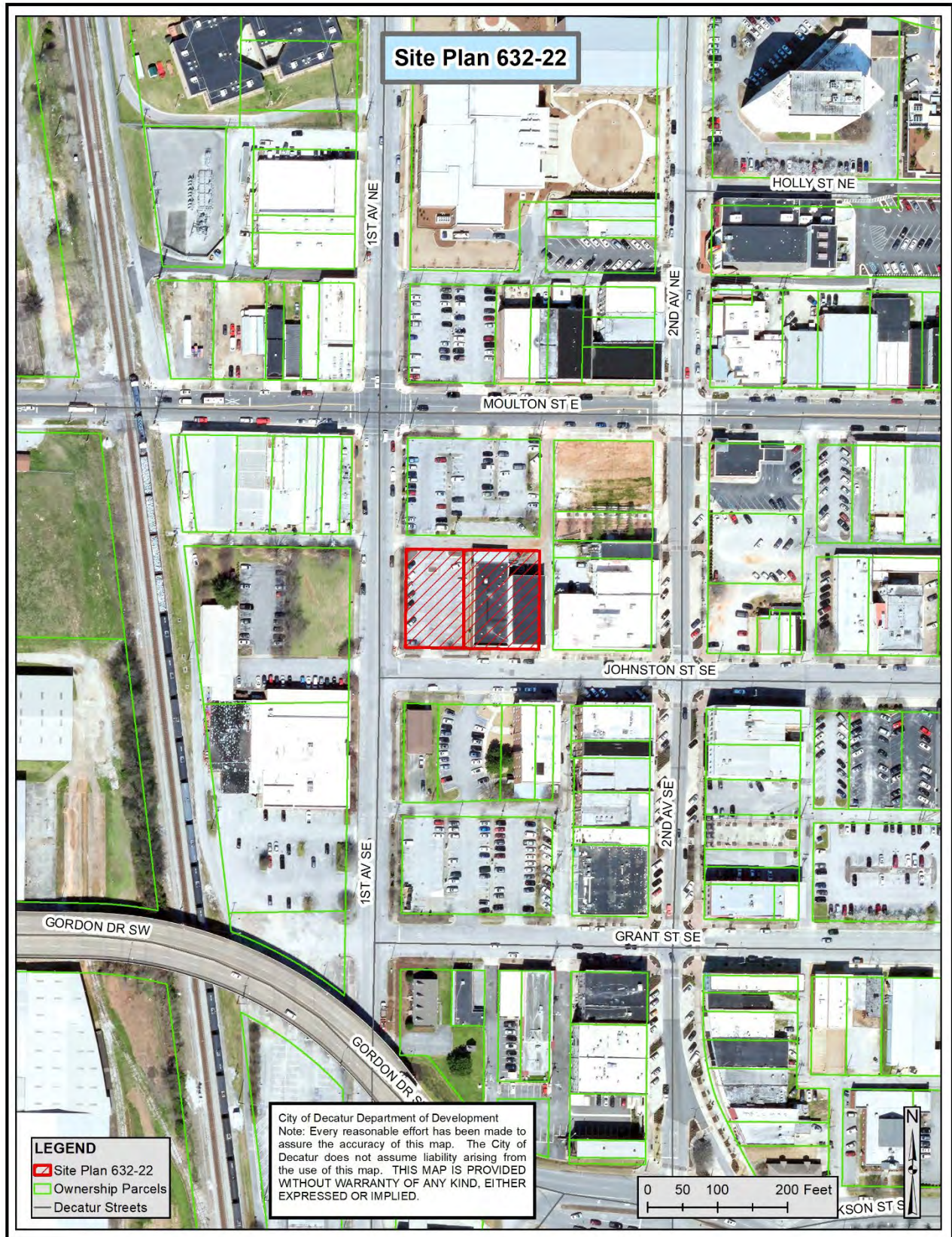
Conditions to be met:

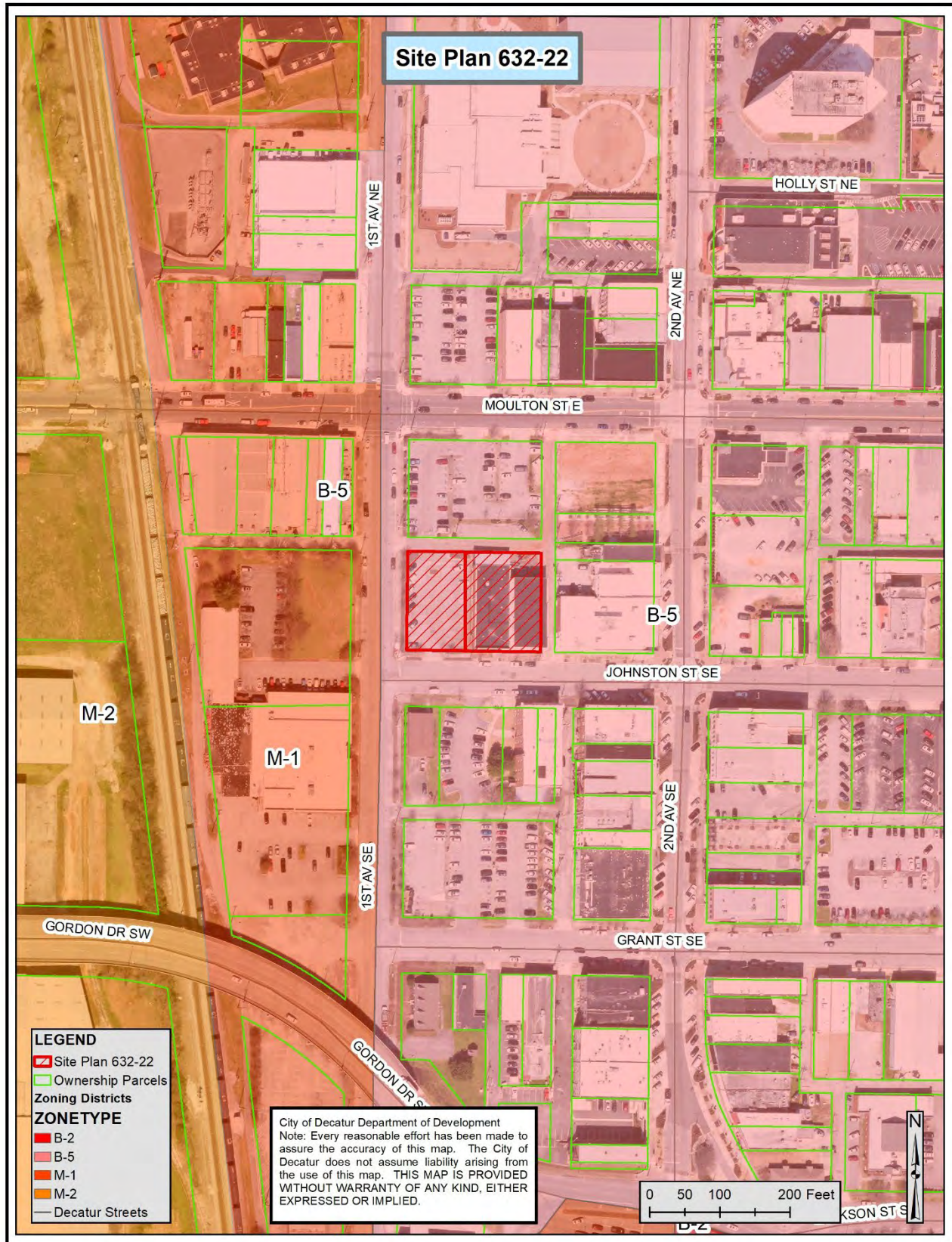
1. Approval of Certificate 3571-22
2. Per Engineering approval
3. DU will need an electric easement for the transformer – they will send a sketch of what is needed

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 633-22

ACRES: 0.91

CURRENT ZONE: M-1 (Light Industry)

APPLICANT: Pugh, Wright and McAnally for River City Development, LLC

LOCATION AND OR PROPERTY ADDRESS: 2127 6th Ave SE

REQUEST: Approve site plan

PROPOSED LAND USE: Commercial

ONE DECATUR FUTURE LAND USE: Community Commercial

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:

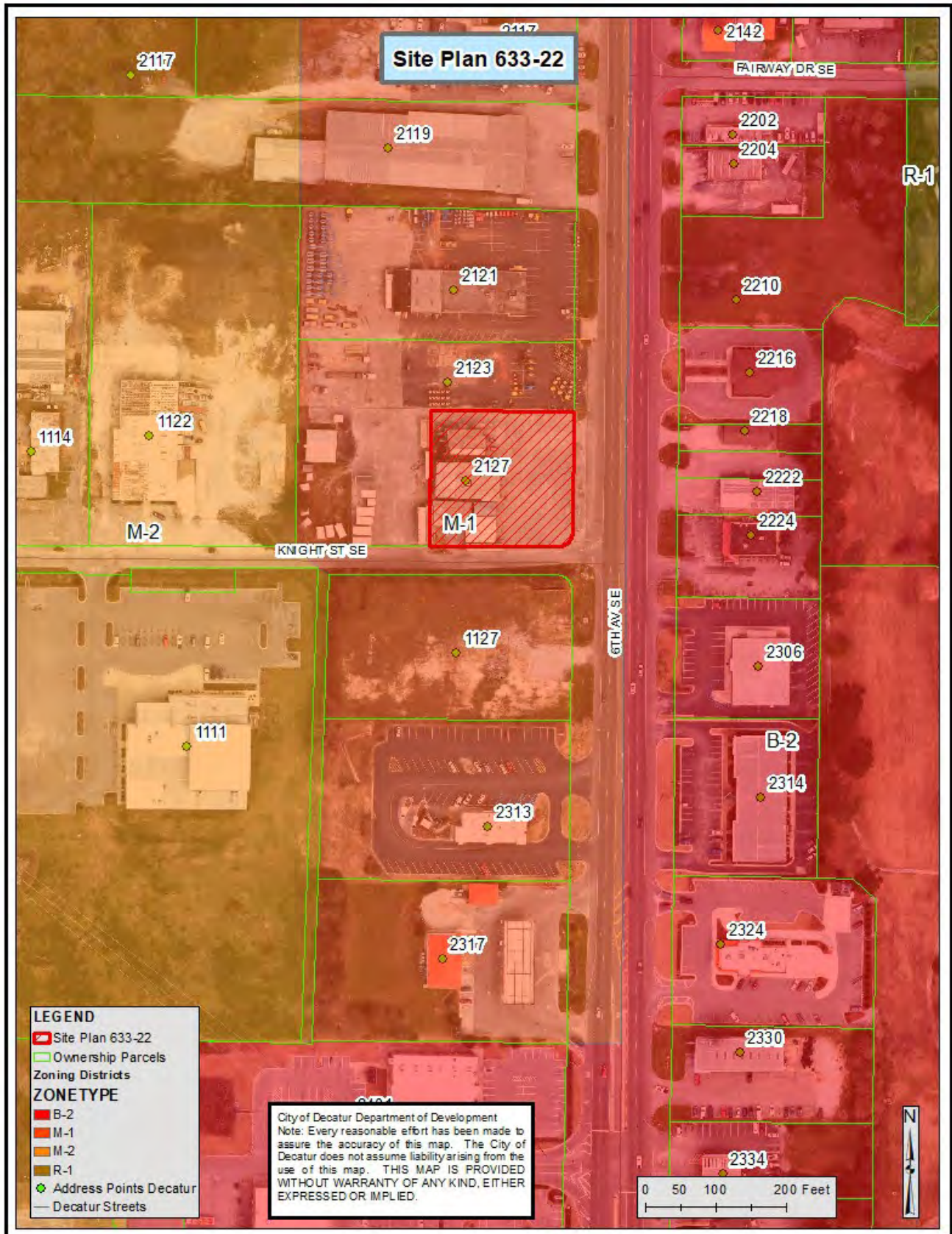
1. Parking calculation needed
2. Signed ALDOT affidavit
3. DU will need 5 ft easements along 6th Ave SE and Knight St SE
4. Per Engineering approval

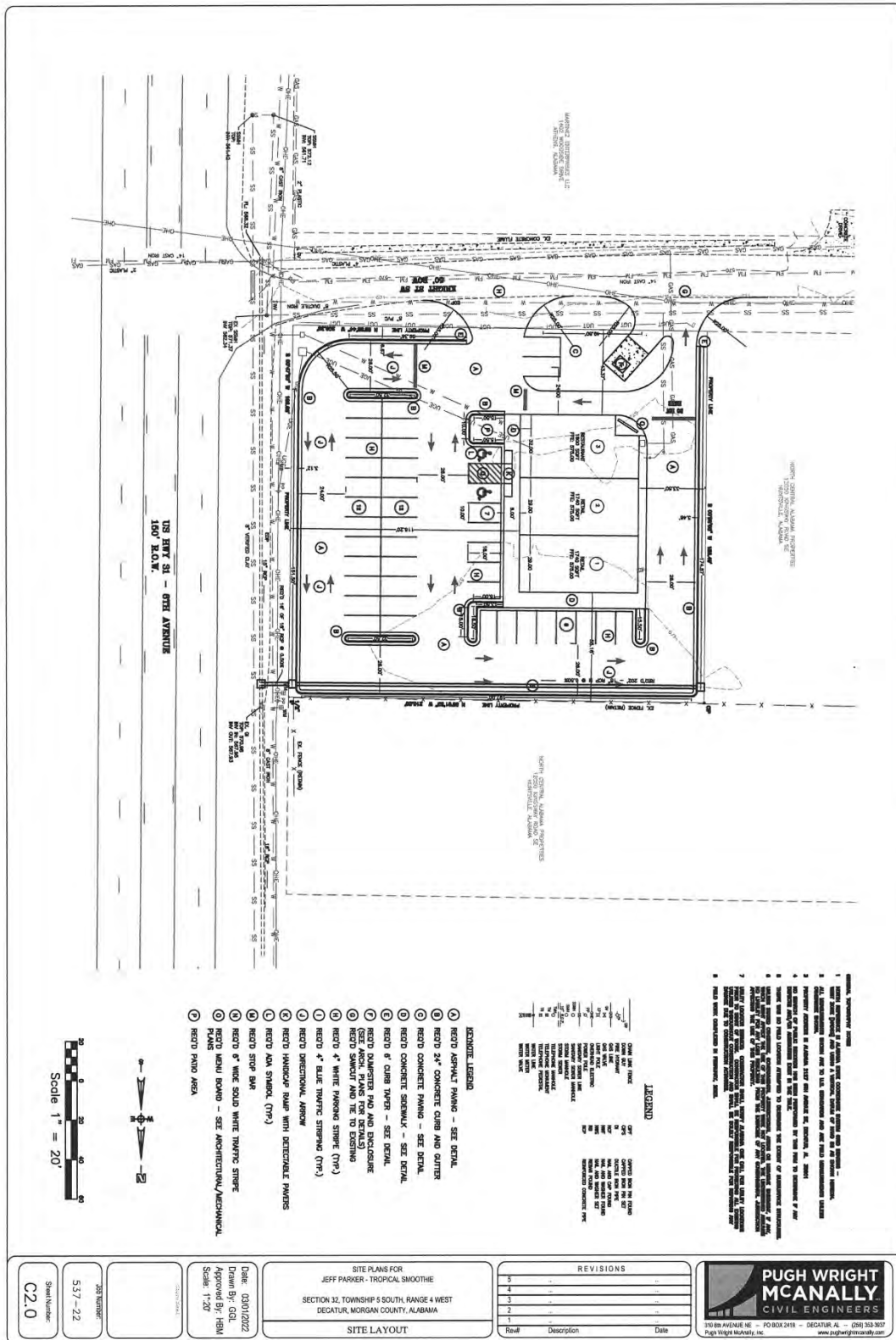
Pt. of Info:

1. Any relocation of utilities will be at the owner's expense
2. Certificate of occupancy will be held until frontage landscaping is installed
3. The development will need to meet DU's grease interceptor requirements

COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:







FILE NAME OR NUMBER: Site Plan 634-22

ACRES: 1.18

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:

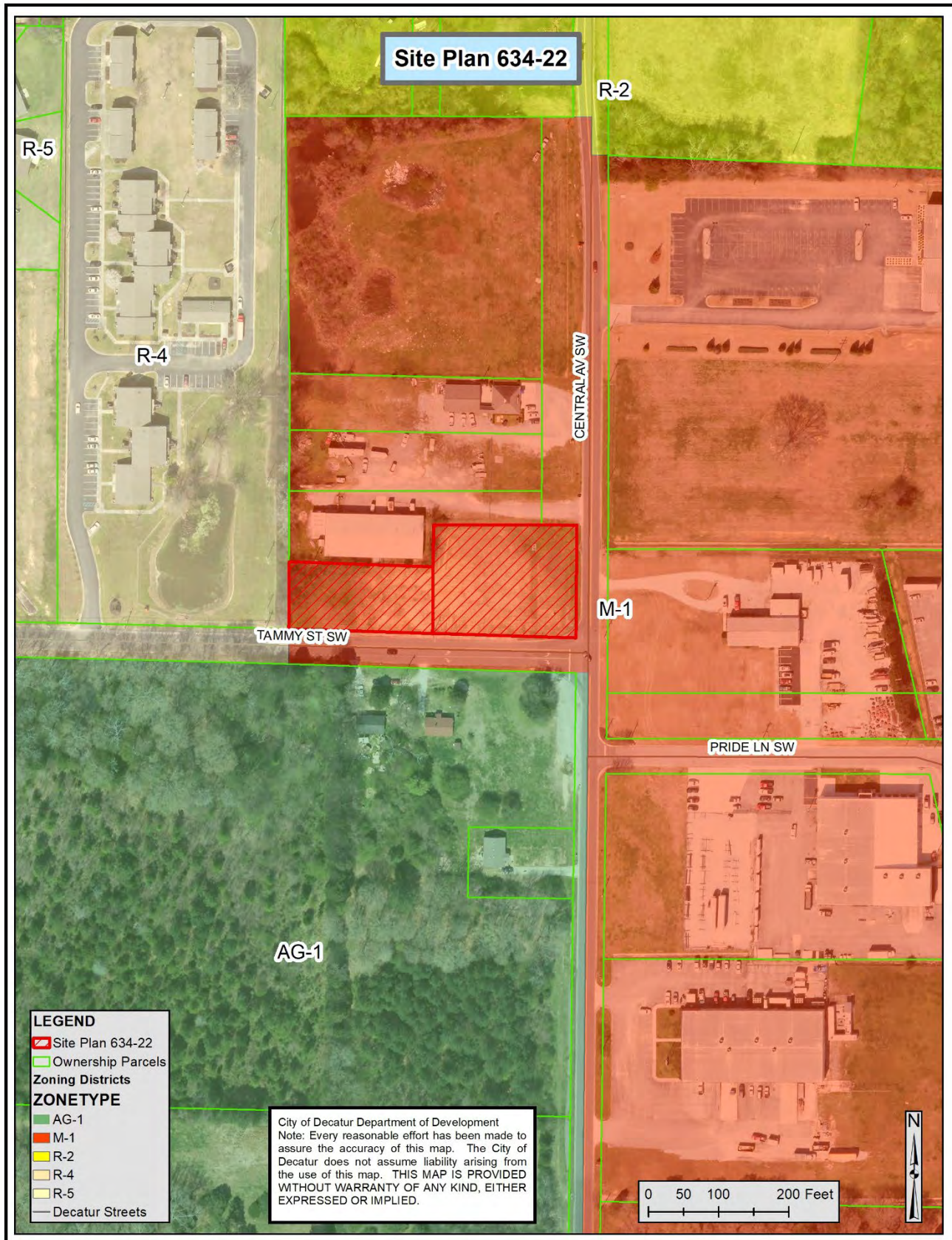
1. Per Engineering approval

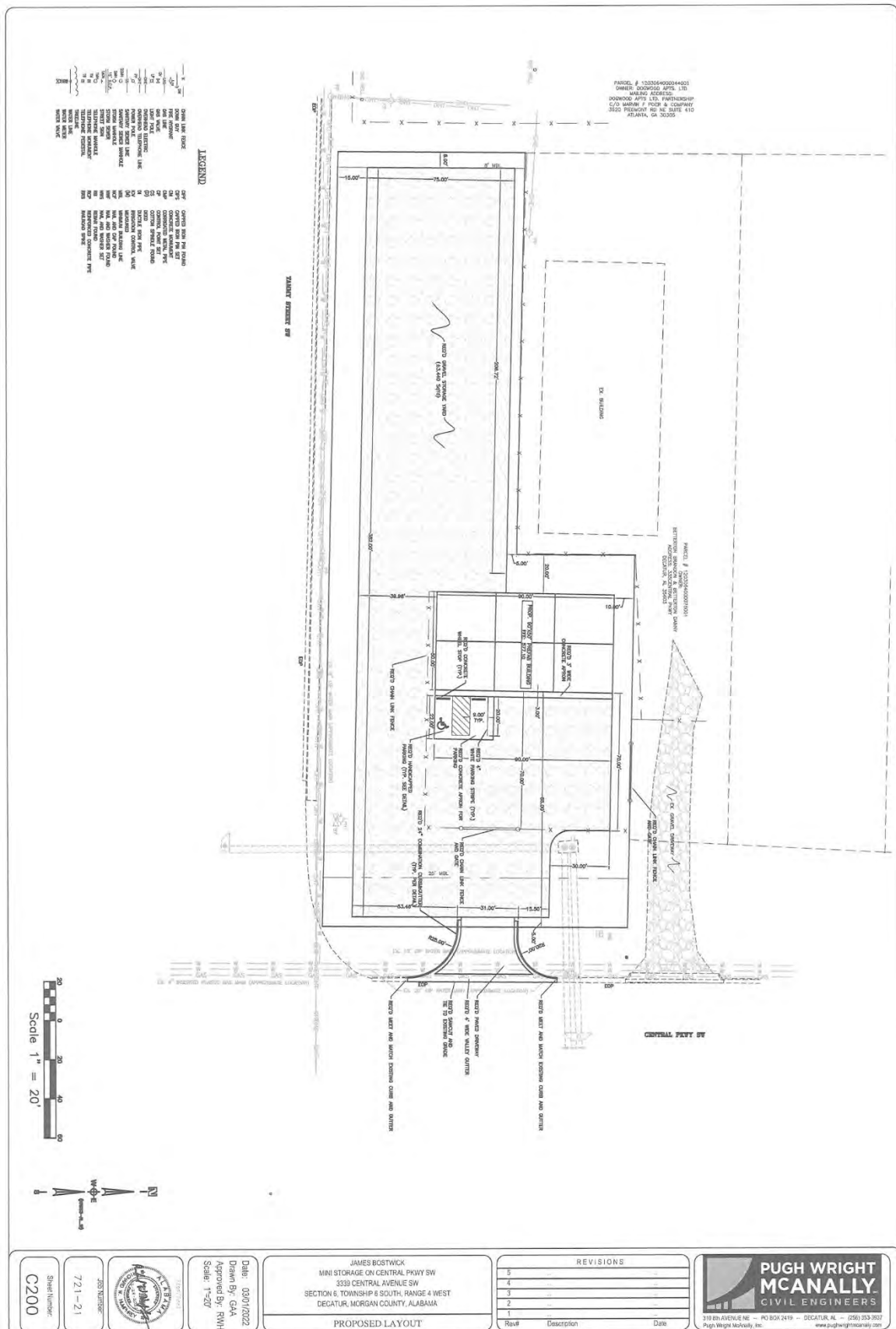
Pt. of Info:

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

COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:







FILE NAME OR NUMBER: Site Plan 635-22

ACRES: 2.8

CURRENT ZONE: M-2 (General Industry)

APPLICANT: Morell for Tractor & Equipment

LOCATION AND OR PROPERTY ADDRESS: 800 Church St NE

REQUEST: Site plan approval

PROPOSED LAND USE: Industrial

ONE DECATUR FUTURE LAND USE: Urban Edge Mixed Use

ONE DECATUR STREET TYPOLOGY: Church St NE is a Minor Arterial

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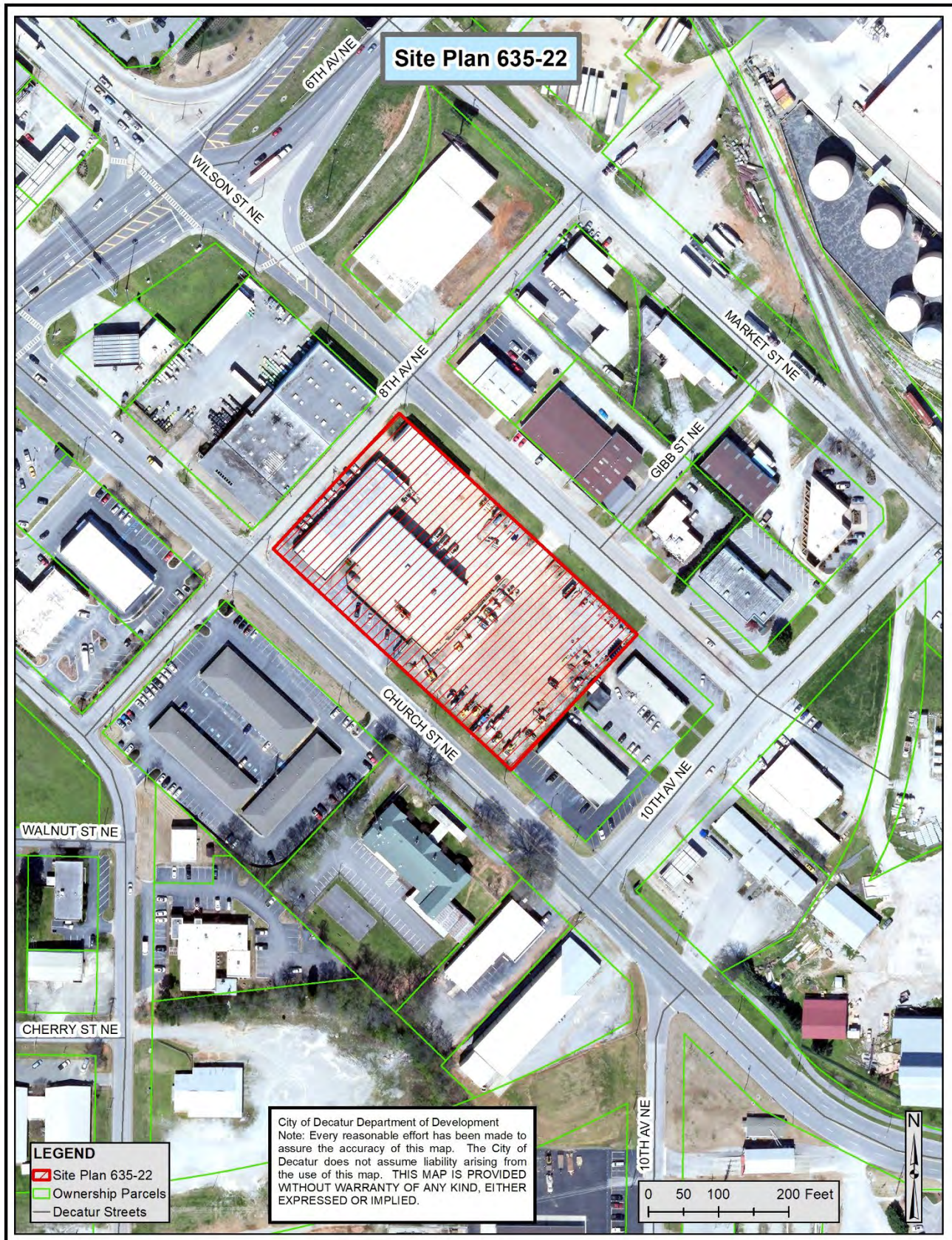
Conditions to be met:

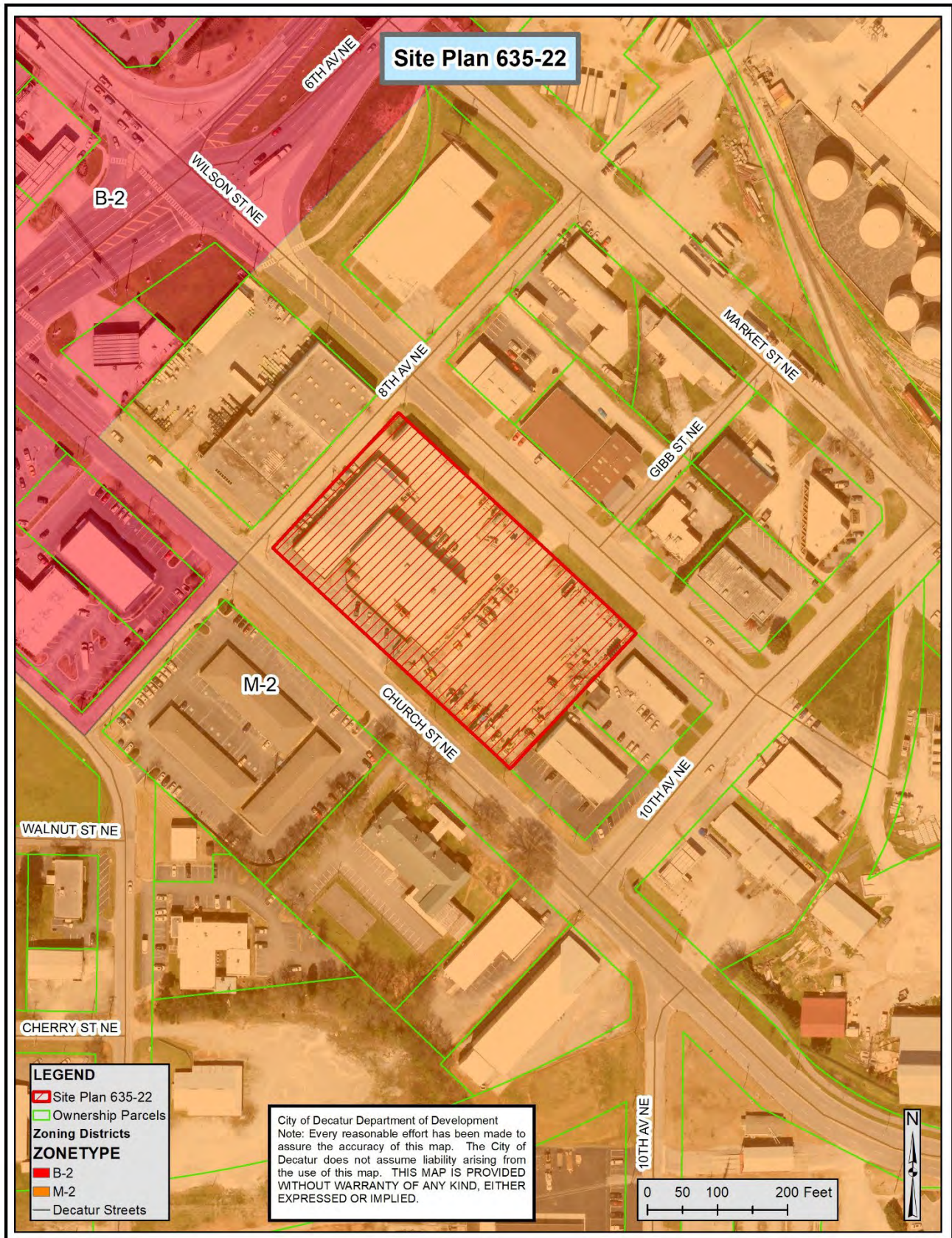
1. Per Engineering approval
2. Show easement for sewer main on the plans

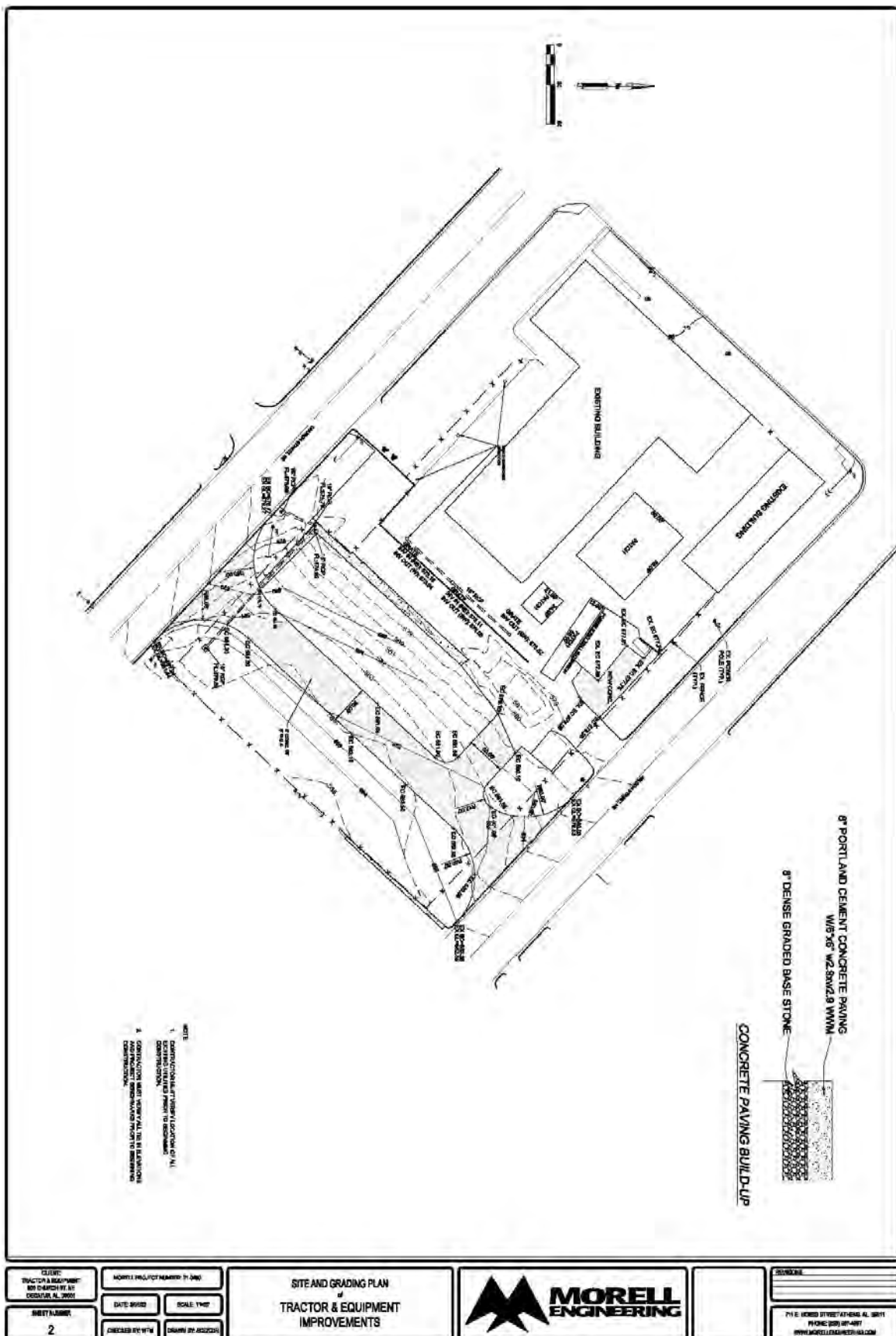
Pt. of Info:

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

COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:







FILE NAME OR NUMBER: Site Plan 636-22

ACRES: 0.48

CURRENT ZONE: B-5 (Central Business District)

APPLICANT: Pugh, Wright and McAnally for Nowlin Development Co., LLC

LOCATION AND OR PROPERTY ADDRESS: 121 Moulton St E

REQUEST: Commercial Site Plan Approval

PROPOSED LAND USE: Hotel

ONE DECATUR FUTURE LAND USE: Urban Core Downtown

ONE DECATUR STREET TYPOLOGY: Moulton St E is a Principal Arterial

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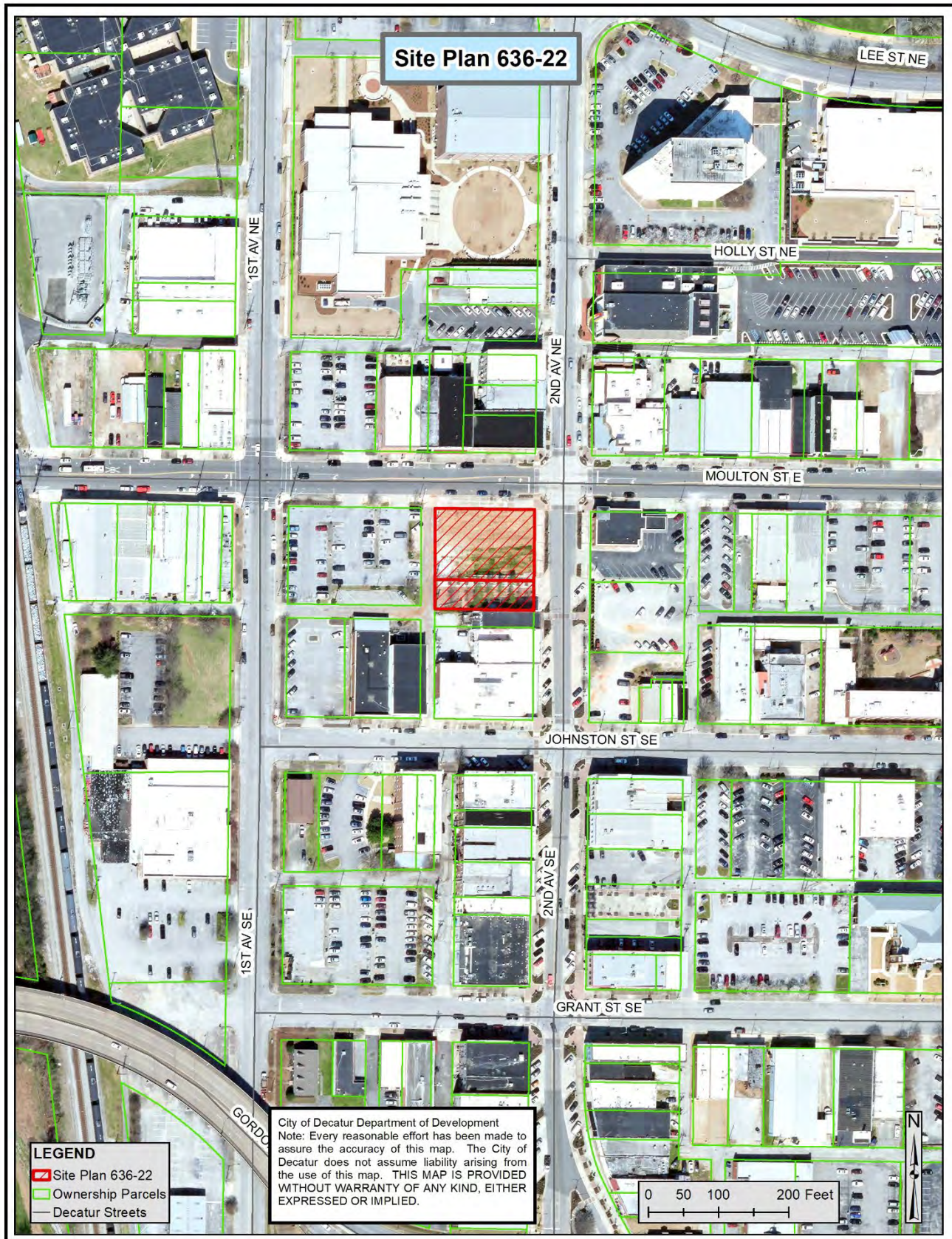
Conditions to be met:

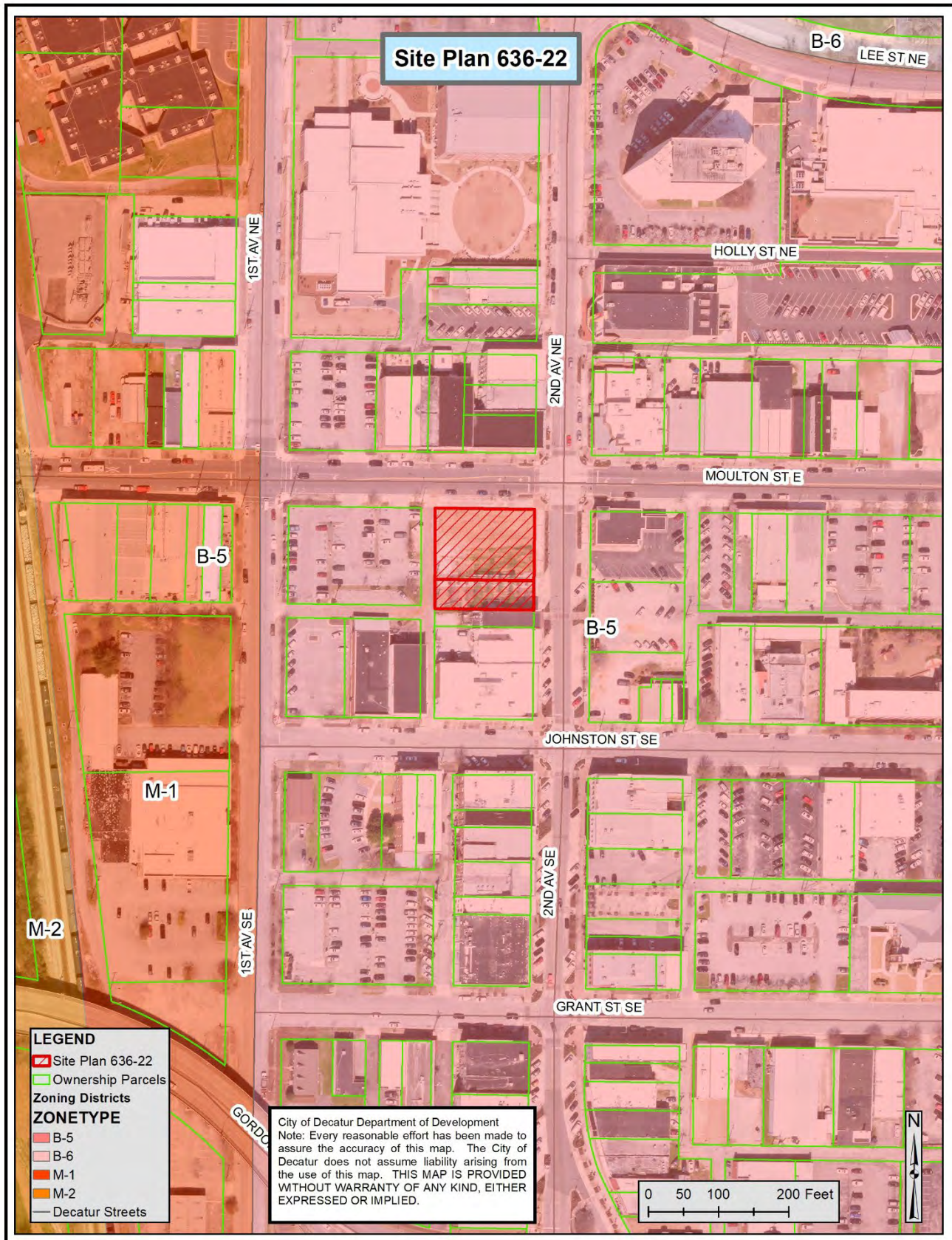
1. Recording of Certificate 3564-21
2. Per Engineering approval
3. Per DU approval

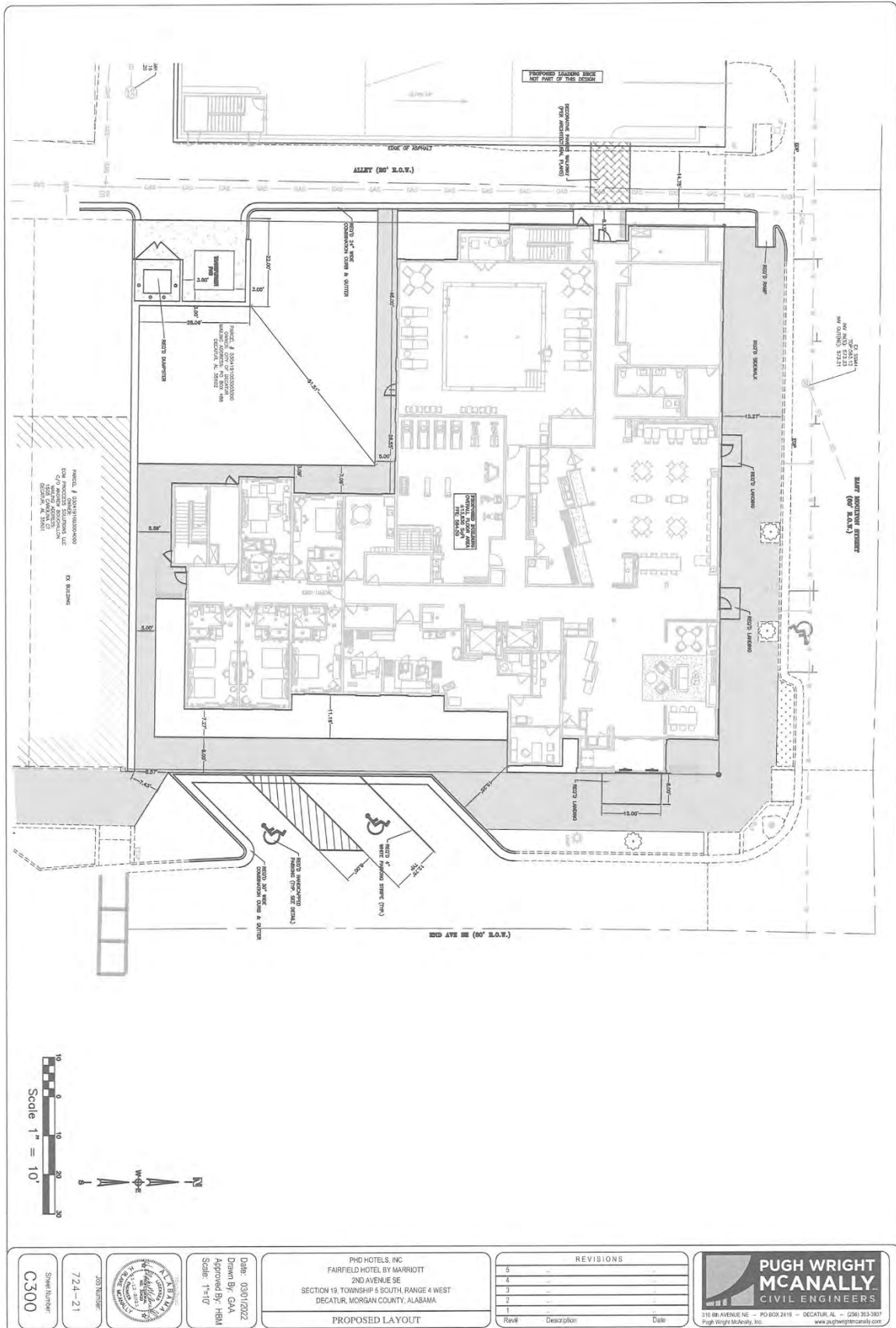
Pt. of Info:

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

COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:







OTHER BUSINESS**VACATIONS**

FILE NAME OR NUMBER: Vacation 541-22

ACRES: 0.028

CURRENT ZONE: R-6 (Single Family Semi-attached Townhomes)

APPLICANT: Pugh, Wright and McAnally for Justin Roberts Construction

LOCATION AND OR PROPERTY ADDRESS: 2813 Hempstead Ave SW

REQUEST: Vacate 0.028 acres of DUT & Ingress/Egress easement

PROPOSED LAND USE: Residential

ONE DECATUR FUTURE LAND USE: Residential, Medium/High Density

ONE DECATUR STREET TYPOLOGY: Hempstead Ave. SW is a Local Street

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

1. Signed vacation package

Pt. of Info:

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

COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:



