

## MEMORANDUM

DATE: July 19<sup>th</sup>, 2022

TO: Planning Commissioners

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

### PLANNING COMMISSION MEETING

July 19<sup>th</sup>, 2022

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

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

# Agenda Planning Commission

City of Decatur, AL

July 19<sup>th</sup>, 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**

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## CALL MEETING TO ORDER

## PUBLIC HEARING

### ZONING

PAGE/MAP

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|---|-------|
| A. Rezoning 1398-22                     | 1-7   |
| (South of 3102 Modaus Rd SW)            |       |
| B. Rezoning 1399-22                     | 8-17  |
| (2845 Modaus Rd SW)                     |       |
| C. Rezoning 1400-22                     | 18-24 |
| (Central Ave SW and Poole Valley Rd SW) |       |

### MINOR PLATS

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|------------------------|-------|
| A. Bank Street Station | 25-28 |
| (423 Bank St NW)       |       |

### PRELIMINARY PLATS

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| A. River Road Estates Phase 3 | 29-32 |
| (3034 Lisa Ln SE)             |       |

B. Quinn Oak Farm	33-36
(2705 Modaus Rd SW)	

## CONSENT AGENDA

<b>SITE PLANS</b>	<b>PAGE/MAP</b>
A. Site Plan 641-22	37-40
(1805 Beltline Rd SW)	
B. Site Plan 642-22	41-44
(3821 Hwy 31 S)	
C. Site Plan 643-22	45-48
(1822 Milligan St SW)	

## OTHER BUSINESS

<b>ANNEXATIONS</b>	<b>PAGE/MAP</b>
A. Annexation 371-22	49-52
(South of 3102 Modaus Rd SW)	
B. Annexation 372-22	53-56
(4318 Central Ave SW)	
<b>BOND REVIEWS</b>	<b>PAGE/MAP</b>
A. Deerfoot Estates, Addition 5	57-59
B. Legacy Cove Subdivision – Bond Review for Roads	60-62
C. Legacy Cove Subdivision – Bond Review for Sidewalks	63-65
D. Morris Holdings, LLC – Bond Review	66-67
E. River Road Estates Phase 2 – Bond Review	68-70

**PUBLIC HEARING****ZONING**

**FILE NAME OR NUMBER:** Prezoning 1398-22

**ACRES:** 1.86

**CURRENT ZONE:** None

**APPLICANT:** LBYD for Castle Rock Global Holdings, LLC

**LOCATION AND OR PROPERTY ADDRESS:** South of 3102 Modaus Rd SW

**REQUEST:** Prezoning approval for 1.86 acres that will be part of a future subdivision

**NEW ZONE:** R-5 (Single Family Patio Home)

**PROPOSED LAND USE:** Single Family Residential

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

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

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

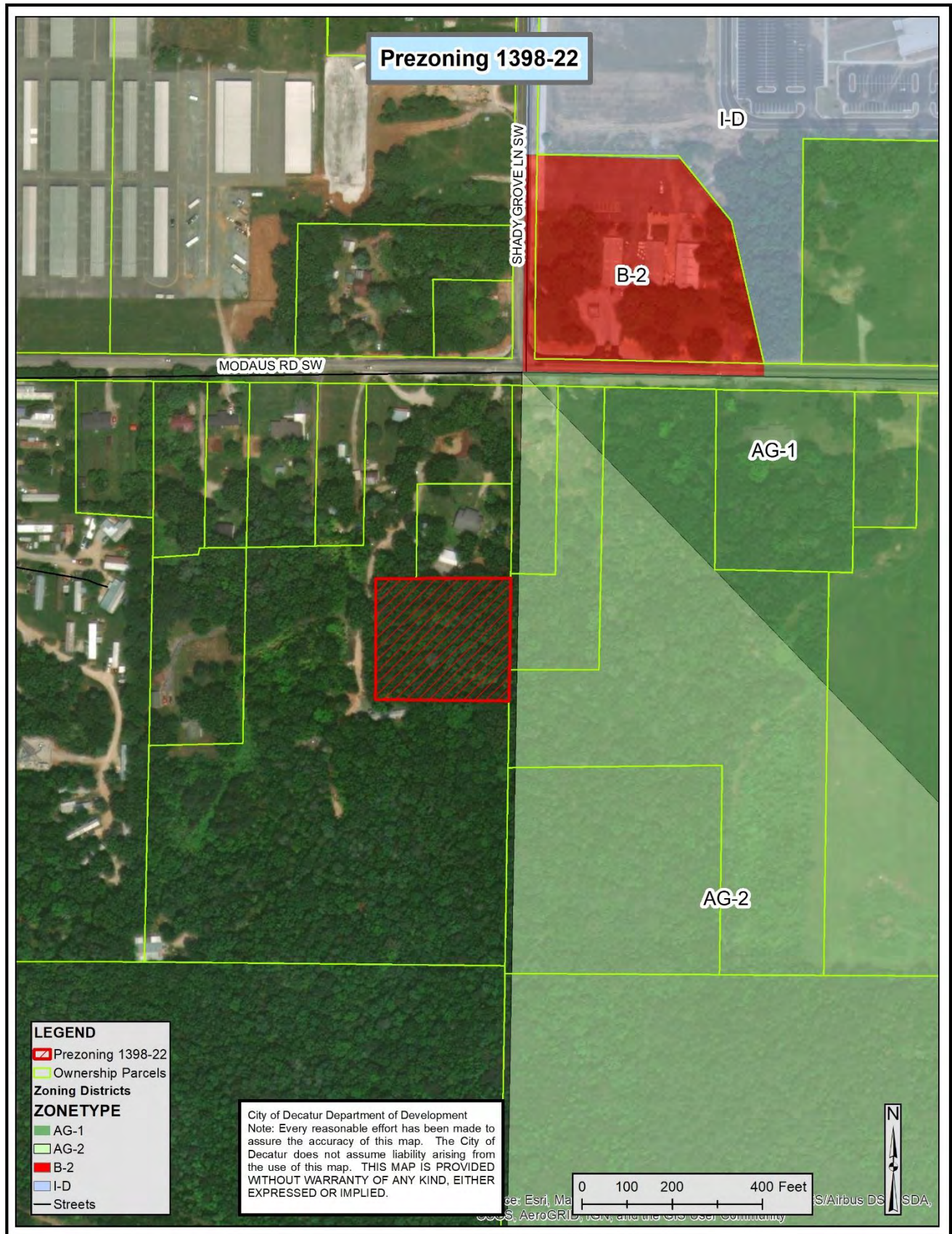
The Zoning Committee was in favor of this request

**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 None TO R-5		July 12, 2022
SECTION	NONE	R-5
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>(1) General requirements:</p> <ul style="list-style-type: none"> <li>a.) Each dwelling unit shall be constructed on its own lot.</li> <li>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.</li> <li>c.) There shall be a minimum separation of thirteen (13) feet between structures on separate lots.</li> <li>d.) All building setback lines shall be indicated</li> </ul>

ZONING DISTRICT COMPARISON None TO R-5		July 12, 2022
SECTION	NONE	R-5
		<p>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 twenty (20) acres in size; and on premises and off premises sale of alcoholic beverage by</p>

<b>ZONING DISTRICT COMPARISON None TO R-5</b>		<b>July 12, 2022</b>
<b>SECTION</b>	<b>NONE</b>	<b>R-5</b>
		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 <a href="#">section 25-2</a> ) 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.

<b>ZONING DISTRICT COMPARISON None TO R-5</b>		<b>July 12, 2022</b>
<b>SECTION</b>	<b>NONE</b>	<b>R-5</b>
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.
MINIMUM FEET AT BUILDING LINE		Minimum lot width at building line: Forty (40) feet.
MAXIMUM BUILDING HEIGHT		Maximum building height: Thirty-five (35) feet.
MAXIMUM HEIGHT IN STORIES		None specified.
OFF STREET PARKING		Off-street parking: Two (2) spaces per dwelling unit.



**FILE NAME OR NUMBER:** Rezoning 1399-22

**ACRES:** 53.44

**CURRENT ZONE:** AG-1 and AG-2

**APPLICANT:** LBYD for Castle Rock Global Holdings, LLC

**LOCATION AND OR PROPERTY ADDRESS:** 2845 Modaus Rd SW

**REQUEST:** Rezoning of 53.44 acres from AG-1 and AG-2 to R-5

**NEW ZONE:** R-5 (Single Family Patio Home)

**PROPOSED LAND USE:** Single Family Residential

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

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

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

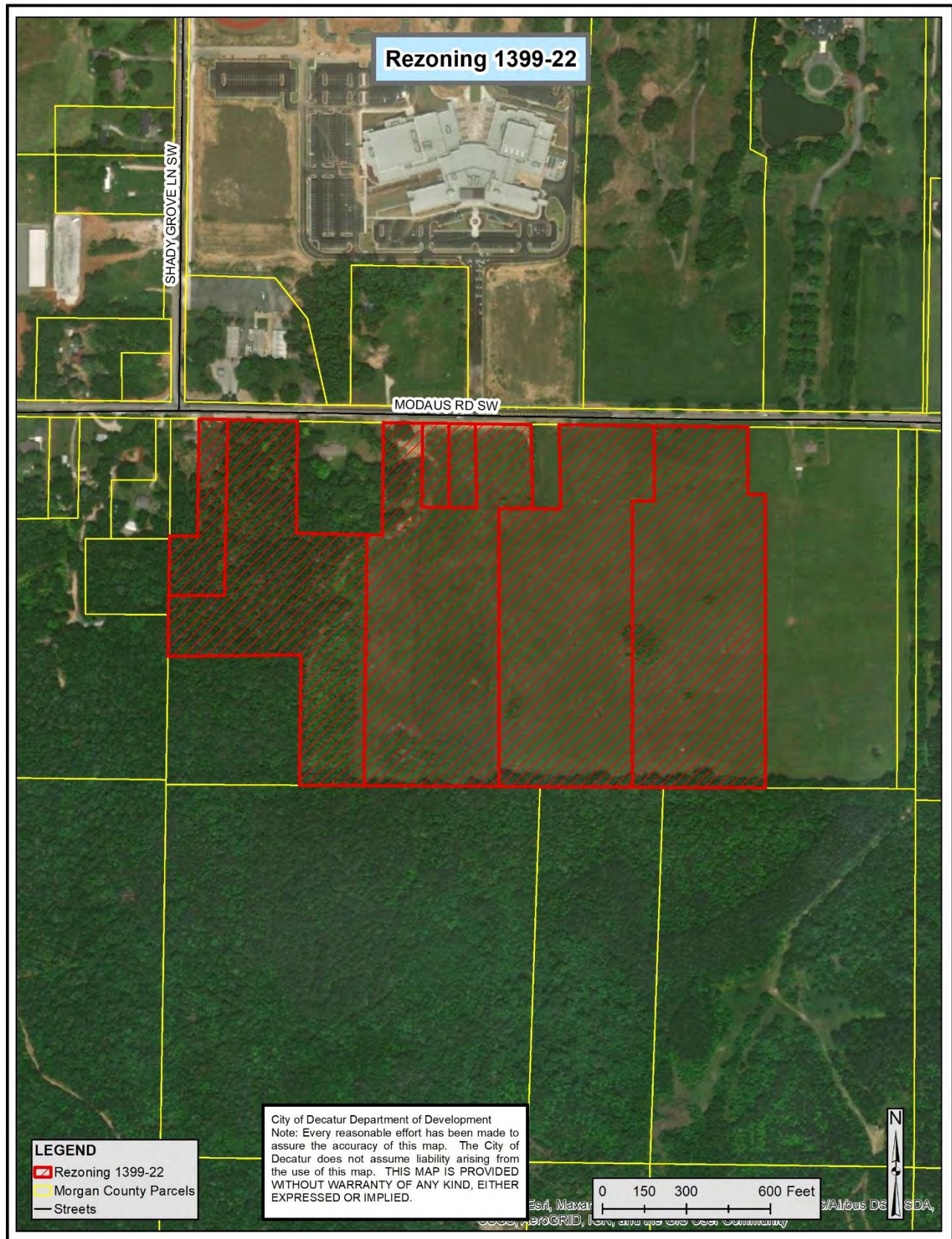
The Zoning Committee was in favor of this request

**Conditions to be met**

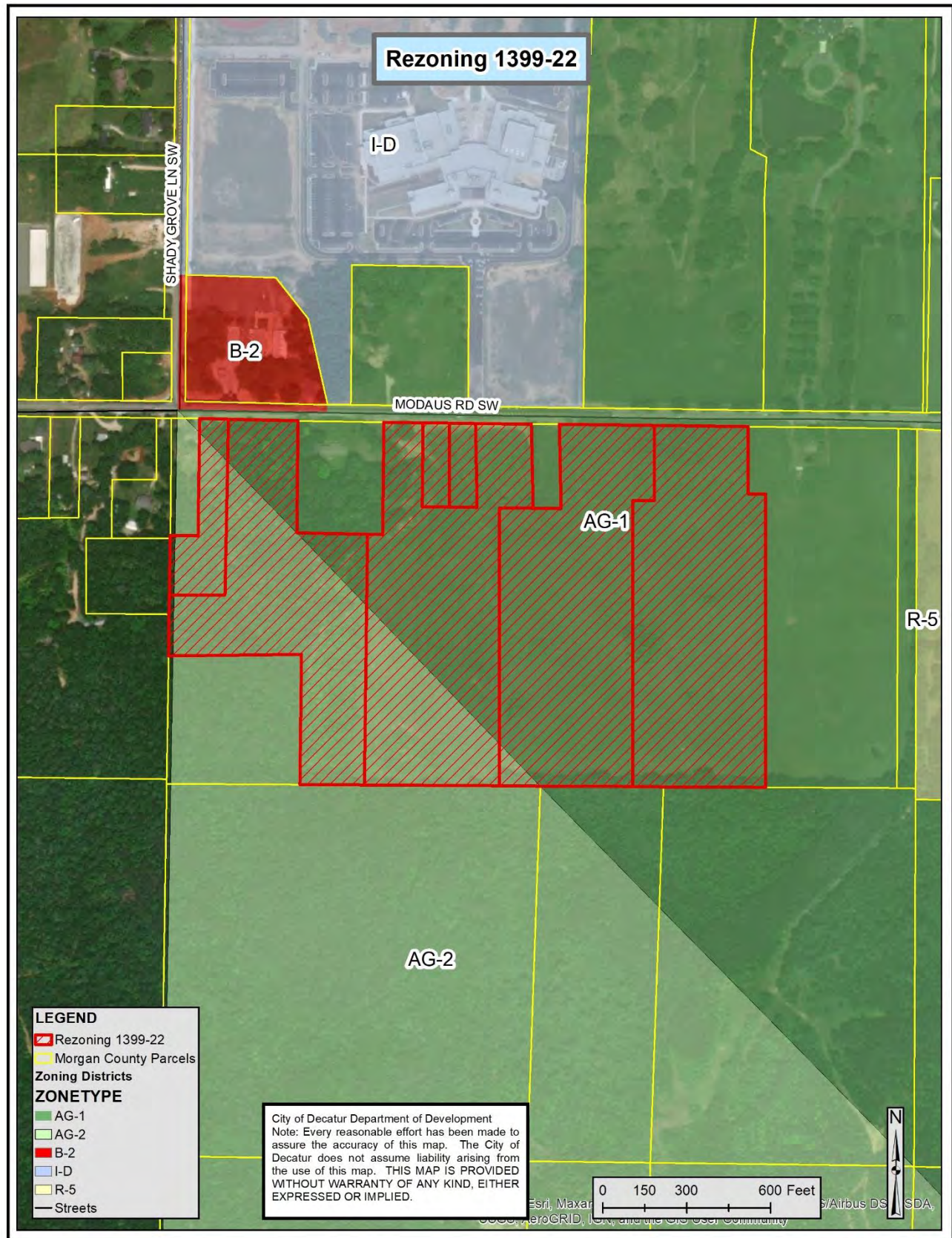
**Pt. of Info:**

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

<b>COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:</b>
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ZONING DISTRICT COMPARISON AG-1 TO R-5		July 12, 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>(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</p>

<b>ZONING DISTRICT COMPARISON AG-1 TO R-5</b>		<b>July 12, 2022</b>
<b>SECTION</b>	<b>AG-1</b>	<b>R-5</b>
		<p>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>
<b>USES PERMITTED ON APPEAL</b>	<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</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>



<b>ZONING DISTRICT COMPARISON AG-1 TO R-5</b>		<b>July 12, 2022</b>
<b>SECTION</b>	<b>AG-1</b>	<b>R-5</b>
	character of the district and otherwise promote the purpose of this chapter.	
<b>USES PROHIBITED</b>	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 <a href="#">section 25-2</a> ) 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.
<b>MINIMUM LOT AREA</b>	Minimum lot size: 15,000 square feet.	Minimum lot area: Five thousand (5,000) square feet.
<b>MAXIMUM BUILDING AREA</b>	Maximum building area: None specified.	Maximum building area: None specified.
<b>MINIMUM FRONT YARD</b>	Minimum front yard setback: 20 feet.	Minimum front yard setback (also see perimeter setbacks) (1)e: Twenty (20) feet.
<b>MINIMUM REAR YARD SETBACK</b>	Minimum rear yard setback: 45 feet.	Minimum rear yard setback (also see perimeter setbacks) (1)e: Twenty (20) feet.
<b>MINIMUM SIDE YARD SETBACK</b>	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.
<b>MINIMUM LOT WIDTH</b>	Minimum required lot width at building line—100 feet.	Minimum lot width at building line: Forty (40) feet.
<b>MAXIMUM BUILDING HEIGHT</b>	Maximum height: 35 feet	Maximum building height: Thirty-five (35) feet.

ZONING DISTRICT COMPARISON AG-1 TO R-5		July 12, 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.

ZONING DISTRICT COMPARISON AG-2 TO R-5		July 12, 2022
SECTION	AG-2	R-5
USES PERMITTED	<p><i>Uses permitted:</i> All uses permitted and regulated in an AG-1 agricultural district.</p> <p>Any use permitted or permitted on appeal in an R-1 Residential District and subject to all district requirements of an R-1 District as specified in <a href="#">section 25-10</a>.</p>	<p>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> <p>k.) Each dwelling unit shall be constructed on its own lot.</p> <p>l.) 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>m.) There shall be a minimum separation of thirteen (13) feet</p>

ZONING DISTRICT COMPARISON AG-2 TO R-5		July 12, 2022
SECTION	AG-2	R-5
		<p>between structures on separate lots.</p> <p>n.) All building setback lines shall be indicated on the preliminary and final plats.</p> <p>o.) 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>Uses permitted on appeal: Manufacturing, storage and processing of natural resources indigenous to Decatur, roadside stands, provided no part of the structure or goods display encroaches upon a public right-of-way or dedicated street, manufacture of table wine by a vineyard owner dedicating at least five (5) acres for the growing of grapes and related authorized uses by a manufacturer licensee when duly licensed by the City of Decatur and the Alabama Alcoholic Beverage Control board under the provisions and pursuant to the Alcoholic Beverage Licensing Code, livestock sales, event venues, antique or craft shop and any use permitted on appeal in an AG-1 Agricultural District and subject to the same requirements and conditions set forth for the uses permitted on</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</p>

<b>ZONING DISTRICT COMPARISON AG-2 TO R-5</b>		<b>July 12, 2022</b>
<b>SECTION</b>	<b>AG-2</b>	<b>R-5</b>
	appeal in AG-1 Agricultural District, when these uses, in the opinion of the board of zoning adjustment will not impair an existing or potential future neighborhood and permitted subject to such conditions as the board may require to preserve and protect the character of district and otherwise promote the purpose of this chapter.	under and pursuant to the Alcoholic Beverage Licensing Code.
<b>USES PROHIBITED</b>	Uses prohibited: 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 <a href="#">section 25-2</a> ) 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.
<b>MINIMUM LOT AREA</b>	Minimum lot size: 15,000 square feet.	Minimum lot area: Five thousand (5,000) square feet.
<b>MAXIMUM BUILDING AREA</b>	Maximum building area: None specified.	Maximum building area: None specified.
<b>MINIMUM FRONT YARD</b>	Minimum front yard setback: 20 feet.	Minimum front yard setback (also see perimeter setbacks) (1)e: Twenty (20) feet.
<b>MINIMUM REAR YARD SETBACK</b>	Minimum rear yard setback: 45 feet.	Minimum rear yard setback (also see perimeter setbacks) (1)e: Twenty (20) feet.
<b>MINIMUM SIDE YARD SETBACK</b>	15 feet; except any structure used for the housing of livestock of any kind shall not be located closer	Minimum side yard setbacks (also see perimeter setbacks) (1)e: Five

<b>ZONING DISTRICT COMPARISON AG-2 TO R-5</b>		<b>July 12, 2022</b>
<b>SECTION</b>	<b>AG-2</b>	<b>R-5</b>
	than 100 feet to any property line or line of a district other than an agricultural district.	(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.
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 1400-22

**ACRES:** 34

**CURRENT ZONE:** AG-1

**APPLICANT:** PWM for Greystone Properties and Land Services, LLC

**LOCATION AND OR PROPERTY ADDRESS:** West of Central Ave and South of Poole Valley Rd

**REQUEST:** Rezoning of 34 acres from AG-1 to PRD-7

**NEW ZONE:** PRD-7 (Planned Residential District)

**PROPOSED LAND USE:** Single Family Residential

**ONE DECATUR FUTURE LAND USE:** Residential, low density

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

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

The Zoning Committee was in favor of this request

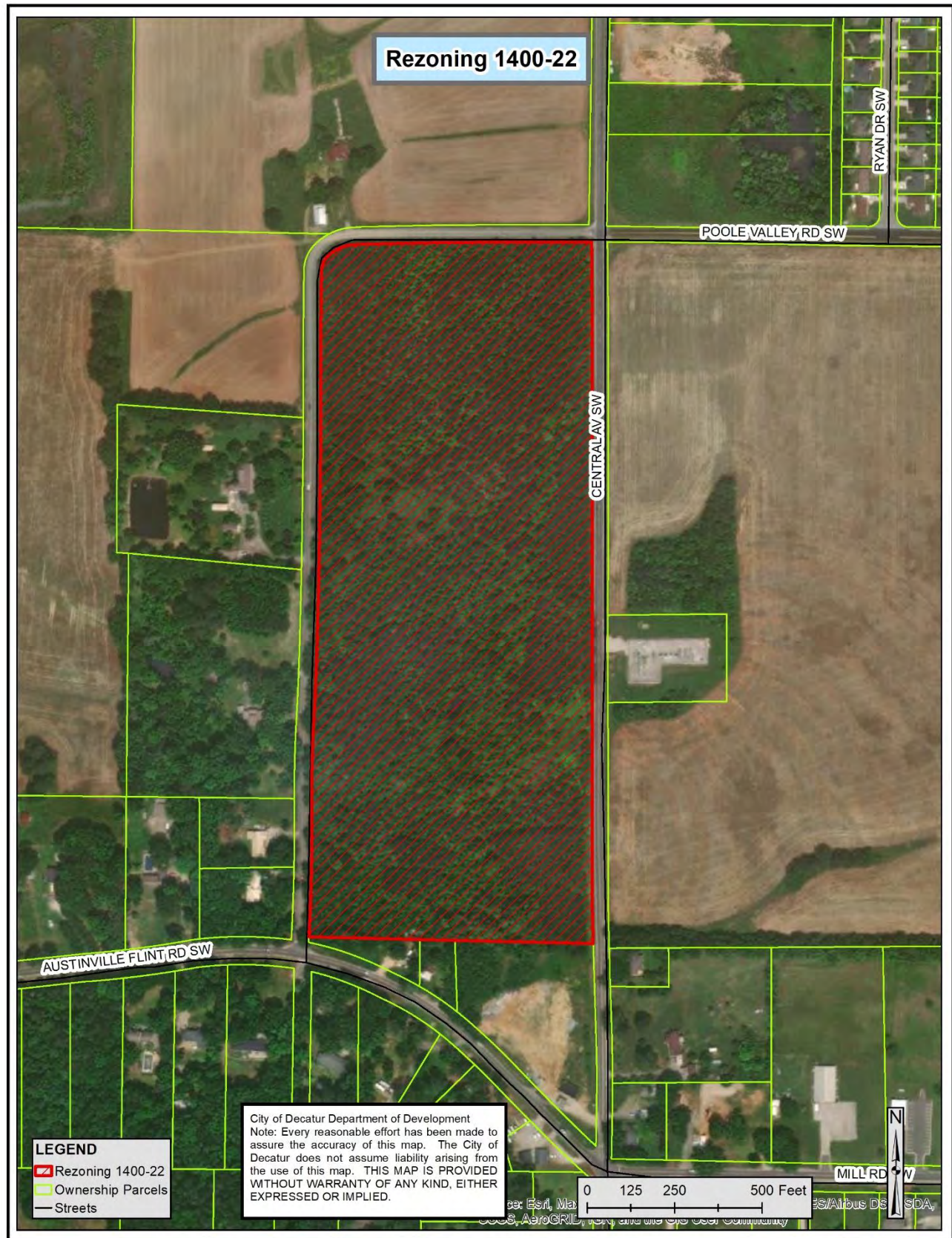
**Conditions to be met**

1. None

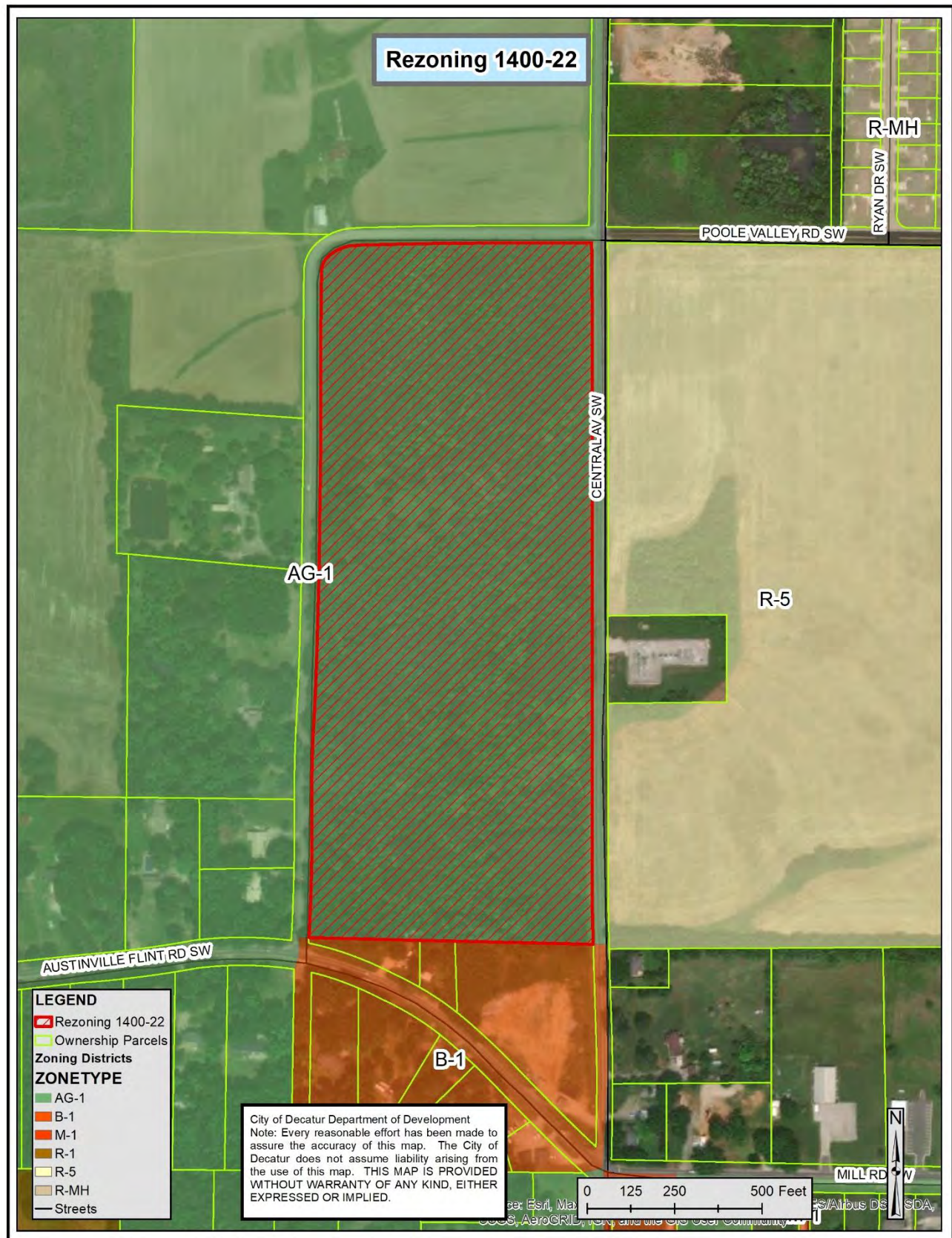
**Pt. of Info:**

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

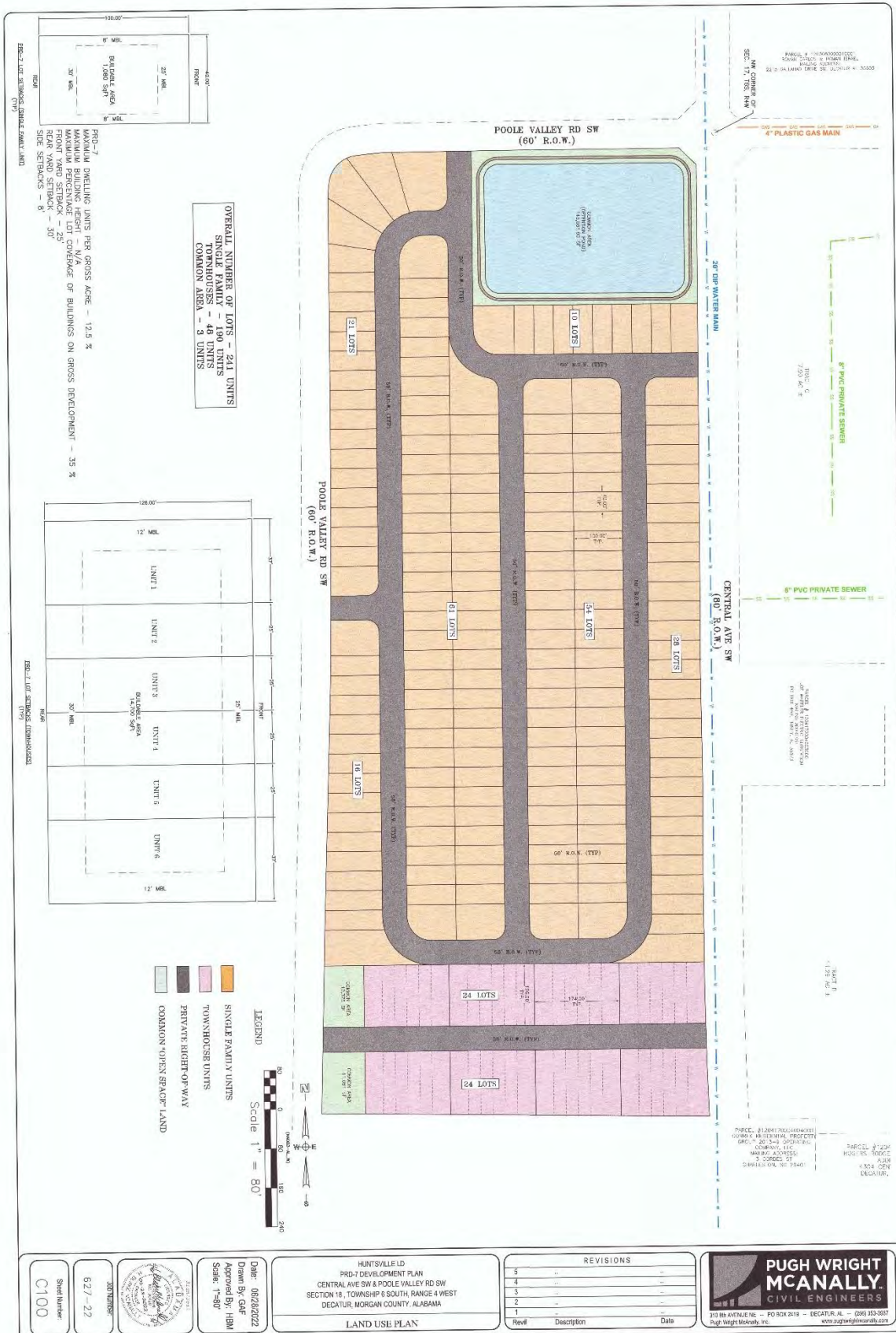
<b>COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:</b>
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<b>ZONING DISTRICT COMPARISON AG-1 TO R-5</b>		<b>July 12, 2022</b>
<b>SECTION</b>	<b>AG-1</b>	<b>PRD-7</b>
<b>USES PERMITTED</b>	<p>Uses permitted: General farming including horticulture; 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>(1) Uses permitted. In a PRD District only the following uses are permitted:</p> <p>(a) Single-family detached, duplex, townhouses, multiple dwellings and apartments.</p> <p>(b) Other uses as permitted in all "R" Districts.</p> <p>(c) Neighborhood retail uses and other nonresidential uses limited to those enumerated in the B-1 District as may be specifically and selectively authorized in the approved development plan as to type and size only when integrated by design as an accessory element of the project, and only when located in an area that could be appropriately zoned for said use and approved as provided below, provided that the development is planned for more than four hundred (400) dwelling units.</p> <p>(d) Such other uses, including neighborhood retail and other nonresidential uses authorized in a B-1 District, as the planning commission finds to be directly related and necessary to the primary purpose of the development and which are limited to the sale, lease or furnishing of goods or services to residents of the development.</p>
<b>USES PERMITTED ON APPEAL</b>	<p>Uses permitted on appeal: Sports arenas, recreational and amusement enterprises operated on a commercial basis; clubs the</p>	<p>(H) Use control.</p> <p>(1) The development of neighborhood retail uses in PRD Districts shall not be permitted</p>

<b>ZONING DISTRICT COMPARISON AG-1 TO R-5</b>		<b>July 12, 2022</b>
<b>SECTION</b>	<b>AG-1</b>	<b>PRD-7</b>
	<p>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.</p>	<p>until two hundred (200) or more dwelling units are under construction or completed; provided, however, that this subdivision shall not apply to uses which the planning commission has found to be directly related and necessary to the primary purpose of the development and which are limited to the sale, lease or furnishing of goods or services to residents of the development.</p> <p>(2) There shall be a minimum of ten (10) per cent of the total area of the PRD dedicated or reserved as usable common "open space" land. Common "open space" land shall be clearly designated on the plan as to the character of use and development but shall not include:</p> <ul style="list-style-type: none"> <li>(a) Areas reserved for the exclusive use or benefit of an individual tenant or owner, nor</li> <li>(b) Dedicated streets, alleys or other public rights-of-way, nor</li> <li>(c) Vehicular drives, parking, loading and storage areas.</li> </ul> <p>(3) Adequate guarantees must be provided to insure permanent retention and maintenance of "open space" land area, either by private reservation for the use of the residents within the PRD or by dedication to the public or a combination thereof.</p> <p>(4) Off-street parking shall be provided in accordance with section 25-16 of this [zoning] Ordinance.</p>
<b>USES PROHIBITED</b>	<p>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.</p>	<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</p>

<b>ZONING DISTRICT COMPARISON AG-1 TO R-5</b>		<b>July 12, 2022</b>
<b>SECTION</b>	<b>AG-1</b>	<b>PRD-7</b>
		constructed off-site (except for modular homes as in <a href="#">section 25-2</a> ) 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.	Maximum Dwelling Units Per Gross Acre: 12.5
MAXIMUM BUILDING AREA	Maximum building area: None specified.	Maximum Percentage Lot Coverage of Buildings on Gross Development: 35
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: 30 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: 8 feet
MINIMUM LOT WIDTH	Minimum required lot width at building line—100 feet.	Minimum lot width at building line: None specified
MAXIMUM BUILDING HEIGHT	Maximum height: 35 feet	Maximum building height: None specified
MAXIMUM HEIGHT IN STORIES	Maximum height in stories: Two and one-half (2½).	Maximum height in stories: 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 shall be provided in accordance with <a href="#">section 25-16</a> of this [zoning] Ordinance.

**MINOR PLATS**

**FILE NAME OR NUMBER:** Bank Street Station

**ACRES:** 1.89

**CURRENT ZONE:** B-5 (General Business) and M-1 (Light Manufacturing)

**APPLICANT:** Pugh Wright and McAnally for Decatur Urban Ventures

**LOCATION AND OR PROPERTY ADDRESS:** 423 Bank St NW

**REQUEST:** Minor plat approval

**PROPOSED LAND USE:** Residential

**ONE DECATUR FUTURE LAND USE:** Urban Core Downtown

**ONE DECATUR STREET TYPOLOGY:** Bank St is a Minor Arterial

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

1. Application
2. Copy of Deed
3. Add north arrow and scale to plat
4. DU will need an additional 5 foot easement on the street frontage on Cain St NW and Railroad St NW

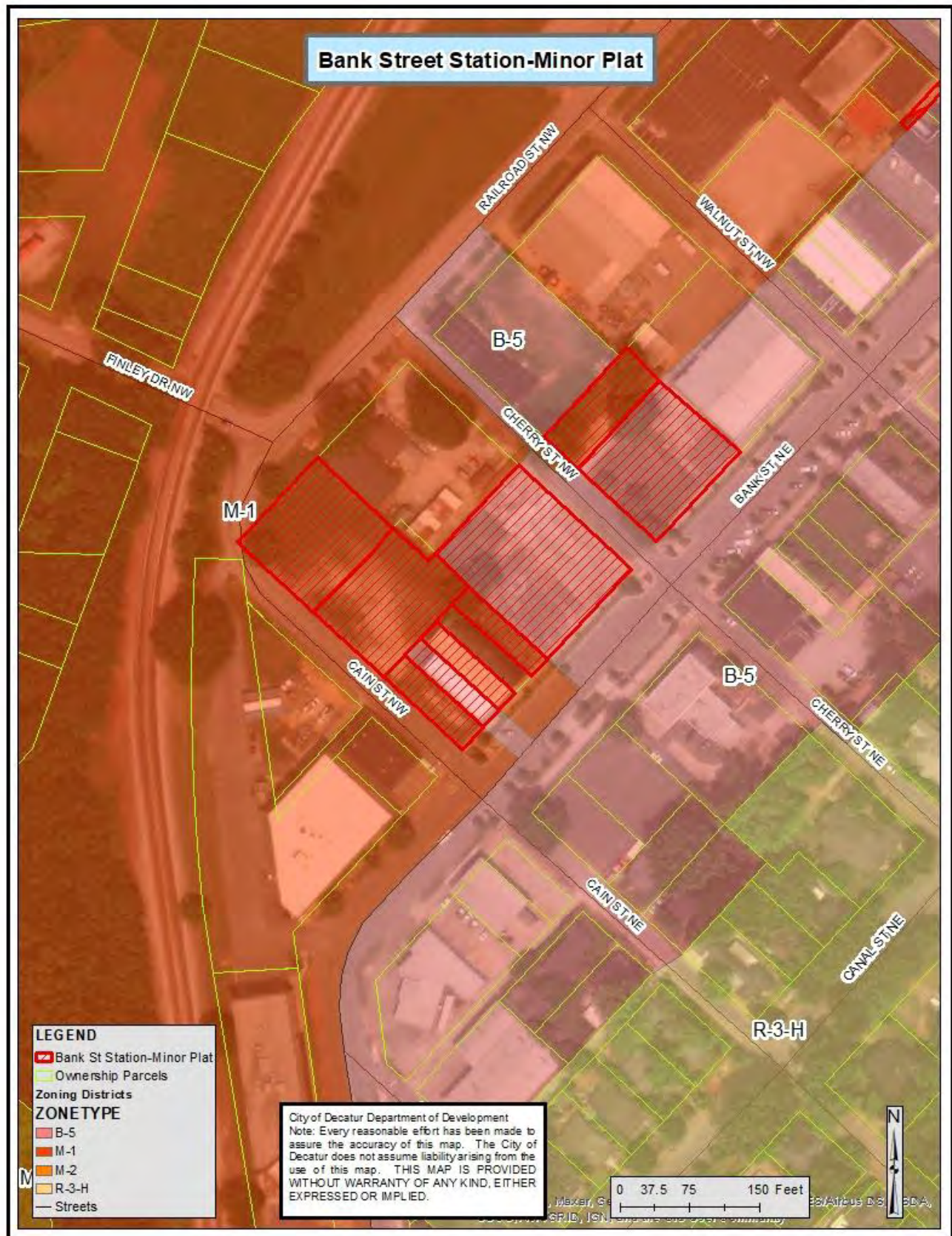
**Pt. of Info:**

1. Any relocation of utilities will be at the owner's expense
2. A rezoning request may be needed since there are two different zonings on these parcels









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**PRELIMINARY PLATS**

**FILE NAME OR NUMBER:** River Road Estates Phase 3

**ACRES:** Approx. 14

**CURRENT ZONE:** R-3 (Single Family Residential)

**APPLICANT:** Pugh Wright and McAnally for Old House LLC

**LOCATION AND OR PROPERTY ADDRESS:** 3034 Lisa Ln SE

**REQUEST:** Preliminary Plat Approval

**PROPOSED LAND USE:** Residential

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

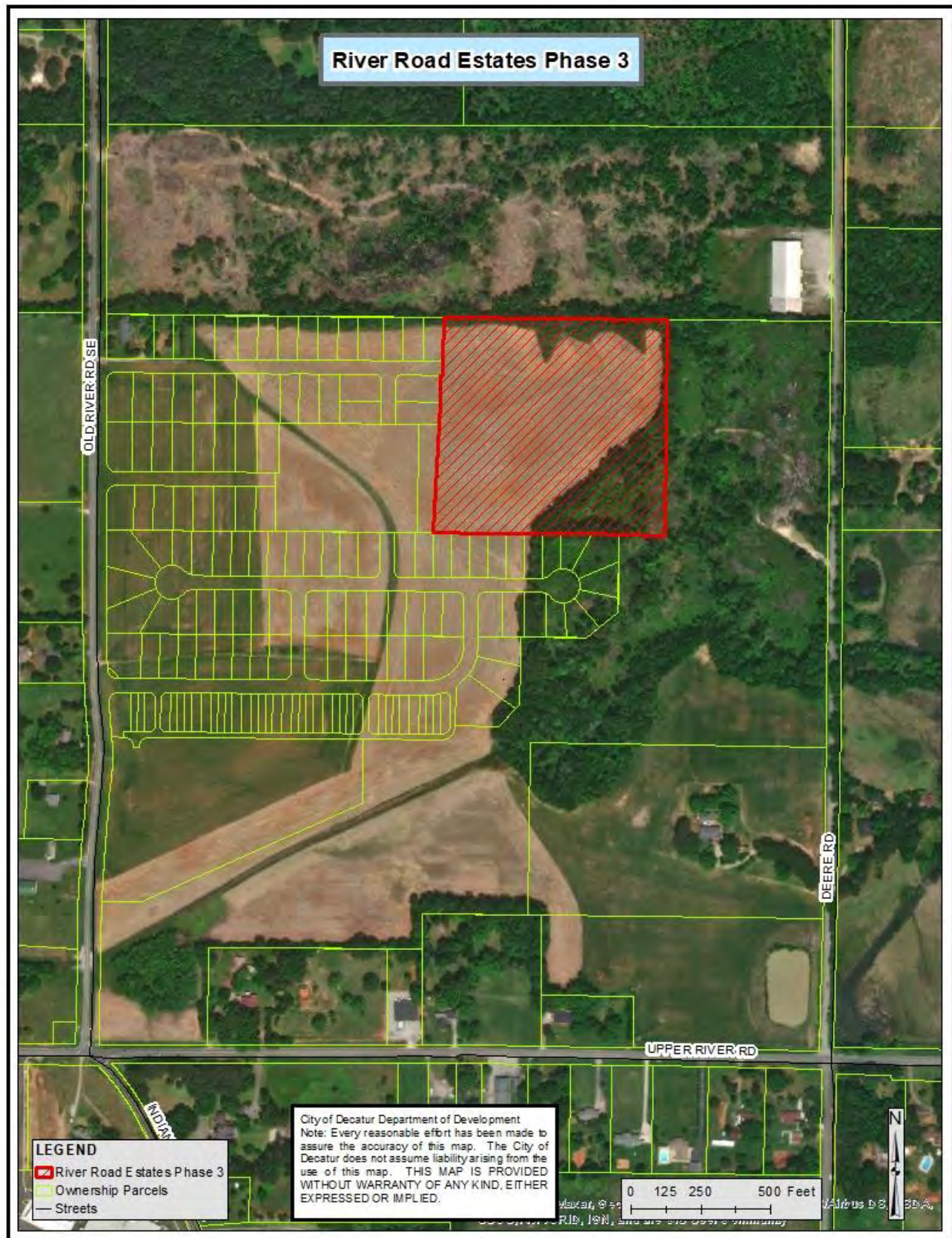
**ONE DECATUR STREET TYPOLOGY:** Lisa Lane SE is a Local Street

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

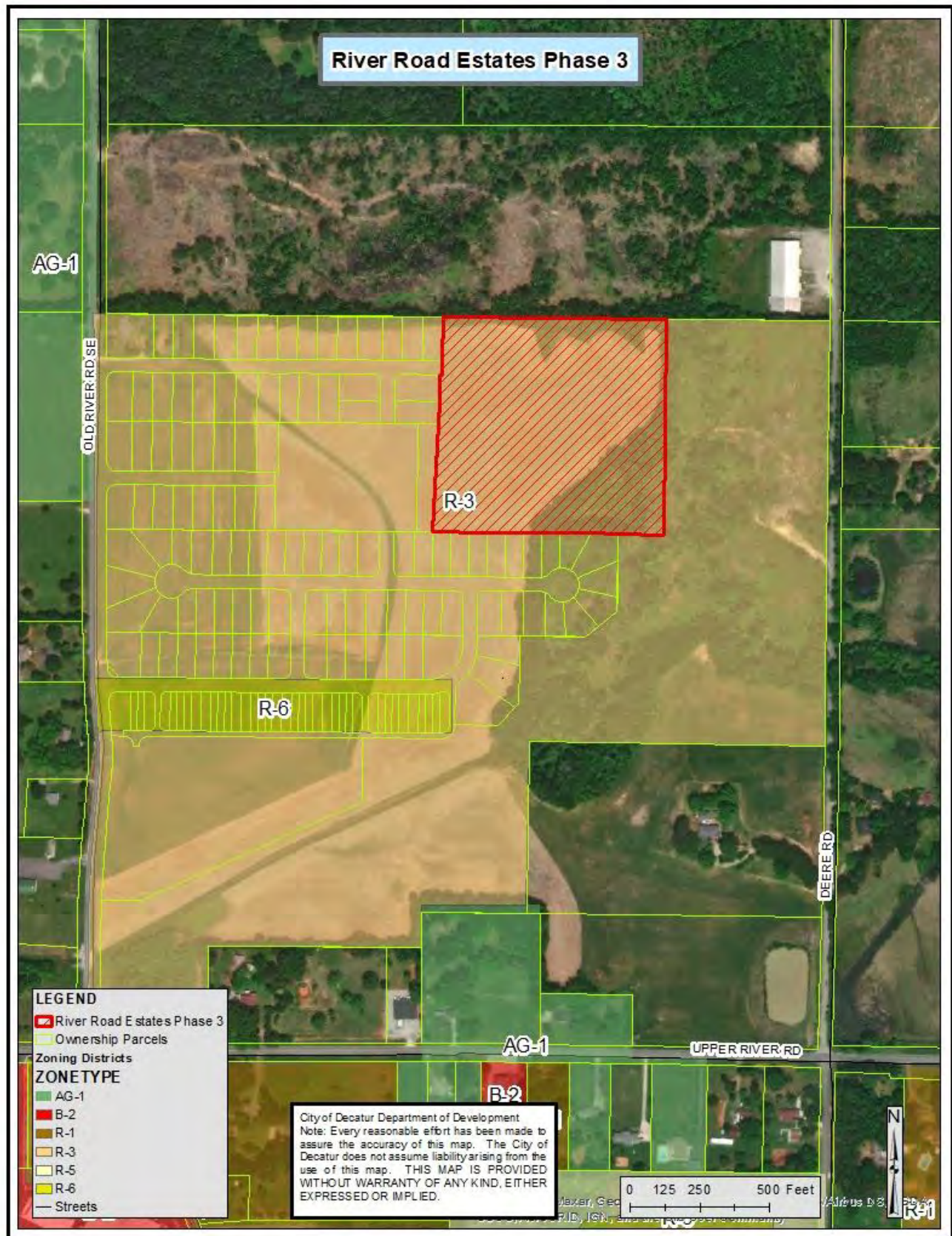
1. Signed, sealed construction drawings approved by DU and Engineering
2. Per Engineering Approval

**Pt. of Info:**

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











**FILE NAME OR NUMBER:** Quinn Oak Farm

**ACRES:** 80.86

**CURRENT ZONE:** R-5 (Single Family Residential-Patio Homes) and R-6 (Single Family Semi-attached Townhomes)

**APPLICANT:** Pugh Wright McAnally for Deluxeton Development, LLC

**LOCATION AND OR PROPERTY ADDRESS:** 2705 Modaus Rd SW

**REQUEST:** Preliminary Plat Approval

**PROPOSED LAND USE:** Single Family Residential

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

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

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

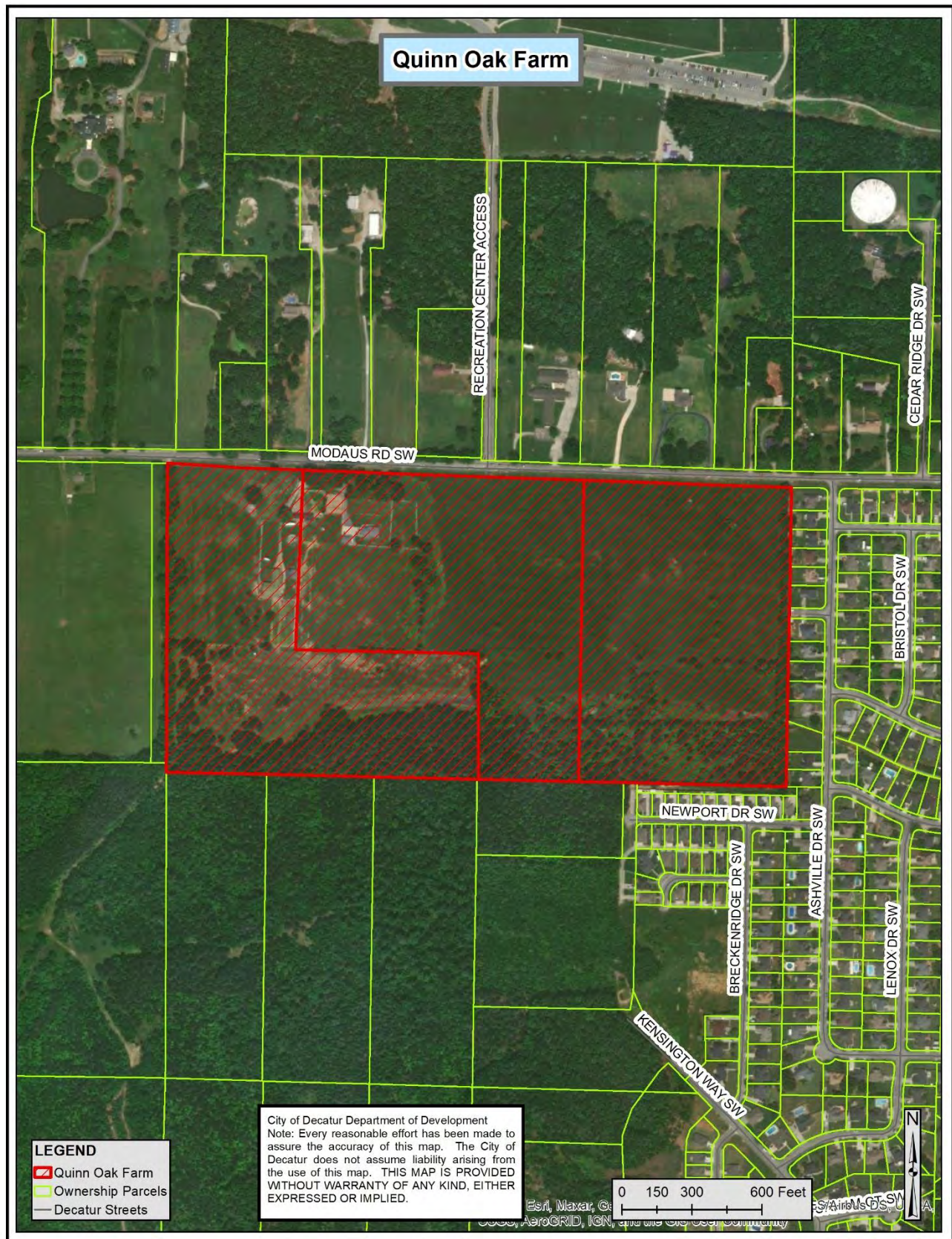
**Conditions to be met:**

1. Signed, sealed construction drawings approved by DU and Engineering
2. Work with the planning department on the names of the streets to conform to the naming convention of the city
3. Per DU Approval

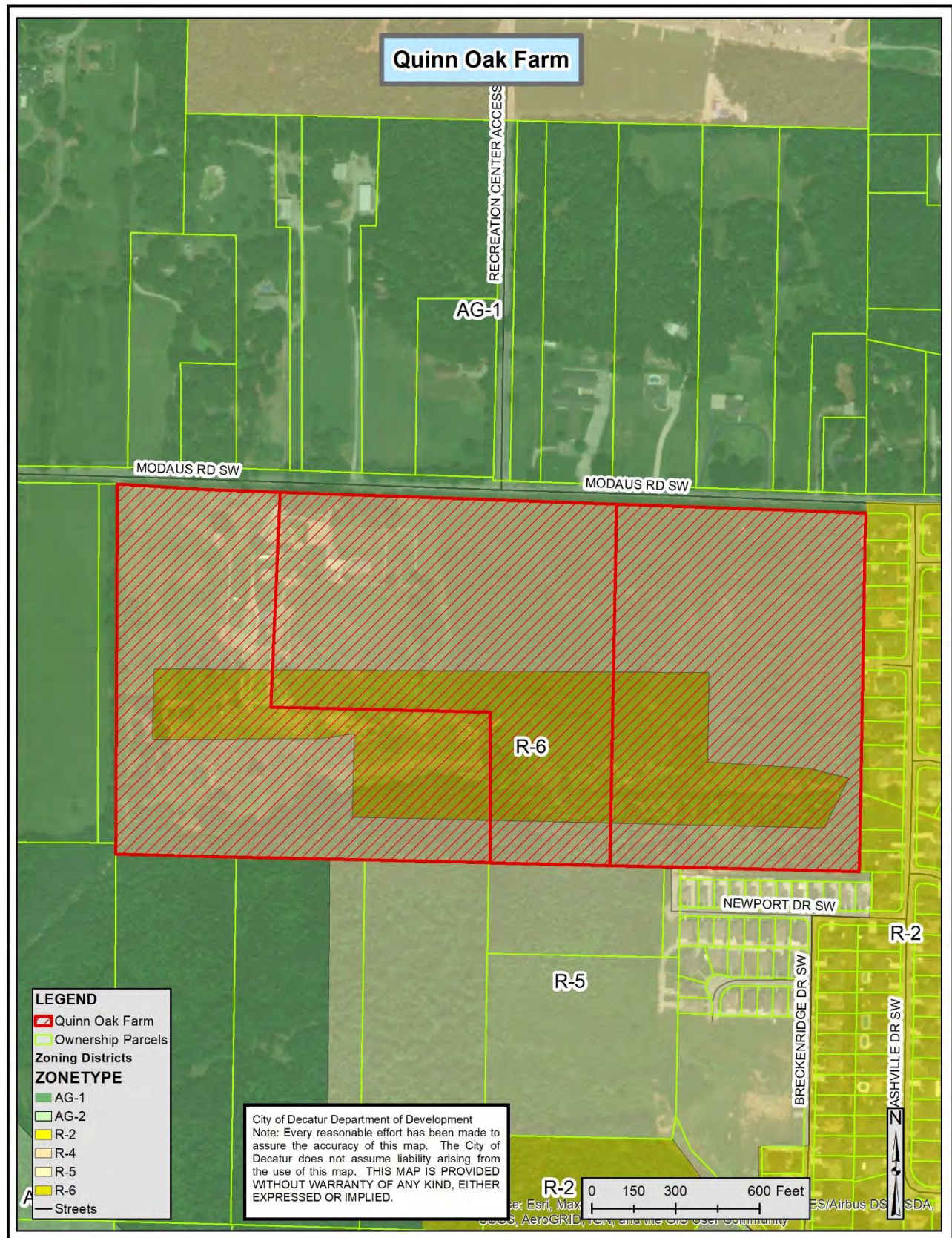
**Pt. of Info:**

1. Any relocation of utilities will be at the owner's expense
2. Due to changes to the layout since the original rezoning request, another rezoning may be required to align the zoning district boundaries with the new lot configuration













**CONSENT AGENDA****SITE PLANS**

**FILE NAME OR NUMBER:** Site Plan 641-22

**ACRES:** 0.56

**CURRENT ZONE:** B-4 (Regional shopping)

**APPLICANT:** Pugh Wright and McAnally for Cole Valley Partners

**LOCATION AND OR PROPERTY ADDRESS:** 1805 Beltline Rd SW

**REQUEST:** Site Plan Approval

**PROPOSED LAND USE:** Commercial-Coffee Shop

**ONE DECATUR FUTURE LAND USE:** Regional Mixed Use

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

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

1. Signed ALDOT affidavit needed
2. Lighting plan values on adjacent parcels needed
3. All pages need to be signed and sealed
4. Parking calculations needed
5. Verify that no part of the building extends into the 60ft setback
6. Per Engineering Approval

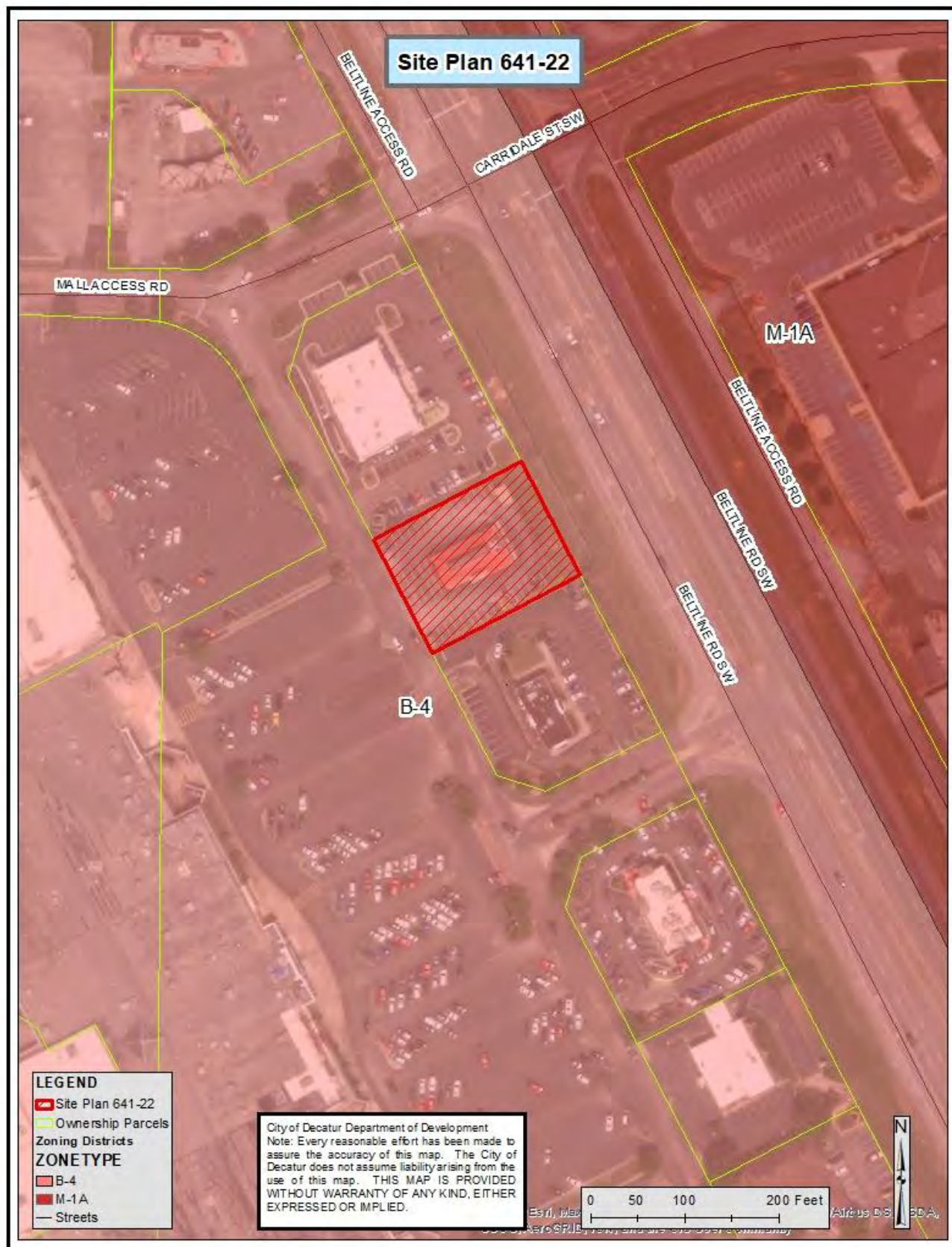
**Pt. of Info:**

1. Any relocation of utilities will be at the owner's expense
2. Will need to have a copy of cross access easement for ingress/egress onto Mall Perimeter Rd (private)
3. DU grease interceptor requirements will need to be met for this development













**FILE NAME OR NUMBER:** Site Plan 642-22

**ACRES:** 4.64

**CURRENT ZONE:** B-6 (Office District)

**APPLICANT:** Pugh Wright and McAnally for Morgan County Health Department

**LOCATION AND OR PROPERTY ADDRESS:** 3821 Hwy 31 South

**REQUEST:** Site plan approval

**PROPOSED LAND USE:** Commercial-Office Facility

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

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

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

**Conditions to be met:**

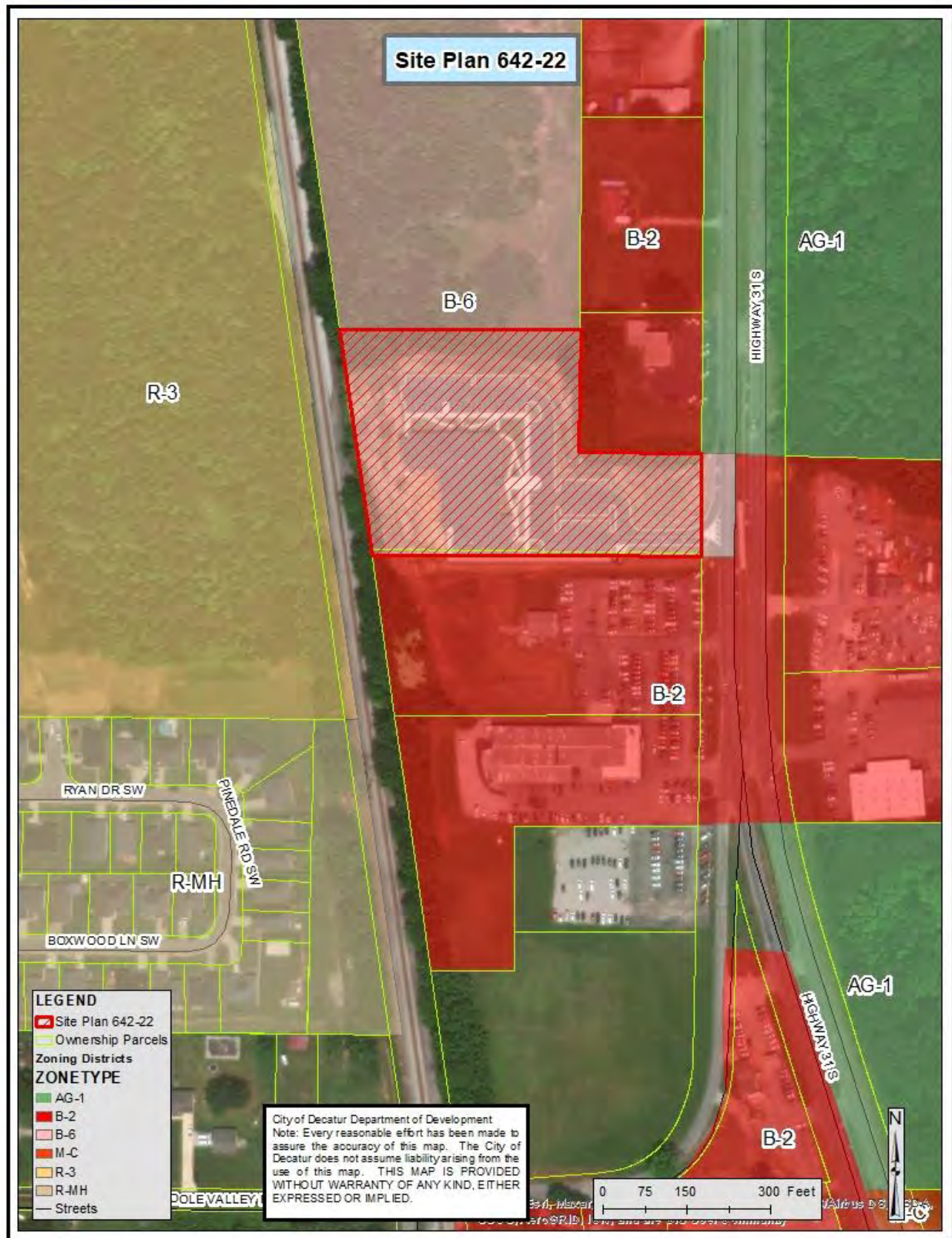
1. Signed ALDOT affidavit needed
2. Parking calculations needed

**Pt. of Info:**

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











**FILE NAME OR NUMBER:** Site Plan 643-22

**ACRES:** 2.3

**CURRENT ZONE:** B-2 (General Business)

**APPLICANT:** Pugh Wright and McAnally for Allen Lowman

**LOCATION AND OR PROPERTY ADDRESS:** 1822 Milligan St SW

**REQUEST:** Site Plan Approval

**PROPOSED LAND USE:** Commercial-Mini-Storage

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

**ONE DECATUR STREET TYPOLOGY:** Milligan St SW is a Local Street

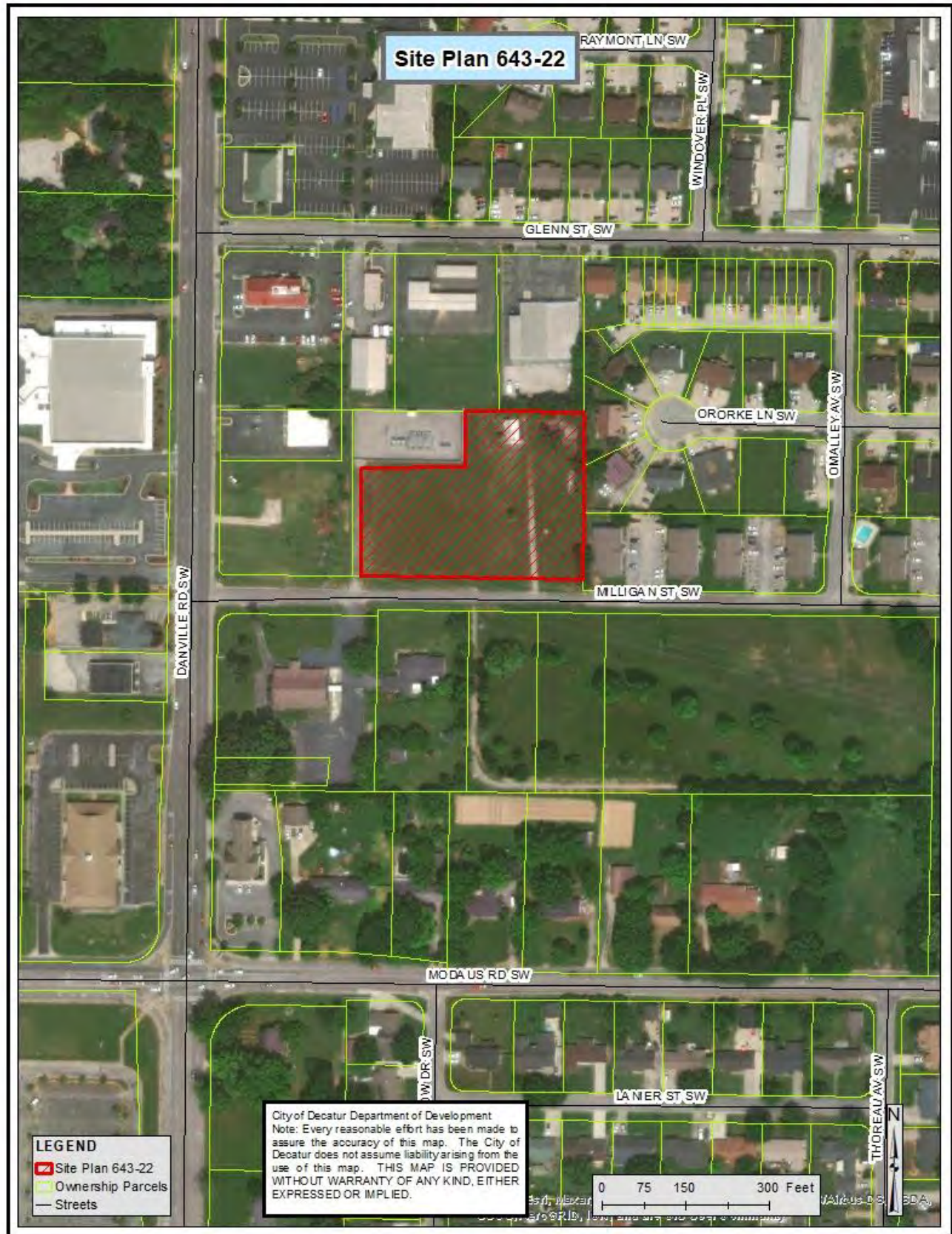
<b>COMMENTS AND RECOMMENDATIONS FROM TECHNICAL REVIEW COMMITTEE:</b>
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**Conditions to be met:**

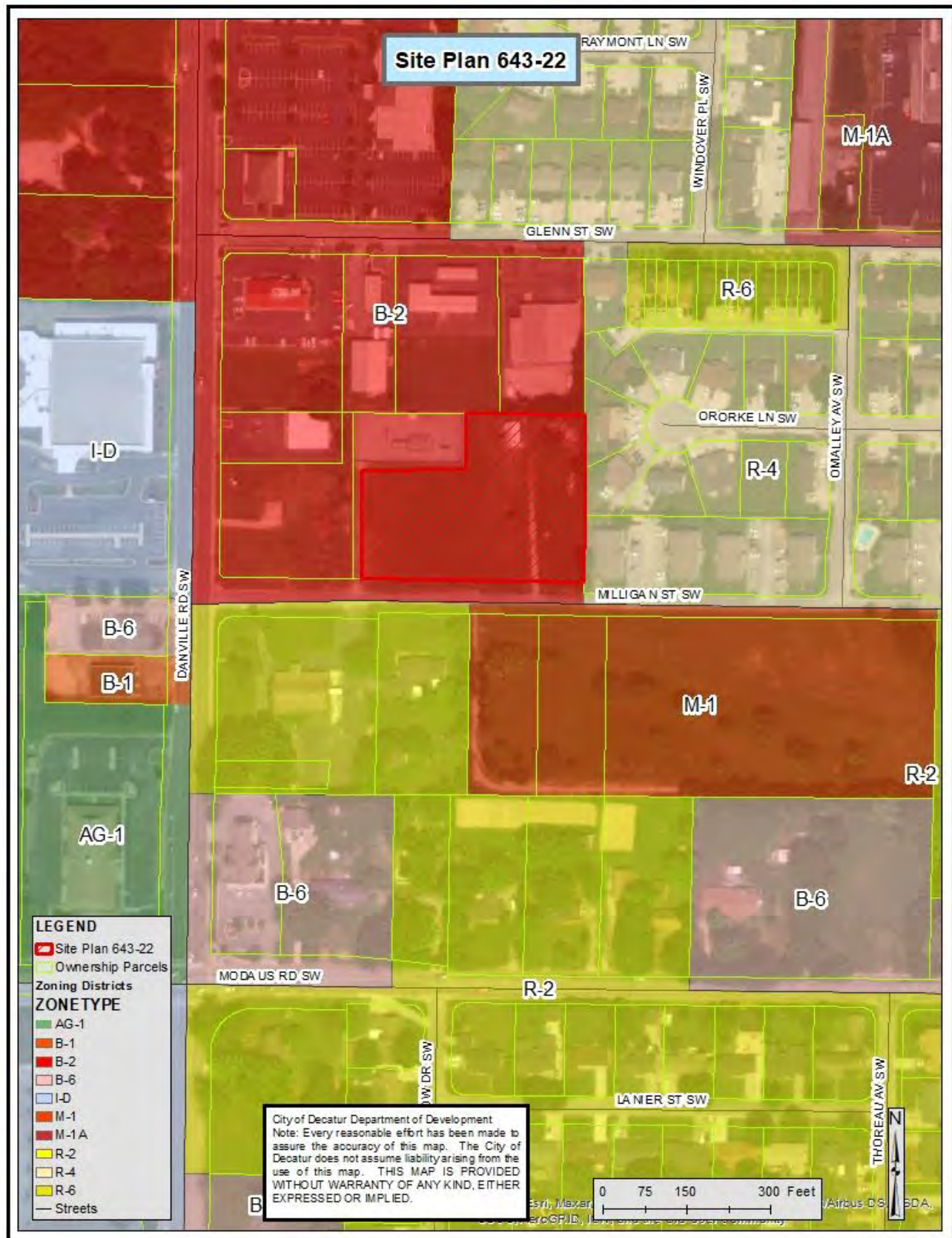
1. Landscaping plan needed
2. Lighting plan needed
3. Per DU Approval
4. Per Engineering Approval

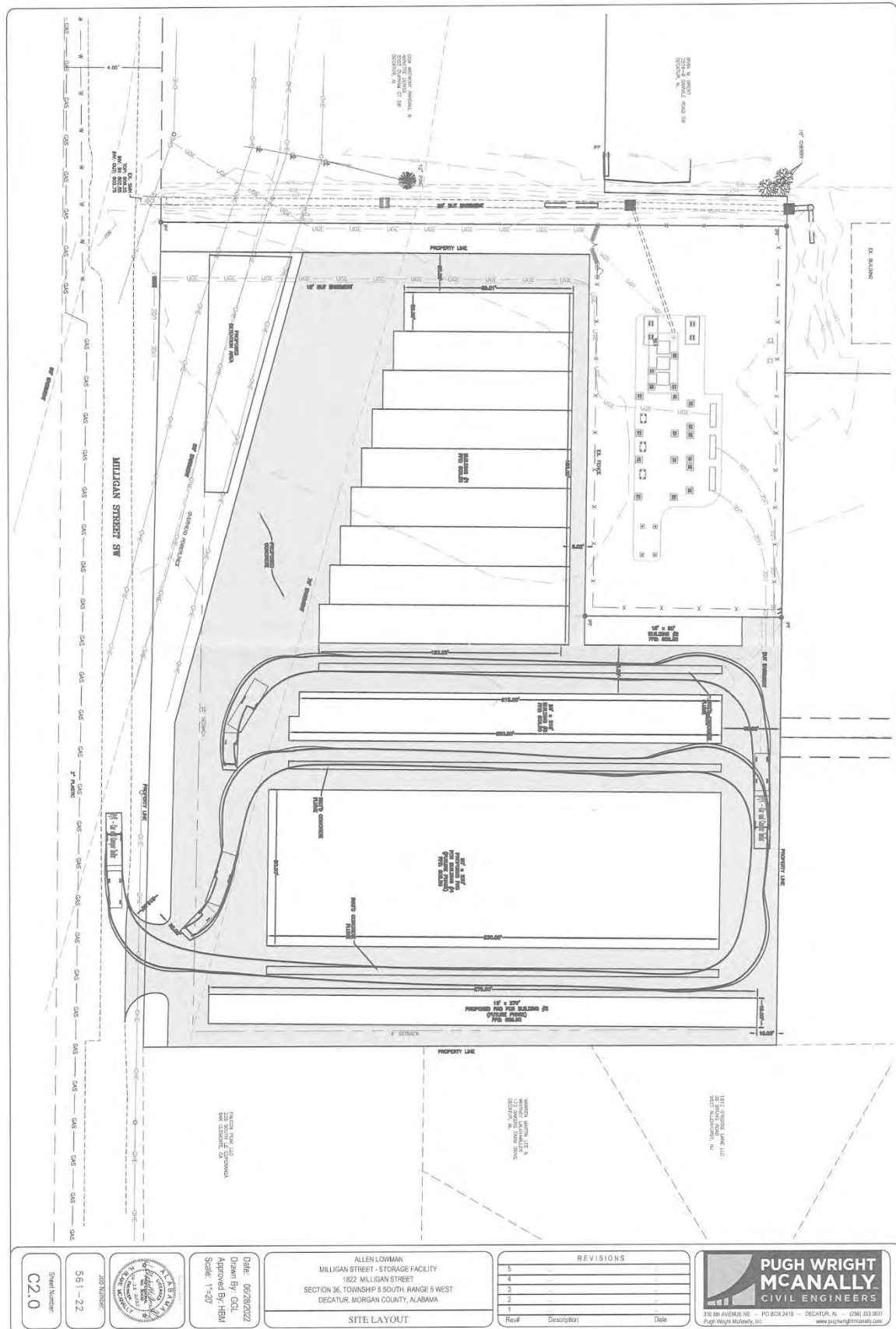
**Pt. of Info:**

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









**OTHER BUSINESS****ANNEXATIONS**

**FILE NAME OR NUMBER:** Annexation 371-22

**ACRES:** 1.86

**CURRENT ZONE:** None

**APPLICANT:** LBYD, Inc. for Castle Rock Global Holdings, LLC

**LOCATION AND OR PROPERTY ADDRESS:** South of 3102 Modaus Rd SW

**REQUEST:** Annex 1.86 acres

**PROPOSED LAND USE:** Single Family Residential (Patio Homes)

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

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

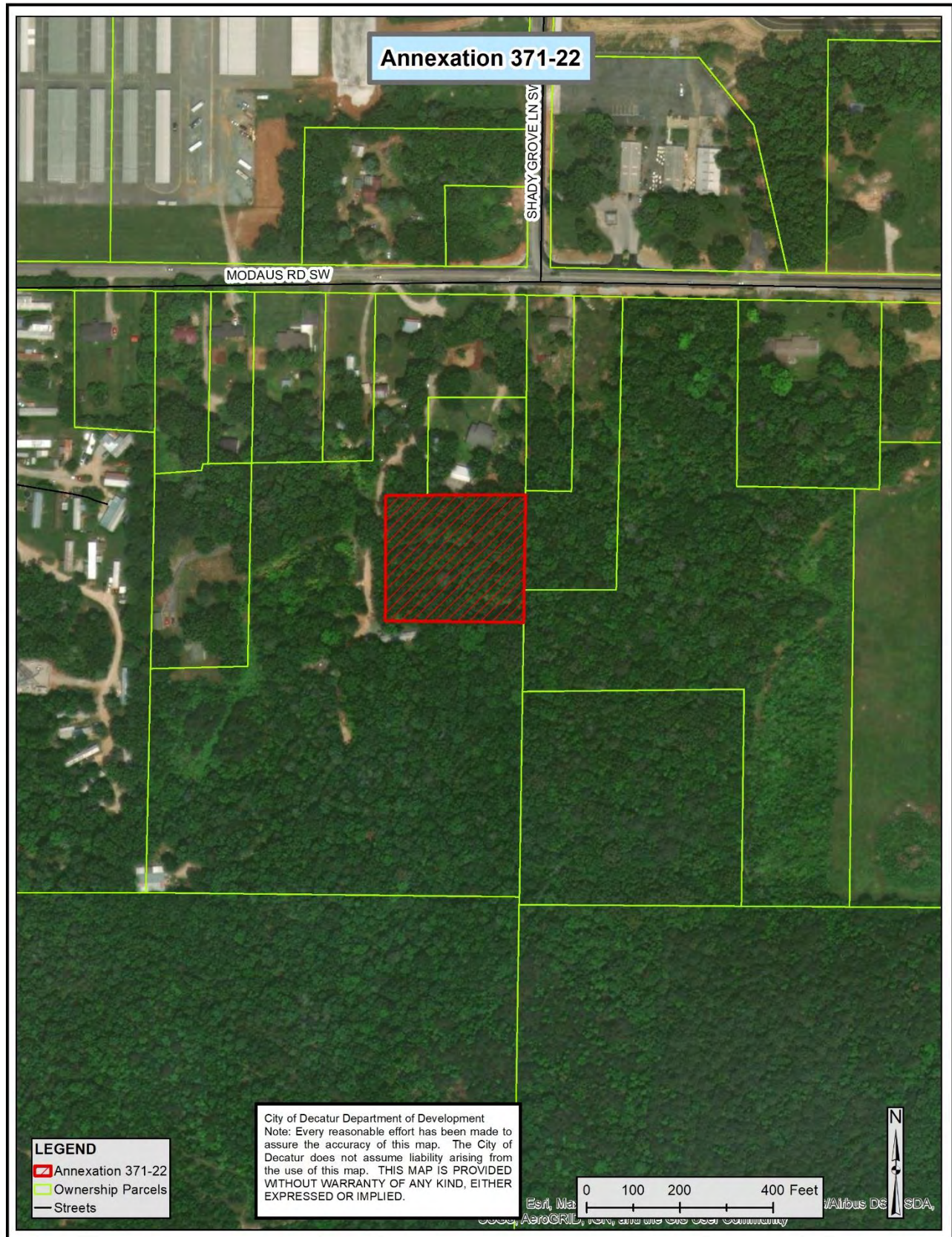
**COMMENTS AND RECOMMENDATIONS FROM TECHNICAL REVIEW COMMITTEE:****Conditions to be met:**

1. None

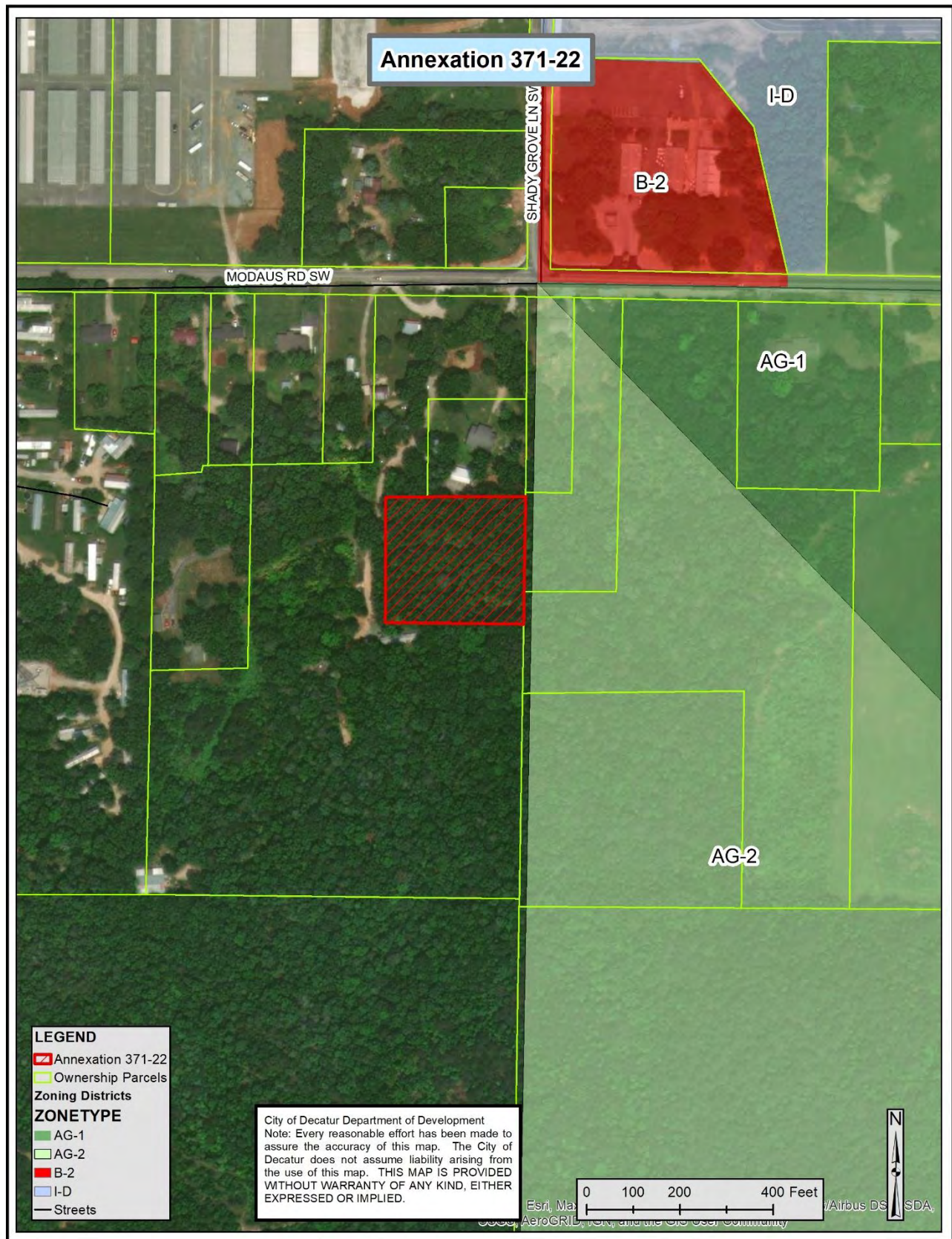
**Pt. of Info:**

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















**FILE NAME OR NUMBER:** Annexation 372-22

**ACRES:** 0.78

**CURRENT ZONE:** None

**APPLICANT:** David Burnett

**LOCATION AND OR PROPERTY ADDRESS:** 4318 Central Ave SW

**REQUEST:** Annex 0.78 acres

**PROPOSED LAND USE:** Single Family Residential

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

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

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

**Conditions to be met:**

1. None

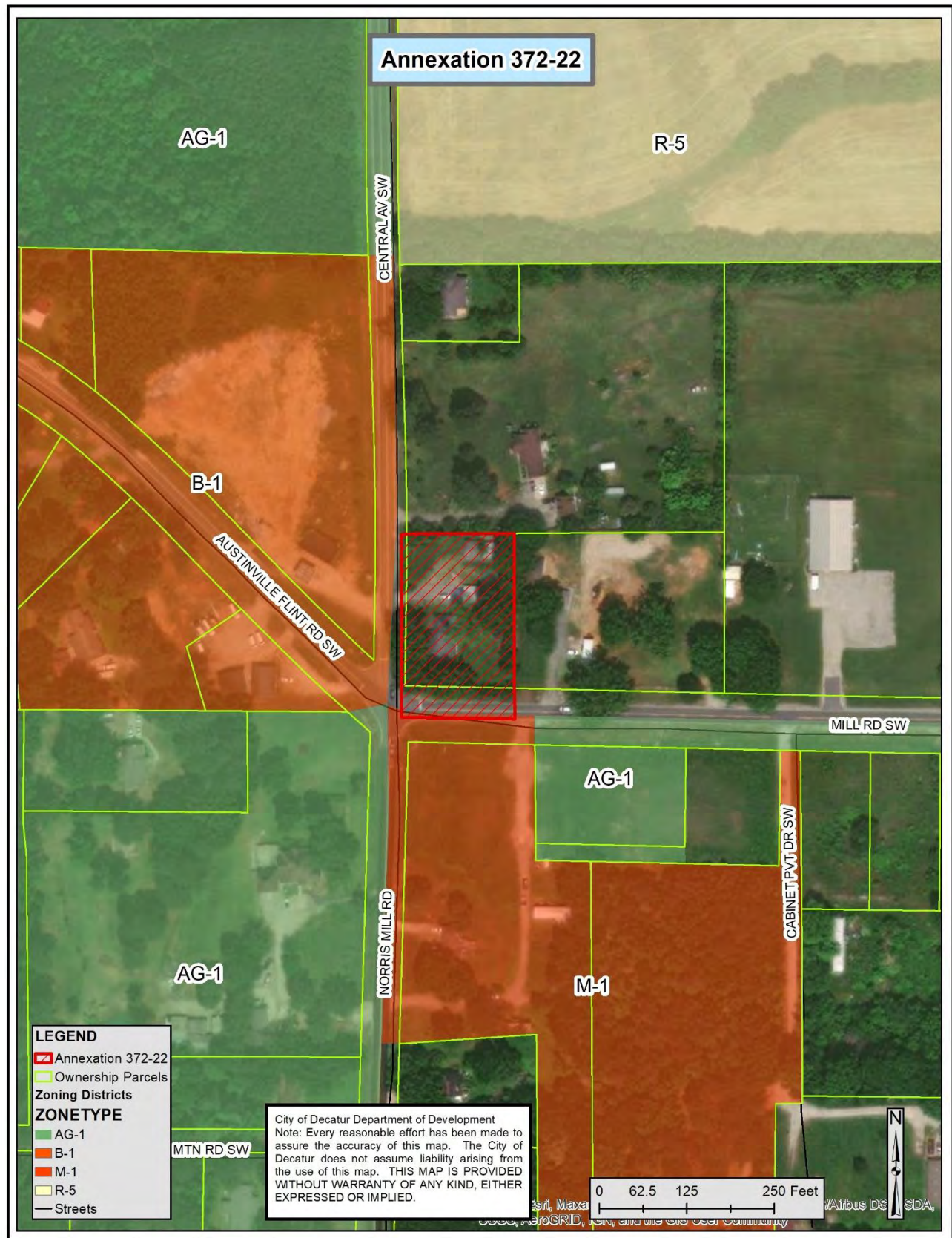
**Pt. of Info:**

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

There will be no sewer available at this location











**BOND REVIEWS**

**FILE NAME OR NUMBER:** Deerfoot Estates Addition 5 Bond Review

**ACRES:** Approx. 7.64

**CURRENT ZONE:** R-2 (Single Family Residential)

**APPLICANT:** IRA Innovations, LLC

**LOCATION AND OR PROPERTY ADDRESS:** N of Deerfoot Way, SW and E of Covington Lane, SW

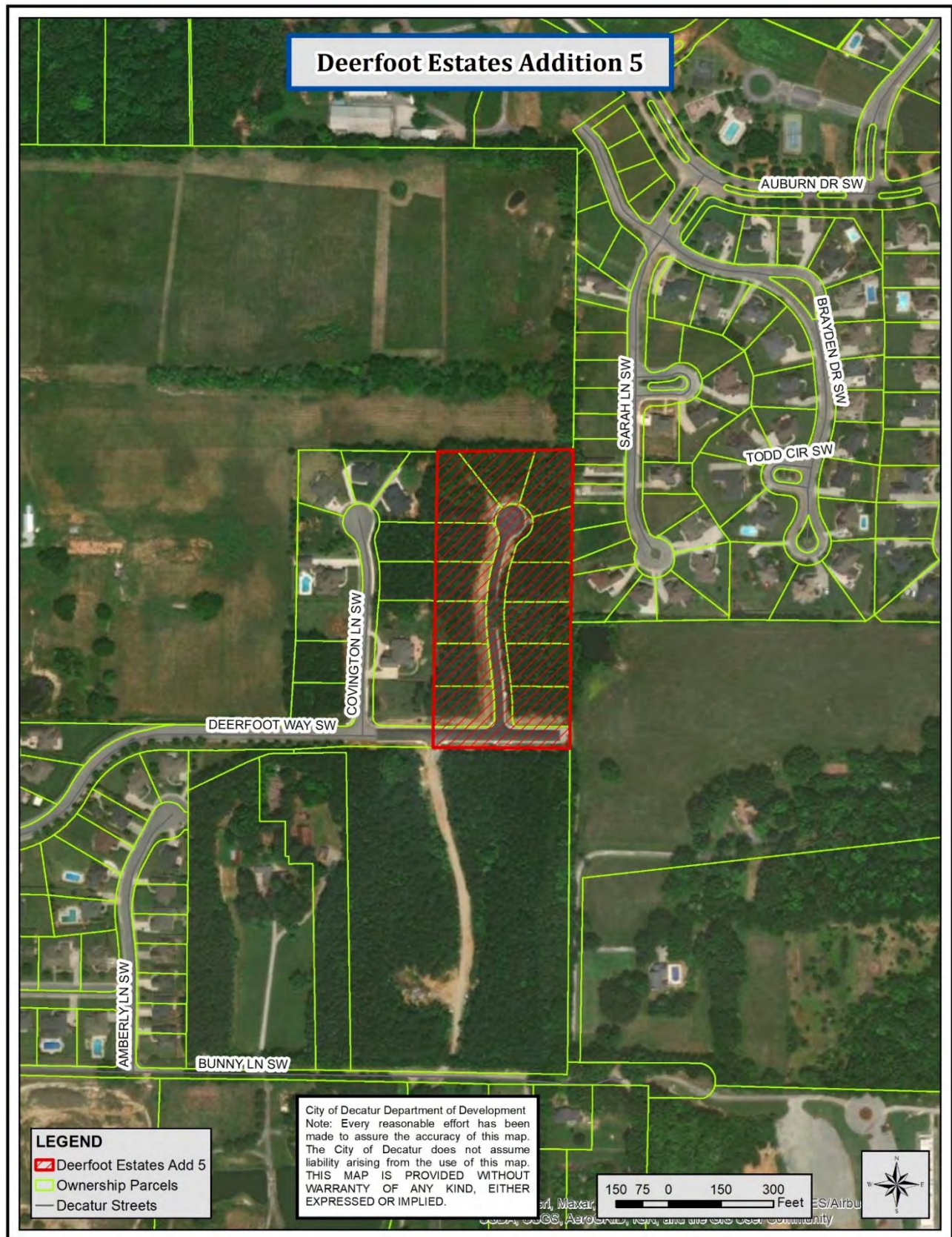
**REQUEST:** Planning Commission approval to accept a replacement bond from the new owner, extension of previous bond, or to call the bond if a new bond cannot be produced by the Planning Commission meeting.

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

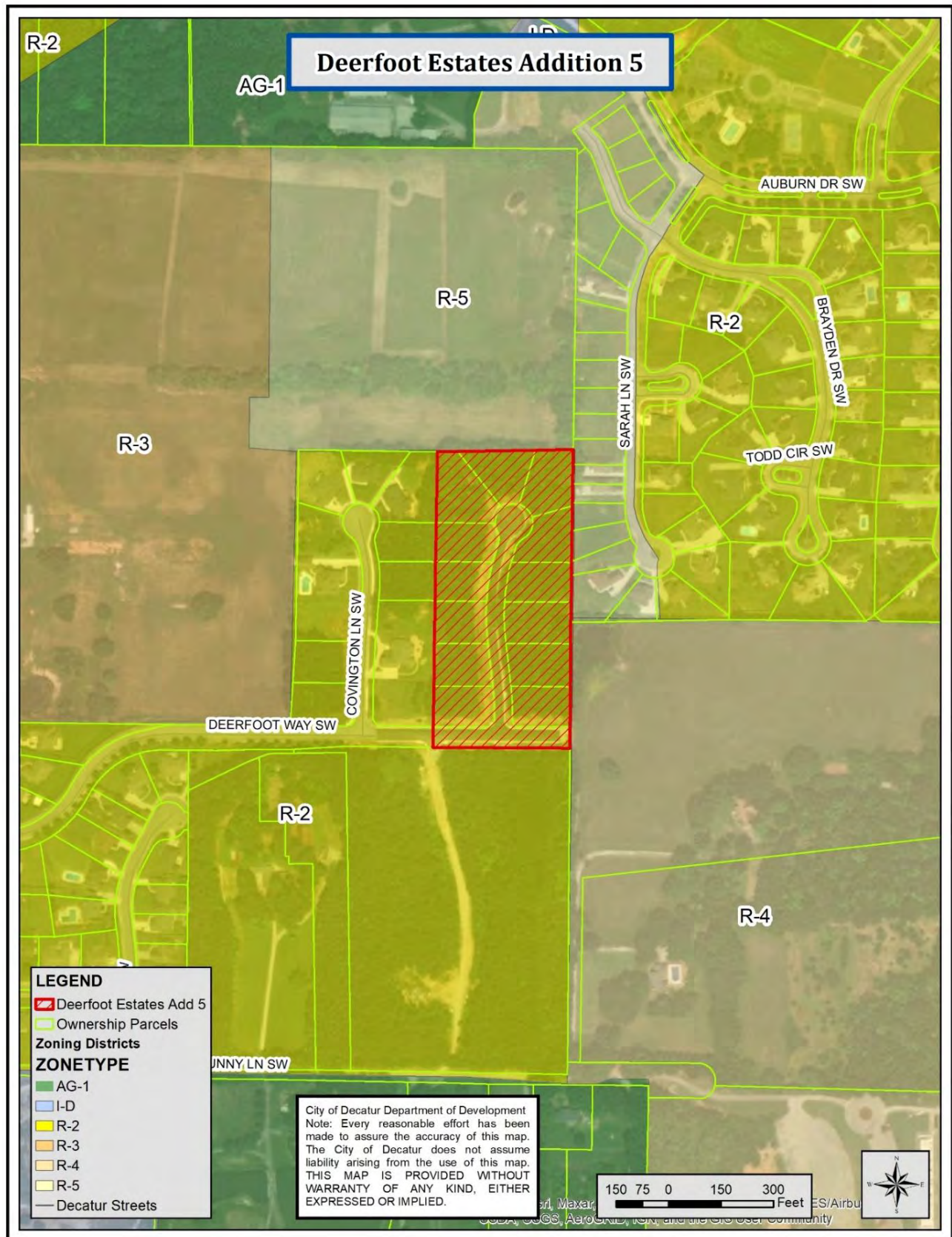
1. None

**Pt. of Info:**









**FILE NAME OR NUMBER:** Legacy Cove Phase 1-Bond Review

**ACRES:** 41.10

**CURRENT ZONE:** R-5

**APPLICANT:** Land Services, LLC

**LOCATION AND OR PROPERTY ADDRESS:** 2514 Point Mallard Dr. SE

**REQUEST:** To approve the release of Irrevocable Letter of Credit No. 555805, in the amount of \$205,000.00, for completion of base, paving and gutter improvements for Legacy Cove Subdivision.

**PROPOSED LAND USE:** Residential

**ONE DECATUR FUTURE LAND USE:** Riverfront Mixed Use

**ONE DECATUR STREET TYPOLOGY:** Point Mallard Dr is a City Connector

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

**Conditions to be met:**

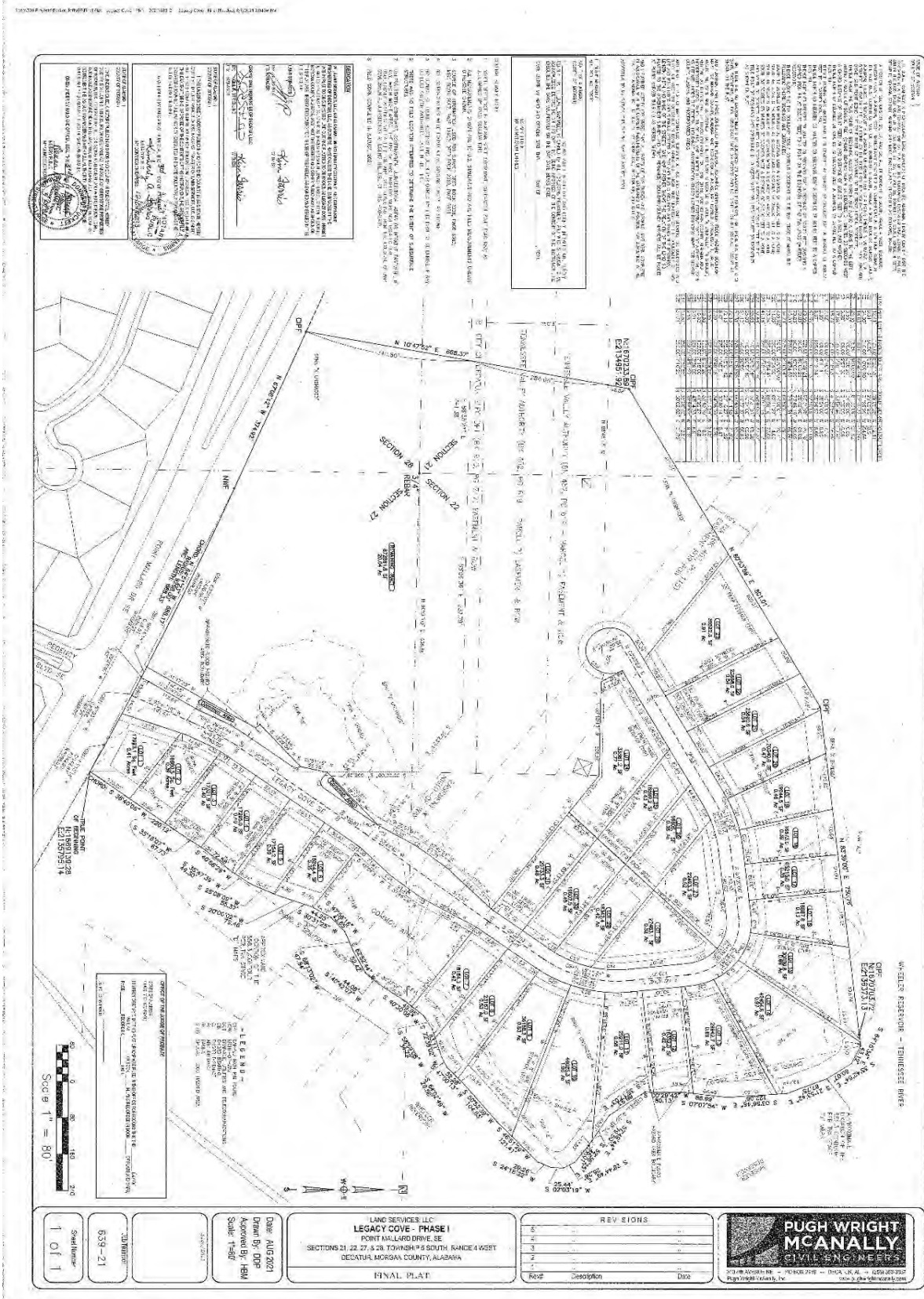
1. None

**Pt. of Info:**











**FILE NAME OR NUMBER:** Legacy Cove Phase 1-Bond Review

**ACRES:** 41.10

**CURRENT ZONE:** R-5

**APPLICANT:** Land Services, LLC

**LOCATION AND OR PROPERTY ADDRESS:** 2514 Point Mallard Dr. SE

**REQUEST:** To approve the release of Irrevocable Letter of Credit No. 555806, in the amount of \$50,000.00, for completion of sidewalk improvements for Legacy Cove Subdivision.

**PROPOSED LAND USE:** Residential

**ONE DECATUR FUTURE LAND USE:** Riverfront Mixed Use

**ONE DECATUR STREET TYPOLOGY:** Point Mallard Dr is a City Connector

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

**Conditions to be met:**

1. None

**Pt. of Info:**







**FILE NAME OR NUMBER:** Morris Holdings LLC Bond Review

**ACRES:** App. 116.94

**CURRENT ZONE:** R-3 & R-6

**APPLICANT:** Morris Holdings, LLC

**LOCATION AND OR PROPERTY ADDRESS:** East of Old River Road SE & North of Upper River Road

**REQUEST:** Reduction of Morris Holdings LLC Letter of Credit from \$80,000.00 to \$40,000.00. Letter of Credit is for Sanitary Sewer Extension on Upper River Road.

**PROPOSED LAND USE:** Single Family Residential

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

**ONE DECATUR STREET TYPOLOGY:** Old River Rd SE is an Urban Collector

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

**Conditions to be met:**

1. None

**Pt. of Info:**



67

**FILE NAME OR NUMBER:** River Road Estates Phase 2 Bond Review

**ACRES:** 15.37

**CURRENT ZONE:** R-3

**APPLICANT:** Old House, LLC

**LOCATION AND OR PROPERTY ADDRESS:** Approx. 3200 Old River Rd SE

**REQUEST:** Approval of Irrevocable Letter of Credit release in the amount of \$660,000.00 for completion of all improvements for River Road Estates Phase 2.

**PROPOSED LAND USE:** Single Family Residential

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

**ONE DECATUR STREET TYPOLOGY:** Old River Rd SE is an Urban Collector

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

**Conditions to be met:**

1. Per Engineering Approval

**Pt. of Info:**



