

MEMORANDUM

DATE: October 18th, 2022

TO: Planning Commissioners

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

PLANNING COMMISSION MEETING

October 18th, 2022

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

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

Agenda Planning Commission

City of Decatur, AL

October 18th, 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

PAGE/MAP

- | | | | | |
|----|----------|---------|------------------------|------|
| A. | Rezoning | 1408-22 | 749 Danville Rd SW | 1-6 |
| B. | Zoning | 1409-22 | 2319 Old Moulton Rd SW | 7-13 |

Minor Plats

- | | | |
|----|--|-------|
| A. | Replat of Lots 1 & 2, Repat of Paul Prince
Subdivision tracts 4, 5 & 10 | 14-17 |
|----|--|-------|

CONSENT AGENDA

Certificates

A. Certificate 3582-22	Pugh Wright and McAnally for Omega Hotel Group, LLC	18-21
B. Certificate 3583-22	Halliburton Surveying for Hospitality Acquisition Company, LLC	22-25

Subdivisions

A. Layout Plat	Foxwood Subdivision-Addition 4	26-29
B. Layout Plat	Ferguson Estates	30-33

OTHER BUSINESS

Vacation

A. Vacation 543-22	1205 Courtyard Circle SW	34-37
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Annexation

A. Annexation 373-22	App 2210 8 th St SW	38-41
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Resolution

A. Resolution 011-22	Fee Schedule Adjustment	42-43
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PUBLIC HEARING**ZONING**

FILE NAME OR NUMBER: Rezoning 1408-22

ACRES: 0.92

CURRENT ZONE: R-2 (Single Family Residential)

APPLICANT: Sheila Pirtle

LOCATION AND OR PROPERTY ADDRESS: 749 Danville Rd SW

REQUEST: Rezone 0.92 acres from R-2 to B-1

NEW ZONE: B-1 (Local Shopping District)

PROPOSED LAND USE: Commercial (Florist)

ONE DECATUR FUTURE LAND USE: Parks/Conservation Area

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

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

Zoning Committee was not in favor of this request

Conditions to be met**Pt. of Info:**

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

COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:





ZONING DISTRICT COMPARISON R-2 to B-1		October 11, 2022
SECTION	R-2	B-1
USES PERMITTED	<p>There is hereby created an R-2 Residential District for those areas so designated by this chapter and the zoning map of the city, which R-2 Districts shall allow: Single-family dwellings (see also regulations common to all "R" Districts, listed in section 25-10).</p> <p>a. (1)General requirements.a.Off-street parking and vehicle access shall be provided as set forth in section 25-16 hereof.b.A carport, porte-cochere, porch or structure part thereto, attached to or situated within five (5) feet of the main structure as defined in section 25-2 thereof, shall be considered as a part of the main building and shall be subject to the setback and side yard requirements of the district in which it is located.</p>	<p>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 laundrettes 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.</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</p>	<p>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.</p>

ZONING DISTRICT COMPARISON R-2 to B-1		October 11, 2022
SECTION	R-2	B-1
	and off premises sale of alcoholic beverage by clubs meeting the acreage requirements above when duly licensed as a class I or class II club by the city and the state alcoholic beverage control board under and pursuant to the Alcoholic Beverage Licensing Code.	
USES PROHIBITED	Uses prohibited: Except as expressly permitted, or permitted on appeal, the following uses are prohibited in all residential districts, including without limitation planned residential development districts, specialty and restricted residential districts: ("R" Districts): All buildings, structures and units constructed off-site (except for modular homes as in section 25-2) without regard to whether or not such building, structures or units are designed and built in compliance with state or federal standards, including without limitation, mobile homes, manufactured homes, house trailers, and trailer coaches; trailer or manufactured home parks, courts or camps, and commercial and industrial uses, including parking lots and parking areas in connection with any of these uses, not specifically permitted.	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.
MINIMUM LOT AREA	Minimum lot area: Ten thousand (10,000) square feet.	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	Maximum building area: None specified.	None specified.
MINIMUM FRONT YARD	Minimum front yard setback: Thirty-five (35) feet	Twenty-five (25) feet.
MINIMUM REAR YARD SETBACK	Minimum rear yard setback: Forty (40) feet.	20 feet

ZONING DISTRICT COMPARISON R-2 to B-1		October 11, 2022
SECTION	R-2	B-1
MINIMUM SIDE YARD SETBACK	Minimum side yard setbacks: Eight (8) feet.	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.
MINIMUM FEET AT BUILDING LINE	Minimum feet at building line: Seventy (70) feet.	None specified
MAXIMUM BUILDING HEIGHT	Maximum building height: Thirty-five (35) feet.	None specified.
MAXIMUM HEIGHT IN STORIES	Maximum height in stories: Two and one-half (2½).	None specified.
OFF STREET PARKING	(1) Residential. In all cases of new structures, provision for the Off-street parking and vehicle access shall be provided as set forth in section 25-16 hereof. Parking of two (2) vehicles shall be provided for the use of the occupants of each dwelling unit.	Off-street parking: See § 25-16.
OFF-STREET UNLOADING	None specified.	Shall use required rear or side yard for loading and unloading..

FILE NAME OR NUMBER: Zoning 1409-22

ACRES: 11.31

CURRENT ZONE: None

APPLICANT: City of Decatur

LOCATION AND OR PROPERTY ADDRESS: 2319 Old Moulton Rd SW

REQUEST: Zone newly annexed parcel to M-1A

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

PROPOSED LAND USE: Commercial

ONE DECATUR FUTURE LAND USE: Community Commercial/Flex Employment Center

ONE DECATUR STREET TYPOLOGY: Old Moulton Rd SW is a Minor Arterial

COMMENTS AND RECOMMENDATIONS FROM ZONING COMMITTEE:
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Comments from Zoning Committee

Zoning Committee was in favor of this request

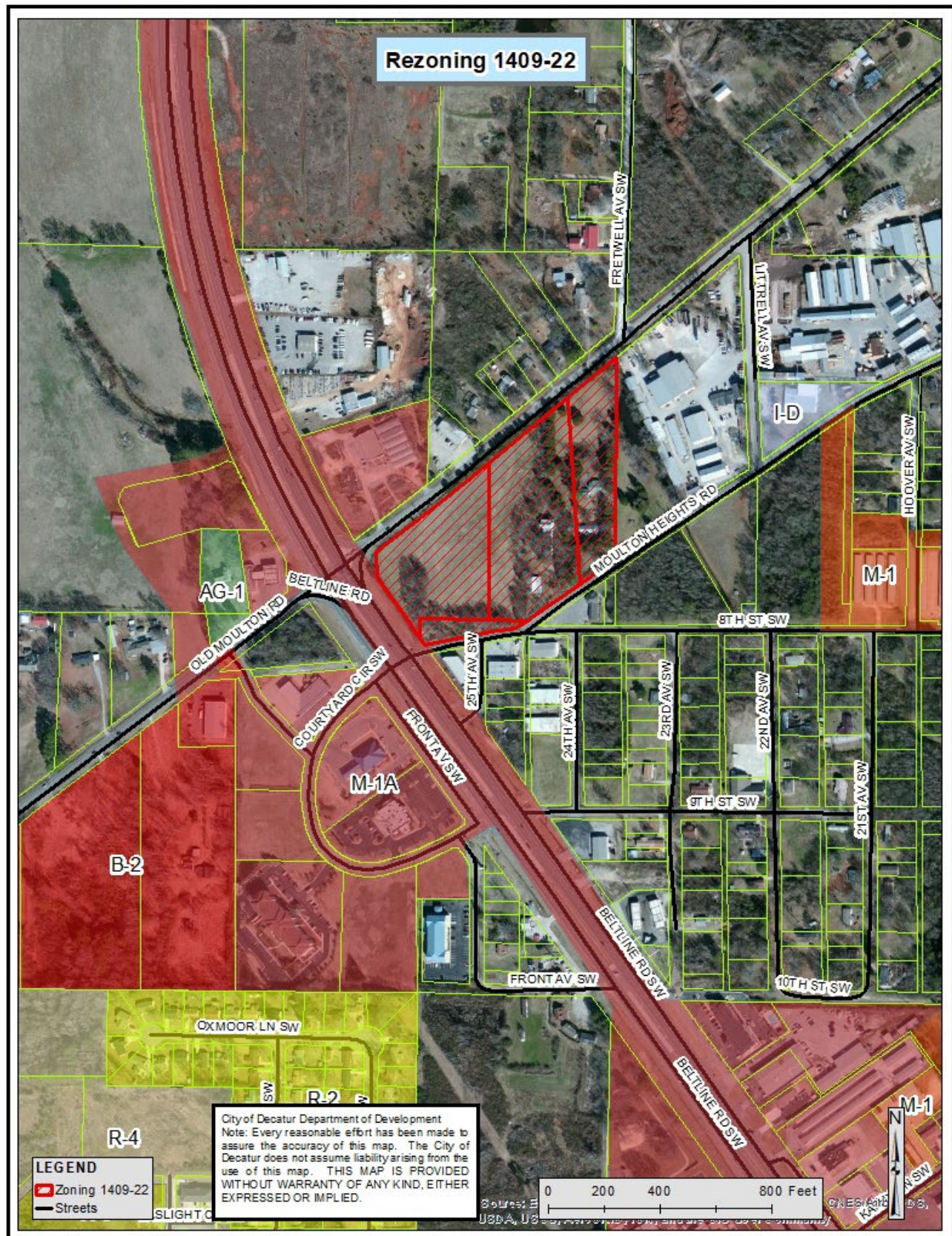
Conditions to be met

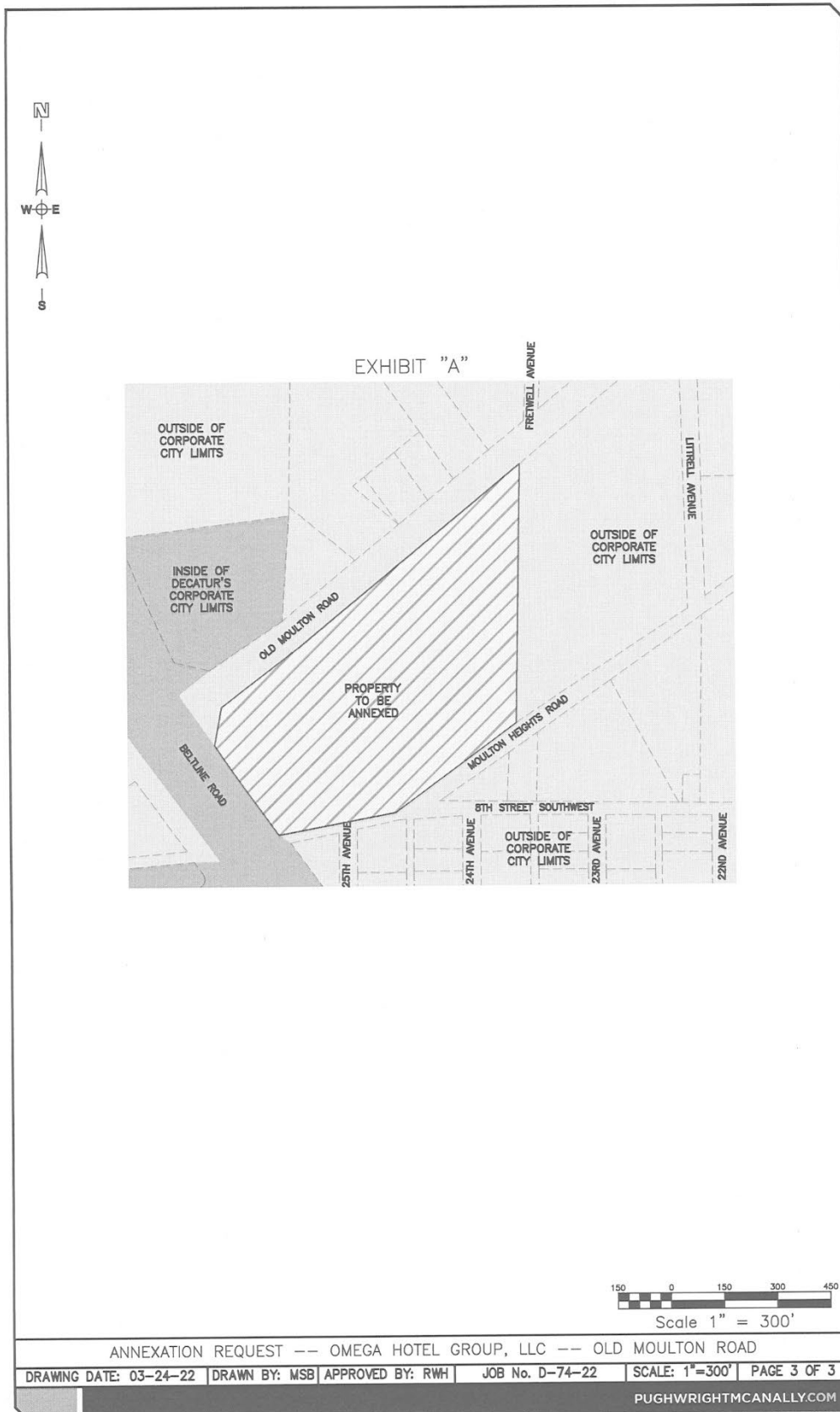
Pt. of Info:

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

COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:







ZONING DISTRICT COMPARISON None to M-1A		October 11, 2022
SECTION	None	M-1A
USES PERMITTED		<p>On premises sale and off premises sale of alcoholic beverages; public and semi-public uses, including governmental buildings, hospitals, clinics, churches, schools, academies, and clubs; 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 of service not specifically restricted or prohibited; provided that special consideration is given for the development of all uses and their relationship to the adjoining service roads providing direct access, or adjoining "expressways" or other major arterial as designated by the major thoroughfare plan which may provide direct, or indirect access via a service road. The plat and plan of the proposed use and any subsequent addition thereto shall be submitted and have the approval of the planning commission before any structures or uses are authorized in these districts and before a building</p>

ZONING DISTRICT COMPARISON None to M-1A		October 11, 2022
SECTION	None	M-1A
		permit is issued for any structure or certificate of occupancy given for any use not requiring a structure.
USES PERMITTED ON APPEAL		Light industrial operations not obnoxious, offensive or detrimental to neighboring property by reason of dust, smoke, vibration, noise, odor, or effluents; mobile home parks, provided such parks are laid out and utilities are made available for not less than ten trailers or mobile homes; and any use permitted in an R-4 Residential District, provided such use shall be subject to all district requirements thereof as set forth and specified in section 25-10 hereof, other than the maximum height provision set forth therein which shall not be applicable, provided however no such use permitted on appeal shall have direct access to the Beltline Road (Alabama Highway 67) unless such applicant shall present to the board of zoning adjustment a limited access plan in writing, approved by the city engineer, or other duly designated authority, which plan must meet the approval of the board, and be a condition of any grant or approval by such board.
USES PROHIBITED		Stockyard; live animals or poultry sales; coal yards; lumber mills; auto wrecking; grist or flour mills; ice plants; junk scrap paper, rag, storage or bailing; stone or monument works. Any use as determined by Building Director whose operations would be obnoxious, offensive, or detrimental to neighborhood property by reason of dust, smoke, vibration, noise, odor, effluence, or appearance.
MINIMUM LOT SIZE		It is the intent of the ordinance that lots of sufficient size be used for any

ZONING DISTRICT COMPARISON None to M-1A		October 11, 2022
SECTION	None	M-1A
		use to provide adequate off-street parking and off-street loading space in addition to the space required for the other normal operations of the enterprise or use.
MINIMUM YARD SIZE W/ SETBACKS		Sixty (60) foot minimum set back from and along the Beltline Road; thirty-five (35) foot minimum set back from and along all other public street rights-of-way; thirty-five (35) foot minimum rear yard; and no side yard required excepting a lot adjoining its side lot line another lot which is in a residential district there shall be a twenty-five (25) foot minimum yard size. Gasoline pump islands (uncovered) may be placed within the front yard or set back area along the Beltline Road provided they maintain a thirty-five (35) foot minimum set back from all public street rights-of-way. In the event of conflict between any of the provisions herein, the stricter of such provisions shall apply.
MAXIMUM BUILDING AREA		40 per cent of lot area including specified yard space providing that required off-street parking and off-street loading and unloading areas are provided.
MAXIMUM BUILDING HEIGHT		None
OFF STREET PARKING		See § 25-16 .
OFF-STREET LOADING AND UNLOADING		Adequate space for loading and unloading of all vehicles or trucks incidental to the operation of the business or use shall be provided.

FILE NAME OR NUMBER: Replat of Lots 1 & 2-Replat of Paul Prince Subdivision Tracts 4, 5 & 10

ACRES: 1.68

CURRENT ZONE: AG-1 (Agriculture)

APPLICANT: Lee Green and Associates for Wayne Barker

LOCATION AND OR PROPERTY ADDRESS: 2102 & 2104 Shady Grove Ln SW

REQUEST: Approve minor plat

PROPOSED LAND USE: Residential

ONE DECATUR FUTURE LAND USE: Residential, low (density)

ONE DECATUR STREET TYPOLOGY: Shady Grove Ln SW is a Minor Arterial

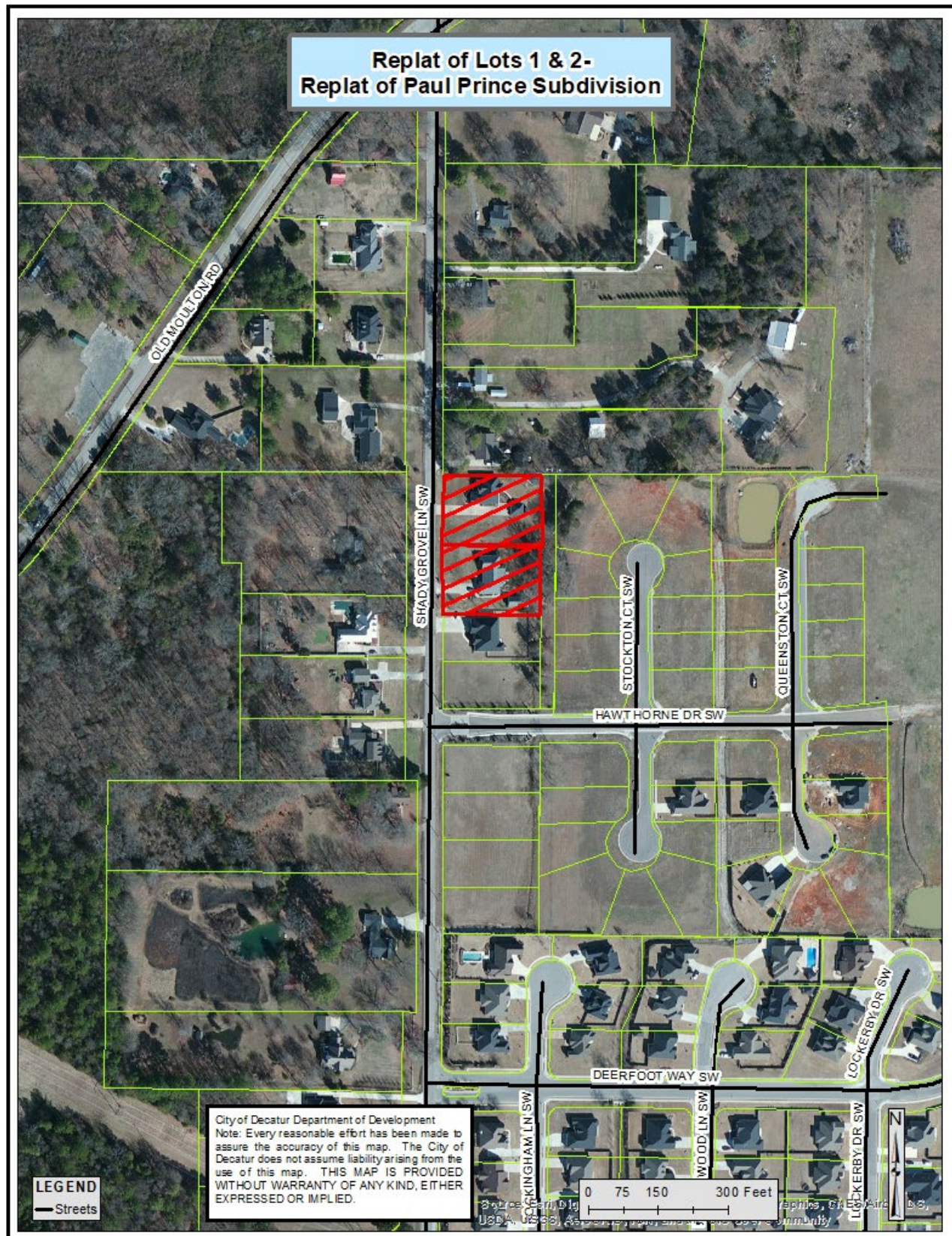
COMMENTS AND RECOMMENDATIONS FROM TECHNICAL REVIEW COMMITTEE:
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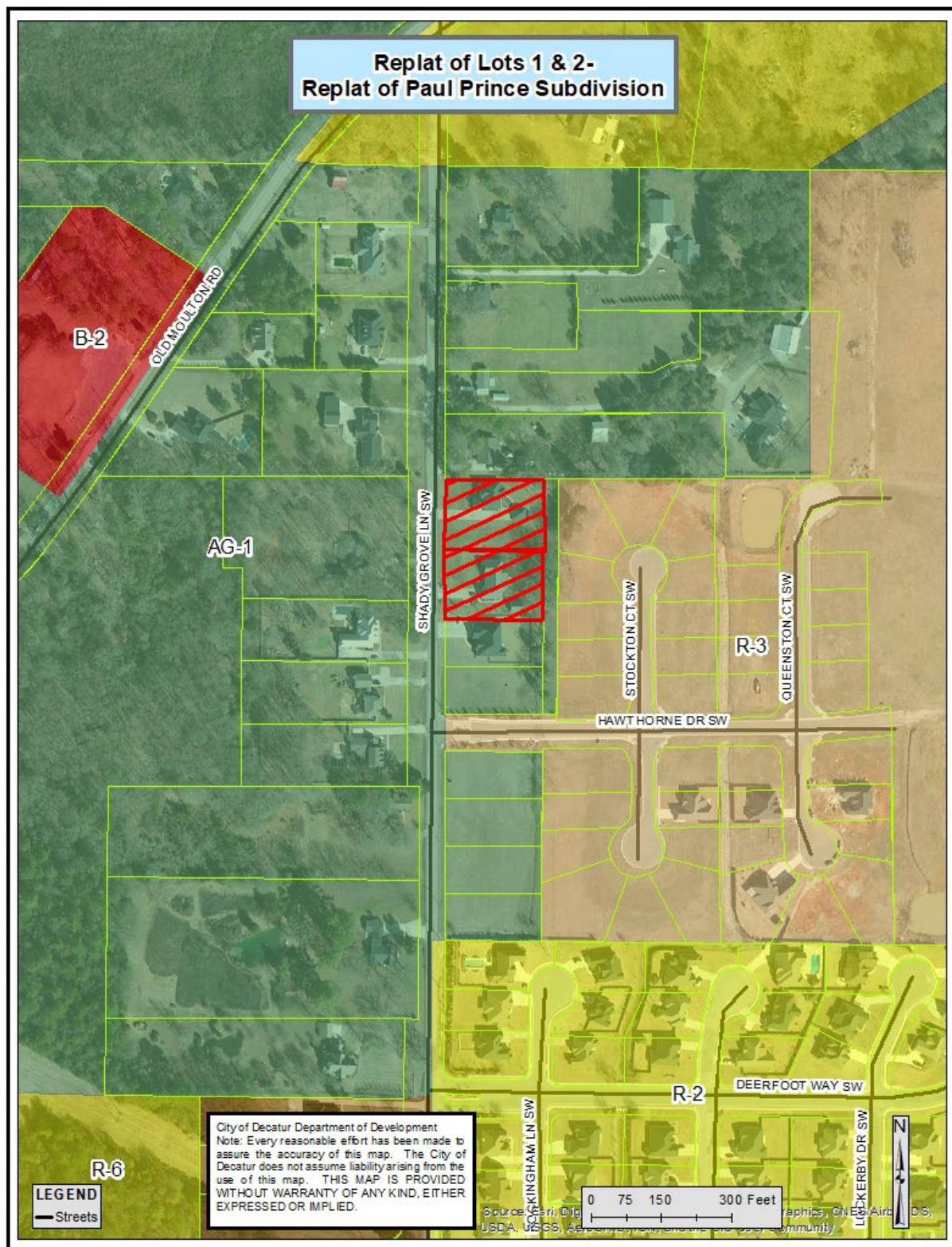
Conditions to be met:

1. Need copy of deed
2. Need recording fees
3. Need fees for APO letters
4. Need signed and sealed plat with state plane coordinates
5. Need application fees
6. Need topo map

Pt. of Info:

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







CONSENT AGENDA

FILE NAME OR NUMBER: Certificate 3582-22

ACRES: 10.80

CURRENT ZONE: None-In Process

APPLICANT: Pugh Wright and McAnally for Omega Hotel Group, LLC

LOCATION AND OR PROPERTY ADDRESS: 2319 Old Moulton Rd SW

REQUEST: Consolidate five lots into one parcel of 10.80 acres

PROPOSED LAND USE: Commercial

ONE DECATUR FUTURE LAND USE: Community Commercial/Flex Employment Center

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

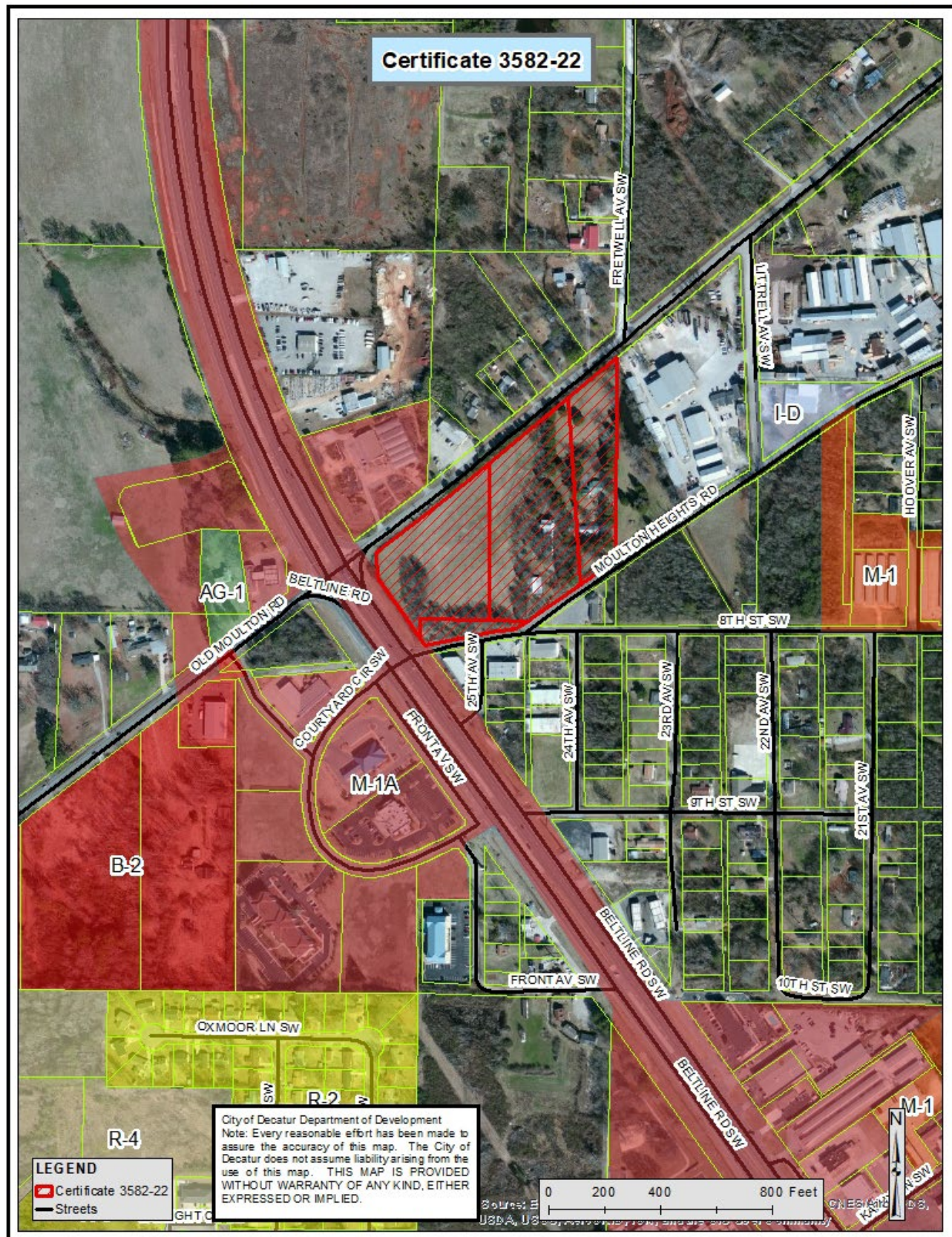
COMMENTS AND RECOMMENDATIONS FROM TECHNICAL REVIEW COMMITTEE:**Conditions to be met:**

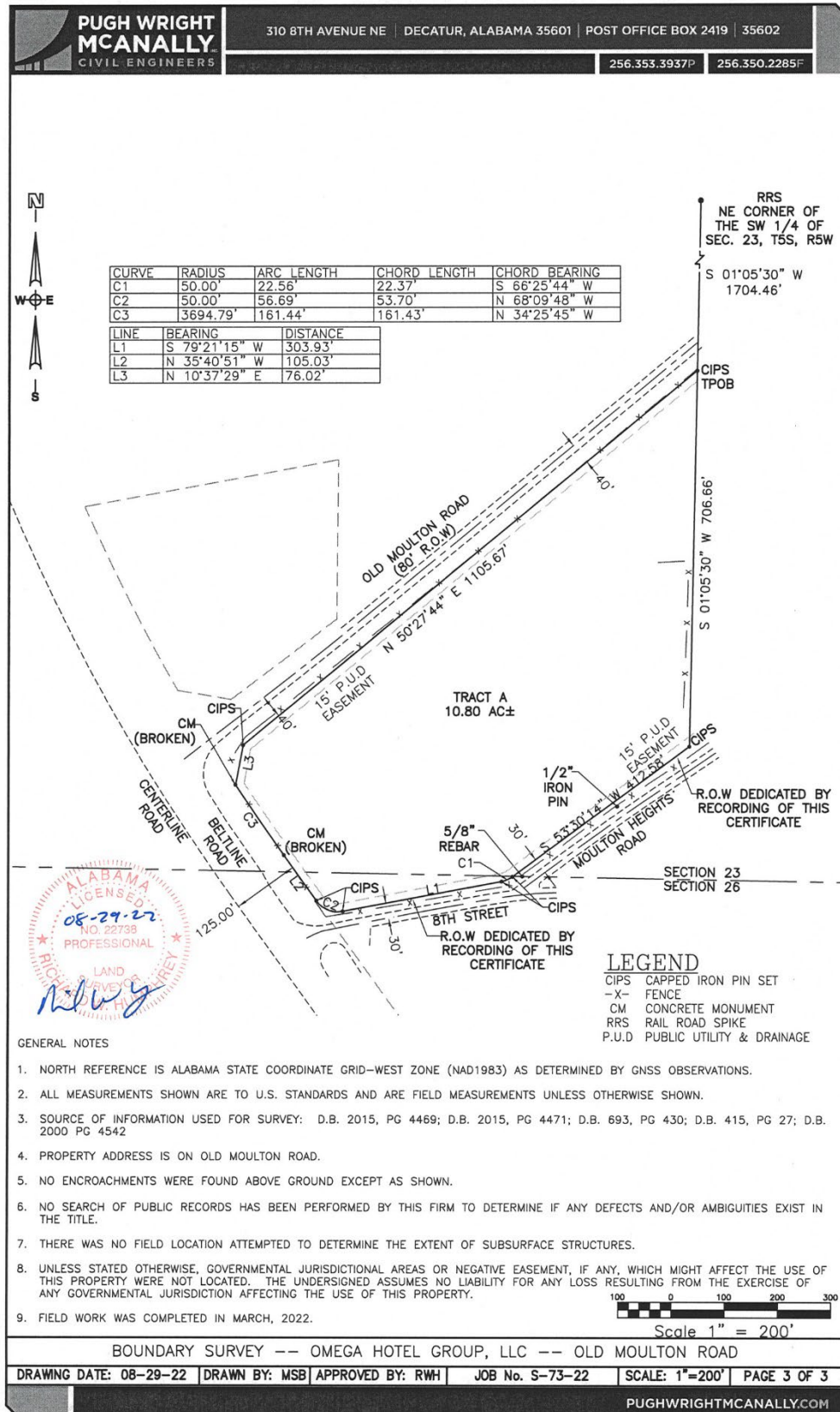
1. Need recording fees
2. Need state plane coordinates
3. 15 foot easements needed along all street frontages

Pt. of Info:

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







FILE NAME OR NUMBER: Certificate 3583-22

ACRES: 2.84

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

APPLICANT: Halliburton Surveying for Hospitality Acquisition Company, LLC

LOCATION AND OR PROPERTY ADDRESS: 1205 Courtyard Circle SW

REQUEST: Consolidate two parcels of 1.35 & 1.49 acres into one parcel of 2.84 acres

PROPOSED LAND USE: Commercial

ONE DECATUR FUTURE LAND USE: Community Commercial

ONE DECATUR STREET TYPOLOGY: Courtyard Circle SW is a Local Street

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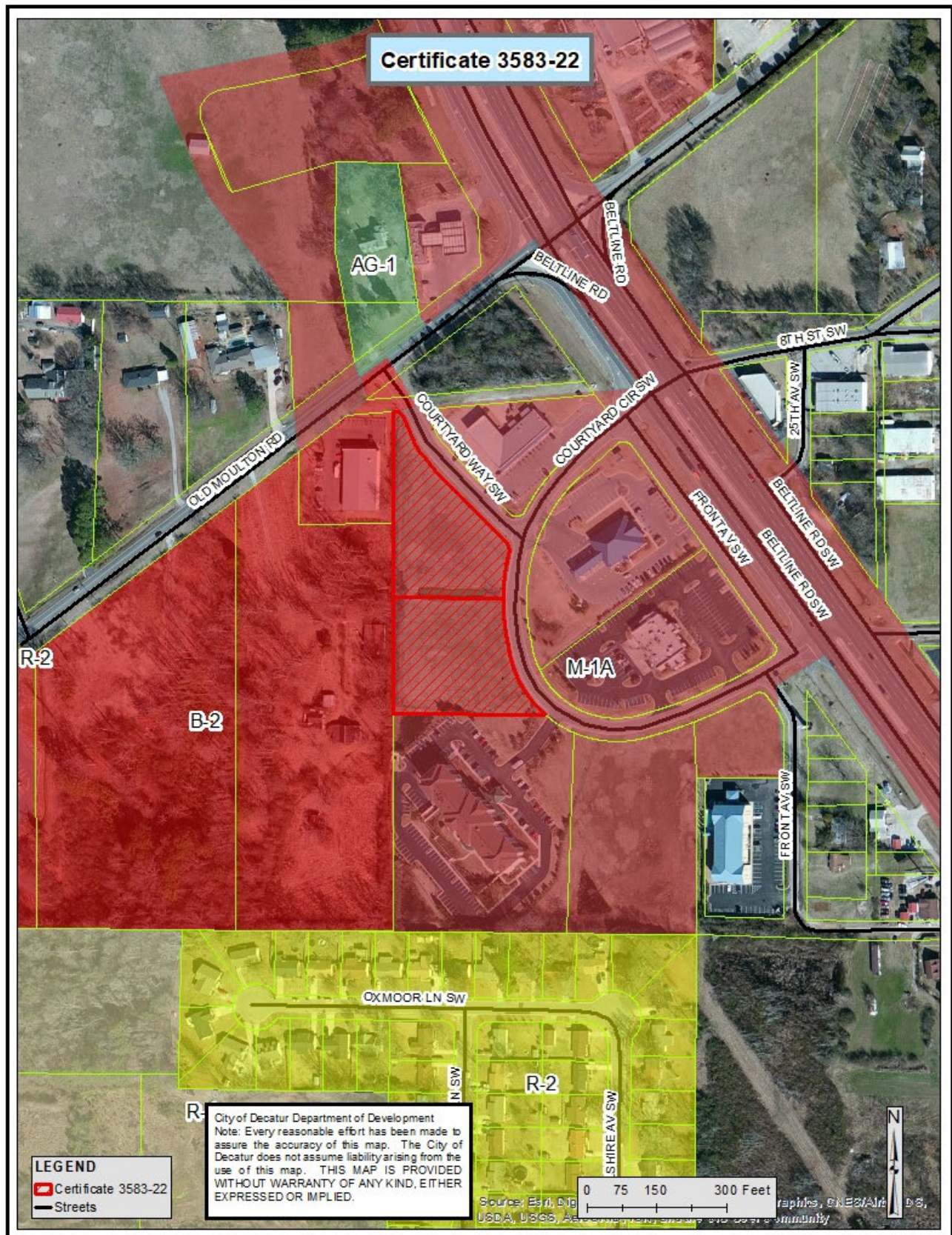
Conditions to be met:

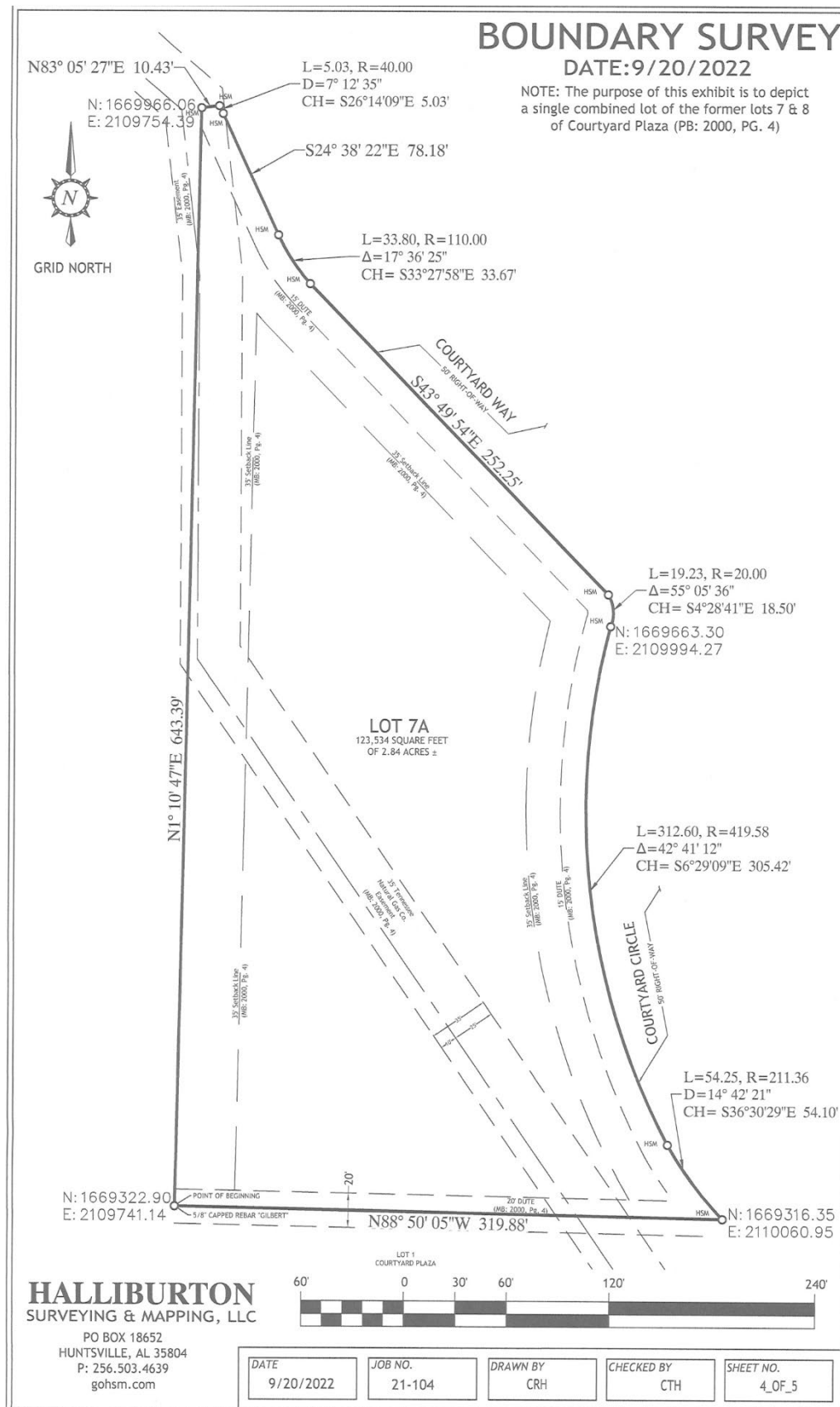
1. Need recording fees
2. 15 foot easements needed along street rights-of-way

Pt. of Info:

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







FILE NAME OR NUMBER: Foxwood Subdivision-Addition 4

ACRES: Approx. 18.23

CURRENT ZONE: R-3 (Single Family Residential)

APPLICANT: Pugh Wright McAnally for Poole Properties, LLC

LOCATION AND OR PROPERTY ADDRESS: 4403 Foxwood Dr SE

REQUEST: Approve layout plat

PROPOSED LAND USE: Residential

ONE DECATUR FUTURE LAND USE: Residential, low (density)

ONE DECATUR STREET TYPOLOGY: Foxwood Dr SE is a Local Street

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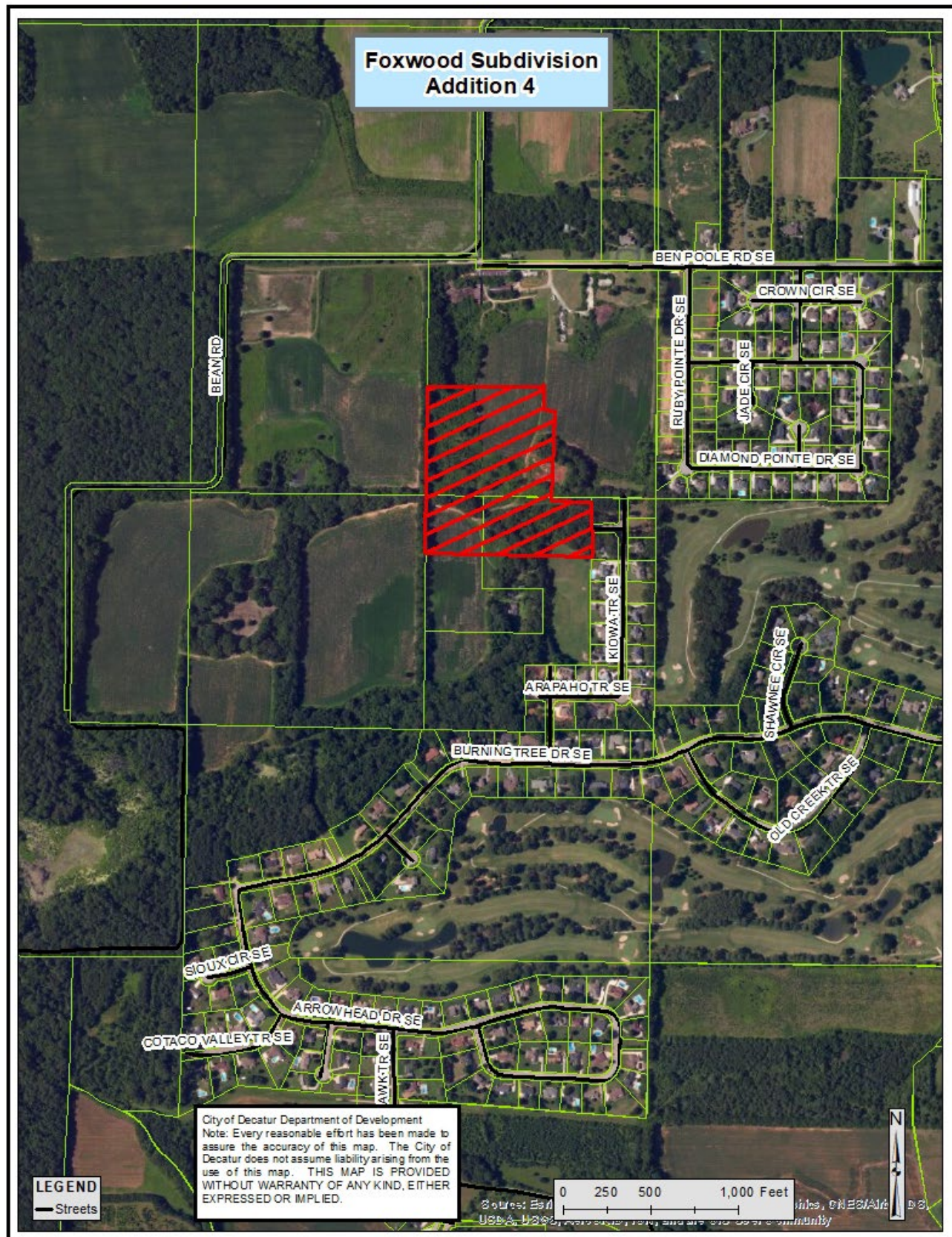
Conditions to be met:

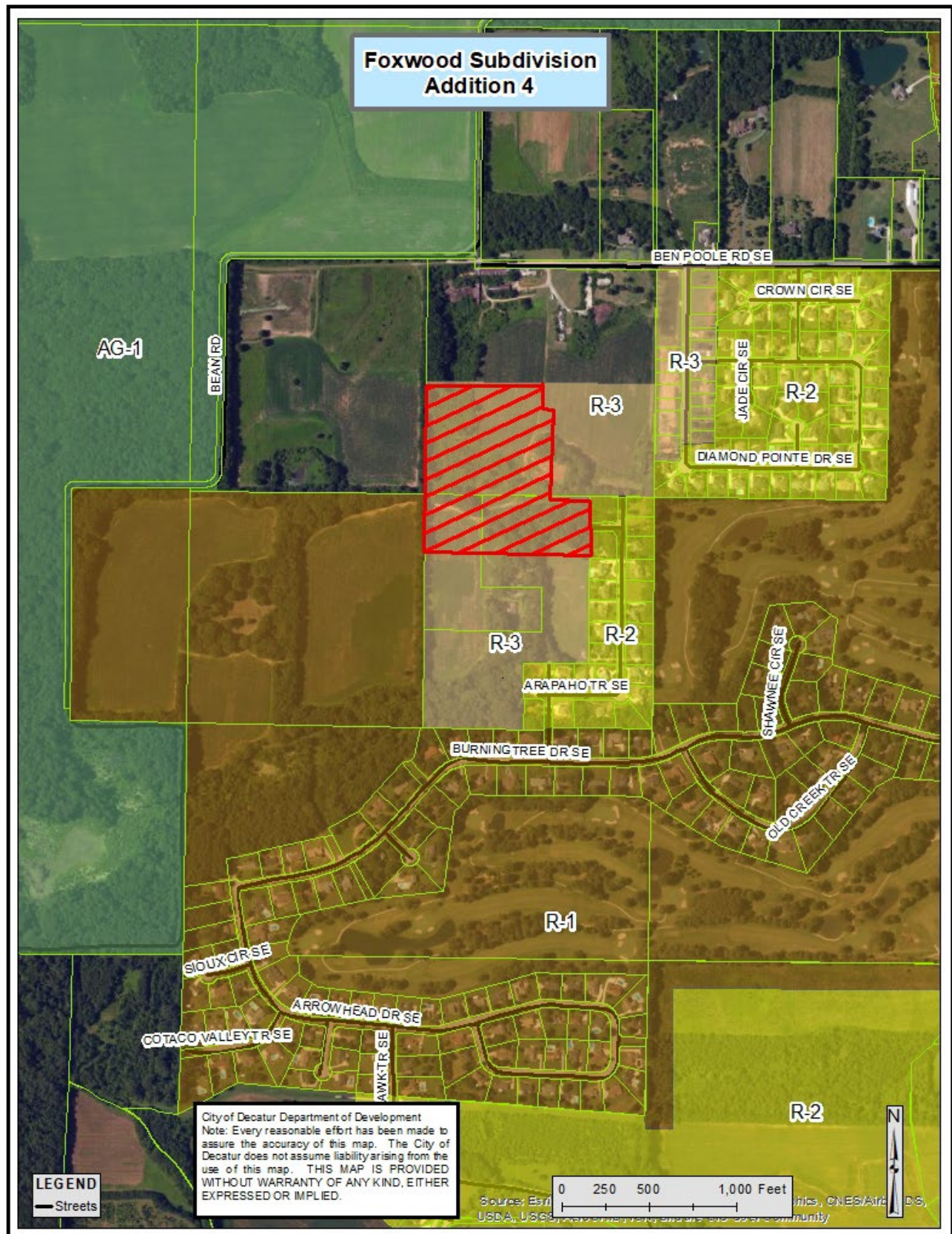
1. Need stub street connection added to connect to the property to the west

Pt. of Info:

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

McClellan Dr will need to be renamed







FILE NAME OR NUMBER: Ferguson Estates-Layout Plat

ACRES: 9.35

CURRENT ZONE: R-2 (Single Family Residential)

APPLICANT: Pugh Wright and McAnally for Alyssa Ferguson

LOCATION AND OR PROPERTY ADDRESS: 2816 & 2820 Bunny Ln SW

REQUEST: Approve layout plat

PROPOSED LAND USE: Residential

ONE DECATUR FUTURE LAND USE: Mixed Neighborhood

ONE DECATUR STREET TYPOLOGY: Bunny Lane SW is a Local Street

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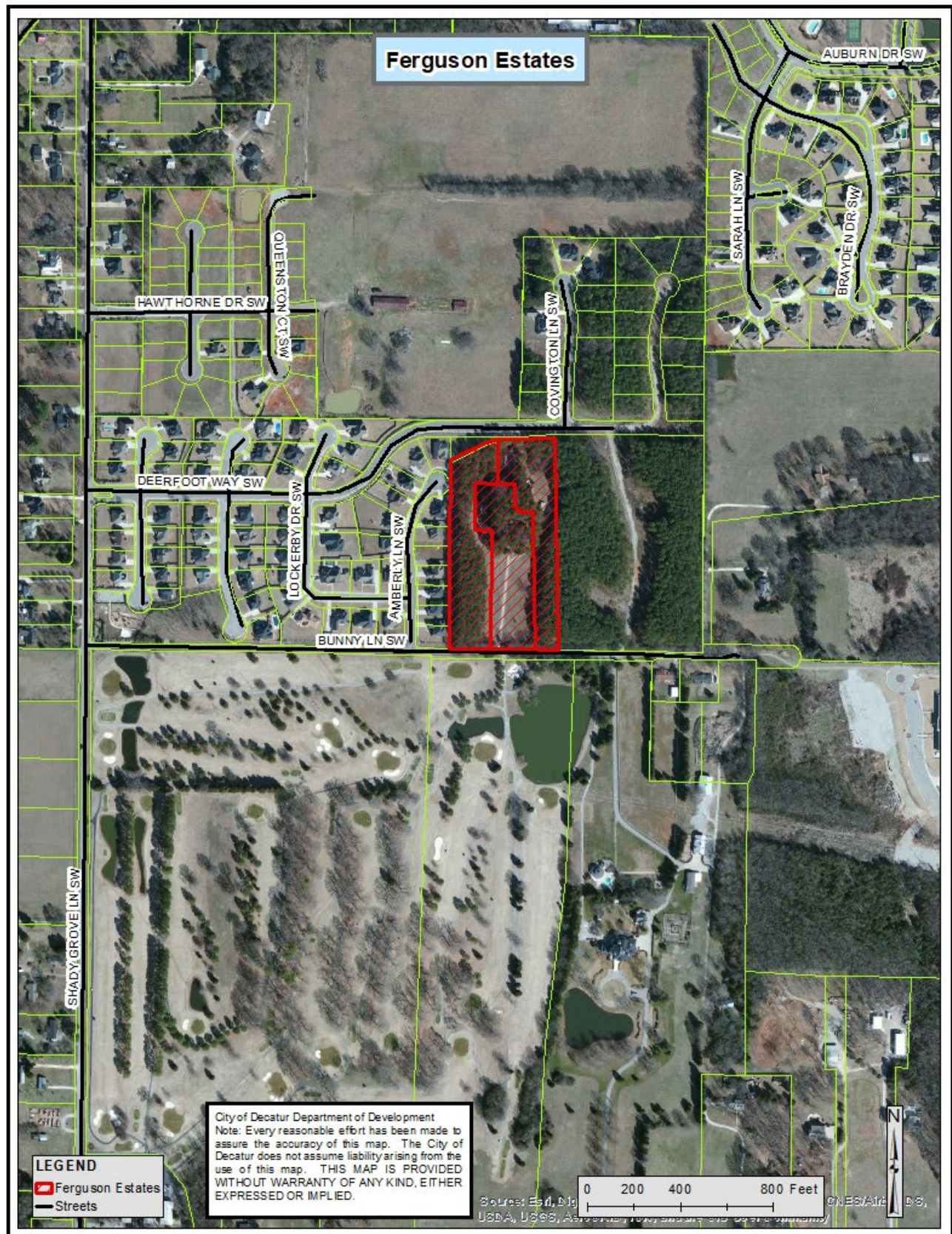
Conditions to be met:

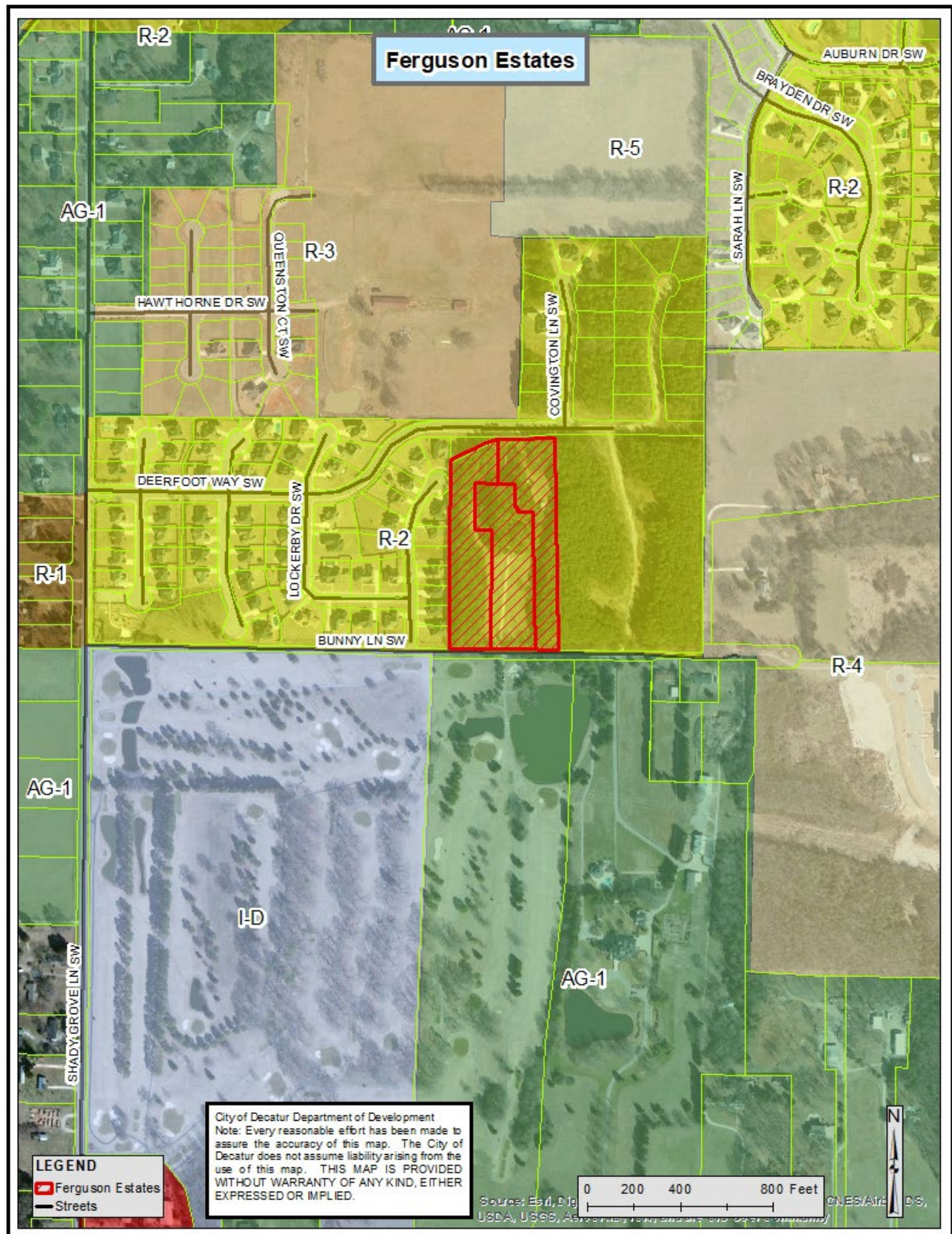
1. Need copy of deed

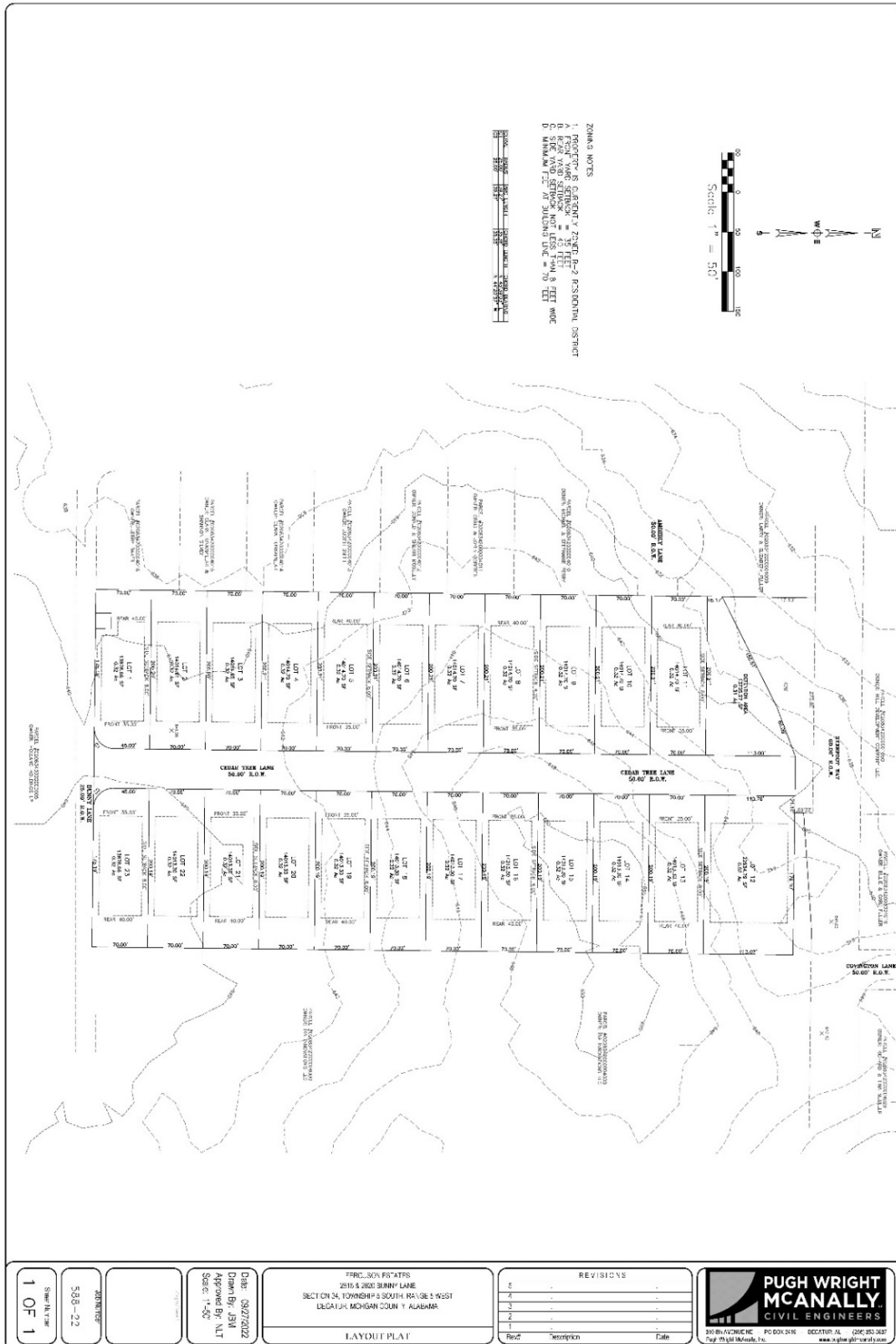
Pt. of Info:

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

15 foot easements will be needed along front of all newly plated lots







FILE NAME OR NUMBER: Vacation 543-22

ACRES: 0.15

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

APPLICANT: Halliburton Surveying for Hospitality Acquisition Company, LLC

LOCATION AND OR PROPERTY ADDRESS: 1205 Courtyard Circle SW

REQUEST: Vacate an easement of 0.15 acres

PROPOSED LAND USE: Commercial

ONE DECATUR FUTURE LAND USE: Community Commercial

ONE DECATUR STREET TYPOLOGY: Courtyard Circle SW is a Local Street

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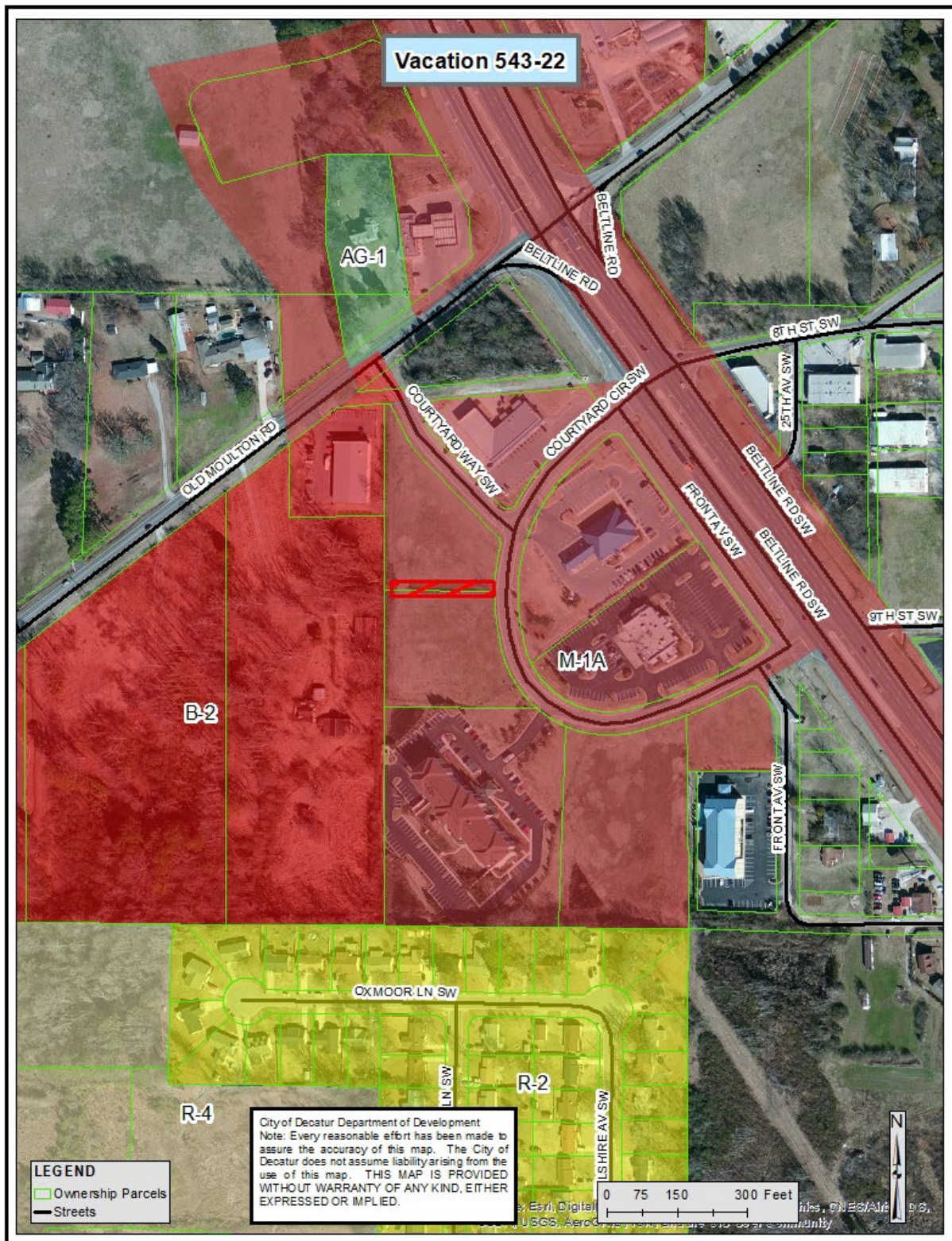
Conditions to be met:

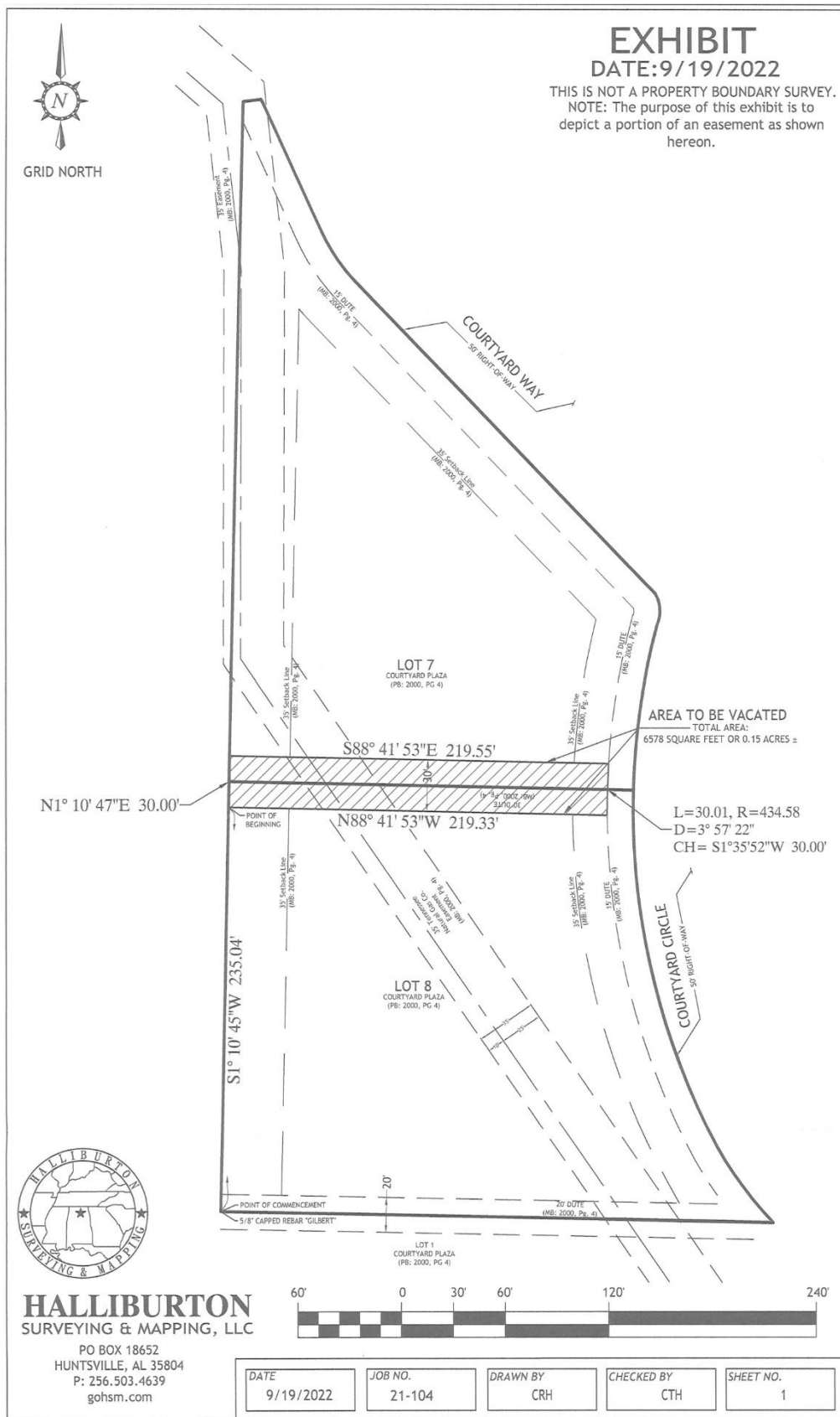
1. Need recording fees

Pt. of Info:

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







FILE NAME OR NUMBER: Annexation 373-22

ACRES: 2.5

CURRENT ZONE: None

APPLICANT: Pugh Wright and McAnally for David Smith

LOCATION AND OR PROPERTY ADDRESS: App 2210 8th St SW

REQUEST: Annex 2.5 acre property

PROPOSED LAND USE: Residential

ONE DECATUR FUTURE LAND USE: Flex Employment Center

ONE DECATUR STREET TYPOLOGY: 8th St SW is a Minor Arterial

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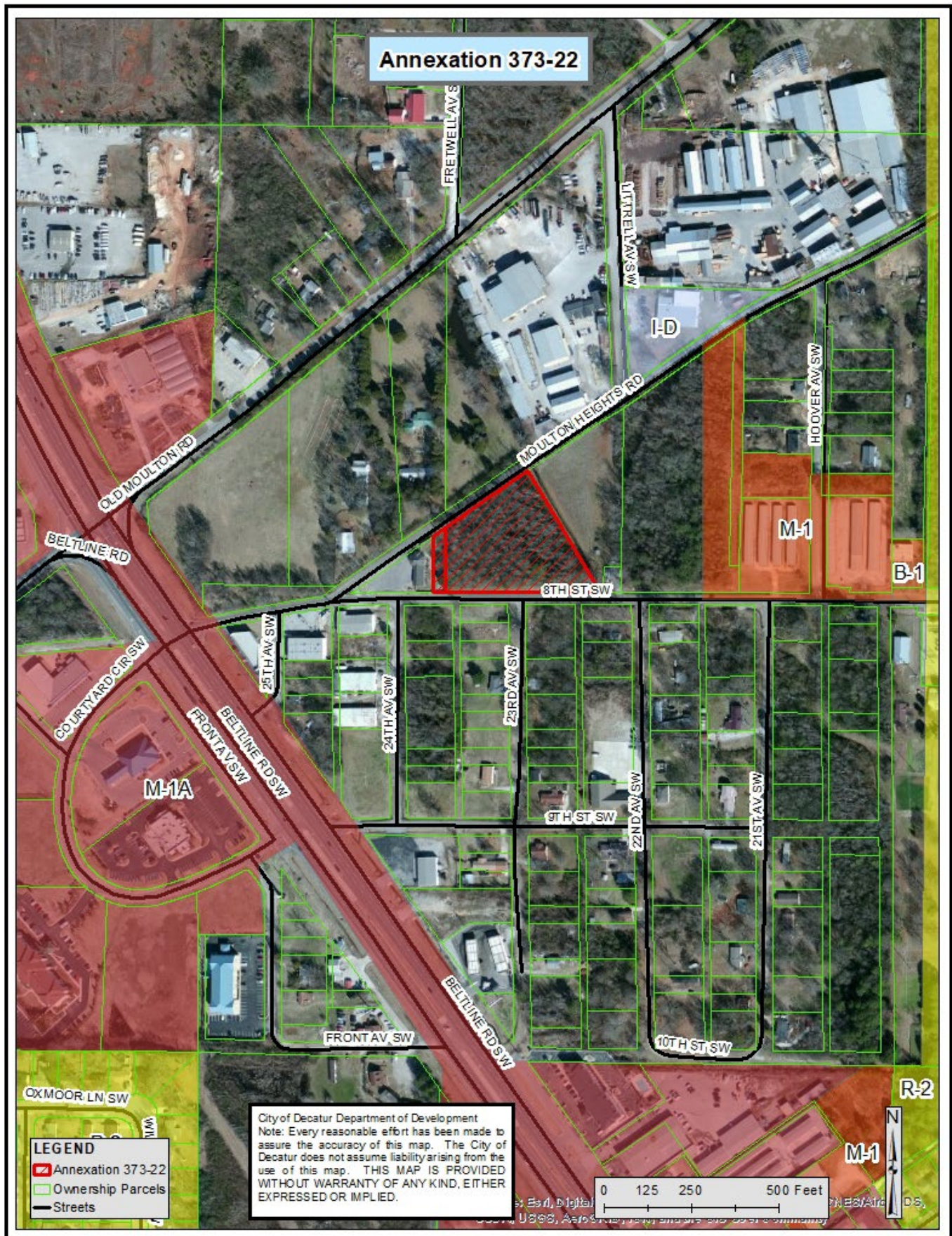
Conditions to be met:

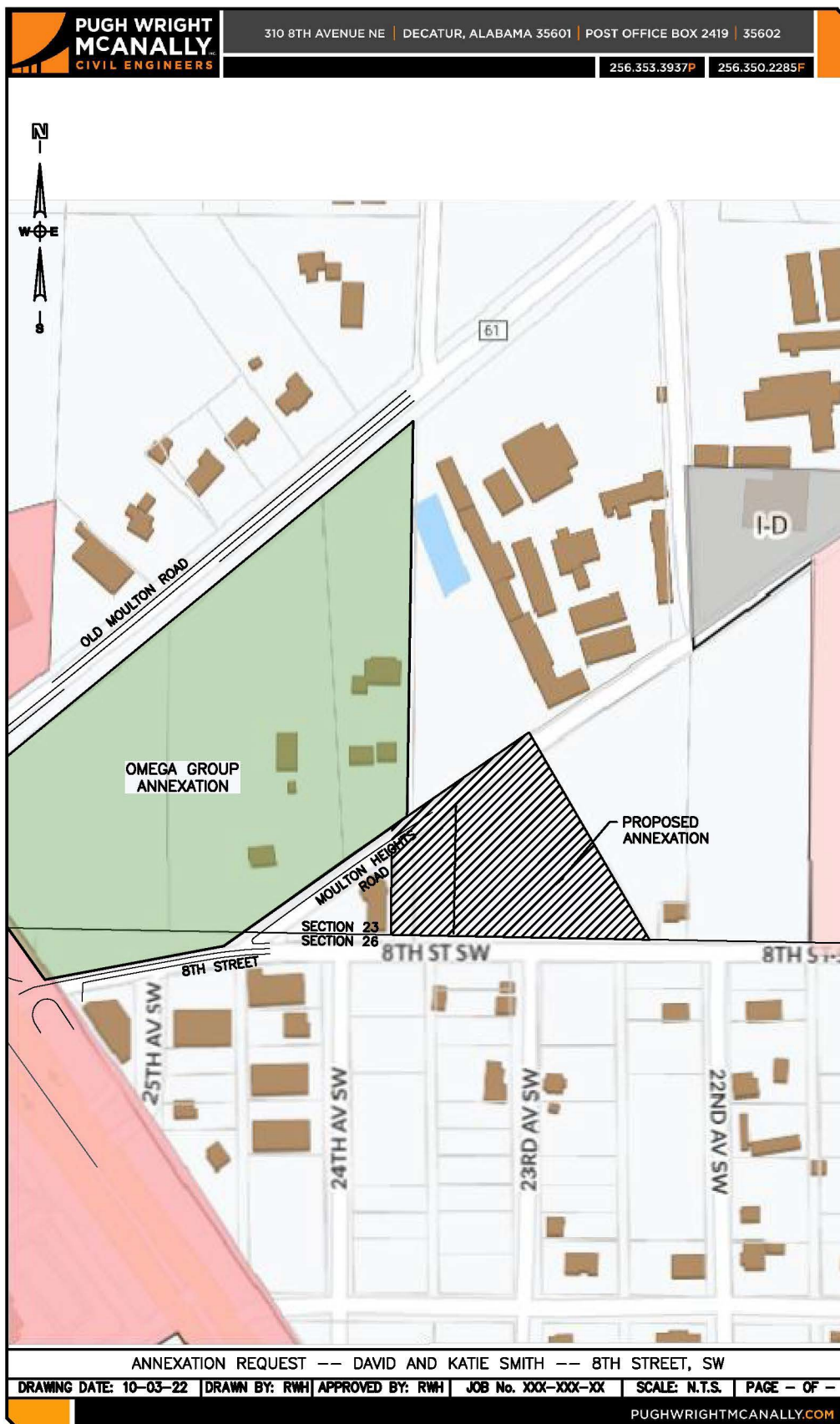
1. Need annexation petition
2. Need completed annexation questionnaire
3. Need legal description for both parcels

Pt. of Info:

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







RESOLUTION NO. 011-22

BE IT RESOLVED by the Planning Commission of the City of Decatur, Alabama does hereby recommend approval of the updated fee schedule by the City Council.

ADOPTED this _____ day of _____, 2022.

X

Kent Lawrence - Chairman
Decatur City Planning Commission

STATE OF ALABAMA)

MORGAN COUNTY)

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

Given under my hand and official seal this _____.

X

Michelle Stinnett Notary Public

Proposal to City Council for Adoption

Application Type	Proposed Fee*
Annexation (Including Initial Zoning or Pre-Zoning)	\$1,000 + Certified Letters
Rezoning Request	\$1,000 + Certified Letters
Certificate to Subdivide/Consolidate	\$200 + Recording Fees
Minor Plat	\$250 + \$5 Per Lot + Certified Letters + Recording Fees
Layout Plat	\$250
Preliminary Plat	\$250 + \$5 Per Lot + Certified Letters
Final Plat	\$200 + Recording Fees
Commercial Site Plan	\$250
Zoning Verification	\$0
Vacation Request	\$100 + Recording Fees
Certified Letters (each)	Current Postage Rate Rounded Up To The Nearest Dollar (Currently \$8)
Printing Fees	
Standard Document Format (Up to Legal Size)	\$0.50 Per Page
Large Document Format (Tabloid)	\$0.75 Per Page
Large Map Format (A-Size and Above, Plotter Required)	\$15 Per Page

***Upon recommendation of the Director of Development, the Mayor is authorized to waive these fees for any reason.**