

## **MEMORANDUM**

**DATE:** November 22<sup>nd</sup>, 2022

**TO:** Planning Commissioners

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

### **PLANNING COMMISSION MEETING**

**November 22<sup>nd</sup>, 2022**

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

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

# Agenda

## Planning Commission

City of Decatur, AL

**November 22<sup>nd</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**

### CALL MEETING TO ORDER

### PUBLIC HEARING

#### Zoning

PAGE/MAP

A. Rezoning 1410-22	3307 Indian Hills Rd SE	1-7
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### CONSENT AGENDA

#### Certificates

A. Certificate 3584-22	Pugh Wright & McAnally for McWhorter Enterprises, LLC	8-11
B. Certificate 3585-22	Pugh Wright & McAnally for JRKG Properties, LLC	12-15
C. Certificate 3586-22	Pugh Wright & McAnally for St Paul's Spiritual Church of Decatur, INC	16-19
D. Certificate 3587-22	Pugh Wright & McAnally for Phil Waldrep Evangelistic Association	20-23

#### Site Plan

A. Site Plan 644-22	Gaskins Lecraw for N2 Coffee Enterprise, LLC (Scooter's Coffee)	24-27
B. Site Plan 645-22	OLP Wash Partners for TWAS Properties, LLC	28-31

## OTHER BUSINESS

### Other

- |   |       |
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| A. Tess' Place Sidewalk Café Application                      | 32-34 |
| B. Windsor Place Subdivision Phase 1 Letter of Credit Renewal | 35-37 |

## PUBLIC HEARING

### ZONING

**FILE NAME OR NUMBER:** Rezoning 1410-22

**ACRES:** 2.93

**CURRENT ZONE:** R-1 (Single Family Residential)

**APPLICANT:** Pugh Wright & McAnally for Lotus Properties Decatur, LLC

**LOCATION AND OR PROPERTY ADDRESS:** 3307 Indian Hills Rd SE

**REQUEST:** Rezone 2.93 acres from R-1 to B-2

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

**PROPOSED LAND USE:** Commercial

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

**ONE DECATUR STREET TYPOLOGY:** Indian Hills Rd SE is an Urban Collector

#### COMMENTS AND RECOMMENDATIONS FROM ZONING COMMITTEE:

##### Comments from Zoning Committee

The zoning Committee recommends approval of re-zoning 1410-22.

##### Conditions to be met

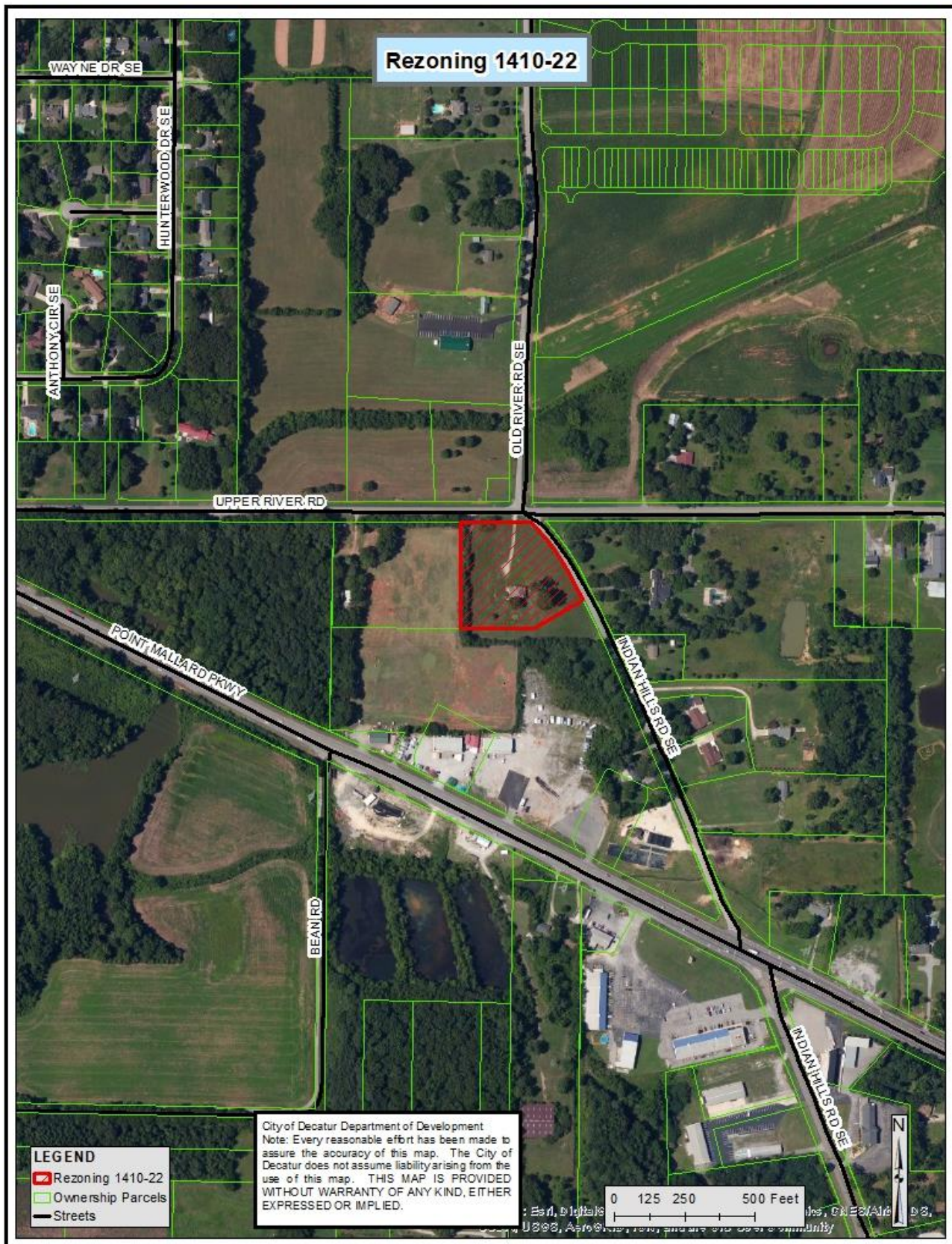
None

##### Pt. of Info:

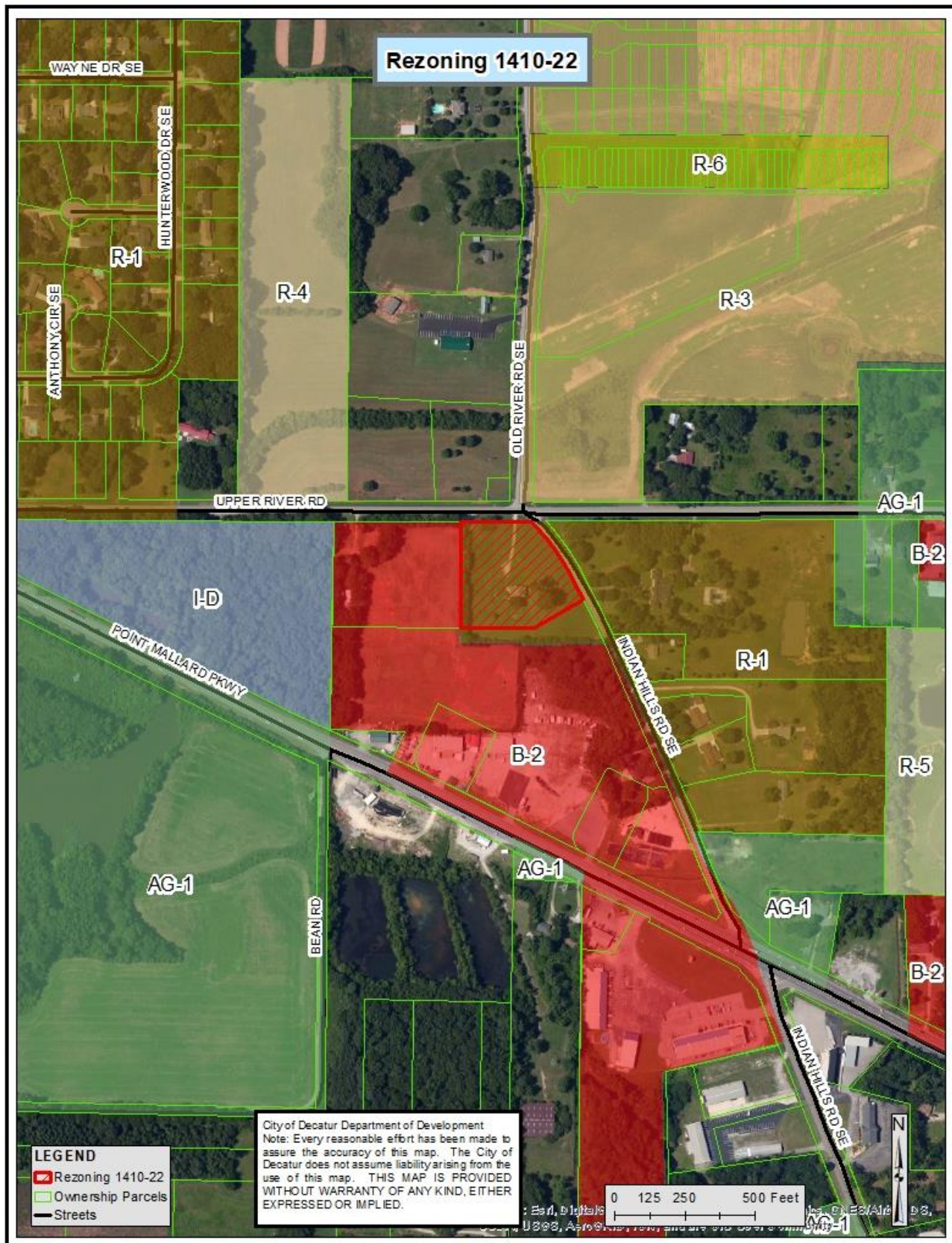
1. Any relocation of utilities will be at the owner's expense

#### COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:

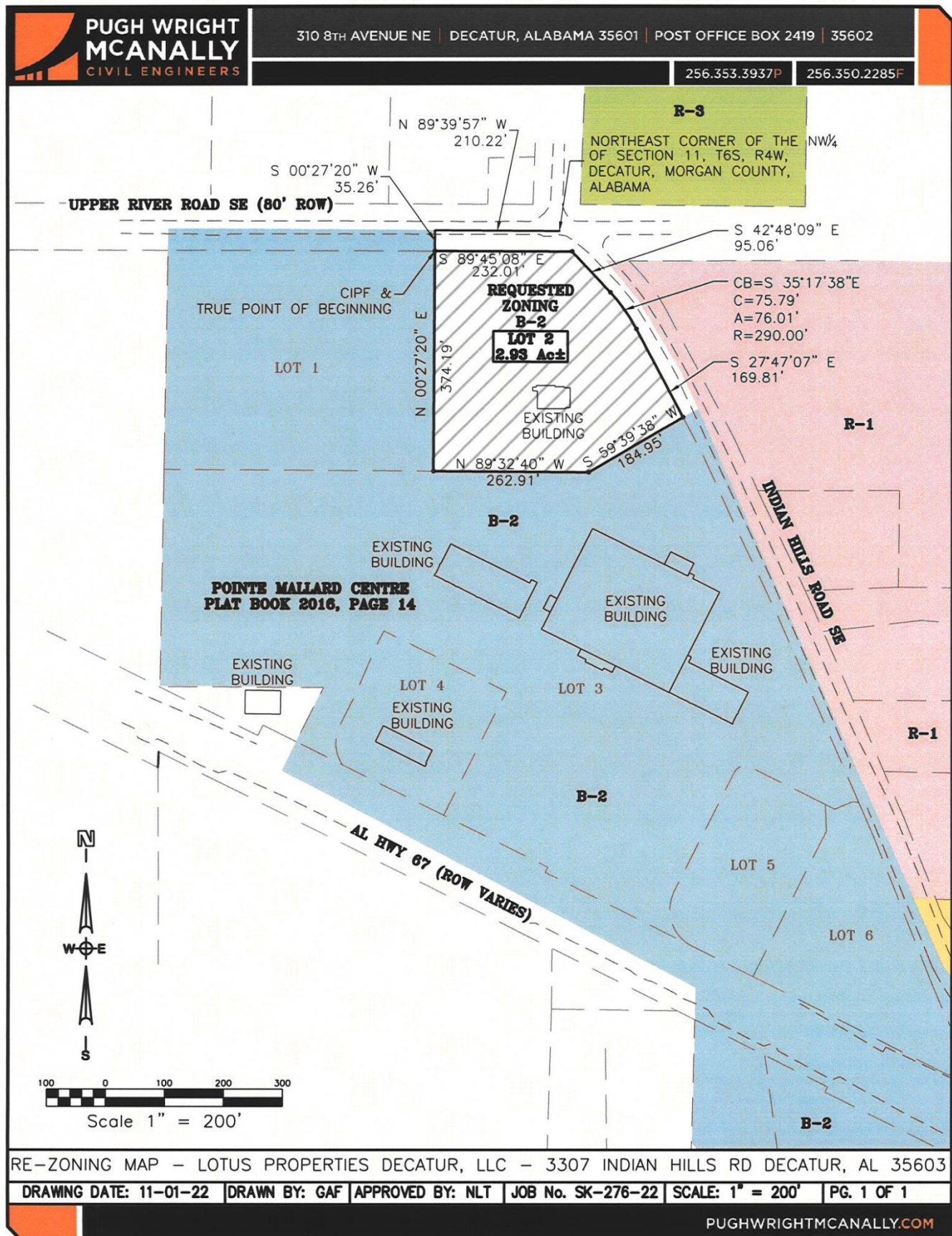












ZONING DISTRICT COMPARISON R-1 to B-2		November 15, 2022
SECTION	R-1	B-2
USES PERMITTED	<p>There is hereby created an "R" Residential District (Residential) for those areas so designated by this chapter and the zoning map of the city, which "R" Districts shall allow: Accessory structures; gardens; playgrounds; parks; public buildings; including public schools and libraries.</p> <p>There is hereby created an R-1 Residential District for those areas so designated by this chapter and the zoning map of the city, which R-1 Districts shall allow: Single-family dwellings (See also regulations common to all "R" Districts, listed in section 25-10).</p> <p>(1) General requirements.</p> <ol style="list-style-type: none"> <li>Off-street parking and vehicle access shall be provided as set forth in section 25-16 hereof.</li> <li>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.</li> </ol>	<p>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.</p>
USES PERMITTED ON APPEAL	<p>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</p>	<p>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.</p> <p>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</p>



<b>ZONING DISTRICT COMPARISON R-1 to B-2</b>		<b>November 15, 2022</b>
<b>SECTION</b>	<b>R-1</b>	<b>B-2</b>
	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.	specified in section 25-10, hereof, other than the maximum height provision set forth therein which shall not be applicable.
<b>USES PROHIBITED</b>	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.	Stockyard; live animal or poultry sales; coal yards; lumber yards or mills; auto wrecking; gasoline, oil or alcohol storage above the ground in excess of five hundred (500) gallons, grist or flour mills; ice plants; junk, scrap paper, rag, storage or bailing, stone or monument works.
<b>MINIMUM LOT AREA</b>	Fourteen thousand (14,000) 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.
<b>MAXIMUM BUILDING AREA</b>	None specified	None specified.
<b>MINIMUM FRONT YARD</b>	Forty (40) feet.	25 feet
<b>MINIMUM REAR YARD SETBACK</b>	Forty-five (45) feet.	20 feet

<b>ZONING DISTRICT COMPARISON R-1 to B-2</b>		<b>November 15, 2022</b>
<b>SECTION</b>	<b>R-1</b>	<b>B-2</b>
MINIMUM SIDE YARD SETBACK	Fifteen (15) feet.	None specified.
MINIMUM FEET AT BUILDING LINE	One-hundred (100) feet.	None specified.
MAXIMUM BUILDING HEIGHT	Thirty-five (35) feet.	None specified.
MAXIMUM HEIGHT IN STORIES	Two and one-half (2½).	None specified.
OFF STREET PARKING	Off-street parking: See § 25-16.	Off-street parking: See § 25-16.
OFF-STREET UNLOADING	None specified	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:** Certificate 3584-22

**ACRES:** 2.77

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

**APPLICANT:** Pugh Wright and McAnally for McWhorter Enterprises, LLC

**LOCATION AND OR PROPERTY ADDRESS:** App 1614 Beltline Rd SW

**REQUEST:** Consolidate six lots into one parcel of 2.77 acres

**PROPOSED LAND USE:** Commercial

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

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

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

1. Need signed request letter
2. Need recording fees
3. Need sewer easement shown on certificate

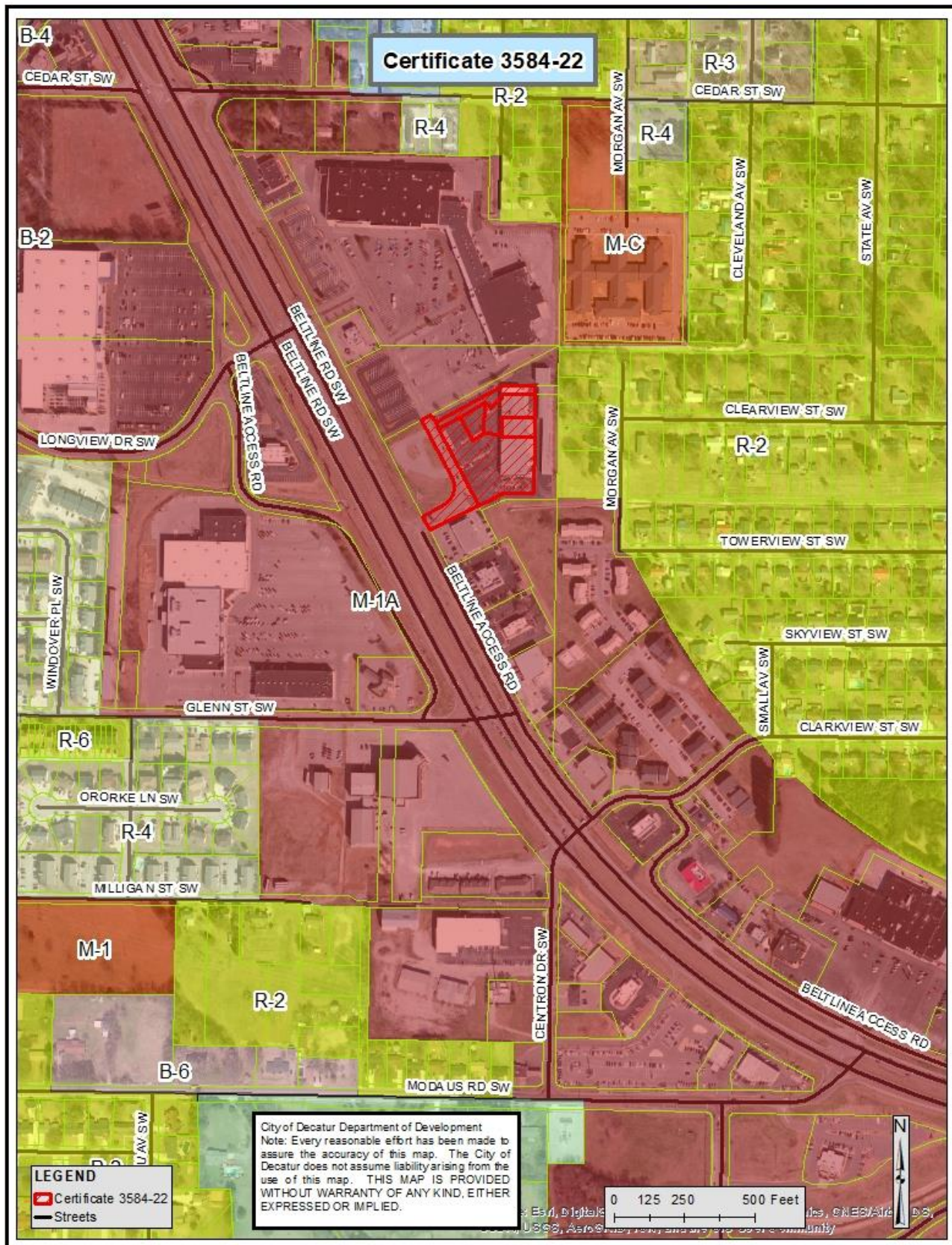
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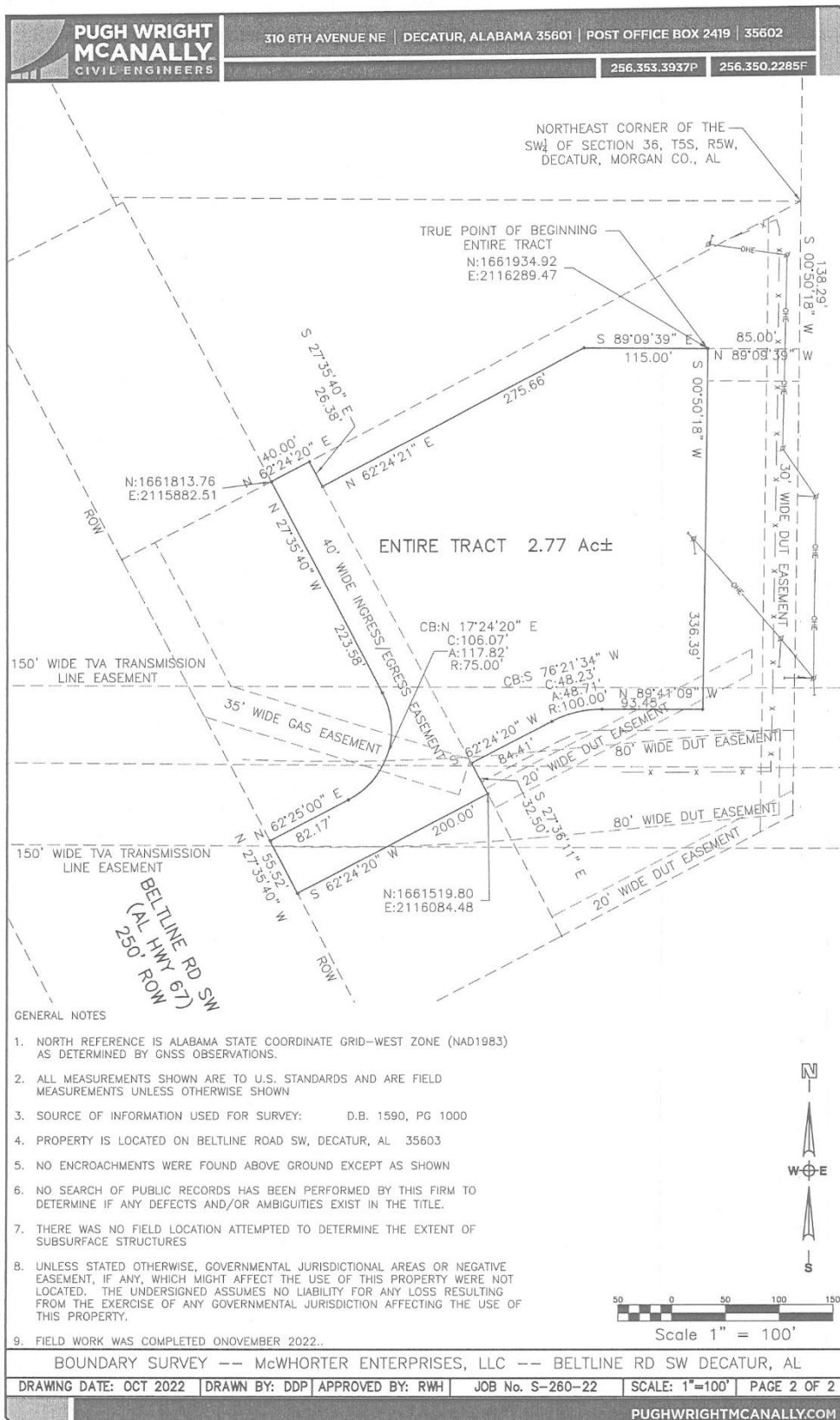
Any relocation of utilities will be at the owner's expense













**FILE NAME OR NUMBER:** Certificate 3585-22

**ACRES:** 0.41

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

**APPLICANT:** Pugh Wright McAnally for JRKG Properties, LLC

**LOCATION AND OR PROPERTY ADDRESS:** 801 Prospect Dr SE

**REQUEST:** Subdivide one lot of 0.41 acres into two parcels of 0.18 & 0.23 acres

**PROPOSED LAND USE:** Residential

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

**ONE DECATUR STREET TYPOLOGY:** Prospect Dr SE is an Urban Collector

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

1. Need signed request letter
2. Need recording fees
3. A strip of land will need to be provided to connect Unit 1 to the alley or Certificate cannot be recorded until sewer tap for Unit 1 is relocated to 8<sup>th</sup> Avenue main

**Pt. of Info:**

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











**FILE NAME OR NUMBER:** Certificate 3586-22

**ACRES:** App 0.96

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

**APPLICANT:** Pugh Wright McAnally for St Paul's Spiritual Church of Decatur, INC

**LOCATION AND OR PROPERTY ADDRESS:** 211 Wilson St NW

**REQUEST:** Subdivide one parcel into three lots of 0.24, 0.24 & 0.48 acres

**PROPOSED LAND USE:** Residential

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

**ONE DECATUR STREET TYPOLOGY:** Wilson St NW is a Principal Arterial

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

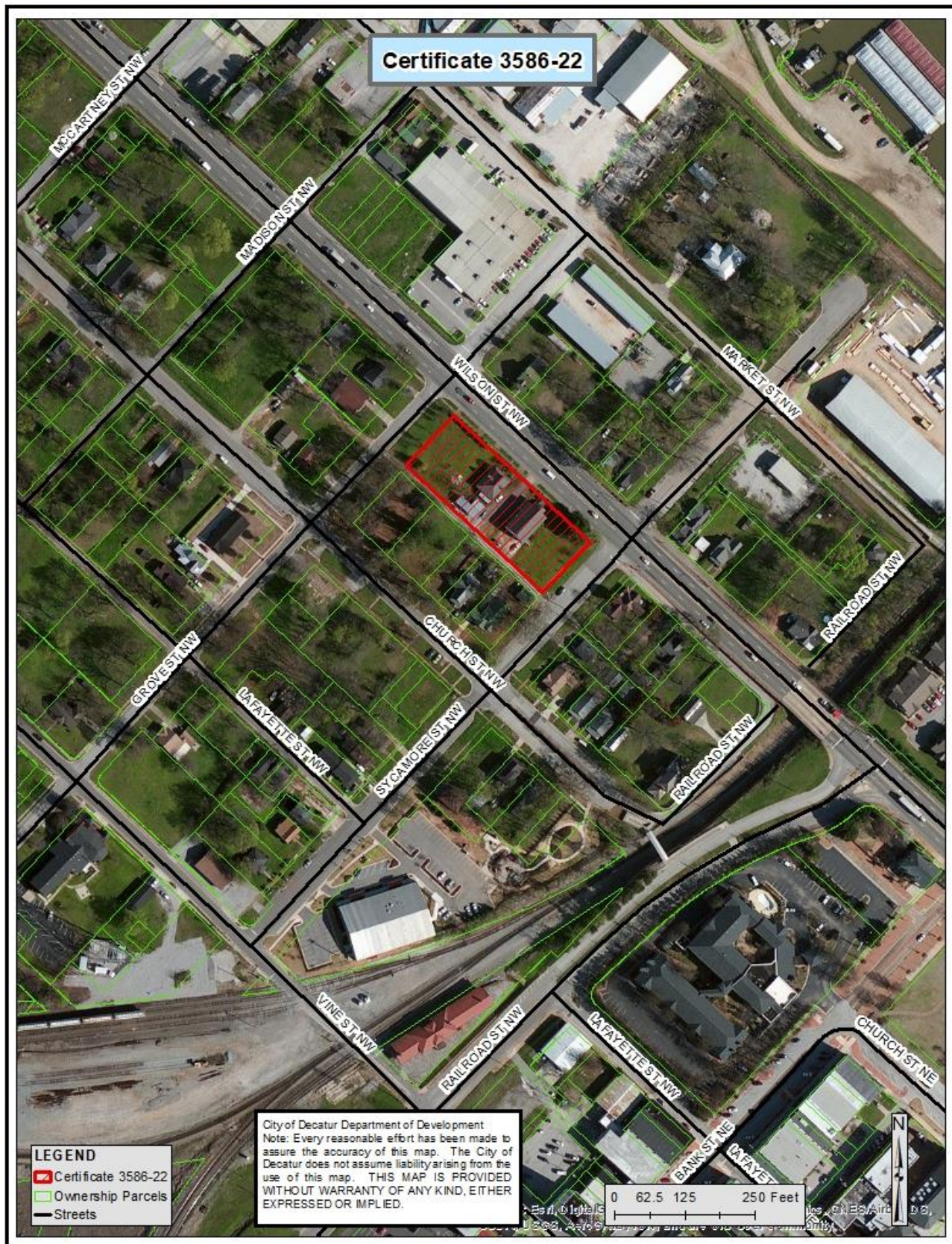
1. Need signed request letter
2. Need recording fees
3. Sewer tap location will need to be verified for Unit 2, if it crosses another property it will need to be relocated
4. Note added to Certificate stating that no driveway cut for Unit 1 will be allowed to access Wilson Street

**Pt. of Info:**

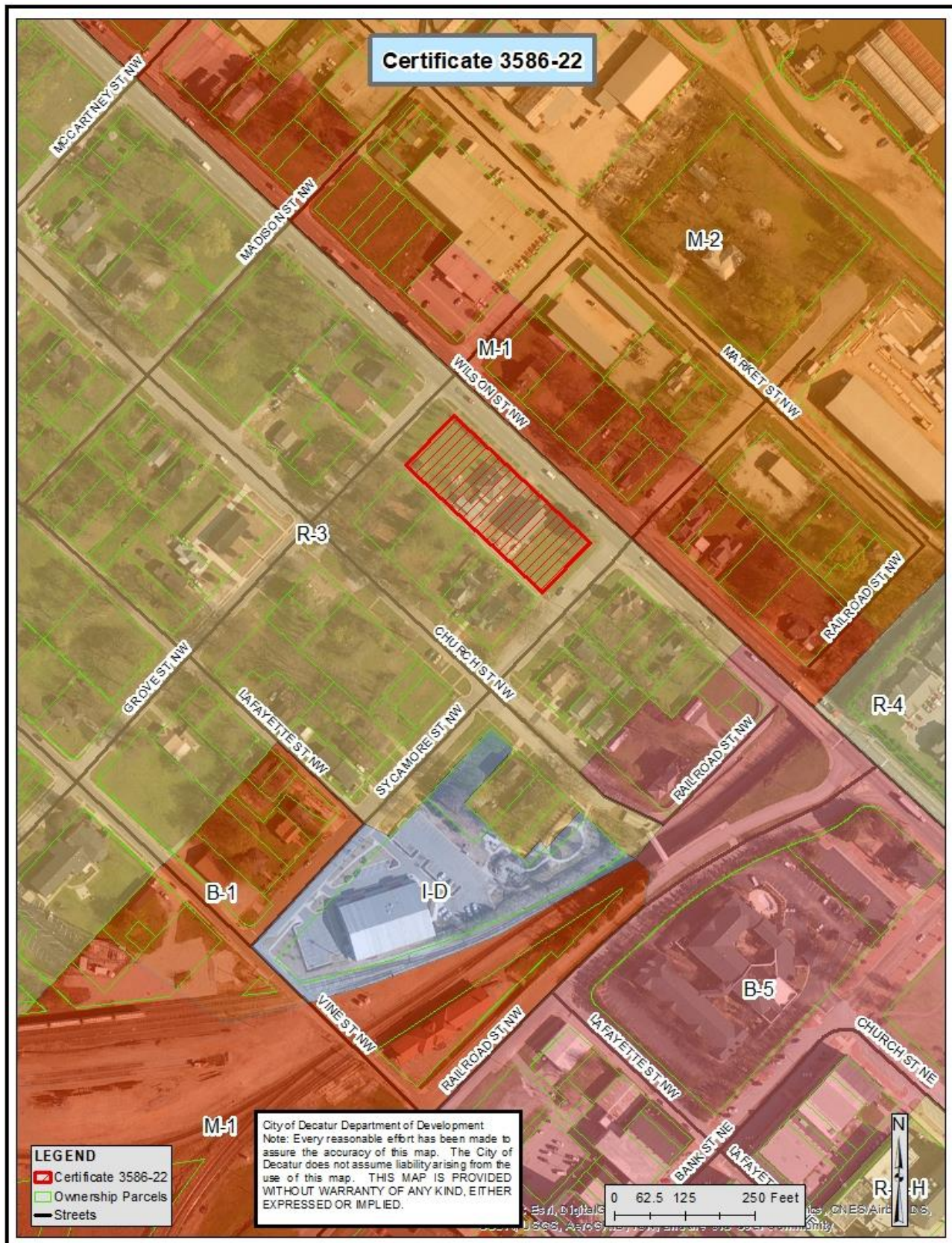
Any relocation of utilities will be at the owner's expense

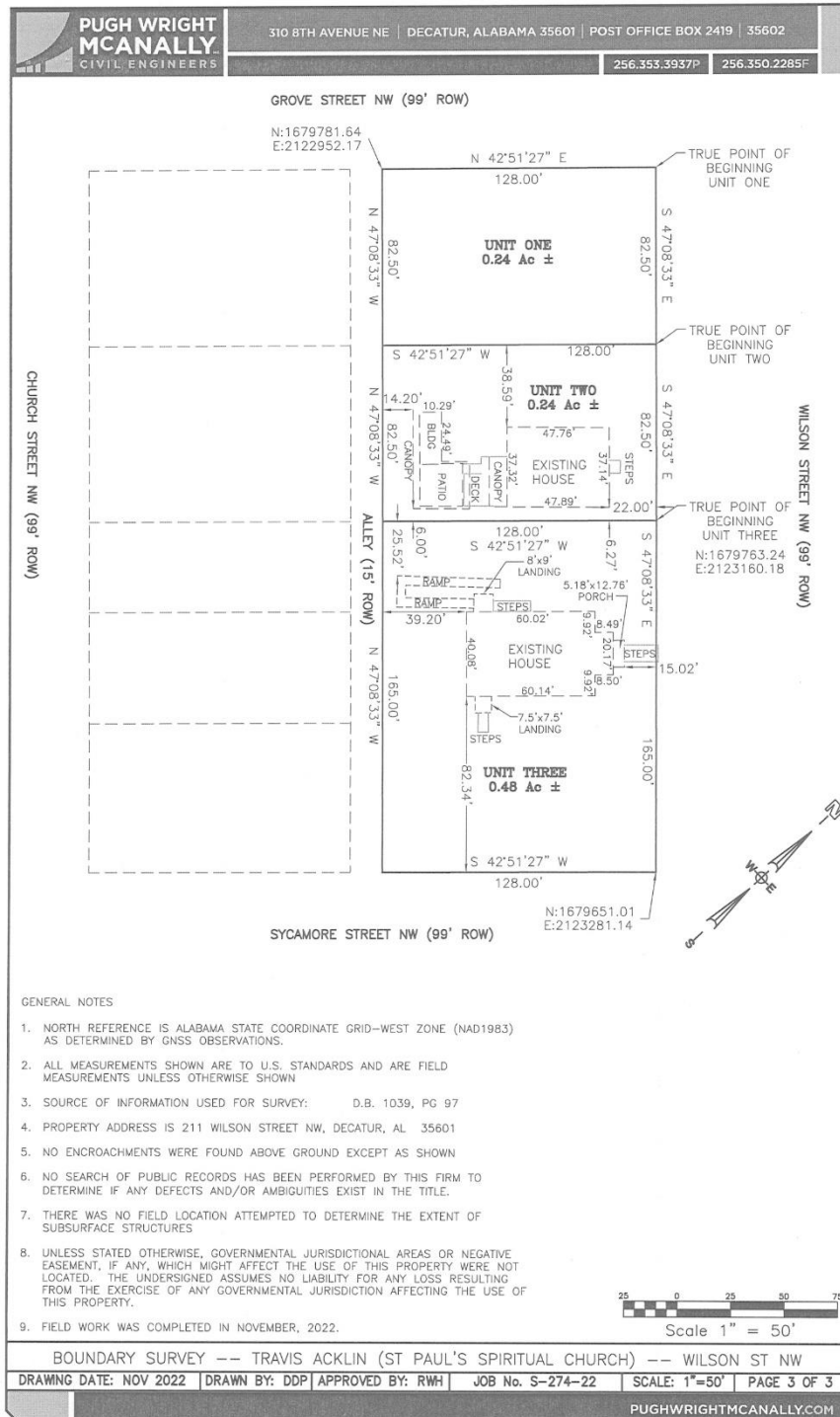
Lots 94 & 101 have been previously consolidated so certificate may need to be adjusted to reflect this.











**FILE NAME OR NUMBER:** Certificate 3587-22

**ACRES:** 34.37

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

**APPLICANT:** Pugh Wright McAnally for Phil Waldrep Evangelistic Association

**LOCATION AND OR PROPERTY ADDRESS:** 2916 Danville Rd SW

**REQUEST:** Consolidate two lots into one parcel of 34.37 acres

**PROPOSED LAND USE:** Commercial

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

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

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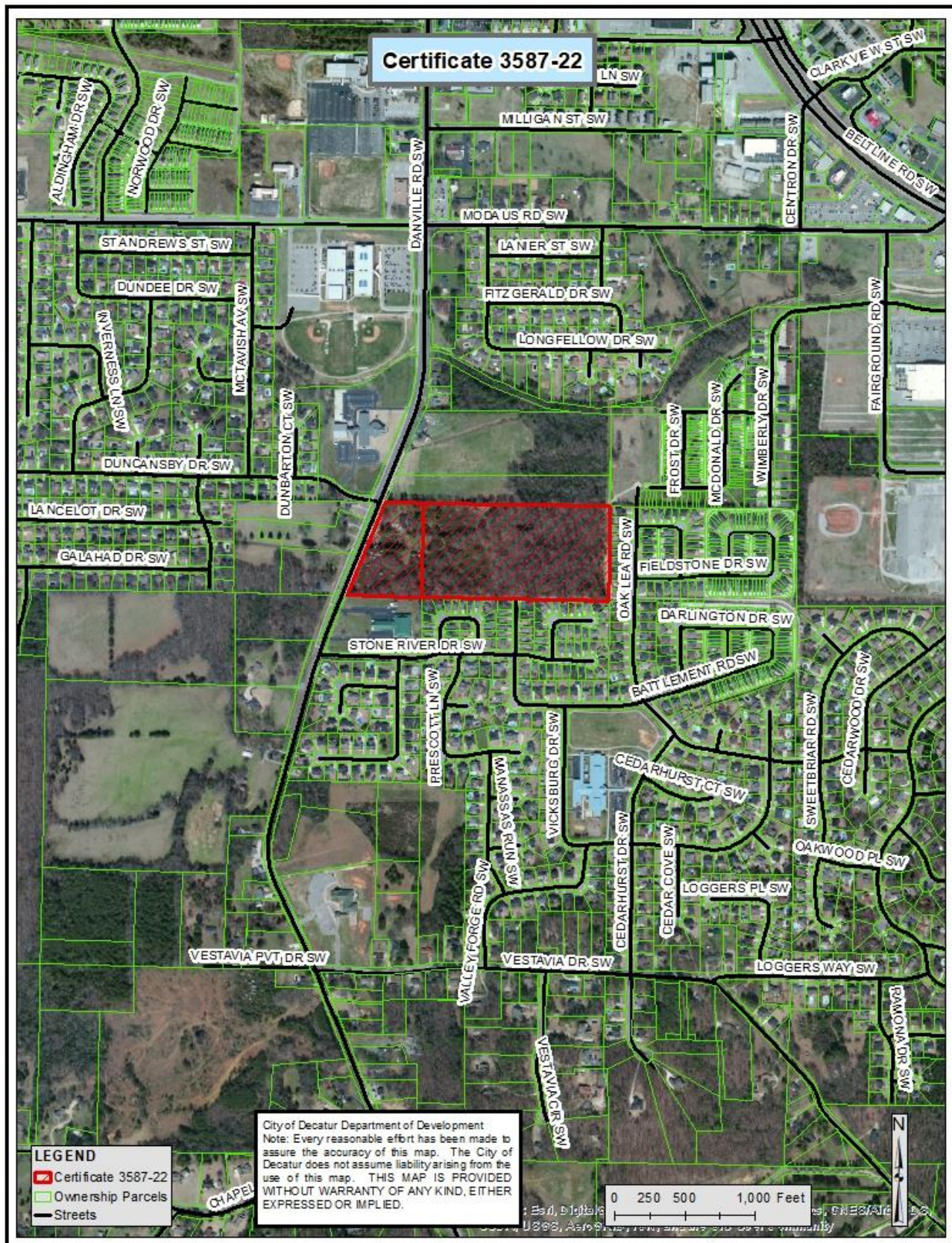
**Conditions to be met:**

1. Need signed request letter
2. Need recording fees

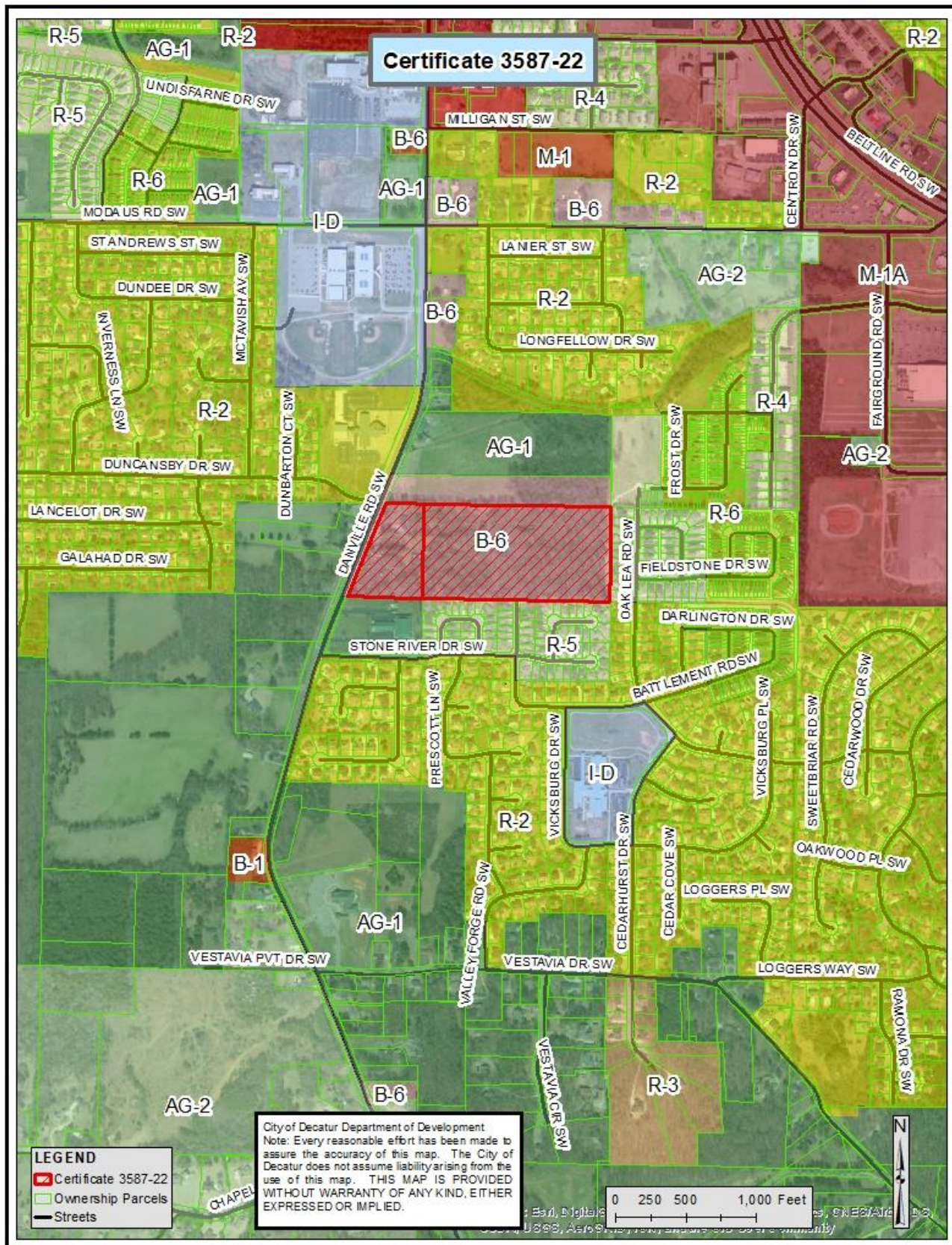
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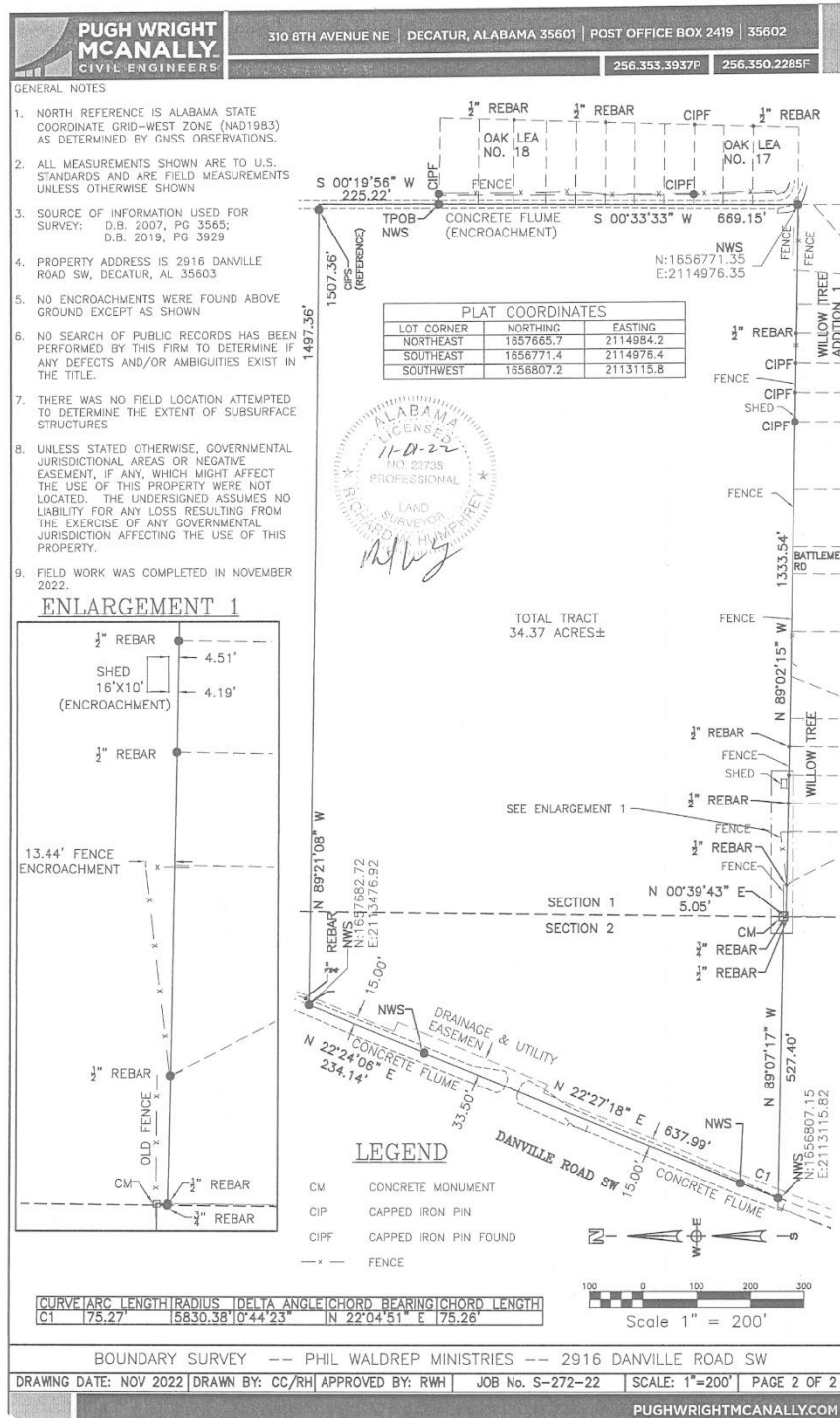














**FILE NAME OR NUMBER:** Site Plan 644-22

**ACRES:** 0.3416

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

**APPLICANT:** Gaskins Lecraw for N2 Coffee Enterprise, LLC

**LOCATION AND OR PROPERTY ADDRESS:** 1820 6<sup>th</sup> Ave SE

**REQUEST:** Approve site plan (Scooter's Coffee)

**PROPOSED LAND USE:** Commercial (drive-thru coffee shop)

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

**ONE DECATUR STREET TYPOLOGY:** 6<sup>th</sup> Ave SE is a Principal Arterial

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

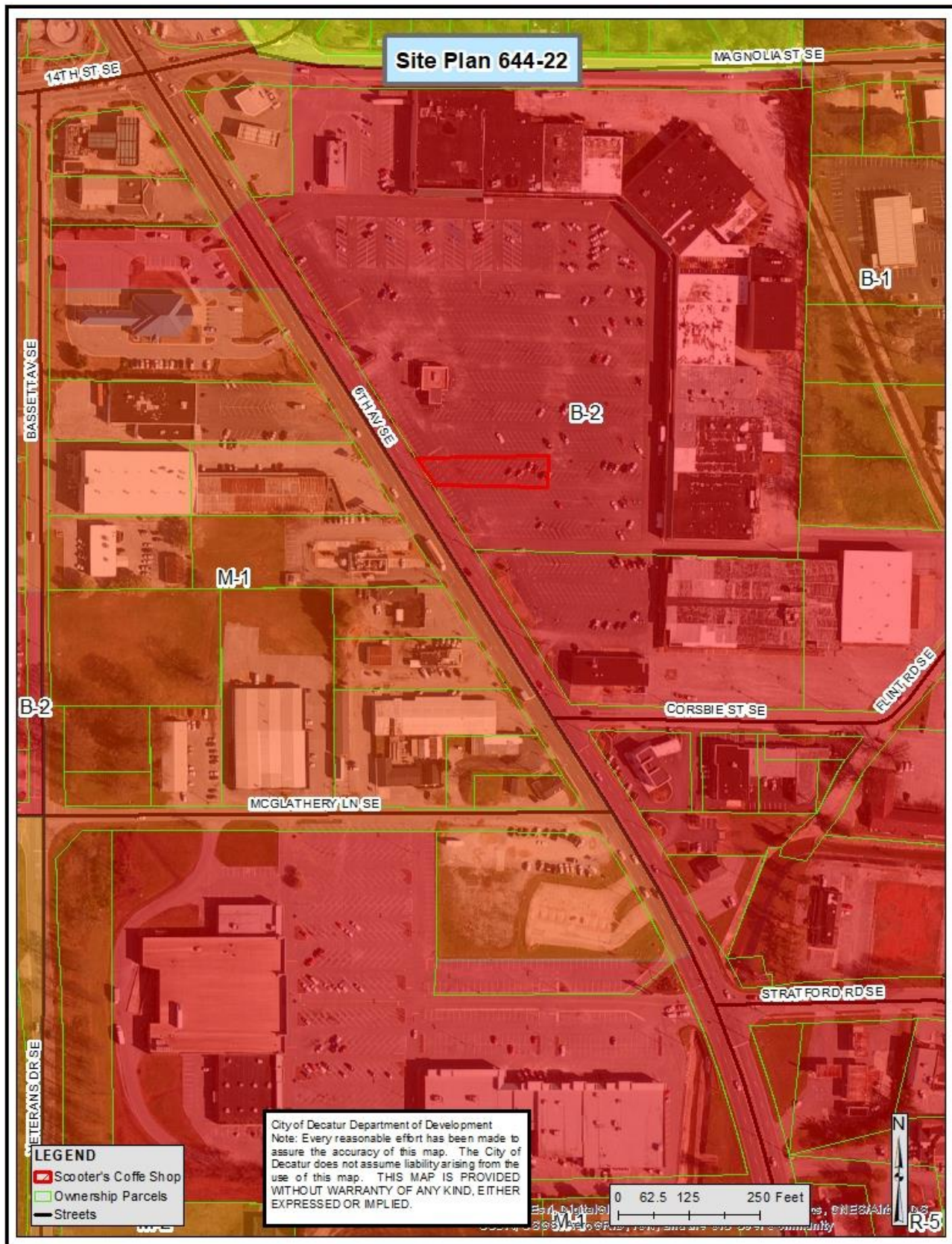
1. Need signed ALDOT affidavit

**Pt. of Info:**

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











**FILE NAME OR NUMBER:** Site Plan 645-22

**ACRES:** 2.37

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

**APPLICANT:** OLP Wash Partners for TWAS Properties, LLC

**LOCATION AND OR PROPERTY ADDRESS:** 1403 Beltline Rd SW

**REQUEST:** Approve site plan

**PROPOSED LAND USE:** Commercial (Car Wash)

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

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

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

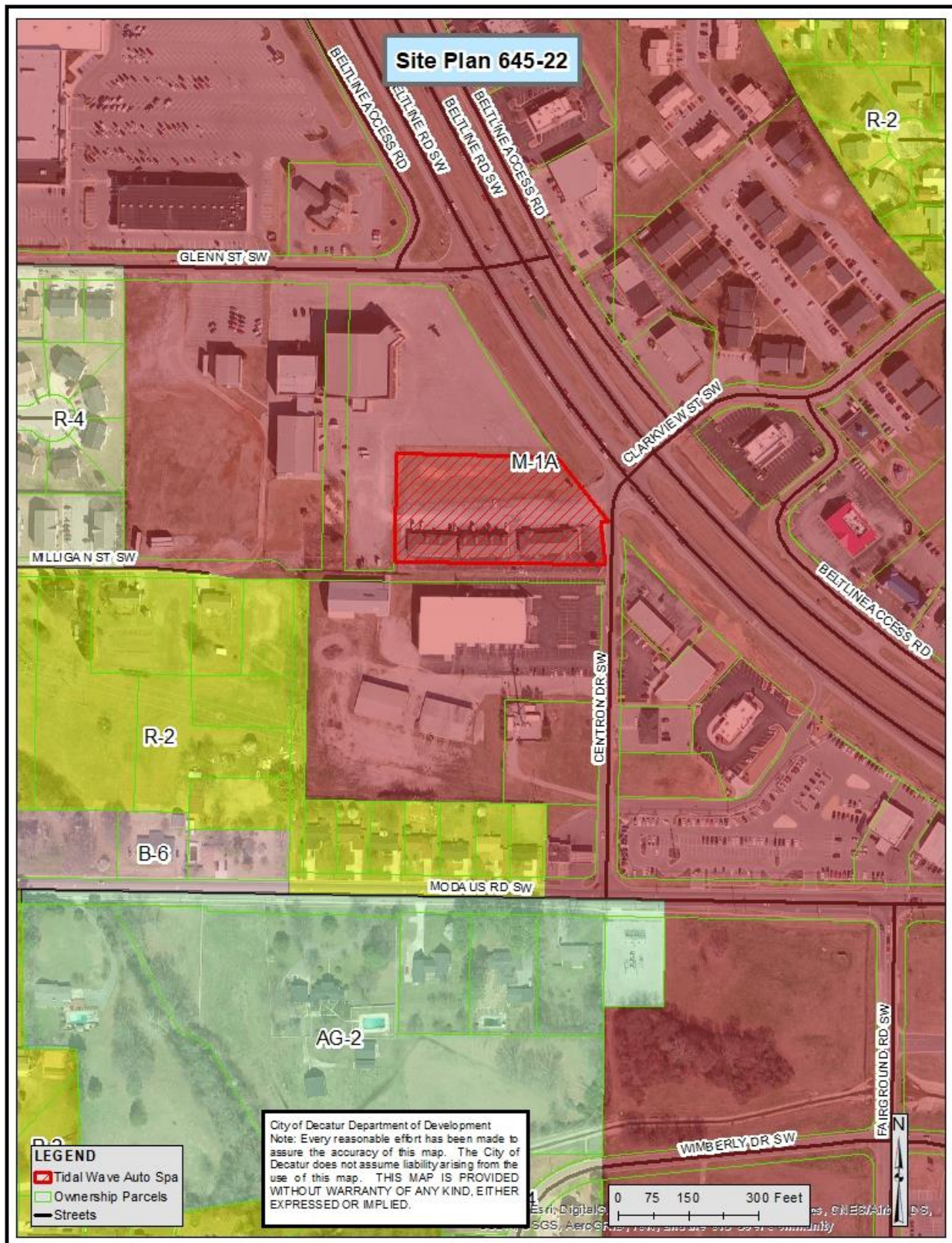
1. Need signed ALDOT affidavit
2. Recording of Certificate 3581-22
3. Erosion control plan needed
4. Dumpster pad detail needed

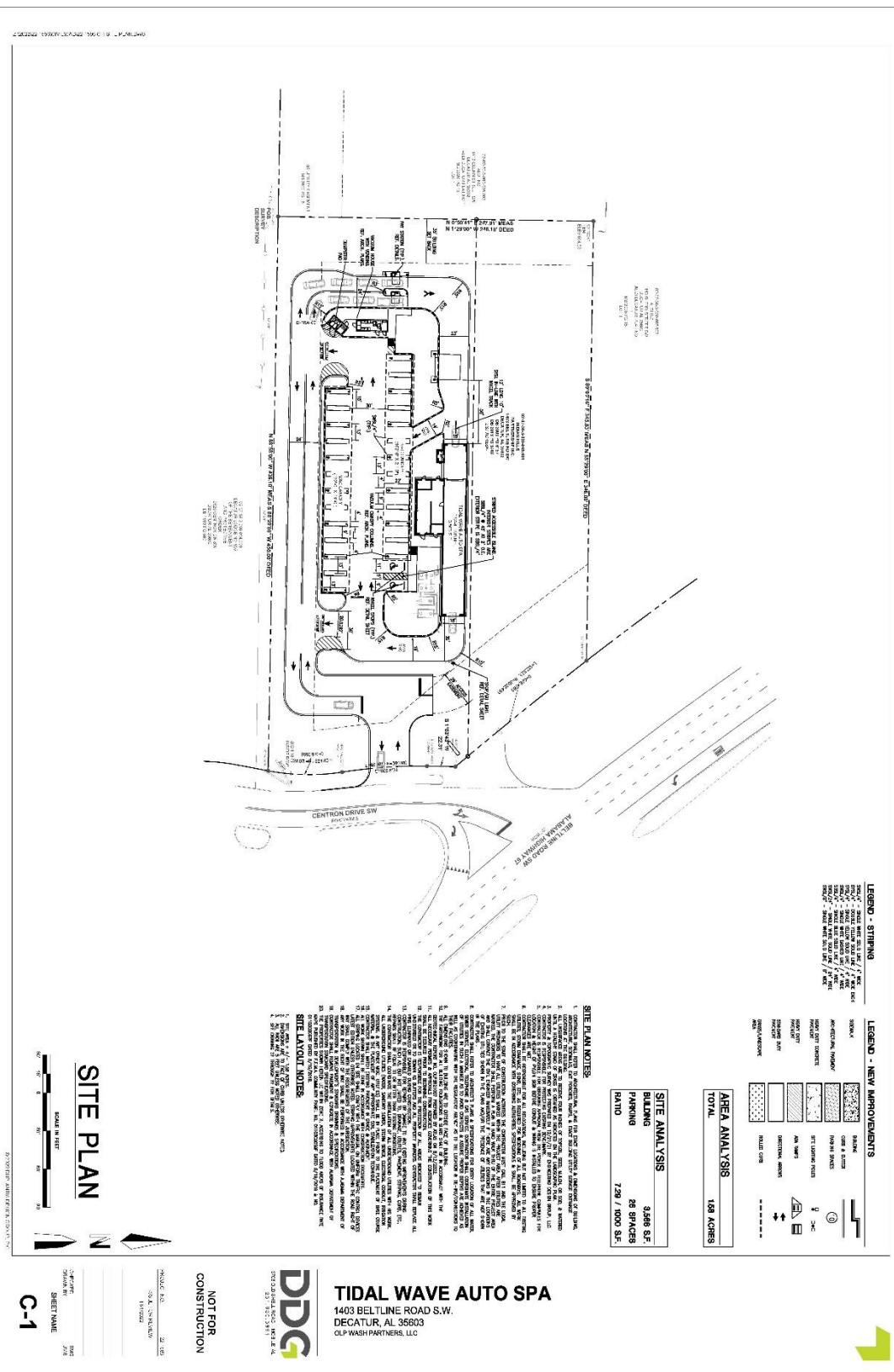
**Pt. of Info:**

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**FILE NAME OR NUMBER:** Tess' Place Sidewalk Café Application

**APPLICANT:** Quarry Limited LLC DBA Tess' Place

**LOCATION AND OR PROPERTY ADDRESS:** 324 2<sup>nd</sup> Avenue SE Suite A

**REQUEST:** Recommend to City Council for Approval: Sidewalk Café Revocable License for Tess' Place

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

**Pt. of Info:**

<p><b>COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:</b></p>
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**BE IT RESOLVED** by the City of Decatur Planning Commission that the Application for a sidewalk café for Tess' Place, located at 324 2<sup>nd</sup> Avenue SE Suite A, has been submitted for review.

**BE IT ALSO RESOLVED** the Planning Commission has received a copy of each of the following for review and approval: Sidewalk Café Application, 2022 Business License, Certificate of Liability Insurance, Layout of Sidewalk Café, Approved Building Inspection Form, and Approved Sidewalk Café Review Committee Form.

The City of Decatur Planning Commission hereby recommends approval of the Sidewalk Café license to the City Council.

Adopted this 22<sup>nd</sup> day of November, 2022.

\_\_\_\_\_  
Kent Lawrence, Chairman  
Decatur 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 \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Michelle Stinnett Notary Public

**FILE NAME OR NUMBER:** Windsor Place Subdivision Phase 1 Letter of Credit Renewal – Resolution #013-22

**CURRENT ZONE:** R-3 & R-5

**APPLICANT:** Littrell Development Inc.

**LOCATION AND OR PROPERTY ADDRESS:** South of Gordon Terry Parkway & West of McEntire Lane SW

**REQUEST:** Review/Renewal of LOC #L071758 for Improvements of Sidewalks for Windsor Place Subdivision Phase 1. LOC in the amount of \$69,550.00.

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

**Pt. of Info:**

<b>COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:</b>
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**FILE NAME OR NUMBER:** Windsor Place Subdivision Phase 1 Letter of Credit Renewal-Resolution #012-22

**CURRENT ZONE:** R-3 & R-5

**APPLICANT:** Littrell Development Inc.

**LOCATION AND OR PROPERTY ADDRESS:** South of Gordon Terry Parkway & West of McEntire Lane SW

**REQUEST:** Review/Renewal of LOC #L071755 for Improvements of Streets for Windsor Place Subdivision Phase 1. LOC in the amount of \$45,009.65.

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

**Pt. of Info:**

<b>COMMENTS AND RECOMMENDATIONS FROM PLANNING COMMISSION:</b>
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