

MEMORANDUM

DATE: July 18, 2023

TO: Planning Commissioners

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

PLANNING COMMISSION MEETING

July 18th, 2023

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

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

Agenda Planning Commission

City of Decatur, AL

July 18th, 2023

Time: 3:30 PM

City Council Chambers

Commissioners: **Kent Lawrence**, *Chairman*; **Gary Borden**, *Vice Chairman*; **Larry Wayne**, *Secretary*; **Hunter Pepper**; **Frances Tate**; **Joseph Wynn**; **Eddie Pike**; **Myrna Burroughs**; **Forrest Temple**

CALL MEETING TO ORDER

APPROVAL OF MINUTES – June 2023

PUBLIC HEARING

REZONING

PAGE NO.

- | | | |
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| A. Rezoning 1418-23 | Pugh Wright McAnally for City of Decatur/
Morgan County | 1-8 |
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MINOR PLAT

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| A. Minor Plat | Replat of Lot 32 of Almon Place Add. No. 4 | 9-12 |
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CONSENT AGENDA

CERTIFICATES

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| A. Certificate 3605-23 | Lee Y. Greene & Associates for Susan Baker | 13-16 |
| B. Certificate 3606-23 | Mid-South Testing Inc., for Ability Plus Inc. | 17-20 |

SITE PLAN**PAGE NO.**

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FINAL PLAT**PAGE NO.**

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OTHER BUSINESS

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PUBLIC HEARING

Re-zoning

FILE NAME OR NUMBER: Re-zoning 1418-23

ACRES: 1.41+/-

CURRENT ZONE: M-1 (Light-Industry)

APPLICANT: Pugh Wright McAnally for the City of Decatur/Morgan County

LOCATION AND OR PROPERTY ADDRESS: 201 1st Ave SE

REQUEST: Rezone 1.41+/- acres of land from M-1 to B-5

PROPOSED LAND USE: Commercial

ONE DECATUR FUTURE LAND USE: Urban Core Downtown

ONE DECATUR STREET TYPOLOGY: 2nd Ave SE is an Urban Collector

COMMENTS AND RECOMMENDATIONS FROM ZONING REVIEW COMMITTEE:

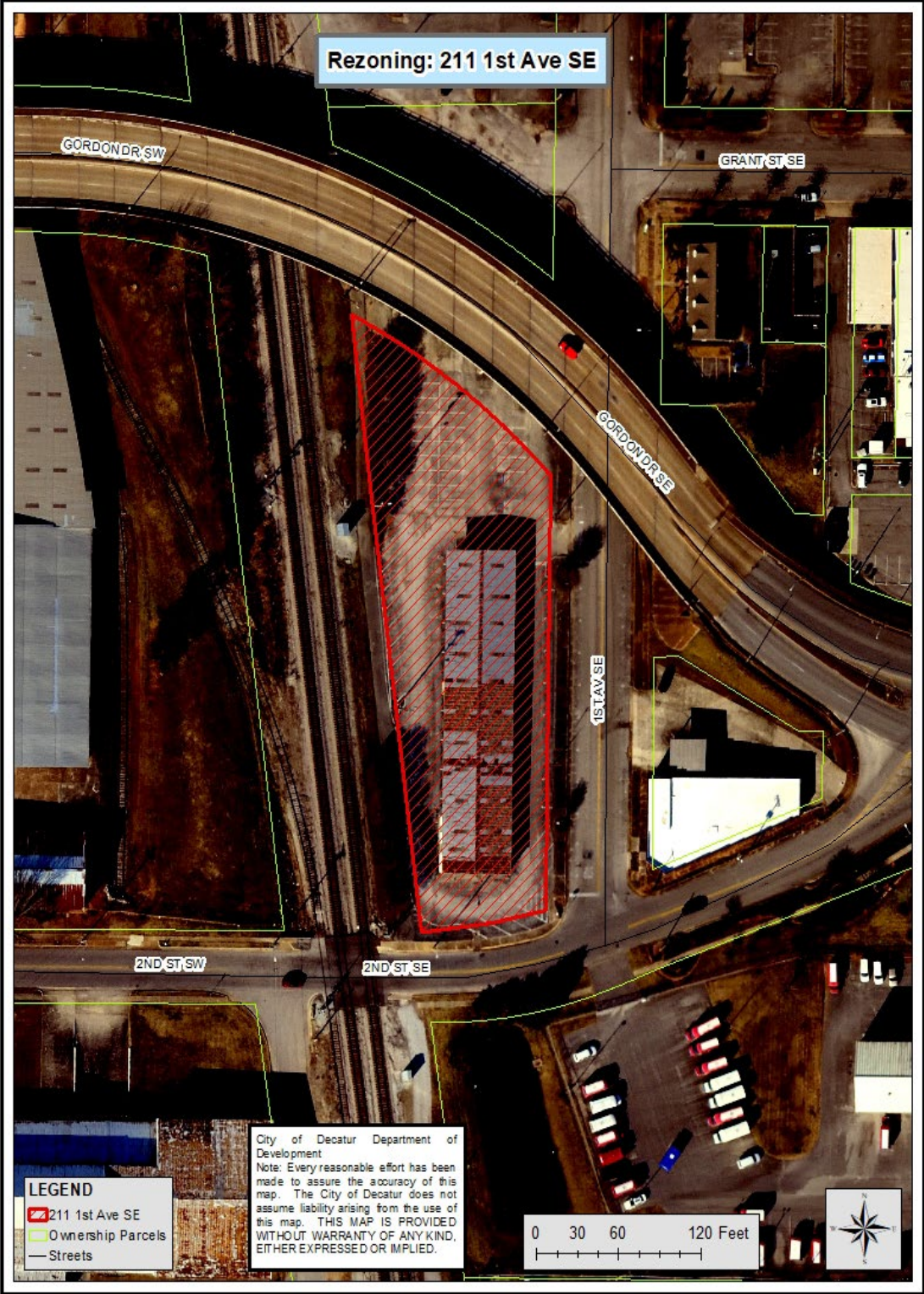
Conditions to be met:

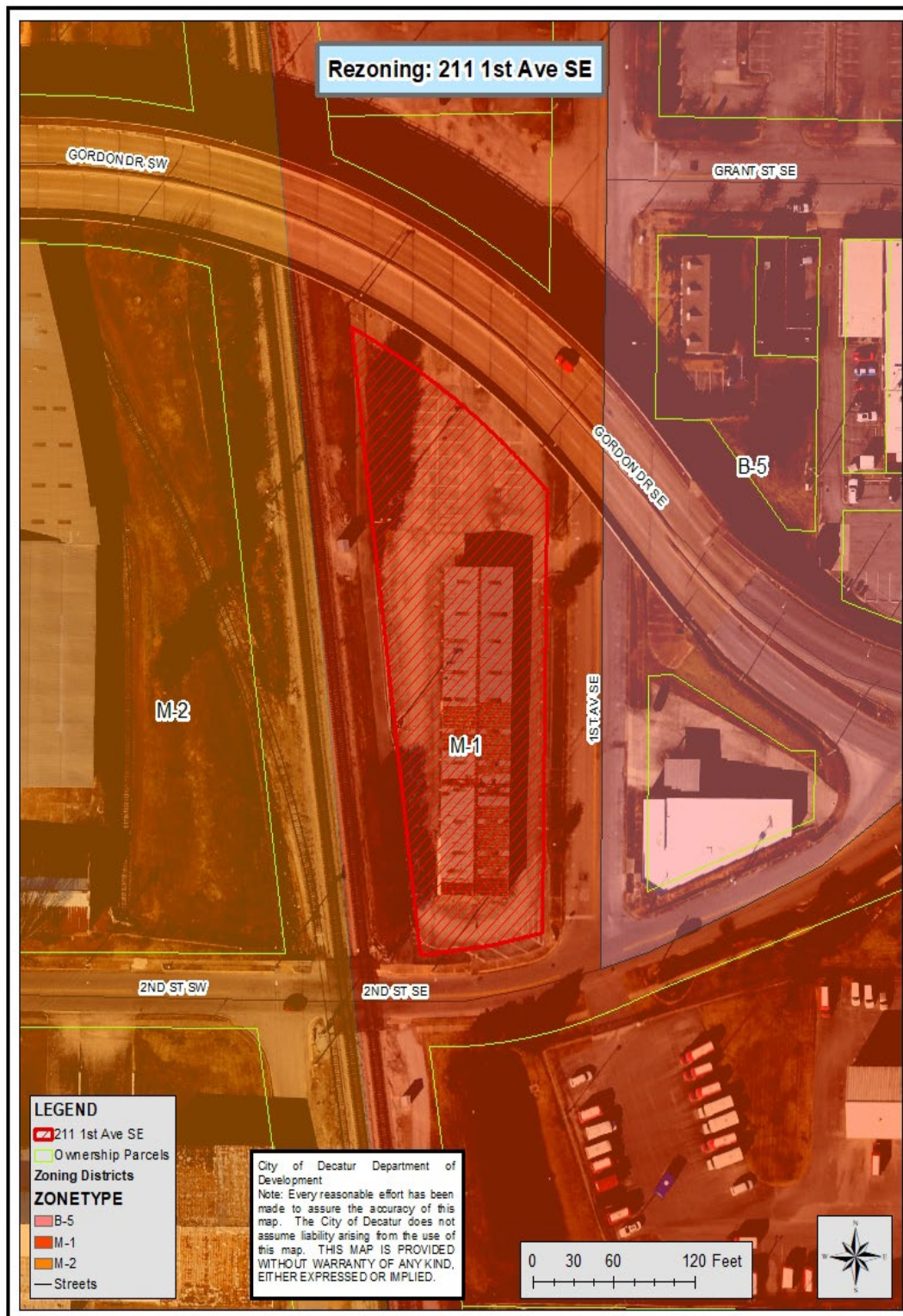
1. Please add the site data to the rezoning map
2. Please indicate the entire parcel that is being requested for rezoning

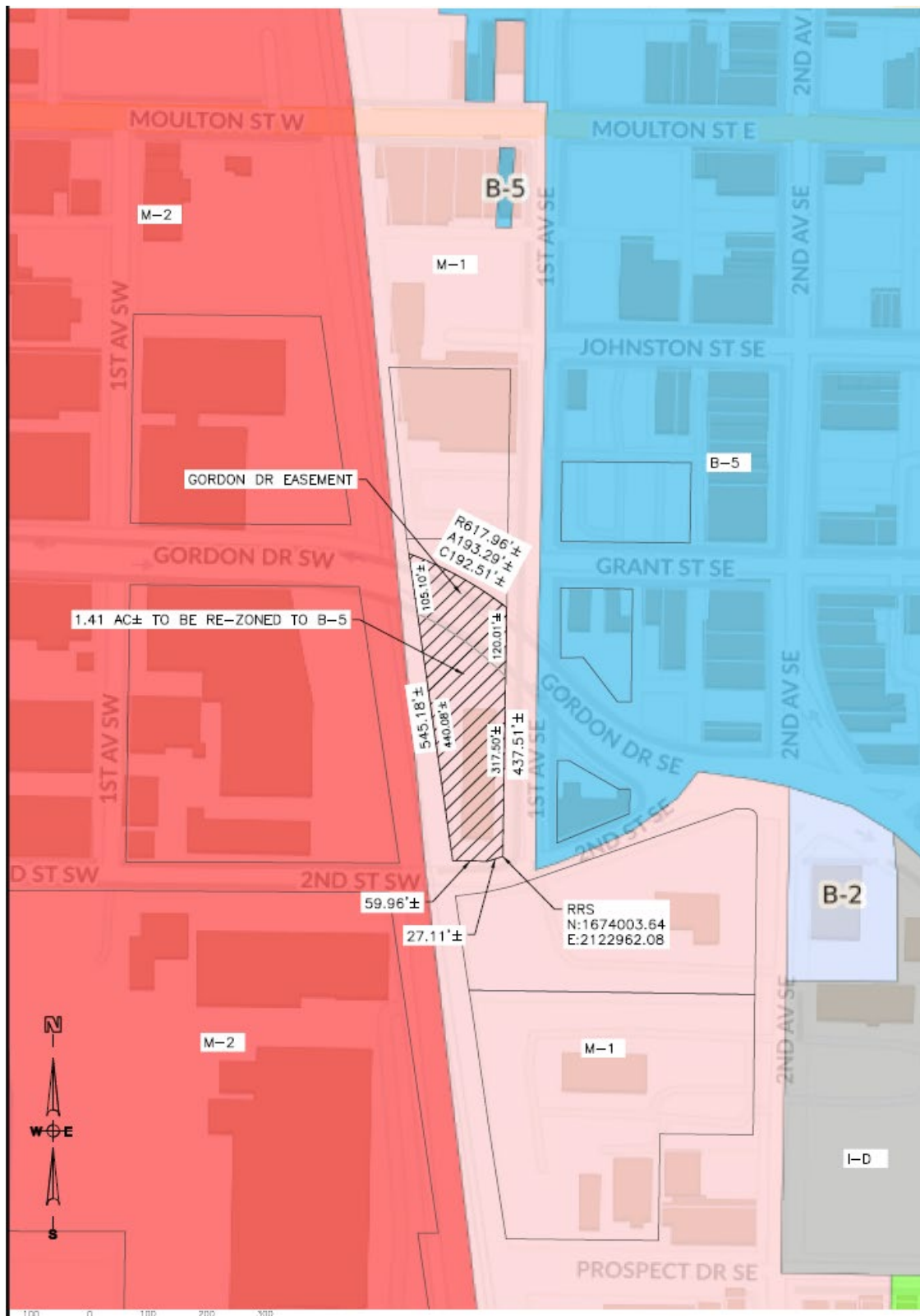
- *The zoning committee unanimously recommended approval of re-zoning 1418-23 to the Planning Commission*

Pt. of Info:

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







ZONING DISTRICT COMPARISON M-1 to B-5		July 18th, 2023
SECTION	M-1	B-5
USES PERMITTED	Off premises sale of alcoholic beverages; clubs; and 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 and pursuant to the Alcoholic Beverage Licensing Code, light industrial operations, not obnoxious, offensive, or detrimental to neighborhood property by reason of dust, smoke, vibration, noise, odor, effluence, or appearance (i.e. ice cream plants and creameries; cold storage plants; ice plants; bottling and central distribution plants; warehouses; dry cleaners and laundries). Any retail or wholesale business or service not specifically restricted or prohibited.	Off premises sale of alcoholic beverages; On premises sale of table wine; On premises sale of alcoholic beverages by the Princess Theatre Center for the Performing Arts and any other valid responsible organization of good reputation, if duly licensed as a special retail licensee; on premises sale of alcoholic beverages by duly licensed restaurants; and on premises sale of alcoholic beverages by lounges located in and constituting an integral part of a restaurant licensed by the Alabama Alcoholic Beverage Control Board to sell alcoholic beverages as a restaurant; and on premises sale by a lounge located in, and constituting an integral part of a hotel or motel having fifty (50) or more rooms for rent to the public; residential dwellings (multiple family or single family); provided that such dwellings conform to all requirements set forth in the residential zoning requirements (section 25-10) other than the maximum height provision, setback requirements, lot size, and parking set forth therein, which shall not be applicable. Retail stores and markets, including the following types: food, general merchandise; apparel; furniture; household and hardware; radio and T.V.; drugs and sundries; jewelry and gifts; florists; sporting goods; and similar types. Services including the following types: dry cleaning and laundry pickup stations; event venues, filling stations, provided however that gasoline storage above ground is prohibited; barber shops and beauty shops; shoe repair; offices; hotels; motels; post

		offices; banks; theaters and similar services. Public buildings, including public schools and libraries; public utilities; semi-public buildings; municipal, county, state and federal buildings; gardens; playgrounds and parks.
USES PERMITTED ON APPEAL	Mobile home parks; brewpubs as defined by Chapter 4A of Title 28 the Code of Alabama (Alabama Brewpub Act) and subject to all requirements of that Chapter, as last amended; sale of alcoholic beverages by a manufacturers licensee when duly licensed by the City of Decatur and the Alabama Alcoholic Control Board under and pursuant to the Alcoholic Beverage Licensing Code, as last amended. Any uses permitted or permitted on appeal in an R-4, Residential District and subject to all district requirements of said district as specified in section 25-10, hereof, other than the maximum height provision set forth therein which shall not be applicable.	Restaurants; class 1 restaurants with the intent that possible impacts on nearby citizens who live or have businesses should be addressed during the board of zoning adjustment hearing process; 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 and pursuant to the Alcoholic Beverage Licensing Code; and on premises and off premises sale of beer and table wine by food establishments other than any classification of restaurant which have monthly gross receipts from the serving of meals and food that constitute at least sixty (60) percent of the monthly gross receipts of the business; architecturally compatible accessory structures may be permitted as a use permitted on appeal for a residential use; brewpubs as defined by Chapter 4A of Title 28 the Code of Alabama (Alabama Brewpub Act) and subject to all requirements of that chapter, as last amended; dry cleaners and laundries; manufacturing incidental to a retail business where articles are sold at retail on the premises, for only those uses specifically permitted. .
USES PROHIBITED	Slaughterhouse; stockyard; bag cleaning; boiler and tank works; central mixing plant for cement, mortar, plaster and painting materials; curing, tanning or storage of hides; distillation of bones, coal, tar, or wood; fat	Major auto repair, except as may be a part of a new car sales, and Businesses licensed under the Deferred Presentment Services Act and/or, Pawnshop Act and/or, Dealers in Gold or Precious Items

	rendering; forage plants; gasoline storage above ground in excess of five hundred (500) gallons; manufacture of acetylene, acid, alcohol for non-consumption, ammonia, bleaching powder, brick, pottery, terra cotta or tile, cement blocks, candles, disinfectants, dye-stuffs, fertilizers, illuminating or heating gas, including storage of same, paint, turpentine, varnish, soap, and tar products; wool pulling or scouring; junk yards; cotton waste reclaiming; and similar types of plants or operations; Businesses licensed under the Deferred Presentment Services Act and/or, Pawnshop Act and/or, Dealers in Gold or Precious Items Act.	Act. Any use not permitted or permitted on appeal.
MINIMUM LOT AREA	It is the intent of the section that lots of sufficient size be used for any industrial, service or business use for any industrial, service or business use space in addition to the space required for the other normal operation of the enterprise	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	None specified, except where existing establishments (other than residential) are set back, any new structures shall be set back not less than the average of the setbacks of the existing establishments within one hundred (100) feet each side thereof.	None specified.
MINIMUM REAR YARD SETBACK	None specified.	None specified.
MINIMUM SIDE YARD SETBACK	None specified, excepting a lot, adjoining its side lot line another 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.	None specified.
OFF-STREET UNLOADING	Shall provide adequate space for loading or unloading all vehicles or trucks incidental to the operation of the industry or use.	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.

Minor Plat

FILE NAME OR NUMBER: Minor Plat- Replat of Lot 32 of Almon Place Addition No. 4

ACRES: 0.32+/-

CURRENT ZONE: R-5 (Patio Home)

APPLICANT: Pugh Wright McAnally for Brown-Almon-Nowlin Development LLC

LOCATION AND OR PROPERTY ADDRESS: 2201 Sorrento Place SW

REQUEST: Replat parcel so that applicant can construct driveway off Castle Gate Blvd SW

PROPOSED LAND USE: Residential

ONE DECATUR FUTURE LAND USE: Low-Density Residential

ONE DECATUR STREET TYPOLOGY: Sorrento Place SW is a local street

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

- 1) Title Opinion Needed

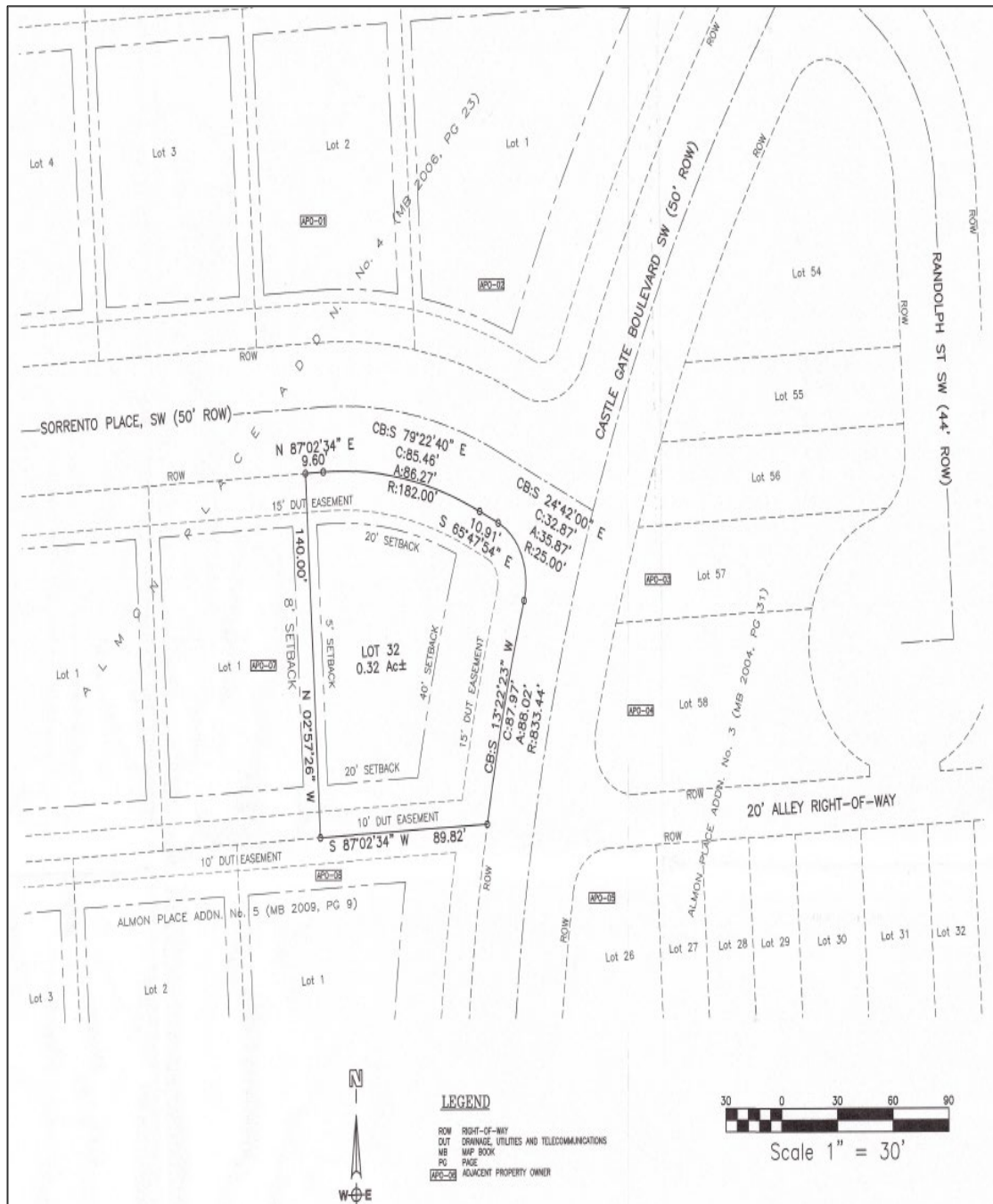
Pt. of Info:

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





Replat of Lot 32 of Almon Place Addition
No. 4



END PUBLIC HEARING**CONSENT AGENDA****Certificates**

FILE NAME OR NUMBER: Certificate 3605-23

ACRES: 0.32 +/- acres

CURRENT ZONE: R-4 (Multi-Family)

APPLICANT: Lee Y. Greene & Associates, Inc. for Susan Baker

LOCATION AND OR PROPERTY ADDRESS: 821 3rd Ave SE

REQUEST: Consolidate 2 parcels into one for a total acreage of 0.32

PROPOSED LAND USE: Residential

ONE DECATUR FUTURE LAND USE: Urban Mixed Use

ONE DECATUR STREET TYPOLOGY: 3rd Ave SE is a Local Street

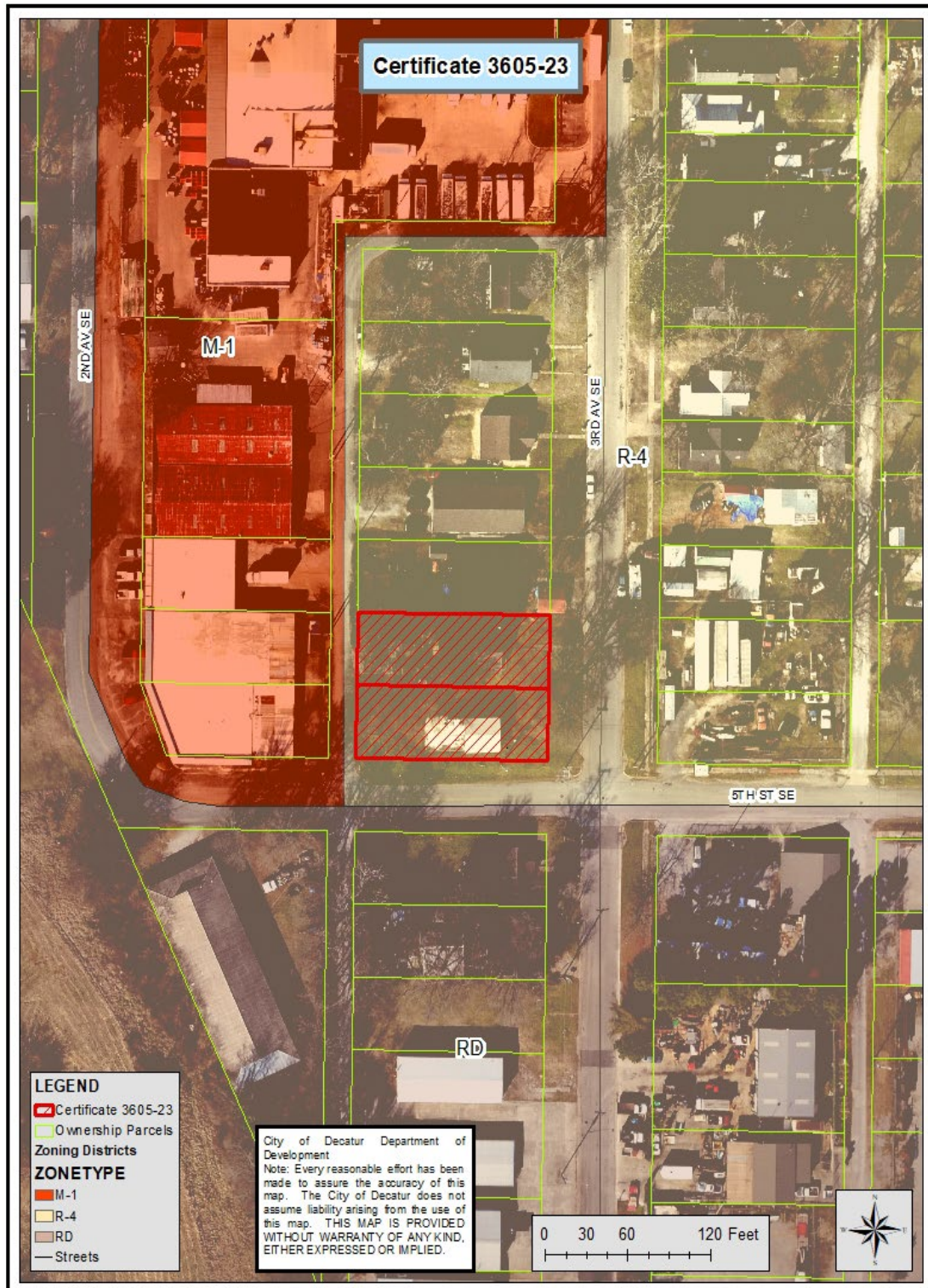
COMMENTS AND RECOMMENDATIONS FROM TECHNICAL REVIEW COMMITTEE:**Conditions to be met:**

1. Please remove all structures except the primary dwelling
2. Please make the line that is to be removed a dashed line and indicate in the notes that the dashed line will be removed.
3. Please add the setback lines

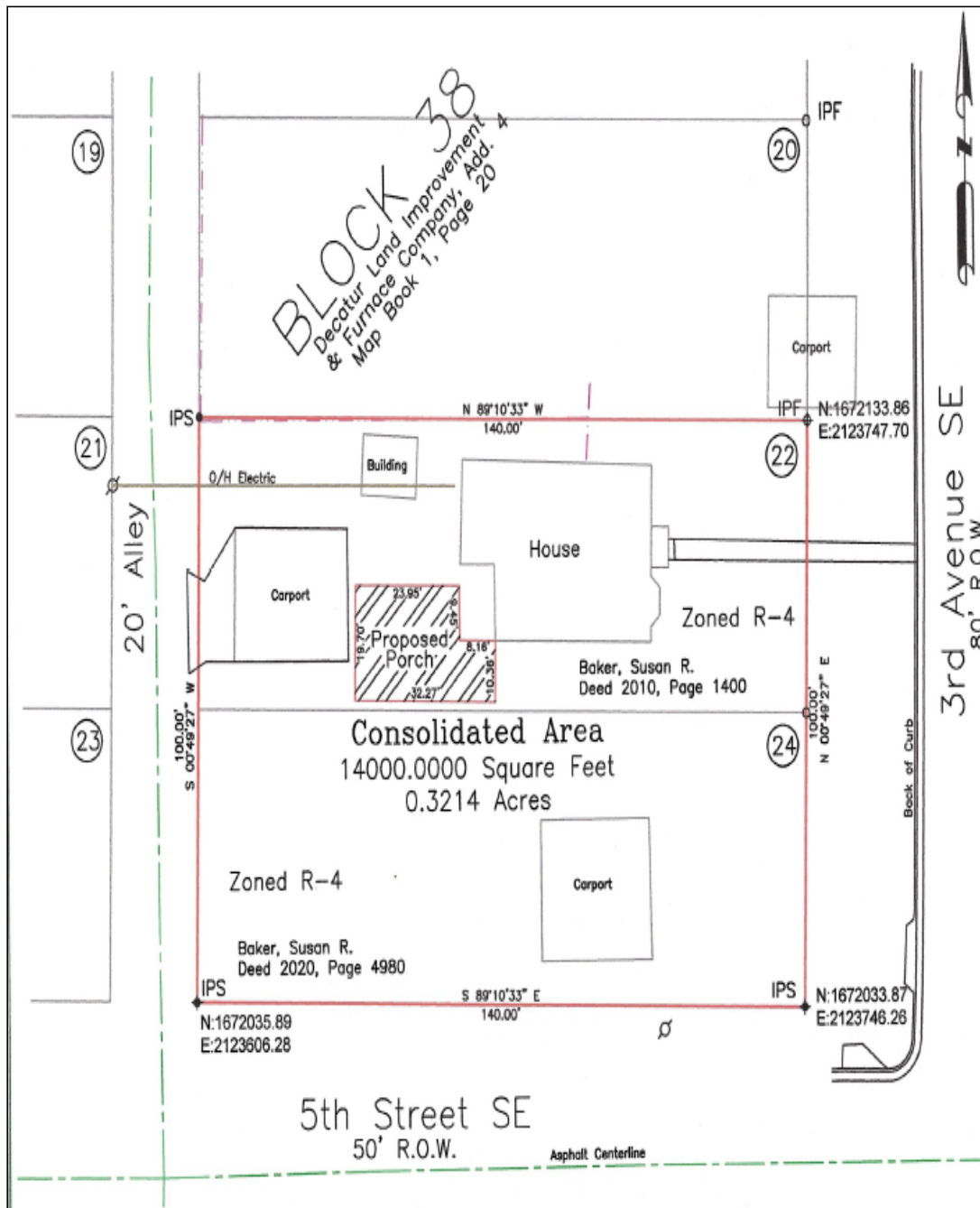
Pt. of Info:

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





Certificate 3605-23



FILE NAME OR NUMBER: Certificate 3606-23

ACRES: 2.15 +/-

CURRENT ZONE: AG-2 (Agricultural)

APPLICANT: Mid-South Testing Inc., for Ability Plus Inc.

LOCATION AND OR PROPERTY ADDRESS: 3806 Williams Lane SE

REQUEST: Subdivide one parcel into two

PROPOSED LAND USE: General Industry

ONE DECATUR FUTURE LAND USE: Mixed Neighborhood

ONE DECATUR STREET TYPOLOGY: Williams Lane SE is an Urban Collector

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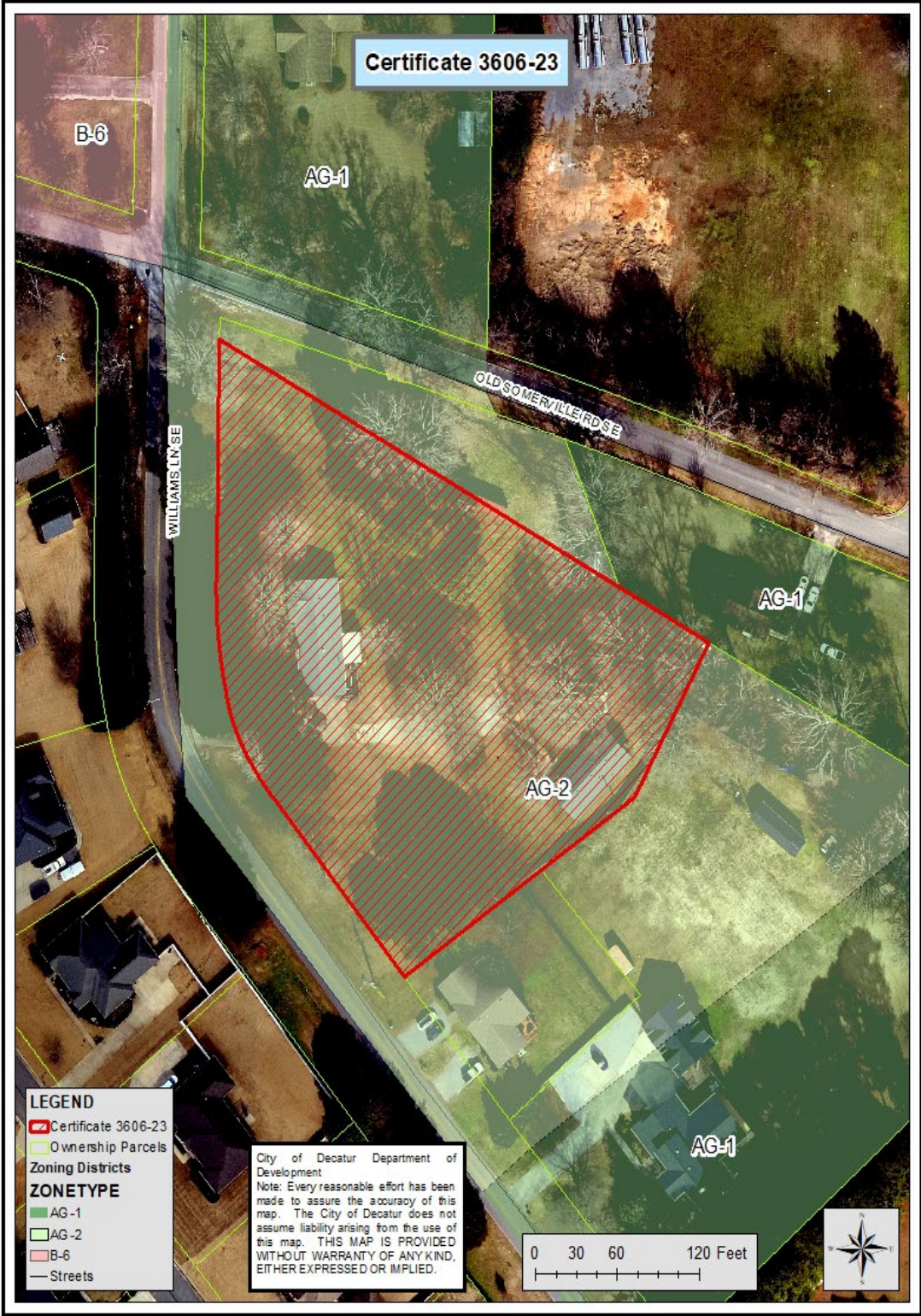
Conditions to be met:

1. None

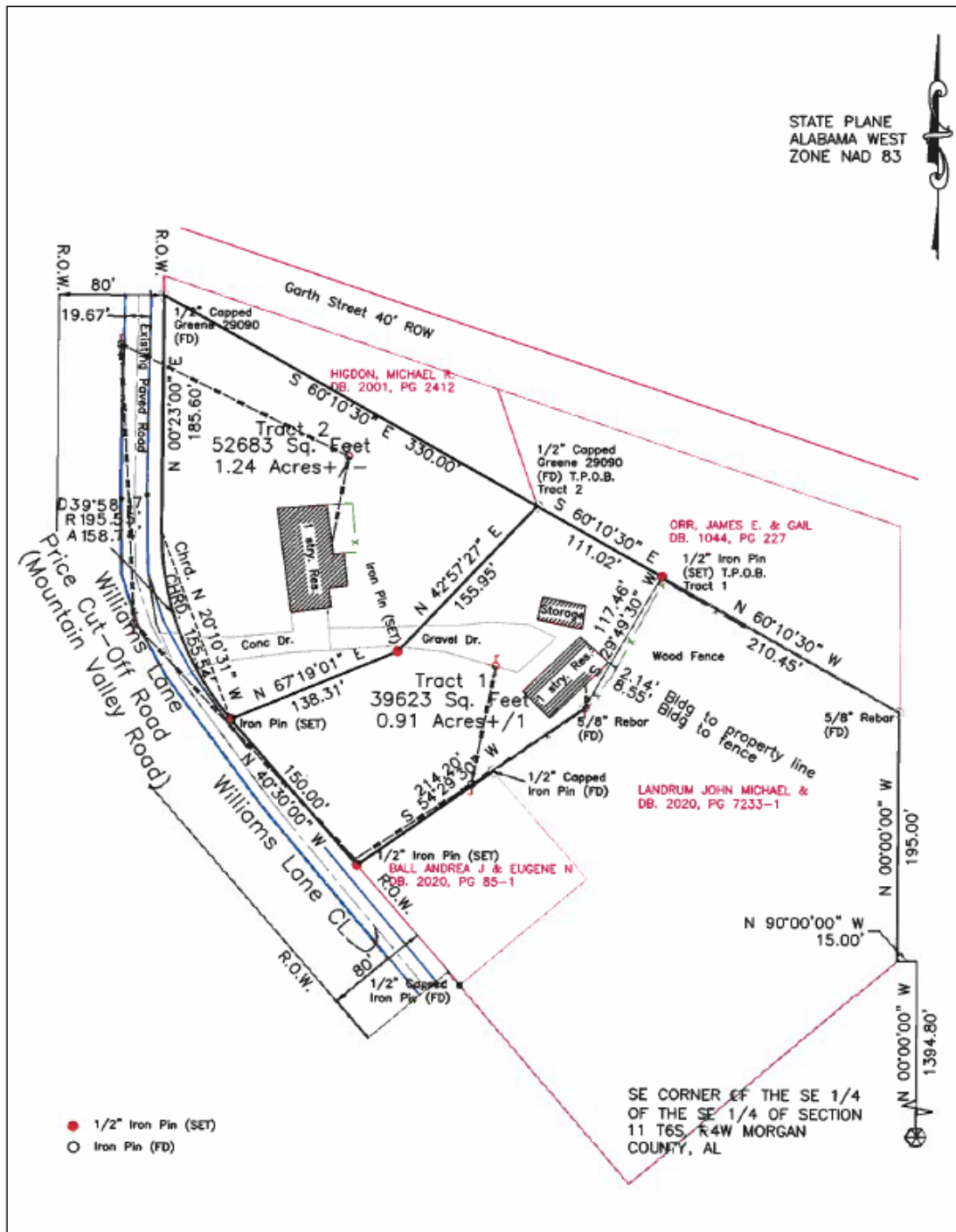
Pt. of Info:

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





Certificate 3606-23



Site Plans

FILE NAME OR NUMBER: Site Plan 658-23

ACRES: 1.31 +/-

CURRENT ZONE: M-1 (Light Industry)

APPLICANT: Vice Engineering for Triple T Properties

LOCATION AND OR PROPERTY ADDRESS: 1828 Bassett Ave SE

REQUEST: Approve site plan

PROPOSED LAND USE: Light Industry

ONE DECATUR FUTURE LAND USE: Community Commercial

ONE DECATUR STREET TYPOLOGY: Bassett Ave SE is a Local Street

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

1. Dumpster Pad enclosure height
2. Add existing easements
3. Please add the number of parking spaces & calculation
4. Please add internal circulation arrows
5. Please provide a landscaping plan

Pt. of Info:

Pipe bursting activities will be occurring on the sewer mains at this location

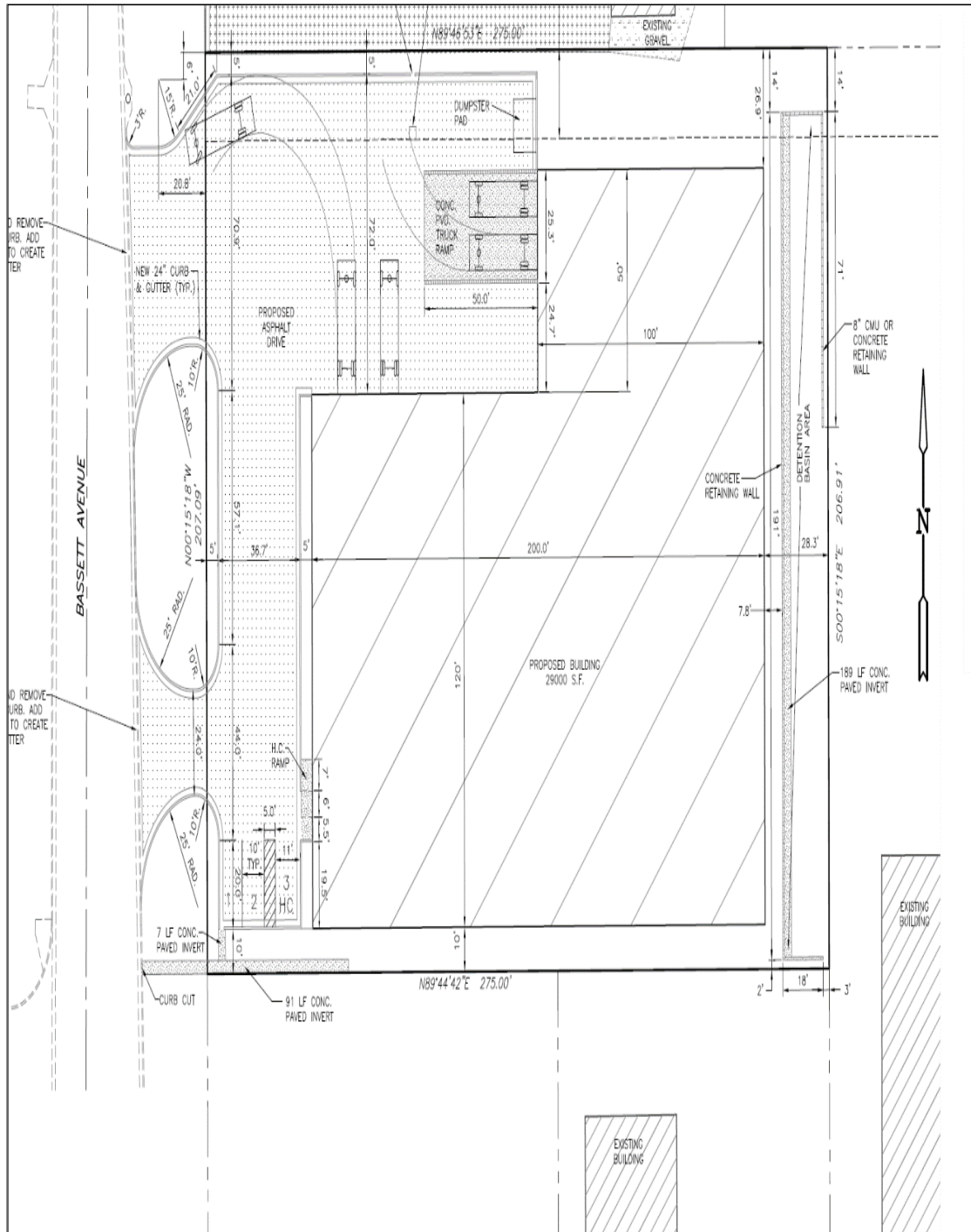
Electric may need to be modified based on voltage needed for project

Relocation of utilities at the owner's expense





Site Plan 658-23



FILE NAME OR NUMBER: Site Plan 659-23

ACRES: 32.84 +/- acres

CURRENT ZONE: R-4 (Multi-Family)

APPLICANT: LBYD Engineering for Realty Link

LOCATION AND OR PROPERTY ADDRESS: 3105 Old Moulton Road SW

REQUEST: Approve Site Plan

PROPOSED LAND USE: Residential

ONE DECATUR FUTURE LAND USE: Residential, Low

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

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

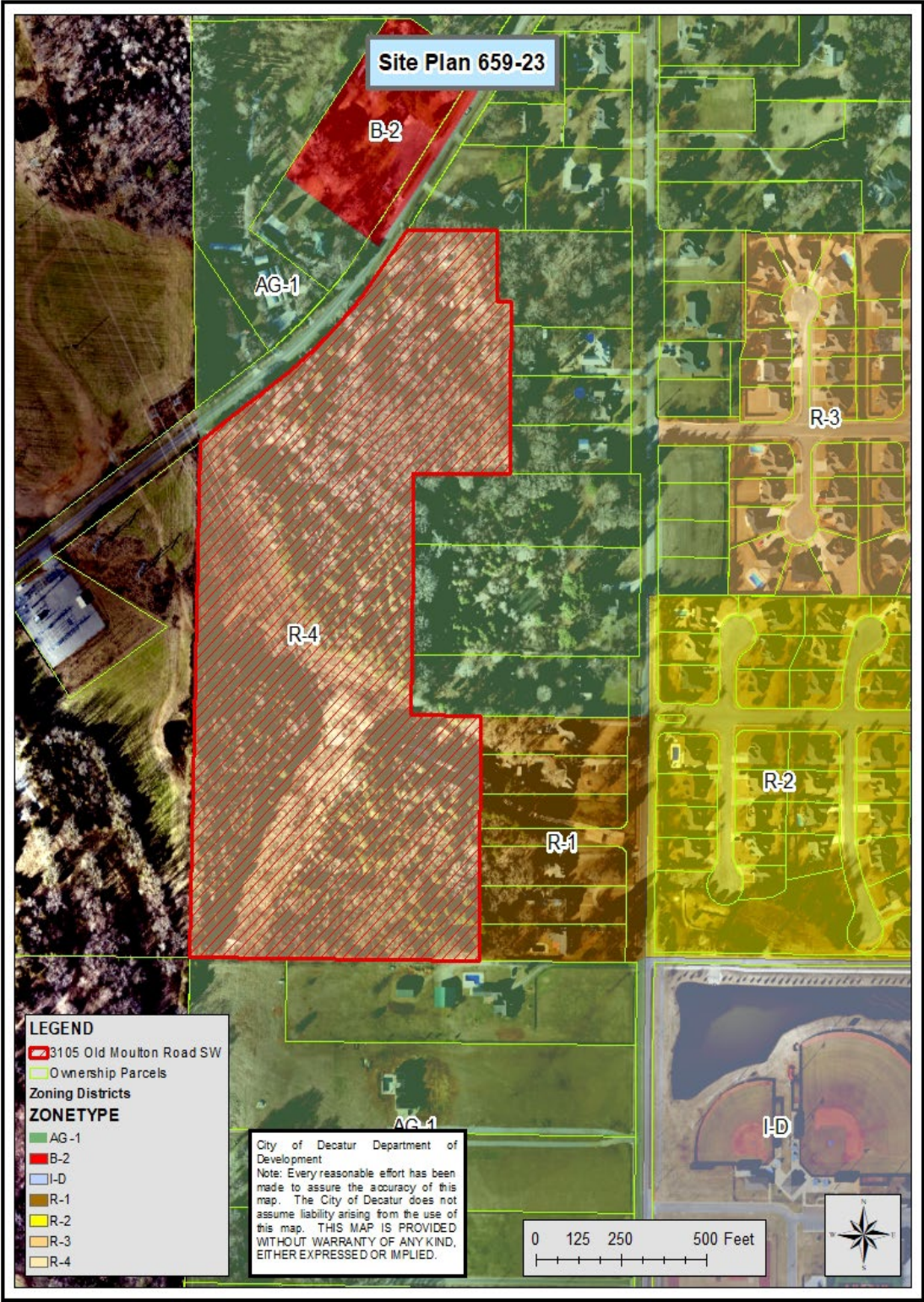
1. Please provide perimeter and foundation Landscaping
2. Please add the number of parking spaces to each segment of the parking lot
3. Please add internal circulation arrows
4. Please provide a lighting plan
5. Please include the entire parcel as part of the site plan
6. Please provide the total number of units in the site summary section
7. Per Engineering approval
8. If gas service is needed, gas service details will need to be provided to DU

Pt. of Info:

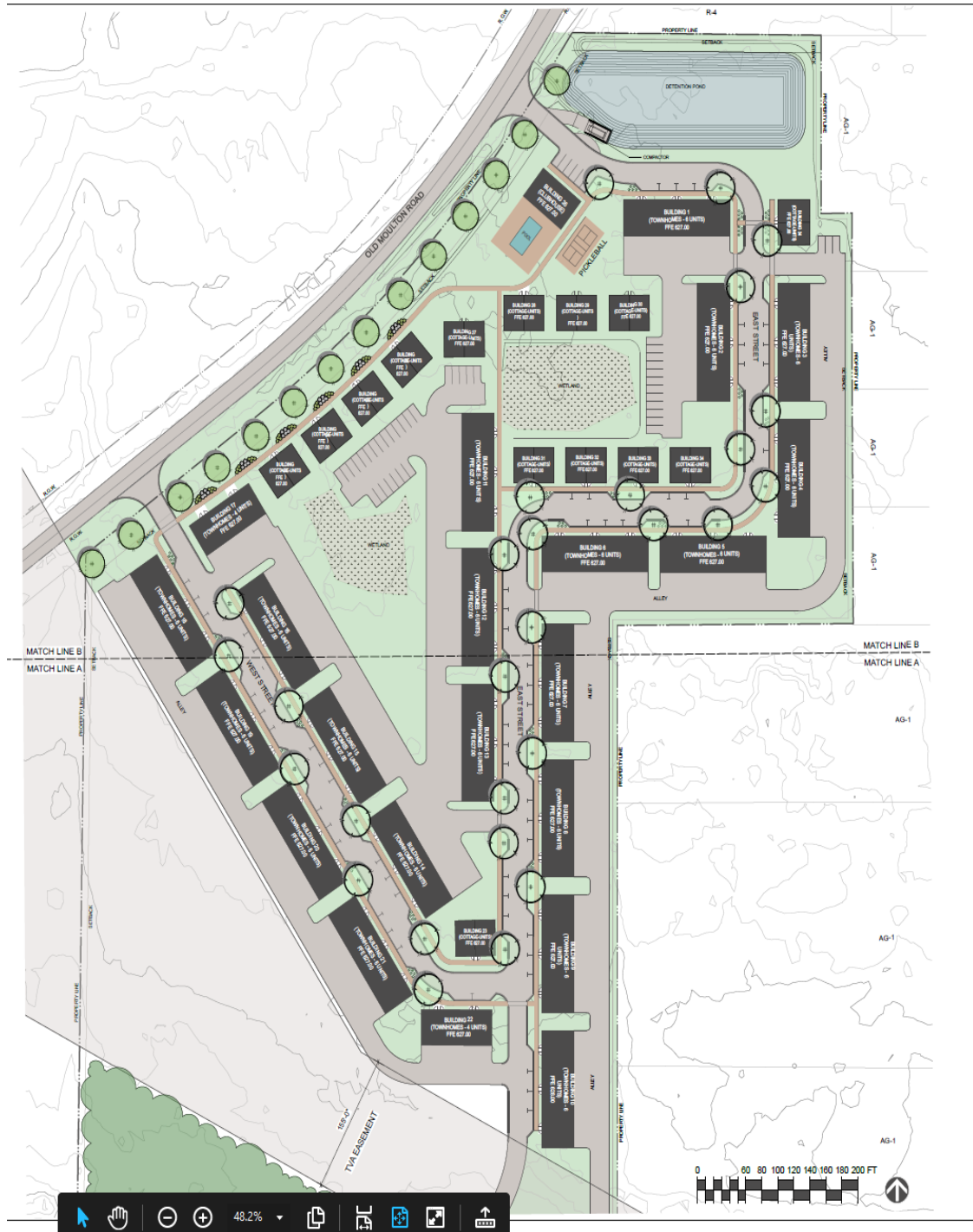
Sewer extension needed to serve property

Relocation of utilities at the owner's expense





Site Plan 659-23



FILE NAME OR NUMBER: Site Plan 661-23

ACRES: 2.01 +/- acres

CURRENT ZONE: RD (Redevelopment)

APPLICANT: Pugh Wright McAnally for Henri Fontaine

LOCATION AND OR PROPERTY ADDRESS: 1225 6th Ave SE

REQUEST: Modify from original lighting plan that was approved on 1/18/22, Site Plan 628-22

PROPOSED LAND USE: Commercial

ONE DECATUR FUTURE LAND USE: Urban Edge Mixed Use

ONE DECATUR STREET TYPOLOGY: 6th Ave/ Hwy 31 is a Principal Arterial

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

None

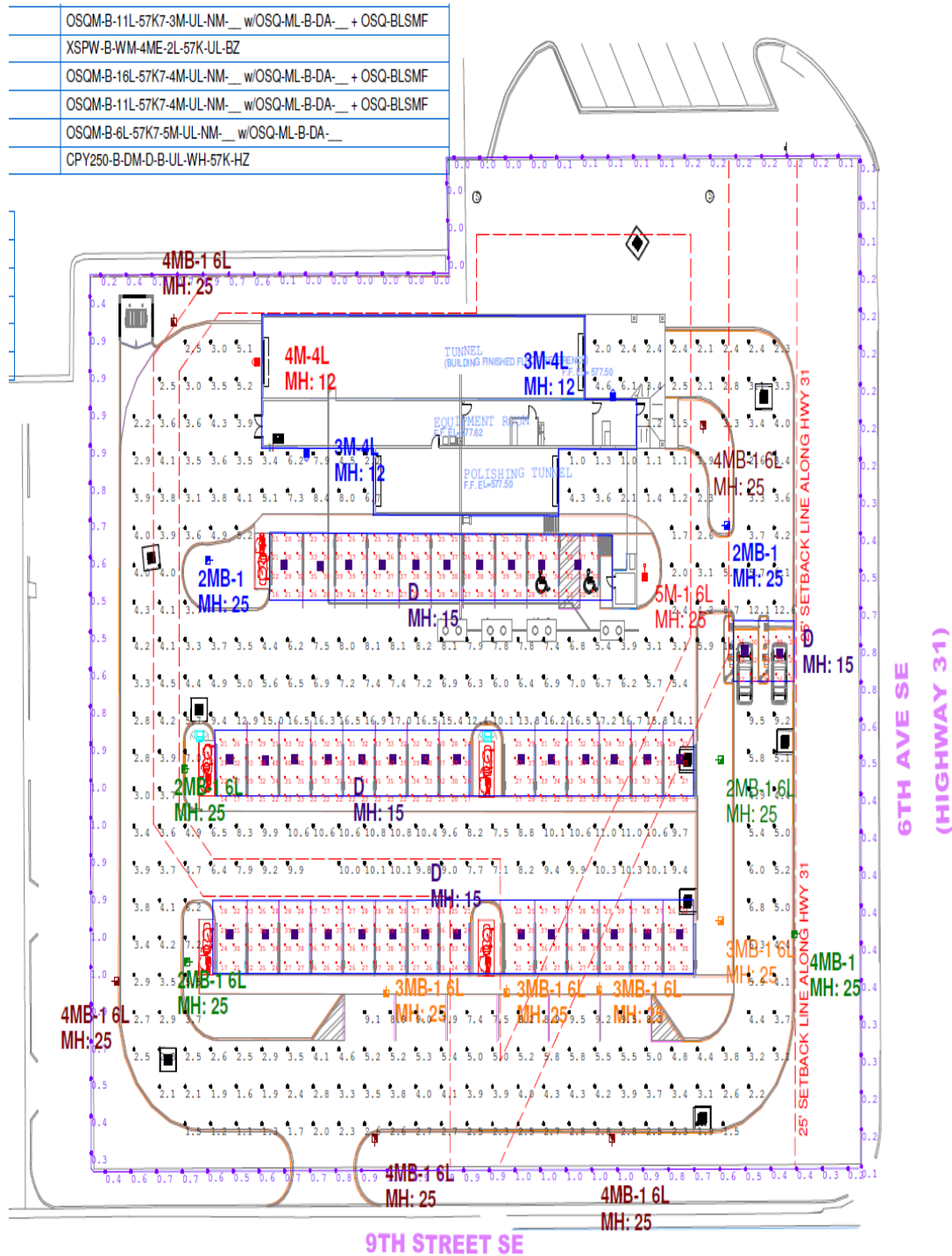
Pt. of Info:

Relocation of utilities at the owner's expense





Site Plan 661-23



Final Plat

FILE NAME OR NUMBER: Final Plat Old River Manor Phase 2A

ACRES: 5 +/- Acres

CURRENT ZONE: R-3 (Single-Family)

APPLICANT: Pugh Wright McAnally for Morris Development

LOCATION AND OR PROPERTY ADDRESS: SE of Old River Phase 1, South of Old River Phase 2

REQUEST: Approve Final Plat

PROPOSED LAND USE: Residential

ONE DECATUR FUTURE LAND USE: Mixed Neighborhood

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

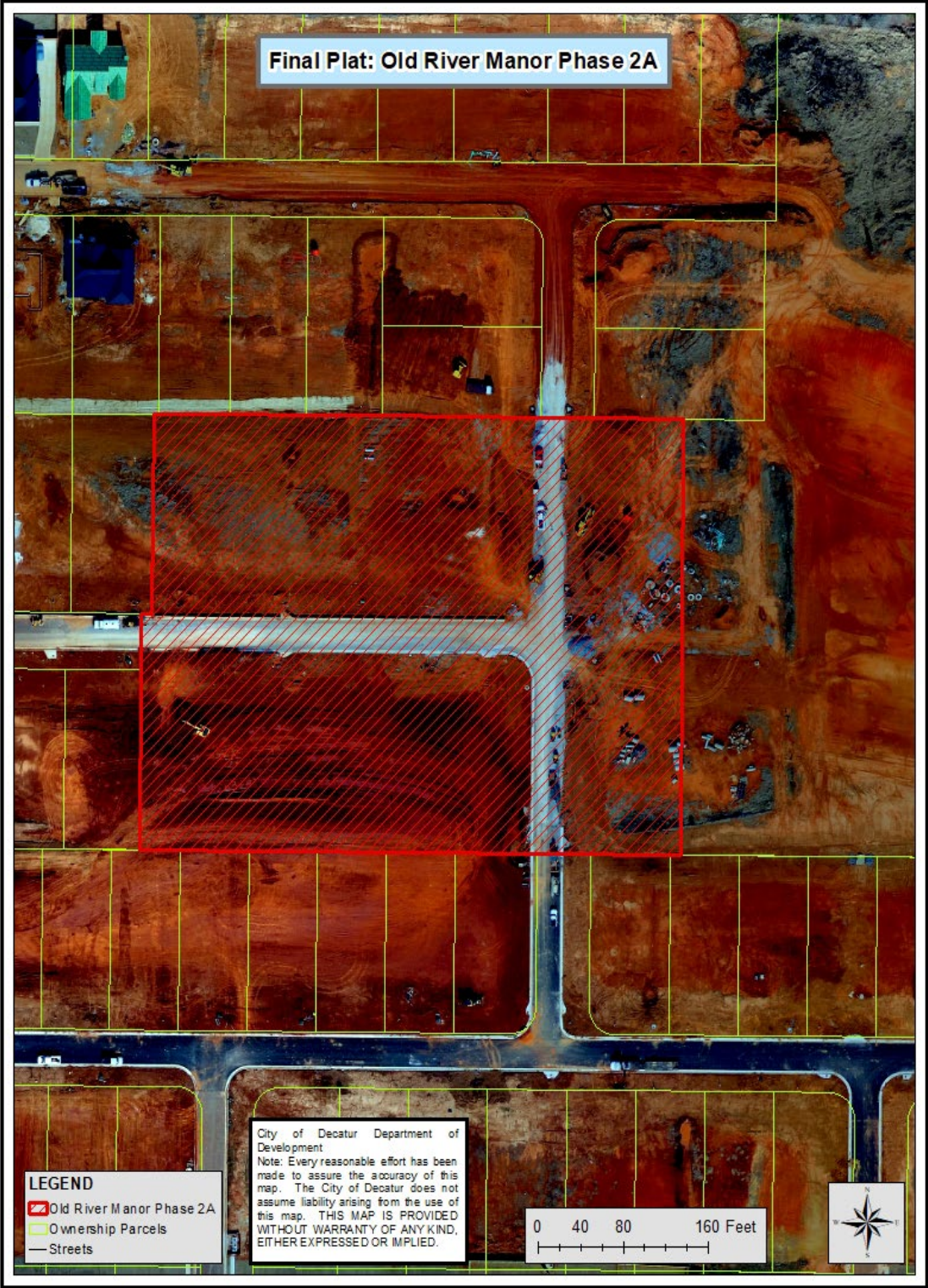
COMMENTS AND RECOMMENDATIONS FROM TECHNICAL REVIEW COMMITTEE:
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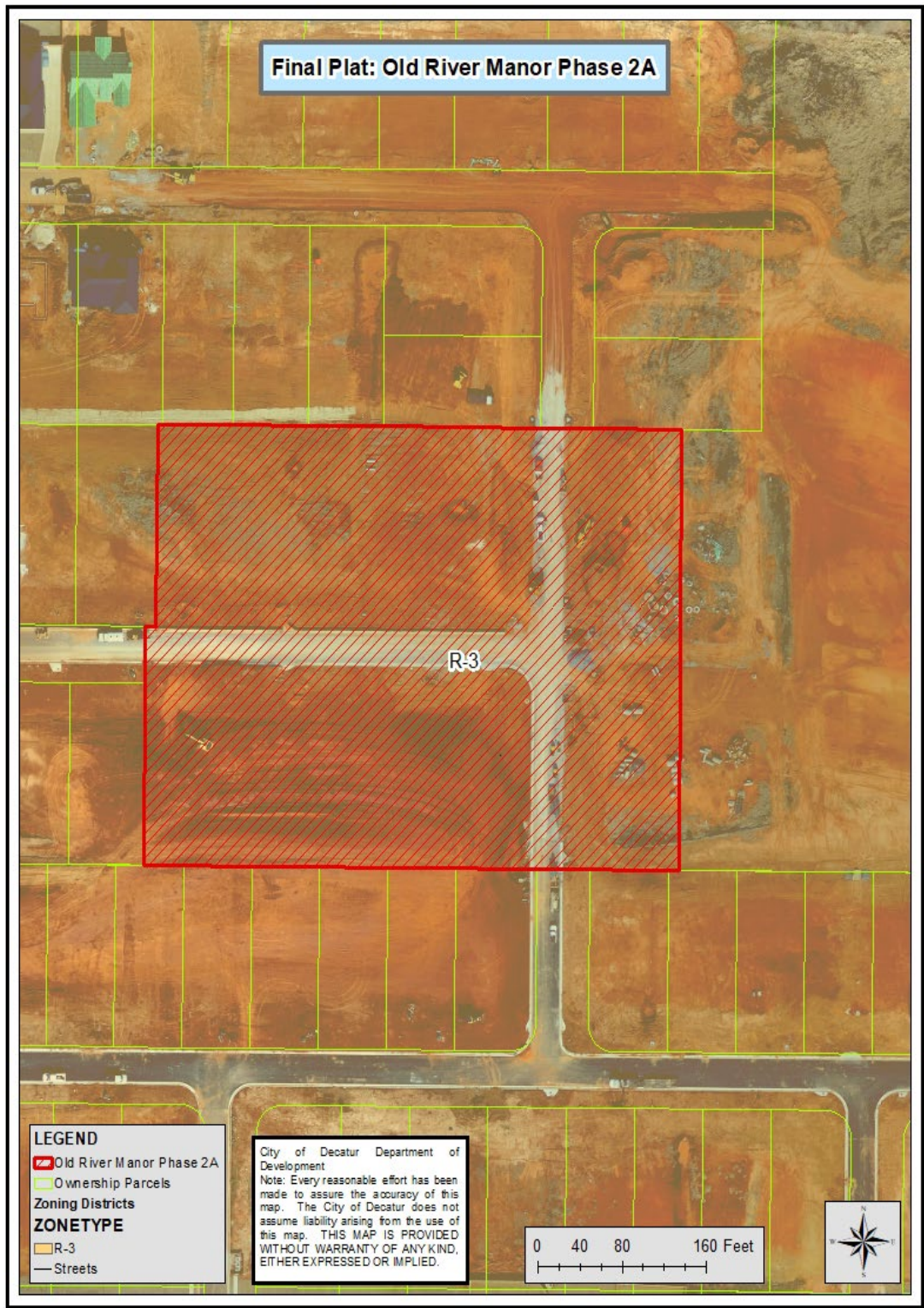
Conditions to be met:

1. Please remove APO list
2. Please add FEMA Flood Panel
3. Please add site data; Smallest lot, largest lot, number of lots, zoning, total acreage subdivided
4. Please indicate on double frontage lots which direction the house will front
5. Please add Surveyor's Certificate and Description of land platted
6. Please add a notary's acknowledgment of dedication certificates
7. Verification of bond amount needed
8. Title opinion needed

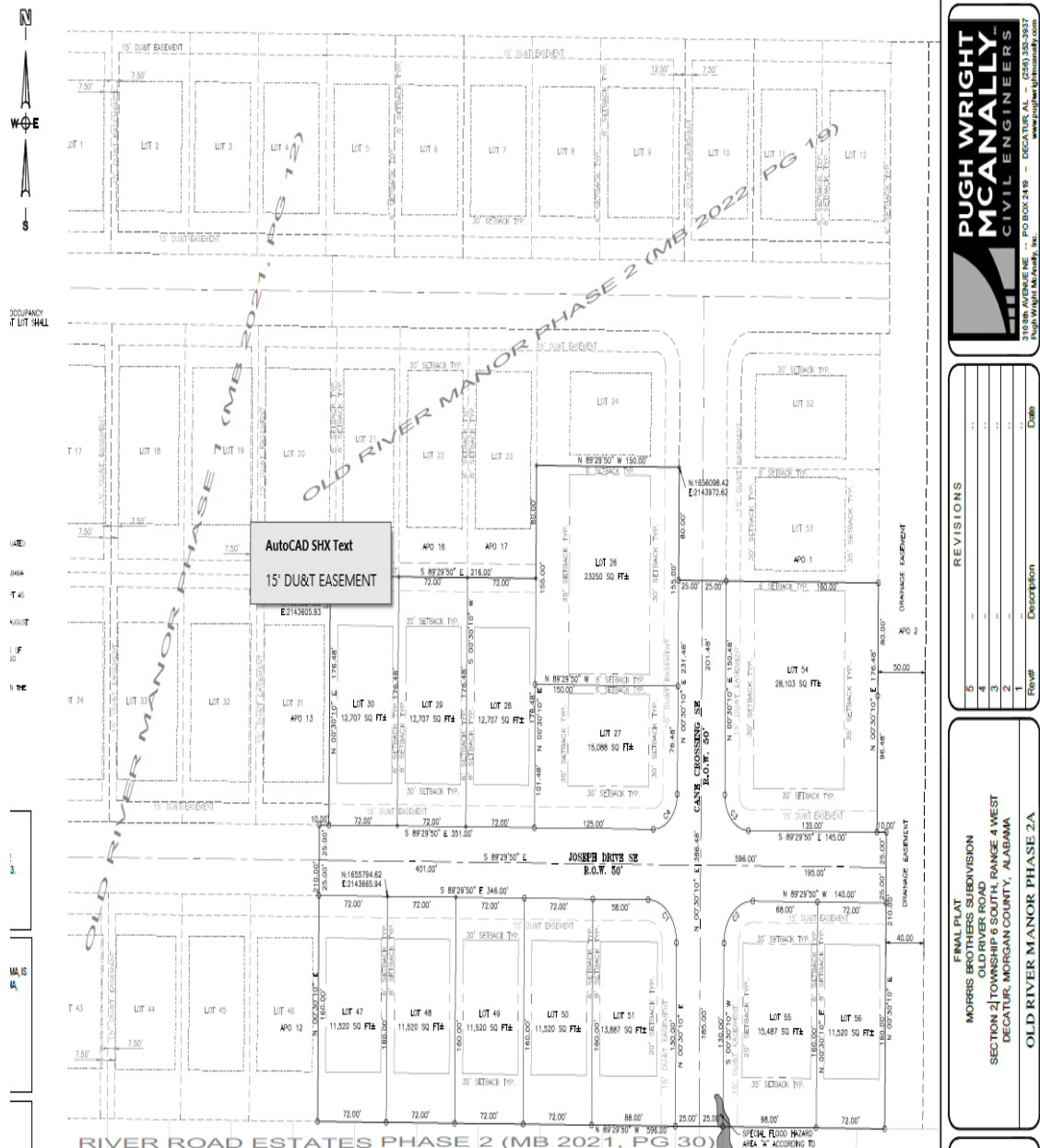
Pt. of Info:

Relocation of utilities at the owner's expense





Final Plat Old River Manor Phase 2A



FILE NAME OR NUMBER: Glenmont Acres Phase 1 Final Plat

ACRES: 16 +/- acres

CURRENT ZONE: R-3 (Single-Family)

APPLICANT: Pugh Wright McAnally for Huntsville LD, LLC

LOCATION AND OR PROPERTY ADDRESS: South of Poole Valley Rd SW and East of Central Ave SW

REQUEST: Approve Final Plat

PROPOSED LAND USE: Residential

ONE DECATUR FUTURE LAND USE: Mixed Neighborhood

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. Please add FEMA Flood Panel
2. Please add site data; Smallest lot, largest lot, number of lots, zoning, total acreage subdivided
3. Please indicate on double frontage lots which direction the house will front
4. Please have Final Plat on one Mylar
5. Please ensure that Final Plat matches Preliminary Plat, if not the applicant will need to go back the PC and get approval.
6. Bond needed for unfinished improvements
7. Title opinion needed

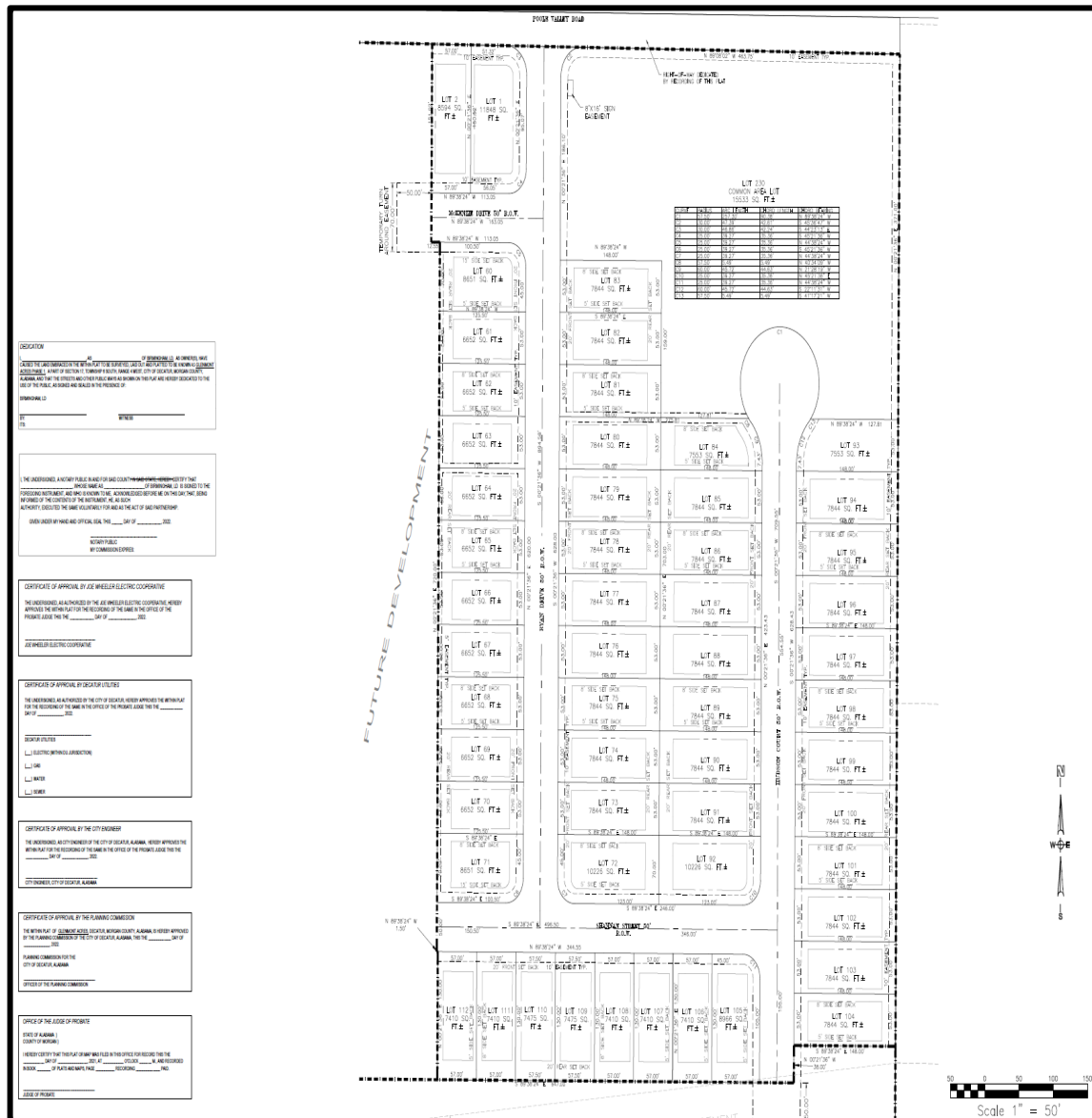
Pt. of Info:

Relocation of utilities at the owner's expense





Final Plat Glenmont Acres
Phase 1



END CONSENT AGENDA

OTHER BUSINESS**Vacation**

FILE NAME OR NUMBER: Vacation 546-23

ACRES: 0.2+/-

CURRENT ZONE: M-1 (Light Industry District)

APPLICANT: Pugh Wright McAnally for Stogie Holdings & Trinity Properties LLC

LOCATION AND OR PROPERTY ADDRESS: 609 Bank Street NE

REQUEST: Vacate 0.2 acres of alley right-of-way

PROPOSED LAND USE: Commercial

ONE DECATUR FUTURE LAND USE: Urban Core Downtown

ONE DECATUR STREET TYPOLOGY: Bank Street NE is an Urban Collector

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

1. Entire alley will need to be retained as an easement

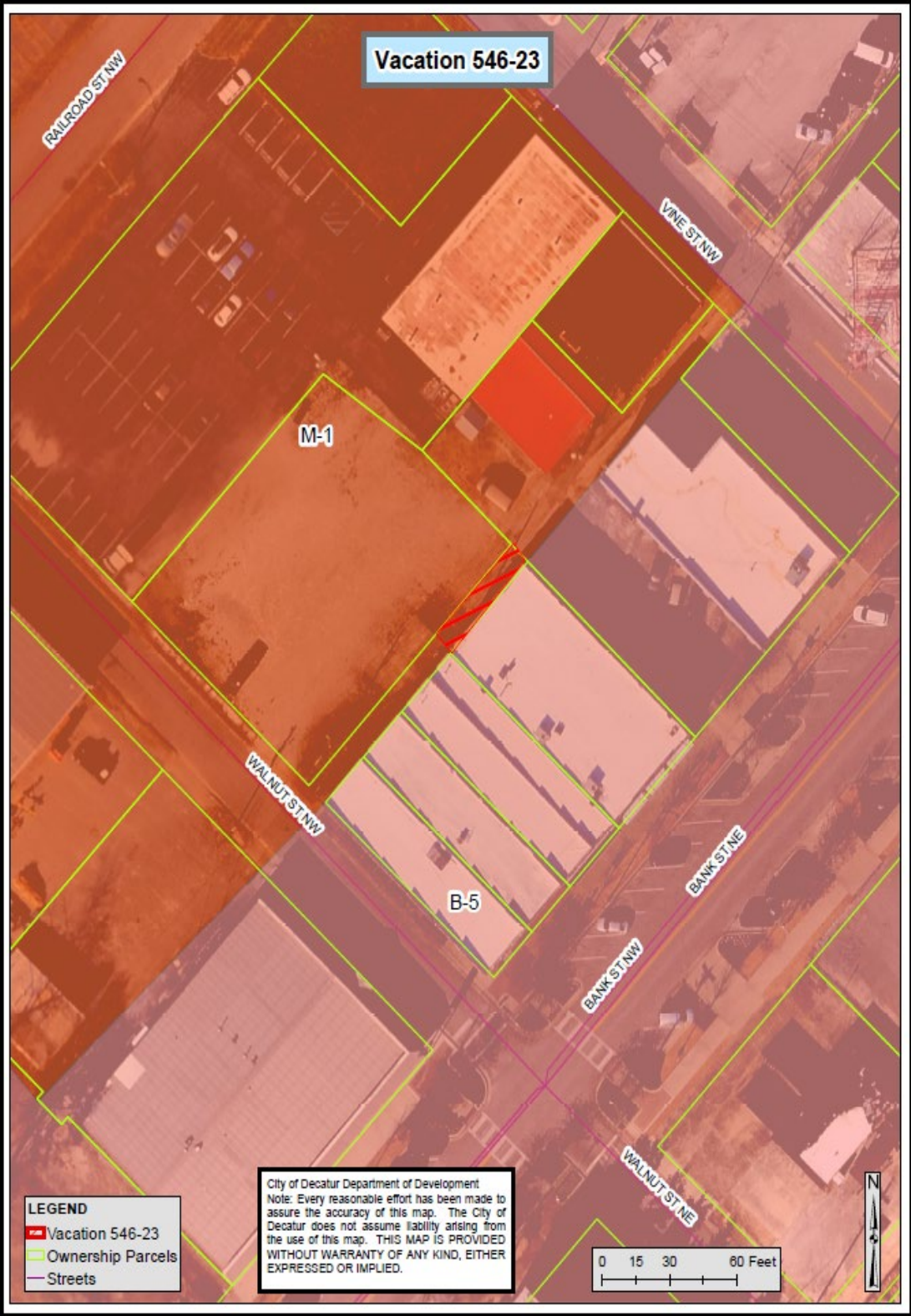
Point of Information:

DU will need a 5-foot horizontal clearance between the wastewater main and the grease interceptor system and a 3-foot horizontal clearance between the gas and grease interceptor systems.

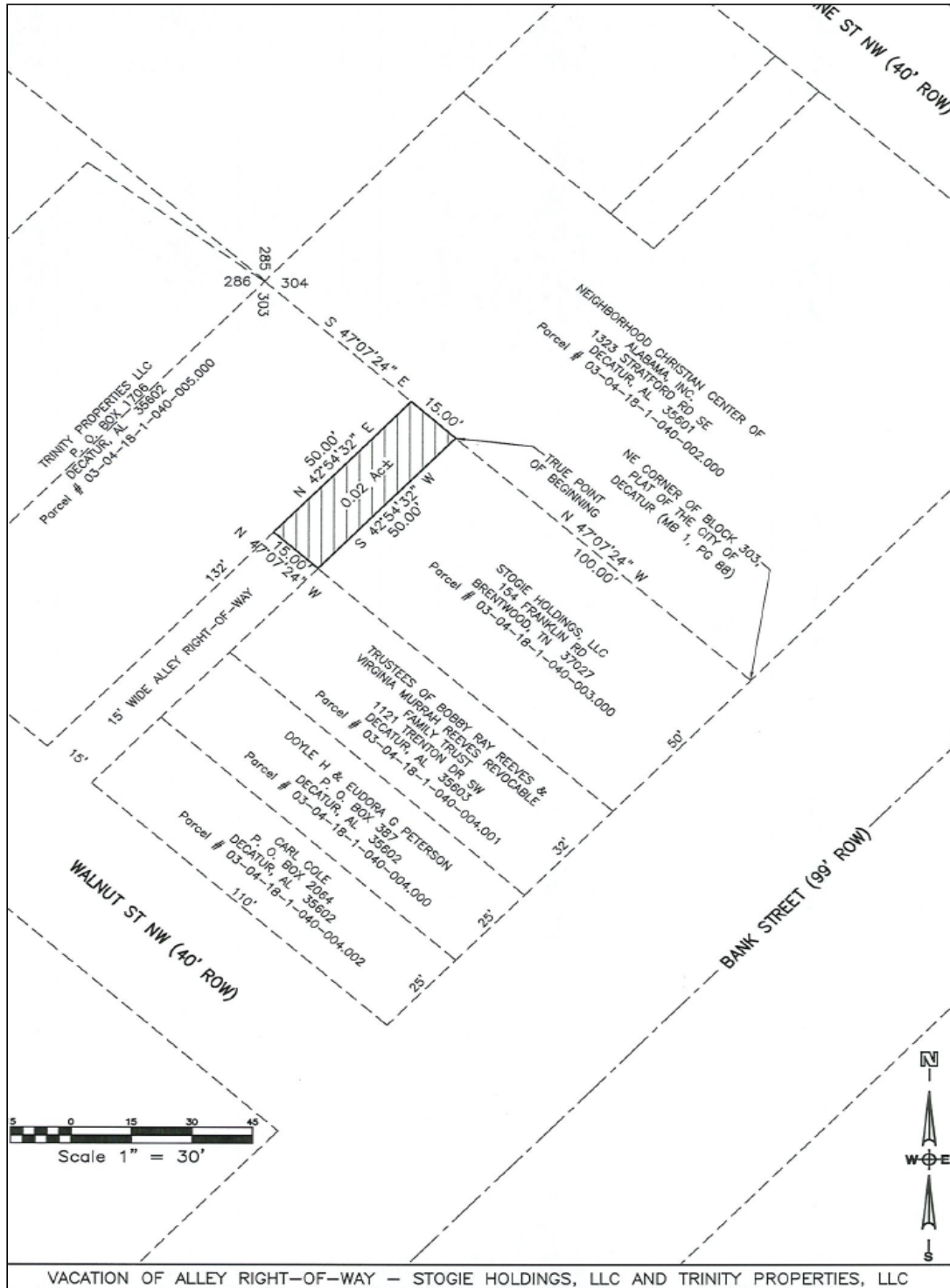
As part of the design submission, a drawing will need to be submitted providing evidence that the chosen grease interceptor system location will meet these clearance requirements when installed. If the grease interceptor system will not be able to meet these clearances, a main relocation may be required, and the Owner will be responsible for any costs associated with that.

Relocation of utilities at the owner's expense





Vacation 546-23



FILE NAME OR NUMBER: Vacation 547-23

ACRES: 0.03+/-

CURRENT ZONE: M-1A (Expressway Commercial)

APPLICANT: Pugh Wright McAnally for Lee Barran & Eyster Family Trust

LOCATION AND OR PROPERTY ADDRESS: East of 2604 Spring Ave

REQUEST: Vacate 0.03 acres of easement

PROPOSED LAND USE: Commercial

ONE DECATUR FUTURE LAND USE: Community Commercial

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

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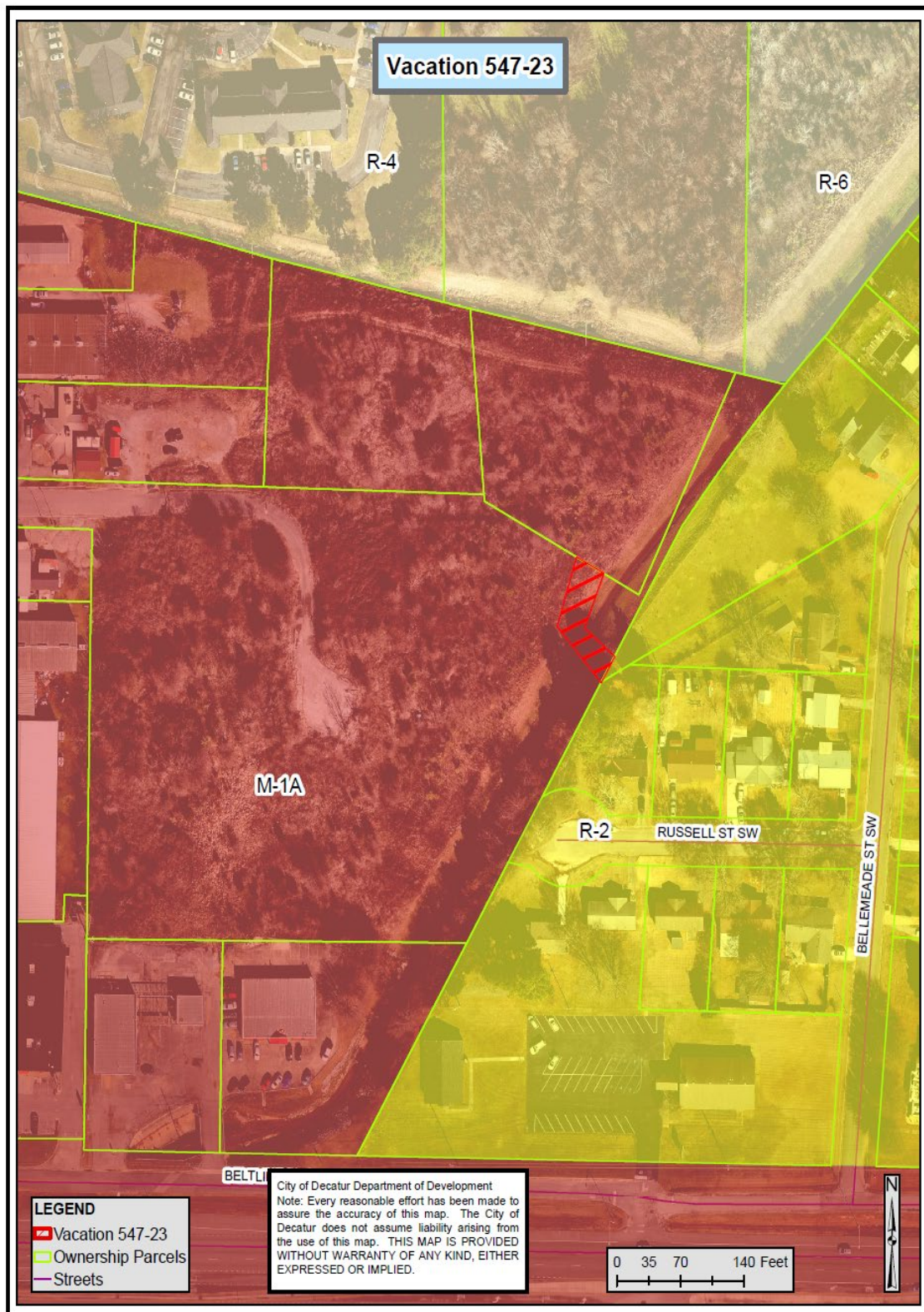
Conditions to be met:

None

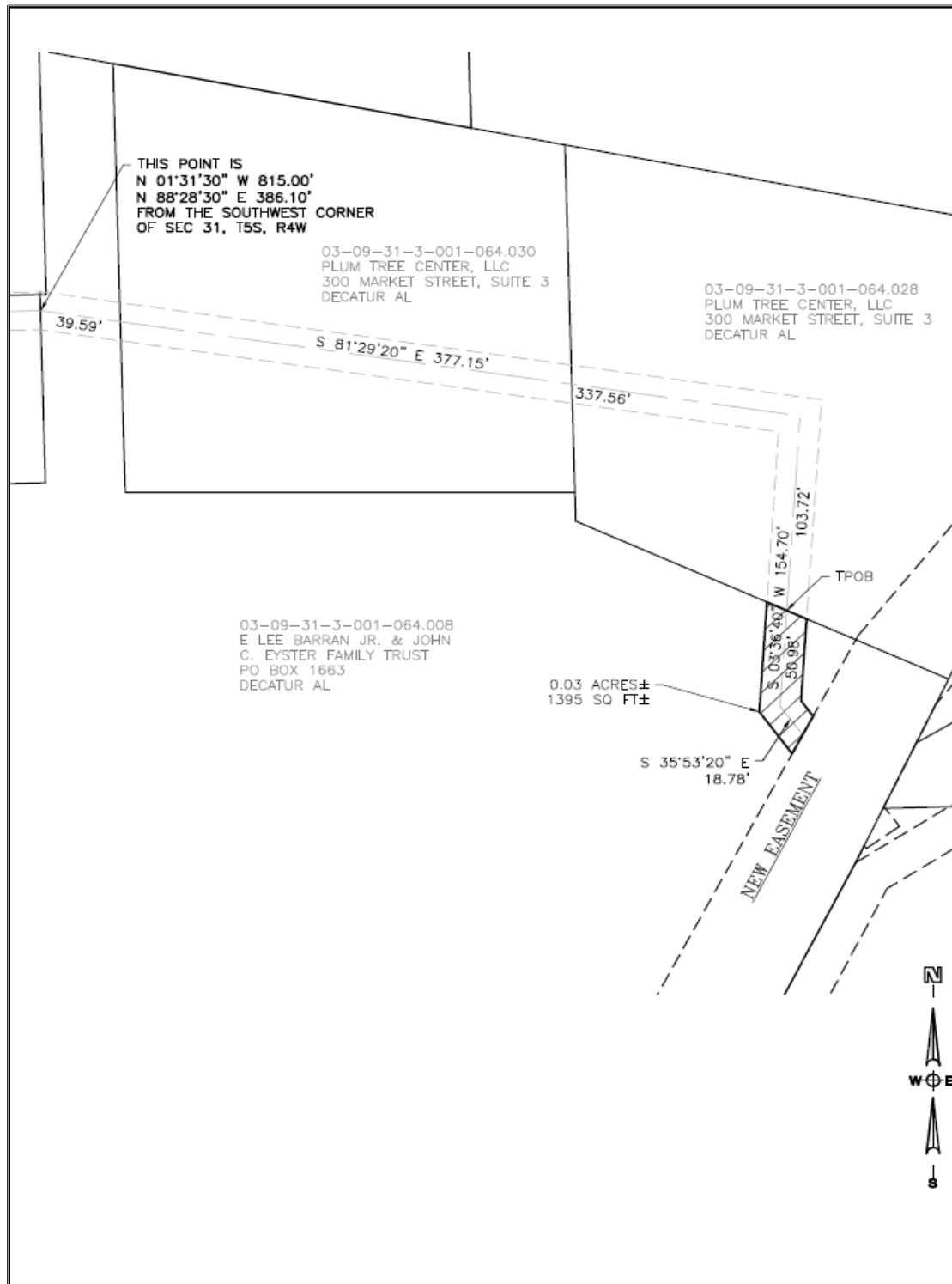
Point of Information:

Relocation of utilities at the owner's expense





Vacation 547-23



FILE NAME OR NUMBER: Vacation 548-23

ACRES: 0.20+/-

CURRENT ZONE: M-1A (Expressway Commercial)

APPLICANT: Pugh Wright McAnally for Plum Tree Center LLC.

LOCATION AND OR PROPERTY ADDRESS: East of 2604 Spring Ave

REQUEST: Vacate 0.20+/- acres of easement

PROPOSED LAND USE: Commercial

ONE DECATUR FUTURE LAND USE: Community Commercial

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

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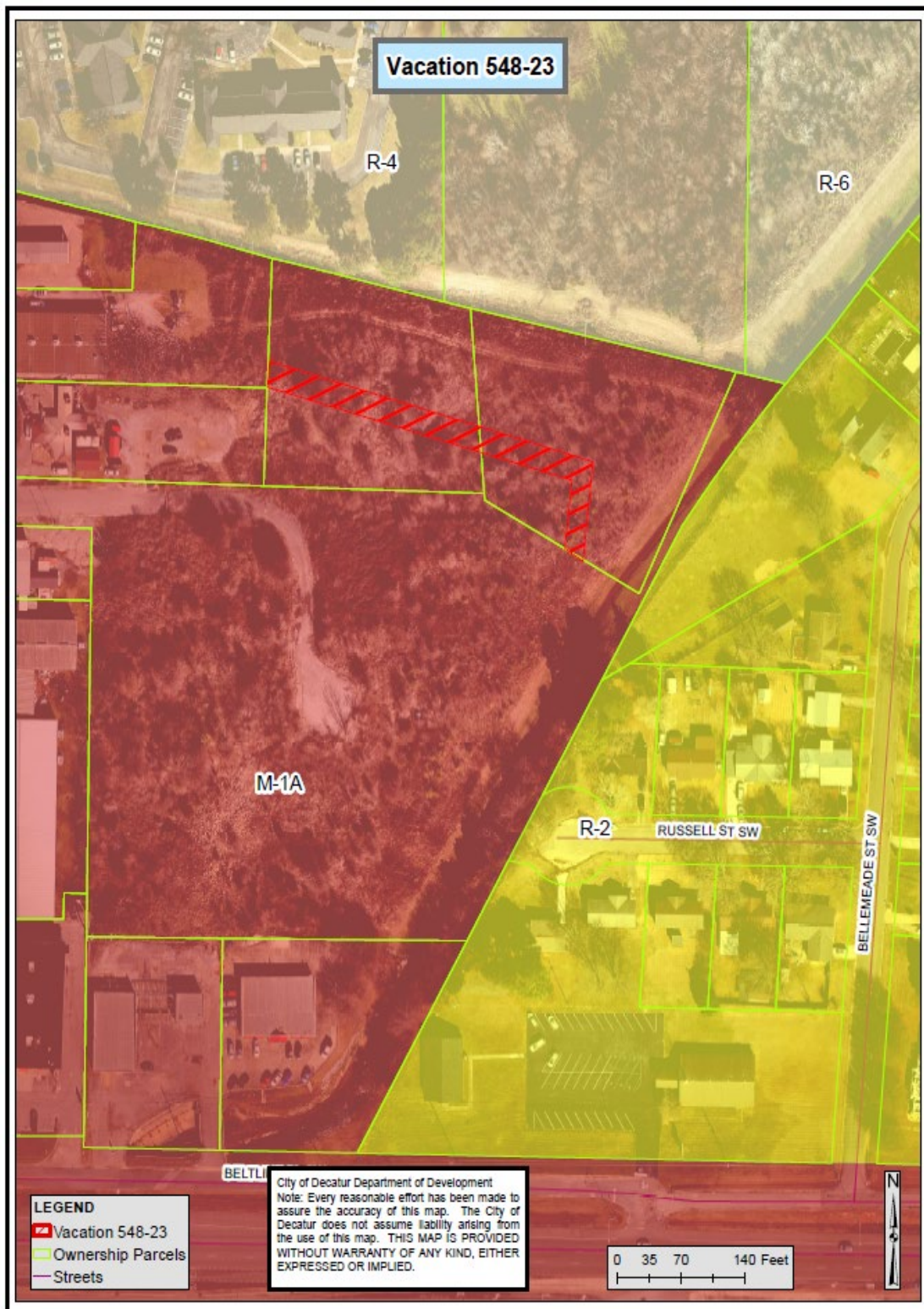
Conditions to be met:

None

Point of Information:

Relocation of utilities at the owner's expense





VACATION 548-23

