

MEMORANDUM

DATE: January 14, 20134

TO: Planning Commissioners

CC: Mayor Don Kyle; Wally Terry; Herman Marks; Tony Powell; Tom Polk; Mark Petersohn; Carl Prewitt; Planning Staff

PLANNING COMMISSION MEETING

January 21, 2014

Pre-meeting – 2:15 p.m. (Annex)

Meeting – 3:15 p.m. (Council Chambers)

Agenda Planning Commission

City of Decatur, AL

January 21, 2014

Time: 3:15 PM

City Council Chambers

Commissioners: **Gil Aldrich**, *Chairman*; **Tracy Tubbs**, *Vice Chairman*; **Em Barran**, *Secretary*;
Gary Borden; **Chuck Ard**; **Kent Lawrence**; **Collis Stevenson**; **Joseph Wynn**; **Nell Standridge**

1. CALL MEETING TO ORDER

2. APPROVAL OF MINUTES- December 2013

3. PUBLIC HEARING

PAGE/MAP

ZONING TEXT AMENDMENT

A. ZTA 214-14

1/ 3-9

PLAT REVIEW

A. Burningtrees Valley Subdivision, Add. #4
(North of Red Bank Rd and west of Indian Hills Rd. SE)

1/10
(see plat)

4. OTHER BUSINESS

VACATION REQUEST

A. 480-14

(South of Church St. NE and east of 6th Ave SE)

2/11

ANNEXATION REQUEST

A. 340-14

(South of Mud Tavern Rd and west of Danville Rd. SW)

2/12

PUBLIC HEARING

ZONING TEXT AMENDMENT 224-14

Applicant: City of Decatur
Owner: N/A

Zoning: N/A
Acreage: N/A

Request: The City Council asked the Planning Commission and the Planning Department to look at and review the proliferation and impact of Title Pawn and Check Cashing businesses on the City of Decatur. A committee was established to review the issues. The initial steps were to identify who the businesses are and where they are located and new licensing classification reflecting the state license types were adopted. Also a resolution was adopted requesting appropriate state and federal regulators and officials to consider if additional over site is needed. Some different steps have been taken, making the municipal business licenses the same as the state license types, a resolution was sent to our state representatives and others at the federal level asking them to look at and address some issues and this is the final step making some provisions to allow these businesses to exist in specified zoning districts within our city is now before you. The amendment allows businesses licensed under the Deferred Presentment Services Act and/or, Pawnshop Act and/or, Dealers in Gold or Precious Items Act and disallows them in our other business and manufacturing districts.

Location: The Decatur City Limits

Recomm: The Zoning Committee is in favor of sending these amendments to the City Council.

PLAT REVIEW

Burningtree Valley Subdivision, Add. #4

Applicant: BTV Associates
Owner: Same

Zoning: AG-1, & R-6
Acreage: 221.12 acres

Request: Subdivide 221.12 acres into two tracts of 216.18 acres and 4.94 acres

Location: North of Red Bank Rd and west of Indian Hills Rd. SE

- Conds:**
1. Payment of recording fees
 2. Provide separate dedication documents for future ROW's

Pt. of Info: Any relocation of utilities will be at the owner's expense.

Recomm: Approval with stated conditions.

END PUBLIC HEARING

VACATION REQUEST

480-14

Applicant: AL Decatur 6th Ave LLC
Owner: Same

Zoning: B-2, Gen Business
Acreage:

Request: Vacate an existing 10' DUT&E easement at the proposed Hardees

Location: South of Church St. NE and east of 6th Ave SE

Conds: None

Recomm: Approval

ANNEXATION REQUEST

340-14

Applicant: Dan Schutzenhofer
Owner: Same

Zoning: Outside Corp Limits
Acreage: 2 acres

Request: Annex 2 acres into the corporate limits of Decatur

Location: South of Mud Tavern Rd and west of Danville Rd. SW

Conds: None

Recomm: Approval

PROPOSED CHANGES TO ADDRESS BUSINESSES LICENSED UNDER THE DEFERRED
PRESENTMENT SERVICES ACT, PAWNSHOP ACT AND DEALERS IN GOLD OR PRECIOUS ITEMS
ACT – JANUARY 9, 2014

CURRENT LANGUAGE	PROPOSED AMENDMENT	COMMENTS
BUSINESS ZONES		
<p>Section 25-11 Uses Prohibited B1 <i>Uses prohibited:</i> Any use not permitted or permitted on appeal.</p>	<p><i>Uses prohibited:</i> 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</p>	
<p>Section 25-11 B2 Uses permitted <i>Uses permitted:</i> Clubs; on premises and off premises sale of alcoholic beverages; any retail or wholesale business or service not specifically restricted or prohibited; and places of amusement and assembly.</p>	<p><i>Uses permitted:</i> 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 1000 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 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> <p><i>Uses permitted on appeal:</i> 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>	<p>The intent here is to allow as many as four license types on one lot approved by the planning commission this would make Buckeye work but only allow four in a center located on a PC approved lot which in theory they should all be on.</p>

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CURRENT LANGUAGE	PROPOSED AMENDMENT	COMMENTS
	<p>specified in <u>section 25-10</u>, hereof, other than the maximum height provision set forth therein which shall not be applicable.</p>	
<p>B4 Uses <i>Uses permitted:</i> Clubs; on premises and off premises sale of alcoholic beverages; any regional type retail stores and markets including the following types of retail business: Super markets, general merchandise, apparel, furniture, household and hardware, radio and television, drug and sundries, jewelry and gifts, florists, sporting goods, pet shops, banks, theaters, dry cleaning and laundry pick-up stations, barber and beauty shops, shoe repair, delicatessen and variety (5-10). Must have access to major artery. The plat or plan of the proposed subdivision shall have the approval of the planning commission and be filed for record before any commercial structures are built in these proposed districts. <i>Permitted on appeal:</i> Filling stations, provided, however, that gasoline storage above ground in excess of five hundred (500) gallons is prohibited, and provided that there is no major auto repair. <i>Uses prohibited:</i> Any type not permitted or permitted on appeal.</p>	<p><i>Uses permitted:</i> Clubs; on premises and off premises sale of alcoholic beverages; any regional type retail stores and markets including the following types of retail business: Super markets, general merchandise, apparel, furniture, household and hardware, radio and television, drug and sundries, jewelry and gifts, florists, sporting goods, pet shops, banks, theaters, dry cleaning and laundry pick-up stations, barber and beauty shops, shoe repair, and delicatessen. and variety (5-10). Must have access to major artery. The plat or plan of the proposed subdivision shall have the approval of the planning commission and be filed for record before any commercial structures are built in these proposed districts. <i>Permitted on appeal:</i> Filling stations, provided, however, that gasoline storage above ground in excess of five hundred (500) gallons is prohibited, and provided that there is no major auto repair.</p> <p><i>Uses prohibited:</i> Businesses licensed under the Deferred Presentment Services Act and/or, Pawnshop Act and/or, Dealers in Gold or Precious Items Act; and any type use not permitted or permitted on appeal.</p>	

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CURRENT LANGUAGE	PROPOSED AMENDMENT	COMMENTS
<p>B5 <i>Uses permitted:</i> Off premises sale of alcoholic beverages; 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 or more rooms for rent to the public; residential dwelling (multiple family or single family); provided that such dwellings conform to all requirements set forth in the Residential Zoning Requirements (section <u>25-10</u>) 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,</p>	<p><i>Uses permitted:</i> Off premises sale of alcoholic beverages; On premise 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 or more rooms for rent to the public; residential dwelling (multiple family or single family); provided that such dwellings conform to all requirements set forth in the Residential Zoning Requirements (section <u>25-10</u>) 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,</p>	<p>Housekeeping</p>

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CURRENT LANGUAGE	PROPOSED AMENDMENT	COMMENTS
<p>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; filling stations,</p>	<p>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; filling stations,</p>	
<p>B5 <i>Uses prohibited:</i> Major auto repair, except as may be a part of a new car sales. Any use not permitted or permitted on appeal.</p>	<p><i>Uses prohibited:</i> 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 Act. Any use not permitted or permitted on appeal.</p>	
<p>B6 Uses Prohibited <i>Uses prohibited:</i> Any use not permitted or permitted on appeal.</p>	<p><i>Uses prohibited:</i> 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.</p>	
<p>RD 25-11.2 (c) 2. Uses Prohibited <i>Uses prohibited.</i> Lumber yards or mills, mobile home sales, mobile home parks, stockyard (live animal or poultry sales), junkyards, and sexually oriented businesses; and other uses found to be of an objectionable nature or inconsistent with the general welfare of the district as determined by the chief building official.</p>	<p><i>Uses prohibited.</i> Lumber yards or mills, mobile home sales, mobile home parks, stockyard (live animal or poultry sales), junkyards, and sexually oriented businesses; Businesses licensed under the Deferred Presentment Services Act and/or, Pawnshop Act and/or, Dealers in Gold or Precious Items Act; and other uses found to be of an objectionable nature or inconsistent with the general welfare of the district as determined by the chief building official.</p>	

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CURRENT LANGUAGE	PROPOSED AMENDMENT	COMMENTS
MANUFACTURING ZONES		
<p>M 1 Light Industrial Uses Prohibited <i>Uses prohibited:</i> Abattoirs; 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 rendering; forage plants; gasoline storage above ground in excess of five hundred (500) gallons; manufacture of acetylene, acid, alcohol, 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.</p>	<p><i>Uses prohibited:</i> Abattoirs; 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 rendering; forage plants; gasoline storage above ground in excess of five hundred (500) gallons; manufacture of acetylene, acid, alcohol, 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; Businesses licensed under the Deferred Presentment Services Act and/or, Pawnshop Act and/or, Dealers in Gold or Precious Items Act; and similar types of plants or operations.</p>	
<p>M1A Uses Permitted <i>Uses permitted:</i> 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; 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 arterials as designated by the major thoroughfare plan which may provide direct, or indirect access via a service road. The plat and plan of the</p>	<p><i>Uses permitted:</i> 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 1000 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 of each type business</p>	<p>Same comments as B2</p>

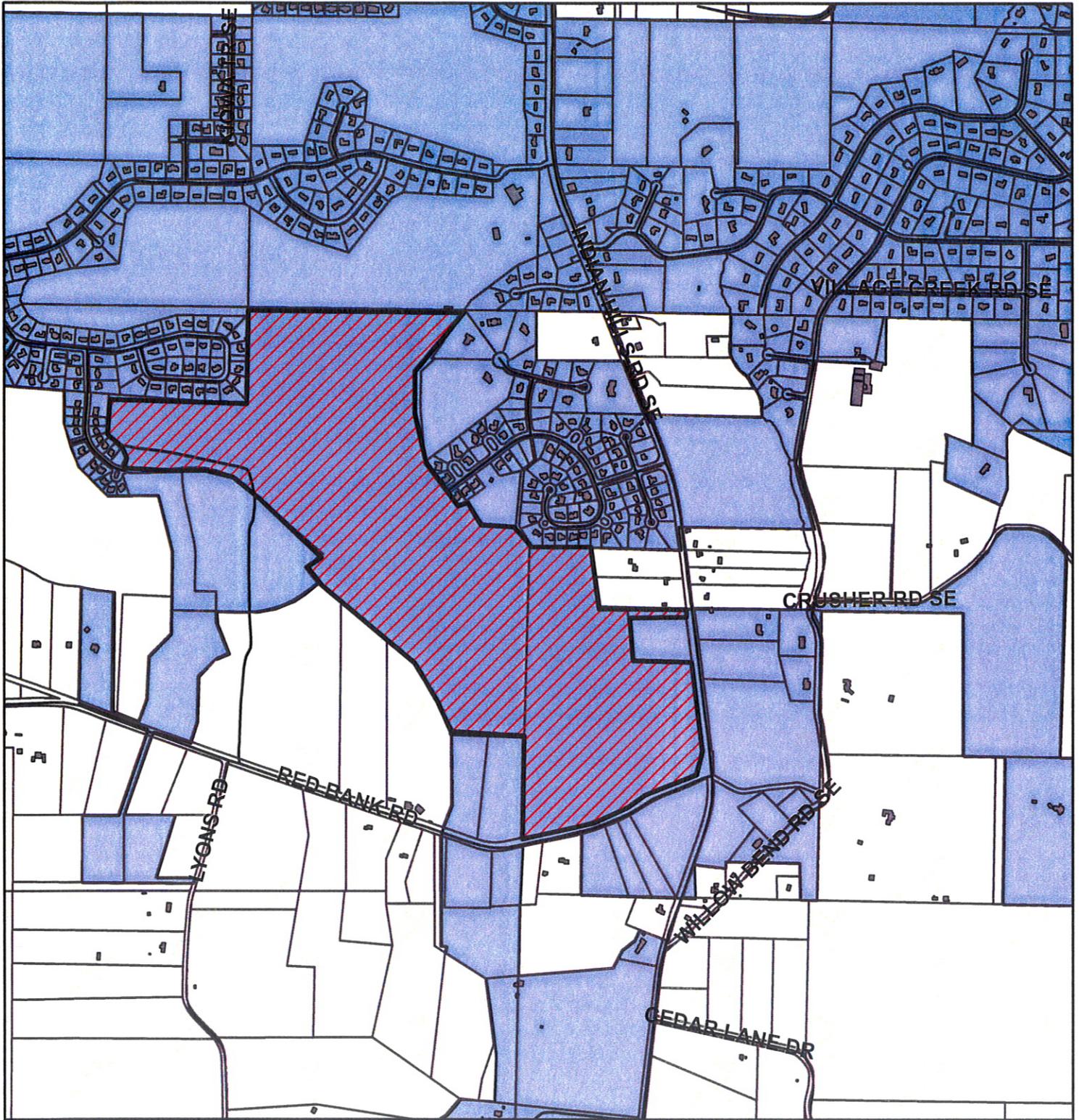
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<p>proposed use and any subsequent addition thereto shall be submitted and have the approval of the planning commission before any structures or uses are authorized in these districts and before a building permit is issued for any structure or certificate of occupancy given for any use not requiring a structure.</p>	<p>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 arterials 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 permit is issued for any structure or certificate of occupancy given for any use not requiring a structure.</p>	
<p>M2 Uses Prohibited There is none given I think this may be a codifier glitch but we can fix it today</p>	<p>Uses Prohibited: Businesses licensed under the Deferred Presentment Services Act and/or, Pawnshop Act and/or, Dealers in Gold or Precious Items Act; and any uses not permitted or permitted on appeal.</p>	<p>There is no Uses Prohibited Section at this time I think this may be a codifier glitch but we can fix it today – I will research and see if this is correct</p>
<p>AG1 Uses Prohibited <i>Uses prohibited:</i> On premises and off premises sale of alcoholic beverages, except as herein otherwise allowed; residential, commercial and industrial uses, not specifically permitted on</p>	<p><i>Uses prohibited:</i> 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>This one is house keeping</p>

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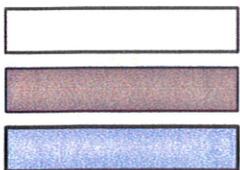
CURRENT LANGUAGE	PROPOSED AMENDMENT	COMMENTS
appeal.		

BURNINGTREE VALLEY SUBDIVISION ADD. NO. 4



LOCATION MAP

Legend



codgis2013.DBO.MorganSVW_Parcel_CAMA

bldg

corplim

APPLICANT: BURNINGTREE VALLEY ASSOCIATES



SUBJECT PROPERTY



DRAWING NOT TO SCALE

VACATION REQUEST NO. 480-14



LOCATION MAP

Legend

-  codgis2013..Morgan_Parcel
-  bldg
-  corplim

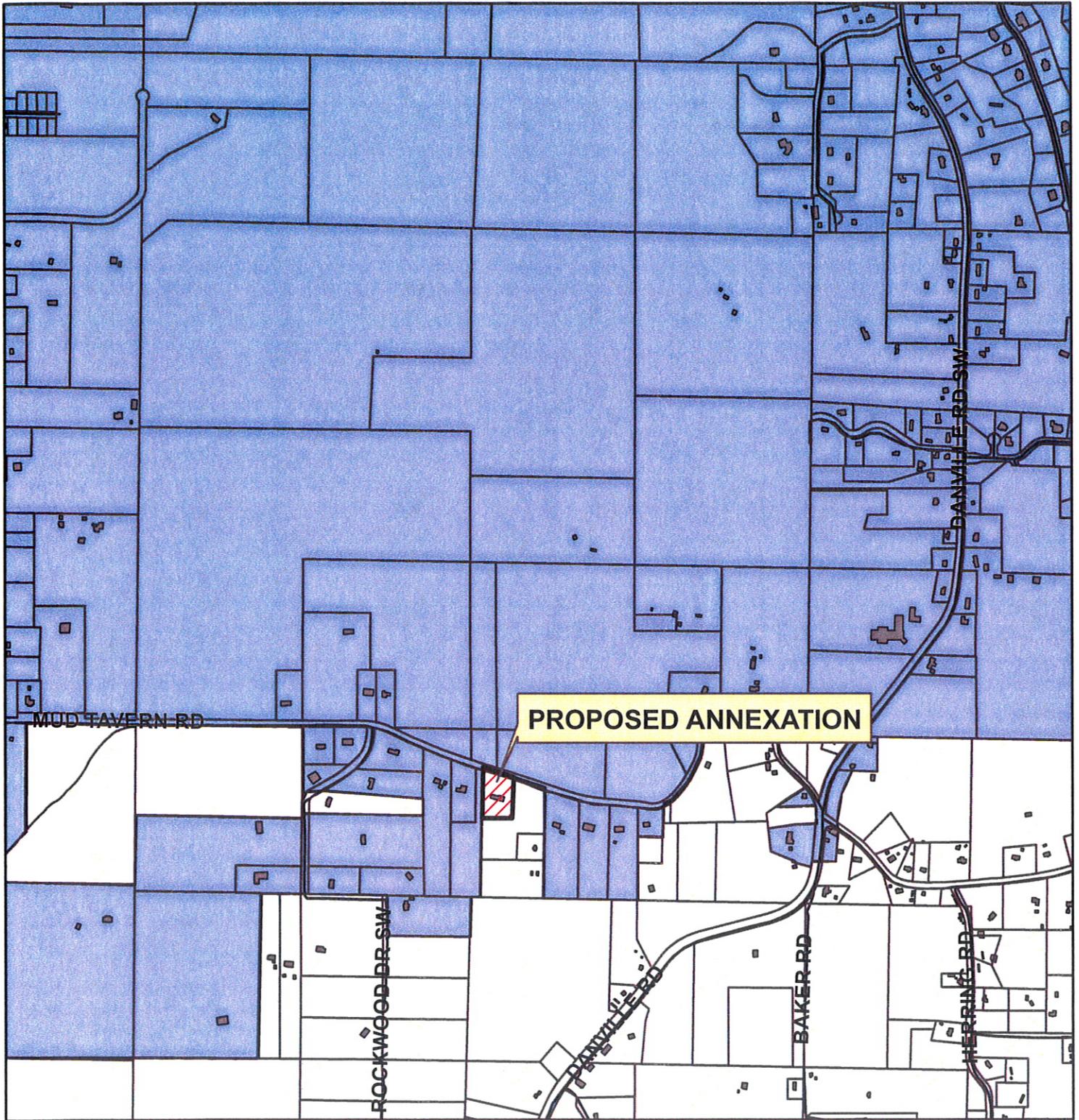
APPLICANT: AL DECATUR 6TH AVE. NE, LLC

 SUBJECT PROPERTY



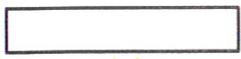
DRAWING NOT TO SCALE

ANNEXATION REQUEST NO. 340-14 2 ACRES



LOCATION MAP

Legend

-  codgis2013..Morgan_Parcel
-  bldg
-  corplim

APPLICANT: DAN SCHUTZENHOFER

 SUBJECT PROPERTY



DRAWING NOT TO SCALE