

## March 22, 2005

The City of Opelika Planning Commission held its regular monthly meeting on March 22, 2005 in the Planning Commission Chambers, located at the Public Works Facility, 700 Fox Trail. Certified letters were mailed to all adjacent property owners for related issues.

MEMBERS PRESENT: Chairman Sadler, Keith Pridgen,  
Dr. William D. Lazenby, Arthur Wood,  
Dr. William B. Whatley, Jesse Seroyer, Jr.,  
Bart Van Nieuwenhuise, Lewis Cherry, Mayor Fuller

MEMBERS ABSENT: None

STAFF PRESENT: Marty Ogren, Planning Director;  
Miriam Bader, City Planner;  
Charlie Thomas, Engineering Director;  
Alan Lee, Utilities Board;  
John Holley, City Horticulturist;  
Guy Gunter, City Attorney

CALL TO ORDER: Chairman Sadler called the meeting to order at 3:00 p.m. He stated that if there were no additions or corrections to the minutes for the Planning Commission Meeting for the month of February he would like to entertain a motion to accept the minutes as written.

Dr. Lazenby made a motion to accept the February 22, 2005 meeting minutes as written. Mr. Wood seconded the motion.

Ayes: Wood, Lazenby, Van Nieuwenhuise, Seroyer, Cherry, Fuller

Nays: None

Abstention: None

The motion to accept the February 22, 2005 Planning Commission meeting minutes passed.

### **A. PLATS-PUBLIC HEARING**

#### **1. Highland Meadows S/D, Jim Fullington, Stonewall Road, 17 lots, Preliminary Plat Approval.**

Ms. Bader, City Planner, reported that the petitioner, James Fullington, would like to request preliminary plat approval in order to create an 18-lot subdivision. Eight lots are proposed to contain around 10 acres. Nine lots are proposed to contain around 3 acres. Lot 2 has a single-family residence on it and is owned by Kevin and Paige Jackson. This house and ownership will not change.

All Planning preliminary subdivision plat requirements have been met except the vicinity map should note the location of the proposed subdivision.

Planning Staff recommends preliminary plat approval with a clarified location map and meeting all Engineering requirements prior to final plat approval.

Note: We have a similarly named Highland Hills Subdivision on this agenda. To avoid any confusion, Mr. Fullington has graciously agreed to change the name of his subdivision to Stonewall Farms Subdivision (the name of the original subdivision). In addition, Mr. Fullington would like to change the name of the street that was listed on the preliminary plat just as a placeholder to Shandwick Road and Shandwick Circle.

Mr. Thomas, Engineering Director, reported that the proposed name is in conflict with another previously proposed subdivision. The City also has some concerns with site distance at the proposed intersection. He recommended preliminary approval, but the following items should be addressed prior to final approval:

- a) Retain existing Stonewall Farms S/D name.
- b) The future drive and road each require sixty (60) feet of ROW.
- c) Approved names should be shown for all proposed streets. Final approval of street names is subject to concurrence from our public safety departments. Reuse/variances of approved names (Shandwick Court, Way, Lane, etc.) are strongly encouraged, along with the convention described in Figure 4.18 of the Public Works Manual (copy attached).
- d) Per Chapter 11-67, Code of Alabama, a note placed on the plat that the City is not responsible for maintenance of the unimproved ROW.
- e) Revise alignment of 2200' tangent or provide substantial traffic calming.

Mr. Lee, Utilities Board, water service is accessible to this subdivision by a water main in the R.O.W. of Stonewall Road. This subdivision does not lie within the Saugahatchee Watershed.

Dr. Whatley arrived at 3:03 p.m.

Chairman Sadler opened the public hearing.

Ms. Barbara Priester came forth to state that the name Owens on the plat is wrong, and needs to be changed.

Chairman Sadler stated that he was aware of this, and stated that it would be changed before final plat approval.

Chairman Sadler closed the public hearing.

Chairman Sadler asked for a motion.

Dr. Lazenby made a motion to grant preliminary plat approval with staff recommendations.

Mr. Seroyer seconded the motion.

Ayes: Wood, Whatley, Lazenby, Van Nieuwenhuise, Seroyer, Cherry, Fuller

Nays: None

Abstention: None

The motion to recommend preliminary and final plat approval with staff recommendations passed.

Mr. Pridgen arrived at 3:05 p.m.

## **2. Sanders Creek, Phase II, S/D, Sheldon Whittelsey for Whittelsey Properties, Evans Drive, 16 lots, Final Plat Approval.**

Ms. Bader reported that the petitioner, Sheldon Whittelsey, surveyed by Fuller Land Surveying, requested and was granted preliminary plat approval in order to create 16 lot subdivision at the February P.C. meeting. Now, the petitioner is requesting final plat approval. Lots range in size from 1.00 acre to 1.36 acre. According to plat note 9, a 20' drainage and utility easement between Lot 7 and Lot 8 will also serve as a pedestrian access way to the Lake for the residents of Sanders Creek only. This note needs to be corrected to reflect the change in lot numbering from the preliminary plat. What was previously identified as Lot 7 and Lot 8 has now been re-labeled as Lot 40 and Lot 41.

All Planning Department final plat requirements and previously noted requirements have been met.

Planning Staff recommends final plat approval.

Mr. Thomas reported that the developer is advised that the contractor inadvertently omitted an inlet and cross drain on Beverly Drive. Subject to a bond or letter of credit for any remaining infrastructure improvements, he recommended approval.

Mr. Lee reported that water service is accessible to this subdivision by a water main in the R.O.W. of Evans Drive. This subdivision does lie within the Saugahatchee Watershed and does meet the minimum lot size requirement for lots with sanitary sewer service. A watershed protection permit will have to be issued before a building permit can be obtained.

Chairman Sadler asked for comments from the audience.  
No comments were made from the audience.  
Chairman Sadler asked for a motion.

Mr. Pridgen made a motion to grant final plat approval with staff recommendations.  
Mr. Van Nieuwenhuise seconded the motion.

Ayes: Wood, Pridgen, Whatley, Lazenby, Van Nieuwenhuise, Seroyer, Cherry, Fuller  
Nays: None  
Abstention: None  
The motion to grant final plat approval with staff recommendations passed.

**3. Stephens Woods S/D, Phase II (formerly called Stephens Ridge S/D phase II), Preston Holdings, LLC Sawyer Drive off of Ridge Road, 84 lots, Final Plat Approval.**

Ms. Bader reported that the petitioner, Fred Peak of Preston Holdings, LLC, previously received preliminary plat approval for 95 lots in this subdivision at the Dec. 28<sup>th</sup>, 2004 Planning Commission meeting. The petitioner requested and was granted final plat approval for 22 lots (phase 1) at the Feb. 22<sup>nd</sup> P.C. meeting. The petitioner is now requesting final plat approval for phase II of the subdivision for 84 lots. The property is located off Ridge Road just west of the original Stephens Ridge Subdivision, which is adjacent to the Ridge Road Subdivision. Lots range in size from 9,773 sq. ft. to 26,119 sq. feet. The typical lot is around 10,000 square feet, which meets the minimum required in the R-3 of 7,500 square feet. There is a road stub-out proposed between Lot 40 and Lot 41. And a detention area is proposed south of Lots 98 and 99.

All Planning Department final subdivision plat requirements have been met except that the parent parcel Lee County Tax Parcel ID number needs to be indicated on the final plat prior to signing the plat.

Planning Staff recommends final plat approval.

Mr. Thomas reported that the infrastructure design drawings have been received, but are not yet approved. Engineering has some traffic concerns: first, regarding the potential future volume to load the single intersection of Sawyer Drive and WestPoint Parkway, we expect more than nine hundred (900) new ADT at ultimate build out. Secondly, vehicle speeds could be excessive on the extended tangents shown. Engineering does not recommend approval prior to approval of final design drawings, but if granted, they recommended approval subject to following:

- a) Move property pins from ROW to property corners on lots 84 and 13.
- b) The Sawyer cul-de-sac currently under construction should be properly located on the plat.
- c) Public Safety has requested an alternate name to Lizlin Drive. The east-west segment of said street, which may be extended west in the future, should be Court, per Figure 4.18 of the Public Works Manual (copy attached).
- d) Traffic calming should be incorporated into the street design.
- e) Prior to the sixtieth (60th) building permit of this phase, the applicant should to provide one (1) or more traffic studies, including, but not limited to, ultimate capacity of Ridge Road.
- f) Approval of final plans including, but not limited to:
  - Proposed Erosion and Sediment Control (ESC) BMP implementation
  - Roadway plan and profile,
  - Sanitary sewer plan and profile,

Stormwater management design (retention/detention) with supporting calculations; and

A bond or letter of credit, payable to the City of Opelika, for any infrastructure improvements not fully complete prior to signing the final plat.

- g) If final approval is granted subject to approval of engineering drawings, retain the signature line for the City Engineer.

Mr. Lee reported water service is accessible to this subdivision by a water main in the R.O.W. of Sawyer Drive. A bond or letter of credit will have to be obtained for waterworks improvements.

Dr. Whatley made a motion to grant final plat approval with staff recommendations. Mr. Pridgen seconded the motion.

Chairman Sadler asked for further discussion.

Ayes: Wood, Pridgen, Whatley, Lazenby, Van Nieuwenhuise, Cherry, Seroyer, Fuller

Nays: None

Abstention: None

The motion to grant final approval with staff recommendations passed.

#### **4. Highland Hills S/D, Scott Land Company, 500-700 Block of Crawford Road (AL Hwy. 169) 54 lots, mixed residential and commercial, PUD development, Preliminary Plat Approval.**

Ms. Bader reported that the petitioner, Tim White for the Village at Highland Hills, surveyed by Maxwell Engineering, is requesting preliminary plat approval for a 54 lot subdivision to be located just southeast of Scotland Forest Mobile Home Park on the Northside of Crawford Road (AL Hwy. 169). The petitioner is proposing to request PUD zoning at the next Planning Commission meeting and has already had a preliminary PUD meeting with Staff and some of the Planning Commission. Lots 1 and 2 are proposed to be reserved for later commercial use (neighborhood shopping). Lot 53 will be reserved for a detention area and common, recreational area for the residents. And Lot 54 will be reserved for future development. The remaining fifty lots are proposed to be developed as single-family residential lots. The proposed development is located on approximately 40 acres of an 80-acre parcel. The residential lots will be on 50 foot and 60 foot wide lots. The side yards are proposed to be set at a minimum of 5 feet so this request will be similar to the modified Zero-lot line homes we reviewed last month off of Cunningham Drive. I will therefore attach the same requirements as we did for that proposal. The density is proposed to be about 3.5 dwelling units per acre excluding the commercial lots.

All Planning Department preliminary subdivision plat requirements have been met, except for a new requirement I would like to recommend for PUD's to ease Staff administration of the PUD which is to list the minimum front, side and rear setback requirements on the final plat.

Planning Staff recommends preliminary plat approval with the condition that setbacks be added to the plat as a note prior to final plat approval. This approval is contingent upon the rezoning to PUD being approved by the City Council. Also, Staff would like the petitioner to seriously consider installing underground utilities.

In addition, Planning Staff wants the developer to understand that all building code requirements will need to be addressed, specifically:

1. A floor plan will need to be reviewed by the Building Inspection department prior to receiving a building permit due to the restrictive building code requirements for zero-lot line construction.
2. A site grading plan with pad elevations, swales and finished floor elevations shall be submitted to the Building Inspection Office prior to the issuance of individual building permits for each zero-lot line home.

Mr. Thomas reported The Highland S/D name could be approved, although we prefer another alternative. Also marginally acceptable is the proposed subsequent "Village @

Highland Hills” PUD, but no Highland street names can be approved, due to existing Highland Ave., Place & Highpoint Drive.

Some site issues will be addressed during PUD review. Several infrastructure items remain unresolved, but we are confident in staff’s ability to resolve them. Specifically, proposed variance in paving width is subject to properly designed and constructed “valley” gutter to facilitate off street parking. Thus, our recommendation incorporates by reference Section X of the Public Works Manual, providing for Planning Commission variances on matters of road design and layout. Recommend preliminary approval, but the following items should be addressed prior to final approval:

- a) Approved names should be shown for all proposed streets. Final approval of street names is subject to concurrence from our public safety departments. Reuse/variances of approved names are strongly encouraged, along with the convention described in Figure 4.18 of the Public Works Manual (copy attached).
- b) IAW Chapter 11-67, Code of Alabama, a note placed on the plat that the City is not responsible for maintenance of the unimproved ROW.
- c) Due to lot size and zoning, public sewer is required
- d) Village Drive (to be renamed) and Brittany Lane each require sixty (60) feet of ROW.

Mr. Lee reported that water service is accessible to this subdivision by a water main in the R.O.W. of Alabama Highway 169.

Chairman Sadler opened the public hearing.

A citizen asked what the size of the lot would be, and asked what size homes would be built on the lot.

Chairman Sadler stated that the report said 50 foot and 60 foot wide lots.

Chairman Sadler asked the developer to state what size the houses would be?

Mr. White said approximately 1,000 square feet.

Chairman Sadler closed the public hearing.

Chairman Sadler asked for a motion.

Dr. Lazenby made a motion to grant preliminary plat approval with staff requirements. Mr. Van Nieuwenhuise seconded the motion.

Ayes: Wood, Pridgen, Whatley, Lazenby, Van Nieuwenhuise, Cherry, Seroyer, Fuller

Nays: None

Abstention: None

The motion to grant preliminary plat approval with staff requirements passed.

##### **5. Harper Valley S/D, Harper Family Partnership, 1702 Frederick Road, 2 lots, preliminary and final plat approval plat approval.**

Ms. Bader reported that this plat, surveyed by McCrory Surveying, has come before the Planning Commission for preliminary and final plat approval. Proposed Lot 1A is located at 1702 Frederick Road and houses the Cock of the Walk restaurant, located at 1702 Frederick Road. The other lot, proposed lot 2A, has a climate controlled storage facility on it. The request is to simply move the lot line of the former Lot 2 to the east by 15 feet, thereby increasing the side yard setback from the building to the property line to 45 feet.

All Planning Department subdivision plat requirements and development requirements have been met.

Planning Staff recommends preliminary and final plat approval.

Mr. Thomas recommended approval.

Mr. Lee reported that water service is accessible to this subdivision by a water main in the R.O.W. of South 3<sup>rd</sup> Street.

Chairman Sadler opened the public hearing.

Mr. McCrory stated that the report read that Lot 2 to move 1.5 feet to the east, but actually it should read 15 feet.

Ms. Bader said she would correct it.

Chairman Sadler closed the public hearing.

Chairman Sadler asked for a motion.

Dr. Pridgen made a motion to grant preliminary and final plat approval with staff recommendations.

Mr. Seroyer seconded the motion.

Ayes: Wood, Pridgen, Whatley, Lazenby, Van Nieuwenhuise, Cherry, Seroyer, Fuller

Nays: None

Abstention: None

The motion to grant preliminary and final plat approval with staff recommendations passed.

#### **6. Crowder Plat #2, Gloria Crowder, Inc., Edwards Road, 2 lots, P/F Plat Approval.**

Ms. Bader reported that this plat, surveyed by McCrory Surveying, has come before the Planning Commission for preliminary and final plat approval. The petitioners are proposing to sell Lot 2, which is a little over one acre. The proposed use of this lot has not been disclosed. There are a number of existing homes and trailers on Lot 1. It appears that they haven't been properly subdivided but this plat simply reflects an existing situation. The creation of Lot 2 should not negatively affect the situation on Lot 1. It is Planning Staff's recommendation that a note be placed on this plat in order to record and notify to the present property owners that no further subdivision shall be allowed from Lot 1 until all City of Opelika subdivision standards have been met.

Planning Staff recommends preliminary and final plat approval with the addition of the note described above placed on the final plat prior to the plat being signed. Planning Staff has contacted the surveyor about this note.

Mr. Thomas stated that the plat be re-titled. Subject thereto, he recommended preliminary and final approval.

Mr. Lee reported water service is accessible to this subdivision by a water main in the R.O.W. of Edwards Road.

Chairman Sadler opened the public hearing.

Mr. Kenneth Crowder came forth and stated that an acre of the subdivision belongs to several members of the Crowder family and he only agrees to the lot being subdivided, but does not agree for it to be sold.

Ms. Loretta Crowder came forth and asked Mr. Ogren who is the property being sold to? Mr. Ogren said to Tonri Brown.

Chairman Sadler closed the public hearing.

Chairman Sadler asked for a motion.

Mr. Seroyer made a motion to grant preliminary and final plat approval with staff recommendations.

Dr. Whatley seconded the motion.

Ayes: Wood, Pridgen, Whatley, Lazenby, Van Nieuwenhuse, Cherry, Seroyer, Fuller

Nays: None

Abstention: None

The motion to grant preliminary and final plat approval passed with staff recommendations passed.

**7. Wyndham S/D, Wyndham Properties, LLC. N. of Gateway Dr. Extension, 99 lots, Preliminary Plat Approval.**

Ms. Bader reported that the petitioners, The Cleveland Brothers, manager of Wyndham Properties, surveyed by Jimmerson Surveying, are requesting preliminary plat approval for a 99 lot single-family residential phase I of Planned Unit Development to be reviewed as item D. 13 on the agenda. This phase of the development is located just west of Southview primary school off of Hwy. 51 and off the new Gateway Drive, which is currently under construction. More details about the PUD will be in the report for D. 13. At this time, Staff will review the preliminary subdivision request. The typical lot size in this phase of the development averages 80' wide and 150' deep. Lots range in size from 9,866 square feet to 16,232 square feet. The submitted narrative states that "this type of lot will allow for a wide variety of housing types and sizes, yet; all of them will be within the financial reach of a large number of families." Further the narrative states "these homes should begin to establish the Wyndham Theme for development. Each following Phase, however, is relatively free to establish its own character as the current market allows. The exception to this rule is that, to the southwest of Wyndham Drive, these homes will be expected to rise in quality due to their proximity to a Premium Single Family area of development."

All Planning Department preliminary subdivision plat requirements have been met, except for a new requirement I would like to recommend for PUD's to ease Staff administration of the PUD which is to list the minimum front, side and rear setback requirements on the final plat.

Planning Staff recommends preliminary plat approval with the condition that setbacks be added to the plat as a note prior to final plat approval. This approval is contingent upon the rezoning to PUD being approved by the City Council.

Mr. Thomas stated that rezoning issues associated with this proposed PUD are discussed at Item D.13. He stated that the new extension of Gateway Drive, as a segment of the loop road, is projected to be an arterial with access spacing of 400 feet, which the proposed S/D appears to meet. Final approval of street names is subject to concurrence from our public safety departments. Due to lot size and zoning, public sewer is required. Staff is engaged in discussions with the developer for provision of sewer. Subject to a note on the plat that no direct access to Gateway Dr. is allowed from Lots 1 or 85-99, he recommended approval.

Mr. Lee reported that water service is accessible to this subdivision by a water main in the R.O.W. of Alabama Highway 51.

Chairman Sadler opened the public hearing.

No comments were made from the audience.

Chairman Sadler closed the public hearing.

Chairman Sadler asked for a motion.

Dr. Lazenby made a motion to grant preliminary and final plat approval with staff requirements.

Mr. Seroyer seconded the motion.

Ayes: Wood, Pridgen, Whatley, Lazenby, Van Nieuwenhuse, Cherry, Seroyer, Fuller

Nays: None

Abstention: None

The motion to grant preliminary plat approval passed with staff requirements passed.

## **B. SKETCH PLAN REVIEW ONLY**

### **8. McGruder S/D, 2600-2700 Columbus Parkway, Stephanie L. McGruder,**

Ms. Bader reported that the petitioner, Stephanie L. McGruder, is not requesting a formal submittal for conditional use but rather a sketch plan review for a proposed single-family residential subdivision of about eight lots. After this review, a formal site plan will need to be submitted for Conditional Use approval. In addition, preliminary and final subdivision plats will need to be submitted since the petitioner is proposing to create an eight lot subdivision with a new street. No final decision will be rendered by the Planning Commission at this time but rather the applicant is requesting recommendations, questions, and any comments before any more funds are expended to proceed with the project.

The property is located in the 2600-2700 block of Columbus Parkway (U.S. 280 E) and is zoned C-3, GC-2. The proposed use, single-family residential, is before the Planning Commission to consider because in Commercial districts, new single-family home construction is reviewed as a conditional use.

The character of this part of Columbus Parkway is low density residential. The proposed 10,000 square foot residential lots should fit in with the character of the area with minimal adverse affects from the proposed use on surrounding property owners. In addition, the petitioner proposes to erect a 6-foot high privacy fence around the development. Also, Staff would like to recommend that as much existing vegetation is preserved as possible.

Planning Staff's main concern is regarding a statement that the petitioner made in her narrative that "the property to the left of the property in question is a wetland." We need to make sure that this property also doesn't have wetland or flood plain issues.

#### **Planning Staff Recommendation**

Since the proposed single-family development's impact to neighboring properties appears to be minimal, Planning Staff recommends that the petitioner proceed with the following formal submittals to the Planning Commission:

1. Complete Preliminary Plat submittal by a certified land surveyor to be followed by Final Plat submittal.
2. Complete Conditional use submittal with a site plan that meets stated requirements.

Mr. Thomas reported that based on discussions with planning staff, he stated that Engineering concurs that single-family homes are an acceptable use of the property. The currently proposed road system does not appear to meet Public Works Manual standards. Rezoning and public sewer service would be required. He said he is unsure of the dimensions or purpose of the apparent structure from which Detail A-A derives. The subdivision plat should show the full extent of wetlands. Public right-of-way should exclude any turnouts as shown on the sketch. Applicant should be aware of the 400 foot access management spacing on Columbus Parkway (U.S. Highway 280).

Chairman Sadler stated that this is a sketch plan so no motion is taken at this time.

## **C. CONDITIONAL USE**

### **9. Time Extension for Mini-warehouses, 2000 Columbus Parkway**

Ms. Bader reported that last March 2004, the petitioner, Sun Self-Storage, requested conditional use approval in order to amend their master plan to construct additional mini-warehouse facilities and add a climate control facility to an existing facility located at 2000 Columbus Parkway.

This request was approved; however, the petitioner needs to request a time extension for the conditional use approval for another year since they were not able to complete building their proposed additions. Staff does not feel that this time extension will create any difficulties.

Planning Staff recommends approval of the proposed conditional use time extension for 1 year for Sun Self Storage located at 2000 Columbus Parkway.

Mr. Thomas recommended approval, subject to the engineer's conditions per the minutes at the original approval.

Mr. Lee, Utilities Board, had no comment.

Mr. Holley, City Horticulturist, recommended approval based on comments from the January 27, 2004 meeting.

Chairman Sadler asked for a motion.

Mr. Van Nieuwenhuise made a motion to grant the 12-month time extension with staff requirements.

Dr. Lazenby seconded the motion.

Chairman Sadler asked for questions or comments.

Mr. Pridgen asked that a notation be placed in the minutes in regards to this request being the second extension request on one location, and the third extension on another location.

Chairman Sadler stated that there are some elevation problems with mapping.

Mr. Pridgen stated that because of the extension, if there is another extension in the future, he stated that it should be reviewed as a new plat because of the extended time period; there may have been changes in the territory or changes in the regulations.

Chairman Sadler asked for a vote.

Ayes: Wood, Pridgen, Whatley, Lazenby, Van Nieuwenhuise, Cherry, Seroyer, Fuller

Nays: None

Abstention: None

The motion to grant the 12-month time extension with staff requirements passed.

**10. Time Extension for Mini-storage warehouse addition, Sun Self Storage, Inc., 1615 Thomason Drive, C-2, GC-2.**

Ms. Bader reported that last year, Sun Self-Storage, requested conditional use approval in order to construct additional mini-warehouse facilities and add a climate control facility.

This request was approved; however, the petitioner needs to request a time extension for the conditional use approval for another year since they were not able to complete building their proposed additions. Staff does not feel that this time extension will create any difficulties.

Planning Staff recommends approval of the proposed conditional use time extension for 1 year for the Sun Storage located at 1615 Thomason Drive.

Mr. Thomas recommended approval, subject to conditions of the Engineer's report dated April 22, 2003, as amended (copy attached). However, based on subsequent discussions, the applicant may submit a proposed BFE &/or FFE for approval, and absolve the City of any liability related to flooding.

Mr. Van Nieuwenhuise made a motion to grant the 12-month time extension with staff requirements.

Dr. Lazenby seconded the motion.

Ayes: Wood, Pridgen, Whatley, Lazenby, Van Nieuwenhuise, Cherry, Seroyer, Fuller

Nays: None

Abstention: None

The motion to grant the 12-month time extension with staff requirements passed.

### **11. Oasis recycling center, 2600 South Uniroyal Road, Arthur Jordan, M-1.**

Ms. Bader reported last month, the petitioner, Arthur Jordan, submitted a sketch plan review for a proposed recycling center. The petitioner is now prepared to submit a formal Conditional Use request complete with a site plan and landscape plan.

In review, the property is located at the 2600 block of South Uniroyal Road, directly across the street from McKenzie Tank Lines and next to the train tracks. The property is zoned M-1 (Manufacturing). The petitioner is proposing to locate a recycling center inside an existing metal building and is proposing an addition to the existing metal building to the rear over an existing slab. The petitioner writes in his report that he proposes to “recycle aluminum cans and aluminum products, copper, brass and stainless steel.” The petitioner adds in his application that the business will not become “a junk yard...everything [that] comes in for recycling will be processed and shipped out on a daily basis.” Further, in order to minimize any adverse affects from the proposed use on surrounding property owners, the petitioner proposes to erect a “privacy fence” at whatever height the Planning Commission would find reasonable to ensure that no materials can be visible from off the property. Planning Staff thinks a 6-foot high wooden, privacy fence may be appropriate. Also, Staff would like to recommend that the existing, natural, undisturbed buffer that exists between the property and the adjoining properties remain to buffer the commercial property from the existing residential properties.

#### Planning Staff Recommendation

Since the property is zoned manufacturing and since it seems that impact to neighboring properties will be minimal, Planning Staff recommends that conditional use approval be granted with the following conditions:

1. A 6-foot high, wood fence shall be erected on the property as indicated on the site plan (staff is assuming the double line indicates the location of the privacy fence).
2. All materials shall be stored inside the building. Some material may occasionally be stored outside as long as it is stored behind the 6-foot high wood fence and is not visible from the road or off the property.
3. The existing, natural undisturbed buffer shall remain on the property.

Mr. Thomas reported that the facility was reviewed last month as a sketch plan. All requested conditions have been satisfied and the proposed new building is supposed to be on an existing slab. South Uniroyal Road is classified as a major collector road with access spacing of 200 feet. Although the proposed drives do not meet the letter of our access management regulations, such circumstances provide an opportunity for a development friendly city like Opelika to demonstrate its flexibility. He stated that Engineering’s recommendation incorporates by reference Section X of the Public Works Manual, providing for Planning Commission variances on matters of road design and layout. The full size drawing includes a 1” = 20’ scale, but reduced drawings should clearly show dimensions for road width, apron, parking space, etc. Storm water management is not shown on the site plan. He recommended approval subject to the following:

- a) The proposed new southern drive should be a one-way exit only with a minimum fifty-foot (50’) concrete apron as shown.
- b) A final site plan stamped and signed by a PE, PLS or PA, including, but not limited to:
  - Proposed Erosion and Sediment Control (ESC) BMP implementation; and
  - Storm water management design (retention/detention) with supporting calculations

- c) Employee and visitor parking spaces, including handicapped, per planning requirements, should be paved and striped.

Mr. Lee, Utilities Board, had no report.

Mr. John Holley, City Horticulturist, recommended approval.

Chairman Sadler asked for comments or questions.

Mr. Seroyer made a motion to grant the conditional use approval with staff requirements. Mr. Pridgen seconded the motion.

Chairman Sadler asked for questions or comments.

Mayor Fuller asked Mr. Thomas a question regarding distance between curb cuts.

Mr. Thomas stated that he did not know for sure, but he recalled that the dimension from the railroad right-of-way to the concrete drive is 125' and this distance is just less than 100'.

Chairman Sadler asked for a vote.

Ayes: Wood, Pridgen, Whatley, Lazenby, Van Nieuwenhuise, Cherry, Seroyer, Fuller

Nays: None

Abstention: None

The motion to grant a conditional use approval with staff requirements passed.

## **12. Stones of Remembrance, monument sales, 307 29<sup>th</sup> Street, Wayne Reuter, VC.**

Ms. Bader reported that the petitioner, Wayne Reuter, is requesting Conditional Use approval to permit the selling and outdoor display of "monuments and memorials of granite marble and bronze to be used primarily for, but not limited to, cemetery installation."

The intent of the Village Commercial (VC) zoning designation is to permit "residential friendly" businesses into the Pepperell Mill Village. Most of the existing businesses one sees in the Pepperell Mill Village have not come before the Planning Commission because they are permitted outright. This use is unique especially since it requires outdoor display so Planning Staff has decided to send this before the Planning Commission for Conditional Use Review. The key concept of this proposal is that the memorials will not simply be randomly displayed outside but rather will be so arranged and supplemented with landscaping so as to create a "memorial garden." According to the petitioner, the majority of his customers have recently lost loved ones. Setting the memorials in a garden and in a residential setting will add peace and serenity for the client. There will seldom be more than one client, whether it is an individual or a family, at a time so this use will not create a high volume of traffic.

Although this use is unconventional, Planning Staff concludes that this use is reasonable and appropriate at this location and therefore, recommends that this conditional use be approved as proposed on the submitted site plan, with the understanding that minor Staff approved changes will be permitted, i.e. the petitioner mentioned he might have to adjust the location of the sidewalk, etc.

Mr. Thomas reported that the drive and parking would both need to be clearly delineated, while minimizing storm water runoff and resultant adverse impacts. Final parking details remain unresolved, being Engineering is confident in their ability to resolve them. Thus, our recommendation incorporates by reference Section X of the Public Works Manual, providing for Planning Commission variances on matters of road design and layout. Subject thereto, he recommended approval.

Mr. Lee had no comment.

Mr. Holley, City Horticulturist, recommended approval.

Chairman Sadler asked for a motion.

Dr. Lazenby made a motion to grant conditional use approval with staff recommendations.

Mr. Seroyer seconded the motion.

Ayes: Wood, Pridgen, Whatley, Lazenby, Van Nieuwenhuise, Cherry, Seroyer, Fuller

Nays: None

Abstention: None

The motion to grant conditional use approval with staff recommendations passed.

#### **D. REZONING-PUBLIC HEARING**

##### **13. Wyndham rezoning, Wyndham Properties, R-1 to PUD, Society Hill Road-Hwy. 51.**

Ms. Bader reported that the petitioners, The Cleveland Brothers, manager of Wyndham Properties, are requesting rezoning from R-1 (Rural), R-3 (Low Density Residential) and R-3, GC-2 (Gateway Corridor) to PUD (Planned Unit Development). The proposal for this rezoned area is to create a Planned Community with mixed uses (a mixture of residential housing types, commercial and industrial). The petitioner submitted a 24 page Master Plan that details their concept for Wyndham, a Planned Development. To summarize the narrative, ultimately the Wyndham Community will involve a total of 640 acres. The total density for the residential portion of the development, including multi-family portions, shall not exceed three (3) units per acre. "The Master Plan attempts to identify the highest, best and most harmonious use for the various portions of the Project. However, since the Plan involves what is likely to be a Ten Year Development, it should be noted that each particular density of development might vary should the Developers view that the current marketplace requires that adjustment. For example, an area designated by the Plan as Town homes could readily be downgraded to Garden Homes. Another area designated for Offices could be upgraded to Apartments. Furthermore, should Gateway Drive become a Business Corridor, one could reasonably expect Town homes to be re-designated as Offices."

"Proposed Streets. Primarily, the Wyndham Planned Development begins with and is anchored by its relationship to the new Gateway Drive extension (now under construction) and its connection to Interstate 85, one mile to the West. As such, The Master Plan envisions a series of entries into Wyndham from Gateway Drive, each of which may be developed with its own neighborhood character. Each of the neighborhoods served by these entries ultimately a tie back into the existing city fabric as follows:

- In the northwest; to Society Hill Road.
- On the east boundary; several connections to Marvyn Parkway.

Each of the streets in this development will expect to be residential in design, that is a 50' or 60' right-of-way with a typical 28' width of curbs and pavement. Should the development proceed as the Master Plan envisions, the single exception to the typical street design would be Wyndham Drive. Imagined as the heart of the Development, this street R.O.W. could be a special width of 100' with a continuous, 30' wide landscaped-island. At the center of the Project, the separated pavements could widen further to allow for two islands for the development of community-oriented amenities."

P. 22 in the master plan lays out their open space plan and also discusses their industrial development plans.

The Planned Unit Development process is a three-stage process. This submittal can be considered as the "informational review" or preliminary plan submittal. The applicant has met all the requirements of submittal for the informational review. After the informational review, the developer has up to one year to submit the "development

plan” or final plan review. This submittal should address any comments and concerns brought up at the time of the preliminary plan review. In addition, the following shall be included in the Development Plan submittal:

- a. “An overall development scheme stating the development intention of the landowner, including but not limited to the following: a statement of location and intensity of proposed uses and activities, a physical description of proposed facilities accommodating such uses, a statement of location and general configuration of lands to be dedicated for public open space and other public use, a general designation of utilities, and a general statement of form of site management proposed for common open spaces and facilities.
- b. A set of drawings of the entire development, accompanied by narratives as appropriate, indicating: perimeter boundaries of the site; streets and driveways, sidewalks and pedestrian ways and off-street parking and loading areas; location and approximate dimension of buildings and other structures, including activities and the number of living units; reservation for public uses and open spaces; major landscaping proposal; and rendering clearly establishing the scale, character and relationship of buildings, streets and open spaces.
- c. A set of maps and statements providing information on the character and use of the surrounding area within 300 feet of the limits of the proposed development.”

The purpose of the Planned Unit Development (PUD) is “to encourage the appropriate development of tracts of land in all zoning districts sufficiently large to allow comprehensive planning and to provide flexibility in the application of certain regulations in a manner consistent with the general purposes of the Zoning Ordinance, thereby promoting a harmonious variety of uses, the economy of shared service and facilities, compatibility with surrounding areas, and the creation of attractive, healthful, efficient and stable environments for living, shopping, and working.”

Planning Staff has determined that this PUD submittal meets the purpose and intent of the Zoning Ordinance and is recommending preliminary plan approval of the PUD and recommending that the Planning Commission send a positive recommendation to the City Council for rezoning to PUD.

Mr. Thomas reported that site issues associated with the subdivision are addressed at Item A.7 The proposed development is compatible with the proposed classification of our new extension of Gateway Dr., a segment of the perimeter (loop) road as an arterial with access spacing of 400 feet. Cooperation continues with the developer and representatives on infrastructure issues and partnership opportunities. He strongly suggested a positive recommendation to City Council.

Mr. Lee, Utilities Board, had no report.

Mr. Holley, City Horticulturist, had no report.

Chairman Sadler opened the public hearing.  
No comments were made from the audience.  
Chairman Sadler closed the public hearing.

Mr. Van Nieuwenhuise made a motion to send a positive recommendation to City Council for rezoning.  
Dr. Lazenby seconded the motion.

Ayes: Wood, Pridgen, Whatley, Lazenby, Van Nieuwenhuise, Cherry, Seroyer, Fuller  
Nays: None  
Abstention: None  
The motion to send a positive recommendation to City Council for rezoning passed.

#### **14. Buck Ridge rezoning, six petitioners, R-4M to R-1, Old Columbus Road.**

Ms. Bader reported that the property owners along the south side of Old Columbus Road desire to rezone their properties that contain low density single-family homes from R-4 M (medium density with manufactured homes permitted) to R-1 (Rural) because they feel R-1 (Rural) better reflects the actual land use.

The City underwent a comprehensive rezoning of the entire City in 1991. At this time, the consultants assigned R-4M zoning to the area in question. Maybe these houses were not built at that time or maybe it was difficult to determine how this area would develop but currently this area has developed as R-1. The minimum lot size for the R-1 is one acre. The lots requesting rezoning are at least one acre in size.

According to the Zoning Ordinance, the R-4 M (Medium Density Residential District), “are for all types of residential development including, but not limited to single-family detached, duplexes, cottages, townhouses, apartments, patio homes, cluster homes, mobile homes, subdivision, and mobile home parks in developments not exceeding nine (9) units per acre. Developments in this district should be served by sanitary sewer, and should be in context with the scale and character of the existing neighborhood.” The R-1 (Rural District) “is intended to protect those areas of Opelika which are agricultural in character and use and to provide areas for the development of extremely low density residential uses. Development in these areas will be limited to acreage tracts and customary agricultural uses and it will be an area where mobile home living and recreational vehicle parks will be conditionally permitted. As increased services become available it is intended that this area will transition to higher intensity uses.”

#### Staff Recommendation

Planning Staff recommends that the Planning Commission send a positive recommendation to the City Council to rezone the property from R-4 M (Medium Density Residential with Mobile Homes) to R-1 (Rural) because this zoning designation will be in keeping with the character, scale, and density of the existing area and will serve to protect property values in the area to be rezoned.

Mr. Thomas, Engineering Director, recommended sending a positive recommendation to City Council.

Mr. Lee had no comment.

Mr. Holley had no comment.

Chairman Sadler opened the public hearing.

Mr. Larry White, petitioner, came forth to thank the commission for allowing him and other owners in Buck Ridge to request the rezoning.

Chairman Sadler closed the public hearing.

Chairman Sadler asked for a motion.

Dr. Whatley made a motion to send a positive recommendation to City Council.

Mr. Seroyer seconded the motion.

Ayes: Wood, Pridgen, Whatley, Lazenby, Van Nieuwenhuise, Cherry, Seroyer, Fuller

Nays: None

Abstention: None

The motion to send a positive recommendation to City Council for rezoning passed.

#### **E. VACATION OF STREET/EASEMENT**

#### **15. Vacation of 20-foot wide Storm drain easement, Delhi Drive.**

The property owners along the east side of Delhi Drive are petitioning the City Council to vacate a storm water easement because they feel it is no longer necessary. According to

the application, it states that the easement was created for a project that was proposed in the 1970's but never materialized.

### Recommendation

Planning Staff defers their recommendation to the Engineering Staff since storm water drainage is an Engineering matter.

Mr. Thomas recommended sending a positive recommendation to City Council.

Mr. Lee, Utilities Board, had no comment.

Chairman Sadler asked for a motion.

Mr. Van Nieuwenhuise made a motion to send a positive recommendation to City Council.

Mayor Fuller seconded the motion.

Ayes: Wood, Pridgen, Whatley, Lazenby, Van Nieuwenhuise, Cherry, Seroyer, Fuller

Nays: None

Abstention: None

The motion to send a positive recommendation to City Council passed.

### **F. AMENDMENT TO ZONING ORDINANCE-PUBLIC HEARING**

#### **16. Amending Zoning Ordinance for application deadline date. Change from 15 days to 21 days.**

Ms. Bader reported that recently, the City has purchased a new computer software system that requires more Staff time to operate. One of the many benefits of this program is that it allows a very advanced and sophisticated tracking system which enables Staff to keep better track of their cases so that they can better respond to the needs of the Public. Staff is proposing that the Planning Commission consider changing the Zoning Ordinance generated application deadlines (conditional uses, rezonings, etc.) from 15 days to 21 days. Surrounding Cities also require a similar time frame with their submittals. This change will allow Staff to input pertinent information into the computer and will ultimately increase efficiency. Staff has already discussed this possible change with regular applicants to the Planning Commission.

Mr. Thomas suggested sending a positive recommendation to City Council.

Chairman Sadler opened the public hearing.

No comments were made from the audience.

Chairman Sadler closed the public hearing.

Chairman Sadler asked for a motion.

Mr. Van Nieuwenhuise made a motion to send a positive recommendation to City Council.

Mr. Seroyer seconded the motion.

Ayes: Wood, Pridgen, Whatley, Lazenby, Van Nieuwenhuise, Cherry, Seroyer, Fuller

Nays: None

Abstention: None

The motion to send a positive recommendation to City Council passed.

With no further business on the agenda, Chairman Sadler adjourned the meeting at 3:40 p.m.

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H.J. Sadler, Chairman

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Martin D. Ogren, Secretary