

April 26, 2005

The City of Opelika Planning Commission held its regular monthly meeting on April 26, 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, Mayor Fuller,
Dr. William D. Lazenby, Arthur Wood,
Dr. William B. Whatley, Jesse Seroyer, Jr.,
Bart Van Nieuwenhuise, Lewis Cherry

MEMBERS ABSENT: None

STAFF PRESENT: Marty Ogren, Planning Director;
Miriam Bader, City Planner;
Charlie Thomas, Engineering Director;
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 March he would like to entertain a motion to accept the minutes as written.

Dr. Lazenby made a motion to accept the March 22, 2005 meeting minutes as written.

Mr. Pridgen seconded the motion.

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

Nays: None

Abstention: None

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

A. PLATS-PUBLIC HEARING

1. Charter Bank S/D, David Canon, intersection of 2nd Ave. & 7th St., P/F approval.

Ms. Bader, City Planner, reported that the petitioner, David Canon for Charter Bank (surveyed by Boles Engineering) is requesting to erase a lot-line in order to combine two lots into one. The newly created lot will contain 1.153 acres. This property is located at the intersection of 2nd Ave. and 7th St. and there used to be two structures on these properties. One was used as a house and one as an office.

All Planning Department Subdivision Plat Requirements and Development Standards have been met except that the building setback lines needs to be indicated on the plat.

Planning Staff recommends that preliminary and final plat approval be granted with the setback line being added to the plat.

Mr. Thomas, Engineering Director, recommended approval.

Utilities Board reported that water service is accessible to this subdivision by a water main in the R.O.W. of 7th Street.

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 grant preliminary and final plat approval with staff recommendations.

Dr. Whatley seconded the motion.

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

Nays: None

Abstention: None

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

2. Pepperell Corners, Resub., Six Plus, LLC., Pepperell Parkway, 2 lots, Prel. Plat Approval.

Ms. Bader reported that the petitioner, John Rice for SixPlus, LLC (surveyed by Boles Engineering, Inc.), is requesting preliminary plat approval for a two-lot commercial subdivision. The Planning Commission reviewed a similar plat on September 28, 2004. The parent parcel, parcel 9-5A will contain 5.333 acres. In the September request the parcel was to contain 5.862 acres. This parcel may be subdivided further at another time. Proposed Parcel 9-5B will contain 0.387 acres (16,857.72 square feet), the previous request indicated 0.431 acres. The lot is proposed to be used for commercial purposes (Aamco Transmission).

All Planning subdivision plat requirements have been met.

Planning Staff recommends preliminary plat approval with the condition that a note be added to the final plat, which states that, all setback requirements shall be met even when the proposed road is built.

Mr. Thomas, Engineering Director, recommended approval.

Utilities Board reported that water service is accessible to this subdivision by a water main in the R.O.W. of 26th Street.

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

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

Mr. Seroyer seconded the motion.

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

Nays: None

Abstention: None

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

3. Stephens Woods S/D, Phase III, Keith Stephens, Catherine Dr., off of Ridge Road, 6 lots, Preliminary Plat Approval.

Ms. Bader reported that the petitioner, Keith Stephens, is requesting preliminary plat approval for a six-lot subdivision off of Catherine Drive. This is Phase III of the Stephens Woods Subdivision. The Planning Commission reviewed Phase II at the March meeting. Lots range in size from 10,619 sq. ft. to 13,427 sq. feet. The typical lot is around 12,000 square feet, which meets the minimum required in the R-3 of 7,500 square feet. There is a remaining parcel, labeled parcel 1B,

which contains 33.46 acres that is listed as non-buildable until public road access is available.

All Planning Department subdivision plat requirements have been met except that the front building setback line needs to be added to the plat prior to final plat approval

Planning Staff recommends preliminary plat approval.

Mr. Thomas reported that Terry Adkins, City Fire Chief, has advised that both Lizlin Street (north/south) and Drive (east/west), but not Court, may be used. Temporary cul-de-sac must be paved, per Public Works Manual, and must be complete prior to a Certificate of Occupancy for any lots. Developer and owner concurs that Sawyer Drive and Covington Avenue should be connected in accordance with Public Works Manual street construction standards. Subject thereto, he recommended approval.

Utilities Board reported that water service is accessible to this subdivision by a water main in the R.O.W. of Stephens Woods, Phase I.

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

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

Chairman Sadler asked for further discussion.

Mayor Fuller asked Mr. Thomas what the Fire Chief's recommendation for the roads in Stephens Wood Subdivision.

Mr. Thomas stated that the city has a street called Lindsey Court so the Fire Chief stated that the developers should reconsider using the name Lizlin for Lizlin Street and Lizlin Drive, but not Lizlin Court.

Chairman Sadler asked for a vote.

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

Nays: None

Abstention: None

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

4. Foxchase on Emerald Lakes, First Rev., Plainsmen Development Corp., Blackberry Cove and Mallard Landing off of Emerald Lane, P/F Plat Approval.

Ms. Bader reported that the petitioner, Don Ketcham, is requesting preliminary and final plat approval to simply modify some existing property lines for three lots. One of the lots is located off Mallard Landing and contains 0.81 acres. The other two lots are located off Blackberry Cove and contain a little over a half-acre.

All Planning Department preliminary and final subdivision plat requirements have been met.

Planning Staff recommends preliminary and final plat approval.

Mr. Thomas reported that these three (3)-lot combination plat and lot line erasure satisfies engineering's requirements. He recommended approval.

Utilities Board reported that this subdivision lies within the Beauregard Water Authority's service area.

Chairman Sadler opened the public hearing.

Mr. Tommy Barnes, President of the Home Owners Association for Emerald Lakes, stated that he does not have a problem with modifying the lot line, but was inquiring if the land use is approved with final plat approval, or just the plat drawing?

Ms. Bader, City Planner, stated just the drawing, and the approval is for single-family dwellings.

Mr. Barnes stated that there are some concerns with advertising and selling for the smaller lots to house horses on approximately 1½-acre lots. He stated that the 2 to 3 acre lots should be fine, but to allow housing horses on the smaller lots could cause some problems in regards to cleaning up, etc.

Mr. Ogren, Planning Director, spoke with the animal control officer in regards to the city ordinance and to the developer, Don Ketcham regarding the subdivision covenants. Mr. Ketcham said he appreciated the Planning Department contacting him, and he said he would address the matter accordingly.

Mr. Barnes asked who should the residents/homeowners call regarding the city ordinance.

Mr. Ogren said that the Planning Department can be contacted, and the staff will assist in answering any questions.

Chairman Sadler asked what the current ordinance states regarding keeping of horses on property.

Ms. Bader said the current ordinance states very minimum size property is required and depends on whether a stable is present or not, and it's how the owner keeps the horse. She stated that at least 1,000 sq. ft. of land is required and the animal should be kept at least 100 sq. ft. from the adjacent property line.

Chairman Sadler asked Mr. Barnes to contact Shane Kyles, Code Enforcement Officer, with any new development regarding the situation.

Chairman Sadler asked for further comments from the audience.

No comments were made.

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 Nieuwenhuise, Cherry, Seroyer, Fuller

Nays: None

Abstention: None

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

5. Anderson Lakes Phase II, Anderson Lakes, LLC, 3000 block Anderson Road, 38 lots, single-family residential, proposed PUD development, Preliminary Plat Approval.

Ms. Bader reported that the petitioner, Greg Hill, (surveyed by Maxwell Engineering), is requesting preliminary plat approval to create a thirty-eight lot single-family residential subdivision. The petitioner came before the Planning Commission for preliminary plat approval of phase I at the January Planning Commission meeting. The property is located just south of property owned by the industrial development authority, approximately at the 3000 block of Anderson Road. Lots range in size from 7,604 square feet to 16,948. The average lot size is 9,527 square feet. These lots meet the minimum lot size requirements for their zoning designation, R-3, which is 7,500 square feet.

The plat meets all preliminary subdivision plat requirements and should be able to meet all development requirements except building lines should be included on the final plat.

Planning Staff recommends preliminary plat approval with building lines being included on the final plat.

Mr. Thomas reported that the development of the S/D in the R-3 zone is subject to provision of public sewer. Engineering has discussed that possibility with representatives of the owner. Road geometry may avoid requirement for temporary cul-de-sac on Anderson Lakes Drive. Paving and Right-of-Way widths may be negotiable on some lanes and/or courts. Some site issues may be addressed during a future proposed PUD review. If the plat is two (2) sheets, title block should so reflect (i.e., Sheet 1 of 2, etc.). Final approval of street names is subject to concurrence from our public safety departments. He recommended approval.

Utilities Board reported that water service is accessible to this subdivision by a water main in the R.O.W. of Anderson Road.

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

Dr. Whatley 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 recommendations passed.

6. Northeast Opelika Industrial Park, Opelika Industrial Dev. Authority, Andrews Road, 3 lots, P/F Plat Approval.

Ms. Bader reported that the petitioner, the Opelika Industrial Development Authority, would like to request preliminary and final plat approval in order to create three lots. Lot 1B-2 is proposed to be 20 acres and Lot 1B-3 is proposed to be 55.981 acres. Each of these lots will be used by an industry. The remainder, Lot 1B-1, containing 1,133.47 acres will be held until there are future plans to develop it.

All Planning subdivision plat requirements have been met.

Planning Staff recommends preliminary and final plat approval.

Mr. Thomas reported that neither road nor sewer is currently available, and the City would soon extend both. On previous occasions, the City Attorney has advised that both preliminary and final approval may be allowed at the same PC meeting if the City is responsible for all infrastructure improvements. Likewise, no bond or letter of credit is required. Final plat should show an approved street name. He recommended approval.

Utilities Board reported that water service is accessible to this subdivision by water main in the R.O.W. of North Park Drive.

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 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 passed with staff recommendations passed.

B. FINAL PLAT APPROVAL

7. Overlook Meadows S/D, formerly Highland Meadows, Jim Fullington, Stonewall Road, 17 lots, Final Plat Approval.

Ms. Bader reported that the petitioner, James Fullington, would like to request final plat approval in order to create an 18-lot subdivision. Preliminary Plat approval was granted by the Planning Commission last month. Eight lots are proposed to contain around 10 acres. Nine lots are proposed to contain from 2 to 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 building setback line should be shown on the plat.

Planning Staff recommends that the plat receive final plat approval with the building setback line being noted prior to the final plat being signed.

Mr. Thomas reported that sewer service might not be available initially.

Engineering recommends approval subject to the following:

- a) Alternate name for proposed Shandwick Drive & Circle, due to previously approved Chadwick name.
- b) Approval of final plans including, but not limited to:
 - Proposed Erosion and Sediment Control (ESC) BMP implementation
 - Roadway plan and profile,
 - Stormwater management plan 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.

Utilities Board reported that water service is accessible to this subdivision by water main in the R.O.W. of Stonewall Road. This subdivision does not lie within the Saugahatchee Watershed Protection Area.

Chairman Sadler asked for a motion.

Mr. Pridgen made a motion to grant final 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 final plat approval with staff requirements passed.

8. Lucy Jackson S/D, 2nd Rev., Bernice Fauntleroy, Old Saughatchee Lake Road, 6 lots, Final Plat Approval.

Ms. Bader reported that the petitioner, Bernice Fauntleroy (surveyed by C.T. Pierce), is requesting final plat approval for a six-lot single-family residential subdivision. Lots range in size from 8,000 square feet to 10,800 square feet. Lot 2A-1 and Lot 2B are 2.48 acres and 1.61 acres respectively. The petitioner plans to possibly develop these lots in the future when the proposed 60' right-of-way is constructed. The lots are proposed to be large enough to meet the development standards for their zoning designation, which is 7,500 square feet.

All Planning final plat requirements have been met, except that the parent parcel Lee County Tax Parcel ID number needs to be indicated on the final plat application and/or on the plat prior to the plat being signed.

Planning Staff recommends final plat approval.

Since Saughatchee Lake Road is a local street, access is allowed to lots 3-6. However, Lots shown as 2A-1 and 2B (to be renumbered correctly), or any future subdivision of them, must take access from the proposed road. That is, any additional access to Veterans Parkway from this subdivision is prevented by access management. This subdivision is in the watershed, but is exempt from permits, as promised by the Plan Commission at approval of the watershed S/D regulation. He recommended approval, subject to the following items discussed at preliminary approval:

- a) Since a portion of the property is located in Flood Zone A, then per Section 7-62 of the City Code of Ordinances, "Base flood elevation data shall be provided for ... subdivisions greater than fifty (50) lots [parcels] or five (5) acres..."
 - b) The proposed (60) sixty-foot ROW should be a solid line with an approved street name.
 - c) 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.
 - d) Vicinity map should show Veterans Parkway, electronically available from the Engineering Department.
 - e) Notes 1 & 2 need clarification.
 - f) Correct legend(s) regarding manholes & iron pins existing, proposed, found & set, respectively.
 - g) Approval of final plans including, but not limited to:
 - Proposed Erosion and Sediment Control (ESC) BMP implementation
 - Sanitary sewer plan and profile,
 - Roadway 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; and
- h) If final approval is granted subject to approval of engineering drawings, add a signature line for the City Engineer.

Utilities Board reported that water service is accessible to this subdivision by a water main in the R.O.W. of Saughatchee Lake Road.

Chairman Sadler asked for a motion.

Dr. Whatley made a motion to grant 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 final plat approval with staff requirements passed.

~~C. **SKETCH CONDITIONAL USE**~~

~~9. **Group Home, Waymon Johnson, 114 N. 9th Street, C-2. WITHDRAWN**~~

D. CONDITIONAL USE

10. Cove Creek Townhomes, Lankford Brown, 3900 Block of Marvyn Parkway, 40 units, C-2.

Ms. Bader reported that the preliminary subdivision plat for this property was reviewed and approved at the July 27, 2004 Planning Commission Meeting (minutes attached). In January 2005, the petitioner, Lankford Brown submitted a request for conditional use approval for townhouses. Planning Staff had a number of concerns regarding this request so it was decided to withdraw the request until these concerns could be addressed. Mr. Brown has since submitted a new site plan that is before you today. This new site plan adequately addresses all of the previous concerns that the Planning Staff had with the understanding that the petitioner will meet with the fire marshal to insure that there is sufficient access provided for fire trucks, etc.

The request is to build a 40-townhome-unit complex that will include a clubhouse and a pool. The town-homes are built in groups of 3 or 4 attached units. Common open space is provided through a clubhouse and pool facility that is centrally located. First floor square footages are between 540 square feet and 600 square feet. Rear yards are at least 400 square feet. This will meet our town home standards for minimum rear yards. A 5-foot sidewalk accesses the rear of the entire complex. An owners and/or tenant committee will be established for maintenance of the project prior to any units being sold. Ownership of the project will be by individuals or corporations on a per lot basis, for the purposes of rental units.

Since the Townhouse Development Standards have been met along with all of Planning Staff's previous concerns, Planning Staff recommends conditional use approval for this townhouse project.

Previous Staff Report from January 22, 2005 Planning Commission Meeting:

Meeting Date:	January 25, 2005	
Agenda Item #:	C-8	
Action Requested:	Conditional Use approval for Town-homes	
Location of Property:	Off of AL Hwy. 51, just north of Carol Avenue	
Property Owner:	Lankford Brown of Cove Creek Development	
Current Zoning:	C-2, GC-2 and R-3, GC-2, and R-3	
Existing Land Use:	Undeveloped	
Surrounding Zoning Districts		
And Land Uses:		
North	R-3, GC-2	Undeveloped
South	P.J.	Timber Hills Subdivision
East	R-1, GC-2	Single-Family Residential
West	R-3	Undeveloped, proposed single-family res.

Staff Comments:

The preliminary subdivision plat for this property was reviewed and approved at the July 27, 2004 Planning Commission Meeting (minutes attached). Staff just received a new landscape plan in at

10:30 a.m. today, Thursday, January 20, 2005. Based on Planning Staff's cursory review and using Section 8.13 Townhouse Development Standards, Staff has the following concerns:

Section 8.13 A. "It is the intent of this ordinance that townhouses, in areas where they are or may be permitted."

"3. Shall constitute groupings making efficient, economical, comfortable and convenient use of land and open space and serving the public purposes of zoning by means alternative to conventional arrangement of yards and building areas."

Staff Concern- This submitted site plan shows a conventional site design and not clustered development as recommended.

"4. Shall provide adequate common open space free of buildings, streets, driveways, or parking areas. The common open space shall be so designed and located that it is easily accessible to all occupants of the project and is usable for open space and recreational purposes..."

Staff Concern- The submitted site plan does not provide adequate common open space.

Section 8.13 B.

"4. Yards. Front, side and rear yards not less than those permitted on zoning lots for the district shall be provided completely around the townhouse project areas or parcel..."

Staff Concern-Most of the perimeter setbacks does not meet the zoning requirements. The zoning requirements, since this is zoned C-2, GC-2 are as follows:

Front yard setback: 40'

Side yard setback: 20'

Rear yard setback: 20'

Yards. "...Each townhouse shall have one abutting yard, which may be in the required front or rear yard equal to the width of the townhouse and have an area not less than fifty percent of the first floor area of the townhouse, private and reasonably secluded from view or from neighboring property. Such yard shall not be used for any accessory building."

Staff Concern- Staff needs more information from the developer in order to determine if this requirement is being met.

"5. Access strip. In addition to the above yard requirements, it is required that the developer provides an unrestricted access strip along the rear lot lines of all contiguous units. This strip shall have a minimum width of five feet and shall run as to connect each rear lot line with a public way. On interior lots, a connecting strip to public way must extend along side lot lines or through townhouse group separation lot area. No structures of any type shall be allowed on this access strip. Land used in the access strip cannot be included in calculating minimum lot areas."

Staff Concern- Staff needs more information from the developer in order to determine if this requirement is being met.

"6. Group Parking Facilities.... curb shall be a minimum of four (4) inches in width..."

Staff Concern- Staff needs more information from the developer in order to determine if this requirement is being met.

"8. Maintenance. ...shall be included in the plat restrictions of the property. Individual utility connections shall be provided to each townhouse dwelling unit."

Staff Concern- Staff needs more information from the developer in order to determine if this requirement is being met.

"9. Fire Lanes...shall provide access to the rear of the project at each end."

Staff Concern- Access is impeded due to landscaping, Crape Myrtles, proposed to be planted in the fire access lanes.

Recommendation:

Staff recommends that this request be withdrawn and resubmitted once the Staff Concerns have been addressed.

Minutes attached from July 27, 2004 Planning Commission Meeting:

Cove Creek S/D, Cove Creek Development, LLC, 65 lots, Marvyn Parkway (AL Hwy. 51), Preliminary Plat Approval.

Ms. Bader reported that the petitioner, Cove Creek Development, LLC (surveyed by Boles Eng.) is requesting preliminary plat approval for a 65-lot subdivision. The majority of the lots, 54 lots, will be developed for single-family dwellings. The other lots will be townhouse development and

commercial development. The lots meet the minimum requirements for development. The proposed lots range in size from 7520 sq. ft. to 48,841.25 sq. ft.

Part of the property is currently outside the City Limits but the petitioner is also petitioning the Planning Commission on this agenda to annex into the City Limits.

All the Planning Department preliminary subdivision plat requirements have been met except the building lines need to be shown on the plat. Lots are proposed to be large enough to meet all development standards.

Planning Staff recommends preliminary plat approval provided that the building lines are shown on the final plat.

Mr. Thomas, Engineering, reported that Annexation of the property is discussed at Item E.12. Sanitary sewer service is available via the existing Deer Park Lift Station. Due to this provision, the final plat should show a utility and perhaps drainage easement across Parcel A2A. The developer has proposed upgrades of the lift station and a force main, equivalent to proposed demands. Of the street names shown on the preliminary plat, only Creekside Drive can be approved, due to conflicts with existing street names, and Creekside should be one (1) word. Final approval of street names is subject to concurrence from the public safety departments. Storm water detention is shown on the plat, but is subject to approved calculations. Engineering recommends approval subject to the following:
Utility easement across Parcel A2A to Deer Park Lift Station
Access to Parcels B & C should be via Creekside Drive rather than AL Hwy 51, per access management regulations
Approval of storm water calculations & plans
A bond or letter of credit for the value of any incomplete proposed public improvements prior to recording the final plat.
ESC plan approval prior to any site work.
Approved street names.

Mr. Lee, Utilities Board, reported that water service is accessible to this subdivision by water mains in the R.O.W. of Walnut Street and Alabama Highway 51 (Marvyn Parkway). The developer will be responsible for installing the water system and payment of all fees.

Chairman Sadler opened the public hearing.

A citizen came forth and asks if there were going to be more mobile homes established in this development?

Gentlemen representing the Cove Creek Development said no, and would be glad to assist her with her concerns after the meeting.

Ms. Bader said that there are only single-family homes and townhouse development. Mobile homes are not allowed in R-3 zone.

Chairman Sadler closed the public hearing.

Mr. Van Nieuwenhuise made a motion to grant preliminary plat approval with staff recommendations.

Mr. Pridgen seconded the motion.

Ayes: Patton, Wood, Seroyer, Van Nieuwenhuise, Pridgen

Nays: None

Abstention: None

The motion to grant preliminary plat approval with staff recommendations passed.
(end of minutes)

Mr. Thomas recommended approval.

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

City Horticulturist recommended approval.

Chairman Sadler asked for a motion.

Mr. Pridgen made a motion to grant conditional use approval with staff recommendations.

Mayor Fuller 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.

~~11. Auto sales, Don Lucas, 303 S. Railroad Ave., C-3. WITHDRAWN~~

12. Restaurant, Carlos Mayfield, 26th St. & Pepperell Parkway.

Ms. Bader reported that the petitioners, Carlos and Margaret Mayfield are requesting conditional use approval in order to establish a restaurant (sandwich shop) in the Pepperell Mill Village. The Mill Village has unique zoning designations, VC-Village Commercial and VR-Village Residential because this neighborhood is very unique. Last month, we looked at Stones of Remembrance, another business that wanted to locate in the Mill Village.

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 in that restaurants in the VC district are divided into two categories: “Quality Restaurants-Low Traffic Volume/Low Turnover [See Institute of Transportation Engineers (ITE) definition]-which are allowed with conditional use review and “Restaurants-High Traffic Volume/High Turn Over (Fast Food, Take Out, Delivery)”-these kind of restaurants is not permitted because they could have a negative impact on the surrounding neighborhood.

In addition, the Village Commercial ordinance specifies, “any land uses which generate heavy traffic volumes are prohibited.” Heavy traffic volume is defined as any land use, which has an Average Trip Rate of more than 100 trips per weekday per thousand (1000) square feet of gross floor area, as documented in the current edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual, is specifically prohibited from the Village Commercial District.

Using the ITE, Planning Staff decided to look at the average trip generation rate per seat, which it calculated to be 5 trips per seat. Using this number a maximum of 20 seats should be permitted so as to not exceed the 100 trips maximum.

The concept of the proposed use, a sandwich shop, could work in the Mill Village. It is just a matter of volume. If the sandwich shop becomes “too busy” that it no longer proves to be an asset but rather a nuisance then we have a problem. The petitioner’s are willing to limit the number of tables that they will have in their restaurant and are willing to limit their hours. Their proposal is for 10 tables or 40 seats and to operate from 7:00 a.m.-8:30 p.m.

The other big issue besides trip generation from the Planning standpoint is parking. We don’t want a use in the Mill Village that will require a large, out-of-character parking lot. The parking requirement for a restaurant is: “One (1) space per three (3) patron seats or one (1) space per a hundred (100) square feet of gross floor area of customer sales and service, whichever is greater, plus one (1) space per employee on the largest work shift.” Assuming two employees, the parking requirement would be approximately 9 parking spaces for 20 seats.

Although this use is not clearly defined in the ordinance, Planning Staff concludes that this use is reasonable and appropriate at this location and could serve to be a real asset to the residents of the mill village and therefore,

recommends that this conditional use be approved with the understanding that all engineering concerns are worked out and the following conditions:

1. No more than 20 patron seats shall be permitted.
2. The use shall be limited so as not to require more than 9 parking spaces.

Mr. Thomas reported that engineering recommends that Planning Commission waive paving of one-half (1/2) the required parking. However, some means of delineating parking spaces should be employed. Subject to review and approval of a storm-water management plan, he recommended approval.

Utilities Board had no comment.

City Horticulturist recommended approval.

Chairman Sadler asked for a motion.

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

Mr. Seroyer seconded the motion.

Chairman Sadler asked for further discussion.

Mr. Pridgen asked if a revised landscaping plan would be submitted for review.

Ms. Bader stated that if trees are removed, the City Horticulturist should be notified and a revised landscape plan be submitted for review.

Chairman Sadler asked for a vote.

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.

E. REZONING –PUBLIC HEARING

13. Village at Waterford, Tim White, residential and commercial development, R-1 to PUD.

Ms. Bader reported that the petitioner, Tim White for the Village at Waterford (previously named the Village at Highland Hills), surveyed by Maxwell Engineering, is requesting rezoning from R-1 (Rural) to PUD (Planned Unit Development). Last month, the petitioner requested and was granted preliminary plat approval for the first phase of this development (preliminary minutes are attached). The proposal for this rezoned area is to create an 80.184-acre Planned Community with mixed uses (a mixture of residential housing types, and commercial). The petitioner submitted a 5-page narrative that details their concept for the Village at Waterford. To summarize the narrative, “the project will be constructed in phases. The proposed uses are neighborhood shopping (commercial), single-family residential, multi-family residential, and neighborhood recreational. The neighborhood shopping center will be located on two parcels fronting Alabama Highway 169 with the entrance into the residential development between the two parcels. The residential portion will include 50-foot and 60-foot wide lots for single-family detached houses. An 18.48 acre parcel is proposed to be multi-family residential. The common area for Phase 1 is located to the southeast of the commercial sites. A portion of the two-plus acres will be needed for storm water detention/retention. The remainder of the property will be utilized for subdivision amenities for the residents.”

One comment about the narrative, on section 2. b. the following is written: “Each of the homes will have one parking space per bedroom as part of the home

construction.” The firm working on this proposal recently contacted Planning Staff about the City of Opelika parking requirement, which is two (2) parking spaces per dwelling unit, so this self-imposed requirement might change to correspond with the City requirement, which is fine with Planning Staff.

Another part of the narrative that is worth noting is in response to point 3. The developer states that: “the amenities will be determined based on the area available once the detention is designed. The developer is proposing a \$250/lot allowance for the homeowners association to choose from optional improvements such as a community pool, picnic area, additional walking paths or a small grove of trees with park benches (pocket park).” Planning Staff talked with the developer about providing such an option to avoid building an amenity that would not be used. Planning Staff supports this idea.

From the Planning Staff preliminary plat report, Staff would like to reiterate that 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 Opelika 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.

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:

“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.

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. 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.

Taken from the Minutes from March 22, 2005 Planning Commission Meeting-not yet adopted.

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 lines 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:

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).

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.

Due to lot size and zoning, public sewer is required

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.
(end of minutes)

Mr. Thomas reported that a cumulative traffic study should be anticipated during phase 3 or 4. Proposed Arlee Ave. needs renaming due to previous approval of a Karley street name. He suggested a positive recommendation be sent to City Council.

Utilities Board had no report.

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. Seroyer made a motion to send a positive recommendation with staff recommendations to City Council.
Mr. Pridgen seconded the motion.

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

F. AMENDMENT TO SUBDIVISION REGULATIONS-PUBLIC HEARING
14. Amendment to the Subdivision Regulations from "15 days to 21 days" for PC deadline to PC Agenda.

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. In March, Staff asked the Planning Commission to consider changing the Zoning Ordinance generated application deadlines (conditional uses, rezonings, etc.) from 15 days to 21 days. This month, Staff would like to ask the Planning Commission to change the application deadline for subdivision applications. 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, Engineering, recommended approval.

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

Mr. Pridgen made a motion approve the subdivision regulations with staff recommendations.
Dr. Lazenby seconded the motion.

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

Nays: None

Abstention: None

The motion to approve the subdivision regulations with staff recommendations passed.

G. AMENDMENT TO ZONING ORDINANCE-PUBLIC HEARING

15. ~~Amendment to the downtown residential living section of the zoning ordinance to consider apartments on the ground floor.~~ WITHDRAWN

Chairman Sadler announced the resignation of Miriam Bader, City Planner. He presented a plaque to her in recognition of her dedicated 10 years of service, and thanked her for her hard work and time spent in the Planning Department and serving the Planning Commission. He extended his best wishes to her and her family in their move to Maine.

Ms. Bader accepted the plaque and thanked the Staff and Commissioners, and stated that all would be missed.

With no further business on the agenda, Chairman Sadler adjourned the meeting at 3:30 p.m.

_____ H.J. Sadler,
Chairman

_____ Martin D. Ogren,
Secretary