

**June 28, 2005**

The City of Opelika Planning Commission held its regular monthly meeting on June 28, 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, Dr. William D. Lazenby,  
Arthur Wood, Dr. William B. Whatley, Mayor Fuller  
Jesse Seroyer, Jr., Lewis Cherry,  
Keith Pridgen, Bart Van Nieuwenhuise

MEMBERS ABSENT: None

STAFF PRESENT: Marty Ogren, Planning Director;  
Charlie Thomas, Engineering Director;  
Alan Lee, Utilities Board  
Jerry Posey, Opelika Light & Power;  
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 May he would like to entertain a motion to accept the minutes as written.

Dr. Lazenby made a motion to accept the May 24, 2005 meeting minutes as written.

Mr. Wood seconded the motion.

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

Nays: None

Abstention: None

The motion to accept the May 24, 2005 Planning Commission meeting minutes passed.

**A. PLATS-Preliminary & Final PUBLIC HEARING**

**1. Pepperell Corners S/D, Resub. parcel 5-A resub of Lot 9, 2 lots, 26<sup>th</sup> St., Six Plus LLC, preliminary and final plat approval.**

Mr. Ogren, Planning Director, reported that the applicant is requesting only preliminary plat & final approval for a 2 lot subdivision off 26<sup>th</sup> Street. The purpose of the subdivision is to build a commercial development on the 5.3 acre parcel. An architect has met with Planning and Engineering about several office/warehouse type buildings to be located on the 5.3 acre parcel. An Amoco transmission business recently opened for business on Lot 9-5B shown on the plat.

Preliminary subdivision plat requirements have been met.  
Planning Staff recommends preliminary & final plat approval.

Mr. Thomas, Engineering Director, reported that since both proposed lots access an improved public street with paved cul-de-sac, engineering, contrary to its usual stance, he recommended preliminary and final plat approval. No further activity on lot 9-5A may occur prior to approval of design drawings for extension of 26<sup>th</sup> Street. Representatives of the applicant are aware of this requirement.

Mr. Lee, Utilities Board, reported that water service is accessible to this subdivision by a water main in the R.O.W. of 26<sup>th</sup> Street.

Mr. Posey reported that Opelika Light & Power provides electrical service to this area.

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

Chairman Sadler asked for questions or comments.

Dr. Lazenby stated that the name Amoco should be changed to Aamco.  
That is the correct spelling for the business.

Ms. Hollingsworth accepted the correction, and stated it will be noted in the minutes.

Chairman Sadler asked for a motion.

Mr. Van Nieuwenhuise made a motion to grant preliminary and final plat approval with staff requirements.

Mr. Pridgen seconded the motion.

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

Nays: None

Abstention: None

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

## **2. Morris Walton Estates S/D, 2 lots, 2300 Block of Old Columbus Road, preliminary and final plat approval.**

Mr. Ogren reported that the applicant is requesting preliminary and final plat approval for a 2-lot subdivision on Old Columbus Road – east of South Uniroyal Road & Old Columbus Road intersection. The purpose of the subdivision is to build a house on Lot 2, a 5-acre parcel.

- 50 foot front yard setback line
- flood information
- easement statement

All Planning Department preliminary & final plat approval with the above conditions to the plat have been met.

Planning Department recommends prel

Mr. Thomas, Engineering Director, reported that sewer service is not currently available. He recommended preliminary and final plat approval.

Mr. Lee, Utilities Board, reported that water service is accessible to this subdivision by a water main in the R.O.W. of Old Columbus Road.

Mr. Posey reported that Alabama Power provides electrical service to this area.

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 & final plat approval with staff recommendations.

Mr. Pridgen seconded the motion.

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

Nays: None

Abstention: None

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

**3. Foxrun Industrial Park, Rebut. of Lots 2-A & 3-A, 2 lots, Jeter Avenue, 1000 block Jeter Ave., Opelika Industrial Development Authority, preliminary and final plat approval.**

Mr. Ogren reported that the applicant is requesting preliminary and final plat approval for a 2-lot subdivision on Jeter Avenue. This plat is located in the IDA's industrial-business park. Gambro, the manufacture of filters for kidney dialysis machines are locating on the 24-acre parcel (Lot 2-A-1). A 100-year flood boundary line is shown on the west side of Lot 2-A-1.

Planning Staff recommends preliminary and final plat approval.

Mr. Thomas, Engineering Director, recommended approval.

Mr. Lee, Utilities Board, reported that water service is accessible to this subdivision by a water main in the R.O.W. of Jeter Avenue.

Mr. Posey reported that electric service to this area is provided by Opelika Light and Power.

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 grant preliminary & final plat approval with staff recommendations.  
Dr. Whatley seconded the motion.

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

Nays: None

Abstention: None

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

**4. Academy Estates, 2 lots, Veterans Parkway, Preston Holdings LLC, preliminary and final plat approval.**

Mr. Ogren reported that the applicant is requesting preliminary & final plat approval for a 2-lot subdivision. This plat is the PUD property that was reviewed and approved in May by the Planning Commission. The PUD has been reviewed by City Council in their June 7<sup>th</sup> Council work session and the Council authorized advertisement for a Council public hearing. The Council public hearing is scheduled for July 19<sup>th</sup>. The purpose for this 2-lot subdivision today is to resolve some financial agreements between the developer and the original property owners.

At this time, Parcel 1 is accessed from Academy Drive – a City of Auburn street. In the future, several streets will be constructed through both parcels, linking the two parcels, and another access point will be provided on Veterans Parkway. See drawing attached. Please note that on Parcel 2 a note states *“Non buildable lot until access to public road is available.”*

Planning Staff recommends preliminary & final plat approval.

Mr. Thomas reported that the shown proposed Academy Drive, dashed, per PUD submittal approved by City Council. Substantial changes should be approved at

least by Planning Commission. Subject thereto, he recommended approval. He reported that the applicant is aware of each of these requirements.

Mr. Lee, Utilities Board, reported that water service is accessible to this subdivision by a water main in the R.O.W. of Veteran's Parkway, adjacent to Mandarin House Restaurant.

Mr. Posey reported that part of this area will be provided by Alabama Power and part will be served by Opelika Light & Power.

Chairman Sadler opened that public hearing.

Mr. Goolsby came forth and stated that the developers are putting a nice development on the proposed property, which should bring growth to the area, and he stated that within the next five years a lot will be changed in the area, and feels it will be an asset to the community.

Chairman Sadler closed the public hearing.

Chairman Sadler asked for a motion.

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

Mr. Seroyer seconded the motion.

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

Nays: None

Abstention: None

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

## **5. WITHDRAWN**

## **6. Fieldstone S/D, 455 lots, 3700 Block of South Uniroyal Road, Estate of William R. Sizemore-Robert Segal & Euel Screws, co-executors, preliminary plat approval.**

Mr. Ogren reported that the applicant is requesting preliminary approval for 430 lots (352 single-family homes, 76 town-homes, and 2 lots for a community center & pool on each lot). The subdivision is located off South Uniroyal Road; this subdivision is 291 acres.

On July 6, 2004, this same property was approved for rezoning from R-4M to C-3 (general commercial) by the City Council. The property is located across the street from the Uniroyal Tire plant. He stated that at the rezoning there was discussion of the property being used for truck parking and warehouse use. Agenda item #8 discusses the residential uses proposed for the 291 acres.

The lots for the subdivision can be accessed from South Uniroyal Road at two locations. All 430 lots will front along new streets within the development i.e., no lot will have direct access onto South Uniroyal Road.

There are no minimum lot size requirements in the C-3 (general commercial) zone. A 45-acre area of this subdivision is called *The Reserve at Fieldstone*. The developer is requesting a 6,600 sf minimum lot size for about 196 lots. Most of the 196 lots are 6,600 sf; about 33 lots are larger, ranging from 7,700 to 55,000; the larger lots back-up to wetland areas along the rear property line as shown on the plat. There is a 25 foot undisturbed buffer around the wetlands. Minimum lot width is 60 feet.

A 72-acre area of the subdivision is called *The Cottages at Fieldstone*. The developer is requesting 5,500 sf minimum lot sizes for about 177 lots. Actually, only about 10 of the 177 lots are under 6,000 sf; most of the lots are 6,600 sf or larger. Again, many of the lots back-up to wetland areas; a 25 foot undisturbed buffer encompasses the wetlands. Minimum lot width is 60 feet.

*The Cottages at Fieldstone* also include 76 town homes lots. The lots are about 3,040 sf each; our minimum lot size requirement for town homes is 2,400 sf. The town home lots are 20-feet wide, which meets the 20-foot minimum lot width for town homes.

The developer is also requesting the following minimum setbacks for the development: a 20-foot front yard, 15-foot rear yard, and 5-foot side yard setback.

Several Planning Commissioners and planning and engineering staff have met or discussed this development with the developer several times.

**The Planning staff recommends preliminary plat approval including approval of the minimum lot size, lot widths, and setbacks discussed above as requested by the applicant. Approval is subject to the final plat including all the preliminary and final plat data be shown the plat as required by the *Subdivision Regulations i.e., certifications, front yard building lines, etc.***

Mr. Thomas reported that the conditional use of the property is discussed at Item C.8. All proposed exceptions may not be allowed at final approval of various phases. He recommended preliminary plat approval, but the following items should be addressed prior to final approval:

- a) Although not designated a flood zone, a potential for flooding clearly exists. As phases are reviewed for final approval, a comprehensive flood study may be required; possibly, to include determination of Base Flood Elevation(s) (BFE), which may in turn dictate approved Finished Floor Elevation(s) (FFE's).
- b) Riverstone Drive north & south should be revised to Street or Place.
- c) Islands in the public ROW, where desired, are subject to approval by City Council.
- d) Comprehensive property grading plan, to include building lot pads, must be submitted & approved.
- e) Show access drives along west side of South Uniroyal Road. As future phases develop, the applicant may be required to provide one (1) or more traffic studies; improvements dictated thereby, such as left turn lanes, deceleration lanes, etc. along South Uniroyal Road or otherwise, shall be installed at the time they are warranted, in accordance with the Public Works Manual.
- f) Reduce the size, scale and/or font of Sheet 1 title, vicinity map and north arrow, improve spacing orientation and location of tables, data and notes; all to reduce both plat sheets to 24" x 36" size "D" drawings.
- g) Submittal, review and approval of a complete set of construction plans including, but not limited to:
  - Proposed Erosion and Sediment Control (ESC) BMP implementation.
  - Roadway plan and profiles.
  - Sanitary sewer plan and profiles, with a master plan for sewer service throughout the development.
  - Stormwater management design (retention/detention) with supporting calculations, likewise with a comprehensive plan.

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

Mr. Posey reported that Tallapoosa River Electric Co-op provides electrical service in this area.

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

Chairman Sadler asked for questions or comments.

Dr. Lazenby asked if these lots back up to the wetlands, and does any of the square footage of the lots includes wetlands?

Mr. Thomas said yes, partially.

Mr. Ogren stated that these lots have a 25 foot undisturbed buffer that cannot be built on.

Dr. Lazenby asked if it would be part of the size of the lot.

Mr. Thomas stated yes, that it would have to be delineated by the Corps of Engineers in accordance with the report submitted, and those are not mutually exclusive.

Chairman Sadler asked a motion.

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

Mr. Seroyer seconded the motion.

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

Nays: None

Abstention: None

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

## **B. FINAL PLAT APPROVAL**

### **7. Stephens Woods S/D, Phase III, 7 lots, West Point Pkwy, Keith Stephens, Final Approval.**

Mr. Ogren reported that the applicant is requesting final plat approval for a six-lot subdivision on Catherine Drive (new street). This is Phase III of the Stephens Woods Subdivision. The Planning Commission approved the preliminary plat at the April meeting.

The six lots range in size from 10,619 square feet to 13,427 square 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 larger parcel, labeled parcel 1B, which contains 33.46 acres that is listed as non-buildable until public road access is available.

All subdivision plat requirements have been met.

Planning Commission recommends final plat approval.

Mr. Thomas reported that due to the small size of the development (6 lots); coordination with other phases of Stephens Woods will facilitate an enhanced overall infrastructure. Therefore, contrary to its usual stance, engineering recommends final approval, subject to approval of design drawings and the following:

- a) Plans should include the interconnection of Sawyer Drive and Covington Ave.

- b) Catherine Drive cul-de-sac should reflect public R.O.W., must be completely on Parcel 1B and paved.
- c) Retain the signature line for the City Engineer.
- d) A bond or letter of credit for infrastructure improvements not fully complete prior to signing the final plat.

Applicant is aware of each of these requirements.

Mr. Lee reported that water service is accessible to this subdivision by a water main in the R.O.W. of Sawyer Drive. The developer will need to post a bond or letter of credit for the water system improvements.

Mr. Posey reported that Opelika Light & Power provides electrical service to this area.

Chairman Sadler asked for questions or comments.

Dr. Lazenby asked where the water main is located.

Mr. Lee said it is located on Sawyer Drive, also, the first Phase of Stephens Ridge Subdivision they eliminated that dead-end on Covington Street in the R.O.W. and made it on Sawyer Drive.

Mr. Thomas stated that the street construction would take the existing water line into account.

With no further discussion, Chairman Sadler asked for a motion.

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

Dr. Whatley seconded the motion.

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

Nays: None

Abstention: None

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

### **C. CONDITIONAL USE**

#### **8. The Reserve and the Cottages at Fieldstone, 3700 Block of South Uniroyal Road, Estate of William R. Sizemore-Robert Segal & Euel Screws, co-executors, C-3 modified zero-lot-line single family homes – 373 homes (minimum 5 foot side yard setbacks) and town-homes – 76 dwellings.**

Mr. Ogren reported that the applicant/developer is requesting conditional use approval for a modified zero-lot line subdivision to build single-family detached homes and a town-house development. The 291-acre development is located in a C-3 (general commercial) zone. The developer proposes to build a total of 352 modified zero lot line single-family homes and 76 town-homes. Planning staff refers to the homes as “modified zero-lot lines” because the homes will be 5 feet from the side property line (True zero-lot homes are placed on the side property lines and homes share a common wall). Along the side property, line homes will be 10 feet apart measured from the exterior walls, which are the minimum requirements in accordance to the Building code. The developer is requesting setbacks of 20’ front yard setback, 15’ rear yard setback and 5’ side yard setbacks. The developer is requesting these setbacks at this meeting. The purpose of zero-lot line homes is to address the needs of certain homeowners providing affordable homes with minimal landscaping and yard maintenance requirements. Usually, with a 10 foot separation between homes there will be few windows, doors, or other openings on the sides of the homes.

This development provides 2-lots that will serve as a community center & pool for the 291-acre development. The development will have all lots fronting on new interior streets - not South Uniroyal Road.

The plan includes a 76 town-home development that requires conditional use approval. The lots shown on the site plan meet the minimum lot size and lot width.

- Underground utilities
- Overall density is about 4 dwellings per acre including the town-homes
- Homes – 1,200 s.f. with two car garage (179 homes) or 1,040 s.f. with no garage (200 homes)
- Parking is in rear for the 72 town-homes
- All front & side yards will be sodded
- Landscaping for the development will follow Section 10, *Landscape Regulations*
- 25 foot undisturbed buffer along wetlands
- 8 foot high & 20 foot wide landscape berm buffer along South Uniroyal Road
- Leyland Cypress planted along all interior rear lines
- Mass grading to insure proper drainage throughout the entire site
- Detention ponds landscaped
- Acceleration & Deceleration lanes on South Uniroyal Road & divided entrances
- 4 foot drainage easement along side property lines
- Open space maintained by the Homeowner's Association

### **Recommendation**

Planning Staff considers it important to diversify the housing stock to meet the various needs of homeowners. Therefore, Planning Staff recommends approval of the conditional use request subject to the developer meeting standards as stated in the narrative titled "The Fieldstone" (see attached), also with the following conditions and the specific building code requirements described below:

- 1. A floor plan will need to be reviewed by the Building Inspection department prior to a building permit issued due to the restrictive building code requirements for zero-lot line construction.**
- 2. We have had drainage problems with modified zero-lot lines homes. 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.**
- 3. A detailed site plan for the 76 town-homes must be submitted prior to a building permit issued for the town-homes. The site plan must meet the requirements set forth in Section 8.13 *Townhouse Development Standards*. The site plan should include landscaping in accordance to Section X *Landscape Regulations*.**
- 4. Sidewalks installed behind the curb with at least a 2-foot grass area between the back edge of curb and edge of sidewalk.**
- 5. A minimum of one street tree shall be planted on each lot. On a corner lot, a minimum of two street trees shall be required. Street trees shall be spaced as uniformly as possible with variance allowed for streetlights, driveways, and other infrastructure components. Trees shall be planted on private property not on right-of-way.**
- 6. Street lighting along all public streets shall be in conformance to the Utility Company's standards and installed at developer's expense.**
- 7. For each phase of the development (phases shown on the site plan) and before a building permit is issued within a phase, submit a landscape plan in accordance to Section X *Landscape Regulations*. If applicable, include landscaping costs in the bond and letter submitted for the streets and other infrastructure.**

Mr. Thomas reported that the subdivision of the property was discussed Item A.6. Issues discussed therein should be considered conditions of approval. Numerous exceptions to our standards are proposed and not all may be allowed at final approval of various phases. Fencing is prohibited along the rear fifteen foot (15') easements of both sections. Subject thereto, he recommended approval.

Utilities Board had no report.

Mr. Posey reported that Opelika Light & Power provides electric service in this area.

City Horticulturist reported that according to a letter submitted with the application for conditional use by the petitioner, the Fieldstone Project would meet all City of Opelika landscaping regulations. The petitioner will need to submit landscape plans for each phase of the project for approval prior to obtaining a building permit along with a letter of credit or bond. If all these conditions are met, then he recommends approval.

Chairman Sadler stated that this request does not require a public hearing; however, he asked the audience if anyone if they had any questions, or would like to comment.

No comments were made from the audience.

Chairman Sadler asked for a further discussion from the commissioners.

Dr. Lazenby asked Mr. Durand if he has any developments anywhere close to what these tiny houses are in such a small lot area?

Mr. Durand said in Auburn Dan-Ric has built about 134, but they were bigger.

Dr. Lazenby asked if they were this size this is proposed?

Mr. Durand said around 1,200 square foot.

Dr. Lazenby said that here is Opelika 1,040 square foot is being proposed.

Mr. Durand said that this is the minimum, and this will not dictate what they plan to build.

Dr. Lazenby asked if this would be much of an improvement to the area? He stated that this disturbs him that these are tiny homes, although there may be a market for it.

Mr. Durand stated that he wants to build what the demand calls for whether it is a 1,040 square feet or 1,400 square feet. He said that it is his intentions to build a larger house more than a small house, but to say that he will build larger home, and then have to build small houses he feels would not be good.

Mr. Pridgen asked what would be the cost of one of these homes.

Mr. Durand said that he was not quite sure, but thinks starting \$100,000.

Mr. Pridgen asked \$100,000 to \$120,000.

Mr. Durand stated that in the past houses in the Ogletree Village within a five-year period house have started out somewhere between \$94,000 to \$140,000, and now they are selling for more than that.

Dr. Lazenby stated that with a small lot here these houses are built in construction finished, should run less than a \$100 square foot.

Mr. Durand said that they would probably run more than a \$100 per square foot because of volume improvements. He said that it does not matter if you build a large house or small house considering that with both you have some of the same costs, for example side walks costs, driveway costs, exterior door costs, landscaping costs he said it really does not matter what the square footage is.

Chairman Sadler asked for a motion.

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

Mr. Pridgen seconded the motion.

Chairman Sadler asked for further discussion.

Chairman Sadler asked for a vote.

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

Nays: None

Abstention: None

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

**9. William C. Starr, 2419 Frederick Road, C-2, GC-2 zone, outdoor ice dispensing machine.**

Mr. Ogren reported that the applicant is requesting conditional use approval for an outdoor ice dispensing building. The building is automated to produce & bag ice - no manual labor involved. The building is about 200 square feet - (23' long x 8.5' wide x 8' high). See drawing attached.

The site plan also shows a 40' x 80' building for office, retail, and warehouse space. At this time, there are no tenants for this building. The retail-office use is outright allowed in this C-2, GC-2 zone. However, a 1,600-s.f. portion of the building is reserved for warehouse use. In a C-2, GC-2 zone, conditional use approval is required for a warehouse with no storage outside the building. The applicant is requesting approval for warehouse use in case he leases this 1,600-s.f. portion of the building

**Parking – The site plan will need to be revised to meet parking spaces for retail uses and allowing for widening of need to be added to meet retail use.** Three parking spaces are provided for the ice dispensing business and The 3,200 s.f. retail-office-warehouse building. *NOTE: The architect contacted Planning staff about a revised site plan to meet parking requirements.*

**Exterior material -** The exterior material of the ice dispensing building will be a combination of brick wainscot & stucco which meets the 50% exterior material requirements. See attached rendering. The exterior walls of the 40' X 80" building must be 50% natural or approved simulated materials.

**Signage –** Existing sign structures can remain if the applicant proposes to replace the existing sign face. New signs must meet Gateway requirements.

**Lighting –** The applicant said the existing outdoor lighting would be used. No new outdoor lighting is planned.

Staff believes the ice dispensing building is appropriate given the modifications to the building's exterior walls. Planning staff recommends approval with the following recommendations:

**1. The site plan revised to meet parking spaces for retail space (1 parking space per 150-s.f. floor area) and revised to allow for widening of Frederick Road as discussed with engineering staff.**

Mr. Thomas reported that Frederick Road is a major collector with access spacing of 200'. Although not meeting the letter of our ordinance, construction of the new western drive satisfies the intent. Future additional R.O.W. required for road widening should not impact any proposed construction and little, if any paving. The total impervious surface of the property will decline so storm-water issues are moot. Existing site conditions and items should be delineated from proposed by some means such as solid/dashed lines, etc. Subject thereto, he recommended approval.

Utilities Board had no comment.

City Horticulturist recommended approval.

Mr. Posey reported that Opelika Light & Power serves power to this area.

Chairman Sadler asked for a motion.

Mr. Pridgen made a motion to grant conditional use approval.  
Dr. Lazenby seconded the motion.

Chairman Sadler asked for further discussion.

Chairman Sadler asked for a vote.

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

Nays: None

Abstention: None

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

**10. Robert Beauchamp, 1900 Market Street, M-1, GC-2, office use**

Mr. Ogren reported that the applicant is requesting conditional use approval for an office in an M-1, GC-2 (manufacturing). Office and retail uses in manufacturing zones require conditional use approval. The office is for a distributor business that sales medical products and equipment. Most of the time the business office will not be occupied; this type of business requires the owners to travel to nearby cities to visit customers.

**Exterior Material** - The existing building is metal. A new use in an existing building may be exempt from the natural materials exterior requirement of the Gateway Ordinance if determined by the Planning Commission that no net improvement will result from this requirement. If the façade of the building is changed then the requirements concerning exterior materials may be required.

**Signage** – Existing sign structures can remain if the applicant proposes to replace the existing sign face. New signs must meet Gateway requirements.

**Lighting** –There is no plan for new outdoor lighting.

Planning staff recommends approval for this type of business that requires no customers to visit this business location. The business owners are distributors of medical products and travel to nearby cities to sale products. Conditional use approval is required for all other future office or retail businesses that desire to locate at this site

Mr. Thomas reported that access management appears satisfactory. He recommended approval of office/warehouse use, subject to paved and striped parking including handicapped, as appropriate.

Mr. Lee, Utilities Board, had no comment.

City Horticulturist reported that after he inspected the property; it has many large existing trees on site to meet the required landscaping requirements, he recommended approval.

Mr. Posey reported Opelika Light and Power provides electric service in this area.

Chairman Sadler asked for a motion.

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

Dr. Lazenby seconded the motion.

Chairman Sadler asked for further discussion.

Chairman Sadler asked for a vote.

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

Nays: None

Abstention: None

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

#### **11. Purpose Baptist Church, 3211 Waverly Parkway, addition to existing church.**

Mr. Ogren reported that the applicant is requesting conditional use approval to build an addition on a church. The church is located at 3211 Waverly Parkway. The existing church is 35' X 90' (3,150sf); the proposed addition is 35' x 50' (1,750 s.f). The addition is for a fellowship hall and classrooms. The addition will be built onto the existing sanctuary and the exterior will match the sanctuary building as much as possible.

The existing parking lot meets minimum parking requirements. Additional parking spaces are not required since this addition will not increase the size of the sanctuary. Parking requirements are based on the number of seats in the sanctuary at maximum capacity. Landscape plans are provided.

Planning Staff recommends approval of the proposed addition.

Mr. Thomas recommended approval.

Mr. Lee, Utilities Board, had no report.

City Horticulturist recommended approval.

Mr. Posey reported that Alabama Power presently provides service to this church.

Chairman Sadler asked for a motion.

Mr. Seroyer made a motion to send a positive recommendation to City Council. Dr. Whatley seconded the motion.

Chairman Sadler asked for further discussion.

Chairman Sadler asked for a vote.

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

Nays: None

Abstention: None

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

**11a. Don Lucas, 303 South Railroad Ave., C-3, used auto sales.**

Mr. Ogren reported that the applicant is requesting conditional use approval for a used car sales business on S. Railroad Avenue. The proposed business is next to Yarbrough Transmission and Opelika Radiator. The property is located in a C-3 zoning district. A used car business occupied this ½ acre lot before the applicant purchased the property in 2003. In 2003, the applicant was approved for an automotive service and repair shop.

The site plan shows a 1,100 square foot building that serves as an office and a 1,800 square foot building as the auto repair shop. The site plan shows 14 parking spaces that will be used to display the automobiles for sale. The three parking spaces shown on the site plan in front of the 1,800 s.f. building needs to be removed. It is questionable if cars can enter & exit the shop building with cars displayed. The other 11 display parking spaces are acceptable. Eight of the display parking spaces reserved to sale autos are located on the property that was once reserved for a "Future Storage" building.

A R-4 zone is located to the east of this property. The property is accessed from South Railroad and Byrd Street; South Railroad is the primary access. The property has a 6-foot wooden fence with razor wire around the sides and rear property lines and a 6-foot chain link fence with razor wire along the front property line.

Planning staff believes the proposed use is appropriate for the location. Years ago the property was a used car lot and auto related businesses are located next to this property now. Staff recommends approval subject to the following recommendations:

1. The 11 display parking spaces for used cars must be paved in accordance to the Parking Requirements "... all areas used for outside display of automobiles must be hard surfaced according to the standards for parking areas, as found in the Public Works Manual."
- 2 Used automobiles displayed for sale should only be parked on the 11 paved parking spaces shown on the site plan. (No cars displayed or parked along parking spaces 4, 5, & 6 which is designated as a driveway on the site plan)
3. The razor wire (concertina coils) running along the front property line (parallel to Railroad Avenue) and along the north side property line (side adjacent to Opelika Radiator) should be removed. Although staff understands the importance of security, staff believes the negative impression manifested by the razor wire to the public and visitors passing by is significant and should be removed.
4. The petitioner shall submit proof of compliance with the Opelika Zoning Ordinance Section 8.17 5. Conditional Uses which states that "In the event a permit for conditional use is approved or approved subject to conditions, the applicant shall in writing within fifteen (15) days following such decision, acknowledge such approval and unconditionally accept and agree to any conditions imposed on the approval. The City Planner shall then take action to process the application on the zoning certificate for the development to which the conditional use permit applies. In the event such permit is not approved or is approved subject to conditions, that are not acceptable to the

applicant, the applicant may, within the aforesaid time period, either appeal such decision to Circuit Court or abandon the application at the expiration of this fifteen (15) day period.”

Mr. Thomas reported that the applicant needs to correct the location address on the plat. Also, display location numbered 4, 5 & 6 should be disallowed. Additional display should be limited to locations numbered 7-14. Subject thereto, he recommended approval.

City Horticulturist had no comment.

Mr. Posey reported that Opelika Light and Power serves this area.

Chairman Sadler asked for Mr. Lucas if he had any questions.

Mr. Lucas stated that he is concerned with having to remove the razor wire running along the front of his property because of the crime in the area. He stated that he has recent police reports of four recent burglaries in the month of June in the area of this property. He said that just in June; \$27,000 worth of property was stolen or vandalized, and an officer told him that the only reason why he has not been broken into was because the razor wire is there, and he asked the board to reconsider removing the wire.

Chairman Sadler stated that the razor wire is not appropriate for a retail facility.

Mr. Lucas stated that it would be hard to stay in business and not have the problems the surrounding property owners have without secure protection.

Chairman Sadler asked Mr. Lucas if he has considered electrifying the fence.

Mr. Lucas stated that it would be a liability for him. He would not want someone to fall into the fence after drinking and getting hurt.

Chairman Sadler asked for further discussion.

Dr. Lazenby stated that he agrees with Mr. Lucas, and feels it is the best protection against violators in that area.

Mr. Pridgen made a motion to grant the conditional use approval with staff recommendations including the removal of the razor wire along the front property line, and the north-side property line.

Mr. Pridgen stated that it is an inappropriate look, but understands his concerns with violators, but there are other security measures that should be used. He said that it is the board job to look after the best interest of the city, and has to agree with the staff's recommendations for removing the wire.

Mr. Seroyer agrees with Mr. Pridgen that if children got into the razor wire that would be a problem, also could be bad for business. He asked Mr. Lucas to reconsider to use other security measures.

Mr. Van Nieuwenhuise seconded the motion.

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

Nays: Lazenby

Abstention: None

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

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

#### **12. Preston Holdings LLC, 1800 Block South Uniroyal, 138 acres, R1 to R2 & R3**

Mr. Ogren reported that the applicant, John Grot for I C G Inc is requesting rezoning 77 acres from R-1 to R-2 and about 66 acres from R-1 to R-3. The proposed PUD is accessed from South Uniroyal Road. The map attached shows the R-2 and R-3 zoned areas.

The proposed R-2 zone is located on the north section of the property. Also, a 150 foot wide R-2 zone strip runs along the south portion of the property. Only single-family homes are allowed in an R-2 zone. The minimum lot size in an R-2 zone is 15,000 s.f. The lot sizes along South Uniroyal Road are 150' x 200' (30,000 s.f.). This R-2 strip is added to achieve compatibility with the adjacent land uses. Most adjacent properties are large estate lots. The R-2 zone supports the character and scale of the adjacent properties and serves to maintain property values of the area.

The minimum lot size for the proposed R-3 zone is 7,500 square feet. The 66 acre R-3 zone area will be subdivided for single-family homes. About 190 single family homes are proposed for the R-3 zoned area. This zoning district is the next zoning classification for residential development.

Mr. Ogren stated that Planning Staff recommends that the Planning Commission send a positive recommendation to the City Council to rezone the property as shown on the map attached from an R-1 zone to R-2 & R-3.

Mr. Thomas reported that future submittals for subdivision and additional review and approvals should address neighbor's concerns, such as ESC to prevent siltation in water bodies, ponds, etc., traffic issues, particularly South Uniroyal at Columbus Parkway (U.S. Highway 280/431), and sewer service as required in an R-3 zone. Right-of-Way and access to proposed "loop road" should also be addressed in future submittal and review. Suggest a positive recommendation to City Council.

City Horticulturist had no comment.

Utilities Board had no comment.

Mr. Posey stated that Opelika Light & Power will provide electrical service to this area.

Chairman Sadler opened the Public Hearing.

Mr. Robert Meadows, Attorney at Law; Capell & Howard; came forth stating that his law firm represents Newell Floyd, Homer Bartlett, and John Van Nostrand; that all own property next to the proposed subdivision. He said that their main concerns is the traffic flow that will result in the 190 lots in the R-3 zone, very concerned about siltation, and sewage problems. He said that if these things are addressed, he feels his clients will be satisfied.

Chairman Sadler that it's the board policy that everyone is protected with those concerns, and engineering will be following up on all of those concerns. He also stated besides the 150' depth on the lots on the lower strip there will be an additional undisturbed 30 foot buffer. He said that there will be 180 feet of protected Right-of-Way in the R-2 zone. Virtually no one should see the R-3 construction.

Mr. Thomas Carroll came forth and asked if anyone has considered what it will be like with 800 new homes on Uniroyal Road with the traffic coming out of the intersection.

Mr. Thomas, Engineering, stated that it is challenge, and stated that engineering will continue to monitor the situation and work with the state to make

improvements as quickly as possible. He said there could be additional lanes added to Highway 280 and Columbus Parkway at some point, and it is a concern and a consideration, and will be part of the review. While it is not appropriate to make those requirements purely on the rezoning, it will be a condition as we expect it to be a subdivision submittal in the future.

Chairman Sadler asked Mr. Grot what the build out estimation.

Mr. Grot stated possibly January to February 2006.

Mr. Ogren pointed out on the map to future laminate of the road.

Mr. Thomas stated that depending on the number of lots and then determining the number of traffic trips that those lots would generate then it is possible that there may be a requirement for an acceleration and deceleration report which will have to meet city standards.

Mr. Clarence Cook asked where his road is on the plat.

Chairman Sadler stated that a road plan will come close to your property Mr. Cook, but in the mean time, they plan to have everything plated with your easement on up to the driveway.

Chairman Sadler closed the public hearing.

Chairman Sadler asked for motion.

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

Mr. Pridgen seconded the motion.

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

Nays: None

Abstention: None

The motion to send a positive recommendation to City Council with staff requirements passed.

**13. Anderson Lakes LLC, 3000 Block Anderson Road, 96 acres, R3 to PUD (Planned Unit Development) – modified zero-lot-line single family homes (min. 5 foot side yard setbacks) and apartments.**

Mr. Ogren reported that the applicant, Anderson Lakes LLC, is requesting rezoning 96 acres from R-3 (low density residential) to PUD (Planned Unit Development). The proposed PUD is accessed from Anderson Road. On May 5<sup>th</sup>, a Development Plan Review conference was held for this PUD. Several Planning Commissioners and City staff attended the meeting to ask/answer questions and make recommendations. Keith Maxwell, engineer for the project, and developers attended the meeting.

This PUD consists of modified zero lot line single-family homes and multi-family homes - no commercial property in this PUD. This modified zero lot line single family development is the same type of development discussed in agenda item #8 – *The Reserves and The Cottages at Fieldstone* development. The developer is requesting setbacks of 25' front yard setback, 20' rear yard setback and 5' side yard setbacks. The developer is requesting these setbacks at this meeting.

Planning staff refers to the homes as “modified zero-lot line” homes because the homes will be 5 feet from the side property line. (True zero-lot homes are placed on the side property lines and homes share a common wall.) Along the side property line, homes will be 10-feet apart measured from the exterior walls. Ten feet is the minimum separation requirements in accordance to the Building code. The purpose of zero-lot line homes is to address the needs of certain

homeowners providing affordable homes with low landscaping and yard maintenance requirements.

A narrative provided by the applicant describing the PUD was distributed to the Commissioners and City staff. The narrative gives details of the PUD layout. The PUD will be built in phases.

Narrative summary:

**Phase 1, 2, & 3** – Modified Zero Lot Line single family homes - 111 lots – Lots range from 8,755 sf to 21,250 sf. setbacks: 25' front yard, 20' rear yard, and 5' side yard. Home size - range from 1,137 sf to 1,648 sf. Overall density is about 2.3 dwellings per acre. Total of 49 acres.

Street trees planted (1 per 100 feet) along new streets

Single-family homes have access to a new street “Anderson Lakes Drive” or cul-de-sacs. Two “stub out” streets provided for future access North Park Drive

**Phase 4** – Apartments, 368 dwelling units on 46 acres density at 8 dwellings per acre.

**Open space/public uses** – Five ponds and a creek that runs between the single- family homes and apartments. Pedestrian access provided to the ponds. A homeowner’s association will be formed to determine amenities desired by the residents based on a per lot allowance. Maintenance of open areas provided by annual dues.

Planning Staff believes that the PUD request meets the purpose and intent of Section 8.18 Planned Unit Development Regulations of the Zoning Ordinance. Staff recommends that the Planning Commission send a positive recommendation to the City Council for rezoning to PUD subject to the developer meeting standards as stated in the PUD narrative (see attached), and also subject to the following conditions and the specific building code requirements described below:

1. A floor plan will need to be reviewed by the Building Inspection department prior to approval due to the restrictive building code requirements for modified zero-lot line construction.
2. We have had drainage problems with modified zero-lot lines homes. 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.
3. Landscaping for the PUD includes the single family homes and apartments as required in Section X *Landscape Regulations* of the Zoning Ordinance. For each phase of the development (phases shown on the site plan) and before a building permit is issued within a phase, submit a landscape plan in accordance to the *Landscape Regulations*. If applicable, include landscaping costs in the bond and letter of credit submitted for streets and other infrastructure.
4. All utilities must be underground (This condition may have been inadvertently omitted from the narrative)

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

Mr. Posey reported that electrical service will be provided by Alabama Power.

City Horticulturist reported that if the Planning Commission and City approve the rezoning of the property from R3 to PUD, then the petitioner will need to submit

landscape drawings for this development for approval prior to obtaining a building permit along with a letter of credit with a letter of credit or bond for the cost of the landscaping.

Chairman Sadler opened the public hearing.

No comments were made from the audience.

Chairman Sadler closed the public hearing.

Chairman Sadler asked for discussion.

Chairman Sadler asked if there can be sidewalks added to the project to one side of the street.

Mr. Hill stated that walking trails will be added to the development.

Chairman Sadler asked for a motion.

Mr. Seroyer made a motion to send a positive recommendation to City Council with staff requirements.

Mr. Pridgen seconded the motion.

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

Nays: None

Abstention: None

The motion to send a positive recommendation to City Council with staff requirements passed.

**14. Land South LLC, 3000 Block Frederick Road, 10 acres, R-3, GC-2 to C-2, GC-2.**

Mr. Ogren reported that the applicant is requesting rezoning a parcel of land from R-3, GC-2 to C-2, GC-2 (office-retail commercial) zone. The property is located on Frederick Road about one mile west of Tiger Town and near the Opelika-Auburn City limit line.

The applicant plans to build a commercial center (office-retail) fronting along Frederick Road and then construct apartment units behind the commercial center. A creek runs along the rear property line that will act as a 50+ foot natural buffer between his development and an existing single-family residential neighborhood (Watson Street).

Planning Staff believes that rezoning from R-5, GC-2 to C-2, GC-2 is appropriate. A C-2, GC-2 zone is across the street from this property. This section of Frederick Road from the City limits to Tiger Town is more favorable for commercial uses than residential. Commercial uses reflects the ongoing commercial growth along this section of Frederick Road.

Planning Staff recommends Planning Commission send a positive recommendation to the City Council to rezone the property from R-3, GC-2 to C-2, GC-2.

Mr. Thomas reported that sewer service is available. He had no recommendation.

Mr. Posey reported that electrical will be provided by Alabama Power Company.

City Horticulturist had no report.

Chairman Sadler opened the public hearing.

Mr. Bill Hutto came forth and stated that they have concerns with the property only being about 400' of an active runway, and could lead to some problems in the future. The plat will need to be review by the FAA to determine any hazards navigation, and would be happy to work with the developers to determine the best solution from a public safety perspective in regards to the aircrafts leaving the runway. There are on occasion jet air craft that have to use the run way.

Larry Hill whom resides on Watson Street, is concerned with the sewage on Watson, most home owners have septic tanks which this new development could cause a problem, because the land on Watson Street doesn't perk, and was suppose to city sewage but it has been installed yet, and this could cause some problems because of drainage.

Mr. Thomas stated that the new development would be served by public sewage system.

Chairman Sadler closed the public hearing.

Chairman Sadler asked for further discussion.

Mr. Van Nieuwenhuise made a motion to send a positive recommendation to City Council with staff requirements and FAA approval.

Mr. Pridgen seconded the motion.

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

Nays: None

Abstention: None

The motion to send a positive recommendation to City Council with staff requirements passed.

With no further business on the agenda, Chairman Sadler adjourned the meeting at 4:06 p.m.

\_\_\_\_\_ H.J. Sadler, Chairman

\_\_\_\_\_ Martin D. Ogren, Secretary