

**May 24, 2005**

The City of Opelika Planning Commission held its regular monthly meeting on May 24, 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,  
Jesse Seroyer, Jr., Lewis Cherry

MEMBERS ABSENT: Keith Pridgen, Bart Van Nieuwenhuise, Mayor Fuller

STAFF PRESENT: Marty Ogren, Planning Director;  
Charlie Thomas, Engineering Director;  
Alan Lee, Utilities Board;  
John Holley, City Horticulturist;  
Don Jackson, 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 April he would like to entertain a motion to accept the minutes as written.

Dr. Lazenby made a motion to accept the April 26, 2005 meeting minutes as written.

Mr. Seroyer seconded the motion.

Ayes: Sadler, Wood, Lazenby, Seroyer, Cherry, Whatley

Nays: None

Abstention: None

The motion to accept the April 26, 2005 Planning Commission meeting minutes passed.

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

**1. Waverly Park, Parcel D, Waverly Park Partners, LLC., Waverly Place, Preliminary & Final Plat Approval**

Mr. Ogren, Planning Director, reported that this plat was granted final approval in October 2003. The plat was not recorded but several time extensions were approved by the Commission before the 120 expiration date. Now, the extension has expired and the plat is "null and void". The applicant is now reapplying requesting preliminary and final approval. The plat is the same as presented at the October 2003 PC meeting when the Commission granted final approval.

The petitioner, Rusty Deen for Waverly Park Partners, LLC, (surveyed by T. Richard Fuller Land Surveying, Inc.), is requesting final plat approval for a 45-lot single-family residence addition to the Waverly Park subdivision. Lots will range in size from 7,581 sq. ft. to 26,569 sq. ft. The property is zoned R-3. The extension of Waverly Place is about complete and the plat meets all Subdivision Regulation requirements.

Planning Staff recommends preliminary and final plat approval.

Mr. Thomas, Engineering Director, reported that the infrastructure is near completion. He recommended approval subject to previous conditions.

Mr. Lee, Utilities Board, reported that the developer will need to post a bond or letter of credit for the remaining water system installation.

Mr. Jackson reported that Opelika Light & Power is serving the first sector of this subdivision. He stated that part of Parcel D may be served by Alabama Power Company.

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

Chairman Sadler asked for a motion.

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

Mr. Seroyer seconded the motion.

Ayes: Wood, Sadler, Whatley, Lazenby, Seroyer, Cherry

Nays: None

Abstention: None

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

## **2. Buck Ridge, resub., Parcel 1, Dan & Sheila Broughton, Old Columbus Road, 2 lots, Preliminary & Final Plat Approval.**

Mr. Ogren reported that the applicant is requesting preliminary and final plat approval for a 2 lot subdivision accessed from Doe Avenue (Deer Run Estates Sub). The property may also be accessed from Old Columbus Road. The 120 foot access at Old Columbus Road was approved in a previously approved Buck Ridge subdivision plat.

Parcel 1A is 49 acre; parcel 1B is one acre. The purpose of the subdivision is to record two deeds. One deed is to establish a family trust (Parcel 1A) for the 49 acres and the other deed is for Mr. & Mrs. Broughton's home. There are no plans for subdividing parcel 1A. The Broughton children may subdivide the property in the future.

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

Planning Staff recommends preliminary & final plat approval.

Mr. Thomas, Engineering Director, reported that sewer service is not currently available. He stated that since the subdivision is within the city, the Lee Road 391 label from Old Columbus Road should be removed. Subject thereto, he 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 Old Columbus Road.

Mr. Jackson reported that electric service to Buck Ridge Subdivision is provided by Tallapoosa River Electric Co-Op.

Chairman Sadler opened the public hearing.  
A citizen asked which direction from Old Columbus Road is Buck Ridge Subdivision. Mr. Ogren pointed to the location on the map.  
Chairman Sadler closed the public hearing.

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

Dr. Whatley seconded the motion.

Ayes: Wood, Sadler, Whatley, Lazenby, Seroyer, Cherry

Nays: None

Abstention: None

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

**3. Deep Rock S/D, Lee County Holding Co., Inc., 2209 Anderson Road, 3 lots, Preliminary & Final Plat Approval.**

Mr. Ogren reported that the applicant is requesting preliminary and final plat approval for a 3 lot subdivision off Anderson Road. Lots 2 & 3 are located in a C-3 zone; lot 1 located in a C-3, GC-2 zone. The reason for the subdivision is so DeepRock can sell Lot 2 to a Korean machine shop/manufacturing company. The company's 25 employees will occupy the existing 10,000 s.f. building. A portion of the company's business is to provide Hyundai auto parts.

In order to address access management, a 50 foot access easement was added between Lot 1 & 2. When lot 2 is developed the two lots will have shared access to Anderson Road. According Dan Wright for DeepRock, there are two septic tanks on the property. One septic tank serves Lot 2, and the other tank serves Lot 3.

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

Planning Staff recommends preliminary & final plat approval.

Mr. Thomas reported that this segment of Anderson Road is scheduled to be re-classified a major collector with access spacing of 200 ft. Therefore, any future access to lot 1 shall be via the 50' ingress/egress easement shown on lot 2. Despite the sewer force main along Anderson Road, gravity sanitary sewer is not available. The owner's representative reported that a separate septic system is available on lot 2. Subject thereto, he 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 Anderson Road.

Mr. Jackson reported that electric service to this area is provided by Alabama Power Co.

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 grant preliminary & final plat approval with staff recommendations.

Dr. Whatley seconded the motion.

Ayes: Wood, Sadler, Whatley, Lazenby, Cherry, Seroyer

Nays: None

Abstention: None

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

**4. Fuller Ford S/D, Betty Fuller, Columbus Parkway, 5 lots, Preliminary & Final Plat Approval.**

Mr. Ogren reported that the applicant is requesting preliminary & final plat approval for a 5 lot subdivision off Columbus Parkway (former Fuller Ford location). The purpose of the subdivision is to carry out a lease-option-to-buy agreement for a used car business, Lot 4, and a motorcycle sales & service business, Lot 5, in case a purchase is decided. These businesses will be discussed on agenda items 6 & 7.

The existing building on Lot 4 meets requirements for buildings built in a flood plain. The building was built 1 foot above the 100 year flood plain.

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

Planning Staff recommends preliminary & final plat approval.

Mr. Thomas reported that issues associated with conditional use of the site are discussed at both Items C.6 & 7. He stated that Johnson Street is an unpaved roadway, currently maintained by the City. He said that the City accepts no responsibility now or in the future for the severe damage to the existing asphalt paving along the creek. Columbus Parkway is an arterial roadway with access spacing of 400'. However closing the middle driveway will satisfy the intent of our ordinance. Also, access to lots 1-3 shall be shared drives with 400' spacing, or preferably, via an ingress/egress easement from lot 4. Alternatively, access to lots 1, 2 or 3 may be available from Johnson Ave. Subject thereto, he recommended approval.

**NOTE:** This item revisited later in agenda item 6, with approval of closing west access drive in lieu of center drive. CRT.

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

Mr. Jackson reported that Opelika Light and Power presently provides electric service to this area.

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

Chairman Sadler asked for a motion.

Mr. Seroyer made a motion to grant preliminary and final plat approval with staff requirements.  
Mr. Wood seconded the motion.

Ayes: Wood, Sadler, Whatley, Lazenby, Cherry, Seroyer

Nays: None

Abstention: None

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

## **B. FINAL PLAT APPROVAL**

### **5. Stephens Woods S/D Phase 2a, Preston Holdings, Inc., Karley Drive, Catherine Drive, Lizlin Drive (off Sawyer Dr. & West Point Pkwy), 27 lots, Single-family homes, Final Plat Approval.**

Mr. Ogren reported that at previous Planning Commission meetings, the Stephens Woods subdivision received the following approvals:

1. Preliminary plat approval for 95 lots at the Dec. 28<sup>th</sup>, 2004 Planning Commission meeting.
2. Final plat approval for 22 lots of the 95 lots above (Phase I) at the Feb. 22, 2005 PC meeting.
3. Final plat approval for 84 lots (Phase II) of Stephens Woods Subdivision at the March 22, 2005 PC meeting.

At this meeting the applicant is requesting final approval for only 27 lots of Phase II that the Planning Commission approved at the March 22<sup>nd</sup> meeting. See number 3 above. The plat is the same as presented at that March 22<sup>nd</sup> meeting except final approval is for only 27 lots not 84 lots. (The reason the final plat

changed from 84 lots to 27 lots is because of costs associated with the letter of credit for the entire 84 lot subdivision).

The 27 lots are located off Ridge Road just west of Stephens Ridge Subdivision, which is adjacent to the Ridge Road Subdivision. Lots range in size from about 10,000 to 17,000 sf. The typical lot is around 10,000 square feet. The minimum required lot in a R-3 zone is 7,500 square feet. The lots will be accessed from a new street Catherine Drive. A one acre parcel is reserved as a detention area for storm water runoff that serves the entire subdivision.

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

Planning Staff recommends final plat approval subject to bond and letter of credit for street and other infrastructure.

Mr. Thomas reported Infrastructure design drawings have been approved. Engineering has some traffic concerns: first, regarding the future loading at the intersection of Sawyer Drive and WestPoint Parkway, we expect more than nine hundred (900) new average daily [vehicle] trips (ADT) at ultimate build out. Secondly, vehicle speeds could be excessive on the extended tangents shown. If final approval is granted, engineering recommends the following conditions:

- a) Re-title the plat to clarify portions of Phase II; next submit phase III, then IV, or Phase 2, Section 1, then later, Section 2, then 3, etc.
- b) Remove the Sawyer Drive cul-de-sac per conditions of approval for Phase 3.
- c) Traffic calming should be incorporated into the street design.
- d) Prior to approval of the next phase, or section, the applicant should provide one (1) or more traffic studies, including, but not limited to, ultimate capacity of Ridge Road.
- e) If final approval is granted subject to a bond or letter of credit for infrastructure, retain the signature line for the City Engineer.

Mr. Lee, Utilities Board, reported that the developer will need to post a bond or letter of credit for the water system improvements to this subdivision.

Mr. Jackson reported that Opelika Light and Power provides electric service to this area.

Chairman Sadler asked for a motion.

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

Mr. Wood seconded the motion.

Ayes: Wood, Sadler, Whatley, Lazenby, Cherry, Seroyer

Nays: None

Abstention: None

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

### **C. CONDITIONAL USE**

#### **6. New/Used Motorcycles Sales & Service, OA Power Sports, Inc., 505 Columbus Parkway.**

Mr. Ogren reported that the applicant is requesting conditional use approval for a motorcycle sales and service business. The property is located in a C-3, GC-2 zoning district. The motorcycle business will occupy the former Fuller Ford car dealership property – Lot 5. The property has been vacant for over seven months and conditional use approval is required.

In January 2001, Section 8.2, A., Nonconforming Uses and Non Conforming Structures, was amended to encourage reuse of existing non-conforming vacant buildings (Ordinance #102-02). The intent of the amendment was to encourage

the re-use of existing buildings rather than allow an existing site to remain vacant. Empty buildings and properties not maintained create a negative impact (economically and aesthetically) to the surrounding area. (This issue was also addressed by the Envision Opelika task force).

Basically, the amendment states that a new use occupying an existing developed lot (example: a building and paved parking in place) should meet the development regulations as much as possible unless physical constraints exist on the lot.

The amendment states:

Unless physical constraints (lot size, existing pavement, existing building, etc.) prohibit the site from coming into compliance. If physical constraints limit the use/structure from coming into compliance, the proposed use must meet the requirements as much as physically possible. A new use in an existing building may be exempt from the natural materials exterior requirement of the Gateway Ordinance, if it is determined by the Planning Commission that no net improvement will result from this requirement. If the developer chooses to change the façade of the building then it will need to comply with the exterior materials made to a site on a case-by-case basis (i.e. new paint, replacing broken glass, trash removal, landscaping, etc.) If parking requirements, landscape requirements, etc. can not be met prior to being issued a business license then a bond, letter of credit and/or affidavit may be required to ensure that these requirements will be met in a timely fashion. The Planning Commission may determine it necessary to re-review a use after one year or some other set period of time.

The property was reviewed in consideration of the amendment.

**Landscaping** - The property is completely asphalted, no area for landscaping. See City Horticulturist's report.

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

**Planning staff recommends approval.** Staff believes the motorcycle business is reasonable and appropriate at this location. Along Columbus Pkwy, there are several businesses that are vehicle related. The Harley Davidson dealership is under construction in this same vicinity – Fox Run Parkway.

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1 Fifty percent (50%) or more of the surface area of the façade to be used on new buildings shall be natural in appearance. Preference is given to materials such as wood, brick, stucco, or glass. Second choices of materials include other siding that simulates natural materials. A statement shall be submitted to the Planning Department and Building Official for review. The use of simulated exterior materials must have Planning Commission approval. A natural material or approved simulated exterior material shall cover the wall (s) of a building (s) facing all public right-of-ways. The side or rear of a building visible to a gateway roadway shall be reviewed by the Planning Commission to determine the extent of utilizing the natural material or approved simulated exterior material. Trims, building details, dumpster gates, etc. may be made of a man-made material with Planning Commission approval.

Mr. Thomas reported that the subdivision of the property was discussed at Item A.4. Access issues discussed therein should be considered conditions of approval. The owner's representative reported that the eastern access passage to the rear paved area will be closed. Any reduction in the impervious surface and associated stormwater impacts by landscaping will be helpful. Proposed striped parking including handicapped, as appropriate, should be shown. Base Flood Elevation & Finished Flood Elevation should be noted on the site plan. Subject thereto, he recommended approval.

Mr. Lee, Utilities Board, had no report.

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

Mr. Holley, City Horticulturist, recommended approval. He stated that the petitioner will be responsible for maintenance of grass in the Right-of-Way and any areas that are overgrown with kudzu on the property.

Chairman Sadler asked for a motion.

Mr. Seroyer made a motion to grant the conditional use approval.  
Mr. Wood seconded the motion.

Chairman Sadler asked for further discussion.

Dr. Lazenby asked Mr. Thomas, Engineering Director, a question regarding ingress/egress off Johnson Avenue.

Mr. Thomas stated that access to lots 1-3 shall be shared drives with 400' spacing, or preferably, via an ingress/egress easement from lot 4. Alternatively, access to lots 1, 2 or 3 may be available from Johnson Avenue.

Chairman Sadler asked for a vote.

Ayes: Wood, Sadler, Whatley, Lazenby, Cherry, Seroyer

Nays: None

Abstention: None

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

## **7. Used Auto Sales & Service, R & P Automotive LLC, 501 Columbus Pkwy.**

Mr. Ogren reported that the applicant is requesting conditional use approval for a used car sales and service business at 501 Columbus Parkway. This property is adjacent to the OA Sports motorcycle business reviewed under agenda item # 6. The property is located in a C-3, GC-2 zoning district. The office of the auto business is the existing building on Lot 4 of the Fuller Ford plat. The property has been vacant for over seven months and conditional use approval is required.

This site was reviewed in the same manner as the motorcycle business.

In January 2001, Section 8.2, A., Nonconforming Uses and Non Conforming Structures, was amended to encourage reuse of existing non-conforming vacant buildings (Ordinance #102-02). The intent of the amendment was to encourage the re-use of existing buildings rather than allow an existing site to remain vacant. Empty buildings and properties not maintained create a negative impact (economically and aesthetically) to the surrounding area. (This issue was also addressed by an Envision Opelika task force.)

Section 8.20 begins by stating, that if the grandfather status is not in effect then a proposed use must comply with the regulations that govern the zoning district where the use is located. However, the amendment states that a proposed use occupying an existing developed lot (example: a building and paved parking in place) should meet the development regulations as much as possible unless physical constraints exists on the lot.

The amendment states:

Unless physical constraints (lot size, existing pavement, existing building, etc.) prohibit the site from coming into compliance. If physical constraints limit the use/structure from coming into compliance, the proposed use must meet the requirements as much as physically possible. A new use in an existing building may be exempt from the natural materials exterior requirement of the Gateway Ordinance, if it is determined by the Planning Commission that no net improvement will result from this requirement. If the developer chooses to change the façade of the building then it will need to comply with the exterior materials made to a site on a case-by-case basis (i.e.

new paint, replacing broken glass, trash removal, landscaping, etc.) If parking requirements, landscape requirements, etc. can not be met prior to being issued a business license then a bond, letter of credit and/or affidavit may be required to ensure that these requirements will be met in a timely fashion. The Planning Commission may determine it necessary to re-review a use after one year or some other set period of time.

The property was reviewed in consideration of the amendment.

**Landscaping** - The property is completely asphalted, no area for landscaping. See City Horticulturist's report.

**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 it is 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<sup>1</sup> 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** – *The applicant said the existing outdoor lighting will be used. No new outdoor lighting is planned.*

The used car business is reasonable and appropriate at this location. There are several auto sales businesses along Columbus Pkwy. Planning Staff recommends approval.

<sup>1</sup>Fifty percent (50%) or more of the surface area of the façade to be used on new buildings shall be natural in appearance. Preference is given to materials such as wood, brick, stucco, or glass. Second choices of materials include other siding that simulates natural materials. A statement shall be submitted to the Planning Department and Building Official for review. The use of simulated exterior materials must have Planning Commission approval. A natural material or approved simulated exterior material shall cover the wall (s) of a building (s) facing all public right-of-ways. The side or rear of a building visible to a gateway roadway shall be reviewed by the Planning Commission to determine the extent of utilizing the natural material or approved simulated exterior material. Trims, building details, dumpster gates, etc., may be made of a man-made material with Planning Commission approval.

Mr. Thomas reported that the proposed striped parking including handicapped, as appropriate, should be shown. Subject thereto, he recommended approval.

Mr. Lee, Utilities Board, reported that this service should have its own water service and meter.

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

Mr. Holley recommended approval. He stated that the petitioner will be responsible for maintenance of grass in the right-of-way and any areas that are overgrown with kudzu on the property.

Chairman Sadler asked for a motion.

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

Dr. Whatley seconded the motion.

Chairman Sadler asked for further discussion.

Chairman Sadler asked for a vote.

Ayes: Wood, Sadler, Whatley, Lazenby, Cherry, Seroyer

Nays: None

Abstention: None

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

## **8. Temporary Modular Bank, Columbus Bank & Trust (CB&T), Thomason Drive.**

Mr. Ogren reported that the Columbus Bank & Trust is requesting conditional use approval for 18 months to use a temporary modular bank until construction is completed on a permanent bank. The temporary modular bank should be completely installed, as shown on the site plan, and open for business by August 1, 2005.

The CB&T is requesting the temporary modular bank to remain in place for 18 months (January 31, 2007) until the construction of their new bank begins. The grand opening of the new bank is expected in December 2006. The temporary bank should be removed shortly after the grand opening or by January 31, 2007.

Staff recommends conditional use approval for a period of 18 months not to exceed January 31, 2007.

Mr. Thomas reported that the owner's representative reports no connection to Gateway Drive (U.S. Highway 280) is requested. The property adjoins substantial flood prone areas as evidenced by the City's recent stormwater study. Potential 100-year flood zone from our study (available electronically from the Engineering Department), should be used to calculate Base Flood Elevations. He recommended approval subject thereto and the following:

- a) Prior to obtaining a building permit, approval of construction plans including, but not limited to:
  1. Proposed Erosion and Sediment Control (ESC) BMP implementation
  2. Roadway plan, profile and porous pavement system
  3. Sanitary sewer plan and profile, and stormwater management design (retention/detention) with supporting calculations.

Mr. Lee, Utilities Board, reported Water service is accessible to this subdivision by a water main in the R.O.W. of Thomason Drive.

Mr. Holley, City Horticulturist, recommended approval.

Mr. Jackson reported that 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.  
Dr. Lazenby seconded the motion.

Chairman Sadler asked for further discussion.

Chairman Sadler asked for a vote.

Ayes: Wood, Sadler, Whatley, Lazenby, Cherry, Seroyer

Nays: None

Abstention: None

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

#### **9. Pool & Spa retail sales, outdoor display at USA Factory Outlet Stores, Tradewinds, LLC, 1220 Fox Run Parkway.**

Mr. Ogren reported that the applicant is requesting conditional use approval for the outdoor display of two above-ground pools at the Factory Outlet Stores. The display is temporary; the display will be removed by July 15<sup>th</sup> and the business will continue to do business inside the existing Factory Outlet store. The display is located on a grass area not the parking lot. A black chain link or aluminum picket fence will secure the 65 X 65 display area. The pools will be covered at night.

Planning Staff recommends conditional approval for the temporary outside display of products until July 15, 2005, and for subsequent years from April 15<sup>th</sup> to July 15<sup>th</sup> thereafter.

Mr. Thomas, Engineering, had no comment.

Mr. Lee, Utilities Board, had no comment.

Mr. Holley, City Horticulturist, recommended approval.  
Mr. Jackson reported Opelika Light and Power provides electric service in this area.

Chairman Sadler asked for a motion.

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

Mr. Seroyer seconded the motion.

Chairman Sadler asked for further discussion.

Chairman Sadler asked for a vote.

Ayes: Wood, Sadler, Whatley, Lazenby, Cherry, Seroyer

Nays: None

Abstention: None

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

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

##### **10. Lee Scott Academy Estates, ICG, Inc., John Grot, agent, mixed residential uses- single family, condos, townhouses & apartments, 95 acres, R-1 to PUD.**

Mr. Ogren reported that the applicant, John Grot for ICG Inc., is requesting rezoning a 99-acre parcel from R-1 (Rural) to PUD (Planned Unit Development). The proposed PUD is accessed from Academy Drive (City of Auburn Street) but future access is planned at Veterans Parkway (See site plan). 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. The engineering firm for the project is Hydro Engineering Solutions; the surveyor is Roger Robertson.

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. This PUD is a mix of four different residential uses; no commercial property is in this PUD. In summary of the narrative, the PUD consists of the following:

1. Parcel 1 - 28 acres, condominiums, 32 buildings with 3 condos each, 96 dwelling units, density 4 dwellings per acre
2. Parcel 2 – 25 acres, apartments, 9 buildings, 300 dwelling units, density 12 dwellings per acre
3. Parcel 3 – 23 acres, 24 buildings, 120 town homes, density 6 dwellings per acre
4. Parcel 4 – 19 acres, 69 lots, patio homes, side yard setbacks = minimum 6 foot but both sides must add up to 15 feet each home, minimum lot size 5,500 s.f. home size 1,250 to 1,700sf, \$160,000 to \$225,000

**Open space/public uses** – Landscaped entrance on Academy Drive, trees along Academy Drive, landscaped roundabouts, sidewalks & walkways through the PUD, and a bicycle lane on Academy Drive. The Developers will be responsible for the overall management/maintenance of planned open spaces. A homeowners association will take responsibility for the common landscape areas. Each of the four parcels will have its own association.

Planning Staff believes that this PUD submittal meets the purpose and intent of Section 8.18 Planned Unit Development Regulations of the Zoning Ordinance and recommends that the Planning Commission send a positive recommendation to the City Council for rezoning to PUD with the following condition:.

1. All utilities must be underground (This condition may have been inadvertently omitted from the narrative).
2. Documents prepared by the developer that clearly defines that the

developer or home owner's association is responsible to maintain the roundabouts and entrance into the PUD.

Mr. Thomas reported that the Academy Drive funding issue remains unresolved, but he suggested a positive recommendation to City Council.

Mr. Lee, Utilities Board, had no report.

Mr. Holley, City Horticulturist, had no report.

Mr. Jackson reported that part of this area will be served by Alabama Power Co. and part will be served by Opelika Light and Power.

Chairman Sadler opened the public hearing.

Citizen, Mr. Goolsby, stated that he is in favor of the rezoning, but had some concerns regarding the road, but stated that he would do whatever he could to help the city if needed.

Chairman Sadler closed the public hearing.

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, Sadler, Whatley, Lazenby, Seroyer, Cherry

Nays: None

Abstention: None

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

With no further business on the agenda, Chairman Sadler adjourned the meeting at 3:46 p.m.

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

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