

## November 22, 2005

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

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

MEMBERS ABSENT: None

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

Mr. Pridgen made a motion to accept the October 25, 2005 meeting minutes as written.

Dr. Lazenby seconded the motion.

Ayes: Wood, Lazenby, Whatley, Fuller, Pridgen, Cherry, Seroyer, Posey

Nays: None

Abstention: None

The motion to accept the October 25, 2005 Planning Commission meeting minutes passed.

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

#### **1. Towne Lakes S/D- Plat 2, 29-lots, Towne Lakes Drive, Newell & Sons, Extension of preliminary plat approval.**

Mr. Ogren reported that this 29-lot subdivision was given preliminary approval at the January 25, 2005 meeting. The applicant is requesting extension of the preliminary plat approval. A preliminary plat expires in one year unless the Planning Commission extends the period of time.

The property is located off North Uniroyal Road. Lots range in size from 13,511 square feet to 25,514 square feet. The typical lot is 15,000 square feet. This property is zoned Planned Unit Development.

The plat meets preliminary subdivision plat requirements and should be able to meet all development requirements. The following information will need to be provided on the final plat:

1. The names of adjoining parcels of land as they appear on the current tax records.
2. The Flood Hazard information needs to appear on the plat. If not affected, that shall be noted on the plat.
3. Provision of the utility easement statement as required for electrical utilities.
4. Locations and description of monuments.
5. Certifications.

Planning Staff recommends a nine month extension on the preliminary plat approval.

Mr. Thomas recommended approval, subject to conditions of Engineer's report to Planning Commission for January 2005. The following items should be addressed prior to final approval:

- a) Provide a digital version of the final plat, per Sect. 4.5 of the S/D Regulations.
- b) Towne Lake Circle is bounded by Beauford Drive and the street for which we propose the name Towne Lake Parkway.
- c) Towne Lake Parkway temporary cul-de-sac should reflect public R.O.W. and must be paved.
- d) Final plat should comply with city's flood zone ordinance.

Representatives of the applicant are 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 Towne Lakes Drive.

Mr. Kriel reported that electrical service for this subdivision will be divided between Alabama Power Co. and Opelika Light & Power.

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.

Chairman Sadler asked for a motion.

Dr. Lazenby made a motion to grant extension of preliminary plat approval with staff requirements.

Mr. Seroyer seconded the motion.

Ayes: Wood, Lazenby, Whatley, Seroyer, Pridgen, Fuller, Cherry, Posey

Nays: None

Abstention: None

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

**2. Hamilton S/D, 2<sup>nd</sup> Addition, 1<sup>st</sup> Revision of Lots 12A & 12B, 2 lots, 1801 Corporate Drive, Lee County, preliminary and final plat approval.**

Mr. Ogren reported the applicant is requesting preliminary and final approval for a 2 lot subdivision. The purpose of this subdivision is to create a 3.5 acre parcel for the new Lee County Human Resource building. The property is located at the end of Corporate Drive.

The plat meets preliminary and final subdivision plat requirements and should be able to meet all development requirements.

Planning staff recommends preliminary and final plat approval.

Mr. Thomas reported that sewer service is available on Corporate Drive. Subject to provision of a digital version of the final plat, he recommended approval.

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

Mr. Kriel reported that Opelika Light & Power will serve this new building.

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.

Chairman Sadler asked for a motion.

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

Ayes: Wood, Lazenby, Whatley, Fuller, Cherry, Pridgen, Seroyer, Posey

Nays: None

Abstention: None

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

### **3. Block 7 S/D, revision of lots 1G & 1H, Block 7, 3 lots, North Railroad Ave., Penn Montgomery, P/F Approval.**

Mr. Ogren reported that the applicant is requesting preliminary and final plat approval for a 3-lot subdivision. The property is located in a C-1 zoning district. There are no minimum setback requirements in the C-1 downtown zoning district. The subdivision involves relocating lot lines along a common wall that is shared between the adjacent property owners. The purpose of the subdivision is to sell Lot 1. *[Lot 1 was the Envision Opelika Office].*

The plat meets preliminary and final subdivision plat requirements.

Planning staff recommends preliminary and final plat approval.

Mr. Thomas reported that the plat should be re-titled Totten's Block 7. Subject thereto, and provision of a digital version of the final plat, he recommended approval.

Mr. Lee reported that the water service is accessible to this subdivision by a water main in the R.O.W. of 1<sup>st</sup> Avenue and North Railroad Avenue.

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

Chairman Sadler opened the public hearing.

Mr. McCrory came forth and stated that Totten's S/D may be a different subdivision and should not be re-titled for this reason.

Mr. Thomas agreed.

Chairman Sadler closed the public hearing.

Chairman Sadler asked for questions or comments.

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

Mr. Posey seconded the motion.

Ayes: Cherry, Whatley, Seroyer, Fuller, Lazenby, Wood, Pridgen, Posey

Nays: None

Abstention: None

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

**4. Monroe Park S/D, Resub. of a Parcel B & a resub of Lots 54 & 55, 3 lots, Calcutta Dr., Monroe Land Co., et al, P/F approval.**

Mr. Ogren reported that the applicant is requesting preliminary and final approval for a 3-lot subdivision. The purpose of this subdivision is to increase the rear yards of Lots 54A and 55A. (A corrected revised plat has been issued). The property owners of these lots purchased property from Monroe Land Co., owner of Lot B5. A drainage and utility easement is shown on the two lots. A 60-foot access strip is shown for a future street to Calcutta Drive for Lot B5, the 15.3 acre parcel.

The plat meets preliminary and final subdivision plat requirements.

Planning staff recommends preliminary and final plat approval.

Mr. Thomas reported that he recommends approval subject to the following:

- a) Provide a digital version of the final plat, per Sect. 4.5 of the S/D Regulations.
- b) Since a portion of the property is located in Flood Zone A, then per Section 7-62 of the City Code of Ordinance, "Base flood elevation data shall be provided for...subdivisions greater than fifty (50) lots [parcels] or five (5) acres..."
- c) Delete easement shown behind 1709-1713 Delhi Dr., which has been vacated.

Representatives of the applicant are aware of each of these requirements.

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

Mr. Kriel reported that Opelika Light & Power provides electric service in 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 comments or questions.

Chairman Sadler asked for a motion.

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

Dr. Lazenby seconded the motion.

Ayes: Fuller, Pridgen, Wood, Whatley, Cherry, Seroyer, Lazenby, Posey

Nays: None

Abstention: None

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

**5. Granite Creek S/D, 2 lots, Renfro Drive, Robert Fucci, P/F approval.**

Mr. Ogren reported that the applicant is requesting preliminary and final plat approval for a 2 lot subdivision. The purpose of this subdivision to sale Parcel A for a single family lot. The next agenda item involves the subdivision of Parcel B, the 14-acre parcel.

The plat meets preliminary and final subdivision plat requirements.

Planning staff recommends preliminary and final plat approval.

Mr. Thomas reported that due to extensive, existing citizen and city concerns, any further approvals must be subject to comprehensive storm-water management, including but not limited to, maintenance of existing flow patterns, in addition to any specific improvements complying with the letter of the Public Works Manual. If approved, subject to following:

- a) Re-title plat Brandywine S/D, 2<sup>nd</sup> Revision.
- b) Provide a digital version of the final plat, per Sect. 4.5 of the S/D Regulations.
- c) Provide five feet (5') R.O.W. along Renfro Ave.
- d) Show City drainage study results, available electronically from the Engineering Department.
- e) Since a portion of the property is located in Flood Zone A, then per Section 7-62 of the City Code of Ordinances, and contrary to Note 5, "Base flood elevation data shall be provided for...subdivisions greater than fifty (50) lots [parcels] or five (5) acres..."

Mr. Thomas had no recommendation.

Mr. Lee stated that water service is accessible to this subdivision by a water main in the R.O.W. of Renfro Avenue.

Mr. Kriel reported that Opelika Light & Power will provide electrical service for this subdivision.

Chairman Sadler opened the public hearing.

Mr. Grot, developer/representative, came forth and stated that he spoke with the city's engineering and planning departments and with the owners of the proposed subdivision and stated that he would like this particular request to go through for approval. The other request on the agenda, item 6, he requested that it either be withdrawn or tabled until February to give his development time to meet with the engineering department and additionally meet in December to January with the residents in the area to discuss all of their concerns so that when this item is brought back in February those concerns can be properly addressed. He said that hopefully by then he'll have a good understanding of what has to be done from the engineering department's view in regards to the water flow and how they can make the situation better. He requests that agenda item # 5 be considered, but asks that agenda item 6 be withdrawn or tabled whichever Planning Commission prefers.

Chairman Sadler stated that he prefers to withdraw item #6, and agreed to proceed with item #5.

Mr. Grot said that he appreciated that.

An adjacent property owner came forth and asked if the proposed request could be denied by the by the Planning Commission until there is a resolution with the same objectives that the surrounding property owners have. He said there are concerns with water problems and the proposed smaller lots the developers have requested. He asked that this not be approved until their concerns are addressed.

Chairman Sadler closed the public hearing.

Chairman Sadler asked for questions or comments.

Discussion followed.

Chairman Sadler asked for a motion.

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

Ayes: Pridgen, Wood, Whatley, Fuller, Lazenby, Seroyer, Posey

Nays: Cherry

Abstention: None

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

~~6. Granite Creek S/D, 1<sup>st</sup> Revision of Parcel B, 30 lots, Renfro Drive, Robert Fucci, Preliminary approval. Withdrawn~~

**7. Colley S/D, 2 lots, Sun Belt Parkway, Colley Family Ltd., Partnership, P/F approval.**

Mr. Ogren reported that the applicant is requesting conditional use approval for a 2 lot subdivision. The purpose of this subdivision is to sell Parcel 1, a 61.2 acre parcel. Parcel 2 is not surveyed at this time but the property lines needs to be bold lines as Parcel 1. Parcel 1 and 2 are landlocked; there are no public streets accessing these parcels. However, note #5 added to the plat addresses this issue. "No further subdivision may occur or buildings placed on Parcel 1 [or Parcel 2] until frontage on a public right-of-way is provided." Since Parcel 2 is landlocked also they Parcel 2 should be added to note #5 as shown above.

The plat meets preliminary and final subdivision plat requirements.

Mr. Thomas reported that the subdivision is in the Saugahatchee Watershed. He recommended approval subject to the boundaries of Lot 2 shown in bold, with approximate dimensions and acreage.

Mr. Lee reported that this subdivision is within the Saugahatchee Watershed Protection area, and does meet the three acre minimum lot size for lots without sanitary sewer service. A Watershed Protection Permit will have to be issued before a building permit can be obtained.

Mr. Kriel reported that Tallapoosa River Electric Co-op will provide service to this property.

Chairman Sadler opened the public hearing.

An adjacent property owner came forth and asked to be shown where lot 2 will be located, and what is this property connected to which is close to the Sunbelt Parkway side. She asked what is the developer's intension to place there.

Chairman Sadler stated that they are not aware of what will go there at this time.

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

Mr. Wood seconded the motion.

Chairman Sadler asked for a vote.

Ayes: Seroyer, Cherry, Wood, Whatley, Pridgen, Lazenby, Fuller, Posey

Nays: None

Abstention: None

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

## **B. FINAL PLAT APPROVAL**

### **8. Pinecrest S/D, 22 lots, Veterans Parkway, Pinecrest Subdivision LLC, Final approval.**

Mr. Ogren reported that the applicant is requesting final plat approval for 26 single-family residential lots, one commercial lot, and one parcel reserved as "Pinecrest Park." The 26 residential lots and Pinecrest Park are zoned R-3. Parcel 1 is a 1.3 acre commercial parcel zoned C-2 located on the corner of Waverly Parkway and Veterans Parkway. This parcel is adjacent to a greenhouse business, Alabama Flower Distributor.

The 26-single family lots range in size from 10,780 s.f. to 1.8 acres. The minimum lot size is 7,500 square feet. Parcel-2 shown on the plat as "Pinecrest Park" is 6.2 acres, located in a flood plain and therefore the parcel is non-buildable.

A note is added to the plat stating that Lots 1 and 26 will access onto Pinecrest Drive only and Lots 8, 9, 10, and 11 will have access to Cutler Ridge Court only. Also, a note needs to be added stating that Lots 12 through 20 primary access must be onto Cutler Ridge Court and not the 30 foot easement as shown along the rear property lines of the lots.

The plat meets final subdivision plat requirements except the minimum front building setback line needs to be shown on all the lots including corner lots. (The C-2 lot is 30 feet; R-3 lots are 25 feet). The lots should be able to meet all development requirements for residential homes and a commercial building.

Planning staff recommends final plat approval subject to the above stated and a note added to the plat that states "No residential building permit shall be issued for Parcel 2".

Mr. Thomas reported that engineering has approved design plans and infrastructure construction is progressing. He recommended approval subject to the following:

- a) Provide a digital version of the final plat, per Section 4.5 of the S/D Regulations.
- b) Refine flood zone statement as required by Flood Plain Administrator/Chief Building Official.
- c) Lot/parcel numbers must be consecutive, unique and continuous throughout.
- d) Current Parcel 1 is subject to access management regulations for both Veterans Parkway & Waverly Parkway.
- e) Plat notes should prohibit further subdivision of lots 8 & 20.

Mr. Lee reported that the developer will have to post a bond or letter of credit for the remaining water system work.

Mr. Kriel reported that the electric service to this subdivision may be split between Alabama Power Co. and Opelika Light and Power.

Chairman Sadler asked for questions or comments.

Chairman Sadler asked for a motion.

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

Mr. Posey seconded the motion.

Ayes: Cherry, Pridgen, Wood, Lazenby, Fuller, Seroyer, Posey, Whatley

Nays: None

Abstention: None

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

**C. CONDITIONAL USE**

**9. First Baptist Church, 301 S. 8<sup>th</sup> Street, C-2, additions to church.**

Mr. Ogren reported that the applicant is requesting conditional use approval for additions to the First Baptist Church located on South 8<sup>th</sup> Street. The additions include expansion to the sanctuary, a new stage for the existing gym, an addition on the former AmSouth Bank building (the property now owned by First Baptist), and a new parking lot on the former Ennis Foods property. Other interior renovations will also be undertaken.

After the expansion of the sanctuary, the sanctuary will hold 1,200 people at maximum capacity. Therefore, to meet minimum parking requirements the church will need 400 parking spaces. The additional parking lot on the former Ennis Foods property will enable the church to meet the minimum lot size requirements. There are 410 parking spaces shown on the site plan attached. Landscape islands and peninsulas are throughout the parking lots providing trees and shrubs. The site plan should be able to meet landscape requirements.

**Recommendations**

The additions provide needed floor space and parking for a church that has increased in membership. The additions and landscaping will also enhance the downtown area.

Planning Staff recommends conditional use approval subject to the landscape regulations being met as much as possible given the constraints of the property with pavement and other impervious surfaces.

Mr. Thomas recommended approval.

Mr. Lee had no report.

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

City Horticulturist reported that the petitioner will need to submit a landscape drawing for approval before building permit is acquired.

Chairman Sadler asked for questions or comments.

Mr. Godwin, architect, came forth and stated that the church building committee has abandoned the work of the triangle with the monument at this point of time. The church has leased this property for several years, but the owners of the property are not willing to entertain changes to the property so therefore the church has decided not make changes, and has abandoned the thought.

Chairman Sadler asked for a motion.

Mr. Pridgen made a motion to grant conditional use approval with staff recommendations and should include the proposed parking lot around the monument to be excluded in the plans.

Mr. Seroyer seconded the motion.

Ayes: Seroyer, Fuller, Wood, Whatley, Pridgen, Posey

Nays: None

Abstention: Cherry, Lazenby

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

**10. Brad Larson, 1304 Fitzpatrick Ave., C-2, custom built furniture and antique furniture sales.**

Mr. Ogren reported that the applicant is requesting conditional use approval for a custom built furniture shop in a C-2 zoning district. The applicant proposes to also sale antique furniture (retail sales) which is outright allowed. The antique furniture sales is located in the 840 square foot portion of the building fronting along Waverly Parkway and the custom built furniture shop is located in the rear portion of the building (2,120 sf area).

This business venture is a one-man operation. The owner said that half of him time will be allotted to activities required for the antique store and half him time to the custom furniture shop. The owner manufactures custom furniture on a "per order bases." There is no mass production and warehousing of furniture or cabinets to sale. The owner builds custom furniture such as entertainment centers, fireplace mantles, oval tables, and kitchen islands. There are no full time employees; occasionally he may hire part-time help. The hours of operation are 9 a.m. to 5 p.m.

There has never been a business license issued for this property. The site plan submitted meets the minimum requirements for parking and landscaping.

At the February 2003 Zoning Board meeting, the property owner of this same site requested a variance to construct another building. The variance was approved subject to conditions. One condition was for the existing retaining wall constructed along the rear property line be approved by a certified structural engineer. (In the early 1990's the wall collapsed and the property owner said he repaired the wall. However, staff is not aware if the wall was repaired properly). Other conditions will be addressed in the Engineering Report.

**Recommendation**

The proposed business is located in a C-2 zone. This is our retail/office zoning district. The Zoning Ordinance states that manufacturing in a C-2 zone is prohibited. However, as described by the business owner, planning staff believes the manufacturing activities will have minimal negative impact on the adjacent property owners. The adjacent land use to the North is single family homes in an R-2 zone. Across Waverly Parkway is a gas station in an M-1 zone.

This type of business could operate in this C-2 area if certain conditions are followed by the business owners or property owners. Planning Staff recommends approval of the conditional use request subject to the following:

1. The applicant must be granted a use variance from the Zoning Board if the Planning Commission approves this conditional use.
2. The applicant should have no more than one employee in order to maintain the character of a small scale custom furniture shop.
3. The hours of operation for the business must be limited between 7 a.m. to 6 p.m.
4. No mass production or warehousing of furniture, cabinets, or other products is allowed. The business shall remain a small scale custom built furniture business that manufacturers furniture on a per order basis.
5. The compressor must be installed adequately to reduce noise not to exceed 60 dba (decibels) measured from outside the building.

6. No outdoor display or storage of trailers, pallets, or other items should be outside. All items to be inside an enclosed structure.
7. A certified structural engineer approves the retaining block wall along the rear property line.
8. 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 continuing problems associated with the property have been reported, including but not limited to: excess noise at unreasonable hours, multiple failures of the wall and refusal of responsibility for damages. We do not wish to impose unjust requirements on the tenant, which may preclude an agreement with the property owner, but every reasonable precaution should be taken to protect the City from liability and neighbors from damages. Therefore, he reiterates the requirements of the City Engineer to the Board of Zoning adjustments on February 11, 2003. He had no recommendation, but stated that approved, subject to the following:

- a) Comply with requirements of the City Engineer to the Board of Zoning Adjustments on February 11, 2003.
- b) Provide aesthetic improvements to the building as stated in the application, to the satisfaction of the Planning Department.

Mr. Lee had no report.

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

City Horticulturist recommended approval.

Chairman Sadler asked for questions or comments.

Mayor Fuller made a motion to grant conditional use approval with staff recommendations.

Mr. Cherry seconded the motion.

Ayes: Cherry, Whatley, Fuller, Pridgen, Wood, Lazenby, Seroyer, Posey

Nays: None

Abstention: None

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

#### **11. Haverly Park LTD/John Huff, Frederick Road, R-4, GC-2, 62 unit apartment complex.**

Mr. Ogren reported that the applicant is conditional use approval to build a 62 unit (tax credit!) affordable apartment complex on a 7 acre parcel. (The site plan states 162 apartment units, but the actual number of units is 62). The property is located on Frederick Road about ½ miles west of Tiger Town. The apartments

are accessed from Frederick Road but the apartment units are set back about 590 feet off of Frederick Road (see map). The 62 apartment units consist of the following:

- 4 – one bedroom units (1 bedroom for handicapped)
- 24 – two bedroom units (1 bedroom for handicapped)
- 34 – three-bedroom units

The exterior material of the apartments is brick. The site plan shows 124 parking spaces (5 for handicap parking) which meet the minimum parking requirements and the minimum building setback are met. The site plan shows a 1,600 square foot community building, swimming pool, and playground.

### **Comments**

For the past five years, the dominant residential growth pattern along and near Frederick Road between Tiger Town and the Opelika City Limits have been single family homes. About 25 single-family were built along a new street Sutton Way in the late 1990's. Then, in 2000, 25 more homes were built on Cunningham Court. At the September 2005 Planning Commission meeting another 26 homes were approved on a new street called Easton Drive. There are many acres of undeveloped land in residential zoning districts off Frederick Road. Property owners, realtors, and realtors have inquired about zoning for single family developments in this growing area of Opelika. More single family home developments are expected.

There are no multifamily dwellings along Frederick Road from Tiger Town to the Opelika city limits except for Meadowbrook apartments. In 2004 Meadowpark apartments, a 48 unit affordable apartment project for the elderly, was approved in order to fill a gap of providing affordable housing to seniors (55 years old or older). In 2003, Ashton Way on Samford Avenue, another tax credit apartment project (70 units) for the elderly was also built by the Opelika Housing Authority.

### **Recommendation**

Planning staff believes, at this time, multi-family developments will inhibit the construction of single family neighborhoods we are now experiencing in this popular area of Opelika. The property values of undeveloped residential properties in this area along and near Frederick Road have increased substantially as a result of single-family construction. Planning staff is concerned that if multi-family dwellings are allowed a 'message' will be sent to developers that the growth trend is toward multi-family developments. The single-family developers will anticipate more apartment construction and seek other areas to build single-family neighborhoods. Multi-family developments will cause a downward pressure on property values near the development and developers will hesitate to invest in undeveloped properties to construct single-family homes. Staff believes this is not the right time to promote multi-family developments in a growing area with predominately single-family neighborhoods.

Planning staff is also concerned that the apartments may impose an unfavorable effect on the existing single-family neighborhoods. Traditionally, leased multi-family developments tend to reduce property values of single-family owner occupied properties as well as negatively affect the quality of existing single-family neighborhoods. At this time, Planning staff believes we should maintain the positive direction established in the past several years and support single family home development in this area of Opelika.

Planning Staff recommends denial of the conditional use request.

Mr. Thomas reported that if this request is approval, it's subject to the following:

- a) Rename complex due to phonetic confusion with Waverly Parkway.
- b) Furnish copy of agreement between property owner and private sewer line

owner prior to connection.

- c) Move or modify "cul-de-sac" to end of drive so vehicles may safely turn around.
- d) 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, and
  - Stormwater management design (retention/detention) with supporting calculations.

Mr. Thomas concluded with no recommendation.

Mr. Lee, Utilities Board, reported that meters for each building will have to be in a multi meter box.

Mr. Kriel reported that Opelika Light & Power will provide electrical service to this development.

City Horticulturist recommends approval.

Chairman Sadler asked for questions or comments.

Dr. Lazenby asked what someone would have to do to qualify for tax credit.

David Owens, attorney representing Mr. Huff, came forth and stated that this affordable housing program is tied to different levels of people residing within the household. For a family of four the cost of rent is ratio of 60% income so a family of 4 making 32,640 annually would qualify; for a family of 2, \$26,600 annually, which is comparable to other complexes coming in at fair market rent in the Auburn/Opelika area which is tied to the income of each family. He stated that it is not low rent housing or low income housing. It's mainly for people with occupations such as police officers, clerks, city and county workers, school teachers, etc.

Dr. Lazenby asked if it's the same as subsidized housing.

Mr. Owens stated that it's affordable housing, and the way Mr. Huff is financing the property is subsidized, but the tenants would not be receiving subsidized, only thru a tax-credit based on their income level per household, also the main tenants would be the working class, not low income individuals.

Chairman Sadler asked for further questions.

Mayor Fuller stated that the problem he is concern with is the area around the proposed apartments. He said that the area mostly exists with single-family housing such as Sutton Way and on Cunningham Drive, which is what developers are asking for in that community; not multi-family housing.

Chairman Sadler stated that he is concerned with this type of housing so close to the commercial development in the area particularly in the gateway corridor entrances. He stated that alot of commercial construction is going on off Frederick Road.

Mr. Pridgen stated that with the way the road lanes in this area are and with the way the turning lanes are; he said he doesn't feel that these apartments would be appropriate for this area. He said that he would like to see the single-family housing and commercial to be concurrent with what is already in the area.

Mr. Owens stated that as far as the character of the area which would be next door to Meadowpark apartment complex, and on the either side of that is a mobile home park, then there is Tiger Town ½ mile down the road, and he feels

that it's highly unlikely that there would be single-family homes developed there next to a mobile home park or a retail commercial area, and the developers mostly speak of transitional development going from commercial to least restrictive housing, and also this type of housing would create a buffer between the mobile home park for perhaps single-family housing that may be developed on the other side.

Mr. Owens said that as far as the traffic issue, he didn't recall having that discussed at Work Session, but according to a traffic study that he is aware of; studies show that apartment dwellers have fewer vehicles than single-family owners being that for every single-family household they usually have 2-3 cars; where; apartment dwellers tend to have 1-2 and make fewer trips during the day, so as far as traffic conditions are concerned if there were more single-family dwellings there would be more trips taken per household per day. He stated that as it was discussed at the Work Session, he feels that it would be the ideal place to live for example; beside the Colonial Mall there are two apartment complexes that are built adjacent to the mall or near by. For anyone possibly moving in Opelika, especially if they work in a retail sector they may not be able to afford a single-family house, and they may want to work close to where they live, and it would be convenient to shopping and banking, and those types of businesses- so at this proposed location would be a perfect place for that. He said that he feels that the city would be sending a wrong message if they tell people that the city doesn't want people living in apartments at this location, which forcing them to buy single-family housing. He stated that just a few months ago Mayor Fuller stated that this proposed property site would be a good location for apartments and Mr. Owens feels the reason the Mayor stressed this, is because it would be a good location for these apartments, and he feels the reasons are still valid such as convenience for shopping, dining, banking, working, etc.

Mayor Fuller stated that he wanted to clarify his previous comments. He said he did not realize what all is going on with Tiger Town and other local development in the area.

Mr. Owens asked the Mayor, "What has changed since their last discussion and what is the difference now in his view that it's not a good location for apartments."

Mayor Fuller stated that there are a number of apartments around the Opelika/Auburn area such as Century Park just down the road off Highway 280 and Meadowpark etc., and also with Auburn just minutes away from Frederick Road with an abundant sets of apartments.

Mr. Owens stated that Mr. Huff had a market study done and found out that the market will support the kind of apartments they want to build, but for the government to step in and say that they know better than the local developers – the study shows that there is a need, and feels this is socialism.

Chairman Sadler called the discussion.

Chairman Sadler asked for any further questions from the board members.

Mr. Cherry asked, "at the bottom of the hill at Cunningham Drive are there single family homes?"

Chairman Sadler stated that housing is for senior citizens.

Chairman Sadler asked for a motion.

Mayor Fuller made a motion to deny the conditional use request.  
Dr. Whatley seconded the motion.

Chairman Sadler asked for further comments.

Mr. Pridgen stated that the reason he supports denial for the conditional use request is not because of the tax-credit, but because there are enough multi-family housing in the vicinity of the proposed location in that area.

Chairman Sadler asked for a vote.

Ayes: Cherry, Fuller, Seroyer, Whatley, Lazenby, Wood, Pridgen, Posey

Nays: None

Abstention: None

The motion to deny the conditional use request for tax-credit apartments passed.

**12. ~~Vivian Freeman/ Joe Ruscin, architect, Sun Belt Pkwy, R-3, 21 unit Condo development – Town homes & cluster homes. WITHDRAWN~~**

**13. Mr. Munn/Econo Lodge, 1705 Columbus Parkway, C-3, GC-2, moving residential dwelling to a C-3, GC-2 zoning district.**

Mr. Ogren reported that the applicant is requesting conditional use approval to move a single family home to property in a commercial zoning district (C3, GC-2). The applicant is the owner of the Econo Lodge motel at 1705 Columbus Parkway. The owner desires for the house to be moved on the Econo Lodge property. The property is about 3.5 acres. There are two existing single family homes in the rear yard of the motel that are occupied by the motel owner and the resident manager. These two single family homes have existed there for years. The third single family home will allow for the motel's maintenance manager to reside on the Econo Lodge property. The photos attached shows that it appears the homes will be hidden from traffic traveling along the Columbus Parkway gateway corridor.

The third home to be moved is now on property<sup>1</sup> owned by the applicant on Frederick Road. The single family home needs to be moved so the applicant can build a commercial center on the Frederick Road property.

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<sup>1</sup>The property on Frederick Road, owned by the applicant, is located approximately across the street from the proposed 62 unit complex – agenda item #11.

The site plan shows the location of the third single family home on the Econo Lodge property. The third home will be adjacent to a new street<sup>2</sup> that will intersect with North Uniroyal Road. The new street (extension of South Uniroyal Road) intersecting with North Uniroyal Road will create a major intersection that will probably require a traffic signal. This third home as well as the other two homes and a storage building will be seen by all traveling along this new street.

### **Recommendation**

**Planning staff recommends approval of the home moved to the location shown of the site plan subject to the following conditions:**

1. A solid 6 foot high wooden or approved fence should be constructed to screen the single family home(s) and the storage building. The fence should run on or near the east property from the rear wall of the motel to the rear property line.
2. The single family homes must be occupied only by the immediate family of the employees or owner(s) of the Econo Lodge motel and not least to someone not employed at the motel as a "profit" apartment business.
3. 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.

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<sup>2</sup>The proposed street was required as a condition of approval for rezoning as recommended by the Planning Commission at the June 2005 Planning Commission public hearing and approved by the City Council. The property involved in the rezoning is a 160 acre parcel located along South Uniroyal Road. John Grot is the developer. Stanley Drake, Newell Floyd and other adjacent property owners attended the meeting.

Mr. Thomas had no comment.

Mr. Lee had no comment.

Mr. Kriel reported that Opelika Light & Power will provide electrical service in this area.

City Horticulturist had no report.

Chairman Sadler asked for questions or comments.

Mr. Cherry stated that he doesn't have a problem with Mr. Munn, the owner, putting a residence there for his manager, but he said that he needs to address it either as a commercial redevelopment or residential redevelopment or residential living if the maintenance on it is not desirable for a location that the city is trying to make improvements on; he said he would like to see everything behind the Econo Lodge taken into consideration as to what the plans are and if there's a house placed back there and nothing is done to it there's no difference than if someone put a trailer back there. He said that there should be a complete plan, and he doesn't feel that the 6 ft. fence is the answer to the problem. He stated that a complete landscape plan should be in place.

Mr. Pridgen stated that there is not a driveway access to the new house or the existing house behind the Econo Lodge but only a 6 ft. walkway, and stated that if a store like Target came to us asking for permission to put 3 houses behind their store with no driveway access, the Planning Commission would deny their request.

Discussion with Mr. Munn followed.

Chairman Sadler stated that a required landscape plan will be apart of the motion.

Chairman Sadler suggested that this request be tabled.

Dr. Lazenby made a motion to table the conditional use request.

Mr. Posey seconded.

Ayes: Cherry, Posey, Lazenby, Fuller, Whatley, Wood, Pridgen, Seroyer

Nays: None

Abstention: None

The motion to table the conditional use request passed.

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

##### **14. Walter C. Armstrong, 2512 Cunningham Drive, 5 acres, from R-4, GC-2 to C2, GC-2.**

Mr. Ogren reported that the applicant is requesting rezoning 5 acres from R-4, GC-2 (medium density residential) to a C2, GC-2 (office/retail commercial,

gateway corridor – 2) zone. The property is located at corner of Cunningham Drive and Frederick Road.

The applicant desires to sell the parcel or subdivide and sell lots for commercial retail or office businesses. The property is located about ¾ of a mile west of Tiger Town.

Planning staff believes that rezoning from R-4, GC-2 to C-2, GC-2 is appropriate. A C-2, GC-2 zone is across the street from this property. Properties fronting along Frederick Road near Tiger Town are more favorable for commercial uses than residential. The Planning Commission and City Council approved a similar request on Frederick Road at the Opelika city limits. Commercial uses reflect the ongoing commercial growth along in this commercial corridor.

### **Staff recommendation**

Planning staff recommends Planning Commission send a positive recommendation to the City Council to rezone the property from R-4, GC-2 to C2, GC-2.

Mr. Thomas reported that the sewer is accessible from Old Opelika Road. He suggested a positive recommendation to City Council.

Mr. Lee had no report.

Mr. Kriel reported that Opelika Light & Power and Alabama Power Co. will provide service in this area.

Chairman Sadler opened the public hearing.

Citizen came forth and questioned Mr. Thomas, Engineering Department, and asked if there will be sewers and asked if they will be accessible on Sutton Way.

Mr. Thomas stated that would depend on sewer configuration on the property which is being rezoned.

Discussion followed.

Chairman Sadler asked for a motion.

Mr. Pridgen made a motion to send a positive recommendation to City Council to rezone the proposed property from R-4, GC-2 to C2, GC-2.

Mr. Seroyer seconded the motion.

Ayes: Cherry, Whatley, Wood, Pridgen, Fuller, Seroyer, Posey, Lazenby

Nays: None

Abstention: None

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

**15. ~~Van Nostrand Cabinets, 1817 West End Court, 32,000 square foot, from C-3 to M-1. WITHDRAWN~~**

**OTHER BUSINESS**

**16. December regular meeting – December 20<sup>th</sup>.**

Chairman Sadler made a motion to change the meeting from December 27<sup>th</sup> to December 20<sup>th</sup> due to the Christmas Holiday.

The motion was seconded and was voted unanimously.

With no further business on the agenda, Chairman Sadler adjourned the meeting at 4:20 p.m.

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

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