

**CITY OF OPELIKA
PLANNING COMMISSION MEETING
JANUARY 27, 2015
3:00 P.M.
PUBLIC WORKS FACILITY
700 FOX TRAIL**

The City of Opelika Planning Commission held its regular monthly meeting January 27, 2015 in the Planning Commission Chambers, located at the Public Works Facility, 700 Fox Trail. Certified letters mailed to all adjacent property owners for related issues.

MEMBERS PRESENT: Lewis Cherry, Ira Silberman Arturo Menefee, Mayor Fuller, David Canon, Lucinda Cannon, Michael Hilyer

MEMBERS ABSENT: Keith Pridgen, John McEachern

STAFF PRESENT: Gerald Kelley, Planning Director
Martin Ogren, Assistant Planning Director
Rachel Dennis, Planning and Zoning Technician
Scott Parker, Engineering Director
Guy Gunter, City Attorney

CALL TO ORDER: Vice Chairman Cherry called the meeting to order at 3:02

I. Elect Officers to Planning Commission (Chairman, Vice Chairman)

Vice Chairman Cherry asked Mr. Kelley to lead the nominations.

Mr. Kelley asked for nominations for Chairman.

Ms. Cannon made a motion to nominate Keith Pridgen for Chairman.

Mayor Fuller seconded.

Council Member Canon closed nominations.

Ayes: Cherry, Silberman, Menefee, Fuller, Council Member Canon, Cannon, Hilyer

Nays: None

Abstention: None

Mr. Kelley asked for nominations for Vice-Chairman.

Mayor Fuller made a motion to nominate Lewis Cherry for Vice-Chairman.

Mr. Hilyer seconded.

Council Member Canon closed the nominations.

Ayes: Silberman, Menefee, Fuller, Council Member Canon, Cannon, Hilyer

Nays: None

Abstention: Cherry

II. Approval of December 16, 2014 Minutes

Mayor Fuller made a motion for approval of the December 16, 2014 Minutes as written.

Dr. Menefee seconded the motion.

Ayes: Menefee, Fuller, Council Member Canon, Cannon, Hilyer

Nays: None

Abstention: Cherry

III. Update on Previous PC cases

Mr. Kelley reported the City Council held the second reading of the Academy Estates PUD amendment.

A. REZONING – Public Hearing – Planning staff recommendation

- 1. Amend Opelika Zoning Map for properties fronting along Stonybrook Drive, Stonybrook Lane, Stonybrook Place, Stonybrook Circle, Tifton Lane, the west side of Hamilton Road from 3100 Hamilton Road to 3408 Hamilton Road, and two lots in the 3400 block of Hamilton Road on the east side Hamilton Road. Rezoning recommendation from R-4 to R-2 zoning district.**

Mr. Kelley reported in 2007 Planning Staff and Planning Commission forwarded to the City Council a recommendation to approve a new zoning district entitled R-1A (Residential Transition District; 30,000 sq. ft. minimum lot size, with a minimum lot width of 90 ft.). The difference between R-1 (Rural-43,560 sq. ft. minimum lot area) and R-2 (Low Density Residential-15,000 sq. ft. minimum lot area) lot size is significant. This is a variation of 28,560 sq. ft. in minimum lot size area between the R-1 from R-2. Such a divergent lot area resulted in the creation of the R-1A. The City Council approved this zoning district on November 7, 2007. No new subdivision at this density has occurred in the City of Opelika during the past 7 ½ years.

This rezoning initiative is requested by Planning Department staff via consultation with Planning Commission Vice- Chairman, Lewis Cherry and Guy Gunter, City Attorney. Since Keith Pridgen, Planning Commission Chair, is recovering from surgery; staff desired input both from Mr. Cherry and Mr. Gunter. Approximately two hundred and fifty (250) letters were sent to all affected property owners concerning this rezoning effort. Section V. Amendments; Section 5.1 Amendment Procedure; Subsection C. of the Opelika Zoning Ordinance allows the Planning Commission on its own initiative may hold public hearings with public notice given for the consideration of any proposed amendment to the Zoning Map of Opelika and forward a recommendation to City Council.

Staff's intent behind this rezoning effort is to protect and preserve existing residential neighborhoods from incompatible lot sizes; and support the vast majority of existing lot sizes in three (3) general locations of Opelika. We intend to recommend the best match between an appropriate residential zoning district to the closest existing lot area size by rezoning lots from R-2 to R-1A and R-4 to R-2.

Furthermore, the 2020 Future Land Use Map of the Opelika Master Plan supports the zoning classification of R-1A for new and existing residential neighborhoods which meet area, width, and yard setback requirements of R-1A.

The purpose of the district is also to allow new proposed single family subdivisions which may desire annexation a choice between the R-1 (Rural District, 1 acre lot size at 43,560 sq. ft. with a minimum lot width of 100 ft.) and the R-2 (Low Density Residential District, 15,000 sq. ft. with a minimum lot width of 80 ft.).

However, two general cluster areas in the northern part of the city have lot areas greater than 30,000 sq. ft. already platted. Generally, these included streets of Hillflo/Western segment of Cedar Creek Dr. (Cedar Creek Subdivision)/Overlook (Lake Forest Estates Subdivision) and Sanders Creek Subdivision/Some lots on the western end of Morris Ave. Both areas are currently zoned R-2.

A third area in the southwest part of the city have lot areas greater than 15,000 sq. ft., but zoned R-4 (Medium Density Residential District, 7,500 sq. ft., with a minimum lot width of 60 ft.) which is Stonybrook and Bent Creek Subdivisions.

These three areas are under consideration to rezone either to R-1A or R-2.

AGENDA ITEM # A.1

Stonybrook Subdivision has 53 existing platted lots greater than 15,000 sq. ft. with single family residences, while 13 lots are currently vacant. All lots are zoned R-4. STAFF RECOMMENDS REZONING FROM R-4 to R-2.

One tract of approximately 15 acres on the western edge of Stonybrook at the end of Stonybrook Point (street name) is surrounded by lake or golf course will remain R-4. Historically, when the R-4 zoning was established for Stonybrook, a possible residential condominium development might occur on this tract. STAFF RECOMMENDS THIS TRACT REMAIN R-4.

Bent Creek Subdivision has 49 existing platted lots greater than 15,000 sq. ft. on Tifton Ln. and Hamilton Rd. All lots have single family residences and zoned R-4. STAFF RECOMMENDS REZONING FROM R-4 to R-2.

On the east side of Hamilton Rd. across from Bent Creek Subdivision, two lots (one vacant and one with residence) are zoned R-4. STAFF RECOMMENDS REZONING BOTH LOTS FROM R-4 to R-2.

OPS presently serves these properties.

Vice-Chairman Cherry opened the public hearing.

Gary Loper, Robert Ingram, John Shivers, Rev. Ronald Lampkin, Miles Thomas, William Brunson all expressed concerns about the peninsula area that will remain R-4. They request the peninsula property be rezoned to R-2. These neighbors also agreed traffic will increase to this property creating traffic problems of ingress and egress onto Hamilton Road. Also, speed limits on Hamilton Road is concern for traffic exiting Stonybrook onto Hamilton Road.

Mr. Kelley stated this area is in the Gateway Corridor. If the owner were to do anything other than single family lots a site plan will need to be provided and conditional use approval required. Staff would not support apartments but would be in favor of luxury ownership condominiums.

Ms. Cannon joined the audience because she owns property in Stonybrook.

Kurt Cope the owner of the peninsula property asked the neighbors and the Commission to leave his property R-4 at this time. Mr. Cope said he was not going to build apartments on the property.

Mr. Gunter stated we can only make recommendation to City Council for the properties that were advertised. The peninsula property was not advertised and is not part of this public hearing.

Vice Chairman Cherry closed the public hearing.

Mr. Hilyer made a motion to send a positive recommendation to City Council to rezone this area from R-4 to R-2.

Mr. Silberman seconded the motion.

Ayes: Silberman, Menefee, Fuller, Cannon, Hilyer, Cherry

Nays: None

Abstention: Council Member Canon

Vice Chairman Cherry stated to the audience that we do appreciate all the comments and concerns stated today.

2. Amend Opelika Zoning Map for properties fronting along Overlook Drive and Hickory Lane; including a portion of the properties along the following streets: Hillflo Avenue, Heatherbrook Drive, Cedar Creek Drive, Rocky Brook Road, and Oakdale Drive. Rezoning recommendation from R-2 to R-1A

Mr. Ogren reported the Planning department is requesting rezoning of about 193 acres as shown on the map attached from R-2 (low density residential) to an R-1A (transition residential district) zoning district. From an R-2 to an R-1A zone there is an increase in the minimum lot size requirement from 15,000 square feet (sf) to 30,000 sf, an increase

in the minimum lot width from 80 feet to 90 feet, and a reduction of density from 2.5 dwelling per acre to 1.25 dwelling per acre. The rezoning area consist of 69 lots; a single family home exists on 61 lots; eight lots are undeveloped. The smallest lot is 1 acre and the largest lot 6.4 acres. Most of the lots are located on the south side of Hillflo Avenue. These lots were platted in 1972 and the lots have remained the same size since 1972. The purpose of the rezoning is to protect and preserve the existing neighborhood from the smaller lot size (15,000 sf) that is currently allowed in the R-2 zone. In the R-2 zone a subdivision of a 1.04 acre lot would allow three 15,000 sf lots. The Planning Commission would be compelled to approve the three lot subdivision if minimum area requirements are met – although a neighborhood covenant could be in effect to challenge the subdivision. A single family home constructed on the smaller 15,000 sf lot would be incompatible with the existing larger lot sizes and homes in the neighborhood. The smaller lot size presents a possible negative impact to the neighborhood. The larger 30,000 sf minimum lot size requirement in the R-1A zone more effectively protects the existing residential neighborhood.

The rezoning of the properties is also supported on the Future Land Use map of the 2020 Comprehensive Plan. The Future Land Use map was approved by the Planning Commission at the January 22, 2013 meeting. The Future Land Use map shows this neighborhood as a “low density residential” area which includes the R-1A zoning district.

Planning staff recommends to the Planning Commission to send a positive recommendation to the City Council to approve a rezoning of the area shown on the map from R-2 to R-1A.

OPS presently serves these properties.

Vice Chairman Cherry opened the public hearing.

Terry Love spoke in favor of the rezoning, requesting an addition of R-1A +, which means to add that future neighboring districts be compatible to character, scale, and density with this existing neighborhood.

Vice Chairman Cherry closed the public hearing.

Dr. Menefee made a motion to send a positive recommendation to City Council for rezoning to R-1A with staff recommendations.

Mayor Fuller seconded the motion.

Ayes: Menefee, Fuller, Hilyer, Cannon, Cherry

Nays: None

Abstention: Council Member Canon

3. Amend Opelika Zoning Map for properties fronting along Sanders Creek Drive, Beverly Drive, Evans Drive, Highpoint Drive, and the south portion of Morris Avenue from 2425 Morris Avenue to 1300 Morris Avenue and the north portion of Morris Avenue from 1706 Morris Avenue to 1600 Morris Avenue. Rezoning recommendation from R-2 to R-1A

Mr. Ogren reported the Planning department is requesting rezoning of about 202 acres as shown on the map attached from an R-2 (low density residential) zoning district to an R-1A (transition residential district) zone. From an R-2 to an R-1A zone there is an increase in the minimum lot size requirement from 15,000 sf to 30,000 sf, an increase in the minimum lot width from 80 feet to 90 feet, and a reduction of density from 2.5 dwelling per acre to 1.25 dwelling per acre. R-2 minimum requirements are: 15,000 sf lot size, 80 foot lot width, 2.5 dwellings per acre (density). R-1A minimum requirements: 30,000 sf lot size, 90 foot lot width, and 1.25 dwellings per acre (density).

The rezoning area consist of 105 lots. The smallest lot is 33,930 square feet and the largest lot 12.8 acres; 93 of the 105 lots are over one acre. A single family home exists on 79 lots; Twenty-six lots are undeveloped. The purpose of the rezoning is to protect and preserve the existing neighborhood from the smaller lot size (15,000 sf) that is

currently allowed in the R-2 zone¹. In the current R-2 zone a subdivision of a 1.04 acre lot would allow three 15,000 sf lots. The Planning Commission would be compelled to approve the three lot subdivision if minimum area requirements are met – although a neighborhood covenant could be in effect to challenge such a subdivision. A single family home constructed on the smaller 15,000 sf lot could be incompatible with the existing larger lot sizes and homes in the neighborhood. The R-2 zone’s smaller lot size presents a possible negative impact to the neighborhood. The larger 30,000 sf minimum lot size requirement in the R-1A zone more effectively protects the existing residential neighborhood.

The rezoning of the properties is also supported on the Future Land Use map of the 2020 Comprehensive Plan. The Future Land Use map was approved by the Planning Commission at the January 22, 2013 meeting. The Future Land Use map shows this neighborhood as a “low density residential” area which includes the R-1A zoning district.

Planning staff recommends to the Planning Commission to send a positive recommendation to the City Council to approve a rezoning of the area shown on the map from R-2 to R-1A.

These properties are served by OPS and Tallapoosa River Electric Co-op.

Vice Chairman Cherry opened the public hearing.

John Adams spoke in support of the rezoning.

Sheldon Whittelsey spoke in favor of the rezoning. He requested that a 5 acre parcel in Sanders Creek subdivision along Evans Drive be excluded from the rezoning as well as an 11.8 acre parcel (corner of Oak bowery Road and Veterans Parkway) owned by Martin Dorman. Mr. Whittelsey said in about 5 -10 years he has development plans for these properties so he is requesting today the properties remain R-2. At a later time he will be discussing the plan with the Planning Commission.

Vice Chairman Cherry closed the public hearing.

Mayor Fuller made a motion to send a positive recommendation to City Council to rezone this area to R-1A and exclude the 5 acre and 11.8 acre parcels as discussed. These two parcels will remain R-2.

Ms. Cannon seconded the motion.

The Staff and Commission discussed which lots are in and which are out of this rezoning request to clarify.

Ayes: Menefee, Fuller, Hilyer, Cannon, Cherry

Nays: None

Abstention: Council Member Canon

B. OTHER BUSINESS

4. Discussion of expansion of outdoor display of piping products in the Gateway Corridor at Twin Oaks Environmental, 1900 Market Street, Jay Watson, owner

Mr. Kelley reported in December of 2013 the PC approved a front yard variance at 1900 Market St. and a conditional use for an all metal building (30' X 60') for material piping storage adjacent to Market St. Also. A porch addition to the existing building fronting US #431 (Lafayette Pkwy.) was proposed. The property is zoned M-1 and in the Gateway.

¹ The lots fronting along Beverly Drive and Evans Drive as shown on the Sanders Creek SD, Phase 2, 2nd Addition plat must be at least one acre. This provision was required at the April 16, 2004 Public Works Appeal Board meeting so the developer could construct the said streets without curb & gutter subject to Best Management Practices for storm water engineering.

Their one (1) year conditional use permit expired December 31, 2014. No improvements have occurred.

At this time the business has been quite successful and piping products are stored in the front yard behind the front yard setback of 40 feet. While Mr. Watkins intends to build the metal building and store small piping products, he desires "front door" exposure to US #431 for the large pipes.

Staff recommended two choices: Either submit a conditional use request for a new building behind the 40' front setback from US #431 to accommodate all sizes of piping materials, or store the large piping products parallel to and directly behind the existing building. Staff informed Mr. Watson that a new all metal building would not be supported by Planning.

Mr. Watson desires to address the PC about his situation.

Mr. Watson purchased a building permit for the metal building parallel to Market St. on January 15, 2015.

Mr. Jobie Watson asked for an outside storage area of for the pipe inventory so that this product is visible.

Mr. Watson and the Commission discussed what his needs are for the business and the issues at this location.

Mr. Kelley stated if the Commission agreed to consider Mr. Watson's request then Mr. Watson would be required to come back next month as a Conditional Use request to ask for outside storage for the business.

Mayor Fuller made a motion requesting Mr. Watson be able to continue current operations as is and return to the Commission in February with a Conditional Use application to ask for outside storage.

Mr. Hilyer seconded the motion.

Ayes: Menefee, Fuller, Hilyer, Cannon, Council Member Canon

Nays: None

Abstention: None

6. Shirley Lazenby to share about the activities of the Bicycle Advisory Committee

Mrs. Lazenby updated the Commission about the Bicycle Advisory Committee. Asking the Commission to include this document in the 2020 Comprehensive Plan Appendix. She shared the news that the Committee had created By-Laws and was applying to have Opelika be considered a Bicycle Friendly Community and adopting the language.

Mr. Parker stated the BAC is applying to become a Bicycle Friendly Community and there are also grants that the City can apply for to fund the attributes to become a destination for tourism. There is a positive committee growing here and I am glad to be a part of what the BAC is doing. We are going to apply for a grant to adapt a bicycle pedestrian path that Arron Fortner suggested in his plan to upgrade the Jeter- Carver areas.

7. Northbrook Subdivision, Phase 5, 45 lots, Northbrook Drive, Brandon Bolt, preliminary approval – Requesting extension of January 28, 2014 preliminary plat approval for six months. Six month extension expires on July 28, 2015.

Mr. Kelley reported they are requesting a 6 months extension of the preliminary plat.

Dr. Menefee made a motion to extend the preliminary plat approval with staff recommendations 6 more months.

Mr. Silberman seconded the motion.

Ayes: Menefee, Fuller, Hilyer, Council Member Canon, Cannon

Nays: None

Abstention: None

5. Discuss format for update of existing 2020 Comprehensive Plan to the new 2030 Comprehensive Plan

Mr. Kelley reported 2015 is time to prepare an updated Master Plan for the physical development of Opelika by the Planning Commission. I hope the Commission has given some thought to your preferences for the Plan and will provide direction to Planning Staff for this initiative.

Staff has the following suggestions for Commission to consider:

1. Select a committee of ten (10) maximum as a steering group for Commission and Staff.
2. City Department Director's would write their own plan and present to the Committee.
3. Extend the time frame for the Master Plan another five (5) years to 2030.
4. Include the Planning Jurisdiction (3 miles outside city limits) in the Plan.

With no further business on the agenda, Vice Chairman Cherry adjourned the meeting at 4:38 p.m.

Lewis Cherry, Vice-Chairman

Rachel Dennis, Secretary