

**CITY OF OPELIKA
PLANNING COMMISSION SPECIAL CALLED MEETING
FEBRUARY 28, 2014 9:00 A.M.
PUBLIC WORKS FACILITY
700 FOX TRAIL**

The City of Opelika Planning Commission held its special called meeting March 28, 2014 in the Planning Commission Chambers, located at the Public Works Facility, 700 Fox Trail.

MEMBERS PRESENT: Lewis Cherry, Ira Silberman, Mayor Fuller, Keith Pridgen, David Canon, Lucinda Cannon

MEMBERS ABSENT: John McEachern, Arturo Menefee, Michael Hilyer

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

CALL TO ORDER: Chairman Pridgen called the meeting to order at 9:00 a.m.

A. TEXT AMENDMENT TO THE ZONING ORDINANCE – Public Hearing

1. Amend Section 7.3 C. Use Categories (matrix table) - Automobile Related: Add “Motor Vehicle Storage Lot” and Amend Section 2.2 Definitions: Add “Motor Vehicle Storage Lot”

Mr. Kelley reported the primary issue of vehicle types has predominantly been in the C-3 zoning district. We have historically tried to protect the C-2 zoning district. The problem staff has with the particular text amendment, is that it further undermines and weakens our C-2 zoning district. It cannot be site specific to a particular business. It has to be city wide. Therefore, in our opinion, planning staff, that begins to weaken the viability of our zoning ordinance when you look at the distinctions we are trying to keep separate between commercial general commercial C-3 and office retail C-2. It is our position that this text amendment is not in the best interest of our city in terms of what we are trying to protect and keep as our C-2 vs. some infringement of an activity that we have historically had in our C-3 and that it will not be in the best public interest to have this option available citywide.

Mr. Kelley reported an email conversation with Mr. Gunter.

From: Jones, Jill P
Sent: Thursday, February 27, 2014 9:58 AM
To: Kelley, Gerald E. "Jerry"
Subject: Draft Amendments to Motor Vehicle Storage Lot

Jerry,

As you know, I am not a proponent of allowing motor vehicle storage lots in the C-2 and GC-2 zoning districts. C-2 has been a restrictive commercial zone with no outside display/storage of goods or materials. C-3 is a more intensive commercial zone where a full range of automotive action, i.e. sales, repair, leasing, storage, et.al. is permitted. The proposed amendment will tend to blur the line between the two commercial districts.

Nevertheless, in the event the Planning Commission recommends the proposed amendment to the City Council, I think more attention should be paid to the definition of “motor vehicle storage lot”. I am not exactly sure what activities the proponents of the amendment intend to be included within the definition. With this in mind, I have taken the liberty of attempting to draft a definition as follows:

“Motor Vehicle Storage Lot (Off Premise). An outdoor area on a lot for the storage of motor vehicles in operating condition weighing less than 10,000 pounds which may include short term storage of towed vehicles awaiting claims, or long or short term storage of vehicles. The term shall not include facilities for temporary storage of vehicles for sale, rent, maintenance or repair. No portion of the lot shall be devoted or intended to be devoted to any purpose except the storage of vehicles.”

[Amend Section 7.3; Subsection B; Paragraph entitled Automobile Related by adding Motor Vehicle Storage Lot (off Premise) as a Conditional Use in C-2, GC-2; Allowed in M-1, but Not Allowed in any other zoning district. (By planning staff)]

I trust these comments will be of some benefit. If you have any questions, please don't hesitate to call me.

Guy Gunter

Jill P. Jones

Mr. Gunter commented that C-2 which is an office retail is a restrictive commercial district. The C-3 is a more general intensive district. We have never allowed automobile uses in the C-2. I think the important thing to remember is that this particular amendment would affect a lot more than this one site on Clanton/Magnolia Streets. It will affect every piece of property in the C-2 district and also the gateway corridor district. This really affects the city as a whole.

Mayor Fuller stated Conditional use means that this has to come back to the planning commission. Why could the Commission allow it in one location and not in another location?

Mr. Gunter stated you have to be very consistent in applying the rules.

Chairman Pridgen opened the public hearing.

Councilwoman Patricia A. Jones spoke representing constituencies of Ward 1 as well as an individual of the City Council. I would ask that the Planning Commission consider the recommendations of our Planning Department, our City Attorney, and on behalf of those constituents that I represent we also object to this text amendment to the matrix table.

Chairman Pridgen closed the public hearing.

Mayor Fuller made a motion to amend the Zoning Ordinance to allow conditional use in C-2 for automobile temporary storage
Council Member Canon seconded the motion.

Mayor Fuller stated my idea was to allow conditional use with the stipulation that ingress and egress of vehicles be on Clanton versus Magnolia which would keep any additional traffic away from the residential area.

Chairman Pridgen stated my concerns are blurring the lines between a C-2 and C-3 zoning district. In my opinion a restricted commercial zone is the best way to protect the residential zones.

Council Member Canon stated my biggest concern is the corner lot from Lake Street and Magnolia. My other observation here is the City has basically an impoundment lot across the railroad tracks.

Mayor Fuller stated my guess is that what these business people will do will look nicer than what we have at the police department.

Mr. Silberman stated as I go down Clanton Street you see nice structures. I don't know that the cars would make the area look worse. The problem I have is changing C-2 in

the matrix table because of the overall effect the text amendment will have in the entire city. I am not comfortable changing C-2 to resolve a problem on one lot. I would be more comfortable with a rezoning change to C-3 with adequate buffering.

Mayor Fuller stated I prefer landscaping as a buffering.

Ayes: Fuller

Nays: Cherry, Silberman, Cannon, Pridgen

Abstention: Council Member Canon

With no further business on the agenda, Chairman Pridgen adjourned the meeting at 9:22 a.m.

Keith Pridgen, Chairman

Rachel Dennis, Secretary