

**CITY OF OPELIKA
PLANNING COMMISSION MEETING
MARCH 22, 2016
3:00 P.M.
PUBLIC WORKS FACILITY
700 FOX TRAIL**

The City of Opelika Planning Commission held its regular monthly meeting March 22, 2016 in the Planning Commission Chambers, located at the Public Works Facility, 700 Fox Trail. Certified letters have been mailed to all adjacent property owners for related issues. This meeting was continued to March 28, 2016 in the Planning Commission Chambers, located at the Public Works Facility, 700 Fox Trail.

MEMBERS PRESENT: John McEachern, Keith Pridgen, Ira Silberman, David Canon, Michael Hilyer, Lewis Cherry, Lucinda Cannon

MEMBERS ABSENT: Mayor Fuller, Arturo Menefee

STAFF PRESENT: Gerald Kelley, Planning Director
Martin Ogren, Assistant Planning Director
Rachel Dennis, Planning and Zoning
Scott Parker, Engineer Director
Josh Hawkins, Opelika Utilities Board
Brian Kriel, Opelika Power Services
Guy Gunter, City Attorney

CALL TO ORDER: Chairman Pridgen called the meeting to order at 3:00 p.m.

I. Approval of January 26, 2016 Minutes

Mr. Cherry made a motion to approve the January 26, 2016 Minutes as written.

Ms. Cannon seconded the motion.

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

Nays: None

Abstention: None

II. Update on Previous Planning Commission cases.

Mr. Kelley reported the City Council accepted as information the Master Plan 2030.

A. PLATS – (preliminary only and preliminary & final) - Public Hearing

1. Block B, First Revision Subdivision, 1 lot, 214 S. 7th Street, McCrory Surveying, preliminary and final approval

Mrs. Dennis reported the City of Opelika request preliminary and final plat approval to erase existing “crisscrossing” lot lines. This plat is shown on Totten Map, 1930 located in the City Engineer Office. This plat concerns only an area adjacent to City Hall (northeast corner of Avenue B. and 7th Street); and Auburn Bank (northwest corner of Avenue B. and 6th Street). The purpose of erasing lot lines is to build a new fire station at this location.

Recommendation: Approve

Mr. Parker reported Engineering Department has no comments or objections to this plat and recommends preliminary and final plat approval.

Mr. Hawkins reported water service is accessible to this subdivision by a water main in the R.O.W. of South 7th Street.

Mr. Kriel reported this subdivision is in the Opelika Power Services territory.

Chairman Pridgen opened the public hearing.

No comments.

Chairman Pridgen closed the public hearing.

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

Mr. Silberman seconded the motion.

Ayes: Cherry, McEachern, Silberman, Council Member Canon, Cannon, Hilyer

Nays: None

Abstention: None

2. Ray-Wright Subdivision, 1 lot, 1313 Shannon Court, Barrett-Simpson, Inc., preliminary and final approval

Mr. Ogren reported the applicant is requesting preliminary and final plat approval to combine three lots into one lot. Lot 6B is 4.27 acres. The applicant is planning a commercial development for the property.

Staff recommends preliminary and final plat approval subject to adding a 30 foot front setback line.

Mr. Parker reported the Engineering Department would request that the roadway right-of-way be increased with this plat to thirty (30) feet from the center of each side of the roadway. This has been completed by the applicant, the Engineering Department recommend preliminary and final plat approval.

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

Mr. Kriel reported this subdivision is in the Opelika Power Services territory.

Chairman Pridgen opened the public hearing.

No comments.

Chairman Pridgen closed the public hearing.

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

Mr. Hilyer seconded the motion.

Ayes: Cherry, McEachern, Silberman, Council Member Canon, Cannon, Hilyer

Nays: None

Abstention: None

3. Prickett Subdivision, 2 lots, 71 Lee Road 739, Barrett-Simpson, Inc., preliminary and final approval

Mr. Ogren reported the applicant is requesting preliminary and final plat approval for a two lot subdivision in the planning jurisdiction (PJ) on Lee Road 739. Lee Road 739 is about 2.8 miles east of City limits and accessed from Highway 280 East. The purpose of the subdivision is to create Lot 1 (1.3 acres) to build a single family home. The mobile home shown on the plat will be removed from the property. At this time, there are no plans for Lot 2 (29.7 acres). The lots meet the minimum 15,000 square foot lot size requirements for a subdivision in the PJ.

Staff recommends preliminary and final plat approval.

Mr. Parker reported Engineering Department has no comments or objections to this plat and recommends preliminary and final plat approval.

Mr. Hawkins reported this subdivision is served by Smith Station Water Authority.

Mr. Kriel reported this subdivision is outside the Opelika Power Services territory.

Chairman Pridgen opened the public hearing.

No comments.

Chairman Pridgen closed the public hearing.

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

Ms. Cannon seconded the motion.

Ayes: Cherry, McEachern, Silberman, Council Member Canon, Cannon, Hilyer

Nays: None

Abstention: None

4. H.M. Prather Subdivision, 2 lots, Lee Road 266, Harris Gray LLC, preliminary and final approval

Mr. Ogren reported the applicant is requesting preliminary and final plat approval for a two lot subdivision on Lee Road 266. The purpose of the subdivision is to sale Lot 2 (204 acres). (An auction to sale Lot 2 is scheduled for the last week in March.) Lot 2 has access to Lee Road 266 from a 60 foot wide strip that runs parallel to a 100' wide power transmission line (see yellow highlighted 60' strip on map below). At this time there are no plans for Lot 1 (244 acres).

Staff recommends preliminary and final plat approval.



Mr. Parker reported Engineering Department has no comments or objections to this plat and recommends preliminary and final plat approval.

Mr. Hawkins reported this subdivision is served by Beulah Utilities District.

Mr. Prince reported this subdivision is outside the Opelika Power Services territory.

Chairman Pridgen opened the public hearing.
No comments.
Chairman Pridgen closed the public hearing.

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

Mr. Silberman seconded the motion.

Ayes: Cherry, McEachern, Silberman, Council Member Canon, Cannon, Hilyer

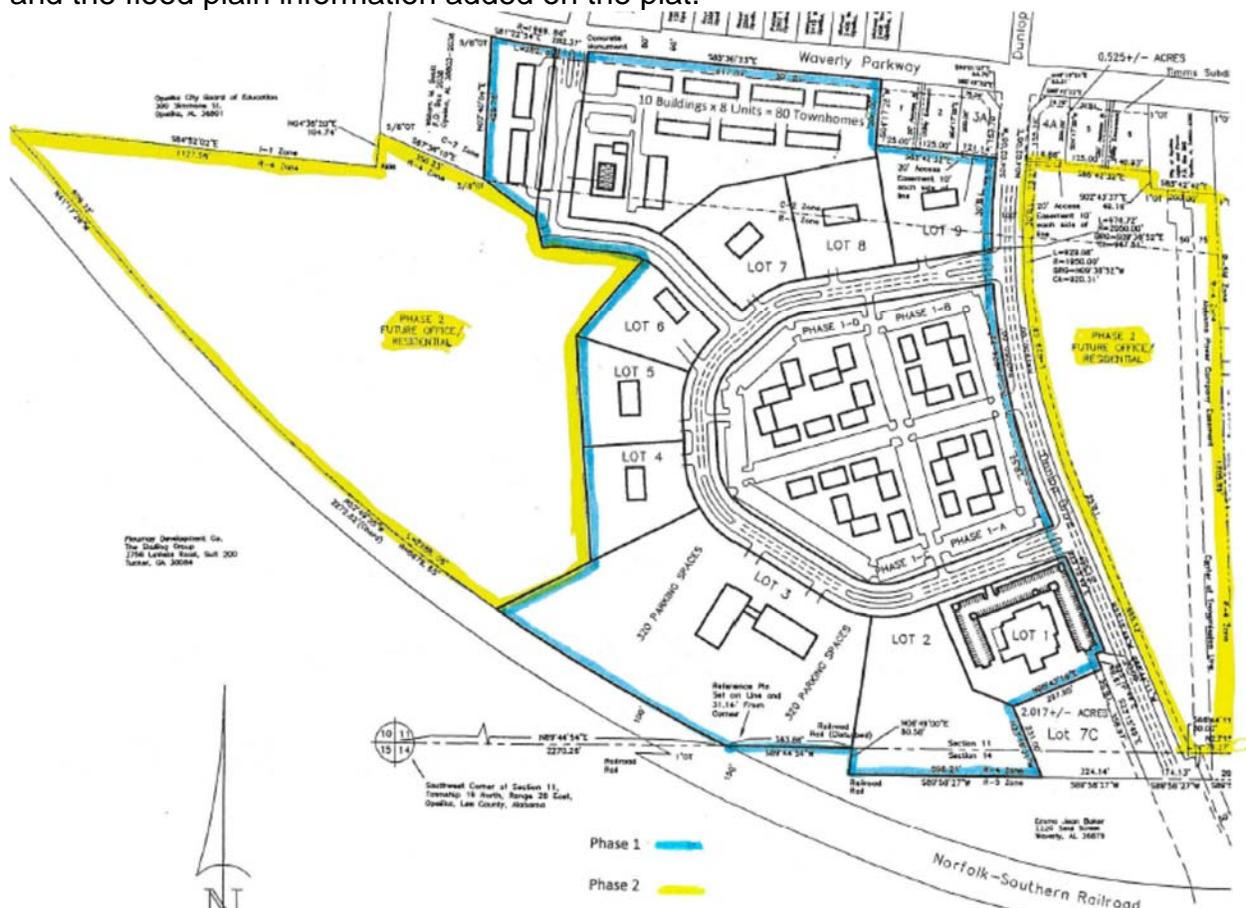
Nays: None

Abstention: None

5. Village Professional Park Subdivision, First redivision of lot 2-B, 6 lots, Village Professional Parkway, Arthur R. Nettles, preliminary and final approval

Mr. Ogren reported the applicant is requesting preliminary and final plat approval for a seven lot subdivision in the Village Professional Park PUD. In December 2004 the Planning Commission recommended the PUD to City Council; Council approved the PUD in Feb 2005. The mixed-use PUD is approximately 120 acres consisting of office, retail, and residential uses (*see map of master plan on page 2*). Since 2004, seven medical buildings have been constructed in Phase 1. On the subdivision plat, medical offices will be constructed on Lots 4 through 8; each lot fronts along Village Professional Drive; one medical building per lot will be constructed. These five lots range from 1.9 acres to 2.5 acres. Lot 2-B-2 (14.6 acres) and Lot 2-B-1 (44.1 acres) are reserved for future development. On a 2012 plat, the minimum building setbacks approved were 30' front yard, 10' side yard, and 30' rear yard. Staff recommends a note added on the plat listing the front, side, rear yard minimum setbacks. Staff recommends that a conceptual plan for phase 2 of the 2004 Master Plan be submitted before a subdivision plat is reviewed for phase 2.

Staff recommends preliminary and final plat approval subject to a 30 foot front setback and the flood plain information added on the plat.



Village Professional Park PUD Master Plan - approved December 2004

Mr. Parker reported Engineering Department has no comments or objections to this plat and recommends preliminary and final plat approval.

Mr. Hawkins reported water service is accessible to this subdivision by a water main in the R.O.W. of Village Professional Parkway.

Mr. Kriel reported this subdivision is in the Opelika Power Services territory.

Chairman Pridgen opened the public hearing.

No comments.

Chairman Pridgen closed the public hearing.

Ms. Cannon made a motion to grant preliminary and final plat approval with staff recommendations.

Mr. Silberman seconded the motion.

Mr. Hilyer asked if all the improvements are complete.

Mr. Parker noted that the running **asphalt** surface is not complete. The question is do we have bonding for this.

Chairman Pridgen noted at the time this subdivision was created I doubt we had bonding requirements. We do not have the authority to grant final approval without the bond in place.

Ms. Cannon amended the motion to grant preliminary plat approval with staff recommendations [contingent upon bonding issues].

Mr. Silberman seconded the motion.

Mr. Nettles stated I have two representatives here from EAMC. I understand and we inherited this from the original owner. This is something that we will have to deal with.

Ayes: Cherry, McEachern, Silberman, Council Member Canon, Cannon, Hilyer

Nays: None

Abstention: None

6. Taylor Cotton Subdivision, 1 lot, South 10th Street, Marsh Real Estate Investments LLC, preliminary and final approval

Mr. Ogren reported the applicant is requesting preliminary and final plat approval to combine two lots into one lot. The combining of two lots creates Lot 2A – 2.2 acres. This same property will be discussed in the next agenda item – a conditional use request to manufacture of wood picture frames. The manufacturer desires to occupy the building that fronts along 10th Street as shown on the plat. However, the rear corner of the building was constructed across the property line. The minimum setback requirements are violated with the building crossing over the property line¹. The Zoning Ordinance prohibits conditional use approval if there is a violation² of the Zoning Ordinance. The purpose of the subdivision is to remove the building setback violation by erasing the lot line that runs across the building so the conditional use request can be reviewed.

Staff recommends preliminary and final plat approval subject to the flood plain information and a 30 foot minimum front setback line added on the plat.

Mr. Parker reported Engineering Department has no comments or objections to this plat and recommends preliminary and final plat approval.

Mr. Hawkins reported water service is accessible to this subdivision by a water main in the R.O.W. of 10th Street and Avenue C.

Mr. Kriel reported this subdivision is in the Opelika Power Services territory.

¹ The existing building was constructed in 1963 (*Lee County Property Tax Records*); the zoning district in 1969 was B-2 (Zoning Ordinance); there were no minimum building setbacks in the B-2 zone (*Zoning Ordinance, 1969*). Before 1991 a building could be constructed on a property line but not across a building line.

² “Every conditional use permit shall be contingent that the proposed developments fully comply with all requirements of this ordinance and, where applicable, with the Opelika Subdivision Regulations. The violation of any condition contained in a conditional use permit shall be a violation of this ordinance.” – Section 8.17 Conditional Use, subsection D.

Chairman Pridgen opened the public hearing.
No comments.
Chairman Pridgen closed the public hearing.

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

Mr. McEachern seconded the motion.

Ayes: Cherry, McEachern, Silberman, Council Member Canon, Cannon, Hilyer

Nays: None

Abstention: None

B. CONDITIONAL USE – Public Hearing

7. Scott Moody, 405 South 10th Street, C-2, Manufacturing & retail picture frames

Mr. Ogren reported the applicant is requesting conditional use approval to manufacture wood picture frames and open a retail store for picture frames in a C-2 zone. Currently, the business sales picture frames through the internet or sales to artists at craft shows. A 600 square feet (sf) portion of a 3,700 sf building is allocated for retail floor space. At this time hours for the retail store is unknown. Most of the business activities is manufacturing wood picture frames. The manufacturing area is 2,600 sf of a 3,700 sf building. The manufacturing process begins with the purchase and storage of pallets of wood strips. The pallets are stored in a 10'x 22' covered deck that faces the rear yard (see photo below). At times wood pallets may be temporary stored outside until moved inside the deck. Some wood is stored inside the building. Power tools used for manufacturing include a table saw, router, miter saw and a nail gun. The wood strips are molded, cut to size, and nailed together into picture frames. A dust collection vacuum system for sawdust will be installed that is collected in a 55 gallon drum stored outside. Staff recommends the 55 gallon barrel (or other dust collection container) be visually screened with an opaque material on all sides. Most of the paint or stain finish on picture frames is applied manually (brushed-on), but sometimes sprayed. In the future the applicant desires to only spray finish the picture frames. The applicant's goal is to use water-based (eco-friendly) paint & stain products (generalfinishes.com). A spray room will be constructed with a vacuum system. The applicant said he will discuss the spray room vacuum system with the Fire department. Three employees will manufacture the picture frames and manage the retail store.

The site plan shows a 3,700 sf building on a 10,180 sf lot. The building was constructed in 1963 (Lee County Property Tax records). The property was developed before the Landscape Regulations were adopted (1995). Hard surface gravel or concrete/asphalt exists in most of the side & rear yard area. Also, an existing 30 foot wide ingress-egress easement covers most of the rear and side yard; the easement is located between 10th Street and Avenue C (see plat agenda #6). There is limited pervious surface area for plant material except along 10th Street. Landscaping does not meet minimum requirements due to existing paved/hard surfaces and the 30' wide easement (73 points required versus 48 points obtained) However, three trees and 13 shrubs will be planted on a 15' x 50' grass area along 10th Street. *(There is a four foot wide grass strip on the north-northwest side of the building. No plants are proposed on this side because of concerns that the adjacent retaining wall will prevent plant growth.)* Thirteen off-street parking spaces including one handicap space are shown; nine parking spaces are required. In the future a dumpster may be installed. Staff recommends the dumpster enclosed on all sides with an opaque fence and gate. The fence must be a height so the dumpster is not seen from 10th Street and Avenue C.

Recommendation: Staff recommends approval subject to recommendations in this report.



The 10'x 22' covered deck is behind the trailer. The deck is open on this end. (The applicant does not own the trailer; the trailer will be moved.)

Chairman Pridgen asked about the dumpster location.

Mr. Moody stated if we need in the future we will install it exactly as the city requests.

Mr. Parker reported the Engineering Department will not require any permits or site plan submittals since there will be no land disturbance operations or and changes to the access to public roadways or topography. The Engineering Department recommends conditional use.

Mr. Hawkins reported water service is accessible to this location by a water main in the R.O.W. of 10th Street.

Mr. Kriel reported Opelika Power Services presently serves this location.

Chairman Pridgen opened the public hearing.

No comments.

Chairman Pridgen closed the public hearing.

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

Ms. Cannon seconded the motion.

Ayes: Cherry, McEachern, Silberman, Council Member Canon, Cannon, Hilyer

Nays: None

Abstention: None

8. Ken Pylant III, 509 South 7th Street, C-2, Construction business

Mr. Kelley reported Mr. Ken Pylant III is requesting conditional use approval to convert an existing vacant building (approximately 2650 sq. ft.) to a contractor's office/shop/storage/ without equipment and material yard. Renovation and restoration to the interior and exterior building will occur together.

This property is in the Geneva Historic District and within a Gateway Corridor. On March 10, 2016 the Historic Properties Commission approved a Certificate of

Appropriateness for a non- contributing structure in the historic district. Improvements to be made are as follows: 1) Relocate door to center and install a double metal framed wood/glass door unit. 2) Install two (2) 4' x 6'4" metal framed windows on either side of the door. 3) Brick up front façade, extending above current roof line to hide roof. 4) Install metal awning on front. 5) Add a 6' wood privacy fence around chain link fence.

Gravel surface parking may be used in lieu of pavement in a historic structure.

Landscaping meets requirements with existing mature trees in the rear of the property; along with staff recommendation to provide landscaping on either side of the relocated door. Mr. Pylant concurs with this enhancement along the building frontage.

RECOMMENDATION: Staff recommends conditional approval.

Mr. Parker reported the Engineering Department will not require any permits or site plan submittals since there will be no land disturbance operations or and changes to the access to public roadways or topography. The Engineering Department recommends conditional use.

Mr. Hawkins reported water service is accessible to this location by a water main in the R.O.W. of South 7th Street.

Mr. Kriel reported Opelika Power Services presently serves this location.

Chairman Pridgen opened the public hearing.

No comments.

Chairman Pridgen closed the public hearing.

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

Mr. McEachern seconded the motion.

Ayes: McEachern, Silberman, Council Member Canon, Cannon, Hilyer

Nays: None

Abstention: Cherry

C. MASTER PLAN REVISIONS – Public Hearing

9. Springs at Mill Lakes, 3000 block of Highway 280, Barrett-Simpson, Inc., Major change to PUD Master Plan

Mr. Kelley reported the applicant requested a rezoning to PUD in November 2015. There are two (2) major changes to the Master Plan. First, delete the western access road from U.S. #280 (Birmingham Highway) into the development; and Second, provide one additional access from 26th Street for emergency vehicles only into the development. City Council amended the development agreement at their Council meeting on March 1, 2015.

Staff Recommendation: Approve amended Development Plan

Mr. Parker reported the Engineering Department has no comments or objections to the submitted master plan change and recommends approval.

Mr. Hawkins reported water service is accessible to this location by a water main in the R.O.W. of Highway 280.

Mr. Kriel reported this location is in Opelika Power Services territory.

Chairman Pridgen opened the public hearing.

No comments.

Chairman Pridgen closed the public hearing.

Mr. Hilyer made a motion to send a positive recommendation to City Council with staff recommendations.

Mayor Fuller seconded the motion.

Mr. Cherry commended the developer for creating an emergency entrance.
Ayes: Cherry, McEachern, Silberman, Council Member Canon, Cannon, Hilyer
Nays: None
Abstention: None

D. TEXT AMENDMENTS ZONING ORDINANCE – Public Hearing
10. Amend Section 7.3, C. Use Categories: Manufacturing, Processing, Creating, Repairing, Renovating, Painting Clearing, Assembly of Goods, Merchandise and Equipment – All Operations conducted within fully enclosed building by Changing in the C-1 zoning district from Not Allowed to Conditional Use

Mr. Kelley reported after discussion with Mr. Gunter, staff recommends to allow flexibility in uses within the C-1 Downtown District from Not Allowed to Conditional Use. As our downtown expands in area and new small entrepreneurial businesses emerge; there may be the need to scrutinize some new uses in this particular category so as to not undermine the character of downtown.

Staff Recommendation: Approve changing this land use category from Not Allowed to Conditional Use.

Mr. Parker, Mr. Hawkins and Mr. Kriel no reports.

Chairman Pridgen opened the public hearing.
No comments.
Chairman Pridgen closed the public hearing.

Mr. Cherry made a motion to send a positive recommendation to City Council with staff recommendations.
Mr. Silberman seconded the motion.

Commissioners discussed concerns about conditional use for manufacturing on a small scale verses a large scale and what divides the two.

Chairman Pridgen asked if staff could come up with some standards.

Mr. Kelley stated I don't think standards are necessary, but will pursue using NAICS & other criteria for review at a later date.

Mr. Hilyer noted concerns about one use over another based on environment.

Chairman Pridgen stated if this is accepted we can move forward. If not we can bring it back at another time.

Ayes: Cherry, Silberman
Nays: Cannon, Hilyer, McEachern
Abstention: Council Member Canon

11. Section IX Sign Regulations

Mr. Kelley reported Mr. Gunter, Mr. Pridgen, and Planning Staff have all made comments to the first draft received on February 12, 2016 and returned our changes, corrections, and questions for guidance on a few issues February 26, 2016. We expect a second draft from Mr. Britton the week of March 14th.

The legal advertisement published in the OA News on March 13, 2016 is provided in your binder.

When the second draft arrives this week we will immediately forward to all Planning Commissioners for review. A suggestion is to adjourn this meeting today after discussion and continue this meeting on Monday March 28, 2016 at 3:00 p.m.

Staff Recommendation: Provide Comments, Corrections, and Changes to the Second Draft and forward to City Council for Council Work Session on April 5, 2016.

Chairman Pridgen asked Mr. Gunter to review the report of the Planning Commission.

Mr. Gunter reported reading from the report below while explaining the reasoning that required the sign regulations revision.

REPORT OF OPELIKA PLANNING COMMISSION
TEXT AMENDMENT—SIGN REGULATIONS

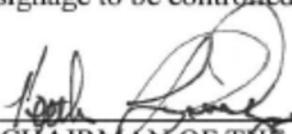
The recent U.S. Supreme Court ruling in Reed v. Town of Gilbert (June 2015) created the need for the City of Opelika to revise its sign ordinance. This case involved a sign ordinance in the town of Gilbert, Arizona, that regulated signs differently according to content-based sign types, such as directional signs, church signs and political signs. A church appealed the City's regulations because the church was limited to certain signs that it used to direct parishioners to its church, yet signs with other messages were allowed to be much larger.

The Supreme Court took a conservative view and held that any regulation that distinguishes signs based on what they say is considered to be content-based, and content-based regulations are legally subject to strict scrutiny and thus are only allowed if they are narrowly tailored to serve a compelling governmental interest and other avenues of communication are available for the user of the sign. The ruling basically says "if you have to read the sign to know if it complies with the zoning, the regulation is invalid". Based on this ruling, regulations need to be content-neutral and should be based on location, size, number and other non-content factors.

As a result of the Reed decision, the City's sign regulations needed to be completely revisited in order to make them content-neutral in accordance with the Court's ruling. The City engaged William D. Brinton to provide expert advice on the subject of sign regulations. Mr. Brinton visited the City and consulted with City leaders and key staff involved in planning and in administration of the sign ordinance. Based on his review of the City's current sign ordinance, the City's regulatory goals and current First Amendment jurisprudence, Mr. Brinton recommended new and comprehensive sign regulations. The attached ordinance is based on an ordinance prepared by Mr. Brinton for the City of Opelika. This project offered the City the opportunity to update its sign ordinance and to bring it in line with current constitutional requirements.

The attached ordinance represents an overhaul of existing sign regulations. This ordinance provides a comprehensive approach to sign regulations by incorporating best practices from communities around the country, appropriate federal and state statutes and provisions based on recent leading Court decisions involving signage. The proposed sign ordinance includes regulations for both on-premise and off-premise outdoor advertising signs (i.e. billboards) as well as detailed general regulations including an extensive sign illumination regulations section.

The Planning Commission recommends that the text amendments contained in the attached ordinance be approved to allow for signage to be controlled in an orderly manner and to comply with the decision in Reed v. Gilbert.



CHAIRMAN OF THE OPELIKA
PLANNING COMMISSION

Mr. Gunter discussed the proposed sign ordinance highlighting: temporary signs, wind sign provisions and flags (stating real estate signs are temporary signs while reviewing the temporary sign chart).

Mr. Gunter reviewed the sign ordinance process and how the City hired Mr. Britton. Discussing details about how the administration and staff specifically tailored the proposed ordinance to fit Opelika. This is a product of Mr. Britton's work as a comprehensive ordinance. What we have before the Planning Commission is a recommendation for a proposed sign ordinance. The process is this: Planning Commission will hold a public hearing, the Planning Commission will make a recommendation to City Council, the City Council will then hold a public hearing after notice to the public, the entire sign ordinance will be published in the newspaper, the city council will then consider the ordinance, it can make changes if it wishes and/or adopt the sign ordinance as proposed by Planning Commission. The ultimate decision will be with the Opelika City Council.

Chairman Pridgen stated at this point we have had a moratorium on any sign over 40 square feet since October 2015 which has been extended to May 25, 2016. What that means is any new business that has come into Opelika has not been able to build any sign over 40 sf. We are working together to develop a product that we can use for the next ten years as efficient as possible. We need help and we need your input. Please make your discussion short and present your questions and/or concerns. We will write down all your questions. When we close the public hearing today we will have a discussion among the commission and some of those questions we may discuss or answer them. The plan today is not to close this meeting but to adjourn today at the end and continue this meeting to next Monday March 28, 2016 at 3:00 p.m.

This has been a long process and since that time we received a rough draft 3 weeks ago. There has been constant communication between Mr. Britton and the Administration to make adjustments to the draft. Keep in mind that Mr. Britton is checking our request to ensure that they are constitutionally based.

Chairman Pridgen opened the public hearing.

Russ Bullard of Lamar advertising from Montgomery: I have been with Lamar for 17 years. I am looking out for Lamar's interest concerning billboards. We would like to protect our land owners and our local customers that rely on Billboards to bring in business. We appreciate you working with us.

We sent an email earlier today to look at the ratio concerning billboards. Across the country there are more ways to look at that, we suggest a ratio of 3:1 faces in place of poles. We are fine with 300 sf face size. Limiting to I-85 will be tough for us. One other thing was 2,500 ft. from another board. That is so hard to do. The frequency of message change you had 3 minutes, the state goes by 8 seconds. The state has several regulations about how quick it changes. The one thing the city needs to know about the digital boards is it is not just for customers. We work in different cities with the police department on amber alerts, escapes, and bad weather reports. Whatever the case may be to help the city as well. We do that now in Montgomery with a group called crime stoppers. We appreciate this opening up. The email correspondence has been great. Thank you for that. We have always been able to sit down with Mayor Fuller. We are willing to work and share our concerns.

Mr. Gunter asked did you notice the illumination levels.

Mr. Bullard stated yes and we regulate that ourselves. We have an organization and we have a nit gun to make sure they are not too bright.

Mr. Gunter stated the nits are a maximum of 1,000 during the daytime and 150 during the night time. Obviously it has to be much brighter in the daytime to see the sign.

Chairman Pridgen stated billboards have been an illegal product for 15 to 20 year in the city. We have not had any new ones since that time. We have allowed current billboards to be maintained and updated mainly along I-85, but through attrition as one falls apart it

cannot be replaced. We felt like there is a potential to solve some of the problems of old cluttered billboards we have in the city to discuss with Mr. Brinton. You take down your old billboards and put one back in its place. We came up with a number that originally came from the Mayor of a 4:1 ratio. They are proposing a 3:1 ratio. We are trying to come up with a good solution.

Mr. Bullard thanked the commission for their time.

Bill Goolsby, 311 Pecan Tree Place Pike Road, AL: I represent the Lee County Realtors and the State of Alabama Realtors Association. We commend you on what you are doing here. You all are the first ones that we found out are doing this, Mr. Guy. This is probably going to be the new standard for the whole state of Alabama. We only got this thing Friday. We don't have any questions and we don't know anything about it yet. I don't think Monday is going to give us enough time to review this. All we ask is instead of Monday we do this on the 19th of April.

Chairman Pridgen stated we are under a time constraint to get it to city council. We are strictly the recommendation body. We get it, make changes, and it will go to city council for their public hearing and then a vote.

Bill Goolsby stated it will save you a lot of time if we hold this to April 19, 2016. That way we have time to work it out. Thank you for letting us address the commission.

Chairman Pridgen stated we will be back on Monday to see this again. If we see on Monday we do not have a solid recommendation to move forward we may have no recommendation.

Mr. Gunter agreed that this will likely be one of the more copied ordinances in the state.

Sherry McCullum, broker at First Realty, stating not speaking on behalf of the realtors. I echo some of their concerns. We really feel like there should be a specific language to address real estate related signage. That language is ambiguous and impede our business. I echo what Mr. Goolsby said that we make April 19th be the date for the next meeting. Not next Monday.

John Cope, realtor with Weichert Realtors, I understand your time frame next Monday vs. moving it back. This is an unreasonable thing. There are several things in here that will impact our business. There are several things in here that address car dealerships and convenience stores. This is a critical way to market homes and businesses. This is the second best marketing tool a realtor has, which impacts the ability to sell a house, which impacts the value of the house, which impacts property values.

Chairman Pridgen explained realtor signs fall into temporary sign regulations as Mr. Gunter explained earlier.

John Cope shared concerns about limiting signs to the individual parcel and the rules about picking up signs should include notification to the community. The timing is important and we need to push this to April 19th. I would hate for Opelika to go through the expense of defending this.

Trey Ayers the director of sales for Effective Signs and Awnings, stating I haven't read through all of this. Something that caught my eye here is awning signs can only be 20% of the surface area or canopy, which seems a little bit small if that is to be there only sign. One other thing the windows signs are limited to 25%, these signs have holes to see through.

Ashley Durham of Prestige Properties, I trust that the realtor's organization from the state will send a detail list of every concern that they have. From personal experience I would like the commission to address real estate signs in the R.O.W. We have discussed this many times in the past. There are properties that cannot be properly advertised without signs in the R.O.W. A prime example is Hamilton Gables that are under construction we have properties where the R.O.W. goes to the front door of the existing property. Signs

in the R.O.W. affect open houses as well as our annual tour of homes. I noticed in the new ordinance there is a ban on balloon and pennant flags. Realtors like to use these items to attract buyer to open houses and draw attention to properties. I echo the request to give the realtors association more time to review the document. It is very important to our organization nationwide that a sign ordinance be put together properly to continue marketing properties.

Chairman Pridgen closed the public hearing. It was not until last Tuesday that we received a good quality draft for us to look at. I apologize that you have not been able to look at it in great detail. I fully am aware of your concern. Because it is the same concern that I have. I have voiced many times that we need to make sure we make a recommendation to city council and send forth a quality ordinance that you will not have to change multiple times in the next few years. The Planning Commission received this ordinance last Tuesday and Wednesday.

Mr. Kelley noted this is the third draft since January.

Chairman Pridgen stated the ultimate decider is the city council. If everything goes efficiently the earliest it can be approved is May 25th. I will accept a motion positive or negative so that we can begin discussion.

Mr. Cherry made a motion to send a positive recommendation to city council with staff recommendations.

Mr. Hilyer seconded the motion.

Chairman Pridgen stated let me allow each of you to have a general discussion.

Mr. Cherry stated there is no way to advertise signage in the R.O.W.

Mr. Gunter stated the city has prohibited temporary signs in the ROW. My expectation is that the administration would be opposed to signs in the ROW due to liability

Mr. Hilyer stated there are also state laws about line of sight.

Mr. McEachern stated I would strongly say you look at the electronic billboards. Discussions that got started years ago around electronic billboards had to do with the portable one arrow signs. Like the one that sat in front of the masonic lodge. Some of the electronic signs being constructed now days are quite expensive and esthetically pleasing. They serve a tremendous benefit to the city, by not restricting them to the interstate. The biggest benefit that I have seen would be the public service announcements. Examples are amber alerts, law enforcement postings, fire department postings and traffic safety.

Chairman Pridgen asked the commission if they would like to expand the area of billboard locations.

Mr. McEachern stated we could expand to the major roads.

Mr. Kelley suggested expanding to federal highways.

The Commission and Staff discussed safety concerns about changeable digital signs distracting drivers. Including concerns related to how to expand to which roads for billboards.

Council Member Canon expressed concerns about doing the right thing for businesses needing new signs and the right thing for the city in the most efficient manner possible.

The Commission and staff recommended 2500 feet between billboards and the change rate of 3 minutes for digital billboards. The objective is to consider what is best for public safety.

Mr. McEachern and Mr. Hilyer verified a traffic light is usually about 2 minutes and 28 seconds. Chairman Pridgen and Mr. Gunter discussed reviewing recent traffic studies.

Ms. Cannon expressed concerns that a sign size limit of 20% of the awnings and windows being small.

Chairman Pridgen reviewed the unified theme:

Hold off till April 19, 2016

Discussed real estate signs, Mr. Gunter noted constitutionally we cannot regulate real estate signs separately. Real Estate signs fall under temporary signs.

Commission and staff discussed temporary signs and real life sign examples.

Chairman Pridgen reviewed the rules about wind driven signs, flags and pennants. My personal opinion is we should allow wind driven signs, flags and pennants for everyone or not at all. Auburn does not allow wind driven signs.

The Commission and staff discussed wind driven signs in detail with the final majority recommendation by the Commission was to not allow wind driven signs in Opelika.

Ricky Dorris asked if the Commission could recommend a change to the moratorium of allowing permits for no more than 100 sf not limited to 40 sf.

With no further business on the agenda, Chairman Pridgen adjourned the meeting to be continued to next Monday March 28, 2016 at 3:00 p.m. in the Planning Commission Chambers. Adjourned at 5:33 p.m.

Keith Pridgen, Chairman

Lewis Cherry, Secretary

**CITY OF OPELIKA
PLANNING COMMISSION MEETING
MARCH 22, 2016
3:00 P.M. continued to MARCH 28, 2016 at 3:00 PM
PUBLIC WORKS FACILITY
700 FOX TRAIL**

The City of Opelika Planning Commission held its regular monthly meeting March 22, 2016 in the Planning Commission Chambers, located at the Public Works Facility, 700 Fox Trail. Certified letters have been mailed to all adjacent property owners for related issues. This meeting was continued to March 28, 2016 in the Planning Commission Chambers, located at the Public Works Facility, 700 Fox Trail.

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

MEMBERS ABSENT: None

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

CALL TO ORDER: Chairman Pridgen called the meeting to order at 3:00 p.m.

11. Section IX Sign Regulations

With no further business on the agenda, Chairman Pridgen adjourned the meeting to be continued to next Monday March 28, 2016 at 3:00 p.m.

Chairman Pridgen reviewed last Tuesday's meeting and discussion. The Commissioners had a motion and a second. At this time this discussion is going to be among the Planning Commissioners. At this point I do not have any intent [from the commission] to open up the public hearing. If we forward this to City Council, there will be multiple public hearings before the City Council itself.

NOTE: The following is the motion on the table from the March 22, 2016 meeting:
[Mr. Cherry made a motion to send a positive recommendation to city council with staff recommendations. Mr. Hilyer seconded the motion.]

Mr. Gunter updated the Commission on the discussion since last Tuesday. Mr. Gunter reviewed a summary list of changes based on comments from citizens and city leaders.

**SUMMARY OF CHANGES MADE TO SIGN REGULATIONS
(SECTION IX) SINCE MARCH 22, 2016:**

- P. 5 Definition of “awning” to include the word “metal”
- P. 7 Definition of “marquee” change by adding the words “as part of the principal structure” after the word “construction”.
- P. 15 Definition of “wall wrap” changed to add the words “pliable material”
- P. 17 (18) Wind-activated signs, such as streamers, pennants, and balloons prohibited when used for commercial advertising. Previously wind-activated signs were allowed in the C-3, M-1 and GC zoning districts for automobile sales uses.
- P. 23 15(c) A flag displayed on a flag pole in a residential zoning district shall not exceed 40 square feet. A flag in a non-residential zoning district shall not exceed 150 square feet.
- P. 24 (18) Freestanding Signs. Subparagraphs (c) and (d) reorganized and reworded. Subparagraph (c) applies to small group developments of up to 64,999 feet. Subparagraph (d) applies to larger group developments.
- P. 25 (19) Wall Signs. (d)(iii) Maximum display area of wall signs in group development is 200 square feet. Previously—100 square feet
- P. 27 Awning Signs. The awning sign shall not exceed thirty (30%) percent of the surface area of the awning.
- P. 27 (25) Canopy Signs. The canopy sign shall not exceed thirty (30%) percent of the surface area of the canopy.
- P. 27 (26) Changeable copy signs. (b) Static display time for each message shall not be at least ten (10) seconds.
- P. 28 (28) Window signs. A window sign may not cover more than thirty (30%) percent of the area of any window.
- P. 28 (29) Door signs. A permanent door sign may not cover more than thirty (30%) percent of the area of any door.
- P. 28 (30) Wind-activated signs. Wind-activated signs when used for commercial activity are prohibited in all zoning districts.
- P. 29 Section 9.7(3) A temporary sign displayed on a window surface shall not cover more than thirty (30%) percent of the window surface.
- P. 34 Table 9.8(3) Wind-activated signs not allowed for the C-1, C-2, C-3 and GC zoning districts.
- P. 35 Table 9.8(4) Wind-activated signs not allowed for the M-1 and M-2 zoning districts.
- P. 54 9.12(3) Conversion ratio for static to digital signs—4:1
- Schedule “A” reorganized and reworded. Conversion ration 4:1

- 8. No digitally converted billboard (replacement billboards) shall be placed within any street right-of-way and no closer to the street right-of-way than the existing billboard.

- 9. The City, through appropriate personnel, may exercise its police powers to protect public health, safety and welfare by requiring emergency information to be displayed on digitally converted billboards. Emergency information includes, but is not limited to AMBER alerts, dangerous criminal alerts, fugitives from justice alerts, weather alerts and emergency management information. Upon notification, and at no cost to the City, the sign operator shall exclusively display the emergency alert for the period of one (1) hour. Thereafter, emergency alerts are to remain in rotation according to the designated issuing agencies protocols.

- 10. As part of the digital permitting process, the owner of a static billboard sign must identify in its application the following:
 - (a) The location of the static billboard face to be replaced
 - (b) The size of the static face to be replaced
 - (c) The size of the digital billboard face being installed
 - (d) The location of four (4) other billboard faces being removed

As the Commission reviewed the changes page by page along with Mr. Gunter's summary. These changes are listed by page number, change, and individual.

- P. 5 with Master Plan spacing, Canon
- P. 5 canopy- insert ground supported, Silberman
- P. 13 "A" sign rotating, Canon
- P. 20 sign height – comment only....average finish grade...lowest point on pole to ground, Pridgen
- P. 23 comment only discussion flags – Pridgen
- P. 24 flipped subsection C & D, Gunter
- P. 25 discussion of the total group development - Commission
- P. 26 why are wall signs different for car wash and restaurants? Delete 20 & 21 – Pridgen and Commission
- P. 27 typo in (26) a replace = with –, Canon and Cannon
- P. 47 Section A, subsection 2 and 3, discussion mostly about ...30 day shall be deemed denied – Cherry, Commission and staff. In summary planning staff will create a procedure to expedite the sign review process in our new Energov workflow.
- P. 46 delete reserved section, Pridgen
- Schedule A, discussion about 4:1 Commission and staff- four static faces for one digital
- Schedule A, change qualifying sign face size to 225 sf min., Fuller and Commission
- Schedule A, P. 58 add electrical power source will be run underground, Cannon
- Schedule A, discussed life span of digital boards
- P. 59 delete #2 ...viewed from residential..., Silberman and Commission

Mr. Cherry amended the motion to send a positive recommendation to city council subject to the changes listed by Mr. Gunter and the Commission today on the proposed sign ordinance.

Mr. Hilyer seconded the motion.

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

Nays: None

Abstention: Council Member Canon

Mayor Fuller made a motion to approve the report of the Planning Commission and send a positive recommendation to City Council.

Mr. Hilyer seconded the motion.

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

Nays: None

Abstention: Council Member Canon

With no further business on the agenda, Chairman Pridgen adjourned the meeting at 4:13 p.m.

Keith Pridgen, Chairman

Lewis Cherry, Secretary