

**CITY OF OPELIKA  
PLANNING COMMISSION MEETING  
MARCH 25, 2014  
3:00 P.M.  
PUBLIC WORKS FACILITY  
700 FOX TRAIL**

The City of Opelika Planning Commission held its regular monthly meeting March 25, 2014 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:** Lewis Cherry, Arturo Menefee, Ira Silberman, John McEachern, Mayor Fuller, Keith Pridgen, David Canon, Lucinda Cannon, Michael Hilyer

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Gerald Kelley, Planning Director  
Martin Ogren, Assistant Planning Director  
Rachel Dennis, Planning and Zoning Technician  
Scott Parker, Engineering 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 February 25 & 28, 2014 Minutes and October 22, 2013 Meeting**

Chairman Pridgen asked for any changes or corrections to the February 25, 2014 Planning Commission Minutes

Mayor Fuller made a motion to accept the February 25, 2014 minutes of the Planning Commission as written.

Council Member Canon seconded the motion.

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

Nays: None

Abstention: Menefee

Mayor Fuller made a motion to accept the February 28, 2014 minutes of the Special Called Planning Commission as written.

Council Member Canon seconded the motion.

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

Nays: None

Abstention: Menefee

Chairman Pridgen asked for the October 22, 2013 minutes corrections to be read.

Mrs. Dennis read the corrections including changing a name of a seconded motion.

Council Member Canon made a motion to accept the October 22, 2013 minutes of the Planning Commission with corrections.

Mr. Hilyer seconded the motion.

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

Nays: None

Abstention: None

## II. Update on previous Planning Commission cases

Mr. Kelley reported last week in the City Council had a public hearing related to the language in the sign ordinance not allowing off premise sign advertisement and first reading and public hearing to establish zoning of C-2, GC-2 for the Mann Property.

### **A. PLATS (preliminary and preliminary & final) – Public Hearing**

#### **1. Broadway Uniroyal Subdivision, Resub of Parcel A-3A1, 2 lots, 1800 Columbus Parkway, RBC Investments LLC, preliminary and final approval**

Mr. Ogren reported the applicant is requesting preliminary and final plat approval for a 2-lot subdivision located at the corner of Columbus Parkway and North Uniroyal Road. The undeveloped lots are 1.1 acre and 0.84 acres. (There are preliminary plans for a retail store on Lot 1.)

Planning staff recommends preliminary and final plat approval subject to the following:

1. The minimum front building line along Columbus Parkway and North Uniroyal Road changed to 40 feet. The minimum front yard setbacks in the GC-2 zone is 40 feet.
2. The signature line for the Public Works Director added to the plat as required.
3. Add a note on the plat stating "Lot 2 access onto Columbus Parkway is via the "Easement for Ingress & Egress" as shown on Parcel A-3A2 of the Gateway Park subdivision plat as recorded in the Lee County Courthouse in plat book 31, page 91 and as approved by the Planning Commission at the October 2008 meeting."
4. Draw a permanent easement at the southeast corner of Lot 2 at an adequate size to provide cross access for Lot 2 onto Parcel A-3A2. The cross access easement enables a shared driveway to occur between Lot 2 and Parcel A-3A2 onto Columbus Parkway via the existing driveway on Parcel A-3A2.

I contacted the developer about the cross access, she is here, she understands

Mr. Parker reported the Engineering Department has no comments or objections to this preliminary and final plat approval. To be noted as the developer moves toward the next step that entire lot is in a flood zone so you will have flood mitigation.

Mr. Hawkins reported water service is accessible to this subdivision by a water main in the R.O.W. of North Uniroyal Road & U.S. Highway 280

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.

Dr. Menefee made a motion for preliminary and final plat approval with staff recommendations.

Mayor Fuller seconded the motion.

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

Nays: None

Abstention: None

#### **2. Sentinel Hills Subdivision, Phase 3, 6 lots, Lee Road 2192, Steve Corbett, preliminary approval**

Mr. Ogren reported the applicant is requesting preliminary plat approval for a 6 lot subdivision located in the planning jurisdiction about one mile northeast of Exit 66, Interstate 85 (Lee Road 2192). Sentinel [Hills] subdivision was first granted preliminary approval in August 2008, and then, final approval for 41 lots granted in March 2010. Single family homes will be constructed on five of the six lots. Lot B6 (6.1 acres) is reserved for future development. Lot B6 is a flag lot; the 50 foot wide pole section of Lot B6 accesses Lee Road 2192. The five single family home lots range in size from 34,560

square feet to 93,280 square feet. Each lot meets the minimum 15,000 square foot lot size requirement. Three of the lots meet the minimum 100 foot lot width but Lot B3 and B4 are less than 100 feet. At the 25 foot front building line as shown on the plat each lot must have a 100 foot lot width. Lot B3 and B4 needs to be revised to meet the minimum 100 foot lot width at the building line.

Staff recommends preliminary approval subject to Lot B3 and B4 revised to meet the 100 foot lot width at the 25 foot front building line.

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

Mr. Hawkins reported this Subdivision is in the Beulah Utilities District.

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

Chairman Pridgen opened the public hearing.

No comments.

Chairman Pridgen closed the public hearing.

Dr. Menefee made for preliminary plat approval with staff recommendations.

Mayor Fuller seconded the motion.

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

Nays: None

Abstention: None

## **B. REZONING – Public Hearing**

### **3. Paul Powers, 804 & 806 Geneva Street, 1.8 acres, from C-2, GC-2 to C-3, GC-2**

Mr. Kelley reported Mr. Story desires to sell property to CIRG METAL USA LLC to recycle paper/plastic and warehouse new vehicle parts (obsolete) that are no longer needed in vehicle production by KIA.

The challenge of this project is the number of governmental decisions that must be made to convert the structure to a viable land use. The first step is to rezone a portion of the property which splits the structure by two property lines and two zoning lines.

A second step requires conditional use approval by the Planning Commission. Since the property is located in a gateway corridor, the Commission will be reviewing landscaping, buffering, fencing, driveway access, building material modification, etc. A conditional use request will be submitted by the applicant on April 1, 2014.

A third step requires a side yard variance from the Board of Zoning Appeals. The southern portion of the structure adjacent to the existing commercial businesses (laundry and retail) will be demolished with construction of a new wall.

A fourth step requires a Certificate of Appropriateness from the Historic Commission. A portion of the project will require the demolition of a single car garage located behind a residential structure at 804 Geneva St. The proposed use of the residential structure is converted to office use. The structure is on the Historic National Registry

A fifth step in the opinion of planning staff is subdividing by deleting two property lines bisecting the structure.

Alexander Lee, Director of Business Development/CEO, for CIRG plans to recycle and bundle paper/cardboard/plastics along with temporary storage of new, but obsolete vehicle parts from KIA. No outside storage is necessary. The business will require approximately ten (10) employees. Three (3) shredder machines will be in operation. Tractor-trailer ingress/egress is expected to be two (2) vehicles per day. No operations will be

conducted on weekends. The structure is approximately 32,000 sq. ft. after the proposed demolition of approximately 9,600 sq. ft. of the southern portion of the structure.

Our task is to undertake a unique project through zoning, conditional use, historic preservation, subdivision and land use to protect a Gateway into our city. Staff believes these steps will provide compatibility for continued residential living/commercial business in C-2, and retrofit a vacant structure into a viable land use in the neighborhood.

The future land use element of the 2020 Comprehensive Plan recommends the zoning of the Geneva St. Gateway Corridor as Light Commercial (C-1, C-2, and VC Zoning Districts). Staff believes it is appropriate to make substantive changes to this request, but allow the proposed use as requested with major modifications through the five (5) steps outlined above.

In addition, staff recommends the Planning Commission initiate on their own motion to rezone property of Smiles Consulting (Vacant Parcel at 812 Geneva Street, Tax Map Parcel #121.001) from C-3, GC-2 to C-2, GC-2; which then completes the west side frontage of the Geneva St. corridor from ML King Boulevard/10<sup>th</sup> Street intersection southward to Clanton Street, McCoy Street, Geneva St intersection at Norfolk & Southern Railroad with C-2, GC-2 zoning designation.

Our recommendation is to rezone the property, AS AMENDED, and the NAICS (493110-General Warehousing and Storage) designation for use of the structure as requested by the applicant.

**Staff Recommendation:** ~~1) Rezone a portion 804 Geneva St. (Tax Map Parcel Number 119.00) from C-2, GC-2 to C-3, GC-2 beginning at a point at the northwest corner of parcel 119.00 with Norfolk and Southern Railroad Right of Way, extending southeast along the rear property line for a distance of approximately one hundred (100) feet; extending eastward for a distance of approximately two hundred (200) feet; extending northward approximately one hundred (100) feet; extending westward approximately two hundred and forty (240) feet to point of beginning.~~

~~2) Rezone a portion of 806 Geneva St. (Tax Map Parcel Number 119) from C-2, GC-2 to C-3, GC-2 beginning at a point at the northwest corner of parcel 119 with Norfolk and Southern Railroad Right of Way, extending southeast along the rear property line for a distance of approximately one hundred and thirty (130) feet; extending eastward for a distance of approximately one hundred sixty five (165) feet; extending northward approximately one hundred and twenty (120) feet; extending westward approximately two hundred and thirty (230) feet to point of beginning.~~

1) REZONING AREA: from C-3, GC-2 to C-2, GC-2 (parking lot next to former Tyler's restaurant).

Commencing at the Southerly margin of East Avenue with the Westerly margin of Geneva Street in the City of Opelika, Lee County, Alabama, run thence South 23 Degrees 21 Minutes East, along the Westerly margin of Geneva Street, a distance of 816.5 feet to the Point of Beginning of the lot or parcel of land herein to be described : from the said Point of Beginning continue intersection of South 23 Degrees 21 Minutes East along the Westerly margin of Geneva Street a distance of 80 feet; run thence South 70 Degrees 07 Minutes West a distance of 178 feet; run thence North 23 Degrees 21 Minutes East a distance of 80 feet; run thence North 70 Degrees 7 Minutes East for a distance of 178 feet to the point of beginning.

2) REZONING Area: from C-2, GC-2 to C-3, GC-2

Commencing at the Southerly margin of East Avenue with the Westerly margin of Geneva Street in the City of Opelika, Lee County, Alabama, run thence South 23 Degrees 21 Minutes East, along the Westerly margin of Geneva Street, a distance of 600.6 feet to the a point; thence South 71 Degrees 15 Minutes West for a distance of 178 feet to the Point of Beginning; run thence South 23 Degrees 21 Minutes East for a distance of 207 feet; run thence South 70 Degrees 7 Minutes West for a distance of 163.2 feet to a point on the Easterly Right of Way of Central of Georgia Railway Co.

thence run North 64 Degrees 30 Minutes East 210.3 feet; thence run North 71 Degrees 15 Minutes East a distance of 237.14 to the Point of Beginning;

**3) Deny at this time the rezoning of 802 Geneva St. (Tax Map Parcel Number 118) from C-GC-2 to C-3, GC-2.**

**4) Planning Commission initiate the rezoning of 812 Geneva Street (Tax Map Parcel 120.001) from C-3, GC-2 to C-2, GC-2.**

Chairman Pridgen stated to clarify; we are initiating 812 Geneva Street to change from C-3, GC-2 to C-2, GC-2 [zoning districts] at this time.

Mr. Parker reported the Engineering Department has no comments or objections to this rezoning.

Mr. Hawkins reported Opelika Utilities currently serves these locations.

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

Chairman Pridgen opened the public hearing.

Alexander Lee stated we are proposing to use this facility for warehousing and storage of recycling items that we are preparing to bundle up in bails and also store obsolete items for Kia, Hyundai, Tier 1 and Tier 2's. We are going to be handling plastic and paper waste that the auto industry produces. We will not do any manufacturing out of the facility. The extent of the processing is in the form of a bailer machine to bundle the recycling material.

Chairman Pridgen stated this is one of the reasons we were able to work this into a C-3 zone. What type of traffic count are you expecting each day?

Alexander Lee stated we are projecting 2 or 3 trailers a day. Nothing will be stored outside; all activities will be done inside the warehouse. We plan to make a lot of improvements to the warehouse.

Paul Powers stated the plastics that he will be handling are not plastic bags, bottles, or plastic sheeting; they are going to be plastic parts from the cars.

Alexander Lee stated we are not open to the public; we are only here to service the automotive industry. We do not do anything post-consumer, everything is post-industrial. All our products are clean. We are not opening a recycling center for the public. We will not have any traffic from the public.

Mr. Silberman asked about the noise level from the grinders.

Alexander Lee stated the noise level is a minimum. We will only be operating them 3 or 4 hours a day.

Ms. Cannon asked will you be able to hear them from outside, and if the fence would be a rod iron fence.

Alexander Lee stated no and yes.

Mr. Kelley stated this will be a conditional use application presented to you for next month's meeting.

Mr. Cherry clarified the location and navigation of the pick-up and delivery area.

Council Member Canon stated this is an excellent example of a reuse of a specific building.

Alexander Lee stated the integrity of the house will remain intact; we will renovate the interior to utilize it as office space.

Chairman Pridgen closed the public hearing.

Mr. Kelley and Chairman Pridgen clarified the map and zoning line changes.

Mr. Silberman made a motion to send a positive recommendation to City Council to rezone portions from C-2 to C-3 and a portion from C-3 to C-2 with staff recommendations.

Mr. Hilyer seconded the motion.

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

Nays: None

Abstention: Council Member Canon

### **C. CONDITIONAL USE - Public Hearing**

#### **4. Tony Rogers, 451 Columbus Parkway, C-3, GC-2, Insurance office**

Mr. Kelley reported the applicant is requesting conditional use approval to construct a 1500 square foot office building on a 1.01 acre site. Access to the business will be the existing joint access driveway from Columbus Parkway with Jackson Heating and Air. Landscaping for the property is in compliance with the zoning ordinance (47 points required, 47 points indicated). Mr. Rodgers will also provide shrubs along the entrance frontage for the office building as stated on 3/18/14. Requirements are met for parking spaces.

Mr. Rogers at work session on March 18, 2014 indicated the structure would be all brick and is shown on the amended plan.

Recommendation: Approve Conditional Use Request

Mr. Parker reported the Engineering Department has no comments or objections to this conditional use change. It should be noted that if the parking lot is to be constructed and the ground is disturbed, grading and an erosion control plan and land disturbance permit may be required through the Engineering Department.

Mr. Hawkins reported Opelika Utilities currently serves this location.

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

Chairman Pridgen opened the public hearing.

No comments.

Chairman Pridgen closed the public hearing.

Dr. Menefee made a motion to grant conditional use with staff recommendations.

Mayor Fuller seconded the motion.

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

Nays: None

Abstention: None

Chairman Pridgen stated make a note to review the June 30, 2014 deadline for removal of the temporary office.

### **D. ZONING MAP and TEXT AMENDMENTS TO ZONING ORDINANCE – Public Hearing**

#### **5. Amend Opelika Zoning map concerning the Gateway Corridor Overlay zoning district and Amend the text of the Zoning Ordinance - Section 7.6 Gateway Corridor Overlay District (Continued from February 11th PC meeting)**

Mr. Kelley reviewed gateway changes and the zoning map changes.

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

Ms. Cannon made a motion to send a positive recommendation to city council with staff recommendations.

Mr. McEachern seconded the motion.

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

Nays: None

Abstention: None

**6. Amend the following from Section 7.3 Specific District Regulations, subsection A. District Regulations concerning the Gateway Corridor Overlay District: Notes: 1. Lighting Requirements, 5. For new construction on the Gateway Corridor Overlay – Exterior Material Construction (Continued from February 11th PC meeting)**

Mr. Ogren reported Amendment to Lighting Requirements for Gateway Corridor Overlay District

~~Strikethrough~~ = deletions

**Bold Type** = Additions

**SECTION 7.3 SPECIFIC DISTRICT REGULATIONS**

A. District Regulation.

NOTES:

~~1. GC 1 and GC 2 Overlay districts, Lighting requirements: Light or glare from any operation and all lighting for parking areas or for the external illumination of buildings or for the external illumination of buildings or grounds shall be directed or located in a manner such that direct or indirect illumination from the source of light shall not exceed one foot-candle measured from any property line adjoining a residential zoning district. Outside lights for nonresidential properties/uses must be made up of a light source and reflector so that acting together the light beam is controlled and not directed across an adjacent property. It is the intent of this provision to prevent light from spilling over to adjacent properties in amount that can create negative impacts. Lighting plans shall be reviewed and approved by the Planning Commission (see section 7.6 B.2.15). The Planning Commission requires that appropriate lighting in accordance with the latest recommendations of the Illuminating Engineering Society (IES) guidelines be followed. It is recommended that for lighting parking areas, the developer use a vertical burn, super metal halide, forward projection fixture using cut-off type housing, i.e. shoe box type housing. In addition, it is recommended that the poles be made of metal and of a platinum color to lessen their visibility during the day and that, the heights of the poles not exceed 25 feet.~~

**1. Gateway Corridor Overlay District - Lighting Requirements for Off-Street Parking and Vehicular Use Area (PVA)<sup>1</sup>**

A detailed lighting plan for all PVAs having 15 or more parking spaces or containing at least 5,000 square feet of PVA must be submitted with the construction and landscape plans.

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<sup>1</sup> A land area not on public right-of-way designated for the parking and movement of vehicles.

A. The lighting plan shall be drawn on the border of the submitting professional and shall clearly define the property lines and the zoning classifications for all adjacent properties. The lighting plan shall provide the following information:

- (1) the type of lamp to be used in each fixture, including the manufacturer's name and part number, lamp wattage, lumen output, and a copy of the manufacturer's lamp specifications;
- (2) pole heights and locations;
- (3) the type of fixtures, including the manufacturer's name and model number, wattage, a picture of the fixture, and the IES file name;
- (4) point-to-point photometric calculations at intervals of not more than ten feet at ground level demonstrating that the plan will provide a uniform intensity of lighting on vehicular surfaces in conformance with the requirements of Section C below;
- (5) the area of each photometric calculation, including an extra calculation to identify the light level produced at the property line, and all data used in each calculation; and
- (6) the stamp of the qualified registered Alabama professional.

B. All exterior lighting fixtures shall be

- (1) located and fitted with appropriate cutoffs, if necessary, to prevent the light level on any adjoining roadway or residential property line from exceeding 1 foot candle;
- (2) aimed so that they do not exceed an angle of 45 degrees out from the base of the pole when using flood lights;
- (3) installed on poles 32 feet or less in height unless the PVA exceeds 25,000 square feet; in such cases, poles exceeding 32 feet, as measured from the finished grade to the bottom

of the fixture, may be used if it is demonstrated that all the requirements of this section can be met; and

- (4) shielded so as to prevent glare on adjacent properties and rights of way.

C. PVA lighting shall be designed and installed in compliance with the following standards:

Illumination Requirements for PVAs as Measured at Ground Level:

| <u>TYPE OF PVA</u>   | <u>Required Minimum Levels</u> | <u>Maximum/Minimum Uniformity Ratio*</u> |
|--|--------------------------------|--|
| Nonresidential & Residential Surface PVAs                  | 1 foot candle                  | 10:1                                     |
| Nonresidential & Residential Surface PVAs using LED source | 0.4 foot candles               | 8:1                                      |

\* The highest horizontal illuminance area, divided by the lowest horizontal illuminance point or area should not be greater than the ratio shown. The maximum/minimum ratio must be calculated only for the area within the PVA; maximum light level at the right of way and at property lines shall also be shown.

- D. All required lighting shall be installed and approved prior to issuance of a certificate of occupancy. The registered professional who stamped the plans shall certify by letter that the installation complies with the approved plans. The letter shall specify fixtures, wattages, pole heights, and any special requirements such as rotation, angle, shielding or positioning of critical poles at property lines.
- E. PVA lighting meeting the standards of Section 71.6. shall be utilized during all hours of operation between dusk and dawn.

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

The Commission discussed the minimum and maximum foot candle at the property line suggesting staff resolve this issue.

Mr. Hilyer made a motion to table the lighting section of the amendments until the April 22, 2013 Planning Commission Meeting.

Ms. Cannon seconded the motion.

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

Nays: None

Abstention: None

Mr. Kelley reported Amendment to Exterior Material for Gateway Corridor Overlay District

~~Strikethrough~~ = deletions

**Bold Type** = Additions

### **SECTION 7.3 SPECIFIC DISTRICT REGULATIONS**

A. District Regulation.

#### NOTES:

~~5. For new construction in the GC 1 and GC 2 Overlay Districts: Fifty percent (50%) or more of the surface area of the façade to be used on new buildings shall be natural in appearance. Preference is given to materials such as wood, brick, stucco, or glass. Second choice of materials includes other siding that simulates natural materials. A statement shall be submitted to the Planning Department and Building Official for review. The use of simulated exterior materials must have Planning Commission approval. A natural material or approved simulated exterior material shall cover the wall (s) of a building(s) facing all public right of ways. The side or rear of a building visible to a gateway roadway shall be reviewed by the Planning Commission to determine the extent of utilizing the natural material or approved simulated exterior material. Trims, building details, dumpster gates, etc. may be made of a man-made material with Planning Commission approval.~~

### **5. For new construction in the Gateway Corridor Overlay District - EXTERIOR WALL CONSTRUCTION**

#### **A. Definitions**

**Residential buildings shall mean those buildings utilized for a single family, two-family, and multiple family dwelling, related to accessory use as a primary residential unit.**

**Nonresidential building** -shall mean those buildings utilized for use other than single family, two-family and multiple family dwelling related to accessory use as a primary non-residential building.

**Masonry materials**-shall mean and include that form of construction defined below and composed of clay brick, stone, decorative concrete block, rock or other materials of equal characteristics laid up unit set in mortar.

**Brick**- Includes kiln fired clay or shale brick manufactured to ASTM C216 or C652, Grade SW, can include concrete brick if the coloration is integral, may be painted, and it is manufactured to ASTM C1634; minimum thickness of two and one quarter inches when applied as a veneer, and shall not include under fired clay or shale brick.

**Stone**- Includes naturally occurring granite, marble , limestone, slate, river rock, and other similar hard and durable all weather stone that is customarily used in exterior building construction; may also include cast or manufactured stone product, provided that such product yields a highly textured stone-like appearance, its coloration is integral to the masonry material and shall not be painted on, and it is demonstrated to be highly durable and maintenance free; natural or manmade stone shall have a minimum thickness of one and one half (1 1/2") inches when applied as a veneer.

**Decorative Concrete Block**- Includes highly textured finish, such as split faced, indented, hammered, fluted, ribbed or similar architectural finish; coloration shall be integral to the masonry material and shall not be painted on; minimum thickness of three and five eighths inches when applied as a veneer; shall include light weight and featherweight concrete block or cinder block units.

**Precast concrete panels**- includes products often associated with Tilt Up Wall Construction but only allowed if post-constructed wall areas are then covered by defined masonry materials that can be laid up by unit set in mortar and meet the required percentages of coverage as defined in this ordinance.

The following materials shall not qualify nor be defined as "masonry construction" in meeting the minimum requirements for exterior construction of buildings, unless specifically approved by wavier from Planning Commission.

- Stucco, exterior plaster, adobe or mortar wash surface material
- Exterior insulation and finish systems (EIFS), acrylic matrix, synthetic plaster, or other similar synthetic material
- Cementitious fiber board siding (such as "Hardy Plank" or "Hardy Board")
- Glass

**COLOR:** All principal and accessory buildings shall be compatible with the architectural style, character, and appearance, including exterior color, which will harmonize and blend in with other buildings in the area. The use of novelty and primary colors are strongly discouraged and to be avoided. Color is intended to enhance the architecture uses of the building, not to detract attention to specific features or elements such as roof or parapet lines.

**Residential:** A minimum of 50% of the exterior wall construction for all single family detached, duplex, and attached condominium/townhome shall be constructed of masonry materials. The 50% coverage requirement shall be calculated by measuring all facades of the structure, excluding openings for windows, doors, and trim, and multiplying that figure

by 50%. The builder of the structure shall be authorized to satisfy the 50% requirement by placing the masonry material on one or more facades of the structure, provided that the façade that faces the public street or private road that services the structure shall have a minimum of 75% of that façade covered with masonry material.

**Multi-Family:** A minimum of 50% of the exterior wall construction for all multiple-family dwellings shall be constructed of masonry materials. The 50% coverage requirement shall be calculated by measuring all facades of the structure, excluding openings for windows, doors, and trim, and by multiplying that figure by 50%. The builder of the structure shall be authorized to satisfy the 50% requirement by placing the masonry material on one or more facades of the structure, provided that the façade that faces the public street or private road that services the structure shall have a minimum of 75% of that façade covered with masonry material.

**Commercial:** A minimum of 50% of the exterior wall construction for all commercial structures shall be constructed of masonry material. The 50% coverage requirement shall be calculated by measuring all facades of the structure, excluding the openings for windows, doors, and trim and multiplying that figure by 50%. The builder of the structure shall be authorized to satisfy the 50% requirement by placing the masonry materials on one or more facades of the structure, provided that the façade that faces the public street or private road that services the structure shall have a minimum of 75%—of the façade covered with masonry and/or glass.

**Manufacturing/Industrial:** A minimum of 25% of the exterior wall construction for all manufacturing/industrial structures shall be constructed of masonry material. The 25% coverage requirement shall be calculated by measuring all facades of the structure, excluding the openings for windows, doors, and trim and multiplying that figure by 25%. The builder of the structure shall be authorized to satisfy the 25% requirement by placing masonry materials on one or more facades of the structure, provided that the façade that faces the public street that services the structure shall have a minimum of 50% of that façade covered with masonry and/or glass. Industrial Development Authority (IDA) properties are excluded from this regulation, but shall conform to IDA private covenants and restrictions.

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

The Commissioners and staff discussed if architectural metal or natural looking material would be a choice and what is considered new and/or new construction.

Chairman Pridgen opened the public hearing.

No comments.

Chairman Pridgen closed the public hearing.

Mayor Fuller made a motion to table the exterior materials section to the April 22, 2013 Planning Commission Meeting.

Council Member Canon seconded.

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

Nays: None

Abstention: None



| USES  | DISTRICTS |     |     |     |     |      |     |      |     |     |     |     |     |     |      |    |      |
|---|-----------|-----|-----|-----|-----|------|-----|------|-----|-----|-----|-----|-----|-----|------|----|------|
|   | R-1A      | R-1 | R-2 | R-3 | R-4 | R-4M | R-5 | R-5M | C-1 | C-2 | C-3 | M-1 | M-2 | I-1 | GC-1 | GC | GC-2 |
| Square Feet GLA   | N         | N   | N   | N   | N   | N    | N   | N    | C   | C   | C   | C   | N   | N   | —E   | C  | C    |
| All Other More Than 100,000   |           |     |     |     |     |      |     |      |     |     |     |     |     |     |      |    |      |
| Square Feet GLA   | N         | N   | N   | N   | N   | N    | N   | N    | C   | C   | C   | C   | N   | N   | —E   | C  | E    |
| <b>Offices, Clinical, Research and Services Not Primarily Related To Goods or Merchandise</b>   |           |     |     |     |     |      |     |      |     |     |     |     |     |     |      |    |      |
| Operation Designed to Attract and Serve Customer or Clients on Premises such as Office of Attorney, Physicians, Other Professions, Insurance and Stock Brokers, Government Building, etc. | N         | N   | N   | N   | N   | N    | N   | N    | A   | A   | A   | C   | N   | A   | —A   | A  | A    |
| Offices of Physicians or Dentist  | N         | N   | N   | N   | N   | N    | N   | N    | A   | A   | A   | A   | N   | N   | —A   | A  | A    |
| Banks   | N         | N   | N   | N   | N   | N    | N   | N    | N   | A   | A   | A   | N   | N   | —A   | A  | A    |
| Banks with Drive-in Windows   | N         | N   | N   | N   | N   | N    | N   | N    | N   | A   | A   | A   | N   | N   | —A   | A  | A    |
| <b>Office of Contractor</b>   |           |     |     |     |     |      |     |      |     |     |     |     |     |     |      |    |      |
| With Equipment and Material Yard  | N         | N   | N   | N   | N   | N    | N   | N    | N   | N   | C   | A   | A   | N   | —N   | N  | E    |
| Without Equipment and Material Yard   | N         | N   | N   | N   | N   | N    | N   | N    | A   | A   | A   | A   | A   | N   | —E   | C  | E    |
| <b>Automobile Related</b>   |           |     |     |     |     |      |     |      |     |     |     |     |     |     |      |    |      |
| Automobile Maintenance Establishment  | N         | N   | N   | N   | N   | N    | N   | N    | N   | C   | C   | A   | A   | N   | —E   | C  | E    |
| Automobile Repair   | N         | N   | N   | N   | N   | N    | N   | N    | N   | C   | C   | A   | A   | N   | —N   | N  | E    |
| Automobile Service Station  | N         | N   | N   | N   | N   | N    | N   | N    | N   | C   | C   | A   | A   | N   | —N   | C  | E    |
| Convenience Store with Gas Station/Automatic Car Wash   | N         | N   | N   | N   | N   | N    | N   | N    | N   | C   | C   | A   | N   | N   | —E   | C  | E    |
| <b>Manufacturing, Processing, Creating Repairing, Renovating, Painting, Clearing Assembling of Goods, Merchandise and Equipment</b>   |           |     |     |     |     |      |     |      |     |     |     |     |     |     |      |    |      |
| All Operations Conducted Within Fully Enclosed Building   | N         | N   | N   | N   | N   | N    | N   | N    | N   | C   | C   | A   | A   | N   | —E   | C  | E    |
| Operations Conducted Within or Outside Fully Enclosed Building  | N         | N   | N   | N   | N   | N    | N   | N    | N   | C   | C   | A   | A   | N   | —E   | C  | E    |
| Social, Fraternal clubs and Lodges and Union Halls, and Similar Uses  | C         | C   | N   | N   | C   | C    | C   | C    | A   | A   | A   | N   | N   | C   | —E   | C  | E    |

| USES  | DISTRICTS |     |     |     |     |      |     |      |     |     |     |     |     |     |      |    |      |
|---|-----------|-----|-----|-----|-----|------|-----|------|-----|-----|-----|-----|-----|-----|------|----|------|
|   | R-1A      | R-1 | R-2 | R-3 | R-4 | R-4M | R-5 | R-5M | C-1 | C-2 | C-3 | M-1 | M-2 | I-1 | GC-1 | GC | GC-2 |
| Bowling Alleys and Skating Rinks  | N         | N   | N   | N   | N   | N    | N   | N    | A   | A   | A   | A   | N   | N   | -E   | C  | E    |
| Indoor Fitness Center   | N         | N   | N   | N   | N   | N    | N   | N    | A   | A   | A   | A   | N   | N   | -E   | C  | E    |
| Indoor/Outdoor Fitness Center   | N         | N   | N   | N   | N   | N    | N   | N    | N   | A   | A   | A   | N   | N   | -E   | C  | E    |
| Billiard and Pool Halls   | N         | N   | N   | N   | N   | N    | N   | N    | A   | A   | A   | A   | N   | N   | -E   | C  | E    |
| Movie Theater   | N         | N   | N   | N   | N   | N    | N   | N    | A   | A   | A   | A   | N   | N   | -E   | C  | E    |
| <b>Activity Conducted Primarily Outside Enclosed Buildings or Structure</b>                                       |           |     |     |     |     |      |     |      |     |     |     |     |     |     |      |    |      |
| Private Owned Outdoor Recreational Facilities such as Golf and Country Clubs, Swimming or Tennis Clubs, etc.      | C         | C   | C   | N   | N   | N    | N   | N    | N   | N   | A   | N   | N   | N   | -E   | C  | E    |
| Golf Driving Range, Miniature Golf, Skateboard Park, Bicycle Race Tract   | C         | C   | C   | N   | N   | N    | N   | N    | N   | C   | A   | N   | N   | N   | -N   | C  | E    |
| Horse Back Riding Stables   | A         | A   | A   | N   | N   | N    | N   | N    | N   | N   | N   | N   | N   | N   | -N   | N  | N    |
| Automobile or Motorcycle Racing Tracts  | C         | C   | C   | N   | N   | N    | N   | N    | N   | N   | N   | C   | N   | N   | -N   | N  | N    |
| Commercial Recreational Fishing   | N         | A   | A   | N   | N   | N    | N   | N    | N   | N   | N   | N   | N   | N   | -N   | N  | N    |
| <b>Day Care Center</b>  | N         | N   | N   | N   | C   | C    | C   | C    | C   | A   | A   | A   | N   | A   | -E   | C  | E    |
| <b>Restaurants</b>  | N         | N   | N   | N   | N   | N    | N   | N    | A   | A   | A   | A   | A   | A   | -E   | C  | E    |
| <b>Lounge (Also called bar/nightclub)</b>   | N         | N   | N   | N   | N   | N    | N   | N    | C   | C   | C   | C   | N   | N   | -E   | C  | E    |
| <b>Car Wash</b>   |           |     |     |     |     |      |     |      |     |     |     |     |     |     |      |    |      |
| Self-Service, unattended, open bay  | N         | N   | N   | N   | N   | N    | N   | N    | N   | C   | A   | A   | N   | N   | -N   | N  | E    |
| <b>Storage: Storage of goods not related to sale of use of those goods on the same lot where they are stored.</b> |           |     |     |     |     |      |     |      |     |     |     |     |     |     |      |    |      |
| All storage within completely enclosed structures   | N         | N   | N   | N   | N   | N    | N   | N    | N   | C   | C   | A   | A   | N   | -N   | C  | E    |
| Storage inside or outside completely enclosed structure   | N         | N   | N   | N   | N   | N    | N   | N    | N   | N   | C   | A   | A   | N   | -N   | N  | E    |
| Mini warehouse  | N         | N   | N   | N   | N   | N    | N   | N    | N   | C   | C   | A   | A   | N   | -N   | N  | N    |
| Scrap Materials, Salvage Yard, Juntyard, Automobile Graveyard   | N         | N   | N   | N   | N   | N    | N   | N    | N   | N   | C   | C   | C   | N   | -N   | N  | N    |

| USES  | DISTRICTS |     |     |     |     |      |     |      |     |     |     |     |     |     |              |              |   |
|---|-----------|-----|-----|-----|-----|------|-----|------|-----|-----|-----|-----|-----|-----|--------------|--------------|---|
|   | R-1A      | R-1 | R-2 | R-3 | R-4 | R-4M | R-5 | R-5M | C-1 | C-2 | C-3 | M-1 | M-2 | I-1 | GC-1         | GC-2         |   |
| <b>Services and Enterprises Related to Animals</b>      |           |     |     |     |     |      |     |      |     |     |     |     |     |     |              |              |   |
| Veterinarian  | C         | C   | N   | N   | N   | N    | N   | N    | N   | N   | A   | A   | N   | N   | C            | N            | C |
| Kennel  | C         | C   | N   | N   | N   | N    | N   | N    | N   | N   | A   | A   | C   | N   | <del>N</del> | <del>N</del> | C |
| <b>Agricultural, Mining, Quarrying Operation</b>        |           |     |     |     |     |      |     |      |     |     |     |     |     |     |              |              |   |
| Agricultural Operations with Livestock                  | C         | C   | N   | N   | N   | N    | N   | N    | N   | N   | N   | N   | N   | N   | <del>N</del> | <del>N</del> | C |
| excluding Livestock                                     | A         | A   | N   | N   | N   | N    | N   | N    | N   | N   | N   | N   | N   | N   | <del>N</del> | <del>N</del> | C |
| Mining or Quarrying, including on-site sale of products | C         | C   | N   | N   | N   | N    | N   | N    | N   | N   | N   | C   | N   | N   | <del>N</del> | <del>N</del> | C |
| <b>Miscellaneous Public and Semi-Public Facilities</b>  |           |     |     |     |     |      |     |      |     |     |     |     |     |     |              |              |   |
| Post Office   | N         | N   | N   | N   | N   | N    | N   | N    | C   | C   | A   | A   | N   | N   | <del>N</del> | <del>N</del> | C |
| Airport   | C         | C   | N   | N   | N   | N    | N   | N    | C   | C   | A   | A   | N   | N   | <del>N</del> | <del>N</del> | C |
| Sanitary Land Fill                                      | N         | N   | N   | N   | N   | N    | N   | N    | N   | N   | N   | N   | N   | N   | <del>N</del> | <del>N</del> | C |
| Military Reserve or National Guard Center               | N         | N   | N   | N   | N   | N    | N   | N    | N   | N   | N   | A   | N   | A   | <del>N</del> | <del>N</del> | N |
| <b>Dry Cleaner</b>                                      | N         | N   | N   | N   | N   | N    | N   | N    | A   | A   | A   | A   | N   | N   | <del>N</del> | <del>N</del> | C |
| <b>Laundromat</b>                                       | N         | N   | N   | N   | N   | N    | N   | N    | A   | A   | A   | A   | N   | N   | <del>N</del> | <del>N</del> | N |
| <b>Open Air Markets</b>                                 |           |     |     |     |     |      |     |      |     |     |     |     |     |     |              |              |   |
| Farm and Craft Market                                   | C         | C   | N   | N   | N   | N    | N   | N    | N   | N   | A   | N   | N   | N   | <del>N</del> | <del>N</del> | N |
| Produce Market  | C         | C   | N   | N   | N   | N    | N   | N    | C   | C   | A   | N   | N   | N   | <del>N</del> | <del>N</del> | N |
| Flea Market   | N         | N   | N   | N   | N   | N    | N   | N    | N   | N   | C   | C   | C   | N   | <del>N</del> | <del>N</del> | N |
| Horticulture Sales w/Outdoor Display                    | C         | C   | N   | N   | N   | N    | N   | N    | N   | C   | C   | C   | N   | N   | <del>N</del> | <del>N</del> | N |
| <b>Funeral Home</b>                                     | C         | C   | N   | N   | N   | N    | N   | N    | N   | A   | A   | N   | N   | A   | <del>N</del> | <del>N</del> | C |
| <b>Cemetery</b>   | C         | C   | N   | N   | N   | N    | N   | N    | N   | N   | C   | C   | N   | A   | <del>N</del> | <del>N</del> | N |
| Mausoleum, Crematorium, Columbarium                     |           |     |     |     |     |      |     |      |     |     |     |     |     |     |              |              |   |
| <b>Bus Station</b>                                      | N         | N   | N   | N   | N   | N    | N   | N    | N   | C   | A   | A   | N   | N   | <del>N</del> | <del>N</del> | C |

| USES                                    | DISTRICTS |     |     |     |     |      |     |      |     |     |     |     |     |     |              |              |          |              |  |
|---|-----------|-----|-----|-----|-----|------|-----|------|-----|-----|-----|-----|-----|-----|--------------|--------------|----------|--------------|--|
|   | R-1A      | R-1 | R-2 | R-3 | R-4 | R-4M | R-5 | R-5M | C-1 | C-2 | C-3 | M-1 | M-2 | I-1 | GC-1         | GC-2         |          |              |  |
| <b>Commercial Greenhouse Operations</b> |           |     |     |     |     |      |     |      |     |     |     |     |     |     |              |              |          |              |  |
| No on-premise sales                     | C         | C   | N   | N   | N   | N    | N   | N    | N   | N   | N   | A   | N   | N   | <del>N</del> | <del>N</del> | <b>C</b> | <del>E</del> |  |
| On-premise sales permitted              | C         | C   | N   | N   | N   | N    | N   | N    | N   | C   | A   | A   | N   | N   | <del>N</del> | <del>N</del> | <b>N</b> | <del>E</del> |  |
| <b>Medical Related</b>                  |           |     |     |     |     |      |     |      |     |     |     |     |     |     |              |              |          |              |  |
| Medical or Dental Clinic                | N         | N   | N   | N   | N   | N    | N   | N    | A   | A   | A   | N   | N   | A   | <del>E</del> | <del>E</del> | C        | <del>E</del> |  |
| Pharmacies                              | N         | N   | N   | N   | N   | N    | N   | N    | A   | A   | A   | N   | N   | A   | <del>E</del> | <del>E</del> | C        | <del>E</del> |  |
| Medical Research Laboratories           | N         | N   | N   | N   | N   | N    | N   | N    | N   | A   | A   | A   | A   | A   | <del>E</del> | <del>E</del> | C        | <del>E</del> |  |
| Retail Medical Supply                   | N         | N   | N   | N   | N   | N    | N   | N    | A   | A   | A   | A   | N   | A   | <del>E</del> | <del>E</del> | C        | <del>E</del> |  |

## **E. OTHER BUSINESS**

### **8. Correction plat of Stauffer Nursery Subdivision, Lee Road 146, Jim Miller**

Mr. Ogren reported this plat was originally approved at the February 4th Planning Commission meeting. After approval the surveyor noticed he made an error in locating points along the centerline of the "Abandoned Road" as shown on the plat. The abandoned road runs along the north property line of Lot 1. A circle is added to the correction plat on the north property line of Lot 1 to show the location of the error. The original plat mistakenly shows the property line about six feet away from the centerline of the abandoned road (see inset circle on plat). The correction plat involves aligning the property line on the centerline of the abandoned road.

Staff recommends the plat be ratified.

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

Chairman Pridgen opened the public hearing.

No comments.

Chairman Pridgen closed the public hearing.

Mayor Fuller made a motion to ratify the subdivision with staff recommendations.

Mr. Hilyer seconded the motion.

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

Nays: None

Abstention: None

### **9. Update on Storm Water Ordinance (First reading by City Council on March 4th)**

Mr. Parker reported the executive summary and fact sheet.

**101.Purpose:** As required by Opelika's permit with ADEM

- a. ...to develop, implement, and enforce a Storm Water Management Program (SWMP) designed to reduce the discharge of pollutants from its Municipal Separate Storm Sewer System (MS4).
- b. ...to preserve, protect and promote health, safety and welfare of the citizens of Opelika through the reduction, control and prevention of the discharge of pollutants from newly developed and redeveloped sites to the MS4.

**104.Permits:** In order to create accountability and control of Land Disturbing activities, two types of permits are generated to be required.

- a. **Commercial and Public Subdivisions:** that require engineering design shall include designed Best Management Practices Plans (BMP Plan) (already required) and a permit fee scaled to the size of the development. Plans will require acceptance and a certification by the designer.
- b. **Private Resident Home:** will add another section to the building permit that has the builder acknowledge the need for erosion control and the existing Erosion and Sediment Control ordinance. A fee will be collected in addition to the standard building permit fees and taxes.

**105.Exemptions:** There are listed exemptions to this requirements.

**106.Construction Best Management Practices (BMP's):** This details the requirements of the construction BMP's including new requirements such as changes and amendments to the Plan

**107.Post Construction Requirements:** This outlines new requirements and strategies for post-construction devices and practices to limit the volume and velocity of runoff. These devices will be documented in final as-built drawings and will be subject to inspection and maintenance.

**108. Responsibility of the Permittee:** This section explains the responsibility it takes to perform land disturbance activities and includes requirements and new procedures.

**109. Inspections:** Grants the City rights to enter property to perform inspection on land disturbing activities and to inspect the maintenance of post-construction strategies.

**110. Corrective Actions and 111. Enforcements:** Outlines the guidelines and procedures the City can take to prevent pollutants from intentional and accidental discharge to the MS4.

Mr. Kelley, Mr. Hawkins, and Mr. Kriel had no reports.

The Commission and Mr. Parker discussed how this would be implemented and who would enforce this regulation.

Council Member Canon stated City Council asked for a checklist for builders to know what the cost will be for all the permits required.

Mr. Kelley responded that is in progress.

#### **10. Consider Planning Commission resolution proposing the removal of Geneva Street City-owned warehouse**

Mr. Kelley reported Chairman Pridgen requested a discussion concerning the City Warehouse at the northeast corner of Geneva St. and Stowe Ave. The entry point into the Geneva St. Historic District is located at this intersection, which also resides in the Gateway 2 Corridor Overlay District. Although the City still maintains some city wide department storage at the structure; any reasonable offer to purchase this parcel is worthy of consideration by the city administration, with ultimate City Council approval. The staff recently advised a potential buyer to seek a meeting with the Mayor if further dialogue provides an opportunity for redevelopment of this property.

If the Planning Commission desires a formal resolution to the City Council; staff will prepare a draft for consideration at the April meeting.

The Commissioners and staff discussed the condition and use of the building. Directing staff to prepare a resolution in April

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

#### **11. Guthrie's access to Pepperell Parkway**

Mr. Kelley stated this item is an open discussion about the access that is on Pepperell Pkwy at the Guthrie's location. We are back to the point to decide what the Commission would like to do about this access.

Option 1: no access

Option 2: allow a right in and right out

Option 3: allow right in only

Mr. Hilyer stated a right in only, because it is already there.

Chairman Pridgen stated how this case developed since the October Planning Commission is there was to be traffic study to be considered between the City Engineer, Traffic Engineer, Public Works, and Planning on making a decision to close a driveway between a shopping center and a food mart parking lot. No access was ever considered or discussed onto Pepperell Pkwy, it is there now. How do we fix this? I do not feel the Commission would have accepted that.

Mr. Gunter stated this is just a discussion item today. According to the minutes the Planning Commission motioned to approve conditional use subject to approval of the traffic study by the Traffic Engineer, City Engineer, Public Works, and Planning. The

question is did anyone have authority to commit the city to a decision? If there was apparent authority the city may be liable for the apparent authority.

The Commission and staff discussed the communications between the city and the developer, the options, and the precedence.

Mr. Parker discussed how this can and will be controlled by policies and procedures in the future.

Chairman Pridgen stated the Planning Commission has to approve or disapprove based on our recommendations.

Mr. Gunter stated I feel like we should give them due process, notify, and advertise.

Council Member Canon stated we defiantly want the new business here, but we have to do things right.

Chairman Pridgen stated we should have a meeting with staff, developer, and me. This conversation is leaning toward option3: allow right in only.

Dr. Menefee noted the potential issues of traffic accidents at this location.

Mr. Kelley stated I see it as the city's' right of way.

Mr. Silberman suggested a traffic light at the intersection east of the shopping center before you approach the shopping center.

Chairman Pridgen suggested this be on the agenda in April for a recommendation.

With no further business on the agenda, Chairman Pridgen adjourned the meeting at 4:41 p.m.

\_\_\_\_\_  
Keith Pridgen, Chairman

\_\_\_\_\_  
Rachel Dennis, Secretary