

**CITY OF OPELIKA
PLANNING COMMISSION MEETING
APRIL 28, 2015
3:00 P.M.
PUBLIC WORKS FACILITY
700 FOX TRAIL**

The City of Opelika Planning Commission held its regular monthly meeting April 28, 2015 in the Planning Commission Chambers, located at the Public Works Facility, 700 Fox Trail. Certified letters mailed to all adjacent property owners for related issues.

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

MEMBERS ABSENT: John McEachern

STAFF PRESENT: Gerald Kelley, Planning Director
Martin Ogren, Assistant Planning Director
Rachel Dennis, Planning and Zoning Technician
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 3:01

I. Approval of March 24, 2015 Minutes

Mayor Fuller made a motion for approval of the March 24, 2015 Minutes as written.

Mr. Hilyer seconded the motion.

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

Nays: None

Abstention: Menefee

II. Update on Previous Planning Commission cases.

Mr. Kelley reported the City Council held the public hearing and second reading for the rezoning of the Pepperell and 30th Street former park area to C-3, GC and was approved.

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

1. Odessa Taylor Subdivision, 2 lots, 1415 Branch Street, Odessa Taylor, preliminary and final approval

Mr. Ogren reported the applicant is requesting preliminary and final plat approval for a two lot subdivision in an R-3 zone. The applicant lives in a single family home on Lot 1 (11,334 sf). The purpose of the subdivision is to sell Lot 2 (10,488 sf) to Habitat for Humanity. Both lots meet the minimum 70 foot lot width and 10,000 square foot lot size requirements for a subdivision in an R-3 zone.

Staff recommends preliminary and final plat approval.

Mr. Parker reported the Engineering Department has no objections and recommends Preliminary and Final Plat approval of this application. It should be noted that the roadway access requirements limit each lot to one driveway each.

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

Mr. Kriel reported this subdivision is presently served by Opelika Power Services. Easements shall be granted for existing OPS facilities. If any OPS facilities are required to be moved, the owner shall incur the full cost of relocation.

Chairman Pridgen opened the public hearing.

Michael Bedell adjacent to this lot asked about the future use of this lot and expressed concerns about a recent paving issue.

Chairman Pridgen stated it must be an acceptable use allowed in R-3.

Chairman Pridgen closed the public hearing.

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

Mayor Fuller seconded the motion.

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

Nays: None

Abstention: None

2. W.C. Davis Industrial Park Subdivision, 2 lots, 2100 Industrial Boulevard, preliminary and final approval

Mr. Kelley reported the applicants are requesting preliminary and final plat approval for re-subdividing to create three (3) lots. Lot 1 will be owned by West Fraser and used for log truck access and parking. Lot 2 will be a new power substation for Opelika Power Services. At a future meeting the Planning Commission will review the substation location site plan as a conditional use set forth in Section 7.2 the substation will accommodate the major expansion to West Fraser and Baxter-Gambro.

Staff Recommendation: Approve Preliminary/Final Plat

Mr. Parker reported the Engineering Department has no comments or objections, and recommends Preliminary and Final Plat approval of this application.

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

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 to grant preliminary and final plat approval with staff recommendations.

Mr. Hilyer seconded the motion.

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

Nays: None

Abstention: None

3. Terranne Acres Subdivision, 3 lots, 1703 Chewacla Road, Terry & Reanne Barnes, preliminary and final approval

Mr. Ogren reported the applicant is requesting preliminary and final plat approval for a three lot subdivision on Chewacla Road. The applicant owns 56 acres that includes one mobile home park. The purpose of the subdivision is to create lots for the mobile home park so a single family home can be constructed on a separate lot. Financing for home construction requires that the mobile home park be located on a separate lot(s) from the single family home. The mobile home park (San Angelo) was approved in the 1980s and consists of seven mobile homes. The mobile home park is located on Lot 2 (1.7 acres) & Lot 3 (2.1 acres). The single family home planned for Lot 1 is on 53 acres. Lot 1 is shaped like a flag lot. Public road access from Lot 1 to Chewacla Road is from the 60 foot wide pole section. The 60 foot pole section also serves as an access & utility easement for the existing mobile home park located on Lot 2 & Lot 3.

Staff recommends preliminary and final plat approval.

Mr. Parker reported the Engineering Department has no comments or objections, and recommends Preliminary and Final Plat approval of this application.

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

Mr. Kriel reported this subdivision is in the Opelika Power Services and Tallapoosa River territory. An electronic copy of the plat shall be submitted to OPS to determine which entity will serve which lot.

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

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

Mayor Fuller seconded the motion.

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

Nays: None

Abstention: None

4. West Frederick Commons Subdivision, Redivision of Parcel A, 1 lot, 2700 block Frederick Road, Madison Real Property LLC, preliminary and final approval

Mr. Kelley reported the applicant is requesting preliminary and final plat approval to combine three (3) parcels into one tract (4.68 ac.) for a neighborhood shopping center.

Staff Recommendation: Approve Preliminary/Final Plat

Mr. Parker reported the Engineering Department has no comments or objections, and recommends Preliminary and Final Plat approval of this application.

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

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

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

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

Mayor Fuller seconded the motion.

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

Nays: None

Abstention: None

B. CONDITIONAL USE – Public hearing

5. David Slocum, 2700 block Frederick Road, C-2, GC, Neighborhood shopping center

Mr. Kelley reported the applicant is requesting conditional use to construct a neighborhood shopping center consisting of three buildings. Building 1 is 7500 SF; Building 2 is 9,000 SF; and Building 3 is 19,800 SF. Specific retail and office uses have not yet been determined.

Buildings 1 and 2 will be a materials combination of brick, rock, and stucco.

Building 3 will be a materials combination on three sides of brick, rock, and stucco. The rear side of the building is proposed as all metal with 8' X 10' roll up doors. This is a C-2 zone with Gateway Corridor Overlay and staff will neither support an all metal material nor roll up doors on the rear of this eleven (11) unit building. (This position by staff and approved by Planning Commission also occurred at the Shoppes at Midtown several years ago, less than a mile west on Frederick Road. The rear building material of this neighborhood shopping center is all stucco with no roll up doors,) Applicant should select either a natural material of their choice or a combination of their proposed three (3) choices to meet at least 50% natural building material along the rear wall. Planning Commission must approve the remaining balance, 50% of the rear wall to be metal.

Three dumpster locations are provided. The dumpster on the eastern side of the property (closest to Corporate Park Dr.) should be either relocated internally away from the adjacent right of way for Corporate Park Drive; or enclose the dumpster with brick, eight (8) foot in height, to match Building 1, including landscaping as provided in the landscape plan.

Three choices exist for landscaping at the southwest portion of the property adjacent to the single family residence zoned R-3 at 2702 Talley Avenue. The applicant may select any choice from Section 10.6; Subsection D. Paragraph 1; Sub paragraphs a, b, or c3.

The landscape plan for the neighborhood shopping center exceeds the minimum requirements for overall landscaping, including parking lot, and shall be sprinkled.

Staff believes additional landscaping is needed as a condition of approval along the southern property line. We recommend a row of Emily Bruner Holly (ILE EM2 on legend of the landscape plan), but will leave that decision to the Ironwood Design Group. Tiger Town Corporate Park has sold Lot 14 for construction of a new 6,000 SF office building. Concern has been voiced by Lot 13 owners (SLABCO) and a potential buyer about commercial uses and buffering along the southern property line of the applicant.

A Lighting Plan is forthcoming and approval is subject to submission and approval by staff as a condition prior to issuance of a building permit.

Staff Recommendation: Staff recommends conditional use approval subject to conditions set forth in the staff report.

Mr. Parker reported the existing full access on Frederick Road does not meet the spacing requirements of 400-feet as established in the Opelika Public Works Manual for a Major Arterial. Because it does not meet spacing, but it is existing, it is recommended by the Engineering Department to convert this access to a restricted right-in right-out access. It is also worth noting that section 3.5.7 of the Public Works Manual requires "a full deceleration lane shall be required at the approach to a turnout when the peak right turn volume exceeds 60 Vehicles per hour (vph)." Also, "A taper between the edge of pavement and the turnout radius shall be required at the approach to a turnout when the peak right turn traffic volume exceeds 30 vph. The minimum taper length shall be 50 feet and the taper width shall be one full traffic lane." A trip generation study may be required to determine if one of the warrants listed above will be met with the proposed development.

Access to Corporate Park Drive is recommended to be promoted and facilitated by the development due to the close proximity of the traffic control signal. Two access will be allowed for this development as long as the spacing between the two is greater than 100-feet. It is also recommended that the access be directly lined up with the flow of traffic within the parking lot to promote the greatest "Turnout Throat Length" as described in section 3.5.9 of the Public Works Manual. The submitted landscape plan and site plan have different access locations on to Corporate Park Drive.

According to two "Development Agreements" that was signed and filed between the developer (William C. Starr) of the Southern States Bank subdivision across Corporate Park Drive, the original owner of this lot, West Frederick Commons LLC and SLABCO

(David Scott) who is the developer of Corporate Park Drive, all should share the cost and responsibility of the completion of the roadway, traffic signal and other infrastructure shared by the developments. To this date, the section of roadway shared by this development and Southern States Bank has not been completed. A final asphalt surface needs to be placed by the developers and inspected and accepted by the City of Opelika.

Mr. Parker stated a traffic count for this area of Frederick Road is 15,000. I will hold the remainder of my recommendations until they proposed the changes. I have seen the changes but not received a copy of the changes.

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

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

Chairman Pridgen opened the public hearing.

Mr. Slocum spoke thanking the staff for all the work and cooperation. While passing out a revised plan. Stating we did a trip generation study and a deceleration lane was warranted. On the new plan, it shows a deceleration lane on Frederick to make right turns into the development. We also did traffic counts as Mr. Parker stated.

Chairman Pridgen asked if the location of the driveway on Frederick Road was going to change.

Mr. Slocum stated the location of the driveway on Frederick is going to stay the same. The public works manual is basically drawing a difference between two driveways and a street allowing some exceptions for property that is on a corner. It shows full access is allowed with 125 foot spacing. We are showing 280 foot spacing, we are well within that. We are also 200 feet from the next driveway down. We feel the location of the driveway is ideal. Mr. Parker said we just approached him 30 minutes prior to this meeting to show him the plan. In that same meeting we talked about the access on Corporate Drive. You will see the red line we made since it was printed. I believe Mr. Parker is happy with those driveway locations since it gives us plenty of distance from the intersection, separates the delivery traffic from the back, and allows the fire department better access behind the larger building.

Mr. Parker stated this is where the concessions of corner lot properties comes in. With the addition of the deceleration lane, and the interpretation as presented today, Engineering Department would recommend conditional use approval.

Mr. Hilyer asked about the 100 foot requirement.

Mr. Parker and Mr. Slocum agreed to ensure the 100 foot requirement is met.

Chairman Pridgen explained the corner lot exception is not applicable in this situation, because it is not an existing smaller lot. In the past we would require that case to share a driveway with a neighbor. We can make exceptions based on engineering recommendations. Chairman Pridgen asked Mr. Slocum to discuss the building materials for building three.

Mr. Slocum stated we will not have any roll up doors installed in the development. The intent was for in the future to allow for that addition in the future.

Chairman Pridgen stated it is unanimous if we allow garage doors at all will we limit the number and none near Corporate Park Drive.

Mr. Kelley stated as staff we do not support the garage doors. If it did materialize we would request that a request for garage doors in the future be a separate conditional use application.

Mr. Slocum stated we agree with Mr. Kelley's request.

Chairman Pridgen closed the public hearing.

Mr. Silberman motioned as presented by the planning staff with the potential for garage doors to be added at a later time requiring a conditional use request and landscaping increased to equal landscaping as on other sides of the buildings.

Mayor Fuller seconded.

The commissioners, Mr. Patel, and staff discussed the roll up metal doors alternative and the location of and a separate conditional use requirement, metal as an allowed or not allowed exterior material, landscaping to cover areas lacking.

Chairman Pridgen asked for a list of the additional conditions to be read.

Mrs. Dennis reported the conditions by staff and commissioners are: no roll up doors, no metal, rear exterior materials of building 3 to be consistent with rear exterior materials as on Buildings 1 and 2, approval is subject to a lighting plan submittal and approval, adequate spacing between driveways on Corporate Park Drive, add landscaping on the southern property line area that can be seen from Corporate Park Drive area, and all additional conditions stated in staff reports.

Mr. Silberman amended the original motion to grant conditional use approval with no metal, and no metal exterior siding of all buildings, and all exterior materials on buildings to be consistent, subject to all staff and commission recommendations.

Mayor Fuller seconded.

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

Nays: None

Abstention: None

6. Freddie Wilhite, 2200 Frederick Road, C-2, GC, Auto maintenance

Mr. Ogren reported the applicant is requesting conditional use approval to open an automobile maintenance business on Frederick Road near the intersection of Enterprise Drive and Frederick Road. (The property is the former Wilhite Trailer Sales lot.) The auto maintenance business is tire sales and tire installation only. No other auto maintenance work such as brake repairs, oil change, fan belt replacement, etc. will be offered to customers. *Attached to this report is a revised site plan. The revisions change the traffic pattern on the property and the location of parking spaces. Customers will be encouraged to exit the tire store onto Enterprise Drive as shown. The off-street parking spaces are located along the east side of the tire store building. The original site plan had parking on the east and west side of the building.*

The tire store will occupy an existing 1,800 (30'x60') square foot building on a 2.3 acre lot. (Two other buildings are located on the same property; one building used by Frito-Lay for storage, the other building a granite countertop business.) Automobiles requiring tire service will enter the bay door located on the rear wall of the building. Attached to the rear wall is a 27'x 30' carport cover (open area no exterior walls). All tire service activities will be performed inside the building. At this time no tire service will be carried out under the carport cover¹. Old used tires will be stored in two 8' x 12' metal storage containers located behind the carport cover. The storage buildings are owned by the property owner and existed at this location for years. The storage buildings can be seen from Frederick Road at certain locations. Planning has discussed with the business owner that old tires must be kept in the storage containers with the storage door closed; old tires should not be stored outside in view from Frederick Road at any time. The tires must not be seen from Frederick Road at any time. The business owner said the old tires will be taken to a

¹ If the tire store is successful then the business will expand by constructing exterior walls on the east and west sides of the carport cover Conditional use approval is required if an increase in floor area is proposed. A revised site plan must be provided showing four additional parking spaces and the type of exterior material proposed for the east and west exterior walls. When Planning Commission approval is granted then a building permit to construct the walls may be obtained.

recycling facility once a week. The minimum off-street parking requirements are met. The site plan attached shows 7 parking spaces including one handicap parking space. The property was first developed in the 1980s before the Landscape Regulations were approved; most of the property is asphalt. The applicant has seven decorative concrete planter containers to enhance the property. The exterior material on the existing building is 100% metal. Staff recommends that at least 50% of the exterior material be brick. Sherwin Williams is located two lots east of this property. In 2013 Sherwin Williams installed 100% brick on all sides of an existing metal building before they opened for business.

Staff recommends approval subject to recommendations in this report.

Mr. Parker reported the Engineering Department has no comments or objections, and recommends Conditional use approval of this application.

Mr. Hawkins reported Opelika Utilities currently serves this location.

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

Chairman Pridgen opened the public hearing.

Mrs. Candy Lanier, here on behalf of Freddie Wilhite, asks if there is a potential to postpone the upgrade of the building exterior for a year. Stating the hardship of the cost to relocate because of the widening of Frederick Road, finding and retaining a quality tenant to go through the conditional use process, along with the months of the lost revenue of an empty building. We desire to accommodate with any alternative to this recommendation to brick half the building

Chairman Pridgen discussed the development requirements and the reason to upgrade the existing buildings.

Mr. Kelley asked if there is a third container for storage.

Mrs. Lanier stated the third building will be removed and the new tenant has already contacted a local provider for proper disposal of the used tires.

Chairman Pridgen closed the public hearing.

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

Mr. Hilyer seconded the motion.

Chairman Pridgen stated my thoughts would be to give them a specific time period to have the façade improvements completed.

Mr. Silberman amended the original motion to grant conditional use approval with staff recommendations adding a nine month time limit to brick 50% of the front only.

Mayor Fuller seconded the motion.

The Commission and staff discussed the façade requirements to clarify 50%, 100%, front only, three sides, or all four sides.

Mrs. Lanier stated we have someone ready to move in. If we could have some time to make the improvements we could get the building rented.

Fuller called for question.

Ayes: Cherry

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

Abstention: None

Mayor Fuller made a motion to grant conditional use approval with staff recommendations with required improvements of 50% of the front and both sides to meet our requirements in 9 months.

Mr. Hilyer seconded.

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

Nays: None

Abstention: None

C. ANNEXATION and PUBLIC HEARING for Zoning District Requested

7. Carla A. Gallahan, 1070 Lee Road 389, 1 acre, PC recommendation to City Council, zoning request – R-1, PC zoning district recommendation to City Council

Mr. Kelley reported the petition speaks for itself; as the applicant, Carla Gallahan, desires to live in Opelika.

Recommendation: Approve the petition to annex with a R-1 zoning classification and send to City Council.

Mr. Parker reported the Engineering Department has no comments or objections, and recommends zoning approval of this application.

Mr. Hawkins had no report.

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

Chairman Pridgen opened the public hearing.

No comments.

Chairman Pridgen closed the public hearing.

Dr. Menefee made a motion to send a positive recommendation to council with staff recommendations.

Mr. Hilyer seconded the motion.

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

Nays: None

Abstention: None

D. OTHER BUSINESS

8. City of Opelika, 214 South 7th Street, C-2, new fire station

Mr. Kelley reported both City Council and Historic Commission have already approved the proposed downtown fire station location. Construction should begin in early fall. With a fire station, the PC also reviews and approves any public building as set forth in Section 7.1. The building material is brick. In June or July the Planning Commission will review a plat to remove existing property lot lines so the new lot, with structure and parking, will be on one (1) parcel.

Staff Recommendation: Approve

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

Chief Adkins presented the Commission and public with a presentation of the needs and layout of the new station.

Chairman Pridgen opened the public hearing.

No comments.

Chairman Pridgen closed the public hearing.

Mr. Hilyer made a motion to approve the location of the new station building.

Dr. Menefee seconded the motion.

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

Nays: None

Abstention: None

9. Discussion to recommend or not recommend a public hearing to rezone five acres of undeveloped land from R-4 to R-2. Property accessed on the south side of Renfro Avenue across from David Street.

Mr. Ogren reported a real estate sign was installed on 5 acres of undeveloped property accessed from Renfro Avenue. The property is located next to the Florist shop on the south side of Renfro Avenue and across from David Street (map attached). The property is owned by the Thomas Botsford family and managed by Regions Bank. A nearby property owner (Bret Tallakson, 910 David Street) called Planning inquiring about the current R-4 zone on the five acre property and asked if apartments were allowed. In an R-4 zone, apartments, and townhomes/condos require conditional use approval, and single family homes and duplexes are outright allowed. The maximum density allowed for apartments and townhomes is nine dwelling units per acre. Mr. Tallakson was concerned about apartments built on the property and traffic generated. He asked how adjacent property owners could express their concerns and have the property rezoned. The Zoning Ordinance allows amendments to the Zoning Map in three ways: (1) initiated by the City Council (2) on recommendation by the Planning Commission or (3) on petition by the property owner(s) owning a majority of the property to be rezoned. Seth Cannon, property manager for Regions Bank, is in the process of contacting all of the owners in the family.

With no further business on the agenda, Chairman Pridgen adjourned the meeting at 4:22 p.m.

_____ Keith Pridgen, Chairman

_____ Rachel Dennis, Secretary