

**CITY OF OPELIKA
PLANNING COMMISSION MEETING
MAY 26, 2015
3:00 P.M.
PUBLIC WORKS FACILITY
700 FOX TRAIL**

The City of Opelika Planning Commission held its regular monthly meeting May 26, 2015 in the Planning Commission Chambers, located at the Public Works Facility, 700 Fox Trail. Certified letters mailed to all adjacent property owners for related issues.

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

MEMBERS ABSENT: Arturo Menefee, Mayor Fuller

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 3:00

I. Approval of April 28, 2015 Minutes

Council Member Canon made a motion for approval of the April 28, 2015 Minutes as written.

Mr. Hilyer seconded the motion.

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

Nays: None

Abstention: None

II. Update on Previous Planning Commission cases.

Mr. Kelley reported the City Council held the second reading for the annexation of one acre on Cusseta Road.

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

1. Tottens Map, Revisions of Block 213, 2 lots, 1508 2nd Avenue, James Kirk, preliminary and final approval

Mr. Ogren reported the applicant is requesting preliminary and final plat approval for a two lot subdivision in a C-2, GC zoning district. The purpose of the subdivision is to sell Lot 2. Both lots meet the minimum 20,000 square foot minimum lot size requirement and 150 foot lot width for a subdivision in the GC 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.

Mr. Hawkins reported Opelika Utilities currently serves these locations.

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. Hilyer seconded the motion.

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

Nays: None

Abstention: None

B. REZONING – Public Hearing

2. Maurice Ward, 207 Avenue A, 26,800 sf lot, from R-4 to C-2

Mr. Kelley reported at work session last week we discussed the zoning of C-2 vs. I-1. Mr. Ward was advised if he chose to go with I-1 we would not require another application fee, and only charge for the certified letters to be sent again in June.

Mr. Ward withdrew the case with intent to reapply at the June 23, 2015 Planning Commission for I-1 to be the zone of his property.

C. TEXT AMENDMENTS to the SUBDIVISION REGULATIONS – Public Hearing

3. Amend Section 4.4 Final Plat Approval, sub-section B. Improvements concerning performance security and warranty bonds

Mr. Kelley suggested with direction from Mr. Gunter to advertise this agenda item with a summary to properly notify the public.

Mr. Gunter stated to give notice to the citizens, developer, and contractors exactly what the city is proposing to change in this amendment. A summary of the changes or a word for word document would be sufficient.

Chairman Pridgen opened the public hearing.

Chairman Pridgen, Commissioners, and Staff discussed how the amendments being discussed should come before the commission next month. The two ideas would be the infrastructure security and bonds be separate from or with the amenities bond.

Mr. Rice stated it will not affect any of my current clients to table these amendments to the June meeting.

Chairman Pridgen stated part of this is to have a compaction test on the road surface.

Mr. Hilyer stated his concern is compaction testing.

Mr. Rice stated it is nothing to get compaction test from a geotechnical engineer. That is standard practice. Most municipalities require compaction reports during construction and some even on individual lots.

Mr. Hilyer stated we need to protect against the proof roll test. That is not the way to test a road. The biggest issue is the utilities going across the road.

Mr. Cherry stated we should require testing on these.

Chairman Pridgen closed the public hearing.

Chairman Pridgen asked Mr. Parker to include in the amendment the compaction test information and this will be a preliminary discussion next month. In July we will have a full public hearing on both sections at one time.

Chairman Pridgen, Commissioners, and Staff discussed issues to be addressed about detention ponds and recreational amenities in the June and July meetings.

Chairman Pridgen requested this item be withdrawn and readvertised for the June 23, 2015 Planning Commission Meeting.

D. OTHER BUSINESS

4. Discuss procedures for the acceptance of street(s)

Mr. Gunter reported this is a policy and procedure that should be adopted.

The developer of a new subdivision is responsible for the maintenance of the subdivision streets until they are dedicated to the City. The dedication must be accepted as streets and roads cannot be forced on public authorities without their consent. The governing body of the municipality is the appropriate body to accept the dedication of streets, roads and alleys.

In my opinion, the best procedure for the acceptance of new streets, roads and alleys is as follows:

1. The developer must complete all streets, infrastructure and other improvements within the subdivision in compliance with the minimum standards outlined in the Public Works Manual and in compliance with the plats and plans approved by the Planning Commission.
2. After completion of the streets and public infrastructure, the developer should make a formal request to the City for the acceptance of the streets and public infrastructure within the subdivision.
3. A maintenance bond may be required by the City as a condition of acceptance of any new streets or rights-of-way.
4. The City Engineer and Public Works Director should inspect the streets, drainage structures, infrastructure, and other improvements for compliance with City standards.
5. The City Engineer and Public Works Director should file with the City Clerk their written certification confirming that the streets and public infrastructure have been constructed in accordance with City standards. The developer's application for street acceptance should also be filed with the City Clerk.
6. The City Council should adopt a resolution accepting the dedication of the street rights-of-way.
7. The developer should execute and deliver an appropriate deed to the City transferring ownership of the street rights-of-way to the City.

Thank you for the opportunity to comment. These are merely my thoughts on the subject matter, and I am confident that City staff will have additional comments and suggestions. If you have any questions, please don't hesitate to call me.

Guy Gunter

Mr. Parker stated I agree with this procedure. Staff will proceed with an amendment to the Public Works Manual to be accepted by City Council.

With no further business on the agenda, Chairman Pridgen adjourned the meeting at 4:10 p.m.

Keith Pridgen, Chairman

Rachel Dennis, Secretary