

**CITY OF OPELIKA
PLANNING COMMISSION MEETING
JUNE 28, 2016
3:00 P.M.
PUBLIC WORKS FACILITY
700 FOX TRAIL**

The City of Opelika Planning Commission held its regular monthly meeting June 28, 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.

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

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
Larry Prince, Opelika Power Services
Guy Gunter, City Attorney

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

I. Update on Previous PC cases

Mr. Kelley reported no updates.

II. Approval of May 24, 2016 Minutes

Dr. Menefee made a motion for approval of the May 24, 2016 Minutes as written.

Mr. Silberman seconded the motion.

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

Nays: None

Abstention: Fuller, McEachern

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

3. Kay Nell Rudd Subdivision, 2 lots, 3124 Lee Road 177, Harris Gray LLC, preliminary and final approval

Mr. Kelley reported the applicant is requesting preliminary and final plat approval to subdivide and create Tract 1 of 4.8 acres from Tract 2.

Recommendation: Approve preliminary and final plat.

Mr. Parker reported since this property is out of the City limits and in Lee County, the Opelika Engineering Department recommends preliminary and final plat approval. Lee County Highway Department sent an email saying this plat meets their approval as well.

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.

Jennifer Ryan lives in the area and asked if there are plans for the development of the property.

Mr. Kelley stated the home has been sold and this is just a subdivision for that sale of the home, leaving a vacant parcel.

Chairman Pridgen closed the public hearing.

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

Mayor seconded the motion.

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

Nays: None

Abstention: None

1. Chris Calloway Subdivision, 2 lots, 4195 Oakbowery Road, Chris Calloway, preliminary and final approval

Mrs. Dennis reported the applicant is requesting preliminary and final plat approval for a two lot subdivision. The purpose of this subdivision is to build a single family home on Lot 1 (3.95 acres). At this time there are no plans for Lot 2 (29.09 acres). The lots meet the minimum square foot requirements in the R-1 zoning district and the Saugahatchee Lake Watershed (minimum 3 acres). The Engineering Department will report on access recommendations.

Planning Department recommends preliminary and final plat approval as shown on the revised plat.

Mr. Parker reported the revised plat meets all the concerns from the work session. The easement is combines as requested at work session. With these comments the Engineering Department 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 Oak Bowery Road. This subdivision is within the Saugahatchee Lake Watershed Protection Area, and must meet the design requirements that are described in the Subdivision Regulations.

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.

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

Mayor Fuller seconded the motion.

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

Nays: None

Abstention: None

2. The Bridge Church Subdivision, 2 lots, Highway 29 & Lee Road 270, Billy Bryan, preliminary and final approval

Mrs. Dennis reported the applicant is requesting preliminary and final plat approval for a two lot subdivision located in the planning jurisdiction about two miles east of the Opelika City limits. This subdivision was approved at the May 27, 2014 Planning Commission and never recorded. A senior citizens activity building for the Beulah community is planned to locate on Lot 2 (2 acres). Lot 1 (22.5 acres) is reserved for future use by the church. Each lot meets the minimum 15,000 square foot lot size requirement.

Staff recommends preliminary and final plat approval.

Mr. Parker reported since this property is out of the City limits and in Lee County, the Opelika Engineering Department recommends preliminary and final plat approval with the concurrence of the Lee County Highway Department.

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.

Mr. Wayne we lives on Hwy 29, expressed concerns about how the 22 acres will be developed.

Chairman Pridgen stated that is not known at this time.
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, Menefee, Fuller, Council Member Canon, Hilyer

Nays: None

Abstention: None

4. Margaret C. Strickland Estate Subdivision, Redivision of Lot 7 and Lot 1, 2 lots, 673 Lee Road 177, Zack Sprayberry, 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). Lot 7A (3.3 acres) is accessed from Lee Road 177; Lot 1 (40.8 acres) is accessed from Lee Road 390. The purpose of the subdivision is to add a larger rear yard area (1.7 acres) to a single family home lot (1.6 acres). The additional property creates Lot 7A (3.3 acres). At this time there are no plans for Lot 1. The lots meet the minimum 15,000 square foot lot size requirement for a subdivision in the PJ. Lee County Engineering required some changes to the plat. The surveyor made those changes. See revised plat attached.

Staff recommends preliminary and final plat approval as shown on the revised plat.

Mr. Parker reported since this property is out of the City limits and in Lee County, the Opelika Engineering Department recommends preliminary and final plat approval with the concurrence of the Lee County Highway Department.

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.

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

Mayor Fuller seconded the motion.

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

Nays: None

Abstention: None

5. Crooked Creek Industrial Park Subdivision, 2 lots, 900 block of Fox Trail, Ledge Nettles, preliminary and final approval

Mr. Ogren reported the applicant is requesting preliminary and final plat approval for a two lot subdivision in an M-1, GC zone. Each lot is 24 acres. Lot 1 has public road access from Fox Trail and Lot 2 is accessed from Fox Run Avenue. Lot 2 also has a private access to Columbus Parkway from a 60' wide private access way (driveway). The 650 foot long private access is undeveloped.

Staff recommends preliminary and final plat approval ~~subject to (1) note #6 changed to show minimum setbacks at 40' front yard, 20' side, 20' rear, and the zoning district changed to M-1, GC; (2) a signature line for all property owners need to be provided on the plat.~~

Mr. Parker reported with the previously mentioned question and comment addressed, the Engineering Department 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 Fox Trail.

Mr. Prince 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.
Mayor Fuller seconded the motion.
Ayes: Cherry, McEachern, Silberman, Menefee, Fuller, Council Member Canon, Hilyer
Nays: None
Abstention: None

~~6. Creekstone SD, Phase 3, 57 lots, 1600 block of Creekstone Drive, Edgar Hughston, Preliminary approval WITHDRAWN~~

B. CONDITIONAL USE – Public Hearing

7. Vic Patel, 1700 Capps Drive/3151 Capps Way, C-3, GC, LaQuinta hotel

Mr. Kelley reported the applicant is requesting to modify the cladding material on the proposed hotel. An exact replica for the materials to be used, with colors, will be available at the work session and regular meeting. No other change is under consideration.

Recommendation: Approve

Mr. Parker reported the Engineering Department requires a grading, drainage, utility, erosion control, and post construction detention site development plan be submitted to the Engineering and Public Works Departments for review and approval for a Land Disturbance Permit. The Engineering Department recommends conditional use approval with the submitted application.

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

Mr. Prince reported this location is in 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 conditional use approval with staff recommendations.
Mayor Fuller seconded the motion.
Ayes: Cherry, McEachern, Silberman, Menefee, Fuller, Council Member Canon, Hilyer
Nays: None
Abstention: None

8. Gateway Community Church, 2715 Frederick Road, C-2, GC, Church addition

Mr. Kelley reported the applicant is requesting conditional use approval for a 5,000 sq. ft. two story fellowship hall addition to the sanctuary. It was discussed at work session and now recommended the gravel driveway be paved. The landscape plan has been updated to show a buffer along the residential area along with several other plantings and now meets the point's requirements.

Recommendation: Planning staff recommends approval subject to; the gravel driveway being paved and using the revised landscape plan shows the added plants. Extensive residential buffer along the residential property line meets point requirements.

Mr. Parker reported it is recommended that the existing gravel driveway that connects to the shared access to Frederick Road be paved.

Since the total land disturbance of the development is under one half acre, the land disturbance permit should be submitted to the Building Department with the issuance of the building permit. Erosion and sediment controls will be established according to the standards required at that department. With the comment addressed, the Engineering Department recommends conditional use approval.

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

Mr. Prince reported Alabama Power presently serves this location.

Chairman Pridgen opened the public hearing.

No comments.

Chairman Pridgen closed the public hearing.

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

Mayor Fuller seconded the motion.

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

Nays: None

Abstention: None

9. Anthony Slaughter, 3040 Capps Way, C-3, GC, Restaurant-Wild Wings Café

Mr. Ogren reported the applicant is requesting conditional use approval for a new restaurant (Wild Wings Café) on Capps Way near the Hampton Inn. The restaurant will have 10 full-time employees. The site plan shows an 8,500 square foot building on a 72,900 square foot lot (1.6 acre). There are 79 off-street parking spaces provided including four handicap spaces; the minimum parking requirement is 48 (38 parking spaces (ps) per customer sales & service area plus 10 ps for employees). Elevations are provided in your packet. The front elevation, left side (east), and right side (west) consist primarily of brick, shiplap siding, and glass (windows). Shiplap siding is a 100% wooden board that is either rough sawn or milled. The brick is about four feet high. A covered patio is located on the west side. The rear elevation faces toward the Carmike Cinema parking lot; most of the rear exterior material is EIFs. The landscape plan meets minimum requirements. A total of 245 points are required (base & parking pts.) and a total of 759 points are obtained. Thirty-six trees and 414 three gallon shrubs will be planted. At the June 28th meeting, Planning Commission asked for additional landscaping where the patio doors (outdoor dining) are located to provide a visual buffer to screen the coolers as shown on site plan or elevations. Anthony Slaughter P.E., authorized applicant said they will add more landscaping. The applicant provided calculations that the Impervious Surface is 70.6%. In the Gateway Corridor Overlay zone, the maximum Impervious Surface Ratio allowed is 70%. Staff recommends that at least three parking spaces be eliminated or three parking spaces constructed of pervious material so the 70% maximum ISR is not exceeded. At the June 28th meeting, Mr. Slaughter said three parking spaces located in the northwest corner on the site plan will be gravel so the property will comply with the 70% maximum ISR. A 10' x 20' private dumpster area is shown on the site plan. Staff recommends the dumpster enclosed with an opaque fence on all sides and an opaque gate.

Recommendation:

Staff recommends approval subject to recommendations in this report.

Mr. Parker reported the Engineering Department requires a grading, drainage, utility, erosion control, and post construction detention site development plan be submitted to the Engineering and Public Works Departments for review and approval for a Land Disturbance Permit. The Engineering Department recommends conditional use approval with the submitted application.

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

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

Chairman Pridgen opened the public hearing.

Anthony Slaughter, Engineer on record, we eliminated a bunch of parking as it is. The owner he is opposed to eliminating parking spaces.

Chairman Pridgen stated can we use a porous asphalt type material in 3 spaces?

Anthony stated not really. I do not want people parking on the street.

Mr. Parker suggested to meet the ISR requirements you could reduce the access width to 25 ft. width.

Mr. Slaughter stated we can gravel that area. [The three parking spaces in the rear]

Chairman Pridgen closed the public hearing.

Mr. Hilyer made a motion to grant conditional use approval with staff recommendations. Mayor Fuller seconded the motion.

Mr. Hilyer stated at work session it was mentioned to add something to cover the exposed cooler area.

Mr. Slaughter stated yes, we revised the landscape plan and omitted some of the hawthorns and putting the north port hollies which will grow up to 8'ft tall to cover the coolers.

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

Nays: None

Abstention: None

10. Stephen Benson, 1619 Thomason Drive, C-2, GC, Commercial accessory building

Mr. Ogren reported the applicant is requesting conditional use approval to construct a 30' x 50' (19' height at ridge) commercial accessory building in the rear yard area of his property. The property is zoned C-2, GC zone. An existing 3,800 square foot retail building constructed in 1990 fronts along Thomason Drive. The applicant's two tenants are Sign Essential and ADS Securities. The accessory building is a garage for the Sign Essential business. Sign Essential installs wall and freestanding signs for commercial businesses, but also installs "car wrap" signs on automobiles. Car wrap is a large vinyl decal or graphic applied on a vehicle that, in most cases, advertises a business. The vinyl application can be removed returning the vehicle to its original condition. The garage will provide a dust-free environment for Sign Essentials to install car wraps.

The original site plan in your packet shows the location of the 1,500 square foot accessory building on the property. The south exterior wall (50 feet long) will be seen from Thomason Drive. The applicant proposes 100% metal exterior siding on all sides. (Elevations of the proposed building are on page 4.) After discussions with the applicant, Planning staff recommended the proposed building relocated behind the existing building as shown on the revised site plan below (page 3). On the revised site plan a 30' wide wall with two garage doors will be facing south. The other three sides will not be seen from Thomason Drive. The north wall of the proposed building will be 5 feet from being aligned with the exterior wall of the existing building. In this new location the building's south wall will be more visually screened from motorist traveling northbound on Thomason Drive (the Gateway Corridor). Planning recommends a row of evergreen trees planted along the edge of the driveway to visually screen vehicles stored outside, labor activities, and vehicles entering & exiting the garage. Planning staff also recommends an opaque fence installed along the south edge of the driveway to visually screen the south wall and garage doors. The fence will also screen any outside labor activities, vehicles stored, and vehicles entering & exiting the garage. Staff recommends the fence color match the color of the south wall of the existing retail building. The fence should be at least 50 feet long and 8 feet high. The landscape plan provided meets minimum point requirements from the existing trees on the property.

Recommendation

Staff recommends approval subject to recommendations in this report.

Mr. Parker reported this proposed building is in the AE zoned FEMA Flood plain even though it is not shown on the included illustrations. Developer will need to follow all required permits and certificates through FEMA to fill and build in this area.

Since the total land disturbance of the development is under one half acre, the land disturbance permit should be submitted to the Building Department with the issuance of the building permit. Erosion and sediment controls will be established according to the standards required at that department. With the comment addressed, the Engineering Department recommends conditional use approval.

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

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

Chairman Pridgen opened the public hearing.

Mr. Kelley asked if the proposed building will have ac. Mr. Benson answered no.

Chairman Pridgen closed the public hearing.

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

Mayor Fuller seconded the motion.

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

Nays: None

Abstention: None

C. REZONING – Public Hearing

11. Industrial Partners LLC, 1000 & 1100 Jeter Avenue and Lot 4 as shown in Plat Book 13, Page 60 in Probate Office, Lee County, 18.7 acres, from PUD to M-1, GC and M-1

Mr. Kelley reported the applicant is requesting a zone change from PUD to M-1 to correct an error from rezoning of the property on December 16, 1997. Industrial Partners, LLC desires to refinance their property which requires a rezoning from PUD to M-1.

STAFF RECOMMENDATION: Approve the Rezoning

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

Mr. Hawkins and Mr. Prince had no reports.

Chairman Pridgen opened the public hearing.

No comments.

Chairman Pridgen closed the public hearing.

Mayor Fuller made a motion to send a positive recommendation to city council for a rezoning request from PUD to M-1, GC and M-1.

Dr. Menefee seconded the motion.

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

Nays: None

Abstention: None

12. Approval of a correction to the December 2015 Minutes

Chairman Pridgen stated for clarification: we are not actually voting on the motion, we are not extending the conditional use. The motion is to clarify an error.

Mr. Hilyer made a motion for approval of the correction of the wording “preliminary and final plat” to “conditional use”.

Dr. Menefee seconded the motion.

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

Nays: None

Abstention: Fuller, McEachern

With no further business on the agenda, Chairman Pridgen adjourned the meeting at 3:45 p.m.

_____ Keith Pridgen, Chairman

_____ Lewis Cherry, Secretary