

July 26, 2011

The City of Opelika Planning Commission held its regular monthly meeting July 26, 2011 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, James Morgan, Arturo Menefee, Keith Pridgen, Ira Silberman, David Canon, Lucinda Cannon, Michael Hilyer

MEMBERS ABSENT: Mayor Gary Fuller

STAFF PRESENT: Gerald Kelley, Planning Director
Martin Ogren, Assistant Planning Director
Rachel Dennis, Planning and Zoning Technician
Brian Kriel, Opelika Light & Power
Josh Hawkins, Opelika Utilities Board
Scott McBurney, Public Safety
Guy Gunter, City Attorney

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

Chairman Pridgen stated we will change the order of the agenda today to accommodate the masses. The fire department has requested no one stand in the doorways and block the exits. We have a lot of people here today to accommodate. [The approximate count of public in attendance is 95.] Item number 6. RHMB will be moved to the first item after business is handled.

I. Approval of June 28, 2011 Minutes

Chairman Pridgen asked for any changes or corrections to the June 28, 2011 Planning Commission Minutes.

Mr. Kelley stated staff has made a change in the minutes for clarification to differentiate between Council Member David Canon and Lucinda Cannon by adding the title Council Member.

Mr. Hilyer made a motion to accept the June 28, 2011 minutes of Planning Commission with the addition of title Council Member added to Mr. Canon.

Mr. Menefee seconded the motion.

Ayes: Morgan, Menefee, Silberman, Pridgen, Council Member Canon, Cannon, Hilyer

Nays: None

Abstention: Cherry

Chairman Pridgen thanked the audience for coming to the meeting.

E. ANNEXATION - Public Hearing (for Zoning District Requested)

6. RHMB, LLC, accessed at Rocky Brook Road & Hillflo Avenue, 239 acres, zoning request – PUD - PC zoning district recommendation to City Council (Tabled at June 28th PC Meeting)

Chairman Pridgen stated that Mr. Harmon [the developer] asked the Commission not to vote on The Bowery Quarters PUD today. He is out of town and wanted to attend the meeting to address any questions from property owners or the commission. However, since we left the public hearing as 'open' at the June meeting we will go ahead today and hear from those attending the meeting.

Mr. Kelley reported that there was a motion to approve approximately 14.5 acres last month (June). This portion of The Bowery Quarters PUD is located on the far western end of the development and is also adjacent to the new fire station under construction.

The 14.5 acres is in Opelika cooperate limits zoned R-2. Chairman Pridgen said with that approved motion by the Commission and with Mr. Harmon's request the 14.5 acres section will be forwarded on to the City Council.

Mr. Gunter stated the PUD is a comprehensive development which includes the total acreage as submitted. I do not know how you can send part of the PUD and not the whole. The City Council needs to vote on the whole comprehensive development when the council votes.

Mr. Kelley indicated the 14.5 acres is a LLC entitled BLUFOO, LLC (Grady Harmon). In my opinion this 14.5 acres can be separated from the 252.5 acre parcel PUD of RHMB, LLC and sent to City Council.

Chairman Pridgen stated we can do it either way. The 14.5 acres was presented as a separate area of the PUD. It was approved by the Commission at the June meeting.

Mr. Gunter stated I thought the whole PUD submitted was one comprehensive development.

Chairman Pridgen stated the 14.5 acre portion was approved last month (June). At the June meeting I asked administratively for us to hold off on forwarding the 14.5 acres to City Council. If we need to hold this another month, that is fine.

Mr. Kelley reported that the Bowery Quarter PUD originated in October of 2010. Beginning then and following the rules of the Planning Commission we provide certified letters to go to all adjacent property owners, along with the notice in the Sunday paper, where Planning Commission provides the agenda about two weeks prior to the meeting. Also certified letters were mailed the adjacent property owners. On October 12th the certified letters were mailed and four were returned. On May 17th a neighborhood meeting was requested by the Planning staff after discussions with Mr. Harmon. Staff thought it best to sit down with some of the adjacent property owners to hear the general concept of the proposal in this room. Most of the property owners that attended were from the Oak Bowery Road side of the PUD. On Monday June 13th, a Development Planned Review Conference was held as required by the Planned Unit Development Ordinance. The conference included staff, Planning Commissioners, and the applicant. The Planning staff felt like it was appropriate given the magnitude of this project that letters be mailed to adjacent property owners as a courtesy. So on June 3rd, an invitation to attend the conference was mailed to all 23 adjacent property owners via first class mail. On June 10th certified letters were mailed for the June 28th Planning Commission Meeting. That is the litany of the advertising that has occurred. By the audience we have today it appears the word has spread around.

Mr. Kelley reported a short narrative of the proposed development. However Mr. Kelley stated I would like the staff report to be entered in the record [PC minutes]. The applicant is requesting this 239 acre parcel be simultaneously annexed into the City of Opelika and zoned PUD (Planned Unit Development).

Since the work session on June 21st the applicant has been revising the Development Plan and narrative summary to include typical elevations and generic themed style homes. The residential numeric count for the total developed has been reduced by one hundred and eight (108) units to a total of six-hundred forty-one (641) units. This is a gross density of 2.5 units to the acre. This site contains 81 acres of floodplain/wetlands. The location of condominium units at the western area of the development have been moved to the northwest/north central area of the property. The location of two hundred and four (204) units; three-story (not to exceed forty-five feet in height), of independent/assisted living units, are in the southeast quadrant of the property. A forty (40) foot undisturbed buffer is shown along Rocky Brook Rd and along the western property line of the courtyard garden homes adjacent to the Taylor/Patterson property fronting Oak Bowery Road. The development statistics table in the right hand corner of the plan depicts a breakdown of the housing type.

Planning and Engineering staff will require a Traffic Impact Study be submitted no later than ninety (90) days if the City Council approves the annexation and zoning of the property to PUD.

Engineering and Planning will require on the development plan the future public road dedication to the southern property line for potential connection northward of Hillview Lane; and a road extension to the northern property line of the Mead property in the single family section (north central portion) of the site. These future public street connections to adjacent property are mandated in the Subdivision Ordinance and Public Works Manual of the City of Opelika.

Likewise, the administration will require a cash or surety bond for all elements of the project including community center/pool, walking trail, sidewalks, utilities, public roads, and storm water infrastructure. This is set forth in Section 8.18, Subsection G.; Performance Bonds, as the various phases of the development proceeds.

The Planning Department recommends PUD zoning be approved subject to:

- 1) Submit a Traffic Impact Study no later than ninety (90) days if the City Council approves the annexation and zoning of the property to PUD;
- 2) (This has been amended on the plan.) Maximum height of any structure in the assisted/independent living phase shall not exceed forty-five (45) feet.
- 3) (This has been amended on the plan.) Show connections on Development Plan of a future road dedication to the Mead property in the single family section (north central portion) on the north property line of the site, and on the south a future road dedication potential northward of Hillview Lane,
- 4) Neither building construction nor engineering plans, including all amenities (i.e. sidewalks, trails community building/pool) shall be submitted unless accompanied by a performance bond as set forth in Section 8.18, Subsection G. during either all or specified parts of the development.

Mr. Dorsey reported sanitary sewer service is available to the subject property via one 10-inch gravity main and one 8-inch gravity main that drain across the property in an east-to-west direction. Vehicular access is gained via Palin Avenue to the west, which intersects Oakbowery Road, and a third leg at the intersection of Rocky Brook Road and Hillflo Avenue to the east. Rights-of-way for future road extensions to the north and south will be dedicated. Two roundabouts will provide traffic calming within the development. Approximately 81 acres of the subject property are located either within wetlands or the 100-year flood zone, and the entire land area is located within the Saugahatchee Lake watershed. Storm water will be managed through the construction of two lakes on the existing stream channels. The southeastern-most portion of the subject property will contain an independent/assisted-living facility. The center of the subject property will be developed as a small commercial hub with service-related businesses. Loft apartments will be available on the second floors of the commercial buildings. The remainder of the developed land will contain a combination of single-family detached residences, courtyard homes, duplexes, and cluster homes. A community center with swimming pool, tennis courts, and several passive parks will provide recreation opportunities. Paved pedestrian/golf cart paths will be constructed along all public rights-of-way and walking paths will also be constructed along the wetlands areas.

The Engineering Department has a positive recommendation for this rezoning request, subject to the following:

1. The developer shall provide a traffic impact study. The study shall determine the traffic impacts from this development upon the surrounding collector roads and intersections, such as Oakbowery Road, Rocky Brook Road, Hillflo Avenue, Lafayette Parkway, and Morris Avenue, and what, if any, improvements should be made along these roads and intersections to accommodate the increased traffic. This study shall be completed and available for review prior within ninety (90) days of passage by the City Council.

Mr. Hawkins reported water service is accessible to this request by a water main in the right-of-way of Rocky Brook Road. This development will need to meet the requirements of the Saugahatchee Watershed Protection Area.

Mr. Kriel reported this parcel is in the Tallapoosa River Electric Cooperative and Opelika Light and Power service territory.

Chairman Pridgen asked Mr. Kelley to define a PUD.

Mr. Kelley stated a Planned Unit Development is a concept and a zoning district that may have different types of land uses. One example of a commercial PUD would be Tiger Town. There are other residential PUDs in the city, but few in number. Typically in a PUD you may find multiple land uses that are within the contiguous boundary of the property. In this particular case, a mixture of all residential types as well as a commercial village area proposed internally within the proposed development. PUD is a separate zoning classification that is approved ultimately by City Council upon recommendation by the Planning Commission as a zoning district with specific plans as to how it is to be developed. What if the developer proposes a change to an approved PUD? If there are variations to the PUD master plan, as approved and the zoning established by the City Council; if there are major changes (ex. Commercial area change to be located in the single family area) the developer has to come back to the Planning Commission as a major amendment change and then go to City Council again for approval. If you moved a street 50 ft internally within the development, but keeping the same land use patterns, that would be a minor adjustment that would be reviewed administratively and need not to go before Planning Commission or City Council. The minor changes must keep the integrity of the development plan without making a major modification.

Chairman Pridgen stated in a PUD zone when a client submits a master plan and it is approved by the Planning Commission and City Council then those conditions required for the plan and the plan as submitted are tied to the land. So if by chance the current owner sells the property it continues as the master plan was approved to the next owner. There is not a hands-off situation. Even though it is the most flexible zoning in the City it is the most restrictive zone once we have everything [master plan] set in place.

Chairman Pridgen stated we are going to complete the public hearing. We had guidelines discussed at Thursday's Planning Commission work session for this public hearing. We requested one representative from the group to come forward and we will allow a five minute presentation on thoughts of the group as a whole. Once that is over we are going to give you a few minutes to come up with positive specific recommendation on how we maybe able to make this project more plausible. If you have a negative thought about the plan in a specific area or a specific guideline and/or specific remedy for the plan then we will provide those thoughts to Mr. Harmon (Developer).

Dr. Allen Lazenby, 1400 Morris Avenue, will be representing the group. We do not feel it is fair to be limited in this way [5 minutes to speak], but we do thank the Planning Commission for the opportunity to discuss this zoning problem. We have multiple concerns and multiple unanswered questions.

1. No where in the minutes since October of 2010 has this development plan been mentioned until June 2011. The development was on the agenda again. The June minutes are not available on the web page. I did get a draft emailed to me from Mrs. Dennis.
2. Appropriate zoning. This high density development is out of character for this part of Opelika and the surrounding neighborhoods. The majority of development in this area is low density residential with single family dwellings. The proposed development is on the opposite end of the spectrum with small lots, condominiums, and duplexes. We have had helpful legal advice which we feel supports our position [opposition].

3. Future Land Use Map. This map shows this area in question is clearly surrounded by low density residential. What is proposed is outside the city limits.
4. Opelika Municipal Codes and Codes of Alabama are important. We feel they are important because we have heard you say that you do not have the ability to tell a land owner what they can do with their property. By reading these codes we find that you have the authority to do this. Not only do you have the authority to do that but you have the legal responsibility to represent the citizens of Alabama including the adjoining property owners, including the people who live in this district, and this neighborhood.
5. Zoning Ordinance of Opelika. We repeatedly read direction from the ordinance. Which we feel supports our views. For example page 1 & 2, "This ordinance contains standards and procedures intended to ensure that neighbors, the citizenry-at-large, and the City of Opelika are protected from adverse impacts; and that the community's general welfare is protected and enhanced. Distinctions between zoning districts are significant and are based on the policies contained in the Comprehensive Plan." We are thankful for those of you that helped put together our visionary Comprehensive Plan. "The districts are sized and located to meet the needs in Opelika for preservation of stable, existing development." Further goes on to say the Commission is directed to protect land owners from adverse impact of an adjoining development and divide the incorporated areas of the city of Opelika into districts according to uses of the land; the density of the development, intensity of such use and development.
6. Section 8.18 Planned Unit Developments. Development should be: compatible with surrounding areas, serve to implement the plans of the city of Opelika, have no significant adverse impact to adjacent properties, consistent with the plans of Opelika, design site planning shall ensure compatibility and harmony with existing planned uses on adjacent properties, finally, development should be equal to the overall density permitted in the applicable zoning district.

A general positive recommendation would be to preserve this area as low density development with single family dwellings, and not include condominiums, duplexes, and other high density development.

Chairman Pridgen stated we will open the public hearing on recommendations specifically on a change or recommendation that we can pass along to Mr. Harmon.

Mr. John Howard, 400 Hillflo Avenue, what is the property zoned currently?

Chairman Pridgen stated it is not zoned because it is not in the city of Opelika. It is in the county [Lee].

Mr. Howard asked if the property owner asked to annex the property then what zone would be required if no PUD development plans had been proposed.

Chairman Pridgen stated typically a holding pattern is R-1 if there is no philosophy of what we are going to do with the area. R-1 is our standard holding zone designation. That is why when you look at the Future Land Use maps, you see the R-1 in the outskirts all over the City. The developed areas rarely are zoned as R-1.

Mr. Howard asked if the annexed property would typically conform to the adjacent properties and existing development.

Chairman Pridgen stated if the owners are not developing the land then yes.

Mr. Howard stated then the property annex zone should conform to the land use map designations as shown in the Comprehensive Plan 2020. Is that correct?

Chairman Pridgen stated not necessarily. That is not in that area. This is undeveloped property that is not in the City limits but in the county [Lee] at this time. This being outside the City limits then it is irrelevant as far as what the Comprehensive Plan 2020

says. If we were to annex the property, we would bring it in as R-1 if they are not going to do develop the property. If they are going to develop it then we look at specific properties surrounding the annexed area and designate a zone. It could be an R-2, R-3, or PUD zone based on the development.

Mr. Howard stated our positive recommendations as a neighborhood would be to have more time to make further recommendations to the proposal so we can work with the City and the Planning Commission to arrive at a development we can all agree on. Legally as a community we believe the City has rights. Allen described those in detail. We recommend to you that you exercise those rights. What we would all agree on at this point is that the proposed PUD be consistent with its surrounding adjacent areas. "The people behind me [the audience] have made significant investments in their properties to the total of millions of dollars." Let's make sure we keep this in perspective.

Mr. Banks Herndon, 3200 Oak Bowery Road, the specific recommendation I would like to make is to encourage you to require Mr. Harmon to develop his property not with ¼ acre lots but to develop with at least 1 acre lots. The adjoining property owners have invested their money in Opelika in an area knowing what exists around them and trusted our city officials to take care of us. It makes sense to require the developer to develop the property according to what already exists. It is the law.

I would encourage each of you to read the Ordinance 8.18 subparagraph E. There is "shall" language in this section. It specifies 9 criteria that a developer must meet. It specifies all 9 must be met before a property can be zoned PUD. Mr. Herndon read 1 & part of 3.

1. The proposal shall produce a functional, enduring and desirable environment, with no significant adverse impacts to adjacent properties.
3. The design and site planning shall ensure compatibility and harmony with existing and planned uses on adjacent properties.

Mr. Kelly Curenton ,3002 Hickory Lane, I agree with all the people. My major concern is the development is totally out of character of what is already there. We will have to live with this development or sell our houses and move. Now is a terrible time to sell your house and move so we are stuck. I think adjustments to the plan can be made and if this development does go forward then move the 'eye sore' away from the existing developments. I like assisted living. My parents are both in one. To put a three story building beside a single family home is terrible. A few trees between the two will not solve the problem. My real concern for this is traffic. The traffic will be terrible. Not just at the intersections. We are already the raceway during school time. We have no traffic control at either end (431/Morris, Hillflo/Rockybrook, Morris/Oak Bowery) also sight vision is bad.

Chairman Pridgen closed the public hearing. Commission we have a request of Mr. Harmon (the developer) to make no vote and table this to the next meeting.

Mr. Cherry made a motion to table this item and hold related items until the August 23, 2011 meeting.

Ms. Cannon seconded the motion.

Council Member Canon thanked the audience for attending and expressing their concerns. Noting, we have Mr. Gunter to help ensure we are acting with the laws.

Mr. Cherry asked why the traffic study is allowed to wait ninety days after approval. A traffic study has to be done so that these people will know what is in front of them if it is approved. How does this development affect the children and traffic that flows through the intersections that tie into this development? In the past, with other developments sight issues, we would not approve it until a traffic study was completed. It is necessary that the public know what is going on.

Ayes: Cherry, Morgan, Menefee, Silberman, Pridgen, Council Member Canon,
Cannon, Hilyer

Nays: None

Abstention: None

Chairman Pridgen stated the motion carries to table item 5 & 6 and to not forward the PUD request for the small 14.5 acres that was passed last month (June).

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

1. Raymond Murphy Subdivision, 5th Revision, 2 lots, Lee Road 270, Robert McConnell, preliminary and final plat approval

Mr. Ogren reported the applicant is requesting preliminary and final approval for a 2 lot subdivision located on Lee Road 263 & 270. The purpose of the subdivision is to subdivide Lot F-1A-1B (2.1 acres) from Lot F-1A-1A (63 acres). Each lot meets the minimum 15,000 square foot lot size requirements for a subdivision in the (PJ) planning jurisdiction.

Planning Department recommends preliminary and final plat approval.

Mr. Dorsey reported sanitary sewer service is not available to this three-lot subdivision, which is located outside the Opelika corporate limits on Lee Roads 263 and 270. Parcel F-1A-1A has been developed with a single-family residence and several accessory structures, while Parcels F-1A-1B and F-1A-1C are undeveloped.

The Engineering Department recommends preliminary and final plat approval as submitted.

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

Mr. Kriel reported this subdivision is outside the Opelika Light and Power service territory.

Chairman Pridgen opened the public hearing.

No comments.

Chairman Pridgen closed the public hearing.

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

Mr. Hilyer seconded the motion.

Ayes: Cherry, Morgan, Menefee, Silberman, Pridgen, Council Member Canon,
Cannon, Hilyer

Nays: None

Abstention: None

2. Beagles Subdivision, 2 lots, Lee Road 754, Jeff Ward, preliminary and final plat approval

Mr. Ogren reported the applicant is requesting preliminary and final approval for a 2 lot subdivision located on Lee Road 754. The purpose of the subdivision is to subdivide 9.6 acres in half to sell two 4.3 acre parcels. The two lots meet the minimum 15,000 square foot lot size requirement and minimum 100 foot lot width for a subdivision in the (PJ) planning jurisdiction. The 35 foot front building line and flood zone information needs to be shown on the plat.

Planning Department recommends preliminary and final plat approval subject to:

1. 35 foot front building line shown on the plat
2. Flood zone information shown on the plat.

Mr. Dorsey reported sanitary sewer service is not available to either lot in this two-lot subdivision, which is located outside the Opelika corporate limits on Lee Road 754. Lot 1 is undeveloped, while Lot 2 has been developed with a single-family residence and two accessory structures. A 100-foot wide Southern Natural Gas easement extends through both lots in an east-west direction. Lee Road 754 presently has no public right-of-way across the front of the parent parcel, as the boundary of the parent parcel extends to the center of the road. A 30-foot public right-of-way will be deeded across the entire frontage of both lots as part of this plat approval.

The Engineering Department recommends preliminary and final plat approval, subject to the following:

1. Indicate the front-yard setback line on the plat.
2. Indicate the availability of public water and sewer on the plat.

Mr. Hawkins reported this subdivision is supported by private wells.

Mr. Kriel reported this subdivision is outside the Opelika Light and Power service territory.

Chairman Pridgen opened the public hearing.

Ms. Mattie Carr asked for clarification of the development.

Mr. Ogren demonstrated on the overhead map the division of the property and Ms. Carr understood.

Chairman Pridgen closed the public hearing.

Council Member Canon made a motion to grant preliminary and final plat approval with staff recommendation.

Mr. Menefee seconded the motion.

Ayes: Cherry, Morgan, Menefee, Silberman, Pridgen, Council Member Canon, Cannon, Hilyer

Nays: None

Abstention: None

B. CONDITIONAL USE APPROVAL

3. Langley & Langley LLC, 420 Williamson Ave., M-1, Wholesale-construction materials

Mr. Ogren reported the applicant is requesting conditional use approval for a wholesale construction materials business in an M-1 zoning district. The applicant is also a building contractor. The applicant desires to purchase & sell materials in large quantities therefore he expects most of his business will be wholesale. The business will have a retail area for walk-in customers.

The site plan shows a 64,246 square foot building on 9 acres with 50 parking spaces including two handicapped spaces located. The building will be used for retail sales (2,240 sf), office space (6,010 sf), and warehouse storage (57,000 sf).

This nine acre property was developed in the 1980's. Since then landscaping has been planted and undisturbed wooded areas preserved by the property owners. The landscape plan submitted shows zones of landscaped areas (zone 1 & 2) and a thick undisturbed wooded area (zone 3). Based on staff's inspection of the property the existing plant material should meet the minimum requirements of the Landscape Regulations. However, the applicant will need to modify the landscape plan submitted and show the location of the existing trees and shrubs that will be preserved.

Planning Department recommends conditional use approval subject to:

1. Revising the landscape plan according to meet requirements of the Landscape Regulations (Section 10 Zoning Ordinance) and adding shrub/trees as appropriate along the building.

Mr. Dorsey reported sanitary sewer service is available to this 9.09-acre parcel via an in-place gravity main within the Williamson Avenue right-of-way. Vehicular access to the site is available via in-place driveways on Williamson Avenue and Poplar Street. Fifty paved, on-site parking spaces are indicated, of which two are designated for use by the disabled. Several utility and/or drainage easements traverse through the parcel in various directions. The northern-most easement contains a sanitary sewer force main that serves the solid waste collection facility adjacent to, and northeast of, the site. Several years ago, when the property owner was creating the overflow parking area on the northern side of the building, a large amount of fill material was placed over the PVC force main. No new impervious surfaces are proposed; therefore, no stormwater detention is required.

The Engineering Department recommends conditional use approval, subject to the following:

1. Indicate the location of the garbage dumpster on the site.
2. Re-stripe and re-mark the on-site parking spaces as necessary.
3. Ensure a 24 foot minimum paved width at the Williamson Avenue entrance.

Mr. Hawkins reported Opelika Utilities currently serves this location.

Mr. Kriel reported this use is presently served by Opelika Light and Power.

Chairman Pridgen opened the public hearing.

No comments.

Chairman Pridgen closed the public hearing.

Ms. Cannon made a motion to grant conditional use approval with staff recommendation.

Mr. Morgan seconded the motion.

Ayes: Cherry, Morgan, Menefee, Silberman, Pridgen, Council Member Canon, Cannon, Hilyer

Nays: None

Abstention: None

C. REZONING – Public Hearing

4. **BLUFOO, LLC, accessed at 3200 block Oak Bowery Road, 14.5 acres, from R-2 to PUD (Planned Unit Development) (Tabled at June 28th PC Meeting)**

D. ANNEXATION

5. **RHMB, LLC, accessed at Rocky Brook Road & Hillflo Avenue, 239 acres, PC recommendation to City Council (Tabled at June 28th PC Meeting)**

E. ANNEXATION - Public Hearing (for Zoning District Requested)

6. **RHMB, LLC, accessed at Rocky Brook Road & Hillflo Avenue, 239 acres, zoning request – PUD - PC zoning district recommendation to City Council (Tabled at June 28th PC Meeting)**

Chairman Pridgen stated Item 4 was held. Item 5 & 6 were tabled earlier.

F. ZONING ORDINANCE TEXT AMENDMENT – Public Hearing

7. **Amend Section 2.2 Definitions to include Body Art (tattoo, body piercing)**

Mr. Kelley reported during the past 30-60 days the Planning Department has received several requests concerning zoning districts which permit body art services. This land use is not identified in the zoning matrix table. Our position is this personal service should be limited to locations zoned C-3 and M-1 with conditional use approval by the Planning Commission in C-3 and in the Gateway 2 Overlay District of C-3.

Therefore, we are recommending that a definition be created for body art businesses and the matrix table amended to include such uses.

Planning Department recommends for Section 2.2 Definitions, Body Art (tattoo & body piercing) to read as follows:

Body Art (tattoo & body piercing) – The practice of physical penetration of the skin for placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments.

Mr. Dorsey had no report.

Mr. Hawkins had no report.

Mr. Kriel had no report.

Chairman Pridgen opened the public hearing.

No comments.

Chairman Pridgen closed the public hearing.

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

Mr. Menefee seconded the motion.

Ayes: Cherry, Morgan, Menefee, Silberman, Pridgen, Cannon, Hilyer

Nays: None

Abstention: Council Member Canon

8. Amend Section 7.3, Specific District Regulations, Subsection C. Use Categories – Add new use category ‘Body Art’

Mr. Kelley reported the matrix table for body art businesses will be permitted in C-3 as a conditional use, including the Gateway Corridor District 2 from the Planning Commission; but allowed in M-1 except in GC-2 as conditional.

Planning Department recommends Section 7.3 Specific District Regulations, Subsection C. Use Categories - Add Body Art (tattoo & body piercing) category read as follows:

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
COMMERCIAL																
Body Art (Tattoo & Piercing)	N	N	N	N	N	N	N	N	N	N	C	A	N	N	N	C

Mr. Dorsey had no report.

Mr. Hawkins had no report.

Mr. Kriel had no report.

Chairman Pridgen opened the public hearing.

No comments.

Chairman Pridgen closed the public hearing.

Ms. Cannon made a motion to send a positive recommendation to City Council with staff recommendations.

Mr. Cherry seconded the motion.

Ayes: Cherry, Morgan, Menefee, Silberman, Pridgen, Cannon, Hilyer

Nays: None

Abstention: Council Member Canon

G. OTHER BUSINESS

9. Bertha Hughley, 210 South 8th Street, Discuss proposal for a Sports Bar , restaurant & live entertainment business on 2nd floor in C-1 zone

Mr. Kelley stated after requirements were discussed on Thursday, Ms. Hughley stated she will submit conditional use application for August meeting.

With no further business on the agenda, Chairman Pridgen adjourned the meeting at 4:06 p.m.

_____ Keith Pridgen, Chairman

_____ Rachel Dennis, Secretary