

**CITY OF OPELIKA
PLANNING COMMISSION MEETING
JULY 26, 2016
3:00 P.M.
PUBLIC WORKS FACILITY
700 FOX TRAIL**

The City of Opelika Planning Commission held its regular monthly meeting July 26, 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. Approval of June 28, 2016 Minutes

Dr. Menefee made a motion for approval of the June 28, 2016 Minutes as written. Mayor Fuller seconded the motion.

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

Nays: None

Abstention: None

II. Update on Previous Planning Commission cases

Mr. Kelley reported August 2, 2016 will be the second reading for the rezoning from PUD to M-1, GC by Industrial Partners.

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

1. Sentinel Hills Subdivision, Phase 2, 20 lots, Lee Road 2192, Barrett-Simpson, Inc., preliminary and final approval

Mr. Ogren reported the applicant is requesting preliminary and final plat approval for a 20 lot subdivision (Phase 2) located in the Planning Jurisdiction and about 2 miles northeast of Exit 66 on Interstate 85. At the October 2012 meeting the Planning Commission granted preliminary approval. Single family homes will be constructed on each lot. The 20 lots range in size from 15,163 square feet to 84,356 sf. Each lot meets the minimum 15,000 square foot lot size. A 35 foot minimum front yard building setback line is shown for each lot. **The applicant emailed asking for the plat to be tabled until the August 23rd meeting because streets construction is not complete.** ~~At this writing, the street that provides access to the 20 lots is under construction. Street construction is expected to be completed before the July 26th PC meeting.~~

Staff recommends the preliminary and final plat approval be tabled until the August 23rd meeting. The streets are not complete. If the streets are not complete staff recommends the plat be tabled until the August 23rd meeting¹ (After July 26th there are 28 days to the next Planning Commission meeting on August 23rd).

¹ SECTION 4.6 AUTOMATIC APPROVAL - Failure for the Planning Commission to approve or disapprove the final plat within thirty (30) days after submission shall be deemed approval of the plat.

Mr. Parker reported the Engineering Department has been inspecting the construction of the infrastructure and a Certification of Completion will be completed and signed by the Engineering and Public Works Directors. A Bond for the remaining surface of asphalt and sidewalks for 125% of the estimated cost is required and should be in a renewable security or guarantee until the pavement and sidewalk is completed. A maintenance bond or security guarantee will then be issued to the City for 25% of the infrastructure cost for one year. If this requirements are met, the Engineering Department recommends Preliminary and Final Plat approval.

Chairman Pridgen approved this item to be tabled until the August 23, 2016 meeting as requested by the applicant's representative Blake Rice of Barrett-Simpson, Inc.

2. Waldrop Subdivision, 2 lots, 7739 Lee Road 390, Joshua L. Howard, preliminary and final approval

Mr. Kelley reported the applicant is requesting preliminary and final plat approval to subdivide the tract into two parcels. Parcel 1 is 2.5 acres. Parcel 2 is 8.5 acres. Each parcel has an existing residence on each lot.

Recommendation: Approve preliminary and final plat.

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

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.

Mr. Silberman seconded the motion.

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

Nays: None

Abstention: None

3. Creekstone Subdivision, Phase 3, 57 lots, 1600 block Creekstone Drive, Edgar Hughston, Preliminary approval

Mr. Ogren reported the applicant is requesting preliminary plat approval for a 57 lot subdivision located off South Uniroyal Road. Fifth-five lots are located in an R-3 zoning district and two lots in an R-2 zone (Lot 91 & Lot 141). He two R-2 zone lots have direct access to South Uniroyal Road. The minimum lot size in an R-3 zone is 10,000 square feet (sf) and minimum lot width is 70 feet. The R-3 lots range from 10,004 square feet to 2.66 acres (Lot 142). All lots meet the minimum 70 foot lot width except Lot 122 (62.5 feet). For final approval, Staff recommends the side lot line between Lot 122 and Lot 123 be modified so Lot 122 meets the 70 foot minimum lot width. The minimum frontage width for those lots on the turnaround portion of a cul-de-sac street is 30 feet. Each lot on the cul-de-sac meets the minimum 30 foot lot width. The R-2 zone minimum lot size is 15,000 sf and minimum lot width is 80 feet. At the July 2005 meeting for a request to rezone the property, the Planning Commission required an R-2 zone for those lots along the west side of South Uniroyal Road. Each lot in the R-2 zone must have a depth of 150 feet. These R-2 zone lots provided more compatibility for the adjacent properties on the east side of South Uniroyal Road and served to maintain property values. The smallest adjacent lot on the east side is 1.3 acres (60,576 sf). In addition to the 150 foot lot depth for the R-2 zone lots, the Planning Commission required a 30 foot undisturbed buffer along the rear property line of the R-2 lots. The 30 foot buffer serves as a visual buffer between the R-3 zone and R-2 zone. Lot 91 and Lot 141 are located in the R-2 zone. The

depth of Lot 91 and Lot 141 are 183 feet and 185 feet, respectively. The 183 & 185 foot depth includes a "30 foot Undisturbed buffer" as shown on the lots and a note added – see note #10.

Staff recommends preliminary approval subject to note #6 revised stating that R-3 minimum setbacks are 30' front, 10' sides, 25' rear and R-2 minimum setbacks 35' front, 15' sides and 30' rear, and a minimum 70 foot lot width provided for Lot 122.

Mr. Parker reported the Engineering Department will require a revised subdivision grading and site construction plans with the required roadway construction design and standards, utility design and standards, erosion and sediment control plan, post construction storm water detention calculations and design to be submitted for distribution to various departments. Once these plans are reviewed and approved by all departments, the developer/contractor will be required to obtain an ADEM and City of Opelika Land disturbance permit prior to construction. Opelika Engineering Department will monitor and observe the roadway construction and each utility department will do the same with their responsible utilities until complete and the final plat can be submitted.

The Engineering Department recommends Preliminary Plat approval.

Mr. Hilyer reported the lift station pumps will need to be upgraded. That will be a part of this process.

Mr. Hawkins reported Water service is accessible to this subdivision by a water main in the R.O.W. of South Uniroyal Road, Archer Way, and Creekstone Drive.

Mr. Prince reported this subdivision is in the Opelika Power Services territory.

Chairman Pridgen opened the public hearing.

William Clifton of 1700 South Lake Drive, spoke concerning the gas line that runs through his property. It is a main distribution line.

Mr. Parker stated the developer and site engineer consider utilities as the plans are drawn and submitted. Then the developer builds the subdivision and acknowledging that existing utilities are near the development. If you have any issues during construction you can always call us we are here for the city residents. Once construction is complete, the plat will come back to Planning Commission for final approval. After final approval, home construction can begin. For now, a lot of watching construction takes place. I know you guys will be watching and we will too.

Chairman Pridgen asked the representative to address concerns about access across Wildwood Dr. or north in the cul-de-sac.

Mr. Slocumb stated there will be a couple of issues. There is a drainage way that would require fill and piping. Would it be the developer's responsibility to upgrade the lift station pump?

Mr. Hilyer stated absolutely. It was designed in mind for the first two phases. The next phase has to be upgraded. The pumps have to be upgraded at your subdivision.

Mr. Slocumb stated to move forward with plat approval, are we just agreeing to an open budget to upgrade the lift stations?

Mr. Hilyer stated I can't give you an answer on that until I get the finished study which will take a few days. It is more of enlarging the pumps to move it on down the line. Call me on Monday or Tuesday.

Chairman Pridgen stated sidewalks will need to be included in the plans as required in the subdivision regulations.

Mr. Slocumb stated yes.

Chairman Pridgen closed the public hearing.

Mr. Hilyer made a motion to grant preliminary plat approval with staff recommendations.
Mr. Silberman seconded the motion.

Ayes: Cherry, McEachern, Silberman, Menefee, Fuller, Council Member Canon, Hilyer
Nays: None

Abstention: None

B. FINAL PLAT APPROVAL

4. The Reserve at Wyndham Gates Subdivision, Phase 1, 58 lots, Gateway Drive, Gregory Dewberry, Final approval

Mr. Kelley reported the applicant is requesting final plat approval to subdivide this site of twenty (20) acres into fifty-eight (58) single family lots. Lots range in size from 7,000 sq. ft. to 11,000 sq. ft. A future residential phase to the north will complete the residential development of Wyndham on the north side of Gateway Dr.

Recommendation: Approve final plat.

Mr. Parker reported the Engineering Department has been inspecting the construction of the infrastructure and a Certification of Completion has been completed and signed by the Engineering and Public Works Directors. A Bond for the remaining surface of asphalt and sidewalks for 125% of the estimated cost has been submitted and accepted until the pavement and sidewalk is completed. A maintenance bond or security guarantee has then been issued to the City for 25% of the infrastructure cost for one year. The Engineering Department recommends Final Plat approval.

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

Mr. Prince reported this location 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 final plat approval with staff recommendations.

Mr. Hilyer seconded the motion.

Ayes: Cherry, McEachern, Silberman, Menefee, Fuller, Council Member Canon, Hilyer
Nays: None

Abstention: None

5. National Village Subdivision, Phase 7D, 40 lots, 2700 block National Village Parkway, Retirement System of Alabama, Final approval

Mr. Ogren reported at the September 2015 meeting, the Planning Commission granted preliminary approval for Phase 7-D. The applicant is now requesting final approval. The plat is located in the National Village PUD and the Saugahatchee Watershed Protection Area. Final approval is for 40 lots; single family homes will be constructed on each lot. Most of the lots are about 8,500 square feet; cul-de-sac lots are over 10,000 sf. National Village Parkway was extended and two cul-de-sac streets were constructed (50' right-of-way width) to provide access to the lots. The two cul-de-sac streets need to be named. The minimum building setbacks as noted on the plat are 5' front yard, 5' side yard and 15' rear yard.

Staff recommends the final plat approval subject to street names assigned to the new streets.

Mr. Parker reported the Engineering Department has been inspecting the construction of the infrastructure and a Certification of Completion has been completed and signed by

the Engineering and Public Works Directors. A Bond for the remaining surface of asphalt and sidewalks for 125% of the estimated cost is required and should be in a renewable security or guarantee until the pavement and sidewalk is completed. A maintenance bond or security guarantee has been issued to the City for 25% of the infrastructure cost for one year. These requirements have been met, the Engineering Department recommends Final Plat approval.

Mr. Hawkins reported water service is accessible to this subdivision by a water main in the R.O.W. of National Village Parkway. 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 location is outside the 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 final plat approval with staff recommendations. Dr. Menefee seconded the motion.

Mr. Kelley reported Mr. Conner emailed an updated Master Plan. We asked him for a larger rendering. It is in process.

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

Nays: None

Abstention: None

C. CONDITIONAL USE – Public Hearing

6. Opelika Custard Realty, LLC, Capps Way, C-3, GC, Restaurant-Freddy's Frozen Custard & Steamburgers

Mr. Ogren reported the applicant is requesting conditional use approval for a restaurant - Freddy's Frozen Custard & Steamburgers in C-3, GC zone. The restaurant is bordered by three streets - Gateway Drive, Capps Landing & Capps Way. Public road access is provided from Capps Landing and Capps Way. **The location of the driveway for Capps Landing has been changed. The revised plan in your packet shows the driveway aligned with the Eagle Convenience store driveway. The previous driveway location was near the Capps Way & Capps Landing intersection.** The restaurant will provide 122 customer seats; 13 employees will serve the customers. A drive-thru is provided on the east side of the building. The site plan shows a 3,070 square foot building on a 69,090 square foot lot. The plan shows ~~57~~ **56** off-street parking spaces including three handicap spaces; 54 is the minimum off-street parking requirement. The landscape plan meets minimum requirements; a total of ~~38~~ **40** trees and 121 shrubs will be planted. The site meets the maximum 70% Impervious Surface Ratio (ISR); the ISR proposed is 56.9%. The exterior wall elevations on all sides is a combination of brick, glass, and EIFs board. The 'north' elevation faces Gateway Drive and the west elevation faces Capps Landing toward the Eagle Convenience store. A 10' x 30' private dumpster area is shown on the site plan. As stated on plan staff recommends the dumpster must be enclosed with an opaque fence on all sides and an opaque double gate. A photometric plan is provided; a residential zone is not adjacent to the restaurant.

Recommendation: Staff recommends approval as submitted.

Mr. Parker reported the Engineering Department has discussed the access location on Capps Landing with the site engineering and we recommend the access be relocated toward Gateway Drive to line up with the access to the Eagle Store for better cross traffic and to meet the Public Works Manual requirement of a 125-ft spacing from the intersection. The post construction storm water detention is compensated for by the regional detention pond in the development.

The Engineering Department requires a grading, drainage, utility, erosion control, be submitted to the Engineering and Public Works Departments for review and approval for a Land Disturbance Permit as well as an ADEM 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. Hilyer 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

7. Bolt Engineering Inc., 1809 Columbus Parkway, C-3, GC, Beshears Tractor & Equipment

Mr. Kelley reported the applicant is requesting conditional use approval to construct a 10,000 sq. ft. structure to accommodate a showroom/sales/warehouse area for a tractor and equipment business. Beshears Tractor & Equipment will sell, rent, and service Kabota products.

Landscape requirements are satisfied. Primary access is from Columbus Pkwy. (US #280) & S. Uniroyal Road. Building elevation is at 20 feet with a galvanized panel roof. Four (4) service bay doors are provided for the east and west sides, a total of eight (8). Parking requirements meet code. Building materials of stone veneer, stucco, and glass satisfies the 50% natural material requirement.

Recommendation: Approve

Mr. Parker reported the applicant will need to coordinate access to Columbus Parkway (US 280) with ALDOT for an access permit. It is also required that the developer maintain the entire property, to the roadway even if it will be outside the fenced area.

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 Old South Uniroyal Road.

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

Chairman Pridgen opened the public hearing.

Mr. Hilyer stated there is a lot of area there [open yard area] that is highly visible. You are responsible to maintain from the back of curb.

Chairman Pridgen stated that for a conditional use request particular locations are included on a site plan that provide areas for outdoor display. If you want to expand your outside display area to a new location or a larger area that is not shown on this site plan

then you will be required to come back to Planning Commission with a conditional use request.

Mr. Brandon Bolt of Bolt Engineering, the intent was not to be exclusive on the locations of the tractor display area. The idea is the long term everyday use. I don't think he wants to mow around tractors. But not much looks better than a Kabota tractor sitting out in the grass in front of this site for display.

Chairman Pridgen stated the outdoor display area of products is required to be shown in designated areas in the gateway corridor.

Mr. Bolt stated we wanted a little room in the front and side for display.

Mr. Kelley stated we do not have a problem with it.

Chairman Pridgen stated my concern is over population of tractors. You can work with planning to address the display area.

Mr. Randy Beshears stated we have been a dealer for about 26 years. We have about 38 employees at this time. We are about 25 million dollar company in sales.

Chairman Pridgen closed the public hearing.

Mayor Fuller made a motion to grant conditional use approval with staff recommendations and allow the planning director to provide approval of appropriate expanded display areas.

Mr. Hilyer seconded the motion.

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

Nays: None

Abstention: None

8. Sean Foote, 3000 block Frederick Road, C-2, GC, Climate control mini-warehouses

Mr. Kelley reported the applicant is requesting conditional use to construct a climate controlled mini-warehouse for approximately one hundred fifty to two hundred units (150-200)?? on 2.5 acres. A new structure adjacent to the end of an airplane taxi runway (arrival and departure) is a possible obstacle. In 2002 the FAA denied this same location for mini-warehouses.

Recommendation: Approve a preliminary site plan at this time to allow the architect to submit technical documents to FAA. If the site is approved by FAA; the applicant will submit for conditional use with Gateway Corridor regulations meeting parking, building materials, final elevations, landscaping, and maximum impervious surface.

Chairman Pridgen stated this is not a Conditional Use approval this is a site plan review.

Mr. Parker reported after ultimate approval is given by FAA and Planning Commission 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 [after ultimate approval is given by FAA and Planning Commission] with the submitted application.

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

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

Chairman Pridgen opened the public hearing.

Sean Foote, architect, said he sent a revised site plan to Planning showing additional parking spaces that does not change the ISR. I thought we could probably add a few parking spaces along Frederick Road. In figuring how many storage units could be constructed, we first considered the maximum 70% maximum ISR requirement, the setback requirements, and the minimum parking requirements. Then we determined from those area requirements we could construct up to 400 storage units. I don't think it is likely that there will be 400 units at this site but it is possible.

Chairman Pridgen closed the public hearing.

Chairman Pridgen stated we can't pass a motion for conditional use. We may want to do a motion for an acceptance of the general site plan to move forward.

Mayor Fuller made a motion for a positive general site plan concept [to allow the owner to pursue the FAA approval and return to Planning Commission with exact detail as a conditional use application].

Mr. Silberman seconded the motion.

Mr. Silberman asked, what the turnaround time is for the FAA.

Mr. Sean Foote stated the total could be 2-3 months.

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

Nays: None

Abstention: None

D. OTHER BUSINESS

9. Glynn Smith, 1110 block Columbus Parkway, C-3, GC, Convenience store with gas/diesel fueling stations

Mr. Kelley reported the applicant is requesting to discuss a potential future conditional use application for a convenience store/fast food restaurant with drive-through, gas/diesel fueling stations, and parking for up to twelve (12) tractor-trailer trucks.

A truck stop is defined in the Zoning Ordinance as "any building, premises, or land in which or upon which a business, services, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products strictly into motor vehicles and the sale of accessories of equipment for trucks and vehicles. A truck stop also may include overnight accommodations and restaurant facilities for the use of truck crews". (Date of Amendment: June 19, 2007; Ordinance No. 118-07)

Mr. Smith desires an indication from the Planning Commission that this use is acceptable before spending financial resources on engineering, construction drawings, landscaping, building materials, ALDOT requirements etc.

A truck stop (fueling station only), convenience store, restaurant, vehicle fuel islands with twelve (12) tractor trailer parking spaces in the rear is located directly across US #280 from Mr. Smith's property.

Recommendation: Tentative approval for Mr. Smith to begin the process for submission of a Conditional Use request to include no more than twelve (12) tractor trailer parking spaces with fueling stations on his timetable.

Mr. Gunter the city attorney, reported truck stop is a defined term in the ordinance. The ordinance talks in terms of businesses that's involved in the maintenance, service, storage or repair of commercial vehicles. Commercial vehicles is not a defined word. Commercial vehicles would cover busses, delivery vehicles, along with eighteen wheelers. The way I read the definition just merely dispensing motor fuels would not mean this business was a truck stop. The business would also have to be involved in the maintenance, service, storage or repair of commercial vehicles, such as tractor trailer, rigs, and busses or similar.

Mr. Parker reported the applicant will need to coordinate access to Columbus Parkway (US 280) with ALDOT for an access permit. From my understanding, ALDOT will probably allow improvement of the western access road Anand Street, that is a City street, and the proposed access to the gas station off US 280. I do not believe the proposed eastern roadway will be allowed by ALDOT as it is.

With an access permission through ALDOT and the improvement of Anand Street, this site should be treated like any other site development over one acre with the normal requirements of the Engineering Department.

Mr. Hawkins and Mr. Prince had no reports.

Chairman Pridgen opened the public hearing.

No comments.

Chairman Pridgen closed the public hearing.

Chairman Pridgen stated this is not a formal or official Conditional Use. This was to see if this would work at this time. We are not asking for motion. Do you have any questions?

With no further business on the agenda, Chairman Pridgen adjourned the meeting at 3:48 p.m.

Keith Pridgen, Chairman

Lewis Cherry, Secretary