

**CITY OF OPELIKA
PLANNING COMMISSION MEETING
AUGUST 26, 2014
3:00 P.M.
PUBLIC WORKS FACILITY
700 FOX TRAIL**

The City of Opelika Planning Commission held its regular monthly meeting August 26, 2014 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, Arturo Menefee, Mayor Fuller Keith Pridgen, 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, Engineering Director
Brian Kriel, Opelika Power Services
Josh Hawkins, Opelika Utilities Board
Guy Gunter, City Attorney

CALL TO ORDER: Chairman Pridgen called the meeting to order at 3:02 p.m.

I. Approval of July 22nd Minutes

Mr. Hilyer made a motion to accept the July 22, 2014 minutes of the Planning Commission as written.

Council Member Canon seconded the motion.

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

Nays: None

Abstention: Fuller, Menefee

II. Update on Previous PC cases

Mr. Kelley reported updates from City Council. The second reading for text change in the Public Works Manual. Also, City Council had a public hearing and first reading for the rezoning in the Pepperell Mill area now that the State has approved the Historic Area.

Chairman Pridgen stated we will change the order of the agenda: 2, 6, 3, 1, 4 & 5

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

2. Desai Subdivision, 2 lots, Columbus Parkway, Desai Manish, preliminary and final approval

Mr. Kelley reported the applicant desires to subdivide property into two (2) parcels. Parcel A. is 1.74 acres where the motel is located along with a carport and a brick structure used for living/office/laundry space. Parcel B is 0.99 acre and contains two (2) buildings and a metal shed.

Future driveway access to both parcels will be available to from Oaks Parkway. This 120 foot wide right of way is already dedicated and recorded.

RECOMMENDATION: Staff recommends preliminary and final plat approval subject to correcting existing name in Title Block to Opelika Power Services.

Mr. Parker reported Parcel B of this lot has access to Scenic Oaks Parkway that is currently under construction. The completion of this roadway is planned to take place by the end of September 2014. At that time the entrances shown on the plan for both parcels will be completed as well.

The Engineering Department has no comments or objections to this 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 Columbus Parkway.

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 to relocate.

Chairman Pridgen opened the public hearing.

No comments.

Chairman Pridgen closed the public hearing.

Dr. Menefee made a motion for 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

B. CONDITIONAL USE - Public Hearing

6. Baxter/Gambro in Fox Run Business Park for expansion of existing industry at 1101 Jeter Avenue.

Mr. Kelley reported the applicant is requesting conditional use to construct an addition of nearly four (4) acres (173,000 sq. ft. /footprint) to the Baxter/Gambro manufacturing facility as an expansion to their dialysis production capacity. A total floor area of 230,000 sq. ft. include the basement, penthouse, and mezzanines.

The expansion will create an additional 200 jobs, working shifts of twelve (12) hours, three (3) days a week; and alternate weeks of twelve (12) hours, four (4) days a week, operating 24 hours/7 days a week annually. The 121 parking spaces will meet the staggered shift requirements for employee parking.

Building materials include stucco and glass on the front, metal panel will be 22 gauge panel thickness and 36" wide panels on the side and rear as provided on existing facility. Panels will match existing metal wall panels for color and corrugation. (See attached photo) Staff is asking Planning Commission to waive the 50% natural building material for the side and rear portions of the building. The Gateway infringes slightly at the southwest portion of the property which will provide the storm water detention area, and also includes wetlands and floodplain.

Zoning setbacks, landscaping, and lighting requirements meet zoning ordinance requirements.

RECOMMENDATION: APPROVAL (Subject to Planning Commission waiving building material requirements on the south and west side of the building to allow 22 gauge heavy industrial metal).



Mr. Parker reported the Engineering and Public Works Departments have received and approved the site development plans and issued a land disturbance permit for this site. At this time recommends conditional use approval.

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

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

Chairman Pridgen opened the public hearing.

No comments.

Chairman Pridgen closed the public hearing.

Mayor Fuller made a motion for conditional use approval with staff recommendations.

Mr. Hilyer seconded the motion.

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

Nays: None

Abstention: None

B. CONDITIONAL USE - Public Hearing

3. Brandon Bolt, Capps Landing, C-3, GC, Convenience store and gas station

Mr. Kelley reported a recent update the canopy will be shifted off the water line easement. The applicant is requesting conditional use to construct an Eagle Convenience Store along with eight (8) pump islands for a total of sixteen (16) hose stations. The parcel size is 1.7 acres with one building at approximately 5,000 sq. ft.; with 3,128 sq. ft. dedicated to customer area.

Inside the convenience store a 900 sq. ft. liquor store is proposed. Staff has informed applicant this use is not permitted in the C-3 Gateway. At this time an alternate use has not been determined, but either must be an approved use or conditional use in the C-3 Gateway.

Access is discussed in more detail by the City Engineer but city staff is recommending only one access driveway from Capps Landing, and a second access from Capps Way. While the landscaping exceeds the minimum requirements by twenty (20) points, the parking lot landscaping is minimal with thirty (30) parking spaces provided but only fifteen (15) parking spaces required. Staff would like to see additional landscaping in lieu of the excessive number of parking spaces. The “front door” entrance to Capps Landing could be more aesthetically pleasing by providing more landscaping and less paved surface in the parking area.

Furthermore, a 10’ wide water line easement with a 16” water main and a 20’ wide sewer easement with a 12” sewer line run parallel to each other east to west across the lower southern portion of the parcel. The canopy over the pump islands on the south side intrude 5’ to 7’ into the water easement. Planning staff believe that the 5 spaces on the south side of the building should be landscaped and the canopy island moved 5 to 7 feet northward off the water easement. Planning will support the recommendation of Public Works and Opelika Utilities on this easement issue.

Building materials exceed the 50% requirement of the Gateway with glass, wood, and capstone building materials. The roof is metal and the color is proposed silver. Staff would prefer a muted color for the metal roof. The rear of the building faces Capps Way. Staff would prefer the capstone material be “broken up” with a least two (2) windows (frameless glass) to enhance the rear appearance of the building facing Capps Way, or something similar to the new Auto Zone building facing 2nd Avenue.

The dumpster near Capps Way driveway should be constructed with the same capstone material and color as the convenience store. Staff recommends the height of the wall to be eight (8) feet.

Signage will be located on the exterior of the building and on the existing overall group development sign at the intersection of Gateway Drive and Capps Landing.

Building setbacks meet code.

RECOMMENDATION: Approval subject to the following conditions:

1. Move the canopy an additional three (3) feet northward off the water main easement.
2. Delete the five (5) spaces on the south side of the building and landscape, thereby reducing the parking space count from 30 spaces to 25 spaces.
3. Change the color of the metal roof from aluminum silver to a muted color such as a brown/green palette.
4. The height of the dumpster enclosure be eight (8) feet in height and match the capstone material and color of the convenience store.
5. Enhance the rear appearance of the building facing Capps Way by breaking up the capstone with a least two (2) windows i.e. “internal frameless glass” etc. or a choice by the architect to accomplish the same effect with approval from Planning.

Mr. Parker reported the two, one way entrance and exit drives off of Capps Landing does not meet the spacing requirements of 75-ft from for this situation. The spacing is to be from one edge of pavement to the adjacent edge of the other access. This department is requesting that the two, one-way access be combined into one, two-way access off of Capps Landing.

With these revised plans the Engineering Department has no other comments or objections and recommends Conditional Use approval. During construction the area and pavement above the water and sewer line will need to be closely watched.

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

Mr. Kriel reported this use is in Opelika Power Services territory.

Chairman Pridgen opened the public hearing.

Brandon Bolt and Ray Triode spoke to answer any questions. Mr. Bolt said they will be particularly careful about developing near the water line easement. Mr. Triode passed out a more accurate elevation in relations to colors. He stated the intention of this elevation is to show a darker grey roof. There was discussion before to enhance the rear elevation. What we have done is to create a solid wall with a roof to hide the A/C condensing units. We believe this change represents a similar patten to the front.

Chairman Pridgen closed the public hearing.

Dr. Menefee made a motion for Conditional Use approval with staff recommendations.
Mr. Silberman seconded the motion.

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

Nays: None

Abstention: None

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

1. The Lakes at Anderson Road Subdivision, Phase 1, Combine Lots 12 and 13, one lot, Anderson Lakes Drive, Ronnie Ware, preliminary and final approval

Mr. Ogren reported the applicant is requesting preliminary and final plat approval to combine Lot 12 and Lot 13 into one lot shown as 'Lot 13A' on the plat. Lot 13A is 13,800 square feet. Lot 13A is part of Phase 1 of the 99 acre 'Anderson Lakes PUD' that was rezoned from R-3 to PUD in 2005. Phase 1 consists of 34 lots; Phase 1 was approved for the construction of 'modified zero lot line single family homes'. (*"Modified zero lot line homes" requires a minimum 5 foot side yard setback,*). The lots range from 8,200 square feet to 22,900 square feet.

Staff recommends preliminary and final plat approval.

Mr. Parker reported the Engineering Department has no comments or objections to this 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 Anderson Lakes Drive.

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

Chairman Pridgen opened the public hearing.

Ms. Billie Collins presented a petition of 16 property owners near the subdivision opposing the subdivision. This will take away from the uniformity of the lots. This opposition is related to the covenants and restriction regulations concerning fencing.

Chairman Pridgen stated the Planning Commission and the City of Opelika do not have any legal bearing over covenants and restrictions. This would be a case for circuit court. The covenant rules were created by the developer.

Commissioners and Mr. Gunter discussed how covenants and restrictions are enforced.

Chairman Pridgen closed the public hearing.

Mr. Silberman made a motion for preliminary and final plat approval with staff recommendations.

Mr. Cherry seconded the motion.

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

Nays: None

Abstention: None

B. CONDITIONAL USE - Public Hearing

4. Terra Equities LLC, 2100 block of Interstate Drive, C-3, GC, Retail development

Mr. Ogren reported the applicant is requesting conditional use approval to construct a commercial development at the intersection of Interstate Drive and Gateway Drive across from Starbucks. At the June 24th meeting, the Planning Commission approved a conditional use request on this same parcel. However a revision of the site plan was required because a tenant withdrew their intent to lease a building. The primary revision is reducing Building D from 8,820 sf to 8,080 sf, and to relocate Building D from the rear property line to the west property line. This relocating of Building D revised the parking lot layout and landscaping. Other minor revisions were made by increasing or decreasing floor space for a few tenants as shown in the following paragraph (The ~~strike throughs~~ below are the original site plan's distances/areas that were provided on the June 24th PC report).

The retail development property is located on a 3.6 acre parcel and adjacent to the Tiger Town PUD. The property is bordered by three streets/highways: Interstate Drive, Gateway Drive (Hwy 280) and Interstate 85. The site plan shows four buildings that total ~~34,270~~ 33,365 square feet. ~~Three~~ Four restaurants will occupy a total of ~~7,350~~ 9,550 square feet, one medical service business 3,500 sf spaces, and retail stores ~~23,420-sf~~ 20,315 sf. The minimum off-street parking spaces required are based primarily on the "customer sales and/or service" floor area. The applicant provided updated floor space data (see page 3) that compares the "total square feet" of each tenant space to the floor area available as "public square feet" or the customer sales and/or service area. From the information provided the minimum off-street parking spaces required for all the tenants is ~~192~~ 182 spaces including eight handicap spaces. A total of 198 parking spaces are provided.

The exterior material is a combination of EIFs, **concrete fiber board**, stone (stone veneer panels), and brick. **Since the August 19th Planning Commission work session**, staff has been working with the developer on revisions of the elevations. **The attached elevations for Building A, B, C, and D are the final revisions recommended by staff for approval including the note for the south face of Building B. For Building B's south elevation** that faces I-85, staff recommends a brick exterior material to match the brick exterior elevation proposed for the south face of Building C. Building D is near Interstate Drive. The north elevation faces Interstate Drive and the west face elevation is seen first by east bound traffic on Interstate Drive. **Notice the revisions to elevations for Building D added to the staff report. The west face is a combination of concrete fiber board, EIFs, and brick; the north face is concrete fiber board, EIFs, and glass.** ~~Suggestions include the addition of windows, exterior molding, columns, and/or include another exterior material in order to create an entrance type appearance. Adding variation to the west face exterior wall will assist in breaking up the expanse of the brick wall.~~

The photometric plan shows 1.0 footcandles at the property line in all 10 foot increment locations except for a 220 foot area along the front property line between the two driveways. The footcandles range from 1.4 to 4.8 footcandles. In this area the front property line is 45 to 75 feet from the nearest lane of traffic on Interstate Drive. The lighting increases visibility for traffic entering & exiting the development. The sign plan proposed includes a monument sign for Interstate Drive and a freestanding pylon sign for Interstate 85. A drawing of the monument sign is attached. Planning recommends the monument sign not exceed the monument sign used for the Tiger Town PUD. The Tiger Town PUD sign is located in front of Starbucks along Gateway Drive (Highway 280).

The landscape plan meets minimum requirements; a total of 39 trees and over 650 shrubs will be planted (520 points required; 1,494 points provided). The tree caliper (~~truck~~ thickness) stated in the plant material list is 2.5 inches. The 2.5" caliper meets the minimum size for trees planted in Tiger Town. Planning staff recommends at least 2.5 inches for each tree to maintain the standard established by Tiger Town. Some landscaping is planted in the right-of-way along Interstate Drive including four oak trees (Nuttall oaks).

The width of Interstate Drive's right-of-way adjacent to the development ranges from 45' to 76' wide (measured from the edge of Interstate Drive pavement to property line). The right-of way edge on the north side of Interstate Drive ranges from 14' to 25' wide. (A major gas line runs along the north side of Interstate Drive so more ROW width acquired from south side of Interstate Drive.) The Landscape Regulations require a 15 foot wide landscape buffer provided along Interstate Drive. Planning recommends the applicant/developer be allowed to plant in the right of way as shown on the landscape plan given the unusual wide right-of-way width on the south side of Interstate Drive. The applicant understands that he is responsible for landscape and grass maintenance in the right-of-way as well as replanting plant material if right-of-way maintenance is necessary in the future. The developer/applicant has agreed to 'assume ownership' of the Interstate Drive right-of-way concerning landscape maintenance and lawn care. Planning recommends that an irrigation system be installed to adequately maintain the plant material in the right-of-way.

The maximum Impervious Surface Ratio (ISR) in the GC Overlay District is 70%. The impervious (i.e., hard surface area— asphalt & roof tops) surface area proposed for the 3.6 acre development is ~~77.2%~~ 72.8 % exceeding the maximum allowed by ~~7.2%~~ 2.8%. If the impervious surface area includes the Interstate Drive right-of-way then the ISR is 62% and the development meets the 70% maximum ISR¹. (The development would meet the 70% ISR requirement if a 22 foot wide right-of-way area (22'x 505') is defined as part of the development.) Planning recommends that the 70% maximum ISR calculations include the Interstate Drive right-of-way since landscaping is proposed in the right-of-way as shown on the landscape plan.

Four private dumpsters are shown near the rear property line. The dumpster must be enclosed with an opaque fence on all sides and an opaque double gate.

Recommendation

Staff recommends approval subject to recommendations in this report.

Required Parking Matrix

7/6/2014	Space	SF	PUBLIC SF	Seats	Required Parks	Notes
Medical	A-1	3,500	2,210	7	18	7 medical room
Mercantile	A-2	2,033	1,420		7	
Restaurant	A-3	2,450	1,270	84	28	
Mercantile	B-1	4,500	3,540		16	
Mercantile	B-2	2,507	1,540		8	
Restaurant	C-1	2,200	610	32	11	
Mercantile	C-2	4,000	2,650		13	
Restaurant	C-3	2,700	1,430	85	28	
Mercantile	C-4	1,395	800		5	
Restaurant	D-1	2,200	1,090	82	28	
Mercantile	D-2	1,880	1,400		7	
Mercantile	D-3	4,000	2,650		13	
TOTAL SF		33,365	20,610		182	

Mr. Parker reported the Engineering Department has no objections and recommends conditional use approval.

¹ 3.6 acre property - 150,814 sf: Pervious Area: ~~34,400 (22.8%)~~ 41,039 (27.2 %), Impervious Area: ~~116,412 (77.2%)~~ 109,775 (72.8%)

3.6 acre property and ROW - 179,279.84 sf: Pervious Area: ~~62,867.29 sf (35%)~~ 69,504 (38.7 %), Impervious Area: ~~116,412.55 (65%)~~ 109,775 (61.2%)

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

Mr. Kriel reported this use is in Opelika Power Services territory.

Chairman Pridgen opened the public hearing.

Allen Hawkins the developer of the project, spoke addressing the recent design changes outlined by Marty that will meet the criteria required. We moved some landscaping in front of the retaining wall. We did finally find the quick claim deed from the DOT which shows DOT deeded the ROW maintenance to the City back in 1995. These are all national tenants.

Chairman Pridgen asked Mr. Gunter how we [as a Commission] should give permission for the future tenant to put a secondary front along the rear without coming back to the Commission.

Mr. Gunter stated all that you can approve is what is presented here today. If he is going to change the plan it has to come back.

Allen Hawkins agreed.

Chairman Pridgen closed the public hearing.

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

Mr. Hilyer seconded the motion.

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

Nays: None

Abstention: None

5. Jamey Adams, 1401 2nd Avenue, C-2, GC, Ice vending machine

Mr. Ogren reported the applicant is requesting conditional use approval to install an Ice Hut vending machine at 1401 2nd Avenue (corner of 2nd Avenue and North 14th Street). For about five years the "The Meat Store" occupied the property and now Duncan Services, a computer repair/services business; a 1,200 square foot building exists on the property. The proposed Ice Hut is the same size Ice Hut approved at 3831 Pepperell Parkway by the Planning Commission (June 24th meeting) - 6 feet wide, 12 feet long and 8 feet high. The photos show the proposed 2nd Avenue Ice Hut adjacent to the existing building in the rear yard area of the lot (see photos in your packet). The lot gradually decreases in elevation from the front property line along 2nd Avenue to a lower elevation along the rear property line. To a certain degree the lower elevation serves to visually screen the Ice Hut. The adjacent property nearest to the Ice Hut is along the rear property line; a vacant, "older" single family home is located on the property; the adjacent property is zoned M-1 (manufacturing). The Ice Hut should be installed at least 40 feet from the front property line along North 14th Street, 10 feet from the existing building and 5 feet from the rear property line.

At the June 24th meeting, the Planning Commission approved an Ice Hut on Pepperell Parkway subject to (1) lattice installed along the perimeter of the roof line to visually screen the machines that are mounted on top of the Ice Hut and (2) install brick about 2 feet high from the ground to the bottom of the side door. Planning staff recommends the lattice and brick installed on all four sides as required for the Ice Hut on Pepperell Parkway. *(The proposed Ice Hut is being relocated to the 2nd Avenue property from another town.)*

Staff recommends approval subject to recommendations stated in this report.

Mr. Parker reported the Engineering Department has no objections and recommends conditional use approval.

Mr. Hawkins reported water service is accessible to this Location by a water main in the R.O.W. of 14th Street.

Mr. Kriel reported this use is in Opelika Power Services territory.

Chairman Pridgen opened the public hearing.

No comments from the public.

Mr. Silberman and Mr. McEachern expressed concerns for more lighting and safety.

Jamey Adams addressed the security issues, saying we want it to be safe for all customers and we plan to add more lighting.

Chairman Pridgen closed the public hearing.

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

Mr. McEachern seconded the motion.

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

Nays: None

Abstention: None

With no further business on the agenda, Chairman Pridgen adjourned the meeting at 3:50 p.m.

Keith Pridgen, Chairman

Rachel Dennis, Secretary