

**CITY OF OPELIKA
PLANNING COMMISSION MEETING
SEPTEMBER 23, 2014
3:00 P.M.
PUBLIC WORKS FACILITY
700 FOX TRAIL**

The City of Opelika Planning Commission held its regular monthly meeting September 23, 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, Keith Pridgen, Lucinda Cannon, David Canon

MEMBERS ABSENT: Mayor Fuller, Michael Hilyer, Arturo Menefee

STAFF PRESENT: Gerald Kelley, Planning Director
Martin Ogren, Assistant Planning Director
Rachel Dennis, Planning and Zoning Technician
Scott Parker, Engineering Director
Josh Hawkins, Opelika Utilities Board
Guy Gunter, City Attorney

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

I. Approval of August 26th Minutes

Ms. Cannon made a motion to accept the August 26, 2014 minutes of the Planning Commission as written.

Mr. Cherry seconded the motion.

Ayes: Cherry, McEachern, Cannon, Council Member Canon

Nays: None

Abstention: None

II. Update on Previous PC cases

Mr. Kelley reported updates from City Council. The second reading of the gateway lot width for new construction to be 150 feet rather than 100 feet and it was approved this past week.

Chairman Pridgen stated we will change the order of the agenda to start with agenda item 5

Mr. Silberman joined the Commission.

B. MASTER PLAN REVISIONS

5. Wyndham Gates PUD Master Plan, Gateway Drive, Gregory Dewberry, PE

Mr. Kelley reported In March, 2005 the Planning Commission recommended and the City Council on June 21, 2005 approved the rezoning of Wyndham Gates from R-1 and R-3 to PUD, including Gateway Overlay on Marvyn Parkway, and the Master Plan.

The Wyndham Gates Master Plan approved at time of rezoning showed the western portion of the PUD be Premium Single Family residences (Attachment A. p. 19); and the area proposed for these residences as indicated on the map (Attachment B. p. 20).

Also, the Master Plan provides for townhomes/cluster homes, a swimming pool, open space, and a street connection to Gateway Dr. (Attachment C. p. 15/Attachment D. p. 21) at the southwest portion of the PUD, east of Wyndham Industrial Area. These

changes must also be recognized and resolved on an amended PUD if the developer desires to construct only single family homes on a minimum lot size of 7,000 sq. ft.

On May 23, 2006 the Planning Commission approved a preliminary subdivision plat (309 lots, 70'X 100') on the north side of Gateway Dr. between Marvyn Parkway (AL. #51) and Wyndham Industrial Dr. with construction drawings also submitted and approved by Engineering in June, 2006.

At the May 23, 2006 minutes of the Planning Commission, Chairman Sadler asked Mr. Gunter if the Master Plan should be returned to the City Council to reflect the Master Plan change from Premium Single Family residences to smaller lots (7,000 sq. ft.) as indicated on the preliminary plat. The minutes stated the response by Mr. Gunter as follows: "Mr. Gunter said yes and he indicated that this was a material change, that is, an actual change from what was stated in the master plan".

Planning Staff forwarded this information concerning the density change in the Master Plan at a City Council Work Session where the proposal was discussed on June 6, 2006. No action was taken by the City Council on the residential density change which indicated Premium Single Family residences. Therefore, the Master Plan retained Premium Single Family residences.

The Planning Commission must make a recommendation to the City Council to either develop the lots according to the Master Plan or the density as shown on construction drawings with a new preliminary plat and final plat after a City Council decision.

STAFF RECOMMENDATION: Staff will provide a recommendation after discussion of the project at the work session on September 16, 2004.

STAFF RECOMMENDATION AFTER PLANNING COMMISSION WORK SESSION ON SEPTEMBER 16, 2014.

This recommendation is based upon Engineering Department approval of construction drawings in 2006 (on file) which provided at that time for infrastructure installation of sewer, water, and storm water improvements.

From a land use perspective; premium single family homes with a lot width of 125 feet is questionable in this phase of development. Proposed single family homes with a minimum lot area of 7,000 ft. and a width of 70 feet is a more compatible residential land use between Wyndham Industrial Area on the west and existing platted/recorded lots on the east.

Approve the CHANGE from the original Master Plan for Wyndham: A (PUD) Planned Unit Development (approved by City Council on June 21, 2005) by

1. Deleting language of the first (1st) and second (2nd) paragraphs (Attachment A. p.19);
 2. Deleting the northwest phase north of Gateway Dr. for Premium Single Family residences (Attachment B. p.20);
 3. Deleting the southwest portion of the PUD, north of Gateway Dr. and east of the Wyndham Industrial Area of townhomes/cluster homes, swimming pool, open space, and a street connection to Gateway Dr. (Attachments C. p.15/Attachment D. p.21).
 4. ADDING single family lots of no less than 7,000 sq. ft. and a minimum width of 70 feet.
- A. THESE AMENDMENTS ARE SUBJECT TO PLANNING COMMISSION RECOMMENDATION TO CITY COUNCIL, AND COUNCIL DECISION.
- B. UPON APPROVAL BY CITY COUNCIL THE APPLICANT SHALL SUBMIT A NEW PRELIMINARY PLAT TO THE PLANNING COMMISSION FOR REVIEW AND APPROVAL PRIOR TO A FINAL PLAT SUBMISSION.

A

SINGLE FAMILY / COTTAGES

The typical Single Family Residential lot in the WYNDHAM Development is anticipated to be 80' to 100' wide. This type of lot will allow for a wide variety of housing types and sizes, yet; all of them will be within the financial reach of a large number of families. Distributed through all four Phases of the Development, these homes may vary as necessary to serve up to five different types of purchaser.

Beginning in the Northeast Parcel, these homes should begin to establish the WYNDHAM Theme for development. Each following Phase, however, is relatively free to establish its own character as the current market allows. The exception to this rule is that, to the southwest of Wyndham Drive, these homes will be expected to rise in quality due to their proximity to a Premium Single Family area of development.

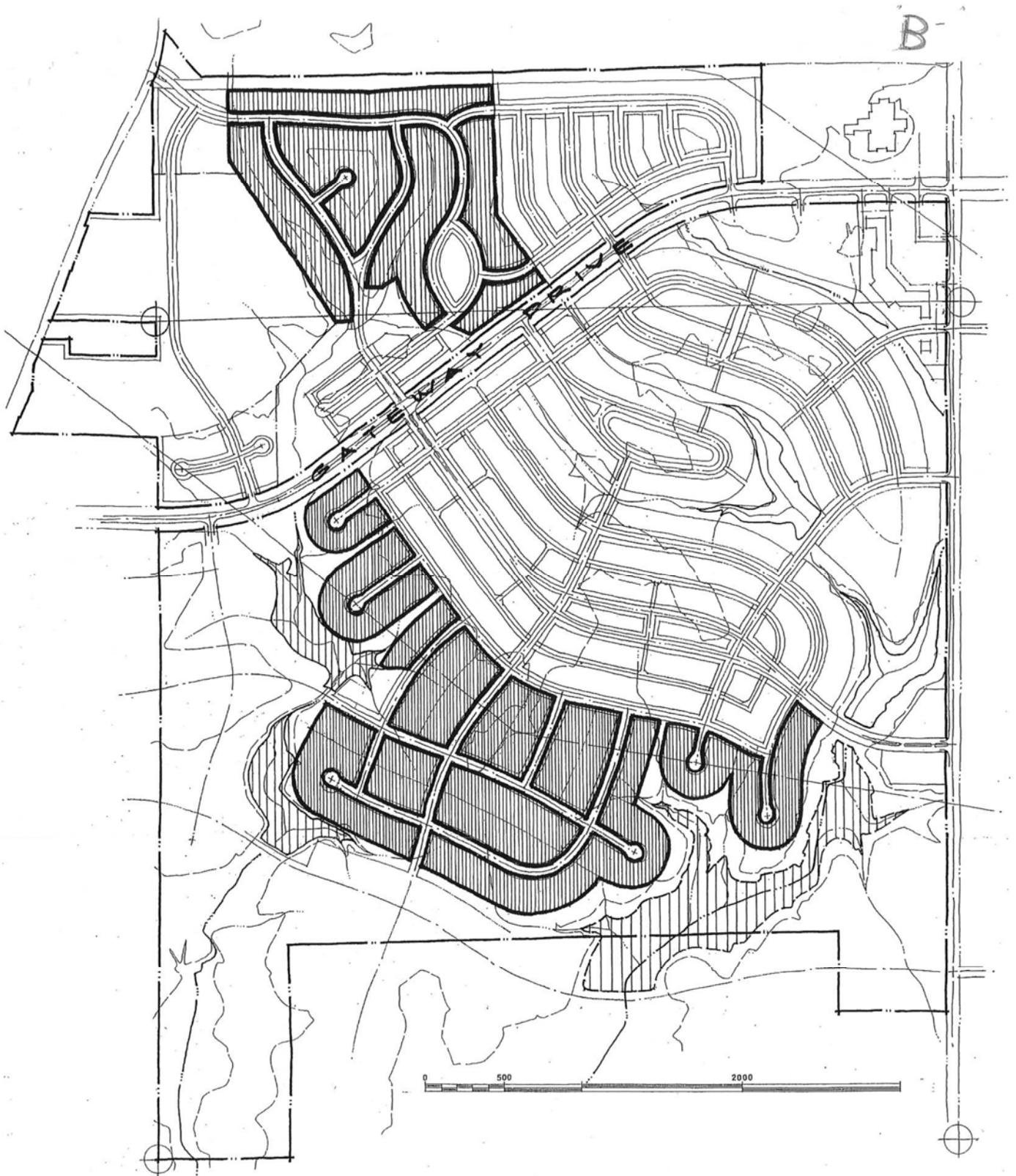
A second general type of Single Family Residence is anticipated for this Development. Referred to as Cottages, or purposely smaller individual homes, these residences could be specifically tailored for "empty-nesters" and individuals seeking to begin or end the process of home ownership. Offered on 60' to 75' wide lots, these homes could be made even more affordable by offering even smaller, two-bedroom versions.

PREMIUM SINGLE FAMILY

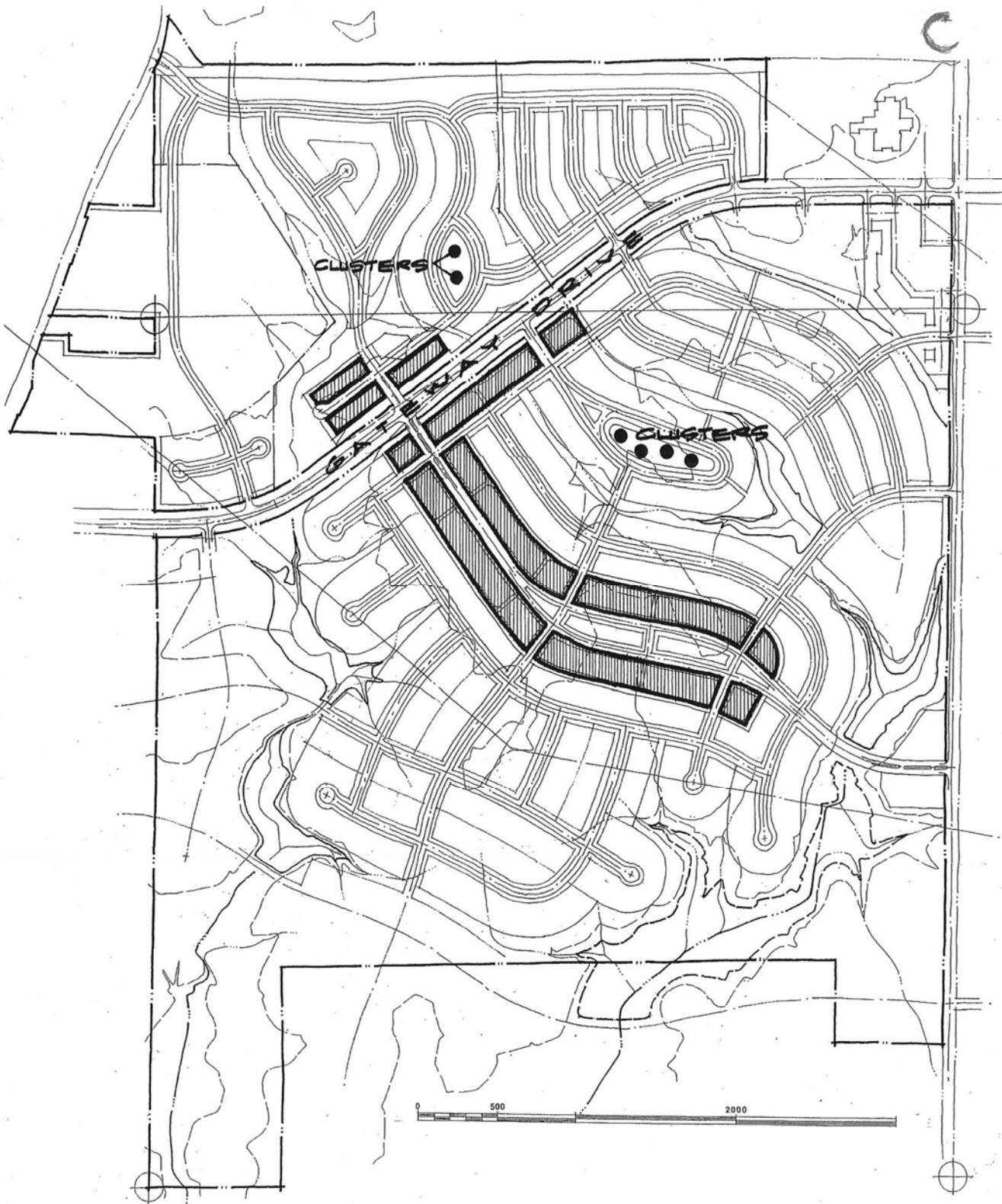
The areas identified by the Plan as Premium Single Family Residential are located based on their proximity to the Openspace System. By this proximity the Developers will be able to offer the type of wider (125') and larger lots expected for Premium Homes.

In the initial Phases of WYNDHAM, the Northwest Parcels will effectively serve as a test-market for this type of home. As each area is developed, the relative quality of the finished product should be progressively forced upward to establish the real estate ceiling for the area.

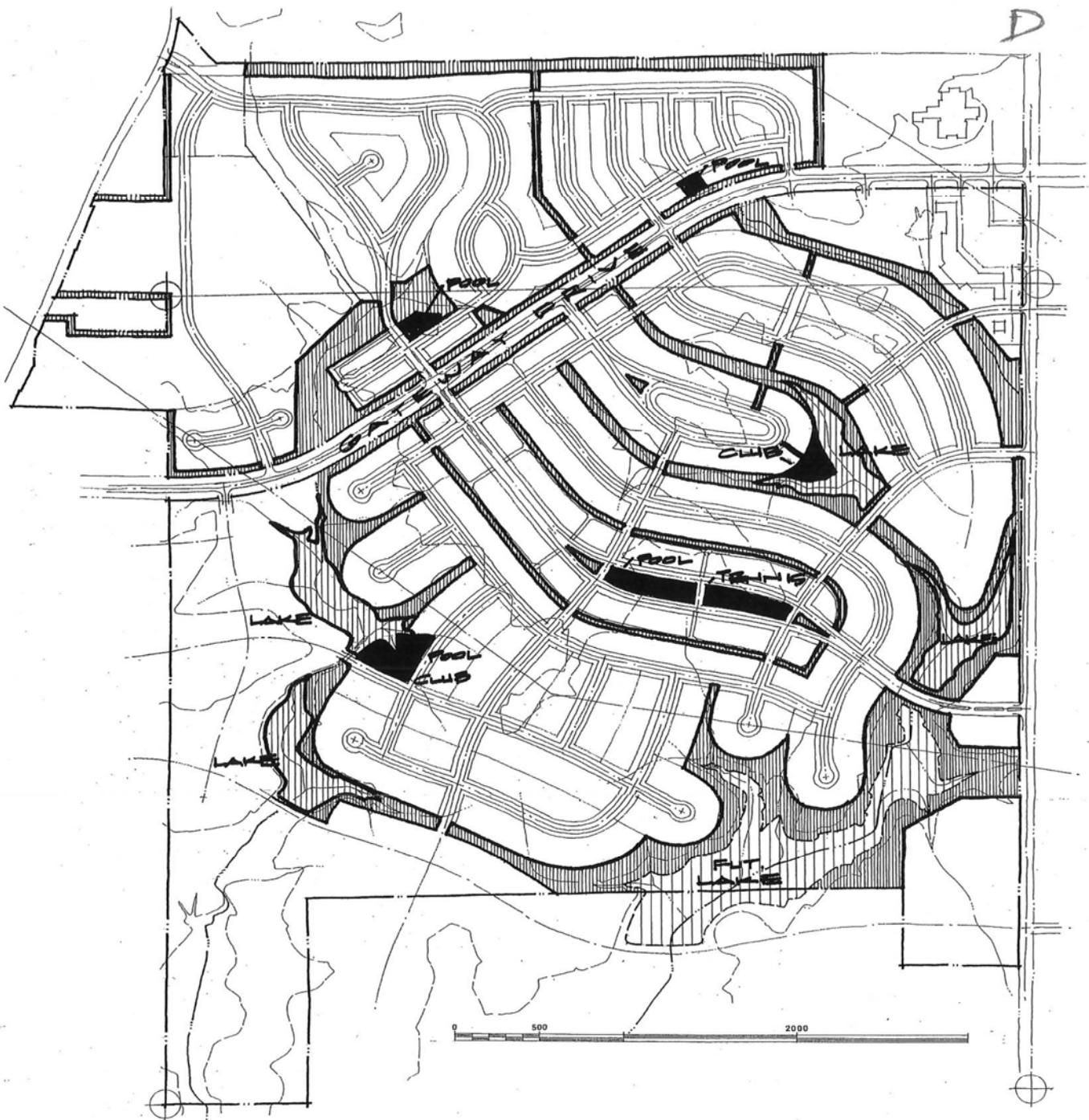
By this means, the Premium Parcels Southwest of Wyndham Drive will begin with a higher appraisal base from which to begin. This method will prove most important as the Development seeks to grow into the undeveloped areas to the South and West at sometime in the future.



PREMIUM SINGLE FAMILY **20**



TOWNHOMES / CLUSTERS **15**



OPENSOURCE / AMENITIES	21
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Engineer, Opelika Utilities, and Opelika Power Services have no reports.

Mr. Cherry made a motion to send a positive recommendation to City Council for these changes to the PUD with staff recommendations.

Ms. Cannon seconded the motion.

Ayes: Cherry, McEachern, Silberman, Cannon, Pridgen

Nays: None

Abstention: Council Member Canon

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

1. Realty Investment Subdivisions, 1 lot, 1305 South Street, Wilbert Payne, preliminary and final approval

Mr. Ogren reported the applicant is requesting preliminary and final plat approval to combine two lots into one lot. The applicant's residence is at 1305 South Street near the corner of Martin Luther King Boulevard and South Street. The applicant purchased a vacant lot with public road access to MLK Boulevard. He desires to combine the vacant lot with his residential lot on South Street. The two lots combine are 10,933 square feet; the minimum lot size in an R-3 zone is 10,000 sf.

Staff recommends preliminary and final plat approval subject to the plat tied to a section corner, minimum 30 foot front setback line, the flood zone information, and the easement statement included on the plat.

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 Martin Luther King Boulevard.

Mr. Ogren reported for OPS, 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.

Ms. Cannon made a motion for preliminary and final plat approval with staff recommendations.

Mr. McEachern seconded the motion.

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

Nays: None

Abstention: None

2. Johnston Subdivision, Block C, Redivision of Lot 12 to 16, 1 lot, 1110 Fredrick Avenue, Ernest Lieder, preliminary and final approval

Mr. Ogren reported the applicant is requesting preliminary and final plat approval to combine 5 lots into one lot on Frederick Avenue. Since 1972 the applicant owns dealerships in Honda and Suzuki motorcycles, and also sells off-road motorcycles and other power equipment. The business needs to expand due to growth and to provide warehouse space for a new brand of vehicle ("Slingshot" – a three-wheel motorcycle). The plat shows three buildings (dotted area on plat are buildings) attached to each other located on four lots; the fifth lot on the west end is vacant. The first building was constructed in 1972, a second building constructed in 1976, and the third built in 1981. At that time the property was zoned M-1 (manufacturing) and there was no minimum side and rear setback requirements. A building could be constructed on the side and rear property line. The applicant desires to continue to expand as their business has expanded in the past. That is, the applicant plans to build a 35' x 100' building on the west vacant lot – labeled "Fenced in Parts Yard" on the plat. The new building will be attached to the adjacent building. At the September 9th meeting, the Zoning Board of Adjustments approved a setback variance to allow the building to be constructed on the lot. The combining of the five lots creates a 30,880 square foot lot. The subdivision meets minimum requirements of the Subdivision Regulations.

Staff recommends preliminary and final plat approval subject to the flood zone information and the easement statement included on the plat.

Mr. Parker reported

- The road name on the plat should be changed to Frederick Avenue.
- A storm water hydraulic study was submitted that shows the 15-inch Storm sewer that crosses and drains the site has enough capacity for the designed flow.
- The City's GIS data shows a larger than 60-foot ROW on the North side of Frederick Avenue. If the survey points have been documented as found and existing the City GIS will need to be revised to match the survey.
- 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 Fredrick Avenue.

Mr. Ogren reported for OPS, 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.

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

Mr. McEachern seconded the motion.

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

Nays: None

Abstention: None

3. Fiskars Subdivision, 2 lots, 400 Fox Run Avenue, ATA Investments LLC, preliminary and final approval

Mr. Ogren reported the applicant is requesting preliminary and final plat approval for a two lot subdivision located on Fox Run Avenue near the USA Town Center (former Factory Outlet Stores). For years Fiskars Manufacturing occupied two buildings on one 20 acre parcel (Fiskars manufactured and warehoused pottery products.). The property owners now desire to separate the buildings by subdividing and locate the buildings on separate lots. The owners plan to sell Lot 32B with the 43,200 sf building and obtain ownership of Lot 32C with the 280,300 sf building. At the nearest point the buildings are only 21 feet apart. The proposed property line between the buildings shows Lot 32B six feet from the property line and the building on Lot 32C is 15 feet from the property line. At the September 9th meeting, the Zoning Board of Adjustments approved a setback variance to allow the buildings to be separated as shown on the plat. A "60 foot mutual cross access easement" is added on the two private driveways. One easement is to allow access to the parking lot for Lot 32C through Lot 32B. The other easement located on Lot 32C allows access to the building on Lot 32B.

Staff recommends preliminary and final plat approval subject to the plat tied to a section corner.

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 Fox Run & Fox Trail.

Mr. Ogren reported for OPS, 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.

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

Ms. Cannon seconded the motion.

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

Nays: None

Abstention: None

B. MASTER PLAN REVISIONS

**4. ~~Academy Estates PUD Master Plan, Academy Drive, Charles Thomas, PE~~
WITHDRAWN**

C. OTHER BUSINESS

6. Tony Rogers, 451 Columbus Parkway, Update on temporary building to be removed by September 30th

Mr. Kelley reported Mr. Rogers is requesting an extension through Sept. 30, 2014 to complete the office building. The reason for the request is poor soil conditions and finding a vehicle buried that had to be excavated from the site.

Although the extension is only 180 days for a temporary mobile/modular office unit from February 5, 2014 to August 5, 2014, the circumstances behind completion of the permanent office building is unusual. However, if the problem is not resolved by September 30, the temporary use of the office must cease and the unit removed from the site.

STAFF RECOMMENDATION: Approve an extension ONLY till September 30, 2014.

SEPTEMBER 11, 2014—STAFF RECOMMENDATION:

Mr. Rogers is moving forward to be in the new building by September 30th and the office trailer moved by that date. He may ask for additional time for the office trailer to be moved. If so, I recommend an additional 31 days to October 31, 2014. If the office trailer is not moved by 10/31/14 the Planning Department will issue a citation for a date to appear in Municipal Court.

Engineer, Opelika Utilities, and Opelika Power Services have no reports.

Mr. McEachern made a motion to extend temporary office trailer to October 31, 2014.

Mr. Silberman seconded the motion.

Ayes: McEachern, Silberman, Pridgen, Council Member Canon, Cannon

Nays: None

Abstention: Cherry

7. Auto Sales LLC, Temple Anderson, 215 2nd Avenue, Requesting parking spaces in right-of-way

Mr. Kelley reported the applicant is requesting approval to use existing 3rd Street right of way adjacent to the building to provide parking ONLY for visitors to and employees of Wilson Auto Sales. Staff believes this is a reasonable request for Planning Commission consideration.

Staff recommends approval subject to striping five (5) spaces and attaching a sign to the building indicating parking for customers and employees. No vehicles for sale shall be parked in these five (5) spaces.

Engineer, Opelika Utilities, and Opelika Power Services have no reports.

Chairman Pridgen opened the public hearing.

No comments.

Chairman Pridgen closed the public hearing.

Mr. McEachern made a motion of approval with staff recommendations the conditional use change to the original recommendations related to parking area.

Mr. Cherry seconded the motion.

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

Nays: None

Abstention: None

8. Discuss dates for November and December Planning Commission meetings – Recommendation: Tuesday, November 18th and Tuesday, December 16th

Mr. Kelley reported Staff recommends Tuesday, November 18th and December 16th at 3:00pm for joint Work Session and Regular Meeting.

With no further business on the agenda, Chairman Pridgen adjourned the meeting at 3:30 p.m.

Keith Pridgen, Chairman

Rachel Dennis, Secretary