

## September 24, 2013

The City of Opelika Planning Commission held its regular monthly meeting September 24, 2013 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, Ira Silberman, Keith Pridgen, David Canon, Lucinda Cannon, Michael Hilyer

MEMBERS ABSENT: Mayor Fuller, Arturo Menefee, James Morgan

STAFF PRESENT: Gerald Kelley, Planning Director  
Martin Ogren, Assistant Planning Director  
Rachel Dennis, Planning and Zoning Technician  
Bob Williams, Opelika Power Services  
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 27, 2013 Minutes

Chairman Pridgen asked for any changes or corrections to the August 27, 2013 Planning Commission Minutes

Council Member Canon made a motion to accept the August 27, 2013 minutes of Planning Commission as written.

Mr. Hilyer seconded the motion.

Ayes: Cherry, Pridgen, Council Member Canon, Cannon, Hilyer

Nays: None

Abstention: None

### II. Update on Previous PC cases

Mr. Kelley reported City Council did approved on September 17, 2013 the 2 parcel rezoning on Samford to C-2, GC-2.

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

~~1. Cannon Gate S/D, revision of Lots A1-1C, A1-1B, A1-2, & A1-3, 4 lots, Live Oak Circle, LCR partners LLC, P/F approval WITHDRAWN~~

2. Saugahatchee Hills Subdivision, Revision of lot 33, 2 lots, 2503 Grand National Pkwy, R. Scott Roe & Saugahatchee Hills Recreation Corporation, preliminary and final approval

Mr. Ogren reported this plat was given preliminary and final plat approval at the July 2013 PC meeting. However, the person(s) authorized to sign the plat for the "Saugahatchee Hills Recreation Corporation" did not sign the plat. In July when the subdivision was submitted for approval, the surveyor and several property owners in Saugahatchee Hills contacted were uncertain who was authorized to sign the plat for the corporation since the corporation members had not met in several years. The plat in July was signed by a property owner (Crawford Melton) on behalf of the Saugahatchee Hills Recreation Corporation who lives in the subdivision and is a member of the corporation. Planning staff located the Saugahatchee Hills Recreation Corporation recorded document at the Lee County Courthouse (Book 125, page 95, May-1989, Dan

Rencher Jr, founder). The plat reviewed today shows the correct signature lines as recommended by the City Attorney: "President, Saugahatchee Hills Recreation Corporation" and Secretary, Saugahatchee Hills Recreation Corporation".

The applicant is requesting preliminary and final plat approval for a 2 lot subdivision located off Grand National Parkway. The subdivision involves adding a rear yard area to Lot 33-A and combining the 5.4 acre lake with the remaining 2.3 acre parcel located north of Lot 33A. The lots meet the minimum one acre lot size requirements for a subdivision in an R-1 zone.

Staff recommends preliminary plat approval only. The applicant will need to apply for final approval at a future meeting when the plat is signed by the property owners authorized to sign the plat.

No report from Engineer.

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

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

Chairman Pridgen opened the public hearing.

No comments from the public.

Chairman Pridgen closed the public hearing.

Council Member Canon made a motion to grant preliminary and final plat approval with staff recommendations subject to the property owner signatures on the final plat.

Ms. Cannon seconded the motion.

Ayes: Cherry, Pridgen, Council Member Canon, Cannon, Hilyer

Nays: None

Abstain: None

## **B. CONDITIONAL USE - Public Hearing**

### **3. Shelley Tufts, 600 Andrews Road, C-2, Group Home for Children**

Mr. Kelley reported the applicant is requesting conditional use approval for a group home entitled Exodus Ranch to provide a structured home environment for children coming from "difficult or unsafe family situations." The age of the youth will range from 6-18 years; and the home will house up to 14 kids. The home will be licensed by the Alabama Department of Health.

The application narrative (page 2) describes pertinent information the applicant has set forth to bring this vision to reality, by answering questions city staff would normally ask in case review; while page 4 of the application provide the answers to 4 conditions from Section II, Subsection 2.2 Definitions, GROUP HOME from the Zoning Ordinance

Recommendation: Approve the Conditional Use Request

No report from Engineer.

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

Mr. Williams reported this use is outside the Opelika Power Services territory.

Chairman Pridgen opened the public hearing.

No comments from the public.

Chairman Pridgen closed the public hearing.

Mr. Hilyer made a motion to grant conditional use approval with staff recommendations.  
Council Member Canon seconded the motion.

Ayes: Cherry, Pridgen, Council Member Canon, Cannon, Hilyer

Nays: None

Abstention: None

**4. Allen Tucker, P.E., c/o Auburn Opelika Korean Church, 1800 Rocky Brook Road, R-2, New youth building and parking lot**

Mr. Kelley reported the applicant is requesting conditional use approval for a 6,000 square foot, 1 story youth center located behind the sanctuary in the southwest corner of the property; and a relocated church parking lot of an additional 122 spaces, bringing the total number of spaces on site at 206. Seven (7) handicap spaces are indicated and satisfy parking space handicap requirements.

Staff recommended and the church concurred to additional landscaping; (7 Ligustrum trees, 12' on center, staggered 2 rows) in a 30 foot wide landscape buffer along the 60 foot frontage of the parking area/driveway perpendicular to Rocky Brook Rd. The landscape plan exceeds the base points required for parking lot and the 6 acre site of the church complex.

No curb cut shall be accessed to the new parking lot from Rocky Brook Road.

Recommendation: Approval subject to at time of planting in the landscape buffer the height of the 7 Ligustrum trees shall be at least 6 feet.

No report from Engineer.

Mr. Hawkins reported Opelika Utilities currently serves this location.

Mr. Williams reported this use is in the Opelika Power Services territory.

Chairman Pridgen opened the public hearing.

No comments from the public.

Chairman Pridgen closed the public hearing.

Ms. Cannon made a motion to grant conditional use approval with staff recommendations subject to the property owner signatures on the final plat.

Mr. Hilyer seconded the motion.

Ayes: Cherry, Pridgen, Council Member Canon, Cannon, Hilyer

Nays: None

Abstention: None

**5. Neal Owens c/o PC Opelika LLC, 2600 Pepperell Parkway, C-3, GC-2, Requesting off-premise directional sign for commercial center**

Mr. Ogren reported the applicant is requesting conditional use approval for an off premise directional sign for his commercial center (Tractor Supply, Surplus Warehouse. - formerly Lowe's). The Sign Regulations state (Section 9.7 General Business Signs) "Off premise directional signs (see definition) may be allowed with conditional use approval by the Planning Commission. The Planning Commission may place conditions it deems appropriate on approval such as, but not limited to, maximum size and height of sign, number of signs, location and appearance of sign, and the sign located on nonresidential lots only. Adjacent to the Tractor Supply store and Surplus Warehouse there is a 23,850 square foot vacant tenant space. The property owner has a grocery store tenant interested in the vacant tenant space but a sign panel on the existing pylon/freestanding sign is necessary before a lease agreement is finalized. An existing

334 square foot freestanding sign serves the applicant's property, and the sign serves the adjacent property (RCG-Opelika LLC. tenants: Harvest Thrift Store, Goody's, Burke's Outlet, et al). The existing sign has sign panels for businesses located on each property. (When the Lowe's property was sold a sign agreement was included requiring businesses on each property to share space on this existing sign.) The existing sign is located on the adjacent property owner's property. The existing sign is an off premise sign for the applicant's property. The applicant has the right to erect his own freestanding sign, but instead he is requesting to add an 81 square foot sign panel on the existing 334 square foot sign (see drawings in packet). The applicant said a new sign would be costly, the 81 square foot sign panel is adequate for the grocery store tenant, and he believes another sign installed on his property would be too many freestanding signs along Pepperrell Parkway.

Planning staff recommends approval of the 81 square foot sign panel subject to (1) the existing sign is structurally reliable and wind load requirements are met for the additional 81 square foot sign panel (2) the property owner understands that a new sign on his property is not allowed since the 81 sf panel takes the place of a new freestanding sign. Also, an off premise directional sign must have directions or symbols indicating directions and/or distances.

No report from Engineer.

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

Mr. Williams reported this use is in the Opelika Power Services territory.

Chairman Pridgen opened the public hearing.

No comments from the public.

Chairman Pridgen closed the public hearing.

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

Council Member Canon seconded the motion.

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

Nays: None

Abstention: None

## **C. OTHER BUSINESS**

### **6. Discuss off-premise commercial signs**

Mr. Ogren reported the following are discussion items concerning off premise commercial signs:

The display and movement of digital, changeable electronic LED off premise signs shall conform to requirements set forth in Section 9.7.1 Digital and Variable/Changeable Electronic LED Signs of the Sign Regulations.

Total maximum square feet of an off premise sign shall be 100 sf; Maximum height 18 feet.

LED off premise signs maybe permitted with conditional use approval in the C-3, M-1, M-2 zoning districts that is located in Gateway Corridor Overlay Districts.

No LED off premise sign shall be located within 2,500 feet of another LED sign on either side of the street regardless being an on-premise or off-premise sign.

No off-premise sign shall be erected, constructed or established such that the face of the structure may be viewed from an historic district.

The owner of the LED off premise sign shall provide to the City of Opelika contact information for a person who is available to be contacted at any time and who is able to turn off the electronic sign promptly after a malfunction occurs.

The owner of the LED off premise sign shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.

No report from Engineer, Mr. Hawkins, or Mr. Williams.

Mr. Kelley stated the staff will come back with a draft ordinance only for internal discussion only of topics like location, distance, and terms related to residential abutting areas.

## **7. Interpretation of Zoning Boundary lines, 2104 & 2112 Frederick Road**

Mr. Ogren reported planning staff believes a cartography error occurred on a 1995 amendment to the Zoning Map concerning the Gateway Corridor Overlay District. The mapping error involves two properties that front along Frederick Road (see Zoning map attached; property owners Walter Lott, Ann Rogers). At a Planning Commission meeting and then at the December 21, 1995 City Council meeting two maps were presented (see attached). Map #2 shows zoning amendments to properties along "U.S. 280 Relocation" (now called Gateway Drive) and Frederick Road.. Map #2 shows that the Lott & Rogers property zoned "C-2, GC-2". However, instead the Lott & Rogers properties were zoned "R-4, GC-2". These two properties are adjacent to Hamilton Place, a duplex residential community; Hamilton Place was rezoned R-4,GC-2. The Lott & Rogers property was erroneously included in the Hamilton Place R-4, GC-2 zoning district. Commercial buildings have always existed on the Lott and Rogers's property.

In the Zoning Ordinance, Section 4.2 B, Interpretations of District Boundaries, the Zoning Board is authorized to approve interpretation of Zoning Boundary lines, but the ordinance requires Planning staff to provide the request to the Planning Commission for review and a recommendation from the Planning Commission to the Zoning Board.

Staff recommends a 'motion to send a recommendation to the Zoning Board that a cartography error occurred during a 1995 Zoning Map amendment and the Lott and Rogers property should be zoned C-2, GC-1.

No report from Engineer, Mr. Hawkins, or Mr. Williams.

Council Member Canon made a motion to send a positive recommendation to the Zoning Board for this correction to our zoning map.

Ms. Cannon seconded the motion.

Ayes: Cherry, Pridgen, Council Member Canon, Cannon, Hilyer

Nays: None

Abstention: None

## **8. Gateway Subcommittee inquiry to Planning Commission on Color**

Mr. Kelley reported while the subcommittee is nearing completion to revisions for the Gateway Corridor, the topic of color choices were discussed at their subcommittee meeting on September 11th. Such a topic at least needs input from the entire PC before the subcommittee embarks on this issue. The subcommittee believes we have three (3) options: 1. Do Nothing. 2. Compare color compatibility (Two Examples in Gateway Corridor: Scrubby Dubby at the intersection of 7th / Columbus Pky. and Subway at the intersection of I-85, Exit 62/Columbus Pky.) by defining an area/distance where a comparison of color on existing buildings would dictate color choices for a new

or repainted structure. 3. Adopt a standard of regulatory guidance such as General Services Administration Federal Standard 595C "Colors Used in Government Procurement" or Munsell Book of Colors. The Munsell Book of Colors is used by Scottsdale, AZ.

The subcommittee would appreciate your candid response on this topic!

No report from Engineer, Mr. Hawkins, or Mr. Williams.

Mr. Cherry and Silberman did not express an opinion related to a Color Ordinance.

Council Member Canon stated he may be interested in seeing a list of colors that we do not wish to be used on exteriors in the gateway corridors.

Ms. Cannon suggested a color pallet to have selections of colors compatible.

Mr. Hilyer does not wish to regulate color selection and determine what is a compatible color in an area.

Chairman Pridgen suggested compatibility be the focus and a potential subcommittee to study color regulation in the gateway corridor.

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

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Keith Pridgen, Chairman

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Rachel Dennis, Secretary