

October 25, 2011

The City of Opelika Planning Commission held its regular monthly meeting October 25, 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, Ira Silberman, Arturo Menefee
Mayor Gary Fuller, Keith Pridgen, David Canon, Lucinda Cannon, Michael Hilyer

MEMBERS ABSENT: None

STAFF PRESENT: Gerald Kelley, Planning Director
Martin Ogren, Assistant Planning Director
Rachel Dennis, Planning and Zoning Technician
Walter Dorsey, City Engineer
Brian Kriel, Opelika Light & Power
Josh Hawkins, Opelika Utilities Board

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

I. Approval of September 27, 2011 Minutes

Chairman Pridgen asked for any changes or corrections to the September 27, 2011 planning commission minutes.

Dr. Menefee asked that he be named as absent.

Dr. Menefee made a motion to accept the September 27, 2011 minutes of Planning Commission with correction.

Council Member Canon seconded the motion.

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

Nays: None

Abstention: None

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

2. McCullars Subdivision, 1 lot, Highway 51, Terry McCullars, preliminary & final approval

Mr. Ogren reported the applicant is requesting preliminary and final approval to combine two lots. The lots meet the minimum 100 foot lot width and one acre lot size requirement for a subdivision in the Planning Jurisdiction.

Planning Department recommends preliminary and final plat approval subject to the 30 foot front yard setback shown on the plat changed to the minimum required setback of 35 feet.

Mr. Dorsey reported sanitary sewer service is not available to this combined parcel, which is located outside the Opelika corporate limits on Alabama Highway 51. No in-place structures are indicated on either of the existing parcels.

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

1. Provide the recordable plat on 24" by 36" paper.
2. Rename the plat as 'McCullars Subdivision'.

Mr. Hawkins reported water service is accessible to this subdivision by a water main in the right-of-way of Highway 51.

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

Chairman Pridgen opened the public hearing.

No comments given from the audience.

Chairman Pridgen closed the public hearing.

Council Member Canon motioned to grant preliminary and final plat approval with staff recommendation.

Mr. Hilyer seconded the motion.

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

Nays: None

Abstention: None

C. CONDITIONAL USE APPROVAL

8. Wha Wang Inc, 10 Veterans Pkwy, C-3, GC-2, Outside trailer sales

Mr. Ogren reported the applicant is requesting conditional use approval for a trailer sales lot in a C-3, GC-2 zoning district. Eleven (11) utility and/or box trailers will be displayed outside on the parking lot as shown on the site plan. There are nine parking spaces along the rear property line for customer parking. The existing 1,000 square foot block building is the office. This 14,600 square foot lot was developed in the 1980s; 96% of the lot consists of asphalt. The only area for landscaping is a 150 square foot area near the front property line. However, guy lines and several utility poles are near this area. As we have required in previous conditional use reviews planning staff recommends planter boxes constructed/installed along the front of the building and appropriate plant material planted.

Planning Department recommends conditional use approval subject to the outside display of trailers restricted to the nine (9) parking spaces as shown on the site plan, and planter boxes and plant material installed along the front of the building.

Mr. Dorsey reported sanitary sewer service is available to this developed commercial parcel via an in-place gravity main within the Veterans' Parkway right-of-way. Access to the parcel is gained via a single curb cut on Veterans' Parkway. Twenty-three (23) paved, on-site parking spaces are shown, of which one is designated for use by the disabled. The current parking configuration does not allow sufficient driving space for vehicles through the parking lot in a one-way or two-way direction.

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

1. Revise the on-site parking configuration to allow a minimum width of 14 feet for one-way vehicle travel within the parking lot.
2. Re-stripe and re-mark all existing and proposed parking spaces. A pole-mounted sign must also be displayed in front of the parking space for the disabled.

Mr. Hawkins reported Opelika Utilities currently serves this location.

Mr. Kriel reported Opelika Power Services presently serves this use.

Chairman Pridgen stated we had discussion on Thursday about planter boxes taking up asphalt. I think that is sufficient.

Mayor Fuller motioned to grant conditional use approval with staff recommendations. Dr. Menefee seconded the motion.

Ms. Cannon, Council Member Canon, and Mayor Fuller reviewed the recommendation of the planter boxes. With this being a short-term lease we should not have any planter boxes that the applicant has the task of maintenance and care for the plants to survive.

Mayor Fuller motioned to grant conditional use approval with staff recommendations excluding the planter boxes requirement.

Dr. Menefee seconded the motion.

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

Nays: None

Abstention: None

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

1. Holmes 280 Commercial Subdivision, 3 lots, 1601 Columbus Pkwy, USA Properties & FTC Investments, preliminary & final approval

Mr. Ogren reported the applicant is requesting preliminary and final approval for a 2 lot subdivision located in a C-3, GC-2 zone. The applicant desires to build an industrial gas supply business on parcel 2 that includes an 8,600 square foot building, 20 parking spaces and outdoor storage of gas containers. A conditional use request for the development is planned for the November PC meeting. Parcel 2 is located in a flood plain so the first floor elevation must meet minimum requirements to address possible flood damage. Each lot meets minimum lot size and lot width requirements.

Planning Department recommends preliminary and final plat approval subject to:

1. Add a 40 foot setback line.
2. Add all signature lines to the plat.

Mr. Dorsey reported sanitary sewer service is available to Parcel 1 via an in-place gravity main that passes through the parcel in a south-to-north direction. Sewer service is available to Parcel 3 via an in-place package lift station within the Columbus Parkway right-of-way. Sewer service is accessible to Parcel 2 via the in-place main across Parcel 1. Parcels 2 and 3 have in-place curb cuts for vehicular access to Columbus Parkway, and there is sufficient roadway frontage on Parcel 1 to allow one additional curb cut that satisfies the City's Access Management Regulations. The flood zone boundaries shown on the plat reflect the boundaries adopted in 1981. However, the proposed flood zone boundaries that are to become effective next month indicate approximately 95 percent of Parcel 1 is located within the 100-year flood zone and all of Parcel 2 is located within the 100-year flood zone.

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

1. Indicate the front-yard setback line on all parcels.
2. Indicate the existing sanitary sewer main and its easement(s).
3. Indicate the existing structure on Parcel 3.
4. Revise the 100-year flood zone to reflect the pending boundaries.
5. Remove the double parallel lines along the property boundary separating Parcels 1 and 2.
6. Indicate a sanitary sewer easement between the existing sewer main and the western boundary of Parcel 2.

Mr. Hawkins reported water service is accessible to this subdivision by a water main in the right-of-way of Columbus Parkway.

Mr. Kriel reported this subdivision is in the Opelika Power Services territory. Easements shall be granted for any existing electrical facilities. If any electrical facilities must be moved the developer shall incur the full cost to relocate.

Chairman Pridgen opened the public hearing.

No comments given from the audience.

Chairman Pridgen closed the public hearing.

Mr. Hilyer motioned to grant preliminary and final plat approval with staff recommendation.

Mr. Cherry seconded the motion.

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

Nays: None

Abstention: None

3. Northeast Opelika Industrial Park Subdivision, 12th Revision-Revision of Lot 1B-5A, 2 lots, City of Opelika, preliminary & final approval

Mr. Kelley reported the applicant is requesting preliminary and final approval for three (3) parcels as described above. The 50 acre site is the location for Pharmavite which will begin construction this year with opening in the 1st quarter of 2013. A 12.9 acre site will remain as open space because of existing wetlands. A cell tower is located on .23 acres.

Planning Department recommends preliminary and final plat approval.

Mr. Dorsey reported sanitary sewer service is available to both lots via an in-place gravity main within the Northpark Drive right-of-way and extending northward to Halawakee Creek. Neither parcel has been developed, although the new Pharmavite manufacturing facility will be located on Parcel 1B5-A2.

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

Mr. Hawkins reported water service is accessible to this subdivision by a water main in the right-of-way of North Park Drive.

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

Chairman Pridgen opened the public hearing.

No comments given from the audience.

Chairman Pridgen closed the public hearing.

Mr. Cherry motioned to grant preliminary and final plat approval with staff recommendation.

Mr. Silberman seconded the motion.

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

Nays: None

Abstention: None

4. Harper Estates Subdivision, 2 lots, 403 Lee Road 271, Michael Harper, preliminary & final approval

Mr. Ogren reported the applicant is requesting preliminary and final approval for a 2 lot subdivision located about in the Planning Jurisdiction on Lee County Road 271. The purpose of the subdivision is to create two lots for siblings. Each lot meets the minimum 100 foot lot width and one acre lot size requirement for a subdivision in the Planning Jurisdiction.

Planning Department recommends preliminary and final plat approval.

Mr. Dorsey reported sanitary sewer service is not available to this two-lot subdivision, which is located outside the Opelika corporate limits on Lee Road 271. Both lots contain in-place mobile homes and storage buildings.

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

1. Indicate the front yard setback line on both lots.

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

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

Chairman Pridgen opened the public hearing.

Ms. Ellen Harper, property owner, asked why she had to come before the City of Opelika Planning Commission and Lee County.

Chairman Pridgen explained the processes.

Chairman Pridgen closed the public hearing.

Mr. Morgan motioned to grant preliminary and final plat approval with staff recommendation.

Mr. Silberman seconded the motion.

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

Nays: None

Abstention: None

B. ADMINISTRATIVE SUBDIVISION (Ratify)

5. Hamilton Gables Subdivision, Redivision of Lot 1, Hamilton Road, Diane Baker, Ratify

Mr. Ogren reported this two-unit residential duplex is under construction. The property is beyond the 100 year flood area; and dashed lines represent the building footprint.

Planning Department recommends ratification of administrative plat.

Mr. Dorsey reported sanitary sewer service is available to both new residential lots via an in-place gravity main located within a utility easement along their western side. Access to both lots is gained via Social Circle, which a private drive off Hamilton Road.

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

Mr. Hawkins reported water service is accessible to this subdivision by a water main in the right-of-way of Social Circle.

Mr. Kriel reported this subdivision is in the Opelika Power Services and Alabama Power service territory. Easements shall be granted for any existing electrical facilities. If any electrical facilities must be moved the developer shall incur the full cost to relocate.

Ms. Cannon motioned to grant ratification with staff recommendation.

Mr. Hilyer seconded the motion.

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

Nays: None

Abstention: None

6. Burdell Subdivision, 2 lots, 847 Lee Road 401, Alex Burdell, Ratify

Mr. Ogren reported the applicant is requesting preliminary and final plat approval for a two lot subdivision in the PJ (Planning Jurisdiction). The purpose of the subdivision is to divide the land for two family members. Each lot meets the minimum 100 foot lot width and one acre lot size requirement for a subdivision in the Planning Jurisdiction.

Planning Department recommends the plat be ratified.

Mr. Dorsey reported sanitary sewer service is not available to either developed lot in this subdivision, which is located outside the Opelika corporate limits on Lee Road 401.

Parcel 1 contains an in-place residence and several accessory structures, while Parcel 2 contains an in-place greenhouse.

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

Mr. Hawkins reported this subdivision is in the Beauregard water authority service area.

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

Dr. Menefee motioned to grant ratification with staff recommendation.

Ms. Cannon seconded the motion.

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

Nays: None

Abstention: None

7. Wyndham South Subdivision, 1st Addition, 2 lots, Gateway Drive, Wyndham Properties LLC, Ratify

Mr. Kelley reported the applicant is requesting ratification of the administrative plat. Lot 60A is a combination of two (2) lots into one for the homeowner's association proposed swimming pool/parking area location.

Planning Department recommends ratification of plat.

Mr. Dorsey reported sanitary sewer service is available to this combined parcel via an in-place gravity main within the Stillwood Way right-of-way. Access to the parcel will be gained via a single curb cut on Stillwood Way.

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

Mr. Hawkins reported water service is accessible to this subdivision by a water main in the right-of-way of Stillwood Way.

Mr. Kriel reported this subdivision is in the Opelika Power Services and Alabama Power service territory. Easements shall be granted for any existing electrical facilities. If any electrical facilities must be moved the developer shall incur the full cost to relocate.

Mayor Fuller motioned to grant ratification with staff recommendation.

Council Member Canon seconded the motion.

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

Nays: None

Abstention: None

9. Mazarali Momin, 2019 Pepperell Pkwy, C-3, GC-2, Renovations to restaurant

Mr. Kelley reported the applicant is requesting approval for new exterior materials proposed for the Dairy Queen restaurant at 2019 Pepperell Pkwy. Specifically, the existing solarium will be removed and enclosed which will match the existing building. No changes to the remaining floor area. The maximum height of the front façade being only the center piece for logo identification will be approximately sixteen (16) feet. A new concrete patio and painted metal decorative fence will be installed to comprise an area approximately 200 square feet. No additional landscaping is required. Mr. Dorsey, City Engineer, will suggest changes for handicap parking.

Planning Department recommends conditional use approval.

Mr. Dorsey reported sanitary sewer service is available to this developed commercial parcel via an in-place gravity main within the Pepperell Parkway right-of-way. Access to the parcel is gained via a single curb cut on Pepperell Parkway. Fifty-six paved, on-site parking spaces are shown, of which three are designated for use by the disabled. A dumpster pad is located in the southeastern corner of the site.

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

1. Construct a raised concrete sidewalk at the front of the building and adjacent to the three parking spaces for the disabled instead of the striped walkway. These spaces shall include raised wheel stops so the parked vehicles do not encroach onto the sidewalk.
2. Realign these three parking spaces so they are perpendicular to the raised sidewalk.

Mr. Hawkins reported Opelika Utilities currently serves this location.

Mr. Kriel reported Opelika Utilities currently serves this location.

Council Member Canon motioned to grant preliminary and final plat approval with staff recommendation.

Mr. Silberman seconded the motion.

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

Nays: None

Abstention: None

D. OTHER BUSINESS

10. Discuss decreasing the Planning Jurisdiction from 5 miles beyond the city limits to 3 miles for subdivisions of land

Mr. Kelley reported discuss decreasing the Planning Jurisdiction from 5 miles beyond the city limits to 3 miles for subdivision of land.

Prior to adoption of the Lee County Subdivision Ordinance in the summer of 2008, the Planning Commission increased the planning jurisdiction from three (3) to five (5) miles. The primary reasons for the increase were due to no subdivision regulations in Lee County and Auburn exercised a five (5) mile jurisdiction.

Currently, planning staff provides a copy of a plat within the planning jurisdiction to the County Engineer for review. The County Engineer also notifies property owners by certified letter that the Board of County Commissioners will consider approval of a plat. The Lee County Planning Commission is inactive at this time but may begin subdivision review and approval at a later date upon the discretion of the Board.

Staff has noticed a trend that more subdivision requests occur in the 3-5 mile range rather than from the city limits to 3 miles within the planning jurisdiction. This results in more interest and concern by county property owner's as to why the city is involved in subdivision regulation when the county has subdivision regulations.

Auburn does not intend to modify their planning jurisdiction from 5 miles since the majority of their subdivisions are administrative requiring no certified letter to adjacent property owners unless the subdivision is more than four lots. Also, their voluntary annexation petitions are more for subdivision plating than Opelika annually.

One drawback to returning to a three (3) mile jurisdiction is the Lee County Subdivision Ordinance references Alabama State Law (5) 11-24-6: "County and municipality agreement as to exercise of jurisdiction." Basically the law says that a municipality and county shall agree on the extension of a municipal planning jurisdiction boundary.

Planning Department provides this information for your discussion and preference related to the boundary of our planning jurisdiction.

Mr. Dorsey reported no report.

Mr. Hawkins reported no report.

Mr. Kriel reported no report

Chairman Pridgen stated this was put on the agenda to hear your thoughts as a Commission. This will come back as an agenda item for next month's meeting.

11. Discuss dates for November and December Planning Commission meeting.

Mr. Kelley reported with a compressed schedule for meetings during the holiday season of Thanksgiving and Christmas; the staff suggests the following days and times for your consideration.

IN NOVEMBER; Thursday, November 17 at 3:00pm for Work Session, followed by Regular Meeting at 3:30pm; IN DECEMBER; Tuesday, December 20 at 3:00pm for Work Session, followed by Regular Meeting at 3:30pm. With a December 6th (1st Tuesday) application deadline; there remains enough time for legal advertising.

Chairman Pridgen stated these dates and times are acceptable for our November 17th and December 20th meetings.

With no further business on the agenda, Chairman Pridgen adjourned the meeting at 3:35 p.m.

_____ Keith Pridgen, Chairman

_____ Rachel Dennis, Secretary