

**CITY OF OPELIKA
PLANNING COMMISSION MEETING
OCTOBER 28, 2014
3:00 P.M.
PUBLIC WORKS FACILITY
700 FOX TRAIL**

The City of Opelika Planning Commission held its regular monthly meeting October 28, 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, Mayor Fuller, Arturo Menefee, Keith Pridgen, Lucinda Cannon, David Canon, Michael Hilyer

MEMBERS ABSENT: None

STAFF PRESENT: 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 3:01 p.m.

I. Approval of September 23rd Minutes

Council Member Canon made a motion to accept the September 23, 2014 minutes of the Planning Commission as written.

Mr. Silberman seconded the motion.

Ayes: Cherry, McEachern, Cannon, Council Member Canon

Nays: None

Abstention: Fuller, Hilyer, Menefee

II. Update on Previous PC cases

Mr. Kelley reported updates from City Council. The Wyndham PUD revisions will go before the Council in December.

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

1. Johnston Subdivision, Block C, Resubdivision of Lots 12-18 1 lot, 1110 Frederick Road, Ernest Lieder, preliminary and final approval

Mr. Ogren reported the applicant is requesting preliminary and final plat approval to combine two lots into one lot. Last month at the September meeting, the Planning Commission approved combining four lots into one lot at this location for the same applicant. The applicant recently purchased the 16,000 square foot lot on the corner of Frederick Road and Frederick Avenue. He desires now to combine the corner lot with the lots that were combined at the September meeting. The combining of the two lots creates a one acre lot. The subdivision meets preliminary and final plat requirements.

Staff recommends approval as submitted.

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 Fredrick Avenue.

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, Fuller, Menefee, Council Member Canon, Cannon, Hilyer

Nays: None

Abstention: None

2. Farm Family Limited Partnership Subdivision, 2 lots, 2500 Willis Avenue, Farm Family Limited Partnership, preliminary and final approval

Mr. Ogren reported the applicant is requesting preliminary and final plat approval for a two lot subdivision located in an R-2 zoning district. The subdivision involves creating Lot 1, a 142 acre lot, and Lot 2, a one acre lot. A single family home exists on each lot. The purpose of the subdivision is to sale Lot 2 (*The applicant's father-in-law lives in the home on Lot 2*). The applicant will maintain ownership of Lot 1. Lot 1 and Lot 2 have public road access to Willis Avenue, an unimproved 60 foot wide right-of-way. Lot 1 has access to Willis Avenue by a 30 foot wide driveway area located along the south property line of Lot 2. Staff recommends that a 30 foot access easement needs to be added to this area so Lot 2 has legal access onto Willis Avenue. ~~The 30 foot wide area is labeled "Reserved for Future Street" as requested by staff. Staff also recommends a 30 foot wide dashed line drawn parallel to the 30 foot wide area so the "Reserved for Future Street" is 60 feet wide and equals the width of Willis Avenue (see drawing with dashed line on page 2). The "Reserved for Future Street" establishes that a 60 foot wide extension of Willis Avenue is anticipated on a future subdivision. The 30 foot wide dashed line is located on the adjacent property owner's property (Ruth F. Nesbitt, et. al., Dunwoody, Ga).~~

Staff recommends preliminary and final plat approval with staff recommendations.

Mr. Parker reported with the revisions included in the previous work session report engineering recommends 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 South Uniroyal Road. Any new service will come from South Uniroyal Road.

Mr. Kriel reported this subdivision is in the Opelika Power Services and Tallapoosa River Electric Co-op territory.

Chairman Pridgen opened the public hearing.
No comments.
Chairman Pridgen closed the public hearing.

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

Dr. Menefee seconded the motion.

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

Nays: None

Abstention: None

3. Bartlett Subdivision, Third Revision, 2 lots, 1607 South Uniroyal Road, Davis W. Bartlett, preliminary and final approval

Mr. Ogren reported the applicant is requesting preliminary and final plat approval for a two lot subdivision located in an R-2 zoning district. The purpose of the subdivision is to create Lot 2 (10.3 acres), and then sale Lot 2 with the existing single family home. Lot 2 has public road access to South Uniroyal Road from a 60 foot wide access way; an existing driveway is located within the 60 foot area. The applicant will maintain ownership of Lot 1 (49 acres). Lot 1 has public road access to South Uniroyal Road and Willis Avenue. The plat meets subdivision requirements.

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 South Uniroyal Road.

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.

Mr. Hilyer seconded the motion.

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

Nays: None

Abstention: None

B. CONDITIONAL USE

4. LVP HI Opelika Holding Corp., 1801 Capps Landing, C-3, GC, Lounge-beer & wine

Mr. Ogren reported this Planning staff report was revised on Monday, October 27th. The revisions were based on research by Guy Gunter. The following is the email sent from Guy to Planning on Monday, October 27th

As you are aware, the Holiday Inn Express (LVPHI Opelika Holding Corp.) has applied for a lounge-beer and wine permit. It is my understanding that the motel will sell unopened bottles of wine and unopened bottles/cans of beer from a small room in the motel lobby to guests.

After discussions with Bob Hill, legal counsel for the ABC Board, and Summer Childers, licensing supervisor, it is my recommendation that the City sell the motel a retail beer license for off premises consumption and a retail wine license for off premises consumption rather than a lounge-beer and wine permit. According to the ABC Board, the guest rooms in the motel are not treated as part of the motel premises for licensing purposes. Consequently, when the motel guests carry unopened wine and beer containers to their rooms, they are transporting said alcoholic beverages off-premises and will be consuming said beverages off-premises. No consumption of alcoholic beverages should be allowed by the motel in the lobby area.

Based on the foregoing analysis, it is my recommendation that item b (4) be removed from the Planning Commission agenda. Lillie, please instruct the applicant to reapply for an off-premise retail beer license and an off-premise retail wine license.

I trust this information will be of some benefit. If you have any questions, please don't hesitate to call me.

Guy Gunter

Staff recommends this agenda item be withdrawn from the agenda.

This item is withdrawn by the City Attorney, the applicant agrees.

5. Valenti South East Realty II LLC, 3041 Capps Way, C-3, GC, Chili's restaurant

Mr. Ogren reported the applicant is requesting conditional use approval for a new Chili's restaurant at 3041 Capps Way. Chili's is located next to the Eagle Convenience Store property that was approved at the September Planning Commission meeting. The restaurant property has street frontage on Capps Way and Gateway Drive, but the only access to the property is from Capps Way. The restaurant's 25 employees will be able to serve 211 customers.

The site plan shows a 4,850 square foot building on a 1.8 acre lot. Chili's is providing 127 off-street parking spaces including five handicap spaces; the minimum off-street parking requirement is 96. The natural exterior building materials are brick, tile, stone, and glass. The exterior material that simulates natural material is EIFS¹ board, cement board, metal trim & roofing. The front of the restaurant and main customer entrance faces Gateway Drive. The rear or 'back' elevation faces Capps Way. See elevations attached that provides the types of exterior building material and the percentages of natural material and simulated natural material for each elevation. Staff recommends that the front elevation facing Gateway Drive and the rear or 'back' elevation facing Capps Way be 50% natural material. The front elevation is shown as 46% natural material; the rear or 'back' elevation is shown as 22% natural material. **See the revised drawings attached to this report. The revisions are on the rear elevation that faces Capps Way. The rear elevation is now 28.5% natural material, 35.4% EIFs, and 36.1% metal (painted). The EIFs material was reduced from 73% to 35.3% and the painted metal material increased. The metal increased because the cooler/freezer was mistakenly included in the EIFs calculation on the original elevation. About 24% of the metal material on the rear elevation consists of the cooler/freezer and metal fence as labeled on the drawing attached.** The landscape plan meets minimum requirements; a total of 25 trees and 257 shrubs will be planted. The site meets the maximum 70% Impervious Surface Ratio (ISR); the ISR is 67%. A 12' x 27' private dumpster area is shown on the site plan. The dumpster is enclosed with an opaque fence on all sides and an opaque double gate. The photometric plan meets requirements; the plan shows 1.0 footcandles or below at the property line in all 10 foot increment locations.

Recommendation

Staff recommends conditional use approval subject to recommendations in this report.

Mr. Parker reported the previously submitted and approved service station at the adjacent lot to the south of this lot has an approved access at the north corner of the lot on Capps Way. The submitted plat for this location has the proposed access at the southern corner of the lot, thus not providing to proper required spacing of 100-feet from access points along a local roadway.

In preliminary discussion with the site designer, two driveways were discouraged due to the fact that they did not meet the spacing requirements. It is now recommended that the northern access of the restaurant be utilized instead of the southern access that is proposed.

¹ An Exterior Insulation and Finish System (EIFS) is a nonload bearing, exterior wall cladding system that consists of an insulation board attached either adhesively or mechanically, or both, to the substrate; an integrally reinforced base coat; and a textured protective finish coat.

This could be classified as a local street and the spacing will not have a requirement.

Mr. Kelley stated concerns for the convenience store with an additional use. Are we crowding ourselves with another driveway here with the spacing already approved for the convenience store?

Mr. Parker stated the only concessions with that statement about spacing of driveways is there is also an approved driveway for the convenience store on Capps Landing which is on the south border. From the traffic standpoint most of the vehicles will come in and out of that Capps Landing driveway. Mr. Bolt's design was for the fuel trucks entering the convenience store property would use this Capps Landing driveway.

Chairman Pridgen asked what the spacing between the two is.

Mr. Parker stated the spacing is less than 100. There is no minimum spacing for a local street.

The site engineer stated we obtained the site plan from Mr. Bolt, engineer for the adjacent convenience store property. They have 15 feet to our property line and we have 15-18 feet from our property line to our road. We designed an addition entrance at the top of the site and the only design that works with this site is the one presented. This design is the only one that allows for delivery trucks.

Mr. Kelley stated this parking layout has 30 more parking spaces than require.

The site engineer stated the count of parking is a franchise requirement.

Mr. Kelley state I defer to the City Engineer.

Mr. Parker stated I recommend this driveway design to the Commission.

Mr. Hilyer stated the hindrance will be on this business.

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.

Mr. McCrory stated the Eagle Convenience store should not be a lot of traffic at this entrance.

Chairman Pridgen closed the public hearing.

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

Mr. Cherry expressed concerns about the movement of the delivery truck inside the parking lot and exit.

Ms. Cannon asked if the siding meets the requirements.

Chairman Pridgen stated it is 46% but that does not count the patio covered area.

The Commission discussed the exterior with the site engineer.

Mayor Fuller called for the question.

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

Nays: None

Abstention: None

6. Barrett-Simpson, Inc., 3100 block of Society Hill Road, PUD, Climate Controlled Mini Warehouses

Mr. Kelley reported the applicant desires to locate a maximum of four hundred and eighty-nine (489) mini warehouse units on approximately 5.3 acres. The units will be divided between one hundred forty (140) climate control units and three hundred forty-nine (349) atmospheric units. The climate control units will be located in one (1) buildings fronting Society Hill Road, and the two (2) buildings at the northeast corner of the property adjacent to the overhead transmission line easement traversing the property.

Our Gateway District touches the southwest corner of the property at Society Hill Road. Approximately 2,500 sq. ft. is impacted by the Gateway. Staff supports the Planning Commission waiving the Maximum Impervious Surface Area (%) of 70%.

Staff is requiring conditional use approval from the Planning Commission because the parcel is located in the PUD Industrial Area of Wyndham. The Wyndham Master Plan for the Industrial Area does not provide specific land uses for development. Henceforth, staff will require conditional use approval from Planning Commission on any development in the PUD Industrial Area.

Landscaping requirements are met with the concentration of the landscaping along Society Hill Road frontage, and along the northern property line adjacent to R-1. Mr. Ralph Leninger, Jr. is an adjacent property owner on the north and has been contacted. He indicated no opposition to the development proposal.

Fencing is a combination of metal, wood, and chain link (6-8 feet tall). Fence is metal along the frontage of Society Hill Road, with chain link on the north, south, and east sides of the property. Decorative fencing along Society Hill Road will enhance the frontage of the buildings, and with landscaping provide an appealing entrance to the project. Staff recommends NO barbed wire on the chain link fence except the eastern side adjacent to the former construction buildings/yard for Cleveland Brothers Construction Company.

A lighting plan shall be submitted for review and administrative approval when building permit is issued using Gateway Standards of Section 7.3.

A mini-warehouse use is a significant land use change for Society Hill Road. As the PUD Industrial Area for Wyndham is without design standards, staff has taken the liberty to use some Gateway standards in design and/or conditions for Planning Commission consideration. Staff believes Mr. Kennon will build and operate a mini-warehouse project worthy of this location on Society Hill Road.

RECOMMENDATION: Approval subject to conditions provided in the report.

Mr. Parker reported it should be noted that the spacing of the access on Society Hill Road, considered a Major Collector in the City's Public Works Manual, is a minimum of 200-feet from the edge of each driveway. In the submitted plat the spacing is approximately 140-feet. It is recommended that this access be revised to meet the appropriate standards.

If this recommended adjustment is made, the Engineering Department has no other comments or objections to the Conditional Use approval.

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

Mr. Kriel reported this use is in the Opelika Power Services and Alabama Power territory. An electronic copy of the plat shall be submitted to OPS to determine which entity will serve this use.

Chairman Pridgen opened the public hearing.

Mr. Rice stated one item not mentioned by Planning Staff is the front buildings will be clad in a rock face and a derivative material above the rock face.

The fencing facing Society Hill Road will be rod iron and brick. My client is concerned with security and has proposed a chain link barbed wire top for the rest of the fence area. He does have security cameras and lighting.

Mr. Hilyer asked if this entire development will all be done at the same time.

Mr. Rice stated that is yet to be determined. The front buildings will all be constructed in the first phase.

Chairman Pridgen closed the public hearing.

Mr. Hilyer made a motion for conditional use approval with staff recommendations. Mayor Fuller seconded the motion.

Mr. Cherry and Mr. Kelley agreed to recommend an 8 foot fence with barbed wire. Mayor Fuller call for question.

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

Nays: None

Abstention: None

7. Richard Patton, 704 North Railroad Avenue, C-1, Brewery Facility and Tasting Room

Mr. Ogren reported Mr. McGinnis desires to open Red Clay Micro-Brewery at 704 N. Railroad Ave. rather than the previous location in the 700 block of 1st Avenue. This location provides a conducive historical ambiance to the railroad and the opportunity to be located next door to John Emerald Distillery. Available on street parking is convenient for the business.

The area of operations is 6,000 sq. ft. divided between 2,600 sq. ft. of storage/equipment, and 3,400 sq. ft. to include dining, kitchen, tap room, and office. Total occupancy shall not exceed one hundred and fifty (150) persons.

This space is sprinkled and provides a front and rear entrance to meet Life Safety Code.

RECOMMENDATION: APPROVAL subject to the following conditions: 1) Certificate of Appropriateness for signage from the Historical Commission; and 2) Use available parking spaces at the northeast corner of 1st Avenue/8th Street, and at the southeast corner of 1st Avenue/8th Street Mr. Patton as needed.

The Engineering Department has no comments or objections to the Conditional Use approval.

Mr. Parker reported the Engineering Department has no comments or objections to the Conditional Use approval.

Mr. Hawkins reported water service is accessible to this location by a water main in the R.O.W. of North Railroad Ave. Each unit must have separate meter.

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.

Ms. Cannon made a motion for conditional use approval with staff recommendations. Mr. Cherry seconded the motion.

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

Nays: None

Abstention: None

Mr. Kelley changed the order to 9 then 10.

C. TEXT AMENDMENTS TO ZONING ORDINANCE – Public Hearing

9. Amend Zoning Ordinance Section 2.2 Definitions, Micro-Brewery by adding wine to the definition.

Mr. Kelley reported earlier this year Kerry McGinnis, Red Clay Brewery, received Conditional Use approval to operate a micro-brewery on 1st Ave. between 7th and 8th Streets next to Doris Sign Company. At that time the definition of Micro-Brewery was added to the Zoning Ordinance.

Now, the opportunity to locate on N. Railroad Avenue between 7th and 8th Streets next to the John Emerald Micro Distillery is available. However, Kerry McGinnis will add wine at the micro-brewery which necessitates a change to the definition by adding WINE.

Therefore it is necessary to Amend Section 2.2 of the Zoning Ordinance to include WINE to read as follows:

Micro-Brewery: An establishment for the manufacture, blending, fermentation, processing and packaging of beer AND WINE is actively and continuously brewed for consumption on the premises where manufactured; with a floor area of 10,000 square feet or less which takes place wholly inside a building; and produces no more than 10,000 barrels of beer AND WINE in one year. A tasting room is permitted within the micro-brewery. All activities must occur within the building and outdoor storage is prohibited. The micro-brewery must be properly licensed by any state or federal regulatory agency with jurisdiction over the facility; including the Alabama Beverage Control Board. The manufacture, processing, and packaging of other alcohol beverages, except beer AND WINE, by the micro-brewery is prohibited.

Staff Recommendation: Approve adding WINE to the definition of Micro-Brewery

Mr. Parker, Mr. Hawkins, and Mr. Kriel have no reports.

Chairman Pridgen opened the public hearing.

No comments.

Chairman Pridgen closed the public hearing.

Ms. Cannon made a motion to send a positive recommendation to City Council with staff recommendations.

Mr. McEachern seconded the motion.

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

Nays: None

Abstention: None

Council Member Canon recused himself and left the room for this item, because he is a part owner of a building that is in the gateway.

8. Amend Zoning Ordinance Section 7.3 Subsection C, Uses; Automobile Repair, Gateway Corridor Overlay District by changing from Not Allowed to Conditional Use.

Mr. Kelley reported during the deliberations of the Subcommittee from the Planning Commission preparing the map changes and matrix table recommendations on our Gateway Corridors, the topic of zoning districts for Automobile Maintenance and Automobile Repair locations for either “Conditional Use” or “Not Allowed” in the Gateway was reviewed. The subcommittee decided to recommend to the Commission

that Automobile Repair be “Not Allowed” in the Gateway, but Automobile Maintenance permitted as “Conditional Use”. City Council agreed with that recommendation.

At this time, staff has been asked to review this issue. Since the Gateway changes have been in effect less than six (6) months, staff is not inclined to support as a “Conditional Use” the operation of Automobile Repair businesses in the Gateway Corridors of the City.

Staff Recommendation: Deny (However, if the Planning Commission desires to forward a positive recommendation of Conditional Use for Automobile Repair business in the Gateway to the City Council; staff will be diligent in recommending strong measures for Planning Commission consideration on each and every individual request to complement the Gateway Corridor design objectives.)

Mr. Parker, Mr. Hawkins, and Mr. Kriel have no reports.

Chairman Pridgen opened the public hearing.

Merrill Hartley 1418 2nd Ave. property owner located in the new gateway corridor area. Personally I do not have an auto repair business but I do have a building that was built for auto repair. I am in favor of this change for auto repair businesses from not allowed to conditional use. I think we can enhance the buildings that are existing with the conditional use process. I did not like having to install the landscaping before I opened my business, but the landscaping did enhance my property. Based on my count, an existing 18 auto repair business could be limited and restricted if auto repair was prohibited in the Gateway Corridor.

Chairman Pridgen reviewed the grandfather rules.

Shay Knight my business is at 3701 Pepperell Pkwy, I want to repeat what a Commissioner said last week during work session, “as long as a business is meeting all the codes and regulations I am not concerned with what the business is doing inside, as long as it is legal.” I hope to sell my business at some point. I would hate to lose my grandfather status and not be able to sell my building.

Chairman Pridgen closed the public hearing.

Ms. Cannon made a motion to send a positive recommendation to City Council for a change to Conditional Use approval.

Mr. McEachern seconded the motion.

Ms. Cannon expressed concerns about Body Shops in the past not keeping all the cars inside.

Mr. Kelley stated in the future I will be recommending the vehicles to be stored inside.

Mr. Hilyer and Mr. Silberman agreed that this may need additional review.

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

Nays: None

Abstention: None

With no further business on the agenda, Chairman Pridgen adjourned the meeting at 4:15 p.m.

Keith Pridgen, Chairman

Rachel Dennis, Secretary