

November 19, 2013

The City of Opelika Planning Commission held its regular monthly meeting November 19, 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, James Morgan, Ira Silberman, Mike Hilyer, Keith Pridgen, David Canon, Lucinda Cannon,

MEMBERS ABSENT: Mayor Fuller, Arturo Menefee

STAFF PRESENT: Gerald Kelley, Planning Director
Martin Ogren, Assistant Planning Director
Lisa Harrelson, Planning/Community Development
Scott Parker, City Engineer
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 3:00 p.m.

I. Approval of October 22, 2013 Minutes

Chairman Pridgen asked for any changes or corrections to the October 22, 2013 Planning Commission Minutes.

Silberman made a motion to accept the October 22, 2013 minutes of Planning Commission as written.

Cherry seconded the motion.

Ayes: Cherry, Morgan, Silberman, Hilyer, Canon, and Cannon

Nays: None

Abstention: None

II. Update on Previous PC cases

Mr. Kelley reported on several items.

1. We have a public hearing scheduled for December 3 for Lake Condy Road.
2. The Cannongate amended development plan is scheduled for December 17.

A. ADMINISTRATIVE SUBDIVISION

1. **Eagle Brand S/D, 1 lot, 1007 Avenue C, MyHeidi, LLC, Ratify**

Mr. Kelley reported that this is the old Davis-Dyar property which will be subdivided into two separate tracts, fronting on 10th St., all waivers have been signed and it is before the Commission for ratification and approval.

The Engineering Department recommends preliminary and final plat approval and as no further comments or objections.

Mr. Hawkins reported this property is serviced by a water main on S. 10th Street.

Mr. Kriel reported that location is in the Opelika Power Services territory.

Councilman Canon made a motion to approval.

Mr. Silberman seconded the motion.

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

Nays: None

Abstention: None

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

2. Oak Park S/D, Redivision of Lots 46 & 47, 1 lot, 1504 Kilgore Circle, Brenda Pollard, P/F approval

The applicant is requesting preliminary and final plat approval to combine two lots into one lot. The lot is 16,800 square feet. Minimum lot size in an R-4 zone is 7,500 square feet.

Staff recommends preliminary and final plat approval.

The Engineering Department recommends preliminary and final plat approval and had no further comments or objections.

Mr. Hawkins reported this property is serviced by a water main in the right of way on Kilgore Circle.

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

Chairman Pridgen opened the public hearing.

No comments from the public.

Chairman Pridgen closed the public hearing.

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

Ms. Cherry seconded the motion.

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

Nays: None

Abstention: None

3. Swope S/D, 2 lots, 199 Lee Road 739, Lee Swope, P/F approval

Mr. Ogren reported the applicant is requesting preliminary and final plat approval for a 2 lot subdivision located in the planning jurisdiction. The purpose of the subdivision is to create Lot 2-B (1.2 acres) to construct a home. The revised plat attached shows a 30 foot wide portion of Lot 2-A and Lot 2-B dedicated as public right-of-way. Each lot meets the minimum 15,000 sf lot size requirement.

Staff recommends preliminary and final plat approval.

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

1. Lee County Health Department approves the additional lot for the installation of an additional septic system.
2. Lee County Engineer approves the deeded access of the unpaved county road and does not require a deeded Right-of-Way or road improvements.

Mr. Hawkins reported water service is in the Smiths Water Authority service area.

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

Chairman Pridgen opened the public hearing.

Ms. Hilda Pritchett, neighbor of property, asked ADEM approved site plans and best management procedures be used when/if the property owner decided to build.

Mr. Kelley responded that this project will be turned over to the County Engineering Department and the County Inspections Department will have the authorization to issue building permit and do inspections.

Chairman Pridgen closed the public hearing.

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

Dr. Morgan seconded the motion.

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

Nays: None

Abstention: None

4. Lot 1 Store Room S/D, 1 lot, 1200 block of Geneva Street, Barrett-Simpson Inc., P/F approval.

Mr. Ogren reported the applicant is requesting preliminary and final plat approval to combine seven lots into one lot. The lot is 2 acres. The purpose of combining the lots is to construct a 12,500 square foot building for an 8,000 square foot industrial supplies business; the remaining 4,500 square feet is reserved for future tenant space for retail, restaurant or office type uses.

(Agenda item # 7 is the conditional use request for the building and land uses.)

Staff recommends preliminary and final plat approval.

The Engineering Department recommends preliminary and final plat approval and had no further comments or objections.

Mr. Hawkins reported that water service is accessible to this subdivision by a water main in the ROW of McCoy Street.

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

Chairman Pridgen opened the public hearing.

No comments from the public.

Chairman Pridgen closed the public hearing.

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

Mr. Morgan seconded the motion.

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

Nays: None

Abstention: None

5. Lot4A Pepperell Village, 2 lots, 2000 block of Gateway Drive, Barrett-Simson Inc., P/F approval

Mr. Ogren reported the applicant is requesting preliminary and final plat approval for a 2 lot subdivision located on Gateway Drive adjacent to Outback Steakhouse. The purpose of the subdivision is to create Lot 4C (1.5 acres) for an automobile sales lot. The revised plat attached provides locations of access easements on the two lots. *(Agenda item # 6 is the conditional use for the automobile sales lot.)*

Staff recommends preliminary and final plat approval.

The Engineering Department recommends preliminary and final plat approval and had no further comments or objections.

Mr. Hawkins reported water service is accessible to this subdivision by a water main in the ROW of Gateway Drive.

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

Chairman Pridgen opened the public hearing.

No comments from the public.

Chairman Pridgen closed the public hearing.

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

Mr. Silberman seconded the motion.

Mr. Cherry asked if Staff could locate master plan provided and approved when developer (Tom Haley) originally brought before Planning Commission.

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

Nays: None

Abstention: None

C. CONDITIONAL USE- Public Hearing

6. Barrett-Simpson Inc., 2000 Block of Gateway Drive, C-3, GC-2, Automobile sales

Mr. Ogren reported the applicant is requesting conditional use approval for a Gil's Auto Sales lot on Gateway Drive. The used auto business has five other locations in the Phenix City and Columbus, Ga. area. The business will not service or repair automobiles. **The business will wash those automobiles that are for sale on the lot.** The site plan shows a 3,200 square foot building on a 1.5 acre lot. The exterior material for the front elevation, side and rear elevations is primarily brick; a portion of the front elevation near the front door is a decorative concrete block (see elevation plan attached-page C4 attached). The site plan shows 16 parking spaces including two handicap parking spaces for customers and employees; 88 parking spaces are for automobile display. The landscape plan meets minimum requirements. A total of 183 understory, medium or canopy trees will be planted. Also 50 shrubs will be planted. The site meets the maximum 75% Impervious Surface Ratio (ISR); the ISR is 68%. A private dumpster shown on the site plan must be screened on all sides with an opaque fence including an opaque gate on front of the dumpster.

A lighting plan identifying the location of outdoor lighting is provided. The outdoor lighting consist of 25 lights; each light pole is 30 feet high (black poles). The light fixtures of the perimeter lights (see lighting plan attached-page C3) will be adjusted at an angle to project light toward the middle of the property. Three outdoor lights are located along the access easement. Planning staff recommends as a condition for approval a photometric light plan prepared by a registered professional to identify the light levels at the property line. The light levels should not exceed 1 foot candle at the property line. Also at the professional's discretion other requirements maybe necessary to reduce light glare on any adjoining public street or residential property. Such requirements may include light fixture shields and/or rotation, and adjustment of pole height and light wattage. The photometric light plan with all changes recommended by the professional is required before a building permit is issued.

Staff recommends approval subject to a photometric light plan provided.

Mr. Parker reported that Public street access is available to Gateway Drive by an existing paved entrance and a deeded access through lot 4A.

The Engineering Department recommends conditional use approval, but will request a master plan for the entire development that was proposed in item B5 for access requirements through the development as well as consideration for post development storm water management plan.

Mr. Hawkins reported that service is accessible to this location by a water main in the ROW of Gateway Drive.

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

Chairman Pridgen opened the public hearing.

Gil's Auto owners Gil and Jamie Dyar stated that they will not be detailing cars at this location. The cars will arrive showroom ready. They will only wash down the cars to remove dust or pollen.

Mr. Cherry expressed concern regarding the condition of the service road entrance off of Gateway.

The Commission asked Staff to notify the Developer in writing that service road would have to meet ALDOT's road management specifications. A drawing and specification to be presented to Engineering for approval.

Chairman Pridgen closed the public hearing.

Mr. Cherry made a motion to grant preliminary and final plat approval on the condition the developer brings entrance up to ALDOT standard from point of entry off of Gateway Drive to Gil's and with staff recommendations. No building permit to be issued until ALDOT provides written approval.

Mr. Silberman seconded the motion.

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

Nays: None

Abstention: None

Mr. Cherry made a motion that the developer, Mr. Haley, be required to present to the Planning Commission a Master Plan prior to any further development being approved.

Mr. Morgan seconded the motion.

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

Nays: None

Abstention: None

7. Barrett-Simpson Inc., 1200 Block of Geneva Street, C-2, GC-2, Industrial supplies retail sales

Mr. Hilyer joined the commission.

Mr. Kelley reported the applicant desires to move their existing business, Store Room Fasteners (retail and distribution of fasteners, hydraulics, and industrial supplies) from their existing location at 1300 McCoy to the proposed site and construct a 12,500 sq. ft. building.

Traffic access is being coordinated between ALDOT and City Engineer Scott Parker concerning traffic flow and driveway locations.

Landscape requirements are met for the development, but staff suggests deleting two (2) spaces in the middle of both parking bays fronting McCoy for additional landscaping. This request has been accommodated as the proposed business has more than enough required parking to provide additional parking lot landscaping.

Mrs. Wilsford will construct the building with more than 50% brick.

Staff recommends conditional use subject to construction of the building with more than 50% brick on all four sides.

Mr. Parker reported this development on the corner of Geneva Street and McCoy Street is only permitted to have a right in and right out accesses to each street. It is cautioned that this restrictive movement will cause problems with traffic trying to go back toward the interstate. The only option will be to turn right onto McCoy Street and to perform a U-turn at Fox Run Parkway and to go back to the left turn at the signal of McCoy and

Geneva, **which is not recommended and could not be permitted.** The option of an access onto McCoy Extension is a possible solution, but as the picture below shows, a left turn from McCoy Extension onto west bound McCoy Road **is not possible.**

The two-way access to this development was discussed with the designer, Mr. Simpson and it was decided to petition ALDOT to see if they would consider a two way (left and right turn) access onto Geneva Street if a traffic study was provided to illustrate that the intersection signal would not be affected. If ALDOT will consider it, the user can provide a traffic study if they want to look into this option. –ALDOT could not be contacted by the time of this report submittal.

As it stands, the Opelika Engineering Department approves the design as is with a right-in/right-out access to Geneva Street and McCoy Road, as well as an access onto McCoy extension. The developer and the committee should know that the only way to get to I-85 from this development, with this access pattern, is to travel northbound on Fox Run Parkway to exit 62. This will possibly cause a traffic detour of approximately 5 miles.

Mr. Hawkins reported water service is accessible to this location by a water main in the ROW of McCoy Street.

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

Chairman Pridgen opened the public hearing.

Mr. Simpson responded that DOT will only allow a one way turn into the facility off of Geneva and a one way only turn out of the facility onto McCoy Street.

Store Room owners, Vicky and Tim Wilsford commented that they will meet and exceed the Gateway requirements using red brick. A presentation of exterior materials to be used will be available for the December meeting.

Chairman Pridgen closed the public hearing.

Ms. Cannon made a motion to grant conditional preliminary plat approval with staff recommendations and approval of exterior material at next meeting.

Mr. Silberman seconded the motion.

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

Nays: None

Abstention: None

8. Rod Spraggins, Simmons Street, C-3, Automobile storage

Mr. Ogren reported the applicant is requesting conditional use approval for an automobile storage lot on Simmons Street. The auto lot is accessed from Simmons Street across from 3rd Avenue (see site plan). The property is used for auto storage only; there will be no employee or office building on the lot. The business repossesses automobiles for local auto sales lots or auto financing businesses. The applicant said that no wrecked automobiles will be stored on the lot; the repossessed automobiles may have a dented fender/bumper but the automobiles are operable. The automobiles are held on the lot for a maximum of 10 days. The automobile owner has 10 days to make an auto payment to the financing company or the auto is taken to an auction. There will be no car wash, detailing, or maintenance performed on the repossessed automobiles.

The 30,000 square foot auto storage lot is located adjacent to the railroad right-of-way on the north side (see site plan). An existing chain link fence runs along the railroad right-of-way and also along Simmons Street. (Simmons Street borders the storage lot on the west side.) Most of the fence along Simmons Street is located on the right-of-way. The chain link fence along Simmons Street will be removed, and a 150 foot long wooden opaque fence at least 6 feet in height will be installed on private property along Simmons Street; the fence will be installed 20 feet from the property line. Landscaping will be added along the fence consisting of 41 hollies and four red maples. Other plant

material will be installed along the front of the auto storage lot as shown on the landscape plan. The landscaping meets minimum requirements.

The applicant is requesting that the wooden fence and landscaping along Simmons Street be delayed until February 1st. On or before February 1st the fence and landscaping will be installed as shown on the landscape plan.

Staff recommends approval subject to the wooden fence and the landscaping installed on or before February 1st, 2014.

The Engineering Department reported this development is an empty lot that will temporarily store vehicles inside a secure chain link fence. There is a landscaping plan to conceal the fence and the lot from the public along Simmons Street. There will be no building so sanitary sewer will not be necessary. Access to the lot will come from Simmons Street near the intersection of 3rd Ave. The existing lot is paved so no major construction other than the placement of the fence and landscaping will be necessary.

The Engineering Department recommends conditional use approval.

Mr. Hawkins reported water service is accessible to this location by a water main in the ROW of Simmons Street.

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

Chairman Pridgen opened the public hearing

Marrell Hartley commented that he has no current master plan for future developments. This will not be an auto repair collision car business. There will be no building on the site nor customer contact.

Mr. Rob Spraggins, Owner, commented that repossessed cars will be towed to lot at lenders request and lot used for temporary storage only.

Chairman Pridgen closed the public hearing.

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

Mr. Hilyer seconded the motion.

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

Nays: None

Abstention: None

9. Eric Hemberg, 105 N. 24th Street, M-1, Medical Office

Mr. Kelley reported that Dr. Hemberg desires to build a second medical office adjacent to his existing medical office at 101 N. 24th St. The proposed 3200 sq. ft. structure is located on a .56 acre lot and meets the setbacks, parking and landscape requirements of the zoning ordinance. This second office will duplicate in color, architecture, and building materials as the adjacent existing office.

A requirement for a buffer along the north side of the property adjacent to the residential VR-2 zone must be installed. Either choice from Section 10.6; Paragraph D; Subparagraph 1; a. or b. may be selected. However, the landscaping along the rear yard (east property line) may be deleted since that adjacent property is zoned M-1.

Dr. Hemberg's location in Pepperell Village is a positive improvement for the neighborhood. The nomination of Pepperell Village as a Historic Area is under review by the Department of Interior with a decision expected in the 1st quarter of 2014.

Staff recommends approval subject to establishment of the buffer area along the northern property line abutting the VR-2 zone.

The Engineering Department reported this development is an office building that shares a parking lot and entrances to N. 24th Street and 22nd Street with another office building. There is adequate parking and public road access with little improvement needed.

The Engineering Department recommends conditional use approval.

Mr. Hawkins reported water service is accessible to this location by a water main in the POW of North 24th Street.

Mr. Kriel reported this location 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.

Mr. Cherry seconded the motion.

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

Nays: None

Abstention: None

D. OTHER BUSINESS

10. ~~Discuss map and text amendments to the Gateway Corridor Overlay District as prepared by the Planning Commission subcommittee and staff.~~ Tabled

11. Discuss off premise commercial signs

Mr. Ogren presented a maximum of three LED off premise commercial signs are allowed with conditional use approval in the C-3 and M-1 zoning districts located in Gateway Corridor Overlay Districts. The following guidelines or requirements have been provided to encourage effective communication and to enhance the appearance of the Gateway Corridors.

A. One LED off premise sign shall be allowed on each of the following Gateway Corridor Overlay Districts:

1. Gateway Drive/Highway 280 - from the northwest City Limits (near Grand National Parkway) to Interstate 85 (corner of Frederick Road & Capps Drive)
2. Pepperell Parkway/2nd Avenue/Samford Avenue – from the west City Limits (Opelika-Auburn city limits) to Fox Run Avenue (intersection of Samford Avenue & Fox Run Parkway)
3. Columbus Parkway/Highway 280 – from the east City limits to South 7th Street (7th Street & McCoy Drive)

B. Total maximum square feet of an off premise sign shall be 75 sf; Maximum height 18 feet.

C. A low profile or solid appearance decorative monument sign is preferred. The entire bottom of the monument sign face should be flush and affixed to the ground and no supports are visible. Material for a monument sign should include stone, concrete, brick, or perhaps metal.

D. A single pole(s) sign may be used. If a single pole(s) is used to support the sign then the structural supports (poles) of the sign shall be covered with pole covers at a combined width at least 40% of the sign width of the sign cabinet or face. The pole covers shall be harmonious in design and finish with other parts of the sign.

E. Landscaping shall be provided at the base of the sign with a landscaped area equal to the area of the sign face. If the landscape area around the sign is hindered by physical constraints then landscaping should best meet the intent of this section. The landscape plan should show a variety of plant material. Plant

material selected should be beneficial to maintain sign visibility such as low growing materials as junipers, perennials, and/or shrubs.

- F. 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.
- G. No off-premise sign shall be erected, constructed or established such that the sign face of the structure may be viewed from a single family residential dwelling in the historic district.
- H. 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.
- I. 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.

Mr. Silberman commented that he is not comfortable with making a recommendation at this time and would like further discussion. He suggested that a subcommittee meet and address this topic again.

Mr. Pridgen stated that off premise commercial signage is not the true definition of this type of signage, allow the subcommittee to meet, and bring it back to the December meeting.

Mr. Milner stated that he is glad the public informational aspect of signage has been recognized. He asked that the suggested size and height be reconsidered. Council Member Canon motioned to adjourn.

With no further business on the agenda, Chairman Pridgen adjourned the meeting at 5:00 p.m.

_____ Keith Pridgen, Chairman

_____ Lisa Harrelson, Secretary