

November 27, 2012

The City of Opelika Planning Commission held its regular monthly meeting November 27, 2012 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
Keith Pridgen, David Canon, Lucinda Cannon,

MEMBERS ABSENT: Mayor Fuller, Michael Hilyer

STAFF PRESENT: Gerald Kelley, Planning Director
Martin Ogren, Assistant Planning Director
Rachel Dennis, Planning and Zoning Technician
Walter Dorsey, City Engineer
Brian Kriel, Opelika Power Services
Josh Hawkins, Opelika Utilities Board
Scott McBurney, Fire Marshall
Guy Gunter, City Attorney

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

I. Approval of October 23, 2012 Minutes

Chairman Pridgen asked for any changes or corrections to the October 23, 2012 Planning Commission Minutes.

Council Member Canon made a motion to accept the October 23, 2012 minutes of Planning Commission as written.

Mayor Fuller seconded the motion.

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

Nays: None

Abstention: Menefee

II. Update on Previous PC cases

Mr. Kelley reported on several items.

1. We have a large number of plats on the agenda today. Everything that you see on the wall, (the plats on the wall), are correct, signed, and sealed.
2. In November the City Council has completed the annexation and zoning in place for the residential parcels we have had in the last few months.
3. The inter-local agreement rough draft: This draft is still under review and we have a meeting set up between the staffs of Lee, Auburn and Opelika. We may have revisions for you in January.

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

1. **Brock Subdivision, 1st revision, 2 lots, 7475 Lee Road 390, Charles Brock, preliminary and final approval**

Mr. Ogren reported the applicant is requesting preliminary and final plat approval to combine two lots into one lot. The property is located about 2 miles east of Exit 70 on Interstate 85. The lot meets the minimum 15,000 square foot lot size and minimum 100 foot lot width for a subdivision in the planning jurisdiction.

Staff recommends preliminary and final plat approval subject to the 35 foot minimum front yard setback line needs to be shown on the plat and indicate on note #3 the water service provider.

Mr. Dorsey reported sanitary sewer service is not available to either lot in this subdivision, which is located outside the Opelika corporate limits on Lee Road 390.

Public street access is available to both lots via Lee Road 390. Lot 4A has been developed with a mobile home.

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

1. Rename the plat to 'Brock Subdivision, First Revision, a Re-division of Lots 1 and 4'.
2. Indicate the front-yard setback line on Lot 4A.
3. Indicate the provider of public water service on the plat.

Mr. Hawkins reported this subdivision is in the Lee-Chambers Water Authority service area

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

Chairman Pridgen opened the public hearing.

No comments from the public.

Chairman Pridgen closed the public hearing.

Dr. Menefee made a motion to grant preliminary and final plat approval with staff recommendations.

Mr. Morgan seconded the motion.

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

Nays: None

Abstention: None

2. Royale Acres Subdivision, Replat Lot 23 & 24, 2 lots, 401 Lee Road 632, Sue Miller, preliminary and final approval

Mr. Ogren reported the applicant is requesting preliminary and final plat approval for a 2 lot subdivision located in the planning jurisdiction (PJ) near the intersection of Highway 169 and North Uniroyal Road. The property owner of Lot 23A is purchasing an 18 foot wide strip of land from the property owner of Lot 24A because the mobile home on Lot 23A encroaches on Lot 24A (see plat). The purpose of the subdivision is to provide a setback distance from the Lot 23A mobile home to the side yard property line. Lot 24A is 12,508 square feet. The minimum lot size requirements for a subdivision in the planning jurisdiction is 15,000 square feet.

Staff recommends preliminary and final plat approval subject to increasing the square footage of Lot 24A to at least 15,000 square feet, add a 35 foot building line on the lots, and complete note #3 concerning water service provider. [Steve Hackel, Lee County Health Department, said a minimum 15,000 square foot lot is required.]

Mr. Dorsey reported Sanitary sewer service is not available to either lot in this residential subdivision, which is located just south of the Opelika corporate limits on Lee Road 632. Public street access is available to both lots via Lee Road 632. Each lot has been developed with a mobile home.

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

1. Rename the plat to 'Royale Acres Subdivision, First Revision, a Re-division of Lots 23 and 24'.
2. Indicate the front-yard setback line on both lots.
3. Indicate the provider of public water service on the plat.
4. Verify the property boundary adjustment will not cause any portion of the in-place septic tanks and/or field lines for Lot 24 to be located on Lot 23A.

Mr. Hawkins reported water service is accessible to this subdivision by a water main in the R.O.W. of Lee Road 632.

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

Dr. Menefee seconded the motion.

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

Nays: None

Abstention: None

3. Brumfield Subdivision, 2 lots, Lee Road 267, Paul Brumfield, preliminary and final approval

Mr. Ogren reported the applicant is requesting preliminary and final plat approval for a two lot subdivision in the Planning Jurisdiction located near exit 70, Interstate 85. The two lots meet the minimum 15,000 square foot lot size and minimum 100 foot lot width for a subdivision in the planning jurisdiction.

Staff recommends preliminary and final plat approval.

Mr. Dorsey reported sanitary sewer service is not available to either undeveloped lot in this two-lot subdivision, which is located outside the Opelika corporate limits at the intersection of Lee Roads 266 and 267. Public street access is available to both lots via Lee Roads 266 and 267.

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

1. Indicate the availability of public water and sanitary sewer service on the plat.
2. Revise the flood zone information on the plat to indicate both parcels are located in flood zone 'X'.
3. Modify the front boundaries on both lots to provide an additional 10 feet of right-of-way along Lee Road 267.

Mr. Hawkins reported this subdivision is served by private wells.

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

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

Dr. Menefee made a motion to grant preliminary and final plat approval with staff recommendations.

Mr. Morgan seconded the motion.

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

Nays: None

Abstention: None

4. Simpkins Subdivision, 1 lot, Lee Road 266, William Simpkins, preliminary and final approval

Mr. Ogren reported the applicant is requesting preliminary and final plat approval for a two lot subdivision in the planning jurisdiction located near exit 70, Interstate 85 and the Perlis Truck Stop. This subdivision is adjacent to the Brumfield subdivision (agenda item #3). There are plans to build a store on Tract A. The remaining 6.4 acres is reserved for future development. The two lots meet the minimum 15,000 square foot lot size and minimum 100 foot lot width for a subdivision in the planning jurisdiction.

Staff recommends preliminary and final plat approval.

Mr. Dorsey reported sanitary sewer service is not available to either undeveloped lot in this two-lot subdivision, which is located outside the Opelika corporate limits on Lee Roads 266 and 267. Public street access is available to both lots via Lee Roads 266 and 267.

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

1. Indicate the availability of public water and sanitary sewer service on the plat.
2. Revise the flood zone information on the plat to indicate both parcels are located in flood zone 'X'.
3. Designate the 6.44-acre tract as 'Tract B'.
4. Modify the front boundary on Tract B to provide an additional 10 feet of right-of-way along Lee Road 267.
5. Indicate the front setback line on Tract B.
6. Indicate the location and width of the Alabama Power Company easement across Tract B.
7. Indicate all in-place structures on both tracts.

Mr. Hawkins reported this subdivision is served by private wells.

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

Mr. Morgan seconded the motion.

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

Nays: None

Abstention: None

5. Kilgore Subdivision, 3 lots, Lee Road 270, Ray Kilgore, preliminary and final approval

Mr. Ogren reported the applicant is requesting preliminary and final plat approval for a three lot subdivision located in the planning jurisdiction about 2.5 miles from exit 66, Interstate 85. The three lots meet the minimum 15,000 square foot lot size and 100 foot lot width for a subdivision in the planning jurisdiction. The pole section of Lot 2 needs to be at least 30 feet wide to meet the minimum width for a flag lot (Subdivision Regulations, Section 3.5, 5b.)

Staff recommends preliminary and final plat approval subject to the pole section increased to at least 30 feet and show a 35 foot front building line on each lot.

Mr. Dorsey reported sanitary sewer service is not available to this three-lot residential subdivision, which is located outside the Opelika corporate limits on Lee Road 270. Public street access is available to each lot via a single driveway on Lee Road 270. All three lots have been developed with in-place residential structures and/or accessory buildings, and Lot 1 contains a small pond.

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

1. Indicate the front setback line on all lots.
2. Indicate a permanent access easement across all three lots to contain the in-place driveway.

Mr. Hawkins reported this subdivision is in the Lee-Chambers Water Authority service area.

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

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

Dr. Menefee made a motion to grant preliminary and final plat approval with staff recommendations.

Mr. Morgan seconded the motion.

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

Nays: None

Abstention: None

**6. ~~CPC-Smith S/D, 2 lots, 916 Lee Road 259, Carl Smith, P/F approval~~
WITHDRAWN**

7. Price Subdivision, 2 lots, 600 Andrews Road, Michael Price, Preliminary approval

Mr. Kelley reported the applicant is requesting preliminary plat approval for a 2 lot subdivision located off Lake Condry Road. About 12 years ago the 'Frederick House' was moved to Lot 2 (7 acres) from North 8th Street. Lot 1 is 32.9 acres. In March 2002, the property was rezoned from M-1 to C-2 and conditional use approval was granted to use the Frederick House as a commercial retreat center and rental facility for family reunions, weddings, and business meetings. The purpose now for this subdivision is to sell Lot 2; a local family/ministry plans to renovate the Frederick House for a foster care type facility for girls.

Staff recommends preliminary plat approval.

Mr. Dorsey reported sanitary sewer service is not currently available to this two-lot subdivision. The nearest accessible sanitary sewer main is located approximately 750 feet west of Lot 1 in the Davis Industrial Park and approximately 1,500 east of Lot 2 on the Sportsplex property. Public street access is available to each lot via Andrews Road. Lot 1 has been developed with several in-place structures, while Lot 2 contains an in-place residential structure that was moved onto the site in 2001. Several in-place overhead power lines within utility easements traverse across Lot 1.

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

1. If the in-place gravel drive across Lot 1 will continue to be used for access to the residence on Lot 2, then the gravel drive shall be placed within a permanent access easement.

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

Mr. Kriel reported this subdivision 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. Morgan made a motion to grant preliminary plat approval with staff recommendations.

Dr. Menefee seconded the motion.

Mr. McCrory, surveyor, stated they property owner would like to change the name of the subdivision to Historic Lake Condry Subdivision prior to the final plat submission for next month's meeting.

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

Nays: None

Abstention: None

8. Huey Acres Subdivision, 2 lots, 2804 Lafayette Pkwy, Rodney McCollum, preliminary and final approval

Mr. Ogren reported the applicant is requesting preliminary and final plat approval for a 2 lot subdivision located on Lafayette Parkway in an R-3, GC-2 zoning district. The purpose of the subdivision is to subdivide Lot 3A (4.3 acres) from a 31 acre parcel. A single family home exists on Lot 3A. Lot 3B (26.6 acres) is reserved for future development; Lot 3B is accessed from Lafayette Parkway (see inset map on plat).

Staff recommends preliminary and final plat approval subject to note 3 on the plat completed concerning water authority provide, add 40 foot front building line, and add the following easement statement: *An easement is hereby granted to the City of Opelika and to any utility companies serving the City of Opelika for the purpose of installing, operating, and maintaining pole lines, guy wires and other facilities. Easement to be ten (10) feet wide and shall be centered along the rear and side lot lines of each lot.*

Mr. Dorsey reported sanitary sewer service is not presently available to Lot 3A, but is accessible to Lot 3B via an in-place gravity main along the creek that defines the lot's northern boundary. Public street access is available to both lots via Lafayette Parkway (U.S. Highway 431). Lot 3A has been developed with an in-place residence and several accessory structures, while Lot 3B is undeveloped.

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

1. Rename the plat to 'Huey Acres Subdivision, a Re-division of Lot 3'.
2. Indicate the front-yard setback line on both lots.
3. Indicate the provider of public water service on the plat.

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

Mr. Kriel reported this subdivision is outside 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 preliminary and final plat approval with staff recommendations.

Mr. Silberman seconded the motion.

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

Nays: None

Abstention: None

9. Totten's Map Block 4 Subdivision, 2 lots, corner of Easy Street & Plum Avenue, Troy Booth, preliminary and final approval

Mr. Kelley reported the applicant is requesting preliminary and final plat approval for a 2 lot subdivision located in an R-5 zoning district. The purpose of the subdivision is to create Lot 1-A (8,847 sf) to construct a home or sell the lot. The single family home on Lot 4-A is being renovated. Each lot meets the 7,500 square foot minimum lot size requirements.

Staff recommends preliminary and final plat approval subject to adding a 25 foot front building line on the plat, show the plat 'tied' to a section corner (control point), and provide the adjacent property owner names on each lot.

Mr. Dorsey reported sanitary sewer service is available to both lots in this residential subdivision via in-place gravity mains within the Easy Street and Plum Avenue rights-of-

way. Public street access is available via Easy Street and Plum Avenue. The current right-of-way widths of Easy Street (40 feet) and Plum Avenue (30 feet) are less than the minimum width requirement for residential streets in Opelika. Lot 4-A contains an in-place residential structure, while Lot 1-A is undeveloped.

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

1. The owner shall provide a 10-foot wide right-of-way strip along the northern side of Lot 1-A and a 5-foot wide right-of-way strip along the eastern side of Lots 1-A and 4-A. Both right-of-way strips shall be added to the in-place right-of-way for both streets that adjoin these lots.

Mr. Hawkins reported water service is accessible to this subdivision by a water main in the R.O.W. of Plum Avenue.

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.

Dr. Menefee seconded the motion.

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

Nays: None

Abstention: None

10. Redivision of Lots 3-A & 3-B, Block 38 of Totten's Map Subdivision, 1 lot- lot line erasure, 401 2nd Avenue, EA Investment Corp., P/F approval

Mr. Kelley reported the applicant is requesting preliminary and final plat approval to create one lot from two lots (or lot line erasure). The purpose of combining two lots is to sell the property and then construct a new Advanced Autoparts business. The 40,153 square foot lot is adequate size to meet site plan requirements concerning minimum parking space requirements, landscaping and driveway widths for the business. At the November 13th meeting, the Zoning Board approved a 14 foot rear yard variance for a loading dock constructed on the rear exterior wall. The loading dock is 16 feet from the rear property line.

Staff recommends preliminary and final plat approval subject to adding a 30 foot front building line, add primary control point or 'tie' plat to section corner, and

add easement statement: An easement is hereby granted to the City of Opelika and to any utility companies serving the City of Opelika for the purpose of installing, operating, and maintaining pole lines, guy wires and other facilities. Easement to be ten (10) feet wide and shall be centered along the rear and side lot lines of each lot.

Mr. Dorsey reported sanitary sewer service is available to both lots in this combination subdivision via in-place gravity mains within the Second Avenue and North Fourth Street rights-of-way. Public street access is available via Second Avenue and North Fourth Street. Lot 3-A contains an in-place residential structure and Lot 3-B contains an in-place commercial structure.

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

1. Indicate the front yard setback line on the combined parcel.
2. Indicate the availability of public water and sanitary sewer service on the plat.

Mr. Hawkins reported water service is accessible to this Subdivision by a water main in the R.O.W. of 2nd Avenue.

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.

Dr. Menefee made a motion to grant preliminary and final plat approval with staff recommendations.

Ms. Cannon seconded the motion.

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

Nays: None

Abstention: None

11. Tiger Town Subdivision, 2 lots, Interstate Drive, Tiger Town LTD, preliminary and final approval

Mr. Kelley reported the applicant is requesting preliminary and final approval to re-subdivide Lot 5C for construction of a Steak and Shake Restaurant. Southern Natural Gas Company has an existing 60 foot gas easement parallel to Interstate Dr. across the front of the property. Neither structure nor signage is permitted within this right of way. Any improvement within this easement is subject to the regulations of Southern Natural Gas Co.

Staff recommends preliminary and final plat approval subject to completion of certificates, approval by Southern Natural Gas Co. for improvements within their gas easement, and correction of the date in the Flood Zone C note to November 2, 2011.

Mr. Dorsey reported sanitary sewer service is available to both lots in this commercial subdivision via an in-place gravity main within a utility easement along the northern boundary of both lots. Public street access is available via Interstate Drive. Neither lot has been developed. A 60-foot wide easement for a Sonat natural gas main extends across the southern portion of both lots and adjacent to the Interstate Drive right-of-way.

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

1. Revise the flood zone information on the plat to indicate the current flood zone, map number, and map approval date.
2. Indicate the availability of public water and sanitary sewer service on the plat.

Mr. Hawkins reported water service is accessible to this Subdivision by a water main in the R.O.W. of Interstate 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.

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

Mr. Morgan seconded the motion.

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

Nays: None

Abstention: None

12. Pride of Pepperell Subdivision, 3 lots, 24th Street and 1st Avenue, Eric Hemberg, preliminary and final approval

Mr. Kelley reported the applicant is requesting preliminary and final approval to subdivide Lots 2, 3, and 4 from the original Lot 1 (Parent Parcel) in Phase I of Pride of Pepperell Subdivision. This plat accompanies Agenda Item 14, Conditional Use for Dr. Hemberg to construct a medical office building on Lot 3.

Staff recommends preliminary and final plat approval subject to showing 30 foot front setbacks for parcels 2, 3, and 4 along 1st. Ave. and 24th St.; possibly deleting a curb cut on 1st Ave. for Lot 3, to be determined by the City Engineer, and completion of certificates.

Mr. Dorsey reported sanitary sewer service is available to all four lots in this commercial subdivision via in-place gravity mains within the First Avenue, North 24th Street, and North 25th Street rights-of-way. Public street access is available via these same streets. Lot 1 contains the remains of the Pepperell textile mill, Lot 2 is undeveloped, and Lots 3 and 4 contain employee parking lots for the textile mill. As part of the approval of this plat, the right-of-way width on North 24th Street adjacent to Lots 2-4 has been increased to 60 feet through widening on both sides. A portion of the southeastern corner of the parent parcel is located within the 100-year flood zone boundary.

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

1. Indicate the availability of public water and sanitary sewer service on the plat.
2. Identify the plat's parent parcel (the land areas outside Lots 1-4) as Lot 5.
3. Indicate a permanent access easement across the in-place parking lot on Lots 3 and 4 that will remain in service.

Mr. Hawkins reported water service is accessible to this subdivision by a water main in the R.O.W. of 1st Avenue.

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

Chairman Pridgen opened the public hearing.

Adrian Zelmer and Blane Alsobrook spoke about the concerns of new development in place of the old mill and changing the neighborhood to allow commercial businesses. Also both spoke of current concerns of through traffic.

Chairman Pridgen asked Mr. Kelley about the future zoning of this area being M-1 or should it be C-2. The applicant preferred to leave it at the M-1 zone to allow for conditional use approval and proceed at a quick pace.

Chairman Pridgen stated we as a Commission or Staff could propose a zoning change of this area.

Mr. Kelley agreed.

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, Menefee, Council Member Canon, Cannon

Nays: None

Abstention: None

B. ADMINISTRATIVE SUBDIVISION

13. Oak Park Subdivision, 3 lots, 1503 Kilgore Court, Alabama Better Built Homes, Inc., Ratify

Mr. Kelley reported the applicant is requesting administrative approval to modify a lot line so the residence on Lot 27A has a conforming side lot line. Waiver of Notice for Administrative Subdivision has been received from adjacent property owners and included in your packet.

Staff recommends ratification of Administrative Subdivision.

Mr. Dorsey gave no report.

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

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 ratify with staff recommendations.

Mr. Morgan seconded the motion.

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

Nays: None

Abstention: None

C. CONDITIONAL USE APPROVAL

14. Eric Hemberg, 24th Street and 1st Avenue, M-1, medical office

Mr. Kelley reported the applicant is requesting conditional use approval to construct a 3,000 square foot medical office on approximately 2/3 of an acre. Architectural features/building materials will complement the mill according to Dr. Hemberg's application. Parking spaces surpass the minimum requirement of 1 space per 200 sq. ft. of gross floor area excluding lobby and hallways. Their landscape plan satisfies landscape requirements. The property location is outside the Gateway Corridor 2 Overlay District. of Gateway Dr.

Recommendation: Approve the conditional use request.

Mr. Dorsey reported sanitary sewer service is available to this 0.65-acre commercial site via an in-place gravity main within the North 24th Street right-of-way. Public street access is available via a one-way entrance drive on North 24th Street and a two-way drive on First Avenue. A second, existing two-way drive on First Avenue will be permanently closed. 21 paved parking spaces will be retained from the existing, on-site parking lot that was previously used by Pepperell mill employees. Two of these spaces will be designated for use by the disabled. Twelve additional paved spaces will be constructed along the northern property boundary to be shared upon the future development of the lot to the north. Garbage will be collected by the City of Opelika Solid Waste Department from cans placed at the street. The majority of the storm water falling onto the site will drain to existing street inlets on First Avenue and North 24th Street.

The Engineering Department recommends conditional use approval as submitted.

Mr. Hawkins reported water service is accessible to this location by a water main in the R.O.W. of 1st Avenue.

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

Chairman Pridgen allowed the public to make comments.

Adrian Zelmer spoke asking who is responsible for the increase of traffic. We have children and families that live there. We would like the City to enforce the traffic laws. Also, the village is an older community and we all have old water mains. How will this affect us who already live in Pepperell Village ? Will the old water lines be replaced with new lines?

Mr. Hawkins stated when we come in with new water meters, I am sure they will relay a lot of those lines.

Mr. Hemberg spoke saying this will be an office for a family practice clinic. And on the adjacent lot within the next year will be a cardiology clinic.

Lisa Harrelson stated we will go before the National Registry and Park Service in April of 2013 to see if the Pepperell Village will be recognized on the National Registry as a historic area.

Mr. Silberman made a motion to grant conditional use approval with staff recommendations.

Dr. Menefee seconded the motion.

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

Nays: None

Abstention: None

Chairman Pridgen, the Commission, and Staff agreed to study and bring back an agenda item to change the zoning for these lots from M-1 to C-2 and prepare for the future uses to this area.

15. Watwood Investments LLC, 17801 North Uniroyal Road, C-3, GC-2, Welding, repairing, warehousing for auto industry

Mr. Ogren reported the applicant is requesting conditional use approval for a business (Rackmasters) that repairs shelving racks for the auto industry. The repair process involves welding, sanding, and painting the racks. The company has five employees. The company receives 300 to 600 racks per order. A septic tank sewer system serves the site; public sewer is unavailable. Planning asked the applicant about solvents and cleaners used to clean the racks before painting. Staff was concerned that the cleaners would ruin the septic tank system, and over time, pollute the ground water. The company representative said that no cleaners, solvents, or chemicals are used. After a rack is welded and sanded the rack is wiped cleaned with a towel then painted. Steve Hackel, County Health Department inspector, contacted the company and is aware of the business operations. About a month ago Building Inspections addressed a violation concerning the construction of a paint-booth building that did not meet Building code. At this writing the business said they plan to remove the building. This property is the former FedEx distribution site that was granted conditional use approved at the January 2000 meeting; FedEx closed in February 2011.

The site plan shows a 6,100 square foot building on a 7.2 acre parcel. The minimum off-street parking spaces and the maximum 75% ISR (Impervious Surface Ratio) are met. The landscape plan meets the minimum landscape requirements based on the disturbed area (4.9 acres). Landscaping was approved and plant material planted when FedEx occupied the site. Total landscape points required is 457 points; the landscape plan shows 629 points. Plant material includes 308 shrubs and 18 existing trees with a trunk caliper ranging from 2½" to 12". At the January 2000 PC meeting for FedEx, a 50 foot undisturbed wooded buffer was required to remain in place along the 50 foot power line easement that runs along the rear property line easement. The adjacent property along the south property line is zoned residential (R-1). The applicant is aware that the buffer must not be removed.

Staff is concerned with the activities on the property based on the comments stated above. If the Planning Commission votes to approve the business then Staff recommends a one year conditional use approval that would expire on November 27, 2013. The applicant is required to reapply for conditional use approval at the November 2013 Planning Commission meeting. Planning staff will make periodic inspections during the year to report activities to the Planning Commission at the November 2013 meeting.

Mr. Dorsey reported sanitary sewer service is not available to this developed 7.2-acre commercial site. Domestic waste is presently treated via an in-place septic tank and field lines located near the southern property boundary. Public street access is

available via one two-way entrance drive on North Uniroyal Road. 24 paved, on-site parking spaces are available for employees and visitors, of which two are designated for use by the disabled. The existing building is surrounded with paved parking surface for semi-trucks.

The Engineering Department is concerned about the proposed use for this site, specifically about the potential use and disposal of solvents to clean and prepare the metal racks for welding and repair. The absence of a public sanitary sewer increases the likelihood that some of the solvents could be disposed through the septic tank and field lines. This septic tank was designed and permitted to treat domestic waste only, and was not intended to accept solvents. Solvents will kill the bacteria in the tank that are necessary to treat the domestic waste.

Therefore, the Engineering Department recommends conditional use approval for a one-year period, subject to the following:

1. The owner shall provide written approval from the Lee County Health Department that the in-place septic tank and field lines can accept any and all solvents proposed for use at the business, or the in-place tank and lines shall be modified in a manner to accept these solvents. The owner shall provide all MSDS information for those solvents to the Health Department for their review and approval.

Mr. Hawkins reported Opelika Utilities currently serves this location.

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

Captain McBurney reported the Opelika Fire Department recommends conditional use approval for a Welding/Repair/Warehouse at 1701 N. Uniroyal Road, Opelika, AL subject to the following:

1. There shall be no spray painted work until a Certified Spay Booth has been installed and approved by the Fire Marshall that it meets all fire and building codes.
2. No spray paint shall be done outside
3. Any additional structures shall be permitted and approved by the Building and Fire Inspection Departments.

When was the structure removed?

Cindy Kim, the business representative stated we did remove the structure.

Chief Morgan stated the structure was still in place two days ago.

Ms. Kim said they we will remove the structure.

Chairman Pridgen stated that needs to be removed.

Captain McBurney stated I do not recommend any conditional use be approved until the structure is removed. They were instructed by Chief Morgan and the Chief Building Inspector Kappelman that the structure be removed prior to this date and it has not been.

Mr. Kelley suggested to Chairman Pridgen Planning Staff recommends this item be tabled and continued at the December 18, 2012 Planning Commission Meeting.

Chairman Pridgen stated I would like to see the answers as to how the solvents will be disposed. We need a detailed plan.

Mr. Silberman made a motion to table the item until December 18, 2012 Planning Commission Meeting.

Mr. Morgan seconded the motion.

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

Nays: None

Abstention: None

D. REZONING – Public Hearing

- 16. ~~Shey Knight, Frederick Road, 7 acres, from R-5, GC-1 to C-2, GC-1~~
WITHDRAWN**

E. ANNEXATION

- 17. TNT Properties, INC., 300 Lee Road 799, 3 acres, Requesting R-1 zoning district**

Mr. Kelley reported the applicant is requesting annexation of a 2.6 acre lot; located adjacent to the city limits at 300 Lee Co. Road 799 (also known as Andrews Rd.), near Exit 66 at I-85. A zoning designation of R-1 will be assigned to this parcel.

Recommendation: Approve Annexation

Mr. Dorsey reported sanitary sewer service is not presently available to this developed, 2.67-acre parcel proposed for annexation. The nearest available gravity main is adjacent to the Interstate Highway 85 right-of-way, which is approximately one mile west of the subject property. The annexation of these parcels will also include approximately 220 feet of the Lee Road 799 right-of-way that must be maintained by the City of Opelika. The annexation will not affect the City’s existing planning jurisdiction boundary.

The Engineering Department has a positive recommendation for this annexation request.

Mr. Hawkins reported this Subdivision is in the Lee-Chambers Water Authority service area.

Mr. Kriel reported this parcel is outside 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 send a positive recommendation to city council.
Mr. Morgan seconded the motion.
Ayes: Cherry, Morgan, Silberman, Menefee, Cannon
Nays: None
Abstention: Council Member Canon

With no further business on the agenda, Chairman Pridgen adjourned the meeting at 4:13 p.m.

_____ Keith Pridgen, Chairman

_____ Rachel Dennis, Secretary