

**CITY OF OPELIKA
PLANNING COMMISSION MEETING
DECEMBER 16, 2014
3:00 P.M.
PUBLIC WORKS FACILITY
700 FOX TRAIL**

The City of Opelika Planning Commission held its regular monthly meeting December 16, 2014 in the Planning Commission Chambers, located at the Public Works Facility, 700 Fox Trail. Certified letters mailed to adjacent property owners for related issues.

MEMBERS PRESENT: John McEachern, Arturo Menefee, Mayor Fuller, Keith Pridgen, David Canon, Lucinda Cannon, Michael Hilyer

MEMBERS ABSENT: Lewis Cherry, Ira Silberman

STAFF PRESENT: Gerald Kelley, Planning Director
Martin Ogren, Assistant Planning Director
Rachel Dennis, Planning and Zoning Technician
Scott Parker, Engineering Director
Josh Hawkins, Opelika Utilities Board
Brian Kriel, Opelika Power Services
Guy Gunter, City Attorney

CALL TO ORDER: Chairman Pridgen called the meeting to order at 3:01 p.m. Agenda Item 2, Indian Ridge Subdivision will be our last agenda item. This subdivision plat review is property in Lee County or the planning jurisdiction not in the City limits. At this time, the Planning Commission cannot legally make a decision on a subdivision plat located in the planning jurisdiction. The City and Lee County have not signed an agreement concerning the subdivision review and approval process in the planning jurisdiction. Until the Agreement is signed between the City and Lee County all subdivisions in the planning jurisdiction cannot be reviewed for approval. At this meeting, Agenda Item 5 is the annexation request for the subdivision property called Indian Ridge, Agenda Item #2. If a positive recommendation to annex the Indian Ridge property is approved then the property will be reviewed not for subdivision approval but as a sketch plan review.

Approval of November 18th Minutes

Mayor Fuller made a motion to accept the November 18, 2014 minutes of the Planning Commission as written.

Mr. Hilyer seconded the motion.

Ayes: McEachern, Fuller, Hilyer, Council Member Canon, Cannon

Nays: None

Abstention: Menefee

II. Update on Previous PC cases

Mr. Kelley reported updates for City Council. Tonight Council will vote on amendments to the Land Use Map to approve your recommendation. The Wyndham PUD is up for second reading. Also, two text amendments in the matrix table, add wine to the definition of brewery and add to be conditional use auto repair in the gateway.

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

1. Streeter Estate Subdivision, 6 lots, 1504 Grand National Parkway, Virginia Streeter, Preliminary approval

Mr. Ogren reported the applicant is requesting preliminary plat approval for a six lot subdivision located in an R-1 zoning district. The Planning Commission approved this same subdivision at the November 18th meeting. The subdivision was approved as an estate subdivision which limited the ownership of lots and a building permit for the

construction of a single family home to family members only. The property owner decided to resubmit the plat as an ordinary subdivision due to the restrictions required for an estate subdivision.

The six lots shown on the plat range from 3 acres to 5 acres. In an R-1 zone the minimum lot size is one acre. Each lot will have access to a new cul-de-sac street named 'Clapping Trees Lane' that will be constructed to the City's street construction standards. The street will be constructed and approved by City departments before the final plat is submitted for approval. Four of the lots have access to Clapping Trees Lane from a 30 foot wide pole section. A single gravel driveway will be constructed to serve these four lots. Staff recommends a 20 foot wide access easement added on the driveway giving the four property owners shared access. (The subdivision is not in the Saugahatchee Watershed.)

Staff recommends approval subject to an access easement provided for the four flag lots -Lots 2, 3, 4, and 5. The surveyor has added a 60 foot wide easement.

Mr. Parker reported the Engineering Department has no comments or objection to the preliminary plat approval of this development. There will need to be construction drawings of the proposed infrastructure submitted to the Engineering and Public Works Departments for review and approval prior to construction. After construction and inspection and approval, the Final plat can be submitted for approval.

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

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

Chairman Pridgen opened the public hearing.

No comments.

Chairman Pridgen closed the public hearing.

Dr. Menefee made a motion for preliminary plat approval with staff recommendations. Mayor Fuller seconded the motion.

Ms. Cannon asked who owns the driveway and is responsible for the repair of the driveway.

Chairman Pridgen stated the City's maintenance stops at the cul-de-sac (the public street). The upkeep of the driveway is between the property owners.

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

Nays: None

Abstention: None

B. CONDITIONAL USE – Public Hearing

3. Sun Self Storage, Inc., 1615 Thomason Drive, C-2, GC, Addition to self-storage facility

Mr. Ogren reported the applicant is requesting conditional use approval to construct one 60 unit climate controlled mini-warehouse building at the existing Sun Self Storage facility at 1615 Thomason Drive. The property was approved for mini warehouses in April 2003. The new 12,000 square foot building is located near the west property line about 900 feet from Thomason Drive. The new storage building is identical in size and shape to an adjacent storage building. The new storage building has access to Thomason Drive from an existing driveway along the north property line that runs parallel to the railroad right-of-way. The width of the driveway must be at least 20 feet and vertical clearance at least 13.5 feet to allow access for a fire truck. The existing A 60 unit warehouse building requires six paved parking spaces.

Staff recommends approval subject to six paved parking spaces provided for the 60 unit building.

Mr. Parker reported the Engineering Department has no comments or objection to the conditional use approval.

Mr. Hawkins reported Opelika Utilities currently serves this location.

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

Chairman Pridgen opened the public hearing.

No comments.

Chairman Pridgen closed the public hearing.

Dr. Menefee made a motion for conditional use approval with staff recommendations.

Mr. Hilyer seconded the motion.

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

Nays: None

Abstention: None

C. REZONING – Public Hearing

4. East Alabama Paving Co., 400 block of Old Columbus Road, 56 acres, from R-4M to M-1

Mr. Kelley reported on November 17, 2014 the Planning Commission amended the Land Use Map of the 2020 Comprehensive Plan from Medium Density Residential to Manufacturing. On December 2, 2014 the City Council in Work Session requested a resolution be prepared by the City Attorney for consideration on December 16, 2014.

The applicant is now requesting to rezone the property from C-3/GC to M-1 in conformance with the Future 2020 Land Use Map of the Comprehensive Plan.

STAFF RECOMMENDATION: Approve M-1 Zoning

Mr. Parker reported the Engineering Department has no comments or objection to the rezoning approval.

Mr. Hawkins had no report.

Mr. Kriel reported Opelika Power Services presently serves the current plant. Property included in the rezoning request is in the Opelika Power Services and Alabama Power territory. Proposed expansion should be coordinated with OPS to determine which entity will serve the additional plant.

Chairman Pridgen opened the public hearing.

No comments.

Chairman Pridgen closed the public hearing.

Mr. Hilyer made a motion to send a positive recommendation to City Council with staff recommendations.

Mr. McEachern seconded the motion.

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

Nays: None

Abstention: None

D. ANNEXATION and PUBLIC HEARING for Zoning District Requested

5. RHMB, LLC, Intersection of Rocky Brook Road & Hillflo Avenue, 234 acres, PC recommendation to City Council, zoning district request – R-2, PC zoning district recommendation to City Council

Mr. Kelley reported the 2020 Comprehensive Plan (the Master Plan) designates three (3) zoning districts in the Low Density Category: R-1 (Rural District, 1 acre), R-1-A

(Residential Transition District, 30,000 sq. ft.), and R-2 (Low Density Residential District, 15,000 sq. ft.) of the 2020 Future Land Use Map. If one examines the lot sizes on Hillflo Ave. from the intersection of Rocky Brook and Hillflo eastward to U.S. 431/Lafayette Parkway, those twenty-four (24) lots exceed two (2) acres; except for six (6) lots between Cedar Creek Dr. and Lafayette Parkway that exceed 23,000 sq. ft. Likewise, the section of Palin Ave. eastward from Oak Bowery Road to the western property line of the proposed development contain twelve (12) lots in excess of 30,000 sq. ft.

The proposed development is for 320 lots, with approximately 50 lots on the perimeter of the East, West, and South boundaries of the project have lot areas greater than 20,000 sq. ft. All lots exceed the 15,000 sq. ft. minimum lot area. In the last seven (7) years the city has never received a petition to annex a single family subdivision of either this acreage or lot size. In 2007 the Planning Commission established the R-1-A Residential Transition District to accommodate the gap between the 15,000 sq. ft. lot size of R-2, and the 43,560 sq. ft. lot size of R-1.

Staff believes it is now time to recommend the R-1-A zoning district for this project to reflect the compatibility of existing residential lot sizes on Hillflo and Palin throughout the proposed development of Indian Ridge Subdivision.

STAFF RECOMMENDATION: Approve the annexation petition and request the developer change their zoning petition from R-2 to R-1-A.

Mr. Kelley explained the major difference between R2 and R1A. R-2 lot size is 15,000 sf. R1A lot size is 30,000 sf. R1A was created to be a transitional zone between R-1 and R-2. Both are strictly single-family.

Mr. Parker reported the Engineering Department has no comments on the zoning but we do recommend annexation.

Mr. Hawkins had no report.

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

Chairman Pridgen opened the public hearing.

Dr. Allen Lazenby stated concerns about the development fitting-in with the rest of the community. Stating common sense would be a development that would equal what is on Hillflo and other adjoining areas. R1A would seem to fit much better than R2. I would personally like to see a nice development that fits with the surrounding lots.

Ms. Donna Smith asked what would be the advantage to this being in the City. Chairman Pridgen explained some benefits of being a resident in Opelika.

Mayor Fuller stated we need residential housing. Something that we need to remember, the size of the lot does not have anything to do with the size of the home or the quality of the home constructed.

Chairman Pridgen stated because we do not have an agreement with Lee County, they could build this subdivision in the county as we have no control in the Planning Jurisdiction.

Mr. Ledge Nettles stated my client (the potential buyer) desires for the property to be annexed into Opelika. They came to me and said we want to build something in Opelika. This property has 60 acres of floodplain which is roughly 25 percent of the total buildable area. My client's outlook for requesting a R-2 zone is for several reasons. The selling price of the 234 acre property and considering that 60 acres of the property is in a floodplain and unbuildable, and my client needs a minimum number of lots to sell in order to pay for the infrastructure and utility improvements including sidewalks and underground utilities and then make a profit. My client could possibly provide 30,000 sf lots along the extension of Hillflo Avenue.

Chairman Pridgen asked: Are we going to recommend this as an R1A or an R2 zone?

Mr. Nettles stated his client said they cannot subdivide all the lots to the R-1A 30,000 sf minimum standards because this minimum 30,000 sf requirement eliminates too many lots compared to the R-2 minimum 15,000 sf lot. The plat includes undisturbed buffers around the perimeter of the development to visualize screen and separate this development from the adjacent property owners. Concerning the cost and the size of the lots, my client is afraid if the lots are too large, potential buyers for lots will not be able to afford the larger lots and possibly the larger homes that are typically constructed on larger lots. These are the reasons why my client chose the R-2 zone instead of the R-1A zone.

Mr. Kelley asked who the developer is.

Mr. Nettles stated I am not a liberty to say. My client is secretive about it.

Mr. Gunter stated the reason for the zoning is included with the annexation is the developer (or current property owner) does not want the property annexed unless the developer has specific knowledge of the zoning of the annexed property.

Chairman Pridgen asked if the staff would support a combination of R-1A and R-2.

Mr. Kelley stated that is a viable option for the Commission to consider. Staff will stand by their recommendation of the entire property zoned R-1A.

Chairman Pridgen and a few Commissioners discussed the differences of the zoning district. R-2 is a low density area. R1 is rural or farm land. Stating in the previous plan (Bowery's Quarters) years ago they had commercial uses and condos. This 320 unit single family development called Eagle Ridge is strictly single family homes.

Banks Herndon asked for the lots to be in character with the neighborhood. He was concerned about R-1A being the minimum lot size and concerns about the developer being secret. Stating I do not want 30,000 sf lots. Also, if the developer is going to be that secretive then there is a reason. In the previous plan we had a meeting with the developer and asked him to sign a paper stating the homes would be quality homes. That developer would not sign anything. 30,000 sf is a small lot. That is totally out of keeping with the existing surrounding neighborhood.

Kelly Carrington expressed concerns about lots along Rockybrook. He asked if the City will provide the water and sewer.

Mayor Fuller stated Opelika Utilities has run water to other areas outside the City.

Terry Love, 3100 Hickory Lane current Chairman for Lake Forrest Subdivision, expressed concerns about the short notification received before this meeting. The drain pipe for the lake at Lake Forrest is in disrepair and has a patch in it. The development is downstream from the Lake Forest lake and the old pipe may collapse. If new homes are constructed, the pipe collapses, then Lake Forest may be liable for water damage to homes. Also, there are concerns that this development will not be compatible to the character scale and density to the existing neighborhood.

Andy Ransack stated the secret partner (client) is disturbing. The smaller R-2 lots mean that three houses could back up to our one house and this would devalue our one home and property. I would like to see the 90 foot lot width increased.

Chairman Pridgen closed the public hearing.

Ms. Cannon made a motion, that at this point in our discussions and based on information provided that we send a negative recommendation to City Council concerning the R-2 zoning request for the proposed annexed property. Additional information and/or revisions to plans need to be provided at a future meeting so discussions can continue.

Mayor Fuller seconded the motion.

Ayes: McEachern, Menefee, Fuller, Hilyer, Cannon
Nays: None
Abstention: Council Member Canon

The reports for Agenda Item #2 "Indian Ridge Subdivision" were not necessary since the negative recommendation for the R-2 zoning request for the annexation property.

2. Indian Ridge SD, 327 lots, Intersection of Rocky Brook Road & Hillflo Avenue, RHMB, LLC, Preliminary approval

With no further business on the agenda, Chairman Pridgen adjourned the meeting at 4:03 p.m.

_____ Keith Pridgen, Chairman

_____ Rachel Dennis, Secretary