

December 20, 2011

The City of Opelika Planning Commission held its regular monthly meeting December 20, 2011 in the Planning Commission Chambers, located at the Public Works Facility, 700 Fox Trail. Certified letters were mailed to all adjacent property owners for related issues.

MEMBERS PRESENT: Lewis Cherry, James Morgan, Arturo Menefee, Ira Silberman, Gary Fuller, Keith Pridgen, David Canon, Lucinda Cannon, Michael Hilyer

MEMBERS ABSENT: None

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

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

I. **Approval of November 17, 2011 Minutes**

Chairman Pridgen asked for any changes or corrections to the November 17, 2011 Planning Commission Minutes.

Mayor Fuller made a motion to accept the November 17, 2011 minutes of Planning Commission.

Dr. Menefee seconded the motion.

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

Nays: None

Abstention: None

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

1. **Juanita G. Jones Subdivision, 2 lots, Lee Road 155, Juanita Jones, preliminary and final plat approval**

Mr. Ogren reported the applicant is requesting preliminary and final approval for a 2 lot subdivision located in the Planning Jurisdiction. The purpose of the subdivision is subdividing a 4 acre lot (Parcel 2) from a 46.7 acre parcel. Parcel 2 is a flag lot with a 60 foot frontage on Lee Road 155. Parcel 2 meets the minimum 100 foot lot width and 15,000 square foot lot size requirement.

Planning Department recommends preliminary and final plat approval

Mr. Dorsey reported sanitary sewer service is not available to either parcel in this subdivision, which is located outside the Opelika corporate limits on Lee Road 155. Both lots have been developed with single-family residences and various accessory structures. Although Parcel 2 is a flag lot, the current access to its residence is gained via an in-place gravel and asphalt drive across Parcel 3. The in-place drive is located within a 20-foot wide access easement. The boundary between Parcels 2 and 3 crosses a small pond.

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

1. Indicate the front-yard building setback line on both parcels.
2. Rename the plat to 'Juanita G. Jones Subdivision, First Revision, a Re-division of Parcel 2', and re-number Parcels 2 and 3 as Parcels 2A and 2B, respectively.

Mr. Hawkins reported this subdivision is in the Smith Station Water Authority's service area.

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

Chairman Pridgen opened the public hearing.
No comments were given by the audience.
Chairman Pridgen closed the public hearing.

Mayor Fuller motioned to grant preliminary and final plat approval with staff recommendation.

Mr. Hilyer seconded the motion.

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

Nays: None

Abstention: None

2. Village at Waterford Subdivision, 5 lots, Waterford Blvd., Felix Lagasse, preliminary and final plat approval

Mr. Ogren reported the applicant is requesting preliminary and final plat approval for a 5 lot subdivision located on Waterford Boulevard (off Hwy. 169). The PUD master plan was amended in December 2008 by the City Council (Ordinance #133-08) to allow five single homes (garden/patio style homes) along Waterford Boulevard. The Village at Waterford PUD was approved for a minimum lot width of 50 feet and a minimum lot size of 5,500 square feet. The five lots range from 6,983 to 8,632 square feet. The lots are over 50 feet wide. The building set backs are 25 feet front, 20 feet rear and 5 feet side yard setbacks. Planning staff recommends sidewalks installed along these five lots.

Planning Department recommends preliminary and final plat approval with staff recommendations.

Mr. Dorsey reported sanitary sewer service is available to all five undeveloped residential lots via an in-place gravity main within the Waterford Boulevard right-of-way and within the utility easements at the front of each lot. Access to all lots is gained via Waterford Boulevard. When this plat was initially submitted for approval to the Planning Commission several years ago, concerns were raised about the access limitations to these lots due to the raised center median on Waterford Boulevard. The median restricts vehicular access for these five lots to a right-in/right-out movement only; therefore, vehicles exiting these lots to Crawford Road must turn right, and then perform a U-turn at the median break in front of Lot 53C or beyond the median near the Lismore Drive intersection. The Engineering Department has measured the width of Waterford Boulevard and believes it is satisfactory to allow U-turns without the outside wheels striking or traveling over the curb.

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

1. Add a note to the plat stating Lot 53A shall not have direct vehicular access to Crawford Road.

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

Mr. Kriel reported this subdivision is inside the Opelika Power Services territory. This subdivision shall be served with overhead primary and underground secondary

services. Developer is responsible for installing secondary conduit per Power Services' requirements.

Chairman Pridgen opened the public hearing.
No comments were given by the audience.
Chairman Pridgen closed the public hearing.

Mayor Fuller motioned to grant preliminary and final plat approval with staff recommendation.

Dr. Menefee seconded the motion.

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

Nays: None

Abstention: None

3. National Village Subdivision, Phase 7-B, 41 lots, Robert Trent Jones Trail, Conner Brothers, final plat approval

Mr. Kelley reported the applicant is requesting final plat approval of a forty-one (41) lot single family subdivision entitled National Village Phase 7-B. A preliminary plat was approved April 26, 2011 for thirty-eight (38) single family lots. Lots 39, 40, and 41 were given a building permit in November to be used as "showcase homes" during the building phase of 7-B. Lot sizes range from approximately 7,400 square feet to 9,000 square feet. Parcel A will remain as open space between National Village Plat 8A and National Village 7-B.

Planning Department recommends final plat approval.

Mr. Dorsey reported sanitary sewer service is available to all 41 residential lots via in-place gravity mains within the Cottage Lane and National Village Parkway rights-of-way. The Engineering Department has previously reviewed and approved construction plans for the streets, sanitary sewers, storm water management, and erosion control.

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

1. Indicate the correct street name for the cottage lane (Double Eagle Lane).
2. Add a signature line for the Public Works Director.

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

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

Chairman Pridgen opened the public hearing.
No comments were given at the public hearing.
Chairman Pridgen closed the public hearing.

Dr. Menefee motioned to grant final plat approval with staff recommendation.

Mr. Morgan seconded the motion.

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

Nays: None

Abstention: None

4. Oakbowery Pines Subdivision, Redivision of Lot 11B, 12 lots, Oak Bowery Road, Bluford LLC, preliminary plat approval

Mr. Kelley reported the applicant is requesting preliminary approval of a twelve (12) lot subdivision with lot sizes exceeding 30,000 square feet (3/4 acre) for ten (10) lots and two (2) lots approximately three (3) acres in size at the end of temporary cul-de-sac easement. The Palin Ave. 60 foot right of way is extended between Lots 11-B8 and 11-B9 to the eastern property line for future extension of Palin Ave. The lot area exceeds the minimum at least 15,000 square feet in the R-2 zoning district.

Planning Department recommends preliminary plat Approval subject to changing the date in the Note Section for Flood Zone to November 2, 2011.

Mr. Dorsey reported sanitary sewer service is not currently available to these 12 undeveloped residential lots; however, sanitary sewer service is accessible via an in-place gravity main that extends through the parcel to the east of the proposed subdivision and approximately 1,100 feet to the southeast of Lot 11-B8. The sewer main serving these lots will also provide sewer service to the new fire station located on Lot 11-A. Access to the lots will be via an eastward extension of Palin Avenue. Portions of Lots 11-B8 and 11B-9 are located within the 100-year flood zone boundary.

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

1. The developer's engineer shall submit public works construction plans to the Engineering Department for review and approval.
2. Revise the flood zone note on the plat to indicate the November 2, 2011 map approval date.

Mr. Hawkins reported water service is accessible to this subdivision by a water main in the right-of-way of Palin Avenue. This development will need to meet the requirements of the Saugahatchee Watershed Protection Area. This subdivision meets the minimum size requirements for lots with sanitary sewer service.

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

Chairman Pridgen opened the public hearing.

Pam Pearson, adjoining property owner, stated the concerns for the lot width. The 100 foot lot width would limit the buildable areas for the homes related to the wetland areas. Chairman Pridgen closed the public hearing.

Mr. Cherry motioned to grant preliminary plat approval with staff recommendation. Mayor Fuller seconded the motion.

Mr. Harmon stated this plat meets the R-2 zoning regulations of lot size of 15,000 sq. ft.

Council Member Canon asked what they are probably concerned with the size of the houses on the buildable area of the lots. Mr. Harmon do you have a minimum size of the houses proposed to be built?

Mr. Harmon stated no.

Chairman Pridgen stated that is not relevant to the Planning Commission jurisdiction.

Mr. Cherry asked if there is plenty of room left on the lots to build the house.

Mr. Kelley stated yes that is correct. Flood Plain requirements can be met by applying additional elevations to make those areas buildable.

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

Nays: None

Abstention: None

B. CONDITIONAL USE APPROVAL

5. Joah Metals & Supply, 420 Williamson Ave., M-1, Scrap metal recycling center

Mr. Ogren reported the applicant is requesting conditional use approval for a scrap metal recycling facility in an M-1 zone. The business provides this service to only auto industrial companies as Kia and Mando. No other material except scrap metal will be

recycled. The business has another location in LaGrange, Ga. The photographs in the Planning Commissioner's packet show the operation in LaGrange; the Opelika location will operate the same way. That is, scrap metal will be transported to the Williamson Avenue site, the material is crushed into 'cubes', and then the cubes are trucked to Mobile for shipment to Korea. The company will begin operations with 12 employees but will probably have about 30 employees in 1.5 years.

The company desires to purchase an existing 64,246 square foot building with 50 parking spaces including two handicapped spaces located on 9 acres (see site plan attached). A 20,287 square foot section of the building will be removed/demolished except for the slab (concrete floor). The crushing, compacting, and storing of the scrap material will take place on this slab area. The other portion of the building will remain vacant. The applicant said noise should not be a concern. The compacting machine is a hydraulic system and sounds about as loud as a generator. The applicant is aware of the City's noise restriction requirements.

This nine acre property was developed in the 1980's. Since then landscaping has been planted and an undisturbed wooded areas preserved by the property owners. The landscape plan shows zones of landscaped areas (zone 1 & 2) and a thick undisturbed wooded area (zone 3). Based on staff's inspection of the property the existing plant material should meet the minimum requirements of the Landscape Regulations. The trees in these zoned areas must not be cut but preserved as an existing wooded area in order to meet landscape requirements. The trees also serve as a visual buffer from Interstate 85 and Williamson Avenue (see photo of trees providing a visual barrier). This same site plan/landscape plan was reviewed at the July 2011 Planning Commission meeting. At the meeting the Planning Commission approved the landscape plan subject to shrubs and understory trees planted along the front of the building. Planning staff recommends that the applicant modify the landscape plan submitted and show the location of trees and shrubs along the building front.

Planning Department recommends approval subject to the recommendations stated in this report.

Mr. Dorsey reported sanitary sewer service is available to this 9.09-acre parcel via an in-place gravity main within the Williamson Avenue right-of-way. Vehicular access to the site is available via in-place driveways on Williamson Avenue and Poplar Street. Fifty paved, on-site parking spaces are indicated, of which two are designated for use by the disabled. Several utility and/or drainage easements traverse through the parcel in various directions. The northern-most easement contains a sanitary sewer force main that serves the solid waste collection facility adjacent to, and northeast of, the site. Several years ago, when the property owner was creating the overflow parking area on the northern side of the building, a large amount of fill material was placed over the PVC force main. No new impervious surfaces are proposed; therefore, no stormwater detention is required.

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

1. Indicate the location of the garbage dumpster on the site.
2. Re-stripe and re-mark the on-site parking spaces as necessary.

Mr. Hawkins reported Opelika Utilities currently serves this location.

Mr. Kriel reported this use is presently served by Opelika Power Services.

Captain McBurney reported Fire Inspector recommends conditional use approval subject to the following: The Placement of the Fire suppression sprinkler system. At this time it is located inside the structure that is being proposed to be demolished. The structures sprinklers system will need to remain in place and protected.

Dr. Menefee motioned to grant conditional use approval with staff recommendation. Mr. Hilyer seconded the motion.

Mr. Morgan recommended the building be marked with large address numbers visible from the road.

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

Nays: None

Abstention: None

6. Joan King, 1901 Airport Road, M-1, GC-2, Waste material recycling

Mr. Kelley reported the property owner/applicant is requesting approval of conditional use to permit an outdoor crushing operation for concrete/asphalt material recycling. The general layout of the proposal in terms of location is approximately 400 feet back from Airport Road. It is to be completely outdoors in terms of the crushing operation. There has been some study done by the Kings and a consultant related to noise in general that was passed out at your place this afternoon. I got it this afternoon also. You should have a copy of the Kings study that is related to noise in general. This is research an individual did concerning the same type of crusher that is in operation in Prince George's County Maryland.

Planning Department recommends continuation of the request till January 24, 2012 so a revised noise study may be prepared meeting the criteria as set forth in Section 8.6; Noise Standards, in the Zoning Ordinance.

I believe the Kings and their party will want to discuss this with you. The Kings have contacted an acoustical engineer that will be back in town in three weeks. The concern that the Planning Department has is we have a section of the ordinance that speaks directly to this. We believe it needs further study and we have so indicated to Mrs. King and the parties that we feel it should be continued until January meeting of the Planning Commission.

Chairman Pridgen asked have the Kings agreed to withdraw or are you just asking for?

Mr. Kelley stated I think it is relevant to continue this and wait for the noise study to be done by an individual who is a former professor in Auburn that has done a lot of work in the area of acoustics and decibels.

Chairman Pridgen stated at this time Commission, would there be anyone in agreement to provide a motion to table this until next month or, you wish to proceed forward?

Mr. Kelley suggested to Mr. Pridgen the individuals are here, may we at least take some discussion from them and then proceed after some initial discussion on the part of the applicants.

Chairman Pridgen agreed.

Mr. Dorsey reported sanitary sewer service is available to this undeveloped commercial site via an in-place gravity main that flows through the southern part of the parcel in a west-to-east direction; however, due to the distance between the proposed site improvements and the gravity main (approximately 450 feet), as well as the site's potential temporary use, an above-ground septage holding tank is shown to be installed beside the business office. Access to the site from Airport Road shall be gained via a 24-foot wide gravel drive. Two parking spaces for employees are shown. Trucks carrying materials to and from the site on Airport Road shall access the site from the north and via Pepperell Parkway in order to minimize impacts to the residential areas to the south.

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

1. The temporary approval shall be for one year. At the end of the year, the Planning Commission and City staff shall re-evaluate all noise and traffic impacts to determine if an extension of the conditional use is warranted.

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

Mr. Kriel reported this use is in the Opelika Power Services and Alabama Power territories.

Chairman Pridgen stated at this time we will hold a question and answer discussion. If the Kings have any comments of questions please come forward.

Mr. McCrory, the surveyor, we did this plot plan. The main thing that we want to know if this layout would be approved or if it could be approved subject to the sound study. We have provided a sound study of the same crushing equipment that is being used on a site similar to this of the same size in Maryland as Mr. Kelley stated. What we've got as the trucks come in the drive and go across a scale to be weighted there is a little small office trailer. They weight the material that comes in next to a small office trailer. Then it goes through a crusher and a screener. Next it's loaded into the trucks then hauled out. Probably 10 percent of the material might be stored temporarily on the site. Tearing down the Auburn Coliseum is the immediate need for this site. We would ask for some sort of approval from the Planning Commission for the general layout of where it is if the sound study comes in, I think just subject to that.

Chairman Pridgen asked for a history or an expectation, is this temporary for a short term or a long term use facility?

Mr. McCrory stated Neal Fuller from Fuller Five can address this.

Neal Fuller from Fuller Five stated this will be an ongoing business venture. We have a couple of locations in Montgomery, where contractors and municipalities can bring their raw material, curb/gutter, sidewalks, and from building demolitions of that sort. Into the facility and we process it into road base material to be and resold. It would not be temporary.

Chairman Pridgen asked what about the traffic? Where are the trucks going to be proposed to enter and exit? I am concerned about Opelika Road [Pepperell Pkwy] Airport Road exit there.

Neal Fuller stated primarily we would be from Pepperell Pkwy/Opelika Road you know. Primarily most would come from Opelika Road/Pepperell Pkwy.

Chairman Pridgen asked how many trucks typically come in a day. Neal Fuller stated that would vary depending upon the project. A general rule I would say 10-15 [trucks a day]. On some days if you had a large project like the Coliseum you could have 30-40 trucks [a day]. Just an ongoing deal I would say 10-20 trucks [a day].

Chairman Pridgen asked what would be the plan for getting the trucks out Airport Road at Opelika Road [Pepperell Pkwy]. I have a hard time in traffic in a regular vehicle it might take 30 minutes to turn left. Is there any other contingency plan?

Neal Fuller answered not at this point.

Neal Fuller stated let me say this about as far as the noise level, you automatically think of booming and crunching and all that kind of stuff from the equipment. The equipment is no noisier than an average piece of heavy equipment just running. It's not like what you would think.

Ms. Cannon asked for clarification, the engines running are louder than the concrete crushing?

Neal Fuller stated yes. The study that was done in Maryland involves a lot more equipment than we will need on our site as well.

Mr. Cherry asked if you all [Fuller Five] are in business in Auburn now.

Neal Fuller stated no.

Mr. Cherry stated I know there is a similar business around the loop of the Airport.

Mr. Silberman asked Mr. Kelley is all the properties between Third Ave. and the Railroad the same zone. None of this is residential is it?

Mr. Kelley stated, no these properties that are either vacant parcels or residences zoned commercial. The Manufacturing zone extends on southward to the next Railroad.

Mr. Kelley stated I think there are 3 or 4 residential homes on the south side of 3rd Ave. abutting the King property.

Ms. Cannon asked what you do with all the concrete that is recycled.

Neal Fuller stated we resell it for road base material. Crush and Run the same quality you would buy at the rock quarry. The machine does separate the metal from the material.

Jim McCrory stated the City might be able to use this facility to not have to go to the Salem land field. There is high demand for the material that comes out of these concrete crushers for road base and a material for baseball infields.

Neal Fuller stated our product meets the state requirements for road base material. The baseball infield material is another project that we make not from concrete.

Chairman Pridgen stated I think it is a great project for recycling and being able to use the material. I am very concerned. I am not as concerned with the noise as I am with the trucks. The trucks of the facility going in and out on that road, I am very concerned about that. Do we have any other questions or discussion on this? Do we want to delay this as recommended by staff?

Mr. Silberman asked what the number of trucks coming through there will be in a given day.

Neal Fuller stated I would say on an average probably 15-20.

Mr. Silberman asked is this a 24 hour operation.

Neal Fuller stated no, this will be a 7-5 type operation Monday thru Friday.

Mr. Morgan asked that at and exit points; will you do any work on the road? We have a location in Opelika that they eventually had to go put in concrete, due to the trucks wore the road so bad.

Neal Fuller stated no, not at the facilities we have in Montgomery we did not have to do anything like that.

Chairman Pridgen stated we will put this off until next month's meeting.

Joan King stated we are not through. We also have a topo photograph of our property; this is prime commercial property here. It has been zoned M-1 since 1968. So, we have tried to get a traffic light at Pepperell Pkwy since 1968. As you know the state of Alabama does not do any good. Gary Fuller had to finally go to Montgomery to get one on Veterans Pkwy. We have always had a traffic problem with Airport Road so what's new? This topo here I will pass around, will you hand Mr. Cherry one. We have a lot of natural boundaries here

Chairman Pridgen asked is there any other access to this site at all.

Ms. King stated we have just as much right to enter Airport Road as others along there. We have other tenants Bellsouth and AT&T along there and we would not want to mess that up. Larry Stevens met with John Seymour; he was excited to have this for the City of Opelika. He said he cannot wait because we can save you money. We are looking forward to getting this started. Mr. Martin who did this noise study is a noise specialist and has been in business for 25 years. You are looking at acreage that is identical to ours; they do not have as much natural buffer zones. The decibels show two exact same pieces of equipment. Nobody in Opelika has been asked to do a noise study in 15 years nobody. Here they are starting out temporary, if it works out then they will stay on. They will do asphalt other ways. They will save your city, my city money. If you will read this very well, I think this should be enough, because it meets the requirements. They had a lot more equipment and noise than even our site will have because they had other things going on. To pay Dr. Stafford is additional money on my part. We have been working on this for two months. It is only leased. Also it's been commercial across the street, up, and down Airport Road for many years. I would like

1. My goal is to get it through today.
2. If not, I think you should read this; it does stay below your requirements of the City for the commercial application of the number of decibels. If not, we will wait on Dr. Stafford to get back into town, if you think this is absolutely necessary.

We are comparing apples to apples. Prince County Maryland is one of the premier counties as far as Planning Commissions are concerned. It is very strict county and it is nothing like Opelika. Thank you so much we appreciate it. It will save you money instead of driving to Salem. Do you all have any questions?

Stephen King stated the phone company on high traffic days said they drives down Third Ave. to Lowndes to exit to Pepperell Pkwy. And often times they will come in that way also. It actually does have more than one way to the parcel.

Chairman Pridgen asked that is what I am wondering is there any way that we could get the trucks to use 3rd Avenue and get them off Opelika Road.

Stephen King stated there is plenty of room. As well as I do not know if you are familiar with this, it is like a big circle more so as the edges we have here. There is absolutely no traffic on that road so they will be able to turn in here and there also.

Council Member Canon asked is it possible to have an exit on the back side of the property to that road?

Stephen King stated we have a communications tower here. It is possible to grade a road this is sort of road that leads up to the tower. It is possible, I don't know about using the road.

Joan King stated they have 100 feet around it.

Stephen King stated they just don't want anything built 100 feet around it.

Chairman Pridgen asked you have clear access to the tower.

Stephen King stated yes.

Mr. Silberman asked Stephen King if the tower was fenced off.

Stephen King stated yes.

Council Member Canon asked Mr. Kelley if he had a chance to read and study this [noise study] to determine if it meets our City requirements.

Mr. Kelley stated I think it is relevant to Prince George's County but it is not relevant to Opelika.

Council Member Canon stated what about the information in it?

Mr. Kelley stated I say no because the issue is the five paragraphs under Section 8.2 is what has to be addressed in a noise study.

Council Member Canon stated so whatever our requirements are for noise level, is a study by someone who the City itself would okay that would meet the parameters, right?

Mr. Kelley stated as long as the criteria is met within our section of the ordinance related to noise standards and the five paragraphs.

Council Member Canon stated I don't see any reason to put it off. Put it subject to add a study by this other person.

Joan King stated right but the only way you can get the equipment on the property is if he can get approval. He cannot go to the expense of moving the equipment on the property if he cannot have the approval. Plus this show the numbers of decibels are less than our requirement is, the output of it.

Mr. Silberman asked if Mr. Martin is a professional Engineer.

Joan King stated he is not an engineer; he is a sound specialist one of the owners of SCI and teaches at the school and different places. Nettles architect recommended and called him and asked him. They use him all the time.

Jim McCrory stated the circular dash lines on the plan are different distances from the machinery. We took the machinery manufactures report on the sounds and extrapolated that out when it went out one meter there was a certain decibel level and you go out six or seven meters there was a certain decibel level there. The sound was dropping. What I was showing on the plot plan was the sound continues to drop as it went out with no interference from any woods or anything else, it would radiate out. The sound level would drop as it got further from the machinery. So that was based on a report, I believe it is a company called Entec that manufactures the crusher on the report from Fuller 5. I think the report from Maryland is directly stated by a qualified engineer that at certain points the decibel level drop to 30 at least below what the maximum of the City.

Joan King stated they require the machinery 300 feet back. From Airport Road we have the scales showing 400 feet back. From 3rd Avenue its 300 feet back, in addition if you look at the topo you have lots of trees and a natural buffer zone around there. As Neal Fuller said they have been in the business for years. I am sure Montgomery would have kicked them out. They have been in Tallassee; they have also been in Anniston. I am certainly not going to put anything in there that is going to endanger my relationship with any of the businesses out there on Pepperell / Airport Road in that area. I have certainly gone to a lot of trouble to get this information. I think it is very valuable. I feel like I think it is valid enough to go forward with the project. I am a very detailed person.

Stephen King stated Southern Commercial and Interiors said there is no way to do a sound study unless you have the equipment on site. If we get the equipment on site and they come out and do a sound study and it says it is more than the City will let it be. Then obviously it will have to go somewhere else or if there is something we can do to shield it we will.

Mr. Silberman stated to Steven's point. The City has requirements of the noise levels. If they were to put it on site and it did not meet the requirements, they would have to correct it or move it. So I do not see any reason to delay based on this issue.

Mr. Cherry stated EAMC has a cooling tower. I know it because I built it. The cooling tower was over the noise level. The hospital built a barrier partition of separating planks about 15-20 feet high. I feel like if you let them put it there and go ahead with the study. The results could lead to a solution to break down the noise, that you all are prepared to build it. Or you would have to close it and move it. I do not have a problem with that.

Mr. Silberman stated why not put the equipment there and check the actual sound.

Joan King stated we cannot ask him [Neal Fuller of Fuller 5] to go through with the expense to set up and to bring in concrete you got to have a job.

Mr. Silberman stated I am not suggesting delay it.

Chairman Pridgen stated get the study, [if required] fix it or remove it.

Chairman Pridgen asked Mr. Dorsey if that would be allowable or a discussion point for the access to go up from Lowndes Street instead of Airport Road is that feasible. I don't like Opelika [Road/Pepperell Pkwy and] Airport Road at all with that many trucks going out.

Mr. Kelley is stated so you are saying one option to delete this ingress and egress and have it solely at the back side.

Chairman Pridgen stated correct.

Mayor Fuller stated I think let it be their choice. It is to your advantage to have those trucks rolling. So you figure out a better way to do it. The burden is on the operator to do that. The trucks are not rolling you are not getting the product in there.

Mr. Cherry stated we just don't want anybody hurt.

Chairman Pridgen asked for a motion to table or a motion to move forward.

Mayor Fuller motioned to approve with staff recommendations [to grant conditional use approval with staff recommendation].

Mr. Silberman seconded the motion.

Chairman Pridgen asked for any further discussion.

Mr. Kelley stated one of the recommendations that Mr. Dorsey has in his report that he did not mention. I would like to reaffirm Conditional Use solely be permitted for one year, and return to Planning Commission based upon a study that we hope will meet the recommendation or the ordinance set forth in the noise standards of our ordinance [Zoning Ordinance Section 8.2].

Chairman Pridgen stated your recommendation would be contingent on a noise study approval and correction.

Mayor Fuller stated yes, with that in place there is no need for the one year, if there is a noise problem.

Mr. Cherry stated Mr. Dorsey wants to reevaluate the traffic study [and] the traffic impact.

Chairman Pridgen stated lets reevaluate this a year from now okay.

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

Nays: None

Abstention: None

7. HNKM Global Co., Orr Ave & Marvyn Parkway, M-1, Machinery services

Mr. Ogren reported the applicant is requesting conditional use approval for a machinery services business in an M-1, GC-2 zone. The company welds, fabricates, and assemblies parts for the auto industry. Their primary customer is Mando. The business will move into an existing building on the former Quantegy property. (Their current

location is on 13th Street near Grady Tire.) The company currently has four employees and will employ up to ten employees.

The company will lease a 20,400 square foot area as shown on the site plan. A 2,142 square foot building exists on the property. The site plan shows a 4,000 square foot outside storage area near the parking lot. Storage outside consist of steel framing and tubes on metal racks. A fence will be installed to secure the storage area. Minimum off-street parking requirements are met; the site plan shows 12 parking spaces including one handicap parking spaces. Traffic on the property is one-way with a gated entrance on the north side and exit on the south side. Access to the property from Orr Avenue is located on the east side of the property. Most of the property is asphalted except for a 700 square foot grass area in front of the building. The existing trees in this area will be preserved.

Planning Department recommends approval as submitted.

Mr. Dorsey reported sanitary sewer service is available to this developed, 0.49-acre industrial site via an in-place gravity main within the Orr Avenue right-of-way. Access to the site is gained via an in-place curb cut on Orr Avenue and across a portion of the paved parking lot on the non-leased property to the east. Ten paved, on-site parking spaces will be provided, of which one is designated for use by the disabled. One-way traffic movements through the parking lot shall be in a clockwise direction around the outside materials storage area. A security fence will be installed around the perimeter of the leased area, with two openings for vehicle access.

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

1. Revise the parking layout so one of the parking spaces along the northern side of the site is relocated to the western side of the side and adjacent to the building.

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

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

Mr. Silberman motioned to grant conditional use approval with staff recommendation. Dr. Menefee seconded the motion.

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

Nays: None

Abstention: None

8. Southside Church of Christ, 1600 Toomer Street, R-3, Boarding house

Mr. Ogren reported Southside Church of Christ, the applicant/property owner, is requesting conditional use approval for a boarding house located in an R-3 zoning district. In 1998 the church was approved by the Planning Commission to build a 7,665 square foot building on a lot adjacent to the church for a retirement/nursing home facility and a daycare. The development was approved by the State (Department of Public Health) and licensed as an assisted living facility for a maximum of 16 people. Eight years later in 2006 the facility closed. Then the church opened an assisted living facility for military veterans through the Tuskegee VA (Veterans Administration). The VA facility closed in September 2010. The church is now requesting for a boarding house. (The daycare is still operating.)

The church will administer the operations of the boarding house. The boarding house will be a non-profit organization and a ministry of the church. The church's purpose for the boarding house is to provide a need in the community by providing temporary housing for those households seeking permanent housing. However the church will consider housing for other household situations if the need is serious. The use of alcohol, non-prescriptive drugs, and smoking of any kind is prohibited. About 5,975 square feet of the 7,665 sf building is designed as a living area and is the location of the

boarding house. There are 9 bedrooms with a total of 16 beds. A maximum number of 16 people are proposed to reside in the building. (See floor plan attached: Near the bedrooms are two large bathroom facilities; one bathroom designated for men, the other for women. A kitchen and washer/dryer room is also provided) About 2,950 square feet of the 7,655 sf building has been used as a daycare facility. A four-hour firewall separates the daycare from the assisted living area, and there are no interior doors from the assisted living area to the daycare area. At least one employee of the church will be on duty at all times to manage the assisted living area. The outside playground area (2,000 sf) for the daycare has a four foot high security fence. The Southside Church of Christ lot and assisted living/daycare lot share the same parking lot as shown on the site plan. Minimum off-street parking spaces are met. The landscape plan meets the minimum landscape requirements based on the lot size (29,388 sf). All of the landscaping is existing. The landscaping was installed when the property was developed in 1998. Total landscape points required is 90 points; the landscape plan shows a total of 263 points.

In Section 2 Definitions of the Zoning Ordinance, the definition of boarding house reads: Boarding House - An establishment other than a hotel, motel, restaurant, or cafe, where lodging and meals are provided for compensation to three (3) or more persons, lodging, is temporary and meals are not served on an individual basis.

Planning Department recommends approval subject to (1) the Board of Elders of the church voting to approve or deny each applicant that requests temporary housing, (2) the maximum number of residences limited to 16 people, (3) Residences staying more than three days must complete a 'skin test' for tuberculosis (The skin test is free at the Health Department), (4) Lodging at the boarding house is limited to 30 days. If extended lodging beyond 30 days is requested then approval by the Board of Elders is required. Lodging for more than 60 days total is prohibited. (5) this conditional use request be approved for one year beginning on the approval date (December 20th) and then reviewed at the December 2012 Planning Commission meeting.

Mr. Dorsey reported sanitary sewer service is available to this developed, 0.67-acre institutional site via an in-place gravity main along the southern property boundary and within a utility easement. Access to the site is gained via in-place curb cuts on Carver Avenue and Toomer Street. The subject site has approximately four paved, on-site parking spaces; however, approximately 30 paved, off-site parking spaces are available on the adjacent property to the west, which is also owned by the church.

The Engineering Department recommends conditional use approval as submitted.

Mr. Hawkins reported Opelika Utilities currently serves this location.

Mr. Kriel reported this use is presently served by Opelika Power Services.

Captain McBurney reported Fire Inspector recommends Conditional Use approval subject to the following: There is a commercial stove being used at this time, according to the International Fire Code a type I hood suppression systems shall be installed.

Dr. Menefee motioned to grant conditional use approval with staff recommendation including the change of maximum lodging period to 120 days.

Mayor Fuller seconded the motion.

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

Nays: None

Abstention: None

9. Cash Advance, 1993 Pepperell Pkwy, I-1, GC-2, Cash advance office

Mr. Kelley reported the property owner/applicant is requesting approval to establish a cash loan business in the existing structure of 2,308 square feet. A customer service area of 600 square feet will accommodate clients. Twelve (12) parking spaces are

designated for this parcel, Unit 5, abutting the east side of CVS under a condominium agreement via Lee County Medical Building.

Planning Department recommends conditional use approval.

Mr. Dorsey reported sanitary sewer service is available to this developed, 0.17-acre commercial site via an in-place gravity main within the Pepperell Parkway right-of-way. Access to the site is gained via access easements and shared curb cuts on both Pepperell Parkway and North 20th Street. Only two paved parking spaces are located within the subject parcel; however, many additional shared spaces are available on the CVS parcel.

The Engineering Department recommends conditional use approval as submitted.

Mr. Hawkins reported Opelika Utilities currently serves this location.

Mr. Kriel reported this use is presently served by Opelika Power Services.

Council Member Canon motioned to grant conditional use approval with staff recommendation.

Mr. Silberman seconded the motion.

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

Nays: None

Abstention: None

10. Carlos Mayfield, 2213 Pepperell Pkwy., VC, Restaurant

Mr. Ogren reported the applicant is requesting conditional use approval to open a restaurant (sandwich shop) in the Village Commercial zoning district on Pepperell Parkway. The Pepperell Mill Village area has unique zoning designations and regulations (VC-Village Commercial and VR-Village Residential) that were approved by City Council in 1998. The intent of the Village Commercial (VC) zone is to allow low intensity "residential friendly" small businesses along Pepperell Parkway. Businesses desiring to locate in the VC zone occupy structures built as residential homes (Pepperell Mill Village homes) but the homes are converted to meet commercial building code standards. A business should not be a nuisance or disruptive of the residential character of the Pepperell Mill Village neighborhood.

In the VC zone restaurants are divided into two categories. One type of restaurant may receive conditional use approval but another type is prohibited: (1) a restaurant that maybe approved with conditional use approval is a "Quality Restaurants with Low Traffic Volume/Low Turnover" as defined in the Institute of Transportation Engineers (ITE) manual; and, (2) a prohibited restaurant is "Restaurants with High Traffic Volume/High Turn Over (Fast Food, Take Out, Delivery)".

In 2006, the first "quality restaurant" requested conditional use approval in the VC zone. The planning commission approved the restaurant. In 2008 the restaurant closed, and then another restaurant was approved for the same property. This second restaurant closed in 2009. The applicant requesting conditional use request today desires to open the same type of quality restaurant under the same restrictions as the previous restaurants.

The site plan shows 53 off-street parking spaces. The property owner that owns the restaurant also owns three adjacent buildings near the restaurant in the VC zoning district. The 53 parking spaces provide off-street parking for all four buildings. At this time only one business (catering business) is operating out of the four buildings. The minimum parking requirements for the restaurant is 17 spaces. Landscaping is met with the existing trees on the property.

The previous restaurants were approved by the Planning Commission with certain conditions in order for the restaurant to comply with requirements of the VC zone. As

the previous restaurants, Staff recommends conditional use approved subject to the following conditions. (The next page explains #1 and #2)

1. No more than 40 patron seats shall be permitted for the restaurant.
2. The hours of operation established from 6:00 AM to 8:30 PM. That is, new customers arriving at the restaurant after 8:30 PM will not be served.
3. Site plan requirements not discussed but applicable to this conditional use request must comply with Section 7.8 Village Commercial District. For example, if the property owner/business owner decides to add exterior lighting or a dumpster then regulations in Section 7.8 must be followed. (Section 7.8, I. Exterior Area and Spot Lighting, Section 7.8 K. Trash Facilities.)

#1 – No more than 40 patron seats in restaurant

A restaurant could operate in the VC zone and be considered a quality restaurant as long as the restaurant does not get “too busy”. It depends on volume i.e., too many trips to a restaurant per day would be considered a high traffic/high customer turn over type of restaurant as a fast food restaurant and this would be prohibited. In order to achieve a low traffic volume and low turnover level then restrictions need to be implemented. The applicant is willing to limit the number of seats/chairs in their restaurant to 40 seats.

The Village Commercial ordinance specifies that, “any land uses which generate heavy traffic volumes are prohibited.” Heavy traffic volume is defined as any land use which has an Average Trip Rate of more than 100 trips per weekday per thousand (1000) square feet of gross floor area as established in the Institute of Transportation Engineers (ITE) Trip Generation Manual. The restaurant and an attached deck will be used to serve customers. The total gross area is 2,070 square feet (restaurant = 26’ X 55’; deck = 20’ X 32’).

From the ITE manual, Planning Staff used the average trip generation rate per customer seat/chair that is proposed for the restaurant. According to the ITE, each customer seat calculates to be 5 trips per seat. Therefore, using 5 trips per seat and a customer service area of 2,070 square feet then the restaurant may have a maximum of 40 seats and not exceed the 100 trips maximum per 1000 square feet of service area. Or, according to the ITE manual, the restaurant may allow up to 207 average daily trips and be considered a “Quality Restaurant with Low Traffic Volume/Low Turnover” and not generate heavy traffic volumes.

#2 - Hours of Operation

The Village Commercial ordinance states, “Any land uses which has operating hours which customarily extend into the late evening or late night is specifically prohibited from the Village Commercial District”. The applicant is aware of this requirement and is willing to limit their hours of operation from 6:00 AM to 8:30 PM. (8:30 PM means that new customers arriving at restaurant after 8:30 PM will not be served)

Mr. Dorsey reported sanitary sewer service is available to this developed, 0.22-acre village commercial site via an in-place gravity main within the Pepperell Parkway right-of-way. Access to the site is gained via a paved service road that parallels Pepperell Parkway. Approximately 55 on-site, gravel parking spaces are shared with the three village commercial parcels to the west.

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

1. Re-establish and define all original parking spaces approved by the Planning Commission in 2005 for this same use.

Mr. Hawkins reported Opelika Utilities currently serves this location.

Mr. Kriel reported this use is presently served by Opelika Power Services.

Mr. Silberman motioned to grant conditional use approval with staff recommendation.
Mr. Cherry seconded the motion.
Ayes: Cherry, Morgan, Silberman, Menefee, Fuller, Council Member Canon, Cannon,
Hilyer
Nays: None
Abstention: None

With no further business on the agenda, Chairman Pridgen adjourned the meeting at
4:18 p.m.

_____ Keith Pridgen, Chairman

_____ Rachel Dennis, Secretary