

**May 28, 2013**

The City of Opelika Planning Commission held its regular monthly meeting May 28, 2013 in the Planning Commission Chambers, located at the Public Works Facility, 700 Fox Trail. Certified letters were mailed to all adjacent property owners for related issues.

**MEMBERS PRESENT:** Lewis Cherry, James Morgan, Arturo Menefee, Ira Silberman, Mayor 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  
Guy Gunter, City Attorney

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

**I. Approval of April 23, 2013 Minutes**

Chairman Pridgen asked for any changes or corrections to the April 23, 2013 Planning Commission Minutes

Mayor Fuller made a motion to accept the April 23, 2013 minutes of Planning Commission as written.

Dr. Menefee seconded the motion.

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

Nays: None

Abstention: Cherry

**II. Update on previous Planning Commission cases**

Mr. Ogren reported no agenda items to the City Council in the past month from the Planning Commission.

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

**1. Harper Valley S/D, 2nd Revision, 2 lots, 1702 Frederick Road, P/F approval**

Mr. Ogren reported the applicant is requesting preliminary and final plat approval for a 2 lot subdivision. Lot 1A2 (6 acres) has public road access to Corporate Drive; Lot 1A1 (11.8 acres) has existing access onto Frederick Road. The Cock of the Walk restaurant is located on Lot 1A1. The subdivision includes a cul-de-sac dedication (right-of-way) at the end of Corporate Drive. The plat also shows a section of the cul-de-sac on the adjacent property owner's property. In 1996 the adjacent property owner (J. H. Vanoy) recorded a plat "Vanoy Subdivision" that included the dedication of this section of the cul-de-sac. The surveyor will add a note to the plat concerning the dedication in 1996.

Staff recommends preliminary and final plat approval.

Mr. Dorsey reported sanitary sewer service is available to Lot 1A1 via an in-place gravity main within the Frederick Road right-of-way. Sanitary sewer service is not presently available to Lot 1A2. The nearest accessible gravity main is located within the Corporate Drive right-of-way and is approximately 250 feet from the property boundary.

The invert of the nearest manhole on Corporate Drive is approximately two feet above the ground elevation at the northern corner of Lot 1A2; therefore, a lift station and force main will be required to provide access to the manhole. Lot 1A1 has been developed for a sit-down restaurant, while Lot 1A2 is undeveloped. Portions of both lots are located within the 100-year flood zone boundary. The land area within the proposed cul-de-sac does not contain a paved roadway; therefore, Lot 1A2 will not have frontage on an improved public street unless a cul-de-sac is constructed.

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

1. The developer's engineer shall submit design plans for the construction of the cul-de-sac and sanitary sewer extension to the Engineering Department for review and approval prior to final plat approval. The cul-de-sac dimensions shall meet all Public Works Manual requirements, but the placement of asphalt on the driving surface is optional.
2. Indicate the property boundary dimensions and arc radius at the cul-de-sac.

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

Mr. Kriel reported this subdivision is in the Opelika Power Services territory. Easements shall be granted for any existing electrical facilities. If any electrical facilities must be moved, the developer shall incur the full cost to relocate.

Chairman Pridgen opened the public hearing.

Mr. Steve Benson stated, "I have a lot line that I cannot remove at this time due to refinancing options. The removal of the lot line is three years away. Once the lot line is erased this will be a lot that has frontage on Frederick Road. To provide engineering of a cul-de-sac and sewer line that I may never need is not the best use of money spent. If it is graded and graveled now, unless the city plans to maintain the cul-de-sac it will grow up and be an eyesore. I would like to simply be allowed to not do anything on the north side."

Chairman Pridgen stated the existing cul-de-sac touches your property line.

Mr. Gunter stated a point does not provide access to a road. Access means by vehicular travel that would be my interpretation of the law.

Mr. Kelley stated restrooms are available in the first building and not having a restroom would meet the building codes according to our Chief Building Inspector.

Chairman Pridgen closed the public hearing.

Council Member Canon made a motion to grant preliminary plat approval with staff recommendations.

Mayor Fuller seconded the motion.

Mr. Hilyer asked for a copy of the reference noted from Mr. Kappelman related to building code.

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

Nays: None

Abstention: None

**B. FINAL PLAT APPROVAL**

**2. Lipscomb-Galloway/Ogletree S/D, 2 lots, 707 Orchard Avenue, Frances Lipscomb-Galloway & Eddie Ogletree, Final approval (Tabled at April 23rd PC meeting)**

Mr. Kelley reported Ms. Galloway contacted Ms. Ernst and both parties agreed on the relocation of a side property line at 707 Orchard Avenue, to provide a ten (10) foot side yard requirement for the single family residence which straddled the adjacent rear property line of Ms. Ernst at 1300 West Street. At this time; all the yard, width, and area requirements at 707 Orchard Avenue of the R-3 zoning district are satisfied.

Staff Recommendation: Approve the Final Plat

Mr. Dorsey reported sanitary sewer service is available to this two-lot subdivision via in-place gravity mains within the Orchard Avenue and Donald Avenue rights-of-way. The in-place sanitary sewer service for Parcel 2 is connected to the sanitary sewer service for Parcel 1. Parcel 1 has been developed with a single-family residence, while Parcel 2 has been developed with a structure that is proposed for use as a duplex residence.

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

1. The in-place sanitary sewer service for the structure on Parcel 2 shall be disconnected from the sanitary sewer service for Parcel 1 and a new sanitary sewer service shall be installed from this structure to the Donald Avenue right-of-way.

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

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

Mr. Cherry made a motion to grant final plat approval with staff recommendations. Mayor Fuller seconded the motion.

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

Nays: None

Abstention: None

**C. CONDITIONAL USE - Public Hearing**

**3. Frances Lipscomb-Galloway & Eddie Ogletree, 707 Orchard Avenue, R-3, Allow duplex in R-3 zone**

Mr. Kelley reported after discussing the request for conditional use permit on yard setbacks with Mr. Gunter, City Attorney; a request for two variances (side yard and rear yard) must be considered by the Zoning Board of Appeals. Staff concurs and contacted Ms. Galloway who desires to submit an application for both variances. The Zoning Board of Appeals will hear the request on June 11, 2013.

Staff Recommendation: Continue the conditional use request till June 25, 2013

Mr. Dorsey reported sanitary sewer service is available to this 0.48-acre parcel via an in-place gravity main within the Donald Avenue right-of-way; however, sanitary sewer service is currently provided via a connection to the sanitary sewer service on the adjacent parcel to the north. The site has already been developed with a multi-family residential structure. No paved, on-site parking spaces are evident.

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

1. Four paved, on-street parking spaces and a paved access drive to Donald Avenue shall be constructed on the parcel for the residents. The developer's engineer shall submit design plans for the parking spaces and access drive to the Engineering Department for review and approval prior to construction. All construction shall be completed to the satisfaction of the Engineering Department prior to the issuance of a certificate of occupancy for the duplex units
2. The owner shall settle all unpaid sanitary sewer bills with the City for this facility [\$8975.20 Wastewater Fund].
3. The existing sanitary sewer service shall be disconnected and a new sanitary sewer service shall be installed between the structure and the Donald Avenue right-of-way.

Mr. Hawkins reported water service is accessible to this Location by a water main in the R.O.W. of Orchard Avenue. Each unit is required to have a separate water meter. [two units – two water meters installed]

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

Chairman Pridgen opened the public hearing.

No comments from the public.

Chairman Pridgen closed the public hearing.

Council Member Canon made a motion to continue this to the June regular meeting with staff recommendations.

Mr. Morgan seconded the motion.

Mr. Hilyer stated in 2012 we discovered the structure on the property was provided water through an irrigation meter not a house meter. How will this be addressed?

Mr. Gunter asked if the units currently have two separate meters?

Mr. Hawkins stated no. That will be required before the certificate of occupancy is issued.

Mr. Gunter stated no one should be living there.

Ms. Galloway stated it is vacant.

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

Nays: None

Abstention: None

#### **4. Nathan Turner, 2300 block of Highway 280, C-3, GC-2, Auto sales lot**

Mr. Ogren reported the applicant is requesting conditional use approval for a new automobile sales lot located in a C-3, GC-2 zone on Highway 280. A 1,500 square foot office for the business will be constructed on a 43,447 square foot lot. The property is accessed from an existing private drive on the north end of the property. The driveway was constructed to serve Pepperell Corners shopping center. The exterior material of the building is a combination of brick and hardi-plank (see elevation drawing in packet). The site plan shows a paved area providing three parking spaces for customers and a paved display area for 12 automobiles. On the south side of the property an area is designated "Future Parking and Sales Expansion Area". The applicant is aware that the future expansion area must be paved before automobiles are either displayed for sale or used for customer/employee parking. The landscape plan meets minimum requirements. Nine trees and 26 shrubs will be planted. The maximum ISR (impervious surface ratio-hard surface) allowed is 75%; the proposed ISR for the property is 33%.

Staff recommends approval as submitted.

Mr. Dorsey reported sanitary sewer service is available to this undeveloped 0.94-acre parcel via an in-place gravity main within the shopping center service drive to the west of the parcel. Stormwater from the site will drain to the south and to a collection inlet in the Golden Corral parking lot. The stormwater will then be piped to an in-place regional detention basin located in front of the Golden Corral parking lot. Vehicle access to the site is gained via a two-way service drive along the northern side of the site; no direct access to the U.S. 280 right-of-way is allowed. Paved on-site parking will be provided for three customers and/or sales staff and for approximately 16 vehicles for sale. One of the three spaces will be designated for use by the disabled. Curb and gutter will be placed along the entire front of the parking lot, while no curb and gutter is proposed along the rear of the lot. No accommodations for garbage pickup are shown.

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

1. The developer's engineer shall submit a full set of construction plans to the Engineering Department for review and approval prior the issuance of a building permit.

Mr. Hawkins reported water service is accessible to this Location by a water main in the R.O.W. of Hwy 280.

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

Chairman Pridgen opened the public hearing.

Chairman Pridgen asked where the dumpster will be located

Mr. Turner stated I will use large canisters like a homeowner

Chairman Pridgen closed the public hearing.

Mr. Hilyer made a motion to grant conditional use approval with staff recommendations. Dr. Menefee seconded the motion.

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

Nays: None

Abstention: None

### **5. Tony Hiatt, 3806 Pepperell Parkway, C-3, GC-2, Auto & recreational vehicle sales lot**

Mr. Ogren reported the applicant is requesting conditional use approval for an automobile and recreational vehicle sales lot located in a C-3, GC-2 zone. The business will also have a 2,300 square foot indoor retail area. The proposed business is located on the same property with an existing mini-storage facility and a U-Haul rental truck business. The site plan provided shows the outside areas (yellow high-lighted) where automobiles or recreational vehicles will be displayed. The rental trucks will also be displayed in these same designated areas. The activities of the truck rental business is seasonal so a continual daily outside display of rental trucks on the designated parking spaces is not planned and unnecessary (*The business owner said the best times to display rental trucks is at the end of school year when students are returning to or leaving school.*) The rental trucks and auto sales/recreational vehicles will only be displayed on the designated parking spaces. Also, the site plan shows a 14' x 20' outside display area along the building on the walk-area, under a roof over-hang, near the retail store. This area is for outside display of retail products. Planning staff recommends that the outside retail display area be restricted to this 14' x 20' area only and no retail products displayed in the parking lot.

The site plan provided shows off-street parking and landscaping. The minimum off-street parking space requirements are met. The site plan shows a total of 106 parking spaces. The retail space requires 16 parking spaces; the existing mini warehouse business requires 31 parking spaces; 32 parking spaces are designated (highlighted on

site plan) for automobile or RV display. Most of the parking for mini-warehouse tenants/customers is near the roll-up doors along the north property line. The landscape requirements are met. In 2001 after West Building Supply vacated the building landscaping was planted by the Fun Zone business owner (Eddie Lambert). In 2007 Mr. Hardin added landscaping when he renovated the building into a mini-warehouse business.

Staff recommends approval subject to the outside display of retail products restricted to the 14' x 20' area as shown on the site plan. Also, automobiles, RVs, or rental trucks displayed outside must be restricted to the designated areas as shown on the site plan.

Mr. Dorsey reported sanitary sewer service is available to this developed 5.07-acre site via an in-place gravity main within the Pepperell Parkway right-of-way. Vehicle access to the site from Pepperell Parkway will be provided from an in-place, two-way curb cut near the western side of the site. Approximately 140 paved, on-site parking spaces are available for use by customers, employees, company vehicles, and sales vehicles. Four spaces have been designated for use by the disabled. The larger size of the recreation vehicles proposed for display may require multiple standard parking spaces.

The Engineering Department recommends conditional use approval as submitted.

Mr. Hawkins reported Opelika Utilities currently serves this location.

Mr. Kriel reported this use 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 conditional use approval with staff recommendations.

Mr. Cherry seconded the motion.

Mr. Ogren stated the outside retail storage area will remain outside overnight. There are three separate businesses on the property and they all have adequate parking. The mini-warehouse business requires only 1 parking space per 10 warehouse units and some of those parking spaces are along the rear property line (north side).

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

Nays: None

Abstention: None

#### **D. OTHER BUSINESS**

##### **6. Greyhawk Homes Inc., 3502 Maple Creek Court, Requesting approval of exterior material for a single family home as set forth in Section 7.3, paragraph 10 in the Zoning Ordinance**

Mr. Ogren reported on Thursday May 21<sup>st</sup>, Grayhawk Homes Inc. contacted the Planning office about relocating the construction of a two story home from 3503 Maple Creek Court to 3602 Maple Creek Court (see map attached). The relocation of the home occurred after Tommy Cummings and others from the Cedar Creek Homeowners Association (HOA) reviewed the home elevations and visited the lot (3503 Maple Creek Court) where the home would be constructed. The HOA noticed that the 3503 Maple Creek Court property is located on a high point (elevation) in Cedar Creek subdivision and they believed the two story house would look out of scale (too tall) with the predominate single story existing homes in the area. The HOA contacted Greyhawk about building a single story home at 3503 Maple Creek Court and locating the two story house on a lower elevated lot. The two story home at 3503 Maple Creek Court was pre-sold before construction; however the new homeowners were willing to have the two story home built at 3602 Maple Creek Court. Greyhawk approved the relocation.

Grayhawk Homes Inc. is requesting approval for exterior material for a two-story single family home located in the GC-2 Overlay district. The elevations of the proposed home and a map showing the location of the lot (tan color) at 3602 Maple Creek Court are included in your packets. The exterior material on all sides is a combination of brick and hardiplank<sup>1</sup>. In the Gateway Corridor Overlay districts at least 50% of the exterior material must be natural in appearance<sup>2</sup>. The preferred exterior material is brick and wood. However, if a simulated natural material is proposed then Planning Commission approval is required.

On the front and rear elevations of the proposed 3602 Maple Creek Court home, brick covers about 50% of the exterior walls. The front elevation faces the Gateway Corridor (Lafayette Parkway); the rear wall consists of 50% brick and 50% hardiplank. The left & right side elevations have a larger wall area than the front & rear elevations because of the gable roof. On the left & right elevations brick covers the same amount of wall area as on the front & rear elevations. However, because of the larger wall area the hardiplank covers 64% of the walls and brick 36%.

A comparison of the exterior material was made between the 3602 Maple Creek Court home and the 3603 Maple Creek Court home that was approved at the March 7<sup>th</sup> Planning Commission meeting (See the vicinity map and elevations of the 3603 Maple Creek home attached to this report). The rear, right & left side elevations approved for the 3603 Maple Creek home consisted of 100% hardiplank. In comparison, all four elevations of the proposed 3503 Maple Creek home consist of a combination of brick and hardiplank. Planning staff recommends that shutters be installed on all windows (Shutters are not shown on the rear elevation).

Planning staff reviewed the compatibility and harmony of the proposed home with existing homes in the neighborhood. The predominate existing home is single story. The architecture of most single story homes provide offset rooflines to stagger the horizontal plane and/or provide a stepped-back (recessed) section of the home to break up the home's mass. There are other home styles that are more compatible with the prevailing existing single family homes in the neighborhood than the home proposed. Similar comments as these were discussed by the Planning Commission at the March 7<sup>th</sup> meeting, and are for your consideration for this proposed two story home.

**Staff recommends approval of the exterior material subject to shutters installed on all windows.**

Mr. Dorsey, Mr. Hawkins, and Mr. Kriel did not present reports.

Chairman Pridgen stated this will be brick on the first story and siding on the top portion.

Mr. Morgan made a motion to grant approval with staff recommendations.

Mr. Cherry seconded the motion.

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

Nays: None

Abstention: None

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<sup>1</sup> HardiPlank is fiber-cement siding consisting of a combination of cellulose fibers and cement-like materials.

Hardiplank is partly wood, partly cement.

<sup>2</sup> Section 7.3, paragraph 10 - Fifty percent (50%) or more of the surface area of the façade to be used on new buildings shall be natural in appearance. Preference is given to materials such as wood, brick, stucco, or glass. Second choice of materials includes other siding that simulates natural materials. A statement shall be submitted to the Planning Department and Building Official for review. The use of simulated exterior materials must have Planning Commission approval. A natural material or approved simulated exterior material shall cover the wall (s) of a building (s) facing all public right-of-ways. The side or rear of a building visible to a gateway roadway shall be reviewed by the Planning Commission to determine the extent of utilizing the natural material or approved simulated exterior material. Trims, building details, dumpster gates, etc. may be made of a man-made material with Planning Commission approval.

## **7. Gateway Subcommittee Update-Mike Hilyer.**

Mr. Hilyer stated we have made some progress. One change we will be proposing to the Commission is to create one Gateway Corridor Overlay zone not two zones as we have currently - GC-1 and GC-2. We are also working on proposed map amendments that adds the Gateway Overlay in areas where we believe are Gateways into the City. the Gateway was omitted adjusting where the holes of the gateway are and considering one gateway overlay zone.

Mr. Kelley stated we are moving into the matrix table section with the gateway zones and combining the two gateway zones into one.

## **8. Discuss area and setback revisions in single family zoning districts.**

Mr. Kelley reported Planning Staff believes our matrix table for lot area and width requirements be amended in our single family residential districts. In 2007 the Planning Commission recommended and City Council approved a Residential Transition District, R-1A (30,000 sq. ft.) to bridge the gap in lot size between R-1 (43,560 sq. ft.) and R-2 (15,000 sq. ft.). During discussion at the work session on May 21, 2013 the Planning Commission suggested we increase our lot area in the R-3 zoning district from 7,500 sq. ft. to 10,000 sq. ft. instead of creating another single family residential district. New residential single family subdivisions will come to pass as we move out of this housing recession. Staff concurs with Planning Commission that increasing the lot area in R-3 will guide residential development in a direction different than the zoning of land and building of subdivisions that occurred in R-3 during the "boom years" from 2002-2007. Staff will prepare a draft for your consideration in June prior to setting a public in July.

Mr. Dorsey, Mr. Hawkins, and Mr. Kriel did not present reports.

Chairman Pridgen asked for questions or comments.

Blake Rice asked does this mean that for someone to get a 7,500 sq. ft. lot they would need to go all the way down [rezone] to an R-4 that does allow them to have a duplex.

Mr. Kelley stated what we would do is adjust the matrix table and not allow duplex in R-3 and place it in R-4. R-3 would be strictly single family.

The Commissioners discussed this item in detail, deciding to direct staff to prepare the change of the minimum lot size of R-3 from 7,500 sq. ft. to 10,000 sq. ft.

## **9. Consider increasing the lot area requirements in the Planning Jurisdiction.**

Mr. Kelley reported most subdivisions we review in our Planning Jurisdiction (PJ) of three (3) miles are more than an acre and typically five (5) lots or less. The County Health Department permits well and septic tank on lots no less than 15,000 square feet. As land is annexed into the City of Opelika, R-1 (1 acre) zoning is required unless a different zoning district is requested as part of the annexation process. Staff believes that lot area size in the PJ should be changed from R-2 standards (15,000 sq. ft.) to R-1A (30,000 sq. ft.). In the PJ, our only development control without zoning in new subdivisions is lot size. Although Planning Staff considered a lot size area of one (1) acre, we are willing to consider a 30,000 sq. ft. minimum lot area. With PC approval, staff desires to bring forth a subdivision ordinance text amendment in June to change lot size area from R-2 to R-1A in the Planning Jurisdiction.

Mr. Dorsey, Mr. Hawkins, and Mr. Kriel did not present reports.

Mr. Gunter asked what Auburn requires.

Mr. Kelley stated one acre.

Dave Erickson, president of Grayhawk Homes, stated we are a large builder in the Phoenix City-Columbus area. We are expanding in the Opelika-Auburn area. As a broad statement to your point, consumer preferences are decidedly going to smaller lots not bigger lots. My intuition is, if the process is at all difficult to go from a standard 30,000 sq. ft. lot to 15,000 sq. ft. you are going to discourage all kinds of activity in your Planning Jurisdiction which will tend to move development in other directions and Auburn will win every time. Bigger is probably not better. The single biggest frustration I have in dealing with Opelika is the rules are not concise, "if you are going to go bigger set-up a clear roadmap."

The Commission discussed what the rules allow, and asked what Lee County regulations say.

Mr. Gunter asked where we stand on the agreements with Lee County and the subdivision regulations.

Mr. Kelley stated Lee County is asking a bonding company to review the proposed agreement.

Blake Rice stated Barrett-Simpson represents a large amount of the developers in the Planning Jurisdiction and county. In discussions with them, the more you increase the lot size then it is a direct correlation that development will go down. The only difference in these developments is the septic systems. The state of Alabama regulates septic systems. An average lot size of 17,500 sq. ft. to 18,000 sq. ft. is the required lot size for adequate soil percolation for a home on a septic tank in the planning jurisdiction. We are no longer allowed to develop that has happened in the past.

Chairman Pridgen took an informal poll to gauge the Commission's opinion. The Commission decided to keep the 15,000 sq. ft. as the minimum lot size.

**10.Update on Table 16, "Major Employers/Industries in Opelika, 2013" from Economic Development for 2020 Comprehensive Plan**

Mr. Kelley stated we request the reorder from Economic Development and it will be included in the update.

With no further business on the agenda, Chairman Pridgen adjourned the meeting at 4:20 p.m.

\_\_\_\_\_ Keith Pridgen, Chairman

\_\_\_\_\_ Rachel Dennis, Secretary