

June 25, 2013

The City of Opelika Planning Commission held its regular monthly meeting June 25, 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: James Morgan, Ira Silberman, Mayor Fuller, Keith Pridgen, David Canon, Lucinda Cannon, Michael Hilyer

MEMBERS ABSENT: Arturo Menefee, Lewis Cherry

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
Micah Peckham, 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 May 28, 2013 Minutes

Chairman Pridgen asked for any changes or corrections to the May 28, 2013 Planning Commission Minutes

Mayor Fuller made a motion to accept the May 28, 2013 minutes of Planning Commission as written.

Mr. Morgan seconded the motion.

Ayes: Morgan, Fuller, Pridgen, Council Member Canon, Hilyer

Nays: None

Abstention: None

II. Update on previous Planning Commission cases

Mr. Kelley reported no agenda items moved to the City Council in the past month from the Planning Commission. The building permit for the movie theater has been purchased.

Mr. Kelley stated Ms. Galloway submitted a letter today requesting the conditional use request be continued to August 27, 2013 Planning Commission to allow time for this case to be heard by the Zoning Board of Adjustments.

Ms. Cannon and Mr. Silberman entered the meeting at 3:02 p.m.

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

1. Trillium Subdivision, 2 lots, Rocky Brook Road, William R. Dean, Preliminary and Final Approval

Mr. Ogren reported the applicant is requesting preliminary and final plat approval for a 2 lot subdivision in an R-2 zone located on Rocky Brook Road. The purpose of the subdivision is to sell Parcel 7-A (1.3 acres) to the adjacent property owner (First Baptist Church - Korean Church). Parcel 7-A will be used as an overflow parking lot and a storm drain/retention pond area for drainage coming from the Church property. A portion of Parcel 7-A is provided from Parcel A (91.8 acres). The lot meets the minimum 15,000 square foot lot size requirement.

Staff recommends preliminary and final plat approval.

Mr. Dorsey reported sanitary sewer service is available to Parcel 7-A via an in-place gravity main that extends through the middle of the parcel in a southeast-to-northwest direction and parallel to Rocky Brook Road. Sanitary sewer service is available to Parcel A via several in-place gravity mains that drain through the parcel to its western side. Parcel 7-A has public street access via Rocky Brook Road, while Parcel A has public street frontage on Rocky Brook Road, India Road, and Baton Court. An in-place retention pond on Parcel A will manage stormwater increases from all future development on that parcel. A portion of Parcel A on its northern side is located within the 100-year flood zone boundary. Parcel A has been developed with a single-family residence near India Road, while Parcel 7-A is undeveloped.

The Engineering Department recommends preliminary and final plat approval as submitted.

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

Mr. Peckham 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.

No comments from the public.

Chairman Pridgen closed the public hearing.

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

Mayor Fuller seconded the motion.

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

Nays: None

Abstention: None

2. Fleming Property Subdivision, 2 lots, Crawford Road, Barrett-Simpson Inc., Preliminary and Final Approval

Mr. Ogren reported the applicant is requesting preliminary and final plat approval for a 2 lot subdivision located in the Village at Waterford PUD (Planned Unit Development) residential and commercial development. The 80 acre PUD was approved in 2005. The purpose of the subdivision is to create Lot 1 (15 acres) out of a 54 acre parcel (Lot 1 is sold.). The Village at Waterford master plan shows that Lot 1 will consist of garden homes (single family homes), and Lot 2 (39.5 acres) single family and multi-family homes.

Staff recommends preliminary and final plat approval subject to including the names and addresses of adjacent property owners on the plat.

Mr. Dorsey reported sanitary sewer service is available to both undeveloped parcels via in-place gravity mains within the Lismore Drive, Brittany Lane, Dunstan Lane, and Arlee Avenue right-of-way. Parcel 1 has public street access via Brittany Lane, Dunstan Lane, and Arlee Avenue, while Parcel 2 has public street access via Lismore Drive. An in-place stormwater retention pond on Lot 54 of Phase 1 will manage runoff increases from all future development on both parcels.

The Engineering Department recommends preliminary and final plat approval as submitted.

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

Mr. Peckham 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.

No comments from the public.

Chairman Pridgen closed the public hearing.

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

Mayor Fuller seconded the motion.

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

Nays: None

Abstention: None

3. Bethesda Baptist Church/Miles Point Subdivision, 4 lots, Avenue A & South 4th Street, Bethesda Church & Mario Mitchell, Troy Booth, Preliminary and Final Approval

Mr. Ogren reported the applicant is requesting preliminary and final plat approval for a 4 lot subdivision located in an R-4 and C-2 zoning district. The subdivision involves Lot 3 (Bethesda Church property) selling (trading) a 4,900 square foot area to Lot 1 (Mitchell property), and Lot 3 selling (trade) the same size 4,900 sf area to Lot 2 (Booth property). Also, the subdivision involves Lot 4 (Mitchell & Booth property) selling (trading) a 19,000 sf area to Lot 3 (Bethesda Church property). The minimum lot size is 7,500 square feet. The four lots range from 11,060 to 50,000 square feet. In your packets is a revised plat showing a minor change to square off the church property to Lot 4.

Staff recommends preliminary and final plat approval subject to minimum front yard setback lines added to the plat.

Mr. McCrory stated the church and the home owners are swapping land to provide the two homes with a larger rear yard.

Mr. Dorsey reported sanitary sewer service is available to Lots 1 and 2 via an in-place gravity main within the South 3rd Street right-of-way. Sewer service is available to Lots 3 and 4 via in-place gravity mains within the Avenue A and Avenue B rights-of-way, respectively. Lots 1 and 2 have been developed with single-family residences, Lot 3 has been developed with a church and parsonage, and Lot 4 has been developed with a commercial structure.

The Engineering Department recommends preliminary and final plat approval as submitted.

Mr. Hawkins reported water service is accessible to this subdivision by a water main in the R.O.W. of South 4th Street, Avenue A, and South 3rd Street.

Mr. Peckham 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.

No comments from the public.

Chairman Pridgen closed the public hearing.

Mayor Fuller made a motion to grant preliminary and final plat approval with staff recommendations.

Mr. Silberman seconded the motion.

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

Nays: None

Abstention: None

4. Executive Park Subdivision, Revision of lots 4 & 5, 1 lot, Executive Park Drive, BG& Y Properties, LLC, Preliminary and Final Approval

Mr. Ogren reported the applicant is requesting preliminary and final plat approval to combine two properties into one lot. The property owner plans to build a 2,500 square foot office building on the combined lot - Lot 4-A (20,000 square feet). The setback lines shown on the plat are 7 foot rear yard setback and a 17 foot side yard setback. At the February 2013 meeting, the Zoning Board voted to grant a variance from the 20 foot minimum requirement because the lot is triangle shaped and the alignment of the new building was along a portion of the street that curves.

Staff recommends preliminary and final plat approval.

Mr. Dorsey reported sanitary sewer service is available to this undeveloped lot via an in-place gravity main within the Executive Park Drive right-of-way. Public street access is also available via Executive Park Drive. Stormwater is managed via a regional detention pond located to the south and near the cul-de-sac.

The Engineering Department recommends preliminary and final plat approval as submitted.

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

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

Chairman Pridgen opened the public hearing.

No comments from the public.

Chairman Pridgen closed the public hearing.

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

Mr. Hilyer seconded the motion.

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

Nays: None

Abstention: None

5. Creekstone Subdivision, Phase 3, 62 lots, South Uniroyal Road, David Slocum, Preliminary Approval

Mr. Kelley reported the applicant is requesting preliminary plat approval for a 62 lot subdivision located off South Uniroyal Road, as an extension of Creekstone, being Phase 3.

After review of the preliminary plat several items need to be included:

1. Name and address of adjoining parcel to the west.
2. Show front yard setback lines for all lots.

Staff Recommendation: Approval subject to the conditions listed above.

Mr. Dorsey reported sanitary sewer service is available to all 59 lots in this subdivision phase via an in-place gravity main that drains through Lots 29-39 in a south-to-north direction and parallel to the creek. Public street access is available via South Uniroyal Road and northward extensions of Creekstone Drive and Archer Way. Wildwood Drive and Creekstone Drive can both be extended farther to provide additional connectivity. Stormwater will be managed via an existing lake to the north of the subdivision phase.

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

1. The developer's engineer shall submit a full set of public works construction plans to the Engineering Department and Public Works Departments for review and approval. No construction or public works improvements shall be begun until after the plans have been approved. All improvements except for the wearing surface and sidewalks shall be completed, tested, inspected, and accepted for use by the Engineering and Public Works Departments prior to final plat submittal.
2. The developer's engineer shall perform an intersection sight distance evaluation to determine if the sight distance is adequate at the intersection of South Uniroyal Road and Archer Way.
3. The developer's engineer shall evaluate the need for a full deceleration lane or a full-lane taper for southbound vehicles on South Uniroyal Road at the Archer Way intersection.
4. Sidewalks shall be constructed on both sides of the street in this phase to maintain consistency with previous phases of this subdivision.
5. A temporary cul-de-sac shall be constructed at the northern termination of Creekstone Drive.
6. The east-west portion of Archer Way shall be renamed.
7. Add a note to the plat stating the driveway serving Lots 1 and 59 shall connect only to Archer Way and no direct access to South Uniroyal shall be allowed.

Mr. Hawkins reported water service is accessible to this subdivision by a water main in the R.O.W. of South Uniroyal Road and Creekstone Drive.

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

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

Mayor Fuller stated it is automatic this is underground utilities. Then asked do we have any say so about what type of pole fixtures are used and at what intervals are used for street lights placement.

Mr. Peckham stated it is up to the developer and we present the cost and the recommended distance to the developer. We recommend a match to the connecting subdivision. This has overhead pole lines and underground lines to the house.

Mayor Fuller, Council Member Canon, and Ms. Cannon all agreed that all new subdivisions should be completely underground [meaning no overhead lines and poles in the R.O.W.].

Mr. Kelley stated I think it is at the developers' expense if they want to put it in the R.O.W. but it has to be underground from the R.O.W. to the house. Is that the OPS policy?

Mr. Peckham stated I am not aware exactly of the policy if it has to be underground or not. The existing phases have overhead poles and underground lines to the house.

Mayor Fuller stated I thought all utilities are underground.

Chairman Pridgen stated several years back the Planning Commission had discussion about this development and underground utilities. I do not recall the details.

Mayor Fuller stated several years ago the Planning Commission said all new subdivisions would have underground utilities. I am sure that was before any of this subdivision was developed.

Mr. Kelley asked if Phase 2 is all underground.

Mr. Peckham stated the existing phases have a pole in the R.O.W. and the secondary lines are underground to the house.

Mayor Fuller stated we need to verify the issue of underground utilities.

Mayor Fuller, Mr. Kelley, Chairman Pridgen, Mr. Silberman and Mr. Peckham discussed lighting regulations, policy, past cases, maintenance of, placement of, and responsible parties for the lighting poles and/or street lights.

Chairman Pridgen asked staff to review this issue and bring the Commission research and suggestions.

Mr. Edgar Hughston stated I was not planning on putting underground power for this phase of development.

Chairman Pridgen stated we need to research this issue and research the minutes.

Mr. Hughston stated this is a common practice because all underground has gotten so expensive.

The Commission, Staff, and Mr. Hughston discussed the history of the phases of this development.

Mr. Hilyer stated I withdraw my original motion.

Chairman Pridgen stated we will visit this in few minutes.

B. FINAL APPROVAL

6. Harper Valley Subdivision, 2nd Revision, 2 lots, 1702 Frederick Road, Hoke V. Harper, Final approval

Mr. Ogren reported at the May 28th Planning Commission meeting, the applicant requested preliminary and final plat approval for a 2 lot subdivision. The Planning Commission granted preliminary approval; the applicant is and requesting final approval. One lot is accessed from Frederick Road and the other (Lot 1A2) from Corporate Drive. The applicant desires to add to his existing climate controlled warehouse business by constructing another warehouse on Lot 1A2. Lot 1A2 is an undeveloped lot. His existing business is located on an adjacent lot south of Lot 1A2. The issues discussed at the May 28th meeting concern requiring the construction of a cul-de-sac at Corporate Drive and providing public sewer to the proposed warehouse on Lot 1A2. The applicant said these requirements are 'not the best use of money'. He said in three years after his financing obligations for the existing warehouse expires he plans to combine Lot 1A2 to the adjacent lot with the existing warehouse. In three years both warehouses will be located on the same lot and the warehouses will have public road access by Frederick Road. Sanitary sewer is already provided to the existing warehouse. When the lots are combined sanitary sewer to the new warehouse will be provided by the existing sewer facilities at the existing warehouse. Regulations require public road access to the lot and sanitary sewer provided for a proposed development on an undeveloped lot.

Mr. Gunter confirmed that at the Corporate Drive cul-de-sac there is legal access based on his legal opinion.

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 may 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 that meets all Public Works Manual standards.

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

1. The developer shall submit a bond or letter of credit to the City in an amount equal to 150% of the estimated construction cost of the cul-de-sac and sanitary sewer extension. The bond or letter of credit shall remain in effect until one or both of the following events have occurred:
 - a. Lot 1A2 is legally combined with the adjoining property to the south via another subdivision plat.
 - b. The cul-de-sac and sanitary sewer extension are constructed.
2. The plat shall be modified to indicate the right-of-way for a full cul-de-sac at the end of Corporate Drive.

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

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 for further discussion.

Mr. Benson said that based on interpretation I do have legal access. Describing the future site plan on the overhead subdivision drawing. I will record an access easement for utilities as agreed upon with Mr. Ogren. I will have that in place when I bring this back next month for conditional use approval.

Chairman Pridgen stated that staff is asking you to put the easement on the plat.

Mr. Benson stated I do not want to put it on the plat because it is a change forever but place it in the deed document so that in the future when I join these lots I will not have to erase the easement that I granted myself.

Mr. Gunter stated a deed will create an easement but the subdivision regulations require all easements shown on the plat.

Mr. Benson asked would the City agree to release any rights they have to it when this lot line is erased.

Mr. Gunter stated the City would certainly have that option when presented.

Mr. Benson asked if Planning Commission has administrative lot line erasure. Which means this plat will have to come back to Planning Commission to do this.

Chairman Pridgen stated I do not know of any reason at the time of the joining of these lots in the future they [future Planning Commission] would not remove the easement.

Mr. Benson asked does the easement have to be on the plat.

Mr. Gunter stated that is what the Subdivision Regulations say.

Mr. Benson stated I will agree. Please Mr. McCrory provides a thirty foot easement with title specific to governmental vehicles.

Council Member Canon asked for clarification, the building you are proposing to build will not have public access to people who have stuff stored in the building.

Mr. Benson stated it will be a private driveway for our customers.

Chairman Pridgen closed the public hearing.

Mr. Silberman made a motion to grant final plat approval with staff recommendations without the bond.

Mayor Fuller seconded the motion.

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

Nays: None

Abstention: None

Chairman Pridgen asked the Commission to revisit Agenda Item #5

5. Creekstone Subdivision, Phase 3, 62 lots, South Uniroyal Road, David Slocum, Preliminary Approval

Chairman Pridgen reopened the public hearing.

Mr. Kelley stated there is nothing in the current subdivision regulations that indicates power service under Opelika Power Service is required to be underground.

Mr. Hilyer stated in the Public Works Manual [Section 3.5.15 Street Lighting] "As a general rule use of underground wiring installed by the subprovider during construction of a subdivision is a preferred method of providing energy to the lights....."

Chairman Pridgen asked for a motion.

Mr. Hilyer made a motion to grant preliminary plat approval with staff recommendations in accordance with the Public Works Manual, Subdivision Regulations and minutes of the Planning Commission.

Council Member Canon seconded the motion.

Ms. Cannon asked what if it was in the minutes from a previous meeting.

Mr. Hilyer and Mr. Gunter discussed where a provision about utilities should be placed. They both agreed it should be in the Public Works Manual.

The Commission and Staff discussed consistency and past meetings and minutes.

Chairman Pridgen suggested the question is the minutes as to what was originally set up 7 or 8 years ago.

Mr. Kelley stated it would have to be subject to because it is going to take some time to go back through 7 to 8 years of minutes and history to see what was discussed as potential policy that maybe the Commission did or did not say but never materialized to a specificity of the language that is currently there now.

Chairman Pridgen stated I do not know that we can change the manuals based on what our minutes are. I am talking about the minutes of the original subdivision and how they came about doing it the way that it is.

Chairman Pridgen asked Mr. Hilyer to change the motion to preliminary approval only and review this in detail to resolve this issue.

Mr. Hilyer amended the motion to preliminary plat approval with staff recommendation. Council Member Canon seconded the motion.

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

Nays: Cannon

Abstention: None

Chairman Pridgen asked for a review of the history of the original Creekstone subdivision and then determines if the findings resolve the issue of underground power.

Chairman Pridgen stated that it appears it's the wishes of the Planning Commission and the City in general to have all underground power for all utilities.

Mr. Kelley added that to further clarify and as a recommendation to City Council an amendment to the Public Works Manual could be provided to require underground utilities in subdivisions.

Chairman Pridgen agreed.

C. CONDITIONAL USE - Public Hearing

7. Frances Lipscomb-Galloway & Eddie Ogletree, 707 Orchard Avenue, R-3, Allow duplex in R-3 zone (Tabled at May 28th PC meeting)

Chairman Pridgen stated Ms. Galloway submitted a letter today requesting the conditional use request be continued to August 27, 2013 Planning Commission to allow time for this case to be heard by the Zoning Board of Adjustments.

8. Barrett-Simpson, Inc., 3206 Hi-Pack Drive, M-1, Lumberyard and retail firewood sales

Mr. Ogren reported the applicant is requesting conditional use approval for a lumberyard and retail firewood sales business located in a C-3 zoning district with a 150 foot wide railroad right-of-way bordering the property to the north. The applicant owns the 4.4 acre property and he owns Hall's Tree Service. Trees cut by the tree service business will be delivered to the property. (In the past, the property was used to store Hall's Tree Service trucks and equipment.) A 150 foot long paved private driveway is provided accessed from Hi-Pack Drive. At the end of the paved driveway there is a security gate and two paved parking spaces reserved for customers (see site plan). From the end of the paved driveway to the timber/lumber storage yard the driveway is gravel. The site plan designates areas where products are stored and other areas labeled as "gravel vehicle parking" and "gravel travel area". On the 4.4 acre parcel three pole barns at 1,800 square feet each will be constructed. Two of the barns will serve as 'cut wood storage' and the other barn used for 'milling' activities—(cutting logs and/or cutting logs into lumber). At this time, an employee will not be hired to work on the property full-time. (Employees are used for the tree service business.) When customers come to the property all customer activities will take place at the end of the paved driveway at the security gate: Customers purchasing firewood/lumber will stop at the gate, the customer gives an employee an order for firewood/lumber, the employee picks up the customer's order from the timber/lumber storage area and returns to the gate, the employee/customer loads/dumps the materials into the customer's truck. A customer is not allowed to go beyond the security gate at the end of the paved driveway.

Landscaping is provided at the entrance near Hi-Pack Drive and adjacent to the parking spaces.

Staff recommends approval as submitted.

Mr. Dorsey reported sanitary sewer service is not currently available to this 4.38-acre industrial parcel. The nearest accessible sewer main is located along the southern boundary of the CSX railroad right-of-way and is over 300 feet away from the northeastern corner of the subject property. Public street access is available via Hi-Pack Drive. A paved, two-way access drive will be constructed between Hi-Pack Drive and the existing security gate. Two paved, on-site parking spaces for customers will be provided just outside the security gate. There is an abundance of existing gravel parking areas on the site for company vehicles and employees.

The Engineering Department recommends conditional use approval as submitted.

Mr. Hawkins reported water service is accessible to this location by a water main in the R.O.W. of Hi-Pack Drive.

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 grant conditional use approval with staff recommendations.

Mayor Fuller seconded the motion.

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

Nays: None

Abstention: None

9. Gina Vickers, 3811 South Uniroyal Road, C-3, Erosion and sediment control service

Mr. Ogren reported this conditional use request was approved at the March 2012 Planning Commission meeting. Since the approval a building permit has not been requested. Over a year has lapsed and the conditional use approval has expired.

The applicant is requesting conditional use approval for an erosion and sediment control business in a C-3 zoning district that fronts along South Uniroyal Road. The total property area is 39.9 acres; the business property (developed area at this time) is 5.7 acres. The rear yard area is about 29 acres. The applicant plans to grow hay on the 29 acres and use the hay as an erosion control product. The applicant will construct an 11,000 square foot building. The building consists of office space, maintenance shop, warehouse, and truck bays.

The site plan provided meets minimum requirements for parking and landscaping. Ten paved parking spaces including a handicap space are shown. The landscape plan shows 48 trees and 90 shrubs that will be planted (landscape plan attached). The plant material is determined from the 5.7 acre developed area. A residential buffer is required and shown along the north and south property line. The buffers are 25 feet wide and consist of the existing undisturbed wooded area. The adjacent property to the north is a residential neighborhood – The Cottages at Fieldstone. The adjacent properties to the south are mobile homes. The wooded area serves as a visual buffer between the residential and commercial use. The applicant is aware that the 25 foot wooded area must not be removed.

At the March 2012 meeting, the site plan shows an 'apartment' attached to the office building along the south wall. The applicant decided not to construct the apartment.

Instead the applicant is requesting permission to live in a mobile home on the property until the certificate of occupancy (CO) is issued for the new building. The applicant (Ms. Vickers) lives in Prattville but does not want to commute to Opelika to oversee construction of her building. The mobile home will be set-up in the rear yard area behind the construction of the new building. As the construction of the building nears completion she will sell the mobile home and buy a home in or near Opelika. She also desires to start her business while the building is being constructed. The applicant said that very few customers come to her business site. Most all of business activities are conducted by cell phone, office computer, and then employees go to a job site to provide services. The Zoning Ordinance allows the use of a mobile home in certain circumstances other than a dwelling. (Number 2 and 7 in the footnote below applies to some extent.) Mobile homes are prohibited in a C-3 zoning district as a permanent dwelling. Staff recommends allowing the mobile home as a residence for no longer than one year and the mobile home removed from the property within one year. The beginning date of the one year time period is the date shown on the building permit. If a CO is issued for the building before the end of the one year time period the mobile home must be removed within one month of the CO date.

Staff recommends approval as submitted and recommends allowing a mobile home on the property as a residence as stated in the report.

Mr. Dorsey reported sanitary sewer service is not currently available to this 40-acre commercial parcel, but is accessible via in-place gravity mains in the center of the Jackson Court and Judson Court cul-de-sacs and via an in-place lift station located near the end of Winding Oak Way. Public street access is available via South Uniroyal Road. A paved, two-way access drive will be constructed between South Uniroyal Road and the parking lot. Ten paved, on-site parking spaces are proposed for customers and employees, of which one is designated for use by the disabled. There is no indication of how garbage will be collected.

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

1. The developer's engineer shall submit site construction plans to the Engineering and Public Works Departments for review and approval prior to the issuance of a building permit. The site plan shall also indicate how sanitary sewer service will be provided to the building.
2. We need to discuss an interpretation of accessibility of the sanitary sewer based on being on an adjoining property with no easement in place.

Chairman Pridgen stated they have distance access but not easement access.

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.

Ms. Cannon made a motion to grant conditional use approval with staff recommendations with one year only.

Mayor Fuller seconded the motion.

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

Nays: None

Abstention: None

D. REZONING – Public Hearing

10. ~~Edgar Houston, 1700 block of South Uniroyal Road, 1.1 acre, from R-2 to R-3~~ WITHDRAWN

11. Kahling Chan, 701 Priester Road, 3 acres, from R-5 to I-1

Mr. Kelley reported Dr. & Mrs. Chan desire to rezone their property to I-1 (Institutional) to permit any approved land use from the I-1 Matrix Table i.e. office, single family residential, etc. As a prior medical office for his practice, the I-1 zoning is the appropriate classification for an office use.

The property is located in the cul-de-sac at the end of Priester Road. A previous access across the railroad track was abandoned with the construction of Dunlop Drive.

Staff believes that a rezoning of this property from R-5 to I-1 is reasonable and will be compatible if adjacent property is developed for multi-family. However, staff will support the rezoning of other properties on Priester from R-5 to I-1. We do not favor rezoning on Priester to commercial.

Staff Recommendation: Approve the rezoning petition from R-5 to I-1.

Mr. Dorsey reported sanitary sewer service is not currently available to this developed 3.1-acre parcel, but is accessible via an in-place gravity main located within 100 feet of the parcel's eastern boundary. Public street access is available via Priester Road, which is now a cul-de-sac street due to the closure of the railroad bridge in 2004 and its subsequent removal. The full development of this parcel as an institutional use will have negligible traffic and stormwater impacts upon adjoining streets and land parcels when compared with its full development as a high-density residential use.

Therefore, the Engineering Department has a positive recommendation for this rezoning request.

Mr. Hawkins presented no report.

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

Chairman Pridgen opened the public hearing.

No comments from the public.

Chairman Pridgen closed the public hearing.

Ms. Cannon made a positive recommendation to City Council for rezoning from R-5 to I-1.

Mr. Silberman seconded the motion.

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

Nays: None

Abstention: None

E. OTHER BUSINESS

12. Discuss amendments to Section 7.3 'Lot Area and Width' requirements of the Zoning Ordinance for single family zoning districts.

Mr. Kelley reported before setting a public hearing for the July PC meeting, staff requests your comments on changes to the Matrix Table for Single Family Residential Districts in width frontage, lot area size increase from 7,500 sq. ft. to 10,000 sq. ft. in R-3, and deleting from R-3, a duplex, from conditional use approval.

A revised Matrix Table will be available as a Draft at the work session on June 18, 2013.

Mr. Dorsey, Mr. Hawkins, and Mr. Kriel had no reports for this item.

The Commission and staff discussed the draft and leaving the duplex in as conditional.

With no further business on the agenda, Chairman Pridgen adjourned the meeting at 4:22 p.m.

_____ Keith Pridgen, Chairman

_____ Rachel Dennis, Secretary