

October 22, 2013

The City of Opelika Planning Commission held its regular monthly meeting October 22, 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: Keith Pridgen, Lewis Cherry, James Morgan, Ira Silberman, Mayor Fuller, David Canon, Lucinda Cannon, Michael Hilyer

MEMBERS ABSENT: Arturo Menefee

STAFF PRESENT: Gerald Kelley, Planning Director
Martin Ogren, Assistant Planning Director
Scott Parker, City Engineer
Lisa Harrelson, Planning Department
Brian Kriel, Opelika Power Services
Josh Hawkins, Opelika Utilities Board
Guy Gunter, City Attorney

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

I. Approval of September 24, 2013 Minutes

Chairman Pridgen asked for any changes or corrections to the September 24, 2013 Planning Commission Minutes

Mr. Hilyer made a motion to accept the September 24, 2013 minutes of Planning Commission as written.

Mr. Silberman seconded the motion.

Ayes: Cherry, Pridgen, Council Member Canon, Cannon, Hilyer, Silberman, Hilyer

Nays: None

Abstention: Fuller and Morgan

II. Update on Previous PC cases

Mr. Kelley reported City Council did approve on September 17, 2013 the 2 parcel rezoning on Samford to from C-2, GC-2 to I-1, GC-2.

Mayor Fuller introduced Mr. Scott Parker as the new City Engineer. We are delighted to have him on board.

A. REZONING – Public Hearing

1. Lisa Stephens, 503 Lake Condry Road, 36,000 sf, from R-3 to I-1

Mr. Kelley reported Ms. Stephens is asking for the Institutional District to convert an existing single family residence to an office use. Her business is a professional home care service where employees will come each day to receive assignments for client services throughout the area. The business is a dispatch service/administrative office for Southern Hospitality Home Care. No clients receive care at this location. This structure is approximately 1700 sq. ft. and Ms. Stephens may seek another office client in the future. Ample land area is available on site to accommodate parking for office uses.

This proposed use is compatible with adjacent land uses, although the Southern Union Maintenance Building south of the property is her neighbor. A natural buffer area separates the two uses, even with abutting property lines.

No report from Engineer.

Mr. Hawkins reported Opelika Utilities currently serves this location.

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

Chairman Pridgen opened the public hearing.

David McGuinness and Milton Edwards [via Council Member Canon] asked if Ms. Stephens could allow another office in the existing building if this business goes out-of-business.

Mr. Kelley explained that an office use is allow in a I-1 zone so if another commercial activity as a retail store is proposed the property would need to be rezoned. In an I-1 zone only an office is allowed, no commercial retail.

Chairman Pridgen closed the public hearing.

Mr. Silberman made a motion to send a positive recommendation to City Council to approve the rezoning request from R-3 to I-1.

Mr. Morgan seconded the motion.

Ayes: Cherry, Morgan, Silberman, Fuller, Cannon, Hilyer

Nays: None

Abstain: Council Member Canon

2. Cannon Gates, Jack Burkhalter, Major change to PUD Master Plan

Ms. Cannon left the commission to participate as a citizen in the public hearing.

Mr. Kelley reported in 2006 the Planning Commission recommended and the City Council approved in 2007 the rezoning from R-2 to PUD for approximately 154 acres located on the west side of Oak Bowery Road. (See Attached Map). Phase 1 of this development is approximately 25 acres, for 25 single family lots, with an approximate lot area of 15,000 square feet. Six (6) single family residences are built at this time. Also, the plan shows a center section of three (3) pods with a three (3) attached residential unit cluster, each with a center court area on each pod. At this time, the 3 unit attached residential cluster on the northern pod is owned/leased and occupied.

The applicant desires to amend that portion of the PUD Master Plan to delete the middle and southern pods (vacant) from two (2) 3 unit attached residential clusters to six (6) single family lots; (See Agenda Item 3). Mr. Burkhalter believes that since there is no change in density; plus the market to build and sell this type of residential living is dormant, he needs to sub divide the property into six (6) single family lots for single family detached residences.

Staff is of the opinion that PUD has a unique purpose to provide alternatives to conventional residential development regulations. A PUD permits greater flexibility in residential design while protecting existing land uses and property values. This requested change is in direct conflict with Section 8.18 Planned Unit Development Regulations; Subsection E. Planned Unit Development Review Criteria; Paragraph A.3: "THE DESIGN AND SITE PLANNING SHALL INSURE COMPATIBILITY AND HARMONY WITH EXISTING AND PLANNED USES ON ADJACENT PROPERTIES. DESIGN ELEMENTS TO BE CONSIDERED INCLUDE, BUT SHALL NOT BE LIMITED TO, ARCHITECTURAL STYLE, PLACEMENT OF BUILDINGS UPON LAND, BUILDING HEIGHTS AND BULK, OFF-STREET PARKING , OPEN SPACE, PRIVACY AND LANDSCAPING." (Capitalization Added).

Staff Recommendation: Deny the request to amend the PUD Master Plan for the "island" encompassed by Live Oak Circle in Phase 1 of Cannon Gate.

No report from Engineer.

Mr. Hawkins reported Opelika Utilities currently serves this location.

Mr. Williams reported this location is in the Opelika Power Services territory.

Chairman Pridgen opened the public hearing.

Henry Stern, residing at 1106 Live Oak Circle, said when he bought his unit which is one dwelling unit of the existing triplex, he knew that the long range plan was that two more triplexes would be constructed. The original developers knew what they wanted to construct. The new buyers of the undeveloped property next to the existing triplexes knew what they were buying. That is, on the undeveloped land the master plan shows two more triplexes are to be built. Mr. Stern said that at this time he did not believe that this amendment should be approved.

Max Waddington Jr. residing at 1102 Live Oak Circle provided a letter to the Planning Commission and staff. The letter explains that several years what was presented to the owners (Waddington, Stern, Cannon) of the existing triplexes by the original developer three was to be two more triplexes constructed. Also a green area was to be provided within the triplexes that would be maintained by the homeowners association. I bought my triplex unit with the understanding that two more triplexes would be constructed, and the development of the other two triplexes should continue as originally planned.

Lucinda Cannon, residing at 302 North 9th Street: I own one of the units in the existing triplex. As the other owners of the existing triplex have explained, I was also aware that two other triplexes would be constructed. This plan for two more triplexes made it conducive for me to buy one of the triplex units. Also the Master Plan for other phases of this PUD shows two more islands on which three triplexes (cluster homes) will be constructed on each island. I am favor of the cluster homes and I oppose the amendment to the PUD master plan.

Chairman Pridgen closed the public hearing.

Mr. Silberman made a motion to send a negative recommendation to City Council and to oppose amendments to the Cannon Gate PUD master plan as presented by the applicant.

Mayor Fuller seconded the motion.

Ayes: Cherry, Morgan, Silberman, Fuller, Hilyer

Nays: None

Abstain: Council Member Canon

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

3. Cannon Gates' Subdivision, Redivision of Parcel A, 7 lots, Live Oak Circle, Jack Burkhalter, Preliminary approval

Mr. Kelley reported the applicant requests the subdivision of two (2) vacant lots into six (6) single family lots ranging in lot area from 11,284 sq. ft. to 15,940 sq. ft. in the southern two thirds (2/3) of the land area, surrounded by Live Oak Circle on three (3) sides. An additional lot of 6,546 sq. ft. is unbuildable open space, for two (2) existing driveways to residences in the northern pod.

Chairman Pridgen recommended that since the preliminary subdivision is associated with the amendments to the PUD Master plan (agenda tem # 2) then we should Table this preliminary plat request until the City Council votes on whether to approve or deny the amendments to the PUD Master plan.

Chairman Pridgen recommended that we table this item until a decision is made by City Council.

Mr. Silberman made a motion to table the Cannon Gates Subdivision plat until the City Council decides either to approve or deny the proposed amendments to the Cannon Gates PUD Master plan.

Mayor Fuller seconded the motion.

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

Nays: None

Abstain: None

4. O.C. Sims Subdivision, 2 lots, 8830 Hwy 29N, O.C. Sims, preliminary and final approval

Ms. Cannon joined the Commission.

Mr. Ogren reported the applicant is requesting preliminary and final plat approval for a 2 lot subdivision located in the planning jurisdiction off Lee Road 29N. The purpose of the subdivision is to sell Parcel 2 (8.6 acres). Parcel 1 (69 acres) is accessed from Lee Road 270. The plat meets minimum subdivision requirements as required in the PJ.

Staff recommends preliminary and final plat approval.

No report from Engineer.

Mr. Hawkins reported this subdivision is in the East Alabama Water Authority service area.

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

Chairman Pridgen opened the public hearing.

No comments from the public.

Chairman Pridgen closed the public hearing.

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

Council Member Canon seconded the motion.

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

Nays: None

Abstain: None

~~**5. Benford Farms S/D, 2 lots, Willis Street, Walker Land Surveying Inc., P/F approval WITHDRAWN 10/09/13**~~

6. Oak Bowery Pines Subdivision, 12 lots, Palin Avenue, Revision of Lot 11-B, Bluford LLC, preliminary and final approval

Mr. Kelley reported the applicant is requesting preliminary and final plat approval for twelve (12) single lots ranging in lot size from $\frac{3}{4}$ acre to 3 acres. Preliminary plat was approved in December, 2011 and the final plat in February 2012. Both approvals have expired. No change in the plat from the previous approvals except the completion of the flood study affecting Lots 8-12.

Approve preliminary and final plat.

For Engineering, Mike Hilyer said he will need to discuss some details about the sewer with the developer but overall the plan is okay. The bond is approved.

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

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

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

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

Mayor Fuller seconded the motion.

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

Nays: None

Abstain: None

7. Tiger Town Subdivision, 2 lots, Resub. Of Lot 5-B, Interstate Drive, Tiger Town LTD, preliminary and final approval

Mr. Kelley reported the applicant is requesting preliminary and final plat to subdivide approximately 23,100 sq. ft. lot out of Lot 5-D for a Krystal's restaurant. The business satisfies the land area requirements of Tiger Town Commercial PUD. A 60 foot wide Southern Natural Gas Company impacts the parcel which parallels Interstate Drive. Two (2) corrections are necessary: 1. Change Opelika Light and Power to Opelika Power Services, and 2. Provide notary and corporate signature by general partner prior to October 22, 2013.

Approve subject to both corrections

For engineering, Mike Hilyer said the subdivision is okay but we need to see the existing sewer main located on the site plan. The surveyor said that his company was not preparing the site plan. After further discussion the sewer location could be shown on the site plan and before a building permit is issued.

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

Mr. Kriel reported this location 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. Cherry made a motion to grant preliminary and final plat approval with staff recommendations subject to the property owner signatures on the final plat.

Mr. Morgan seconded the motion.

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

Nays: None

Abstain: None

8. WP Properties Opelika Lots LLC, 3 lots, Pepperell Pkwy, Lucius E. Lanier, preliminary and final approval

Mr. Ogren reported the applicant is requesting preliminary and final plat approval for a 3 lot subdivision located on Pepperell Parkway. The purpose of the subdivision is to sell Parcel 1 (9.9 acres) and Parcel 3 (15.8 acres). (A potential buyer for Parcel 1 initiated the subdivision.). Most of Parcel 3 is located in flood zone "AE"; Pepperell Creek runs through the middle of the 34 acre parcel. An environmental covenant is also established for Parcel 3. The covenant assists in promoting water quality and supports 'Save our Saugahatchee' efforts to protect the Saugahatchee watershed. The surveyor is aware that base flood elevations must be provided for each lot.

Staff recommends preliminary and final plat approval subject to all signatures lines added to the plat and the base flood elevation of each lot is shown for each lot.

No report from Engineer.

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

Mr. Kriel reported this location is in the Opelika Power Services territory and Alabama power territory. An electronic copy of the plat will need to be sent to Opelika Power Services to determine which entity serves which lots.

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

Nays: None

Abstain: None

9. Jane Murphy Subdivision, 2 lots, 6665 Hwy 29N, Jane Murphy, preliminary and final approval

Mr. Ogren reported the applicant is requesting preliminary and final plat approval for a 2 lot subdivision located in the planning jurisdiction. The purpose of the subdivision is to create Lot 2 (27,000 s.f.) for an existing home. Lot 1 is 3.6 acres. Each lot meets the minimum 15,000 sf lot size requirement.

Staff recommends preliminary and final plat approval.

No report from Engineer.

Mr. Hawkins reported this subdivision is in the Beulah Utilities service area.

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

Chairman Pridgen opened the public hearing.

No comments from the public.

Chairman Pridgen closed the public hearing.

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

Mr. Hilyer seconded the motion.

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

Nays: None

Abstain: None

10. Tottens Map Subdivision, Redivision of Lot 16, 2 lots, 181 Columbus Pkwy, Robert Thorington, preliminary and final approval

Mr. Ogren reported the applicant is requesting preliminary and final plat approval for a 2 lot subdivision located on Columbus Parkway. The purpose of the subdivision is to add 25 feet from Lot 18-A to Lot 18-B so a proposed tire store can meet the off-street parking and landscape requirements (Agenda item # 11 is the conditional use request for the tire store).

Staff recommends preliminary and final plat approval subject to (1) correct the numbering of the lots 'Lot 18-A' and 'Lot 18-B' (2) a note added to the plat stating that a "shared access easement" (driveway) will be shared for Lot 18-A and Lot 18-B, (2) tie

the plat to a section corner, (3) add the easement statement, (4) add signature line for public works director.

No report from Engineer.

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

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

Mr. Morgan seconded the motion.

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

Nays: None

Abstain: None

C. CONDITIONAL USE - Public Hearing

11. Summit Commercial Real Estate, 181 Columbus Pkwy, C-3, GC-2, Auto maintenance

Mr. Ogren reported the applicant is requesting conditional use approval for a tire store on Columbus Parkway. For years an auto parts store occupied the property. An existing 4,800 square foot building is located on a 14,330 square foot lot. The applicant also owns the corner lot next to the tire store lot. The tire store property and the vacant corner lot will share the same driveway to access each property. A note is provided on the site plan: "Shared driveway and ingress/egress easement – 30' wide". About 80% of the exterior material on the front elevation consists of glass and brick; the east side wall is painted center blocks (concrete blocks); the west side elevation is 100% metal; the applicant will install hardy plank material on 50% of the west side wall for a distance of 20 feet beginning the installation at the front corner of the building. The site plan/landscape plan provided shows 10 parking spaces for customers and employees. The landscaping meets minimum requirements - 16 trees and 10 shrubs will be planted. The building has a roll-up door on the east side of the building; all auto services will be performed inside the building. The site meets the 75% Impervious Surface Ratio (ISR) with 73.6% proposed. If a private dumpster is used then the dumpster must be screened on all sides with opaque fence and the front of the dumpster gated.

Staff recommends approval as submitted.

No report from Engineer.

Mr. Hawkins reported Opelika Utilities currently serves this location.

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

Chairman Pridgen opened the public hearing.

Thomason Hicks, a representative of the AME Zion Church adjacent to the Tire store was concerned about the traffic generated from the Tire store, parking problems on site, and where would the old tires be stored.

Planning staff explained that there is a continuous curb-cut now along Columbus Parkway but the applicant is required to construct a curb along the front of the property and construct a 24 foot wide driveway onto Columbus Parkway. The curbing and 24'

driveway entrance/exit will direct traffic to one point and assist with traffic safety. Landscaping will be added to enhance the appearance of the property including shrubs and trees in the rear area to visually screen any tires from Columbus Parkway.

With no further participation Chairman Pridgen closed the public hearing and asked for a motion.

Mr. Cherry made a motion for conditional use approval with staff recommendations.
Mr. Hilyer seconded the motion.

Chairman Pridgen asked for any further discussion.

Mr. Silberman asked about storage of the old used tires. He said that we discussed the dumpster and the visual screens for the dumpster but what about the used tires. Planning staff explained that screening the tire activity will also be addressed by the landscaping. Mr. Thorington, property manager, said that most all tires will be stored inside the building. He said the business owner will do very little installation of tires on automobiles on site. So the storage of old tires is not an issued. The primary business activates is to sell used tires to tire stores in the area. The business owner sells used tires only not new tires.

The Planning Commissioner concurred that all tires must be stored inside the building not outside and the dumpster must be screened on all sides including an opaque gate to completely hide the dumpster.

Mr. Cherry amended his first motion to include that all tires [new, used or discarded worn out tires] must be stored inside the building.

Mr. Hilyer seconded the amendment to the first motion.

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

Nays: None

Abstain: None

12. Autozone Inc., 1535 3rd Avenue, C-2, Retail sales & stockroom

Mr. Kelley reported Autozone is requesting conditional use to build a new retail store/stockroom on site of 14, 362 sq. ft. This new store will dedicate 8,056 sq. ft. to the retail/stockroom component for Opelika. The balance of the remaining square footage is 6,306 will be utilized for stock distribution to Autozone stores in the surrounding area.

The existing store will remain open during construction of a new store, then demolished.

AutoZone's new facility will meet setback, landscaping, and parking requirements of the zoning ordinance. However, in staff's opinion the number of proposed parking spaces is excessive; thirty-one (31) spaces required, fifty-eight (58) provided. A building materials package; (elevations/color/architectural features) will be provided for distribution at the work session.

Recommendation: Staff will support this conditional use, but with conditions to be determined at/after work session and prior to regular meeting on October 22nd.

Mr. Kelley added other changes to the site plan since the work session:

1. Eliminate three parking spaces to add landscaping instead to break-up the expanse of the asphalt parking lot.
2. Added landscaping in the front yard 2nd Avenue and installed some tinted windows facing 2nd Avenue so the exterior wall facing 2nd Avenue looks more like a store front.

Planning staff recommended approval with stated changes.

Mark LeCraw, engineer for Autozone, discussed the site plan/landscape plan including saving existing trees and planting trees. He asked for questions: Mr. Hilyer: The red

door facing 2nd Avenue should blend in with exterior wall not be red. OR, move the door on the side of the building. Mr. LeCraw said he will ask AutoZone about changing the color of the door. What are the exterior materials? Split faced block and EIFs board, metal store front, glass.

No report from Engineer.

Mr. Hawkins reported water service is accessible to this location by a water main in the R.O.W. of 3rd Avenue

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.

Mayor Fuller made a motion for conditional use approval with staff recommendations. Mr. Silberman seconded the motion.

Mr. Morgan stated for the Fire Department, they need the door as mentioned earlier for ingress/egress in case of fire. Of course, a color change would blend in the wall.

Chairman Pridgen asked about the time limit on the destruction of the old building and the beginning construction of the new building. Mr. LeCraw said Autozone plans to leave the existing store in place while the new building is constructed so Autozone can remain open for business. Chairman Pridgen said once Autozone opens the new store then you have an empty store still standing. The Commission recommended that in 90 days beginning from the C.O. issued the old building should be removed.

Mayor Fuller amended his motion to add in 90 days from the C.O. issued the old building must be removed.

Mr. Silberman seconded the amendment to the first motion.

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

Nays: None

Abstain: None

13. Sean Foote, 3700 Pepperell Pkwy, C-3, GC-2, Drive-thru restaurant

Mr. Ogren reported the applicant is requesting conditional use approval to construct a Guthrie's restaurant at Saugahatchee Square (formerly Mid Way Plaza). The restaurant is located on the southeast corner of the shopping center parking lot as an outparcel (see site plan). The restaurant is a drive-thru restaurant only with no inside customer service available. All four exterior walls of the 700 square foot building will be 100% split faced block. The landscape plan shows plant material that the property owner planted about a year ago when he landscaped the entire parking lot. The applicant is requesting that the existing landscaped islands shown within the dashed line on the site plan be counted toward landscape points required. Also there are four landscape islands near the four corners of the drive-thru. The minimum landscape points are met with the existing landscaping; however the Landscape Regulations requires at least three different species of plants. The applicant is aware of the requirement and will decide on the plant material; the different plant species will be planted in the four planter islands near the drive-thru.

The designated area for the restaurant does not meet the maximum 75% Impervious Surface Ratio (ISR). The applicant is requesting that an exception be granted concerning the impervious surface requirement. In 2012 after a new property owner purchased Midway Plaza the owner constructed 32 – 10' x 32' landscape islands and about 1,381 linear feet of landscape lanes (most lanes are 10 feet wide). All landscape islands and lanes are bordered with concrete curbing. The total square footage of asphalt parking lot that was converted into landscape islands or lanes is about 22,813

square feet. For the Guthrie's outparcel area (30,821 sf) the pervious area (landscape/green areas) shown on the landscape plan totals 1,310 square feet or 4.25% of the outparcel area (95.75% ISR). Planning staff recommends approval of the ISR for the Guthrie's development as submitted given the landscaping improvements to the entire parking lot and designing a more orderly traffic circulation pattern for the shopping center. The applicant is planning to construct two or three other outparcels on the west side of the parking lot across from Guthrie's. When outparcels are constructed landscaping will be required and more impervious surface (asphalt) will become landscaped areas further reducing the expanse of impervious areas. The north area of the parking lot has 12 rows of parking with each row consisting of 38 parking spaces. In this north parking lot area there are no landscape islands in the 169,400 square foot (3.87 acres) asphalt area. The Landscape Regulations require a parking island every 25 parking spaces to minimize and break-up the expanse of asphalt. As each outparcel is proposed an option to consider is to require a landscape island in each of the 12 parking rows located in the north area parking lot. The applicant is aware of the 75% maximum ISR requirement for each outparcel. When each outparcel is developed perhaps the installation of landscape islands in the north parking lot could be considered in achieving the 75% maximum ISR requirement.

Planning staff is concerned with a traffic safety issue that probably will occur when Guthrie's customers exit the restaurant property. Many customers exiting Guthrie's and traveling east on Pepperell Parkway will drive through the access driveway shared between the adjacent property owner's lot and the applicant's shopping center lot. The Pepperell Parkway access way is located on the adjacent property owner's lot. The distance from exiting Guthrie's to the access way is a much shorter distance and probably less waiting time to exit onto Pepperell Parkway than the drive to the traffic light in front of the shopping center and wait for the light to change. The new restaurant will increase traffic exiting at the adjacent property owner's driveway and therefore increase the probability of traffic accidents. Planning staff recommends the 43' wide private driveway between the Food Mart lot and the shopping center lot be closed. Planning staff has met with the architect (Sean Foote) on site to discuss the concern. The architect believes that closing the driveway between the two properties will hinder traffic movement; he believes that the driveway between the two lots should remain open so traffic can enter & exit the shopping center and Food Mart lot more easily. Staff recommends a traffic analysis prepared by a professional traffic engineer be provided by the applicant to determine if traffic safety concerns is warranted and the driveway should be closed.

Planning staff has discussed the closing with the AM PM Food Mart owner. The property owner favors closing the driveway between his property and the shopping center property. He said more traffic drives through his property since improvements to the shopping center and the new Guthrie's restaurant would increase traffic 'cutting through his property.' He said he would like to see a traffic analysis before he makes his final decision but he favors closing the driveway.

Staff recommends conditional use approval subject to the results of the traffic study are considered between the City engineer, traffic engineer, and planning staff in making a decision to close the driveway between the shopping center lot and the Food Mart lot.

No report from Engineer.

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.

Sean Foote, architect/applicant addressed the traffic concerns as explained by planning and added that a traffic study is being prepared. Discussion between Commissioners and Mr. Foote was held about different options concerning closing off the access

driveway between Saugahatchee Square and the adjacent convenience store property, to change the orientation of the building so automobiles existing Guthrie's will be facing and existing Guthrie's to the north, and to design the site so traffic is encouraged to exit Guthrie's at the traffic light. These issues discussed to address traffic safety concerns.

Mayor Fuller recommended conditional use approval with staff recommendation.
Ms. Cannon seconded the motion.

Mr. Hilyer requested that Public Works be added on Planning staff's recommendation concerning reviewing the traffic study. The Planning Commissioners concurred Public Works be added to review the traffic study.

Ayes: Cherry, Morgan, Silberman, Fuller, Council Member Canon, Cannon, Hilyer
Nays: None
Abstain: None

14. John Emerald Distilling Co., 706 North Railroad Ave., C-1, Craft distillery

Mr. Kelley reported John Sharp is requesting conditional use to establish a micro-distillery. The attached schematic floor plan provides the internal layout of the use within the 8,000 square foot space. City Council held a public hearing and approved a 1st reading on October 1, 2013 to amend the zoning ordinance to provide a definition for a micro-distillery and the conditions set forth as to appropriate zoning districts shall be permitted or approved via conditional use. A 2nd reading is scheduled before City Council on October 15, 2013. Truck traffic to and from the micro-distillery is minimal, and will be scheduled during non-peak traffic hours. Our C-1 zone does not require off street parking and the potential number of employee will not exceed five (5). This use is within the boundaries of the Downtown Entertainment District and the Downtown Historic District. The Historic Commission will consider a Certificate of Appropriateness (COA) in the near future.

Approve the Conditional Use.

No report from Engineer.

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

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

Chairman Pridgen opened the public hearing.

No comments from the public.

Chairman Pridgen closed the public hearing.

Mr. Silberman recommended conditional use approval with staff recommendation.

Mr. Morgan seconded the motion.

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

Nays: None

Abstain: None

~~**15. Barrett-Simpson, Inc., 2111 Marvyn Parkway, C-3, GC-2, Pallet manufacturer WITHDRAWN 10/04/13**~~

16. Wesley Evans, 200 North 13th Street, C-3, Landscaping business and outside storage of products

Mr. Ogren reported the applicant/business owner is requesting conditional use approval for a landscape business with outside storage of plant material and landscaping products on 13th Street. The business has six full time employees and provides landscape design and full landscape/lawn maintenance services. The business property

is 2.5 acres; the existing building is 40,000 square feet. The property is located adjacent to a R-2 residential zone on the north and east sides; a C-3 zone is adjacent to the property on the west side and a railroad right-of-way & the 2nd Avenue bridge runs along the south side of the property. (12th Street and 13 Street are dead-end streets to the south) The site plan provided shows residential buffers along the north and east property lines. The applicant is aware that the combination of trees and shrubs shown on the landscape plan must be "mature enough to at least grow six (6) feet in height and spaced in a manner which after three (3) years will provide an impervious visual barrier" (Section 10.6 Landscape Regulations D. 1. Residential Buffer). The site plan also shows areas where certain plants or landscape material will be stored - shade house, greenhouse, plant and tree holding area, and mulch or hardscape material.

Staff recommends approval as submitted.

No report from Engineer.

Mr. Hawkins reported Opelika Utilities currently serves this location.

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

Chairman Pridgen opened the public hearing.

No comments from the public.

Chairman Pridgen closed the public hearing.

Mr. Cherry recommended conditional use approval with staff recommendation.

Mr. Morgan seconded the motion.

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

Nays: None

Abstain: None

D. OTHER BUSINESS

17. Foresite Group, 2104 Frederick Road, C-2, GC-1, Retail Business, Section 8.20, subsection A; Continuance of non-conforming structure, footnote 20

Mr. Kelley reported Section 8.20; Subsection A. Footnote 20 (September 19, 2000; Ordinance # 124-00 2nd sentence) states: "If physical constraints limit the use/structure from coming into compliance; the proposed use must meet the requirements as much as physically possible."

The additional ROW needed for the improvements to Frederick Road of 2,338 sq. ft. has been acquired. Thus a need to relax the requirements of the corridor is a legitimate consideration. Such issues as impervious coverage, parking lot landscaping, and an encroachment on the southeast corner of the building negatively impact this existing building. Improvements to the lot will include additional landscaping on the east side, widening the existing driveway on the east, and closing the existing driveway on the west side.

Improvements to the building will include complete renovation of the interior; an addition of 410 sq. ft. at the west side of the structure, and a new brick façade on the front (100%) and on both sides (50%). Truck delivery (tractor trailer) will be no more than twice a week and will deliver either before or after store hours. All truck movement will be on-site and will not infringe on Frederick Road ROW.

At this time the applicant chooses not to disclose the new use until existing tenants have been notified.

Staff recommends approval of the changes by Planning Commission.

Engineer, Mr. Hawkins, Mr. Kriel no report.

Chairman Pridgen opened the public hearing.

No comments from the public.

Chairman Pridgen closed the public hearing.

Mr. Morgan recommended conditional use approval with staff recommendation.

Mr. Silberman seconded the motion.

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

Nays: None

Abstain: None

19. Chairman Pridgen added to the agenda the dates of the next Planning Commissions for November and December.

Commission agreed on changing the dates of the meeting due to the holidays for November and December.

1. November Work Session and Meeting will be combined on November 19, 2013 at 3:00 p.m.
2. December Work Session and Meeting will be combined on December 17, 2013 at 3:00 p.m.

The Commission agreed unanimous for the date changes.

18. Discuss map and text amendments to the Gateway Corridor Overlay District as prepared by the Planning Commission subcommittee and staff.

Mr. Kelley reported the recommendations for discussion are in three (3) areas:

1. Corridor Map Revisions.
2. Matrix Table Adjustments.
3. Building Materials including a paragraph on Color

Subcommittee and staff request feedback on these revisions for the Gateway Corridor before a public hearing is scheduled.

Also, Section 7.6 Gateway Corridor Overlay District: Subsection A. General Provisions; will need minor revisions.

Engineer, Mr. Hawkins, Mr. Kriel no report.

Chairman Pridgen opened the public hearing.

No comments from the public.

Chairman Pridgen closed the public hearing.

Planning staff reviewed the proposed amendments to the Gateway Corridor with the Commissioners.

The Commission and staff decided that more discussion on the Gateway Corridor amendments will take place at a future meeting.

With no further business on the agenda, Chairman Pridgen adjourned the meeting at 4:38 p.m.

Keith Pridgen, Chairman

