

February 28, 2012

The City of Opelika Planning Commission held its regular monthly meeting February 28, 2012 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, Arturo Menefee, Ira Silberman, Gary Fuller, Keith Pridgen, David Canon, Lucinda Cannon, Michael Hilyer

MEMBERS ABSENT: James Morgan

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 January 24, 2012 Minutes

Chairman Pridgen asked for any changes or corrections to the January 24, 2012 Planning Commission Minutes.

Mayor Fuller made a motion to accept the January 24, 2012 minutes of Planning Commission as written.

Council Member Canon seconded the motion.

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

Nays: None

Abstention: None

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

1. Opelika Manufacturing Subdivision, 2 lots, 1610 2nd Avenue, Robert Huskey, preliminary and final approval

Mr. Kelley reported the applicant is requesting preliminary and final approval for a 2 lot subdivision bisecting 1608 2nd Avenue (Lot 10) and 1610 2nd Avenue (Lot 11). Access to the two (2) parcels is from a shared driveway on 2nd Avenue, plus additional access to Lot 11 from 16th Place. Sufficient parking is available for both lots to meet parking requirements. Four (4) spaces are available for staff parking on 16th Place does not hinder traffic flow, as parked vehicles are off street pavement but located on public right-of-way. Either building would require Board of Adjustment consideration if an addition is contemplated in the future; as both buildings are legal non-conforming.

Planning Department recommends preliminary and final plat approval.

Mr. Dorsey reported sanitary sewer service is available to both developed commercial lots via an in-place gravity main within the Second Avenue right-of-way. Vehicular access is available via two shared driveways on Second Avenue and a single driveway on 16th Place. Portions of the existing off-street parking lots on both parcels encroach into the Second Avenue right-of-way.

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

1. Indicate two access easements on the plat to allow perpetual shared street access among the parcels. The first easement shall be located along the

boundary between Lots 10 and 11, and the second easement shall be located along the eastern boundary of Lot 10. The widths of both easements shall match the width of the in-place driveways.

Mr. Hawkins reported water service is accessible to this subdivision by a water main in the R.O.W. of 16th Place.

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. Underground electric utilities are available to this subdivision, the developer will be responsible for paying the estimated difference between overhead and underground service.

Chairman Pridgen opened the public hearing.

The audience gave no comments.

Chairman Pridgen closed the public hearing.

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

Mayor Fuller seconded the motion.

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

Nays: None

Abstention: None

2. Cobble Creek Subdivision, First Revision, 2 lots, Lee Road 417, Juanita Blackwell, preliminary and final approval

Mr. Ogren reported the applicant is requesting preliminary and final approval for a 2 lot subdivision located in the PJ (Planning Jurisdiction). The purpose of subdivision is to create Lot 23B (8.4 acres) for an existing home. Lot 23A is 86.6 acres. Each lot meets the minimum 100 foot lot width and 15,000 square foot lot size requirements.

Planning Department recommends preliminary and final plat approval.

Mr. Dorsey reported sanitary sewer service is not available to either lot in this subdivision, which is located outside the Opelika corporate limits on Lee Roads 113 and 417. Lot 23B contains an existing residence and pond, while Lot 23A is undeveloped. A significant portion of Lot 23A along Chewacla Creek is located within the 100-year flood zone boundary. A 35-foot wide easement for a natural gas pipeline parallels the creek through Lot 23A.

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

1. Increase the minimum width of the pole portion of Lot 23B to 60 feet to allow for future subdividing.

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

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

Chairman Pridgen opened the public hearing.

The audience gave no comments.

Chairman Pridgen closed the public hearing.

Mr. Silberman motioned to grant preliminary and final plat approval with staff recommendation.

Ms. Cannon seconded the motion.

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

Nays: None

Abstention: None

3. Saugahatchee Hills Subdivision, 2 lots, Grand National Parkway, Mangia Fico Trust, preliminary and final approval

Mr. Ogren reported the applicant is requesting preliminary and final approval to combine two 3-acre lots into one lot to construct a single family home. The six-acre lot meets the minimum 100-foot lot width and 43,560 square foot lot size requirement.

Planning Department recommends preliminary and final plat approval

Mr. Dorsey reported sanitary sewer service is not available to either undeveloped lot for this combination plat on Grand National Parkway. A 5-foot wide utility easement extends across the front property line of the combined parcel and along both side property lines to the building line.

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

1. Indicate a section corner tie on the plat.

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

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

Chairman Pridgen opened the public hearing.

Mr. John Burkhalter of 4219 Saugahatchee Hills Ct. commented about this being two lots joined to be one lot.

Chairman Pridgen closed the public hearing.

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

Mr. Silberman seconded the motion.

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

Nays: None

Abstention: None

B. FINAL PLAT APPROVAL

4. Oakbowery Pines Subdivision, Third Revision, Redivision of Lot 11-B, Oak Bowery Road, Blufoo LLC, final approval

Mr. Kelley reported the applicant is requesting final plat approval for twelve (12) single family lots on future Palin Ave. All lots are in excess of 30,000 square feet and meet the area and width requirements of the R-2 zoning district. Depending on location of a future single family residence on the five (5) lots impacted by the floodplain, a yard setback variance may be considered by the Zoning Board of Adjustments.

Planning Department recommends approval of the final plat subject to recommendations by the City Engineer on the five (5) lots impacted by the floodplain.

Mr. Dorsey reported sanitary sewer service is not currently available to these 12 undeveloped residential lots; however, sanitary sewer service is accessible via an in-place gravity main that extends through the parcel to the east of the proposed subdivision and approximately 1,100 feet to the southeast of Lot 11-B8. The sewer main serving these lots will also provide sewer service to the new fire station located on Lot 11-A. Access to the lots will be via an eastward extension of Palin Avenue. Portions of Lots 11-B8 and 11-B9 are located within the 100-year flood zone boundary. The Engineering and Public Works Departments are in the process of reviewing the public works construction plans for the street extension, sanitary sewer lines, and storm water management.

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

1. Indicate base flood elevations on the plat, in accordance with Section 7-42(4) of the City's Flood Damage Prevention Ordinance. ((4)Base flood elevation data shall be provided for subdivision proposals and all other proposed development, including manufactured home parks and subdivisions, greater than fifty (50) lots or five (5) acres, whichever is the lesser.)
2. The developer shall provide a performance bond or letter of credit in an amount equal to 125% of the cost of all public works improvements prior to the recording of the plat.

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.

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

Mr. Hilyer seconded the motion.

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

Nays: None

Abstention: None

C. VACATION OF RIGHT-OF-WAY

5. **Vacate a ten-foot wide alley located between Columbus Parkway and East Johnson Avenue as shown in Block 2 of the Butler Vinyard Survey & Block 228 of the Totten's Real Estate Map of Opelika**

Mr. Kelley reported the petitioners are requesting to vacate a ten (10) foot wide alley, a distance of two-hundred-ninety-five (295) feet between Columbus Parkway and East Johnson Avenue. All property owners adjacent to the alley are in agreement to vacate. The alley has no access either from Columbus or Johnson. The alley exists solely "on paper". Thornton Animal Hospital is purchasing the property of Mr. Waldrop and will expand their veterinary operations.

Planning Department recommends approval of the petition to vacate the ten (10) foot alley between Columbus Parkway and E. Johnson Avenue.

Mr. Dorsey reported there are no known utilities within this unimproved 10-foot wide alley. All abutting parcels have public street access either on Columbus Parkway or on East Johnson Avenue. We are not aware of any future improvements or developments that require this alley to remain open.

Therefore, the Engineering Department has a positive recommendation for its vacation.

Mr. Hawkins and Mr. Kriel presented no reports for this item.

Mr. Silberman motioned to grant preliminary and final plat approval with staff recommendation.

Mr. Cherry seconded the motion.

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

Nays: None

Abstention: None

D. OTHER BUSINESS

6. Discuss proposed amendments to LED (Light-emitting diode) signs

Mr. Kelley reported the Federal Highway Administration (FHWA) is preparing a report concerning the possible effects of electronic variable message signs on driver safety. The results of the report may initiate necessary amendments to our Sign Regulations. We will be notified when the report is complete (An email from FHWA in your packet.).

Chairman Pridgen stated no need to discuss this at this time we will wait until the final documentation has been released.

No reports were read or discussed for this discussion item.

7. Discuss proposed amendments to Section 4.4 Final Plat Approval, B. Improvements concerning performance bonds

Mr. Kelley reported before either new subdivisions or future phases of existing subdivisions begin to materialize this year as the residential economy slowly improves, lenders become more confident about loaning money, interest rates remain low, and developers begin to anticipate future residential development; I feel the Planning Commission should consider revising the Subdivision Regulations dealing with Final Plats (Section 4.4).

While any changes to the final plat process should be "user friendly", there is an obligation to the City of Opelika that public infrastructure is installed and performance bonding of that infrastructure is adequate with close monitoring to insure that the city does not incur ongoing maintenance problems.

To that end I am asking Chairman Pridgen appoint a subcommittee to work with Mike Hilyer, Doc Dorsey, and Jerry Kelley to recommend changes in the final plat process and submit amendment changes if needed for Section 4.4, Final Plat Approval.

Some topics that may be discussed include easements, indemnify against loss, potential sewer backflow issues, protective covenants/restrictions (if any), performance bond, irrevocable letter of credit, bank certificate of deposit, certificate of permanent monuments via land surveyor, administrative process/responsibility of infrastructure adequacy prior to issuance of building permit, amount and term of financial security instrument, and other concerns.

Hopefully a report from the subcommittee will be returned to the Planning Commission in April, and a public hearing scheduled in May, 2012.

Mr. Dorsey, Mr. Hawkins, and Mr. Kriel had no reports.

With no further business on the agenda, Chairman Pridgen adjourned the meeting at 3:15 p.m.

Keith Pridgen, Chairman

Rachel Dennis, Secretary