

January 25, 2005

The City of Opelika Planning Commission held its regular monthly meeting on January 25, 2005 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: Chairman Sadler, Keith Pridgen, Mayor Fuller,
Dr. William D. Lazenby, Arthur Wood,
Dr. William B. Whatley, Dr. Yvonne B. Phillips,
Bart Van Nieuwenhuise

MEMBERS ABSENT: Jesse Seroyer, Jr.

STAFF PRESENT: Marty Ogren, Planning Director;
Charlie Thomas, Engineering Director;
John Holley, City Horticulturist;
Alan Lee, Utilities Board;
Guy Gunter, City Attorney

CALL TO ORDER: Chairman Sadler called the meeting to order at 3:00 p.m. He stated that if there were no additions or corrections to the minutes for the Planning Commission Meeting for the month of December he would like to entertain a motion to accept the minutes as written.

Mr. Van Nieuwenhuise made a motion to accept the December 28, 2004 meeting minutes as written.

Dr. Whatley seconded the motion.

Ayes: Wood, Pridgen, Whatley, Lazenby, Van Nieuwenhuise, Phillips

Nays: None

Abstention: None

The motion to accept the December 28, 2004 Planning Commission meeting minutes passed.

Chairman Sadler asked for a nomination to re-elect the Chairman and the Vice-Chairman. Dr. Lazenby nominated Mr. Sadler and Mr. Pridgen for Chairman and Vice-Chairman. Dr. Whatley seconded the nomination.

Ayes: Wood, Pridgen, Whatley, Lazenby, Van Nieuwenhuise, Phillips

Nays: None

Abstention: None

The nomination passed by an unanimous vote.

Chairman Sadler presented a plaque to Dr. Phillips who served on this Planning Commission board for 10 years and thanked her for her dedication and service.

Dr. Phillips accepted the plaque thanked the commission allowing her the privilege to serve.

A. PLATS-PUBLIC HEARING

1. Foxchase on Emerald Lake S/D, Don Ketcham for Plainsmen Developments, Inc., Pebbleshore Drive, 2 lots, Ratify.

Mr. Ogren, Planning Director, reported that the petitioner, Don Ketcham for Plainsmen Developments, submitted an administrative plat that created 2 lots. One of the lots is used for a sewer lift station and has recently been given to the City. This lot is .173 acres. The remaining lot is .602 acres. This plat is before the Planning Commission because administrative plats are required to be ratified by the Planning Commission.

All Planning Department Subdivision Plat Requirements have been met.

Planning Staff recommends that the Planning Commission ratify the plat.

Mr. Thomas, Engineering Director, reported that Engineering recommends ratification.

Mr. Lee, Utilities Board, reported that this subdivision is will be served by Beauregard Water Authority.

Mr. Pridgen made a motion to recommend ratification.

Dr. Lazenby seconded the motion.

Ayes: Wood, Pridgen, Whatley, Lazenby, Van Nieuwenhuise, Phillips

Nays: None

Abstention: None

The motion to recommend ratification passed.

2. Deer Run Estates S/D, Larry W. and Mary J. White, 2801 Old Columbus Road, combining two lots into one lot, Ratify.

Mr. Ogren reported that the petitioners, Larry and Mary White, submitted an administrative plat that combined two lots together into 1 lot. The new lot is 3.160 acres and contains a single-family residence, a tractor shed, a workshop and a garage that is under construction. This plat is before the Planning Commission because administrative plats are required to be ratified by the Planning Commission.

All Planning Department Subdivision Plat Requirements have been met.

Planning Staff recommends that the Planning Commission ratify the plat.

Mr. Thomas reported that this two (2)-lot combination plat (lot line erasure) meets all engineering requirements. He recommended ratification.

Mr. Lee reported that water service is accessible to this subdivision by a water main in the R.O.W. of Old Columbus Road. The note stating water – City of Opelika, shall be changed to read water – Utilities Board of the City of Opelika.

Dr. Lazenby made a motion to recommend ratification.

Mr. Van Nieuwenhuise seconded the motion.

Ayes: Ayes: Wood, Pridgen, Whatley, Lazenby, Van Nieuwenhuise, Phillips

Nays: None

Abstention: None

The motion to recommend ratification passed.

3. Virginia Woods S/D, Rodney Jones, Gateway Drive and Thomason Drive, 2 lots, Ratify.

Mr. Ogren reported that the petitioner, Rodney Jones, submitted an administrative plat that created 2 commercial lots at the intersection of Gateway and Thomason Drive (inside the “V”). This plat is before the Planning Commission because administrative plats are required to be ratified by the Planning Commission.

All Planning Department Subdivision Plat Requirements have been met.

Planning Staff recommends that the Planning Commission ratify the plat.

Mr. Thomas recommended ratification.

Mr. Lee reported that water service is accessible to this subdivision by a water main in the Eastern margin of the Thomason Drive R.O.W.

Mr. Van Nieuwenhuise made a motion to recommend ratification.

Mr. Pridgen seconded the motion.

Ayes: Wood, Pridgen, Whatley, Lazenby, Van Nieuwenhuise, Phillips

Nays: None

Abstention: None

The motion to recommend ratification passed.

B. PLATS - PUBLIC HEARING

4. Hilltop Subdivision 2005, Woody Odom, 800 block of Morris Avenue, 2 lots, P/F Plat Approval.

Mr. Ogren reported that the petitioner, Woody Odom, surveyed by Boles Engineering, is requesting preliminary and final plat approval in order to add property to his existing single-family residential lot. Eight of the neighboring lots have a depth of approximately 300'. The proposed additional property will allow the petitioner's lot to also have a depth of 300 feet. The proposed lot will be 3000 square feet. No new construction is proposed.

All Planning Department preliminary and final subdivision plat requirements have been met.

Planning Staff recommends preliminary and final plat approval.

Mr. Thomas stated that although in the geographic area of our watershed, lot 22A locally drains south to and across Morris Avenue, out of the watershed. Recommend approval

Mr. Lee reported that water service is accessible to this subdivision by a water main in the Eastern margin of Rocky Brook Road. The note stating water – yes, should be changed to read water – Utilities Board of the City of Opelika.

Chairman Sadler opened the public hearing.

No comments were made from the audience.

Chairman Sadler closed the public hearing.

Chairman Sadler asked for a motion.

Dr. Lazenby made a motion to grant preliminary and final plat approval with staff requirements.

Mr. Pridgen seconded the motion.

Ayes: Wood, Pridgen, Whatley, Lazenby, Van Nieuwenhuise, Phillips

Nays: None

Abstention: None

The motion to grant preliminary and final plat approval with staff requirements passed.

Mayor Fuller arrived at 3:06 p.m.

5. Anderson Lakes, Phase 1, Greg Hill for Anderson Lakes, LLC, off of Anderson Rd., 32 lots, Preliminary Plat Approval.

Mr. Ogren reported that the petitioner, Greg Hill, (surveyed by Maxwell Engineering), is requesting preliminary plat approval to create thirty lot single-family residential subdivision. Two remaining lots, lot 31 and lot 32 will be developed at a future time. The property is located just south of property owned by the industrial development authority, approximately at the 3000 block of Anderson Road. The average lot size is 11,874 square feet or .273 acres. These lots meet the minimum lot size requirements for their zoning designation, R-3 except for lot 22. Lot 22 is only 7,390 square feet. This lot will need to be enlarged prior to final plat approval, which should only involve a minor adjustment to the adjacent lots.

The plat meets all preliminary subdivision plat requirements and should be able to meet all development requirements except building lines should be included on the plat.

Planning Staff recommends preliminary plat approval with Lot 22 being enlarged to meet the zoning minimum lot size of 7,500 square feet prior to final plat approval. Also, building lines and all standard certifications need to be included on the final plat.

Mr. Thomas reported that development of the S/D in the R-3 zone is subject to provision of public sewer. Engineering has discussed that possibility with representatives of the owner. Some street names may need revision, since Lakeshore Avenue and Lake Street already exist. Final approval of street names is subject to concurrence from our public safety departments. Also, for clarification, if road geometry is unchanged, no cul-de-sac is required at the extent of Anderson Lakes Drive. Recommend preliminary approval, but the following items should be addressed prior to final approval:

- a) Approved street names.
- b) In accordance with (IAW) Table 3.4 of the Public Works Manual, extend the tangent of Anderson Lakes Drive, off Anderson Road, a minimum of fifty (50) feet from existing edge of pavement (EOP).
- c) Include a more recent, detailed FEMA flood zone delineation, which is available electronically from the Engineering Department.

He stated that representatives of the applicant are aware of each of these requirements.

Mr. Lee reported that water service is accessible to this subdivision by a water main in the Western margin of Anderson Road.

Chairman Sadler opened the public hearing.
No comments were made from the audience.
Chairman Sadler closed the public hearing.

Chairman Sadler asked for a motion.

Mr. Van Nieuwenhuise made a motion to grant preliminary plat approval with staff requirements.

Mr. Pridgen seconded the motion.

Ayes: Wood, Pridgen, Whatley, Lazenby, Van Nieuwenhuise, Phillips, Fuller

Nays: None

Abstention: None

The motion to grant preliminary plat approval passed with staff requirements passed.

6. Sandrawood S/D, T.E. Lowery, Lee Road 117 (McConnell Road), Planning Jurisdiction, 15 lots, Preliminary Plat Approval.

Mr. Ogren reported that the petitioner, Tom Lowery, (surveyed by Robertson Land Surveying), is requesting preliminary plat approval to create a 15 lot, single-family residential subdivision. The property is located in the Planning Jurisdiction off Lee Road 117 (McConnell Road) sort of near the Beauregard High School. Lots range in size from 15,428 sq. ft. to 2.974 acres.

The plat meets all preliminary subdivision plat requirements and should be able to meet all development requirements except for the following items that need to appear on the final plat:

1. Approximate north direction arrow.
2. Need to have the survey "tied" to a section corner.
3. Need to correct the name certification of the landowner.
4. Vicinity map, larger scale to include Beauregard High School.

Planning Staff recommends preliminary plat approval.

Mr. Thomas reported that the subdivision appears to be proposed as a private subdivision, in accordance with Section 4.10 of the Subdivision Regulations. However, developer is cautioned that all infrastructure construction is still subject to the more stringent of the City Public Works Manual or Lee County regulations. Recommend preliminary approval, but the following items should be addressed prior to final approval:

- a) Provision of a tangent at the intersection of Lee Road 117 and the public ROW currently designated Lowery Way.
- b) At the request of the County Engineer, add a note on the plat to the effect that, "Lee County will not reconsider acceptance of a private subdivision."
- c) For county 911 addressing, delete Lowery Way label, in favor of an approved Lee Road number.
- d) Likewise delete McConnell Road label on Lee Road 117.
- e) Note 6 may need clarification.
- f) In accordance with (IAW) Table 3.4 of the Public Works Manual, extend the tangent of the public ROW currently designated Lowery Way at the intersection of Lee Road 117, a minimum of fifty (50) feet from existing edge of pavement (EOP). The preliminary plat virtually meets this requirement.

Mr. Lee reported that this subdivision is in the Beaugard water service area.

Chairman Sadler opened the public hearing.

Mr. Ben Mayberry, adjoining property owner, came forth to ask if Mr. Lowery would be required to provide a privacy barrier such as a chained link fence between his property and the proposed subdivision.

Chairman Sadler stated that he is not required to provide a barrier when developing a subdivision, but Chairman Sadler said that he would get with Mr. Lowery at a later time to see exactly what his plans are for the property.

Chairman Sadler asked if there are woods between Mr. Mayberry's and Mr. Lowery's property.

Mr. Mayberry said that he was concerned with children and dogs that would come from the proposed subdivision getting on his property.

Chairman Sadler said that according to the city ordinance, a barrier is not required between properties. He said that he may be able to reach a gentlemen's agreement with Mr. Lowery regarding the barrier.

Chairman Sadler closed the public hearing.

Chairman Sadler asked for a motion.

Mr. Pridgen made a motion to grant preliminary plat approval with staff recommendations.

Dr. Lazenby seconded the motion.

Ayes: Wood, Pridgen, Whatley, Lazenby, Van Nieuwenhuise, Phillips, Fuller

Nays: None

Abstention: None

The motion to grant preliminary plat approval passed with staff recommendations passed.

7. Towne Lakes S/D, Newell and Sons, N. Uniroyal Road and Beauford Drive, 29 lots, Preliminary Plat Approval.

Mr. Ogren reported that the petitioner, Newell and Sons, (surveyed by Goodwyn, Mills and Cawood, Inc.), is requesting preliminary plat approval to create a second addition containing 29 lots to Towne Lakes Subdivision. The property is located off North Uniroyal Road. Lots range in size from 13,511 sq. ft. to 25,514 sq. feet. The typical lot is 15,000 square feet. This property is zoned Planned Unit Development.

The plat meets all preliminary subdivision plat requirements and should be able to meet all development requirements. The following information will need to be provided on the final plat:

1. The names of adjacent subdivisions and the names and addresses of record of owners

- of adjoining parcels of land as they appear on the current tax records.
2. The Flood Hazard information needs to appear on the plat. If not affected, that shall be noted on the plat.
 3. Provision of the utility easement statement as required for electrical utilities.
 4. Locations and description of monuments.
 5. Certifications

Planning Staff recommends preliminary plat approval.

Mr. Thomas reported that Engineering plans have been received and are under review. Recommend preliminary approval, but the following items should be addressed prior to final approval:

- a) Completion of Beauford Drive in accordance with our Public Works Manual as agreed and approved during December 1999, which will allow development of lots 20-22, 61, 62 & 74.
- b) Final approved street names should be clearly shown. East and West Towne Lake Circle are separated by Beauford Drive.
- c) Temporary cul-de-sacs may be required at one (1) or more locations, but we are confident in staff's ability to resolve them amicably with design professionals; specifically, development of lot 32 is highly questionable, absent a constructed cul-de-sac.
- d) If final approval is granted subject to approval of engineering drawings, then a signature line for the City Engineer shall be added to the plat.

He stated that the representatives of the applicant are aware of each of these requirements.

Mr. Lee reported that water service is accessible to this subdivision by a water main in the R.O.W. of Towne Lake Circle.

Chairman Sadler opened the public hearing.
No comments were made from the audience.
Chairman Sadler closed the public hearing.

Chairman Sadler asked for a motion.

Dr. Phillips made a motion to grant preliminary plat approval with staff requirements.
Mr. Van Nieuwenhuise seconded the motion.

Ayes: Wood, Pridgen, Whatley, Lazenby, Van Nieuwenhuise, Phillips, Fuller

Nays: None

Abstention: None

The motion to grant preliminary plat approval passed with staff requirements passed.

C. CONDITIONAL USE

~~8. Cove Creek Development, 3900 block of Marvyn Parkway, Langford Brown, C-2, GC-2 and R-3, GC-2, Townhomes. WITHDRAWN~~

9. Patsy S. and Jimmy L. Ledbetter, 1205 Staley Avenue, M-1, Used car sales and warehouse.

Mr. Ogren reported that the petitioner, Jimmy Ledbetter, would like conditional use approval for a used car sales lot and warehouse to be located at 1205 Staley Avenue. Immediately to the south of the site is a warehouse and to the immediate west and east are also warehouses. Across the street is an Auto and Tow business that is either selling used cars or used car parts. Based on the character of the area, I think the proposed use would be appropriate for the location. Adverse effect could be minimized by requiring that the cars be parked behind the chain link fence, on the property owner's property and not on the right-of-way. Also, the petitioner is proposing to landscape the site and asphalt the parking lot. These improvements will serve to minimize any adverse affects the proposed use might have on the surrounding property owners.

Recommendation

Staff concludes that the proposed conditional use is reasonable and appropriate at this location because it is located near another auto-related use and near warehouses. All the conditional use standards, and site plan requirements should be able to be met. Note: The existing office/warehouse building does not meet required setbacks but it is a previously existing building. Planning Staff recommends approval of the proposed conditional use with the following conditions:

No cars should be parked, displayed, or stored on the right-of-way.

For sale cars shall be parked, displayed and stored in the designated storage area/car lot as shown on the submitted site plan behind the proposed chain link fence.

The petitioner shall submit proof of compliance with the Opelika Zoning Ordinance Section 8.17 5. Conditional Uses which states that "In the event a permit for conditional use is approved or approved subject to conditions, the applicant shall in writing within fifteen (15) days following such decision, acknowledge such approval and unconditionally accept and agree to any conditions imposed on the approval. The City Planner shall then take action to process the application on the zoning certificate for the development to which the conditional use permit applies. In the event such permit is not approved or is approved subject to conditions, that are not acceptable to the applicant, the applicant may, within the aforesaid time period, either appeal such decision to Circuit Court or abandon the application at the expiration of this fifteen (15) day period."

Mr. Thomas reported that storm water detention/retention is not shown on the site plan, but no new runoff is expected. Vehicle display parking should be paved as shown, but not necessarily striped. Number of vehicles displayed is limited thereby. He recommended approval, subject thereto.

Mr. Lee water service is accessible to this use by a water main in the R.O.W. of Staley Avenue.

Mr. Holley, City Horticulturist, recommended approval.

Chairman Sadler asked for a motion.

Dr. Lazenby made a motion to grant conditional use approval.

Mr. Van Nieuwenhuise seconded the motion.

Chairman Sadler asked for further discussion.

Mr. Pridgen stated that a vicinity map was not included with the site plan. He asked that one be added, and asked Mr. Ogren to request it in his report.

Chairman Sadler asked for a vote.

Ayes: Wood, Pridgen, Whatley, Lazenby, Van Nieuwenhuise, Phillips, Fuller

Nays: None

Abstention: None

The motion to grant a conditional use approval passed.

10. Opelika Schools, Phil Raley and Mark Neighbors, Opelika Middle School, Denson Drive, I-1, Conditional Use approval for temporary classrooms.

Mr. Ogren reported that the City of Opelika City Schools is requesting conditional use approval for 1 year to use temporary classrooms until construction is completed on an addition to the Opelika Middle School. The proposal is for 23 mobile classrooms, an office and restrooms. The temporary classrooms will be placed behind the school hidden from view. The school proposes to begin construction June 1, 2005 and complete construction by July 1, 2006.

Staff recommends approval for a period of 18 months not to exceed July 1, 2006. If more time is needed due to construction delays, the school will need to submit a request for extension of the conditional use approval.

Mr. Thomas, Engineering, recommended approval for a maximum period of eighteen (18) months.

Mr. Lee reported that water service is accessible to this use by a water main in the R.O.W. of McLure Avenue.

Mr. Holley had no comment.

Chairman Sadler asked for a motion.

Dr. Phillips made a motion to grant conditional use approval.
Mr. Van Nieuwenhuise seconded the motion.

Chairman Sadler asked for further discussion.

Dr. Lazenby stated that June 1, 2005 to July 1, 2006 is not 18 months.

Chairman Sadler stated that the 18 months begins this month.

Dr. Lazenby stated that it would be better to say 13 months for completion beginning June 1, 2005.

Chairman Sadler asked Mr. Neighbors if 18 months for completion is enough time.

Mr. Neighbors said that is plenty of time.

Chairman Sadler asked for a vote.

Ayes: Wood, Pridgen, Whatley, Lazenby, Van Nieuwenhuise, Phillips, Fuller

Nays: None

Abstention: None

The motion to grant the conditional use approval passed.

D. SKETCH PLAN REVIEW ONLY

11. Nathan R. Waggnar of Morley and Associates, Inc. for 1st Rural Housing Part LLP, Gateway Drive; North of Hamilton Place, C-2, GC-2, 144 multi-family unit apartments.

Mr. Ogren reported that this is a sketch plan review for a development proposed by 1st Rural Housing Partners out of East Lansing, Michigan. After this review, a final site plan will need to be submitted for Conditional Use approval. The Planning Commission renders no final decision, but rather the applicant is requesting recommendations, questions, and any comments before any more funds are expended to proceed with the project.

The site consists of 8.75 acres located off Gateway Drive, just north of major Alabama Power lines and north of Hamilton Place Subdivision. The property is zoned C-2, GC-2 (Office-Retail with a Gateway Overlay District). The petitioner is proposing to build 144 apartment units, conventional-market rate apartments (not tax credit), in four buildings that will be three stories high for a total height of 35 feet 5". Each building will contain 35 two-bedroom units and 1 one-bedroom unit. The petitioner would also like to request an increase in density from the 16 dwelling units per acre maximum allowed in the C-2 to 16.5 dwelling units per acre. The Zoning Ordinance permits apartments in the C-2 zone as a Conditional Use. Also, the ordinance permits the developer to request an increase in density from the Planning Commission up to a maximum of 25%. The developer is requesting an increased density of 3%.

When reviewing Conditional Use requests, we need to consider if the proposed use is appropriate for the location for which it is proposed. According to the Future Land Use, this area is targeted to develop as light commercial (office/retail). With the development of Tiger Town just to the south of this site, Staff has seen a dramatic increase in the amount of light commercial that has been and is being constructed in this area such as banks, restaurants, retail stores and offices. Planning Staff is not convinced that the

proposed multi-family use is appropriate for the proposed location. In addition, we must look at if the proposed use will result in a substantial adverse effect on adjacent properties, the character of the neighborhood, traffic conditions, public infrastructure, etc. Planning Staff does not have enough information to come to a final conclusion regarding this concern. Staff would need the following information to be provided prior to being able to assess this use in terms of impact it might have on adjacent properties:

1. An architectural elevation that would indicate the façade material that will be used on the buildings and the roof pitch.
2. A landscape plan. This will, at a minimum, need to meet the gateway and landscape ordinance requirements.
3. A floor plan that would indicate the square footage of the units.
4. A market study that would indicate the need for and market for these apartments.
5. A traffic study. Staff is concerned about the unique traffic geometry that is proposed for this site in particular, ingress and egress at this part of Gateway Drive, and with traffic counts. The traffic study will need to address impacts and propose traffic strategies to lessen such impacts.
6. A letter from the FAA stating that these structures will have no negative impact on the Opelika-Auburn Airport. The director of the Opelika-Auburn Airport has recommended this letter.
7. A list, pictures, and plans of other similar projects that the developer has constructed. The list should include the name of the development, its address, and the name of the resident manager and/or contact person.

Mr. Thomas, Engineering, reported that the proposed density seems rather intense for residential development in this light commercial area. The proposed access driveway may conflict with, or at least fail to meet access management requirements of, our proposed loop road. Continued discussion with engineering should resolve this conflict. Storm-water management is not addressed on the site plan. He had no recommendation.

Mr. Lee reported that water service is accessible to this use by a water main in the Eastern margin of Gateway Drive.

Chairman Sadler asked for comments from the petitioners.

Mr. Founder of Founder and Associates, (commercial brokerage development firm) from Florence, Alabama, stated that he would like to share some information regarding the contractors/developers. He said they have been involved with the site selection with this company for the past 2 years and is very familiar with them.

He said that they have got some information that was requested and they would like to know if they should move forward with their plans or not. He briefly gave information in regards to what kind of apartments they are proposing, and explained that they are not subsidized or low-income housing.

He presented a rendering/architectural drawing showing how the apartments will look once they are constructed, and explained the type of materials that would be used.

Chairman Sadler stated that one of his concerns is exceeding the dwelling units per acre. He said that the maximum density requirements are 16 dwelling units per acre, and stated that the city would not be willing to exceed that. He said the city has held everyone else to that standard, and it would be a mistake to waiver the standard at this point.

Mr. Founder said that he understood and appreciates the city's consistency, and feels he can meet the density to comply, and said they plan to build market rate apartments.

Mr. Pridgen stated that one of his main concerns is the access of ingress/egress access on-to Gateway Drive that is in a major curve. He said his concern is entering and exiting the complex and feels this board will need to see a traffic study. He said his second concern is the size of the individual units, and he asked what size a 1 bedroom and a 2 bedroom would be and if they will have any 3-bedroom apartments available.

Mr. Founder said that a 1 (one) bedroom is 688 sq. ft, and the 2 (two) bedrooms are 952 sq. ft. with the majority being two bedrooms. He said there would not be any 3 bedrooms available in their plans for this complex.

Mr. Pridgen asked about green space and if they plan to have amenities.

Mr. Founder said they will comply with the landscape ordinance, and they will meet the guidelines. He said they plan to have a pool with a shower room, picnic tables, grilles for cooking out, and a playground for the kids. He said that even though it's high density, by using three stories, it would increase the green space around the units 50% or more.

Chairman Sadler asked how long would it be before the petitioners would submit the typical landscape plan and etc.

Mr. Founder said it needs to be surveyed and they need to compose reports, so it may be a couple of months.

Dr. Lazenby asked if they have been pursuing other sites in Opelika.

Mr. Founder stated that they indeed have looked, but so far they like this particular location.

Mayor Fuller stated that the traffic in that area is a major concern with adding some 200 or more vehicles entering and exiting off Gateway Drive.

Mr. Founder stated that with the study and the trip generation numbers that they will come up with as opposed to retail development for the whole 12-acre tract will be significantly less with this use, because they are leaving the front with 2 ½ acres commercial, as he said that he assumed that the D.O.T., if they are consistent, will limit the number of curb cuts and get involved with excel and decel lanes with things to make it safer.

Chairman Sadler stated that the board could not give a go-head without examining the different reports that have not been submitted; therefore, there is nothing to vote on. He said that if they submit the discussed requested items from each involved department is asking for, it will give the board a better situation to work with.

Dr. Lazenby asked where the closest place in Alabama from here where the board could possibly see a developed project of theirs would be.

Mr. Founder said Dothan is under construction, or Cullman may be the closest from Opelika.

Chairman Sadler asked for any further discussion or comments from the audience.

Mr. Alan Lee, who is an adjoining property owner at Hamilton Place, asked about possibly putting a buffer that the City Horticulturist would suggest putting at the side yard against Hamilton Place. He said that Alabama Power's R.O.W. is there, but he said he noticed on the plan he looked at, the lot line borders against it so if the city requires a vegetation buffer, in which he hopes they do as an adjoining property owner; how will it effect the density of the complex?

Chairman Sadler stated that it's something they will have to take a look at when they bring this back before Planning Commission.

End of discussion.

E. REZONING-PUBLIC HEARING

12. Autumn Ridge, Gulf South Development Group, LLC, Veterans Parkway, 9 acres, 52 town-homes, C-2 to PUD.

Mr. Ogren reported that the petitioner, John Rice for Gulf South Development Group, LLC, requested comments from the Planning Commission on his conceptual layout and proposal to rezone from C-2 (Commercial) to PUD (Planned Unit Development) at the November Planning Commission meeting.

The proposed site contains approximately 9 acres. It is located on the west side of Veterans Parkway, approximately 2,00 feet north of the Veterans Parkway/Pepperell Parkway intersection and just south of the Goolsby property. The property was proposed to be developed in two phases. Phase One, approximately 5 acres, is proposed to be a residential town home development consisting of 9 buildings. Seven of the buildings will contain 6 units each and the remaining two buildings will contain 5 units for a total of 52 units. Phase two will develop either residentially or commercially depending upon the market.

The town home development will consist of two different unit sizes. The town end units of each building will be 30' x 40' while the interior units will be 20' x 30'. According to the petitioner, this layout allows for a more defined "backyard" area for each building. A common recreational area is identified on the site plan and in the narrative. This area is located near the center of the development, adjacent to the two five unit buildings. This area will have community grills and picnic tables as well as playground equipment, to be determined by the homeowners association. The developer will provide a "recreational allowance" and the homeowners can then decide what kinds of recreational equipment would best suit their needs. The homeowners association will also be responsible for the maintenance and management of all the common areas within the development.

At the November meeting, Planning Staff was concerned about the PUD open space requirement being met. Planning Staff feels that this submitted proposal will meet this PUD requirement.

The Planned Unit Development process is a three-stage process. The November submittal was considered as the "informational review conference." This current submittal can be considered as "Development Plan Review." A public hearing before the Planning Commission is required for development plan review.

Planning staff feels that the following Development Plan Review requirements have been adequately met:

"An overall development scheme stating the development intention of the landowner, including but not limited to the following: a statement of location and intensity of proposed uses and activities, a physical description of proposed facilities accommodating such uses, a statement of location and general configuration of lands to be dedicated for public open space and other public use, a general designation of utilities, and a general statement of form of site management proposed for common open spaces and facilities. A set of drawings of the entire development, accompanied by narratives as appropriate, indicating: perimeter boundaries of the site; streets and driveways, sidewalks and pedestrian ways and off-street parking and loading areas; location and approximate dimension of buildings and other structures, including activities and the number of living units; reservation for public uses and open spaces; major landscaping proposal; and rendering clearly establishing the scale, character and relationship of buildings, streets and open spaces.

A set of maps and statements providing information on the character and use of the surrounding area within 300 feet of the limits of the proposed development."

The purpose of the Planned Unit Development (PUD) is "to encourage the appropriate development of tracts of land in all zoning districts sufficiently large to allow comprehensive planning and to provide flexibility in the application of certain regulations in a manner consistent with the general purposes of the Zoning Ordinance, thereby promoting a harmonious variety of uses, the economy of shared service and facilities, compatibility with surrounding areas, and the creation of attractive, healthful, efficient and stable environments for living, shopping, and working."

Planning Staff feels the purpose and the intent of the PUD have been met with this submittal and recommends Development Plan Review approval and recommends that the Planning Commission send a positive recommendation to the City Council for PUD rezoning.

Mr. Thomas reported that due to the elapsed time since correspondence associated with construction of Academy Drive, and absent formal agreement thereto, we do not believe the City bears any continuing burden. However, we do believe the proposed drive shown needs to be a public ROW, with a street constructed to City standards, but representatives of the applicant disagree. As previously stated, and due to public safety considerations, we suggest that the parking lot drive extend southward on the east side of the site. If not, provision for turn around will be required. Modifications to this plan should be submitted for approval. Development plan needs to meet review requirements, show conceptual sewer service, etc. Subject thereto, propose positive recommendation to City Council.

Mr. Lee, Utilities Board, had no comment.

Mr. Holley, City Horticulturist, stated that the petitioner will need to submit a more detailed landscape plan based on our landscape regulations, showing all existing trees that to remain by size and species to receive credit and to also provide my department with a template for base points, parking lot points, buffer requirements and a plant legend identifying all proposed planting and size of the plant material.

Chairman Sadler opened the public hearing.

Mr. Goolsby came forth and stated that he is in agreement with what is proposed and for what is in the best interest for the city regarding the road system and consider the best option.

Chairman Sadler closed the public hearing.

Chairman Sadler asked for a motion.

Mr. Van Nieuwenhuise made a motion to send a positive recommendation with staff requirements to City Council.

Dr. Phillips seconded the motion.

Chairman Sadler asked for further discussion.

Mr. Pridgen asked Mr. Ogren to point out on the map where the proposed Academy Drive will be, because it's not in line with where the proposed drive is shown now.

Mr. Ogren / Mr. Thomas / Mr. Collins explained where the proposed drives will be.

There was discussion between Mr. Rice, the Engineering Department, Mr. Collins and the Planning Commission in regards to the roadway, the proposed Academy Drive.

Mr. Rice stated that where, he wants to get started with Autumn Ridge, and where the driveway is currently shown. He said, he would dedicate more of the R.O.W. for a city street, but it would be a hardship for them to move the driveway south. He said that he doesn't see what the problem is if there's going to be a road put in.

Mr. Van Nieuwenhuise asked Mr. Rice if he has a problem with this drive coming in that road, as long as you don't pay for the improvements.

Mr. Rice yes, that's right. He said that if the city wants to build a street then he will keep up as his share as if it were a driveway and he will work out the R.O.W. [enough for the proposed Academy Drive].

Mr. Van Nieuwenhuise asked Mr. Rice again if he's willing to give up the necessary R.O.W.,[for the proposed Academy Drive].

Mr. Rice said yes, and he added that he only wants one entrance into his complex.

Chairman Sadler asked for a vote.

Ayes: Wood, Pridgen, Whatley, Lazenby, Van Nieuwenhuise, Phillips, Fuller

Nays: None

Abstention: None

The motion to send a positive recommendation with staff requirements to City Council passed.

~~13. Victor and Angela Smith for Gene Austin Burdell, 2400-2600 block of Old Columbus Road,
R-1 to R-4M. WITHDRAWN~~

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

H.J. Sadler, Chairman

Martin D. Ogren, Secretary