

July 24, 2012

The City of Opelika Planning Commission held its regular monthly meeting July 24, 2012 in the Planning Commission Chambers, located at the Public Works Facility, 700 Fox Trail. Certified letters mailed to all adjacent property owners for related issues.

MEMBERS PRESENT: Lewis Cherry, James Morgan, Ira Silberman, Arturo Menefee, Keith Pridgen, Lucinda Cannon, Michael Hilyer

MEMBERS ABSENT: Mayor Fuller, David Canon

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

CALL TO ORDER: Chairman Pridgen called the meeting to order at 3:02 p.m.

I. Approval of June 26, 2012 Minutes

Chairman Pridgen asked for any changes or corrections to the June 26, 2012 Planning Commission Minutes.

Mr. Morgan made a motion to accept the June 26, 2012 minutes of Planning Commission as written.

Ms. Cannon seconded the motion.

Ayes: Cherry, Morgan, Silberman, Cannon, Hilyer

Nays: None

Abstention: Menefee

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

1. **Saugahatchee Hills Subdivision, Resub of Lot 4 and Lot 5, 2 lots, Grand National Parkway, Dale Looney, preliminary and final approval (Tabled at June 26th PC Meeting)**

Mr. Ogren reported the applicant is requesting preliminary and final plat approval for a two lot subdivision located on Grand National Parkway. This plat was tabled at the June 26th meeting because several adjacent property owners at the meeting spoke of covenant violations with the proposed plat. The two lots meet the minimum one acre lot size requirement and 100 foot lot width for a subdivision in an R-1 zone.

Planning Department recommends preliminary and final plat approval.

Mr. Dorsey reported sanitary sewer service is not available to either undeveloped residential lot. Public street access is available via Grand National Parkway. An unpaved, one-lane road extends along the northern side of Lot 5A and through a small portion of Lot 4A; however, no access easement shown.

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

1. Indicate the availability of public water and sanitary sewer service 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. Kelley reported this subdivision is outside the Opelika Power Services territory.

Chairman Pridgen opened the public hearing.

Dale Looney, property owner of subdivision, addressed the Commission. He resides at 1418 Houston Court. I have met with the adjacent owners of the land and we have come to an agreement. I will pass around the proposed plan.

Charles Galliard, adjoining property owners said the concerns he had were addressed. Mr. Looney assured Mr. Baker no business activity will take place on either property.

William R. Bell, residing at 2601 Grand National Pkwy, asked 'do the covenants continue or by modifying these lots or do we void the covenants?'

Mr. Kelley responded the covenants and restrictions remain as they are unless you all change them.

Mike Maher stated we now have a note on the plat where the covenants and restrictions listed.

Chairman Pridgen closed the public hearing.

Dr. Menefee made a motion to grant preliminary and final plat approval with staff recommendations.

Mr. Hilyer seconded the motion.

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

Nays: None

Abstention: None

1a. Piney Woods Subdivision, 3 lots, Gabby Drive & Veterans Parkway, Danielly LLC, preliminary and final approval (Tabled at June 26th PC meeting)

Mr. Ogren reported the applicant is requesting preliminary and final approval for a redivision of 3 lots located in Piney Woods subdivision. This plat was tabled at the June 26th meeting because it was not determined if the developer or a home owner's association would maintain a 7,500 square foot "unbuildable lot". The plat today combines the unbuildable lot (lot 12-A) with Lot 12. Lot 12 is a 17,000 square foot lot; A note on Lot 12 states "Landscaping Easement - no building in this area;" the landscape easement is 7,500 square feet. The current property owner or the future property owner of Lot 12 owns the landscape easement area and responsible for maintenance.

Staff recommends preliminary and final plat approval.

Mr. Dorsey reported sanitary sewer service is available to both undeveloped residential lots via an in-place gravity main within the Gabby Drive right-of-way.

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

1. Indicate the lot numbers (10A and 11A) and lot areas on both lots.
2. Identify the dotted lines on the plat as former property boundaries.
3. Modify Note 4 on the plat to read: 'This property does not lie within the Saugahatchee Lake Watershed'.

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

Mr. Kelley reported this subdivision is in the Opelika Power Services and Alabama Power territory.

Chairman Pridgen opened the public hearing.

No comments shared from the audience.

Chairman Pridgen closed the public hearing.

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

Dr. Menefee seconded the motion.

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

Nays: None

Abstention: None

2. Wyndham Industrial Park Subdivision, 6 lots, Wyndham Industrial Drive, Frontier Bank/Wyndham Properties LLC, preliminary and final approval (Tabled at June 26th PC meeting)

Chairman Pridgen stated item number two has been tabled until Aug. 28, 2012 Planning Commission Meeting.

3. Copper Springs Subdivision, 56 lots, U.S. Hwy 280 East, 280 Partners LLC, Preliminary approval

Mr. Ogren reported the applicant is requesting preliminary approval for a 58 lot subdivision on 38.3 acres located off Highway 280 East (Long's Christmas tree farm). The lots numbered 1 through 56 are for single family home construction except for Lot 14; Lot 14 is reserved for stormwater retention. A 100 year flood plain boundary line meanders across all of the northern lots and most of the western lots. The lots most significantly impacted by the flood plain are Lot 15, 16, and 17. However, a home may still be constructed on lots located in flood plain by following regulations and obtaining special permits established by the Federal Emergency Management Agency (FEMA). (A proposed home in a flood plain will need to be elevated above the 100 year base flood elevation level before a building permit is issued.) The 56 residential lots range from 8,700 square feet to 22,000 square feet. Each residential lot will have public road access from new streets. Planning staff recommends underground utilities and sidewalks installed on at least one side of all streets.

Parcel A (2.5 acres) and B (1.7 acres) is reserved for commercial development; Parcel C (5.4 acres) is reserved for a future phase with plans to construct apartments or more single family homes. Parcel D is a stormwater retention area.

Some of the property owners of this development (280 Partners LLC) are also owners of the adjacent property (Boulder Brooks LLC) to the north. The north adjacent property has access to Ridge Road (see map attached). The revised plat shows a future northern access street between Lot 20 and Lot 21 but the street does not extend to the northern-most property line of Parcel D (This lot should be designated "Parcel D" on the revised plat.) Staff recommends extending the 60 foot wide right-of-way between Lot 20 and Lot 21 to the northern property of Parcel D. Also, the plat shows only one access point to and from this subdivision by Highway 280. If the only access point to this subdivision were blocked due to severe weather, traffic accident, etc., then emergency vehicles would not be able to enter the subdivision and property owners could not exit the subdivision. Staff recommends that a 20 foot wide emergency access easement be added to the plat due to public safety concerns. Staff recommends the access easement run between Lot 36 and Lot 37, then along the east property line of Parcel B, and ending at Highway 280.

Staff recommends preliminary plat approval subject to the recommendations underlined in this report.

Mr. Dorsey reported sanitary sewer service is available to all 58 undeveloped lots in this mixed-use subdivision via an in-place 24-inch diameter gravity main that drains in a west-to-east direction along Granberry Creek at the northern end of the subdivision. Vehicle access to all lots is presently available via one public street intersection onto Columbus Parkway (U.S. 280/431). Storm water will be managed via two proposed detention basins to be located on Lot 14 and Parcel D. Two easements for overhead electrical transmission lines pass through the subdivision, one in a north-south direction and the other in an east-west direction. Portions of 14 lots are located within the 100-

year flood zone, including the entire land area of Lot 15 and significant portions of Lots 16 and 17. Flood elevations along this portion of Granberry Creek have already been determined through a prior detailed study, so no additional flood studies are required. Portions of Lots 28, 29 and D are located within jurisdictional wetlands, but these lots can be developed without encroachment into the wetlands.

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

1. Indicate the street names on all public rights-of-way.
2. Indicate a tie to a section corner and the existing section line that passes through the plat property.
3. Indicate the land areas and all boundary dimensions on all lots.
4. Indicate the availability of public water and sanitary sewer on the plat.
5. Indicate the owner and width of both power easements.
6. Revise Note 4 on the plat to indicate the correct date of the current flood zone mapping.
7. The developer's engineer shall provide a complete set of public works construction plans and storm water management calculations to the Engineering Department for review and approval.

Mr. Hawkins reported water service is accessible to this subdivision by a water main in the Southern Margin R.O.W. of U.S. HWY 280 East

Mr. Kelley reported this subdivision will be served either by Opelika Power Services or Tallapoosa River Electric Co-op. An electronic copy of the plat needs to be submitted to Opelika Power Services to determine which entity will provide service.

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

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

Blake Rice stated, currently there are no immediate plans to cross this creek. Any development north of the creek that we are discussing about today will begin from Ridge Road and develop in a southerly direction.

Chairman Pridgen stated the concern at work session today was the liability or responsibility of the developers to build the bridge.

Blake Rice stated, "I do have comments relate to the staff reports."

1. The extension of the right-of-way to the edge of the property.
I have discussed this with my client. I have no problem with extending the right-of-way on the plat. However, we request a note placed on the plat and added to the minutes of the meeting that construction of the road way will stop at the end of Lot 20.

Chairman Pridgen asked if there will be a cul-de-sac at the end of pavement so vehicles can turn around.

Blake Rice stated paving will be extended one driveway past the intersection.

Mr. Dorsey stated if the driveway is adequate to accommodate garbage pickup and other service type vehicles and those vehicles do not have to backup each time they drive this street then that is okay.

Blake Rice asked if he moved the east west street 20 feet would that accomplish the same thing.

2. Staff report regarding a secondary access easement.
I would propose something different. I don't think in its current state that this plat creates any issues with density that requires a secondary access point. I think this

matter of a second access point came about if Parcel C would be developed for multi-family use. I would propose that this matter be the obligation of the developer. That is, if he decided to put multi-family use in parcel C and he goes above the threshold that required another access then he would be responsible to add a second access or he is not allowed multi-family. Unless he meets the requirements, he cannot build multi-family units. .

Chairman Pridgen stated that is the reason for the access point. What if the first lots sold are Lots 37 and 36. The side lot lines of Lot 37 and 36 lots is the obvious location for a second access way.

Blake Rice stated then my client should have prepared better.

Mr. Silberman stated that at the work session the Commissioners had a comfort level of the redesign of the lots.

Chairman Pridgen added we still discussed having an access easement for the future development of this property.

Mr. Kelley stated since the 5 acres is undetermined at this time whether single-family or multi-family is constructed then It is staffs position that between lots 36 and 37 require an emergency access easement. The easement does not need to be build but have the easement dedicated so that a 20 foot emergency access is at least plated on the property. If the 5 acres develops as single-family then there will not be any need. The easement could be vacated at that time after build-out. At least the easement will be in place in a preliminary plat and ultimately a final plat.

Mr. Morgan stated with the second drawing it does relieve our concerns. My only concern is are they going to be able to get that second access onto 280 or will the developer run into a problem with DOT. Also, will it be a problem with the two entrances being that close together?

Mr. Dorsey stated the intent is that if parcel B is developed as multi-family and the easement is in place between Lots 36 and 37 then vehicles could use both the driveway and parking areas of the commercial lot fronting along Highway 280 to exit/enter onto Hwy 280.

Mr. Kelley stated the second access is for emergency access only.

Blake Rice stated as far as the second entrance is concerned, possibly DOT may allow a right-in only at the very eastern end of the commercial lot. Maybe we can accomplish a right-in and a right-out at the western edge of parcel A. The DOT is going to want only one access.

I have talked with my client and he understands the risk. He is more than willing to bear the risk to not be able to have multi-family development. He is also aware of the 99 lot threshold which is viewed as the threshold to require the emergency fire apparatus access road.

Mr. Cherry stated we need assurance that we are able to provide the access necessary based on staff recommendation.

Blake Rice stated I understand your position, but my client would prefer to bear the risk. It is no question that my clients are experienced developers. It is a very real possibility that this entire development will be single-family homes.

Mr. Hilyer expressed concerns about setting a precedent requiring the emergency access.

Chairman Pridgen, Mr. Hilyer, Mr. Cherry, Mr. Kelley, and Blake Rice discussed the options of potential future development and the opportunities that may arise.

Mr. Hilyer made a motion to amend the original motion. The amendment is not to require the emergency access easement at this time adding the note that construction of the road to end at the end of Lot 20, with a lot line adjusted between Lots 19 and 20 as approved by the City Engineer.

Mr. Silberman seconded.

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

Nays: None

Abstention: None

4. Quantegy Subdivision, Resub of Parcels A and B2B, 2 lots, 211 Orr Avenue, preliminary and final plat approval

Mr. Ogren reported the applicant is requesting preliminary and final approval for a 2 lot subdivision. The 24.6 acre site is the former Quantegy property. The purpose of the subdivision is to add a 39 foot strip to the west side of Parcel A from Parcel B2B. The 2 lots meet minimum requirements for a subdivision in the M-1, GC-2 zoning district.

Staff recommends preliminary and final plat approval.

Mr. Dorsey reported sanitary sewer service is available to all three lots in this industrial subdivision via in-place gravity mains within the Orr Avenue and Poplar Street rights-of-way and via private gravity mains that served various buildings on the Quantegy campus. Vehicle access to all lots is gained via multiple curb cuts onto Marvyn Parkway (Alabama Highway 51) and Orr Avenue. Parcels B2A and B2B share a driveway access to Orr Avenue that is located within a 30-foot wide access easement. All three parcels have been developed with commercial structures, although the majority of the structures on Parcel B2B are in the process of being demolished.

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

1. Sanitary sewer service to Building 7 (Personnel) on Parcel B2B appears to come from an in-place manhole and gravity main that extends across the parking lot of Parcel B2A. If this is correct, this manhole and gravity main shall be placed within a sanitary sewer easement of suitable width so Building 7 will retain uninterrupted sanitary sewer service.

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

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

Chairman Pridgen opened the public hearing.

No comments shared from the audience.

Chairman Pridgen closed the public hearing.

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

Mr. Silberman seconded the motion.

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

Nays: None

Abstention: None

B. CONDITIONAL USE APPROVAL

5. Young Sam Kwon, 808 Columbus Pkwy, C-3, GC-2, Pool hall

Mr. Ogren reported the applicant is requesting conditional use approval to open a pool hall (billiard room) in Crooked Creek shopping center (See map attached). If the conditional use is approved the applicant will apply for a "beer on premises" license to serve beer only. After the business opens, and if the receipts of beer sells totals more than 50% of the gross receipts of the entire business (pool rental charges, beverages, snacks, etc.) in a 90-day period then the business is classified as a 'lounge'. Conditional

use approval is required for a lounge in a C-3, GC-2 zone. The applicant will need to apply for conditional use approval if beer sells exceeds 50% of the overall receipts for the business in a 90-day period.

The floor plan shows eight pool tables and five 'tea' tables to serve customers beverages and snacks. The floor plan shows an 'electric range' (stove). After discussions with the applicant about Fire code requirements for a commercial stove the applicant said he will not add the stove.

The shopping center was constructed in the 1980s; off-street parking and infrastructure are provided. The applicant was provided Chapter 23 "Pool Rooms and Billiards" from the Opelika Code of Ordinances. The ordinance requires a billiard room to (1) not operate between the hours of 11:30 PM and 6:00 AM; (2) no one under 19 years old may play pool unless accompanied by a parent or guardian and a sign must be posted stating the same; (3) a clear view of the entire interior of the pool room from the entrance to rear must be maintained at all times i.e., no partitions forming rooms; (4) its unlawful for any billiard room to maintain any open or secret connections through doors, walls, etc., where gambling or immoral purposes take place.

Staff contacted "The Bridge", a church renting space on the far west-end of the shopping center (see map). They are concerned with the pool hall and the serving of alcohol. Staff recommends the pool hall be closed on Sundays until 1:00 PM.

Planning Department recommends approval subject to recommendations underlined in this report.

Mr. Dorsey reported sanitary sewer service is available to this existing commercial structure via an in-place gravity main within the Fox Run Avenue right-of-way. A multitude of paved, off-street parking spaces are available in the parking lot in front of the building.

The Engineering Department recommends conditional use approval as submitted.

Mr. Hawkins reported Opelika Utilities currently serves this location.

Mr. Kelley reported Opelika Power Services presently serve this use.

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

Mr. Hilyer seconded the motion.

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

Nays: None

Abstention: None

C. ANNEXATION

6. John L. Riddle, 3373 Lee Road 54 (Society Hill Road), 3 acres, PC recommendation to City Council

Mr. Kelley reported the applicant is petitioning the City of Opelika to annex. The property is adjacent to the city limits on two sides. Mr. Riddle desire city fire protection.

The Planning Department recommends Approval.

Mr. Dorsey reported sanitary sewer service is not presently available to either of the two developed parcels proposed for annexation. The nearest available gravity main is located approximately 800 feet north of the northernmost parcels at the intersection of Society Hill Road and Gateway Drive. The annexation of these parcels will also include approximately 430 feet of Society Hill Road right-of-way that must be maintained by the City of Opelika. The annexation will not affect the City's existing planning jurisdiction boundary.

The Engineering Department has a positive recommendation for this annexation request.

Mr. Hawkins reported Opelika Utilities currently serves this location

Mr. Kelley reported this parcel is outside the Opelika Power Services territory.

Mr. Cherry made a motion to send a positive recommendation to city council with staff recommendations.

Mr. Silberman seconded the motion.

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

Nays: None

Abstention: None

7. **William T. Bartlett, 228 Lee Road 989, 1 acre, PC recommendation to City Council**
- C8. **Maudie R. Ates, 277 Lee Road 989, 1 acre, PC recommendation to City Council**
- C9. **Jack & Debra Stallings, 225 Lee Road 989, 1 acre, PC recommendation to City Council**
11. **William T. Bartlett, 228 Lee Road 989, 1 acre, zoning request – R-1, PC zoning district recommendation to City Council**
12. **Maudie R. Ates, 277 Lee Road 989, 1 acre, zoning request – R-1, PC zoning district recommendation to City Council**
13. **Jack & Debra Stallings, 225 Lee Road 989, 1 acre, zoning request – R-1, PC zoning district recommendation to City Council**

Mr. Kelley reported continue the petition to annex and request for R-1 zoning until August 28, 2012. Due to the interests and effort on the part of all property owners to join in to a petition that could include all 11 parcels.

The reason for staff suggesting a continuation till August 28, 2012 for the three petitioners (Bartlett, Stallings, and Ates); is the desire by six (6) additional residential properties and possibly two (2) owners of vacant parcels in White Oak Estates to request annexation into the City of Opelika. Ms. Bartlett (a petitioner) conveyed this information via telephone on July 17, 2012.

Nevertheless, these petitions to annex parcels in White Oak Estates have a history dating back to September 1992 (See PC Minutes) concerning the subdivision of the property with stipulations recorded in a note on the plat map. The language on the plat map reads as follows: "Lee Road 989 has been constructed to Lee County Highway Department Standards and Not to the Standards of the Public Works Manual of the City of Opelika. The Planning Commission of the City of Opelika, at its regular meeting of September 22, 1992, granted its Final Approval to White Oak Estates, but recommended that this Subdivision Not be Annexed into the City Limits of Opelika until such time that Lee Road 989 be constructed to Fully Meet City Standards."

Walter Dorsey, City Engineer, has addressed in his report two (2) engineering design issues for Lee Road 989, and his recommendation for approval subject to three conditions.

Guy Gunter, City Attorney, has provided his opinion on the subject.

Therefore, the dilemma facing the administration is the desire of property owners within White Oak Estates to become residents of the City of Opelika unless all eleven (11) parcels collectively petition to annex together; and to underwrite extensive and expensive improvements meeting the standards of the City of Opelika Public Works Manual to Lee County Road 989.

For the City of Opelika to annex and accept maintenance of a flawed infrastructure in Lee County Road 989 (a linear distance of approximately 1,300 feet) is questionable and negates sound fiscal public policy for errors made twenty (20) years ago.

In conclusion, at this time the Planning Department does not support the annexation of White Oak Estates.

D. ANNEXATION (Public Hearing for Zoning District Requested)

10. John L. Riddle, 3373 Lee Road 54 (Society Hill Road), 3 acres, zoning request – R-1, PC zoning district recommendation to City Council

Mr. Kelley reported the applicant is requesting R-1 zoning if annexed. The Planning Department recommends R-1 Zoning.

Mr. Dorsey, Mr. Hawkings, and Mr. Kelley had no reports.

Chairman Pridgen opened the public hearing.

No comments shared from the audience.

Chairman Pridgen closed the public hearing.

Mr. Cherry made a motion to send a positive recommendation to City Council to place in the R-1 zoning category.

Ms. Cannon seconded the motion.

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

Nays: None

Abstention: None

E. OTHER BUSINESS

14. Amend Public Works Manual-Section 5.2.6 – Sanitary Sewer System, Manholes

To: City of Opelika Planning Commission

From: Ray Richard, P.E., ESG Asst. Project Director

Re: Proposed Changes to Public Works Manual – Sewer and Storm Drainage

The purpose of this memo is summarize the proposed changes to the City of Opelika Public Works Manual. The primary changes to Section V – Sanitary Sewer System are as follows:

1. **Change PVC gravity main from SDR 35 to SDR 26:** This requires a stronger pipe that is more resistant to deflection and cracking because of its thicker wall dimension.
2. **Different manhole step specifications:** The current standard calls for wrought iron steps that are prone to corrosion and deterioration due to the sewer gases usually present in manholes. The new standard requires the steps to be plastic coated and properly attached to the wall of the manhole.
3. **Required locking devices on all new manhole covers:** In response to the recent rash of stolen manhole covers, the new standard requires that the new covers be fitted from the manufacturer with cam locks to secure them and prevent future theft. We are also proposing to replace stolen covers from existing manholes with the same type of locking covers.
4. **Required new covers to be stamped:** The new standards also require all manhole covers to be embossed with “City of Opelika Sewer” on its top.
5. **Change trench compaction requirements to 95%:** The current standard has some requirements for compaction at 90%. We propose to change all minimum compaction to 95% which is consistent with road subbase requirements in the Public Works Manual and ALDOT standards.
6. **Visual inspection requirements:** This will require all new sanitary sewer lines to be inspected with CCTV equipment (in-line video). This is becoming the industry standard and provides a much more comprehensive inspection of the sewer line construction which enables defects, previously undetectable, to be identified and corrected prior to acceptance. Many other sewer utilities throughout the U.S. have already implemented this standard.
7. **Deflection Testing:** This section provides more detail to what’s already required if pipe deflection is encountered.
8. **Manhole Vacuum Test:** This also provides more detail to what’s already required in the Public Works Manual.
9. **Change Approval Authority:** This changes the approval authority for sewer-related issues from the City Engineer to the Public Works Director in accordance with current practice.

The primary changes to Section IV – Street Construction Standards are as follows:

10. **Required locking devices on all new manhole covers:** In response to the recent rash of stolen manhole covers, the new standard requires that the new covers be fitted from the manufacturer with cam locks to secure them and prevent future theft. We are also proposing to replace stolen covers from existing manholes with the same type of locking covers.

11. **Required new covers to be stamped:** The new standards also require all manhole covers to be embossed with "City of Opelika Storm" on its top.

The ultimate pipe drainage system should begin where the quantity of water in the street gutter approximately equals the capacity of a curb opening inlet. Thereafter, inlets shall be placed where projected flow exceeds gutter capacity. The City of Opelika requires the use of an "S" type inlet as shown on the following pages. Both single-wing and double-wing inlets shall be used to meet the required drainage needs. All storm drain structures with manhole rings and covers shall be USF IM Cover, or equal which comes equipped with cam lock devices to secure the cover to the ring. The cover shall have "City of Opelika Storm" embossed on its top.

All pipe shall be laid on straight lines and grades. The grade of the main pipe shall be carried through the invert of structures unless a greater drop is required by hydraulic conditions. A minimum drop of 0.1 feet shall be provided through the invert of any structure. (Also See Section VII - "STORM DRAINAGE SYSTEM").

4.7 ON-STREET PARKING

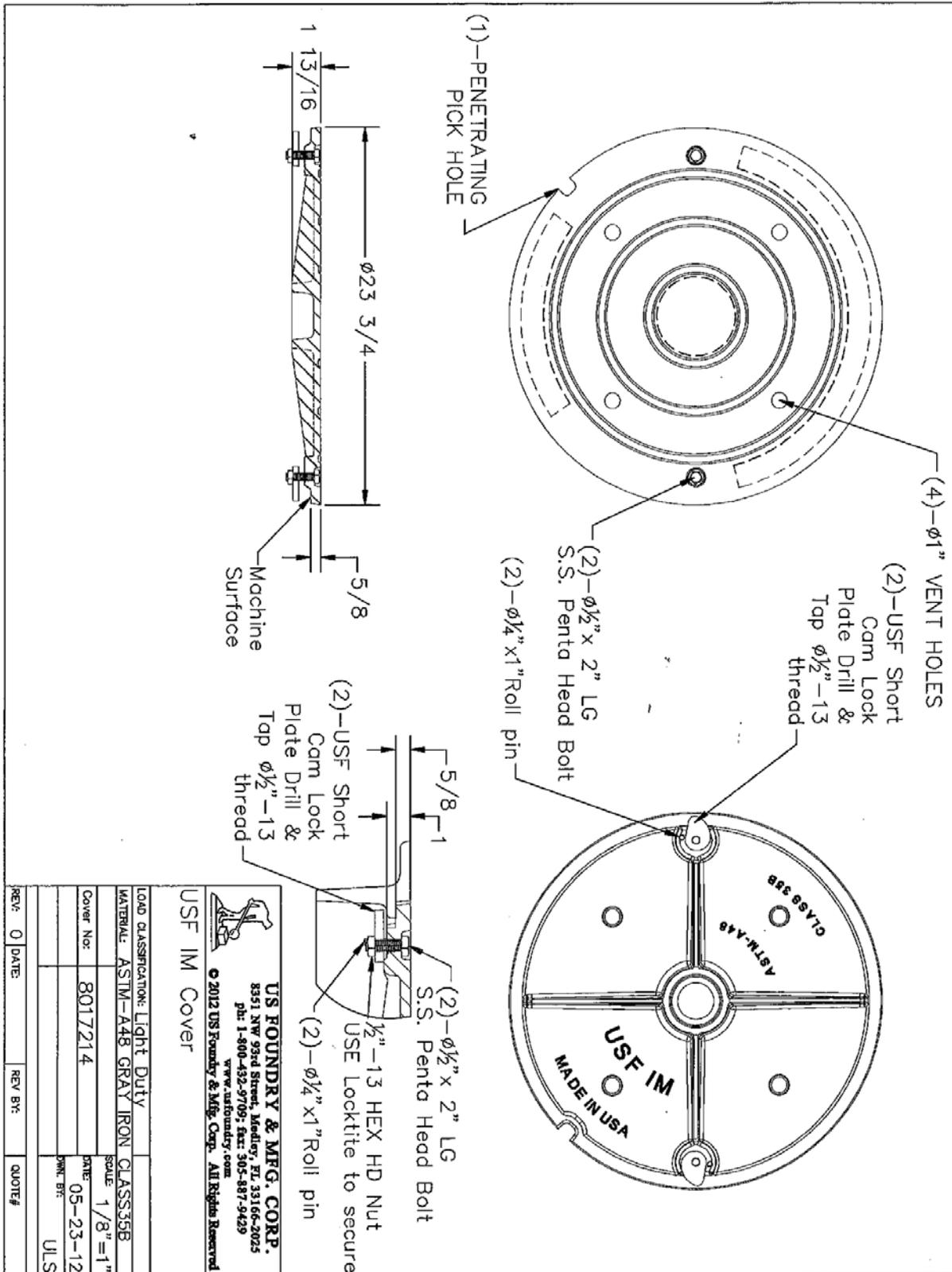
In addition to the minimum required pavement widths, an additional eight (8) feet of pavement shall be constructed for each side of the street in which the City of Opelika permits or requires on-street parking. However, this policy may not be applied to residential streets where driveways are typically utilized. See Section 3.2.2 for minimum pavement widths on residential streets.

Parking is prohibited for a minimum distance of thirty (30) feet from any signalized intersection and twenty (20) feet from any other intersection and must also comply with sight triangle restrictions noted earlier. Distances from intersections shall be measured from the convergence point of the roadway edges.

The City of Opelika encourages the use of well-designed off-street parking in lieu of on-street parking whenever feasible.

4.8 STREET NAMES

Proposed streets obviously in alignment with existing and named streets shall bear the names of existing streets. New street names shall not duplicate or be similar to existing street names. Naming shall be consistent with the directional line of the street as follows:



SECTION 5

SANITARY SEWER SYSTEM

Where a public sanitary sewer system is within 300 feet and reasonably accessible to a development or subdivision, the developer shall install a sanitary sewer system meeting the requirements of the City of Opelika and shall connect such system at his expense to the public sanitary sewer. Service laterals shall be provided for each developable land parcel and shall extend from the sewer main to the parcel or easement boundary.

5.1 DESIGN CRITERIA

Sanitary sewers shall be sized to ensure that estimated quantities of wastewater flows, based upon present and future populations, along with projected infiltration and inflow, do not exceed the pipe capacity. In no case shall pipes for collector or interceptor lines be less than eight (8) inches in diameter. Special consideration shall be given to larger pipe diameters if commercial or industrial customers are anticipated to contribute to the system.

Sanitary sewer velocities shall be sufficient to prevent deposition, yet not cause abrasive damage to the pipe. In order to accomplish this, the sewer pipe shall be sloped to achieve a minimum velocity of two (2) feet per second when the conduit is flowing half-full. The sewer shall also be designed so the maximum velocity does not exceed

ten (10) feet per second. The minimum allowable slopes to achieve a minimum velocity of two (2) feet per second are as follows:

<u>Pipe Diameter (Inches)</u>	<u>Slope (Feet per 100 Feet)</u>
8	0.40
10	0.28
12	0.22
15	0.15
18	0.12
21	0.10
24	0.08

Infiltration into the sewer shall not exceed two hundred (200) gallons per mile of sewer per inch of inside diameter over a 24-hour period in any section between successive manholes. The amount of leakage shall be measured through the use of a weir or other suitable device. Measurements shall be taken between 12:00 a.m. and 6:00 a.m., unless upstream line segments are plugged to prevent a normal sewage flow. If the infiltration rate exceeds the allowable amount, necessary corrections shall be made to bring it within the acceptable limits. All visible leaks or points of infiltration shall be repaired, even if the infiltration rate is below the specified maximum allowable.

5.2 CONSTRUCTION MATERIALS

5.2.1 Polyvinylchloride (PVC) Pipe

Smooth-walled PVC gravity sewer pipe and fittings shall meet or exceed ASTM D-3034, classification SDR ~~35~~26. Rib-walled PVC gravity sewer pipe and fittings shall meet or exceed ASTM F-794 or F-949. Ribbed sewer pipe shall be homogeneous and have a smooth interior with a solid, cross-sectional rib exterior. Exterior ribs shall be open profile and perpendicular to the pipe axis to facilitate the placement of the sealing gasket.

All pipe and fittings shall be joined by means of an integral wall bell and spigot and sealed with a rubber gasket. All joints shall be capable of withstanding an internal hydrostatic pressure of 25 pounds per square inch (p.s.i.) for one (1) hour with no leakage.

Pipe sections shall not exceed twenty (20) feet in length and provisions shall be made at each joint to accommodate expansion and contraction.

For the purpose of calculating design flows and velocities, all PVC pipes shall be assumed to have a Manning's roughness coefficient 'n' of 0.009.

5.2.2 Ductile Iron (DI) Pipe

The use of ductile iron gravity sewer pipe shall be required under the following conditions:

- a. When the backfill cover over the pipe is fourteen (14) feet or greater;
- b. When the backfill cover over the pipe is less than four (4) feet;
- c. When the sewer pipe crosses either over or under a storm water culvert;
- d. When the sewer pipe is above ground and supported on pedestals;
- e. Inside all encasement pipes;
- f. Under all streams and creeks; and
- g. Other conditions and situations as directed by the City Engineer.

Wall thicknesses for ductile iron gravity sewer pipe shall meet or exceed ASTM A-746 for pressure Class 350. Extra thickness pipe shall be provided where required by deep cover in accordance with ASTM A-746, Table 12 for Type 2 laying conditions.

Unless specified otherwise, ductile iron pipe for gravity sewers shall be mechanical joint or push-on joint conforming to ANSI/AWWA C-151/A21.51. All pipe and fittings shall be lined with an epoxy coating (Protecto 401, or approved equal). A standard bituminous coating at least one (1) mil thick shall be applied to the exterior of all pipe and fittings.

Ductile iron pipe with locking joints shall be required in the following conditions:

- a. When the sewer pipe is above ground and supported on pedestals;
- b. Inside all encasement pipes;
- c. Under all streams and creeks; and
- d. Other conditions and situations as directed by the City Engineer.

Ductile iron pipe with locking joints shall meet the requirements of ANSI/AWWA C-151/A21.51. Joints may be the bolted or boltless type suitable for working pressures up to 350 pounds per square inch (p.s.i.). If bolted joints are used, all bolts shall be 'Corten' steel.

Ductile iron fittings shall be designed for a pressure rating of 350 p.s.i. and shall be in accordance with ANSI/AWWA C-110/A21.10. All fittings shall have mechanical joints and be manufactured in accordance with ANSI/AWWA C-111/A21.11.

Ductile iron pipe may be cut by saw, abrasive wheel, or other approved means. In no case shall the pipe be cut by burning or heating.

The pipe manufacturer shall mark every ductile iron pipe section with the pressure rating, metal thickness, net weight of pipe without lining, pipe length, name of manufacturer, and the letters 'DI'.

Transitions between ductile iron pipe and PVC pipe shall be made with approved adapters specifically designed for this purpose. The use of concrete collars to join dissimilar pipes is not permitted, except at such locations where specifically approved by the City Engineer.

For the purpose of calculating design flows and velocities, all ductile iron pipes shall be assumed to have a Manning's roughness coefficient 'n' of 0.013.

5.2.3 Force Mains

Force mains shall be ductile iron pipe and fittings as specified in Section 5.2.2. The minimum size of a force main pipe shall be four (4) inches. All force mains shall have at least thirty (30) inches of ground cover. Joints shall be installed in strict accordance with the pipe manufacturer's recommendations.

Trench widths for a force main shall be at least one (1) foot greater than the pipe diameter, but no wider than two (2) feet greater than the pipe diameter. Trenches shall have a flat bottom with bell holes of ample dimensions to allow jointing and to allow the entire pipe barrel to rest on the trench bottom.

Concrete thrust blocks shall be installed at all bends. Concrete for thrust blocks shall have a minimum 28-day compressive strength of 2,000 p.s.i. Thrust blocks shall be poured only against undisturbed soil.

5.2.4 Encasements

Encasement pipes shall be used whenever a gravity sewer or force main is installed under a railroad or a road that cannot be closed to traffic. The encasement pipe shall be bituminous-coated, welded steel pipe conforming to ASTM A-252, Grade 2. Encasements shall conform to AASHTO and ALDOT standards where placed under roads and to AREA 1-5-B standards where placed under railroads. The minimum inside diameter of the encasement pipe shall be no less than twice the nominal diameter of the gravity sewer or force main within it. Sewer pipes inside encasements shall be supported through the use of mechanical retainers. Retainers shall be spaced in a manner so every pipe section is supported by at least one retainer.

5.2.5 Service Laterals

Service laterals shall be installed with PVC or ductile iron pipe. Laterals shall connect at the top of the main via a saddle, and shall be laid on a grade no flatter than one-quarter (1/4) inch per foot. Clean outs shall be installed at the property or easement boundary, at all bends or turns, and at intervals no greater than 75 feet. The City of Opelika shall be responsible for maintaining the service lateral between the main and the first clean out at the property or easement boundary. The property owner shall be responsible for maintaining the service lateral beyond the property or easement boundary.

Service laterals shall be either four (4) or six (6) inches in diameter. Service laterals for all detached, single-family residences shall be four (4) inches in diameter. Service laterals for commercial customers with high water consumption, such as restaurants, shall be six (6) inches in diameter. Service laterals for other customers, such as multi-family residential and industrial uses, shall be sized by an experienced engineer.

5.2.6 Manholes

Manholes are used to facilitate the operation and maintenance of sanitary sewer systems. Manholes shall be located at the upper end of each line, at every change in grade, direction, pipe diameter, or alignment, at the ends of encasements, at each street intersection, and at distances not to exceed 400 feet along sections having the same alignment, grade, and diameter.

All manholes shall be manufactured with precast, reinforced concrete having a minimum 28-day compressive strength of 3,000 p.s.i. and conforming to the requirements of ASTM C-478. Manhole risers shall be neatly and accurately built in round sections not to exceed four (4) feet in height. Manhole walls shall be six (6) inches thick, and the minimum inside diameter shall be four (4) feet for pipe diameters up to 24 inches **for in line pipe systems. If pipes are not in line (one line deflects into or out of the manhole) the four (4) feet diameter manholes are allowed for pipe diameters up to 15 inches.**

Joints between manhole sections shall be filled with rubber gaskets conforming to ASTM C-443 or ASTM C-361.

Flexible connectors between the manhole and pipe shall be in accordance with ASTM C-923 as manufactured by Kor-N-Seal, Press Seal Gasket Corporation, or approved equal.

Manhole bottoms shall either be cast-in-place, reinforced concrete or cast integral with the lower riser section. Cast-in-place bottoms shall have a minimum thickness of eight (8) inches and shall extend not less than twelve (12) inches beyond all points of the outside diameter of the riser. Precast bottoms shall be six (6) inches thick for 48-inch diameter manholes and eight (8) inches thick for manholes with larger diameters.

Manhole inverts shall be built up with cement grout. The invert and bottom curves of all manholes shall be smooth, neatly and accurately built, and so formed as to facilitate the entrance and flow of sewage over them. The invert shall provide no less than 0.10 feet of vertical drop between the entering and exiting pipes.

Manhole cones shall conform to the requirements of AASHTO C-78. Cones shall be eccentric to facilitate easier access for maintenance; concentric cones are not allowed. ~~Manhole steps shall be cast iron conforming to ASTM A-48 or wrought iron conforming to ASTM A-41. Steps shall be installed vertically and spaced equally at intervals not to exceed sixteen (16) inches. Steps shall be arranged so the lowest step is not more than two (2) feet above the bench and the top step is not more than three (3) inches below the manhole frame.~~ **Steps, on the vertical or straight wall of four (4) foot and five (5) foot diameter manholes shall be aligned vertically on sixteen (16) inch centers, secured to the wall with a compression fit in tapered holes or cast in place, coated with a copolymer polypropylene plastic coating, reinforced with one-half (½) inch diameter grade 60 bar with serrated treads and tall end lugs; step pullout strength shall be 2000 lbs. minimum when tested according to ASTM C497; steps shall begin no less than eighteen (18) inches from the manhole rim and end no closer than sixteen (16) inches above the manhole bench;**

Manhole frames and covers shall be US Foundry 152-BV with camlock fastening mechanism, or equal. Frames and covers shall have a combined weight not less than 400 pounds, and frames and covers to be installed on paved streets shall be traffic rated to withstand an AASHTO H-20 axle loading. Castings shall be smooth, true to pattern and free from projections, sand holes, or defects. ~~A raised letter 'S' or letters spelling 'Sewer' shall be cast into the upper surface of the cover to identify its use.~~ **The cover shall read "City of Opelika Sanitary Sewer".**

The portion of the frame and cover forming the cover seal shall be machined so that no rocking of the cover is possible. On paved streets, the frame and cover shall be set flush with, and in the plane of, the paved surface. In other locations, they shall be set level and to the grades determined by the design engineer. Manholes in low-lying and flood-prone areas shall be designed so the top of the manhole is not less than one (1) foot above the water elevation from the 100-year storm event.

Drop manholes shall be avoided whenever possible; however, where a sewer pipe must enter the manhole at a point more than twenty-four (24) inches above the invert, a drop connection shall be installed as shown in Figure 5.2. All pipe and fittings used for drop connections shall be ductile iron.

5.2.7 Pump Stations

The City of Opelika will consider the installation of a pump station if gravity sanitary sewer service cannot be provided due to topographic and/or economic reasons. Pump stations shall be designed and constructed to meet the City's standard specifications. The pump manufacturer shall be approved by the ~~City Engineer~~ **Public Works Director** to minimize the inventory of replacement parts. The developer shall be responsible for all costs associated with the pump station installation.

5.3 EXCAVATION

Trenches shall be excavated to a width not less than ~~one (1) foot~~ **one and one-half (1.5) feet** greater than the nominal pipe diameter. The maximum clear trench width at the top of the pipe shall be not more than two (2) feet greater than the nominal pipe diameter. Trenches shall be laid back as required to facilitate pipe installation and to comply with all OSHA safety requirements. Overcut areas shall be backfilled with select material and compacted to not less than ~~95%~~ **98%** maximum density as determined by AASHTO T-99 prior to pipe placement.

Trench bottoms shall be carefully graded, formed, and aligned so the sewer pipe can be laid per the construction plans. The floor shall be shaped to the bottom quadrant of the pipe and slightly hollowed under each bell to allow the body to have uniform contact and support throughout its entire length.

Excavations for manholes shall be of sufficient size to provide at least one (1) foot clearance between the outer surface of the manhole and the embankment. Over-excavations shall be backfilled with concrete.

5.4 LAYING SEWER PIPE

Sanitary sewer pipe shall be laid in the opposite direction of flow with the spigot ends of the pipe sections pointing downgrade. Pipe shall be laid in a straight line and grade between manholes and to enable the clear passage of a mandrel without hindrance. Every joint shall be secured and in alignment before the next joint is placed.

5.5 BACKFILL

5.5.1 Initial Backfill

After the pipe has been installed, select material from the excavation shall be placed alongside the pipe in layers not exceeding four (4) inches in depth, and shall continue to a height at least two (2) feet above the top of pipe. All materials shall be deposited into the trench in a manner to prevent pipe damage. Each layer shall be thoroughly hand-compacted with tampers having a face area no greater than fifty (50) square inches. All fill shall be compacted to not less than 95% maximum density as determined by AASHTO T-99.

5.5.2 Final Backfill

Backfill above the initial backfill shall be materials from the excavation. Mechanical backfilling shall be permitted, provided the material being placed does not have a free fall greater than one (1) foot from the bucket or dragline.

Backfills in fields and open country shall be placed into the trench until full. The remaining earth shall be placed on top of the trench and dressed until it settles. All excess dirt shall be leveled or disposed appropriately.

Backfills under sidewalks, curbs, and areas to be paved shall be placed in uniform layers having a maximum thickness of ~~six (6)~~ **eight (8)** inches. Layers up to within ~~two (2) feet of the finished grade shall be compacted to not less than 90% maximum density.~~ Layers between two (2) feet and eight (8) inches from the top of the finished grade shall be compacted to not less than 95% maximum density. The top eight (8) inches of the trench shall be compacted to not less than 100% maximum density. All compaction densities shall be as determined by AASHTO T-99.

All backfill within ALDOT-maintained rights-of-way shall be placed in accordance with the ALDOT Standard Specifications.

5.6 TESTING

5.6 Sanitary Sewer System Testing Requirements

All testing of gravity mains, manholes, force mains, and lift stations shall be witnessed by the ~~City Engineer~~ **Public Works Director** or his representative.

Gravity Mains

PVC and ductile iron pipe shall be air tested to ensure adequate protection against infiltration. Testing shall be conducted on full pipe sections between manholes after the pipe has been laid and backfilled. Pneumatic plugs shall be placed at both manhole ends and pressurized to 25 p.s.i. Compressed air shall then be introduced into the sealed line until the internal pressure level is 4.0 p.s.i. greater than the hydrostatic pressure that may be present over the pipe due to groundwater. After a two-minute stabilization period (3.5 p.s.i. minimum pipe pressure), the compressed air source shall be disconnected. Acceptable pipe sections shall sustain a pressure drop of 1.0 p.s.i. (from 3.5 to 2.5 p.s.i.) over and above the following minimum time periods:

<u>Pipe Diameter (Inches)</u>	<u>Time (Minutes)</u>
4	2.0
6	3.0
8	4.0
10	5.0
12	5.5
15	7.5
18	8.5
21	10.0
24	11.5

All lines failing the pressure test shall be repaired and retested.

Hydrostatic pressures from groundwater (in p.s.i.) shall be determined by dividing the measured groundwater height (in feet) by 2.3. This hydrostatic pressure value shall be added to the 3.5 p.s.i. baseline pressure to establish the minimum pressure level in the pipe necessary to begin testing. The allowable 1.0 p.s.i. pressure drop and timing requirements remain the same.

~~Mains shall also be inspected visually for proper alignment, grade, and deflection. All pipe sections appearing to have bends, bows, sags, or deformations shall be subject to additional testing through the passage of a mandrel.~~

Visual Inspection

Once the sewer lines and manholes have passed air and vacuum tests and the lines have been hydraulically cleaned all sanitary sewer mains will be visually inspected using color CCTV provided equipment by a PACP (Pipeline Assessment Certification Program) certified operator using PACP certified software. This service will be provided by the developer. The CCTV equipment shall include inclinometer capabilities that capture the line grade values in percent as

the camera proceeds along the line and also provides a chart showing the average line grade from pipe start to pipe end for verification of Record Drawing slopes. A DVD of the results of the CCTV inspection shall be provided to both the Public Works Director and the City Engineer.

A CCTV re-inspection of any and all defects found in mains during any previous test shall be required prior to acceptance.

Deflection Testing

Deflection testing shall be performed on any flexible pipe reach installation where CCTV inspection observations indicate that the pipe may be deflected or ovalized in any dimension beyond allowable values. Where required, deflection testing shall be performed in substantial compliance with the following procedures:

- a. Deflection testing shall be accomplished by pulling a five (5%) mandrel through the line if it has been installed for less than thirty days, or a seven and one-half (7 ½ %) mandrel on any line which has been installed longer than thirty days.
- b. An approved mandrel, proving ring, pulling ropes and cables shall be provided by the installer for testing PVC pipe.
- c. The mandrel shall be hand pulled through the pipe using no wenches or other mechanical devices except a pulley at the manhole invert. The pulley allows the mandrel to be pulled from ground level rather than from inside the manhole.
- d. If, at any point in the pipe one (1) man is unable to hand pull the mandrel through the pipe, then the pipe will be deemed unacceptable.
- e. The failed pipe shall be repaired by the installer, the mandrel re-pulled and the line re-televised at the Contractor's expense.

5.6.1 Manhole Vacuum Test

All sanitary sewer manholes shall be vacuum tested in accordance with ASTM C 1244-93 and conducted in substantial conformance with the following procedures:

- a. The entire manhole structure, to include the joint between the cast iron frame & cover and the top cone or adjustment ring, shall be tested as a unit;
- b. All lift holes shall be plugged
- c. All pipes entering the manhole shall be temporarily plugged, taking care to securely brace the pipes and plugs to prevent them from being drawn into the manhole
- d. Place vacuum test head on the top of the manhole structure, setting the sealing face so that the joint between the manhole frame & cover and the main structure is included in the area to be tested;

Testing shall be conducted after all pipes and manholes have been backfilled, all final grading has been completed, and (if applicable) the base asphalt layer has been placed around the manhole. Plugged manholes shall have their air evacuated to a negative (vacuum) pressure of 5.0 p.s.i. A manhole will be considered acceptable if the vacuum drops less than 0.5 p.s.i. within the given test time. Test times for manholes of various depths and diameters are as follows:

<u>Depth (feet)</u>	<u>Time (Seconds)</u>		
	<u>48-inch Diameter</u>	<u>60-inch Diameter</u>	<u>72-inch Diameter</u>
8	20	26	33
10	25	33	41
12	30	39	49
14	35	46	57
16	40	52	65
18	45	59	73
20	50	65	81

Any manhole not meeting its required test time shall be repaired and retested until passing. The infiltration of groundwater following a successful vacuum test should be considered good evidence that the original test was in error or that a subsequent failure occurred. All such failures shall be corrected and retested until passing.

5.6.2 Force Mains

All installed force mains shall be tested with a hydrostatic pressure of 150 p.s.i. for at least two (2) hours. Testing shall be performed after the pipe has been laid and partially backfilled to an extent where all joints are still visible. All air shall be expelled from the line prior to testing. The force main shall not be approved until the leakage is less than 25 gallons per mile of pipe per nominal inch of pipe diameter over a 24-hour period. All leaks shall be repaired and the testing repeated until satisfactory results are achieved.

5.7 EASEMENTS

The developer shall dedicate a utility easement at all locations where a publicly-maintained sanitary sewer main is located on private property. The easement shall enable the City, or its contractor, to legally enter onto private property for the purpose of repairing or maintaining the sanitary sewer main. All easements shall be centered about the sewer pipe. The easement width shall not vary between manholes and shall be determined by the maximum ground cover height. The minimum easement width shall be fifteen (15) feet for sanitary sewers having a ground cover less than six (6) feet, and the width shall increase in 10-foot increments for each additional 5-foot increase in ground cover height as follows:

<u>Ground Cover Height (Feet)</u>	<u>Easement Width (Feet)</u>
0 – 6	15
6 – 11	25
11 – 16	35
16 – 21	45

No portion of a structure having permanent footings shall be constructed within any part of the sewer easement. Fences, landscaping features, driveways, and sidewalks may be placed within the easement, but the City of Opelika reserves the right to remove such objects in order to access the sewer line for repairs or maintenance.

5.8 Gravity Sewer and Water Main Separation Requirements

There should be no physical connections between a public or private potable water supply system and a sanitary sewer, or appurtenances which would permit the passage of any sewage or polluted water into the potable supply. No water pipes shall pass through or come in contact with any part of a sewer manhole.

Sanitary sewers shall be laid at least ten (10) feet horizontally from an existing or proposed water main. On a case by case basis, when this separation is not possible or practical, a deviation may be allowed if the water main is in a separate trench or on an undisturbed earth shelf located on one side of the sewer and at an elevation so that the bottom of the water main is at least eighteen (18) inches above the top of the sanitary sewer.

At crossings, pipe joints shall be as far as possible and equidistant from the point of crossing. Water main preferred on top. Separation shall be measured from the outside edge of the pipe to the outside edge of the pipe. A full length of water main pipe must be centered at the crossing. Water pipe joints shall be arranged so that all water main joints are at least six (6) feet from all gravity sewer line joints. Where a water main must cross under a gravity sanitary sewer, adequate structural support shall be provided for the sewer to prevent damage to the water main.

Mr. Hilyer stated the change in the covers would cost \$40 to \$50 dollars to have the locks put on. This is a cheaper cost than the cost of having to pay to replace.

Mr. Silberman asked if this is a recommendation to the City Council.

Chairman Pridgen stated yes.

Mr. Silberman made a motion to send a positive recommendation to City Council for the amendment.

Ms. Cannon seconded the motion.

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

Nays: None

Abstention: None

15. Discuss specific changes to Section 4.4 Final Plat Approval, B. Improvements concerning performance bonds

Mr. Kelley reported Commissioners: Mr. Dorsey, Mr. Hilyer, and I are preparing for your discussion at the work session some ideas for improving our present performance security instruments set forth on p. 23 (enclosed) of the subdivision ordinance. Specifically, we will be asking your feedback on Security Instrument (Warranty Bond/a percentage), warranty bond time period (years), time period to correct deficiencies (# of days before calling the bond), administration and monitoring. We will have a draft ready for your review and proceed at your direction to set a public hearing in June to amend the subdivision ordinance.

A quote from the Planning Advisory Services of the American Planning Association states: "Zombie subdivisions—entitled but incomplete residential projects—have become a powerful symbol of the Great Recession in many communities nationwide. When the housing market collapsed in 2008, many developers went belly up, leaving hundreds, if not thousands, of subdivisions in development limbo. These zombie subdivisions depress property values and run the risk of risk of public nuisances."

Given either the overbuilding or over-platting that happened in Opelika, we are dealing with some unfinished or un-built subdivisions. However, we are encouraged that so far in 2012 Opelika has permitted as of May 11, 2012, sixty-four (64) single family homes in existing subdivisions.

Nevertheless, our performance guarantees need updating. Performance guarantees for improvements gained popularity during previous downturns, but as Opelika has experienced, performance guarantees don't always cover the full cost of either correcting faulty infrastructure or completing the improvements. Staff is asking for your input and support on the following items:

1. Either require simultaneously after preliminary plat approval both a performance bond and a warranty bond, OR a performance bond with submission of construction drawings after preliminary plat approval and a warranty bond prior to Planning Commission giving final plat approval.
2. Increase the warranty bond from 25% to 50% of the construction cost to correct problems if necessary.
3. Increase the term of the warranty bond from two (2) years to three (3) years.
4. Provide thirty (30) days to correct problems instead of twenty-one (21) before calling the warranty bond.
5. Instead of the City Engineer and "appropriate city departments" providing administration and monitoring of the bonding procedure; the City Engineer shall administer this process.
6. Require two (2) signatures, the City Engineer and Public Works Director to release a bond.

Public Works, Engineering, and Planning know that requiring a financial guarantee ensure that owners/developers will carefully weigh their decision to subdivide. However, as we have experienced with some subdivisions in Opelika, performance guarantees don't always cover the full cost of completing the improvements. Depending upon the type of guarantee, Opelika must also be careful about collecting before an instrument expires. Also, in some cases, Opelika may have to go through costly legal proceedings to collect the money. Our subdivision ordinance does need revisions for financial guarantees so that taxpayer dollars do not underwrite for some developers flawed infrastructure.

Also, in Subsection A; Paragraph 2 states that preliminary and final plat approval shall not be given in the same meeting unless the plat does not involve the construction of any public improvements. Historically, which probably occurred in the "boom years" prior to the recession, staff and Planning Commission allowed preliminary and final plats to be approved simultaneously at the same meeting after a public hearing. This was

undoubtedly due to heavy monthly caseload and shortage of staff. Unless the Planning Commission desires to amend the subdivision ordinance to allow same, the staff will begin enforcing the ordinance as written effective September 1, 2012. (This is a recommendation from Planning)

UPDATED DRAFT OF THE PROPOSED CHANGES TO REVIEW BEFORE SETTING A PUBLIC HEARING FOR AUGUST 28, 2012.

A subcommittee of the Planning Commission consisting of Mr. Hilyer, Mr. Cherry, and Ms. Cannon plus other interested Commission Members met briefly after the meeting and recommended minor changes (shown in CAPITAL LETTERS) including additions by the Planning Director.

Amend Section 4.4 Final Plat Approval, B. Improvements, Paragraph 1, By Deleting Subparagraphs 1 (d) and (e) and replace with the following language:

(d) A Performance Security shall be provided at the same time as construction drawings are submitted after preliminary plat approval and prior to submission of a final plat in the form of a cash escrow, an irrevocable letter of credit, or performance bond guaranteeing the installation of the infrastructure improvements and the conduit across roadbeds. The amount of said security shall be 150% of the cost of the actual infrastructure cost as determined by a certified engineer's estimate WITH CONCURRENCE FROM THE CITY ENGINEER AND PUBLIC WORKS DIRECTOR. Simultaneously, a performance security shall be provided to the Planning Director guaranteeing the installation of all recreational amenities (clubhouse, pool(s), trails, tennis courts, golf course and any other recreational amenity), if any. The amount of said security shall be 125% of the cost of the actual amenity cost as determined by a certified and/or licensed professional for the amenity.

(e) Upon final plat approval from the Planning Commission, including recordation of the plat, and acceptance of infrastructure improvements by the City Engineer AND DIRECTOR OF PUBLIC WORKS; and acceptance of recreational amenities if any by the Planning Director, the developer/sub-divider shall post a Warranty Bond in the amount equal to 50% of the actual construction, design, or material defects or failures within the public rights-of-way or easements in the development, or required offsite improvements including recreational amenities, if any. No building permits will be issued until the Warranty Bond is submitted to the City Engineer and/ or Planning Director. The form and manner of execution of said Warranty Bond shall be subject to the approval of the city attorney. The effective term of the Warranty Bond shall be at least three (3) years following the city approval and acceptance by the City Engineer, Public Works Director, and Planning Director (if necessary for recreational amenities). A final street wearing surface on all public rights of way shall be completed within ONE (1) YEAR of Planning Commission approval and recordation of the final plat.

(f) The City will give notice of observed failures in the infrastructure or improvements. Thereafter, the developer shall have thirty (30) days to initiate corrective measures. If corrective measures are not satisfactorily completed promptly, the City may exercise its right under the bond and submit a written notice to the parties of the bond explaining the default. It is the responsibility of the developer to ask for a release of the bond. Eligibility for a final release of the bond shall require two (2) signatures, the City Engineer and Public Works Director for approval and acceptance of the installed infrastructure improvements. If recreational amenities are included, the Planning Director signature shall be required. The final release of the PERFORMANCE SECURITY shall be subject to the terms of the SECURITY or released by the City at the expiration of its effective period.

How the current regulation reads. This portion will be deleted.

A Performance Security shall be provided before the final plat is recorded in the form of a cash escrow, an irrevocable letter of credit, or performance bond guaranteeing the installation of the infrastructure improvements and the conduit across roadbeds. The

amount of said security shall be 125% of the cost of the actual infrastructure cost as determined by a certified engineer's estimate.

Upon final acceptance of said infrastructure improvements by the City Engineer or appropriate City department, the subdivider/developer shall post a Security Instrument (Warranty Bond) in the amount equal to 25% of the actual construction cost of the improvements for the purpose of correcting any construction, design or material defects or failures within the public rights-of-way or easements in the development or required off site improvements. The form and manner of execution of said security instrument shall be subject to the approval of the city attorney. The effective term for said security instrument shall be at least 2 years following the City's approval and acceptance of the installed or constructed improvements or less than a year as determined by the City Engineer and appropriate City departments. The City will give notice of observed failures in the infrastructure or improvements. Thereafter, the developer shall have twenty-one (21) calendar days to initiate corrective measures. If said corrective measures are not satisfactorily completed promptly the City may exercise its right under the security instrument and submit a written notice to the parties of the security instrument explaining the default. It is the responsibility of the subdivider/developer to ask for a release of the said security instrument. Eligibility for a final release of the security shall be determined by the City Engineer and appropriate City department's approval and acceptance of the installed infrastructure improvements. The final release of the security shall be subject to the terms of the security or released by the City at the expiration of its effective period.

Mr. Dorsey, Mr. Kelley, and Mr. Kriel reported no reports.

Mr. Silberman suggested the wording change be specifically the City Engineer.

With no further business on the agenda, Chairman Pridgen adjourned the meeting at 4:04 p.m.

Keith Pridgen, Chairman

Rachel Dennis, Secretary