

June 27, 2006

The City of Opelika Planning Commission held its regular monthly meeting on June 27, 2006 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, Dr. William D. Lazenby, Arthur Wood, Dr. William B. Whatley, Jerry Posey, Keith Pridgen, Lewis Cherry, Jesse Seroyer, Jr.

MEMBERS ABSENT: Mayor Fuller

STAFF PRESENT: Marty Ogren, Planning Director;
Walter Dorsey, City Engineer;
Alan Lee, Utilities Board;
Derek Lee, Opelika Light & Power;
Guy Gunter, City Attorney

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

Chairman Sadler stated that if there were no additions or corrections to the minutes for the Planning Commission Meeting for the month of May he would like to entertain a motion to accept the minutes as written.

Dr. Whatley made a motion to accept the May 2006 meeting minutes as written.
Mr. Seroyer seconded the motion.

Ayes: Wood, Lazenby, Whatley, Cherry, Seroyer, Posey, Pridgen

Nays: None

Abstention: None

The motion to accept the May 23, 2006 Planning Commission meeting minutes as written

Chairman Sadler stated that he would like to begin the meeting with hearing Section E. of the Rezoning and asked for a motion:

Dr. Lazenby made a motion to begin the meeting with the Rezoning Agenda Items.
Dr. Whatley seconded the motion.

Ayes: Lazenby, Whatley, Lazenby, Wood, Posey, Cherry, Seroyer

Nays: None

Abstention: None

The motion to begin the meeting with hearing the Rezoning Agenda Items passed.

E. REZONING-PUBLIC HEARING

23. Properties zoned R-4 on Northside of Renfro Avenue and David Street, rezoning from R-4 to R-2.

Mr. Ogren reported that the Planning Commission is recommending that those properties located North of Renfro Avenue (see map attached) and zoned R-4 be rezoned to an R-2 zoning district. Most of the properties in this R-4 zone are vacant undeveloped lots. There is concern that this undeveloped R-4 zoning district may develop into high density apartment complexes and negatively affect the existing adjacent single family neighborhood. A rezoning from R-4 to R-2 would be more consistent and compatible with the existing land uses (single family homes) and support the character of the surrounding area.

In the Zoning Ordinance, the R-4 zone is defined as "high density residential". In R-4 zoning districts, up to 9 multi-family dwelling units per acre (duplexes, apartments, and townhouses) are allowed with conditional use approval. The R-2 zone is defined as "low density residential". Multi-family developments are prohibited in the R-2 zone. Most of the properties surrounding the R-4 properties are zoned R-2 except for the property near the Colonial Arms apartments.

In 2000, a comprehensive rezoning was approved by the City Council near this R-4 rezoning property. That rezoning involved over 400 lots in the North Opelika residential neighborhood. In a south to north direction, the rezoning area extended from 2nd Avenue to North 8th Avenue; in an east to west direction the rezoning area ranged from 1st Street to Terracewood Drive. The 2000 rezoning approved is the same as today's rezoning recommendation from an R-4 zone to R-2 zone.

Recommendation:

Planning staff believes it's in the public's interest to preserve the surrounding single family neighborhood that has developed over the years and dominates the character of the residential neighborhood. The rezoning will assure that the undeveloped property will develop as the surrounding area - single family homes. In this R-4 rezoning area, a few single family homes were built about four years ago and a duplex was built in the late 1990's. Most of the R-4 properties are undeveloped. A rezoning from R-4 to an R-2 zone establishes that the future development of these undeveloped properties will be compatible and consistent with the surrounding single family neighborhoods.

Planning Staff recommends that the area shown on the map be rezoned from an R-4 to an R-2 zoning district.

Mr. Dorsey reported that 22.5 acres of land are proposed for rezoning to a less intensive residential use. Six single-family residences and one duplex are currently located within the proposed rezoning boundaries. Sanitary sewer service is available to the entire acreage. David Street and Mann Avenue are not constructed to current public works standards. The development of the land under the proposed rezoning will lessen the traffic and storm-water impacts over the current rezoning; therefore, the Engineering Department has a positive recommendation.

Mr. Alan Lee reported that water service is accessible from Renfro Avenue.

Mr. Derek Lee reported that Opelika serves this area.

Chairman Sadler opened the public hearing.

Ms. Sue Ellen Tallakson of 910 David Street came forth and stated that she petitioned the community of several hundred homes in the surrounding area of Renfro Avenue, and received an favorable response regarding rezoning of Renfro Avenue to R-2. The main issue most citizens have is traffic concerns. She thanked the Planning Commission for considering the zone change from R-4 to R-2.

Mr. Bob Fucci and stated that he was a bit confused as to why the city would choose to spot zone at this time. He said he has owned this property on Renfro for 25 years and if there were problems with the zone why wasn't it rezoned by now, and why is it being considered at this time. He said he has a lot invested in this property, and he stated that he is losing money, and has no clue as to why there is any change in recommending R2. He said that when he bought the property it was an R-4, and when Ms. Tallakson bought her property and built her home it was R-4, and it's zoned R-4 now. He said he heard that some concerned citizens had heard that someone was planning to put in apartments, town-homes, or high density residential homes. He said he met with the property owners on several occasions and pointed out what his intentions were in this area and it was 27-28 single family homes in the \$250-300,000.00 range, and that's the same set of plans that was presented at work-session last month. A stricter zoning would require less lots, and he said he doesn't feel he could make this a marketable piece of property with less lots; and less lots would mean more money for each lot, and more money for each lot would mean more money for each house to be built on it, and now he feels whatever competition he would have to meet for each priced house would be Moore's Mill, Grand National, Saugahatchee Country Club, and he said he could not be competitive with less lots, with less homes at a higher price. He said that \$250 - 300,000 is more of what is in the context of the surrounding neighborhood. He also said he would be willing to sell his property to any adjoining property owners, but as of this meeting he had not heard from anyone. He said that after twenty-five years

of owning this property he had no idea that there was any indication that the zone would be changed, and asked the board to reconsider changing it.

Mr. Bill Samford came forth and stated that the attendance of the citizens present at today's meeting should indicate to the board how (he and his family) would like to support the proposal to rezone. He took a vote from the audience, and asked the audience to raise their hands if they would be in favor of the rezoning from R-4 to R-2. The majority of the attendance from the Renfro Avenue and surrounding streets said they are in favor of the rezoning.

Mr. Jacob Walker came forth and stated that he doesn't have much property, but would like to see it rezoned to R2. He feels this will benefit his family in the future when they own the property after he is gone.

Ms. Tren came forth and stated that she had planned to purchase some property on Renfro Avenue and invested and didn't realize that the property was to be rezoned from R4 to R2. She said she didn't receive anything in mail about the rezoning, and said she doesn't feel that this fair, and wants to sell her property, but ask the board to reconsider the rezoning.

Ms. Robin Weyant came forth and stated that rezoning the community is asking for is not spot zoning, and explained that zoning is not an entitlement and the board should be aware of that. She said that when someone buys a piece of property and it's zoned a certain way; you have the right to develop it that way then, and you cannot rely on a governmental agency to continue that zoning if you do nothing with your property and you sit on your rights and it's undeveloped dirt that the rest of the property around that zoning develops differently it can and will be rezoned to fit into the character of the neighborhood.

Ms. Weyant also spoke about the traffic situation on Renfro and stated that the piece of property that was bought to access the larger piece behind it which was purchased in 1991, was apart of Totten's Map Subdivision it was never meant to have accessibly to a small road like Renfro, with that much high density. No one should put that much traffic like the developers are proposing to do with the conditions that are there, and to put that kind of traffic on Renfro Avenue which is only a 40 foot wide right-of-way; it's uncut, with no curbing, and no gutters. There is a section in the Public Works Manual which talks about roads that have no curbs, no striping, Renfro is not as wide as the roads that are built now they are considered to be 60' wide right-of-ways and then when you add another 20 feet which are required by the Public Works Manual when a road does not have curbing on it which that means Renfro should be 80 feet, but it's half that size; she said it's been written that way in the Public Works Manual to protect the citizens of this city. If you allow a high density development in that area and put that kind of traffic on Renfro and it's going to be dangerous. It will be dangerous to everyone on Renfro and up to the five legged intersection which the city does not allow to be built anymore for safety reasons, and when you turn off 10th Street onto Renfro, the angle for turning should be 75°, but when you stop to make the turn you have to wait and turn onto Renfro if there's someone at the stop sign, which makes it very dangerous turning onto Renfro from 10th Street. She said that she feels the board wants to do what's best for the health and safety and welfare of the citizens who live here. This is not about investment, or about making money; it's about protecting this neighborhood.

Mr. Fucci stated that when he bought his property; all the houses that surrounded his property were there already and he didn't anticipate the zoning to change.

Mr. Tallakson came forth to comment on what Mr. Fucci said; he said he lives on David Street and built his home 2 years ago, and he didn't anticipate the property zone to change either.

Mr. Buddy Griffin came forth and stated that he built a house on Collinwood Circle and stated that Mr. Fucci property has a drainage problem, and expressed his feelings to Mr. Fucci regarding the runoff.

Chairman Sadler closed the public hearing.

Chairman Sadler asked for questions or comments.

Dr. Whatley asked if there would be a reduction in some lots on the property if it were rezoned.

Dr. Lazenby said that he had heard about the problem with the increased traffic and with the intersection, but to him a bigger problem which has been brought to his attention time and time again is the storm-water run-off. It's already a terrible problem, and said that Mr. Fucci plans to put a retention pond there, but he said he doesn't feel it would solve the problem, and to him that's one of the bigger problems he has with allowing higher density development in this area, and feels some profit could be made with fewer housing built, and with that reason he made a motion to send a positive recommendation to City Council to rezone from R-4 to R-2.

Dr. Whatley seconded the motion.

Ayes: Lazenby, Whatley, Cherry, Pridgen, Posey, Wood, Seroyer

Nays: None

Abstention: None

The motion to send a positive recommendation to City Council passed.

Mr. Pridgen stated that even though this may be rezoned; something could still possibly go on Mr. Fucci's property, and it would be completely allowed. It may not be as many lots developed, but it still can be developed.

Chairman Sadler stated that the Planning Commission is not taking sides, but wants to protect and promote safety for all citizens in this community. He said that this area is leaning more towards single family residents and the R-2 zone is more appropriate for this area. This land should have been rezoned in 1991 when the city wide comprehensive rezoning was done.

24. Freddie Wilhite, 2700 block of Frederick Road, from R-4 to C-2.

Mr. Ogren reported that the applicant is requesting rezoning 6 acres from R-4 (high density residential) to C-2 (office-retail commercial zone). The rezoning property is accessed from Frederick Road. The applicant plans to build a 1,000 foot street in the middle of his property, and then subdivide the property on each side of the street into commercial lots. There will be 10 commercial lots that are about ½ acre each. Along the West side of the property line a 40 foot wide access strip exists that belong to West Point Stevens. The access strip accesses property owned by West Point Stevens located north of this rezoning property.

Planning Staff believes that rezoning from R-4 to C-2, GC-2 and C-2 is appropriate. Planning staff recommends that the first 600 feet of the property off Frederick Road should be zoned C-2, GC-2 which includes the Gateway Corridor Overlay zone. A C-2, GC-2 designation is consistent with other properties on Frederick Road that are zoned GC-2. In the past year several re-zonings have been approved to C-2, GC-2 along Frederick Road. This section of Frederick Road from the City limits to Tiger Town is more favorable for commercial uses than residential. Commercial uses reflect the ongoing commercial growth along this section of Frederick Road.

Staff Recommendation:

Planning Staff recommends Planning Commission send a positive recommendation to the City Council to rezone the first 600 feet of the property from R-4 to C-2, GC-2 and the rear portion of the property C-2.

Mr. Dorsey reported that the owner proposes to rezone a 10.0-acre land parcel on the north side of Frederick Road from a high-density residential zoning to a commercial/business zoning. The parcel is undeveloped, but is presently being cleared and graded by the owner. Sanitary sewer access is available via a privately-maintained gravity sanitary sewer main near the north end of the property. The traffic and storm-water impacts from the zoning change should be minimal. The

Engineering Department has a positive recommendation for the rezoning, but does not recommend approval until the following issues have been addressed:

1. Provide the Engineering Department with a copy of the ADEM storm-water permit for the site, as more than one acre of land has been disturbed.
2. Provide the Engineering Department with an erosion and sediment control plan for review and approval, in accordance with the City's regulations.

Mr. Alan Lee reported that water service is accessible from Frederick Road.

Mr. Derek Lee reported that Opelika Light and Power serves this area.

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

Chairman Sadler asked for questions or comments.

Chairman Sadler asked for a motion.

Mr. Pridgen made a motion to send a positive recommendation to City Council.
Mr. Seroyer seconded the motion.

Mr. Guy Gunter, City Attorney, made a clarification that Engineering Department recommends the rezoning, but does not recommend approval until the following issues have been addressed by the developers, is that correct?

Chairman Sadler stated that Engineering requests not to have the rezoning approved by City Council until he has the appropriate paperwork in by the developers.

Chairman Sadler asked for a vote.

Ayes: Pridgen, Seroyer, Cherry, Posey, Wood, Whatley, Lazenby

Nays: None

Abstention: None

The motion to send a positive recommendation to City Council passed.

25. Elizabeth Bruce, Waverly Parkway & White Road, from R-2 to C-2.

Mr. Ogren reported that the applicant is requesting rezoning 2.7 acres from an R-2 (low density residential) zoning district to a C-2 (office-retail commercial) zoning district. The rezoning property fronts along Waverly Parkway and White Road. The applicant provided a drawing that shows a 2,900 square foot building and 16 parking spaces. The property will be used as office space for an engineering/architect company.

Recommendation:

Planning Staff believes that this rezoning request is appropriate. The adjoining zoning district to the West is C-2. Waverly Parkway is classified a major collector street and commercial uses are common along major collectors.

Planning Staff recommends Planning Commission send a positive recommendation to the City Council to rezone the property from R-2 to C-2.

Mr. Dorsey reported that a property owner requests a rezoning of one 2.76-acre tract near the intersection of Waverly Parkway and White Road from a low-density residential zoning to a commercial/business zoning. The site is presently undeveloped. Gravity sanitary sewer service may not be reasonably accessible, and any development of this parcel, whether residential or commercial, may require a septic tank installation. The relatively small size of the parcel will create minimal storm-water and traffic impacts in either zoning. The two parcels on either side of

the narrow portion of the subject parcel fronting Waverly Parkway each have driveways accessing Waverly Parkway. When combined with the White Road intersection, a new driveway for the subject parcel will create a situation with 4 access points within a 260-foot segment of Waverly Parkway. Waverly Parkway is classified as a major collector street, which has a minimum access spacing of 200 feet.

The Engineering Department has a positive recommendation for the rezoning of the subject parcel, subject to the following conditions:

1. The sole access to any commercial development on this parcel shall be from White Road.
2. The commercial use must be such that a septic tank permit can be obtained from the Lee County Health Department if sanitary sewer service is not reasonably accessible.

Mr. Alan Lee reported that water service is accessible from Waverly Parkway.

Mr. Derek Lee reported that Opelika Light & Power serves this area.

Chairman Sadler opened the public hearing.

Ms. Lillie Spivey came forth to speak on behalf of her mother, May Phelps who owns property adjacent to the proposed property. She stated that with the development; her mom has concerns with drainage plans and wants to know what will happen to her property, if it's rezoned commercial property and in the past there have had trees that have fallen adjacent to her property in 1995 that has still not been picked up by her back door.

Mr. Dorsey explained...that with the storm-water proportion regardless of which zoning it's in if it's developed the developer of the property will have to submit a site plan and a drainage plan to show the rate of runoff after the property is developed will not exceed the current runoff rate and if it's draining toward your property if it designed correctly and constructed correctly you should not see an increase in the rate of water that is coming across your mother's property.

Ms. Spivey asked about the buffer that the developer would have to put in.

Chairman Sadler stated that it will be addressed when the developers present the site plan for the development. A buffer is required between commercial and residential properties.

Chairman Sadler closed the public hearing.

Chairman Sadler asked for questions or comments.

Chairman Sadler asked for a motion.

Mr. Seroyer made a motion to send a positive recommendation to City Council from R2 to C2 zone.

Dr. Whatley seconded the motion.

Ayes: Seroyer, Pridgen, Whatley, Pridgen, Wood, Lazenby, Cherry

Nays: None

Abstention: None

The motion to send a positive recommendation to City Council passed.

26. Heather Cole, 500 West Thomason Circle, from R-4 to C-3, GC-2.

Mr. Ogren reported that the applicant is requesting rezoning a 18,360 square foot lot (0.42 acres) from R-4 (high density residential) to C-3, GC-2 (general commercial, gateway corridor overlay district) as recommended a by the Planning Commission.

The rezoning property is adjacent to a lot located on the north side of the rezoning property owned by the Achievement Center. In 2003, the Achievement Center purchased this adjacent lot after the property was rezoned from R-4 to I-1. This rezoning request is similar to the 2003 rezoning. However, this rezoning property will be purchased by King Honda if the rezoning is approved. King Honda plans to use the property as an access way into the future King Honda dealership. The primary access point into the new Honda dealership property is from Highway 280. King Honda will also provide an access easement to the Achievement Center through the rezoning property.

The applicant has attempted to contact the property owner of three lots (Mr. Johnson) located south of the rezoning property about rezoning his properties. These properties are rental properties and zoned R-4. In the past the property owner has attempted to sale some of the properties. Some property owners on West Thomason Circle are concerned with extra traffic generated by the rear access-way into the dealership.

Recommendation:

The Planning Commission believes this rezoning request is reasonable. Most of the residential properties remaining on West Thomason Circle are rental properties. The rezoning property is adjacent to a C-3, GC-2 zoning district. In past years, several properties on East and West Thomason Circle have been rezoned to I-1 and medical offices have been established.

Mr. Dorsey reported that the 0.42-acre parcel proposed for rezoning contains an existing single-family residence. Sanitary sewer service is available. The small size of the parcel will minimize traffic and storm-water impacts relative to the rezoning. The Engineering Department has a positive recommendation for the rezoning of the subject parcel.

Mr. Alan Lee reported that water service is accessible from West Thomason Circle.

Mr. Derek Lee reported that Opelika Light & Power serves this area.

Chairman Sadler opened the public hearing.

Ms. Faith Turner, adjacent property owner, resides on West Thomason Circle, stated that she is highly opposed to the rezoning. She stated that if you've ever traveled on West Thomason Circle the driveway that they're proposing to change and make service driveway that is one of the worse places on the street to get off. She said that the residents have enough problems with the Achievement Center; with the big trucks that come in and out of there; and just as you tip the hill right in front of her property and you're going down a rise and it's a very dangerous place. She said she is opposed to the rezoning because not only will it create a water problem and the water that will runoff this property will eventually end up in the creek behind her house. She also stated that she doesn't want to hear cars and trucks running in and out across the street from her at all hours of the night.

Mr. James Dawson came forth and stated that King Honda has three ways to access their property without coming into a subdivision. The subdivision is old, and the people who live there are retired; and the way it states now if they put a buffer in between the houses and the car lot; there's a lot of noise but there wouldn't be a big problem, but by cutting a drive through the neighborhood he said he doesn't see how it could help a car lot; most car lots don't have a back entrance. It would benefit them least and it would be devastating to the people who have lived there; some over 25 years or longer and the main reason that this has come about is because the person who has been trying to sell the house for about two years; has been unsuccessful so they would offer it to King Honda to make a road there and they would make their money, and they would be gone; leaving the residents to deal with the situation that's left. Eventually one day all the property may be commercial but it being so close to the hospital it would be better suited for medical buildings where you don't have the traffic and things at night; so there would only be office hours

during the day so zoning it for commercial would be devastating to that section of Opelika.

Mr. David Turner stated that his mom also lives on West Thomason Circle and over the period of several years; the city has done an excellent job to get the traffic off Thomason Circle and has done an excellent job with Veterans Parkway and Dunlop Drive and it looks like they've been trying to get the traffic off the road, and feels they have because the only way to access Thomason Circle is to turn right onto Thomason Circle traveling west but otherwise you would have to go around by the hospital or turn to the right at Highway 280. It looks that Thomason Circle doesn't need anymore traffic on the road; and as far as the dealership is concerned they could access their entrance off 280 or Dunlop Drive, so he said he is speaking in opposition of the rezoning for that reason on that particular street.

Mr. Dave King came forth and stated that the reason he would like to buy this property is because the Achievement Center's property fronts 280 and he will have approximately 4,000 ft. There's already traffic going into the Achievement Center, which he agreed to provide them access to their loading dock in the back and buying this house seems to be the most reasonable way to give them access. As far as his intentions he said he plans to remove the house and put a parking lot and doesn't foresee his employees having a big general use in it if they did. He said they get to work by 7 a.m. and leave by 5:30 p.m. and he doesn't see that much traffic caused by ingress/egress from King Honda and the Achievement Center is already there and said he wouldn't buy the property if he didn't need it, and would like to come to Opelika to open his business and he said he wants to be a good neighbor and keep the traffic down to a minimum. He said with 4,000 feet of frontage on 280 he doesn't intend to display any cars in the back for sales purposes at all, and would ask the Planning Commission to take a positive outlook on this and know that he would be a good neighbor, and thought that most of the houses close to the property is rental houses and many of them in the area are close to the hospital and doesn't see how they would be disturbing anything or bothering any one and would ask everyone to have positive outlook on this.

Ms. Susan Turner stated that there are several vacant buildings around town, and was wondering why someone can't use them instead building next to residential community.

Ms. Sherry Gentry's representative for Heather Cole stated that they are looking for a positive outlook for this property to be zoned commercial and asked the board to consider the request.

Ms. Marsha Brown came forth and stated that they would like to sell their property to Mr. King because they would like to move further out into the county, and would appreciate the board to take that into consideration for the rezoning.

Chairman Sadler stated that the city see's this property on that side of the street in the future going commercial which is the way of the future, but whatever happens, the residents that continue to live there will have to be protected because they have rights, and the city is here to protect their rights and he feels Mr. King wants to do that.

Chairman Sadler closed the public hearing.

In closing; Planning Commission received a letter from Woodrow and Nellie Henderson in lieu of speaking at the Public Hearing; is as follows:

We, Woodrow and Nellie Henderson, formally advise all interested parties that we are most definitely opposed to the change in zoning of West Thomason Circle. This has been a residential neighborhood for many years. After owning our home at 505 West Thomason Circle for over 42 years, and what a tragedy it would be to our well being at this season in our life to have to settle for the disturbance, crime, increase to taxes, and many other problems commercialization of this neighborhood would bring. We worked very hard for many years to own and preserve our own home as well as Thomason Circle that we consider our neighborhood. The City of Opelika

has allowed many areas of our city to be commercialized only to be left abandoned after a short period of time by the retailers that also caused changed lives of homeowners who had to give up their life and property for retailer's financial "progress". We are witness that money is definitely not everything in life and we do not want to be one of those owners as well. With this said, we humbly ask that the Planning Commission deny the request for property and homes on West Thomason Circle to be rezoned commercial.

Sincerely, Woodrow and Nellie Henderson

Dr. Lazenby stated that he drove Priester Road for 40 years going to the hospital coming from that side of town and there was a lot of traffic, and now with the changes; the traffic has been lighter with the new roads; Dunlop, etc., and you're very blessed from that stand point and it would be his impression that the dealership would not generate additional traffic other than just entry and exit into the dealership and wouldn't increase traffic that used to come around there, so there won't be 40 or 50 cars a day, so he thinks there's an over reaction to amount of traffic this would create.

Mr. Pridgen asked if the road access is primarily for the Achievement Center; would there not be a way that on the back of the Achievement Center's parking lot that they currently have-- can "Honda" allow them access to bring their trucks etc. through.

Mr. King said that this is his plan to circle in behind the property to the loading dock, and he is not creating a through street at all. He wants customers to come through the front entrance to conduct business.

Mr. Pridgen stated that typically C-3 is in a major highway frontage development, and usually when the city changes from a major development into a residential the city tries to have some type of basic buffers and quite often the city uses a C-2 as a transitional zoning ; so what if the commission leans more toward their recommendation for this lot 35 and potentially as more people want to change it and instead of having it a C-3 have it as a C-2 so that we have it as a more office utilization like some of the hospital smaller offices and smaller retail places rather than having more of a large commercial establishment coming there.

Mr. King said that it would need to be a C-3 because it's a continuous piece of property that goes along with the property of his that is zoned C-3. He only plans to possibly put a storage building on the property but that is all.

Chairman Sadler asked for questions or comments.

Chairman Sadler asked for a motion.

Mr. Pridgen made a motion to send a positive recommendation to City Council for a C-2 zone.

Mr. Posey seconded the motion.

Ayes: Pridgen, Posey, Cherry, Seroyer, Lazenby, Whatley, Wood

Nays: None

Abstention: None

The motion to send a positive recommendation to City Council for a C-2 zone passed.

27. Petitioners on West Point Parkway, 2600 block of West Point Parkway, from R-1 to C-3.

Mr. Ogren reported that the petitioners are requesting rezoning 120 acres from R-1 (Rural residential) to C-3 (general commercial). The rezoning property is accessed from West Point Parkway and located near the Interchange 64 exit on Interstate 85. If the rezoning is approved the developer plans to construct a street, subdivide property, and develop property primarily for commercial uses. The property fronts along Interstate 85 for about 4,500 feet. The frontage and visibility of the property along I-85 provides an ideal location for commercial development. In the C-3 zoning

district a variety of commercial uses are allowed including retail stores, offices, motels, automobile related uses, and restaurants.

The adjacent zoning district to the South at the Interchange 64 exit is C-3, GC-2; the zone to the East is R-1. The property to the North is out of the city limits, and along the West side, Interstate 85 borders the rezoning property. The character of the area surrounding the rezoning property is rural with single family homes.

Recommendation:

Planning staff believes that the rezoning request is appropriate. Only a few commercial properties have developed in this Northeast area of Opelika east of Interstate 85. The future commercial properties will serve as a convenient place for people living in this area as well as interstate travelers to shop. It is common for properties to be zoned commercial along Interstate highways. Planning staff recommends a positive recommendation be sent to the City Council to rezone the property from R-1 to C-3.

Mr. Dorsey reported that the land area proposed for rezoning comprises approximately 121 acres and is located west of West Point Parkway and east of I-85 between Exits 64 and 66. The majority of the subject property is undeveloped farmland and timberland. Sanitary sewer service is not presently available, but is accessible via a gravity sewer main that will pass under I-85 and connect to an existing lift station in the Northeast Industrial Park. The lift station presently has an excess pumping capacity to accommodate the initial commercial development of this land. However, the full commercial development of this land may require one or more capacity improvements, such as the replacement of the in-place pumps. The development of the property under the proposed zoning will have a significant impact upon traffic volumes on West Point Parkway and upon both adjacent I-85 interchanges, and may necessitate future improvements on the road network in the vicinity. The proper design of storm-water retention and/or detention systems as part of the commercial development will not create a negative impact for downstream properties. The Engineering Department has a positive recommendation for the rezoning of the subject parcel, subject to the continued coordination of the property's long-range development plans with its owners.

Mr. Alan Lee reported that water service is accessible from West Point Parkway.

Mr. Derek Lee reported that Alabama Power serves this area.

Chairman Sadler opened the public hearing.

Mr. Randall LeCrory representative for Liberty Baptist Church, and was wondering what is C-3, and what will be developed there.

Chairman Sadler stated that C-3 zone is general commercial zone, and at this time it has not been said what will be developed there.

Mr. Wallace Pascal came forth and stated that he does not have a problem with rezoning the property as long as what is developed will be buffered and landscaped.

Chairman Sadler said that would be required between residential and commercial zones.

Ms. Robin Sanders came forth and stated that she does not desire this area to be zoned commercial because of the potential traffic.

Chairman Sadler closed the public hearing.

Chairman Sadler asked for questions or comments.

Mr. Pridgen made a motion to send a positive recommendation to City Council.
Mr. Seroyer seconded the motion.

Ayes: Pridgen, Seroyer, Cherry, Wood, Lazenby, Whatley, Posey

Nays: None
Abstention: None

The motion to send a positive recommendation to City Council passed.

27a. Mitchell-Cope, LLC, Interstate Drive, from R-4 to C-2.

Mr. Ogren reported that the applicant is requesting rezoning 16 acres from R-4 (medium density residential) to a C-2 (office-retail commercial) zoning district. The rezoning property will be accessed from Interstate Drive (see map attached). If the rezoning is approved, plans are to build a 40,000 square foot commercial building. The C-2 zone allows many types of office and retail uses.

The adjoining zoning districts are the Tiger Town PUD to the North and an R-4 zone to the West. Along the South property line, the rezoning property fronts along Interstate 85 for about 1,850 feet. The 2004 Future Land Use map shows the future land use of this property as "light commercial". The C-2 zone is classified as light commercial.

Staff Recommendation:

Planning staff believes that the rezoning request is appropriate. The frontage and exposure of the property from I-85 and the proximity of Tiger Town adjacent to the rezoning property provides an ideal location for a commercial development. Many properties near Interstate 85 are zoned commercial. Planning staff recommends approval.

Note: At the June 20th City Council meeting, this rezoning was reviewed by the City Council at their work-session. The reason for an early review by the Council, before a Planning Commission public hearing, is because a commercial developer plans to build a 40,000 square foot building on the rezoning property for a retail store (furniture store) and it was imperative that construction begin in August. There was concern that the retail store may look for another location in another city if we did not move forward to accommodate the request. The early Council review helps to expedite the rezoning process. Planning staff considers this rezoning process a special exception to our rezoning process; Future rezoning requests will follow the normal rezoning process.

Mr. Dorsey reported that the undeveloped land area proposed for rezoning comprises approximately 16 acres and is located along I-85 at the western end of Interstate Drive. Sanitary sewer service is available both from Interstate Drive and from the adjoining property to the west. The development of the property under the proposed zoning will likely generate a slight increase in traffic volumes over its development with a high-density residential zoning. The proper design of storm-water retention and/or detention systems as part of the commercial development will not create a negative impact for downstream properties. The Engineering Department has a positive recommendation for the rezoning of the subject parcel.

Mr. Alan Lee reported that water service is accessible from Interstate Drive.

Mr. Derek Lee reported that Opelika Light and Power serves this area.

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

Chairman Sadler asked for questions or comments.

Mr. Posey made a motion to send a positive recommendation to City Council.
Dr. Whatley seconded the motion.

Ayes: Posey, Whatley, Pridgen, Seroyer, Wood, Lazenby, Cherry
Nays: None
Abstention: None

The motion to send a positive recommendation to City Council passed.

F. ANNEXATION

28. Petitioners, properties accessed from West Point Parkway, 43 acres.

Mr. Ogren reported that the petitioners are requesting annexing 43 acres which is accessed from West Point Parkway. This annexation relates to the 120 acre rezoning request reviewed today - agenda item #27. The petitioners plan to include this 43 acre annexation property in their 120 acre commercial development. The annexation borders along Interstate 85 as the 120 acre rezoning property. The property will be located in Ward 5 (Dr. Lazenby).

Staff recommends that the Planning Commission send a positive recommendation to the City Council to annex the 43 acre parcel into the City Limits.

As with other annexations, the following paragraphs will be added to the annexation ordinance.

None of the provisions of the annexation ordinance shall become effective nor shall the proposed territory described herein be annexed unless the petitioner filing for annexation agrees with the following. The property owner(s) signing of the annexation petition signifies an agreement to this section.

- a. Fire and police protection shall be provided to the territory annexed. Municipal services such as public water, sewer, right-of-way maintenance/improvements, and solid waste collection may not be available to annexed properties at the time of annexation. Provisions of said services will be extended solely at the option of the City of Opelika and/or Opelika Water Works Board. Municipal services concerning busing to and from Opelika City Schools shall be decided by the Opelika Board of Education.
- b. A subdivision or development of annexed territories that exceeds the existing use or intensity at the time of annexation shall be required to utilize public sewer and/or public water service when accessible, and in accordance with City of Opelika Public Works Manual, Opelika Water Works regulations, and/or other water authorities.
- c. The City shall not be obligated to upgrade roads that are part of an annexation. In the future, if the City deemed necessary to improve the right-of-ways from which the annexed properties takes access, one of the options available to the City to provide such improvements may be to assess the property owner/owners their proportionate share of the costs of such improvements.
- d. A Fire Tax shall be charged against each property owner of territory annexed as provided under Section 8, Act No. 89-390; the property owners of said territory agree to pay all such costs.

Mr. Dorsey reported that the owners request annexation for 43 acres of undeveloped land along the eastern side of I-85 near Sellers Drive. Sanitary sewer service is not presently available, but is accessible via a gravity sewer main that will pass under I-85 and connect to an existing lift station in the Northeast Industrial Park. There are no public streets adjoining this parcel at this time, and any development of the parcel will require a public street to be constructed or extended. The Engineering Department presents a positive recommendation for this annexation.

Mr. Alan Lee reported that water service is accessible to this annexation by a water main in the R.O.W. of Sellers Drive.

Mr. Derek Lee reported that this area is served by Tallapoosa River Electric Co-op and Alabama Power.

Chairman Sadler asked Mr. Gunter if there is a law that says that the board can't propose the zone to be C-3.

Mr. Gunter said yes you can zone it as long as the annexation is approved by City Council and then it can be zone C-3.

Chairman Sadler asked for questions or comments.

Mr. Pridgen made a motion to send a positive recommendation to City Council and recommend the C-3 zone after the approval of the annexation.

Mr. Seroyer seconded the motion.

Ayes: Pridgen, Seroyer, Posey, Cherry, Whatley, Lazenby, Wood

Nays: None

Abstention: None

The motion to send a positive recommendation to City Council passed.

29. Petitioners on Lee Road 390 (Ridge Road), 12.8 acres.

Mr. Ogren reported that the petitioners are requesting annexation of approximately 12.8 acres located on Ridge Road. The annexation property involves two lots (1.5 acres and 11.3 acres). There is one single family home on each lot. The property is located in Ward 5 (Dr. Lazenby).

Staff recommends that the Planning Commission send a positive recommendation to the City Council to annex the 12.8 acre parcel into the City Limits and zone the property R-1.

As with other annexations, the following paragraphs will be added to the annexation ordinance.

Note: None of the provisions of the annexation ordinance shall become effective nor the proposed territory described herein shall be annexed unless the petitioner(s) filing for annexation agree(s) with the following. The property owner(s) signing of the annexation petition signifies an agreement to this section.

a. Fire and police protection shall be provided to the territory annexed. Municipal services such as public water, sewer, right-of-way maintenance/improvements, and solid waste collection may not be available to annexed properties at the time of annexation. Provisions of said services will be extended solely at the option of the City of Opelika and/or Opelika Water Works Board. Municipal services concerning busing to and from Opelika City Schools shall be decided by the Opelika Board of Education.

b. A subdivision or development of annexed territories that exceeds the existing use or intensity at the time of annexation shall be required to utilize public sewer and/or public water service when accessible, and in accordance with City of Opelika Public Works Manual, Opelika Water Works regulations, and/or other water authorities.

c. The City shall not be obligated to upgrade roads that are part of an annexation. In the future, if the City deemed necessary to improve the right-of-ways from which the annexed properties takes access, one of the options available to the City to provide such improvements may be to assess the property owner/owners their proportionate share of the costs of such improvements.

d. A Fire Tax shall be charged against each property owner of territory annexed as provided under Section 8, Act No. 89-390; the property owners of said territory agree to pay all such costs.

Mr. Dorsey reported two land parcels comprising 13 acres on Lee Road 390 (Ridge Road) are proposed for annexation. Each parcel has an existing residence.

Sanitary sewer service is not available. Since this annexed property, if approved, does not cross the Lee Road 390 right-of-way, the City of Opelika's maintenance responsibility for Lee Road 390 will not be increased. The Engineering Department presents a positive recommendation for this annexation.

Mr. Alan Lee reported that water service is accessible to this annexation by a water main in the R.O.W. of Lee Road 390.

Mr. Derek Lee reported that Alabama Power Company serves this area.

Chairman Sadler asked for questions or comments.

Mr. Pridgen made a motion to send a positive recommendation to City Council.
Mr. Seroyer seconded the motion.

Ayes: Pridgen, Seroyer, Lazenby, Whatley, Cherry, Posey, Wood
Nays: None
Abstention: None

The motion to send a positive recommendation to City Council passed.

G. OTHER BUSINESS – PUBLIC HEARING

30. Amendments to the Subdivision Regulations, Section 4.4 Final Plat Approval Improvements.

Mr. Ogren stated that what the amendment does is before a final plat is recorded, the city is asking the developers to have in the streets, curb & gutters, sewer, storm-drain, power, telephone, cable installed before a final plat is recorded. Also, built into the amendment at the developer's option if a utility is not processing at the same pace as the developer is, the developer may at his option put conduit in so the utility can come in at a later time, and it won't slow down the developer to go ahead and record the plat. In another section of the amendment asked for a performance security bond, which is recorded in the form of a cash escrow, an irrevocable letter of credit, or performance bond guaranteeing the installation of the street and the conduit across roadbeds. The amount of said security shall be 125% of the cost of the actual street construction cost as determined by a certified engineer's estimate, before the plat is recorded. Then after the homes are built out on a street or in a subdivision by 75% to 90 % then the final wearing surface can be laid and after a final inspection the performance security bond can be released. The warranty bond which should be 50% of the construction improvements after the wearing surface is installed for a length of time to make sure there are no defects in the surfacing material in the workmanship.

Mr. Dorsey stated that Engineering has reviewed the proposed changes and recommends them as submitted.

Utilities Board had no report.

Opelika Light & Power had no report.

Chairman Sadler opened the public hearing.

Mr. Steve Thomas, Alabama Power Representative, came forth and stated that he sent a letter to Mr. Ogren and wanted to make sure that the requests that Alabama Power has made has been reviewed and incorporated in the amendment.

Mr. Ogren, Planning Director, stated that since the resolution was planned to be tabled at this meeting so we plan to look at this over the next couple of weeks, due to time we were unable to address this early, but some of items in here have been addressed.

Chairman Sadler closed the public hearing.

Chairman Sadler asked for a motion.

Mr. Pridgen made a motion to table the amendment to subdivision regulation resolution to another meeting.
Dr. Whatley seconded the motion.

Ayes: Pridgen, Whatley, Wood, Cherry, Lazenby, Posey, Seroyer
Nays: None
Abstention: None

The motion to table the amendment to subdivision regulation resolution to another meeting passed.

RESOLUTION NO.

A RESOLUTION TO AMEND THE SUBDIVISION REGULATIONS OF THE CITY OF OPELIKA

BE IT RESOLVED by the Planning Commission of the City of Opelika as follows:

Section 1. That subsections B, C, and D of Section 4.4 and Section 4.8 of the Subdivision Regulations of the City of Opelika is hereby amended to read as follows:

B. Improvements

If desired by the sub-divider, the final plat may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time; all of this provided, however, that such portion conforms to all requirements of these regulations.

Final Approval of a subdivision by the Planning Commission is required prior to the recording of the plat in the Office of the Probate Judge. It is not legal to "transfer or sell" any land in said subdivision until the Plat is recorded.

No building permit or Certificate of Occupancy will be issued until such time as the subdivision has been given final approval, with signatures as required below [C. Final Plat requirement] and recorded.

1. When infrastructure improvements (street, curb & gutter, sanitary sewer, water, power, storm drain system) are installed, constructed and completed prior to recording of the final plat, the City Engineer and the appropriate City department must certify that all streets shown on the plat have been graded and improved, except for the final asphalt wearing surface, and the sanitary sewer system, water lines, power lines and storm water facilities have been installed, tested, and are functioning according to the City or utility provider specifications and the approved construction plans.

Other utilities (cable, gas, power, telephone) and water lines shall also be installed and approved by the appropriate utility company before the final plat is recorded except for gas lines running parallel with streets. As an option, the developer may assist the said utility companies in installing conduit in the following manner: The developer shall provide the said utility companies the approved preliminary plat and street design drawings of the subdivision for the preparation of utility design drawings. The said utility companies shall provide utility design drawings to the developer based on the approved preliminary plat, street design drawings, and according to the location of utility lines as shown in the drawing "Street Sections within Underground Utility Locations". For joint trench installations, the developer shall be responsible to coordinate with the said utility companies plans for joint trench installation so the utility companies may prepare the design drawings according to specification for joint trench installations. The developer shall use property pins as reference points to locate the conduit in the rights-of-way. The developer shall be responsible for digging the trench, installing conduit and backfilling in accordance to the utility's design drawing and specifications. Conduit shall be used for gas lines across roadbeds but the developer is not required to install conduit for gas lines running parallel with the street. Tracer wire shall be installed in the conduit. All conduits shall be plugged and stringed. If the utility company encounters obstructions which prevent the utility line from being pulled, the developer will be required to correct the conduit system. The developer shall use conduit material per utility provider specifications. The monitoring and installation of conduit will be subject to inspection and written approval by the appropriate utility company. In the event the conduit system is covered prior to inspection or deviates significantly from the

approved utility design drawing, the appropriate utility may require that the conduit system is uncovered as necessary to determine that the conduit was constructed and installed according to the utility design drawings or the appropriate utility specifications. Following approval and acceptance of the installation, the conduit shall be owned and maintained by the appropriate utility company.

If a revision of the said approved preliminary plat is necessary and lot lines are relocated, the developer shall provide to the said utility companies the revised preliminary plat approved by the Planning Commission. The developer shall also be responsible for all costs that occur because of revisions to the preliminary plat as determined by the appropriate utility.

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 street and the conduit across roadbeds. The amount of said security shall be 125% of the cost of the actual street construction cost as determined by a certified engineer's estimate.

Upon final acceptance of said infrastructure improvements by the City Engineer or appropriate City department and before the final plat is signed, the subdivider/developer shall post a security instrument (warranty bond) in the amount equal to 50% 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 one year 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 department. 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.

2. An assessment petition, approved by the City Attorney, whereby the City is put in an assured position to make these improvements and to install these utilities and facilities at any time and without cost to the City.

A receipt of a certificate from a land surveyor that permanent reference monuments of suitable size and materials have been placed in the subdivision and that a satisfactory survey defines such permanent monuments in relation to located section corners or the coordinate system of the State of Alabama.

C. As-Built Drawings

The developer/sub-divider shall provide as-built drawings indicating the locations of all said infrastructure and utilities installed. As-built drawings shall be prepared and certified by either a registered land surveyor or a professional engineer. As-built drawings shall be submitted to the Engineering Department prior to final plat approval. Rights of way, easements, street names, and lot lines shall be accurately shown. The as-built drawings shall include the horizontal and vertical location of sewer and water lines, gas lines, cable, telecommunications and electrical lines, including the necessary utility accessories as required by the appropriate City department. The said drawings shall include the storm drainage system with the locations and elevations of all drainage structures. Five (5) copies of as-built drawings drawn to scale on 24" x 36" paper shall be provided. As-built drawings

shall also be provided in an AutoCAD (.dwg) file format or another format approved by the City Engineering Department. The said drawing shall be referenced to the NAD 1983 Alabama State Plane Coordinate system.

D. Final Plat Requirements

The final plat shall be drawn on tracing cloth, film, mylar or paper on twenty-four (24") by thirty-six (36") inches and shall be at a scale of one hundred (100) feet to one (1) inch or larger or smaller scale as approved by the City Engineer where needed for platting clarity. Where necessary the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. The final plat shall show the following:

1. Primary control points, or description and "ties" to such control points to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
2. Tract boundary line, right-of-way lines of streets, easements, and other rights-of-way and property lines of residential lots and other sites with accurate dimensions; radius, and length of curve, for all curves.
3. Name and right-of-way width of each street or other right-or-way.
4. Location, dimensions and purpose of any easements.
5. Provision of utility easement as required for electrical utilities.
6. Purpose for which sited, (other than residential lots) if lots are reserved or dedicated for other purposes.
7. Locations and description of monuments.
8. Names and addresses of record owners of adjoining land, including property with frontage along rights-of-way which bound the subject property.
9. Reference to recorded subdivision plats or adjoining platted land by record name, date and number.
10. Certification of surveyor certifying to accuracy of survey and plat.
11. Certification of title showing that applicant is the land owner.
12. Title, scale, north direction, and date.
13. Certificate by the County Health Officer when individual sewage disposal or water systems are to be installed.
14. Certificate for approval by the Planning Commission.
15. Flood Hazard Area as indicated on the City of Opelika, Alabama flood boundary and floodway map produced by the National Flood Insurance Program.
16. Certificate by County Engineer that all conditions have been met.
17. Certificate of easement statement
18. Certificate of approval by the Water Board
19. Certificate of approval by the Public Works Department

SECTION 4.8 FAILURE TO RECORD FINAL PLAT

Approval of the final plat by the Planning Commission shall be null and void if the Plat is not recorded within one year after the approval date, unless a written application for an extension of time is made during said one year to the Planning Commission and granted.

Section 2. That this resolution shall take effect upon adoption and publication as required by law.

Section 3. This resolution shall be published in the Opelika-Auburn News, a newspaper published in and of general circulation of the City of Opelika, Lee County, Alabama.

WITNESS my hand this the _____ day of _____, 2006.

APPROVED and ADOPTED this the _____ day of June, 2006.

Chairman of the Opelika Planning Commission

ATTEST:

Secretary

A. PLATS-Preliminary & Final PUBLIC HEARING

1. Sanders Creek S/D, Phase 2, 2nd Addition, 10 lots, Evans Drive & Beverly Drive, Whittelsey Properties, Preliminary Approval.

Mr. Ogren reported that the applicant is requesting preliminary plat approval for a 10-lot subdivision. The purpose of the subdivision is to build single family homes. The construction of the streets shown on the plat as Beverly Drive and Evans Drive are about complete. The north side of Beverly was granted final approval at the March 2005 Planning Commission meeting. The subdivision is located in an R-2 zone; 15,000 square feet is the minimum lot size. All the lots except three lots are 1 acre or larger. At a Public Works Appeal Board meeting (April 16, 2004), the Board approved the developer's request to not require curb and gutter for the new streets subject to all lots subdivided must be a least one acre or more and "receipt for an analysis for Best Management Practices for storm-water engineering.

Recommendation:

In order to meet the requirements of the Public Works Appeal Board, the lot lines need to be adjusted so each lot will equal at least 43,560 square feet (one acre).

Planning staff recommends preliminary plat approval. Before final plat approval at the plat needs to show all lots at least one acre.

Mr. Dorsey reported that this ten-parcel addition to an in-place residential subdivision is located between Beverly Drive and Evans Drive. On April 16, 2004, the Public Works Appeals Board granted a variance to the developer to construct all streets in Phase Two without curb and gutter. The variance was granted with a condition that the minimum lot size in the subdivision would be one acre, even though the current zoning allows smaller parcels. Three of the ten proposed parcels (Lot 43, 46, and 49) are each less than one acre, however; sanitary sewer is available to all lots. The lake within the subdivision provides storm-water retention. The Engineering Department recommends preliminary approval, subject to the following:

1. Increase the size of all lots to one acre or greater, in order to comply with the variance conditions granted by the Public Works Appeals Board on April 16, 2004.
2. The completion or repair of all portions of the streets, drainage, and sanitary sewer.

Mr. Alan Lee, Opelika Utilities, reported that water service is accessible to this subdivision by water mains in the R.O.W. of Evans Drive and Beverly Drive. This subdivision is in the Saugahatchee Watershed and does meet the minimum size requirements for lots with sanitary sewer service. Opelika Utilities will need to review and approve the best management practices for erosion and sediment control and also stream protection.

Mr. Derek Lee reported that this phase of the subdivision will be served by Opelika Light and Power.

Chairman Sadler opened the public hearing.

Mr. Whit Whittelsey came forth and stated that he agrees with the reports given, and stated that their engineers are in the process of making the changes and will be submitted at the appropriate time and asked for it to be conditionally approved under those conditions.

Chairman Sadler closed the public hearing.

Chairman Sadler asked for questions or comments.

Mr. Seroyer made a motion to grant the preliminary approval only with staff recommendations.

Mr. Pridgen seconded the motion.

Ayes: Lazenby, Wood, Whatley, Cherry, Seroyer, Posey, Pridgen

Nays: None

Abstention: None

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

2. Springdale S/D, 85 lots, South Uniroyal Road, Springdale Development Co., LLC, Preliminary Approval.

Mr. Ogren reported that the applicant is requesting preliminary plat approval for an 85-lot subdivision. The purpose of the subdivision is to build single family homes. The minimum lot size in this R-4M zoning district is 7,500 square feet. Most of the lots are 70' x 125' (7,500 s.f.).

Planning staff believes this subdivision will generate significant pedestrian traffic. Pedestrians should be provided convenient walkways for passive recreation, access to homes, and a safe walkway for children. Planning staff recommends sidewalks required for this subdivision. The applicant/developer should show sidewalks along the new streets of this subdivision on the final plat. The sidewalks may be installed on one side of the street. The applicant should coordinate with Opelika Utilities about which side of the street sidewalks should be installed.

Recommendation:

Each lot in this subdivision should be an adequate size for single family home construction. There are several plat data requirements that need to be added to the plat before final plat approval (easement statement, signature lines, flood info, etc.). Planning staff will discuss those requirements with the applicant/surveyor.

Planning staff recommends preliminary plat approval subject to sidewalks added on the final plat.

Mr. Dorsey reported that this 85-parcel residential subdivision is located at the northwest corner of the intersection of South Uniroyal Road and Old Columbus Road. The northern boundary of the subdivision is adjacent to the Norfolk Southern Railroad right-of-way. One access to all residential lots will be provided via a new street intersecting South Uniroyal Road. The 2.1 acre commercial lot has frontage on both South Uniroyal Road and Old Columbus Road. Sanitary sewer is available via a gravity interceptor on the east side of South Uniroyal Road. Two parcels will accommodate storm-water detention.

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

1. Increase all right-of-way widths within the subdivision to 60 feet.
2. Precisely define the boundaries of the burial plots in the cemetery so that they do not encroach into Lots 32 or 33.
3. Eliminate the 30-foot wide access right-of-way to the cemetery by extending lots 31 and 32 southward and dedicating a permanent access easement across both lots.
4. Provide lot numbers for the two parcels dedicated for storm-water detention and for the commercial parcel.
5. Indicate the front-yard setback boundaries on the commercial parcel.
6. Add a note to the plat stipulating lots 1, 2, and 3 shall not have direct access to South Uniroyal Road.
7. Install a deceleration lane on South Uniroyal Road for southbound vehicles turning right into the subdivision, as the projected peak hour traffic volume

exceeds the threshold for deceleration lanes, as specified in Section 3.5.7 of the Public Works Manual.

Mr. Alan Lee reported that water service is accessible to this subdivision by a water main in the R.O.W. of South Uniroyal Road.

Mr. Derek Lee reported that this area will be served by Opelika Light and Power.

Chairman Sadler opened the public hearing.

Mr. Randy Price stated that his only concern is with the way the property is zoned. He said he is concerned with what could happen in the future rather than what could happen right now. He said that he feels the developer has good intentions with developing this project and completing it, but if something did happen then this plat has been approved under an R-4M (residential, high density, mobile homes allowed). He said that this concerns him because in the past year this commission has passed quite a few developments in a R-2, R-3 zone that we've asked the developer first to rezone the property so that it would be in line with everything that it's going to be around; he said that he doesn't know if it would be possible, but at least it would eliminate the possibility of what this R-4M zone does to open the door.

Mr. Thomas Snyder, developer, stated that his intent to develop this subdivision with various single-family homes in the range of \$150 to 185,000 and hopefully will be well received by the community.

Chairman Sadler closed the public hearing.

Mr. Ogren asked if the developer planned to have a conveyance for the subdivision and have it recorded.

Mr. Snyder said yes.

Mr. Pridgen asked if there would be opposition with the board to change the zone to R-3.

Mr. Snyder stated that is not his intent to put mobile homes in the subdivision, but they cannot guaranteed that mobile homes will not be put in there, but it is not their intent.

Chairman Sadler asked if the developers would be willing to change the zone to R-4.

Mr. Snyder said he would have to discuss this with his partners, and get back with the commissioners.

Chairman Sadler closed the public hearing.

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

Dr. Lazenby seconded the motion.

Ayes: Seroyer, Cherry, Posey, Whatley, Wood, Lazenby, Pridgen

Nays: None

Abstention: None

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

3. Brumfield S/D, 2 lots, Highway 29 & Lee Road 266, Paul Brumfield, Preliminary and Final plat approval.

Mr. Ogren reported that the applicant is requesting preliminary and final plat approval to erase lot lines and re-subdivide the 10 acre parcel into two lots. The purpose of the subdivision is to sell Lot 2.

Recommendation:

The plat meets preliminary and final plat requirement.

Planning staff recommends preliminary and final approval.

Mr. Dorsey reported that this two-parcel subdivision is located outside the Opelika corporate limits at the intersection of U.S. Highway 29 and Lee Road 266, and is a reconfiguration of three existing lots. Sanitary sewer service is not available. The Engineering Department recommends preliminary and final approval as submitted.

Mr. Alan Lee reported that this subdivision is in the Lee-Chambers Water Authority's service area.

Mr. Derek Lee reported that this subdivision is served by Tallapoosa River Electric Cooperative.

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

Dr. Lazenby made a motion to grant preliminary & final plat approval with staff recommendations.

Mr. Pridgen seconded the motion.

Ayes: Pridgen, Seroyer, Cherry, Posey, Whatley, Wood, Lazenby

Nays: None

Abstention: None

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

4. Daisy P. Smith S/D, 4 lots, Lee Road 391 & 419, John Barker, Preliminary and Final Approval.

Mr. Ogren reported that the applicant is requesting preliminary and final plat approval for a 4-lot subdivision. All the lots are about 1 acre. The subdivision is located in the Planning Jurisdiction. The minimum lot size requirement in the Planning Jurisdiction is 15,000 square feet.

Recommendation:

The plat meets preliminary & final plat requirements.

Planning staff recommends preliminary & final plat approval.

Mr. Dorsey reported that this four-parcel subdivision is located outside the Opelika corporate limits on the northwest corner of the intersection of Lee Road 391 and Lee Road 419. Lots 1-3 contain existing residences, while Lot 4 is vacant. Sanitary sewer service is not available.

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

1. Adjust the boundary between Lots 3 and 4 so the minimum width of Lot 4 is 100 feet.

Mr. Alan Lee reported that this subdivision is in the Smiths Station Water Authority's service area.

Mr. Derek Lee reported that this area is served by Tallapoosa River Electric Cooperative.

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

Chairman Sadler closed the public hearing.

Chairman Sadler asked for comments or questions.

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

Mr. Seroyer seconded the motion.

Ayes: Pridgen, Seroyer, Cherry, Posey, Whatley, Wood, Lazenby

Nays: None

Abstention: None

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

5. Screws-McCullough S/D, Redivision of Parcels 12 & 13, 3 lots, 380 Lee Road 419, Robin Chadwick, Preliminary & Final Plat Approval.

Mr. Ogren reported that the applicant is requesting preliminary and final plat approval for a 3 lot subdivision. The three lots are equally subdivided at 4.3 acres. Lot 3 is a flag lot; the pole section of the flag lot is 60 feet. The 60 foot width allows for a street to be built in the future in case Lot 3 is ever re-subdivided.

Mr. Dorsey reported that this three-parcel subdivision is located outside the Opelika corporate limits on Lee Road 419. All three lots are sized equally at 4.36 acres. Lot 2 has an existing residence. Sanitary sewer service is not available. Fifteen additional feet of right-of-way have been dedicated on the eastern side of Lee Road 419 along the entire width of the subdivision.

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

1. Adjust the boundary between Lot 3 and Parcel 14 so the widened Lee Road 419 right-of-way continues in an east-west direction and does not encroach on the parcel of the south.

Mr. Alan Lee reported that this subdivision is in the Smiths Station Water Authority's service area.

Mr. Derek Lee reported that this area is served by Tallapoosa River Electric Coop.

Chairman Sadler opened the public hearing.

No comments were made from the audience.

Chairman Sadler closed the public hearing.

Chairman Sadler asked for questions or comments.

Chairman Sadler asked for a motion.

Dr. Whatley made a motion to grant preliminary & final plat approval with staff recommendations.

Mr. Posey seconded the motion.

Ayes: Lazenby, Seroyer, Pridgen, Posey, Cherry, Whatley, Wood

Nays: None

Abstention: None

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

6. Rockledge Station S/D, 27 lots, Rockledge Street, Tommy Cummings, Preliminary Approval.

Mr. Ogren reported that the applicant is requesting preliminary plat approval for a 27-lot subdivision. The purpose of the subdivision is to build single family homes. The 19-acre parcel is located in an R-2 zone; minimum lot size is 15,000 square feet and minimum lot width is 100 feet. All the lots meet the R-2 requirements. The lots range from 16,101 s.f. to 35,800 s.f. Lot 13 is reserved as a community park and playground. A narrative provided by the developer describes the amenities of the subdivision. The narrative includes sidewalks, a landscaped round-a-about median, custom mailboxes, planter boxes for curb appeal, and house plans approval by an architectural review board. As submitted by the developer, Planning staff recommends the amenities listed in the narrative should be considered as requirements for this subdivision.

North Hills Court is a paved stub-out street that dead-ends into this subdivision on the East side. (See Lot 10 on the plat). Planning staff recommends North Hills Court be extended and intersect with Rockledge Circle i.e., a 60 foot right-of-way should be shown on Lot 10 of this subdivision and intersect with Rockledge Circle. The developer believes that it is not economically feasible to extend North Hills Court into this subdivision. The street will cross a creek and extensive construction from installing a culvert including hauling in tons of fill-dirt is involved. The extension of North Hills Court creates a street network and provides another access way into Rockledge subdivision. The additional access point into this subdivision assists routing of school buses and garbage trucks. In addition, a second access point will reduce the time for emergency vehicles responding to calls in the subdivision. Also, even if the right-of-way is required from the developer, the developer will still be able to meet the R-2 minimum lot size of 15,000 square feet and have the same number of lots (27) to build homes.

Recommendation:

The plat meets preliminary plat requirement.

Planning staff recommends preliminary plat approval subject to North Hills Court extended to Rockledge Circle and other recommendations stated in the report.

Mr. Dorsey reported this 27-parcel residential subdivision is located within the Opelika corporate limits and will involve the southward extension of Rockledge Circle. All lots range in size between 0.36 and 1.29 acres. Sanitary sewer service is available. Portions of Lots 11-13 are located within the 100-year flood zone boundary. In its initial assessment of this plat, the Engineering Department recommended the developer extend North Hills Court westward to intersect with Rockledge Circle. This recommendation was made to satisfy Section 2.3.3 of the Public Works Manual, which strongly encourages the interconnectivity of adjacent developments. However, a more extensive assessment of the existing site conditions, particularly the topography where the road would be constructed, has determined the existing conditions will not allow a road to be constructed that will satisfy other Public Works Manual requirements for maximum grade and sight distance. Therefore, the Engineering Department withdraws its earlier recommendation for street connectivity.

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

1. Provide for storm-water retention/detention on Lot 13.
2. Design the dimensions of the fountain/planter area as a roundabout to accommodate emergency vehicles and large trucks.

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

Mr. Derek Lee reported this subdivision is served by Opelika Light & Power.

Chairman Sadler opened the public hearing.

Mr. Don Connonica came forth and asked Mr. Ogren to clarify a carport shown on the site plan, and asked if this carport should be moved. He asked about the amount

of traffic that will be coming through Rockledge, and also asked about the accesses that would need to be put in the subdivision for fire regulations.

Chairman Sadler stated that Mr. Dorsey addressed the accesses earlier in his report stating that the topography of the property does not allow the connectivity of the road on into Northhills Subdivision.

Mr. Tim Justice came forth asked about the traffic and where would the road be exactly exiting out of the subdivision.

Mr. Ogren pointed this out on the site plan.

Mr. Mac McAllister stated that he would like to see the character of the neighborhood to stay the same, and is concerned with the traffic that will come about with the new development.

Ms. Sylvia Warren is concern with the growth, traffic, and is worried with so many autos, congestion, and is concerned with tree removal, and asked the board to consider this.

Ms. Pat Dakin asked where exactly the development would go, stated that she is concerned with the drainage, and stated that behind her house is a creek and asked Mr. Dorsey about the drainage.

Mr. Dorsey explained that the water would drain to the creek. He said that engineering would require the developer to install a storm-water detention system that will collect the water, and it would release the water at slow rate or a rate comparable to what is there now in its undeveloped condition.

Mr. Robert Beauchamp stated that the initial layout shows 27 lots of Rockledge Station. He said the plan shows a community park, playground, and wildlife area that will be for the residents of the subdivision. There will be an undisturbed (40) forty foot buffer on the rear of all lots. The entrance will be landscaped and will feature a (50) fifty-foot roundabout/island as you enter. In the center of the island will be either a fountain and/or a landscaped garden. Each house will have a custom mailbox and planter along the edge of the street. A homeowners association will be formed. Yards will be irrigated and garages or carports located in the rear of the home site. A sidewalk will be provided along one side of the street. All lots are currently heavily wooded with mature hardwoods and the covenants will dictate that the lots remain that way as reasonably and feasibly as possible. All houses will have to be reviewed and approved by an architectural review committee. All houses will probably feature a cottage or craftsman styling with a blending of three or more exterior materials. Price range for the houses are approximately \$325-350,000, and will leave as many trees as they possibly can on the property.

A citizen came forth and stated that they have a serious problem in with the drainage that comes off of Rockledge, she stated that when there is a good rain, her backyard gets flooded, and it goes into the creek area and when the subdivision is developed will it hurt them as far as flooding their yard any more than it already does.

Chairman Sadler said no, and the developer will be required to supply the engineering department will specifications and plans showing that it will not increase and anymore than what is already there now.

Chairman Sadler closed the public hearing.

Dr. Whatley left the meeting at 4:50 p.m.

Chairman Sadler asked for a motion.

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

Mr. Seroyer seconded the motion.

Chairman Sadler asked for further discussion.

Chairman Sadler asked for a vote.

Ayes: Pridgen, Seroyer, Lazenby, Posey, Wood, Cherry

Nays: None

Abstention: None

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

7. Bay Court S/D, 14 lots, Bay Court, Ricky Dabbs, Preliminary Approval.

Mr. Ogren reported that the applicant is requesting preliminary plat approval for a 14-lot subdivision. The purpose of the subdivision is to remove fourteen substandard homes and build thirteen new single family homes. Planning staff believes this subdivision meets the purpose of Section 8.25 (Residential Redevelopment Project) of the Zoning Ordinance concerning redevelopment projects. The purpose of the residential redevelopment ordinance is to encourage redevelopment in neighborhoods that are experiencing deteriorating homes. The ordinance allows greater flexibility in the application of subdivision regulations, zoning regulations and other land use regulations as approved by the Planning Commission. The public benefit of the ordinance is that substandard housing is eliminated, affordable owner occupied housing is provided, and residential neighborhoods improved.

The Planning Commission determines whether the proposed Residential Redevelopments Project meets the intent of the ordinance in order to allow flexibility in regulations.

Mr. Ogren presented photographs taken of Bay Court showing the 14 homes that will be removed. He also presented house plan showing the typical home that will be built on each of the 13 lots.

The subdivision is located in an R-5 zoning district and 7,500 square feet is the minimum lot size. The 14 lots on Bay Court range from 6,590 square feet to 17,800 square feet. The developer plans to meet the minimum setback requirements of the R-5 zone. The developer said the homes will be sold not leased. All the lots will have public road access from Bay Court.

Four of the fourteen homes on Bay Court are vacant. Of the fourteen occupied homes, the property owners will offer the households to live in rental property he owns in Opelika. The property owner for this project, Ricky Dabbs, bought all the real estate owned by Barry Weiss in 1998.

Work Schedule: The developer will obtain a loan for 4 homes and begin building one home. After the first home is completed, then the developer will build the other three homes simultaneously. The four homes will be completed in six months. When a home is sold then the developer will start building another home. He anticipates the entire 13 homes will be built in two years. Financing will be through Charter Bank.

Recommendation:

Planning staff recommends approval subject to the provisions of Section 8.25 that allows the Planning Commission's approval of a subdivision meeting the purposes of a Residential Redevelopment Project. The new homes will range in size from 1,100 square feet to 1,400 square feet. The homes being removed range from 840 square feet to 1,260 square feet. Planning staff believes the new homes will be consistent in design and appearance as the homes removed and homes in the neighborhood. If the Planning Commission views this subdivision as a Residential Redevelopment Project then the lot size sizes submitted on the plat and recorded shall be deemed to meet the requirements of the zoning district.

The plat meets preliminary plat requirements except for the 25 foot minimum building line needs to be shown on all lots.

Planning staff recommends preliminary plat approval.

Mr. Dorsey reported that this 14-lot parcel residential subdivision is located within the Opelika corporate limits on Bay Court. Numerous existing residences on Bay Court will be demolished to accommodate the proposed development. Sanitary sewer service may not be available to Lots 10-14, as our maps and archive drawings indicate the gravity sewers on Bay Court and Ray Avenue terminate at the approximate eastern end of Lot 9. If lots 10-14 do not have sewer service, then construction drawings for the sewer main extension(s) must be submitted to the Engineering Department for review and approval prior to final plat approval. The new lot configuration may also require the installation of new residential services for Lots 1-9.

The Engineering Department recommends preliminary approval, subject to:

1. The dedication of ten additional feet of right-of-way for Bay Court along the south side fronting lots 1-8 and along the north side fronting 9-13 to satisfy current minimum right-of-way width standards and to accommodate the in-place overhead utilities that are presently located on private property.
2. The conversion of the extreme western end of Lot 14 into right-of-way for Ray Avenue.

Mr. Alan Lee reported that water service is accessible to this subdivision by a water main in the R.O.W. of Bay Court.

Mr. Derek Lee reported that this area is served by Opelika Light & Power.

Chairman Sadler opened the public hearing.

Ms. Anne Billingsley asked how it would affect the Williams property on Bay Court.

Mr. Ogren pointed out on the site plan that Mr. Williams's property would not be affected at all.

Mr. James Thompson came forth and was concern how his property would be affected.

Mr. Ogren stated that Mr. Thompson property would not be adversely affected by the new homes going onto Bay Court, and it should be a good improvement to the community.

Chairman Sadler closed the public hearing.

Chairman Sadler asked for questions or comments.

Chairman Sadler asked for a motion.

Dr. Lazenby made a motion to grant preliminary plat approval with staff recommendations.

Mr. Seroyer seconded the motion.

Ayes: Lazenby, Seroyer, Wood, Pridgen, Cherry, Posey

Nays: None

Abstention: None

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

8. Stephens Woods S/D, Section 2, Phase 1, 3 lots, Sawyer Drive & Covington Drive, Keith Stephens, Preliminary and Final Plat Approval.

Mr. Ogren reported that the applicant is requesting preliminary and final plat approval for a 3 lot subdivision. The purpose of the subdivision is to build single family homes. The minimum lot size is 7,500 square feet; all three lots are over 10,500 square feet.

Recommendation:

Planning staff recommends preliminary and final plat requirement subject to 25 foot minimum building line shown on the lots including corner lot.

Mr. Dorsey reported that this three-parcel residential subdivision is located within the Opelika corporate limits at the intersection of Covington Avenue and Sawyer Drive. The lots range in size between 0.24 and 0.27 acres. All public improvements (street, drainage, sanitary sewer) are in place.

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

1. Indicate the front-yard setback boundary on the plat.
2. Change the plat name from 'Stephen Woods' to 'Stephens Woods' to match the previous name.

Mr. Alan Lee reported that water service is accessible to this subdivision by water mains in the R.O.W. of Sawyer Drive and Covington Drive.

Mr. Derek Lee reported that these lots will be served by Opelika Light and Power.

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

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

Mr. Posey seconded the motion.

Ayes: Lazenby, Cherry, Posey, Seroyer, Pridgen, Wood

Nays: None

Abstention: None

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

9. Stephens Woods S/D, Section 2, Phase 2, 142 lots, Sawyer Drive & Catherine Court, Keith Stephens, Preliminary Approval.

Mr. Ogren reported that the applicant is requesting preliminary plat approval for a 142-lot subdivision. The purpose of the subdivision is to build single family homes. The lots range from 9,200 square feet to 29,900 s.f. The minimum lot size in this R-3 zone is 7,500 square feet. The lots are large enough to accommodate single family home construction.

Planning staff believes this subdivision will generate significant pedestrian traffic. Pedestrians should be provided convenient walkways for passive recreation, access to homes, and a safe walkway for children. Planning staff recommends sidewalks required for this subdivision. The applicant/developer should show sidewalks along the new streets of this subdivision on the final plat. The sidewalks may be installed on one side of the street. The applicant should coordinate with Opelika Utilities about which side of the street sidewalks should be installed.

Planning staff believes it's in the public interest and safety to require underground electrical and communications systems in this subdivision. The benefit from underground utilities is the near elimination of the threat of temporary loss of power service due to storms, high winds, and trees falling on power lines. The labor costs (paid by the tax-payers) to restore power service would be significantly reduced if underground utilities were required. Underground utilities also provides an aesthetic

value to the neighborhood, removes a traffic hazard (power poles), and protects the integrity of street trees (eliminates tree trimming).

The two recommendations above are part of the Design Guidelines (page 72-73) stated in the adopted 2004 Comprehensive Plan.

This subdivision adds another 142 homes to a neighborhood of over 200 existing homes or homes under construction. The subdivision has one primary access point to enter and exit the neighborhood – West Point Parkway. This 142 lot addition will create more of a “bottle-neck” condition on West Point Parkway (*i.e. especially in the morning when home-owners exit for work and in the evening when they arrive home from work*). Planning staff recommends the developer provide a stub out toward Fox Run Avenue for a future street.

Recommendation:

The plat meets preliminary plat data requirements

Planning staff recommends preliminary plat approval subject to sidewalks added on the final plat, underground utilities provided, and a stub out shown on the final plat for future access to Fox Run Avenue.

Mr. Dorsey reported that this 142-parcel residential subdivision is located within the Opelika corporate limits between Stephens Ridge Subdivision and the Fox Run Business Park. The lots range in size between 0.21 and 0.69 acres. Lots 121 and 122 share an existing residence. The only access roads into this subdivision are via southward extensions of Sawyer Drive and Catherine Drive, neither of which subdivision has been accepted for maintenance by the City of Opelika. Sanitary sewer service is available through the northward extension of an in place gravity main within the Fox Run Business Park. No lots have been identified for storm-water detention, but this must be provided as a condition of approval. A 50-foot wide stream buffer is indicated through the middle of the subdivision. All ground within the stream buffer shall remain undisturbed.

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

1. Change the plat name from ‘Stephen Woods’ to ‘Stephens Woods’ to match the previous name.
2. Indicate a 60-foot right-of-way at the western boundary of the subdivision approximately at Lot 192 to adjoin a platted 60-foot right-of-way in the Fox Run Business Park, in accordance with the blocking requirements of the Subdivision Regulations.
3. Indicate a 60-foot right-of-way at the northern boundary of the subdivision as a northward extension of Clifden Road, also in accordance with the blocking requirements.
4. The Engineering Department will not recommend final plat approval at a future meeting until Sawyer Drive or Catherine Drive have been accepted for maintenance by the City of Opelika.
5. Indicate the parcel(s) proposed for storm-water detention.
6. Rename Sawyer Road and Catherine Court to Sawyer Drive and Catherine Drive to match the existing street names.
7. Provide a vicinity map on the plat.

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

Mr. Derek Lee reported that this section of the subdivision will be served by Opelika Light and Power and Tallapoosa River Electric Co-op.

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

Mr. Seroyer seconded the motion.

Ayes: Seroyer, Pridgen, Posey, Cherry, Wood, Lazenby

Nays: None

Abstention: None

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

10. Herrick S/D, 1st Revision, lot line erasure, Rocky Brook Road, Harold Washington, P/F Approval.

Mr. Ogren reported that the applicant is requesting preliminary and final plat approval to combine four lots into one 20.8 acre parcel. At a later time, the applicant will re-subdivide the property for single family home construction. The minimum lot size in an R-2 zone is 15,000 square feet; single family homes are outright allowed.

The plat meets preliminary and final plat approval; staff recommends approval.

Mr. Dorsey reported that this subdivision is located within the Opelika corporate limits on Rocky Brook Road and combines four existing parcels into one 20.84-acre parcel. Sanitary sewer service is available.

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

1. Indicate the existing lake on the plat.

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

Mr. Derek Lee reported that Opelika Light & Power presently serves this area.

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

Chairman Sadler asked for questions or comments.

Dr. Lazenby asked what the developer plan to do with the lake.

Developer stated that he plans to build the lake back up and re-stock it in the fall.

Chairman Sadler asked for a motion.

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

Mr. Posey seconded the motion.

Ayes: Seroyer, Pridgen, Posey, Wood, Cherry, Lazenby

Nays: None

Abstention: None

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

11. The Gates, Phase 1, 98 lots, West Point Parkway, 280 Land Company, LLC, Preliminary Approval.

Mr. Ogren reported that the applicant is requesting preliminary plat approval for a 98-lot subdivision. The purpose of the subdivision is to build single family homes. This is phase one of The Gates subdivision which totals 868 lots on 584 acres. The City Council approved the rezoning request of this property from R-1 to R-3 in 2005. The rezoning ordinance included a section that requires the property owner to develop the property substantially as the master plan presented.

In the R-3 zoning district the minimum lot size is 7,500 square feet. These lots range from 13,475 square feet to 94,000 square feet (2.1 acres). The property near the lake is reserved as open space area.

Planning staff believes this subdivision will generate significant pedestrian traffic. Pedestrians should be provided convenient walkways for passive recreation, access to homes, and a safe walkway for children. Planning staff recommends sidewalks required for this subdivision. The applicant/developer should show sidewalks along the new streets of this subdivision on the final plat. The sidewalks may be installed on one side of the street. The applicant should coordinate with Opelika Utilities about which side of the street sidewalks should be installed.

Planning staff believes it's in the public interest and safety to require underground electrical and communication systems in this subdivision. The benefit from underground utilities is the near elimination of the threat of temporary loss of power service due to storms, high winds, and trees falling on power lines. The labor costs (paid by the tax-payers) to restore power service would be significantly reduced if underground utilities were required. Underground utilities also provides an aesthetic value to the neighborhood, removes a traffic hazard (power poles) and protects the integrity of street trees (eliminates tree trimming).

Recommendation:

This first phase of The Gates subdivision is subdivided as shown on the master plan presented at the rezoning public hearing. The plat meets preliminary except flood information was omitted.

Planning staff recommends preliminary plat approval subject to the recommendations above and all plat data requirements added to the final plat.

Mr. Dorsey reported that this 98-parcel residential subdivision is located within the Opelika corporate limits on West Point Parkway and Lake Condry Road. The parcels range in size between 0.31 and 2.16 acres. Sanitary sewer service is available. The Engineering Department recommends preliminary approval, subject to the following:

1. Indicate the entire base parcel (the remainder of Parcel A) on the plat.
2. Indicate the front yard setback boundaries on each parcel.
3. Add a note to the plat stating Lots 1, 72-76, and 97 shall not have direct access to either West Point Parkway or Lake Condry Road.
4. If this development will have restricted access, indicate the proposed gate locations. The Engineering Department needs assurance the gate locations will not cause vehicle traffic to back up onto either West Point Parkway or Lake Condry Road.
5. Indicate proposed names on all streets.

Mr. Alan reported that water service is accessible to this subdivision by water mains in the R.O. W. of West Point Parkway and Lake Condry Road.

Mr. Derek Lee reported that this development will be served by Opelika Light & Power and Tallapoosa River Co-op.

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

Chairman Sadler asked for questions or comments.

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

Mr. Seroyer seconded the motion.

Ayes: Posey, Seroyer, Cherry, Lazenby, Wood, Pridgen

Nays: None
Abstention: None

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

B. FINAL PLAT APPROVAL

12. South Lake S/D, 41 lots, South Uniroyal Road, Preston Holdings LLC, Final Approval.

Mr. Ogren reported that this subdivision was given preliminary approval at the July 26, 2005 meeting. At that meeting, preliminary approval involved 126 lots. This request for final plat approval is phase two of that 126-lot subdivision. Phase two consists of 41 lots. The purpose of the subdivision is to build single family homes. In 2005, this portion of South Lake was rezoned from R-1 to R-3. The R-3 rezoning area (61 acres) allows for about 145 lot residential neighborhood.

This phase two section of South Lake subdivision is associated with an Agreement between the City and Preston Holdings about relocating South Uniroyal Road so it aligns with North Uniroyal Road and an intersection is created on Highway 280. The City is discussing with property owners about acquiring their property for the realignment project: Preston Holdings will construct the street.

The R-3 lots exceed the minimum 7,500 square foot lot size ranging from 8,200 s.f. to 14,300 s.f. The minimum foot building lines (R3=25 feet; R-2=35 feet) needs to be shown on each lot.

Planning staff believes this subdivision will generate significant pedestrian traffic. Pedestrians should be provided convenient walkways for passive recreation, access to homes, and a safe walkway for children. Planning staff recommends sidewalk required for this subdivision. The applicant/developer should show sidewalks along the new streets of this subdivision on the final plat. The sidewalks may be installed on one side of the street. The applicant should coordinate with Opelika Utilities about which side of the street sidewalks should be installed.

Planning staff believes it's in the public interest and safety to require underground electrical and communications systems in this subdivision. The benefit from underground utilities is the near elimination of the threat of temporary loss of power service due to storms, high winds, and trees falling on power lines. The labor costs (paid by the tax-payers) to restore power service would be significantly reduced if underground utilities were required. Underground utilities also provides an aesthetic value to the neighborhood, removes a traffic hazard (power poles), and protects the integrity of street trees (eliminates tree trimming).

Planning staff recommends final plat approval subject to recommendations above and all plat data requirements are added to the final plat.

Mr. Dorsey reported that this 41-parcel residential subdivision is located on South Uniroyal Road between Columbus Parkway and Chewacla Road. The parcels range in size between 0.19 and 0.33 acres. Sanitary sewer service is available to all lots. The Engineering Department is in the process of reviewing the public works plans for construction.

The Engineering Department recommends final approval subject to:

1. Approval of the public works construction plans.
2. Indicate the front yard setback boundaries on each parcel.
3. Improve the vicinity map to indicate each of the parcels in this phase relative to the original parcel.
4. Provide another name for Hunter Court, as there is already a Hunter Street in Opelika.

Mr. Alan reported that water service is accessible to this subdivision by a water main in the R.O.W. of South Uniroyal Road and the developer will be required to provide a bond or letter of credit for utilities improvements.

Mr. Derek Lee reported that this development will be served by Opelika Light & Power.

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

Chairman Sadler asked for comments or questions.

Mr. Seroyer made a motion to grant final plat approval with staff recommendations.
Mr. Posey seconded the motion.

Ayes: Pridgen, Cherry, Wood, Lazenby, Posey, Seroyer

Nays: None

Abstention: None

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

~~C. **ADMINISTRATIVE PLATS - RATIFY WITHDRAWN**~~

~~13. **Layne Hudson, S/D, 6 lots, Lee Road 146, QRS Properties LLC, Ratify**~~

D. CONDITIONAL USE

14. Buster Hamm, 2815 South Uniroyal Road, M-1, Automobile towing service and auto repair.

Mr. Ogren reported the applicant is requesting conditional use approval for an automobile towing service and automobile repair business. The proposed business will be located at 2815 South Uniroyal Road in an M-1 zoning district. Currently the business's license is located off Williamson Avenue in an M-1 zoning district. The new location of the business on South Uniroyal Road is adjacent to the future Stonegate residential subdivision. The Stonegate rezoning request was approved by the City Council at the June 20th Council meeting. Stonegate will provide about 65 homes on lots at least 15,000 square feet. Planning staff discussed with the applicant concerns about these two incompatible uses adjacent to each other. A towing and repair business involves the storage of many wrecked automobiles, and therefore, this type of business property can be unsightly. Planning staff believes this intensive type of land use could be compatible with the surrounding future residential area if the proper screening and buffer is required.

The landscape plan shows a 20 foot undisturbed wooded area along the rear property line. Planning staff recommends that an opaque wooden fence 6 foot high be installed along the rear property line. Planning staff also recommends a 30 foot undisturbed wooded area along the rear property line. Also, the trees shown on the North side should be changed from tulip poplar and white oak to Leyland cypress. Cypress provides a more opaque screen/buffer from South Uniroyal Road. Other types of trees, as shown on the landscape plan, may need to be changed as recommended by the City Horticulturist; so a nearly impervious visual barrier will be created in three years. Also, the size of trees planted should follow the recommendation of the City Horticulturist so the visual barrier will be in place in three years.

The site plan submitted shows an existing 3,750 square foot building and 12 parking spaces. The minimum parking requirements are met for this type of business. The storage area is located in the rear yard. Planning staff recommends the fence shown on the site plan be wooden and at least 6 feet high.

Recommendation:

Planning staff believes the proposed use could be compatible with the adjacent properties and future residential subdivisions. Staff recommends approval subject to the recommendations stated in this report. The applicant also needs to submit proof of compliance as required in Section 8.17.5:

The applicant 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. Dorsey reported that the proposed site is located on the eastern side of South Uniroyal Road between Norfolk Southern Railroad and Old Columbus Road, and was formerly used as a truck freight terminal. Sanitary sewer service is not presently available.

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

1. Relocating the proposed fence and rolling gate on the south side of the site farther away from the roadway, as per the site plan. The site plan indicates this distance is approximately 40-45 feet, but the actual distance is approximately 10 feet shorter. This extra distance is necessary for the towing vehicles to be able to move entirely off the road while the gate is closed.
2. The southern gate remaining locked and closed to vehicle traffic at all times, except for when towed vehicles are entering or exiting the business.

Mr. Alan Lee reported water service is accessible to this use by a water main in the R.O.W. of South Uniroyal Road.

Mr. Derek Lee reported that Tallapoosa River Electric Co-op presently serves this building.

Chairman Sadler asked for questions or comments.

Chairman Sadler asked for a motion.

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

Mr. Seroyer seconded the motion.

Mr. Pridgen stated that the commission discussed requiring the fence to be solid in nature rather than waiting three years for the natural buffer to come in. (plants).

Mr. Pridgen comments are included in the motion with staff recommendations.

Ayes: Lazenby, Posey, Cherry, Seroyer, Pridgen, Wood

Nays: None

Abstention: None

The motion to grant a conditional use approval with staff recommendations passed.

Chairman Sadler stated that all conditional use applicants must notify the Planning Department within 15 days of this meeting in writing of their acceptance of the conditions and concerns that the applicant is required to do and the condition of their approval. This is a City of Opelika Regulation of this Planning Commission.

15. Shang Ying Han, 1703 Columbus Parkway, C-3, GC-2 Restaurant.

Mr. Ogren reported that at the October 2004 PC meeting, the applicant requested and received conditional use approval for a new restaurant (formerly Walt's Seafood) located on Highway 280 East. Since that October 2004 approval, a church has occupied the building. At the October 2005 meeting, the Planning Commission

granted conditional use approval for the church. The conditional use approval expired for the restaurant in October 2005.

The applicant modified the original floor plan and added a 600 square foot indoor customer service area and a 400 sf open-air porch on the 2nd floor. These modifications affected the minimum parking requirements. Minimum parking requirements for a restaurant is one space per 100 sf or one space per every three seats, whichever is greater plus one space for each employee. The site plan shows 4,803 square feet of seating area; the applicant says that 5 to 7 employees will manage the restaurant. The restaurant will need 55 parking spaces if the addition on the 2nd floor included; the site plan shows 37 spaces. The property is not large enough to provide 55 parking spaces.

Staff recommends that the 2nd floor customer service area be eliminated so minimum parking requirements are met.

Also, at the October 2004 meeting, Mr. Munn, adjacent property owner of the Econo Lodge, contacted the Planning Department about the open-air porch. He is concerned about the noise from restaurant customers, music, or other activities coming from an open area. He is concerned that the noise would adversely affect his business. His customers would complain or refuse to stay at the Econo Lodge.

The site plan shows an ISR (Impervious Surface Ratio) of 84%; this is 9% more hard surface than the maximum 75% requirement. The asphalt parking surface has existed for years providing parking to former restaurants. The owner added landscape islands in the parking lot, screened the dumpster, and added other landscaping as required. The physical constraints of the property, the existing pavement, prohibit the site from meeting the ISR requirements. As provided in Section 8.20 Non-Conforming Uses and Nonconforming Structure, when new businesses occupy property already developed, the business must meet current requirements as much as possible. This regulation also applies to the minimum front yard building setbacks. The building is located at one point 3 feet from the Highway 280 right-of-way. This short distance occurred because of ADOT's acquisition of right-of-way.

The exterior material of the building is wood and brick. The main roof is simulated tile with composition shingles on rear of building.

NOTE: At the 2004 meeting, Mr. Munn also questioned the location of the property line between his property and the restaurant property. He believes that some of the parking spaces on the site designated for the restaurant are actually on his property. Planning staff discussed this with Mr. Ruscini. Mr. Ruscini contacted the surveyor, Boles Engineering that provided the survey for the site plan. Boles Engineering said they prepared an "as built" survey for the Econo Lodge in which property pins and the corners of the Econo Lodge building were located.

Recommendation

Planning staff believes that current development requirements are met as well as possible given the property was developed as a restaurant site some 30+ years ago and because of the physical constraints on the property. Staff recommends approval with the 84% ISR calculation, the building setback on Hwy 280 as shown on the site plan and with the following conditions:

1. The second floor area should be eliminated because of the excessive noise from the 400 square foot proposed outdoor customer, and more important, so minimum parking space requirements are met. The applicant's property is subject to Noise Standards as provided in Section 8.6 of the Zoning Ordinance.
2. A 6 foot high wooden fence should be installed along the east property line to buffer the restaurant activity from the Econo Lodge motel.
3. A sign permit will need to be applied for prior to installing any signs. One freestanding sign per lot is allowed. A freestanding sign exists on the property. The sign needs to be removed if not utilized for the restaurant sign. A condition from the August 27, 2002 meeting stated that, "No sign shall be erected on the building. Planning Commission prefers a freestanding sign to be installed."

4. An illumination plan that indicates that the proposed, parking lot lighting will not exceed 1 foot-candle at the property line needs to be submitted prior to receiving a certificate of occupancy.

5. Clean the site of debris and construction material. Remove all excess bricks, building materials, excess supplies, etc. prior to receiving a certificate of occupancy.

6. 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. Dorsey reported that the proposed site is located on the southern side of Columbus Parkway between Anand Street and South Uniroyal Road, and was formerly used as a restaurant. Sanitary sewer service is available. The Engineering Department recommends conditional use approval, subject to the following:

1. Stripe and mark all parking spaces according to the proposed site plan.
2. Install and landscape all interior and perimeter parking lot islands.

Mr. Alan Lee reported that Opelika Utilities presently serves this use.

Mr. Derek Lee reported that Opelika Light and Power presently serves this building.

Chairman Sadler asked for questions or comments.

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

Mr. Posey seconded the motion.

Ayes: Seroyer, Posey, Pridgen, Wood, Lazenby, Cherry

Nays: None

Abstention: None

The motion to grant conditional use approval with staff recommendations.

16. James and Emily Carpenter, 209 South 8th Street, Second floor apartment in C-1 zone.

Mr. Ogren reported that the applicant is requesting conditional use approval to add one apartment on the 2nd Floor of a building located in the C-1 zoning district (209 South 8th Street). This building is adjacent to the breezeway walkway which links South 8th Street to Courthouse Square.

Section 7.7 Downtown Residential Living in the Zoning Ordinance allows apartments on the 2nd floor of buildings only. The first floor in the C-1 zoning district is reserved for commercial uses. The floor area of the apartment is 550 square feet. The applicant is designating the upstairs as residential; the Zoning Ordinance does not allow mixed uses – residential with commercial; therefore, no commercial uses are allowed upstairs. The first floor will be a retail business for children's clothes. There are no minimum parking requirements in the C-1 zoning district. The primary entrance/exit for the second floor tenant to the apartment will be from the rear. The applicant has discussed the two uses in one building (residence and commercial) with the Fire Department and Building Inspections in order to meet all fire and safety codes. The rear wall of the building faces Courthouse Square; therefore the tenant

will probably park near the rear of the building. The Downtown Residential Living ordinance prohibits storage of boats, campers, or trailers in the C-1 zone.

Recommendation: Planning staff recommends approval.

Mr. Dorsey reported that the Engineering Department recommends conditional use approval as submitted.

Mr. Alan Lee reported that water service is accessible to this use by a water main in the R.O.W. of South 8th Street.

Mr. Derek Lee reported that Opelika Light and Power presently provides service to this building.

Chairman Sadler asked for questions or comments.

Chairman Sadler asked for a motion.

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

Mr. Posey seconded the motion.

Ayes: Seroyer, Posey, Pridgen, Wood, Lazenby, Cherry

Nays: None

Abstention: None

The motion to grant conditional use approval with staff recommendations passed.

17. Fox Run Developers LLC, 1200 block of Fox Run Parkway, 312 condo units.

Mr. Ogren reported that the applicant is requesting conditional use approval for 312 condominium/town-homes development that includes a clubhouse and a swimming pool. The overall density is 6.5 dwelling units per acre. The condo dwelling units will be sold individually; the streets shown on the site plan are private streets; a condo association will collect fees to maintain the open spaces, private streets, and pool & clubhouse. An architectural conceptual drawing is attached showing how the condos will appear. A floor plan is also attached.

The condos are built in groups of 4, 6, or 8 attached units. These are two story condo units; the first floor consists of a one-car garage, kitchen, 2-bedrooms 2-baths, and family room; the second floor consists of 2-bedrooms and 1½-baths. The minimum floor area which includes a one-car garage is 1,600 square feet.

The rear yards are at least 550 square feet. However, the size of the rear yard must meet town home standards for minimum rear yards i.e., the rear yard must be at least 50% of the floor area. The common open space requirement is met with a clubhouse and pool facility located near the condominium entrance. The 5-foot access-way requirement needs to be designated on the site plan along the rear of the entire complex. The applicant also needs to provide documentation that an owners and/or tenant association will be established for maintenance of the project prior to any units being sold. It appears the curves of the private drives will accommodate minimum radiuses for fire trucks. The minimum setbacks are met with the condos about 30 feet from the perimeter property line.

It appears the site plan shows adequate impervious surface area between the condos and along the perimeter of the entire condo complex. However, staff needs a more detailed landscape plan showing types of plant material, base points requirements, and residential buffer material along the property lines.

Recommendations:

Planning staff believes this multi-family development will generate significant pedestrian traffic. Therefore, pedestrians should be provided convenient walkways

for passive recreation, access to condos, and a safe walkway for children. Planning staff recommends sidewalks required for this development. The applicant/developer should show sidewalks along the private streets on the site plan.

Planning staff believes it's in the public interest and safety to require underground electrical and communications systems in this condominium development. The benefit from underground utilities is the near elimination of the threat of temporary loss of power service due to storms, high winds, and trees falling on power lines. The labor costs (paid by the tax-payers) to restore power service would be significantly reduced if underground utilities were required. Underground utilities will also provide an aesthetic value to this condominium development.

Also, staff recommends a photometric lighting plan be submitted for the entire development. The level of illumination at the property line should not exceed 1 foot candle. Staff also recommends that street lighting be provided along the private streets for safety and security. The spacing of street lights should meet minimum specifications.

If a private company is used to remove refuse, staff recommends that the dumpster be screened on all sides with an opaque fence including a gated front.

Recommendation:

Planning staff understands from discussions with the applicant/developer that the condominium dwellings/structures will be sold to individuals (not leased) and the common open space will be maintained through a Condominium Homeowners Association. Staff recommends that if plans change from the original intent then the applicant/property owner must apply for conditional use approval to discuss those changes with the Planning Commission. Other conditions not stated in this report may be required depending on the changes proposed by the applicant/property owner.

Staff recommends conditional use approval subject to the recommendations above and information added to the site plan as stated in this report. Changes from this original intent i.e., the condos the applicant/property owner must

Mr. Dorsey reported that this residential condominium development is located on a 47-acre parcel on the eastern side of Fox Run Parkway between Bett's Crossing Shopping Center and the Brookstone assisted living facility. One vehicle access on Fox Run Parkway will be provided. Sanitary sewer service currently extends through the parcel parallel to Fox Run Parkway. Multiple on-site ponds will provide storm-water detention. All streets within the development will be private, and each unit will provide two off-street parking spaces.

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

1. Construct a right turn deceleration lane and a center left turn lane on Fox Run Parkway for all vehicles entering the development.

Mr. Alan Lee reported that water service is accessible to this use by a water main in the R.O.W. of Fox Run Parkway. Each unit will need to be metered separately, also include a 10 foot easement.

Mr. Derek Lee reported that Opelika Light and Power provides service to this area.

Chairman Sadler stated that the developers need to provide adequate and detailed landscaping drawings before a C.O. is issued.

Chairman Sadler asked for questions or comments.

Dr. Lazenby asked the developer if they have a similar complex somewhere else.

Mr. Wood said no not at this time.

Dr. Lazenby stated that he would like to see what the development will look like.

Mr. Posey asked if this item should be tabled until all the required drawings have been turned in.

Chairman Sadler said no, not necessarily, but it does make it difficult on staff and the commissioners, because this is supposed to be review properly before the meeting. Chairman Sadler said that the developer must get the detail landscape drawings in to the Planning Department soon for review.

Mr. Posey asked how soon can the plans be in (Horticultural requirements).

Mr. Wood said it would be a couple of weeks because they have to get with the landscape architect.

Chairman Sadler asked if it would kill the deal if this item was tabled until next month.

Mr. Wood stated that he was only the project manager and he would have to ask the developer which was not present.

Chairman Sadler stated that at this time he would like to give staff the opportunity to review the plans. He said that the only thing he can do at this point is give staff the authority to move on with this based on the fact that they are comfortable with the submittal of the required drawings.

Mr. Pridgen stated that the developer is not at full fault and the board should not hold him up because this was not taken care of at staff level, when the developer could have taken care of this by the submittal deadline.

Chairman Sadler stated that if the board approves this, it can be approved based on the fact that the appropriate department will have to look at the plans and approve the submittal.

Mr. Cherry asked if this developer is still required to submit his 15-day letter accepting the conditions of the approval.

Chairman Sadler stated that he feels the developer will be able to submit the letter within the 15 days.

Mr. Lee, Utilities Board, asked if the Utilities Board could also receive a copy of the letter as well to make sure the applicant is in compliance with the Utilities Board terms as well.

Chairman Sadler said yes, that would be fine.

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

Mr. Posey seconded the motion.

Ayes: Seroyer, Wood, Cherry, Posey, Pridgen, Lazenby

Nays: None

Abstention: None

The motion to grant conditional use approval with staff recommendations passed.

18. Michele Foote Riding, 3762 Pepperell Parkway (Mid-Way Plaza), C-3, GC-2, Bar & Grill.

Mr. Ogren reported that the applicant is requesting conditional use approval to open a bar & grill in Midway Shopping Center. The tenant space (4,583 s.f.) has a seating capacity for about 300 people. The bar will also provide two pool tables and wide screen televisions for customers. The applicant expects 75 to 125 customers per day. The business will employ 12 people.

The hours of operation for the bar & grill is 12 noon to 2:00 AM Monday through Saturday. Parking should not be a problem at Midway shopping center.

The criteria concerning conditional use reviews is to determine whether or not the proposed use at the proposed location will result in substantial and undue adverse effect on adjacent properties, the character of the neighborhood, parking, public safety, etc. The proposed business is adjacent to an R-5 residential zoning district. Most of the dwellings are mobile homes in Mid-Way Manor Mobile Home Park.

Planning staff believes a bar & grill of this type could operate in this location if certain conditions are followed by the applicant to mitigate the potential problems associated with a bar. The purpose here is to reduce the demands on the City's police and fire department from complaints and disturbances coming from the bar's activities. Staff believes a bar should carry most of the responsibility to keep order without constant police intervention.

Recommendation:

Planning staff recommends the following as a condition for approval:

1. Staff recommends the applicant meet with the Opelika Police Department to discuss laws relating to bars and discuss problems experienced by the Police Department with current or former bars.
2. Evidence of Liquor Liability Insurance

Mr. Dorsey reported that the proposed business will be located near the intersection of the two storefront faces in Midway Plaza Shopping Center. The site has an adequate number of off-street parking spaces and sufficient access for the disabled, as well as sanitary sewer service. The Engineering Department recommends conditional use approval as submitted, as all Public Works Manual requirements appear to be satisfied.

Mr. Alan Lee reported that Opelika Utilities presently serves this use.

Mr. Derek Lee reported that Opelika Light and Power presently serves this building.

Chairman Sadler asked for questions or comments.

Mr. Pridgen asked about the square footage of useable space (restaurant/bar area) verses storage space.

Ms. Riding stated that there's a list of all the items listed as storage, kitchen, bathrooms, office that this obvious that people won't be sitting as they will in the restaurant/ bar area. We have the table layout which is what Building Inspections required and will do the capacity based on the amount of chairs available, and at the most is figured that be can seated is 250 people in the space.

Mr. Posey asked Ms. Riding if she has had previous experience with operating a bar & grill.

Ms. Riding explained that for 5 years she worked in a bar and said she has worked behind the bar and knows the ABC Board regulations, and stated that she has managerial experience. She said she knows how to manage money and manage people, and she realizes that there are some concerns over another establishment in town that has many problems, and causes a lot of trouble, and stated that she is prepared to do anything the board requires her to do to make the business a success and prove that this won't be another troubled bar. She said that the city should not have any problems with her business.

Mr. Posey asked Ms. Riding if she plans to have security personnel on staff.

Ms. Riding said that she plans to hire C.P.O.'s that are qualified security personnel.

Chairman Sadler asked for a motion.

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

Mr. Pridgen seconded the motion.

Ayes: Posey, Pridgen, Cherry, Wood, Seroyer, Lazenby

Nays: None

Abstention: None

The motion to grant conditional use approval with staff recommendations passed.

19. Graham Carroll, 2711 Frederick Road, C-2, GC-2, Veterinarian Clinic.

Mr. Ogren reported that the property owner/applicant is requesting conditional use approval for a small animal veterinarian clinic. The applicant said that the business will not serve as a kennel or serve as a boarding operation for animals.

The site plan submitted shows a 28,000 square foot lot with a new 2,016 square foot building to be constructed. The site plan also shows 19 parking spaces which meet the minimum landscaping requirements concerning base points obtained/required and appears the 75% ISR requirements are met. The applicant/architect needs to provide on the site plan what type of plant material to be planted and the ISR calculations. The site plan shows an "Existing Buffer to Remain" along the rear property line as a residential buffer. This note needs to state "20 foot Natural, Undisturbed Wooded Area to Remain."

Planning staff believes the proposed use is appropriate in this C-2, GC-2 zoning district. Staff recommends conditional use approval subject to information stated above added to the site plan.

Mr. Dorsey reported that a small animal veterinary clinic is proposed for this 0.66-acre parcel, which is located on the south side of Frederick Road just east of Cunningham Drive. The site plan submitted for approval does not indicate a 36-foot right-of-way strip to be acquired for the Frederick Road widening project. As shown, the entire storm-water detention pond and a small portion of the parking lot will be located within the future right-of-way. Sanitary sewer service is not currently available due to the site topography. The nearest available gravity sewer is located approximately one-quarter to one-half mile to the north.

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

1. Relocate the proposed detention area and parking lot so no portions are within the proposed right-of-way acquisition.
2. Extend the existing sanitary sewer main southward to provide service, or receive written approval from the Lee County Health Department for a septic tank installation.
3. Shift the driveway entrance to the east so it will not encroach on the adjacent property owner to the west. No part of the driveway radius may extend beyond the shared property line.
4. Consider relocating the dumpster pad, as the proposed location will require the refuse truck to back up approximately 150 feet before being able to turn around and exit the site.

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

Mr. Derek Lee reported that Alabama Power Company will serve this building.

Chairman Sadler asked for questions or comments.

Dr. Lazenby made a motion to grant conditional use approval with staff recommendations.

Mr. Posey seconded the motion.

Ayes: Lazenby, Posey, Pridgen, Cherry, Seroyer, Wood

Nays: None

Abstention: None

The motion to grant conditional use approval with staff recommendations passed.

20. Tommy Farnell, 2203 Airport Road (north), M-1 office warehouse – 3 units.

Mr. Ogren reported that the property owner/applicant is requesting conditional use approval to build a three-unit commercial center in an M-1 zoning district. The applicant expects the units will be occupied by commercial support type businesses such as a heating and air company or a contractor's office. The development is speculative; and at this time, the applicant does not have any tenants.

The site plan submitted shows one building with three 840 square foot units that will be leased. The site plan shows the corner of the building located on the property line. The minimum side yard setback in the M-1 zone is 30 feet. The building must be moved or the size of the building reduced in order to meet minimum setbacks. The site plan shows 6 parking spaces for all three commercial units. The parking spaces may be adequate for small commercial support uses but if other type uses which attract customers occupy a unit, such as a retail store, then additional paved parking must be provided. One parking space shown on the site plan must be designated handicapped.

Mr. Dorsey reported that this 0.46-acre parcel is located on the eastern side of Airport Road just south of the CSX Railroad right-of-way. The owner proposes to construct a 3-unit office/warehouse structure at this site. The required 150-foot right-of-way width for the City's proposed perimeter road will consume over one-half the land area of this site. Gravity-flow sanitary sewer service is not directly accessible, but is available on the north side of the railroad near the creek.

The Engineering Department recommends conditional use approval, subject to the following conditions and approval for construction within the perimeter road right-of-way:

1. Move the building away from the side yard setback boundary along the northern property line to comply with the Zoning Ordinance.
2. Relocate the required landscaping out of the public right-of-way and onto the parcel.
3. Adjust the driveway so the radius connection to Airport Road does not extend beyond the southern property line.
4. Indicate the approximate location of the storm-water detention basin and provide all calculations and assumptions to support the basin design.
5. Indicate the approximate location of the sanitary sewer main extension.
6. Relocate the handicap parking space to the center of the parking lot to provide better access to all business entrances.
7. Indicate how the existing overhead power line must be relocated so it does not travel across the corner of the building.
8. Indicate curb and gutter around the perimeter of the paved parking lot.
9. Revise the title to indicate the site is located in Opelika instead of Auburn.
10. Revise the drawing scale to a traditional site plan scale, such as 1"=20'. The approximate scale of the current drawing is 1"=24'.
11. Indicate the property boundary on the western side adjacent to Airport Road.
12. Relocate the paved parking lot so no part is within the Airport Road right-of-way.

Mr. Alan reported that water service is accessible to this use by a water main in the R.O.W. of Airport Road.

Mr. Derek Lee reported that Alabama Power Company will serve this building.

Chairman Sadler asked for questions or comments.

Chairman Sadler asked Mr. Gunter, City Attorney, what advice he can give in regards to the new perimeter road that the city may install.

Mr. Gunter stated that the board can't deny the conditional use based what the city may or may not do 20 years from now regarding a new perimeter road. It may or may not happen.

Mr. Pridgen stated that he feels will be a good asset, but the garage doors needs to be on the back of the building and not on the front.

Mr. Farnell's engineer stated that one issue is the building being on 75' railroad right-of-way and because of the narrowest and shape of the property he asked to waive the 30' side-yard setback.

Chairman Sadler stated that the Zoning Board would have to approve it, and hardship would have to be shown.

Chairman Sadler asked for a motion.

Mr. Seroyer made a motion to grant conditional use approval with staff recommendations subject to Zoning Board approval for setback requirements. Mr. Posey seconded the motion.

Ayes: Seroyer, Cherry, Posey, Wood, Pridgen, Lazenby

Nays: None

Abstention: None

The motion to grant conditional use approval with staff recommendations passed.

21. Tommy Farnell, 2201 Airport Road (south), M-1, office warehouse – 8 units.

Mr. Ogren reported that this request is nearly identical to agenda item #20. However, on this property the property owner/applicant is requesting conditional use approval to build an eight-unit commercial center in an M-1 zoning district. As in agenda item #20, the applicant expects the units will be rented to commercial support type businesses such as a heating & air company or a contractor's office. The development is speculative; at this time, the applicant does not have any tenants.

The site plan submitted shows one building with eight 1,175 square foot units. The building meets the minimum setback requirements (front=40, side/rear = 30 feet) in this M-1 zoning district. The site plan shows 16 parking spaces for all eight commercial units. Planning staff questions if the parking spaces are adequate for small commercial support uses or other type uses which will attract customers to the site such as a small retail store. The applicant may need to provide additional off-street parking spaces and paved driveways. One parking space for each commercial unit must be designated handicapped.

The landscaping shown appears to meet minimum requirements. The landscape plan needs to show the base points required/obtained and the plant material to be planted. The landscaping material must be planted on private property and not the right-of-way. It appears the landscaping shown on the site plan is located in the right-of-way.

Recommendation:

This paragraph is the same information stated in the previous report, agenda item #20. The Connector (Loop) Road right-of-way runs through this property. The map attached shows the 150 foot wide Connector Road right-of-way. The City established the center line of the Connector Road about 1991. The option is to decide whether to purchase this property now as undeveloped land from the applicant or allow the applicant to develop his property. Of course, if the property is developed and the City decides to purchase the property at a later time, the property

costs will be much higher with all the improvements as shown on the site plan. This issue will be discussed with the Mayor and City Council at a City Council work-session. This issue was discussed with the applicant and he realizes his development may be delayed. .

Planning staff believes the proposed use is appropriate in this M-1 zoning district. Staff recommends conditional use approval subject to recommendations above and the applicant providing other information as requested in this report.

This 1.06-acre parcel is located on the eastern side of Airport Road between the CSX Railroad right-of-way and Hi-pack Drive. The owner proposes to construct an 8-unit office/warehouse structure at this site. The required 150-foot right-of-way width for the City's proposed perimeter road will consume approximately one-third the land area of this site. Gravity-flow sanitary sewer service is not directly accessible, but is available on the north side of the railroad near the creek.

The Engineering Department recommends conditional use approval, subject to the following conditions and approval for construction within the perimeter road right-of-way:

1. Ensure the spacing between the two proposed driveways and other adjacent driveways complies with the intent of the City's Access Management Regulations.
2. Relocate the required landscaping out of the public right-of-way and onto the parcel.
3. Indicate the approximate location of the storm-water detention basin and provide all calculations and assumptions to support the basin design.
4. Indicate the approximate location of the sanitary sewer main extension.
5. Indicate curb and gutter around the perimeter of the paved parking lot.
6. Revise the title to indicate the site is located in Opelika instead of Auburn.
7. Indicate the property boundary on the western side adjacent to Airport Road.
8. Relocate the paved parking lot so no part is within the Airport Road right-of-way.

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

Mr. Derek Lee reported that Alabama Power Company presently serves this building.

Chairman Sadler asked for questions or comments.

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

Mr. Seroyer seconded the motion.

Ayes: Posey, Seroyer, Wood, Lazenby, Pridgen, Cherry

Nays: None

Abstention: None

The motion to grant conditional use approval with staff recommendations passed.

22. Market Street Properties, LLC, 1801 Market Street, production of food products.

Mr. Ogren reported that the property owner/applicant is requesting conditional use approval for a cookie factory business at 1801 Market Street. The business is located in the rear area of a building that is occupied by Habitat for Humanity. The cookie factory will occupy a 1,100 square foot portion of the 7,300 square foot Habitat for Humanity building. The cookie factory will employ 6 people. The cookies will be sold to different companies and sold through the internet.

The site plan submitted shows the 1,100 square foot portion of the Habitat building that will be occupied by the cookie factory. The site plan meets the minimum parking requirements; the site plan shows 7 parking spaces. Minimum parking spaces required for a manufacturer is one space for each employee and one space per

company vehicle left on the premises. The private driveway on the site plan indicates how delver/pick-up trucks will maneuver on the property in order to pull up to a loading door. The landscape regulations are met from existing trees that will be preserved on site. The landscape plan shows 15 existing trees with a 6 inch diameter.

Planning staff believes the proposed use is appropriate in this M-1, GC-2 zoning district. Staff recommends conditional use approval.

Mr. Dorsey reported that the owner proposes to use a vacant portion of an existing commercial building in the Davis Industrial Park to produce commercial food products. The vacant portion is located on the northern end away from the intersection of Lake Condry Road and Market Street. The site drawings indicate plans to extend a vehicle drive around the northern side of the building and construct a loading area and parking spaces on the eastern side; however, there is an existing double door on the western side of the building nearest Market Street.

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

1. Verify the intended location of the truck loading area. If it is on the east side, then the plans are approved as submitted. If it is on the west side, then eliminate the vehicle drive and parking spaces on the east side.

Mr. Alan Lee reported that water service is accessible to this subdivision by a water main in the R.O.W. of Market Street.

Mr. Derek Lee reported that Opelika Light & Power serves this area.

Chairman Sadler asked for questions or comments.

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

Mr. Posey seconded the motion.

Ayes: Seroyer, Posey, Lazenby, Cherry, Wood, Pridgen

Nays: None

Abstention: None

The motion to grant conditional use approval with staff recommendations passed.

With no further business on the agenda, Chairman Sadler adjourned the meeting at 5:45 p.m.

_____ H.J. Sadler, Chairman

_____ Martin D. Ogren, Secretary