

March 27, 2012

The City of Opelika Planning Commission held its regular monthly meeting March 27, 2012 in the Planning Commission Chambers, located at the Public Works Facility, 700 Fox Trail. Certified letters were mailed to all adjacent property owners for related issues.

MEMBERS PRESENT: Lewis Cherry, James Morgan, Arturo Menefee, Ira Silberman, Gary Fuller, Keith Pridgen, David Canon, Michael Hilyer

MEMBERS ABSENT: Lucinda Cannon

STAFF PRESENT: Gerald Kelley, Planning Director
Martin Ogren, Assistant Planning Director
Rachel Dennis, Planning and Zoning Technician
Walter Dorsey, City Engineer
Josh Hawkins, Opelika Utilities Board
Brian Kriel, Opelika Power Services
Guy Gunter, City Attorney

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

I. Approval of February 28, 2012 Minutes

Chairman Pridgen asked for any changes or corrections to the February 28, 2012 Planning Commission Minutes.

Mr. Cherry made a motion to accept the February 28, 2012 minutes of Planning Commission as written.

Mayor Fuller seconded the motion.

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

Nays: None

Abstention: None

B. ADMINISTRATIVE PLAT

3. Hamilton Gables Subdivision, 4 lots, Alumni Lane, Hamilton Gables LLC, Ratify

Mr. Kelley reported Hamilton Gables is continuing to build as planned with residential patio homes as set forth in their PUD zoning and the approved Development Plan. This administrative request follows the same procedural guidelines provided in Section 4.11 Administrative Subdivision, Subsection C. Review and Approval for the Planning Commission to ratify the subdivision plat.

This Redivision of Lot 1, Third Addition of Hamilton Gables establishes four (4) patio home units (20A, 20B, 20C, and 20D) in one building at the intersection on Hamilton Rd. (public right of way), Alumni Ln. (private), and Social Cr. (private) in Hamilton Gable Subdivision. The building is complete and units are for sale. One unit is scheduled for closing this month.

Planning Department recommends a waiver has not yet been received from an adjacent property owner (Harry and Sarah Strawn); therefore the Planning Commission may have to approve the administrative plat. The plat has not yet been recorded.

Mr. Dorsey reported sanitary sewer service is available to Lots 20A-D via an in-place gravity main located just to the east of these lots. Vehicle access is available to Hamilton Road via Social Circle, which is a private drive maintained by the homeowners association. A portion of Lot 1 along its eastern side is located within the 100-year flood zone boundary.

The Engineering Department recommends preliminary and final plat approval as submitted.

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

Mr. Kriel reported this subdivision is in the Opelika Power Services and Alabama Power territories. Easements shall be granted for any existing electrical facilities. If any electrical facilities must be moved the developer shall incur the full cost to relocate.

Mr. Cherry motioned to grant approval for administrative plat with staff recommendation. Mr. Silberman seconded the motion.

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

Nays: None

Abstention: None

C. CONDITIONAL USE APPROVAL

4. Charles Carl, 3811 South Uniroyal Road, C-3, Erosion & sediment control services

Mr. Ogren reported the applicant is requesting conditional use approval for an erosion and sediment control business in a C-3 zoning district. The total property area is 39.9 acres; the business property is 5.7 acres and fronts along South Uniroyal Road. A future development is planned for an adjacent 6 acre area that also fronts long South Uniroyal Road (A subdivision for the adjacent parcel will be submitted at a later time.). The rear yard area is about 29 acres. The applicant will grow hay on the 29 acres and use the hay as an erosion control product. The applicant plans to construct an 11,000 square foot building on the 5.7 acres. The building consists of office space, maintenance shop, warehouse, truck bays, and an attached apartment. (The business owner will live in the apartment.)

The site plan provided meets minimum requirements for parking and landscaping. Ten paved parking spaces including a handicap space are shown. The landscape plan shows 48 trees and 90 shrubs that will be planted. The plant material is determined from the 5.7 acre developed area. A residential buffer is required and shown along the north and south property line. The buffers are 25 feet wide and consist of the existing undisturbed wooded area. The adjacent property to the north is a residential neighborhood – The Cottages at Fieldstone. The adjacent properties to the south are mobile homes. The wooded area serves as a visual buffer between the residential and commercial use. The applicant is aware that the 25 foot wooded area must not be removed.

Planning Department recommends approval as submitted.

Mr. Dorsey reported sanitary sewer service is available to this undeveloped 40-acre parcel via an in-place gravity main located within the adjacent Fieldstone Subdivision to the north. Vehicle access is available via one two-way curb cut on South Uniroyal Road. This curb cut will also provide shared access if the northeastern corner of the parcel is developed in the future. Ten paved parking spaces are provided, of which one is designated for use by the disabled. The parking area and access drives within the fenced enclosure at the rear of the building will have a gravel surface. Storm water will be managed via a detention pond to be located near the southwestern corner of the parcel. A 1,200 square foot apartment for the owners' use is proposed to be constructed along the southern side of the commercial building.

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

1. The developer's engineer shall provide a complete set of site construction plans and storm water management calculations to the Engineering Department for review and approval prior to the issuance of a building permit.

Mr. Hawkins reported Opelika Utilities currently serves this location.

Mr. Kriel reported this building is served by Opelika Power Services.

Dr. Menefee motioned to grant conditional use approval with staff recommendation.

Mr. Hilyer seconded the motion.

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

Nays: None

Abstention: None

D. REZONING – Public Hearing

5. Melba Turner, 407 West Thomason Circle, 2.25 acres, R-4 to I-1, GC-2

Mr. Ogren reported the applicant/property owner is requesting rezoning 2.2 acres from R-4 to I-1, GC-2. The adjacent property on the east side of the rezoning property is zoned I-1. The adjacent property to the south is owned by East Alabama Medical Center (EAMC), see map attached. The applicant desires rezoning to offer her property for sale to EAMC. (EAMC has some interest in the property but not a purchase at this time.) There are five rental homes on the rezoning property. The homes may continue to be used as dwellings if the property is zoned I-1.

In previous years several residential properties (Wilburn Griffin, David King) along West Thomason Circle were rezoned from R-4 to I-1 or C-2 to allow for institutional or commercial development. This rezoning request is appropriate as this area is in transition with a trend from residential to institutional or commercial land uses.

Planning Department recommends Planning Commission send a positive recommendation to the City Council to rezone the property from R-4 to I-1, GC-2.

Section V Amendments of the Zoning Ordinance allows the Planning Commission to initiate a rezoning and recommend to the City Council rezoning of properties. The Planning Commission may want to consider a recommendation to rezone the EAMC property located south of this rezoning property (see map attached) and rezone the five R-4 properties north of the rezoning properties (see map attached). Single family homes are located on each property. Single-family homes are outright allowed in an I-1, GC-2 zoning district (see map for additional lots to be included).

Mr. Dorsey reported sanitary sewer service is available to this developed 2.25-acre parcel via an in-place gravity main that passes through the middle of the parcel in a north-to-south direction. A small branch also passes through the parcel in a north-to-south direction near the eastern property boundary. The parcel has been developed with multiple residential structures and accessory buildings. Vehicle access to West Thomason Circle is available via five residential driveways. The development of this parcel for an institutional use will likely create more storm water runoff than in its current multi-family residential use due to an increase in impervious surfaces. This increase can be offset, however, through the proper design of on-site storm water detention. An institutional use will also likely generate greater traffic volumes in the vicinity than the multi-family use. This increase can likewise be offset through proper access management techniques and traffic planning.

Therefore, the Engineering Department has a positive recommendation for this rezoning request.

Mr. Hawkins reported Opelika Utilities currently serves this location.

Mr. Kriel has no report.

Chairman Pridgen opened the public hearing this includes rezoning the additional parcels in this area.

The audience gave no comments.

Chairman Pridgen closed the public hearing.

Mayor Fuller motioned to send a positive recommendation to City Council for rezoning of these parcels with staff recommendation from R-4 to I-1, GC-2.

Dr. Menefee seconded the motion.

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

Nays: None

Abstention: Council Member Canon

6. Jimmy Wright, 709 Pleasant Drive, 5,000 square feet, R-5M to C-2

Mr. Kelley reported the applicant is requesting to rezone property from R-5M to C-2 for two (2) slivers of land (.001 acre at the southeast corner of Pleasant Dr. and Bruce Ave. Ext.) and (.113 acre at the northeast corner of Pleasant Dr. and Bruce Ave Ext.). Mr. Wright owns both slivers of land due to the proposed extension of Bruce Ave. east of Pleasant Dr. In addition, a future street plat dedicating the new 60-foot right-of-way extension for Bruce Ave. will be submitted at a later date.

Mr. Wright is considering various commercial ventures for the area north of the supermarket to be developed at a later date.

Planning Department recommends approval of the rezoning from R-5M to C-2 as requested.

Mr. Dorsey reported sanitary sewer service is available to this undeveloped 0.114-acre parcel via in-place gravity mains within the Pleasant Drive and existing Shannon Court rights-of-way. The western segment of Shannon Court is presently being relocated northward so it aligns with Bruce Avenue at the Pleasant Drive intersection. For clarification, the land area immediately to the east of the J&S Properties parcel is presently owned by the Cimmaron Land & Development and not by the City of Opelika. The development of this small parcel for a commercial use will have negligible changes in storm water runoff and traffic volumes than in its current multi-family residential use.

Therefore, the Engineering Department has a positive recommendation for this rezoning request.

Mr. Hawkins reported Opelika Utilities currently serves this location.

Mr. Kriel has no report.

Chairman Pridgen opened the public hearing.

The audience gave no comments.

Chairman Pridgen closed the public hearing.

Mr. Silberman motioned to send a positive recommendation to City Council for rezoning with staff recommendation from R-5M to C-2.

Mr. Hilyer seconded the motion.

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

Nays: None

Abstention: Council Member Canon,

E. VACATION OF RIGHT-OF-WAY

7. Vacate approximately 330 feet of Shannon Court right-of-way (30' ROW) beginning at intersection of Pleasant Avenue and Shannon Court.

Mr. Kelley reported Mr. Wright owns the property on the north and south side of Shannon Court and desires to vacate 330 feet of Shannon Ct. right-of-way to provide additional parking for the supermarket.

Planning Department recommends approved for vacating 330 feet of Shannon Ct. right-of-way subject to retaining a 30 foot easement for existing public utilities.

Mr. Dorsey reported the City of Opelika recently hired a contractor to relocate the western segment of Shannon Court northward so it aligns with Bruce Avenue at the Pleasant Drive intersection. When completed, the new relocation will create a redundant segment of Shannon Court that is directly adjacent to the Wright's Foods building. The segment of the Shannon Court right-of-way proposed for vacation contains several underground utilities that will not be relocated to the new alignment.

The Engineering Department has a positive recommendation for this right-of-way vacation, subject to the following:

1. A permanent drainage and utility easement shall be deeded in place of the vacated right-of-way to accommodate the in-place water, sewer, gas and storm water lines. The width and location of the drainage and utility easement shall match the vacated right-of-way.
2. The vacation should not become effective until after construction has been completed on the relocated segment and the new street is open to vehicle traffic.

Mr. Hawkins reported the petitioner would need to grant a water line easement 5' each way from center of water line on any existing water lines in area.

Mr. Kriel has no report.

Mr. Cherry motioned to send a positive recommendation to the City Council for vacation of the right-of-way with staff recommendation.

Mr. Hilyer seconded the motion.

Ayes: Cherry, Morgan, Silberman, Menefee, Fuller

Nays: None

Abstention: Council Member Canon, Hilyer

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

2. JK Foodmart Subdivision, 2 lots, Morris Avenue, Jang Bath, Preliminary and Final plat approval

Mr. Kelley reported for financing reasons the applicant is requesting preliminary and final plat approval to subdivide the convenience store/fuel islands from single-family residence for a two (2) lot subdivision.

Planning Department recommends approve the plat as requested.

Mr. Dorsey reported sanitary sewer service is available to both lots in this mixed-use subdivision via an in-place gravity main within the Lafayette Parkway (U.S. 431) right-of-way. The sewer service for Lot 1 extends across Lot 2, but is located within a 10-foot wide sanitary sewer easement. Vehicle access is available to Lot 1 via a shared driveway with Lot 2 at their common property boundary. Lot 2 contains a 10-foot by 30-foot cross-access easement where the shared driveway crosses. Vehicles access is available to Lot 2 via in-place curb cuts on both Lafayette Parkway and Morris Avenue. Lot 1 has been developed with an existing residence, while Lot 2 has been developed with an existing convenience store. A portion of the fueling island on Lot 2 encroaches into the Lafayette Parkway right-of-way.

The Engineering Department recommends preliminary and final plat approval as submitted.

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

Mr. Kriel reported this subdivision is in the Opelika Power Services territory. Easements shall be granted for any existing electrical facilities. If any electrical facilities must be moved the developer shall incur the full cost to relocate.

Chairman Pridgen opened the public hearing.

The audience gave no comments.
Chairman Pridgen closed the public hearing.

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

Mr. Cherry seconded the motion.

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

Nays: None

Abstention: None

1. Desai Subdivision, 2 lots, Columbus Parkway, Manish Desai, Preliminary and Final plat approval

Mr. Ogren reported the applicant is requesting preliminary and final approval for a 2 lot subdivision located on Columbus Parkway (Econo Lodge property). The purpose of subdivision is to create parcel B for future development. A 40 foot building setback line needs to be shown on the plat. Each lot meets the minimum 100 foot lot width and 20,000 square foot lot size requirement.

Planning Department recommends preliminary and final plat approval subject to the building line added to the plat.

Mr. Dorsey reported sanitary sewer service is available to Parcel A via an in-place gravity main within the Columbus Parkway (U.S. 280/431) right-of-way. Sanitary sewer service is not presently available to Parcel B, but is accessible via the same gravity main on Columbus Parkway. Vehicle access is available to Parcel A via an existing two-way curb cut on Columbus Parkway and a future two-way curb cut along the parcel's eastern side onto the proposed Oaks Parkway. Vehicle access will be available to Parcel B via a proposed two-way curb cut onto Oaks Parkway. Parcel A has been developed with a several existing motel buildings and accessory structures, while Parcel B has been developed with an existing metal building. A portion of the northeastern corner of Parcel A is located within the 100-year flood zone boundary. Storm water from both parcels is managed via an in-place detention pond located partially on Parcel A and on the Oaks Parkway right-of-way.

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

1. Indicate the front-yard building setback on both parcels.
2. The developer's engineer shall provide construction plans for a sanitary sewer extension to serve Parcel B to the Engineering Department for review and approval prior to final plat approval.
3. A raised median shall be installed within the in-place curb cut on Columbus Parkway to restrict traffic movements to right-in and right-out only, per a recommendation of the Alabama Department of Transportation. The raised median shall be installed only after the completion of the new two-way curb cut onto Oaks Parkway.
4. A temporary construction easement shall be granted by the owner of Parcel A to allow the re-grading of the in-place curb cut on Columbus Parkway and the adjacent parking area. The temporary construction easement shall remain in place until the completion of the construction of Oaks Parkway and the related intersection improvements on Columbus Parkway.

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

Mr. Kriel reported this subdivision is in the Opelika Power Services territories. Easements shall be granted for any existing electrical facilities. If any electrical facilities must be moved the developer shall incur the full cost to relocate.

Chairman Pridgen opened the public hearing.

Mr. Desai stated I am the applicant and owner. I have concerns with conditions number three and four on the City Engineer's report. Condition number four have nothing to do with this lot. When I give construction easement and the construction work blocks the entrance to my hotel off of Columbus Parkway it will be inconvenient for me and my customers to enter the hotel property. I don't not feel this is necessary because I have given a verbal gentleman's agreement allowing a construction easement.

Mr. Dorsey stated as part of the construction of Oaks Parkway ALDOT would approve the new intersection only with the inclusion of the deceleration lane. The deceleration lane for Oaks Parkway is on the south side of Columbus Parkway if you are going eastbound on Columbus Pkwy to turn right onto Oaks Parkway going south.

Engineering staff said that the entrance to Mr. Desai's hotel will have to be re-graded to provide an acceptable grade for larger vehicles to enter and exit the parking lot. Hydro Engineering Solutions determined the only way the new entrance can be built is to do some re-grading on private property of the hotel parking lot.

Chairman Pridgen stated you are not asking Mr. Desai to re-grade it or perform the work himself but you are asking for permission to enter his property if ALDOT determines they have to have re-grade for the turn lane.

Mr. Dorsey answered yes. It is permission at the time of construction to encroach upon private property to do the re-grading on the parking lot as part of the road construction. It is not mandated by the state but it is the only way that the design will be acceptable for cars to go in and out of the motel entrance.

Mayor Fuller stated we are trying to complete this project and Mr. Desai is in agreement with the need for the deceleration lane.

Chairman Pridgen closed the public hearing.

Mr. Desai stated I want to request stipulation to remove 3 and 4 of Mr. Dorsey's recommendations.

Mayor Fuller motioned to grant preliminary and final plat approval with staff recommendation including Engineering Department's 3 and 4.

Mr. Hilyer seconded the motion.

Chairman Pridgen stated if Mr. Desai does not accept those conditions the plat fails.

Mr. Gunter agreed and explained that if the conditions are not accepted the subdivision plat will not be a valid. Specifically, without the deceleration lane ALDOT will not approve the intersection of Columbus Parkway and Oaks Parkway. Also, without the said intersection there is not going to be the rerouting of South Uniroyal Road that intersects into the new street called Oaks Parkway. So, without the rerouting of South Uniroyal Road into Oaks Parkway then there is not going to be this subdivision to approve because there will not be an entrance [curb-cut] to the parcels onto Oaks Parkway.

Chairman Pridgen stated based on the motion we have at this time if we approve this then it is up to Mr. Desai. If he chooses to stop the easement, this plat stops.

Mayor Fuller asked if the construction of Oaks Parkway could be completed before the construction of the deceleration lane begins.

Mr. Dorsey stated the construction would have to be staged so that Oaks Parkway would be built first and then a new entrance from Oaks Parkway to access the hotel parking lot would be built also. Then the existing driveway on Columbus Pkwy could be closed. After this construction on the Oaks Parkway side, then motel customers and employees would enter the motel property from Oaks Parkway until the deceleration lane and re-grading of the motel property is complete.

Mayor Fuller amended the original motion.

Mayor Fuller motioned to construct Oaks Parkway first including access to Mr. Desai's property before we begin construction of the deceleration lane on Hwy 280 and grant preliminary and final plat approval with staff recommendation including Engineering Department's 3 and 4.

Mr. Hilyer seconded the motion.

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

Nays: None

Abstention: None

With no further business on the agenda, Chairman Pridgen adjourned the meeting at 3:51 p.m.

Keith Pridgen, Chairman

Rachel Dennis, Secretary