

May 23, 2006

The City of Opelika Planning Commission held its regular monthly meeting on May 23, 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 3:02 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 April he would like to entertain a motion to accept the minutes as written.

Mr. Wood made a motion to accept the April 25, 2006 meeting minutes as written. Dr. Lazenby seconded the motion.

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

Nays: None

Abstention: None

The motion to accept the April 25, 2006 Planning Commission meeting minutes as written

A. PLATS-Preliminary & Final PUBLIC HEARING

1. Lawler's Business Park S/D, Section 3-First Revision, 2 lots, Gateway Drive, Vikram Sayania, P/F Approval.

Mr. Ogren reported that the applicant is requesting preliminary and final plat approval for a 2 lot subdivision. The purpose of the subdivision is to sell Lot 2B. An Alabama Power line easement covers about half the lot. A structure cannot be built on the easement but a driveway and parking lot is allowed.

The plat meets preliminary and final plat requirements.

Planning Staff recommends preliminary and final plat approval.

Mr. Dorsey reported that sanitary sewer service is available to both lots via an in-place 8" gravity main near the rear (west) of Lot 2 A. However, a new gravity sewer main must be constructed eastward to provide service to Lot 2B. Both lots shall access U.S. 280 via a shared curb cut, with access easements dedicated to allow perpetual access. The distance between the northern property boundary and the centerline of the nearest curb cut to the south is approximately 370 feet, which is less than the 400-foot minimum spacing for arterial roads in the City's Access Management Regulations, but satisfies the intent of those regulations.

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

1. The shared curb cut shall be located adjacent to the power line easement in order to comply with the intent of the Access Management Regulations.
2. Providing engineering design plans for a sanitary sewer main extension to serve Lot 2B.

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

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

Chairman Sadler asked Mr. Dorsey if he recommends preliminary only for this request.

Mr. Dorsey said yes because of the infrastructure improvements that are required.

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

Mr. Posey seconded the motion.

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

Nays: None

Abstention: None

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

2. Spring Hill Heights S/D, Block F, resub of Lots 25-31, 4 lots, Spring Drive and Arnold Street, Robert Gates, Preliminary Plat Approval.

Mr. Ogren reported that the applicant is requesting preliminary plat approval for a 4-lot subdivision. The purpose of the subdivision is to sell three of the lots. A home exists on the lot that fronts Arnold Street.

The plat meets preliminary subdivision plat requirements.

Planning Staff recommends preliminary plat approval.

Mr. Dorsey reported that sanitary sewer is available to Lot D via in-place 8" gravity main on Arnold Avenue. The existing topography will not allow Lots A, B, or C to be served by the Arnold Avenue main. Therefore, these lots must be served by a northward extension of the sewer main on Spring Drive, which is currently located approximately 200 feet south of Lot C. The existing 40-foot right-of-way widths on Arnold Avenue and Spring Drive are less than the 50-foot width for new streets.

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

1. Provide five (5) additional feet of right-of-way along the entire frontage of all four lots on Spring Drive and Arnold Drive to comply with the intent of the Public Works Manual to provide a minimum 50-foot right-of-way width adjacent to all developable lots.
2. Extend a gravity sewer main northward along Spring Drive to serve Lots A, B and C.

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

Mr. Derek Lee reported that this area will be served by Alabama Power Company.

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

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

Mr. Posey seconded the motion.

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

Nays: None

Abstention: None

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

3. South Lake S/D, Sixth Revision, 42 lots, South Uniroyal Road, Preston Holdings LLC., Preliminary Plat Approval.

Mr. Ogren reported that the applicant is requesting preliminary plat approval for a 42 lot subdivision. The purpose of the subdivision is to build single family homes. This section of the South Lake subdivision located in an R-2 zoning district.

In the R-2 zone minimum lot size is 15,000 square feet. These lots range from 16,785 s.f. to 3.5 acres. A 30-foot buffer is shown along the rear property lines of lots fronting along South Uniroyal Road. This 30-foot undisturbed wooded buffer was required when the property was rezoned R-2 and R-3.

The requirements for the sidewalks have been deleted since the lot size is much larger than the 15,000 square feet; because this is more like a rural type residential subdivision; and the developer would like to have the character of this area to be rural in nature.

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 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 are 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.

Recommendation

The plat meets preliminary plat requirement except for the 35-foot minimum building lines needs to be shown on all lots including corner lots.

Planning Staff recommends preliminary plat approval subject to sidewalks added on the final plat and underground utilities provided for the subdivision and the 35 foot minimum front building line shown on the final plat.

Mr. Dorsey reported that this 42-lot residential subdivision is located on South Uniroyal Road just south of Columbus Parkway (U.S. 280/431). Sanitary sewer service to each lot will be available via a proposed lift station to be located near the lake dam.

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

1. Parcel K and Lots 219, 221, and 229 shall not have direct access onto South Uniroyal Road.
2. Realign the intersection angle of South Uniroyal Road and the northernmost street into the subdivision to provide a more perpendicular alignment for improved driver visibility.

3. The 63-foot long tangent roadway section between reverse curves on the southernmost unnamed street shall be lengthened to comply with the minimum 100-foot length in the Public Works Manual.

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

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

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

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

Mr. Seroyer seconded the motion.

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

Nays: None

Abstention: None

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

4. Simmons Lake S/D, 43 lots, West Point Parkway, Annie Ruth Simmons, Preliminary approval.

Mr. Ogren reported that the applicant is requesting preliminary plat approval for a 43 lot subdivision. The purpose of the subdivision is to build single family homes. The subdivision is located in an R-4 zone; minimum lot size is 7,500 square feet; lots range from 7,062 square feet to one acre. The lots less than 7,500 square feet must be resized to meet the minimum lot size requirement before final plat approval. The adjacent property owner (Curtis Prince) said that a cemetery is located where the new street is proposed. Planning staff contacted the surveyor about inspecting the site to see if a cemetery exists, and if so, the cemetery must be located on the final plat.

For the same reasons and conditions as reported for the South Lake Subdivision plat (agenda item #3), Planning Staff recommends that sidewalks and underground utilities be required.

Recommendation

The plat meets preliminary plat requirements.

Planning staff recommends preliminary plat approval subject to sidewalks added on the final plat and underground utilities provided for the subdivision.

Mr. Dorsey reported that this 43-lot residential subdivision is located on West Point Parkway between Pinehurst Drive and Dickson Street. Sanitary sewer access is available from the southern end of the property. The proposed intersection at West Point Parkway is located approximately 315 feet east of Pinehurst Drive. This distance exceeds the 200-foot minimum spacing in the City's Access Management Regulations.

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

1. Increase the minimum width on all right-of-ways to 60 feet.
2. Provide a cul-de-sac at the southern end of Simmons Lake Drive.
3. Rename Simmons Lake Drive, as we already have a Simmons Street.

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

Mr. Derek Lee reported that Opelika Light and Power will serve this subdivision.

Chairman Sadler opened the public hearing.

Mr. Curtis "Bruno" Prince asked what size homes would be built.

Chairman Sadler stated that he would have to ask the contractor.

Chairman Sadler closed the public hearing.

Chairman Sadler asked for comments or questions.

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

Mr. Wood seconded the motion.

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

Nays: None

Abstention: None

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

5. Opelika Manufacturing Corp., Resub of Lots 10-11, Block 12, 1610 2nd Avenue, Robert Huskey, P/F Approval.

Mr. Ogren reported that the applicant is requesting preliminary and final plat approval to erase a lot line and combine two lots. The applicant desires to build an addition onto his existing building. The addition would violate setback requirements if the property line was not erased.

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

Mr. Dorsey reported that both lots to be combined have existing commercial structures. Sanitary sewer is available and in service. Access is available from both Second Avenue and 16th Place. The Engineering Department recommends preliminary and final plat approval as submitted.

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

Mr. Derek Lee reported that Opelika Light and 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.

Chairman Sadler asked for a motion.

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

Mr. Seroyer seconded the motion.

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

Nays: None

Abstention: None

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

6. Providence Baptist Church S/D, 2 lots, 2807 Lee Road 166, preliminary and final plat approval.

Mr. Ogren reported that the applicant is requesting preliminary and final plat approval for a 2 lot subdivision. The purpose of the subdivision is to add property to the Providence Baptist Church property located on Lee Road 166. The adjacent property owner (John T. Huff, Jr.) to the rear of the church's property is selling about 5 acres to the church.

Planning staff recommends preliminary and final plat approval subject to a 35 foot minimum front yard building line shown on the plat.

Mr. Dorsey reported that Sanitary Sewer is not available to either lot.

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

1. Delineating Lot 1 on the plat with a bold, solid line as is indicated on Lot 2.

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

Mr. Derek Lee reported 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 a motion.

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

Dr. Whatley seconded the motion.

Chairman Sadler asked for further discussion.

Chairman Sadler asked for a vote.

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

Nays: None

Abstention: None

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

~~7. Hildroth S/D Number 1, 1st Revision, 2 lots, 1205 Tatum Avenue, Edna
Conway, P/F approval WITHDRAWN~~

**8. Wyndham Gates S/D, 308 lots, Gateway Drive, McDowell & Associates,
Preliminary Plat Approval.**

Mr. Ogren reported that the applicant is requesting preliminary plat approval for a 308 lot zero lot line, single family residential subdivision. The 308 lots are located on 100 acres. The subdivision is located in the Wyndham PUD (Planned Unit Development) zoning district. The 640 acre Wyndham PUD was approved by the City Council at the June 2005 City Council meeting.

At the March 2005 Planning Commission meeting (March 2005 minutes included below), a master plan drawing and narrative about the Wyndham PUD was submitted to the Planning Commission for rezoning review. The master plan for this portion of the Wyndham PUD describes the East half of this subdivision (about 50 acres) as "typical single family residential lots" with lot width "anticipated to be 80 to 100 feet wide". The narrative also states that a "wide variety of housing types and sizes" is allowed in this 50 acre tract. The Wyndham PUD master plan shows the West half of the subdivision (50 acres) as "premium single family" home sites. These lots will be "wider (125 feet)" and "larger lots expected for premium homes." The Wyndham PUD master plan presented also provided two swimming pools serving this 100 acre tract. The Wyndham Gates plat does not include the

swimming pools. However, open spaces are shown on the master plan are shown on the plat as retention areas. Basically, the subdivision reviewed today does not represent the narrative or master plan submitted in March 2005. However, at the March 2005 Planning Commission meeting the following was discussed to allow the developer flexibility if market demands in the housing industry changed:

The Master Plan attempts to identify the highest, best and most harmonious use for the various portions of the project. However, since the plan involves what is likely to be a Ten Year Development, **it should be noted that each particular density of development might vary should the Developers view that the current marketplace requires that adjustment.** For example, an area designated by the Plan as Town homes could readily be downgraded to Garden Homes. Another area designated for Offices could be upgraded to Apartments. Furthermore, should Gateway Drive become a Business Corridor, one could reasonably expect Town homes to be re-designated as Offices.”

Mr. Ogren stated that planning staff believes that the developer should be allowed flexibility to vary the master plan as communicated at the March 2005 meeting. Basically, it was understood each phase of the Wyndham PUD will establish its own character as the housing market demands, but the extent of change to the master plan was not known. The narrative does state that for the East half of this plat (about 50 acres) the typical single family resident is a “type of lot that will allow for a wide variety of housing types and sizes...all of them will be within the financial reach of a large number of families.” Planning staff recommends that the modified zero lot line subdivision for this portion of the Wyndham PUD be reviewed favorably.

At the March 2005 rezoning review, one important requirement for the Wyndham PUD was established – density. The overall density of the Wyndham PUD was established at three dwelling units per acre. The minutes state, “The total density for the residential portion of the development, including multi-family portions, shall not exceed three (3) units per acre.” As other phases of the 640 acre PUD are submitted for approval; the density will be calculated as reported to the Planning Commission.

Plat Information

Most of the 308 lots are 70' x 100' (7,000 square feet). This lot size is a reasonable standard for zero-lot line homes. The side yard setbacks proposed for the 308 lots is 5 feet; therefore the homes will be 10 feet apart. The minimum front yard and rear yard setback requested by the developer is 20 feet.

Recommendation

Since the type of housing (zero lot line), lot size, open space, and the street layout for this first phase of the Wyndham PUD is now established, other plans should be submitted to meet requirements of the Development Plan review section of the Planned Unit Development regulations. For final plat review and approval, the following plans or additions to the final plat should be submitted for Planning Commission approval:

1. Indicate land that will be reserved for dedicated public open space on the final plat and a statement of site management proposed for the dedicated open spaces.
2. Indicate where sidewalks are located along street or other pedestrian walkways. Planning staff recommends sidewalks required on at least one side of the street. The developer should contact Opelika Utilities about location and plans for sidewalk installations.
3. Provide site plans showing the typical size home on a lot, front elevation (rendering) of the different homes, and typical landscaping for a residential lot.
4. Provide plans showing street trees, major landscaping areas and type of

plant material that will be planted i.e. along the 50 foot buffer running parallel to Gateway Drive, spacing of street trees along proposed streets, plant material in round-about (street islands), and along perimeter of open space/retention areas.

5. Planning staff recommends underground utilities for this subdivision.

The plat meets preliminary plat requirements. Planning staff recommends preliminary approval subject to recommendations above. Final plat submission should include items stated in 1 through 5 above.

March 2005 Planning Commission Minutes

Wyndham rezoning, Wyndham Properties, R-1 to PUD, Society Hill Road-Hwy. 51

Ms. Bader reported that the petitioners, The Cleveland Brothers, manager of Wyndham Properties, are requesting rezoning from R-1 (Rural), R-3 (Low Density Residential) and R-3, GC-2 (Gateway Corridor) to PUD (Planned Unit Development). The proposal for this rezoned area is to create a Planned Community with mixed uses (a mixture of residential housing types, commercial and industrial). The petitioner submitted a 24 page Master Plan that details their concept for Wyndham, a Planned Development. To summarize the narrative, ultimately the Wyndham Community will involve a total of 640 acres. The total density for the residential portion of the development, including multi-family portions, shall not exceed three (3) units per acre. "The Master Plan attempts to identify the highest, best and most harmonious use for the various portions of the Project. However, since the Plan involves what is likely to be a Ten Year Development, it should be noted that each particular density of development might vary should the Developers view that the current marketplace requires that adjustment. For example, an area designated by the Plan as Town homes could readily be downgraded to Garden Homes. Another area designated for Offices could be upgraded to Apartments. Furthermore, should Gateway Drive become a Business Corridor, one could reasonably expect Town homes to be re-designated as Offices."

"Proposed Streets. Primarily, the Wyndham Planned Development begins with and is anchored by its relationship to the new Gateway Drive extension (now under construction) and its connection to Interstate 85, one mile to the West. As such, The Master Plan envisions a series of entries into Wyndham from Gateway Drive, each of which may be developed with its own neighborhood character. Each of the neighborhoods served by these entries ultimately a tie back into the existing city fabric as follows:

In the northwest; to Society Hill Road.

On the east boundary; several connections to Marvyn Parkway.

Each of the streets in this development will expect to be residential in design, that is a 50' or 60' right-of-way with a typical 28' width of curbs and pavement. Should the development proceed as the Master Plan envisions, the single exception to the typical street design would be Wyndham Drive. Imagined as the heart of the Development, this street R.O.W. could be a special width of 100' with a continuous, 30' wide landscaped-island. At the center of the Project, the separated pavements could widen further to allow for two islands for the development of community-oriented amenities."

P. 22 in the master plan lays out their open space plan and also discusses their industrial development plans.

The Planned Unit Development process is a three-stage process. This submittal can be considered as the "informational review" or preliminary plan submittal. The applicant has met all the requirements of submittal for the informational review. After the informational review, the developer has up to one year to submit the "development plan" or final plan review. This submittal should address any comments and concerns brought up at the time of the preliminary plan review. In addition, the following shall be included in the Development Plan submittal:

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

clearly establishing the scale, character and relationship of buildings, streets and open spaces.

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

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

Planning Staff has determined that this PUD submittal meets the purpose and intent of the Zoning Ordinance and is recommending preliminary plan approval of the PUD and recommending that the Planning Commission send a positive recommendation to the City Council for rezoning to PUD.

Mr. Thomas reported that site issues associated with the subdivision are addressed at Item A.7 The proposed development is compatible with the proposed classification of our new extension of Gateway Dr., a segment of the perimeter (loop) road as an arterial with access spacing of 400 feet. Cooperation continues with the developer and representatives on infrastructure issues and partnership opportunities. He strongly suggested a positive recommendation to City Council.

Mr. Lee, Utilities Board, had no report.

Mr. Holley, City Horticulturist, had no report.

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

Mr. Van Nieuwenhuise made a motion to send a positive recommendation to City Council for rezoning.
Dr. Lazenby seconded the motion.

Ayes: Wood, Pridgen, Whatley, Lazenby, Van Nieuwenhuise, Cherry, Seroyer, Fuller
Nays: None
Abstention: None
The motion to send a positive recommendation to City Council for rezoning passed.
---end of March 2005 minutes---

Mr. Pridgen came in at 3:26 p.m.

Mr. Dorsey reported that this 308-lot residential subdivision will be developed on a 100-acre tract on the north side of Gateway Drive and just west of Southview Primary School. Two streets will provide access between all lots and Gateway Drive. Sanitary sewer service is not currently available, but will be provided via one or more lift stations located south of Gateway Drive.

The Engineering Department recommends preliminary approval, subject to:

1. Providing a comprehensive traffic study by a traffic engineer to determine what, if any, traffic improvements are needed on Gateway Drive (left turn lane, deceleration lane, signal, etc.)
2. A mass grading plan to assure optimum storm water management and to minimize adverse drainage impacts between adjoining parcels.
3. Widening all public right-of-ways to 60 feet.
4. Removing the proposed roundabout nearest Gateway Drive, or relocating it to the intersection to the north.
5. Realigning the street at the northern leg of the proposed roundabout in the northwest sector to provide an intersection with four equal angles.
6. Potential lot adjustments to incorporate access to the proposed commercial parcel that complies with the City's Access Management Regulations. The 400-foot minimum spacing between curb cuts for arterial streets cannot be satisfied in the current street configuration.
7. The inclusion of all public works improvements, as required by the approved PUD narrative submitted in 2004.
8. Eliminating Lots 156 and 157, as their only access is available within the roundabout.

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

Mr. Derek Lee reported that this development will be served by Alabama Power Company and Opelika Light and Power.

Chairman Sadler opened the public hearing.

Margie Bowman, citizen, came forth to ask if the developers are aware of the gas line between Hall Avenue and Southview School.

Mr. McDowell said he was aware of the gas line.

Mr. Ogren stated that the gas line is about 75 ft. from the property line.

Chairman Sadler closed the public hearing.

Chairman Sadler asked for any questions or comments.

Dr. Lazenby asked what the size of the houses will be.

Mr. McDowell said about 1,500 square ft.

Mr. Gunter asked what was the change from when it went before city council.

Mr. Ogren said it was a significant change; the master plan said the lots would be 80 ft. wide—then for more premium homes the lots would be 100 ft. wide. He said that the density over all being 3 units per acre; which is 100 acres with 308 lots.

However, he said flexibility was discussed also depending on what the housing market demands would bring in the future. What was presented to Council a year ago was the master plan and the developer was given flexibility. He said that it's a matter of degree of change. That is, Council members knew that the PUD master plan may change but the extent or degree of change was not known exactly.

Chairman Sadler asked Mr. Gunter if he recommends that this request be brought back before the Council for approval for the substitute plan.

Mr. Gunter said yes and he indicated that this was a material change, that is, an actual change from what was stated in the master plan.

Mr. Pridgen made a motion to send a positive recommendation to City Council for change in the PUD.

Mr. Seroyer seconded the motion.

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

Nays: None

Abstention: None

The motion to send a positive recommendation to City Council for a change in the PUD passed.

9. Southridge S/D, 38 lots, Ballard Avenue, Wayne Gentry, Preliminary Plat Approval.

Mr. Ogren reported that the applicant is requesting preliminary plat approval for a 38-lot subdivision. The purpose of the subdivision is to build single family homes. The plat is located in an R-3 zoning district; minimum lot size is 7,500 square feet; lots range from 9,175 to 34,500 square feet. Lot A is about 4 acres and reserved for future development. Engineering will address access to this lot.

Recommendation

For the same reasons and conditions stated on previous reports (agenda item #3), Planning staff recommends that sidewalks and underground utilities be required for this subdivision.

The following plat data needs to be added on the final plat; 25 foot minimum front building setback line shown on all the lots including corner lots, easement statement, and flood plain information.

Planning staff recommends approval subject to recommendation above and plat data added on final plat.

Mr. Dorsey reported that this 39-lot residential subdivision will be accessed via a northward extension of Edgemont Street, which connects into Ballard Avenue. None of the streets within the development will connect to the proposed extension of Gateway Drive between Marvyn Parkway and Crawford Road. As currently proposed, Lot A will not have public street access due to the 400-foot minimum curb cut spacing on Gateway Drive. Sanitary sewer is accessible to all lots.

The Engineering Department recommends preliminary approval subject to:

1. Assurance the intersection angle between Street 'A' and Edgemont Street is not less than 75 degrees.
2. Assurance the center-line distance between the two intersections is greater than 125 feet.
3. Public street access for Lot A to either street 'A' or Street 'B'.
4. Assurance homes can be built on Lots 21 and 38 with the front-yard setback on three sides of the lot.
5. Shortening the length of the two cul-de-sacs adjacent to the Gateway Drive right-of-way to create a greater separation between the two streets.

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

Mr. Derek Lee reported that this area is presently 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.

Chairman Sadler asked for a motion.

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

Dr. Whatley seconded the motion.

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

Nays: None

Abstention: None

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

10. The Perry Place S/D, 2 lots, McCoy Street, Kathryn Knight et.al., Preliminary and Final Plat Approval.

Mr. Ogren reported that the applicant is requesting preliminary and final plat approval for a 2-lot subdivision. This subdivision occurred when Fox Run Avenue was built across the applicant's property. The construction of the street subdivided the land. A plat was not presented for Planning Commission approval before/after the street was built. Now, the property owner desires to sell Parcel 1-B1. The Planning Commission approval of this plat would officially allow the plat to be recorded so the property owner can sell the property.

Planning staff recommends preliminary and final plat approval.

Mr. Dorsey reported that this two-lot subdivision is accessible by South Fox Parkway and McCoy Street on the west side. Sanitary Sewer is accessible via a main

traversing the adjoining property to the east. The Engineering Department recommends preliminary and final plat approval as submitted.

Mr. Alan Lee reported that water service is accessible to lot 1-B1 this subdivision by a main in the R.O.W. of McCoy Street. Water service to lot 1-B2 is not accessible the closest point of connection will be McCoy Street.

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

Chairman Sadler opened the public hearing.

A citizen asked what was planned to be constructed on the lot.

Chairman Sadler stated that the board does not know at this time what the developers plans are for the property.

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 grant preliminary and final plat approval with staff recommendations.

Mr. Posey seconded the motion.

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

Nays: None

Abstention: None

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

11. ~~Granite Creek S/D, 1st Revision of Parcel B, 30 lots, Robert Fucci, Renfro Avenue, Preliminary Approval.~~ WITHDRAWN

B. FINAL PLAT APPROVAL

12. **Cove Creek S/D, 69 lots, Highway 51, Cove Creek Development LLC, Final Approval.**

Mr. Ogren reported that the applicant is requesting final plat approval for a 69-lot subdivision. The majority of the lots (54 lots) will be sold for single-family home construction Lots T1 through T13 will be Town-homes lots, Lot C fronting along Highway 51 is reserved for commercial, and Parcel A is a 17.6 acre parcel reserved for future development. The single family lots meet the minimum requirements for development in a R-3 zone; the minimum lot size requirements is 7,500 square feet; the proposed lots range in size from 7,520 sq. ft. to 48, 841.25 sq. ft.

Review of Town-home Lots – Lots T1 – T13

The 13 town-home lots will be built in groups of 3 or 4 attached units. There will be a total of 40 town-homes. The town-home-unit complex includes a clubhouse and a pool. The common open space is provided through a clubhouse and pool facility that is centrally located (Lot T11). The first floors of the town-homes are between 540 square feet and 600 square feet. Rear yards are at least 400 square feet. The rear yard area meets our town home standards for minimum rear yards.

Recommendation

The final plat requirements have been except the front yard minimum setback lines needs to be shown on all the lots including corner lots.

Planning Staff recommends final plat approval subject to the minimum front yard building lines shown on the plat.

Mr. Dorsey reported that all required street, drainage, and sanitary sewer improvements in this 69-lot residential development have been installed and approved, except for the upper asphalt layer, which will be placed within one year. Therefore, the Engineering Department recommends final approval as submitted, subject to the posting of a bond or letter of credit by the developer for an amount equal to the cost of the upper asphalt layer.

Mr. Alan reported that Opelika Utilities has not completed the inspection of the water system for this subdivision. Opelika Utilities requests a bond for remaining improvements.

Mr. Derek Lee reported that this subdivision will be served by Alabama Power Company.

Chairman Sadler asked for comments or questions.

Mr. Pridgen made a motion to grant final plat approval with staff recommendations. Dr. Lazenby seconded the motion.

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

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

C. CONDITIONAL USE

13. Seventh Day Adventist Church, Columbus Parkway & South Uniroyal Road, C-3, GC-2 Temporary location for a church.

Mr. Ogren reported that the applicant is requesting conditional use approval to use a former single family home as a church while a new church is being constructed on the same lot. (The landscape Plan shows existing church and future church site). The single family home is being renovated to meet building codes for a place of assembly.

The site plan shows 17 parking spaces which meets the minimum parking requirements for the church (50 to 60 members). A landscape plan was also submitted. Landscaping requirements are met. Most of the requirements for landscaping were obtained from preserving existing trees and receiving tree credits (19 existing trees were identified on the site plan).

Recommendation

Planning staff believes the temporary use is reasonable and appropriate. The use should not result in any substantial adverse effect on adjacent property, character of the neighborhood, traffic conditions, etc. Planning staff recommends approval of the proposed temporary conditional use for (18) eighteen months.

Mr. Dorsey reported that access to the church from Columbus Parkway is currently available via a one-lane circular drive. The church proposes to use the existing residence temporarily until a new worship center can be constructed at the rear of the property with the sole street access via South Uniroyal Road. In this temporary condition, the Engineering Department will allow the circular drive to remain with the addition of entrance and exit signs at each access point. Sanitary sewer service is not available.

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

1. The placement of entrance and exit signs at their respective locations on the circular drive.
2. Sufficient off-street paved parking spaces to satisfy the Zoning Ordinance.

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

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

Chairman Sadler asked for a motion.

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

Mr. Posey seconded the motion.

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

Nays: None

Abstention: None

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

14. Tom Hayley, 3300 Pepperell Parkway, C3, GC-2 Produce market.

Mr. Ogren reported that the property owner/applicant is requesting conditional use approval to re-open the "Mr. Fresh" produce business at 3300 Pepperell Parkway. This location is the same site of the original Mr. Fresh business that opened in the 1980's. The original owner, Greg Mims, will operate the produce business.

The site plan submittal shows an existing 6,000 square foot building and 39 parking spaces. Minimum parking spaces required for a retail business is 1 parking space per 150 square feet of floor space. The existing business and parking space calculates to 1 parking space per 154 square feet of floor space. Landscaping Requirements are met as well as possible considering the limited green space available and constraints because of the existing asphalt. The ISR for the site is 79%; the GC-2 requirement is 75%.

Planning staff believes the proposed use is appropriate in this C-3, GC-2 zoning district. Staff recommends conditional use approval.

Mr. Dorsey reported that this commercial facility was originally constructed for use as a farmers' market, but has had several uses in recent years. Sanitary sewer service is available.

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

1. Re-stripe all required parking spaces.
2. Indicate the one-way traffic movement in the parking lot through the addition of pavement markings and signs at the entrance and exit points.
3. Widen the in-place exit driveway at the middle of the site to provide better vehicle egress.

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

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

Chairman Sadler asked for questions or comments.

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

Dr. Whatley seconded the motion.

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

Nays: None

Abstention: None

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

15. United Parcel Service, 800 Fox Run Parkway, C-3, GC-2, Temporary mobile unit for 6 months.

Mr. Ogren reported that the United Parcel Service is requesting conditional use approval for 6 months to practice software/hardware procedures relating to parcel deliveries. The contact person for UPS said the 12' x 30' construction trailer will not be located on the right-of-way. The trailer will be set-up on a grass area between the parking lot and the edge of right-of-way. Two UPS employees will work in the trailer.

Planning staff recommends approval for a period of 6 months.

Mr. Dorsey reported that as proposed, the mobile classroom will be located adjacent to the Fox Run Avenue right-of-way. The proposed location, however, will not impair driver visibility at the Fox Run Parkway intersection. The Engineering Department recommends conditional use approval as submitted.

Mr. Alan Lee reported that this unit shall have its own service line and meter.

Mr. Derek Lee reported that Opelika Light and Power will provide service to this building.

Chairman Sadler asked for questions or comments.

Mr. Seroyer made a motion to grant approval for temporary mobile unit for 6 months. Mr. Posey seconded the motion.

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

Nays: None

Abstention: None

The motion to grant approval for a temporary mobile unit for 6 months passed.

16. Jackie Lee Heard, 710 Columbus Parkway-Unit 1 & 2, C-3, GC-2, Bar & Grill.

Mr. Ogren reported that the applicant is requesting conditional use approval to open a Karaoke Bar & Grill in the Crooked Creek Shopping Center. (The Karaoke Bar & Grill is currently located in the Travel Lodge Motel at 1002 Columbus Parkway). The bar & grill business will have a seating capacity for about 300 people. Jackie Lee Heard, owner of the business, expects to employ up to 10 people.

The Karaoke Bar & Grill will be located in two commercial units in the shopping center that equal 6,000 square feet. A church is currently meeting in one of the units. The church does not have a long term agreement with the owner of the shopping center (Crooked Creek Partners). The church's lease is month to month. If conditional use approval is granted, the church will move to another location. Mr. Heard will enter into a one year lease agreement.

The hours of operation for the bar & grill is 3:00 p.m. to 2 a.m. Monday through Saturday and 5 p.m. to Midnight on Sundays. Parking should not be a problem. The owners of the shopping center (Crook Creek Partners) have cross access and shared parking agreements.

Mr. Ogren stated that he asked the Opelika Police Department to come and speak regarding the past reports on the Karaoke Bar at the present location.

Mr. Dorsey reported that the tenant proposes to occupy an existing store at the western end of the Crooked Creek Shopping Center. Sanitary Sewer service is available.

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

1. Provide no less than one handicap parking space near the front entrance to the business. The parking space shall be signed and marked for A.D.A. compliance.
2. Provide a handicap ramp to the sidewalk at the nearest point to the handicap parking space(s). The ramp's width and slope shall satisfy all A.D.A. regulations.

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

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

Chairman Sadler asked for questions or comments from Opelika Police Department and Opelika Fire Department regarding public safety concerns.

Captain Melvin Harrison, Opelika Police Department, came forth and stated that after speaking with the Chief of Police, the Police Department has several concerns with the reports filed with the City of Opelika Police Department regarding several calls and complaints coming from the present location of Jackie Lee's Karaoke Bar.

Captain Harrison said he had the IT Department from the City of Opelika to run a report from January 1, 2003 to May 22, 2006. He said that from the print out it's obvious how many man hours that the police has been going to Jackie Lee's; it ranges from bar checks to fights, serving subpoenas to fights, disorderly conduct, public intoxication, burglary of vehicles and so on. He said to even try to be fair to Jackie Lee's as you can see from the print out it states the various calls and complaints coming from this present location. Now, because these fights and things of this nature are carrying over to the Waffle House Restaurant next door, so now Jackie Lee wants to open up a larger facility with more customers which will result to more problems which these present problems could spill over into Captain D's. He said that this is a lot of man hours the department could spend proactive policing instead of instead reacting to problem calls, putting people in jail, putting our officers in harm's way, and innocent pedestrians in harm's way. He said that this one business takes up a lot of man hours, and has really been a problem for the police department. He also stated that the city doesn't have the problems at the Holiday Inn or Wayne Ray's bar as they do with Jackie Lee's. He stated that it is he's opinion not to allow Mr. Lee's business to be relocated for safety precautions for the citizens.

Mr. Gunter asked if Jackie Lee's has any type of security.

Captain Harris said, no, not that he was aware of and if they do; it's not working.

Mr. Posey asked if the city has the authority to take away their liquor license.

Mr. Seroyer said that it would be up to the ABC Board.

Fire Chief, Terry Adkins, came forth to comment on the request for Mr. Lee's business to be moved to a new location, and stated that he concurs with Captain Harrison's comments, and stated that for safety precautions it would not be in the best interest of the board to allow Mr. Lee's business to be relocated. The Fire Department as well as the Police get several calls and complaints on a regular basis coming from his present establishment, and stated that his firemen are not armed or equipped to handle public disputes, and feels it would not be good for the future of Opelika to allow Mr. Lee's to increase the amount of people that would be allowed to come to the new location. He said the Fire Department has received calls regarding fire problems with dumping cigarettes and ash trays and people go away and leaves them; along with that Mr. Lee has had several violations with the fire code. The Fire Department has closed Jackie Lee's down twice. The Fire Department did a surprise inspection on the 15th and the fire code only allows 191 people inside the building at one time, and the inspector counted 205 people inside the building which is a violation, and also they had an exit blocked, and with all of this he was in violation. He stated that when the fire department has to respond to a call at Jackie Lee's his firemen are put in harm's way and when they arrive there is usually fighting going on.

With much discussion from the officers, Mr. Gunter, City Attorney; and the board members, Chairman Sadler asked for a motion to either approve or deny the request for Jackie Lee's Karaoke Bar to be relocated to 710 Columbus Parkway, Crooked Creek Shopping Center.

Mr. Seroyer stated that he shares the same concerns with both Police and Fire Department, and this board should give this serious thought as to whether to allow Mr. Heard to relocate; and to really think about which direction we want this city to go in.

Mr. Cherry asked if Mr. Heard's lease is up on his present location.

Chairman Sadler said that he thinks Mr. Heard wants a larger facility.

Mr. Cherry stated that after hearing the remarks it's in question whether or not he might be in business very much longer any way, and he said that he doesn't recommend that he relocate to a larger business, because it would create bigger problems than what already exists. It would just create more problems for the Police and Fire Departments. He said he doesn't recommend him moving.

Mr. Pridgen made a motion to deny the conditional use request due to safety precautions.

Mr. Wood seconded the motion.

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

Nays: None

Abstention: None

The motion to deny the conditional use request passed.

17. Twin City Marine, 600 Block of Fox Run Parkway, C-2, GC-2, Marine Dealership-boat sales.

Mr. Ogren reported that the applicant is requesting conditional use approval for a marine dealership (boat sales) and service department called Twin City Marine. The business is adjacent to the new Harley Davidson dealership on Fox Run Avenue. The business will stock boats for four boat manufacturers – Fisher, ProCraft, Kinner and Bayliner. The site plans shows a 7,000 square foot building for retail sales, boat sales, and a service department. Attached to the building is a 3,000 square foot open-air "porch" with roof where boats will be displayed. The site plan shows 17 parking spaces for customers (1 parking space per 411 square feet of floor space) which should be adequate for this type of business. The rear and side yards of the property will be fenced providing storage for boats repaired and extra parking for employees.

The landscape plan shows trees that screen the outdoor storage of boats from Fox Run Avenue. The plant material shown on the landscape plan exceeds the requirements of the Landscape Requirements (421 points required, The Landscape Plan shows at least 500 points obtained). Planning material includes 15 each of willow oaks, red maple, and plum trees on the site. Over 275 plants and trees will be added to the site.

At least 50% of the exterior material of the building will be combination of stucco, glass, and materials that simulates natural materials.

If a private company providing a dumpster is used, the dumpster should be shown on the site plan and must be screened from public view.

Recommendation:

Planning Staff recommends approval.

Mr. Dorsey reported that the developer proposes to construct a commercial sales facility on the site. Sanitary sewer service is available along the creek at the eastern side of this site.

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

1. The removal of the westernmost driveway to comply with the City's Access Management Regulations.
2. The submission of site design plans for review and approval, including, but not limited to, erosion and sediment control, storm water management, site grading, utility extensions, parking layout, and exterior A.D.A. compliance.

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.

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

Chairman Sadler asked for questions or comments.

Mr. Seroyer made a motion to grant conditional use approval.
Dr. Whatley seconded the motion.

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

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 3:50 p.m.

_____ H.J. Sadler, Chairman

_____ Martin D. Ogren, Secretary