

February 28, 2006

The City of Opelika Planning Commission held its regular monthly meeting on February 28, 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,
Keith Pridgen, Lewis Cherry, Jesse Seroyer, Jr.

MEMBERS ABSENT: Mayor Fuller, Jerry Posey

STAFF PRESENT: Marty Ogren, Planning Director;
Charlie Thomas, Engineering Director;
Brian Kriel, Opelika Light & Power;
Alan Lee, Utilities Board;
John Holley, City Horticulturist
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 January he would like to entertain a motion to accept the minutes as written.

Mr. Pridgen made a motion to accept the January 24, 2006 meeting minutes as written.

Mr. Wood seconded the motion.

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

Nays: None

Abstention: None

The motion to accept the January 24, 2006 Planning Commission meeting minutes passed.

A. PLATS-Preliminary & Final PUBLIC HEARING

1. Oak Bowery Pines S/D, First Revision, 2 lots, 3101 Oak Bowery Road, Raymond Hunt, 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 2A, a 24 acre parcel. A 100 year flood¹ boundary is shown along the rear portion of both lots. The plat meets preliminary and final subdivision plat requirements.

Planning Staff recommends preliminary and final plat approval.

Mr. Thomas reported that Oakbowery Road is classified a major collector with access spacing of 200'. Show additional existing property access. Subject thereto and access management, he recommended approval.

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

Mr. Kriel reported that Tallapoosa River Electric Co-op provides service in this area.

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

Chairman Sadler asked questions or comments.

Dr. Lazenby made a motion to grant the preliminary and final plat approval.
Mr. Wood seconded the motion.

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

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

2. Arlene Rivers S/D, Redivision of Lots 1, 2, & 3, 4 lots, 1314 Old Columbus Road, Mike & Arlene Rivers, P/F Approval.

Mr. Ogren reported that the applicant is requesting preliminary and final plat approval for a 4-lot single-family residential subdivision. The lots range from 15,700 s.f. to 2.4 acres. A single family home will occupy three lots and a mobile home will occupy the 2.4 acre lot (Lot 1-A). The property is zoned R-4M and mobile homes are allowed. The purpose of the subdivision is to create lots so each home is located on its own lot. The applicant plans to rent out the homes but may sell the property in the future. There are two or three other mobile homes stored on the property that need to be removed from the property. Planning staff recommends that the mobile homes be removed before the plat is signed for recording.

Staff recommends that Lot 3-A and Lot 4 share a driveway so a single access point is established on Old Columbus Road. The shared access will reduce the number of curb cuts on Old Columbus Road and implement access management best practices. An access easement will need to be added to the plat.

The plat meets preliminary and final subdivision plat requirements.

Planning Staff recommends preliminary and final plat approval with recommendations stated above.

Mr. Thomas reported that Old Columbus Road is classified a major collector with access spacing of 200'. Due to existing site conditions and subject to compliance with flag lot requirements, he recommended approval subject to the following:

- a) Provide a digital version of the final plat, per Section 4.5 of the S/D Regulations.
- b) Provide reference tie to a section corner, required water, sewer, and flood zone statements, etc., latter, as required by Flood Plain Administrator/Chief Building Official.
- c) A note on the plat that Lots 2-A, 3-A & 4 shall share one (1) access via an ingress/egress easement to be shown along the pole portion of (flag) Lot 4.

Planning Commission's motion clarify engineering access condition in lieu of planning staff.

Mr. Lee reported that water service is accessible to this subdivision by a water main the R.O.W. of Old Columbus Road.

Mr. Kriel reported that Tallapoosa River Electric Co-op will provide service to this subdivision.

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. Pridgen made a motion to grant preliminary and final plat approval with clarification on the Engineer's report as opposed to the Planner's report that the board recommends that lots 2A, 3A & 4 all share one driveway.
Mr. Seroyer seconded the motion.

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

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

3. Cedar Creek S/D, Phase Two, 26 lots, Cedar Creek Drive, Cedar Creek of East Alabama LLC, Preliminary approval.

Mr. Ogren reported that the applicant is requesting preliminary plat approval for a 26-lot single-family residential subdivision. The applicant is also requesting rezoning (agenda item #18) of this same property. The subdivision and rezoning is Phase 2 of the Cedar Creek PUD (Planned Unit Development) development. The City Council approved the first phase to PUD on October 5, 2004.

The lots range from 21,100 s.f. to 41,000 s.f. The property is located in the Saugahatchee Watershed. Minimum lot sizes in the watershed are ½ acre lots (21,780 s.f.) for single family homes. A 1.6 acre parcel is reserved for “common area”. The lots will access one of three streets to be constructed by the developer.

The plat meets preliminary plat requirements.

Planning Staff recommends preliminary plat approval.

Mr. Thomas reported that sewer service is not currently available, but is proposed. He recommended preliminary approval, but a digital version of the final plat should be provided at final approval. *Potential property buyers are cautioned that water may stand in their yards.*

Mr. Lee reported that water service is accessible to this subdivision by a water main in the R.O.W. of Hillflo Avenue. This subdivision is in the Saugahatchee Lake Watershed Protection Area and meets the density requirements for lots with sanitary sewer service. An erosion and sediment control plan will need to be submitted and approved before land clearing and earthmoving operations commence. The developer shall note on the plat all stream buffers and these buffers are to remain undisturbed except for passive recreational activities such as walking and bicycle trails.

Mr. Kriel reported that electric service for the part of Cedar Creek will be provided 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 questions or comments.

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

Dr. Lazenby seconded the motion.

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

Nays: None

Abstention: None

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

4. Northbrook S/D, Phase Four, 25 lots, Autrey Street, Rockybrook Development, Inc., P/F approval.

Mr. Ogren reported that the applicant is requesting preliminary and final plat approval for a 25-lot single family residential subdivision. This plat was granted preliminary plat approval at the December 16, 2003 Planning Commission meeting but the approval has expired (2003 minutes below).

The purpose of the subdivision is for single-family home development. The proposed subdivision is phase four of the Northbrook Subdivision. The R-4 minimum lot size is retention area for storm water run-off. The plat meets preliminary and final subdivision plat requirements. Planning staff recommends preliminary and final plat approval.

December 16, 2003 Planning Commission Minutes:

Northbrook Subdivision, Phase Four, Rockybrook Development, Inc. 25 lots, off Autrey Street Preliminary Plat Approval.

Ms. Bader, City Planner, reported that the petitioner, Rockybrook Development, Inc., (surveyed by Boles Engineering), is requesting preliminary plat approval to create a 25 lot subdivision. The purpose of the subdivision is for single-family home development. The proposed subdivision is a new phase of the Northbrook Subdivision entitled Phase 4. The minimum lot size of the proposed lots is 9,016 square feet, which exceeds the minimum lot size required for the R-4 of 7,500 square feet. Proposed lot 127 will be dedicated as a water retention area. In many cases, the lots are proposed to be wider than they are deep. The developer needs to keep in mind that he is required to abide by the R-4 setbacks: front-25', rear-20' and side-10'.

All Planning Department subdivision plat requirements have been met. Planning Staff recommends preliminary plat approval provided all Planning Commission requirements have been met prior to final plat approval.

Ms. Smith, Asst. City Engineer, stated that Engineering will need an Erosion and Sediment Control Plan prior to any site work being done. We will also need a complete set of construction plans including sanitary sewer plan and profiles, storm water design plans (with a retention/detention pond) and calculations, and road plan and profiles prior to final approval. A bond or letter of credit for all public improvements to this subdivision will need to be given to the City of Opelika prior to the final plat being recorded; if the improvements have not been completed Engineering recommends that Martha's Court be changed to Martha Court.

Mr. Lee, Utilities Board, reported that water service is accessible to this subdivision by a water main in the R.O.W. of Autrey Street. The developer will be responsible for installing water system and for system development fees.

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

Dr. Lazenby asked if the houses the developers are planning to build homes compatible to the ones already built in Northbrook subdivision.

The owner said yes.

Chairman Sadler asked for further questions or comments.

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

Ayes: Van Nieuwenhuise, Pridgen, Patton, Phillips, Seroyer, Wood, Lazenby

Nays: None

Abstention: None

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

Mr. Thomas reported that Engineering has approved construction drawings and some infrastructure is complete. Developers should enhance Erosion & Sediment Control (ESC) prior to additional site work. Adjacent property owners have two (2) concerns regarding traffic and drainage. First, both the original master plan, and the revised plan, about December 2003, shows an extension of proposed Martha's Court north to intersect Northbrook Drive. The adjacent property owners contend that 30+ additional lots will generate excessive traffic along Autrey. We do not believe the additional lots, nor the interconnections are critical for traffic flow. The City Attorney concurs, but Engineering wishes to inform the Commission of citizen comments.

Second, we have toured the property with the designer to alleviate the drainage concerns of adjacent property owners. Resolution is addressed in our conditions below. Due to public infrastructure, he recommended preliminary approval only, and the following items should be addressed prior to final approval:

- a) Provide a digital version of the final plat, per Sect. 4.5 of the S/D Regulations.
- b) Provide a thirty foot (30') drainage & utility easement along western property line of

- lots 115 & 116, as well as a twenty foot (20') drainage & utility easement along western property line of lots 113 & 114.
- c) Refine flood zone statement as required by Flood Plain Administrator/Chief Building Inspector.
 - d) Change Martha's Court to Martha Court. No building permits may be issued until infrastructure is approved by Engineering.

Mr. Thomas stated that Planning Commission's approval is subject to 60' R.O.W. between lots 119 & 120.

Mr. Lee reported that water service is accessible to this subdivision by a water main in the R.O.W. of Martha's Court. The construction of the water system is not complete, so the developer will need to submit a bond or letter of credit for the remaining work before water service can be obtained.

Mr. Kriel reported that Opelika Light & Power will provide electrical service for this subdivision.

Chairman Sadler opened the public hearing.

Ms. Rebecca Hamlet came forth with concerns regarding traffic and water. She explained her concerns about traffic and stated that with 25 new homes being constructed, making that approximately 40 more vehicles, construction crews, emergency vehicles, and with only one way in and one way out she suggested that Northbrook Road to be extended with a new entrance. She stated that the idea was presented by E.B. Odom in the original plans.

Chairman Sadler stated that the road is supposed to be completed at Phase 4.

Mr. Randy Shaw at 109 Autrey Street, stated that his neighbor had to dig a trench, and put a 6" PVC pipe to drain water out of his back yard, and stated that he himself has had to put his dog house on pallets to keep it out of water. He said that it looks like the developers pushed the dirt up and back behind the houses to create a dam because the water has to go somewhere so it ends up in the existing home-owners back yards. Another problem is the tractors and trucks, and 18 wheelers are parking in the streets leaving no additional places to park and parking in front of the existing homes, trucks are sinking down into the pavement seems like this is an engineering problem the developer has. This is a major inconvenience of their equipment parked in front of the existing homes.

Mr. John Meadows lives at lot 111, and stated his concerns with the drainage and hopes that with the preliminary approval that the board will seek to address the water problems. As a parent, he is concerned with traffic issues and when construction starts up again, is concerned with his children riding their bikes in front of their house. He feels it will not be safe for his children.

Chairman Sadler closed the public hearing.

Mr. Pridgen stated that he has a few comments concerning this property. First, he said he went out to the property to inspect the property and that water does drain off once you get above the plateau behind the Hamlets and Meadows property, and most of the water does drain away from their property but there is a deep drop off and it does create a heavy flow. The easement would be great, but he feels that their needs goes further and making the developers build a culvert, and it needs to state in the minutes that if it's passed that there is not just an easement allowed there, but some type of a diversion, to divert the water to the southern portion of lot 113 downhill to the corner of lot 116.

Mr. Thomas stated to Mr. Pridgen that is one reason that Engineering has added an easement requirement to the plat that is not listed on the plat setting before you, and Engineering has inspected the property with the owner and with the designer/architect and they concur with this requirement; and the reason Engineering is asking for preliminary approval is just for infrastructure but so

Engineering can look at a revised design or a revised configuration to capture the water, pipe it to the projected extension of Northbrook and into the existing drainage system, and that's what expected to handle the flow in the long term.

Mr. Pridgen stated that he suggested reserving lots 119 & 120 for a future road when the developers make the expansion that these lots should be available, and if this board passes this request without it, it won't be possible of making the outlet.

Mr. Seroyer stated that he agrees with Mr. Pridgen and he feels that the board should give serious consideration to the homeowners in the area of Northbrook and Autrey and until these matters are settled and to satisfy not only the Commissioners but the homeowners as well, the board needs to take a serious look at this as to how this is approached, and until then this is satisfied between the homeowners and the builders he thinks this matter should be resolved.

Chairman Sadler stated that the Engineering Department has asked that the Commission grant preliminary plat approval only at this point. He told Mr. Ogren, Planning Director that the board would need to see between today's meeting and final is the overlay of the original plan, and in the meantime he would like to see all of these other things worked out.

Chairman Sadler asked Mr. Thomas if Rockybrook Development owns this property.

Mr. Thomas said yes.

Chairman Sadler asked Mr. Thomas if they own the land between the proposed sites to Northbrook Drive.

Mr. Thomas said yes.

Chairman Sadler asked Mr. Thomas if these were impossible recommendations or adjustments to make.

Mr. Thomas stated that he knows how 2 or 3 commissioners feel about this situation, but he needs to know if this is the direction the Commission desires that Engineering take, and if this is how the others feel, he said he doesn't have a problem with this.

Chairman Sadler said it would be in the minutes.

Mr. John Rice came forth and stated that there was a train of thought with this Commission that a closed loop with the 24 lots would stop traffic flowing once and if Northbrook was ever extended, and the desirability of those 24 lots being to themselves and very quite led the architects/designers to the design of where they are today with meeting all the square footage requirements of the subdivision and doing something upscale because the closed loop of the single entrance would affect traffic with so many car trips and household trips per day.

Chairman Sadler stated that he himself is not disputing the fact that traffic requirements have always been a big problem in the long run, but what these homeowners are really disturbed about is the construction traffic, and he understands that but there is only so much anyone can do in a short length of time to accommodate the construction business. He said that the water concern is a big concern, and it should be addressed.

Mr. Rice stated that he has agreed to buy the development, and he assured the commission it would be taken care of, but up to this point, he is not an owner, or a developer. He said that the developer Mr. Sikes was not present at the meeting but he would like to see the project move forward as it's designed, the lots that would have been eventually put in on Northbrook Drive would have been a much greater idea, but the city worked to extend Northbrook Drive out to Lafayette Parkway, but they chose not to.

Chairman Sadler asked Mr. Rice if he has any objection to withholding 60 feet between Lot 119 and Lot 120.

Mr. Rice said he would not have a problem with that, he feels that would be a great design, and feels he could work well with the people that live on Autrey Street, and if the road was hooked up to Northbrook and Northbrook is ever extended you are just inviting more traffic down the street and that's the reason it's designed the way it is, and feels it's a real asset to be like it is.

Mr. Cherry asked how far it is where Northbrook parallel's with lots 117, 118 & 119, is it assessable temporarily so you can drive on it and use it for construction purposes.

Mr. Rice said that he wasn't sure what Mr. Sikes would say but he feels sure that those lots could be used for construction trucks and trailers to park, and construction purposes. He suggested the city keep the loop like it is.

Chairman Sadler stated that if the road is ever connected to Highway 431 to Northbrook it will be a large amount of traffic coming through to Rockybrook Road.

Mr. Pridgen asked if the board leaves that as a reserve for future use, and then later on the city has the option doing it one way or the other, either building it as it is right now, but leave that spot for reserved later use.

Mr. Rice said that he can't speak for the plat, he said he didn't draft it and the engineering has already been done; the sewer is already in, water is designed and all that is needed right now is curb installed and re-graded and paving put down. He said that the other entire infrastructure is already in.

Mr. Cherry said that the current developers has already made it a problem for the people living on Autrey Drive for that to be done because that was the only access that was used, so he said that he can understand from that point how they are frustrated with all the construction proceedings and traffic being on their street, and when houses are being built, it will be double fold.

Chairman Sadler asked for a motion.

Mr. Pridgen made a motion to grant preliminary plat approval with staff recommendations with the condition that in concurrence with working with Engineering Department to alleviate the drainage issue and at the same time leave a reserve for future street access at 119 and 120 to give a potential at a later time; also, to use the end of Northbrook as the construction access area.

Dr. Lazenby seconded the motion.

Chairman Sadler asked for further comments or questions.

Chairman Sadler asked for a vote.

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

Nays: None

Abstention: None

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

5. Eljoerich Eagle Heights Estate S/D, 2 lots, Deer Tract Road, Randall & Nina Goodman, P/F approval.

Mr. Ogren reported that the applicant is requesting preliminary and final plat approval for a 2-lot single family residential subdivision. The flag lot is 60-feet wide on Deer Tract Road. This 60-foot width allows for future subdivision development on Parcel 8-A2.

The plat meets preliminary and final subdivision plat requirements.

Planning Staff recommends preliminary and final plat approval.

Mr. Thomas reported that subject to compliance with flag lot requirements, and a note on the plat forbidding any further subdivision of Parcel 8A-2, without access to an improved public roadway, he recommended approval.

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

Mr. Kriel reported that Alabama Power Company provides service in 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 further questions or comments.

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

Dr. Whatley seconded the motion.

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

Nays: None

Abstention: None

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

6. Towne Lakes S/D, Plat 3, 20 lots, Towne Lakes Circle, W.S. Newell & Sons, Preliminary approval.

Mr. Ogren reported that the applicant is requesting preliminary plat approval for a 20 lot single-family residential subdivision. The lots are located in PUD. The lots range in size from 14,600 square feet to 35,000 square feet. Lot 26 is about 7 acres; the lot is adjacent to Interstate 85, and has a severe slope, and a portion of the lot is used a retention area for storm water run-off. The lots will have access onto Towne Lake Circle; the street is under construction.

The plat meets preliminary plat requirements except the flood zone information and easement statement need to be added to the plat. Also, the side and rear building setback lines need to be noted or drawn on each lot. The plat shows a 35-foot front building setback line.

Planning Staff recommends preliminary plat approval subject to recommendations and requirements added to the plat.

Mr. Thomas reported that construction drawings have been received, but not approved at this time. He recommended approval, but the following items should be addressed prior to final approval:

- a) Provide a digital version of the final plat, per Section 4.5 of the S/D Regulations.
- b) He recommended the name Towne Lake Parkway west from the northern intersection of Towne Lake Circle & Beauford Drive.
- c) Final plat should comply with our flood zone ordinance.

Mr. Thomas stated that Planning Commission approval subject to mutually agreeable buffer between S/D and Beauford residents. Note possible existence of Alabama Power Co. right-of-way/easement on Mr. Randall Lecroy property and other platted subdivision lots. Representative of GMC, engineer will contact Mr. Robert Hunter to resolve curb issue.

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

Mr. Kriel reported that electrical service to this subdivision will be divided between Alabama Power and Opelika Light & Power.

Chairman Sadler opened the public hearing.

Mr. John Rice asked Mr. Thomas about the name Towne Lake Parkway. Mr. Thomas stated that the drive will continue down 280 and felt it was appropriate to call it Towne Lake Parkway, and he said it doesn't make sense to continue Towne Lake Circle that far down the road. Mr. Thomas said that it's a suggestion.

Mr. Robert Hunter came forth with concerns regarding the buffer dividing Towne Lakes and Beauford Drive, and stated that he is concerned with the curb and would like to stay with the existing curb and would like to see it match.

Chairman Sadler stated that ESG will come out tomorrow to look at the curb.

Mr. Hunter stated that he would not be there until after 4 p.m. and will call them when it's convenient.

Mr. Randall Lacroy came forth and questioned the power line easement, there was a power line easement that was supposed to be placed at the property.

Chairman Sadler said that Mr. Thomas will have to contact Mr. Lacroy at a later time regarding the easement.

Chairman Sadler closed the public hearing.

Chairman Sadler asked for questions or comments.

Mr. Pridgen questioned Mr. Hunter about the buffer that was to be placed between Towne Lakes and Beauford Drive.

Mr. Hunter stated that it was supposed to be placed between his property and Towne Lakes, and would like some kind of vegetation buffer.

Chairman Sadler asked for a motion.

Mr. Pridgen made a motion to grant preliminary plat approval with staff recommendations including a residential buffer between Towne Lakes and Beauford Drive.

Mr. Lazenby seconded the motion.

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

Nays: None

Abstention: None

The motion to grant preliminary plat approval with staff recommendations which shall include a residential buffer between Towne Lakes and Beauford Drive.

7. Foxchase on Emerald Lake S/D, Phase 3, Redivision of Lot 101, 2 lots, Pebble Shore Drive, Plainsmen Development Inc., 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 create a 4,000 square foot lot for a sanitary sewer pump station. This lot is unbuildable. The lot was created from Lot 101-A and Lot 100.

The plat meets preliminary and final subdivision plat requirements.

Planning Staff recommends preliminary and final plat approval.

Mr. Thomas recommended approval.

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

Mr. Kriel reported that Alabama Power Co. will provide service to this subdivision.

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

Chairman Sadler asked for a motion.

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

Mr. Seroyer seconded the motion.

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

Nays: None

Abstention: None

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

8. Hudson S/D, 4 lots, Intersection of Lee Road 410 & 146, Evelyn Hudson, P/F approval.

Mr. Ogren reported that the applicant is requesting preliminary and final plat approval for a 4-lot single-family residential subdivision. The plat is located in the Planning Jurisdiction, therefore R-2 standards for lot and setbacks apply. The purpose of the subdivision is to sell the lots for single-family home construction. The three vacant lots are about 1 acre; the lot with a single-family home is about 2.5 acres.

Several preliminary and final plat data requirements are not added on the plat such as signature lines, easement statement, building setbacks, and subdivision name. Planning and Engineering staff will work with the surveyor (Jesse Joiner), to assure that plat data information is added to the plat before signing the plat.

Planning Staff recommends preliminary and final plat approval subject to plat data requirements added to the plat.

Mr. Thomas recommended approval.

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

Mr. Kriel reported that Alabama Power will provide electrical service to 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 a motion.

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

Mr. Seroyer seconded the motion.

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

Nays: None

Abstention: None

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

9. National Village, Plat 1, 22 lots, Sun Belt Parkway, Retirement Systems of Alabama, Preliminary approval.

Mr. Ogren reported that the applicant is requesting preliminary plat approval for a 22-lot single family residential subdivision. The property is located in an R-3 zoning district. The subdivision property is also part of a rezoning request reviewed in agenda item #19. This is phase one of the 586 acre National Village PUD project. The 22 lots range in size from 9,750 sf to 13,960 s.f.; the lot widths range from 72 feet to 130 feet. The primary access to the 22 lots is actually along the rear lot lines along a one way alley called Cottage Lane A and Cottage Lane B. These homes will face either a commons area (park) for a 2.5 acre lake. The minimum front building setback line along the cottage lanes is 15 feet and the rear setback is 10 feet subject to approval of the rezoning request.

For the most part, the plat meets preliminary plat requirements except signature lines needs to be added. For final plat approval, staff recommends the minimum building setbacks be noted or drawn on the lots. *(The minimum setbacks on the plat will assist Planning Staff and Building Inspections when reviewing building plans for building permits especially if the approved minimum setbacks are established by the developer).*

Planning Staff recommends preliminary plat approval subject to all plat requirements added or recommendations.

Rezoning of the property is addressed at item C.19. We recommend preliminary approval of Plat 1-A, but the following items should be addressed prior to final approval:

- a) Provide a digital version of the final plat, per Sect. 4.5 of the S/D Regulations, preferably with approved street names, subject to concurrence by our public safety departments. We strongly suggest the "cottage lane" suffix with appropriate primary names.
- b) We have some concerns about traffic conflicts around the triangular common area to the northeast.
- c) Islands in the public ROW, where desired, are subject to approval by City Council.
- d) For clarity, parks, lakes and common or green areas should have lot numbers as applicable.
- e) Correct No. Auburn Rd label to Grand National Parkway
- f) No building permits may be issued until infrastructure is approved by Engineering.
- g) Submittal, review and approval of a complete set of construction plans including, but not limited to:
 - Proposed Erosion and Sediment Control (ESC) BMP implementation
 - Roadway plan and profiles,
 - Sanitary sewer plan and profiles, with a master plan for sewer service throughout the development.
 - Storm-water management design (retention/detention) with supporting calculations, likewise with a comprehensive plan.

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

This subdivision is in the Saugahatchee Watershed Protection Area and meets the density requirements for lots with sanitary sewer service. The developer will need to note on the plat, all stream buffers and these buffers shall remain undisturbed except for passive recreational activities such as walking trails. An erosion and sediment control plan will have to be submitted and approved before land clearing and earthmoving operations commence.

The developer shall be commended for incorporating a watershed friendly design into this development. Some features that make this development beneficial to the watershed are: natural drainage swales, clustering of homes, narrower width streets, multiple green spaces, elimination of curb and gutter in some areas, and the possibility of utilizing pervious concrete. This development shall be a model for watershed development in the southeast as well as the nation.

Mr. Kriel reported that electrical service for this development will be divided between Alabama Power and Tallapoosa River Electric Co-op.

Chairman Sadler opened the public hearing.

Ms. Vivian Freeman came forth to ask if her property's zone would change. Chairman Sadler said no.

Ms. Cathy Chastain adjacent property; she came forth with concerns regarding more traffic in the area and was inquiring what the city's plan would be to accommodate the traffic flow, what is the long term plan.

Mr. Conner explained how the traffic would come off Grand National, etc.

Chairman Sadler closed the public hearing.

Chairman Sadler asked for a motion.

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

Dr. Whatley seconded the motion.

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

Nays: None

Abstention: None

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

10. Stonegate S/D, 71 lots, Old Columbus Road, Jerrell & Marsha Riddle, Preliminary approval.

Mr. Ogren reported that the applicant is requesting preliminary plat approval for a 71 lot single-family residential subdivision. The 33-acre property is located near the intersection of Old Columbus Road and South Uniroyal Road. Agenda item #20 is a request to rezone the property from M-1 to R-3 to allow for single family homes. The minimum lot size in an R-3 zone is 7,500 s.f. The lots range from 8,500 s.f. to 18,000 s.f. and lot widths average about 85 feet. All lots will be assessed from a new street constructed by the developer.

For the most part, the plat meets preliminary plat requirements. For final plat approval the surveyor will need to add signature lines, easement statement, minimum building setback line, and other plat data requirements as stated in the Subdivision Regulations. Planning staff is available to review the requirements with the surveyor.

Planning Staff recommends preliminary plat approval.

Mr. Thomas reported that rezoning of the property is addressed at item C.20. Engineering does not object to preliminary approval, but the following items must be addressed prior to final approval:

- a) Show existing sewer easements.
- b) Both plat notes and covenants must prohibit fences within sanitary sewer easement.
- c) Recommend applicant/owner insure compliance with FEMA requirements of the National Flood Insurance Program, Corps of Engineers requirements for wetlands and flood way, and requirements of our Chief Building Official prior to issuance of a building permit.

- d) Although not designated a flood zone, a potential for flooding clearly exists. A comprehensive flood study may be required, possibly to include determination of Base Flood Elevation(s) (BFE), which may in turn dictate approved Finished Floor Elevation(s) (FFE's).
- e) Our ESC regs require a twenty-five (25) foot undisturbed buffer from top of bank on existing streams shown on USGS maps.
- f) Due to existing railroad culvert, specifics unknown, storm-water management beyond the letter of our Public Works Manual may be required, including, but not limited to, enhanced retention/detention.
- g) A note on the plat that "No direct access to Old Columbus Rd is allowed from Lots 1 or 48.
- h) Street ROW stub-outs to the east and west should be provided in accordance with blocking requirements.
- i) For clarity, commercial & storm-water detention lots should be numbered.
- j) Required statements (water, sewer , etc.) & signatures
- k) Submittal, review and approval of a complete set of construction plans including, but not limited to:
 - Proposed Erosion and Sediment Control (ESC) BMP implementation
 - Roadway plan and profiles,
 - Sanitary sewer plan and profiles, and
 - Storm-water management design (retention/detention) with supporting calculations.

Mr. Lee reported that water service is accessible to this development by a water main in the R.O.W. of South Uniroyal Road and Old Columbus Road.

Mr. Kriel reported that Tallapoosa River Electric will provide service for this subdivision.

Chairman Sadler opened the public hearing.

Mr. Christopher Dean came forth to ask how the R-3 zone would affect the M-1 zone for which he is in.

Chairman Sadler stated that it would not affect the zoning on the other property.

Mr. Dean stated that his concerned with the subdivision being so close to his property with his trucking company in the M-1 zone which operates 24/7 and how it will affect his business. He stated that he just had to move his business because of his big trucks, and concerned with the new residents complaining.

Chairman Sadler stated that your business is already there, and if someone buys a house next to your property should be aware of the business, and you Mr. Dean shouldn't have any problem, nor should you have to move because you were there before the subdivision.

Mr. Gunter, City Attorney, stated that the development of this subdivision should not affect the use of Mr. Dean's property.

Mr. Marshall Murphy has concerns that with his business handling extremely hazardous materials said he is concerned with children being next door to his property, and he wouldn't want anyone hurt, and with the possibility of children coming over and playing on the trucks at night with chemicals. He stated that they do not have a guard, or security personnel, or a fence to keep people out incase of an emergency.

Mr. Randy Price came forth and stated that his property adjoins this proposed property on 3 sides and he and his family are concerned about the water. He stated that he is hopeful that the water issue can be resolved through engineering and FEMA, and Corps of Engineers, and ADEM; and according to the plat, the developers are asking for a cul-de-sac to be put in this is borderline wetlands, but you can see that water stands most of time, right across the property line is a stream that runs year around which is being fed by an old spring and with a 4, 000 gallon reservoir which is on the other side of our property line. In order to make this

workable for the new subdivision all of the old soil will have to come out, and then when it does come out the developers will have to get up to grade it will have to be raised 5'+ because it's actually sitting down in a valley itself, and when that happens he said that his concern is his stream. He understands that the developers will say that they cannot alter water but the Corps of Engineers will allow them to alter the water to some degree as long as it is still flowing. He said that once you raise something 5'+ as far as the grade is concerned that water has got to go somewhere, the other problem is on both sides of the property where their home is built, and also Ms. Walton's property on the south side is a very high hill and all of the watershed coming back down the hill and it doesn't matter how high you raise that there will be water problems. He said another problem with this subdivision coming in next to their property is their farm with a 21 stall horse barn right beside that is a riding arena and several cattle, cows, horses and sometimes bulls are in the pasture; because of his horses and cows, etc., and the possible liability with the dangers of his live stock hurting small children or someone whom may wonder onto his property. He asked for a solid 6ft. wood fence approximately 1,000 ft. so it will keep small children away from his property, and an undisturbed buffer to help prevent anything bad to happen to innocent children.

Chairman Sadler closed the public hearing.

Chairman Sadler asked for questions or comments.

Dr. Lazenby stated that he feels the concerns of all the adjacent property owners are reasonable and should be considered by the developers.

Mr. Seroyer concurred with Dr. Lazenby's comments regarding the farm and the trucks with hazardous materials involved and no one would like to see anyone get hurt, especially small children, and all of these things must be taken into consideration.

Chairman Sadler stated that he spoke with ADEM, and perhaps this request should be tabled for 30 days until the board receives a report, and make sure that everything will be suitable with this request, and he asked Mr. Thomas if he had any objection.

Mr. Thomas said he has no objection at all.

Mr. Pridgen stated that we've been presented to fence off the western side because of potential dangers to children from the proposed subdivision, there's railroad tracks on the northern boundary with it's dangers, and the eastern boundary that would warrant a fence, he said he's wondering if this would be an appropriate usage or should the board go to a higher density from R-3, and perhaps it should be an R-2.

Chairman Sadler asked for a motion.

Dr. Whatley made a motion to table this preliminary plat for 30 days.

Mr. Seroyer seconded the motion.

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

Nays: None

Abstention: None

The motion to table the preliminary plat for 30 days passed.

11. Eagle Ridge S/D, 33 lots, Veterans Parkway, Gulf State Development Group, LLC, Preliminary approval.

Mr. Ogren reported that the applicant is requesting preliminary plat approval for a 33-lot single-family private subdivision. Agenda item #16 is the conditional use request for this same property to construct modified zero lot line homes. A private subdivision means the street, storm drain system, and other infrastructure are built to City standards, but not dedicated to the City. The private streets and drain system are maintained by a homeowner's association or the developer. The developer may install an electronic gate at the subdivision entrance providing

security and privacy fro the homeowners. The developer will be required to follow regulations concerning Private Subdivisions in Section 4.3 of the Zoning Ordinance.

At the February 21st City Council meeting the property was rezoned from PUD to C-2 (office retail commercial district. Single family homes are allowed on vacant lots in a C-2 with Planning Commission approval. In a C-2 zone there is no minimum lot size.

The 33 lots in this subdivision range in size from 5,625 s.f. to 11, 700 s.f. The side yard minimum setback is 5 feet and the front and rear minimum setbacks are 25 feet. These setbacks are typical for modified zero lot line housing. Most of the lot widths are 60 feet.

The plat meets preliminary plat requirements.

Planning Staff recommends preliminary plat approval subject to the following:

1. Minimum building setbacks must be added to the plat as a note or setback lines drawn on each lot prior to final plat approval.
2. The developer must follow provisions of the Subdivision Regulations for Private Subdivisions (Section 4.3) especially subsections¹ D and E before the final plat is signed.
3. The approval is contingent upon conditional use approval of agenda item #16 concerning a request for modified zero lot line homes.

¹D. The private status of the subdivision shall be clearly stated on the recorded final plat.

E. As long as the subdivision remains private, the roads, structures and drainage shall be maintained by the developer and/or property owners. This shall be clearly stated to those who purchase a parcel(s) within the subdivision and shall be stated in writing on each property deed. The procedure for accomplishing this shall be outlined in a letter to the Opelika Planning Director for his file.

Mr. Thomas reported that Conditional Use of the property is addressed at item B.16. We recommend approval, but the following items should be addressed prior to final approval:

- a) Provide a digital version of the final plat, per Sect. 4.5 of the S/D Regulations.
- b) Comprehensive property grading plan, to include building lot pads, must be submitted & approved.
- c) No building permits may be issued until infrastructure is approved by Engineering.

Mr. Lee reported that water service is accessible to this subdivision when the construction of Academy Drive is complete.

Mr. Kriel reported that Opelika Light & Power provides service in this area.

Chairman Sadler opened the public hearing.

Mr. Buddy Goolsby came forth asked if any of the proposed requests will be any commercial or will it mostly be residential?

Mr. Rice said that he does have some commercial lots near Veterans Parkway.

Chairman Sadler closed the public hearing.

Chairman Sadler asked for questions or comments.

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

Dr. Whatley seconded the motion.

Mr. Pridgen said that Mr. Thomas mentioned that there is not a building lot line that runs along Veterans Parkway, and stated that it should be added and also should be added some type of hedge row or berm added along Veterans Parkway as well.

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

Nays: None

Abstention: None

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

12. Hamilton Gables S/D, 1 lot Hamilton Road, Wiggins, Hutchins, and Newton, Oldacre & McDonald, P/F approval.

Mr. Ogren reported that the applicant is requesting preliminary and final plat approval to combine three lots to create one lot. The purpose of creating the lot is to construct a 66 unit condominium residential community called "Hamilton Gables". The conditional use request, agenda item # 17, discusses the condominium community, and the rezoning request, agenda item # 21, is a request to rezone the property from R-1 to R-3. The combining of the three lots creates a 15.2 acre parcel.

The plat meets preliminary and final subdivision plat requirements except for flood zone information on the plat.

Planning Staff recommends preliminary and final plat approval.

Mr. Thomas reported that Hamilton Road is classified a major collector with access spacing of 200'. Show existing water, sewer and other utility easements. For maintenance and access purposes, we request a 25' drainage easement along the center line of the creek. Also, our ESC regs require a twenty-five (25) foot undisturbed buffer from top of bank on existing streams shown on USGS maps. Subject thereto, this three (3) lot combination plat & lot line erasure satisfies engineering requirements. He recommended approval.

Mr. Lee reported that water service is accessible to this subdivision by a water main located in an easement 10 feet in width along the northern boundary running from the east to the west. This easement shall be located on the final plat.

Mr. Kriel reported that Alabama Power will provide electrical service to this development.

Chairman Sadler opened the public hearing.

Mr. Harry Strawn came forth with concerns regarding main access into the proposed property and stated that Engineering has taken care of these issues, and stated he has concerns with storm water runoff in which believes these issues have be answered as well. He said that the way his house sits it will be facing directly to the new development, if their house it will be approximately 65' and is interested in seeing adequate buffering. He stated that the new zone will be R-3 would want to protect their interest on their property. His third major concern is the traffic. He stated that he has had numerous problems with his mailbox getting destroyed by various people hitting it, and feels there will be even more traffic due to this new development. He stated that he did a traffic count, and thought that the board might want to order a traffic impact study.

Ms. Sarah Strawn stated that she has major concerns with the traffic that will incur with this new development, and wants the board to seriously consider a traffic impact study.

Mr. Terry Baker, developer, came forth and stated that he is sensitive to the comments made by the Strawns concerning traffic and stated that he appreciates Mr. Strawn taking the traffic count on which was noted the times that traffic is heaviest going to work and coming home, and the people more than likely driving is active working adults, not senior citizens so this is targeted toward 15 and above, yes there would be some senior citizens but it's active people as well empty nesters;

typically the tenants in these homes would not be traveling during rush hour more or less during the day, so that should alleviate some of the traffic problems discussed.

Mr. Rainer Meadows stated that he shares the concerns regarding the traffic, and asked if the development has an access into the development, and asked if the board should approve the access.

Chairman Sadler stated that those questions should be answered in Agenda Item 17 for the conditional use.

Mr. Baker stated that a spacing requirement was not incorporated in the subdivision plat, but should be discussed in item 17.

Chairman Sadler closed the public hearing.

Dr. Lazenby stated that he didn't feel that the traffic would be any heavier than on Gateway where Hamilton Place is located with several senior citizens located there.

Chairman Sadler asked for a motion.

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

Mr. Seroyer seconded the motion.

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

Nays: None

Abstention: None

The motion to grant preliminary & final plat approval with staff recommendations with the approval of the rezoning request passed.

B. CONDITIONAL USE

13. Ben Hand, 207 B. North 3rd Street, Church in C-3 zone.

Mr. Ogren reported that the applicant is requesting conditional use approval so their church may continue to operate at 207 North 3rd Street. The church had existed at this location for several years and the church or property owner (Ben Hand) was unaware that Planning Commission approval was required for churches in all zoning districts.

At this writing, Building Inspections have contacted the property owner about inspecting the building for Building Code compliance. Planning staff should have a report before the Tuesday Planning Commission meeting,

The church meets only on Sunday only; there are about 12 members; nine parking spaces along the front of the building and a concrete pad for parking in the rear yard.

The property owner or previous owner had a fence installed along the west property line; however a portion of the fence was actually installed on the alley right-of-way. Planning staff recommends the fence be moved off the alley right-of-way and placed on the property owner's property. Also, the rear yard of the building is cluttered and unsightly. Planning staff recommends the property be cleaned up and organized.

Planning staff recommends conditional use approval with staff recommendations.

Mr. Thomas reported that Engineering recommends approval subject to removal of fence from public alley R.O.W. at rear of property.

Mr. Lee reported that Opelika Utilities presently serves this area.

Mr. Kriel reported that Opelika Light & Power presently provides service to this building.

City Horticulturist had no report.

Chairman Sadler asked for a motion.

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

Mr. Pridgen seconded the motion.

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

Nays: None

Abstention: None

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

14. DRI Fieldstone LLC, South Uniroyal Road, C-3, town-home development-56 units.

Mr. Ogren reported that this conditional use request for a town-home development is part of The Reserves & Cottages at Fieldstone residential development submitted at the June 28, 2005 Planning Commission meeting. The site plan for The Reserves & Cottages at Fieldstone provided a 5.5 acre area for town-home units but the plan omitted the requirements set forth in Section 8.13 Townhouse Development Standards. At the June 2005 meeting, the Planning Commission approved the single family home and town-home development concept. This conditional use addresses the specific requirements of Section 8.13 Townhouse Development Standards.

The request is to build 56-townhome units that include a clubhouse and pool on 5.5 acres. The town-home development density is 10 dwellings per acre; the density requirement in a C-3 zone is 16 dwellings per acre. The town-homes are built in three groups of 12 attached units, and two groups of 10 attached units. Each townhouse group is 30 feet apart as required. Minimum parking requirements are met: 112 required, 112 provided (10 handicapped), and 12 parking spaces are at the club house. The size of each town home lot ranges from 2,400 to 4,900 sf. The minimum lot size requirement for town-home lots is 2,400 sf. Typical first floor square footages are about 660 square feet. Rear yards are at least 840 square feet. The rear yards meet our town home standards for minimum rear yards (rear yards must be at least 50% of the first floor area). A 5-foot sidewalk for access is provided around the perimeter of the town-home development. Fire lane requirements for townhouse developments have been met. This requirement includes 26 foot turn radius at each end of the townhouse groups and at least a 14 foot drive around the sides and rear of the town-homes (20 foot drives are provided).

As required, a statement on the plat explains that maintenance of common parking spaces, club house, and access ways is provided by the Townhouse Association.

Staff recommends approval of the conditional use request.

Mr. Thomas reported that he recommended approval subject to conditional use approval minutes of the June 2005 PC meeting.

Mr. Lee reported that water service is accessible to this use by a water main in the R.O.W. of South Uniroyal Road. Each town-home shall have its own service line and meter.

Mr. Kriel reported that Tallapoosa River Electric Co-op will provide service to this development.

Mr. Holley recommended approval.

Chairman Sadler asked for a motion.

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

Dr. Lazenby seconded the motion.

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

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

15. Tom Lowery, Lot 20 Samford Ave., small engine repair business in C-2, GC-2 zone.

Mr. Ogren reported that the property owner/applicant is requesting conditional use approval to construct a building for a tenant that sales lawn and garden equipment and repairs small engines on the equipment. The property is located on Samford Avenue, near the Samford Avenue bridge, next to the Business Center. At times, the tenant (Steve Price, Price Small Engine Repair) will also repair go-carts and all-terrain vehicles. The tenant is the distributor for Red Max, Grasshopper, and Walker lawn and garden equipment. These companies manufacture weed eaters, edgers, blowers, chain saws, and lawn mowers. The tenant services the lawn and garden equipment they sale as well as other brands of lawn and garden equipment. The request to be voted on is the tenant's business activities that involve repairing small engines in a C-2, GC-2 zone. (Retail sales are outright allowed in a C-2, GC-2 zone.)

The tenant said that most so-called "repairs" to small engines are actually routine tune-ups or oil changes, not extensive repairs such as overhauls. The spring early summer months is the "peak season" for the business. The tenant said up to 25 cars/trucks a day will drop-off their lawn or garden equipment for repairs/tune-ups. In the past year, the tenant has out grown the current business location at 42 Samford Avenue and needs a larger building.

Section 7.3 of the Zoning Ordinance, Use Categories, states that "manufacturing, processing, creating, repairing, renovating, painting, clearing, assembling of goods, merchandise and equipment" is prohibited in the C-2, GC-2 overlay zone. However, planning staff believes a small engine repair business has similar business activities as an automobile maintenance business. An automobile maintenance business is allowed with conditional use approval in a C-2, GC-2 zone. The C-2, GC-2 zoning district is intended for those office and retail type uses that serve nearby residential neighborhoods. Examples of auto maintenance businesses are tire centers, detailing & car wash, oil change, and brake repair. Therefore, it is reasonable to consider that the applicant's proposal for a small engine repair business may meet the intent and purpose of the C-2, GC-2 zoning district.

At the December 12, 2004 Zoning Board meeting, the Board approved, with conditions, a use variance at 42 Samford Avenue for this same small engine repair business. The applicant is required to apply for a use variance again for this new location on Samford Avenue. If the Planning Commission approves the conditional use request, the applicant's request for the use variance will be reviewed by the Zoning Board at the March 14th meeting.

The site plan meets the minimum parking space requirements. Minimum parking spaces required for a "repair service" is 1 parking space per 300 square feet plus one space for each employee. Landscape Requirements have been met. The ISR is 79%; the GC-2 requirement is 75%.

Recommendation:

Planning staff believes if certain conditions are followed then the small engine repair business request will serve the surrounding neighborhood and meet the intent of the C-2, GC-2 zoning district.

Planning staff recommends approval subject to eh following conditions:

1. All activities concerning repairs to lawn and garden equipment must be done inside the building or out of public view i.e., out of view from Samford

Avenue.

2. A solid wooden fence needs to be installed to screen the rear yard area from the Samford Avenue gateway corridors in case storage or repairs are performed outside.
3. All equipment for outside display purposes along Samford Avenue must be new lawn and garden equipment. All equipment must be displayed on private property not the Samford Avenue right-of-way. After normal business hours (example: 7:00 AM to 6:00 PM) all display equipment must be stored indoors or out of public view in the rear yard behind the fence.

Mr. Thomas reported that Samford Avenue is classified a major collector with access spacing of 200'. He recommended shared access with adjacent property owner. Subject thereto and paved & striped parking including handicapped, as appropriate, he recommended approval.

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

Mr. Kriel reported that Opelika and Power presently provides service in this area.

Mr. Holley recommended approval.

Chairman Sadler asked for a motion.

Dr. Lazenby made a motion to grant conditional use approval with staff recommendations including the zoning variance approval.

Mr. Seroyer seconded the motion.

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

Nays: None

Abstention: None

The motion to grant conditional use approval with staff recommendations, also to include the zoning variance approval passed.

16. Gulf State Development Group, LLC, Veterans Parkway, C-2, 33 modified zero lot line homes.

Mr. Ogren reported that the applicant is requesting conditional use approval for 33 "modified" zero lot line homes. The development consists of detached single family homes that are built 5 feet from the side property lines. The homes will be 10 feet apart and must meet building and fire code requirements. Windows, doors, and other openings along the side exterior walls will be limited because of the 10 foot separation between homes. The homes are about 1,400 square feet and sale for about \$150,000. Although the site plan indicates a garage on the "Typical Lot Landscaping Plan" the developer has not decided if all the homes will have garages. The applicant is requesting a 25' front yard setback, 20' rear yard setback and 5' side yard setbacks. The purpose of modified zero-lot line homes is to address the needs of some homeowners by providing an affordable home or a home with minimal landscaping maintenance responsibilities. In the past, the Planning Commission City has approved several modified zero lot developments (Century Park, Anderson Lakes (Greg Hill), The Easton development on Cunningham Drive, Village at Waterford (Tim White).

The developer is requesting a private subdivision. In a private subdivision the streets are private but built to City standards and maintained by a homeowner association. The private subdivision requirements were discussed in agenda item # 11. The 33 dwellings are located on 7.9 acres; density is 4.1 dwellings per acre. The landscape plan submitted meets the minimum landscaping requirements.

Recommendation:

This type of housing development diversifies the housing stock in Opelika addressing the needs of some homeowners. All setback requirements should be met given that the developer has planned for appropriate size homes that fit within the minimum setback requested. **Staff recommends approval of the proposed conditional use request subject to the following conditions. Conditions number 1 and 2** address potential drainage problems from the construction of modified zero lot line homes and the specific building code requirements described below:

1. A floor plan will need to be reviewed by Building Inspections prior to a building permit approval since the homes will be only 10 feet apart and due to the restrictive building code requirements for zero-lot line construction.
2. A site grading plan with pad elevations, swales and finished floor elevations shall be submitted to the Building Inspection Office for homes less than 10 feet from the property line prior to the issuance of individual building permits.
3. Each lot must have the landscaping planted prior to a certificate of occupancy issued. *(This conditional use request is located in a C-2 zoning district. Landscaping is required in C-2 zones for developments reviewed by the Planning Commission.)*
4. Planning staff recommends underground utilities.
5. Planning staff recommends the developer should provide at least a 4 foot wide sidewalk located behind the curb for pedestrian traffic. The developer should work with utility companies and City departments to coordinate a time schedule in order to reduce conflicts concerning sidewalk construction and the installation of utility lines and infrastructure.
6. Planning staff recommends that no setback variance be granted given the minimum lot sizes and setback requested by the developer.

Mr. Thomas reported that the subdivision of the property is addressed at item A.11. Issues discussed therein should be considered conditions of approval. Subject thereto, he recommended approval.

Mr. Lee reported that water service will be accessible to this subdivision when the construction of Academy Drive is complete.

Mr. Kriel reported that Opelika Light & Power will provide electrical service for this development.

Mr. Holley recommended approval. He stated that the developer needs to make sure that no large trees are planted close to the road near Veterans Parkway and also the 25' easement that Alabama Power has near the property, also sometime of berm should be placed along Veterans Parkway and on the back side of the property to block the view of the rear yard.

Chairman Sadler asked for a motion.

Mr. Pridgen made a motion to conditional use approval with staff recommendations. Dr. Lazenby seconded the motion.

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

Nays: None

Abstention: None

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

17. Project Management and Marketing, Inc., 3100 block of Hamilton Road, R-1, 15 acres, condominium development – 66 units.

Mr. Ogren reported that the applicant is requesting conditional use approval for a 66 unit condominium development called Hamilton Gables. The 15 acre development is located near Tiger Town on the east side of Hamilton Road after crossing over the Interstate 85 Bridge. The applicant believes the primary market interested in this type of development will be the active senior retirement type household. The site plan shows a total of 66 dwelling units on 15.39 acres. The density is 4.29 dwellings per acre. The condominium layout consists of fifteen quadplexes (4 attached dwelling units) and 3 duplexes (2 attached dwellings). The applicant is also requesting rezoning of the property which will be reviewed in agenda item #21.

The site plan information shows that the condos range from 1,325 s.f. to 1,925 s.f.; (the applicant said price range of homes is \$200,000 to \$250,000). A clubhouse is provided that includes a swimming pool and fitness center. The exterior maintenance of the homes and clubhouse, and lawn and landscape maintenance, is provided by a property management team. A property manager will be located on site. The streets within the development will be private streets maintained by a condominium property owner association. Landscape requirements are addressed with the site plan that shows a 10-12 foot buffer of staggered tree line along the right-of-ways of Hamilton Road, Interstate 85, and the adjacent property owner to the south. The homes meet the R-3 minimum building setback requirements if the property is approved for rezoning (rezoning reviewed agenda item #21). The building setbacks around the perimeter lot lines are 25 feet. Each condo has a two car garage for parking; nine parking spaces are provided at the clubhouse facility. The site plan shows landscaping for each home.

As stated above, the density proposed is 4.29 dwellings per acre (66 units on 15.39 acres) subject to the rezoning request from R-1 to R-3 are approved. The maximum density in the R-3 zone is 4 dwellings per acre. The applicant is requesting the Zoning Ordinance provision that density may be increased by 25%. The 25% increase in density must be approved by the Planning Commission. (The total number of condo dwellings without the 25% density increase is 61 units; the total number of condo units with the 25% density increase is 76 units).

Staff recommends approval of the conditional use request subject to the following recommendations:

- 1. Planning staff recommends an increase in density as provided by the Zoning Ordinance but the number of dwelling units for the development must be limited to the 66 units shown on the site plan.**
- 2. A pedestrian walkway designated on the site plan or sidewalks added.**
- 3. The turning radius of the private drives must meet requirements of the fire department.**
- 4. Conditional use approval subject to the City Council approving the rezoning request.**

Mr. Thomas reported that issues discussed at Item A.12 should be considered conditions of approval. Subject thereto, he recommended approval.

Mr. Lee reported that water service is accessible to this subdivision by a water main located in an easement 10 feet in width along the northern boundary running from the east to the west. No landscaping shall be placed on this easement and the developer shall provide a location for ingress/egress for maintenance of the water, sewer, and natural gas pipelines located in this area.

Mr. Kriel reported that Alabama Power presently provides service in this area.

Mr. Holley recommended approval, stated that he concurs with Utilities Board in regards to the residential buffer issue that encroaches on the easement and this should be worked out.

Chairman Sadler asked for questions or comments.

Mr. Pridgen stated that he feels that this is a quality development and thinks that this is a great transition in between I-85 and the residential single family homes, but feels that granting a variance and going from the allowed 4 units per acre to 4.29 units per acre, and what the board would basically to would be to allow them to have 4 or 5 additional units, and feels that it would be setting a terrible precedence, and if someone came in beside them the board would have to allow that same amount for them as well. Typically a variance is granted for a hardship, a terrain difficulty; which there are existing barriers for that and in this particular case there is no reason to have to go above the normal units per acre, the only reason the board would be granting a additional usage would be financial benefit, and he doesn't feel that it's acceptable in most cases, and stated that he would include this in his motion to only approve the conditional use if it would be only a maximum of 4 dwelling units per acre along with moving the driveway upwards to meet access management.

Chairman Sadler asked for further comments.

Mr. Pridgen made a motion to grant conditional use approval with staff recommendations; also with a maximum of 4 dwelling units per acre along with moving the driveway upwards to meet access management.

Mr. Seroyer seconded the motion.

Ayes: Pridgen, Seroyer, Wood, Whatley, Cherry

Nays: Lazenby

Abstention: None

The motion to grant conditional use approval with staff recommendations; also with a maximum of 4 dwelling units per acre along with moving the driveway upwards to meet access management.

Mr. Baker came forth and stated that the R.O.W. off Hamilton Road; because it's so close to I-85 – the typical city R.O.W. is 80 ft. has been extended even though there's not ever going to be an interchange here off the bridge, we've allowed another acre of land above and beyond what the typical R.O.W. would be; there is the greenspace that is being left there, and also cuts into what can be developed and stated that it's not cheap land.

Mr. Pridgen stated that if the board takes your suggestion into consideration, 1/3 of the property would be un-developable; so if you only look at the buildable properties, then the calculation would 10 units per acre being developed in the small area and doesn't feel that 10 units per acre should be allowed. He stated that that if one unit was eliminated because it looks pretty congested on the Hamilton side it would give more open look and it would satisfy the city's requirements.

Mr. Baker stated that the topography of the land towards I-85 may cause them to lose up to 4 units and they may have to put in duplexes instead quadroplexes in their place.

C. REZONING-PUBLIC HEARING

18. Cedar Creek of East Alabama LLC, Cedar Creek Drive, 13 acres, from R-1 to PUD.

Mr. Ogren reported that the applicant is requesting rezoning from R-1 (Rural) to a PUD (Planned Unit Development). This rezoning request is considered Phase 2 of the Cedar Creek PUD rezoning reviewed and approved by the Planning Commission at the July 27, 2004 meeting. The City Council approved the first PUD rezoning request on October 12, 2004.

This portion of the rezoning area consists of 25 lots for single family home construction, one 1.6 acre lot as a "common area", and a 7.38 acre parcel reserved as a "conservation easement" for a green-space and walking trail. The conservation easement is a 220 foot wide area along a creek. The single family lots range from 19,800 s.f. to 41,800 s.f. Since this rezoning is continuation of the first rezoning, the

property owners of this phase will have access to the clubhouse and swimming pool shown in the site plan shown on the phase one rezoning. A 4-foot wide bike path will be included along Cedar Creek Drive and other collector roads in the PUD. All utilities are underground; the development will maintain a consistent look with decorative lampposts, custom mailboxes, fencing, and signage.

Planning Staff recommends a positive recommendation be sent to the City Council to rezone the property from R-1 to PUD.

Mr. Thomas suggests sending a positive recommendation to City Council.

Mr. Lee had no report.

Mr. Kriel reported that Opelika Light & Power will provide electrical service for this part of Cedar Creek.

Mr. Holley reported that the petitioner will need to submit a more detailed landscape drawing for review. The plan will need to show quantity and types of trees and shrubs to be planted. He recommended approval.

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

Chairman Sadler asked for a motion.

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

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

Nays: None

Abstention: None

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

19. Retirement Systems of Alabama, Sunbelt Parkway, National Village-586 acres, from R-3 to PUD.

Mr. Ogren reported that the Retirement Systems of Alabama (RSA) is requesting rezoning from R-3 to a PUD (Planned Unit Development) zoning district. A development plan review conference was held on January 25th. The conference allowed City departments and Planning Commissioners to observe a presentation of the National Village project, ask questions and make recommendations. The City departments and Planning Commission are familiar with this significant upscale residential community in Opelika and many of the technical details have been discussed with each department.

The 586 acre National Village property is accessed from Sunbelt Park, Grand National Parkway, and Oak Bowery Road. The National Village concept consists of seven villages with all villages sharing common amenities as pedestrian trails and open space areas. About 1,170 homes will be built on the 586 acres. The overall density for the entire 586 is 2 dwellings per acre. The density is equivalent to our R-2 zoning district which is a low density restrictive zone and desirable for most home owners.

The National Village developer, planner, and engineers have met with the Opelika Utilities to discuss drainage issues in the Saugahatchee Watershed. Efforts are being made to preserve large drainage features, open space areas, and to implement innovative drainage techniques that will reduce adverse impacts on the watershed. The homes will be clustered together in order to preserve the significant natural open areas and streams in the Saugahatchee Watershed as well as to enhance the living environment for the home owner. The clustering of homes allows large areas to be reserved as natural open spaces. The homes in each village will be single detached, single family attached (cottages) at the garages, town-homes,

and condominiums. The development respects the Saugahatchee Lake Watershed and the clustering of homes indicates sensitivity in preserving the natural environment. The total open space area is about 128 acres of the 586 total acres or 22% of National Village is open space. The RSA will maintain all privately owned amenities, common areas, and open spaces until a property owners association is established and able to maintain the open areas.

Planning Staff recommends Planning Commission send a positive recommendation to City Council to rezone the property from R3 to PUD.

Mr. Thomas reported that he recommends minimum 2-way roadway widths of 11', due to adverse impact on emergency or City service vehicles. Subject thereto, he suggest a positive recommendation to City Council.

Mr. Lee suggests sending a positive recommendation to City Council.

Mr. Kriel reported that Alabama Power and Tallapoosa River Electric Co-op will provide service for this development.

Mr. Holley reported the petitioner will need to submit a more detailed landscape drawing for approval. He recommended approval.

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

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

Nays: None

Abstention: None

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

20. Jerrell & Marsha Riddle, Old Columbus Road, 33 acres from M-1 to R-3.

Mr. Ogren reported that the applicant is requesting rezoning 33-acres from M-1 (manufacturing) to an R-3 (low density residential) zoning district. The property is located near the intersection of Old Columbus Road and South Uniroyal Road. The applicant desires to subdivide the land into 71 lots to build single family homes. *(The subdivision was reviewed in agenda item #10 – Stonegate).*

The adjacent zoning districts to the east is R-1 (rural) to the south R-4M (medium density residential), and to the west is M-1 (manufacturing). A 150 foot railroad right-of-way borders the property on the north side. The existing land uses of the adjacent properties are either vacant land or single family homes on large parcels. The R-3 zoning request is a less intensive land use category than the existing manufacturing zone. Those property owners residing near this rezoning request would probably prefer the R-3 zone. In the R-3 zone only detached single family homes are outright allowed. Multi-family developments such as duplexes or apartments require conditional use approval from the Planning Commission. In the existing M-1 zone many types of manufacturing uses are outright allowed including industrial processing of offensive or flammable materials, processing raw materials, food/beverage type refineries, and assembly plants. Also, businesses not related to manufacturing but allowed in the M-1 zone include machine shops, a contractor office with equipment and material yard, storage of goods outside, and truck repair shops.

The R-3 zone is less intrusive and environmentally sensitive to the adjacent properties than the current M-1 zoning district.

Planning Staff recommends Planning Commission send a positive recommendation to the City Council to rezone the property from M-1 to R-3.

Mr. Thomas had no report.

Mr. Lee reported that water service is accessible to this development by a water main in the R.O.W. of South Uniroyal Road and Old Columbus Road.

Mr. Kriel reported that Tallapoosa River Electric Co-op provides service in this area.

Mr. Holley had no report.

Chairman Sadler opened the public hearing.

Mr. Gary Head stated that he is aware of all surrounding zoning and businesses and farms and stated that in his opinion a residential subdivision would be more suitable for the community than hazardous material and loading trucks at night, and stated that he too has horses and cattle and is aware of the Prices situation, but stated that a small child could be in his own yard and could get hurt from his horses and bulls, and whom would be liable there. We are aware of what exists there, and would like to make to community a better community.

Ms. Oline Price came forth and stated that there was an issued brought up earlier regarding potential dangers and she asked the board if this subdivision is approval if you could make the subdivision an R-2 instead of R-3; if nothing else the lower density of houses in the subdivision could possible decrease any potential dangers that have been discussed and could potentially could be a problem.

Ms. Betty Stallings came forth stated that she concurs with Ms. Price, and asked if there are any plans in the future for widening the road or improving it to an extent that it could handle the traffic better once this development begins in this area.

Chairman Sadler stated that as far as the traffic issue Engineering should be contacted to discuss these issues with them.

Chairman Sadler closed the public hearing.

Chairman Sadler asked for a motion.

Mr. Pridgen stated that this rezoning request be tabled until the April meeting.
Dr. Whatley seconded the motion.

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

Nays: None

Abstention: None

The motion to table this rezoning request until the April meeting passed.

21. Project Management & Marketing, Inc., 3100 Block of Hamilton Road, 15 acres, from R-1 to R-3.

Mr. Ogren reported that the property owner is requesting rezoning 15 acres from R-1 (rural) to an R-3 (low density residential) zoning district. The 15 acre rezoning is located near Tiger Town on the east side of Hamilton Road adjacent to the Interstate 85 Bridge. The purpose of the rezoning is to develop the property as an active senior residential development as discussed in agenda item #17. In summary, the rezoning property will consist of 66 dwelling units on 15.39 acres. The condominium layout is fifteen quadroplexes (4 attached dwelling units) and 3 duplexes (2 attached dwellings). The density is 4.29 dwellings per acre.

The adjacent zoning district to the west is R-4 (including Stonybrook Subdivision), to the east is R-1, and to the south R-1. The north is bordered by the Interstate 85 right-of-way. The existing land use of the adjacent properties are primarily single family homes located in the R-1 or R-4 zoning district.

The rezoning property is located on Hamilton Road, a street classified as a major collector. Condominium developments are common along major collector streets. (Examples of other major collectors: Morris Avenue, Rockybrook Road, North 10th Street, and Oak Bowery Road).

Since Tiger Town broke-ground for development the properties near Tiger Town have experienced significant residential growth. The nearby residential neighborhoods have access to a variety of stores in Tiger Town. Other developments near Tiger Town such as the Wyndham PUD have been approved for single family development, garden homes, duplexes, and town-homes.

Recommendation:

Planning staff believes that this type of residential community, in addition to the quality of development proposed and amenities offered will be compatible with the existing residential dwellings. Also, the development is located along a major collector street, Hamilton Road. Multi-family dwellings are common along major collector streets.

Planning Staff recommends Planning Commission send a positive recommendation to City Council to rezone the property from R-1 to R-3.

Mr. Thomas suggests a positive recommendation to City Council.

Mr. Lee had no comment.

Mr. Kriel reported that Alabama Power provides service in this area.

Mr. Holley had no comment.

Chairman Sadler opened the public hearing.

Ms. Strawn came forth and asked if the change had been made in the previous conditional use approval for 66 units, and asked if it were changed.

Chairman Sadler said yes, it will only be 4 units per acre.

Ms. Strawn also stated that the zone is changing from an R1 to R3, and stated that in some of the other rezoning requests a buffer was included in the approval, and she asked for the same.

Chairman Sadler shows a buffer already in the plan, and will be a part of the development.

Chairman Sadler closed the public hearing.

Chairman Sadler asked for a motion.

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

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

Nays: None

Abstention: None

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

D. ANNEXATION

22. Scott & Melissa Martin, 122 Lee Road 989 (White Oak Estates), ½ acre lot.

Mr. Ogren reported that the petitioners, Scott and Melissa Martin, are requesting annexation of one parcel, approximately 1 acre, located off Highway 280 East. There is one single family home on the Martin property. The lot is located in the

White Oak Estates residential subdivision. White Oaks are a 12 lot subdivision. All twelve lots have public road access onto Lee Road 989.

At the March 1992 Planning Commission meeting, the White Oak Estates subdivision was given preliminary approval subject to conditions including Lee Road 989 built to City standards. At the September 1992 Planning Commission meeting, the final plat was reviewed for approval. The Planning, Engineering staff and the Commissioners discussed that Lee Road 989 was paved and approved by the County Engineer but was not approved to City standards as required for a subdivision located in the Planning Jurisdiction. The minutes state that the City Engineering Department received no preliminary construction plans for the road or storm drainage. After a lengthy discussion the Planning Commission voted to add the following note to the plat:

Lee Road 989 has been constructed to Lee County Highway Department standards and not to the standards of the Public Works Manual of the City of Opelika. The Planning Commission of the City of Opelika, at its regular meeting of September 22, 1992 granted its Final Approval to White Oak Estates but recommended that the Subdivision Not be Annexed into the City Limits of Opelika until such time that Lee Road 989 be constructed to fully meet City Standards.

Planning staff recommends the annexation petition be denied until Lee Road 989 is brought up to City standards.

Mr. Thomas reported that in accordance with plat note, engineering recommends denial.

Mr. Lee reported Opelika Utilities presently serves this area with domestic and fire service water.

Mr. Kriel reported that Alabama Power presently provides service in this area.

Chairman Sadler stated that because of the restraints of the road not being built by city standards cannot be accepted or maintained by the city. He stated that he would like to see Mr. & Mrs. Martin's property annexed to the city, but stated that there not anything that supports the request to annex into the city.

Mr. Martin stated that he appreciates the boards time, but at this time chooses to withdrawal his request.

E. OTHER BUSINESS

23. Review Fees for Planning Commission Applications.

Chairman Sadler stated that the review fees discussion would be tabled until the April Planning Commission meeting.

With no further business on the agenda, Chairman Sadler adjourned the meeting at 5:02 p.m.

_____ H.J. Sadler, Chairman

_____ Martin D. Ogren, Secretary