

March 28, 2006

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

MEMBERS ABSENT: Mayor Fuller

STAFF PRESENT: Marty Ogren, Planning Director;
Charlie Thomas, Engineering Director;
Derek Lee, Opelika Light & Power;
Alan Lee, Utilities Board;
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 February he would like to entertain a motion to accept the minutes as written.

Mr. Pridgen made a motion to accept the February 28, 2006 meeting minutes as clarified and corrected.

Dr. Lazenby seconded the motion.

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

Nays: None

Abstention: None

The motion to accept the February 28, 2006 Planning Commission meeting minutes as clarified and corrected passed.

Mr. Posey introduced Mr. Derek Lee to the Planning Commissioners. He stated that Mr. Lee is the new Assistant Director to the Light & Power Department; and will be the staff member to the Planning Commission for Opelika Light & Power.

Chairman Sadler congratulated Mr. Lee with his new position at the Light & Power Department and welcomed him to Opelika.

A. PLATS-Preliminary & Final PUBLIC HEARING

1. Northeast Opelika Industrial Park S/D, 6th Revision, 2 lots, North Park Drive, Opelika Industrial Development Authority, 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 for future development. Lot 10A is a 19-acre parcel. The plat meets preliminary and final subdivision plat requirements.

Planning Staff recommends preliminary and final plat approval.

Mr. Thomas reported that sewer is available in the eastern R.O.W. of North Park Drive. He recommended approval. He stated that all subdivision approvals are required a digital version of the final plat, per Section 4.5 of the Subdivision Regulations.

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

Mr. Derek Lee 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. Posey seconded the motion.

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

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

2. Varner Acres S/D, lot line erasure, 1402 West Point Pkwy, William & Judi Niemeyer, preliminary and final plat approval.

Mr. Ogren reported that the applicant is requesting preliminary and final plat approval for a "lot line erasure" or to combine two lots into one lot. The applicant desires to build an addition unto his home. The combining of the lots will allow the addition to be built without violating setback requirements. A 50 foot front building lot is shown on the plat; the GC-2 zone requires a 40-foot front building setback. The plat meets preliminary and final subdivision plat requirements.

Planning Staff recommends preliminary and final plat approval.

Mr. Thomas reported that sewer service is not currently available. Re-title plat as shown above. Delete U.S. Highway 29 label. Place a note on the plat to the effect that per Chapter 11-67, Code of Alabama, the City is not responsible for maintenance of unimproved ROW. Subject thereto, he recommended approval.

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

Mr. Derek Lee reported that Opelika Light & Power 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 questions or comments.

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

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

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

3. West Frederick Commons S/D, 2 lots, 2701 Frederick Road, West Frederick Commons, LLC, preliminary and final plat approval.

Mr. Ogren reported that the applicant is requesting preliminary and final plat approval for a 2 lot subdivision. This same property was given final plat approval in November 2004. At that meeting, the plat was a 5-lot subdivision that included a new street. The 2004 plat was never recorded. The purpose of this subdivision is to

sell Parcel A, a 5-acre parcel. A 60-foot "reserve for future street" is shown to access lots in the rear of the property.

The applicant is also leaving a "30 foot undisturbed buffer" and a "fence and hedgerow" to buffer commercial development from the residential zoning district (Talley Avenue and Porter Street) adjacent to this subdivision. At the 2004 meeting the residential property owners asked for a 50 foot natural buffer and a fence. After discussion, the Planning Commission motioned to follow Planning staff's recommendation and require a 50 foot buffer with an opaque fence. In addition, the Planning Commission voted to approve the plat and also agreed to address the fence when the developers came back for site plan review. During site plan review, the size of the buffer and fence would be decided. At the 2004 meeting, it was said that Mr. Rice, realtor for the developer, would work with the neighbors to come to an agreement on the size of the buffer and fence. Planning Staff called Mr. Rice about the buffer and fence. He said that he desired to add a buffer as indicated on the plat. At a later time he will be submitting more information about the buffer and fence after he knows "how they are going to use the property."

At this time, Planning Staff recommends preliminary and final plat approval subject to the 30 foot undisturbed buffer be redrawn to show a 50' natural, undisturbed buffer" for the same length as shown on the submitted plat or a 30' natural and a 6 foot high opaque fence. In the past, the Planning Commission has approved 50 foot buffers that provided a buffer when two incompatible uses are adjacent to each other i.e., commercial and residential. The buffer serves as a sign and sound barrier from the commercial development to insure against any negative impact to the residential subdivision.

Minutes from November 24, 2004 Planning Commission meeting:

2. West Frederick Commons S/D, WFC, LLC, 2701 Frederick Road, 5 lots, Final Plat Approval.

Ms. Bader reported on September 28, 2004, the petitioner, West Frederick Commons, LLC (surveyed by Boles Engineering, Inc.), requested preliminary plat approval for an eight-lot commercial subdivision. The petitioner has amended the plat slightly from the preliminary by combining the southern lots into one lot and is now requesting final plat approval for a 5-lot subdivision. Lots are proposed to range in size from 1.449 acres to 8.140 acres with a parcel D to be developed in the future with the remaining 21.447 acres. The lots are proposed to be large enough to meet the development standards for their zoning designation. The petitioner is proposing to construct a road to access the lots in this subdivision. In addition, the petitioner is proposing to leave a 30' natural, undisturbed buffer. At the last meeting, see attached minutes, a representative from the adjoining neighborhood stated that the neighbors would like to recommend a 50' natural, undisturbed buffer with a fence. The Planning Commission asked Mr. Rice his opinion on the buffer. Mr. Rice said that he would have to review the matter and asked if he could discuss it at the time of final plat approval. Chairman Sadler stated that at the time of final plat approval, the determination would be made regarding the fence, and the width of the buffered area. Mr. Rice did not submit any additional information regarding his proposed buffer and fence.

Minutes from September 28, 2004 Planning Commission meeting:

8. West Frederick Commons S/D, West Frederick Commons, LLC, Commercial Parcels, Frederick Road, Preliminary Plat Approval.

Ms. Bader reported that the petitioner, West Frederick Commons, LLC (surveyed by Boles Engineering, Inc.), is requesting preliminary plat approval for an eight-lot commercial subdivision. Lots are proposed to range in size from 1.449 acres to 8.165 acres. The lots are proposed to be large enough to meet the development standards for their zoning designation. The petitioner is proposing to construct a road to access the lots in this subdivision. In addition, the petitioner is proposing to leave a 30' natural, undisturbed buffer. A representative from the adjoining neighborhood has stated that the neighbors would like to recommend a 50' natural, undisturbed buffer. The Planning Commission has imposed a 50' natural, undisturbed buffer before when there is the situation of a commercial development locating adjacent to a residential subdivision.

All Planning subdivision plat requirements have been met.

Planning Staff recommends preliminary plat approval with the following condition:

1. The 30' natural, undisturbed buffer shall be redrawn to be a 50' natural, undisturbed buffer for the same length as shown on the submitted plat or a 30' natural, undisturbed buffer with an opaque

fence. The intent is that the buffer should serve to be a true sight and sound barrier from the commercial development to insure against any negative impact to the residential subdivision.

Mr. Thomas, Engineering, reported that site work on this S/D must cease immediately, pending compliance with the applicant's ADEM NPDES permit. Upon submission of a site plan for this development, or in conjunction with construction of the proposed roadway, a cul-de-sac must be included. We strongly recommend retention, in perpetuity, of the existing dead end of Talley Avenue, barring mutual concurrence otherwise, of commercial and residential adjacent property owners. Engineering recommends preliminary approval.

Mr. Lee, Utilities Board, reported that water service is accessible to this subdivision by a water main in the R.O.W. of Frederick Road. The developer will be responsible for installation of the water system and payment of all fees.

Chairman Sadler opened the public hearing.

Mr. Johnson, citizen, came forth and stated that the 50' undisturbed buffer without a fence is not appropriate.

Chairman Sadler asked Mr. Rice if he had any comments.

Mr. Rice said no.

Chairman Sadler closed the public hearing.

Chairman Sadler asked for questions or comments.

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

Mr. Pridgen asked if it would be allowable to ask to leave the conditions up to the developers. This condition could give them a choice as to what the residents want and what is feasible for the development, and give them a choice between either a 50' undisturbed buffer or a 30' buffer with a fence.

Chairman Sadler asked Mr. Rice how he feels about the proposed conditions.

Mr. Rice said he wasn't sure, and doesn't know yet until they begin clearing the land, and wasn't sure about the fence, and asked if he could say at the final plat approval meeting.

Chairman Sadler stated that at the final the determination will be made regarding the fence, height, and buffered area.

Chairman Sadler asked for further comments.

No further comments were made.

Chairman Sadler asked for a vote.

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

Nays: None

Abstention: None

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

-----**End of September 28, 2004 Minutes**-----

Continuation of November 24, 2004 minutes:

Mr. Thomas recommended approval subject to following:

- a) Parcels should be consecutively numbered, or lettered, but not both.
- b) Sewer service is available to Parcels 1, 2, 7 & 8 via easement shown. Service to Parcel D needs to be discussed with the developer.
- c) Submittal, review and approval of a complete set of construction plans including, but not limited to:
 - Sanitary sewer plan and profile,
 - Roadway plan and profile,
 - Storm water management design (retention/detention) with supporting calculations; and a bond or letter of credit, payable to the City of Opelika, for any infrastructure improvements not fully complete prior to signing the final plat.
- d) If final approval is granted subject to approval of engineering drawings, then a signature line for the City Engineer should be added to the plat.

Mr. Lee reported that water service is accessible to this subdivision by a water main on Frederick Road. Developer shall post a bond or letter of credit for the water system installation.

Chairman Sadler opened the public hearing.

Mr. Gary Johnson of 2802 Porter Drive came forth and stated that he requests a 50 ft. natural buffer between the commercial property and the neighborhood with a privacy fence that will run along the property and his question was, "how high will the fence be?"

He said, that as a community, they asked for the fence to be 10 ft. high, and to have a natural buffer between the commercial property and their property.

Chairman Sadler stated that the board would not address the fence at this meeting, so that when the owners come back for the site plan review, then those issues would be addressed at that time. He stated that Mr. Rice is willing to work with the neighbors of West Frederick Commons so they will be satisfied. He said that Mr. Rice will have some field work done first. He said that these issues would be addressed at the time the site plan is review by the Planning Staff.

Mr. Johnson asked if he will be contacted at the time the plan is review by staff.

Chairman Sadler said yes, and asked for his name and address.

Mr. Johnson stated his name and address: Gary Johnson, 2802 Porter Drive, Opelika, AL 36801.

Chairman Sadler asked Mr. Johnson if this request to wait to further discuss the fence and buffer issue at the time of the site plan review would be ok with him. He said that Mr. Rice would be contacting him prior to the review with Planning Staff.

Chairman Sadler closed the public hearing.

Mr. Pridgen stated that in the past, Planning Commission has been adamant about making sure that there's a solid buffer of some type between residential and commercial developments, whether it's a 30 ft. buffer with a privacy fence or something of that nature. He said that we need to be careful to make sure the residents are protected.

Chairman Sadler stated that the Planning Staff should take of it, if the residents will allow them to do so.

Chairman Sadler asked for a motion.

Mr. Pridgen made a motion to grant the final plat approval with staff requirements.

Dr. Whatley seconded the motion.

Ayes: Pridgen, Whatley, Van Nieuwenhuise, Seroyer, Fuller, Lazenby Wood

Nays: None

Abstention: None

The motion to grant the final plat approval with staff requirements passed.

Mr. Thomas reported that Frederick Road is a major collector with access spacing of 200'. A previous plat implied an interconnection with Interstate Drive, which Engineering strongly endorse as the property develops. He recommended approval subject to the following:

- a) The maximum angle of a skew intersection is 75°.
- b) Show acquired sewer easement serving URJA, note on plat.
- c) Show proposed R.O.W. to be acquired, available from the Engineering Department.
- d) A note on the plat that "No direct access to Frederick Road is allowed from Parcel A or B.
- e) Prior to development of either lot, submit for review and approval 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. Alan Lee reported that this subdivision is in the Beauregard Water Authority's service area.

Mr. Derek Lee reported that Opelika Light & Power will provide electric service to part of this development and Alabama Power Co. will provide service to part of it.

Chairman Sadler opened the public hearing.

A citizen came forth with concerns regarding the buffer.

Chairman Sadler asked the citizen if he would be comfortable with a 30 foot buffer and a fence, and if the buffer could be reestablished.

The citizen said yes.

Chairman Sadler closed the public hearing.

Chairman Sadler asked for questions or comments.

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

Dr. Whatley seconded the motion.

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

Nays: None

Abstention: None

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

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

Mr. Ogren reported that the applicant is requesting preliminary plat approval for a 25-lot single-family residential subdivision. The Commission reviewed this plat last month. At the February 28, 2006 meeting, the Commission motioned to approved the plat subject to a 60-foot wide street added between Lot 19 and Lot 20 (see lots on subdivision plat). (The street was shown on the 1994 North Brook Subdivision master plan). The applicant is requesting more discussion at this March 28th Planning Commission meeting.

At the February meeting, discussion focused on how the extension of Martha Court between Lots 19 and 20 would assist in diverting the extra traffic generated by the new 25 homes away from Autrey Street and onto North Brook Drive. As the plat is drawn now, all the traffic from the 25 homes will travel on Autrey Street. If the proposed Martha Court was extended through Lot 19 and 20 as the original master plan shows then most of the 25 homes would use North Brook Drive not Autrey Street.

The developer's engineer's say that construction of Martha Court and sewer construction began about a year ago based on the December 2004 preliminary plat approval. Construction is near completion therefore; to extend Martha Court between lots 19 and 20 now would be costly. The construction drawings for the street extension and sewer into the improvements already installed would be costly. The developer/engineer contends that the decision to add the street should have been discussed at the December 2004 meeting, and if required, should have been required "on the front end", not now, after one year since approval and construction is near completion.

The plat meets preliminary and final subdivision plat requirements.

Recommendation:

Based on the Engineer's report, the impact on Autrey Street from extra traffic generated by the 25 homes will be minimal. Planning Staff recommends preliminary approval as drawn.

If the Planning Commission agrees with staff's recommendation, then the Planning Commission should state in their motion today that the February 28th preliminary plat approval is now rescinded (or overturned) and preliminary plat approval of Northbrook Subdivision, Phase 4, is granted instead to the plat submitted today at this March 28th meeting.

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.

-----end of report----

Mr. Thomas reported that no additional work will be allowed, pending review and approval of construction drawing amendments including, but not limited to:

- a) Construction access shall be via an approved & maintained construction entrance off Northbrook Drive, to the maximum extent possible, and
- b) Revised storm-water management design specifically addressing drainage along the western property lines of lots 113-116.

Subject thereto, and comments of Engineer's report dated February 28, 2006, he recommended preliminary approval only. Representatives of the applicant are aware of each of these requirements.

Mr. Alan 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. Derek Lee reported that Opelika Light and Power will provide electrical service for this subdivision.

Chairman Sadler opened the public hearing.

Mr. David Hamlet came forth and stated that he has major drainage concerns with Lot 112. He passed around several pictures for the commissioners to see the problems that he's experiencing in his subdivision mainly at lot 112. He questioned Mr. Thomas in Engineering, and asked him to inspect the property and get back to him with suggestions on how to work the problem out.

Chairman Sadler stated that this commission wants to make sure Mr. Hamlet is protected, and said he wasn't aware that is this was a problem a year ago.

Mr. Hamlet stated that Mr. Thomas understood that there was a problem 5 years ago.

Chairman Sadler closed the public hearing.

Chairman Sadler asked for questions or comments.

Mr. Cherry stated that Mr. Hamlet had an engineer tell him that had different calculations on water that could create a flood in his yard. He said that he would like to see what Mr. Thomas's recommendation is verses what Mr. Hamlet's independent report with capacity, loads and types of inlets and ways to create the elimination to get the water out. Mr. Cherry stated that if Mr. Hamlet feels like that there may be a problem we need to address his concerns based on his information. There was not any information submitted from Mr. Hamlet, and said that all he can rely on is what Mr. Thomas has in his report, but if there anything different he would like to take a look at it.

Chairman Sadler stated that at this time, only a preliminary plat can be approved, and until all engineering concerns and requirements are addressed, final plat cannot be approved.

Chairman Sadler asked for a motion.

Mr. Pridgen made a motion to grant preliminary plat only with staff recommendations and with final sign off by engineering.

Dr. Whatley seconded the motion.

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

Nays: None

Abstention: None

The motion to grant preliminary plat approval only with staff recommendations with final sign off by engineering passed.

5. Lawler Business Park S/D, Section 3, 2 lots, Gateway Drive, Charlene and Evelyn Lawler, 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 sell Lot 2, a 3.7 acre parcel. Lot 1 is 12 acres.

The plat meets preliminary and final subdivision plat requirements.

Planning Staff recommends preliminary and final plat approval.

Mr. Thomas reported that Gateway Drive (U.S. Highway 280) is classified an arterial with access spacing of 400'. Several bearings and distances are missing, i.e. property line between 1 & 2. Any development on either lot is subject to access management regulations and ALDOT requirements. Subject thereto, he recommended approval.

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 Opelika Light & Power provides service in this area.

Chairman Sadler opened the public hearing.

A citizen came forth to ask if a buffer would be in place.

Chairman Sadler stated that at a later time a buffer would be addressed.

Chairman Sadler closed the public hearing.

Chairman Sadler asked for further questions or comments.

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

Mr. Wood seconded the motion.

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

Nays: None

Abstention: None

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

6. Pine Plantation Estates S/D, 57 lots, Lee Road 400 (PJ), Cash & Sumner Land Co., Inc. preliminary plat approval.

Mr. Ogren reported that the applicant is requesting preliminary plat approval for a 57 lot subdivision. The purpose of the subdivision is to sell lots for single family home construction. The lots range from 1 acre to 1.4 acres. Loblolly Drive is about 3,400 feet long. A 60 foot "future street" is shown between Lot 7 and Lot 8 and between Lot 13 and Lot 14 to meet the 1,200 foot maximum distance allowed between blocks. Planning staff recommends a "60 foot future street" be added between Lot 27 and 28 along Confer Drive to meet blocking requirements. (Water provided by Beauregard Water Authority; homes will be on septic tanks.)

Planning Staff recommends preliminary approval subject to the recommendations stated above and the following added to the plat:

1. 35 foot front setback building line shown on all the lots,
2. Flood information added to the plat.
3. Signature line added for Opelika Utilities and City Planner.
4. Easement statement added to plat.

Mr. Thomas reported that Engineering does not object to preliminary plat approval, but the following items must be addressed prior to final:

- a) An alternative S/D name needs to be chosen due to the plethora of existing "pine" associated S/D names.
- b) Request compliance with Section 2.3 of the Public Works Manual, regarding street layout. That is proposed Loblolly and Conifer Drive create the potential for excessive speed within the S/D. He recommended a revised street layout per Fig. 2.1 (copy attached) of the Public Works Manual.
- c) A cul-de-sac is required at the N.W. terminus of proposed Loblolly Dr., as

- currently shown.
- d) Correct vicinity map. S/D division was not found without benefit of County 911 maps.
 - e) Correct scale per S/D regs to provide a 24" x 36" standard "D" size plat.
 - f) Delete street name labels, Yellow Pine, Loblolly, etc. In the Planning Jurisdiction, street names shall be Lee Road's numbers assigned or approved by the Lee County Highway Dept.
 - g) Both future streets to the east should be shown as platted R.O.W.
 - h) Show front yard setbacks (building lines), including along intersecting streets.
 - i) No building permits may be issued until infrastructure is approved by Engineering and the County.
 - j) Although the plat violates the letter of our flag lot requirements. Engineering will not object to exceptions for lots 1 & 33, subject to compliance with flag lot requirements and a note on the plat forbidding any further subdivision of any of the properties without construction of a public roadway in full compliance with the more stringent of our Public Works Manual or Lee County Highway Department Regulations.
 - 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, and Storm-water management design (retention/detention) with supporting calculations, likewise with a comprehensive plan.

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

Mr. Derek Lee reported that electrical service to this subdivision will be provided by Alabama Power.

Chairman Sadler opened the public hearing.

Mr. Mark Haeussler, surveyor, came forth and asked Mr. Thomas what is the problem with the length of street, and stated that he hasn't seen a regulation that states that someone can't have a straight street; with the way the land lies that the maximum peninsula of the land and the curb data matches the minimum requirements and would like Mr. Thomas to explain what the problem is.

Mr. Thomas stated that their regulations are minimum requirements, but there have been a number of developers who have not been careful how the streets have been laid out which could generate excessive speed. Engineering has asked that street tangents be broken with L & T intersections as shown in Figure 2.1. He said that with the City Engineers' assistance he would be willing to discuss this further.

Chairman Sadler closed the public hearing.

Chairman Sadler asked for questions or comments.

Chairman Sadler asked for a motion.

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

Seroyer seconded the motion.

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

Nays: None

Abstention: None

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

7. Blueridge S/D, 21 lots, Highway 51 (PJ) Blueline Development, preliminary

plat approval.

Mr. Ogren reported that the applicant is requesting preliminary plat approval for a 21-lot subdivision located in the planning jurisdiction. The purpose of the subdivision is to construct single family homes. The lots range from one acre to 2.5 acres. The lots are accessed from new streets to be constructed. A 35 foot front building setback is shown on each lot.

Planning staff recommends preliminary plat approval with the following added to the final plat:

1. Flood Information
2. Signatures lines corrected (not 'Auburn' but 'Opelika') and Opelika Utilities
3. Easement statement

Mr. Thomas recommended preliminary plat approval, but the following items should be addressed prior to final approval:

- a) Lots 6, 15 & 16, all flag lots, require a note on the plat forbidding any further subdivision construction of a public roadway in full compliance with the more stringent of our Public Works Manual or Lee County Highway Department Regulations.
- b) Delete Blueridge Drive and Circle street names labels. In the PJ, street names shall be Lee Road numbers assigned or approved by the Lee County Highway Department.
- c) No building permits may be issued until infrastructure is approved by Engineering and the County.
- d) Applicant/owner must insure compliance with FEMA requirements of the National Flood Insurance Program, Corps of Engineers requirements for wetlands and floodway, and requirements of our Chief Building Inspector prior to issuance of any building permits.
- e) A note on the plat that "No direct access to Highway 51 is allowed from Lots 1 or 21," and show setbacks on Highway 51 for said lots.
- f) 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, and storm-water management design (retention/detention) with supporting calculations with a comprehensive plan.

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

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

Chairman Sadler opened the public hearing.

Mr. Renee Murphy came forth and stated that there is a spring that flows through his property, and asked that the spring not be tampered with, and would like for the spring to stay the same.

Ms. Louise Parker came forth with concerns for erosion control after construction begins.

Chairman Sadler stated that the city will make sure that erosion management will be enforced.

Ms. Linda came forth and stated that she was not aware that her property was within the Planning Jurisdiction of Opelika.

Chairman Sadler stated that before final, Planning Commission will make sure that this property is in the 3 mile Opelika Planning Jurisdiction, and if it is not, the applicant will be informed, and Lee County Planning Department will take over.

Chairman Sadler closed the public hearing.

Chairman Sadler asked for a motion.

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

Dr. Whatley seconded the motion.

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

Nays: None

Abstention: None

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

8. Northtown S/D, 81 lots, 2700 Block of Anderson Road, Bill & Joseph Perry, preliminary plat approval.

Mr. Ogren reported that the applicant is requesting preliminary plat approval for an 81 lot subdivision. The purpose of the subdivision is to construct single family homes. The lots range from 7,500 s.f. to 16,840 s.f. Each lot is 60 feet wide. All lots will have access to new streets. A 25-foot front building setback line is shown. The subdivision meets the minimum R-3 zoning requirements for lot size, lot width, and setbacks.

The plat meets preliminary plat requirements except the flood information needs to be added to the final plat.

Planning Staff recommends preliminary plat approval.

Mr. Thomas recommended preliminary approval, but the following items should be addressed prior to final approval:

- a) Show storm-water detention/retention, drainage and other utility easements, where applicable.
- b) A note on the plat that "No direct access to Anderson Road is allowed from Lots 1 & 42-50," and show Anderson Road setbacks on said lots.
- c) Approved names should be shown for all proposed streets. All four (4) segments of proposed Street A shall have a different name, per Paragraph 4.8 of the Public Works Manual. Reuse/variances of approved names for both streets A & B (Avenue, Street, Court, etc.) are strongly encouraged, per the convention described in Figure 4.18 (copies attached). However, final approval of street names is subject to concurrence from our public safety departments.
- d) Reduce length of Street B, since setbacks conflict with Lots 61-63.
- e) Comprehensive property grading plan, to include building lot pads, must be submitted and approved.
- f) 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, with a comprehensive plan.

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

Mr. Derek Lee reported that Alabama Power 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.

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

Dr. Lazenby seconded the motion.

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

Nays: None

Abstention: None

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

9. Bechet Woods, 56 lots, 2117 Cunningham Drive, CB & E Development Co., preliminary plat approval.

Mr. Ogren reported that the applicant is requesting preliminary plat approval for a 56-lot subdivision. The purpose of this subdivision is to construct single family homes. The lots range from 7,580 s.f. to 10,960 square feet. The total area of the subdivision is 13.8 acres. Most of the lots are over 60 feet wide. All lots will have access to new streets. The subdivision meets the minimum R-4 zoning requirements for lot size and lot width. Lot 290 is reserved for a storm-water detention area.

The plat meets preliminary plat subdivision plat requirements except the 25 foot yard setback needs to be shown on each lot for final plat approval.

Planning Staff recommends preliminary plat approval.

Mr. Thomas recommended preliminary plat approval, but the following items should be addressed prior to final approval:

- a) Due to lot size and zoning, public sewer is required.
- b) If 25' D & U easement on Lots 1 & 28 are actually detention/retention, clarify label.
- c) A note on the plat that "No direct access to Cunningham Drive is allowed from Lots 28, 29, 42, 43, 56 & 1", and show Cunningham Drive setbacks on said lots.
- d) Approved names should be shown for all proposed streets. All three (3) segments of proposed Bechet Drive shall have a different name, per Paragraph 4.8 of the Public Works Manual. Reuse/variances of approved names, Bechet Street, North & South Bechet Drive, Court, Lane or Way, etc.) are strongly encouraged, per the convention described in Figure 4.18. However, final approval of street names is subject to concurrence from our public safety departments.

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

Mr. Derek Lee reported that Opelika Light & Power will provide service to part of this development and Alabama Power Co., will provide service to the remainder.

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 grant preliminary plat approval with staff recommendations.

Mr. Seroyer seconded the motion.

Ayes: Lazenby, Whatley, Cherry, Posey, 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 plat approval (tabled from the February PC meeting).

Mr. Ogren reported that the applicant is requesting preliminary plat approval for a 71 lot single-family residential subdivision. This subdivision was reviewed at last month's meeting and tabled by the commission. The applicant is also requesting rezoning of the 33 acre parcel. The rezoning was tabled also. Several issues were brought up by the adjacent property owners. The main issue for tabling this agenda item is because a letter from ADEM (Alabama Department of Environmental Management) was expected concerning problems with developing over a natural spring or possibly a wetland area. The ADEM letter did not arrive before the February 28th regular meeting. Other issues discussed by adjacent property owners concerned a request for a fence constructed along the East property line to secure and buffer the adjacent property owner's estate property from the residential neighborhood, and a fence erected along the West property line to secure a truck terminal from the residential neighborhood.

A revised plat was submitted at the work session that shows the subdivision conforming to the R-2 regulations i.e., minimum lot size 15,000 square feet, minimum lot width 100 feet. The plat also shows a "20 foot buffer" of undisturbed wooded area. The buffer addresses a concern of the adjacent property owners. Basically, the adjacent property owners are requesting security from activities that will be generated from the extra 64 households (approximately 155 people) that will one day occupy this 64 lot subdivision. The buffer screens this R-2 subdivision from the larger estate parcel east of this subdivision and the truck terminal businesses west of the subdivision.

Staff utilized the Landscape Regulations in this proposed subdivision to address concerns from the adjacent property owners. The "20 foot natural undisturbed wooded area" is one of the options of the Landscape Regulations concerning Residential Buffers. Planning staff and the City Horticulturists visited the Stonegate Subdivision property. **Staff and the City Horticulturist concur that the 20 foot buffer does not meet the Landscape Requirements for a 20 foot natural wooded buffer.** The Landscape Regulations state (section 10, D. 1 (C) that the buffer should provide "a **nearly impervious visual barrier** due to dense nature of the plants and/or trees." The 20 foot buffer shown on the plat along the property line is not entirely impervious.

Planning staff recommends a 1,000 foot solid wooden fence along the East property line as discussed at the February Planning Commission meeting. A solid fence 6 feet high will definitely serve as an "impervious visual barrier" and address any opinions that the natural wooded area is "nearly impervious". In the other areas shown as "20 foot buffer" along the perimeter of the subdivision if the wooded area is not a nearly impervious visual barrier as determined by the City Horticulturists then a staggered double row of evergreen (Leland cypress) trees needs to be planted which after three years will grow at least 6 feet in height and provide an impervious visual barrier.

The 33 acre subdivision is located near the intersection of Old Columbus Road and South Uniroyal Road. The applicant is also requesting rezoning from M-1 to R-3 to allow construction of single family homes. The minimum lot size in an R-3 zone is 7,500 sf. The lots range from 8,500 sf to 18,000 sf and lot widths average about 85 feet. All lots will be accessed from a new street constructed by the developer.

For the most part, the data on 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 subject to the recommendations stated above about the buffer area.

Mr. Thomas reported that rezoning of the property is addressed at item C.17. He suggested consideration of railroad concurrence with storm-water management, specifically adjacent detention/retention plan. Although not designated a flood zone, potential for flooding clearing exists. A letter from applicant's consultant is attached. Therefore, a comprehensive flood survey is required, to include determination of Base Flood Elevation(s) (BFE), which in turn dictate approved Finished Floor Elevation(s) (FFE's) and no building permits may be issued until infrastructure is approved by Engineering. Subject thereto, and comments of Engineer's Report dated February 28, 2006, we do not subject to preliminary approval. Potential property buyers are cautioned that water may stand in their yards. Applicant is aware of each of these requirements.

Mr. Alan 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. Derek Lee reported that service to this subdivision will be divided between Opelika and Power and Tallapoosa River Electric.

Chairman Sadler opened the public hearing.
Discussions were made regarding the buffer and fence.
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.

Mr. Posey 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.

B. CONDITIONAL USE

11. E.A. Investments, 1302 1st Avenue, training school in M-1 zone.

Mr. Ogren reported that the applicant is requesting conditional use approval for a training school in an M-1 zoning district. The school is for the handicapped or disadvantaged person under the care of the Achievement Center. The school prepares the student to enter the work force by training them how to do low impact job tasks such as assembling a product. If approved, the property owner believes the school will only be open for about 18 months. There will be two classes a day - one class in the morning and another in the afternoon. A school bus will transport all students to and from the training school. For the first six months, there will be 3 teachers and 30 students at each session; after six months, there will be 6 to 8 teachers and 50 students at each session.

The training school is located in a 9,000 square foot building (see photo attached). The building has existed on this site for 30+ years. There are 6 parking spaces provided in front of the building. The property owner also owns the adjacent properties on each side of the building. At this time parking is adequate for the teachers. In six months, 8 teachers may be working at the training school. The property owner is under a five year contract with a truck rental business to open a truck rental business on the vacate lot adjacent to the training school. The property owner will construct extra parking spaces for the teachers on the adjacent property when construction begins for the truck rental business.

The property is nonconforming concerning the landscape requirements. However, a 2002 amendment to the Section 8.2 Nonconforming Uses of the Zoning Ordinance encouraged the reuse of existing non-conforming vacant buildings. This conditional use was reviewed in consideration of the amendment. The building on the property utilizes most of the lot area; there is no pervious area in front of the building for landscaping. The property in front of the building is designed for parking. The

property owner will submit a landscape plan for the adjacent truck rental business as well as the parking spaces for the training school.

Recommendation:

Planning staff recommends approval subject to the property owner adding landscaping on the parking lot to be constructed on the adjacent lot.

Mr. Thomas reported that since the building structure consumes the entire lot, but parking must be provided for three (3) initial staff and future 6 to 8 staff, including handicapped access, if applicable, he recommended approval subject to the following:

- a) Provide a copy of agreement providing for parking or letter from adjacent property owner with ingress/egress easement.

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

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

Chairman Sadler asked for questions or comments.

Chairman Sadler asked for a motion.

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

Mr. Pridgen seconded the motion.

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

Nays: None

Abstention: None

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

12. R & P Automotive, LLC, 501 Columbus Parkway, C-3, GC-2, use of commercial mobile building for one year.

Mr. Ogren reported that the applicant is requesting conditional use approval to use a modular commercial building as an office for one year. The Zoning Ordinance allows the Planning Commission to grant a temporary use for a mobile unit in an emergency situation not to exceed one year from the day of approval.

R & P Automotive, a used car lot, needs more office space for their employees and customers. After one year, if business is successful on Columbus Parkway they will remove the mobile unit and build an addition on the existing office. The photo and site plan attached shows the mobile unit and location

Mr. Thomas reported that Columbus Parkway is an arterial roadway with access spacing of 400'. He recommended approval subject to the following:

- a) Show potential flood data avail electronically from Engineering Department.
- b) Since flood elevations are subject to future change, suggest either building to be located outside the flood zone.

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

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

Chairman Sadler asked for a motion.

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

Mr. Seroyer seconded the motion.

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

Nays: None

Abstention: None

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

13. Michael Cartron, 1993 Pepperell Parkway, delivery service, carry-out & dining restaurant in I-1, GC-2 zone.

Mr. Ogren reported that the applicant is requesting conditional use approval for the "Steak Out" restaurant that includes a delivery service, carry-out, and a dining-in area. The property is located on Pepperell Parkway in the former 'Jim's Pharmacy' building. The business is located in an I-1 zoning district and next to the new CVS Pharmacy. Planning staff is viewing this restaurant use more as a dining in restaurant than a delivery service. The owners believe many of their customers will be persons walking to the restaurant during their lunch break from nearby businesses especially employees from the Medical Arts offices and East Alabama Regional Hospital. The dining area has 20 chairs.

Six parking spaces are located next to the restaurant and 11 parking spaces are located across the private driveway next to the CVS Pharmacy. An Agreement, between CVS Pharmacy and the condominium property owners across the private drive between CVS Pharmacy was reviewed by Planning staff. The Agreement allows the eleven parking spaces to be used by businesses occupying the condominium offices.

The landscape regulations require 40 base points and the landscape plan shows 82 base points obtained. The plan exceeds the minimum requirements of the Landscape Regulations which includes three red maples and 30 crape myrtles. A residential buffer is not required since a residential zone is not adjacent to the restaurant.

Although the restaurant will have delivery and carry out service, planning staff believes this use is reasonable and appropriate at this location especially since the restaurant has dining in service. Other restaurants as Checkers and Dairy Queen are nearby.

Planning staff recommends approval.

Mr. Thomas had no engineering comments.

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

Mr. Derek Lee reported that Opelika Light & Power provides electric service in this area.

Chairman Sadler asked for a motion.

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

Mr. Pridgen seconded the motion.

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

Nays: None

Abstention: None

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

14. Linda Wilkins, 2813 Pepperell Parkway, VC (Village Commercial), counseling center for individuals or families.

Mr. Ogren reported that the applicant is requesting conditional use approval for a counseling center to assist families and individuals. The applicant counsels individuals, couples, and families, but at times, small groups will meet. The site plan meets the minimum number of parking spaces (6) and minimum amount of landscaping for the business. Nine parking spaces are shown; Landscaping includes an eight foot wide residential buffer consisting of 11 wax

myrtles located along the rear property line to buffer the business from the Pepperell Village residential neighborhood.

Recommendation:

The intent of the Village Commercial (VC) zoning district is to accommodate low intensity offices, clinics, and professional services within converted single family structures. The counseling center fits this type of use. Planning staff believes that the use is appropriate, and recommends approval as proposed.

Staff recommends approval of the conditional use request.

Mr. Thomas reported that he recommended approval subject to following:

- a) Provide concrete or asphalt apron at driveway entrance, approximately 15-20' long.
- b) Plan Commission waiver of the requirement for paving of one-half (1/2) the required parking.
- c) Show storm-water discharge from below ground detention system.
- d) Provide hard surface parking and access for handicapped space.

Mr. Alan Lee reported that Opelika Utilities has in place an eight inch water main located in the rear yard of this use. The applicant will need to show this water main on the drawings and no structures shall be located on the water main and service line.

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

Chairman Sadler asked for a motion.

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

Dr. Whatley seconded the motion.

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

Nays: None

Abstention: None

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

C. REZONING-PUBLIC HEARING

15. Forrest & Randall Long, 2700 Columbus Parkway, 38-acres, from R-1 to C-2, GC-2.

Mr. Ogren reported that the applicant is requesting rezoning a 38-acre parcel from R-1 (Rural) to C-2, GC-2 (office-retail, gateway corridor overlay). The rezoning property is the former 'Long Christmas Tree Farm' located on Columbus Parkway. The applicant has an offer on the property and the sale is pending on the rezoning approved. At this time, the prospective buyer is not sure what type of commercial development will locate on the property.

Planning staff believes that the rezoning request is appropriate. A more intensive zoning district, C-3, GC-2 zone, is adjacent to this property to the West. An R-1 zone runs along the East property line. The property is located on State Highway 280 East. Along most arterial highways such as Highway 280, commercial development is a more suitable zone than the adjacent R-1 residential zone.

Staff recommendation:

Planning staff recommends Planning Commission send a positive recommendation to the City Council to rezone the property from R-3, GC-2 to C2, GC-2.

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

Utilities Board had no comment.

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

Chairman Sadler opened the public hearing.

Mr. Randy Long came forth and stated that for over 20 years their property has been a Christmas tree farm, and now it's their desire to sell the property so the developer can use it for commercial purposes.

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

Nays: None

Abstention: None

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

16. Capps Family Partners, LTD., Gateway Drive & I-85, 43 acres, from R-1, GC-1 to C3, GC-1.

Mr. Ogren reported that the applicant is requesting rezoning an 11 acre parcel of land from R-1, GC-1 (low density residential) to a C-3, GC-1 (general commercial, gateway corridor – 1) zone. The property is located on Gateway Drive near Interchange 58 of Interstate 85. The City Council approved a rezoning of 31 acres adjacent to this property in December 2005. The applicant owns the 31 and 11 acre parcel. Several lots from the 31 acres have been sold and the applicant desires to rezone the adjacent remaining 11 acre. The applicant plans to subdivide the 11 acres and sale lots for commercial businesses.

Planning staff believes that rezoning from R-1, GC-1 to C-3, GC-1 is appropriate. A C-3, GC-1 zone is adjacent to this property on the North side of Gateway Drive. Most properties along Interstates and especially near interchanges are zoned commercial.

Staff Recommendation:

Planning staff recommends Planning Commission send a positive recommendation to the City Council to rezone the property from R-1, GC-1 to C3, GC-1.

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

Utilities Board had no comment.

Mr. Derek Lee reported that Alabama Power will provide 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 a motion.

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

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

Nays: None

Abstention: None

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

17. Jerrell & Marsha Riddle, Old Columbus Road, 33 acres from M-1 to R-2

(tabled from February PC meeting).

Mr. Ogren reported that the applicant is requesting rezoning 33 acres from M-1 (manufacturing) to an R-2 (low density residential) zoning district. The property is located near the intersection of Old Columbus Road and South Uniroyal Road. The applicant desires the rezoning so the property may be subdivided into 71 lots to build single family homes. This agenda item was tabled at the February 28th Planning Commission meeting as agenda item #10. The issues that guided the Commission to table this item concerned an ADEM letter about a natural spring on the property and a request from the adjacent property owners about a fence to secure their properties.

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 are large parcels. The R-2 zoning request is a less intensive land use category than the existing manufacturing zone. 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. The property owners residing near this rezoning request would probably prefer the R-2 zone over the M-1 zone.

Recommendation:

Planning staff recommends the property be rezoned to R-2. The R-2 zone is more compatible with the adjacent R-1 zone district east of the rezoning property. Also, the R-2 zone is the next zone in our sequence of residential zoning districts (from R-1 to R-5) in the Zoning Ordinance. In the R-1 and R-2 zone only detached single family homes are outright allowed. Multi-family developments such as duplexes and apartments are prohibited.

Planning staff recommends Planning Commission send a positive recommendation to the City Council to rezone the property from M-1 to R-2.

Mr. Thomas reported that due to water related and associated environmental issues, Engineering concurs with planning staff for the recommendation of R-2.

Mr. Alan Lee had no comments.

Mr. Derek Lee reported that service to this area will be divided between Tallapoosa River Electric Co-op and Opelika Light and Power.

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

Chairman Sadler asked for questions or comments.

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

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

Nays: None

Abstention: None

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

D. OTHER BUSINESS

18. Review Fees for Planning Commission Applications.

Chairman Sadler asked for open discussion regarding the Planning fees.

Mr. Ogren gave an overview of what other surrounding cities require for their fees, and he made a recommendation of what Opelika's fees should be, and he asked Chairman Sadler and the board for their opinion.

Chairman Sadler stated that it was time for a change of the fees because of the duplication, time, and the amount of work that staff spends on setting up for each meeting. It is not reflective of the fees that Planning or the city is currently charging.

Chairman Sadler asked Mr. Gunter if the change of the fees would have to go to City Council for approval.

Mr. Gunter said yes.

Chairman Sadler asked the commissioners to further review the fees, and add the agenda item to the next meeting so the board could vote on the new fees, and then send the proposal to City Council for an approval.

19. Proposed amendment to the Zoning Ordinance Tree Removal Permit

Chairman Sadler asked the commissioners to review the amendment for the Tree Removal Permit, and he asked staff to add the item again next month on the agenda for further discussion.

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