

**CITY OF OPELIKA
PLANNING COMMISSION MEETING
FEBRUARY 23, 2021
3:00 P.M.
MEETING CHAMBERS
OPELIKA MUNICIPAL COURT
300 MLK BOULEVARD**

The City of Opelika Planning Commission held its regular monthly meeting February 23, 2021 in the Meeting Chambers, located at the Opelika Municipal Court. Certified letters have been mailed to all adjacent property owners for related issues.

MEMBERS PRESENT: Chairman Lewis Cherry, Ms. Lucinda Cannon, Mayor Gary Fuller, Mr. Michael Hilyer, Dr. Arturo Menefee, Mr. Ira Silberman, Councilman Robert Lofton, Mr. Derek Lee, and Mrs. Leigh Whatley.

MEMBERS ABSENT: None.

STAFF PRESENT: Mr. Matt Mosley, Planning Director
Mrs. Rachel Dennis, Planner
Mrs. Claire Barber, Planning and Zoning Technician
Mr. Scott Parker, City Engineer
Mr. Guy Gunter, City Attorney

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

I. Approval of January 26, 2021 Planning Commission Minutes.

Mayor Fuller made a motion to approve the January 26, 2021, Planning Commission Minutes as written.

Councilman Lofton seconded the motion.

Ayes: Silberman, Councilman Lofton, Hilyer, Lee, Cannon, Mayor Fuller, Cherry, and Whatley.

Nays: None.

Abstention: Menefee.

II. Update on Previous Planning Commission Cases.

Mr. Mosley stated the Master Plan Revision the Village at Waterford Place that was recommended by the Planning Commission in December was approved by the City Council. There are two other rezonings that will have their second and final reading on March 2nd, including the extension of Douglas Street and Fox Run and the rezoning of Center Hill which is off of Frederick Road.

A. PLAT (Preliminary and Final) – Public Hearing

1. Opelika Marketplace Subdivision, 2 lots, Parker Way, Arthur R. Nettles, Preliminary and Final Approval

Mr. Mosley reported the applicant is requesting preliminary and final approval for a 2 lot subdivision located off Parker Way. The purpose of the subdivision is to create two lots for future developments: Lot 5-A-3-B-1 is 3.4 acres and Lot 5-A-3-B-2 is 10.04 acres. The lots meet the minimum 100 foot lot width and 20,000 square foot lot size requirements for a subdivision in the GC-P overlay district. Lot 5-A-3-B-1 is proposed to be a new hotel. The lots meet the minimum requirement for preliminary and final plat approval.

Planning Department recommends preliminary and final.

Mr. Mosley reported for Engineering, all of the Opelika Surveyors comments have been addressed and the submitted plat meets all Subdivision and Public Works Manual requirements. The Engineering Department recommends preliminary and final plat approval.

Mr. Mosley reported for the Opelika Utilities Board, water service is accessible to this subdivision by a water main at Lowes Access East.

Mr. Mosley reported for the Opelika Power Services, this subdivision is inside the Opelika Power Service territory.

Chairman Cherry opened the public hearing.
No comments.
Chairman Cherry closed the public hearing.

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

Mayor Fuller seconded the motion.

Ayes: Silberman, Councilman Lofton, Hilyer, Mayor Fuller, Lee, Cannon, Menefee, Cherry, and Whatley.

Nays: None.

Abstention: None.

B. PLAT (Preliminary Only) – Public Hearing

2. Flat Stone Estates Subdivision, Phase 2, 11 lots, Lee Road 2161 (Loblolly Drive), Arthur Nettles, Preliminary Approval

Mr. Mosley reported the applicant is requesting preliminary plat approval for a 11-lot subdivision. This subdivision is approximately 2.23 mile from the corporate limits in our Planning Jurisdiction. The purpose of the subdivision is to sale lots for single family home construction with septic systems. The lots range from 1.03 acres to 23.77 acres. The total area is 40.44 acres. Loblolly Drive will be extended about 700 feet. The unimproved future street is shown to provide access to the south portion of Lot 68. These lots meet the minimum requirements for a subdivision in the Planning Jurisdiction.

Planning staff recommends preliminary approval subject to:

- 1. Provide the owner/developer's name and address.**
- 2. Regarding Note 10, Beauregard is not incorporated.**
- 3. Add all City of Opelika certificates and standard notes.**
- 4. Delete the City of Auburn certificates and notes.**

Mr. Mosley reported for Engineering, the developer will be required to submit an infrastructure construction and grading plan for the drainage, utility, post construction detention, and roadway installation to Lee County Highway Department and the Engineering and Public Works Departments for review and approval.

Once this approval and all other utility approvals have been met, a Land Disturbance Permit will be issued in concurrence with any applicable State and Federal Permits. Under the monitoring of the Engineering Department and other utilities, the roadway and infrastructure will be completed and tested. Once the construction is complete and a bond is provided for the maintenance and any unconstructed public infrastructure according to the Subdivision Regulations, a final plat can be submitted to the Planning Commission for consideration.

The Engineering Department recommends preliminary plat approval for this application.

Mr. Mosley reported for the Opelika Utilities Board, this subdivision is in the Beauregard Water Authority's service area.

Mr. Mosley reported for the Opelika Power Services, this subdivision is outside the Opelika Power Services territory.

Chairman Cherry opened the public hearing.
No comments.
Chairman Cherry closed the public hearing.

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

Ms. Cannon seconded the motion.

Mayor Fuller stated Mr. Mosley with this being within our Planning Jurisdiction, do we still require the underground utilities and the sidewalk on at least one side of the street?

Mr. Mosley stated that is a preference that the Planning Commission has had before. I believe the ones in Sentinel Hills were required to have sidewalks. I'm not sure if they had underground utilities.

Mr. Parker stated I think they do.

Mr. Mosley stated I'm not sure if this previous phase has sidewalks or if there are overground or underground utilities there.

Mayor Fuller stated I think it should be a requirement. At some point in 20 or 30 years they could want to annex into the City, and it should be in keeping with our subdivisions.

Mr. Mosley stated yes sir. If you would like, the Commission can add that as a condition of approval.

Dr. Menefee amended his motion to include a condition requiring underground utilities and sidewalks on at least one side of the street.

Ms. Cannon seconded the motion.

Ayes: Silberman, Councilman Lofton, Hilyer, Mayor Fuller, Lee, Cannon, Menefee, Cherry, and Whatley.

Nays: None.

Abstention: None.

3. The Park Subdivision, 78 lots, McCoy Street and East Johnson Avenue, Blake Rice, Preliminary Approval

Mr. Mosley reported a similar plat was granted preliminary approval at the November 2019 Planning Commission (PC) meeting; a year has elapsed, and the plat expired. The applicant is now resubmitting for preliminary approval that includes revisions to the plat. At the November 2019 meeting a total of 74 lots were proposed (70 residential lots); at today's meeting 78 lots are proposed (74 residential lots). There are no changes to the lot sizes of the two future commercial lots (2.1 acres and 1.8 acre) that were proposed on the plat presented at the November 2019 PC meeting. (At a later time, when development is proposed for the commercial lots, the development is required to follow requirements of the Gateway Corridor Overlay district.) On the November 2019 preliminary plat two amenity lots were proposed; on today's revised plat two amenity lots are shown, but the lot size of one amenity lot decreased.

The plat is in a C-2, GC-P zoning district. For residential developments in the C-2 zone, the R-5 zoning district requirements apply. Therefore, the minimum 7,500 square foot lot size, and minimum 60 foot lot width are required; Minimum building setbacks are 25 feet front yard, 10 feet side yard, and 25 feet rear yard. All 74 residential lots meet the minimum lot size and lot width requirements. The lots range from 8,000 square feet to 14,000 square feet; lot width is at least 60 feet at property line or must be 60 feet at the 25' minimum building setback line. A note should be added to plat that the current R-5 minimum setbacks apply for residential lots in a C-2 zoning district.

The revised plat decreases the 1.27 acre "HOA Parcel 1" amenity lot (homeowners association parcel) as shown on the November 2019 plat to 22,200 square feet; the decrease of the lot adds two residential lots, Lot 37 and Lot 38.

The notable revision proposed on today's plat is removal of the alternative north to south access street for the residential lots that ties into East Johnson Avenue and then Columbus Parkway. The plat today provides one access point from McCoy Street to the 74 residential lots. The November 2019 plat provides a north to south access for 70 residential lots to East Johnson Avenue/Columbus Parkway and an access to McCoy Street on the west end of the development. On today's revised plat, instead of the north to south proposed street, the plat shows Lot 75. Lot 75 is 30,000 square feet and labeled a "residual lot" (i.e., remaining/remnant land); Lot 75 extends north 155 feet to East Johnson Avenue right-of-way providing Lot 75 access to East Johnson Avenue. The removal of the proposed access street also adds two residential lots, Lot 16 and Lot 17, located adjacent to Lot 75. Years ago, when the 45' wide access strip on the developer's property was platted to connect East Johnson Avenue the intent was to provide a future north access from the developer's 25 acre parcel to Columbus Parkway. Staff has concerns with only one access to McCoy Street and recommends the previous connection be added back.

Staff recommends that sidewalks be placed on at least one side of all streets and utilities installed underground.

Staff recommends preliminary plat approval subject to the following:

1. Install underground utilities and sidewalks on at least one side of all streets.

2. Provide a right-of-way access from the development to East Johnson Avenue so access is provided to Columbus Parkway (as shown on the November 2019 preliminary plat review).
3. Add note on plat concerning ownership and use of the two H.O.A. properties, and the H.O.A.'s responsibility to maintain the H.O.A. parcels.
4. Add a note that the minimum building setbacks for the residential lots must follow the minimum setbacks for the R-5 zoning district.

Mr. Mosley reported for Engineering, it is being recommended that the proposed development add a roadway connection to East Johnson Avenue through lot 75 on the plat. The City will coordinate this connection with the City's improvement project of East Johnson to Columbus Parkway.

The developer will be required to submit an infrastructure construction and grading plan for the drainage, utility, post construction detention, and roadway installation to the Engineering and Public Works Departments for review and approval.

Once this approval and all other utility approvals have been met, a Land Disturbance Permit will be issued in concurrence with any applicable State and Federal Permits. Under the monitoring of the Engineering Department and other utilities, the roadway and infrastructure will be completed and tested. Once the construction is complete and a bond is provided for the maintenance and any unconstructed public infrastructure according to the Subdivision Regulations, a final plat can be submitted to the Planning Commission for consideration.

The Engineering Department recommends preliminary plat approval for this application.

Mr. Mosley reported for the Opelika Utilities Board, water service is accessible to this subdivision by a water main in the R.O.W. of McCoy Street.

Mr. Mosley reported for the Opelika Power Services, this subdivision is inside the Opelika Power Service territory.

Chairman Cherry opened the public hearing.
No comments.
Chairman Cherry closed the public hearing.

Mayor Fuller made a motion to grant preliminary plat approval with staff recommendations.
Mr. Hilyer seconded the motion.

Ms. Cannon asked how do you get to Lot 75?

Mr. Mosley stated Lot 75 is accessed through East Johnson Avenue right now. I think Lot 75 will be revised because if the motion that has been made is approved, they will come back in and put a road through Lot 17 and up through 75 to East Johnson Avenue.

Ms. Cannon asked does that change the amount of square footage of Lot 17?

Mr. Mosley stated the previous plans showed some lots fronting onto this new street that would be connecting there and so Lot 17 would likely become unbuildable in its current configuration and it would be reconfigured to see if they could maintain the same number of lots or if they would potentially lose a buildable lot through this.

Ms. Cannon asked so it won't be less than 8,000 square feet?

Mr. Mosley stated no ma'am it can't be anything less than 7,500 square feet because of the zoning requirements. I think they will keep it consistent with that zoning requirement.

Ms. Cannon asked can a fire truck turn around on this road?

Mr. Mosley stated yes ma'am. There are cul-de-sacs at the end which will meet our fire truck requirements and then you'll have the road that will connect East Johnson in place. It needs some improvements, but you will have this road that will connect to the existing right of way.

Ms. Cannon asked about the H.O.A. lots at the end, are they just playground lots?

Blake Rice, representative, stated as far as the number of lots go Ms. Cannon we have already started messing around with reconfiguring and creating an intersection there to

connect to East Johnson. We are probably going to lose one, maybe two, total lots in that area and the subdivision as a whole to make that connection, but all the lots will still be well above minimum standards. The exact configuration of the H.O.A. lots are unknown at this time. There are a lot of options that go into common area as far as H.O.A. common areas go these days and at this point in time with a preliminary plat we really don't know. I don't foresee anything like a pool in this subdivision; I would think this would be more passive recreation, maybe a park, benches, small playgrounds, things like that but I can't be certain at this time.

Ms. Cannon asked so this is just preliminary?

Blake Rice stated yes ma'am. We haven't even started construction drawings yet. This is just the first step because we have to get the initial approval. Should this get approved, construction drawings probably would not be submitted until sometime late summer.

Mr. Silberman asked if all the lots are single family?

Blake Rice stated yes sir.

Ayes: Silberman, Councilman Lofton, Hilyer, Mayor Fuller, Lee, Cannon, Menefee, Cherry, and Whatley.

Nays: None.

Abstention: None.

D. CONDITIONAL USE – Public Hearing

4. First Baptist Church of Opelika, 907 Avenue B & 314 South 9th Street, C-2, Missionary Housing: Wilkes House, Avenue B - maximum of four unrelated male missionaries; Newman House, South 9th Street: up to eight unrelated female missionaries

4a. Missionary Housing at 907 Avenue B

Mr. Mosley reported the First Baptist Church of Opelika is requesting conditional use approval for temporary missionary housing at 907 Avenue B as a ministry of the church. First Baptist desires to support missionaries at the Auburn University campus by providing free room and board. The building on Avenue B is 1,400 square feet on a 7,410 square foot lot. About 10 years ago, First Baptist acquired the house from Kenny Wilkes, an attorney. The church has used the building for office space and the church's college ministry.

First Baptist's support ministry for missionaries provides housing for a maximum of four unrelated men who are recent graduates of Auburn University. The men will serve a one-year term as missionaries at Auburn University under the umbrella of the Southern Baptist Convention. The men are responsible for their own financial support while they serve. First Baptist is supporting the ministry by offering free room and board to help with expenses. After the one-year missionary service at the AU campus ends, the men will seek full time employment. If conditional use approval is granted, First Baptist will renovate the building as a residence (its original use). Two bedrooms will be provided. There will be no modifications to the exterior of the house. The lot has two onsite parking spaces, and many off-site parking spaces are available on the First Baptist parking lot on the adjacent lot.

Recommendations:

Planning staff recommends approval.

4b. Missionary Housing at 314 South 9th Street

Mr. Mosley stated the First Baptist Church of Opelika is also requesting conditional use approval for missionary housing at 314 South 9th Street. The missionaries are a maximum of eight unrelated women that will stay in a 2,840 square foot house on a 20,045 square foot lot. The missionary house property is next to the First Baptist church campus, and about 400 feet from the Avenue B missionary house for men. The house has four bedrooms and two bathrooms. First Baptist desires to support the missionaries at the Auburn University campus by providing the women free room and board. For the past 20 years, the South 9th Street house was used as a temporary home for international missionaries on furlough.

The missionary women are recent college graduates, and each will be serving a one-year term as missionaries at Auburn University under the care of the Southern Baptist Convention (SBC). As the men at the Avenue B house, the women are responsible for providing and/or raising their own financial support while they serve as missionaries. First Baptist desires to support the ministry by providing free room and board to a maximum of eight missionary women for their one-year term to ease financial burdens. The property has ten paved onsite parking spaces in the rear yard area of the property.

Recommendations:

Planning staff recommends approval.

Mr. Mosley reported for Engineering, the Engineering Department has no comments or concerns with this proposal and recommends conditional use.

Mr. Mosley reported for the Opelika Utilities Board, Opelika Utilities presently serves this use.

Mr. Mosley reported for the Opelika Power Services, no report.

Chairman Cherry opened the public hearing.

No comments.

Chairman Cherry closed the public hearing.

Mr. Hilyer made a motion to grant conditional use approval with staff recommendations. Mayor Fuller seconded the motion.

Ms. Cannon asked what are our rules for having unrelated people living together?

Mr. Mosley stated we do have rules that limit certain zones to families. Those are typically found in the R-1, R-1A, R-2 and I believe R-3 zones. In this case the C-2 zone does not have that same restriction, so it allows more than family plus two unrelated people. In this case, this would not be considered a single-family home, it would be considered more of a dormitory as an accessory use to the church.

Ms. Cannon asked do we have rules for a dormitory?

Mr. Mosley stated no ma'am, not specifically. It is a somewhat common use that sometimes goes along with churches like schools and daycares. They provide housing for either missionaries or staff onsite, so it is one of those uses that we have no set guidelines for. They would have to meet building code and parking requirements but other than that, it would be up to the discretion of the Commission whether you added any other stipulations or specific rules you felt necessary.

Mr. Silberman asked will these be rent free?

Mr. Mosley stated that's my understanding, yes.

Mr. Silberman asked does that require any licensing for non-ownership?

Mr. Mosley stated no sir, we don't have any specific licensing. This would not be considered what we call a group home where they are in for a specific purpose or receiving treatment in some regard. This would be more of a staff housing, dormitory type housing, or somewhat guest housing so it is definitely different than that style use.

Ms. Cannon stated I think we need to have a rule for dormitories. I don't have any problem with this one right here, but I can see a door being opened here.

Mr. Mosley stated and that's why it is a conditional use, so if they did come in and ask to put 20 people in this house we could look at that. I can check and put together some

recommendations for rules that would go along with this style of housing.

Ms. Cannon stated what about the house down the street and then the one that's not necessarily owned by the Baptist Church? I can just see problems coming.

Mr. Mosley stated I understand. I can put together some information on this and bring back some rules, unless you want me to do that prior to this approval.

Ms. Cannon stated no I don't have any problems with this. I just want us to be aware.

Mr. Mosley stated I will get you some typical rules that would be associated with this type of use and let you look at that and see if we would like to put those in our zoning ordinances as set rules or limitations on space.

Mr. Silberman stated the only problem I have with that is not having rules for the first one and then later having the question of why am I subject to them now. I'm concerned to not have them before we give Conditional Use approval.

Mr. Mosley stated that's not uncommon when you get a different or new use. A lot of times you don't have rules for it and when you start to see questions that the use brings up, you can add them in or if you start to see the use being replicated in multiple places then we would definitely look at whether or not we need standards and rules. One question would be, would you approve this use if it were not attached to the church property or if it were in a residential neighborhood or something like that. I think from a staff perspective we would look at that completely differently where this has long been property owned by the Church.

Mr. Silberman stated so we can come back and add rules later.

Mr. Mosley stated yes sir. Just because you don't have rules in place now doesn't mean you can't go through a process and potentially review rules for this later. If they are approved now, they wouldn't be subject to those rules at this time but if they came back and amended it later, they would fall under those. We would want to make sure that we know what you're concerned about from a standpoint of what negative issues this use may create. I definitely think the space for rooms is one. How many people you have per bedroom and in this case, I think each of these has two people in each bedroom which is not uncommon for this type of use. I don't think you're going to have something where you've got four or five people living in a small bedroom or in bunkbeds.

Mr. Silberman stated I'm not concerned because it is church sanctioned, but are you saying that if you came back to put rules in this resident would then be grandfathered in in the future?

Mr. Mosley stated yes sir, until they asked for a modification or they stopped using it for that use and then if they came back later and asked for it again. In that instance they would have to come back under whatever rules are in place at that time.

Mr. Lee asked Mr. Mosley do you foresee anything or know of any rules that they would not fall under?

Mr. Mosley stated no I think the typical rules that you have in place for this are, is there enough parking, who's requesting it, and what kind of hours may be associated with it. Is it something that's going to be disruptive to the neighborhood or the community around it? Do you need additional buffering, which in this case I don't think is an issue. You could put a maximum number of people per household or you could put a ratio of how many people per bedroom or per square foot that you have in a home. This is not something that comes up every day. In all the churches that I've approved, I've only had one other church mention having something similar to this and they never went through with it. It's not something that most churches would do other than a simple parsonage. This is definitely a little different than that but it's my understanding that at least one of these houses has had some missionary families live in it before.

Mrs. Whatley asked Mr. Mosley is the house cattycorner a group home?

Mr. Mosley stated that is a group home yes ma'am. I can't remember the name of it but that is a group home just across the corner from this.

Councilman Lofton stated I think the idea is that these students will go to Auburn and are potentially going to go to seminary and so it gives them an opportunity to get one year of credit that the seminary will accept. The church is going to help them by providing them a free place to live which accounts a good deal to part of their education. These students will rotate on an annual basis I think is the way they're looking at this. That student is not going to be there for a long term. He will come and do his one year at Auburn and then probably go to seminary or to work or wherever they're going to go. So, we're just looking to aid them in lowering their cost of education and helping them get further into their ministry.

Mr. Mosley stated yes sir it does say that they would only be there for one year at a time.

Ayes: Silberman, Councilman Lofton, Hilyer, Mayor Fuller, Lee, Cannon, Menefee, Cherry, and Whatley.

Nays: None.

Abstention: None.

5. Stephen Benson (Sun Self Storage), 1615 Thomason Drive, C-2, Addition to Sun Self Storage: three storage buildings, 5,700 square feet total

Mr. Mosley reported the applicant is requesting conditional use approval to construct three (3) mini-warehouse buildings at the existing Sun Self Storage facility at 1615 Thomason Drive. The applicant stated these three (3) buildings will consist of 36-units of non-climate-controlled storage. The property was approved for mini warehouses in April 2003. The three (3) new buildings will total 5,700 square foot located near the west property line about 900 feet from Thomason Drive. The new storage buildings have access to Thomason Drive from an existing driveway along the property line that runs parallel to the railroad right-of-way.

The additional 36-units in three (3) warehouse buildings will be built to match the existing metal buildings in place and requires four (4) paved parking spaces. Due to the location of these buildings the side setbacks will be 10 feet or greater. However, this is the only setback that will be close. Because this is an internal addition that does not require any specific buffers it should not require additional landscaping, this site has a large section of undisturbed trees in the flood zone area. The maximum building area in a C-2 zone is 40 percent, with the addition of the three (3) buildings to this site is estimated to be at 26 percent building area.

**Staff recommends approval subject to:
Providing four paved parking spaces for the additional 36 units.**

Mr. Mosley reported for Engineering, because there are no substantial site, drainage or utility changes proposed with this application, the Building Inspections Department will handle all the building and land disturbance permits needed. There will not be a requirement for a site plan to be submitted to the Engineering Department for review.

The Engineering Department has no other comments or concerns with this proposal and recommends conditional use.

Mr. Mosley reported for the Opelika Utilities Board, Opelika Utilities presently serves this use.

Mr. Mosley reported for the Opelika Power Services, this subdivision is inside the Opelika Power Service territory.

Chairman Cherry opened the public hearing.

No comments.

Chairman Cherry closed the public hearing.

Mayor Fuller made a motion to grant conditional use approval with staff recommendations.

Mr. Hilyer seconded the motion.

Ayes: Silberman, Councilman Lofton, Hilyer, Mayor Fuller, Lee, Cannon, Menefee, Cherry, and Whatley.

Nays: None.

Abstention: None.

6. C. Michael Richmond, 3829 Pepperell Parkway, C-3, GC-S, Auto repair - Masters Paint & Body Shop

Mr. Mosley reported the applicant/business owner is requesting conditional use approval for an automobile repair business in a C-3, GC-S zoning district. The 5,000 square foot commercial building has been vacant for about 6 months; the two previous businesses were a produce market open for about six years that moved to First Avenue, then a tire store in business for about two years before closing. The proposed auto repair business is an auto body repair and paint shop ("Masters Paint and Body"). The business has operated for 31 years and currently located in Auburn on Opelika Road. The auto repair shop has two to four employees.

The auto repairs provided are only auto body repairs and body paint, no mechanical repairs. Mechanical repairs are subcontracted to auto mechanic shops. The business has no tow truck service with tow yard to pick up wrecked automobiles for storage (the owner has a flatbed tow truck for his personal use - classic cars). The business receives most vehicles to repair from insurance claims after a settlement is final. After settlement, then the wrecked vehicle is towed from a tow yard to the applicant's business. The applicant said about 70% of auto body repairs come from insurance claim settlements; 30% of auto repairs are from individuals requesting repairs.

A site plan and landscape plan were provided. Most of the existing landscaping planted by the previous businesses meet requirements except for eight shrubs on the south side of the canopy. Staff recommends a row of shrubs planted along the front property line near the concrete edge and canopy; after repairs are complete vehicles will be parked under the canopy. The buffer shrubs provide visual screening and separation between Pepperell Parkway and the vehicles parked under the canopy. Off-street parking is met with 17 parking spaces provided (includes two handicap spaces) for customers and employees; thirteen screened parking spaces are designated as a "Holding lot" shown on the colored site plan; the 13 screened parking spaces are to store wrecked vehicles waiting to be repaired. Wrecked vehicles will be restricted to the "Holding Lot" area only. A chain link fence with slats is proposed to visually screen the wrecked vehicles from the Pepperell Parkway Gateway Corridor (see photo of fence in packet). (About five of the 13 parking spaces are hidden behind the rear wall of the building and cannot be seen.) Staff asked the applicant if 13 screened parking spaces is an adequate number of parking spaces to visually screen all wrecked vehicles delivered to the business for repairs. The applicant said the business does not over schedule auto repairs that come to their shop, but they operate according to a schedule, and log appointments for the following week or month; the applicant said wrecked vehicles will not be parked on the property except parked in the 13 screened parking spaces. At least one of the 13 screened parking spaces will be vacant to park a wrecked vehicle when delivered to the property. The applicant said their business "strives for quality over quantity."

All vehicle repairs and painting of vehicles will be performed inside the 5,000 sf building not outside the building. The building has three repair bays with overhead roll-up doors. For the most part, the interior of the bay will not be seen from Pepperell Parkway Gateway Corridor, because the three bays do not face Pepperell Parkway but face the north property line. After a repair, the vehicle is parked under the 44'x 73' canopy in the front yard for customer pick-up.

The following requirements from the Zoning Ordinance concerning "*Auto Repair*" businesses has been reviewed with the applicant. The applicant said he is "in agreement with all of these" requirements in Section 7.6 *Gateway Corridor Overlay District*, sub-section 7. *Special Development Standard a. Auto Repair*.

1. New or expanded automobile repair facilities in this overlay must meet the following standards.
2. Vehicles undergoing repair, painting or bodywork shall remain inside an enclosed structure at all times.
3. Unlicensed, untitled vehicles shall not be permitted on the site at any time.
4. No body or chassis shall be stored on the site at any time. All parts, including body parts, shall be stored within a completely enclosed structure.
5. Adequate provisions shall be made for ventilation and the dispersion and removal of fumes, and for the removal of hazardous chemicals and fluids.

6. There must be a separator within the drainage system if cleaning agents are being rinsed off of vehicles for all washing/rinsing.
7. There shall be no selling of vehicles at a shop for auto repair. The area around the building shall be kept free of debris and shall be maintained in an orderly and clean condition.
8. No repair, service or paint bay shall be oriented so that its interior is visible from the corridor street.

Planning staff recommends approval subject to the following:

1. All wrecked vehicles waiting for body repair and/or paint must remain in the "Holding Lot" area as shown on the site plan (the colored site plan provided by applicant). The holding lot is the designated storage or parking area for all wrecked vehicles waiting for repairs.
2. Install an opaque fence for the Holding Lot parking area. The proposed height of opaque fence (at least 6 feet or higher) must be adequate so the vehicles in holding lot are not seen when holding lot is viewed outside the fenced area. A chain link fence with slats are proposed; the slat separation must be joined together so the fence provides a visual impervious barrier.
3. Plant eight shrubs on the west side of the front property line as shown on the landscape plan.
4. Plant a row of shrubs along the front property line near the concrete edge & canopy (3 gallon minimum).
5. If a dumpster is seen from Pepperrell Parkway, the dumpster including gate must be enclosed with an opaque fence at a height so the dumpster is not seen outside the enclosure.
6. All auto repairs and painting must be performed inside the building not outside the building.
7. Rinsing and/or washing of vehicles will be provided by the business; wastewater discharge on the ground is not allowed. A drainage inlet must be installed at the location where vehicles are washed/rinsed in order to collect wastewater; the inlet must be connected to the sanitary sewer system so the water is treated before discharged; approval of wastewater collection system required from applicable departments.

Mr. Mosley reported for Engineering, because there are no substantial site, drainage or utility changes proposed with this application, the Building Inspections Department will handle all the building and land disturbance permits needed. There will not be a requirement for a site plan to be submitted to the Engineering Department for review.

The Engineering Department has no other comments or concerns with this proposal and recommends conditional use.

Mr. Mosley reported for the Opelika Utilities Board, Opelika Utilities presently serves this use.

Mr. Mosley reported for the Opelika Power Services, this Subdivision is outside the Opelika Power Services territory.

Chairman Cherry opened the public hearing.

Michael Richmond, applicant, stated I have owned Masters Paint and Body for 36 years. We do quality repair on high end cars. Nothing is visible. Not to say that everyone applies to that in Auburn or Opelika, but our shop is clean. We have no waste, and everything is concealed and contained. All the work will be done in the building and if you look at the back parking where the red line is, that's where we are going to put the privacy fence partitioning off from the edge of the building to the far side of the property next door. We actually have 18 stalls back there and nine of them you can't see from the road. We also have a container back there that's about 27 feet by 12 feet by 12 feet and it is for parts. All work can be done in the building and it will have a wash stall inside the building that will have the catch drain in it and a cement border around it. If we have to, we will put one outside, but it will also be in the back of the fence. We don't have a wrecker service; they are brought to us by different tow truck companies. We do about 30% of our work by customers while 70% is body shops. I think my record stands pretty good; we're pretty clean, we keep a nice shop, and there's no oil or waste. Our sprayer, which is going to be state of the art because we're buying a brand new one, is an air system. It is also going to have a fire system in it. We're buying a new frame machine. We're going to put in an office and put in doors and bathrooms. We're also going to recondition the outside of the building. There will be no waste or tires, we don't need mechanic work, and there's no oil. It's just mainly paint.

Chairman Cherry closed the public hearing.

Mayor Fuller made a motion to grant conditional use approval with staff recommendations.

Mr. Silberman seconded the motion.

Ms. Cannon asked where are the dumpsters going to be?

Mr. Mosley stated I believe they are showing it behind the gate. Is that correct?

Michael Richmond stated do you see the red square? We're going to come from there. The circle part is a drain and we're going to use that stall for the trash can. It will also be covered with the static fence because we're going to come down to where the yellow line is for parking. The fence is going to go over and then come all the way back to that red square and trashcans are going to be put there with a privacy fence so you can't see it. When we're putting the trash in it you won't see it because we'll go from the big building right there. At the back, about the ninth stall, there's a sliding door and we'll come out of the back of the building to the trash cans. The only time the fence will be open is when the trash is being picked up.

Mr. Silberman stated in your description of the fence you said people wouldn't be able to see behind it, but Mr. Mosley said it was chain-link.

Mr. Mosley put a picture of a fence on the screen. Is this what yours will look like Mr. Richmond?

Michael Richmond stated it will be similar to that one but with horizontal instead of vertical slats. It is tan, almost matching the color of the building. You can see through that one in the picture a lot more than ours because ours comes at an angle with the way the chain fence is made, and the fence is 8 feet tall. It's already there and we're just going to relocate it. Like I said, we're proud of our places. In 36 years I've never had a complaint, never been fined by the City, or the State, or OSHA, or anything like that. Our equipment is going to be brand new. The reason why I'm moving out now is because we have too many crowded businesses where I'm at. There are six businesses on one lot and it's not good. I need more parking and the way this is set up here is perfect because we've got 18 stalls in the back. We don't overbook cars, we're for quality not quantity. I want every job perfect. That's the way I've been in business this long and I don't advertise. It's all my customers' reviews.

Ayes: Silberman, Councilman Lofton, Hilyer, Mayor Fuller, Lee, Cannon, Menefee, Cherry, and Whatley.

Nays: None.

Abstention: None.

D. OTHER BUSINESS

7. Blake Rice, McCoy Street & South Fox Run Parkway, C-2, GC, Multi-family Apartments-The Crossings at Opelika, Requesting extension of conditional use approval for six months or August 25, 2021

Mr. Mosley reported *the Zoning Ordinance requires that a conditional use approval expire in one year from the date of Planning Commission approval if a building permit has not been obtained within one year of approval. The conditional use for The Crossings at Opelika apartment development was first approved at the February 27, 2018 PC meeting. A one year extension of the February 2018 approval was approved at the February 27, 2019 meeting, and another one year extension approved to today's meeting (February 23, 2020). The applicant is requesting a six month extension or to August 25, 2021. Since the February 27, 2019 extension Planning staff has no conditions for approval or other recommendations to add to the recommendations approved at the February 27, 2018 meeting; staff recommends approval of the six month extension request or to August 25, 2021.*

The February 25, 2020 Planning Commission Minutes are below for your review.

Mr. Ogren reported the applicant is requesting conditional use approval for a 216-unit apartment development (three stories) consisting of 60 one bedroom, 132 two-bedroom and 24 three-bedroom units. The development includes a 2,100 square foot club house and a 1,300 square foot swimming pool. The Zoning Ordinance allows the Planning Commission to increase the density by a maximum of 25%. In a C-2, GC zone, 16 dwelling units are allowed; the maximum density allowed with a 25% increase is 20 dwellings per acre (16 x 25% = 20); the applicant is requesting 18.15 dwelling units per acre (18.15 dwellings per acre is a 13.4% increase from the 16 dwelling units per acre allowed.)

The site plan shows nine apartment buildings ranging from 8,000 square feet (sf) to 9,200 sf. on a 11.9-acre parcel (*revised site plan attached: adding handicap parking spaces and legend corrections*). A sidewalk is provided in the front yard of each apartments building located near the parking lot. The minimum off-street parking requirements are met: 432 parking spaces required; 432 spaces provided including nine handicap spaces. The property meets the maximum 70% impervious surface ratio allowed; 51% of the property will be impervious (49% pervious). The elevations are attached. The exterior wall materials for the front walls facing McCoy Street (Buildings 1, 2 & 3 on site plan) and the side walls seen from McCoy Street (north & south side walls of Buildings 1, 2, & 3) are a combination of brick veneer, stone, and ~~vinyl~~ fiber cement siding (see revised drawing). Two 10' x 20' private dumpster areas with a fence enclosure and double gate are shown on the site plan. The enclosure must be an opaque fence on all sides and an opaque double gate. The lighting plan must comply with the lighting requirements of Section 7.6, A. 6a.

Staff recommends approve subject to the following:

1. Preserve existing trees and add shrubs between preserved trees along McCoy Street so landscaping meets Section 10.6, D.2.b. of the Landscape Regulations OR plant trees and shrubs as required to meet said Section 10.6. *"The trees shall be spaced in a ratio of one (1) understory tree every fifteen (15) feet, or one (1) medium tree every thirty (30) feet, or one (1) large tree every forty-five (45) feet. Shrubbery shall be provided between the plantings."*
2. The density increased from 16 dwellings per acre to 18.15 dwellings per acre as allowed by the Zoning Ordinance.
- ~~3. Approve the use of vinyl fiber cement siding as a simulated exterior material.~~
4. Enclose the dumpsters on all sides so the dumpster is not visible outside the enclosure.

Mr. Gwin reported the developer will be required to submit a site development plan for the grading, drainage, utility, post construction detention, and roadway installation to the Engineering and Public Works Departments for review and approval. Once this approval and all other utility approvals have been met, a Land Disturbance Permit will be issued in concurrence with any applicable State and Federal Permits. Under the monitoring of the Engineering Department and other utilities, the roadway and infrastructure will be completed and tested. Once the construction is complete and a bond is provided for the maintenance and any unconstructed public infrastructure according to the Subdivision Regulations, an additional Preliminary and Final Plat can be submitted to the Planning Commission for consideration.

Chairman Cherry opened the public hearing.

No comments.

Chairman Cherry closed the public hearing.

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

Mr. Silberman seconded the motion.

Ayes: Cherry, Cannon, Hilyer, Vaughn, Council Member Canon, Menefee, Silberman

Nays: None

Abstention: None

Mr. Mosley stated this was originally approved as 216 units and I believe it's now down to 184 units, so it has been reduced just through the development process. This use has already received a building permit as part of their due diligence so they are technically aware we would stop the clock, but because of all of the additional requirements they have to go through for lending and things like that, they are requesting an additional six-month extension, so we do recommend approval of this.

Mr. Mosley reported for Engineering, the Engineering Department has no other comments or concerns with this proposal and recommends conditional use extension.

Mr. Mosley reported for the Opelika Utilities Board, no report.

Mr. Mosley reported for the Opelika Power Services, this subdivision is inside the Opelika Power Service territory.

Mayor Fuller made a motion to grant the conditional use approval be extended for six months or to August 25, 2021.

Mr. Hilyer seconded the motion.

Ayes: Silberman, Councilman Lofton, Hilyer, Mayor Fuller, Lee, Cannon, Menefee, Cherry, and Whatley.

Nays: None.

Abstention: None.

Mr. Lee made a motion to adjourn at 3:50 p.m.

Councilman Lofton seconded the motion.

Ayes: Silberman, Councilman Lofton, Hilyer, Mayor Fuller, Lee, Cannon, Menefee, Cherry, and Whatley.

Nays: None.

Abstention: None.

_____ Lewis A. Cherry, Chairman

_____ Matt Mosley, Secretary