

**CITY OF OPELIKA
PLANNING COMMISSION MEETING
APRIL 27, 2021
3:00 P.M.
MEETING CHAMBERS
OPELIKA MUNICIPAL COURT
300 MLK BOULEVARD**

The City of Opelika Planning Commission held its regular monthly meeting April 27, 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. Ira Silberman, Councilman Robert Lofton, Mr. Derek Lee, and Mrs. Leigh Whatley.

MEMBERS ABSENT: Mr. Michael Hilyer and Dr. Arturo Menefee.

STAFF PRESENT: Mr. Matt Mosley, Planning Director
Mr. Martin Ogren, Assistant 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 March 23, 2021 Planning Commission Minutes.

Mayor Fuller made a motion to approve the March 23, 2021, Planning Commission Minutes as written.

Councilman Lofton seconded the motion.

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

Nays: None.

Abstention: None.

II. Update on Previous Planning Commission Cases.

Mr. Mosley stated Shelton Village, the rezoning from last month, is going to be going to City Council towards the end of May.

A. PLAT (Preliminary and Final) – Public Hearing

1. Ella Mae Calloway Family Subdivision, 5 lots, 3716 Calloway Avenue, James McCrory, P/F Approval

Mr. Mosley reported the property owners are requesting preliminary and final plat approval for a 5 lot “family subdivision” – (estate subdivision). The purpose of this subdivision review is to assist the seven property owners who are family members in resolving a transfer of property to family members or their heirs. The subdivision adds special requirements to secure future public interest. In previous meetings, the Commission has modified the Subdivision Regulations for an estate subdivision to accommodate a will or the transfer of property to family members (Sellers family 1997, Ledbetter family 2001, Gibson family 2006, Darden family 2019).

The family subdivision combines two lots into one lot (Lot 1, two acres), increases Lot 2 to 3.5 acres, and creates Lot 3 (2 acres), Lot 4 (2 acres), and Lot 5 (2 acres). The lots are divided to transfer to family members. Two existing homes are on Lot 1 (2.07 acres) and one house is on Lot 2 (3.5 acres). Lot 3, 4 and 5 are undeveloped. The Opelika Subdivision Regulations provides that “Every lot shall have access to a public street” (*i.e., at least 30 feet of each property must front on a public street*). Lot 2, 3, 4, and 5 have access to Calloway Avenue. Calloway Avenue is undeveloped. However, in an estate subdivision, property is exempt from the City’s Subdivision Regulations. According to the Alabama Attorney General, if property owners are transferring properties to heirs for homestead purposes, then the dividing of land does not establish a subdivision as

defined¹ in the State Code. Calloway family members will own the four lots with access to Calloway Avenue. The lots are transferred to family members only; the lots are not created for profit or development. A family estate subdivision allows only the Calloway family members to construct a home for homestead purposes.

The property owners are aware that in a family estate subdivision the five lots must not be sold, deeded, or transferred outside the immediate family². Note #10 and #11 on the plat explains restrictions of the family estate subdivision: 10. a. no lot shall be sold to a non-family member; b. no lot further subdivided without Planning Commission approval; c. no building permit issued to a non-family member; 11. no further subdivision of lots until Calloway Avenue built to City standards.

Planning Staff recommends preliminary and final plat approval subject to the following:

1. All lots are to be owned by the immediate family.
2. No lot within the subdivision shall be further subdivided without the consent of the Opelika Planning Commission.
3. Add note #10 and #11 provided on the plat to the deeds for the five lots.
4. No further subdivision of the five lots with the intent to sale a lot outside the immediate family until the lots front on a public street improved to City standards.
5. Calloway Avenue must be constructed to City standards before any of the five lots are sold outside the immediate family.
6. Only one dwelling per lot shall be permitted as required in a R-1 zone.
7. A building permit for a dwelling unit must not be issued to a person that is not in the Ella May Calloway immediate family. A building permit for a dwelling unit shall be issued to a family member only from the Ella May Calloway family for the construction of a homestead for a family member.

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 in the R.O.W. of Grand National Parkway. This subdivision is located in the Saugahatchee Watershed Protection Area and does not meet the three acre minimum lot size for subdivisions without sanitary sewer.

Mr. Mosley reported for the Opelika Power Services, this subdivision is outside 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 and final plat approval with staff recommendations.
Mr. Lee seconded the motion.

Ms. Cannon asked is the street already in or is it going to be put in?

Mr. Mosley stated the right of way is in, the street is not currently in. There is a drive that goes a portion of the way but one of the requirements is that if this were to ever be sold outside of the family, they would have to bring the street up to City standards.

Mr. Silberman stated this is not the first time we have dealt with a family plat. Is this consistent with previous plats?

¹ (6) Subdivision. The division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, of lease, or of building development. The term includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

² The property owner's parents, spouse, son(s), daughter(s), mother-in-law, and father-in-law.

Mr. Mosley stated yes sir, that is similar to how we've handled other family subdivisions and there are a few right in this same area.

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

Nays: None.

Abstention: None.

B. FINAL PLAT

2. Hidden Lakes Subdivision, Redivision of Lots 60-63, 8 lots, Hidden Lakes Drive, Barrett-Simpson, Inc., Final Approval

Mr. Mosley reported the applicant is requesting final plat approval for a redivision of Lots 60-63 into 8 lots in Hidden Lakes Subdivision. The primary access to the 8 lots is from West Point Parkway; the lots are also accessed from the north by Lakeview Drive; Lakeview Drive is accessed on Sportsplex Parkway, the north entrance into Hidden Lakes Subdivision. Sidewalks are required on at least one side of all streets; underground utilities are installed. Lot 60 is being divided to be five (5) single-family home lots and one (1) common area lot. Lot 63 will be divided into Lot 63-A (39,534 sq. ft.) for the Chapel Event Center area and Lot 63-B (13,397 sq. ft.) will be a common area lot.

Lots 60-A through 60-E will be single-family home lots ranging from 8,293 sq. ft. to 9,445 sq. ft. These lots are 60 feet in width along the front property line or at the building line. This area was previously designated for townhomes in the Hidden Lakes PUD Master Plan and on the previous recorded plat of Hidden Lakes Phase 2. The change in use from townhouses to single-family homes reduces the number of units from 9 -11 down to 5 units. Effectively cutting the density in half. Lot 61-A (15,668 sq. ft.) is a common/open area (40 to 70 feet wide) that separates the 5 single-family home lots from West Point Parkway. It has a 20 foot wide landscape easement between the rear property line of these lots and West Point Parkway to visually screen the homes.

Lot 63-A has a Chapel Event Center located near the West Point Parkway entrance on the 0.91-acre lot. Lot 63-B is labelled as common area.

A note is on the plat stating that all common/open space lots are owned and maintained by the Homeowners Association established for the common/open space lots.

Staff recommends final approval subject to the following:

1. Sidewalks are required on at least one side of all single-family home streets, required for Lots 60 A-F, and Lots 63 A-B (Chapel Event Center).
2. Correct the lot width of Lot 60-B and 60-C.

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 final plat approval.

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 Hidden Lakes Drive.

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

Mr. Lee made a motion to grant final plat approval with staff recommendations.

Mr. Silberman seconded the motion.

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

Nays: None.

Abstention: None.

3. Camelot Townhomes Subdivision, Phase 1, 9 lots, Merlin Street, Blake Rice, Final Approval

Mr. Mosley reported at the July 2018 meeting, the Planning Commission granted preliminary approval for Camelot Northbrook subdivision consisting of 77 lots; one lot approved was 3.63 acres for a townhome development (Camelot Townhomes). At the July 2018 meeting, the Planning Commission also granted conditional use approval for the 22 townhome units on the 3.63 acre lot. The applicant is now requesting final plat approval for Phase 1 of the Camelot Townhome subdivision that consist of 7 townhome

lots. Each townhome lot includes a front and rear yard. The townhome layout today has minor changes from the July 2018 site plan layout (See page 3 for comparison). In today's subdivision, the front door and parking spaces for townhome units are now facing the north property line not the south property line toward Freeman Avenue as shown on the 2018 site plan. Also, the number of townhome units for phase one decreased from nine units to seven units. The 2018 landscape plan met requirements for the most part; an updated landscape plan is included in your packet. The revised plan includes a residential buffer along the south property that runs parallel to Freeman Avenue, and landscaping for the parking lot (14 parking lot points) is added.

On the final plat, Lot 55-A-1 thru Lot 55-A-7 are the seven townhome lots. The minimum lot size and lot width for a townhome development with individual ownership is 2,400 sf and 20 foot width.

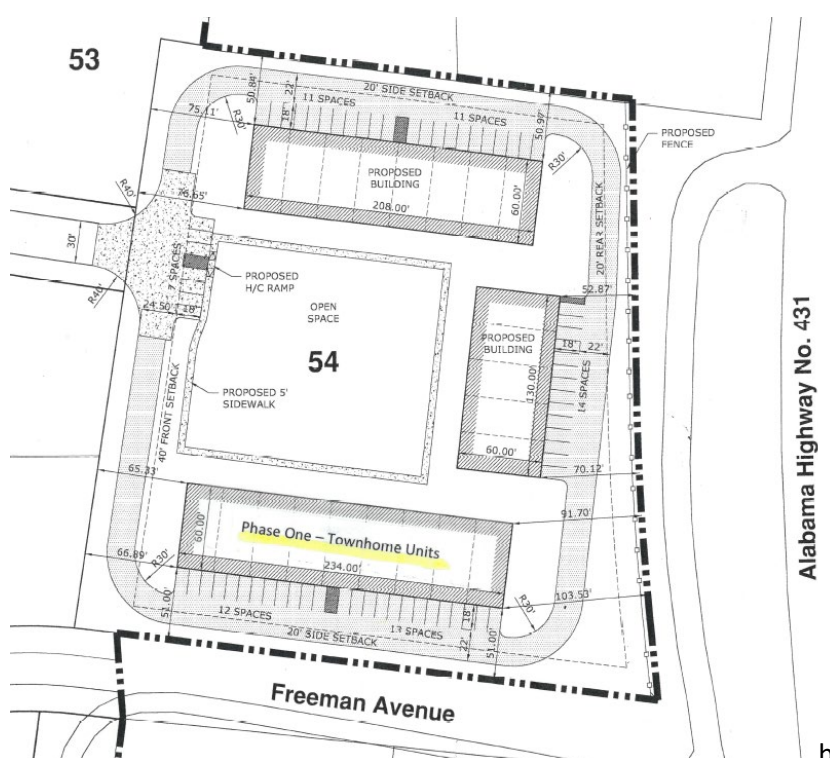
The lots range from 3,720 sf to 4,140 sf and lot width from 28.10' to 30.29'. Each townhome lot includes the townhome dwelling unit, front & rear yard area, and two parking spaces.

Lot 55-B-2 (22,096 sf) is common area consisting of a 24' wide private driveway from Merlin Street to the townhome parking spaces. The common area is maintained by a HOA (Homeowner's Association).

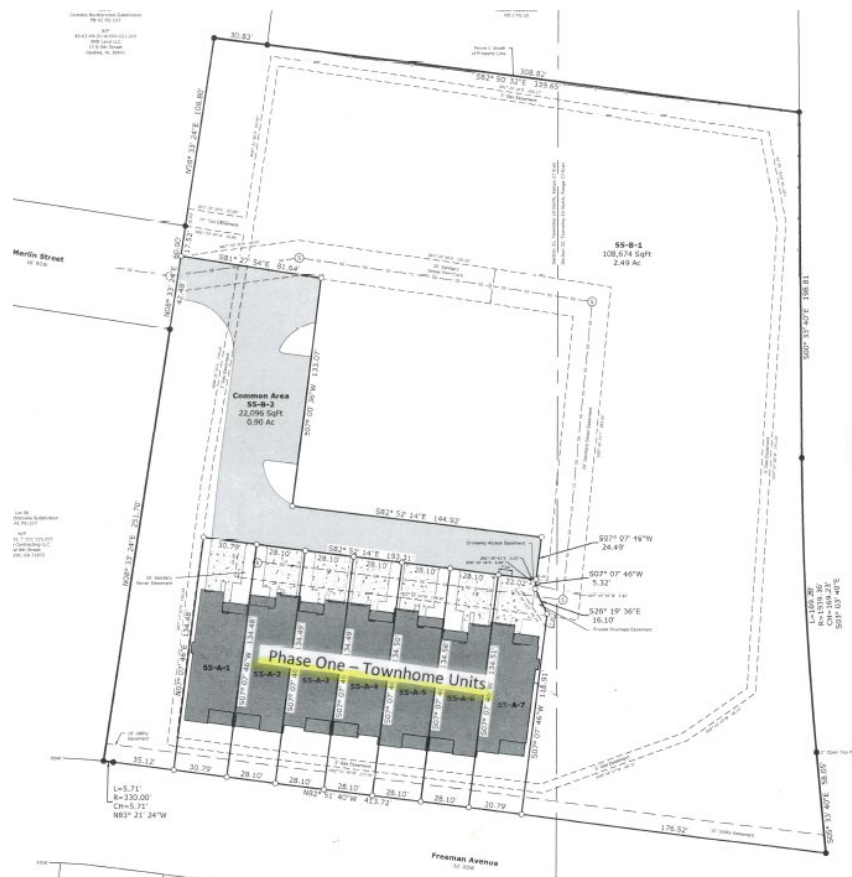
Lot 55-B-1 (2.5 acres) remains undeveloped until subdivided for the remaining 15 townhome lots.

Staff recommends final approval subject to the following:

1. Add "ROW Varies" or similar for Old Lafayette Highway.
2. Add a signature line for the Chairman of the Planning Commission.
3. Add a note on plat who will maintain all common areas and include that the City of Opelika is not responsible to maintain the private driveway on Lot 55-B-2.
4. Install landscaping, grass & ground cover, and residential buffer for phase one.
5. Install curbs, asphalt private driveway from Merlin Street to parking spaces; stripe parking lot (14 parking spaces, 1 handicap space) and install sidewalks.
6. Fire lane requirements must be approved as determined by the Fire department.
7. If a dumpster is proposed for townhome units an enclosure with an opaque fence on all sides and an opaque double gate installed at a height so the dumpster cannot be seen outside the fence.
8. After site inspection and approval of the above improvements by staff, then plat signatures and recording of final plat will be completed.



July 2018 Site Plan – 9 Camelot Townhomes



April 2021 Subdivision – 7 Camelot Townhomes

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 final plat approval.

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

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

Ms. Cannon made a motion to grant final plat approval with staff recommendations. Mayor Fuller seconded the motion.

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

Nays: None.

Abstention: None.

4. Wyndham Village Subdivision, Phase 1, Section 2, 19 lots, Gateway Drive, Mark Strozier, Final Approval

Mr. Mosley reported the applicant received preliminary plat approval for a 97-lot subdivision on February 25, 2020. The 97 lots are a portion of a 523-lot development shown as Pods 11 and 12 of the updated Wyndham PUD approved in 2020. The lots in Pod 11 are designated as 65-foot-wide lots with a minimum area of 7,500 sq. ft., while Pod 12 has 75-foot-wide lots and with a minimum lot area of 10,000 sq. ft. All of the lots in Section 2 are in Pod 11 of the PUD Master Plan. The setbacks for this section are 25 feet in the front, 5 feet on the sides, 20 feet in the rear, and 25 feet on the side setback on a street. This section has a maximum building area of 40%. These 19 lots along Wyndham Village Court meet the minimum lot width of 65 feet and minimum area requirement of 7,500 sq. ft. The remainder area titled Tract 1 equals 273.1 acres.

The utilities in this section will be underground. Sidewalks are required on at least one side of each street. The section of Wyndham Village Drive closest to Gateway Drive is wider with a boulevard section that will be maintained by the Homeowners Association.

Recommendation

Staff recommends final plat approval subject to the following:

1. Add the correct name to the proposed road.
2. Sidewalks are required on at least one side of the street.

3. All utilities shall be underground.
4. Add a note to the plat that states the boulevard section of Wymond Drive will be maintained by the Homeowners Association.
5. Add a note on the plat about the ownership, maintenance responsibilities, and use restrictions for the open space areas and amenity area.

Mr. Mosley reported for Engineering, all of the Opelika Surveyors comments regarding the plat have been addressed. The Engineering Department has been inspecting the construction and testing of the infrastructure in this subdivision. A Certification of Completion will be completed and signed by the Engineering and Public Works Directors as soon as all the infrastructure completion items below have been met and a positive recommendation for approval will be given:

- All drainage structures, curb and gutter, aggregate base and first layer of pavement have been placed.
- All sanitary sewer and water line have been installed. The test and inspection reports will need to be submitted and accepted and approved by the utility/Public Works Department.
- All stop and roadway signs have been installed.
- Performance Bond of 125% of the estimated cost remaining infrastructure including the final layer of asphalt and sidewalks will need to be submitted.
- Maintenance Bond of 25% of the estimated total infrastructure cost will need to be submitted.
- As-built documents of the roadway, and storm drain in the form of an Autocad and PDF digital file will need to be submitted to the Engineer Department. The required data should include location and elevations of all the inverts of the systems.
- The ROW and lots will need to be graded, and stabilized with seed and mulch, and other erosion/sediment control items will need to be added to protect against erosion and sediment issues.

If these requirements are met, the Engineering Department recommends final plat approval.

Mr. Mosley reported for the Opelika Utilities Board, the water system for this subdivision has past inspection.

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

Ms. Cannon made a motion to grant final plat approval with staff recommendations. Mr. Lee seconded the motion.

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

Nays: None.

Abstention: None.

5. Wyndham Village Subdivision, Phase 1, Section 3, 53 lots, Gateway Drive, Mark Strozier, Final Approval

Mr. Mosley reported the applicant received preliminary plat approval for a 97-lot subdivision on February 25, 2020. The 97 lots are a portion of a 523-lot development shown as Pods 11 and 12 of the updated Wyndham PUD approved recently. The lots in Pod 11 are designated as 65-foot-wide lots with a minimum area of 7,500 sq. ft., while Pod 12 are 75-foot-wide lots and with a minimum lot area of 10,000 sq. ft. The lots in Section 3 are all in Pod 12 of the PUD Master Plan. Most of the 53 lots meet their minimum lot width of 75 foot and minimum area of 10,000 sq. ft. Lot 10 does not meet the minimum width for 75-foot lot at the street. The setbacks for this section are 25 feet in the front, 8 feet on the side, 20 feet in the rear, and 25 feet on the side setback on a street with a maximum building area of 40%. A note with the lot bulk standards will need to be added to the plat. There is also a park shown on the PUD Master Plan located behind the lots on Wymond Drive and Wymond Court. This will need to be referenced on the plat as a future amenity. Add a note on the plat describing areas of open space area and/or future amenity. Add a note on the plat to state ownership and maintenance of the areas to be open space and/or future amenities. The remainder area titled Tract 1 (Remainder) equals 252.7 acres.

The utilities in this section will be underground. Sidewalks are required on at least one side of each street. The section of Wymond Drive closest to Gateway Drive is wider with a boulevard section that will be maintained by the Homeowners Association.

Recommendation

Staff recommends final plat approval subject to the following:

1. The setback lines are not required to be recorded on the lot. The lines may conflict on corner lots.
2. Lot 10 does not meet the minimum lot size at the street will be required to meet that width at the building line.
3. Sidewalks are required on at least one side of the street.
4. All utilities shall be underground.
5. Add a note that describes the area labeled as "Future Phase" between rear of Stillwood Way and Wymond Court as open space or future amenity.
6. The area labeled as "Future Phase" between Wymond Court and Waymond Drive should be addressed on the plat as a future amenity.
7. Add a note to the plat to state the ownership, maintenance, and use restrictions of the areas described as open space, park, and/or future amenity.
8. Add a note with the bulk lot standards for each lot type.

Mr. Mosley reported for Engineering, all of the Opelika Surveyors comments regarding the plat have been addressed. The Engineering Department has been inspecting the construction and testing of the infrastructure in this subdivision. A Certification of Completion will be completed and signed by the Engineering and Public Works Directors as soon as all the infrastructure completion items below have been met and a positive recommendation for approval will be given:

- All drainage structures, curb and gutter, aggregate base and first layer of pavement have been placed.
- All sanitary sewer and water line have been installed. The test and inspection reports will need to be submitted and accepted and approved by the utility/Public Works Department.
- All stop and roadway signs will need to be installed.
- Performance Bond of 125% of the estimated cost remaining infrastructure including the final layer of asphalt and sidewalks will need to be submitted.
- Maintenance Bond of 25% of the estimated total infrastructure cost will need to be submitted.
- As-built documents of the roadway, and storm drain in the form of an Autocad and PDF digital file will need to be submitted to the Engineer Department. The required data should include location and elevations of all the inverts of the systems.
- The R.O.W. and lots will need to be graded, and stabilized with seed and mulch, and other erosion/sediment control items will need to be added to protect against erosion and sediment issues.

If these requirements are met, the Engineering Department recommends final plat approval.

Mr. Mosley reported for the Opelika Utilities Board, the water system for this subdivision has not passed inspection at the time this report was written.

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

Mayor Fuller made a motion to grant final plat approval with staff recommendations. Councilman Lofton seconded the motion.

Mr. Lee stated across from Wyndham Village Court between Lots 12, 13, and 14 it says future phase of Wyndham but that doesn't look wide enough for a street to get in there.

Mr. Mosley stated that's not actually a street, that's actually going back to what's shown on the Master Plan as an amenity area so it was listed on the original plat as future phase because its part of the big overall lot that hasn't been subdivided yet. That's why we've asked them to put a note specifically there that says that this area is a future amenity space that will be needed to be used as was intended by the Master Plan. So no there won't be a road going through this section.

Mr. Silberman stated it appears all the land to be developed in the future is back behind this particular area, so I assume you're going to have to access it by Gateway Drive.

Mr. Mosley stated yes sir.

Mr. Silberman stated I think somebody needs to be aware that there are going to be two access points to this entire piece of property, and I assume that's going to be a substantial development.

Mr. Mosley stated yes sir, I believe there are 500 single family lots that will come through these two phases and they will have access through Wyndham Village and Wymond Drive which both are created through these plats. There is a connection to Wyndham South, but it would be my expectation that they would come through the shortest route which would be through Wyndham and Wymond.

Mr. Parker stated this is very similar to what is on the other side. They already developed Wyndham Gates. They have about as many lots and three exits and we haven't seen any accident problems coming in and out of that either so we believe this is going to be acceptable for the neighborhood.

Mr. Silberman asked so you have no concerns about this development?

Mr. Parker stated no we don't. Actually, they did install turn lanes with this improvement which is going to help the traffic on Gateway Drive. So, there are turn lanes involved in this that certainly helps the traffic, but access should be fine and traffic has been considered. During the preliminary they did a traffic study as well so all that has been addressed in preliminary.

Ms. Cannon asked what about the traffic light at Gateway and Southview school?

Mr. Parker stated we are currently in the preliminary study, and intersection study. I think they did observations and counts last week. They are looking to make recommendations for traffic flow through the school as well as a recommendation for an intersection improvement. Marvyn Parkway is a D.O.T. Alabama Highway so we have to have their permission before we do any improvements. Their main requirement request is that we do something else with the school pick-up and drop-off traffic so part of this traffic study is involved in making recommendations of improvement to the school traffic flow. It's underway and we've begun the process.

Ms. Cannon asked so you'll ride through the school if you can't make it a left turn?

Mr. Parker stated no, we're getting the drop-off traffic off the highway. That's the recommendation. That would free up the highway.

Ms. Cannon stated well its still pretty bad. Not at 8 o'clock, at 3 o'clock.

Mr. Parker stated we're doing analysis right now.

Ms. Cannon stated I have one other thing. You have Wymond Drive and Wymond Court. Does the fire department need more of a distinction than that?

Mr. Mosley stated no I don't think so and we can talk to the new Fire Chief and see what his thoughts are on things like this. Typically, as long as you have similar named streets and they aren't completely across town they're ok with having similar suffixes so you can have a Wymond Court, a Wymond Drive, and a Wymond Circle close by each other. It's not always what they would prefer, but people start running out of names. As long as they don't get confused and hear something and it sends them miles away, they're usually ok with similar names being close together like that because the addresses will typically be different numbers because of the way the streets are oriented.

Ms. Cannon stated its still pretty close if you live on Wymond Drive and they're heading to Wymond Court.

Mr. Mosley stated we do occasionally have those discussions with public safety and so if its something where they feel its unsafe, we will definitely recommend a name change before the plat is approved.

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

Nays: None.

Abstention: None.

6. Fox Run Subdivision, Phase 1B, 26 lots, Fox Run Parkway, T.J. Thomas & Mike Maher, Final Approval

Mr. Mosley reported the applicant is requesting final plat approval for a 26 lot subdivision in the Fox Run Village PUD zoning district. The plat shows 24 single family home lots and one twin home (duplex) lot; 22 single family home (SFH) lots front on Foxtail Lane and two SFH lots are on Village Drive. For single family home lots, the master plan requires a minimum lot size of 4,200 square feet and a minimum 40-foot lot width; the proposed plat shows 24 single family home lots at 5,000 square feet except for Lot 15 and 16 at 4,990 sf; all lots are 40 feet wide. The minimum building setbacks for single family home lots is 20 feet for the front and rear yard, and 5 feet on each side yard.

The plat also includes a twin home (or a duplex) on Burrow Circle. Each dwelling unit is on a separate lot. The two lots are attached along a shared side yard property line and a common wall. The minimum twin home lot area requirement is 3,000 square feet and minimum 25 foot lot width. Each twin home lot is 3,250 square feet and lot width 25 feet. The minimum building setbacks for twin home lots: front yard 10 feet, rear yard 20 feet, and side yard 5 feet.

Underground utilities are required, and sidewalks are required on at least one side of the street.

Staff recommends final approval subject to the following:

1. Add a storm sewer easement on Lot 88.
2. Add the minimum building setbacks for the single family home lots and twin home lots: SFH - 20 feet front & rear yards, 5 feet side yard. Twin Home lots - 10 feet front yard, 20 feet rear yard , and 5 feet side yard.

Mr. Mosley reported for Engineering, all of the Opelika Surveyors comments regarding the plat have been addressed. The Engineering Department has been inspecting the construction and testing of the infrastructure in this subdivision. A Certification of Completion will be completed and signed by the Engineering and Public Works Directors as soon as all the infrastructure completion items below have been met and a positive recommendation for approval will be given:

- All drainage structures, curb and gutter, aggregate base and first layer of pavement will need to be placed.
- All sanitary sewer and water line will need to be installed. The test and inspection reports will need to be submitted and accepted and approved by the utility/Public Works Department.
- All stop and roadway signs will need to be installed.
- Performance Bond of 125% of the estimated cost remaining infrastructure including the final layer of asphalt and sidewalks will need to be submitted.
- Maintenance Bond of 25% of the estimated total infrastructure cost will need to be submitted.
- As-built documents of the roadway, and storm drain in the form of an Autocad and PDF digital file will need to be submitted to the Engineer Department. The required data should include location and elevations of all the inverts of the systems.
- The R.O.W. and lots will need to be graded, and stabilized with seed and mulch, and other erosion/sediment control items will need to be added to protect against erosion and sediment issues.

If these requirements are met, the Engineering Department recommends final plat approval.

Mr. Mosley reported for the Opelika Utilities Board, the water system for this subdivision has not passed inspection at the time this report was written.

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

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

Ayes: Silberman, Councilman Lofton, Lee, Cannon, Mayor Fuller, Cherry, and Whatley.
Nays: None.

Abstention: None.

C. CONDITIONAL USE – Public Hearing

7. Richard Hayley, 201 South 9th Street, C-1, Commercial and Residential in C-1 zone

Mr. Mosley reported the applicant is requesting conditional use approval to provide five residential apartments at 201 South 9th Street. The property is located on the intersection of S. 9th Street and Avenue A.

Section 7.7 *Downtown Residential Living* in the Zoning Ordinance allows apartments in the C-1 zoning district on the second floor of buildings. Units may be allowed on the 1st floor if the front façade and at least 40 percent of the floor area on that level are reserved for office/retail. At this time, the first floor is vacant. The units range in size from 406 square feet to 1,179 square feet. Three of the units are studio apartments, while two have separate single bedrooms. The minimum floor area per second story residential dwelling is 400 square feet.

Generally, 1st floor units would be reserved for the occupants of the non-residential space. However on a corner lot the residential tenants are not required to enter through the commercial area, but can enter off the side street. All but two of the units have their own entry. The two rear units on the 2nd floor share a common stairwell and small hallway to their unit doors.

Zoning Ordinance: Section 7.7 Subsection C.

The Planning Commission shall use the following criteria in determining whether to grant conditional use approval:

- 1. The proposed residential use shall not decrease the value of adjoining properties.*
- 2. The proposed residential use shall not inhibit the economic growth or development of the downtown area.*
- 3. The proposed residential use at the proposed location shall not endanger the public health or safety, or create a nuisance. The proposed use shall promote and preserve decent, safe, and sanitary housing in the downtown area.*
- 4. The proposed residential use shall not be approved if the combinations of residential and commercial uses are incompatible. Pertinent factors to be considered in evaluating any application are noise, smell, hours of commercial operation, and the impact of the proposed development on pedestrian and vehicular traffic.*
- 5. The proposed residential use shall not be approved if the Planning Commission determines parking is adequate or on-street parking by the occupants and their guests will adversely affect nearby businesses. Parking for boats, campers, or trailers is prohibited in the C-1 district.*
- 6. During site plan review and prior to the issuance of the conditional use permit, the Planning Commission may request repairs of any exterior surface or architecture which is deteriorated, decayed, or damaged. Routine maintenance or repairs of exterior surfaces or architecture may be required in subsequent years, if necessary, to sustain the existing form of the building in design, material, and outer appearance. The Historic Commission shall monitor the conditions of properties and shall initiate such appropriate action of proceeding as is necessary to prevent deterioration in accordance with the provisions of Section VI, VII, and VIII of the Historic Ordinance.*

There are no minimum parking requirements in the C-1 zoning district. The storage of boats, campers, or trailers is prohibited in the C-1 zone. The elevations for this building have been approved by the Opelika Historic Preservation Commission.

Recommendation: Planning staff recommends conditional use 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, each unit shall have its own water service line and meter.

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

Mr. Mosley stated it is my understanding that they plan on repairing the existing windows

which they found in the attic and putting them back in service. The Historic Preservation Commission did grant approval of the Certificate of Appropriateness for the revised building based on these plans and what the applicant submitted.

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. Lee seconded the motion.

Ms. Cannon asked is there an elevator going up the three floors?

Mr. Mosley stated no ma'am it's just two floors and it's all stair access. There is a stairwell by the front door on the north side and on the side there is a stairwell in the middle I believe that goes up to the two units in the back.

Ms. Cannon stated ok, I thought it was three floors.

Mr. Mosley stated no ma'am, I don't think there's anything below it.

Mr. Silberman asked what are the requirements for trash and garbage as far as space?

Mr. Mosley stated they are going to have to work with our Environmental Service Department and figure that out, whether that's using one of the shared containers or coming up with a space for bins off the public right of way. They wouldn't be able to keep their trash bins on the sidewalks other than on pickup days if that's what's approved.

Mr. Silberman asked is there a requirement for them?

Mr. Mosley stated yes sir they will have to figure out how to work with our Environmental Service Department.

Mr. Silberman asked is it approved?

Mr. Mosley stated it has not been approved and its typically done on a case-by-case basis based on whether there is any extra room to put some bins or if there's a dumpster location on site. Sometimes that occurs or there are a couple of common dumpsters in the downtown area that people pay to utilize as well.

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

Nays: None.

Abstention: None.

Mr. Lee made a motion to adjourn at 3:42 p.m.

Mayor Fuller seconded the motion.

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

Nays: None.

Abstention: None.

Lewis A. Cherry, Chairman

Matt Mosley, Secretary