

**CITY OF OPELIKA
PLANNING COMMISSION MEETING
MAY 25, 2021
3:00 P.M.
MEETING CHAMBERS
OPELIKA MUNICIPAL COURT
300 MLK BOULEVARD**

The City of Opelika Planning Commission held its regular monthly meeting May 25, 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, Mr. Michael Hilyer, Dr. Arturo Menefee, Mr. Ira Silberman, Councilman Robert Lofton, and Mrs. Leigh Whatley.

MEMBERS ABSENT: Mayor Gary Fuller and Mr. Derek Lee.

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 April 27, 2021 Planning Commission Minutes.

Ms. Cannon made a motion to approve the April 27, 2021, Planning Commission Minutes as written.

Mr. Silberman seconded the motion.

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

Nays: None.

Abstention: Menefee.

II. Update on Previous Planning Commission Cases.

Mr. Mosley stated the Shelton Village rezoning that you approved back in March will go before the City Council for second reading at the next meeting. They have had their public hearing but it will go for the second reading next Tuesday.

A. PLAT (Preliminary Only) – Public Hearing

1. National Village Plat 8A Subdivision, 51 lots, Robert Trent Jones Trail, Goodwyn, Mills and Cawood, Inc., Preliminary Approval

Mr. Mosley reported the applicant is requesting preliminary approval for a 51-lot subdivision accessed from Robert Trent Jones Trail, National Village Parkway and Lake Lodge Boulevard. The current master plan shows 26 lots in this general area. However, the applicant has a request to rezone an additional 3.91 acres into the master plan. This would have a small increase into the density of Village 8 and the overall master plan. The overall density for the development would go from 0.666 to 0.686 units per acre.

The proposed units will be similar in size to those on in Section 7. The lots range in size from 7,593 to 26,027 square feet. Most of the lots fall in the 9,000 – 11,000 square foot range. Most of the lots show a 15 foot building line. The lots on Street B, Lots 42-51, have a 10 foot building line. The other building lines or setbacks should be described in the plat notes.

The plat also creates four outparcels that act as buffers or open space between streets and the residential areas. The purpose, ownership and maintenance of these lots needs to be noted on the plat. There is an existing house that is being used as an office. If this lots is being created through the new lot lines it needs to be noted and included in the plat.

The master plan previously showed Street B connecting to Street A. Now Street B

ends in a hammerhead turnaround. This configuration will need to be approved by the City of Opelika public safety departments. Similar turnarounds have been used in other low traffic areas. Street C is located in a portion of the development that was previously not included. This connection is new, but is consistent with the development pattern.

Sidewalks should be consistent with the development pattern of the rest of the PUD, at the very least sidewalks will be required on one side of the street. All utilities shall be underground.

Staff recommends preliminary approval subject to the following:

1. Note that Parcels A -D are open space or green space and who will maintain these areas.
2. Install sidewalks on at least one side of all streets.
3. All utilities shall be underground.
4. Note the proposed setbacks.
5. Outparcels B and C have incorrect area labels.
6. Label the lot number for the existing house if it is an existing lot. If the lot is being created through the new lines surrounding it, the lot needs to be included in this plat.

Mr. Parker 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 Departments review comments have been addressed and the Department recommends preliminary plat approval for this application.

Mr. Mosley reported for the Opelika Utilities Board, water service is accessible to this subdivision by water main in the R.O.W. of Robert Trent Jones Trail.

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

Mr. Mosley read two letters from adjacent property owners. See attached.

Chairman Cherry opened the public hearing.

Buddy Glidewell, 2908 Lone Eagle Lane, stated I agree with the two letters you've already read. I don't have all the proper words that they had but I agree with everything that you hear. My particular home is going to be the closest to the proposed plat. Would you move your cursor over where the Lone Eagle homes are now? I live actually right in the middle of the block so I would be one of the closest to these new homes being developed. What I do not see in the plans is what kind of distance are we talking? The plat has been drawn up, but how close these homes are going to be to my home? I don't read that in anything. I also never received a certified letter; I live there it's not a vacation home. Can anyone answer that for me? How close are we talking 60 feet or 20 feet?

Mr. Mosley stated it looks like it would be between 50 and 100 feet between the back of your lot to the back of the other lot.

Buddy Glidewell stated right, which would mean that all of that wooded area that was mentioned in the two previous letters would basically disappear. Well, it would really disappear because it would be 50 feet of a few trees. I agree with the two proposed letters that you've already read. I agree with everything that they say. I think you're imposing a little bit much for the main reason that we moved there and those particular lots was because of the green space. I think that the acquisition of this 3.9 acres that was acquired by whomever changed your master plan to put more homes in there which we totally disagree with. The master plan that was on the board, that's on the street over there, is

perfectly fine. It has a road going through, a few houses being built down the road, but because of the acquisition of the property it says 'we can build more homes in there now' which infringes on why we on Lone Eagle Lane bought on Lone Eagle Lane. Thank you.

Larry Nix, 2912 Lone Eagle Lane, stated I wrote one of those letters. I realize these aren't official plats, but I brought with me what we were shown as marketing when we purchased. I'm sorry I just had to have these blown up at CVS. I'm not a surveyor I'm a lawyer, don't hold that against me, and you can see that we expected these to be here and we were never told that RSA was in the process of acquiring this and that if acquired the master plan might change. Mr. Glidewell and some of the other folks who purchased here earlier relied on this and then lo and behold sort of I won't say in the middle of the night, I'm not trying to cast aspersions on anybody or accuse anybody of disingenuous behavior, but all of a sudden if you go to the master plan that's posted you have this little place and I realize it's not exactly as the plat that was shown on the overhead but all of a sudden you get this. We didn't get a copy of this letter, nor did we get a copy of this plat until very recently. I didn't anyway and it came to my office. I work in West Point although I live down here so I got the certified letter and I have to echo what Mr. Glidewell said and other people, some of whom may follow me, that one of the main attractions to our home is being able to look out at the green space. Now again, because we got this proposed plat may I ask is there a representative of Goodwin Mills and Caywood here?

Mr. Mosley stated no they don't have a representative here. Mr. Conner is here representing the application.

Larry Nix stated well the reason I say that is, as a lawyer I find that you catch more flies with honey than vinegar. Rather than just sit up here and adamantly say we object to this and you can have either have A or B, I think it might be advisable to the board upon advice of your own attorney possibly to defer action on this. I know this is a public hearing phase of this but defer action and possibly you could meet with Mr. Conner and the RSA. We could come up with an amended plat that might satisfy everybody and now we're kind of at the mode of either take this or don't and we object vehemently to it but who knows. Mr. Conner seems like a reasonable man, I sure enjoy living in one of his houses that he built, but I do also treasure the ability to look out my back door and not see somebody else standing 50 feet away cooking a hamburger. So, I guess my suggestion is if you could possibly defer action on this allowing us time, the interested residents of National Village, to meet with RSA and Mr. Conner who knows. We might be able to come up with compromise that satisfies everyone. I brought these to show you what we were shown and now what all of a sudden has sort of appeared seemingly overnight. We live here, we knew eventually this road was going to be developed. We were not told that there was any intention of RSA purchasing this piece of property or if purchased to cutting a road right through here. Somebody else who may want to talk, my next-door neighbor who may want to say something else, it's already dangerous coming out of our drive because people are coming around a pretty sharp curve going to the golf course and if you put a road in right here there's going to be some traffic accidents occurring in my humble unofficial opinion. So, I guess bottom line is, A. we were not told this when we purchased and we relied on what we thought when we purchased and, B. I would ask that the board defer action on this to give us an opportunity to work with the developer and RSA. We might be able to come up to a satisfactory compromise. Thank you very much for your time.

Milton Lovelady, 2910 Lone Eagle Lane, stated thank you for the opportunity to speak. My wife Wanda and I live between Mr. Glidewell and Mr. Nix and we raised similar objections. When we first purchased, I pulled a copy of the plan and saw the space behind us which is not that much space and it's a nice barrier between us and the road. I will second Mr. Nix's objection to the road going in. I would suggest anything new that is built around there not come off of that main to the golf course road. People come through and they hit the second roundabout and then there's a curve and as we come out of the Lone Eagle you have to be careful for them coming. You're talking about another road, there's just not much room in there for a road. If there's going to be a development of any sort, I would say do the road from the sales office to the post office. That will take a lot of traffic off of the main road going to the golf course and then access off of that road but there's not that much room in there to have homes. We would be 50 feet and 50 feet is not very far. The other thing that I would say is the first plan we saw had no development there. If you go to the sales office right now and look at the proposed plan there would be five houses behind us and the certified letter that was sent shows there to be eight houses directly behind us. Eight on one side, four I think on the other. We strongly, adamantly oppose your approval of this plan. Thank you.

Ab Conner, 281 Greystone Lane Auburn, stated Conner Brothers is a joint venture partner with the Retirement Systems to do this project. We actually started buying land in 2005 that we would contract for the land and then assign it to RSA and this is one of the last parcels, the second to the last parcel we bought. It's always been kind of a doughnut hole

with our development, but if any of these gentlemen had asked me or anybody with us, we had always proposed to buy the land and develop it. The intention here is to connect National Village Parkway to National Village Parkway which will take a lot of the traffic off of that Lone Eagle Road. We have complaints constantly about people cutting through their road to get to the post office in the back part of the project that's been developed since then and so really this will help traffic flow tremendously. The Oak Bowery connection is something the City of Opelika helped with and it's National Village Parkway and it's just a segment right in there that's never been built because we didn't own the land that we needed to develop this property. So, I don't really know meeting with anybody would help any. I think that what we submitted is legitimate. I don't think there will be a house within 150 feet of their houses and certainly we intend to leave the buffer that's there now behind the houses, I think a minimum of 100 feet between their property line and their property line.

Chairman Cherry closed the public hearing.

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

Mr. Silberman stated I'm hearing 50 feet but you're really talking 50 feet between property lines. What would the distance between the houses be?

Ab Conner stated at least 100 feet.

Dr. Menefee stated there was one gentleman that made a suggestion about the road placement. Is that a possibility there or do you all feel that the road placement how you have currently presented it is the best for traffic purposes?

Ab Conner stated I think it's the best way to do it. It is an arc not a straight line, people drive very fast on roads like that, and it's going to be a concrete road. It's like several of the others we've done out there, it's not wide. The main road will be asphalt, National Village Parkway. That is the intention, that road goes all the way to Oak Bowery and goes into the internal part of our development and so it will be an asphalt and wide road, but the cottage lanes will be concrete roads. We're always very careful about leaving trees and not doing any more grading than we have to. This land is pretty flat so it won't be as disruptive as others.

Dr. Menefee asked will the natural area in the back of the homes remain at 50 feet or 75 feet?

Mr. Mosley stated just scaling it off quickly, the closest point from here to here looks like it's around probably 75 to 90 feet between the closest points shown and that's from the back of the lot line to the back of the lot line. So, as it gets further out you should see more distance and then there would be some distance between the actual homes.

Chairman Cherry asked how deep are those lots that are the closest two points?

Mr. Mosley stated these lots look like they're 140 feet deep plus or minus. In National Village most of the lots are set up to where the homes are set 10 to 15 feet off the front, but that doesn't mean that there might not be some accessory structures or usable yard back there.

Larry Nix stated a question for the developer while the motion is being considered. Again, I had suggested that we get to meet with this. Would there be anything that would prohibit us, if the board passes this preliminary plat approval above the objections, from meeting with Mr. Conner and reaching an arrangement with regard to the preservation of the green space and dedicating that space that's so short into possibly something that we could dedicate with him. Is there any prohibition against such an arrangement? I didn't think so, but I wanted the full board to hear that question. Assuming there's plat approval, over which we object, we'd like to still meet with Mr. Conner to preserve that green space which is so precious to us. Thank you.

Mr. Mosley stated there would not be any city regulation that would prevent that.

Ms. Cannon asked what was the answer to that as far as dedicating that space?

Mr. Mosley stated we've asked on the plat for final plat to clarify what that space is going to be whether that's going to be dedicated open space or common space however they classify it and there's some minor distinctions between that potentially. As in most of National Village, this would become part of the protected green space within the development based on what we think he's proposing here and so that is one thing that we've asked for them to clarify between now and final plat if you so approve it. So,

preserving that through either some sort of other agreement or notes would not create any issues with any city regulations.

Ms. Cannon asked so there would be no other building in that space?

Mr. Mosley stated no.

Ab Conner stated the lots don't touch each other like they do in a lot of other subdivisions. This is a buffer spacing between the two like we have throughout National Village. That space is owned by RSA right now. Theoretically you know when they completely develop National Village, probably not in my lifetime, but whenever that was completed then they might turn that over to homeowners but right now Retirement Systems owns that.

Ms. Cannon asked so is that a yes, or no?

Chairman Cherry stated he doesn't know.

Ms. Cannon stated okay you can't speak for the Retirement System?

Ab Conner stated everything that Retirement Systems has is public property as you know, but this is the intent, that there's no access to the area between their houses.

Ms. Cannon stated but there is access there.

Ab Conner stated RSA owns the land in between the two lots but there's no way to put a road in there or anything.

Chairman Cherry asked do you have any control over that space that we're talking about here? What kind of control if any do you have?

Ab Conner stated I can control that nothing happens to it.

Chairman Cherry asked do you own it?

Ab Conner stated no I represent the RSA.

Chairman Cherry stated can you answer Mr. Mosley's question?

Mr. Mosley stated I might be able to explain a little bit more. Later on in your agenda you have the addition of this property to the master development plan. If this property is rezoned in the master development plan as shown based on this plat, the city would take the position that this is a buffer space similar to the others that they have within the development and so we would not allow additional lots to be placed in here or develop.

Chairman Cherry stated but I think the major question that I'm hearing is, is anything going to be done to it to thin it out or anything like that because I think they want to keep it as a barrier. Is that not right? Can you control that, is what my question is.

Ab Conner stated again, you know there might be some drainage concern or something minor.

Chairman Cherry asked is there any way the city can control it?

Mr. Mosley stated not unless the Commission were to require it be left undisturbed.

Chairman Cherry asked and that would have to be done in the way of the motion?

Mr. Mosley stated that would have to be done in a motion yes sir.

Chairman Cherry stated okay I understand.

Mr. Silberman asked is there any urgency to your development as far as delaying to have a discussion? It appears that a number of people that have their concerns are residents there but do you have an objection to moving towards a discussion to see if you can resolve something? I hear you saying that it probably is going to stay as undeveloped.

Mr. Mosley stated I believe there are 28 days to the next meeting so the Planning Commission is within their authority to table it if they would so choose. Typically, anything greater than 30 days requires the applicant's consent to be tabled.

Ab Conner stated well we would like to get on with it and it has to go to the City Council so it would be advantageous to us if this was approved, and we certainly don't object to

any kind of notes put in to leave the property in between the lots untouched. Really there's no reason for us to want to do it.

Mr. Hilyer amended his motion to grant preliminary plat approval with staff recommendations and the condition that the area between the lot lines is left undisturbed. Mr. Silberman seconded the motion.

Ms. Cannon asked what exactly is the motion?

Mr. Mosley stated the motion would be approval of the preliminary plat subject to all staff comments plus the condition that the area between the lot lines be left undisturbed.

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

Nays: None.

Abstention: None.

2. McDonald Downs Subdivision, 2nd Addition, 19 lots, McDonald Drive, Brandon Hays, Revised Preliminary Approval

Mr. Mosley reported the applicant is requesting preliminary approval for a 19-lot subdivision on 42.27 acres with a remainder lot titled Parcel A. The 19 lots have public street access from an extension of McDonald Drive. Single family homes are proposed on the 19 lots. These lots exceed the minimum 10,000 square foot (sf) lot size requirement and most exceed the 70-foot lot width for a subdivision in the R-3 zoning district. The single-family home lots range in size from 10,017 sf to 17,458 sf. The density for the residential development in an R-3 zone is 3.5 units per acre, the proposed density is 3.0 units per acre. The R-3 zoning district requires the setback to be 30' in the front, 25' in the rear, 10' on the side and 20' on the side yard on street setback. The remainder Parcel A will be 35.97 acres. The current plat does not include street access to Parcel A. The applicant has provided a conceptual drawing of the proposed access to Parcel A from an adjoining lot on White Road. Planning staff recommends a stub street to be built to provide access to the 35.97 acres of Parcel A or provided an access from White Road as proposed.

Staff recommends preliminary plat approval subject to the following:

1. Install underground utilities and install sidewalks on at least one side of the street in this phase of McDonald Drive.
2. Prior to final plat access shall be provided to remainder Parcel A either through a flag or stub street in the addition or on White Road.

Mr. Parker 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 Departments review comments have been addressed and the 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 McDonald Drive.

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

Mr. Hilyer seconded the motion.

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

Nays: None.

Abstention: None.

B. PLAT (Preliminary and Final) – Public Hearing

3. Plum Creek Division Subdivision, Division of Lot 2A, 5 lots, 2564 Lee Road 151, D. Nathan McBride, Preliminary and Final Approval

Mr. Mosley reported the applicant is requesting preliminary and final plat approval for a five-lot subdivision in the Planning Jurisdiction. The purpose of the subdivision is residential use. This portion of Lee Road 151 is not paved. The subject property is 100 acres. The lots range from seven (7) acres to 64.96 acres. All lots will take access from Lee Road 151. These lots meet the minimum 15,000 square foot lot size requirement for a subdivision in the Planning Jurisdiction.

Planning staff recommends preliminary and final approval subject to:

1. Show the width of the gas line easement.

Mr. Parker reported for Engineering, all of the Opelika Surveyors comments have been addressed and the submitted plat meets all Subdivision and Public Works Manual requirements. Because this development is outside the City Limits, Lee County will need to review and comment on this plat for the County standard requirements. The Opelika Engineering Department recommends preliminary and final plat approval.

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

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.

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

Dr. Menefee seconded the motion.

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

Nays: None.

Abstention: None.

4. Steven W. Corbett Subdivision, Redivision of Parcel 4A and Parcel C, 5 lots, 2100 block Lee Road 158, Steven W. Corbett, Preliminary and Final Approval

Mr. Mosley reported the applicant is requesting preliminary and final plat approval for a five-lot subdivision in the Planning Jurisdiction. The purpose of the subdivision is for residential lots. The subject property is 79.15 acres. The lots range from four (4) acres to 62.5 acres. These lots will take access from Lee Road 158. The lots meet the minimum 15,000 square foot lot size requirement for a subdivision in the Planning Jurisdiction.

Planning staff recommends preliminary and final approval.

Mr. Parker reported for Engineering, all of the Opelika Surveyors comments have been addressed and the submitted plat meets all Subdivision and Public Works Manual requirements. Because this development is outside the City Limits, Lee County will need to review and comment on this plat for the County standard requirements. The Opelika Engineering Department recommends preliminary and final plat approval.

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

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

Mr. Mosley read the Lee County Highway Department Comments – Kendall Andrews

The only comments I have is for the Steve Corbett plat on LR158

- Show the water line
- The name of the plat should be more specific, put the "a redivision of Parcel 4A" in bold at a minimum.

Chairman Cherry opened the public hearing.

David DeShields, 2125 Lee Road 158, stated if you see the big rectangular area behind those four lots, that's my lot. I've been living there 40 years; my wife's family has been in there for generations. I'm not going to object; I mean people have a right to move out and there's always going to be change, I understand that. It's just the man that owned that property before he died, we had a great relationship. He said I'm going to do nothing but grow trees and I thought this is great. People had concerns over 15 or 50 feet. I understand that and I built my house right in the middle of my lot because I saw this coming sometime, so I've got 300 feet on either side of me where nobody can build. I really don't have any complaints, but I just wanted to reiterate that I've tried to make my property as clean and as pollution free as possible. It's got a nice stream running through and I've got a little pond there for irrigation and stuff like that. I worry about septic tanks and things running onto my property. I've respected other people's property and I want them to do the same for me, and if Corbett or anybody wants to come see me its 2125 Lee Road 158. Just come down the driveway and I'll be happy to talk to anybody. Can y'all answer anything like is it going to be just single-family dwellings there?

Mr. Mosley stated so because this is in the county, currently the city doesn't have any regulations stating that it's required to be single-family or specific use. I believe they might have noted it on the plat that it was intended to be residential.

David DeShields stated it's like four acre lots so I assume there is just going to be one house built per lot. I wish one person would buy them all and build one house, that would be the most wonderful thing of all.

Mr. Mosley stated I would have to defer to the applicant or his representative on whether or not they have any specific market or plans.

Blake Rice stated it will be single-family.

David DeShields stated oh they will be? I'm probably going to be the poor person in the end because I imagine they're going to be pretty good-sized houses and I'd like to be a good neighbor with them. I haven't lived in a neighborhood since I graduated from Auburn in 1976 so it's going to take a little getting used to, but I just hope that it will be well regulated. As old as I am, I'm still with the Fire Department over there so they might have to see me if they have medical problems, but we'll discuss that later. I don't know what you're going to plan on for the 62 acres behind, there is hunting club over there and it might end hunting back there, but I don't hunt anymore anyway. There's a lot of different wildflowers, I've catalogued a lot of plants over there so hopefully y'all won't just clear everything and there's a lot of good hardwoods. Like I say, I've respected the man who lived there, I did not wander on his property or anything. I know where the lines are. The pipeline and the power line are not public access, those are privately owned there. Hopefully people will respect me because I've just grown up in an era when we respected everybody's property and I'll be happy to talk to anybody that comes out there if they want to go over anything, that'd be great. Hopefully we won't have to build fences or anything that'd be wonderful and if it's only four or five families that'd be great. I appreciate your time, thank you.

Chairman Cherry closed the public hearing.

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

Mr. Silberman seconded the motion.

Councilman Lofton asked on the 42 acres that's left, is there going to be access to that property? There's a power line across that corner.

Mr. Mosley stated there is a power line right through there. It's kind of hard to see but there is a quite a significant frontage right there and a driveway that runs along the side of the property that I assume that they will use for access to the remainder in the back. That is probably potentially wide enough to where if they ever did want to develop that property back there they could put in a full street, but that would be a later date and that would be a separate application at that time.

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

Nays: None.
Abstention: None.

C. FINAL PLAT

5. The Willows Subdivision, Plat #1, 62 lots, Sawyer Drive & Catherine Drive, Blake Rice, Final Approval

Mr. Mosley reported at the February 2019 meeting, a preliminary plat for 130 lots was approved for "Stephens Woods Phase VI". The property has changed ownership and the new plat title is "The Willows". The final plat review today for "The Willows Plat No. 1" is for 62 of the 130 lots. The density of the 61 single family home lots in Plat No.1 is 2.7 dwelling units per acre. (The 62nd lot (Lot 116, 24.46 acres) is a future phase for the remaining 69 single family lots - Plat No. 2.) In a R-3 zoning district a maximum of 3.5 dwellings per acre is allowed. Most lots exceed the 10,000 square foot (sf) minimum lot size except for eight lots – Lots 27 to 30 (from 9,330 sf to 9,775 sf) and Lots 56 to 59 all at 9,450 sf. The lots meet the 70-foot lot width requirement at the property line or meet the 70-foot width at the 30 foot minimum front building setback line. The lots range in size from 10,022 sf to 32,665 sf except for eight lots less than 10,000 sf.

Plat No. 1 is accessed from Sawyer Drive and Catherine Drive located north of Plat No.1. The two streets will be extended to access the 61 lots. Sawyer Drive's outlet is to West Point Parkway providing a north outlet for the lots. A future southern outlet is planned from Catherine Drive that stubs-out to an adjacent property (OIDA, property owner). The adjacent property fronts along Fox Run Avenue. (The Fire department said a temporary cul-de-sac at the end Catherine Drive is not necessary; fire trucks will turn-around by backing-up into Finn Court; Finn Court is only 167 feet from the end of Catherine Drive.

The Planning Commission's February 2019 preliminary approval included sidewalks required on at least one side of all streets and underground utilities required.

Recommendation:

Planning staff recommends final plat approval subject to the following:

1. Install sidewalks on at least one side of all streets.
2. Install underground utilities
3. Increase the size of eight lots to meet the minimum 10,000 square foot lot size for the R-3 zoning district. Lots 27 to 30 and Lots 56 to 59.
4. Add drainage easement along the north property lines of Lots 48 to 50 as shown on recorded on Stephens Woods, Phase 3 plat.
5. Add a lot number for the "Sanitary Sewer Pump Station" lot (42'x55') and a note that no residential development is allowed. We did learn today that the pump station is not completed and so we would recommend that any approval be subject to that being finalized prior to signatures being placed on the plat.

Mr. Hilyer stated there are a couple of other items.

Mr. Mosley stated we'll let Mr. Parker go through those and Mr. Hilyer may have some other items to add as well.

Mr. Parker 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:

- YES--All drainage structures, curb and gutter, aggregate base and first layer of pavement have been placed.
- NO--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.
- NO--All stop and roadway signs have been installed.
- YES--Performance Bond of 125% of the estimated cost remaining infrastructure including the final layer of asphalt and sidewalks will need to be submitted.
- YES--Maintenance Bond of 25% of the estimated total infrastructure cost will need to be submitted.
- NO--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.
- YES--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.

Mr. Hilyer stated there was no vacuum test but they're going to be doing that supposedly the coming week or this week. The lift station being completed, the street signs as Mr. Parker said, and one manhole test. Most of it is minor but we'll hold off signatures until they complete it.

Mr. Parker stated if these requirements are met, the Engineering Department recommends final plat approval. We will hold signatures until these items are complete.

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 Sawyer Drive.

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

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

Dr. Menefee seconded the motion.

Ms. Cannon asked is that a stream in the back?

Mr. Mosley stated the line that's running back through here is a stream that has been noted and they also placed a buffer on both sides of it.

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

Nays: None.

Abstention: None.

D. CONDITIONAL USE – Public Hearing

6. Bert Boykin & Martin Evans - Race Trac Petroleum, Inc., 1107 Columbus Parkway, C-3, GC-P, RaceTrac gas station/convenience store/truckstop

Mr. Mosley reported the applicant is requesting conditional use approval to construct a RaceTrac gas station, convenience store, and truckstop on Columbus Parkway. The 6.2 acre property is about 900 feet east of Exit 62 on I-85 at the corner of Columbus Parkway and Anand Street.

Five lots are involved in this development. The three property owners of the lots are under contract with RaceTrac to purchase the lots. Four of the 5 properties are in a C-3, GC-P zoning district (general commercial, gateway corridor overly-primary); the 5th lot (26,750 square feet) is zoned R-1; the applicant is required to rezone the residential zoned lot to a commercial zone (from R-1 lot to C-3, GC-P). The applicant plans to request rezoning at the June 22nd meeting if conditional approval is granted. There are several commercial buildings on the lots will need to be removed for the RaceTrac development (Durango's restaurant, Motel 6, and Days Inn - See aerial photo page 4). If all contract contingencies and the lots are sold, the applicant plans to submit a plat that combines the lots into one 6.2 acre lot.

According to the definition of Truck Stop¹ in Section 2.2 in the Zoning Ordinance, the proposed development is a "Truck Stop" not a "truck fueling station". A total of 15 semi-truck (18 wheelers) parking spaces are provided; a truck fueling station limits semi-truck parking to a maximum of 12 parking spaces. The applicant said that repairs or maintenance on semi-truck will not be offered and overnight amenities & bathrooms with showers will not be provided at the truck stop. Overnight parking for semi-trucks will be allowed; the parking limit is 24 hours.

¹ **Truck Stop.** Any building, premises, or land in which or upon which a business, services, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products strictly into motor vehicles and the sale of accessories of equipment for trucks and vehicles. A truck stop also may include overnight accommodations and restaurant facilities primarily for the use of truck crews

Truck Fueling Station. Any fuel sales facility selling and dispensing motor fuels, other petroleum products or accessories for trucks, tractor-trailer rigs, buses and similar commercial freight vehicles where the gas dispensing facilities are designed to primarily service semi-tractors or tractor-trailer truck vehicles. A truck fueling station shall not include premises where vehicle repair and maintenance activities are conducted by the business. A truck fueling station shall not offer overnight accommodations, shower facilities or restaurant. No more than twelve (12) parking spaces for tractor-trailer vehicles shall be permitted on site. A truck fueling station may include a convenience store where limited food products, beverages and household items are sold.

The applicant has reviewed requirements as provided in the Zoning Ordinance (Section 7.6, 7b. *Special Development Standards*) concerning truck stops and said the development will comply with the standards:

1. *The total development site of all truck stops shall, in their entirety, be located within one thousand five hundred (1,500) feet of the Interstate 85 right-of-way.*
2. *No truck stop shall be located greater than quarter mile from the intersection of an Interstate exit ramp and the cross street.*
3. *All parking areas shall be an all-weather hard surface.*
4. *Light shall be shielded and oriented in a manner to prevent spillage onto adjoining properties or interfere with traffic. Where possible lighting shall be recessed in canopies.*
5. *Public address system shall not be audible at any property line.*
6. *No repair or service bay shall be oriented so that its interior is visible from the corridor street.*
7. *There must be a separator within the drainage system if cleaning agents are being rinsed off of vehicles for all washing/rinsing.*
8. *Vehicles undergoing repair, painting or bodywork shall remain inside an enclosed structure at all times.*
9. *No outside display of goods for sale is allowed.*

Two existing driveways access the property from Columbus Parkway. One driveway will be removed, and the west driveway used for typical passenger vehicles & trucks not semi tractor-trailer (18-wheeler) vehicles. Semi-trucks will access the property from Anand Street; Anand Street borders the property along the east property line; semi-truck parking spaces are located near Anand Street. Passenger vehicles & light duty trucks will also have access to Anand Street.

Fifteen semi-tractor-trailer parking spaces are provided along the rear property line near Anand Street. A total of 44 parking spaces for typical passenger vehicles & trucks including two handicap accessible parking spaces are also provided. Twenty gas dispensing pumps are provided for passenger vehicles & trucks and 7 gas pumps for semi-tractor-trailer vehicles.

The site plan shows an 8,100 square foot (sf) building for a convenience store and quick-service food area (drive-thru window not provided). The building and the two canopies for fuel pumps meet the minimum building setbacks. All 44 off-street parking spaces including two handicap parking spaces meet the minimum parking size requirement (9'x 18', 13'x18' handicap) for typical passenger car & truck vehicles. Private dumpsters are shown along the rear lot line; the dumpsters are enclosed, and double gate provided for the dumpsters.

The landscape plan meets minimum requirements. A 15' parking lot buffer is provided along the front property lines of Columbus Parkway and Anand Street, and a 6-foot buffer is along the non-street property lines as required. A total of 139 trees and 636 shrubs will be planted; the size of trees and shrubs planted must meet the minimum size requirements as provided in the Landscape Regulation. The property exceeds the maximum 70% impervious surface ratio allowed; 73.5% of the property is impervious.

The exterior wall material on all sides of the RaceTrac building is primarily brick - 90% brick from sidewalk to top of wall; the remaining 10% is glass and EIFs. A 54' x 160' canopy for gas pumps will be constructed between the 8100 sf RaceTrac building and Columbus Parkway; the canopy is 160' long; the front of building facing Columbus Parkway is 121' long. The 30' x 142' canopy in the rear yard faces Anand Street. The canopies are significant structures concerning the overall property appearance. Staff believes the canopies' exterior materials should be given appropriate attention to maintain the quality of the development given the development is located on a primary Gateway Corridor Overlay district near I-85. Planning recommends that an exterior material be installed or "wrapped" around the canopy columns of both canopies to complement the brick building and add curb appeal. A matching material to install would be brick veneer as proposed for the convenience store building; other exterior materials to choose from are listed in Section 7.6, 6, b.1a ² *Materials and Cladding Requirements*.

² **Materials and Cladding Requirements** 1. New construction in the GC Overlay District: **a.** Primary building facades within the corridor overlay facing any public right-of-way shall be finished with 100% of one or more of the following materials: **i.** Brick and brick veneer; **ii.** Stone, stone veneer, and cultured stone; **iii.** Glass **iv.** Precast or field-poured tilt concrete panels with texture and architectural detailing; **v.** Stucco with architectural detailing; **vi.** Cementous siding; **vii.** Wood and wood materials designed and intended for use as exterior finish material; **viii.** Tilt wall panels; **ix.** Decorative or architectural split-faced Concrete Masonry Units (CMU); **x.** Other primary materials approved by the Planning Commission consistent with the purpose of these standards, including architectural metal panels. **xi.** Architectural features and attachments may be approved by the Planning Department.

Recommendation

Staff recommends conditional use approval subject to the following:

1. City Council approving rezoning of the R-1 lot to C-3, GC-P.
2. Provide a subdivision plat that combines the five lots into one lot.
3. Decrease the impervious surface area (hard surface) on the property so the impervious surface does not exceed the maximum 70% requirement or receive a variance.
4. Enclose dumpster with an opaque fence and gate at a height so the dumpster is not visible outside the enclosure.
5. The canopy lights or pole lights must be shielded if lights provide excessive glare to Motorists or adjacent properties.
6. Install an exterior material on all canopy columns (front & rear canopies) selected from the exterior material list in Section 7.6, 6, b.1a *Materials and Cladding Requirements*
7. The RaceTrac signs shown on drawings and sign dimensions in legends are not part of this conditional use approval. A Sign Permit Application must be submitted for review and approval.



Mr. Parker reported for Engineering, the developer will be required to submit a site 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.

Because this site accesses an US Highway managed by the Alabama Department of Transportation (ALDOT), the site plan and access request will need to be submitted and approved by ALDOT. The City does not have any input or approval authority on the access limitations or approvals for this site. The access on Anand Street has a minimum spacing of 100-ft. The distance between the first and second driveway will need to be adjusted out approximately 10-ft.

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

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

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

Chairman Cherry opened the public hearing.

Bert Boykin, 2001 Park Place N Suite 540 Birmingham, AL 35203, stated I am here on behalf of the applicant RaceTrac Petroleum. With me tonight is Chris and Samee from RaceTrac and we are here in support of the application for Conditional Use approval. I have a pamphlet I would like to pass out that contains mostly the information Mr. Mosley hit on just a moment ago but also has some additional points I will quickly discuss. RaceTrac has over 500 corporate owned and operated stores throughout the Southeast. If any of you have been to various parts of Georgia and Florida you probably have either seen or visited one of these sites. They provide a clean, well-run, and well-maintained site that provides stability and an expected experience from a traveler or member of the community when they come to a various RaceTrac gas station convenience store. Page three tells you a little bit about what the site offers from a food and beverage standpoint as well as the community contributions that RaceTrac provides. Following that, we have the conceptual landscape plan that Mr. Mosley hit on as well as renderings, building elevations, canopy elevations, and the like. One thing that I will say is we're under contract to purchase five lots from three separate owners. Closing has yet to occur, we're going through the administrative approval process of our contracts. Given that, we have not undertaken full civil design at this point. When you get in and start moving dirt and performing demo there inevitably will be challenges that might require some slight changes to the design of the site plan or these renderings, but ultimately what you're looking at is substantially what will be built on the site. Lastly, economic impact as far as the sales tax that's projected to be collected on behalf of Opelika gas tax would be \$198,000 annually and then on inside sales \$268,000 annually so we believe that this site presents mutual benefit for the citizens and the city itself. We're here to answer any questions that anyone might have. We appreciate the opportunity to be before you this evening and thank you very much.

Chairman Cherry closed the public hearing.

Councilman Lofton made a motion to grant conditional use approval with staff recommendations.

Mr. Silberman seconded the motion.

Ms. Cannon asked how long can a truck park there?

Bert Boykin stated 24 hours.

Ms. Cannon asked and they sleep there?

Bert Boykin stated potentially they would be able to sleep there. There are no showers or overnight accommodations, but we allow parking for up to 24 hours.

Councilman Lofton stated on that photo there is a little land projection there to the side. Can you tell me about that piece of the property?

Samee Ali, 200 Galleria Pkwy Atlanta GA, stated there will be a stormwater facility there. That's where all of our pond and detention will go.

Mr. Parker stated detention.

Ayes: Silberman, Councilman Lofton, Cannon, Menefee, Cherry, and Whatley.

Nays: Hilyer.

Abstention: None.

7. Emily Key/Mike Maher, 204 1st Place, R-4, Single family and duplex on one lot (Section 8.7.1 Buildings Per Lot)

Mr. Mosley reported the applicant is requesting conditional use approval to add a duplex to a lot with a single-family residential dwelling currently on it. Multiple duplex or single-family units may be allowed conditionally on a lot that allows multi-family/apartments. The R-4 zone allows multi-family residential as a conditional use.

The subject property is located at the intersection of Avenue A and S. 1st Place. The property is approximately 11,250 square feet or 0.25 acres. The existing home is listed as 720 square feet according to the Lee County Tax Assessor. The This dwelling is located on the rear of the property and faces onto S. 1st Place. This dwelling appears to be a legally non-conforming structure that was built sometime around the 1940's. There may have been a second structure on the front of the property, but it was removed prior to 1999. The applicant is proposing to build an 800

square foot duplex that would front on Avenue A. This would mean each of the units would be approximately 400 square feet.

In evaluating the conditional use, staff looks at the general use standards for conditional uses. This section includes criteria for review. These criteria include whether the use is harmony with comprehensive plan and zoning ordinance, whether the use is needed and what effect it will have on the surrounding neighborhood, and whether there is adequate utilities and services to handle the use.

This request would not likely create any substantial impacts to utilities or traffic. The configuration of parking would be closer than we typically allow and the pull in parking directly off of the street is discouraged.

There have been some discussions lately related to the need for affordable housing. This is often done by creating smaller units. For single family units that is capped at 800 square feet. Other types of housing can have smaller units.

The area around the subject property is primarily zoned R-4. This zone does allow both duplexes and single-family homes by right. The neighborhood is primarily single-family homes in various states of upkeep. In the R-4 zone, the allowable density (dwelling units per acre) is nine (9). The maximum number of dwelling units allowed is determined as a factor of the lot sizes, number of units allowed per acre, lot coverage allowed, and building height limitations. The number of units allowed on this 0.25 acre lot would be 2.25 units per acre. The Planning Commission can grant a 25% density bonus for conditional uses. This would grant a total of 2.81 units per acre. As the proposed number of units exceeds these densities, the proposed use would not be in compliance with the zoning ordinance. This would require the ZBA grant a variance to allow an additional unit.

While there may be a market or need for smaller units, the proposed configuration does not follow the standards of the current zoning for this property or the surrounding property. If the City desires to create affordable housing through in-fill strategies, it should be done in a uniform and comprehensive approach looking at larger areas with detailed standards. Allowing individual properties to exceed the adjoining standard developed standards or the zoning maximums could lead to inconsistencies and claims of unfairness.

Recommendation

Staff recommends denial of the conditional use request.

Mr. Parker 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, the duplex and single family home must have separate service lines and meters (3 total).

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

Chairman Cherry opened the public hearing.

Emily Key, 301 Twin Lakes Avenue, stated so based on what the neighbors have told me since I purchased this property there was a unit in that corner. They don't tell me what year it got torn down, but it has been there in the past. What I'm asking for at this time, and I know I'd have to get the zoning variance as well, is legally I can build an 800 to 1,000 square foot single family home without approval from this board or the Zoning Board I believe from what I've been talking with Mr. Mosley about. I might be wrong.

Mr. Mosley stated to have two single-family homes you would still need a conditional use approval.

Emily Key stated okay, and it would be much more likely to pass with it being just two homes. I've been here before you in the past as Key Living Solutions regarding tiny homes. We have 343 applications for one bedroom units in the City of Opelika with our housing authority and I understand that it would make way more sense for the City of Opelika to do a comprehensive plan to use smaller homes as infill to fix that need, but the problem is that they're not doing it. There aren't plans really in motion yet to do it and

the city does not own any of these empty lots. So, I am making it my mission to help fix that problem. I already have been creating duplexes, turning single-family homes into duplexes in the past nine years, and this is just the first time that I'm actually trying to build something new instead of only remodeling. If I were to build an 800 square foot single family home, it could be a two bedroom two bath home and you could have two adults and two kids living in that home. Well, this would be two smaller units still just two adults maybe two kids if they're single parents. The issue that I see, and I understand that I'm probably going to get a denial on this, but I was willing to spend the money to be here in front of you today to say that we need to make a change. When we talk about how many units are allowed per acre, we use density in the term of units instead of population. If I built this house differently, the same number of people, the same number of cars, and the same number of toilet flushes would happen, but I wouldn't be helping the same number of family units. We look at it very differently city versus what is actually needed in that community and so if I'm denied today I'll find another way, but you'll see a lot more of me. I really am trying to fix this situation that we have in Opelika, and I look forward to hearing your comments and questions and how we can all move forward together to fix what's going on in our city right now.

Chairman Cherry closed the public hearing.

Mr. Hilyer made a motion to deny conditional use approval based on staff recommendations.

Ms. Cannon seconded the motion.

Councilman Lofton asked is the house that's existing there occupied now?

Emily Key stated yes sir.

Councilman Lofton asked if it was single family?

Emily Key stated yes sir and its smaller than the 700 square feet that was listed. I think it's about 500.

Mr. Hilyer stated I know we went through a lot of this about the size of the dwelling we wanted in the city, and I don't think 400 square feet quite fits that. I think we came up with 800 square feet per dwelling.

Mr. Mosley stated it's something we were looking at. Previously, we quoted 800 per dwelling but looking at the ordinance more closely it specifically says 800 per single family unit which I think if we wanted this minimum 800 square foot unit to extend to townhouses and to duplexes, we probably need to clarify that a little bit more. But I do think that might have been the intent back when it was done.

Mr. Hilyer stated I don't know that tiny homes are the answer in the city.

Dr. Menefee stated just one quick comment. I would agree, I don't know that tiny homes is the absolute answer to our problems. I do agree that there is an issue with affordable housing in the City of Opelika and I think Mr. Mosley and there's several others that are already working on that. I know you were in a meeting I want to say last week. I wasn't able to be there but there are ongoing discussions about affordable housing. With me it's all about equity. This is Ward Two is that correct?

Mr. Mosley stated I believe so.

Dr. Menefee stated and so I would love to see this discussion comprehensively throughout the entire city so that we can consider doing affordable homes in every ward so that it's not just Ward One and Two. I think that has to be a priority for the city. I know that there's a committee already working on that, and I will certainly continue to push for those things as well. Thank you.

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

Nays: None.

Abstention: None.

E. AMENDMENT TO 2030 COMPREHENSIVE PLAN and REZONING– Public Hearings

8a. Amendment to Future Land Use Map, Goodwyn, Mills and Cawood, Inc., Robert Trent Jones Trail, 3.91 acres, from low density residential to mixed use development

8b. Rezoning Request, Goodwyn, Mills and Cawood, Inc., Robert Trent Jones Trail, 3.91 acres, from R-3 to PUD and amendment of PUD

8a. Amendment to the Future Land Use Map

Mr. Mosley reported the applicant has purchased a small enclave of property that was previously outside the National Village Master Plan. The 2030 Future Land Use Map shows that the 3.91 acre property as “low density residential” land use category. The properties surrounding the subject property are all part of the National Village Master Development plan and designated as “planned unit development” land use. The applicant is requesting to bring this section in as a part of the overall master development plan and align the zoning.

Staff Recommendation:

Staff recommends approval of an amendment to the Future Land Use map for the 3.91 acres from a “low density residential” land use category to a planned unit development land use category so the property is consistent with the surrounding properties.

8b. Rezoning Request

Mr. Mosley reported the applicant is proposing to integrate the new 3.91 acre section into the surrounding development. Overall, the National Village PUD is 1,130 acres with 753 residential units. This section was initially described as part of Village 8 or was outside of the PUD. Village 8 was initially approved for 26 single-family homes in this area. With the additional land, the applicant has reconfigured the property and increased the unit count based on the new property. The total number of units for this area is now 51 residential lots. The lots range in size from 7,583 square feet to 26,027 square feet. The addition of new property and more units does not significantly change the overall density. The density for the overall development moves from 753 units on 1,130 acres to 778 units on 1,134 acres. As a ratio, it goes from 0.666 units per acre to 0.686 units per acre.

Much like the remainder of the National Village Master Plan, this area includes large areas of common area between different phases or sections of the development. The plan also removes the connection from Street B to Street A, but adds a connection from Street A directly to Robert Trent Jones Trail through Street C.

Staff recommendation:

The amendment has a very minor increase on the overall unit count and density for both Village 8 and the overall master plan. Staff recommends a positive recommendation be sent to City Council to approve the rezoning of 3.91 acres from R-3 to PUD and amendments to the National Village Master Plan.

Mr. Parker reported for Engineering the Engineering Department has no other comments or concerns with this proposed rezoning and recommends a positive recommendation to Council.

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

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

8a. Amendment to the Future Land Use Map

8b. Rezoning Request

Chairman Cherry opened the public hearing for the amendment to the Future Land Use Map and the rezoning request.

No comments.

Chairman Cherry closed the public hearing.

8a. Amendment to the Future Land Use Map

Mr. Hilyer made a motion to approve the amendment to the Future Land Use Map from low density residential to PUD with staff recommendations.

Councilman Lofton seconded the motion.

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

Nays: None.

Abstention: None.

8b. Rezoning Request

Ms. Cannon made a motion to send a positive recommendation to City Council with staff recommendations.

Councilman Lofton seconded the motion.

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

Nays: None.

Abstention: None.

F. VACATION OF RIGHT-OF-WAY

9. Petition from property owner Opelika Industrial Development Authority requesting to vacate an unnamed right-of-way located west of Fox Run Parway (US Highway 431) between Lots 5, 6 and 8A of Foxrun Industrial Park First Addition.

Mr. Mosley reported the applicant, Opelika Industrial Development Authority, is petitioning the City to vacate an un-named right-of-way between Lots 5, 6, and 8A of Fox Run Industrial Park, First Revision, First Addition. The applicant is requesting to vacate this right-of-way as they no longer wish to develop the lots as previously platted. The vacation of this right-of-way will leave Lot 5 without access, but the applicant is working to combine the lots. The subdivision application is expected to come before the Planning Commission next month for review. Other portions of this right-of-way have been previously vacated due to reconfiguration of lots. The applicant wants all of the property adjacent to the proposed segment to be vacated.

Staff recommends the Planning Commission send a positive recommendation to City Council to approve the vacation of a portion of the un-named right-of-way of between Lots 5, 6, and 8A of Fox Run Industrial Park, First Revision, First Addition.

Mr. Parker reported for Engineering, the Engineering Department has no other comments or concerns with this proposed ROW vacation and recommends a positive recommendation to Council.

Mr. Mosley reported for the Opelika Utilities Board, Opelika Utilities has no water facilities in the subject area.

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

Mr. Hilyer made a motion to send a positive recommendation to City Council with staff recommendations.

Councilman Lofton seconded the motion.

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

Nays: None.

Abstention: None.

Dr. Menefee made a motion to adjourn at 4:33 p.m.

Mr. Hilyer seconded the motion.

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

Nays: None.

Abstention: None.

Lewis A. Cherry, Chairman

Matt Mosley, Secretary