

**CITY OF OPELIKA
PLANNING COMMISSION MEETING
JUNE 22, 2021
3:00 P.M.
MEETING CHAMBERS
OPELIKA MUNICIPAL COURT
300 MLK BOULEVARD**

The City of Opelika Planning Commission held its regular monthly meeting June 22, 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, Mr. Michael Hilyer, Councilman Robert Lofton, and Mrs. Leigh Whatley.

MEMBERS ABSENT: Mr. Derek Lee 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

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

I. Approval of May 25, 2021 Planning Commission Minutes.

Councilman Lofton made a motion to approve the May 25, 2021, Planning Commission Minutes as written.

Mrs. Whatley seconded the motion.

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

Nays: None.

Abstention: None.

II. Update on Previous Planning Commission Cases.

Mr. Mosley stated there are no updates on previous cases.

A. PLAT (Preliminary Only) – Public Hearing

1. South Lake Area Subdivision, Redivision of Lot 2, 47 lots, 1500 block South Uniroyal Road, Chao Han and Mike Maher, Preliminary Approval

Mr. Mosley reported the applicant is requesting preliminary plat approval for a 48-lot subdivision located off South Uniroyal Road. The property is zoned R-2 and R-3. The R-2 zoned lots meet the minimum 15,000 square foot lot size requirements and the minimum lot width of 80 ft. The R-3 zoned lots meet the minimum 10,000 square foot lot size requirements and the minimum lot width of 70 ft. Lots 39 and 41 must meet the lot width requirements of 80 ft. in the R-2 zone. The 48 lots range from 10,002 square feet or 0.23 acres to 54,873 square feet or 1.26 acres. Underground utilities and sidewalks on at least one side of all streets are required for this subdivision.

Planning staff recommends that the dashed line designating a 30-foot landscape buffer on the plat be labeled “30 foot undisturbed wooded buffer not to be removed” to more clearly delineate the 30 foot residential buffer. The 30-foot buffer was required by the Planning Commission in 2005.

Staff recommends preliminary plat approval subject to:

- 1. Lots 39 and 41 must meet the lot width requirements of 80 ft. in the R-2 zone.**
- 2. Add a 30-foot undisturbed wooded landscape buffer on the plat required by Planning Commission in 2005.**

- 3. Sidewalks shall be required on at least one side of the street.**
- 4. All utilities shall be underground.**
- 5. Lots 198 and 43 shall have access on the new street.**
- 6. Lots 44, 45, 46 and 47 shall have shared driveways and access easements.**

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 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.

A traffic impact study is deemed not required for this subdivision according to the Traffic Impact Study (TIS) Thresholds proposed in the new Public Works Manual standards. This threshold for single Family Residential sets the requirement for a TIS at 70-units.

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 South Uniroyal Road.

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

Chairman Cherry opened the public hearing.

Julia Hutchinson, 1811 Southlake Drive, stated we moved into Southlake just prior to the subdivision being put in. We were promised a lot of things: sidewalks, greenways, we were promised that the houses would be four-sided brick, we were promised brick mailboxes, and many of these were not fulfilled. One of the things that we were promised that I would like for the committee to consider is a greenway as well as a park. I have the original plot map that shows a park with land set aside for that. If y'all need to see that I'll be glad to submit it, but my biggest concern now is that many promises were made and many promises were not kept. But one of the things I would like for you to consider is that for this side of Opelika there are no parks. So that's my concern. Thank you.

Olay Hansana, stated good afternoon, I'm here actually on behalf of my mom. She lives in the original subdivision and looking on that plat she is number 28 I believe up in the top right corner. Our concern is the lake itself. There is no maintenance for that lake. The plat shown is not actually current to the property lines and so her property does not actually cut into the lake. With that being said, the lake is flooding into her property, especially right now with all the rain, but from day one they've had a lot of flooding coming off of that lake because there's no maintenance. The overflow drain is pretty much probably a foot or two underwater. There is some drainage, but the majority of that lake drains into her property and that's something we would like to address. We've had to put up our own little mini dam to divert some of that water on our own, so we wanted to bring that to the attention of the city.

Chairman Cherry closed the public hearing.

Mayor Fuller made a motion to grant preliminary plat approval with staff recommendations.

Mr. Hilyer seconded the motion.

Mayor Fuller asked the problems that these people are having, is it the same developer doing this adjacent development?

Mr. Parker stated I don't think so. Southlake was done before both Mr. Mosley and I were here and I think it was the second developer and I don't know if it was in the entire master plan with both of these sections included or involved. I don't know anything about a greenway or park that was proposed or promised and Mr. Mosley has the plat so I don't know how that goes. The lake is something that we can certainly look into. Just from the preliminary plat and from the plat from the Southlake Subdivision to the north it looks like all the property owners have ownership of the lake so that lake is not in common ownership by a homeowner association or something like that. We'll certainly need to see how this development comes through from the designer. This could be certainly a requirement that we could make with the Engineering Department requirements when they submit the infrastructure plan to have the lake addressed and assessed to see if the outlet needs to be controlled a little better and maybe some maintenance on there so we'll certainly look into that. That's the first time I've heard that lake has issues, and we can certainly investigate that before we get started and address those issues with the infrastructure development plans.

Mayor Fuller asked Mr. Mosley when Julia Hutchinson spoke where they haven't done the things that they committed to do, would that have been in the site plan when the Commission approved them?

Mr. Mosley stated it could have been on the original subdivision plat that was approved overall if this was all done as part of one preliminary plat. This is not part of a master development plan or a planned unit development so there's no zoning requirement of a park or greenway and there's nothing that we have unless it was in the initial plan that would have been recorded that would have required a greenway or a park. Because we don't have a plan that I'm aware of that shows if it's been approved that shows the greenway or park I'm not sure that the Planning Commission can require one with this submission. If it was something that was either approved through a master development plan or as part of a master plan of the city, then that could be something the Commission could add as a requirement of approval but I'm not sure that under this development that that's really a possibility.

Mayor Fuller asked is it a civil matter between the property owner and the developer?

Mr. Mosley stated yes sir. If there were some sort of marketing or something that they promised as part of the development that would typically be a civil matter between the property owner and the original developer.

Mr. Silberman asked did the lake pre-exist the development?

Mr. Mosley stated it did, yes.

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

B. PLAT (Preliminary and Final) – Public Hearing

2. ~~RaceTrac Opelika Subdivision, 1 lot, 1109 Columbus Parkway, Bert Boykin and Martin Evans, Preliminary and Final Approval Withdrawn~~

Mr. Mosley stated this item was withdrawn at the applicant's request.

C. FINAL PLAT

3. Hartbrook Subdivision, Redivision of Lot 3, 58 lots, Academy Drive & Veterans Parkway, Brandon Hays, Final Approval

Mr. Mosley reported the applicant is requesting final plat approval for a 58-lot townhome subdivision. The subject property is approximately 5.3 acres located in the C-2, GC-P zoning district. The next item on the agenda is a conditional use request for the townhome use. There are 57 townhome lots and one common area lot.

The 57 individual townhome lots meet or exceed the 1,800-sf minimum lot size and 20-foot lot width required for a townhouse development. Most of the lots are right at the minimum size and are 24 feet in width or wider. The smaller individual lots does not increase the overall density, but puts more property into common space. This typically provides more protection of this area and more even maintenance. This development takes advantage of the ability of townhomes were granted to divide property off of common drives and parking lots in these developments. The common area is noted as being maintained by the home owners association. The common area is listed as

10,775 square feet. This is an error and will need to be corrected prior to the plat being signed. The actual common area is approximately 3.6 acres. This includes buffers, parking area and open space.

The landscape buffers are shown along the frontage. There is also a required residential buffer located along the property to the west. This 15 ft landscape buffer should be shown on the plat.

The subdivision is currently under construction. The applicant is pushing to have the internal streets/parking lot finished by the meeting date on June 22nd. It appears they will have it completed or very close to finished. Staff's recommendation is pending the completion or very near completion of the infrastructure.

Mr. Mosley stated it looks like with the rain they did fall short of that, and I've had some questions from the commissioners about that and questions about whether its near completion. We did recommend final plat approval based on it being completed although at this point as many of you are aware there are some still outstanding issues including paving the streets, curb and gutter, and erosion control issues.

Staff recommends final approval subject to the following:

- 1. All utilities shall be underground.**
- 2. Correct the acreage on Lot 58.**
- 3. Show the 15 foot buffer on the western property line.**

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. It is required that adequate, paved access to each of the townhomes be provided before a Certificate of Occupancy (CO) be issued for the units. It's important to note that the streets in the common area will be privately owned so there's not going to be city infrastructure involved in this plat. Because of that, the Engineering Department has not been inspecting or tracking the construction of these. 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 Veteran's Parkway.

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

Chairman Cherry stated this item does not normally call for a public hearing, but I understand that there's someone that would like to speak. Is that true?

Brett Basquin, Foresite Group, representing the ownership group, stated as Mr. Mosley mentioned with the rain coming in we're approximately five days away from being paved. We have base down, we expect to have curb and gutter down in two days, and we're hoping to pave either Friday or Monday. Also, as Mr. Parker has mentioned, this is a final plat that's a little different than what we traditionally see just because there's no public infrastructure acceptance. The roads are private, the water is private, all the utilities are private within this. It's fee simple ownership of the townhome lots themselves but the parking lots and all the improvements are on the private side so we were hoping to get final plat approval today knowing that we wouldn't be able to get our plat signed or anything until the improvements are constructed. We were just trying to be proactive and not have to wait another four or five weeks for the subdivision of the property. I'm happy to answer any questions you have.

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

Mr. Silberman asked where are the driveways?

Mr. Mosley stated there is a drive coming in off of Academy I believe right here at the bottom. There's not an access off Veterans.

Mr. Silberman asked is that an all concrete drive or are there grassed areas too?

Brett Basquin stated it's just a regular drive. There's not a median or anything it's just a regular 24-foot driveway.

Mr. Hilyer stated there's nothing there yet.

Mr. Mosley stated in this case the road here actually also includes parking spaces for the unit, so you have a 24-foot drive aisle and you have the two sets of parking spaces on either side. As Mr. Hilyer pointed out, right now it's just the gravel base down. There's not any asphalt or anything like that.

Mr. Silberman asked but it's basically all parking or drive, not a grassed area?

Brett Basquin stated yes there are islands within the parking. There are some islands breaking up the parking spaces.

Ms. Cannon asked is there grassy area all the way around?

Brett Basquin stated yes there are islands at the end of each parking row. There are some islands breaking up in the middle for people to walk across between the sides of the parking lot.

Mr. Mosley stated the exterior is largely grass and each lot I believe will have a small backyard section in it and you also have this corner here which is all green and largely undisturbed I think along the Veterans Parkway side.

Brett Basquin stated there's a stream and undisturbed buffer running along the Veterans side.

Mayor Fuller asked this is going to be private streets?

Mr. Parker stated yes sir.

Mayor Fuller asked but it still has to meet city specifications?

Mr. Parker stated yes, they have constructed to city specifications I believe.

Brett Basquin stated correct.

Mr. Parker stated yes, they are. We just didn't inspect it because it's not public, but it is specified to city specifications yes.

Mayor Fuller asked do we inspect that?

Mr. Parker stated we do not.

Mayor Fuller asked so how do we know it was built to city specifications?

Mr. Parker stated it was designed to city specifications. It's the private developer that's to ensure that it's built to standards.

Ms. Cannon stated we want a sidewalk.

Mr. Parker stated that's in there.

Mr. Mosley stated yes there will be sidewalks along the parking areas in front of all the homes.

Ms. Cannon stated okay it's just not drawn in.

Mr. Mosley stated because this is the plat. This is basically just a conveyance property. They turned in a previous site plan and I probably should have included that in your packet so you can see that. It shows the actual layout of the home and that's something y'all approved last fall sometime. Yes ma'am it does have a townhouse unit separated on each lot, and then you'll have a

grass backyard in each case, and then a small front area with sidewalks leading out to the common parking areas.

Ms. Cannon stated I just hesitate to approve final if it's not final. I'm not trying to extend it out and it can be the staff that says okay. I mean let's have a period of time that it's going to be final and that it's going to meet the city specifications for that type of thing.

Chairman Cherry stated Mr. Mosley that's exactly my question. The motion is to approve. Under what conditions is it going to be signed off on?

Mr. Mosley stated you can specifically amend the motion to withhold signatures until all of this is installed. The other option is basically that each department signs off on these plats. So I'll sign off on this, Engineering, the Public Works Director, the Power Service, Water Service all sign off on this so typically they will not sign off on these until what's required by the ordinance to be finished is completed.

Mr. Silberman stated my original question was a concern about the shrubs on the lawn. I asked is there not a code for the minimum shrubbery or a grass area required for each lot?

Mr. Mosley stated yes sir there is, and this did meet those requirements. There is overall landscaping that's required for the development. Now because these are subdivided in individual lots we don't necessarily require that each lot have two bushes or a tree, but overall the 5.3 acres have to meet the overall landscaping requirements which included points required overall for the site and then the buffers specific to frontage buffers on Academy and Veterans and then the residential buffer against the residences to the Estates.

Mr. Parker asked this was approved with conditional use is that correct?

Mr. Mosley stated that's correct. We require specific parking lot landscaping as well which is basically one point per parking space. In this case they showed that and that's specifically required to be done through islands with trees and bushes and things like that, so the parking lot landscaping has to be tied into the parking lot. But yes, they are required to provide an overall landscape plan not a specific individual townhouse lot landscape plan.

Mr. Silberman stated I'm concerned not to see a final plat with the shrubbery and parking areas.

Mr. Mosley stated I will say that for platting purposes you would not ever require landscaping to be in at platting. That's always done with the construction of the building, but infrastructure is typically required to be in at the time of final platting and that's roads, sewer, and water primarily.

Chairman Cherry asked are any bonds required for that?

Mr. Mosley stated no I don't believe we typically bond these because they're not publicly held. In this case, water and sewer internal to this site are private as is the road. Now that doesn't mean that some of those aren't still inspected to make sure that they meet city codes. Townhouses are a little different than everything else because in most cases we're talking about a true road instead of more of a parking lot. Which this is basically built to road standard, but it will look like a parking lot.

Mr. Silberman stated I guess my question is, on a site like this could a developer not put any landscaping in and meet the city requirements?

Mr. Mosley stated no. When the building gets completed at that time before the final Certificate of Occupancy is issued by the Building Department we will

inspect to make sure that all their landscaping, or at least landscaping tied to that section if they do it in sections, is installed at that time.

Mr. Hilyer asked have they called you for inspections yet?

Chairman Cherry stated my problem is, I don't want to set a precedence for coming into this Commission for final approval unless it's ready for final. Now if the motion is to accept it and approve it along the conditions for them to sign off on it when it's done, we've done that to an extent in the past, but not to this extent. I'm going to let the motion run as it's recommended.

Mr. Silberman stated well I'd like to amend it so that we can see a final approved plat. I'm not quite sure how we do that.

Mr. Mosley stated this is what the plat will look like whenever it's done. The plat itself is sufficient other than one or two minor items. What is not sufficient at this time is the completion of the infrastructure.

Chairman Cherry stated and that's normally done.

Mr. Mosley stated yes and that's typically further along than what you see here.

Chairman Cherry stated and I completely understand about the weather. Nobody would be insinuating that they're trying to delay anybody, but you don't ever know what the weather conditions are going to do between now and next month. It's a precedence concern with me being Chairman of the Commission. To let things go as it is and turn it all over to the staff without the influence of the Commission, that's my point. Now if we're to the point that the motion's been completed, I'll go ahead with it.

Mr. Silberman stated I would like maybe a recommendation from the staff as to how we can deal with it because I'm concerned for the same reason as Chairman Cherry. That if we open a precedence, somewhere down the road it could be said we've established a rule. How can we amend my motion to address this?

Mr. Mosley stated so the options that I think you have, and there are different places that handle this differently, is we can come to you with a recommendation of what has to be completed before you approve it whether it's minor or not. Some places require at the beginning of the month, which I don't think anybody wants to do, that when they submit it everything has to be final.

Chairman Cherry stated the thing is, everything has to be complete on infrastructure before its approved. Members of the staff cannot sign off on it until its done.

Mr. Mosley stated that's correct. That's what we do I mean we don't sign anything that hasn't been completed.

Chairman Cherry stated I know that but that's not leaving it with the thoughts and the opinions of each commissioner up here, I mean you're leaving them in limbo. We could do every project that way for everything on the agenda. I don't want to set a precedence for doing that.

Mr. Mosley stated I understand.

Mr. Silberman asked can I amend it saying pending staff's approval of the final presentation?

Mr. Mosley stated you can.

Mayor Fuller stated that's already understood.

Chairman Cherry stated yes but I want you to understand too that I don't want to do anything against the codes of the city or the departments of the city or anything like that that puts them in a position that they've done something they shouldn't have done.

Mayor Fuller stated the Public Works Director, the Engineering Director, and the Planning Director are not going to do that. Mr. Silberman made the motion and I seconded it. My recommendation is call for the vote and whoever doesn't want to do this can vote no and then will that move it to next month?

Mr. Mosley stated no sir, if you vote no it doesn't pass. I think if you want to move it to next month it should be tabled with the applicants consent to the next month.

Councilman Lofton stated Mr. Cherry I have another question. It has to do with the drainage issue and the inspection that the Mayor asked a question about. This is an awful lot of hard surface here and so I want to know if we don't inspect that and we say it's going to be built according to code but we need some assurance I think because it is private that that drainage and that structure is going to be as they say it is. Also, what about the effect of all this hard surface on the runoff on the neighborhood and where the water goes from there? Have we looked at that issue?

Mr. Mosley stated so, when they submit engineering construction drawings for this they are required to show detention and drainage calculations which is reviewed by city staff.

Councilman Lofton stated okay.

Mr. Silberman asked so we can move forward with voting the motion but it's still left to the city staff to approve the design of the construction?

Mr. Mosley stated the design of construction has already been approved. It's simply completing the project and then the issues are any inspections that are still outstanding, which would be from my understanding, completing the private road there, testing and inspecting the final sewer, and erosion control making sure that there's not dirt that would wash away.

Ms. Cannon stated all right so a no vote means the deal is dead.

Mr. Mosley stated it would have to come back before you at a later date.

Ms. Cannon asked what if he just withdrew it until it was finished.

Mr. Mosley stated the applicant can ask that it be tabled to the next month if they would like. Because it's beyond 30 days the commission cannot table it without their consent otherwise it gets approved as well.

Chairman Cherry asked sir do you have a problem with delaying the matter?

Brett Basquin stated I mean our preference would be for it to go through and get approved but I understand you're concerned.

Chairman Cherry stated we don't want to turn it down and delay it and have to go through the same motions again. My question to you is do you see a problem on your intent to getting everything done with the delay? What would one month would do to you?

Brett Basquin stated I think tabling it is much better than it being turned down.

Chairman Cherry stated oh certainly I do too, but you have to make that

request. If it gets turned down it's going to delay it completely.

Brett Basquin stated I mean I would say that we move to table it.

Mr. Silberman amended his motion to table the item to the July 27, 2021 meeting.

Mayor Fuller seconded the motion.

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

Nays: None.

Abstention: None.

Mr. Silberman stated I also just suggest we review our procedure so this situation doesn't arise in another project. That seems to me it could occur repeatedly.

Chairman Cherry stated I agree but at the same time it probably wouldn't been put on the agenda had the weather not delayed. Is that correct?

Brett Basquin stated that's correct. Our intent was that it was going to be paved when we were here.

Mr. Silberman stated I'm sure. It's not the issue of the project, it's the procedure.

D. REZONING – Public Hearing

4. Rezoning Request, Bert Boykin and Martin Evans (RaceTrac Petroleum, Inc.) 1109 Columbus Parkway, 26,870 square feet, from R-1 to C-3

Mr. Mosley reported, the applicant, RaceTrac Petroleum LLC, is requesting to rezone a 26,780 square foot lot from R-1 to C-3. The rezoning property was a northern portion of a larger R-1 zoning district (rural) as shown on the 1991 zoning map. The property was sold to the adjacent property owner (Manav Hospitality, current owner) that fronts along Columbus Parkway, but the property has remained an R-1 undeveloped lot. The rezoning property is part of the proposed RaceTrac commercial development and under contract for sale as the other four adjacent lots; the other four lots are zoned C-3. The property is required to be rezoned C-3 so a zoning violation does not occur. If the rezoning property is rezoned to C-3 the property will be added to the adjacent C-3 properties. After RaceTrac acquires ownership of the five properties then the five lots will be combined into one lot for the RaceTrac development. The adjacent properties on all sides of the rezoning property are in a C-3 zoning district.

Staff Recommendation

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

Mr. Mosley stated the Future Land Use Map already contemplates this as a general commercial consistent with the C-3 zone so you don't have to make any change to the Land Use Plan.

Mr. Parker reported for Engineering, the Engineering Department has no comments or concerns with this proposal.

Mr. Mosley reported for the Opelika Utilities Board, no comment, see item two.

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

Chairman Cherry opened the public hearing.

Bert Boykin, 2001 Park Place North Suite 540 Birmingham, AL 35203, stated as Mr. Mosley said, we were in front of you last month for our conditional use approval. This rezoning was mentioned as a necessary part of our development and I'm not going to go over anything that he's already touched on but I'm here to answer any questions on behalf of RaceTrac. With me this afternoon is also Samee Ali, Dan Brown, and Chris Groschel and we appreciate everyone's time and again we're happy to answer any

questions that the commission might have. Thank you.

Chairman Cherry closed the public hearing.

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

Mayor Fuller seconded the motion.

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

Nays: None.

Abstention: None.

E. AMENDMENT TO COMPREHENSIVE PLAN and REZONING – Public Hearing

5a. Amendment to Future Land Use Map, Curt Hayley, 704 1st Avenue, 4,705 square foot lot, from light commercial to downtown commercial Removed

5b. Rezoning Request, Curt Hayley, 704 1st Avenue, 4,705 square feet, 4,705 square foot lot, from C-2 to C-4 Removed

F. CONDITIONAL USE – Public Hearing

6. Matt Cobb, 1092 & 1074 Walker Gray Court, C-3, Light manufacturing and office warehouse

Mr. Mosley reported the applicant is requesting conditional use approval to construct a commercial building for office warehouse use and the use of light manufacturing on Lot 3. The business specializes in assembling all types of piping for equipment inside manufacturing companies. The business desires to locate at Walker Gray Court - a new street in a C-3, GC-P zones located one block from Veterans Parkway. The applicant's representative stated nothing will be stored outside on Lot 3. The building on Lot 3 for Joo Sung Engineering will have 10 to 12 employees on the busiest shift. The minimum off-street parking requirements are met for Lot 3 with 13 parking spaces including one handicap space. The ingress and egress will be shared for Lot 2 and Lot 3, each having parking along the side of the buildings. The applicant was provided Section 8.6 Noise Standards from the Zoning Ordinance. In a commercial or industrial districts, noise levels shall not exceed seventy (70) dBA between 7 a.m. and 7 p.m. and sixty-five (65) dBA between 7 p.m. and 7 a.m. Reasonable flexibility of these restrictions may be allowed for short time periods, but noise in excess of ninety (90) dBA shall not be allowed at any time.

The applicant is also requesting conditional use approval to construct a commercial building for six (6) office warehouse units on Lot 2 for lease. Each unit is shown to have two parking spaces. The minimum parking requirements are met with a total of 12 parking spaces including one handicap space. The applicant's representative stated nothing will be stored outside on Lot 2.

A commercial building is located on Lot 3, an office warehouse without equipment/material yard and light manufacturing land uses requires conditional use approval in the C-3, GC-P zoning district. Also, a commercial building on Lot 2 with office warehouse uses in the C-3, GC-P zones; the applicant is requesting which requires conditional use approval (*the use for these units is not specifically specified at this time, individual uses for these units may require additional reviews and approvals based on business and land uses.*)

The site plan shows Lot 3 with a 11,584 square foot (sf) building on a 34,196-sf lot. This site plan shows the ISR as 56 % which, the maximum ISR in the GC-P zone is 70%. The site plan also shows Lot 2 with an 8,980-sf building divided into 6 units on a 29,289-sf lot. This site plan shows the ISR as 67 % which, the maximum ISR in the GC-P zone is 70%.

On Lot 3 the building façade facing the gateway corridor area will be approved materials. The lower portion will be brick and the upper portion will be architectural metal panels with an EIFS finish. Exterior materials of the two buildings meet minimum standards as provided in Section 7.6, 6. B. *Materials and Cladding Requirements*. The bottom 32-inch section of the front and rear wall is brick and the remaining wall area is EIFS finish. The 32-inch brick section is also shown on both side walls; the length of the brick section along the side walls must be at least 35 feet (35 feet equals 20% of the length of the building).

The proposed buildings mostly meet the minimum building setbacks, the building on Lot 2 fronts on Walker Gray Ct is 20 ft from the front property line in one area, because this does not take access from the Gateway Corridor this can be approved by the Planning

Commission. The landscape requirements for Lot 2 and 3 are met. Lot 2 shows 114 points. A total of 13 trees and 16 shrubs will be planted; the size of trees and shrubs planted must meet the minimum size requirements as provided in the Landscape Regulation. Lot 3 shows 116 points. A total of 13 trees and 16 shrubs will be planted; the size of trees and shrubs planted must meet the minimum size requirements as provided in the Landscape Regulation. The rear yard area and rear of building faces Veterans Parkway - the Gateway Corridor. A detention pond is in the rear yard of Lot 2 and some existing trees will be preserved. The landscape plan shows some plant material near the rear property line between Veterans Parkway and the buildings. Staffs recommends a 15 foot landscape buffer required along Veterans Parkway that is equivalent to the buffer provided in Section 10.6. D. 2. b. of the Landscape Regulations.

A private dumpster for Lot 2 and Lot 3 is shown on the site plan. These will need to be screened with a dumpster enclosure located behind the front plane of the building and be screened by approved corridor materials. The applicant's representative stated no fence or barb wire will be installed on either property for Lot 2 or Lot 3. The proposed outside lighting for Lot 2 and Lot 3 must not exceed 1 foot-candle at a property line. The applicant owns Lot 2 and 3. The property owner is aware that the brightness of outdoor lighting must not exceed 1 foot-candle at a property line. Outside lights for nonresidential properties/uses must be made up of a light source and reflector so that acting together, the light beam is controlled and not directed across an adjacent property. It is the intent of this provision to prevent light from spilling over to adjacent properties in amount that can created negative impacts (See Section 7.6 Gateway Corridor Overlay District, 6, a). Lighting Requirements)

Staff recommends conditional use approval subject to the following:

- 1. Outdoor lighting must not exceed 1 foot candle at the property line on Lot 2 and Lot 3. Outside lights for nonresidential properties/uses must be made up of a light source and reflector so that acting together, the light beam is controlled and not directed across an adjacent property. It is the intent of this provision to prevent light from spilling over to adjacent properties in amount that can created negative impacts (See Section 7.6 Gateway Corridor Overlay District, 6, a). Lighting Requirements)**
- 2. If fencing is ever installed the property owner must meet the gateway corridor regulations in Section 7.6 of the Zoning Ordinance**
- 3. Dumpster areas must be enclosed and screened with a dumpster enclosure located behind the front plane of the building and be screened by approved corridor materials.**
- 4. All utility meters, air conditioning units and similar mechanical units shall be screened so as not to be visible from a public right-of-way. All rooftop mechanical units shall be screened from the designated gateway corridor by a parapet wall or other means. Plans must be approved by relevant utility company for safety.**
- 5. Add 15' buffer along Veterans Parkway or requirements as described in this report.**

Mr. Parker reported for Engineering, the applicant 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.

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 presently serves this use.

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

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

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

Mr. Hilyer seconded the motion.

Ms. Cannon asked is the back going to be screened or planted off of Veterans Parkway particularly so that the dumpsters can't be seen from there?

Mr. Mosley stated the dumpsters themselves will have to be screened by a fence of some sort that meets the corridor requirements which typically is either a split faced block or brick or in some cases a wood privacy fence would be used. I believe there is a requirement for a 15-foot buffer along the rear Veterans Parkway side which can include fencing or planting materials. It's not a full impenetrable screen so you will be able to see through it but there are some planning requirements required on that side.

Mr. Silberman asked I assume there are no requirements that the front of the building be facing the inside of the property?

Mr. Mosley stated no it's kind of a unique position here where you've got a double-sided front and what would typically be the rear of the property, which is what they've done here, is facing our primary corridor. So, most of these in this development are either facing the internal street which is Walker Gray Court, or in some instances you see some where they face either Walker Gray and an interior side, or I think we have one other set that's kind of like this where they face into an interior shared area as well.

Mr. Silberman stated so it could be mixed.

Mr. Mosley stated it can be. Our design requirements aren't so stringent that they require the front of the building here necessarily face either Veterans or Walker Gray Court.

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

Nays: None.

Abstention: None.

7. Blake Rice, 600 Columbus Parkway, C-3, GC-S, Building expansion adding vehicle maintenance

Mr. Mosley reported, the applicant, Glynn Smith auto sales, is requesting conditional use approval to add a 60'x 54' (3,240 sf) vehicle maintenance facility on the northwest side of the property; the building is near the existing main building (see site plan in packet). The 25,520 square foot main building (showroom, offices, service & parts department) and proposed maintenance building are on a 4.2 acre parcel. The property has about 240 asphalt parking spaces (including handicap parking spaces) to display vehicles for sale, vehicles to service, and parking for customers and employees. Off-street parking requirements for the vehicle maintenance facility is 8 parking space plus one space for each employee.

The exterior material on all sides of the proposed building is prefinished white metal. Metal siding is not listed as one of the facades listed in Section 7.6 b. *Materials and Cladding Requirements*¹, but the Planning Commission may approve other siding material proposed including architecture metal siding. The building is located about 390 feet from Columbus Parkway and a parking lot is between the building and the front property line; Staff believes the building will not be clearly seen and the building's visibility from Columbus Parkway is low or poor.

The entire 4.2 acre parcel is hard surface including the location of the proposed building. The property has no pervious surface areas for additional landscaping. There are six existing crepe myrtle trees within a few feet of the property line along Columbus Parkway. The auto sales business has consistently year to year maintained this pervious area and the right-of-way. A low-growing shrub or groundcover type shrub (maximum ht. 3'- 4' tall, ex. boxwood) planted between the existing trees will provide a visual buffer and add curb

¹ 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: Brick and brick veneer; Stone, stone veneer, and cultured stone; Glass Precast or field-poured tilt concrete panels with texture and architectural detailing; Stucco with architectural detailing; Cementous siding; Wood and wood materials designed and intended for use as exterior finish material; Tilt wall panels; Decorative or architectural split-faced Concrete Masonry Units (CMU). Other primary materials approved by the Planning Commission consistent with the purpose of these standards, including architectural metal panels.

appeal between Columbus Parkway and the automobiles displayed along the front property line.

Recommendation

Planning staff recommends approval subject to the following:

- 1. Plant shrubs along the front property line between the existing trees.**
- 2. Approve the proposed exterior material on all sides of the building - prefinished white metal.**

Mr. Parker reported for Engineering, because of the limited size of this proposed addition, no submittal is required for the Engineering Department. All Land Disturbance Permits will be handled by the Building Inspections Department with the other permits.

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

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

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

Chairman Cherry opened the public hearing.

No comments.

Chairman Cherry closed the public hearing.

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

Mr. Hilyer stated you mentioned something between the trees.

Mr. Mosley stated yes, some shrubs between some of the trees along the frontage.

Mr. Hilyer asked are you talking about the crepe myrtles up there?

Mr. Mosley stated yes sir.

Mr. Hilyer stated alright, I knew there weren't any in between there.

Mr. Mosley stated no sir. Most of the rest of the lot, at least this part of the lot, is all paved.

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

Nays: None.

Abstention: None.

G. MASTER PLAN REVISIONS

- 8. Hidden Lakes PUD Master Plan, Minor Amendment, Blake Rice, Sportsplex Drive & Westpoint Parkway, Requesting to add a minimum 15' side yard setback on street requirement.**

Mr. Mosley reported, the applicant recently received approval of a master plan for a development with 351 single family lots, 42 townhouse lots and commercial areas along two public streets. The overall development is approximately 206 acres. The development was originally intended to have the single-family homes use the following setbacks:

Front: 20 feet

Sides: 7 feet

Rear: 25 feet

The original PUD did not reference single family setbacks for corner lots. The city has since amended the zoning ordinance to allow slightly reduced setbacks on the non-primary frontage of a corner lot. The lots were originally designed with a reduced side setback on the street of 15 feet, but it was not called out initially. Staff does not see

this as a substantial change to the development. This would only affect a small number of lots in the development and is consistent with the approach the zoning ordinance takes for non-PUD zoned lots.

The overall density, unit count, unit type and other standards would not be modified from the original plan.

Staff recommends approval of this minor amendment to the approved plan.

Mr. Parker reported for Engineering, the Engineering Department has no comments or concerns with this proposal.

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

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

Mr. Hilyer made a motion to grant approval with staff recommendations.

Councilman Lofton seconded the motion.

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

Nays: None.

Abstention: None.

9. Fox Run PUD Master Plan, Minor Amendments, TJ Johnson, 1300 block Fox Run Parkway, Requesting to add a minimum 10' side yard setback on street requirement for twin home lots and a minimum 10 foot side yard on street setbacks with four 1" caliper trees planted as a buffer on single family home lots.

Mr. Mosley reported, the applicant recently received approval of a master plan for a development with 272 residential units including single-family homes, twin homes/duplex, and town homes. The overall development is approximately 47.3 acres. The development was originally intended to have the following setbacks:

Single-Family	Twin Homes
Front: 20 feet	Front: 10 feet
Sides: 5 feet	Sides: 5 feet
Rear: 20 feet	Rear: 20 feet

The original PUD did not reference setbacks for corner lots. The city has since amended the zoning ordinance to allow slightly reduced setbacks on the non-primary frontage of a corner lot. The applicant recently swapped the location of some of the twin homes and single family homes. As the twin homes had a 10 ft front setback, they used the same corner setback for the single-family homes. This created some minor locations where the setback was not met.

The applicant has proposed to add additional trees on the corner lots to provide more privacy for those affected homes. This would include four (4) 1" caliper trees. Staff does not see this as a substantial change to the development. This would only affect a small number of lots in the development and is consistent with the approach the zoning ordinance takes for non-PUD zoned lots.

The overall density, unit count, unit type and other standards would not be modified from the original plan.

Staff recommends approval of this minor amendment to the approved plan.

Mr. Parker reported for Engineering, the Engineering Department has no comments or concerns with this proposal.

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

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

Mr. Hilyer made a motion to grant approval with staff recommendations.

Mayor Fuller seconded the motion.

Ms. Cannon asked we are making this a 10-foot setback on the side and the motion we had before was for 15-foot. What's the difference?

Mr. Mosley stated that's basically what the applicant asked for. In this neighborhood you have a lot of open space and so the lots themselves are fairly narrow. In the previous neighborhood, they're both planned unit developments, they have a good bit of open space there as well but the lots there typically were larger and they had larger setbacks. So, in this case I don't think it's favoring one over the other. I think both had requested a specific setback and both were very close to meeting the existing setbacks. I think really on this one you'll notice that some of these lots at the very bottom have kind of an odd little curve the way they horseshoe and so the back of these lots were especially creating issues there and that's why they're requesting the 10-foot. As I said, the 10-foot is the exact same distance the twin homes at those locations were able to get within right there as well. Both of these master development plans that you see have open space well beyond almost anything else in the city other than at National Village. I believe almost 30 to 40 percent of this development is in some sort of open space and Hidden Lakes is very similar with 25 to 30 percent in open space. So, the density is not really changing it's simply how the unit fits on the lot.

Ms. Cannon stated I would just like some consistency for us.

Mr. Mosley stated yes ma'am.

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

Nays: None.

Abstention: None.

Mayor Fuller made a motion to adjourn at 4:00 p.m.

Mr. Hilyer seconded the motion.

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

Nays: None.

Abstention: None.

_____ Lewis A. Cherry, Chairman

_____ Matt Mosley, Secretary