

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

The City of Opelika Planning Commission held its regular monthly meeting July 27, 2021 in the Meeting Chambers, located at the Opelika Municipal Court. Certified letters have been mailed to all adjacent property owners for related issues.

MEMBERS PRESENT: Chairman Lewis Cherry, Mr. Ira Silberman, Councilman Robert Lofton, Mrs. Leigh Whatley, Dr. Arturo Menefee and Mr. Derek Lee.

MEMBERS ABSENT: Mayor Gary Fuller, Ms. Lucinda Cannon, and Mr. Michael Hilyer.

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

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

I. Approval of June 22, 2021 Planning Commission Minutes.

Councilman Lofton made a motion to approve the June 22, 2021, Planning Commission Minutes as written.

Mr. Silberman seconded the motion.

Ayes: Cherry, Silberman, Councilman Lofton, Whatley, and Lee.

Nays: None.

Abstention: Menefee.

II. Update on Previous Planning Commission Cases.

Mr. Mosley stated I just wanted to thank you all for attending the comprehensive plan work session last week. We're excited to kick that off and we look forward to a lot of information going out here shortly for you all to work on and share. The other thing is we will likely have some zoning ordinance amendments to bring to you for some preliminary review next month based around signage and a couple other minor amendments so I think next month we will have a fairly healthy agenda.

A. PLAT (Preliminary Only) – Public Hearing

1. Wyndham Village SD, Phase 2, 113 lots, Wymond Drive, Bolt Engineering, Inc., Preliminary Approval

Mr. Mosley reported the applicant is requesting preliminary plat approval for 113 single-family lots and one (1) remainder lot for future development and 1 amenity lot (1000). These lots are zoned PUD in the Wyndham Master Plan revised by Planning Commission in 2019 and part of Pod 12. The Phase II plat will complete the proposed 168 lots to be developed as designated in Pod 12 of the Wyndham PUD Master Plan.

The Master Plan for Pod 12 shows 65 acres to be developed with 168 units at a density of 2.58 (units/acres). In Wyndham Villages Phase I Section 3, 52 lots from Pod 12 have been recorded. This preliminary plat of ~~442~~ 113 residential lots will be under the proposed density for the Wyndham Master Plan. Most of the lots meet the minimum lot width of 75 ft. The lots in Phase II meet the minimum area requirements of 10,000 sq. ft. The setbacks for this section are 25 feet in the front, 8 feet on the side, 20 feet in the rear, and 25 feet on the side setback on a street with a maximum building area of 40 percent.

This portion of the PUD Master Plan is surrounded by open space, park area and water features. There is a community park shown on the PUD Master Plan located behind Lots 132-136 along Street G. The PUD Master Plan shows a detention pond area in place of Lots 130-132. The 50 ft. Alabama Power Company transmission line easement area between Lots 122, 123, 136 and 137 should be addressed with ownership and maintenance. This area is not right-of-way and should either be in a current lot or their own non-buildable lots. The open space areas will need to be referenced on the plat as a future amenity, park, or detention pond. Add a note on the plat describing areas of open space and/or future amenity. Add a note on the plat to state ownership and maintenance of the areas to be open space and/or future amenities. The master plan shows multiple access points to the park. The subdivision plat only shows a single access to points to the park-

Mr. Mosley stated they show a small trail going from this phase to Wyndham Village Pod 11 which is across the open space. There would also be some benches and possibly picnic tables and things like that, a passive recreation area through here near the stream. We did note that the open space was included. Originally, we had more comments, but the applicant has provided this revised drawing which shows most of those being addressed.

The utilities in this section shall be underground. Sidewalks are required on at least one side of each street. The remainder area appears to be 211 acres.

Recommendation

Staff recommends preliminary plat approval subject to the following:

1. Sidewalks are required on at least one side of the street.
2. All utilities shall be underground.
3. Add a note to the plat to state the ownership, maintenance, and use restrictions of the areas described as open space, park, and/or future amenity. Access needs to be preserved to the amenity as shown on the master plan.

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 has been completed with a previous phase of this subdivision and included the lots projected in this phase. No additional study will be required.

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

Mr. Parker reported for the Opelika Utilities Board, stating water service is accessible to this subdivision by water main in the R.O.W. of Stillwood Way.

Mr. Parker reported for the Opelika Power Services, stating 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. Lee seconded the motion.

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

Nays: None.

Abstention: None.

B. FINAL PLAT

2. Hartbrook SD, Redivision of Lot 3, 58 lots, Academy Drive & Veterans Parkway, Brandon Hays, Final Approval, (Tabled at the June 22nd PC meeting)

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. 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 infrastructure is now complete.

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. Mosley stated that there was a buffer required along Veterans Parkway. Because there's a small stream through that area the applicant has left an increased buffer that is natural. We thought this modification was preferable to having to tear out the existing vegetation and put in new landscaping. You will also see the buffer along the frontage and a residential buffer along the residential properties to the west side of the property.

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

Mr. Parker reported for the Opelika Utilities Board, stating water service is accessible to this subdivision by a water main in the R.O.W. of Veteran's Parkway.

Mr. Parker reported for the Opelika Power Services, stating that this subdivision is inside the Opelika Power Service territory.

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

Mrs. Whatley seconded the motion.

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

Nays: None.

Abstention: None.

C. CONDITIONAL USE – Public Hearing

3. Brandon Hill, 1900 block North Uniroyal Road, C-2, GC-P, Storage of books and distribution

Mr. Mosley reported the applicant is requesting conditional use approval to construct a building to store and distribute books. The 10.7 acre parcel is located on North Uniroyal near I-85 Exit 64. A semi-truck/18 wheeler will deliver books once or twice a month to the property. The books are orders from customers. The books will be stored, boxed-up and then shipped at least once a day via UPS type trucks. There will be no outside storage; all books and equipment will be stored inside. Retail sales will not be provided. Two to four employees will be hired to manage the business.

The site plan shows a 11,500 square foot (sf) building. The book storage business will occupy 5,000 sf of climate control storage space. The remaining 6,500 sf will be leased to a tenant(s). The applicant is aware that outside storage of products, material, vehicles, or equipment in the C-2, GC-P zoning district is prohibited and will inform potential tenants of the requirement. The applicant's business will not allow a tenant to store hazardous items indoors.

The minimum off-street parking space requirement is based on number of employees and number of company vehicles left on site. The site plan shows 20 parking spaces to meet minimum requirements.

The landscape plan meets minimum requirements concerning base points and parking lot points determined from the disturbed area; the disturbed or graded area is 49,500 square feet of the 10.7 acre lot. A total of 9 trees and 27 shrubs will be planted to meet minimum point requirements. The undeveloped 9 acres will remain an undisturbed wooded area. There are no plans for the 9 acres. A residential buffer is required along the east or rear property line because of the adjacent R-1 zone. Double Hill Road also borders the property along the rear property line. The wooded area serves as the residential buffer for the book storage development. The development is 480 feet and hidden from Double Hill Road because of the undisturbed wooded area. (If there are plans to clear the wooded area then a residential buffer is required by preserving existing trees or planting new trees.) The 70% maximum Impervious Surface Ratio (ISR) is met.

The exterior material installed on the front elevation is brick panels (3 feet high) then fiber cement panels installed on the remaining 12 feet (front wall is 15 feet high). The brick panel and cement panels will also be installed on each side wall for 38 feet as required (20% of the 190 foot building length). The remaining side and rear wall area will be metal paneling.

A private dumpster is shown on the site plan in the rear yard behind the building and enclosed with an opaque fence.

Recommendation

Staff recommends conditional use approval as submitted.

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. Parker reported for the Opelika Utilities Board, stating that water service is accessible to this use by a water main in the R.O.W. of North Uniroyal Road.

Mr. Parker reported for the Opelika Power Services, stating that this subdivision is outside the Opelika Power Service territory.

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

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

Mrs. Whatley seconded the motion.

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

Nays: None.

Abstention: None.

D. AMENDMENT TO COMPREHENSIVE PLAN and REZONING – Public Hearing

4a. Amendment to Future Land Use Map, Holly Keel Properties, LLC & Ed Thrash, petitioners, 500 block Rustic Street, 1.26 acres, low density residential to medium density residential

4b. Rezoning Request, Holly Keel Properties, LLC & Ed Thrash, petitioners, 500 block Rustic Street, 1.26 acres, from R-1 to R-3

4a. Amendment to the Future Land Use Map

Mr. Mosley reported the 2030 Future Land Use Map (FLUM) shows the 1.26 acre (five lots) rezoning property in a “low density residential” land use category. On the south and east side of the rezoning property the adjacent properties are in a medium density residential land use category. These adjacent properties are in the Harwell Hills subdivision zoned R-3; the Harwell Hills neighborhood consist of about 135 single family homes; the lot sizes range from 11,400 sf to 17,000 sf.

Mr. Mosley stated this is a somewhat unique issue where I’m not sure if I misread the Future Land Use map earlier while they first came in for a subdivision or if we had something that was mislabeled, but these lots currently are zoned R-1. We noticed it after the platting had already been completed and so we wanted to bring this back to you for correction.

The adjacent property north and east of the rezoning property is an undeveloped 21 acre parcel in the low density residential land use category (zoned R-1 rural, 1 acre minimum lot size) on the FLUM. At the center of the 21 acres is a 2.4 acre pond; adjacent to the pond are different elevations that limits subdividing the 21 acres. The 1.26 acre rezoning property borders the 21 acre property on the south side; the rezoning property is also adjacent to the Harwell Hills subdivision. The elevations in the rezoning area are the same allowing the 1.26 acres to subdivide into smaller lots like the Harwell Hills lots. The proposed amendment to the Future Land Use map for the 1.26 acres from a low residential land use to a medium residential land use category is consistent with the adjacent medium residential land use (Harwell Hills SD).

Staff Recommendation

Staff recommends the Future Land Use map amended for the 1.26 acre rezoning property from a “low density residential” land use category to “medium density residential” land use category if the rezoning is approved by City Council.

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

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

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

4b. Rezoning Request

Mr. Mosley reported the Harwell Hills neighborhood (135 lots) is zoned R-3 and adjacent to the 1.26 acre rezoning property. The rezoning property is located on the north side of Rustic Street next to the Harwell Hills subdivision. (See Zoning Map next page.) Eleven other lots with single family homes are also located on the north side of Rustic Street,

next to the rezoning property and located in the Harwell Hills subdivision. (Dunlop Drive separates the eleven lots from the 5 rezoning lots.) At the April 2020 Planning Commission meeting, the rezoning property was inadvertently approved as a five lot subdivision. The mistake occurred because the five lots are adjacent to the eleven R-3 lots on the north side of Rustic Street, and the lot sizes and widths of the five lots are similar in size and shape as the eleven lots and other lots in Harwell Hills. The April 2020 plat that was approved was titled "Harwell Hills SD, Sixth Addition" so the plat was reviewed as an addition to the existing 135 lots in Harwell Hills that are zoned R-3. The R-1 zoning district for the five lots was overlooked. The five lots approved in April 2020 meet the R-3 requirements concerning minimum lot size and lot width; the five lots range in size from 10,700 sf to 12,800 sf; lot width 75 feet to 93 feet. The two petitioners for this rezoning are the owners of the five lots; they desire to construct a single family home on each lot like other homes in Harwell Hills.

Staff Recommendation

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



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

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

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

4a. Amendment to the Future Land Use Map

4b. 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.

4a. Amendment to the Future Land Use Map

Dr. Menefee made a motion to approve the amendment to the Future Land Use Map with staff recommendations.

Mr. Lee seconded the motion.

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

Nays: None.

Abstention: None.

4b. Rezoning Request

Dr. Menefee made a motion to send a positive recommendation to City Council with staff recommendations.

Mrs. Whatley seconded the motion.

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

Nays: None.

Abstention: None.

Mr. Lee made a motion to adjourn at 3:20 p.m.

Councilman Lofton seconded the motion.

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

Nays: None.

Abstention: None.

_____ Lewis A. Cherry, Chairman

_____ Matt Mosley, Secretary