

**CITY OF OPELIKA
PLANNING COMMISSION MEETING
APRIL 28, 2020
3:00 PM**

**THIS MEETING WILL BE HELD VIRTUALLY THROUGH ELECTRONIC MEANS. TO
ATTEND PLEASE GO TO WWW.OPELIKA-AL.GOV/APRILPLANNING**

The City of Opelika Planning Commission held its regular monthly meeting April 28, 2020 in this meeting will be held virtually through electronic means. to attend please go to www.opelika-al.gov/aprilplanning Certified letters have been mailed to all adjacent property owners for related issues.

MEMBERS PRESENT: Mr. Ira Silberman, Council Member David Canon, Chief John McEachern, Mayor Gary Fuller, Mr. Michael Hilyer, Ms. Lucinda Cannon, Dr. Arturo Menefee, Mr. Dale Vaughn and Chairman Lewis Cherry.

MEMBERS ABSENT: None

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

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

I. Approval of February 25, 2020 Planning Commission Minutes

The Planning Commission approved the minutes from their February 25th meeting.

II. Update on previous Planning Commission cases.

There was no update on previous cases provided.

A. PLATS – (preliminary & final) - Public Hearing

1. James Subdivision, Second Revision, 3 lots, 4200 Sedgefield Lane, James L. McCrory, Preliminary and Final Approval

Mr. Mosley reported the applicant is requesting preliminary and final approval for a 3-lot subdivision access from Sedgefield Lane. The purpose of the subdivision is to create Lot 1 (38.6 acres) and Lot 3 (85.8 acres) for a land trust. The property owner lives on Lot 2 (17.5 acres). The three lots meet the minimum one-acre lot size and 100-foot lot width requirement for a subdivision in a R-1 zoning district.

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

1. Rename the lots Lot 1A and Lot 2A for this Second Revision plat so the lot numbers are not confused with the lot numbers in the First Revision.

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

A public hearing was held and there was no comment.

The Planning Commission granted preliminary and final plat approval of this plat with all staff comments.

2. Tiger Town Corporate Park Subdivision, Redivision of Lot 2, 2 lots, 2901 Interstate Drive, David Scott, Preliminary and Final Approval

Mr. Mosley reported the applicant is requesting preliminary and final approval for a 2-lot subdivision located in the C-2(Office-Retail) zoning district. The purpose of the subdivision is to create a 5-acre lot titled Lot 2-A and the remainder lot will be Lot 2-B and equal 39.50 acres. This plat meets the requirements for approval in the Subdivision Regulations.

Staff recommends preliminary and final plat approval subject to:

1. Show all boundary markers.
2. The Auburn/Opelika Corporate Limits should be shown. Consult the previous Tiger Town Corporate Park Plat. Note that said corporate limits follow the Section Line between Sections 26 & 27 and that a portion of Lot 2-B is in the City of Auburn.

Mr. Mosley reported all the Opelika Surveyors comments have been addressed and the submitted plat meets all Subdivision and Public Works Manual requirements. Any additional development of lot 2-A will require a site plan consisting of grading, drainage, site layout, and utilities to be submitted to the Engineering and Public Works Departments as well as all applicable utilities for review and approval.

The Engineering Department recommends this plat for preliminary and final approval.

A public hearing was held and there was no comment.

The Planning Commission granted preliminary and final plat approval of this plat with all staff comments.

3. Hidden Lake Subdivision, Phase 1 North, 56 lots, Sportsplex Drive & WestPoint Parkway, Blake Rice, Preliminary and Final Approval (Tabled - February 25th PC Meeting)

Mr. Mosley reported (This plat was tabled at the February 25th PC Meeting.) The applicant is requesting preliminary and final plat approval for a 56-lot subdivision; the 56 lots are a portion of a 190-lot subdivision granted preliminary approval in November 2018. The lots are Phase 1 of the 206-acre Hidden Lake PUD rezoning request and master plan that was approved at the July 2018 Planning Commission meeting. A total of 351 single family homes and 42 townhome units are proposed. The lots are accessed from new streets – either Hidden Lakes Drive and Lakeview Drive. Underground utilities and sidewalks on at least one side of the street are provided. Phase 1 follows the approved master plan that shows single family homes, townhomes, and common area.

Seventeen of the 56 lots are townhomes lots; the townhome lots range in size from 2,632 sf to 18,356 sf. Eleven townhome lots are 20 feet wide; 6 lots range in width from 27' to 43'. Detached parking garages for each townhome lot are located in the rear yard area accessed by a new street right-of-way from Lakeview Drive (*driveway streets labeled on site plan "Street T1" and "Street T2"*). The adjacent property south of townhomes is a 1.5-acre amenity lot consisting of swimming pool, clubhouse, and parking lot (36 spaces).

The 38 single family home lots range in size from 12,370 sf to 25,705 sf.; the lot widths are at least 75 feet except 6 lots at 60 feet wide that back-up to Sportsplex Drive and front along a new street Hidden Lakes Drive. The subdivision also includes a 1.54 acre "open space/amenity" lot (Lot 117 on plat) along Lakeview Drive and 6,200 sf common area (Lot 1) at the corner of Sportsplex Drive and Lakeview Drive.

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

1. A landscape buffer for Lots 1-11 along the Sportsplex Parkway was approved at the July 2018 PC rezoning meeting. The plat today includes Lot 1-6 along Sportsplex Drive. Add a note on the plat that a residential buffer at least 15' wide installed along the rear lot line of Lots 1-6.
2. Add a note on plat providing the minimum building setbacks, as stated in the PUD narrative: minimum 20' front yard, 7' side yard and 25' rear yard for the 56 lots.
3. The record distances should be shown if different from measured. Add the record distances
4. Add a note providing ownership of common/open space lots - Lot 117 and Lot 1 on plat. Include in note use restrictions and maintenance responsibilities for the lots.

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

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

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

A public hearing was held and there was no comment.

The Planning Commission granted preliminary and final plat approval of this plat with all staff comments.

4. Harwell Hills Subdivision, Sixth Addition, 6 lots, Rustic Street, James D. Miller, Preliminary and Final Approval

Mr. Mosley reported the applicant is requesting preliminary and final approval for a 6-lot subdivision. The purpose of the subdivision is to construct single family homes on each lot. The lots range in size from 10,500 sf to 12,980 sf and all lots 75 feet wide. The lots meet the minimum 10,000 sf lot size and 70-foot lot width requirement for a subdivision in a R-3 zoning district.

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

1. Amend the surveyor's certificate changing "Fifth Addition" to "Sixth Addition."

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

A public hearing was held and there was no comment.

The Planning Commission granted preliminary and final plat approval of this plat with all staff comments.

5. Cannon Gate Subdivision, Redivision of Parcel A-3, 2 lots, Oak Bowery Road & Blackhawk Drive, Race Cannon, Preliminary and Final Approval

Mr. Mosley reported *this plat was withdrawn after the October 2019 PC meeting until an amendment to the Cannon Gate Master Plan and approval by City Council takes place. At the January 21, 2020 meeting, the City Council approved an amendment to the Cannon Gate Master Plan (Ord. #002-20) that allows Lot A-3-2 (6.4 acres) to convert to private ownership. The amendment converts a 6.4-acre common area owned by Cannon Gate Homeowners Association to private ownership. The conversion to private property allows the Cannon Gate Homeowner's Association, property owner, to sale Lot A-3-2.*

The applicant is requesting preliminary and final approval for 2 lots in the Cannon Gate PUD zoning district. The purpose of the subdivision is to create Lot A-3-2 (6.4 acres) and sale parcel to adjacent property owner (Randy Brown). About 4.7 acres of Lot A-3-2 (6.4 acres) is

unbuildable because its located in 100-year flood plain. Lot A-3-1 (13.7 acres) will remain as common area owned by Cannon Gate Homeowner's Association. The subdivision meets minimum preliminary and final plat requirements.

Staff recommends preliminary and final plat approval.

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

A public hearing was held and there was no comment.

The Planning Commission granted preliminary and final plat approval of this plat with all staff comments.

6. Opelika Marketplace Subdivision, 4 lots, Parker Way, Vic Patel/Arthur Nettles, Preliminary and Final Approval

Mr. Mosley reported the applicant is requesting preliminary and final approval for a two-lot subdivision located off Parker Way. The purpose of the subdivision is to create two lots for future developments: Lot 5-A-3-B-1 is 3.4 acres and Lot 5-A-3-B-2 is 10.04 acres. Lot 5-A-3-B-1 is the site of the proposed extended stay hotel seeking conditional use later on this agenda. The lots meet the minimum 100-foot lot width and 20,000 square foot lot size requirements for a subdivision in the GC-P overlay district. Staff does recommend the setback/building lines be removed from the plat.

Planning Department recommends preliminary and final.

Mr. Mosley reported all the Opelika Surveyors comments have been addressed and the submitted plat meets all Subdivision and Public Works Manual requirements. Any additional development of lot 5-A-3-B-2 will require a site plan consisting of grading, drainage, site layout, and utilities to be submitted to the Engineering and Public Works Departments as well as all applicable utilities for review and approval.

The Engineering Department recommends this plat for preliminary and final approval.

A public hearing was held and there was no comment.

The Planning Commission granted preliminary and final plat approval of this plat with all staff comments.

7. Willie Bryant Subdivision, Redivision of Lot 4, 6 lots, 3800 block Hamilton Road, David Fichtner, Preliminary Approval

Mr. Mosley reported the applicant is requesting preliminary and final approval for a 6-lot subdivision on Hamilton Road. The purpose of the subdivision is to construct single family homes on each lot. The plat is preliminary approval only, because the City's sewer services to the 6 lots are required. A perc test for septic tanks provided that soil conditions for the property were too moist; the soil would not absorb water required for a septic tank system. The perc test failed and the City's sewer system is required. The plat involves the construction of a public improvement so only preliminary plat approval can be granted. The applicant also plans to apply for annexation at a future meeting. The annexation application (agenda item #13) is withdrawn until the applicant and property owner completes details to sale the property.

The lots range in size from 1.5 acres and 2.5 acres. Lot width is 150 feet or greater. Four lots will share driveways to meet the access management requirements. Two 30' x 50' "Driveway Easements" are added: Lot 4A and Lot 4B will share a 30' wide driveway; Lot 4C and Lot 4D will share a driveway. Lot 4E fronts on Hamilton Road but accesses Hamilton Road from an undeveloped right-of-way (ROW) located along the north property line; Lot 4F does not front on Hamilton Road but will also access Hamilton Road from the same undeveloped ROW. (Lot 4F is adjacent to Lot 4E.) The R.O.W. will remain undeveloped and used by Lot 4E and Lot 4F as a driveway access to Hamilton Road. The reserved for future street right-of-way is shown on the 1982 "Willie Bryant Subdivision" plat.

Staff recommends preliminary plat approval subject to the following:

1. Identify the power line easement and give width (if known) and locate with respect to property lines.

Mr. Mosley reported all the Opelika Surveyors comments have been addressed and the submitted plat meets all Subdivision and Public Works Manual requirements. Driveways will be required to be shared as directed in the locations of the "Shared Drive Easement" identified on the plat.

The Engineering Department recommends this plat for preliminary approval.

A public hearing was held and there was no comment.

The Planning Commission granted preliminary plat approval of this plat with all staff comments. Mayor Fuller noted that sanitary sewer would not be available if this property was not annexed into the City of Opelika.

8. Totten's Map, Block 206 Subdivision, Redivision of Lot 8, 4 lots, 1402 Fitzpatrick Avenue, Preliminary and Final Approval

Mr. Mosley reported the applicant is requesting preliminary and final approval for a 4-lot subdivision with public road access on Fitzpatrick Avenue and Hunter Street. The purpose of the subdivision is to create four (4) tracts from the two lots. Lot 1, 2 and 3 are located on Fitzpatrick Avenue and are currently zoned C-2 and R-2. The applicant has a request to move the C-2 zoning boundary line to include all of Lot 3. These lots will likely be commercial. Lot 4 has access from Hunter Street and is zoned R-2. This property will be residential.

The lots range in size from 16,367 square feet to 88,379 square feet. All lots exceed the minimum lots size for C-2 or R-2, respectively. Lots 1, 2, and 3 are all narrow and barely meeting the minimum lots width of 60 feet in the C-2 zone. Lot 3 opens up to a larger lot once it goes past Lots 1 and 2. For more buildable lots, Lot 3 could be reduced to a 30 foot flag lot that would allow additional width to be added to Lots 1 and 2.

Due to the narrow width of the lots a curb cut should be shared between Lots 1, 2 and 3 with additional access to Fitzpatrick restricted.

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

- Provide a note requiring shared access between Lots 1, 2, and 3 and preventing additional curb cuts.
- Provide curve table data.

Mr. Mosley reported all the Opelika Surveyors comments have been addressed and the submitted plat meets all Subdivision and Public Works Manual requirements. Any additional development of lots 3 and 4 will require a site plan consisting of grading, drainage, site layout, and utilities to be submitted to the Engineering and Public Works Departments as well as all applicable utilities for review and approval.

The Engineering Department recommends this plat for preliminary and final approval.

A public hearing was held. Two nearby residents asked about the use of the property and how it would affect them. It was noted that the rear property would still be residential. Mr. Mosley also noted that the use questions were best discussed during the rezoning request.

The Planning Commission granted preliminary and final plat approval of this plat with all staff comments.

9. Totten's Map, Lot 16, Block 227 Subdivision, 1 lot, Columbus Parkway, James McCrory, Preliminary and Final Approval

Mr. Mosley reported the applicant is requesting preliminary and final approval to combine two lots into one lot. The one lot provides opportunity for an addition to an existing commercial building or possibly construction of another building. The plat meets minimum requirements for the C-3, GC-S zoning district.

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

1. Add flood zone information.
2. Identify the size and shape of all found markers.
3. Include record courses & distances for comparison.

Mr. Mosley reported the City of Opelika has an approved and funded intersection improvement project at this location. With the preliminary design completed, it appears that there will need to be additional Right-of-Way needed from this property to complete the project. We are requesting that additional R.O.W. be donated to the City with the subdivision plat.

All the Opelika Surveyors comments have been addressed and the submitted plat meets all Subdivision and Public Works Manual requirements. With the additional R.O.W., the Engineering Department recommends this plat for preliminary and final plat approval.

A public hearing was held and there was no comment.

The Planning Commission granted preliminary and final plat approval of this plat with all staff comments.

10. Rocky Brook Subdivision, Bailey-Purser Revision, 2 lots, Hillcrest Court, James McCrory, Preliminary and Final Approval

Mr. Mosley reported the applicants are requesting preliminary and final approval for a two-lot subdivision. Mr. Bailey is selling a 10,000-sf triangle-shape portion of a 19,448 sf vacant lot to his next door neighbor (Michael Purser); the triangle portion is added to the neighbor's home lot; see Lot 6A (29,362 sf) on map next page. Lot 5A (red triangle on map) is the rear portion of the vacant lot. Mr. Bailey desires to maintain ownership of Lot 5A (9,448 sf) for a storage area. (The property line that divides the vacant lot into two triangle lots runs along a drainage ditch.) A 20-foot-wide public alley is between Bailey's property and Lot 5A.; the alley dead-ends near the lake. The alley separates Mr. Bailey's home lot (1.4 acres) from Lot 5A preventing the two lots to combine into one lot. Mr. Bailey also owns the lot (0.5 acres) adjacent to his home and owns Rocky Brook Lake (4.5 acres). Lot 5A is a nonconforming lot; a note is added on Lot 5A that its "Non-buildable".

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

- 1. Identify found markers by size and type.



Red triangle owned by Larry Bailey. Green triangle sold to Mike Purser.

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

A public hearing was held and there was no comment.

The Planning Commission granted preliminary and final plat approval of this plat with all staff comments.

11. Wyndham Industrial Park Subdivision, Replat of Lot 5-B-1, 2 lots, Wyndham Industrial Drive, Blake Rice, Preliminary and Final Approval

Mr. Mosley reported the applicants are requesting preliminary and final approval to divide a 3.6-acre parcel into two lots. The plat is in the commercial/light industrial zone as shown on the Master Plan for the Wyndham PUD zoning district. A 2,400-sf office & storage building for a landscape company has been constructed on the south portion of the 3.6 acres. The subdivision creates Lot 5-B-1-B (1.6 acres) for the landscape company property and the north portion, Lot 5-B-1-A (1.9 acres), is created to sale. The Wyndham Master Plan requires a residential buffer along the east property line separating the commercial zoned area from the adjacent Wyndham residential zone. Note #11 on plat describes the buffer. (In summary, the natural buffer (50' to 100' wide) should provide a near impervious visible barrier from existing plant material or provide plant material to provide said buffer.)

Staff recommends preliminary and final plat approval.

Mr. Mosley reported all the Opelika Surveyors comments have been addressed and the submitted plat meets all Subdivision and Public Works Manual requirements. Any additional development of lot 5-B-1-A will require a site plan consisting of grading, drainage, site layout, and utilities to be submitted to the Engineering and Public Works Departments as well as all applicable utilities for review and approval.

The Engineering Department recommends this plat for preliminary and final approval.

A public hearing was held and there was no comment.

The Planning Commission granted preliminary and final plat approval of this plat with all staff comments.

12. Falcon's 30th Street Division Subdivision, 2 lots, Pepperell Pkwy & 30th Street, Blake Rice, Preliminary and Final Approval

Mr. Mosley reported the applicant is requesting preliminary and final approval create two lots from one parent property. The total subject area is 27.26 acres. Lot 1 is 21.42 acres and is proposed as multi-family development under the approved master plan. Lot 2 is 5.84 acres and shown as commercial in the proposed master plan. Lot 2 has access from both Pepperell Parkway and 30th Street. Lot 1 has direct access from 30th Street and Cunningham Drive and an access easement to Pepperell Parkway through Lot 2. Both lots meet the requirement of the subdivision regulations and are in compliance with the master plan.

Staff recommends preliminary and final plat approval.

Mr. Mosley reported all the Opelika Surveyors comments have been addressed and the submitted plat meets all Subdivision and Public Works Manual requirements. Any additional development of lots 1 and 2 will require a site plan consisting of grading, drainage, site layout, and utilities to be submitted to the Engineering and Public Works Departments as well as all applicable utilities for review and approval.

The Engineering Department recommends this plat for preliminary and final plat approval.

A public hearing was held and there was no comment. The Commission and staff discussed the access to this property. In particular, there was discussion of the direct access to Pepperell Parkway and whether full access would be allowed.

The Planning Commission granted preliminary and final plat approval of this plat with all staff comments.

13. Cannon Gate Subdivision, Phase 2, 2 lots, 1701, 1704, 1717 & 1720 Cannon Gate Drive, Blake Rice, Preliminary and Final Approval

Mr. Mosley reported the applicant is requesting preliminary and final approval for a two-lot subdivision in the Cannon Gate PUD zoning district. A property line is removed between two lots to combine the lots into one lot. The combining of two lots into one lot is on the north side of Cannon Gate Drive and the south side of Cannon Gate Drive. Amenities (playground equipment, etc.) for the Cannon Gate neighborhood will be provided on the combined lots. Lot 27A is 28,233 sf and Lot 45A is 1 acre. The plat meets minimum subdivision requirements.

Staff recommends preliminary and final plat approval.

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

A public hearing was held and there was no comment.

The Planning Commission granted preliminary and final plat approval of this plat with all staff comments.

B. PLAT (Preliminary Only) – Public Hearing

14. Century Park Townhomes Subdivision, 53 lots, 1901 Century Boulevard, Foresite Group, Inc., Preliminary Approval

Mr. Mosley reported the applicant is requesting preliminary plat approval for a 53-lot townhome subdivision. The subject property is approximately 10.2 acres located in the C-2, GC-P zoning district. Last month the Planning Commission granted conditional use approval for a townhouse development at this location.

The 51 individual townhome lots exceed the 1,800-sf minimum lot size and 20-foot lot width required for a townhouse development. The lots typically exceed 3,100 square feet and are 27 feet in width or wider. Lot 52 is shown as an open space lot and Lot 53 is a remnant proposed for potential future development. Most of this lot contains land within the flood plain, although this is being studied to determine the exact boundaries.

Staff recommends preliminary and final approval subject to the following:

1. Sidewalks will be required on at least one side of the street.
2. All utilities shall be underground.
3. Note who will maintain the open space on Lot 52.

Mr. Mosley reported the submitted plat meets all Subdivision and Public Works Manual requirements. The Engineering Department recommends this plat for Preliminary approval with the addressing of the following comments.

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 public hearing was held and there was no comment.

The Planning Commission granted preliminary plat approval of this plat with all staff comments.

15. Cannon Gate Subdivision, Phase 3, 85 lots, Cannon Gate Drive, Blake Rice, Preliminary Approval

Mr. Mosley reported the applicant is requesting preliminary plat approval for an 85-lot subdivision including 81 residential lots and four open space lots. This property is also part of a request on this agenda to modify the approved master development plan for Cannon Gate Subdivision. The total subject area for this phase is 63.39 acres. The four open space lots comprise 24.41 acres of this total.

The 81 residential lots range in size from 10,358 square feet to 53,560 square feet. Most of the lots are between 12,000 -17,000 square feet. The density for this phase is 1.28 units per acre. The lots widths are between 70-100 feet. The setbacks for this phase are 25 feet in the front and rear and 7 feet on each side. These standards match what is being requested in the master development plan. The proposed number of lots does exceed what was previously recommended in the master plan. Phase 3 previously had 64 lots including some that were

developed as part of phase 2. Overall, this phase represents a total increase for the entire neighborhood of 36 residential lots.

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

The site adjoins two large properties to the north and west. Due to the increase in overall units, staff recommends that a connection to the adjacent property to the north to provide future connectivity to this property and potentially to Veterans Boulevard. Staff recommends this occur around Lot 13.

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

1. The master development plan must be approved by Opelika City Council.
2. Add the minimum building setbacks on the plat (property in a PUD zoning district). This can be a note on the plat.
3. Add a note to the final plat noting who will own and maintain the open space lots.
4. A sidewalk is required down one side of the street.
5. All utilities shall be underground.
6. Provide a stub street access to the property to the north around Lot 13.

Mr. Parker reported the submitted plat meets all Subdivision and Public Works Manual requirements. The Engineering Department recommends this plat for Preliminary approval with the addressing of the following comments.

The City is requesting a dedicated Right-of-Way stub out for future development to the north approximately around the location of Lot 13.

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 public hearing was held. An adjoining property owner stated that he hoped that the connection between North Gate and Cannon Gate could be removed as it added traffic to the neighborhood and increased crime in his opinion.

The Planning Commission granted preliminary plat approval of this plat with all staff comments.

16. Towne Lakes Subdivision, Phase 5, 102 lots, Towne Lakes Parkway (Bush Creek Drive), Blake Rice, Preliminary Approval

Mr. Mosley reported the applicant is requesting preliminary plat approval for 97 residential lots, 2 commercial lots and 3 open space, buffer or detention lots. In September 2017 meeting, the Planning Commission sent a positive recommendation to City Council to amend the Towne Lake PUD Master Plan. City Council approved the amendments that replaced 102 single family patio home lots and 190 apartment units with 128 single family home lots. The lot sizes will range from 7,733 square feet (sf) to 35,700 sf and a lot width of 60' to 90'. Later on, this agenda, the applicant is requesting to again amend the PUD to replace 17 commercial lots with the 97 smaller residential lots and two remaining commercial lots.

The proposed residential lots would be 60 feet in width and range in size from 8,703 to 24,600 square feet. There are some larger lots along the east side of the main road. Staff has previously recommended the back portion of these lots in the flood plain should remain as designated open space. This would not reduce the lot count or increase the density in any way. The proposed density for the residential portion of this phase is 2.17 units per acre. The setbacks are 25 feet front and rear and 7 feet on each side. The setbacks and lots sizes generally match those in Towne Lakes, Phase 4.

The site has three open space lots. These lots are not labelled with a lot number. The maintenance and ownership of these lots should be noted on the final plat.

As previously mentioned, there are two remaining commercial lots that will have access from Highway 280 (Columbus Parkway). These lots are largely in the flood plain. The right-of-way for these lots has not been constructed yet and is not dimensioned. This will need to be addressed through the engineering phase of the development.

Staff recommends final plat approval subject to the following:

1. The master plan and PUD must be approved by the Opelika City Council.
2. Add lot numbers to the open space lots.
3. Note the ownership and maintenance responsibilities for the open space lots on final plat.
4. Remove the flood plain area behind Lots 48-66 from the lot and place in open space as previously shown in the master plan.
5. Note the setbacks for this phase in the notes for final plat.
6. Sidewalks will be required on one side of each street.
7. All utilities shall be underground.
8. Street names shall be required for final plat.

Mr. Parker reported the submitted plat meets all Subdivision and Public Works Manual requirements. The Engineering Department recommends this plat for preliminary approval with the addressing of the following comments.

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 public hearing was held and there was no comment.

The Planning Commission discussed connectivity and increased traffic associated with the addition of more lots to this property without connection to Columbus Parkway.

The Planning Commission granted preliminary plat approval of this plat with all staff comments.

17. Oak Bowery Pines Subdivision, Phase 2, 12 lots, 3101 Oak Bowery Road, Blake Rice, Preliminary Approval

Mr. Mosley reported the applicant is requesting preliminary plat approval for a 12-lot subdivision. The subject area is 41.09 acres located on the east side of Oak Bowery Road, south of Palin Avenue. The property is zoned R-2 and located within the Saughatchee watershed. The lots range in size from 3.00 acres to 4.66 acres. The overall density for the development is 0.29 units per acre.

Lots 1 -10 will take access off a new street that ties into Oak Bowery Road. Lots 11 and 12 will take direct access off Oak Bowery Road. Lot 11 includes an existing single-family home. All lots exceed the three-acre minimum for residential lots in the Saughatchee watershed that are not served by sanitary sewer. The location of perennial and intermittent streams and their required buffers and setbacks should be shown on the plat to ensure that the regulatory spacing is met.

Staff recommends preliminary plat approval subject to the following:

1. All utilities shall be installed underground.
2. No direct access to Lots 1 and 10 from Oak Bowery Road.
3. Show streams and the required buffers and stream setbacks in the Saughatchee watershed as found in Section 3.9 of the City of Opelika Subdivision Regulations.

Mr. Mosley reported the submitted plat meets all Subdivision and Public Works Manual requirements. The Engineering Department recommends this plat for Preliminary approval with the addressing of the following comments.

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 public hearing was held and there was no comment.

Mr. Alan Lee, Opelika Water Works Board, reminded the commission of the requirements for development in the Saughatchee Watershed. There was also discussion of how the lots would access public right-of-way.

The Planning Commission granted preliminary plat approval of this plat with all staff comments.

18. Drakes Landing Subdivision, Phase 1, 65 lots, 2015 South Uniroyal Road, Brandon Bolt, Preliminary Approval

Mr. Mosley reported the applicant is requesting preliminary plat approval for a 65-lot subdivision. The 65 lots are Phase 1 of the Drakes Landing PUD residential subdivision. The master plan shows a total of 190 lots. The street entrance from South Uniroyal Road into Phase 1 as well as future phases is a boulevard type street (195' long) with a wider entrance and two lanes separated with a median. The separate lanes will assist if an emergency occurs and one lane is closed.

In Phase 1, single family homes will be built on 64 lots. Lot 500 is designated "unbuildable" on the plat. The 64 single family home lots exceed the minimum 15,000 sf lot size requirement; the lots range from 15,001 sf to 36,551 sf. The minimum lot width is 60 feet. All lots except 13 lots (Lot 55, 56, 57, 59, 60, 6, 7, 14, 15, 16, 18, 19, 32) do not meet the 60' minimum lot width at the front property line. The 13 lots must meet the 60-foot lot width at the front property line or at the minimum 25-foot building setback line. Minimum building setbacks proposed are 25' front, 8' side yard, 20' rear yard, and 25' side on street (corner lots).

A 25-foot-wide natural undisturbed buffer or a 6' high opaque fence is required along the rear lot line of all residential lots that abuts the north, south, and west perimeter property lines. In Phase 1, Lots 6 through 14 and Lots 56 through 59 require the buffer. If a buffer is selected rather than a 6' high fence the buffer should provide evergreen plantings to provide a near impervious visual barrier.

Staff recommends preliminary plat approval subject to the following:

1. All adjacent property owners to the parent parcel must be shown on the plat; include property owners across South Uniroyal Road.
2. Indicate the right-of-way width on all streets.
3. Relocate side property lines on 13 lots so the minimum 60' width is met at the front property line or 25-foot building line.
4. Sidewalks required on at least one side of the street where homes are constructed and sidewalks provided to access the designated open space areas shown on plat.
5. Approve proposed minimum building setbacks on plat: 25' front yard, 8' side yard, 20' rear yard, and 25' side on street (corner lots).
6. Installation of Residential Buffer:
 - (a) Install a 6' high opaque fence along a portion of the rear property line of Lot 14 that joins the adjacent property owner's north property line.
 - (b) Install a 6' high opaque fence along the rear property lines of Lot 57, 58, and 59.
 - (c) For all other residential lots, install a 25-foot-wide natural undisturbed buffer or a 6' high opaque fence along the rear lot line of residential lots that abuts the north, south, and west perimeter property lines.
7. Lot 500 is designated "unbuildable". From the rezoning public hearing, a Drake Landing HOA (Homeowner's Association) will be established. On the final plat, from HOA documents provide who is responsible for maintenance of Lot 500 and include provisions concerning the use(s) allowed for Lot 500.

Mr. Parker reported the submitted plat meets all Subdivision and Public Works Manual requirements. The Engineering Department recommends this plat for preliminary approval with the addressing of the following comments.

The applicant has submitted a traffic study to the Engineering Department that recommends the installation of a left turn lane into this development from the north, as well as a right turn flair exiting this development to the north. These improvements to South Uniroyal Road will be included in the required infrastructure construction plans.

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 public hearing was held and there was no comment.

The Planning Commission granted preliminary plat approval of this plat with all staff comments.

19. Pepper Mill Creek Subdivision, 32 lots, Lowndes Street, Brandon Bolt, Preliminary Approval

Mr. Mosley reported at the March 26, 2019 meeting, the Planning Commission granted preliminary approval for a 41-lot subdivision accessed from Lowndes Street (11 duplex lots, 30 single family home lots). The applicant has revised the subdivision layout and now requesting preliminary approval for 32 lots. Duplexes are proposed for 18 lots (36 dwelling units) and single-family homes on 14 lots. All duplex lots have access to a new street named "Street A" on plat. Agenda item #25 is the conditional use request for the duplex development.

In the R-3 zoning district, the minimum lot size is 10,000 square feet (sf) and the minimum lot width is 70 feet. The duplex lots (Lots 10 to 27) range in size from 13,760 square feet (sf) to 29,580 sf. The single family lots range from 10,240 sf to 18,200 sf. In a R-3 zoning district a maximum of 3.5 dwellings per acre is allowed; the proposed density is 3.29 dwelling units per acre. The 18 duplex lots total 36 dwelling units on 10.94 acres (Density area includes the 18 lots, "Street A" and Lot 500 & Lot 501.) The duplex lots should have adequate width, so the duplexes meet the minimum 10-foot side yard setback requirements. Lot 500 & Lot 501 are labeled "non-buildable lots". Lot 501 is for stormwater detention.

Staff recommends sidewalks installed on at least one side of all streets and underground utilities installed. The sidewalks provide convenient and safe walkways to each home, and underground utilities provides aesthetic value to the neighborhood.

Staff recommends preliminary approval subject to the following:

1. Install sidewalks on at least one side of Street A and Lowndes Street.
2. Add note on plat of the type of residential buffer installed between the duplex lots and the single-family lots. Add buffer boundary lines along the rear property line of Lots 6, 7, 8, 9, 28, 29, 30, 31, 32 and the side property line of Lot 5.
3. Install underground utilities.
4. Add flood plan information on plat.
5. Add right-of-way width of Lowndes Street and Street A.
6. On final plat provide a street name for Street A

Mr. Parker reported the submitted plat meets all Subdivision and Public Works Manual requirements. The Engineering Department recommends this plat for preliminary approval with the addressing of the following comments.

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 public hearing was held. An adjoining property owner asked if this development would affect storm water. Mr. Parker described the improvements to the road and area that should help with this issue.

The Planning Commission granted preliminary plat approval of this plat with all staff comments.

C. FINAL PLAT

20. Trillium Subdivision, Phase 2-C, 20 lots, Baton Court, Blake Rice, Final Approval

Mr. Mosley reported the applicant is requesting final approval for a 20-lot subdivision on 49.69 acres in an R-2 zone. This area was previously part of a 100-lot subdivision approved on April 24, 2018. Two previous phases have been recorded totaling 43 residential lots. The minimum lot size in the R-2 zone is 15,000 square feet (sf) and minimum lot width 80 feet. Lot 107A-1 is 39.61 acres and includes flood plain areas and future development area. The 20 single-family home lots range in size from 15,000 square feet (sf) to 28,234 sf. At these lot sizes, the smallest single-family home constructed is expected to be about 2,500 square feet (The range of home sizes are not known at this time.). Some of the overall lot numbers have moved around on the overall development, but the total unit count and density remains the same. All lots exceed the minimum 80-foot lot width at the street or an 80-foot width at the 35-foot building setback line for those lots on a cu-de-sac.

Staff recommends final approval subject to the following:

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

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

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

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

The Planning Commission granted final plat approval of this plat with all staff comments.

21. Veterans Commercial Park Subdivision, 15 lots, Walker Gray Court, Alva T. Webb, Final Approval

Mr. Mosley reported the applicant is requesting final plat approval for a 15-lot subdivision on Veterans Parkway. The subject property is zoned C-3. The GC-P overlay is located on the

lots fronting on Veterans Parkway. The total area for this development is 13.47 acres. The site was formerly a mobile home park. The applicant has developed this area as a commercial park.

The main north south street, Walker Gray Court, is in the same location as an internal street in the mobile home park with the same name. There is a 60-foot access easement/right-of-way shown extending from both ends of the cul-de-sac. This stems from a court decree. The plat has a note that limits direct access to Lots 1-6 from Veterans Parkway. A sidewalk is required on the internal street (Walker Gray Court).

The plat meets the requirements for final plat approval.

Staff recommends final plat approval subject to the following:

1. Sidewalks will be required on the internal street (Walker Gray Court).

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

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

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

Mr. Mosley noted that the Planning Commission had received a letter from an attorney representing an adjoining property owner, David Goolsby. Mr. Parker addressed the issues relating to storm water and made comments that would be part of the record.

The Planning Commission granted final plat approval of this plat with all staff comments.

D. ADMINISTRATIVE SUBDIVISION – Ratify

22. Weyant Subdivision, 2 lots, 2833 Sundance Road, Robin Weyant, Ratify

Mr. Mosley reported staff is requesting ratification of a final plat for Wyndham Industrial Park. The subdivision creates Lot 5-B-3A (1.9 acres) from Lot 5-B (adjacent lot to the north) and Lot 5-B-3 (adjacent property to the south); the applicant has a buyer for Lot 5-B-3A. The applicant provided the required "Waiver of Notice for Administrative Subdivision" forms signed and notarized by the adjacent property owners.

Planning Staff recommends ratify the approved final plat.

Mr. Mosley reported all the Opelika Surveyors comments have been addressed and the submitted plat meets all Subdivision and Public Works Manual requirements. The Engineering Department recommends this plat for ratification.

The Planning Commission ratified the approval of this plat with all staff comments.

E. CONDITIONAL USE – Public Hearing

23. Vic Patel represented by Arthur Nettles, Parker Way, C-3, GC-P, Hotel

Mr. Mosley reported the applicant is requesting conditional use approval to construct a 99 room/suites extended stay hotel on the south side of Parker Way on 3.4 acres. The proposed

hotel is listed as four (4) stories. The hotel brand is a Marriott Element Hotel. The elevations show a mix of EIFS (simulated stucco) and fiber cement panels. The proposed building meets the required setbacks and should be below the required maximum height of 75 feet. The setbacks need to be modified on the site plan to reflect the Gateway Corridor setbacks. The impervious surface is 0.66, and below the 70 percent maximum of the total site.

The proposed use is required to have one parking space per room, one space per three employees of the largest shift, one space per three persons to the maximum capacity of any public meeting space, plus 50 percent of the required spaces for other uses such as restaurants or bars. As previously mentioned, there are 99 rooms proposed and no additional uses. The site plan shows 118 parking spaces well exceeding the required parking. There are also four bus parking spaces and a loading zone.

Landscaping

Parking lots fronting on public rights-of-way are required to be 15 feet meeting Section 10.6D.2. The current site is required to have 315 base landscape points and 127 parking landscape points. This is a total of 442 points. The landscape plan appears to exceed the amount of landscaping required, but will need to be tabulated to show compliance. Overall, the landscape plan is largely compliant except for the buffer shown on Parker Way which may need some additional landscaping.

Approval subject to the following conditions:

1. Update landscape plan to show compliance with required plantings and buffer along Parker Way.
2. Note dumpster screening material.

Mr. Mosley reported 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.

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

A public hearing was held and there was no comment.

The Planning Commission granted conditional use of the hotel with all staff comments.

24. Okey Chidume, 303 S Railroad Avenue, C-3, Auto sales and Auto maintenance

Mr. Mosley reported The applicant is requesting conditional use approval for an automobile sales lot and auto maintenance shop in a C-3 zoning district. The applicant maintains automobiles displayed for sale on property and provides maintenance service on other vehicles. Auto maintenance performed are tune-ups, brakes, replacement of alternator, radiator, belts and similar maintenance repairs. Automobile repairs such as engine & transmission overhauls or auto paint & body shop will not be provided. The business is not on the wrecker rotation that tows wreck automobile to the business site. The business has three full-time employees. The site plan shows an existing 2,040 square foot (sf) and 1,165 sf building on a 23,740-sf lot. The larger building is the auto maintenance shop, the smaller building an office. The site plan shows a total of 24 parking spaces. The applicant designated 14 parking spaces fronting along South Railroad Avenue to display vehicles for sale. Three parking spaces are for the three employees. The remaining seven parking spaces are vehicles repaired or waiting to be repaired. The seven parking spaces are in the rear yard area near the Byrd Avenue property line. A chain-link fence is along the Byrd Avenue property line; vehicles are not able to enter and exit the property from Byrd Avenue. Vehicle storage is seen from Byrd Avenue. Most of the property was asphalted in the 1950s when the original business (smaller building) occupied the property; the larger building was added in 2005. Landscape areas are limited because of the asphalt. Existing landscaping consists of 24 large shrubs on the front & side of the office building and shrubs on the side of the shop building. The property is secured with a 6' high privacy fence that runs along the sides and rear property line; along the front property line is a 6' high chain link fence. The business will use City services for garbage pick-up.

Staff recommends approval subject to the following:

1. Only "automobile maintenance" type of repairs as defined by the Zoning Ordinance are allowed. "Automobile repairs" as defined in the Zoning Ordinance including engine overhauls or paint & body work are not allowed on the premises.
2. The storage of vehicles on the premises must be for customer vehicles waiting for auto maintenance type of repairs or after a vehicle is repaired the vehicle is waiting to be

picked-up by the customer. The storage or impounding of vehicles for other reasons is not allowed.

3. One parking space must be designated for the handicap, at least 13' x 18'.
4. Improve property appearance along the Byrd Avenue property line by removing the cut trees & brush along the property line next to the chain link fence. Also, install slats in the chain link fence to provide a visual screen of vehicles on property so vehicles are not seen from Byrd Avenue or replace chain-link fence with an opaque fence, so vehicles are not seen.

Mr. Mosley reported the Engineering Department has no comments or concerns with this application and recommends conditional use approval.

A public hearing was held and there was no comment.

The Planning Commission granted conditional use of the auto sales with all staff comments.

25. Brandon Bolt, Lowndes Street, R-3, Multi-family development (18 duplexes)

Mr. Mosley reported At the March 26, 2019 meeting, the Planning Commission approved duplexes for this same property accessed from Lowndes Street; development is about 0.4 miles from the intersection of Lowndes Street and Pepperell Parkway. The applicant has revised the site plan and now requesting approval for the revised duplex development. The revisions increase the 11 duplex lots approved in March 2019 to 18 duplex lots. Each duplex will be constructed on a separate lot; a total of 36 dwelling units on 18 lots. The density proposed is 3.29 dwelling units per acre. In the R-3 zone, the maximum density is 3.5 dwellings per acre. Lot 500 (1.28 acres) is unbuildable or reserved for detention; Lot 501 (1.77 acres) is reserved for stormwater detention.

All 18 duplexes are accessed from a new cul-de-sac street - Street A" on plat. There are no single-family homes on Street A. The developer also plans to construct 14 single family dwelling units; the homes will front along the east side of Lowndes Street. Single family homes are outright allowed in a R-3 zone.

The 10.94-acre duplex development is in a certified Opportunity Zone¹. Basically, in an Opportunity Zone the developer follows certain requirements to receive tax advantages. The developer plans to maintain ownership of the duplexes for 10 years in order to maximize tax benefits. The developer plans to lease each duplex unit; he believes there's a market to lease to seniors. (Only commercial or multi-family developments are eligible to receive tax benefits in Opportunity Zones not single-family home construction.)

Each duplex is about 2,500 square feet (sf). Each dwelling unit is either 1,000 or 1,250 sf. and contains two-bedrooms and 2 bathrooms or three-bedroom and 2 bathrooms. The exterior material of all duplexes is 100% brick on all sides (see elevations in packet). The units will lease for approximately \$700 to \$1,000 per month.

A conceptual landscape plan is included in your packet. Each duplex lot must meet the minimum landscape requirements according to Section IX Landscape Regulations of the Zoning Ordinance. Staff recommends a residential buffer planted between adjoining duplex lots and single-family lots.

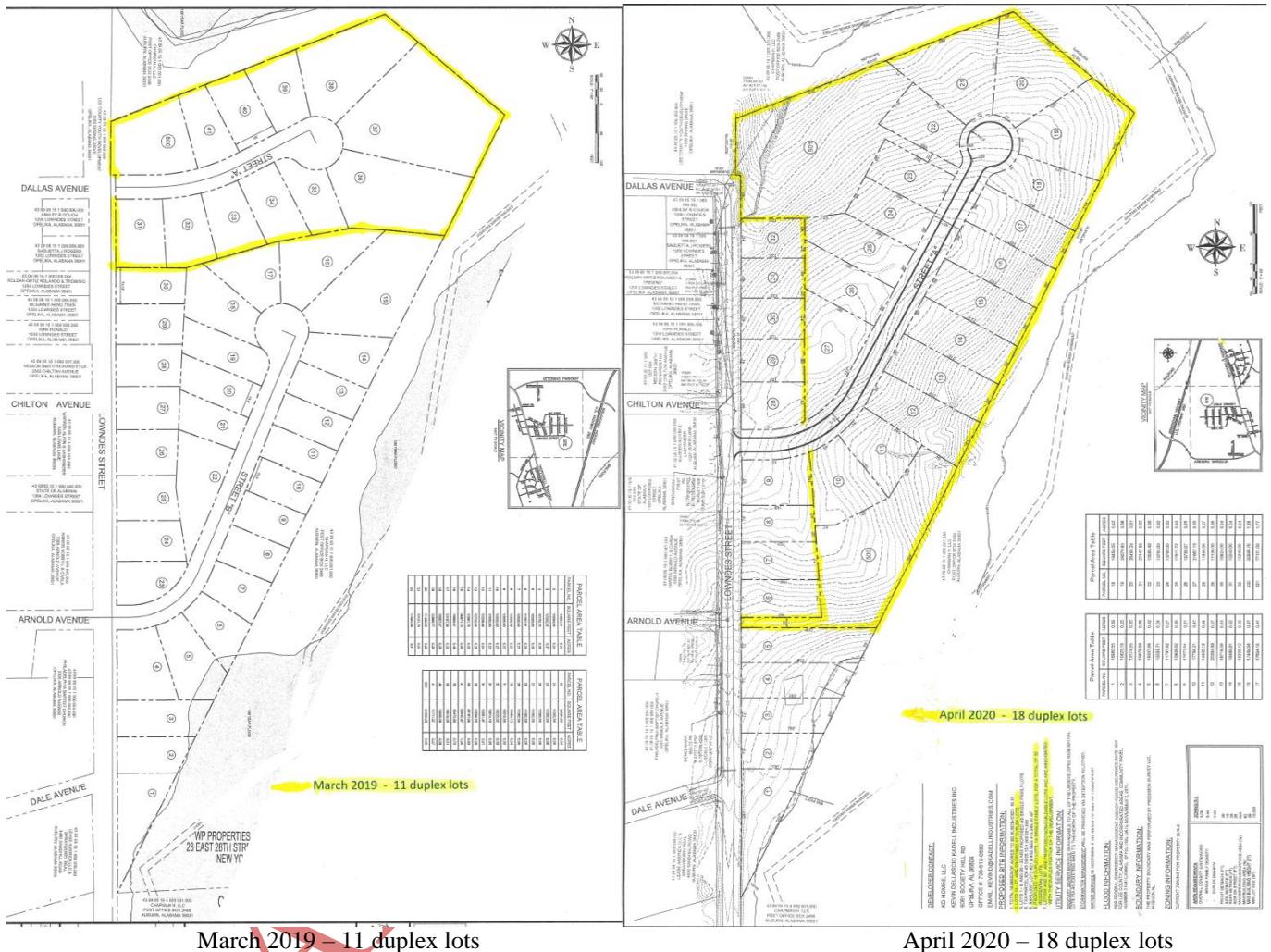
The adjacent properties on the north, east, and south of the proposed duplex development is undeveloped property. These properties will remain undeveloped because of a floodplain (Pepperell Creek) that runs along the north, east, and south property lines of the duplex lots and single-family lots. The adjacent properties west of the development is Spring Hill Heights, a residential subdivision. Spring Hill Heights was first platted in the 1940s. Most homes in Springs Hills were constructed between 1946 to 1970 except in 2008/2009 seven new single-family homes were constructed near the Dallas Avenue & Lowndes Street intersection. These homes are about 1,320 sf. In 1997 a duplex (1,928 sf) on Chilton Avenue was constructed. A review of Lee County Property Tax records provides that about 60% of the single-family homes in Spring Hill are owner-occupied households. Other uses near the duplex development include the Lee County Youth Development facility located on 27 acres north of Lowndes Street and Dallas Avenue; the facility was constructed in 1973. Midway Gardens Apartments (50 units) on Dale Avenue were built in 1971. The apartments are about three blocks (0.3 miles) from the proposed duplex development.

¹ Opportunity Zones are census tracts generally composed of economically distressed communities that qualify for the Opportunity Zone program, according to criteria outlined in 2017's Tax Cuts and Jobs Act. The program encourages long-term private sector investment in low income and rural communities.

Recommendation:

Staff does not anticipate any substantial adverse effect on the adjacent properties or the character of neighborhood from the duplex development. Staff recommends conditional use approval with the following conditions:

1. A residential buffer planted between adjoining duplex lots and single-family home lots. The type of buffer planted must consist of one of the three options as described in Section IX Landscape Regulations.
2. Sidewalks should be located on both sides of the street in the duplex area.
3. The proposed elevations should substantially match the submitted elevations to include materials, however, buildings should alternate façade features, massing, entries or other elements to break up a monotonous row of housing.
4. Each lot must meet the minimum standards for landscaping in Section IX.



Mr. Mosley reported the Engineering Department has no comments or concerns with this application and recommends conditional use approval.

A public hearing was held and there was no comment.

The Planning Commission granted conditional use of the hotel with all staff comments.

26. Lean Engineering Service, LLC, 210 block Veterans Parkway, C-3, Design & fabricate partitions for shipping totes

Mr. Mosley reported The applicant is requesting conditional use approval for Lean Engineering Service that designs and manufactures partitions (dividers) for shipping totes. Conditional use approval is required for manufacturing in the C-3 zone. The business will occupy Lot 14 (north lot on site plan) in the Veterans Commercial Park subdivision. The site plan shows two lots. Lot 15, southern lot on site plan, will be an electrical contractor office without outside equipment and material yard; the electrical contractor business is outright allowed in the C-3 zone. The conditional use request is only for Lean Engineering Service due to the manufacturing activities. The site plan shows two lots because property development will take place together; the two lots share a driveway entrance from Jeanette Street and onsite driveway.

The applicant said there is no outside storage of products and equipment; also, the 'machine' or equipment used to fabricate partitions is not loud and should not be a nuisance to adjacent properties. Two trucks per week (a 26' box truck or 53' semi-trailer) will either deliver supplies or pick-up products for the business. The minimum off-street parking requirements are met with 14 parking spaces including one handicap space; the business will begin with 6 employees and eventually have 10 employees.

The applicant's site plan (Lot 14, Lean Engineering) shows a 4,550-sf building (2,000 sf office, 2,550 sf product fabrication & assembly) and a 7,650-sf warehouse. The total building area (12,200 sf) does not exceed 50% of the lot area (30,927 sf) as required in the C-3 zone; the building area is 39%. The landscape plan meets minimum requirements. A total of 59 trees and 46 shrubs will be planted; the size of trees and shrubs planted must meet the minimum size requirements as provided in the Landscape Regulations. A parking lot buffer is shown along Jeanette Street as required. A residential zoning district (R-5M) is adjacent to the applicant's lot along the east property line. The R-5M zoned adjacent properties are also along the south and east property line of Lot 15 (electrical contractor's lot). The landscape plan provides a residential buffer along the east property of Lot 14 and along the south and east property line of Lot 15 as required. The buffer consists of a 6-foot-wide staggered row of Leyland Cypress evergreens (option 1b in the 'Residential Zone Buffer' section of the Landscape Regulation). A 10' x 10' private dumpster area with a fence enclosure and double gate is shown on the site plan.

Staff recommends conditional use approval subject to the following:

1. Enclose the dumpster with an opaque fence and gate so the dumpster is not seen outside the enclosure.
2. Install building façade exterior materials according to the Gateway Corridor standards as provided in Section 7.6, 6b. Material and Cladding Requirements in the Zoning Ordinance.

Mr. Mosley reported the Engineering Department has no comments or concerns with this application and recommends conditional use approval.

A public hearing was held and there was no comment.

The Planning Commission granted conditional use of the manufacturing use with all staff comments.

F. MASTER PLAN REVISIONS – Public Hearing

27. Towne Lake PUD Master Plan, Major Amendment to Master Plan, Towne Lake Parkway, Barrett-Simpson, Inc. (Blake Rice), 59.5 acres, Amendment from commercial/office to single family homes (45 acres) and commercial (14.5 acres)

Mr. Mosley reported at the January 4, 2000 meeting, the City Council approved the rezoning of the Towne Lakes PUD development. The 170-acre master plan consisted of single-family homes, patio homes, apartments and commercial development near Columbus Parkway. The applicant is proposing to amend this plan again to remove a large portion of the office and commercial areas and replace them with single family residential. The previously approved master plan showed 17 commercial lots that connected the existing residential to Columbus Parkway. The revised plan replaces this with 97 residential lots connecting to the existing residential and two commercial lots with access to Columbus Parkway. The connection in between has been removed. Therefore, the applicant is requesting an amendment to the 2017 Towne Lake Master plan. This would increase the number of units from the previously approved 2017 plan, but would reduce the overall unit count from the original plan by 29 units and drastically reduce the amount of commercial property. The density for this section would be just over 2 units per acre.

The proposed single-family residential would be slightly smaller but still comparable to those approved in the last phase of this development with 60-80-foot-wide lots. The lots sizes would be at minimum 8,400 square feet. The lots would have the following setbacks:

- Front: 25 feet
- Rear: 25 feet
- Side: 7feet

Utilities would be similar to the existing phases and sidewalks would be required one side of the street. Lots 48-65 seem to be very long lots with deep back yards. Staff recommends these yards be reduced in dept similar to the other lots with the remainder of the property (primarily flood plain) added to the adjoining open space.

Staff recommends a positive recommendation be sent to City Council to approve the amendments to the 2017 Towne Lake master plan by replacing the commercial sections with single family homes subject to the following:

1. Additional emergency or full access points be studied to determine if additional points can be created.
2. The deep lots along the spine road be reduced to remove most or all of the flood plain areas from the lot and placed into open space.

Mr. Parker reported the Engineering Department has a concern regarding the limited emergency access points out of the proposed residential development. The applicant will need to provide an alternative access point to either North Uniroyal Road or Columbus Parkway with the subsequent preliminary plat that will be required.

With this consideration, the Engineering Department recommends a positive recommendation of masterplan amendment to City Council.

A public hearing was held and there was no comment.

The Planning Commission made a positive recommendation to City Council with all staff comments.

28. Cannon Gate PUD Master Plan, Major Amendment to Master Plan, Blake Rice, Terminus of Cannon Gate Drive, Amendment from 67 single family home lots (estimate 31,250 square foot lots) to 81 single family home lots (lots ranging from 10,358 sf to 53,560 sf)

Mr. Mosley reported In 2006 the Planning Commission recommended to City Council to approve the rezoning of 154 acres accessed from Oak Bowery Road from R-2 to PUD. The City Council approved the rezoning in 2007. Phase 2 of the subdivision has homes under construction. In April 2017, the property owner asked to amend the master development plan to remove the remaining cluster development homes and rearrange the housing in Phase 2. The applicant is now asking to again revise the master development plan and PUD to increase the unit count for Phase 3 from 67 units to 81 units and increase the overall unit count from 142 units originally approved to 178 units. This increases the overall density from 0.92 units per acre to 1.25 units per acre.

Phase 3 of Cannon Gate was originally approved for 67 large 125-foot-wide lots. The buildings were expected to be the largest homes sitting on the largest lots of the subdivision. The lots were generally described as 30,000 square feet with 25-foot front setbacks, 20-foot side setbacks and 30-foot rear setbacks. The homes were required to be 2,600 square feet or greater. The applicant is now proposing a product similar to Phases 1 and 2 of Cannon Gate. These lots would range in size from 10,358 square feet to 36,272 square feet with most lots averaging between 14,000 -17,000 square feet. The proposed setbacks for this section would be 25-foot front and rear setbacks and 7-foot side setbacks.

There is also 24.41 acres of open space. This is spread around four lots. Much of this flood plain is currently in the flood zone. This flood plain may eventually be a route for the Opelika Creekline greenway project. This would emulate the walking trails originally proposed within the Cannon Gate Subdivision that were never installed.

With the proposed increase in units, the City Engineer feels that an additional access to the north and eventually Veterans Boulevard could be beneficial at a later date when that the large vacant properties to this develop. Staff believes an additional stub street should be provide along Cannon Gate Drive near the intersection of the north/south street.

While the changes to the master development plan do increase the lot size, they are consistent with the previously developed phases. The overall density for this phase and the development in general still remain around 1.25 units per acre which is below the 2.5 units per acre allowed in most of the adjacent R-2 zoning.

Recommendation:

Overall, the master plan is an increase from the previously approved master plan. However, it is consistent with the other sections of Cannon Gate Subdivision and the density is lower than the surrounding R-2 zoning.

Staff recommends approval of the amendment to the Cannon Gate Subdivision subject to the following:

- An additional access point be provided to the vacant property to the north.
- If this area is designated as part of the Opelika Creekline project or in the City of Opelika Pedestrian Master Plan, the owner and/or developer will work with the city staff to determine a suitable route through open space or flood plain areas and provide an easement not to exceed 30 feet in width.

Mr. Parker reported the Engineering Department has no comments or concerns with this application and recommends a positive recommendation of masterplan amendment to City Council

A public hearing was held and there was no comment.

The Planning Commission made a positive recommendation to City Council with all staff comments

G. AMENDMENT TO 2030 COMPREHENSIVE PLAN and REZONING – Public Hearing

29a. Amendment to Future Land Use Map, 1813 & 1801 Old Columbus Road, 1.9 acres, from manufacturing to medium density residential

29b. Rezoning Request, Clayton Howard, 1813 & 1801 Old Columbus Road, 1.9 acres, from M-1 to R-4

Mr. Mosley reported the 2030 Future Land Use Map (FLUM) shows the 1.9 -acre rezoning property in a “manufacturing” land use category. The proposed M-1 to R-4 rezoning request requires an amendment to the 2030 FLUM concerning land use category. Properties zoned M-1 are in a “manufacturing” category. If the rezoning request is approved the 2030 FLUM should be amended so the lots are in the “Medium Density Residential” land use category.

On the 2030 FLUM, the 1.9-acre rezoning property is adjacent to a “medium density residential” land use category on all sides. Single family homes and mobile homes are on most adjacent lots; two lots are undeveloped. The proposed medium density residential land use category is a use to serve residential needs. Commercial uses are not allowed in the institutional category to protect the residential use from incompatible uses.

Staff Recommendation

Staff recommends the Future Land Use map amended for the 1.9-acre rezoning property from a “manufacturing” land use category to a “medium density residential” land use category.

Rezoning

Clayton Howard is requesting a rezoning of 1.9 acres from M-1 to R-4. The property owner desires to place a home in the future on the vacant lot if the rezoning is approved. If the rezoning to R-4 is approved a single-family home would be allowed on the vacant lot described as 1803 Old Columbus Road.

The adjacent properties on the south, east, and west sides of the 1.9-acres rezoning property are zoned M-1. On the north side is R-4M. Single family homes and mobile homes occupy the lots that surround the rezoning property on all sides; two lots are vacant/undeveloped. The adjacent lots range in size from .34 acres and 58.29 acres.

Staff believes rezoning to R-4 is compatible with the adjacent R-4M zoning district. The R-4 zone is intended residential development including, but not limited to single family detached, duplexes, not exceeding nine (9) units per acre. Developments in this district should be served by sanitary sewer, and should be in context with the scale and character of the existing neighborhood.

Staff Recommendation

Planning Staff recommends Planning Commission send a positive recommendation to the City Council to rezone the property from M-1 to R-4.

29a. Amendment to Future Land Use Map, 1813 & 1801 Old Columbus Road, 1.9 acres, from manufacturing to medium density residential

The Planning Commission approved a future land use amendment from manufacturing to high density residential.

29b. Rezoning Request, Clayton Howard, 1813 & 1801 Old Columbus Road, 1.9 acres, from M-1 to R-4

The Planning Commission made a positive recommendation to City Council for this rezoning.

30a. Amendment to Future Land Use Map, 1402 Fitzpatrick Avenue, 2.87 acre, from low density residential to light commercial

30b. Rezoning Request, Jeremy Clark, 1402 Fitzpatrick Avenue, 2.87 acres, from R-2 to C-2

Mr. Mosley reported that the 2030 Future Land Use Map (FLUM) shows the 2.87-acre rezoning property in a "low density residential" land use category and zoned R-2. The property directly along Waverly Parkway through this section is designated as "light commercial" or "general commercial". The properties behind the frontage properties are designated "low density residential". The front part of this property is currently designated "light commercial." The applicant would like to extend the zoning back further. If the rezoning request is approved the 2030 FLUM should be amended so the parcel is in the "light commercial" land use category. The proposed amendment would extend the "light commercial" designation about 330 feet further from Waverly Parkway.

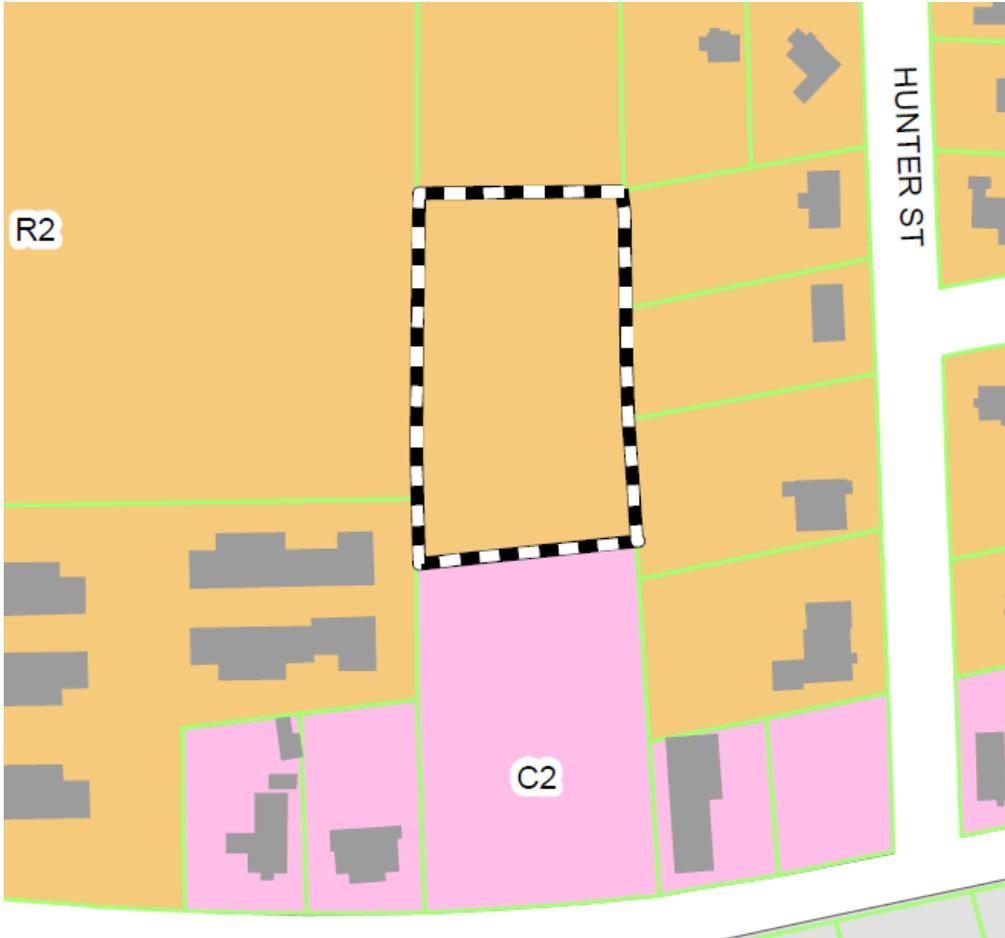
Staff Recommendation

Staff recommends the Future Land Use map amended for the 2.87-acre rezoning property from a "low density residential" land use category to a "light commercial" land use category.

Rezoning

The applicant is requesting rezoning 2.87 acres from R-2 to C-2. The applicant desires to construct an office on the property behind some frontage commercial uses. The subject property is part of two larger properties that are approximately 4.5 acres in area. The property is long and narrow with limited frontage on both Waverly Parkway and Hunter Avenue. Previous plans have shown a road connecting the two. However, the width of the lot and topographic issues creates very small and narrow sites. This leaves much of middle portion of the lot hard to use.

The proposed rezoning would extend the commercial zoning further back and allow for additional space that could be accessed from Waverly Parkway. This rezoning would extend from the currently zoned C-2 approximately 330 feet. This would create more areas where the commercial zoning would be adjacent to single-family residential zoned property. This includes two more homes on the eastern property line (Hunter Street) and an undeveloped R-2 property on the west. These areas would be required to have the residential bufferyards as described in the zoning ordinance. The new zone would not allow any outside storage or uses in this area. The applicant has stated that he would like to construct an office building that would be used during standard workdays.



DRAFT SUMMARY

Recommendation

Staff feels that the requested rezoning would be the best way to utilize the long and topographically challenged property. The additional space would allow limited commercial uses and require additional buffering against the single-family zoned properties.

Planning Staff recommends Planning Commission send a positive recommendation to the City Council to rezone the property C-2.

Mr. Parker gave no report.

30a. Amendment to Future Land Use Map, 1402 Fitzpatrick Avenue, 2.87 acre, from low density residential to light commercial

The Planning Commission held a public hearing on request. An adjoining property owner asked how this request would affect their property.

The Planning Commission made a motion to approve the future land use amendment.

30b. Rezoning Request, Jeremy Clark, 1402 Fitzpatrick Avenue, 2.87 acres, from R-2 to C-2

The Planning Commission made a positive recommendation to City Council to rezone the property.

31a. Amendment to Future Land Use Map, NE corner Waverly Parkway & Veterans Parkway, 26.6 acres, from low density residential to mixed use/planned unit development**31b. Rezoning Request, David Slocum, NE corner Waverly Parkway & Veterans Parkway, 26.6 acres, from R-1, R-3 & C-2 to PUD**

Mr. Mosley reported that the rezoning request from R-1, R-3, and C-2 to PUD for the proposed town house community requires an amendment to the 2030 FLUM concerning land use category. The 2030 Future Land Use Map shows the 26.6-acre property as a "low density residential land use category. If the rezoning request is approved, the 2030 FLUM should be amended so the 150 acres are in a "planned unit development" land use.

Most of the adjacent properties surrounding the subject property are in a "low density residential" or "light commercial" categories. Across the railroad tracks, the properties on both sides of the road also carry the PUD/mixed use land-use classification. The properties on the other three corners of the Waverly Parkway and Veterans Parkway intersections are classified as "light commercial." The properties moving east on Waverly Parkway and north on Veterans Parkway are designated "low-density residential."

The existing land uses of the surrounding properties is a little more varied. The properties immediately to the north and south of this property have single-family homes. Most of these existing lots would classify as "low density residential." The properties across veterans are more commercial in nature or institutional. There is a low-density neighborhood behind the frontage properties on Veterans Parkway. To the east, the properties include a cabinet shop, the former Southern Union building (now a church and daycare) and a mixed density subdivision.

Due to the surrounding mix of uses and classifications, the 'Planned Unit Development' category is appropriate. This is also supported by the location at a major intersection of two parkways.

Staff Recommendation:

Staff recommends the Future Land Use map amended from a "low density residential land use category to a 'planned unit development' land use category to support the goals and purposes of the Comprehensive Plan.

Rezoning:

The applicant is requesting rezoning 26.6 acres from a R-1 (low density residential), R-3 (medium density residential) and C-2 (light commercial) zoning district to a PUD (planned unit development) zoning district for a mixed use development including primarily town homes with a retail shop along Waverly Parkway. The development is accessed from Waverly Parkway only due to topography issues along Veterans Parkway. The access street is a boulevard type

with a wider entrance and two lanes separated with a median. The separate lanes will assist if an emergency occurs and one lane is closed.

The applicant is proposing 112 townhome units along three public streets. The units are shown as 28 4-unit buildings accessed from the street. The townhomes would meet the standards of the City of Opelika zoning ordinance. The applicant has also stated that they would like the ability to transition from a townhome product to a single-family product based on market conditions. The standards for the single-family home would be a minimum 7,500 square foot lot with a 50-foot lot width. This would decrease the proposed density of 4.2 units per acre even lower.

The overall site has 8.3 acres of open space. This includes two ponds. There are various walking trails shown throughout the plan that tie into sidewalks on the public streets. The applicant proposes and staff recommends sidewalks installed on at least one side of all streets and underground utilities provided. The narrative also states that property will include a 25-foot buffer around all sides. This exceeds the City of Opelika required bufferyards.

The development shows a common trash receptacle that should be screened from public view and outside of the right-of-way. Each unit has room for at least two vehicles and there is additional parking near the amenity area. The amenities are currently shown as existing ponds and natural trails with a future internal park area shown in the northern section.

The site also has a single commercial cabinet showroom and workshop located on the southeast corner. This building is adjacent to another cabinet workshop owned by the potential developer. This site has a separate driveway and is buffered from the proposed townhomes.

Staff Recommendation:

Staff recommends Planning Commission send a positive recommendation to the City Council to rezone the property from R-1, R-3, and C-2 to PUD subject to the following:

1. Install underground utilities and sidewalks on at least one side of all streets.
2. Provide 25-foot buffers meeting or exceeding the City of Opelika residential bufferyard standards.
3. Trash receptacle shall be screened and located off the right-of-way.
4. Any fencing used along the street shall be standardized across all lots. Chainlink or wire mesh is prohibited.
5. The site will need to comply with all City of Opelika landscape standards.

Mr. Parker gave no report.

31a. Amendment to Future Land Use Map, NE corner Waverly Parkway & Veterans Parkway, 26.6 acres, from low density residential to mixed use/planned unit development

The Planning Commission held a public hearing. There was no discussion from the public, but Mr. Mosley summarized an email from a nearby resident that had been sent to the Planning Commission previously.

The Planning Commission voted to deny the request to amend the future land use map based on the belief that the proposed density was too much for the surrounding properties.

31b. Rezoning Request, David Slocum, NE corner Waverly Parkway & Veterans Parkway, 26.6 acres, from R-1, R-3 & C-2 to PUD

The Planning Commission made a negative recommendation to City Council to rezone the property to a PUD.

32a. Amendment to Future Land Use Map, 3417 Dale Avenue, 6.6 acres, from high density residential to general commercial

32b. Rezoning Request, Brandon Davis, 3417 Dale Avenue, 6.6 acres, from R-5M to C-3

Mr. Mosley reported that the 2030 Future Land Use Map (FLUM) shows the 6.6-acre rezoning property in a "high density residential" land use category and zoned R-5M. The high-density residential designation is contributed to the adjacent King's Mobile Estates mobile home park property, a single-family home, and Midway Garden Apartments near the rezoning property.

The rezoning request to general commercial requires an amendment to the 2030 FLUM concerning 'land use category.' If the rezoning request is approved the 2030 FLUM should be amended so the parcel is in the "General Commercial" land use category.

On the 2030 FLUM, about 2.3 acres of the 6.6-acre rezoning property is adjacent to properties in the "general commercial" land use category; the general commercial properties are located east, west and south of the 2.3 acres. The rezoning property is adjacent to Cannon Carpet One, a retail store that fronts along Pepperell Parkway. The adjacent properties on the east side are undeveloped and a small (5,500 sf) mini-self storage building. On the west side, the adjacent property is owned by Clayton Mobile Home Sales lot and used for mobile home storage. The remaining 4.3 acres is adjacent to a "low density or high density residential" category. The uses in the residential category are King's Mobile Estate mobile home park property, a single-family home, and a mini warehouse and undeveloped land.

The 'general commercial' land use provides a broad range of retail & service type uses that typically locates on busy major highways and the gateway corridor overlay district. In this case the rezoning property is not on a highway nor in the gateway district. However, a portion of the rezoning property can be seen from Pepperell Parkway, a major highway in the gateway corridor. The rezoning property fronts on King Lake Road 190 feet from the Pepperell Parkway and King Lake Road intersection. The gateway corridor includes those properties within 150 feet of the Pepperell Parkway right-of-way. The rezoning property is 40 feet from being in the gateway corridor.

Staff Recommendation

Staff recommends the Future Land Use map amended for the 6.6-acre rezoning property from a "high density residential" land use category to a "General Commercial" land use category.

Rezoning

The applicant is requesting rezoning 6.6 acres from R-5M to C-3. The applicant desires to store earthen materials (topsoil, gravel, mulch) on the property for wholesale and retail sales. About 75% of business activities are dump-trucks delivering earthen materials to commercial or residential construction projects. About 25% of activities is retail sales to local homeowners purchasing earth materials for home landscape/excavation projects. The conceptual site plan shows 11 material bins, large stockpile areas, and an office with seven parking spaces (one handicap).

The applicant said in most cases 3 to 4 dump truck loads per week will deliver earth materials to the rezoning property for storage or stockpiling of material; occasionally, maybe up to 8 truckloads per week will deliver material. In many cases, earth materials delivered to commercial and residential construction projects are not from the stockpile on rezoning property, but material is picked up at a quarry and delivered to project. The large stockpiles of earth material shown on conceptual site plan is reserved for residential or commercial construction project orders requested for week-end deliveries or if the quarry is closed. Delivering materials from the stockpile to commercial or residential projects occurs about two times a month. Equipment stored on rezoning property are tri-axle dump trucks, a low-boy truck, and a water truck.

The primary access to the rezoning property is King Lake Road from Pepperell Parkway. The length of King Lake Road is about 800 feet and runs from Pepperell Parkway to Dale Avenue. A 300 foot section of King Lake Road from Pepperell Parkway is hard-surface, asphalt; the asphalt ends about 40 feet from the driveway entrance to the earth material business; a 500 foot section of King Lake Road starting near the business entrance and extending to Dale Avenue is undeveloped (see photos).

Recommendation

The rezoning property is adjacent to two zoning districts, C-3 and R-5M. About 2.3 acres of the 6.6-acre rezoning property is adjacent to the C-3 zone on three sides. The adjacent C-3 uses to the west are mobile home storage and undeveloped. On the east side the adjacent C-3 uses are a vacant commercial building and undeveloped. On the south side, Cannon Carpet One flooring, retail store, fronts Pepperell Parkway. The remaining 4.3 acres of the rezoning property is adjacent to a R-5M zone. The adjacent R-5M land uses are King's Estates mobile home park (west), a single-family home on 3.1 acres (north), and a 5,500-sf mini-warehouse and undeveloped land.

Staff does not object to the proposed C-3 zone for the property, but some uses that require conditional use approval in C-3 including the earth material business will likely have a negative impact on the surrounding area. If the property was rezoned C-3 the land uses allowed in the C-3 zone such as retail sales, offices, and restaurant are compatible with the adjacent properties. Also, several land uses that require conditional use approval in the C-3 zone are

supported by staff because of their minimal impact on the surrounding properties; those uses are contractor's office and warehouse, auto maintenance, storage and distribution businesses, and light manufacturing. Staff is concerned the proposed business will generate an undesirable impact on the surrounding area. It appears the earth material business will be more intensive and larger scale use compared to the surrounding land uses; there is concern the adjacent properties will experience an adverse effect. Its possible conditions may be required to minimize impact. Uses allowed in the C-3 zone or those uses listed that are conditionally approved (as listed above) would be more compatible, sensitive, and in character with the surrounding area.

Planning Staff recommends Planning Commission send a positive recommendation to the City Council to rezone the property C-3 for those uses allowed in the C-3 zoning district. Proposed uses that require conditional use review are approved by the Planning Commission.

32a. Amendment to Future Land Use Map, 3417 Dale Avenue, 6.6 acres, from high density residential to general commercial

A motion was initially made to deny the amendment to the future land use plan. After discussion, the motion was rescinded and a new motion was made to approve the amendment to the future land use plan. This motion was approved.

32b. Rezoning Request, Brandon Davis, 3417 Dale Avenue, 6.6 acres, from R-5M to C-3

The Planning Commission made a positive recommendation to the City Council to rezone this property.

H. SUBDIVISION REGULATIONS TEXT AMENDMENTS – Public Hearing

33. Amend Section 4.3 Preliminary Plat Review and Approval, E. Effect of Approval, Section 4.4 Final Plat Approval, A. General, and Section 4.11 Administrative Subdivision, A. Purpose, B. Submission, C. Review and Approval

Mr. Mosley reported Planning Staff is recommending three proposed changes to the subdivision regulations to reduce the amount of strictly administrative reviewed items that come before the Planning Commission. These items each would potentially remove Planning Commission review from very simple subdivisions or extend the amount of time that occurs before a subdivision needs to be re-approved. All underlined text is new additions to the regulations. All strike-through text is meant to be removed from the regulations.

SECTION 4.3 PRELIMINARY PLAT REVIEW AND APPROVAL

E. Effect of Approval.

Approval of a Preliminary Plat shall not constitute acceptance of the plat of the proposed subdivision but shall be deemed only as an expression of approval of the plan submitted as a guide to preparation of the Final Plat, which Final Plat will be submitted for approval and recorded upon fulfillment of the requirements of these regulations and the conditions of tentative approval. Approval of a Preliminary Plat shall be effective for 24 months, unless, upon application by the Subdivider, the Planning Commission grants an extension. If the Final Plat has not been submitted for final approval within this time limit, the Preliminary Plat shall again be filed for tentative approval; provided, however, that if a Final Plat of a part of the subdivision shall have been submitted and approved within the 24-month period, the tentative approval of the Preliminary Plat shall automatically be extended for a period of 12 months from the date of approval of such Final Plat of part of the subdivision, and the same automatic extension shall govern in subsequent cases of submission of a Final Plat of part of the subdivision; provided, further, that at any time after the expiration of the initial 24-month period during which the Preliminary Plat approval is effective, the Planning Commission may notify the Subdivider of changes it will require to meet new or changed conditions. A corrected Preliminary Plat with all conditions fulfilled shall be submitted prior to the construction or installation of any improvements.

SECTION 4.4 FINAL PLAT APPROVAL

A. General

The final plat shall conform substantially to the preliminary plat as approved and shall be submitted to the Planning Commission in quadruplicate (4) at least twenty-one (21)² calendar days prior to the meeting at which is to be considered; one copy of which shall be the original drawings. ~~Unless this is done within one year of the Planning Commission's approval of the preliminary plat, such preliminary approval shall lapse. This may be extended for up to ninety (90) days by the City Planner if reasonable progress is being made on improvements.~~

Final plat approval shall not be given at the same meeting as preliminary plat approval unless the plat does not involve the construction of any public improvements. When public improvements are constructed, a minimum of twenty (20) days shall elapse between preliminary and final approval.

Staff Discussion: This section would extend the time period of approval for preliminary plats from 12 months to 24 months. As we have tracked subdivisions, most have taken between 15-24 months to construct. It would also allow an extension of 12 months if a portion of a subdivision is platted. An example of this would be Trillium which was originally platted as 100 lots. The applicant has come back and requested final plat approval on sections at a time. Under the new guidelines, the original preliminary plat would receive a 24 month approval to construct streets and infrastructure. If they platted a portion of this original preliminary plat, they would receive an additional 12 months to plat the remainder. There are allowances to ensure that subdivisions do not extend forever without meeting updated regulations.

These guidelines would allow staff to administer the approval dates without requiring the plat to go back to Planning Commission. It would also provide a more reasonable time to finish the construction.

SECTION 4.11 ADMINISTRATIVE SUBDIVISION

A. Purpose. For the purpose of this section an administrative subdivision is re-subdivision involving not more than four (4) contiguous lots fronting on an existing street, and which requires no new streets or public infrastructure easements; and when in the opinion of the City Engineer no engineering service is required. Except as otherwise specified the re-subdivision and plat thereof shall conform to all requirements of the Subdivision Regulations of the City of Opelika, adopted September 24, 1991.

B. Submission.

- a. No preliminary plat or engineering plans are required to be submitted of an administrative subdivision. However, the subdivider should consult with the Engineering and Planning Staff, and with other appropriate officials, prior to formal submission.
- b. A final plat shall be submitted which conforms to all requirements and provides all information specified for a final plat as described in Sections 4.3, 4.4, and 4.5 of the Subdivision Regulations of the City of Opelika, adopted September 24, 1991.
- c. Since the plat is approved administratively, the certificate for approval by the Planning Commission shall not be required.

C. Review and Approval.

- a. Formal submission and approval by the Planning Commission shall not be required for an administrative subdivision. Formal approval can be granted by the Planning Director and City Engineer where a proposed re-subdivision upgrades or maintains relatively constant lot sizes or conditions and the subdivider has secured a written waiver of legal notice and hearing from the immediately adjoining property owners, the Planning Commission Chairman or Vice-Chairman, The City Planner and City Engineer may, after investigation, approve said re-subdivision for immediate recording.
- b. Such action shall be reported at the next regular meeting of the Planning Commission. The Planning Commission shall ratify its approval at its next regular meeting at which time said application shall appear on its agenda.
- c. ~~However,~~ The City Planner may require that an administrative subdivision be presented to the Planning Commission for consideration for approval.
- d. Approval of the Administrative Plat by the staff shall be null and void if such Administrative Plat is not recorded in the Office of the Judge of Probate of Lee County within twelve (12) months after the date of the approval, unless an application for an extension of time is made in writing and is granted by the Planning Director and City Engineer during this twelve (12) month period.

² Date of Amendment: April 26, 2005 Res. No. 01-05

Change from 15 days to 21 days

Mr. Mosley stated that the advertisement was not sufficient for an amendment to the subdivision regulations and the Planning Commission could not act on this issue. The Commission members asked that the discussion for this item be moved to the next meeting.

I. OTHER BUSINESS

34. David Slocum, 1150 block Fitzpatrick Avenue, C-2, The Cottages at Providence - 19 condo units, Requesting extension of conditional use approval for one year or May 25, 2021.

Mr. Mosley reported *the Zoning Ordinance requires a conditional use approval to expire in one year from the date of Planning Commission approval if a building permit has not been obtained. The conditional use for The Cottages at Providence, 19 condominiums, was first approved at the May 22, 2019 PC meeting. The applicant is requesting an extension to May 25, 2021. Planning staff has no conditions for approval or other recommendations to add to the recommendations approved at the May 22, 2019 meeting; staff recommends approval for one year to May 25, 2021.*

Mr. Mosley reported the Engineering Department has no comments or concerns with this conditional use extension and recommends approval.

The Planning Commission voted to extend the conditional use for the Cottages at Providence.

The Planning Commission adjourned the meeting at 6:55 p.m.

DRAFT SUMMARY