



**CITY OF OPELIKA
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING AGENDA**

300 Martin Luther King Blvd.

November 9, 2021

TIME: 9:00 AM

A. VARIANCE

1. RaceTrac Petroleum, Inc., 1109 Columbus Parkway, Requesting a 40 foot height variance from the 60 foot maximum sign height allowed for an Interstate sign

“In compliance with the Americans with Disabilities Act, the City of Opelika will make reasonable arrangements to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the ADA Coordinator 72 hours prior to the meeting at (334)705-2083.”

**CITY OF OPELIKA
ZONING BOARD OF ADJUSTMENT
AUGUST 10, 2021 9:00 A.M.
MEETING CHAMBERS
OPELIKA MUNICIPAL COURT
300 MLK BOULEVARD**

The City of Opelika Zoning Board of Adjustments held the regular meeting August 10, 2021 in the Meeting Chambers located at the Opelika Municipal Court, 300 MLK Boulevard. Certified letters were mailed out to all adjacent property owners for related issues for meeting dates.

MEMBERS PRESENT: Mrs. Tipi Miller, Mr. Chris Anthony, Mrs. Raven Harvis, Mrs. Angela George, and Mr. Chris Nunn.

MEMBERS ABSENT: Chairman Wilbert Payne and Mr. Jay Walters.

STAFF PRESENT: Mr. Marty Ogren, Planning Assistant Director
Mrs. Rachel Dennis, Planner
Mrs. Claire Barber, Planning and Zoning Technician

CALL TO ORDER: Acting Chair Miller called the meeting to order at 9:02 a.m.

ROLL CALL: Miller, Anthony, Harvis, George, and Nunn.

I. Approval of Minutes for July 13, 2021 Meeting.

Mr. Nunn made a motion to accept the July 13, 2021 minutes as written.

Mrs. Harvis seconded the motion.

Ayes: Miller, Anthony, Harvis, George, and Nunn.

Nays: None.

Abstention: None.

A. VARIANCE

- 1. William Reason, dba Certified Lighting, 2950 Pepperell Parkway, Requesting a 2.0 footcandle variance from the 0.3 footcandle maximum brightness allow at the property line for an internally lighted sign. (*This item tabled at July 13th BZA meeting.*)**

Mr. Ogren reported, the applicant requested that this item be withdrawn. We are talking to a consultant about the sign regulations, and they are going to combine all the lighting that's on the property not just the sign light to measure brightness. So, we're going to review it at that time when City Council approves it.

Mrs. George made a motion to withdraw the item at the applicant's request.

Mrs. Harvis seconded the motion.

Ayes: Miller, Anthony, Harvis, George, and Nunn.

Nays: None.

Abstention: None.

- 2. RaceTrac Petroleum, Inc., 1109 Columbus Parkway, Requesting a 3.5% variance from the 70% maximum Impervious Surface Ratio (ISR) requirement as stated in Section 10 Landscape Regulations of the Zoning Ordinance (*This item tabled at July 13th BZA meeting.*)**

Mr. Ogren reported, this agenda item was tabled at the July 13th ZBA meeting. (The July 13th ZBA report is on page 2.) The applicant was able to revise the site plan presented at the July meeting and decrease the impervious percentage and increase the pervious area (green space) of the RaceTrac development. At the July 13th meeting the variance request was to exceed the 70% maximum impervious surface ratio (ISR) to 73.51%. The 3.51% increase equals 9,711 square feet (sf) of additional impervious surface. The revised site plan reduces the request to increase the impervious surface from 3.51% to 1.52%; the

impervious surface percentage increase to 71.52% equals 4,206 square feet. The revised site plan adds 5,505 square feet of pervious surface. The revised site plan does not meet the 70% maximum impervious ratio but decrease the impervious surface presented at the July 13th meeting from 9,711 sf to 4,206 sf. (The pervious surface added on the site plan is highlighted yellow on page 3.); the pervious surface consists of Bermuda grass/sod located next to a landscape buffer - trees and shrubs.

Staff Comments/Recommendation

The applicant's revised site plan was based on the maximum number of semi-trucks expected on the property and the turning requirements for those semi-trucks & trailers. Also, the 6.25 acre RaceTrac property is rectangular shaped with a "narrow" width (296' x 815'). The width limits the site plan layout options concerning location of buildings, parking spaces, driveways, etc. In consideration of these issues, staff believes the 1.52% impervious surface increase (4,206 sf) is minimal. The revised plan adds 5,505 sf of green space next to the landscaping along the west property line and decreases asphalt surface heat and storm water runoff. The development meets the landscape requirements with buffer trees and shrubs along property lines and in parking lot islands. Landscaping on the RaceTrac property consists of 115 trees (oak, poplar, birch, crape myrtle, dogwood) and 564 shrubs.

Staff recommends a 1.52% variance increase to the maximum 70% Impervious Surface Ratio not to exceed 71.52%,

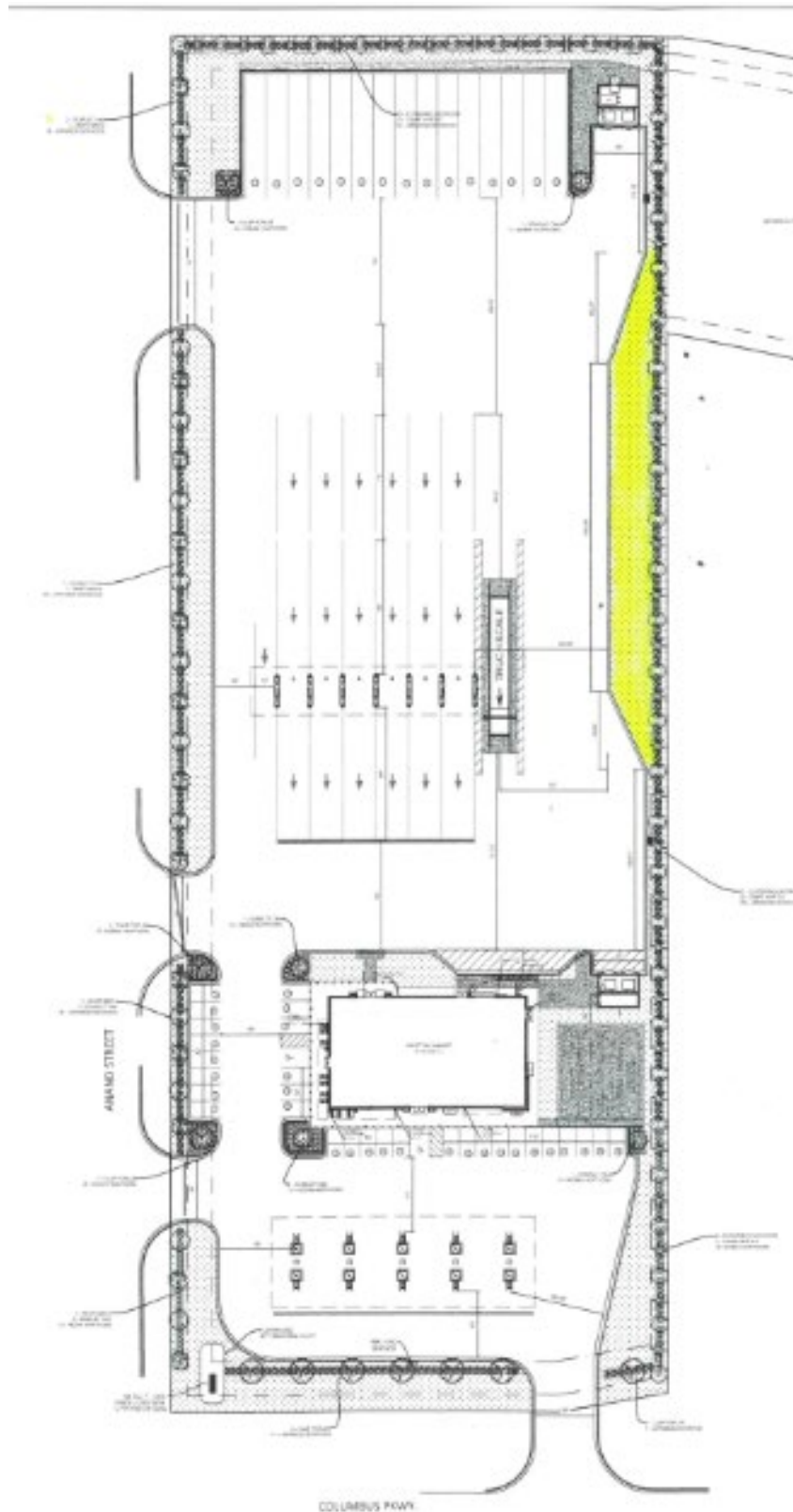
July 13th ZBA Report

The applicant is requesting a variance to exceed the 70% maximum ISR by 3.51% to construct a RaceTrac gas station, convenience store, and truckstop on Columbus Parkway. The 6.35 acre RaceTrac property equals 276,669 square feet; the 3.51% variance request of additional hard surface equals 9,711 square feet of property area. The Planning Commission granted conditional use approval for the RaceTrac development subject to conditions including decreasing the impervious surface area (hard surface) to meet the 70% ISR or approval of a variance from the Zoning Board.

The Zoning Ordinance provides in the Area Requirements table in Section 7.3 *Specific District Regulations, A. District Regulation* that the maximum impervious surface area (%) allowed is 70% of the total property area of a development. Impervious surface is hard surface such as buildings, driveways, parking spaces, concrete, and asphalt. The required 30% pervious area is natural pervious material (soil or ground), but pervious can also be man-made material as permeable brick/stone pavers, and porous concrete that allows water to pass through. The purpose of requiring pervious surfaces is to increase green space and decrease excessive surface heat absorbed by the asphalt; pervious surfaces also decreases polluted runoff and decreases the impact of excessive water runoff.

Recommendation

Staff believes the site plan can be revised so the 70% impervious limit is met and the required pervious area is provided. During conditional use review, Staff contacted RaceTrac designers/engineers about revising the site plan and eliminate some parking spaces and/or add some landscape islands. For the ZBA meeting, staff sketched out a 9,711 sf area hard surface area on RaceTrac's site plan that could remain as a pervious surface; this area has less truck traffic on the property, and it provides a single or double lane for truck traffic to exit the property. If the site plan cannot be revised, then concrete permeable pavers or pervious brick/stone material can be installed; Staff is willing to work with RaceTrac so the impervious surface does not exceed the 70% maximum allowed. **Staff recommends the request be denied and the 70% maximum impervious surface be met.**



Certified letters were mailed to all adjacent property owners.

Acting Chair Miller opened the public hearing.

Bert Boykin, 2001 Park Place N. Ste. 540 Birmingham, Alabama, stated good morning I'm here with Samee Ali on behalf of the applicant RaceTrac Petroleum. I do have a packet to pass out if you'll give me one moment. Mr. Ogren touched on a lot of the information in our packet and in there you'll see a revised site plan that requests a 1.52 percent variance from the 70 percent impermeable surface ratio requirement imposed by the gateway overlay district. Under the zoning ordinance, the impermeable surface ratio is used to limit the adverse effects caused by heat and water as well as address aesthetic concerns. We believe the site plan as revised in front of you addresses each category. The site plan details a significant amount of landscaping Mr. Ogren touched on. RaceTrac also installed concrete which is white and reflects heat which will keep the site cooler than asphalt would. Our site designs will meet or exceed all water runoff requirements. The additional 5,500

square feet of landscaping adds to the existing greenspace which will address aesthetics and also absorb water. It is our belief that the revised site plan achieves the protections contemplated by your zoning ordinance but also allows for a more maneuverable and safe site resulting in a net benefit for the applicant, the city, and the public. Considering this, we're asking you to approve the variance. Mr. Ali will come up here and speak to you a little bit more, but I do appreciate your time and let us know if you have any questions.

Samee Ali, 200 Galleria Parkway Atlanta, Georgia, stated I just wanted to reiterate the points we made last time. We have looked into the options that staff has recommended, porous concrete and Mr. Mosley mentioned that that option is good for a couple of years, but once dirt and sediment gets into it it's pretty much useless for having water run through that. Our primary concern here is for our truckers. Once truckers go to a site and they're not comfortable with the movements and the traffic flow they usually just find another option, so our primary concern is to make sure that they have all the movements that they want to make throughout our site. We believe that the changes we made still allows them to do that as well as works with you guys on the ISR ratio and we reduced it by two percent. I'm here for any questions that you might have about the revised site plan.

Acting Chair Miller closed the public hearing.

Mrs. Harvis made a motion to approve a 1.52% variance increase to the maximum 70% Impervious Surface Ratio not to exceed 71.52%.

Mrs. George seconded the motion.

Ayes: Miller, Anthony, Harvis, George, and Nunn.

Nays: None.

Abstention: None.

Mrs. Harvis made a motion to adjourn at 9:11 a.m.

Mr. Nunn seconded the motion.

Ayes: Miller, Anthony, Harvis, George, and Nunn.

Nays: None.

Abstention: None.

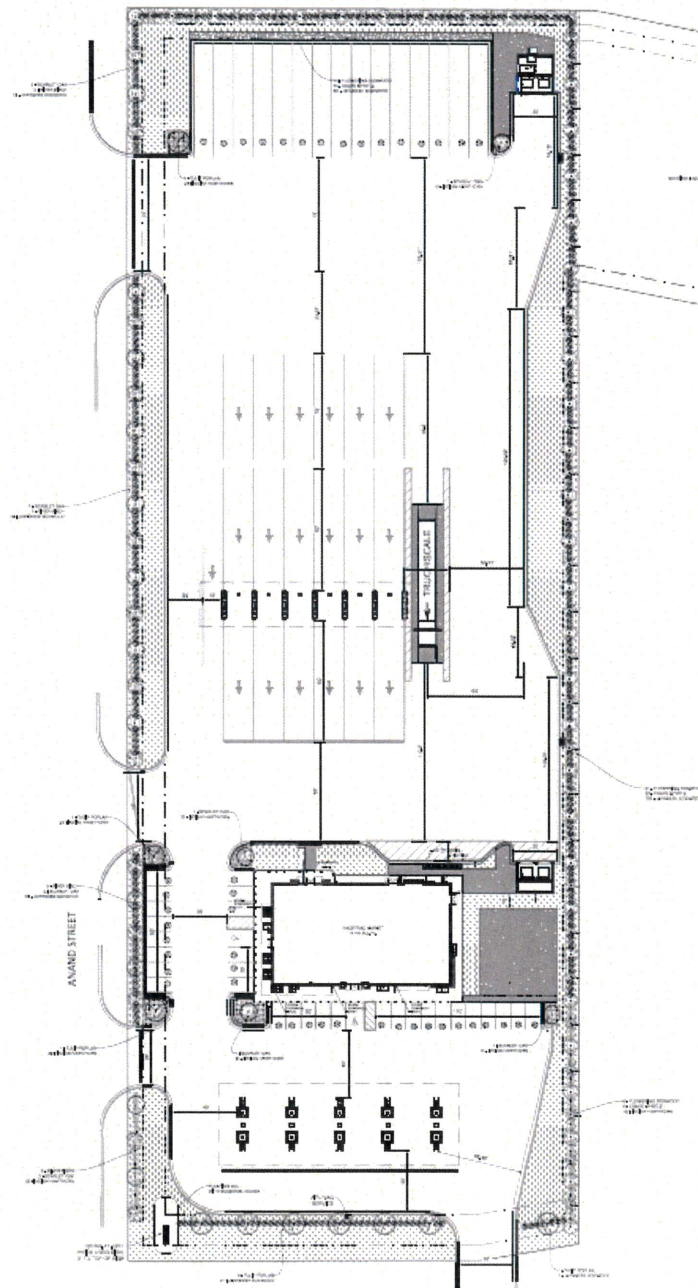
_____ Tipi Miller, Vice Chair

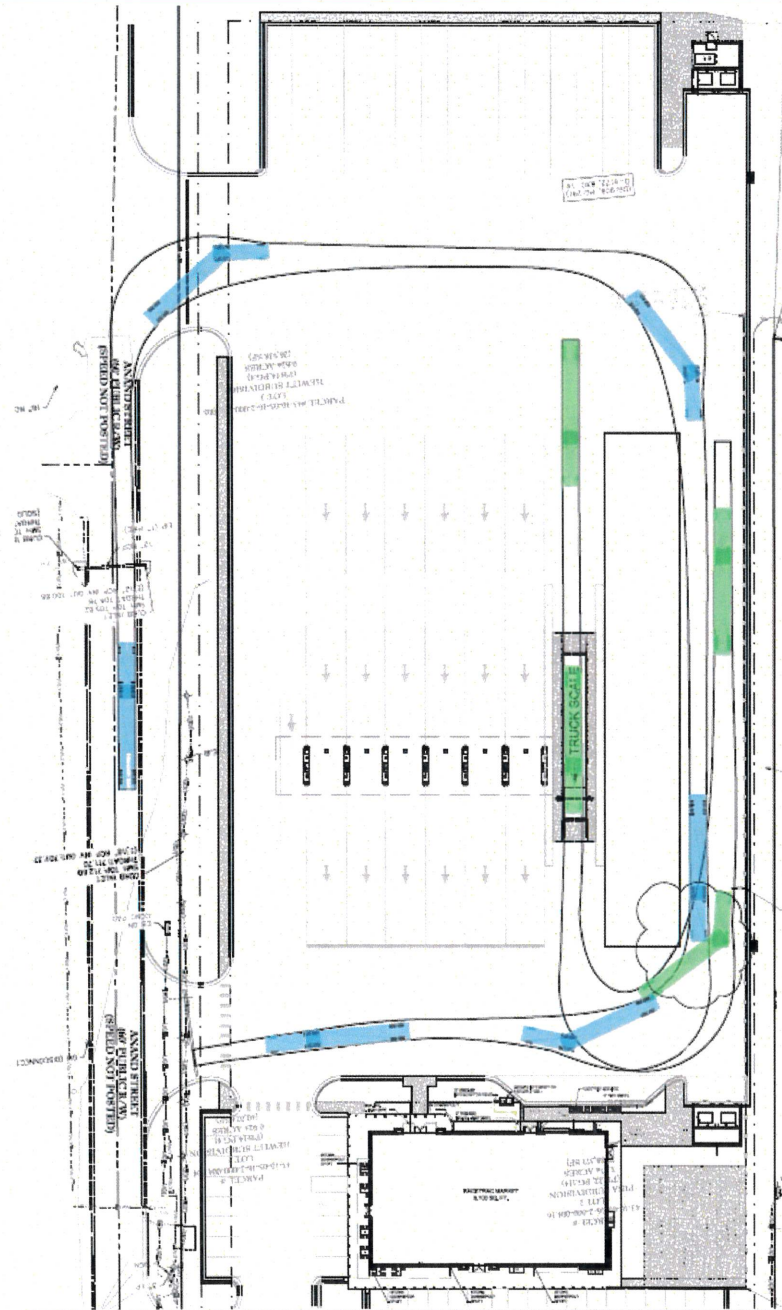
_____ Matt Mosley, Secretary



City of Opelika
Zoning Board of Adjustment







Summary

- The overall safety of our customers is our top priority, and our current site plan helps achieve optimal traffic flow
- Our conceptual landscape plan meets all the overlay requirement and surpasses all adjacent properties in landscaping
- We use concrete throughout our site which is white and reflects heat keeping our site cooler than asphalt



CITY OF OPELIKA - BZA
STAFF REPORT
November 9, 2021

Applicant: RaceTrac Petroleum, Inc.
Brett Boykin, representative

Property: 107 Columbus Parkway

Existing Zone: C-3, GC-P

Variance Request: Requesting a 40-foot sign height variance from the maximum 60 foot sign height requirement for an Interstate freestanding sign; proposed sign height is 100 feet.

Proposal:

At the May 2021 meeting, the Planning Commission granted RaceTrac Petroleum conditional use approval for a convenience store, gas station and truck stop (15 truck parking spaces). The 6.2 acre RaceTrac property is located on Columbus Parkway about 900 feet east of Exit 62 on I-85. RaceTrac is now planning for signage, and desires to install a 100 foot tall Interstate freestanding sign with a 250 square foot (sf) sign area. The proposed 100 foot interstate sign is taller than the existing trees located between the sign and I-85; RaceTrac desires for motorists on I-85 to see the sign as they approach Exit 62 and then exit.

In October thru December 2019, Planning staff was preparing amendments to the Sign Regulation including new provisions for Interstate freestanding signs. Interstate signs became part of the sign amendments because of a sign request by a proposed QuikTrip convenience store and gas station development near Exit 60 on I-85 (Gateway Drive); QuikTrip requested a 130 foot tall interstate sign with a sign area of 1,350 square feet. At the time of the request, the maximum height allowed for a freestanding sign was 20 feet tall and maximum sign area 120 sf; Gateway Drive served as the access street and the primary street for QuikTrip, and these sign requirements were adequate to provide visibility to QuikTrip along Gateway Drive. The Planning Commission and City Council understood that taller and larger signs are often installed along interstate highways for faster moving traffic. The Opelika Sign Regulations did not have maximum sign height or sign area specific for I-85 traffic when the QuikTrip development submitted a sign request. Planning staff reviewed Sign Regulations of about ten Alabama cities located on interstate highways that allow Interstate signs. The regulations served as a reference or guide in adopting standards for Opelika. After public hearings with the Planning Commission and City Council, at the January 4, 2020 meeting, Council approved

a maximum sign height of 60 feet and maximum sign area of 250 sf for interstate signs; the taller and larger sign applies only for properties over five acres and located within 1,000 feet of the I-85.

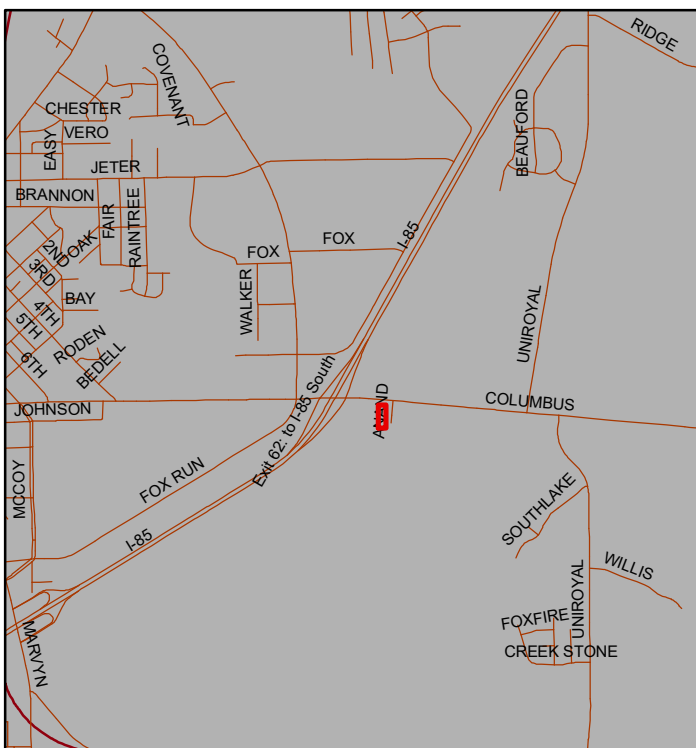
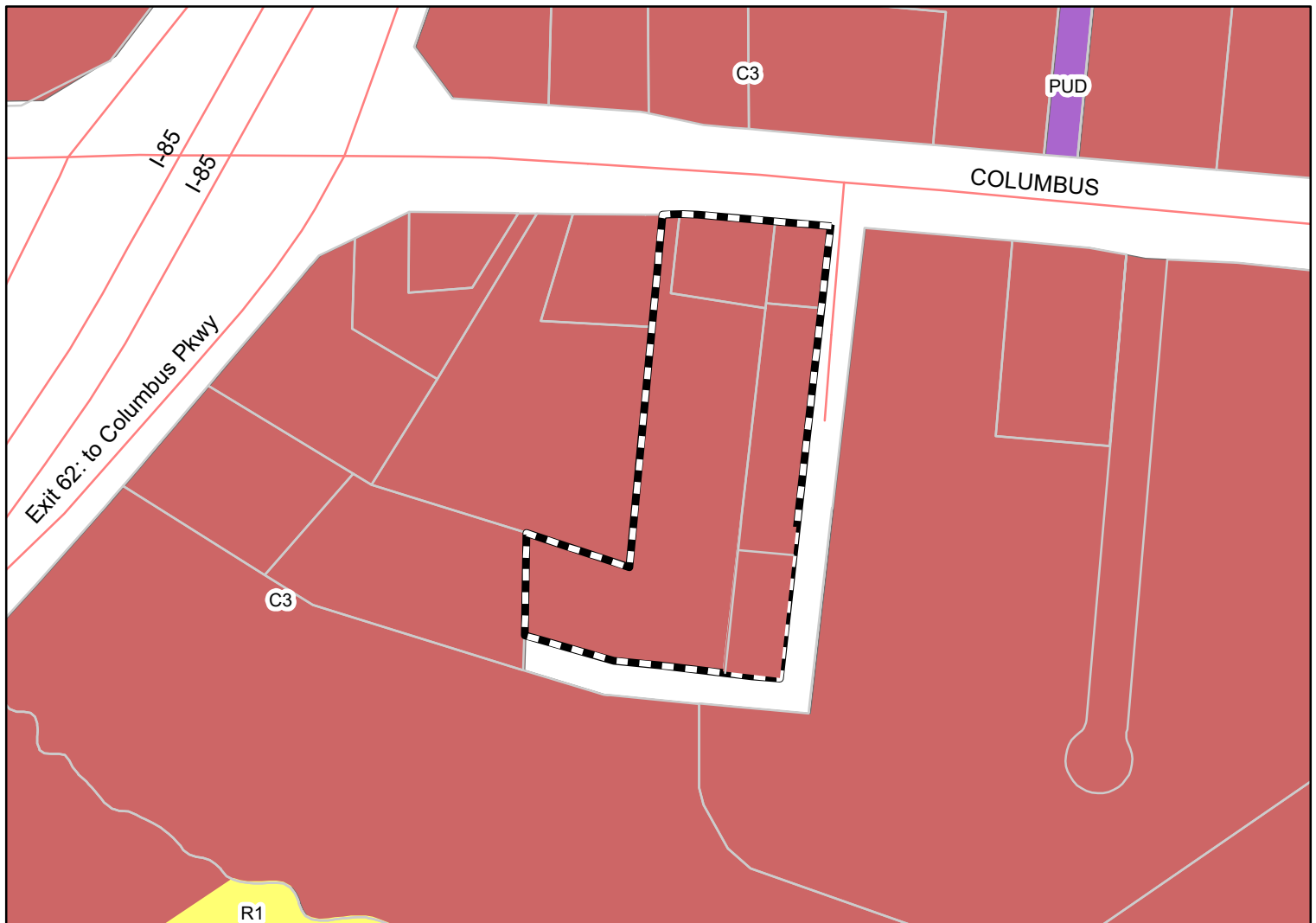
Recommendation

Staff understands the applicant's request for a RaceTrac sign to be visible from I-85. However, Columbus Parkway (Hwy 280) runs along the front property line of the RaceTrac property serving as the main street for RaceTrac. A 60 foot tall RaceTrac sign with 250 sf of sign area will provide adequate exposure along Columbus Parkway; the sign can also be seen by motorists that exit off I-85.

There are other effective ways to expose motorists on I-85 to a business. There are many billboards along I-85 that are up to 672 square feet in sign area (14' x 48') and located only 150 feet from the edge of I-85. Also, an interstate logo sign (blue sign) is near most Interstate exit lanes titled "Food" or "Lodging", or "Gas" with the business's logo attached.

Staff recommends denial of the variance request. Compliance with the interstate sign regulations (60' maximum height) is not burdensome to the applicant. There are no hardships unique to the applicant's property that is not shared by adjacent or nearby properties.

**RACETRAC PETROLEUM, INC.
1107 COLUMBUS PARKWAY
SIGN HEIGHT VARIANCE**



The applicant is requesting a sign height variance for a Interstate sign. The Sign Regs allow a 60 foot sign; RaceTrac is requesting a 40 foot height variance to construct a 100 foot sign. A 60 foot sign cannot be seen from I-85 because of trees and elevations. The property is located in the C-3. GC-P zoning district.



Subject Property

The City of Opelika does not guarantee this map to be free from errors or inaccuracies. The City of Opelika, Alabama disclaims any responsibility or liability for interpretations from this map or decisions based thereon. The information contained on this map is a general representation only and is not to be used without



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**APPLICATION FOR
VARIANCE (Section 4.2A)**
PLANNING DEPARTMENT
700 Fox Trial, Opelika, AL 36801
(334) 705-5156 Fax (334) 705-5159

DATE: <u>9/20/2021</u>	Zoning Board of Adjustment Meeting Date: <u>11/9/21</u>
Case Number:	Meeting Deadline: <u>10/19/21</u>

PART I. OWNER / APPLICANT INFORMATION

See attached for owners' information and authorizations.

404-903-4556

Owner Name

Address

Phone

Bert Boykin

2001 Park Pl. N., Ste. 540, Birmingham, AL 35203

(205) 545-8085

Agent Name (if applicable)

Address

Phone

PART II. PARCEL INFORMATION

Street Address: 1107 Columbus Parkway

Current Zoning: C-3

Current Land Use: Hotels and restaurant

Type of Variance Sought: ☒ Sign ☐ Parking ☐ Setback ☐ Other

PART III. Provide a Brief Description and Reason for the Variance (attach a zoning map or site plan) The zoning ordinance requires that interstate signs not exceed 60 ft. in height. Compliance with the height requirement will not provide adequate visibility of RaceTrac's sign. RaceTrac is seeking a variance to allow construction of a sign that is 100 ft. in height.

Setback	Required	Proposed	Amount of Variance
Front			
Side			
Side			
Rear			

PART IV.

1) Are there extraordinary and/or exceptional conditions to the particular property, which make a variance necessary? Yes. Strict application of the height limitation will prevent travelers from seeing the sign in time to make a safe exit from I-85. Trees will also block the sign at 60 feet. A variance is due to be granted to address these safety concerns as well as to allow RaceTrac an adequate opportunity to attract patrons to its business.

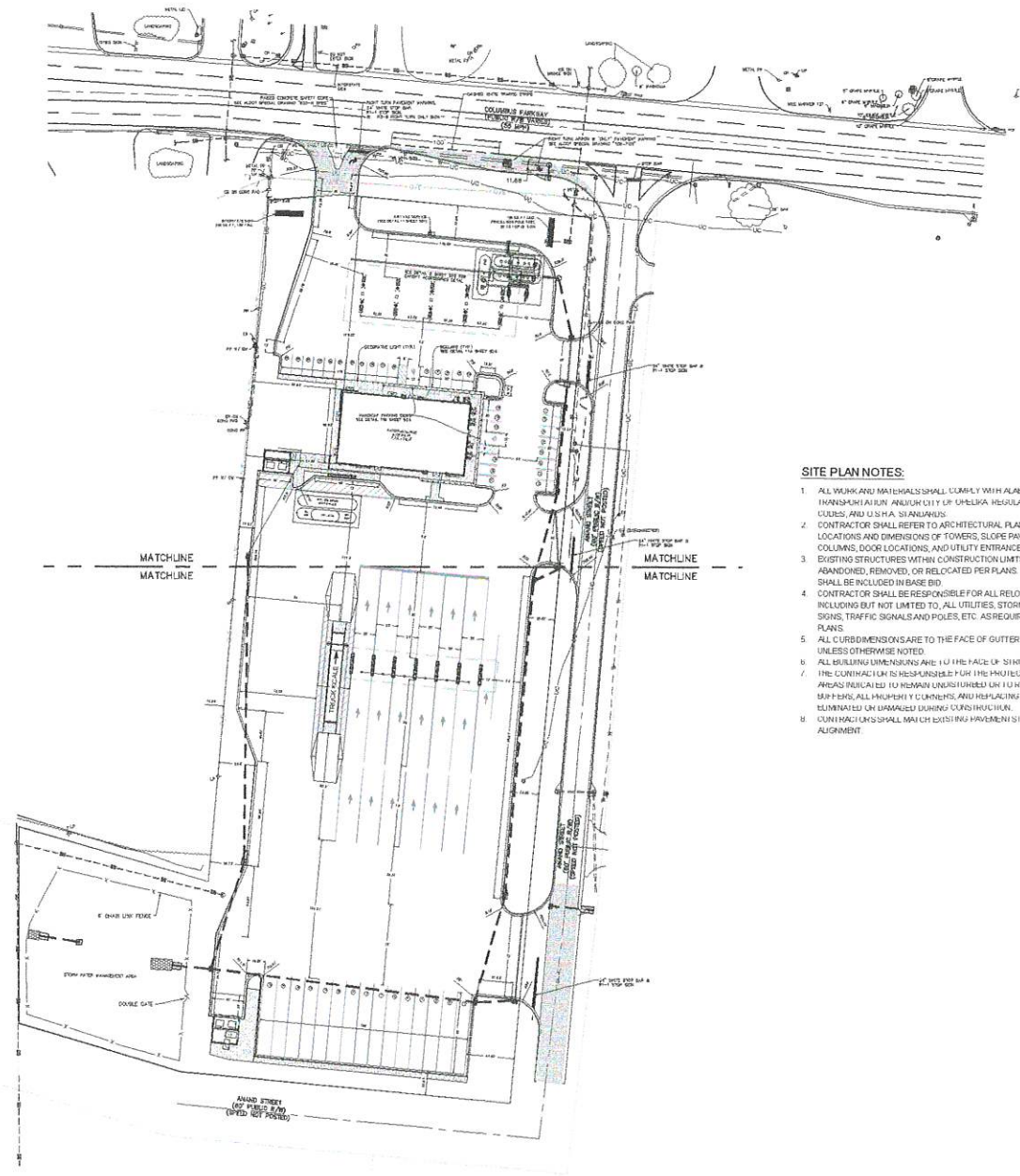


800.292.8525

252.4444 Byron Area

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LEGEND

- PROPOSED CONCRETE SIDEWALK
- CURB BACKING (DETAILS, SHEET 101)
- 10 PARKING SPOT COUNTS

SITE DESIGN STANDARDS

ROLLING SETBACK	REQUIRED	PROVIDED
FRONT	30	100
SIDE STREET	20	95
SIDE INTERIOR	10	60
REAR	30	90

SIGN SETBACK	REQUIRED	PROVIDED
FRONT	OFF R.O.W.	
SIDE STREET	OFF R.O.W.	

LANDSCAPE BUFFER REQUIREMENTS

PROPERTY LINE	WIDTH
FRONT	10
SIDE STREET	10
SIDE INTERIOR	5
REAR	5

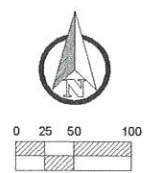
LAND USE SUMMARY (ON SITE)

CATEGORY	AREA	PERCENTAGE
RESIDENTIAL	5,100 S.F.	2.50%
PAVEMENT SIDEWALK	100,764 S.F.	50.50%
PERVIOUS	70,000 S.F.	35.00%
TOTAL	275,864 S.F.	100.00%

PARKING SUMMARY

CATEGORY	PERCENTAGE
STANDARD PARKING SPACES	30 63.00%
HANDICAP ACCESSIBLE SPACES	2 4.20%
TRUCK OR TRAILER PARKING SPACES	10 21.81%
TOTAL	42 100.00%

- SITE PLAN NOTES:**
1. ALL WORK AND MATERIALS SHALL COMPLY WITH ALABAMA DEPT. OF TRANSPORTATION AND/OR CITY OF OPELKA REGULATIONS AND ORDINANCES, AND U.S. FEDERAL STANDARDS.
 2. CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF TOWERS, SLOPE PAVERS, COLUMNS, DOOR LOCATIONS, AND UTILITY ENTRANCES.
 3. EXISTING STRUCTURES WITHIN CONSTRUCTION LIMITS ARE TO BE ABANDONED, REMOVED, OR RELOCATED PER PLANS. ALL COST SHALL BE INCLUDED IN BASE BID.
 4. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL RELOCATIONS INCLUDING BUT NOT LIMITED TO, ALL UTILITIES, STORM DRAINAGE, SIGNS, TRAFFIC SIGNALS AND POLES, ETC. AS REQUIRED PER PLANS.
 5. ALL CURB DIMENSIONS ARE TO THE FACE OF GUTTER OF CURB UNLESS OTHERWISE NOTED.
 6. ALL BUILDING DIMENSIONS ARE TO THE FACE OF STRUCTURAL COLUMN.
 7. THE CONTRACTOR IS RESPONSIBLE FOR THE PROTECTION OF ALL AREAS INDICATED TO REMAIN UNDISTURBED OR TO REMAIN AS EXISTING, ALL NECESSARY CLOSURES AND REPLACING ALL MTS ELIMINATED OR DAMAGED DURING CONSTRUCTION.
 8. CURB PATCHES SHALL MATCH EXISTING PAVEMENT SITUATION ALIGNMENT.

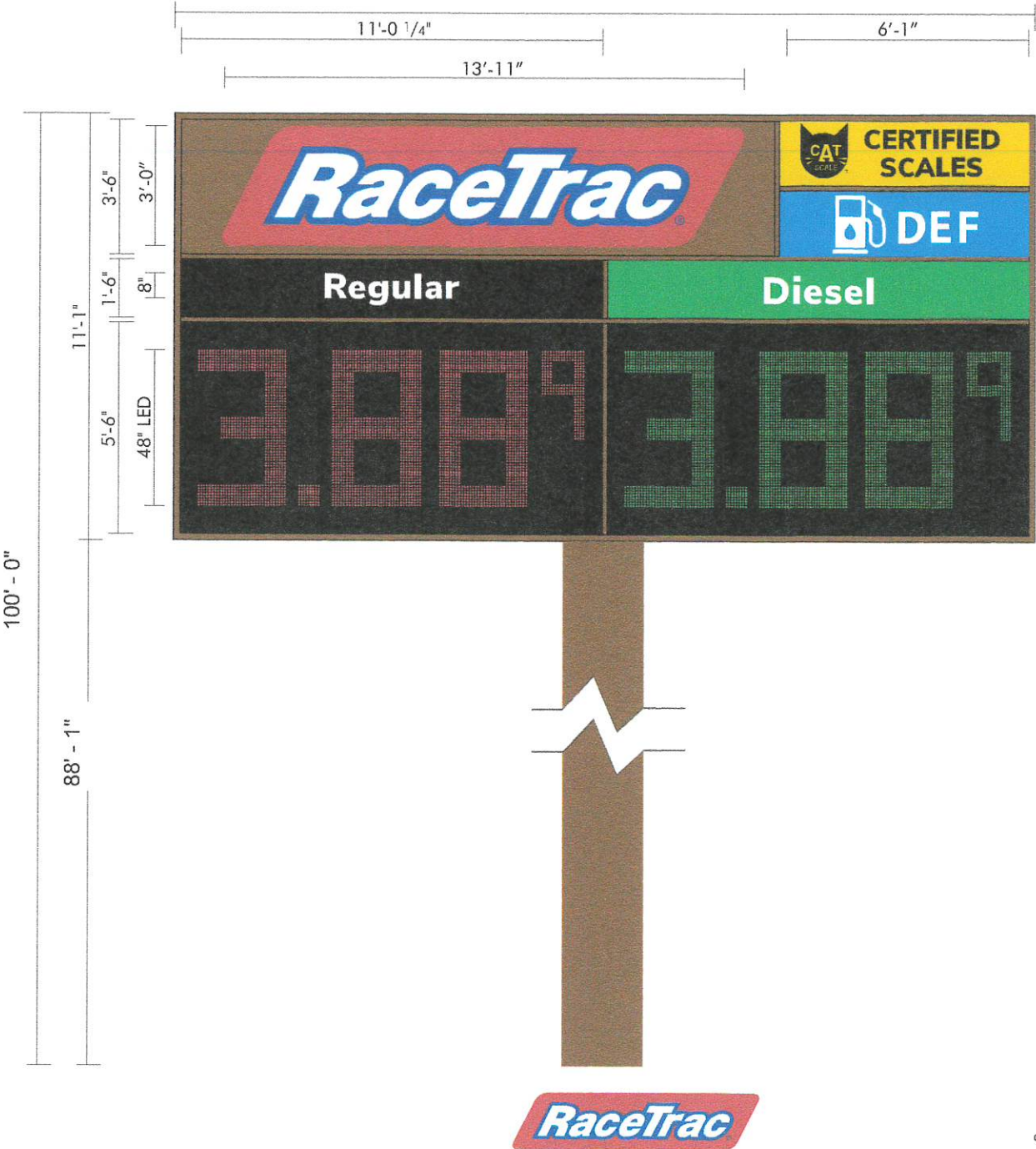


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FACE TRACE INC.
300 GALLERIA PARKWAY, SUITE 200
OPELKA, AL 36859
(904) 431-7000

OVERALL SITE PLAN
RT MARKET #1513 OPELKA, AL
COLUMBUS PKWY @ ANAND ST
OPELKA, AL
LEE COUNTY

DRAWN BY	UNKNOWN
DATE	NOV 2023
SCALE	1" = 50'
DRAWING NAME	MASTER.DWG
SHEET NO.	C3
VERSION	



See Color Schedule on Page 2

GENERAL NOTE: ALL WORK SHALL BE IN COMPLIANCE WITH RECOGNIZED INDUSTRY STANDARDS, MANUFACTURER'S RECOMMENDATIONS AND ALL APPLICABLE STATE AND LOCAL CODES. NO SUBSTITUTIONS ALLOWED.