



PLANNING COMMISSION MINUTES

300 Martin Luther King Blvd.

September 27, 2022

TIME: 3:00 PM

- I. WELCOME - Some items at this meeting will have a designated public hearing (noted below). Individuals are limited to one 5-minute comment period per public hearing.

II. APPROVAL OF MINUTES

The City of Opelika Planning Commission held its regular monthly meeting September 27, 2022 in the Meeting Chambers, located at the Opelika Municipal Court. Certified letters have been mailed to all adjacent property owners for related issues.

MEMBERS PRESENT: Chairman Lewis Cherry, Mayor Gary Fuller, Mr. Ira Silberman, Councilman George Allen, Dr. Arturo Menefee, Mrs. Leigh Whatley, Ms. Lucinda Cannon, and Mr. Michael Hilyer.

MEMBERS ABSENT: Mr. John Sweatman.

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

CALL TO ORDER: Chairman Lewis Cherry called the meeting to order at 3:06 p.m.

Approval of Planning Commission Minutes August 23, 2022

RESULT:	Passed
MOVER:	Director Mike Hilyer
SECONDER:	Mayor Gary Fuller
AYES:	Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Mayor Fuller, Councilman Ward 1 Allen
NAYS:	None
ABSTAIN:	Arturo Menefee

III. UPDATE ON PREVIOUS PC CASES

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

IV. NEW BUSINESS

A. PLAT (Preliminary and Final) - Public Hearing

1. Jordan's Gate SD, 2 lots, accessed from Jordan's Gate Drive, Blake Rice, Barrett-Simpson, authorized representative for Jordan's Gate, LTD, Preliminary and Final Approval

Mr. Mosley reported the applicant is requesting preliminary and final plat approval for a two-lot subdivision to publicly dedicate the streets. This development has an existing 48 homes and a community center with a small park area. Lot 1A is 11.15 acres, including 19 existing homes and a community center with a park area. Lot 1B is 10.35 acres with 29 existing homes. This development was created with private roads with an agreement at 15 years the roads would then become public roads. The authorized representative stated the R.O.W. area equals 4.06 acres. This plat process is to complete the steps of that existing agreement. These lots will be accessed with the existing roads in place titled Jordans Gate Drive, connection to Samford Way and Covenant Drive. An existing property line will be erased along Jordans Gate Drive. The homes on this property are existing as part of the original development. These two lots meet the minimum lot standards in the I-1 and R-5 zoning districts.

Planning staff recommends preliminary and final approval subject to the following:

- The existing buildings must be shown.

Mr. Parker reported for Engineering, the Engineering Department has inspected this infrastructure and has recommended and monitored the repairs necessary to fulfill the requirements of the agreement established in 2007.

The Engineering Department recommends preliminary and final plat approval of this subdivision.

Mr. Parker reported for the Opelika Utilities Board, water is accessible to this subdivision by Opelika Utilities.

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

Chairman Cherry opened the public hearing.

No comments.

Chairman Cherry closed the public hearing.

Motion to grant preliminary and final plat approval with staff recommendations

RESULT:	Passed
MOVER:	Director Mike Hilyer
SECONDER:	Councilman Ward 1 Willie Allen
AYES:	Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Mayor Fuller, Councilman Ward 1 Allen
NAYS:	None
ABSTAIN:	Arturo Menefee

2. The Ballfields SD, Plat No. 3, 1 lot, accessed from Pepperell Parkway & 30th Street, Blake Rice, Barrett-Simpson, authorized representative for Opelika Equities, LLC, Preliminary and Final Approval

Mr. Mosley reported the applicant is requesting preliminary and final approval for a 2-lot subdivision located at the intersection of Pepperell Parkway and 30th Steet. The purpose of the subdivision is to create the R.O.W for Ballfields Loop and Lot 3A-1. The Lot 3A-1 size is 4.39 acres from the 6.35 acres. The Ballfields is zoned PUD (The Ball Fields PUD Approved by City Council May 8· 2019) with a master plan. These lots are generally consistent with the PUD master plan.

Planning Department recommends preliminary and final plat approval subject to:

- As this plat is presented to the Planning Commission, a signature line for the Chairman must be added.

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

- All drainage structures, aggregate base and pavement have been placed.
- All stop and roadway signs have been installed.
- Maintenance Bond of 25% of the estimated total infrastructure cost will need to be submitted.
- Performance Bond of 125% of the estimated cost to place the remaining roadway surface and sidewalks will need to be submitted.
- 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 have been graded, and stabilized with seed and mulch, and other erosion/sediment control items will need to be added to protect against erosion and sediment issues.

If these requirements are met, the Engineering Department recommends Final Plat approval.

Mr. Parker reported for the Opelika Utilities Board, water service is accessible to this subdivision by Opelika Utilities.

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

Chairman Cherry opened the public hearing.

No comments.

Chairman Cherry closed the public hearing.

Motion to grant preliminary and final plat approval with staff recommendations

RESULT:	Passed
MOVER:	Arturo Menefee
SECONDER:	Councilman Ward 1 Willie Allen

AYES:	Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen
NAYS:	None
ABSTAIN:	None

B. FINAL PLAT

3. The Villages of Opelika SD, Phase 1, 50 lots, accessed from 3000 Hi Pack Drive, Brian Lee, authorized representative for SP Opelika Ventures, LLC, Final Approval

Mr. Mosley stated this item was withdrawn by the applicant. That will most likely be back on your agenda next month or the following month.

4. Wyndham Village SD, Phase 2, Section 2, 60 lots, accessed from Wymond Drive, Mark Strozier, authorized representative for Wyndham Gateway, LLC, Final Approval

Mr. Mosley reported the applicant is requesting final plat approval for 60 single -family lots and one (1) remainder lot for future development. These lots are zoned PUD in the Wyndham Master Plan revised by Planning Commission in 2019 and part of Pod 12. The Wyndham PUD master plan shows POD 12 having 168 lots including Phase 2 Section 2. This plat will complete the Pod 12 section with 165 lots.

The Master Plan for Pod 12 shows 65 acres to be developed. This portion of POD 12 without the open space and park areas is 21.06 acres with 60 units at a density of 2.84 (units/acres). All the lots meet the minimum lot width of 75 ft on the frontage or at the building line on the curved and cul-de-sac lots. The lots in Phase 2 meet the minimum area requirements of 10,000 square feet. The setbacks for this section are 25 feet in the front, 8 feet on the side, 20 feet in the rear, and 25 feet on the side setback on a street with a maximum building area of 40 percent.

This portion of the PUD Master Plan is surrounded by open space, park area, and water features. A community park is shown on the PUD Master Plan located behind Lots 135-140 along the end of Tiger Trail. The 50-foot Alabama Power Company transmission line easement area between Lots 125, 126, 139 and 140 should be addressed with ownership and maintenance. The open space areas will need to be referenced on the plat as a future amenity, park, or detention pond. Add a note on the plat describing areas of open space and/or future amenity. The master plan shows multiple access points to the park. This subdivision plat does not label the park area. If the access is next to the power line easement this plat shows a single access, additional access points should be added, specifically on Tiger Trail. The park area is not shown, the area towards the end of Tiger Trail behind lots 135 - 140 or 142-145 should be labelled on the plat as a community park that should be installed with this phase. The remainder lot is labelled as Tract 1 is 210.96 acres.

Recommendation

Staff recommends final plat approval subject to the following:

1. Sidewalks are required on at least one side of the street.
2. The area at the end of Tiger Trail behind lots 140 -135 should be labelled on the plat as a community park. This amenity should be installed with this phase, or a detailed schedule should be submitted.
3. Add a note to the plat to state the use restrictions of the areas described as open space, park, and/or future amenity. Access needs to be preserved to the amenity as shown on the master plan.
4. Remove 65' lot standards (not allowed in this portion of Pod 12).
5. The 50' Alabama Power Company transmission line area between Lots 125, 126, 139 and

140 needs to be addressed concerning ownership and maintenance, and not to be left as right-of-way.

6. Ensure the 75' minimum lot width on lots 126, 146, 147, 148, 149 & 150 meets the minimum lot width at the front building line.

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

- All drainage structures, aggregate base and pavement have been placed.
- All stop and roadway signs have been installed.
- Maintenance Bond of 25% of the estimated total infrastructure cost will need to be submitted.
- Performance Bond of 125% of the estimated cost to place the remaining roadway surface and sidewalks will need to be submitted.
- 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 have been graded, and stabilized with seed and mulch, and other erosion/sediment control items will need to be added to protect against erosion and sediment issues.

If these requirements are met, the Engineering Department recommends Final Plat approval.

Mr. Parker reported for the Opelika Utilities Board, Opelika Utilities recommends approval.

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

Motion to grant final plat approval with staff recommendations

RESULT: Passed

MOVER: Director Mike Hilyer

SECONDER: Mayor Gary Fuller

DISCUSSION: Ms. Cannon asked for my information and also for the residents, who keeps up the property under the power line?

Mr. Mosley stated right now, that property underneath the power line is shown as being part of the open space. So, it would either fall to the homeowner's association or the actual power utility maintaining that.

Ms. Cannon asked so, if you bought a lot right next to the power line, is somebody else is going to keep it up?

Mr. Mosley stated yes ma'am.

Mr. Parker stated there is no reason why the adjacent property owner can't keep it up as well. Anybody can maintain it as they want. The power company has restrictions on what you can do. You can't place a structure

underneath it, but you could certainly keep it up to whatever standard you wish. The power company probably bush hogs it once a year and that will keep the trees down and the homeowners association may do more.

Ms. Cannon stated well that's just the point. Once a year is not enough.

Mr. Parker stated well they don't restrict property owners from maintaining it. They just restrict certain uses and structures underneath it.

Mr. Silberman asked are you saying that is a requirement?

Mr. Parker stated it is not a requirement, it's a choice.

AYES: Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen

NAYS: None

ABSTAIN: None

C. CONDITIONAL USE - Public Hearing

5. Richard Temple Anderson, 1212 First Avenue, M-1, To use parking lot for auto sales.

Mr. Mosley reported the applicant, owner of Grady Tires, is requesting conditional use approval to use parking spaces to store and sell used vehicles on his property in a M-1 zoning district. Wilson Motors is the used auto sales business, and their sales office will co-locate with Grady's. The applicant owns five properties (1.7 acres) that consist of six buildings constructed about 1955. For most buildings, parking spaces are in front of the buildings and driveways encircle the buildings.

About a year ago, Wilson Motors was located at 301 2nd Avenue. The business had vehicles displayed along 2nd Avenue. Wilson Motors has now downsized to 10 vehicles in their inventory for sale. A typical used auto sales lot will display vehicles along the street, but in the applicant's case a traditional auto display is not necessary. Wilson Motors is requesting a maximum of 10 parking spaces reserved to display vehicles for sale located near Grady's Tire (see photo on page 3). Customers will contact Wilson Motors and be shown vehicles by appointment or customers can drop-by and see the vehicles. Mr. Anderson or several Grady's Tires employees will show vehicles to customers. The vehicles for sale will not be washed or detailed on the First Avenue property. Wilson Motors will not have a sign posted on the First Avenue property to advertise automobiles for sale nor a sign for hours of operation. Vehicles are advertised on the internet.

There are four existing businesses on the applicant's six properties. Grady's Tires has 50 to 60 vehicles that are parked near Grady's in any given day. The parked vehicles are for employees and for vehicles either waiting for repairs or the vehicle has been serviced and ready for pick-up. Two businesses (Smart Start and Auto Shine) are small vehicle service businesses with three employees and occupy 10 parking spaces.

Parking

The Grady Tires building is 9,260 square feet; about 75% of the building is customer sales and service and 25% is storage. A minimum of 27 parking spaces for customer sales and service and employees is required at Grady's.

Holt Fire & Safety Services is located at 1216 First Avenue on separate lot adjacent to Grady's Tires. The building is 10,270 square feet. The business owner said the business has three employees. About 80% of each workday employees are at a customer's workplace; customers do not come to the Holt Fire & Safety location. The business needs a total of 8 parking spaces for employees, two trailers, and a van. Holt Fire has agreed to allow Grady's Tires to park their customer's or employee's vehicles adjacent to their building.

Smart Start, automobile ignition interlock (breathalyzer installations) – The business is located at 1206 First Avenue. The business has two employees and one company vehicle. The owner/manager said the business needs 6 parking spaces.

Auto Shine, automobile detailing – The business owner at 1208 First Avenue said he may use two of the four parking spaces along First Avenue but has never used all four parking spaces.

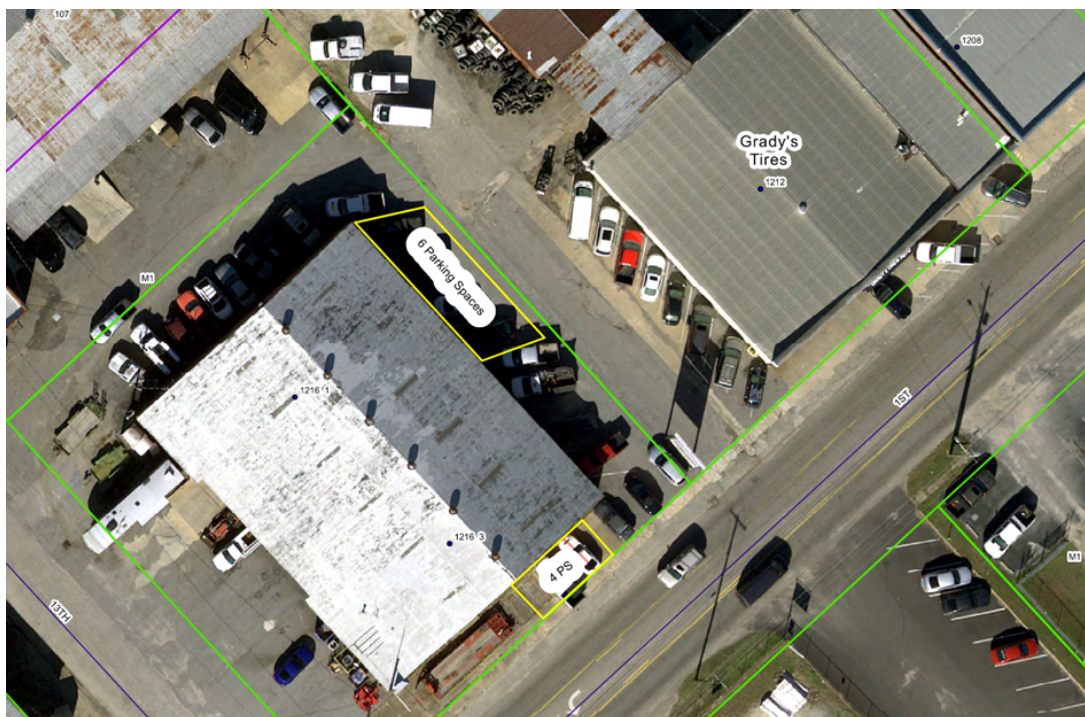
Wilson Motors, used auto sales – 12 parking spaces required. A maximum of 10 parking spaces for vehicles for sale and two parking for customers shopping for vehicles.

A total of 57 parking spaces is adequate for the existing four businesses and the proposed Wilson Motors auto sales lot. At least 79 parking spaces are available on the four properties, therefore an additional 22 parking spaces are available. Additional parking spaces could also be available if outside storage was consolidated. Adequate parking spaces have been met for the four businesses and the proposed Wilson Motors auto sales business. The applicant is aware that in the future if a new business license is requested for any of the four buildings and if minimum off-street parking spaces are not met for the proposed business, then the business license will not be approved.

Recommendation

Planning Staff recommends approval subject to the following:

- 1. A maximum of 10 vehicles displayed for sale are allowed to be stored on the property.**
- 2. The 10 vehicles for sale must be parked in one of the 10 designated parking spaces as shown on the aerial photo attached. The spaces between the building and road shall not be used.**
- 3. The display of vehicles for sale on the public right-of-way is prohibited.**
- 4. If a business license is requested at later time and if minimum parking spaces are not met then the business license will not be approved.**



Mr. Parker reported for Engineering, the Engineering Department has no other comments or concerns with this proposed conditional use.

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

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

Chairman Cherry opened the public hearing.

No comments.

Chairman Cherry closed the public hearing.

Motion to grant conditional use approval with staff recommendations

RESULT: Passed

MOVER: Councilman Ward 1 Willie Allen

SECONDER: Mayor Gary Fuller

DISCUSSION: Mr. Silberman asked are the lots along the street public parking and the rest is private?

Mr. Mosley stated no, that is private parking. It is on their property from what we can tell, but it would be right against the street. After it was pointed out to us, it makes sense that we don't want somebody stepping back to look at the property and stepping into the public right-of-way.

AYES: Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen

NAYS: None

ABSTAIN: None

6. Blake Rice, Barrett-Simpson, authorized representative for JD Real Properties, LLC, accessed at 4800 Birmingham Highway (NW corner of Birmingham Hwy & Grand

National Parkway) C-3, GC-P, for an ATV (All-Terrain Vehicle) sales lot and maintenance shop.

Mr. Mosley reported at the July 26th meeting, the Planning Commission granted conditional use approval subject to conditions for an ATV (All-terrain vehicle) and motorcycle sales lot and maintenance business on the corner of Highway 280 and Grand National Parkway. The approval with conditions provided below includes revisions to the exterior material on the showroom building. The revision added architectural style windows, doors, and other improvements to the elevations.

The applicant has now revised the site plan approved at the July 26th meeting. The July 26th site plan and the September 27th revised site plan are on page 7 and in your packet. The staff report for the July 26th meeting is added below beginning on page for your review.

The September 27th revisions relocate the 12,000-sf future warehouse from the rear portion of the property to the front yard. The warehouse is now aligned with the showroom building facing Highway 280 and the warehouse is setback from the front property line as the 37,500 sf showroom building. Page 3 shows the outside display areas of ATVs and motorcycles on the revised site plan.

The front exterior material facing Hwy 280 is the same as the showroom building approved at the July 26th meeting (see front elevation on page 7). The bottom wall area section is painted CMU veneer; the upper wall area is a stucco finish over insulated metal wall panels. A middle section of the front exterior wall consists of stone, store front windows, and EIFs material. The front elevation is similar to the showroom building except there is no entrance door on the warehouse building facing Hwy 280 and no gable front as provided on the showroom building; see elevations in your packet.

On the revised site plan a dumpster is shown on the northwest corner of the property. If dumpster is visible from Grand National Parkway or Highway 280 then the dumpster must be screened with an opaque fence at a height, so dumpster is not seen from outside the fence.

Recommendations

Staff recommends approval subject to the following conditions (These conditions include the conditions approved at the July 26th Planning Commission meeting.)

- 1. Extend trees along the front property line of Highway 280 to the west side property line. Tree spacing must be based on tree type as provided in Landscape Regulations.**
- 2. Add trees along the front property line of Highway 280 and Grand National Parkway to both side property lines. Tree spacing based on tree type as provided in Landscape Regulations.**
- 3. ~~CMU block and insulated metal panels proposed for the exterior material must be an architectural style decorative material.~~ Revised elevations in packet.**
- 4. ATVs outdoor display is limited to the areas shown on drawing attached. No parts or tires shall be displayed or stored outside.**
- 5. The outside display of ATVs on 10-foot wide sidewalks must be ADA compliant concerning minimum clearance of an aisle width especially for wheelchair passage.**

approved the Frederick Road location will close and the Highway 280 location constructed. When the business opens 20 employees will manage business activities, a total of 30 employees is expected later.

The site plan shows a 37,600 square foot (sf) showroom building and a 12,000-sf future warehouse building on 4.3 acres. The showroom building will include a maintenance shop. Grand National Parkway is the only access to the property from two driveways about 200 feet apart; there are no driveways to the property from Highway 280. The 99 parking spaces provided includes 4 handicap parking spaces as required.

The landscape plan meets the minimum base and parking lot point requirements - 468 points required and 477 points provided. The parking lot has seven landscape islands or peninsula with at least one tree planted in each island or peninsula as required. Shrubs are required to capacity in each island/peninsula. This corner lot is a growing commercial intersection with traffic light. The landscape plan shows trees along the front property line in most areas along Highway 280 and Grand National Parkway. Staff recommends trees planted along the entire front property line of both streets to enhance the lot and intersection. The buffer of trees and shrubs should extend to the side property lines of each street. The tree type selected (understory, medium, or large tree) should follow the spacing distance options provided in 10.6 D.2. b.(1) of the Landscape Regulations. The adjacent property on the east side across Grand National Parkway is undeveloped and zoned residential (R-3). The trees along Grand National will serve as a residential buffer.

The property meets the maximum 70% impervious surface ratio allowed: 58% or 2.61 acres is impervious; 42% or 1.92 acres is pervious

Elevation facing Grand National – The exterior wall materials for this front elevation with entry to the ATV showroom building consist of stone veneer, painted CMU veneer (split face concrete block), and store front windows. The stone or CMU veneers are about 10 feet high from ground level and border each store front window. The upper 12-foot section is about 40% stucco finish insulated metal wall panels and 60% EIFs; EIFs is in the middle section and at each end of the building. The most notably change from the previous elevation is adding a gable in the middle of the wall. The gable breaks-up a single roof line and enhances the character of the wall. EIFs material and store front windows is used near the corner of the building. (The two metal awnings shown above the windows in the upper 12-foot section were lowered above the ground level windows.)

Elevation facing Birmingham Highway (Hwy 280) –The exterior wall materials for this elevation has the same materials as the wall facing Grand National. The bottom 10-foot wall area is stone and painted CMU veneer; the upper 12-foot area is 40% stucco finish insulated metal wall panels and 60% EIFs. The most notably change from the previous elevation is the addition of store front windows and two entrance doors. Each entrance door is a double door (or side-by-side door) with a sidelight glass window on each side of the double door; each double door with sidelights appears as a wider entrance way. The previous elevation had no store front windows. The revised elevation provides four 3-panel storefront glass windows.

The revised elevations as submitted today satisfies staff's concerns as provided in the staff report for the June 28th Planning Commission meeting.

A dumpster area is not shown on site plan. A dumpster will be installed. The dumpster must be enclosed with double gate. The enclosure must be an opaque fence on all sides and an opaque

double gate. The dumpster should not be located between the building and near either street.

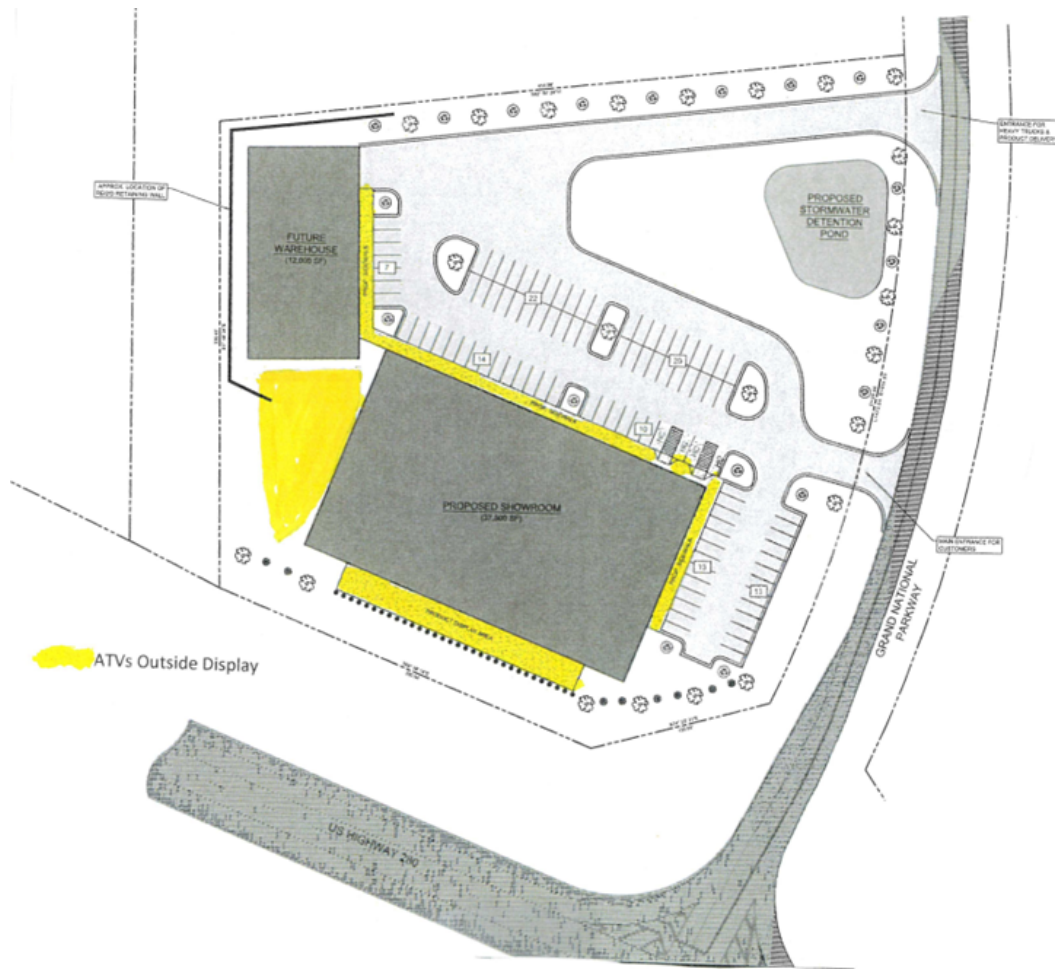
Outside display of ATVs are proposed (See “ATV Outside Display” areas next page). A 10-foot-wide sidewalk adjacent to two sides of the showroom building and in front of a future warehouse will be used as daytime outside display. At the end of business day, the ATVs on the sidewalks will be stored indoors. For day & night display (24-hour display/storage outside), the vehicles are on a 20’ x 185’ hard surface “product display area” adjacent to the south side of the showroom building that faces Highway 280. On the west side of the showroom building a 4,200 square foot gravel-type area is used for day & night time display; this area secured with a fence. Staff recommends the 4,200 sf area be hard surface - concrete or asphalt. Outside lighting will be provided for the parking lot area, but there are no plans for lighting ATV outdoor display areas.

Recommendation

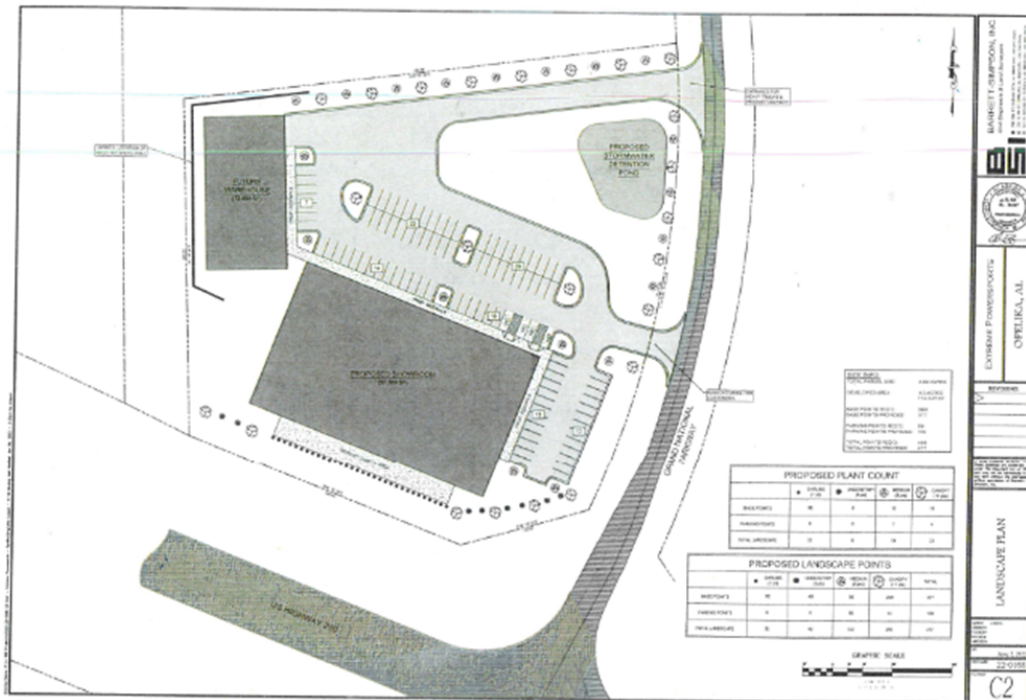
Staff recommends approval subject to the following:

- 1. Add trees along the front property line of Highway 280 and Grand National Parkway to both side property lines. Tree spacing based on tree type as provided in Landscape Regulations.**
- 2. ~~CMU block and insulated metal panels proposed for the exterior material must be an architectural style decorative material.~~ Revised elevations in packet.**
- 3. ATVs outdoor display is limited to the areas shown on drawing attached. No parts or tires shall be displayed or stored outside.**
- 4. The outside display of ATVs on 10-foot wide sidewalks must be ADA compliant concerning minimum clearance of an aisle width especially for wheelchair passage.**
- 5. Enclose dumpster on all sides with an opaque fence and gate at a height so dumpster is not seen outside the enclosure.**
- 6. Wall signs are shown on the revised elevation drawings. This conditional use review does not include a review of signage. A Sign Permit application must be completed and approved by Planning staff and Building Inspections before any permanent signs are installed. Contact Planning staff to obtain approval for temporary signs before any temporary signs are installed.**
- 7. If outside lighting is proposed for ATVs, brightness must not exceed 1 footcandle at the property line.**
- 8. Fence material to secure ATVs must be a commercial architectural style (ex. Ornamental decorative fencing or rod-iron appearance). Wire mesh or chain link type fencing is prohibited.**
- 9. The 4,200 sf display area must be hard surface – concrete or asphalt - not gravel or yard area.**

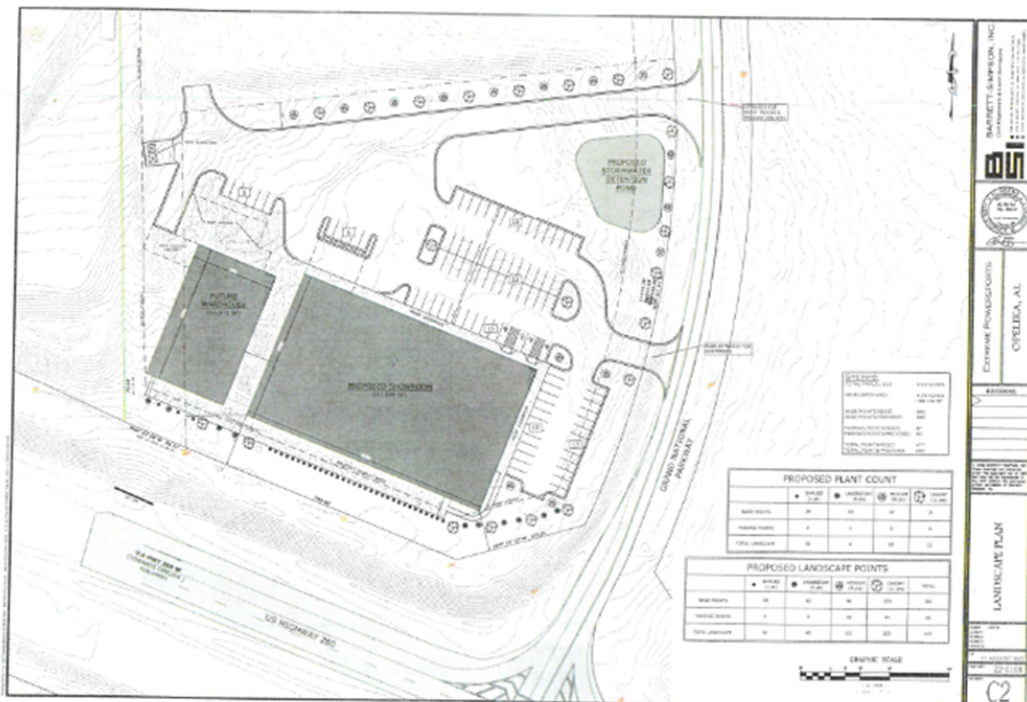
(1) b. A six (6) foot wide single row of understory, medium, or large trees located between said property line and the off street parking facilities (asphalt). The trees shall be spaced in a ratio of one (1) understory tree every fifteen (15) feet, or one (1) medium tree every thirty (30) feet, or one (1) large tree every forty-five (45) feet. Shrubbery shall be provided between the plantings.



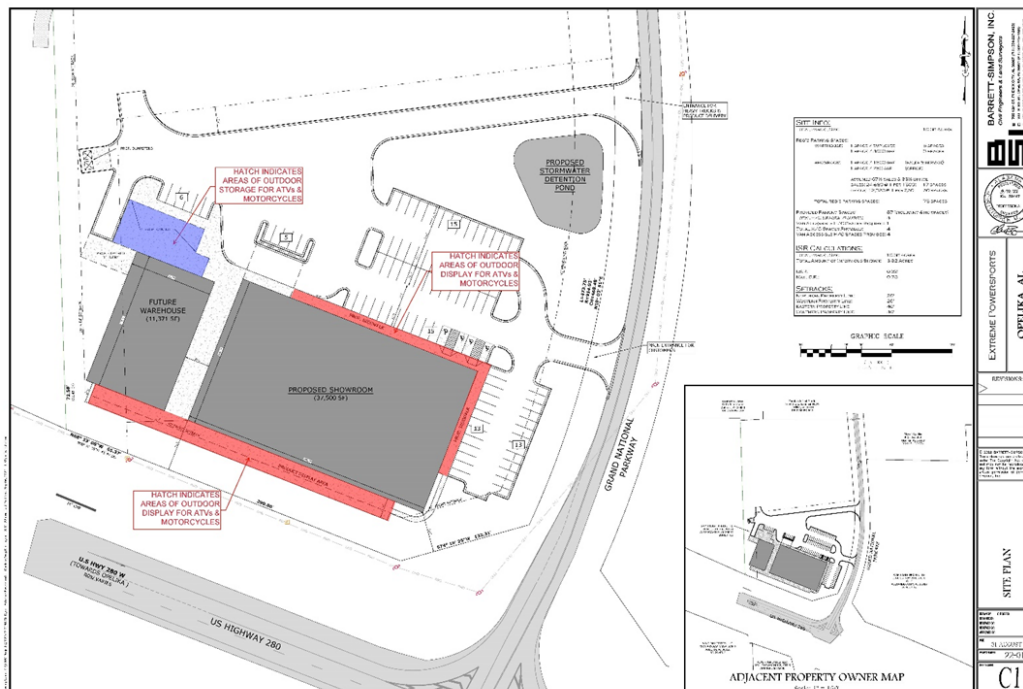
Site Plan and landscaping approved at July 26th PC meeting



Sept 27th PC meeting - Revised Site Plan and landscaping for Showroom Building and Future Warehouse



Extreme Power Sports – Elevations, Relocation of Future Warehouse on Hwy 280



Revised outdoor display area

Mr. Parker reported for Engineering, the applicant will be required to submit a site construction and grading plan for the drainage, utility, post construction detention, and roadway installation to the Engineering and Public Works Departments for review and approval. Once this approval and all other utility approvals have been met, a Land Disturbance Permit will be issued in concurrence with any applicable State and Federal Permits.

The Engineering Department has no other comments or concerns with this proposed conditional use application.

Mr. Parker reported for the Opelika Utilities Board, water service is accessible by Opelika Utilities VIA Grand National Parkway.

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

Chairman Cherry opened the public hearing.

No comments.

Chairman Cherry closed the public hearing.

Motion to grant conditional use approval with staff recommendations

RESULT:	Passed
MOVER:	Arturo Menefee
SECONDER:	Mayor Gary Fuller
AYES:	Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen
NAYS:	None
ABSTAIN:	None

7. Victor Vance (Interstate Properties, LLC), 1220 Fox Run Avenue, Suite 207, C-2, GC-P, to allow the Elks Lodge, a private social club, to relocate at the USA Town Center.

Mr. Mosley reported the Elks Lodge is requesting conditional use approval to relocate at 1220 Fox Run Avenue, Suite 207 in a 3,500 square foot unit in the USA Town Center. The USA Town Center is a shopping center with multiple retail stores, offices, a restaurant, and a dance studio. The unit is existing and will not need any exterior renovations. A private social club requires a conditional use approval by the Planning Commission.

Hours and Activities:

The club has about 200 members on roll. There are only about 50 active members that regularly participate. This location will have a limited number of tables and chairs seating for about 50. The club will be a private membership base. The club will operate during the hours of 3 pm to 12 am seven days a week. The private social club will have a bar area. The bar will be open the same hours of operation.

Parking:

Parking area requirements for a private social club is one space per three persons. The site exceeds minimum parking requirements of 18 and has a shared parking lot with about 500 spaces.

The Planning Department recommends conditional use approval.

Mr. Parker reported for Engineering, the Engineering Department has no other comments or concerns with this proposed conditional use.

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

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

Chairman Cherry opened the public hearing.

No comments.

Chairman Cherry closed the public hearing.

Motion to grant conditional use approval with staff recommendations

RESULT:	Passed
MOVER:	Mayor Gary Fuller
SECONDER:	Ira Silberman
AYES:	Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen

NAYS:	None
ABSTAIN:	Lucinda Cannon

D. MASTER PLAN REVISIONS, MINOR AMENDMENT - Public Hearing

8. Executive Hills PUD Master Plan townhomes, Minor Amendment to Master Plan, 2003 Executive Park Drive, David Brady, authorized representative of Michael Epperson, MGE Properties Three, LLC, Amendment to replace four groups of four-unit townhomes with eight groups of two-unit townhomes. The total number of townhomes (16 units) and density remains the same.

Mr. Mosley reported the applicant is requesting an amendment to the Executive Hills PUD Master Plan. Executive Hills PUD was approved in 1992 and included commercial and residential uses. The PUD is similar to the current C-2 zoning district concerning commercial uses allowed and townhome density. In 1992 the commercial building that front along Pepperell Parkway was constructed and later another commercial building on Executive Park Drive was constructed.

The PUD was approved for a maximum 28 townhome units on 3.8 acres. The townhome layout shows two townhome groups with six units in each group (12 units total), and four townhome groups with four units in each group (16 units total). The twelve townhome units (two groups with 6 units in each group) were constructed about 1994, but the remaining 16 townhomes units located near the rear property line were not constructed. The applicant now desires to construct the 16 townhomes. (See page 3 for location of 16 townhome units.)

The minor amendment concerns a change in the townhome layout of the remaining 16 units. There is no change in the overall density: at total of 28 townhome units were approved on 3.8 acres (7.3 dwellings per acre) and no more than 28 townhome units are proposed. The proposed revised townhome layout for the remaining 16 units is 8 townhome groups with two townhomes in each group (16 units total) instead of the four townhome groups with four units in each group. The applicant believes the townhomes constructed as twin homes (or duplexes) is more marketable. Also, more yard space is provided between each townhome group; a 20-foot minimum separation is required.

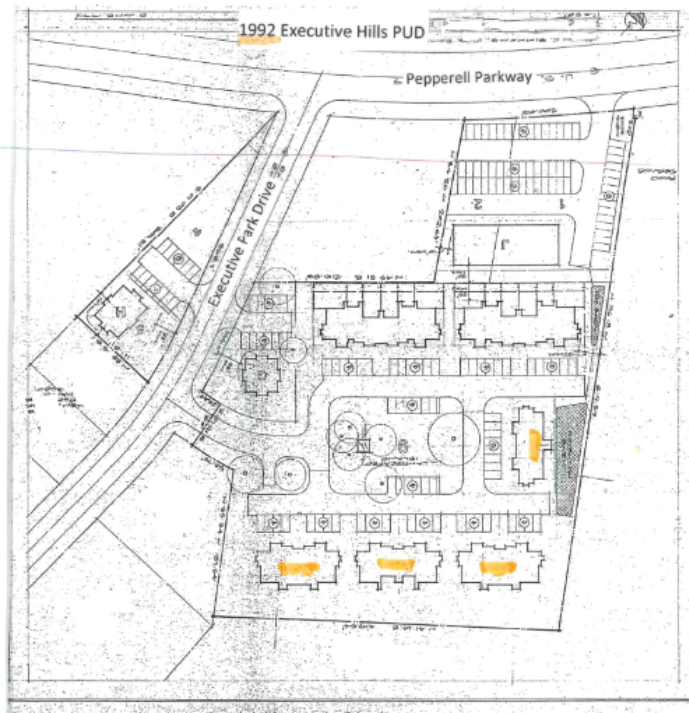
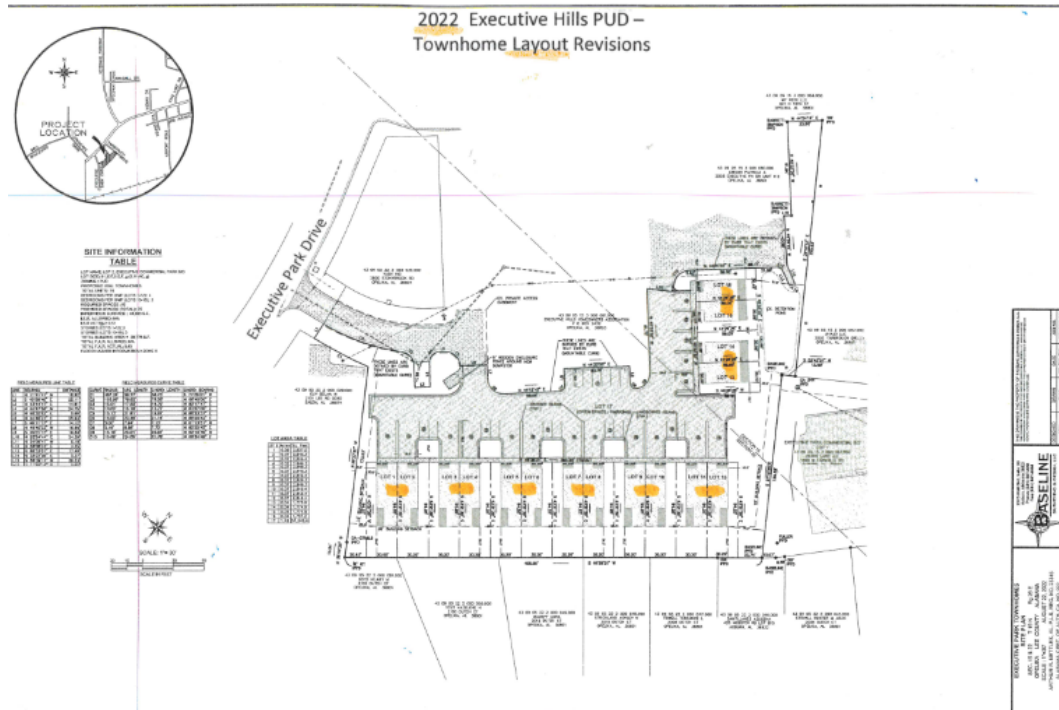
If the amendment is approved, a landscape plan is required that must include a residential buffer along the south property line. The adjacent properties are single-family homes in a R-3 zoning district. Each dwelling unit exceeds the minimum two parking spaces per unit requirement. For the 16 townhome units, an average of 4.6 parking spaces are provided for each townhome unit (75 parking spaces total for 16 townhome units). The 12 townhome units along the south property line have 58 parking spaces or 4.8 parking spaces provided per townhome unit. For each of these 12 townhome units, two parking spaces are near the townhome unit, and then two extra parking spaces are behind the first two parking spaces. The four townhome units along the west property line has 10 parking spaces or 2.5 parking spaces per unit. An extra 7 parking spaces are located on the north side near the four west side townhome units. See site plan of twin townhomes in packet.

Recommendation

Staff recommends the townhome layout from 4 townhome groups to two townhome groups be approved. The density is not changing from the density approval in 1992. If approval is granted, Staff recommends the following conditions for approval.

1. **Utilities must be underground.**

2. Provide a landscape plan provided that meets minimum base and parking lot points and a residential buffer installed along the south property line as stated in Section 10 Landscape Regulations.
3. Label on site plan the common area and provide a note about the use allowed and maintenance responsibility of the common area.



Mr. Parker reported for Engineering, the applicant will be required to submit a site construction and grading plan for the drainage, utility, post construction detention, and roadway installation to the Engineering and Public Works Departments for review and approval. Once this approval and all other utility approvals have been met, a Land Disturbance Permit will be issued in

concurrence with any applicable State and Federal Permits.

The Engineering Department has no other comments or concerns with this proposed master plan amendment application.

Mr. Parker reported for the Opelika Utilities Board, developer shall provide Opelika Utilities with a revised water plan.

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

Chairman Cherry opened the public hearing.

Ledge Nettles, Baseline Surveying, representative, stated the reason why they broke it apart is they thought they could have units with windows. If you have those interior units on the townhomes you don't have the luxury of a window, so he said he could sell them better with a window, and I don't disagree. There is a lot more open area and grass area in between. You don't have a wall with four or five units and then another wall with four units, you kind of have a break up. They're two story so they'll look similar. You'll just have a break of landscaping in between several more of them. He liked this look and that thought process, so I just wanted to explain why we did what we did on that. Everything else is basically the same. It's the same number of units that we had.

Mr. Hilyer asked where the parking lot goes up on the right side, how is a fire truck going to get out of there?

Ledge Nettles asked near lot 16?

Mr. Mosley stated this connects into the existing drive and goes around. It loops through there, they just didn't show that on that part of the plan.

Ledge Nettles stated this was part of a big development. I don't know the ins and outs, I just know it was probably about 30 years ago that it went through some foreclosures and so they broke off this bottom half. Mr. Mosley probably wouldn't approve that the way it was done now, but at the time, they broke it apart and kept it separated along the curb lines. It's the way it was done and it's what we have to work with.

Chairman Cherry closed the public hearing.

Motion to grant approval for the Minor Amendment to the Master Plan with staff recommendations

RESULT:	Passed
MOVER:	Director Mike Hilyer
SECONDER:	Arturo Menefee
AYES:	Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen
NAYS:	None
ABSTAIN:	None

E. MASTER PLAN REVISIONS, MAJOR AMENDMENT AND PRELIMINARY PLAT - Public Hearing

9. Wyndham PUD Master Plan POD 10, Major Amendment to the Master Plan, accessed from Gateway Drive, Foresite Group, LLC, authorized representative for The John Perry Knight, Sr. Irrevocable Trust, Amendment to replace apartments with 200 townhome units; density of the 200 townhomes on 40 acres is 7.2 dwellings per acre.

Mr. Mosley reported the applicant is proposing an amendment to the 2005 master plan for the Wyndham Planned Unit Development (PUD). The subject property is 40 acres undeveloped located on south side of Gateway Drive. The area in question was shown on the 2019 master plan as an area with approximately 20 acres of multi-family apartments and 20 acres of open space. The proposed master plan revisions are from multi-family/apartments to townhomes.

Under the current master plan, Pod 10 is approximately 20 acres and would allow apartments at a density of up to 12 units per acre. This would allow approximately 250 residential units. The applicant initially proposed to amend both Pod 10 and the large open space behind it to allow 200 townhouse units. This would have been a much lower density spread over an area twice the size. As the applicant proposed to repurpose open space into developable property, this would require a full master plan amendment.

The proposed townhomes would be constructed on private streets and common parking located in front of the units. The units would be at least 20 feet in width. The applicant notes that the units would be setback 40 feet from Gateway Drive and 20 feet from an exterior line of the development. The individual lots would be setback 10 feet from side property lines on end units and 22 feet from the rear property line to include the 50% yard requirement.

The proposed site has some streams, especially in the southern area that was designated as open space in the master plan. There is also a bit of topography and elevation change throughout the lot. This was a factor in proposing the change to the unit type from apartments to townhomes.

The site would take access from a single private road intersecting Gateway Drive.

In reviewing the plan, staff raised concerns about the removal of the open space. The proposed plan reduces the unit count by approximately 50 units, but spreads this out over twice the area. Much of this open space was left due to the topography and natural features including streams. Staff is also concerned about having 200 townhouses spread with one access.

After raising some of the concerns with the applicant, the applicant has agreed to remove the secondary cluster of townhomes. This would reduce the number of units from 200 to 104. This greatly reduces the density and traffic impact at the drive. This also maintains the existing open space. As this also becomes only a change in unit type, staff believes that this can be approved by the Planning Commission as a minor amendment to the master plan.

Comments/Recommendations

Staff recommends approval of a minor amendment to the master development plan to allow Pod 10 to change from apartments to townhome units subject to the following:

- 1. The required PUD buffer be shown for the lots along Gateway Drive.**
- 2. All utilities must be underground.**

Mr. Parker reported for Engineering, the Engineering Department has no other comments or concerns with this proposed master plan amendment application.

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

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

Chairman Cherry opened the public hearing.

No comments.

Chairman Cherry closed the public hearing.

Motion to grant approval for the Minor Amendment to the Master Plan with staff recommendations

RESULT: Passed

MOVER: Mayor Gary Fuller

SECONDER: Director Mike Hilyer

DISCUSSION: Mr. Silberman asked what are the current requirements for a single entrance to a lot? Is it based on number of cars?

Mr. Mosley stated the number of cars. That was one thing that we looked at when it was 200 units initially. I believe we say that at about 100 units we start looking at multiple entrances.

Mr. Silberman asked 100 units would theoretically be 200 cars if each unit has two cars?

Mr. Mosley stated yes sir, roughly.

Mr. Silberman asked is that a standard? This question has come up before.

Mr. Mosley stated a lot of cities use a lot of different standards. There are some code guidelines that say around 50 units you can potentially start looking at it. That's pretty stringent. A lot use 100, some use 200, some look at how many trips per day based on engineering calculations they would produce and then say if it beats this many trips, whether it's single family, multi family, or commercial, then it has to have two entry points. I have seen 100 used in quite a few places. We use it as a guideline, not a hard and fast rule.

Mr. Silberman stated just as a point of concern, as I look at the number of situations that we are getting to, which is great that we are developing, I'm beginning to get concerned that the traffic is going to be a major issue because of the number of them collectively. I don't know how you address that. I can see how if you look at them individually it's not a problem, but collectively that's a lot of traffic and I just think we might take a second look at that.

Mr. Mosley stated sure. We have looked and the Engineering Department looks at those and looks at traffic studies when they are needed to make sure that we have adequate entry ways and adequate places to get on and off our main roads easily, but we do always try to push for more connectivity when possible.

AYES:	Cannon, Chairman Cherry, Whatley, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen
NAYS:	None
ABSTAIN:	Ira Silberman

10. Wyndham Gates SD, POD 10 Townhomes, 200 lots, accessed from Gateway Drive, Foresite Group, LLC, authorized representative for The John Perry Knight, SR Irrevocable Trust, Preliminary Approval

Mr. Mosley reported the applicant is requesting preliminary plat approval for a 200-lot townhome subdivision. The subject property is approximately 40.2 acres located in the Wyndham PUD. The agenda item immediately preceding this request is to amend the master development plan to change the use from apartments/multi-family to townhomes.

The proposed subdivision has 200 residential townhome lots and one remainder lot. The townhomes would be on individual fee-simple lots that front the internal parking lots. On the plat they are shown as streets, although they need to be marked as “private.” The development would take access from Gateway Drive. The townhomes are grouped into 8-unit buildings. The plat itself has two larger clusters of townhomes shown. The front portion includes Lots 1-104. This includes 13 buildings, each with 8 units. The rear section extends from the front drive around a knoll. The rear section includes 12 8-unit buildings.

Each townhome lot is at least 1,920 square feet in area and 20 feet in width. This exceeds the general townhome standards of the zoning ordinance. The applicant has proposed setbacks for the units through the PUD process. This would include a general setback of 40 feet from Gateway Drive and a setback of 20 feet from the other exterior property lines of the development. Internally, each lot will have a rear setback of 22 feet. End units will also have a 10-foot side setback.

Lot 201 is shown as large remainder property and most of this was shown on the previously approved PUD as open space without designation. This area includes a few streams and wetlands. The applicant has also said that the area shown as Gates Lane between Kenneth Street would be an amenity area. This is currently shown as a private right-of-way. If this is an amenity or openspace, the use, ownership and maintenance of the property should be noted on the plat.

Townhomes are required to meet the landscaping standards of the zoning ordinance. Prior to construction, a landscape plan showing overall landscaping points and buffers should be shown. The proposed townhouse lots are at least 50 feet from any exterior property line on the proposed plat in all locations except along Gateway Drive. The zoning ordinance and subdivision regulations both require a bufferyard along Gateway Drive, especially since these lots would essentially be double frontage lots. This bufferyard should be shown on the plat.

Overall, the plat is consistent with the subdivision regulations for the purposes of preliminary plat approval. However, as previously mentioned in the preceding report concerning the master development plan, staff had concerns with the proposed extent shown on the plan and the utilization of what had been previously dedicated as open space. The applicant agreed to revise their PUD amendment to reduce the area affected to the front pod, including 104 townhouse lots and a remainder lot. Based on that staff, is supportive of a revised plat that includes this front section.

Staff recommends preliminary approval subject to the following:

1. Reduce the proposed plat to the section including Lots 1-104.
2. Sidewalks will be required on at least one side of the street.
3. All utilities shall be underground.
4. Note the ownership, use and maintenance of the open space on remainder lot or amenities.
5. Add a bufferyard adjacent to Gateway Drive.
6. Label all of the streets as private.
7. Add a note providing the PUD setbacks on the plat.

Mr. Parker reported for Engineering, the applicant will be required to submit a site construction and grading plan for the drainage, utility, post construction detention, and roadway installation to the Engineering and Public Works Departments for review and approval. Once this approval and all other utility approvals have been met, a Land Disturbance Permit will be issued in concurrence with any applicable State and Federal Permits.

A traffic study will be required to determine the need for turn lanes accessing the development from Gateway Drive.

The Engineering Department has no other comments or concerns with this proposed preliminary plat approval.

Mr. Parker reported for the Opelika Utilities Board, this will be served by a master meter.

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

Chairman Cherry opened the public hearing.

Brett Basquin, Foresite Group, LLC, representative, stated we are good with this. We got late in the game and reduced this from 200 units to 104. I would be happy to answer any questions. I think Mr. Mosley hit most of the big points. These are private streets and I have no problem with the buffer yard and meeting the stipulations that Mr. Mosley and Mr. Parker wrote.

Chairman Cherry closed the public hearing.

Motion to grant preliminary plat approval with staff recommendations

RESULT: Passed

MOVER: Arturo Menefee

SECONDER: Director Mike Hilyer

DISCUSSION: Ms. Cannon asked when you were talking about turn lanes, are you talking about right in, right out?

Mr. Parker stated no ma'am. A right turn deceleration lane or a left turn going in, but it would be an addition of a turn lane, not a restriction of access.

Ms. Cannon asked so if you are coming out of that, you could turn to the left?

Mr. Parker stated yes that's correct. It would be the addition of a turn lane,

not a restriction of access. Most of those subdivisions have a right turn deceleration lane built with them and that will probably be required here as well. Certainly the road is wide enough for future applications that it could possibly be a three lane, right, center, and left turn lane once it's built out.

Ms. Cannon asked do we have any idea when there might be a traffic light from that street?

Mr. Parker stated DOT has sent a letter out to the City and to the School Board stating that they are obtaining public comments for that intersection. So, the DOT is managing that project. The City and the Traffic Engineer has submitted our recommendations for that intersection and mainly detailed the school access along there. They're taking that into consideration. I believe they are designing it at this time, but we don't have any idea about the timeframe or funding for that intersection.

Ms. Cannon asked so that letter was recently? It wasn't a year ago?

Mr. Parker stated it was recently, yes ma'am. So, that tells me that they're moving forward, at what pace I don't know.

Ms. Cannon stated well, it can't be soon enough.

Mr. Parker stated I agree. When the Mayor and Dr. Seymore with the School Board asked what type of response they needed, I recommended them saying that we approved the design the City has recommended and we request that it be moved as fast as possible. That's the recommendation that the City and the School Board submitted to ALDOT.

Mr. Silberman asked can a traffic light be required in a development? How does that come about?

Mr. Parker asked a traffic signal at this development?

Mr. Silberman stated just in general.

Mr. Parker stated usually traffic lights would require a traffic signal warrant study by the Traffic Engineer. One thing that a traffic light does is it allows better access in and out, but it does restrict the free flow on that main roadway. So, those are the considerations that are addressed with the traffic study. Typically, if there is a central point or a central intersection with a lot of the houses that are built, it would be a focal point. But the way these developments have been set up, even on the north side of the roadway on the older development, there are three or four accesses that kind of spread out the traffic. With the Wyndham Villages that is being constructed out on the south side and with this one, they're spreading that traffic load out more and more. So, the best way of looking at a situation is to have better access in and out and also free flow of traffic instead of a traffic signal.

Mr. Silberman asked so the state only becomes involved if it's a state road? It's a public decision otherwise?

Mr. Parker stated yes sir. That decision is at the intersection of the Southview school only. The decisions on these neighborhoods and Gateway Drive are based on our judgment and our guidelines that we have for the City.

Ms. Cannon asked is the entrance to this across from the entrance across the street?

Mr. Parker stated no it's not. It's staggered down. It's closer to the church at Society Hill, so it's further away from the other developments.

AYES: Cannon, Chairman Cherry, Whatley, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen

NAYS: None

ABSTAIN: Ira Silberman

F. REZONING - Public Hearing

11. (a) Amendment to the Future Land Use Map, accessed from Anderson Road, 229.2 acres, from a low-density residential land use category to a mixed-use category.

(b) Rezoning request, Foresite Group, LLC, authorized representative for Kieth B. Norman, Electra Estates, 229.2 acres, accessed from Anderson Road, from R-1 to PUD

Mr. Mosley reported the proposed property is an undeveloped property located at the intersection of Anderson Road and Andrews Road. The property is approximately 229.2 acres. The applicant is proposing a mixed use development with commercial near the corner, multi-family, and single-family residential. Due to the size and scope of the project staff requested additional information from the applicant. The applicant has requested the item be tabled until the October Planning Commission meeting to allow for this information to be compiled.

Mr. Parker reported for Engineering, the Engineering Department has no comments or concerns with this proposed re-zoning application.

Mr. Parker stated any traffic impact study will be required during the preliminary plat approval process or after the preliminary plat approval process. The difference between this development and the previous one that we discussed is it's larger, has more units, and it's centrally located on a corner at an intersection. What we will particularly look at is the traffic impact that this development will have on these two streets and the intersection. With this development, we will look at an intersection study at Andrews and Anderson Road with the preliminary plat, the next phase as it comes up. That's a little different scenario than you were talking about, Mr. Silberman. If intersections are impacted such as this one, we will look closer to see what would need to be done with this existing intersection. Other than that, there are no other comments.

Mr. Parker reported for the Opelika Utilities Board, water service is accessible from Anderson Road.

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

Chairman Cherry opened the public hearing for the Amendment to the Future Land Use Map and the Rezoning request.

Austin Hagan, 3607 Anderson Road, stated our house is actually located across from the proposed apartments or townhouses. We have several residents that aren't here but would be across from the proposed commercial area. We have not been told what the commercial development is and that would be something we would like to know. We've been out there for 30 years. It's a rural area. We have had some development behind us; Morris Construction has put in homes on one to three acre lots. We've also had two homes constructed out there on 10 acre lots and we also had some homes on the south side of Andrews Road that are on half acre to one acre lots. The homes are very close to the road along Andrews Road. There are no shoulders to speak of and you would go right into someone's yard. So, there's not a lot of space there as far as traffic is concerned. Also, on Anderson Road there's also no good shoulders there, so if you go off the road you go down and into the trees. It really is old farm roads basically that are out there. They're not improved in any way, shape, or form. You can expect with open land you are going to have some housing development out there. That is what I would have expected. This is a little denser than I would have anticipated out there. Again, the roads are not well developed. The Engineer just mentioned that they are going to have to do a study for that. So basically, the road is inadequate. We have had issues with trucks out there. They are not supposed to come down Andrews Road, but they do and they constantly get stuck in the intersection because they can't make the turn. The road is inadequate for anything other than automobiles, really. We get these tractor trailers, and they are an issue. Looking at the site, I know they want to have a commercial area out in the open, however when you look at that whole property they're actually putting those larger homes right on railroad tracks and it is a main line. A lot of the trains pull their whistles when they go across Anderson Road. There's a lot of noise from the equipment itself and I find it hard to imagine that you would want a home butting up to that particular area. I would think that if you were going to develop that property you might put the commercial stuff down by the railroad instead of in probably the more desirable area. That's the main thing. I don't know about commercial development out in our area. There's really not much out there beyond us other than going out to the Walmart Distribution Center and some of the other commercial developments down in that area. I would have anticipated that the area would develop more along the lines of what it is platted right now, which is R-1, so one acre or half acre lots. We really don't have a lot of nicer housing going up in Opelika. The Morris Construction development has mainly been the one area, at least on the north side of Opelika, where you see nicer homes. This development just doesn't really fit the character of where this area has been developing. I hope you would have the opportunity to drive out there and take a look at the area and then imagine what this development would look like. We have got a lot of developments going in, at least five or six, where we have lot-line homes or homes on small acreages. We really don't have any areas where someone can buy a nicer home on a larger lot.

Chairman Cherry stated this item will come up next month and you are welcome to come back again. If not, Mr. Mosley can anything be done about the minutes being read or provided for the Commissioners?

Mr. Mosley stated we can pull those out and provide them in writing to you, yes sir. We will make sure to put the sign back up for next month as well.

Danny Skutack, 681 Lee County Road 174, stated I have a property at 3931 Anderson Road which is really close to it. I really want to talk about the safety and the happiness of the people out there. We haven't had any problem out there with people breaking into houses or anything. We leave a lot of our stuff unsecured. I'm sure you know Clanton Lipscomb, he's a good neighbor of mine and we leave a lot of our stuff unsecured out there like tractors, riding lawnmowers, ATVs, and stuff like that. Of course, we worry about it sometimes, but we've never had any problems and never had to call 911. I really feel like there have been a lot more

people here because you're trying to cram a lot of people into a really small area. There are going to be people walking up and down the roads at night looking for things. There is going to be confrontation with some landowners because most of the people out there are 5, 10, 20 or even 50 acre landowners out there. I own 10 acres and we're a close-knit family out there. We help each other out. Clanton is probably the best neighbor I've ever had. He'll do anything for you, but he's got grandchildren out there that I hear up there all the time and if you put up a whole bunch of people on these 220 acres you are talking about 1,000 family homes. Am I correct? Quarter acre lots and then how big is the apartment complex, 200 families?

Mr. Mosley stated I believe the maximum that could be up there would be somewhere around 1,200 units based on what they proposed.

Danny Skutack stated ok, so you have one corner of a block of woods and you're going to put a whole bunch of people out there. It is just my opinion that it just doesn't look good for the safety and the happiness and the confrontations that the landowners are going to have for people trespassing on their place. I don't know anything else I can say, but I don't feel good about it.

Howard Galimore, 1705 Andrews Road, stated I have lived there for over 30 years. I agree with what these gentlemen have already said as far as traffic flow and things like that with this big conglomerate of housing and things of that nature. The big thing I am concerned with is the commercial piece on the corner which encompasses 5.5 acres there. That piece of property could be residential if it wanted to, but for some reason people tend to want to do that. We have a great downtown Opelika. We have a lot of shops, businesses, service stations, grocery stores, and things of that nature which could service everybody in that area. We don't need any more commercial stuff at that corner. Traffic flow would be at a maximum all the time with Walmart and all the other things that go on out that way. The new residential area, Tre'veon Court I think, a lot of nice people have moved out of Opelika out there. This is just going to cause a really large problem.

Clanton Lipscomb, 3725 Anderson Road, stated I have lived there for 35 years. I moved out there in 1987. I'm concerned about the number of units they're trying to condense in that area. It is way too much. We are on estate lots out there. I'm on a six-acre lot and I have neighbors on five or six acre lots. How is this going to affect our property value? Tre'veon Lane went in over there and those are one-acre lots and that's okay. If they wanted to put one-acre lots or half-acre lots, I feel I would be comfortable with that, but trying to condense this many people in that area is going to cause problems. We really oppose it and we wish that this Board would take that into consideration.

Keith Singleton, 1740 Andrews Estate, stated I am the last house before you get to where Anderson and Andrews Road meet. I'm concerned about it. I lived in Auburn, and I moved out of Auburn for some peace and quiet. I own a one-acre lot out there and it's estate, it's not urban city where you cram everybody in. That's one reason why I moved out there, for the future of our family. I'm concerned about the future of my children and my grandchildren. To cram all this in out there, I tried to get away from it. Now I'm in a position that if that's allowed to come out there, I have to go. It's not the type of lifestyle that I wanted for my family. You are talking about building commercial stuff right on the corner right there so that when I come out of my driveway, I'm going to be looking at it. I tried to get away from that. With that being said, I'm not happy about that. Of course everyone has to have a place to live, I understand that, but cramming that amount of people in that area is almost unrealistic to me because I was trying to get away from it. As stated earlier, we have trucks coming through there that shouldn't be there. I'm one of those houses that's right there next to the road, so if you come off that shoulder you're in my yard. I just don't want to have to deal with that. What is going to happen to the

value of our property? People have a tendency to take shortcuts trying to get places and you run into those types of situations where people walk through your property and have no respect for what you are trying to establish with your family. I don't think it's a really good idea for that area. There are plenty of other places in Opelika where you can do that. Back out by the interstate somewhere, just further away from the residential areas. Those are estate lots out there and that's what I think it should remain.

Chairman Cherry closed the public hearing.

Motion to table the amendment to the Future Land Use Map and the Rezoning request at the applicant's request to the October 25, 2022 Planning Commission meeting

RESULT:	Passed
MOVER:	Mayor Gary Fuller
SECONDER:	Director Mike Hilyer
AYES:	Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen
NAYS:	None
ABSTAIN:	None

Mr. Silberman stated I hope that both parties could bring more information in terms of the details of what they are planning in our next presentation. I don't think we have nearly enough to make a decision yet.

12. (a) Amendment to the Future Land Use Map, accessed at 1531 First Avenue (former Leshner Mills property), 8.6 acres, from a general commercial land use category to a mixed-use category.

(b) Rezoning request, Christian Dagg, Hinson + Dagg Architects, LLC, authorized representative for Roy W. Granger, Regeneration, LLC, 8.6 acres, 1531 First Avenue (former Leshner Mills property), from M-1 to PUD

Mr. Mosley reported the proposed property includes a majority of the site for the former Leshner Mill site. This includes 8.6 acres located on the south portion of 1st Avenue.

Amendment to the Future Land Use Map:

The 2030 Future Land Use Map shows that the 8.6-acre property as primarily “general commercial” land use category. The properties surrounding the subject property are a variety of land uses. The property to the north has former institutional (school) uses. The property to the east has a contractor’s office. The property to the south across the railroad is residential use primarily mobile home parks. The property to the west is vacant lots and single-family residential uses. The proposed master plan project contains single-family residential and shared amenities.

Overall, the proposed uses within the masterplan of the PUD would be considered the medium density residential. Medium density residential is classified as residential up to nine (9) units per acre. Most of the existing residential in this area are medium and low-density residential classification. The proposed density for this development is 5.2 units per acre. This falls in middle of the density for medium density residential and is similar to an R-4 zoning district. The R-4M zoning district would adjoin this property if the railroad R.O.W. did not separate the two properties.

Staff Recommendation:

Staff recommends approval of an amendment to the Future Land Use map for the 8.6 acres from a “general commercial” land use category to a ‘mixed use’ land use category if the Planning Commission recommends the following rezoning to City Council.

Rezoning:

The applicant is requesting rezoning 8.6 acres from a M-1 (Industrial District) zoning district to a planned unit development (PUD) zoning district. The overall development proposes 45 residential units with rear access and parking for two vehicles. This includes 45 single family “cottages” homes some with garages. Overall, the development will have a density of 5.2 units per acre. The applicant is showing six open space parcels including the existing pond with a walking trail. The applicant is also introducing private streets and alleys that will create rear access for the all the residential units. The applicant states this is a needed housing type in Opelika.

This development mixes two different housing types described as cottage housing on smaller lot footprints. Both cottage types will be located on individual lots for sale with a minimum of 800 and 900 square foot minimums on the ground floor area. The smaller lots in the rear have open space separating the rows. The homes located along 1st Avenue (Lot Type A) are requesting lot widths of 55 feet and minimum lot sizes of 5,775 square feet. Type A lots would include the following front 20 feet, rear 10 feet, and 10 feet on one side, both sides totaling 25 feet. The single-family homes in the rear portion of this property (Lot Type B) will be separate lots with a minimum lot width of 45 feet and a minimum lot size of 3,600 square feet. The (Lot Type B) lots would include the following setbacks front 15 feet, rear 10 feet, and side 7 feet on one side, both sides totaling 15 feet. The near by single family home lots have existing lots with 60 feet minimum lot widths because lot standards for residential in a C-2 would apply R-5 standards for single family homes. Staff feels the transition between the existing neighborhood and the single-family homes proposed across 1st Avenue is a gradual step from 60-foot minimum lot widths to 55-foot minimum lot widths. Staff recommend the proposed lots along 1st Avenue have a landscape plan provided showing one large/canopy tree installed for each house frontage either in the right-of-way between the sidewalk and the street curb with permission from the City of Opelika or in the front yard adjacent to the public right-of-way. The rear loading lots and alleys for all the cottages will reduce the back yard areas. Each row of the smaller cottages (Type B) orients the house, so the front faces a common green. The cottages are described as one- and two-story structures.

A landscape plan has not been submitted at this time. Landscape buffers and individual residential lot landscaping will need to be submitted and approved. These are key components of PUD developments with medium densities. Staff believes that landscaping on each lot and around the development are of high importance. Traditionally, a buffer would be required on the perimeter of the PUD. However, this PUD is bound by a street and the railroad on two sides. In this case, buffers are more likely to be appreciated by the proposed residential units than help buffer the adjacent property from this development to the north. Street trees would help define the edges of the road but may conflict with utilities. A residential buffer consistent with the landscape ordinance will be required along the west property line. Sidewalks are shown on this plan fronting 1st Avenue, around the pond area, and connecting the open space areas. The residential areas should meet the general parking and landscape requirements of the zoning ordinance. Any signage for this development will need to be submitted separately and approved by Planning and Building Inspection prior to the permit being issued.

The applicant has provided sample floor plans and elevations to show how this development will look. The master plan narrative states the architectural guidelines, building regulations, and use restrictions will be governed by covenants, conditions, and restrictions. The property

owner's association will govern maintenance agreements for jointly owned right of ways, private roads, and green spaces. Staff feel the elevation provided have some similarities to homes in the area. All utilities shall be installed underground. The master plan narrative states the internal access (private streets) and alley ways, amenities, open space, will be owned and maintained by the homeowner's association. The future subdivision plat will need to state ownership and maintenance of all open spaces, green spaces, amenities, detention ponds, public gardens, and walking trails.

Overall, the development is below the density of 9 units per acre in a medium density zoning district. Staff feels this development generally provides a good re-use of the Leshner Mill property and finds the development to transitions in a positive manner.

Staff Recommendation:

Staff recommends a positive recommendation to the City Council to rezone the property from M-1 to PUD subject to the following:

1. Provide sidewalks on both sides of each street adjoining an amenity or residence.
2. All utilities shall be underground.
3. A conceptual landscape plan for the individual residential lots and green spaces be submitted and approved by staff. The individual residential lots along 1st Avenue include one large/canopy tree shall be installed for each house frontage either in the right-of-way between the sidewalk and the street curb with permission from the City of Opelika or in the front yard adjacent to the public right-of-way. The plan should include a residential buffer to the west.

Mr. Parker reported for Engineering, any needed adjustments to the roadway, adjacent intersections or added turn lanes will be analyzed with a traffic impact study after the Preliminary Plat is submitted and approved.

The Engineering Department has no comments or concerns with this proposed re-zoning application.

Mr. Parker reported for the Opelika Utilities Board, water service is accessible from First Avenue.

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

Chairman Cherry opened the public hearing for the Amendment to the Future Land Use Map and the Rezoning request.

Christian Dagg, representative, stated I am a principle with Hinson + Dagg Architects. I'm here to answer any questions but I also wanted to say that when we were beginning to look at this piece of property, I was really excited as somebody who doesn't live in Opelika but frequents this area a lot. Being able to continue that housing from the southwest and being a short bike ride away from downtown Opelika to enjoy all those amenities and businesses down there, it seemed like a great site to get to look at. As you can see on our site plan, our main idea was to try and provide this façade along First Avenue which is, sidewalk, front yard, tree canopy, and porches, all continuing that housing stock from the southwest further along that street. The green spaces are meant to open up to some of the other amenities around there and the collective spaces of the units, as well as the water tower that's there on 17th Street. To grab that as a part of one of those green spaces. Really, the challenge of this site was just that this is a long, narrow site. Getting three rows of houses that you could actually have an anterior street was a rather difficult design consideration which resulted in the layout that you are looking at

now. I'm happy to answer any question that you have.

Mr. Silberman asked is there a site plan showing the single-family homes and multi-family?

Mr. Mosley stated there is no multi-family on this site. These are kind of what an individual lot would look like. On the larger lots in the front, you have a house that would be approximately 20 feet to the front right-of-way and then it would have a smaller rear right-of-way from the garage. They would be 15 feet on each side. Then the smaller lots would be closer but instead of fronting on a street, this is becoming much more common, they front on a small green courtyard area. They will open onto a larger common yard and they'll back up to a rear alley here.

Mr. Silberman asked is it approximately a two-block area?

Mr. Mosley stated yes sir. If you look at the top, this block is about 400 feet right here, so you're really two and a half blocks in depth. It's quite a long and narrow strip.

Mr. Silberman asked on First Avenue?

Mr. Mosley stated yes sir, on First Avenue right where the Mill was.

Mr. Hilyer asked the first Mill or the second Mill?

Mr. Mosley stated this is the Leshner Mill, so I believe it's the older of the two Mills. It is across from Piggly Wiggly. There's an administrative building across the street with the water tower right there.

Ms. Cannon asked will that administrative building stay there?

Mr. Mosley stated it's my understanding that property has been purchased by another entity and they're looking at that property. That's not part of this application.

Mr. Silberman asked as a commercial property?

Mr. Mosley stated yes sir.

Ms. Cannon asked what size houses are out in the Opelika Mill area compared to a thousand square feet here?

Mr. Mosley stated if you look at the original Mill houses, especially some of the smaller ones, they tend to start in the 700 square foot range and go up. They were originally two bedroom and one bath or three bedroom and one bath houses. They were typically one story and they started around seven or eight hundred square feet and then as they went, a lot of times you saw another bathroom added or another room added. Some of them might be 1,200 square feet now, but they're still fairly small homes. In that regard, the houses themselves are probably fairly similar in size. Especially if these will be two-story houses which means they'll probably hit a thousand square feet pretty easily.

Ms. Cannon stated I just want it to agree with what's there.

Mr. Mosley stated yes ma'am. I think that's what they tried to do, especially with these frontage houses. They will be much closer to the Mill houses than you would see across the street.

Chairman Cherry closed the public hearing.

Motion to grant approval for the amendment to the Future Land Use Map with staff recommendations

RESULT: Passed
MOVER: Arturo Menefee
SECONDER: Councilman Ward 1 Willie Allen
AYES: Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen
NAYS: None
ABSTAIN: None

Motion to send a positive recommendation for rezoning to City Council with staff recommendations

RESULT: Passed
MOVER: Arturo Menefee
SECONDER: Director Mike Hilyer
DISCUSSION: Ms. Cannon asked if individual houses don't go up, could it be apartment complexes?

Mr. Mosley stated no ma'am, not under this zoning. If this zoning is approved, then they will be limited to detached single-family homes.

Mr. Hilyer asked how many does this show?

Mr. Mosley stated this is showing 45, so we wouldn't allow them to go over that without coming back for an amendment.
AYES: Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen
NAYS: None
ABSTAIN: None

G. ANNEXATION AND REZONING - Public Hearing

13. Annexation, Rodney C. and Laurie S. Jones, accessed from the 3200 block Columbus Parkway (Hwy 280), annex 204.3 acres, A PUD zoning district is requested.

Mr. Mosley reported the applicant is requesting annexation of 209.7 acres into the City of Opelika. The subject property has about 485 feet of frontage on Columbus Parkway and located 1.5 miles east of the intersection of South Uniroyal Road & Columbus Parkway. One single family home occupied by the petitioner is on the 209.7 acre property. The property is adjacent to the Opelika city limits along the north and west property lines. The property is undeveloped, but the applicant is requesting to construct single family homes, twin homes, and townhomes. *(The next agenda item #14 is the rezoning request that explains the residential uses.)* Public sewer is accessible to the property. The Zoning Ordinance provides that annexed properties are automatically zoned R-1, but in this agenda item, the applicant is requesting a PUD zoning district. If City Council approves the annexation, then a Council public hearing will be held for the rezoning property from R-1 to PUD.

Recommendation

Planning staff recommends a positive recommendation be sent to City Council to annex the 209.7 acres into the City.

Mr. Parker reported for Engineering, any needed adjustments to the roadway, adjacent intersections or added turn lanes will be analyzed with a traffic impact study after the Preliminary Plat is submitted and approved.

The Engineering Department has no comments or concerns with this proposed annexation application

Mr. Parker reported for the Opelika Utilities Board, water service is accessible from U.S. Highway 280.

Mr. Parker stated Opelika Utilities has submitted a letter that is in the minutes.

Mr. Mosley stated they have noted that water service is accessible. They have also put in a letter that we put into the minutes as well regarding the development of the property further.

Clean, Plentiful Water



September 8, 2022

Mr. Drew Mixson
Community Development Coordinator
Holland Homes

VIA EMAIL ONLY

Re: Ability to Serve
Columbus Parkway Development
Opelika, Alabama

Mr. Mixson,

Opelika Utilities provides water service to the City of Opelika and surrounding communities including the area of this proposed development. It is our understanding that is the intent of Holland Homes to develop a residential development on a 160-acre parcel on the South side of Columbus Parkway as shown in the attached map. The development will consist of approximately 809 lots that are a mix of Single-Family Homes, Duplex Residences, and Townhomes. There is also the potential to have commercial development along Highway 280.

Opelika Utilities has the capacity to provide the required potable water service to the proposed development. There is a 12-inch main located on the south side of Columbus Parkway that could be extended with appropriate size pipe across the frontage of the development to the proposed access points. There is an 8-inch main on the north side of the roadway for the full length of the development but an extension of the south side main is preferred to crossing the road. See the attached map showing the mains and sizes in the area.

Please let us know if you have any questions or need any additional information.

Sincerely,

Opelika Utilities

Matthew M. McDougald, P.E.
Assistant General Manager

4055 Water Street
Post Office Box 1029
Opelika, Alabama
36803-1029
p (334) 705-5500
f (334) 745-3487
www.owwb.com

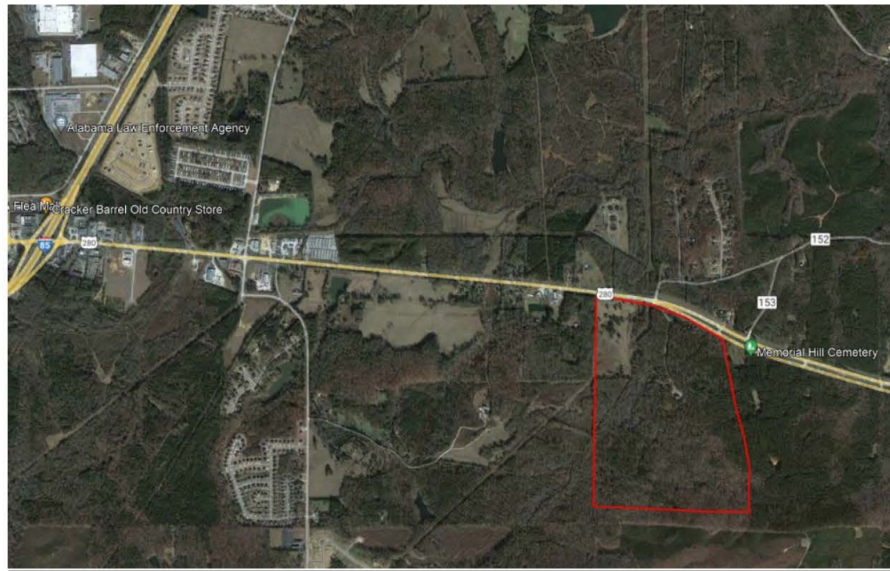


Figure 1 - Project Location Map

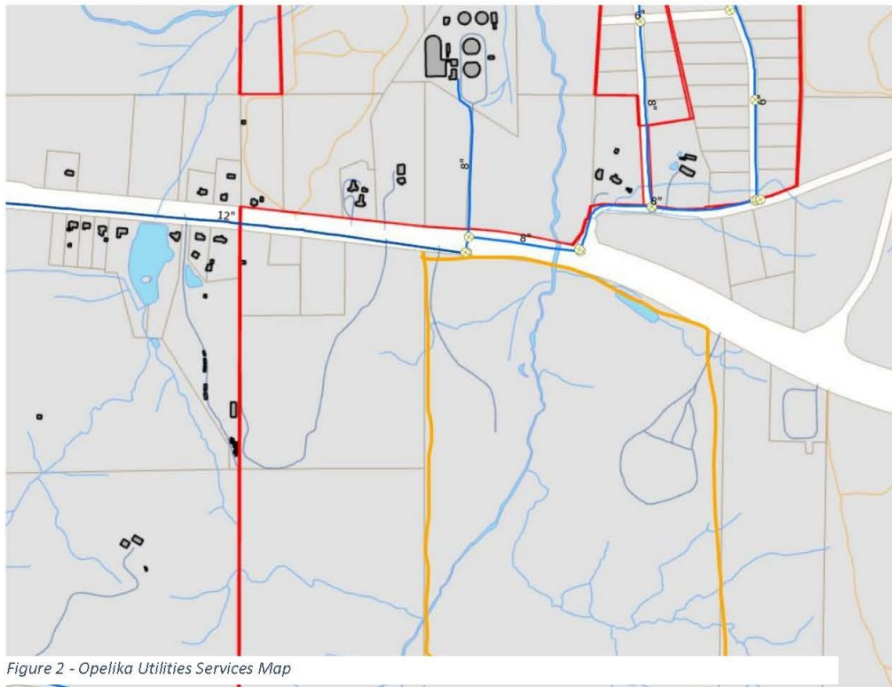


Figure 2 - Opelika Utilities Services Map

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

Motion to send a positive recommendation for annexation to City Council with staff recommendations

RESULT:	Passed
MOVER:	Director Mike Hilyer
SECONDER:	Councilman Ward 1 Willie Allen

AYES:	Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen
NAYS:	None
ABSTAIN:	None

14. Rezoning request, Michael T. Johnson, Holland Homes, Inc, authorized representative for Rodney C. and Laurie S. Jones, 204.3 acres, accessed at 3200 block Columbus Road, PUD zoning request subject to City Council approval

Mr. Mosley reported the applicant is requesting to rezone 209.7 acres from an R-1 zoning district (rural) to a PUD (Planned Unit Development) subject to City Council approval of the annexation property. The rezoning property is accessed from Columbus Parkway and located about one mile east of intersection South Uniroyal Road & Columbus Parkway. The adjacent properties next to the rezoning property are all rural, undeveloped, and on 35 acres or larger parcels. The adjacent properties on the east and south side of the annex property are outside the City limits.

In 2020, a 38-acre adjacent property on the west side of the 209.7 acre rezoning property was rezoned to R-3. In the R-3 zone the minimum lot size is 10,000 sf. Preliminary approval was granted for 101 residential lots at 10,000 sf or larger for the 38-acre property. The applicant today is requesting a PUD zoning district on 209.7 acres for single family home lots, twin home lots, and townhome lots. The proposed minimum lot size is 5,000 square feet for single family home lots, 3,125 sf twin home (duplex) lots, and 1,800 sf townhome lots; 92.5 acres of the 209.7 acre development is open space or amenity lots.

The developer (Holland Homes) for the 209.7 acre development is also the developer for the Fox Run Parkway development that was approved to PUD in 2020 now under construction. The Fox Run development is the same development proposed for the 209.7 acre property; both locations are a residential mix of single-family home, twin homes, and townhomes lots. The 2020 approved Foxrun PUD is 47 acres with 272 residential units; the Columbus Parkway proposed PUD is larger at 209.7 acres with 674 units. 92 acres of the 209.7 acres are labeled open space or amenity lots on the master plan. (Several streams run through the 209 acres so development is not feasible for most of the 92 acres.) The proposed development style would match the Fox Run Village project.

Staff Recommendation

In most rezoning requests, a transition occurs from one zoning district to another to gradually rezone property allowing an increase of residential lots (example: from R-1 to R-2 or from R-3 to R-4), etc.). The rezoning in a consecutive order allows steady growth especially near commercial or industrial growth areas. The 209.7 acre rezoning is located adjacent to the City limits, the predominate land use is rural and undeveloped. The adjacent properties are either outside the Opelika City limits and those properties in the City limits are zoned R-1 (rural) except a recent rezoning to R-3. Minimum lot size in R-1 is one acre (43,560 sf). Staff believes the scale of the proposed PUD development with 674 lots and lot sizes ranging from 5,000 sf to 1,800 sf is not a balanced transition in this rural area. The 674 lots are an intensive increase of lots compared to the one acre minimum lot size in the R-1 zone.

Previous rezoning approvals adjacent to or near the 209.7 acre rezoning property was from R-1 to PUD or R-1 to R-3. These rezonings were a moderate transition from the existing rural character and R-1 zoning district. For example, earlier this year, an annexation & rezoning of 38 acres was approved located adjacent to the 209.7 acres; the property was rezoned to R-3; in the R-3 zone minimum lot size is 10,000 sf. Also, in 2006 on South Uniroyal Road about 1.5

miles from the proposed 209.7 acre property, rezoning was approved for the Creekstone SD (138 single family home lots), and in 2019 Drake's Landing (180 single family home), a PUD residential development was approved. Drake's Landing minimum lot size is 10,000 sf. Most lots in Creekstone SD exceed 10,000 sf.

The 2019 Foxrun PUD is compatible with the existing uses and growth patterns near the development. Opelika High School, Southern Union College, and Betts Crossing shopping center are less than a mile from the Fox Run development. Also, three residential neighborhoods that total 285 lots (Stephens Woods, The Willows, The Chimneys) are about 1.5 miles from the Foxrun PUD. The Foxrun development with a residential mix of single-family home, twin homes, and townhomes met a residential need locating next to two schools and a shopping center. (The new 6th grade City public school under construction is nearly across the street from the Foxrun PUD.) At the proposed Columbus Parkway PUD location, there is no transitioning taking place. The adjacent properties are rural, and compared to the other rezonings in the area, the 674 residential units accessed from a State highway seems incompatible.

Staff believes the property is suited for residential uses but is concerned with 674 residential lots ranging from 5,000 sf to 1,800 sf. is a concern. Staff recommends a more moderate transition with less impact on the existing rural character and R-1 zoning district. The property should have more lots consistent with the surrounding area approximately 10,000 sf single family home lots and possibly a mix of twin home lots and townhome lots. **Staff cannot recommend approval at this time. It may be possible to revise the request to make the development more consistent with the surrounding neighborhood.**

Mr. Parker reported for Engineering, any needed adjustments to the roadway, adjacent intersections or added turn lanes will be analyzed with a traffic impact study after the Preliminary Plat is submitted and approved.

The Engineering Department has no comments or concerns with this proposed re-zoning application.

Mr. Parker reported for the Opelika Utilities Board, water service is accessible from U.S. Highway 280.

Clean, Plentiful Water



September 8, 2022

Mr. Drew Mixson
Community Development Coordinator
Holland Homes

VIA EMAIL ONLY

Re: Ability to Serve
Columbus Parkway Development
Opelika, Alabama

Mr. Mixson,

Opelika Utilities provides water service to the City of Opelika and surrounding communities including the area of this proposed development. It is our understanding that is the intent of Holland Homes to develop a residential development on a 160-acre parcel on the South side of Columbus Parkway as shown in the attached map. The development will consist of approximately 809 lots that are a mix of Single-Family Homes, Duplex Residences, and Townhomes. There is also the potential to have commercial development along Highway 280.

Opelika Utilities has the capacity to provide the required potable water service to the proposed development. There is a 12-inch main located on the south side of Columbus Parkway that could be extended with appropriate size pipe across the frontage of the development to the proposed access points. There is an 8-inch main on the north side of the roadway for the full length of the development but an extension of the south side main is preferred to crossing the road. See the attached map showing the mains and sizes in the area.

Please let us know if you have any questions or need any additional information.

Sincerely,

Opelika Utilities

Matthew M. McDougald, P.E.
Assistant General Manager

4055 Water Street
Post Office Box 1029
Opelika, Alabama
36803-1029

p (334) 705-5500
f (334) 745-3487
www.owwb.com

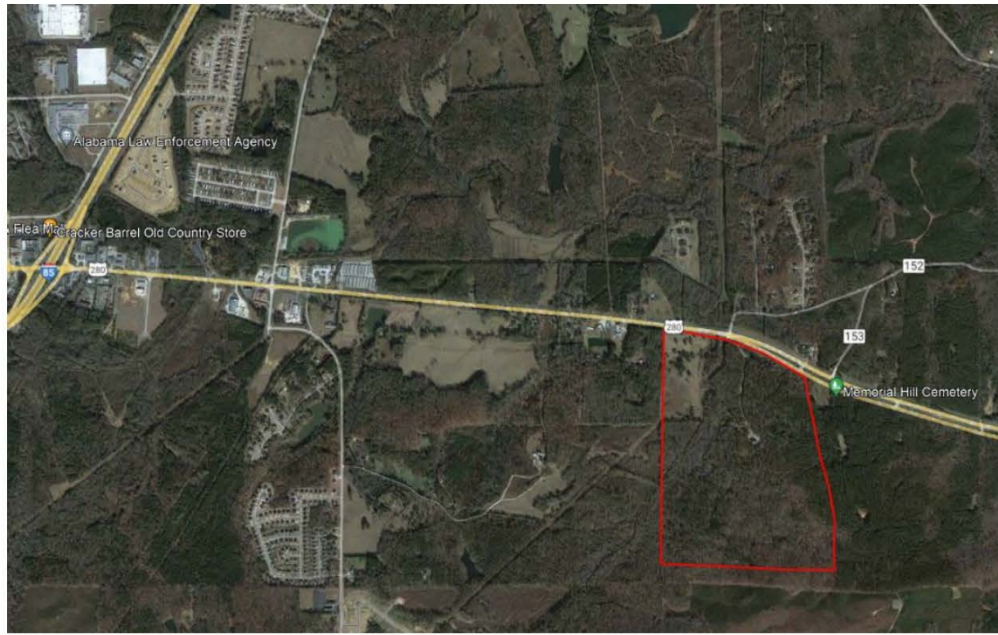


Figure 1 - Project Location Map

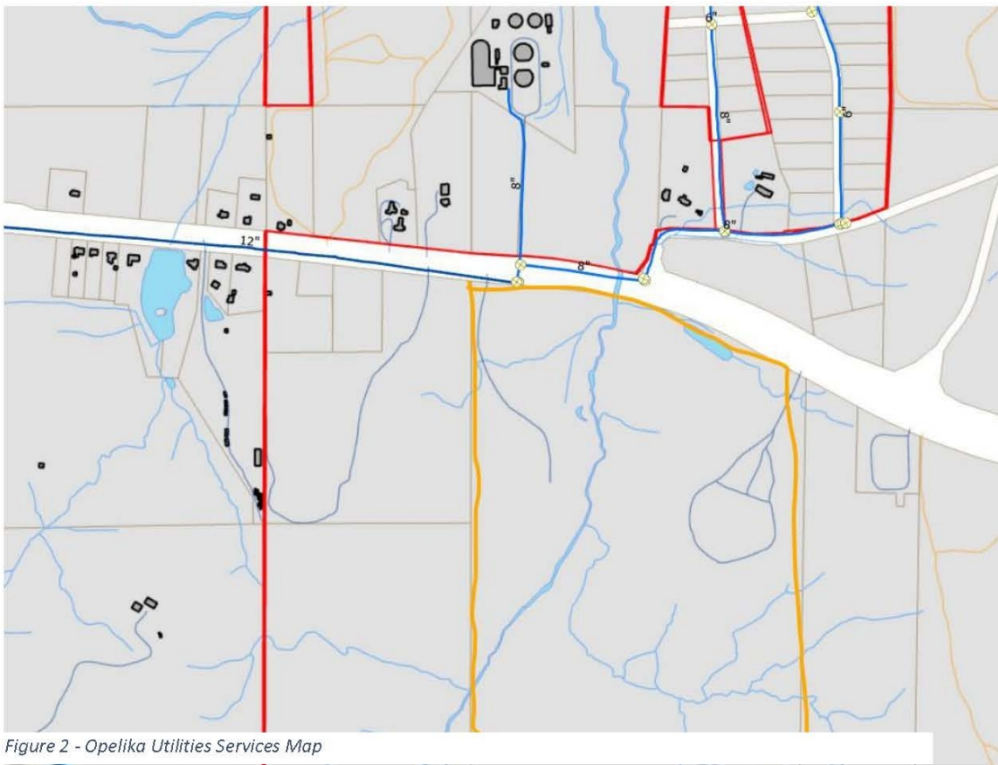


Figure 2 - Opelika Utilities Services Map

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

Chairman Cherry opened the public hearing.

TJ Johnson, Holland Homes, representative, stated I appreciate the time and the opportunity to speak with Mr. Mosley several times about this and kind of craft this proposal. We believe that this property is uniquely positioned for a development like this because it's located on a divided four-lane highway and we're not accessing anyone else's property. There are no neighbor concerns. As Mr. Mosley mentioned, the density is in line. We have worked with Mr. Mosley to get it down from our original proposal. We're now down to 674 which is actually 3.5 units per acre, which is what Fenwick is just west of us. Also, you'll notice that the majority of the property along Highway 280 within the City limits of Opelika is actually zoned C-3, which allows 16 units per acre. Again, we have worked with staff to try to find the density that fits. I agree with Matt, I would be happy to sit back down and work on some of the geometry to break up those blocks. We do feel strongly that this product size, the lot size, is a great fit. It actually allows for much more open space. For example, Fenwick which is just south of us has 2.76 acres of open space which equates to about 1,100 square feet of open space per lot, whereas using smaller lots like we have, we actually have 6,000 square feet of open space per lot on that site. So, five times more open space by going with the narrower lots. That doesn't provide any more traffic against Opelika roads, it doesn't provide any more density, it's just more open space for folks to enjoy. It's also less roads for Opelika to maintain long term, less water line, and less sewer line. That's the reason we go for the PUD approach. We want to take that R-3 zoning and fit it into something that we believe is better. As you will see, there are plenty of woods. You actually wouldn't be able to see it hardly from Highway 280. You certainly wouldn't be able to see it from any of the adjacent property owners. Just as an example, if we were to increase the single family lots from 5,000 to 10,000 square feet, that would actually reduce the open space by 50 acres. The plan in front of you has over 90 acres of open space that would be permanently covenanted to be woods, so it's hidden. We have three village concepts broken up by the streams so you can get very large buffers on all the streams. Again, we just believe this is a smarter way to develop. We don't come in and clear-cut a whole 209 acres. We take the density that Opelika believes is appropriate, 3.5 units or less, we access it off of a State Highway so it's not going through anybody's back yard, and we provide very large buffers of undisturbed, undeveloped, mostly wooded area for all of our neighbors so that both our folks who move in have an awesome experience and the folks next to us don't have to worry about any traffic, connectivity, or seeing all our construction. So again, we're happy to table and continue to work with staff, but I would love y'all's feedback on the lot size because I know that's something that Mr. Mosley and I respectfully disagree on. So, I would love the feedback from you guys and, if it's appropriate, we will table it until next month.

Chairman Cherry stated we want to hear a positive recommendation from staff to go to the City Council for a rezoning. That's the way I feel, but I'll open it up for any discussion.

Chairman Cherry closed the public hearing.

Mayor Fuller made a motion that we table this until they can work with Mr. Mosley and come with something that Mr. Mosley can recommend to us so that we can recommend it to City Council.

Motion to table the item to the October 25, 2022 Planning Commission meeting with the applicant's consent

RESULT:	Passed
MOVER:	Mayor Gary Fuller
SECONDER:	Director Mike Hilyer

DISCUSSION: Mr. Silberman asked Mr. Mosley do we keep a running total of the square footage of the homes that we're looking at at any one time?

Mr. Mosley stated no sir. In most cases we don't keep track of the square footage of homes. Planning looks at lot size and we make sure they meet the minimum size of a home, but we don't actually monitor how big of a house people build.

Mr. Silberman asked how do we develop a feel for what type of homes we're building and how many?

Mayor Fuller stated the market determines that.

Mr. Silberman asked how do you do that without knowing what you're considering?

Mayor Fuller stated if they're not selling them, they quit building those. It's a market determination.

Mr. Silberman stated that doesn't make sense to me. You are buying a huge piece of property and you're committing to a lot of building, and you don't have any idea how much you're going to sell, but I'm going to let that go.

Ms. Cannon stated I hear you. I can't believe it's that many little houses.

Mr. Mosley stated I believe, and Mr. Johnson can speak to this, that this is likely a long-term project. I don't think they're planning on building this in even five years. It's probably a 10-year project.

TJ Johnson stated correct. Fox Run is 258 lots and we've already been building out there since 2019, which was when it was approved here. We are in the third of four large phases. I believe a project like this is about ten years.

Mr. Silberman stated I wasn't making my point to your particular project. I was just looking at us in general and how do we keep a record of what our building potential is.

Mr. Mosley stated we do keep track of number of lots, number of single-family lots, number of townhomes, and number of apartments that we've approved, and we monitor that. But as the Mayor says, we don't necessarily try to limit capacity or try to dole those out by any means.

Mr. Silberman stated well, we have a great market and it's doing well. I just wondered how we maintain a handle on it.

AYES: Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen

NAYS: None

ABSTAIN: None

V. OLD BUSINESS

H. FINAL PLAT

15. Wyndham Gates SD, Pod 3, Phase 1, 10 lots, accessed from Emory Lane, Doug Ransom, authorized representative for Opelika Gateway Properties, LLC, Final Plat (*Tabled at the applicant's request at August 23, 2022 Planning Commission Meeting*)

Ms. Cannon left the meeting at 4:39 p.m.

Mr. Mosley reported *this agenda item was tabled at the August 23rd Planning Commission meeting. The staff report below is the same as presented at the August meeting.*

The applicant is requesting final approval for 10 lots of a 64-lot subdivision. Preliminary plat approval for the 64-lot subdivision was granted at the January 2021 Planning Commission meeting. Eight of the 10 lots are townhome lots. Parcel A (1.37 acres) and Parcel B (8.98 acres) are the other two lots that will be subdivided at a later time into 56 townhome lots. After the 56 townhome lots are platted, a 23,090 sf area of Parcel A and a 3.69-acre portion of Parcel B will be preserved as open space.

The eight townhome units including the front and rear yard on a single lot will be sold. The two-story townhomes are approximately 1,700-1,800 SF (excluding 2 car garages). The townhome lots meet the minimum yard size requirement with one yard being at least 50% of the first floor size of a unit. The lots also exceed the 1,800-sf minimum lot size and 20-foot lot width required for a townhouse development. The proposed lot widths are 25 feet. The lot area for six lots are 2,000 square feet (sf) and two lots are 3,000 sf. Each unit has two parking spaces as required. Underground utilities are installed, and sidewalks are installed along the streets. The rear lot line of each townhome unit is adjacent to open space. A note needs to be added to plat that the open space will be maintained by the Wyndham Gate Pod 3 HOA (Homeowner's Association). The exterior building material is a mix of brick and hardie board with vinyl soffit and fascia.

The townhomes setback requirement needs to be determined and stated in the notes. The minimum setback along Emory should be 20 feet to correspond to the 20-foot minimum setback for the single-family homes on the north side of Emory Lane.

A landscape plan for the 8-unit townhome group meets minimum requirements concerning base and parking lot points. A landscape plan (construction drawings) includes a residential buffer as required adjacent to the townhome unit on Lot 155; a residential buffer is also shown along Marvyn Parkway as required. The buffer provides a visual barrier between the different type of dwellings and motorists on Marvyn Parkway.

Staff recommends final approval subject to the following added to final plat or installed before a CO (certificate of occupancy) is issued:

- 1. Sidewalks required on at least one side of the street.**
- 2. All utilities installed underground.**
- 3. Add landscaping as shown on landscape plan for the eight townhome group and residential buffers as shown on construction drawings.**
- 4. Add the minimum building setback requirement on the final plat.**
- 5. Add a note on plat providing the uses allowed in the open space lots and who will own and maintain the open space lots.**
- 6. Exterior materials installed must follow Gateway cladding standards (Section 7.6).**

7. Add Tract 4 to the final plat as shown on the revised preliminary plat - “Tract 4 Remainder not surveyed at this time, 32.51 Acres ±”

Mr. Parker reported for Engineering, the Engineering Departments review comments have been addressed and the Department recommends final plat approval for this application.

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

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

Mr. Hilyer stated I have everything we need as well.

Motion to grant final plat approval with staff recommendations

RESULT:	Passed
MOVER:	Director Mike Hilyer
SECONDER:	Councilman Ward 1 Willie Allen
AYES:	Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen
NAYS:	None
ABSTAIN:	None

16. Cannon Gate SD, Phase 3B, 60 lots, accessed from Cannon Gate Drive, Blake Rice, Barrett-Simpson, authorized representative for SMB Land LLC, Final Approval (*Tabled at the applicant's request at August 23, 2022 Planning Commission Meeting*)

Mr. Mosley reported *this agenda item was tabled at the August 23rd Planning Commission meeting. The staff report below is the same as presented at the August meeting.*

The applicant is requesting final plat approval for 60 residential lots. The preliminary approval for the lots as well as a revision to the Cannon Gate master plan was granted at the April 2020 Planning Commission meeting.

The 60 single family home lots range in size from 10,372 square feet (sf) to 1.3 acres. The density for the 60 lots on 29.9 acres is 2.0 units per acre. The lot width is between 70-100 feet. The minimum building setbacks is 25 feet in the front and rear yards, 20' for side yards on street (corner lots), and 7 feet on side yards. These standards are the same as previous phases in Cannon Gate.

Underground utilities have been installed and sidewalks are required on at least one side of all streets.

At the April 2020 preliminary plat review of Phase 3, staff recommended, and the Planning Commission approved a stub out street to the north next to Lot 13. (*For this final plat review, Phase 3 is separated to Phase 3A & Phase 3B.*) This was intended to improve future traffic flow and circulation, and due to the number of dwelling units in Phase 3A and 3B, staff recommends a stub-out street connection provided to the adjacent property on the north side for future connectivity to the adjacent property and an opportunity to connect to Veterans Parkway. The applicant has stated that the topography is not conducive to installing the connecting street due to the elevation change between the subject property and the property to

the north.

Staff recommends final plat approval subject to the following:

1. Add a note to the final plat naming the owner(s) of the open space lots and name who is responsible for maintenance of open space lots.
2. A sidewalk is required on at least one side of all streets.
3. ~~Provide a stub-out street to the adjacent property on north side at or near Lot 13 or have Planning Commission remove the condition of approval~~

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

- All drainage structures, aggregate base and pavement have been placed.
- All stop and roadway signs have been installed.
- Maintenance Bond of 25% of the estimated total infrastructure cost will need to be submitted.
- Performance Bond of 125% of the estimated cost to place the remaining roadway surface and sidewalks will need to be submitted.
- 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 have been graded, and stabilized with seed and mulch, and other erosion/sediment control items will need to be added to protect against erosion and sediment issues.

If these requirements are met, the Engineering Department recommends Final Plat approval.

Mr. Parker stated at this time enough of the infrastructure has been placed, therefore we recommend it is enough to approve this plat at this time and we will hold signatures until the checklist items have been completed. Public Works states that the vacuum testing has not been done, so all these items will need to be completed, but we feel it is appropriate at this time to approve this for Final Plat. In regards to the stub street to the north, we analyzed it with the developer and the applicant. In order to build a road to the north to meet the grading requirements of the City, it would take a substantial amount of work and we don't believe it is feasible at this time to require that. There are other options that are already in place. Northgate subdivision, which this subdivision connects to, has built in stubs that would be more feasible for connection to the property to the north as well as Veteran's Parkway. At this time, we feel that it is appropriate to remove this requirement from the plat because there are other more feasible options to access the property to the north and Veteran's Parkway.

Mr. Parker reported for the Opelika Utilities Board, this subdivision has not been accepted by Opelika Utilities.

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

Motion to remove the item from the table

RESULT: Passed
MOVER: Councilman Ward 1 Willie Allen
SECONDER: Mayor Gary Fuller
AYES: Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen
NAYS: None
ABSTAIN: None

Motion to grant final plat approval with staff recommendations

RESULT: Passed
MOVER: Councilman Ward 1 Willie Allen
SECONDER: Mayor Gary Fuller
AYES: Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen
NAYS: None
ABSTAIN: None

I. CONDITIONAL USE - Public Hearing

17. Scott Harris, Harris Gray LLC, authorized representative for G.A. Properties, LLC, 1201 S. Fox Run Parkway, C-3, GC-P, Expand the outside display area of RV Roadway of Opelika (Recreational Vehicle sales lot) and the future construction of a 11,250 square foot service building. *(Tabled at the applicant's request at the August 23, 2022 Planning Commission Meeting)*

Mr. Mosley reported the applicant is requesting conditional use approval to expand their sales and service recreation vehicles (RVs), and campers. The subject property was formerly occupied by Harley-Davidson motorcycles from about 2002 to 2018, but received use approval in 2020 for RV sale. The applicant has since purchased the property to the east and west of the original 4 acres. The subject property currently has a 13,000 square foot building and will propose a future maintenance building later. The applicant has amended their request to include the additional 2.3 acres to the east as part of their sales display area.

The applicant is proposing to grade the property to the east and create a larger sales lot. A portion of this lot is currently in the flood plain. The applicant desires to use gravel instead of asphalt or concrete both for maintenance reasons and to remove impervious surface. They have noted that in their experience the heavy RVs tend to sink into asphalt paving. They have also stated that they could use curbing to create an envelope to prevent gravel from spreading into other areas.

The applicant has provided a new landscape plan for the site as well. This includes the required number of plantings for site and revised plantings on both the front and rear of their existing sales area where plant material has been removed or died. The planting areas in the front and rear need to be outside of the parking area. Additionally, if state right-of-way along the rear of the property is going to be cleared or additional trees removed, some trees should be added to the rear bufferyard.

The applicant has also noted that they will replace the chainlink fencing along Fox Run with wrought iron fencing or like approved fencing. The dumpster location has also moved. This

needs to be screened from the right-of-way by fencing or landscaping if visible.

Planning Staff believes that the conditional use request is appropriate given the proposed ‘RV sales lot’ is adjacent to Opelika Ford dealership (with outside display/storage) and near six automotive sales lots, a camper sales lot, auto body shop, and a heavy equipment sales businesses on Columbus Parkway.

Planning Staff recommends conditional use approval with the following conditions:

1. Confirm whether additional trees in the state right-of-way will be removed. If so, additional trees may be required in the bufferyard along the rear.
 2. Dumpster shall be screened from public view.
 3. No chainlink fencing is allowed forward of the front of the building.
 4. Ensure all required permits are received for grading or parking within the flood plain.
5. The RV and camper display & storage area be limited to the “Inventory Area” as labeled on site plan and requested by the applicant.

Mr. Parker reported for Engineering, the applicant will be required to submit a site construction and grading plan for the drainage, utility, post construction detention, and roadway installation to the Engineering and Public Works Departments for review and approval. Once this approval and all other utility approvals have been met, a Land Disturbance Permit will be issued in concurrence with any applicable State and Federal Permits.

The Engineering Department has no other comments or concerns with this proposed conditional use application.

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

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

Motion to remove the item from the table

RESULT:	Passed
MOVER:	Councilman Ward 1 Willie Allen
SECONDER:	Director Mike Hilyer
AYES:	Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen
NAYS:	None
ABSTAIN:	None

Chairman Cherry opened the public hearing.

Scott Harris, Harris Gray LLC, representative, stated I am here on behalf of the applicant, and I can answer any questions that you might have.

Chairman Cherry closed the public hearing.

Motion to grant conditional use approval with staff recommendations

RESULT:	Passed
MOVER:	Councilman Ward 1 Willie Allen

SECONDER: Leigh Whatley
AYES: Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen
NAYS: None
ABSTAIN: None

VI. ADJOURN

Motion to adjourn at 4:53 p.m.

RESULT: Passed
MOVER: Councilman Ward 1 Willie Allen
SECONDER: Director Mike Hilyer
AYES: Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen
NAYS: None
ABSTAIN: None

Lewis A. Cherry, Chairman

Matt Mosley, Secretary