



PLANNING COMMISSION MINUTES

300 Martin Luther King Blvd.

December 20, 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 December 20, 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: Mayor Gary Fuller, Mr. Ira Silberman, Councilman George Allen, Dr. Arturo Menefee, Mrs. Leigh Whatley, Ms. Lucinda Cannon, Mr. Michael Hilyer, and Mr. John Sweatman.

MEMBERS ABSENT: Chairman Lewis Cherry

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

CALL TO ORDER: Vice Chair Lucinda Cannon called the meeting to order at 3:00 p.m.

Approval of Planning Commission Minutes November 29, 2022

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

III. UPDATE ON PREVIOUS PC CASES

Mr. Mosley stated that the Firefly rezoning and annexation that were previously heard by the Planning Commission had been withdrawn by the applicant from the City Council agenda prior to a public hearing. He noted that a revised application would likely come before the Planning Commission again in the coming months.

IV. NEW BUSINESS

A. PLAT (Preliminary Only) - Public Hearing

1. Springhill Heights SD, Redivision of Lots 53-58, 3 lots, accessed at the corner of Arnold Avenue and Spring Drive, Nick Howell, 2H Properties, LLC, Preliminary Approval

Mr. Mosley presented the staff report to the Planning Commission for Springhill Heights Subdivision, Redivision of Lots 53-58. He noted that this was a three-lot subdivision and was zoned R-5M. He further explained that the division would need a short length of public sewer extended to the site prior to final plat approval. Mr. Mosley stated that staff was recommending preliminary plat approval subject to the following:

1. That each lot meeting the minimum 60 foot lot width requirement.

Mr. Scott Parker provided the reports for Engineering, Opelika Utilities Board, and Opelika Power Services.

Vice Chair Cannon opened the public hearing.

No comments.

Vice Chair Cannon closed the public hearing.

Motion to grant preliminary plat approval with staff recommendations

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

B. PLAT (Preliminary and Final) - Public Hearing

2. Morris Avenue Townhomes SD, 23 lots, accessed from Morris Avenue, Blake Rice, Barrett-Simpson, authorized representative for BC Stone Homes, LLC, Preliminary and Final Approval

Mr. Mosley presented the staff report and noted that the request was for preliminary and final plat approval of a 23-lot subdivision. He explained that the subject property was zoned R-3 and R-4 and located off Morris Avenue. He noted that conditional use was approved in June 2020 and the development did not include any public infrastructure. Mr. Mosley stated that staff recommended preliminary and final plat approval subject to the following:

1. Add the required residential buffers to the west and south property lines.
2. Refuse service should be coordinated with the City of Opelika Environmental Services. If a dumpster is proposed for townhome units an enclosure on all sides required.
3. Provide access easement through the common area for ingress and egress of all lots.
4. Add a note that no direct access to Morris Avenue shall be prohibited for Lots 1-4.
5. Provide the rear 5-foot access easement for each building group.
6. Correct note 11 concerning the area of Lot 23.
7. All utilities shall be underground.
8. If the required sidewalk extends into any individual lot provide an appropriate easement.

Mr.Parker provided the reports for Engineering, Opelika Utilities Board, and Opelika Power Services.

Vice Chair Cannon opened the public hearing.

No comments.

Vice Chair Cannon closed the public hearing.

Motion to grant preliminary and final plat approval with staff recommendations.

RESULT: Passed

MOVER: John Sweatman

SECONDER: Arturo Menefee

DISCUSSION: Mayor Fuller asked if there would be public sewer on site.

Director Hilyer stated that it would be served by public sewer but the internal development would be off of private lines.

Mr. Blake Rice, Barrett-Simpson, Inc., confirmed that an existing sewer line traversed the property, but individual connections would be private.

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

NAYS: None

ABSTAIN: None

3. Foxrun SD, Redivision of Lot 1, Phase 1A, 19 lots, accessed from Village Drive, Daniel Holland, Holland Homes, LLC, Preliminary and Final Approval

Mr. Mosley presented the staff report to the Planning Commission. He explained that this was a 19-lot subdivision for 18 two-story townhome units. He noted that the site was part of the Fox Run Village PUD and originally developed as condominium units. He stated that the applicant desired to convey the lots in a fee-simple manner. Mr. Mosley stated that two of the buildings had already been constructed. He stated that staff recommended preliminary and final plat approval subject to the following.

1. Install sidewalks on at least one side of all streets.
2. Install landscaping, grass, and ground cover on all yard areas.
3. All utilities shall be underground.
4. Any fencing by developer/property owners should be consistent on all lots.
5. Add a note with the setbacks for the townhome lots as 20 feet for the front and rear yards and 5 feet for each side yard.
6. Correct the numbering between Lots 5 and 7.

Mr.Parker provided the reports for Engineering, Opelika Utilities Board, and Opelika Power Services.

Vice Chair Cannon opened the public hearing.

Mr. TJ Johnson, Holland Homes, stated that the water has already been installed on this property and he would follow up with the utility department. He also stated that the use was in line with the master plan and would simply allow the units to be sold as a fee-simple lot instead of as a condo.

Vice Chair Cannon closed the public hearing.

Motion to grant preliminary and final plat approval with staff recommendations.

RESULT: Passed
MOVER: Mayor Gary Fuller
SECONDER: John Sweatman
AYES: Cannon, Whatley, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen
NAYS: None
ABSTAIN: None

C. FINAL PLAT

4. Foxrun SD, Phase 2B, 74 lots accessed from the east end of Village Drive, Daniel Holland, Holland Homes, LLC, Final Approval

Mr. Mosley stated that the applicant has requested this item to be tabled as they were unable to complete construction of the streets due to the weather. He requested the Planning Commission make a motion to do so.

Motion to table the application for final plat approval with the applicant's consent.

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

5. Silver Oak SD, Phase 2, 30 lots, accessed from Lee Rd 2232, Blake Rice, Barrett-Simpson, authorized representative for Steven W. Corbett, Final Approval

Mr. Mosley presented the staff report to the Planning Commission. He noted that the development was located just outside the City of Opelika on Lee Road 266. He noted the applicant was requesting final plat approval for a 30-lot subdivision. Mr. Mosley stated that staff recommended final plat approval.

Mr. Scott Parker provided the reports for Engineering, Opelika Utilities Board, and Opelika Power Services.

Motion to grant final plat approval with staff recommendations.

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

D. CONDITIONAL USE - Public Hearing

6. Paul H. Sanders, authorized representative for A&P Holdings, LLC, at 104 North 3rd Street, C-3. GC-S, For a two-unit townhome.

Mr. Mosley presented the staff report for the conditional use request. The applicant is requesting to divide a single-family home into two townhome units that would be split down

the middle. He noted the property was located on 3rd Street in the C-3,GC-S zoning district. He noted that the same applicants had renovated multiple buildings in the area and showed some conceptual elevations of the redeveloped unit. Mr. Mosley stated that staff recommended conditional use approval.

Mr. Parker provided the reports for Engineering, Opelika Utilities Board, and Opelika Power Services.

Vice Chair Cannon opened the public hearing.

No comments.

Vice Chair Cannon closed the public hearing.

Motion to grant conditional use approval with staff recommendations.

RESULT:

MOVER: Director Mike Hilyer

SECONDER: Commissioner Whatley

DISCUSSION: Councilman Allen asked what the smallest unit size was. He asked if there was a minimum size.

Mr. Mosley stated that the smallest was 520 square feet. He noted that the smallest size for single-family residential is 800 square feet. There is no minimum size for townhomes or apartment units.

Commissioner Silberman asked if a firewall was required by our ordinance.

Mr. Mosley stated that it is required as part of our approved building code.

Vice Chair Cannon agreed with Councilman Allen that the units were too small.

Commissioner Hilyer withdrew his motion for approval.

Mayor Fuller stated that he would make a motion. He felt that while he might not live in the unit, it would make a good home for someone who didn't want a lot of space.

Mr. Silberman asked what was around the use and wondered if this would be the smallest unit in the area.

AYES: None

NAYS: None

ABSTAIN: None

RESULT:

MOVER: Mayor Fuller

SECONDER: Commissioner Whatley

AYES: Whatley, Hilyer, Menefee,

NAYS: None

ABSTAIN: None

7. Kendra Mayton, authorized representative for Charlie Core, 404 2nd Avenue, C-2, GC-S, Child daycare center.

Mr. Mosley presented the staff report for the conditional use request for a daycare use at 404 2nd Avenue. He noted that the property was zoned C-2, but was also located within the Northside Historic District. He stated after review staff recommended conditional use approval subject to the following:

1. All utility meters, air conditioning units and similar mechanical units shall be screened so as not to be visible from a public right-of-way. All rooftop mechanical units shall be screened from the designated gateway corridor by a parapet wall or other means. Plans must be approved by relevant utility company for safety.
2. If dumpster is installed location and screening must be approved by Planning to meet the Gateway Corridor standards in Zoning Ordinance Section 7.6.

Mr. Parker provided the reports for Engineering, Opelika Utilities Board, and Opelika Power Services.

Vice Chair Cannon opened the public hearing.

No comments.

Vice Chair Cannon closed the public hearing.

Motion to grant conditional use approval with staff recommendations.

RESULT:	Passed
MOVER:	Commissioner Sweatman
SECONDER:	Mayor Gary Fuller
DISCUSSION:	Commissioner Silberman asked if staff had looked at traffic issues related to the use.
	Mr. Mosley stated that was originally a concern, but looked at similar uses on 2nd Avenue.
	Mr. Parker stated that in reviewing the use, he felt that delays would not be seen on 2nd Avenue. He thought it might be more of an issue for parents leaving the daycare.
AYES:	Cannon, Whatley, Silberman, Menefee, Mayor Fuller, Councilman Ward 1 Allen, Sweatman
NAYS:	None
ABSTAIN:	None

8. Patrick Harrity, Jemmstone Alabama, LLC, authorized representative for Sat Kaival, LLC, 3021 Capps Way, C-3, GC-P, Medical cannabis dispensary.

Mr. Mosley presented the staff report for the proposed conditional use request of a medical cannabis dispensary at 3021 Capps Way. He noted that the use was located on a vacant site. He also stated that the state was heavily regulating the use as well. Mr. Mosley stated that

staff recommended conditional use approval subject to the following:

1. Provide updated landscape plan with calculated points, parking lot landscaping and parking lot buffer between street and parking.
2. Show floodplain and stream buffers.
3. The building shall meet the gateway corridor cladding requirements.
4. All signage shall be approved through a separate signage application.
5. The site shall meet the Gateway Corridor requirements including screening of dumpsters and mechanical equipment.
6. The site shall meet the lighting requirements unless enhanced lighting is required by the State of Alabama.
7. The use approval for this site shall not include non-medical cannabis. Should State or Federal law allow the sale of non-medical cannabis, the site shall be required to meet all associated zoning requirements and may be required to get a new or amended conditional use approval

Mr. Parker provided the reports for Engineering, Opelika Utilities Board, and Opelika Power Services.

Vice Chair Cannon opened the public hearing.

No comments.

Vice Chair Cannon closed the public hearing.

Motion to grant conditional use approval with staff recommendations.

RESULT:	Passed
MOVER:	Mayor Gary Fuller
SECONDER:	Director Mike Hilyer
DISCUSSION:	Commissioner Silberman asked if the regulations for security are from the state. Mr. Mosley deferred the question to the applicant. Mr. Brett Terry, Jemmstone Alabama, said there would be live monitored cameras 24/7 and live security on the site while the store was open.
AYES:	Cannon, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen, Sweatman
NAYS:	None
ABSTAIN:	None

E. REZONING - Public Hearing

9. (a) Amendment to the Future Land Use Map, accessed from 2900 block of Anderson Road, 8.1 acres, from a low density residential land use category to a mixed use development.

(b) Rezoning request, McIntyre Home Builder, LLC, 8.1 acres, accessed from 2900 block of Anderson Road, from R-3 to PUD.

Mr. Mosley noted that upon further review the land use amendment was not necessary. He presented the rezoning request to rezone the property from R-3 to a PUD. He noted the property was located off Anderson Road. Mr. Mosley stated the applicant was requesting the rezoning to allow more variation in the approved lots for the purposes of front setback. He

explained while this is not the typical application of a PUD, it would provide some slight benefits to the adjoining neighbors.

Mr. Parker provided the reports for Engineering, Opelika Utilities Board, and Opelika Power Services.

Vice Chair Cannon opened the public hearing.

Bill Caskey, 2512 Rocky Point, stated he was nervous about a zoning change and worried that it would open the door to other uses. He stated his disappointment with the developer removing the trees and wanted to express his opposition.

Bill Perry, Key Real Estate, stated that he thought this would allow larger back yards and make it possible to have single story homes.

Kathleen Gall, 2705 Carriage House Lane, stated that she was unsure of the purpose of the meeting, but was in favor of the request.

Vice Chair Cannon closed the public hearing.

Motion to send a positive recommendation to City Council with staff recommendations.

RESULT:	Passed
MOVER:	Arturo Menefee
SECONDER:	John Sweatman
DISCUSSION:	Commissioner Cannon asked whether the applicant could change the use or standards in the PUD if approved. Mr. Mosley stated that the applicant would be limited to the request they currently have unless they came back to petition the Planning Commission and City Council at a later time. He noted that this would be like starting the process over again.
AYES:	Cannon, Whatley, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen, Sweatman
NAYS:	None
ABSTAIN:	Ira Silberman

V. OLD BUSINESS

F. FINAL PLAT

10. Hidden Lakes SD, Phase 4, 73 lots, accessed from Hidden Lakes Drive, Blake Rice, Barrett-Simpson, authorized representative for 280 Land Company, LLC, Final Approval (*This item was tabled at the November 29, 2022 meeting at the applicant's request*)

Mr. Mosley stated that this item had previously been tabled and the applicant had now finished the development. He stated that staff recommended final plat approval subject to the following:

1. Change the label on Lot 108, 63-B-1, and 84-B-1 to amenity/common area based on the proposed use.
2. Note the use and who will maintain the open space and common areas.
3. Buffering will be required between the common area on Lot 108 and the surrounding residential properties based on the use as an amenity.

4. Sidewalks are required on one side of every street.
5. All utilities shall be located underground.

Mr. Parker provided the reports for Engineering, Opelika Utilities Board, and Opelika Power Services.

Motion to grant final plat approval with staff recommendations.

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

VI. ADJOURN

Motion to adjourn at 3:59 p.m.

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