



PLANNING COMMISSION MINUTES

300 Martin Luther King Blvd.

February 28, 2023

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 February 28, 2023 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: Chair Lucinda Cannon, Mr. Ira Silberman, Councilman George Allen, Dr. Arturo Menefee, Mrs. Leigh Whatley, Mr. Jay Walters, Mr. Michael Hilyer, and Mr. John Sweatman.

MEMBERS ABSENT: Mayor Gary Fuller

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: Chair Lucinda Cannon called the meeting to order at 3:00 p.m.

Approval of Planning Commission Minutes January 24, 2023

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

III. UPDATE ON PREVIOUS PC CASES

Mr. Mosley stated that there were no specific updates of cases at this time. He did note that the Firefly rezoning was going to City Council for a public hearing at the second meeting in March.

Mr. Mosley also asked the Planning Commission to reorder Items 1 and 2 to allow the Planning Commission to discuss the use prior to the subdivision.

IV. NEW BUSINESS

A. **PLAT (Preliminary Only) and Conditional Use - Public Hearing**

2. Bryan Stone, authorized representative for Sallie H. Deen, property owner, Waverly Place, Hillpointe Twin Homes, 41 units

Mr. Mosley presented the Hillpointe Twin Home conditional use duplex request. He noted that this property had been previously before the Planning Commission in various configurations. He stated this request was for 17 twin home duplexes totaling 34 dwelling units. He stated that the developer had noted that they were targeting a senior demographic. Mr. Mosley also stated that there was a large area of undevelopable open space.

Mr. Mosley stated that Planning Staff was recommending approval of the conditional use plat subject to the following conditions:

1. **Add note on plat who will maintain the two open space lots (19,588 sf and 1.4 acres).**
2. **Sidewalks should be located on one side of the street.**
3. **All utilities are required to be underground.**
4. **The following recommendations for the Hillpointe subdivision (agenda #A-1) are required for final plat approval.**
 - a. **Sidewalks required on at least one side of the street.**
 - b. **All utilities shall be underground.**
 - c. **Add lot numbers for the two open space lots.**
 - d. **Add the names and addresses of adjacent property owners on final plat.**
 - e. **Label the remaining part of Parcel D as “Unbuildable Parcel, Preserved as Common Area” on the final plat.**
 - f. **Add a note on final plat who is responsible for the maintenance of the two open space lots (19,588 sf and 1.4 acres).**
 - g. **Designate a 20’ wide area along the east property line adjacent to the twin homes as “20’ natural undisturbed buffer yard”**

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

Chair Cannon opened the public hearing.

Bryan Stone, 1851 Hunt Lane, stated that he was the developer for the project. He noted that he had new color renderings for the development that really showed what he wanted to see built. He stated it would not be marketed as active adult, but it would be geared that way. He also noted that the entire development would be maintained by HOA to create consistency. He stated that he knew there was concern about drainage, but he stated his engineer was designing this to handle a 100-year flood event. He also explained that they were setting aside a lot of undisturbed open space.

Leslie Phillips, 409 Waverly Place, stated that she was concerned about traffic and emergency access. She believed that there were too many homes for the current exit. She stated that there needed to be a second outlet onto Waverly Boulevard.

Mary Eason, 613 Waverly Place, asked for the item to be tabled so that there was more time for residents to review the request. She stated she was not against what the developer wanted to

do, but wanted to make sure that their neighborhood was preserved.

States Skipper, 707 Waverly Place, stated that he was concerned about the stream and what the Corp of Engineers would say about it. He was worried about flooding and erosion related to new development and how it will impact the stream.

Mr. Stone answered that he had a wetlands consultant review the stream and wetlands to examine the impacts. He further explained that the existing pipe at the crossing would need to be replaced as it was insufficient. He stated that existing pipe meant the project would be viewed by the Corp of Engineers as a remediation project instead of a new crossing.

Helen Foster, 728 McDonald Drive, stated that she was concerned about the impact of the development on her neighborhood. She stated that there was once a street connection, but that had been dedicated to individual property owners. She noted that her neighborhood had experienced some serious flooding problems. She stated the area behind her home was an animal corridor and that needed to be preserved. She was specifically concerned about bats which she said were endangered.

Armand Crowder, 601 Waverly Place, stated that he was chairman of the landscape committee for Waverly Place. He noted that there were some concerns about water. He stated he was proud of landscape and design of his neighborhood. He wanted to make sure it maintained that character. He explained that he was worried about the beauty of the new development. He was also concerned about elderly residents crossing the street.

Sallie Joiner, 700 Waverly Place, stated that she was concerned about the streets. She noted that she had moved here before the rest of the development was finished 17 years ago. She stated she had no objection to what was being proposed.

D. Mark Mitchell, 405 Waverly Place, stated that he appreciated the Planning Commission and echoed the comments of his neighborhood. He was concerned about the intersection coming out of Waverly Place turning left. He thanked Mr. Hilyer for past help with the intersection, but was worried it would be dangerous to add more cars coming through the same intersection.

Chair Cannon closed the public hearing.

Motion to grant conditional use approval with staff recommendations

RESULT: Passed

MOVER: John Sweatman

SECONDER: Leigh Whatley

DISCUSSION: Commissioner Silberman asked if there only two designs of units. He asked if they would all be identical.

Mr. Stone stated that he planned to have multiple elevations based on the same plan.

Commission Silberman asked if the units would face the street or the side.

Mr. Stone clarified that the layout would have front door facing the street. He also added that the units would be fiber cement, brick, and other quality materials. He stated that there would be no vinyl on the building.

Commissioner Silberman asked who will handle the maintenance of the property.

Mr. Stone responded that there were enough units that there would be an HOA management company that would handle maintenance.

Councilman Allen asked what considerations the developer had given to the traffic situation.

Mr. Stone stated that there were not many homes that this development would pass. He stated that the City Engineer had also looked at the property and felt comfortable with the existing road capacity.

Commissioner Sweatman asked the developer to address the concerns over water that had been raised and how detention was being handled.

Mr. Stone stated that his engineer, David Slocum, was present. Mr. Stone stated that due to the proximity of these homes to the creek, he thought that this might be an instance where it is better for the water to flow directly in, instead of being detained. He also noted that the site was graded away from McDonald Downs and towards the creek.

Councilman Allen asked if the current conditions would require traffic to be studied.

City Engineer Scott Parker, responded that in these instances staff looks at the current capacity and the number of units being added. He stated that 34 units would not be considered a huge impact on the existing network. He noted that traffic count from ALDOT was about 4,000 vehicles a day. He noted that on Veterans Parkway near Water Street there were about 5,500 vehicles per day. He stated that in his opinion, the addition of these homes in addition to surrounding development did not warrant a traffic impact study at this time.

Commissioner Sweatman asked if the speed limit was recently lowered on Waverly Parkway.

Mr. Parker responded that the speed limit was 35 miles per hour at this location.

Commissioner Silberman asked if this development required any state approvals related to the street.

Mr. Parker stated that it was a locally controlled street now.

Mr. Jay Walters asked where the parking would be for these units.

Mr. Stone stated that there would be a parking pad for each unit located completely off the right-of-way.

AYES: Cannon, Whatley, Silberman, Director Hilyer, Menefee, Councilman Ward 1 Allen, Sweatman, Walters

NAYS: None

ABSTAIN: None

1. Hillpointe SD, Part of Parcel D, 41 lots, Waverly Place, Harris Gray, LLC, authorized representative for Sallie H. Deen, property owner, Preliminary Approval

Mr. Mosley presented the staff report to the Planning Commission for Hillpointe Subdivision, Part of Parcel D. He noted that this was a 38 subdivision and was zoned R-3. He explained that the subdivision was for the conditional use that the Planning Commission just approved. Mr. Mosley stated that staff was recommending preliminary plat approval subject to the following:

1. Sidewalks required on at least one side of the street.
2. All utilities shall be underground.
3. Add lot numbers for the two open space lots.
4. Add the names and addresses of adjacent property owners on final plat.
5. Label the remaining part of Parcel D as “Unbuildable Parcel, Preserved as Common Area” on the final plat.
6. Add a note on final plat who is responsible for the maintenance of the two open space lots (19,588 sf and 1.4 acres).
7. Designate a 20’ wide area along the east property line adjacent to the twin homes as “20’ natural undisturbed buffer yard”.

Mr.Scott Parker provided the reports for Engineering, Opelika Utilities Board, and Opelika Power Services. He stated that the applicant would need to submit construction drawings for the road. He also noted that construction would of the public infrastructure would be monitored to ensure compliance with regulations.

Chair Cannon opened the public hearing.

There was no comment.

Chair Cannon closed the public hearing.

Motion to grant preliminary approval with staff recommendations.

RESULT: Passed

MOVER: Director Mike Hilyer

SECONDER: John Sweatman

AYES: Cannon, Whatley, Silberman, Director Hilyer, Menefee, Councilman Ward
1 Allen, Sweatman, Walters

NAYS: None

ABSTAIN: None

B. CONDITIONAL USE - Public Hearing

3. Mike Maher and Paul Brumett, authorized representative for Jimmy Golden, property owner, 1550 North Uniroyal Road, R-2, GC-P, New Church Sanctuary

Mr. Mosley presented the staff report for the proposed conditional use request of a church on North Uniroyal Road. He explained that churches were conditional uses in all zones. He showed the Planning Commission the revised site plan and landscape plans. Mr. Mosley stated that staff recommended conditional use approval subject to the following:

1. Front façade shall be consistent or equivalent to the example elevation provided in terms of architecture and materials. Improved materials shall be used on the east side due to the increased visibility to North Uniroyal Road.
2. Add to the landscape plan a detailed residential buffer along the east side of the property by choosing an option provided in the zoning ordinance Section 10. 6. D. 1. a., b., or c.
3. Revise the landscape plan to meet the minimum 285 base points and 221 parking lot points based on the maximum capacity of the church buildings.
4. If a dumpster is to be added, the location will need to be reviewed by Planning and dumpster screening on all sides.
5. Outside lighting must meet the Gateway Corridor requirements in Section 7.6, B., 6, a.

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

Chair Cannon opened the public hearing.

There was no public comment.

Chair Cannon closed the public hearing.

Motion to grant conditional use approval with staff recommendations

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

4. Marrell J. McNeal, authorized representative for Farm Family Limited Partnership, property owners, 2611 Columbus Parkway, C-3, GC-P & R-2, Event Venue

Mr. Mosley presented the staff report for the proposed conditional use request of a rural event center located on Birmingham Highway. He noted that the use was similar to a previous use that the applicant brought to the Planning Commissioner the previous year. He stated that the applicant was looking at another location on their farm, but moved it to the proposed site to use the existing barn. Mr. Mosley stated that staff recommended conditional use approval subject to the following:

1. Install a 6 foot opaque fence along the east property line to visually screen the event meeting place (barn) and extend said fence along property line to screen all outside areas planned for outside gatherings and ceremonies near the venue meeting place (barn).
2. Noise generated by the use, as measured at any property line, shall not exceed 55 decibels (dB) between the hours of 7:00 p.m. and 7:00 a.m., and shall not exceed 60 decibels (dB) at any other time.
3. No event shall exceed 200 guests.
4. Restroom facilities shall be required commensurate with the attendance of the event. Improvements to septic system shall be approved by Lee County Health Department.

5. No events shall begin prior 8 am any day of the week. Additionally, staff recommends that Sunday – Thursday no event end later than 9 pm. On Friday – Saturday no event end later than 10 pm. All event lighting shall be turned off by 11 pm.
6. No overnight accommodations shall be permitted.
7. No camping or RVs shall be permitted without further approval by the Planning Commission.
8. Any enclosed indoor facilities, additional amenities or expansions that increase capacity shall be approved by the Planning Commission.
9. Any structures to be used in connection with the venue shall comply with the adopted building and fire codes for the City of Opelika.
10. All lighting shall be directed or shielded so that it does not shine on adjacent properties.
11. Parking shall be limited to designated areas. Access lanes to the event space must be reviewed by the Opelika Fire Department. Vehicles must be parked to not obstruct emergency personnel.
12. Any use of fireworks must be reviewed and approved by the City of Opelika Fire Department.
13. Trash or garbage collection shall be coordinated with the City of Opelika Environmental Services.
14. All regulations enforced through other agencies, (i.e. Federal, State, and other Local authorities) must be met. These include, but are not limited to, building codes, fire codes, health department regulations, groundwater protection, etc.

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

Chair Cannon opened the public hearing.

There was no public comment.

Chair Cannon closed the public hearing.

Motion to grant conditional use approval with staff recommendations

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

5. Gustavo Diaz Cax, property owner, 114 Brannon Avenue, R-4, Multiple buildings on single lot (single family home and duplex)

Mr. Mosley presented the staff report for the proposed conditional use request of a duplex at 114 Brannon Avenue. He explained that the site had a current single-family home located at the front. Mr. Mosley stated that adding additional single-family or duplex units to a lot is allowed conditionally in zones that allow apartments. He explained that there were a few lots in the surrounding area that had multiple single-family or duplex units on them. Mr. Mosley stated that the most important aspect of this use was to ensure that the units fit in with the character of the neighborhood. He stated that the character of the proposed units should be compatible with other homes based on size, orientation, roof slope and other aspects. He also stated that the state was heavily regulating the use as well. Mr. Mosley stated he did not think the site was

proposing a drive-through window. Mr. Mosley stated that staff recommended conditional use approval subject to the following:

1. Exterior cladding materials shall primarily be brick, stone, wood, or fiber cement siding to be in harmony with the existing single-family homes.
2. The building shall compliment the character of the neighborhood, including building style, building materials, roof pitch, and orientation.
3. Update the site plan to include the recent room addition, gravel parking, and accessory structure if it is to stay on the property.
4. Provide a residential zone buffer from Section 10.6, D., 1., a. listed in the report on both sides and rear property lines.

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

Chair Cannon opened the public hearing.

Linburgh B. Jackson, the applicant, stated that he felt the requirement for a buffer was excessive to the development. He stated that there was already an existing fence along the boundaries of the property. He stated that they have spent close to \$100,000 on the site already. He added that there was a huge need for affordable housing. He stated that there would be almost 500 feet of buffer because of the long shared boundaries. He felt the fence was more than sufficient.

Chair Cannon closed the public hearing.

Motion to grant conditional use approval with staff recommendations

RESULT: Passed

MOVER: Councilman Ward 1 Willie Allen

SECONDER: Director Mike Hilyer

DISCUSSION: Commissioner Silberman asked Mr. Mosley what would be the objection to removing the buffer would be.

Mr. Mosley stated that the ordinance treats multiple single-family homes and duplexes on a lot as if they were an apartment, so we applied the buffer that would be required for an apartment. He conceded that this instance is different from other applications where multi-family development and single-family homes meet.

Commissioner Silberman asked if staff felt the request was an improvement to the neighborhood.

Mr. Mosley answered that generally, reinvesting in older neighborhoods is a positive outcome.

Councilman Allen stated that if the removal of the buffer is not detrimental to the neighborhood, he felt the Commission should support it.

Councilman Allen amended his motion to remove condition #4 requiring a buffer along adjoining property lines.

AYES:	Commissioner Hilyer agreed to the removal of the condition as the second. Whatley, Silberman, Director Hilyer, Menefee, Councilman Ward 1 Allen, Sweatman, Walters
NAYS:	Cannon Chair Cannon stated her objection was to the removal of the required buffer, not to the use.
ABSTAIN:	None

C. **REZONING - Public Hearing**

6. (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 Keith B. Norman, Electra Estates, 229.2 acres, accessed from Anderson Road, from R-1 to PUD

Mr. Mosley reported that these two items had previously been before the Planning Commission under the name Hopson Farms or Electra Estates, but was now called Dickson Farms. He noted that at the previous meeting the Planning Commission sent a negative recommendation to the Opelika City Council for that request. Mr. Mosley stated that applicant re-evaluated his request in light of the recommendation and withdrew that application prior to taking it to City Council. The applicant was now back with a similar, but revised request. He explained the new proposal removed the commercial and apartment sections and replaced them with a cottage home concept that uses shared drives. He also noted that the applicant had removed all 40-foot lots and replaced them with 50-foot or greater lots. He explained that this reduced the overall unit count by 217 units down to 920 total residential units. Mr. Mosley stated the rezoning request from R-1 to PUD for a mixed use community requires an amendment to the 2030 FLUM concerning the land use category. The 2030 Future Land Use Map shows the 229.2-acre property as a “low density residential” land use category. If the rezoning request to PUD is approved by City Council, then the 2030 FLUM should be amended so the 229 acres are in a “planned unit development” land use.

Mr. Parker provided the reports for Engineering, Opelika Utilities Board, and Opelika Power Services. He noted that any requirements to the roadway would be analyzed through a traffic impact study when the preliminary plat is submitted.

Chair Cannon opened the public hearing for both items.

Mr. Mosley stated that they did receive a letter from Mr. Jack Swarthout and would place it in the record.

Jack Swarthout, 4230 Anderson Road, stated that he had serious concerns about the exponential growth that this part of Opelika was seeing. He asked how the impacts to traffic were being considered. He stated that the existing roadways have too much congestion on them. He asked specifically whether a traffic study for the area overall was performed or if only the ingress and egress to the site would be examined. He also stated that the plan he received in the mail was too small and did not have sufficient information.

Mr. Scott Parker, City Engineer, stated that there was about about 736 cars on Andrews Road

and Anderson Road. He did not feel this was congested. He added that the City is also looking to advance the idea of a northern perimeter road to go through this part of town.

Garrett Jernigan, 3519 Anderson Road, stated that lots in the area are mostly 1-5 acres. He did not feel that four to eight units per acre was consistent with the area. He felt there should be more buffering between the properties. He also asked if there was city sewer available to the area. He thought this development would lead to too many cars going through the Anderson Road and Andrews Road intersection.

Commissioner Hilyer, Public Works Director, answered that there would be city sewers for the property.

Elizabeth Herring, 1103 Andrews Road, stated that her current plan was to move back to Opelika. She stated that there were more than 700 cars a day on these streets, especially when there are events at the Sportsplex. She felt there was ample housing located closer to the Sportsplex. She asked the Planning Commission to consider denying the application.

Warren Jolly, the applicant, stated that they have made substantial changes to the new plan based on responses they heard at the last meeting from the Planning Commission and adjoining property owners. He felt this would be a great addition to Opelika and stated that there would not be anything like this in Opelika. He explained that the cottage homes would be 1.5 story homes. He said there would be a 25 foot buffer with a berm that would help shield the development from neighbors. He stated that their traffic counts were consistent with staff. He felt that the changes to the plan reduced the traffic by about 37 percent by removing units and dropping the commercial development. He said his engineers looked at site distance and will make sure that best location for the drive is finalized. Mr. Jolly also stated that he planned to make sure that the development had street trees.

Brandy Kyles, 3501 Anderson Road, stated that she appreciated the commercial being removed. She said she would like to see a more substantial buffer and the more dense parts moved away from the exterior and the roadway. She noted that she has problems with 18 wheelers missing their turns and having to back up down the roadway.

Chair Cannon closed the public hearing.

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

RESULT:	Passed
MOVER:	Councilman Ward 1 Willie Allen
SECONDER:	John Sweatman
AYES:	Cannon, Whatley, Director Hilyer, Menefee, Councilman Ward 1 Allen, Sweatman, Walters
NAYS:	None
ABSTAIN:	Ira Silberman

Motion to amend the future land use classification

RESULT:	Passed
MOVER:	Councilman Ward 1 Willie Allen
SECONDER:	John Sweatman
AYES:	Cannon, Whatley, Director Hilyer, Menefee, Councilman Ward 1 Allen, Sweatman, Walters

NAYS:	None
ABSTAIN:	Ira Silberman

V. ADJOURN

Motion to adjourn at 4:51 p.m.

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

_____ Lucinda Cannon, Chair

_____ Matt Mosley, Secretary