



PLANNING COMMISSION MINUTES

300 Martin Luther King Blvd.

January 24, 2023

TIME: 3:00 PM

I. WORKSESSION: 2:00 PM - SMALL LOT INFORMATION

II. 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.

III. ELECT OFFICERS TO PLANNING COMMISSION (Chairman, Vice Chairman)

Chair Lewis Cherry opened nominations for the role of Planning Commission Chair.

Motion to elect Lucinda Cannon to the role of Chair.

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, Sweatman

NAYS: None

ABSTAIN: None

Chair Lewis Cherry opened nominations for the role of Planning Commission Vice Chair.

Motion to elect John Sweatman to the role of Vice Chair.

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, Sweatman

NAYS: None

ABSTAIN: None

Chair Lucinda Cannon and Mayor Gary Fuller recognized outgoing Chair Lewis Cherry for his role on the Planning Commission over the last 18 years. Mayor Fuller recognized the growth and development that had occurred under the last six years of Mr. Cherry's leadership as chair of the Planning Commission.

Commissioner Cherry thanked the Commission, staff, and City leadership for giving him the opportunity to serve the community. He also challenged the Commission to take their roles with the utmost respect and diligence.

IV. APPROVAL OF MINUTES

The City of Opelika Planning Commission held its regular monthly meeting January 24, 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: Mr. Lewis Cherry, Mayor Gary Fuller, Mr. Ira Silberman, Councilman George Allen, Dr. Arturo Menefee, Mrs. Leigh Whatley, Chair Lucinda Cannon, Mr. Michael Hilyer, and Mr. John Sweatman.

MEMBERS ABSENT:

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

Approval of Planning Commission Minutes December 20, 2022

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

V. UPDATE ON PREVIOUS PC CASES

Mr. Mosley stated that there is no update on previous cases.

VI. NEW BUSINESS

A. PLAT (Preliminary Only) - Public Hearing

1. Perryman Hill Plaza Plat No 1 SD, 5 lots, 3600 block Birmingham Hwy, Jerry South, authorized representative for Perryman Hill, LLC, Preliminary Approval

Mr. Mosley presented the staff report to the Planning Commission for Perryman Hill Plaza, Plat No. 1. He noted that this was a five-lot subdivision and was zoned C-2, GC-P. He further explained that the subdivision included a small road that would have access to both Veterans Parkway and Birmingham Highway. Mr. Mosley stated that staff was recommending preliminary plat approval subject to the following:

1. Add adjacent property owners and address for property to the south and west.
2. For final approval submit approved street names.

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 of the public infrastructure would be monitored to ensure compliance with regulations.

Chair Cannon opened the public hearing.

John Argo, the developer, for the property described the proposed commercial use and said they hoped to begin soon. He noted that he needed to speak to the staff concerning one of the plat notes.

Chair Cannon closed the public hearing.

Motion to grant preliminary plat approval with staff recommendations

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

B. PLAT (Preliminary and Final) - Public Hearing

2. Torbert Townhomes SD, 6 lots, 807 Torbert Blvd, Blake Rice, Barrett-Simpson, Inc., 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 7-lot subdivision. He explained that the subject property was zoned C-3, GC-S and located off Columbus Parkway and Torbert Avenue. He noted that conditional use was approved in June 2022 and the development did not include any public infrastructure. Mr. Mosley also noted that this had already been through Historic Preservation. Mr. Mosley stated that staff recommended preliminary and final plat approval subject to the following:

1. Add a note to state who will own and maintain the common areas.

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

Chair Cannon opened the public hearing.

No comments.

Chair Cannon closed the public hearing.

Motion to grant preliminary and final plat approval with staff recommendations

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

C. CONDITIONAL USE - Public Hearing

3. Shon Williams, CEO of AlaBloom Medicinal, authorized representative for Thomas M. Hayley, managing member of Auburn East, LLC, property owners, 1441 Gateway Drive, C-2, GC-P, Medical cannabis dispensary

Mr. Mosley presented the staff report for the proposed conditional use request of a medical cannabis dispensary at 1441 Gateway Drive. 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 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. Provide updated landscape plan with calculated points, parking lot landscaping and parking lot buffer between street and parking.
2. All signage shall be approved through a separate signage application.
3. The site shall meet the Gateway Corridor requirements including screening of dumpsters and mechanical equipment.
4. 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.

Chair Cannon opened the public hearing.

Mr. Williams, the applicant, introduced himself and stated that he was happy to address any questions from the Commission.

Chair Cannon closed the public hearing.

Motion to grant conditional use approval with staff recommendations

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

D. ANNEXATION AND REZONING - Public Hearing

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

Mr. Mosley presented the staff report for the proposed annexation request of 204.3 acres located on Columbus Parkway. He stated that the Commission would need to vote on this item and the rezoning separately. He stated that there was currently one home on the site, but the property had been proposed for the larger Firefly development that was next on the agenda. He stated that staff recommended annexation approval.

Motion to send a positive recommendation to the City Council for annexation

RESULT:	Passed
MOVER:	Director Mike Hilyer

SECONDER:	Councilman Ward 1 Willie Allen
AYES:	Chair Cannon, Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen, Sweatman
NAYS:	None
ABSTAIN:	None

5. Rezoning request, Michael T. Johnson, Holland Homes, Inc., authorized representative for Rodney C. and Laurie S. Jones, property owners, accessed at 3200 block Columbus Parkway, PUD rezoning request subject to City Council approval

Mr. Mosley presented the staff report on the request to rezone the subject property on Columbus Parkway to a PUD. He noted that the item had previously been before the Planning Commission in October 2022. He reminded the commission that they had forwarded a negative recommendation to the Opelika City Council. He explained the applicant, Holland Homes, had withdrawn the request prior to the City Council hearing the item. Mr. Mosley explained that the current request added some additional 50 foot lots and had a slight decrease in the overall number of units. He stated that the request still had a mix of 40 foot wide lots, twin homes, and townhomes as well. He also stated that just under 50 percent of the property was in open space. Mr. Mosley stated that he was recommending rezoning of the property subject to the following:

1. Sidewalks provided on both sides of public streets adjacent to residential properties.
2. All utilities shall be underground.
3. A residential buffer yard described in Section 10.6.D.1 be placed between the townhome lots and the adjacent property to the west.
4. Street trees planted on all lots required as explained in the applicant's January 2023 master plan narrative "Landscape Standards".

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

Chair Cannon opened the public hearing.

TJ Johnson, representing Holland Homes, stated that he felt the development was an improvement over previous versions. He also stated that he thought the development would be a positive for the City of Opelika and that it was similar to many concepts that Mr. Mosley discussed during the worksession.

Chair Cannon closed the public hearing.

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

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

VII. OLD BUSINESS PLAT

E. Final Plat

6. Foxrun SD, Phase 2B, 74 lots, accessed from east end of Village Drive, Daniel Holland, Holland Homes LLC, Final Approval (*This item tabled at the December 20, 2022 meeting at the applicant's request.*)

Mr. Mosley presented the staff report for Foxrun Subdivision, Phase 2B. He noted that the 74 lot subdivision had been previously submitted for final plat, but the infrastructure was just now installed. He stated the property was part of the Foxrun master plan. He stated that staff recommended approval of the final plat subject to the following:

1. Underground utilities are required.
2. Sidewalks are required on at least one side of the street.
3. Add to the plat notes a 10-foot side yard on street setback and four 1" caliper trees planted as a buffer on corner lots.
4. The Fox Run Village, master plan narrative states open space will remain mostly undisturbed vegetation and provide buffers between different types of residential or commercial uses. Note on the plat any specific use that will be allowed for Lot 130.
5. Revise the minimum width for Lot 208.

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

Chair Cannon opened the public hearing.

No comments.

Chair Cannon closed the public hearing.

Motion to grant final plat approval with staff recommendations

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

VIII. ADJOURN

Motion to adjourn at 3:47 p.m.

RESULT:	Passed
MOVER:	Lewis Cherry
SECONDER:	Leigh Whatley
AYES:	Chair Cannon, Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen, Sweatman
NAYS:	None
ABSTAIN:	None

_____ Lucinda Cannon, Chair

_____ Matt Mosley, Secretary