



PLANNING COMMISSION MINUTES

300 Martin Luther King Blvd.

March 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 March 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, Mrs. Leigh Whatley, Mr. Michael Hilyer, and Mr. Jay Walters.

MEMBERS ABSENT: Mayor Gary Fuller, Councilman George Allen, Dr. Arturo Menefee, and Mr. John Sweatman.

STAFF PRESENT: Mr. Matt Mosley, Planning Director
Mr. Martin Ogren, Assistant Planning Director
Mrs. Rachel Dennis, Planner
Mrs. Claire Barber, Planning and Zoning Technician
Mr. Scott Parker, City Engineer

CALL TO ORDER: Chair Lucinda Cannon called the meeting to order at 3:02 p.m.

Approval of Planning Commission Minutes February 28, 2023

RESULT:	Passed
MOVER:	Leigh Whatley
SECONDER:	Jay Walters
AYES:	Chair Cannon, Walters, Whatley, Silberman
NAYS:	None
ABSTAIN:	Director Mike Hilyer

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 will be going to City Council for it's second reading on April 4th and the Andrews Estates rezoning will be before City Council for a public hearing and first reading on April 18th.

Chair Cannon asked is that a first reading on April 18th?

Mr. Mosley stated yes, that would be a first reading and public hearing and then it would likely go to the first meeting in May for a vote.

IV. NEW BUSINESS

A. **Plat (Preliminary & Final) - Public Hearing**

1. Perryman Hill Plaza Plat No 1 SD, 5 lots, Veterans Parkway & Highway 280, Jerry South, Preliminary and Final Approval

Mr. Mosley reported the applicant is requesting preliminary and final approval for a 5 lot subdivision located at the southwest corner of Birmingham Hwy and Veterans Parkway. This same subdivision was granted preliminary approval at the January 24th Planning Commission meeting; only preliminary approval was granted because street construction was required. The applicant is requesting preliminary and final approval so the plat can be recorded to complete the sale of Lot 1 and Lot 4.

The plat shows Lot 2 (0.29 acres) and Lot 3 (2.05 acres) fronting along Lot 4. Lot 4 (2.48 acres) will be constructed as a street from Birmingham Highway to Veterans Parkway. After street construction then Lot 4 will become right of way, and Lot 2 and Lot 3 will have public street access. The large square portion of Lot 4 is a single-lane roundabout. Lot 1 (12.6 acres) and Lot 5 (33.7 acres) have access to Birmingham Hwy and Veterans Parkway.

The applicant is requesting preliminary and final approval so the plat can be recorded to sale Lot 1 and Lot 4. A note is added to the plat (note #1) that prohibits a building permit on Lot 2 and Lot 3 until the street and roundabout on Lot 4 are constructed to City standards and accepted by the City.

The lot area and lot widths of the five lots have not changed from the January 24th PC staff report: The subdivision is in a C-2, GC-P zoning district; minimum lot size is 20,000 sf and lot width is 100 sf. The lot widths of the 5 lots range from 113 feet to 513 feet. Each lot meets the minimum requirements: Lot 1 (12.6 acres), Lot 2 (12,698 sf), Lot 3 (89,408 sf) and Lot 4 (2.48 acres). Lot 5 (33.73 acres) is reserved for future development.

Planning staff recommends preliminary and final plat approval.

1. Add adjacent property owners and address for property to the south and west.

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.

Mr. Parker reported for the Opelika Utilities Board, water is available from both Veteran's Parkway and U.S. Highway 280. No other comments.

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

Chair Cannon opened the public hearing.

Jerry South, the applicant, stated that the second submittal was in order to provide a sale of the property and change title so that business plans can move forward. He stated we will be submitting roads that comply with Opelika road design and utility design.

David "Buddy" Goolsby, 210 Veterans Parkway, stated that he had seen a lot of change in this area. He explained how he worked with the City to help create Veterans Parkway. He hoped to see continued growth in this area.

Chair Cannon closed the public hearing.

Motion to grant preliminary and final plat approval with staff recommendations

RESULT:	Passed
MOVER:	Director Mike Hilyer
SECONDER:	Ira Silberman
AYES:	Walters, Whatley, Silberman, Director Hilyer
NAYS:	None
ABSTAIN:	Chair Lucinda Cannon

2. Lot 1-A Bodine SD, 1 lot, Grand National Parkway & Highway 280, Barrett-Simpson, Inc., Preliminary and Final Approval

Mr. Mosley reported the applicant's representative, Tim Simpson, requests preliminary and final plat approval for one lot at the northwest corner of Grand National Parkway and Birmingham Highway. The purpose of this plat is to allow Planning Commission to review this request because the applicant is requesting to remove a 50-foot landscape buffer required by the Planning Commission in 1994. The September 27, 1994, minutes explain the 50-foot vegetative buffer along the north and west boundary lines is intended to separate residential and commercial uses.

Currently, the neighboring uses is a residential home to the north and APR to the west. The need for the expanded residential buffer to the west has changed. A buffer to the north would be useful for neighboring residential use. A 50-foot buffer might now be considered excessive since both properties are commercially zoned. The use to the north is residential but zoned for C-2 (Office/Retail). On the north side, a residential buffer option from the Zoning Ordinance Section 10.6, D, 1, selecting a. b. or c. with the increase of a. and b. to ten (10) feet in width or c. as written. This plat meets the minimum requirements in the Subdivision Regulations.

Staff recommends preliminary and final approval subject to the following:

- On the north side, a residential buffer option from the Zoning Ordinance Section 10.6, D, 1, selecting a. b. or c. with the increase of a. and b. to ten (10) feet in width or c. as written.

Mr. Parker reported for Engineering, the Engineering Department has no comments or concerns with this subdivision and recommends preliminary and final plat approval.

Mr. Parker reported for the Opelika Utilities Board, water is available from Grand National Parkway. No other comments.

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

Power Service territory.

Chair Cannon opened the public hearing.

Bennett Jones, 1216 Felton Lane, Auburn, stated that he owned property adjacent to the north side of the residential home. He asked what they were going to do there. He said that it used to be approved for motor sports sales and asked if it was still going to be used for motor sports?

Mr. Mosley stated that it was still going to be for motor sports and that the applicant would have a showroom and a small area for outside display of ATVs and that type of vehicles.

Chair Cannon closed the public hearing.

Motion to grant preliminary and final plat approval with staff recommendations

RESULT: Passed

MOVER: Director Mike Hilyer

SECONDER: Jay Walters

DISCUSSION: Chair Cannon stated that she didn't have any problems with the setback next to APR but stated that she was concerned about not having enough of a setback to the north with the applicant repairing motors and asked if a residential setback was 20 feet.

Mr. Mosley stated we have recommended that the applicant be required to provide a residential buffer on the north property line. He stated that the property is also zoned C-2 but is being used as a residential home now. He stated that the residential buffer could be a 20 foot non-disturbed buffer, or a buffer with a fence and landscaping, or a double row of evergreens. He stated that the current plan has everything located down at the lower section and doesn't show anything coming within about 300 feet of the property. He noted that if they were to expand or add another building they would have to come back to the Planning Commission under the current ordinance for an amended Conditional Use.

Mr. Silberman asked if it was originally a 50 foot setback and if there was any issue with moving from what was approved to something less?

Mr. Mosley stated yes sir, that is what we are here for today. He noted that instead of using the 50 foot buffer, it is moving to a smaller buffer, similar to what we typically use for a residential buffer. It just requires Planning Commission approval.

AYES: Walters, Whatley, Silberman, Director Hilyer

NAYS: Chair Cannon stated that she was opposed due to the decrease in the setback.

ABSTAIN: None

B. CONDITIONAL USE - Public Hearing

3. Jody Pate, Stark Exterminators, 601 South 7th Street, C-3, GC-S, Office of Contractor without material and equipment yard

Mr. Mosley reported the applicant is requesting conditional use approval for an “office of contractor without equipment and material yard” at 601 South 7th Street. Outside storage is

prohibited in the GC-S (Gateway Corridor-Secondary) overlay district. A portion of the 26,800 square foot lot is in the GC-S (Gateway Corridor Overlay district). The business is Stark Exterminator, a pest control service for home and business that serves many locations in five states; in Alabama the business has 17 locations. The nearest Stark business to Opelika is at 404 Opelika Road in Auburn.

A 2,475 square foot building is on the property that will be used as a business office. The business has 9 employees and 12 company trucks. Four employees are office staff that work at the office Mon thru Fri from 8 AM to 5 PM. The other employees are service employees arriving at the office in company trucks at 7:30 AM to pick up work orders, products, and material for the day. After servicing customers each day the employees take the company trucks to their homes. The next morning the workers return to the office to pick up work orders and products for that day. The trucks used by service employees Mon thru Fri are not stored at the business office overnight. One company truck is parked at the office building overnight. All storage of products and equipment are stored inside the office building in a downstairs area or kept on company trucks. The applicant said that no equipment, pest control products, or other type materials will be stored outside.

The applicant did not provide a site plan or landscape plan. The property has open space to meet minimum off street parking requirements. See aerial photo on page 3. The business is classified as a “commercial support use”(1) so 10 parking spaces are required. The driveway and parking spaces must be hard surfaced (asphalt or concrete). Minimum landscape requirements may be met by preserving existing trees on the property. Several large trees are on the property. The Landscape Regulations encourages the preservation of existing “significant trees” (6” diameter or larger) that count toward base point requirements instead of planting new tree. Preserving existing trees count toward meeting minimum base and parking lot point requirements.

Staff Recommendation

Planning recommends approval subject to the following:

- **Provide a site plan and landscape plan that meets minimum requirements for off street parking and landscaping.**
- **The outside storage of equipment or materials is prohibited.**

(1) One parking space per employee on the largest shift and one parking space per company vehicle regularly stored on premises.



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 subdivision is inside the Opelika Power Service territory.

Chair Cannon opened the public hearing.

Jody Pate, Stark Exterminators, stated that they are currently located at 404 Opelika Road in Auburn and have been established there for three years. He noted that their lease was running out and they were looking to move to Opelika, so they acquired this property and liked the layout of it. He stated that they would not be storing any equipment or products on the outside of the structure and everything would be contained inside. He stated they will do everything they can to protect any landscaping that's currently there, but the owner is here and has discussed additional parking. He noted they have a total of 10 vehicles. He stated there are seven service trucks that will be coming in and out during the day, first thing in the morning and possibly late in the evening, and there are three administrative professionals that work daily in the office so there will be three parked vehicles every day.

Chair Cannon closed the public hearing.

Motion to grant conditional use approval with staff recommendations

RESULT:	Passed
MOVER:	Jay Walters
SECONDER:	Ira Silberman

DISCUSSION: Mr. Hilyer stated if there is going to be paving in the back, we need to see that in the Public Works office before that gets done because there is a 15 foot sanitary sewer easement behind there.

AYES: Chair Cannon, Walters, Whatley, Silberman, Director Hilyer

NAYS: None

ABSTAIN: None

4. Yolanda Core, 503 Martin Luther King Blvd., C-2, GC-S, Carry-out restaurant

Mr. Mosley reported the applicant is requesting conditional use approval for a carry-out restaurant in the neighborhood market building at 503 MLK Blvd. The 2,600 square foot building is divided into has three business areas; a convenience store (1,602 sf) and barber shop (521 sf) occupy two spaces and the carry-out restaurant (477 sf) is requesting approval. In the GC-S overlay district (Gateway Corridor- Secondary) a carry-out restaurant requires conditional use approval.

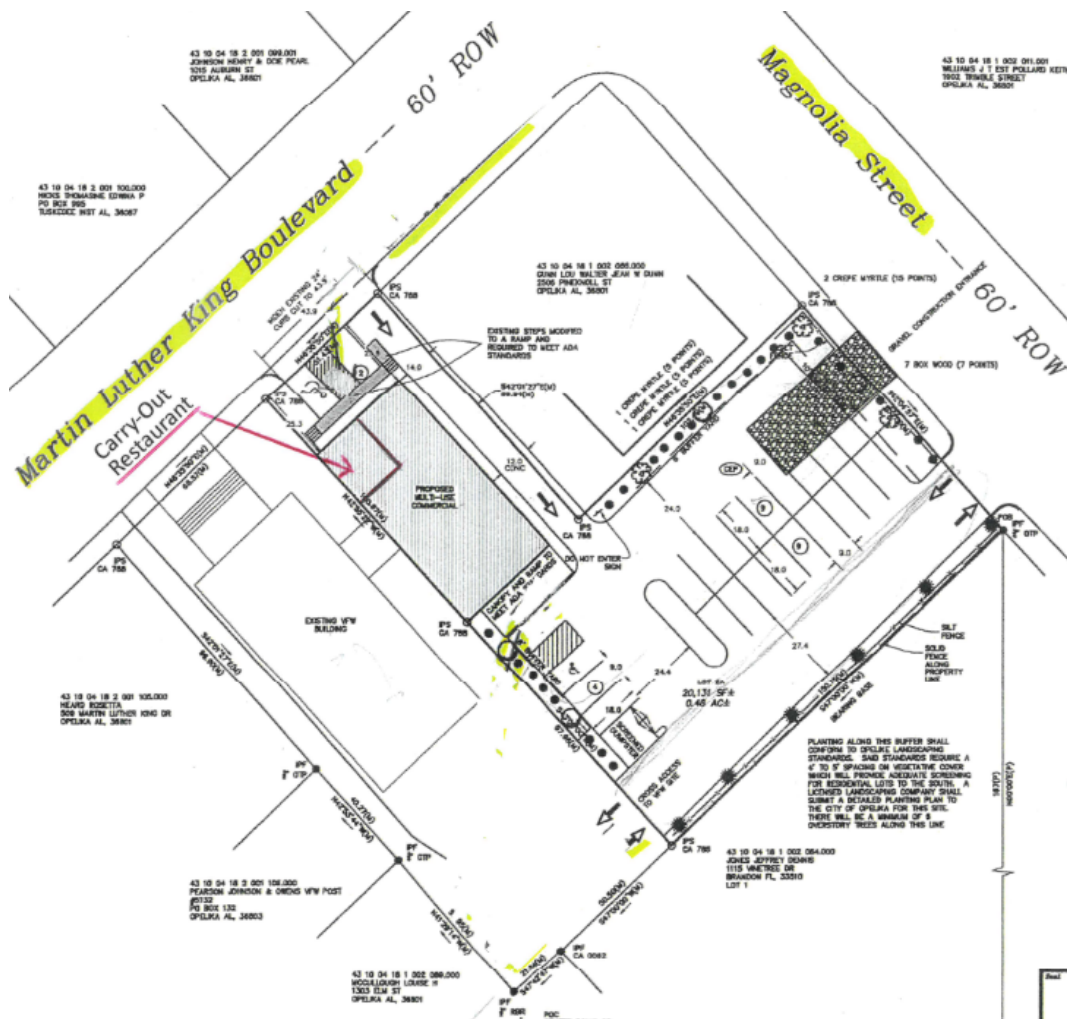
The restaurant is primarily carry-out. The business owner provides two tables with three chairs at each table but the business owner expects customers will carry-out food orders. Restaurant hours are Tues and Wed 10AM to 9 PM and Thurs, Fri, Sat 10AM to 10PM; restaurant is closed Sunday and Monday. A commercial oven will not be installed. Fried fish and chicken are pre-cooked in a table-top fryer (no deep fryer) then food warmed up per customer order. A waffle-grilled toaster will also be used. All can drinks (except for lemonade) and packaged foods are purchased at the convenience store.

About three years ago, the site plan and landscape plan below was provided for the neighborhood market that included floor space for a barber shop and restaurant. The convenience store opened about three years and later a barber shop occupied space in the building. The carry-out restaurant is 477 sf, managed by two people and requires four parking spaces. A total of 24 off street parking spaces are provided on plan. It's expected that some customers purchasing products at the convenience store will also purchase food at the restaurant. Parking is adequate for the carry-out restaurant. Landscaping shown on the plan meets minimum requirements and was planted when the convenience store opened.

Recommendation

Staff recommends conditional use approval for a carry-out restaurant subject to the following.

1. The applicant must contact the Planning Department if there are plans to open a dine-in restaurant (sit-down restaurant, food served at customer's table) to determine if off-street parking meets minimum requirements.



Mr. Parker reported for Engineering, the Engineering Department has no 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 subdivision is inside the Opelika Power Service territory.

Chair Cannon opened the public hearing.

No comments.

Chair Cannon closed the public hearing.

Motion to grant conditional use approval with staff recommendations

RESULT: Passed

MOVER: Director Mike Hilyer

SECONDER: Leigh Whatley

DISCUSSION: Mr. Silberman asked if there were any special health requirements because it was part of an existing facility?

Mr. Mosley stated that there are three suites in that building, so it would be in its own separate space. He stated they would have to meet the Health Department's requirements and submit to regular inspections. He noted that

they would also go through our Building Inspections, Public Works, and Fire Safety groups.

Mr. Hilyer stated that they would also have to get a permit for the grease trap.

Mr. Walters asked if the reason the staff recommendation stated that the owner would be required to talk to the Planning Department before becoming a sit-down restaurant was strictly because of parking?

Mr. Mosley stated that restaurants are typically one of our heavier traffic generators and parking users and staff would want to make sure that there is sufficient parking that is not spilling out into the neighborhood. He stated that there are some other things like fire safety, the number of restrooms they have available, or some other things, but we are primarily interested in it from a parking standpoint.

Mr. Walters asked if staff was comfortable with the two tables that were there.

Mr. Mosley stated that the two tables were not an issue and that there is enough parking now to cover that space.

AYES: Chair Cannon, Walters, Whatley, Silberman, Director Hilyer

NAYS: None

ABSTAIN: None

5. Wade Weekley, 181 Columbus Parkway, C-3, GC-S, Grave Monument Sales-Outside Display of Products

Mr. Mosley reported the applicant is requesting conditional use approval for a grave monument sales office with outside display in a C-3, GC zone. The applicant has an existing sales and production facility located in Columbus, GA. This location would be limited to sales at this time.

The subject property is approximately 28,000 square feet located on the southeast corner of the intersection of Columbus Parkway and McCoy Street. The site has 4,620 square foot building located on the eastern side. The applicant is proposing to layout a 750 square foot walking area that would display a variety of markers and monuments within a landscaped area. The granite markers and monuments would be produced at their Columbus location. This site would act as a showroom for local customers. The applicant notes that they expect to have 1-2 employees at this location.

The site plan/landscape plan provided shows 10 parking spaces for customers and employees. The 10 parking spaces meet the minimum parking spaces for the furniture business. A previous tenant constructed a landscape plan that met the minimum requirements. However, most of that landscaping is no longer present. This will need to be reinstalled or a new plan will need to be created. The trees and shrubs must be planted as shown on the landscape plan to meet minimum requirements of the Landscape Regulations. The trees and shrubs need to be planted and inspected by staff before a business license is issued.

As the applicant notes, there is an existing monument business that was approved at the corner of S. 4th Street and Columbus Parkway. The use should not create any traffic or other negative

effects on adjoining properties. The outside display is very minimal in relation to the overall use of the property.

Recommendation

Staff recommends conditional use approval subject to following recommendations:

- **Missing landscaping shall be installed or a new landscape plan compliant with the zoning ordinance shall be created and installed after approval.**
- **The display area shall be limited to the location and size shown on the conceptual plan.**
- **No signage is approved by this plan. All signage shall comply with the City of Opelika Zoning Ordinance and approved separately.**
- **Any manufacturing of markers or monuments shall require a new or amended conditional use approval.**

Mr. Parker reported for Engineering, the Engineering Department has no 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 subdivision is inside the Opelika Power Service territory.

Chair Cannon opened the public hearing.

Wade Weekley, the applicant, stated that they have been in the monument and specialty product business for over 35 years in Columbus and that they provide engraved monuments, markers, benches, and stone. He stated that he is requesting approval to place a 750 square foot display area for their products and that he didn't sense any objection to the characteristics or size of the display area, but that the staff report mentions some significant landscape requirements. He stated that they have a short-term lease and that the previous tenants had constructed a landscape plan that met the minimum requirements and the site plan was dated October 2015. He stated he had a picture from when that company was in business and there's very little landscaping, certainly not what was on that landscape plan, but only a few shrubs behind a retaining wall, a tree in the island, and an established tree that is about 34 inches in diameter. He stated that the site plan also referenced proposed paving with the plantings next to it, but it looks like today that parking lot basically covered up all of the planting areas. He noted that this property was sold in 2020 and 2022 and neither of those events triggered this discussion about landscaping and now, because he is requesting a display area, he is left responsible for landscaping that was never completed. He stated that they are anxious to open this office and requested time to more completely understand the minimum requirements for this specific lot and not the other lot that goes all the way to the corner, that they have time to engage the property owner for options, and time to present a new landscape plan to Mr. Mosley and Mr. Ogren without delaying their ability to open this office. He stated it didn't seem that this property had ever been properly landscaped and he didn't want to be the one held to finally deliver before he can open his doors.

Chair Cannon closed the public hearing.

Mr. Hilyer made a motion to grant conditional use approval with staff recommendations
Mr. Walters seconded the motion.

Mr. Hilyer stated that he thought the landscaping was important, that it needed to be done, and that he thought that would be a major intersection soon.

Chair Cannon stated we have a Gateway Corridor plan for landscaping.

Mr. Silberman stated that he was greatly concerned about that corner. He noted that it was a major exit and entrance to the City and that it had a substantial amount of property from where the display area is to the corner that is open and bare. He noted that he thought that needed to be addressed in order to move forward with improvements to the City. He stated that he hoped the land owner and the tenant would come together with a plan to show the Commission something dealing with the landscaping, which he felt was critical to the City's appearance.

Mr. Mosley stated that based on the existing landscaping that was there and the size of the property, the developed area is not very large. He stated that there would be about 100 inches of total landscaping that would be required and there is probably about 40 inches present, so there would only be roughly 60 inches required. He noted it would be about four or five larger trees and some shrubs or maybe six or seven smaller trees and some shrubs. He stated that if the Commission would like staff to work with them on getting it in within a certain period after approval, he thought they could manage that because it is a relatively smaller amount of landscaping required.

Mr. Silberman asked Mr. Mosley if he was talking about a barricade type of landscaping rather than an open area dealing with the corner lot.

Mr. Mosley stated that it would be a small area and that a lot of it would be open to the applicant in regard to where it would be placed. He stated that this isn't a size or configuration where staff gets into the specific standards of where each piece needs to be placed. He noted that another thing that comes into play is one of the upcoming road improvement projects and that the City would likely be working with the property owner to gain some right-of-way through there to improve the intersection. He stated that it is worthwhile to take some time to look at where some of the landscaping should go to make sure that we aren't putting something in a location that Engineering, Public Works, or our future development plans need to use in the future.

Mr. Hilyer stated that his concern was how long until it was done and that someone needed to police it if it wasn't done.

Mr. Silberman stated that he was in favor of the business, but that he would like to see the game plan before committing to the project. He noted that he didn't have anything specific in mind but maybe some type of barricade landscaping that would separate it from the corner. He noted that there is a lot of property on that corner and that it's more about retaining the appearance. He stated that he felt something could be done with the landscaping to make the property more appealing, even if it was isolating the business property from the corner.

Mr. Mosley stated that there is a lot of property there and that it is likely that there will be another building or use on that side. He noted that would be something they would have to look at to make sure that what goes there makes sense. He stated that typically what we require is landscaping along the frontage, but because Columbus Parkway has a fairly large right-of-way, the green space that you see on the site is all within a public right-of-way. He noted that there are also some power lines throughout the area and so any landscaping would probably be towards the frontage in places that don't interfere with those overhead power lines. He agreed

that something could be done to enhance the frontage to make it look more attractive.

Mr. Hilyer asked when it would be finished and if 30, 60, or 90 days would be enough?

Mr. Mosley asked the applicant if 60 days would be enough time to work with the property owner on this?

Wade Weekley stated that there are already a few plantings on the property that were on the original plan and that the rest of the things on the plan are under the parking spots. He stated that he was going to put a buffer of Azaleas or Crepe Myrtles from the end to the bottom of the parking lot and that he could stage some things around that, but from there to around that corner he has no intent and it's not part of the lease for him to use any of that corner. He requested 90 days to put a plan together and noted that he is talking to a landscaper to build out that area, level it, fill it, and lay the bricks and gravel and he stated that he could discuss that at the same time.

Mr. Mosley stated that he could work with the applicant however the Commission felt comfortable.

Chair Cannon stated 90 days.

Mr. Mosley stated that's fine with us and we can work with them to hopefully try and get it done sooner than that.

Chair Cannon asked if it needed to come back to the Planning Commission?

Mr. Mosley stated that we are talking about less than ten trees being required for this use and that if Chair Cannon would like, he could give her an update on the plan when he gets it.

Mr. Silberman stated that a barrier along the McCoy Street side between the monuments and the land would be an asset to the appearance of the property that you are going to use.

Chair Cannon stated he is not renting that part of the property.

Mr. Silberman stated the property owner would need to be involved.

Mr. Mosley stated that there is going to have to be some discussions outside of this because we have a proposed roundabout located at this intersection which would change some of the lines through here and it may be a while before that construction takes place. He stated that we would have to coordinate where that new line would be and where some of those plantings would go. He noted that we could work through what Mr. Silberman is talking about.

Mr. Silberman stated I agree.

Mr. Mosley stated he doesn't think that the applicant is required to put in enough planting material to create a full hedge or long buffer through there but that he did think we could get something that would make an impact on that corner.

Mr. Silberman stated that hopefully the City could work toward what their game plan is.

Mr. Mosley stated that he believed that the City would be putting sidewalks through that area and that it is likely, because the McCoy right-of-way is so large, that the City might do some

planting as well.

Amended motion to grant conditional use approval with staff recommendations and the landscaping plans be approved and installed within 90 days

RESULT:	Passed
MOVER:	Director Mike Hilyer
SECONDER:	Jay Walters
AYES:	Chair Cannon, Walters, Whatley, Director Hilyer
NAYS:	None
ABSTAIN:	Ira Silberman

6. Bolt Engineering, Inc., Frederick Road & Cunningham Drive, C-2, GC-P, Rich's Car Wash

Mr. Mosley reported the applicant is requesting conditional use approval to construct an automatic car wash (automobile maintenance) in a C-2, GC-P zoning district. The subject property is part of a larger 4.78 acre property located on the northwest corner of Frederick Road and Cunningham Drive.

The site plan shows a 4,300 square foot (sf) building on a 1.02 acre lot. The minimum building setbacks are met from all property lines. The property is in the Gateway Corridor and the setbacks should be adjusted to meet the 40 foot front, 30 foot side on street, and 20 foot side and rear setbacks. The parking area 23 parking spaces, although most of these will be used for vacuum areas or prep areas. The canopies shown in the elevations do not appear on site plan.

The site takes access from a shared driveway that will provide access to this use and the remainder of the property. The drive will have full access on Cunningham Drive and have a right-in/right-out on Frederick Road. This will need to be placed in an easement during the platting process. The applicant is showing 8 feet of right-of-way being dedicated to the city for lane improvements at the intersection.

The landscape plan is provided(143 base pts. required). A total of 16 trees and 59 shrubs are proposed. The trees total 89 points based on staff calculation. Shrubs required for parking lot buffers do not count towards total points. This excludes 29 shrubs. A 15-foot front parking lot buffer is provided along Frederick Road. There is a six foot planted buffer on the north side along the adjacent properties that includes large trees and shrubs. The buffer along Cunningham Drive has been reduced to four (4) feet to allow for the property to be dedicated to the City. The site appears to need 24 more points. Additionally, the front buffer along Frederick Road does not meet the tree spacing requirements. This would either require the proposed trees increase in size or additional stock be added. The property meets the maximum 70% impervious surface ratio allowed.

The applicant has provided an elevation that shows a brick, stacked stone, stucco, and glass which would be compliant with the corridor overlay materials.

A private dumpster is shown in the rear yard; staff recommends that the dumpster be enclosed with an opaque fence at a height so the dumpster is not visible outside the enclosure. This is shown in the elevations provided.

The most potentially concerning aspect of this use is the noise generated by the cleaning and vacuuming. The use has residential properties to the south (across Frederick Road) and to the

north (Sutton Way). Those homes appear to be at least 300 feet away from the building or vacuuming stations. At that distance, the sound should be near ambient noise generated by traffic or other common sounds. Staff still believes that the applicant should look at ways to reduce noise. This would include moving the vacuum motors interior to the site and potentially shielding them. Additionally, staff recommends that business hours be limited to daytime hours. Staff also recommends that the applicant prohibit loud music from vehicles in the vacuuming areas.

Recommendation

Staff recommends conditional use approval subject to the following conditions:

- 1. Show canopies on the site plan.**
- 2. Adjust setbacks to show Gateway Corridor standards in the table.**
- 3. Adjust landscape plan to meet total planting requirements and conform with the buffering requirement for the Frederick Road corridor.**
- 4. Dumpster must be screened from adjoining properties.**
- 5. All mechanical must be screened from the public right-of-way.**
- 6. Vacuum motors should be moved to the interior of the site and the noise produced dampened to meet Section 8.6 of the Opelika Zoning Ordinance.**
- 7. Monitor and prohibit loud music in the vacuuming area.**
- 8. Hours of operation shall be limited to daytime hours.**
- 9. Access easement will need to be placed on the common drive/private road.**
- 10. Additional right-of-way for Cunningham Drive shown on site plan shall be dedicated to the City of Opelika.**

Mr. Parker reported for Engineering, a new building at this site will require the applicant to submit a site construction and grading plan for the drainage, and utility plan 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 will limit access to Frederick Road as a right-in/right-out drive due to the proximity of the existing signal. The Engineering Department has no other comments or concerns with this proposed conditional use.

Mr. Parker reported for the Opelika Utilities Board, water is available from Cunningham Dr. No other comments.

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

Chair Cannon opened the public hearing.

Brandon Bolt, the applicant, stated that he was available to answer any questions that the Commission had and that he had reviewed the staff recommendations and had no objections.

Chair Cannon closed the public hearing.

Motion to grant conditional use approval with staff recommendations

RESULT:	Passed
MOVER:	Ira Silberman

SECONDER: Leigh Whatley
DISCUSSION: Chair Cannon stated that she wanted to make sure that the loud music would be monitored during the daytime as well.

Mr. Mosley stated yes ma'am.

Chair Cannon asked is it right in, right out?

Mr. Mosley stated they are showing a right in, right out on Frederick Road. He stated there would be no left turn there.
AYES: Chair Cannon, Walters, Whatley, Silberman, Director Hilyer
NAYS: None
ABSTAIN: None

C. ANNEXATION AND REZONING - Public Hearing

7. Annexation, The Infinity Group LLC, David A. Gethers, managing member, 2700 block Shelton Mill Road, 46,860 square feet, a C-2 zoning district is requested

Mr. Mosley reported the applicant is requesting to annex one lot described as 46,860 square feet. The property is currently undeveloped. The property is located on Shelton Mill Road next to the Opelika city limits line to the north and west.

The city limits are adjacent to the annexation property on two sides. The property owners have provided plans to build an office building for a cleaning service. The property owners wish to annex this portion of the property to gain access to Opelika sewer services.

Section 5.3 of the City of Opelika Zoning Ordinance states that all properties annexed into the City will receive an R-1 zoning designation. The applicant is requesting a C-2 zoning district. The Planning Commission agenda has a rezoning request for this lot to be in the desired C-2 zoning district. The lot meets the annexation requirements being contiguous at two points or more.

Staff recommends the Planning Commission send a positive recommendation to City Council to annex the 46,860 square feet.

Mr. Parker reported for Engineering, the Engineering Department has no comments or concerns regarding this annexation request.

Mr. Parker reported for the Opelika Utilities Board, water service is only available via proposed water easement corridor to U.S. Highway 280. No other comments.

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

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

RESULT: Passed
MOVER: Director Mike Hilyer
SECONDER: Leigh Whatley
AYES: Chair Cannon, Walters, Whatley, Silberman, Director Hilyer

NAYS: None

ABSTAIN: None

8. Rezoning Request, The Infinity Group LLC, David A. Gethers, managing member, 2700 block Shelton Mill Road, 46,860 square feet, R-1 to C-2 subject to City Council approval of Annexation

Mr. Mosley reported the applicant requests to rezone the property at 2700 Block of Shelton Mill Road (subject to the annexation approval by City Council) from the standard R-1 zoning requirement upon annexation to C-2 (Office Retail). The lot will meet the C-2 zoning requirements. The applicant has proposed building an office building for a cleaning service with an administrative staff office, a meeting area, and a small storage area. The proposed lot and building layouts have been shared and are attached at the end of this report. The rezoning from R-1 to C-2 would allow the proposed use of an office building on this lot or any other uses currently allowed by right in our Zoning Ordinance.

Just beyond this block of Shelton Mill Road, the area is transitioning into the Auburn city limits on the road's north (related to this property) side (see the map attached). The area to the south is primarily a large lot and undeveloped. The lots surrounding this area to the north and east are inside the Opelika city limits and are mostly zoned C-2. A small area with a vacant lot is zoned R-2 next to the rear area of the subject lot. If you look at the area, the primary uses surrounding this lot are residential, office, and gas station. Being so close to the intersection of Birmingham Highway and Shelton Mill Road, the zoning of C-2 is appropriate between high traffic uses and lower traffic uses like residential ones. C-2 (Office Retail) uses that would be by right in this zone are defined in the ordinance as "areas for offices and neighborhood small retail uses. Other uses would include residential, banks, fast food, convenience stores, or similar (Section 6.4 Purpose and Intent of Zoning Districts)."

Staff recommends approval of the rezoning request from R-1 to C-2 subject to the following:

- **City Council approving the annexation.**

Mr. Parker reported for Engineering, the Engineering Department has no comments or concerns regarding this rezoning.

Mr. Parker reported for the Opelika Utilities Board, water service is only available via proposed water easement corridor to U.S. Highway 280. No other comments.

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

Chair Cannon opened the public hearing.

No comments.

Chair Cannon closed the public hearing.

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

RESULT: Passed

MOVER: Director Mike Hilyer

SECONDER: Ira Silberman

AYES:	Chair Cannon, Walters, Whatley, Silberman, Director Hilyer
NAYS:	None
ABSTAIN:	None

V. ADJOURN

Motion to adjourn at 4:11 p.m.

RESULT:	Passed
MOVER:	Director Mike Hilyer
SECONDER:	Leigh Whatley
AYES:	Chair Cannon, Walters, Whatley, Silberman, Director Hilyer
NAYS:	None
ABSTAIN:	None

_____ Lucinda Cannon, Chair

_____ Matt Mosley, Secretary