



PLANNING COMMISSION MINUTES

300 Martin Luther King Blvd.

November 29, 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 November 29, 2022 in the Meeting Chambers, located at the Opelika Municipal Court. Certified letters have been mailed to all adjacent property owners for related issues.

MEMBERS PRESENT: Chairman Lewis Cherry, Mr. Ira Silberman, Dr. Arturo Menefee, Mrs. Leigh Whatley, Ms. Lucinda Cannon, Mr. Michael Hilyer, and Mr. John Sweatman.

MEMBERS ABSENT: Mayor Gary Fuller and Councilman George Allen.

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
Mr. Guy Gunter, City Attorney

CALL TO ORDER: Chairman Lewis Cherry called the meeting to order at 3:00 p.m.

Approval of Planning Commission Minutes October 25, 2022

RESULT:	Passed
MOVER:	John Sweatman
SECONDER:	Leigh Whatley
AYES:	Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Sweatman
NAYS:	None
ABSTAIN:	Arturo Menefee

III. UPDATE ON PREVIOUS PC CASES

Mr. Mosley stated there was a text amendment and a rezoning that were before you in October. Those will go before the City Council for a public hearing and first reading on December 6, 2022. That would be the text amendment that would allow medical cannabis dispensaries with zoning regulations. The other item would be a potential rezoning to the Firefly development which the Commission sent forward with a negative recommendation. The regular December meeting will be December 20, 2022.

IV. NEW BUSINESS

A. PLAT (Preliminary Only) - Public Hearing

1. National Village SD, Plat 6B (revised), 9 lots, accessed from Robert Trent Jones Trail, Goodwyn Mills & Cawood, LLC, authorized representative for Retirement Services of Alabama (RSA), Preliminary Approval

Mr. Mosley reported the applicant is requesting preliminary approval for a nine-lot subdivision (*this area was rezoned and added to the PUD on September 21, 2022*). This development will take access from a section of Spa Loop. The new road will be a private drive. The nine (9) lots range in size from 14,692 square feet to 47,081 square feet. Lots 1-7 will be developed for single-family homes. Lots 8 and 9 will be left as open space lots to provide a buffer area. This subdivision is largely consistent with the master plan concept presented in the rezoning process. Sidewalks are required on at least one side of the street. All utilities shall be underground.

Planning staff recommends preliminary approval subject to the following:

1. **Label the power line easement and add width of easement.**
2. **The streets should be named, and the right of way widths should be stated also.**
3. **Note 10 refers to a Lot 24 but no Lot 24 appears on the plat.**
4. **Add a flood note.**
5. **Open space lots should be labelled with ownership, maintenance, and use.**
6. **All utilities shall be underground.**
7. **Install sidewalks on at least one side of the street.**
8. **Add a note with the setbacks.**

Mr. Parker reported for Engineering, the Engineering Department has no comments or concerns with the preliminary plat as submitted.

Mr. Parker reported for the Opelika Utilities Board, water service is available from Spa Loop.

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

Chairman Cherry opened the public hearing.

Max Vaughn, Goodwyn Mills & Cawood, representative, stated I just wanted to note that the roads will be gated. We will comply with all the comments Mr. Mosley mentioned, but there will be a gate on this road and it will be a private road.

Chairman Cherry closed the public hearing.

Motion to grant preliminary plat approval with staff recommendations

RESULT:	Passed
MOVER:	Director Mike Hilyer
SECONDER:	Arturo Menefee
AYES:	Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Sweatman

NAYS: None

ABSTAIN: None

2. National Village SD, Plat 3A, 61 lots, accessed from Robert Trent Jones Trail, Goodwyn Mills & Cawood, LLC, authorized representative for Retirement Systems of Alabama (RSA), Preliminary Approval

Mr. Mosley reported the applicant is requesting preliminary approval for a 61-lot subdivision accessed from Robert Trent Jones Trail, National Village Pkwy, National Village Loop, and Quail Ridge. The layout of the lots mostly complies with master plan.

The proposed lots will be similar to those in Section 1B. The lots range in size from 12,750 to 19,971 square feet. Most of the lots fall in the 13,000 – 16,000 square foot range. The homes on Lots 7-12 will take access from National Village Parkway. The single-family lots show a 20-foot front building line. The final plat will need to note the other setbacks.

The plat also creates five (5) outparcels that act as buffers or open space between the streets and residential lots, labeled as outparcels A – E. The purpose, ownership, and maintenance of these lots needs to be noted on the plat. The street layout is mostly consistent with the master plan.

Sidewalks should be consistent with the development pattern of the rest of the PUD, at the very least sidewalks will be required on one side of the street. All utilities shall be underground.

Staff recommends preliminary approval subject to the following:

1. **Note that outparcels A -E are open space, who will own, and maintain these areas.**
2. **The 20-foot sanitary sewer easement running from Robert Trent Jones Trail to National Village Loop should be labelled on Sheets 1 & 2.**
3. **Install sidewalks on at least one side of all streets.**
4. **All utilities shall be underground.**
5. **Add a note with all the setbacks.**
6. **Add a flood note.**
7. **Adjoiners information should be given for those lots across Quail Ridge and National Village Loop.**
8. **The lot numbers should be unique and not repeated.**

Mr. Parker reported for Engineering, the Engineering Department has no comments or concerns with the preliminary plat as submitted.

Mr. Parker reported for the Opelika Utilities Board, water service is available from Quail Ridge, Robert Trent Jones Trail, National Village Parkway, and National Village Loop.

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

Chairman Cherry opened the public hearing.

David Harrell, 2106 Quail Ridge, stated I know that this is a Planned Development, but many of us in the neighborhood have concerns. What we are seeing is as the developer comes in there are promises that the trees are going to be left, which is why we bought in the area in the first place, but then they clear cut the entire area. They have been doing that in the last three or so

sections that they have put up. This is changing the face of the neighborhood and it's a concern.

Chairman Cherry closed the public hearing.

Motion to grant preliminary plat approval with staff recommendations

RESULT: Passed

MOVER: John Sweatman

SECONDER: Arturo Menefee

DISCUSSION: Ms. Cannon asked do they replant any trees?

Max Vaughn, Goodwyn Mills & Cawood, representative, stated there is extensive landscaping that is done throughout the neighborhood. The lots that are cleared they will put houses on. The neighborhood is maintained by the developer and all the landscaping is maintained and installed. It is very important that this looks nice and is a well landscaped community. There is a lot of money that is put into the landscape, trails, amenities, and a lot of effort is put in.

Ms. Cannon asked so yes, you will plant some more trees?

Max Vaughn stated yes, there will be landscaping on every lot and the exact amount is something that is typical to what has been done throughout the rest of the development. So, yes ma'am.

Chairman Cherry asked so it is going to be clear cut?

Max Vaughn stated portions are going to need to be cleared to grade the roads and put the lots in. There are going to be large clustered areas of lots with large areas of existing trees. That's within the concept of the whole neighborhood, it is a cluster development. There are going to be some areas that need to be cleared for construction and then there are going to be large areas, you can see in the common space, that is going to be a large area remaining of existing trees. It's limited as much as possible with what we have to build. It's important to us to keep the trees and I realize that during construction things can look kind of like construction, but the final product is very high quality. What has to be disturbed is replanted in a nice way.

Ms. Cannon stated well it is a high quality product, but you have answered, yes we will landscape. You haven't answered if you will plant more trees. I think it's two different things.

Max Vaughn stated we are not going to reforest the area. We are going to plant landscaping typical to what has been done with all the houses that are out there.

Chairman Cherry asked if you clear for a lot, are you going to plant any trees on that lot to replace the clear cut that you did on that particular lot?

Max Vaughn stated yes. I just want to be clear, some large trees are going to have to come down in order to build a street. This area has a lot of topography. Probably more so than some areas that we have worked on, so

we are going to do the best we can to save the trees. We are going to plant back some trees, but it's typical to what has been planted on all the other homes and houses in the other neighborhoods. It will be consistent. We aren't going to take out large areas that aren't where a home is going to go or where a road is going to go. We are trying to leave as many of those areas as possible.

Ms. Cannon stated the beauty of that area are the trees. I'm not saying you have to leave them, I'm just saying replant some.

Max Vaughn stated the developer is here and he is shaking his head yes.

AYES: Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Sweatman

NAYS: None

ABSTAIN: None

B. FINAL PLAT

3. Fox Run SD, Phase 2A, 85 lots, accessed from Village Drive, Daniel Holland, authorized representative for Holland Homes, LLC, Final Approval

Mr. Mosley reported the applicant initially requested final plat approval for a 85-lot subdivision of a 248-lot subdivision located in the Fox Run Village PUD zoning district. Due to construction delays they have reduced this down to 13 lot final plat. The master plan and zoning were approved by City Council in September 2019. The plat consists of 10 single family lots and two open space lots.

The proposed lots are located on the north side of Village Drive. The development is bisected by a small stream or natural area that also serves as open space. The master plan requires a minimum lot size of 4,200 square feet and a minimum 40-foot lot width for single family home lots. The single family home lots range from 5,004 to 5,008 square feet; all lots are at least 40 feet wide. The minimum building setbacks for single family home lots as noted on the plat is 20 feet for the front and rear yard, and 5 feet on each side yard. A 10' buffer yard is added along the rear property line of the 18 lots that front on Village Drive.

Note #9 on plat provides the minimum setbacks for twin homes and single-family homes.

The two open space lots are Lot 129 (20,810 sf) and Lot 130 (5.6 acres). A large portion of Lot 130 is in the 100 year flood plain. Note #8 on plat states Lot 129 and 130 are maintained by the homeowner's association. The master plan narrative states the open space will remain mostly undisturbed vegetation and will provide buffers between the different types of residential or commercial uses.

Underground utilities are required, and sidewalks are required on at least one side of the street. The proposed plat is largely in compliance with the approved master plan and the subdivision regulations. At this time the base layer of road is in, but the asphalt has not been installed.

Staff recommends final plat approval provided that the 1st layer of asphalt is installed and subject to the following:

1. **Underground utilities are required**

2. **Sidewalks are required on at least one side of the street.**
3. **Add 10' buffer yards along the rear lot lines of Lots 25 to 28 and Lots 131 to 144**
4. **Label the easement along the fronts of all lots and add the easement width.**
5. **Add a label and acreage to the undeveloped portion east of these platted lots.**
6. **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 plat any specific use that will be allowed for Lot 129 and 130.**

Mr. Parker reported for Engineering, all of the Opelika Surveyors comments regarding the plat have been addressed.

The Engineering Department has been inspecting the construction and testing of the infrastructure in this subdivision.

A Certification of Completion will be completed and signed by the Engineering and Public Works Directors prior to the signing of the final plat. There are no other comments or concerns from the Engineering Departments regarding this final plat.

Mr. Parker reported for the Opelika Utilities Board, a water system inspection will need to be completed before signing final plat.

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

Motion to grant final plat approval with staff recommendations

RESULT:	Passed
MOVER:	Arturo Menefee
SECONDER:	John Sweatman
AYES:	Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Sweatman
NAYS:	None
ABSTAIN:	None

4. Wyndham Gates SD, Pod 3, Phase 2, 8 lots, accessed from Alana Court and Raiden Circle, Doug Ransom, authorized representative for DRB Group Alabama, LLC, Final Approval

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

The eight townhome units including the front and rear yard on a single lot will be sold. The two-story townhomes are approximately 1,700-1,800 SF (excluding 2 car garages). The townhome lots meet the minimum yard size requirement with one yard being at least 50% of the first floor size of a unit. The lots also exceed the 1,800-sf minimum lot size and 20-foot lot width required for a townhouse development. The proposed lot widths are 25 feet. The lot area for six lots are 2,000 square feet (sf) and two lots are 3,000 sf. Each unit has two parking spaces

as required. Underground utilities are installed, and sidewalks are installed along the streets. The rear lot line of each townhome unit is adjacent to open space. A note needs to be added to plat that the open space will be maintained by the Wyndham Gate Pod 3 HOA (Homeowner's Association). The exterior building material is a mix of brick and hardie board with vinyl soffit and fascia.

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

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

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

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

Mr. Parker reported for Engineering, the infrastructure has been accepted and approved with a previous phases submittal.

The Engineering Departments review comments have been addressed and the Department has no other comments or concerns with this final plat.

Mr. Parker reported for the Opelika Utilities Board, a water system inspection will need to be completed before signing final plat.

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

Motion to grant final plat approval with staff recommendations

RESULT:	Passed
MOVER:	Arturo Menefee
SECONDER:	Director Mike Hilyer
AYES:	Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Sweatman
NAYS:	None
ABSTAIN:	None

5. 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

Mr. Mosley stated the applicant has requested that this item be tabled until the December 20, 2022 Planning Commission meeting.

Motion to table this item to the December 20, 2022 Planning Commission meeting at the applicant's request

RESULT:	Passed
MOVER:	Director Mike Hilyer
SECONDER:	Arturo Menefee
AYES:	Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Sweatman
NAYS:	None
ABSTAIN:	None

C. CONDITIONAL USE - Public Hearing

6. Kelly Wagoner & Foresite Group, LLC, authorized representative for THF/MRP Tiger Town, LLC and Cannon Timber and Land, LLC, accessed at 2125 and 2109 Frederick Road, Tiger Town PUD & C-2, GC-P, For a tire store (auto maintenance)

Mr. Mosley reported the applicant is requesting conditional use approval to construct a Discount Tire store (automobile maintenance) in a PUD (Tiger Town) and C-2, GC-P zoning districts. The site will cover two (2) lots and be between the Express Oil Change and South State Bank. The site will be accessed from Frederick Road and a shared access from Enterprise Drive.

The site plan shows an 11,913 square foot (sf) building on a 1.99-acres. The minimum building setbacks are met from all property lines. The parking area shows 40 parking spaces including two (2) handicap spaces; the minimum off-street parking requirements are met.

The site meets the maximum 70% Impervious Surface Ratio (ISR); the ISR proposed is 62%. The color rendering of the elevation is in the packet. The proposed exterior wall material facing Frederick Road (Store Front Elevation) is architectural aluminum panels (white and red), concrete masonry units (grey with arrows and black), and store front glass area. The primary exterior materials on the left and right sides are the concrete masonry, with a section of architectural aluminum panels, and the six (6) roll up doors (full view with metal). The rear elevation is shown to be concrete masonry units. Staff recommends the concrete masonry units be decorative or architectural split faced material. (The architectural aluminum panels are described to be similar to the panels at the King Honda dealerships.)

The site is designed to have a check in area that is like a drive-thru receiving area with canopies detached from the main building. The main building is designed with six (6) drive-thru bay areas with two (2) customer receiving areas and two (2) offices. The six (6) drive-thru bay areas are divided, three (3) drive-thru bay areas for service and three (3) drive-thru bay areas for sales.

The developed area is 54,015 square feet. The landscape plan meets minimum requirements (140 total pts. required, 140 total points obtained, 76 parking lot points obtained). A 15-foot front parking lot buffer is required and shown along Fredrick Road. A 6-foot parking lot buffer shall be planted between the non-street property lines and the edge of parking lot consisting of medium and understory trees, and shrubbery as listed in Section 10.6 D.2.b of the Landscape Ordinance.

A private dumpster for this development is shown on the site plan. This will need to be screened with a dumpster enclosure located behind the front plane of the building and be screened by approved corridor materials. In addition, 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 the relevant utility company for safety.

If outdoor pole lighting or wall pack lighting are proposed, then lights must comply with the City's lighting requirements. In addition, it may be necessary to reduce light glare by installing light fixture shields and/or redirecting light direction if light is excessive on public streets.

Recommendation

Staff recommends conditional use approval subject to the following:

- 1. The concrete masonry units be decorative or architectural split faced materials to meet the Gateway Corridor cladding requirements in Section 7.6 Gateway Corridor Overlay District, 6, b. Materials and Cladding Requirements**
- 2. The architectural aluminum panels approval by the Commission.**
- 3. Outdoor lighting must meet the requirements in Section 7.6 Gateway Corridor Overlay District, 6, a. Lighting Requirements**
- 4. If fencing is ever installed the property owner must meet the Gateway Corridor Overlay District regulations in Section 7.6 of the Zoning Ordinance.**
- 5. Dumpster areas must be screened by approved Gateway Corridor Overlay District materials.**
- 6. 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.**
- 7. No outside storage or display of tires.**
- 8. No automotive maintenance work shall be performed outside.**
- 9. Discarded or worn-out tires (or rims) stored on the property must be stored inside the building not outside.**

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

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

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

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

Chairman Cherry opened the public hearing.

Kelly Wagoner, Foresite Group, 3471 Donaville Street Duluth, GA, stated I am here

representing Discount Tire and the property owners for this application. If there are any questions, I am available to answer them.

Chairman Cherry closed the public hearing.

Motion to grant conditional use approval with staff recommendations

RESULT:	Passed
MOVER:	Arturo Menefee
SECONDER:	Director Mike Hilyer
DISCUSSION:	Ms. Cannon asked when you said no outside storage were you talking about cars and how long they stay there to get their tires changed? Mr. Mosley stated we did not include that as a condition. Typically, we don't see that as often with tire stores but if the Commission feels they would like to add something we can. I believe their business model is based on getting people in and out as quick as possible, but I do understand your concern. Ms. Cannon stated I think they would too, but I have seen some places that have kept the cars longer than they should have. Can we put a week? Kelly Wagoner, stated Mr. Mosley is correct. Discount Tire does not typically have overnight storage of cars. It's in and out. They try to advance their line of business with how the consumer is. A lot of it is online right now and a lot of their customers know what they want when they come in. Very rarely is there a vehicle parked overnight and that's generally someone is driving down the road and they have a flat tire and pull in there. Mr. Silberman asked do you do any other mechanical work other than servicing tires? Kelly Wagoner stated no sir. They are just a wheel and tire retailer. They sell tires, they will fix flats for free and rotate tires for free even if you're not a customer. They pride themselves on service. Primarily though, they do not do the other automotive maintenance services because they find it slows them down.
AYES:	Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Sweatman
NAYS:	None
ABSTAIN:	Lucinda Cannon

D. REZONING - Public Hearing

7. (a) Amendment to the Future Land Use Map, accessed from Society Hill Road, 16.47, from a low-density residential land use category to a general commercial category.

(b) Rezoning request, Reynolds Cook, authorized representative for W.F. Cook Jr., accessed from 2701 Society Hill Road, 16.47 acres, from C-2 to C-3

Mr. Mosley reported the applicant proposes to rezone 16.47 acres accessed at 2701 Society Hill Road from C-2 to C-3. A C-3 zone is defined as "general commercial" and allows with conditional use approval an office of contractor with outside equipment & material yard. The rezoning property is in a light commercial land use category not consistent with the applicant's request for a contractor's office with outside storage. If the rezoning request is approved, then

an amendment to the future land use map (FLUM) from light commercial to a general commercial land use category is required so the Future land use map is consistent with the zoning map.

The adjacent property on the north side is in a manufacturing land use category that is consistent with the general commercial land use category. A light commercial category is the adjacent property on the south side occupied by Adams Beverage distribution property and single family home residential property. The property directly across Society Hill Road is in a low-density residential category. However, agenda item #8 is a request to rezone the west side adjacent property from R-1 to C-2, a light commercial designation. If this rezoning is approved, the land use category would change from low density residential to light commercial providing more compatible with the general commercial category. The adjacent properties on the east side are medium density residential (Hall Avenue residential neighborhood).

Staff Recommendation

Staff supports the property transition from light commercial to general commercial if the property is rezoned. The adjacent property on the north side in a manufacturing land use category is a more intensive use than the general commercial category if the rezoning is approved to C-3. If the 16.47 acre rezoning request is approved, staff recommends the 2030 Future Land Use map be amended from “light commercial” to a “general commercial” land use category.

Staff Comment (Rezoning)

The applicant's request is to rezone 16.47 acres from a C-2 zone to a C-3 (general commercial) zoning district. A site plan was provided with this rezoning request. The site plan shows 21 office & warehouse buildings to be leased. Each office-warehouse tenant space is 5,400 sf. The development includes a 3.45 acre “laydown yard” as an outside storage area for tenants. On the west side is Lot 1 (2.3 acres) that will be subdivided from the applicant's property. The applicant has no immediate plans for Lot 1 and will remain undeveloped. Lot 1 fronts along Society Hill Road; the length or depth (east to west) of Lot 1 from Society Hill Road to the office-warehouse development ranges from 66 feet to 240 feet. This range or space serves as visual separation between the office-warehouses & laydown yard from Society Hill Road. In addition to this separation, an existing natural wooded area or evergreens plants will be required along the rear property line of Lot 1 to assure the laydown yard and tenant units are visually screened from Society Hill Road. Staff also discussed with applicant that future requests for outside storage on Lot 1 will not be supported by staff.

Residential buffers are also required along the east property line to buffer the R-4 zoned residential neighborhood on Hall Avenue from the office & warehouses. Along the north property line adjacent to the rezoning property is a more intensive M-1 zoning district. The property is owned by Lee County and currently under construction for a Lee County public works facility. On the south side, the land uses are Adam's Beverage distribution and a residential neighborhood in the Wyndham Gates PUD zoning district. The residential area is not adjacent to the rezoning property. The Wyndham Gates developer provided a 100-foot strip between the single family home lots and the rezoning property for an Alabama Gas easement.

Staff Recommendation

Planning Staff believes that the 16.47 acre rezoning to C-3 is appropriate given the adjacent M-1 zoning district on the north side. The office warehouse use with outside storage requires an additional conditional use approval that would come back before the Planning Commission.

Planning Staff recommends Planning Commission send a positive recommendation to the

City Council to rezone the 16.47-acre property from C-2 to C-3.

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

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 and Alabama Power Service territory.

Chairman Cherry opened the public hearing.

Troy Booth, BNB & Associates, stated I am representing the development to the east of this development, the residential property at the end of Hall Ave. I just want to be clear about the type of buffer that will be required. Could you elaborate on that a little bit?

Mr. Mosley stated anytime that there is a conditional use for a commercial that abuts residentially zoned property, there is a requirement for a buffer. Typically, it can be handled one of three ways. It can be done through a 20 foot undisturbed buffer that is near opaque, a planting row of trees that are typically evergreen and a fencing material, or an alternating double row of evergreen plantings. Those are the standard buffers that would be required when commercial and residential are together. It is possible that if this comes back for conditional use approval, the Planning Commission could look at specific cases related to that and either recommend one of those or apply an alternative buffer to it.

Mr. Silberman asked does that require a specific height?

Mr. Mosley stated typically the fence height is six feet and the plantings are required to be a certain height and reach a certain height within two growing seasons.

Troy Booth stated our concern is that we have nine residential lots on that back line and we want to make sure that the integrity of the residential will be maintained.

Chairman Cherry stated it will just have to go through the process for approval.

Mr. Mosley stated they do show a 50 foot landscape buffer on that back side, which exceeds what we require. I believe the applicant is here so you may be able to speak with them specifically if you have any questions.

Chairman Cherry 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:	John Sweatman
AYES:	Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Sweatman
NAYS:	None
ABSTAIN:	None

Motion to approve the Amendment to the Future Land Use Map with staff recommendations

RESULT:	Passed
MOVER:	Director Mike Hilyer
SECONDER:	Leigh Whatley
AYES:	Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Sweatman
NAYS:	None
ABSTAIN:	None

8. (a) Amendment to the Future Land Use Map, accessed at the 2700 block of Society Hill Road, 67.6 acres, from a low-density residential land use category to a light commercial category
- (b) Rezoning request, Bill Brown of the Brown Agency, authorized representative for Stephen Dee Ward and Shelby Dean Ward, accessed at the 2700 block of Society Hill Road, 67.6 acres, from C-2 & R-1 to C-2

Mr. Mosley reported the 2030 Future Land Use Map (FLUM) shows 55.4 acres of the 67.6-acre rezoning property in a low-density residential land use category. The remaining 12.2 acres is in a light commercial category. The two adjacent properties on the north side are in an institutional category; a 9.5 acre parcel is owned by Lee County and Church of the Harvest owns an 8.8 acre parcel. Adjacent properties on the east and west side of the rezoning property are in a mixed land use category (residential and commercial uses): the east side is Adam's Beverage distribution property in the Wyndham Gate PUD; the west side adjacent property is part of a 36-acre mixed-use retail-entertainment PUD development approved in 2019.

Staff Recommendation

The rezoning request to a C-2 zone requires an amendment to the 2030 FLUM concerning 'land use category. If the rezoning request is approved, staff recommends the 2030 Future Land Use map be amended for the 67.6 acres from a "low density residential" land use category to a "light commercial" land use category.

Rezoning

The applicant is requesting to rezone 67.6 acres from C-2 & R-1 to C-2; a 12.2 acre portion of the property is currently zoned C-2. There is not a specific use for the property, but the developer believes commercial uses such as retail, restaurants, entertainment/hospitality are likely to show interest and possibly apartments. The commercial uses proposed are allowed in the C-2 zone (Office-Retail); apartments require conditional use approval. In June 2022, the adjacent 36-acre property south of this rezoning property was rezoned to C-2 for a 242-unit townhome-style apartment development. Staff believes the commercial uses are suitable for this location. The rezoning property is located adjacent to a PUD approved in 2019, accessed from Gateway Drive and located near Exit 58 on I-85. A QuikTrip gas station & convenience store recently opened in this PUD zone. In phase 2, restaurants are planned for lots adjacent to QT.

Recommendation

Staff believes the 67.6-acre rezoning request to C-2 for a mix of commercial uses would be compatible with the surrounding area; 12.2 acres of the 67.6 acres is currently zone C-2. Five months ago, the adjacent 36-acre property on the south side was approved to a C-2 zone for 242 apartment units. The rezoning property is adjacent to an existing 36-acre PUD zone that was approved for commercial uses that are proposed by the applicant. On Society Hill Road,

existing commercial uses near the rezoning property are Adam's Beverage distribution, Opelika-Auburn News office building, and a mini-warehouse & U-Haul truck rental business. The rezoning property is located about 1.2 miles from the south side of Exit 58 on I-85 (Tiger Town is on the north side of Exit 58.) Exit 58 provides a broad range of retail stores, grocery stores, and entertainment uses. The rezoning property is an addition to this Interstate commercial corridor. **Staff recommends Planning Commission send a positive recommendation to the City Council to rezone the property from R-1 to C-2.**

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

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 and Alabama Power Service territory.

Chairman Cherry opened the public hearing.

No comments.

Chairman Cherry closed the public hearing.

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

RESULT:	Passed
MOVER:	Arturo Menefee
SECONDER:	John Sweatman
AYES:	Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Sweatman
NAYS:	None
ABSTAIN:	None

Motion to approve the Amendment to the Future Land Use Map with staff recommendations

RESULT:	Passed
MOVER:	Arturo Menefee
SECONDER:	Ira Silberman
AYES:	Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Sweatman
NAYS:	None
ABSTAIN:	None

V. OLD BUSINESS

E. REZONING - Public Hearing

9. (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
(This item was tabled at the September 27, 2022 meeting at the applicant's request)

Mr. Mosley reported 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.

The adjacent properties to the east and west surrounding the subject property are in a “low density residential” category. The property across the Andrews Road has a designation of “medium density residential.” Across the railroad tracks to the north is a mix of property with a “low density residential” designation and property outside of the city limits. Moving beyond the immediate properties, this property is between the Northeast Opelika Park and the older industrial park located off Lake Condry Road. This project proposed a residential component with a density of 4.96 units per acre. This includes a variety of housing types from detached single-family to townhouse units and apartments. The corner of the property is shown as a commercial area that would have daily needs, office, retail, or dining. This type of commercial is often found at an intersection or crossroads in developing areas.

Staff Recommendation:

Staff recommends the Future Land Use map amended from a “low density residential” land use category to a “planned unit development” category subject to the City Council approval of the rezoning request.

Rezoning:

The applicant is requesting rezoning 229.2 acres from a R-1 (low density residential) zoning district to a PUD (planned unit development) zoning district for a mixed use community. The property is bound by Andrews Road and Anderson Road on two sides and also has a significant border with an active CSX Railroad. There is also a significant overhead power transmission easement that runs along the rear of the property.

The PUD development consist of a mixture of single family detached homes, townhomes, apartments and a commercial corner. The proposed development uses many principles found in traditional neighborhood development or new urban development. This means the development is intended to mix multiple uses and greenspaces into a walkable neighborhood. The overall development has 1,137 residential units. The overall density is 4.96 units per acre. The development has 646 single family home lots. This would include a mix of 60 foot front access lots, 50 foot front access lots, and 40 foot rear alley lots. These lots are found primarily in Tracts 2-4 with some located on the perimeter of Tract 1.

The area shown as Tract 1 includes a section of townhome lots. These lots would include a mix of front entry and rear alley entry townhomes. The developer has said these could range in height from 1-3 stories depending on the topography and adjoining land uses. The master plans shows 216 townhome units.

Along Anderson Road, the master plan shows 275 apartment units on 14.1 acres. The applicant has proposed a mix of two and three story buildings within the development. The two story units would be closer to Anderson Road, while the three story units would be along an internal street and built to work with the topography.

The site also proposes a 5.7 acre commercial area located at the intersection of Anderson Road and Andrews Road. The development would have a mix of commercial, entertainments, retail, restaurant, office and service uses. The specific allowable uses are noted in the master plan

narrative. The commercial would have approximately 57,000 square feet of commercial area. The intended uses would be meant to serve the growing population in this area. There could also be some services, specialty stores, or restaurants that pull in some customers from across the area.

The applicant has provide both example photos and a pattern book of the proposed development types. The eventual product should be similar in style, setback, and layout to what has been provided. Each of the pattern book types provides setbacks and lot coverage regulations. The applicant has noted that the apartments and commercial would follow the C-1 zoning regulation which allows buildings to be constructed up to the property line. This helps them create a more traditional neighborhood center. Staff does not see issue with the request on internal setbacks but recommends the setback to Andrews or Anderson Road be at least 20 feet.

The site is intended to have multiple access roads off Anderson Road and Andrews Road. The master development plan shows six (6) entry points into the development. These entries and the intersection at Anderson Road and Andrews Road will have to be analyzed with the City Engineer to determine what improvements are necessary. Internally, all parts of the development are connected to the rest. The applicant has also provided two stub streets that would connect to adjoining properties for future development. The development uses short blocks between 400-800 linear feet to create walkable areas that help slow traffic speeds. Staff recommends that streets fronting amenities, commercial or residential uses have sidewalks.

Open Space

The master development plan also shows a significant amount of open space and amenity lots. The center piece to the development is a 5.4 acres “central park.” This includes a swimming pool, clubhouse, large open lawn, and mail kiosk. The master plan also shows approximately 5.59 acres of small pocket parks that could be used for dog parks, playgrounds, fire pits, or a splash pad. Mail kiosks would also likely be placed in these areas. The applicant also proposes to use the 18.07 acres between the powerline easement and railroad for open play or athletic fields. The applicant notes that all of these areas could be used for stormwater as well. The proposed plan shows multiple other sites that are set aside for streams, wetlands, or storm water detention. Overall, there appears to be well over 30 acres set aside for open space, amenities, and detention. This is over 15% of the site.

Buffering

The applicant also notes and shows a 25 foot landscape buffer along all sides of the development. The one exception to this is at the intersection adjacent to the commercial areas. These areas should include a 15 foot gateway corridor bufferyard that does not obscure the commercial, but provides softening of the features. The applicant has also noted a buffer on the few lots that would have double frontage between two roads, not including alleyways. The masterplan also shows 25 foot buffers along all streams. The townhouse, apartment and commercial areas should meet the City’s landscaping requirements. Staff recommends that the single-family lots have one tree per detached residential home either located within the right-of-way with approval or in the front yard.

Discussion:

The applicant is proposing a large master plan community with a variety of residential types and uses. The applicant has embraced the concepts like connectivity, useable open space, and increased design. The density at this location is higher than the surrounding properties. It also proposes a mix of smaller lots and units than are currently nearby. The development is located in a growing area of the city. Additionally, the development proposes to use traditional neighborhood or form based standards that are recommended in the City of Opelika’s Master

Plan. While the plan could potentially be better in line with the current surrounding properties if the density were lowered and some larger lots were added, the proposed plan does appear to be alignment with the PUD Criteria in Section 8.18. E.

Staff recommendation:

Staff recommends a positive recommendation be sent to City Council to approve the Elektra Estates/Hopson Farms Master Plan subject to the following:

- 1. The development shall follow the standards and densities found within the written report.**
- 2. Sidewalks shall be required on both sides of the street where they adjoin residential, commercial or amenity uses.**
- 3. All utilities shall be underground.**
- 4. Uses shall follow those listed in the written report**
- 5. Townhouse, apartment and commercial uses shall follow the landscape standards of the zoning ordinance.**
- 6. A 15 foot buffer meeting the planting requirements of Section 10.6.D.2.b shall apply to the perimeter of the commercial adjacent to Andrews Road and Anderson Road.**
- 7. Single-family lots shall have one tree per detached residential home either located within the right-of-way with approval or in the front yard**
- 8. Perimeter setbacks along Andrews Road and Anderson Road for the multifamily and commercial shall be at least 20 feet.**
- 9. Gateway cladding standards and buffers shall apply to all non-single family uses.**

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

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

Mr. Parker reported for the Opelika Utilities Board, water is available on Anderson Road and at intersection of Anderson Road and Andrews Road. Water is not available along Andrews Road and would require extension of 12-inch Ductile Iron Main to point of service if development along Andrews Road if development is begun on southern end as described.

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

Chairman Cherry opened the public hearing.

Cliff Smith, 3529 Trevon Court, stated I have a handout for the Commission that is the bullet points that I want to go over in case my time runs out, as well as some additional details that I won't be able to go over. As far as the intersection of Andrews and Anderson Road, it was just mentioned about doing a traffic study or something there. It certainly will have an impact on that intersection and I'm hoping improvements will be made if needed. It is a four-way stop now. Some vehicles stop, some don't, and some fly through it at 45 miles per hour. I witnessed that two weeks ago and luckily, I was not approaching the four-way intersection. Trucks are not supposed to use Andrews Road, but they do to go out to the plants. They have difficulty turning

at the four-way stops. They're over in people's yards. I just wanted to point out that there are already issues with that intersection and if additional housing as proposed is put out there, it will become much more of an issue. There are many bicyclists on Andrews Road for some reason. Andrews Road from Lake Condry to where Andrews Road intersects with Anderson, it's one curve after another. It's double yellow lines the entire road length except where they put in a new bridge and the City has not restriped that yet, so there's no passing on that entire road from Lake Condry to Anderson Road. So you can't get past the bicyclist, much less somebody going 25 miles an hour. I just want it to be considered the impact that the additional traffic has on a road like that. The Commission approved the rezoning across from Storybook Farms off Cusseta Road down the road from us. That was changed to mixed development for 242 single-family homes on 166 acres. That comes out to about 1.68 dwellings per acre. I just want to mention that because once that's built it's going to have an impact on Andrews and Anderson Road as far as mainly a cut through to the Interstate to Exit 64. I do foresee that traffic coming our direction in addition to whatever is built on the corner of Andrews and Anderson. Just in comparison, we're talking about 1,137 units on 220 or so acres. If there are two drivers in the households of both these subdivisions that are going to be built, that's 3,000 more drivers and that's assuming there's no more than two in a household. That's a lot of folks driving on the roads right there in that limited area. I want to mention Opelika's zoning ordinance for mixed use development, Section 8.18 E. As far as a Planned Unit Development, the ordinance has certain criteria which must be met. They include producing no significant adverse impacts to adjacent properties. My opinion is that it will have significant adverse impacts on property values, increase in traffic, and increase in crime. The second thing from Section 8 of Opelika's zoning ordinance is the design and site planning shall ensure compatibility and harmony with existing and planned uses on adjacent and adjoining properties. The lot sizes along with the rental apartments and commercial units are not compatible with the existing and adjacent property land uses. I hope this Commission will take that into consideration.

Tim Thompson, 3636 Trevon Court, stated I just wanted to speak for a moment against changing the zoning. We moved out there 18 months ago into Tim Moore's development and we're on a septic tank, but I've noticed on those R-1 Lots are all built out and he's opened up a new part that's being all built out. It seems like we keep building these high-density neighborhoods and cramming as many people as we can in a little bit of space, but what about folks who moved to Opelika and they want a little more space and they like bigger lots? I know maybe that's not the trend, but I think there's something opposite going on out there right now and I think that needs to be looked at and taken into real consideration. What you're planning out there is totally the opposite of what is already out there. I'm not against developing the property. I want Opelika to grow and thrive and I want there to be housing for people, because I love Opelika and I love to see it grow, but this just doesn't feel right to me for our City. Developing the land feels right, but this particular kind of development doesn't feel right to me out there because what we do right now is going to set the tone for all this other land that's out there. It's beautiful land and a great place for Opelika to grow to and I think we've got to get that right the first time out. It seems to me like we've been approving 400 or 500 apartment dwelling units over the last several years, some of which are being built and are not occupied yet. Now we're fixing to add more apartments and that just doesn't fit out there. For me, as somebody who loves Opelika, and you might think I have a personal interest because I live out there, but I have a bigger vision than just me and that's for our City and this just doesn't feel right to start that development out there like that. I hope that you'll take a look at this again, rethink it a little bit, and not approve moving to multi-use, which means anything goes. How can any of us be comfortable with that? Let's develop the land but let's be careful about what we're doing because it just doesn't fit with what's already out there and we can offer this as R-1 to people. That would be a whole group of people coming into Opelika who want more land to build on which presently we're not offering them except for what's going on with Tim Moore.

Thank you very much.

Danny Skutack, 681 Lee County Road 174, stated I've been living out there since 1994. I have never had to call the law. I agree with Tim and the previous guy, it just doesn't feel right trying to cram that many people into one spot. You're going to have high traffic, high trash, and high crime. I've noticed that people that don't own their own places but rent throw a lot of trash out on the street. This is a gateway to Opelika and this is going to be indicative of what Opelika is going to become. Not to mention the high crime. If you put that many people in one spot, there's going to be a lot of bad people out there. We have people that own 5, 10, 20, or 50 acres out there. You're going to have a lot of people trespassing on people's land. I have a lot of neighbors and I myself have unsecured equipment out there like tractors and riding lawn mowers. You put a place like this out there with the townhouses and you're going to have people walking up and down the street looking for things to do. You're going to have confrontations with the neighbors. If you look at the development on the other side of the intersection going up towards the Walmart Distribution Center, they are beautiful homes. They're immaculate and you can tell those people take care of their places. I'm afraid if you put literally a town on 220 acres of land and cram all those people in there, you're opening up Pandora's Box. You're going to need more policemen out there. I know that they have codes and stuff like that on the fire, but has this been run by the Fire Marshal or anything like that or does that happen at the end of the final platting?

Mr. Hilyer stated it actually happens before the permits.

Mr. Mosley stated they're made aware of the development and would have a specific review prior to the final subdivision.

Danny Skutack stated this is a country place. It's real spread out and then all of a sudden you're just going to have one sore spot right there. I'm not against development or anything like that, it's just the quarter acre houses. Forty, fifty and sixty foot lots just doesn't feel right. We've been trying to contact all the people that live out there and I would like to propose that we could table it so we can get more information out to some of the surrounding people to let them know what's going on and what's going to impact them. Would that be a problem?

Chairman Cherry stated we just have to wait and see. That comes up after you finish.

Danny Skutack stated okay well, that's what I'm proposing because I know that there's probably not one person that lives out there that wants this to happen. I know you guys are supposed to represent the people of Opelika, not some development company from Atlanta and I don't want this place to be Atlanta. It really comes down to the safety and happiness of the people that live out there. We're going to have to be watching our places. I'm sure burglaries and theft are going to go up, you're going to have confrontations with neighbors, and it's just going to change everybody's lifestyle out there in my opinion. Thank you.

Don Howerton, 3612 Trevon Court, stated I've only been here a year and a half. We looked in Auburn, we looked all over, and we liked the nice little town of Opelika. We studied the area out here and we saw the zoning was one acre for a house and that appealed to us. We've only been there a year and a half and I have to come down here because you want to change the zoning? What was already there is the reason we bought the place. Another issue is, the Builder says we've got to have septic tanks. We're in the city limits and we're going to have septic tanks and no storm drains because the infrastructure wasn't there. So, a year and a half later, you're going to build a whole city across the street. If you don't have the infrastructure to take care of the street I'm on, think about that. That road going to the Sportsplex, you've dumped thousands

of dollars on this little bridge that needed to be redone. Well, you're going to put 2,000 more cars on that road for that little, tiny bridge, so that means all that work's going to have to be redone. You just can't do it for the intersection there, so you're going to do a traffic study. One of the biggest problems I have with this whole thing is trying to get a hold of our neighbors to inform them. We're working people. Three o'clock in the afternoon, most people work till five. At least give us a chance, because I'm sure we would either get the signatures through the internet or we'll get them down here, but we've got to do it at an hour when we can come down here. Thank you.

Clanton Lipscomb, 3725 Anderson Road, stated I've been out there for 35 years. That's our community. I know y'all have communities that you live in, and I know you pride your communities. I'm asking this Commission to think about the people that live in this community. Henry Clark has been there for over 50 years. There are others who are building homes out there now R-1. We're satisfied with R-1 and we know that that can be a lovely community we're developing as R-1. If that plot of land was developed R-1 we would love it, but what this company is trying to bring in is just too much. We're asking y'all to please think about our little community and the way we feel. A lot of us are retired and we can't move away and rebuild and then we have people who've just bought. Think about it for us in our community. We want to keep our community. Let's keep it R-1. Thank you.

Virginia Thompson, 3636 Trevon Court, stated I've been out there 14 months and most of us that are in this new Andrews Estates, the R-1 Estates, are new. I moved from a fabulous Cannon Gate neighborhood and moved out there because I wanted a little country feel but to still live inside the city limits. I moved out for quality of life and that is what we're asking you to help us preserve. None of us are against the building out of that section of land. If we were to prioritize it for you our first preference is that it remains R-1, one house per acre, which is what we all have now. Secondly, and this is personal, it would be no multi-family, no townhouses, no apartments. Third, no commercial on that corner. My last would be, if you're going to allow development there that's not R-1, give us a larger percentage of the 60-foot lots. You've got 60-foot, 50-foot, all the way down to 30-foot. Give us a larger percentage of the larger lots to the smaller lots. Personally, I really want it to stay R-1, but I do understand that y'all are trying to do what you think is best for Opelika. Thank you.

Janice Martin, 3900 Anderson Road, stated I live across the railroad tracks. We have 42 Acres where we live right across from Mr. Clark and right across the railroad tracks from this development. I teach nursing at Southern Union so this will affect me every single day and every minute of my life. We are all very excited about having neighbors. We love the houses in Trevon Court. I think that it was such a good addition to that area. It very much supported the nature of where we live. This does not support the nature of the neighborhood at all, and I think that the roads cannot accommodate this. I know Engineering is going to look at that, but I cannot imagine what they will have to do to make this amount of traffic be safe up and down those roads. I've lived there for 16 years and at the railroad track a freezer truck got hit by a train that was full of pizzas. I have picked up everything from pizza boxes, to dead animals, to one of the local physicians had to be life-flighted out of our pasture because of that railroad track. Someone will die on that railroad track if you put this many people out there and don't do something really serious about that road and that railroad track infrastructure. I see all these houses next door to the railroad track. That train is loud, it comes by at least three times a night, and it honks the whole way across. It has to, because every engineer that drives through there probably has been warned you will hit something there. It is loud and it comes across these houses. I don't know anyone that would willingly want to buy these houses next to the railroad track. We live far enough away and we're used to it. I do think that there are some real concerns about putting this many people into a beautiful area. The houses are nice. Driving down the

road you can't see all the homes, it's wooded, they're very nice homes and very nice lots. I'm not saying this won't be nice, but that's just not the nature of our neighborhood. I wish you would please consider that. We would love to have those lots developed, but I was overwhelmed when this came up on the screen. Thank you.

Howard Galimore, 1705 Andrews Road, stated I have been there since 1977 and I have not seen anything like this that is trying to be put together by these developers in a long time. It might not mean a lot to anybody, but how would you like this in your front, back, or side yard? You wouldn't at all. Life is short to some degree for some people. We want to try to get as much fulfillment out of it as we can. We want to enjoy our life and our families and our property. We want to get out in the yard and do what we want to do and get a home and enjoy that. If this development goes over, I know he said earlier that this is not going to happen all at once. It'll be 10 or 15 years. You have to endure all that, for all that going on. The traffic it's going to entail with this, the people who don't care about the City of Opelika, and the people that are just sorry, do not care about that. There will be one family in there that's supposed to be two or three adults and the next thing you know, there's four or five living in that house. That doesn't mean a lot to a lot of people, because they just want to sell the property and make money off of it. Why don't you just leave it residential R-1 and not pass this silly commercial zoning. We sure don't need it in our area at all.

Libba Herring, 1103 Andrews Road, stated I lived there for 28 years and I just moved from Andrews Road this summer. We sold our house to our son Rusty and his wife and his four children. Our intention is to come back there and build on the front of that property. We moved there in 1994. We loved this area because we were in the city but we were in the country and I would just like to say that more is not better. Currently I live in Auburn, Alabama. I'm renting a house. I could not find one to rent in Opelika, but our neighboring city is building more and I'm telling you it's not better. I have many friends that have come to this community and they are looking for one to four acre lots, but there are none. The lady that lived in the rental house that I'm currently in wanted to be in Opelika so badly, but she couldn't find anything that fit her needs. I just really think that y'all need to consider what you're going to do, and I would love to see y'all consider developing that but keep it R-1. Let somebody come in that wants to make a subdivision and keep the trees. Make one to four acre lots. I think they would sell so fast it would make our heads spin. I love Opelika and I am coming back to Opelika. I love this area that I resided in for 28 years and my son loved it. That's why he decided to purchase our house and I want my grandchildren to experience what my children experienced. Thank you all so much for what you do.

Keith Singleton, 1740 Andrews Road, stated I would like to see it stay R-1 out there. With commercial on the corner, it's going to create a whole lot more traffic. I'm already out there picking up trash all the time and if you get in your car now you can go out there now and you'll find trash on the side of the road. I looked down there today and there's trash. The development that they're talking about doing is going to be highly congested. I just moved from Auburn, Alabama. It's congested down there, and I wanted to get away from that. That's why we bought out where we're at, because it's more space. I wanted a place where I could leave something for my kids so they could go out and enjoy country life. What they're fixing to do out there now, I don't want any part of it. I tried to get away from that and now it's coming right into your door. The development out there, Andrew's Estate, is a very nice development. You have very nice homes, very nice people, everybody minds their own business, and they have their own space. I think what they're planning on doing out there is going to create a lot of problems, starting with traffic. It's over 1,100 units they are planning on developing. You can multiply that two or three times. I just don't want any part of this and if this is done, I'm out. I don't want to be out there, and I think most people that bought out there probably feel the same way. They bought out

there so they can have some space, so that the grandkids and family could come over, and so they can enjoy themselves, but doing that is going to take away from a lot of that. It's already a little busy on the main highway out here, but it's going to get even worse. If I had a grandchild, I definitely wouldn't want them anywhere near the road. I just think we ought to keep it all R-1 and maybe look at developing the land for larger lots and homes. I know people who live in Auburn right now who want to go out to larger lots because Auburn is congested. That's why I'm up there. I thought it'd be great. We got a little space out there and I'm happy in that space, but if this happens I don't think I'm going to enjoy that space at all. I think we ought to keep it R-1, single-family residences, and larger lots so that it would be a desirable place to live. I've noticed in Opelika there is not a whole lot of development going on as far as nice residential lots. I think that would be a great opportunity out there. It's already in that direction, I think we need to keep it that way. Thank you.

Henry Clark, 3720 Anderson Road, stated I've been out there 50 years and I live adjacent to this property. I understand that progress is going on in this land, but is it possible that you all could table this and start it again? Where I live is right there and there will be a lot of commercial going on out there and I will have to be more alert. If I could just get you all to do that, it sure would be a help to me. My wife is 82 years old. We have been there a long time, 50 years, and that progress there will take the life out of us because it will be a lot of commercial going on out there. There's enough out there now from those plants working out there. Cars are zipping by all night long. I know they have to make a living, but those cars go by and I get all of that traffic because I live down on the end by the railroad tracks. If you could table that, we sure would appreciate it.

Shane Kyles, 3501 Anderson Road, stated I just wanted to say that this development is totally out of the character of the area. Just like everybody said, that's a special little area where we live, and I think if the door gets opened to this we'll have the next developer trying to do it somewhere else. I would just like to ask you to consider it. I'm so thankful we have a Planning Commission and I'm thankful that we have a Planning Department. I used to work for a planning department. I'm very thankful for the City of Opelika, I love this City and I love everything that's going on here. I'd just like to ask you to consider maybe having the area stay the same. I think that's all everybody's saying. Thank you.

Warren Jolly, 673 County Road 130, Union Springs, Georgia, stated to give you a little history, we deferred this a couple times to get more information about how the property would be developed. Defining stream buffers and defining grades in the topography, so it took a little time to get to this point on the site plan. As a developer or builder, we're encouraged to work with the staff and the rules that you guys have in front of you. So, we've met with water and sewer several times. We had several different meetings with Opelika trying to figure out the development possibilities of this property. We didn't come in overnight with this plan. You have a land use plan, you have an ordinance, you have a guide, and we followed those items. You have industrial across the street, this is a mile and a half from the freeway, you've got a four-lane a mile that way and then you've got about a half mile that's two-lane to the intersection of Anderson and Andrews Road. If you go look at the Sportsplex, it's a two-lane road off the interchange in the intersection of Sportsplex and Andrews Road. You have a major complex right there on a two-lane road at both intersections. It's no different than this intersection that we're talking about right here. Now this intersection is skewed a little bit at how they intersect from not a 90-degree angle and those are things with transportation and traffic that you look at during the development process of these developments and you fix problems. I understand there are problems with it now and we're doing a traffic study and we'll be able to tell you with this traffic study, but most of this stuff does not get done until development happens. Schools don't get built, roads don't get built, you don't add fire, you don't

add anything until you have development and houses. We had a meeting last night where we tried to invite everybody that had been to the first couple of meetings, and one person showed up. We called everybody that was on the list before that we had a phone number for from the first few meetings. If you didn't write your name on that list, we didn't know how to get in touch with you. The list was from the first meeting. Some people signed up, some people didn't. We have that list so we can reach out. Well, we had a meeting last night at the Sportsplex. We tried to go over the types of development that we're trying to do here. We understand what people are saying, but also the seller has a right to sell his property. He has 229 acres, he wants to sell it to one person, it has railroad track access, you have industrial all around this area, you're a mile and a half from the freeway, you've got the Sportsplex close by, and you can't get sewer to this property. At the same time, the seller had a lot of other people that were looking at this land for different things and nobody was looking at it for R-1 development and nobody will look at it for R-1 development knowing what development costs are today. I've heard a lot about crime and trash and these types of developments don't do that. This is a quality development with the price points that we're talking about and the square footage of the homes that we will be selling for. People mentioned the multi-family and the commercial track. We don't think these are uses that are going to be there today. In fact, we can talk about doing something different with those, but we think that's a good use for this property because they're a mile and a half off the interchange and there will be a desire to put those types of uses there. What we didn't want to do is zone it all residential and in five or ten years when you come back and try to put retail or commercial or apartments on the corner, have somebody say well, you should have told us five years ago you were going to do that. This is a big piece of property; it's not going to get developed overnight. No matter what goes here, the seller wants to sell it. The family has owned the land for a long time and all we can do is come in and ask questions from the City and the staff and get guidance for what we want to try to do or what we think the rules are. We want to do quality projects and we do quality projects and that's how we're here today. I appreciate the support and we do agree with all the staff conditions that they presented. Thank you.

Helen Skutack, 3931 Anderson Road, stated this gentleman said the family that owns this wants to sell it to get their money. I think that if this was sold and still developed as an R-1, which it should be, that family could make plenty of money. To us, this is our homes. To this gentleman, it's money. He doesn't live here. This is going to be like 3,000 people in less than 200 acres because they said that they're keeping 50 acres as green space so that that drops that down to about 190 acres for homes. This is not what we bought into when we bought our properties out there. We all wanted to have some land. We don't want people sitting on top of us. I think this is a big issue and I don't think everybody in the neighborhoods were told exactly what was going on with this property. We live across the street from the Martins and they got a certified letter. We didn't get anything notifying us that this was even going on. If they hadn't told us, we would not have known. I think that this issue needs to be tabled until everybody in the residential areas of this proposed action can be notified and that everybody knows what's going on. Thank you.

Chairman Cherry closed the public hearing.

Motion to send a negative recommendation for rezoning to City Council

RESULT:	Passed
MOVER:	Lucinda Cannon
SECONDER:	Ira Silberman
AYES:	Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Sweatman
NAYS:	None

ABSTAIN: None

Motion to deny the Amendment to the Future Land Use Map

RESULT: Passed

MOVER: Lucinda Cannon

SECONDER: Ira Silberman

AYES: Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Sweatman

NAYS: None

ABSTAIN: None

F. FINAL PLAT

10. The Villages of Opelika SD, Phase 1, 50 lots, accessed from 3000 Hi Pack Drive, Brian Lee, authorized representative for SP Opelika Ventures, LLC, Final Approval (*This item was tabled at the October 25, 2022 meeting at the applicant's request*)

Mr. Mosley reported the applicant is requesting final plat approval for a 50 lot subdivision. The subject property is approximately 21.92 acres located with a PUD zoning designation. The preliminary plat approval and master plan show 131 lots in this area. The proposed subdivision contains 36 single-family lots, 14 townhome lots, and a private street. The remainder is expected to be platted at a later date.

The 36 single-family lots exceed the minimum size of 2,800 square feet and 35 ft width. Most of the lots are 42 feet in width and between 3,300 square feet and 4,400 square feet. The townhome lots meet the minimum standards for this product type and are 20 foot in width and meet the minimum lot size of 1,100 square feet. The townhomes would face towards the private street shown between the two main roads.

The applicant is showing external connections to Hi Pack Drive and Hammonds Drive. These will need to be constructed during development. The original PUD also included requirements for sidewalks on both sides of the street along residential or amenity locations.

The PUD also required large buffers against the north, south and west property lines. The north and south buffers were required to meet the residential buffer requirements of the zoning ordinance. These buffers should be shown on the plat if the lot is included in this phase. Additionally, the development is required to have one (1) canopy tree per residential lot. This should either be in the front yard or in the right-of-way with city approval.

Overall, the density and general street layout are consistent to approved and proposed PUD. The lot sizes are consistent with the preliminary plat and master plan. There are some minor corrections that need to occur to the plat.

Staff recommends approval of the final plat subject to the following conditions:

1. **Only show the 50 lots that will be getting final plat. The remainder should be shown as a future lot or greyed out. This should also apply to the Lot Number table.**
2. **Change the title. This is not "Preliminary Plat".**
3. **There appear to be a few storm sewer easements from the construction plans that are not shown. This includes Lots 39, 99, 105, 115, 121, and 129.**
4. **Work with Engineering to get the final approved street names on the plat.**

5. **Show the exterior buffer lines**
6. **Change note 2 to include the alleys and callout the lots in the note.**
7. **There are two lot 129s.**
8. **Take “Not in Use” off Hammonds Drive, since it will connect.**
9. **Provide sidewalks on both sides of each street adjoining an amenity or residence.**
10. **All utilities shall be underground.**
11. **Connections to Hi-Pack Drive and Hammonds Drive shall be coordinated with the City Engineer.**
12. **Residential buffers found in Section 10.6.D1 of the zoning ordinance shall be required on the northern and southern property lines.**
13. **Buffers need to be labelled on the plat.**
14. **One large/canopy tree shall be installed for each house frontage either in the right-of-way between the sidewalk and the street curb with permission from the City of Opelika or in the front yard adjacent to the public right-of-way. This should be noted on the plat.**
15. **No sideyard on street setbacks along public right-of-way shall be less than six (6) feet.**

Mr. Parker reported for Engineering, all of the Opelika Surveyors comments regarding the plat have been addressed.

The Engineering Department has been inspecting the construction and testing of the infrastructure in this subdivision.

A Certification of Completion will be completed and signed by the Engineering and Public Works Directors prior to the signing of the final plat. There are no other comments or concerns from the Engineering Departments regarding this final plat.

Mr. Parker reported for the Opelika Utilities Board, final water system inspection is required before signing the final plat.

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

Motion to grant final plat approval with staff recommendations

RESULT: Passed

MOVER: John Sweatman

SECONDER: Director Mike Hilyer

DISCUSSION: Ms. Cannon asked are these lots 40 feet? I see 41 and I see it going down to 37.

Mr. Mosley stated yes ma'am. I believe some of these are 37 feet in width, which is what was approved with the Master Development Plan.

Ms. Cannon asked does that mean we can't change it?

Mr. Mosley stated yes ma'am. The Master Development Plan becomes the zoning, and so at that point that would be what they are entitled to.

AYES: Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Sweatman

NAYS:	None
ABSTAIN:	None

VI. OTHER BUSINESS

G. Opelika/Lee County inter-local agreement for planning jurisdiction

Mr. Mosley reported Governor Ivey signed Act 2021-297 effective January 1, 2023, which reduce the overall Planning Jurisdiction for municipalities from 3 miles to 1.5 miles. The act also provides that by an agreement between the county and a municipal jurisdiction, a joint agreement to accommodate subdivision development is acceptable. If the agreement is not approved by all parties, the municipality loses the ability to regulate subdivisions within the revised planning jurisdiction.

The City of Auburn, Lee County, and City of Opelika have drafted an inter-local agreement to accomplish this task.

The agreement does not substantially amend the previous agreement that was approved in 2012 under an act approved by then Governor Bentley.

This verbal agreement allowed within the planning jurisdiction of the City of Opelika, that whatever public right of way (streets) standards between the City of Opelika and Lee County are more restrictive, those standards would apply to subdivision development within the one and one half (1.5) mile planning jurisdiction of the City of Opelika.

This agreement must be approved by the Planning Commission and City Council, and signed by the Chair of the Planning Commission and Mayor for the City of Opelika.

STAFF RECOMMENDATION: Approve the DRAFT Inter-Local Agreement for the Planning Jurisdiction between the City of Opelika and Lee County.

Mr. Parker reported for Engineering, no report.

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

Mr. Parker reported for the Opelika Power Services, no report.

Motion to approve the DRAFT Inter-Local Agreement for the Planning Jurisdiction between the City of Opelika and Lee County.

RESULT: Passed

MOVER: Director Mike Hilyer

SECONDER: John Sweatman

DISCUSSION: Mr. Silberman asked are there any negative concerns for the City regarding this?

Mr. Mosley stated no sir. Mr. Gunter had some language that clarified a little bit, but for the most part it's the exact same agreement that we had before. It's very similar.

Mr. Gunter, City Attorney, stated it will have to be approved by the City Council.

Mr. Mosley stated yes. After this, the City Council and the Lee County Commission would both have to approve this as well.

Mr. Gunter stated if nothing is done, we can't exercise subdivision jurisdiction outside of the City limits. It's to our advantage to approve it.

AYES: Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Sweatman

NAYS: None

ABSTAIN: None

VII. ADJOURN

Motion to adjourn at 4:46 p.m.

RESULT: Passed

MOVER: Arturo Menefee

SECONDER: John Sweatman

AYES: Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Sweatman

NAYS: None

ABSTAIN: None

Lewis A. Cherry, Chairman

Matt Mosley, Secretary

**City of Opelika
Planning Commission
November 29, 2022
Rezoning – Public Hearing**

- **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.**
- **Rezoning request, Foresite Group, LLC. Authorized representative for Keith B. Norman, Electra Estates, 220.2 acres, accessed from Anderson Road, from R-1 to PUD.**

Items for the Commission to consider:

Intersection – Andrews & Anderson Road. Assuming it's been reviewed to determine the impacts and what improvements will be needed? Now it's a 4-way stop – some vehicles stop and some don't. A few weeks ago I witnessed a vehicle that didn't down and ran right through as if there wasn't a stop sign there (45-50 mph). Trucks are not supposed to use Andrews Road but they do constantly and have difficulty turning at the 4-way stop. I just wanted to point that that are already issues with this intersection and hopefully the intersection is being looked at as it will not accommodate the amount of traffic that's being proposed for the development.

Bicyclists – Andrews Road and Anderson – Andrews Road is one curve after another from Lake Condry to where it intersects with Anderson. There's a solid no-passing line the entire length (except for where the bridge was replaced and it hasn't been re-striped). If you get behind someone going 25 mph, there is no place to pass on the entire road. For some reason bicyclists use this road. If the development is to be approved, I hope this roadway is being looked at to accommodate bicyclists and the increased traffic and the fact you can't see around curves. Ideally there will be plans for bicycle lanes. Again, I just wanted to point out that issues already exist with traffic flow on the two roads, especially Andrews from Lake Condry to Anderson.

As you know, across from Storybrook Farms – (Hwy 431 and Cusseta Rd) — Zoning was changed from low density (R-1) to mixed/public use development (PUD) for 242 single family homes on 166 acres. ---- 1.68 dwellings per acre on part and 1.45 dwellings per acre on other part. In making a determination on the proposed rezoning of Andrews/Anderson Road – need to take into consideration the already approved Cusseta Road development and the traffic it will cause on Andrews Rd between Andrews and Lake Condry, as well as Andrews/Anderson Rd intersection to where Anderson intersects with the new roundabout at Sportsplex Pkwy

Proposed development on Andrews/Anderson Rd is for 1137 units: 216 townhomes; 275 apartments, 371 single family homes on 229 acres. That's just 63 more acres than the Cusseta Road development which amounts 895 more units to be built on Andrews/Anderson, not including the commercial development that's proposed.

If there are two drivers in each household, we're talking about almost 2300 more drivers plus almost 500 for the Cusseta Rd development across from Storybrook who will most likely use Anderson and Andrews Road to cut through to travel to and from the interstate (Exit 64). A conservative estimate of 2 drivers per household comes up to 3000 more drivers than there are currently.

I'm specifically opposed to the large number of units to be built, the apartments, and the commercial tract.

Opelika's zoning ordinance for mixed use development (PUD) in Section 8.18 E. states that a planned unit development may be approved only when certain criteria are met. They include:

1. The proposal shall produce no significant adverse impacts to adjacent properties. My opinion is that it will have significant adverse impacts – property values, increase in traffic, increase in crime.
2. The design and site planning shall ensure compatibility and harmony with existing and planned uses on adjacent and adjoining properties. Design elements to be considered include architectural, building heights and bulk, privacy. I haven't seen any information on the proposed design elements, however, the lot sizes along with rental apartments, and commercial units are not compatible with the existing adjacent and adjoining property land uses.
3. Location, design, and size of the proposal will be adequately served by existing or proposed facilities and services. I haven't heard plans for upgrading roads and intersections that I've mentioned. I haven't heard if city services can handle the increase (i.e. garbage, sewer, water). There were recent reports with issues with low water pressure in new Stone Martin developments. The company was complaining that the city wasn't prepared utility-wise in regards to the addition of new housing. The company was having to install equipment to increase water pressure in homes. Therefore, I'm not sure the city services are keeping up with the current demand and these may continue to decline if substantial development continues in specific areas.
4. The location, design, and size of the proposal are such that traffic generated by the development can be accommodated safely, without causing congestion on major streets and without requiring the unnecessary traversing of other local streets. In addition to the traffic flow issues I've already mentioned, I'd like to also point out that there are already traffic flow issues near Opelika High School. The additional housing is going to create more traffic issues on Lake Condry Road and Hwy 431/Lafayette Pkwy. It's my opinion that the proposal as it is now cannot accommodate the additional traffic safely based on reasons I've already stated.

In conclusion, it is my opinion the proposed development, in its current form, does not meet the criteria outlined in Opelika's zoning ordinance and as a result, I'm asking Commission members to not approve the rezoning based on the plans that have been submitted by the Foresite Group, LLC.

**Respectfully submitted to the City of Opelika Planning Commission on
November 29, 2022.**

**Clifford W. (Cliff) Smith
3529 Trevon Court
Opelika, AL 36801**