



PLANNING COMMISSION MINUTES

300 Martin Luther King Blvd.

April 25, 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 April 25, 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, Mayor Gary Fuller, Mr. Ira Silberman, Councilman George Allen, Dr. Arturo Menefee, Mr. Michael Hilyer, Mr. Jay Walters, and Mr. John Sweatman.

MEMBERS ABSENT: Mrs. Leigh Whatley.

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

Chair Lucinda Cannon and Mayor Gary Fuller recognized outgoing Commissioner Ira Silberman for his role on the Planning Commission over the last 13 years.

Commissioner Silberman thanked the Commission, staff, and City leadership for giving him the opportunity to serve the community.

Approval of Planning Commission Minutes March 28, 2023

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

III. UPDATE ON PREVIOUS PC CASES

Mr. Mosley stated that the Dickson Farms rezoning is moving through City Council and that the first public hearing was last Tuesday and the second reading and vote would be at the next City Council meeting next Tuesday.

IV. NEW BUSINESS

A. **CONDITIONAL USE - Public Hearing**

1. Chris Taylor, authorized representative for Marrell Hartley, 1418 2nd Avenue, C-3, GC-S, Auto sales and auto repair.

Mr. Mosley reported that the site previously received conditional use approval for an auto maintenance license at 1418 2nd Avenue in 2019. The applicant is now requesting conditional use approval to add automobile sales and auto repair⁽¹⁾ to his existing auto maintenance⁽²⁾ shop. Auto sales and auto repair in a C-3, GC-S zoning district require conditional use approval. The property at 1418 2nd Avenue was first developed in 1975 for the Bence & Morris Pontiac Buick GMC dealership.

In 2019, the Planning Commission granted conditional use approval to allow Opelika Town Auto (auto maintenance shop) to expand from their 1419 2nd Avenue location to 1418 2nd Avenue for an auto sales lot. The 2019 PC approval included automobile repairs² (engine overhauls or replacement), but the repairs were only for those vehicles owned and for sale at the Opelika Town Auto Sales lot. Overhauling or replacing engines on a customer's vehicle was not allowed. Opelika Town Auto Sales is no longer at 1418 2nd Avenue. Since 2019 the applicant has remained at this location as an auto maintenance business and is now requesting to add auto sales and auto repair.

The 6.1 acre property has a 9,910 square foot building with an office & showroom area, and auto repair shop with six vehicle lifts. The applicant's request is to repair and sale the applicant's vehicles that are for sale as well as provide auto maintenance and auto repair to a customer's vehicle. The applicant's auto repair is for engine overhauls or replacement and auto body work. No auto painting will be provided by the applicant. A vehicle that receives body work from the applicant will be "subbed-out" to a local auto paint shop to paint.

The business has a vehicle detail department (auto maintenance) that includes washing vehicles. The wastewater from washing vehicles must drain in an inlet that is connected to the sewer main, so the wastewater is treated at the wastewater treatment plant.

Planning staff has discussed with applicant about the location of parking and storage of vehicles and work activities on the 6.1 acre property. The yellow line shown on page 4 is a boundary area of 1.1 acre. The applicant said the boundary area is an adequate size for an auto sales display area, employee and customer parking, temporary vehicle storage, and all other business activities. The applicant said that no vehicle storage or work activity will take place outside the boundary area.

The business is not part of the 'wrecker rotation' system that tows wreck automobiles to approved auto storage yards. The business does not have a tow truck. The applicant understands that the inbounding of wrecked or inoperable vehicles at 1418 2nd Avenue is prohibited. Staff has reviewed with the applicant Section 7.6 Gateway Corridor⁽³⁾ regulations concerning auto repair shops. The applicant said he will remove those vehicles from 1418 2nd Avenue that do

not meet Section 7.6 Auto repair requirements.

A dumpster is not shown on site plan. Staff discussed with applicant that trash and discarded materials must not be seen from 2nd Avenue. The applicant uses the City's garbage services for smaller trash. For large discarded metal body parts or smaller parts acceptable to recycle, the scrap materials are kept in the building or stored into a box truck temporarily and then taken to a scrap yard. The applicant said the scrap material will not be seen from 2nd Avenue. If a dumpster is installed in the future, the dumpster must be enclosed on all sides with an opaque fence and gate; the enclosure must be at a height, so the dumpster is not seen outside the enclosure.

The site and landscape plan provided meets minimum parking space requirements and landscaping. The site plan shows 33 parking spaces, 29 spaces are required. Six additional parking spaces are also provided inside the building on the six vehicle lifts. The parking spaces on site plan are labeled designating parking for 'customer repairs' 8 parking spaces, vehicles for sale' 16 parking spaces, and 'employee & customer parking' 9 parking spaces. The property was landscaped by the previous business(s) in all pervious areas available. The property was first developed about 1975 before the Landscaping Regulations (1995) were effective; a large portion of the 6.1 acres is concrete or asphalt. The applicant is responsible for maintaining the existing landscaping and replace removed or dead plant material.

The applicant shared that he desires to have a professional auto sales and service business. He said his business is on a high traffic volume street, a Gateway Corridor, and first impressions from motorists driving by his business is important. A professional appearance is significant in the auto sales and auto service business.

Staff recommends approval subject to the following

1. Renewal of the applicant's business licenses for auto sales, auto repair and auto maintenance are conditional each year when the applicant applies for renewal. During the year, Staff will schedule a monthly inspection of applicant's property. Staff will correspond with the applicant by email reporting property conditions and any violations. The applicant must reply with plans to correct violations. Violations must be corrected in a timely manner. Renewal of business license is granted if compliance with Section 7.6 Auto Repair requirements and conditions for approval required by the Planning Commission are met.
2. The temporary storage of vehicles or impounding of vehicles is not allowed. The storage of vehicles on the premises must be a customer's vehicle waiting for auto repairs or maintenance work or the vehicle is repaired and waiting to be picked-up by the customer. All vehicles parked or stored on property must have a current license plate and auto title.
3. All repairs and maintenances of vehicles must be provided inside the building not outside the building.
4. Discarded auto body or engine parts stored on the property must be stored inside the building, in container that is enclosed all sides with an opaque fence and gate or in box truck with door closed so parts are not seen from 2nd Avenue.
5. Stripe the 33 parking spaces as shown on the site plan. One parking space must be handicap accessible.
6. Vehicle storage and work activities are limited to the boundary area shown on page 4 of this report and on site plan. All existing vehicles outside the boundary are prohibited and must be removed or relocated on a designated parking space provided on site plan before a business license is issued.
7. A drainage system for the washing of vehicles must be constructed to collect wastewater into an inlet that is connected to the sewer main so the wastewater is treated at the wastewater

treatment plant as approved by the applicable department.



(1) Automobile Repair. A business includes body work, major engine repair, major repair of drive train and related mechanical parts, and any other use allowed in an automobile maintenance establishment or automobile service station.

(2) Automobile Maintenance Establishment. A business establishment where minor automobile services are rendered such as replacement of oil and filters, spark plugs, batteries, and distributors, replacement of minor items of equipment such as mufflers, tail pipes, water hose, fan belts, brake fluid, etc., front end alignment, brake repair, tune ups, etc.; where no part of the premises is used for paint spraying, body or fender repair, or the storage of dismantled or wrecked vehicle parts; and where all repair and service is conducted within a fully enclosed building; except the washing of automobiles and motor vehicles shall be permitted on the exterior of the premises.

(3) Auto Repair (Section 7.6 Gateway Corridor Overlay District)

1. New or expanded automobile repair facilities in this overlay must meet the following standards:
2. Vehicles undergoing repair, painting or bodywork shall remain inside an enclosed structure at all times.
3. Unlicensed, untitled vehicles shall not be permitted on the site at any time.
4. No body or chassis shall be stored on the site at any time. All parts, including body parts, shall be stored within a completely enclosed structure.
5. Adequate provisions shall be made for ventilation and the dispersion and removal of fumes, and for the removal of hazardous chemicals and fluids.
6. There must be a separator within the drainage system if cleaning agents are being rinsed off of vehicles for all washing/rinsing.
7. There shall be no selling of vehicles at a shop for auto repair. The area around the building shall be kept free of debris and shall be maintained in an orderly and clean condition.
8. No repair, service or paint bay shall be oriented so that its interior is visible from the corridor street.

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 objections or comments.

Mr. Parker reported for the Opelika Power Services, this subdivision is inside the Opelika Power services 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: Councilman Ward 1 Willie Allen

DISCUSSION: Mr. Sweatman asked if the property was being subdivided and if the approval could be expanded to the rest of the acreage?

Mr. Mosley stated that he had not received anything to divide this from the larger property and that the specific language of the staff recommendation for approval was limited to what was shown on the site plan. He stated that any expansion beyond what was shown on this site plan would require amending the conditional use based on current staff comments.

Chair Cannon stated that this was in the Gateway Corridor and that she has seen too many auto repair places where cars are not picked up.

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

NAYS: Chair Cannon

ABSTAIN: Ira Silberman

B. REZONING - Public Hearing

2. (a) Amendment to the Future Land Use Map, accessed from Anderson Road and Andrews Road, 197 acres, from a low density residential to a mixed use development land use category.

(b) Rezoning request, Blake Rice, Barrett-Simpson, authorized representative for 280 Land Company, LLC, 197 acres, accessed from Anderson Road and Andrews Road, from R-3 to PUD (Edgefield Farm)

Mr. Mosley reported the rezoning request from R-3 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 197-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 197 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 “planned unit development” pending the rezoning of Dickson Farms. The property to south

also has a designation as “planned development” for the Hidden Lakes North property. 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 2.76 units per acre. This includes a variety of housing types including detached single-family and townhouse units.

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 197 acres from a R-3 (medium density residential) zoning district to a PUD (planned unit development) zoning district for a mixed residential community. The property is bound by Andrews Road and Anderson Road on two sides and also has a border with Hidden Lakes North and the proposed Church of the Highlands site. The southern boundary of the development is a creek with some significant flood plain.

The PUD development consist of a mixture of single family detached homes and townhomes. The overall development has 544 residential units. The overall density is 2.76 units per acre.

The development has 404 traditional single family home lots. This would include a mix of 50 foot front access lots and 40 foot rear access lots. There are 243 50-ft single family lots and 160 40-ft single family lots. The setbacks for these lots are:

Front: 20 ft

Side: 7 ft

Rear: 25 ft

The 40-foot lots are accessed by private alleys that connect to public streets. Forty foot lots have been somewhat of an issue in recent development like Firefly and Dickson Farms. The earlier phase of Dickson Farms was not recommended for approval with the smaller lots. This was one of many items that were changed between the two submissions including overall density and removal of commercial and multi-family uses.

The site also includes two sections of townhome lots. The applicant states in their narrative that these units would be designed with common parking to allow for “courtyard” open spaces. 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 140 townhome units.

Front: 20 ft

Side (End Unit): 10 ft

Rear: 25 ft

In most recent PUD requests, staff has pushed to have lots smaller than 50 feet be rear access. This creates a stronger connection between the street and the front facing portion of the development. The applicant has chosen to place the townhomes in this development in defined pods. It is difficult to determine what this will be based on the information provided. If the common parking approach is used, additional buffering and landscaping may help improve the transition through the neighborhood on the public streets.

The applicant has not provided any information on what the single-family or townhome units would look like.

The site is intended to have multiple access roads off Anderson Road and Andrews Road. The master development plan shows four (4) 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. While most of the streets in the townhome area are private, there are public entry drives that connect to the remainder of the development. Hidden Lakes North was not required to connect to this section of the property due to the creek and flood plain. 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 or residential uses have sidewalks.

Open Space

The proposed development plan shares many similarities to a conservation subdivision. Conservation subdivisions are where the density and development is clustered in the most developable areas, while the natural features like streams, wetlands or steep slopes are preserved. This reduces infrastructure and grading costs, as well. Typically, these developments are paired with low impact standards to reduce impervious surface and improve drainage. This clustering will allow the developer to build smaller more affordable housing units.

The master development plan also shows a significant amount of open space and amenity lots. Approximately 86.64 acres of this site is designated open space. This represents 44 percent of the overall site. Much of the open space is located in areas adjacent to streams or floodplain. There is a central amenity located between the two large clusters that would provide amenities.

Buffering

The applicant shows a 20-building setback along all street sides of the development. Additionally, in many places very large sections of open space are present. More specific buffering should be noted and provided for this development. This is especially important in areas where the more dense townhouses are directly across the street from more large rural lots. The townhouse areas should meet the City's landscaping requirements. The applicant has noted that they plan to have landscape beds on four sides of the residential units and each lot will have at least one tree.

Discussion:

The applicant is proposing a development that is a mix of residential uses. The proposed density is less than is currently allowed on the site under the existing zoning, although there are areas that may not be buildable. 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. The plan uses 40-foot lots and townhomes with common parking that have been a discussion point. The development could potentially be better in line with the current surrounding properties if some larger lots were added. The applicant may be able to show how these building types might work better with supplemental documents including landscaping, building types, and other information previously mentioned.

Staff recommendation:

Staff believes that the general density is in line with previously approved developments that are adjoining. Staff believes that more information is necessary, particularly on the townhouse units and 40-foot lots before a positive recommendation to City Council is granted. Should the Planning Commission recommend a positive recommendation, the following conditions should be included:

1. **Sidewalks shall be required on both sides of the street where they adjoin residential or amenity uses.**
2. **All utilities shall be underground.**
3. **Uses shall follow those listed in the written report**
4. **Townhouse uses shall follow the landscape standards of the zoning ordinance.**
5. **Gateway cladding standards shall apply.**
6. **Add buffers to the perimeter of the PUD. Note the type of buffer, width, and material.**

Mr. Parker reported for Engineering, any roadway, intersection or capacity upgrade requirements for this development will be coordinated and communicated with the developer with the preliminary plat approval phase.

The Engineering Department has no comments or concerns regarding this rezoning.

Mr. Parker reported for the Opelika Utilities Board, water is available from Anderson Road. Water must be extended from Anderson Road to connection point on Andrews Road at ultimate buildout. Water main on Andrews Road must be 12-inch diameter pipe. It is suggested that this developer coordinate Andrews Road Water Main Extension with developer of Hopson Farms. They are also required to extend water main down Andrews Road for their development.

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

Chair Cannon opened the public hearing for the Amendment to the Future Land Use Map and the Rezoning request.

Bill Goree, 3313 Anderson Road, stated that he wasn't against the development because he thought it was good for Opelika, but that he was against the buffer provided and the way the entrance to the property is designed. He noted that it is directly across from his house. He stated that there is already an existing buffer between the road and TREC Power and he asked if that buffer would stay and be undisturbed? He also stated that he believed the driveway had options to be moved either north or south and that he would prefer it be moved northeast because he owns the property next to him and the lights wouldn't be going into his home. He expressed concerns about the traffic and accidents at the intersection at that location and requested that the road be improved to meet the increase in traffic.

Blake Rice, authorized applicant, stated that as far as the buffer, they did have some room to provide additional buffering per staff recommendation along both Anderson and Andrews. He stated that this development has a lot of open space and if the Commission wanted to place a 25 foot undisturbed buffer we could easily handle that requirement. He noted that a small adjustment on the access location slightly north or south would be acceptable. He said that if you get too close to the Andrews and Anderson intersection it creates traffic issues and that other places would be across from someone else's house, but that if there is a lot that does not have a single family residential home on it, this access could easily be moved to that location. He deferred to the City Engineer in regard to the traffic.

Scott Parker, City Engineer, stated that the potential increase in population from this development and the adjacent development creates a demand for the improvement of the roads. He noted that the Engineering Department would work with the developments to require some

access improvements for their turn lanes which would entitle resurfacing a section of the road. He noted that they would look at combined intersection improvements at the fourway stop with the two developments and with the City participation. He stated that they would recommend to the City Council that the City upgrade those roads as these improvements are being made. He stated that it is a public and private partnership to improve the existing facility infrastructure with the developments and to work together with the developers and the City infrastructure improvement projects to bring these roads up to a more populated standard as well as improve the safety with the increase in traffic.

Bill Goree asked how wide the buffer would be? Could you leave the area between the road and the power line as an undisturbed buffer?

Blake Rice stated we could easily accommodate a 25 foot undisturbed buffer, which is about what you're seeing between the TREC line and the roadway right-of-way. The developer of this project will have to approve that, but I think that we can probably do that. If that becomes a point of requirement, I would ask time to discuss that with the developer of this project prior to this moving to a final vote.

Chair Cannon closed the public hearing.

Mr. Hilyer made a positive recommendation for rezoning to City Council with staff recommendations.

Dr. Menefee seconded the motion.

Mr. Hilyer asked regarding the buffer, is there anything between the previously approved church and this subdivision?

Mr. Mosley stated that there is a stream between the property and that he didn't believe the church was building to the edge of their property.

Mr. Hilyer asked if that would be undisturbed behind the houses?

Blake Rice stated that it would be undisturbed.

Chair Cannon stated that the Planning Commission asked the development across the street to change the lots from 40 feet wide to 50 feet wide. She asked if that was in the staff recommendations for this item?

Mr. Mosley stated that the original recommendation for the development across the street did not include that recommendation. He noted that the Planning Commission requested that condition and he pointed this out in the staff report.

Chair Cannon stated I would like to make it part of the motion for this item to not have 40 foot lots.

Blake Rice stated that when you look at the density for this project versus the project across the street, there are many differences here. He noted that the proportion of non single-family lots is much lower in this project than in the adjacent one. He stated that the original plan for the project was less dense, but with the change in zoning in the surrounding property, the developer felt that it had changed what his plan could be for this particular section of his property. He noted that while it is more dense than what his original plan was, it is still much less dense than what was recently approved for the property across the street. He said that while the 40 foot lots

were asked to be removed in that project, these 40 foot lots are rear loaded lots and the cars are going down private shared access driveways. He also noted the only products on this plan are a 50 foot front load single family home, a 40 foot rear load single family home, and townhomes. He said that while there are much higher density product lines in the adjacent project, this developer and builder wanted to stay a little closer to what their original vision for this project was and that is staying as close to the single family product as possible. He proposed that instead of making the removal of the 40 foot lots a condition, the item be tabled so that the developer has time to modify the site plan to take that density and put it into other uses such as more townhomes or some of the quadplexes that the adjacent property has. He stated that he felt the 40 foot lots were different from one project to the next.

Chair Cannon stated that the development across the street did the 50 foot rear loaded lots.

Mr. Silberman asked if there were two or three entrances to the property?

Mr. Mosley stated that there are four.

Mayor Fuller asked Blake Rice, are you asking us to table this?

Blake Rice stated that if the request is to remove the 40 foot lots, then he would ask that the item be tabled so that they could have the option of gaining that density back in different products like more townhomes, quadplexes, or some of the other smaller multifamily products that have been approved adjacent to this property.

Chair Cannon stated that she liked the quadplexes.

Blake Rice stated that, as with the 40 foot lots, many people love that product and many people don't.

Motion to table the rezoning request at the applicant's request

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

Motion to table the amendment to the Future Land Use Map at the applicant's request

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

Chair Cannon asked when the item would be back?

Mr. Mosley stated that because the applicant requested the item be tabled, it would be tabled

until the applicant requested it be acted on or the Commission decided to act on it.

Mr. Silberman asked that the developer consider the concerns of the adjacent property owner.

Blake Rice stated yes sir, that will be part of what we look at.

3. Rezoning request, an amendment to the Master Development plan, Blake Rice, Barrett-Simpson, authorized representative for SMB Land, LLC, 17.95 acres, accessed at 820 Crawford Road (Knollwood)

Mr. Mosley reported the applicant is requesting an amendment to the master plan of 17.9 acres from 49 lots for single-family homes to 106 for twin homes(duplexes) with two open space lots. Crawford Road borders the development along the south property line. The adjacent property to the north and west is The Village at Waterford Subdivision, Phase 4, primarily a PUD single-family home development. The adjacent property on the east is a large rural single family lot. The adjacent property to the south is a mobile home park and convenience store with gas islands. Access to the development is from two new streets, with one connecting to Crawford Road on the south side of the property. The second access to this development will be a connection to Jansen Avenue from a planned stub street connector to be built in the Village at Waterford, Phase 4 Subdivision. The road layout and open space areas resemble the previously approved PUD. However, the density, lot size, lot width, and housing type differ from the previously approved PUD.

The Master Plan narrative describes the concept as 106 residential lots for twin homes and two open space lots. The lot sizes for this development are listed as a lot width of 25 feet by 130 feet deep, allowing for a minimum lot size of 3,250 sf. The density for the proposed PUD amendment with the corrected 106 lots is approximately 6.07 units per acre. The setback requested is 20' in front, 6' on one side, 0' from the other side (adjoining structures), and 25' from the rear. The narrative states this development will likely be developed in phases. The revised narrative provides amenities of open space that feature a pavilion, walking trails, and a dog park. A homeowner's association will manage any maintenance needs. Staff suggests amenities be added to the master plan concept map to show size and location.

The "detention/open space" on the master plan is two (2) lots that total 4.99 acres. The revised proposal has stated in the narrative that amenities will be provided. A revised concept map is needed to locate buffers, amenities proposed, and dedicated access to the amenities. The narrative states a homeowner's association will be established to properly maintain common areas. The narrative also says Covenants and Restrictions will be established for architectural and use restrictions.

Buffers are typically required on the perimeter of the PUDs. Additionally, twinhome/townhome units are required to buffer against single family zones. The buffer provides a transition to prevent any negative effects from the changes in density. The staff is concerned that the higher density requested in this location is not consistent with the adjoining existing Village at Waterford PUD and surrounding land uses. The previously approved single-family homes in the approved PUD are much more consistent with the lots in Village at Waterford. It is uncommon to have two different PUD Master Plans adjoin. Because of this relationship, the two areas should have a transition. The density for the neighboring Village at Waterford PUD will have a density of approximately 4.5 dwelling units per acre.

In most recent PUDs, staff has raised concerns about the lot configuration of front loading twinhome lots. The lot width of 25 feet is narrow for all of the uses that typically occur in this

space, specifically for landscaping, yard space, and parking needs. A parking pad for two vehicles as required for residential units is typically 18-22 feet. For this reason, staff has recommended that this style of unit be rear loaded to provide a better street presence. The staff has not received design elements, architectural style, placements of buildings upon the land, and building heights and bulk, off-street parking of buildings with this revised proposal. We have not received any details about whether these units will include garages. These details are needed for a significant amendment PUD review.

A detailed landscape plan was not provided in the review packet, nor was it addressed in the narrative. The development should at the very least meet the general standards for landscaping in the zoning ordinance. The previously approved PUD included the requirement for trees to be located within the front yard of the single-family homes. Additionally, most recently approved PUDs have included one tree per 1-2 residential lot. According to the landscape regulations, a residential buffer strip is required along the perimeter property line of the development where it abuts residential zoning districts. Staff suggest the same as the previously approved Knollwood PUD buffer between the two PUD zoning districts and for the landscape requirements. The new homes constructed on those lots face an internal street, and the rear yard faces Crawford Road. A visual buffer between the residential lots and Crawford Road would help preserve the character of this area. The buffer also reduces possible interference between the existing commercial, manufacturing, and activities of the proposed residential community. The previous requirement was for a 25 foot undisturbed buffer with additional planting to supplement areas where plant material was not present.

Recommendations:

Staff has concerns with the proposed development. The approved PUD is more consistent with the surrounding development pattern. The proposed development is more dense and varies from the predominant detached single-family character of the area. The front loaded narrow twin home lots are a typology that the City has moved away from in more recent PUD approvals. Finally, there is a need for some more information before we could support the proposed amendment.

Staff recommends Planning Commission send a negative recommendation to the City Council for the PUD amendment due to the development not being consistent with the surrounding neighborhood's density and details listed in this report.

Mr. Parker reported for Engineering, any roadway, intersection or capacity upgrade requirements for this development will be coordinated and communicated with the developer with the preliminary plat approval phase.

The Engineering Department has no comments or concerns regarding this rezoning.

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

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

Chair Cannon opened the public hearing.

Bill Jay, 713 Crawford Road, stated that the concerns he had were exactly the same as the ones that Mr. Mosley had reported. He noted that he had not seen any drawings and he knew nothing about what was to take place with this development. He stated that he had many questions,

specifically about the buffer. He noted that he was very happy with the original density and that he was disappointed to hear that it is to be increased almost double.

Blake Rice stated that after discussing this with staff and looking at staff concerns, he would request that this item be tabled.

Chair Cannon closed the public hearing.

Motion to table the item at the applicant's request.

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

4. (a) Amendment to the Future Land Use Map, accessed at 3001 Gateway Drive, 42.73 acres, from a mixed use and light commercial land use category to a mixed use development land use category.

(b) Rezoning request, Brett Basquin, Foresite Group, LLC, authorized representative for Broad Metro, LLC; Eagle Vol Opelika, LLC; and Capps Family Partners LTD, 42.73 acres, accessed at 3001 Gateway Drive, from C-2 & PUD to PUD (The Landing)

Mr. Mosley reported in 2020, the applicant was approved for a 32.45 acre PUD rezoning district. Since that rezoning approval, an 8,000 sf Quick Trip gas station and convenience store on Gateway Drive was constructed on a 5.6 acre property. The development included new streets that border the QT property. The new streets provide access to PUD zoned properties adjacent to QT. A new street will also be constructed that extends north to other PUD properties. Other current developments in this PUD district are a restaurant (Texas Roadhouse) under construction and plans are approved to construct an additional restaurant.

The applicant is now requesting a rezoning from C-2 to PUD to add 14.86 acres to the existing 32.45 acre PUD district; the PUD is called The Landing Entertainment District. The 14 acres are split into four commercial outparcels. The modified parcels include – Outparcel 13 (3 acres), Outparcel 14 (4.1 acres), Outparcel 12 (10 acres more or less) and Site 3 (Texas Roadhouse). The 10-acre lot will be an indoor/outdoor recreational facility with conference and meeting rooms. The exact commercial uses for Outparcels 13 and 14 is not known at this time. Outparcel 14 is in a lower area and shows a detention pond on a large portion of the lot. If the rezoning is approved, The Landing PUD will be 47.31 acres consisting of 14 lots ranging from one acre to 10 acres.

The applicant/developer reviewed the commercial uses allowed and not allowed in Section 7.3 C. ‘Uses Allowed’ of the Zoning Ordinance to select uses outright allowed in The Landing PUD Entertainment district. The applicant is requesting that the following list of uses be approved as outright allowed in The Landing PUD:

- drive thru services (ex. fast-food restaurants, banking, pharmacy, carwash)
- grocery store
- small box discount store
- office of physicians or Dentist

- automotive maintenance
- automobile sales
- bowling alley
- indoor fitness
- golf driving range
- indoor entertainment uses (ex. arcade, laser tag, etc)
- hotel
- retail use
- restaurant uses (lounge, brewpub, micro-breweries, micro-distilleries)
- gas station (limited to existing site 2)

The developer is also requesting that minimum building setbacks for the three outparcels comply with the minimum building setback requirements: Front: 30 feet
Side: 10 feet
Rear: 20 feet.

The applicant notes that the Capps Landing Entertainment District will maintain common areas and govern use specific architectural guidelines. These guidelines should at the very least meet the Gateway Corridor cladding and screening requirements. The applicant is targeting national brands that style guidelines. The applicant plans to ensure that all buildings are complimentary without requiring a singular architectural style or limited color palate. The applicant has also not set any landscaping or buffering standards. Outside of specific standards, the uses shall meet the zoning ordinance landscaping and buffer requirements.

The development has slightly shifted the main road with the addition of the new property. This allows more property to be located directly on the interstate. The site still connects to the property to the northeast. Additionally, the two connections to Gateway Drive are still present.

As with all new developments, sidewalks shall be required on both sides of all streets and all utilities shall be underground.

The applicant also provided two freestanding sign drawings for The Landing Entertainment District. The signs include the Quik Trip gas station and six sign panels for future PUD commercial developments. One pylon sign is 50 feet in height with a sign area of 539 square feet; the sign is near the west property line next to Interstate 85. The other pylon sign is 30 feet in height and 291 square feet; the sign is near Quick Trip's front property line next to Gateway Drive. Section IX Sign Regulations allows a maximum sign area of 100 square feet and maximum sign height of 20 feet per lot; the pylon signs are not allowed. However, the Landing PUD is a nonresidential development that exceeds a minimum 25-acre requirement as provided in Section IX Sign Regulations, so the PUD is allowed to submit a Master Sign Plan application. The Master Sign plan section allows a maximum 400 square foot sign area for a pylon (freestanding) sign; the section is silent about a maximum sign height, however signs greater than 30 feet are prohibited. The proposed sign exceeds 400 square feet. Additionally, the application does not include required materials to full review for a master sign plan.

Staff Recommendation

Staff recommends Planning Commission send a positive recommendation to the City Council to rezone the property from C-2 & PUD to PUD subject to the following:

1. **Remove small box discount store, auto maintenance, and carwash from the applicant's 'outright allowed' list as provided on page 2. These uses do not contribute to the indoor/outdoor recreational and entertainment description of this PUD district as provided in the applicant's PUD narrative. Auto sales should be limited to a primary use of new automotive sales with used automotive sales, auto rental, and automotive maintenance or repair strictly in an accessory use to the primary use.**
2. **Removal of the proposed signage at this time or provide a Master Sign Plan for staff review that includes all freestanding signs, wall signs, and other types of signs with proposed maximum sign areas, sign heights (freestanding signs), and general location of signs meeting the requirements of the zoning ordinance. (See Section 9.6 (4) Master Sign Plan in Sign Regulations for application instruction.)**
3. **All building exterior materials and screening requirements shall meet Section 7.6 Gateway Corridor Overlay requirements.**
4. **The site shall meet the general landscaping and buffering requirements for the zoning ordinance.**
5. **All utilities shall be underground.**
6. **Sidewalks shall be located on both side of all public streets.**

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 is available via Capps Landing, Capps Drive, Gateway Drive, and Society Hill Road. Significant development may require secondary connection to main on Gateway Drive or Society Hill Road. No other comments.

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

Chair Cannon opened the public hearing for the Amendment to the Future Land Use Map and the Rezoning request.

Brett Basquin, authorized applicant, stated that they were good with the staff recommendations and were available to answer any questions.

Chair Cannon closed the public hearing.

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

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

Motion to amend the Future Land Use Map

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

V. ADJOURN

Motion to adjourn at 3:58 p.m.

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

_____ Lucinda Cannon, Chair

_____ Matt Mosley, Secretary