



PLANNING COMMISSION MINUTES

300 Martin Luther King Blvd.

November 28, 2023

TIME: 3:00 PM

I. WELCOME - Some items at this meeting will have a designated public hearing (noted below). Individuals are limited to one 5-minute comment period per public hearing.

II. APPROVAL OF MINUTES

The City of Opelika Planning Commission held its regular monthly meeting November 28, 2023 in the Meeting Chambers, located at the Opelika Municipal Court. Certified letters have been mailed to all adjacent property owners for related issues.

MEMBERS PRESENT: Chair Lucinda Cannon, Mayor Gary Fuller, Mr. Sheldon Whittelsey, Councilman George Allen, Dr. Arturo Menefee, Mrs. Leigh Whatley, Mr. Michael Hilyer, and Mr. John Sweatman.

MEMBERS ABSENT: Mr. Jay Walters.

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.

Approval of Planning Commission Minutes October 24, 2023

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

III. UPDATE ON PREVIOUS PC CASES

Mr. Mosley stated that there are no updates on previous cases at this time.

IV. NEW BUSINESS

A. FINAL PLAT

1. Redivision of Parcel 2-A, The Landing SD, 3 lots, accessed from Gateway Drive and Capps Landing, Jim Masingill Jr., authorized representative for Broad Metro LLC, Final Approval

Mr. Mosley presented the staff report to the Planning Commission for The Landings Subdivision, Redivision of Parcel 2-A, accessed from Gateway Drive and Capps Landing. He stated that staff recommends final approval subject to the following:

1. All utilities shall be underground.
2. Sidewalks shall be required on both sides of the street.
3. Add an easement for overhead power lines in parcel 2-A-1-A.

Mr. Parker provided the reports for Engineering, Opelika Utilities Board, and Opelika Power Services. He stated that a one-year maintenance bond will be required at the amount of 25% of the construction cost.

Motion to grant final plat approval with staff recommendations

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

2. The Bowery SD, 14 lots, accessed from Oak Bowery Road, Blake Rice, Barrett-Simpson, authorized representative for Auston Shaw, Final Approval

Mr. Mosley presented the staff report to the Planning Commission for The Bowery Subdivision, accessed from Oak Bowery Road. He stated that staff recommends final approval.

Mr. Parker provided the reports for Engineering, Opelika Utilities Board, and Opelika Power Services. He stated that a Performance bond for 125% of the cost of the final layer of asphalt and a maintenance bond will be required at the amount of 25% of the construction cost. The proposed road name on the final plat will need to be changed to "Morning Dove Lane" as approved.

Motion to grant final plat approval with staff recommendations

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

3. The Villages of Opelika SD, Phase 2, 23 lots, accessed from Hammonds Drive and Plainsman Loop, Jake Hill, authorized representative for SP Opelika Ventures LLC, Final Approval

Mr. Mosley presented the staff report to the Planning Commission for The Villages of Opelika Subdivision, Phase 2, accessed from Hammonds Drive and Plainsman Loop. He stated that staff recommends final approval subject to the following:

1. **Add the Lot between Lot 61 and 62. Note that the lot is open space and who will maintain the lot.**
2. **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.**
3. **Show the exterior buffer lines. These are different from setbacks and should be shown differently.**
4. **Residential buffers found in Section 10.6.D1 of the zoning ordinance shall be required on the northern and southern property lines. The planting requirements are required to be 1.5 times the amount required by the ordinance and shall have a minimum height of six (6) feet at time of installation. The buffer shall be installed prior to the Certificate of occupancy being issued for individual houses on that lot.**
5. **Plat Note #2 needs to be corrected.**
6. **Lot 67 in the Lot area table should be corrected.**

Mr. Parker provided the reports for Engineering, Opelika Utilities Board, and Opelika Power Services. He stated that this subdivision is in the Opelika Power Services and the Alabama Power Service territory.

Motion to grant final plat approval with staff recommendations

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

B. Conditional Use - Public Hearing

4. Stanley R. Johnson, accessed at Avenue C and South 2nd Street, R-4 zone, Duplex
Mr. Mosley presented the staff report to the Planning Commission for the proposed conditional use request of a duplex at Avenue C and South 2nd Street. He stated that staff recommends conditional use approval subject to the following:

1. **Exterior cladding materials shall primarily be brick, stone, wood, or fiber cement siding to be in harmony with the surrounding single-family homes.**
2. **The building shall compliment the character of the neighborhood, including building style.**

Mr. Parker provided the reports for Engineering, Opelika Utilities Board, and Opelika Power Services. He stated that the duplex must have dedicated, individual unit plumbing and separate water meters for each unit. There are no current services available on this lot, so new service taps will be required. Water is available from Avenue C and 2nd Street but only Avenue C is on same side of street as this lot.

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:	Arturo Menefee
SECONDER:	Councilman Ward 1 Willie Allen
DISCUSSION:	Chair Cannon asked if the cars would park on the other side of the sidewalk? Mr. Mosley stated that there is a garage and there is also 30 feet from the face of the garage to the property line and another 10 feet from the property line to the public right-of-way. He noted that there is enough room for a large vehicle to be completely on the property.
AYES:	Chair Cannon, Whatley, Whittelsey, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen, Sweatman
NAYS:	None
ABSTAIN:	None

5. Brian Lee, authorized representative for Opelika Retirement Investors, LLC, 1001 Fox Run Parkway, PUD, Addition to an assisted living facility.

Mr. Mosley presented the staff report to the Planning Commission for the proposed conditional use request of an addition to an assisted living facility at 1001 Fox Run Parkway. He stated that staff recommends conditional use approval subject to the following:

1. **As shown on plan, enclose the dumpster on all three sides and gated with opaque material. The enclosure should be at a height, so dumpster is not seen when viewed outside the enclosure.**

Mr. Parker provided the reports for Engineering, Opelika Utilities Board, and Opelika Power Services. He stated that if additional water service is required, it is available from Brookstone Drive.

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:	Mayor Gary Fuller
AYES:	Chair Cannon, Whatley, Whittelsey, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen, Sweatman
NAYS:	None
ABSTAIN:	None

6. Jeremy Clark, Compass Construction, authorized representative for Nathaneal P. Moody and Shree R. Summerlin, 512 South 8th Street, C02, GC-P, mixed commercial and residential development

Mr. Mosley presented the staff report to the Planning Commission for the proposed conditional use request of a mixed commercial and residential development at 512 South 8th Street. He stated that staff recommends conditional use approval subject to the following:

1. **A more detailed landscape plan noting the specific plants and quantities.**

2. **Reconstruction of the current sidewalk as needed to conform to the proposed plan.**
3. **All service utilities, mechanical and similar units shall be screened from view.**
4. **All buildings must comply with Historic Preservation Commission standards and approvals.**

Mr. Parker provided the reports for Engineering, Opelika Utilities Board, and Opelika Power Service. He stated that because of the limited size of the disturbance of this development, there is no need for a site and land disturbance permit from Engineering. Coordination will need to be made with all utilities and Building Inspections will handle the Land Disturbance permit with the building permits. He also stated that individual units require separate plumbing and meters unless Master Meter is installed for development. Existing service is from South 8th Street but is only ¾" Meter. Water is available from both S. 8th Street and Avenue E.

Chair Cannon opened the public hearing.

Aaron Bushey, 408 S 8th Street, stated that he found out about this item yesterday because of the parking variance that is being requested at the Zoning Board of Adjustment meeting. He asked that this item be tabled so that he could have time to look into it and speak with his neighbors. He stated that people are already parking on the street and if this becomes a business that has clients and employees, he believes it will cause a traffic problem and affect the quality of life for the people who live there.

Matthew Hall, applicant, stated that the request today is for conditional use for the additional apartment building, not the parking variance which will be discussed at the Zoning Board of Adjustment meeting. He noted that they probably have the space to meet the code for the parking requirement, but after talking with the Planning Department, the concern is that the parking requirements basically turn half the development into a parking lot. He asked that the conditional use for the additional apartment be granted today and the parking concerns be addressed at the Zoning Board of Adjustment meeting on December 12, 2023.

Chair Cannon closed the public hearing.

Motion to table the item to the December 19, 2023 Planning Commission Meeting

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

Mr. Whittelsey asked what the area behind the building was and what the planned use was for it?

Mr. Mosley stated that it is a courtyard.

Mr. Hilyer stated that his concern was where the customers would park. He asked if they were going to park in the street?

Mr. Mosley stated that it would be like a downtown use where people are typically parking 200 to 400 feet away from their destination.

Mr. Whittelsey asked if they could put a turnaround area where the courtyard is.

Mr. Mosley stated that there is a standard parking lot that would allow space to back up. He stated that they could add the additional parking, but typically in the Historic District, staff tries to minimize parking because we don't want it to be the dominant feature of the site.

C. REZONING - Public Hearing

7. (a) Amendment to the Future Land Use Map accessed at 1018 and 1016 Alabama Avenue, 27,965 square feet (two lots), from a low density residential land use category to a light commercial land use category.

(b) Rezoning request, KAAM Enterprises, LLC, 27,965 square feet, accessed at 1018 & 1016 Alabama Ave, from R-3, GC-P to C-2, GC-P.

Mr. Mosley presented the staff report to the Planning Commission for the rezoning request for 27,965 square feet, accessed at 1018 & 1016 Alabama Avenue, from R-3, GC-P to C-2, GC-P. He stated that staff recommends rezoning of the property, but does so with the qualification that we feel most of the conditional uses that allowed in the zone would be inappropriate at this location based on the character of the surrounding property and neighborhood.

Mr. Parker provided the reports for Engineering, Opelika Utilities Board, and Opelika Power Services. He stated that all access and site design decisions will be addressed during the conditional use or plat approval phases. He stated that water is available from both Alabama Avenue and Frederick Rd. However, either street will require service line being installed across roadway. Preferred connection is from Alabama Ave.

Chair Cannon opened the public hearing for the amendment to the Future Land Use Map and the rezoning request at the same time.

Mike Maher, Precision Surveying, stated that if this gets rezoned he would like to speak with the Planning Department about uses that they would be in support of.

Chair Cannon 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:	Chair Cannon, Whatley, Whittelsey, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen, Sweatman
NAYS:	None
ABSTAIN:	None

Motion to approve the amendment to the Future Land Use Map

RESULT:	Passed
MOVER:	Director Hilyer
SECONDER:	Mayor Fuller

AYES:	Chair Cannon, Whatley, Whittelsey, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen, Sweatman
NAYS:	None
ABSTAIN:	None

D. Vacation of Right-of-Way, Rezoning - Public Hearing, and Conditional Use - Public Hearing

8. Timothy Murphy, authorized representative for Richard Dale Murphy, A petition for the vacation of a portion Speedway Drive from the north property line of Lot 8 as shown on the JW Long SD plat to the intersection of Speedway Drive and Veterans Parkway.

Mr. Mosley presented the staff report to the Planning Commission for the petition for the vacation of a portion of Speedway Drive from the north property line of Lot 8 as shown on the JW Long SD plat to the intersection of Speedway Drive and Veterans Parkway. He stated that staff recommends a positive recommendation be sent to City Council to vacate a portion of Speedway Drive right of way (50'x 550').

Mr. Parker provided the reports for Engineering, Opelika Utilities Board, and Opelika Power Services. He stated that the Engineering Department has no issues with the Vacation of Speedway Drive. In turn, Engineering would request additional right-of-way (ROW) from Veterans Parkway adjoined to this project. He stated that there is an existing 12" Ductile Iron Water Main in Speedway Drive at this location. Relocation/replacement of this pipe (12" Diameter may not be required) or easement for existing main should be provided with this development.

Chair Cannon opened the public hearing for the vacation of right of way, amendment to the Future Land Use Map, rezoning request, and conditional use at the same time.

No comments.

Chair Cannon closed the public hearing.

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

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

9. (a) Amendment to the Future Land Use Map, accessed at 1504 Speedway Drive, 1.1 acres, from a light commercial land use category to a general commercial land use category.

(b) Rezoning request, Timothy Murphy, authorized representative for Richard Dale Murphy, 1.1 acres, accessed at 1504 Speedway Drive, from C-2, GC-P to C-3, GC-P.

Mr. Mosley presented the staff report to the Planning Commission for the rezoning request for 1.1 acres accessed at 1504 Speedway Drive from C-2. GC-P to C-3, GC-P. He stated that Planning staff recommends approval subject to no outdoor storage or outside display of products by tenants or property owner. All business activities must take place inside a building. **Planning Staff recommends Planning Commission send a positive recommendation to the City Council to rezone the 1.1 acres property from C-2, GC-P to C-3, GC-P.**

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

(The public hearing for this item was held with item #8)

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

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

Motion to approve the amendment to the Future Land Use Map

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

10. Timothy Murphy, authorized representative for Richard Dale Massey, 1505 to 1609 Speedway Drive or 1001 Fox Run Parkway, C-2, Conditional use request for office of contractor without equipment and material yard. (Conditional use approval is subject to City Council's approval of the rezoning agenda item #9).

Mr. Mosley presented the staff report to the Planning Commission for the proposed conditional use request for office of contractor without equipment and material yard at 1505 to 1609 Speedway Drive or 1001 Fox Run Parkway (Conditional use approval is subject to City Council's approval of the rezoning agenda item #9). He stated that staff recommends conditional use approval subject to the following:

1. Conditional use approval is subject to City Council's approval of vacation of street and rezoning of 1.1 acres to C-3, GC-P.
2. The outside storage of equipment, products, materials, trailers, or any other items by tenants or property owner is prohibited.
3. Provide a landscape plan with base and parking lot points and buffers as required in Section 7.6 and provide the ISR (Impervious Surface Ratio) for the development.
4. The exterior material of buildings must meet the exterior material minimum requirements of Section 7.6 Gateway Corridor Overlay District.
5. The site plan does not show a dumpster location. If a dumpster is used, the dumpster must be enclosed on all sides with opaque material and gated with opaque material at a height, so dumpster is not visible outside the enclosure.

Mr. Parker provided the reports for Engineering, Opelika Utilities Board, and Opelika Power Services. He stated that there is an existing 12" Ductile Iron Water Main in Speedway Drive at this location. Relocation/replacement of this pipe (12" Diameter may not be required) or easement for existing main should be provided with this development.

(The public hearing for this item was held with item #8)

Motion to grant conditional use approval with staff recommendations

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

V. ADJOURN

Motion to adjourn at 3:53 p.m.

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

_____ Lucinda Cannon, Chair

_____ Matt Mosley, Secretary