



PLANNING COMMISSION MINUTES

300 Martin Luther King Blvd.

October 26, 2021

TIME: 3:00 PM

A. APPROVAL OF MINUTES

The City of Opelika Planning Commission held its regular monthly meeting October 26, 2021 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, Mayor Gary Fuller, Mr. Ira Silberman, Dr. Arturo Menefee, Mrs. Leigh Whatley, Ms. Lucinda Cannon, Mr. Michael Hilyer, and Mr. Derek Lee.

MEMBERS ABSENT: Councilman Robert Lofton.

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 September 28, 2021

RESULT: Passed

MOVER: Director Mike Hilyer

SECONDER: Leigh Whatley

AYES: Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Director Lee

NAYS: None

ABSTAIN: None

B. UPDATE ON PREVIOUS PC CASES

Mr. Mosley stated the sign regulations that the Planning Commission recommended at their last meeting will go before the City Council for first reading and public hearing on November 2, 2021. They held a public hearing for the Blackberry Reserve property but did not take action, so we are waiting for more clarification from the City Council on that item. Next Wednesday, November 3rd, at 6:30 p.m. at the new Opelika Public Library we are going to have our consultants in for a community visioning workshop to create a unified vision for what we would like to see Opelika become through our comprehensive

plan over the next 20 years. The next morning, on November 4th, there will be a business community center workshop at 8 a.m. This is also at the Opelika Public Library and Chambers is helping us host. There will be a few small workshops going on at the Opelika Public Library over the next few days. Those are similar to the workshops that you and the City Council did in the early part of the Comprehensive Plan process and those will be available for people to drop in at 8 a.m., 12 p.m., and 6 p.m. on October 27th, and at 2 p.m and 5 p.m. on October 28th. Those are open to individuals, small groups, and anyone who would like to come provide input into the comprehensive plan.

C. PLAT (Preliminary and Final) - Public Hearing

1. RaceTrac Opelika, SD, 5 lots, 1109 Columbus Parkway, Bert Boykin and Martin Evans

Mr. Mosley reported, an administrative subdivision is acceptable to approve for this plat, but the applicant explained that the property is under contract until final approval to combine five lots into one lot is complete. The five lots combined is one 6.35 acre lot shown as Lot 1 on the plat. A RaceTrac gas station is planned for the lot that includes a convenience store and truck stop (15 semi-truck parking spaces). At the May 25th meeting, the Planning Commission granted conditional use approval subject to conditions 1. The existing buildings (Durango restaurant, Motel 6, and Days Inn) show on plat will be removed. Construction of RaceTrac will begin in 2022. The plat meets subdivision plat requirements.

Staff recommends preliminary and final plat approval subject to the following:

1. Add a note that the existing buildings will be demolished and removed.
2. There may be a chain-link fence encroachment along a portion of the west property line; surveyor needs to show fence encroachment on plat.
3. In the standard Opelika easement note, insert “The City of Opelika and” between “granted to” and “any telephone companies...”.

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1. City Council approving rezoning of the R-1 lot to C-3, GC-P.
2. Provide a subdivision plat that combines the five lots into one lot.
3. Decrease the impervious surface area (hard surface) on the property so the impervious surface does not exceed the maximum 70% requirement.
4. Enclose dumpster with an opaque fence and gate at a height so the dumpster is not visible outside the enclosure.

Mr. Parker reported for Engineering, all of the Opelika Surveyors comments have been addressed and the submitted plat meets all Subdivision and Public Works Manual requirements. The Opelika Engineering Department recommends preliminary and final plat approval.

Mr. Parker reported for the Opelika Utilities Board, water service is accessible by Anaand Street.

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

Chairman Cherry opened the public hearing

Bert Boykin, 2001 Park Place N Suite 540 Birmingham, AL, stated with me this afternoon is Samee Ali from RaceTrac. You guys are familiar with our project through the conditional use approval and the rezoning, so I won't rehash any of that or what Mr. Mosley has already described. Samee Ali and I are here if anyone has any questions and we appreciate your time and ask the commission to vote in favor of final plat approval. Thank you.

Chairman Cherry closed the public hearing.

Motion to grant preliminary and final plat approval with staff recommendations

RESULT: Passed

MOVER: Director Mike Hilyer

SECONDER: Director Derek Lee

AYES: Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Director Lee

NAYS: None

ABSTAIN: None

D. MASTER PLAN REVISIONS AND PRELIMINARY PLAT - Public Hearings

2. The Villages at Opelika PUD Master Plan, Minor Amendment to Master Plan, 21.9 Acres, 3001 Hi-Pack Drive and Hammonds Drive, SP Opelika Ventures, LLC, Amendment decreases size of open space and amenity space, changes dwelling types from bungalow to twin homes, decreases single family homes; no increase in overall density.

Mr. Mosley reported, the applicant is requesting to amend the PUD and master plan for the Villages of Opelika. The subject property is approximately 21.9 acres and located at the current terminus of Hi-Pack Drive.

Approved PUD: The original PUD was recommended by the Planning Commission to City Council on June 23, 2020 and approved by City Council on September 1, 2020.

The previous master plan included 148 residential units. This includes 94 single family homes, 34 twin homes/ townhomes, and 20 small bungalows. Overall, the development would have a density of 6.75 units per acre. The applicant has stated that this development would be intended to try to mimic the Pepperell Mill Village with smaller homes and smaller lots.

That development has an amenity space located across from Hammonds Drive. The provided rendering shows this area having a pool and tower. It also included large section on the eastern and northern properties that have large easements that

could potentially be used for open space. There is also a common area behind the homes in one of the interior blocks. Overall, it showed approximately 260,000 square feet of area that was listed as open space or undeveloped including detention ponds.

The development proposed a mixture of small housing types including single-family homes, twin-homes and bungalows. The units were scattered throughout the development on very small lots well below other lots in the area. The applicant proposed a very inviting architectural style that provided variety and distinct types. The units did not have garages. Each unit also provided a front door and first floor windows that addressed the street and the units all had porches similar to many similar types of housing historically found in Opelika. The units and development were designed to create community and neighborhood interaction.

Housing type/style shown in approved PUD

Proposed PUD: The proposed master plan and PUD contain 91 single-family lots and 35 townhouse lots totaling 126 total units. The small bungalows have been removed completely. With the reduction of 22 units, the new development would have a density of 5.75 units per acre. The townhouse type has moved from a two unit set to four plus unit groups much more like traditional townhomes. This design generally increases the lot size of each unit, usually by reducing the amount shared open space in many areas. Thus giving more private yard space of commonly shared spaces. Another significant change to the PUD is the style of housing being proposed. As previously mentioned, the approved PUD showed homes with very classic features include strong architectural elements that addressed the street and community. The proposed homes appear to be very similar two story boxes. Whereas the dominant feature on the previously shown homes was a front porch, the proposed units are dominated by garages. This makes the home look like its designed more for a vehicle instead of a person.

The proposed PUD contains approximately 275,000 square feet of open or undeveloped space. However, the space has been reshaped to a degree. As previously mentioned much of the useable open space has been moved into private yards. Amenity B was shown in the original concept as a large amenity space with a pool and tower. This space is approximately 15,886 square feet. Previously, this area was almost 2.5 times larger and the center piece to the development. The proposed area now may be large enough for a small pool and clubhouse, but very little else. The area shown behind Lots 70-80 and 81-91 was shown as a shared common area. This space has now been absorbed into the private backyards. The new plan still shows the large open space along Hi Pack Drive and on the east side of the property. These areas might be slightly larger than previously shown. However, it is not clear how useable these areas would be, if at all. They both contain significant utilities. These areas are largely unbuildable no matter what development occurs on this property.

The street configuration has been somewhat simplified but is still largely consistent with the proposed plan. The applicant is showing external connections to Hi Pack Drive and Hammonds Drive. The original PUD also included requirements for sidewalks on both sides of the street along residential or amenity locations. The development also includes two private streets.

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. The setbacks are consistent with the buffers, but the plat should note them as buffers as well. 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 PUD. The single-family lots exceed the minimum standards. However, the development was originally contemplated with a strong emphasis on community, design, open space and amenities. This plan changes the unit types and moves more of the common space into individual lots. Many of the features that were intended to create a traditional neighborhood or promote interaction between neighbors have been diminished or removed completely. Initially, staff had concerns about some of the small lot sizes in relation to what was conventionally allowed within the city. We felt this was best mitigated through the large amenities/open space areas and emphasis on design and character. While this plan generally increases those lot sizes they are still well below conventional standards in the city. However, much of the desirable features are now gone.

Staff Recommendation: Staff believes that the proposed master plan is inferior to the previously approved plan. **Staff recommends denial of amendment.** Should the Planning Commission approve this amendment, staff recommends the following conditions from the initial approval be continued.

1. Provide sidewalks on both sides of each street adjoining an amenity or residence.
2. All utilities shall be underground.
3. Connections to Hi-Pack Drive shall be coordinated with the City Engineer.
4. Residential buffers found in Section 10.6.D1 of the zoning ordinance shall be required on the northern and southern property lines.
5. 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.
6. No sideyard on street setbacks along public right-of-way shall be less than six (6) feet.
7. Open space shall be clearly marked and the use and maintenance shall be noted.
8. The buildings will match the architectural style and character of the provided renderings.
9. No vinyl or metal siding shall be used.
10. All parking adjacent to the street shall be the responsibility of the developer or homeowners association.

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

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

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.

Brian Lee, Engineer, stated I was brought on after the PUD was put together. There were several changes to the plans. The bungalows were removed due to cost per square foot. You can get a townhouse for the same price but you get a bigger square foot and a garage, so that's why those were removed. The amenities were made smaller but the overall greenspace was increased; the density was 6.75 units per acre and now it's 5.75 units per acre. The garages were added because with the density we have, we believe the garages will make a cleaner subdivision. It will help with parking and you can store trashcans and a lawnmower and have a cleaner appearance. Mr. Mosley were there any other differences?

Mr. Mosley stated the primary differences are the density goes down, the open space is increased but it changes how its laid out, and the housing type changes.

Brian Lee stated those were the changes, those were Mr. Mosley's concerns, and that is our response to them. We understand what his concerns are.

Ms. Cannon asked is the amenity area a playground or a detention area for water?

Brain Lee stated it's just grass right now.

Ms. Cannon stated it's just a grassy area in peoples' back yards where their children can go play. The townhouses look like they're just a one-car garage. Is that right?

Brian Lee stated yes ma'am.

Ms. Cannon asked because people put their stuff in the garage and they're going to have one car parking in the parking lot, where is the other car going to park?

Brian Lee stated ideally we will have two vehicles per home. One will be in the garage, the other one in the driveway, and visitors will be on the street. If they don't park in the garage there will be one in the driveway and one in the street.

Ms. Cannon stated I know what the design is for but the design does not always work as intended. Where would the second car park because the driveway is not going to be big enough for two cars.

Brian Lee stated it's meant to make it in the garage. Some people have big mowers and things like that but these will be more starter homes and I don't know if they will have all that type of equipment and stuff.

Ms. Cannon asked is there on street parking?

Brian Lee stated yes.

Mr. Mosley stated it won't be striped on street parking but I think the roads will

be wide enough that you can park on the opposite side of the street.

Ms. Cannon stated they're interesting houses, but you know how people have stuff.

Chairman Cherry closed the public hearing.

Motion to Deny the Amendment to Master Plan

RESULT: Passed

MOVER: Mayor Gary Fuller

SECONDER: Director Mike Hilyer

AYES: Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Director Lee

NAYS: None

ABSTAIN: None

3. The Villages at Opelika SD, 131 lots, Hi Pack Drive and Hammonds Drive, Brian Lee, Preliminary Approval - *Tabled at September 28th PC meeting*

Mr. Mosley reported, the applicant is requesting preliminary plat approval for a 131 lot subdivision. The subject property is approximately 21.92 acres located with a PUD zoning designation. The proposed subdivision contains 91 single-family lots, 35 townhome lots, two amenity lots, two private street lots, and one lot designated as acreage. The approved PUD included 94 single-family lots, 20 single-family bungalows and 24 townhome units shown as twin homes. The current plat shows a reduction of overall density and unit count.

The 91 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 are similar to the townhome/twinhome concept in the PUD. The minimum standards for these are 20 foot in width and minimum lot size of 1,100 square feet. These lots exceed this standard. The townhouse lots were originally shown in the PUD as two unit groups. The new plat shows an odd number of units on each block which would prevent that configuration. It appears that these units may be more like traditional townhomes. There are also 35 of these units exceeding the 24 previously shown. The bungalow type is no longer present.

The original PUD showed a significant amount of open space and amenity space. This still shows large areas of open space. However, the useable space and central amenity space have been reduced in size. Amenity B was shown in the original concept as a large amenity space with a pool and tower. The exact size was not shown on the plan although it was lined by 22 parking spaces. This would be at least 198 feet in width. The new Amenity B space is only 87 feet in width, more than halving this space. The area shown behind Lots 70-80 and 81-91 was shown as a shared common area. This space has now been absorbed into the private backyards. The plat does not reference the type or ownership of the amenity spaces. The area along Hi-Pack drive is also currently designated as acreage. This needs to be noted as a parcel or lot. The amenity spaces should also note that they are unbuildable.

The street configuration has been somewhat simplified but is still largely consistent with the proposed plan. 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 development also includes two private streets. These locations will need to be labelled as lots or parcels in the final plat, as they are not part of the public right-of-way.

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. The setbacks are consistent with the buffers, but the plat should note them as buffers as well. 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 single-family lots exceed the minimum standards. As previously mentioned in the request to amend the PUD and master plan, the open space and housing style changes are significant. This plat should only be approved if the master development plan is amended as proposed. Otherwise, the plat would not be consistent with the approved PUD.

Staff recommends denial of this plat based on the recommendation of denial in for the PUD amendment. If the Planning Commission approves the PUD amendment they should approve the plat subject to the following conditions:

1. The private streets and acreage should be noted as lots or parcels and labelled.
2. Provide sidewalks on both sides of each street adjoining an amenity or residence.
3. All utilities shall be underground.
4. Connections to Hi-Pack Drive and Hammonds Drive shall be coordinated with the City Engineer.
5. Residential buffers found in Section 10.6.D1 of the zoning ordinance shall be required on the northern and southern property lines.
6. Buffers need to be labelled on the plat.
7. 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.
8. No sideyard on street setbacks along public right-of-way shall be less than six (6) feet.
9. Open space/amenities shall be clearly marked and the use and maintenance shall be noted.
10. Note that open space or amenity lots are unbuildable.
11. Note which lots will be townhouse lots

Mr. Mosley stated as the Planning Commission has denied the Amendment to the Master Plan, it would be my recommendation that they also deny this plat based on it not being in conformance with the PUD. The other option is the applicant

could withdraw it.

Mr. Gunter, City Attorney, stated it's inconsistent with the zoning.

Chairman Cherry asked will the developer have to withdraw it?

Mr. Mosley stated you could either deny it for not being consistent with that, or the developer could withdraw it, which may be a better option at this time because that would allow you to bring it back sooner.

The item was withdrawn by the applicant.

E. FINAL PLAT

4. Oak Bowery Pines SD, Phase 2, 12 lots, 1301 Oak Bowery Road, Blake Rice, Final Approval - *Tabled at the September 28th PC meeting*

Mr. Mosley reported, this agenda item was tabled by the applicant at the September 28th PC meeting. The applicant is requesting final plat approval for a 12 lot subdivision in the Saugahatchee watershed. Preliminary approval was granted at the April 2020 Planning Commission meeting.

The lots range in size from 3 to 4 acres exceeding the three-acre minimum lot size required in the Saugahatchee watershed. Lot 1 and Lot 10 are corner lots on Oak Bowery Road and Hunt Lane (new street); access to Lot 1 and 10 is limited to Hunt Lane only to comply with access management requirements. Lots 11 and 12 have direct access to Oak Bowery Road; an existing single-family home is on Lot 11. All lots will have septic tanks systems; public sewer is not available.

As recommended on the preliminary plat, the final plat labels the buffer line on Lots 4 to 7 - "*Flood Plain and Protected Creek Buffer*." The buffer line is also the boundary line of Flood Zone A. New development is not allowed in the buffer to minimize impervious surface runoff to the creek. Also, a 30 foot minimum building setback is required from the buffer line to reduce stream pollution. These requirements in the Subdivision Regulations promote best management practices in the watershed.

Recommendation: Staff recommends final plat approval subject to the following:

1. Add a note on plat that a 30 foot minimum setback is required from the stream buffer line to all structures.
2. Add a note that direct access from Lots 1 and 10 to Oak Bowery Road is prohibited.

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 as soon as all the infrastructure completion items below have been met and a positive recommendation for approval will be given:

- All drainage structures, curb and gutter, aggregate base and first layer of pavement have been placed.
- All stop and roadway signs will need to be installed.
- Performance Bond of 125% of the estimated cost remaining infrastructure including the final layer of asphalt will need to be submitted.
- Maintenance Bond of 25% of the estimated total infrastructure cost will need to be submitted.
- As-built documents of the roadway, and storm drain in the form of an Autocad and PDF digital file will need to be submitted to the Engineer Department. The required data should include location and elevations of all the inverts of the systems.
- The ROW and lots will need to be graded, and stabilized with seed and mulch, and other erosion/sediment control items will need to be added to protect against erosion and sediment issues.

If these requirements are met, the Engineering Department recommends final plat approval.

Mr. Parker reported for the Opelika Utilities Board, water system improvements have not been accepted by Opelika Utilities at this time.

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: Director Mike Hilyer

SECONDER: Arturo Menefee

DISCUSSION: Mr. Silberman asked what is the area directly behind it to the east that is white on the map?

Mr. Mosley stated that means that it's located in unincorporated Lee County. I believe there was a proposal for a development there about seven or eight years ago that wasn't ever approved and so that property is still inside the County.

Mr. Silberman asked how is it zoned?

Mr. Mosley stated it's not zoned, it's in the County.

AYES: Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Director Lee

NAYS: None

ABSTAIN: None

5. ~~Foxrun SD, Phase 1C, 42 lots, Village Drive and Burrow Circle, Daniel Holland, Final Approval~~ ~~Tabled at the September 28th PC meeting~~ **Tabled**

This item was tabled at the applicant's request.

6. Windsor Village SD, 33 47 lots, NE corner of Waverly Pkwy & Veterans Pkwy, David Slocum, Final Approval

Mr. Mosley reported, the applicant is requesting final plat approval for 25.7 acres into a 47-lot subdivision located in a planned unit development (PUD). The master plan and zoning were approved by City Council on July 22, 2020, and a minor amendment by Planning Commission approved on July 28, 2020. The preliminary plat was approved by the Planning Commission on November 17, 2020.

This plat consists of 12 single-family lots, 30 townhome lots, and one commercial lot. The remaining lots are divided as follows: Lot 33 is 1.11 acres labeled common area to be used for an amenity lot, Lot 16 is 5.77 acres to be used as common area containing two ponds and wetland area, Lot 15 is 4.86 acres for future development of townhomes along the northeast corner of Windsor Drive, and Lot 14 is 4.93 acres for future development of single-family lots and common area to be used as an amenity. The single-family lots are located on the east side of Windsor Drive and on the eastern half of the property. These lots will have the following area standards:

Single-family detached standards

- Min. Lot size = 7,500 sf
- Min. Lot Width = 60 feet
- Front Setback – 15 feet
- Rear Setback – 25 feet
- Side Setback – 5 feet

All the single-family lots meet the minimum standards. The setbacks and other area standards should be noted on the final plat.

The townhome lots are located in front and rear portion of the development. The landscape plan shows trees between townhome buildings along Lakewood Lane, a 25 ft. landscape buffer along the outer edge of the development, and a residential buffer along Windsor Drive townhome lots. The townhome lots have the following standards:

Townhome lot standards

- Min. Lot size = 1,800 sf
- Min. Lot Width = 20 feet
- Front Setback – 15 feet
- Rear Setback – 25 feet
- Side Setback end units – 5 feet

The commercial lot is located on Lot 1 of the development and takes access from a separate driveway and is buffered from the single-family home lots. The landscape plan shows a residential buffer to separate the single family lots the commercial lot. The commercial lot has the following standards:

Commercial lot standards

- Min. Lot size = NR
- Min. Lot Width = 160 feet
- Front Setback – 15 feet
- Rear Setback – 25 feet
- Side Setback – 15 feet

All the townhome lots meet the PUD standards. The one commercial lot meets the minimum standards. The master plan shows walking trails, a future park, and a parking lot at the end of Lakewood Lane as amenities. The proposed plat is largely in compliance with the approved master plan and the subdivision regulations.

Staff recommends final plat approval subject to the following:

- The master plan requires a 25 ft. landscape buffer along all the outer edge of the property and should be shown.
- Where the townhome and commercial lots abut single-family lots a landscape buffer should be shown.
- Note the use, ownership, and maintenance of the common areas.
- Change the zoning in Note 6. to PUD.
- Underground utilities shall be required.
- Sidewalks shall be required on at least one side of the street.
- Identify adjoiners across Veterans and Waverly Parkways.
- Change Note 1. that states this property is in the City of Auburn.
- Change Note 14. to add remaining area or delete wording if not needed.
- Setback lines as shown on the plat maybe more easily conveyed through the notes than on individual lots as shown.
- Correct minimum setback notes for lots 17-47 to add side setback for end townhome units.
- Add minimum setback note for Lot 1 the commercial lot.
- Missing 10' drainage easements shown on the preliminary plat between lots 35-36 and between lots 39-40.

*PUD site plan with landscaping attached

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 as soon as all the infrastructure completion items below have been met and a positive recommendation for approval will be given:

- All drainage structures, curb and gutter, aggregate base and first layer of pavement have been placed.
- All sanitary sewer and water line have been installed. The test and inspection reports will need to be submitted and accepted and approved by the utility/Public Works Department.
- All stop and roadway signs will need to be installed.
- Performance Bond of 125% of the estimated cost remaining infrastructure including the final layer of asphalt and sidewalks will need to be submitted.
- Maintenance Bond of 25% of the estimated total infrastructure cost will need to be submitted.

- As-built documents of the roadway, and storm drain in the form of an Autocad and PDF digital file will need to be submitted to the Engineer Department. The required data should include location and elevations of all the inverts of the systems.
- The ROW and lots will need to be graded, and stabilized with seed and mulch, and other erosion/sediment control items will need to be added to protect against erosion and sediment issues.

If these requirements are met, the Engineering Department recommends final plat approval.

Mr. Parker asked Mr. Hilyer if the sewer has been tested.

Mr. Hilyer stated that a mandrel test is needed and street signs were not installed.

Mr. Parker stated so we are still waiting on some testing from the sanitary sewers and street signs. We're waiting on bonds and as-built documents, however we recommend this plat be approved at this time and we will hold signatures until those remaining documents come in.

Mr. Parker reported for the Opelika Utilities Board, water system improvements have not been accepted at this time.

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

Motion for final plat approval with staff recommendations

RESULT: Passed

MOVER: Arturo Menefee

SECONDER: Director Derek Lee

AYES: Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Director Lee

NAYS: None

ABSTAIN: None

F. CONDITIONAL USE - Public Hearing

7. Vic Patel and Arthur Nettles, Parker Way, C-3, GC-P, Minigolf (Miniature golf course) - *Tabled at the September 28th PC meeting*

Mr. Mosley reported the applicant is requesting conditional use approval to construct a miniature golf course in a C-3, GC-P zoning district. This business is an outdoor recreational use including 18 holes of miniature golf with 3 volleyball courts, and a building with a club house and restaurant. The restaurant use is allowed by right in the C-3, GC-P zoning district provided it meets all the requirements. The property will have access from an extension of Parker Way.

The site plan shows a 1,500 square foot (sf) building on a 2.77-acre lot. The minimum building setbacks are met from all property lines. The building floor plan, height, and exterior materials are not provided at this time. This property meets the maximum 70% impervious surface ratio allowed; 29% of the property

will be impervious (71% pervious). Based on the information provided the miniature golf use requires 27 parking spaces and the restaurant requires 15 parking spaces for customers, the remaining 17 spaces could count for the employee parking requirements. The parking requirements may need to be revised depending on the number of employees on the busiest shift.

No exterior elevations have been submitted at this time. However, the applicant is working with an architect for this information. They have submitted photos to show how they expect the site to look. The exterior materials and cladding must meet the minimum requirements in the Section 7.6 Gateway Corridor Overlay District. The site plan shows a fence. The fencing material must meet the Section 7.6 Gateway Corridor Overlay District standards for fencing and screening, or the Planning Commission would need to approve the use of an alternate material such as wire mesh.

The landscape plan shows a total of 359 points. The minimum requirement for the site is 278 total points. A 10-foot front parking lot buffer is provided along Parker Way. A portion of this property adjoins an active mobile home park to the north, although this property is a C-2 zone, staff recommends a residential zone buffer provided in Section X Landscape Regulations along the entire length of the abutting mobile home park. This buffer is shown on the plan with 29 Green Giant Arborviate plants and a 6' wooded privacy fence. The size of trees and shrubs shown meets the minimum size requirements as provided in the Landscape Regulation.

A private dumpster location is shown behind the front face of the building. The screening must be approved prior to installation and enclosed with an opaque fence at a height so the dumpster is not visible outside the enclosure. 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.

The lighting must comply with the City's lighting requirements. In addition, staff recommends that all lighting be directed downward and shielded to prevent light from spilling over onto the other properties.

Staff feels the use is appropriate for this zoning as a conditional use. Staff recommends approving this conditional use application with the following conditions:

1. Final plat and construction of the road will be required prior to a Certificate of Occupancy (CO) being granted.
2. Provide the number of employees for each area on the busiest shift during site plan approval.
3. 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.
4. Provide elevations to show building exterior materials and cladding to meet the Section 7.6 Gateway Corridor Overlay District materials and cladding requirements.

5. Provide fencing type to ensure the Section 7.6 Gateway Corridor Overlay District requirements are met or an alternate must be approved.
6. All outdoor lights must comply with the City's lighting requirements. In addition, staff recommends that all lighting be directed downward and shielded to prevent light from spilling over onto other properties.

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 proposal and recommends conditional use.

Mr. Parker reported for the Opelika Utilities Board, water service is accessible by Parker Way.

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

Chairman Cherry opened the public hearing.

Ledge Nettles, Baseline Surveying, stated I am here to see if you have any comments and answer any questions that you might have. They are trying to develop a newer, unique type of building and he is working with the architect right now. From what he has told me, I believe it would be kind of like the Wild Wing Café if you shrunk it down with the warehouse doors to go outside. It would be kind of a nicer version of that with the concrete floors is what they're telling me. I don't have anything better than what he has shown right there but that's what he's looking at. He knows he has to make it look nice and meet all the regulations and he'll probably exceed that.

Mr. Silberman asked if the roof was intended to be a hard roof or a canvas roof.

Ledge Nettles stated it is going to be a hard roof not a canvas roof, we talked about that. I told him that was not a very good picture of it.

Chairman Cherry closed the public hearing.

Motion to grant conditional use approval with staff recommendations

RESULT: Passed

MOVER: Mayor Gary Fuller

SECONDER: Director Mike Hilyer

AYES: Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Director Lee

NAYS: None

ABSTAIN: None

8. Micah J Patrick, 2701 Frederick Road, Suite 309-310, Hookah lounge, non alcoholic

Mr. Mosley reported the applicant is requesting conditional use approval for a non-alcoholic Hookah lounge with restaurant at Tiger Square shopping center (1/4 mile west of Tiger Town at corner of Frederick Road & Corporate Park Drive). A Hookah lounge is where people gather to smoke flavored tobacco from a hookah (pipe). A hookah is a water pipe that vary in size, shape, and number of mouthpieces; one end of a hose is in a water bowl and the other end of hose is the mouthpiece for smoking. A single mouthpiece Hookah is passed from person to person; a Hookah with several hoses allows more than one person to smoke at the same time.

The Hookah lounge/restaurant will occupy 3,300 square feet in the shopping center (Unit 309-310). The lounge will open with 6 to 10 employees and possibly up to 16 employees in the future. The lounge/restaurant plans to have 30 tables with 84 chairs plus 16 bar chairs. Food available (Burgers, Chicken Tenders, French Fries, Chicken Wings, Salads, Nachos etc.). Beverages available: Soft drinks, Slushies, Mocktails (non-alcoholic), Tea, Coffee, Smoothies. A private dumpster will not be used.

Recommendation

Staff recommends conditional use approval.

Mr. Parker reported for Engineering, the Engineering Department has no other comments or concerns with this proposal and recommends conditional use.

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

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

Chairman Cherry opened the public hearing.

Micah J. Patrick, authorized applicant, stated I'm an active-duty Marine and I moved to Opelika about seven weeks ago. I work at Auburn University and I'm one of the people in charge of the NROTC program over here. This is my first time coming to a duty station where the operation tempo is a little slower and I have a little extra time. I'm a first-time homebuyer right here in Opelika in the Northbrook Subdivision and I feel like Opelika is a great place to open my own business. I have been in the Marine Corps for eleven and a half years now, since I was eighteen years old and fresh out of high school. I've seen a lot of my friends go out drinking and having a good time and partying and that's really the first and only thing that comes to mind, but I want this hookah lounge to be an example to the college students that I work with that you don't have to go out and slam drinks and party at the game to go out and have a good time. You can just listen to music and socialize and have karaoke night and stuff like that. Have student discount night and something that's a little more wholesome. I've lost some friends due to alcohol related incidents and I don't plan on serving any alcohol at this establishment. Not only will there be flavored tobacco, but they also make flavored tea as an alternative with flavors like vanilla, cheesecake, and Oreo, that people can smoke as well and there's no tobacco in those products at all.

Chairman Cherry closed the public hearing.

Motion to grant conditional use approval with staff recommendations

RESULT: Passed

MOVER: Director Mike Hilyer

SECONDER: Director Derek Lee

DISCUSSION: Mr. Silberman asked if this requires Health Department approval.

Mr. Mosley stated if they are serving food, it will definitely require Health Department approval. I don't know about the smoking, but from my experience these are typically treated like any other cigar lounge or similar type of smoking establishment.

Ms. Cannon stated it says restaurant.

Mr. Mosley stated yes ma'am, that part would definitely require Health Department approval.

Mayor Fuller asked Mr. Gunter, how does this fit in with our smoking ordinance?

Guy Gunter, City Attorney, stated smoking is allowed in tobacco shops and smoking lounges, it wouldn't be a problem.

AYES: Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Director Lee

NAYS: None

ABSTAIN: None

9. TaJarus Vines, 1701 Pepperell Parkway, C-3, GC-S, Auto sales lot

Mr. Mosley reported the applicant/business owner is requesting conditional use approval for a used auto sales lot. About 20 years ago, an In-Bay car wash was constructed on the property. The site plan shows a 1,500 square foot (sf) building on a 9,670 sf lot. The lot size is small for an auto sales lot, so the applicant is limited to 8 parking spaces to display vehicles for sales; the remaining parking spaces meet minimum requirements for customers and employees. Four parking spaces for customers and one parking spaces for business owner or employee. The applicant desires to have an 'open property' type business that does not require a business owner or a full time employee to stay on site full time. A customer is allowed to inspect vehicles anytime. The business owner's contact information is on each vehicle so a customer interested can contact the applicant. The landscape requirements are met from the previous car wash business. At least 18 trees and 41 shrubs are on the property.

The former business was a In-Bay car wash, and the washing of vehicles was performed inside the building. Three vehicles can park inside the 1,500 sf building. The site plan shows two parking spaces for employees and one bay area inside the building will be used to clean and detail vehicles that are displayed for sale. A floor drain inlet is in the building to collect wastewater. The applicant is

aware that to wash vehicles there must be a drainage system where vehicles are washed and rinsed. The discharge of wastewater on the ground is prohibited. A drainage inlet must be installed at the location where vehicles are washed/rinsed to collect wastewater; the inlet must be connected to the sanitary sewer system, so the water is treated before discharged; approval of wastewater collection system is required from applicable departments.

Recommendation

Staff recommends conditional use approval with the following conditions:

1. The auto sales lot inventory to sell vehicles is limited to 8 vehicles as shown on the site plan. This condition is so minimum parking requirements for customers and employee(s) are met.
2. Vehicle washing, and detailing is limited to the 8 vehicles displayed for sale on the lot. Adding a car wash & detailing business to the auto sales lot business is not allowed.
3. No vehicles shall be parked on the right-of-way or in grassed areas.

¹The vehicle remains parked, and the car wash moves back & forth cleaning the car with cloth and high pressure spray.

Mr. Parker reported for Engineering, the Engineering Department has no other comments or concerns with this proposal and recommends conditional use.

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

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

Chairman Cherry opened the public hearing.

No comments.

Chairman Cherry closed the public hearing.

Ms. Cannon asked how does this fit into our Gateway Corridor?

Mr. Mosley stated typically the property would be required to meet the Gateway Corridor platting requirements if it were a new construction. Much of the building is glass right now with some metal and some base block on it, so it's not far off from our Gateway Corridor requirements. The site does have a landscape plan that's in your packet which does meet those landscaping requirements. The car sales use is a conditional use in the Gateway Corridor and that's one of the reasons that it is coming before you for approval.

Motion to grant conditional use approval with staff recommendations

RESULT: Passed

MOVER: Director Mike Hilyer

SECONDER: Mayor Gary Fuller

AYES: Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Director Lee

NAYS: None

ABSTAIN: None

10. Kirby Nunn, 300 Columbus Parkway, Unit 1, C-3, GC-P, Retail sales with outside storage

Mr. Mosley reported the petitioner, Kirby Nunn, is requesting conditional use approval to permit the sale and outdoor display of monuments and memorials of granite, marble, and bronze to be used primarily for, but not limited to, cemetery installation. Mr. Nunn will share office space inside Unit 1 of the Juice Box Gym establishment as needed for transactions with customers.

The intent of the Gateway Corridor Overlay zoning designation gives this use a conditional use approval process to allow the Planning Commission to determine if the outdoor display area is appropriate for this location. This use is unique especially since it requires a very small amount of outdoor display. The key concept of this proposal is that the memorials will be limited to the area shown on the site plan and no more than 10 to be displayed at a time. According to the petitioner, this use will not create a high volume of traffic. The location is within a few miles of the local funeral homes in the city.

Although this use is nontraditional, planning staff believes that this use is reasonable at this location. Staff recommends approval of conditional use with staff recommendations:

- Limit the number of monuments displayed to 10.
- Limit the area to 200 square feet shown on the site plan.
- Any separation barrier or fencing of this area requires staff approval prior to installation.

Mr. Parker reported for Engineering, the Engineering Department has no other comments or concerns with this proposal and recommends conditional use.

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

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

Chairman Cherry opened the public hearing.

No comments.

Chairman Cherry closed the public hearing.

Motion to grant conditional use approval with staff recommendations

RESULT: Passed

MOVER: Director Derek Lee

SECONDER: Lucinda Cannon

DISCUSSION: Mr. Silberman stated I don't have a problem with the purpose, but I wish they might consider doing something to enhance the look of the area. Either a background improvement or something. It's not a question of need.

Ms. Cannon stated it could look nicer.

Mr. Mosley stated that's within the realm of the Planning Commission to add conditions if you feel like there's something that needs to be added there.

Mr. Silberman stated I will leave it to the property owner, but I would hope that he would do something to enhance the look. It's certainly not attractive.

Mr. Mosley stated the Engineering Department is working on an intersection improvement project through here and it will add some sidewalks and will probably realign some of this. I think there will be some opportunities for some minor streetscaping improvements through that process.

Mr. Parker stated part of that plan will be to add some access divisions in that big block there. Add some curb and some landscape areas and limit access to the whole development to one or two locations. The street area will be cleaned up with the proposal, but whatever happens behind the property certainly needs to be held by the property owner.

Mr. Silberman stated it has no impact one way or another on the sales, but it would help the area.

AYES: Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Director Lee

NAYS: None

ABSTAIN: None

G. AMENDMENT TO 2030 COMPREHENSIVE PLAN and REZONING - Public Hearing

11. Amendment to Future Land Use Map, Michael Johnson, representative, 3.3 acres, 1200 block South Fox Run Parkway, from light commercial to general commercial

Amendment to the FLUM and rezoning request items were handled together. See rezoning request item #12.

12. Rezoning Request, Michael Johnson, representative, 1200 block South Fox Run Parkway, 3.3 acres, from C-2, GC-P to C-3, GC-P

Amendment to the Future Land Use Map

Mr. Mosley reported, the 2030 Future Land Use Map (FLUM) shows that the 3.3 acre rezoning property is in a "light commercial" land use category. The land use category of the adjacent properties on the north and east, sides are in a "general commercial" category. All adjacent lots to the rezoning property are undeveloped except a 4 acre RV (recreational vehicle) and camper sales lot. The RV sales lot is on the east side of the rezoning property. At the September 28th meeting, the Planning Commission made a positive recommendation to City Council to rezone

the adjacent property on the east side of the RV sales lot. City Council is expected to approve the rezoning at a future Council meeting. The RV sales lot is now requesting to expand into the 3.3 acre property on the west side of the RV sales lot.

The rezoning request to C-3, GC-P requires an amendment to the 2030 FLUM concerning 'land use category.' If the rezoning request is approved by City Council, then the 2030 FLUM should be amended so the parcel is in the "General Commercial" land use category. The 'general commercial' land use category provides a broad range of retail and service type uses usually located on major highways; the display of products outside a building is typical in a general commercial category and usually allowed.

Rezoning

Mr. Mosley reported, the applicant is requesting to rezone 3.3 acres from C-2, GC-P to C-3, GC-P. Two lots adjacent to the rezoning property are currently zoned C-3, GC-P : a 9 acre undeveloped property on the north side and a 4 acre property on the east side. The 4 acre property is a RV (recreational vehicle) and camper sales lot; Planning Commission granted conditional use approval for the RV sales lot, and a business license was issued in April 2021. At the September 2021 meeting, the Planning Commission approved a rezoning request to City Council for the 3.2 acre adjacent property on the east side of the RV sales lot; the RV/camper sales business plans to expand their outdoor display of RVs and campers into the 3.2 acre lot.

The plan for the rezoning property today is to expand the RV Sales lot business into the 3.3 acre adjacent lot on the west side of the RV sales lot. The expansion provides a larger inventory for the RV/camper business and increases RV/camper visibility to Fox Run Parkway and I-85 traffic. If the 3.3 acre rezoning property is approved, the applicant is aware that conditional use approval is required including a site plan and landscape plan. There are no immediate plans for a new building on the rezoning property The existing 13,000 square foot building (former Harley-Davidson) on the 4 acre parcel serves as office space and a service department for both lots.

Staff Recommendation

Planning staff believes that the 3.3 acre rezoning to C-3, GC-P is appropriate given the proposed 'RV sales lot' is adjacent to C-3, GC-P zoned properties. The rezoning request today is to expand the RV sales business 3.3 acres on the west side; a 3.2 acre expansion on the east side of the RV sales lot was given a positive recommendation for approval by the Planning Commission at the September meeting.

The rear property line of the rezoning property is adjacent to I-85. Typically, an RV sales lot locates near an interstate highway providing immediate access to the business and to increase inventory exposure along I-85. If City Council approves rezoning the property, staff recommends the 3.3 acre property on the Future Land Use map be amended from a "Light Commercial" land use category to a "General Commercial" land use category.

Planning Staff recommends Planning Commission send a positive

recommendation to the City Council to rezone the 3.3 acre property from C-2, GC-P to C-3, GC-P.

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

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

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 for the Amendment to the Future Land Use Map and the rezoning request.

No comments.

Chairman Cherry closed the public hearing.

Amendment to the Future Land Use Map

Mayor Fuller made a motion to approve the amendment to the Future Land Use Map with staff recommendations.

Mr. Hilyer seconded the motion.

Ayes: Mayor Fuller, Cherry, Silberman, Whatley, Cannon, Menefee, Hilyer, and Lee.

Nays: None.

Abstention: None.

Rezoning

Mr. Hilyer made a motion to send a positive recommendation to City Council with staff recommendations.

Mr. Silberman seconded the motion.

Ayes: Mayor Fuller, Cherry, Silberman, Whatley, Cannon, Menefee, Hilyer, and Lee.

Nays: None.

Abstention: None.

H. MASTER PLAN REVISIONS - Public Hearing

13. Wyndham PUD Master Plan, Major Amendment to Master Plan, 4.6 Acres, corner of Gateway Drive & Wyndham Industrial Drive, David Slocum P.E., Amendment from office/commercial to private storage of fuel for a construction/environmental service business and retail sales of fuel

Mr. Mosley reported, the applicant is requesting a major revision to the Wyndham PUD Master Plan. The amendment involves one 4.6 acre parcel at the corner of Gateway Drive and Wyndham Industrial Drive (see Master plan page 3). The 2005 master plan narrative envisioned this corner parcel as “office areas” serving as “entries to both the Residential and Industrial areas (Wyndham Industrial Drive) of the Development.” The master plan shows the corner lot as an “office” area. The applicant proposes a major land use change for the 4.6 acre parcel. The applicant has a construction & environmental business with several vehicles and construction equipment that require diesel fuel. The

applicant's primary construction property/office is the 7.3 acre adjacent property on the north side of the diesel fuel development as shown on master plan. The land use designation for the 7.3 acres is "Industrial" on the master plan. The diesel fuel development is about 700 feet from two buildings on the 7.3 acres. The diesel fuel property is accessed from Gateway Drive; the applicant's construction business is accessed from Wyndham Industrial Drive. The applicant desires to construct a 24'x 50' canopy for two diesel fuel pumps. The fuel storage tanks are underground. (See site plan in packet.) The diesel fuel is for the company's vehicles and equipment. The diesel pumps will also be equipped to sell diesel fuel to the public as a self-service business; method of payment is credit card ("pay at the pump" type self-service). The two diesel fuel pumps serve a maximum of four vehicles at the same time. An employee/attendant will not be on the property to assist the customer with fueling or payment transactions. An off-road diesel pump will be provided in the rear yard area for off-road vehicles (tractors) and other construction equipment. *(The purchase of off road diesel fuel is not taxed; red dye is added to fuel to show it's untaxed.)*

The conceptual plan provided by applicant shows the canopy location and landscaping. The diesel fuel development is located on the west half of the 4.6 acre parcel. A 50' wide Alabama Power Transmission line runs nearly diagonal (corner to corner) across the property and borders the diesel fuel business on the west side. Access to the diesel fuel pumps is Gateway Drive not Wyndham Industrial Drive. A building with rest rooms is not planned for the development. All activities on the property are self-service.

Staff Comments and Recommendation

Staff believes approval of the revisions will likely have a negative impact on the surrounding area. The self-service diesel business and the fueling of construction vehicles/equipment will operate without an employee/attendant on property to observe and supervise the dispensing of fuel if necessary, and maintain the appearance of the property. A self-service business can stay open 24 hours a day. Planning has concerns that eventually the diesel fuel property will be neglected, and the property gradually decrease in cleanliness, and be overcome with excessive clutter, overflowing trash bins, an increase in fuel spillage, temporary outside storage, and perhaps loitering. The lack of property maintenance and cleanliness will be a nuisance to adjacent properties and result in depreciation of surrounding properties.

The 4.6 acre diesel property on the corner of Gateway Drive and Wyndham Industrial Park is just one mile from an I-85 exit and a major shopping center (Tiger Town). Across Gateway Drive from the proposed diesel fuel business, the land use designation on the Wyndham master plan shows apartment development on 21 acres, and near the apartments, commercial development on 7 acres. The revisions requested do not contribute or support the future uses designated on the Wyndham PUD master plan, but instead disturbs the compatibility the master plan provides and will probably hinder future growth. Staff believes the diesel fueling for construction vehicles and the self-service diesel business is out of character with the master plan. The applicant has other land uses to select that are more sensitive and compatible with the existing uses and future uses as designated on the Wyndham PUD master plan that will provide a more desirable long term purpose that serves the area and encourages growth.

Planning recommends denial of the proposed master plan revisions and supports the 'office area' designation on the master plan.

Mr. Mosley stated there was a comment submitted late yesterday afternoon regarding this item. Mr. Mosley read the letter.

My name is James Kring. My residence is 1000 Gwynne's Way, Opelika, AL 36804 in the Reserve at Wyndham Gates subdivision.

I am submitting a comment for the Master Plan Revisions public hearing regarding the rezoning of the corner of Gateway Drive & Wyndham Industrial Drive to allow for the private storage of fuel for business and retail sales.

Comment:

I am against this rezoning as allowing a fuel station to be built there would damage the character of the neighborhoods in that area. There are already 5 gas stations within two driving miles of that location with the closest being Eagle gas station at Capps Landing which is just one mile away. Another station is not needed. Also, the building of another gas station is incredibly short sighted because the future of consumer vehicles used for daily use is moving to electric vehicles (EVs). The usage of EVs is perfect for residences which have a private driveway and/or garage. All of the houses in the neighborhoods adjoining Gateway Dr. fit this description, and ownership of EVs in those neighborhoods will continue to grow. Longterm, the proposed fuel station will not benefit the neighborhoods in which it has invaded. Thank you for your time!

Best,

James Kring

Mr. Parker reported for Engineering, the Engineering Department has no other comments or concerns with this proposal and recommends master plan revision.

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

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

Chairman Cherry opened the public hearing.

David Slocum, authorized representative, stated the applicant does intend for this to be well landscaped, well built, well maintained, and fit in with the developments that are in the area. I do understand that it's a little unusual just to have a fuel station without a convenience store attached to it but I feel like that could be a benefit by not attracting everyone who wants a cigarette. You would only stop here if you had a diesel engine vehicle that you needed fuel for. He plans to have a credit card machine integrated in the pumps which would be tied in with his business which is right adjacent to the property. I would like to get any input from you if you are not totally against the use. If you think there is something that can be done a little differently, we are open to suggestions. However, if you feel like the use is just not appropriate there, I understand that too. Do you have any questions?

Chairman Cherry asked is this primarily for his use or his company's use?

David Slocum stated, it started out to be that he needed diesel fuel for his equipment and his trucks and then he said why not offer it to the public right there on his property.

Chairman Cherry stated it is my opinion that the reason for denial is because it shouldn't be where it is as a public thing. If it was located somewhere on his property for his own employees and his own vehicles, I wouldn't have a problem with it. I think that it's inappropriate to have it open for the public.

Chairman Cherry closed the public hearing.

Motion to send a recommendation of denial to City Council

RESULT: Passed

MOVER: Director Mike Hilyer

SECONDER: Ira Silberman

AYES: Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Director Lee

NAYS: None

ABSTAIN: None

I. OTHER BUSINESS

14. Approve dates for November and December Planning Commission Meetings.

The Planning Commission decided to maintain the November 23, 2021 meeting date and move the December meeting to December 21, 2021.

J. ADJOURN

Motion to adjourn at 4:10 p.m.

RESULT: Passed

MOVER: Mayor Gary Fuller

SECONDER: Director Mike Hilyer

AYES: Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Director Lee

NAYS: None

ABSTAIN: None

Lewis A. Cherry, Chairman

Matt Mosley, Secretary

