



PLANNING COMMISSION MINUTES

300 Martin Luther King Blvd.

January 23, 2024

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 January 23, 2024 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, Councilman George Allen, Mrs. Leigh Whatley, Mr. Michael Hilyer, Mr. Jay Walters, Mr. Sheldon Whittelsey, and Mr. John Sweatman.

MEMBERS ABSENT: Dr. Arturo Menefee.

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 December 19, 2023

RESULT:	Passed
MOVER:	Mayor Gary Fuller
SECONDER:	Director Mike Hilyer
AYES:	Chair Cannon, Walters, Whatley, Whittelsey, Director Hilyer, 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.

IV. NEW BUSINESS

A. **REZONING - Public Hearing**

1. (a) Amendment to the Future Land Use Map, accessed from 414 N 10th Street, 1.24 acres, from a medium density residential land use category to an institutional land use category.

(b) Rezoning request, Mary Allison Wilmarth Kovak, authorized representative for Thomas J. Rodi, Archbishop of Mobile, a Corporation sole, 1.24 acres, accessed at 414 N 10th Street, from R-2 to I-1

Mr. Mosley presented the staff report to the Planning Commission for the rezoning request for 1.24 acres accessed at 414 North 10th Street, from R-2 to I-1. He stated that Planning Staff recommends the Planning Commission send a positive recommendation to the City Council to rezone the 1.24 acres property from R-2 to I-1.

Mr. Parker provided the reports for Engineering, Opelika Utilities Board, and Opelika Power Services. He stated that the lot is currently served by a standard ¾" Domestic and Irrigation Water meters fed from 5th Avenue.

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

Berry Whatley, 400 North 9th Street, stated that he was against this because of the rezoning and the proposed bed and breakfast. He stated that he didn't want the other uses allowed in the I-1 zone, including dentists and daycare centers, to be allowed in this neighborhood. He stated that if the owners sell the property in 5 years, it could be a daycare center and that it didn't belong in the Historic District. He stated that he was concerned about what would happen when the three other houses that the church owns go up for sale, and that he was concerned about setting a precedent. He stated that his neighbors have said that they don't want to be across the street from an event center where there will be parties at night and weddings. He stated that he felt the church should put it back on the market at a reasonable price. He stated that he would rather the house be torn down and be a green lot than be a daycare center or a dentist office.

Temple Anderson, 2607 Hillview Lane, stated that he was representing the eldership at the 10th Street Church of Christ. He stated that they were not in favor of this because of the venue and the sale and consumption of alcohol. He stated that he didn't think it was a good thing for the church.

Steve Lock, 501 North 10th Street, stated that he has put a lot of money into his house, and spends a lot of time outside on the deck. He stated that the church is loud and they don't want to have to deal with the traffic and noise that are going to go with this. He stated that this is not what they want.

Megan Perdomo, 1015 4th Avenue, asked if the Planning Commission has done any analysis on if the proposed commercial venture and the change in zoning is compatible with the surrounding area?

Chair Cannon stated that the owner of the property wants to rezone it, and that the Planning Commission hears the request.

Megan Perdomo stated that she was against this. She stated that she felt there was no research done to justify this rezoning and that this could be considered spot zoning. She stated that spot zoning could be illegal, especially if it benefits private parties and diminishes the property values of the surrounding property. She asked if there has been any plan to limit commercial activities such as noise? She stated that there are noise ordinances for residential zoning, but

that there isn't for I-1. She asked about limits for delivery and dropoffs for the event center? She stated that the property has only been on the market for 90 days and hasn't been sitting on the market for a long time. She asked if this would be more similar to an Airbnb or a bed and breakfast? She asked how the outdoor events would work?

Julie Lock, 501 North 10th Street, stated that she was speaking for her neighbors Tony and Phyllis McCarty at 505 North 10th Street. She stated that they were disappointed that this property was proposing to be rezoned. She stated that if this becomes an event center or a bed and breakfast, it defeats everything that they have done to preserve the Historic District. She read a letter from the McCarty's "concerning the property located at 414 North 10th Street, we do not want the zoning to be changed from medium density residential land use category to an institutional land use category. We are concerned that our property values will decrease with the change. We are also concerned about the noise and the traffic this change will bring to the neighborhood. Since we work during the hours of this meeting we are sending our concerns in writing. Thank you."

Charles Brewer, 315 North 10th Street, stated that his biggest concern was the rezoning and that what can be allowed in the Institutional zone is concerning. He stated that he is concerned about trash getting worse and that it could eventually become a doctors office or daycare.

Catherine Staunton, 425 Bush Creek Road, stated that she loves Opelika and she hopes this doesn't degrade the neighborhood and set off a chain reaction that will ruin that beautiful space.

Angela George, 106 North 4th Street, stated that she got excited when she saw this on the agenda. She stated that she didn't understand why people were wanting to preserve homes, but not wanting to use them for other uses. She stated that she comes from New England and that a lot of the homes there are too big and expensive so they are being turned into bed and breakfasts and boutique hotels. She stated that preservation is so important to the economy. She stated that she hoped the house could continue to stand, and she noted that the Kovaks have done exquisite work on Zazu and The Well. She stated that they are the best stewards of the property that they own and that they live in Opelika and are very involved and invested in the community. She stated that the person who is willing and able to preserve this home and bring it back to it's original glory should be given the opportunity to do that.

Rush Denson, 400 North 8th Street, stated that he is the Chairman of the Historic Preservation Commission, and that he hand picked the Kovaks to restore this home. He stated that he showed it to others who were turned off immediatly due to the work and expense required for this home. He stated that Jonathan Wilmarth is in construction and is interested in seeing this home saved and restored. He stated that at this time neither the Kovaks nor Jonathan Wilmarth can occupy this home full time, but they have not ruled that out as something that could be an option given time. He stated that with the thought of the home being torn down or purchased by someone not qualified to do what is needed, they decided to go forward with the project. He stated that their hope is to make the home a place that the community can visit by offering it as a space for smaller events or controlled overnight guests with guarded requirements and not offered as an Airbnb. He stated that their personal investments will be substantial, and therefore they will naturally be careful to protect their investments and remain cognizant of the neighbors and the community. He noted that the community was in an uproar when this home was purchased by the Catholic Church for fear of it being torn down. He stated that this is an opportunity to not only save it, but bring it back to it's former glory. He noted that the current owners could demolish this property or their other properties if a developer wanted a clean slate to build a high density development. He noted that there are similar homes in the Historic District that operate under the rules in which the Kovaks intend to abide. He stated that their

earnest desire is to address any concerns in order to be good neighbors. He noted that this home was on the market for a few years before the church bought it. He stated that there are some significant issues with the building including repairs needed to the slate roof. He stated that the cost of the work could exceed \$125,000 and that one contractor said he had no interest in taking this job. He stated that one of the inspectors walked away from the job after seeing the kitchen, saying that he did not want his name on the report due to liability. He noted that many people were reporting the zoning request was for industrial or commercial which is inaccurate and that the request is for institutional.

Brian Perdomo, 1015 4th Avenue, stated that he agreed with many of the things that were already said. He stated that if there are significant problems with the house the price should be lowered. He stated that he hoped the decision is made with the interest of the neighborhood as a whole and not in the interest of the individual buyer.

Jonathan Wilmarth, applicant, stated that they are trying to preserve the house. He stated that the house is in need of a lot of repairs and that they want to fix it up the right way. He stated that they are not turning this into an event center, but that they want to turn it into a home that people can come and enjoy. He stated that this is to preserve what is there and keep it from being turned into a parking lot or get fixed cheaply for the sake of money. He stated that during Christmas it will be opened up to the community so that people can come and see what they have done, but that they need the opportunity to do that.

Robin Weyant, 809 Shelby Avenue, stated that this was not about the house, but about what can be done in the Institutional zone. She stated that if they sell this property and it is zoned Institutional, whoever buys it has a right to do anything they want that is allowed in that zone. She stated that this is about the zoning and protecting north Opelika.

Chair Cannon closed the public hearing.

Motion to send a negative recommendation for rezoning to City Council

RESULT:	Passed
MOVER:	Leigh Whatley
SECONDER:	Jay Walters
DISCUSSION:	Mr. Sweatman asked if there are any examples in Opelika where this has been done? Mr. Mosley stated that Heritage House, which is in the C-2 zone, has a bed and breakfast and has some events there. He stated that the Brownfield House has events and holds gatherings. He stated that when staff reviewed the item, they looked at the event use as an assembly use which is similar to what the church would have. He noted that churches can be zoned institutional.
AYES:	Chair Cannon, Walters, Whatley, Whittelsey, Director Hilyer, Mayor Fuller, Councilman Ward 1 Allen, Sweatman
NAYS:	None
ABSTAIN:	None

Mayor Fuller and Guy Gunter left the meeting at 3:46 p.m.

Motion to deny the Amendment to the Future Land Use Map

RESULT:	Passed
----------------	---------------

MOVER:	Sheldon Whittelsey
SECONDER:	Leigh Whatley
AYES:	Chair Cannon, Walters, Whatley, Whittelsey, Director Hilyer, Councilman Ward 1 Allen, Sweatman
NAYS:	None
ABSTAIN:	None

B. OTHER BUSINESS

2. Fred Boozer, Jr., property owner, requesting an amendment to the exterior building material requirements for a 200,000 square foot two-story climate control self-storage building at 3000 Old Opelika Road. The self-storage building was rezoned by the City Council at the June 2022 Council meeting. The Planning Commission rezoning review at the April 2022 PC meeting included conditions for approval that included the exterior materials must meet the Gateway Corridor requirements for exterior materials.

Mr. Parker left the meeting at 3:48 p.m.

Mr. Mosley presented the staff report to the Planning Commission for the requested amendment to the exterior building material requirements for a 200,000 square foot two-story climate control self-storage building at 3000 Old Opelika Road. He stated that the Self Storage project at 200,000 square feet is adjacent to residential zones or dwellings on three sides, and visible from the Frederick Road Gateway Corridor. Staff recommends the Gateway Corridor list of exterior materials in Section 7.6 be required to improve the transition from commercial to residential uses. Staff does not believe the proposed PBC metal panel is consistent with the approved primary materials in Section 7.6. Staff recommends approval subject to the following

1. For all elevations, revise all exterior materials labeled as PBC panel (see pages 4-6) and install EIFs material or another primary building façade as listed in Section 7.6.

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

Chair Cannon opened the public hearing.

Fred Boozer, applicant, stated that the building is 130,000 square feet. He stated that they are trying to do larger setbacks than normal and that they have upgraded the landscaping. He stated that Planning has made a few comments on the landscaping and that they are happy to add those. He stated that the back of the building is only 3 or 4 feet higher than the fence. He requested that instead of changing the PBC panels to the EIFs system they change it to the IPS.

Mr. Mosley stated that the IPS has a stucco appearance even though it is an insulated metal panel.

Fred Boozer stated that his architect has told him that it meets the Gateway Corridor requirements and that he wants his neighbors and the City to be happy. He stated that some of the EIFs in Tiger Town are degrading and it is harder to repair. He stated that he is happy with the recommendation from staff if the Planning Commission is not in favor of the panel system.

Chair Cannon closed the public hearing.

Mr. Whittelsey asked if the ABBA storage facility meets the gateway corridor requirements?

Mr. Mosley stated that they came in with a hardie material on one side, but that they back up to the airport. He stated that was before the Gateway Corridor requirements were changed.

Mr. Hilyer asked if the insulated panels were a staff recommendation?

Mr. Mosley stated that staff's original recommendation was that this be Gateway Corridor materials on all four sides. He stated that staff feels the corrugated material does not meet the Gateway standards, but that the insulated panel has been occasionally allowed and that Planning staff is ok with it provided the landscaping is upgraded.

Mr. Hilyer stated that the stucco insulated panel is much better then the corrugated panel and that it will be there for a long time.

Chair Cannon asked if it will be white and stated that she didn't want it to look muddy when it rains.

Mr. Mosley stated that it doesn't have to be white and that staff can work with the applicant to find a color that works for everyone.

Motion to grant conditional use approval with staff recommendations

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

V. ADJOURN

Motion to adjourn at 4:06 p.m.

RESULT:	Passed
MOVER:	Sheldon Whittelsey
SECONDER:	Jay Walters
AYES:	Chair Cannon, Walters, Whatley, Whittelsey, Director Hilyer, Councilman Ward 1 Allen, Director Sweatman
NAYS:	None
ABSTAIN:	None

Lucinda Cannon, Chair

Matt Mosley, Secretary