



PLANNING COMMISSION MINUTES

300 Martin Luther King Blvd.

February 27, 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 February 27, 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, Dr. Arturo Menefee, Mrs. Leigh Whatley, Mr. Michael Hilyer, Mr. Jay Walters, Mr. Sheldon Whittelsey, and Mr. John Sweatman.

MEMBERS ABSENT: Councilman George Allen.

STAFF PRESENT: Mr. Matt Mosley, Planning Director
Mr. Martin Ogren, Assistant Planning Director
Mrs. Rachel Dennis, Planner
Mrs. Claire Barber, Planning and Zoning Technician
Mr. Scott Parker, City Engineer
Mr. Guy Gunter, City Attorney

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

Approval of Planning Commission Minutes January 23, 2024

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

III. UPDATE ON PREVIOUS PC CASES

Mr. Mosley stated that the rezoning on 10th Street and the rezoning for the Opelika Industrial Development property next to Fox Run Village are both at City Council and will have their second readings at the next City Council meeting. He stated that items three and eight have been requested to be tabled by the applicants.

IV. NEW BUSINESS

A. PLAT (Preliminary Only) - Public Hearing

1. Redivision of Lots 2-B-1A, 5, and 6 Village Professional Park, First Revision, 2 lots, accessed from Village Professional Parkway, Sam Price, authorized representative for East Alabama Healthcare Authority, Preliminary Approval.

Mr. Mosley presented the staff report to the Planning Commission for the Redivision of Lots 2-B-1A, 5 and 6 Village Professional Park, First Revision accessed from Village Professional Parkway. He stated that staff recommends preliminary plat approval subject to the following:

1. **Add the adjoiners across the NS Railroad R.O.W. and those across Waverly Parkway.**
2. **The sidewalk noted as part of the PUD should be installed parallel to the existing and new streets.**
3. **The landscaping noted as part of the PUD should continue the tree-lined streets to match the existing ones.**
4. **All utilities shall be underground.**

Mr. Parker provided the reports for Engineering, Opelika Water, and Opelika Power Services. He stated that water is available from Payne Street (as labelled on plat) and final approval is subject to acceptance of infrastructure installation.

Mr. Mosley stated that Mr. Walters is acting as a representative for the Hospital and will not act as a voting member on the Commission.

Mr. Walters removed himself from the dais.

Chair Cannon opened the public hearing.

No comments.

Chair Cannon closed the public hearing.

Motion to grant preliminary plat approval with staff recommendations

RESULT:	Passed
MOVER:	Arturo Menefee
SECONDER:	Director Mike Hilyer
AYES:	Chair Cannon, Whatley, Whittelsey, Director Hilyer, Menefee, Mayor Fuller, Director Sweatman
NAYS:	None
ABSTAIN:	Jay Walters

2. National Village, Plat 1E, 30 lots, accessed from Robert Trent Jones Trail, Goodwyn Mills and Cawood, LLC, authorized representative for Retirement Systems of Alabama, Preliminary Approval

Mr. Mosley presented the staff report to the Planning Commission for the National Village, Plat 1E subdivision, accessed from Grand National Parkway. He stated that staff recommends preliminary approval subject to the following:

1. **Add the right of way width of Grand National Parkway.**
2. **Add the adjacent property owners.**
3. **Add the side and rear yard setbacks on plat.**

4. **Install sidewalks on at least one side of all streets.**
5. **Add a note that Parcel A and B are open space or green space and include who will maintain these areas.**
6. **Add walking trails and cart paths and label them pedestrian access easements across Outparcel A to link Phase 1D to Phase 1E.**

Mr. Parker provided the reports for Engineering, Opelika Water, and Opelika Power Services. He stated that water is available from Grand National Parkway and final approval is subject to acceptance of infrastructure installation. He stated that this property is located outside of the Opelika Power Services territory.

Chair Cannon opened the public hearing.

No comments.

Chair Cannon closed the public hearing.

Motion to grant preliminary plat approval with staff recommendations

RESULT:	Passed
MOVER:	Arturo Menefee
SECONDER:	Director John Sweatman
DISCUSSION:	Chair Cannon asked what is the width on the front of these lots? Mr. Mosley stated that these are mostly 55 feet. Chair Cannon asked if there was a new Master Plan? Mr. Mosley stated that the change was so small that staff didn't feel a Master Plan amendment was necessary.
AYES:	Chair Cannon, Walters, Whatley, Whittelsey, Director Hilyer, Menefee, Mayor Fuller, Director Sweatman
NAYS:	None
ABSTAIN:	None

3. South Lake Bank Parcels Redivision of Lot 2, 45 lots accessed from South Uniroyal Road, Chao Han, Preliminary Approval

Mr. Mosley stated that there are multiple lots that are under the allowed lot size for this zoning district. He stated that staff recommended denial. The applicant requested the item be tabled to allow them to work on the lot sizes.

Motion to table the item at the applicant's request

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

Mr. Whittelsey left the meeting at 3:14.

4. Prestige SD, 12 lots, accessed from Lee Road 171, David A Filgo, Preliminary Approval

Mr. Mosley presented the staff report to the Planning Commission for Prestige subdivision accessed from Lee Road. He stated that while the lots generally meet or exceed the standards of the subdivision, the roadway is of great concern. SECTION 3.3 of the Subdivision Regulations state that street improvements shall meet the requirements of the Public Works Manual and requires that the streets be appropriate and safe for the proposed use of the land served by such streets. Although the development is not dense, the increase of use and traffic by this subdivision without improvement to the remainder of the road would create a health, safety, and public welfare issue for the city. For these reasons, Planning concurs with the recommendation for denial of this plat at this time.

Mr. Parker provided the reports for Engineering, Opelika Water, and Opelika Power Services. He stated that this subdivision is on an unimproved street that is just outside the Opelika City limits. This road currently has a 40-ft wide ROW. The road is narrow and unimproved for approximately 1.5 miles inside the City limits (Wigdon Road) until it reaches Oak Bowery Road to the south. There is approximately 1.75 miles of unimproved county road to the north until it reaches US 431. It is a concern of the Engineering and Public Works Department, as well as Lee County Highway Department that there is so much unimproved road before a paved road is reached to have 12 lots access this roadway. In normal situations like this, the City and County would require the applicant/property owner to dedicate the needed ROW and widen and improve the roadway all the way to the paved street. Because the 1.5 miles to the paved City Street is adjacent to different property owners, the applicant has no control over the Right of way. The Engineering Department is recommending denial of this proposed Preliminary Plat because of the safety and access concerns of the roadways. He stated that this development is outside of Opelika Water's Service Area. He stated that this property is located outside of the Opelika Power Services territory.

Chair Cannon opened the public hearing.

Mike Maher, Precision Surveying, authorized applicant, stated that he has met with staff and agrees with their concerns, however if you go north the road is a lot better. He stated that there is an interested buyer and that if this is denied they will be putting in an administrative plat. He noted that the interested buyers have driven out to the land and are aware of the road. He stated that the average lot size on this subdivision is over ten acres. He proposed a hold harmless agreement that could be added to the plat which he felt would indemnify the City. He stated that it is the desire of the developer to sell these lots and that if this is denied they would like a path forward with guidelines to make this a palatable subdivision for the Commission.

Jesse Campbell, 2833 Sundance Road, stated that emergency vehicle access to those properties is going to be a challenge also, even on the County roads.

Chair Cannon closed the public hearing.

Motion to deny the preliminary plat

RESULT:	Passed
MOVER:	Mayor Gary Fuller
SECONDER:	Director John Sweatman
AYES:	Chair Cannon, Walters, Whatley, Director Hilyer, Menefee, Mayor Fuller, Director Sweatman
NAYS:	None
ABSTAIN:	None

5. Hidden Lakes North SD, 236 lots, accessed from Sportsplex Parkway, Blake Rice, Barrett-Simpson, Inc., authorized representative for 280 Land Company LLC, Preliminary Approval.

Mr. Mosley presented the staff report to the Planning Commission for the Hidden Lakes North Subdivision accessed from Sportsplex Parkway. He stated that staff recommends approval of the preliminary plat subject to the following conditions:

1. Note the use and who will maintain the open space.
2. Confirm the buffer width along the west property line.
3. Sidewalks are required on both sides of the street.
4. All utilities shall be located underground.
5. Work with the City to create a larger greenway throughout the neighborhood and area.

Mr. Parker provided the reports for Engineering, Opelika Water, and Opelika Power Services. He stated that a right turn lane and left turn lane will be required to be constructed at each entrance of this subdivision. He stated that this development requires extension of 8" diameter main along Sportsplex Parkway from Anderson Road Roundabout to existing main on Lakeview Drive (approximately 3,000 feet). Existing main is on the south side of Sportsplex Parkway and will require roadway crossings at both entrances of the new development. He stated that this property is located outside of the Opelika Power Services territory.

Chair Cannon opened the public hearing.

No comments.

Chair Cannon closed the public hearing.

Motion to grant preliminary plat approval with staff recommendations

RESULT:	Passed
MOVER:	Director Mike Hilyer
SECONDER:	Director John Sweatman
DISCUSSION:	Chair Cannon asked if the turn lanes were off of Sportsplex Parkway? Mr. Parker stated that there would be a left and right turn lane at each entrance off of Sportsplex Parkway and that leaving the subdivision there would be a left and right also. He stated that it is important to keep the turning movements on Sportsplex Parkway from interfering with the through traffic. Mr. Sweatman asked if there would be stop signs at the main entrance? Mr. Parker stated that at this time there are no plans for other traffic control at that location other than the two stop signs on the side streets.
AYES:	Chair Cannon, Walters, Whatley, Director Hilyer, Menefee, Mayor Fuller, Director Sweatman
NAYS:	None
ABSTAIN:	None

B. Preliminary and Final Plat - Public Hearing

6. Old Columbus SD, Redivision of Lot 1, 7 lots, accessed from Old Columbus Road, Hunter Bell, Preliminary and Final Approval

Mr. Mosley presented the staff report to the Planning Commission for the Old Columbus Subdivision accessed from Old Columbus Road. He stated that staff recommends preliminary and final approval subject to the following:

1. Add a symbol for the concrete monument labeled on the section corner/POC.
2. Remove all dash lines running parallel to side and front property lines.

Lee County comments:

- The County Engineer's certificate references the wrong city.
- All proposed driveway locations need to be marked in the field and approved prior to plat approval.
- The shared drives should be numbered and our shared driveway note added to the plat as standalone notes.
- Show all utility lines.
- Show all cross drains (if any).
- This plat needs to be cleaned. There should be no overlapping lines or illegible text.
- Access easements are not labeled or dimensioned.
- All streams/wetlands should be labeled.

Mr. Parker provided the reports for Engineering, Opelika Water, and Opelika Power Services. He stated that this subdivision is in the County and is approximately 2-miles from the City limits on Old Columbus Road. This subdivision will need to have the approval of the Lee County Highway Department access management requirements. He stated that this development is outside of Opelika Water's Service Area. He stated that this property is located outside of the Opelika Power Services territory

Chair Cannon opened the public hearing.

No comments.

Chair Cannon closed the public hearing.

Motion to grant preliminary and final plat approval with staff recommendations

RESULT: Passed

MOVER: Director John Sweatman

SECONDER: Arturo Menefee

DISCUSSION: Chair Cannon stated that there are long flag lots on this plat.

Mr. Mosley stated that staff did not envision the regulation being used that way. He stated that the point of a 60 foot flag being there is because 60 feet is the standard width for a roadway. He noted that there is potential for a road to be added here but that is unlikely in this case and there will probably be shared access through the county. He stated that while it is not ideal, there are no regulations that will prevent that from being done right now.

Chair Cannon asked if there is any division or fence between the flags.

Mr. Mosley stated that they will have a shared drive down the center that is 120 feet wide and approximately 1,000 feet long to Lot 1-21.

AYES:	Chair Cannon, Walters, Whatley, Director Hilyer, Menefee, Mayor Fuller, Director Sweatman
NAYS:	None
ABSTAIN:	None

C. CONDITIONAL USE - Public Hearing

7. William Robert Ogletree, authorized representative for TO Properties LLC, at 3600 Pepperell Parkway, C-3, GC-P, Auto sales lot.

Mr. Mosley presented the staff report to the Planning Commission for the proposed conditional use request for an auto sales lot at 3600 Pepperell Parkway. He stated that Planning Staff recommends conditional use approval subject to the following:

1. Add Landscaping to pervious (grass) areas available along the front property line (Gateway Corridor Buffer) and East side property line: From the Landscape Regulations, plant understory trees spaced apart 15 feet; between the trees plant shrubs to capacity. Along West property line: Some shrubs exist along west property line. As space allows between shrubs add understory trees and then add shrubs to capacity.
2. Stripe the parking lot; one parking space must be a handicap accessible parking space (striped minimum 13x18).

Mr. Parker provided the reports for Engineering, Opelika Water, and Opelika Power Services. He stated that the access shown to the east has been removed and is to remain closed with this application.

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:	Mayor Gary Fuller
SECONDER:	Director John Sweatman
AYES:	Chair Cannon, Walters, Whatley, Director Hilyer, Menefee, Mayor Fuller, Director Sweatman
NAYS:	None
ABSTAIN:	None

D. REZONING - Public Hearing

8. (a) Amendment to the Future Land Use Map accessed from Gateway Drive, 106 acres, from a light commercial and general commercial land use category to a mixed use category (residential and commercial).

(b) Rezoning request, Blake Rice, Barrett-Simpson authorized representative for Saucier Investments LLC and others, 106 acres, accessed at Gateway Drive and Cunningham Drive, from a C-2, C-3 and R-4 to a PUD.

Mr. Mosley stated that the applicant has requested this item be tabled.

Motion to table the item at the applicant's request

RESULT:	Passed
MOVER:	Director John Sweatman

SECONDER: Arturo Menefee
AYES: Chair Cannon, Walters, Whatley, Director Hilyer, Menefee, Mayor Fuller, Director Sweatman
NAYS: None
ABSTAIN: None

E. OTHER BUSINESS - Conditional Use Amendment

9. Amendment to a conditional use approved at the September 2023 Planning Commission meeting for Jake Whaley, authorized representative for PFI, Ltd., The location of the front property line along Marvyn Parkway determined the approved berm & landscaping be replaced with heavier evergreen screening and oak trees to add height and plant variety. Along the south property line, hollies are proposed to enhance screening between the proposed commercial use and the adjacent residential zone. Changes to plant materials are also proposed along the north property line to enhance landscaping.

Mr. Mosley presented the staff report to the Planning Commission for an amendment to a conditional use approved at the September 2023 Planning Commission meeting. He stated that Planning recommends approval of landscape plan revisions as presented.

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

Motion to grant amended conditional use with staff recommendations

RESULT: Passed
MOVER: Arturo Menefee
SECONDER: Director John Sweatman
AYES: Chair Cannon, Walters, Whatley, Director Hilyer, Menefee, Mayor Fuller, Director Sweatman
NAYS: None
ABSTAIN: None

V. ADJOURN

Motion to adjourn at 3:47 p.m.

RESULT: Passed
MOVER: Mayor Gary Fuller
SECONDER: Director John Sweatman
AYES: Chair Cannon, Walters, Whatley, Director Hilyer, Menefee, Mayor Fuller, Director Sweatman
NAYS: None
ABSTAIN: None

Lucinda Cannon, Chair

Matt Mosley, Secretary