



PLANNING COMMISSION MINUTES

300 Martin Luther King Blvd.

March 26, 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 March 26, 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, Dr. Arturo Menefee, Mrs. Leigh Whatley, Mr. Michael Hilyer, Mr. Jay Walters, Mr. Sheldon Whittelsey, and Mr. John Sweatman.

MEMBERS ABSENT: None.

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 February 27, 2024

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

III. UPDATE ON PREVIOUS PC CASES

Mr. Mosley stated that staff has received a partial draft copy of the comprehensive plan and that they will be getting feedback on that and then scheduling final meetings. He stated that there was a vacation of right-of-way and rezoning from December regarding Speedway Drive and that it will be at the first City Council meeting in May.

IV. NEW BUSINESS

A. Conditional Use and Preliminary Plat - Public Hearing

1. Moore Bass Consulting, Inc., authorized representative for Thrash Investments Inc., accessed from the 220 block of Samford Avenue, R-4, 49 townhome lots.

Mr. Mosley presented the staff report to the Planning Commission for the proposed conditional use request for 49 townhome lots accessed from the 220 block of Samford Avenue. He stated that Planning Staff recommends conditional use approval subject to the following:

1. **Install a residential buffer along the west property line according to the options⁽¹⁾ described in the Landscape Regulations. If the open space is to be considered an undisturbed buffer, it should be shown on the site plan and plat.**
2. **If a private dumpster is used, the dumpster must be enclosed with an opaque fence and gate at a height, so the dumpster is not visible outside the enclosure and location approved by Planning.**
3. **The visible side of Lots 36, 39, 47 and, 49 should address the street, provide features beyond a flat wall, or have significant landscaping to screen it.**
4. **All utilities shall be underground.**
5. **A sidewalk shall be provided on the townhouse side of the street.**
6. **Address the issue of staggered buildings in the townhome detail.**
7. **Add the rear access easement.**
8. **Buildings shall use materials consistent with the Gateway Corridor.**
9. **HVAC units and other mechanical shall be screened from the street.**
10. **Ensure the easements for trails on the plat and landscape plan are consistent.**

⁽¹⁾ On any commercial, industrial, institutional, PUD or multi-family development, except duplexes, adjacent to or abutting a residential zoning district, a buffer strip along the property line(s) of the developing property is required.

The buffer shall run the entire length of the abutting lot line(s). The type of buffer may consist of any or all of the following: (a) An opaque fence not less than six (6) feet in height, with horizontal or vertical openings not greater than three (3) inches per one (1) linear foot AND a four (4) foot wide strip of Evergreen plantings, which will grow to at least six (6) feet in height within three full growing seasons planted on the inside of the fence or; (b) A staggered double row of Evergreen plantings at least six (6) feet in width, which will grow to at least six (6) feet in height and spaced in a manner which after three (3) years will provide an impervious visual barrier or; (c) Natural, undisturbed forest at least twenty (20) feet in width that provides a nearly impervious visual barrier due to the dense nature of the plants and/or trees. If this option is chosen, the City Horticulturist shall determine whether the barrier is satisfactory through a site inspection prior to plan approval. Barriers shall be erected during construction to ensure the area is protected from damage due to construction.

Mr. Parker provided the reports for Engineering, Opelika Water, and Opelika Power Services. He stated that Opelika Water has no comments regarding townhomes other than meters for individual dwellings shall not be set in driveways/parking pads. See comment in item A-2 regarding water service concerns for the development as a whole.

Chair Cannon opened the public hearing.

Justin Burke, 1211 Preston Street, stated that he was representing himself, his mother, and his brother. He stated that he was upset about this and the construction that is tearing down the woods around Veterans Parkway and other locations. He stated that he felt Auburn University was buying up property and turning it into overpriced housing. He stated that he liked having trees in his backyard. He asked where the jobs were in Opelika to afford living here, who the people moving into these developments are, and where they are coming from? He asked why all of his neighbors didn't receive a letter?

Ricky Cooper, 1400 Preston Street, stated that he saw changes coming that may not appeal to everyone. He stated that he also liked having trees in his backyard. He stated that he felt safe now, but that he might not when these housing projects are built. He stated that he was opposed to this project.

Terry Love, 204 Samford Avenue, stated that he is not opposed to the project and that he is in favor of private property rights. He stated that his office is located at 204 Samford Avenue and that when the survey was done it cut their barbecue pit in half. He asked which side of the fence the barbecue pit will be on? He requested that the large oak trees that are on the boundary line next to the open space be left. He stated that there is also a magnolia tree next to the road that he would like them to leave. He stated that he felt the fence wasn't necessary.

Joey Long, authorized applicant, stated that the product that is going in here will be starting well over \$300,000. He stated that it is going to be a very nice product that will benefit Opelika and that it will tie in with the new elementary school and Southern Union. He noted that they will be replacing over 1,000 feet of 100 year old water main that is made out of cast iron. He stated that if there is a tree that can be saved they will save it. He stated that they put a lot of time into making sure that the townhouses will be screened so that they fit in with the surroundings.

Chair Cannon closed the public hearing.

Motion to grant conditional use approval with staff recommendations

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

2. Warwick Retreat SD, 84 lots (35 single family lots & 49 townhome lots), accessed from the 220 block of Samford Avenue, Moore Bass Consulting, Inc., authorized representative for Thrash Investments Inc., Preliminary Approval

Mr. Mosley presented the staff report to the Planning Commission for the Warwick Retreat Subdivision accessed from the 220 block of Samford Avenue. He stated that staff recommends preliminary approval with the following conditions:

1. **Subject to conditional use approval of the townhomes on Lots 1-49.**
2. **The certificates for the Opelika officials need to be included.**
3. **Add an access easement to the open space in the rear of the townhomes.**
4. **Add a note on the plat to state ownership, maintenance, and use of open space lots, including lot numbers. Note that these are nonhabitable lots on final plat.**
5. **Name the roads on the plat.**
6. **Sidewalks shall be required on both sides of the street.**
7. **All utilities shall be underground.**
8. **Remove the setback lines.**
9. **Note required buffers and proposed buffers on the plat, as shown on the landscape plan (20' landscape buffer) and the east property line.**
10. **Define proposed wall along rear of Lots 60, 61, 62, and 63.**
11. **Ensure the easements for trails on the plat and landscape plan are consistent.**

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

- Construction of infrastructure and utilities will be monitored and approved prior to final plat acceptance.
- A right turn lane will be required for the main entrance to the subdivision from Samford Avenue.
- There will need to be a permanent access easement between 208 and 210 Samford Avenue to retain the historical access for the lot at 206 Court Circle.
- The road names shall approved by the Engineering Department and are to be placed on the final plat for the public roadways to be accepted.

The Engineering Department has no other comments or concerns with this proposed Preliminary Plat.

He stated that this area is limited in water availability due to 6-inch main along Samford Avenue and Court Street being the only source for the water connection to feed the development. Due to the number of homes proposed and the amount of fire protection needed, water system improvements will be needed to provide sufficient supply to the development. There is an 8-inch main along Samford Avenue just south of Dover Street that is available to supply the needed volume. It appears that an 8-inch main from the development extending south along Samford Avenue approximately 1,100 feet will be needed to make the connection to that existing main. The piping in the development should then be looped on Court Street for additional hydraulic support. Additionally, some lots at higher elevations will likely need individual booster pumps to boost available pressure within the dwellings. The hydraulic gradient of the Opelika Utilities water system varies between 940' and 920' above mean sea level (MSL) during the course of any given day. Plumbing design for these homes should take this into account and provide individual booster pumps and oversized piping as needed. It is suggested that ¾" PEX not be used for any homes that are at elevations higher than 805' MSL.

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 John Sweatman

SECONDER: Jay Walters

DISCUSSION: Mayor Fuller asked how the Water Board works with the developer to make sure that all of this gets done?

Joey Long stated that Scott Hise is going to install the water for the development and Scott Hise has met with the Water Board and worked through the design. He noted that the developer will be funding this.

Mr. Parker stated that in regard to the individual units they will be monitored by the Water Board and Building Inspections.

Chair Cannon asked if there were trees going out there?

Joey Long stated that they have submitted a landscape plan and that they are in compliance with the requirements.

Mr. Mosley stated that as part of the conditional use for the townhomes they are showing a landscape plan with trees between each individual unit and they will also have perimeter planting. He stated that single family homes that are allowed by right do not have specific landscape requirements for those single family homes. He noted that they do have open space areas where there is the possibility for trees.

Mr. Whittelsey asked if there is any way to save some of these mature oaks?

Joey Long stated that wherever possible it is their intent to save trees.

Chair Cannon asked about the barbecue grill?

Joey Long stated that this was the first he was hearing about the barbecue grill and that the property lines were surveyed.

Chair Cannon asked Joey Long to speak with the adjacent property owner about the barbecue grill.

Mr. Mosley stated that the only fence that is required is if they have a common dumpster for the townhomes. He stated that these will likely be individual service cans because of the garages. He stated that there is not a fence required on the property line for the landscaping.

AYES: Chair Cannon, Walters, Whatley, Whittelsey, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen, Director Sweatman

NAYS: None

ABSTAIN: None

B. FINAL PLAT

3. Wyndham Gates SD, Pod 3, Phase 6, 8 townhome lots, accessed from Alana Court and Raiden Circle, Jeff Adams, authorized representative for DRB Group Alabama, LLC, Final Approval

Mr. Mosley presented the staff report to the Planning Commission for the Wyndham Gates Subdivision, Pod 3, Phase 6, accessed from Alana Court and Raiden Circle. He stated that staff recommends final approval subject to the following added to final plat or installed before a CO (certificate of occupancy) is issued:

1. **Add the adjacent property owners information across Marvyn Parkway.**
2. **Sidewalks required on at least one side of the street.**
3. **All utilities installed underground.**
4. **Add a note on plat providing the uses allowed in the open space.**
5. **After site inspection including landscaping is approved, then plat signatures and recording of final plat is allowed.**

Mr. Parker provided the reports for Engineering, Opelika Water, and Opelika Power Services. He stated that this property is located outside of the Opelika Power Services Territory.

Motion to grant final plat approval with staff recommendations

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

C. CONDITIONAL USE - Public Hearing

4. Blake Rice, Barrett-Simpson, Inc., authorized representative for T Farmco, LLC, accessed at 3195 Society Hill Road, C-2, GC-P, 20,000 sf warehouse addition.

Mr. Mosley presented the staff report to the Planning Commission for the proposed conditional use request for a 20,000 square foot warehouse addition accessed at 3195 Society Hill Road. He stated that staff recommends approval subject to the following:

1. Add five parking spaces adjacent to the warehouse and landscaping near the parking spaces.
2. Planning Commission approve the “insulated metal panel with stucco texture finish” installed on the east, west, and south exterior walls and approve the “Pemb’s single skin metal siding” on the north exterior wall.

Mr. Parker provided the reports for Engineering, Opelika Water, and Opelika Power Services. He stated that because of the limited size of the disturbance for this proposal, there will be no site plan submittal needed from the Engineering Department. All other utilities should still have submittals for approval. The Land Disturbance permit will be issued with the building permit. He stated that the property is currently served from Society Hill Road. 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 conditional use approval with staff recommendations

RESULT: Passed
MOVER: Director Mike Hilyer
SECONDER: Sheldon Whittelsey
DISCUSSION: Chair Cannon asked if they cut down the trees are they going to add some back in?

Mr. Mosley stated that if they removed all the trees, Planning staff would reach out and require that they meet the requirements of the ordinance.
AYES: Chair Cannon, Walters, Whatley, Whittelsey, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen, Director Sweatman
NAYS: None
ABSTAIN: None

D. ANNEXATION

5. Annexation request, Shelly A. Perry and Annie P. Perry, 2.05 acres, accessed at 5400 Highway 431 North

Mr. Mosley presented the staff report to the Planning Commission for an annexation request of 2.05 acres accessed at 5400 Highway 431 North. He stated that staff recommends the Planning Commission send a positive recommendation to City Council to annex the 2.05 acres and zone the property R-1.

Mr. Parker provided the reports for Engineering, Opelika Water, and Opelika Power Services. He stated that this property is outside of Opelika Water's service area. He stated that this property is located outside of the Opelika Power Services territory.

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

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

E. Text Amendments to the Zoning Ordinance - Public Hearing

6. Bed and Breakfast Uses - A public hearing to consider a recommendation to the City Council on proposed text amendments to the Zoning Ordinance: Section 2.2 Definitions; 7.3 C. Use Categories (matrix table); Add new section: Section 8.28.4 Bed and Breakfast

Mr. Mosley presented the staff report to the Planning Commission for proposed text amendments to the Zoning Ordinance: Section 2.2 Definitions; 7.3 C. Use Categories (matrix table); Add new sections: Section 8.28.4 Bed and Breakfast. He stated that staff recommends this item be tabled for consideration at the April meeting.

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

Chair Cannon opened the public hearing.

Rick McCarty, 505 North 10th Street, stated that he didn't understand why the wording for R-2 in the Zoning Ordinance might be changed for the entire city to allow bed and breakfasts because of one house. He stated that they have been told the house is in disrepair, that it will be torn down if it can't be turned into a bed and breakfast, and that none of that is true. He stated that he would like to know what is actually true. He stated that he was concerned about parking and water runoff from the parking lots of bed and breakfasts. He stated that he felt neighborhoods were for living, not conducting business. He asked the Commission to not recommend the amendment to R-2.

Chair Cannon closed the public hearing.

Motion to table the item.

RESULT:	Passed
MOVER:	Leigh Whatley

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

7. Institutional Zone - A public hearing to consider a recommendation to the City Council on proposed text amendments to the Zoning Ordinance: Section 6.4 Purpose and Intent of Zoning Districts; Section 7.3 A. District Regulations; Section 7.3 C. Use Categories (matrix table)

Mr. Mosley presented the staff report to the Planning Commission for proposed text amendments to the Zoning Ordinance: Section 6.4 Purpose and Intent of Zoning Districts; Section 7.3 A. District Regulations; Section 7.3 C. Use Categories (matrix table). He stated that staff recommends this item be tabled for consideration at the April meeting.

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

Chair Cannon opened the public hearing.

No comments.

Chair Cannon closed the public hearing.

Motion to table the item.

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

V. OLD BUSINESS

F. PLAT (Preliminary Only) - Public Hearing

8. South Lake Bank Parcels Redivision of Lot 2, 45 lots accessed from South Uniroyal Road, Chao Han, Preliminary Approval (*This item was tabled at the February 27, 2024 meeting at the applicant's request*).

Mr. Mosley presented the staff report to the Planning Commission for the South Lake Bank Parcels Redivision of Lot 2, accessed from South Uniroyal Road. He stated that staff recommend approval of the preliminary plat subject to:

- 1. Sidewalks shall be required on both sides of the street.**
- 2. All utilities shall be underground.**
- 3. Add a note Lots 44 and 42 shall have access on the new street only.**
- 4. Lots 43 and future lots shall have shared driveways and access easements if farther divided.**
- 5. The Planning Commission agrees to move the 30' undisturbed buffer to the rear portions of Lots 1, 3, 4, 5, 6, 7, and 8 and this buffer will be replanted with a residential buffer to be planted prior to the final plat approval.**
- 6. Ensure a home can be placed on lots 26 without obstructing the 20' private storm easement.**

Mr. Parker provided the reports for Engineering, Opelika Water, and Opelika Power Services. He stated that there have been some issues with the erosion control in the construction of this subdivision that Opelika Engineering/Stormwater has been enforcing. There has been a change in contractor that is doing a better job at working with the City to reduce the construction run off and to construct the infrastructure to the City standards. He stated that final approval is subject to acceptance of all installed water infrastructure.

Mr. Walters left the meeting at 3:56pm

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: Sheldon Whittelsey

SECONDER: Mayor Gary Fuller

DISCUSSION: Chair Cannon asked if the contractor was working with Engineering on the erosion control?

Mr. Parker stated that they are.

AYES: Chair Cannon, Whatley, Whittelsey, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen, Director Sweatman

NAYS: None

ABSTAIN: None

G. REZONING - Public Hearing

9. (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). *(This item was tabled at the February 27, 2024 meeting at the applicant's request).*

(b) Rezoning request, Blake Rice, Barrett-Simpson authorized representative for Gateway Development, LLC, Cornerstone LLC, and Clark -Adams Development, LLC, 106 acres, accessed at Gateway Drive and Cunningham Drive, from a C-2, C-3 and R-4 to a PUD. *(This item was tabled at the February 27, 2024 meeting at the applicant's request).*

Mr. Mosley presented the staff report to the Planning Commission for the rezoning request for 106 acres accessed at Gateway Drive and Cunningham Drive from C-2, C-3, and R-4 to a PUD. He stated that the Planning Staff recommends Planning Commission send a positive recommendation to the City Council to rezone the property from C-2, C-3, and R-4 to PUD subject to the following:

- 1. Remove distribution use from Pod 1**
- 2. All building exterior materials and screening requirements shall meet Section 7.6 Gateway Corridor Overlay requirements where more stringent standards have not been proposed.**
- 3. All utilities shall be underground.**
- 4. Sidewalks shall be located on both side of all public streets.**
- 5. The development shall provide cross-access through pods where uses are similar.**

6. Correct the error in the use table on page 4. Interior manufacturing should be Pod 9, not Pod 10.

Mr. Parker provided the reports for Engineering, Opelika Water, and Opelika Power Services. He stated that water is available from Cunningham Dr. (west side) and Center Hills Road. Connection at Gateway Drive will require highway crossing of Gateway Drive on south side of Thomason Drive. Depending upon ultimate land use of the development, water main size to be installed along roadway could be as large as 10" diameter. He stated that this subdivision is inside the Opelika Power and Alabama Power service territory.

Chair Cannon opened the public hearing.

Blake Rice, Barrett-Simpson, authorized applicant, stated that he and Mr. Mosley have gone over the mistake in the use table and the staff recommendations and the developer has no issue with that change.

Chair Cannon closed the public hearing.

Motion to approve the Amendment to the Future Land Use Map with staff recommendations.

RESULT:	Passed
MOVER:	Director Mike Hilyer
SECONDER:	Director John Sweatman
DISCUSSION:	Chair Cannon asked if this would come back for plat approval. Blake Rice stated that it will. Mr. Whittelsey asked if there was a timeframe for the Thompson Road extension? Mr. Parker stated that it is designed right now and most of the property is owned by the developer. He stated that they will need to acquire some property and after that they should be ready for construction. He stated possibly within a year. Chair Cannon stated that she would like to see 50-foot lots.
AYES:	Chair Cannon, Whatley, Whittelsey, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen, Director Sweatman
NAYS:	None
ABSTAIN:	None

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

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

VI. ADJOURN

Motion to adjourn at 4:16 p.m.

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

_____ Lucinda Cannon, Chair

_____ Matt Mosley, Secretary