



PLANNING COMMISSION MINUTES

300 Martin Luther King Blvd.

April 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 April 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, Mr. Sheldon Whittelsey, Mrs. Leigh Whatley, Mr. Michael Hilyer, Mr. Jay Walters, 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 March 26, 2024

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

III. UPDATE ON PREVIOUS PC CASES

Mr. Mosley stated that the Speedway Drive Vacation of Right of Way and Rezoning and the Gateway/Thomason Extension will be going before City Council for a first reading in May. He stated that there are new exhibits for number 5 and staff is requesting number 7 be tabled so that staff can continue working on it.

IV. NEW BUSINESS

A. Preliminary and Final Plat - Public Hearing

1. Foxchase on Emerald Lake SD, Phase 4D, 8 lots, accessed from Firefly Bend, Blake Rice, Barrett-Simpson, Inc, authorized representative for Plainsmen Development, Inc., Preliminary and Final

Mr. Mosley presented the staff report to the Planning Commission for the Foxchase on Emerald Lake Subdivision Phase 4D accessed from Firefly Bend. He stated that staff recommends preliminary and final approval subject to the following:

1. Change the signature line for Opelika Utilities to Opelika Water Board

Mr. Parker provided the reports for Engineering, Opelika Water, and Opelika Power Services. He stated that 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, aggregate base and pavement have been placed.
- All stop and roadway signs have been installed.
- Performance Bond of 125% of the estimated cost to place the remaining roadway surface and sidewalks 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 Engineering Department. The required data should include location and elevations of all the inverts of the systems.
- The ROW and lots have been 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.

He stated that this development is not in Opelika Water's Service Area. He stated that this property is located outside of the Opelika Power Services territory.

Mr. Hilyer stated that there is an issue with the sewer and that they will hold plat signatures until the problem is corrected.

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: Mayor Gary Fuller

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

NAYS: None

ABSTAIN: None

B. CONDITIONAL USE - Public Hearing

2. RaceTrac, Inc, Victor Sutapaha, authorized representative for WWS Properties, LLC, accessed at the 4800 block of Birmingham Highway (Hwy 280 West), C-2, GC-P, a convenience store and gas station (RaceTrac)

Mr. Mosley presented the staff report to the Planning Commission for the proposed conditional use request for a convenience store and gas station (RaceTrac) accessed at the 4800 block of Birmingham Highway (Hwy 280 West). He stated that staff recommends conditional use approval subject to the following:

- 1. Install “No Overnight Parking, Violators will be Towed” signs on property. Race Trac/property owner responsible for enforcement if violations occur.**
- 2. Dumpster area enclosure must meet the gateway corridor cladding requirements.**
- 3. If necessary, the canopy lights or pole lights must be shielded to prevent glare to motorists.**
- 4. Install an exterior material on all canopy columns (front & rear canopies) selected from the exterior material list in Section 7.6, 6, b.1a *Materials and Cladding Requirements*.**
- 5. All utilities meters, mechanical units and rooftop mechanical units shall be screened to meet the gateway corridor requirements 7.6 6, d. 1.,2.,3.**

Mr. Parker provided the reports for Engineering, Opelika Water, and Opelika Power Services. He stated that the City of Auburn will be monitoring and requiring all permits for the roadway access of Shelton Road and ALDOT will be permitting and monitoring the roadway access to US 280. He stated that Water is available from a 12-inch main along U.S. 280 West. Developer may be required to relocate portions of existing water main due to grading (fill) or turn lane installations. He stated that this property is located outside of the Opelika Power Services territory.

Chair Cannon opened the public hearing.

David Rogers, representative, stated that they have met with the City of Auburn and been approved through their City Council and Planning Department. He stated that they have taken a considerable effort with the neighborhood behind to make some landscaping adjustments to gain their support. He stated that they have no issues with the conditions. He stated that they wanted to clarify that the wrapping on the columns are on the front passenger car canopies not the diesel canopies. He stated that the plan that they are intending to develop here is a less intensive use than the Racetrac that was recently built in Opelika. He stated that it will have an offering for diesel but is aimed more toward Amazon and landscape trucks which will be more conducive to the neighborhood and surrounding uses.

Chair Cannon asked for clarification on the canopies.

Mr. Mosley stated that staff originally recommended that both the front canopies for cars and the back canopies for diesel trucks have brick cladding on the steel pole. He stated that after looking at it again, the diesel trucks are in the back and are not very visible. He stated that staff would still like the passenger car canopies to have the brick cladding.

Chair Cannon closed the public hearing.

Motion to grant conditional use approval with staff recommendations

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

3. Gustavo Diaz Cax, accessed at 114 Brannon Avenue, R-4, multiple dwellings on a single lot (duplex and single family home). This conditional use approval expired; reapplying for conditional use approval.

Mr. Mosley presented the staff report to the Planning Commission for the proposed conditional use request for multiple dwellings on a single lot (duplex and single family home) accessed at 114 Brannon Avenue. He stated that staff recommends conditional use request approval subject to:

- 1. Exterior cladding materials shall primarily be brick, stone, wood, or fiber cement siding to be in harmony with the existing single-family homes.**
- 2. The building shall complement the character of the neighborhood, including building style, building materials, roof pitch, and orientation.**
- 3. Update the site plan to include the accessory structure if it is to stay on the property.**
- 4. Provide a residential zone buffer from Section 10.6, D., 1., a. listed in the report on both sides and rear property lines. *In the previous conditional use approval, the commission did not require the residential buffer to have both the opaque fence and evergreen plantings. The fence has been installed.***

Mr. Parker provided the reports for Engineering, Opelika Water, and Opelika Power Services. He stated that water is available from Brannon Avenue. Each unit must have separate plumbing and individual service meters.

Chair Cannon opened the public hearing.

L. B. Jackson, representative, stated that they are trying to improve the neighborhood. He stated that they have done work on dilapidated property and that Mr. Diaz is willing to invest where others aren't. He stated that Mr. Diaz does very good work.

Chair Cannon asked if the tree in the front is staying?

L. B. Jackson stated that unfortunately, Mr. Diaz thought it was a potential threat because of how close it was to the building and the roots were going underneath the building. He stated that the property was fenced on three sides with a 7 foot fence.

Chair Cannon stated that maybe he could add some trees.

L. B. Jackson stated that they did add some new trees to replace those. He noted that they had to get rid of most of the pecan trees because they were over the new building site.

Chair Cannon closed the public hearing.

Motion to grant conditional use approval with staff recommendations

RESULT:	Passed
MOVER:	Councilman Ward 1 Willie Allen
SECONDER:	Director Mike Hilyer
DISCUSSION:	Mr. Mosley asked if the motion was without the additional landscape buffer? Chair Cannon stated that she would like to see a tree, but not necessarily a full planted buffer on three sides as long as there is a fence.
AYES:	Chair Cannon, Walters, Whatley, Whittelsey, Director Hilyer, Mayor Fuller, Councilman Ward 1 Allen, Director Sweatman
NAYS:	None
ABSTAIN:	None

4. Foresite Group, LLC, authorized representative for ALYSSA Corporation, at 1105 Columbus Parkway, C-3, GC-P, Convert 108 unit hotel into a multi-family residential development (apartments)

Mr. Mosley presented the staff report to the Planning Commission for the proposed conditional use request to convert a 108 unit hotel into a multi-family residential development (apartments) accessed at 1105 Columbus Parkway. Staff sees benefit in renovating a very undesirable building and creating more attainable housing. We do have concern that if conditions are not in place for this apartment conversion an increase in crime activity may occur and the apartments become undesirable living conditions for residents. Comments by the Police and Fire department concerning crime activities is a major concern. He stated that staff recommends approval for the use subject to the following conditions:

- 1. Conditional use approval is subject to the Zoning Board approval of a variance for off-street parking.**
- 2. Approval of the density to allow an increased number of units by the Planning Commission.**
- 3. The applicant should work with Opelika Police Department on ways to increase safety and security to potentially include lighting, cameras, access control, fencing, security personnel, and other measures.**
- 4. Lighting for all parking spaces and entrances/exits shall meet security lighting standards as recommended by a professional lighting designer/engineer.**
- 5. Each apartment must have at a minimum the kitchen appliances as described in this report. The refrigerator must have a freezer.**
- 6. No unit shall be rented for any term less than 90 days.**
- 7. Landscaping shall meet all requirements of the ordinance.**
- 8. Any new lighting poles or electrical service shall be run underground.**
- 9. Air handling units shall integrated into the units and screened to the extent possible.**
- 10. Dumpsters shall be screened through means of a fence and gate meeting corridor approved materials and additional landscaping.**
- 11. Any modification to the buildings shall meet the gateway corridor cladding and screening requirements.**

Chair Cannon asked for clarification on the number of units that are currently there and how many they are planning to have?

Mr. Mosley stated that there are currently 108 hotel suites and they are planning on turning all 108 of those into individual apartment units. He stated that some cities that do this require a certain number of units be combined to create larger units, but that to go all the way down to the 16 units per acre required would reduce this significantly and the applicant would have to speak to whether that would be a viable project.

Chair Cannon asked how many units per acre are allowed now?

Mr. Mosley stated that the base zoning right now is 16 units per acre, which comes out to 61 total units.

Mr. Parker provided the reports for Engineering, Opelika Water, and Opelika Power Services. He stated that water is available from Columbus Parkway.

Chair Cannon opened the public hearing.

Brett Basquin, representative, stated that the existing hotel is pretty run down and has a significant transient population. He stated that when this type of renovation is done, what we tend to see is the population going from transient to renting at least 6 months. He stated that there will be a professional property manager that screens tenants and there will be a general manager on site. He stated that when they first come on site they typically fence in the property and put 24/7 security to stabilize the property while they do the renovations. He stated that in this case it is about a \$3.5 million investment in interior and exterior renovations. He stated that once its done there will be lighting and security cameras and most of the crime will have subsided and the environment will be more stable. He stated that the existing office will be converted to a clubhouse with a gym and wifi cafe. He stated that they will renovate the pool and the laundry area. He stated that based on the market study there is a high demand for one bedroom studios like this and this company has done this on about 20 projects in the southeast. He stated that the west and south sides are wooded and to the north and east sides there will be some landscaping and fencing to give the residents privacy and security. He stated that there will be one parking spot per unit, 15% visitor space, and two spaces for onsite staff.

Mr. Sweatman asked if there is a limit to the number of occupants per unit?

Brett Basquin stated that applicants will be screened by the property manager and so a couple would be ok, but they wouldn't allow a family because there is only one bed.

Mr. Sweatman asked if the limit was 2 people per unit?

Brett Basquin stated yes.

Councilman Allen asked if more parking would be more important than a swimming pool?

Brett Basquin stated that they could probably add in some more parking spaces but they didn't want a sea of asphalt that isn't used. He stated that they were trying to provide more amenities to make it more appealing. He stated that in the past, one per unit and 10% visitor space has been appropriate. He noted that if there is some level of additional parking that the Commission feels is more appropriate they would be happy to look at that.

Mr. Hilyer stated that in the before and after pictures submitted, it looks like new concrete was added. He asked if they were planning on doing new concrete?

Brett Basquin stated no. He stated that the majority of the parking lot is existing asphalt and it will be sealed, coated, and restriped. He stated that around the pool on the back side there will be new asphalt to wrap the drive around and add that parking.

Chair Cannon asked if there are 108 parking space?

Brett Basquin stated that there are 127 proposed parking spaces. He stated that there will be 108 spaces for the tenants, 17 for visitors, and 2 for staff.

Chair Cannon asked if this is going to be right in, right out?

Mr. Parker stated that this was the same amount of units and the same amount of traffic. He stated that he didn't think this would change the current access but that he didn't know if it would need to go to the DOT.

Mr. Sweatman asked if there are plans for future rear access?

Mr. Parker stated that there are long range plans for the City to have rear access but they are just plans right now.

Mr. Whittelsey stated that he has done several of these projects himself, and he asked if they were planning on have a security gate with a pass card? He noted that it works extremely well.

Brett Basquin stated that that wasn't something they were looking at right now, but that if security becomes an issue that will be something that they look at.

Mr. Whittelsey stated that the parking ratio is 0.85 per unit. He stated that typically with something like this we want at least 1.2 or 1.5. He stated that he was concerned about the parking because a number of these units will likely have 2 cars. He stated that he liked the project but that he wanted to make sure it was safe and provided enough parking.

Brett Basquin stated that the parking ratio is 1.18 now with 127 spaces for 108 units.

Mr. Mosley stated that in order to get a parking ratio of 1.2 they would need 3 additional spaces.

Mr. Whittelsey asked Mr. Mosley what is normally required?

Mr. Mosley stated that the standard parking requirement for a residential unit is two spaces per unit. He stated that staff probably needs to adjust the parking standards in general. He noted that smaller unit multi-family is one where it definitely needs to be adjusted. He stated that it is very common to see these standards being based on per bedroom with an added percentage for staff, guest parking, and people that may have multiple cars. He stated that there is opportunity on this site where additional parking spaces could be added, but that he felt it was unlikely that there would be multiple people in each unit based on the size of the units. He stated that right now 40% of all housing units in Opelika only have one person living there.

Mr. Walters noted that the staff recommendation has a minimum lease of 90 days. He asked if the applicant was expecting a minimum lease of 6 months?

Brett Basquin stated that they are not looking for a transient population and that they will probably start out with minimum 1 year leases. He stated that they wanted the option to move to

6 months in the future.

Chair Cannon closed the public hearing.

Motion to grant conditional use approval with staff recommendations

RESULT: Passed
MOVER: Mayor Gary Fuller
SECONDER: Director Mike Hilyer
DISCUSSION: Mr. Walters asked if the Commission wants to amend the staff recommendation from a minimum lease of 90 days to 180 days?

Mayor Fuller amended the motion to change the minimum lease from 90 days to 180 days.
Councilman Allen seconded the motion.

Ayes: Walters, Whatley, Whittelsey, Director Hilyer, Mayor Fuller, Chair Cannon, Councilman Ward 1 Allen, Director Sweatman
Nays: None
Abstain: None
AYES: Walters, Whatley, Whittelsey, Director Hilyer, Mayor Fuller, Councilman Ward 1 Allen, Director Sweatman
NAYS: Chair Cannon
ABSTAIN: None

C. Master Sign Plan Review

5. Master Sign Plan for the Gateway Drive Entertainment/Restaurant PUD zoning district. The master sign plan includes two pylon freestanding signs: 399 square feet at 50 foot height and 215 square feet at 20 foot height. Freestanding signs for each tenant parcel: maximum 50 square feet sign area and maximum 10 foot sign height.

Mr. Mosley presented the staff report to the Planning Commission for the proposed Master Sign Plan for the Gateway Drive Entertainment/Restaurant PUD zoning district. He stated that staff recommends sending a positive recommendation to City Council to approve the Master Signage Plan for this development provided the applicant can submit a new exhibit meeting the 30 foot height cap.

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

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

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

V. OLD BUSINESS

D. Conditional Use Extension - Public Hearing

6. A request by Howard Weissinger to extend a conditional use approval for 12 months starting at the current expiration date of May 23, 2024. The said conditional use approval is The Townes multi-family development (apartments) in a C-2, GC-P zoning district consisting of 151 units accessed at 2400 Frederick Road.

Mr. Mosley presented the staff report to the Planning Commission for the proposed conditional use extension for The Townes multi-family development (apartments) accessed at 2400 Frederick Road. He stated that staff recommends approval of a 12 month extension subject to the following:

1. **Provide an updated landscape plan showing the site meeting requirements of the landscape ordinance.**
2. **Note the materials proposed for the units. All four sides of the development shall meet the Gateway Corridor cladding requirements.**
3. **Enclose the dumpsters on all sides with corridor approved materials and landscaping, so the dumpsters are not visible from the street.**
4. **All HVAC, meters, and other mechanical shall be screened from the street.**
5. **The applicant should consider traffic calming or raised pedestrian crossings slow vehicles on the main drive.**
6. **Ensure that all buildings have some green space or useable outdoor areas adjacent to the building, specifically Buildings 7 and 9.**
7. **Any commercial uses in Building 1 will need to be approved through the zoning based on Table 7.3 Permitted Use table.**

Mr. Parker provided the reports for Engineering, Opelika Water, and Opelika Power Services. He stated that water is available from Frederick Road. Development plans will require approval from Opelika Utilities to determine public and private water main and service locations. Any public water mains on private property will require easements and compliance with Opelika Utilities Specifications. An individual master meter for the full development or meters for each building are both available options. Fire protection considerations will factor into final decision regarding location of public and private water mains in development. He stated that this subdivision is inside of the Opelika Power Services and Alabama Power territory.

Chair Cannon opened the public hearing.

No comments.

Chair Cannon closed the public hearing.

Motion to grant conditional use extension for 12 months with staff recommendations

RESULT: Passed

MOVER: Director Mike Hilyer

SECONDER: Director John Sweatman

DISCUSSION: Chair Cannon asked if these are three stories?

Mr. Mosley stated that they are a variety of heights. He stated that some are three stories and some are stacked flats which might look more like townhouses but they are one above the other.

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

NAYS: None

ABSTAIN: None

E. Text Amendments to the Zoning Ordinance - Public Hearing

7. 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 (*This item was tabled at the March 26th Planning Commission meeting*)

Mr. Mosley stated that staff is still working through the language on this and are taking comments and feedback. He stated that they need to describe bed and breakfast operator based on the other definition of it being owner or operator occupied. He stated that they have had discussions about the number of units and whether different units might be able to accommodate more or less units. He stated that staff felt there was a better way through building code to deal with the occupancy than mandating two adults and two children per unit. He stated that staff is still working on this and is requesting that the Commission leave this item on the table for one more month while staff finalizes these documents.

8. 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) (*This item was tabled at the March 26th Planning Commission meeting*)

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 recommended the Planning Commission send a positive recommendation to the City Council.

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 send a positive recommendation for text amendments to City Council with staff recommendations

RESULT: Passed

MOVER: Director John Sweatman

SECONDER: Councilman Ward 1 Willie Allen

DISCUSSION: Mrs. Whatley asked for clarification on indoor recreation.

Mr. Mosley stated that typically indoor recreation is a fitness center or gymnasium. He stated that it would be moving from not allowed to a conditional use.

Mrs. Whatley asked if it would be events or parties?

Mr. Mosley stated that indoor recreation is not events or parties. He stated that it would be a fitness center or gym. He stated that hospitals typically have gyms attached for employees or testing.

Mrs. Whatley asked if it would be recreational?

Mr. Mosley stated that staff would not expect to see a gymnasium in a neighborhood. He stated that it is more health related.

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

NAYS:	Whatley
ABSTAIN:	Sheldon Whittelsey

Barry Whatley, 400 North 9th Street, stated that there is a lot of citizen concern over the bed and breakfast text amendment. He stated that he expected the Commission to vote on the item today and he asked where they can find information on what is being recommended and what is going to be voted on?

Mr. Mosley stated that when the staff reports were released it had the recommendation that the item be tabled. He stated that the Planning Commission packet is posted on the website with the staff reports and that he would be happy to print paper copies for people who would like it. He stated that staff is always available to provide information for citizens. He stated that hopefully the text amendment will be ready to be voted on next month.

VI. ADJOURN

Motion to adjourn at 4:15 p.m.

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

_____ Lucinda Cannon, Chair

_____ Matt Mosley, Secretary