



PLANNING COMMISSION MINUTES

300 Martin Luther King Blvd.

June 25, 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 June 25, 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 May 28, 2024

RESULT:	Passed
MOVER:	Mayor Gary Fuller
SECONDER:	Director John Sweatman
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 City Council approved the institutional zoning text amendment that went to the Planning Commission a few months ago. He stated that the final plat portion of number 3 is requesting to be tabled by the applicant, as is item number 11. He stated that staff is requesting the Commission move item number 2 to number 1 so that the Conditional Use can be heard before the Subdivision.

IV. NEW BUSINESS

A. Preliminary Plat and Conditional Use - Public Hearing

2. Hayes Eiford and Mike Maher, authorized representative for Whiteridge Opelika LLC and R&S Properties, LLC, accessed from Waverly Place, R-3, 78 twinhome lots, three open space lots, and one lot for future development.

Motion to move item number 2 to item number 1

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

Mr. Mosley presented the staff report to the Planning Commission for the proposed conditional use request for 78 townhome lots, three open space lots, and one lot for future development accessed from Waverly Place. He stated that staff recommends approval subject to the following conditions:

- 1. Provide a landscape plan for the disturbed area in phase one. In addition, add at least one street tree for each twin home planted on private property.**

The following recommendations for approval to the Planning Commission for the Waverly Woods subdivision preliminary plat (agenda #A-1) were included in the subdivision staff report:

- 1. Add the street name on plat.**
- 2. Change Opelika Utilities Board signature line to Opelika Water Board**
- 3. Sidewalks required on both sides of the street.**
- 4. All utilities shall be underground.**
- 5. Add the names and addresses of adjacent property owners on final plat.**
- 6. Add on final plat the property owner name and address.**
- 7. Label Lot 82 as “Unbuildable Parcel, Preserved as Common Area” on final plat.**
- 8. Add a note on final plat who is responsible for the maintenance of the three open space lots (Lots 79, 80 and 81) and Lot 82.**
- 9. On final plat add a note concerning the uses of the open space lots.**
- 10. Add a 20’ wide buffer area along the east lot lines from Lot 1 to Lot 15 and south property line from Lot 19 to Lot 28 of twin home lots as “20’ natural undisturbed buffer yard”. If a 20’ natural buffer is not provided add evergreen planting or select a residential buffer to install from options in Section 10 Landscape Regulations.**
- 11. Buildings shall complement the existing development to include the use of materials such as wood, stone, stucco, or fiber cement board with brick elements.**

Mr. Parker provided the reports for Engineering, Opelika Water, and Opelika Power Services. He stated that a traffic impact study will be required to determine the impact of the additional development at the intersection of Waverly Place and Waverly Parkway. He stated that this will illustrate the need or lack of need for turn lanes on Waverly Parkway with this expansion of the

neighborhood. He stated that an 8-inch water main is available at the proposed street connection to Waverly Place. Water services and meters must not be installed under concrete drives or parking pads. No other comments. He stated that this subdivision is located in the Opelika Power Services and Alabama Power territory.

Chair Cannon opened the public hearing.

Susan Jones, 905 Waverly Court, President of the Waverly Park, Wood Ridge Homeowners Association, asked where the 78 twin homes were going to be and stated that she knew about the 83 townhouses but not the 78 twin homes.

Mr. Mosley stated that they are the same. He stated that there are 78 buildable lots and the buildings are split on two lots. He stated that there are 5 open space or future development lots.

Susan Jones stated that they were told in the past that there was granite under the ground and that development was not feasible. She asked how they were going to remove the granite? She asked about retaining ponds and expressed concern about water runoff and overflow. She asked why they aren't using McDonald Drive as an entrance and exit, and she expressed concern about traffic and safety. She noted that it was a 55-plus neighborhood with no sidewalks.

Mr. Parker stated that blasting of granite and rock is allowed in the City of Opelika and is permitted and controlled through the Fire Marshal. He stated that they typically use seismographs to monitor the ground vibrations of the adjacent properties, and it is getting more common. He stated that the engineering study that the developer will do will also show drainage impact and drainage and detention requirements. He stated that the Engineering Department will look at the traffic impact at the roadway on Waverly Parkway.

Darla Gibbs, 701 Waverly Place, stated that they don't have sidewalks and requested that the traffic study be done during school and not during the summer. She expressed concerns about traffic and visibility on Waverly Parkway. She stated that if the homes were for senior citizens then she was ok with them, but that if there would be children she was worried about the buses.

Mary Eason, 613 Waverly Place, stated that she strongly opposed the plat that was submitted. She stated that she felt the developer was cramming as many lots as possible into that space. She expressed concerns about the traffic and density, and stated that they have many more questions. She requested that this item be tabled.

D Mark Mitchell, 405 Waverly Place, stated that he felt the Commissioners should look at the area before they vote.

Justin Foster, 728 McDonald Drive, stated that he didn't want twinhomes behind him. He expressed concerns about traffic, school buses, density, sidewalks, transient population, wildlife, and emergency services. He asked the Commission to consider denying this proposal.

Helen Foster, 728 McDonald Drive, stated that she thought this development was very dense. She expressed concerns about natural resources and ecosystems. She expressed concerns about the environmental impact of the development and safety of wildlife. She stated that she didn't want the developers to dynamite right next to her house. She asked the Commission to deny the item.

Nicholas Harrison, 645 McDonald Drive, expressed concerns about an increase in traffic, crime, decline in property values, and a negative impact on schools. He requested the

Commission deny the item or mandate significant conditions to address the concerns of the community.

Robin Weyant, 809 Shelby Ave, stated that to calculate the density the undeveloped area was used, which is 2 dwellings per acre. She stated that 25 acres are undeveloped, so the dwelling units are being built on 13.5 acres. She stated that if you use the 13.5 acres, then the density is 5.7 dwellings per acre, which is not allowed in an R-3 zone. She stated that she felt it was cheating to use undeveloped land to calculate units per acre.

Mr. Mosley stated that density is calculated by taking the total acreage of the development and dividing by the number of units. He stated that they are designating 39 acres as the developable area plus an additional section that is future development. He noted that what is developable can be a point of contention.

Robin Weyant stated that she felt it was setting a bad precedent and asked the Commission to vote against this item because of the density.

Chair Cannon closed the public hearing.

Hayes Eiford, applicant, asked if he could address the comments from the residents.

Chair Cannon stated that she felt the applicant should have spoken with the residents before the item came to the Planning Commission.

Motion to table the item to the July 23, 2024 Planning Commission meeting.

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

1. Waverly Woods SD, 83 lots, accessed from Waverly Place, Hayes Eiford and Mike Maher, authorized representative for Whiteridge Opelika LLC, and R&S Properties LLC, preliminary approval

Mr. Mosley presented the staff report to the Planning Commission for the Waverly Woods Subdivision accessed from Waverly Place. He stated that because the conditional use item has been tabled, staff does not recommend approval of the preliminary plat at this time.

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 traffic impact study will be required to determine the impact of this additional development at the intersection of Waverly Place and Waverly Parkway. Turn lanes may be required with this study.
- The road names shall be 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 an 8-inch water main is available at the proposed street connection to Waverly Place. Water services and meters must not be installed under concrete drives or parking pads. He stated that this subdivision is located in the Opelika Power Services and Alabama Power territory.

Chair Cannon opened the public hearing.

Hayes Eiford, applicant, requested that the item be tabled.

Chair Cannon closed the public hearing.

Motion to table the item at the applicant's request to the July 23, 2024 Planning Commission meeting

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

B. Preliminary and Final Plat - Public Hearing

3. Asheton Village SD, 45 lots, accessed at 5067 Birmingham Highway, Nick Howell, authorized representative for 2H Properties LLC, preliminary and final approval

Mr. Mosley presented the staff report to the Planning Commission for the Asheton Village Subdivision accessed at 5067 Birmingham Highway. He stated that at this time the site does not appear to be ready for final plat approval. Staff can only recommend preliminary plat approval. He stated that staff recommends preliminary plat approval subject to the following:

1. **Note the ownership and maintenance responsibilities for the open space lots on final plat.**
2. **Ensure all watercourses are documented.**
3. **In the areas where 50-foot undisturbed landscape buffer is not present, restore the missing buffer that was originally required for preliminary approval.**
4. **Sidewalks will be required on both sides of each street.**
5. **All utilities shall be underground.**
6. **Sewer access be provided.**
7. **Add all the easements to the plat that are shown on the construction plans.**

Mr. Parker provided the reports for Engineering, Opelika Water, and Opelika Power Services. He stated that the 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 will need to be completed.
- All stop and roadway signs will need to be installed.
- Maintenance Bond of 25% of the infrastructure construction cost will need to be submitted.
- 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 Engineer 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 all fees must be paid and all water infrastructure must be tested and accepted before final plat can be approved. He stated that this subdivision is located outside the Opelika Power Services territory.

Chair Cannon opened the public hearing.

Mike Williams, 1303 Morris Avenue, stated that he objected to the final plat because it needed to reflect the lots that are not buildable which is on the recorded plat. He provided a copy of the recorded plat for the Commissioners. He stated that there are retention ponds that will make several lots unbuildable, and he felt that should be included in the final plat. He expressed concerns about water and stream drainage.

Richard Hayley, 1101 Willow Run, developer, stated that one of the reasons for the delay was because there was a joint sewer agreement that they had to work out with Auburn. He stated that the preliminary plat has been done. He stated that they are asking for the final plat to be tabled.

Cynthia Atkinson, 1817 Bluestone Court, stated that when this was proposed in 2021 many residents were concerned about the water issue and that the previous owner had water issues. She expressed concerns about the water issues, density, and traffic.

Chair Cannon closed the public hearing.

Motion to grant preliminary plat approval with staff recommendations

RESULT: Passed

MOVER: Director John Sweatman

SECONDER: Mayor Gary Fuller

DISCUSSION: Councilman Allen asked if this was the same as what was approved at Planning Commission last time?

Mr. Mosley stated that there are a few fewer lots than there were before. He

stated that staff can work with the adjoining property owner to make sure that it is clear the open space lots are not intended to be built on.

Mr. Walters asked if there was any requirement for acceleration or deceleration lanes on Highway 280?

Mr. Parker stated that the applicant had to get a permit through ALDOT, and there is a deceleration lane for the right turn in and it is limited to a right turn only out.

Mr. Whittelsey asked about the stormwater management?

Mr. Parker stated that their development plans had accommodations for all the stormwater to be detained in those ponds and they are constructed according to Engineering practices.

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

NAYS: Whatley

ABSTAIN: None

Motion to table final plat approval at the applicant's request

RESULT: Passed

MOVER: Director John Sweatman

SECONDER: Michael Hilyer

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

NAYS: None

ABSTAIN: None

C. FINAL PLAT

4. Wyndham Gates SD, Pod 3, Phase 7, 14 townhome lots, accessed at 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 7, accessed at 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. **Sidewalks are required on at least one side of the street.**
2. **All utilities installed underground.**
3. **Add a note on plat providing the uses allowed in the open space.**
4. **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 the infrastructure in this subdivision has previously been approved. He stated that this Subdivision is located in the Opelika Power Services and Alabama Power territory.

Motion to grant final plat approval with staff recommendations

RESULT: Passed

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

D. CONDITIONAL USE - Public Hearing

5. Pamela Viale, authorized representative for The Brown Agency, accessed at 103 Rocket Avenue, M-1, Church.

Mr. Mosley presented the staff report to the Planning Commission for the proposed conditional use request for a church accessed at 103 Rocket Avenue. He stated that staff recommends conditional use approval subject to the following:

- 1. Re-stripe the parking lot and include four handicap parking spaces.**
- 2. Provide landscaping in the front yard area that faces Rocket Avenue to enhance the property.**

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

Chair Cannon opened the public hearing.

Israel Del Aguila, translating for Pamela Viale, applicant, stated that they will be marking the spaces in the parking lot and that they aren't making any adjustments to the inside of the building. He stated that part of the parking lot shares spaces with adjacent businesses, but those businesses will not be open when the church is operating. He stated that they want to add greenery in front of the building and make it look nice. He stated that they want the community to grow through Christ.

Chair Cannon closed the public hearing.

Motion to grant conditional use approval with staff recommendations

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

6. David Slocum, authorized representative for Food Bank of East Alabama, at 1699 16th Place, M-1, GC-S, Food Bank grocery store.

Mr. Mosley presented the staff report to the Planning Commission for the proposed conditional use request for a food bank grocery store at 1699 16th Place. He stated that staff recommends approval subject to the following conditions:

- 1. Add the frontage buffer along First Avenue to the revised landscape plan.**

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. The Engineering Department has no other comments or concerns with this proposed Conditional Use. He stated that water is available from 16th Place, 16th Street, and 1st Avenue. He stated that this Subdivision is located outside 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:	Councilman Ward 1 Willie Allen
SECONDER:	Mayor Gary Fuller
DISCUSSION:	Mr. Hilyer stated that there is a sewer line that runs through the middle of the lot. Mr. Parker stated that the applicant is aware of that. David Slocum, authorized applicant, stated that they are going to reroute the sewer line. Mr. Mosley stated that staff would not allow a building to be permitted on top of the sewer line.
AYES:	Chair Cannon, Walters, Whatley, Whittelsey, Hilyer, Mayor Fuller, Councilman Ward 1 Allen, Director Sweatman
NAYS:	None
ABSTAIN:	None

7. Blake Rice, Barrett-Simpson, Inc., authorized representative for BH 55 LLC, accessed from Corporate Drive, I-1, 204-unit apartment development.

Mr. Mosley presented the staff report to the Planning Commission for the proposed conditional use request for a 204-unit apartment development accessed from Corporate Drive. He stated that staff has modified their recommendation to recommend conditional use approval. Should the Planning Commission decide to approve the use we recommend the following conditions:

- 1. Dedication of the right-of-way extending Corporate Drive to this site prior to any site development and issuance of a building permit. Completion of the road up to final platting prior to any certificate of occupancy being issued for the site.**
- 2. ~~A secondary emergency access being provided or approval of access from Police and Fire Departments.~~ Meet the Building and Fire code requirements by providing a secondary means of access, or by sprinkling the building and reducing the number of units.**
- 3. Provide sidewalk access from the development to Corporate Drive.**
- 4. Setbacks shall meet the requirements of the I-1 zone.**
- 5. Add undisturbed or landscaped buffer to the side adjacent to the cemetery.**
- 6. Provide a full landscape plan meeting all requirements of the zoning ordinance and conditions of approval prior to issuance of any site development permit.**
- 7. Buildings shall be substantially similar in terms of materials, roofline, fenestration, and other design features with the provided elevations. All four sides of the**

development we recommend meet the Gateway Corridor cladding requirements with use of masonry consistent with the provided elevations.

8. **Dumpsters must be enclosed on all sides and gated with an opaque fence at a height so that the dumpster is not seen outside the enclosure. Additional landscaping shall be installed around the enclosure. Dumpsters should be moved away from the residential side.**
9. **All utilities shall be underground.**
10. **All mechanical and hvac units shall be screened from the public right-of-way.**
11. **Any gates will need to be coordinated and approved by Opelika public safety departments for emergency entry.**

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.

The Engineering Department has questions about if the roadway extension will be public or private. Regardless, there will need to be some ROW adjustments because only half of the roadway has ROW.

The Engineering Department has no other questions or concerns with this conditional use approval.

He stated that water is available from an 8-inch diameter main that terminates at cul-de-sac on Corporate Dr. The 8" Main will have to be extended for service to development. He stated that this subdivision is located in the Opelika Power Services and Alabama Power territory.

Chair Cannon opened the public hearing.

Geoff Slater, 1600 Frederick Road, stated that his main concern was the dumpster position which is very close to his property. He stated that his other concern was the 20-foot undisturbed buffer which he requested be increased to 30 feet.

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

DISCUSSION: Chair Cannon asked where the location of the second access would be?

Mr. Molsey stated that there are a couple of different locations where a secondary access could be, including an existing easement to the south or some of the easements through the cemetery. He stated that the other option is that they could reduce them down to 200 units and, because the buildings would be sprinkled, they would not have to have a secondary means of access.

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

E. REZONING - Public Hearing

8. (a) Amendment to the Future Land Use Map accessed at 711 Pleasant Avenue, 22,450 square foot lot, from a high density residential land use category to light commercial.

(b) Rezoning request, Kibwe LLC, 22,450 square foot lot, accessed at 711 Pleasant Drive, from R-5M to C-2.

Mr. Mosley presented the staff report to the Planning Commission for the rezoning request for a 22,450 square foot lot accessed at 711 Pleasant Drive, from R-5M to C-2. He stated that staff recommends the Planning Commission send a positive recommendation to the City Council to rezone the property from R-5M to C-2.

Mr. Parker provided the reports for Engineering, Opelika Water, and Opelika Power Services. He stated that the property is served from water main on Pleasant Avenue.

Chair Cannon opened the public hearing.

No comments.

Chair Cannon closed the public hearing.

Motion to approve the amendment to the Future Land Use Map

RESULT: Passed
MOVER: Director Sweatman
SECONDER: Mayor Fuller
DISCUSSION: Mr. Whittelsey asked if this change fell within the Comprehensive Plan?

Mr. Mosley stated that this amendment would change the Comprehensive Plan, but that it was consistent due to the transition of uses from heavier commercial, to lighter commercial, to high density residential across the street.

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

9. Rezoning request, Hayley Investments LLC, three lots (18,696 square feet), accessed at First Avenue or North 7th Street, from a C-2 to C-1.

Mr. Mosley presented the staff report to the Planning Commission for the rezoning request for three lots (18,696 square feet) accessed at First Avenue or North 7th Street from a C-2 to C-1. He stated that staff recommends a positive recommendation to City Council to rezone from C-2 to C-1.

Mr. Parker provided the reports for Engineering, Opelika Water, and Opelika Power Services. Property is served from water main on 1st Avenue.

Chair Cannon opened the public hearing.

No comments.

Chair Cannon closed the public hearing.

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

RESULT: Passed

MOVER: Director John Sweatman

SECONDER: Mike Hilyer

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

NAYS: None

ABSTAIN: None

V. OLD BUSINESS

F. CONDITIONAL USE - Public Hearing

10. Bradley Creasy, authorized representative for Dyas Properties, LLC, accessed at the 1400 block of South Fox Run Parkway, C-2, GC-P, 153-unit townhouse development.
(*This item was tabled by the applicant at the May 28, 2024 meeting.*)

Mr. Mosley presented the staff report to the Planning Commission for the proposed conditional use request for a 153 unit townhouse development accessed at the 1400 block of South Fox Run Parkway. He stated that staff feels this is an appropriate use at this location but cannot recommend approval without additional information on the development within the floodplain. If Planning Commission does grant conditional use approval staff recommends approval subject to the following:

1. **A secondary emergency access being provided or approval of access from Police and Fire Departments.**
2. **Provide a landscape plan showing the buffers as stated in the written report and to include parking lot landscaping to meet the regulations and foundation plantings.**
3. **If the buffer along S. Fox Run Parkway is not a large undisturbed buffer, additional plantings meeting the Gateway Corridor standards will be required.**
4. **Note the materials proposed for the units. All four sides of the development we recommend meet the Gateway Corridor cladding requirements.**
5. **Dumpsters must be enclosed on all sides and gated with an opaque fence at a height so that the dumpster is not seen outside the enclosure.**
6. **All utilities shall be underground except overhead required transmission lines.**
7. **All mechanical and hvac units shall be screened from the public right-of-way.**
8. **Any gates will need to be coordinated and approved by Opelika public safety departments for emergency entry.**

9. Approval of floodplain modification by the City of Opelika and FEMA.

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.

There is a concern that many of the proposed units are in the current flood plain. This will need to be permitted by the City Flood Plain administrator and FEMA prior to construction.

A traffic study will be required, or an agreement for additional turn lanes on South Fox Run Parkway can be reached by the applicant and Engineering Department.

The Engineering Department has no other comments or concerns with this proposed Conditional Use.

He stated that water (6" Main) is available along South Fox Run Parkway but does not have capacity to feed the full development. It is recommended that access to Columbus Parkway (to north) be secured where there is abundant capacity in the existing water main. This would also provide duplicate feeds to the development.

Chair Cannon opened the public hearing.

Tim Roberts, representative, stated that they requested the conditional use before doing the design drawings, so they are in the process of doing the preliminary work. He stated that they will make sure the permitting process is per city codes and that they have a floodplain manager who will work with the city and with FEMA to make sure they meet the requirements. He stated that they plan to fill in the floodplain. He stated that they will do the traffic study as noted and that the developer is in contact with the adjoining neighbor to the north to look at an access easement or utility easement for the water access.

Dan Fritz, representative, stated that it is a low density project and that they are maintaining the streams to use as a natural feature. He stated that they are planning to have everything be brought out of the floodplain and be city and FEMA compliant so that it is safe for residents and the Fire Department. He stated that they plan to provide a landscape plan that will probably go beyond what is required and that they will plant back any required buffers if they have to remove trees. He stated that as far as access points and fire concerns go, everything will be code compliant.

Chair Cannon asked if they were still planning on 153 units?

Dan Fritz stated that the goal was 153 units, but that there might be a few more or less.

Chair Cannon asked for clarification on what they were requesting.

Mr. Mosley stated that they provided a conceptual plan with retaining walls that would allow them to bring some things out of the floodplain from an elevation standpoint. He stated that approval of this item would grant approval of this general concept with the elevations that they have shown. He noted that they would have to work through Building Code, Fire Code and

work with FEMA to make sure they are in compliance. He stated that if they are not in compliance with any of those things, then they would have to either modify the plan and come back to the Planning Commission or potentially abandon the project.

Dan Fritz stated that this is the first step for them and that the developer can determine the feasibility of the construction and the costs. He stated that they fully intend to move this project forward and are seeking the Commission's approval.

Mr. Whittelsey asked if there was a wetland bank upstream or downstream?

Mr. Parker stated that wetlands are different from floodplains, but that there is a banking system for wetlands if it does come up.

Tim Roberts stated that they know the stream limits and they are not going to impact the streams. He stated that they have 50-foot buffers on the streams, and they are planning on keeping them as they are.

Jeffrey Kappelman, 1600 Leo Lane, Building Official and Floodplain Manager, stated that this is the worst site he has ever seen. He stated that this part of the floodplain has approximately 880 acres draining to these two creeks that they are building the buildings between. He stated that the retaining walls they are proposing are 10 feet high. He stated that he is completely against this.

Mr. Sweatman asked if FEMA does the downstream study, do the affected property owners downstream have a voice in how their property flood zones are going to change?

Jeffrey Kappelman stated that it is for FEMA to discuss.

Chair Cannon closed the public hearing.

Motion to remove the item from the table

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

Motion to deny the conditional use request

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

G. FINAL PLAT

11. Firefly SD, Phase 1, 95 lots, accessed at 3169 Columbus Parkway, Daniel Holland, authorized representative for Firefly Development Lee, LLC, final approval (*This item was tabled by the applicant at the May 28, 2024 meeting*).

Mr. Mosley stated that the applicant has requested this item remain on the table.

VI. ADJOURN

Motion to adjourn at 4:51 p.m.

RESULT: Passed

MOVER: Mayor Gary Fuller

SECONDER: Mike Hilyer

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

NAYS: None

ABSTAIN: None

Lucinda Cannon, Chair

Matt Mosley, Secretary