



PLANNING COMMISSION MINUTES

300 Martin Luther King Blvd.

August 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 August 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, Councilman George Allen, Mrs. Leigh Whatley, Mr. Michael Hilyer, Mr. Sheldon Whittelsey, and Mr. Jay Walters.

MEMBERS ABSENT: Dr. Arturo Menefee and Mr. John Sweatman.

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 July 23, 2024

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

III. UPDATE ON PREVIOUS PC CASES

Mr. Mosley stated that the rezoning on the Sportsplex Parkway, Hidden Lakes property is moving to City Council next week for a public hearing and initial reading. He stated that items 16 and 17 were requested to remain on the table.

IV. NEW BUSINESS

A. Master Plan Amendment and Plat (Preliminary) - Public Hearing

1. Blake Rice, Barrett-Simpson, authorized representative of SMB Land, LLC and Opelika Industrial Development Authority, property owners to consider a minor amendment to the Foxrun Extension PUD Master Plan on Foxrun Avenue and Douglas Street.

Mr. Mosley presented the staff report to the Planning Commission for the minor amendment to the Foxrun Extension PUD Master Plan on Foxrun Avenue and Douglas Street. He stated that staff recommends approval of this minor amendment to the Fox Run Extension PUD. The proposed amendment reduces the overall unit count, provides additional buffering to existing residential while slightly reducing the lot area.

Mr. Parker provided the reports for Engineering, Opelika Water, and Opelika Power Services. He stated there is no water main on Douglas Street between Covington Avenue and the existing Fire Hydrant approximately 580 feet north of Jeter Avenue (at edge of development). The developer will need to install an 8-inch main that connects to existing 8-inch mains in these two locations. The distance of the new main is approximately 2,200 feet.

Chair Cannon opened the public hearing.

Evelyn Mickle, 1003 Glenn Street, stated that she was concerned about buses parking on the street, traffic, and children's safety.

Chair Cannon closed the public hearing.

Motion to grant approval of the minor amendment to the Master Plan with staff recommendations

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

2. Foxrun Extension SD, 43 lots, accessed from Douglas Street, Blake Rice, Barrett-Simpson, authorized representative for SMB Land LLC, preliminary approval

Mr. Mosley presented the staff report to the Planning Commission for the Foxrun Extension Subdivision accessed from Douglas Street. He stated that staff recommends preliminary plat approval subject to the following:

- 1. Approval of the minor amendment by the Planning Commission.**
- 2. A sidewalk is required on at least one side of all streets.**
- 3. All utilities shall be underground.**

Mr. Mosley stated that staff works with the Opelika City Schools on pick-up locations.

Mr. Parker provided the reports for Engineering, Opelika Water, and Opelika Power Services. He stated that driveway spacing is limited to 100 feet from edge to edge. He stated that the lots may be wide enough that that could be handled without shared driveways, but if shared driveways are needed, that needs to be added to the final plat. He stated that there is no water main on Douglas Street between Covington Avenue and the existing Fire Hydrant

approximately 580 feet north of Jeter Avenue (at edge of development). The developer will need to install an 8-inch main that connects to existing 8-inch mains in these two locations. The distance of the new main is approximately 2,200 feet.

Chair Cannon opened the public hearing.

No comments.

Chair Cannon closed the public hearing.

Motion to grant preliminary plat approval with staff recommendations and Mr. Parker's driveway conditions.

RESULT: Passed

MOVER: Sheldon Whittelsey

SECONDER: Mayor Gary Fuller

DISCUSSION: Mr. Walters asked Mr. Parker to elaborate on the shared driveways.

Mr. Parker stated that this is a minor collector road and not a local subdivision road. He stated that the higher the volume of the road, the farther the spacing is.

Mayor Fuller asked why sidewalks weren't required on both sides?

Mr. Mosley stated that when the PUD was originally approved, it was approved with sidewalks on one side. He noted that they are amending the PUD and so the Commission could include that as a condition.

Blake Rice, Barrett-Simpson, stated that there will probably be four to five shared driveways and that the rest will be able to meet the 100-foot spacing. He stated that the reason sidewalks aren't being placed on both sides of the street is because when Fox Run Industrial Boulevard went through, no water or sewer was placed on that road. He stated that the plan is to run sewer up one side and water up the other side. He stated that in order to place sewer in the center of the road they would have to tear up the road. He stated that Opelika Utilities does not allow the sidewalk to be placed on top of their water line. He stated that they are putting the sewer line on one side of the road with the sidewalk on top of it and the water line on the other side of the road.

Mayor Fuller asked how much space the water line takes?

Blake Rice stated that they typically want 20 feet, 10 feet on each side. He stated that they have about 14 feet with the water line being placed in the middle of that.

Mr. Parker stated that that is standard. He stated that with new subdivisions where sidewalks are being required on both sides, the developer puts the utilities off the right-of-way into a utilities easement. He stated that those are built into the subdivision to leave room for sidewalks. He stated that he felt consideration could be made for this subdivision.

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

NAYS: None

ABSTAIN: None

B. PLAT (Preliminary) - Public Hearing

3. National Village SD, Phase 1E, 39 lots, accessed at 5198 Grand National Parkway and Robert Trent Jones Pkwy, Steve Timms, authorized representative for Retirement Systems of Alabama (RSA), preliminary approval

Mr. Mosley presented the staff report to the Planning Commission for the National Village Subdivision Phase 1E accessed at 5198 Grand National Parkway. He stated that staff recommends preliminary approval subject to the following:

- 1. Install sidewalks on at least one side of all streets.**
- 2. Delete “Lot 39” on Note #8.**
- 3. Add walking trails and cart paths and label them pedestrian access easements across the open space lots Lot 37 and 38 to link the adjacent Phase 1D subdivision to Phase 1E.**

Mr. Parker provided the reports for the 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.
- 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 the design has changed from previously approved original. Revised plans must be submitted and approved by Opelika Water. All infrastructure installation shall be reviewed and approved by Opelika Water prior to final acceptance. He stated that this subdivision is located outside of Opelika Power service territory.

Chair Cannon opened the public hearing.

Max Vaughn, Goodwin Mills and Caywood, stated that a lot of different conditions led them to revising this plat. He stated that they are about to submit the full plans and are happy to work with the staff to reapprove the plans that were recently approved. He stated that this development is a cluster development with large open spaces and an extensive network of trails. He stated that this plat will have the same connectivity throughout the development that the previous plats have had.

Mr. Whittelsey asked about the path on the original plat?

Mr. Mosley stated that it was a utility easement.

Max Vaughn stated that it is going to be the same. He stated that there is a trail right where it

begins that will continue and connect through the development.

Chair Cannon stated that you can't get to Grand National without going out onto the road.

Max Vaughn stated that it will be a connected part of Grand National but that it will need to be accessed on the main road. He stated that it will look and feel like part of the neighborhood. He stated that it will connect completely with access through the trails.

Chair Cannon asked if they could remove a lot in order to connect it?

Max Vaughn stated that the original master plan had a connection, but there were some difficulties and challenges with that connection.

Chair Cannon closed the public hearing.

Motion to grant preliminary plat approval with staff recommendations

RESULT: Passed

MOVER: Mike Hilyer

SECONDER: Mayor Gary Fuller

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

NAYS: None

ABSTAIN: None

C. CONDITIONAL USE - Public Hearing

4. Blake Rice, Barrett-Simpson, authorized representative for Auburn 57, Inc, accessed at the 2400 block of Interstate Drive, C-2, GC-P, hotel (RAM Opelika Hotel)

Mr. Mosley presented the staff report to the Planning Commission for the proposed conditional use request for a hotel (RAM Opelika Hotel) accessed at the 2400 block of Interstate Drive. He stated that staff recommended approval subject to the following conditions:

- 1. Exterior Materials list needs to be provided and meet the gateway corridor requirements including the dumpster screening and mechanical screening requirements.**
- 2. A Landscape Plan will need to be provided and meet the gateway corridor landscape requirements including landscape buffers and plantings required.**

Mr. Parker provided the reports for the 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 comments or concerns regarding this Conditional Use.

He stated that water service is available from the north side of Interstate Drive.

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:	Chair Cannon asked if the building materials would meet the Gateway Corridor requirements?
	Mr. Mosley stated yes, that is a condition of approval.
AYES:	Chair Cannon, Walters, Whatley, Whittelsey, Hilyer, Mayor Fuller, Councilman Ward 1 Allen
NAYS:	None
ABSTAIN:	None

5. Lara Potts, Redeeming Grace Ministries, accessed at 3306 Ridge Road, R-1, residential transition program to assist women.

Mr. Mosley presented the staff report to the Planning Commission for the proposed conditional use request for a residential transition program to assist women accessed at 3306 Ridge Road. He stated that staff recommends approval of Phase 1 of the use subject to the following:

1. **Facility must have an on-site resident manager.**
2. **The facility shall not increase the number of residents, change the operations or add treatment/medical programs without Planning Commission approval.**
3. **No overnight guest or visitors shall be allowed other than the primary residents receiving housing or their children.**
4. **Any dumpster shall be coordinated with Opelika Environmental Services Department and must be screened with fencing and landscaping.**
5. **A landscape plan shall be required for the developed area to show areas of tree preservation, supplemental plantings, parking lot plantings, and residential buffers.**
6. **All buildings shall meet the Opelika Building and Fire codes in place at time of permitting.**
7. **Buildings shall maintain a residential character consistent with the surrounding area to include: pitched roof, residential glazing patterns, Gateway Corridor appropriate materials to include brick, stone, wood, or cementitious siding.**

Mr. Parker provided the reports for the 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 this property is located outside of Opelika Water's current service area. Developer's should contact Beaulah Utilities District for information regarding water service availability. This subdivision is located outside of Opelika Power service 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: Mayor Gary Fuller

SECONDER: Mike Hilyer

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

NAYS: None

ABSTAIN: None

6. Chris Taylor, authorized representative for B. Marrell Hartley, president of Bence-Hartley Inc, accessed at 1418 2nd Avenue, C-3, GC-S, Auto sales lot.

Mr. Mosley presented the staff report to the Planning Commission for the proposed conditional use request for an auto sales lot accessed at 1418 2nd Avenue. He stated that staff recommends approval for the auto sales lot subject to the following:

1. The display of vehicles for sale is limited to the display area shown on site plan.
2. The storage of vehicles on the property that are inoperable or operable must be a customer's vehicle for auto maintenance services or a vehicle is owned by the applicant (Opelika Town Auto) and repairs are necessary before the vehicle is displayed on the lot for sale. The storage or impounding of vehicles for other reasons is prohibited.
3. Auto repairs are limited only for those vehicles owned by Opelika Town Auto so the vehicles can be displayed for sale at Opelika Town Auto. Auto repairs for customers is prohibited in the C-3, GC-S zoning district.
4. The existing landscaping along 2nd Avenue is required and added by the former auto sales business (Hartley Motors). The landscaping must be preserved, replanted if missing, and maintained to meet landscape requirements.
5. A dumpster is not shown on site plan. If a dumpster is installed the dumpster must be enclosed on all sides with an opaque fence and gate; the enclosure must be at a height so the dumpster is not seen outside the enclosure.
6. The 40 vehicles must be removed and landscaping missing as shown on landscape plan planted before an auto sales business license is approved.
7. The surface of the parking lot must be repaired before a business license is approved for auto sales (added as a condition during the meeting).
8. Staff checks regularly to make sure that cars aren't being left for extended periods of time (added as a condition during the meeting).

Mr. Parker provided the reports for the Engineering, Opelika Water, and Opelika Power Services. He stated that water service is already provided to current facility. It is assumed no additional service is needed for sales lot.

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: Jay Walters

DISCUSSION: Mayor Fuller asked if there were any requirements for repairing the surface of the parking lot?

Mr. Mosley stated that that is not currently a condition of approval, but that it could be added. He noted that there are some guidelines in the ordinance about the Engineer being allowed to look at the lot to make sure that it is in compliance.

Mayor Fuller proposed an amendment to the motion to include repairing the surface of the parking lot be added as a condition of approval.

Mr. Whittlesey asked about the note on the asphalt barrier that will be sealed?

Mr. Mosley stated that they are proposing to fix part of the parking lot.

Chair Cannon asked if there was any way to prevent cars from being left out for extended periods of time.

Mr. Mosley stated that it could be added to a regular rotation that staff will check on.

Councilman Allen stated that asphalt sealing is not necessarily repair.

Mr. Mosley stated that is correct. He stated that if the Commission wanted, they would need to add that as a condition for approval.

Mr. Parker stated that they can make sure that there aren't any failures or potholes that need to be dealt with.

Councilman Allen amended his motion to include repairing the surface of the parking lot be added as a condition of approval and that staff checks regularly to make sure that cars aren't being left for extended periods of time.

Jay Walters seconded the amendment to the motion.

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

NAYS: None

ABSTAIN: None

7. Buddy Ingram, authorized representative for South Ninth LLC, accessed at 113 S 9th Street, C-1, wine bar.

Mr. Mosley presented the staff report to the Planning Commission for the proposed conditional use request for a wine bar accessed at 113 S 9th Street. He stated that staff recommends conditional use approval.

Mr. Parker provided the reports for the Engineering, Opelika Water, and Opelika Power Services. He stated that water service is already provided to this property. It is assumed that no additional service will be required.

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: Mike Hilyer

SECONDER: Mayor Gary Fuller

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

NAYS: None

ABSTAIN: None

8. Bradley Creasy & Lee Tharp, authorized representative for Dyas Properties, LLC, accessed at the 1400 block of South Fox Run Parkway, C-2, GC-P, 147-unit Build-to-Rent attached dwelling unit development

Mr. Mosley presented the staff report to the Planning Commission for the proposed conditional use request for a 147-unit Build-to-Rent attached dwelling unit development accessed at the 1400 block of South Fox Run Parkway. He stated that staff recommends conditional use approval subject to the following:

1. **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.**
2. **If the buffer along S. Fox Run Parkway is not a large undisturbed buffer, additional plantings meeting the Gateway Corridor standards will be required. Any fencing should be behind plantings or natural buffer from the street.**
3. **Note the materials proposed for the units. Due to the configuration and proximity of units, all four sides of the buildings should have consistent architecture meeting the Gateway Corridor cladding requirements.**
4. **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. The location and sizing of dumpster or compactors must be coordinated with the Opelika Environmental Service Department.**
5. **All utilities shall be underground except overhead required transmission lines.**
6. **All mechanical and hvac units shall be screened from the public right-of-way.**
7. **Any gates will need to be coordinated and approved by Opelika public safety departments for emergency entry.**
8. **The development will be required to meet City of Opelika's Building and Fire codes in place at time of issuance of a building permit. This shall include access, fire protection, and building spacing.**
9. **Approval of floodplain modification by the City of Opelika and FEMA.**

Mr. Parker provided the reports for the 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. He noted that all the roadways inside this development are privately maintained and not public roadways.

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.

No comments.

Chair Cannon closed the public hearing.

Motion to grant conditional use approval with staff recommendations

RESULT: Passed

MOVER: Sheldon Whittelsey

SECONDER: Mike Hilyer

DISCUSSION: Councilman Allen asked if the Chief Building Inspector was ok with this development?

Mr. Mosley stated that because they have moved the units outside the floodplain, the Chief Building Inspector is much more comfortable with this development than what was proposed last time.

Chair Cannon asked what happens if the fire department doesn't approve this?

Mr. Mosley stated that if they can't meet the Fire or Building Code then the project will not proceed. He stated that they are required to meet those standards.

AYES: Chair Cannon, Walters, Whatley, Whittelsey, Hilyer, Mayor Fuller

NAYS: Councilman Ward 1 Allen

ABSTAIN: None

9. Staley Fincher, accessed at the end of Yarbrough Drive, C-3, 56 townhome units
Mr. Mosley presented the staff report to the Planning Commission for the proposed conditional use request for 56 townhome units accessed at the end of Yarbrough Drive. He stated that staff recommends conditional use approval subject to the following:

- 1. Extend the townhome sidewalk to the north to Yarbrough Drive.**
- 2. All utilities shall be underground.**
- 3. Add note on site plan/landscape plan who will maintain the open space.**
- 4. Between the townhome units nearest to Yarbrough Drive extension and the north property line, create a near opaque visual screen with evergreen trees/shrubs, berming, and/or fencing. Fences must be installed between the landscaping and the townhome units.**
- 5. On or near the west property lines, a residential buffer is required consisting of one of the three options in Section 10 Landscape Regulations. If fencing is an**

- option chosen, install the fence between landscaping (that is nearest to the adjacent single family homes) and the townhome units.
6. Any fences constructed for townhome units must be consistent in maintaining a uniform appearance as specified in HOA guidelines.
 7. The exterior materials for townhomes must meet the gateway corridor cladding requirements as provided in Section 7.6 Gateway Corridor in Zoning Ordinance.

Mr. Parker provided the reports for the 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. He noted that Yarbrough Drive is extended as a public road. He stated that will be included in this submission and approved as a public road extension. He stated that Engineering is requiring that the right-of-way of Yarbrough Drive be extended to the limits of the property. He stated that this will potentially tie into an existing City of Opelika project for the Veterans Parkway extension. He stated that this future right-of-way will be used to tie Yarbrough Drive into the future City roadway that will be constructed.

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

He stated that water is available from Yarbrough Dr. When extended to development, the 8-inch main should be adequate to serve this development. Development must be master metered or dedicated access for maintenance of utilities must be given on private drive. He stated that this subdivision is located outside of Opelika Power service 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: Mike Hilyer

SECONDER: Councilman Ward 1 Willie Allen

DISCUSSION: Mayor Fuller asked if sidewalks are required?

Mr. Mosley stated that sidewalks are required. He stated that this is on private streets and they are showing sidewalks on both sides of the street internally. He stated that staff is requiring that they send sidewalks up to Yarbrough Drive.

Mr. Whittelsey asked if Yarbrough Drive is part of the Veterans Extension?

Mr. Parker stated that yes, eventually it is intended to connect to the Veterans Extension. He stated that this would come from the east where the Veterans Extension would go to the west.

Chair Cannon asked if there was on-street parking?

Mr. Mosley stated that they are showing a single car garage and they will have room for one additional car in the driveway which meets the City's two space requirement. He stated that it is possible that they could have some on-street parking here, but they would have to maintain the fire lanes. He noted that there are some areas around the lot that are open space where parking would not interfere with a driveway.

Mr. Whittelsey asked if the road is going to be private?

Mr. Parker stated that Yarbrough Extension will be public, but the rest of it will be private.

AYES: Walters, Whatley, Whittelsey, Hilyer, Mayor Fuller, Councilman Ward 1 Allen

NAYS: Chair Cannon

ABSTAIN: None

D. REZONING - Public Hearing

10. (a) Amendment to the Future Land Use Map, accessed at the 3900 block of Waverly Parkway, 5.76 acres, from a manufacturing land use category to a light commercial land use category.

(b) Rezoning Request, David Slocum, authorized representative for Opelika Industrial Development Authority, 5.76 acres, accessed at 3900 block of Waverly Parkway, from M-2 to C-2

Mr. Mosley presented the staff report to the Planning Commission for the rezoning request for 5.76 acres accessed at the 3900 block of Waverly Parkway from M-2 to C-2. He stated that staff recommends Planning Commission send a positive recommendation to the City Council to rezone the property from M-2 to C-2.

Mr. Parker provided the reports for the Engineering, Opelika Water, and Opelika Power Services. He stated that water service is available from the north side of Waverly Parkway.

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: Mayor Gary Fuller

SECONDER: Mike Hilyer

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

NAYS: None

ABSTAIN: None

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

RESULT: Passed

MOVER: Mayor Gary Fuller

SECONDER: Leigh Whatley

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

E. CONDITIONAL USE EXTENSION - Public Hearing

11. Request by Jack Johnson to extend conditional use approval for 12 months starting at the current expiration date of August 22, 2024. The conditional use approval is for a climate-controlled self-storage building accessed at the 300 block of Samford Avenue originally approved at the August 2019 Planning Commission meeting and extensions approved in subsequent years.

Mr. Mosley presented the staff report to the Planning Commission for the proposed conditional use extension for a climate-controlled self-storage building accessed at the 300 block of Samford Avenue. He stated that staff recommends approval subject to the following:

- 1. An easement that intersects one of the buildings needs to be vacated and/or relocated. The applicant is aware of the easement and is preparing to relocate the easement.**
- 2. Approval for the future phase, one-story building requires the site plan revised so the minimum parking spaces and landscaping requirements are met.**
- 3. Revise the residential buffer along the adjacent Opelika Housing Development property to meet one of the residential buffer options as provided in Section IX Landscape Regulations.**

Mr. Parker provided the reports for the Engineering, Opelika Water, and Opelika Power Services. He stated that water service is available from Samford Avenue but is limited due to elevation and 6-inch main size. Specific development water demands will need to be coordinated during design.

Chair Cannon opened the public hearing.

No comments.

Chair Cannon closed the public hearing.

Motion to grant conditional use extension for 12 months starting at the current expiration date of August 22, 2024 with staff recommendations

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

V. OLD BUSINESS

F. FINAL PLAT

12. Asheton Village SD, 45 lots, accessed at 5067 Birmingham Highway, Nick Howell, authorized representative for 2H Properties LLC, final approval *(This item was tabled by the applicant at the July 23rd Planning Commission meeting.)*

Mr. Mosley presented the staff report to the Planning Commission for the Asheton Village Subdivision accessed at 5067 Birmingham Highway. He stated that staff recommends final 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. **Add all the easements to the plat that are shown on the construction plans.**
7. **Please revise the map title block labels the plat as preliminary.**

Mr. Parker provided the reports for the 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 completed.
- All stop and roadway signs have been installed.
- Maintenance Bond of 25% of the infrastructure construction cost have been submitted.
- Performance Bond of 125% of the estimated cost to place the remaining roadway surface and sidewalks have been 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 have been added to protect against erosion and sediment issues. The Engineering Department has no other comments or concerns with this proposed final plat request.

He stated that all water infrastructure must be approved by Opelika Water and all fees associated with water and sewer must be paid before final plat can be signed. Plat should also be updated to reflect most current lot layout if applicable. He stated that this subdivision is located outside of Opelika Power service territory.

Chair Cannon stated that there is no public hearing.

Motion to grant final plat approval with staff recommendations

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

G. Conditional Use and Preliminary Plat - Public Hearing

13. 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. *(This item was tabled at the July 23rd meeting.)*

Mr. Mosley presented the staff report to the Planning Commission for the proposed conditional use request for 78 twinhome lots, three open space lots, and one lot for future development accessed from Waverly Place. He stated that staff recommends conditional use approval subject to the following: *(See Waverly Woods SD preliminary plat recommendations next agenda item #14)*

- 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.**
- 2. Add sidewalks on both sides of street.**
- 3. All utilities shall be underground.**
- 4. 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.**

Mr. Parker provided the reports for the 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 or Conditional Use application.

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.

Mr. Mosley read the following comments that were emailed to him:

Carol Britton, 609 McDonald Drive, stated that she was unable to attend the meeting but that the intersection of Dunlop Drive and Waverly Parkway was dangerous and that adding 78 duplexes would add congestion. She stated that she was opposed to the Conditional Use.

Joe Slaughter, 804 Waverly Place, stated that he felt the new subdivision would add problems including traffic congestion. He stated that he felt that an environmental impact study needed to be done and that granite covers most of the area.

Bill Perry, stated that he would like the Planning Commission's support for the Waverly project to provide workforce housing and homes for nurses and support for the Hospital.

Dianne Jones, 805 Waverly Place, stated that she was opposed to the development.

Darla Gibbs, 701 Waverly Place, stated that nobody from the neighborhood had ever been contacted or given answers by the developer. She asked what the future development would be? She expressed concerns about the potential of dynamiting the granite and the roads being torn up. She asked if they were required to resurface the street? She noted that she was glad they changed the elevations because they are a 55-plus area. She stated that they don't have sidewalks and expressed concerns about safety. She asked where people would park their cars?

Evelyn Mickle, stated that insurance won't cover your house if there is blasting. She stated that this should never be allowed and that the developer was only thinking about money.

Mary Eason, 613 Waverly Place, stated that the developers are about to ruin the surrounding neighborhood with the density of this development. She stated that there is only one way in and one way out. She requested that the Commission deny this item because it is not compatible with what is existing.

Danny Dunlop, 3163 Crestmont Court, stated that he represents Dunlop Family Investments, which owns 20 acres adjoining the development. He stated that they were approached a few years ago about selling the right-of-way so that this development could get through to White Road. He stated that they were told that the plan was to build one to three acre lots. He stated that this is way more than what they thought, and he expressed concerns about the traffic. He stated that he was opposed to this conditional use.

Brandon Hays, Hartbrook Development, stated that they are more than happy to do a traffic study and comply with any recommendations from the Engineering Department. He stated that the property is zoned R-3 right now, and that if they mass graded and cut down all the trees they could get 181 single family lots. He stated that this property will be developed at some point. He stated that in Phase 1, they are preserving 25 acres of open space that will be preserved in perpetuity. He stated that they would love to work with the City on adding walking trails on this property. He stated that hopefully they won't need to use blasting, but if they do, it is heavily regulated and the subcontractors are heavily insured. He stated that they widened the lots so that they could have one-level units with a bedroom on the ground floor.

Justin Foster, 728 McDonald Drive, asked that this item be denied. He stated that duplexes are typically rental homes. He expressed concerns about the density and the blasting.

Helen Foster, 728 McDonald Drive, expressed concerns about the blasting and the density.

Susan Jones, 905 Waverly Court, stated that there are no sidewalks. She expressed concerns about safety, traffic, and density. She stated that there is a natural spring that starts behind the house at 604 Waverly Court. She stated that they are going to have to put a culvert or bridge over that. She stated that there is water runoff problem and expressed concern about where the runoff would go? She expressed concerns about the blasting and removal of the granite.

Tim Aja, 1407 Bonita Ave, stated that as the City Council representative for this area, he wanted to make the Commission aware that he received lots of other calls and emails in opposition for this development. He stated that there are a lot more residents that are in opposition but were not able to be at the meeting. He stated that he felt this came down to a safety issue with traffic, lack of sidewalks, and the blasting.

Robin Weyant, 809 Shelby Avenue, expressed concerns about the density. She stated that density calculations based on gross can give a false sense of density. She asked about the definition for a duplex or townhome? She stated that townhomes are not allowed with a conditional permit in an R-3. She stated that this doesn't fit within the character of the neighborhood.

Chair Cannon closed the public hearing.

Mr. Mosley stated that there are standards for use approval with conditional uses. He read the following standards:

1. That the proposed use be in harmony with the general purpose, goals, and objectives of the Comprehensive Plan, this ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City.
2. There shall be a community need for the proposed use and a need to provide or maintain a proper mix of uses both within Opelika and also within the immediate area of the proposed use: (a) the proposed use shall not result in either a detrimental concentration of a particular use within the City or within the immediate area; and (b) the area for which the use is proposed is not better suited for or likely to be needed for the uses that are permitted as a matter of right within that district, in light of policies or programs of the City of Opelika.
3. The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety, and general welfare, either as they not exist or as they may in the future be developed as a result of the implementation of provisions and policies of the Comprehensive Plan, this ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City or other governmental agency having jurisdiction to guide growth and development.
4. The proposed use in the proposed area will be adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities, and services specified in this subsection. Where any such improvements, facilities, utilities, or services are not available or adequate to service the proposed use in the proposed location, the applicant shall, as part of the application and as a condition to approval of the proposed conditional use permit, be responsible for establishing ability, willingness and binding commitment to provide such improvements, facilities, utilities, and services in sufficient time and in a manner consistent with the Comprehensive Plan, this ordinance, the other plans, programs, maps and ordinances adopted by the City to guide its growth and development. The approval of the conditional use permit shall be conditional upon such improvements, facilities, utilities, and services being provided and guaranteed by the applicant.

Mr. Mosley stated that in regard to Robin Weyant's question about twinhomes versus duplexes use, that is something that has been interpreted that way multiple times in the zoning ordinance and that he felt comfortable with that.

Guy Gunter, City Attorney, stated that if a motion for denial is made, it needs to include the grounds for denial.

Motion to deny conditional use approval because it does not fit the character of the neighborhood

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

14. 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 (*This item was tabled at the applicant's request at the July 23rd meeting.*)

Mr. Mosley presented the staff report to the Planning Commission for the Waverly Woods Subdivision accessed from Waverly Place. He stated that based on the denial of the conditional use, the lots would no longer meet the standards for a single family detached unit in the R-3 zone. He stated that staff changes its recommendation to denial based on that standard.

Mr. Parker provided the reports for the 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 or Conditional Use application.

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.

Brandon Hays, applicant, stated that in light of the denial of the conditional use, it makes the most sense to withdraw the preliminary plat.

Chair Cannon closed the public hearing.

This item was withdrawn by the applicant

H. Master Plan Amendment - Public Hearing

15. Request for a major amendment to the Master Plan for the Ballfields, at the corner of Pepperell Parkway and North 30th Street, Gateway at Opelika, LLC, changing townhome units to apartment units. *(This item was tabled at the applicant's request at the July 23, 2024 Planning Commission meeting.)*

Mr. Mosley presented the staff report to the Planning Commission for the major amendment to the Master Plan for the Ballfields at the corner of Pepperell Parkway and North 30th Street. He stated that staff believes that proposed revisions fix most of the previous issues raised at the last meeting. Staff recommends a positive recommendation to City Council with the following conditions:

1. **The former stub street to the townhouse section shall be revised in coordination with the City of Opelika Engineering Department to remove the curb cut and rework all utilities no longer needed meeting all city standards**
2. **Landscaping plans meeting the requirements for each use will be required prior to the issuance of a building permit. A similar buffer to the other frontage along Ballfield Loop shall be provided.**
3. **All utilities shall be underground.**
4. **All dumpsters shall be fully screened.**
5. **All buildings shall comply with City of Opelika Gateway Corridor standards including cladding and screening requirements.**
6. **Access to Ballfield Loop and Cunningham Drive through the existing drives shall remain. Both entry and egress from both drives shall be available at all times for residents and emergency personnel. Any gates shall be approved by the Opelika Police and Fire Department and meet their access requirements.**

Mr. Parker provided the reports for the Engineering, Opelika Water, and Opelika Power Services. He stated that water is available from within the existing apartment complex (private water) or from Ballfields Loop.

Chair Cannon opened the public hearing.

No comments.

Chair Cannon closed the public hearing.

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

RESULT: Passed

MOVER: Jay Walters

SECONDER: Sheldon Whittelsey

DISCUSSION: Mr. Walters asked if there was any landscaping on the other side of the street between the new homes and the back side of this?

Mr. Mosley stated that there is existing landscaping out there now that wouldn't be modified. He stated that if it is damaged during construction they would have to repair it.

Mr. Whittelsey stated that it looks like they removed some parking spaces.

Mr. Mosley stated that the original design had more parking than what was required. He stated that there are 128 spaces available for the 64 units which is the amount required by the ordinance.

Chair Cannon asked if there were garages?

Blake Rice stated that when this PUD was approved there was concern from the property owners to the east about buildings with residents being placed right next to the property line. He stated that this development placed parking garages for the residents against there to give the residents additional buffer.

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

NAYS: None

ABSTAIN: None

I. CONDITIONAL USE - Public Hearing

16. Arthur R. Nettles, authorized representative for Dave King, King Automobiles, Inc, accessed at Dunlop Drive, C-3, GC-P Automobile sales. *(This item was tabled at the applicant's request at the July 23, 2024 Planning Commission meeting)*

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

17. Arthur R. Nettles, authorized representative for Dave King, King Automobiles, Inc, accessed at Dunlop Drive, C-3, GC-P, Automobile maintenance and parking. *(This item was tabled at the applicant's request at the July 23, 2024 Planning Commission meeting)*

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

VI. ADJOURN

Motion to adjourn at 5:16 p.m.

RESULT: Passed

MOVER: Mayor Gary Fuller

SECONDER: Councilman Ward 1 Willie Allen

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

NAYS: None

ABSTAIN: None

Lucinda Cannon, Chair

Matt Mosley, Secretary