



PLANNING COMMISSION MINUTES

300 Martin Luther King Blvd.

September 24, 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 September 24, 2024 in the Meeting Chambers, located at the Opelika Municipal Court. Certified letters have been mailed to all adjacent property owners for related issues.

MEMBERS PRESENT: Chair Lucinda Cannon, Mayor Gary Fuller, Dr. Arturo Menefee, Mrs. Leigh Whatley, Mr. Michael Hilyer, Mr. Jay Walters, Mr. Sheldon Whittelsey, and Mr. John Sweatman.

MEMBERS ABSENT: Councilman George Allen.

STAFF PRESENT: Mr. Matt Mosley, Planning Director
Mr. Martin Ogren, Assistant Planning Director
Mrs. 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 August 27, 2024

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

III. UPDATE ON PREVIOUS PC CASES

Mr. Mosley stated that there are no updates on previous cases.

IV. NEW BUSINESS

A. Conditional Use and Preliminary Plat - Public Hearing

1. Hayes Eiford, authorized representative for AUO Investments LLC, accessed at 3417 Dale Avenue, R-5M and C-3, 50 townhome units.

Mr. Mosley presented the staff report to the Planning Commission for the proposed conditional use request for 50 townhome units accessed at 3417 Dale Avenue. He stated that staff recommends approval subject to the following conditions:

1. Relocate the rear lot lines of Lot 3 and Lot 4 so the minimum 20' rear yard setback is met.
2. All utilities shall be underground.
3. Provide a sidewalk along townhome lots that front on Dale Avenue, King Lake Road, and the private street (Road A, Road B). Extend sidewalk across outparcels (Lot 52, 53, 54) to connect to adjacent townhome groups: Connect sidewalks between Lot 42 and 43, between Lot 1 and King Lake Road, between Lot 10 and Lot 20, between Lot 12 and Lot 36, between Lot 32 and Lot 33, and between Lot 9 and 21.
4. On landscape plan add a "Residential Buffer" on the rear lot lines of Lot 48, 49 and 50 and the side lot line of Lot 50. Buffer options are in Section 10 Landscape Regulations.
5. Along the rear property line of townhome Lots 21 to 29, install a 6 foot opaque fence and plant a row of evergreen trees to provide a buffer between the townhomes and the adjacent mobile home park (King's Mobile Home Park).
6. Stagger each row of townhomes singularly or in pairs at least 3 feet so the townhomes don't appear as row houses.
7. Establish a Homeowner's Association and include maintenance requirements for the private street, outparcel lots, and the uses for the outparcels.
8. The townhome exterior material must be selected from the Gateway Corridor exterior material list in Section 7.6. (The exterior materials provided (stone and hardie board) in packet meets this requirement.)
9. If private dumpsters are used enclose dumpster on all sides and gate with opaque material.

Mr. Mosley stated that the applicant is requesting that the road be public instead of private. He stated that they would have to meet the minimum requirements per the Public Works Manual and Subdivision Regulations.

Mr. Parker provided the reports for the Engineering, Opelika Water, and Opelika Power Services. He stated that there is no water available on King Lake Road. Water is available on Dale Avenue. An 8-inch Main is available for connection and extension from Dale Avenue, Spring Drive, and/or Pepperell Parkway to feed the new development on King Lake Road.

Chair Cannon opened the public hearing.

No comments.

Chair Cannon closed the public hearing.

Motion to grant conditional use approval with staff recommendations

RESULT: Passed

MOVER: Director John Sweatman

SECONDER: Arturo Menefee

DISCUSSION: Mr. Hilyer asked about the lake and house near this property?

Mr. Mosley stated that staff has recommended a residential buffer along the

side of the townhouses on that side.

Mr. Whittelsey asked about the wetland area that the road goes through?

Hayes Eiford, applicant, stated that there is an existing stream going through this site that has already been delineated by Wildland Services, and it is already piped through that area.

Mr. Whittelsey asked if the right-of-way was wide enough?

Hayes Eiford stated that it is.

AYES: Chair Cannon, Walters, Whatley, Whittelsey, Hilyer, Menefee, Mayor Fuller, Director Sweatman

NAYS: None

ABSTAIN: None

2. King Lake Estate SD, 54 lots, accessed at 3417 Dale Avenue, Hayes Eiford, authorized representatives for AUO Investments LLC, preliminary approval

Mr. Mosley presented the staff report to the Planning Commission for the King Lake Estate Subdivision accessed at 3417 Dale Avenue. He stated that staff recommends preliminary plat approval subject to the following:

- 1. Add the street name on final plat.**
- 2. Add “50’ access and utility easement” on the private street.**
- 3. Sidewalks required along the townhome lots and extend sidewalks to connect with adjacent townhome groups.**
- 4. All utilities shall be underground.**
- 5. Label Lot 52, 53, and 54 as “Unbuildable Parcel, Preserved as Common Area” on final plat.**
- 6. Add a note on final plat providing the use, ownership, and maintenance for the three outparcel lots (Lots 52, 53, and 54).**
- 7. Add “Residential Buffer” on final plat on rear lot lines of Lot 48, 49 and 50 and the side lot line of Lot 50. Buffer options provided 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.

The City will consider the vacation and closure of King Lake Road from the intersection of Blanton to Dale.

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

He stated that there is no water available on King Lake Road. Water is available on Dale Avenue. An 8-inch Main is available for connection and extension from Dale Avenue, Spring Drive, and/or Pepperell Parkway to feed the new development on King Lake Road.

Chair Cannon opened the public hearing.
No comments.
Chair Cannon closed the public hearing.

Motion to grant preliminary plat approval with staff recommendations

RESULT:	Passed
MOVER:	Director John Sweatman
SECONDER:	Mike Hilyer
DISCUSSION:	Chair Cannon asked about trees and landscaping? Hayes Eiford, applicant, stated that each lot will have a tree and that they are leaving a large portion of the site undisturbed, particularly the landscape buffer.
AYES:	Chair Cannon, Walters, Whatley, Whittelsey, Hilyer, Menefee, Mayor Fuller, Director Sweatman
NAYS:	None
ABSTAIN:	None

B. CONDITIONAL USE - Public Hearing

3. Blake Rice, Barrett-Simpson, authorized representative for Stephen & Shelby Ward, accessed at the 2700 block of Society Hill Road, C-2, 225 unit townhome rental development (Jim Chapman Communities).

Mr. Mosley presented the staff report to the Planning Commission for the proposed conditional use request for a 225 unit townhome rental development (Jim Chapman Communities) accessed at the 2700 block of Society Hill Road. He stated that staff recommends approval subject to the following:

1. Staff recommends extend the parking lot buffer near front property line to each side property line to connect with residential buffers.
2. Submit landscape plan add landscaping as required with minimum base points and parking lot points and added buffers are shown and met in detail required by the Landscape Ordinance.
3. If dumpsters are installed, 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.
4. Add on site plan who is responsible to maintain the creek buffer area and ponds.
5. All utilities shall be underground except overhead required transmission lines.
6. Townhome building ending in 140 and 139 are required to be 20 feet or more apart.
7. The OFD has requested the secondary access be built with this phase of development.
8. Any gate is required to be approved by the City of Opelika Fire Department.
9. Extend sidewalks to Society Hill Road.

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.

It is anticipated that turn lanes will be required on Society Hill Road for this phase of development.

The Engineering Department has no other comments or concerns regarding this proposed conditional use.

He stated that water is available from a 16-inch main on Society Hill Road. He stated that this property is located inside Opelika Power Services and Alabama 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: Arturo Menefee

SECONDER: Sheldon Whittelsey

DISCUSSION: Mr. Sweatman asked about the detention pond near I85?

Blake Rice, authorized representative, stated that there are two ponds that are detention ponds. He stated that the grayed out area is proposed to be left undisturbed as a buffer against I85.

Mr. Sweatman asked about the road that was stubbed out on the north side of the gas easement?

Blake Rice stated that it was not a stub out, it would be the location of one of the dumpster areas.

AYES: Chair Cannon, Walters, Whatley, Whittelsey, Hilyer, Menefee, Mayor Fuller, Director Sweatman

NAYS: None

ABSTAIN: None

C. FINAL PLAT

4. Laurel Lakes 1B SD, 69 lots, accessed from Como Way, Ontario Road, and Great Bear Road, Blake Rice, Barrett-Simpson, authorized representative for Fire Rock Development Company, LLC, final approval

Mr. Mosley presented the staff report to the Planning Commission for the Laurel Lakes 1B Subdivision accessed from Como Way, Ontario Road, and Great Bear Road. He stated that staff recommends final plat approval subject to the following:

- 1. Install underground utilities.**
- 2. Install sidewalks on both sides of all streets.**
- 3. Add a note on plat providing the minimum building setbacks: 20' front yard, 7' side yard, 25' rear yard, and 15' side on street (corner lots).**
- 4. Add a note providing the minimum lot standards concerning lot width.**
- 5. As provided on the master plan, preserve a 25-foot natural buffer on 'Lot 1001-B-1 Common Area' located adjacent to Lot 3-8. If a fence is proposed for Lot 3-8, then the fence must be installed on the rear property lines of these lots. The 25' buffer must be shown on the site plan for Lot 3-8 when building permit is requested.**
- 6. On final plat add the following note: The Laurel Lakes HOA is owner of Lots 1002-B-2 and 1002-B-1 as shown on the Laurel Lakes subdivision plat. These lots are reserved as stormwater detention for the subdivision and open space for the**

Laurel Lakes property owners. The Laurel Lakes HOA is responsible for the maintenance of all detention/open space on Lots 1002-B-2 and 1002-B-1. Provide access to Lot 1002-B-2.

7. Change Opelika Utilities to Opelika Water Board in the signature section.

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 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 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 this subdivision addition is split territory between Opelika Power Services, Tallapoosa River Electric and Alabama Power.

Motion to grant final plat approval with staff recommendations

RESULT: Passed

MOVER: Director John Sweatman

SECONDER: Arturo Menefee

DISCUSSION: Chair Cannon asked about the landscaping?

Blake Rice, authorized representative, stated that there will be more than one tree per lot.

AYES: Chair Cannon, Walters, Whatley, Whittelsey, Hilyer, Menefee, Mayor Fuller, Director Sweatman

NAYS: None

ABSTAIN: None

V. OLD BUSINESS

D. CONDITIONAL USE - Public Hearing

5. 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 August 27, 2024 Planning Commission meeting)*

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

6. 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 August 27, 2024 Planning Commission meeting)*

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

E. Other Business

7. Approve dates for November and December PC meetings

Mr. Mosley stated that staff recommends the date of November 19, 2024 for the November Planning Commission meeting and December 17, 2024 for the December Planning Commission meeting.

Motion to move the November Planning Commission meeting to November 19, 2024 and move the December Planning Commission meeting to December 17, 2024.

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

VI. ADJOURN

Motion to adjourn at 3:31 p.m.

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

Lucinda Cannon, Chair

Matt Mosley, Secretary