



PLANNING COMMISSION MINUTES

300 Martin Luther King Blvd.

January 28, 2025

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.

The City of Opelika Planning Commission held its regular monthly meeting January 28, 2025 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, Mr. Sheldon Whittelsey, Dr. Arturo Menefee, and Mrs. Leigh Whatley,

MEMBERS ABSENT: Councilman George Allen, Mr. Michael Hilyer, Mr. Jay Walters, and Mr. John Sweatman.

STAFF PRESENT: Mr. Matt Mosley, Planning Director
Mr. Martin Ogren, Assistant Planning Director
Mrs. Rachel Dennis, Planner
Mr. Scott Parker, City Engineer
Mr. Guy Gunter, City Attorney

CALL TO ORDER: Chair Lucinda Cannon called the meeting to order at 3:01 p.m.

- II. Elect Officers to Planning Commission (Chairman, Vice Chairman)

The first item of business was to hold the annual election of officers for the Planning Commission.

Chair Cannon opened the floor for nominations.

Mayor Gary Fuller nominated Lucinda Cannon for Chair and John Sweatman for Vice Chair.

RESULT:	Passed
MOVER:	Mayor Gary Fuller
SECONDER:	Arturo Menefee
AYES:	Chair Cannon, Whatley, Whittelsey, Menefee, Mayor Fuller
NAYS:	None
ABSTAIN:	None

- III. APPROVAL OF MINUTES

Approval of Planning Commission Minutes December 17, 2024.

RESULT:	Passed
MOVER:	Arturo Menefee
SECONDER:	Mayor Gary Fuller
AYES:	Chair Cannon, Whatley, Whittelsey, Menefee, Mayor Fuller
NAYS:	None
ABSTAIN:	None

IV. UPDATE ON PREVIOUS PC CASES

Mr. Mosley stated that items A-1 and B-2 were removed from the agenda by the applicant and no action would be need by the Planning Commission.

V. NEW BUSINESS

A. **PLAT (Preliminary Only) - Public Hearing**

1. Veterans Parkway SD, 33 lots, 1000 block Veterans Parkway, Hayes Eiford-Samford Group Development, LLC, Preliminary Approval

Withdraw by the applicant.

B. **Conditional Use - Public Hearing**

2. Samford Group Development, LLC, authorized representative for Aaron Adams, property owner, 2410 Cunningham Drive, R-4, 56 townhome units

Withdrawn by the applicant.

3. Brandon Hayes, authorized representative for Kevin Neel, property owner, 515 South 8th Street, Add a detached single family dwelling with a single family dwelling on a 10,574 sf lot in a C-2 zoning district

Mr. Mosley presented the staff report to the Planning Commission for the Conditional Use to add a secondary unit above a garage. He stated the applicant requests conditional use approval to add a detached garage apartment from a single-family home on a lot in a C-2 zoning district. Multiple buildings for multi-family are allowed conditionally on a lot that allows apartments. When one unit is much smaller or located within an accessory building like a garage, these units are called ancillary dwelling units by the Opelika zoning ordinance. Many other places refer to them as accessory dwelling units (ADUs). The City of Opelika currently allows ADUs in all residential zones by right if certain conditions are met. In this case, the applicant desires to potentially rent the unit out as a separate dwelling. The current requirement in residential zones limits the ADU only to lots that are owner occupied and the accessory unit cannot be rented out. In a commercial zone, like this, there is more flexibility, but it does require conditional use approval. This property is located within the Geneva Historic District and the plan requires architectural review by the Historic Planning Commission. While the home and garage have previously received approval, this design is slightly different and requires additional review. This will occur at the next HPC meeting in February.

Apartments are allowed conditionally in the C-2 zoning district. The configuration of these buildings would limit the ability to ever separate the home and garage. The subject property is located at 515 S. 8th Street. The property is approximately 10,574 square feet and the future single-family home is 2,576 square feet. The single-family dwelling is located on the east side of the property and the garage apartment is located on the west side. The floor plans provided show base level garage area will be 735 square feet and the second-floor apartment unit would

be approximately 526 square feet. The site plan provided meets the minimum setback requirements for both structures.

The proposed building should be in harmony with the character of the neighborhood, including building style, building materials, roof pitch, and orientation. Additionally, accessory structures like garages should be subordinate to the main house in size, location, and height. The applicant has provided specific plans for a garage/apartment building. They have provided proposed materials photos. This property is in the Geneva Street Historic District and all the exterior materials will be reviewed and to ensure the design guidelines are met by the February Historic Preservation Commission (HPC) Meeting. In evaluating a conditional use request, the staff looks at the general use standards. These criteria include whether the use is in harmony with the comprehensive plan and zoning ordinance, whether the use is needed and what effect it will have on the surrounding neighborhood, and whether there are adequate utilities and services to handle the use.

This zone does allow single-family homes by right, and apartments require conditional use approval. The neighborhood is primarily single-family homes and a few duplexes, including the properties directly behind this lot. The Southside Development was originally approved to include mixed residential of single-family, townhomes, and an apartment building. Since the original plan, several changes have been made, and the overall density has been reduced to mostly single-family residential with two sets of attached homes.

This request would not create a substantial impact on traffic. The parking configuration shows a two-car garage and rear parking pad, both take access from the shared access easement for the Southside Development. The applicant submitted a revised site plan, elevations, and floor plan provided in the packet. The proposed use and site plan of a detached single-family garage apartment would be in character and harmony of the existing Southside Development and the surrounding area.

Recommendation

Staff recommends conditional use request approval subject to:

- 1. Historic Preservation Commission must approve a COA for all items as required prior to permit garage apartment structure.**
- 2. The building shall complement the character of the neighborhood, including building style, building materials, roof pitch, and orientation.**

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

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:	Arturo Menefee
AYES:	Chair Cannon, Whatley, Whittelsey, Menefee, Mayor Fuller
NAYS:	None

C. Rezoning - Public Hearing

4.
 - a. Amendment to the Future Land Use Map, 30,630 square foot, from a low density residential land use category to a light commercial land use category.
 - b. Rezoning request, James B. Layson, authorized representative for Raymond Trussell, property owner, 30,630 square feet, 2802 Society Hill Road, from R-1 to C-2.

Mr. Mosley presented the staff report to the Planning Commission for the request to rezone the property on Society Hill Road from R-1 to C-2.

Amendment to the Future Land Use Map

The 2030 Future Land Use Map shows the 30,630 square foot rezoning property in a “low density residential” land use category. Since 2022 three rezonings from R-1 to C-2 were approved on Society Hill Road that total 400 acres. The rezonings changed the land use category from low density residential to light commercial. Townhomes and apartments are proposed for most of the 400 acres, but some areas will be commercial uses. The adjacent properties on the south and east sides are single family homes on 34,000 sf lots or larger lots. In May 2024, the adjacent 67 acres on the north side of the rezoning property was rezoned from R-1 to C-2 for townhomes.

Commercial uses were expected on Society Hill Road when Tiger Town PUD was developed in 2002. Then, in 2005 Wyndham PUD (640 acres) was approved primarily for a mix of residential uses, but the master plan included commercial areas. An 18-acre commercial area on the PUD master plan fronts on Society Hill Road. The rezoning property is nearly across Society Hill Road from the Wyndham PUD commercial property. The light commercial land use category allows commercial uses that have less impact on nearby residential properties.

Staff Recommendation

Staff recommends approval of an amendment to the Future Land Use map for the 30,630 sf lot if the rezoning is approved by City Council.

Rezoning

The applicant is requesting rezoning a 30,630 square foot lot from an R-1 (residential) zoning district to a C-2 (office/retail) zoning district. If the rezoning request is approved, an existing 825 square foot single family home will be converted into an Alfa Insurance office. The adjacent properties are single family homes on at least 34,000 sf lots; other nearby properties are undeveloped. The rezoning property is about 200 feet from Wyndham PUD commercial property (Dixie Electric and Storage World) on Society Hill Road. A commercial use on nine acres and zoned C-2, GC-P is also on the corner of Society Hill Road & Gateway Drive - Johnston Supply (HVAC distributor) about ½ mile from the rezoning property. The C-2 zone limits the types of commercial uses allowed; C-2 is less likely to impact the existing residential uses or the future townhomes and apartments recently approved.

Staff Recommendation

Planning staff believes that the rezoning request from R-1 to C-2 is appropriate. C-2 allows smaller-scale, stand-alone type commercial uses (ex. office use and retail stores) that are compatible with residential uses. Other properties along Society Hill Road have been rezoned to C-2.

Staff recommends the Planning Commission send a positive recommendation to the City Council to rezone the property from R-1 to C-2.

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

Chair Cannon opened the public hearing.

No comments.

Chair Cannon closed the public hearing.

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

RESULT:	Passed
MOVER:	Arturo Menefee
SECONDER:	Sheldon Whittelsey
AYES:	Chair Cannon, Whatley, Whittelsey, Menefee, Mayor Fuller
NAYS:	None
ABSTAIN:	None

Motion to approve the change to the Future Land Use Map from low density residential to light commercial.

RESULT:	Passed
MOVER:	Sheldon Whittelsey
SECONDER:	Arturo Menefee
AYES:	Chair Cannon, Whatley, Whittelsey, Menefee, Mayor Fuller
NAYS:	None
ABSTAIN:	None

VI. Old Business

D. Text Amendment to the Zoning Ordinance - Public Hearing

5. Bed and Breakfast Uses - A public hearing to consider a recommendation to the City Council on proposed text amendments to the Zoning Ordinance: Additions and revisions to definitions in Section 2.2 Definitions; revisions to Section 3.1 Building Permit Required; revisions to 7.3 C. Use Categories (matrix table); revisions to Section 8.11.1 Temporary Structures/Temporary Uses; and add new section: Section 8.28.4 Bed and Breakfast

Mr. Mosley presented the staff report to the Planning Commission for the text amendment to the Bed and Breakfast ordinance including additions and revision Section 2.2 Definitions; revision to section 3.1 Building Permit Required, revisions to 7.3 C. Use Categories (matrix table); revisions to section 8.11.1 Temporary Structures/Temporary Uses: and new section: Section 8.28.4 Bed and Breakfast. Mr. Mosley went through the history of previous versions of the Bed and Breakfast zoning ordinance. He noted that the previous ordinance was not acted upon by the City Council. He noted that this version did not require an onsite operator. Mr. Mosley also explained how a Bed and Breakfast is recognized as a celebration site. He noted that this version also limited length of stay, limited the number of outdoor events to no more

than 10 per year, and required parking adjacent and minimum lot sizes for larger events.

Mr. Parker provided no comments reports for Engineering, Opelika Water, and Opelika Power Services.

Chair Cannon opened the public hearing.

Barry Whatley 400 N. 9th Street stated, that on June 7th I asked Councilman Eddie Smith for a meeting to work together in a bipartisan to come together with some solutions for our neighborhood. We are in favor of a true Bed and Breakfast. We are opposed to the event center. My neighbors and I put together a formal booklet including all the proposals from Savannah, New Orleans, Columbus, Fairhope, Charleston, Baltimore. We went by these, we put a plan together and presented them. I asked for a follow-up meeting repeatedly, with no answers. I got a copy of this information on Friday. I would like to discuss how this information seems to be misguided. That this ordinance concerns future operations community wide is false. The parking and other recommendations meet only two homes. This is spot zoning, which is illegal in Alabama. This is supposed to benefit the citizens of our city. We do not have a lack of bedding and hotels in our community, this does not benefit our community. False items presented include -Operating in a residential manner, providing some meals, bed and breakfast not permitted in most residential areas, and we have not received much direct feedback. What cities allow this? I will give you this book and show you what others are doing. If we want to be the best, let's emulate the best: Fairhope, Savannah, and Charleston.

Jason Lanzas, 410 N. 9th Street, our research provides very consistent themes to preserve the residential neighborhood. He echoed many of Mr. Whatley's comments. Five of the seven ordinances we looked at had owner occupied as a requirement. Common theme – very limited parking, venues and guest size are limited by parking, events are explicitly prohibited or limited in scope. Celebrations sites are not in other ordinances. This is a commercial use, and we thought we had residential zone protection.

Allyson Comstock 611 3rd Avenue is opposed to a Bed and Breakfast with event center. In what way does the event center benefit the people who reside in the immediate area surrounding this home? It does not benefit the surrounding neighbors.

Philip Rowton 515 N 10th Street, we have been here three times, we proposed best practices and battled misinformation. The constituents of Ward 3 in the neighborhood are 100% opposed to this ordinance.

Charlie Brewer 315 N 10th Street, expressed opposition. When we bought our house in the Northside Historic District did not exist. He noted that his house was going to be torn down to allow a commercial venture. The city has spent a tremendous amount over the years to ensure the Northside Historic District remains residential. When the Catholic Church has an event, I am at my home and part of this event. Would you like having an event in your front yard with 200 people in a single house in a residential neighborhood having bands or DJ's until 11:00p.m.?

Robyn Wyant Shelby Avenue, is opposed to the removal of the owner being required to live on the premises. She stated that she did some research on food safety. Food is regulated by the State Department of Health The State of Alabama defines B&B's as: a private owner-occupied residence, providing accommodation for a charge to the public with no more than 10 rooms to rent, breakfast only may be provided to the guest. B&Bs are exempt from the rules of

construction maintenance, operation of hotels, and food service sanitation because the owner is required to live there. She stated that no one is responsible for regulating these establishments and leave it up to the owner living at the residence. She felt this needed to remain.

Chair Cannon closed the public hearing.

Chair Cannon asked for a motion and recommendation to City Council.

Motion to send a negative recommendation for the text amendment to City Council.

RESULT:	Superceded by Motion to Table
MOVER:	Sheldon Whittelsey
SECONDER:	Leigh Whatley

Chair Cannon stated I have not seen the booklet that Mr. Whatley referenced. Can we table this to amend the language?

Mr. Gunter stated you can consider a motion to table at any time. The Commission can send more than one recommendation. It is up to the Council to advertise and approve the advertisement of any proposed amendments to the Zoning Ordinance. If you table it, it means no action is taken.

Commissioner Whatley asked why staff have not seen the booklet. She state that we are procrastinating the ultimate decision.

Mayor Fuller suggested that the Chair appoint a subcommittee to review the issue and the information collected by the neighbors and see if agreement can be found.

Cannon stated that is why we need to table this and see if there is a way to come up with reasonable language.

Motion to table the request.

RESULT:	Passed
MOVER:	Mayor Gary Fuller
SECONDER:	Arturo Menefee
AYES:	Chair Cannon, Menefee, Mayor Fuller
NAYS:	Whatley
ABSTAIN:	Sheldon Whittelsey

VII. ADJOURN

Motion to adjourn at 3:53 p.m.

RESULT:	Passed
MOVER:	Mayor Gary Fuller
SECONDER:	Sheldon Whittelsey
AYES:	Chair Cannon, Whatley, Whittelsey, Menefee, Mayor Fuller
NAYS:	None
ABSTAIN:	None

_____ Lucinda Cannon, Chair

_____ Matt Mosley, Secretary