



PLANNING COMMISSION MINUTES

300 Martin Luther King Blvd.

April 22, 2025

TIME: 3:00 PM

I. APPROVAL OF MINUTES

The City of Opelika Planning Commission held its regular monthly meeting on April 22, 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:

The City of Opelika Planning Commission held its regular monthly meeting on April 22, 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 ABSENT:

STAFF PRESENT: Mr. Matt Mosley, Planning Director
Mr. Martin Ogren, Assistant Planning Director
Mrs. Dana Gafford, 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. She explained that some items have a public hearing and speakers are allowed one five-minute turn at the microphone
per public hearing

Approval of Planning Commission Minutes March 25, 2025

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

II. UPDATE ON PREVIOUS PC CASES

There were no updates.

III. NEW BUSINESS

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

1. Hidden Lakes-Lake Condé SD, Redivision of Parcel 5, 20 lots, 900 block Lake Condé Road, Blake Rice, BSI, Inc., authorized representative of SMB Land, LLC, preliminary approval.

Mr. Mosley presented the staff report to the Planning Commission. He stated that this item is a request for a preliminary plat approval of Hidden Lakes-Lake Condé. The applicant is Blake Rice of BSI Incorporated representing SMB Land. The request is for a subdivision plat approval of 20 lots located on 12 acres of the 900 block of Lake Condé Road. The setbacks and design style are like those in the previously constructed, but separate PUD of Hidden Lakes. He stated that the Planning Department is recommending preliminary approval, subject to the following:

1. Provide sidewalks on both sides of the street.
2. All utilities shall be located underground.
3. Provide a minimum of one tree per yard for single-family lots. Trees may be placed in the adjacent right-of-way with approval of city staff.
4. Vinyl or aluminum siding shall not be the primary cladding material for single-family homes.
5. Buffers shall be undisturbed unless an alternate plan is approved. The undisturbed buffers shall be supplemented in any areas where the buffer does not provide a near full screen. Landscape buffers should be shown on the plat to ensure property owners are aware of the buffer requirements.
6. Provide access to Lot 20 for the final plat.

Mr. Parker provided the reports for Engineering, Opelika Water, and Opelika Power Services. He stated the applicant will be required to provide a construction grading plan for drainage, utility detention and roadway installation for approval. A land disturbance permit and notice of construction will be issued once review is complete. Road names will be approved by the engineering department and placed on the final plat for public roadways to be accepted.

Chair Cannon opened the public hearing.

No comments

Chair Cannon closed the public hearing.

Motion to grant preliminary only plat approval with staff recommendations

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

2. Highline Townhome SD, 56 lots, 2410 Cunningham Drive, Aaron Adams authorized representative for James G. McClain, Jr., property owner, Preliminary approval.

Mr. Mosely stated that this item is for Highline subdivision, located at 2410 Cunningham Drive. The applicant, Aaron Adams, representing James McClain Jr. is seeking preliminary plat approval for a townhouse subdivision on undeveloped property. The proposed townhomes would range in size from 2,200 to 4,200-square-foot lots with 24-to-45-foot lot widths, which exceeds the minimum standards of 1,800 sq. feet for townhomes with a 20-foot lot width. He stated that the Planning Department recommends preliminary approval subject to the following:

1. Install a 5-foot sidewalk along Cunningham Drive right of way, Hi Pack Drive extension, and in the front yard of all townhome groups, and connect sidewalk to open-space lots as described in the February 2025 CU report.
2. All utilities shall be underground.
3. Add a note on plat about the HOAs allowed uses and maintenance responsibilities of the open space lots.
4. Add a lot number for the open space.
5. Add the following on the plat:
 - a. Name and address of the owner/developer.
 - b. Name and address of the adjacent property across Cunningham Drive.
 - c. Addresses of all the adjacent property owners.
 - d. Name and plat book/page number for adjoining subdivisions.
 - e. Flood zone note.
 - f. Certificates for the owner(s)/developer(s), notary statement, and certificates for the city officials are missing.
 - g. Standard Opelika easement statement
 - h. Final drawing(s) must be on a "D"-size (24' X 36").
 - i. Private streets and sidewalks require access easements.

Mr. Parker presented reports from the Engineering Department, Opelika Utilities and Opelika Power Services. He stated the applicant will turn in a site construction grading plan for the drainage utility, post construction and a roadway installation for approval, before a permit is issued. The construction of the infrastructure and utilities is monitored and approved prior to final plat acceptance.

He stated that the City Of Opelika has proposed a project to add a curb, gutter and a 5-foot sidewalk for the length of the project along Cunningham. In addition, they have requested a 15-foot strip of right of way be deeded to the City. The Engineering Department shall approve the road names that will be placed on the final plat for public roadways to be accepted.

On behalf of Opelika Water, he stated that water service is available from a ten-inch main on the west side of Cunningham Drive. An existing water service must be abandoned at the main. The subdivision is both in Opelika Power Services and Alabam Power territory.

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: Arturo Menefee

SECONDER: Sheldon Whittelsey

Discussion:

Chair Canon inquired about the trees in the plan.

Mr. Mosely stated that the trees were discussed in the conditional use. There would be a buffer along the south side which might include a fence and a row of evergreen trees. The Planning Department has required specific plants along Cunningham and standard plants around the neighborhood. A drawing is included in the packet.

Mayor Fuller asked if it would be on City sewer.

Mr. Parker affirmed that it would be on City sewer on Cunningham.

Chari Cannon inquired about speed breakers on the long narrow street.

Mr. Mosely and Mr. Parker said no, and explained that this would not be a through street and there would be no need for speed breakers.

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

NAYS: None

ABSTAIN: None

3. Brookhaven Townhome SD, 49 lots, 2112 Cunningham Drive, 2112 Cunningham Drive, Hayes Eiford, authorized representative for Bobby Joe Burdette, property owner, preliminary approval.

Mr. Mosley stated that this item is a request for preliminary plat approval for a townhouse development, Brookhaven Subdivision, located on 2112 Cunningham Drive. The applicant is Hayes Eiford, representing the owner, Bobby Joe Burdette. This property is undeveloped, zoned R-4 and the preliminary approval request is for 49 townhome lots and two open-space lots. The lots exceed the 1,800-square-foot minimum townhome lot and the 20-foot lot width requirement, as these lots range from 2,450 to 6,909 square-feet and are 20 to 35 feet in width. The Planning Department is recommending preliminary plat approval, subject to the following:

1. Install a 5-foot sidewalk along Cunningham Drive
2. All utilities shall be underground.
3. Add a note on the plat concerning the HOAs allowed uses and maintenance responsibilities of the open space lots.
4. Include the name and address of the owner/developer.
5. Include the adjacent property owner and address that's directly across Cunningham Drive.
6. Add the addresses of the adjacent property owners listed.
7. Add the standard Opelika easement statement:
8. Add the certificates for the owner(s)/developer(s), notary statement, and certificates for the city officials on the plat.
9. The final drawing(s) must be on a "D"-size (24' X 36").
10. Lots 47, 48, and 49 missing a bearing and distance along future road.
11. Label the triangle-shaped lot across the future road.

12. Add easements on private streets and sidewalks.

Mr. Parker presented reports from the Engineering Department, Opelika Water and Opelika Power Services. He stated that the applicant will be required to submit a construction plan for the residential streets, as well as the utilities, detention and drainage plan. Construction and infrastructure utilities will be monitored prior to final plat acceptance. The City of Opelika is working with the applicant on the development agreement of the right of way for the Hi Pack Drive extension. This extension is being constructed by the city and will run through the development to connect Cunningham to Hi Pack Drive.

Opelika Water states that water is available through a 10-inch main on the west side of Cunningham Drive. The developer is required to install a water main in Cunningham Drive along the future road extension.

Opelika Power Services and Alabama Power will both service this site.

Chair Cannon opened the public hearing.

Taylor Britton, 1986 Preserve Drive, Auburn, AL, spoke on behalf of his stepmother, Lisa Britton, who lives north of the proposed subdivision. He stated she was concerned about the impact to the wetland and natural wildlife that is specific to that area. He expressed concern and asked for clarification on the distance of the public right of way to the corner of Lisa's house. Lastly, he wanted to express the family's concern that this road would negatively impact the re-sale value of Ms. Britton's home.

Patricia Randall, 2713 Houston Lane, stated that her house is on the corner of Cunningham. She asked about the future traffic and how that would affect her. She also inquired about the entrance way to the neighborhood, and its relationship to her current home and Cunningham Road.

David Traus, 371 Gardner Drive, Auburn. He was in attendance on behalf of Ms. Britton. He stated that this was an environmentally unique area and inquired as to the existence of an environmental impact study, and if so, could one be provided to Ms. Britton.

Josh Mura, with Samford Group. He stated that there had been a wetland and stream delineation, environmental impact study performed for this site that could be made available to Ms. Britton.

Scott Parker stated that the city has had a wetland and stream delineation created as well, and it can be made available.

Lisa Britton, 2016 Cunningham Drive, stated that she opposes this subdivision. The dam is an easement 30 feet and 485 long and is also her driveway that goes right to the house that she has lived in for 20 years. She owns 10 acres of land that is wetlands/floodplain. Her house is built on a small portion that is not a floodplain. She is also concerned about the disruption to the wildlife that is on her property.

Mr. Parker explained that Engineering is coming up with a plan to reinforce the dam and that all work will be to the south of the property line.

Chariman Cannon asked if the commission are supposed to approve the plat given the

problems?

Mr. Moseley clarified that the preliminary plat approval is based on the subdivision and not the road that has not been built yet.

Mr. Parker stated that she would need to sign and consent to a right of way deed to the city before a road could be built on her property. There would be no encroachment without property owners' permission.

Chair Cannon closed the public hearing.

Motion to grant preliminary plat approval with staff recommendations

RESULT:	Passed
MOVER:	Jay Walters
SECONDER:	Sheldon Whittelsey
DISCUSSION:	Mr. Sweatman inquired how the pond releases water. Mr. Parker stated that engineers are currently doing an assessment of the dam and believe there is a pipe system that releases underneath the dam. Part of the geotechnical and roadway engineer's due diligence is to make substantial improvements to the dam, which includes outfalls.
AYES:	Chair Cannon, Walters, Whatley, Whittelsey, Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen, Director Sweatman
NAYS:	None
ABSTAIN:	None

4. ANNEXATION and PLAT (Preliminary) - Public Hearing

(a) Annexation, Edgar Hughston Builder Inc., 2800 block Lee Road 391 (Old Columbus Road), 94.4 Acres, R-1 zoning district requested.

(b) Summit Points SD, 46 lots, Edgar Hughston Builder Inc., 2800 block Lee Road 391 (Old Columbus Road), Preliminary Approval.

Mr. Mosely stated that this item is a request for annexation and then a preliminary plat request for 94 acres on Lee Road 391. The applicant is Edgar Houston Building, represented by Tyler Findley. Currently outside the city limits, the applicant is proposing to annex and then divide property into 46 lots. The annexation meets current state and city requirements.

The subdivision plat shows one-road access to the 46 plots. Under the City's Building Fire Safety Code, single road access can only be for thirty homes. Thirty-one or more homes would require either a secondary access road, a secondary power access road or a requirement to add a sprinkler system in each home. The county does not have this rule, so it is a unique situation that will require the builders to assess whether to annex or stay in the county. The planning department recommends tabling this item while decisions are made that will possibly change the plat or annexation request.

Chair Cannon opened the public hearing.

Ronald Sinkfield, 3126 Old Columbus Road, stated that he lives behind lots 36 and 37 and asked for clarification on the annexation and what is in and out of the county or city lines. He also inquired about what type of buffer would divide the new buildings from his property. He asked for clarification on the storm ponds proposed on the preliminary plat and inquired about whether the proposed homes would be on city water. Lastly, he inquired about the ability to purchase property to provide a buffer between the new neighborhood and his home.

Chair Cannon closed the public hearing.

Motion to Table

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

B. FINAL PLAT

5. ~~Dickson Place SD, Phase 2A, 77 lots, 3500 Andrews Road, Ledge Nettles, Baseline Surveying, authorized representative for Andrews & Anderson Development, LLC, property owner, final approval.~~

This item has been withdrawn by the applicant.

6. The Village at Waterford SD, Phase 4C, 65 lots, Arlee Avenue and Jansen Avenue, Andrew Burk, authorized representative for DRB Group Alabama, LLC, property owner, final approval.

Mr. Mosley stated that this item is for The Village At Waterford's final section, Phase C, for final plat approval. Located on Stokes Avenue and Jackson Avenue, there are 65 single-family lots and two detention lots. 44 lots range from 36 to 40-foot-wide, while 21 are 50 to 55-foot-wide lots. He stated that the Planning Department is recommended final plat approval subject to the following:

1. Sidewalks are required on one side of the street.
2. All utilities shall be underground.

Mr. Parker stated that all underground utilities, as well as water and sewer, have been inspected and tested in order to complete the subdivision for approval. The roadway has been approved as well. The Sanitary Sewer has one final day before day of testing before approval and signatures.

Mr. Parker, speaking on behalf of Opelika Water, reported that their infrastructure has been approved; and on behalf of Opelika Power who stated that they would be providing the power for the subdivision.

Opelika Engineering recommends final plat approval.

Motion to grant final plat approval with staff recommendations

RESULT:	Passed
MOVER:	Jay Walters
SECONDER:	Sheldon Whittelsey

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

7. The Hamlet at Wyndham Gates SD, Pod 10 Phase 1, 18 lots, 3200-3434 Hamlet Drive, Precision Surveying, authorized representative for DFH Liberty, LLC, property owner, final approval.

Mr. Mosley stated that this item is a request for final plat approval of 16 town home lots in the Hamlet Drive section of the Wyndham Gates Townhouse Development. The applicant is Mike Maher with Precision Survey representing FH Liberty, LLC. The lots meet the minimum requirements for townhome lots. The lots range from 20 to 30 feet in length and from 1,900 to 2,800 square feet. The Planning Department is recommending approval of the final plat, subject to the following:

1. Add the required 25' landscape buffer along Gateway Drive on Lot 201.
2. Add a note about the ownership, use, and maintenance of the open space on the remainder lots or amenities.
3. Label the lots that are Lot 203 and Lot 204 referred to in note #6 on plat.
4. After site inspection, including landscaping, is approved, then plat signatures and recording of final plat is allowed.

Scott Parker stated that because the development's roadways are private, engineering has no exceptions. On behalf of Opelika Water, he stated that the water infrastructure has been accepted. The private metered water system has been mastered by the community. Opelika Power does not serve this community.

Motion to grant final plat approval with staff recommendations

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

8. Fox Run Phase V-A SD, 79 lots, 1201 Fox Run Parkway, Spencer Cothran (Holland Homes, LLC) authorized representative for Fox Run Phase V, LLC, property owner, final approval.

Mr. Mosley stated that this item is for final plat approval of Fox Run Phase V, located on 1201 Fox Run Parkway. The applicant is proposing a request of 79 lots in the Fox Run Subdivision, which comprises 40 twin-home lots, 36 single-family lots and three open-space lots. Although small, the lots meet the requirements of the PUD standards. The 3000-square-foot twin-home lots are on 25-foot lots, and the 4200-square-foot single-family lots are on 40-foot lots. The Planning Department has reviewed the final plat and is recommending approval subject to the following:

1. Label the sanitary sewer easement located near the west boundary of Parcels A and B and add the easement width. Also, it shows that the easement extends to the north property line of Parcel A.
2. Change the signature line “Opelika Utilities” to “Opelika Water Board”.
3. Install a residential buffer along the rear property line of Lots 117 to 129. Select one of the Buffer options from Section 10 Landscape Regulations.
4. Fences are not allowed in easements, particularly on the rear lot line of Lot 88.
5. The existing right-of-way needs to be vacated (agenda item #10) before the plat is recorded.

Mr. Parker stated that both engineering and the utility companies have been inspecting infrastructure construction. The roadways have been completed and water and sewer have been installed. However, more testing needs to be completed for the water and sewer. Signatures from Opelika Engineering and Opelika Water will be withheld until testing is complete, signs are installed and bonds are completed. He stated that engineering recommends final plat acceptance with these remaining items held until signatures are complete. This development is outside of the Opelika Power jurisdiction.

Motion to grant final plat approval with staff recommendations

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

C. CONDITIONAL USE - Public Hearing

9. Mike Maher, authorized representative for Nick Howell, property owner, Duplex in a R-3 zoning district.

Mr. Mosley presented the staff report to the Planning Commission for the proposed conditional use request of a duplex on 1300 Spring Drive. The subject property is zoned R-3. The lot is currently vacant after a state of disrepair and a subsequent demolition by the City of Opelika in 2024. The property is 14,533 sq. ft. with the proposed building being 3,200 sq. ft. Each unit would be 1600 sq. ft. and consist of 3 bedrooms, 3 bathrooms and a single car garage. He stated that while this property would exceed the density allowed in the base zoning, through the conditional use process the planning commission can approve a higher density than what is allowed. The planning staff believe the re-use of this property would be positive and in character with the surrounding area. If the use is approved, the planning department recommends the following conditions:

1. Exterior cladding materials shall primarily be brick, stone, wood, or fiber cement siding to be in harmony with the surrounding single-family homes.
2. The site shall include additional foundation landscaping and at least two trees which can include any existing trees preserved during construction.

Mr. Parker stated that the two parallel driveways shall be combined at the roadway and will split at the property line.

Mr. Mosely stated that there were no notes from utilities.

Chair Cannon opened the public hearing.

There were no comments.

Chairman Cannon closed the public hearing.

Motion to grant conditional use approval with staff recommendations

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

D. VACATION OF RIGHT-OF-WAY

10. Daniel Holland, authorized representative for Fox Run Phase V, LLC, property owner, 1000 block Fox Run Parkway, Requesting to vacate unimproved right-of-way in Fox Run Industrial Park.

Mr. Mosley stated that this item is a request for vacation of the right of way in the Fox Run Industrial Park. This is in the same area as Fox Run Village Phase V, which was discussed earlier in this meeting. This right of way only shows up in plats, as it was never constructed. No utilities have been found or located in this area. No one is currently using this as the sole access to their property. The applicant, Daniel Holland, representing Fox Run Phase V, LLC, is requesting to vacate the right of way, to open a road that is within the areas they surround.

If approved, planning would send this request to the City Council, who would open a public hearing and vote yes or no. The Planning Department does recommend a positive recommendation to the Opelika City Council to vacate this right of way.

Mr. Parker stated that there were no comments from Engineering or Utilities

Motion for a positive recommendation to the City Council for vacation of right of way.

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

E. AMENDMENT TO FUTURE LAND USE MAP and REZONING – Public Hearing

11. (a) Amendment to Future Land Use Map, 401 & 409 Simmons Street, 33,810 sf, from a manufacturing land use category to a light commercial land use category.

(b) Rezoning Request, Gregg Harris - Farpoint Properties, LLC, 33,810 sf (two lots), 401 & 409 Simmons Street, from M-1 to C-2.

Mr. Mosley stated that this item is a request for rezoning and amendment to future land use at 401 and 409 Simmons Street. The applicant is Greg Harris of Farpoint Properties, LLC. Currently the subject property is zoned N1 which is manufacturing and carries a manufacturing land use designation. The Planning Staff is proposing rezoning to C-2, which is retail/office and would go to light commercial zone if the rezoning is approved for future land use. The current property is heavily wooded and undeveloped. The current manufacturing designation allows for heavier uses, but limits use and does not allow for offices and other uses that might be more beneficial to the adjoining property owners. The Planning Department does feel that rezoning is appropriate and positive for the community and therefore recommends a positive recommendation to the City Council.

Mr. Paker stated that there are no notes from Engineering or Utilities.

Chair Cannon opened the public hearing.

No comments.

Chair Cannon closed the public hearing.

Motion for a positive recommendation to City Council

RESULT:

MOVER: Arturo Menefee

SECONDER: Jay Walters

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

NAYS: None

ABSTAIN: None

Motion for positive approval of future land use

RESULT:

MOVER: Aurturo Menefee

SECONDER: Sheldon Whittelsey

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

NAYS: None

ABSTAIN: None

IV. ADJOURN

Motion to adjourn at 4:16 p.m.

RESULT: Passed

MOVER: Jay Walters

SECONDER: Sheldon Whittelsey

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

V. Signatures

_____ Chair Lucinda Cannpn

_____ Matt Moseley