



PLANNING COMMISSION MINUTES

300 Martin Luther King Blvd.

November 18, 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.

II. APPROVAL OF MINUTES

The City of Opelika Planning Commission held its regular monthly meeting on November 18, 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 Eddie Smith, Dr. Arturo Menefee, Councilwoman Ward 3 Leigh Whatley. Mr. Sheldon Whittelsey, Mr. Jay Walters and Mr. Tom Penton

MEMBERS ABSENT: John Sweatman

STAFF PRESENT: Mr. Matt Mosley, Planning Director
Mr. Martin Ogren, Assistant Planner Director
Mrs. Rachel Dennis, Planner
Mrs. Dana Gafford, Planning & Zoning Technician
Mr. Scott Parker, City Engineer
Mr. Robert Treese, City Attorney

CALL TO ORDER: Chair Lucinda Cannon called the meeting to order at 3:00 p.m.

Chair Cannon welcomed Mayor Eddie Smith and Councilwoman Ward 3 Leigh Whatley to the Planning Commission.

Approval of Planning Commission Minutes, October 28, 2025

RESULT:	Passed
MOVER:	Tom Penton
SECONDER:	Councilwoman Ward 3 Leigh Whatley
AYES:	Chair Cannon, Walters, Councilwoman Ward 3 Whatley, Whittelsey, Penton, Menefee, Mayor Smith
NAYS:	None
ABSTAIN:	None

III. UPDATE ON PREVIOUS CASES

IV. NEW BUSINESS

A. PLAT (Preliminary and Final) – Public Hearing

1. Bay Court SD, 5 lots, Bay Court, Emily Key, authorized representative for Three Keys Properties, LLC, property owner, preliminary and final approval.

Mr. Mosley presented the staff report to the Planning Commission for a request for preliminary and final plat approval of a five-lot subdivision at Bay Court. The applicant is Emily Key from Three Keys Properties, LLC. The subject property is located between Bay Court and Ray Avenue off of Lee Road in an R-5 zone. He stated that all five lots exceed a minimum lot of 7500 square feet and all meet the minimum lot width of 60 feet. Mr. Mosley noted that both the Bay Court and Ray Avenue streets are smaller than typical streets. Bay Court is 30 feet and gets wider, yet the asphalt maintains the required 20 feet. Ray Avenue is 20 feet wide, and the asphalt is roughly 12 feet wide, which is smaller than most city streets. He stated that the addition of the lots would not make a significant impact on the traffic, but fire access for emergencies would need to be assessed. Further discussion between the applicant, Planning, Engineering and the Public Safety Departments needs to continue. As such, the Planning Department is recommending preliminary plat approval to be able to address these issues. Mr. Mosley stated that the Planning Staff recommended denial due to it not being consistent with surrounding zoning and the future land use plan.

Staff recommends preliminary plat approval only at this time, subject to the following improvements provided by the applicant:

1. **Install a hammer-head turn around at the end of Bay Court and Ray Avenue, so vehicles can maneuver and turn around, especially for larger vehicles such as fire trucks and garage trucks that need more space.**
2. **Increase the asphalt width of Ray Avenue to at least 20 feet.**

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

Chair Cannon opened the public hearing.

Freddy Torres, 3103 Matthew Street: Asked if this would affect his property.

Mr. Mosley stated that it would not.

Chair Cannon closed the public hearing.

Motion to grant preliminary plat approval with staff recommendations

RESULT:	Passed
MOVER:	Arturo Menefee
SECONDER:	Jay Walters
DISCUSSION:	Dr. Menefee asked if the road improvements were the City's responsibility or the developer. Mr. Mosley replied that generally it is the responsibility of the developer unless there is an agreement between the developer and the City.
AYES:	Chair Cannon, Walters, Councilwoman Ward 3 Whatley, Whittelsey, Penton, Menefee, Mayor Smith
NAYS:	None
ABSTAIN:	None

B. CONDITIONAL USE – Public Hearing

2. Rudy Sardinas, authorized representative for Viking Sun, Inc, property owner, 809 1st Avenue, C-1 zoning district, Neos church and cafe/work space.

Mr. Mosley presented the staff report to the Planning Commission for the request of conditional

use approval for Neos Church to occupy an existing building at 809 1st Avenue. He stated that the Zoning Ordinance requires conditional use approval for a church in all zoning districts. The church, currently located at 1201 South Uniroyal Road, is proposing to occupy a 4,985 square foot building located in the C-1 zone (Downtown district). At the 1st Avenue location, Neos Church will have two meetings a week: Sunday service at 9:15 AM and Wednesday service 6:30 pm. During the work week, a public coffee shop and co-workspace will be available for church members as well as the public. Coffee shops and cafés are allowed in the C-1 zone. The church sanctuary area will hold a maximum of 100 people. Mr. Mosley stated that based on the size of the congregation and the meeting times of the services, there should not be an issue with parking. He stated that the building owner will have to work with the Historic Preservation Commission and with the Building Inspections Department on improvements to the building, as it is currently an unimproved warehouse. The Planning Staff recommends conditional use approval.

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

RESULT:	Passed
MOVER:	Tom Penton
SECONDER:	Councilwoman Ward 3 Leigh Whatley
AYES:	Chair Cannon, Walters, Councilwoman Ward 3 Whatley, Whittelsey, Penton, Menefee, Mayor Smith
NAYS:	None
ABSTAIN:	None

3. Foresite Group, LLC, authorized representative for Opelika 26. LLC, property owner, 2900 Society Hill Road, C-2 zoning district, Society Hill Apartments — 265 units.

Mr. Mosley presented the staff report to the Planning Commission for the revised conditional use of a 265-unit apartment on 27.31 acres, located at 3310 Society Hill Road. He stated that a similar development was approved last November with 309 units. The proposed development will have 159 1-bedroom units and 106 2-bedroom units. The development has 525 feet of frontage on the west side of Society Hill Road. Two points of ingress and egress are shown on the site plan, one from Society Hill Road and a potential connection to an extension of Freddie Way. The apartment amenities include a clubhouse next to a swimming pool, dog spa, and a dog park to the rear. The proposed development consists of eight apartment buildings with a total of 265 rental units. In a C-2 zone, the allowable density is 16 units per acre. The proposed density is 9.8 dwelling units per acre. The surrounding properties are zoned R-1, C-2 and PUD. Mr. Mosley stated that the development is requesting to reduce the overall amount of parking required. The minimum off-street parking requirements are 530 parking spaces required and they provide 445 spaces. The applicant was granted a variance from the Zoning Board of Adjustments to reduce the parking spaces provided to 1.1 parking spaces per bedroom and 10 percent for visitors. The applicant is providing parking consistent with the ZBA's variance. Due to the number of one-bedroom units and the high number of single-person

households in rental units, it is unlikely that parking usage would exceed available spaces.

Staff recommends approval subject to the following:

- 1. Add residential buffers on the northeast and south sides per the requirements of the zoning ordinance. If an undisturbed buffer is used, additional planting will need to be added to insure the screening is appropriate.**
- 2. All four sides of the development we recommend meet the Gateway Corridor cladding requirements with use of masonry consistent with the provided elevations. Buildings shall be substantially similar in terms of materials, roofline, fenestration, and other design features with the provided elevations.**
- 3. Garbage facilities 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. All utilities shall be underground except overhead required transmission lines.**
- 5. All mechanical and hvac units shall be screened from the public right-of-way.**
- 6. Any gates will need to be coordinated and approved by Opelika public safety departments for emergency entry.**
- 7. At least two entry points meeting life safety codes shall be required. Both drives shall provide access for residents.**

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.

RESULT:	Passed
MOVER:	Arturo Menefee
SECONDER:	Jay Walters
DISCUSSION:	Mayor Smith: asked where the second entry point is located Mr Mosley: It would connect in the back side behind the QT station and beside the Texas Roadhouse Restaurant.
AYES:	Chair Cannon, Walters, Councilwoman Ward 3 Whatley, Whittelsey, Penton, Menefee, Mayor Smith
NAYS:	None
ABSTAIN:	None

4. Tyler Hearin, authorized representative for Leslie Greene Dudley, property owner, 1525 Old Columbus Road, M-1 zoning district, Recovered material processing material.

A request to table this item was made by the applicant.

Motion to table the item

RESULT:	Passed
MOVER:	Mayor Eddie Smith
SECONDER:	Arturo Menefee

AYES:	Chair Cannon, Walters, Councilwoman Ward 3 Whatley, Whittelsey, Penton, Menefee, Mayor Smith
NAYS:	None
ABSTAIN:	None

5. Arbour Valley Development, LLC, authorized representative for Michael V. Shannon/ Weaver C/O Crooked Creek, property owner, Fox Run Avenue and Fox Run Parkway Intersection, 144 apartment units.

A request to table this item was made by the applicant.

Motion to table the item.

RESULT:	Passed
MOVER:	Sheldon Whittelsey
SECONDER:	Councilwoman Ward 3 Leigh Whatley
AYES:	Chair Cannon, Walters, Councilwoman Ward 3 Whatley, Whittelsey, Penton, Menefee, Mayor Smith
NAYS:	None
ABSTAIN:	None

C. AMENDMENTS TO COMPREHENSIVE PLAN AND REZONING - Public Hearing

6. (a) Rezoning request, Bill Perry, authorized representative for James David Perry, property owner, 2505 Anderson Road, 20.1 acres, from R-3 to R-4.

(b) Amendment to Future Land Use Map, 2505 Anderson Road, 20.1 acres, from a medium density land use category to a high density land use category.

Mr. Mosley presented the staff report to the Planning Commission for rezoning and an amendment to future land use map for James David Perry represented by Bill Perry. He stated that the applicant is requesting rezoning of 20.1-acres from the R-3 zoning district to the R-4 zone. This rezoning request is for the same property that City Council approved a rezoning from R-1 to R-3 at the May 20, 2025, City Council meeting. He explained the difference between R-3 and R-4 Zones:

- **Minimum Lot Size:** **R-3** 10,000 sf. compared to **R-4** 7,500 sf
- **Density:** **R-3** is 3.5 dwelling units per acre compared to **R-4** 9 dwelling units per acre.
- **Land Use Category:** **R-3** is Medium-density residential compared to **R-4** High-density residential.
- **Allowed Dwellings:** **R-3** Single-family homes allowed. (Duplexes allowed with CU approval). Compared to **R-4** Single-family homes, duplexes, and apartments allowed. (Townhomes allowed with conditional use approval).

Mr. Mosley stated the proposed lots are 60 feet wide with a 10,000 sf. area, which is narrower than is allowed in R-3 zone. He stated that there is a stream in the middle of the property and the 30 units are being built to fit the space in front of the stream. Mr. Mosley stated that he received a letter from adjoining property owners with concerns regarding rezoning.

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

Chair Cannon opened the public hearing.

John Moore, 2714 Anderson Road, stated that he opposes the higher density that a zone change from R-3 to R-4 would create. He stated that in March, he and 58 other residents signed a petition opposing the re-zoning from R-1 to R-3 and the City Council approved the rezoning. He is concerned that the owner, who does not live in the area, is not clear on the plans for the property as the zoning and plans keep changing.

Julie Moore, 2714 Anderson Road, stated that she has lived on the property for 61 years and is invested in the community. She said that after getting neighbors together to sign a 60-signature petition, she was disappointed that the City Council approved the first rezoning. She is opposed to the zone change, as it would increase traffic and affect the wildlife.

Bill Perry, representing the applicant, stated the original R-3 zone was requested before he was aware that a second access would be needed for fire safety. He stated that he developed the property across the street years ago and the lot sizes for R-3 then were 60 ft lots, which is what was intended for the current property. The current R-3 zoning now requires 70 ft lots, the layout of which would be cost prohibitive to accommodate the stream located on the property. Therefore, the rezoning is to be able to build the 30 lots on 60 ft lots and to accommodate the required ingress and egress needed for fire safety. He stated the plans have changed from 50 lots to 30, so there will not be an increase in density with the zone change.

Linda Guy 2442 Anderson Road, has lived there for 30 years. She stated that there are two other developments that are being built in the surrounding areas. She doesn't feel that an R-4 zone would be beneficial to the area.

Chair Cannon closed the public hearing.

Motion to send a negative recommendation to City Council

RESULT:	Passed
MOVER:	Tom Penton
SECONDER:	Councilwoman Ward 3 Leigh Whatley
DISCUSSION:	Mr. Mosley asked for clarification on the reasons for the negative recommendation. Mr. Penton stated that the negative recommendation was based on the staff recommendations. He felt that the R-4 zone change would create an island that is inconsistent with land use.
AYES:	Chair Cannon, Walters, Councilwoman Ward 3 Whatley, Whittelsey, Penton, Menefee, Mayor Smith
NAYS:	None
ABSTAIN:	None

Motion to deny Amendment to Future Land Use Map

RESULT:	Passed
MOVER:	Dr. Arturo Menefee
SECONDER:	Tom Penton
AYES:	Chair Cannon, Walters, Councilwoman Ward 3 Whatley, Whittelsey, Penton, Menefee, Mayor Smith
NAYS:	None
ABSTAIN:	None

7. Rezoning request, WRO LLC, property owner, 2209 Lafayette Parkway, 6.1 acres, from M-1, GC-P to C-3, GC-P zoning district.

Mr. Mosley presented the staff report to the Planning Commission for the request of rezoning

by WRO, LLC. Mr. Mosley stated that the subject property is a 6.81 acre site currently zoned M-1, with a request to re-zone to a C-3 zone. He stated that the subject property, because of its angle and topography, would probably have limitations on developing as an M-1 use and there are many more uses available in the C-3 zone. Mr. Mosley pointed out that the property north of the subject property, Wilson's Woodyard, as well as the property across the street are zoned C-3. The Planning Staff feel the C-3 zoning is more appropriate for this property as well as the surrounding properties and therefore is recommending a positive recommendation to the City Council.

Mr. Parker provided the reports for 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:	Mayor Eddie Smith
SECONDER:	Sheldon Whittelsey
AYES:	Chair Cannon, Walters, Councilwoman Ward 3 Whatley, Whittelsey, Penton, Menefee, Mayor Smith
NAYS:	None
ABSTAIN:	None

8. (a) Rezoning Request, Blake Rice, BSI Inc., authorized representative for Gateway Development, LLC, property owner, Gateway Drive, 5.1 acres, from R-4 to PUD.
- (b) Amendment to Future Land Use Map, Gateway Drive, 5.1 acres, from a residential growth land use category to a mixed-use land use category.

Mr. Mosley presented the staff report to the Planning Commission for the request by Gateway Development, LLC to rezone 5.1 acres of Gateway Drive from R-4 to PUD. He stated the subject property is currently zoned R-4, adjacent to the Gateway PUD that extends from Cunningham Drive to Gateway Drive at Thompson. The applicant has purchased 5.1 acres and is proposing to rezone it from and R-4 into the PUD, as part of the overall master plan. Mr. Mosley noted that the PUD comprises 13 Pods and discussed the uses within each pod. He explained that pod #13 is where the 5.1 acre property proposed for rezoning before the commission. Staff recommends Planning Commission send a positive recommendation to the City Council to rezone the 5.1-acre property from C-2 to PUD and approve the allowed uses for Pod 13 as provided in the applicant's "Thomason Drive Extension, Master Development Plan Narrative, October 15, 2025" and subject to the following:

- 1. All building exterior materials and screening requirements shall meet Section 7.6 Gateway Corridor Overlay requirements where more stringent standards have not been proposed.**
- 2. All utilities shall be underground.**
- 3. Sidewalks shall be located on both sides of all public streets.**
- 4. The development shall provide cross-access through pods where uses are similar.**
- 5. All other previously approved conditions of the original approval.**

Chair Cannon opened the public hearing.

Robin Weyant, 809 Shelby Avenue, stated that there are 66 homes around the subject property and suggested that the commission consider keeping pod 13 a residential area. She also expressed concern about the addition of packaged liquor stores so close to residential areas.

Chair Cannon closed the public hearing.

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

Request to Table Items A & B

RESULT:	Passed
MOVER:	Sheldon Whittelsey
SECONDER:	Councilwoman Ward 3 Leigh Whatley
DISCUSSION	The Commission discussed tabling the item and then discussed several topics including commercial and residential areas, packaged liquor stores, convenience stores and car washes. Blake Rice , the applicant, requested to table both agenda items A & B.
AYES:	Chair Cannon, Walters, Councilwoman Ward 3 Whatley, Whittelsey, Penton, Menefee
NAYS:	Mayor Smith
ABSTAIN:	None

D. MASTER PLAN AMENDMENT — Public Hearing

9. Major Revisions to the Wyndham Planned Unit Development, 15 Acres, Intersection of Wyndham Industrial Drive and Gateway Drive, Blake Rice, BSI, Inc., authorized representative for CPP Investment, LLC, property owner, Change of use from an Office use to a Contractor's office with equipment yard and material yard.

Mr. Mosley presented the staff report to the Planning Commission for the Wyndham Master Plan Amendment to amend land use designation from office use to contractors office and equipment yard. He stated that the original Wyndham Master Plan, approved in 2005, provided for a number of uses on the north and south of Gateway Drive, including: residential, commercial, office and industrial uses. Evergreen Siteworks has operated in the area designated as industrial for over 10 years. Mr. Mosley stated that last year, Evergreen cleared land that was designated for offices to expand their equipment and material yard, without realizing that area was not zoned for that type of use. The new equipment yard does not create a significant impact on the surrounding areas, but it is not aesthetically pleasing for Gateway Drive, so the Planning staff have been working with them to find buffering solutions that would work with the City. The landowner has requested an amendment to the PUD to allow them to remain on this site and has created a landscape plan to screen the use from Gateway Drive. Mr. Mosley explained that the landscape plan they have presented exceeds the requirements by 250%. Staff recommends the Planning Commission make a positive recommendation to the City Council to approve this Amendment to the Wyndham Master Plan and designate the property as a contractor's office with equipment yard.

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

Chair Cannon opened the public hearing.

No comments.

Chair Cannon closed the public hearing.

Motion to recommend approval of major revision to the Wyndham Planned Unit Development, to the City Council

RESULT:	Passed
MOVER:	Mayor Eddie Smith
SECONDER:	Sheldon Whittelsey
AYES:	Chair Cannon, Walters, Councilwoman Ward 3 Whatley, Whittelsey, Penton, Menefee, Mayor Smith
NAYS:	None
ABSTAIN:	None

V. OLD BUSINESS

E. CONDITIONAL USE — Public Hearing

10. Dave King, authorized representative of King Automobiles, Inc., Northwest corner of Dunlop Drive & Hwy 280, C-3, GC-P, Commercial retail. *(This item was tabled at the October 28th Planning Commission meeting.)*

This item will remain on the table.

11. Dave King, authorized representative of King Automobiles, Inc., Front corner of Highway 280 Northwest corner of Dunlop Drive and Hwy 280, C-3, GC-P, Commercial retail. *(This item was tabled at the October 28th Planning Commission meeting.)*

This item will remain on the table.

F. TEXT AMENDMENTS TO THE ZONING ORDINANCE — Public Hearing

12. (a) Section 7.3A - Revision of Minimum Lot Width in the C-1 zone
(b) Revision to Section 7.3. C. Use Categories (matrix table) to Package Liquor Store and Section 8.28.5 Package Liquor Store Standards for Use - A public hearing to consider a recommendation to the City Council on proposed amendment to the Zoning Ordinance. *(These items were tabled at the October 28th Planning Commission meeting.)*

Mr. Mosley presented the staff report to the Planning Commission requesting amendment to 12 (a) to the text amendment for the minimum lot width in C-1 zone. He stated that this is an amendment to allow C-1 lots to have a minimum lot width of zero that basically would default back to building code. As it is now, the minimum lot width for a C-1 is 60 feet. He used examples from the county tax map to show that most of the lots range anywhere from 20 to 35 feet in width for much of the C-1 zone. There are some as small as 16 or 17 feet, and some have been combined to make larger lots. He stated that this amendment would provide more flexibility in our historic downtown. It is a common practice in downtowns for lot widths to be designated at zero to allow buildings to be more historically accurate and meet building code requirements.

Motion to take item 12 (a) off of the table

RESULT:	Passed
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MOVER:	Mayor Eddie Smith
SECONDER:	Tom Penton
AYES:	Chair Cannon, Walters, Councilwoman Ward 3 Whatley, Whittelsey, Penton, Menefee, Mayor Smith
NAYS:	None
ABSTAIN:	None

Chair Cannon opened the public hearing.

No comments.

Chair Cannon closed the public hearing.

Motion for a positive recommendation to City Council

RESULT:	Passed
MOVER:	Mayor Sheldon Whittlesey
SECONDER:	Leigh Whatley
AYES:	Chair Cannon, Walters, Councilwoman Ward 3 Whatley, Whittelsey, Penton, Menefee, Mayor Smith
NAYS:	None
ABSTAIN:	None

Item 12 (b) will remain on the table.

VI. Adjourn

Motion to Adjourn at 4:45 PM

RESULT:	Passed
MOVER:	Jay Walters
SECONDER:	Councilwoman Ward 3 Leigh Whatley
AYES:	Chair Cannon, Walters, Councilwoman Ward 3 Whatley, Whittelsey, Penton, Menefee, Mayor Smith
NAYS:	None
ABSTAIN:	None

_____Lucinda Cannon, Commissioner

_____Matt Mosley