



PLANNING COMMISSION MINUTES

300 Martin Luther King Blvd.

November 23, 2021

TIME: 3:00 PM

A. APPROVAL OF MINUTES

The City of Opelika Planning Commission held its regular monthly meeting November 23, 2021 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: Chairman Lewis Cherry, Mayor Gary Fuller, Mr. Ira Silberman, Councilman George Allen, Mrs. Leigh Whatley, Ms. Lucinda Cannon, Mr. Michael Hilyer, and Mr. John Sweatman.

MEMBERS ABSENT: Dr. Arturo Menefee.

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: Chairman Lewis Cherry called the meeting to order at 3:00 p.m.

Approval of Planning Commission Minutes October 26, 2021

RESULT: Passed

MOVER: Mayor Gary Fuller

SECONDER: Director Mike Hilyer

AYES: Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Mayor Fuller, Councilman Ward 1 Allen, Sweatman

NAYS: None

ABSTAIN: None

B. UPDATE ON PREVIOUS PC CASES

Mr. Mosley stated we have two new members on the Planning Commission. City Council member George Allen, representing Ward 1, is the new member for the City Council representing their interest on the Planning Commission, and John Sweatman who is our Project Manager for Economic Development. I look forward to their service. The City Council did approve both revisions to the sign

ordinance that the Commission made a few months ago. They also approved the rezoning for one of the properties on South Fox Run and approved the Master Plan and Planned Unit Development for Blackberry Reserve at their last meeting. Just a reminder that the December meeting will be December 21, 2021 at 3 p.m. in this room. That will be the third Tuesday due to the holidays.

C. REZONING AND PLAT (Preliminary Only) - Public Hearing

1. Rezoning Request, Blake Rice, representative, 160.2 acres, 900 block North Uniroyal Road, from R-2 to PUD

Mr. Mosley reported the applicant is requesting rezoning 160.2 acres from a R-2 (low density residential) zoning district to a PUD (planned unit development) zoning district for a single-family residential community. Ridge Road and North Uniroyal Road border the development along the north and west property lines, respectively. The adjacent property on the east and south are large rural tracts. Access to the development is from two new streets with one on the northeast border of Ridge Road and one on the west border of North Uniroyal Road. The access street to the northeast is approximately 1850 feet from the intersection of Ridge Road and North Uniroyal Road. The other street to the west is approximately 1,100 feet from the intersection of Ridge Road and North Uniroyal Road.

The proposed development consist of 373 single family home lots, three parcels designated “detention/common area”, and one small lot that is solely a 50 gas easement. The density for the entire 160.24-acre PUD development is 2.35 dwellings per acre. The typical lot is 9,000 sf (residential lot sizes range from 9,000 sf to 54,367 sf). The proposed setback for the residential lots is a minimum of 20 feet from the front property line, 7 feet from each side property line, 25 feet from the rear property line and 15 feet from a side street. An HOA (Homeowner’s Association) will be established for the neighborhood. The HOA’s ‘Covenants, Conditions and Restrictions’ document will include architectural guidelines and building and use restrictions for property owners.

The “detention/open space” on the master plan are three (3) lots that total 37.48 acres. The common area is primarily an undisturbed natural wooded area preserved as open space for the homeowners and/or amenities. The Laurel Lakes homeowner’s association will own, maintain, and preserve the 37.48-acre detention/open space for property owners.

According to the landscape regulations, a residential buffer strip is required along the perimeter property line of the development where it abuts residential properties. The buffer provides visual separation and screening to improve compatibility between the PUD residential lots and the adjacent undeveloped rural areas. The buffer should provide a near impervious visual buffer between the PUD lots and the adjoining parcels on all sides. The Landscape Regulations has three options for a residential buffer including preserving a 20-foot-wide natural wooded buffer that provides a nearly impervious visual buffer. If the 20-foot natural buffer does not provide an impervious visual buffer, then a 2nd option is to plant a staggered double row of evergreen trees; the size of evergreens

planted should grow at least 6 feet in height and provide an impervious visual barrier in three years. The site plan for each lot that border a perimeter lot line must include the type of landscape buffer that will be installed before a building permit is issued.

A 25-foot landscape buffer is shown along the 43 residential lots and one detention/open space adjacent to North Uniroyal Road and Ridge Road. The new homes constructed on those lots face an internal street, and the rear yard faces North Uniroyal Road and Ridge Road. The visual buffer between the residential lots and North Uniroyal Road and Ridge Road preserves the rural character of the larger parcels across North Uniroyal Road and Ridge Road. The buffer also reduces possible interference between the existing rural farm properties and activities of the proposed residential community.

Staff recommends sidewalks installed on at least one side of all streets and underground utilities provided. Two shed structures are existing on the property and will be removed prior to this development proceeding.

Staff Recommendation

Staff recommends Planning Commission send a positive recommendation to the City Council to rezone the property from R-2 to PUD subject to the following:

1. All utilities shall be underground.
2. Sidewalks are required on at least one side of all streets.
3. Label/show a PUD residential buffer as required from the buffer options provided in Section IX Landscape Regulations.
4. Label/show the 25 foot landscape buffer along the rear lot lines of lots adjacent to North Uniroyal Road and Ridge Road. The buffer planted must be an adequate size to provide a near impervious visual buffer in three years.
5. Revise the PUD Master Plan narrative, conceptual map/layout, and preliminary plat to reflect the same language, details, and terminology.
6. The minimum lot size or width should be clearly defined. The master plan notes that the typical lot will be 60 feet in width. This should be defined as a minimum unless the lot is located on a cul-de-sac that prevents the minimum width.
7. The exhibit notes 375 lots. The preliminary plat shows 376 lots. It appears based on the plat there are actually 377 lots. The 50 foot gas easement located on the east side of spine road between Lots 81 and 82 on the preliminary plat is shown as a separate lot. The number of lots should be clarified across documents. If the easement is a separate lot it should be numbered on the plat. If not, the line weight should be adjusted to show its inclusion in an adjoining lot.

Mr. Mosley stated there is no Future Land Use designation change because this is shown as low density, which the PUD technically would still be classified as low density because of the overall density requirement.

Mr. Parker reported for Engineering, the Engineering Department has no

comments or concerns with the proposed rezoning application.

Mr. Parker reported for the Opelika Utilities Board, water service is accessible to this use by a water main in the R.O.W. of North Uniroyal Road.

Mr. Parker reported for the Opelika Power Services, this subdivision is inside the Opelika Power, Tallapoosa River Electric Coop and Alabama Power Service territory.

Chairman Cherry opened the public hearing.

Dr. Alfred Mitchell (Sonny), 703 North Uniroyal Road, stated I adjoin this property for about 4,500 feet. I do have some issues and concerns with this plat and it's rezoning. Traffic is number one, you've got Town Lakes emptying onto North Uniroyal in rush hours in the morning and in the afternoon going both ways back over toward the interstate and it can be significant. Three hundred and eighty-six new homes at this density could cause a problem. I think it probably will and I think y'all need to do a traffic study and evaluate that because all of us living along that road are going to suffer from that if you don't. The plat and lot size are not consistent with anything around it. If you look at your picture up there, you'll see all the lots across the road and everything are much bigger. Now I know an R-2 allows that, but I think that's a consideration. It really isn't across the street from Town Lakes, that's down the road and at a minimum I feel like y'all should have some diversity of lot size in this place. We don't want all real small stuff, let's put some big stuff in there too if it's going to happen. I think that would be better for everybody if we did that. Sometimes when you rezone to a PUD, later on down the road when the developers have built some houses people go buying thinking 'I'm buying a single-family dwelling that's what this neighborhood's going to be' and they come along later and they change it and they put much higher density stuff back in the PUD. This has happened in Auburn and lo and behold on your agenda today you have that very thing being proposed. Then the original buyers are stuck with more traffic, maybe some property value concerns, or any number of things that they didn't expect. So, while that has to go back through you, in an R-2 zone then that wouldn't be allowed so I think it would be better off to stay as R-2 for that reason. Probably my greatest concern, and I mentioned to you I adjoin this property for almost a mile, is I have got five perennial streams and I have got a five-acre lake on the property. The topography which is not illustrated by this drawing is really significant. There's as much as a hundred feet elevation change between parts of that property and my property line. Water quality is really important at this time. I've consulted with my own civil engineer and he says my concerns are warranted. I think there's a good chance I'm going to suffer damage in my waterways at this density because this is going to require some mass grading to do this. So, I certainly want to protect my property and I don't want my lake destroyed or silted in or my creeks or any of my environmental sensitive areas disturbed by this. Now I'm not saying I don't oppose this being developed, but I'm not so sure at this density considering the topography which y'all are not seeing on here. I've got ephemeral areas on my land as well and they've got lots right up to them. They've got them going right up to perennial streams that originate on this property but drain onto my property and so at the end of the day sure develop it, but let's slow down and let's do a study. I'd like to see a water management study and I've talked with the city, I've talked to ADEM, and I've

talked to the Corps of Engineers and everybody is concerned about water quality, of course most of all me. I would like that to be taken into consideration because I'm not sure normal mitigation procedures to prevent sedimentation and wash and all that may not be adequate for this because there is so much sloping on this property. Even the engineers have told me 'Well if we have a big rain, we can't stop it. It's going to come muddy your stuff up or silt your stuff in'. Well, maybe so, but maybe that means that they need to take a little more time, maybe do some extra procedures to protect my property. It's been in my family almost 70 years and I don't want to see it degrading because of this. Again, I reiterate I'm not against the thing being developed, but I think the way it is expressed now may not be the best for our city and definitely won't be the best for me and probably not for the best of the citizens that live out around Uniroyal. Thank you for your time.

Fred Cotney, 2704 Ridge Road, stated I own the property on 2405 Ridge Road. It's on the east side of the property that's being developed all the way down that side there. I think I counted like 57 houses being built down through there. I have a lot of the same concerns that Sonny has. Water run-off on me as well as, I think the gentleman said there is going to be a buffer zone down through there, but I'd love to know is there going to be any privacy fence between us? Because where I'm building, I'll be looking at the back of 12 to 15 houses right there out of my front porch, so I've got a lot of concerns about that. I have a lot of concerns about the traffic flow as well as the water. If you go back towards the Interstate on Hwy 29, you all know how bad an intersection that is right there at Hwy 29 and Uniroyal Road. That's a death trap and if you've got 300 and something more people coming out there that's going to be very dangerous. Of course, I would love to see it stay in R-2 because that's what we were up here a year ago about and I understood that that was the end of it. I don't know if this is the procedure it goes through you just keep coming back and asking for it to be rezoned. Is it going to be rezoned next year for a trailer park? Where is going to be the end? Everything out there is R-2 so we would love for it to stay R-2. We can't stop the development of it, but we would love to see it developed in a manner that is subject to what is already out there. Are these meetings recorded or minutes taken or anything where if we want to go back a year from now and see what was said we can?

Mr. Mosley stated yes sir, they are both recorded and there will be minutes produced from that as well.

Fred Cotney asked did you also say there would be a buffer zone on the property line down through there?

Mr. Mosley stated yes sir.

Fred Cotney asked how wide a buffer zone?

Mr. Mosley stated the buffer zone can change based on the type the applicant proposes. It could either be a 20-foot undisturbed buffer, it could be a 10-foot buffer with a double row of evergreen plantings, or it could be a four to six foot buffer I can't remember exactly with a fence and a single row of evergreens.

Fred Cotney stated okay I appreciate y'all's time.

Heather Fields, 2330 Ridge Road, stated when we bought our property back in 2001 there were covenants. It was a subdivision, I don't really think they exist anymore, but it was that you couldn't have less than a three-acre lot out there, hence why you have everybody that's R-2. So, I would like to see it stay R-2 so that we have more people that are similar to what we already have there. The other thing is the traffic. They are right, it's horrendous out there. If you turn and you go on Hwy 29 to go across all the traffic that we have from Southern Union, it's usually backed up all the way to the stop sign where North Uniroyal and Hwy 29 intersect and if you go the other way and try to get out down at the Dollar General it's horrendous. Especially at any time from three to five, you just can't get through there. I mean there's just so much. I think this many houses would just be too many and they're so small. There are so many people right now who are looking for houses with land. I had several of my friends that looked in Opelika, one that's down out of the city limits because they couldn't find any land. They've gone out to Waverly. If we had a nice subdivision that had larger lots, whether it's an acre or whether it's three acres, just present that and I think you would find that more people would be interested in that and it would give us an opportunity to attract a different clientele than the smaller houses would. My big concern too is one of the exits is right in front of my house. Mr. Freddie's land is on the opposite side and if you look at that exit there it's right in a curve. It's a bad curve. I try to sit there for 10 seconds and people still sneak up on me. It's just not a good place to have an exit either for this place, especially if we're going to have that many houses. I also say we can't stop it from developing, I'm just begging you please to consider something larger than this. It would just attract people that would probably enjoy that more than the small houses. Thank you.

Mike Harris, 1000 North Uniroyal Road, stated my major concern is the traffic and the noise level. Ever since the road was closed up at Ridge Road and then when folks would come down Hwy 29 and they'd turn and go south on North Uniroyal, but once they found that shortcut coming down to Dollar General before y'all put a traffic light down there, once they found that shortcut instead of going down to exit 62 from 64, the traffic increase has just been crazy. There's a 45 mile an hour speed limit and I don't know what the average speed limit in a residential zone is in Opelika, but I'm pretty sure it's not 45 and it sure isn't 60 to 80 which is what most folks are running coming down that road. Right where you have the entrance off of Uniroyal, that goes downhill right there because everybody goes so fast that the trash flies out the back of their pickup trucks and lands on my front yard. The noise level has been increased so bad that my wife and I try and sit out on our porch and we can't even talk to each other at breakfast time and again we can't talk to each other at supper time. I'm sure part of it is to do with my hearing and she'll tell you that, but it's just not a good idea to have that entrance put there for 360 homes. Having land run off, a two-tenths of an acre type home, I mean everybody needs some place to live but when you say it's common to the area, that's not common to anybody that lives right there on Uniroyal Road size wise. Most people are one to five to ten acres through there until you get down to the corner down there. I just think you need a little more time and a little more understanding and studying instead of just looking at it on a piece of paper or something. Come on by the house and just hang out for a little while. I'll fix you breakfast and if you can talk to me while we're sitting there eating breakfast without yelling at me, and I'll even put my hearing aids in, you let me know but that noise and that traffic level is just incredible. If you put 300

and some houses over here, and most people have more than one vehicle, so now you're talking about putting 750 vehicles coming in and out of there and that's just crazy. Thank you.

Chairman Cherry closed the public hearing.

Mr. Mosley stated we did get one last phone call right before the meeting. Carol Bond at 2100 Ridge Road is also an adjoining property owner and could not attend but did want to express her concerns over the lot size and lack of open space on the property.

Blake Rice, Barrett Simpson Engineering, stated in regard to the traffic, Mr. Parker and I have talked extensively about this. What has been determined to be the best idea in our opinion, Mr. Parker don't let me put words in your mouth, but you have a residential subdivision accessing out onto two roads that are operating way below current capacity. Just to the south on Uniroyal you have an access on to U.S. 280 that is signalized. As you move north you do have a strange intersection with Hwy 29 and North Uniroyal, but I believe also just north of that the city has the intention to put a roundabout at that location. So, north and south you've got a signalized intersection, direct access to I-85, and then also a roundabout more than likely north of that location. While I will be the first to admit that absolutely the current residents will see an increase in traffic, I mean it's the truth. I'd be lying if I didn't say that, but that traffic is what a lot of us deal with. This area has been blessed to have fairly low traffic counts. Through discussions with Mr. Parker as far as engineering goes, it's our intention to place turn lanes at both access points both onto Ridge Road as well as on Uniroyal. If it was something that we possibly needed to look at the Ridge Uniroyal intersection as well, if that was a concern that's something that we could certainly look at and put traffic counters out and see if there's a need for a dedicated left there or something like that that's really not an issue from our end. One concern that I heard was the potential for this to be rezoned again at some point in the future to a multi-family product and while it's easy for me to say that's certainly not the intention, if it was the intention it would be shown on there, but I'd like to reiterate that any change like that is a full rezoning. This entire process we would have to go through again. There would be a full rezoning process, go to public notice again, have to be advertised, have to come back before Planning Commission, and ultimately City Council. The developer of this project is a single-family builder that's currently developing and building in Town Lakes Subdivision. Hopefully the intention here is once Town Lakes has reached its limit of available land for Town Lakes to move across the road and do it again right here, so I don't perceive that being an issue. The lot size is one of truthfully functionality of the lots these days. This commission heard me two months ago talk about a development that was coming in that was trying to go in the other direction. They were trying to market to a buyer that desired a larger lot, but we see the large percentage of single-family buyers especially young families these days don't want those bigger lots. I understand that there are neighbors in the area that yes, some are large landowners and some are single family landowners on larger lots. This type of development is needed and is necessary in the City of Opelika the question is, is this the right location for it because the younger buyers want that smaller lot. Most of them don't even own a lawnmower anymore. They don't want to own the weed eater, they don't want to own a lawn mower, they want to pay somebody 20 dollars to cut their grass because they want to be out

doing something else. So, the trade-off to do that is to go with this open space. That's when you start having larger open spaces, larger amenities, dedicated HOAs that have an amenity site that is large enough to actually be utilized more than just a pool and a small bath house. When you start having this kind of amenity site you start being able to do acreage that can actually incorporate outdoor activities so that is the trade-off for this type of development which is what Mr. Mosley was referring to earlier about the density. This is actually below the density for an R-2 zone because of the open space being right here. That's the difference here and I can completely understand it as far as the erosion control goes. That's on the developer, that's on me, and that's on City staff to properly design and review and approve construction drawings in such a manner that those items are taken care of. That's a function we all deal with on every development. I'd be happy to answer any questions.

Mr. Parker, City Engineer, stated I'll add a little bit to what Blake had said speaking of the current capacity on North Uniroyal Road. The typical capacity of a two-lane road with 45 miles per hour is 12,000 to 15,000 cars per day. We've done traffic studies out there for a bridge project down south close to 280 and also up north and the current capacity traffic is 4,000 to 6,000 cars per day so we're looking at half the capacity of a two-lane road. Adding 300 some odd houses, I'm not a traffic engineer and I haven't done a study, but I would say that this would add a couple hundred to a thousand per day to this number. One of the main concerns that we look at with a development like this is access to that main road such as the new access to North Uniroyal Road, access to Ridge Road, and then again the access from Ridge Road to North Uniroyal Road. One way you can mitigate that access and make it safer is to add right turn decel turn lanes and protected left turn lanes into this development. In the past, we've worked with developers with or without a traffic study to illustrate this, so this is certainly going to be a requirement for two if not three of these intersections as we go through. The storm water study is done at a later phase as the surveying and design and all that progresses. Typically, a developer is not going to invest the capital to do that if this isn't worthy of approval. So, once this goes forward then they will invest the capital in doing a more detailed grading plan, a stormwater preservation plan, whether it be the detention or utilizing the existing ponds, and things like that. Just like Blake said, those are turned into city staff, reviewed, scrutinized, approved, and then we'll also be on the construction side of it to make sure they are maintained properly. The city does have roadway improvements planned as Blake mentioned on North Uniroyal Road. We're going to widen the bridge closer to U.S. 280, we're going to improve the intersection at the signal at U.S. 280 with the right turn lane, also across the interstate we have a roundabout that's being designed at Sportsplex Parkway so there are a lot of improvements because we anticipate growth out in this area. There's current growth and we anticipate more growth in this area because of the popularity of this area. We anticipate the city growing in population smartly and wisely. That's what we anticipate as city staff to help the developers and help the property owners that want to develop their property develop it in a wise manner. That's what we have consistently seen with this applicant, with this developer, and this builder. These comments will also go forward to the next item which is the preliminary plat of this subdivision. I will be glad to answer any questions.

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

RESULT: Passed

MOVER: Director Mike Hilyer

SECONDER: Mayor Gary Fuller

DISCUSSION: Mr. Silberman stated I remember vaguely the discussion about rezoning a year ago. Is this the same piece of property?

Mr. Mosley stated it is almost the same piece of property. I believe there is a small little cutout here that was not in the original approval last year, but it's pretty much the same property. I'd say a majority of it is.

Mr. Silberman asked I've heard some good comments about why we might want to move forward with this but what were the arguments against it last year?

Mr. Mosley stated last year you had a development that met the R-2 requirements. There were less lots, and I think you have a lot of the same issues which were traffic, erosion controls, stream protection, and things along those lines. I think some of the people who spoke at this meeting also spoke at that meeting with their same concerns. Now, what has happened since that point is the previous applicant has gone away and so this is a new applicant with a new request and that's why you see the change in both size of lot and development.

Mr. Silberman asked but it's basically the same negative arguments about the property?

Mr. Mosley stated yes sir, as Dr. Mitchell mentioned you do still have some topography changes which that along with the streams is always a concern as far as looking at making sure we're protecting those streams and the water through there. That's what Mr. Parker and Blake Rice would be tasked with if this is approved, making sure that we have the current regulations in place and the current procedures in place to prevent that.

Mr. Silberman asked but that's also where ADEM steps in and has their own state regulations?

Mr. Parker stated we are in between them and ADEM. ADEM is above us, so with the city staff we have a permit through ADEM. We would rather us handle all these situations before it gets to the severity of ADEM. We're competent and equipped to handle all these situations within the same staff. We've been doing this and certainly have improved in this over the past six to eight years.

Ms. Cannon stated I see this plat laid out flat. Did you work it around the topography too or did you just say here's a street right here?

Blake Rice stated no ma'am, when we do this work for this particular developer they do something that I don't see out of really any other developers. What they do is before they get involved in a piece of property they hire us to actually do preliminary engineering which is a step much further than a single sheet of paper. We actually have a preliminary grading plan on this, it's very preliminary but what it does is it tells us what's realistic. You'll see some of these lots are deeper than others, some will have rear slopes, some will have cut slopes, some will have fill slopes, and so that's why those lot changes are shown on there. The roads have been looked at to make sure that, should this get approved, I'm not going to come back here in three or four months once we start engineering and go well that road layout was wrong because of the topography. That's all already been taken into account.

Ms. Cannon stated I think it's a lot of lots and a lot of people for an area that size.

Mike Harris stated I just have an engineering question. Did you say that 12,000 cars are acceptable per day on a two-lane road?

Mr. Parker stated that is the acceptable capacity yes sir.

Mike Harris asked what is the noise level, the decibel level?

Mr. Parker stated we don't calculate that.

Mike Harris asked so sound doesn't matter?

Mr. Parker stated you have the interstate within a quarter of a mile of your house also and that's more sound than this road would produce.

Mike Harris stated no. Are you willing to do a sound test?

Mr. Parker stated that's not part of our requirements.

Mike Harris stated it needs to be.

Mr. Parker stated if you do that then we should have requirements on vehicles not making so much noise. There's a lot you can go into that would just open a Pandora's box because you start then regulating radio loudness, muffler loudness, tire loudness, and those are things that engineering and traffic transportation engineers don't get into.

Mr. Silberman asked does the developer have an objection to putting a second entrance in at the turn up at the top right?

	Mr. Parker stated that would be too close to the Ridge Road intersection.
AYES:	Chairman Cherry, Director Hilyer, Mayor Fuller, Sweatman
NAYS:	Cannon, Whatley
ABSTAIN:	Ira Silberman, Councilman Ward 1 Willie Allen

2. Laurel Lakes SD (Flatiron Farms), 376 lots, North Uniroyal Road and Ridge Road, Blake Rice, Preliminary Approval

Mr. Mosley reported the applicant is requesting preliminary plat approval for a 376-lot subdivision in a 160.2 acre proposed PUD Master Plan development. The property is on the southeast corner of North Uniroyal Road and Ridge Road. The development is accessed from North Uniroyal Road by a new street between Lots 1 and 247. Additionally, a new street access the development from Ridge Road between Lots 43 and 44. Three of the streets end as stub out streets that temporary end on the south, west, and east perimeter/property line of the development; in the future, the stub out streets will extend into the adjacent properties if the adjacent properties develop providing street networking with adjacent properties. These stubs out sections will need to be shown on the plat and built as temporary cul-de-sacs for this development.

Single family homes will be built on 373 lots. Lots 247, 186, and 108 (37.48. acres total) are reserved as Detention/Open Space. The density for the development is 2.35 dwelling units per acre. The 373 single family lots range in size from 9,000 square feet (sf) to 54,367 sf. with a minimum lot width of 60 feet wide. The proposed minimum building setbacks are 20' front, 7' side yard, 25' rear yard, and 15' side on street (corner lots). The plat should note the minimum lot standards of 60' minimum lot width.

Landscaping is required for developments in a PUD zoning district [1](#). A residential buffer [2](#) is required along the rear lot lines of lots that border an adjacent property that is not part of the PUD development. If an existing natural buffer or staggered evergreen row is selected rather than a 6' high fence option, the plant material should provide a near impervious visual barrier in three years.

A 25-foot natural buffer shown along the lots adjacent to North Uniroyal Road and Ridge Road must be preserved to provide a visual buffer along North Uniroyal Road and Ridge Road. If the property owners of these lots desire to install a fence, the fence must be installed between the 25-foot buffer and residential home.

Recommendation

Staff recommends preliminary plat approval subject to the following:

1. The City Council approval of the rezoning to the Laurel Lakes PUD Master Plan request.
2. Add the name and address of the owner/developer on final plat.
3. Add street names on final plat.
4. Install underground utilities.
5. Install sidewalks on at least one side of all streets.
6. Approve the proposed minimum building setbacks on plat: 20' front yard, 7' side yard, 25' rear yard, and 15' side on street (corner lots). Add the minimum lot width on the final plat.

7. On final plat add a note providing the lot standards minimum building setbacks and lot width.
8. Install a residential buffer along the perimeter property line of the PUD property as required from the buffer options as provided in Section IX Landscape Regulations. The buffer option selected must be shown on the site plan when a building permit is requested for approval.
9. As provided on the master plan, preserve the 25 foot natural buffer along the rear lot lines of those lots that border North Uniroyal Road and Ridge Road. If a fence is proposed, then fence must be installed between the 25 foot buffer and residential home. Buffer must be shown on the site plan when building permit is requested.
10. On final plat add the following note: The Laurel Lakes HOA is owner of Lots 247, 186, and 108 as shown on the Laurel Lakes subdivision plat. Lots 247, 186, and 108 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 247, 186, and 108.
11. The master plan exhibit notes 375 lots. The preliminary plat shows 376 lots. It appears based on the plat there are actually 377 lots. The 50 foot gas easement located on the east side of spine road between Lots 81 and 82 on the preliminary plat is shown as a separate lot. The number of lots should be clarified across documents. If the easement is a separate lot it should be numbered on the plat. If not, the line weight should be adjusted to show its inclusion in an adjoining lot.

1 SECTION 10.3 APPLICABILITY - All rules, regulations, conditions, and requirements set forth in this Section are applicable as follows: A. Any new development or construction in a C 2, C 3, M 1, M 2, I 1, and PUD zoning district. Multi family developments (buildings composed of three (3) or more dwelling units) in any zoning district which require review by City of Opelika staff are also subject to these regulations.

2 An opaque fence not less than six (6) feet in height, with horizontal or vertical openings not greater than three (3) inches per one (1) linear foot AND a four (4) foot wide strip of Evergreen plantings, which will grow to at least six (6) feet in height within three full growing seasons planted on the inside of the fence or; A staggered double row of Evergreen plantings at least six (6) feet in width, which will grow to at least six (6) feet in height and spaced in a manner which after three (3) years will provide an impervious visual barrier or; Natural, undisturbed forest at least twenty (20) feet in width that provides a nearly impervious visual barrier due to the dense nature of the plants and/or trees. If this option is chosen, the City Horticulturist shall determine whether the barrier is satisfactory through a site inspection prior to plan approval. Barriers shall be erected during construction to ensure the area is protected from damage due to construction.

Mr. Parker reported for Engineering, the developer will be required to submit an infrastructure 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. Under the monitoring of the Engineering Department and other utilities, the roadway and infrastructure will be completed and tested. Once the construction is complete and a bond is provided for the maintenance and any unconstructed public infrastructure according to the Subdivision Regulations, a Final Plat can be submitted to the Planning Commission for consideration.

A traffic impact study will be required for this subdivision to determine if there should be any access improvements necessary to North Uniroyal Road and Ridge Road. If any access improvements are recommended in the traffic study, these revisions shall be constructed with the development of the infrastructure within the proposed subdivision.

The Engineering Departments review comments have been addressed and the Department recommends preliminary and final plat approval for this application.

Mr. Parker reported for the Opelika Utilities Board, water service is accessible to this use by a water main in the R.O.W. of North Uniroyal Road.

Mr. Parker reported for the Opelika Power Services, this subdivision is inside the Opelika Power, Tallapoosa River Electric Coop and Alabama Power Service territory.

Chairman Cherry opened the public hearing.

Dr. Alfred Mitchell (Sonny), 703 North Uniroyal Road, stated he brought up one interesting thing when he mentioned utilities. How are they going to sewer this place? Has that been determined yet? Because that is a utility thing. In general, we've already talked about the lot size and obviously a lot of those around there would like to see bigger stuff I think for the most part and I know the engineer said that everybody wants smaller lots these days. Well, I'm sure some do, but I also think people buy what's made available, so if we do nothing but smaller lots what do people have available to buy? So, at the very minimum on this plat can we at least see some variability in size in this thing if this is going to go through? Growth is great for Opelika, I get that and again I'm not against developing that, but it needs to be controlled. Understandably, a developer's motivation is to make as much money as he can per dollar of infrastructure and property that he puts in it, but I'll argue that's not always consistent with the greater area or the greater neighborhood. There could be some moderation there and I think in Opelika we need to see that. We can have a mix out there can't we? Does it all have to be like this? There are other motivations and of course we all know that motivation usually is money and that's understandable, but I wish you guys would consider that in your planning capacity because Opelika is a great place. I love Opelika, I've been here most of my adult life, but especially out there or anywhere we need a diversity in lot size. Consider that, because it's not all about how many lots you can get on the smallest amount of area because we know whose motivation that is, but that's not always in the best interest of the citizens or the people that live out there. Thank y'all.

Heather Fields, 2330 Ridge Road, stated when I bought my house in 2001 at 10

acres, the realtor took me to Auburn and showed me every house she could, but the neighbors were right next to each other where you can look in somebody's window. That's not what I wanted, but I couldn't find anything else other than this house that had acreage with it. I think that just like Mr. Sonny just said, if we offered it to people they would be happy to have it. I told you I had friends that had to go out to Waverly to buy land. I had friends that went down towards Beulah to buy land because they couldn't find land in Opelika proper. If we had bigger lots, I think that would appeal to a different set of people. I know we talked about the different options for the noise barriers and such where there's a fence and a row of trees, two rows of trees, 20 feet of undeveloped, or whatever. I'd like to know what that was going to be, and I'd also like to know what the HOAs say for this subdivision. I'd like to know that they're not going to be able to junk it up. I would like to know that it was going to be a nice neighborhood and mainly, I would like for it to be larger lots. Thank you.

Cassie Pruett, 2104 Ridge Road, stated I just have a few questions about the natural barrier. You said it was going to be 25 feet. Is that going to leave the trees that are there now or are you guys going to be tearing and putting up new trees? Does anyone know? I know this is preliminary.

Mr. Mosley stated I'll let the applicant speak to that, but what they put in the application is an undisturbed buffer which would typically mean that they don't do any tree removal or grading on it.

Cassie Pruett stated all right and the road that you guys have a little further down on Ridge Road, that wouldn't be moving any closer to Uniroyal would it? Is that a set road that you guys plan on putting in?

Mr. Parker asked the access to Ridge Road?

Cassie Pruett stated yes.

Mr. Parker stated I think it could move closer to Uniroyal but that's totally up to the to the designer on that.

Mike Harris, 1000 North Uniroyal Road, stated Federal regulations are already in place for a 73.5 decibel noise level. The state of Alabama calls noise levels within cities at 75 decibels a nuisance and is already regulated within the state of Alabama. Because there's evidently not a regulation within Opelika, it doesn't mean that noise levels aren't a nuisance and aren't a concern to people, because you have federal and you have state regulations already in place. I would just ask that the city does the noise level check on Uniroyal Road currently. With concerns to that bridge that you're talking about redoing, it has a tonnage weight limit on it already and we still get log trucks running up and down the road. Again, going back to the noise level, it's already posted no through trucks. Having been a truck driver for 50 years, I know what's going on up and down that road. All I'm asking is to get the noise reduced and you don't have to worry about trying to regulate people's mufflers and this and that, you just simply put a speed bump someplace and folks will eventually slow down. Thank you.

Fred Cotney, 2704 Ridge Road, stated I do have a concern about the entrance off of Ridge Road. I think they need to look at that because that's a blind spot. That's

right where my driveway comes out right above there and in that curve right there you cannot see somebody coming that way towards Uniroyal Road. If you get that many people coming out there somebody's going to get killed. I don't drive 45 miles an hour either, I drive 50 or 60 miles an hour down through there and I know everybody else does too, so when they round that curve and then people are coming out of that subdivision, somebody needs to look if they have to have an entrance and exit there. They may need to move it a little further down the road because I think you're going to find that that's a dangerous spot right there, it's a blind spot. The other thing is, going out on North Uniroyal Road out to Hwy 29, the city needs to fix that intersection. That's the most dangerous intersection in the world right there because people don't know what to do when they get there. You have a straight road going through there but the ones coming up Ridge Road have to stop, and people don't know coming from the interstate that they have the right of way to turn down Hwy 29. It's very confusing. I go that way to work every morning and people sit there and don't know what to do. They'll be coming from the interstate out that way and they'll stop because they think you're going to come right on across. Well, you have a stop sign and they don't. They have the right of way to turn in front of you and it's very confusing. You're talking about the roundabout, that doesn't have anything to do with us it's on the other side. It definitely needs to be fixed because since they cut that road across over there, people don't know to stop there too and there is no telling how many accidents already happened there. Yes, that definitely does need to be fixed, but that's not going to help our traffic problem. Thank you.

Mr. Parker stated Mr. Cherry the intersection that he's talking about on Hwy 29 on this side of the interstate is ALDOT controlled. ALDOT set that intersection up the way they did, so all the changes will need to go through them and they will need to initiate them. The intersection of the new subdivision to Ridge Road, in reference to that curve, stopping sight distance is very important for this location and we'll make sure the engineer looks at the stopping sight distance at this curve to make sure that it meets all standards for 45 miles per hour.

Chairman Cherry closed the public hearing.

Motion to grant preliminary plat approval with staff recommendations

RESULT:	Passed
MOVER:	Director Mike Hilyer
SECONDER:	Mayor Gary Fuller
AYES:	Chairman Cherry, Director Hilyer, Mayor Fuller, Councilman Ward 1 Allen, Sweatman
NAYS:	Cannon, Whatley, Silberman
ABSTAIN:	None

D. **CONDITIONAL USE AND PLAT (Preliminary and Final) - Public Hearing**

3. Brandon Kohn and Jon Williamson, 3900 Marvyn Parkway, C2, GC-P, 6 townhome units

Mr. Mosley reported the applicant is requesting conditional use approval for a 6-unit townhome development on 1.1 acre lot at the corner of Marvyn Parkway and

Cove Creek Drive. The lot is near the City limit line at the end of Marvyn Parkway and zoned commercial. Cove Creek subdivision is adjacent to the proposed townhome development on the west side, and north side across Cove Creek Drive. In 2008, the Cove Creek subdivision plat was approved, and 55 single family homes constructed. The adjacent property on the south side is a church (Newsong Community Church); single family homes are across Marvyn Parkway on the east side.

The townhome development consists of two townhomes attached or grouped together with a 34 foot open space between each townhome group (twin home). The buyer of a townhome also has ownership of the abutting front, side, and rear yards. The Townhouse Development Standards require that the front or rear yard area be no less than 50% of the main floor of the townhouse. The 1st floor area is 800 square feet (sf) for each townhome; the front yard area ranges from 3,100 square feet (sf) to 5,330 sf. for the six townhomes.

The six townhomes are two story with 2 bedroom and 2.5 bathrooms; each townhome is 1,133 square feet. In the C-2, GC-P zoning district, the development complies with the maximum density allowed (16 units per acre) and the maximum 70% ISR (Impervious Surface Ratio). Minimum lot width requirement for a townhome is 20 feet. Minimum lot width ranges from 32' to 55'. Each townhome group (twin home) meets the 20 foot separation from another town home and the minimum setbacks along Marvyn Parkway (40'') and Cove Creek Drive (30' side yard on street). Each townhome has two parking spaces as required; one parking space is an open carport for one vehicle attached to the townhome; the 2nd parking space is adjacent to the carport.

An HOA (Homeowners Association) will be established for the townhome owners. The association fees are for lawn maintenance and common area, and repairs to shared common driveways.

The landscape plan meets minimum requirements concerning base and parking lot points. A total of 30 canopy trees will be preserved along the south property line that provides a visual impervious buffer between the townhomes and church property. A total of 11 evergreen trees will be planted along the west property providing a residential buffer between the adjacent single family homes and townhomes. Along Cove Creek Drive and Marvyn Parkway a 15' buffer with shrubs will be provided. Along the front property line on Marvyn Parkway, a 15 foot buffer is provided with existing trees, natural wooded area, and shrubs planted providing a buffer between the townhomes and Marvyn Parkway. The size of trees and shrubs planted must meet the minimum size requirements as provided in the Landscape Regulation. City garbage services will be used for the townhomes.

Recommendation

Staff recommends approval subject to the following:

1. Install a residential buffer along the south property line according to the options described in the Landscape Regulations.

Mr. Parker reported for Engineering, since there is no significant drainage to be installed and because the disturbed site is less than one acre, there will not be a need for a site plan or Land Disturbance permit issued through the engineering department. The individual site plan and permit will be issued through the building inspections department as the units are permitted for construction.

The Engineering Department has no other comments or concerns with this proposal and recommends conditional use.

Mr. Parker reported for the Opelika Utilities Board, water service is accessible to this use by a water main in the R.O.W. of Cove Creek Drive.

Mr. Parker reported for the Opelika Power Services, this subdivision is outside the Opelika Power Service territory.

Chairman Cherry opened the public hearing.

Beverly Floyd, 104 Cove Creek Drive, stated this entryway into these townhouses would be part of Cove Creek Subdivision because you come into it through Cove Creek and up Marvyn Parkway and that makes it part of our neighborhood. We do not have any townhomes in the neighborhood. We have single-family dwellings and our homes rank in price from 250,000 dollars and up. In addition to that, we feel it could decrease our property value. We also have concerns that the City is planning to sell the land behind my property as industrial property which could negatively impact the values of our homes. The neighbor directly beside me has a concern because the alleyway would be directly behind his driveway so in order to back out into our neighborhood, he's got an alleyway now with at least six vehicles. If this does go through, we would like to see something other than just shrubs in that buffer because townhomes are not what's in this neighborhood and we don't want that to be the first thing you see. There are some concerns about the use of it and how it will impact our property.

Chairman Cherry closed the public hearing.

Motion to grant conditional use approval with staff recommendations

RESULT:	Passed
MOVER:	Lucinda Cannon
SECONDER:	Director Mike Hilyer
DISCUSSION:	Ms. Cannon stated there is no directional arrow on this plat. Mr. Mosley stated North would be at the top of the page and we will make sure that that is on any final plat if it is approved.
AYES:	Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Mayor Fuller, Councilman Ward 1 Allen, Sweatman
NAYS:	None
ABSTAIN:	None

4. Cove Creek Phase 1, Redivision of Lot C, 6 lots, 3900 Marvyn Parkway, Brandon Kohn and Jon Williamson, Preliminary and Final Approval

Mr. Mosley reported the applicant is requesting preliminary and final plat approval for a 6-lot townhome subdivision. The subject property is 1.1 acre; a townhome is proposed for each lot. The 6 townhome lots exceed the 1,800-sf minimum lot size and 20-foot lot width required for a townhouse development. The lots range from 6,905 square feet (sf) to 11,487 sf.; lot width ranges from 32.5 feet to 55 feet. Access to the six lots is from Cove Creek Drive; a private concrete driveway is proposed in the rear yard area.

Staff recommends preliminary and final approval subject to the following:

1. Add the address of the property owner/developer
2. Show or describe property markers that are found or set.
3. All utilities must be underground.
4. Add common area boundaries on lots and add note who is responsible to maintain the common area.

Mr. Parker reported for Engineering, all of the Opelika Surveyors comments have been addressed and the submitted plat meets all Subdivision and Public Works Manual requirements. The Opelika Engineering Department recommends preliminary and final plat approval

Mr. Parker reported for the Opelika Utilities Board, water service is accessible to this use by a water main in the R.O.W. of Cove Creek Drive.

Mr. Parker reported for the Opelika Power Services, this subdivision is outside the Opelika Power Service territory.

Chairman Cherry opened the public hearing.

No comments.

Chairman Cherry closed the public hearing.

Motion to grant preliminary and final plat approval with staff recommendations

RESULT: Passed

MOVER: Director Mike Hilyer

SECONDER: Mayor Gary Fuller

AYES: Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Mayor Fuller, Councilman Ward 1 Allen, Sweatman

NAYS: None

ABSTAIN: None

E. FINAL PLAT

5. Hidden Lakes 3 SD, 91 lots, Hidden Lake Drive, Blake Rice, Final Approval

Mr. Mosley reported the applicant is requesting final plat approval for a 91-lot subdivision on 33.45 acres. The Hidden Lakes Master Plan and PUD was approved in 2018. This plat includes 46 single family lots that are a minimum of

60 feet wide at the street and typically range between 9,000 to 10,000 square feet. The plat also includes 45 single family lots that are a minimum of 75 feet wide at the street and typically range between 11,250 to 16,000 square feet. This also includes one lot shown as a detention pond. The building setbacks for these lots will be 20 feet in the front, 25 feet in the rear, and 7 on the side.

The plat's street layout is consistent with the proposed PUD masterplan. Lots 7-11 and Lots 39-52 are double frontage lots along West Point Parkway and Sportsplex Road and required to have a rear 15 foot landscape buffer shown. Lots 12-38 should show a 15 foot landscape buffer to the rear as designated by the PUD Master Plan for separation between single family lots and commercial/multi-family use. The plat is largely consistent with the requirements for final plat approval as set forth by the subdivision regulations.

RECOMMENDATION: Approve subject to the following conditions:

- Add a rear 15' landscape buffer on Lots 7-11, Lots 12-38 and Lots 39-52 (part of the PUD Master Plan for separation between commercial/multi-family and double frontage lots on West Point Parkway and Sportsplex Road)
- Label remainder lot with number, ownership/maintenance, and the proposed use.
- Sidewalks are required on one side of every street.
- All utilities shall be located underground.
- Add Lots 7 and 8 to the Lot Table.

Mr. Parker reported for Engineering, all of the Opelika Surveyors comments regarding the plat have been addressed. 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, curb and gutter, aggregate base and first layer of pavement have been placed.
- All sanitary sewer and water line have been installed. The test and inspection reports will need to be submitted and accepted and approved by the utility/Public Works Department.
- All stop and roadway signs have been installed.
- Performance Bond of 125% of the estimated cost remaining infrastructure including the final layer of asphalt and sidewalks have been submitted.
- Maintenance Bond of 25% of the estimated total infrastructure cost will have been submitted.
- As-built documents of the roadway, and storm drain in the form of an Autocad and PDF digital file have been 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 will need to be added to protect against erosion and sediment issues.

If these requirements are met, the Engineering Department recommends Final Plat approval.

Mr. Hilyer stated we need video footage on the sewer lines, street signs including stop signs, and asbuilts.

Mr. Parker reported for the Opelika Utilities Board, water service is accessible by a water main in the R.O.W. of West Point Parkway.

Mr. Parker reported for the Opelika Power Services, this subdivision is outside the Opelika Power Service territory.

Motion to grant final plat approval with staff recommendations

RESULT: Passed

MOVER: Director Mike Hilyer

SECONDER: Mayor Gary Fuller

AYES: Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Mayor Fuller, Councilman Ward 1 Allen, Sweatman

NAYS: None

ABSTAIN: None

6. Foxrun SD, Phase 1C, 42 lots, Village Drive and Burrow Circle, Daniel Holland, Final Approval - *Tabled at the October 26th PC meeting*

Mr. Mosley reported the applicant is requesting final plat approval for a 42-lot subdivision of a planned 248-lot subdivision located in the Fox Run Village PUD zoning district. The master plan and zoning were approved by City Council in September 2019. The plat consists of 8 single family lots, 32 twin home lots, one open space/dog walk lot (Lot 94), one pool and amenities lot (Lot 77), and one remainder future development lot of 30.3 acres. The 8 single family home (SFH) lots front on Village Drive and the 32-twin home (duplex) lots are on Burrow Circle.

For single family home lots, the master plan requires a minimum lot size of 4,200 square feet and a minimum 40-foot lot width. The proposed plat shows the single-family home lots at 4,990 to 5,003 square feet; all lots are 40 feet wide. The minimum building setbacks for single family home lots is 20 feet for the front and rear yard, and 5 feet on each side yard.

The plat also includes a twin home (or a duplex) on Burrow Circle. Each dwelling unit is on a separate lot. The two lots are attached along a shared side yard property line and a common wall. The minimum twin home lot area requirement is 3,000 square feet and minimum 25-foot lot width. Each twin home lot is 3,250 square feet and lot width 25 feet. The minimum building setbacks for twin home lots: front yard 10 feet, rear yard 20 feet, and side yard 5 feet.

Underground utilities are required, and sidewalks are required on at least one side of the street. The proposed plat is largely in compliance with the approved master plan and the subdivision regulations.

Staff recommends preliminary plat approval subject to the following:

- **Note the specific use, ownership, and maintenance of Lot 94 (PUD requires this to be open space and dog walk area)**
- **Note the specific use, ownership, and maintenance of Lot 77 (PUD requires this to be pool and amenities area)**
- **Note the specific use, ownership, and maintenance and parcel title of the ruminant lot (PUD requires this area to be divided into open space, detention, wetlands, and future development areas)**
- **Add 10' bufferyards to the rear of lots 17-24**
- **Underground utilities shall be required**
- **Sidewalks shall be required on at least one side of the street.**

Mr. Parker reported for Engineering, all of the Opelika Surveyors comments regarding the plat have been addressed. 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, curb and gutter, aggregate base and first layer of pavement have been placed.
- All sanitary sewer and water line have been installed. The test and inspection reports will need to be submitted and accepted and approved by the utility/Public Works Department.
- All stop and roadway signs have been installed.
- Performance Bond of 125% of the estimated cost remaining infrastructure including the final layer of asphalt and sidewalks have been submitted.
- Maintenance Bond of 25% of the estimated total infrastructure cost will have been submitted.
- As-built documents of the roadway, and storm drain in the form of an Autocad and PDF digital file have been 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 will need to be added to protect against erosion and sediment issues.

If these requirements are met, the Engineering Department recommends Final Plat approval.

Mr. Parker reported for the Opelika Utilities Board, water service is accessible from Village Drive.

Mr. Parker reported for the Opelika Power Services, this subdivision is inside the Opelika Power Service territory.

Mr. Hilyer stated we need to complete the vacuum testing, video footage on the sewer, street signs, and asbuilts.

Motion to grant final plat approval with staff recommendations

RESULT: Passed

MOVER: Mayor Gary Fuller

SECONDER: Director Mike Hilyer

AYES: Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Mayor Fuller, Councilman Ward 1 Allen, Sweatman

NAYS: None

ABSTAIN: None

F. CONDITIONAL USE - Public Hearing

7. Richard Patton, 408 1st Avenue, C2, Multi-Family Residential

Mr. Mosley reported the applicant is requesting conditional use approval for 6 single family home condominiums in a C-2 zoning district. The property is located on the north side of 1st Avenue between N. 4th Street and N. 5th Street. The subject property is approximately 25,000 square feet (0.57 acres). The C-2 zone allows up to 16 units per acre. The subject property is approximately 10.5 units per acre. The property is located in a transition area between commercial development on N. 5th Street and 2nd Avenue and the small residential area bordered by the railroad. Directly across the street is the newly created Railroad Park created by the Stern Foundation.

The proposed development is configured with two front carport/storage buildings and three buildings on each side facing a common green. Four of the buildings are shown as 2-bedroom units and two of the buildings are single-bedroom units. All of the units are two stories. This type of development goes by many names and is growing in popularity across the country. It can often be considered cluster development, cottage courtyard or bungalow courtyard. In planning terms this type of housing is designated as “Missing Middle” housing. This type of housing attempts to cluster development, often in in-fill locations, to both add nice and affordable units that fit in with the neighborhood.

Under the current standards, this development would be required to have 2 spaces per unit. This would require 12 off-street parking spaces. The development is providing six (6) parking spaces within the carport structures. This type of housing is often allowed with one space per unit as the units are typically only designed in areas close to services and for one-two people. Staff has looked at this and the surrounding neighborhood. There are often vehicles parked on the street throughout the neighborhood. Staff is recommending that the on-street parking be formalized to better allow on-street parking if additional parking is necessary. This would still require an approval of a variance by the Zoning Board of Adjustment. Staff plans to look at overall parking requirements to determine if

we are requiring too many parking spaces through the Zoning Ordinance.

The landscape plan needs to be better formalized. The applicant does show some trees along near the street. Staff believes these should be located between the street and sidewalk if there are not utility conflicts. The other area of importance is the buffer between this development and the residential to the east. The applicant will likely want to buffer against some of the commercial units. Staff believes a buffer including landscaping and fencing should be required against the residential properties.

Overall, staff feels that this location is a good opportunity to look at many of the concepts proposed in this development. The location in a transition zone near downtown allows the use to provide multiple units that buffer the residential neighborhood. Additionally, the location of the park allows for some potential parking overflow should a residence have guests during non-peak park hours.

Recommendation

Staff recommends conditional use approval subject to the following conditions:

- 1. Approval of the parking variance by the ZBA.**
- 2. Construction and formalization of on street parking in coordination with City Engineer.**
- 3. Approval and installation of a buffer along the residential properties with both fencing and landscaping that will reach a height to provide privacy.**
- 4. Reconstruction of the current sidewalk.**
- 5. Materials should be consistent with the gateway corridor cladding requirements.**

Mr. Parker reported for Engineering, since there is no significant drainage to be installed and because the disturbed site is less than one acre, there will not be a need for a site plan or Land Disturbance permit issued through the engineering department. The individual site plan and permit will be issued through the building inspections department as the units are permitted for construction.

Sidewalks on the north side of 1st Avenue shall be replaced with the construction of this project to meet the current ADA and City of Opelika Standards of 5-ft wide.

Additional parking will be required to meet spaces/unit requirements by the widening of the south side of 1st Avenue as detailed in the illustration below.

The Engineering Department has no other comments or concerns with this proposal and recommends conditional use.



Mr. Parker reported for the Opelika Utilities Board, water service is accessible from First Avenue.

Mr. Parker reported for the Opelika Power Services, this subdivision is inside the Opelika Power Service territory.

Chairman Cherry opened the public hearing.

No comments.

Chairman Cherry closed the public hearing.

Motion to grant conditional use approval with staff recommendations

RESULT: Passed

MOVER: Mayor Gary Fuller

SECONDER: Director Mike Hilyer

DISCUSSION: Mayor Fuller asked will the parking adjacent to Stern Park leave enough room for traffic on 1st Avenue?

Mr. Parker stated it will. We can maintain the minimum 22 feet of roadway. He will have to add some asphalt between the existing curb and the sidewalk so he will have to expand it. It's very similar to what was done on the other block. It will have to be expanded in order to provide minimum roadway width as well as minimum parking space requirements. You have to add five feet to get a nine-foot parking space.

Ms. Cannon asked have you thought about doing five of them so that you can still get enough parking on the lot?

Richard Patton, 108 South 8th Street, stated there is a development like this in Bentonville, Arkansas and it is a small pocket neighborhood just like this. We pulled the architect in and we liked the way they used the space so this was on their recommendation from doing this in Bentonville. Some of our affiliates have been there and seen what they've done there. We are open to an adjustment if needed. We like what this does with the floor sizes, one bedroom and one and a half bath and it has a loft for a little office and extra guest area. That size does sell

pretty well and then adding the two bedroom and two and a half bath we feel like it's a good mixture and good use of the space. We haven't even put dollars and budgets to the build out. This is just use of the space right now and we think it would look nice, but we're open to making it work.

Ms. Cannon stated I like the house design. It's for younger people and younger people are so much more social which presents a parking problem if you have a spouse and friends coming over but only have one parking space.

Richard Patton stated we are kind of basing what we think the product should be off of other experiences in towns that are similar which is walkability. Typically, those young people are one car families. There is also a walkable demographic that would happily park downtown and walk to those houses. We think the six spots plus the six on the road will work for who lives there and for being social. I think if somebody has guests over, they are just going to have to say, 'you may have to park a block away and walk over' and I think the typical buyer is used to that.

Mr. Silberman asked will you be selling them as individual units or as two units?

Richard Patton stated they would be individual. We feel like it is better for that area to be individual homeowners and we think that would start squeezing in some more people that are the type of people that are going to want to go and spend some money downtown.

AYES:	Chairman Cherry, Whatley, Silberman, Director Hilyer, Mayor Fuller, Councilman Ward 1 Allen, Sweatman
NAYS:	Cannon (Due to the lack of parking).
ABSTAIN:	None

G. MASTER PLAN REVISIONS - Public Hearing

8. Wyndham Gates PUD Master Plan, Major Amendment to Master Plan, Gateway Drive, Dino McDowell, Amendment to replace single family homes shown on the original master plan with 17 townhomes

Mr. Mosley reported the applicant is proposing a major amendment to the 2005 master plan for the Wyndham Planned Unit Development (PUD). The subject property is 3 acres undeveloped located on north side of Gateway Drive accessed from Gateway Drive. The master plan revisions are from single family home to townhomes. The adjacent properties to the 3 acre property on the north and west sides are single family homes; on the east side is Southview Primary School property (the school's rear wall faces the three acres). In December 2019, revisions to the Wyndham master plan were approved including a 10 acre area approved for apartments. The applicant's three acre property is across Gateway Drive from the 10 acre apartment property.

The original 2005 master plan shows single family homes for the 3 acre property. The plan shows Gwynne's Way running along the north property line until Gwynne's Way turns south and intersects with Gateway Drive (see plan on last page of report). However, the construction of Gwynne's Way ended as a cul-de-sac along the north property line; the extension of Gwynne's Way to the south intersecting with Gateway drive was not constructed. About 8 single family homes could be constructed on the 3 acre property if Gwynne's Way intersected Gateway Drive. The applicant said about 10 years ago when the construction of single family homes was consistent in Wyndham Gates on the north side of Gateway Drive, there were plans to construct a bank on the 3 acre property not single family homes. A request for master plan revision from single family homes to commercial for the bank was not provided.

The original 2005 Wyndham Gates master plan on north side of Gateway Drive was approved for 25' wide townhomes at the corner of Lori Lane and Gwynne Way near Gateway Drive. Also, cluster homes (triplex townhomes) were approved about 400 feet from the townhomes. About 55 townhome units and 6 cluster homes were approved. The townhome units and cluster homes had access to residential streets not direct access to Gateway Drive. However, the housing market favored single family homes, and the 55 townhomes and 6 cluster homes were not constructed; instead of townhomes 24 single family homes were constructed. The remaining 280 dwellings (estimate) on the north side of Gateway Drive are single family homes.

The request for 17 townhomes (site plan in packet) increases the density (dwellings per acre), but the density does not exceed the 3 dwelling units per acre for the entire Wyndham development as approved in the original 2005 master plan. The townhomes do not meet the standard parking requirements of two spaces per unit; only 32 spaces are shown, 34 spaces required. Many of the units have about 400 sf of yard space which would only be 40% of the standard yard for townhomes.

Comments/Recommendations

Single family homes constructed on the 3 acre property would be more compatible with the adjacent single family homes than the townhomes; about 8 single family homes would be constructed instead of 17 townhomes. Access to townhomes is from a private driveway that intersects Gateway Drive. The 2005 master plan did provide for 55 townhomes and 6 cluster town homes (2 triplexes), but single family homes were constructed instead of townhomes. The entire north side of Gateway Drive developed into a single family home neighborhood (280 homes total). Staff prefers single family home construction on the 3 acre parcel to match the adjacent single family homes and the other 280 homes.

If the master plan amendments are approved staff recommends approval with the following conditions; also listed are requirement as provided in the Zoning Ordinance for a townhome development:

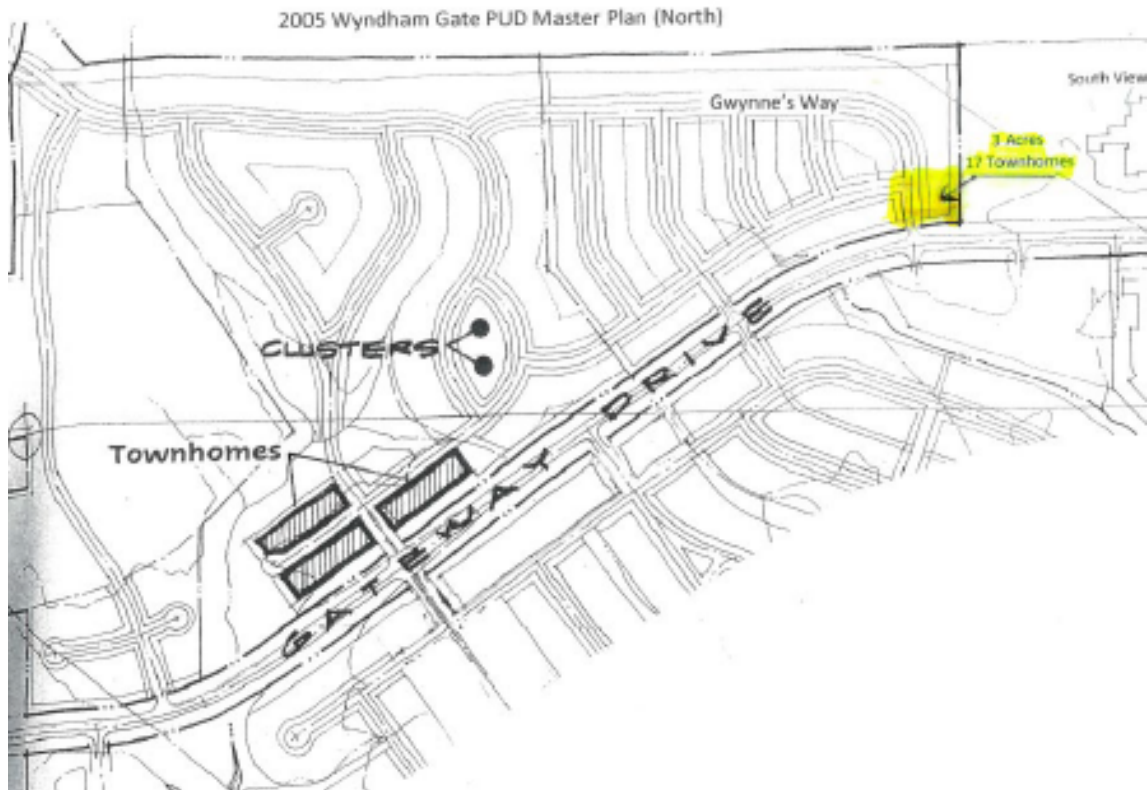
1. Townhome Development Standards and Landscaping Regulations must be followed; residential buffers are required between the adjacent properties and the 3 acre townhome development as provided in the Zoning Ordinance.
2. Staff recommends the buffer installed along Gateway Drive as provided on site plan.
3. The exterior material of townhomes must follow the requirements set forth in Section 7.6, 6b. Materials and Cladding Requirements
4. All utilities must be underground.

Mr. Parker reported for Engineering, 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 proposal and recommends Master Plan Revision.

Mr. Parker reported for the Opelika Utilities Board, this will be served by master meter.

Mr. Parker reported for the Opelika Power Services, this subdivision is outside the Opelika Power Service territory.



Chairman Cherry opened the public hearing.

Susan Brinson, 2705 Jennifer Court, stated I'm number 10 on the map. When I bought my house just under four years ago the house was for sale for one day and they got four offers in one day. Mine was the winning bid fortunately. Since that time, at least seven or eight times a year I get a letter from different realtors saying that they have people who want to buy houses in Wyndham Gates. Those two facts tell me that I spent my money wisely and I made a good decision to buy a house in Wyndham Gates. I have to tell you also, that when I look out my back door I see trees. All of us on Gwynne and Jennifer Court when we look out our back doors see trees. We don't see the back of someone's house, it's really great. I'm concerned that if this proposed 17 town homes are approved then my decision will not have been such a wise one, because when people

look out the back door they'll see something that nobody else in Wyndham Gates sees, which is a series of townhouses. So, for that reason I would ask that you not approve this. The other is according to the plan there's only 20 feet of buffer between the back of all of our houses and these town houses, which is not nearly enough. I think I speak for all of us in this area that we would really rather this not be developed at all, but we know that that's going to happen. There's nothing we can do to stop the development. We do ask however that you maintain what the site was originally planned for, which is single family homes, so when and if the time comes for me to sell my house, what's behind me will be entirely consistent with what is in the entire subdivision which is single family. Thank you.

Debra Payton, 305 Gwynne's Way, stated I agree with Susan. The reason we bought that property two years ago was because of the trees behind us. It's a very relaxing atmosphere, we've got nice size lots and a cul-de-sac down there. I understand it's going to be developed, I guess our main concern is that it will stay single-family homes as originally planned. My question to the developer would be, in that buffer will it remain a natural buffer or will some of the trees at least stay and separate us from that development whether it be town homes, hopefully not, or single-family homes? We moved here from Las Vegas, so we wanted some peace and quiet and we certainly got it there. I agree with Susan, right now when houses come up for sale, they're there on the market a day and then they're gone. It's a very good place to live and we want to keep it that way and keep it attractive. Thank you.

Mike Coates, 2707 Jennifer Court, stated it was kind of a bad day when we went to the mailbox a couple of weeks ago and found a letter that said that someone wants to build a development literally in our backyard. That was not a good thing and we were just like the two ladies that just spoke, we'd like to keep things as they are. One concern I truly have is that it seems that the properties that are adjacent to this development tend to hold water quite easily. My yard does in the backyard, and I think some of the others do and I'm a little concerned about making it worse. We would also agree that we want to keep this to a minimum if it has to happen. Thank you.

Greg Dewberry, P.O. Box 156 Bremen, GA, stated I'm an engineer and a land surveyor representing Mr. McDowell. Thank you for letting me be here tonight. To answer some of the questions, yes, the buffer that's there will be a natural buffer in that we will not destroy it. What's there now will be left intact and I can appreciate the fact that when you bought there it was heavily wooded. It's been like that for almost 15 years now. If you think about it, this project initially started in 2005. It went under during the housing bust and my client picked it up around 2012. It took him about two years to get everything going and get rebooted and we started appearing before you at the end of 2014. So, it's been a seven-year process and I see many familiar faces here, but in that seven-year process and that seven-year time frame we have built 309 single family homes. This parcel has always been an orphan in that originally it was supposed to be an initial entrance into phase one, but we were asked to locate it further down Gateway Boulevard. When we did that, that left this piece here but what were we going to do about it? In the last two years we've worked a lot with Mr. Mosley, and I appreciate everything they've done. We've floated all kinds of ideas from strip shopping like a family restaurant and dry cleaners and car shop, we floated the storage idea, we've just been trying to find the highest and best use for this three-acre piece. If it were to go back to single-family that would be fine, but it kind of backs up being that that's what we initially planned, and it would be a lot better if we would have stayed with that because now we've kind of blocked ourselves off. We're just glad to come in and have a bubble

cul-de-sac and sprinkle three or four lots around it and that's all we can do now. I think that would be the only problem that my client and myself have, that initially that's what was planned was a part of the development. We moved the driveway down the road and now we're left with this piece. So again, townhomes seem to be the highest and best use for the three-acre piece. It has lots of encumbrances, the 60-foot development strip on Gateway Boulevard is a hindrance of course, and it's already a detention pond there for part of phase one Wyndham Gates development that we had to deal with so those two things kind of whittle the site down tremendously and kind of box you into what you can do. But if it's the Council's and Planning Commission's opinion that we need to stay with single-family housing we'll do that again. It just seems like it's backing up a little bit to us in that that was what was originally planned and then we were asked to change and now we're being asked to change back to it. The only problem is here again we kind of painted ourselves into a box because lot 15 was created and there's actually a homeowner in it now. If it was for sale or something it'd be possible to bring that street out but now there's a home there that kind of blocks us. Thank you.

Mr. Mosley read the following four letters from adjacent property owners:

Brenda Harris, I live at 2709 Jennifer Ct, AL 63804. This has been my home since 2012. I am against building townhomes behind my property. However I am in favor of single-family homes. I have a spinal and balancing condition and will not be able to attend the November 23 meeting. Please speak on my behalf voting no for building townhomes behind my home.

Lani Davis, I am the resident at 307 Gwynnes Way and am contacting you to register my strong opposition to the proposal to place 2 story townhomes in the property in back of my home. I have lived through this once before in Montgomery, AL and can attest to the fact that even privacy fencing is not shielding a one story dwelling from the higher elevation homes. And it ultimately depreciates property values on existing properties. Almost my entire window view is across the back of my home which would mean those higher elevation windows would present a privacy issue. If any building is done in that area, at the most, one-story homes alone should be erected to accommodate privacy fencing. Even so, this will decimate the wooded area currently there.

David Didion, I reside at 304 Gwynnes Way, Opelika. I have been a homeowner for over five years in Wyndham Gates and I am writing to voice my concerns regarding the proposed new development plans for my area.

I am not unmindful of the fact that the developers who own the property are fairly free to do as they please. I am, however, opposed strongly to adding townhomes to this residential, single-family home subdivision.

I would prefer the land remain undeveloped as a buffer for the upcoming commercial expansion, but the reality is you either can't or won't stop the property development. If development is inevitable, I prefer the construction consist of single-family homes and not townhomes. Selfishly, I want my property value to keep increasing as it has and the addition of townhomes will affect that value. I thoroughly enjoy the diversity of my residential area. People take pride in ownership and it's reflected in the appearance of our homes. That will be somewhat blunted by building townhomes in the midst of the single-family dwellings. For these reasons and other safety concerns I'm asking that if construction has to occur, it manifest itself in single-family homes only.

Thank you in advance for your consideration.

Alex Youssefi and Mary-Elizabeth Youssefi, we live at 301 Gwynnes Way in the Wyndham Gates Subdivision. We were invited to a planning commission meeting tomorrow at 3:00; however, neither of us can attend due to work schedules. In lieu of us being in attendance, we would like to use this email as our rejection of the newly proposed plan to build the 17 townhomes. We are in favor of the original plan to build single-family homes.

Please let us know if you have any questions or concerns.

Chairman Cherry closed the public hearing.

Motion to send a negative recommendation to City Council

RESULT:	Passed
MOVER:	Mayor Gary Fuller
SECONDER:	Director Mike Hilyer
AYES:	Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Mayor Fuller, Councilman Ward 1 Allen, Sweatman
NAYS:	None
ABSTAIN:	None

9. Springs of Mill Lakes PUD Master Plan, Minor Amendment to Master Plan, 1270 Willow View Drive, Blake Rice, Amendment to reduce the 40 foot minimum front yard setback for 16 lots along Birmingham Highway to a 30 foot minimum setback. Covered patios extending from the exterior wall that faces Birmingham Highway requires a minimum 30 foot setback. The 16 lots are accessed from interior private streets.

Mr. Mosley reported the applicant is proposing a minor amendment to the Springs at Mill Lakes PUD master plan for the senior living portion of the PUD. The 13 acre senior living facility consists of independent living and assisted living dwelling units. A total of 160 independent senior units are planned as rentals; 16 of the cottage units front on a private street and the rear yards face Birmingham Highway (Hwy 280). It was determined that a covered patio will be constructed on the rear wall of the 16 units, but the patio roof will encroach into the minimum 40 foot setback approved along Birmingham Highway. The applicant is requesting a 10 foot reduction from the 40 foot minimum setback requirement to allow a 30 foot minimum setback for the 16 cottage rental units that face Birmingham Highway. The right-of-way width of Birmingham Highway from the asphalt edge to the rear property line is at least 60 feet; the covered patio will be setback about 30 feet from the rear property line; the total distance from the covered patio to motorists on Birmingham Highway is about 90 feet; the 90 feet provides adequate distance to buffer the Cottages from the highway.

Recommendations

Staff recommends that a 10 foot reduction be granted from the 40 foot minimum setback to 30 feet to allow the construction of covered patios for 16 cottage units that face Birmingham Highway.

Mr. Parker reported for Engineering, 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 proposal and recommends Master Plan Revision.

Mr. Parker reported for the Opelika Utilities Board, no comment.

Mr. Parker reported for the Opelika Power Services, this subdivision is inside the Opelika Power Service territory.

Chairman Cherry opened the public hearing.

No comments.

Chairman Cherry closed the public hearing.

Ms. Cannon asked is this a recommendation to City Council?

Mr. Mosley stated no, this is so minor that it does not require going to City Council.

Motion to approve the amendment to the Master Plan with staff recommendations

RESULT:	Passed
MOVER:	Lucinda Cannon
SECONDER:	Mayor Gary Fuller
DISCUSSION:	Mr. Silberman asked the original plat included an assisted living facility. Does this in any way affect that? Mr. Mosley stated no sir. You still have the assisted living facility here, which will be the main building in the middle. What has changed, and this was approved by the Planning Commission, is there are more independent living units out there that you can transition from one into the main building. This wouldn't change the number of units.
AYES:	Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Mayor Fuller, Councilman Ward 1 Allen, Sweatman
NAYS:	None
ABSTAIN:	None

H. MASTER PLAN REVISIONS AND PRELIMINARY PLAT - Public Hearings

10. The Villages at Opelika PUD Master Plan, Minor Amendment to Master Plan, 21.9 Acres, 3001 Hi-Pack Drive and Hammonds Drive, SP Opelika Ventures, LLC, Amendment modification of the type and arrangement of open space and amenity space, changes dwelling types from bungalow to twin homes, decreases single family homes; reduction in overall density.

Mr. Mosley reported the applicant is requesting to amend the PUD and master plan

for the Villages of Opelika. The subject property is approximately 21.9 acres and located at the current terminus of Hi-Pack Drive.

Approved PUD: The original PUD was recommended by the Planning Commission to City Council on June 23, 2020 and approved by City Council on September 1, 2020.

The previous master plan included 148 residential units. This includes 94 single family homes, 34 twin homes/ townhomes, and 20 small bungalows. Overall, the development would have a density of 6.75 units per acre. The applicant has stated that this development would be intended to try to mimic the Pepperell Mill Village with smaller homes and smaller lots.

That development has an amenity space located across from Hammonds Drive. The provided rendering shows this area having a pool and tower. It also included large section on the eastern and northern properties that have large easements that could potentially be used for open space. There is also a common area behind the homes in one of the interior blocks. Overall, it showed approximately 260,000 square feet of area that was listed as open space or undeveloped including detention ponds.



The development proposed a mixture of small housing types including single-family homes, twin-homes and bungalows. The units were scattered throughout the development on very small lots well below other lots in the area. The applicant proposed a very inviting architectural style that provided variety and distinct types. The units did not have garages. Each unit also provided a front door and first floor windows that addressed the street and the units all had porches similar to many similar types of housing historically found in Opelika. The units and development were designed to create community and neighborhood interaction.

Housing type/style shown in approved PUD





Proposed PUD: The proposed master plan and PUD contain 90 single-family lots and 35 townhouse lots totaling 125 total units. The small bungalows have been removed completely. With the reduction of 22 units, the new development would have a density of 5.75 units per acre. The townhouse type has moved from a two unit set to four plus unit groups much more like traditional townhomes. This design generally increases the lot size of each unit, usually by reducing the amount shared open space in many areas. Thus giving more private yard space of commonly shared spaces. Another significant change to the PUD is the style of housing being proposed. As previously mentioned, the approved PUD showed homes with very classic features include strong architectural elements that addressed the street and community. The proposed homes appear to be very similar two story boxes. Whereas the dominant feature on the previously shown

homes was a front porch, the proposed units are dominated by garages. This makes the home look like its designed more for a vehicle instead of a person. The applicant has submitted additional information and renderings of the proposed units.





The proposed PUD contains approximately 289,971 square feet (6.6 acres) of open or undeveloped space. However, the space has been reshaped to a degree. As previously mentioned much of the useable open space has been moved into private yards. Amenity B was shown in the original concept as a large amenity space with a pool and tower. This space is approximately 23,160 square feet and now shows a large playground and pavilion. The area shown behind Lots 70-80 and 81-91 was shown as a shared common area. This space has now been absorbed into the private backyards. The new plan still shows the large open space along Hi Pack Drive and on the east side of the property. These areas are slightly larger than previously shown. Both areas contain significant utilities, but are now show as containing a dog run under the large power line space and nature walk on the far eastern area. These areas are largely unbuildable no matter what development occurs on this property.

The street configuration has been somewhat simplified but is still largely consistent with the proposed plan. The applicant is showing external connections to Hi Pack Drive and Hammonds Drive. The original PUD also included requirements for sidewalks on both sides of the street along residential or amenity locations. The development also includes two private streets.

The PUD also required large buffers against the north, south and west property lines. The north and south buffers were required to meet the residential buffer requirements of the zoning ordinance. The trees in this area have been removed. They will have to be replanted to meet the residential buffer requirements. The setbacks are consistent with the buffers, but the plat should note them as buffers as well. Additionally, the development is required to have one (1) canopy tree per residential lot. This should either be in the front yard or in the right-of-way with city approval.

Overall, the density and general street layout are consistent to approved

PUD. The single-family lots exceed the minimum standards. However, the development was originally contemplated with a strong emphasis on community, design, open space and amenities. The central open space has changed from a swimming pool to a large playground, but maintains a central green space that is open to residents. This plan changes the unit types and moves more of the common space into individual lots. Many of the features that were intended to create a traditional neighborhood or promote interaction between neighbors have been diminished or removed completely. Initially, staff had concerns about some of the small lot sizes in relation to what was conventionally allowed within the city. We felt this was best mitigated through the large amenities/open space areas and emphasis on design and character. While this plan generally increases those lot sizes they are still well below conventional standards in the city. Staff still feels the previous residential character is more creates a better neighborhood feel. The newer residential however now has much larger homes with garages which the applicant feels is much more in line with market demand.

Staff Recommendation: Staff believes the proposed plan is largely consistent with the overall approved master plan. The only issue that staff remains concerned about is the type of housing. While important, this preference may not be as prominent of a distinction to the commission or general public as with planning staff. The Planning Commission could approve this amendment as proposed or with a request to look at alternative housing styles. Staff recommends any approval include the following conditions from the initial approval.

- 1. Provide sidewalks on both sides of each street adjoining an amenity or residence.**
- 2. All utilities shall be underground.**
- 3. Connections to Hi-Pack Drive shall be coordinated with the City Engineer.**
- 4. Residential buffers found in Section 10.6.D1 of the zoning ordinance shall be required on the northern and southern property lines.**
- 5. One large/canopy tree shall be installed for each house frontage either in the right-of-way between the sidewalk and the street curb with permission from the City of Opelika or in the front yard adjacent to the public right-of-way.**
- 6. No sideyard on street setbacks along public right-of-way shall be less than six (6) feet.**
- 7. Open space shall be clearly marked and the use and maintenance shall be noted.**
- 8. The buildings will match the architectural style and character of the provided renderings.**
- 9. No vinyl or metal siding shall be used.**
- 10. All parking adjacent to the street shall be the responsibility of the developer or homeowners association.**

Mr. Parker reported for Engineering, the Engineering Department has no other comments or concerns with this proposal and recommends master plan revision.

Mr. Parker reported for the Opelika Utilities Board, water service is accessible to this use by water mains on Hi Pack and Hammonds Drive.

Mr. Parker reported for the Opelika Power Services, this subdivision is inside the

Opelika Power Service territory.

Chairman Cherry opened the public hearing.

Mary Couch, 3100 King Avenue, stated my house backs up to this property and I came home from work and all the trees that were supposed to be left had been mowed down. There were a few left and then I came back on a Tuesday and there was a backhoe pushing the rest of them down. So, now we have a very clear view of all the yellow machinery and just a horrible empty spot of dirt. The machines are very loud and up from my kitchen window I see nothing but red dirt and there used to be beautiful hardwoods. I understand that the buffer was not respected for whatever reason and my concern is how long will it take for this to be amended? What are the plans to fix this? Thank you very much.

Monty Couch, 3100 King Avenue, stated I spoke to Mr. Mosley a few weeks ago and he kind of talked me off the cliff when we saw all those trees taken away in the back. I have a huge issue with this. I kind of got a chuckle when this gentleman said that they were going to have a buffer for that property and I'm sure he means that, but what ends up happening is we get 30 or 40-year-old trees that are removed that gives us a beautiful buffer. They literally took every blade of grass, every twig, every 30 or 40-year-old tree that was our promised buffer for 25 or 30 feet and they took it completely to our fence line. We're upset, of course we're not near as upset as our dogs are, and the fact that they want to build a dog park over there is not a good enough consolation for us. We need a buffer that is comparable to what we had, because we were promised when they started clearing the property that they were going to maintain that buffer. They came to us and said that we are going to maintain this buffer of what we had then which were 30 and 40-year-old trees where the turkeys nested and now, we don't have a thing. That goes not just for our three-acre property, that goes for the 12 or 15 houses up and down King Avenue. It's just horrific. We have a great friend that bought a house there on the corner where they're putting that road up Hammonds in there and it just ruined her property. She had all these beautiful trees, and they just took it and just devastated her property. I don't know how they can save her property for her. I would just like to know what kind of buffer there's going to be. If we have to wait 20 years for the buffer to grow in that's not a solution to what we had. Thank you.

Clay Cardone, 2306 Cunningham Drive, stated my concern is what has already been expressed, the violation of their property. I live on Cunningham Drive and I have been there for 20 plus years. I have seen the traffic over there increase significantly to where I can't even cut the grass out by the road without having to stop for cars about every two minutes. I know that you add all these households, all these vehicles in this area, and I know there's plans to connect Cunningham Drive over to that area, I think there's going to be an absolute traffic boggle over there. There's already one created. There are no more roads or any planning to be put in, there's no wider roads planning to be put in, I think you're going to have a traffic congestion that's just going to ruin the first piece of property that you come into out of Auburn. I think that this development is a shame that they couldn't develop it to more of a traditional single-family home development. The land is 23 or whatever acres, they can do that, but they're going to cram in all these mixed developments, these town homes. It's just a shame that Opelika is going to once again probably take a step backwards to Auburn as opposed to a step forward.

Mr. Mosley stated in looking at the way that this was presented earlier, I too thought that that was going to be a 35-foot undisturbed buffer. In researching through the information that I received it never does say it was completely undisturbed, it was just a 35-foot buffer. That partially probably falls on my responsibility for not ensuring that that was clarified one way or the other. What we've said is basically any buffer that's in here has to meet the residential standards based on our recommendation and what was previously approved and that is still the case so they would have to go back in and replant everything that is required in here. I don't know what specific conversations they had between the applicant and the adjacent property owners about whether or not that was going to be undisturbed or if it would be just a replanted buffer. It sounds like they thought that it was going to be completely undisturbed as well. What can occur here is, if the Planning Commission does approve these amendments, they could approve it with the same recommendations for the buffer that was previously there which is a residential buffer against those areas and it's at least 35 feet in depth. Or, the Planning Commission could recommend a buffer that is larger than what is the standard requirement of our residential buffer. Your options are basically to approve it, deny it, or recommend additional conditions that could help alleviate the concerns raised by the adjoining property owners.

Chairman Cherry asked does this go to City Council?

Mr. Mosley stated no, this is a minor amendment so this would stop with the Planning Commission.

Chairman Cherry asked so the Planning Commission handles it?

Mr. Mosley stated yes sir. Because they are not reducing open space, the open space actually does increase with this. They're not going to a more dense development or more dense housing type so the housing types, although they're changing, are less dense in nature. The overall development is less dense, so this is a minor amendment still. In this case, you would not make a recommendation. You could either approve it, deny it, or approve it with an additional buffer if that's what you so choose to help with some of those issues.

Mr. Silberman asked is that legally binding or can they walk away from the project?

Mr. Mosley stated they can always walk away from a project, but if they develop it has to be developed under the conditions set forth by this Commission and City Council. We don't have any mechanism in the City of Opelika, unless it's done through a conditional use or through a master development plan or some other condition of the board, there's nothing in our regulations that says that you have to preserve trees right now. So, unfortunately unless it's a condition of approval we can't say that they have to retain the existing trees on the property. But if you approve it with a specific buffer, then if they develop that property it has to be developed to that level.

Mr. Silberman asked so that is binding?

Mr. Mosley stated yes sir.

Chairman Cherry closed the public hearing.

Ms. Cannon made a motion to approve the Master Plan revision with staff recommendations and a larger buffer. She asked for help in what specifics should be addressed.

Mr. Mosley stated currently on that side it's shown as a 35-foot buffer. The typical residential buffer requirements are either the 20-foot undisturbed, which of course doesn't really apply in this case because it's already been disturbed. So, we either have a double row of evergreens that could be required, or a single row of evergreens plus a fence, or you could require something greater. It may be worthwhile to see if the applicant has any suggestions.

Ms. Cannon stated I would stay with plantings and not necessarily a fence. I just want to be sure that there are trees and bushes.

Mr. Silberman asked can there be a specific height in the recommendation?

Mr. Mosley stated yes sir, you could require plantings that would reach a specific height.

Ms. Cannon stated all right well I'm not going to get into that because I don't know how to get into it. I just know what I'd like to look out of my kitchen and see and it wouldn't be a fence it would be plantings.

Mr. Mosley stated I could recommend that you could require either the plantings to exceed the current residential buffer yard or to be one and a half times the planting requirements of the current residential buffer yard which would be typically three layers of evergreens and those are required to reach six feet within a certain period of time.

Ms. Cannon stated the one and a half is fine. It's a fine line between working with the developer and working with those who are living there. I'm not trying to get in the middle of that but I'm just trying to give some protection back. I know what it's like to clear-cut things. I do it, but I don't do it in a neighborhood.

Mr. Silberman asked what is the width on that?

Mr. Mosley stated the width currently is still required and shown on this plate as 35 feet in width.

Ms. Cannon asked is that three and a half times?

Mr. Mosley stated this was something that the applicant proposed to us to create a larger buffer. So yes, that would be between, it depends on which size, but yes ma'am typically about three and a half times.

Chairman Cherry asked what is the motion?

Mr. Gunter, City Attorney, stated it would be a motion to approve with staff recommendations and a 35 foot wide buffer with one and a half times the required plantings.

Mayor Fuller seconded the motion.

Mr. Silberman asked can you also request a minimum height of the initial plantings?

Mr. Mosley stated yes sir, if you so choose. Typically, the way our plantings work is it's required to reach six feet within two growing seasons so you could have them come in and plant something larger.

Mr. Silberman expressed concern over the length of time it would take for the trees to reach a good height.

Mr. Mosley stated you could have them plant something that is initially six feet in height to start if that would be more minimal.

Chairman Cherry stated the motion has been presented and seconded and now we have the additional item that Mr. Silberman has requested. I need to go back to the motion to include that item.

Ms. Cannon stated ok.

Mayor Fuller seconded the item.

Motion to approve the Master Plan amendment with staff recommendations and a 35 foot wide buffer with one and a half times the required plantings with the plantings being initially six feet in height.

RESULT: Passed

MOVER: Lucinda Cannon

SECONDER: Mayor Gary Fuller

AYES: Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Mayor Fuller, Councilman Ward 1 Allen, Sweatman

NAYS: None

ABSTAIN: None

11. The Villages at Opelika SD, 126 lots, Hi Pack Drive and Hammonds Drive, Brian Lee, Preliminary Approval

Mr. Mosley reported the applicant is requesting preliminary plat approval for a 130 lot subdivision. The subject property is approximately 21.92 acres located with a PUD zoning designation. The proposed subdivision contains 90 single-family lots, 35 townhome lots, three amenity lots, and two private street lots. The approved PUD included 94 single-family lots, 20 single-family bungalows and 24 townhome units shown as twin homes. The current plat shows a reduction of overall density and unit count.

The 90 single-family lots exceed the minimum size of 2,800 square feet and 35 ft width. Most of the lots are 42 feet in width and between 3,300 square feet and 4,400 square feet. The townhome lots are similar to the townhome/twinhome concept in the PUD. The minimum standards for these are 20 foot in width and minimum lot size of 1,100 square feet. These lots exceed this standard. The townhouse lots were originally shown in the PUD as two unit groups. The new

plat shows these lots in a more traditional grouping of townhouses.

The original PUD showed a significant amount of open space and amenity space. The current plan slightly increases the amount of open space. Lot 106 is approximately 23,160 square feet and is shown having a pavilion and playground in the proposed PUD master plan (also on this agenda). The plat does not reference the ownership and maintenance of the amenity spaces. Lot 129, along Hi-Pack Drive, is also currently designated as green field(dog run). This property is split by the entry road and will need to be separately numbered. The largest open space is located on the far east part of the property and is designated as a nature walk. The amenity spaces should also note that they are unbuildable.

The street configuration has been somewhat simplified but is still largely consistent with the proposed plan. The applicant is showing external connections to Hi Pack Drive and Hammonds Drive. These will need to be constructed during development. The original PUD also included requirements for sidewalks on both sides of the street along residential or amenity locations. The development also includes two private streets. Lots 98 and 114 have a public drainage and utility designation. There should be a note at final plat that the City is not responsible for maintenance of the private road/parking area they are not part of the public right-of-way.

The PUD also required large buffers against the north, south and west property lines. The north and south buffers were required to meet the residential buffer requirements of the zoning ordinance. The setbacks are consistent with the buffers, but the plat should note them as buffers as well. Additionally, the development is required to have one (1) canopy tree per residential lot. This should either be in the front yard or in the right-of-way with city approval.

Overall, the density and general street layout are consistent to approved and proposed PUD. The single-family lots exceed the minimum standards. As previously mentioned in the request to amend the PUD and master plan, the open space and housing style changes are significant. This plat should only be approved if the master development plan is amended as proposed. Otherwise, the plat would not be consistent with the approved PUD.

Staff recommends denial of this plat based on the recommendation of denial in for the PUD amendment. If the Planning Commission approves the PUD amendment they should approve the plat subject to the following conditions:

- 1. The private streets should have notes that the City is not responsible for the maintenance of the private streets or parking area.**
- 2. Provide sidewalks on both sides of each street adjoining an amenity or residence.**
- 3. All utilities shall be underground.**
- 4. Connections to Hi-Pack Drive and Hammonds Drive shall be coordinated with the City Engineer.**
- 5. Residential buffers found in Section 10.6.D1 of the zoning ordinance shall be required on the northern and southern property lines.**
- 6. One large/canopy tree shall be installed for each house frontage either in the right-of-way between the sidewalk and the street curb with permission from the City of Opelika or in the front yard adjacent to the public right-of-way. This should be noted on the plat.**

7. No sideyard on street setbacks along public right-of-way shall be less than six (6) feet.
8. Open space/amenities shall be clearly marked and the use and maintenance shall be noted.
9. Note that open space or amenity lots are unbuildable.
10. Lot 129 is split by Street A. This should be changed to two separate lots.
11. Lot 67 is incorrectly labelled on the Lot Number chart and should be corrected.
12. Many lots have lines labelled both setbacks and buffer. If they are buffers, the type of buffer should be noted in the notes. If they will just be green separation space, it is best to call them setbacks. Areas labelled as buffers may have restrictions on the location of accessory structures or parking.

Mr. Mosley stated the buffers carry over from last item.

Mr. Parker reported for Engineering, The developer will be required to submit an infrastructure 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. Under the monitoring of the Engineering Department and other utilities, the roadway and infrastructure will be completed and tested. Once the construction is complete and a bond is provided for the maintenance and any unconstructed public infrastructure according to the Subdivision Regulations, a Final Plat can be submitted to the Planning Commission for consideration.

A traffic impact study will not be required for this subdivision because the City has an upcoming project being designed on Hi Pack Drive that will take this additional traffic in consideration. The coordination of the access for this subdivision on Hi Pack Drive is also being coordinated by the City's engineer that is designing the roadway improvement project.

The Engineering Departments review comments have been addressed and the Department recommends preliminary plat approval for this application.

Mr. Parker reported for the Opelika Utilities Board, water service is accessible to this use by water mains on Hi Pack and Hammonds Drive.

Mr. Parker reported for the Opelika Power Services, this subdivision is inside the Opelika Power Service territory.

Chairman Cherry opened the public hearing.

No comments.

Chairman Cherry closed the public hearing.

Motion to grant preliminary plat approval with staff recommendations

RESULT: Passed

MOVER: Director Mike Hilyer

SECONDER: John Sweatman

AYES: Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Mayor Fuller, Councilman Ward 1 Allen, Sweatman

NAYS: None

ABSTAIN: None

I. OTHER BUSINESS

12. A request by Stuart Nash with Harris Doyle Homes, representative for Clayton Properties Group, Inc. property owner, concerning revisions to the building elevation plans for the Legacy Village Townhomes, Century Boulevard, 55 units. The townhome development was granted conditional use approval at the December 15, 2020 Planning Commission meeting.

Mr. Mosley reported at the December 15, 2020 meeting, the Legacy Village Townhomes was granted conditional use approval consisting of 51 townhomes units. The townhomes are attached or grouped together from three townhomes to six townhomes; there are a total of 11 townhome groups. Open space of at least 20 feet is between each townhome group. The developer is requesting a change to the townhome elevations that were approved at the December 15, 2020 Planning Commission meeting. An elevation drawing is in your packet to compare the approved 2020 elevations with the proposed 2021 changes the applicant is now requesting.

The three exterior materials used for the 2020 and 2021 elevations have not changed - brick veneer, board & bantam siding, and lap siding. Brick veneer is used more on the 2020 elevations than the 2021 elevations. On the 2020 front elevation, brick veneer is shown on the gable front walls and the first floor exterior walls located on each side of the gable front walls.

On the 2021 elevations, brick veneer is shown on the gable front walls only; no brick is on the first floor walls on each side of the gable wall. Lap siding is used for the first floor walls instead of brick. On the 2020 and 2021 elevations, the 2nd floor exterior wall materials are the same - board & bantam siding.

On the 2020 elevations, for example, a five unit townhome group is shown consisting of three two-story townhome units attached in the middle and a one-story townhome unit attached on each end of the three-townhome units. In the 2021 elevations, the one-story units are removed, and all five townhomes are two-story. On the 2021 plan, the five townhome units are identical in appearance with a look of row houses. In comparison, the 2020 elevations have more roof line variations providing more attractive architecture with some qualities as a detached home. The 2020 plan looks more unique compared to the uniform appearance of the 2021 plan.

Staff prefers that the townhome elevations approved at the December 15, 2020 meeting. The applicant's letter states the reason for the elevation change is because of rising material costs and change in market demand. However, the proposed plan is still in compliance with the Gateway Corridor cladding

requirements.

Mr. Parker reported for Engineering, no report.

Mr. Parker reported for the Opelika Utilities Board, no report.

Mr. Parker reported for the Opelika Power Services, this subdivision is inside the Opelika Power Service territory.

Motion to grant approval with staff recommendations

RESULT: Passed
MOVER: Director Mike Hilyer
SECONDER: Mayor Gary Fuller
DISCUSSION: Ms. Cannon asked is this approval for whether there are six gables as opposed to three?

Mr. Mosley stated yes ma'am, and a general change in the building.

Chairman Cherry asked so really all that's being approved is the elevation for the roof?

Mr. Mosley stated and the architectural style.
AYES: Chairman Cherry, Director Hilyer, Mayor Fuller, Councilman Ward 1 Allen, Sweatman
NAYS: Cannon, Whatley, Silberman
ABSTAIN: None

J. ADJOURN

Motion to adjourn at 5:16 p.m.

RESULT: Passed
MOVER: Lucinda Cannon
SECONDER: Mayor Gary Fuller
AYES: Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Mayor Fuller, Councilman Ward 1 Allen, Sweatman
NAYS: None
ABSTAIN: None

_____ Lewis A. Cherry, Chairman

_____ Matt Mosley, Secretary