



PLANNING COMMISSION MINUTES

300 Martin Luther King Blvd.

December 21, 2021

TIME: 3:00 PM

A. APPROVAL OF MINUTES

The City of Opelika Planning Commission held its regular monthly meeting December 21, 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, Dr. Arturo Menefee, Mrs. Leigh Whatley, Ms. Lucinda Cannon, Mr. Michael Hilyer, and Mr. John Sweatman.

MEMBERS ABSENT: None.

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 November 23, 2021

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

Mr. Silberman arrived at 3:02 p.m. after the vote on the November 23, 2021 Planning Commission minutes.

B. UPDATE ON PREVIOUS PC CASES

Mr. Mosley stated the Blackberry Reserve project that you saw a couple of months ago was approved by City Council. One of the rezonings on Foxrun Parkway next to the RV Center that was previously Harley Davidson was approved and the other one will be before City Council tonight for second reading.

C. PLAT (Preliminary Only) and CONDITIONAL USE - Public Hearing

1. **Opelika Marketplace SD, 4 lots, Parker Way, Arthur R. Nettles,
Preliminary Approval**

Mr. Mosley reported the applicant is requesting preliminary approval for a 4-lot subdivision located off Parker Way. The Planning Commission saw a similar request at the September 28, 2021, meeting to subdivide in to three lots. This plat changes the location of the extension of Parker Way. Additionally, the Planning Commission approved a conditional use request for a miniature golf course and restaurant on Lot 5-A-3-B-2-B on October 26, 2021.

The purpose of the subdivision is to create four lots for future developments: Lot 5-A-3-B-2-A is 3.43 acres, Lot 5-A-3-B-2-C is 1.52 acres, and Lot 5-A-3-B-2-B is 2.79 acres. Lot 5-A-3-B-2-C is 1.52 acres and is the subject of a conditional use request for an indoor baseball and softball training facility (Agenda Item C-2). Lot 5-A-3-A serves as a storm water detention area for these four new lots and the other three lots (existing lots shown on the plat). The lots range in size from 1.52 acres to 3.43 acres. These lots meet the minimum 100-foot lot width and 20,000 square foot lot size requirements for a subdivision in the C-3, GC-P overlay district.

A portion of this property adjoins an active mobile home park to the north and northeast corner. However, that property is zoned C-2. Staff recommends a residential zone buffer provided in Section X Landscape Regulations along the entire length of the abutting mobile home park. (This buffer is shown on the previously approved conditional use for the minigolf and restaurant plan of Lot 5-A-3-B-2-B with 29 Green Giant Arborviate plants and a 6' wooded privacy fence.)

Planning Department recommends preliminary plat approval subject to:

1. **Add the residential landscape buffer to the plat along the portions of the lots that adjoin the mobile home park to meet the residential zone buffer requirements provided in Section X Landscape Regulations.**
2. **Remove the setback line shown on the lots, once divided the setbacks for each lot will be applied individually.**

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 plat approval.

Mr. Parker reported for the Opelika Utilities Board, water service is accessible by Parker Way.

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:	Arturo Menefee
AYES:	Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen, Sweatman
NAYS:	None
ABSTAIN:	None

2. **Vic Patel /John Guglielmi, Parker Way, C-3, Indoor Baseball and Softball Training Facility**

Mr. Mosley reported the applicant is requesting conditional use approval to construct an indoor training facility for baseball and softball in a C-3, GC-P zoning district. This business use is indoor recreational/training facility specifically, a training facility for baseball and softball. This use is allowed in the current zoning district. However, the applicant is requesting to use metal architectural panels with a stucco like finish and stone accents and stone wainscot to accent the façade for the exterior materials and cladding. This type of exterior materials in the Gateway Corridor Overlay District (Section 7.6) require an approval by the Planning Commission. The property will have access from an extension of Parker Way.

The site plan shows a 20,130 square foot (sf) building on a 1.52-acre lot. The minimum building setbacks listed on the site plan are incorrect. The site plan must be corrected and adjusted to reflect the gateway corridor setback requirements of 40 feet from Parker Way, 20 feet in the sides and 20 feet in the rear. The applicant stated the building front will face west. The building floor plan or elevation is not provided at this time. However, the applicant has submitted a photo of an example facilities floor plan and building product. This property meets the maximum 70% impervious surface ratio allowed; 55% of the property will be impervious. Based on the information provided the indoor recreation use requires one (1) parking space per four (4) patrons to the maximum capacity of facility, plus one (1) parking space per two (2) employees on the largest shift. This site plan provides 38 parking spaces for customers and employee parking, plus two (2) handicap accessible spaces. The applicant stated the facility will have eight (8) employees at the maximum shift and 25 patrons at maximum capacity. This site plan exceeds the minimum parking requirements for this use.

No exterior elevations have been submitted at this time. They have submitted photos to show how they expect the site to look with replacing the standard metal building façade with metal architectural panels with a stucco like finish and stone accents. The applicant is requesting to use architectural panels and stone wainscot to accent the façade for the exterior materials and cladding (example photos at the end of the report). The applicant states exterior materials and cladding will meet the minimum requirements in the Section 7.6 Gateway Corridor Overlay District. The applicant is asking the Planning Commission to approve the exterior materials use of architectural simulated EIF's metal panels painted (example photos attached) with stone accents. The front side facing Parker Way will be 100% architectural panels with stone accents (south side) to match the pattern shown on the example for the entrance on the west side, the building front on the west side 100% architectural panels with stone accents as shown in the example photo, on the east and north sides add the architectural panels with stone accents on 20% of the wall length or 20 feet whichever is greater. (Similar architectural metal panels have been approved by the Commission in the past for structures at 2004 Yarbrough and 400 Columbus Parkway.)

The site plan shows a fence. The fencing material must meet the Section 7.6 Gateway Corridor Overlay District standards for fencing and screening, or the Planning Commission would need to approve an alternate material such as wire mesh.

The landscape plan shows a total of 210 points. The minimum requirement for the site is 193 total points. A 10-foot front parking lot buffer is provided along Parker Way. A portion of this property adjoins an active mobile home park to the north, although this property is a C-2 zone, staff recommends a residential zone buffer provided in Section X Landscape Regulations along the entire length of the abutting mobile home park. This buffer is shown on the plan with 24 Green Giant Arborviate plants and a 6-foot wooded privacy fence. The size of trees and shrubs shown meets the minimum size requirements as provided in the Landscape Regulation.

A private dumpster location is shown behind the front face of the building on the left/ rear side. The screening must be approved prior to installation and enclosed with an opaque fence at a height so the dumpster is not visible outside the enclosure. All utility meters, air conditioning units and similar mechanical units shall be screened so as not to be visible from a public right-of-way.

The site lighting must comply with the City's lighting requirements. In addition, staff recommends that all lighting be directed downward and shielded to prevent light from spilling over onto the other properties.

Staff recommends approving this conditional use application with the following conditions:

- 1. Final plat and construction of the road will be required prior to a Certificate of Occupancy (CO) being granted.**
- 2. Planning Commission approval of the exterior materials use of architectural simulated stucco finish metal panels painted (photos attached) with stone accents front side facing Parker Way 100% architectural panels with stone accents (south side) to match the pattern shown on the example for the entrance on the west side, the building front on the west side 100% architectural panels with stone accents, on the east and north sides add the 20% of the wall length or 20 feet whichever is greater.**
- 3. Add the residential landscape buffer to the along the portions of the lot that adjoin the mobile home park to meet the residential zone buffer requirements provided in Section X Landscape Regulations.**
- 4. All utility meters, air conditioning units and similar mechanical units shall be screened so as not to be visible from a public right-of-way. All rooftop mechanical units shall be screened from the designated gateway corridor by a parapet wall or other means. Plans must be approved by relevant utility company for safety.**
- 5. Provide architectural elevations and materials list to show building exterior materials and cladding to meet the Section 7.6 Gateway Corridor Overlay District materials and cladding requirements.**
- 6. Provide fencing type to ensure the Section 7.6 Gateway Corridor Overlay District requirements are met or an alternate must be approved.**
- 7. All outdoor lights must comply with the City's lighting requirements. In addition, staff recommends that all lighting be directed downward and shielded to prevent light from spilling over onto other properties.**



Photo of similar facility provided by the applicant.



Photo of similar facility provided by the applicant.



Photo of similar facility provided by the applicant.



Example of similar metal architectural panel with a stucco like finish provided by the applicant.



Example of similar metal architectural panel with a stucco like finish provided by the applicant.

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 conditional use.

Mr. Parker reported for the Opelika Utilities Board, water service is accessible by Parker Way.

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

Chairman Cherry opened the public hearing.

Ledge Nettles, Baseline Surveying, 2004 Yarbrough Drive, stated I think this is going to be a good thing because young boys and girls need something to do to get them off their phones. This is going to be training for baseball and softball and there are going to be indoor batting cages. They are providing a good product and they want to make it look nice. Like they said, they are going to make the outside look more attractive than what you saw there. The applicant is here if you have any questions. We are just trying to make a nice product and Opelika will be cutting edge with this product.

Chairman Cherry closed the public hearing.

Motion to grant conditional use approval with staff recommendations

RESULT:	Passed
MOVER:	Arturo Menefee
SECONDER:	Director Mike Hilyer
DISCUSSION:	Ms. Cannon asked when you throw the ball, does it hit the walls or disturb the outside of the building as far as cracking it? Ledge Nettles stated no ma'am they have interior batting cages. It is not unusual to have batting cages inside, a lot of colleges have them under their stands and things. It will be a batting cage that is prepared for indoors so it will hit the mesh and fall, it doesn't matter how hard you hit it. Ms. Cannon asked how many batting cages are we talking about? Ledge Nettles stated twelve.
AYES:	Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen, Sweatman
NAYS:	None
ABSTAIN:	None

D. REZONING and PLAT (Preliminary Only) - Public Hearing

3. Rezoning Request, Brandon Hayes, representative, 17.9 acres, Arlee Avenue and Crawford Road, from R-3 to PUD

Mr. Mosley reported the applicant is requesting rezoning 17.9 acres from a R-3 (low density residential) zoning district to a PUD (planned unit development) zoning district for a single-family residential community. Crawford Road borders the development along the south property line. The adjacent property on the west is The Village at Waterford Subdivision, Phase 4, and PUD single-family development. The adjacent property on the east is a rural tract. The adjacent property to the south is a mobile home park and convenience store with gas islands. Access to the development is from two new streets with one on the south border connecting to Crawford Road. The second access to this development will be a connection to Arlee Avenue from a planned stub street connector to be built in the Village at Waterford, Phase 4 Subdivision.

The proposed development consists of 47 single family home lots, two (2) parcels designated "detention/open space". The density for the entire 17.64-acre PUD development is 2.6 dwellings per acre. The typical lot is 9,000 sf (residential lot sizes range from 7,800 sf to 14,492 sf). The proposed setback for the residential lots is a minimum of 20 feet from the front property line, 5 feet from each side property line, 25 feet from the rear property line and 15 feet from a side street. The master plan states these lots are developed for one or two-story single-family homes. An HOA (Homeowner's Association) will be established for the neighborhood. The HOA's 'Covenants, Conditions and Restrictions' document will include building and use restrictions, HOA fees, and maintenance of "detention/open space" for property owners. The "detention/open space" on the master plan are two (2) lots that total 4.16 acres. The common area is primarily an undisturbed natural wooded area preserved as open space. The Knollwood Subdivision homeowner's association will own, maintain, and preserve the 4.16-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 zoning districts. Staff recommends the same buffer between the two PUD zoning districts. The buffer provides visual separation and screening to improve compatibility between the PUD residential lots and the adjacent properties. 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.

Staff recommends an additional 5-foot to the standard 20-foot landscape buffer to equal a 25-foot landscape buffer to be preserved or added along Lots 1-14 and 47-49 residential lots and two detention/open space adjacent to Crawford Road. The new homes constructed on those lots face an internal street, and the rear yard faces Crawford Road. The visual buffer between the residential lots and Crawford Road preserves the character of this area. The buffer also reduces possible interference between the existing commercial, manufacturing, and activities of the proposed residential community. Where a 25-foot natural buffer does not exist, add a 6-foot privacy fence and plantings to meet the equivalent of the 25 foot natural buffer. If a fence is proposed, then fence must be installed between the 25-foot buffer and residential home. The buffer must be shown on the site plan when building permit is requested. If a fence is not installed as a buffer, when the property owners of these lots desire to install a fence, the fence must be installed between the 25-foot buffer and residential home. To be connected to another PUD zoning district is rare, staff feels the addition of landscaping to these lots to be similar to the adjacent Village at Waterford PUD zoning requirements the developer should add street trees. Specifically, one tree per two lots planted on private property.

Staff recommends sidewalks installed on at least one side of all streets and underground utilities provided. Two home 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-3 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 including the staff recommended buffer between the PUD zoning districts.
4. Label/show the 25 foot landscape buffer along the rear lot lines of lots adjacent to Crawford Road along Lots 1-14 and 47-49. The buffer planted must be an adequate size to provide a near impervious visual buffer in three years.
5. To be consistent with the adjacent Village at Waterford PUD zoning requirements the developer should add street trees. Specifically, one tree per two lots planted on private property.

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. Revise the master plan exhibit to show the landscape requirements and existing sanitary sewer easement running along the east line of said property.

Mr. Parker reported for Engineering, the Engineering Department has no comments or concerns with this proposal.

Mr. Parker reported for the Opelika Utilities Board, water service is accessible by Alabama Highway 169.

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

Chairman Cherry opened the public hearing.

Bret Basquin, Foresite Group, stated I am representing the applicant on this. I just wanted to talk through two of the conditions. I think we're good with them, but I want to talk through the buffer along Crawford Road and the buffer between Waterford and here. Along Crawford Road, I don't think an undisturbed buffer gets us much there because most of that area is open pasture and there's not much vegetation between the road. One of our concerns was, if we do have a 25 foot buffer and we put a fence on the house side of that buffer, who maintains that 25 feet? A lot of times when we see this kind of condition, the resident will maintain up to that fence, but then no one maintains the back half of that property. To maximize the backyards as much as we can, along Crawford Road we are amenable to putting a fence and a row of shrubs. What we were going to do was leave a ten or fifteen foot strip out of the lot and put it in the open space so that the HOA would maintain that buffer along Crawford Road. That way it's all being maintained and mowed all together and not leaving it up to the individual homeowner where you may have half of them maintaining it and half of them not. In regards to the buffer between us and the Waterford PUD behind us, these lot sizes that we are proposing are substantially bigger than theirs. These are 60 foot minimum lots and I think most of those in there are 40 or 50 feet. In the Master Plan there on the upper left-hand side, the rear of Lots 45, 44, 43, and 37, that grade is relatively equal to each other. We don't have any problem planting the residential buffer there, whether that's a double staggered row of evergreen hedges or a fence and one row of shrubs. We are fine there, it will actually create a barrier and we're good with that. On the rear of Lots 32 through 36, what we have is the finished grades are where our sites are going to be and where the site across from Waterford is going to be. They are going to be relatively equal. The only problem is there is a gully in between. There's about a ten to fifteen foot grade difference there where Waterford is grading down their lots and we're grading down those lots and there's this big hole in between us there. If we do plant a buffer in between there it's not going to serve anything. I don't even know if you'll see the tops of the evergreen plantings there. We are open to putting a fence at the back of our yards on the higher side or something like that. Trying to create a buffer through there is going to be very difficult with the grade separation. Behind those lots it dips down and putting something down there is not going to help either side be screened. If we need to have some form of plantings or fence at the top of the slope on our side, we can do that and work that out with Mr. Mosley through the planning approval process if y'all were open to that. Those were the only two conditions that we wanted to talk through with you.

Chairman Cherry closed the public hearing.

Mayor Fuller made a motion to send a positive recommendation to City Council with staff recommendations.

Mr. Hilyer seconded the motion.

Ms. Cannon asked is the road right-of-way there that would take up that ten feet you are talking about?

Bret Basquin stated we would give up ten feet of the lot and carve that out as part of the open space on the private property side outside of the right of way. We're not counting the right of way in there.

Ms. Cannon asked for buffers, are you talking about fences or shrubbery or trees?

Bret Basquin stated along Crawford Road we agreed that we would do a fence and a row of shrubs. In your regulations there are three different ways to do them. It's either an undisturbed buffer of 20 feet, a fence and one row of shrubs, or two staggered rows of shrubs back to back. I think along Crawford Road we would go with the fence and one row of evergreen shrubs to screen it on the Crawford road side. Between us and the PUD over there where it's at grade, we would probably do it with a double row of shrubbery where it's flat. Down in the hole it's hard to figure out the best way to screen that when there is a gully.

Chairman Cherry asked what is staff's recommendation on the area with the hole?

Mr. Mosley stated this is one area where the ordinance is silent, because where a PUD meets other zones typically we require a buffer yard. We don't have a lot of discussion in the ordinance about where a PUD matches a PUD because I don't know if it's ever happened. As Mr. Basquin says, you do have similar sized lots or lots that are bigger on this new development. I think some sort of shrub planting could be used to break up the two neighborhoods and we are open to it being shifted up to be on their property if that's fine with them. That would basically mean that more of the property down in the hole would be left as open space or as a spacial buffer. I don't think we would require fencing there. I don't think you need fencing. On Crawford Road, that is where we do feel like you need a more substantial buffer and, where we can, we typically try to go with an undisturbed buffer. If there's not existing vegetation in there to make up that buffer, then with the amount of traffic there and the noise, I do think fencing inside of the landscaping would potentially be an option there. Mr. Basquin is correct that typically we do see better results when that's not part of the yard but is part of the HOA, because in that regard people will cut down the buffers that we require, but if it's part of the HOA it's less likely to be removed.

Chairman Cherry asked are you planning on doing any clearing in the area where the hole is?

Bret Basquin stated yes we will, but we were talking about coming back and planting pines and stuff on the slope there because there's not much else we can put there.

Chairman Cherry asked so you are going to provide a buffer on your own on what areas you clear?

Bret Basquin stated correct.

Mr. Mosley stated to answer your question, I think we would be open to a ten or fifteen foot-

wide buffer on Crawford Road provided that there was a fence and plantings as well and maintained by the HOA.

Ms. Cannon stated you mentioned one tree for every two lots.

Bret Basquin stated that's internal on the new streets. That's something that the City asked us to do and we don't have a problem with that.

Mr. Mosley stated that was the original requirement for the Village at Waterford as well, that they have a minimal amount of plantings in the front yards.

Mayor Fuller asked Mr. Mosley is staff ok with the modified buffer?

Mr. Mosley stated yes sir.

Mayor Fuller amended his motion to include the modified buffer as proposed by the applicant. Mr. Hilyer seconded the motion.

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

Nays: None.

Abstention: None.

4. Knollwood SD, 49 lots, Arlee Avenue & Crawford Road, Brandon Hays, Hartbrook Development LLC, Preliminary Approval

Mr. Mosley reported the applicant is requesting preliminary plat approval for a 49-lot subdivision on a 17.64 acres and rezoning the property from R-3 to PUD (Planned Unit Development). The property is to the east of the Village at Waterford Subdivision and PUD along Crawford Road. This development is accessed from Crawford Road. Additionally, a new street accesses a planned stub-out approved in the Village at Waterford Subdivision, Phase 4, on Arlee Avenue.

Single family homes will be built on 47 lots. Lots 48 and 49 (4.19 acres total) are reserved as Detention/Open Space. The density for the development is 2.6 dwelling units per acre. The 47 single family lots range in size from 7,800 square feet (sf) to 14,492 sf. with a minimum lot width of 60 feet wide. The proposed minimum building setbacks are 20 feet in the front, 5 feet on the side yard, 25 feet in the rear yard, and 15 feet on the side on street (corner lots). The plat should note the minimum lot width standards of 60-feet minimum lot width.

Landscaping is required for developments in a PUD zoning district.¹ A residential buffer² is required along the rear lot lines of lots that border an adjacent residential zoning district.

An R-3 zone is adjacent along the east property line. If an existing natural buffer or staggered evergreen row is selected rather than a 6 foot 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 Crawford Road must be preserved to provide a visual buffer along Crawford Road, existing trees count towards the base points requirements. Where a 25-foot natural buffer does not exist, add a 6 foot privacy fence and plantings to meet the equivalent of the 25 foot natural buffer. If a fence is proposed, then fence must be installed between the 25-foot buffer and residential home. The buffer must be

shown on the site plan when building permit is requested. If a fence is not installed as a buffer, when the property owners of these lots desire to install a fence, the fence must be installed between the 25-foot buffer and residential home. To be connected to another PUD zoning district is rare, staff feels the addition of landscaping to these lots to be similar to the adjacent Village at Waterford PUD zoning requirements the developer should add street trees. Specifically, one tree per two lots planted on private property.

Recommendation

Staff recommends preliminary plat approval subject to the following:

1. The City Council approval of the rezoning to the Knollwood PUD Master Plan request.
2. Add the name and address of the owner/developer on final plat.
3. Show the existing dwellings on the property.
4. Add a note stating the existing dwellings will be removed prior to final plat approval.
5. Install underground utilities.
6. Install sidewalks on at least one side of all streets.
7. Locate the existing sanitary sewer easement along the east line of said property.
8. Approve the proposed minimum building setbacks on plat: 20 feet front yard, 5 feet side yard, 25 feet rear yard, and 15 feet side on street (corner lots). Add the 60-foot minimum lot width on the final plat.
9. On final plat add a note providing the minimum building setbacks and lot width.
10. 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.
11. Preserve the 25 foot natural buffer along the rear lot lines of those lots that border Crawford Road, where a 25 natural buffer does not exist, add a 6 foot privacy fence and plantings to meet the equivalent of the 25 foot natural buffer. 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.
12. On final plat add a note detailing ownership and maintenance of all detention and open space, the Knollwood Subdivision HOA is owner of Lots 48 and 49 as shown on the Knollwood subdivision plat. Lots 48 and 49 are reserved as stormwater detention for the subdivision and open space for the Knollwood property owners. The Knollwood HOA is responsible for the maintenance of all detention/open space on Lots 48 and 49.

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 is not required for this subdivision according to the Traffic Impact Study (TIS) thresholds proposed in the new Public Works Manual standards, but ALDOT approval and requirements will need to be met because this access a State maintained highway. This threshold for single Family Residential sets the requirement for a TIS at 70-units.

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 by Alabama Highway 169.

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:	Mayor Gary Fuller
AYES:	Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen, Sweatman
NAYS:	None
ABSTAIN:	None

E. PLAT (Preliminary and Final) - Public Hearing

5. **Camelot Townhomes Phase 2 SD, 7 lots, Merlin Street, Mark D. Strozier, Preliminary and Final Approval**

Mr. Mosley reported at the July 2018 meeting, the Planning Commission was granted preliminary approval for single family homes and 22 townhome lots; the townhomes were also granted conditional use approval at the July meeting. The 3.6 acre development is bordered by two streets (Freeman Avenue and Old Lafayette Road) but access to the townhomes is from Merlin Street only. Merlin Street ends at the 3.6 acre townhome development; a 24' private driveway is provided from Merlin street to the townhome units. The townhome units are along the north, east, and south property lines of the development; a 28,000 sf common yard area is in the middle of the lot.

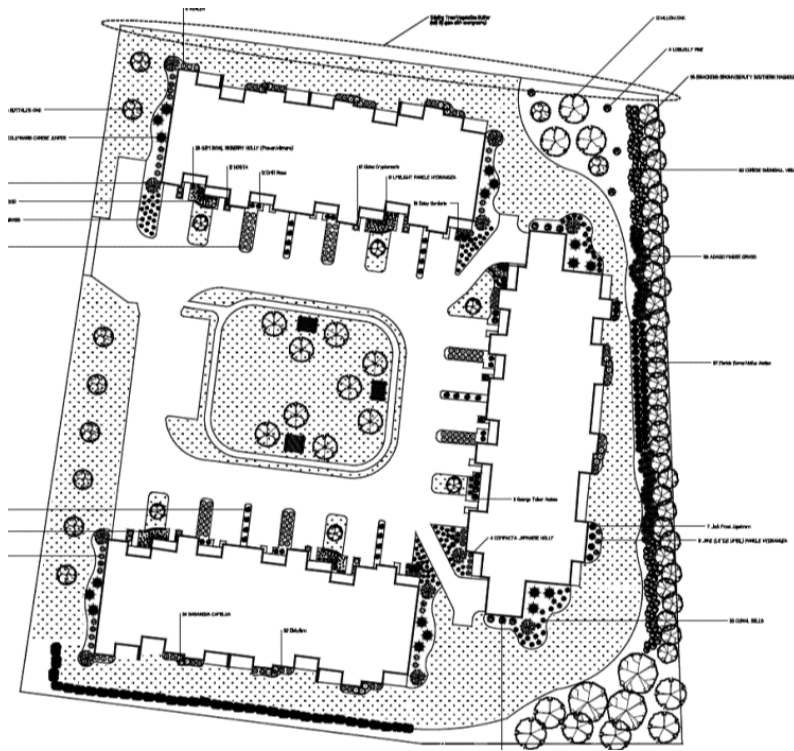
A HOA (Homeowners Association) for the townhome development provides requirements and responsibilities to townhome owners concerning HOA fees, and the maintenance and repairs of all outside common area such as driveway, yard area, and parking spaces. At the April 2021 Planning Commission meeting, 7 townhome lots in Phase 1 along the south property line were granted final approval; these townhome units have been constructed.

Today's final plat approval request is for 7 townhome lots along the east side (near Old Lafayette Road) of the townhome development. The 7 townhomes are an increase from the five townhomes approved in 2018; the two unit increase is minor; density changes from 6.06 to 6.62 units per acre. The minimum lot size and lot width for a townhome development with individual ownership is 2,400 sf and 20 feet. The seven lots range from 3,700 sf to 4,078 sf; lot width ranges from 27.9' to 30.29'. Each townhome lot includes a front and rear yard; the rear yard of each townhome exceeds 50% of a townhome's first floor area as required in the Townhome Standards. Each townhome unit will be sold with property (fee simple) that includes a front & rear yard, and two parking spaces per townhomes provided. A garage is provided for each townhome

A landscape plan is provided below that was approved at the April 2021 Planning Commission meeting. A landscape buffer will be planted along the east property line lot to buffer the townhome from Old Lafayette Road. A 6' high wooden fence has been installed along the east property line.

Staff recommends final approval for the seven townhome units subject to the following:

1. Add a signature line for the Chairman of the Planning Commission.
2. Install landscaping and buffer for phase two as shown on landscape plan.
3. If a dumpster is proposed for townhome units an enclosure on all sides required.
4. After site inspection and approval of the above improvements by staff, then plat signatures and recording of final plat will be completed.



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, Opelika Utilities presently serves this subdivision.

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:	Arturo Menefee
SECONDER:	John Sweatman
AYES:	Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen, Sweatman
NAYS:	None
ABSTAIN:	None

F. FINAL APPROVAL

6. Drakes Landing Phase 1 SD, 65 lots, 2015 South Uniroyal Road, Final Approval

Mr. Mosley reported the applicant is requesting final plat approval for a 65-lot subdivision. The 65 lots are Phase 1 of the Drakes Landing PUD residential subdivision. The master plan shows a total of 190 lots.

Single family homes will be built on 63 lots. Lot 500 is designated “unbuildable” on the plat; the area labeled “Future Development” is the 64th lot. The 63 single family home lots exceed the minimum 15,000 sf lot size requirement; The single family home lots range from 15,246 sf to 36,590 sf. The minimum lot width is 60 feet. All lots meet the 60 foot width at the property line or at the 25 foot front setback line. Minimum building setbacks are 25’ front, 8’ side yard, 20’ rear yard, and 25’ side on street (corner lots).

From previous public hearings on the rezoning of the Drake’s Landings property, a residential buffer is required along the rear property line of lots that border an adjacent residential lot. On some lots, either a 25-foot-wide natural undisturbed buffer or a 6’ high opaque fence is required along the rear lot line. On the following lots, a 6 foot high opaque fence is required along the rear lot line: A 6’ high opaque fence is required along the rear property lines of Lots 15 and a 40 foot portion of Lot 16 located on the south property line of the subdivision, and a 6’ high opaque fence is required along the rear property lines of Lots 56 thru 58 on the north side of the subdivision. For all other single family lots in Phase 1, if a landscape buffer is selected rather than a 6’ fence the buffer should provide evergreen plantings to provide a near impervious visual barrier. If a natural visual barrier is inadequate, then evergreen trees are required in those areas, so a visual barrier is provided in three growing seasons.

Recommendations

Staff recommends final plat approval subject to the following:

1. Add the right-of-way width on all streets. inset
2. Match up or correspond the iron pin symbol shown on plat with the iron pin symbol identified in the legend
3. Provide a lot number and acreage of the parcel labeled “Future Development”
4. Provide easement(s) that affect the “Future Development” parcel
5. Provide the adjacent property owners to the “Future Development” parcel (Note: #3,4,and 5 can be provided on an inset or separate paper)
6. Install sidewalks on at least one side of the street where homes are constructed, and sidewalks provided to access the designated open space areas shown on plat.
7. Approve proposed minimum building setbacks on plat: 25’ front yard, 8’ side yard, 20’ rear yard, and 25’ side on street (corner lots).
8. Installation of Residential Buffer (according to lot numbers as shown on final plat):
 - (a) Install a 6’ high opaque fence on Lot 15 and on a 40 foot portion of the rear property line of Lot 16 that adjoins the adjacent residential zoned property.
 - (b) Install a 6’ high opaque fence along the rear property lines of Lot 56, 57, 58.
 - (c) For all other residential lots that adjoins this subdivision, install a 25-foot-wide natural undisturbed buffer or a 6’ high opaque fence along the rear lot line of residential lots that abuts the north, south, and west perimeter property lines.
9. Include in the performance bond the cost for installing the required 6’ opaque fence for the lot numbers listed in #6 above.
10. Lot 500 is designated “unbuildable”. From the rezoning public hearing, a Drake Landing HOA (Homeowner’s Association) will be established. On the final plat, from HOA

documents provide who is responsible for maintenance of Lot 500 and the lot labeled “Future Development” and include provisions concerning the use(s) allowed for Lot 500 and the lot labeled “Future Development”.

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 I didn't check the signs today but the sewer is good.

Mr. Parker stated I have not received bonds yet but they should be coming any day now. We will hold signatures until we get the few outstanding items.

Mr. Parker reported for the Opelika Utilities Board, Opelika Utilities recommends approval.

Mr. Parker reported for the Opelika Power Services, this subdivision is inside 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, Menefee, Mayor Fuller, Councilman Ward 1 Allen, Sweatman
NAYS:	None
ABSTAIN:	None

Mr. Silberman asked is there only one exit off this property?

Mr. Parker stated that's correct. This property has been developed with a boulevard type entrance and this was approved at the preliminary plat, a divided highway, divided entrance. Typically in the past we have done that and that will accommodate the need for additional access.

7. Legacy Village Townhomes Phase 1 SD, 7 Lots, Century Blvd., Final Approval

Mr. Mosley reported the applicant is requesting final plat approval for 7 townhome lots of a 55-lot townhome development on 10.2 acres. The 7 lots will have public street access to a new street - Legacy Circle. The preliminary plat for the 55 lots was approved at the April 2020 Planning Commission meeting; conditional use approval was at the December 2020 meeting.

The Townhome Standards require a minimum 1,800-sf lot area and a 20-foot lot width for townhome lots. The lot area of the seven lots range from 3,115 sf to 6,275 sf.; lot width ranges from 27 feet to 55 feet. The Standards also require that the front or rear yard area be no less than 50% of a townhome's first floor. The front yard area is about 900 sf for each lot; the rear yard area is larger than the front yard area; the 1st floor area of the largest townhome is 1,110; the front yard area at 900 sf is 80% of the first floor area; all townhomes exceed the 50% minimum yard requirement. In the Townhome Standards, the lots are also required to have an access strip (5 feet) along the rear of each property.

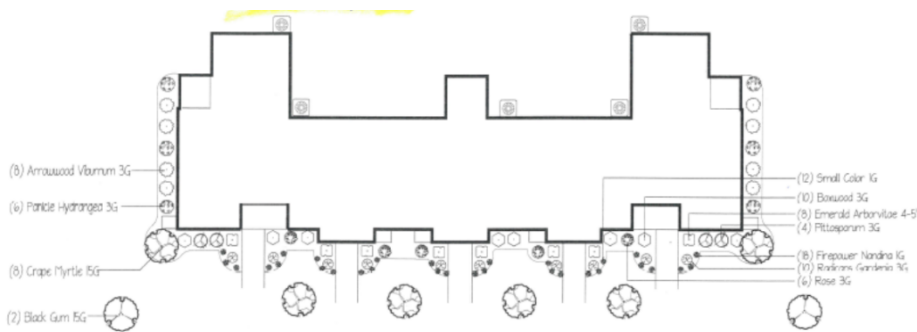
The 7 townhome lots (townhome & property) will be sold (fee simple) as all future townhomes lots in this development. A HOA (Homeowners Association) will be established for the townhome owners that provides requirements and responsibilities concerning the maintenance and repairs of all outside common area such as yard area and parking spaces.

The Gateway Corridor Overlay district overlaps the townhome development, so Gateway standards such as exterior material and fencing apply. The exterior material of the townhomes are a combination of brick, lap siding, and board & batten siding; these materials were approved at the November 2021 PC meeting. Any fencing proposed should be consistent across all lots. If dumpsters are installed, dumpsters must be screened with materials compatible with the buildings.

Staff recommends final approval subject to the following:

1. Change Note 7 concerning flood maps from "Auburn" to "Opelika"
2. Add a note on plat who will maintain all common areas
3. Install landscaping, grass, and & ground cover near the seven-unit townhome group as shown on landscape drawing below. (Landscape buffer along Century Blvd has been planted.)
4. Add a 5' foot access strip/easement along the rear line as shown on the construction drawings.
5. If dumpsters are provided dumpsters must be screened with materials compatible with the townhome unit's exterior materials.
6. If fencing is proposed, fencing shall be a uniform standard. This may be set by the homeowner's association.

7. After site inspection and approval of the above improvements by staff, then plat signatures and recording of final plat will be completed.



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 by Century Boulevard, Thomason Drive, and Gateway Drive.

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

Motion to grant final plat approval with staff recommendations

RESULT: Passed

MOVER:	Mayor Gary Fuller
SECONDER:	John Sweatman
DISCUSSION:	Ms. Cannon asked Lot 1 and 5 are different from Lots 2, 3, and 4. Are they bigger? Is that a garage?
	Bret Basquin, Foresite Group, stated the outside units have an extra bedroom on the first floor where the middle ones have the extra bedroom upstairs.
AYES:	Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen, Sweatman
NAYS:	None
ABSTAIN:	None

G. **CONDITIONAL USE - Public Hearing**

8. **Bob Holley, 101 North 11th Street, C-3, Utility Trailer & Small Equipment Rental & Sales**

Mr. Mosley reported the applicant/business owner is requesting conditional use to rent utility trailers and rent & sale small engine equipment. The property was a golf cart sales lot about 20 years ago, and for the past two years a contractor's office occupied the property. The applicant's business activities will primarily be trailer rentals, but includes the sale and rental of small equipment (forklifts/tow motors). The applicant has no employees and no hours of operation. The business owner will serve customers "by appointment only".

An aerial photo in your packet shows a 1,600 sf building on a 19,730 sf lot. Sidewalks are along North 11th Street and 1st Avenue. For the golf cart business, the entire property was asphalted to display golf carts. Landscaping is not required because of the asphalt constraints. Section 8.2 of the Zoning Ordinance encourages the reuse of existing nonconforming property if physical constraints on the property are existing rather than allow an existing developed site to remain vacant. A vacant commercial building creates a negative impact (economically and aesthetically) on the surrounding area. The amendment states the existing nonconforming property should meet the development regulations as much as possible unless physical constraints such as asphalt exists.

The rental utility trailers will be parked along the east side property line (next to Jim Bob's restaurant property). The applicant said the activity of washing utility trailers and other equipment for business purposes will not be carried out. On the west side next to North 11th Street, a minimum of five parking spaces for customers will be provided. One parking space near the office building must be a handicap parking space. A private dumpster will not be installed; city garbage services will be used.

Recommendation

Staff recommends conditional use approval as submitted.

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

Mr. Parker reported for the Opelika Utilities Board, Opelika Utilities presently serves this use.

Mr. Parker reported for the Opelika Power Services, this 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:	Lucinda Cannon
AYES:	Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen, Sweatman
NAYS:	None
ABSTAIN:	None

H. ANNEXATION and REZONING - Public Hearing

9. Annexation, Patrick C. Davidson, representative, 2800/2900 Sellers Drive, Annex 12.6 Acres

Mr. Mosley reported the applicant is requesting annexation of 12.6 acres into the City of Opelika. The subject property is located on the east side of Sellers Drive just north of West Point Parkway (US Highway 29). The property is described as Lots 10, 11, 12, 13, 14, 15, and 16 of Prescott Subdivision. The property is adjacent to the Opelika city limits along the north, south and west property lines. The property is undeveloped but was shown as part of the original plan for Celebrate Alabama. The Zoning Ordinance provides that annexed properties are automatically zoned R-1, but in this case, the applicant is requesting rezoning from R-1 to R/E. If City Council approves the annexation, then a Council public hearing will be held to rezone the 12.6 acres from R-1 to R/E.

Recommendation

Planning staff recommends a positive recommendation be sent to City Council to annex the 12.6 acres into the City.

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

Mr. Parker reported for the Opelika Utilities Board, Opelika Utilities presently serves this annexation request.

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

Chairman Cherry opened the public hearing.

Emily Vines, 3770 US Hwy 29 North, stated the businesses will be against our property, so how is the rezoning going to directly affect the homes that are already there? Will we now be put into an HOA and have to pay fees? Will we have to pay more city taxes? Right now we are right outside city limits so we have to take our trash out to the dumpster. How is this going to affect us?

Mr. Mosley stated this would not affect your property at all. The annexation or rezoning of this property does not change anything tied to your property. Your property would remain in the county and would remain subject to county services and county taxes. The only thing that would change is if you ever decide to annex your property into the city.

Emily Vines asked as for the noise, what kind of barrier will be put between the backs of those businesses and our homes? There is already a lot of noise on the front from the highway. How will we be affected by the noise on the back?

Mr. Mosley stated that would be part of the rezoning request most likely and I'm not sure if there is anything shown on this particular part of that in the zoning section, but at the time that they were to develop that, we would look to see if a buffer would be required on that side.

Chairman Cherry closed the public hearing.

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

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

10. Rezoning Request, Patrick C. Davidson, representative. 2800/2900 Sellers Drive, 12.6 Acres, from R-1 to R/E

Mr. Mosley reported the applicant is requesting rezoning 12.6 acres from an R-1 zoning district (rural) to a R/E zoning district (Retail and Entertainment) subject to City Council approval of the annexation property. The rezoning property has access to Sellers Drive located just north of West Point Parkway. Most of the adjacent property is either vacant or single-family residential. This property is connected to the larger area zoned R/E as part of the Celebrate Alabama district. The property was initially included in the rezoning for this R/E area, but was not annexed at that time. This request would match the initial zoning request after the property has been annexed. Attached is a copy of the R/E zoning plan shown during the initial zoning request in 2007.

Staff Recommendation

Staff recommends Planning Commission send a positive recommendation to the City Council to rezone the property from R-1 to R/E, subject to approval of the annexation.

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

Mr. Parker reported for the Opelika Utilities Board, Opelika Utilities presently serves this annexation request.

Mr. Parker reported for the Opelika Power Services, this annexation is outside the Opelika

Power Service territory.

Chairman Cherry opened the public hearing.

No comments.

Chairman Cherry closed the public hearing.

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

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

I. VACATION

- 11. Manish Desai, representative for HARA, LLC, 510 Geneva Street, requesting to vacate 5,500 square feet of Geneva Street right-of-way located adjacent to the petitioner's south property line and west of Geneva Street cul-de-sac.**

Mr. Mosley reported the applicant, HARA, LLC., is petitioning the City to vacate a 5,500 square foot section of right-of-way between 510 Geneva Street, Columbus Parkway, 9th Street and Geneva Street. The site was a former fueling station that was closed during the realignment of Columbus Parkway. The site now has a monitoring station and various wells on the property. The applicant would like to move the monitoring station to another location to be able to use more of the property. Some of the wells are no longer needed according to the applicant.

The City of Opelika does not necessarily have use for this property. Staff feels there is still a large amount of right-of-way for future improvements. Staff recommends the Planning Commission send a positive recommendation to City Council to approve the vacation of this right-of-way.

Mr. Mosley stated Mr. Alan Lee with the Opelika Water Works Utility Board noted in their comments that there are two water mains on the property in the vacation and they feel like the mains would either need to be relocated or the right of way would be adjusted to include those areas. They don't feel that the size of the mains would be sufficiently addressed through the use of an easement.

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

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

Mr. Lee reported for the Opelika Utilities Board, Opelika Utilities has in place two water mains in the subject area of this vacation. The property owner, by his or her expense, will be required

to relocate the water mains and appurtenances to the new city R.O.W.

Mr. Gunter, City Attorney, asked what road is that on?

Mr. Lee stated it's on Torbert Boulevard and 10th Street.

Mr. Mosley stated you can see the main here that cuts into the property and I'm not sure how far that comes into this property. The meters down at the bottom should not be in the affected areas. It's primarily this line and what affect that would have on any further connections, right?

Mr. Lee stated we just don't want any structures like concrete driveways over it because we're in the water business not concrete finishing.

Mr. Gunter asked is that an eight inch water main?

Mr. Lee stated yes, that's an eight. It's six to eight on Torbert Boulevard.

Mr. Parker stated I would say that the applicant will need to address the development plans with your department.

Mr. Lee stated that's correct.

Motion to send a positive recommendation for vacation of right-of-way to City Council with staff recommendations

RESULT: Passed

MOVER: Mayor Gary Fuller

SECONDER: Director Mike Hilyer

DISCUSSION: Chairman Cherry asked so the easement is being vacated but the water line is within the easement?

Mr. Mosley stated there is no easement because it's in the right-of-way.

Chairman Cherry stated so it's going to be vacated and then turned back over to the owner and the owner is going to sell it. Is the owner the City of Opelika?

Mr. Mosley stated right, so what we would have to do is sit down with the person requesting the vacation and determine whether we need to look at this again or whether he feels comfortable moving forward with that recommendation.

Mr. Gunter stated when the city constructed that intersection, which was a major intersection, it purchased the old service station that was located there. This is part of that property. The reason there is a monitoring and test well there is because there were underground gasoline tanks, so the city is required by ADEM to monitor the soil because there had been some contamination of the soil. The city is probably going to have to continue to monitor the soil for another five to ten years.

Mr. Parker stated it's in the development plan that the developer will move and continue to monitor the soil, just in a different location.

Mr. Silberman asked were there any limits put on it for future construction on that property?

Mr. Gunter stated I'm not aware of any except that the city has to monitor the soil there as long as ADEM requires it.

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

NAYS: None

ABSTAIN: None

J. ADJOURN

Motion to adjourn at 4:03 p.m.

RESULT: Passed

MOVER: Mayor Gary Fuller

SECONDER: Director Mike Hilyer

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

NAYS: None

ABSTAIN: None

_____ Lewis A. Cherry, Chairman

_____ Matt Mosley, Secretary