



PLANNING COMMISSION MINUTES

300 Martin Luther King Blvd.

January 25, 2022

TIME: 3:00 PM

A. ELECT OFFICERS TO PLANNING COMMISSION (Chairman, Vice Chairman)

The City of Opelika Planning Commission held its regular monthly meeting January 25, 2022 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.

Mr. Mosley opened the nominations for the Chair position.

Motion to nominate Lewis Cherry as the returning Chairman

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

Mr. Mosley closed the nominations for the Chair position.

Mr. Mosley opened the nominations for the Vice Chair position.

Motion to nominate Lucinda Cannon as the returning Vice Chair

RESULT:	Passed
MOVER:	Sweatman

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

Mr. Mosley closed the nominations for the Vice Chair position.

B. APPROVAL OF MINUTES

Approval of Planning Commission Minutes December 21, 2021

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

C. UPDATE ON PREVIOUS PC CASES

Mr. Mosley stated there are no updates on previous Planning Commission cases at this time.

D. REZONING, PRELIMINARY AND FINAL PLAT, AND VACATION RIGHT-OF-WAY - Public Hearing

1. **Rezoning Request, Jim Daws, authorized representative for Marsh Real Estate Investments, LLC, 7.8 acres, South 10th Street and Avenue C, from M-1, GC-S and C-2, GC-S to C-1 (downtown)**

Mr. Mosley reported the 2030 Future Land Use Map (FLUM) shows a 3.5 acre area in a “private manufacturing” land use category. The remaining 4.3 acres of the 7.8 acre rezoning property is in a “light commercial” land use category. A “light commercial” land use category on the Future Land Use map includes the C-1 or C-2 zoning districts. The amendment to the FLUM for this rezoning request is for the 3.5 acres. The 3.5 acre private manufacturing area was first developed in the 1920s. Today, most of the 3.5 acres is undeveloped except for vacant buildings and a few buildings used for retail/office space. If the rezoning request is approved the 2030 FLUM should be amended so the 3.5 acres is in the “light commercial” land use category.

On the 2030 FLUM, the adjacent properties on all sides of the rezoning property are in a ‘light commercial’ land use category. Four adjacent properties are commercial uses, three lots are vacant commercial buildings, and two lots undeveloped.

Staff Recommendation

The rezoning request to C-1 requires an amendment to the 2030 FLUM concerning ‘land use category. The applicant plans to construct a 182 unit apartment development. If the rezoning request is approved, staff recommends the 2030 Future Land Use map be amended for the 3.5 acre portion of the rezoning property from a “private manufacturing” land use category to a “light commercial” land use category.

Rezoning

The applicant is requesting rezoning 7.8 acres from M-1, GC-S and C-2, GC-S to C-1 for a market-rate apartment development. The development consists of four 4-story apartment buildings with a total of 182 units with outside and inside amenities. The 7.8 acre rezoning property is bordered by three right-of-ways: South 10th Street, Avenue C, and Central of Georgia railroad right-of-way. Clanton Street runs adjacent/parallel to the railroad; the Clanton Street and railroad ROW combined provide a 150 foot wide space between the rezoning property and the businesses along Clanton Street. The southeast border of the rezoning property is the only side that is not a right-of-way; a law office and the Municipal Court property borders the development on the southeast side.

The rezoning property is adjacent to a C-1 zoning district, and C-1 property is across Avenue C from the rezoning property. The corner lot at 10th Street and Avenue C is zoned C-2, and the adjacent lot to this corner lot is zoned C-1. In 2016, this narrow 7,400 sf lot was rezoned from C-2 to C-1 as well as the former Opelika Light & Power property is zoned C-1; the former Opelika Power (2.4 acres) property is across Avenue C from the rezoning property. (The rezoning property is also in the Gateway Corridor overlay zoning district that runs along South 10th Street. The boundary line for the Historic District is along South 10th Street and borders the rezoning property.)

The adjacent land uses on all sides of the 7.8 acre rezoning property are zoned C-2 or C-2, GC-S except the C-1 zone property across Avenue C. The adjacent land uses along South 10th Street are two business offices, a law office (Dean & Barret), two vacant commercial buildings, and two undeveloped lots. The adjacent properties on Avenue C are the ‘Shops at Southerly’ providing retail tenant space and the former Opelika Power building vacant. Along Clanton Street are three businesses, a church, and an undeveloped lot. The subject location is a convenient place to live, its close to work space and near downtown shops and restaurants. All within walking distance.

Recommendation

In past years, more retail shops, offices, and restaurants opened in the C-1 downtown district, then interest in living downtown (loft apartments) increased; the “Downtown Living” ordinance (1997) was adopted to accommodate the demand for commercial and residential uses together in the downtown C-1 district. In recent years, in the vicinity of South 8th Street and Avenue D and in walking distance to downtown, single family home construction has increased. The existing mixed use in C-1 has proven to be appropriate providing downtown residential occupants convenient access to offices, commercial uses, and entertainment. The mixed use or the blending together of commercial with loft apartments & nearby single family homes has now encouraged multi-family development (apartments).

The 7.8 acre rezoning property is adjacent to a C-1 zoning district. There are three adjacent commercial uses (offices) on South 10th Street, but most adjacent properties across South 10th Street and Avenue C are vacant commercial buildings or undeveloped lots. The proposed zoning is reasonable given the current condition of the adjacent land uses. The zone would provide more downtown residential and compatible uses.

Planning Staff recommends Planning Commission send a positive recommendation to the City Council to rezone the property M-1, GC-S and C-2, GC-S to C-1.

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, no comment.

Mr. Parker reported for the Opelika Power Services, this is in the Opelika Power Service Territory.

Chairman Cherry opened the public hearing for the Future Land Use Map and the Rezoning Request at the same time.

No comments.

Chairman Cherry closed the public hearing.

Motion to grant approval for the amendment to the Future Land Use Map with staff recommendations

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

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

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

2. Sierra Development Group SD, 2 lots, South 10th Street and Avenue C, Jim Daws, authorized representative for Marsh Real Estate Investments, LLC, Preliminary and Final Approval

Mr. Mosley reported the applicant is requesting preliminary and final plat approval for a two lot subdivision. Currently, the subdivision total area is 7.8 acre area with 7 lots. The subdivision today erases lot lines so two lots exists. One lot is 7 acres the other lot .87 acres (37,897 sf). The purpose of the subdivision is to combine lots for a future development on the 7 acre lot. The .87 acre lot is not part of the development; three commercial buildings are on the .87 acre lot used/available for commercial space. All the buildings on the 7 acre lot will be removed for the future development except a cotton gin building near the railroad right-of-way (or the building nearest to the southwest property line). A 15 foot wide alley (625' long) running across the 7 acre parcel from South 10th Street to the railroad right-of-way will be vacated (next agenda item)

Staff recommends preliminary and final plat approval subject to the following:

1. Add the standard Opelika easement certificate: "An easement is hereby granted to the City of Opelika and to any utility companies serving the City of Opelika for the purpose of installing, operating, and maintaining pole lines, guy wires and other facilities. Easement to be ten (10) feet wide, being five feet on each side of the front and side lot lines."
2. Include the adjoiner information for those property owners directly across streets and other rights-of-way.
3. Add certifications for the owner/developer and notary statement.
4. Include the owner/developers' name and address.
5. Add certifications for the Planning Commission Chairman, City Planner, City Engineer, OPS, Opelika Utilities, and Public Works.
6. Add a vicinity map.
7. Where different, record courses & distances should be shown with measured ones for comparison.
8. The surveyor/applicant may obtain the City's Subdivision Regulations at <https://www.opelika-al.gov/DocumentCenter/View/96/Subdivision-Regulations-PDF?bidId=>
9. The Opelika Municipal Court property is adjacent to this plat along the southeast property line; the surveyor may contact the Planning department to obtain the Municipal Court recorded plat for additional information it may provide.

Mr. Parker reported for Engineering, the Engineering Department will request additional Right-of-way (ROW) on the subdivisions side of South 10th Street to accommodate any future roadway expansion and improvement. The amount of ROW needed will be determined by discussions between the Engineering Department and the applicant.

The Engineering Department has no other comments or concerns with this subdivision and recommends Preliminary and Final Plat approval.

Mr. Parker reported for the Opelika Utilities Board, water service is accessible by mains on Avenue C and South Tenth Street.

Mr. Parker reported for the Opelika Power Services, this is in the Opelika Power Service Territory.

Chairman Cherry opened the public hearing.

Tutt Barrett, 457 South 10th Street, stated Joe Dean and I are the owners of what was referred to as the law firm lot next door. Our concern is probably better addressed when there is a development plan that comes forward, but we are just more concerned with pedestrian traffic that might be wandering through our parking lot from a new multipurpose development that is now behind us. Obviously, at this point with the condition of that lot, which is mostly kudzu, we don't have people walking through from that direction. We put a privacy fence up between us and the farmers market so there's not pedestrian traffic coming in from there. We would just like to make sure that when the site plan is developed, the development plan is there and that there is proper fencing around it that will keep people from wandering through primarily to 10th Street trying to access it through our parking lot.

Jim Daws, Sierra Development Group, stated we will be sure to accommodate any concerns that our neighbors have with privacy fencing or whatever they are looking for.

Chairman Cherry closed the public hearing.

Motion to grant preliminary and final plat approval with staff recommendations

RESULT:	Passed
MOVER:	Leigh Whatley
SECONDER:	Arturo Menefee
DISCUSSION:	Ms. Cannon asked how many lots are the 7 acres being divided into? Mr. Mosley stated two. One large lot and one small lot. Ms. Cannon asked so the 7 acres is being divided into two lots? Mr. Mosley stated no, it's 7.87 acres which is being divided into a 7 acre lot and a 0.87 acre lot. You have the small lot and then the remaining 7 acres is one lot. Ms. Cannon asked so it's two lots? Mr. Mosley stated yes, two lots. This is a combination of lots into one big lot and one small lot. Mr. Silberman asked the one lot is the old Dorsey property right? Ms. Cannon stated it used to be Dorsey. Chairman Cherry stated I agree with Mr. Barrett because I was back behind his place of business for several years and I had the opportunity to witness the prisoners as they hopped over the fence, so I know that could have been a problem back then and it may be a problem now. I don't know where they put the prisoners now. Mr. Mosley stated Lee County Corrections. Chairman Cherry stated I do know they would probably need fencing.
AYES:	Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen, Sweatman
NAYS:	None
ABSTAIN:	None

3. **Jim Daws, authorized representative for Marsh Real Estate Investments, LLC, 411 South 10th Street, requesting to vacate a 15 foot wide undeveloped public alley.**

Mr. Mosley reported the petitioner is requesting to vacate a 16 foot wide undeveloped alley (right-of-way) for a future development. 182 unit apartment development. The petitioner owns the property on each side of the alley therefore the only petitioner. The alley runs from the petitioner's northeast property on South 10th Street to the southwest property line at the Central of Georgia railroad right of way. The alley is 628 feet long.

The alley has no identifiable access from South 10th Street or the Central of Georgia railroad right-of-way next to Clanton Street. The alley exists on “paper only” on the Grant Lands SD, Resubdivision of Lots 10 & 12 & A Portion of Lot 9, Block 47

Recommendation

Staff recommends a positive recommendation be sent to City Council to vacate the 16’ x 628’ right-of-way from South 10th Street to the Central of Georgia railroad right-of-way.

Mr. Parker reported for Engineering, the Engineering Department has no comments or concerns with the vacation of this public alley and recommends approval.

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

Mr. Parker reported for the Opelika Power Services, this is in 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 of vacation to City Council with staff recommendations

RESULT: Passed

MOVER: John Sweatman

SECONDER: Director Mike Hilyer

DISCUSSION: Ms. Cannon asked does this adjoin any other alleyway?

Mr. Mosley stated no ma'am.

Ms. Cannon asked so it does not connect to any other alley?

Mr. Mosley stated no ma'am. It connects from 10th Street to the railway so there is no alley coming off of it in any direction.

Mr. Silberman asked and there are no utilities under there?

Mr. Mosley stated not that I'm aware of. We looked and didn't receive any response from any of the utilities that they had anything through there.

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

NAYS: None

ABSTAIN: None

E. CONDITIONAL USE - Public Hearing

4. Jeff Black, 1071 Walker Gray Court, C3, Commercial HVAC Sales and Estimating Office

Mr. Mosley reported the applicant is requesting conditional use approval to construct a commercial building for a commercial/industrial HVAC sale and estimating office on Lot 12. Some HVAC parts will be stored in warehouse instead of shipped to jobsite. The business has a location in Decatur, Al, and desires to expand their business into Opelika specializing in commercial HVAC systems. The business desires to locate at Walker Gray Court - a new street in a C-3 zone located one block from Veterans Parkway. The applicant stated that outside storage in rear yard area will rarely occur. The company schedules with the wholesaler their arrival of HVAC units, and most HVAC units are shipped directly to job site from wholesaler not Walker Gray location. If units are shipped to Walker Gray location all equipment and HVAC units are stored inside warehouse for security reasons and to prevent theft. If units are stored outside, units are stored for one or two days maximum then delivered to jobsite. The business will have 2 to 3 employees on the busiest shift. The minimum off-street parking requirements are met with 6 parking spaces including one handicap space.

The site plan shows Lot 12 with a 4,225 square foot (sf) building including 1,200 sf office space on a 32,114-sf lot. The proposed building meets the minimum building setbacks (30' front yard, 10' side, 20' rear). One roll-up door is on the side of the building; a standard-size exterior door is on the rear wall. This site plan shows the building area is about 10% of the 50% maximum building area allowed in the C-3 zone.

The landscape plan meets minimum requirements. A residential zoning district (R-5M) is adjacent to the applicant's property along the east property line; a residential buffer is shown as required. A total of 7 trees and 113 shrubs will be planted; the shrubs include 10 tree-like evergreen holly shrubs along the rear property line that must form a near impervious visual barrier in three growing seasons as required. The size of trees and shrubs planted must meet the minimum size requirements as provided in the Landscape Regulation. A 6 foot high opaque fence is also shown along the rear property line on the landscape plan as required. A fence is also shown along the side property lines running east to west and then turns perpendicular north and south ending at the rear corner of the building.

The building façade facing Walker Grey Court will be brick veneer (10' high) with architectural grade metal horizontal panels and a metal awning over the entrance door. The same front exterior material will be installed on a portion of the side wall as shown on elevations in packet. The remaining side and rear wall are metal panels.

A private dumpster location is not shown on site plan. If dumpster pad is proposed the location must be approved behind the front face of the building. 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. Also, to meet the character of surrounding properties 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.

Proposed site lighting must comply with the City's lighting requirements not exceeding 1 foot-candle at a property line. Lighting be directed downward and shielded to prevent light from spilling over onto the other properties.

Staff recommends conditional use approval subject to the following:

1. If a dumpster area is proposed dumpster must be enclosed and screened with a dumpster enclosure located behind the front plane of the building and be screened by approved corridor materials.

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, no comment.

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

F. TEXT AMENDMENT - Public Hearing

5. Amendments to Zoning Ordinance: Section 7.3 A. District Regulations, Section 7.3 C. Use Categories (matrix table), Section 7.7 "Downtown Residential Living"

Mr. Mosley stated we did get a request to give the Commission more time to review these in the future and I will definitely make sure that we do that going forward, and that we give y'all time to look at this a meeting prior to when we bring it to you, but we are requesting that you approve these amendments.

Mr. Mosley reported

Amendments:

AREA REQUIREMENTS ¹	R-1	R-1A	R-2	R-3 ²	R-4/M	R-5/M	C-1	C-2	C-3	M-1	M-2	I-1	GC-P	GC-S
Minimum Lot Size (vs.) 10,000	43,560	30,000	15,000	10,000	7,500	7,500							20,000	15,000
Dwelling Units Per Acre ^{2,3}	1	1.25	2.5	3.5	9	16	36 ⁴	16	16					

Section 7.3.C

USES	DISTRICTS															
	R-1	R-1A	R-2	R-3	R-4	R-4M	R-5	R-5M	C-1	C-2	C-3	M-1	M-2	I-1	GC-P	GC-S
Duplex	N	N	N	C	<u>AC</u>	<u>AC</u>	A	A	N	N	N	N	N	N	C	C
COMMERCIAL																
Mausoleum ⁷	C	C	N	N	N	N	N	N	N	N	C	C	N	A	<u>NC</u>	N
Columbarium ⁸	C	C	N	N	N	N	N	N	N	N	C	C	N	A	<u>NC</u>	<u>NC</u>
Crematorium ⁹	C	C	N	N	N	N	N	N	N	N	C	C	N	A	<u>NC</u>	N

7. On a property with a Gateway Corridor – Primary designation, a mausoleum shall be considered a conditional use only as an accessory use to a cemetery. The use is otherwise prohibited in the GC-P as a primary use or accessory to another use.
8. On a property with a Gateway Corridor – Primary or Secondary designation, a columbarium shall be considered a conditional use only as an accessory use to a cemetery or church. The use is otherwise prohibited in the GC-P or GC-S as a primary use or accessory to another use.

¹Date of Amendment: February 6, 2018 Ordinance No. 01-18 – GC-P/GC-S added and side yard on street added to table. Notes 5-6 covering Gateway requirements moved to Section 7.6.

² Date of Amendment: July 15, 2014- R-3 any final subdivision plat recorded prior to September 17, 2013 shall meet the following area requirements: Min. Lot Size 7,500 sf, Min. Lot Width 60 ft., and Front Yard Setback 25 ft. Any deviation from area requirements prior to September 17, 2013 shall be considered by the Board of Zoning Appeals

9. On a property with a Gateway Corridor – Primary designation, a crematory shall be considered a conditional use only as an accessory use to a funeral home. The use is otherwise prohibited in the GC-P as a primary use or accessory to another use.

SECTION 7.7 DOWNTOWN RESIDENTIAL LIVING

A. Purpose.

It is the purpose of this section to establish regulations to accommodate commercial and residential uses in the downtown area. This section contains criteria designed or intended to:

- a) Contribute to the economic vitality of the downtown area by permitting housing with conditional use approval in the C-1 zoning.
- b) Provide better security, preserve property values, and preserve the character of the downtown area by ensuring that housing is permitted in such a manner that will not alter the character of the downtown area.
- c) Promote the maintenance and preservation of buildings in the downtown area.
- d) Meet housing needs especially for those working downtown.

B. Conditional Use Approval.

Conditional use approval is required for residential dwellings in the C-1 zoning district. During site plan review, the Planning Commission may impose reasonable restrictions and condition on approval of proposed residential housing developments to maintain the character of the downtown business district. The developments to maintain the character of the downtown business district. The Planning Commission may vary or waive requirements if circumstances of a particular proposal so warrant. The Planning Commission shall use the following criteria in determining whether to grant conditional use approval:

1. The proposed residential use shall not decrease the value of adjoining properties.
2. The proposed residential use shall not inhibit the economic growth or development of the downtown area.
3. The proposed residential use at the proposed location shall not endanger the public health or safety, or create a nuisance. The proposed use shall promote and preserve decent, safe, and sanitary housing in the downtown area.
4. The proposed residential use shall not be approved if the combinations of residential and commercial uses are incompatible. Pertinent factors to be considered in evaluating any application are noise, smell, hours of commercial operation, and the impact of the proposed development on pedestrian and vehicular traffic.
5. The proposed residential use shall not be approved if the Planning Commission determines parking is adequate or on-street parking by the occupants and their guests will adversely affect nearby businesses. Parking for boats, campers, or trailers is prohibited in the C-1 district.
6. During site plan review and prior to the issuance of the conditional use permit, the Planning Commission may request repairs of any exterior surface or architecture which is deteriorated, decayed, or damaged. Routine maintenance or repairs of

exterior surfaces or architecture may be required in subsequent years, if necessary, to sustain the existing form of the building in design, material, and outer appearance. The Historic Commission shall monitor the conditions of properties and shall initiate such appropriate action of proceeding as is necessary to prevent deterioration in accordance with the provisions of Section VI, VII, and VIII of the Historic Ordinance.

C. Development Standards.

Dwelling units may be of the efficiency, studio, and one (1) bedroom, or two (2) bedroom ~~types or three (3) bedroom types~~. Each dwelling unit shall have its own independent kitchen, bathroom(s), and bedroom(s). In cases where the Planning Commission deems it necessary, it shall determine which rooms are designated as bedroom(s), kitchen, entrance ways, etc.

Buildings within the C-1 zoning district shall be non-residential on the first floor unless otherwise permitted within this section through conditional use approval.

Buildings located in the C-1 zoning district within the area from 1st Avenue to Avenue B and from South 7th Street to South 10th Street shall meet the following requirements:

Minimum floor area requirements for commercial uses on the first floor (street level):

A minimum floor area of forty percent (40%) of buildings on the first floor shall be reserved for commercial uses. The minimum forty percent (40%) floor area shall be located in the front portion of a building facing the primary street and front entrance into the building. The rear portion of the first floor may be used as a residence. The resident occupying the rear portion of the building shall be limited to the property owner or the business owner of the said forty percent (40%) of the front portion of the building unless the residential and non-residential uses have separate entrances. ~~It is prohibited for any other type of household or family unit to occupy the rear portion of buildings. It is prohibited for a property owner to rent the entire first floor area of a building as a residence.~~ A maximum width of six (6) feet of the front façade may be used as a private entryway to access the rear portion of the building used for residential uses. Conditional use approval is required. A floor plan drawn to scale shall be submitted designating at least forty percent (40%) of the front portion of the building as reserved for commercial uses.

Buildings located outside of the area from 1st Avenue to Avenue B and from South 7th Street to South 10th Street may be a single purpose residential or contain first floor residential subject to conditional use approval.

Minimum requirements for commercial or residential uses on the second floor or higher in the C-1 zoning district:

Residential dwelling units may occupy the second floor or higher of nonresidential buildings. The second floor or higher areas shall be designated nonresidential or residential by floor. No mixed uses are allowed on the second floor or higher floors of nonresidential buildings in C-1 zoning districts. ~~If the second floor or higher is designated residential the property owner is not limited to the type of households occupying the second floor or higher.~~ Minimum floor area per residential dwelling ~~on the second floor~~ shall be four hundred (400) square feet.

~~Single Purpose Residential: No building in a C-1 zone will be used as a single purpose residential use.~~

D. Design Guidelines.

1. Design plans for the structure shall be prepared and sealed by a registered architect or professional engineer and shall comply with all zoning requirements, the building code, and other applicable codes and regulations.

2. Prior to issuance of the conditional use permit, the applicant shall file copies of the design plans with the Building Official and the Fire Protection Official. No certificate of occupancy shall be issued until the premises in question have been inspected and found by the Building Official and Fire Protection Officer to comply with the requirements of the zoning ordinance.

3. Properties located within a designated historic district shall follow the applicable design guidelines for that district.

4. Buildings shall be oriented with the primary entrance facing right-of-way adjoining the front property line.

5. Parking shall not be allowed between the front façade of the building and the right-of-way. Where parking does adjoin a right-of-way, landscaping or a short screen wall shall be installed.

6. All mechanical units, storage tanks, meters, grease traps, refuse bins, or service connections shall be screened so they are not visible from the right-of-way in front of the building. For buildings located on the corner, mechanical units, storage tanks, meters, grease traps and refuse bins shall be screened to the greatest extent possible.

Staff Comments – The proposed text amendments cover changes to the permitted use table and requirements for residential in the downtown area. The changes represent practical changes based on existing uses and zoning within the city.

Residential in the C-1 zone

Staff has determined that the current density applied to the C-1 zone would generally net one or no allowed units in the C-1 zone. The current density of 16 units per acre is one of the highest in the city. However, most lots in downtown range in size from 2,500-5,000 square feet. A density applied to this would generate between 1-2 units of residential. Many cities have moved away from densities and towards a minimum unit size, which Opelika also has. Staff felt it may be best to move the density higher at this point instead of removing any density maximum. A density of 36 units per acre would result in 2-4 units in most of existing buildings. Most of the C-1 zone would also be subject to the historic guidelines which would prohibit buildings out of size or context with surrounding properties.

The Carver-Jeter plan made some recommendations for additional residential in the downtown area. Specifically, it mentioned increasing the area zoned C-1. It also noted that outside of the core downtown, the requirement for non-residential uses on the 1st floor should be removed. The changes to Section 7.7 allow areas outside of the area from 1st Avenue to Avenue B and from South 7th Street to South 10th Street to have first floor residential or be single use residential buildings. Additionally, staff has added some requirements that open parking should not be a primary feature on the front of properties in the C-1 zone. This would not restrict the existing lots that are present, but would ensure that future parking areas be located behind the building or be screened if located on the side or in a more visible location.

Finally, staff has modified where duplexes are allowed by right, changing them to conditional in the R-4 zone. It has also been raised that many of our funeral homes and cemeteries are located on gateway corridors. However, accessory uses like columbarium, crematories, and mausoleums are not allowed at these locations. The text amendment would allow these uses to be conditionally permitted in this zone as an accessory use.

Recommendation: A positive recommendation to City Council for the text amendment

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

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

Mr. Parker reported for the Opelika Power Services, no comment.

Chairman Cherry opened the public hearing.

No comments.

Chairman Cherry closed the public hearing.

Motion to send a positive recommendation for the text amendment to the zoning ordinance to City Council with staff recommendations

RESULT: Passed

MOVER: Director Mike Hilyer

SECONDER: John Sweatman

DISCUSSION: Mr. Silberman asked this in no way changes any of the current elevations and deals strictly with units, is that correct?

Mr. Mosley stated yes sir, it does deal strictly with units. We do allow a tall building in the downtown area, but it is also limited in most places by the historic design guidelines which state that you are not supposed to go taller than one story above the adjoining properties and our highest properties in the historic downtown are three stories basically. So, we are not going to see anything that is six or seven stories from this guideline change.

Mr. Silberman asked would that require coming back to the Planning Commission and the City?

Mr. Mosley stated yes sir. Any residential use in the downtown is still conditional, which means that this Board would still have the opportunity to review and approve it.

Ms. Cannon stated I just want to clarify what downtown is. Downtown is 1st Avenue to Avenue B, South 7th to South 10th, but that's also North 7th to North 10th?

Mr. Mosley stated yes, between North Railroad and 1st Avenue, that would be the only portion in there that would be North 10th and North 7th.

Ms. Cannon asked so it doesn't go to Avenue B?

Mr. Mosley stated one border would be Avenue B between South 10th and South 6th Street.

Ms. Cannon stated yes it would be. I just wanted to be sure it was boxed in.

Mr. Mosley stated yes ma'am, it is. Someone can apply for the C-1 zone outside of that boundary and they would still have to meet the conditional use requirements of the Commission.

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

NAYS: None

ABSTAIN: None

G. ADJOURN

Motion to adjourn at 3:31 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