



PLANNING COMMISSION MINUTES

300 Martin Luther King Blvd.

March 22, 2022

TIME: 3:00 PM

I. WELCOME - Some items at this meeting will have a designated public hearing (noted below). Individuals are limited to one 5-minute comment period per public hearing.

II. APPROVAL OF MINUTES

The City of Opelika Planning Commission held its regular monthly meeting March 22, 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, Councilman George Allen, Dr. Arturo Menefee, Mrs. Leigh Whatley, Ms. Lucinda Cannon, Mr. Michael Hilyer, and Mr. John Sweatman.

MEMBERS ABSENT: Mr. Ira Silberman.

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 February 22, 2022

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

III. UPDATE ON PREVIOUS PC CASES

Mr. Mosley stated the zoning text amendment previously approved relating to downtown living and to some uses proposed will come back for second reading before the City Council on April 5th, as does the rezoning of the property on the corner of Avenue C and 10th Street.

IV. NEW BUSINESS

A. PLAT (Preliminary and Final) - Public Hearing

1. Salem 280 LLLP SD, 15 lots, Lee Road 154, Lee Road 155, and Highway 280, Blake Rice, Barrett-Simpson, authorized representative for Salem 280, LLLP, Preliminary and Final Approval

Mr. Mosley reported the applicant is requesting preliminary and final approval for a 15 lot subdivision located in the Planning Jurisdiction: 11 lots front along Lee Road 155 and 3 lots front along Lee Road 154. Lot 2 (18.39 acres) is an interior lot accessed from two different 60 foot strips shown between Lot 6 and 7 on Lee Road 155 and between Lot 1 and 3 on Lee Road 154 (unimproved area). Lot 4 has frontage along Lee Road 154 and Lee Road 155.

In the Planning Jurisdiction, R-2 standards apply for minimum lot size; 15,000 square feet is the minimum lot size in the R-2 zone. The lots range in size from 21,818 square feet (sf) to 800,897 sf; lot width ranges from 95.94 feet to 941.56 feet. The authorized applicant stated, Lots 1, 3, and 4 will be commercial uses and Lots 5-15 will be residential uses. Lot 2 will be reserved for future development. This subdivision is unique because the area on the rear of Lot 1, 2, and 15 has both a 50 foot Sabal Trail Transmission Pipeline Right-of-Way and a 100 foot Alabama Electric Cooperative Right-of-Way. The authorized representative stated no lots will take access on Hwy 280 and Lee Road 154 would likely need to be upgraded if Lot 1 or 2 tried to access Lee Road 154 directly.

Planning staff recommends preliminary and final approval subject to the following:

1. Add the adjacent property owner names for Lots 1, 3, and 4.
2. The front setback line shown is not required to be recorded on this plat.
3. If water service is not Opelika Utilities and served by public water add that organizations signature block for review and approval.
4. A found marker on the front of Lot 6 is not dimensioned with respect to the property line.
5. The Opelika easement statement is missing.
6. Include the owner/developer's name and address.
7. No access will be taken on Hwy 280.

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, this subdivision is in the Smith Station Water Authority's service area.

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

Mr. Parker reported for Lee County Engineering, I have the following comments for this Salem 280 LLLP:

- Show all utility lines

- Show the pavement and pavement widths
- Show all drainage structures
- Show any necessary drainage easements
- Add the table from section 4-1-(16)
- If this site is serviced by public water add the water company certificate
- Add a 15ft utility easement along the front of the lots

Kendall Andrews, P.E.
 Lee County Highway Department
 www.LeeCo.us
 Phone: 334-737-7011
 Fax: 334-745-6994
 Email: Kandrews@leeco.us

Chairman Cherry opened the public hearing.

Noreen Lennen, 209 Lee Road 155, stated I am the adjacent property from the potential residential areas and my question was, are there any covenants or restrictions? I did try to contact Mr. Andrews and did not receive a response from him.

Mr. Mosley stated because this is in the County, the City wouldn't put any covenants and restrictions on it. That would be either the County or the developer could place their own restrictions and covenants on it, so I defer that to the applicant.

Noreen Lennen asked but the City is the one who is going to approve this potential development?

Mr. Mosley stated yes ma'am.

Noreen Lennen stated if you don't have the responses to my questions, I guess I don't understand why you would provide approval.

Mr. Mosley stated the City has the ability to review the division of the property but we don't actually get to determine what the use or zoning of the property is under State Law.

Noreen Lennen asked so how would I contact Lee County and find out the answers to the questions I have?

Mr. Mosley stated we can provide you with his contact information.

Noreen Lennen asked is that Mr. Andrews?

Mr. Mosley stated yes ma'am.

Noreen Lennen stated I've been trying to contact him. So, I guess what I'm asking is for the committee to consider the things that I have to say. First off, it is a highly volatile area as far as crime goes. I've been burglarized five times. I know the neighbors that were at the end were burglarized to the point where they left. The water pressure in that area does come from Smith Station Water Authority and the standard water pressure psi is supposed to be 40 to 60 in a

household. As it enters the house at my property, the water pressure is 40. If you turn on the shower, it drops to 25 and if you turn on the kitchen sink at the same time someone is taking a shower, the water pressure drops to 18. So, I would ask in addition when you take your concerns to the County that you also bring up the fact that the water pressure isn't adequate. If you put in 15 or 10 more homes there will be substantial issues for me if they do not make allowances for that water pressure. The final thing is that the EPA and the State of Alabama do not regulate electromagnetic activity and if you look at the plat, there are some easements where there are power lines along the front and then the end of Lot 15. Now, the State of Alabama does not have their own EPA policy and so, in this state, we follow the OSHA recommendations and the OSHA recommendations are that the readings for the electromagnetic activity from those power lines are between 0 and 3 and prior to approving this particular residential area I would request that you again talk to the County and verify that they have determined the number of kilohertz for that particular area.

Chairman Cherry closed the public hearing.

Motion to grant preliminary and final plat approval with staff recommendations

RESULT:	Passed
MOVER:	Director Mike Hilyer
SECONDER:	John Sweatman
DISCUSSION:	Ms. Cannon asked what do we do about that water pressure? Chairman Cherry stated contact the local water authority. Ms. Cannon asked contact the Smith Station Water Authority? Mr. Mosley stated we did reach out to Smith Station to let them know that there were some potential concerns about water pressure and let them know that they can come to the meeting if they would like to, but they said they felt that the water pressure was adequate in this area for the development that they were aware of.
AYES:	Cannon, Chairman Cherry, Whatley, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen, Sweatman
NAYS:	None
ABSTAIN:	None

B. FINAL PLAT

2. Village at Waterford SD, Phase 4A, 74 lots, Arlee Avenue, Lismore Drive, and Heathcote Drive, Doug Ransom, authorized representative for DRB Group Alabama, LLC, Final Approval

Mr. Mosley stated because of the weather, the applicant has requested that this item be tabled to the April 26, 2022 meeting so that they can finish building and constructing the streets. We are recommending that it be tabled to that date and the applicant has sent us an email agreeing to that.

Motion to table the item to the April 26, 2022 Planning Commission meeting at the request of the applicant

RESULT:	Passed
MOVER:	Mayor Gary Fuller
SECONDER:	Director Mike Hilyer

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

3. Cannon Gate SD, Phase 3A, 25 lots, Cannon Gate Drive, Blake Rice, Barrett-Simpson, authorized representative for SMB Land, LLC, Final Approval

Mr. Mosley stated we did speak to them and mentioned that we would like this to be tabled until the streets are completed and I believe Mr. Rice is here to speak to that if you would like.

Mr. Hilyer asked is it 22 or 25 lots because it says 25 on the agenda?

Mr. Mosley stated it's 22 single-family lots and then 3 additional lots, so it's a total of 25 lots.

Motion to table the item to the April 26, 2022 Planning Commission meeting at the request of the applicant

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

C. REZONING and CONDITIONAL USE - Public Hearing

4. Rezoning Request, Blake Rice, Barrett-Simpson, authorized representative for Shey and Terri Knight, 7 acres, 2500 block of Frederick Road, from R-4M to C-2, GC-P

Mr. Mosley reported the applicants are requesting rezoning seven (7) acres from a R-4M (medium density residential) zoning district to C-2, GC-P (Office Retail, Gateway Corridor-Primary Overlay District) zoning districts. This property along Frederick Road is undeveloped and located between a single-family residence and the Store Room Fastener business. An administrative subdivision dividing this property into two lots (Lot 1 is 1.19 acres and Lot 2 is 5.81 acres) and a conditional use request for Lot 1 have been submitted for this property.

The area of Frederick Road between Gateway Drive and the Auburn-Opelika city limits in the last 12 years or more has been in transition from residential uses to commercial uses. The comprehensive plan includes the Future Land Use Map to guide future zoning for Opelika. The requested zoning from R-4M to C-2, GC-P is supported by the designation of C-2 (light commercial designation) on the Future Land Use Map. The C-2, GC-P zoning designations will be consistent with the neighboring properties to the south, east, and along with many other properties on this portion of Frederick Road. The transitioning from residential to commercial uses reflects the ongoing commercial growth along this section of Frederick Road.

Staff Recommendation

Staff recommends Planning Commission send a positive recommendation to the City Council to rezone the property from R-4M to C-2, GC-P

Mr. Parker reported for Engineering, Engineering Department has no comments or concerns with the proposed rezoning request.

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

Mr. Parker reported for the Opelika Power Services, this is in the Opelika Power Services and Alabama Power service territory.

Chairman Cherry opened the public hearing.

No comments.

Chairman Cherry closed the public hearing.

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

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

5. Blake Rice, Barrett-Simpson, authorized representative for Shey & Terri Knight, Frederick Road, C-2, GC-P, Office warehouse development.

Mr. Mosley reported the applicant is requesting conditional use approval to construct a commercial building for the BC Stone offices with a showroom and two (2) office warehouse use buildings containing seven (7) unit's total. BC Stone specializes in residential home building and the office warehouse units will be for lease. The business desires to locate at the 2500 block of Frederick Road subject to approval of an administrative subdivision plat creating a 1.16 acres lot and a rezoning request from R-4M to C-2, GC-P. The applicant's representative stated nothing will be stored outside the office showroom building or the office warehouse units. The office showroom use is an allowed use in the C-2, GC-P zoning district. The office warehouse units use does require a conditional use approval in the C-2, GC-P zoning district.

The BC Stone office and showroom is shown with 12 parking spaces including one handicap space. The minimum off-street parking is 11 parking spaces including one handicap space. The applicant has a shared easement for ingress, egress, and utilities along the property line on the east. The ingress and egress are part of Lot 2 but will be shared for Lots 1 and 2 due to the configuration of the existing lot and cemetery area.

The office warehouse units consist of two (2) buildings. The middle building shown as Building #1 consist of three (3) units each containing: one 200 sf office area, one roll up door, 1,600 sf warehouse area, and five (5) shared parking spaces (including one handicap space). The end building shown as Building #2 consist of four (4) units each containing: one 200 sf office area, one roll up door, 1,600 sf of warehouse area, and six (6) shared parking spaces (including one handicap space). The roll up door loading areas could also serve as additional parking when not in active use. The minimum parking requirements for Building #1

and Building #2 equal 11 spaces (based on 1 parking space per 250 sf of office and 1 parking space per 4,000 sf of warehouse space). The warehouse office units for lease will be required to be approved individually for business licenses and meet all requirements with no outside storage allowed. Future uses may require additional conditional use approvals and shall meet the requirements of the zoning district and site availability.

The applicant's representative presented photos and elevations for the BC Stone building in the front. The BC Stone building exterior walls will consist of brick materials with canvas awnings and metal goose neck lighting over signage as shown in the exhibits attached. At this time no exterior elevations have been submitted for the two (2) office warehouse buildings. The authorized representative stated they are working on providing this. The authorized applicant stated Buildings #1 and #2 the office warehouse units' exterior walls will consist of brick veneer on all four (4) sides, with a metal roof. The brick and trim color will match the main building. All three (3) building elevation descriptions meet the exterior material requirements in the Gateway Corridor.

The applicant's representative submitted a basic landscape plan for this site. The landscape minimum point requirements for this site of 64,358 sf are 149 base points plus 23 parking points. This plan provides 151 base points and 27 parking points. A parking lot buffer is required for this property. Due to the configuration of the lots, parking, and buildings the parking lot buffer will need to be placed on the edge of the development on the east side of Lot 2 on the outer edge of the shared easement and paved area for both Lots 1 and 2. This buffer should comply with Section 10.6. D. 2. This property abuts a residential zone. A residential zone landscape buffer is required on the west property line. Staff recommends a 15-foot residential landscape buffer required along west property line that is equivalent to the buffer provided in Section 10.6. D. 1. a. of the Landscape Regulations. The authorized representative stated Bryan Stone will only be purchasing and developing Lot 1, and a buffer was left between the cemetery and the proposed lot line. This will ensure that the gravesites are not damaged.

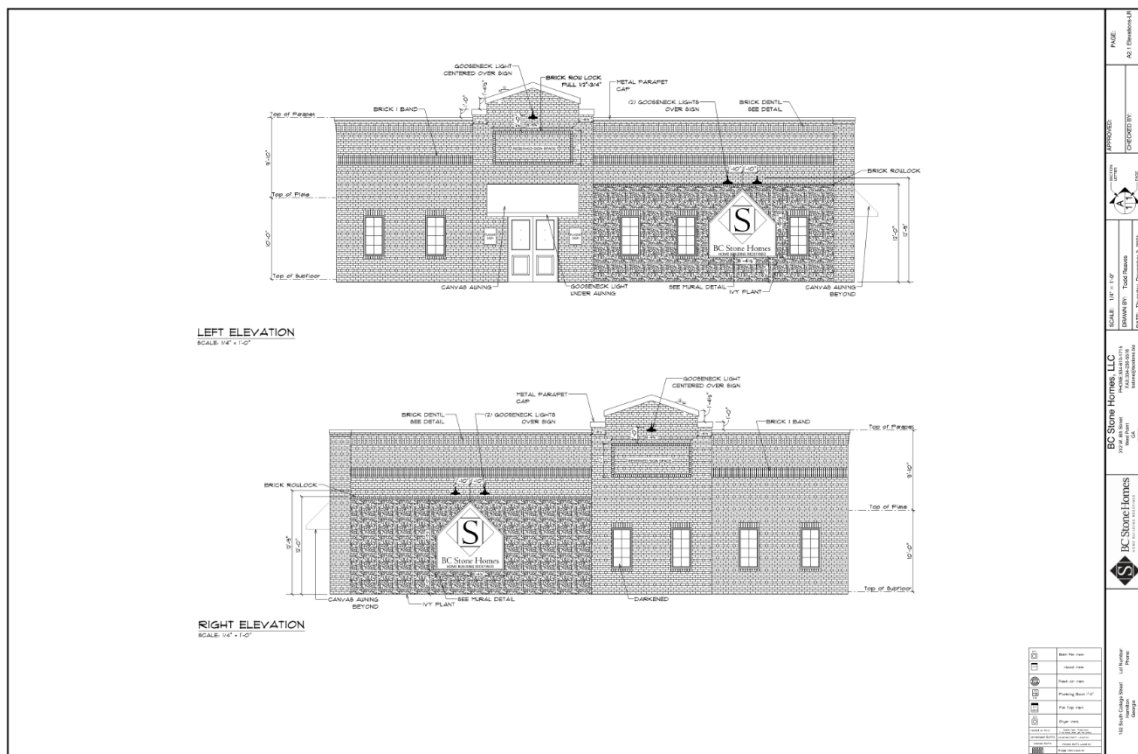
A private dumpster for this development is shown on the site plan. This will need to be screened with a dumpster enclosure located behind the front plane of the building and be screened by approved corridor materials. In addition, all utility meters, air conditioning units and similar mechanical units 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 the relevant utility company for safety.

The proposed outside lighting must not exceed one (1) foot-candle at a property line. The applicant's representative is aware that the brightness of outdoor lighting must not exceed one (1) foot-candle at a property line. Outside lights for nonresidential properties/uses must be made up of a light source and reflector so that acting together, the light beam is controlled and not directed across an adjacent property. It is the intent of this provision to prevent light from spilling over to adjacent properties in amount that can create negative impacts (See Section 7.6 Gateway Corridor Overlay District, 6, a). Lighting Requirements)

Staff recommends conditional use approval subject to the following:

- 1. Approval of the Rezoning by City Council from R-4 to C-2, GC-P.**
- 2. Approval of the Administrative Subdivision.**
- 3. Exterior elevations and building materials for the two (2) office warehouse buildings be provided and approved to meet all Gateway Corridor standards.**
- 4. Add to the Landscape Plan the parking lot buffer detailed in the report for approval to meet Gateway Corridor standards.**

5. Add to the Landscape Plan a 15-foot residential buffer along the west side of the property provided by Section 10.6.D.1.a.
6. The office warehouse units for lease will be required to be approved individually for business licenses and meet all requirements with no outside storage allowed. Future uses may require additional conditional use approvals and must be fitting to the use requirements of the zoning district and site availability.
7. Outdoor lighting must not exceed one (1) foot candle at the property line to the south and west. Outside lights for nonresidential properties/uses must be made up of a light source and reflector so that acting together, the light beam is controlled and not directed across an adjacent property. It is the intent of this provision to prevent light from spilling over to adjacent properties in amount that can create negative impacts (See Section 7.6 Gateway Corridor Overlay District, 6, a). Lighting Requirements).
8. If fencing is ever installed the property owner must meet the gateway corridor regulations in Section 7.6 of the Zoning Ordinance.
9. Dumpster areas must be enclosed and screened with a dumpster enclosure located behind the front plane of the building and be screened by approved corridor materials.
10. 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.



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 proposed conditional use 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 Services and Alabama Power service territory.

Chairman Cherry opened the public hearing.

No comments.

Chairman Cherry closed the public hearing.

Motion to grant conditional use approval subject to approval of the Rezoning by City Council with staff recommendations

RESULT:	Passed
MOVER:	John Sweatman
SECONDER:	Director Mike Hilyer
DISCUSSION:	Ms. Cannon asked where does the road or driveway go into? Is it something that's already there or vacant land? Mr. Mosley stated there is a larger piece to this property. It stops around this area because if you look on the plan you'll see that there is an existing cemetery there that the applicant has decided to leave alone. Mr. Hilyer stated I don't think they have a choice. Blake Rice, Barrett-Simpson, stated yes ma'am, there is a cemetery there. It has been delineated by Auburn University. They are working with it to determine if there is ever an available route to continue any further north. It is unknown at this time, so at this point all we are doing is taking a private driveway and taking it to the northern boundary of this development and stopping. I don't know if it will ever extend. Mr. Cherry asked is the cemetery going to be protected? Blake Rice stated yes sir.
AYES:	Cannon, Chairman Cherry, Whatley, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen, Sweatman
NAYS:	None
ABSTAIN:	None

D. CONDITIONAL USE - Public Hearing

6. Blake Rice, Barrett-Simpson, authorized representative for Intellivest, Inc, 284 Columbus Parkway, C-2 and C-3, GC-P, Outdoor display of products.

Mr. Mosley reported the applicant is requesting conditional use approval to display outside inflatable bouncy equipment (bounce houses for kids) in a C-3, GC-P zoning district. The property is on the corner of Columbus Parkway and 4th Avenue; a business has not occupied

the property for over three years. The business provides event and party planning. The inflatable bouncy equipment is one of several rental items on the property and will be stored outside. Basic items such as tables, chairs and concession equipment are stored inside the building; for larger events with more supplies and equipment will be delivered to party location from the businesses warehouse in Columbus, Ga. In the Zoning Ordinance, a rental equipment business with supplies, equipment stored inside the building is allowed, but the display of products outside require conditional use approval. Two employees will manage the business.

The applicant's site plan provides an outside display of inflatable bounces to rent. The outside display area is about 4,300 square feet and setback 30 feet from the front and rear property lines. The applicant said depending on time of year either three to six inflatables will be setback from each other and inflated for display. Inflatables range in size from 15x15 to 15x60. The minimum 30 foot setback from Columbus Parkway and 4th Avenue is adequate, but the 4,300 sf display area with three to six inflatables seems excessive and out of scale with the existing building and property. The outside display area is clearly visible to motorists on Columbus Parkway advertising the business has inflatable rentals. Staff recommends an outside display area with a maximum of two inflatables.

The site plan shows a 1,650 square foot existing building on a 40,495 square foot lot. The front yard area is about 100% asphalted from the building to the property lines along Columbus Parkway and 4th Avenue. In previous years, several automobile sales lots and a mobile home sales lot have occupied the property; vehicles displayed on asphalt. A business has not occupied the lot since 2018. The existing asphalt/concrete area was repaired, but over time declined; drainage problems also contributed to the asphalt's decline.

The applicant said the existing asphalt in front yard will be removed and replaced with new asphalt. During removal of old asphalt, a 10 foot pervious strip along Columbus Parkway and a 6 foot strip is provided for landscaping along the streets. The landscaping will break-up the expanse of asphalt and enhance this corner lot in the Gateway Corridor. The 8 off-street parking spaces shown on site plan is adequate for a rental equipment business.

The landscape plan meets minimum requirements concerning base and parking lot points. The size of trees and shrubs planted must meet the minimum size requirements as provided in Section X Landscape Regulation. A residential zoning district (R-4) is adjacent to the applicant's property along the north property line, and a residential buffer is provided as required on landscape plan. The buffer planted must be adequate size to provide a visual screen in three growing seasons. The buffer must comply with one of the options as provided in Section IX Landscape Regulations.¹ The property meets the maximum 70% impervious surface ratio allowed; about 30% of the property is impervious.

A dumpster is not shown on site plan., If dumpster installed it must be enclosed on all sides and gated. The enclosure must be an opaque fence on all sides and an opaque double gate.

A residential buffer is shown along the north property line as required next to residential zoned property.

Recommendations

Planning staff recommends approval subject to the following:

1. Remove the existing asphalt in the front yard area and replace with new asphalt.

2. Install landscaping as provided on landscape plan that includes providing a 10' buffer along Columbus Parkway and 6' buffer along 4th Avenue.
3. The parking spaces must be striped including one parking space designated handicap accessible.
4. A maximum of two inflatable bounces are allowed for outside display in the outside display area provided on site plan. Outside displays are not allowed in other areas on the property.
5. Remove the existing freestanding sign in the right-of-way near the front property line. Installation of a proposed sign is subject to meeting Sign Regulations. Contact Planning.
6. If outside lighting is proposed a photometric plan must be submitted providing that light does not exceed 1.0 foot candle along the adjacent residential zoned properties.
7. If a dumpster is installed the dumpster must be enclosed with an opaque fence on all sides and an opaque gate installed; the fence and gate must be at a height, so the dumpster is not visible when viewed outside the fence.
 - a. *(1) 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;*
 - b. *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;*
 - c. *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, because of the limited size of the site and disturbance, no site plan will be required for this use to the Engineering Department. All permits and approvals will come from the Building Inspections Department and relevant utilities.

The Engineering Department has no other comments or concerns with this conditional use application.

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

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

Chairman Cherry opened the public hearing.

Spencer Cantrell, Columbus Georgia, stated I represent the individual that's going to be purchasing this property from Intellivest and we're the ones that are going to be operating the business, so I didn't know if you had any questions about exactly what was going to be on the property.

Chairman Cherry closed the public hearing.

Motion to grant conditional use approval with staff recommendations

RESULT:	Passed
MOVER:	Director Mike Hilyer
SECONDER:	Arturo Menefee
DISCUSSION:	Mr. Sweatman asked are there any planned changes to the existing building? Spencer Cantrell stated obviously we are going to have to clean it up and repaint it and so forth and put a new awning up, but other than that, no structural changes. Ms. Cannon asked with the inflatables, we're not talking about balloons flying around, are we? Spencer Cantrell stated no ma'am. These are bounce houses and slides and that kind of stuff. We have a location in Columbus which is actually where the home office is, so this is going to be a satellite office. We really won't store many items here because, obviously in the building itself there's not very much room there. Most items will be pulled from the warehouse in Columbus and brought up here as needed and brought back and forth. Ms. Cannon stated that was my next question about the storage. Spencer Cantrell stated there is very low storage in that building zone. I think it's 1,500 square feet and so it will be brought up because most parties and events and so forth are typically always on a Friday, Saturday, or Sunday. So, it will be brought up on Friday morning and it will be delivered out and then picked up on Monday from the customer's house and brought back to the Columbus area.
AYES:	Cannon, Chairman Cherry, Whatley, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen, Sweatman
NAYS:	None
ABSTAIN:	None

7. Blake Rice, Barrett-Simpson, authorized representative for Brown Service Funeral Homes Company, 1801 Frederick Road, C-3, GC-P, Add crematory services to an existing funeral home.

Mr. Mosley reported the applicant/business owner is requesting conditional use a crematory building to an existing funeral home. The Frederick-Dean Funeral home has been in this location for decades. The funeral home has run the crematory aspect of its business outside of the city. The applicant would like to move that portion of the business on to the existing lot in a 30 x 35 building.

According to the business owner, within the last few years there has been a sharp increase in the number of cremations that occur. The applicant would like to move this current service to their existing funeral home. The funeral industry is regulated through state and federal regulations. This includes air quality requirements.

The proposed 1,050 square foot building will be located behind the current building near a garage. The building elevations show a building with brick veneer covering the front. This meets the gateway corridor regulations. The addition of this building and service should not increase the needs for parking beyond the current parking lot. The site also has very mature landscaping. This includes fairly thick screening from the Lowe's property and other adjacent properties. An analysis of the impervious surface, shows that the site is below the maximum allowed impervious amount.

Recommendation

Staff recommends conditional use approval as submitted.

Mr. Parker reported for Engineering, because of the limited size of the site and disturbance, no site plan will be required for this use to the Engineering Department. All permits and approvals will come from the Building Inspections Department and relevant utilities.

The Engineering Department has no other comments or concerns with this conditional use application.

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

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.

Mr. Gunter, City Attorney, stated subject to the City Council approval of the text amendment.

Motion to grant conditional use approval subject to City Council approval of text amendment with staff recommendations

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

8. Steven L. Mosley, authorized representative for Candy Lanier, 2200 Frederick Road, C-2, GC-P, Sales & installation of audio and video lighting pertaining to the 12-volt Industry.

Mr. Mosley reported the applicant is requesting conditional use approval for "The Car Stereo Shop" that opened in Auburn in 2006. The business sales & installs audio, lighting, entertainment, and security systems for all types of vehicles, including ATVs (all-terrain vehicles) and boats. The business has 5 employees.

The proposed Car Stereo Shop fronts along Frederick Road located across the street from the National Bank of Commerce. The proposed business will occupy a 3,360 square foot (sf)

building with two roll-up doors (see photo below) on a 2.37 acre lot. (The roll up doors do not face Frederick Road but face the east side wall.) Three other buildings are on the same 2.37 acre property: an 1,800 sf tire store with street frontage along Frederick Road, and two buildings (3,800 sf and 4,400 sf) in the rear yard area; these buildings are used as commercial warehouses (Frito-Lay has a tenant space).

All installations of audio, lighting, and other equipment will be accomplished inside the 3,600 sf building. Staff had concerns with excessive noise from testing audio equipment. The applicant/business owner said that all installations are performed inside the building so tuning tests of new audio equipment are routinely performed inside; there may be an occasional outside test but it's not standard practice to test audio equipment outside the building. Inside audio tests will not be disturbing to adjacent properties or motorists. The applicant is sensitive not to disturb adjacent properties and motorists. All storage of equipment or material will be inside the building not outside. The business owner's 1990 Honda CRX with "The Car Stereo Shop" on windshield will be displayed outside. Parking is limited so no additional vehicles will be used for display purposes.

The Car Stereo Shop parking requires 15 parking spaces. The site plan provides 10 parking spaces. The property owner (landlord) will allow the Car Stereo tenant to use 5 parking spaces in the rear yard area near the commercial storage buildings. At least 25 parking spaces front along the two storage buildings and about 8 vehicles regularly park on the west side of driveway across from the storage buildings - a total of 33 parking spaces in rear yard. The remaining 23 parking spaces in rear yard should be adequate for commercial warehouse tenants. The property owner explained that the 8,200 sf storage buildings in rear yard area were constructed with no heating and cooling system. Therefore, the buildings are used for storage only not for retail sales or an office that requires employees; box trucks pick-up products or delivers products; an office or employee on duty is not necessary. Also, some buildings are vacant, so parking is available for the Car Stereo business. (For an 8,200 sf commercial warehouse a minimum of 3 parking spaces plus one parking space per employee is required.) For this property, staff believes parking for the Car Stereo business is adequate as described.

The exterior material on the existing building is 100% metal. The elevation plans show stone on the front wall covering the metal panels. On the east side wall, the applicant is requesting stone about 3 feet high along the entire east side that is open or visible from Frederick Road. The west side wall is 20' from the west property line and partially screened from Frederick Road by the higher elevation of the adjacent property. Therefore, the applicant is requesting that the west side remain as-is, metal panels. The regulations require the approved front façade material be installed on each side wall for 20 feet beginning at the corner of the building. The east wall faces an open parking lot and driveway area visually exposed to Frederick Road.

The property was first developed in the 1980s before the Landscape Regulations were approved; most of the property is asphalt. A strip of pervious land area is along a portion of the west property line available for landscaping. Landscaping in this area will visually screen a portion of the building's west side exterior metal paneling. Staff recommends that a 30 foot strip of evergreen-type plant (shrub) planted. The shrubs must have a maximum growth height of about 10 feet because of overhead power lines.

A dumpster is shown on site plan about 430 feet from Frederick Road near the rear property line of the 2.7 acre lot; the dumpster is not completely screened, but partially screened by an existing building and appears will not be seen from Frederick Road.

Recommendation

Staff recommends approval subject to the following

1. Audio testing must be performed inside the building. Any outside audio testing must be limited.
2. All storage of equipment, products, or material must be inside the building not outside. Outside display is limited to one vehicle due to limited parking area.



Mr. Parker reported for Engineering, because of the limited size of the site and disturbance, no site plan will be required for this use to the Engineering Department. All permits and approvals will come from the Building Inspections Department and relevant utilities.

The Engineering Department has no other comments or concerns with this conditional use application.

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

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

Chairman Cherry opened the public hearing.

Candy Lanier, 214 North 12th Street, stated what I had proposed to them to do the wainscoting stone down the one side that's visible and then do 20% on the other side because anywhere to plant on that side of the building that's on my property line is already asphalt. The embankment that goes up to the restaurant is not on my property line so do I get permission through you guys in order to plant something on someone else's property or does putting the cladding on that side then negate the need for those shrubs?

Mr. Mosley stated the cladding could potentially negate the need for those shrubs if you prefer to do that. We just thought that based on this site plan there looked like there was some space on that side, but if there's not then I think the cladding will be sufficient.

Steven Mosley, the Car Stereo Shop, stated we have been in Auburn for 16 years with virtually no issues whatsoever. We are very conscientious of what we do and when it's required of some of what we do, and that's more about the installation and tuning of a system, but we've always been very considerate of those around us and that will never change. I do understand that there are businesses close to this proximity and this building and we are aware that sometimes some

of what we do during normal business hours could be of concern to others, so we are proposing to go to this site and be even more conscious of those around us. We know that it's close proximity. We've never had any issues in the past with the City of Auburn or any of the businesses around us, so I feel confident that we can add here and promote a good business situation with our neighbors. Thank you for your time.

Chairman Cherry closed the public hearing.

Motion to grant conditional use approval with staff recommendations

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

9. David Slocum, Pinnacle Design Group, Inc, authorized representative for J&G Properties, LLC, Birmingham Highway, C-2, GC-S, Climate controlled mini-warehouse. (Existing Conditional Use approval expired, reapplying for Conditional Use approval).

Mr. Mosley reported *this conditional use was first approved subject to conditions at the November 2019 Planning Commission meeting. At the December 2020 Planning Commission meeting a one-year extension of the approval was granted until the December 2021 Planning Commission meeting. The one year extension to December 2021 has expired and the applicant is reapplying for conditional use approval. Planning staff has no additional conditions or other recommendations concerning the development since the first approval in November 2019. The staff report below is the same as provided at the November 2019 Planning Commission meeting. **Staff recommends conditional use approval as submitted below subject to conditions on page 2.***

The applicant is requesting conditional use approval for a two-story 410-unit climate controlled mini- warehouse building in a C-2, GC zone. The size of storage units is 5x10, 10x10, and 10x15. The site plan shows four 17,535 square foot (sf) buildings on a 180,000 sf lot (4.1 acres). The 43 off-street parking spaces meet minimum parking requirements for a mini-warehouse (One parking space per 10 storage unit). The landscape plan meets minimum requirements concerning total points. All plant material is in the front yard area: 40 trees and 99 shrubs will be planted. A minimum 15 foot wide parking lot buffer with trees and shrubs is provided along Birmingham Highway.

Ski Lodge Apartments are located on the adjacent property west of this development. A residential buffer is required along the east, west and south property lines. Section 10 Landscape Regulations of the Zoning Ordinance provides three types of buffers to choose from: (1) an opaque fence not less than six feet in height and four foot wide strip of evergreen plantings, (2) a staggered double row of Evergreen plantings at least six feet in width, or (3) natural, undisturbed forest at least twenty (20) feet in width that provides a nearly impervious visual barrier.

The front elevation of the mini warehouse building is shown on the next page. The exterior material will be a combination of brick veneer and EIFs material. The brick is about four feet high from ground level and the remaining wall is EIFs. At least 72 feet (20% of side wall length) of the east and west side walls will consist of the same brick & EIFs as the front wall. The remaining side elevations (290') and the rear elevation will be painted metal siding.

Recommendation

Staff recommends approval subject to the following recommendation:

1. Add a residential buffer along the east, west, and south property lines as provided in Section IX Landscape Regulations: buffer must run the entire property line length.
2. The east and west side elevations must match the front elevation (brick & EIFs) for at least 72 feet on each side.



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 proposed conditional use application.

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

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: Arturo Menefee

SECONDER: Leigh Whatley

DISCUSSION: Mr. Hilyer asked is this building going to have a fence around it? There's a lot of residential around one side of it.

Mr. Mosley stated there is a requirement for a residential buffer here which would be either a double row of evergreen shrubs or a single row of

evergreen shrubs and a privacy fence. I don't believe that we ever previously required that they use one over the other.

Mr. Hilyer stated they still have to meet the Gateway requirements.

Mr. Mosley stated yes sir, it does have to meet the Gateway requirements. It's primarily brick and simulated stucco EIFs that they use for materials and then, like you said, they would have to meet the Gateway frontage buffer and then they would have residential buffers on all three sides.

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

NAYS: None

ABSTAIN: Chairman Lewis Cherry

E. AMENDMENT TO THE COMPREHENSIVE PLAN and REZONING - Public Hearing

10. Rezoning Request, Alan Dorn, authorized representative for John H. Anglin and Terry L. Johnson, 6 acres, at the corner of Old Opelika Road and Frederick Road, from R-4 to C-2, GC-P

Mr. Mosley reported the 2030 Future Land Use Map (FLUM) is a guide that provides a desired development pattern for properties. On the FLUM, the 6 acre rezoning property is in a 'light commercial' land use category. The 'light commercial' category corresponds to and is compatible with the rezoning request to a C-2, GC-P zoning district. An amendment to the FLUM and a vote to amend to the Future Land Use map is not required.

Rezoning

At this time, the applicant does not have a development plan or a specific land use for the 6 acre rezoning property. Most properties along Frederick Road are zoned commercial (C-2, GC-P) not residential as the applicant's R-4 zoned property. The rezoning property is also similar to the adjacent 4.6 acre parcel on the east side – both parcels are undeveloped and front on Frederick Road. The adjacent property is zoned C-2, GC-P. (Also, a contract to purchase the adjacent property is pending.) The applicant desires to develop or sell the property as commercial so the C-2, GC-P zone is requested. The land uses allowed in the C-2 zone (retail stores, offices, standard restaurant) are adequate to market the rezoning property; the applicant is aware that some land uses are 'conditional' in the C-2, GC-P zone and require Planning Commission approval.

The adjacent properties on the west and north sides of the rezoning property are single family homes in a R-4 or R-5 zoning district. A C-2 zoning district adjoining the rear property line of an residential zoned property is common. The C-2 zone is defined as 'office and retail' and business activities are primarily inside a building. In the C-2 zone the outside display or storage of products is not outright allowed but requires conditional use approval by the Planning Commission. The C-2 allowed uses are more compatible with residential zoned properties than the C-3 zoning district (general commercial). If the rezoning is approved and a commercial development is proposed a residential buffer (visual screen) is required along the commercial property line that adjoins a residential zoned property.

Staff Recommendation

Most properties along Frederick Road from Gateway Drive to the Opelika City limits are zoned

C-2, GC-P, so the rezoning request is consistent with existing zoning district. Staff does not believe a rezoning to C-2, GC-P (office/retail, Gateway Corridor overlay district - Primary) would create an adverse impact to the adjacent properties. Conditional use approval and landscaping is required for proposed uses with outside display/storage of products. .

Planning Staff recommends the Planning Commission send a positive recommendation to the City Council to rezone the property from R-4 to C-2, GC-P.

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, this is in the Opelika Power Services and Alabama Power service territory.

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

Chairman Cherry opened the public hearing.

Nancy Weatherman, 2807 Sutton Way, stated I think he answered our question about the buffer part. That was what we were concerned about and how that would be handled. Like I started to say before, we are of course wanting City sewage there and that's been a big problem. Mr. Hilyer do you have any comments on that?

Mr. Hilyer stated that has to go to City Council.

Nancy Weatherman stated it wasn't really so much objection, it was just concern. Now I had a hard time getting in touch with Mr. Anglin because I had a tree on that property next to us, but that's pretty deep property, so are there any other concerns in reference to that property?

Mr. Mosley stated I don't know what the applicant has proposed to put on there at this time. Mr. Dorn may know, I'm not sure.

Alan Dorn, authorized representative for the applicant, stated at the current time there is not anything proposed to go on the property. We're just trying to get it rezoned to C-2 so we can market the property as a commercial use in Opelika.

Chairman Cherry closed the public hearing.

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

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

11. (a) Amendment to the Future Land Use Map, First Avenue, 34.8 acres, from a light commercial and low density land use category to a mixed use category.

(b) Rezoning request, Thomas Johnson, Holland Homes, authorized representative for Saucier Investments, LLC, 34.8 acres, First Avenue, from C-2 & VR-1 to PUD

Mr. Mosley reported the proposed property includes a majority of the site for the commercial portions of Pepperell Mill. This includes 34.8 acres located south of 2nd Avenue. Part of the proposed development includes realignment of the N. 28th Street.

Amendment to the Future Land Use Map:

The 2030 Future Land Use Map shows that the 34.9-acre property as primarily “light commercial” land use category. The property located between 1st and 2nd Avenue to the west of the current location of N. 28th Street is classified and zoned as “low density residential” and VR-1. The properties surrounding the subject property are a variety of land uses. The property to the north has residential and institutional (church) uses. The properties to the east include offices and commercial uses. The property to the south across the railroad was a part of the Pepperell Mill property used to hold water and is largely in the flood plain. The property to the west includes both residential and office uses. The proposed master plan is truly a mixed use project that contains single-family residential, townhouses, apartments, office, and other commercial uses. Overall, the proposed uses within the masterplan of the PUD would fall within the medium density residential. Medium density residential is classified as residential up to nine (9) units per acre. Most of the existing residential in this area is actually closer to a low-density residential classification. The proposed density for the residential portion of the development is 8.5 units per acre. This falls in middle of the density for medium density residential and is similar to an R-4 zoning district.

Staff Recommendation:

Staff recommends approval of an amendment to the Future Land Use map for the 34.9 acres from a “low density residential” and “light commercial” land use category to a ‘mixed use’ land use category if the Planning Commission recommends the following rezoning to City Council.

Rezoning:

The applicant is requesting rezoning 34.9 acres from a VR-1 (village residential) and C-2 (office-retail) zoning district to a planned unit development (PUD) zoning district. The overall development is proposing 298 residential units. This includes 94 single family homes, 104 townhomes, and 100 multi-family/apartment units. Overall, the development will have a density of 8.5 units per acre. The site also contains a variety of commercial uses including a restaurant in the existing building near the water tower and smokestack. The site also has four stand alone commercial shop spaces, two mixed use buildings, six open air market stands, a food truck court, and two office buildings. The applicant is showing four open space parcels totaling approximately 2.19 acres plus an event lawn in the commercial area.

The development uses the existing block grid. As previously mentioned, N. 28th Street would be realigned to intersect with N. 30th Street and Cunningham Drive, where the City will add a roundabout. The applicant is also proposing to extend N. 27th Street to 1st Avenue and then across to Cunningham Drive. The applicant is also introducing a variety of alleys that will create rear access for the townhouses and connections to other parts of the development.

This development mixes three different housing types throughout the development. This is becoming somewhat more common in newer developments. The single-family homes and townhouses would be located on individual lots for sale. The multi-family apartments would be in two buildings in the commercial area and possible over mixed use building A. The single-

family homes are requesting lot widths of 40 feet and lot sizes of 4,500 square feet. This would also include 20 feet front and rear setbacks and 5 feet side setbacks. The C-2 zone uses the standard for R-5 which are 60-foot-wide lots with 7,500 square feet. The nearby VR-2 zoning in the Mill Village requires 7,500 square foot lots, with 65 ft widths, 12 ft front setbacks, 35 ft rear setbacks and 10 ft side setbacks. Staff does feel the transition between the existing neighborhood and the single-family homes proposed across 2nd Avenue could be smoother. Staff recommends the proposed lots across from existing residential on 2nd Avenue be increased in slightly in size.

The townhouses proposed have similar minimum lots sizes and widths to the current City standards. The lots are proposed to have 10 ft front setbacks, 20 ft rear setbacks and 10 ft side setbacks on end units. The applicant is requesting to have no rear yards due to the rear loaded alleys. The applicant has placed common space in areas near most of the townhomes that can replace the use of the yard.

The commercial and multi-family buildings are proposed to have zero-lot line setbacks that will allow them to create an aesthetic similar to a small downtown. This type of development is common in many mixed-use developments with neighborhood town centers. One item that has not been disclosed is the height/number of stories of the proposed commercial and multi-family buildings. Staff generally believes that three (3) stories would be consistent with the area.

The plan does not currently show any landscaping, buffers or sidewalks. These are key components of developments that are denser. Staff is recommending sidewalks be placed on both sides of each public street where they adjoin a residence or commercial space. Staff also believes that landscaping is extremely important. Typically, a buffer would be required on the perimeter of the PUD. However, this PUD is bound by streets and the railroad on almost all sides. In this case, buffers are more likely to be appreciated by the proposed residential units than help buffer the adjacent property from this development. Street trees would help define the edges of the road but may conflict with utilities. Additionally, the right-of-way may not be wide enough for street trees. Staff is recommending that there be at least one large/canopy tree placed either in the right-of-way between the street and sidewalk with approval by city departments. If this cannot be done, a similar tree should be placed in the front and side yards on street for each unit. The commercial, townhouse and multi-family areas should meet the general and parking landscape requirements of the zoning ordinance.

The applicant has provided a list of requested uses for the commercial areas in the PUD. These include hotels, office, retail, restaurant, event space, food/dining/alcohol sales, food trucks and an open-air market. Staff would also recommend any use within Section 7.8.B.1 which lists the uses allowed in the Village Commercial zone. The applicant lists uses that will not be allowed including funeral home, agricultural, mining, quarrying, laundromat, animal services, adult business and auto related uses. Staff recommends that drive-thru restaurants, outside storage, alternative financial services, and mini-storage be prohibited. All commercial uses shall be limited to the areas shown as commercial unless the PUD is amended.

The applicant has requested a master signage plan to include specific signage. The plan includes the maintenance of the Pepperell sign on the existing smokestack. The plan also proposes a sign on the proposed water tower and two arching gateway signs into the development. Any additional signage for the commercial spaces or other uses shall meet the general requirements for signage.

The applicant is currently working on designs and elevations to show how this development

will fit with the surrounding properties. Staff believes these design elements are critical to the integration of the development and its overall success. Staff recommends that the development generally meet the corridor overlay material and design criteria. All utilities shall be installed underground.

Overall, the development is well below the density of 16 units per acre in the C-2 zoning district. Staff feels this development generally provides a good re-use of the Pepperell Mill property and finds the development to transition in an orderly method from less dense to more dense. Staff believes that the development is moving in the right direction, but needs more detail to grant a final recommendation.

Staff Recommendation:

While staff feels a little more information is necessary prior to a final recommendation. If the Planning Commission does make a positive recommendation to the City Council to rezone the property from VR-1 and C-2 to PUD, it should be subject to the following:

- 1. Provide sidewalks on both sides of each street adjoining an amenity or residence.**
- 2. All utilities shall be underground.**
- 3. All multi-family and commercial buildings shall meet the Gateway Corridor cladding requirements.**
- 4. Non-single family sections of the development shall meet the landscaping requirements at time of development unless a master landscape plan is submitted.**
- 5. One large/canopy tree shall be installed for each house frontage either in the right-of-way between the sidewalk and the street curb with permission from the City of Opelika or in the front yard adjacent to the public right-of-way.**
- 6. No sideyard on street setbacks along public right-of-way shall be less than six (6) feet.**
- 7. Open space shall be clearly marked and the use and maintenance shall be noted.**

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, this is inside 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.

Julie Stanley, 202 29th Street, stated my house is on the corner behind the church, across from the park. Right now that is a very quiet neighborhood and my concern is the access of 300 plus cars that's going to put in that area. Moving the street over against my backyard, because what they are doing is taking 28th Street and moving it straight across my backyard. Mr. Zack is also here. He's the house behind me. So, we have a lot of concerns about putting that much in that little area and interrupting the flow of what is already there. Right now, 28th Street goes over and down. That's coming up against our backyard. I don't want my backyard to be a street and my understanding is I can't have a fence on the right-of-way. So, does that mean that I have to

take my fence down that's blocking my backyard because you're moving a street up against my backyard which puts my fence on a right-of-way? Zack has a privacy fence. Does that mean he's going to have to take his down since he's now going to be on the right-of-way?

Mr. Mosley stated it would not.

Julie Stanley stated the neighbors that live right in that area are against it. We're concerned about the traffic, the parking issues, and so forth.

Lauren Lauderdale stated my father in law is Buddy Lauderdale and he has several homes in the village that he rents out. My concern is, and I'm not sure that this can be answered, but on the side where the existing homes are, those were built about 1920. My concern is, will the new construction be more modern? Is it going to be jarring between the 1920's and 1930's homes and the new construction or is it going to blend a little bit better?

Mr. Mosley stated I believe that what the applicant intends to build is similar to what they presented in the packet.

Thomas Johnson, Holland Homes, stated I can answer the question.

Mr. Mosley stated it may be best to wait until the end and answer them all at once.

Lauren Lauderdale stated my point of reference is my law office is on the corner of Avenue D and South 7th Street and one block over there has been some new construction, but it looks old and it blends in with the other homes and I was hoping it would be similar to that.

Chairman Cherry closed the public hearing.

Mr. Sweatman made a motion to send a positive recommendation for rezoning to City Council with staff recommendations.

Mr. Hilyer seconded the motion.

Ms. Cannon stated I'm concerned about the single family density which is across the street from what's there. It seems too dense to me, like a lot needs to come out and expand it out. Even on those four blocks just to make a transition so that it's not so stark from what's already there to what's going to be there.

Thomas Johnson stated yes ma'am, I think that's a great point. That's something that Mr. Mosley brought up as well. We'd be happy to drop a lot off those four blocks or maybe increase the minimum width there to 50 feet to be more in line with what's across the street. I think that was a good point and we'd be happy to do that.

Ms. Cannon stated I'm talking about going back too, on each side of the four blocks that's there. It's just almost too many houses compared to what's already there as you transition into however many townhomes there are.

Thomas Johnson stated yes ma'am, that does make sense. I certainly understand the point. We are well below the density of the current C-2 zone, about half or less than what it's currently zoned. I think maybe a compromise would be the ones facing the existing homes. Let's increase that lot width if that's amenable to the Commission.

Ms. Cannon stated well we just have people who have lived there for so long and have enjoyed

the quiet and now all of a sudden they are getting overwhelmed and just to smooth out the overwhelming part of it with those four blocks. How many lots is that?

Mr. Mosley stated there are a total of 56 through that section.

Ms. Cannon stated maybe cut out 9 or 10 lots in all of that just to make it not so snug.

Thomas Johnson stated that is a significant 20 percent of the total lot count there. If that's something the Council wants to put as a condition, that's certainly something that we obviously want to be good partners. The concept was certainly to transition the density from lowest to medium to high as we got away from the existing residential and approach the railroad tracks. Ten lots is pretty painful, but again, if that's what needs to be done we want to be good partners.

Ms. Cannon stated now what we're voting on is what to recommend to City Council what to do and that would be where I come down as far as voting for or against if you would do that.

Thomas Johnson stated yes ma'am. What would be the best language we could use today? Obviously, that's a Master Plan. Maybe talk about lot width? Instead of 40 feet, look at 50 feet?

Mr. Mosley stated that would result in roughly a 10 percent change.

Thomas Johnson stated 25 percent.

Mr. Mosley stated it would be closer to a 25 percent change. That is definitely up to the Commission to look at and see whether or not that makes sense. We definitely feel like along 2nd Avenue there does need to be some change.

Mr. Hilyer asked 1st Avenue?

Mr. Mosley stated this piece of 2nd Avenue here.

Ms. Cannon asked and if you made those 50 foot front feet?

Mr. Mosley stated yes ma'am, you would basically wind up cutting off one on each street face.

Ms. Cannon stated I'm a developer too, and I understand where you're coming from, but I understand the transition of this historic place. There are a lot of people here that are not usually here, so I assume they are here for the Pepperell Village. I just think that transition is so much better.

Thomas Johnson stated yes ma'am, that makes great sense. I certainly feel like it's the right thing to do on 2nd Avenue. I would argue that those side streets are going to be pretty protected anyway. Folks aren't going to see those houses unless they drive down that particular side street. Maybe if that's a compromise that folks feel good with? Again, we're here to be good neighbors though so if that's something that's important to you guys, obviously y'all have the right to add that as a condition to the approval and we would support that.

Ms. Cannon asked can we change the motion? How do we do that?

Guy Gunter, City Attorney, stated you would have to make a motion to amend the motion. You have a motion on the floor.

Ms. Cannon made a motion to amend the motion to increase the lot width for Lots 1-56 from 40 feet to 50 feet.

Guy Gunter asked do you know how many lots would that be?

Mr. Mosley stated I would have to look at it. It looks like it would eliminate about 10 lots.

Ms. Cannon stated I was counting 9, but it could be 10.

Mr. Mosley stated there may be ways that they could maintain some of those lots. I'm not sure with the 50 foot width. We would have to look at it and see.

Chairman Cherry asked what is the motion?

Mr. Mosley stated the motion is to amend the current recommendation to City Council to increase the lot sizes for lots 1-56 to 50 feet in width.

Mrs. Whatley seconded the motion.

Mr. Hilyer asked would it be 1-56 or 4-56?

Mr. Mosley stated one is right here. So I think what Mr. Johnson is saying is he would prefer to amend these to be 50 feet but keep these as the current 40 feet.

Thomas Johnson stated its 40 minimum but most of them are closer to 45.

Mr. Mosley stated what Ms. Cannon has made a motion to recommend and Mrs. Whatley has seconded is that all of these single family lots would be a minimum of 50 feet in width.

Mayor Fuller asked are all the utilities going to be underground?

Mr. Mosley stated yes sir. They would be underground utilities and sidewalks. The current vote is whether or not to add Ms. Cannon's amendment to the overall recommendation.

Mr. Hilyer asked who made it?

Mr. Mosley stated Ms. Cannon made the recommendation and Mrs. Whatley seconded, so that is what's before you now is whether or not you're going to add that to the original motion.

Chairman Cherry asked for the vote on the amendment to the previous motion.

Ayes: Cannon, Cherry, Mayor Fuller, Councilman Allen, Hilyer, Menefee, and Whatley.

Nays: Sweatman.

Abstention: None.

Chairman Cherry asked for the vote on the amended motion.

Ayes: Cannon, Cherry, Mayor Fuller, Sweatman, Councilman Allen, Hilyer, Menefee, and Whatley.

Nays: None.

Abstention: None.

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

RESULT:	Passed
MOVER:	Director Mike Hilyer
SECONDER:	Lucinda Cannon
DISCUSSION:	Chairman Cherry asked you proposed to leave the stack and the water tower? Thomas Johnson stated yes sir. Chairman Cherry asked will you make arrangements for those items to be maintained? Thomas Johnson stated yes sir. Chairman Cherry stated because you're not saying what you'll do with them yet. They need to be kept up like bridges and things like that, because the water tower is made of steel. It needs to be maintained and painted and get rid of all the rust and that sort of thing. Mr. Mosley, if you'll pull that picture back up again, it looks to me like it's already leaning. Mr. Mosley stated it could be the angle. Chairman Cherry asked will you make sure that it's still plumb? Thomas Johnson stated I may not know how to go about doing that. Chairman Cherry stated I'm just asking for safety purposes. We have a 60mph wind coming in tonight and we may have some 90mph or 100mph winds. We just need to make sure that it's adequate for the 90mph storms. I know it's been there for years, I'm just trying to maintain a safety precaution. Thomas Johnson stated yes sir. Chairman Cherry stated just make a note of that and make sure it's done. Thomas Johnson stated ok.
AYES:	Cannon, Chairman Cherry, Whatley, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen, Sweatman
NAYS:	None
ABSTAIN:	None

F. ANNEXATION

12. Annexation, William B. Lowe and Mary Susan Haines, Lafayette Parkway (Hwy 431), Annex 32.6 acres, R-1 zoning requested.

Mr. Mosley reported the applicant is requesting to annex one lot described as 32.6 acres. The property is currently used for timber. The property is located on Lafayette Parkway near Cusseta Road and Lee Road 168 (this property ends near the Lee County Refuse Center).

The city limits are adjacent to the annexation property on three (3) sides and contiguous along Lafayette Parkway. The property owners currently have this parcel and an adjacent tract (30.8 acres) listed for sale according to the applicant's representative. The property owners wish to annex this portion of the property to be in the corporate limits so both tracts will be in one jurisdiction.

Section 5.3 of the City of Opelika Zoning Ordinance states that all properties annexed into the City will receive an R-1 zoning designation. The applicant is requesting a R-1 zoning district.

Staff recommends the Planning Commission send a positive recommendation to City Council to annex the 32.6 acres and zone the properties R-1.

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, Opelika Utilities presently do not serve this annexation.

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

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

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

G. TEXT AMENDMENTS TO ZONING ORDINANCE - Public Hearing

13. A public hearing to consider a recommendation to the City Council on proposed text amendments to the Zoning Ordinance: Section 9.5 General Provision for Signs, 24. Changeable Copy Signs and Section 9.7 Table 9.7(2): Sign Requirements for Other Permitted Types of Temporary Signs.

Mr. Mosley reported

In 2021, the City of Opelika brought substantial changes to the sign regulations to made the review of signs completely content neutral. It did not significantly impact the amount of signage for most signs or the height of signs allowed. During a recent review, staff found two minor areas that needed some adjustment.

(1) **Changeable Copy Signs.**

- a. As part of a permitted on-premise freestanding sign or wall sign and notwithstanding Section 9.4: Prohibited Signs, or any other provision of this Section IX to the contrary, a ~~an on-premise~~ changeable copy sign, manual or electronic (LED), may be installed. The changeable copy sign shall not occupy more than fifty percent (50%) of the total sign area of the freestanding sign or wall sign.
- b. Notwithstanding Section 9.4: Prohibited Signs, or any other provision of this Section IX to the contrary, the static display time for each message on a ~~an on-premise~~ changeable copy sign shall be at least ten (10) seconds, and the time to change from one (1) message to another shall be no greater than two (2) seconds.
- c. In no event shall the message scroll in any direction.
- d. All changeable copy signs shall be subject to the illumination standards of Section 9.5(5).

- e. Changeable copy signs must include a default designed to freeze a display in one (1) position if a malfunction occurs.
- f. Electronic message signs must have a process for modifying displays and lighting levels where and if directed by the Alabama Department of Transportation or the City Engineer to assure safety of the motoring public.

Table 9.7(2): Signs Requirements for Other Permitted Types of Temporary Signs			
Zoning Districts	R-1, R1-A, R-2, R-3, R-4, R-4M, R-5, R-5M, VR, PRD, PUD	C-1, VC C-2, C-3, M-1, M-2, I-1	AP, PUD, R/E, FP, GC, HOD
Maximum Number of Temporary Signs Per Parcel [1]	8	4	4
Maximum Sign Area for a Temporary Sign	6 sf.	32 46 sf.	32 46 sf.
Maximum Sign Height for a Temporary Freestanding Sign	6 ft.	6 ft.	6 ft.
Maximum Sign Height for a Temporary Banner Sign or Window Sign	15 ft.	15 ft.	15 ft.
Minimum Sign Setback required to be maintained by a Temporary Ground Sign from any property line or from the edge of any paved street or road [2]	3 ft.	3 ft.	3 ft.
Minimum Spacing that is required to be maintained by a Temporary Ground Sign from any other Temporary Ground Sign	15 ft.	15 ft.	15 ft.
Maximum Aggregate Sign Area Allocated for All Temporary Signs on a Parcel [3]	48sf.	64 sf.	64 sf.
Table Notes: [1] No more than one sign may be a banner sign. Temporary banner signs may be displayed for a maximum duration of 30 days up to three times per calendar year. [2] The minimum sign setbacks do not apply to temporary wall signs, banner signs, or window signs. [3] There is no limit to the number of separate messages that may appear on the allowable surface(s) of any Temporary Sign. The maximum aggregate surface area allowed is subject to circumstances that may reduce the maximum aggregate surface area allowable on some parcels.			

The proposed regulations remove the word “on-premise” from Section 9.5.24, which was an oversight from the original changes. The sign regulations no longer make any distinctions between on-premise and off-premise signage.

The second change alters the size of allowable signs from 16 square feet to 32 square feet. Many temporary signs are made from sheets of plywood which are 32 square feet. This will allow many existing temporary signs to remain conforming.

Staff Recommendation: Staff recommends approval of these changes.

Mr. Parker reported for Engineering, no report.

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

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

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

H. ADJOURN

Motion to adjourn at 4:27 p.m.

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

_____ Lewis A. Cherry, Chairman

_____ Matt Mosley, Secretary