



PLANNING COMMISSION MINUTES

300 Martin Luther King Blvd.

February 22, 2022

TIME: 3:00 PM

- A. 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.

B. APPROVAL OF MINUTES

The City of Opelika Planning Commission held its regular monthly meeting February 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: Mayor Gary Fuller, Mr. Ira Silberman, Councilman George Allen, Mrs. Leigh Whatley, Ms. Lucinda Cannon, and Mr. Michael Hilyer.

MEMBERS ABSENT: Chairman Lewis Cherry, Dr. Arturo Menefee, and Mr. John Sweatman.

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: Acting Chair Lucinda Cannon called the meeting to order at 3:00 p.m.

Approval of Planning Commission Minutes January 25, 2022

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

C. UPDATE ON PREVIOUS PC CASES

Mr. Mosley stated the Laurel Lakes property, which was previously recommended by the Planning Commission to go to City Council, was approved by the City Council. There were some minor changes to increase some of the buffers and increase some of the lots after discussion with some of the adjoining property owners, but that has been approved.

D. PLAT (Preliminary Only) - Public Hearing

1. Wyndham Village SD, Phase 3, 100 lots, Wyndham Village Drive, Brandon Bolt, Bolt Engineering, Inc, Preliminary Approval

Mr. Mosley reported the applicant is requesting preliminary plat approval for a 100-lot subdivision. The 100 lots are a portion of a 523-lot development shown as a pod of the amended Wyndham PUD approved in January 2020. The lots in Pod 11 are designated as 65 foot wide lots with a minimum area of 7,500 square feet. However, these lots are plated and shown as larger with a minimum of 75 foot wide lots and minimum lot area of 10,000 square feet. Most of the lots meet their minimum lot width and area for the 75 foot wide lot standards. Lots 63-77, 95-100, and 17-19 do not meet the minimum width for 75 foot lots at the street. These lots will need to meet this standard at the building line.

The pool, pavilion, and park area are located in the previously preliminary approved Phase 2 portion of this development on Lot 1000 (to be built in conjunction with Phase 2). A bark park is located in the open space behind lots 21 and 22 to be installed with Phase 3. Lots 1-9 and 21-30 adjoin the dedicated open space required by the master plan. The access, ownership, maintenance, and use restrictions of the areas described as open space, park, and/or future amenity need to be noted on the final plat.

The utilities in Phase 3 will be underground. Sidewalks are required on at least one side of each street. Wyndham Village Drive, and Wyndham Lane continue and will connect a proposed future development in the proposed master plan.

Recommendation:

Staff recommends preliminary plat approval subject to the following:

1. Sidewalks are required on at least one side of the street.
2. All utilities shall be underground.
3. Add a note to the plat to state the ownership, maintenance, and use restrictions of the areas described as open space, park, and/or future amenity. Access needs to be preserved to the amenity as shown on the master plan.
4. The 50' Power Company transmission line area on the rear of Lots 10-20 will need to be addressed concerning ownership and maintenance, including fencing and structure restrictions in this area.
5. Ensure the 75' minimum lot width on lots 63-77, 95-100, and 17-19 is corrected on the final plat or meets the minimum lot width at the front building line.
6. Add the remainder tract information.
7. Give the right of way width of Street J.
8. Add all required certificates and signature blocks to the final plat.
9. Add names and addresses of record owners of adjoining land, including property with frontage along rights of way which bound the subject property.

Mr. Parker reported for Engineering, the developer will be required to submit an infrastructure construction and grading plan for the drainage, utility, post construction detention, and roadway installation to the Engineering and Public Works Departments for review and approval.

Once this approval and all other utility approvals have been met, a Land Disturbance Permit will be issued in concurrence with any applicable State and Federal Permits. Under the monitoring of the Engineering Department and other utilities, the roadway and infrastructure

will be completed and tested. Once the construction is complete and a bond is provided for the maintenance and any unconstructed public infrastructure according to the Subdivision Regulations, a Final Plat can be submitted to the Planning Commission for consideration.

A traffic impact study has been performed for this area because it is an extension of an existing subdivision.

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

Mr. Parker reported for the Opelika Utilities Board, water service is accessible to this subdivision by Opelika Utilities.

Mr. Parker reported for the Opelika Power Services, Phase 3 is inside the Opelika Power and Alabama Power Service territory.

Acting Chair Cannon opened the public hearing.

No comments.

Acting Chair Cannon closed the public hearing.

Motion to grant preliminary plat approval with staff recommendations

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

Mr. Silberman stated the piece of ground between the two properties where it has been developed and the potential property, there's a creek that runs up there. Who owns that property and how is it going to be dealt with? It looks like a retention pond.

Mr. Mosley asked are you talking about this piece to the north?

Mr. Silberman stated it's on the backside.

Mr. Parker stated on the west side.

Mr. Mosley stated that area will be part of the open space.

Mr. Silberman asked is it the same property owner?

Mr. Mosley stated so, the developer probably will maintain it until the homeowner's association is established and then it will be the homeowner's association that I would assume will maintain it.

Mr. Silberman stated so it's the same current property owner.

Mr. Mosley stated yes sir, and this street was originally in the original Master Plan intended to connect down to the next segment. I believe due to that stream and just some of the topography

through there, they decided to go ahead and stop it before they had to make that crossing.

Mr. Silberman asked and City Engineering has no problem with that?

Mr. Parker stated no, sir. It's standard that the homeowner's association manages that buffer and open space, so that's pretty standard that they're maintained and owned by the homeowner's association and not the city.

2. Drakes Landing SD, Phase 2, 117 lots, South Uniroyal Road, Brandon Bolt, Bolt Engineering, Inc, Preliminary Approval

Mr. Mosley reported the applicant is requesting preliminary plat approval for a 117-lot subdivision near South Uniroyal Road. The plat is Phase 2 of the Drakes Landing PUD residential subdivision. The master plan shows a total of 190 lots; phase 1 is 65 lots and homes are under construction. The Phase 2 lots are accessed from two streets (Fuzzy Falls and Webbed Way) that were constructed in Phase 1 and now extended into Phase 2.

In Phase 2 single family homes will be built on 117 lots. The 117 single family home lots exceed the minimum 15,000 sf lot size requirement for this PUD. The lots range from 15,050 sf to 46,524 sf. The minimum lot width is 60 feet. All lots meet the minimum 60' lot width except Lot 130. The minimum building setbacks for this PUD is 25' front, 8' side yard, 20' rear yard, and 25' side on street (corner lots). The minimum building setback lines for the lots in the three cul-de-sacs must be drawn where the lot is at least 60 feet wide. Lot 600 (55 acres) is an unbuildable lot and designated "open space" area as shown on plat. Lot 601 is a 60' wide stub-out street into the adjacent property on the north side.

A 25-foot-wide natural undisturbed buffer or a 6' high opaque fence is required along the rear lot line of all residential lots that are adjacent to the north and south perimeter property lines. In Phase 2, Lots 64 through 79 (north side) and Lots 144 through 160 (south side) require a buffer. On Lot 144, the buffer is only required on the 70 feet that is on the exterior of the subdivision. On the north side, if a landscape buffer is selected instead rather than a 6' high fence the buffer should provide evergreen plantings to provide a near impervious visual barrier in three years.

Recommendation

Staff recommends preliminary plat approval subject to the following:

1. Add the adjacent property owner adjoining the south property line on sheet CS-103.
2. Relocate side property lines on Lot 130 so the minimum 60' lot width is met.
3. Sidewalks required on at least one side of the street where homes are constructed, and sidewalks provided to access the designated open space areas shown on plat.
4. Install underground utilities.
5. Approve proposed minimum building setbacks on plat: 25' front yard, 8' side yard, 20' rear yard, and 25' side on street (corner lots).
6. Installation of Residential Buffers: (a) Along the south perimeter property line of the PUD: Install a 6' high opaque fence along the rear property lines of the following lots - Lot 160 through Lot 145 and at least a 20 foot fence section install beginning at the corner of Lot 145 & Lot 144. (b) Along the north perimeter property line of the PUD: For all adjacent residential lots along the north property line, install a 25-foot-wide natural undisturbed buffer or a 6' high opaque fence along the rear lot line. Lot 601 is a stub-out for a future street.
7. Label Lot 600 (55 acres) as "unbuildable" and open space. From the rezoning public hearing, a Drake Landing HOA (Homeowner's Association) will be established. On the

final plat, in HOA documents provide who is responsible for maintenance of Lot 600 and include provisions concerning the use(s) allowed for Lot 600.

Mr. Parker reported for Engineering, the developer will be required to submit an infrastructure construction and grading plan for the drainage, utility, post construction detention, and roadway installation to the Engineering and Public Works Departments for review and approval.

Once this approval and all other utility approvals have been met, a Land Disturbance Permit will be issued in concurrence with any applicable State and Federal Permits. Under the monitoring of the Engineering Department and other utilities, the roadway and infrastructure will be completed and tested. Once the construction is complete and a bond is provided for the maintenance and any unconstructed public infrastructure according to the Subdivision Regulations, a Final Plat can be submitted to the Planning Commission for consideration.

A traffic impact study has been performed for this area because it is an extension of an existing subdivision.

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

Mr. Parker reported for the Opelika Utilities Board, water service is accessible to this subdivision by Opelika Utilities.

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

Acting Chair Cannon opened the public hearing.

No comments.

Acting Chair Cannon closed the public hearing.

Motion to grant preliminary plat approval with staff recommendations

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

E. FINAL PLAT

3. Flat Stone Estates SD, Phase 2, 11 lots, Lee Road 483 (Loblolly Drive), Keith Henderson and Arthur Nettles, Final Approval

Mr. Mosley reported the applicant is requesting final plat approval for a 11-lot subdivision. This subdivision is approximately 2.23 mile from the corporate limits in our Planning Jurisdiction. The purpose of the subdivision is to sale lots for single family home construction with septic systems. The lots range from 1.03 acres to 23.50 acres. The total area is 40.44 acres including new right-of-ways and roadway. Loblolly Drive was extended 732 feet. An unimproved future street is shown to provide access to the south portion of Lot 68. These lots

meet the minimum requirements for a subdivision in the Planning Jurisdiction.

Planning staff recommends final approval subject to:

1. **Add the curve table for the lots around the cul-de-sac.**
2. **Add the signature line for the Chairman of the Planning Commission**

Mr. Parker reported for Engineering, all of the Opelika Surveyors comments regarding the plat have been addressed. The Engineering Department has been inspecting the construction and testing of the infrastructure in this subdivision. A Certification of Completion will be completed and signed by the Engineering and Public Works Directors as soon as all the infrastructure completion items below have been met and a positive recommendation for approval will be given:

- All drainage structures, aggregate base and first layer of pavement have been placed.
- All stop and roadway signs have been installed.
- Performance Bond of 125% of the estimated cost remaining infrastructure including the final layer of asphalt and sidewalks will need to be submitted.
- Maintenance Bond of 25% of the estimated total infrastructure cost will need to be submitted.
- As-built documents of the roadway, and storm drain in the form of an Autocad and PDF digital file will need to be submitted to the Engineer Department. The required data should include location and elevations of all the inverts of the systems.
- The ROW and lots will need to be graded, and stabilized with seed and mulch, and other erosion/sediment control items will need to be added to protect against erosion and sediment issues.

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

Mr. Parker reported for the Opelika Utilities Board, this subdivision is in Beauregard Water Authority's service area.

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

Motion to grant final plat approval with staff recommendations

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

F. CONDITIONAL USE - Public Hearing

4. **Matt Cobb, LLC, 621 Columbus Parkway, C-3, GC-P, Automotive retail sales and truck accessories and sales.**

Mr. Mosley reported the applicant is requesting conditional use approval to install truck accessories, sell accessories, and automotive retail sales for off-road vehicle. A typical auto body shop and auto painting for all types of vehicles will not be provided; the business serves the off-road vehicles. The property was 'Opelika Camper Sales' (then Ashley Boat & RV) that sold new/used RVs, campers, and serviced RVs/campers. Opelika Camper Sales is now closed and H&W Off-Road desires to open a business. The off-road business will have 10 employees. H&W Off-Road is associated with the 'parent' company H&W Motor Company (automobile sales and service) located on the adjacent property. H&W Motor Company opened about 30 years ago.

The 1.9 acre lot has three existing buildings (4,440 sf open metal cover with six parking aisles, 3,660 sf office building, 2,820 sf metal building). The open metal cover in front yard is for customer parking. The site plan also shows a proposed 7,800 sf auto shop building near the rear property line; minimum building setbacks are met for the building. The front exterior material of the auto shop building will match the fiber cement siding on the existing 3,660 sf adjacent building. The cement siding installed is also required along both side walls of auto shop building for at least 26 feet. Fiber cement (cementous siding) is an approved exterior material for new building construction in the Gateway Corridor district as provided in Section 7.6, 6. b.

The 21 off-street parking spaces provided on site plan is adequate for an off-road vehicle specialty business. In addition to the 21 parking spaces there are five lifts for vehicles in the auto shop. Also, it appears from site plan that parking is available behind the office building.

Vehicle service activities will take place in the 7,800 sf auto shop building. The auto shop has two 12 x 14 roll-up doors: the front wall has a roll-up door, and a roll-up door is on the west side wall; vehicles enter the auto shop in the front and exit the side wall. After vehicles are serviced, the vehicles will park under the existing 4,400 sf open cover until customer pick-up. The front wall of the auto shop building is 285 feet from Columbus Parkway; it appears the visibility of service activities from Columbus Parkway will be minimal.

The landscape plan provided shows landscaping along Columbus Parkway. Landscaping in this area should comply with Section 7.6 Gateway Corridor Overlay requirements.¹ The large and medium trees shown on plan are allowed but shrubs are required between the trees to buffer the lot. Staff figured 185 base points required for the 82,596 sf lot plus 21 parking lot points. The new 7,800 sf auto shop building has landscape islands on each side of the front roll-up door. The adjacent existing office building will be landscaped along the front of building. As shown on landscape plan, a minimum 10 foot grass area is required between the side property lines and the edge of proposed asphalt.

The maximum ISR (Impervious Surface Ratio) allowed is 70%. The ISR for the 82,596 sf lot was 80%, but the applicant/contractor removed an existing concrete area in the front yard area that decreased the ISR from 80% to 69%.

Staff recommends approval subject to the following conditions:

1. Revise landscape plan to meet the minimum 185 minimum base points and install a landscape buffer along Columbus Parkway as described in the Landscape Regulations.
2. All vehicle service activities must be performed inside the building not outdoors.
3. Storage of vehicles on the property is limited to 90 days.
4. As the site plan is labeled near Columbus Parkway, no storage of auto accessories or vehicles waiting for service are allowed in the area labeled '*existing asphalt to remain*'

- or between the ‘existing bldg’ (office) and the ‘relocated gate’ (i.e., front gate near Columbus Parkway).
5. Vehicle parts removed must be stored inside the building not outside.
 6. If vehicle washing, cleaning or detailing is provided the discharge of wastewater on the ground is prohibited; a drainage system with inlet to collect the wastewater and detergents must be constructed and connected to the sanitary sewer system as approved by the applicable departments.
 7. A dumpster is not shown on site plan. If dumpster(s) installed can be seen from Columbus Parkway the dumpster must be enclosed with an opaque fence and gate at a height, so dumpster is not seen outside the enclosure.

1 Off street parking lots, fronting on the public right-of-way of a designated gateway corridor shall provide a 15 foot wide planting area between the property line and edge of parking lot. The planting area shall consist of plants as listed in Section 10.6, D.2.b of the Landscape Regulations. A six (6) foot wide single row of understory, medium, or large trees located between said property line and the off-street parking facilities (asphalt). The trees shall be spaced in a ratio of one (1) understory tree every fifteen (15) feet, or one (1) medium tree every thirty (30) feet, or one (1) large tree every forty-five (45) feet. Shrubbery shall be provided between the plantings.

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

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

Mr. Parker reported for the Opelika Utilities Board, water service is accessible to this use by Opelika Utilities.

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

Acting Chair Cannon opened the public hearing.

No comments.

Acting Chair Cannon closed the public hearing.

Motion to grant conditional use approval with staff recommendations

RESULT: Passed

MOVER: Director Mike Hilyer

SECONDER: Mayor Gary Fuller

DISCUSSION: Ms. Cannon asked will there be any wrecked vehicles?

Mr. Mosley stated that is a condition that they wouldn't be able to store wrecked vehicles out there in the front area.

Ms. Cannon asked did you say 90 days or 30 days?

Mr. Mosley stated 90 days is the maximum amount of time that a vehicle would be allowed to stay there on site. That prevents them from building up a large storage area. I don't believe that this is intended to be geared towards bodywork right now. It is probably more geared towards lifts and beds and accessories and things like that, but I think that it is appropriate because in the future if this were to change to a more traditional body shop, provided that the conditional use doesn't expire from lack of use, those conditions would stay with the land.

Ms. Cannon stated I feel pretty strong about that.

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

NAYS: None

ABSTAIN: Ira Silberman

5. Jim Daws, South 10th Street and Avenue C, 182 unit apartment development. Conditional Use approval is subject to rezoning approval of the apartment property by the Opelika City Council.

Mr. Mosley reported the applicant is requesting conditional use approval for a 182-unit multi-family development on 7.14 acres. The subject property is located on the southeast corner of the intersection of S. 10th Street and Avenue C. Currently, the property has two vacant buildings, a farmer's market and the remnants of a cotton warehouse. The property was the subject of a rezoning that was recommended to City Council in January and will likely be decided in Early April.

The development would include four 4-story buildings with residential units. The 182 units consist of 92 1-bedroom units, 78 2-bedroom units, and 12 3-bedroom units. This totals 284 bedrooms. The site would also include amenities such as a pavilion, swimming pool, and outdoor common space. The first floor of the northernmost building on S. 10th Street would also include a fitness center, lobby/clubhouse, mailroom, and complex offices.

The development will have vehicular access from two points on S. 10th Street and two points Avenue C. The City Engineering Department is working with the applicant to add turn lanes and widen the right-of-way for this section of 10th Street. Additionally, the right-of-way for Avenue C will be reconfigured to add some on street parking for the existing commercial uses and reduce the oversized lanes that are currently present. The location of multiple curb cuts on two streets allows traffic to access 10th Street or to use Avenue C to access the grid street network and disperse traffic. Sidewalks will be added and reconfigured throughout the development. This will also include new pedestrian lighting and street trees.

The residential building would be 20 feet from S. 10th Street right-of-way. The City of Opelika is working with the applicant to acquire an additional 10 feet of right-of-way to allow for a center turn lane. The building is shown approximately 32 feet from the back of the proposed curb line after improvements. This would keep the building line close to the historic setback set by the buildings to the north and south along 10th Street. The closest building would located approximately 40 feet from the right-of-way on Avenue C. To the west and south, the buildings would be between 50-100 feet to the nearest property line. There are no setbacks required in the C-1 zoning district, but the applicant arranged the buildings to provide substantial setbacks, especially on the non-street sides.

The residential buildings appear to be approximately 48 feet in height based on the elevations. While this seems high, it is about 10 feet taller than the newly constructed Opelika Police Station. It would also be slightly lower than the newly constructed annex and rear of the Lee County Courthouse. It is well under the main height of the Courthouse and the tower. The maximum height allowed in the C-1 zone is 75 feet. However, most of the C-1 zone is constrained by the Historic District Design Guidelines that require that buildings be in character with those nearby. This property is not in any historic district.

There are three styles of building shown in the elevations. The building on the corner of Avenue C and S. 10th Street is shown as a white traditional Art Deco building. This building appears to be a mix of painted brick and stucco. The building uses the proper proportions and location of building materials by placing the heavier brick materials at the base with lighter materials located above this. The building also uses an inset area to help break the building up and preventing a monolithic wall. Along the 1st floor, the building uses low walls to separate the public and private space for ground floor units.

The other building located along 10th Street uses a more modern take on an Art Deco style. This building uses brick and cement siding or corrugated metal in banded patterns on each floor. The building shares the same inset on the 4th floor to break the horizontal wall up. The ground floor residential units are separated from the public sidewalk in this building planter box walls. The two rear buildings mesh aspects and materials of the first two buildings together. The buildings feature some units with small balconies or larger corner balconies.

Staff recommends that any dumpster, compactor or refuse bin be screened with landscaping or materials that complement the buildings. Staff also recommends that all above ground meters, transformers, mechanical units or similar structures be located out of public view. Typically, with more urban developments like this we would prefer to see heating and cooling units be located on the roof behind a parapet wall. If this is not feasible, they should be located behind the primary façade of the building and/or heavily screened. Staff also recommends that all utility connections be placed underground.

Developments in the C-1 zone are not required to have parking or landscaping. However, due to the location and configuration of this development, it makes sense that both are present and adequate. The site lists 248 parking spaces. This equates to 1.36 spaces per unit. This should be more than sufficient for the development due to the unit mix and the location adjacent to downtown. Staff is recommending that bicycle parking areas/racks be planned within the development due to the close proximity to downtown as well.

The applicant has provided a landscape plan that meets minimum requirements. The overall site would require 642 base landscaping points and 248 parking landscaping points totaling 890 points. The applicant is proposing to save four large existing trees that would give them 100 preservation points. The remainder of the points would be new plantings. The landscape plans show those points meeting just on trees without any shrubs that will likely be planted. The size of trees and shrubs on landscape plan must meet the minimum size requirements as provided in the Landscape Regulation.

The site is required to have a Gateway Corridor Buffer along the front. This is shown through significant street tree plantings. The applicant has mentioned that they specifically oversize the trees along the right-of-way for maximum and immediate visual impact. This also helps soften the building from the street and protect pedestrians. Although this use does not require any other specific buffers, the applicant has also added significant plantings along the south property line adjacent to the Police Station and law office. There is also a fence shown along

the shared property line with the office, that was previously discussed.

Approval of this conditional use is contingent on City Council's approval of the rezoning to C-1. The Council will hold a rezoning public hearing and then vote at an April City Council meeting.

Staff recommends approval subject to the following:

1. City Council approves rezoning of the site to C-1
2. All above ground meters, transformers, mechanical units or similar structures be located out of public view. Typically, with more urban developments like this we would prefer to see heating and cooling units be located on the roof behind a parapet wall. If this is not feasible, they should be located behind the primary façade of the building and/or heavily screened.
3. All utility services shall be underground.
4. If dumpsters are installed, dumpsters must be enclosed on all sides and gated with an opaque fence at a height so that the dumpster is not seen outside the enclosure.
5. Coordinate with the City Engineer to provide adequate right-of-way to accommodate a turn lane, approximately 10 feet.
6. Provide buffering as shown through the landscape plan including a fence along the shared property line with the adjacent law office.
7. No signage is approved through the conditional use plan. All signage must be approved by separate application to the Planning Department.

Mr. Silberman stated I only saw one place for dumpsters.

Mr. Mosley stated yes sir, right now they are only showing a compactor in the rear section. Often times that's one item that may shift between conceptual plan of conditional use and the actual development of the building and so they may go with either multiple smaller dumpsters, a compactor, or it's not likely to happen in this case but some sort of individual pick up. If they do have a dumpster, they need to be screened is what we are saying.

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.

Roadway access improvements and lane additions on South 10th Street and Avenue C may be required for this development. Either a traffic study shall be performed to determine what is required, or the applicant and City Engineering Department can determine what additions and improvements are needed for the existing roadway.

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

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

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

Acting Chair Cannon opened the public hearing.

No comments.

Acting Chair Cannon closed the public hearing.

Motion to grant conditional use approval with staff recommendations

RESULT: Passed

MOVER: Director Mike Hilyer

SECONDER: Mayor Gary Fuller

DISCUSSION: Mayor Fuller stated this is going to be a game changer for downtown Opelika. It's going to be a great project and we're looking forward to working with the developer. It's going to bring a lot more folks to live in downtown Opelika and of course that'll make some new business and commercial opportunities available for folks.

Mr. Hilyer asked are all four buildings going to be built at the same time?

Jim Daws, Sierra Development Group, stated yes they will all be built at the same time.

Mr. Silberman asked are these for rent or for purchase?

Jim Daws stated they will be rental.

Mr. Silberman stated I am concerned about the trash.

Jim Daws stated at all our properties we provide valet trash service that we pick up five nights a week. The residents put their trash outside their door and we come pick it up. We will take it down to the one central location where the compactor is located and we will pull that as many times as is necessary. We maintain that service.

Mr. Silberman stated that was my concern because I only saw the one compactor and it's a pretty good distance from some of those buildings.

Jim Daws stated yes sir, we have people on staff that will do that.

Ms. Cannon asked what happens when you run out of parking spaces?

Jim Daws stated we've had similar developments like this. We did one in Macon very similar, and to be honest we just haven't had that problem. A lot of folks don't mind walking. We are hoping that we'll be able to also get some parking on the adjoining property that John and Ashley Marsh have as we develop that but from our experience we don't anticipate that being a problem. That's why we have over 50 percent of these units are one-bedroom units. It's really geared toward young professionals, retirees, and empty nesters, so it's not really geared toward larger families.

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

NAYS: None

ABSTAIN: None

6. Blake Rice, 375 West Point Parkway, R-4, Add 36 apartment units to Pinehurst Apartments.

Mr. Mosley reported the applicant is requesting conditional use approval to add additional apartment units to the current property. The current Pinehurst Villas development has 104 units. The development includes an existing office building, mail kiosk, and swimming pool. The applicant is proposing to add four (4) additional two-story buildings. This will increase the total development to 17 multi-family residential buildings with 16 one-bedroom units, 60 two-bedroom units, and 28 three-bedroom units existing and adding an additional 36 two-bedroom units. This will increase the number of units on the property to 140 total units. The overall density will be 8.26 units per acre, which is just below the allowable 9 units per acre for the R-4 zoning district. Many of the surrounding developments have much lower densities than are proposed for this lot. The Fox Run Village development to the south is larger in both unit count, but also in area. That site has a density of approximately 5.75 units per acre.

The site plan shows four new apartment buildings. The authorized representative stated these will be 36 two-bedroom units all 975 sq. ft. Two of the buildings are located on the western side of the property (adjacent to Betts Crossing). These buildings will be located on the edge of stream that traverses the property. The other two buildings are located on the very easternmost side of the property. These buildings abut a large single-family residential property. The new driveway to these properties also places Buildings 200 and 300 in an area surrounded by parking or drive aisles.

A sidewalk is provided in the front yard of each apartment building located near the parking lot. The minimum off-street parking requirements are met: 280 parking spaces required; 288 spaces provided. The elevation drawings presented show and note that building materials will be vinyl siding, brick column, and brick facing along the bottom edge to match the existing development. This site has an existing enclosed dumpster at the entrance. The current site has additional dumpsters that will need to have locations and enclosures approved. If additional dumpsters will be required for the additional units, the locations and enclosures must be approved by the Planning Department.

The landscape plan is not shown at this time. This site was developed in the 90's and has some mature landscaping in place. The applicant will provide a landscape plan for the entire development to meet the landscape requirements of our current ordinance for a multi-family development in the R-4 zoning district. [1](#) The entire site with existing and proposed developed area will be 497,155 sq. ft. (11.4 acres) of the 16.96 acres. This redevelopment will require 1,303 base points to be shown. The plan will need to provide 1015 base points. The site has 288 parking spaces, and 288 parking lot landscape points are required. A residential buffer [2](#) will be required along the perimeter of this property to reduce impacts from this development to the surrounding single family uses.

Conditional uses are those uses that have some specific impact when proposed for a location in a particular zoning district or a uniqueness that cannot be determined in advance of being proposed at a particular location. The subject property is located in a transitional area that extends from the commercial property at the intersection of Bulldog Parkway and West Point Parkway towards the more suburban residential areas to the east. The existing development has a density of 6.13 units per acre which is in line with Fox Run Village. The existing development also maintained significant spatial buffers from the adjacent properties that minimized impacts on adjacent residential properties. The proposed development increases the density to over 8 units per acre which approaches the maximum density allowed in this zone. While this density may be appropriate in other locations, this location has potential

cause negative impacts on adjacent properties. This potential is exacerbated by the proposed layout and configuration of the properties. The properties on the east side are much closer to adjacent property. Additionally, the layout of the property is not ideal. The existing configuration of buildings faced some of the sides of buildings towards the parking lot, what one would consider the “front”. While this is not usually preferred, it did provide some opportunities for courtyards between buildings and side yards that were open for use. The proposed buildings, because of their location, do not provide the same ability to have open areas. In fact, the new buildings to the eastern side, reduce some of these useable areas due to the addition of drive aisles and parking. Finally, the proposed elevations area intended to match the existing buildings. The existing buildings, as previously mentioned, are two story walk-up units that are primarily clad in vinyl siding with some brick accents. The existing buildings are dated in appearance. Staff would have preferred to see the addition of new multi-family building be designed to not create new units that look like they were constructed 25 years ago. At the very least, the newer units should utilize better materials, more current design features and best practices. This is a significant development adding an additional 35% units. We would typically recommend significant renovations to the existing development as part of the use approval as well. To our knowledge, there are not any proposed changes to the existing units.

In reviewing the proposed request, staff feels that the proposed increase of units would have both adverse effects on the subject property and to the character of the residential properties adjacent to the subject property. Due to the reasons referenced above, staff recommends denial of the conditional use for the proposed increase of multi-family residential units.

Staff recommends denial of the conditional use. Should the Planning Commission feel the conditional use is appropriate, staff recommends the following conditions:

1. Add a residential bufferyard to the adjacent vacant R-4 area and PUD areas to be shown on the final site plan prior to the land disturbance permit.
2. Materials shall meet the general cladding requirements of the Gateway Corridor Overlay for all new buildings. Staff would prefer the existing buildings be examined to see how they can be improved.
3. A full landscape plan shall be performed to ensure that adequate landscaping is present and additional landscaping is added where required by the zoning ordinance.
4. A sidewalk shall be added to the building in the southwest corner towards Buildings 300 and 400.
5. All dumpsters or trash collection areas shall be screened using materials that complement the buildings, to be approved by the Planning Department.
6. Buildings should not be oriented towards the rear of adjacent buildings where possible.
7. Buildings on the eastern side of the development are much closer to adjacent properties. These buildings should be examined to see if they can be moved further from adjacent single-family property.

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

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

Mr. Parker reported for Engineering, the 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, this use will be served by a master meter.

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

Acting Chair Cannon opened the public hearing.

Blake Rice, Barrett-Simpson, 223 South 9th Street, stated since receipt of the staff report, the developer of this property has rethought some of their ideas, and they would like to request that this project be tabled at the Commission's pleasure to allow them to further continue to look into this and possibly work with staff on modifying this request.

Ms. Cannon stated alright. So, when is it brought back?

Mr. Gunter, City Attorney, stated if it is tabled at their request time is not an important factor, but the motion needs to state tabled at the request of the applicant.

Acting Chair Cannon closed the public hearing.

Motion to table the item at the request of the applicant

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

7. Rezoning Request, Blake Rice, 40 acres, Society Hill Road, from C-2 and R-1 to C-2

Mr. Mosley reported the 2030 Future Land Use Map (FLUM) shows 22 acres of a 40 acre property in a low density residential land use category. (The remaining 18 acres is in a light commercial category.) The adjacent properties on the north and south sides are also in a low density land use category; these adjacent lots are primarily undeveloped except for one single family home on 4.6 acres. The adjacent properties on the east and west side are in a mixed use land use category; the east side is the Opelika-Auburn News office building in the Wyndham Gate PUD; the west side property is part of a rezoning approved about two years ago to PUD for a commercial development.

Staff Recommendation

The rezoning request to a C-2 zone requires an amendment to the 2030 FLUM concerning 'land use category.' The applicant's plan is to construct 242 townhomes. If the rezoning request is approved, staff recommends the 2030 Future Land Use map be amended for the 40 acre rezoning property from a "low density residential" land use category to a "light commercial" land use category.

Rezoning

The applicant is requesting to rezone 40 acres from R-1 to C-2. A total of 242 townhome rental units are proposed for the rezoning property. An 18 acre portion of the townhome property is currently zoned C-2. The rezoning property is adjacent to a R-1 (low density residential) zone on the north and south sides; the R-1 adjacent properties are undeveloped except for a single family home on 4.6 acres on the north side. On the adjacent east and west side is PUD (commercial) zoned properties. On the east side across Society Hill Road, the adjacent PUD property is the Opelika-Auburn News office property on 8.6 acres. The west side PUD is accessed from Gateway Drive adjacent to Exit 58 on I-85; the commercial PUD was approved in 2020 and phase one construction has begun: a QT gas station with convenience store & limited truck stop. In phase 2, restaurants are planned for lots adjacent to QT. The adjacent PUD property next to the townhome development is labeled 'entertainment'.

Recommendation

Staff believes the rezoning to C-2 for townhomes would not have a significant negative impact on the surrounding area. The townhome density at 6 dwellings per acre is much lower than the maximum 16 dwelling units allowed in a C-2. (The low density is due to topography challenges and two ponds (2.5 acres) on the property.) An 18 acre portion of the 40 acre rezoning property is currently zoned C-2. The 40 acre townhome development is primarily adjacent to undeveloped land on all sides except a single family home on 4.6 acres, and the Opelika-Auburn News office across Society Hill Road. The townhomes will be compatible with the O-A News office and a mini-warehouse & U-Haul truck rental business about 300 feet south of the townhome property. The development is conveniently located about one mile from Exit 58 on I-85 near Tiger Town; Exit 58 provides a broad range of retail stores, grocery stores, and entertainment uses to serve residential demands. **Staff recommends Planning Commission send a positive recommendation to the City Council to rezone the property from R-1 to C-2.**

Mr. Parker reported for Engineering, the Engineering Department has no other comments or concerns with this proposal and recommends a positive recommendation for rezoning to City Council.

Mr. Mosley reported for the Opelika Utilities Board, no comments.

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

Acting Chair Cannon opened the public hearing for the Future Land Use Map and the Rezoning Request at the same time.

Blake Rice, Barrett-Simpson, 223 South 9th Street, stated I would like to note that although the property to the south is zoned R-1, the property owner to the south is also the current property owner of this property, and actually this rezoning is at their request. So that's worth noting when you start looking at a zoning map and realize that the property owner itself is making this request. Jim Chapman with Jim Chapman Communities is here. It is a little difficult. We find ourselves in this situation regularly with a rezoning and a conditional use. So, I know that there could be questions right now regarding the conditional use that need to be answered before it moves forward on the rezoning itself. I'd be happy to answer any questions. Mr. Chapman is also here and can answer any questions about his particular development. He also has a lot of data about these communities that he compiles from other municipalities where he builds these. If that data can help in any way, he'd also be happy to share that data with you. Mr. Mosley has a PDF of a quick presentation if you'd be interested to see it. Other than that, I'd be happy to answer any questions.

Acting Chair Cannon closed the public hearing.

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

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

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

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

8. Blake Rice, Society Hill Road, 242 townhome units, Conditional use approval is subject to rezoning approval of the townhome property by the Opelika City Council.

Mr. Mosley reported the applicant is requesting conditional use approval for a 242-unit townhouse development on 40 acres; a creek runs through the 40 acres, and adjacent to creek is a 25' wide natural undisturbed buffer and small ponds (1.7 and .8 acres) on each side of the buffer. The townhomes are rental units not condo or fee simple ownership. The property frontage along Society Hill Road is 525 feet. Two private entrances 200 feet apart are shown on the site plan; each entrance has a security gate with electronic access controls. Townhome amenities include a clubhouse next to a swimming pool and dog walk area. Sidewalks are shown in front of all townhome units on both sides of all private streets.

The proposed development consists of 43 townhome building groups that range from two to eight units per group: a total of 242 townhome rental units. A townhome group exterior material is a combination of cement siding, board & baton siding, and stone. Photos of townhouse elevation are attached. A townhome unit minimum lot width is 20 feet wide; the lot width provided is at least 23 feet. The average size of the first floor is 22' x 50'. At least one front, rear or side yard area for each unit is 50% or more of the first floor area as required; each townhome group is at least 20 feet from another townhome group as required. The two-bedroom, two-bath one-story units are 1,015 square feet with a one car garage. The three-bedroom, three bath two-story units are 1,411 sf with one car garage (The 2nd floor consist of one bedroom & bath.).

The landscape plan meets minimum requirements. A total of 396 trees and 749 shrubs are shown on plan. A residential buffer is shown as required along the north and south property line to buffer the adjacent properties in a R-1 residential zoning district from the multi-family development. The buffer must consist of the options 1 provided in the Landscape Regulations. One understory tree and three shrubs (8 points) are shown in the front yard of each townhome unit near parking spaces that represents parking lot point requirements. However, the landscape plan shows a total of 94 parking lot points (one point per parking space is required) but the site plan shows 578 parking spaces; 578 parking lot point are required (It appears parking lot point are met, but the legend needs to be revised.). A landscape buffer is shown along the clubhouse/guest parking spaces near the front property line as required and described in Section X. 2 Staff recommends extend the buffer to each side property line to connect with each residential buffer required along north and south property lines. The size of trees and shrubs on landscape plan must meet the minimum size requirements as provided in the Landscape Regulation.

Approval of this conditional use is contingent on City Council's approval of the rezoning from R-1 to C-2. The Council would likely hold a rezoning public hearing, and then vote at an April City Council if the rezoning is recommended to City Council.

Staff recommends approval subject to the following:

1. City Council approves rezoning of the 40 acres for R-1 to C-2
2. Staff recommends extend the parking lot buffer shown near front property line to each side property line to connect with residential buffers
3. Revise landscape legend and/or add landscaping as required so minimum base points and parking lot points are met.
4. If dumpsters are installed, dumpsters must be enclosed on all sides and gated with an opaque fence at a height so that the dumpster is not seen outside the enclosure.
5. Add on site plan who is responsible to maintain the creek buffer area and two ponds.
6. Relocation of overhead utilities so that no building are in easements.
7. All utilities shall be underground except overhead required transmission lines.

- 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.*
-
- a. 2 *A six (6) foot wide single row of understory, medium, or large trees located between said property line and the off-street parking facilities (asphalt). The trees shall be spaced in a ratio of one (1) understory tree every fifteen (15) feet, or one (1) medium tree every thirty (30) feet, or one (1) large tree every forty-five (45) feet. Shrubbery shall be provided between the plantings.*

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.

Roadway access improvements and lane additions on Society Hill Road may be required for this development. Either a traffic study shall be performed to determine what is required, or the applicant and City Engineering Department can determine what additions and improvements are needed for the existing roadway.

Mr. Parker stated also, we would like to see if the applicant can discuss the potential of connection to the Capps Development to the west of there. I didn't know it was that close until I saw the overview and I didn't know if that was a consideration as well.

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

Mr. Mosley reported for the Opelika Utilities Board, no comments.

Mr. Mosley reported for the Opelika Power Services, no comments.

Acting Chair Cannon opened the public hearing.

Blake Rice, Barrett-Simpson, stated I would be happy to answer any questions, as would Mr. Chapman.

Acting Chair Cannon closed the public hearing.

Motion to grant conditional use approval with staff recommendations

RESULT: Passed

MOVER: Councilman Ward 1 Willie Allen

SECONDER: Director Mike Hilyer

DISCUSSION: Ms. Cannon asked is it a single car garage?

Blake Rice stated yes ma'am.

Ms. Cannon asked where is the second car going to park for those who have spouses?

Blake Rice stated the end units on each building do have double garages and then you also have a driveway in front of the garage just like a single family home that most people park in anyway.

Ms. Cannon stated so someone is going to have to move a car for the car in the garage to get out.

Blake Rice stated yes ma'am but it's also worth noting that a great portion of these residents are single person.

Mr. Hilyer asked how wide are these roads? They're pretty wide aren't they?

Blake Rice stated they are developed to be city standard roadways, they're not little private drives.

Mr. Mosley stated on here they are shown at 28 feet in width.

Mr. Hilyer stated so that's pretty wide.

Mr. Silberman stated I have a comment and really I was going to save it for the end and not talk to any specific project, but for a while now we have had tremendous success in growing the city and the projects and residents and that's great and what we have to do but what I am beginning to be concerned about is we are transitioning from a single family home community to a substantial amount of multi-resident complexes and I'm concerned as to whether Planning and Engineering have really thought through what's going to be developing in terms of these projects and maintaining housing and maintaining parking and maintaining trash pick-up. I don't say this as a problem but as a concern that it's going to be a substantial size of our community in rentals. The number of cars house parked or whether they are cover parked or not and the quality of the spaces become new conditions that are going to be a major impact on the visual as well as the physical affect of this community. I just comment now because we are about to vote on another big project and I want to make sure that we have got in place the rules and regulations that the city needs to move forward with it.

Ms. Cannon stated I feel the same way and if this is approved as well as

the next item is approved, we will have approved 688 lots, apartments, and townhomes today.

Mr. Silberman stated I grew up in a Navy housing project that got away from them because nobody really looked after it.

Mayor Fuller stated Madam Chair I would remind you to look at how many single-family home lots we have platted over the last five years, as evidenced by the fact that we permitted last year 488 new single family homes. Already this year's first four months we have permitted 212 single-family homes. Yes, we are getting some multi-family, but we are a long way from having more multi-family then we are single-family.

Ms. Cannon stated this just included everything.

Mr. Silberman stated I don't disagree with the momentum that we've got and the direction we are going. I am only concerned that we have the right rules and regulations to build that support and maintain what we've done.

Ms. Cannon stated 20 years from now.

Mr. Silberman stated exactly.

Mayor Fuller stated that's always going to be a challenge. There will be more cars and people will complain about traffic too.

Mr. Silberman stated that's why we've got to plan ahead.

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

NAYS: None

ABSTAIN: None

H. MASTER PLAN REVISIONS - Public Hearing

9. The Ballfields Master Plan, Minor Amendment to Master Plan, Pepperell Parkway & North 30th Street, Blake Rice, Decrease apartment units and add 36 townhome units to the Master Plan.

Mr. Mosley reported the subject property is approximately 60.74 acres with a planned unit development (PUD) zoning district that was approved in 2019. The approved development consisted of 368 residential apartment units with commercial uses along the Pepperell Parkway. There is also a large amenity area along Pepperell Creek. The applicant is proposing to reduce the overall unit count and replace some of the approved multi-family apartments with fee-simple townhomes.

The approved plan had a density 6.49 units per acre over the 56.71-acre portion of the property. The revised plan with 230 units would now have a density of 4.04 units per acre.

The commercial property along the frontage is approximately 4.04 acres and shows five proposed buildings. The number of buildings increased, but overall the commercial area is

still consistent with the original approval. The narrative provided by the applicant lists the allowed uses in this area as those typically found in the C-3 zone. The applicant has listed some uses that they would restrict through the PUD. These would include adult businesses, outside manufacturing, body art, cemetery, and package stores among others. Other uses that would be conditional in the C-3 zone would require conditional use if desired later. These uses would typically include those with an outside component.

During the initial approval process, there was significant discussion regarding how the multi-family would be buffered from the existing residential in the Mill Village. The proposed plan further moves the apartment buildings away from the adjacent residential. The proposed plan also adds 30 townhouses in five (5) buildings. These units would be fee-simple units that would be subdivided. The applicant is proposing that the units would follow the traditional townhouse standards found within the zoning ordinance. The units would be oriented around a central parking area. The front setback would be 10 feet to allow the parking to be held in common space. The non-adjoined sides would be 10 feet for end units. The rear setback would be at least 20 feet or the depth of the required yard. The rear setback for the units adjacent to the Mill Village are shown at 40 feet with a buffer located between the units and the single-family homes.

Again, the overall unit count is being reduced significantly. The number of multi-family units is being reduced from 368 units to 200 units. The buildings are a mix of two and three story buildings. The three story buildings are all located on the western side away from the existing residential.

Buffers and Landscaping – The applicant states in the narrative that they would provide a 15 foot buffer between the single-family residential and the multi-family, townhouses, and commercial uses. The site plan also shows a fence running the length of the property along the boundary. At the previous approval meeting, the residents had asked for an enhanced buffer. The applicant explained that much of the existing plant material would not provide the best buffer, because the mature trees didn't provide a screen. The ordinance at a minimum requires a residential buffer to include either two staggered rows of evergreen trees or a single row of evergreen trees and a fence.

The uses along public streets and specifically along Pepperell Parkway will be required to meet frontage and parking landscaping requirements.

Each use will require a full landscape plan prior to the release of a building permit for the particular use. This will ensure that all stages of the development meet city landscaping requirements.

Amenities – The site plan and narrative both show a clubhouse, pavilion, fitness area and dog park. This area is close to Shady Park in the Mill Village and this park would likely be used by residents as well. There is also a large flood plain area shown along Pepperell Creek.

The proposed development will provide good residential opportunities in an area that already has access and available utilities. This housing is located in an area with nearby natural amenities, job centers, retail and access to major transportation areas.

Staff Recommendation:

Staff recommends Planning Commission approve the Minor Amendment to the Master Plan subject to the following:

1. A residential buffer along the eastern property line adjacent to the single family in compliance with the residential bufferyard requirements. Additionally, this bufferyard shall extend along the driveway leading to 30th Street.
2. Landscaping plans meeting the requirements for each use will be required prior to the issuance of a building permit.
3. All utilities shall be underground.
4. A sidewalk shall be extended from the internal sidewalks of the development to Cunningham Drive.
5. All dumpsters shall be fully screened.
6. No signage is being approved with this plan. All signage is required to be approved by separate application.
7. All buildings shall comply with City of Opelika Gateway Corridor standards including cladding and screening requirements.

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

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

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

Acting Chair Cannon opened the public hearing.

No comments.

Acting Chair Cannon closed the public hearing.

Motion to grant approval for the Minor Amendment to the Master Plan with staff recommendations

RESULT:	Passed
MOVER:	Councilman Ward 1 Willie Allen
SECONDER:	Leigh Whatley
AYES:	Cannon, Whatley, Director Hilyer, Mayor Fuller, Councilman Ward 1 Allen
NAYS:	None
ABSTAIN:	Ira Silberman

I. ADJOURN

Motion to adjourn at 4:12 p.m.

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

Lucinda Cannon, Acting Chair

Matt Mosley, Secretary