



PLANNING COMMISSION MINUTES

300 Martin Luther King Blvd.

April 26, 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 April 26, 2022 in the Meeting Chambers, located at the Opelika Municipal Court. Certified letters have been mailed to all adjacent property owners for related issues.

MEMBERS PRESENT: Chairman Lewis Cherry, Mayor Gary Fuller, Mr. Ira Silberman, Councilman George Allen, Mrs. Leigh Whatley, Ms. Lucinda Cannon, Mr. Michael Hilyer, and Mr. John Sweatman.

MEMBERS ABSENT: Dr. Arturo Menefee.

STAFF PRESENT: Mr. Matt Mosley, Planning Director
Mr. Martin Ogren, Assistant Planning Director
Mrs. Rachel Dennis, Planner
Mrs. Claire Barber, Planning and Zoning Technician
Mr. Scott Parker, City Engineer
Mr. Guy Gunter, City Attorney

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

Approval of Planning Commission Minutes March 22, 2022

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

III. UPDATE ON PREVIOUS PC CASES

Mr. Mosley stated there are no updates on previous items.

IV. NEW BUSINESS

A. PLAT (Preliminary Only) - Public Hearing

1. Redivision Jim Joe Perry SD (Anderson Lakes Extension), 24 lots, accessed from 2801 Anderson Road and the terminus of Anderson Lakes Circle, Kenneth White, Flowers and White Engineering, LLC, authorized representative for Souvanh Chanthongphio

Mr. Mosley reported the applicant is requesting preliminary plat approval for a 24 lot subdivision. All lots are accessed from Anderson Lakes Circle; Lot 17 is a flag lot and has access to Anderson Road and Anderson Lakes Circle. The lots are in a R-3 zoning district and each lot meets the minimum 70' lot width and 10,000 square foot (sf) lot area requirements. The lots range in size from 10,100 square feet to 36,114 sf. All lot widths are at least 70 feet along the front property line or must be a minimum 30 feet at the minimum building setback line.

Staff recommends preliminary plat approval subject to the following.

1. **Add property owner or developers name and address**
2. **Add utility easement statement**
3. **Install underground utilities**
4. **Install sidewalks on at least one side of all streets.**
5. **On final plat include a street name for "Street A" approved by City Engineer.**

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.

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 from Anderson Lakes Circle.

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

Chairman Cherry opened the public hearing.

Jackie Hall, 2309 Anderson Lakes Drive, stated thank you for your time. I think my concern, and a number of the people in our community's concern, is how much traffic is going to be fed into our existing neighborhood. Now I just heard, if I heard correctly, there is access to Anderson Road. So, my question is why isn't that neighborhood being fed out into Anderson Road, rather than coming through our neighborhood, because that has a potential for creating an increase in traffic quite a bit. At the end of our street there is land that is being developed now. I don't know when they'll build or if they're going to build, but they've done all the dirt work

there and that has the potential for coming out of our neighborhood also. So, if you take 24 lots and let's say most of those homes will probably have two cars and some may have teenagers making it three cars, it's going to increase the traffic in our neighborhood considerably. It's just something that's not desirable for our neighborhood. Could the traffic possibly be fed to Anderson Road rather than coming through our neighborhood?

Mr. Parker stated the property that's shown there that has that flag to Anderson Road is the existing property boundaries of this property. They do not own any side of the other side of that and it's only 30 feet wide. Our minimum roadway width is 50 feet, so it does not meet the standards for a roadway to come out on Anderson Road. It has to be at least 50 to 60 feet wide for a roadway to come out.

Jackie Hall stated well I know there's some land there that's for sale. I think it's like six acres in the area.

Mr. Parker stated that's just not in the application. I'm not aware of any of that other property that is for sale. This is just what has been applied for.

Jackie Hall stated well I'm not sure if that adjouns that or not but there is six acres for sale right there. What about taking that traffic out on that street, I always called it Opelika Auburn Highway.

Mr. Parker stated that's Northpark Drive. There's no roadway access to Northpark Drive from this property either.

Jackie Hall stated well if it's a possibility that additional land could be purchased to feed that traffic out onto Anderson Lake it would be greatly appreciated by the residents of Anderson Lakes, I can assure you, because a number of us are concerned.

Chairman Cherry closed the public hearing.

Motion to grant preliminary plat approval with staff recommendations

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

B. PLAT (Preliminary and Final) - Public Hearing

2. McDonald Downs SD, Second Addition, 20 lots, accessed from McDonald Drive, Brandon Hays, authorized representative for Whiteridge Opelika, LLC, Preliminary and Final Approval

Mr. Mosley reported the applicant is requesting preliminary and final approval for a 20-lot subdivision on 42.27 acres with a remainder lot titled Parcel A. The 19 lots have public street access from an extension of McDonald Drive. Single family homes are proposed on the 19 lots. These lots exceed the minimum 10,000 square foot (sf) lot size requirement and most exceed the 70-foot lot width for a subdivision in the R-3 zoning district. The single-family home lots range in size from 10,017 sf to 17,458 sf. The density for the residential

development in an R-3 zone is 3.5 units per acre, the proposed density is 3.0 units per acre. The R-3 zoning district requires the setback to be 30' in the front, 25' in the rear, 10' on the side and 20' on the side yard on street setback. The remainder Parcel A will be 36.50 acres. The current plat includes street access to Parcel A from White Road.

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

- 1. Install underground utilities and install sidewalks on at least one side of the street in this phase of McDonald Drive.**
- 2. Show the name of the adjoining, existing subdivision.**

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 have been graded, and stabilized with seed and mulch, and other erosion/sediment control items will need to be added to protect against erosion and sediment issues.

If these requirements are met, the Engineering Department recommends preliminary and final plat approval.

Mr. Parker stated there are a few outstanding items, but because the roadway has been completed, we are going to recommend this be approved tonight and then we will hold signatures until the lesser items come through. Those items are, to have a stop sign and roadway signs installed, the performance bond and maintenance bonds submitted, and as-built documents submitted.

Mr. Hilyer stated we are still pulling vacuums on manholes, we have not received the sewer video, we have not received the as-builts, and there are no street signs.

Mr. Parker reported for the Opelika Utilities Board, testing and final inspection remain to be accomplished before we approve the water system work.

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 preliminary and final plat approval with staff recommendations

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

C. FINAL PLAT

3. Global Impact SD, 8 lots, 1203 Crawford Road, Derek B. Thomas (Global Impact Church, Inc.) Final Approval

Mr. Mosley reported the applicant is requesting final approval for a nine (9) lot subdivision off Crawford Road. The existing lot has a large home and large warehouse style building that will remain on the south side of the property (Lot 8). The eight (8) lots will take access from a new street with a cul-de-sac at the end. The street will access Crawford Road. Each of the eight (8) lots meets the minimum lot size requirement in the R-1 zoning district of 1 acre or larger. The lot sizes range from 1.41 acre to 8.61 acres. Lots 1-7 take access off the new street.

Staff recommends final approval subject to the following:

1. The name and address of the owner/developer needs to be shown.
2. Add the Opelika power/communications easement note on the final version.
3. Add a note that lot 7 will not take direct access from Crawford Road.

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.
- 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 have been graded, and stabilized with seed and mulch, and other erosion/sediment control items will need to be added to protect against erosion and sediment issues.

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

Mr. Parker reported for the Opelika Utilities Board, approved for final plat.

Mr. Parker reported for the Opelika Power Services, this is inside 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
DISCUSSION:	Ms. Cannon asked is there any type of buffer between the church and Lot 1 that keeps cars from riding across? Mr. Mosley stated no ma'am, not that I'm aware of. Mr. Parker stated it's kind of a shared driveway. The church will use that road and turn off to go to their parking lot. Mr. Mosley stated it's my understanding that most of the owners of the development are also members of the church. Mayor Fuller asked Mr. Parker in the Engineering report, item three says maintenance bond 25%. Is that a typo? Mr. Parker stated no, maintenance bonds are 25%. Performance bonds are 125%. Maintenance bonds are 25% and they don't have any performance requirements remaining, so that's the only bond they have and they have already submitted that.
AYES:	Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Mayor Fuller, Councilman Ward 1 Allen, Sweatman
NAYS:	None
ABSTAIN:	None

4. Legacy Village Townhomes SD, Phase 2, 27 lots, accessed from Century Boulevard, Brett Basquin, authorized representative for Clayton Properties Group, Inc., Final Approval

Mr. Mosley reported the applicant is requesting final plat approval for the remaining 27 lots of a 53-lot townhome subdivision. The townhome units are attached together sharing a common side wall in either four, five, or six townhome units grouped together. The townhomes on individual lots will be sold including front and rear yard areas. The 27 lots meet the minimum yard size requirement of at least 50% of the main floor size of a unit. The 27 townhome lots exceed the 1,800-sf minimum lot size and 20-foot lot width required for a townhouse development. The lot widths range from 27' to 52' wide, and the lot area from 3,070 square feet to 6,140 sf. Each unit has two parking spaces as required. Underground utilities are installed and sidewalks on at least one side of all streets are shown on construction plans; sidewalks will be installed when construction of townhome units are near completion. A 5' access easement is shown along all rear property lines of each townhome group providing access to a street. The exterior building material is brick on front wall and lap siding and/or board & batten on side and rear walls.

A landscape buffer is planted along Century Boulevard consisting of trees and shrubs. A landscape plan for each townhome group will be submitted as required before a building permit is issued for a townhome group; for Legacy Village the landscape plan is typically 11 trees and

8 shrubs planted in the front yard of a townhome group.

Most of Parcel B (5.4 acres) shown on plat is in a floodplain and will remain as an open space lot. The common area is maintained by the Legacy Townhomes HOA (Homeowner's Association) as stated on the plat (note #10).

Staff recommends final approval subject to the following installed before a CO (certificate of occupancy) is issued:

- 1. Install sidewalks on at least one side of all streets.**
- 2. Install landscaping, grass & ground cover on all yard areas.**
- 3. All utilities shall be underground.**
- 4. Any fencing by developer/property owners should be consistent on all lots.**
- 5. Change the street name of the east side street from Legacy Circle to Time Court**

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.
- Maintenance Bond and Performance Bond of the estimated total infrastructure cost will have been submitted.
- As-built documents of the roadway, and storm drain in the form of an Autocad and PDF digital file have been submitted to the Engineer Department. The required data should include location and elevations of all the inverts of the systems.

The Engineering Department recommends Final Plat approval.

Mr. Parker reported for the Opelika Utilities Board, approved for final plat.

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

Motion to grant final plat approval with staff recommendations

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

5. Windsor Village, Phase 2, a Resubdivision of Lots 14 and 15, 41 lots, accessed from the 3000 block of Waverly Parkway, PLS Group, Inc. (Cory E. Rushing), authorized representative for TD Development, LLC, Final Approval

Mr. Mosley reported the applicant is requesting final plat approval for 15.35 acres into a 41-lot subdivision located in a planned unit development (PUD). The master plan and zoning were

approved by City Council on July 22, 2020, and a minor amendment by Planning Commission approved on July 28, 2020. The preliminary plat was approved by the Planning Commission on November 17, 2020. The final plat for Phase 1 was approved by the Planning Commission on October 26, 2021.

This plat consists of 10 single-family lots and 30 townhome lots. The remaining lots are divided as follows: Lot 88 is 1.32 acres labeled common area to be used for an amenity lot, Lot 16 is 5.77 acres to be used as common area containing two ponds and wetland area. The single-family lots are located at the end of Windsor Drive. These lots will have the following area standards:

Single-family detached standards

- Min. Lot size = 7,500 sf
- Min. Lot Width = 60 feet
- Front Setback – 15 feet
- Rear Setback – 25 feet
- Side Setback – 5 feet

All the single-family lots meet the minimum standards. The setbacks and other area standards should be noted on the final plat.

The townhome lots are located along Crestmont Drive. The landscape plan shows a 25 ft. landscape buffer along the outer edge of the development, and a residential buffer along Windsor Drive townhome lots. The townhome lots have the following standards:

Townhome lot standards

- Min. Lot size = 1,800 sf
- Min. Lot Width = 20 feet
- Front Setback – 15 feet
- Rear Setback – 25 feet
- Side Setback end units – 5 feet

All the townhome lots meet the PUD standards. The master plan shows walking trails, a future park as amenities in this phase. Add an access easement for the walking path. The proposed plat is largely in compliance with the approved master plan and the subdivision regulations.

Staff recommends final plat approval subject to the following:

- **Underground utilities shall be required.**
- **Sidewalks shall be required on at least one side of the street.**
- **Note the use, ownership, and maintenance of the common areas.**
- **Add access easement for park area and walking path/trail network, build trail network, and park area in common areas as described in the PUD Master Plan.**
- **Change Note 1. that states this property is in the City of Auburn.**
- **Add a 10' landscape buffer between Lot 77 and the single-family lots.**

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.
- Maintenance Bond and Performance Bond of the estimated total infrastructure cost will have been submitted.
- As-built documents of the roadway, and storm drain in the form of an Autocad and PDF digital file have been submitted to the Engineer Department. The required data should include location and elevations of all the inverts of the systems.

The Engineering Department recommends Final Plat approval.

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

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

Motion to grant final plat approval with staff recommendations

RESULT: Passed

MOVER: John Sweatman

SECONDER: Mayor Gary Fuller

DISCUSSION: Ms. Cannon asked are these lots numbered? They look so small.

Mr. Mosley stated they are numbered. It's hard to see on this drawing, but yes ma'am there are lot numbers that are consistent with what they have shown in previous phases. They pick up where the last phases left off.

Ms. Cannon stated maybe if they didn't have the circle around them that would be better. You said that they are changing the number of townhouses?

Mr. Mosley stated yes ma'am, I believe there were more townhouses originally proposed along Crestmont Court here. I don't have the exact number but some of these buildings have dropped down to two unit buildings instead of being threes and fours. I believe that the overall number through here has been reduced.

Ms. Cannon asked so is it 30? What are we approving?

Mr. Mosley stated you are approving 30. What I'm saying is the Planned Unit Development, original Master Plan, showed more in this area but you are approving the 30 that they have shown here if you approve it.

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

D. **CONDITIONAL USE - Public Hearing**

6. Blake Rice, Barrett-Simpson, authorized representative for John H. Anglin and Terry L. Johnson, 3000 Old Opelika Road, R-4 (rezoning to C-2, GC-P pending), climate control mini-warehouse

Mr. Mosley reported the applicant is requesting conditional use approval of a two-story climate control self-storage facility located on a 5.9 acre parcel. The subject property is located on Old Opelika Road with a very small amount of frontage on Frederick Road. The property is currently zoned R-4, however the Planning Commission recommended rezoning of this property to C-2, GC-P at their March 2022 meeting. The two-story climate controlled self-storage building with elevators has storage units is listed at 200,000 square feet (sf). Minimum off-street parking requirements for a self-storage facility is one parking space per 10 storage unit. That would limit this building to 1,000 storage units.

The subject property is approximately 5.9 acres. The applicant has provided a landscape plan, but the plan needs to be corrected to meet the minimum requirements. The developed area is shown incorrectly, although most of the points have been provided. The site would require approximately 534 total points and 100 parking landscape points. The plan does show 561 base points and 74 parking points. Some of the general points may be qualify as parking points, but would need to be noted that way. The Landscape Regulations require a minimum 15 foot wide parking lot buffer along Frederick Road and Old Opelika Road. A residential buffer is required along the north and west property lines. The landscape plan currently notes a 10-foot residential buffer. The applicant must provide a buffer as described in Section 10 Landscape Regulations of the Zoning Ordinance. One of the following residential buffers is required: (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. This residential buffer is key to ensuring that the development can properly reside adjacent to residential properties. Trees planted within this buffer should be either evergreen trees or a mix of evergreen and deciduous. Either larger caliper/taller trees should be planted or species that grow faster should be selected for these areas. Trees in the parking and residential buffers can count towards other requirements. The shrubs within these buffers do not count towards overall points.

The front elevation of the building is provided. The building has been reduced from a three-story building to two-stories. This will help the building better transition with the adjacent neighborhood. The exterior material will be a *combination of stone, stucco (EIFs), glass, and painted metal siding*. Staff recommends that all four sides have similar architectural treatments that meet the Gateway Corridor standards. Staff is also recommending that the colors be muted to help maintain the character near a residential neighborhood. The proposed elevation shows bright yellow doors inside the windows. Staff feels these can be dulled or a more muted color could be used.

Lighting is also somewhat of a concern due to its location adjacent to nearby residential homes. The site is required to meet the general lighting requirements of the zoning ordinance. Staff also recommends that interior motion lighting be shielded away from adjacent

residential properties.

The site’s location in relation to the Auburn University Airport may also require FAA height obstruction review. Staff has provided the general information to the airport personnel and will ensure that no permit has been issued until this review has been completed or it is determined that there is no potential obstruction.

Recommendation:
Staff recommends approval subject to recommendations in this report including:

- 1. Any approval shall be subject to the rezoning of the property by the Opelika City Council.
- 2. Site shall meet the Gateway Corridor requirements for cladding on all four sides.
- 3. Landscape plan updated/corrected to show the correct development area.
- 4. Residential buffer plantings shall be evergreen or a mixture of evergreen and deciduous trees and either more mature/larger or a species shall be selected that grows quickly.
- 5. Site shall meet the zoning ordinance lighting requirements and any internal motion detected lights shall be shielded from residential properties.
- 6. Colors for the building shall be similar to the proposed elevation with the exception of the interior doors which should be dulled or a more muted color.
- 7. No building permits shall be issued until the project has received approval from the Federal Aviation Administration (FAA) or that no potential airport obstruction is present.

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 with staff recommendations

RESULT:	Passed
MOVER:	Mayor Gary Fuller
SECONDER:	Director Mike Hilyer
DISCUSSION:	Mr. Silberman asked did a public notice go out to the adjacent property owners?
	Mr. Mosley stated for conditional uses we don't send out letters to

adjacent property owners.

Mr. Hilyer asked in reference to this picture that we are looking at, what side are we looking at? Are all four sides going to look like that because the building is going to be approximately 40 feet tall.

Mr. Mosley stated in this case the building will be 28 feet tall, which is what we've been told by the applicant. They have shown us a three-story building, but this will not be a three-story building. It's going to be a two-story building but I will defer to the applicant for that question.

Blake Rice, Barrett-Simpson, authorized representative, stated that is actually both frontage roadsides at least. The elevation you are seeing is at least both Frederick Road and the Old Opelika Road sides. We don't have elevations on the two rear.

Mr. Hilyer asked but they're pretty much like this?

Blake Rice stated just one story.

Ms. Cannon asked so the side that faces residential will not be as open?

Blake Rice stated no ma'am.

Mr. Mosley stated we have recommended the condition that it have corridor approved materials on all four sides.

Blake Rice stated but it would not be the open glass type.

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

NAYS: None

ABSTAIN: Ira Silberman

7. Stephen Benson, 1704 Frederick Road, C-2, GC-P, add self-storage units to existing self-storage units.

Mr. Mosley reported the applicant is requesting conditional use approval to add 20 self-storage units to his existing self-storage business. The addition consists of ten units 10' x 20', five units 10' x 15' and five units 10' x 10'. Currently, there are 300 self-storage units in 5 buildings on the property. All 300 units are climate control warehouses; each unit is accessed inside a building. The 20-unit addition will not be climate controlled. Each unit is accessed from an exterior door. The 20 units are on a lot that does not front the Gateway Corridor (Frederick Road), so climate-controlled warehouses are not required. The 20 units are about 800 feet from Frederick Road; for the most part, the units are not visible from Frederick Road. All existing climate-controlled units and the proposed 20 units have access to Frederick Road from a 30 foot wide public easement as shown on the Harper Valley 2nd Revision subdivision plat. The public easement is only for public vehicles and tenants to access their self-storage units.

Parking is adequate for the 20 units. Off-street parking requirements for mini warehouses is 1 parking space per 10 units. An existing 30' to 40' wide asphalt or concrete driveway & parking area for tenants is provided next to the climate control units; this area will also serve the 20

units. The 20 units are on the east side of the asphalt driveway/parking area and the climate control units are on the west side. A 10 foot wide undisturbed natural wooded buffer is shown on site plan from the property line to the exterior wall of the units.

Recommendation

Staff recommends 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.

Motion to grant conditional use approval with staff recommendations

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

8. David Slocum, authorized representative for Staley Fincher, accessed at the end of Yarbrough Drive, C-3, new church facility (Grace Heritage Church)

Mr. Mosley reported the applicant's representative is requesting conditional use approval to construct a one-story Grace Heritage Church building and fellowship hall building accessed from the end of Yarbrough Drive. The lot is approximately 17.8 acres. The applicants' representative stated the church is purchasing 6 acres and will bring a subdivision plat in the future if the conditional use is approved.

Site Plan:

The site plan shows a 15,350 sq. ft. new church building and a 3,750 sq. ft. new fellowship hall. The placement of the buildings meets the setback requirement for the C-3 zoning districts. The site is in an area of the Airport Overlay Zoning. This location appears to require a review by the airport administration, airport height notification and FAA requirements.

Parking:

Parking area requirements for a church are based on one space per four seats. The church's maximum capacity is 291 occupants. The site plan exceeds minimum parking requirements of

72 and shows 111 total parking spaces, 5 of these are handicap accessible.

Landscaping:

The applicant has submitted a landscape plan that meets the minimum landscape requirements in a C-3 zoning district. Based on the developed area 339 base landscape points are required and an additional 111 parking landscape points required. The Landscape Plan is required to have a total 450 points and shows 550 points. The landscape plan shows a 10-foot residential buffer along the west side. The residential buffer must meet the requirements in the zoning ordinance provided by Section 10. 6. D. 1. a., b., or c. The landscape plan provided exceeds the minimum requirements.

Building Height and Airport Overlay Zoning: *(See Update Below)*

The exterior building materials and elevations have been provided. The church building height 20' Eave Height, 12/6 roof pitch (38'-9"), Steeple height of 46' requires the Airport Overlay ordinance to be met. This will require an airport administration approval, airport height notification, and a FAA review and approval. The Airport Overlay Zoning Section 7.4.05 requires building height notification specifically defined in Section 7.4.06 subzone A. as the area surrounding each public use airport extending outward 20,000 feet from the ends and each side of all active runways. This property is approximately 3,120 feet from the nearest active runway. Any outside lighting must meet the most stringent requirements of the FAA or the City.

The Planning Department recommends conditional use approval subject to:

1. Approval by the Auburn University Regional Airport and/or FAA concerning the proposed building height and steeple height. *(Update: based on the elevations provided by the authorized applicant to the airport administration, the steeple height will be below the requirement for an FAA review.)*
2. Outside lightning must meet the most stringent requirements of the FAA or the City.
3. A subdivision to create the 3.65-acre tract.
4. If a dumpster is to be added, the location will need to be reviewed by Planning.
5. Add to the Landscape Plan a detailed residential buffer along the west side of the property by choosing an option provided in the zoning ordinance Section 10. 6. D. 1. a., b., or c.

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, water service is accessible from Yarbrough Drive.

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

9. Carmmillia Pearson, authorized representative for Alisa Caldwell, 3 Oak Court, R-4, Church.

Mr. Mosley reported the applicant is requesting conditional use approval for a new church in an existing building at 3 Oak Court. The Tabernacle Church of God church held services at this location, but the building has been vacant for the past 15 years. (The property was recently purchased at a tax sale.) The church will have three meetings a week; each meeting is two hours; meetings are held in the day, no evening meetings. There are no plans for a day care center. Currently, the church has 6 members.

The site plan submitted shows a 1,920-sf building on a 11,325 sf lot. The property is nearly triangular shaped: Two streets (Oak Court and Darden Street) border the church's property on two sides and a single-family home lot borders the property along the rear property line. On the fourth side the property line is only 36 feet long. On the Oak Court side, the property line is located along the asphalt edge of Oak Court. According to the Fire department, the 1,920 sf building allows a maximum of 100 people to occupy the building. Minimum off-street parking requirements for 100 people is 25 parking spaces. Laying out a site plan on this irregular shaped lot with 25 parking spaces was difficult; the 25 spaces provided crowded conditions for the property. The applicant was willing to limit the 100-person maximum occupancy to a maximum 60 people to decrease the number of minimum parking space from 25 spaces to 15 spaces. The 15 parking spaces instead of 25 spaces provides safer conditions for vehicles entering & exiting the property. Each parking space is accessed directly from Oak Court. Off-street parking spaces are required to be hard surface – asphalt or concrete. The applicant is requesting that the parking spaces remain as-is for no more than two years until funds are saved to pay for asphaltting the 15 parking spaces.

Landscaping on this property is limited based on the lot's shape, existing building, and parking spaces required. A 9x70 strip is located along the adjacent property owner's front yard and appears to be part of the adjacent property, but the strip is owned by the applicant. The triangle area at the intersection of Oak Court and Darden Street is not landscaped so a motorist's view at the intersection is not obscured. The landscape plan shows 14 of the 18 shrubs near the parking spaces; three oak trees will also be planted.

The property has been vacant for at least 15 years. Building Inspections has inspected the building for repairs to meet Building codes. The church desires to improve the property and serve the neighborhood.

Recommendation

Staff recommends approval subject to the following conditions:

1. If Planning Commission approves postponing asphalt or concrete for the parking spaces, then parking blocks are required to identify the 15 parking spaces.
2. The 15 parking spaces must be asphalt or concrete and striped no later than April 26, 2024.

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 comments.

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

10. John Cowden, authorized representative for WWS Properties, LLC (John D. Walker), accessed from Shelton Mill Road and Birmingham Highway, C-2, GC-P, Circle K gas station and convenience store

Mr. Mosley reported the applicant is requesting conditional use approval to construct a Circle K gas station and convenience store at the corner of Birmingham Highway and Shelton Mill Road. Circle K is accessed from both streets; the Birmingham Highway access is right-in, right-out only (no left turn) and Shelton Mill Road is full access. About 4.4 acres of the Circle K property is in the City of Auburn, and 1.4 acres is in Opelika. (Auburn's Planning Commission will be reviewing the development at their May 19th meeting.) The convenience store building and gas pumps are on the east side next to Shelton Mill Road and the west side remains undeveloped with no plans at this time. Ten gas dispensing pumps are provided for passenger vehicles & small trucks and three gas pumps for tractor-trailer semi (18-wheeler) vehicles. Parking for semi-trucks on premises is prohibited and Circle K will install signs to prevent truck parking. (The use is not a "truck fueling station" ¹). Circle K's food service is a deli case for carry-out orders, but sit-down dining and a drive-thru window for pick-up orders will not be provided.

The site plan shows a 5,172 square foot (sf) building that includes a convenience store. The property is 5.8 acres, but the developed or disturbed area is 1.4 acres. The building and two

canopies for fuel pumps meet the minimum building setbacks. The 31 off-street parking spaces including two handicap spaces meet the minimum off-street parking requirement (1 ps per 100 sf customer sales and service). A 10' x 20' private dumpster is shown on the east side of the property. A 10 x 20 dumpster area is shown with an enclosure and double gate as required.

The landscape plan meets minimum requirements. A 15' parking lot buffer is provided along the front property lines - Birmingham Highway and Shelton Mill Road. A 10' wide landscape buffer is also along the non-street property lines; the buffer is adjacent to single family homes located in Auburn's city limits. A total of 74 trees and 68 shrubs will be planted; the size of trees and shrubs planted must meet the minimum size requirements as provided in the Landscape Regulation. The property meets the maximum 70% impervious surface ratio allowed; 45% of the property will be impervious (55% pervious).

The exterior wall materials on the front are 80% brick and glass; 20% is storefront metal siding. The side exterior walls are 100% brick. The rear wall is 90% EIFs and 10% brick.

The site plan shows a 24' x 134' canopy for the gas pumps fronting along Birmingham Highway and a 28' x 40' (1,120 sf) canopy for semi-truck pumps in the rear yard area. The 134-foot canopy is wider than the 105 foot Circle K building that faces Birmingham Highway. The canopies are significant structures concerning the property's appearance in the Gateway Corridor. Planning recommends that an exterior material be installed or "wrapped" around the two canopy columns to complement the brick building and add curb appeal. Brick columns that match the building's brick exterior walls is preferred, but other exterior materials may be installed as listed in Section 7.6, 6, b.1a *Materials and Cladding Requirements*.

Recommendation

Staff recommends conditional use approval subject to the following:

1. Install "No Overnight Parking, Violators will be Towed" signs on property. Circle K/property owner responsible for enforcement if violations occur.
2. If necessary, the canopy lights or pole lights must be shielded to prevent glare to motorists.
3. Install an exterior material on all canopy columns (front & rear canopies) selected from the exterior material list in Section 7.6, 6, b.1a *Materials and Cladding Requirements*.

*1. **Truck Fueling Station.** Any fuel sales facility selling and dispensing motor fuels, other petroleum products or accessories for trucks, tractor-trailer rigs, buses and similar commercial freight vehicles where the gas dispensing facilities are designed to primarily service semi-tractors or tractor-trailer truck vehicles. A truck fueling station shall not include premises where vehicle repair and maintenance activities are conducted by the business. A truck fueling station shall not offer overnight accommodations, shower facilities or restaurant. No more than twelve (12) parking spaces for tractor-trailer vehicles shall be permitted on site. A truck fueling station may include a convenience store where limited food products, beverages and household items are sold.*

2. Materials and Cladding Requirements

1. New construction in the GC Overlay District: a. Primary building facades within the corridor overlay facing any public right-of-way shall be finished with 100% of one or more of the following materials: i. Brick and brick veneer; ii. Stone, stone veneer, and cultured stone; iii. Glass iv. Precast or field-poured tilt concrete panels with texture and architectural detailing; v. Stucco with architectural detailing; vi. Cementous siding; vii. Wood and wood materials designed and intended for use as exterior finish material; viii. Tilt wall panels; ix. Decorative or architectural split-faced Concrete Masonry Units

(CMU); x. Other primary materials approved by the Planning Commission consistent with the purpose of these standards, including architectural metal panels. xi. Architectural features and attachments may be approved by the Planning Department.

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, this use is in the service area of Auburn Water Works.

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

Chairman Cherry opened the public hearing.

Mr. Hilyer stated the sewer is going to have to be Auburn. We don't have sewer on that corner.

Chairman Cherry closed the public hearing.

Motion to grant conditional use approval with staff recommendations

RESULT:	Passed
MOVER:	Councilman Ward 1 Willie Allen
SECONDER:	Mayor Gary Fuller
DISCUSSION:	Mayor Fuller asked how are we going to decide who gets the money?
	Mr. Mosley stated I was going to leave that up to Mr. Gunter. There are ways to work between cities to come up with agreements to determine how the funding will be and there are a couple of different methods that can be done to calculate the division of taxes.
	Mr. Gunter, City Attorney, stated most cities do it based on the square footage in each city. In this case, Opelika would have more square footage than Auburn.
	Mr. Mosley stated the pumps are square footage.
	Mr. Gunter stated for the pumps, all the diesel in Auburn and all the gasoline in Opelika.
	Mayor Fuller stated it sounds like we can work it out.
	Mr. Gunter stated yes, it can be worked out.
	Mr. Silberman asked if we move for approval, is there any reason we should amend that to pending Auburn's approval of what needs to be

approved?

Mr. Mosley stated you can, but it doesn't matter because we wouldn't allow it to go forward without some sort of approval.

Mr. Silberman asked and it wouldn't change our position?

Mr. Mosley stated no sir. Just the same way as if they were to approve it and we didn't, I don't think it could be constructed.

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

NAYS: None

ABSTAIN: None

E. TEXT AMENDMENTS TO THE ZONING ORDINANCE - Public Hearing

11. A. Section 7.3 A. District Regulations and Section 7.7 "Downtown Residential Living"
B. Section 7.3 C. Use Categories (matrix table)

Mr. Mosley reported for 11A.

Amendments:														
AREA REQUIREMENTS ¹	R-1	R-1A	R-2	R-3 ²	R-4/M	R-5/M	C-1	C-2	C-3	M-1	M-2	I-1	GC-P	GC-S
Minimum Lot Size (vs.) 10,000	43,560	30,000	15,000	10,000	7,500	7,500							20,000	15,000
Dwelling Units Per Acre ^{2,3,4}	1	1.25	2.5	3.5	9	16	28 16	16	16					

SECTION 7.7 DOWNTOWN RESIDENTIAL LIVING

A. Purpose.

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

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

B. Conditional Use Approval.

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

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

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

1. The proposed residential use shall not decrease the value of adjoining properties.
2. The proposed residential use shall not inhibit the economic growth or development of the downtown area.
3. The proposed residential use at the proposed location shall not endanger the public health or safety, or create a nuisance. The proposed use shall promote and preserve decent, safe, and sanitary housing in the downtown area.
4. The proposed residential use shall not be approved if the combinations of residential and commercial uses are incompatible. Pertinent factors to be considered in evaluating any application are noise, smell, hours of commercial operation, and the impact of the proposed development on pedestrian and vehicular traffic.
5. The proposed residential use shall not be approved if the Planning Commission determines parking is adequate or on-street parking by the occupants and their guests will adversely affect nearby businesses. Parking for boats, campers, or trailers is prohibited in the C-1 district.
6. During site plan review and prior to the issuance of the conditional use permit, the Planning Commission may request repairs of any exterior surface or architecture which is deteriorated, decayed, or damaged. Routine maintenance or repairs of exterior surfaces or architecture may be required in subsequent years, if necessary, to sustain the existing form of the building in design, material, and outer appearance. The Historic Commission shall monitor the conditions of properties and shall initiate such appropriate action of proceeding as is necessary to prevent deterioration in accordance with the provisions of Section VI, VII, and VIII of the Historic Ordinance.

C. Development Standards.

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

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

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

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

A minimum floor area of forty percent (40%) of buildings on the first floor shall be reserved for commercial uses. The minimum forty percent (40%) floor area shall be located in the front portion of a building facing the primary street and front entrance

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

Buildings that have no direct frontage on a public right-of-way are not required to have non-residential uses on the 1st floor.

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

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

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

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

D. Design Guidelines.

1. Design plans for the structure shall be prepared and sealed by a registered architect or professional engineer and shall comply with all zoning requirements, the building code, and other applicable codes and regulations.
2. Prior to issuance of the conditional use permit, the applicant shall file copies of the design plans with the Building Official and the Fire Protection Official. No certificate of occupancy shall be issued until the premises in question have been inspected and found by the Building Official and Fire Protection Officer to comply with the requirements of the zoning ordinance.
3. Properties located within a designated historic district shall follow the applicable design guidelines for that district.
4. Buildings shall be oriented with the primary entrance facing right-of-way adjoining the front property line.
5. Parking shall not be allowed between the front façade of the building and the right-of-way. Where parking does adjoin a right-of-way, landscaping or a short screen wall shall be installed.
6. All mechanical units, storage tanks, meters, grease traps, refuse bins, or service connections shall be screened so they are not visible from the right-of-way in front of the

building. For buildings located on the corner, mechanical units, storage tanks, meters, grease traps and refuse bins shall be screened to the greatest extent possible.

Staff Comments – The proposed text amendments cover changes to the density table and requirements for residential in the downtown area.

Residential in the C-1 zone

Staff has determined that the current density applied to the C-1 zone would generally net one or no allowed units in the C-1 zone. The current density of 16 units per acre is one of the highest in the city. However, most lots in downtown range in size from 2,500-5,000 square feet. A density applied to this would generate between 1-2 units of residential. Many cities have moved away from densities and towards a minimum unit size, which Opelika also has. Staff felt it may be best to move the density higher at this point instead of removing any density maximum. A density of 28 units per acre would result in 2-3 units in most of existing buildings. Most of the C-1 zone would also be subject to the historic guidelines which would prohibit buildings out of size or context with surrounding properties.



The Carver-Jeter plan made some recommendations for additional residential in the downtown area. Specifically, it mentioned increasing the area zoned C-1. It also noted that outside of the core downtown, the requirement for non-residential uses on the 1st floor should be removed. The changes to Section 7.7 allow areas outside of the area

from 1st Avenue to Avenue B and from South 7th Street to South 10th Street to have first floor residential or be single use residential buildings. Staff has examined the vacancy and less than desirable uses of property in the downtown area. Currently, there are multiple buildings that are vacant or being used as informal storage or warehousing. Even though many buildings on N. Railroad and 1st Avenue were designed as storage, this is no longer a use that should be encouraged in the central core of downtown.

Additionally, staff has added some requirements that open parking should not be a primary feature on the front of properties in the C-1 zone. This would not restrict the existing lots that are present, but would ensure that future parking areas be located behind the building or be screened if located on the side or in a more visible location.

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



Mr. Mosley stated I know this is all tied back to a development that y'all saw and granted conditional use approval on. We have had some further discussions with the developer there and they are continuing to look and review what they submitted to y'all and see how they can best work with the City to make changes based on feedback from City Council and citizens.

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

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

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

Chairman Cherry opened the public hearing.

Ashley Smith, stated I just had a couple questions about the change to units. It's currently at 16 but there's a percentage that you guys allow an additional amount of to let it be 20. Mr. Mosley

said that that's kind of the standard that y'all have gone for for residential, so I was just wondering what the condition percentage would be off this 28. Would that allow for another higher number of units or is that 28 the max that they can add? Also, adding residential on the first floor and eliminating the commercial already gives additional residential units, so I just think that's something we need to consider. You know having commercial property is there for a reason. There could be reasons why businesses haven't gone into the open locations that they may want this spot, so just a couple of questions and hopefully some clarification, thank you.

Joyce Newland, 1708 Oak Bowery Road, stated first of all, I feel like I owe an apology but don't know to whom I should apologize and I guess it is to me, because I just remembered at the time that this is the fourth Tuesday. When I looked at the website I found out it was difficult to maneuver and then they still listed the meeting as on Fox Trail, so I wish y'all would kind of update some information. Ms. Cannon they have you as being off of it, but you look like you're obviously on it, so I would like for you all to update some information. Secondly, I do want to thank the members of the Planning Commission because I realize as a citizen of Opelika for 48 years, I have depended upon the good graces of the Planning Commission to really do some good things for the City of Opelika. I guess my apology is the fact that, despite my involvement over several years of living in Opelika and liking this city so much, I have not kept up with all the meetings and I have not mastered all the nuances of codes for C-1, R-2, and the rest of the alphabet suit nor do I know which townships or plot or states or district is meant in the reading of the legals. Therefore, I would like to know how one can get a better understanding of what all of these mean. I know that you say that they are published, but I would like them published in a way so that more of us can understand what's going on. Secondly, I've been to several meetings in this new environment that we have here and the acoustics are either not good, or my hearing is not good, or a combination of both, or the fact that you folks are so used to talking to each other that you're speaking in your own language and so we do not know what's going on. So, I would like a little bit of clarification when you're talking about something, maybe slowing down or giving us a little bit better understanding of what's going on, and a little bit more publication of what these meetings would be about, because just knowing about it this afternoon at one o'clock did not give me a little bit of time to think about all the questions that I wanted. So, I do thank you folks for being so diligent and helping and I had several other things, but I'm not going to take your time up so thank you very much.

Ian Stewart, stated I'm a resident of the South Side Historic District and I just had one question in regard to this presentation. If the density is passed by this panel, then will that then be applied to the rest of Opelika, in particular the development that I think we're all thinking about?

Mr. Mosley stated if it were to be approved by the City Council it would be applicable to any development in the C-1 zone.

Ian Stewart stated ok, thank you very much.

Chairman Cherry closed the public hearing.

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

RESULT:	Passed
MOVER:	Director Mike Hilyer
SECONDER:	Ira Silberman
DISCUSSION:	Ms. Cannon asked we are approving going from 16 units to 28 units for residential?

Mr. Mosley stated yes ma'am. Residential uses a density per acre. Commercial typically uses an intensity, which means how much impervious you can have on there and how much building square footage you can have on there. The density is only applicable to residential development or mixed-use development.

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

NAYS: Cannon, Whatley

ABSTAIN: None

Ms. Cannon asked does this carry to present it to the City Council?

Mr. Mosley stated yes ma'am.

Mr. Mosley reported for 11B.

Section 7.3.C

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

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

Staff Comments – The proposed text amendments cover changes to the permitted use table for duplexes and commercial uses. The changes represent practical changes based on existing uses and zoning within the city.

Staff has proposed changing where duplexes are allowed by right, changing them to conditional in the R-4 zone. Duplexes can be a positive and affordable housing type with some additional review. However, poor execution of this product can have negative effects on surrounding properties.

It has also been raised that many of our funeral homes and cemeteries are located on gateway corridors. However, accessory uses like columbarium, crematories, and

mausoleums are not allowed at these locations. The text amendment would allow these uses to be conditionally permitted in this zone as an accessory use.

These changes were previously recommended to City Council, however, the Council asked that the amendments be sent back to Planning Commission for review due to proposed changes to the Downtown Residential guidelines that were also in the previous amendment. The two sections have been split so that they are not dependent on each other.

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

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

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

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

Chairman Cherry opened the public hearing.

No comments.

Chairman Cherry closed the public hearing.

Motion to send positive recommendation for text amendment to City Council with staff recommendations

RESULT:	Passed
MOVER:	John Sweatman
SECONDER:	Director Mike Hilyer
DISCUSSION:	Mr. Hilyer asked the columbariums and mausoleums are strictly used for cemeteries only, correct? Mr. Mosley stated I believe we allow them only as accessory uses. You could have a mausoleum accessory to a cemetery and a columbarium could be accessory to a cemetery or church, because some churches have small columbariums. The crematory would be only accessory to a funeral home. Councilman Allen asked so none of them would stand alone? Mr. Mosley stated that's correct in this. It's potential that they could stand alone although I think, especially for a crematorium, there are state laws that require that it be part of a funeral home facility. Mr. Silberman asked if there was a negative vote by the Planning Commission or City Council, would that eliminate or restrict any existing businesses to compete? Mr. Mosley stated sure, that's largely one of the reasons why this came to us. We have an existing funeral home that was interested in adding a crematorium which is rapidly gaining traction as a popular end-of-life

method and so this would prevent an existing funeral home on the Gateway Corridor from having a crematorium if there were no changes. Now, if it were modified, any existing one that is on the Gateway Corridor or where the zoning would allow it would be allowed to come before the Planning Commission as a conditional use to seek that approval. It doesn't necessarily mean that it'd be granted, but again, it gives them an opportunity to come through a conditional use process as an accessory use not as a primary use.

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

V. OLD BUSINESS

F. FINAL PLAT

12. 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 (*tabled at the March 22, 2022 meeting at the applicant's request*)

Mr. Mosley reported the applicant is requesting a subdivision final plat approval for a 74 of the 202 lots planned and given preliminary approval in Phase 4 of the Village at Waterford PUD zoning district in December 2020. This phase was also given City Council's approval of the Village of Waterford PUD Master Plan amendment in February 2021.

Phase 4A final plat consists of 72 single family home lots, one lot (5.74 acres) for stormwater detention, and one lot (34,400 sf) as an amenity lot described in the preliminary plat approval process as a neighborhood community building and swimming pool labeled Lot 243. The plat shows 35 single family home lots with front lot widths 36 to 40 feet wide and lot sizes ranging from 4,320 sf to 6,530 sf. The remaining 35 lots with front lot widths 50 to 55 feet wide and lot sizes ranging from 6,000 sf to 12,460.8 sf. The minimum building setbacks approved with the amended Master Plan PUD is 18 feet front & rear yards and 5 feet on side yard for all single family home lots and should be listed in the notes on the plat.

Staff recommends sidewalks be installed on at least one side of the street and underground utilities installed. As noted on the plat, according to the FEMA Flood Insurance Map the subdivision is in Zone X – areas not prone to flooding; less than 0.2% chance of annual chance of flooding. This subdivision meets the minimum requirements of the amended Village at Waterford master plan approved in February 2021.

During the amendment process for the Village at Waterford master plan PUD process the developer presented specific details related to lots in this portion of the development. The applicant's representative stated these development details are still true.

Development details presented with the amendment to the Village at Waterford master plan A rendering and floor plan presented in the December 2020 packet. The exterior material is a combination of brick, lap siding and/or cedar shake siding. The homes are two-story with garage, 3 bedrooms, 2.5 bath. The square foot range for homes on 36-foot-wide lots are 1,220 sf to 1,800 sf. On the 50-foot-wide lots, the homes are 1,800 sf. The revisions to the 2005 master plan also adds about ½ acre of 'open space/amenity' area along the east property line and a small neighborhood community building, parking lot, and swimming pool on a

separate lot for the Village of Waterford residences.

Planning staff recommends final plat approval subject to the following:

1. Add the property owner/developers name and address on plat.
2. Existing corner markers should be identified by size & type.
3. Change Note 6 to read as follows: “An easement is hereby granted to the City of Opelika and to any utility companies serving the City of Opelika for the purpose of installing, operating, and maintaining pole lines, guy wires and other facilities. Easement to be ten (10) feet wide and shall be centered along the front and side lot lines of each lot.”
4. The north arrows are turned the wrong way.
5. There is already an Arlee Avenue.
6. Where appropriate, include record courses & distances for comparison.
7. Ensure Lot 239 be a minimum of 50 foot lot frontage at the building line.
8. Install underground utilities
9. Install sidewalks on at least one side of all streets.
10. Add a note on final plat providing the minimum building setbacks – 18 feet front yard, 18 feet rear yard and 5 feet side yard.
11. As described in the Village at Waterford Master Plan requires street trees: Street trees shall be required as noted in Section 2.c.i. in the master development plan. One tree every two lots planted on private property.
12. Add a note who is responsible to build and maintain open space/amenity areas, detention ponds, and who is responsible to construct and maintain the neighborhood community building, parking lot, and swimming pool on the “Amenity Lot” (Lot 243) on plat and as shown on the Master Plan. The authorized representative stated Lot 202 and 314 are open space lots and Lot 197 is for detention. (The City of Opelika is not responsible for the maintenance of designated open space and detention pond lots.)

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 have been graded, and stabilized with seed and mulch, and other erosion/sediment control items will need to be added to protect against erosion and sediment issues.

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

Mr. Parker reported for the Opelika Utilities Board, final inspections of the water system need to be completed before approval.

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

Mr. Hilyer stated they have not even asked for inspections. We have no inspections on the sewer.

Councilman Allen asked can it be tabled?

Mr. Mosley stated you can ask that it be tabled, or you can ask that the applicant give you an update on any of those items if you want to hear more about where they are.

Mr. Parker asked the applicant do you have an update on the sewer? I think that's one of the outstanding items that's holding the Commission up right now.

Hagan Wagoner, authorized applicant, stated I know the contractor was out there today finishing tops. He set the tops because they were paving. I haven't talked to them about the inspections. I know he does have to do all the testing because we talked about that.

Mr. Hilyer stated right, and that takes a while on this many lots, on all the manholes, and vacuum testing. It's quite a few things.

Hagan Wagoner stated we tie into an existing. Most of it is the existing sewer line that was done several years ago, so it's just the stub roads that have the new sewer lines off of Stokes Road and the new one to Arlee Avenue.

Mr. Hilyer stated I asked my inspector this morning for an update on these right before the meeting and his remarks were that the inspections have not even been requested. They haven't begun, and that's where I'm at. With that, the inspections, the videos, all that of the sewer system, I just think with no inspections it's a little quick. That's why I think Councilman Allen already talked about the tabling possibility. What are your thoughts?

Hagan Wagoner stated well I can talk to the contractor. I know the water has been out there regularly checking that while it's been going on and I thought that the sewer had been in and out as well checking on things. I know that it will get done, because I talked to him about it today.

Mr. Hilyer stated well I understand, but we keep hearing these things out and then we have to keep up with them.

Chairman Cherry stated the thing is, if you deny it it's going to delay it even further. So, you need to make your mind up whether you want to table it and then you can bring it back up again next month, but if it's denied you've got a problem.

Hagan Wagoner stated I know the signs are finished and it's been paved.

Motion to table the item to the May 24, 2022 Planning Commission meeting

RESULT: Passed

MOVER: Mayor Gary Fuller

SECONDER: Councilman Ward 1 Willie Allen

DISCUSSION: Ms. Cannon asked on the map that's up there, where is the entrance to Crawford Road?

Mr. Mosley pointed out the driveway location.

Ms. Cannon asked where all the drawings for the lots are?

Mr. Mosley stated yes, ma'am. So North is facing to this side where Baseline is right here.

Ms. Cannon asked so there's not an entrance?

Mr. Mosley stated there is not an entrance right now. We have another development that has come in, not related to this one, and as part of that development we have asked them and y'all required that they tie this stub street into it so there will be a second access point when that development is completed.

Ms. Cannon stated see, this just comes back to you don't have an entrance. Where's your entrance?

Mr. Mosley stated the entrance comes through the rest of the neighborhood.

Hagan Wagoner stated it's off of Highway 169 in phase one. There's phase one, two and three already, and this is four A.

Ms. Cannon stated so the lot on this purple. The property that has no lots strung from it is the only entrance to Crawford Road.

Mr. Mosley stated so it will tie into the purple that does have the lots on it and that will go into Crawford Road. This phase does not have its own entrance directly to Crawford Road.

Ms. Cannon asked so is it going to be landlocked?

Mr. Mosley stated no, ma'am, it ties into the existing street network of the neighborhood.

Ms. Cannon asked but if it is not developed, is it landlocked?

Mr. Mosley stated it still ties into the streets so no ma'am. It has frontage on Crawford Road, just a very little bit that you can't get access.

Ms. Cannon asked enough for a street?

Mr. Mosley stated no ma'am, but it ties into the existing neighborhood that has it. And then we have made another connection through another development that will tie into it. This is one where, again, this was approved almost 15 or 20 years ago with a large multi-family development back here

in this back section we're talking about now. So, we've actually reduced the number of units total to this development. I don't know that it would have gotten approved today with only one entrance off of Crawford Road the way it's shown now.

Ms. Cannon stated well, as I'm looking at it the interior lots are half as big as those on the outside. Is that correct?

Mr. Mosley stated they are probably close to half, yes ma'am.

Ms. Cannon stated and the ones on the outside are much smaller than the ones all around.

Mr. Mosley stated yes ma'am. And like I said, this was originally approved with apartments back here and so through the changes the lots are smaller, but I think there's about 100 less than were originally approved in the overall Master Plan.

Ms. Cannon stated I just want to be aware of what's already out there. Not that I think every lot ought to have one acre, but it ought to be in keeping.

Mr. Mosley stated I understand, yes ma'am.

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

NAYS: None

ABSTAIN: None

13. Cannon Gate SD, Phase 3A, 25 lots, Cannon Gate Drive, Blake Rice, Barrett-Simpson, authorized representative for SMB Land, LLC, Final Approval (*tabled at the March 22, 2022 meeting at the applicant's request*)

Mr. Mosley reported (*This item was tabled at the March 22nd PC meeting.*) At the April 2020 meeting, the Planning Commission granted preliminary approval for an 85-lot subdivision - 81 residential lots and four open space lots. The applicant is now requesting final plat approval for 25 of the 85 lots : 22 lots are for single family homes and 3 lots 'greenspace & detention' areas (the three lots equal 26.2 acres). A note is on final plat that the Homeowners Association will be maintaining the greenspace & detention lots.

The 22 residential lots range in size from 13,500 square feet (sf) to 19,535 square feet meeting the lot area range of 10,358 sf to 36,272 sf for single family home lots. This lot area range was approved by City Council (Ord. #012-20) after Planning Commission's review and approval of a Master Plan amendment at the April 2020 meeting. Most lot widths are 90 feet or wider; four lots along a curve on Everly Drive are 68 feet wide; at the 25' minimum setback line these four lots are about 75' wide. The minimum setbacks are 25 feet in the front and rear yard, and 7 feet on each side. These minimum setbacks are the same as provided on the approved master plan. Underground utilities and sidewalks required on at least one side of street.

(During the April 2020 preliminary plat review, a stub-out street that connects to the adjacent properties on the north and west side was approved. The stub-out street should be added in the

next phase.)

Staff Recommendation: Staff recommends final plat approval subject to the following:

1. The developer is shown as Cannon Timber & Land, LLC but the Dedication states that the owner is SMB Land, LLC. Revise as necessary for clarity.
2. Add record courses & distances for comparison if appropriate
3. Revise the subtitle to read "... Range 26 East ..." (change "6" to "26")
4. Add 20 foot sanitary sewer easements along the side lot lines shared by Lot 80 & 81 and Lot 82 & 83 (easement 10 feet on each lot - as shown on Construction Plan, 11-5-2020)
5. Add the minimum building setbacks on the plat or as a note (property in a PUD zoning district).
6. Sidewalks are required on least one side of all streets.
7. All utilities must be underground.

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 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 have been graded, and stabilized with seed and mulch, and other erosion/sediment control items will need to be added to protect against erosion and sediment issues.

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

Mr. Parker reported for the Opelika Utilities Board, final inspections of the water system need to be completed before approval.

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

Mr. Hilyer stated there are no signs yet, we don't have any as-builts, and the curbs need to be stamped. Blake if you would remind them because every time they don't stamp the curbs and then they have to come back and cut them in with a saw and it looks terrible.

Motion to grant final plat approval with staff recommendations

RESULT:	Passed
MOVER:	Mayor Gary Fuller

SECONDER: Director Mike Hilyer
AYES: Chairman Cherry, Whatley, Director Hilyer, Mayor Fuller, Councilman Ward 1 Allen, Sweatman
NAYS: None
ABSTAIN: Lucinda Cannon (because it's not listed properly), Ira Silberman

G. CONDITIONAL USE - Public Hearing

14. Blake Rice, Barrett-Simpson, authorized representative for Brookhaven Property Group, LLC, accessed at 1500 Pinehurst Drive (700 block of West Point Parkway), R-4, Add 36 apartment units to Pinehurst Apartments (*tabled at the February 22, 2022 meeting at the applicant's request*)

Mr. Mosley stated we have not received any updates for this item, so we recommend that it remains tabled at this time.

VI. ADJOURN

Motion to adjourn at 4:30 p.m.

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

Lewis A. Cherry, Chairman

Matt Mosley, Secretary