



PLANNING COMMISSION MINUTES

300 Martin Luther King Blvd.

May 24, 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 May 24, 2022 in the Meeting Chambers, located at the Opelika Municipal Court. Certified letters have been mailed to all adjacent property owners for related issues.

MEMBERS PRESENT: Chairman Lewis Cherry, Mayor Gary Fuller, Mr. Ira Silberman, Councilman George Allen, Dr. Arturo Menefee, Ms. Lucinda Cannon, and Mr. Michael Hilyer.

MEMBERS ABSENT: Mr. John Sweatman and Mrs. Leigh Whatley.

STAFF PRESENT: Mr. Matt Mosley, Planning Director
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 April 26, 2022

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

III. UPDATE ON PREVIOUS PC CASES

Mr. Mosley stated some of your zoning text amendments will go through City Council in the next meeting, one for a final reading and two for first reading. As Mr. Silberman pointed out, the Mill property application that was approved for rezoning was requested to be pulled by the property owner.

IV. NEW BUSINESS

A. PLAT (Preliminary and Final) - Public Hearing

1. Camelot Townhomes SD, Phase 3, 8 lots, accessed from Merlin Street, Blake Rice, Barrett-Simpson, Inc., authorized representative for BC Stone Contracting, LLC, Preliminary and Final Approval

Mr. Mosley reported the applicant is requesting preliminary and final approval for 8 lots that includes 7 townhome lots and a “common area” lot (19,949 sf); the common area lot is the front yard area in front of the townhomes. The 7 townhome lots are the last group of townhomes of a 21-lot townhome development to receive final plat approval. A townhome unit and property are sold together (fee simple). Most townhomes on the other 14 townhome lots have been sold. The 21-lot townhome development was granted conditional use approval at the July 2021 meeting.

The preliminary and final plat approval request today are for the 7 townhome lots located on the north side of the townhome development. The minimum lot size and lot width for a townhome development is 2,400 sf and 20 feet. The seven lots range from 3,606 sf to 15,374 sf.; lot width ranges from 20.8’ to 71.8’. the property includes a front & rear yard, and two parking spaces on each townhome lot. A garage is provided for each townhome. The rear yard of each townhome exceeds 50% of a townhome’s first floor area as required in the Townhome Standards.

A landscape plan is provided (see below) for the development that was approved at the April 2021 Planning Commission meeting. A residential buffer is required along the north property line next to the seven townhome lots, and the buffer is labeled as “*Existing Tree/Vegetation Buffer (will fill gaps with evergreens)*”. The natural buffer must provide an impervious visual buffer. The evergreen trees added to fill gaps must be a substantial size, so the evergreens provide an impervious barrier in three growing seasons.

A HOA (Homeowners Association) for the townhome development is established that provides requirements and responsibilities to townhome owners concerning HOA fees, and the maintenance and repairs of all the common area such as driveway, yard area, and parking spaces.

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

1. Add the North arrow on plat
2. Install landscaping, grass/ground cover, and a residential buffer along north property line as shown on landscape plan before the CO (certificate of occupancy) is granted.
3. If a dumpster is proposed for townhome units an enclosure on all sides required.
4. After site inspection and approval of the above by staff, then plat signatures and recording of final plat is allowed.

Mr. Mosley stated we will defer to the surveyor. He can tell us how they have handled those in the past.

Blake Rice, Barrett-Simpson, authorized representative, stated in this situation, the reason that we wait until now to bring the final plat to you is because at the time that the foundation is poured and the initial walls are built, my crews go out and shoot the interior walls and we set the property line directly in the middle of that wall.

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

NAYS: None

ABSTAIN: None

2. QuikTrip Store #7172, 4 lots, accessed from Gateway Drive, Jim Masingill, authorized representative for Broad Metro, LLC and QuikTrip Corporation, Preliminary and Final Approval

Mr. Mosley reported the applicant is requesting preliminary and final approval for a 4-lot subdivision that fronts along Gateway Drive and I-85 at Exit 58. The purpose of the subdivision is to divide Parcel 1 (5.51 acres), R/W Parcel (2.48 acres), Parcel 2 (22.28 acres), and Parcel 3 (2 acres). An administrative subdivision was previously submitted for this property and never completed. The subdivision presented shows three (3) parcels and one area parcel for R.O.W. This R/W Parcel should be named as public right-of-way and given a street name. At the August 27, 2019, meeting, the Planning Commission recommended a positive recommendation to City Council for a PUD rezoning, City Council passed Ord. No 005-20 creating the Capps Landing Entertainment District PUD. The lots presented comply with the area distributions presented in the PUD zoning district.

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

1. The parcel titled R/W Parcel should be named/dedicated as a public R.O.W. and given a street name.
2. Setback lines are not required to be shown on the individual lots.
3. Add the standard Opelika easement statement: An easement is hereby granted to the City of Opelika, and to any telephone companies serving the City of Opelika, for the purpose of installing, operating and maintaining poles, lines, guy wires and other facilities. Easement to be ten (10) feet wide, being five (5) feet wide on each side of the front and side lot lines.
4. Found pins should be designated by size & type, identifying cap, etc.
5. Add a note stating an access easements or future streets shall be required to the Ward property to the northeast either in this phase or future phases if it cannot be accommodated due to topography or the property configuration.
6. Correct Note 3. the FEMA MAP number typo.
7. Lot 2 on the adjacent property should be greyed out or removed.

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.

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

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

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

B. FINAL PLAT

3. Wyndham Village SD, Phase 2, Section 1, 54 lots, accessed at Wymond Drive, Mark Strozier, authorized representative for Wyndham Gateway LLC, Final Approval

Mr. Mosley reported the applicant is requesting final plat approval for 53 single -family lots, one remainder lot for future development, and one amenity lot (1000). These lots are zoned PUD in the Wyndham Master Plan revised by Planning Commission in 2019 and part of Pod 12. These lots were approved in a preliminary plat by Planning Commission at the July 2021 meeting.

The Master Plan for Pod 12 shows 65 acres to be developed with 168 units at a density of 2.58 (units/acres). In Wyndham Villages Phase I Section 3, 52 lots from Pod 12 have been recorded. Most of the lots meet the minimum lot width of 75 ft. The lots in Phase 2, Section 1 meet the minimum area requirements of 10,000 sq. ft. The setbacks for this section are 25 feet in the front, 8 feet on the side, 20 feet in the rear, and 25 feet on the side setback on a street with a maximum building area of 40 percent.

This portion of the PUD Master Plan is surrounded by open space, park area and water features. The open space areas will need to be referenced on the plat as open space, future development, park, or detention pond. Add a note on the plat describing areas of open space and/or future amenity. Add a note on the plat to state ownership and maintenance of the areas to be detention, open space and/or amenities. The utilities in this section shall be underground. Sidewalks are required on at least one side of each street. The remainder area appears to be 232.02 acres.

Recommendation

Staff recommends final 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 on the approved final plat and confirm to the master plan requirements on Lot 1000 Amenities: Play Area, Pool, & Pavilion.
4. Add a note that describes the area labeled as “Future Phase” at the end of Wymond Drive
5. Add a note to the plat to state the ownership, maintenance, and use restrictions of the areas described as detention, open space, park, and amenity.
6. Remove 65’ lot standards (not allowed in this portion of Pod 12).
7. Remove or update Tract 2, Tract 3, and Tract 4 to reflect recorded subdivisions.
8. Add the owner/developer’s address to Note 8.
9. Remove the building setback lines shown on the lots.
10. Add the public drainage easement along the shared property line of Lot 42 (previously recorded in Phase 1 Section 3) and Lot 1000.
11. Add notes or shading to show as a private easement on Lot 193, between Lots 196 & 197, between Lots 201 & 202
12. Add notes or shading to show as a public easement on between Lots 107 & 108, between Lots 113 & 114 and Lot 204

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.

The Engineering Department recommends Final Plat approval.

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

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: Director Mike Hilyer

SECONDER: Mayor Gary Fuller

DISCUSSION: Ms. Cannon asked Mr. Parker how long do you think it is going to take to get all of those things?

Mr. Parker stated usually within a week.

Mr. Silberman asked Mr. Parker there is no question that the developer has no problem with the proposed changes and recommendations?

Mr. Parker stated no sir, there is no question at all. This is one of many phases they have done before and we've never had a problem with this developer.

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

NAYS: None

ABSTAIN: None

C. CONDITIONAL USE - Public Hearing

4. David Slocum, Pinnacle Design Group, INC., authorized representative for Mark and Loretta Ackerman, 1405 Shannon Court, C-3, Commercial office and warehouse building with outside equipment storage

Mr. Mosley reported the applicant's original site plans submitted have been revised because they included too much property. The revised plan has been placed in you packet. The applicant is requesting conditional use approval to construct three commercial buildings: one building for Sparkle Window Cleaning office with warehouse space, one 6,000 sf building for office warehouse use, and one 12,000 sf building containing 10 units (1,200 sf each) for office warehouse use. Sparkle Window Cleaning specializes in window cleaning and the office warehouse units will be for lease. The business desires to locate on Shannon Court. The applicant's representative stated the owner would like to have outdoor storage that will consist of items like a truck, flat-bed trailer, covered trailer, and cleaning agents in containers. The trucks and trailers will be kept in the parking lot and any containers will be kept behind the building (shown on the site plan). The office of contractor without equipment and material yard use is an allowed use in the C-3 zoning district. The outside storage component for the Sparkle Window Cleaning requires conditional use approval. The office warehouse units for lease may require an additional conditional use approval depending on the specific use in each unit and zoning requirements. The applicant's representative stated this development will likely be built in phases starting with the Sparkle Window Cleaning office warehouse on the west side of the property. The parking ratio used for this development is commercial support uses: One space per employee on the largest shift, plus one space per company vehicle regularly stored on premises. The development shows total of 58 parking spaces that will be shared.

The Sparkle Window Cleaning office and warehouse (west side 6,030 sf Building #1) will have one office and one conference room space with the remaining area as warehouse space. This location will have roll up doors on both sides of the building. This building area is shown with 7 parking spaces for company vehicles including trailers, and 9 parking spaces for customers and employees, including one handicap space. The minimum off-street parking requires a minimum of 8 parking spaces for customers and employees including one handicap space. This location has a shared ingress and egress on the west property line and another on Shannon Court. In the completion of all the phases the Sparkle Window Cleaning office will have shared parking with the buildings to the east.

Building #2, located in the middle will be one large office warehouse with 21 parking spaces, including one handicap space. This building (6,000 sf) will be for lease. Building #2 has roll-

up doors along the side of the building. The applicant's representative stated this building will not have any outside display or storage. The warehouse office space for lease will be required to be approved individually for business licenses and meet all city requirements with no outside storage allowed. The office warehouse may require an additional conditional use approval depending on the specific use in each unit and zoning requirements. This building will share parking with the building to the east and west.

The building on the east side of the development, Building #3 (12,000 sf), will be divided into 10 office warehouse units (1,200 sf each) for lease with 21 parking spaces including 1 handicap space. Building #3 is proposed to have roll-up doors along the front of the building units. The applicant's representative stated this building will not have any outside display or storage. The warehouse office units will be required to be approved individually for business licenses and meet all city requirements with no outside storage allowed. The office warehouse units may require an additional conditional use approval depending on the specific use in each unit and zoning requirements. These units will share parking with the buildings to the west.

The property to the east is a commercial condo office warehouse use that included the subject property. In that development plan presented to the April 26, 2016, Planning Commission all the roll up doors faced the rear of the property. We have a site plan and permit issued at 1445 Shannon Court for a 4,200 sf personal use warehouse building on the east side of this development showing the roll up door access on the east side of the building. The applicant has asked to have the roll up doors on the front facade of the east building (Building #3) divided into units. To stay consistent with the surrounding developments and previous approvals, staff suggest the applicant not have any roll up doors on the front facade of the east side building (#3) or have the roll up door material match the exterior materials and colors.

The applicant's representative presented a photo and elevations for the Sparkle Window Cleaning building in the front. This building exterior walls will consist of stone veneer materials along the lower portion of the wall with metal on the upper wall portion and metal roofing and awnings. At this time no exterior elevations have been submitted for the two (2) office warehouse buildings. The authorized representative stated they do not have the other buildings designed at this time. The authorized representative stated the applicants plan to have the exterior materials be similar for the entire development. A private dumpster for this development is not shown on the site plan. If a dumpster is needed in the future, the location and screening will need to be reviewed and approved by the Planning Department.

The applicant's representative submitted a landscape plan for this site. The landscape minimum point requirements for this site of 103,162 sf are 227 base points plus 54 parking points. This plan provides 226 base points and 54 parking points. Adding an additional base point to this landscape plan will meet the landscape requirements.

Staff recommends conditional use approval subject to the following:

- 1. Approval of a subdivision to erase the lot line through the middle building.**
- 2. Add to the Landscape Plan one base point.**
- 3. The office warehouse units will be required to be approved individually for business licenses and meet all city requirements with no outside storage allowed. Future uses may require additional conditional use approvals and must meet the use requirements of the zoning district based on the site.**
- 4. Dumpster areas and screening must be approved by Planning Department prior to installation.**

5. Update the number of units and total square footage of the east building (#3).

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 to this use.

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

Chairman Cherry opened the public hearing.

No comments.

Chairman Cherry closed the public hearing.

Motion to grant conditional use approval with staff recommendations

RESULT: Passed

MOVER: Arturo Menefee

SECONDER: Director Mike Hilyer

DISCUSSION: Ms. Cannon stated I have two maps of the long building and I don't know which one is the correct one.

Mr. Mosley pointed out the correct map and stated they had originally shown more property than they actually owned and so they slightly reduced that and then that made it to where they couldn't have the second building which was right up against the street, so now you've got the three buildings that are set against the railroad tracks.

Ms. Cannon asked are they going to have landscaping there?

Mr. Mosley stated yes ma'am. Most of the landscaping plan is between Shannon Court and the parking lot. There will be a fair amount of landscaping that will help soften the buildings.

Ms. Cannon asked are we talking about low plants or are we talking about trees?

Mr. Mosley stated the big trees are shade trees. They show four large shade trees that will be planted here and of course they won't be extremely large when they are planted, but they will grow fairly quickly we think. They will have some understory trees there as well and some shrubs that will be somewhat low lying that will help screen the parking lot as well.

Ms. Cannon asked and how much outside storage of cars and trucks are

we talking about?

Mr. Mosley stated the only thing they have indicated to us is this one storage container here in the back corner that would be chemicals used by the Sparkle Window Cleaning company and then they would have some service vehicles that will be out here. In many cases we don't treat corporate vehicles as outside storage, we treat them as just vehicles. Now, if they have something that is designed more like a lift or contracting equipment, that would be what we would consider to be outside storage. It's my understanding that they'll have some trailers that'll be enclosed trailers but I'm not aware of anything else. I'll defer to the applicant to see if he knows of anything beyond that.

Ms. Cannon asked are we talking about 10 cars or 20?

Mr. Silberman asked is there anything indicating a fence around the property?

Mr. Mosley stated no sir, I don't see any fences located on this property.

Mr. Silberman stated I see a line going through the driveway entrance.

Mr. Mosley stated those are utility lines, overhead power and a property line.

Mr. Silberman asked about another line on the plat.

Mr. Mosley stated that's the setback line.

Brett Bodine, owner of Sparkle Window Cleaning, stated as of Tuesday we will be purchasing this property. I can speak a little bit more about what we have in terms of things that we would need for storage. We're talking about one branded F-250 pick-up truck, a cargo trailer, and maybe one open trailer. No crazy amount of storage or forklifts or anything like that. In terms of the chemical container, it is one small 350-gallon container.

Ms. Cannon stated well I think you are improving the property. I was just wanting to protect your neighbors too.

Brett Bodine stated I appreciate that.

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

NAYS: None

ABSTAIN: None

5. Bruce Adams, authorized representative for Earlon McWhorter (280 Land Company LLC), 1451 Andrews Road (3100 block of Anderson Road), R-3, GC-P, Proposed Church of the Highlands

Mr. Mosley reported the Church of the Highlands is requesting conditional use approval to construct a new church auditorium (sanctuary) with adjoining classrooms, meeting rooms, and

administration offices. The 15-acre church property is in a R-3 zoning district (low density residential). A church is allowed in all zoning district with conditional use approval. Church activities include Sunday worship services in the morning and evening; a worship service on the first Wednesday of each month from 7:00 PM to 8:30 PM; every Saturday morning a one-hour prayer service is held; Church staff works at the building Monday thru Friday. The church has no plans for a daycare or school.

The square footage of the total facility is 38,455 square feet: the church auditorium is 7,043 square feet (sf) with 800 seats. An estimated 700 to 850 people attend a Sunday morning meeting. Other areas in the facility are a 6,028-sf common/welcome area near the main entrance door, eleven classrooms for different age groups that range in size from 372 sf to 1,704 sf, and administrative offices & conference room area (1,416 sf).

A site plan, landscape plan, building elevations, and floor plan of the church were submitted. The minimum off-street parking space requirement for a church are met; the minimum is 1 parking space per 4 seats at maximum capacity of sanctuary. The church sanctuary has 800 seats; 200 parking spaces are required, and 579 parking spaces are provided.

The landscape plan shows 247 trees and 590 shrubs; this number of trees and shrubs will meet the total 1,906 total points required (base & parking lot points) for a 15-acre development. A landscape island is shown for every 25 parking spaces as required to minimize the expanse of asphalt of the parking lot; a total of 26 landscape islands will be constructed. A parking lot buffer is shown between the parking lot and Andrews Road as required. The adjacent property on the north, west and south side is zoned R-3 (low density residential); a residential buffer is required along these three sides to buffer the church development from the residential zoned property. The landscaping shown along the north property line will serve as a residential buffer. Along the south and west property lines are natural wooded areas; an acceptable residential buffer is a minimum 25-foot-wide natural wooded undisturbed area that provides a near impervious visual barrier. (The three residential buffer options are footnoted below.) A legend needs to be added to the landscape plan that provides base and parking lot point requirements, and the number of points obtained. The size of trees and shrubs planted must meet the minimum size requirements as provided in the Landscape Regulation.

The church building exterior material on all sides is architectural metal wall panels (insulated) with storefront windows. Aluminum canopies will be installed above the three entrance doors. (See elevations in packet). Anderson Road is not a designated corridor. However, this area is largely rural and zoned residentially. The only non-residential use in this area is the employee parking lot for Jo-Ann Fabrics. That site is industrial in nature and uses tilt-wall concrete construction. It also sits almost 900 feet off of Anderson Road and is heavily landscaped. As proposed the metal building may be more appropriate in a commercial area outside of a gateway. Here the aesthetic of building is somewhat stark and stands in contrast to the surrounding area and buildings. Staff feels that efforts should be made to make this building better fit in with the surrounding character. This could be through a different wall material similar to the City of Opelika's Gateway Corridor cladding requirements. Other options could be to add a wainscot to the lower portion of the building, increase landscaping, or look at different finish (textured or matte) to panels. Staff is open to other options proposed by the applicant.

Recommendation

Planning staff recommends conditional use approval subject to the following:

1. **Add a legend to the landscape plan providing base points and parking lot points.**

2. **Add a residential buffer from the buffer options (1) provided in Section 10 Landscape Regulations along the west and south property lines.**
3. **Either use a Gateway Corridor approved cladding material or other alternative method to help this building better fit in with the aesthetic of the surrounding area.**

(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; 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.

A traffic study will be required for this application to determine the impact of the development and any potential need for a turn lane.

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 to this use by a water main in the R.O.W. of Anderson Road.

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

DISCUSSION: Ms. Cannon stated I don't know how far this is off the road or if it's back into the property a little bit, but does it coordinate or work with Joann's Fabric as far as the outside goes? It looks pretty industrial here.

Mr. Mosley stated yes ma'am. This property is probably about 150 feet off the right-of-way. Again, it uses kind of a metal panel. Joann's is probably about 800 feet off the right-of-way. They use tilt wall construction, which is concrete. I think looking at them from the road, you're probably not going to be able to tell much difference between the two, other than this one may have a little bit of a sheen or a kind of a shine to it to some

degree.

Ms. Cannon stated well, I was just thinking about what's in the area and what's going to be coming to the area and if this is going to look sterile.

Mr. Mosley stated it will look more like an office facility, I think, than it will a residential.

Ms. Cannon stated well, they'll eventually need to expand it. I mean congratulations, y'all are doing a great job with the church. I was just wondering about that.

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

NAYS: None

ABSTAIN: None

6. Dustin E Nelms, authorized representative for Hayley Investments LLC, 410 Simmons Street, M-1, Holistic Wellness Center

Mr. Mosley reported the applicant is requesting conditional use approval for a holistic wellness center in a M-1 (manufacturing) zoning district. In the M-1 zone a commercial use that primarily provides a service, and selling products is secondary, requires Planning Commission approval. The location of the wellness center is a 4,260-sf building that fronts along Simmons Street. The building shares a common wall with the adjacent property - an 11,150 sf building with two tenant spaces. (A side property line runs along the common wall between the two properties.) The three-tenant spaces along Simmons Street appear as commercial zoned office/retail property, but the property is zoned M-1. (See photo next page). The proposed wellness center location on Simmons Street and 30 other lots in this M-1 zoning district have been zoned manufacturing for over 30 years.

Basically, holistic wellness assists the whole person (body, soul, and mind) toward better health by providing several alternative therapies instead of a prescription to treat a symptom or habit. Holistic wellness may include diet consultation, fitness solutions, skincare, massage, and naturopathy (1) to stimulate a person's inherent self-healing process. The applicant's holistic wellness center is called "*Platinum P's Yoni Care and Wellness*". The applicant's center will provide yoni service (cleansing steam treatments), laser-liposuction (non-surgical, ultrasonic radio waves), and body contouring/sculpting (non-surgical, cold, or heat-induced treatment). The applicant said that all treatments are natural, and certification or a license is not required to provide treatments. The wellness center sales feminine wash, soap, wipes, and bath oil.

The proposed wellness center has two employees providing treatments. Customers are scheduled by appointment only, no walk-in customers. Hours of operation are 10 am to 6 pm, Monday thru Saturday. A maximum of four customers can be served at one time. The business will not provide food or drinks (no alcohol served). Three off-street parking spaces are provided in front of the building. Also, the applicant's tenant space has a garage door providing at least two parking spaces inside the building.

Recommendation

The adjacent zoning district on all sides of the applicant's property is zoned M-1; the land uses are warehousing and lite manufacturing on three sides; across 410 Simmons Street is undeveloped property. The proposed business does not involve outside operations or external

activities that could interfere with adjacent properties. Planning staff believes that the proposed use will be compatible with the adjacent properties.

Staff recommends conditional use approval.

(1) a system of alternative medicine based on the theory that diseases can be successfully treated or prevented without the use of drugs, by techniques such as control of diet, exercise, and massage.



Mr. Parker reported for Engineering, 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 to this use.

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

Chairman Cherry opened the public hearing.

No comments.

Chairman Cherry closed the public hearing.

Motion to grant conditional use approval with staff recommendations

RESULT: Passed

MOVER: Lucinda Cannon

SECONDER: Ira Silberman

DISCUSSION: Ms. Cannon asked is there enough parking?

Mr. Mosley stated they have space for two or three people to park in the rear of the site, which would be for employees, and then they have a few spaces up front. Provided that it's all by appointment, there should be enough parking.

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

NAYS:	None
ABSTAIN:	None

V. OLD BUSINESS

D. FINAL PLAT

7. Village at Waterford SD, Phase 4A, 72 lots, Arlee Avenue, Lismore Drive, and Heathcote Drive, Doug Ransom, authorized representative for DRB Group Alabama, LLC, Final Approval (*tabled at the April 26, 2022 meeting*)

Mr. Mosley reported the applicant is requesting a subdivision final plat approval for a 72 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 70 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, recommended for approval.

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

E. **CONDITIONAL USE - Public Hearing**

8. 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 3:41 p.m.

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

_____ Lewis A. Cherry, Chairman

_____ Matt Mosley, Secretary