



PLANNING COMMISSION MINUTES

300 Martin Luther King Blvd.

June 28, 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 June 28, 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: Mrs. Leigh Whatley and Mr. John Sweatman.

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

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

Approval of Planning Commission Minutes May 24, 2022

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

III. UPDATE ON PREVIOUS PC CASES

Mr. Mosley stated we had some recent Zoning Ordinance text amendments that went through. The last of those that we have will be at the July 5th City Council meeting for a secondary reading and that's dealing with downtown residential and those design changes.

IV. NEW BUSINESS

A. PLAT (Preliminary Only) - Public Hearing

1. Foxrun SD, Phase 2, 123 lots, accessed from Village Drive, Daniel Holland, Holland Homes LLC, Preliminary Approval

Mr. Mosley reported the applicant is requesting preliminary plat approval for a 123-lot subdivision located in a planned unit development (PUD). The master plan and zoning were approved by City Council in September 2019 and amended by Planning Commission on March 23, 2021, and June 22, 2021. The master plan consists of 136 single family lots, 104 twin home lots, four open space lots, three amenity lots, and two future development lots along Fox Run Parkway.

The 90 single-family lots are located along Village Drive, Road A, Road C, and Road D. These lots will have the following area standards:

Single-family detached standards

- Min. Lot size = 4,200 sf
- Min. Lot Width = 40 feet
- Front Setback – 20 feet
- Rear Setback – 20 feet
- Side Setback – 5 feet
- FAR – 0.60 max
- *10' side yard on street setbacks*

All of the single family lots meet the minimum standards except Lot 159, 175, and 182 lot width. The setbacks and other area standards should be noted on the final plat.

The 32 twin home lots are located along Road B. These lots are comprised of duplexes split along the common wall to allow fee-simple ownership. The twin house lots have the following standards:

- Min. Lot size = 3,000 sf
- Min. Lot Width = 25 feet
- Front Setback – 10 feet
- Rear Setback – 20 feet
- Side Setback – 5 feet
- FAR – 0.65 max
- *10' side yard on street setbacks with four (4) 1" caliper trees planted as a buffer*

All of the twin home lots meet the standards. Lot 129 is 40,831 sf previously shown as detention and open space. Lot 130 is 244,608 sf previously shown as passive open space. The use of these lots, ownership, and maintenance needs to be noted on the final plat.

The proposed plat is largely in compliance with the approved master plan and the subdivision regulations.

Staff recommends preliminary plat approval subject to the following:

- **Note on Lots 129 and 130 the use, ownership, and maintenance of the common areas.**
- **Revise lots 159, 175, and 182 to meet the minimum lot width for the single-family home lots.**
- **Underground utilities shall be required**
- **Sidewalks shall be required on at least one side of the street.**
- **The courses and distances from the section corner is not shown.**

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 Village Drive.

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

Chairman Cherry opened the public hearing.

No comments.

Chairman Cherry closed the public hearing.

Motion to grant preliminary plat approval with staff recommendations

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

B. PLAT (Preliminary and Final) - Public Hearing

2. Armetta Johnson Estate SD, 2 lots, 709 Martin Luther King Blvd, Blake Rice, Barrett-Simpson, authorized representative for The Estate of Armetta Johnson, Preliminary and Final Approval

Mr. Mosley reported the applicant is requesting preliminary and final plat approval for a 2-lot

subdivision. This subdivision is at 709 and 713 Martin Luther King Blvd. The purpose of the subdivision is an estate required the division into two lots. The two homes and sheds are existing with a shared driveway.

This property is zoned R-3. The lots sizes are A-1 7,265 sf and Lot A-2 is 7,470 sf. The property division does not meet the minimum lot size requirements of 10,000 sf. Also, the residential structures do not meet the current front setback requirement of 30 feet. Due to the placement of the existing structures and the needs of the estate this is the most practical division of these two residential homes. The property is required to be divided by court order through the probating of the will.

Planning staff recommends preliminary and final approval subject to:

1. **The title states that this is an administrative plat. That should be changed as it is now on the Planning Commission agenda.**
2. **Add a vicinity map.**
3. **The adjoiners directly across Martin Luther King Blvd. should be included.**
4. **Add a shared driveway easement note.**

Mr. Parker reported for Engineering, 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 from ML King.

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:	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

C. MASTER PLAN REVISIONS (Minor) AND PRELIMINARY AND FINAL PLAT - Public Hearing

3. Blake Rice, Barrett-Simpson, authorized representative for 280 Land Company, LLC, Minor Amendments to the Hidden Lakes PUD Master Plan, Lakeview Drive, removal of 12 townhome units and add 7 lots for Rear Alley Entrance Cottages

Mr. Mosley reported the applicant is requesting to change 12 townhouse units into 7 single family detached residential units. The proposed residential units would be larger than the townhomes, but smaller than the approved single-family lot type in the development. The

subject area is slightly less than one acre (0.92 acres). The 12 townhouse lots were created in 2020 as part of an 17-unit block of townhomes. One building was constructed but has not been as successful as the detached homes. The developer has proposed replacing these units with detached cottages.

The development was originally intended to have the single-family homes use the following setbacks:

Front: 20 feet

Sides: 7 feet

Rear: 25 feet (15 feet for this section)

The new lots would be narrower in width and have a 15 foot rear setback of the rear alley that would be more consistent with the nearby townhomes. This proposed change would only be applicable to the lots previously shown as T-13 thru T-2. Staff does not see this as a substantial change to the development. This would only affect a small number of lots in the development and is consistent with the approach the zoning ordinance takes for non-PUD zoned lots. Staff did feel this change warranted review by the Planning Commission as the setback and lot width, while larger than the units currently proposed would be smaller than the remainder of the single family detached homes.

The proposed change would have a very negligible decrease in the overall density of the development.

Staff recommends approval of this minor amendment to the approved plan.

Mr. Parker reported for Engineering, the Engineering Department has no concerns with this amendment to the PUD Masterplan recommends approval.

Mr. Parker reported for the Opelika Utilities Board, water service is accessible from Lakeview 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 approval for the Minor Amendment to the Master Plan with staff recommendations

RESULT: Passed

MOVER: Director Mike Hilyer

SECONDER: Arturo Menefee

DISCUSSION: Mr. Silberman asked does the definition of cottage have anything to do with common laws?

Mr. Mosley stated no sir. Cottage is basically just what they're calling it. We don't really have anything that is a cottage standard. Basically, what this means is, the houses are slightly smaller than the rest of the single-family houses there. These will all be detached though, so there are no shared walls if the amendment is approved.

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

4. Hidden Lakes Cottages SD, 7 lots, accessed from Lakeview Drive, Blake Rice, Barrett-Simpson, authorized representative for 280 Land Company, LLC, Preliminary and Final Approval

Mr. Mosley reported the applicant is requesting preliminary and final plat approval for a redivision of Lots T2- T13 into 7 (seven) lots in Hidden Lakes Subdivision. The primary access the lots is from a rear alley off of Lakeview Drive. The existing 12 lots would be combined into 7 lots for single-family detached cottages. Sidewalks are required on at least one side of all streets; underground utilities are installed.

Lots T-2 through T-8 will be single-family home lots ranging from 5,442 sq. ft. to 5,913 sq. ft. These lots are 40 feet in width along the front property line. This area was previously designated for townhomes in the Hidden Lakes PUD Master Plan and on the previous recorded plat of Hidden Lakes Phase 1. The change in use from townhouses to single-family homes reduces the number of units from 12 down to 7 units. This has a very negligible decrease to the overall density.

Staff recommends final approval subject to the following:

1. Sidewalks are required on at least one side of all single-family home streets.
2. Old lot lines should be shown.

Mr. Parker reported for Engineering, there is no public infrastructure involved in in this subdivision so no infrastructure plans will be required. The applicant has also established an erosion and sediment control permit for this area so no other submittal will be required for this regulation. Coordination with each utility will be needed to establish the necessary connections to the existing infrastructure.

The Engineering Department has no other comments or concerns with this proposed plat and recommends preliminary and final plat approval.

Mr. Parker reported for the Opelika Utilities Board, water service is accessible from Lakeview 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 preliminary and final plat approval with staff recommendations

RESULT:	Passed
MOVER:	Councilman Ward 1 Willie Allen
SECONDER:	Mayor Gary Fuller

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

D. FINAL PLAT

5. Opelika Marketplace SD, Redivision of Lot 5-A-3-B-2 Second Redivision of Lot 5, 4 lots, accessed from Parker Way, Vic Patel and Arthur R. Nettles, authorized representative for VAH Investments, LLC, Final Approval

Mr. Mosley reported the applicant is requesting final approval for a 4-lot subdivision located off Parker Way. The Planning Commission gave preliminary approval at the December 21, 2021, meeting. The Commission approved a conditional use request for a miniature golf course and restaurant on Lot 5-A-3-B-2-B on October 26, 2021. Also, on December 21, 2021, the Planning Commission approved a conditional use request for an Indoor Baseball and Softball training facility on Lot 5-A-3-B-2-C.

The purpose of the subdivision is to create four lots for future developments. The lots range in size from 1.44 acres to 3.43 acres. Lot 5-A-3-A serves as a storm water detention area for these four new lots and the other two lots (existing lots shown on the plat). These lots meet the minimum 100-foot lot width and 20,000 square foot lot size requirements for a subdivision in the C-3, GC-P overlay district.

A portion of this property adjoins an active mobile home park to the north and northeast corner. However, that property is zoned C-2. Staff recommends a residential zone buffer provided in Section X Landscape Regulations along the entire length of the abutting mobile home park. (This buffer is shown on the previously approved conditional use for the minigolf and restaurant plan of Lot 5-A-3-B-2-B with 29 Green Giant Arborviate plants and a 6' wooded privacy fence.)

Planning Department recommends preliminary plat approval subject to:

1. **Add the residential landscape buffer to the plat along the portions of the lots that adjoin the mobile home park to meet the residential zone buffer requirements provided in Section X Landscape Regulations.**
2. **Remove the setback line shown on the lots, once divided the setbacks for each lot will be applied individually.**
3. **Add the adjoiner info on Lot 5-A-3-B-1**

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 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, water service is accessible from Parker Way.

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

E. MASTER PLAN REVISIONS (Minor) - Public Hearing

6. Ballfields PUD Master Plan, Minor Amendment to Master Plan, North 30th Street and Pepperell Parkway, Blake Rice, Barrett-Simpson, Removal of 168 apartment units and add 32 townhome units.

Mr. Mosley reported the subject property is approximately 60.74 acres with a planned unit development (PUD) zoning district that was approved in 2019. The approved development consisted of 368 residential apartment units with commercial uses along the Pepperell Parkway. There is also a large amenity area along Pepperell Creek. Earlier this year, the applicant requested to replace some of the multi-family units with townhomes. The applicant is now requesting to move the townhomes from one location on the site to a different location.

The approved plan had a density 6.49 units per acre over the 56.71-acre portion of the property. The revised plan with 232 units would now have a density of 4.04 units per acre.

The commercial property along the frontage is approximately 4.04 acres and shows five proposed buildings. The number of buildings increased, but overall the commercial area is still consistent with the original approval. The narrative provided by the applicant lists the allowed uses in this area as those typically found in the C-3 zone. The applicant has listed some uses that they would restrict through the PUD. These would include adult businesses, outside manufacturing, body art, cemetery, and package stores among others. Other uses that would be conditional in the C-3 zone would require conditional use if desired later. These uses

would typically include those with an outside component.

During the initial approval process, there was significant discussion regarding how the multi-family would be buffered from the existing residential in the Mill Village. The last approved plan further moved the apartment buildings away from the adjacent residential. The proposed plan also adds 32 townhouses in seven (7) buildings. The applicant is proposing that the units would follow the traditional townhouse standards found within the zoning ordinance. The units would be oriented around a central parking area. The front setback would be 10 feet to allow the parking to be held in common space. The non-adjoined sides would be 10 feet for end units.

The previously approved plan increased the distance between the adjacent neighborhood and the taller apartment buildings. This proposal moves those apartments back to a location closer than the last approval, but still further away than the original approval. The apartments closest to the neighborhood are still limited to two stories in height. This plan also adds back in the storage buildings between the adjacent neighborhood and the apartment buildings.

While the last approved plan provides a better transition, the current plan is still within the spirit of the original approval.

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

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

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

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

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

Staff Recommendation:

Staff recommends Planning Commission approve the minor PUD amendment subject to the following:

- 1. A residential buffer along the eastern property line adjacent to the single family in compliance with the residential bufferyard requirements. Additionally, this bufferyard shall extend along the driveway leading to 30th Street.**

2. **Landscaping plans meeting the requirements for each use will be required prior to the issuance of a building permit.**
3. **All utilities shall be underground.**
4. **A sidewalk shall be extended from the internal sidewalks of the development to Cunningham Drive.**
5. **All dumpsters shall be fully screened.**
6. **No signage is being approved with this plan. All signage is required to be approved by separate application.**
7. **All buildings shall comply with City of Opelika Gateway Corridor standards including cladding and screening requirements.**

Mr. Parker reported for Engineering, the Engineering Department has no concerns with this amendment to the PUD Masterplan recommends approval.

Mr. Parker reported for the Opelika Utilities Board, water service is accessible from 30th Street and Pepperell Parkway.

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

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

Mr. Silberman asked Mr. Parker is there any consideration to working with Pepperell Parkway?

Mr. Parker stated yes that was already considered in the original submittal and these minor changes did not affect that, but we were working with them on Pepperell Parkway access and also realignment of 30th Street access. None of that has changed from the original packet that we have been working with.

F. CONDITIONAL USE - Public Hearing

7. Blake Rice, Barrett-Simpson, authorized representative for Martin Burdette, accessed at 4800 Birmingham Highway (NW corner of Birmingham Hwy & Grand National Parkway), C-3, GC-P, ATV (All Terrain Vehicle) sales lot and maintenance shop

Mr. Mosley reported the applicant is requesting conditional use approval for an ATV sales lot and maintenance shop called Extreme Power Sports at the corner of Highway 280 and Grand National Parkway.

In 1998, the business owner started his first ATV business in Columbus, Ga. The business

added a motorcycle sales lot in Columbus. About a year ago, the business bought the existing ATV sales lot at the corner of Fredrick Road and Frederick Avenue. If the conditional use is approved the Frederick Road location will close and the Highway 280 location constructed. When the business opens 20 employees will manage business activities, a total of 30 employees is expected later.

The site plan shows a 37,600 square foot (sf) showroom building and a 12,000-sf future warehouse building on 4.3 acres. The showroom building will include a maintenance shop. Grand National Parkway is the only access to the property from two driveways about 200 feet apart; there are no driveways to the property from Highway 280. The 99 parking spaces provided includes 4 handicap parking spaces as required.

The landscape plan meets the minimum base and parking lot point requirements - 468 points required and 477 points provided. The parking lot has seven landscape islands or peninsula with at least one tree planted in each island or peninsula as required. Shrubs are required to capacity in each island/peninsula. This corner lot is a growing commercial intersection with traffic light. The landscape plan shows trees along the front property line in most areas along Highway 280 and Grand National Parkway. Staff recommends trees planted along the entire front property line of both streets to enhance the lot and intersection. The buffer of trees and shrubs should extend to the side property lines of each street. The tree type selected (understory, medium, or large tree) should follow the spacing distance options provided in 10.6 D.2. b.1 of the Landscape Regulations. The adjacent property on the east side across Grand National Parkway is undeveloped and zoned residential (R-3). The trees along Grand National will serve as a residential buffer.

The property meets the maximum 70% impervious surface ratio allowed: 58% or 2.61 acres is impervious; 42% or 1.92 acres is pervious

The front elevation and entrance to the ATV business faces Grand National Parkway. About 50% of the exterior wall facing Grand National consists of painted CMU veneer (split face concrete block), store front windows, and stone (10 feet high from ground level). The CMU must be architectural style block (textured/rough finish) and not the traditional smooth surface block. The top 12-foot section is primarily insulated metal wall panels; this basic panel has been approved only in a few developments on those streets serving traffic within a limited area. EIFs material and store front windows is used near the corner of the building. The exterior wall facing Highway 280 consist of the same exterior material. See elevations in packet. The elevation facing Highway 280 should appear more as a front entrance than a rear wall. Staff recommends adding an entrance door, windows, and/or porch to enhance the elevation facing Highway 280.

A dumpster area is not shown on site plan. A dumpster will be installed. The dumpster must be enclosed with double gate. The enclosure must be an opaque fence on all sides and an opaque double gate. The dumpster should not be located between the building and near either street.

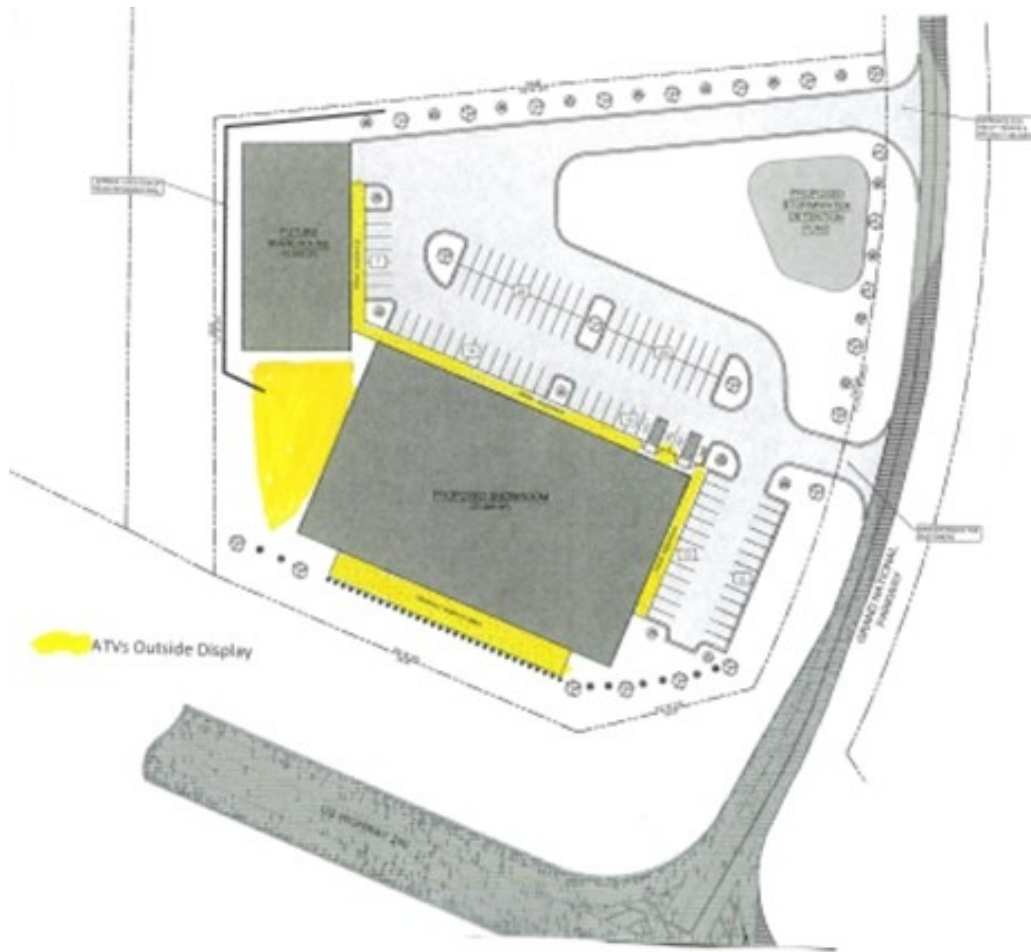
Outside display of ATVs are proposed (See "ATV Outside Display" areas next page). A 10-foot-wide sidewalk adjacent to two sides of the showroom building and in front of a future warehouse will be used as daytime outside display. At the end of business day, the ATVs on the sidewalks will be stored indoors. For day & night display (24 hour display/storage outside), the vehicles are on a 20' x 185' hard surface "product display area" adjacent to the south side of the showroom building that faces Highway 280. On the west side of the showroom building a 4,200 square foot gravel-type area is used for day & night time display; this area secured with a fence.

Staff recommends the 4,200 sf area be hard surface - concrete or asphalt. Outside lighting will be provided for the parking lot area, but there are no plans for lighting ATV outdoor display areas.

Recommendation

Staff recommends approval subject to the following:

- 1. Add trees along the front property line of Highway 280 and Grand National Parkway to both side property lines. Tree spacing based on tree type as provided in Landscape Regulations.**
- 2. The CMU block and insulated metal panels proposed for the exterior material must be an architectural style decorative material.**
- 3. ATVs outdoor display is limited to the areas shown on drawing attached. No parts or tires shall be displayed or stored outside.**
- 4. The outside display of ATVs on 10 foot wide sidewalks must be ADA compliant concerning minimum clearance of an aisle width especially for wheelchair passage.**
- 5. Enclose dumpster on all sides with an opaque fence and gate at a height so dumpster is not seen outside the enclosure.**
- 6. A wall sign is shown on the elevation drawing. A sign application must be completed, and a sign permit obtained prior to the installation of any signage (permanent or temporary signage).**
- 7. If outside lighting is proposed for ATVs, brightness must not exceed 1 footcandle at the property line.**
- 8. Fence material to secure ATVs must be a commercial architectural style (ex. Ornamental decorative fencing or rod-iron appearance). Wire mesh or chain link type fencing is prohibited.**
- 9. The 4,200 sf display area must be hard surface – concrete or asphalt - not gravel or yard area.**



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

Mr. Parker reported for Engineering, the applicant will be required to submit a site construction and grading plan for the drainage, utility, post construction detention, and roadway installation to the Engineering and Public Works Departments for review and approval. Once this approval and all other utility approvals have been met, a Land Disturbance Permit will be issued in concurrence with any applicable State and Federal Permits.

The Engineering Department has determined that the projected traffic in and out of this facility will not exceed the standards required for a traffic study or turn lanes. The spacing of the two proposed accessed exceeds the 200-ft that is required in the public works manual for this roadway.

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 Grand

National Parkway.

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.

Mr. Hilyer made a motion to grant conditional use approval with staff recommendations. Mayor Fuller seconded the motion.

Ms. Cannon asked is the applicant agreeing to have windows on the side that faces Highway 280?

Blake Rice, Barrett-Simpson, stated yes ma'am. I have spoken with the developer and they've reviewed all the comments and have no issues with any. They anticipate complying with them all and working with staff on the architectural as it goes through.

Ms. Cannon asked even the first road, I didn't understand exactly what was being said about the first turn in off of Highway 280, but it just seems like it's close to Highway 280. Just have one entrance and the same entrance out.

Mr. Mosley stated I believe the City Engineer said they're ok with both entrances.

Mr. Parker stated that's correct. The Alabama Department of Transportation will monitor the first entrance. If it is too close to 280, they'll provide regulation on that. We'll submit this plan to them for review and they'll incur, but this is quite a way away from the interchange, so it does meet our standards.

Blake Rice asked were you asking to move this to one entrance?

Ms. Cannon stated I would just think it's safer. It may meet compliance but still.

Blake Rice stated this is not a passenger vehicle concern. These are car-sized vehicles that they're selling out there, so the trucks that deliver these are full size transfer trucks. Having them get up that hill and get turned around and get back out was problematic. So, it's a much better idea to have them loop through the site, as well as the scale of this property. What we're used to seeing as far as distance on conditional uses like this, the scale is a bit confusing. That's a 40,000 square foot building so those entrances are significantly far apart.

Mayor Fuller asked they keep mentioning ATVs, will they also sell motor bikes and motorcycles?

Blake Rice stated yes, sir. So, what has happened if anybody isn't aware, East Alabama Power Sports which is located right over there on Frederick Road, has been sold to Extreme Power Sports out of Columbus. Extreme Power Sports is relocating from that location over there on Frederick Road, so all those product lines that when you drive by and see them all out there on Frederick road, that's what will be offered here. It's the motorcycles, the ATVs, the side by sides.

Ms. Cannon asked where is Extreme Motor Sports on Frederick Road?

Blake Rice stated no, East Alabama Power Sports is on Frederick Road. If you're coming from Auburn past the cemetery on the left, as soon as you pass the cemetery, East Alabama Power Sports is right there on the right. They're the ones that bring out all the four wheelers and side by sides every morning.

Mr. Hilyer asked that used to be a Honda shop didn't it?

Blake Rice stated it's Honda, Polaris, and Suzuki.

Mr. Silberman stated this is a significant site for the aesthetics of the City. Is there any reason that the Commission would want to see these revisions on paper?

Mr. Mosley stated that is up to the Commission. If you'd like to see those revisions, you would have to request that this be tabled until they could bring those back.

Mr. Silberman stated I think they're significant.

Ms. Cannon stated I agree with you. I think there are too many things that Planning is recommending and that it is a significant site. We want them to have as much visibility as they can have. We just want it to look pretty and not see the back of a building.

Blake Rice stated I would venture to say, if you take a look at those comments, everything else is fairly mundane. It's strictly the architectural aspects of the building itself, so that's really the only thing that would change. The rest of it is, yes, the show areas will be solid surface and the sidewalks are wide enough to meet ADA standards if an ATV is parked on them as well. So other than that, it's strictly the architectural elements of the building.

Ms. Cannon stated we've got one chance to get this right. One. You said there's going to be glass there. I mean, I just want it to be seen and people to know when they ride by, "Oh, I need to stop there," as opposed to seeing the back of a building.

Blake Rice stated yes ma'am.

Mr. Mosley stated you have a motion currently up for consideration now. So, if you would like to see those changes, someone would need to table this.

Motion to table the item until the July 26, 2022 Planning Commission meeting

RESULT: Passed

MOVER: Councilman Ward 1 Willie Allen

SECONDER: Lucinda Cannon

DISCUSSION: Mr. Silberman asked Mr. Mosley do you think we should table it?

Mr. Mosley stated it is up to the Board's pleasure basically. In a conditional use application, you're not required to meet a deadline. You need to feel that you have enough information to make a decision. So, you could either not table it and approve it as is, and we would try to make sure that those comments are met. Or, you can table it and have them bring back those specific changes to the Commission to review. One way or the other, it does not matter to the staff. If you feel like you'd like to see something specific or see exactly what they're proposing, then you should probably ask that that

come back to you.

Mr. Silberman stated I'm just one member of the Board. I'm not going to make that motion, but I have a reservation.

Mr. Mosley stated sure, and the motion is already there.

Mr. Gunter, City Attorney, stated there's a motion and a second. There's no debate on the motion, you just vote.

Chairman Cherry asked how many motions do we have?

Mr. Mosley stated so right now, the motion to table has superseded the motion to approve.

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

NAYS: None

ABSTAIN: None

8. Blake Rice, Barrett-Simpson, authorized representative for McOne Development, LLC, 807 Torbert Blvd, C-3, GC-S, Five townhome units

Mr. Mosley reported the applicant is requesting conditional use approval for a 5-unit townhouse development a 24,047 square foot lot. The property includes two pieces separated by the former right-of-way of Torbert Boulevard that was closed when the street was realigned. The property has a very unique shape that was created by the acquisition of the right-of-way for the street. The adjacent properties include single family homes and commercial property.

The townhomes are approximately 1,500 square feet. They are two story units with 2 bedrooms. Each unit will also have a brick courtyard behind the unit. The Townhouse Development Standards require that the front or rear yard area be no less than 50% of the main floor of the townhouse. Each unit meets this requirement.

In the C-2 and C-3 zoning districts, a maximum of 16 dwelling units per acre are allow; the proposed density (*5 units on 20,545 sf lot*) is 7.5 dwellings per acre. Minimum lot width requirement for a townhome = 20 feet. Minimum lot width proposed = 25'. The building also meets the minimum side and rear setback requirements (20', 10') for the C-2 zoning district. The townhomes received a variance from the ZBA based on the configuration of the lot to shift the units closer to Columbus Parkway. The minimum off-street parking requirement is met with eleven (11) parking spaces along Torbert Blvd (*2 ps per dwelling unit*).

The landscape plan meets minimum requirements concerning base and parking lot points. A total of 11 trees and 60 shrubs will be planted; the size of trees and shrubs planted must meet the minimum size requirements as provided in the Landscape Regulation. There are six oak trees located within the right-of-way of Columbus Parkway. The landscape plan shows three of these trees being removed during or due to construction. Preservation of these trees should be attempted if possible. If not, new trees, approved by the Planning Department, should be planted in the right-of-way to replace them.

This development would not likely have a dumpster but use individual bins.

Recommendation

Staff recommends approve subject to the following:

1. Buildings must meet the gateway corridor requirements. The building will require approval from the Historic Preservation Commission.
2. All utilities shall be underground.
3. On-street parking shall be coordinated with the Engineering Department.
4. Note the use of the property located on S 8th Street.
5. The oak trees in the right-of-way should be preserved if possible. If not, new trees approved by the Planning Department shall be replanted.

Mr. Parker reported for Engineering, because of the limited size of the site, the developer will be required to obtain a Land Disturbance Permit from the Building Inspections Department and no submittal will be required for this regulation.

Coordination with each utility will be needed to establish the necessary connections to the existing infrastructure.

The developer will be required to install the approved, on-street parking illustrated on Torbert Blvd.

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 Torbert Boulevard.

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:	Councilman Ward 1 Willie Allen
DISCUSSION:	Ms. Cannon asked where does the UPS man deliver the packages, in the front or the back? Blake Rice, Barrett-Simpson, stated in the back. Ms. Cannon asked is it going to say that? So, the fact that it has a front door doesn't really matter? Blake Rice stated yes, ma'am. It's accessed from the rear. It has frontage onto Torbert. For any deliveries or anything like that, nobody's going to be stopping on Columbus Parkway to deliver here.

Ms. Cannon stated well, that's what I think, but they usually take it to the front door.

Blake Rice stated it's a function of where you place mailboxes and things like that.

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

NAYS: None

ABSTAIN: None

9. David Slocum, Pinnacle Design Group, INC, authorized representative for J & G Properties, LLC, accessed at the 3500 block of Birmingham Hwy (Hwy 280), C-2, GC-P, Increase the size of a proposed climate control miniwarehouse

Mr. Mosley reported the applicant was granted conditional use approval at the March 22, 2022 Planning Commission (PC) meeting for a 410 unit, two-story climate controlled mini-warehouse business. (The original conditional use approval was granted at the March 2019 PC meeting; the 2019 approval expired and the request was resubmitted and approved at the March 2022 PC meeting.) At the June 28th PC meeting, the applicant is revising the site plan increasing the number of mini-warehouse units and adding parking spaces. The increase changes the site plan and Planning Commission approval is required.

A comparison of the March 2019 site plan to the June 2022 plan provides the following: (See 2019 and 2022 site plans page 3). The March 2019 site plan shows four buildings consisting of 410 climate control mini-warehouse units with a total 70,140 square feet (sf) of mini-warehouse space. The revised June 2022 plan has two climate control buildings that contain 530 units that total 80,270 sf of mini-warehouse space. The size of mini-warehouse storage units is 5x10, 10x10, and 10x15. The changes from the 2019 site plan to the 2022 plan is an additional 120 warehouse units and 10,130 square feet of storage space. Most of the 10,130 sf increase in warehouse space comes from combining the four buildings into two buildings. Also, the two buildings removes the need for a north to south driveway in the middle of the property and removes the central-square area labeled as a loading/unloading area. The driveway and loading/unloading area were replaced with more warehouse space.

The revised June 2022 site plan meets minimum off-street parking spaces. The site plan provides 53 parking spaces for the 530 units (1 ps per 10 units). The warehouse units are access from one 26-foot-wide two-lane driveway that runs between the two buildings; a T-intersection is provided at the south end of the building so vehicles can turn around exit the property.

The revised landscape plan meets minimum base and parking lot requirements. The 15' buffer along Hwy 280 and a residential buffer along the north, south and west property lines are shown as required. The residential buffer option selected as allowed in the Landscape Regulations is a staggered row of evergreens at least 8 feet wide. Ski Lodge Apartments are located on the adjacent property north of this development; the adjacent north property is zoned I-1 (Institutional); the west adjacent property is zoned residential. The buffer planted must provide a nearly impervious visual barrier in three growing seasons.

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

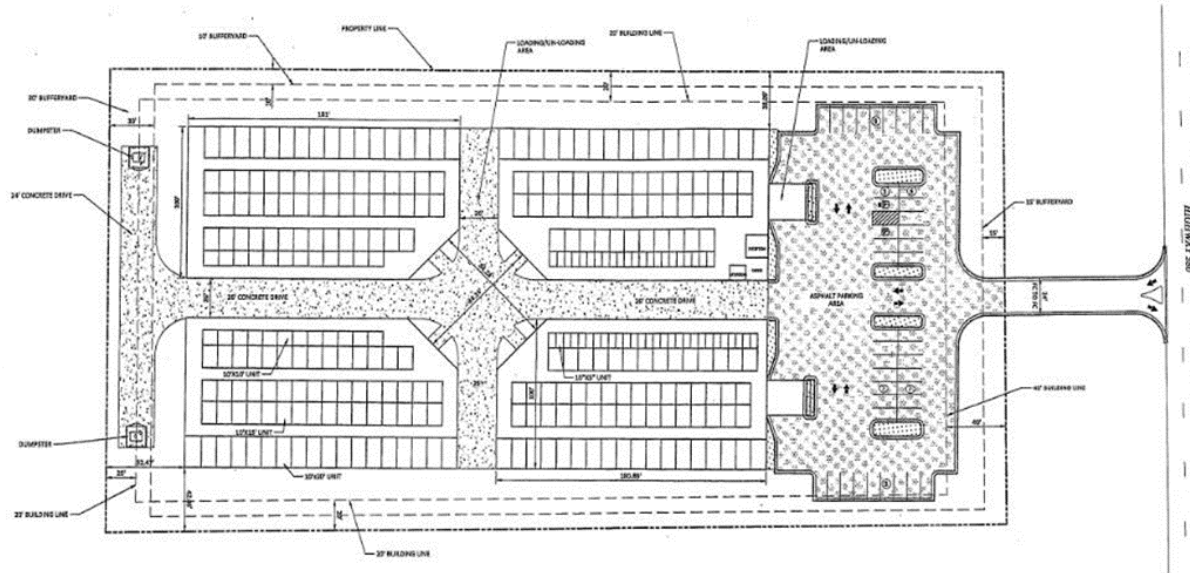
Recommendation

Staff recommends approval subject to the following recommendation:

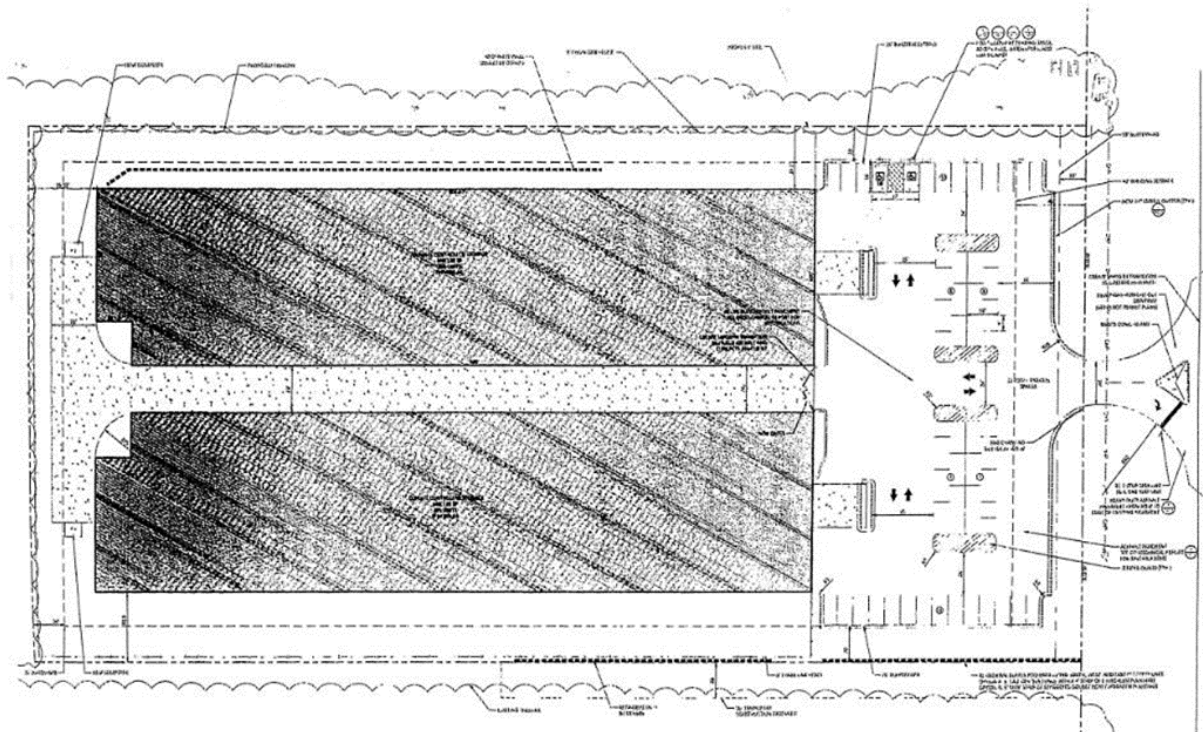
1. Add a residential buffer along the north, south, and west property lines as provided in Section IX Landscape Regulations; buffer must run the entire property line length.
2. The east and west side elevations must match the front elevation (brick & EIFs) for at least 72 feet on each side.



March 2019



June 2022



Mr. Parker reported for Engineering, the Engineering Department has no other comments or concerns with this proposed conditional use application and the previous comments for this application are still in effect.

Mr. Parker reported for the Opelika Utilities Board, water service is accessible from Birmingham Highway.

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: Councilman Ward 1 Willie Allen

DISCUSSION: Mr. Hilyer asked on the front of this building, how tall does that brick go? It looks like it's only a couple of feet high.

Mr. Mosley stated yes sir, I believe it's intended to be somewhat of a wainscot type treatment.

Ms. Cannon asked where do you see what the front of the building looks like?

Mr. Mosley stated it's not on the overhead but it's in your packet.

David Slocum asked are you talking about the right side where the tower is?

Mr. Hilyer stated I'm talking about the front that fronts the highway.

David Slocum stated yes that's just three or four feet, and then you'll have a brick ledge there.

Mr. Hilyer asked and what's above it?

David Slocum stated it's a stucco type material.

Mr. Mosley stated I believe it's an EIFS type material above that.

Mr. Hilyer asked and that's going to meet the gateway corridor requirements?

Mr. Mosley stated the Commission has allowed that as being a simulated stucco finish.

Mr. Hilyer stated there's a lot of it. Am I right that this is north of Veterans Parkway?

Mr. Parker stated this is south of Ski Lodge.

Mr. Mosley pointed out Ski lodge on the map and stated this would be to the east, south of Veterans Parkway. Just a little bit down from here is the Springs at Mill Lake.

Ms. Cannon asked is it going to be a mustard color?

David Slocum stated no ma'am. That color is not representative. We haven't

finalized the color, but we would be glad to submit to y'all color palettes prior to construction if you would like.

Ms. Cannon asked it's not going to be a neon color, is it? It's a right in right out, correct?

David Slocum stated that's correct.

Mr. Mosley stated that's one of the reasons why we felt this use is somewhat appropriate here is because it's fairly low traffic and this site, unless it's combined with anything else, is going to be limited to right in right out.

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

NAYS: None

ABSTAIN: Chairman Lewis Cherry

10. David Slocum, Pinnacle Design Group, INC, authorized representative for Hayley Investments, LLC, accessed at 1110-1190 Fitzpatrick Avenue, C-2, GC-S, 18 cottages (condominium units)

Mr. Mosley reported *this agenda item was granted conditional use approval at the May 2019 Planning Commission (PC) meeting and then a one-year extension of the conditional use approval was granted at the April 2020 PC meeting to the May 25, 2021 Planning Commission meeting. The one-year extension has passed and the conditional use approval has expired. The applicant is now resubmitting for conditional use approval. Planning staff's report below is nearly the same as presented at the May 2019 PC meeting except for necessary edits because the site plan was revised from 19 condo units to 18 units.*

The applicant is requesting conditional use approval for 18 cottages (single family home condominiums) in a C-2 zoning district; 19 cottages were proposed on the original site plan. The "storm water detention pond" shown at the northwest corner of site plan replaced a cottage. The proposed development is located on 1.99 acres with frontage on Fitzpatrick Avenue and Elliot Avenue. The applicant proposes to only use the access on Fitzpatrick Avenue. The density of the proposed development is 9 units per acre. The allowable density in C-2 is 16 units per acre. The density of residential in this area ranges from 2.5 units per acre for the residential to the west, 5.7 units per acre for the duplex to the east, and 18.5 units per acre for the townhomes to the north. The proposed development provides a transition between the various areas and the commercial uses fronting on Fitzpatrick Avenue.

Examples of the cottage-style single-family homes are attached. The units' range in size from one bedroom to three-bedroom units. All units will exceed 800 square feet with most being over 1,000 square feet. The units are approximately 15 feet from each other. They meet the minimum setbacks from the adjacent property lines. An area on the northeast side between a cottage and dumpster is labeled "proposed park or pool". The applicant is not certain about the use of this area, but most likely will be designated as a park area for condo owners.

Two parking spaces are required for each unit; 36 parking spaces required. (2 x 18 units = 36 ps). The applicant has provided 56 spaces that includes 3 handicap accessible spaces. (Three handicap parking spaces is required for 56 parking spaces.)

A landscape plan was submitted but will need to be revised. The site is 1.99 acres which requires 194 base landscaping points. The parking lot requires 57 parking lot points. This totals 251 total points. The parking lot points will need to be moved closer to the parking lot than

currently shown. The existing plan shows four crepe myrtle trees. Additional trees should be planted on the open island near the dumpster and at the south end of each row of parking. The site also requires a residential landscape buffer along the residentially zoned properties. The applicant appears to have selected Option A which is a four (4) foot landscape buffer with a six (6) foot tall opaque fence and a single row of evergreen shrubs. The landscaping requirements allow trees planted for residential or parking lot buffers to count towards the overall points, but do not allow the shrubs from either buffer to be applied towards the overall point requirement. This prevents most of the Cleyera from the residential bufferyard from being counted. This would necessitate an additional 117 points.

The applicant has not listed the exterior building materials for the development. Staff recommends that the materials meet the gateway corridor overlay requirements to include wood, stone, stucco, brick, hardi-board, or other approved material. The site plan shows a “dumpster enclosure.” Staff recommends dumpster screened by an opaque fence or evergreen plantings.

Recommendation

Staff recommends conditional use approval subject to the following conditions:

1. Cladding material shall use the approved materials in the gateway corridor.
2. Screen the dumpster using an opaque fence and/or solid hedge of evergreen shrubs.
3. Revise the landscape plan to meet the requirements of the Zoning Ordinance including islands in parking lot with at least one tree and shrubs.
4. Each unit must exceed 800 square feet in heated/cooled space.
5. Install underground utilities.

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 determined that the projected traffic in and out of this facility will not exceed the standards required for a traffic study or turn lanes.

The current Bicycle and Pedestrian Master Plan has indicated that this section of roadway requires an 8-10 ft paved multipurpose path. This path will be required to be installed across the entire lot with the development.

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 Fitzpatrick Avenue.

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

Chairman Cherry opened the public hearing.

Steve Penland, 1019 Fitzpatrick Avenue, stated I live across the street from this development

and my questions are on the access. The plat is hard to see, where is the access to it? Is it going to be on Elliott Avenue or is it going to be onto Fitzpatrick Avenue?

Mr. Parker stated it's going to be on Fitzpatrick Avenue.

Steve Penland asked ok, where on Fitzpatrick is it going to be in the development?

Mr. Mosley stated it looks to be about centered on the development.

Steve Penland stated ok there's another street there. Simmons Street comes out right there between the barbershop and El Taco Veloz so the access will not line up with Simmons Street?

Mr. Mosley stated no sir.

Steve Penland stated but I'm concerned about the traffic there, especially right now the traffic's not bad because the schools are out, but when schools get back in, that's a route that the school buses take to Northside and to the middle school, and then they come back every morning and turn right there at Simmons Street to go down to where they park all the buses. My concern is the increased traffic. Has there been a traffic study as to how much this is going to increase it there?

Mr. Parker stated because of the limited number of lots that have been proposed, we do not think that it will increase traffic enough to perform a traffic study or turn lanes for this area.

Steve Penland stated my concern is just the increased traffic. Thank you.

Ms. Cannon asked when you were talking about a bicycle lane, is there going to be a bicycle lane on that?

Mr. Parker stated it is proposed in the bicycle pedestrian master plan that was approved recently, a multipurpose path will be required on this side of the roadway for that section.

Ms. Cannon asked on Fitzpatrick, there?

Mr. Parker stated yes.

Ms. Cannon stated I mean hardly two cars can fit.

Mr. Parker stated no, it'll be off the side of the road.

Ms. Cannon asked bicycles will ride off the road?

Mr. Parker stated it will be detached, yes. The City of Opelika is currently working on a design to install this lane from Veterans Parkway all the way to Dunlap Drive and the idea is that we continue this all the way to town, all the way to 10th Street.

Mr. Silberman asked will it be curbed?

Mr. Parker stated it will be behind the curb, yes sir. Detached bike multipurpose lane. It was approved by City Council in 2020.

Ms. Cannon asked in 2020? Like two years ago?

Mr. Parker stated yes.

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

11. Howard J. Porter, authorized representative for PFI, Ltd, accessed at 95 Orr Avenue, C-3, GC-P, Distribution warehouses

Mr. Mosley reported the applicant is requesting conditional use approval for three distribution warehouses. This development was approved at the November 2020 Planning Commission (PC) meeting as an office warehouse or office showroom & warehouse for 165,000 square feet (sf) and two distribution warehouses that total 180,000 sf. At the November 2020 meeting, the development plan was to construct office warehouse/showroom-type tenant spaces and customers could view products, place orders, and have products shipped. Also, ‘dark stores’ were proposed for tenant spaces. ‘Dark stores’ receives orders from customers and on the same day delivers those products to customers. Adjacent to the proposed office warehouse/showroom building was a 8.8-acre lot for a distribution warehouse.

Since the November 2020 conditional use approval, the market has changed and now distribution warehouse space is in demand. The applicant is requesting the three proposed buildings (485,000 sf) be distribution warehouse space except for 3,000 sf of office space. (The applicant’s existing tenants are requesting the office space in two of the warehouse buildings.) Most products in the three distribution warehouses are related to the automobile industry (Hyundai, Kia) warehousing auto products/parts or raw material until the manufacturer (or tier 1 supplier) requests a product shipped. The auto industry typically uses temporary warehouse space instead of constructing a warehouse. The applicant expects from 30 to 50 employees on two shifts at the three warehouse buildings.

The revised site plan shows the three distribution warehouses accessed from two locations on Orr Avenue. (No access proposed from Marvyn Parkway.) The adjacent properties to the south are single family homes in a R-3 zoning district (residential). The landscape plan shows a residential buffer as required along the south property line; the existing berm with trees and/or vegetation is along the south property line that will remain preserved serving as the buffer; the berm was installed years ago when manufacturing occupied the property.

The landscape plan shows Building 3 (140,000 sf) on the corner of Orr Avenue and Marvyn Parkway. The front entrance and truck docks face Orr Avenue. The landscape buffer between Building 3 and Marvyn Parkway is 30 trees: 13 red maple trees, 15 crape myrtle and 2 white oaks. The street trees visually buffers Building 3 from Marvyn Parkway. The 40 parking spaces near Building 3 and the Orr Avenue entrance is buffered on all sides with 22 tree and 44 shrubs. A total of 15 red maples and 74 shrubs are between Building 2 and Building 3. A buffer is shown between Building 1 and the north adjacent lot that faces Orr Avenue. The buffer consists

of 10 trees and 32 shrubs. Other landscaping is shown on or near the property lines. The landscape plan needs to show total base points and total parking lot points required and obtained.

The proposed use is considered a ‘truck terminal’. Semi-truck parking is provided at the warehouse loading docks for a short stay as products/material are delivered for storage or trucks loaded to ship to a manufacturer. Building 1 has 9 semi-truck parking spaces (ps) for trucks, and 40 parking spaces (ps) for employees or temporary staff that load or unload semi-trucks. Building 2 and 3 has 66 semi-truck parking/docking locations and 44 ps for employees.

Recommendation

This M-1 zoned property has been vacant since the former Ampex and Quantegy occupied the property. Quantegy closed in 2005 and most buildings on the 23 acre property have been removed. **Staff recommends approval subject to the following:**

1. All products/raw materials must be stored inside an enclosed building. No storage allowed outside a building.
2. Provide on landscape plan total base points and total parking lot points required based on the developed area and provide the total number of base & parking lot points as shown on the landscape plan.

Mr. Mosley stated I wanted to point out where we’re using a material that has been used previously on large buildings. It’s an insulated metal panel. I just want to make sure that the Commission is aware that that is being proposed.

Mr. Parker reported for Engineering, there is no public infrastructure involved in in this subdivision so no infrastructure plans will be required. The applicant has also established an erosion and sediment control permit for this area so no other submittal will be required for this regulation. Coordination with each utility will be needed to establish the necessary connections to the existing infrastructure.

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 Orr Avenue.

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:	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

12. Foresite Group, LLC, authorized representative for Bush Properties, Inc, accessed at 2015 Gateway Drive, C-2, GC-P, Gateway Car Wash

Mr. Mosley reported *this conditional use was approved at the December 2018 and March 2021 Planning Commission meetings. Over a year has elapsed since approval and a building permit has not been requested. Therefore, the conditional use approval has expired. The applicant is now reapplying for conditional use approval again for the Express Tunnel Car Wash. The plans presented today are the same as presented at the December 2018 and March 2021 PC meetings with minor changes of added rug areas and proposed exit gate. The staff report below that includes staff recommendations for approval is the same as presented at the December 2018 and March 2021 meetings. Planning staff has no additional comments or recommendations. The December 2018 and March 2021 Planning Commission Minutes are at the start of this report for review.*

March 2021 Planning Commission Minutes

1. Brett Basquin, 2015 Gateway Drive, C-2, GC-S, Express tunnel car wash

Mr. Mosley reported this conditional use was approved at the December 2018 Planning Commission meeting. Over a year has elapsed since approval and a building permit has not been requested. Therefore, the conditional use approval has expired. The applicant is now reapplying for conditional use approval again for the Express Tunnel Car Wash. The plans presented today are the same as presented at the December 2018 PC meeting. The staff report below that includes staff recommendations for approval is the same as presented at the December 2018 meeting. Planning staff has no additional comments or recommendations. The December 2018 Planning Commission Minutes are on page 2 for your review.

The applicant is requesting conditional use approval to construct an automatic car wash (automobile maintenance) in a C-2, GC-P zoning district. The site is in front of the large office building that houses the Alabama Medicaid office. The site would be accessed from Robert M Harper Drive.

The site plan shows a 6,000 square foot (sf) building on a 5.04-acre lot. The building is designed to meet the 40-foot gateway frontage setback on the north end of the property. However, the additional right-of-way at the south end reduces the setback to 30 feet. The applicant is asking for relief from the Planning Commission, so the building will appear to be straight. The parking area 32 parking spaces, although most of these will be used for vacuum areas or prep areas.

The development area is 1.67 acres. The landscape plan meets minimum requirements (166 total pts. required, 176 total points obtained, 33 parking lot points). A 15-foot front parking lot buffer is required along Gateway Drive. This will need to meet the planting requirements in 10.6 D. 2 b including a buffer with trees and shrubbery provided between the plantings. Staff also feels that adding some evergreen shrubs or fence to the buffer to the north will help provide a better transition between the automotive use and the doctors office adjacent. This should be placed between stacking for carwash and the property line.

The applicant has proposed an elevation that will make the carwash appear similar to a small strip building. The materials include stone, simulated stucco (efis), glass and faux wood panels.

A private dumpster is shown in the rear yard; staff recommends that the dumpster be enclosed with an opaque fence at a height, so the dumpster is not visible outside the enclosure.

If outdoor pole lighting or wall pack lighting are proposed, then lights must comply with the City's lighting requirements. In addition, it may be necessary to reduce light glare by installing light fixture shields and/or redirecting light direction if light is excessive on public streets.

Recommendation

While staff believes the use is appropriate at this location, there are some issues that need to be addressed prior to recommending approval. These include:

- 1. Dumpster must be screened from adjoining properties.*
- 2. All mechanical must be screened from the public right-of-way.*
- 3. Add accessible parking space to the site.*
- 4. Revise front buffer to meet the requirements for section 10.6 D 2 b.*
- 5. Add evergreen shrubs or opaque privacy fence to northern buffer between outside stacking lane and adjacent property to transition uses. Shrubs reach 6 feet within 2 growing seasons.*

Mr. Mosley reported for Engineering, the developer will be required to submit a site construction and grading plan for the drainage, utility, post construction detention, and roadway installation to the Engineering and Public Works Departments for review and approval. Once this approval and all other utility approvals have been met, a Land Disturbance Permit will be issued in concurrence with any applicable State and Federal Permits.

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

Mr. Mosley reported for the Opelika Utilities Board, water service is accessible to this use by a water main in the R.O.W. of Gateway Drive.

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

Chairman Cherry opened the public hearing.

No comments.

Chairman Cherry closed the public hearing.

Mr. Hilyer made a motion to grant conditional use approval with staff recommendations.

Ms. Cannon seconded the motion.

Mr. Silberman asked is the brick shown on the drawing artificial? Is that an artificial facing?

Mr. Mosley stated yes sir, you see this a lot on buildings where it might not be appropriate to show what is actually inside. Giving it a change in materials will make it feel like they are keeping the same spacing and give the feeling of a window or a storefront without actually letting you see inside.

Mr. Silberman asked does that meet the material requirements for the Gateway Corridor?

Mr. Mosley stated that would be an allowable material there.

Ayes: Silberman, Councilman Lofton, Hilyer, Lee, Cannon, Cherry, and Whatley.

Nays: None.

Abstention: None.

December 2018 Planning Commission Minutes

Foresite Group, Inc., 2015 Gateway Drive, C-2, GC-P pending rezoning, Gateway Car Wash

Mr. Mosley reported the applicant is requesting conditional use approval to construct an automatic car wash (automobile maintenance) in a C-2, GC-P zoning district. The site is in front of the large office building that houses the Alabama Medicaid office. The site would be accessed from Robert M. Harper Drive.

The site plan shows a 6,000 square foot (sf) building on a 5.04-acre lot. The building is designed to meet the 40-foot gateway frontage setback on the north end of the property. However, the additional right-of-way at the south end reduces the setback to 30 feet. The applicant is asking for relief from the Planning Commission, so the building will appear to be straight. The parking area 32 parking spaces, although most of these will be used for vacuum areas or prep areas.

The development area is 1.67 acres. The landscape plan meets minimum requirements (166 total pts. required, 176 total points obtained, 33 parking lot points). A 15-foot front parking lot buffer is required along Gateway Drive. This will need to meet the planting requirements in 10.6 D. 2 b including a buffer with trees and shrubbery provided between the plantings. Staff also feels that adding some evergreen shrubs or fence to the buffer to the north will help provide a better transition between the automotive use and the doctor's office adjacent. This should be placed between stacking for carwash and the property line.

The applicant has proposed an elevation that will make the carwash appear similar to a small strip building. The materials include stone, simulated stucco (efis), glass and faux wood panels.

A private dumpster is shown in the rear yard; staff recommends that the dumpster be enclosed with an opaque fence at a height, so the dumpster is not visible outside the enclosure. If outdoor pole lighting or wall pack lighting are proposed, then lights must comply with the City's lighting requirements. In addition, it may be necessary to reduce light glare by installing light fixture shields and/or redirecting light direction if light is excessive on public streets.

Recommendation:

While staff believes the use is appropriate at this location, there are some issues that need to be addressed prior to recommending approval. These include:

1. *Dumpster must be screened from adjoining properties.*
2. *All mechanical must be screened from the public right-of-way.*
3. *Add accessible parking space to the site.*
4. *Revise front buffer to meet the requirements for section 10.6 D 2 b.*
5. *Add evergreen shrubs or opaque privacy fence to northern buffer between outside stacking lane and adjacent property to transition uses. Shrubs reach 6 feet within 2 growing seasons.*

Mr. Parker reported the Engineering Department recommends conditional use of this application.

The Engineering Department requires a grading, drainage, utility, erosion control, and post construction detention plan be submitted to the Engineering and Public Works Departments for review and approval for a Land Disturbance Permit. All other utilities will need to be contacted by the applicant to make sure all designs are approved, and requirements met.

Chairman Cherry opened the public hearing.

No comments.

Chairman Cherry closed the public hearing.

Mayor Fuller made a motion to grant conditional use approval with staff recommendations.

Dr. Menefee seconded the motion.

Ms. Cannon asked about the variance request for 10 feet.

Mr. Mosley stated the wavier in setback is due to the south side of the R.O.W. running at an angle and that this will allow the building to be parallel to the road. Access will be from Robert M. Harper Drive.

Ayes: Cherry, Fuller, McEachern, Council Member Canon, Silberman, Cannon, Vaughn, Menefee

Nays: None

Abstention: None

Proposal:

The applicant is requesting conditional use approval to construct an automatic car wash (automobile maintenance) in a C-2, GC-P zoning district. The site is in front of the large office building that houses the Alabama Medicaid office. The site would be accessed from Robert M Harper Drive.

The site plan shows a 6,000 square foot (sf) building on a 5.04-acre lot. The building is designed to meet the 40-foot gateway frontage setback on the north end of the property. However, the additional right-of-way at the south end reduces the setback to 30 feet. The applicant is asking for relief from the Planning Commission, so the building will appear to be straight. The parking area 32 parking spaces, although most of these will be used for vacuum areas or prep areas.

The development area is 1.67 acres. The landscape plan meets minimum requirements (166 total pts. required, 176 total points obtained, 33 parking lot points). A 15-foot front parking lot buffer is required along Gateway Drive. This will need to meet the planting requirements in 10.6 D. 2 b including a buffer with trees and shrubbery provided between the plantings. Staff also feels that adding some evergreen shrubs or fence to the buffer to the north will help provide a better transition between the automotive use and the doctor's office adjacent. This should be placed between stacking for carwash and the property line.

The applicant has proposed an elevation that will make the carwash appear similar to a small strip building. The materials include stone, simulated stucco (efis), glass and faux wood panels.

A private dumpster is shown in the rear yard; staff recommends that the dumpster be enclosed with an opaque fence at a height, so the dumpster is not visible outside the enclosure.

If outdoor pole lighting or wall pack lighting are proposed, then lights must comply with the City's lighting requirements. In addition, it may be necessary to reduce light glare by installing light fixture shields and/or redirecting light direction if light is excessive on public streets.

Recommendation

While staff believes the use is appropriate at this location, there are some issues that need to be addressed prior to recommending approval. These include:

- **Dumpster must be screened with approved fencing and landscaping from adjoining properties.**
- **All mechanicals must be screened from the public right-of-way.**
- **Add accessible parking space to the site.**
- **Revise front buffer to meet the requirements for section 10.6 D 2 b.**
- **Add evergreen shrubs or opaque privacy fence to northern buffer between outside stacking lane and adjacent property to transition uses. Shrubs reach 6 feet within 2 growing seasons.**

Mr. Parker reported for Engineering, the developer has previously submitted a site development plan that has been approved. This approval remains active.

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 Gateway Drive.

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: Mayor Gary Fuller
DISCUSSION: Ms. Cannon stated I just want verification that where you drive your car in to vacuum it out is not going to be on Highway 280.

Mr. Mosley stated on the site plan, this is Highway 280. You've got the landscaping, then you've got the building, the tunnel, and then behind the tunnel you'll have the vacuum stations. So, they will probably be a little visible behind the building, but they're not going to be a primary feature when you're looking off 280.

Ms. Cannon stated another concern is the decibels of how loud it is to dry off the car. Is it going to affect businesses around? Will it affect that sound that far?

Clay Massey, Foresite Group, stated I'm the engineer on the project. I can't speak to what the decibels of that would be. I'm just guessing that the distance between those would be sufficient as well as the landscaping would buffer some of that sound.

Ms. Cannon stated ok. I just happened to have had my car washed the other day and it was pretty loud just sitting in the car.

Clay Massey stated right. You're still within the tunnel, which makes it louder for you sitting in the car, but kind of keeps it in that structure.

Ms. Cannon stated ok.

Mr. Mosley stated the nearest vacuum station looks like it's about 50 feet or so from the property line.

Ms. Cannon asked are you all going to come back in 2023?

Clay Massey stated no, ma'am. There's a Spire easement that ran through this site and so with the COVID delay it took about 18 months to get all that worked out. There was a lot of discussion about the canopies over the vacuum stations. So that was the reason for the delay, but that has been totally taken care of now and they might start construction later this fall.

Ms. Cannon stated ok.

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

G. REZONING AND CONDITIONAL USE - Public Hearing

13. Rezoning Request, Brandon Hays, authorized representative for William P. Johnston, Jr., John B. Kirkland, and Edwin Whatley, 3.14 acres, 3373 Society Hill Road, from R-1 to C-2, GC-P

Mr. Mosley reported the 2030 Future Land Use Map (FLUM) shows the 3.1-acre rezoning

property at 3373 Society Hill Road in a “low density residential” land use category. This section of Society Hill Road is near the intersection of Gateway Drive and all properties are zoned R-1 (rural/ (agricultural). The GC-P overlay district is also along this section of Society Hill Road. The rezoning property is less than a mile from a regional commercial area at Exit 62 on I-85 that includes Tiger Town. For several years, it’s been expected that undeveloped properties near the Gateway Drive & Society Hill Road intersection will develop commercial or multi-family. The proposed R-1 to C-2, GC-P rezoning request requires an amendment to the 2030 FLUM concerning land use category. The proposed amendment to the Future Land Use map from a “low density residential” land use to “light commercial” is consistent with the nearby existing commercial uses. If the rezoning request is approved the 2030 FLUM should be amended so the 3.1 acre rezoning property is in the “light commercial” land use category.

Staff Recommendation

Staff recommends the Future Land Use map amended from a “low density residential” land use category to a “light commercial” land use category if the rezoning is approved.

Rezoning

The applicant is requesting to rezone 3.1 acres from R-1 to C-2, GC-P. The applicant desires an “office for contractor without equipment and material yard”. The C-2 zone is defined as an “office-retail” land use and typically all business activities are inside a building in the C-2 zone; a contractor’s office without outside equipment and storage yard is compatible with the C-2 zoning district. An “office for contractor with equipment and material yard” is prohibited in the C-2, GC-P. Other land uses in the C-2, GC-P that need outside storage are required to obtain conditional use approval from the Planning Commission.

The adjacent properties on the north and east sides of the rezoning property are out of the Opelika city limits; there is no zoning in this area of Lee County. The adjacent properties are primarily rural; the land uses are Wilhite Trailer Sales and undeveloped property. The adjacent properties on the south and west sides are zoned R-1 (rural, agricultural). The adjacent land uses are a single family home to the south and a 15-acre undeveloped lot across Society Hill Road.

Staff believes rezoning to C-2, GC-P will be compatible with the adjacent properties. Land uses zoned C-2, GC-P zone primarily take place inside a building. The applicant is requesting an office for contractor with no equipment or material yard.

Staff Recommendation

Planning Staff recommends the Planning Commission send a positive recommendation to the City Council to rezone the property from R-1 to C-2, GC-P.

Mayor Fuller asked Mr. Mosley is this in the county?

Mr. Mosley stated no sir, this is just inside the City.

Mayor Fuller asked is Wilhite Trailer inside the City?

Mr. Mosley stated Wilhite Trailer is outside the City, but just below it is inside the City. The property just to the north is Wilhite Trailer. Everything in yellow is in the City, everything in white is outside.

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

with the proposed rezoning request.

Mr. Parker reported for the Opelika Utilities Board, water service is accessible from Society Hill Road.

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

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

No comments.

Chairman Cherry closed the public hearing.

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

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

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

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

14. Brandon Hays, authorized representative for William P. Johnston, Jr., John B. Kirkland, and Edwin Whatley, 3373 Society Hill Road, C-2, GC-P, Office of contractor without equipment and material yard (no outside storage) (Approval is pending on rezoning property to C-2, GC-P)

Mr. Mosley reported the applicant is requesting conditional use approval for a “office of contractor without equipment and material yard” that is in the Gateway Corridor Overlay district 1. Approval of the conditional use is subject to the City Council approving rezoning the applicant’s property from R-1 to C-2, GC-P (office-retail, gateway corridor overlay district – primary)

The business office is for a site construction company that has 20 employees; office space for 5 employees is at the Society Hill location. There are three full time employees in the office and office space is available for two employees part time. The other 15 employees drive from their home to the job site each morning.

The site plan shows an existing 2,500 square foot (sf) single family home. The applicant plans

to renovate the home into a contractor's office. Six parking spaces are shown for office personnel. One parking space must be handicap accessible parking. The site plan shows in the rear yard a proposed 8,000-sf building that will be constructed used as a maintenance & repair shop for the contractor's equipment and machines. A full-time employee is not assigned to the maintenance/repair shop; the shop is only occupied when equipment or machine need repair or maintenance. No building material is stored at the Society Hill location; orders for material are delivered to the job site.

Minimum landscape requirements are met by preserving existing trees on the property. The Landscape Regulations encourages the preservation of existing "significant trees" (6" diameter or larger) that count toward base point requirements instead of planting new tree. The landscape plan shows 22 significant trees with diameters ranging from 6" to 37" will be preserved. Forty existing shrubs near the office will also be preserved.

Recommendation

Staff recommends conditional use approval subject to City Council approving the rezoning request from R-1 to C-2, GC-P.

¹ see rezoning request agenda item #13

Mr. Parker reported for Engineering, because of the limited size of the site, the developer will be required to obtain a Land Disturbance Permit from the Building Inspections Department and no submittal will be required for this regulation.

Coordination with each utility will be needed to establish the necessary connections to the existing infrastructure.

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 Society Hill 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 pending rezoning approval with staff recommendations

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

H. REZONING - Public Hearing

15. Rezoning Request, Blake Rice, Barrett-Simpson, authorized representative for Capps Family Partners, LTD, 2900 block of Society Hill Road, 40 acres, from C-2, R-1 to C-2

Mr. Mosley reported *this rezoning agenda item was removed from the City Council agenda before the 2nd reading and before Council's vote on the rezoning request. The applicant is required to resubmit the rezoning request to the Planning Commission. There are no revisions to the rezoning or original plans that were submitted at the February 22, 2022 Planning Commission meeting. The staff report below has not changed from the staff report submitted at the February 22, 2022 Planning Commission Meeting.*

Rezoning

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

Recommendation

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

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

Mr. Parker reported for the Opelika Utilities Board, water service is accessible from Society Hill Road.

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

Mr. Silberman asked why was the application withdrawn?

Mr. Mosley stated the applicant could probably shed some light on it but I think there was some discussion between the buyer and seller and things might have stopped and then started again.

Chairman Cherry opened the public hearing.

Blake Rice, Barrett-Simpson, stated what you have is the exact same request. We didn't even change the Conditional Use. The Conditional Use is still valid pending City Council approval of the rezoning. We had some issues between a few differing property owners contractually and what had to happen to get the contracts figured out is we needed time and had to pull it off the City Council prior to the rezoning. We all believed that it could start back at City Council. In discussions with Mr. Gunter, we found out that that was not the case, so it's back before you for another recommendation to City Council.

Chairman Cherry closed the public hearing.

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

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

I. PLAT (Preliminary and Final) - Public Hearing

16. Celebrate Alabama Improvement District SD, 4 lots, accessed at Section 26, 27, 34, & 35, T20N, R27E, Exit 64 and 66 of Interstate 85, Harmon Engineering & Contracting Co. Inc., authorized representative for Opelika Investment Properties LLC, Preliminary and Final Approval

Mr. Mosley stated this item was withdrawn by the applicant.

V. OLD BUSINESS

J. CONDITIONAL USE - Public Hearing

17. 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. We are hoping to get some new information on this item next month.

VI. ADJOURN

Motion to adjourn at 4:23 p.m.

RESULT:	Passed
MOVER:	Mayor Gary Fuller
SECONDER:	Arturo Menefee
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