



**PLANNING COMMISSION
MINUTES
300 Martin Luther King Blvd.
July 26, 2022
TIME: 3:00 PM**

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

II. APPROVAL OF MINUTES

The City of Opelika Planning Commission held its regular monthly meeting July 26, 2022 in the Meeting Chambers, located at the Opelika Municipal Court. Certified letters have been mailed to all adjacent property owners for related issues.

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

MEMBERS ABSENT: Dr. Arturo Menefee, Mr. Michael Hilyer, 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 June 28, 2022

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

III. UPDATE ON PREVIOUS PC CASES

Mr. Mosley stated there are no updates on previous Planning Commission cases.

IV. NEW BUSINESS

A. **PLAT (Preliminary Only) - Public Hearing**

1. Shaw Estates SD, 31 lots, accessed from Oak Bowery Road, Blake Rice, Barrett-Simpson, authorized representative for Auston Shaw, Preliminary Approval

Mr. Mosley reported the applicant is requesting preliminary approval for a 31-lot subdivision located in the R-1 zoning district. This property is also in the Saugahatchee Watershed. The Saugahatchee Watershed regulates the lot size minimum standards of three (3) acres for single-family residential when not on sewer. Lots 1-30 will take access from Oak Bowery Road by Street A and Street B. Lot 31 has a flag portion frontage along Oak Bowery Road. The lots range in size from 3.10 acres to 40.73 acres; lot width ranges from 95.38 feet to 328.77 feet. The application states these lot will be single-family homes. This subdivision is unique because the area on the 100' Alabama Power Company Easement, 75' Alabama Power Easement and, a 50' Alabama Power Company Easement intersecting several lots.

Planning staff recommends preliminary approval subject to the following:

1. Previous plat and aerial photography show two outbuildings or sheds within the flag of Lot 31. If still present, these should be depicted.
2. Ensure the minimum lot width of 100 foot is met at the building line for Lots 13, 14, 27 and 29

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 Department has determined that the projected traffic in and out of this development will not exceed the standards required for a traffic study or turn lanes. It is also recommended that the roadway design of street A would include traffic calming devices, such as bifurcated roadway sections or traffic circles to break up to long straight road that tends to have higher speeds.

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 by a water main in the R.O.W. of Oak Bowery Road. This subdivision in within the Saugahatchee Lake Watershed and meets the 3 acre minimum size for lots without sanitary sewer service.

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

Chairman Cherry opened the public hearing.

Donna Smith, 3401 Oak Bowery Road, stated I live right across the street. The only concern I have is that there are 30 lots. I know there's one big lot, and some of us in the community were

looking at it, but you're looking at 60 cars possibly. There's only one way out of this subdivision onto Oak Bowery. It seems to me like maybe there should be another way to get from that subdivision to Oak Bowery than just one road. Also, I'm right across the street and there's a little curve. I can see when I'm coming out of my driveway, but over there by my mailbox where the road will be coming out, it's hard to see cars coming around that curve. It's just a concern cause cars are coming fast coming that way, and you're trying to get cars in and out from that road. Are there any plans to widen Oak Bowery down that way or anything like that?

Scott Parker, City Engineer, stated we have to set a standard for a second access requirements, and this does not meet that standard. Typical standards are 100 lots to have second access requirements. Typically, Planning and Engineering will encourage connectivity to other properties if it's feasible or future connectivities if somebody else connects. With this case, the properties are so large and one adjacent property owner being the Water Works Board of Opelika, are not conducive to develop their property, so we don't anticipate any other developments connected to this. Therefore, only one access is acceptable because of the limited number of lots. As for the curve, the design or site design engineer will need to take that into consideration for sight distance. If additional clearing or things like that are required or anything else, he'll have to make those assessments as he goes. At this time, we are not anticipating any widening or reconstruction on Oak Bowery Road.

Chairman Cherry closed the public hearing.

Motion to grant preliminary plat approval with staff recommendations

RESULT: Passed

MOVER: Mayor Gary Fuller

SECONDER: Councilman Ward 1 Willie Allen

DISCUSSION: Ms. Cannon asked Mr. Parker, you were talking about connectivity of the subdivision. How does it connect?

Scott Parker stated it doesn't. A lot of times we do encourage connectivity if there's more of a dense subdivision. But this one, because it's so large and it has such large lots, we're not required connectivity on this one. Typically, we would, but not on this one because it's so spread out and it's so large.

Mr. Mosley stated where these streets come to a cul-de-sac it dead ends into the water or property into the lake. So, there's not really opportunities back there or to the south or the north. They're large residential lots for the most part.

Ms. Cannon stated I see there's no connectivity, but I thought he said there was going to be connectivity.

Scott Parker stated I apologize. We typically encourage it, but in this case, we're not requiring it.

Mr. Silberman asked are the road names the proposed names?

Mr. Mosley stated no sir. They'll have to come up with new street names prior to final plat approval.

	Scott Parker stated that will be on final plat.
AYES:	Cannon, Chairman Cherry, Whatley, Silberman, Mayor Fuller, Councilman Ward 1 Allen
NAYS:	None
ABSTAIN:	None

2. Fox Path SD, 28 lots, accessed from Hwy 29 N, Brandon Bolt, Bolt Engineering, authorized representative for Edgar Hughston Builder, Inc, Preliminary Approval

Mr. Mosley reported the applicant is requesting final plat approval for a 28-lot subdivision. This subdivision is in the Planning Jurisdiction. The purpose of the subdivision is to build a residential subdivision. The lots range from 33,000 square foot to 2.73 acres. The total area is 33.25 acres including new rights-of-way and roadway. The minimum lot standards of R-2 shall apply to lots in the Planning Jurisdiction. This includes a of minimum of 15,000 sf lots and 80 ft lot width. These lots meet the minimum requirements for a subdivision in the Planning Jurisdiction.

Planning staff recommends preliminary approval subject to:

1. **Lee County Planning approval and Lee County Engineering approval.**
2. **Beulah Utilities District approval.**
3. **Volunteer Fire Department approval.**
4. **Add flood zone note.**
5. **The name and recordation data for any existing adjoining subdivision should be shown.**
6. **Add the standard Opelika power and communications easement statement**

Beulah Utilities District

Opelika Planning Commission

RE: Fox Path Subdivision

In regards to the Fox Path Subdivision I have reached out to our engineers at GMC. They have run the water model and informed me that the District has enough water capacity to accommodate the 28 homes proposed for the subdivision. The issue is if they are required to install fire hydrants there is not enough flow to support 500gpm or greater on the 6" water main. The District does have hydrants along HWY 29 and in the process of building a full time Fire station located on Lee Road 266. If there are any questions or other concerns that I can assist with, please let me know.

Sincerely
James "Mack" Waites
Project Manager

Lee County Engineering Report

See attached markup. We approve the preliminary plat and construction plans at the same time,

so we cannot approve this until we have the construction plans as well.

This will need Lee County Planning approval. Our planning director is Joel Hubbard. His email is Jhubbard@leeco.us

Let me know if you have any questions.

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

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 Lee County and Opelika Engineering and Opelika 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.

Alabama Department of Transportation (ALDOT) will establish the requirements for a traffic study or turn lanes and will permit the access to the ALDOT managed roadway. It is also recommended that Ann Way and Ann Trail be stubbed to the northern western property line for a future development connections.

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, this subdivision is located in the Beluah Utilities service area.

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

Chairman Cherry opened the public hearing.
No comments.
Chairman Cherry closed the public hearing.

Motion to table the item at the applicant's request until the August 23, 2022 Planning Commission meeting

RESULT:	Passed
MOVER:	Mayor Gary Fuller
SECONDER:	Leigh Whatley
AYES:	Cannon, Chairman Cherry, Whatley, Silberman, Mayor Fuller, Councilman Ward 1 Allen

NAYS: None

ABSTAIN: None

B. REZONING AND PLAT (Preliminary Only) - Public Hearing

3. (a) Amendment to the Future Land Use Map, accessed from the 3250 block of Robert Trent Jones Trail, 2.6 acres, from an Institutional land use category to a mixed use category.

(b) Rezoning request, Max Vaughn, authorized representative for the Retirement Systems of Alabama, accessed at the 3250 block of Robert Trent Jones Trail, 2.6 acres, from I-1 to PUD.

Mr. Mosley reported the 2030 Future Land Use Map (FLUM) shows the 2.6-acre rezoning property in an institutional land use category. This institutional land use area is about 1,140 acres, owned by Opelika Utilities and includes Saugahatchee Lake, Opelika's primary source of water supply. The only adjacent land use category next to the rezoning property is mixed-use – National Village PUD. The 600-acre mixed use area consists of single-family homes, cottage homes, and the Marriot Hotel Resort & Spa on 27 acres. The National Village master plan shows a future 30-acre commercial area adjacent to the Marriot.

The adjacent property east and south of the 2.6-acre rezoning property is the Robert Trent Jones golf course on Opelika Utilities property. The adjacent property on the north side is the Marriot Hotel property. The adjacent west side is undisturbed wooded area owned by RSA (Retirement Systems of Alabama). RSA desires to add the 2.6-acre property to a 4.3-acre RSA parcel to construct single family homes.

Staff Recommendation

The rezoning request for the 2.6 acres requires an amendment to the 2030 FLUM concerning 'land use category.' If the rezoning is approved by City Council, staff recommends the 2030 Future Land Use map be amended for the 2.6 acres from an institutional land use category to a "mixed use development" land use category.

Rezoning

The applicant is requesting rezoning 2.6 acres from I-1 to PUD - National Village PUD zoning district. If the rezoning is approved, the 2.6 acres will be combined with a 4.3-acre parcel for seven single family home lots. The seven lots are adjacent to the RTJ Golf Trail and near Saugahatchee Lake. A new street will be constructed for the lots; the street is accessed from Robert Trent Jones Trail. The seven lots are larger than other single-family home lots in National Village. Existing lots range from 9,000 sf to 12,000 sf. Cottage-style single family home lots located near the proposed seven lots range from 3,500 to 7,200 sf. Five of the seven lots are 15,000 square feet (sf), one lot 22,000 sf, and one lot 30,000 sf. A 38,000-sf wooded area located between the seven lots and Robert Trent Jones Trail serve as a buffer.

Recommendation

The larger seven lots provide another option and style of home in National Village. **Planning Staff recommends Planning Commission send a positive recommendation to the City Council to rezone the property from I-1 to PUD.**

Mr. Parker reported for Engineering, the Engineering Department has no concerns with this rezoning recommends approval.

Mr. Parker reported for the Opelika Utilities Board, Opelika Utilities request a positive recommendation to the City Council.

Mr. Parker 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.

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

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

4. National Village SD, Phase 6B, 1 lot, accessed at the 3250 block of Robert Trent Jones Trail, Max Vaughn, authorized representative for the Retirement Systems of Alabama, Preliminary Approval

Mr. Mosley reported the applicant is proposing a two (2) lot subdivision along Spa Loop. The lot, Lot 24 would be divided from the larger golf course and lake property owned by the Water Works Board of Opelika. The utility is selling the property to the Retirement Systems of Alabama for inclusion in the National Village development. The property would be rezoned, as mentioned in the previous case, to be part of the PUD.

The lot takes access off Spa Loop, which is a private road. The remainder lot should be referenced but does not have to surveyed due to its size. Otherwise, the plat is consistent with the City of Opelika subdivision regulations. It should be noted that this plat could be handled administratively due to the number of lots and lack of infrastructure that would need to be installed, but the applicant requested it go through Planning Commission.

Planning staff recommends preliminary approval subject to the following:

1. The parent parcel should be depicted on the plat in some way. The existing vicinity map can suffice if some parcel designation and an approximate acreage is given. For

- this remainder, the surveyor can state that “This Portion is not Resurveyed at this Time” or similar.
2. Remove the Lee County Engineer’s certificate.
 3. The subtitle indicates that the parcel is in Sections 34 and 35 but the drawing indicates that it is in Section 35 only
 4. Show the names and recordation information of any adjoining subdivisions should be shown.

Mr. Parker reported for Engineering, the Engineering Department has no other comments or concerns with this proposed plat and recommends preliminary plat approval.

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

Mr. Parker 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.

Motion to grant preliminary plat approval with staff recommendations

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

C. PLAT (Preliminary and Final) - Public Hearing

5. Opelika Utilities Property SD, 5 lots, 4055 Water Street, Blake Rice, Barrett-Simpson, authorized representative for City of Opelika Water Works (Utilities Board of the City of Opelika) Preliminary and Final Approval

Mr. Mosley reported the applicant is proposing a five (5) lot subdivision along Water Street and Saugahatchee Lake Road. The lots include platting property that was created by the construction of Water Street, but had never been platted previously. This includes Lots 3-5. Lot 1 is a new lot including 100.35 acres. This property will have frontage on Saugahatchee Lake Road. There are no immediate plans for this lot. The remainder lot, Lot 2, includes a 100-foot strip along the southern right-of-way of Water Street. This strip connects back to the larger lake property and allows the Utility Board to control or prevent future development along Water Street leading to their headquarters.

The plat does not show the structures at the police training facility There are also some easements in Lot 4 that were shown on a previous plat that are not present. Otherwise, the plat is consistent with the City of Opelika subdivision regulations.

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

1. Add the standard Opelika easement note.

2. Confirm whether the easements shown on Saugahatchee Creek plat on Lot 4 are present.
3. Show all structures on the property.

Mr. Parker reported for Engineering, 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, recommend approval.

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

Chairman Cherry opened the public hearing.

Marilyn Johnson, 3202 North Gate Drive, stated I was looking through this and I didn't realize it was just for utilities until I got here, however, I have a question about Lot 5. My question is, there's a little place that is marked up there in the curve on Water Street for a cemetery. Are y'all planning on putting a cemetery in here?

Mr. Mosley stated no, ma'am. That means there is a cemetery that has been noted there before. It's probably a historic cemetery.

Marilyn Johnson asked so there won't be more going in there? Will there be any more burials there or is this somebody's personal property?

Mr. Mosley stated this is on the Utilities Board property.

Marilyn Johnson asked ok, and in the future?

Mr. Mosley stated I don't believe you'll see more.

Marilyn Johnson stated I didn't even know it was there, but I thought maybe it's a proposal for it. That was my concern.

Mr. Mosley stated I don't think you're going to see any more burials on that site. It's just noting that there is a cemetery that has been identified there.

Marilyn Johnson asked but it is owned by the City?

Mr. Mosley stated it's owned by the Utilities Board, which is a separate entity from the City.

Marilyn Johnson stated thank you, that was my only concern.

April Webster, 3505 Saugahatchee Lake Road, stated Lot 3 is behind our property. It's 8.24 acres and this property also used to be a landfill. My question is, does Opelika Utilities still own all these lots or have they already sold all these lots?

Mr. Mosley stated they are signing as if they own all of the lots.

April Webster asked so they're going to sell them?

Mr. Mosley stated I don't believe so. I believe they're just platting them out.

April Webster asked was there any building construction going to happen on Lot 3?

Mr. Mosley stated I'd have to defer to the applicant on that. I don't know of any.

April Webster stated ok. On Lot 1, there are two ponds back there, 100.35 acres. There are alligators in these ponds. Then back behind North Gate that little strip, are any houses planning on going between that and Water Street? Because it's not a big area there. There are a lot of deer there anyway that jump out onto this road. So, you don't really know if they're going to build anything?

Mr. Mosley stated all they've come to us today is to divide the property. If they divide it further, they would have to come back. But this is only to divide it into these five lots.

April Webster asked can we request that Lot 3 not ever be built on?

Mr. Mosley stated that's up to the Utilities Board. The Planning Commission probably doesn't have that authority to do that.

Chairman Cherry stated that would be at the next stage for lots to be developed, and then that decision could be made at that time. But not now.

April Webster asked so why were we told to come if there was no reason to come?

Mr. Mosley stated state law says that whenever someone divides property adjacent to you that you notify the adjoining property owners of a public hearing. That's why you all received a letter letting you know that these five lots were being created.

April Webster stated but not sold. Opelika Utilities will continue to own all five lots.

Mr. Mosley stated I'd have to defer to the applicant who's here today to discuss that. All they're coming to ask us for and all the information we have is that they are dividing the one lot into five different lots. If they divide it further into multiple smaller lots, they would have to come back to the Planning Commission again and you would get another letter again with a new plan.

April Webster stated ok. So there's really nothing about building and just dividing lots.

Mr. Mosley stated yes, ma'am.

Blake Rice, Barrett-Simpson, authorized representative, stated just to clarify for both the citizens and the Commission, these properties technically already exist in their current state. When Water Street was constructed, however many years ago by Opelika Utilities, the roadway was constructed. The right-of-way around that roadway was never platted and dedicated to the City, so this road currently is still owned by Opelika Utilities. They realized this and are trying to correct that issue by getting these rights-of-ways created so that roadway can become a public roadway, not owed by Opelika Utilities. When you create that right-of-way, it by default creates these similar parcels. Opelika Utilities, as far as I know and as far as what they told me, have no intention or desire to do any more construction on any of these. This is simply a legal boundary issue right now.

Chairman Cherry closed the public hearing.

Motion to grant preliminary and final plat approval with staff recommendations

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

D. FINAL PLAT

6. Legacy Village Townhomes SD, Phase 4, 20 lots, accessed from Legacy Circle, Brook Harris, authorized representative for Clayton Properties Group, Inc, Final Approval

Mr. Mosley reported the applicant is requesting final plat approval for 20 lots of a 53-lot townhome subdivision. Nineteen lots are townhome units. The townhome units are attached together sharing a common side wall. Two groups of townhomes have 6 units each and one townhome group has 7 units. Parcel B, a 3.8-acre lot, is labeled “common area.” A townhome unit on a single lot will be sold including the front and rear yard areas. The 19 townhome lots meet the minimum yard size requirement of at least 50% of the main floor size of a unit. The lots exceed the 1,800-sf minimum lot size and 20-foot lot width required for a townhouse development. The lot widths range from 27’ to 52’ and the lot area from 3,050 square feet (sf) to 5,870 sf. Each unit has two parking spaces as required. Underground utilities are installed, and sidewalks are installed along the streets. A 5’ access easement is shown along the rear property lines of each townhome group providing access to Parcel B. Parcel B (5.4 acres) is in a floodplain and will remain as an open space lot. Parcel B is maintained by the Legacy Townhomes HOA (Homeowner’s Association) as stated on the plat (note #10). The exterior building material is brick on front wall and lap siding and/or board & batten on side and rear walls.

A landscape buffer is planted along Century Boulevard consisting of trees and shrubs. A landscape plan for each townhome group was submitted for each townhome group; the landscape plan is typically 11 trees and 8 shrubs planted in the front yard of a townhome group.

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

1. Install landscaping, grass & ground cover on all yard areas.
2. Any fencing by developer/property owners should be consistent on all lots.
3. On final plat, add a pin symbol on the right of way between Lots 50 and 51.

Mr. Parker reported for Engineering, 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, recommend approval pending water system testing and final inspection.

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

Motion to grant final plat approval with staff recommendations

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

E. CONDITIONAL USE - Public Hearing

7. Edward L. Pettigrew Sr., authorized representative for Starr Group, LLC, 2417 Frederick Road, Unit 4 and 5, C-2, GC-P, Vehicle accessory installation business.

Mr. Mosley reported the applicant is requesting conditional use approval for an auto accessory shop called Cheno's Creations. The proposed business is addressed at 2417 Frederick Road, but the business does not front along Frederick Road. The former TPE lawn mower business fronts on Frederick Road; the accessory business is in the rear yard area behind the former TPE business about 250 feet from Frederick Road. The accessory shop will occupy a 1,200-sf tenant space that accesses Frederick Road from a private driveway; the driveway is for the property owner's business (Patrick Starr, Needmore Trucking Company,). For the most part the business cannot be seen from Frederick Road. (See aerial photo on last page.)

The auto accessory shop customizes vehicles as requested by the vehicle owner; installations include audio systems, custom built speaker boxes, security cameras, LED trim lighting, and sticker decals. Installations are by appointment only. The business is open 6 days a week. The business owner does all installations, no employees. The business does not provide auto repair or maintenance. The washing and detailing of vehicles will not be provided. The owner will retail sale auto accessories that include speakers, amplifiers, wires, RCA connectors, and LED lighting.

The proposed business will occupy two tenant units (1,200 sf) with two roll-up doors (see photos in packet) and may expand to three units (1,688 sf,) with three roll-up doors if business is successful. All installations of automobile accessories and testing of audio equipment will be accomplished inside the building not outside. The applicant is sensitive not to disturb adjacent properties and motorists. An adjacent 1,614 sf building near the applicant's building is used by the property owner for storage.

The site plan provides 4 parking spaces outside including one handicap parking space. Also, two vehicles will park inside the building for installations. Staff believes parking is adequate; the business is a specialty shop providing custom installations as requested by customer and installations are by appointment only. The property was first developed in the 1990s; the landscaping shown on the site plan was installed when the building was constructed.

City garbage services will be used, no dumpster.

Recommendation

Staff recommends approval subject to the following

1. Audio testing must be performed inside the building. Any outside audio testing must be limited.
2. All storage of equipment, products, or discarded/scraped parts or material must be inside the building or trash container not outside.
3. If vehicle washing is proposed, then a drainage system to collect the wastewater must be installed and connected to the sanitary sewer system as approved by the applicable departments.



Mr. Parker reported for Engineering, the Engineering Department has no comments or concerns with this proposed conditional use application

Mr. Parker reported for the Opelika Utilities Board, water service is accessible from Starr Street.

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

Chairman Cherry opened the public hearing.

Edward Pettigrew, applicant, stated I am the owner of Cheno's Custom Creations. I am here to answer any questions concerning my business. I work alone and I do appointments only. My business consists of woodworking, fiberglass, moldings, and car audio. I work on several different types of vehicles from four wheelers to marine vehicles. I offer a lot of services to recreational vehicles, motorcycles, and ATVs also.

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, Whatley, Silberman, Mayor Fuller, Councilman Ward 1 Allen
NAYS:	None
ABSTAIN:	None

F. REZONING - Public Hearing

8. (a) Amendment to the Future Land Use Map, accessed from Sportsplex Parkway, 154 acres, from a low-density residential land use category to a mixed-use category.

(b) Rezoning request, Blake Rice, Barrett-Simpson, authorized representative for 280 Land Company, LLC, Sportsplex Parkway, 154 acres, from R-3 to PUD

Mr. Mosley reported the 2030 Future Land Use Map shows that the 154 acre property as “low density residential” land use category. The properties surrounding the subject property are also designated as low density residential. The Sportsplex has an institutional designation. Most of the properties directly adjacent to this property or either vacant or have low density residential land uses. Overall, the proposed uses within the masterplan of the PUD would fall within the low density residential. The units are smaller than typically found in a zoning designation for low density residential, but the substantial open space and buffering should mitigate this factor. The overall density for the planned development is 1.54 units per acre which is consistent with low density residential. The planned development provides the opportunity to utilize less overall development and preservation of open space

Staff Recommendation

Staff recommends approval of an amendment to the Future Land Use map for the 154 acres from a “low density residential” land use category to a planned unit development land use category so the property is consistent with the goals and purposes of the Comprehensive Plan and the surrounding properties.

Rezoning

The applicant is requesting rezoning 154 acres from an R-3 (residential) zoning district to a planned unit development (PUD) zoning district. The overall development is proposing 241 residential lots. The project also shows 52.4 acres (33%) of open space and an amenity area. The overall density is approximately 1.54 units per acre. The property is bound by a series of streams and flood plain to the north.

This includes 98 lots shown as 90-foot wide and 143 lots that are 60-foot wide. The 60-foot-wide lots would be approximately 7,500 square feet. The 90-foot-wide lots would be 13,500 square feet. The setbacks for the lots are the following:

Front:	20 feet
Rear:	25 feet
Sides:	7 feet
Side on Street:	15 feet

This property shows 25-foot undisturbed buffers on all sides adjoining the residential property. To the north, the creeks and flood plain add a much larger buffer.

The property is currently accessed through two connections to Sportsplex Parkway. The property does adjoin a significant amount of undeveloped land. To the west, staff recommends connectivity to Lowe property. Staff would like to see some connection to the east as well, but this property is adjacent to more commercial zoned property along Sportsplex Parkway and fragmented property owners further north. The creek and flood plain provide substantial environmental concerns that likely prohibit connectivity to the property owners adjacent land.

The applicant has noted that Hidden Lakes North will have its own amenities but have not noted what those amenities would be. They also note that the residents will share amenities with the residents of Hidden Lakes across Sportsplex Parkway. Based on the proximity of the

development to the City of Opelika Sportsplex, staff believes that the addition of walking trails through the open space could provide connectivity to the residents and increase the amount of public walking areas connected to the Sportsplex. This could be accommodated through the existing sanitary sewer easement. Sidewalks should be placed so that they connect the open space to the residential areas. Sidewalks are required on both sides of the street.

Staff Recommendation

Staff recommends Planning Commission send a positive recommendation to the City Council to rezone the property from R-3 to PUD subject to the following:

- 1. Work with City staff to examine pedestrian access and determine if there is any ability partner with the City in development of a walking trail through the open space on or near the sanitary sewer easement.**

Mr. Parker reported for Engineering, the Engineering Department has no concerns with this rezoning recommends approval.

Mr. Parker reported for the Opelika Utilities Board, water service is not accessible from Sportsplex Parkway at this time.

Mr. Parker reported for the Opelika Power Services, this subdivision is outside 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 amendment to the Future Land Use Map with staff recommendations

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

V. OLD BUSINESS

G. CONDITIONAL USE - Public Hearing

9. 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 are working with the developer and I think we will have something finalized very shortly. We recommend that this item remains tabled at this time.

10. 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. (*This item was tabled at the June 28, 2022 PC meeting*)

Mr. Mosley reported *this item was tabled at the June 28th PC meeting to allow the applicant to revise elevation plans. The ATV business is in the Gateway Corridor Overlay district located on the corner of Grand National Parkway and Birmingham Highway (Highway 280). Planning staff and Commissioners agreed that the elevations should be revised to include an architectural style decorative material that includes windows, doors, and other improvements. The staff report below is the same as presented at the June 28th PC meeting except for the paragraph about Elevations on page 2-3.*

Proposal

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.

Elevation facing Grand National – The exterior wall materials for this front elevation with entry to the ATV showroom building consist of stone veneer, painted CMU veneer (split face concrete block), and store front windows. The stone or CMU veneers are about 10 feet high from ground level and border each store front window. The upper 12-foot section is about 40% stucco finish insulated metal wall panels and 60% EIFs; EIFs is in the middle section and at each end of the building. The most notably change from the previous elevation is adding a gable in the middle of the wall. The gable breaks-up a single roof line and enhances the character of the wall. EIFs material and store front windows is used near the corner of the building. (The two metal awnings shown above the windows in the upper 12-foot section were lowered above the ground level windows.)

Elevation facing Birmingham Highway (Hwy 280) –The exterior wall materials for this elevation has the same materials as the wall facing Grand National. The bottom 10-foot wall area is stone and painted CMU veneer; the upper 12-foot area is 40% stucco finish insulated metal wall panels and 60% EIFs. The most notably change from the previous elevation is the addition of store front windows and two entrance doors. Each entrance door is a double door (or side-by-side door) with a sidelight glass window on each side of the double door; each double door with sidelights appears as a wider entrance way. The previous elevation had no store front windows. The revised elevation provides four 3-panel storefront glass windows.

The revised elevations as submitted today satisfies staff's concerns as provided in the staff report for the June 28th Planning Commission meeting.

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.

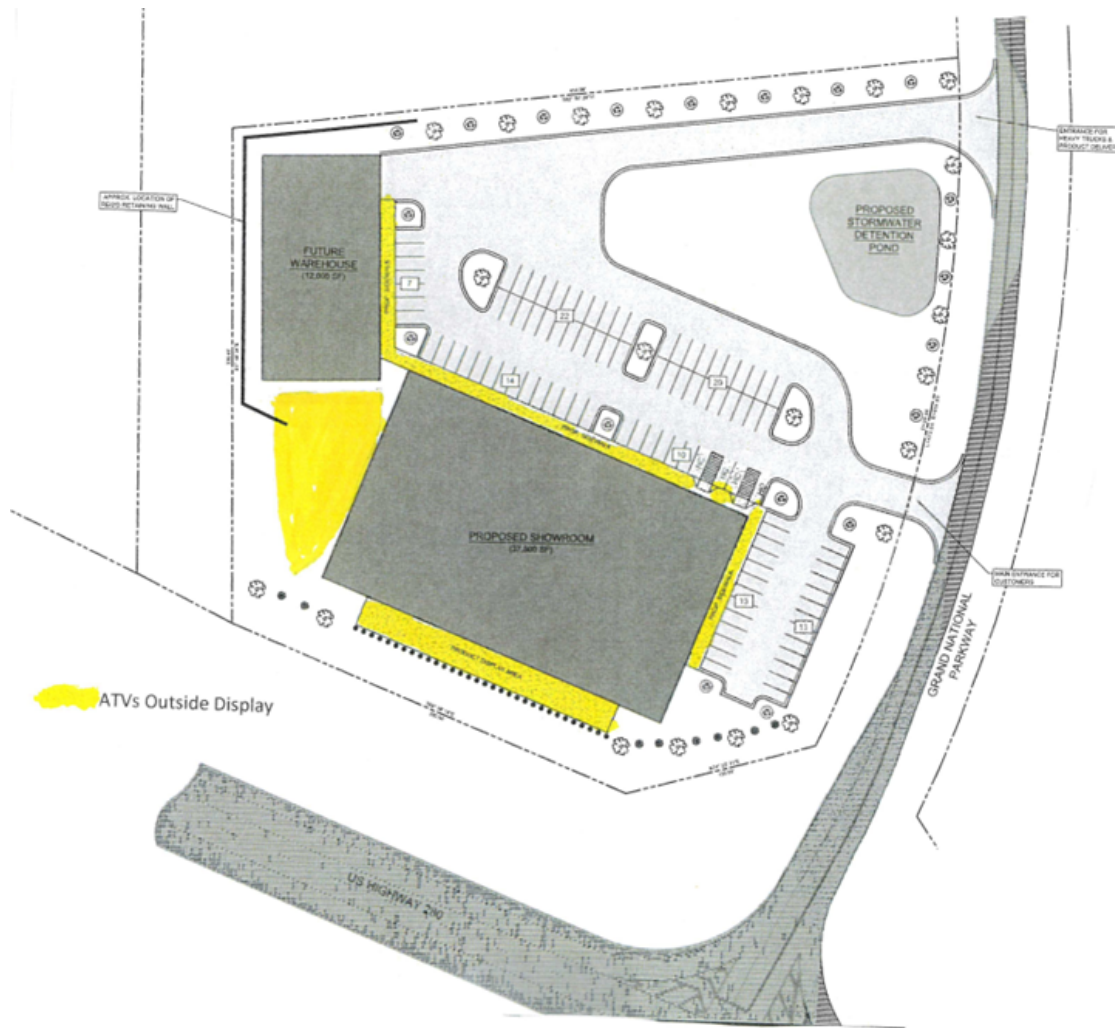
Recommendation

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. ~~CMU block and insulated metal panels proposed for the exterior material must be an architectural style decorative material.~~ Revised elevations in packet.**
- 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. **Wall signs are shown on the revised elevation drawings. This conditional use review does not include a review of signage. A Sign Permit application must be completed and approved by Planning staff and Building Inspections before any permanent signs are installed. Contact Planning staff to obtain approval for temporary signs before any temporary signs are installed.**
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.**

(1) 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 accesses 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, no report.

Mr. Parker reported for the Opelika Power Services, this subdivision is outside 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: Ira Silberman

DISCUSSION: Ms. Cannon stated I find it odd that you want to have a business that is on a U.S. Highway and it's the back of your business. Cars going up and down Highway 280 are going to see the back of your business. I appreciate the fact that they even put some glass in there, but it is one of the entrances into Opelika and you're getting the back of a building.

Mr. Mosley stated I think with these changes this will look like a front now.

Ms. Cannon asked even if you can't get up to the front? Is there going to be grass there or shrubs?

Mr. Mosley stated yes ma'am. The parking will be from the other side, and you will have a display area and landscaping on this side.

Blake Rice, authorized representative, stated in most situations I would certainly agree with you. The difference here is this building is 35 feet above the road. You cannot access this building from Highway 280. The DOT would not give an access to this, nor could you topographically get there the building sits so high above the road. If anyone has ever taken a look at it and realized how high APR is above the road; the difference there is it was landlocked and the DOT had to provide them an entrance. The DOT on this corner lot would not provide an entrance so it has to be entered off of Grand National Parkway. So, when you enter it off of the back you are essentially double fronting a building to service your customers that are going to enter it from the other side.

Ms. Cannon stated I understand that, but it's right at an entrance into Opelika. It just seems like you would want to show it off to as many people as possible. Maybe park some out there or something.

Blake Rice stated we are not even 100% sure at this time whether or not the DOT is going to grant any type of landscape permit for this, so they might not even be able to remove the trees that are currently on the DOT right-of-way. All of that has to be worked out with the DOT which is a very lengthy process. All of the foliage that is there now might have to remain per DOT requirements.

Mr. Silberman stated at the last meeting I was opposed for the same reasons, but I agree with what you are saying about the geography changing it and they have improved the look.

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

NAYS: None

ABSTAIN: None

VI. ADJOURN

Motion to adjourn at 3:48 p.m.

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

_____ Lewis A. Cherry, Chairman

_____ Matt Mosley, Secretary