



**CITY OF OPELIKA
CITY COUNCIL
WORKSESSION MEETING AGENDA
300 Martin Luther King Blvd.
November 1, 2022
TIME: 5:35 PM**

1. CALL TO ORDER

1. George Allen, Erica Norris, Tim Aja, Todd Rauch, Eddie Smith

2. PRESENTATIONS

1. David Grigonis from Level Up Towers and David Andrews from Center for Municipal Solutions.
2. Request to Advertise for Rezoning Request: 3200 Block of Columbus Parkway, 209.7 Acres, PUD zoning district subject to annexation approval.
3. Request to Advertise for PH: Text Amendments to Zoning Ordinance - Section 2.2 Definitions add Medical Cannabis Dispensary, Section 7.3 Use Categories, Add Section 8.23.3 Medical Cannabis Dispensary.

3. RESOLUTIONS

4. ORDINANCES

5. GENERAL UPDATES

6. REVIEW/DISCUSS CURRENT COUNCIL MEETING AGENDA

7. GENERAL / DISCUSSION

8. END OF WORK SESSION

“In compliance with the Americans with Disabilities Act, the City of Opelika will make reasonable arrangements to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the ADA Coordinator 72 hours prior to the meeting at (334)705-5130.”

City of Opelika

Planning Commission Report

Action Requested: Rezoning 209.7 acres from R-1 to PUD

Location of Property: 3200 block Columbus Parkway

Property Owner(s): Rodney C and Laurie S. Jones
Michael T. Johnston, authorized representative

Current Zoning: R-1 (subject to annexation)

Proposed Zoning: PUD

Existing Land Use: Undeveloped

Surrounding Zoning Districts

And Land Uses:

North	R-1 & PJ (Planning Jurisdiction)	Undeveloped
South	PJ	Undeveloped
East	PJ	Undeveloped
West	R-3 & PJ	Undeveloped

Staff Comments

This agenda item was tabled at the September 27th Planning Commission meeting. At the September meeting, Planning proposed that the 674 residential lots ranging from 1,800 sf to 5,000 sf was an intensive increase of lots for the existing rural environment. Staff proposed adding additional 70 foot lot widths to mirror surrounding developments. In a rural area, one acre lots (43,560 sf) with 100' lot widths are the minimum lot size requirement. The applicant has amended the master plan. The following is a comparison of the September 27th master plan with the October 25th revised mater plan.

	<u>Sept 27th</u>	<u>Oct 25th</u>
Single Family Home Lots	436	438
Twin Home Lots	198	142
Townhome Lots	40	34
Total Lots	674	614
Dwellings per acre	3.2	2.9
Open Space	92.5	104.9

The revised master plan shows a decrease of 60 lots from 674 to 614 units in the overall number of dwelling units (i.e., single family homes, twin homes, and townhomes). At the Sept 27th meeting, all 436 single family home lots were 40 feet wide; the revised master plan shows 24 of the total 438 single family home lots with 70-foot lot widths. The decrease in single family home lots as well as twin home and townhome lots, there is an increase in open space, the amenity lots and open space areas increased by 12.4 acers from 92.5 acres to 104.9 acres. This represents almost 50% of the

property in open space. The 70-foot lots are located at the entrance of the PUD near Columbus Parkway. This street also connects to the proposed subdivision to the west which also has 70-foot wide lots. The remainder of the lots are 40-foot wide or less. The overall density of the property is 2.9 units per acre.

Staff's position has been that the large majority of the lots in this area are either large lot rural (1 acre +) or R-2 or R-3 lots (10,000 to 15,000 square foot lots). The applicants single-family home lots would be 5,000 square feet. The applicant's contention is that they could develop this many or more 70 foot, 10,000 square foot lots, but they would need to grade the entire site and remove the large buffers and open space.

In some sense, this concept is similar to a conservation subdivision. Conservation subdivisions are where the density and development is clustered in the most developable areas, while the natural features like streams, wetlands or steep slopes are preserved. This reduces infrastructure and grading costs, as well. Typically, these developments are paired with low impact standards to reduce impervious surface and improve drainage. This clustering will allow the developer to build smaller more affordable housing units.

This development does place approximately 50% of the most undevelopable areas into open space including some streams and steeper areas. The development also proposes smaller lots. The 40-foot lot has only been proposed in a couple of developments throughout the city through the use of a PUD. Under the City's traditional zoning the minimum R-5 lot is 60 feet in width and 7,500 square feet in area. A major concern of the 40 foot wide lots is that they don't leave much room for a front yard. The 2-car parking pad is approximately 18-20 feet in width, occupying half the yard. The remainder is often used for utility placement. Because of the front yard coverage with parking lots, the sites do not have area for more than two vehicles as on-street parking would often interfere with driveway entrances for the next residence.

Each residential lot has a typical landscape package of shrubs and trees provided by the developer after a home is constructed. In addition to the landscape package, the revised master plan narrative, requires at least one street tree is for each single-family home lot, at least one tree for each twin home structure (1 tree per two lots), and two trees planted for each townhouse building (two trees per building). An additional 648 trees will be installed. The additional trees improve curb appeal, property values, and creates a more desirable street.

On the south end of the September 27th master plan, three primary streets about 1,000 feet long each are shown with 40-foot-wide single family home lots (147 lots total) on both sides of the streets. The 147 homes are on each side of the three streets, driveway access is from the street, and off-street

parking in the front yard of a 40' wide lot. The October 25th revised master plan relocates twin home lots in-between the single-family home lots on two streets. An alley is provided to access the twin home lots along the rear lot line; the rear yard alley access and rear yard off-street parking for the twin homes reduces the repetition of aligned single-family homes on 40' wide lots on both sides of the street. This improved layout provides a quality effect for the neighborhood. For comparison, the Sept 27th master plan shows 147 single family homes on both sides of a primary street; the October 25th revised plan shows 58 single family homes with direct access on both sides of a primary street.

Other improvements on the revised master plan include a street stub-out to the adjacent property on the east and south property lines. About 2.1 acres of open space is added along the rear lot line of 87 single family homes. Other amenity lots are identified: '0.89 Acres and 1.1 Acres - Open Space Quad. Lawn for recreation, '.72 Acres Open Space – Putting Green', and 'Open space for Bocce Ball Court'. ".21 Ares – Open Space - Dog walk.

The site will take access from two roads connecting to Columbus Parkway (US 280). The western access is across from Betty's Lane and the start of the divided median. All access from Columbus Parkway will require ALDOT review and approval. The applicant has provided a sidewalk on one side of the street with some additional sidewalk near amenities. Staff would recommend sidewalks be located on both sides adjacent to residential development.

Staff recommendations

The revised master plan is an improvement to the September 27th master plan. Staff still has concerns with the unit type being proposed at this location in a more rural location. This type and intensity of development could only be recommended at this location in a clustered or conservation type development. Staff recommends Planning Commission make a positive recommendation to City Council subject to the following:

1. Sidewalks be provided on both sides of the street adjacent to residential properties.
2. A residential bufferyard described in Section 10.6.D.1 be placed between the townhome product and the adjacent property to the west.
3. All attached single family homes shall meet the Gateway Corridor cladding requirements.
4. Vinyl or aluminum siding shall not be the primary cladding material for single-family homes.

At the October 25th meeting, the Planning Commission voted to send a negative recommendation to City Council concerning the rezoning request. The Planning Commission vote was 3 nays, 1 yes, and 1 abstain.

Planning staff's September 27th report is below for review.

September 27th Planning Report

The applicant is requesting to rezone 209.7 acres from an R-1 zoning district (rural) to a PUD (Planned Unit Development) subject to City Council approval of the annexation property. The rezoning property is accessed from Columbus Parkway and located about one mile east of intersection South Uniroyal Road & Columbus Parkway. The adjacent properties next to the rezoning property are all rural, undeveloped, and on 35 acres or larger parcels. The adjacent properties on the east and south side of the annex property are outside the City limits.

In 2020, a 38-acre adjacent property on the west side of the 209.7 acre rezoning property was rezoned to R-3. In the R-3 zone the minimum lot size is 10,000 sf. Preliminary approval was granted for 101 residential lots at 10,000 sf or larger for the 38-acre property. The applicant today is requesting a PUD zoning district on 209.7 acres for single family home lots, twin home lots, and townhome lots. The proposed minimum lot size is 5,000 square feet for single family home lots, 3,125 sf twin home (duplex) lots, and 1,800 sf townhome lots; 92.5 acres of the 209.7 acre development is open space or amenity lots.

The developer (Holland Homes) for the 209.7 acre development is also the developer for the Fox Run Parkway development that was approved to PUD in 2020 now under construction. The Fox Run development is the same development proposed for the 209.7 acre property; both locations are a residential mix of single-family home, twin homes, and townhomes lots. The 2020 approved Foxrun PUD is 47 acres with 272 residential units; the Columbus Parkway proposed PUD is larger at 209.7 acres with 674 units. 92 acres of the 209.7 acres are labeled open space or amenity lots on the master plan. (Several streams run through the 209 acres so development is not feasible for most of the 92 acres.) The proposed development style would match the Fox Run Village project.

Staff Recommendation

In most rezoning requests, a transition occurs from one zoning district to another to gradually rezone property allowing an increase of residential lots (example: from R-1 to R-2 or from R-3 to R-4), etc.). The rezoning in a consecutive order allows steady growth especially near commercial or industrial growth areas. The 209.7 acre rezoning is located adjacent to the City limits, the predominate land use is rural and undeveloped. The adjacent properties are either outside the Opelika City limits and those properties in the City limits are zoned R-1 (rural) except a recent rezoning to R-3. Minimum lot size in R-1 is one acre (43,560 sf). Staff believes the scale of the proposed PUD development with 674 lots and lot sizes ranging from 5,000 sf to 1,800 sf is not a balanced transition in this rural area. The 674 lots are an intensive increase of lots compared to the one acre minimum lot size in the R-1 zone.

Previous rezoning approvals adjacent to or near the 209.7 acre rezoning property was from R-1 to PUD or R-1 to R-3. These rezonings were a moderate transition from the existing rural character and R-1 zoning district. For example, earlier this year, an annexation & rezoning of 38 acres was approved located adjacent to the 209.7 acres; the property was rezoned to R-3; in the R-3 zone minimum lot size is 10,000 sf. Also, in 2006 on South Uniroyal Road about 1.5 miles from the proposed 209.7 acre property, rezoning was approved for the Creekstone SD (138 single family home lots), and in 2019 Drake's Landing (180 single family home), a PUD residential development was approved. Drake's Landing minimum lot size is 10,000 sf. Most lots in Creekstone SD exceed 10,000 sf.

The 2019 Foxrun PUD is compatible with the existing uses and growth patterns near the development. Opelika High School, Southern Union College, and Betts Crossing shopping center are less than a mile from the Fox Run development. Also, three residential neighborhoods that total 285 lots (Stephens Woods, The Willows, The Chimneys) are about 1.5 miles from the Foxrun PUD. The Foxrun development with a residential mix of single-family home, twin homes, and townhomes met a residential need locating next to two schools and a shopping center. (The new 6th grade City public school under construction is nearly across the street from the Foxrun PUD.) At the proposed Columbus Parkway PUD location, there is no transition taking place. The adjacent properties are rural, and compared to the other rezonings in the area, the 674 residential units accessed from a State highway seems incompatible.

*Staff believes the property is suited for residential uses but is concerned with 674 residential lots ranging from 5,000 sf to 1,800 sf. is a concern. Staff recommends a more moderate transition with less impact on the existing rural character and R-1 zoning district. The property should have more lots consistent with the surrounding area approximately 10,000 sf single family home lots and possibly a mix of twin home lots and townhome lots. **Staff cannot recommend approval at this time. It may be possible to revise the request to make the development more consistent with the surrounding neighborhood.***

Engineering Department Report

Any needed adjustments to the roadway, adjacent intersections or added turn lanes will be analyzed with a traffic impact study after the Preliminary Plat is submitted and approved.

The Engineering Department has no comments or concerns with this proposed re-zoning application

Opelika Utilities Report

No report.

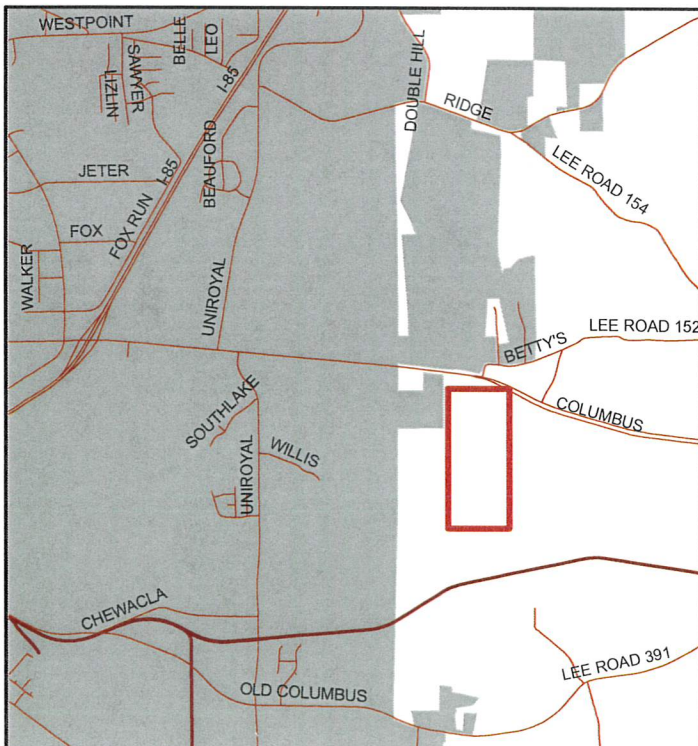
Opelika Power Services Report

This subdivision is inside the Opelika Power and Tallapoosa River Service territory.

HOLLAND HOMES REZONING - FIREFLY

3200 BLOCK COLUMBUS PARKWAY

REQUESTING PUD ZONING DISTRICT



The applicant is requesting annexation of 209.7 acres and a PUD zoning district. The PUD zoning was tabled at the Sept 27th PC meeting. The revised PUD master plan shows 438 single family home lots, 142 twin home lots, and 34 townhome lots. About 104.9 acres is open space and amenity areas.



Subject Property

The City of Opelika does not guarantee this map to be free from errors or inaccuracies. The City of Opelika, Alabama disclaims any responsibility or liability for interpretations from this map or decisions based thereon. The information contained on this map is a general representation only and is not to be used without verification by an independent professional qualified to verify such information.

Holland Homes, LLC

421 Opelika Rd
Auburn, AL 36830

MEMO TO: City of Opelika
Planning Commission
Attention: Mr. Matt Mosley, AICP

FROM: Thomas Johnson, PE (Holland Homes, LLC)

RE: PUD Request for Firefly – Opelika, Alabama

DATE: October 7, 2022

As described in the City of Opelika Zoning Ordinance, Section 8.18 Planned Unit Development Regulations we are submitting for your review and request approval for a Planned Unit Development currently identified as Firefly.

Overall Development Scheme

1. Location and intensity of proposed uses and activities

The property is approximately 209.71 acres located on the south side of Columbus Parkway (US Highway 280). New City of Opelika streets will extend from Columbus Parkway to the south and through the development and will ultimately provide future access to parcels west, south, and east of the development. The proposed use of the property is single-family residential with three product types: single-family detached houses, twin homes, and townhomes.

The property is divided into three sections by two existing creeks with large buffers proposed along the creeks.

The total number of residential units is 614 with a total development density of 2.94 units per acre.

2. Physical Description of proposed facilities

The buildings in each section shall complement each other in appearance and all sections shall come together to make the overall aesthetics blend into a common theme or architectural style.

The requested development standards are as follows:

- **Single-Family Detached Home Area Standards**
 - Minimum Lot Size = 5,000 SF
 - Minimum Lot Width = 40 Feet
 - 20' front yard setback
 - 20' rear yard setback
 - 5' side yard setback
 - 10' side yard on street setback
 - Floor Area Ratio (FAR) maximum of 0.60
- **Twin Home Area Standards**
 - Minimum Lot Size = 3,000 SF
 - Minimum Lot Width = 25 Feet
 - 10' front yard setback
 - 20' rear yard setback
 - 5' side yard setback
 - 10' side yard on street setback
 - Floor Area Ratio (FAR) maximum of 0.65
- **Townhouse Area Standards**
 - Minimum Lot Size = 1,800 SF
 - Minimum Lot Width = 20 Feet
 - 10' front yard setback
 - 20' rear yard setback
 - 10' side yard setback on end units
 - 10' side yard on street setback
 - Floor Area Ratio (FAR) maximum of 1.50

3. Statement of location and general configuration of lands to be dedicated for public open space and other public uses

The development will include platted open space and amenity areas totaling over one hundred (100) acres. Planned amenities include quad lawns for entertainment, a dog walk with community fire pit, an artificial turf putting green, and a pool and pavilion. There will be sidewalks along the rights-of-way throughout the development to connect residents to the open spaces and the amenity areas. The vast majority of the site proposes a one hundred foot un-platted (100') buffer from the surrounding property.

4. General designation of utilities

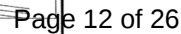
Sanitary sewer for the site will tie into existing onsite City of Opelika sewer main. Water will be provided by Opelika Utilities who has confirmed their capacity to serve the development from an existing main along the US 280 frontage. Storm water will be addressed with detention as required. Utilities such as power, gas, phone, and cable will be run throughout the site by their associated companies.

5. General statement of form of site management proposed for common open spaces and facilities

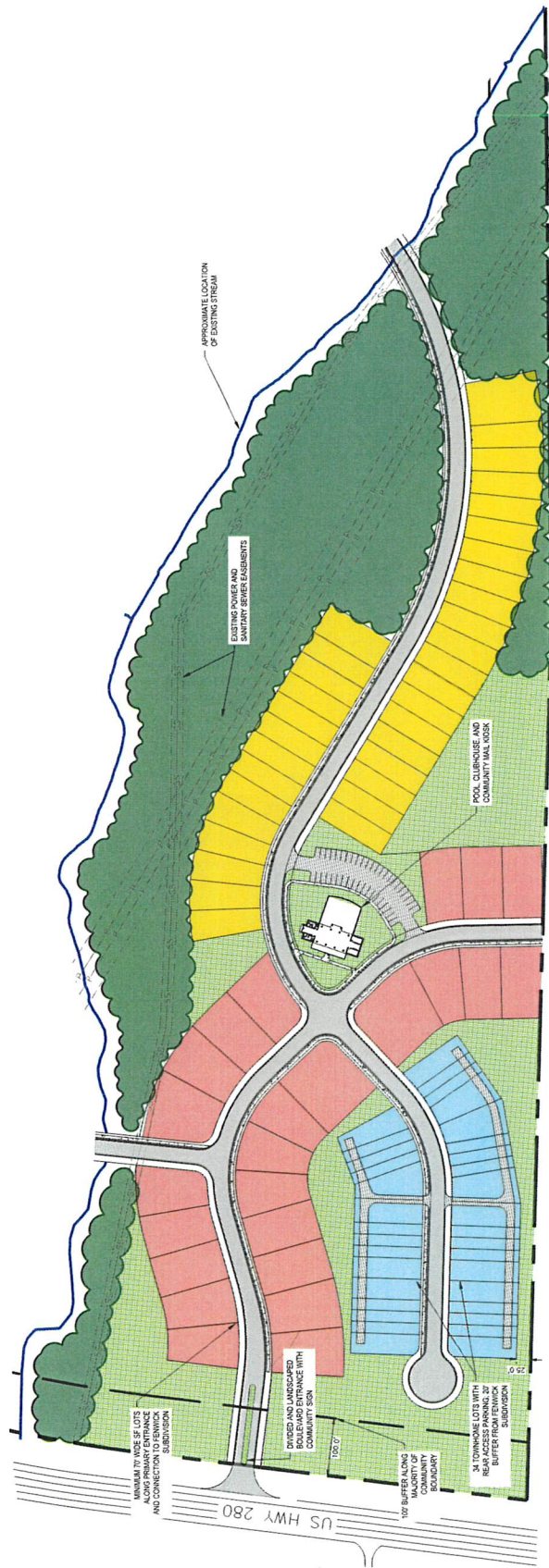
The Developer will be responsible for the overall management and maintenance of the planned open spaces and amenities until a homeowner's association can be established to take over these common areas.

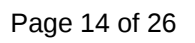
6. Landscape Standards

One street tree (1" Caliper) shall be required for each single family detached residential lot and shall be installed at the time of the landscaping of the completed home. One street tree (1" Caliper) shall be required for each twin home structure (1 tree per two lots) and shall be installed at the time of the landscaping of the completed home. Two street trees (1" Caliper) shall be required for each townhouse structure (2 trees per building) and shall be installed at the time of the landscaping of the completed home.



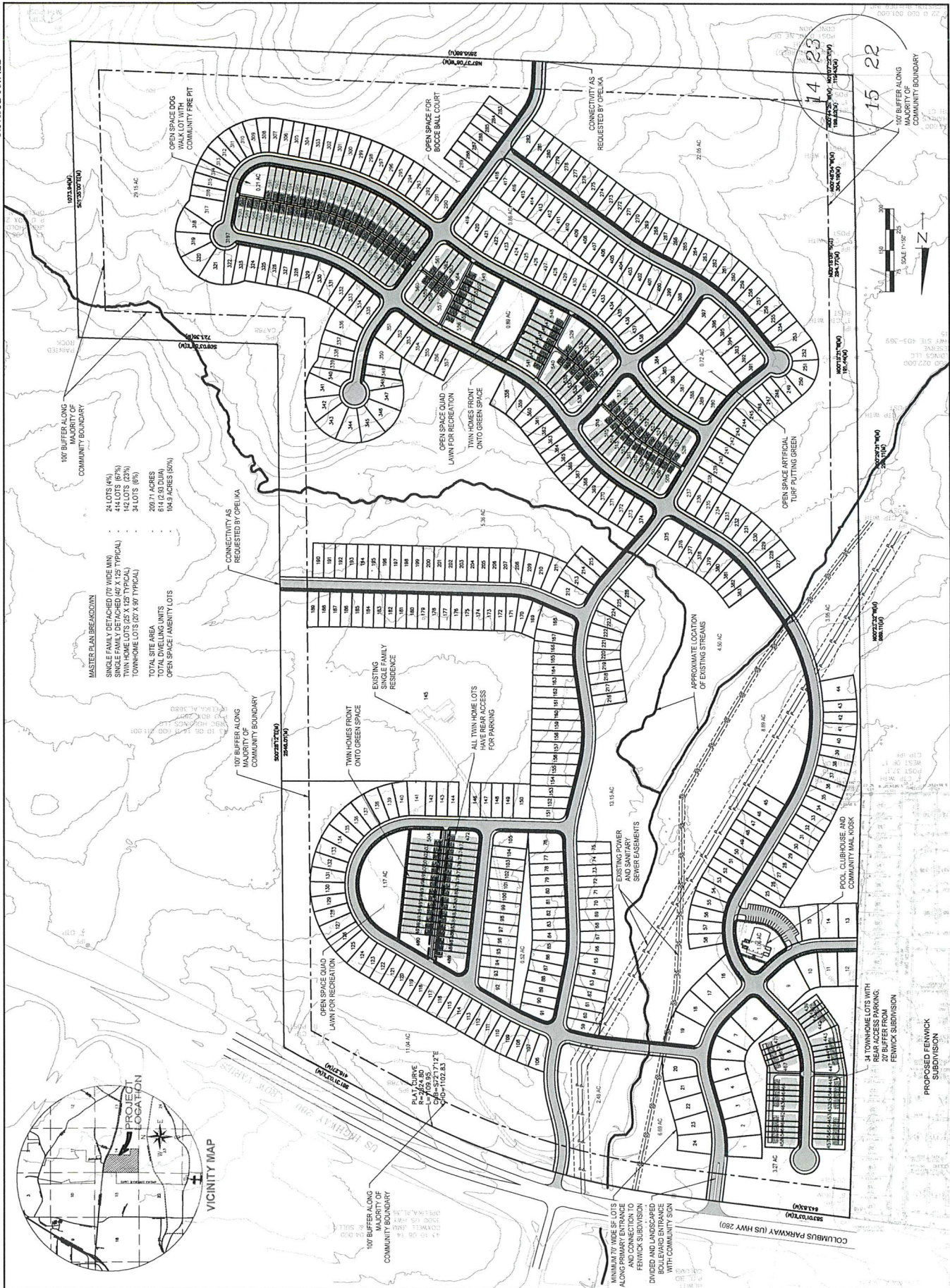
VILLAGE 1







Revised 10.7.22

















City of Opelika Planning Commission Report

Action Requested: Text Amendment –
Amend Section 2.2 Definitions add Medical Cannabis Dispensary
Amend Section 7.3 Use Categories
Add Section 8.28.3 Medical Cannabis Dispensary

In 2021, the State of Alabama legalized the cultivation, processing, distribution, and sales of cannabis for medical purposes. The legislation that enabled this practice also created a new state agency to oversee the regulation of this practice. The state has since created a large number of rules regulating each aspect of the process to prevent the misuse of cannabis for purposes not allowed by the state. The state also allowed individual cities to determine whether they would allow the sale of medical cannabis. In October 2022, the Opelika City Council passed a resolution that would allow the sale of cannabis for medical purposes. Staff has reviewed both state regulations and other guidance to ensure that all aspects of the process are accounted for.

The State of Alabama's regulations already limit the proximity of medical cannabis dispensaries to schools, childcare facilities and daycares. They also regulate the amount of security provided to both the facility and parking lots. They provide regulations that limit entry into the facility to those with a medical cannabis card or a caretaker. Finally, the regulations prohibit use on site.

The City of Opelika Planning Department is recommending that the use be limited to our non-residential zones. We have included manufacturing zones as they may be combined with a cannabis processing facility. We have also include that they be allowed in the Institutional zone as it contains the hospital and many of our medical offices. In all zones the use would be considered conditional. We have also provided distance requirements from residential zones and other medical cannabis dispensaries. The state is only allowing 39 dispensary permits in the first round and it would be very unlikely that they would locate multiple dispensaries in the same city.

By limiting the agglomeration of these businesses, we hope to reduce any potential negative impacts that may occur. Typically, this has been more of an issue with recreational cannabis. It is important to point out that the federal government still considers marijuana or cannabis a Schedule 1 drug with no acceptable medical use.

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

Engineering Department Report, Opelika Utilities Board Report, and Opelika Power Services Report

No report.

SECTION 2.2 Definitions

Medical Cannabis Dispensary. An entity licensed by the Alabama Medical Cannabis Commission under § 20-2A-64 or § 20-2A-67, Code of Alabama 1975 (as amended), authorized to dispense and sell medical cannabis at dispensing sites to registered qualified patients and registered caregivers pursuant to Article 4 of the Darren Wesley 'Ato' Hall Compassion Act (Act 21-450). This shall include both independent medical cannabis dispensaries and the dispensary function of an integrated medical cannabis facility. These regulations shall not apply to the other functions of an integrated medical cannabis facility including cultivation, processing, or secure transportation.

Section 7.3.C

USES	DISTRICTS														
	R-1	R-2	R-3	R-4	R-4M	R-5	R-5M	C-1	C-2	C-3	M-1	M-2	I-1	GC-P	GC-S
COMMERCIAL															
Medical Cannabis															
Dispensary	N	N	N	N	N	N	N	N	C	C	C	C	C	C	C

SECTION 7.8 VILLAGE COMMERCIAL DISTRICT

B. Permitted Uses.

3. The following uses are Not Allowed:

(All other uses previously listed)

Medical Cannabis Dispensaries

SECTION 8.28.3 MEDICAL CANNABIS DISPENSARIES

A. Purpose and Intent

The purpose and intent of this section is to regulate the dispensation of medical cannabis within the City of Opelika. The following regulations are intended to supplement the regulations adopted by the State of Alabama Medical Cannabis Commission to address the health, safety, and welfare concerns for the citizens of the City of Opelika. These regulations shall apply to licensees who have either a standalone Medical Cannabis Dispensary license or the dispensary portion of an Integrated Medical Cannabis Facility license.

B. Use Standards and Dispersal Requirements

1. Medical cannabis dispensaries are prohibited unless the proposed use is located more than 2,500 feet from another medical cannabis dispensary.

The separation distances shall be measured in a straight line from property line of the proposed dispensary to the property line of the existing dispensary.

2. Medical cannabis dispensaries are prohibited unless the proposed use is located more than 500 feet from any property used primarily for a single-family residence or property zoned for primarily for residential uses. The following zones are considered residential zones for the purpose of this section: R-1, R-1A, R-2, R-3, R-4, R-4M, R-5, R-5M, VR-1, VR-2, or PRD. The separation distances shall be measured in a straight line from property line of the dispensary to the property line of the residential use.
3. If the proposed medical cannabis dispensary meets the criteria in Section 8.28.3 B.1 and B.2, this use is permitted by conditional use permit ("CUP") only.
4. Burglar bars, steel gates, and steel-roll down doors or shutters are prohibited on the exterior of a structure when visible from any public or private street. Interior security burglar bars, steel gates and roll down doors shall allow 80 percent visibility into the tenant space and shall be fully retractable during business hours of operation.
5. All medical cannabis dispensaries shall be in compliance with all local and state requirements at all times.