



**CITY OF OPELIKA
PLANNING COMMISSION
REGULAR MEETING AGENDA
300 Martin Luther King Blvd.
December 20, 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
- III. UPDATE ON PREVIOUS PC CASES
- IV. NEW BUSINESS
 - A. **PLAT (Preliminary Only) - Public Hearing**
 - 1. Springhill Heights SD, Redivision of Lots 53-58, 3 lots, accessed at the corner of Arnold Avenue and Spring Drive, Nick Howell, 2H Properties, LLC, Preliminary Approval
 - B. **PLAT (Preliminary and Final) - Public Hearing**
 - 2. Morris Avenue Townhomes SD, 23 lots, accessed from Morris Avenue, Blake Rice, Barrett-Simpson, authorized representative for BC Stone Homes, LLC, Preliminary and Final Approval
 - 3. Foxrun SD, Redivision of Lot 1, Phase 1A, 19 lots, accessed from Village Drive, Daniel Holland, Holland Homes, LLC, Preliminary and Final Approval
 - C. **FINAL PLAT**
 - 4. Foxrun SD, Phase 2B, 74 lots accessed from the east end of Village Drive, Daniel Holland, Holland Homes, LLC, Final Approval
 - 5. Silver Oak SD, Phase 2, 30 lots, accessed from Lee Rd 2232, Blake Rice, Barrett-Simpson, authorized representative for Steven W. Corbett, Final Approval
 - D. **CONDITIONAL USE - Public Hearing**
 - 6. Paul H. Sanders, authorized representative for A&P Holdings, LLC, at 104 North 3rd Street, C-3. GC-S, For a two-unit townhome.
 - 7. Kendra Mayton, authorized representative for Charlie Core, 404 2nd Avenue, C-2, GC-S, Child daycare center.
 - 8. Patrick Harrity, Jemmstone Alabama, LLC, authorized representative for Sat Kaival, LLC, 3021 Capps Way, C-3, GC-P, Medical cannabis dispensary.
 - E. **REZONING - Public Hearing**

9. (a) Amendment to the Future Land Use Map, accessed from 2900 block of Anderson Road, 8.1 acres, from a low density residential land use category to a mixed use development.

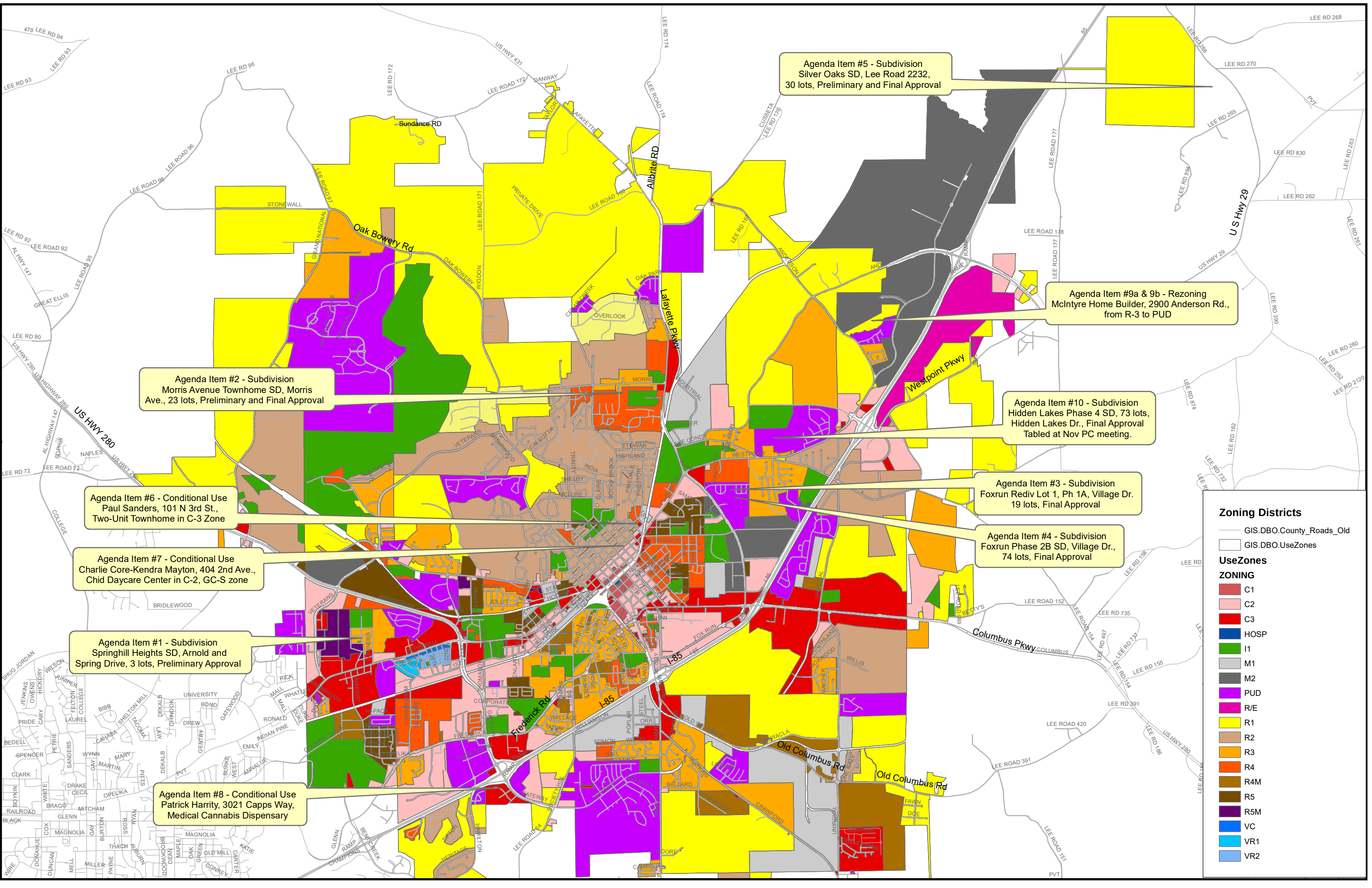
(b) Rezoning request, McIntyre Home Builder, LLC, 8.1 acres, accessed from 2900 block of Anderson Road, from R-3 to PUD.

V. OLD BUSINESS

F. **FINAL PLAT**

10. Hidden Lakes SD, Phase 4, 73 lots, accessed from Hidden Lakes Drive, Blake Rice, Barrett-Simpson, authorized representative for 280 Land Company, LLC, Final Approval (*This item was tabled at the November 29, 2022 meeting at the applicant's request*)

“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.”



Zoning Districts

- GIS.DBO.County_Roads_Old
- GIS.DBO.UseZones

UseZones

ZONING

- C1
- C2
- C3
- HOSP
- I1
- M1
- M2
- PUD
- R/E
- R1
- R2
- R3
- R4
- R4M
- R5
- R5M
- VC
- VR1
- VR2



PLANNING COMMISSION MINUTES

300 Martin Luther King Blvd.

November 29, 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 November 29, 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, Mr. Ira Silberman, Dr. Arturo Menefee, Mrs. Leigh Whatley, Ms. Lucinda Cannon, Mr. Michael Hilyer, and Mr. John Sweatman.

MEMBERS ABSENT: Mayor Gary Fuller and Councilman George Allen.

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 October 25, 2022

RESULT:	Passed
MOVER:	John Sweatman
SECONDER:	Leigh Whatley
AYES:	Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Sweatman
NAYS:	None
ABSTAIN:	Arturo Menefee

III. UPDATE ON PREVIOUS PC CASES

Mr. Mosley stated there was a text amendment and a rezoning that were before you in October. Those will go before the City Council for a public hearing and first reading on December 6, 2022. That would be the text amendment that would allow medical cannabis dispensaries with zoning regulations. The other item would be a potential rezoning to the Firefly development which the Commission sent forward with a negative recommendation. The regular December meeting will be December 20, 2022.

IV. NEW BUSINESS

A. PLAT (Preliminary Only) - Public Hearing

1. National Village SD, Plat 6B (revised), 9 lots, accessed from Robert Trent Jones Trail, Goodwyn Mills & Cawood, LLC, authorized representative for Retirement Services of Alabama (RSA), Preliminary Approval

Mr. Mosley reported the applicant is requesting preliminary approval for a nine-lot subdivision (*this area was rezoned and added to the PUD on September 21, 2022*). This development will take access from a section of Spa Loop. The new road will be a private drive. The nine (9) lots range in size from 14,692 square feet to 47,081 square feet. Lots 1-7 will be developed for single-family homes. Lots 8 and 9 will be left as open space lots to provide a buffer area. This subdivision is largely consistent with the master plan concept presented in the rezoning process. Sidewalks are required on at least one side of the street. All utilities shall be underground.

Planning staff recommends preliminary approval subject to the following:

1. **Label the power line easement and add width of easement.**
2. **The streets should be named, and the right of way widths should be stated also.**
3. **Note 10 refers to a Lot 24 but no Lot 24 appears on the plat.**
4. **Add a flood note.**
5. **Open space lots should be labelled with ownership, maintenance, and use.**
6. **All utilities shall be underground.**
7. **Install sidewalks on at least one side of the street.**
8. **Add a note with the setbacks.**

Mr. Parker reported for Engineering, the Engineering Department has no comments or concerns with the preliminary plat as submitted.

Mr. Parker reported for the Opelika Utilities Board, water service is available from Spa Loop.

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

Chairman Cherry opened the public hearing.

Max Vaughn, Goodwyn Mills & Cawood, representative, stated I just wanted to note that the roads will be gated. We will comply with all the comments Mr. Mosley mentioned, but there will be a gate on this road and it will be a private road.

Chairman Cherry closed the public hearing.

Motion to grant preliminary plat approval with staff recommendations

RESULT:	Passed
MOVER:	Director Mike Hilyer
SECONDER:	Arturo Menefee
AYES:	Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Sweatman

NAYS: None

ABSTAIN: None

2. National Village SD, Plat 3A, 61 lots, accessed from Robert Trent Jones Trail, Goodwyn Mills & Cawood, LLC, authorized representative for Retirement Systems of Alabama (RSA), Preliminary Approval

Mr. Mosley reported the applicant is requesting preliminary approval for a 61-lot subdivision accessed from Robert Trent Jones Trail, National Village Pkwy, National Village Loop, and Quail Ridge. The layout of the lots mostly complies with master plan.

The proposed lots will be similar to those in Section 1B. The lots range in size from 12,750 to 19,971 square feet. Most of the lots fall in the 13,000 – 16,000 square foot range. The homes on Lots 7-12 will take access from National Village Parkway. The single-family lots show a 20-foot front building line. The final plat will need to note the other setbacks.

The plat also creates five (5) outparcels that act as buffers or open space between the streets and residential lots, labeled as outparcels A – E. The purpose, ownership, and maintenance of these lots needs to be noted on the plat. The street layout is mostly consistent with the master plan.

Sidewalks should be consistent with the development pattern of the rest of the PUD, at the very least sidewalks will be required on one side of the street. All utilities shall be underground.

Staff recommends preliminary approval subject to the following:

1. **Note that outparcels A -E are open space, who will own, and maintain these areas.**
2. **The 20-foot sanitary sewer easement running from Robert Trent Jones Trail to National Village Loop should be labelled on Sheets 1 & 2.**
3. **Install sidewalks on at least one side of all streets.**
4. **All utilities shall be underground.**
5. **Add a note with all the setbacks.**
6. **Add a flood note.**
7. **Adjoiners information should be given for those lots across Quail Ridge and National Village Loop.**
8. **The lot numbers should be unique and not repeated.**

Mr. Parker reported for Engineering, the Engineering Department has no comments or concerns with the preliminary plat as submitted.

Mr. Parker reported for the Opelika Utilities Board, water service is available from Quail Ridge, Robert Trent Jones Trail, National Village Parkway, and National Village Loop.

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

Chairman Cherry opened the public hearing.

David Harrell, 2106 Quail Ridge, stated I know that this is a Planned Development, but many of us in the neighborhood have concerns. What we are seeing is as the developer comes in there are promises that the trees are going to be left, which is why we bought in the area in the first

place, but then they clear cut the entire area. They have been doing that in the last three or so sections that they have put up. This is changing the face of the neighborhood and it's a concern.

Chairman Cherry closed the public hearing.

Motion to grant preliminary plat approval with staff recommendations

RESULT: Passed

MOVER: John Sweatman

SECONDER: Arturo Menefee

DISCUSSION: Ms. Cannon asked do they replant any trees?

Max Vaughn, Goodwyn Mills & Cawood, representative, stated there is extensive landscaping that is done throughout the neighborhood. The lots that are cleared they will put houses on. The neighborhood is maintained by the developer and all the landscaping is maintained and installed. It is very important that this looks nice and is a well landscaped community. There is a lot of money that is put into the landscape, trails, amenities, and a lot of effort is put in.

Ms. Cannon asked so yes, you will plant some more trees?

Max Vaughn stated yes, there will be landscaping on every lot and the exact amount is something that is typical to what has been done throughout the rest of the development. So, yes ma'am.

Chairman Cherry asked so it is going to be clear cut?

Max Vaughn stated portions are going to need to be cleared to grade the roads and put the lots in. There are going to be large clustered areas of lots with large areas of existing trees. That's within the concept of the whole neighborhood, it is a cluster development. There are going to be some areas that need to be cleared for construction and then there are going to be large areas, you can see in the common space, that is going to be a large area remaining of existing trees. It's limited as much as possible with what we have to build. It's important to us to keep the trees and I realize that during construction things can look kind of like construction, but the final product is very high quality. What has to be disturbed is replanted in a nice way.

Ms. Cannon stated well it is a high quality product, but you have answered, yes we will landscape. You haven't answered if you will plant more trees. I think it's two different things.

Max Vaughn stated we are not going to reforest the area. We are going to plant landscaping typical to what has been done with all the houses that are out there.

Chairman Cherry asked if you clear for a lot, are you going to plant any trees on that lot to replace the clear cut that you did on that particular lot?

Max Vaughn stated yes. I just want to be clear, some large trees are going to have to come down in order to build a street. This area has a lot of

topography. Probably more so than some areas that we have worked on, so we are going to do the best we can to save the trees. We are going to plant back some trees, but it's typical to what has been planted on all the other homes and houses in the other neighborhoods. It will be consistent. We aren't going to take out large areas that aren't where a home is going to go or where a road is going to go. We are trying to leave as many of those areas as possible.

Ms. Cannon stated the beauty of that area are the trees. I'm not saying you have to leave them, I'm just saying replant some.

Max Vaughn stated the developer is here and he is shaking his head yes.

AYES: Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Sweatman

NAYS: None

ABSTAIN: None

B. FINAL PLAT

3. Fox Run SD, Phase 2A, 85 lots, accessed from Village Drive, Daniel Holland, authorized representative for Holland Homes, LLC, Final Approval

Mr. Mosley reported the applicant initially requested final plat approval for a 85-lot subdivision of a 248-lot subdivision located in the Fox Run Village PUD zoning district. Due to construction delays they have reduced this down to 13 lot final plat. The master plan and zoning were approved by City Council in September 2019. The plat consists of 10 single family lots and two open space lots.

The proposed lots are located on the north side of Village Drive. The development is bisected by a small stream or natural area that also serves as open space. The master plan requires a minimum lot size of 4,200 square feet and a minimum 40-foot lot width for single family home lots. The single family home lots range from 5,004 to 5,008 square feet; all lots are at least 40 feet wide. The minimum building setbacks for single family home lots as noted on the plat is 20 feet for the front and rear yard, and 5 feet on each side yard. A 10' buffer yard is added along the rear property line of the 18 lots that front on Village Drive.

Note #9 on plat provides the minimum setbacks for twin homes and single-family homes.

The two open space lots are Lot 129 (20,810 sf) and Lot 130 (5.6 acres). A large portion of Lot 130 is in the 100 year flood plain. Note #8 on plat states Lot 129 and 130 are maintained by the homeowner's association. The master plan narrative states the open space will remain mostly undisturbed vegetation and will provide buffers between the different types of residential or commercial uses.

Underground utilities are required, and sidewalks are required on at least one side of the street. The proposed plat is largely in compliance with the approved master plan and the subdivision regulations. At this time the base layer of road is in, but the asphalt has not been installed.

Staff recommends final plat approval provided that the 1st layer of asphalt is installed and subject to the following:

1. **Underground utilities are required**
2. **Sidewalks are required on at least one side of the street.**
3. **Add 10' buffer yards along the rear lot lines of Lots 25 to 28 and Lots 131 to 144**
4. **Label the easement along the fronts of all lots and add the easement width.**
5. **Add a label and acreage to the undeveloped portion east of these platted lots.**
6. **The Fox Run Village master plan narrative states open space will remain mostly undisturbed vegetation and provide buffers between different types of residential or commercial uses. Note on plat any specific use that will be allowed for Lot 129 and 130.**

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 prior to the signing of the final plat. There are no other comments or concerns from the Engineering Departments regarding this final plat.

Mr. Parker reported for the Opelika Utilities Board, a water system inspection will need to be completed before signing final plat.

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

Motion to grant final plat approval with staff recommendations

RESULT:	Passed
MOVER:	Arturo Menefee
SECONDER:	John Sweatman
AYES:	Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Sweatman
NAYS:	None
ABSTAIN:	None

4. Wyndham Gates SD, Pod 3, Phase 2, 8 lots, accessed from Alana Court and Raiden Circle, Doug Ransom, authorized representative for DRB Group Alabama, LLC, Final Approval

Mr. Mosley reported the applicant is requesting final approval for ten (10) lots of a 64-lot subdivision. Preliminary plat approval for the 64-lot subdivision was granted at the January 2021 Planning Commission meeting. Eight of the ten (10) lots are townhome lots. Parcel A (1.37 acres) and Parcel B (8.98 acres) are the other two lots that will be subdivided at a later time into 56 townhome lots. After the 56 townhome lots are platted, a 23,090 sf area of Parcel A and a 3.69-acre portion of Parcel B will be preserved as open space.

The eight townhome units including the front and rear yard on a single lot will be sold. The two-story townhomes are approximately 1,700-1,800 SF (excluding 2 car garages). The townhome lots meet the minimum yard size requirement with one yard being at least 50% of the first floor size of a unit. The lots also exceed the 1,800-sf minimum lot size and 20-foot lot

width required for a townhouse development. The proposed lot widths are 25 feet. The lot area for six lots are 2,000 square feet (sf) and two lots are 3,000 sf. Each unit has two parking spaces as required. Underground utilities are installed, and sidewalks are installed along the streets. The rear lot line of each townhome unit is adjacent to open space. A note needs to be added to plat that the open space will be maintained by the Wyndham Gate Pod 3 HOA (Homeowner's Association). The exterior building material is a mix of brick and hardie board with vinyl soffit and fascia.

The townhomes setback requirement needs to be determined and stated in the notes. The minimum setback along Emory Lane should be 20 feet to correspond to the 20-foot minimum setback for the single-family homes on the north side of Emory Lane.

A landscape plan for the 8-unit townhome group meets minimum requirements concerning base and parking lot points. A landscape plan (construction drawings) includes a residential buffer as required adjacent to the townhome unit on Lot 155; a residential buffer is also shown along Marvyn Parkway as required. The buffer provides a visual barrier between the different type of dwellings and motorists on Marvyn Parkway.

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

1. **Sidewalks required on at least one side of the street.**
2. **All utilities installed underground.**
3. **Add landscaping as shown on landscape plan for the eight townhome group and residential buffers as shown on construction drawings.**
4. **Add the minimum building setback requirement on the final plat.**
5. **Add a note on plat providing the uses allowed in the open space lots and who will own and maintain the open space lots.**

Mr. Parker reported for Engineering, the infrastructure has been accepted and approved with a previous phases submittal.

The Engineering Departments review comments have been addressed and the Department has no other comments or concerns with this final plat.

Mr. Parker reported for the Opelika Utilities Board, a water system inspection will need to be completed before signing final plat.

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

Motion to grant final plat approval with staff recommendations

RESULT:	Passed
MOVER:	Arturo Menefee
SECONDER:	Director Mike Hilyer
AYES:	Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Sweatman
NAYS:	None
ABSTAIN:	None

5. Hidden Lakes SD, Phase 4, 73 lots, accessed from Hidden Lakes Drive, Blake Rice, Barrett-Simpson, authorized representative for 280 Land Company, LLC, Final Approval

Mr. Mosley stated the applicant has requested that this item be tabled until the December 20, 2022 Planning Commission meeting.

Motion to table this item to the December 20, 2022 Planning Commission meeting at the applicant's request

RESULT:	Passed
MOVER:	Director Mike Hilyer
SECONDER:	Arturo Menefee
AYES:	Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Sweatman
NAYS:	None
ABSTAIN:	None

C. CONDITIONAL USE - Public Hearing

6. Kelly Wagoner & Foresite Group, LLC, authorized representative for THF/MRP Tiger Town, LLC and Cannon Timber and Land, LLC, accessed at 2125 and 2109 Frederick Road, Tiger Town PUD & C-2, GC-P, For a tire store (auto maintenance)

Mr. Mosley reported the applicant is requesting conditional use approval to construct a Discount Tire store (automobile maintenance) in a PUD (Tiger Town) and C-2, GC-P zoning districts. The site will cover two (2) lots and be between the Express Oil Change and South State Bank. The site will be accessed from Frederick Road and a shared access from Enterprise Drive.

The site plan shows an 11,913 square foot (sf) building on a 1.99-acres. The minimum building setbacks are met from all property lines. The parking area shows 40 parking spaces including two (2) handicap spaces; the minimum off-street parking requirements are met.

The site meets the maximum 70% Impervious Surface Ratio (ISR); the ISR proposed is 62%. The color rendering of the elevation is in the packet. The proposed exterior wall material facing Frederick Road (Store Front Elevation) is architectural aluminum panels (white and red), concrete masonry units (grey with arrows and black), and store front glass area. The primary exterior materials on the left and right sides are the concrete masonry, with a section of architectural aluminum panels, and the six (6) roll up doors (full view with metal). The rear elevation is shown to be concrete masonry units. Staff recommends the concrete masonry units be decorative or architectural split faced material. (The architectural aluminum panels are described to be similar to the panels at the King Honda dealerships.)

The site is designed to have a check in area that is like a drive-thru receiving area with canopies detached from the main building. The main building is designed with six (6) drive-thru bay areas with two (2) customer receiving areas and two (2) offices. The six (6) drive-thru bay areas are divided, three (3) drive-thru bay areas for service and three (3) drive-thru bay areas for sales.

The developed area is 54,015 square feet. The landscape plan meets minimum requirements (140 total pts. required, 140 total points obtained, 76 parking lot points obtained). A 15-foot front parking lot buffer is required and shown along Fredrick Road. A 6-foot parking lot buffer

shall be planted between the non-street property lines and the edge of parking lot consisting of medium and understory trees, and shrubbery as listed in Section 10.6 D.2.b of the Landscape Ordinance.

A private dumpster for this development is shown on the site plan. This will need to be screened with a dumpster enclosure located behind the front plane of the building and be screened by approved corridor materials. In addition, all utility meters, air conditioning units and similar mechanical units shall be screened so as not to be visible from a public right-of-way. All rooftop mechanical units shall be screened from the designated gateway corridor by a parapet wall or other means. Plans must be approved by the relevant utility company for safety.

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

Staff recommends conditional use approval subject to the following:

- 1. The concrete masonry units be decorative or architectural split faced materials to meet the Gateway Corridor cladding requirements in Section 7.6 Gateway Corridor Overlay District, 6, b. Materials and Cladding Requirements**
- 2. The architectural aluminum panels approval by the Commission.**
- 3. Outdoor lighting must meet the requirements in Section 7.6 Gateway Corridor Overlay District, 6, a. Lighting Requirements**
- 4. If fencing is ever installed the property owner must meet the Gateway Corridor Overlay District regulations in Section 7.6 of the Zoning Ordinance.**
- 5. Dumpster areas must be screened by approved Gateway Corridor Overlay District materials.**
- 6. All utility meters, air conditioning units and similar mechanical units shall be screened so as not to be visible from a public right-of-way. All rooftop mechanical units shall be screened from the designated gateway corridor by a parapet wall or other means. Plans must be approved by relevant utility company for safety.**
- 7. No outside storage or display of tires.**
- 8. No automotive maintenance work shall be performed outside.**
- 9. Discarded or worn-out tires (or rims) stored on the property must be stored inside the building not outside.**

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

The Engineering Department has no other comments or concerns with this proposed conditional use application.

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

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

Chairman Cherry opened the public hearing.

Kelly Wagoner, Foresite Group, 3471 Donaville Street Duluth, GA, stated I am here representing Discount Tire and the property owners for this application. If there are any questions, I am available to answer them.

Chairman Cherry closed the public hearing.

Motion to grant conditional use approval with staff recommendations

RESULT: Passed

MOVER: Arturo Menefee

SECONDER: Director Mike Hilyer

DISCUSSION: Ms. Cannon asked when you said no outside storage were you talking about cars and how long they stay there to get their tires changed?

Mr. Mosley stated we did not include that as a condition. Typically, we don't see that as often with tire stores but if the Commission feels they would like to add something we can. I believe their business model is based on getting people in and out as quick as possible, but I do understand your concern.

Ms. Cannon stated I think they would too, but I have seen some places that have kept the cars longer than they should have. Can we put a week?

Kelly Wagoner, stated Mr. Mosley is correct. Discount Tire does not typically have overnight storage of cars. It's in and out. They try to advance their line of business with how the consumer is. A lot of it is online right now and a lot of their customers know what they want when they come in. Very rarely is there a vehicle parked overnight and that's generally someone is driving down the road and they have a flat tire and pull in there.

Mr. Silberman asked do you do any other mechanical work other than servicing tires?

Kelly Wagoner stated no sir. They are just a wheel and tire retailer. They sell tires, they will fix flats for free and rotate tires for free even if you're not a customer. They pride themselves on service. Primarily though, they do not do the other automotive maintenance services because they find it slows them down.

AYES: Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Sweatman

NAYS: None

ABSTAIN: Lucinda Cannon

D. REZONING - Public Hearing

7. (a) Amendment to the Future Land Use Map, accessed from Society Hill Road, 16.47, from a low-density residential land use category to a general commercial category.

(b) Rezoning request, Reynolds Cook, authorized representative for W.F. Cook Jr., accessed from 2701 Society Hill Road, 16.47 acres, from C-2 to C-3

Mr. Mosley reported the applicant proposes to rezone 16.47 acres accessed at 2701 Society Hill

Road from C-2 to C-3. A C-3 zone is defined as “general commercial” and allows with conditional use approval an office of contractor with outside equipment & material yard. The rezoning property is in a light commercial land use category not consistent with the applicant’s request for a contractor’s office with outside storage. If the rezoning request is approved, then an amendment to the future land use map (FLUM) from light commercial to a general commercial land use category is required so the Future land use map is consistent with the zoning map.

The adjacent property on the north side is in a manufacturing land use category that is consistent with the general commercial land use category. A light commercial category is the adjacent property on the south side occupied by Adams Beverage distribution property and single family home residential property. The property directly across Society Hill Road is in a low-density residential category. However, agenda item #8 is a request to rezone the west side adjacent property from R-1 to C-2, a light commercial designation. If this rezoning is approved, the land use category would change from low density residential to light commercial providing more compatible with the general commercial category. The adjacent properties on the east side are medium density residential (Hall Avenue residential neighborhood).

Staff Recommendation

Staff supports the property transition from light commercial to general commercial if the property is rezoned. The adjacent property on the north side in a manufacturing land use category is a more intensive use than the general commercial category if the rezoning is approved to C-3. If the 16.47 acre rezoning request is approved, staff recommends the 2030 Future Land Use map be amended from “light commercial” to a “general commercial” land use category.

Staff Comment (Rezoning)

The applicant’s request is to rezone 16.47 acres from a C-2 zone to a C-3 (general commercial) zoning district. A site plan was provided with this rezoning request. The site plan shows 21 office & warehouse buildings to be leased. Each office-warehouse tenant space is 5,400 sf. The development includes a 3.45 acre “laydown yard” as an outside storage area for tenants. On the west side is Lot 1 (2.3 acres) that will be subdivided from the applicant’s property. The applicant has no immediate plans for Lot 1 and will remain undeveloped. Lot 1 fronts along Society Hill Road; the length or depth (east to west) of Lot 1 from Society Hill Road to the office-warehouse development ranges from 66 feet to 240 feet. This range or space serves as visual separation between the office-warehouses & laydown yard from Society Hill Road. In addition to this separation, an existing natural wooded area or evergreens plants will be required along the rear property line of Lot 1 to assure the laydown yard and tenant units are visually screened from Society Hill Road. Staff also discussed with applicant that future requests for outside storage on Lot 1 will not be supported by staff.

Residential buffers are also required along the east property line to buffer the R-4 zoned residential neighborhood on Hall Avenue from the office & warehouses. Along the north property line adjacent to the rezoning property is a more intensive M-1 zoning district. The property is owned by Lee County and currently under construction for a Lee County public works facility. On the south side, the land uses are Adam’s Beverage distribution and a residential neighborhood in the Wyndham Gates PUD zoning district. The residential area is not adjacent to the rezoning property. The Wyndham Gates developer provided a 100-foot strip between the single family home lots and the rezoning property for an Alabama Gas easement.

Staff Recommendation

Planning Staff believes that the 16.47 acre rezoning to C-3 is appropriate given the adjacent M-

1 zoning district on the north side. The office warehouse use with outside storage requires an additional conditional use approval that would come back before the Planning Commission.

Planning Staff recommends Planning Commission send a positive recommendation to the City Council to rezone the 16.47-acre property from C-2 to C-3.

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

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

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.

Troy Booth, BNB & Associates, stated I am representing the development to the east of this development, the residential property at the end of Hall Ave. I just want to be clear about the type of buffer that will be required. Could you elaborate on that a little bit?

Mr. Mosley stated anytime that there is a conditional use for a commercial that abuts residentially zoned property, there is a requirement for a buffer. Typically, it can be handled one of three ways. It can be done through a 20 foot undisturbed buffer that is near opaque, a planting row of trees that are typically evergreen and a fencing material, or an alternating double row of evergreen plantings. Those are the standard buffers that would be required when commercial and residential are together. It is possible that if this comes back for conditional use approval, the Planning Commission could look at specific cases related to that and either recommend one of those or apply an alternative buffer to it.

Mr. Silberman asked does that require a specific height?

Mr. Mosley stated typically the fence height is six feet and the plantings are required to be a certain height and reach a certain height within two growing seasons.

Troy Booth stated our concern is that we have nine residential lots on that back line and we want to make sure that the integrity of the residential will be maintained.

Chairman Cherry stated it will just have to go through the process for approval.

Mr. Mosley stated they do show a 50 foot landscape buffer on that back side, which exceeds what we require. I believe the applicant is here so you may be able to speak with them specifically if you have any questions.

Chairman Cherry closed the public hearing.

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

RESULT:	Passed
MOVER:	Director Mike Hilyer
SECONDER:	John Sweatman

AYES:	Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Sweatman
NAYS:	None
ABSTAIN:	None

Motion to approve the Amendment to the Future Land Use Map with staff recommendations

RESULT:	Passed
MOVER:	Director Mike Hilyer
SECONDER:	Leigh Whatley
AYES:	Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Sweatman
NAYS:	None
ABSTAIN:	None

8. (a) Amendment to the Future Land Use Map, accessed at the 2700 block of Society Hill Road, 67.6 acres, from a low-density residential land use category to a light commercial category
- (b) Rezoning request, Bill Brown of the Brown Agency, authorized representative for Stephen Dee Ward and Shelby Dean Ward, accessed at the 2700 block of Society Hill Road, 67.6 acres, from C-2 & R-1 to C-2

Mr. Mosley reported the 2030 Future Land Use Map (FLUM) shows 55.4 acres of the 67.6-acre rezoning property in a low-density residential land use category. The remaining 12.2 acres is in a light commercial category. The two adjacent properties on the north side are in an institutional category; a 9.5 acre parcel is owned by Lee County and Church of the Harvest owns an 8.8 acre parcel. Adjacent properties on the east and west side of the rezoning property are in a mixed land use category (residential and commercial uses): the east side is Adam's Beverage distribution property in the Wyndham Gate PUD; the west side adjacent property is part of a 36-acre mixed-use retail-entertainment PUD development approved in 2019.

Staff Recommendation

The rezoning request to a C-2 zone requires an amendment to the 2030 FLUM concerning 'land use category. If the rezoning request is approved, staff recommends the 2030 Future Land Use map be amended for the 67.6 acres from a "low density residential" land use category to a "light commercial" land use category.

Rezoning

The applicant is requesting to rezone 67.6 acres from C-2 & R-1 to C-2; a 12.2 acre portion of the property is currently zoned C-2. There is not a specific use for the property, but the developer believes commercial uses such as retail, restaurants, entertainment/hospitality are likely to show interest and possibly apartments. The commercial uses proposed are allowed in the C-2 zone (Office-Retail); apartments require conditional use approval. In June 2022, the adjacent 36-acre property south of this rezoning property was rezoned to C-2 for a 242-unit townhome-style apartment development. Staff believes the commercial uses are suitable for this location. The rezoning property is located adjacent to a PUD approved in 2019, accessed from Gateway Drive and located near Exit 58 on I-85. A QuikTrip gas station & convenience store recently opened in this PUD zone. In phase 2, restaurants are planned for lots adjacent to QT.

Recommendation

Staff believes the 67.6-acre rezoning request to C-2 for a mix of commercial uses would be compatible with the surrounding area; 12.2 acres of the 67.6 acres is currently zone C-2. Five months ago, the adjacent 36-acre property on the south side was approved to a C-2 zone for 242 apartment units. The rezoning property is adjacent to an existing 36-acre PUD zone that was approved for commercial uses that are proposed by the applicant. On Society Hill Road, existing commercial uses near the rezoning property are Adam's Beverage distribution, Opelika-Auburn News office building, and a mini-warehouse & U-Haul truck rental business. The rezoning property is located about 1.2 miles from the south side of Exit 58 on I-85 (Tiger Town is on the north side of Exit 58.) Exit 58 provides a broad range of retail stores, grocery stores, and entertainment uses. The rezoning property is an addition to this Interstate commercial corridor. **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 other comments or concerns with this proposed rezoning.

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

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.

No comments.

Chairman Cherry closed the public hearing.

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

RESULT:	Passed
MOVER:	Arturo Menefee
SECONDER:	John Sweatman
AYES:	Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Sweatman
NAYS:	None
ABSTAIN:	None

Motion to approve the Amendment to the Future Land Use Map with staff recommendations

RESULT:	Passed
MOVER:	Arturo Menefee
SECONDER:	Ira Silberman
AYES:	Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Sweatman
NAYS:	None
ABSTAIN:	None

V. OLD BUSINESS

E. REZONING - Public Hearing

9. (a) Amendment to the Future Land Use Map, accessed from Anderson Road, 229.2 acres, from a low-density residential land use category to a mixed-use category.
- (b) Rezoning request, Foresite Group, LLC, authorized representative for Keith B. Norman, Electra Estates, 229.2 acres, accessed from Anderson Road, from R-1 to PUD
(This item was tabled at the September 27, 2022 meeting at the applicant's request)

Mr. Mosley reported the rezoning request from R-1 to PUD for a mixed use community requires an amendment to the 2030 FLUM concerning the land use category. The 2030 Future Land Use Map shows the 229.2-acre property as a “low density residential” land use category. If the rezoning request to PUD is approved by City Council, then the 2030 FLUM should be amended so the 229 acres are in a “planned unit development” land use.

The adjacent properties to the east and west surrounding the subject property are in a “low density residential” category. The property across the Andrews Road has a designation of “medium density residential.” Across the railroad tracks to the north is a mix of property with a “low density residential” designation and property outside of the city limits. Moving beyond the immediate properties, this property is between the Northeast Opelika Park and the older industrial park located off Lake Condry Road. This project proposed a residential component with a density of 4.96 units per acre. This includes a variety of housing types from detached single-family to townhouse units and apartments. The corner of the property is shown as a commercial area that would have daily needs, office, retail, or dining. This type of commercial is often found at an intersection or crossroads in developing areas.

Staff Recommendation:

Staff recommends the Future Land Use map amended from a “low density residential” land use category to a “planned unit development” category subject to the City Council approval of the rezoning request.

Rezoning:

The applicant is requesting rezoning 229.2 acres from a R-1 (low density residential) zoning district to a PUD (planned unit development) zoning district for a mixed use community. The property is bound by Andrews Road and Anderson Road on two sides and also has a significant border with an active CSX Railroad. There is also a significant overhead power transmission easement that runs along the rear of the property.

The PUD development consist of a mixture of single family detached homes, townhomes, apartments and a commercial corner. The proposed development uses many principles found in traditional neighborhood development or new urban development. This means the development is intended to mix multiple uses and greenspaces into a walkable neighborhood. The overall development has 1,137 residential units. The overall density is 4.96 units per acre. The development has 646 single family home lots. This would include a mix of 60 foot front access lots, 50 foot front access lots, and 40 foot rear alley lots. These lots are found primarily in Tracts 2-4 with some located on the perimeter of Tract 1.

The area shown as Tract 1 includes a section of townhome lots. These lots would include a mix of front entry and rear alley entry townhomes. The developer has said these could range in height from 1-3 stories depending on the topography and adjoining land uses. The master plans shows 216 townhome units.

Along Anderson Road, the master plan shows 275 apartment units on 14.1 acres. The applicant has proposed a mix of two and three story buildings within the development. The two story

units would be closer to Anderson Road, while the three story units would be along an internal street and built to work with the topography.

The site also proposes a 5.7 acre commercial area located at the intersection of Anderson Road and Andrews Road. The development would have a mix of commercial, entertainments, retail, restaurant, office and service uses. The specific allowable uses are noted in the master plan narrative. The commercial would have approximately 57,000 square feet of commercial area. The intended uses would be meant to serve the growing population in this area. There could also be some services, specialty stores, or restaurants that pull in some customers from across the area.

The applicant has provide both example photos and a pattern book of the proposed development types. The eventual product should be similar in style, setback, and layout to what has been provided. Each of the pattern book types provides setbacks and lot coverage regulations. The applicant has noted that the apartments and commercial would follow the C-1 zoning regulation which allows buildings to be constructed up to the property line. This helps them create a more traditional neighborhood center. Staff does not see issue with the request on internal setbacks but recommends the setback to Andrews or Anderson Road be at least 20 feet.

The site is intended to have multiple access roads off Anderson Road and Andrews Road. The master development plan shows six (6) entry points into the development. These entries and the intersection at Anderson Road and Andrews Road will have to be analyzed with the City Engineer to determine what improvements are necessary. Internally, all parts of the development are connected to the rest. The applicant has also provided two stub streets that would connect to adjoining properties for future development. The development uses short blocks between 400-800 linear feet to create walkable areas that help slow traffic speeds. Staff recommends that streets fronting amenities, commercial or residential uses have sidewalks.

Open Space

The master development plan also shows a significant amount of open space and amenity lots. The center piece to the development is a 5.4 acres “central park.” This includes a swimming pool, clubhouse, large open lawn, and mail kiosk. The master plan also shows approximately 5.59 acres of small pocket parks that could be used for dog parks, playgrounds, fire pits, or a splash pad. Mail kiosks would also likely be placed in these areas. The applicant also proposes to use the 18.07 acres between the powerline easement and railroad for open play or athletic fields. The applicant notes that all of these areas could be used for stormwater as well. The proposed plan shows multiple other sites that are set aside for streams, wetlands, or storm water detention. Overall, there appears to be well over 30 acres set aside for open space, amenities, and detention. This is over 15% of the site.

Buffering

The applicant also notes and shows a 25 foot landscape buffer along all sides of the development. The one exception to this is at the intersection adjacent to the commercial areas. These areas should include a 15 foot gateway corridor bufferyard that does not obscure the commercial, but provides softening of the features. The applicant has also noted a buffer on the few lots that would have double frontage between two roads, not including alleyways. The masterplan also shows 25 foot buffers along all streams. The townhouse, apartment and commercial areas should meet the City’s landscaping requirements. Staff recommends that the single-family lots have one tree per detached residential home either located within the right-of-way with approval or in the front yard.

Discussion:

The applicant is proposing a large master plan community with a variety of residential types and uses. The applicant has embraced the concepts like connectivity, useable open space, and increased design. The density at this location is higher than the surrounding properties. It also proposes a mix of smaller lots and units than are currently nearby. The development is located in a growing area of the city. Additionally, the development proposes to use traditional neighborhood or form based standards that are recommended in the City of Opelika's Master Plan. While the plan could potentially be better in line with the current surrounding properties if the density were lowered and some larger lots were added, the proposed plan does appear to be alignment with the PUD Criteria in Section 8.18. E.

Staff recommendation:

Staff recommends a positive recommendation be sent to City Council to approve the Elektra Estates/Hopson Farms Master Plan subject to the following:

- 1. The development shall follow the standards and densities found within the written report.**
- 2. Sidewalks shall be required on both sides of the street where they adjoin residential, commercial or amenity uses.**
- 3. All utilities shall be underground.**
- 4. Uses shall follow those listed in the written report**
- 5. Townhouse, apartment and commercial uses shall follow the landscape standards of the zoning ordinance.**
- 6. A 15 foot buffer meeting the planting requirements of Section 10.6.D.2.b shall apply to the perimeter of the commercial adjacent to Andrews Road and Anderson Road.**
- 7. Single-family lots shall have one tree per detached residential home either located within the right-of-way with approval or in the front yard**
- 8. Perimeter setbacks along Andrews Road and Anderson Road for the multifamily and commercial shall be at least 20 feet.**
- 9. Gateway cladding standards and buffers shall apply to all non-single family uses.**

Mr. Parker reported for Engineering, 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 other comments or concerns with this proposed re-zoning application.

Mr. Parker reported for the Opelika Utilities Board, water is available on Anderson Road and at intersection of Anderson Road and Andrews Road. Water is not available along Andrews Road and would require extension of 12-inch Ductile Iron Main to point of service if development along Andrews Road if development is begun on southern end as described.

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

Chairman Cherry opened the public hearing.

Cliff Smith, 3529 Trevon Court, stated I have a handout for the Commission that is the bullet

points that I want to go over in case my time runs out, as well as some additional details that I won't be able to go over. As far as the intersection of Andrews and Anderson Road, it was just mentioned about doing a traffic study or something there. It certainly will have an impact on that intersection and I'm hoping improvements will be made if needed. It is a four-way stop now. Some vehicles stop, some don't, and some fly through it at 45 miles per hour. I witnessed that two weeks ago and luckily, I was not approaching the four-way intersection. Trucks are not supposed to use Andrews Road, but they do to go out to the plants. They have difficulty turning at the four-way stops. They're over in people's yards. I just wanted to point out that there are already issues with that intersection and if additional housing as proposed is put out there, it will become much more of an issue. There are many bicyclists on Andrews Road for some reason. Andrews Road from Lake Condry to where Andrews Road intersects with Anderson, it's one curve after another. It's double yellow lines the entire road length except where they put in a new bridge and the City has not restriped that yet, so there's no passing on that entire road from Lake Condry to Anderson Road. So you can't get past the bicyclist, much less somebody going 25 miles an hour. I just want it to be considered the impact that the additional traffic has on a road like that. The Commission approved the rezoning across from Storybook Farms off Cusseta Road down the road from us. That was changed to mixed development for 242 single-family homes on 166 acres. That comes out to about 1.68 dwellings per acre. I just want to mention that because once that's built it's going to have an impact on Andrews and Anderson Road as far as mainly a cut through to the Interstate to Exit 64. I do foresee that traffic coming our direction in addition to whatever is built on the corner of Andrews and Anderson. Just in comparison, we're talking about 1,137 units on 220 or so acres. If there are two drivers in the households of both these subdivisions that are going to be built, that's 3,000 more drivers and that's assuming there's no more than two in a household. That's a lot of folks driving on the roads right there in that limited area. I want to mention Opelika's zoning ordinance for mixed use development, Section 8.18 E. As far as a Planned Unit Development, the ordinance has certain criteria which must be met. They include producing no significant adverse impacts to adjacent properties. My opinion is that it will have significant adverse impacts on property values, increase in traffic, and increase in crime. The second thing from Section 8 of Opelika's zoning ordinance is the design and site planning shall ensure compatibility and harmony with existing and planned uses on adjacent and adjoining properties. The lot sizes along with the rental apartments and commercial units are not compatible with the existing and adjacent property land uses. I hope this Commission will take that into consideration.

Tim Thompson, 3636 Trevon Court, stated I just wanted to speak for a moment against changing the zoning. We moved out there 18 months ago into Tim Moore's development and we're on a septic tank, but I've noticed on those R-1 Lots are all built out and he's opened up a new part that's being all built out. It seems like we keep building these high-density neighborhoods and cramming as many people as we can in a little bit of space, but what about folks who moved to Opelika and they want a little more space and they like bigger lots? I know maybe that's not the trend, but I think there's something opposite going on out there right now and I think that needs to be looked at and taken into real consideration. What you're planning out there is totally the opposite of what is already out there. I'm not against developing the property. I want Opelika to grow and thrive and I want there to be housing for people, because I love Opelika and I love to see it grow, but this just doesn't feel right to me for our City. Developing the land feels right, but this particular kind of development doesn't feel right to me out there because what we do right now is going to set the tone for all this other land that's out there. It's beautiful land and a great place for Opelika to grow to and I think we've got to get that right the first time out. It seems to me like we've been approving 400 or 500 apartment dwelling units over the last several years, some of which are being built and are not occupied yet. Now we're fixing to add more apartments and that just doesn't fit out there. For me, as somebody who loves Opelika, and you might think I have a personal interest because I live out

there, but I have a bigger vision than just me and that's for our City and this just doesn't feel right to start that development out there like that. I hope that you'll take a look at this again, rethink it a little bit, and not approve moving to multi-use, which means anything goes. How can any of us be comfortable with that? Let's develop the land but let's be careful about what we're doing because it just doesn't fit with what's already out there and we can offer this as R-1 to people. That would be a whole group of people coming into Opelika who want more land to build on which presently we're not offering them except for what's going on with Tim Moore. Thank you very much.

Danny Skutack, 681 Lee County Road 174, stated I've been living out there since 1994. I have never had to call the law. I agree with Tim and the previous guy, it just doesn't feel right trying to cram that many people into one spot. You're going to have high traffic, high trash, and high crime. I've noticed that people that don't own their own places but rent throw a lot of trash out on the street. This is a gateway to Opelika and this is going to be indicative of what Opelika is going to become. Not to mention the high crime. If you put that many people in one spot, there's going to be a lot of bad people out there. We have people that own 5, 10, 20, or 50 acres out there. You're going to have a lot of people trespassing on people's land. I have a lot of neighbors and I myself have unsecured equipment out there like tractors and riding lawn mowers. You put a place like this out there with the townhouses and you're going to have people walking up and down the street looking for things to do. You're going to have confrontations with the neighbors. If you look at the development on the other side of the intersection going up towards the Walmart Distribution Center, they are beautiful homes. They're immaculate and you can tell those people take care of their places. I'm afraid if you put literally a town on 220 acres of land and cram all those people in there, you're opening up Pandora's Box. You're going to need more policemen out there. I know that they have codes and stuff like that on the fire, but has this been run by the Fire Marshal or anything like that or does that happen at the end of the final platting?

Mr. Hilyer stated it actually happens before the permits.

Mr. Mosley stated they're made aware of the development and would have a specific review prior to the final subdivision.

Danny Skutack stated this is a country place. It's real spread out and then all of a sudden you're just going to have one sore spot right there. I'm not against development or anything like that, it's just the quarter acre houses. Forty, fifty and sixty foot lots just doesn't feel right. We've been trying to contact all the people that live out there and I would like to propose that we could table it so we can get more information out to some of the surrounding people to let them know what's going on and what's going to impact them. Would that be a problem?

Chairman Cherry stated we just have to wait and see. That comes up after you finish.

Danny Skutack stated okay well, that's what I'm proposing because I know that there's probably not one person that lives out there that wants this to happen. I know you guys are supposed to represent the people of Opelika, not some development company from Atlanta and I don't want this place to be Atlanta. It really comes down to the safety and happiness of the people that live out there. We're going to have to be watching our places. I'm sure burglaries and theft are going to go up, you're going to have confrontations with neighbors, and it's just going to change everybody's lifestyle out there in my opinion. Thank you.

Don Howerton, 3612 Trevon Court, stated I've only been here a year and a half. We looked in Auburn, we looked all over, and we liked the nice little town of Opelika. We studied the area

out here and we saw the zoning was one acre for a house and that appealed to us. We've only been there a year and a half and I have to come down here because you want to change the zoning? What was already there is the reason we bought the place. Another issue is, the Builder says we've got to have septic tanks. We're in the city limits and we're going to have septic tanks and no storm drains because the infrastructure wasn't there. So, a year and a half later, you're going to build a whole city across the street. If you don't have the infrastructure to take care of the street I'm on, think about that. That road going to the Sportsplex, you've dumped thousands of dollars on this little bridge that needed to be redone. Well, you're going to put 2,000 more cars on that road for that little, tiny bridge, so that means all that work's going to have to be redone. You just can't do it for the intersection there, so you're going to do a traffic study. One of the biggest problems I have with this whole thing is trying to get a hold of our neighbors to inform them. We're working people. Three o'clock in the afternoon, most people work till five. At least give us a chance, because I'm sure we would either get the signatures through the internet or we'll get them down here, but we've got to do it at an hour when we can come down here. Thank you.

Clanton Lipscomb, 3725 Anderson Road, stated I've been out there for 35 years. That's our community. I know y'all have communities that you live in, and I know you pride your communities. I'm asking this Commission to think about the people that live in this community. Henry Clark has been there for over 50 years. There are others who are building homes out there now R-1. We're satisfied with R-1 and we know that that can be a lovely community we're developing as R-1. If that plot of land was developed R-1 we would love it, but what this company is trying to bring in is just too much. We're asking y'all to please think about our little community and the way we feel. A lot of us are retired and we can't move away and rebuild and then we have people who've just bought. Think about it for us in our community. We want to keep our community. Let's keep it R-1. Thank you.

Virginia Thompson, 3636 Trevon Court, stated I've been out there 14 months and most of us that are in this new Andrews Estates, the R-1 Estates, are new. I moved from a fabulous Cannon Gate neighborhood and moved out there because I wanted a little country feel but to still live inside the city limits. I moved out for quality of life and that is what we're asking you to help us preserve. None of us are against the building out of that section of land. If we were to prioritize it for you our first preference is that it remains R-1, one house per acre, which is what we all have now. Secondly, and this is personal, it would be no multi-family, no townhouses, no apartments. Third, no commercial on that corner. My last would be, if you're going to allow development there that's not R-1, give us a larger percentage of the 60-foot lots. You've got 60-foot, 50-foot, all the way down to 30-foot. Give us a larger percentage of the larger lots to the smaller lots. Personally, I really want it to stay R-1, but I do understand that y'all are trying to do what you think is best for Opelika. Thank you.

Janice Martin, 3900 Anderson Road, stated I live across the railroad tracks. We have 42 Acres where we live right across from Mr. Clark and right across the railroad tracks from this development. I teach nursing at Southern Union so this will affect me every single day and every minute of my life. We are all very excited about having neighbors. We love the houses in Trevon Court. I think that it was such a good addition to that area. It very much supported the nature of where we live. This does not support the nature of the neighborhood at all, and I think that the roads cannot accommodate this. I know Engineering is going to look at that, but I cannot imagine what they will have to do to make this amount of traffic be safe up and down those roads. I've lived there for 16 years and at the railroad track a freezer truck got hit by a train that was full of pizzas. I have picked up everything from pizza boxes, to dead animals, to one of the local physicians had to be life-flighted out of our pasture because of that railroad track. Someone will die on that railroad track if you put this many people out there and don't do

something really serious about that road and that railroad track infrastructure. I see all these houses next door to the railroad track. That train is loud, it comes by at least three times a night, and it honks the whole way across. It has to, because every engineer that drives through there probably has been warned you will hit something there. It is loud and it comes across these houses. I don't know anyone that would willingly want to buy these houses next to the railroad track. We live far enough away and we're used to it. I do think that there are some real concerns about putting this many people into a beautiful area. The houses are nice. Driving down the road you can't see all the homes, it's wooded, they're very nice homes and very nice lots. I'm not saying this won't be nice, but that's just not the nature of our neighborhood. I wish you would please consider that. We would love to have those lots developed, but I was overwhelmed when this came up on the screen. Thank you.

Howard Galimore, 1705 Andrews Road, stated I have been there since 1977 and I have not seen anything like this that is trying to be put together by these developers in a long time. It might not mean a lot to anybody, but how would you like this in your front, back, or side yard? You wouldn't at all. Life is short to some degree for some people. We want to try to get as much fulfillment out of it as we can. We want to enjoy our life and our families and our property. We want to get out in the yard and do what we want to do and get a home and enjoy that. If this development goes over, I know he said earlier that this is not going to happen all at once. It'll be 10 or 15 years. You have to endure all that, for all that going on. The traffic it's going to entail with this, the people who don't care about the City of Opelika, and the people that are just sorry, do not care about that. There will be one family in there that's supposed to be two or three adults and the next thing you know, there's four or five living in that house. That doesn't mean a lot to a lot of people, because they just want to sell the property and make money off of it. Why don't you just leave it residential R-1 and not pass this silly commercial zoning. We sure don't need it in our area at all.

Libba Herring, 1103 Andrews Road, stated I lived there for 28 years and I just moved from Andrews Road this summer. We sold our house to our son Rusty and his wife and his four children. Our intention is to come back there and build on the front of that property. We moved there in 1994. We loved this area because we were in the city but we were in the country and I would just like to say that more is not better. Currently I live in Auburn, Alabama. I'm renting a house. I could not find one to rent in Opelika, but our neighboring city is building more and I'm telling you it's not better. I have many friends that have come to this community and they are looking for one to four acre lots, but there are none. The lady that lived in the rental house that I'm currently in wanted to be in Opelika so badly, but she couldn't find anything that fit her needs. I just really think that y'all need to consider what you're going to do, and I would love to see y'all consider developing that but keep it R-1. Let somebody come in that wants to make a subdivision and keep the trees. Make one to four acre lots. I think they would sell so fast it would make our heads spin. I love Opelika and I am coming back to Opelika. I love this area that I resided in for 28 years and my son loved it. That's why he decided to purchase our house and I want my grandchildren to experience what my children experienced. Thank you all so much for what you do.

Keith Singleton, 1740 Andrews Road, stated I would like to see it stay R-1 out there. With commercial on the corner, it's going to create a whole lot more traffic. I'm already out there picking up trash all the time and if you get in your car now you can go out there now and you'll find trash on the side of the road. I looked down there today and there's trash. The development that they're talking about doing is going to be highly congested. I just moved from Auburn, Alabama. It's congested down there, and I wanted to get away from that. That's why we bought out where we're at, because it's more space. I wanted a place where I could leave something for my kids so they could go out and enjoy country life. What they're fixing to do out there now, I

don't want any part of it. I tried to get away from that and now it's coming right into your door. The development out there, Andrew's Estate, is a very nice development. You have very nice homes, very nice people, everybody minds their own business, and they have their own space. I think what they're planning on doing out there is going to create a lot of problems, starting with traffic. It's over 1,100 units they are planning on developing. You can multiply that two or three times. I just don't want any part of this and if this is done, I'm out. I don't want to be out there, and I think most people that bought out there probably feel the same way. They bought out there so they can have some space, so that the grandkids and family could come over, and so they can enjoy themselves, but doing that is going to take away from a lot of that. It's already a little busy on the main highway out here, but it's going to get even worse. If I had a grandchild, I definitely wouldn't want them anywhere near the road. I just think we ought to keep it all R-1 and maybe look at developing the land for larger lots and homes. I know people who live in Auburn right now who want to go out to larger lots because Auburn is congested. That's why I'm up there. I thought it'd be great. We got a little space out there and I'm happy in that space, but if this happens I don't think I'm going to enjoy that space at all. I think we ought to keep it R-1, single-family residences, and larger lots so that it would be a desirable place to live. I've noticed in Opelika there is not a whole lot of development going on as far as nice residential lots. I think that would be a great opportunity out there. It's already in that direction, I think we need to keep it that way. Thank you.

Henry Clark, 3720 Anderson Road, stated I've been out there 50 years and I live adjacent to this property. I understand that progress is going on in this land, but is it possible that you all could table this and start it again? Where I live is right there and there will be a lot of commercial going on out there and I will have to be more alert. If I could just get you all to do that, it sure would be a help to me. My wife is 82 years old. We have been there a long time, 50 years, and that progress there will take the life out of us because it will be a lot of commercial going on out there. There's enough out there now from those plants working out there. Cars are zipping by all night long. I know they have to make a living, but those cars go by and I get all of that traffic because I live down on the end by the railroad tracks. If you could table that, we sure would appreciate it.

Shane Kyles, 3501 Anderson Road, stated I just wanted to say that this development is totally out of the character of the area. Just like everybody said, that's a special little area where we live, and I think if the door gets opened to this we'll have the next developer trying to do it somewhere else. I would just like to ask you to consider it. I'm so thankful we have a Planning Commission and I'm thankful that we have a Planning Department. I used to work for a planning department. I'm very thankful for the City of Opelika, I love this City and I love everything that's going on here. I'd just like to ask you to consider maybe having the area stay the same. I think that's all everybody's saying. Thank you.

Warren Jolly, 673 County Road 130, Union Springs, Georgia, stated to give you a little history, we deferred this a couple times to get more information about how the property would be developed. Defining stream buffers and defining grades in the topography, so it took a little time to get to this point on the site plan. As a developer or builder, we're encouraged to work with the staff and the rules that you guys have in front of you. So, we've met with water and sewer several times. We had several different meetings with Opelika trying to figure out the development possibilities of this property. We didn't come in overnight with this plan. You have a land use plan, you have an ordinance, you have a guide, and we followed those items. You have industrial across the street, this is a mile and a half from the freeway, you've got a four-lane a mile that way and then you've got about a half mile that's two-lane to the intersection of Anderson and Andrews Road. If you go look at the Sportsplex, it's a two-lane road off the interchange in the intersection of Sportsplex and Andrews Road. You have a major

complex right there on a two-lane road at both intersections. It's no different than this intersection that we're talking about right here. Now this intersection is skewed a little bit at how they intersect from not a 90-degree angle and those are things with transportation and traffic that you look at during the development process of these developments and you fix problems. I understand there are problems with it now and we're doing a traffic study and we'll be able to tell you with this traffic study, but most of this stuff does not get done until development happens. Schools don't get built, roads don't get built, you don't add fire, you don't add anything until you have development and houses. We had a meeting last night where we tried to invite everybody that had been to the first couple of meetings, and one person showed up. We called everybody that was on the list before that we had a phone number for from the first few meetings. If you didn't write your name on that list, we didn't know how to get in touch with you. The list was from the first meeting. Some people signed up, some people didn't. We have that list so we can reach out. Well, we had a meeting last night at the Sportsplex. We tried to go over the types of development that we're trying to do here. We understand what people are saying, but also the seller has a right to sell his property. He has 229 acres, he wants to sell it to one person, it has railroad track access, you have industrial all around this area, you're a mile and a half from the freeway, you've got the Sportsplex close by, and you can't get sewer to this property. At the same time, the seller had a lot of other people that were looking at this land for different things and nobody was looking at it for R-1 development and nobody will look at it for R-1 development knowing what development costs are today. I've heard a lot about crime and trash and these types of developments don't do that. This is a quality development with the price points that we're talking about and the square footage of the homes that we will be selling for. People mentioned the multi-family and the commercial track. We don't think these are uses that are going to be there today. In fact, we can talk about doing something different with those, but we think that's a good use for this property because they're a mile and a half off the interchange and there will be a desire to put those types of uses there. What we didn't want to do is zone it all residential and in five or ten years when you come back and try to put retail or commercial or apartments on the corner, have somebody say well, you should have told us five years ago you were going to do that. This is a big piece of property; it's not going to get developed overnight. No matter what goes here, the seller wants to sell it. The family has owned the land for a long time and all we can do is come in and ask questions from the City and the staff and get guidance for what we want to try to do or what we think the rules are. We want to do quality projects and we do quality projects and that's how we're here today. I appreciate the support and we do agree with all the staff conditions that they presented. Thank you.

Helen Skutack, 3931 Anderson Road, stated this gentleman said the family that owns this wants to sell it to get their money. I think that if this was sold and still developed as an R-1, which it should be, that family could make plenty of money. To us, this is our homes. To this gentleman, it's money. He doesn't live here. This is going to be like 3,000 people in less than 200 acres because they said that they're keeping 50 acres as green space so that that drops that down to about 190 acres for homes. This is not what we bought into when we bought our properties out there. We all wanted to have some land. We don't want people sitting on top of us. I think this is a big issue and I don't think everybody in the neighborhoods were told exactly what was going on with this property. We live across the street from the Martins and they got a certified letter. We didn't get anything notifying us that this was even going on. If they hadn't told us, we would not have known. I think that this issue needs to be tabled until everybody in the residential areas of this proposed action can be notified and that everybody knows what's going on. Thank you.

Chairman Cherry closed the public hearing.

Motion to send a negative recommendation for rezoning to City Council

RESULT: Passed
MOVER: Lucinda Cannon
SECONDER: Ira Silberman
AYES: Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Sweatman
NAYS: None
ABSTAIN: None

Motion to deny the Amendment to the Future Land Use Map

RESULT: Passed
MOVER: Lucinda Cannon
SECONDER: Ira Silberman
AYES: Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Sweatman
NAYS: None
ABSTAIN: None

F. FINAL PLAT

10. The Villages of Opelika SD, Phase 1, 50 lots, accessed from 3000 Hi Pack Drive, Brian Lee, authorized representative for SP Opelika Ventures, LLC, Final Approval (*This item was tabled at the October 25, 2022 meeting at the applicant's request*)

Mr. Mosley reported the applicant is requesting final plat approval for a 50 lot subdivision. The subject property is approximately 21.92 acres located with a PUD zoning designation. The preliminary plat approval and master plan show 131 lots in this area. The proposed subdivision contains 36 single-family lots, 14 townhome lots, and a private street. The remainder is expected to be platted at a later date.

The 36 single-family lots exceed the minimum size of 2,800 square feet and 35 ft width. Most of the lots are 42 feet in width and between 3,300 square feet and 4,400 square feet. The townhome lots meet the minimum standards for this product type and are 20 foot in width and meet the minimum lot size of 1,100 square feet. The townhomes would face towards the private street shown between the two main roads.

The applicant is showing external connections to Hi Pack Drive and Hammonds Drive. These will need to be constructed during development. The original PUD also included requirements for sidewalks on both sides of the street along residential or amenity locations.

The PUD also required large buffers against the north, south and west property lines. The north and south buffers were required to meet the residential buffer requirements of the zoning ordinance. These buffers should be shown on the plat if the lot is included in this phase. Additionally, the development is required to have one (1) canopy tree per residential lot. This should either be in the front yard or in the right-of-way with city approval.

Overall, the density and general street layout are consistent to approved and proposed PUD. The lot sizes are consistent with the preliminary plat and master plan. There are some minor corrections that need to occur to the plat.

Staff recommends approval of the final plat subject to the following conditions:

1. **Only show the 50 lots that will be getting final plat. The remainder should be shown as a future lot or greyed out. This should also apply to the Lot Number table.**
2. **Change the title. This is not “Preliminary Plat”.**
3. **There appear to be a few storm sewer easements from the construction plans that are not shown. This includes Lots 39, 99, 105, 115, 121, and 129.**
4. **Work with Engineering to get the final approved street names on the plat.**
5. **Show the exterior buffer lines**
6. **Change note 2 to include the alleys and callout the lots in the note.**
7. **There are two lot 129s.**
8. **Take “Not in Use” off Hammonds Drive, since it will connect.**
9. **Provide sidewalks on both sides of each street adjoining an amenity or residence.**
10. **All utilities shall be underground.**
11. **Connections to Hi-Pack Drive and Hammonds Drive shall be coordinated with the City Engineer.**
12. **Residential buffers found in Section 10.6.D1 of the zoning ordinance shall be required on the northern and southern property lines.**
13. **Buffers need to be labelled on the plat.**
14. **One large/canopy tree shall be installed for each house frontage either in the right-of-way between the sidewalk and the street curb with permission from the City of Opelika or in the front yard adjacent to the public right-of-way. This should be noted on the plat.**
15. **No sideyard on street setbacks along public right-of-way shall be less than six (6) feet.**

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 prior to the signing of the final plat. There are no other comments or concerns from the Engineering Departments regarding this final plat.

Mr. Parker reported for the Opelika Utilities Board, final water system inspection is required before signing the final plat.

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

Motion to grant final plat approval with staff recommendations

RESULT: Passed

MOVER: John Sweatman

SECONDER: Director Mike Hilyer

DISCUSSION: Ms. Cannon asked are these lots 40 feet? I see 41 and I see it going down to 37.

Mr. Mosley stated yes ma'am. I believe some of these are 37 feet in width, which is what was approved with the Master Development Plan.

Ms. Cannon asked does that mean we can't change it?

Mr. Mosley stated yes ma'am. The Master Development Plan becomes the zoning, and so at that point that would be what they are entitled to.

AYES: Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Sweatman

NAYS: None

ABSTAIN: None

VI. OTHER BUSINESS

G. Opelika/Lee County inter-local agreement for planning jurisdiction

Mr. Mosley reported Governor Ivey signed Act 2021-297 effective January 1, 2023, which reduce the overall Planning Jurisdiction for municipalities from 3 miles to 1.5 miles. The act also provides that by an agreement between the county and a municipal jurisdiction, a joint agreement to accommodate subdivision development is acceptable. If the agreement is not approved by all parties, the municipality loses the ability to regulate subdivisions within the revised planning jurisdiction.

The City of Auburn, Lee County, and City of Opelika have drafted an inter-local agreement to accomplish this task.

The agreement does not substantially amend the previous agreement that was approved in 2012 under an act approved by then Governor Bentley.

This verbal agreement allowed within the planning jurisdiction of the City of Opelika, that whatever public right of way (streets) standards between the City of Opelika and Lee County are more restrictive, those standards would apply to subdivision development within the one and one half (1.5) mile planning jurisdiction of the City of Opelika.

This agreement must be approved by the Planning Commission and City Council, and signed by the Chair of the Planning Commission and Mayor for the City of Opelika.

STAFF RECOMMENDATION: Approve the DRAFT Inter-Local Agreement for the Planning Jurisdiction between the City of Opelika and Lee County.

Mr. Parker reported for Engineering, no report.

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

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

Motion to approve the DRAFT Inter-Local Agreement for the Planning Jurisdiction between the City of Opelika and Lee County.

RESULT: Passed

MOVER: Director Mike Hilyer

SECONDER: John Sweatman

DISCUSSION: Mr. Silberman asked are there any negative concerns for the City regarding this?

Mr. Mosley stated no sir. Mr. Gunter had some language that clarified a little bit, but for the most part it's the exact same agreement that we had before. It's very similar.

Mr. Gunter, City Attorney, stated it will have to be approved by the City Council.

Mr. Mosley stated yes. After this, the City Council and the Lee County Commission would both have to approve this as well.

Mr. Gunter stated if nothing is done, we can't exercise subdivision jurisdiction outside of the City limits. It's to our advantage to approve it.

AYES: Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Sweatman

NAYS: None

ABSTAIN: None

VII. ADJOURN

Motion to adjourn at 4:46 p.m.

RESULT: Passed

MOVER: Arturo Menefee

SECONDER: John Sweatman

AYES: Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Sweatman

NAYS: None

ABSTAIN: None

Lewis A. Cherry, Chairman

Matt Mosley, Secretary

**City of Opelika
Planning Commission
November 29, 2022
Rezoning – Public Hearing**

- **Amendment to the Future Land Use Map, accessed from Anderson Road, 229.2 acres, from a low-density residential land use category to a mixed-use category.**
- **Rezoning request, Foresite Group, LLC. Authorized representative for Keith B. Norman, Electra Estates, 220.2 acres, accessed from Anderson Road, from R-1 to PUD.**

Items for the Commission to consider:

Intersection – Andrews & Anderson Road. Assuming it's been reviewed to determine the impacts and what improvements will be needed? Now it's a 4-way stop – some vehicles stop and some don't. A few weeks ago I witnessed a vehicle that didn't down and ran right through as if there wasn't a stop sign there (45-5- mph). Trucks are not supposed to use Andrews Road but they do constantly and have difficulty turning at the 4-way stop. I just wanted to point that that are already issues with this intersection and hopefully the intersection is being looked at as it will not accommodate the amount of traffic that's being proposed for the development.

Bicyclists – Andrews Road and Anderson – Andrews Road is one curve after another from Lake Condry to where it intersects with Anderson. There's a solid no-passing line the entire length (except for where the bridge was replaced and it hasn't been re-striped). If you get behind someone going 25 mph, there is no place to pass on the entire road. For some reason bicyclists use this road. If the development is to be approved, I hope this roadway is being looked at to accommodate bicyclists and the increased traffic and the fact you can't see around curves. Ideally there will be plans for bicycle lanes. Again, I just wanted to point out that issues already exist with traffic flow on the two roads, especially Andrews from Lake Condry to Anderson.

As you know, across from Storybrook Farms – (Hwy 431 and Cusseta Rd) — Zoning was changed from low density (R-1) to mixed/public use development (PUD) for 242 single family homes on 166 acres. --- 1.68 dwellings per acre on part and 1.45 dwellings per acre on other part. In making a determination on the proposed rezoning of Andrews/Anderson Road – need to take into consideration the already approved Cusseta Road development and the traffic it will cause on Andrews Rd between Andrews and Lake Condry, as well as Andrews/Anderson Rd intersection to where Anderson intersects with the new roundabout at Sportsplex Pkwy

Proposed development on Andrews/Anderson Rd is for 1137 units: 216 townhomes; 275 apartments, 371 single family homes on 229 acres. That's just 63 more acres than the Cusseta Road development which amounts 895 more units to be built on Andrews/Anderson, not including the commercial development that's proposed.

If there are two drivers in each household, we're talking about almost 2300 more drivers plus almost 500 for the Cusseta Rd development across from Storybrook who will most likely use Anderson and Andrews Road to cut through to travel to and from the interstate (Exit 64). A conservative estimate of 2 drivers per household comes up to 3000 more drivers than there are currently.

I'm specifically opposed to the large number of units to be built, the apartments, and the commercial tract.

Opelika's zoning ordinance for mixed use development (PUD) in Section 8.18 E. states that a planned unit development may be approved only when certain criteria are met. They include:

1. The proposal shall produce no significant adverse impacts to adjacent properties. My opinion is that it will have significant adverse impacts – property values, increase in traffic, increase in crime.
2. The design and site planning shall ensure compatibility and harmony with existing and planned uses on adjacent and adjoining properties. Design elements to be considered include architectural, building heights and bulk, privacy. I haven't seen any information on the proposed design elements, however, the lot sizes along with rental apartments, and commercial units are not compatible with the existing adjacent and adjoining property land uses.
3. Location, design, and size of the proposal will be adequately served by existing or proposed facilities and services. I haven't heard plans for upgrading roads and intersections that I've mentioned. I haven't heard if city services can handle the increase (i.e. garbage, sewer, water). There were recent reports with issues with low water pressure in new Stone Martin developments. The company was complaining that the city wasn't prepared utility-wise in regards to the addition of new housing. The company was having to install equipment to increase water pressure in homes. Therefore, I'm not sure the city services are keeping up with the current demand and these may continue to decline if substantial development continues in specific areas.
4. The location, design, and size of the proposal are such that traffic generated by the development can be accommodated safely, without causing congestion on major streets and without requiring the unnecessary traversing of other local streets. In addition to the traffic flow issues I've already mentioned, I'd like to also point out that there are already traffic flow issues near Opelika High School. The additional housing is going to create more traffic issues on Lake Condy Road and Hwy 431/Lafayette Pkwy. It's my opinion that the proposal as it is now cannot accommodate the additional traffic safely based on reasons I've already stated.

In conclusion, it is my opinion the proposed development, in its current form, does not meet the criteria outlined in Opelika's zoning ordinance and as a result, I'm asking Commission members to not approve the rezoning based on the plans that have been submitted by the Foresite Group, LLC.

**Respectfully submitted to the City of Opelika Planning Commission on
November 29, 2022.**

**Clifford W. (Cliff) Smith
3529 Trevon Court
Opelika, AL 36801**



**APPLICATION FOR
SUBDIVISION APPROVAL**
PLANNING DEPARTMENT
700 FOX TRAIL
OPELIKA, AL 36801

3206

DEADLINE: 12/6/22 MEETING: 12/20/22SITE ADDRESS: SW corner of Arnold and SpringPROPERTY OWNER: 2H Properties LLCAPPLICANT/AUTHORIZED REPRESENTATIVE: Mike Maher - Brian LeeMAILING ADDRESS: 306 Graystone Lane, Auburn, ALPHONE NUMBER: 334-821-0105 FAX NUMBER: 334-821-4044EMAIL ADDRESS: mike.precisionsurv@gmail.com

TYPE OF PLAT APPROVAL REQUESTED Final PLat

☐ SKETCH PLAN ☐ ADMINISTRATIVE ☐ PRELIMINARY ☒ FINAL ☒
Does the subdivision require any other official action by the City? no
☐ Annexation ☐ Rezoning ☐ Other _____
PARCEL INFORMATIONSubdivision Name: Springhill Heights SD Rediv Lots 53-28Current Land Use: VacantCurrent Zoning: R5MProposed use of the Subdivision: Single Fam Residential Lots
☒ Residential ☐ Commercial
☐ Manufacturing/Industrial ☐ Office/Institutional
Number of Lots: 3 x \$3.00 = \$9Number of APO: 7 x \$7.00 = \$49
(Adjacent Property Owners)Fee: \$75.00**TOTAL** = 133**PAID** _____

I, the undersigned, hereby request the Opelika Planning Commission review the Subdivision Plat for (name of subdivision) Springhill Heights, Rediv 53-58 Subdivision. I understand that I must provide certain information as noted in Section 4.2, Section 4.3, and/or Section 4.4 of the Opelika Subdivision Regulations in order for the Planning Commission to review my plans. The City may require additional information or requirements, or waive certain requirements, at any time during the process. Failure to provide accurate and complete information may result in disapproval by the Planning Department and/or Planning Commission. This application, plat, and all other information are submitted with the full authorization and knowledge of the property owner(s). The undersigned below hereby swears to be the authorized applicant designated by the property owner(s) as representative or agent for the property owner(s) and therefore authorized to make said application and submit said documents on this request. The undersigned authorizes the City to inspect the subject property as necessary in reviewing the above referenced request.

OWNERS/AUTHORIZED
REPRESENTATIVE SIGNATURE: Nick Howell(PRINT NAME) Nick Howell12-6-2022
DATE

City of Opelika
Planning Commission
Planning Department Report

Meeting Date: December 20, 2022

Subdivision: Springhill Heights Revision of Lots 53-58

Agenda Item #: A-1

Action Requested: Preliminary Approval

Location of Property: Corner of Arnold Avenue and Spring Drive

Property Owner(s): 2H Properties LLC
Nick Howell, authorized representative

Current Land Use: Undeveloped

Current Zoning: R-5M

Flood Zone: FEMA Map #01081C0068G – Nov. 2, 2011
Flood Zone “X” – No portion in flood hazard area

Proposal

The applicant is requesting preliminary approval for a three lot subdivision located in a R-5M zone. The property is part of the Block G of Spring Hill Heights subdivision plat that has 25 foot wide lots. This plat redivides six 25’ lots into three lots to meet the minimum 7,500 sf lot size and 60’ lot width requirement for the R-5M zone. The lots range from 8,637 sf to 12,125 sf. A revised plat was emailed Dec 12th providing each lot meets the minimum 60 foot lot width.

The applicant is requesting preliminary plat approval only because public sewer is not adjacent to the lots. The sewer main is on Spring Drive about 140 feet from the lots. The construction of sewer main is required before final plat approval is approved. The applicant will request final plat approval after the lots have access to public sewer.

Staff Recommendation

Planning staff recommends approval subject to each lot meeting the minimum 60 foot lot width requirement.

Engineering Department Report

The Engineering Department has no comments or concerns with the preliminary plat as submitted.

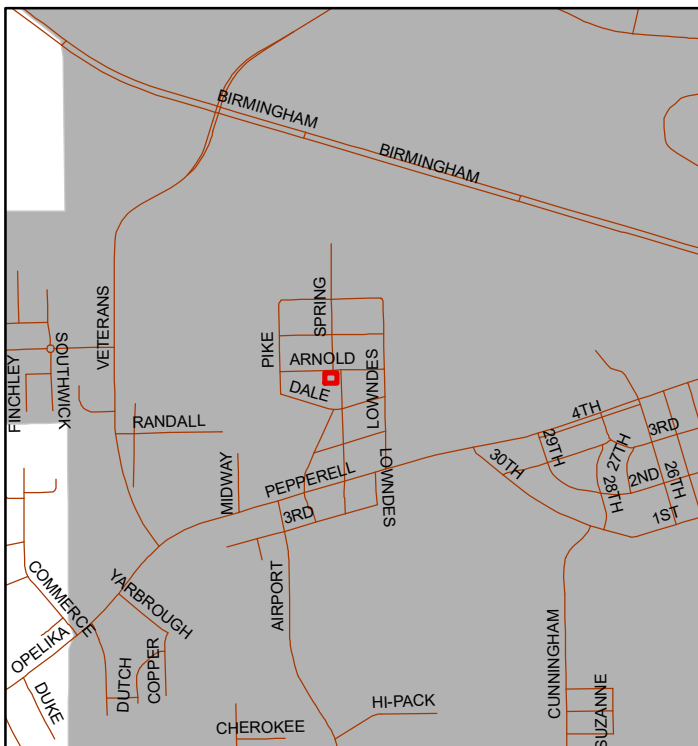
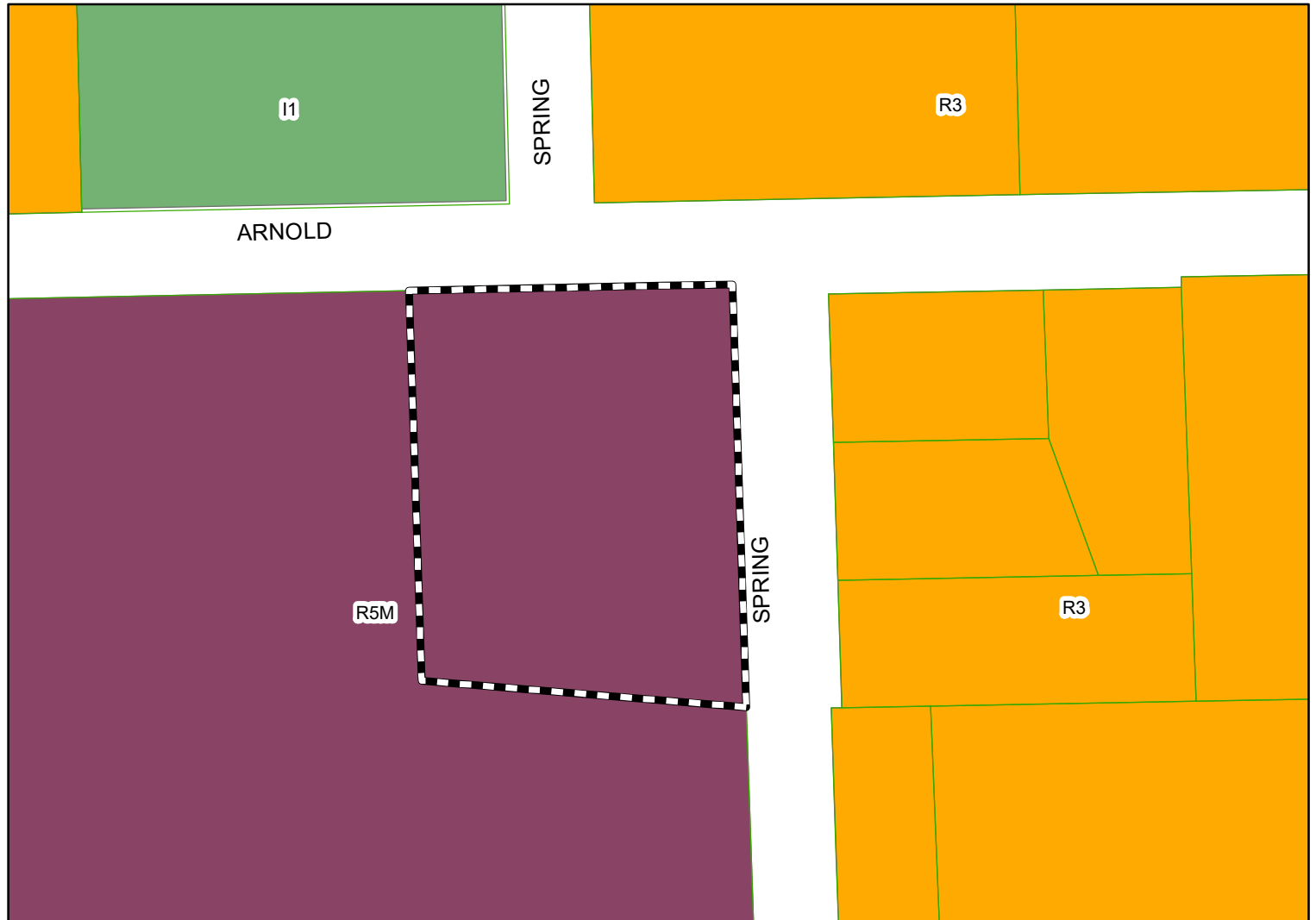
Opelika Utilities Board Report

No comments. Water is available on Spring Street.

Opelika Power Services Report

This is inside the Opelika Power Service territory.

SPRINGHILL HEIGHTS REDIVISION OF LOTS 53-28 SUBDIVISION SW CORNER OF ARNOLD AVENUE AND SPRING DRIVE PRELIMINARY APPROVAL, A-1



The applicant is requesting approval from 6 lots to 3 lots for single family homes. The property is located in a R5M zoning district.



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

SPRINGHILL HEIGHTS SUBDIVISION
BLOCK G
REDIVISION OF LOTS 53 THROUGH 58
SECTION 15 T 19 N R 26 E
OPELIKA LEE COUNTY ALABAMA

State of Alabama
Lee County

I, Michael T. Maher, a Licensed Land Surveyor of Alabama, hereby certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of practice for the surveying in the State of Alabama to the best of my knowledge, information, and belief.

In witness whereof, I have hereunto set my hand and seal on this
the ____ day of _____, 2022.

Michael T. Maher, Alabama License No. 29993
Not a certified survey unless signed and stamped with my seal.

State of Alabama
Lee County

I, Nick Howell, Manager of 2H Properties, LLC, owner of the real property shown on this plat, hereby joins in the statement of Michael T. Maher, and certify that it was and is my purpose to subdivide the lands so platted as shown,

In witness whereof, I have hereunto set my hand on this the ____ day of _____, 2022.

Nick Howell, Manager of 2H Properties, LLC

State of Alabama
Lee County

I, the undersigned authority, a Notary Public in and for said county, in said state, certify that Nick Howell as Manager of 2H Properties, LLC, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this date that, being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

In witness whereof, I have hereunto set my hand and seal on this
the ____ day of _____, 2022.

Notary Public: _____ My commission expires: _____

Approved by the Opelika City Planning Director, Opelika, Alabama:

Director: _____ Date: _____

Approved by the Opelika City Planning Chairman, Opelika, Alabama:

Chairman: _____ Date: _____

Approved by the Opelika Utilities Board, Opelika, Alabama:

Opelika Utilities Board: _____ Date: _____

Approved by the Opelika City Engineer, Opelika, Alabama:

Engineer: _____ Date: _____

Reviewed by Opelika Power Services, Opelika, Alabama:

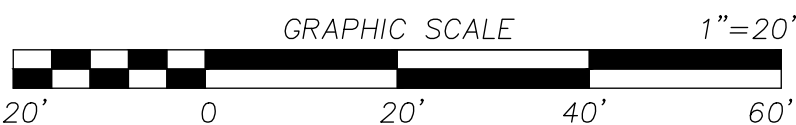
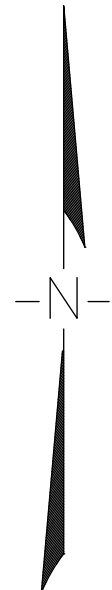
Opelika Power Services: _____ Date: _____

Approved by the Opelika Public Works Department:

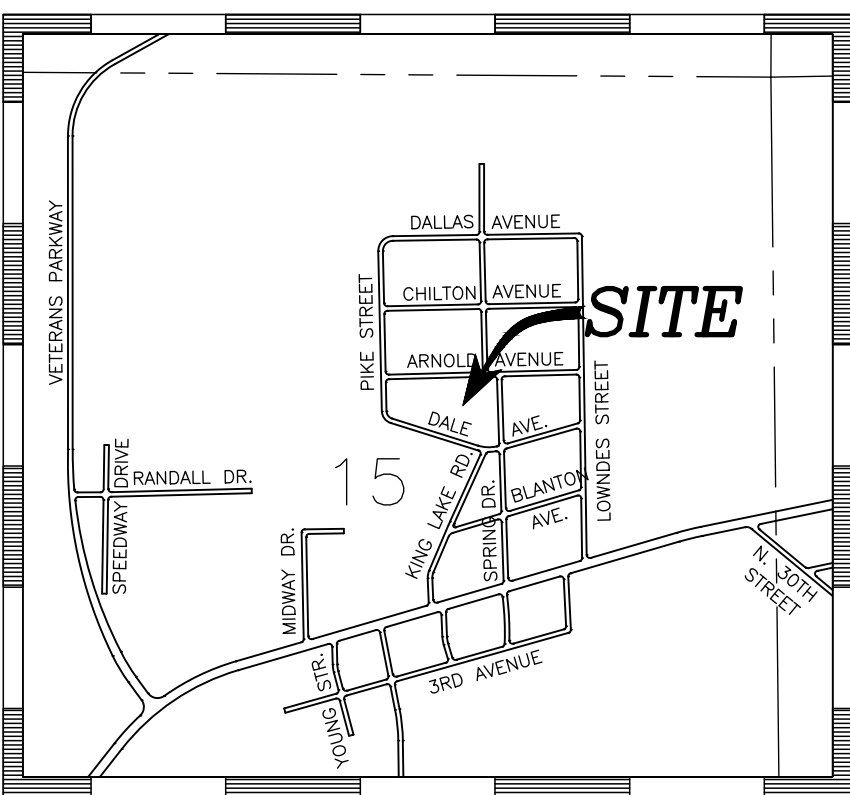
Public Works Director: _____ Date: _____

LEGEND

(M) = MEASURED
(R) = RECORDED
OTP = OPEN TOP PIPE
CTP = CRIMPED TOP PIPE
IPF = IRON PIN FOUND
IPS = IRON PIN SET (CA-788)
CA-788 = PRECISION SURVEYING
● = IRON PIN FOUND
○ = 1/2" REBAR SET (CA-788)
■ = HUB SET
△ = CALCULATED POINT
□ = CONCRETE MONUMENT
⊙ = POWER POLE
-x-x- = WIRE FENCE
-// = WOOD FENCE
○-○ = CHAIN LINK FENCE



VICINITY MAP NOT TO SCALE



NOTES:

- SOURCE OF INFORMATION: DEED BOOK 2157 PAGE 98 AND PLAT BOOK 3, PAGE 12 (SPRINGHILL HEIGHTS SUBDIVISION).
- DATE OF FIELD SURVEY: NOVEMBER 21, 2022
- DATE OFFICE WORK COMPLETED: DECEMBER 2, 2022.
- BEARINGS BASED ON STATE PLANE COORDINATES, NAD 1983, ALABAMA EAST ZONE, US FOOT. COORDINATES SET USING RTK GPS, ALDOT CORRS AS CONTROL.
- AN EASEMENT IS HEREBY GRANTED TO THE CITY OF OPELIKA AND TO ANY UTILITY COMPANIES SERVING THE CITY OF OPELIKA FOR THE PURPOSE OF INSTALLING, OPERATING, AND MAINTAINING POLE LINES, GUY WIRES AND OTHER FACILITIES. EASEMENT TO BE TEN (10) FEET WIDE AND SHALL BE CENTERED ALONG THE FRONT AND SIDE LOT LINES OF EACH LOT.
- NO PORTION OF THIS PROPERTY LIES WITHIN THE 100 YR FLOOD PLAIN PER FEMA FIRM PANEL 01081C00686, DATED 11-2-2011.
- GROSS AREA: 26,680 S.F.
- OVERALL BLOCK LENGTH ALONG ARNOLD STREET BY PLAT IS 725'. MEASURED BLOCK LENGTH IS 722.09'. THE FRONTAGE ALONG ARNOLD STREET IS PRORATED ALONG ARNOLD STREET.

Seal

Drawn By:

MTM

Scale:

1"=20'

File Name:

22-0669-SD1

Date:

12-6-2022

PRECISION
SURVEYING

Sheet Title:

SPRINGHILL HEIGHTS SUBDIVISION
BLOCK G
REDIVISION OF LOTS 53 THROUGH 58

2124 Moores Mill Road
Suite 110
Auburn, Alabama 36830
Phone (334) 821-0105
www.precisionsurveying.biz

SPRINGHILL HEIGHTS SUBDIVISION
BLOCK G
REDIVISION OF LOTS 53 THROUGH 58
SECTION 15 T 19 N R 26 E
OPELIKA LEE COUNTY ALABAMA

State of Alabama
Lee County

I, Michael T. Maher, a Licensed Land Surveyor of Alabama, hereby certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of practice for the surveying in the State of Alabama to the best of my knowledge, information, and belief.

In witness whereof, I have hereunto set my hand and seal on this
the ____ day of _____, 2022.

Michael T. Maher, Alabama License No. 29993
Not a certified survey unless signed and stamped with my seal.

State of Alabama
Lee County

I, Nick Howell, Manager of 2H Properties, LLC, owner of the real property shown on this plat, hereby joins in the statement of Michael T. Maher, and certify that it was and is my purpose to subdivide the lands so platted as shown,

In witness whereof, I have hereunto set my hand on this the ____ day of _____, 2022.

Nick Howell, Manager of 2H Properties, LLC

State of Alabama
Lee County

I, the undersigned authority, a Notary Public in and for said county, in said state, certify that Nick Howell as Manager of 2H Properties, LLC, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this date that, being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

In witness whereof, I have hereunto set my hand and seal on this
the ____ day of _____, 2022.

Notary Public: _____ My commission expires: _____

Approved by the Opelika City Planning Director, Opelika, Alabama:

Director: _____ Date: _____

Approved by the Opelika City Planning Chairman, Opelika, Alabama:

Chairman: _____ Date: _____

Approved by the Opelika Utilities Board, Opelika, Alabama:

Opelika Utilities Board: _____ Date: _____

Approved by the Opelika City Engineer, Opelika, Alabama:

Engineer: _____ Date: _____

Reviewed by Opelika Power Services, Opelika, Alabama:

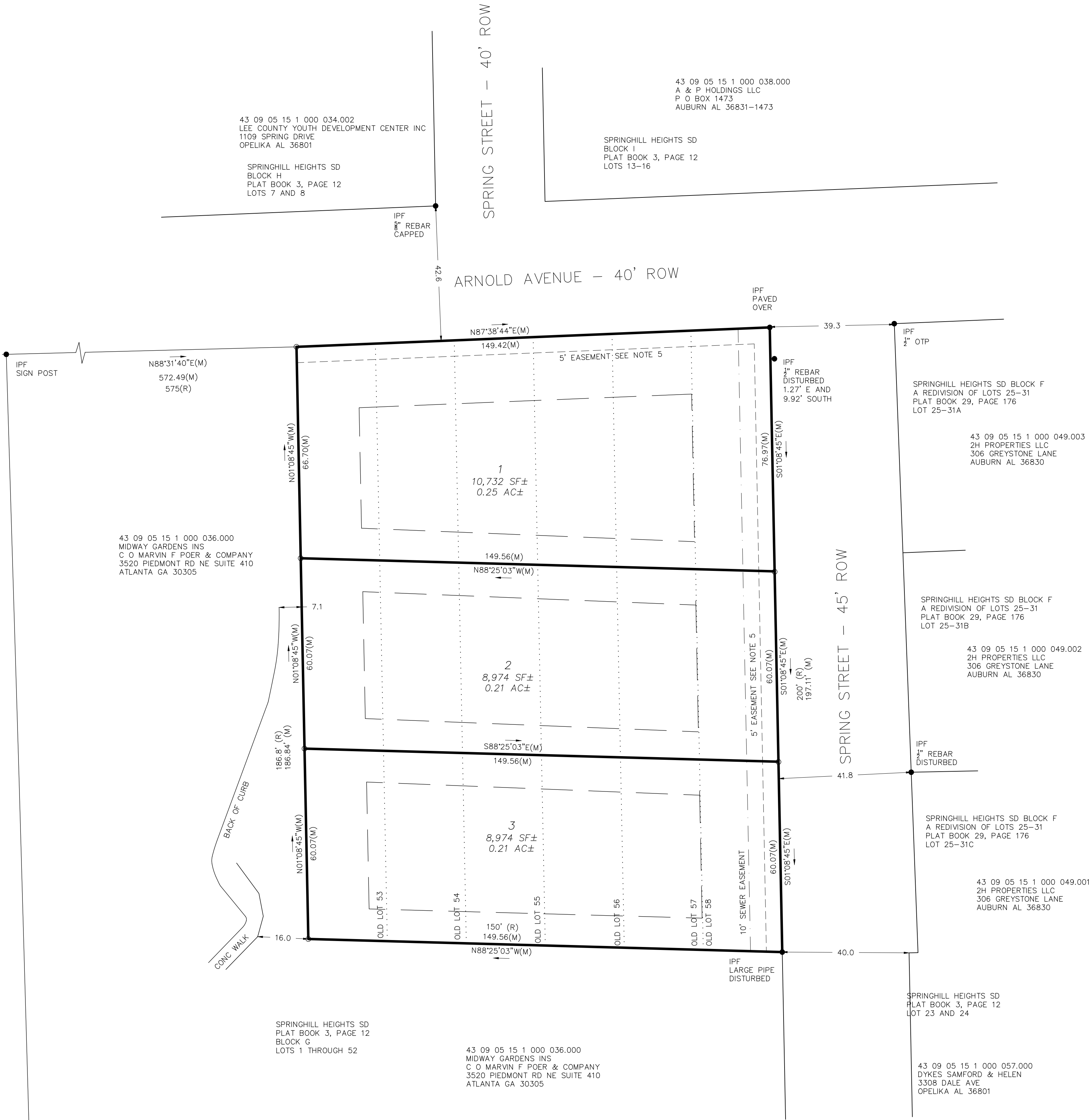
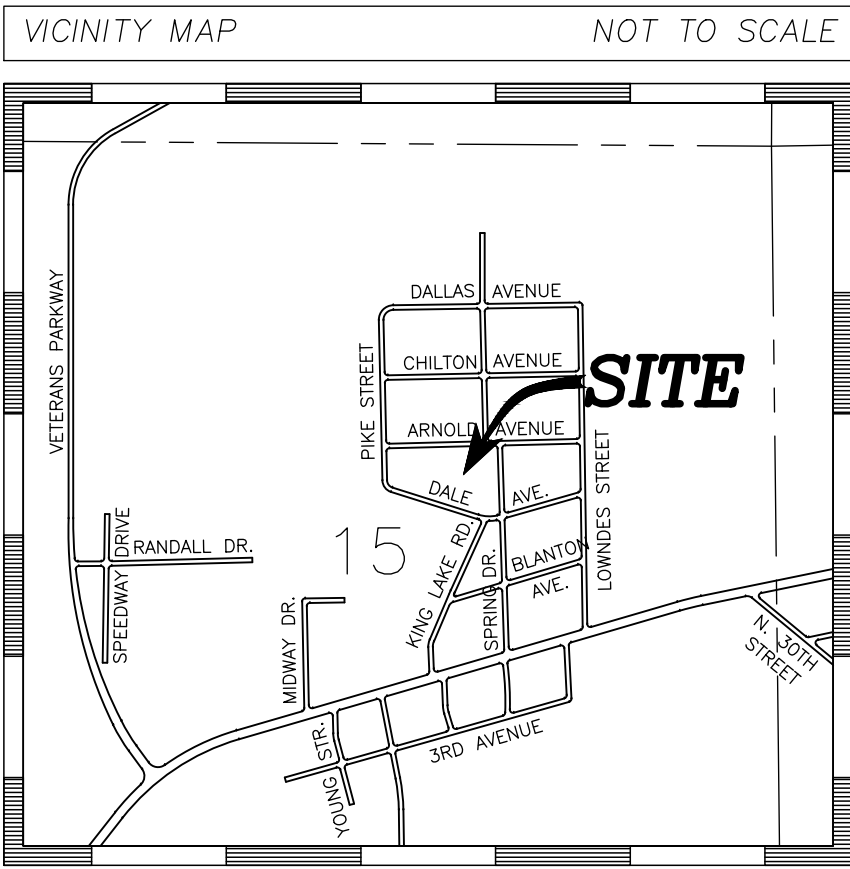
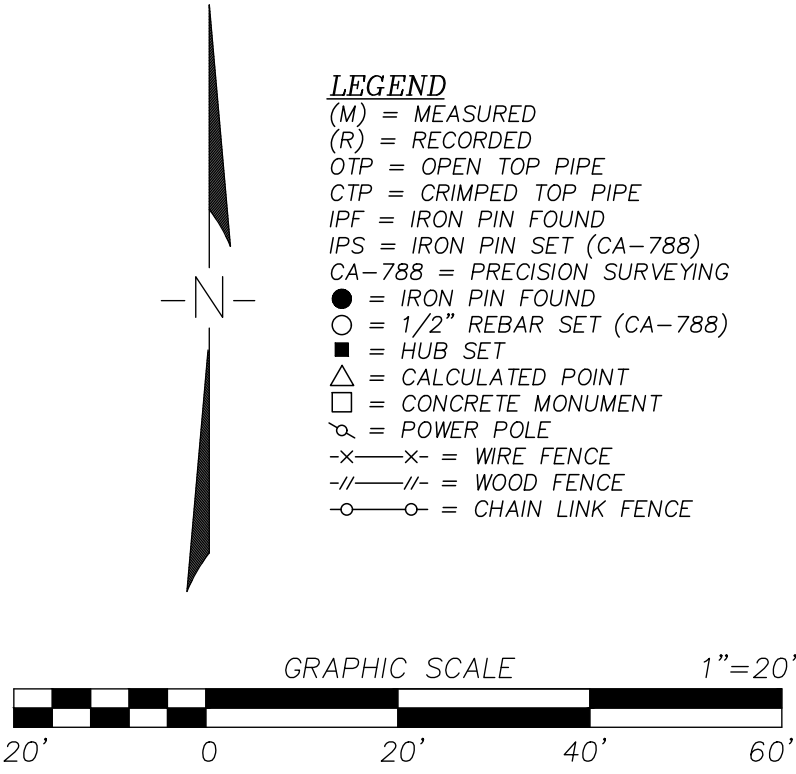
Opelika Power Services: _____ Date: _____

Approved by the Opelika Public Works Department:

Public Works Director: _____ Date: _____

NOTES:

- SOURCE OF INFORMATION: DEED BOOK 2157 PAGE 98 AND PLAT BOOK 3, PAGE 12 (SPRINGHILL HEIGHTS SUBDIVISION).
- DATE OF FIELD SURVEY: NOVEMBER 21, 2022.
- DATE OFFICE WORK COMPLETED: DECEMBER 2, 2022.
- BEARINGS BASED ON STATE PLANE COORDINATES, NAD 1983, ALABAMA EAST ZONE, US FOOT. COORDINATES SET USING RTK GPS, ALDOT CORS AS CONTROL.
- AN EASEMENT IS HEREBY GRANTED TO THE CITY OF OPELIKA AND TO ANY UTILITY COMPANIES SERVING THE CITY OF OPELIKA FOR THE PURPOSE OF INSTALLING, OPERATING, AND MAINTAINING POLE LINES, GUY WIRES AND OTHER FACILITIES. EASEMENT TO BE TEN (10) FEET WIDE AND SHALL BE CENTERED ALONG THE FRONT AND SIDE LOT LINES OF EACH LOT.
- NO PORTION OF THIS PROPERTY LIES WITHIN THE 100 YR FLOOD PLAIN PER FEMA FIRM PANEL 01081C00686, DATED 11-2-2011.
- GROSS AREA: 26,680 S.F.
- OVERALL BLOCK LENGTH ALONG ARNOLD STREET BY PLAT IS 725'. MEASURED BLOCK LENGTH IS 722.09'. THE FRONTAGE ALONG ARNOLD STREET IS PRORATED ALONG ARNOLD STREET.





**APPLICATION FOR
SUBDIVISION APPROVAL**
PLANNING DEPARTMENT
700 FOX TRAIL
OPELIKA, AL 36801

3202



DEADLINE: 12/16/22 MEETING: 12/20/22

SITE ADDRESS: Morris Avenue

PROPERTY OWNER: BC Stone Homes, LLC

APPLICANT/AUTHORIZED REPRESENTATIVE: Blake Rice, Barrett-Simpson, Inc.

MAILING ADDRESS: 223 S. 9th St. Opelika, AL 36801

PHONE NUMBER: 334-745-7026 **FAX NUMBER:** 334-745-4367

EMAIL ADDRESS: brice@barrett-simpson.com

TYPE OF PLAT APPROVAL REQUESTED

☐ SKETCH PLAN ☐ ADMINISTRATIVE ☒ PRELIMINARY ☒ FINAL

Does the subdivision require any other official action by the City? No

☐ Annexation ☐ Rezoning ☐ Other _____

PARCEL INFORMATION

Subdivision Name: Morris Avenue Townhomes

Current Land Use: Vacant

Current Zoning: R3/R4

Proposed use of the Subdivision: Single-family Res./Townhomes

☒ Residential ☐ Commercial
☐ Manufacturing/Industrial ☐ Office/Institutional

Number of Lots: 23 x \$3.00 = \$69.00

Number of APO: 14 x \$7.00 = \$98.00
(Adjacent Property Owners)

Fee: \$75.00

TOTAL = \$242.00

PAID _____

I, the undersigned, hereby request the Opelika Planning Commission review the Subdivision Plat for (name of subdivision) Morris Avenue Townhomes Subdivision. I understand that I must provide certain information as noted in Section 4.2, Section 4.3, and/or Section 4.4 of the Opelika Subdivision Regulations in order for the Planning Commission to review my plans. The City may require additional information or requirements, or waive certain requirements, at any time during the process. Failure to provide accurate and complete information may result in disapproval by the Planning Department and/or Planning Commission. This application, plat, and all other information are submitted with the full authorization and knowledge of the property owner(s). The undersigned below hereby swears to be the authorized applicant designated by the property owner(s) as representative or agent for the property owner(s) and therefore authorized to make said application and submit said documents on this request. The undersigned authorizes the City to inspect the subject property as necessary in reviewing the above referenced request.

OWNERS/AUTHORIZED REPRESENTATIVE SIGNATURE: Blake Rice

(PRINT NAME) Blake Rice, Barrett-Simpson, Inc.

12/5/22

DATE

City of Opelika
Planning Commission
Planning Department Report

Meeting Date:	December 20, 2022
Subdivision:	Morris Ave Townhomes SD
Agenda Item #:	B-2
Action Requested:	Preliminary and Final Approval
Location of Property:	Morris Avenue
Property Owner(s):	BC Stone Homes, LLC Blake Rice, Barrett-Simpson, authorized representative
Current Land Use:	Undeveloped
Current Zoning:	R-3 and R-4
Flood Zone:	FEMA – Nov 2, 2011 – MAP#01081C0067G – Flood Zone “X” - Area is outside the 0.2% annual chance flooding.

At the June 2020 meeting, the Planning Commission was granted conditional use approval for four (4) single family homes and 18 townhome lots. The 5.69 acre development fronts on Morris Avenue, but all lots will take access off of a private street and parking area. The applicant is seeking preliminary and final plat approval of a 23-lot development. The front four single-family homes will have rear access drives. The 18 townhomes will have parking in the front and a 2.99 acre common area located across the parking.

The single-family lots (Lots 1-4) are zoned R-3. These lots meet the minimum lot requirements including 70 feet in width and 10,000 square foot minimum lot size. Lots 5-22 are zoned R-4 and exceed the minimum lot size for townhomes. They are also consistent with the widths proposed during the conditional use approval (24 feet).

The townhomes take access off of the common area, Lot 23. This needs to include an ingress/egress access easement for the lots. Additionally, townhomes are required to have a 5 foot access easement for each building group to ensure that interior units can access the back yard without going through the home. This needs to be shown or can be added to one of the other rear access easements.

Townhomes do require landscaping that is handled through site plan review and conditional use. The south and west buffers that were noted during conditional use need to be shown on the plat.

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

1. Add the required residential buffers to the west and south property lines.
2. Refuse service should be coordinated with the City of Opelika Environmental Services. If a dumpster is proposed for townhome units an enclosure on all sides required.
3. Provide access easement through the common area for ingress and egress of all lots.
4. Add a note that no direct access to Morris Avenue shall be prohibited for Lots 1-4.
5. Provide the rear 5-foot access easement for each building group.
6. Correct note 11 concerning the area of Lot 23.
7. All utilities shall be underground.
8. If the required sidewalk extends into any individual lot provide an appropriate easement.

Engineering Department Report

The Engineering Department has no comments or concerns with the preliminary and final plat as submitted.

Opelika Utilities Board Report

No Comments.

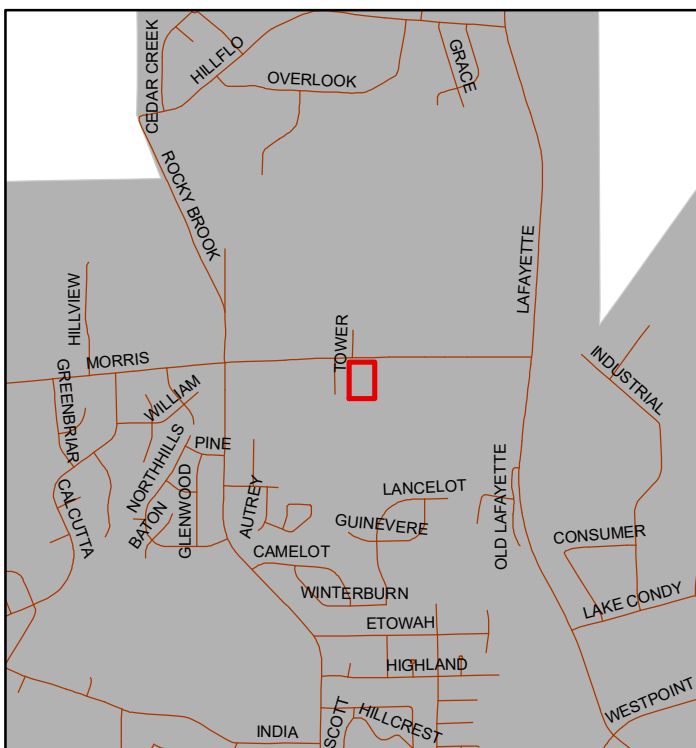
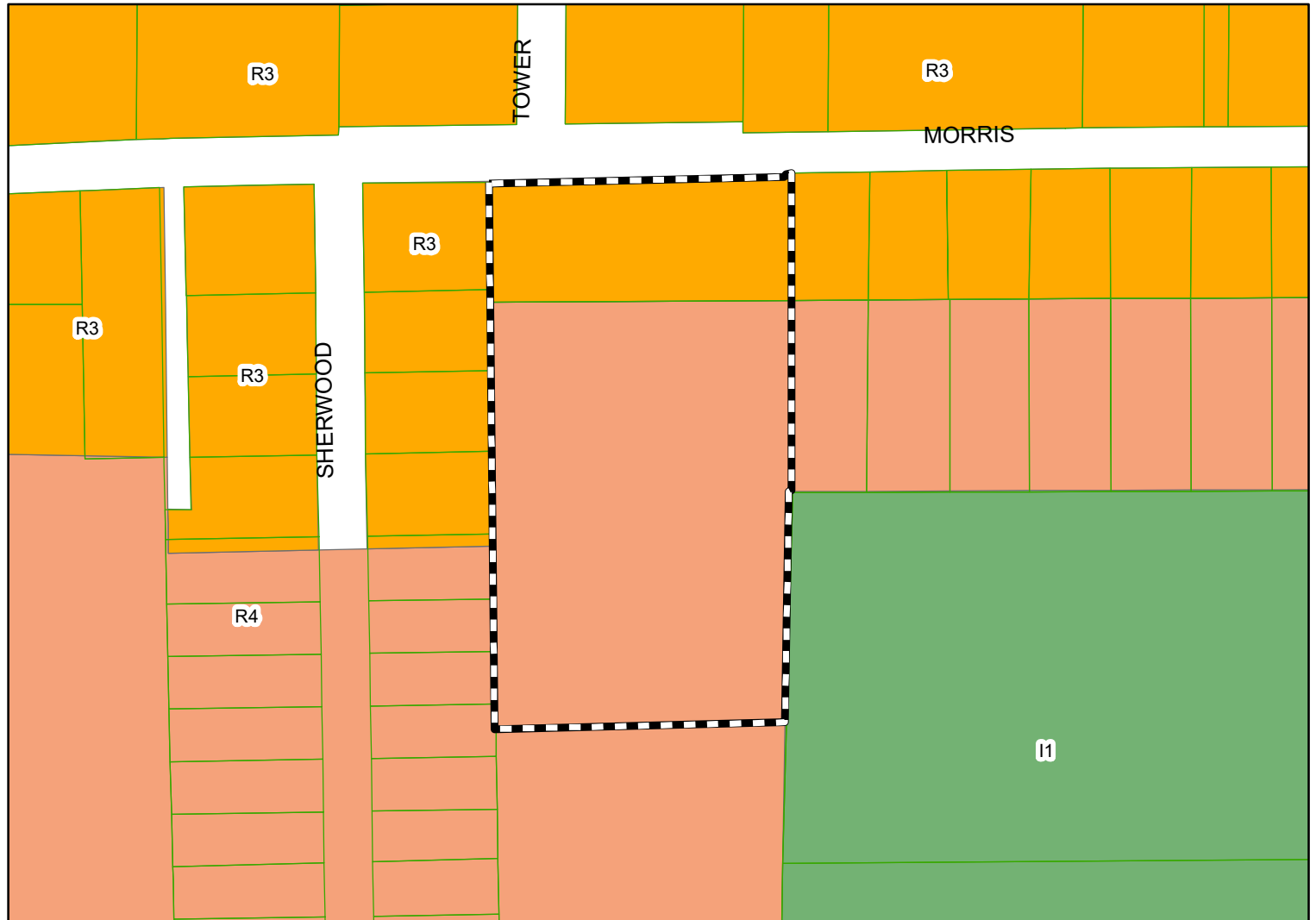
Opelika Power Services Report

This is inside the Opelika Power Service territory.

MORRIS AVENUE TOWNHOMES SUBDIVISION

MORRIS AVENUE

PRELIMINARY AND FINAL APPROVAL



The applicant is requesting approval for 18 townhome lots, 4 single family home lots, and an open space lot. The property is located in a R-3 and R-4 zoning district.

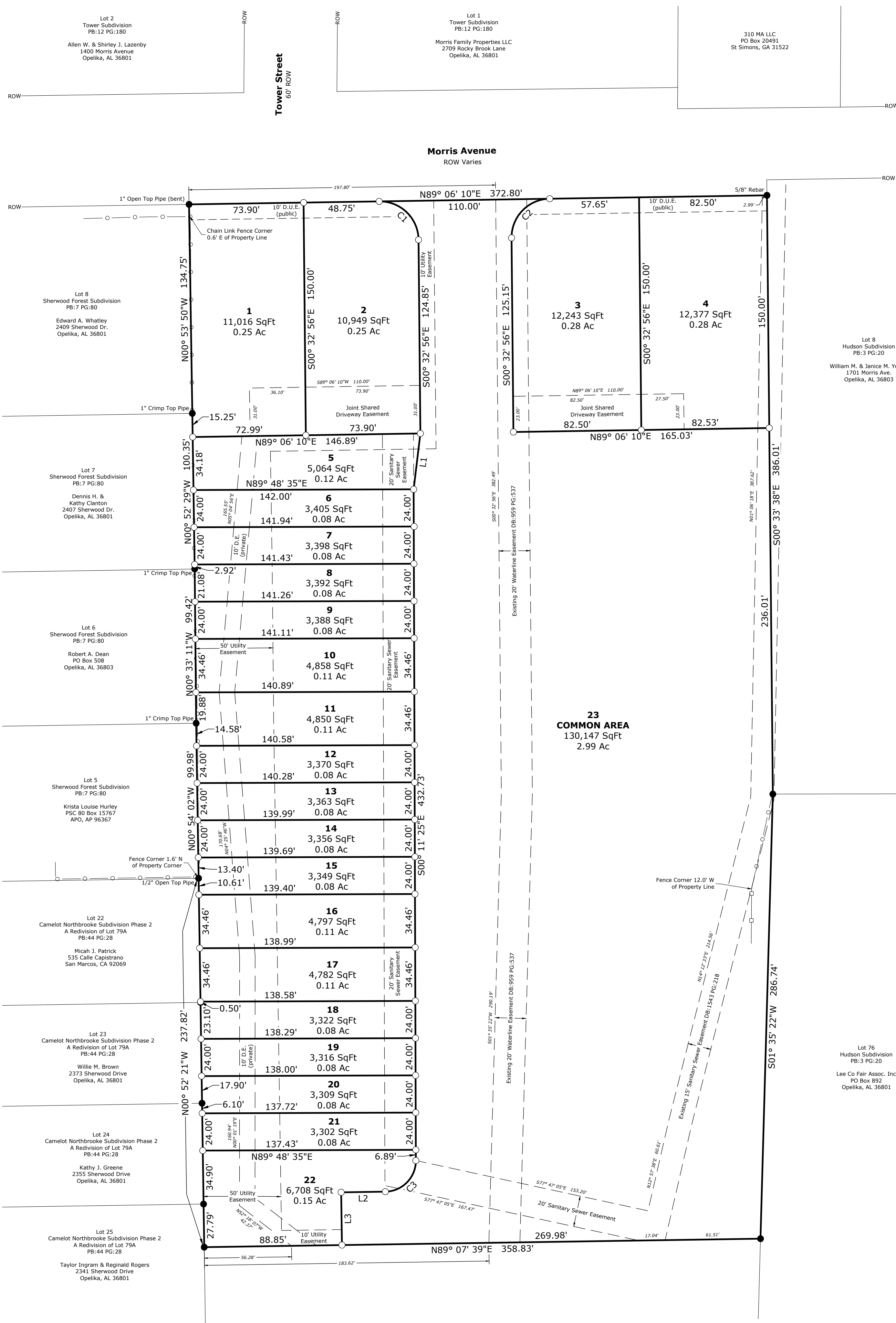


Subject Property

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

FINAL PLAT OF
MORRIS AVENUE TOWNHOMES
A REDIVISION OF LOT 79B OF
CAMELOT NORTHBROOK SUBDIVISION PHASE 2
RECORDED IN PLAT BOOK 43, PAGE 87, PROBATE OFFICE, LEE COUNTY, ALABAMA.

BEING A PART OF SECTION 31, TOWNSHIP 20 NORTH, RANGE 27 EAST,
OPELIKA, LEE COUNTY, ALABAMA



- NOTES:**
- Survey North: Grid North based upon NAD83 State Plane Coordinates, Alabama East Zone, US FOOT, RTK GPS using the ALDOT Cors as reference.
 - Basis for Survey:
-Camelot Northbrook Subdivision Phase 2, Plat Book 43, Page 87, Probate Office, Lee County, Alabama.
 - According to the FEMA FIA NFIP Flood Insurance Map (FIRM), Map No. 01081C0067G, effective November 2, 2011, the subject property is located:
-Zone X (not shaded) - Areas determined to be outside the 0.2% annual chance floodplain.
 - Any common areas shown on this plat shall be maintained by the Homeowners Association adopted and/or established with this plat.
 - An easement is hereby granted to the City of Opelika and to any utility company serving the City of Opelika for the purpose of installing, operating, and maintaining poles, lines, guy wires, and other facilities. Total easement width is ten (10) feet wide with five (5) feet off each side of front and side lot lines.
 - There is a ten (10) foot utility and drainage easement along the right-of-way of each lot.
 - This survey was made without the benefit of an attorney's title opinion of title commitment. The surveyor's search of public records was limited to those matters affecting the boundaries of the subject property only. There may be matters of record, such as conveyances, easements, rights-of-way, etc., that affect the title to the subject property which are not known to the surveyor and not disclosed by this survey.
 - There was no attempt in the field to determine the location of or the extent of possible encroachments beneath the surface.
 - This drawing becomes void if any alterations or changes are made by others.
 - This drawing may not be altered or added to without permission from Barrett-Simpson, Inc.
 - Development Data:
-Total Number of Lots: 23
-Area of Largest Lot: Lot 23 - 2.98 Acres (129,989 Sq. Ft.)
-Area of Smallest Lot: Lot 21 - 0.08 Acres (3,302 Sq. Ft.)
-Total Acreage: 5.69 Acres (248,063 Sq. Ft.)

OPELIKA CERTIFICATES

Approved by the Opelika City Planning Commission, Opelika, Alabama:

Chairman: _____ Date: _____

Accepted by the Opelika City Planner, Opelika, Alabama:

Planner: _____ Date: _____

Approved by the Opelika City Engineer, Opelika, Alabama:

City Engineer: _____ Date: _____

Accepted by the Opelika Public Works Director, Opelika, Alabama:

Public Works Director: _____ Date: _____

Accepted by the Opelika Utilities, Opelika, Alabama:

Opelika Utilities: _____ Date: _____

Accepted by the Opelika Power Services, Opelika, Alabama:

Opelika Power Services: _____ Date: _____

DEDICATION

We, BC Stone Homes LLC, an Alabama limited liability company, and the owners of said lands surveyed by Barrett-Simpson Inc., do hereby certify that title was and is vested in said owners and join in the foregoing statement made by said Barrett-Simpson Inc., and stated in Code of Alabama 1975, § 35-2-50 et seq., do hereby certify that it was and is our intention to divide said lands into lots as shown by said plat and do hereby dedicate, grant, and convey for public use the streets, alleys and public grounds as shown on said plat.

Bryan C. Stone
Managing Member

**ACKNOWLEDGEMENT
STATE OF ALABAMA
LEE COUNTY**

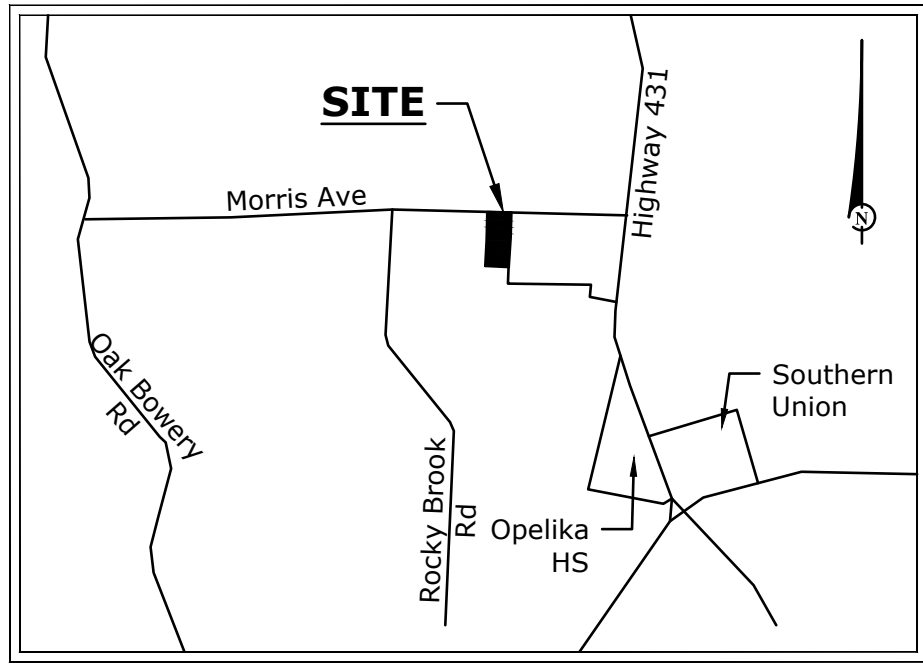
I, _____, a Notary Public in and for said County in said State, hereby certify that Bryan C. Stone, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation on the date of this notary acknowledgment.

Given under my hand this the _____ day of _____, 2022.

Notary Public

My Commission Expires _____

VICINITY MAP
not to scale



LEGEND

- 1/2" Rebar Found - Orange Cap Stamped AL CA 718 LSF000600 (unless otherwise noted)
- 1/2" Rebar Set - Orange Cap Stamped AL CA 718 LSF000600
- DB: Deed Book
- PB: Plat Book
- PG: Page
- (R) Record Bearing or Distance
- (typ.) Typical Example
- ROW Right-of-Way
- N/F Now or Formerly
- D.U.E Drainage and Utility Easement
- D.E. Drainage Easement
- Not to Scale

Curve Table				
Curve #	Arc Length	Radius	Chord Bearing	Chord Distance
C1	39.42'	25.00'	S45° 43' 23"E	35.46'
C2	39.12'	25.00'	S44° 16' 37"W	35.25'
C3	31.18'	20.00'	S44° 28' 07"W	28.12'

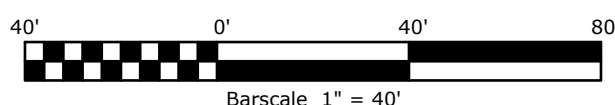
Line Table		
Line #	Length	Direction
L1	36.26'	S06° 53' 49"W
L2	28.50'	S89° 07' 39"W
L3	34.00'	S00° 52' 21"E



BARRETT-SIMPSON, INC.
Engineers & Land Surveyors

LAND SURVEYOR
Jonathan A. Ham
Ala. Reg. PLS No. 34761
Barrett-Simpson, Inc.
223 South 9th Street
Opelika, AL 36801

DEVELOPER
BC Stone Homes LLC
1360 Lafayette Parkway
Lagrange, GA 30241



PROJECT NO: 19-0284

FIELD BY: CAJ

DRAWN BY: BES

FIELD DATE: 12/06/2022

DRAW DATE: 12/06/2022



**APPLICATION FOR
SUBDIVISION APPROVAL**
PLANNING DEPARTMENT
700 FOX TRAIL
OPELIKA, AL 36801



DEADLINE: 12/6/22 MEETING: 12/20/22

SITE ADDRESS: 630 Village Drive
PROPERTY OWNER: Holland Homes and Christy Wynkoop
APPLICANT/AUTHORIZED REPRESENTATIVE: Mike Maher - T.J. Johnson
MAILING ADDRESS: PO Box 1467, Auburn, AL 36831
PHONE NUMBER: 334-821-0105 **FAX NUMBER:** 334-821-4044
EMAIL ADDRESS: mike.precisionsurv@gmail.com

TYPE OF PLAT APPROVAL REQUESTED

☐ SKETCH PLAN ☐ ADMINISTRATIVE ☐ PRELIMINARY ☒ FINAL

Does the subdivision require any other official action by the City? no

☐ Annexation ☐ Rezoning ☐ Other _____

PARCEL INFORMATION

Subdivision Name: Foxrun SD Rediv Lot 1, Phase 1A

Current Land Use: Multi Family

Current Zoning: PUD

Proposed use of the Subdivision: Single Fam Residential Lots

☒ Residential ☐ Commercial
☐ Manufacturing/Industrial ☐ Office/Institutional

Number of Lots: 19 x \$3.00 = \$ 57

Number of APO: 3 x \$7.00 = \$ 21
 (Adjacent Property Owners)

Fee: \$75.00

TOTAL = 153

PAID _____

I, the undersigned, hereby request the Opelika Planning Commission review the Subdivision Plat for (name of subdivision) Foxrun SD Rediv Lot 1, Phase 1A Subdivision. I understand that I must provide certain information as noted in Section 4.2, Section 4.3, and/or Section 4.4 of the Opelika Subdivision Regulations in order for the Planning Commission to review my plans. The City may require additional information or requirements, or waive certain requirements, at any time during the process. Failure to provide accurate and complete information may result in disapproval by the Planning Department and/or Planning Commission. This application, plat, and all other information are submitted with the full authorization and knowledge of the property owner(s). The undersigned below hereby swears to be the authorized applicant designated by the property owner(s) as representative or agent for the property owner(s) and therefore authorized to make said application and submit said documents on this request. The undersigned authorizes the City to inspect the subject property as necessary in reviewing the above referenced request.

OWNERS/AUTHORIZED

REPRESENTATIVE SIGNATURE: 

(PRINT NAME) **Daniel Holland**

12-5-2022

DATE

City of Opelika
Planning Commission
Planning Department Report

Meeting Date: December 20, 2022

Subdivision: Townhomes at Foxrun Village, A Rediv. of Foxrun SD, Phase 1A

Agenda Item #: B-3

Action Requested: Preliminary and Final Approval

Location of Property: Village Drive

Property Owner(s): Holland Homes, LLC
Thomas Johnson and Mike Maher, authorized representatives

Current Land Use: Townhomes on common area

Current Zoning: PUD

Proposal

The applicant is requesting preliminary and final plat approval for 19 lot subdivision for 18 two-story townhomes. The townhome units are attached, sharing a common side wall in either six or seven townhome units grouped together. The units on Lots 8-18 buildings have already been constructed. The townhomes will be sold as individual lots, including front and rear yard areas. The 18 lots meet the minimum yard size requirement and range from 1,840 to 7,879 square feet. The lot widths range from 20 feet to 49.6 feet wide. Each unit will have two parking spaces. Therefore, the 18 townhome lots exceed the 1,800 sf minimum lot size and 20-foot lot width required for townhouse development. Add a note with the setbacks for the townhome lots as 20 feet for the front and rear yards and 5 feet for each side yard. Correct the lot numbering between Lots 5 and 7.

Underground utilities are installed, and sidewalks on at least one side of all streets are shown on the plat. A 5-foot utility and access easement is shown along all rear property lines of each townhome groups. A landscape plan for each townhome group has been submitted and approved by Planning. A 25-foot landscape buffer is required along the rear, with plantings shown on the landscape plan. The HOA (Homeowner's Association) maintains the common area, as stated on the plat in Note #7.

Staff recommends final approval subject to the following:

- 1. Install sidewalks on at least one side of all streets.**
- 2. Install landscaping, grass, and ground cover on all yard areas.**
- 3. All utilities shall be underground.**
- 4. Any fencing by developer/property owners should be consistent on all lots.**
- 5. Add a note with the setbacks for the townhome lots as 20 feet for the front and rear yards and 5 feet for each side yard.**
- 6. Correct the numbering between Lots 5 and 7.**

Engineering Department Report

The Engineering Department has no comments or concerns with the preliminary and final plat as submitted

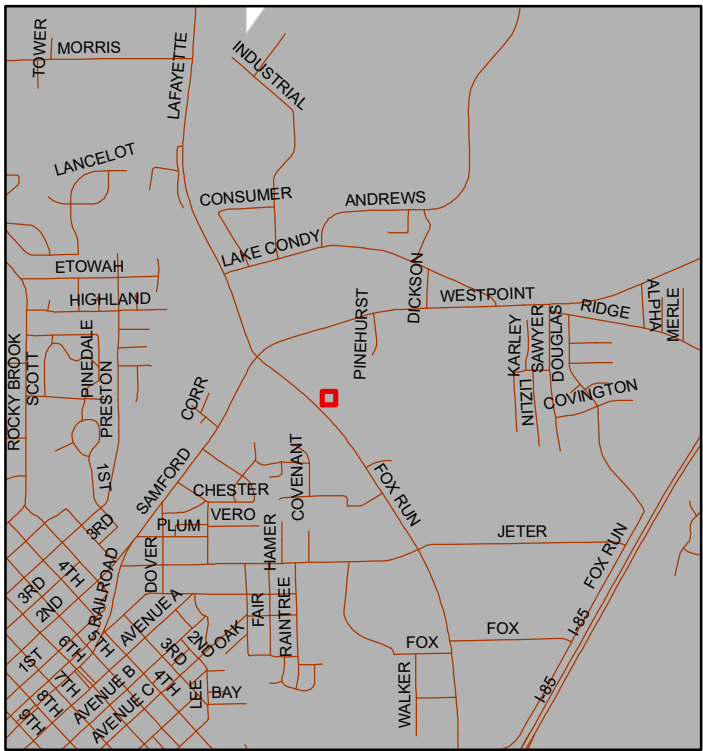
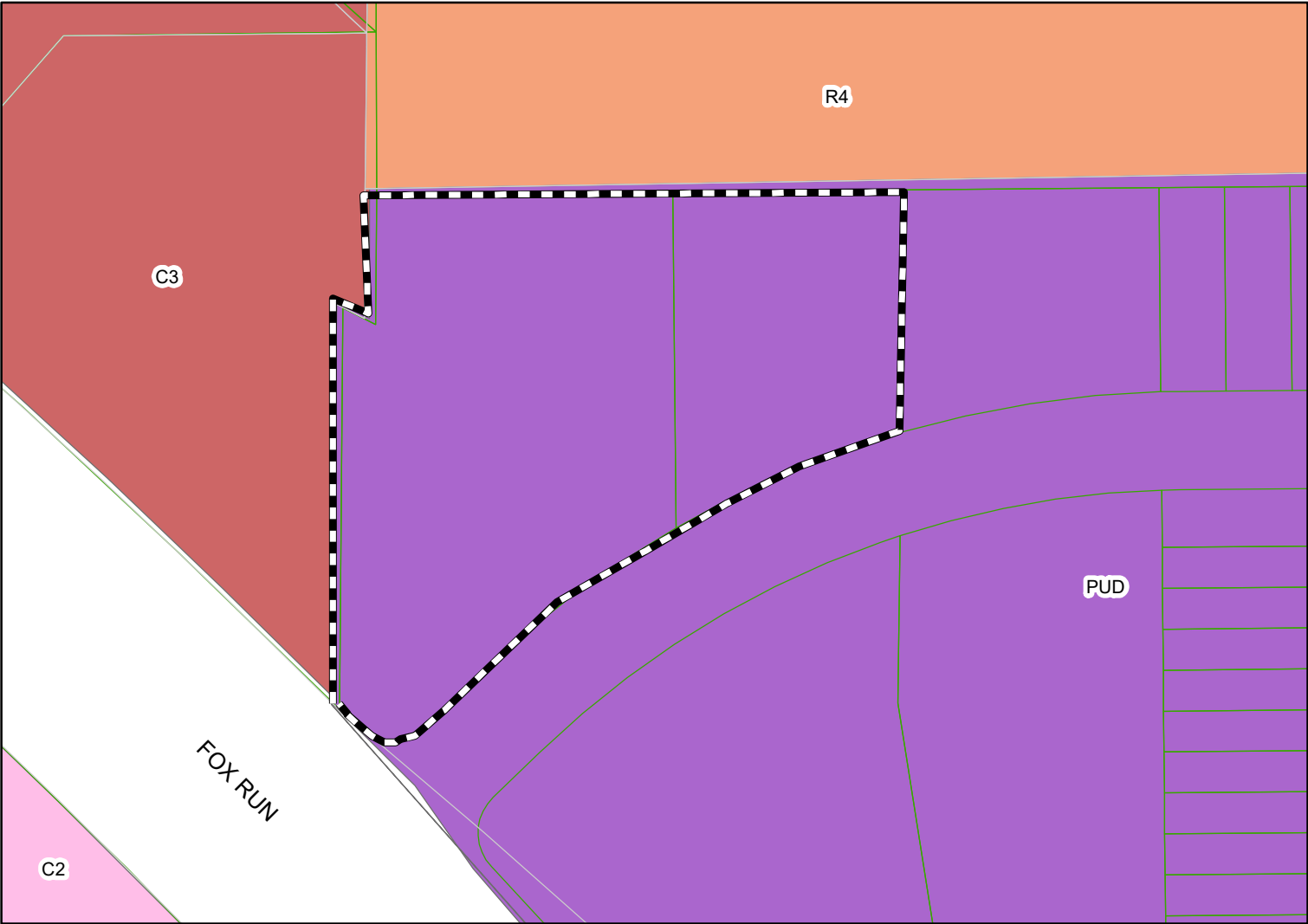
Opelika Utilities Board Report

Water is accessible from Village Dr. Provide design drawings for comment and review. Final Plat approval pending inspection and approval of water infrastructure installed.

Opelika Power Services Report

This is inside the Opelika Power Service territory.

TOWNHOMES AT FOXRUN VILLAGE SUBDIVISION
630 VILLAGE DRIVE
FINAL APPROVAL, B-3



The applicant is requesting approval for 19 townhome lots. The property is located in the Foxrun Village PUD zoning district.



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

TOWNHOMES AT FOXRUN VILLAGE, A REDIVISION OF
FOXRUN SUBDIVISION PHASE 1A
PLAT BOOK 44, PAGE 115
SECTION 5 T 19 N R 27 E
OPELIKA LEE COUNTY ALABAMA

43 10 03 05 3 000 002.002
HAMPTON JAMES O & KUMSUK
145 LEE RD 0581
SMITHS STATION AL 36877

43 10 03 05 4 000 004.000
PINEHURST VILLAS BPG LLC
BROOKHAVEN PROPERTY GROUP LLC
110 HILLSIDE BLVD, SUITE 2
LAKEWOOD NJ 08701

43 10 03 05 4 000 061.000
HOLLAND HOMES LLC
P O BOX 1467
AUBURN AL 36831

State of Alabama
Lee County

I, Michael T. Maher, a Licensed Land Surveyor of Alabama, hereby certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of practice for the surveying in the State of Alabama to the best of my knowledge, information, and belief.

In witness whereof, I have hereunto set my hand and seal on this
the ____ day of _____, 2022.

Michael T. Maher, Alabama License No. 29993
Not a certified survey unless signed and stamped with my seal.

State of Alabama
Lee County

I, Daniel Holland, Manager of Holland Homes, LLC, owner of the real property shown on this plat, hereby joins in the statement of Michael T. Maher, and certify that it was and is my purpose to subdivide the lands so platted as shown.

In witness whereof, I have hereunto set my hand on this the ____ day of _____, 2022.

Daniel Holland, Manager of Holland Homes LLC

State of Alabama
Lee County

I, the undersigned authority, a Notary Public in and for said county, in said state, certify that Daniel Holland, as Manager of Holland Homes LLC, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this date that, being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

In witness whereof, I have hereunto set my hand and seal on this
the ____ day of _____, 2022.

Notary Public: _____ My commission expires: _____

State of Alabama
Lee County

I, Christina Anemaet Wynkoop, owner of the real property shown on this plat, hereby joins in the statement of Michael T. Maher, and certify that it was and is my purpose to subdivide the lands so platted as shown.

In witness whereof, I have hereunto set my hand on this the ____ day of _____, 2022.

Christina Anemaet Wynkoop

State of Alabama
Lee County

I, the undersigned authority, a Notary Public in and for said county, in said state, certify that Christina Anemaet Wynkoop, as owner of a portion of this property, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this date that, being informed of the contents of the instrument, she executed the same voluntarily on the day the same bears date.

In witness whereof, I have hereunto set my hand and seal on this
the ____ day of _____, 2022.

Notary Public: _____ My commission expires: _____

Approved by the Opelika City Planning Director, Opelika, Alabama:

Director: _____ Date: _____

Approved by the Opelika City Planning Chairman, Opelika, Alabama:

Chairman: _____ Date: _____

Approved by the Opelika Utilities Board, Opelika, Alabama:

Opelika Utilities Board: _____ Date: _____

Approved by the Opelika City Engineer, Opelika, Alabama:

Engineer: _____ Date: _____

Reviewed by Opelika Power Services, Opelika, Alabama:

Opelika Power Services: _____ Date: _____

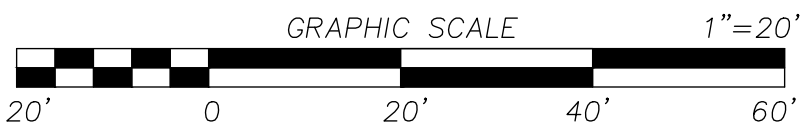
Approved by the Opelika Public Works Department:

Public Works Director: _____ Date: _____

NOTES:

- BEARINGS BASED ON THE NORTHERN LINE OF LOT 1, FOXRUN SUBDIVISION, PHASE 1A AS TAKEN FROM PLAT BOOK 44 AT PAGE 115.
- SOURCE OF INFORMATION: PLAT BOOK 44, PAGE 115 AND CONDO BOOK 5, PAGE 7.
- OFFICE WORK COMPLETED NOVEMBER 17, 2022.
- FIELD WORK COMPLETED DECEMBER 2, 2022.
- TOTAL AREA = 1.81 ACRES± LOT 1A
- NO PORTION OF THIS LOT (LOT 1A) LIES WITHIN THE 100 YEAR FLOOD PLAIN PER FEMA FIRM PANEL 010810000C DATED SEPT 2, 2011.
- AN EASEMENT IS HEREBY GRANTED TO THE CITY OF OPELIKA AND TO ANY UTILITY COMPANIES SERVING THE CITY OF OPELIKA FOR THE PURPOSE OF INSTALLING, OPERATING, AND MAINTAINING POLE LINES, GUY WIRES AND OTHER FACILITIES. EASEMENT TO BE TEN (10) FEET WIDE AND SHALL BE CENTERED ALONG THE FRONT AND SIDE LOT LINES OF EACH LOT TO THE FACE OF BUILDING.
- OPEN SPACE LOT (LOT 19) SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION AND IS A INGRESS, EGRESS AND PARKING EASEMENT.
- ALL UTILITIES SHALL BE UNDERGROUND.
- GROSS ACREAGE: 1.81 AC ± 78,842 SF±.
- THE LOT AREAS DESCRIBE THE ENTIRE LOT ON WHICH THEY SIT, INCLUDING THE AREA IN THE HOME.
- THE RESIDENTIAL BUFFER IS IN PLACE FOR THE LANDSCAPE PLAN. PLANTINGS IN THE LANDSCAPE PLAN ARE REQUIRED PER CITY PLANNING ORDINANCES AND MUST REMAIN AND BE MAINTAINED PER SAID LANDSCAPING PLAN.

LEGEND
(M) = MEASURED
(R) = RECORDED
OTP = OPEN TOP PIPE
CTP = CRIMPED TOP PIPE
IPF = IRON PIN FOUND
IPF = IRON PIN SET (CA-788)
CA-788 = PRECISION SURVEYING
IPF = IRON PIN FOUND
IPF = 1/2" REBAR SET (CA-788)
HUB SET
CALCULATED POINT
CONCRETE MONUMENT
POWER POLE
WIRE FENCE
WOOD FENCE
CHAIN LINK FENCE
PRIVATE ELEMENT
COMMON ELEMENT



VICINITY MAP
NOT TO SCALE

Seal	Drawn By: MTM	PRECISION SURVEYING	2124 Moores Mill Road Suite 110 Auburn, Alabama 36890 Phone (334) 821-0105 www.precisionsurveying.biz
	Scale: 1"=20'		
	File Name: 22-0093-SD1		
	Date: 12-2-2022		
		Sheet Title:	FOXRUN SUBDIVISION PHASE 1 REDIVISION OF LOT 1



**APPLICATION FOR
SUBDIVISION APPROVAL**
PLANNING DEPARTMENT
700 FOX TRAIL
OPELIKA, AL 36801

3198



DEADLINE: 12/16/22 MEETING: 12/20/22

SITE ADDRESS: <u>East end of Village Drive</u>		
PROPERTY OWNER: <u>Holland Homes</u>		
APPLICANT/AUTHORIZED REPRESENTATIVE: <u>Mike Maher - T.J. Johnson</u>		
MAILING ADDRESS: <u>PO Box 1467, Auburn, AL 36831</u>		
PHONE NUMBER: <u>334-821-0105</u>		FAX NUMBER: <u>334-821-4044</u>
EMAIL ADDRESS: <u>mike.precisionsurv@gmail.com</u>		
TYPE OF PLAT APPROVAL REQUESTED		
☐ SKETCH PLAN	☐ ADMINISTRATIVE	☐ PRELIMINARY ☒ FINAL
Does the subdivision require any other official action by the City? <u>no</u>		
☐ Annexation	☐ Rezoning	☐ Other _____
PARCEL INFORMATION		
Subdivision Name: <u>Foxrun SD Rediv Lot 1, Phase 1A</u> ^{2B}		Number of Lots: <u>74</u> x \$3.00 = \$ <u>222</u>
Current Land Use: <u>vacant - future single fam lots</u>		Number of APO: <u>5</u> x \$7.00 = \$ <u>35</u> (Adjacent Property Owners)
Current Zoning: <u>PUD</u>		Fee: <u>\$75.00</u>
Proposed use of the Subdivision: <u>Single Fam Residential Lots</u>		TOTAL = <u>332</u>
☒ Residential ☐ Commercial ☐ Manufacturing/Industrial ☐ Office/Institutional		PAID _____
I, the undersigned, hereby request the Opelika Planning Commission review the Subdivision Plat for (name of subdivision) <u>Foxrun SD Rediv Lot 1, Phase 1A</u> Subdivision. I understand that I must provide certain information as noted in Section 4.2, Section 4.3, and/or Section 4.4 of the Opelika Subdivision Regulations in order for the Planning Commission to review my plans. The City may require additional information or requirements, or waive certain requirements, at any time during the process. Failure to provide accurate and complete information may result in disapproval by the Planning Department and/or Planning Commission. This application, plat, and all other information are submitted with the full authorization and knowledge of the property owner(s). The undersigned below hereby swears to be the authorized applicant designated by the property owner(s) as representative or agent for the property owner(s) and therefore authorized to make said application and submit said documents on this request. The undersigned authorizes the City to inspect the subject property as necessary in reviewing the above referenced request.		
OWNERS/AUTHORIZED REPRESENTATIVE SIGNATURE: <u>[Signature]</u>		12-5-2022 DATE
(PRINT NAME) <u>Daniel Holland</u>		

City of Opelika
Planning Commission
Planning Department Report

Meeting Date:	December 20, 2022
Subdivision:	Foxrun Subdivision, Phase 2B
Agenda Item #:	C-4
Action Requested:	Final Approval
Location of Property:	Village Drive
Property Owner(s):	Holland Homes, LLC Thomas Johnson and Mike Maher, authorized representatives
Current Land Use:	Under construction: Single-family homes and Twin-homes
Current Zoning:	PUD
Flood Zone:	A portion of Lot 130 lies within the 100 year flood plain per FEMA FIRM PANEL Nov 2, 2011 – MAP#01081C0090G

The applicant requests final plat approval for a 73-lot subdivision of a 248-lot subdivision located in the Fox Run Village PUD zoning district. The master plan and zoning were approved by City Council in September 2019. The plat consists of 41 single-family lots, 32 twin-home lots and one open space lot.

The proposed single-family home lots are located on Village Drive and Woodland Circle. The master plan requires a minimum lot size of 4,200 square feet and a minimum 40-foot lot width for single-family home lots. The single-family home lots range from 4,543 to 9,099 square feet; most are at least 40 feet wide. Revise the minimum width for Lot 208. The minimum building setbacks for single-family home lots as noted on the plat are 20 feet for the front and rear yard and 5 feet for each side yard. A 10-foot buffer yard is along the rear property line of the lots that front on Village Drive (Lots 137-144). In June 2021, a minor amendment added a 10-foot side yard on street setback and four 1” caliper trees planted as a buffer on corner lots; include this on plat note #10.

The proposed twin-home lots are located on Village Drive and Hidden Den Trail. The master plan requires a minimum lot size of 3,000 square feet and a minimum 25-foot lot width for twin-home lots. The twin-home lots range from 3,307 to 4,255 square feet; all are at least 27 feet wide. The minimum building setbacks for twin-home lots, as noted on the plat, are 10 feet for the front, 20 feet for the rear yard, and 5 feet for each side yard. In June 2021, a minor amendment added

a 10-foot side yard on street setback and four 1” caliper trees planted as a buffer on corner lots; include this on plat note #9.

The open space lot is Lot 130, a large portion is in the 100-year flood plain. Note #8 on the plat states that lots 129 and 130 are maintained by the homeowner’s association (Lot 129 is part of a recent plat). The master plan narrative states that the open space will remain mostly undisturbed vegetation and provide buffers between the different residential or commercial uses.

Underground utilities are required, and sidewalks are required on at least one side of the street. The proposed plat largely complies with the approved master plan and the subdivision regulations. However, the rain has delayed construction; the base has yet to be laid.

Staff recommends applicant request to table final plat approval. If the commission so desires to move forward with this plat approval, the final plat signatures should be held until the base and 1st layer of asphalt is installed and subject to the following:

- 1. Underground utilities are required.**
- 2. Sidewalks are required on at least one side of the street.**
- 3. Add to the plat notes a 10-foot side yard on street setback and four 1” caliper trees planted as a buffer on corner lots.**
- 4. The Fox Run Village master plan narrative states open space will remain mostly undisturbed vegetation and provide buffers between different types of residential or commercial uses. Note on plat any specific use that will be allowed for Lot 130.**
- 5. Revise the minimum width for Lot 208.**

Engineering Department Report

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.

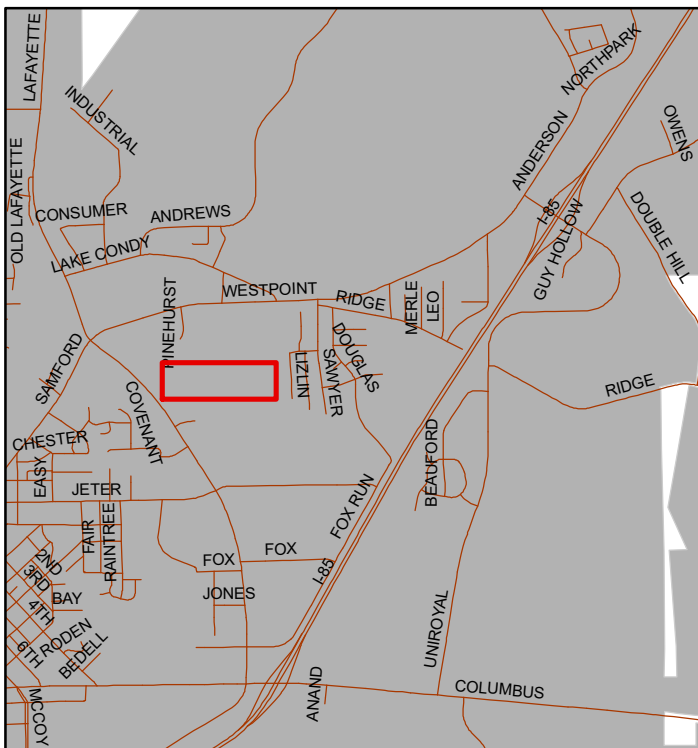
A Certification of Completion will be completed and signed by the Engineering and Public Works Directors prior to the signing of the final plat. There are no other comments or concerns from the Engineering Departments regarding this final plat.

Opelika Utilities Report

Final Plat approval pending inspection and approval of water infrastructure installed.

Opelika Power Services Report

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



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

43 10 03 05 4 000 003.001
BENNETT THOMAS M & DEBRA T
807 WEST POINT PKWY
OPELIKA, AL, 36801

LOT 1
J & N FARMS S D
BENNETT REVISION
PLAT 28-125

43 10 03 05 4 000 003.000
BENNETT THOMAS M & DEBRA T
807 WEST POINT PKWY
OPELIKA, AL, 36801

LOT 2
J & N FARMS S D
BENNETT REVISION
PLAT 28-125

43 10 03 05 4 000 002.000
WARREN AARON M & NATALIE B WARREN
907 WEST POINT PKWY
OPELIKA, AL, 36801

43 10 03 05 4 000 001.000
TIGER TOWN DEVELOPERS LLC
C O BOB ROLADER
SCARBROUGH & ROLADER DEV
270 N JEFF DAVIS DR
FAYETTEVILLE, GA, 30214

LOT 35
THE CHIMNEYS S D
PLAT 44-191

GRID N: 787426.06
GRID E: 803658.77
SCALE FACTOR: 0.99998491
CONVERGENCE: 01°5'31.1880"
ELEV: 792.76'

FOXRUN SUBDIVISION
PHASE 2-B
SECTION 5 T 19 N R 27 E
OPELIKA LEE COUNTY ALABAMA

State of Alabama
Lee County

I, Michael T Maher, a licensed Land Surveyor of Alabama, hereby certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of practice for the surveying in the State of Alabama to the best of my knowledge, information, and belief.

In witness whereof, I have hereunto set my hand and seal on this
the ____ day of _____, 2022.

Michael T Maher, Alabama License No. 29993
Not a certified survey unless signed and stamped with my seal.

State of Alabama
Lee County

I, Daniel Holland, Manager of Holland Homes, LLC, owner of the real property shown on this plat, hereby joins in the statement of Michael T Maher, and certify that it was and is my purpose to subdivide the lands so platted as shown.

In witness whereof, I have hereunto set my hand on this the ____ day of _____, 2022.

Daniel Holland, Manager of Holland Homes LLC

State of Alabama
Lee County

I, the undersigned authority, a Notary Public in and for said county, in said state, certify that Daniel Holland, as Manager of Holland Homes LLC, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this date that, being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

In witness whereof, I have hereunto set my hand and seal on this
the ____ day of _____, 2022.

Notary Public: _____ My commission expires: _____

Approved by the Opelika City Planning Director, Opelika, Alabama:

Director: _____ Date: _____

Approved by the Opelika City Planning Chairman, Opelika, Alabama:

Chairman: _____ Date: _____

Approved by the Opelika Utilities Board, Opelika, Alabama:

Opelika Utilities Board: _____ Date: _____

Approved by the Opelika City Engineer, Opelika, Alabama:

Engineer: _____ Date: _____

Reviewed by Opelika Power Services, Opelika, Alabama:

Opelika Power Services: _____ Date: _____

Approved by the Opelika Public Works Department:

Public Works Director: _____ Date: _____

43 10 03 05 4 000 001.000
TIGER TOWN DEVELOPERS LLC
C O BOB ROLADER
SCARBROUGH & ROLADER DEV
270 N JEFF DAVIS DR
FAYETTEVILLE, GA, 30214

OWNER/DEVELOPER:
HOLLAND HOMES
421 OPELIKA RD
AUBURN, AL 36830

NOTES:

- SOURCE OF INFORMATION: DEED BOOK 2589 PAGE 669, FOX RUN SUBDIVISION PHASE 1C RECORDED IN PLAT BOOK 46 PAGE 46; FOX RUN SUBDIVISION PHASE 1B RECORDED IN PLAT BOOK 45 PAGE 60
- DATE OF FIELD SURVEY: NOVEMBER 21, 2022
- DATE OF OFFICE WORK COMPLETED: DECEMBER 2, 2022
- BEARINGS BASED ON STATE PLANE COORDINATES, NAD 1983, ALABAMA EAST ZONE, US FOOT. COORDINATES SET USING RTK GPS, ADJUSTED CORRS AS CONTROL
- WETLANDS CURRENTLY HAVE BEEN DELINEATED AND NO WETLANDS ARE PRESENT ON THESE SINGLE FAMILY OR TWIN HOME LOTS. WETLANDS ARE ALL IN OPEN SPACE LOTS OR FUTURE DEVELOPMENT
- AN EASEMENT IS HEREBY GRANTED TO THE CITY OF OPELIKA AND TO ANY UTILITY COMPANIES SERVING THE CITY OF OPELIKA FOR THE PURPOSE OF INSTALLING, OPERATING, AND MAINTAINING POLE LINES, GUY WIRES AND OTHER FACILITIES. EASEMENT TO BE TEN (10) FEET WIDE AND SHALL BE CENTERED ALONG THE FRONT AND SIDE LOT LINES OF EACH LOT.
- A PORTION OF LOT 130 LIES WITHIN THE 100 YR FLOOD PLAIN PER FEMA FIRM PANEL 101081C00906, DATED 11-2-2011.
- OPEN SPACE LOTS (LOT 130 & 129) SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
- TWIN HOUSE SETBACKS = 10' FRONT, 20' REAR, 5' SIDE SETBACK
- SINGLE FAMILY SETBACKS = 20' FRONT, 20' REAR, 5' SIDE SETBACK
- GROSS ACREAGE: 9.51 AC = 414,664.7 S.F.
- ALL UTILITIES SHALL BE UNDERGROUND.
- SIDEWALKS SHALL BE REQUIRED ON ONE SIDE OF EACH STREET.

ELEV: 769.38
GRID N: 786603.46
GRID E: 803650.37
SCALE FACTOR: 0.99998491
CONVERGENCE: 01°5'31.0542"

LOT 35
THE CHIMNEYS S D
PLAT 44-191

POC
SE COR
SEC 5 T 19 N R 27 E
OPELIKA, LEE COUNTY, ALABAMA

Seal	Drawn By: MTM	PRECISION SURVEYING	2124 Moores Mill Road Suite 110 Auburn, Alabama 36830 Phone (334) 821-0105 www.precisionsurveying.biz
	Scale: 1"=60'		
	File Name: 22-0402-SD1		
	Date: 12-2-2022		
Sheet Title: FOXRUN SUBDIVISION PHASE 2-B FINAL PLAT			

43 10 03 05 4 000 105.000
43 10 03 05 4 000 106.000
43 10 03 05 4 000 107.000
43 10 03 05 4 000 108.000
43 10 03 05 4 000 109.000
43 10 03 05 4 000 110.000
43 10 03 05 4 000 111.000
43 10 03 05 4 000 112.000
43 10 03 05 4 000 113.000
43 10 03 05 4 000 114.000
43 10 03 05 4 000 115.000
43 10 03 05 4 000 116.000
43 10 03 05 4 000 117.000
43 10 03 05 4 000 118.000
43 10 03 05 4 000 119.000
43 10 03 05 4 000 120.000
43 10 03 05 4 000 121.000
43 10 03 05 4 000 122.000
43 10 03 05 4 000 123.000
43 10 03 05 4 000 101.000

Holland Homes
421 Opelika Road
Auburn, AL, 36830

FOXRUN PHASE
1C PB46 PG46

FOXRUN PHASE
1C PB46 PG46

FOXRUN PHASE
1C PB46 PG46

FOXRUN PHASE
1C PB46 PG46

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FOXRUN PHASE
1C PB46 PG46

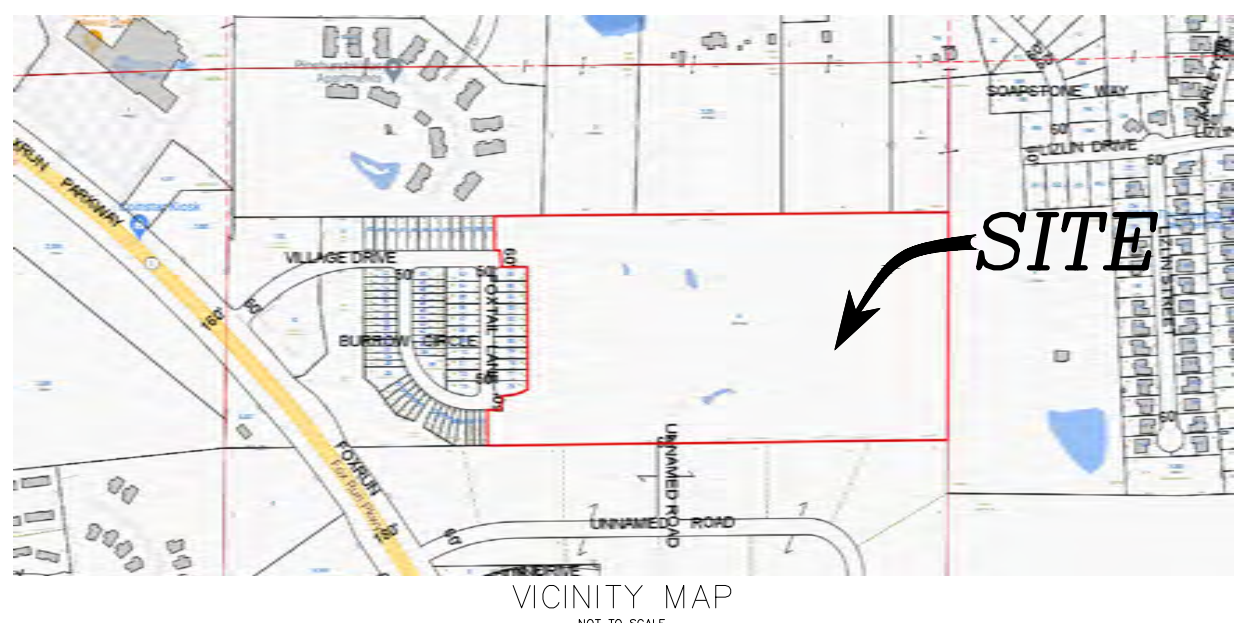
FOXRUN PHASE
1C PB46 PG46

FOXRUN PHASE
1C PB46 PG46

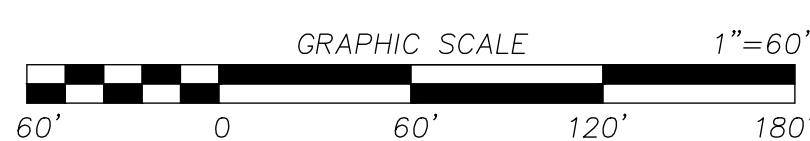
FOXRUN PHASE
1C PB46 PG46

FOXRUN PHASE
1C PB46 PG46

FOXRUN PHASE
1C PB46 PG46



LEGEND
(M) = MEASURED
(R) = RECORDED
OTP = OPEN TOP PIPE
CTP = CRIMPED TOP PIPE
IPF = IRON PIN FOUND
IPS = IRON PIN SET (CA-788)
CA-788 = PRECISION SURVEYING
● = IRON PIN FOUND
○ = 1/2" REBAR SET (CA-788)
■ = HUB SET
△ = CALCULATED POINT
□ = CONCRETE MONUMENT
x = POWER POLE
-x- = WIRE FENCE
-// = WOOD FENCE
-o-o- = CHAIN LINK FENCE



Curve Table				
Curve #	Length	Radius	CHORD BEARING	CHORD DIST
C1	47.124	30.000	N45°30'53"W	42.43
C2	15.652	30.000	N14°25'49"E	15.47
C3	8.902	30.000	N37°52'38"E	8.87
C4	44.544	50.000	S20°51'21"W	43.09
C5	29.075	50.000	S21°19'29"E	28.67
C6	25.616	50.000	S52°39'36"E	25.34
C7	41.165	50.000	N89°04'40"E	40.01
C8	30.070	50.000	N48°15'48"E	29.62
C9	22.668	30.000	S52°40'51"W	22.13
C10	7.936	30.000	S81°54'22"W	7.91
C11	47.124	30.000	S44°29'06"W	42.43
C12	47.124	30.000	N45°30'54"W	42.43
C13	47.124	30.000	S44°29'06"W	42.43
C14	47.124	30.000	S45°30'54"E	42.43
C15	47.124	30.000	N44°29'06"E	42.43
C16	47.124	30.000	S45°30'54"E	42.43



**APPLICATION FOR
SUBDIVISION APPROVAL**
PLANNING DEPARTMENT
700 FOX TRAIL
OPELIKA, AL 36801

3201

DEADLINE: 12/6/22 MEETING: 12/20/22

SITE ADDRESS: <u>Lee Road 2232</u>			
PROPERTY OWNER: <u>Steven W. Corbett</u>			
APPLICANT/AUTHORIZED REPRESENTATIVE: <u>Blake Rice, Barrett-Simpson, Inc.</u>			
MAILING ADDRESS: <u>223 S. 9th St. Opelika, AL 36801</u>			
PHONE NUMBER: <u>334-745-7026</u>		FAX NUMBER: <u>334-745-4367</u>	
EMAIL ADDRESS: <u>brice@barrett-simpson.com</u>			
TYPE OF PLAT APPROVAL REQUESTED			
☐ SKETCH PLAN	☐ ADMINISTRATIVE	☐ PRELIMINARY	☒ FINAL
Does the subdivision require any other official action by the City? <u>No</u>			
☐ Annexation		☐ Rezoning	
		☐ Other _____	
PARCEL INFORMATION			
Subdivision Name: <u>Silver Oak SD, Phase 2</u>		Number of Lots: <u>30</u> x \$3.00 = \$ <u>N/A</u>	
Current Land Use: <u>Vacant</u>		Number of APO: <u>18</u> x \$7.00 = \$ <u>N/A</u> (Adjacent Property Owners)	
Current Zoning: <u>N/A</u>		Fee: <u>\$75.00</u>	
Proposed use of the Subdivision: <u>Single-family Residential</u>		TOTAL = <u>\$75.00</u>	
☒ Residential ☐ Commercial ☐ Manufacturing/Industrial ☐ Office/Institutional		PAID _____	
I, the undersigned, hereby request the Opelika Planning Commission review the Subdivision Plat for (name of subdivision) <u>Silver Oak SD, Phase 2</u> Subdivision. I understand that I must provide certain information as noted in Section 4.2, Section 4.3, and/or Section 4.4 of the Opelika Subdivision Regulations in order for the Planning Commission to review my plans. The City may require additional information or requirements, or waive certain requirements, at any time during the process. Failure to provide accurate and complete information may result in disapproval by the Planning Department and/or Planning Commission. This application, plat, and all other information are submitted with the full authorization and knowledge of the property owner(s). The undersigned below hereby swears to be the authorized applicant designated by the property owner(s) as representative or agent for the property owner(s) and therefore authorized to make said application and submit said documents on this request. The undersigned authorizes the City to inspect the subject property as necessary in reviewing the above referenced request.			
OWNERS/AUTHORIZED REPRESENTATIVE SIGNATURE: <u>Blake Rice</u>			12/5/22 DATE
(PRINT NAME) <u>Blake Rice, Barrett-Simpson, Inc.</u>			

**City of Opelika
Planning Commission
Planning Department Report**

Meeting Date: December 20, 2022

Subdivision: Silver Oak, Phase 2

Agenda Item #: C-5

Action Requested: Final Approval

Location of Property: Lee Road 266

Property Owner(s): Steven W. Corbett
Blake Rice, authorized representatives

Current Land Use: Undeveloped

Current Zoning: PJ (Planning Jurisdiction)

Flood Zone: FEMA F1A NFIP Flood Insurance Map (FIRM), Map No. 01081C0085G, effective Nov 2, 2011, subject property in Zone X
- Areas, outside the 0.2% annual chance floodplain

Proposal

The applicant is requesting final plat approval for 30 single family home lots that are accessed from Lee Road 266. The 30 lots are phase 2 of a 40 lot subdivision. Silver Oak Phase 1 consist of 10 lots; all 10 lots front along Lee Road 266. A 60 foot right of way was added between Lot 8 and Lot 9 in Phase 1 to provide Phase 2 access to Lee Road 266.

The 30 lots in Phase 2 total 72.17 acres. The lots range in size from one acre to 4.9 acres. Lot widths range in size from 125 feet to 400 feet. The plat is adjacent to the City of Opelika City limits (Malcolm Prather property, 600 acres). The applicant has no plans to annex the property. The owners of lots in Silver Oak will receive Lee County services for public safety, schools, and water from Lee County. The lots will be served by septic systems.

Staff Recommendation

The plat meets the minimum 15,000 sf lot size and 80 foot lot width requirements for a subdivision in the Planning Jurisdiction. **Staff recommends final plat approval subject to record courses and distances should be shown with measurements for comparison.**

Engineering Department Report

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.

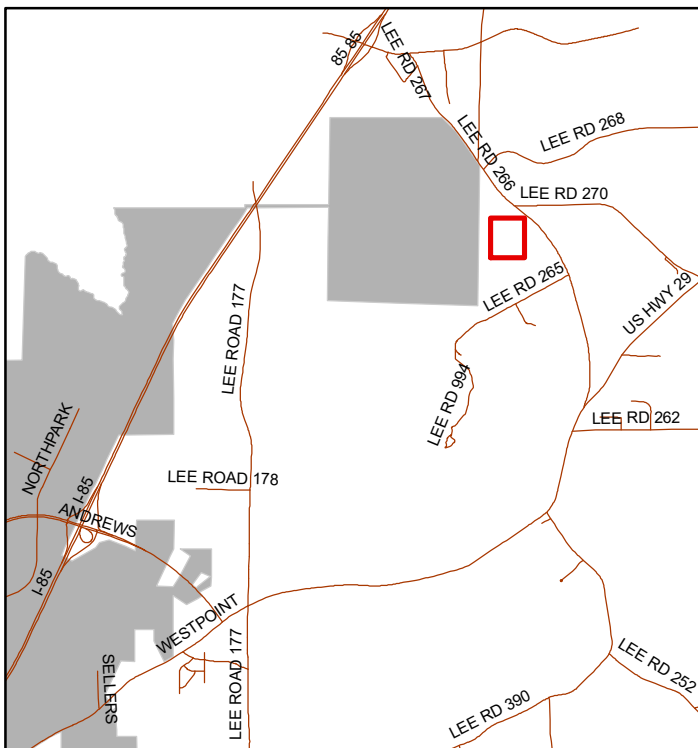
A Certification of Completion will be completed and signed by the Engineering and Public Works Directors prior to the signing of the final plat. There are no other comments or concerns from the Engineering Departments regarding this final plat.

Opelika Utilities Board Report

Development not in Opelika Utilities' Service Area.

Opelika Power Services Report

This subdivision is outside the Opelika Power Service territory.



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

NOTES:

- Survey North & Basis for Survey:
-Silver Oak Subdivision Phase One, Plat Book 32, Page 67, Probate Office, Lee County, Alabama.
-Lot 11 of Silver Oak Subdivision Phase One, Plat Book 32, Page 67 recorded in the Office of the Judge of Probate of Lee County, Alabama.
- According to the FEMA FIA NFIP Flood Insurance Map (FIRM), Map No. 01081C0085G, effective November 02, 2011, the subject property is located:
-Zone X (not shaded) - Areas determined to be outside the 0.2% annual chance floodplain.
- Wetlands shown were located and shown on wetland delineation report by Wildland Services, LLC dated February 5th, 2012.
- An easement is hereby granted to the City of Opelika and to any utility company serving the City of Opelika for the purpose of installing, operating, and maintaining poles, lines, guy wires, and other facilities. Total easement width is ten (10) feet wide with five (5) feet off each side of front and side lot lines.
- This survey was made without the benefit of an attorney's title opinion of title commitment. The surveyor's search of public records was limited to those matters affecting the boundaries of the subject property only. There may be matters of record, such as conveyances, easements, rights-of-way, etc., that affect the title to the subject property which are not known to the surveyor and not disclosed by this survey.
- There was no attempt in the field to determine the location of or the extent of possible encroachments beneath the surface.
- This drawing becomes void if any alterations or changes are made by others.
- This drawing may not be altered or added to without permission from Barrett-Simpson, Inc.

Development Data:
-Total Number of Lots: 30
-Area of Largest Lot: Lot 15 - 4.93 Acres (214,644 Sq. Ft.)
-Area of Smallest Lot: Lot 30 - 1.00 Acres (43,407 Sq. Ft.)
-Total Acreage: 72.16 Acres (3,143,496 Sq. Ft.)

SURVEYOR'S CERTIFICATE

I, Jonathan A. Ham, hereby certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information, and belief.

Jonathan A. Ham, PLS
Alabama License No. 34761

Date:

CERTIFICATE OF APPROVAL BY THE COUNTY ENGINEER

The undersigned, as County Engineer of the County of Lee Alabama, hereby certifies as evidence by certificate and required by state law, that the Opelika Planning Commission approved the within plat for the recording of same in the Probate Office of Lee County, Alabama, this ___ day of ___, 2023.

County Engineer
County of Lee, Alabama

DEDICATION

I, Steven W. Corbett, the owner of said lands surveyed by Barrett-Simpson Inc., do hereby certify that title was and is vested in said owner and join in the foregoing statement made by said Barrett-Simpson Inc., and stated in Code of Alabama 1975, § 35-2-50 et seq., do hereby certify that it was and is my intention to divide said lands into lots as shown by said plat and do hereby dedicate, grant, and convey for public use the streets, alleys and public grounds as shown on said plat.

Signed and Sealed in the presence of:

Steven W. Corbett

Date:

ACKNOWLEDGMENT
STATE OF ALABAMA
LEE COUNTY

I, _____, Notary Public in and for said County, in said State, hereby certify that Steven W. Corbett, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day, being informed of the content of the instrument, executed the same voluntarily.

Given under my hand this the ___ day of ___, 2023.

Notary Public

CERTIFICATE OF HEALTH DEPARTMENT

The lots on this plat are subject to approval or deletion by the Lee County Health Department. The approvals may contain certain conditions pertaining to the onsite wastewater treatment system(s) that could restrict the use of the lot(s) or obligate owners to special maintenance and repairing requirements. These conditions are on file with the said health department and are made a part of this plat as if set out hereon.

Lee County Health Department

Date:

BEULAH UTILITIES DISTRICT APPROVAL

The undersigned, as authorized by the Beulah Utilities District hereby approved the within plat for recording of the same in the Probate Office of Lee County, Alabama this the ___ day of ___, 2023.

Beulah Utilities District, Authorized Agent

OPELIKA CERTIFICATES

Approved by the Opelika City Planning Commission, Opelika, Alabama:

Chairman: _____ Date: _____

Accepted by the Opelika City Planner, Opelika, Alabama:

Planner: _____ Date: _____

Approved by the Opelika City Engineer, Opelika, Alabama:

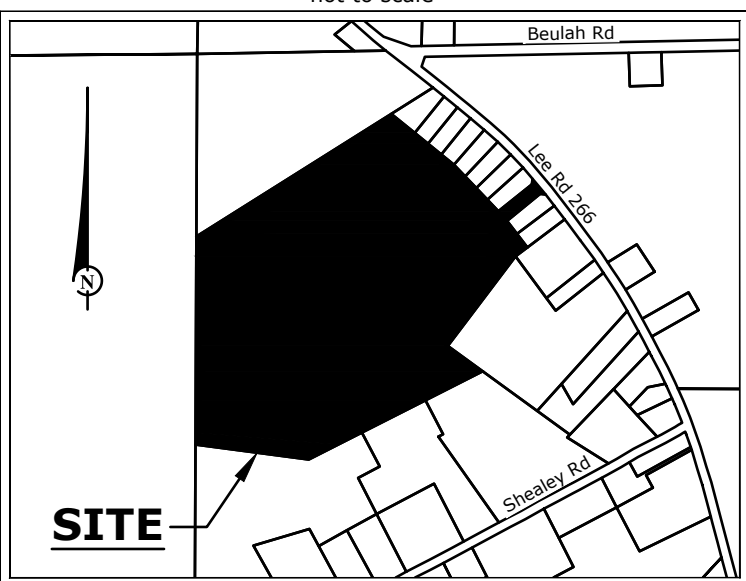
City Engineer: _____ Date: _____

Accepted by the Opelika Public Works Director, Opelika, Alabama:

Public Works Director: _____ Date: _____

VICINITY MAP

not to scale



SILVER OAK SUBDIVISION - PHASE 2

A REDIVISION OF LOT 11 OF SILVER OAK SUBDIVISION, PHASE 1
RECORDED IN PLAT BOOK 32, PAGE 67, PROBATE OFFICE, LEE COUNTY, ALABAMA.

BEING A PART OF SECTION 17, TOWNSHIP 20 NORTH, RANGE 28 EAST,
LEE COUNTY, ALABAMA

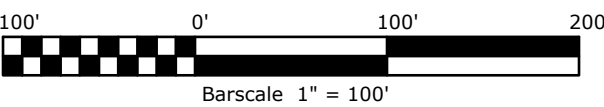


Line Table		
Line #	Length	Direction
L1	35.73'	S05° 40' 28\"W
L2	10.04'	S43° 53' 54\"E
L3	32.23'	N45° 57' 53\"E
L4	8.70'	S70° 58' 30\"W
L5	10.01'	S36° 52' 13\"E
L6	35.72'	N83° 18' 12\"W

Curve Table			
Curve #	Arc Length	Radius	Chord Bearing
C1	131.15'	2812.66'	N38° 45' 18\"W
C2	161.91'	470.00'	S61° 06' 23\"W
C3	28.36'	25.00'	S76° 31' 48\"E
C4	20.32'	25.00'	S20° 45' 06\"E
C5	48.19'	55.00'	N22° 33' 58\"W
C6	32.91'	55.00'	N59° 08' 35\"W
C7	60.00'	55.00'	S68° 01' 46\"W
C8	68.25'	55.00'	S01° 13' 40\"W
C9	54.02'	55.00'	S62° 27' 48\"E
C10(t)	262.19'	55.00'	S45° 57' 53\"W
C11	20.32'	25.00'	N67° 19' 08\"W
C12	48.44'	25.00'	N11° 28' 06\"E
C13	157.66'	430.00'	S56° 28' 06\"W
C14	125.22'	430.00'	S37° 37' 21\"W
C15	26.79'	430.00'	S27° 29' 43\"W
C16(t)	152.01'	430.00'	S35° 50' 15\"W
C17	4.81'	25.00'	N31° 13' 13\"E
C18	15.51'	25.00'	N54° 30' 15\"E
C19	79.37'	55.00'	S30° 56' 20\"W
C20	53.95'	55.00'	S38° 30' 06\"E
C21	53.95'	55.00'	N85° 17' 41\"E
C22	74.92'	55.00'	N18° 10' 05\"E
C23(t)	262.19'	55.00'	S64° 17' 22\"E
C24	20.32'	25.00'	S02° 25' 37\"W
C25	127.04'	370.00'	S35° 32' 50\"W
C26	3.76'	370.00'	S45° 40' 27\"W
C27(t)	130.80'	370.00'	S35° 50' 15\"W
C28	122.01'	370.00'	N55° 24' 42\"E
C29	39.50'	370.00'	N67° 55' 01\"E
C30(t)	161.51'	370.00'	S58° 28' 12\"W
C31	176.26'	530.00'	N61° 26' 53\"E
C32	6.31'	530.00'	N51° 31' 46\"E
C33(t)	182.57'	530.00'	N61° 06' 23\"E

LEGEND

- Iron Pin Found and Type (typ.) Typical Example
- 1/2\" Rebar Set - Orange Cap ROW Right-of-Way
- Stamped AL CA 718 LFS000600 N/F Now or Formerly
- MB: Map Book D.U.E Drainage and Utility Easement
- DB: Deed Book () Not to Scale
- PB: Plat Book (R) Record Bearing or Distance
- PG: Page



PROJECT NO: 18-0048

FIELD BY: CAJ
DRAWN BY: CEF
FIELD DATE: 12/01/2022
DRAW DATE: 12/05/2022



APPLICATION FOR CONDITIONAL USE APPROVAL

PLANNING DEPARTMENT
700 FOX TRAIL
OPELIKA, AL 36801

3260



PC DEADLINE: 12/6/22 PC MEETING: 12/20/22

SITE ADDRESS: 104 North 3rd St. Opelika

PROPERTY OWNER: A & P Holdings LLC

APPLICANT/ AUTHORIZED REPRESENTATIVE: Paul H. Sanders

MAILING ADDRESS: P.O. Box 4282 Opelika AL 36803

PHONE NUMBER: 334-703-9782 FAX NUMBER: _____

EMAIL ADDRESS: sanderspaul1972@gmail.com

PARCEL INFORMATION

Project name: Ernst S/D Address/Location: 104 north 3rd st Opelika

Current Land Use: _____ Current Zoning: _____

Adjacent Zoning Districts: North: _____ South: _____ East: _____ West: _____

Description of Proposed Use: _____

AUTHORIZATION TO ACT AS APPLICANT (if applicable)

I, _____, being owner of the property which is the subject of this conditional use application hereby authorize _____, to act as my representative before the City of Opelika's Planning Commission, and if necessary, represent me before the Board of Zoning Adjustments and City Council.

Property Owner's Signature: [Signature] Date: 12/5/2022

STATE OF ALABAMA, COUNTY OF LEE

I, _____, a Notary Public in and for said County and State, hereby certify that _____, whose name is signed to the foregoing document, and who is known to me or acknowledged before me on this day, that being informed of the contents of said document, did execute the same voluntarily on the day that bears the same date.

Given my hand and seal of office this ____ day of _____,

Notary Public

My Commission Expires: _____

**City of Opelika
Planning Commission
Planning Department Report**

Meeting Date:	December 20, 2022
Agenda Item #	D-6
Conditional Use	Conditional Use - Renovate Single family home into a two-unit townhome
Property Location	104 North 3 rd Street
Property Owner(s)	A & P Holdings, LLC Paul H. Sanders, authorized representative
Current Land Use	Single family home Undeveloped
Current Zoning	C-3, GC-S

**Surrounding Zoning Districts
And Land Uses:**

North	C-3, GC-S	Auto Sales lot (Fairway II)
South	C-3	Single family homes
East	C-3, GC-S	Child daycare
West	C-3, GC-S	Auto Sales lot (Fairway II)

The applicant is requesting conditional use approval to renovate a single family home into a two-unit townhome. The property is in a C-3, GC-S zoning district. The adjacent properties on all sides of the applicant's property are in a C-3, GC-S or C-3 (commercial) zoning districts. The adjacent commercial use on the north and west side fronts along 2nd Avenue; the business is an auto sales lot (Fairway II Auto Sales) that includes a vehicle cleaning/washing and storage area for automobiles for sale. On the east side across North 3rd Street is a child daycare center. On the south side are single family homes in a C-3 zone; five adjacent single family homes are rental properties owned by the applicant.

If this conditional use request is approved, then the applicant will request subdivision approval to divide the 8,000 sf lot into 3,591 sf and 4,409 sf townhome lots. (Minimum lot area requirement for a townhome lot is 1,800 sf.). On Lot 1 the townhome unit/dwelling is 520 sf; the townhome on Lot 2 the unit is 944 sf. The photo on next page provides the front elevation of each townhome unit. Yellow line on roof is location of dividing wall between units. A front door will be added to unit on right side as well as other improvements so the unit will appear as a dwelling. Each unit will meet building code/fire separation requirements on floor, walls, and roof. A property line will run along a common or shared wall dividing the lot into two lots. The shared property line along the wall will

extend to the front property line and to the rear property line providing each townhome lot a front, side, and rear yard area. (See site plan in packet).

A minimum of two parking spaces for each dwelling unit is required. The site plan shows two parking spaces on each lot along the rear property line. The two lots will share an existing driveway that will be extended to the four parking spaces; near the parking spaces is a turn-around stub-out area. The subdivision plat will include an access easement on the driveway, so the property owners or tenants have legal access to the parking spaces.

Staff Recommendation

The applicant owns five single family home lots on Edge Court (see photos below); Edge Court intersects with North 3rd Street and the proposed two unit townhome is 70 feet from Edge Court. The homes on Edge Court were constructed in the 1940s or 1950s; the applicant's property on North 3rd Street was constructed in 1945. The applicant has renovated and upgraded the Edge Court homes so the homes meet current fire and building code requirements. The renovations have improved the character of the neighborhood. **Staff recommends conditional use approval for the two townhome lots.**





Applicant's five rental homes on Edge Court

Engineering Department Report

There will not need to be a site plan submitted to the Engineering Department for a permit. This permit will be issued through the Building Inspections department and other utilities with the approval of building permits.

The Engineering Department has no other comments or concerns with this proposed conditional use application.

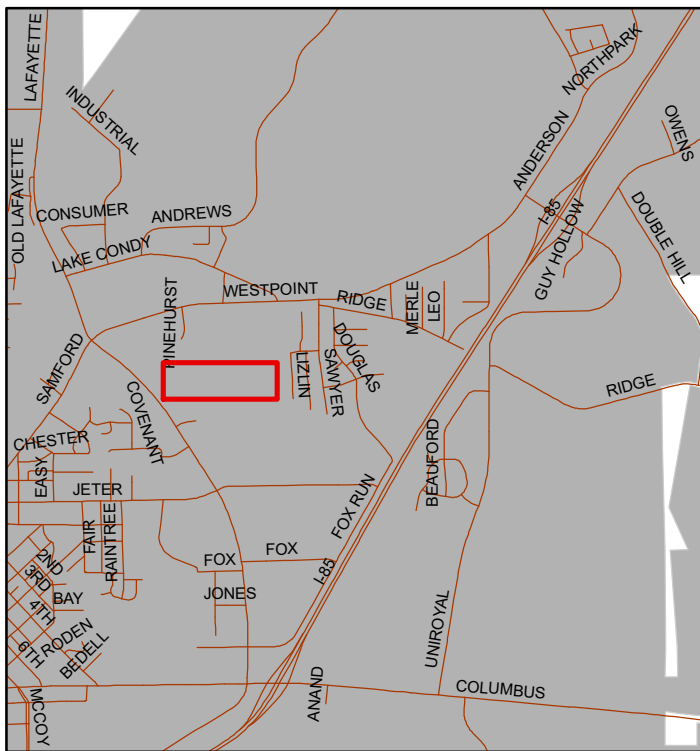
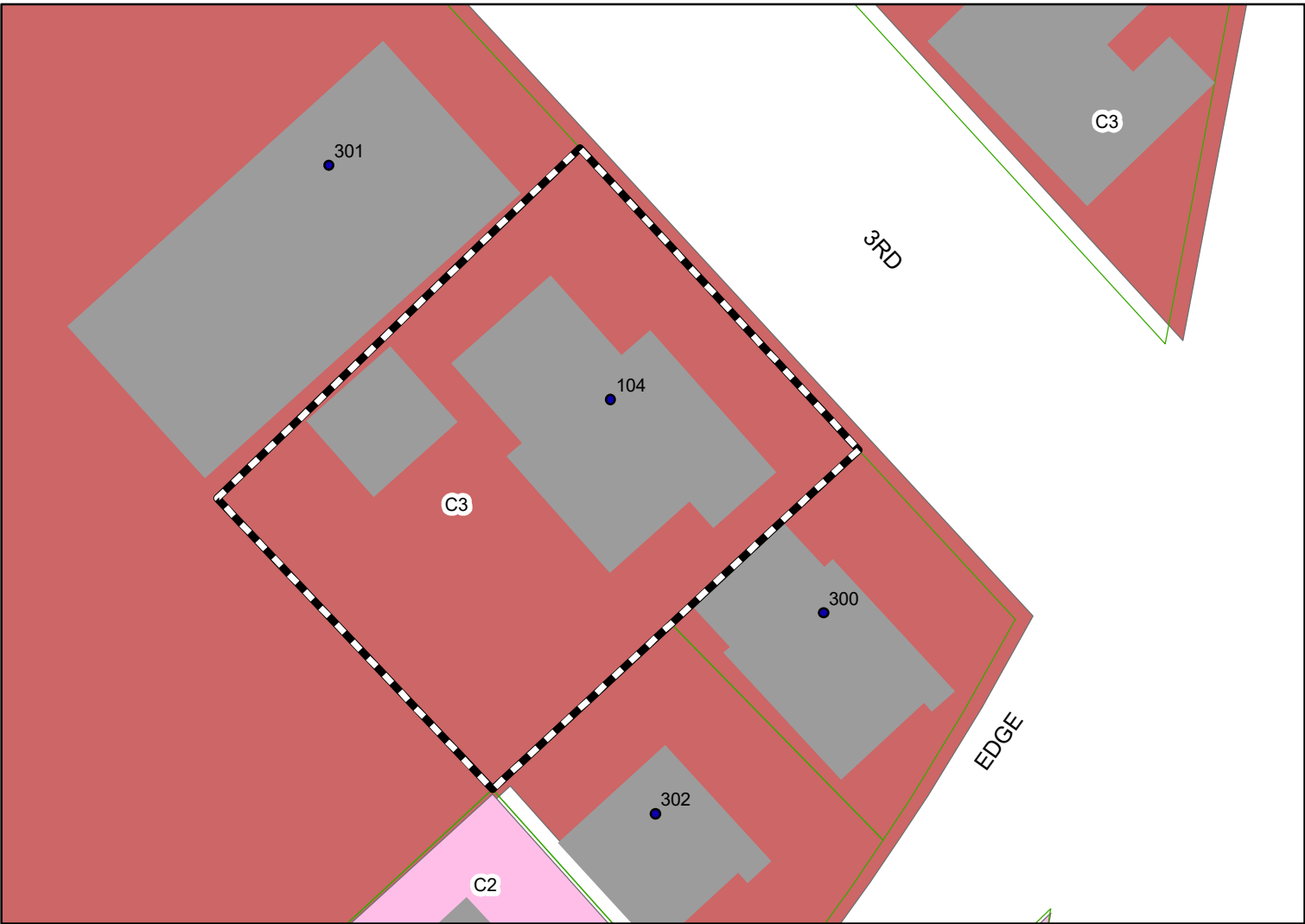
Opelika Utilities Board Report

Each unit shall have its own water service line and meter.

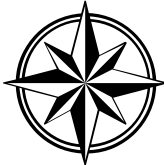
Opelika Power Services Report

This is inside the Opelika Power Service territory.

**TWO-UNIT TOWNHOME
104 N 3RD STREET
CONDITIONAL USE APPROVAL, C-6**



The applicant is requesting approval to renovate a single family home into a two unit townhome. Each unit will be on a separate lot and have front and rear yard area. A shared property line will be along a common wall. The property is located in a C-2 zoning district.



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

CERTIFICATE OF LEE COUNTY HEALTH DEPARTMENT

THE LOTS ON THIS PLAT ARE SUBJECT TO APPROVAL OR DELETION BY THE LEE COUNTY HEALTH DEPARTMENT. NO REPRESENTATION IS MADE THAT ANY LOT ON THIS PLAT WILL ACCOMMODATE AN ONSITE SEWAGE SYSTEM (OSS). THE APPROPRIATENESS OF A LOT FOR WASTEWATER (SEWAGE) TREATMENT AND DISPOSAL SHALL BE DETERMINED WHEN AN APPLICATION IS SUBMITTED. IF PERMITTED THE LOT APPROVAL MAY CONTAIN CERTAIN CONDITIONS WHICH RESTRICT THE USE OF THE LOT(S) OR OBLIGATE OWNERS TO SPECIAL MAINTENANCE AND REPORTING REQUIREMENTS AND THESE ARE ON FILE WITH THE SAID HEALTH DEPARTMENT AND ARE MADE A PART OF THIS PLAT AS IF SET OUT HEREON.

COUNTY HEALTH OFFICER _____

DATE: _____

CERTIFICATE OF OPELIKA UTILITIES BOARD

THE UNDERSIGNED, AS AUTHORIZED BY THE OPELIKA UTILITIES BOARD HEREBY APPROVED THE WITHIN PLAT FOR RECORDING OF THE SAME IN THE PROBATE OFFICE OF LEE COUNTY, ALABAMA, THIS _____ Day of _____, 2022.

AUTHORIZED SIGNATURE _____

THE PLAT SHOWN HEREON MEETS ALL REQUIREMENTS SET FORTH AND IS HEREBY APPROVED.

CITY PLANNER _____

DATE: _____

CITY ENGINEER _____

DATE: _____

PUBLIC WORKS DIRECTOR _____

DATE: _____

OPELIKA POWER SERVICES _____

DATE: _____

OWNER'S CERTIFICATE

I, PAUL H. SANDERS, AS MANAGING MEMBER OF A & P HOLDINGS LLC, OWNER OF THE REAL PROPERTY SURVEYED BY R. D. ROBERTSON, DO HEREBY CERTIFY THAT TITLE WAS AND IS VESTED IN THE OWNERS SHOWN HEREON AND JOIN IN THE FOREGOING STATEMENT MADE BY SAID R. D. ROBERTSON, DO HEREBY CERTIFY THAT IT WAS AND IS OUR INTENTION TO DIVIDE SAID LANDS INTO LOTS AS SHOWN BY THIS PLAT.

DATE: _____

DATE: _____

I, _____, A NOTARY PUBLIC IN AND FOR _____ COUNTY, _____, HEREBY CERTIFY THAT PAUL H. SANDERS, WHOSE NAME IS SIGNED TO THE CERTIFICATE HEREON AND WHO IS KNOWN TO ME, ACKNOWLEDGED BEFORE ME THAT, BEING INFORMED OF THE CONTENTS OF SAID CERTIFICATE, EXECUTED THE SAME VOLUNTARILY ON THE DAY SAME BEARS DATE. IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND AND SEAL OF OFFICE ON THIS THE _____ DAY OF _____, 2022.

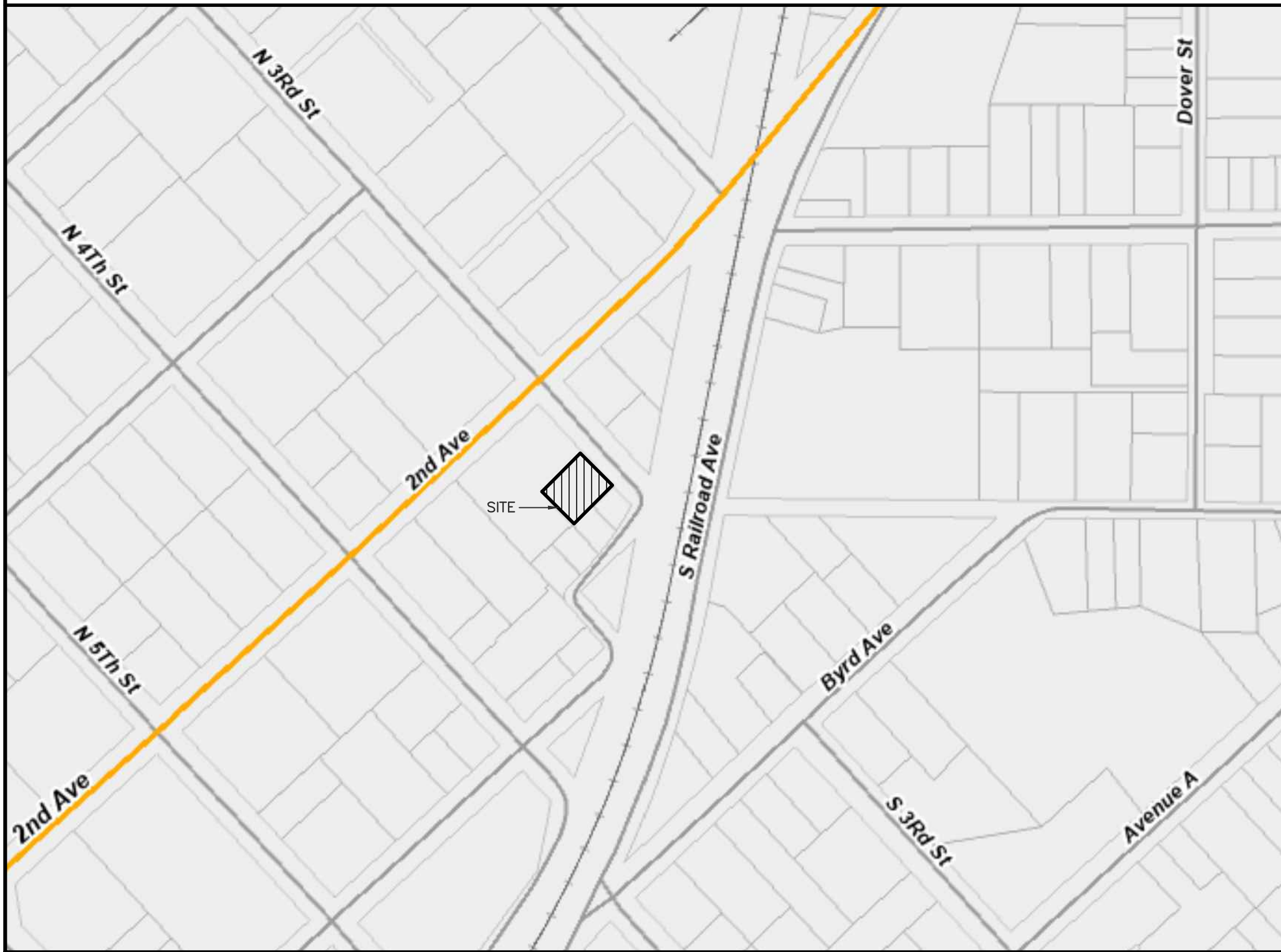
NOTARY PUBLIC _____

MY COMMISSION EXPIRES: _____

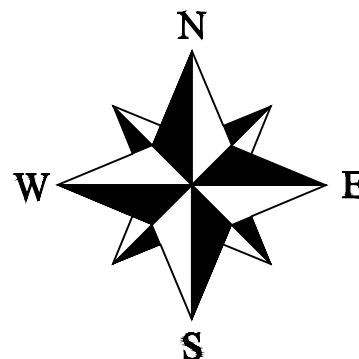
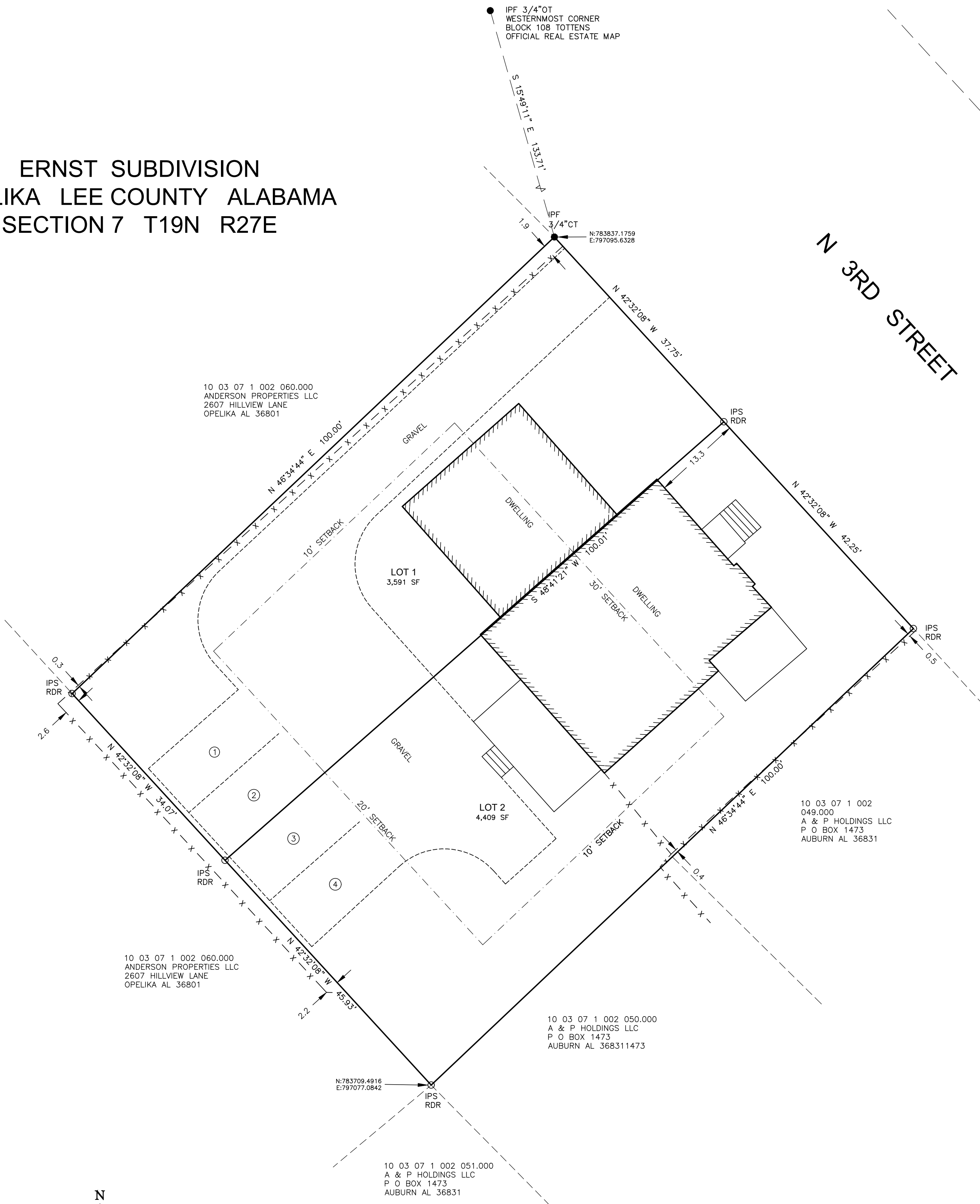
AN EASEMENT IS HEREBY GRANTED TO THE CITY OF OPELIKA, AND TO ANY POWER AND TELEPHONE COMPANIES SERVING THE CITY OF OPELIKA, FOR THE PURPOSE OF INSTALLING, OPERATING AND MAINTAINING POLES, LINES, GUY WIRES AND OTHER FACILITIES. EASEMENT TO BE TEN (10) FEET WIDE, BEING FIVE (5) FEET ON EACH SIDE OF THE FRONT AND SIDE LOT LINES.

ZONING: C3
WATER: OPELIKA UTILITIES BOARD
SEWER: OPELIKA UTILITIES BOARD
POWER: OPELIKA POWER SERVICES
FLOOD ZONE: "X" AS SHOWN HEREON - Per FIRM Map No. 01081C0069G EFFECTIVE 11-02-2011.

VICINITY MAP - NOT TO SCALE



ERNST SUBDIVISION
OPELIKA LEE COUNTY ALABAMA
SECTION 7 T19N R27E



LEGEND

(M) = MEASURED
(R) = RECORDED
CTP = OPEN TOP PIPE
CTP = CRIMPED TOP PIPE
IPF = IRON PIN FOUND
O = IRON PIN SET (RDR)
RDR = ROGER D. ROBERTSON
● = IRON PIN FOUND
MCCORRY = JAMES MCCORRY
GLJ = GRADY L. JIMMERSON
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
OHP = OVERHEAD POWER LINE
P = POWER POLE
■ = CONCRETE MONUMENT
R = RADIUS
A = ARC LENGTH
CB = CHORD BEARING
CL = CHORD LENGTH

SOURCE OF INFORMATION USED IN MAKING THIS SURVEY IS: DEED BOOK 2651 PAGES 471 & 472 BASIS OF BEARING USED: BEARINGS BASED ON GPS RTK OBSERVATION USING AUBURN CORRS. HORIZONTAL DATUM IS NAD 83 ALABAMA EAST ZONE STATE COORDINATE SYSTEM. NORTH IS BASED ON GRID NORTH. DATE OF FIELD SURVEY: 11/18/2022 DATE OFFICE WORK COMPLETED: 12/1/2022	
I, R. D. ROBERTSON, A REGISTERED SURVEYOR IN THE STATE OF ALABAMA, HEREBY CERTIFY THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN MADE IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA, TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.	
SURVEYOR'S SIGNATURE: _____ R. D. ROBERTSON ALABAMA LICENSE NUMBER 15722	
R. D. ROBERTSON, PLS 2190 KEYSTONE DRIVE AUBURN, AL 36879 (334) 275-1463	FB PG SP-
0 10 20 30	



**APPLICATION FOR
CONDITIONAL USE APPROVAL**
PLANNING DEPARTMENT
700 FOX TRAIL
OPELIKA, AL 36801

3203



PC DEADLINE: 12/6/22 PC MEETING: 12/20/22

SITE ADDRESS: <u>404 2nd Avenue, Opelika, AL</u>	
PROPERTY OWNER: <u>Charlie Core</u>	
APPLICANT/ AUTHORIZED REPRESENTATIVE: <u>Kendra Mayton</u>	
MAILING ADDRESS: <u>8363 Ocoola Ct., Auburn, AL 36830</u>	
PHONE NUMBER: <u>865-603-4071</u>	FAX NUMBER: _____
EMAIL ADDRESS: <u>kmayton@356ai.com</u>	

PARCEL INFORMATION

Project name: Advanced Angels Daycare Address/Location: 404 2nd Ave, Opelika, AL
 Current Land Use: Business/Office Current Zoning: _____
 Adjacent Zoning Districts: North: R2 South: C2/GC-2 East: C2/GC-2 West: C2/GC-2
 Description of Proposed Use: A Daycare for children aged from 6 weeks to school age that will operate from approximately 6am-6pm M-F.

AUTHORIZATION TO ACT AS APPLICANT (if applicable)

I, Charlie Core, being owner of the property which is the subject of this conditional use application hereby authorize Kendra Mayton, to act as my representative before the City of Opelika's Planning Commission, and if necessary, represent me before the Board of Zoning Adjustments and City Council.

Property Owner's Signature: Charlie L Core Date: 12-6-2022

**STATE OF ALABAMA,
COUNTY OF LEE**

I, Jeffery Harris, a Notary Public in and for said County and State, hereby certify that Charlie L. Core, whose name is signed to the foregoing document, and who is known to me or acknowledged before me on this day, that being informed of the contents of said document, did execute the same voluntarily on the day that bears the same date.

Given my hand and seal of office this 10th day of December,

Jeffery Harris
Notary Public

My Commission Expires: 9-23-2024



City of Opelika
Planning Commission
Planning Department Report

Meeting Date: December 20, 2022

Agenda Item #: D-7

Action Requested: Conditional Use – Child Daycare Center

Location of Property: 404 2nd Avenue

Property Owner(s): Charlie Core
Kendra Mayton, authorized applicant

Current Land Use: Hair Salon

Current Zoning: C-2, GC-S (Office/Retail and Gateway Corridor Overlay District Secondary)

**Surrounding Zoning Districts
And Land Uses:**

North	C-2	Residence
South	C-2, GC-S	Commercial (Burger King)
East	C-2, GC-S	Commercial (Bolt Engineering, Inc.)
West	C-2, GC-S	Commercial (Eministration)

Proposal

The applicant requests conditional use approval for a daycare center in C-2, GC-S zoning districts. The site plan shows an existing 2,370-square-foot building. The subject property currently has parking, and two access drives in the front on 2nd Avenue. The site plan proposes adding parking in the rear and a fenced play area for the children. This property is in the Northside Historic District and will require additional approvals from the Historic Commission.

Parking: The site shows 18 parking spaces. The standard parking requirement for daycare centers is one (1) space per teacher and one (1) space per six (6) children. Based on occupancy standards, the number of parking spaces should accommodate the teachers and children (about 40). One of these spaces must be ADA-compliant and is shown on the site plan.

Landscaping: This property is in the Northside Historic District; the landscaping will also be subject to the historic design guidelines and may have to meet additional requirements. The landscape plan shows the existing landscaping and proposed landscaping. The plan shows a required residential buffer to the rear and a parking lot buffer between the parking lot and the adjoining property to the west. The site is required to have 80 base landscape points and 18 parking lot points. The landscape plan meets the minimum landscape requirements.

Other Zoning Requirements: All utility meters, ground-mounted equipment, and similar mechanical units shall be screened to not be visible from property boundaries. A dumpster is not shown on the site

plan; if a dumpster is required, the location and enclosure will be required to be approved by Planning and meet all the zoning requirements, including the Gateway Corridor Overlay requirements. No lighting is shown on the site plan; if the lighting is required to be added in the future, the lighting requirements in the Gateway Corridor Overlay District will need to be met. A playground fence is shown on the site plan; the historic guidelines prioritize the fencing type allowed since it will not be seen from the front of the building.

Recommendation

Staff recommends approval of the conditional use subject to the following condition(s):

- 1. All utility meters, air conditioning units and similar mechanical units shall be screened so as not to be visible from a public right-of-way. All rooftop mechanical units shall be screened from the designated gateway corridor by a parapet wall or other means. Plans must be approved by relevant utility company for safety.**
- 2. If dumpster is installed location and screening must be approved by Planning to meet the Gateway Corridor standards in Zoning Ordinance Section 7.6.**

Engineering Department Report

Because of the limited disturbance, there will not need to be a site plan submitted to the Engineering Department for a permit. This permit will be issued through the Building Inspections department and other utilities with the approval of building permits.

The Engineering Department has no other comments or concerns with this proposed conditional use application.

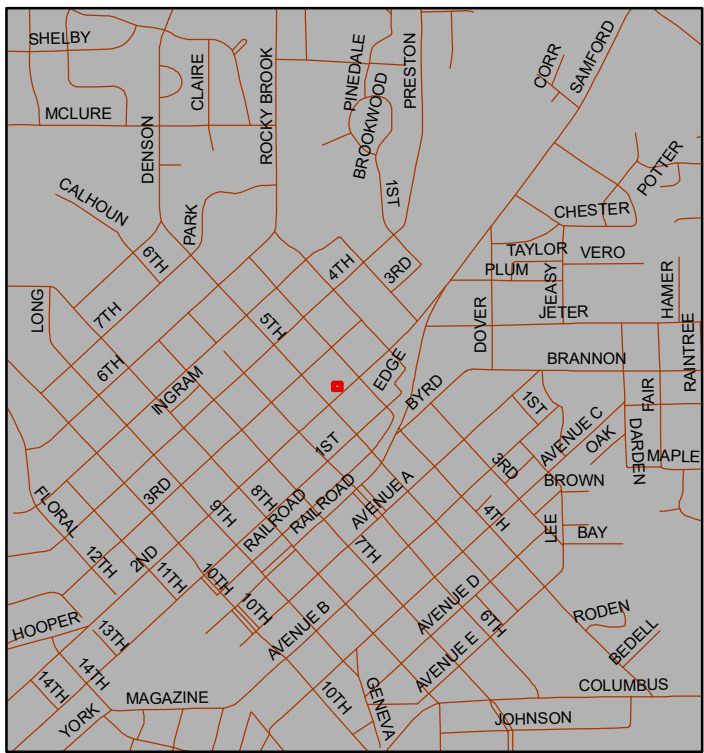
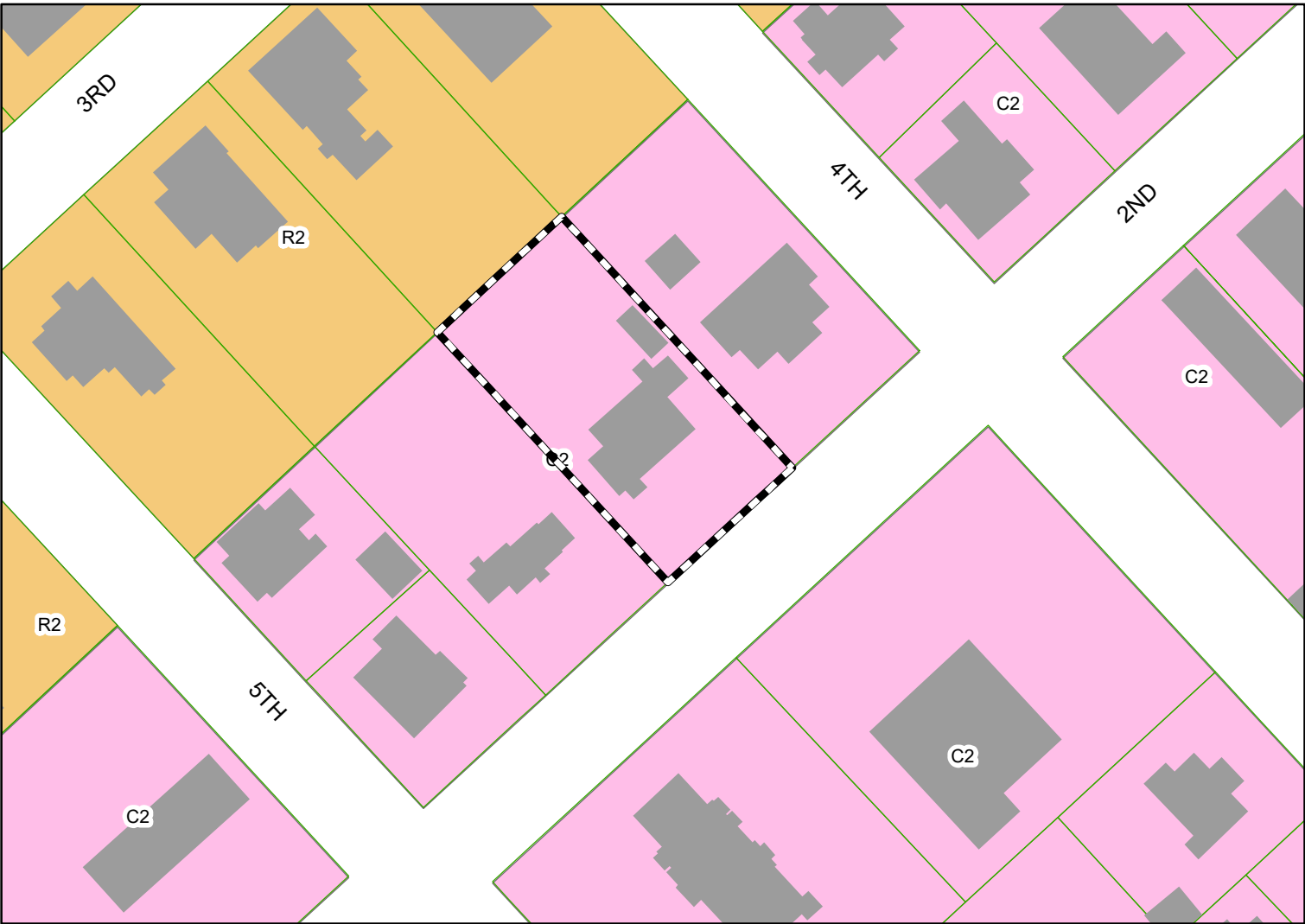
Opelika Utilities Report

No Comments.

Opelika Power Services Report

This is inside the Opelika Power Service territory.

**CHILD DAYCARE CENTER
404 2ND AVENUE
CONDITIONAL USE APPROVAL, D-7**



The applicant is requesting approval for a daycare center. The business will care for 6 weeks old to school age children from 6 am to 6 pm. The property is located in a C-2, GC-S zoning district.



Subject Property

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R-2 ADJACENT
PROPERTY

EXISTING ROCK WALL TO BE
MAINTAINED PER HISTORIC
DISTRICT GUIDELINES

EXISTING APPROX.
TREE LINE

PROPOSED GRAVEL
PARKING

(8) 9'X18' NEW EMPLOYEE PARKING SPACES

(1) 9'X18' NEW ADA PARKING SPACE
(CONCRETE)

EXISTING
STORAGE
BUILDING

EXISTING BUILDING FOOTPRINT

RANGE
N.I.C.

C2/GC-2
ADJACENT
PROPERTY

(10) EXISTING 9'X13' PARKING SPACES

ENTER

EXISTING SHARED DRIVE

EXISTING PRIVATE DRIVE

EXIT

2ND AVENUE

SITE DATA

PROJECT:	DAYCARE
ZONING:	C-2 (OFFICE/RETAIL) & GC-2 (GATEWAY CORRIDOR OVERLAY)
ADJACENT ZONING:	C-2 (OFFICE/RETAIL) R-2 (LOW DENSITY RESIDENTIAL)
CURRENT LAND USE:	OFFICE
PARCEL IDENTIFICATION NUMBER:	1003071002111000
LANDSCAPE BUFFER-	RESIDENTIAL ZONE BUFFER: 6FT (SEE LANDSCAPE PLAN)
PARKING LOT BUFFER:	4FT
PARKING RATIO REQUIRED:	1 SPACE PER TEACHER/EMPLOYEE 1 SPACE PER (6) STUDENTS
PARKING REQUIRED:	18 SPACES
PARKING PROVIDED:	18 SPACES
ACCESSIBLE PARKING REQUIRED:	1 SPACE
ACCESSIBLE PARKING PROVIDED:	1 SPACE
MINIMUM PARKING STALL:	9'X18'
PROPOSED PARKING STALL:	9'X18'

ADVANCED ANGELS DAYCARE

PROJECT ADDRESS: 404 2ND AVENUE
OPELIKA, AL

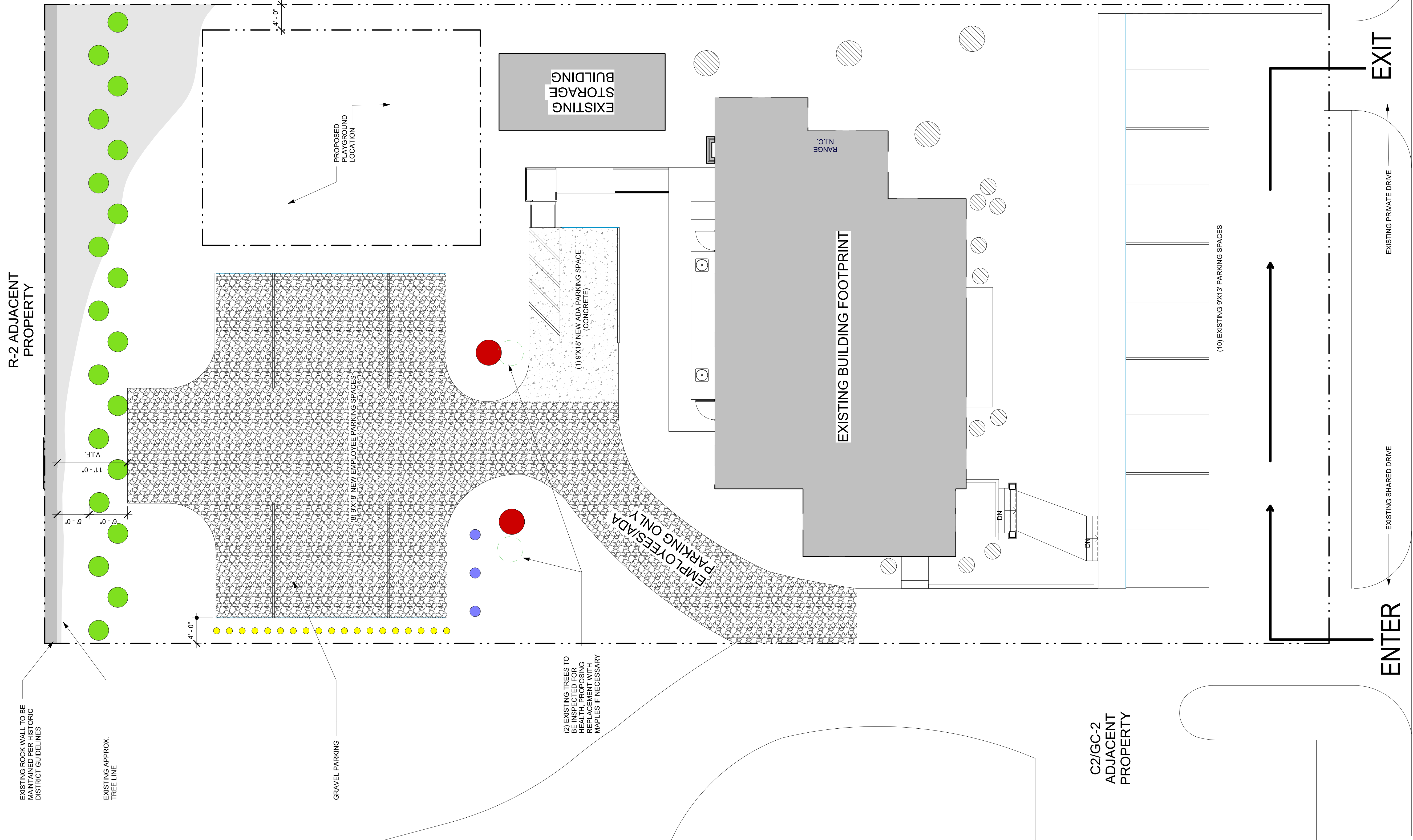
ISSUE DATE: 12-06-2022 PLANNING

REVISIONS:

No.	Description	Date

DRAWING NAME:
SITE PLAN

A-1



SQUARE FOOTAGE OF DEVELOPED AREA: 20,100 SQ FEET

BASE POINTS REQUIRED: 80 BASE POINTS OBTAINED: 130

PARKING LOT POINTS REQUIRED: 18 PARKING LOT POINTS OBTAINED: 19

RESIDENTIAL BUFFER YARD REQUIRED: YES

PARKING LOT BUFFERS REQUIRED: YES

PLANT SCHEDULE						
BASE POINTS	QTY.	BOTANICAL/COMMON NAME	CONT	CAL	SPACING	REMARKS
	4	EXISTING TREE				
	10	EXISTING SHRUBS				
PARKING LOT POINTS						
	3	AZALEA BUSH	3 GAL			
	2	RED MAPLE TREE	B & B	1.5" CAL		
PARKING LOT BUFFER						
	19	AMERICAN BOXWOOD	3 GAL		2FT	
RESIDENTIAL BUFFER						
	20	GREEN GIANT ARBORAVITAE	7 GAL		STAGGERED	

2 LANDSCAPE PLAN
SCALE: 1/8" = 1'-0"

REVISIONS:		
No.	Description	Date



**APPLICATION FOR
CONDITIONAL USE APPROVAL**
PLANNING DEPARTMENT
700 FOX TRAIL
OPELIKA, AL 36801



PC DEADLINE: _____ PC MEETING: _____

SITE ADDRESS: 0 Capps Way, Opelika, AL 36804 (Parcel No. 43-09-06-24-0-000-023.000)

PROPERTY OWNER: Sat Kaival, L.L.C.

APPLICANT/ AUTHORIZED REPRESENTATIVE: Patrick Harrity on behalf of Jemmstone Alabama, LLC

MAILING ADDRESS: 3378 Moffett Road, Mobile, AL 36607

PHONE NUMBER: 732-910-1238 **FAX NUMBER:** N/A

EMAIL ADDRESS: pharrity@storypartners.com

PARCEL INFORMATION

Project name: Jemmstone of Opelika Address/Location: 0 Capps Way, Opelika, AL 36804
Parcel No. 43-09-06-24-0-000-023.000
 Current Land Use: Vacant land Current Zoning: C3
 Adjacent Zoning Districts: North: C3 South: C3 East: C3 West: C3
 Description of Proposed Use: Medical cannabis dispensary

AUTHORIZATION TO ACT AS APPLICANT (if applicable)

I, Jayantibhai Patel, being owner of the property which is the subject of this conditional use application hereby authorize Patrick Harrity on behalf of Jemmstone Alabama, LLC, to act as my representative before the City of Opelika's Planning Commission, and if necessary, represent me before the Board of Zoning Adjustments and City Council.

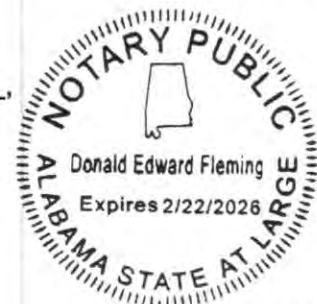
X Property Owner's Signature: Jayantibhai D. Patel Date: 12/6/22

**STATE OF ALABAMA,
COUNTY OF LEE**

I, Donald Edward Fleming, a Notary Public in and for said County and State, hereby certify that JAYANTIBHAI PATEL, whose name is signed to the foregoing document, and who is known to me or acknowledged before me on this day, that being informed of the contents of said document, did execute the same voluntarily on the day that bears the same date.

Given my hand and seal of office this 6 day of 2022
Donald Edward Fleming
 Notary Public

My Commission Expires: 2-22-2024



City of Opelika
Planning Commission
Planning Department Report

Meeting Date: December 20, 2022

Agenda Item #: D-8

Action Requested: Conditional Use – Medical Cannabis Dispensary

Location of Property: 3021 Capps Way

Property Owner(s): Sat Kaival, LLC.,
Patrick Harrity, Jemmstone Alabama, LLC., representative

Current Land Use: Undeveloped

Current Zoning: C-3, GC-P

**Surrounding Zoning Districts
And Land Uses:**

North	PUD/C-3, GC-P	Tiger Town (across I-85)
South	C-3, GC-P	Vacant/Wild Wing Cafe
East	C-3, GC-P	Walk-Ons Bistreaux
West	C-3, GC-P	Vacant

Proposal

The applicant is requesting conditional use approval to medical cannabis dispensary on the subject property. The 1.7-acre property is located on Capps Way just off of Gateway Drive at Exit 58 on I-85. Most of the adjacent uses include restaurants, fueling stations, and a movie theatre. This site was previously approved for a hotel, but the project was never constructed.

The State of Alabama has strict requirements regarding the location and operation of medical cannabis dispensaries. This includes prohibiting the use within 1,000 feet of a public or private school or daycare. Additionally, the state restricts who is allowed in the building and requires strict recordkeeping on products and sales. The state also requires security equipment in the building and parking areas. The City of Opelika has added additional zoning layers to restrict where the use can go. This includes requiring the use to be at least 500 feet from any residentially zoned property or single-family detached residential home. The City has also tried to prevent the grouping of these uses by placing a 2,500 foot spacing requirement between dispensaries. The City also requires the site not have external security bars, cages, or other features that would give it a fortified look. The applicant meets the City requirements for separation from residential properties and zones.

The site plan shows a 2,600 sf building with a proposed drive through along the interstate side. The development is providing 54 off-street parking spaces with 2 handicap parking spaces. The parking spaces requirement is based primarily on the retail square foot area. Based on the general

commercial and entertainment use requirement, this site would only be required 18 spaces based on the square feet of the building. The applicant has also provided drive-through which they intend to use for those who cannot come into the building, during times of increased sickness, or during busy hours.

The site is subject to the Gateway Corridor setbacks and standards. The setbacks for the property include 40 feet in the front and 20 feet on any other side. The site is limited to an impervious ratio of 70%. While this information is not labelled on the plan, it is to scale. The setbacks and impervious ratio are greatly exceeded on this site.

The site also has some area in the floodplain associated with Moores Mill Creek, which is shown on the plan. The floodplain is not shown on the plan and may require some redesign of the site or modification to the floodplain. The site is large for the proposed building and likely could be revised to work outside of the floodplain. If not, the applicant will need to work with the City of Opelika Floodplain Manager to ensure compliance.

The applicant has provided information that discusses any perceived adverse effects including odor, traffic and security. The applicant notes that odor is not typically an issue for dispensaries but has stated that they will still try to address additional concerns throughout the process. It should be noted that all cannabis sold under Alabama law will be in a processed form and not in a flower/leaf form.

The applicant has not fully designed and engineered the site or building. The applicant is applying to the State of Alabama for one of 39 dispensary locations. This process is selective and competitive. If they are selected for a dispensary at this location they will fully engineer the site and design the building. As with any conditional use, the site plan is considered conceptual at this time and subject to minor changes. The applicant has provided an example of a similar building that they envision at this location. The building uses brick, wood, and EFIS/stucco as the primary materials. All of these materials are compliant with the Gateway Corridor requirements. The site will have to meet the special development standards that prevent exterior security features from being visible.



Landscaping is shown on the plan, but the required calculations are not shown. This will need to be added and the plan has some minor changes that are necessary. The site is located adjacent to I-85 and has some large trees located in the State right-of-way which cannot be removed without permits from the state. Additionally, they show areas along Moores Mill Creek that have existing trees that would fall within the stream buffer. The proposed plan shows adding additional plantings along the creek and the adjacent property line to the east. Based on the size of the property, 168 general or base points would be required on the site. Additionally, the parking area would require 54 parking area points. Due to the location of the parking lot adjacent to Capps Way, the site would also have to have a parking lot buffer along the street. If the trees on site were medium or large trees the site would exceed the total number of points required. This will need to be revised in a formal landscape plan prior to construction. A private dumpster is shown in the rear yard facing the temporary cul-de-sac. The dumpster must be enclosed with an opaque fence on all sides and an opaque double gate. Additionally, all mechanical screened from the public right-of-way. The site will need to meet the Gateway Corridor lighting requirements unless the State of Alabama requires enhanced lighting.

Recommendation

Staff recommends approval subject to the following:

-
- 1. Provide updated landscape plan with calculated points, parking lot landscaping and parking lot buffer between street and parking.**
 - 2. Show floodplain and stream buffers.**
 - 3. The building shall meet the gateway corridor cladding requirements.**
 - 4. All signage shall be approved through a separate signage application.**
 - 5. The site shall meet the Gateway Corridor requirements including screening of dumpsters and mechanical equipment.**
 - 6. The site shall meet the lighting requirements unless enhanced lighting is required by the State of Alabama.**

7. **The use approval for this site shall not include non-medical cannabis. Should State or Federal law allow the sale of non-medical cannabis, the site shall be required to meet all associated zoning requirements and may be required to get a new or amended conditional use approval.**
-

Engineering Department Report

A new building at this site will require the applicant to submit a site construction and grading plan for the drainage, and utility plan to the Engineering and Public Works Departments for review and approval. Once this approval and all other utility approvals have been met, a Land Disturbance Permit will be issued in concurrence with any applicable State and Federal Permits.

The Engineering Department has no other comments or concerns with this proposed conditional use.

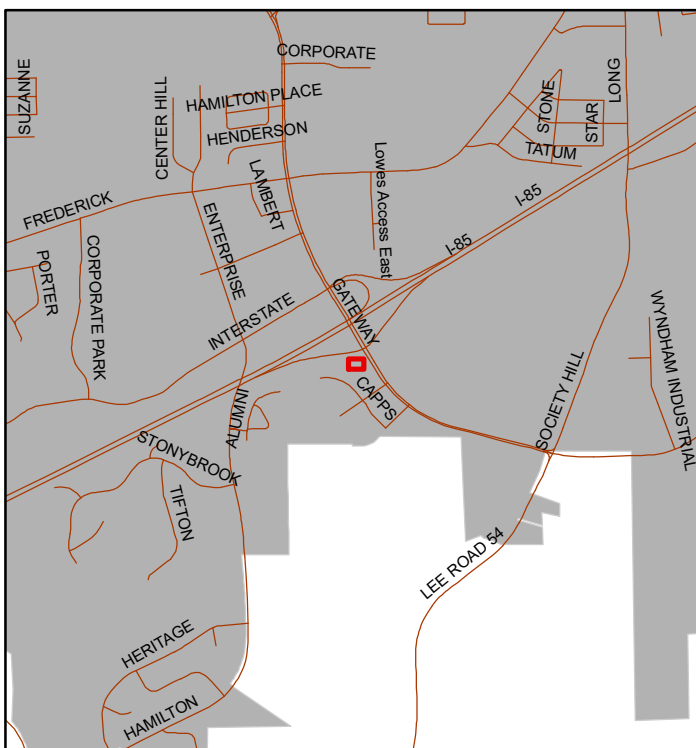
Opelika Utilities Board Report

Water service is available from Capps Way.

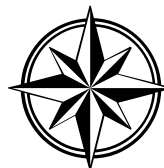
Opelika Power Services Report

This is inside the Opelika Power Service territory.

**MEDICAL CANNABIS DISPENSARY
3021 CAPPS WAY
CONDITIONAL USE APPROVAL, D-8**



The applicant is requesting approval for a medical cannabis dispensary. The property is located in a C-3, GC-P zoning district.

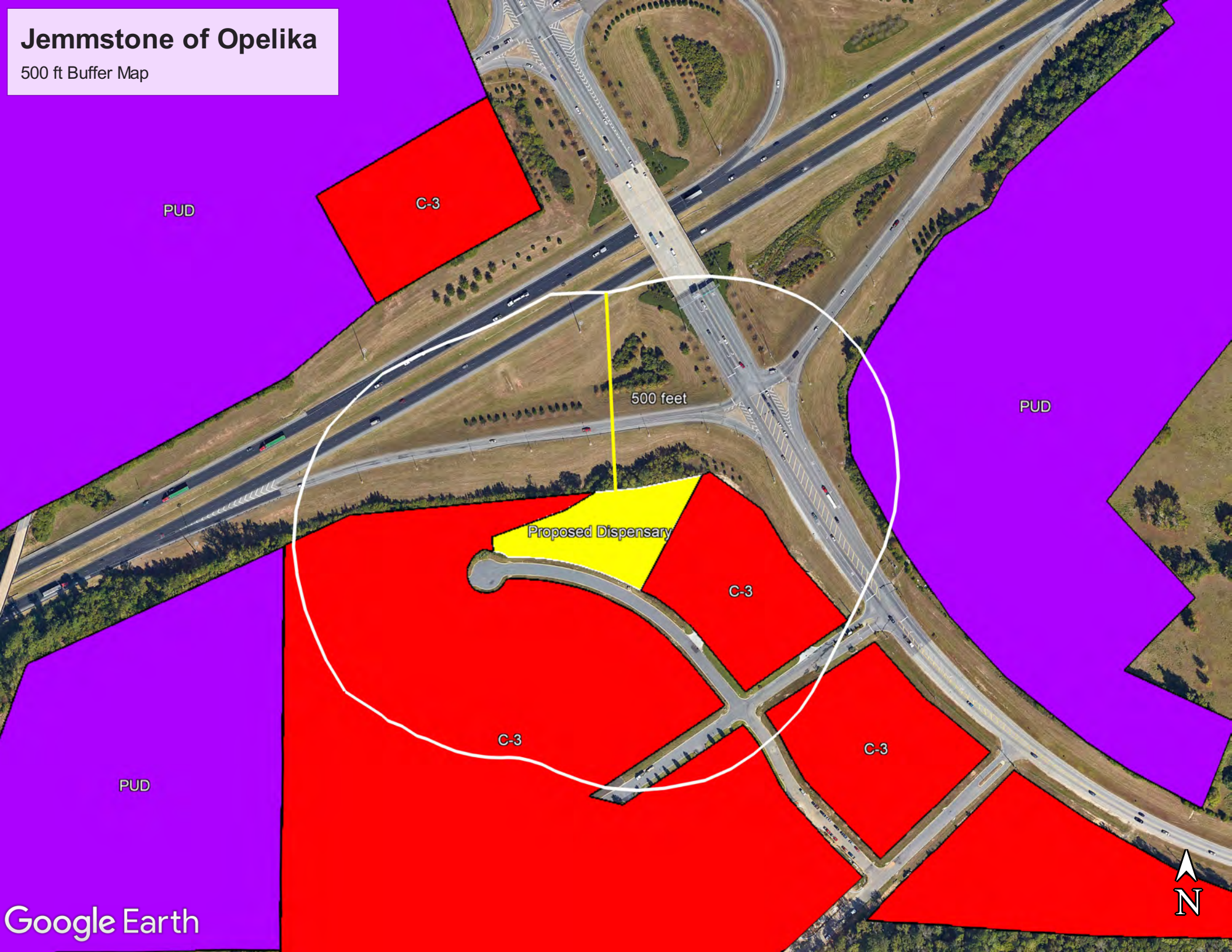


Subject Property

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Jemmstone of Opelika

500 ft Buffer Map



PUD

C-3

500 feet

PUD

Proposed Dispensary

C-3

PUD

C-3

C-3



DATE	REVISIONS/BY:

OPELIKA, AL

3021 Capps Way, Opelika, AL 36804

DATE	05 DECEMBER 2022
DRAWN BY	JEP
CHECKED BY	JEP
SCALE	$\frac{1}{64}'' = 1'-0''$
SHEET NAME	CONCEPTUAL SITE PLAN
SHEET NUMBER	

**REZONING APPLICATION**

PLANNING DEPARTMENT

700 FOX TRAIL

OPELIKA, AL 36801

3207

PC DEADLINE: 12/4/22 PC MEETING: 12/20/22

PROPERTY OWNERS/

AUTHORIZED REPRESENTATIVE: McIntyre Home Builders LLCMAILING ADDRESS: P.O. Box 242854 Montgomery, AL 36124PHONE NUMBER: 334-315-9480 Email: mhb-alabama@gmail.com**PARCEL INFORMATION**Site Address: Anderson Lakes CircleDescription of proposed use: 20 ft Building lineTax Parcel Number: 0308340000042001Adjacent Zoning Districts: North: R4 South: R3 East: I West: R1Current Land Use: ResidentialCurrent Zoning: R3Number of APO: x \$7.00 = \$
(Adjacent Property Owners)Proposed Zoning: PUDFee: \$125.00TOTAL = PAID: I hereby request my property located at (street address) Anderson Lakes CircleTax Map parcel number 0308340000042001 be rezoned fromR3 to PUD. A copy of the tax area map, a survey of the property, a copy of the deed for the property, and the names and addresses of all adjoining property owners are enclosed. I understand that the City may require additional information, or waive certain requirements, at any time during the process.OWNERS OR AUTHORIZED
REPRESENTATIVE SIGNATURE:(PRINT NAME) Matt McIntyre12/6/22

DATE

Anderson Lakes Planned Development

TO: City of Opelika planning commission
FROM: McIntyre Home Builders, L.L.C.
RE: PUD Development Plan Review for Anderson Lakes Planned Development
DATE: December 15, 2022

In accordance with Section 8.18 of the Opelika Zoning Ordinance (Planned Unit Development Regulations), this Development Review Package is being submitted for review by the appropriate City Departments and Opelika Planning Commission.

Overall Development Scheme

1. Location and intensity of proposed uses and activities.

The proposed planned unit development is on an approximately 8-acre parcel in the City of Opelika. The parcel lies between the existing Anderson Lakes development and Northtowne Development. The project is currently underway and will contain 23 residential lots. The lots are exclusively single-family sites.

2. Physical description of proposed facilities accommodating such uses.

The development will be completed in a single phase, and lots are committed to one builder that has requested the setback be adjusted to accommodate their plans in order to build homes with minimal barriers to entry. This will avail the builder to keep the master bedroom and living areas on first floor as well as vary the building setbacks to provide a more appealing street view. The minimum setback request is 20 feet.

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

The homeowners' association for the development will maintain the common areas and detention pond(s). Based on a per lot allowance, the association will determine which amenities they wish to install. Funding for continuing maintenance will be through the annual dues paid to the association.

City of Opelika

Planning Commission Report

Action Requested:	Rezone from R-3 to PUD
Location of Property:	Anderson Lakes Circle
Property Owner(s):	McIntyre Home Builder, LLC
Current Land Use:	Single-family homes under construction
Current Zoning:	R-3 (Low Density Residential)
Adjacent Land Use / Zoning:	North: PUD - Single Family Residence (Anderson Lakes) South: R-3 - Single Family Residence (Northtowne) East: M-2 OIDA property (vacant) West: R-3 - Single Family Residence

Staff Comments:

The proposed land use amendment is not necessary since the use would remain single family in a low density configuration.

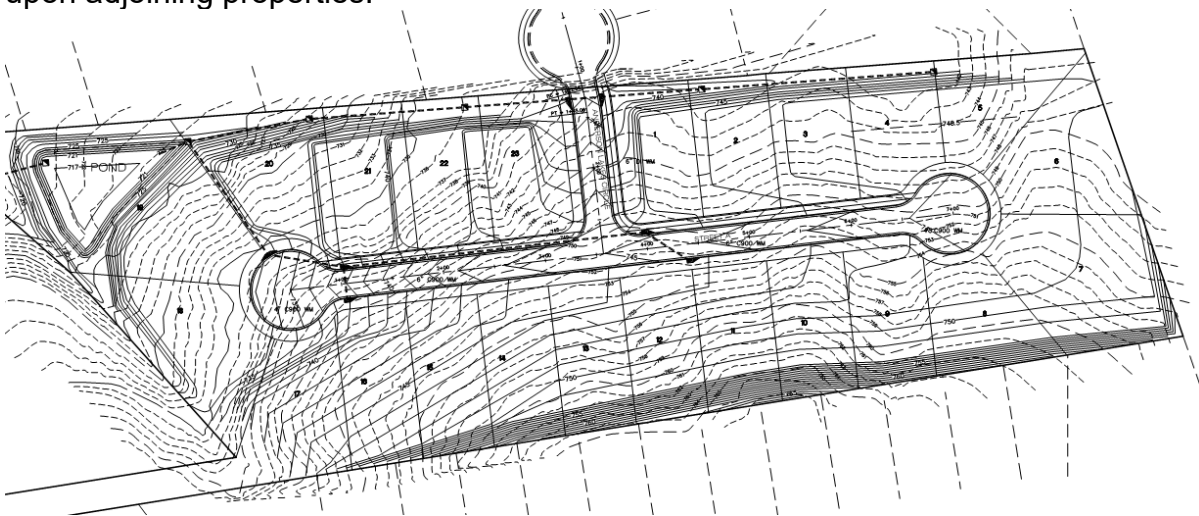
The applicant is requesting to rezone Anderson Lakes Phase II from R-3 to PUD. The subject property is approximately 8.1 acres. It is located between Anderson Lakes and Northtowne Subdivisions. It takes access from Anderson Lakes Circle. The property received preliminary plat approval in April 2022 for a 24 lot subdivision in the R-3 zone. At that time all of the lots met the minimum lot requirements for R-3 including lot size, lot width, and setbacks.

The applicant is requesting to rezone the property due to a desire to vary the front setback and bring the homes closer to the street. The lots would still meet the 10,000 square foot lot size and 70-foot width. It would also continue in the same configuration as was approved during the subdivision approval. The current setback in R-3 is 30 feet. The Anderson Lakes PUD to the north reduced the setback to 25 feet during their approval. Northtowne Subdivision to the south was constructed when R-3 had a 25 foot front setback. It was later changed up to 30 feet. The applicant would like to vary how far from the street the buildings are setback to keep from having a standardized look.

This is not the typical type of development that uses a Planned Unit Development. PUDs are often used to combine a mix of uses and open space within the same development. This process also begins prior to development beginning. The only example similar to this was the rezoning of Hamilton Gables to allow the units to be divided off a private street instead of as condos.

Section 8.18 notes the purpose of a PUD is to “encourage the appropriate development of tracts of land in all zoning districts sufficiently large to allow comprehensive planning and to provide flexibility in the application of certain regulations in a manner consistent with the general purposes of the Zoning Ordinance, thereby promoting a harmonious variety of uses, the economy of shared services and facilities, compatibility with surrounding areas, and the creation of attractive, healthful, efficient and stable environments for living, shopping and working.”

While the intent is to allow flexibility for a variety of uses, the zone has been used for single-family only developments and there is not a requirement for mixed uses. The proposed change to the setbacks would likely pull homes further from the adjacent property owners in neighboring subdivisions and should not create any adverse impact upon adjoining properties.



The applicant also looked at the possibility of requesting a variance for the development to allow the setbacks to be reduced in the current R-3 zone. However, there is not much of a hardship that is generally required for the granting of a variance. Although there are some steep areas in the rear yards, the request is more of a design feature than necessity.

While staff does not believe this request is completely in line with the intent of the PUD regulations, the zoning ordinance does not prohibit a PUD in this case. Additionally, the proposed PUD request would have no adverse impact on the adjacent properties and may slightly reduce the impact of this development on its neighbors. **For this reason, staff recommends the Planning Commission grant a positive recommendation to City Council, subject to the following:**

1. One (1) canopy tree will be required in the front yard of each lot.

Engineering Department Report

The Engineering Department has no comments regarding the proposed rezoning.

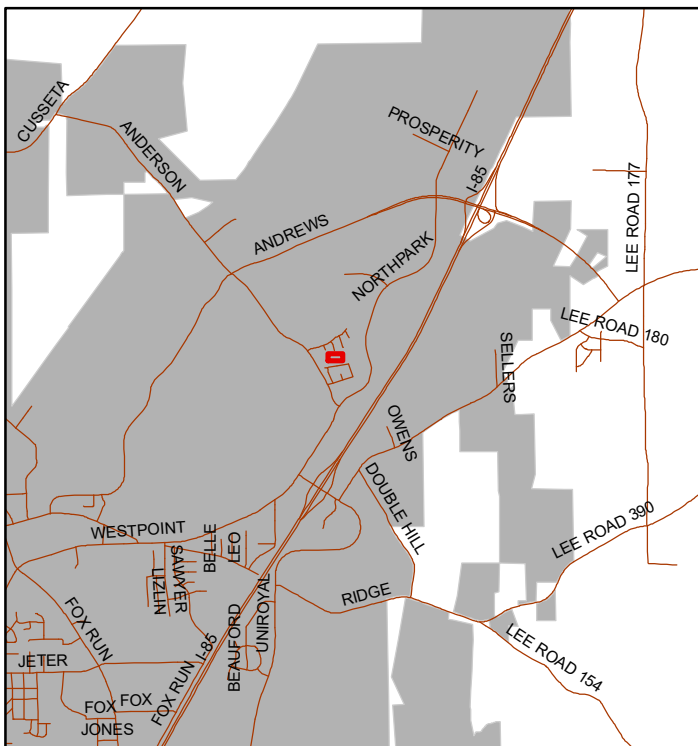
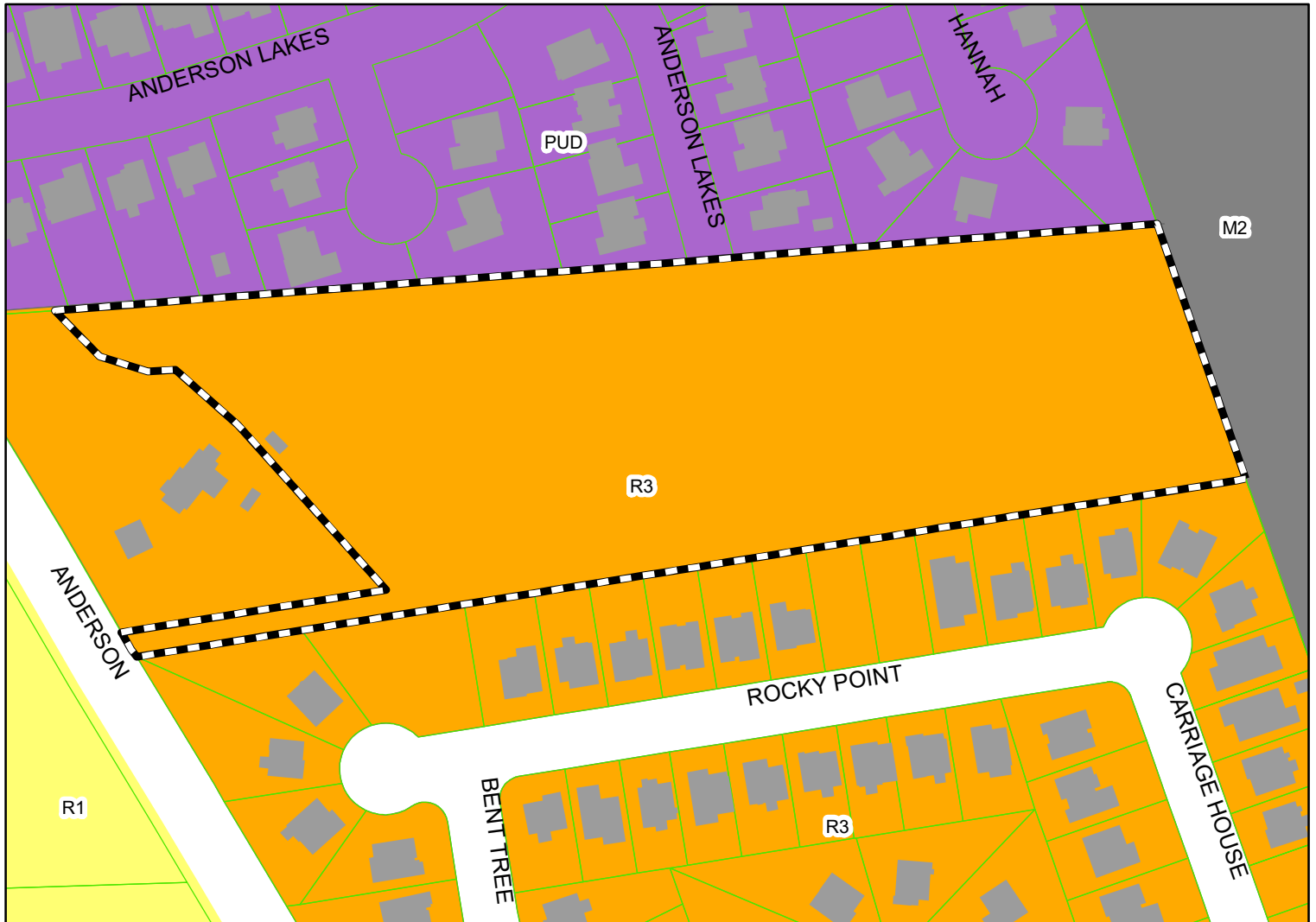
Opelika Utilities Board Report

Water is available from Anderson Lakes Circle.

Opelika Power Services Report

This subdivision is outside the Opelika Power Service territory.

McINTYRE HOMES REZONING 2900 BLOCK ANDERSON ROAD R-3 TO PUD, D-9a-b



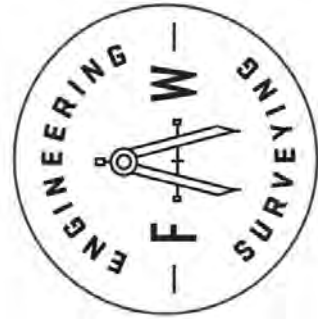
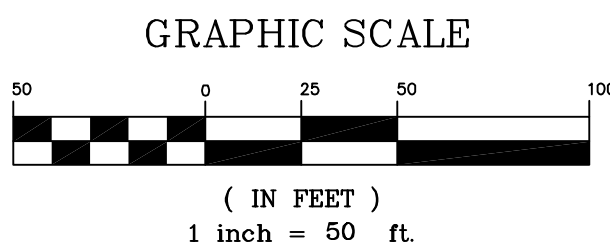
The applicant requesting approval to rezone 24.8 acres for single family homes from R-3 to PUD.



Subject Property

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CURVE TABLE							
CURVE	LENGTH	RADIUS	CHORD	CHORD	DELTA	TANGENT	
C1	13.62'	15.00	S70°34'30"E	13.16'	S2°01'12"	7.32'	
C2	70.47'	50.00	N84°56'35"W	64.78'	S0°45'23"	42.52'	
C3	43.67'	50.00	S29°39'23"W	42.30'	S0°02'40"	23.34'	
C4	66.80'	50.00	S33°38'19"E	61.94'	S6°32'44"	39.45'	
C5	66.93'	50.00	N69°44'30"E	62.04'	S6°41'38"	39.55'	
C6	13.62'	15.00	S57°24'18"W	13.16'	S2°01'12"	7.32'	
C7	23.56'	15.00	N38°24'54"E	21.21'	S0°00'00"	15.00'	
C8	23.56'	15.00	S51°35'06"E	21.21'	S0°00'00"	15.00'	
C9	18.68'	125.00	N10°51'54"W	18.66'	S8°33'37"	9.36'	
C10	23.18'	175.00	N10°22'44"W	23.16'	S7°35'16"	11.60'	
C11	13.62'	15.00	N57°24'18"E	13.16'	S2°01'12"	7.32'	
C12	40.75'	50.00	S54°44'40"W	39.63'	S4°41'57"	21.58'	
C13	45.50'	50.00	N75°50'02"W	43.95'	S2°08'39"	24.46'	
C14	43.66'	50.00	N24°44'41"W	42.29'	S0°02'02"	23.33'	
C15	43.66'	50.00	N25°17'20"E	42.29'	S0°02'02"	23.33'	
C16	61.99'	50.00	N85°49'29"E	58.10'	S1°02'15"	35.69'	
C17	12.30'	50.00	S51°36'39"E	12.27'	S4°05'30"	6.18'	
C18	13.62'	15.00	N70°34'30"W	13.16'	S2°01'12"	7.32'	



PROPOSED IMPROVEMENTS FOR PHASE 2 OF
ANDERSON LAKES SUBDIVISION
OPELIKA, ALABAMA

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PROJ. # 22-524
DRAWN BY: KJ
CHECKED BY: KJ

DATE: 6-6-22
REV. 1: ---
REV. 2: ---
REV. 3: ---

SHEET TITLE:
LOTING
LAYOUT

SHEET NUMBER:
3.0

SHEET 3 OF 13



**APPLICATION FOR
SUBDIVISION APPROVAL**
PLANNING DEPARTMENT
700 FOX TRAIL
OPELIKA, AL 36801

AGENDA ITEM # 10⁵



DEADLINE: 11/1/22 ~~10/4/22~~ MEETING: 11/29/22 ~~10/25/22~~

SITE ADDRESS: <u>Hidden Lakes Drive</u>	
PROPERTY OWNER: <u>280 Land Company, LLC</u>	
APPLICANT/AUTHORIZED REPRESENTATIVE: <u>Blake Rice, Barrett-Simpson, Inc.</u>	
MAILING ADDRESS: <u>223 South 9th Street Opelika, AL 36801</u>	
PHONE NUMBER: <u>334-745-7026</u>	FAX NUMBER: <u>334-745-4367</u>
EMAIL ADDRESS: <u>brice@barrett-simpson.com</u>	
TYPE OF PLAT APPROVAL REQUESTED	
☐ SKETCH PLAN	☐ ADMINISTRATIVE
☐ PRELIMINARY	☒ FINAL
Does the subdivision require any other official action by the City? <u>None</u>	
☐ Annexation	☐ Rezoning
☐ Other _____	
PARCEL INFORMATION	
Subdivision Name: <u>Hidden Lakes, Phase 4</u>	Number of Lots: <u>73</u> x \$3.00 = <u>\$219.00</u>
Current Land Use: <u>Vacant</u>	Number of APO: <u>N/A</u> x \$7.00 = <u>\$ N/A</u> (Adjacent Property Owners)
Current Zoning: <u>PUD</u>	Fee: <u>\$75.00</u>
Proposed use of the Subdivision: <u>Single-family Residential</u>	TOTAL <u>= \$294.00</u>
☒ Residential	☐ Commercial
☐ Manufacturing/Industrial	☐ Office/Institutional
PAID _____	
I, the undersigned, hereby request the Opelika Planning Commission review the Subdivision Plat for (name of subdivision) <u>Hidden Lake, Phase 4</u> Subdivision. I understand that I must provide certain information as noted in Section 4.2, Section 4.3, and/or Section 4.4 of the Opelika Subdivision Regulations in order for the Planning Commission to review my plans. The City may require additional information or requirements, or waive certain requirements, at any time during the process. Failure to provide accurate and complete information may result in disapproval by the Planning Department and/or Planning Commission. This application, plat, and all other information are submitted with the full authorization and knowledge of the property owner(s). The undersigned below hereby swears to be the authorized applicant designated by the property owner(s) as representative or agent for the property owner(s) and therefore authorized to make said application and submit said documents on this request. The undersigned authorizes the City to inspect the subject property as necessary in reviewing the above referenced request.	
OWNERS/AUTHORIZED REPRESENTATIVE SIGNATURE: <u>Blake Rice</u>	10/4/22
(PRINT NAME) <u>Blake Rice, Barrett-Simpson, Inc.</u>	DATE

City of Opelika
Planning Commission
Planning Department Report

Meeting Date: December 20, 2022 (Tabled at November 29, 2022)

Subdivision: Hidden Lakes, Phase 4

Agenda Item #: F-10

Action Requested: Final Approval

Location of Property: Hidden Lakes Drive

Property Owner(s): 280 Land Company, LLC
Blake Rice, Barrett-Simpson, Inc., authorized representative

Current Land Use: Undeveloped

Current Zoning: PUD

Flood Zone: FEMA – Nov 2, 2011 – MAP#01081C0090G
Zone X – An area 0.2% or less annual chance of flood (not shaded) & Zone A – Special Flood Hazard Areas (SFHAs) subject to inundation by the 1% annual chance flood. No Base Flood Elevations Determined.

Staff Comments:

The applicant requests final plat approval for a 73-lot subdivision on 115.14 acres. The Hidden Lakes Master Plan PUD was approved in 2018. The commercial area has become a common area with a planned pool and open play space. The lot sizes are consistent with the Master Plan. The standard lot size is from 12,048 square feet to roughly 41,353 square feet.

The plat's street layout is consistent with the PUD master plan. A stub street is located on the northwest corner to connect to an adjacent large property. Between lots 70 and 71 shows access to Lot 84-B-1. Lot 84-B-1 area in the Master Plan is labeled open space/amenity. Please add a note with a label to describe the use, ownership, and maintenance of all the common areas, amenity areas, and open space areas on Lots 108, 63-B-1, and 84-B-1. The plat is largely consistent with the requirements for final plat approval as set forth by the subdivision regulations.

Recommendation to approve subject to the following conditions:

- 1. Change the label on Lot 108, 63-B-1, and 84-B-1 to amenity/common area based on the proposed use.**
- 2. Note the use and who will maintain the open space and common areas.**
- 3. Buffering will be required between the common area on Lot 108 and the surrounding residential properties based on the use as an amenity.**
- 4. Sidewalks are required on one side of every street.**
- 5. All utilities shall be located underground.**

Engineering Department Report

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 prior to the signing of the final plat. There are no other comments or concerns from the Engineering Departments regarding this final plat

Opelika Utilities Board Report

Final Plat approval pending inspection and approval of water infrastructure installed.

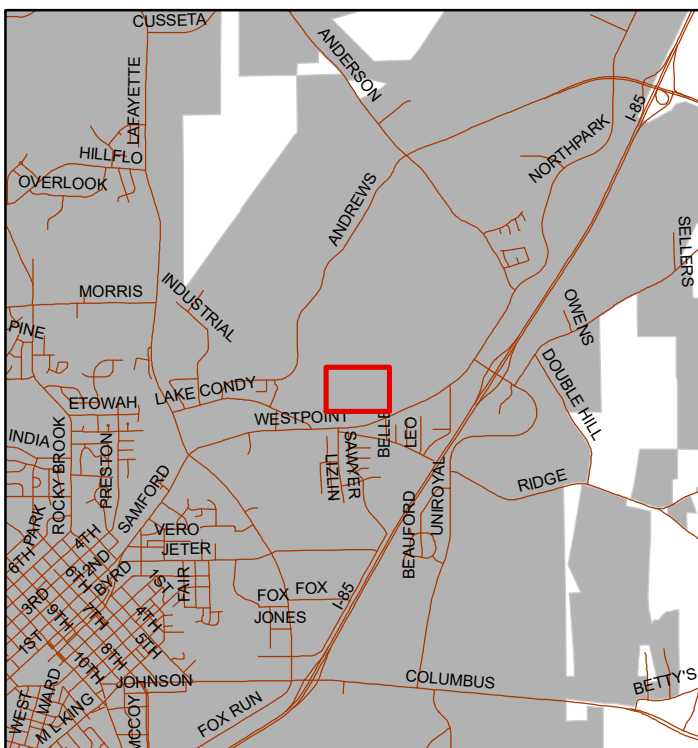
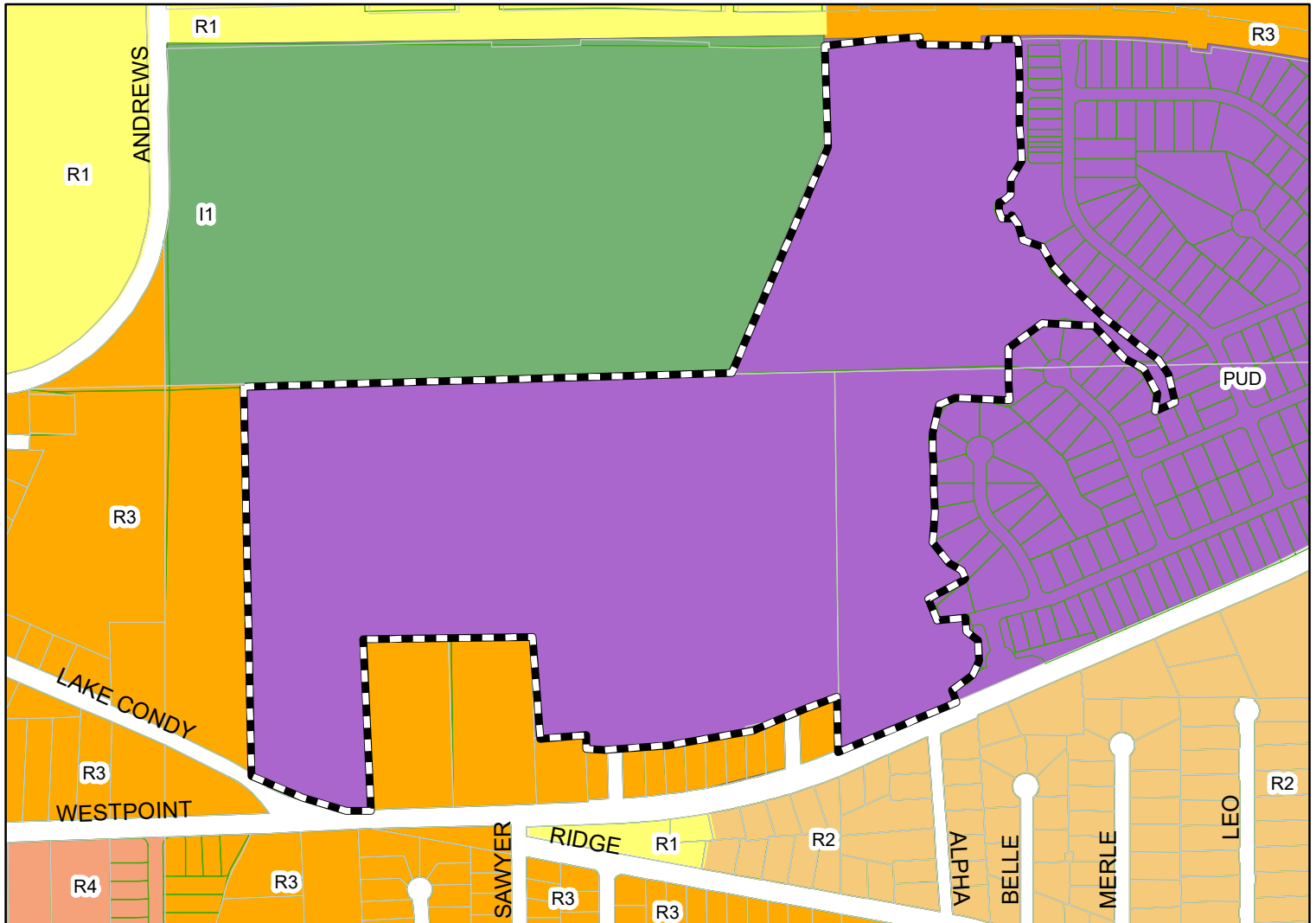
Opelika Power Services Report

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

HIDDEN LAKES PHASE 4 SUBDIVISION

HIDDEN LAKES DRIVE

FINAL APPROVAL, F-10



The applicant is requesting approval for 73 single family home lots. The property is located in the Hidden Lakes PUD zoning district. This item tabled at the Nov 29th PC meeting.



Subject Property

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1. Survey North is Grid North based upon NAD83 State Plane Coordinates, Alabama East Zone, US Foot, RTK GPS using ALDOT CORS as reference.
2. Basis for Survey:
-Hidden Lakes Subdivision Phase 2, Plat Book 44, Pages 102 and 103, Probate Office, Lee County, Alabama
3. According to the FEMA FIA NIFF flood insurance rate map (FIRM), Map Number 01081C0090G, effective date November 2, 2011, the subject property is located:
- Zone X (not shaded) - Areas determined to be outside the 0.2% annual chance floodplain.
- Zone 3 Special Flood Hazard Areas (SFHA) subject to inundation by the 1% annual chance flood. No Base Flood Elevations Determined.
4. Wetlands shown were located and shown on wetland delineation report by Wildland Services, LLC dated April 20, 2018.
5. This survey was made without the benefit of an attorney's title opinion of title commitment. The surveyor's search of public records was limited to those matters affecting the boundaries of the subject property only. There may be matters of record, such as conveyances, easements, rights-of-way, etc., that affect the title to the subject property which are not known to the surveyor and not disclosed by this survey.
6. An easement is hereby granted to the City of Opelika and to any utility company serving the City of Opelika for the purpose of installing, operating, and maintaining poles, lines, guy wires, and other facilities. Total easement width is ten (10) feet wide with five (5) feet off each side of front and side lot lines.
7. There is a ten (10) foot utility and drainage easement along the right-of-way of each lot.
8. There was no attempt in the field to determine the location or the extent of possible encroachments beneath the surface.
9. This drawing becomes void if any alterations or changes are made by others.
10. This drawing may not be altered or added to without permission from Barrett-Simpson, Inc.

Curve Table					Curve Table				
Curve #	Arc Length	Radius	Chord Bearing	Chord Distance	Curve #	Arc Length	Radius	Chord Bearing	Chord Distance
C1	22.31'	975.00'	N74° 54' 23"E	22.31'	C43(t)	366.74'	1025.00'	N24° 41' 17"W	364.79'
C2	88.59'	2256.12'	N75° 22' 33"E	88.58'	C44	39.27'	25.00'	N59° 26' 17"W	35.36'
C3	92.29'	2256.12'	N77° 40' 21"E	92.29'	C45	39.27'	25.00'	N20° 39' 44"E	35.36'
C4	81.97'	2256.12'	N79° 53' 07"E	81.96'	C46	64.17'	206.00'	N15° 24' 47"W	63.92'
C5	87.32'	2256.12'	N82° 02' 06"E	87.32'	C47	17.18'	206.00'	N04° 05' 58"W	17.17'
C6	72.69'	2256.12'	N84° 04' 00"E	72.68'	C48(t)	81.35'	206.00'	N13° 01' 27"W	80.83'
C7(t)	422.86'	2256.12'	N78° 37' 13"E	422.24'	C49	254.03'	156.00'	N48° 21' 37"W	226.88'
C8	21.90'	206.00'	N80° 02' 05"E	21.89'	C50	5.03'	2206.12'	S84° 55' 28"W	5.03'
C9	94.05'	206.00'	S75° 50' 27"E	93.24'	C51	101.67'	2206.12'	S83° 32' 20"W	101.66'
C10	80.98'	206.00'	S51° 30' 01"E	80.46'	C52	83.25'	2206.12'	S81° 08' 15"W	83.25'
C11	80.98'	206.00'	S28° 58' 40"E	80.46'	C53	90.45'	2206.12'	S78° 52' 55"W	90.44'
C12	57.55'	206.00'	S04° 42' 49"E	57.36'	C54	93.77'	2206.12'	S76° 29' 22"W	93.77'
C13(t)	335.45'	206.00'	S48° 21' 37"E	299.60'	C55	39.31'	2206.12'	S74° 45' 41"W	39.31'
C14	61.61'	156.00'	S13° 01' 27"E	61.21'	C56(t)	413.49'	2206.12'	N79° 37' 13"E	412.88'
C15	39.27'	25.00'	S69° 20' 16"E	35.36'	C57	23.46'	1025.00'	S74° 54' 23"W	23.46'
C16	48.63'	325.00'	S66° 56' 54"E	48.58'	C58	39.27'	25.00'	S73° 52' 33"W	35.36'
C17	41.14'	275.00'	S69° 56' 54"W	41.11'	C59	29.42'	975.00'	S15° 18' 08"E	29.42'
C18	7.93'	375.00'	S66° 16' 04"W	7.93'	C60	105.58'	975.00'	S19° 16' 07"E	105.52'
C19	70.57'	375.00'	S72° 15' 53"W	70.46'	C61	145.12'	975.00'	S26° 38' 05"E	144.98'
C20	170.169'	375.00'	N89° 13' 42"W	170.19'	C62	68.74'	975.00'	S32° 55' 06"E	68.73'
C21(t)	250.18'	375.00'	S84° 36' 30"W	245.57'	C63(t)	348.85'	975.00'	N24° 41' 17"W	347.00'
C22	36.14'	25.00'	S62° 28' 41"W	33.07'	C64	27.16'	325.00'	S37° 19' 57"E	27.15'
C23	88.62'	225.00'	S32° 21' 37"W	88.04'	C65	111.24'	325.00'	S49° 31' 56"E	110.70'
C24	26.03'	225.00'	S46° 56' 52"W	26.01'	C66(t)	138.40'	325.00'	N47° 08' 17"W	137.36'
C25(t)	114.64'	225.00'	S35° 39' 54"W	113.41'	C67	43.46'	25.00'	N70° 51' 55"E	38.19'
C26	22.39'	25.00'	S23° 36' 09"W	21.65'	C68	98.35'	425.00'	N27° 41' 52"E	98.13'
C27	77.24'	55.00'	S39° 10' 36"W	71.05'	C69	19.33'	425.00'	N35° 37' 48"E	19.33'
C28	44.40'	55.00'	N77° 27' 50"W	43.20'	C70(t)	117.68'	425.00'	N29° 00' 02"E	117.30'
C29	30.38'	55.00'	N38° 30' 39"W	30.00'	C71	20.84'	25.00'	N13° 03' 24"E	20.24'
C30	60.34'	55.00'	N08° 44' 42"E	57.36'	C72	79.92'	55.00'	N30° 48' 32"E	73.07'
C31	58.94'	55.00'	N70° 52' 37"E	56.16'	C73	81.23'	55.00'	S65° 15' 11"E	74.04'
C32(t)	271.31'	55.00'	N39° 44' 19"W	68.75'	C74	55.96'	55.00'	S60° 12' 11"W	53.58'
C33	22.39'	25.00'	N75° 55' 13"E	21.65'	C75	54.00'	55.00'	S63° 28' 31"W	51.85'
C34	89.17'	175.00'	N35° 39' 54"E	88.20'	C76(t)	271.10'	55.00'	S49° 36' 34"E	68.91'
C35	36.14'	25.00'	N20° 20' 29"W	33.07'	C77	24.29'	25.00'	S63° 46' 19"W	23.34'
C36	94.56'	375.00'	N54° 31' 47"W	94.22'	C78	71.40'	375.00'	S30° 29' 19"W	71.29'
C37	80.96'	375.00'	N41° 07' 25"W	80.81'	C79	25.96'	375.00'	S23° 03' 02"E	25.95'
C38(t)	175.49'	375.00'	N48° 20' 41"W	173.89'	C80(t)	97.36'	375.00'	N28° 30' 21"E	97.08'
C39	86.00'	1025.00'	S32° 32' 04"W	85.98'	C81	43.46'	25.00'	S28° 43' 43"E	38.19'
C40	95.04'	1025.00'	N27° 28' 29"W	95.00'	C82	203.14'	325.00'	N83° 34' 06"E	199.85'
C41	81.67'	1025.00'	N22° 32' 09"W	81.65'	C83	92.02'	307.07'	N49° 23' 24"W	91.68'
C42	104.03'	1025.00'	N17° 20' 44"W	103.99'					

HIDDEN LAKES PHASE 4

A Redivision of Lot 84-B & 63-B, Hidden Lakes Phase 2, Section 33, Township 20 North, Range 27 East & Section 4, Township 19 North, Range 27 East, Opelika, Lee County, Alabama

Sheet 1 of 2

LEGEND

- 1/2" Rebar Found - Orange Cap Stamped AL CA 718 LSF000600 (unless otherwise noted)
- 1/2" Rebar Set - Orange Cap Stamped AL CA 718 LSF000600
- 6" x 6" Concrete Monument
- DB: Calculated Point
- DB: Deed Book
- PB: Plat Book
- PG: Page
- (R) Record Bearing or Distance
- Chain Link Fence
- Wire Fence
- Right-of-Way
- Now or Former
- D.U.E. Drainage and Utility Easement
- D.E. Drainage Easement
- Not to Scale
- Overhead Utility w/ Power Pole
- (typ.) Typical Example
- (t) Total

COMMON / Open Space Lots shown on this plat shall be owned and maintained by the Homeowners Association established for said lots.

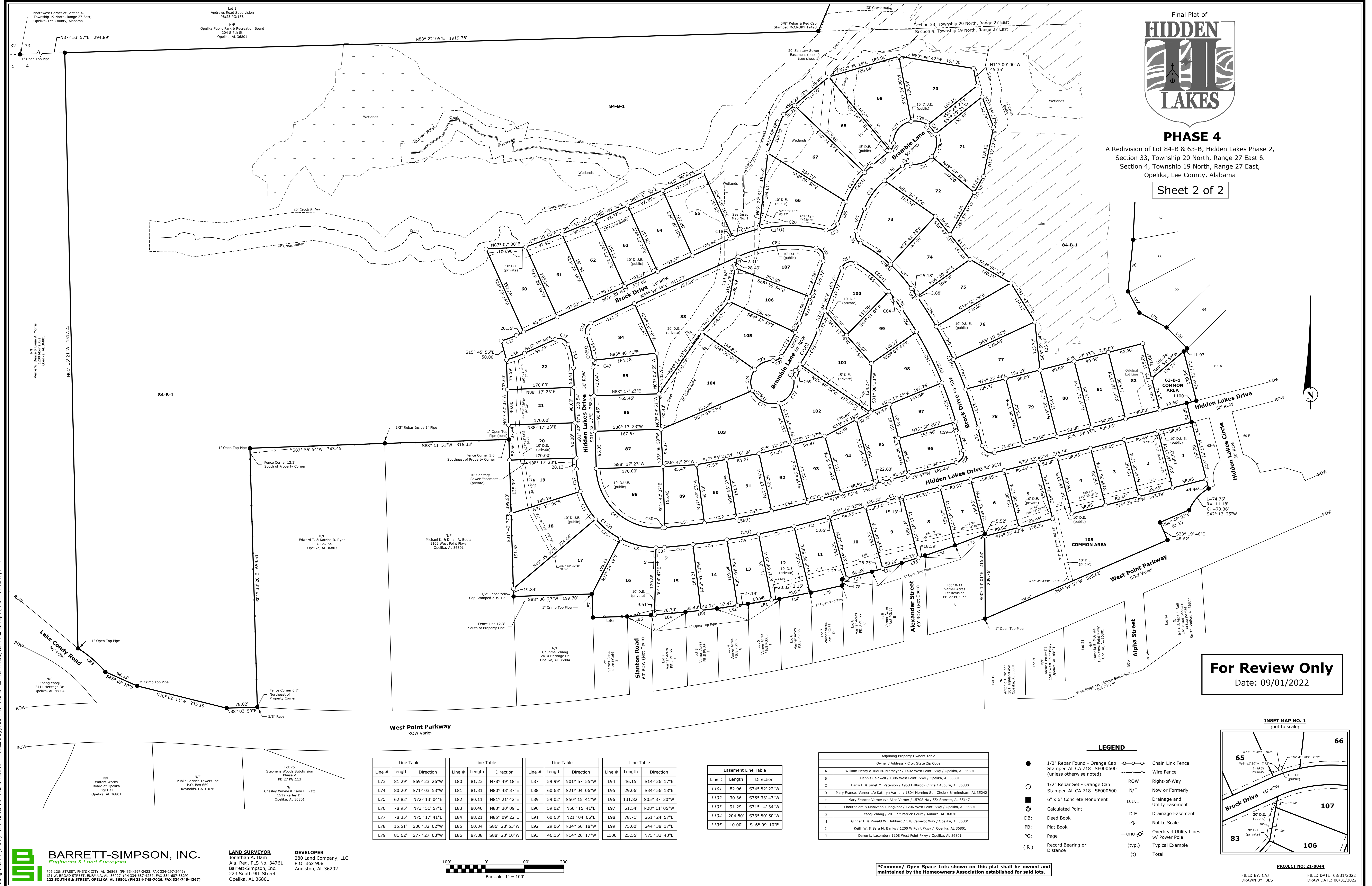
PROJECT NO: 21-0044

FIELD BY: CAJ

FIELD DATE:

Opelika Power Services: _____ Date: _____

DEVELOPER
280 Land Company, LLC
P.O. Box 908
Anniston, AL 36202



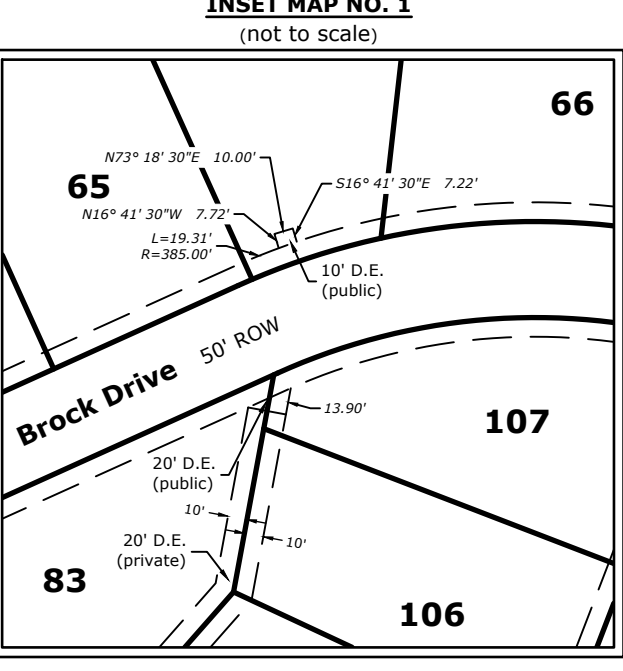
PHASE 4
A Redivision of Lot 84-B & 63-B, Hidden Lakes Phase 2,
Section 33, Township 20 North, Range 27 East &
Section 4, Township 19 North, Range 27 East,
Opelika, Lee County, Alabama

Sheet 2 of 2

For Review Only
Date: 09/01/2022

LEGEND

- 1/2" Rebar Found - Orange Cap Stamped AL CA 718 LSF000600 (unless otherwise noted)
- 1/2" Rebar Set - Orange Cap Stamped AL CA 718 LSF000600
- 6" x 6" Concrete Monument
- Calculated Point
- DB: Deed Book
- PB: Plat Book
- PG: Page
- (R) Record Bearing or Distance
- Chain Link Fence
- Wire Fence
- Right-of-Way
- N/F Now or Formerly
- D.U.E. Drainage and Utility Easement
- D.E. Drainage Easement
- Not to Scale
- OHU— Overhead Utility Lines w/ Power Pole
- (typ.) Typical Example
- (t) Total



PROJECT NO: 21-0044

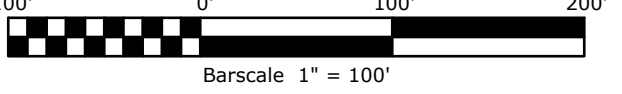
FIELD BY: CAJ
DRAWN BY: BES

FIELD DATE: 08/31/2022
DRAW DATE: 08/31/2022

Adjoining Property Owners Table	
Owner / Address / City, State Zip Code	
A William Henry & Judi M. Niemeyer / 1402 West Point Pkwy / Opelika, AL 36801	
B Dennis Caldwell / 1306 West Point Pkwy / Opelika, AL 36801	
C Harry L. & Janet M. Peterson / 1953 Hillbrook Circle / Auburn, AL 36830	
D Mary Frances Varner c/o Kathryn Varner / 1804 Morning Sun Circle / Birmingham, AL 35242	
E Mary Frances Varner c/o Alice Varner / 15708 Hwy 55/ Sterrett, AL 35147	
F Phouthalom & Manivanh Luangkhut / 1206 West Point Pkwy / Opelika, AL 36801	
G Yaoqi Zhang / 2011 St Patrick Court / Auburn, AL 36830	
H Ginger F. & Ronald W. Hubbard / 518 Camelot Way / Opelika, AL 36801	
I Keith W. & Sara M. Banks / 1200 W Point Pkwy / Opelika, AL 36801	
J Daren L. Lacombe / 1108 West Point Pkwy / Opelika, AL 36801	

Easement Line Table		
Line #	Length	Direction
L101	82.96'	S74° 52' 22"W
L102	30.36'	S75° 33' 43"W
L103	91.29'	S71° 14' 34"W
L104	204.80'	S73° 50' 50"W
L105	10.00'	S16° 09' 10"E

Line Table			Line Table			Line Table			Line Table		
Line #	Length	Direction	Line #	Length	Direction	Line #	Length	Direction	Line #	Length	Direction
L73	81.29'	S69° 23' 26"W	L80	81.23'	N78° 49' 18"E	L87	59.99'	N01° 57' 55"W	L94	46.15'	S14° 26' 17"E
L74	80.20'	S71° 03' 53"W	L81	81.31'	N80° 48' 37"E	L88	60.63'	S21° 04' 06"W	L95	29.06'	S34° 56' 18"E
L75	62.82'	N72° 13' 04"E	L82	80.11'	N81° 21' 42"E	L89	59.02'	S50° 15' 41"W	L96	131.82'	S05° 37' 30"W
L76	78.95'	N73° 51' 57"E	L83	80.40'	N83° 30' 09"E	L90	59.02'	N50° 15' 41"E	L97	61.54'	N28° 11' 05"W
L77	78.35'	N75° 17' 41"E	L84	88.21'	N85° 09' 22"E	L91	60.63'	N21° 04' 06"E	L98	78.71'	S61° 24' 57"E
L78	15.51'	S00° 32' 02"W	L85	60.34'	S86° 28' 53"W	L92	29.06'	N34° 56' 18"E	L99	75.00'	S44° 38' 17"E
L79	81.62'	S77° 27' 08"W	L86	87.88'	S88° 23' 10"W	L93	46.15'	N14° 26' 17"W	L100	25.55'	N75° 33' 43"E



Lot 1
Andrews Road Subdivision
PB:27 PG:158
N/F
Opelika Public Park & Recreation Board
204 S 7th St
Opelika, AL 36801

Lot 32
N/F
Open Top Pipe
N87° 53' 57"E 294.89'

Lot 33
N/F
Open Top Pipe
N88° 22' 05"E 1919.36'

Lot 34
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N01° 16' 21"W 1517.23'

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Open Top Pipe
N01° 16' 21"W 1517.23'

Lot 149
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N01° 16' 21"W 1517.23'

Lot 150
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N01° 16' 21"W 1517.23'

Lot 151
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