



**CITY OF OPELIKA
CITY COUNCIL
WORKSESSION MEETING AGENDA
300 Martin Luther King Blvd.
January 3, 2023
TIME: 5:45 PM**

1. CALL TO ORDER
 1. George Allen, Erica Norris, Tim Aja, Todd Rauch, Eddie Smith
2. PRESENTATIONS
 1. Alabama Department of Public Health - East Central District.
 2. Request to Advertise for PH - Rezoning, Anderson Lakes Circle, 8.1 Acres, from R-3 to PUD.
3. RESOLUTIONS
4. ORDINANCES
5. GENERAL UPDATES
6. REVIEW/DISCUSS CURRENT COUNCIL MEETING AGENDA
7. GENERAL / DISCUSSION
8. END OF WORK SESSION

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

City of Opelika

Planning Commission Report

Action Requested:	Rezone from R-3 to PUD, 8.1 Acres
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 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.

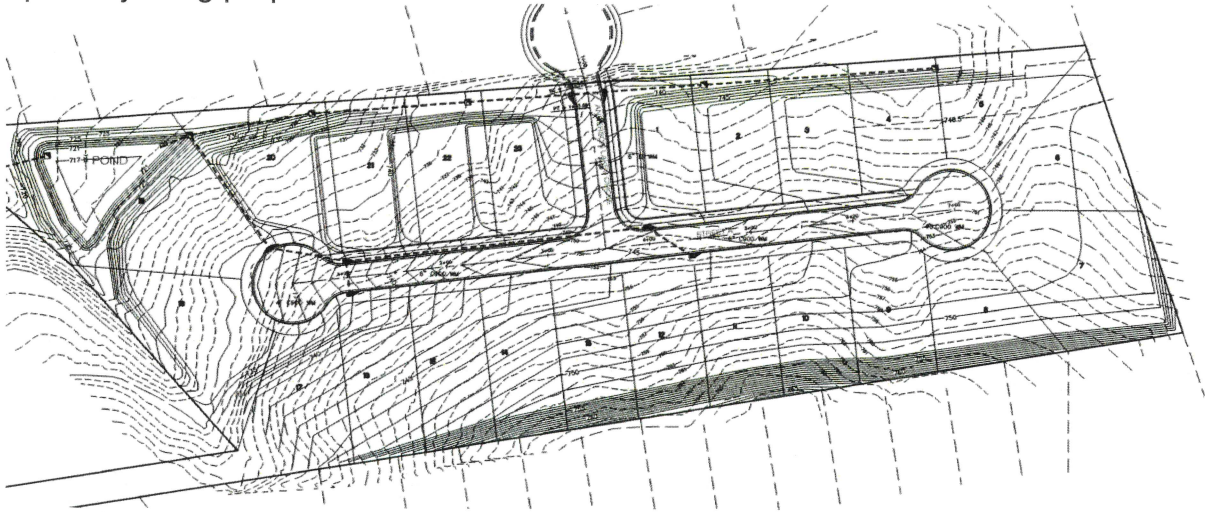
The applicant is requesting to rezone the property due to a desire to vary the front setback and bring the homes closer to the street. The lots would still meet the 10,000 square foot lot size and 70-foot width. It would also continue in the same configuration as was approved during the subdivision approval. 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.



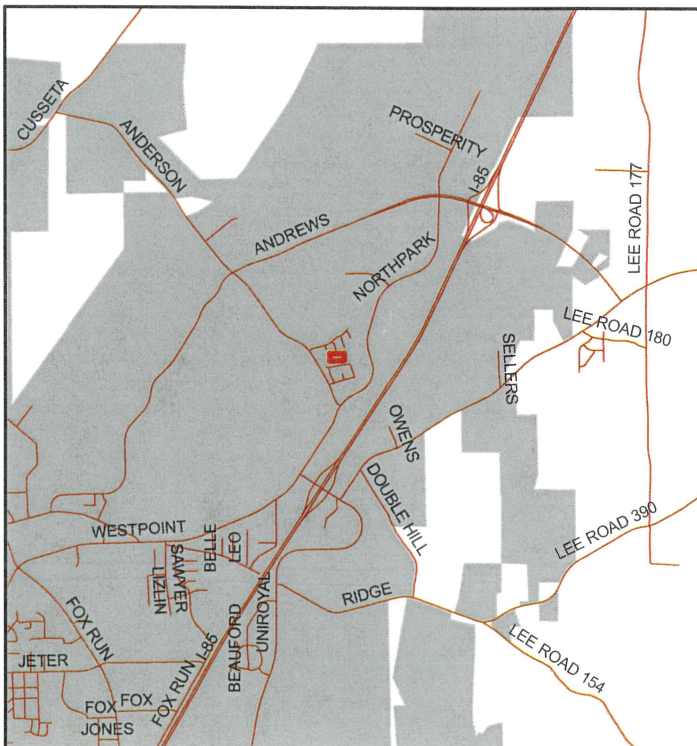
The applicant also looked at the possibility of requesting a variance for the development to allow the setbacks to be reduced in the current R-3 zone. However, there is not much of a hardship that is generally required for the granting of a variance. Although there are some steep areas in the rear yards,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

At the December 20th meeting, the Planning Commission voted 8 to 0 to send a positive recommended to City Council to rezone the 8.1 acres from R-3 to PUD.

McINTYRE HOMES REZONING ANDERSN LAKES CIRCLE R-3 TO PUD



The applicant requesting approval to rezone 8.1 acres for single family homes from R-3 to PUD.



Subject Property

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