



**CITY OF OPELIKA
PLANNING COMMISSION
REGULAR MEETING AGENDA
300 Martin Luther King Blvd.
February 25, 2025
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) - Public Hearing
 - 1. Firefly Phase II SD, 125 lots, 3000 Highway 280 East, Daniel Holland-Firefly Development LLC, property owner, Preliminary Approval
 - B. FINAL PLAT
 - 2. Drake's Landing, Section two, Phase Two subdivision, 59 lots, Fuzzy Falls, Mark Strozier, authorized representative for Edger Hughston Builder, Inc., property owner, final approval.
 - 3. The Lakes at Anderson Road Phase 3 subdivision, 33 lots, Anderson Lakes Drive, Blake Rice, authorized representative for Anderson Lakes, LLC, property owner, final approval.
 - C. CONDITIONAL USE - Public Hearing
 - 4. Blake Rice, authorized representative for BSI, Inc., 2750 Society Hill Road, C-2 zone, 79 unit rental townhomes phase 2.
 - 5. Kirti Patel, property owner, 2010 Crawford Road (Hwy 169), C-3 zone, package liquor store.
 - 6. Clay Caswell, property owner, 3615 Pepperell Parkway, C-3, GC-P zone, Office of Contractor without Equipment and Material Yard
 - 7. Aaron Adams, authorized representative for James G McClain Jr., property owner, 2410 Cunningham Drive, R-4, 56 Townhome Units
 - D. REZONING - Public Hearing

8. (a) Amendment to Future Land Use Map, 513 Ermine Street, 14,822 square feet, from manufacturing to high density residential land use category

(b) Rezoning Request, Dan Hatcher c/o Auburn Habitat for Humanity, 513 Ermine Street, 14,822 square feet, from M-1 to R-5.

E. Text Amendments to the Zoning Ordinance - Public Hearing

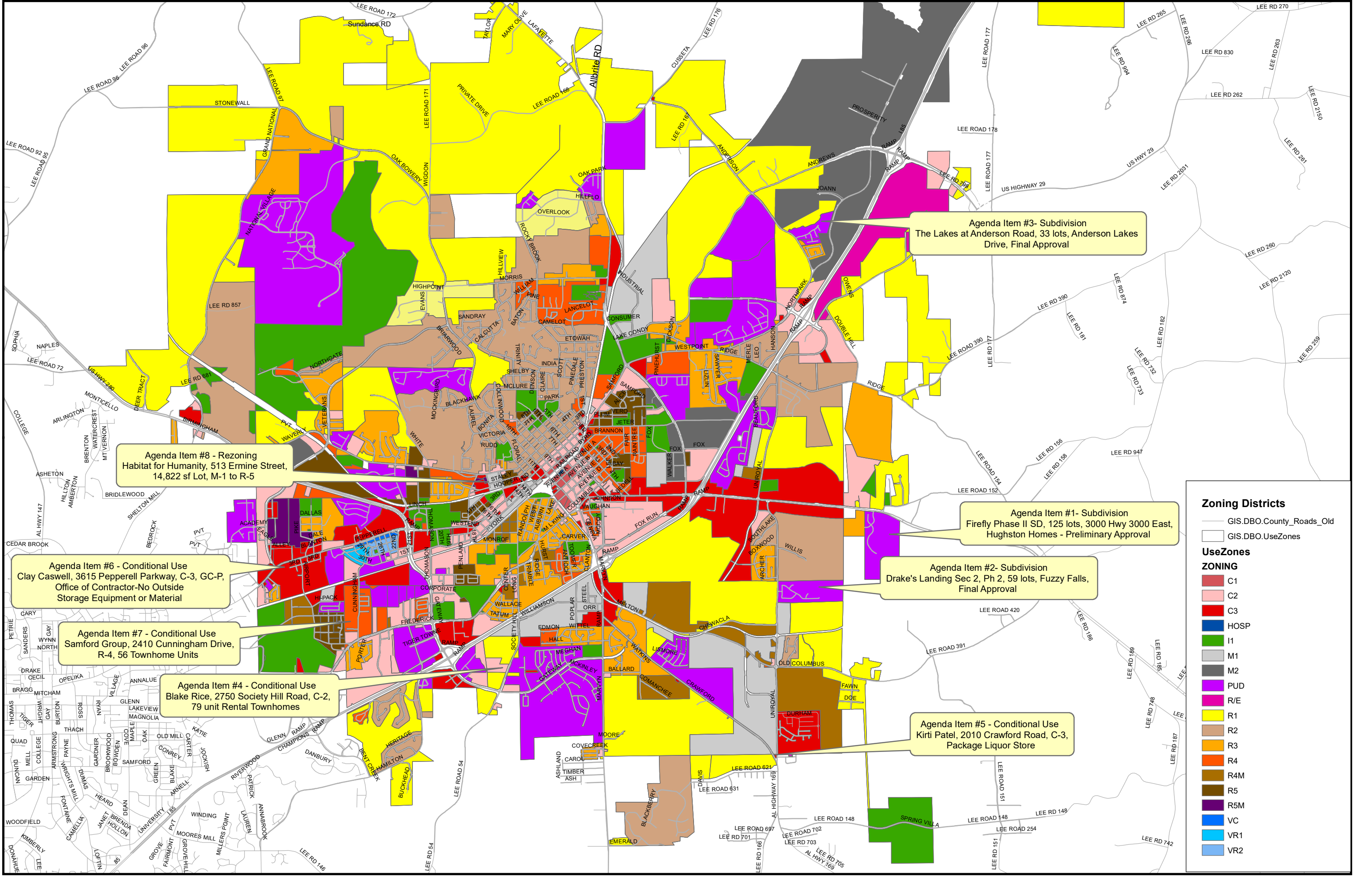
9. A public hearing to consider a recommendation to the City Council on proposed text amendments to the Zoning Ordinance: Revisions to Section 3.1 Building Permit Required and revisions to Section 8.11.1 Temporary Structures/Temporary Uses.

IV. OLD BUSINESS

10. **Text Amendment to the Zoning Ordinance - Public Hearing**

Bed and Breakfast Uses - A public hearing to consider a recommendation to the City Council on proposed text amendments to the Zoning Ordinance: Additions and revisions to definitions in Section 2.2 Definitions; revisions to Section 3.1 Building Permit Required; revisions to 7.3 C. Use Categories (matrix table); revisions to Section 8.11.1 Temporary Structures/Temporary Uses; and add new section: Section 8.28.4 Bed and Breakfast (*This item was tabled at the January 25th Planning Commission meeting*)

“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.”



Agenda Item #8 - Rezoning
Habitat for Humanity, 513 Ermine Street,
14,822 sf Lot, M-1 to R-5

Agenda Item #6 - Conditional Use
Clay Caswell, 3615 Pepperrell Parkway, C-3, GC-P,
Office of Contractor-No Outside
Storage Equipment or Material

Agenda Item #7 - Conditional Use
Samford Group, 2410 Cunningham Drive,
R-4, 56 Townhome Units

Agenda Item #4 - Conditional Use
Blake Rice, 2750 Society Hill Road, C-2,
79 unit Rental Townhomes

Agenda Item #3- Subdivision
The Lakes at Anderson Road, 33 lots, Anderson Lakes
Drive, Final Approval

Agenda Item #1- Subdivision
Firefly Phase II SD, 125 lots, 3000 Hwy 3000 East,
Hughston Homes - Preliminary Approval

Agenda Item #2- Subdivision
Drake's Landing Sec 2, Ph 2, 59 lots, Fuzzy Falls,
Final Approval

Agenda Item #5 - Conditional Use
Kirti Patel, 2010 Crawford Road, C-3,
Package Liquor Store

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.

January 28, 2025

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.

The City of Opelika Planning Commission held its regular monthly meeting January 28, 2025 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: Chair Lucinda Cannon, Mayor Gary Fuller, Mr. Sheldon Whittelsey, Dr. Arturo Menefee, and Mrs. Leigh Whatley,

MEMBERS ABSENT: Councilman George Allen, Mr. Michael Hilyer, Mr. Jay Walters, and Mr. John Sweatman.

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

CALL TO ORDER: Chair Lucinda Cannon called the meeting to order at 3:01 p.m.

- II. Elect Officers to Planning Commission (Chairman, Vice Chairman)

The first item of business was to hold the annual election of officers for the Planning Commission.

Chair Cannon opened the floor for nominations.

Mayor Gary Fuller nominated Lucinda Cannon for Chair and John Sweatman for Vice Chair.

RESULT:	Passed
MOVER:	Mayor Gary Fuller
SECONDER:	Arturo Menefee
AYES:	Chair Cannon, Whatley, Whittelsey, Menefee, Mayor Fuller
NAYS:	None
ABSTAIN:	None

- III. APPROVAL OF MINUTES

Approval of Planning Commission Minutes December 17, 2024.

RESULT:	Passed
MOVER:	Arturo Menefee
SECONDER:	Mayor Gary Fuller
AYES:	Chair Cannon, Whatley, Whittelsey, Menefee, Mayor Fuller
NAYS:	None
ABSTAIN:	None

IV. UPDATE ON PREVIOUS PC CASES

Mr. Mosley stated that items A-1 and B-2 were removed from the agenda by the applicant and no action would be need by the Planning Commission.

V. NEW BUSINESS

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

1. Veterans Parkway SD, 33 lots, 1000 block Veterans Parkway, Hayes Eiford-Samford Group Development, LLC, Preliminary Approval

Withdraw by the applicant.

B. **Conditional Use - Public Hearing**

2. Samford Group Development, LLC, authorized representative for Aaron Adams, property owner, 2410 Cunningham Drive, R-4, 56 townhome units

Withdrawn by the applicant.

3. Brandon Hayes, authorized representative for Kevin Neel, property owner, 515 South 8th Street, Add a detached single family dwelling with a single family dwelling on a 10,574 sf lot in a C-2 zoning district

Mr. Mosley presented the staff report to the Planning Commission for the Conditional Use to add a secondary unit above a garage. He stated the applicant requests conditional use approval to add a detached garage apartment from a single-family home on a lot in a C-2 zoning district. Multiple buildings for multi-family are allowed conditionally on a lot that allows apartments. When one unit is much smaller or located within an accessory building like a garage, these units are called ancillary dwelling units by the Opelika zoning ordinance. Many other places refer to them as accessory dwelling units (ADUs). The City of Opelika currently allows ADUs in all residential zones by right if certain conditions are met. In this case, the applicant desires to potentially rent the unit out as a separate dwelling. The current requirement in residential zones limits the ADU only to lots that are owner occupied and the accessory unit cannot be rented out. In a commercial zone, like this, there is more flexibility, but it does require conditional use approval. This property is located within the Geneva Historic District and the plan requires architectural review by the Historic Planning Commission. While the home and garage have previously received approval, this design is slightly different and requires additional review. This will occur at the next HPC meeting in February.

Apartments are allowed conditionally in the C-2 zoning district. The configuration of these buildings would limit the ability to ever separate the home and garage. The subject property is located at 515 S. 8th Street. The property is approximately 10,574 square feet and the future single-family home is 2,576 square feet. The single-family dwelling is located on the east side of the property and the garage apartment is located on the west side. The floor plans provided show base level garage area will be 735 square feet and the second-floor apartment unit would

be approximately 526 square feet. The site plan provided meets the minimum setback requirements for both structures.

The proposed building should be in harmony with the character of the neighborhood, including building style, building materials, roof pitch, and orientation. Additionally, accessory structures like garages should be subordinate to the main house in size, location, and height. The applicant has provided specific plans for a garage/apartment building. They have provided proposed materials photos. This property is in the Geneva Street Historic District and all the exterior materials will be reviewed and to ensure the design guidelines are met by the February Historic Preservation Commission (HPC) Meeting. In evaluating a conditional use request, the staff looks at the general use standards. These criteria include whether the use is in harmony with the comprehensive plan and zoning ordinance, whether the use is needed and what effect it will have on the surrounding neighborhood, and whether there are adequate utilities and services to handle the use.

This zone does allow single-family homes by right, and apartments require conditional use approval. The neighborhood is primarily single-family homes and a few duplexes,, including the properties directly behind this lot. The Southside Development was originally approved to included mixed residential of single-family, townhomes, and an apartment building. Since the original plan, several changes have been made, and the overall density has been reduced to mostly single-family residential with two sets of attached homes.

This request would not create a substantial impact on traffic. The parking configuration shows a two-car garage and rear parking pad, both take access from the shared access easement for the Southside Development. The applicant submitted a revised site plan, elevations, and floor plan provided in the packet. The proposed use and site plan of a detached single-family garage apartment would be in character and harmony of the existing Southside Development and the surrounding area.

Recommendation

Staff recommends conditional use request approval subject to:

- 1. Historic Preservation Commission must approve a COA for all items as required prior to permit garage apartment structure.**
- 2. The building shall complement the character of the neighborhood, including building style, building materials, roof pitch, and orientation.**

Mr. Parker provided the reports for the Engineering, Opelika Water, and Opelika Power Services.

Chair Cannon opened the public hearing.

No comments.

Chair Cannon closed the public hearing.

Motion to grant conditional use approval with staff recommendations.

RESULT:	Passed
MOVER:	Mayor Gary Fuller
SECONDER:	Arturo Menefee
AYES:	Chair Cannon, Whatley, Whittelsey, Menefee, Mayor Fuller
NAYS:	None

C. Rezoning - Public Hearing

4.
 - a. Amendment to the Future Land Use Map, 30,630 square foot, from a low density residential land use category to a light commercial land use category.
 - b. Rezoning request, James B. Layson, authorized representative for Raymond Trussell, property owner, 30,630 square feet, 2802 Society Hill Road, from R-1 to C-2.

Mr. Mosley presented the staff report to the Planning Commission for the request to rezone the property on Society Hill Road from R-1 to C-2.

Amendment to the Future Land Use Map

The 2030 Future Land Use Map shows the 30,630 square foot rezoning property in a “low density residential” land use category. Since 2022 three rezonings from R-1 to C-2 were approved on Society Hill Road that total 400 acres. The rezonings changed the land use category from low density residential to light commercial. Townhomes and apartments are proposed for most of the 400 acres, but some areas will be commercial uses. The adjacent properties on the south and east sides are single family homes on 34,000 sf lots or larger lots. In May 2024, the adjacent 67 acres on the north side of the rezoning property was rezoned from R-1 to C-2 for townhomes.

Commercial uses were expected on Society Hill Road when Tiger Town PUD was developed in 2002. Then, in 2005 Wyndham PUD (640 acres) was approved primarily for a mix of residential uses, but the master plan included commercial areas. An 18-acre commercial area on the PUD master plan fronts on Society Hill Road. The rezoning property is nearly across Society Hill Road from the Wyndham PUD commercial property. The light commercial land use category allows commercial uses that have less impact on nearby residential properties.

Staff Recommendation

Staff recommends approval of an amendment to the Future Land Use map for the 30,630 sf lot if the rezoning is approved by City Council.

Rezoning

The applicant is requesting rezoning a 30,630 square foot lot from an R-1 (residential) zoning district to a C-2 (office/retail) zoning district. If the rezoning request is approved, an existing 825 square foot single family home will be converted into an Alfa Insurance office. The adjacent properties are single family homes on at least 34,000 sf lots; other nearby properties are undeveloped. The rezoning property is about 200 feet from Wyndham PUD commercial property (Dixie Electric and Storage World) on Society Hill Road. A commercial use on nine acres and zoned C-2, GC-P is also on the corner of Society Hill Road & Gateway Drive - Johnston Supply (HVAC distributor) about ½ mile from the rezoning property. The C-2 zone limits the types of commercial uses allowed; C-2 is less likely to impact the existing residential uses or the future townhomes and apartments recently approved.

Staff Recommendation

Planning staff believes that the rezoning request from R-1 to C-2 is appropriate. C-2 allows smaller-scale, stand-alone type commercial uses (ex. office use and retail stores) that are compatible with residential uses. Other properties along Society Hill Road have been rezoned to C-2.

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

Mr. Parker provided the reports for the Engineering, Opelika Water, and Opelika Power Services.

Chair Cannon opened the public hearing.

No comments.

Chair Cannon closed the public hearing.

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

RESULT:	Passed
MOVER:	Arturo Menefee
SECONDER:	Sheldon Whittelsey
AYES:	Chair Cannon, Whatley, Whittelsey, Menefee, Mayor Fuller
NAYS:	None
ABSTAIN:	None

Motion to approve the change to the Future Land Use Map from low density residential to light commercial.

RESULT:	Passed
MOVER:	Sheldon Whittelsey
SECONDER:	Arturo Menefee
AYES:	Chair Cannon, Whatley, Whittelsey, Menefee, Mayor Fuller
NAYS:	None
ABSTAIN:	None

VI. Old Business

D. Text Amendment to the Zoning Ordinance - Public Hearing

5. Bed and Breakfast Uses - A public hearing to consider a recommendation to the City Council on proposed text amendments to the Zoning Ordinance: Additions and revisions to definitions in Section 2.2 Definitions; revisions to Section 3.1 Building Permit Required; revisions to 7.3 C. Use Categories (matrix table); revisions to Section 8.11.1 Temporary Structures/Temporary Uses; and add new section: Section 8.28.4 Bed and Breakfast

Mr. Mosley presented the staff report to the Planning Commission for the text amendment to the Bed and Breakfast ordinance including additions and revision Section 2.2 Definitions; revision to section 3.1 Building Permit Required, revisions to 7.3 C. Use Categories (matrix table); revisions to section 8.11.1 Temporary Structures/Temporary Uses: and new section: Section 8.28.4 Bed and Breakfast. Mr. Mosley went through the history of previous versions of the Bed and Breakfast zoning ordinance. He noted that the previous ordinance was not acted upon by the City Council. He noted that this version did not require an onsite operator. Mr. Mosley also explained how a Bed and Breakfast is recognized as a celebration site. He noted that this version also limited length of stay, limited the number of outdoor events to no more

than 10 per year, and required parking adjacent and minimum lot sizes for larger events.

Mr. Parker provided no comments reports for Engineering, Opelika Water, and Opelika Power Services.

Chair Cannon opened the public hearing.

Barry Whatley 400 N. 9th Street stated, that on June 7th I asked Councilman Eddie Smith for a meeting to work together in a bipartisan to come together with some solutions for our neighborhood. We are in favor of a true Bed and Breakfast. We are opposed to the event center. My neighbors and I put together a formal booklet including all the proposals from Savannah, New Orleans, Columbus, Fairhope, Charleston, Baltimore. We went by these, we put a plan together and presented them. I asked for a follow-up meeting repeatedly, with no answers. I got a copy of this information on Friday. I would like to discuss how this information seems to be misguided. That this ordinance concerns future operations community wide is false. The parking and other recommendations meet only two homes. This is spot zoning, which is illegal in Alabama. This is supposed to benefit the citizens of our city. We do not have a lack of bedding and hotels in our community, this does not benefit our community. False items presented include -Operating in a residential manner, providing some meals, bed and breakfast not permitted in most residential areas, and we have not received much direct feedback. What cities allow this? I will give you this book and show you what others are doing. If we want to be the best, let's emulate the best: Fairhope, Savannah, and Charleston.

Jason Lanzas, 410 N. 9th Street, our research provides very consistent themes to preserve the residential neighborhood. He echoed many of Mr. Whatley's comments. Five of the seven ordinances we looked at had owner occupied as a requirement. Common theme – very limited parking, venues and guest size are limited by parking, events are explicitly prohibited or limited in scope. Celebrations sites are not in other ordinances. This is a commercial use, and we thought we had residential zone protection.

Allyson Comstock 611 3rd Avenue is opposed to a Bed and Breakfast with event center. In what way does the event center benefit the people who reside in the immediate area surrounding this home? It does not benefit the surrounding neighbors.

Philip Rowton 515 N 10th Street, we have been here three times, we proposed best practices and battled misinformation. The constituents of Ward 3 in the neighborhood are 100% opposed to this ordinance.

Charlie Brewer 315 N 10th Street, expressed opposition. When we bought our house in the Northside Historic District did not exist. He noted that his house was going to be torn down to allow a commercial venture. The city has spent a tremendous amount over the years to ensure the Northside Historic District remains residential. When the Catholic Church has an event, I am at my home and part of this event. Would you like having an event in your front yard with 200 people in a single house in a residential neighborhood having bands or DJ's until 11:00p.m.?

Robyn Wyant Shelby Avenue, is opposed to the removal of the owner being required to live on the premises. She stated that she did some research on food safety. Food is regulated by the State Department of Health The State of Alabama defines B&B's as: a private owner-occupied residence, providing accommodation for a charge to the public with no more than 10 rooms to rent, breakfast only may be provided to the guest. B&Bs are exempt from the rules of

construction maintenance, operation of hotels, and food service sanitation because the owner is required to live there. She stated that no one is responsible for regulating these establishments and leave it up to the owner living at the residence. She felt this needed to remain.

Chair Cannon closed the public hearing.

Chair Cannon asked for a motion and recommendation to City Council.

Motion to send a negative recommendation for the text amendment to City Council.

RESULT:	Superceded by Motion to Table
MOVER:	Sheldon Whittelsey
SECONDER:	Leigh Whatley

Chair Cannon stated I have not seen the booklet that Mr. Whatley referenced. Can we table this to amend the language?

Mr. Gunter stated you can consider a motion to table at any time. The Commission can send more than one recommendation. It is up to the Council to advertise and approve the advertisement of any proposed amendments to the Zoning Ordinance. If you table it, it means no action is taken.

Commissioner Whatley asked why staff have not seen the booklet. She state that we are procrastinating the ultimate decision.

Mayor Fuller suggested that the Chair appoint a subcommittee to review the issue and the information collected by the neighbors and see if agreement can be found.

Cannon stated that is why we need to table this and see if there is a way to come up with reasonable language.

Motion to table the request.

RESULT:	Passed
MOVER:	Mayor Gary Fuller
SECONDER:	Arturo Menefee
AYES:	Chair Cannon, Menefee, Mayor Fuller
NAYS:	Whatley
ABSTAIN:	Sheldon Whittelsey

VII. ADJOURN

Motion to adjourn at 3:53 p.m.

RESULT:	Passed
MOVER:	Mayor Gary Fuller
SECONDER:	Sheldon Whittelsey
AYES:	Chair Cannon, Whatley, Whittelsey, Menefee, Mayor Fuller
NAYS:	None
ABSTAIN:	None

_____ Lucinda Cannon, Chair

_____ Matt Mosley, Secretary

City of Opelika
Planning Commission
Planning Department Report

Meeting Date:	February 25, 2025
Subdivision:	Firefly, Phase II
Agenda Item #:	A-1
Action Requested:	Preliminary Approval – 125 Lots
Location of Property:	3000 block Highway 280 East (Columbus Parkway)
Property Owner(s):	Firefly Development Lee LLC (Holland Homes) Spencer Cothran, authorized representative
Current Land Use:	Undeveloped
Current Zoning:	Firefly PUD
Flood Zone:	FEMA – No portion of property is in in 100-year flood zone. Property in Flood Zone “X” (area of minimal flooding) per FEMA FIRM map #01081C0089H Dated 1-17-2025.

Staff Comments:

The applicant is requesting preliminary plat approval for a 125-lot subdivision; 121 lots are residential lots, three open space lots and a large unsubdivided land reserved for future residential lots. The plat is phase two of the 209.7 acre Firefly PUD residential zoning district. City Council approved the PUD zone and master plan at the April 2023 council meeting. The master plan has 600 lots – 423 single family home lots, 142 twin home lots (duplex), and 34 townhome lots. The developer will sell all lots with a dwelling, no rental property. Total density is 2.86 dwelling units per acre; 95 acres is designated open space.

There are two entrances to Phase 2. One entrance is from Chase Court that intersects Firefly Lane in Phase 1. The 2nd entrance is from Twilight Drive, a new street that intersects Columbus Parkway. On page 4 is the master plan showing the two entrances and the location of the 125 lots in “Phase 2”.

The following are the types of dwellings and minimum lot widths and lot sizes for the 121 residential lots:

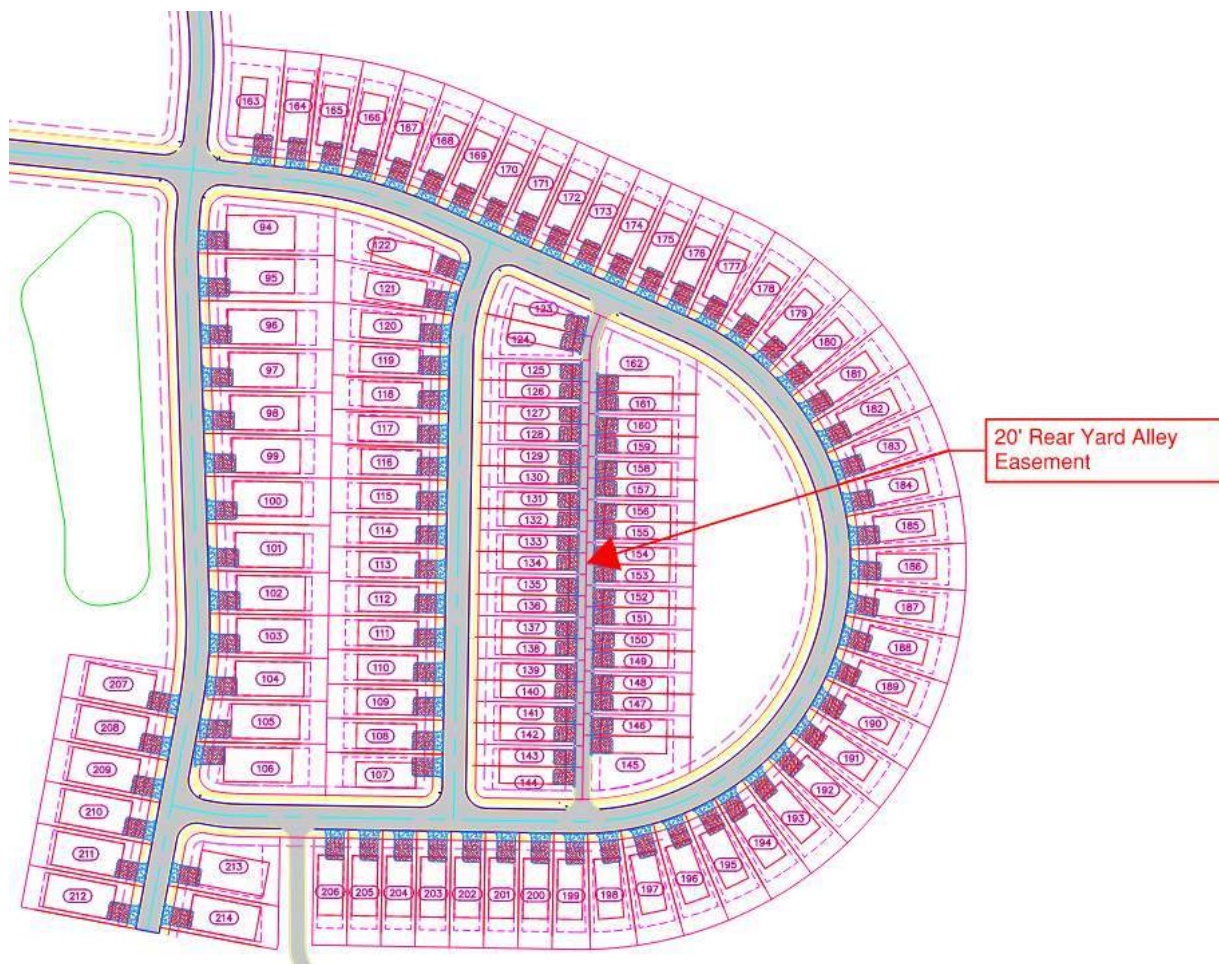
- 21 single family home (sfh) lots, 50’ lot width, minimum 6,250 sf lot size
- 60 single family home lots, 40’ lot width, minimum 5,000 sf lot size
- 40 twin home lots, 25’ lot width, typical 3,125 sf lot size

Minimum setbacks for single family homes are 20’ front, 20’ rear, 5’ side and 10’ side on street & end units. Twin home setbacks: 10’ front, 20’ rear, 5’ side and 10’ side on street & end units.

The 21 single family home lots (50' lot width) range from 6,228 sf to 9,158 sf. (Lot 214 at 6,228 square feet needs to be revised to meet the minimum 6,250 sf.) These lots are accessed from a new street - Twilight Drive.

The 60 single family home lots (40' lot width) range from 5,000 sf to 7,439 sf. The lots are accessed from Chase Court.

A total of 142 twin home lots are shown on the master plan. In Phase II, 40 twin home lots are proposed. The front yard of the 40 twin home lots face either Honeysuckle Lane, a new street, or face Parcel F, a 1.1 acre open space lot. Driveway access to the twin home units is from a 20' private driveway easement (rear yard alley) that straddles the rear property line of the adjoining lots. Two parking spaces for each twin home unit are provided in the rear yard. See site plan below of rear yard alley location and adjacent off-street parking spaces for each twin home.



Other requirements for single family and twinhome lots include sidewalks installed on both sides of the street and utilities underground. Also, at least one street tree (1" caliper minimum) is required on each single family home lot and at least one street tree (1" caliper minimum) for each twinhome structure i.e., one tree for two homes attached. These street tree requirements should be added to the landscape package for each lot and trees installed after home construction is complete. The said

landscape package must be added to the setback review site plan that is required before a building permit is issued.) Also, the type of exterior wall material for single family homes and townhomes must meet the requirements of the Gateway Corridor (Section 7.6).

Recommendations

Staff recommends preliminary plat approval subject to the following:

1. Install underground utilities.
2. Install sidewalks on both sides of all public streets. Extend said sidewalks to open space lots/areas that are nearest to street sidewalks providing access from street sidewalks to open space areas.
3. Add a boundary line for the “100’ Community Buffer” on the east side of Parcel E, and on the north side (adjacent to Hwy 280) of Parcel E, Parcel D, and Parcel A.
4. If it is unfeasible to show the remainder parcel to scale, then a reduced-scale breakout drawing should be added showing the relationship between the subdivided portion and the remainder, with an acreage given for said remainder. The adjacent property owner data also needs to be shown on the reduced-scale drawing.
5. A tie should be shown on plat.
6. Exterior materials of all dwelling units must meet the exterior “Materials and Cladding Requirements of Section 7.6 Gateway Corridor District.
7. Add a note on final plat providing minimum setbacks for twin home and single family lots. twin home - 10’ front, 10’ side yard on street & 10’ side yard on end units, 20’ rear yard) (all single family homes – 20’ front, 10’ side yard on street, 5’ side yard, 20’ rear)
8. The minimum front setback and lot width must be met at the front property line or the minimum front setback line of all residential lots.
9. For the 40’ lots with minimum 5,000 sf lot size and the 50’ lots with a minimum 6,250 sf lot size provide the actual square footage of all lots that meets the minimum lot size instead of labeling lots +/- square footage (5,000 SF +/-.)
10. Revise Lot 214 shown at 6,228 square feet to meet the minimum 6,250 sf for 50’ wide SFH lots.
11. Add note on plat, as stated on developer’s narrative (“Overall Development Scheme”), that the developer is responsible for managing and maintaining the five open space lots, (Parcel A to Parcel F) until a homeowner’s association is established to continue maintenance of said lots.
12. Add note providing the uses allowed on the open space lots, Parcels A to Parcel F
13. Add a note that a minimum of one street tree per single family home lot and one street tree twinhome lot are required. Street trees must be planted on private property not right of way.

Engineering Department Report

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.

- Construction of infrastructure and utilities will be monitored and approved prior to final plat acceptance.
- The road names shall be approved by the Engineering Department and are to be placed on the final plat for the public roadways to be accepted.

The Engineering Department has no other comments or concerns with this proposed Preliminary Plat.

Opelika Utilities Board Report

Water service is available from Chase Ct.

Opelika Power Services Report

This property is located outside the Opelika Power service territory.

0000 52-2025

AGENDA ITEM # _____



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



DEADLINE: _____ MEETING: _____

SITE ADDRESS: 3000 US Highway 280 EastPROPERTY OWNER: Firefly Development Lee LLC (Holland Homes)APPLICANT/AUTHORIZED REPRESENTATIVE: Spencer CothranMAILING ADDRESS: 421 Opelika Road, Auburn, AL 36830PHONE NUMBER: 1-405-509-0134 FAX NUMBER: 334-821-4044EMAIL ADDRESS: spencerc@hollandhomesllc.com

TYPE OF PLAT APPROVAL REQUESTED

☐ SKETCH PLAN ☐ ADMINISTRATIVE ☒ PRELIMINARY ☐ FINAL

Does the subdivision require any other official action by the City? _____

☐ Annexation ☐ Rezoning ☐ Other _____
PARCEL INFORMATIONSubdivision Name: Firefly Phase IICurrent Land Use: VacantCurrent Zoning: PUDProposed use of the Subdivision: Single Family Residential
☒ Residential ☐ Commercial
☐ Manufacturing/Industrial ☐ Office/Institutional
Number of Lots: 125 x \$3.00 = \$ 375Number of APO: 8 x \$7.00 = \$ 56
(Adjacent Property Owners)Fee: \$75.00**TOTAL** = 506**PAID** _____

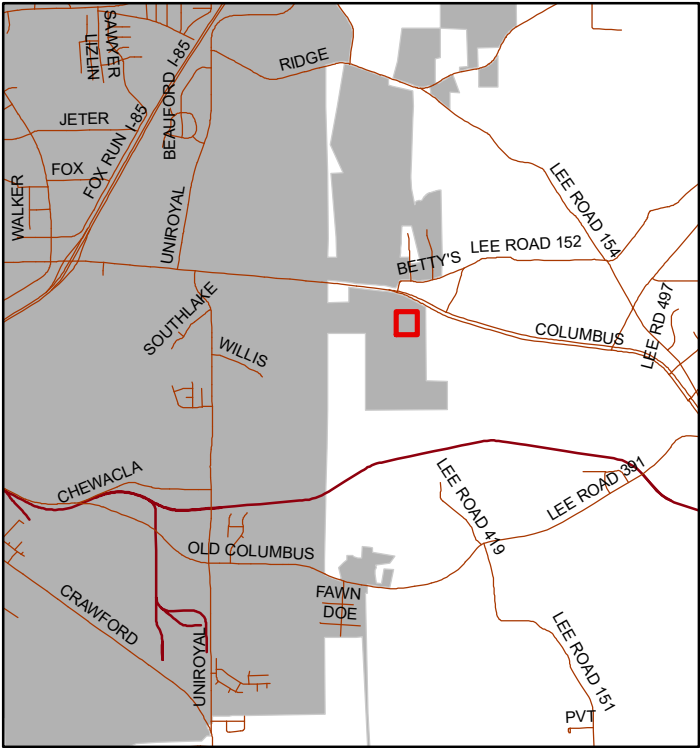
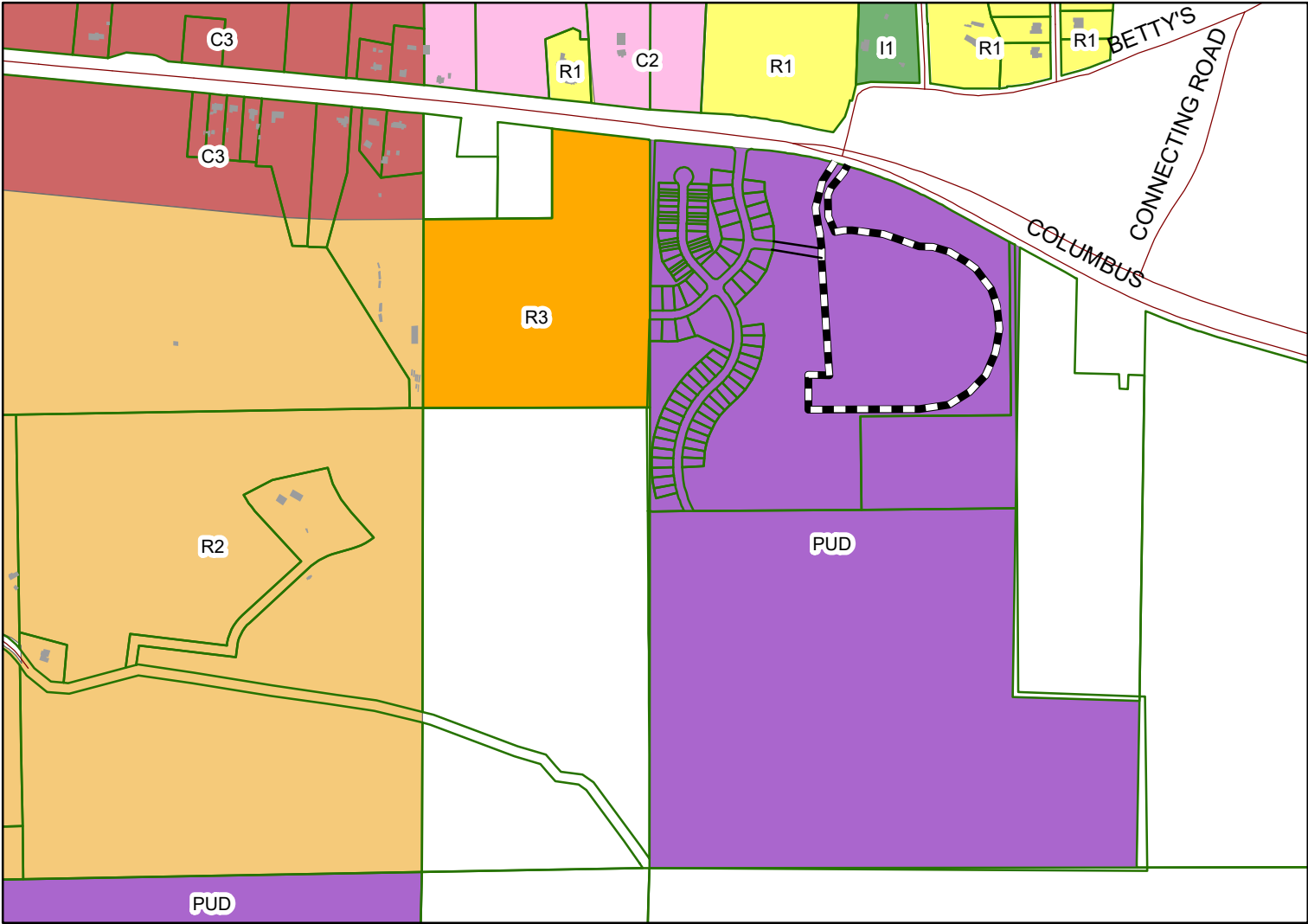
I, the undersigned, hereby request the Opelika Planning Commission review the Subdivision Plat for (name of subdivision) Firefly Phase II Subdivision. I understand that I must provide certain information as noted in Section 4.2, Section 4.3, and/or Section 4.4 of the Opelika Subdivision Regulations in 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 HarrisDATE 1/31/25

FIREFLY PHASE II SUBDIVISION
3000 HIGHWAY 280 EAST
PRELIMINARY APPROVAL, A-1



The applicant is requesting preliminary plat approval for 125 lots for single family homes and townhomes. The subdivision is located in the Firefly 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

FIREFLY SUBDIVISION
PHASE II
Redivision of Lots
1-A, 94-A, 95-A & 96-A
SECTION 14 T 19 N R 27 E
OPELIKA LEE COUNTY ALABAMA
SHEET 2 OF 2

SEE SHEET 1 OF 2 FOR LINE AND CURVE TABLES

I, Michael T. Mohr, 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 _____, 2025.

Michael T. Mohr, Alabama License No. 29993
Not a certified survey unless signed and stamped with my seal.
State of Alabama
Lee County

I, Daniel Holland as member of Firefly Development Lee LLC, owner of the real property shown on this plat, hereby join in the statement of Michael T. Mohr, 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 and seal on this the ____ day of _____, 2025.

Daniel Holland as member of Firefly Development Lee 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 member of Firefly Development Lee 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 _____, 2025.

Notary Public: _____
My commission expires: _____

State of Alabama
Lee County

I, Daniel Holland as member of Holland Holding Company LLC, owner of the real property shown on this plat, hereby join in the statement of Michael T. Mohr, 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 and seal on this the ____ day of _____, 2025.

Daniel Holland as member of Holland Holding Company 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 member of Holland Holding Company 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 _____, 2025.

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 Water Board, Opelika, Alabama:
Opelika Water Board: _____ Date: _____

Approved by the Opelika City Engineer, Opelika, Alabama:
Engineer: _____ Date: _____

Reviewed by Opelika Power Services, Opelika, Alabama:
Opelika Power Services: _____ Date: _____

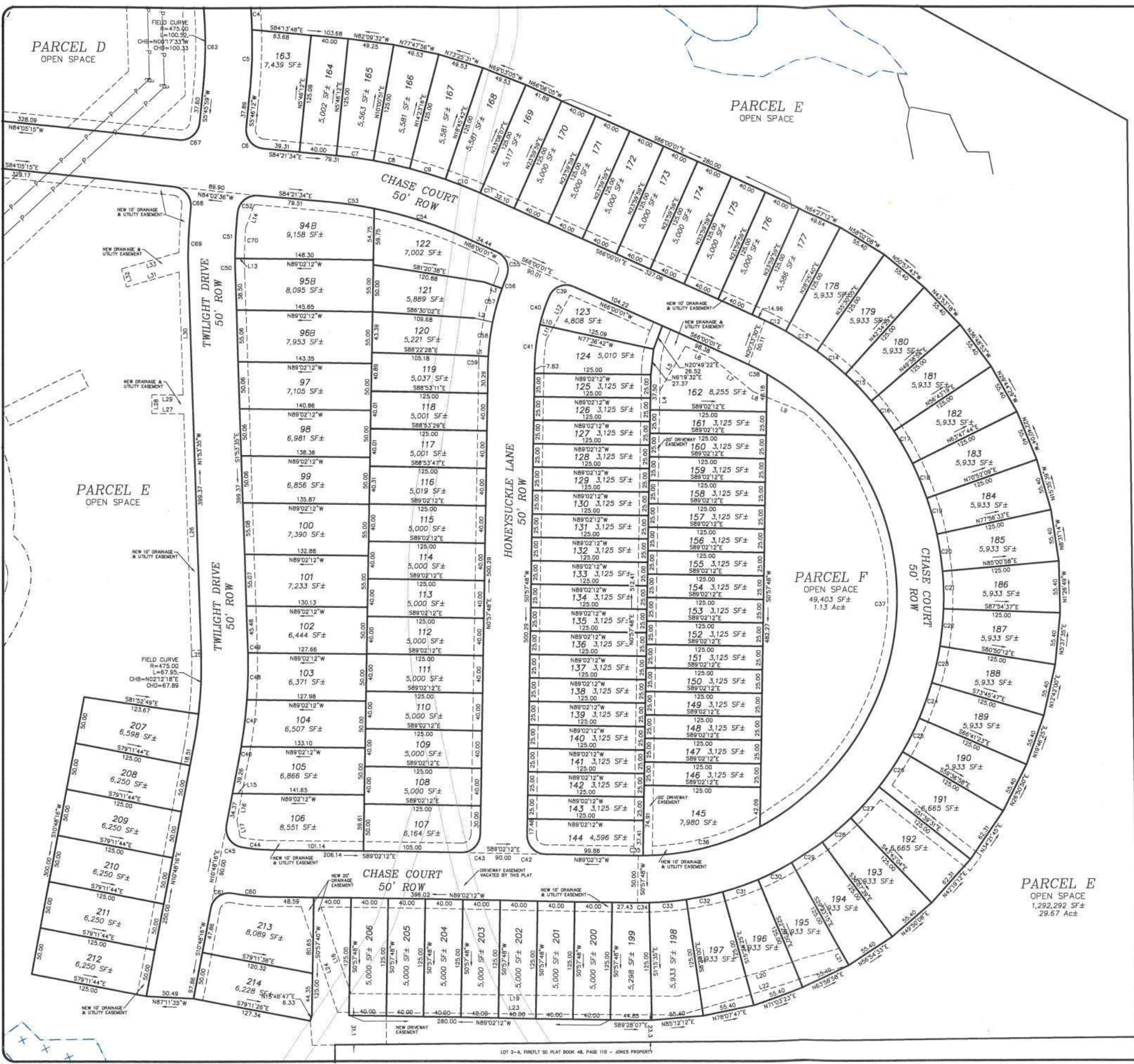
Approved by the Opelika Public Works Department:
Public Works Director: _____ Date: _____

LEGEND
(M) = MEASURED
(R) = RECORDED
OTF = OPEN TOP PIPE
CTP = CRIMPED TOP PIPE
IPF = IRON PIN FOUND
IFS = IRON PIN SET (CA-788)
CA-788 = PRECISION SURVEYING
O = IRON PIN FOUND
O = 1/2" REBAR SET (CA-788)
H = HUB SET
C = CALCULATED POINT
C = CONCRETE MONUMENT
P = POWER POLE
W = WIRE FENCE
W = WOOD FENCE
C = CHAIN LINK FENCE

GRAPHIC SCALE 1"=50'
50' 0 50' 100' 150'

VICINITY MAP NOT TO SCALE
SITE

Seal	Drawn By: MTM	PRECISION SURVEYING 2124 Moores Mill Road Suite 110 Auburn, Alabama 36830 Phone (334) 821-0105 www.precisionsurveying.biz
	Scale: 1"=50'	
	File Name: 25-0057-SD-II-LOTS	
	Date: 1-30-2025	
Sheet Title: FIREFLY PHASE 2 AND REDIVISION OF LOTS 94-A, 95-A AND 96-A PRELIMINARY PLAT SHEET 2 OF 2		



City of Opelika
Planning Commission
Planning Department Report

Meeting Date: February 25, 2025

Subdivision: Drakes Landing Phase 2, Section 2

Agenda Item #: B-2

Action Requested: Final Approval

Location of Property: Current end of Grant Avenue

Property Owner(s): Edgar Hughston Builder, Inc.
Strozier Service, authorized representative

Current Land Use: Undeveloped

Current Zoning: PUD

Flood Zone: FEMA – Nov 2, 2011 – MAP#01081C0089G. No portion of property is in in 100-year flood zone. Property in Flood Zone “X” which is outside the 0.2% annual chance flood plain

Staff Comments:

The applicant is requesting final plat approval for 59 lots Phase 2 Section 2 of 117 lots in Section 2 of the Drakes Landing PUD residential subdivision. Drakes Landing has a total of 190 lots accessed from South Uniroyal Road. The 59 lots are accessed from an extension of Grant Avenue, adding Fuzzy Falls and Morrison Trace in Phase 2 Section 2.

A minimum lot size of 15,000 square feet was approved for Drake’s Landing. The 59 lots range from 15,246 sf to 73,180 sf. The minimum lot width is 60 feet, and all lots meet the minimum 60’ lot width. The cul de sac lots are less than 60 feet at the front property line so the minimum 25-foot building setback must be at least 60 feet wide. The minimum building setbacks for this PUD is 25’ front, 8’ side yard, 20’ rear yard, and 25’ side on street (corner lots).

A majority of the final plat meets the requirements after adding a few required details. Lot 501, 502, 503 and Tract 1 Remainder are open space lots in the master plan for the Drakes Landing PUD, add a label for the area and use. Label the “Future Development” as a parcel or lot and provide the area, use and title on all plat sheets. Correct the lot size of the Tract 1 Remainder to be the actual size of the lot on all plat sheets. Add a note to the final plat who is responsible to maintain open

space/amenity areas, detention ponds, on plat and as shown on the Master Plan. Add the wetlands on all pages of the plat. Add the location of the detention pond to the plat.

Recommendation

Staff recommends final plat approval subject to the following:

1. Sidewalks are required on at least one side of the street where homes are constructed and provide sidewalks to access the designated open space areas shown on plat.
2. Install underground utilities.
3. Add a note on plat with the minimum building setbacks. Approved proposed minimum building setbacks: 25' front yard, 8' side yard, 20' rear yard, and 25' side on street.
4. Remove the building setback lines on the lots.
5. Add the wetlands to all the pages of the recorded plat.
6. Correct the lot area of the Tract 1 Remainder to be the actual size of the lot on all plat sheets.
7. Add to Lots 501, 502, 503, Tract 1, Future Development Tract the correct size of the lot, the use, and title on all pages of the plat.
8. Add a note on the final plat who is responsible to maintain open space/amenity areas, detention ponds, on plat and as shown on the Master Plan. (The City of Opelika is not responsible for the maintenance of designated open space and detention pond lots.)
9. Add public or private to all drainage easements.
10. Change signature line Opelika Utilities Board to Opelika Water Board in survey notes #16.

Engineering Department Report

The Engineering Department has been inspecting the construction and testing of the infrastructure in this subdivision. A Certification of Completion will be completed and signed by the Engineering and Public Works Directors as soon as all the infrastructure completion items below have been met and a positive recommendation for approval will be given:

- All drainage structures, aggregate base and pavement have been completed.
- All stop and roadway signs will need to be installed.
- Maintenance Bond of 25% of the infrastructure construction cost has been submitted.
- Performance Bond of 125% of the estimated cost to place the remaining roadway surface and sidewalks has been submitted.
- As-built documents of the roadway, and storm drain in the form of an Autocad and PDF digital file has been submitted to the Engineer Department. The required data should include location and elevations of all the inverts of the systems.
- The ROW and lots have been graded, and stabilized with seed and mulch, and other erosion/sediment control items have been added to protect against erosion and sediment issues.

The Engineering Department has no other comments or concerns with this proposed final plat

Opelika Water Report

Infrastructure must be inspected and accepted by Opelika Water before final plat can be approved.

Opelika Power Services Report

This subdivision is inside the Opelika Power Services Territory.



000050-2025 AGENDA ITEM # _____

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

PC DEADLINE: _____ PC MEETING: _____

SITE ADDRESS: Fuzzy Falls, Opelika AL

PROPERTY OWNER: Edgar Hughston Builder, INC.

APPLICANT/AUTHORIZED REPRESENTATIVE: Strozier Surveying

MAILING ADDRESS: 6009 Business Park dr., Columbus GA 31909

PHONE NUMBER: (706) 573-1525 FAX NUMBER: _____

EMAIL ADDRESS: Markd@StrozierSurveying.com

TYPE OF PLAT APPROVAL REQUESTED

☐ SKETCH PLAN ☐ ADMINISTRATIVE ☐ PRELIMINARY ☒ FINAL

Does the subdivision require any other official action by the City? _____

☐ Annexation ☐ Rezoning ☐ Other _____

PARCEL INFORMATION

Subdivision Name: Duke's Landing

Number of Lots: 59 x \$3.00 = \$ _____

Current Land Use: cleared field

Number of APO: _____ x \$6.74 = \$ _____
(Adjacent Property Owners)

Current Zoning: PUD

Proposed use of the Subdivision: expanding existing subdivision

Fee: \$75.00

TOTAL

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

PAID \$75

I, the undersigned, hereby request the Opelika Planning Commission review the Subdivision Plat for (name of subdivision) _____ 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: Mark Strozier

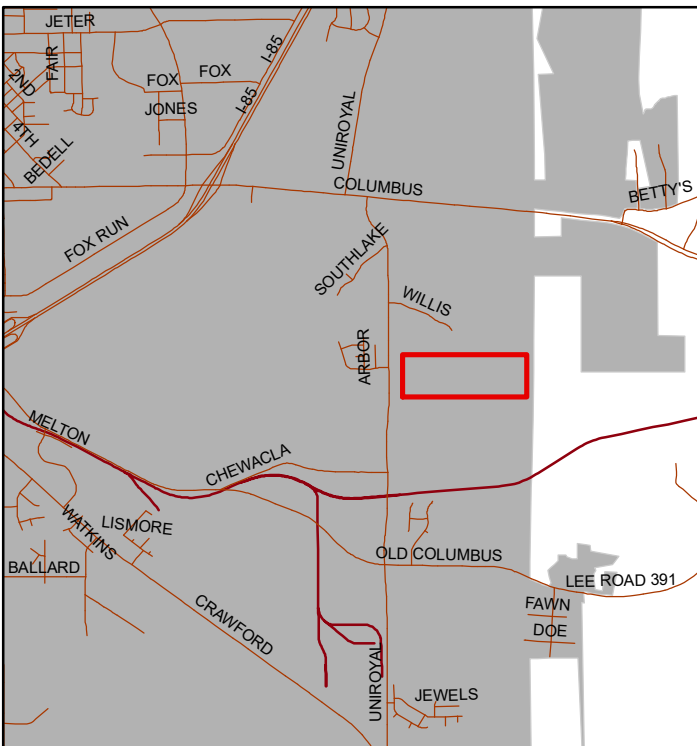
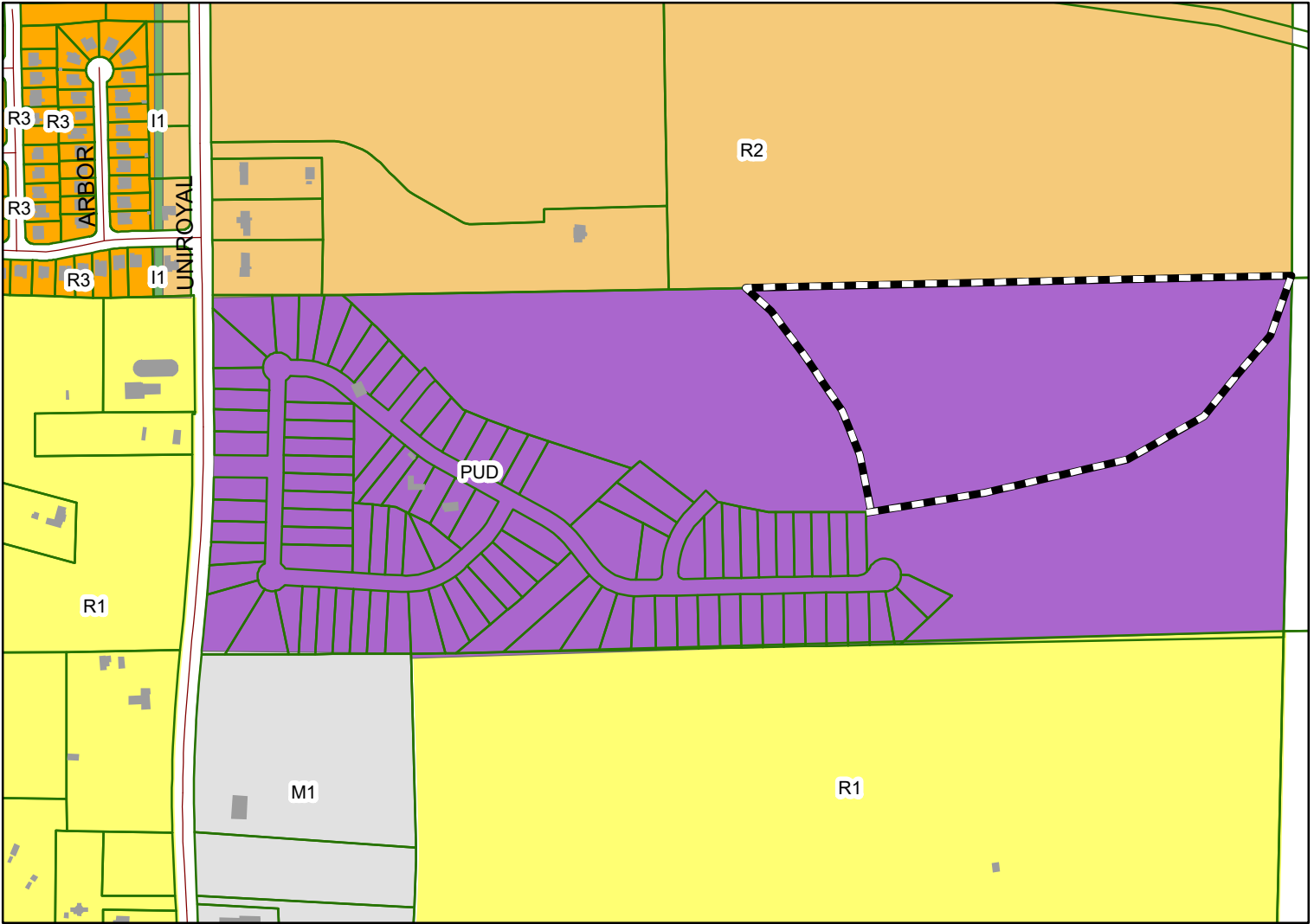
(PRINT NAME)

MARK STROZIER

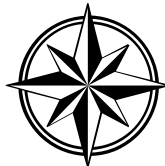
DATE

14 JAN 25

DRAKES LANDING, SECTION TWO, PHASE TWO **FUZZY FALLS DRIVE** **FINAL APPPROVAL, B-2**

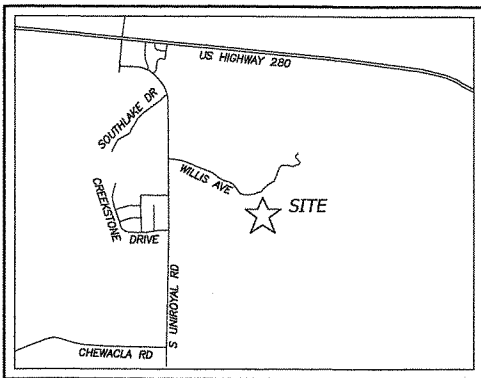


The applicant is requesting final plat approval for 59 single family home lots. The subdivision is located in the Drake's Landiing PUD zoning district.



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



VICINITY MAP

SCALE: NTS

N/F
RUDD GARY L JR & AMY L
D.B. 2377, PG. 297
PARCEL ID.
43 10 05 18 4 000 001.000

N/F
PLEASANT GROVE
BAPTIST CHURCH
D.B. 0000, PG. 000
PARCEL ID.
43 10 05 21 0 000 001.000

N/F
PLEASANT GROVE BAPTIST CHURCH INC
D.B. 2401, PG. 822
PARCEL ID. 43 10 05 21 0 000 002.001

N/F
PLEASANT GROVE BAPTIST CHURCH INC
D.B. 2225, PG. 710
PARCEL ID.
43 10 05 21 0 000 002.000

N/F
FIELDS SIDNEY LEWIS JR
D.B. 0702, PG. 296
PARCEL ID.
43 10 05 21 0 000 002.000

N/F
TONIE B. ROBINSON
D.B. 2286, PG. 866
PARCEL ID.
43-10-05-15-0-000-027.000

N/F
KYONG & SEONG JANG
D.B. 2458, PG. 521
PARCEL ID.
43-10-05-15-0-000-026.007

N/F
RUTH F. NESBITT
D.B. 184, PG. 955
D.B. 2220, PG. 38
PARCEL ID.
43-10-05-15-0-000-023.000
43-10-05-15-0-000-024.000

N/F
RODNEY & LAURIE JONES
D.B. 1285, PG. 331
PARCEL ID.
43-10-06-14-0-000-010.000

N/F
TIMBERLANDS II LLC
D.B. 2404, PG. 114
PARCEL ID.
43-10-06-23-0-000-001.000

N/F
CROWN CASTLE SOUTH LLC
D.B. 2335, PG. 541
PARCEL ID.
43-10-05-22-0-000-001.001

SURVEY NOTES

1. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF GREATER THAN ONE FOOT IN 75,000 FEET.
2. THE FOLLOWING TYPE OF EQUIPMENT WAS USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT: TOPCON GT-503 & CARLSON RT4 DATA COLLECTOR.
3. I HAVE EXAMINED THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP FOR LEE COUNTY, ALABAMA AND INCORPORATED AREAS, COMMUNITY PANEL NUMBER 01081C0080, EFFECTIVE DATE NOVEMBER 2, 2011 AND FOUND NO PORTIONS OF THE PROPERTY SHOWN HEREON TO FALL WITHIN A DESIGNATED FLOOD ZONE.
4. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 887,700 FEET.
5. PROPERTY AS DESCRIBED HEREON IS CONTIGUOUS, WITH NO GAPS AND/OR GORES.
6. ALL PROPERTY CORNERS REFERENCED AS "IPS" INDICATES A 1/2" REBAR WITH A BLUE PLASTIC CAP STAMPED "STROZIER CA-1133-LS", UNLESS OTHERWISE NOTED.
7. PROPERTY DEED: DEED BOOK 2584, PAGE 861
8. TAX PARCEL ID: 10 05 22 0 000 002.000
9. PROPERTY OWNER: EDGAR HUGHSTON BUILDER INC.
10. TOTAL LOTS: 59 LOTS
11. LOT AREA (THIS SECTION): 26.68 ACRES
12. SECTION 2 PHASE 2 AREA: 30.70 ACRES
13. R/W AREA (THIS SECTION): 4.02 ACRES
14. PROPERTY HAS ACCESS TO PUBLIC RIGHT-OF-WAY:
- S UNROYAL RD
15. PROPERTY ZONED: PUD (LOW DENSITY RESIDENTIAL).
MINIMUM 50' LOT WIDTH AS MEASURED AT THE BUILDING.
SETBACKS:
FRONT = 25 FEET
SIDE = 5 FEET
SIDE STREET = 25 FEET
REAR = 20 FEET
MAXIMUM BUILDING HEIGHT: 40 FEET
MAXIMUM BUILDING AREA: 40%
MINIMUM LOT SIZE: 15,000 SQUARE FEET
16. UTILITIES PROVIDED BY:
ELECTRIC: OPELIKA POWER SERVICES
WATER: OPELIKA UTILITIES
SEWER: OPELIKA PUBLIC WORKS - WASTEWATER DIVISION
17. NO EXISTING BUILDINGS ON SURVEYED PROPERTY
18. AS PER PLANNING COMMISSION A 6" HIGH OPAQUE FENCE IS REQUIRED ALONG THE REAR OF LOTS 64-79 AND A PORTION OF LOT 80 THAT ADJOINS ADJACENT PROPERTY.

LEGEND

- IRON PIN SET - 1/2" REBAR
- IRON PIN FOUND - AS NOTED
- CMF CONCRETE MONUMENT FOUND
- IPF IRON PIN FOUND
- CTP CRIMP TOP PIPE
- OTF OPEN TOP PIPE
- REB REBAR
- EXIST EXISTING
- P.O.B. POINT OF BEGINNING
- R/W RIGHT OF WAY
- E PROPERTY LINE
- S.S.E. SANITARY SEWER EASEMENT
- D.E. DRAINAGE EASEMENT
- U.E. UTILITY EASEMENT
- B.S.L. BUILDING SETBACK LINE
- N.T.S. NOT TO SCALE
- D.B. DEED BOOK
- P.B. PLAT BOOK
- P.G. PAGE
- S/D SUBDIVISION
- DR DRIVE
- RD ROAD
- AC ACRE(S)
- SEC. SECTION
- T TOWNSHIP
- R RANGE
- N NORTH
- S SOUTH
- E EAST
- W WEST
- NW NORTHWEST
- NE NORTHEAST
- SW SOUTHWEST
- SE SOUTHEAST
- N/F NOW OR FORMERLY
- ° DEGREES
- ' MINUTES IN A BEARING
- " SECONDS IN A BEARING
- ' FEET IN A DISTANCE
- " INCHES IN A DISTANCE

UTILITY STATEMENT

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, DRAINAGE AND OTHER FACILITIES, EASEMENT TO BE TEN (10) FEET WIDE AND SHALL BE CENTERED ALONG THE FRONT AND SIDE LOT LINES OF EACH LOT.

OWNER CERTIFICATE

I, EDGAR HUGHSTON, THE OWNER(S) OF SAID LANDS SURVEYED BY STROZIER SERVICES, LLC, DO HEREBY CERTIFY THAT TITLE WAS AND IS VESTED IN SAID OWNER(S) AND JOIN IN THE FOREGOING STATEMENT MADE BY SAID STROZIER SERVICES, LLC AND AS STATED IN CODE OF ALABAMA 1975, § 35-2-50 ET SEQ., DO HEREBY CERTIFY THAT IT WAS AND IS MY (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.

SIGNED AND SEALED IN THE PRESENCE OF:

PROPERTY OWNER

STATE OF GEORGIA
COUNTY OF MUSCOGEE

I, _____, NOTARY PUBLIC IN AND FOR SAID COUNTY, IN SAID STATE, HEREBY CERTIFY THAT _____, 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 CONTENT OF THE INSTRUMENT, EXECUTED THE SAME VOLUNTARILY.

GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 2024.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

SURVEYOR'S CERTIFICATION

I, MARK D. STROZIER, A REGISTERED LAND SURVEYOR IN THE STATE OF ALABAMA, HEREBY DECLARE THAT THIS PLAT OR MAP IS A TRUE AND ACCURATE REPRESENTATION OF A SURVEY CONDUCTED UNDER MY DIRECTION. I FURTHER DECLARE THAT THERE IS NO VISIBLE EVIDENCE OF ENCROACHMENT BY BUILDINGS ON ADJOINING PROPERTY. THAT THE STRUCTURES NOW ERRECTED ON SAID PROPERTY ARE WITHIN THE BOUNDARIES OF SAME, EXCEPT AS SHOWN, THERE ARE NO RIGHTS OF WAY OR EASEMENTS VISIBLE, BUT IS SUBJECT TO ANY SUCH RIGHTS OF WAYS AND EASEMENTS THAT MAY BE RECORDED OR UNRECORDED, OR JOINT DRIVEWAYS ON, OVER, OR ACROSS THIS PROPERTY, VISIBLE ON THE SURFACE EXCEPT AS SHOWN ON THIS PLAT.

I 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.

Mark D. Strozier
Mark D. Strozier, ALABAMA P.L.S. #22989
CERTIFICATE OF AUTHORIZATION NO. CA 1133-LS

01/10/2025
DATE

CERTIFICATES OF APPROVAL

APPROVED BY THE OPELIKA PUBLIC WORKS DEPARTMENT, OPELIKA, ALABAMA:

PUBLIC WORKS DIRECTOR: _____ DATE: _____

APPROVED BY THE OPELIKA CITY PLANNING DIRECTOR, OPELIKA, ALABAMA:

CITY DIRECTOR: _____ DATE: _____

APPROVED BY THE OPELIKA CITY PLANNING COMMISSION, OPELIKA, ALABAMA:

CHAIRMAN: _____ DATE: _____

APPROVED BY THE OPELIKA CITY ENGINEER, OPELIKA, ALABAMA:

CITY ENGINEER: _____ DATE: _____

APPROVED BY THE OPELIKA WATER BOARD, OPELIKA, ALABAMA:

OPELIKA WATER BOARD: _____ DATE: _____

REVIEWED ON BEHALF OF OPELIKA POWER SERVICES, OPELIKA, ALABAMA:

OPELIKA POWER SERVICES: _____ DATE: _____

EDGAR HUGHSTON BUILDER, INC.
JACK HUGHSTON
6053 VETERANS PKWY SUITE 300
COLUMBUS, GA 31909
CONTACT # 706-568-7650

FINAL SUBDIVISION PLAT
FOR
SECTION TWO PHASE TWO
DRAKE'S LANDING

SECTION 22, TOWNSHIP 19 NORTH
RANGE 27 EAST

SCALE: 1"=60'

LEE COUNTY
OPELIKA, ALABAMA
DATE: 01/10/2025

STROZIER SERVICES, LLC
6009 BUSINESS PARK DRIVE - COLUMBUS, GEORGIA - 31909 - (706)679-1585



FILE NO.: 24-047

DRAWN BY: MB
CHECKED BY: MDS
PAGE: 1 OF 3

N/F
RUTH F. NESBITT
D.B. 164, PG. 355
D.B. 2220, PG. 38
PARCEL ID.
43-10-05-15-0-000-023.000
43-10-05-15-0-000-024.000



FINAL SUBDIVISION PLAT
FOR
SECTION TWO PHASE TWO
DRAKE'S LANDING

SECTION 22, TOWNSHIP 19 NORTH
RANGE 27 EAST

SCALE: 1"=60'

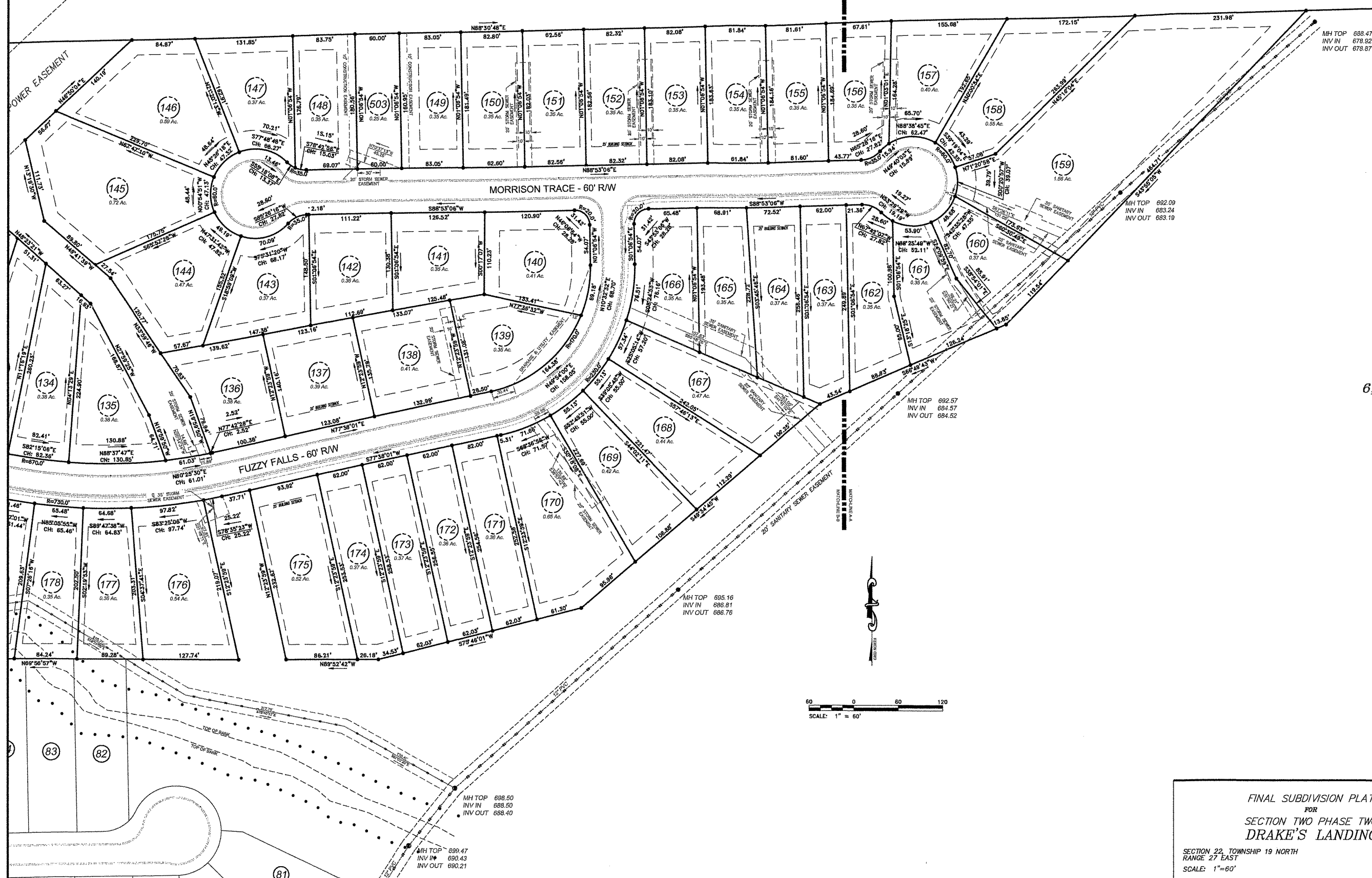
LEE COUNTY
OPELIKA, ALABAMA
DATE: 01/10/2025

STROZIER SERVICES, LLC
6009 BUSINESS PARK DRIVE - COLUMBUS, GEORGIA - 31909 - (706)579-1825

FILE NO.: 24-047

DRAWN BY: MB
CHECKED BY: MDS
PAGE: 2 OF 3

N/F
RUTH F. NESSBITT
D.B. 184, PG. 855
D.B. 2220, PG. 38
PARCEL ID
43-10-05-15-0-000-021.000
43-10-05-15-0-000-024.000



AREA
6,514,780 SQ. FT.
149.559 ACRES

N/F
KYLE S. DRAKE JR.
D.B. 2438, PG. 703
PARCEL ID
43-10-05-22-0-000-002.000

60 0 60 120
SCALE: 1" = 60'

FINAL SUBDIVISION PLAT
FOR
SECTION TWO PHASE TWO
DRAKE'S LANDING

SECTION 22, TOWNSHIP 19 NORTH
RANGE 27 EAST
SCALE: 1"=60'

LEE COUNTY
OPELIKA, ALABAMA
DATE: 01/10/2025

STROZIER SERVICES, LLC
8009 BUSINESS PARK DRIVE - COLUMBUS, GEORGIA - 31906 - (706)579-1825

FILE NO.: 24-047
DRAWN BY: MB
CHECKED BY: MDS
PAGE: 3 OF 3

City of Opelika
Planning Commission
Planning Department Report

Meeting Date: February 25, 2025

Subdivision: The Lakes at Anderson Road, Phase 3

Agenda Item #: B-3

Action Requested: Final Approval

Location of Property: Terminus of Anderson Lakes Drive

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

Current Land Use: Undeveloped

Current Zoning: PUD

Flood Zone: FEMA Map # 0181C0080G & 0181C0090G; Areas shown in Flood Zone “A” – 100 year flood zone (no base flood elevations determined; Flood Zone “X” – areas determined outside the 0.2% annual chance of flooding, as shown on plat

Staff Comments:

. The applicant is requesting final plat approval for a 33-lot subdivision. The subdivision is Phase 3 of the Anderson Lakes PUD development approved by City Council in 2005. The PUD master plan originally consisted of a mixed residential development of 111 modified zero lot line single family homes¹ and apartments. A total of 70 lots were platted in Phase 1 and Phase 2 for single-family homes. *(In 2008, City Council approved a rezoning from PUD to R-1 for the Anderson Lake PUD removing 47 acres from the PUD master plan. The apartments were located on the 47 acres; most of the 47 acres are in a floodplain.)*

The 33 lots are the last phase of single-family homes. The PUD master plan stated lots will range in size from 8,755 square feet to 20,908 sf; the maximum building area is 40% of the lot size; street trees are required along the streets with at least one tree planted every 100 feet; and minimum building setbacks are 25 feet front, 20 feet rear, and 5 feet side yard. The minimum lot width is 60 feet. The 33 lots in this phase range in size from 8,676 sf to 35,848 sf. Lot 33 (6.3 acres) is labeled as a stormwater detention area. Lot 28 is just below the stated size in the PUD and will need to meet the minimum lot size for the Anderson Lakes PUD Master Plan of 8,755 square feet.

The total area for Phase 3 is 18.22 acres including Lot 33, detention pond lot. Density for the 33 single family lots is 1.8 dwellings per acre (density includes the 6.4-acre detention pond area). A narrow 20’ strip of land owned by OIDA (Opelika Industrial Development Authority) is located between Phase 3 and the NorthPark Drive right-of-way. The strip prevents vehicle access from Anderson

Lakes Drive directly onto NorthPark Drive to reduce excessive traffic on NorthPark Drive.

Some of the proposed lots contain areas within the flood plain. These lots will need notes to ensure they comply with local and federal flood plain guidelines.

Recommendation

Planning Staff recommends final plat approval subject to the following:

- 1. All utilities must be underground.**
- 2. Sidewalks are required on both sides of the streets.**
- 3. As stated in the PUD narrative, plant a street tree along the streets on private property with at least one tree planted every 100 feet. Add a note to the plat.**
- 4. Adjust the lot area of Lot 28 to meet the minimum PUD lot size standards of 8,755 square feet.**
- 5. Site plans for structures with any portion of the lot located within the Special Flood Hazard Area are required to designate the finished floor elevation for all lots with structures located in the flood zone.**
- 6. An as built elevation certification shall be required at the batter board or form board stage before the slab is poured.**
- 7. All lots located in the Special Flood Hazard Area shall fully comply with all requirements delineated in the Flood Damage Prevention Ordinance.**
- 8. Add a landscape buffer or undisturbed buffer along the rear of Anderson Lakes Drive for Lots 12-17, as these lots are essentially double frontage lots.**

Engineering Department Report

The Engineering Department has been inspecting the construction and testing of the infrastructure in this subdivision. A Certification of Completion will be completed and signed by the Engineering and Public Works Directors as soon as all the infrastructure completion items below have been met and a positive recommendation for approval will be given:

- All drainage structures, aggregate base and pavement have been completed.
- All stop and roadway signs will need to be installed.
- Maintenance Bond of 25% of the infrastructure construction cost will need to be submitted.
- Performance Bond of 125% of the estimated cost to place the remaining roadway surface and sidewalks will need to be submitted.
- As-built documents of the roadway, and storm drain in the form of an Autocad and PDF digital file will need to be submitted to the Engineer Department. The required data should include location and elevations of all the inverts of the systems.
- The ROW and lots have been graded, and stabilized with seed and mulch, and other erosion/sediment control items have been added to protect against erosion and sediment issues.

The Engineering Department has no other comments or concerns with this proposed final plat

Opelika Utilities Board Report

Infrastructure must be inspected and accepted by Opelika Water before final plat can be approved.

Opelika Power Services Report

This Subdivision is outside of Opelika Power Services Territory.

000046-2025

AGENDA ITEM # _____



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



Feb
DEADLINE: _____ MEETING: _____

SITE ADDRESS: Anderson Lakes Drive

PROPERTY OWNER: Anderson Lakes, LLC

APPLICANT/AUTHORIZED REPRESENTATIVE: Blake Rice, BSI, Inc.

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

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

EMAIL ADDRESS: brice@bsies.com

TYPE OF PLAT APPROVAL REQUESTED

☐ SKETCH PLAN ☐ ADMINISTRATIVE ☐ PRELIMINARY ☒ FINAL

Does the subdivision require any other official action by the City? _____

☐ Annexation ☐ Rezoning ☐ Other _____

PARCEL INFORMATION

Subdivision Name: The Lakes at Anderson Road, Phase 3

Current Land Use: Vacant

Current Zoning: PUD

Proposed use of the Subdivision: Single-family Residential

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

Number of Lots: 33 x \$3.00 = \$ N/A

Number of APO: 11 x \$7.00 = \$ N/A
(Adjacent Property Owners)

Fee: \$75.00

TOTAL = \$75.00

PAID CK# 28621

I, the undersigned, hereby request the Opelika Planning Commission review the Subdivision Plat for (name of subdivision) The Lakes at Anderson Road, Phase 3 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, BSI, Inc.

1/27/25

DATE

AUTHORIZED TO ACT AS APPLICANT FOR PROPERTY OWNER

I, Anderson Lakes, LLC, being owner/authorized manager of the property(s) as described in this Subdivision Application hereby authorize

Blake Rice, BSI, Inc. to act as my representative in all decisions concerning the subdivision of my property(s) before the Opelika Planning Commission and City Council.

Property Owner's Signature *Blake Rice* Date 01/29/2025

STATE OF ALABAMA
COUNTY OF LEE

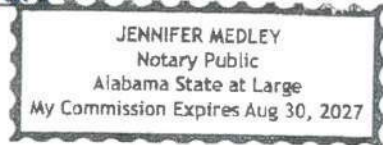
I, Jennifer Medley, a Notary Public in and for said County and State, hereby certify

that Steve McCants, 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 29th day of January 2025

Jennifer Medley
Notary Public

My Commission Expires: August 30, 2027

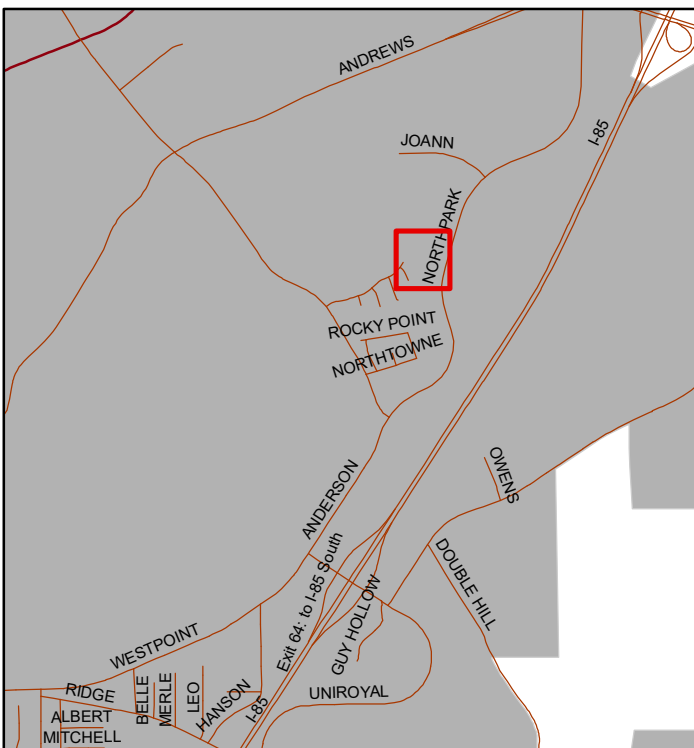
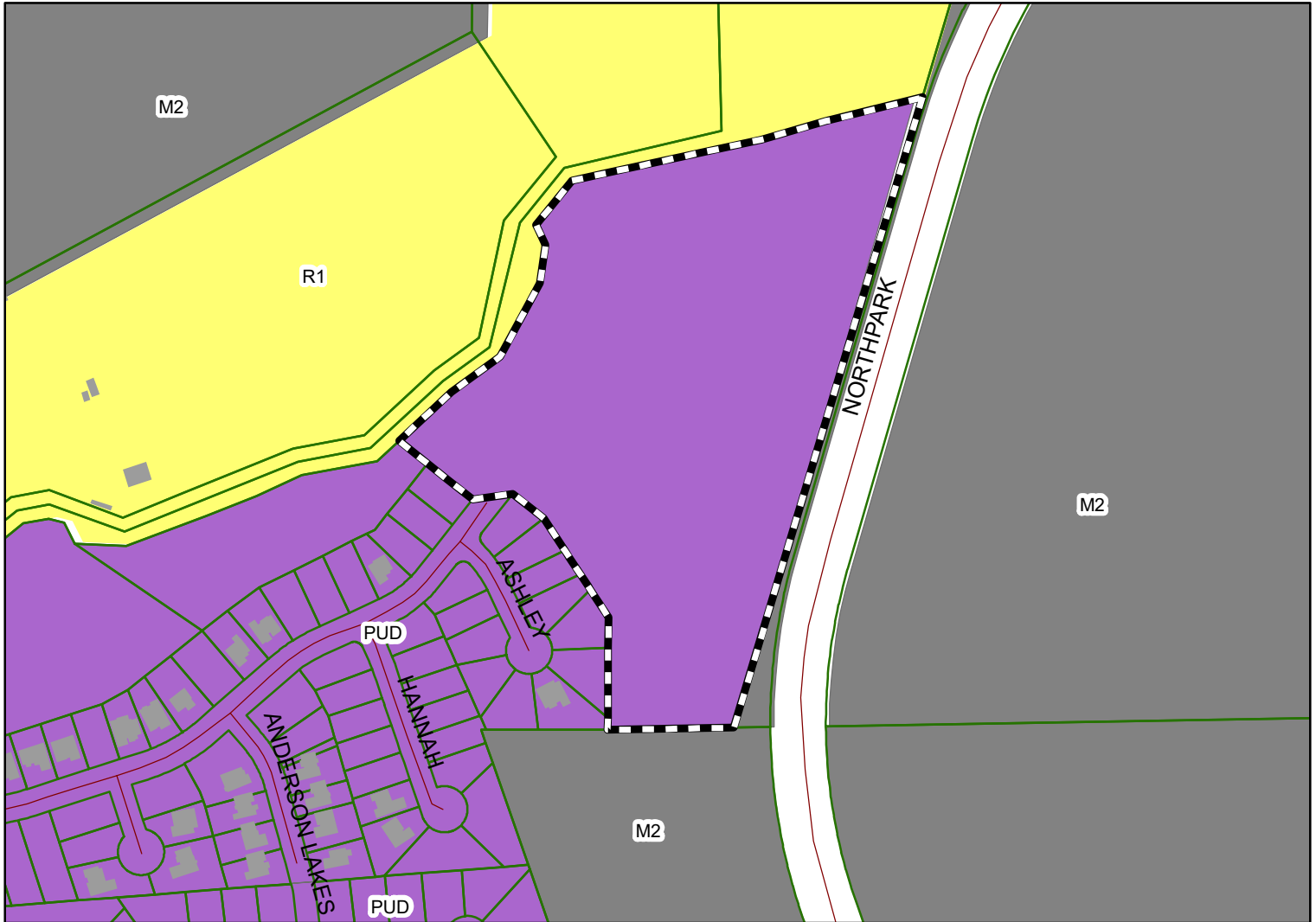
**SUBDIVISION APPLICATION REQUIREMENTS AND INFORMATION**

1. Application due 1st Tuesday of each month. (Regular Meeting 4th Tuesday of each month at 3:00 PM CT; Work Session is 3rd Tuesday each month at 3:00 PM CT before each PC Meeting).
2. Application signed by property owner and/or authorized applicant.
3. Complete the 'Authorization to Act as Applicant', if applicable
4. Provide copy of the current Deed for the subdivision property
5. Provide a List of adjacent property owners on separate sheet.
6. Submit 26 copies of the plat (21 - 11 x 17 if legible; 4 - 24 x 36; 1 - 8 x 11). Copies must accompany and be made part of this application.
7. For preliminary plat approval only or preliminary & final approval combined, if allowed: **\$75 application fee, plus \$7.00 each certified letter, plus \$3 each lot in subdivision.** Checks payable to City of Opelika. For final plat approval only or administrative plat approval only: \$75 application fee.
8. Approval of a preliminary plat by the Planning Commission shall expire in one year after approval date; approval of a final plat by the Planning Commission shall be null and void if the plat is not recorded within 120 days after approval date.
9. Final plat approval shall not be given at the same Planning Commission meeting when preliminary approval is requested if public infrastructure improvements are required. When public improvements are required 20 days must lapse between preliminary and final approval.

THE LAKES AT ANDERSON ROAD PHASE 3 SUBDIVISION

ANDERSON LAKES ROAD

FINAL APPPROVAL, B-3



The applicant is requesting final plat approval for 33 single family home lots. The subdivision is located in the Lakes at Anderson Road 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

FINAL PLAT OF
THE LAKES AT ANDERSON ROAD PHASE 3

A REDIVISION OF LOT 73 OF **THE LAKES AT ANDERSON ROAD PHASE 2 AS**
RECORDED IN PLAT BOOK 31, PAGE 47 & 48, PROBATE OFFICE, LEE COUNTY, ALABAMA.

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

SURVEYOR CERTIFICATE

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

For Review Only

Date: 01/28/2025

Jonathan A. Hem, PLS
Alabama License No. 34761

NOTES:

- Survey north: One North based upon NAD83 State Plane Coordinates, Alabama East Zone, US
FOOT, RTK GPS using the ALDOT CORS as reference.
- Base for Survey:
The Lakes at Anderson Road Phase 2, Plat Book 31, Page 47 & 48, Probate Office, Lee
County, Alabama.
- According to the FEMA FIA Flood Insurance Map (FIRM), Map No. 01081C0080G, effective
November 2, 2011 & Map No. 01081C0090H, effective January 17, 2025, Revised to reflect Letter
of Map Revision (LOMR) 21-04-1701P effective March 29, 2022, the subject property is located:
Zone X (Not Shaded) - Areas determined to be outside the 0.2% annual chance floodplain
Zone AE - The 1% annual chance flood (100-year flood), also known as the base flood, is the
flood that has a 1% chance of being equaled or exceeded in any given year. The special
Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Base
Flood Elevations determined.
- 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 and utility easement (D.U.E.) 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.
- The purpose of this plat is to divide 18.22 acres into 33 lots.
- Development Data:
Total Number of Lots: 33
Area of Largest Lot: Lot 33 - 6.40 Acres (278,846 Sq. Ft.)
Area of Smallest Lot: Lot 28 - 0.18 Acres (8,636 Sq. Ft.)
Total Acreage: 18.22 Acres (793,666 Sq. Ft.)
- Minimum Building Setbacks:
-Front: 25 Feet
-Side: 5 Feet
-Rear: 20 Feet
-Minimum Lot Width: 60 Feet

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 Water Board, Opelika, Alabama:

Opelika Water Board: _____ Date: _____

Accepted by the Opelika Power Services, Opelika, Alabama:

Opelika Power Services: _____ Date: _____

DEDICATION

The State of Alabama

Lee County

We, Anderson Lakes LLC, as owners of the real property shown on this plat hereby join in the statement of
Jonathan A. Hem and certify that it is our purpose to subdivide lands so platted into lots as shown.

In witness whereof, I have hereunto set my hand on this the _____ day of _____, 2025.

Authorized Signature for
Anderson Lakes LLC

ACKNOWLEDGEMENT

The State of Alabama

Lee County

I, _____, a Notary Public, in and for said County in said State, hereby

certify that _____, 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 the

instrument, has executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this _____ day of _____, 2025.

Notary Public:

My Commission Expires:

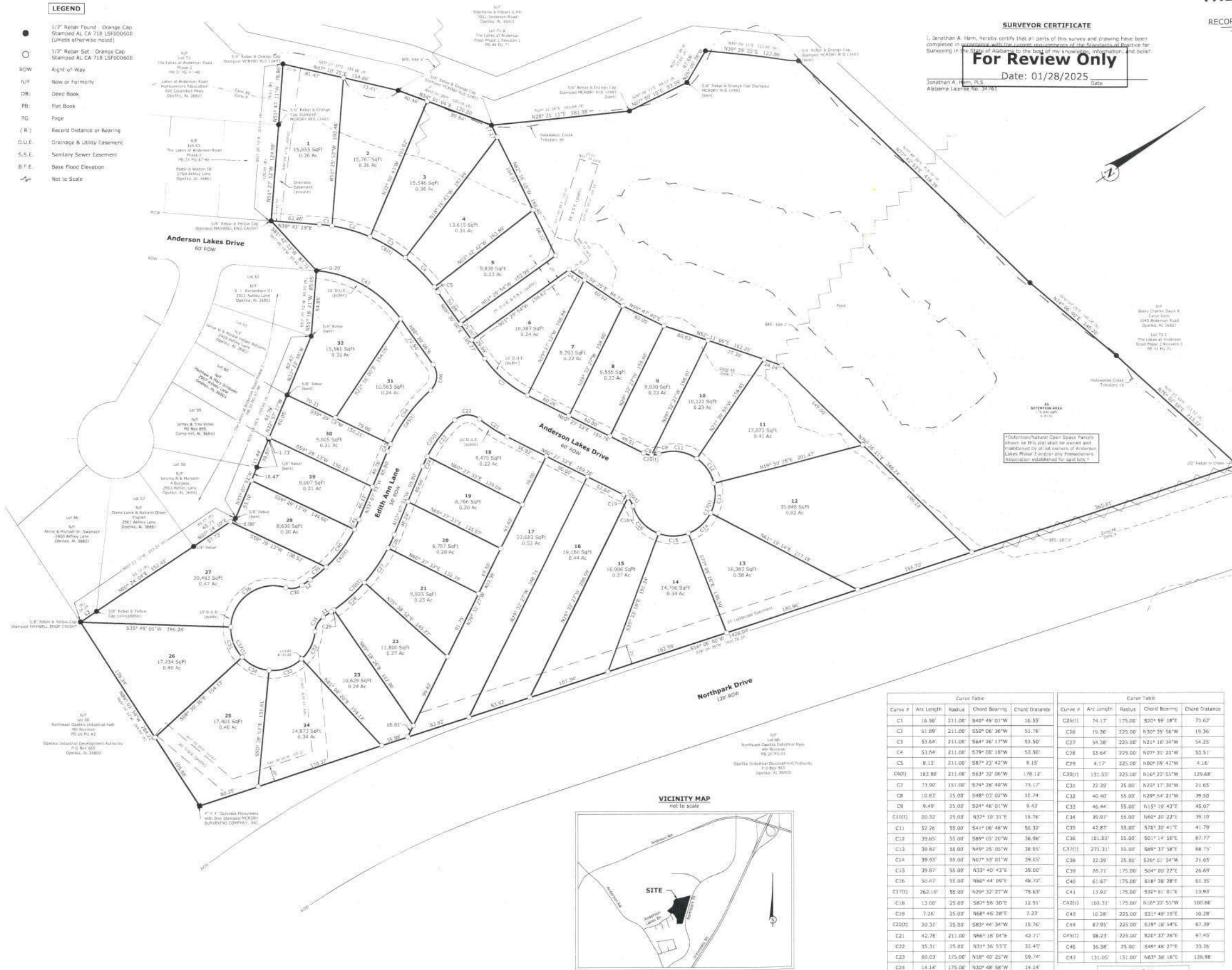
PROJECT NO: 23-0115

FIELD BY: CAJ
DRAWN BY: ADJ/BES

FIELD DATE: 10/01/2024
DRAW DATE: 01/21/2025

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
- ROW Right-of-Way
- N/F None or Formerly
- DB: Deed Book
- PB: Plat Book
- PG: Page
- (R) Record Distance or Bearing
- D.U.E. Drainage & Utility Easement
- S.S.E. Sanitary Sewer Easement
- B.F.E. Base Flood Elevation
- Not to Scale



VICINITY MAP

not to scale



ENGINEERING | SURVEYING

223 S. 9th Street, Opelika, Alabama 36801
334-745-7028

LAND SURVEYOR

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

DEVELOPER

Anderson Lakes, LLC
Fort Mitchell, AL 36856

City of Opelika
Planning Commission
Planning Department Report

Meeting Date: February 25, 2025

Agenda Item #: C-4

Action Requested: Conditional Use – Townhomes - 79 units, Phase II

Location of Property: 2750 Society Hill Road

Property Owner(s): Stephen Ward
Blake Rice, BSI, authorized representative

Current Land Use: Undeveloped

Current Zoning: C-2

Surrounding Zoning Districts

And Land Uses:

North	C-2	Phase 1 Creekside Cottages
South	R-1/C-2	Residential/ Proposed Apartments
East	PUD/R-1	Coors/Residential
West	PUD	Undeveloped

The applicant is requesting conditional use approval for a 79-unit townhouse development on 11.55 acres; a creek runs through this section. The townhomes are rental units not condo or fee simple ownership. A private entrance is shown in Phase II of the development on the site plan. Townhome amenities include a clubhouse next to a swimming pool and dog walk area located in Phase I not shown on this site plan. Phase I of the development was approved in September 2024 by the Planning Commission. Sidewalks are shown in front of all townhome units on both sides of all private streets.

This proposed Phase II development consists of 19 townhome building groups that range from two to six units per group: a total of 79 townhome rental units. A townhome group exterior material is a combination of cement siding, board and baton siding, and stone according to the photos provided. Photos of townhouse elevation are provided in the packet. A townhome unit minimum lot width is 20 feet wide; the lot width provided is at least 23 feet. At least one front, rear or side yard area for each unit is 50% or more of the first-floor area as required; each townhome group appears at least 20 feet from another townhome group as required.

The landscape points meet the minimum requirements. A detailed landscape plan is required showing trees and shrub location, size, species, and points. A residential buffer is required along part of the south property line to buffer the adjacent properties in a R-1 residential zoning district from the multi-family

development. The buffer must consist of the options¹ provided in the Landscape Regulations. The landscape plan requires a total of 180 parking lot points (one point per parking space is required) the site plan shows 180 parking spaces. A landscape buffer is required along the front property line as required in the Zoning Ordinance for double fronting homes and added privacy from a busy street. This buffer should be dense enough that the rear yards of these units are not directly visible from Society Hill Road. The size of trees and shrubs on landscape plan must meet the minimum size requirements as provided in the Landscape Regulation. Where possible the existing natural buffers are preferred.

The units in this section are close in distance, but would a significant length using roads and sidewalks from most amenities. A sidewalk needs to connect the units in this phase to the main amenity in Phase I. This should occur along the right-of-way of Society Hill Road and could be part of a larger public sidewalk along this developing street. The City is currently planning significant pedestrian improvements along Gateway Drive.

Staff recommends approval subject to the following:

1. A buffer using landscaping or existing vegetation dense enough to screen the rear yards of any units backing up to Society Hill Road is required.
2. Submit a detailed landscape plan add landscaping as required with minimum base points and parking lot points and added buffers are shown and met in detail required by the Landscape Ordinance.
3. If dumpsters are installed, dumpsters must be enclosed on all sides and gated with an opaque fence
4. at a height so that the dumpster is not seen outside the enclosure. All garbage and trash collection must be coordinated through Opelika Environmental Services.
5. All utilities shall be underground except existing overhead required transmission lines.
6. Any gate is required to be approved by the City of Opelika Fire Department. This gate should be accessible to all residents for entry and exiting the premise.
7. Provide a public sidewalk meeting the requirements of the Opelika Engineering Department along Society Hill Road. Internal sidewalks shall connect to this sidewalk.
8. All units shall meet the Gateway Corridor cladding and screening requirements.

a. ¹ An opaque fence not less than six (6) feet in height, with horizontal or vertical openings not greater than three (3) inches per one (1) linear foot AND a four (4) foot wide strip of Evergreen plantings, which will grow to at least six (6) feet in height within three full growing seasons planted on the inside of the fence or;

b. A staggered double row of Evergreen plantings at least six (6) feet in width, which will grow to at least six (6) feet in height and spaced in a manner which after three (3) years will provide an impervious visual barrier or;

c. Natural, undisturbed forest at least twenty (20) feet in width that provides a nearly impervious visual barrier due to the dense nature of the plants and/or trees. If this option is chosen, the City Horticulturist shall determine whether the barrier is satisfactory through a site inspection prior to plan approval. Barriers shall be erected during construction to ensure the area is protected from damage due to construction.

Engineering Department Report

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.

Engineering has no other comments or concerns regarding the proposed Conditional Use approval.

Opelika Water Board Report

Water service (16" DI main) is available from the western side of Society Hill Rd.

Opelika Power Services Report

Phase 2 is outside of Opelika Power Services Territory.

000044-1025

AGENDA ITEM # _____



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



PC DEADLINE: Feb PC MEETING: _____

SITE ADDRESS: Society Hill Road
PROPERTY OWNER: Stephen & Shelby Ward
APPLICANT/ AUTHORIZED REPRESENTATIVE: Blake Rice, Barrett-Simpson, Inc.
MAILING ADDRESS: 223 S 9th Street Opelika, AL 36801
PHONE NUMBER: 334-745-7026 **FAX NUMBER:** 334-745-4367
EMAIL ADDRESS: brice@barrett-simpson.com

PARCEL INFORMATION

Project name: Jim Chapman Communities Address/Location: Corporate Drive
Current Land Use: Vacant Current Zoning: C2
Adjacent Zoning Districts: North: NA South: R1/C2 East: R1/PUD?C2 West: C2
Description of Proposed Use: 225 Unit (Ph1) & 79 Unit (Ph 2) Rental Town Home Development

AUTHORIZATION TO ACT AS APPLICANT (if applicable)

I, See Attached, being owner of the property which is the subject of this conditional use application hereby authorize Blake Rice, Barrett-Simpson, Inc 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: 3 Sept 2024

STATE OF ALABAMA,

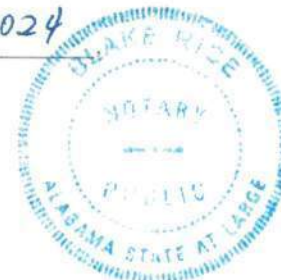
COUNTY OF LEE

I, Blake Rice, a Notary Public in and for said County and State, hereby certify that Stephen O Ward, 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 3 day of Sept 2024

[Signature]
Notary Public

My Commission Expires: 10/28/24



ck# 28622

READ. THE FOLLOWING GENERAL USE STANDARDS, (E) PARAGRAPH (1-5) OF **SUBSECTION 8.17 CONDITIONAL USES; E. General Use Standards.**

1. No application for a conditional use permit shall be approved unless the Planning Commission shall specifically find the proposed conditional use appropriate in the location for which it is proposed. This finding shall be based on the following criteria.
2. The proposed use shall be in harmony with the general purpose, goals, objectives, and standards of the Comprehensive Plan, this ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City.
3. There shall be a community need for the proposed use and a need to provide or maintain a proper mix of uses both within Opelika and also within the immediate area of the proposed use: (a) the proposed use shall not result in either a detrimental concentration of a particular use within the City or within the immediate area; and (b) the area for which the use is proposed is not better suited for or likely to be needed for the uses that are permitted as a matter of right within that district, in light of policies or programs of the City of Opelika.
4. The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-ways, or other matters affecting the public health, safety, and general welfare, either as they not exist or as they may in the future be developed as a result of the implementation of provisions and policies of the Comprehensive Plan, this ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City or other governmental agency having jurisdiction to guide growth and development.
5. The proposed use in the proposed area will be adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities, and services specified in this subsection. Where any such improvements, facilities, utilities, or services are not available or adequate to service the proposed use in the proposed location, the applicant shall, as part of the application and as a condition to approval of the proposed conditional use permit, be responsible for establishing ability, willingness and binding commitment to provide such improvements, facilities, utilities, and services in sufficient time and in a manner consistent with the Comprehensive Plan, this ordinance, the other plans, programs, maps and ordinances adopted by the City to guide its growth and development. The approval of the conditional use permit shall be conditional upon such improvements, facilities, utilities, and services being provided and guaranteed by the applicant.

ANSWER THE FOLLOWING QUESTIONS TO THE BEST OF YOUR KNOWLEDGE AND ABILITY. YOUR ANSWERS PROVIDE THE PLANNING COMMISSION AND STAFF THE BASIS FOR REVIEWING YOUR REQUEST. ANY QUESTION UNANSWERED WILL BE RETURNED TO YOU FOR COMPLETION.

1) How is the proposed use appropriate in the location for which it is proposed? _____
The proposed use is similar to surrounding uses in the area.

2) Will the use result in a substantial adverse effect on adjacent properties, the character of the neighborhood, traffic conditions, public infrastructure, etc.? _____
There will be no adverse affects from the proposed development.

3) What precautions will be taken to minimize any adverse effects from the proposed use on surrounding property owners? _____
Undisturbed buffers and landscaping will be utilized to minimize adverse affects on adjacent property owners.

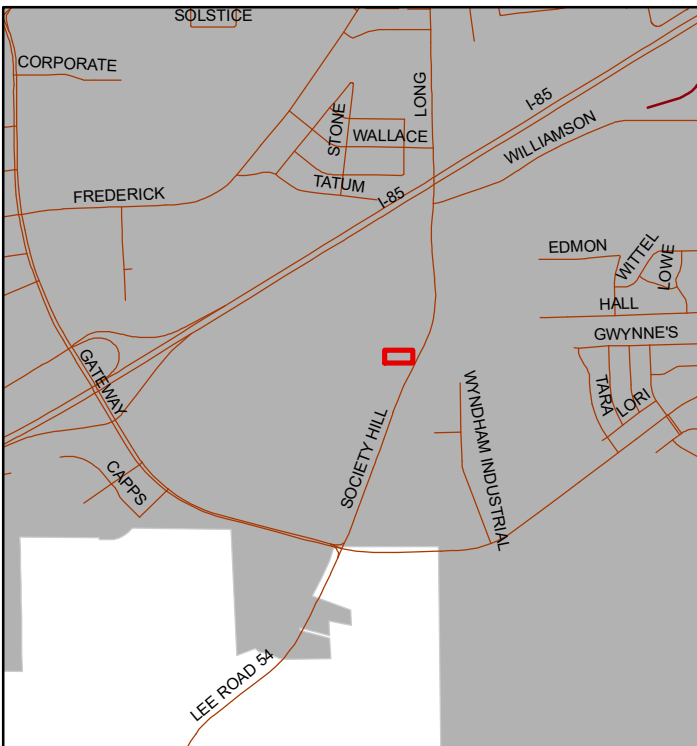
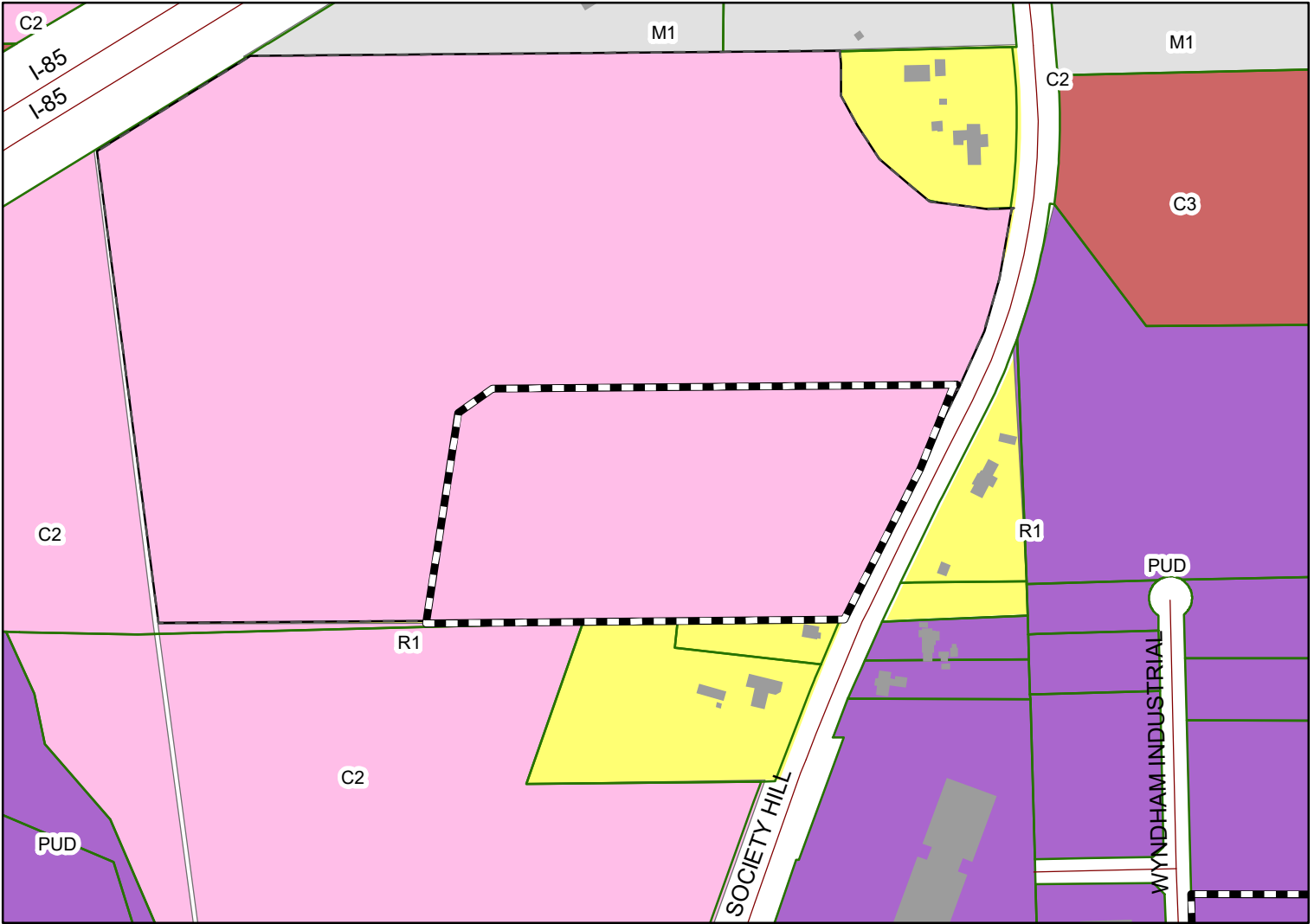
APPLICATION REQUIREMENTS

1. Application due 1st Tuesday of each month. (Meeting 4th Tuesday of each month at 3:00 PM CT; Work Session is 4th Tuesday each month at between 2:00 and 2:45 PM CT before each PC Meeting, start times may vary depending on what must be covered during the Work Session. Times for each session are given in the agenda documents).
2. Authorization to Act as Applicant signed by property owner and notarized, if applicable
3. Copy of the current deed
4. Submit 26 copies of the Site Plan (21 - 11 x 17 if legible; 4 - 24 x 36; 1 - 8 x 11). Copies must accompany and be made part of this application.
5. Conditional Use fee = \$125 application fee. Checks are payable to the City of Opelika.
6. Conditional use approval shall expire in one year after approval date. **FEE: \$125 Paid** _____

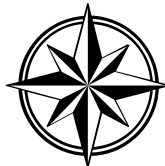
RENTAL TOWNHOMES - PHASE TWO

2700 BLOCK SOCIETY HILL ROAD

CONDITIONAL USE, C-4



The applicant is requesting approval for 79 rental townhome units on 11.5 acres in a C-2 zoning district. Phase one, 229 townhome units were approved at the Sept 2024 PC meeting.



Subject Property

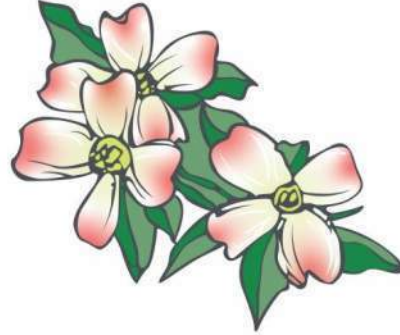
The City of Opelika does not guarantee this map to be free from errors or inaccuracies. The City of Opelika, Alabama disclaims any responsibility or liability for interpretations from this map or decisions based thereon. The information contained on this map is a general representation only and is not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











the
COTTAGES
— By JIM CHAPMAN COMMUNITIES —

AMENITY PHOTOS









City of Opelika
Planning Commission
Planning Department Report

Meeting Date: February 25, 2025

Agenda Item #: C-5

Action Requested: Conditional Use – Package Liquor Store

Location of Property: 2010 Crawford Avenue (Hwy 169)

Property Owner(s): Kirti Patel, property owner

Current Land Use: M&M Grocery - Gas Station & Convenience Store

Current Zoning: C-3 (general commercial)

**Surrounding Zoning Districts
And Land Uses**

North	M-1	former BF Goodrich Tire Plant
South	---	Out of City limits
East	---	Out of City limits
West	R-1	single family home & Undeveloped

The property owner is requesting approval to open a package liquor store at his gas station (4 fuel dispensers) and convenience store (M&M Grocery). The package store is added use at the grocery store location and therefore requires a separate business license. The property is in a C-3 zone and conditional use approval is required for a package liquor store in a C-3 or a M-1 zoning district. If a C-3 or M-1 zoned property is also in the Gateway Corridor Overlay zone then a package liquor store is prohibited.

M&M Grocery is at the corner of Crawford Road and South Uniroyal Road. The south and east property lines of the 25,144 square foot property are also the City limit line. The adjacent properties south and east of M&M Grocery are out of the City limits. The surrounding area is primarily rural; there are some commercial properties (General Dollar, auto service, restaurant/bar, mini warehouse) near M&M Grocery. On the east side near the grocery store, residential area has 36 mobile homes on 15,000 sf lots. South and west of the store are larger lots with a single family home. The adjacent property on the north side is 14 acres of undeveloped land owned by the former BF Goodrich Tire property.

The total floor area of the grocery store is 4,050 square feet. The package store area will occupy 600 square feet of the floor area. State code for package stores prohibits the entrance or passageway to a

package store from inside an existing business. A package store must have a separate outside entrance. An outside entrance is provided (see photo of outside entrance on page 2). Alcohol purchased must be in sealed containers for off-premise consumption only. M & M Grocery store current hours of operation: M to F – 4 AM to 8 PM, Sat – 5 AM to 8 PM, Sun. - 6:30 AM to 6:30 PM. The package store hours will be the same as the grocery store hours.

Recommendation

Staff does not expect that the package store will have a direct impact on sensitive areas such as schools or churches due to the store's location. The nearest church is 1.5 miles (Global Impact Church, 1107 Crawford Road), and the nearest school is 5 miles from the M & M Grocery store (Beauregard High school). The nearest package store is at 1018 Columbus Parkway about 3.5 miles from M & M Grocery. At this writing, Staff has not received any public interest in this request since a legal ad about the package store conditional use request was published on Thursday, February 20th in the Opelika Observer. **Staff recommends approval subject to the following:**

1. The package store's hours of operation must be the same as the grocery store hours.
2. Consumption of alcohol on the subject property is prohibited.



M&M Grocery, 2010 Crawford Road – Location of Package Store Outside Entrance

Engineering Department Report

Engineering has no other comments or concerns regarding the proposed Conditional Use approval.

Opelika Water Board Report

No Comment.

Opelika Power Services Report

Phase 2 is inside of Opelika Power Services Territory.

000051-2025

AGENDA ITEM # _____



APPLICATION FOR CONDITIONAL USE APPROVAL

PLANNING DEPARTMENT
700 FOX TRAIL
OPELIKA, AL 36801



PC DEADLINE: _____ PC MEETING: _____

SITE ADDRESS: 2010 CRAWFORD ROAD (Hwy 169) SUITE B, Opelika, AL 36804
PROPERTY OWNER: Kirti Patel

APPLICANT/ AUTHORIZED REPRESENTATIVE: _____
MAILING ADDRESS: 2010 Alabama Hwy 169, Suite-B, Opelika, AL 36804
PHONE NUMBER: 334-742-9605 FAX NUMBER: _____
EMAIL ADDRESS: jeetupatel7@gmail.com

PARCEL INFORMATION

Project name: Liquor Package Store Address/Location: Same as site
Current Land Use: Convenience Store Current Zoning: C-3
Adjacent Zoning Districts: North: M-1 South: OUT OF CITY LIMITS East: C-3 AND OUT OF CITY LIMITS West: R-1
Description of Proposed Use: Mini Package Store

AUTHORIZATION TO ACT AS APPLICANT (if applicable)

I, Kirti Patel, 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.

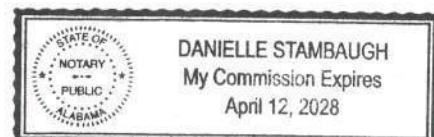
Property Owner's Signature: [Signature] Date: 1-28-2025

STATE OF ALABAMA, COUNTY OF LEE

I, Danielle Stambaugh, a Notary Public in and for said County and State, hereby certify that Kirti 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 31st day of January,
Danielle Stambaugh
Notary Public

My Commission Expires: April 12, 2028



READ. THE FOLLOWING GENERAL USE STANDARDS, (E) PARAGRAPH (1-5) OF **SUBSECTION**

8.17 CONDITIONAL USES; E. General Use Standards.

1. No application for a conditional use permit shall be approved unless the Planning Commission shall specifically find the proposed conditional use appropriate in the location for which it is proposed. This finding shall be based on the following criteria.
2. The proposed use shall be in harmony with the general purpose, goals, objectives, and standards of the Comprehensive Plan, this ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City.
3. There shall be a community need for the proposed use and a need to provide or maintain a proper mix of uses both within Opelika and also within the immediate area of the proposed use: (a) the proposed use shall not result in either a detrimental concentration of a particular use within the City or within the immediate area; and (b) the area for which the use is proposed is not better suited for or likely to be needed for the uses that are permitted as a matter of right within that district, in light of policies or programs of the City of Opelika.
4. The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-ways, or other matters affecting the public health, safety, and general welfare, either as they not exist or as they may in the future be developed as a result of the implementation of provisions and policies of the Comprehensive Plan, this ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City or other governmental agency having jurisdiction to guide growth and development.
5. The proposed use in the proposed area will be adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities, and services specified in this subsection. Where any such improvements, facilities, utilities, or services are not available or adequate to service the proposed use in the proposed location, the applicant shall, as part of the application and as a condition to approval of the proposed conditional use permit, be responsible for establishing ability, willingness and binding commitment to provide such improvements, facilities, utilities, and services in sufficient time and in a manner consistent with the Comprehensive Plan, this ordinance, the other plans, programs, maps and ordinances adopted by the City to guide its growth and development. The approval of the conditional use permit shall be conditional upon such improvements, facilities, utilities, and services being provided and guaranteed by the applicant.

ANSWER THE FOLLOWING QUESTIONS TO THE BEST OF YOUR KNOWLEDGE AND ABILITY. YOUR ANSWERS PROVIDE THE PLANNING COMMISSION AND STAFF THE BASIS FOR REVIEWING YOUR REQUEST. ANY QUESTION UNANSWERED WILL BE RETURNED TO YOU FOR COMPLETION.

1) How is the proposed use appropriate in the location for which it is proposed? No Package Store on that Area

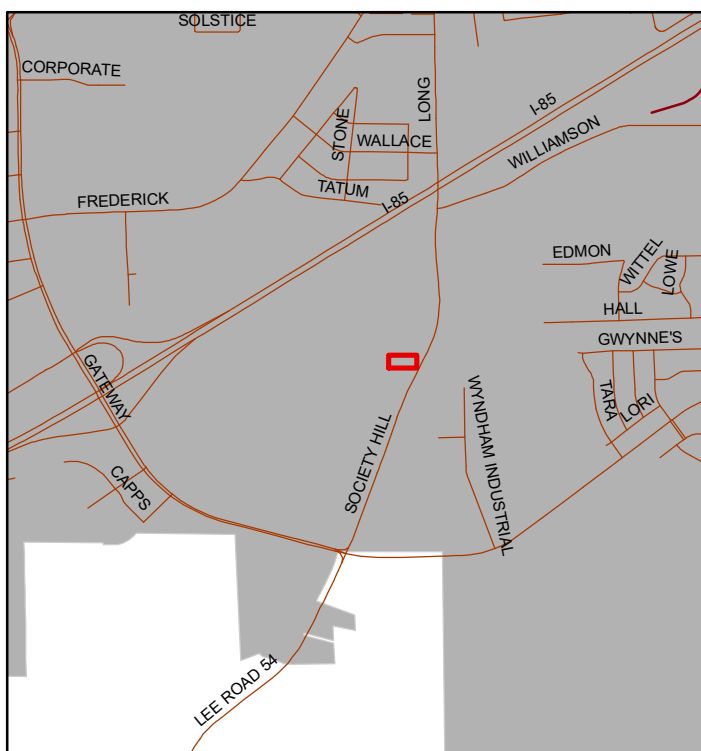
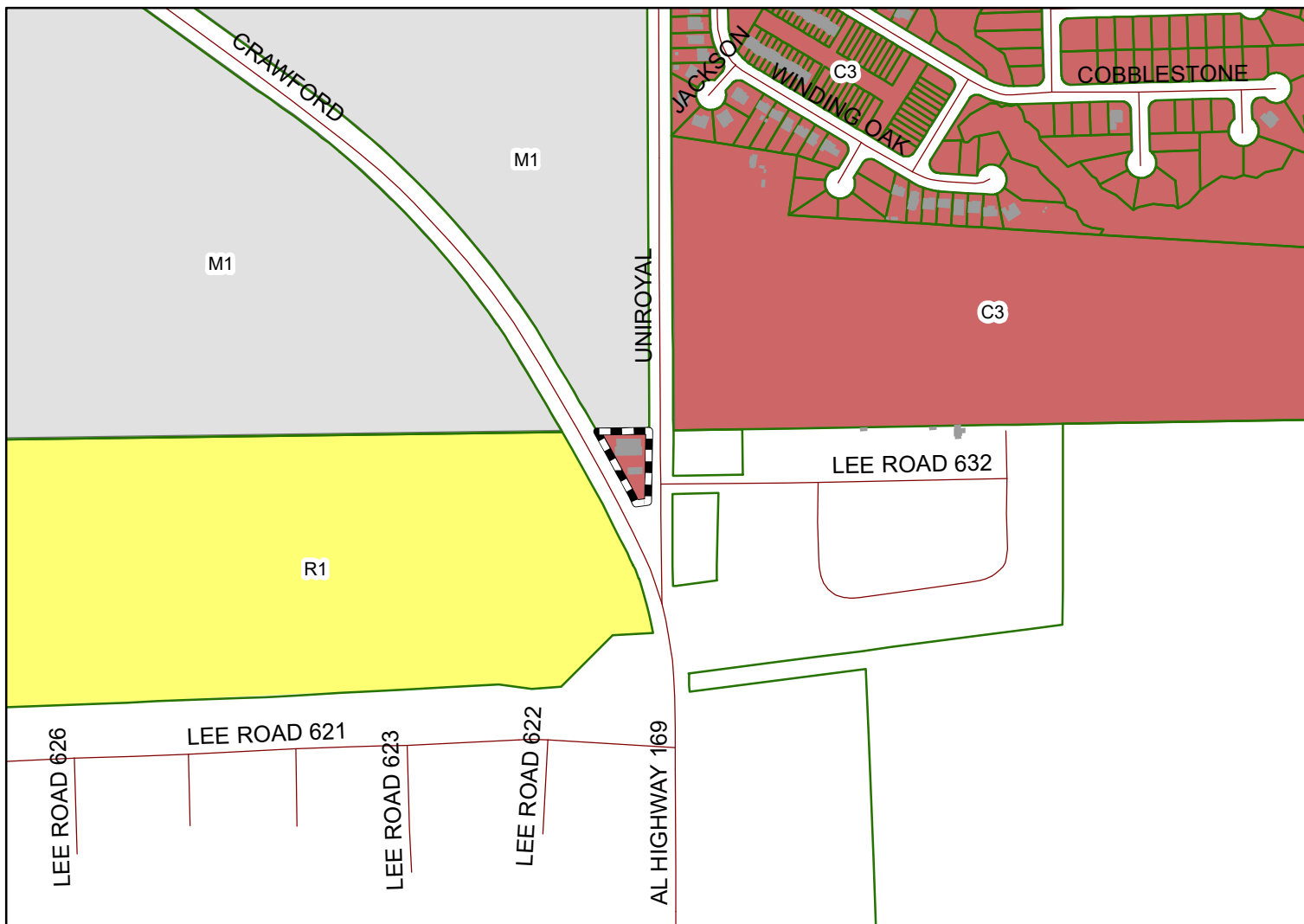
2) Will the use result in a substantial adverse effect on adjacent properties, the character of the neighborhood, traffic conditions, public infrastructure, etc.? No School or church in Area

3) What precautions will be taken to minimize any adverse effects from the proposed use on surrounding property owners? _____

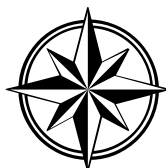
APPLICATION REQUIREMENTS

1. Application due 1st Tuesday of each month. (Meeting 4th Tuesday of each month at 3:00 PM CT; Work Session is 4th Tuesday each month at between 2:00 and 2:45 PM CT before each PC Meeting, start times may vary depending on what must be covered during the Work Session. Times for each session are given in the agenda documents).
2. Authorization to Act as Applicant signed by property owner and notarized, if applicable
3. Copy of the current deed
4. Submit 26 copies of the Site Plan (21 - 11 x 17 if legible; 4 - 24 x 36; 1 - 8 x 11). Copies must accompany and be made part of this application.
5. Conditional Use fee = \$125 application fee. Checks are payable to the City of Opelika.
6. Conditional use approval shall expire in one year after approval date. **FEE: \$125 Paid** _____

PACKAGE LIQUOR STORE 2010 CRAWFORD ROAD CONDITIONAL USE, C-5



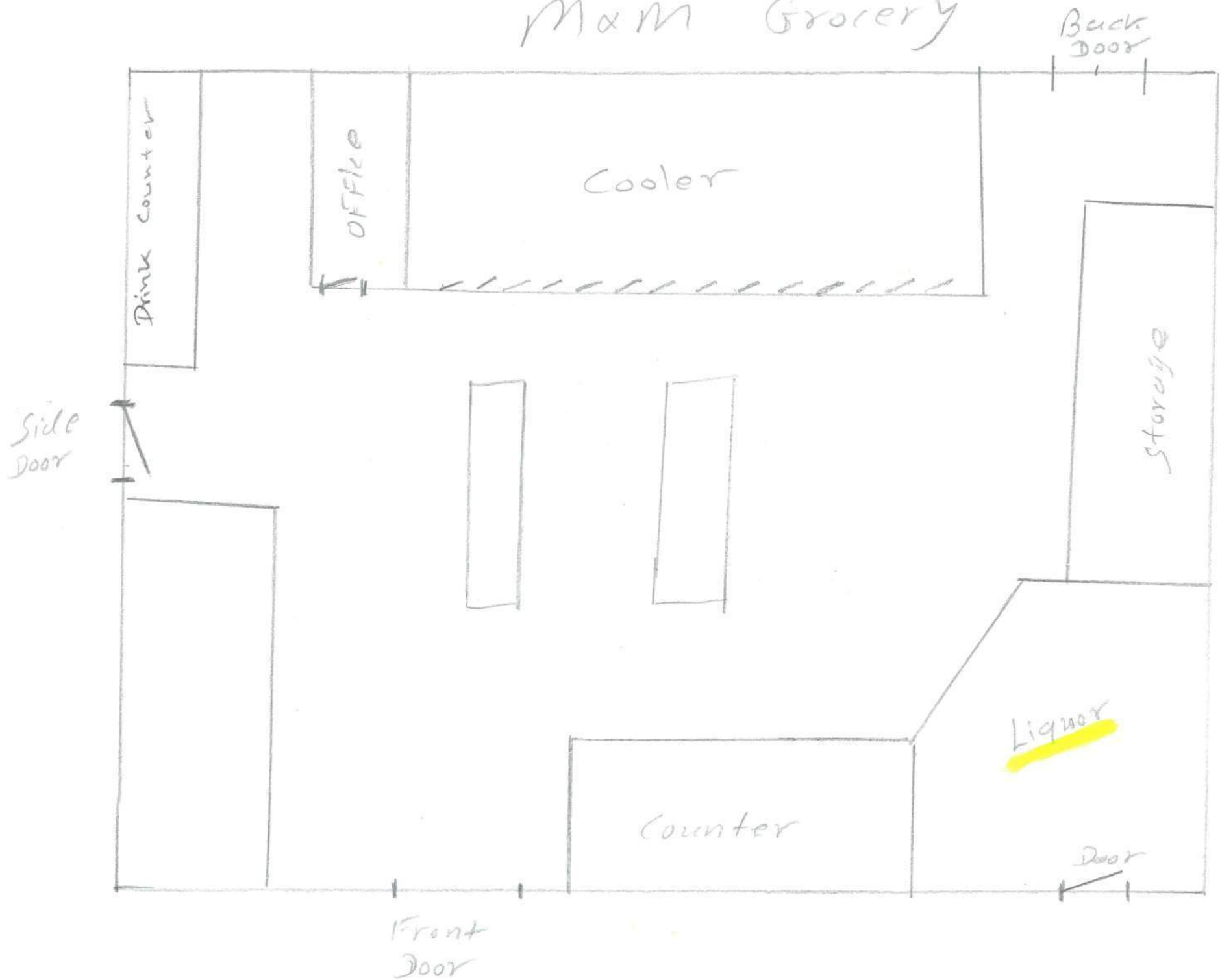
Kirti Patel, applicant, is requesting approval to add liquor sales in his convenience store that borders the City limits; the 25,155 sf property is in a C-3 zoning district.



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

M&M Grocery



City of Opelika
Planning Commission
Planning Department Report

Meeting Date: February 25, 2025

Agenda Item #: C-6

Action Requested: Conditional Use – Office of Contractor without equipment and material yard.

Location of Property: 3615 Pepperell Parkway

Property Owner: Clay Caswell
Mike Maher, Precision Surveying, representative

Current Zoning: C-3, GC-P

Existing Land Use: Undeveloped

**Surrounding Zoning Districts
And Land Uses:**

North	C-3, GC-P	Saugahatchee Square shop center
South	C-3, GC-P	Undeveloped
East	C-3, GC-P	Fur Buds -Veterinarian
West	C-3, GC-P	Wesley Tire & Auto Service

Proposal

The applicant is requesting conditional use approval for an office of contractor (Caswell Heating & Air) without equipment and material yard in a C-3, GC-P zoning district. An office of contractor is outright allowed but an office of contractor with equipment or material yard is prohibited in the C-3, GC-P zone. Currently, the business has six employees and four service trucks. (Three new trucks will be added soon.) One box trailer is used to deliver AC units to a work site. The AC units will be stored inside the warehouse.

The site plan shows a proposed 9,440 sf building on a 76,260 square foot lot. This property shares a driveway with Fur Buds Veterinary Clinic and also has access along the 3rd Avenue to the rear of the property. The required setbacks for the Gateway Corridor are not shown on the site plan. These setbacks need to be revised to meet the standards. It does not appear that the building would encroach on the setbacks.

The minimum parking spaces for a contractor's office and warehouse minimum parking (commercial support uses) is one parking space per employee and one space per vehicle left on property. Thirteen parking spaces meets the minimum requirement, but the site plan shows 33

parking spaces. Caswell Heating & Air hosts several community events or giveaways each years that involve the Food Bank, Toy Drive, Thanksgiving turkey giveaway, and Halloween treats. The added parking spaces and wider driveways provide more space for the extra vehicles at these events.

The site plan shows a 16,600 square foot area labeled “Fenced In Storage” in the rear yard. A material or equipment yard (i.e. outside storage of material or equipment) is prohibited in the Gateway Corridor Overlay district-Primary (GC-P). Material and equipment must be kept in an enclosed building. The applicant said the ‘Fenced In Storage’ area is for company trucks and one box trailer. No barbed wire or razor wire should be used on the fencing. If the area is intended to vehicles, the area should be paved which would increase the impervious area. The trailer is used to deliver air condition units to homes or business for installation. The company has property in the county so any outside storage will be on the county property.

The exterior materials meet the minimum standards¹for the Gateway Corridor Overlay district. The elevations front exterior material is a combination of brick and hardie plank board & batten siding. The left and right side exterior walls are at least 20% brick and hardie plank board & batten siding from the front wall corner and then all metal siding to the rear wall corner. The rear wall elevation is 100% metal siding.

The landscape plan meets minimum base and parking lot point requirements. A total of 19 trees and 30 shrubs are shown on landscape plan. The plan includes a buffer along Pepperell Parkway. This buffer should be 15 feet to meet the Gateway Corridor Requirements. The buffer must extend to the side property lines as required. Increasing this buffer will require the parking and building location to be adjusted. The size of trees and shrubs planted must meet the minimum size requirements as provided in Section X Landscape Regulation. The property meets the maximum 70% impervious surface ratio allowed; about 43% of the property is impervious. A “screened dumpster pad” is shown on site plan. The screen and gate must consist of opaque fence material so dumpster is not visible outside the enclosure.

Recommendations

Planning staff recommends approval subject to the following:

1. Equipment or material yard stored outside is prohibited in the C-3, GC-P zoning district.

¹Primary building facades within the corridor overlay facing any public right-of-way shall be finished with 100% of one or more of the following materials: brick and brick veneer; Stone, stone veneer, and cultured stone; Glass Precast or field-poured tilt concrete panels with texture and architectural detailing; Stucco with architectural detailing; Cementous siding; Wood and wood materials designed and intended for use as exterior finish material; Tilt wall panels; Decorative or architectural split-faced Concrete Masonry Units (CMU); Other primary materials approved by the Planning Commission consistent with the purpose of these standards, including architectural metal panels. Architectural features and attachments may be approved by the Planning Department. Approved building materials shall extend from the front façade around side of the building 20 feet or 20 percent of the wall length whichever is greater. Allowances may be provided for contributing structures in a designated historic district.

2. Provide the correct setbacks for the Gateway Corridor (Front 40 feet, all others 20 feet).
3. The dumpster must be enclosed with an opaque fence on all sides and an opaque gate installed; the fence and gate must be at a height so the dumpster is not visible when viewed outside the fence.
4. The front buffer is required to be 15 feet in depth to meet the Gateway Corridor requirements.
5. Revise the landscape plan to extend the parking lot buffer along Pepperell Parkway to the side lot lines as required.
6. If the fenced storage area is intended for vehicles, the parking area shall be paved.
7. No razor wire or barbed wire shall be used on the fencing.
8. Any gate access to 3rd Avenue shall be designed so that someone operating the gate will not be forced to park in the street to open the gate.

Engineering Department Report

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.

Engineering has no other comments or concerns regarding the proposed Conditional Use approval.

Opelika Water Board Report

Water service is available from south side of Pepperell Pkwy (6") and north side of 3rd Avenue (3").

Opelika Power Services Report

This use is outside of Opelika Power Services Territory.

000059-2025

AGENDA ITEM # _____



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



PC DEADLINE: _____ PC MEETING: _____

SITE ADDRESS: Between 3709 & 3633 Pepperell parkway, Opelika, Al 36801

PROPERTY OWNER: Clay Caswell

APPLICANT/ AUTHORIZED REPRESENTATIVE: Clay Caswell - Mike Maher

MAILING ADDRESS: 2124 Moores Mill Rd Ste 110, Auburn, AL 36830

PHONE NUMBER: 334-821-0105

FAX NUMBER: 334-821-4044

EMAIL ADDRESS: mike.precisionsurv@gmail.com

PARCEL INFORMATION

Project name: Lot 2 Hilyer SD Address/Location: Between 3709 & 3633 Pepp. Pkwy

Current Land Use: Vacant Current Zoning: C3

Adjacent Zoning Districts: North: C3 South: C3 East: C3 West: C3

Description of Proposed Use: Commercial Building

AUTHORIZATION TO ACT AS APPLICANT (if applicable)

I, Clay Caswell, being owner of the property which is the subject of this conditional use application hereby authorize Michael Maher, 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: Clay Caswell Date: 2-3-2025

STATE OF ALABAMA,

COUNTY OF LEE

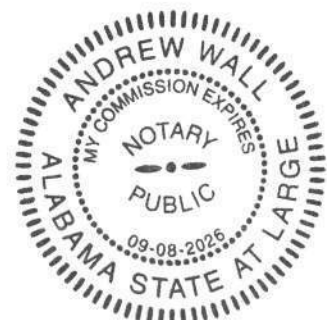
I, Andrew Wall, a Notary Public in and for said County and State, hereby certify that Clay Caswell, whose name is signed to the foregoing document, and who is known to me or acknowledged before me on this day, that being informed of the contents of said document, did execute the same voluntarily on the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

Given my hand and seal of office this 3rd day of February, 2025

Andrew Wall

Notary Public

My Commission Expires: 9-08-2026



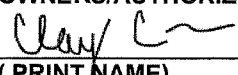
CERTIFICATION

I _____, HEREBY CERTIFY that this application is made with my approval, as property owner or authorized applicant designated by the property owner, as evidenced by my signature below. This application, site plan, 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 the undersigned is authorized to make said application and submit said documents on this request. I certify that I have read and understand the contents of this application, and that this application together with the requirements set forth in Section 8.16 *Site Plan Review* and all supplemental information is a true representation of the facts concerning this request.

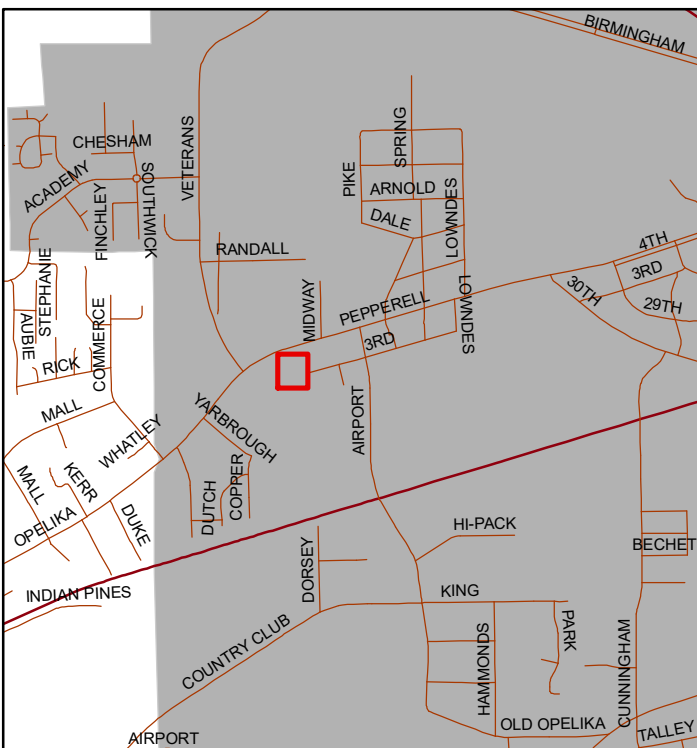
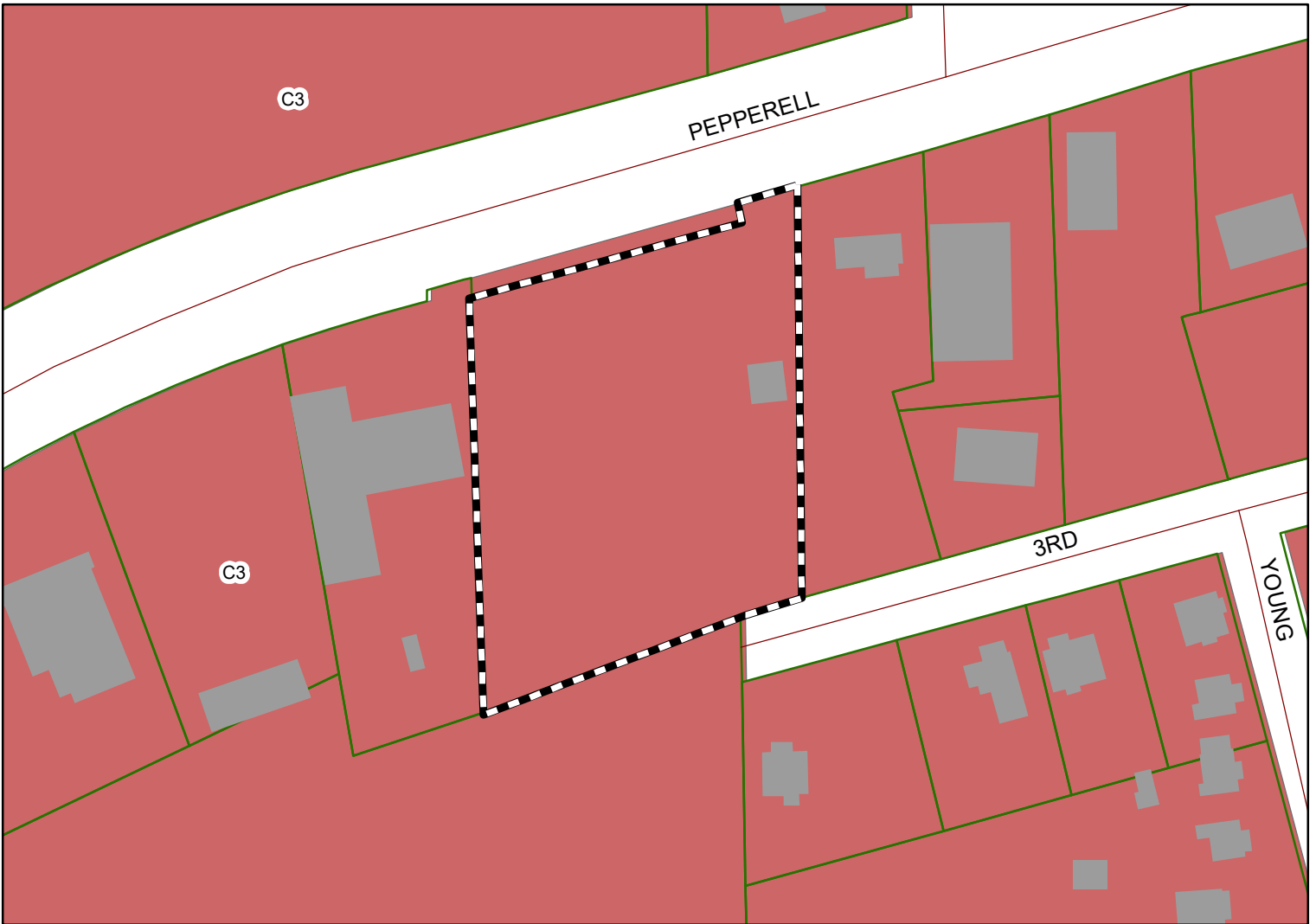
OWNERS/AUTHORIZED REPRESENTATIVE SIGNATURE: 	DATE: 2-3-2025
(PRINT NAME) Clay Caswell	

STATEMENT OF UNDERSTANDING

I, Clay Caswell (property owner or authorized applicant) UNDERSTAND this Conditional Use Request must be filed with all to the requirements of the Opelika Zoning Ordinance and all other information requested or required by City Departments in order to be considered complete. I UNDERSTAND that this application will not be filed until all required information has been received and further understand that the City reserves the right to postpone this request until such time as the requirements are met. I UNDERSTAND that City Department staff is available for the purpose of reviewing my site plan prior to submission deadline. I UNDERSTAND that if the request is approved the approval applies only to the property(s) shown on the site plan submitted and reviewed by the Opelika Planning Commission. I UNDERSTAND that at a later date if adjacent or other property(s) are expected to be used in association with an approved conditional use then a Conditional Use request must be submitted for the use of such adjacent or other property(s). I UNDERSTAND that the City may require additional information, requirements, or require modifications to the site plan at any time during the process as deemed necessary to accomplish the proper and orderly development of this proposal. I UNDERSTAND that if conditional use is granted by the Opelika Planning Commission then I must submit structural drawings (building plans) as required for review and approval by the applicable departments prior to issuing a Building Permit. The said drawings shall be submitted to the Building Inspection Division for review (Building Inspection 705-5420). I UNDERSTAND that if a request for conditional use is approved or approved subject to conditions, I must acknowledge such approval in writing and unconditionally accept and agree to any conditions imposed on the approval within fifteen (15) days following approval by the Opelika Planning Commission. In the event the conditional use request is not approved or is approved subject to conditions not acceptable to me, I may within the fifteen (15) days either appeal such decision to Circuit Court or abandon the application at the expiration of this fifteen (15) day period.

OWNERS/AUTHORIZED REPRESENTATIVE SIGNATURE: 	DATE: 2-3-2025
(PRINT NAME) Clay Caswell	

**OFFICE OF CONTRACTOR
3615 PEPPERELL PARKWAY
CONDITIONAL USE, C-6**

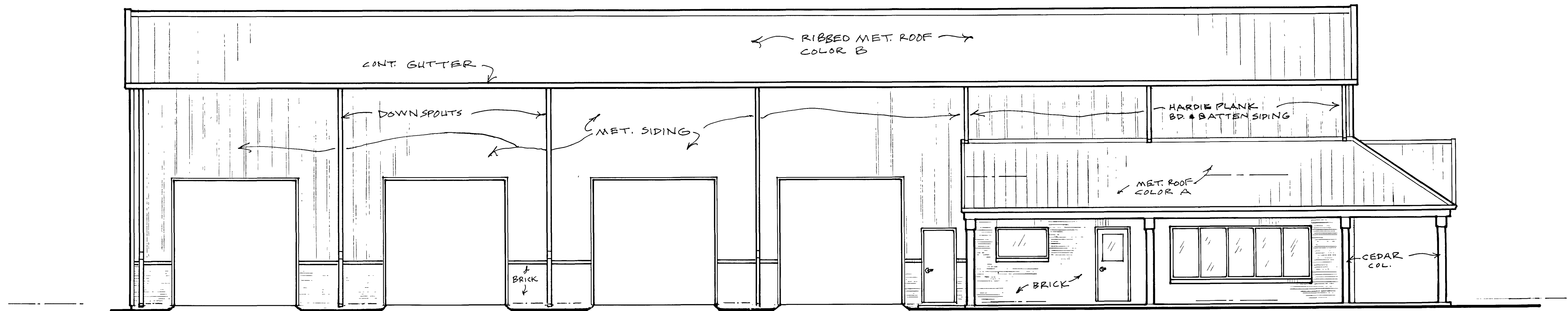


The applicant is requesting approval for an office of a contractor without storage yard on 1.75 acres in a C-3/GC-P zoning district.



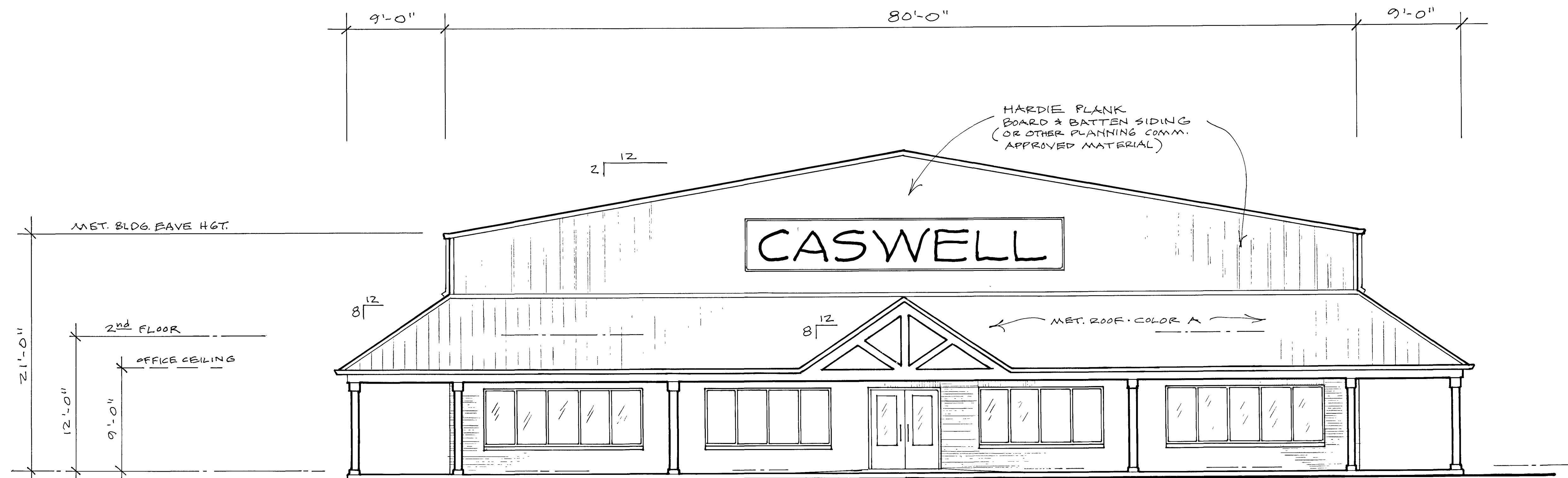
Subject Property

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



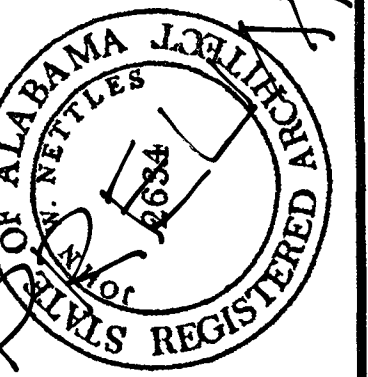
LEFT SIDE ELEVATION

3/16" = 1'-0"



FRONT ELEVATION

3/16" = 1'-0"



NETTLES ARCHITECTURE
JOHN W. NETTLES-ARCHITECT

1139 TERRACE ACRES DRIVE
 AUBURN, ALABAMA 36830
 (334)703-6360 JWNARCHITECT@ATT.NET

PRELIM # 5

NEW SHOP
CASWELL H # A

PROJ.
 2415

DATE
 2-12-25

REV.
 REV.
 REV.

SHEET
 of

City of Opelika
Planning Commission
Planning Department Report

Meeting Date: February 25, 2025

Agenda Item #: C-7

Action Requested: Conditional Use – 56 Townhomes

Location of Property: 2410 Cunningham Drive

Property Owner(s): James G. McClain Jr.
Aaron Adams, authorized representative

Current Land Use: Undeveloped

Current Zoning: R-4

Surrounding Zoning Districts

And Land Uses:	North	R-4	One single family home on 5 acres
	South	R-4	Seven single family homes on Sutton Way
	East	R-4	One single family home on 7 acres
	West	R-5	Six single family homes on Park Street

Proposal

The applicant is requesting conditional use approval for 56 two-story townhome units on 7.5 acres. This agenda item was withdrawn from the January 25th PC meeting. The developer revised the layout for the Feb 25th PC meeting. The two-story townhomes with brick on all sides are attractive and a revised layout for the Feb 25th meeting is an improvement. However, the density is the same as presented at the Jan 25th meeting: 56 units/7.5 acres = 7.46 dwellings per acre. Currently, most lots along this section of Cunningham Drive are larger undeveloped lots that range from 1 to 8 acres with one single family home. The future extension of Veterans and Thomason located about 1,600 feet from this development will change the traffic patterns. Significant redevelopment will likely occur in this section of Cunningham Drive. This townhome development will probably set the standard for future developments on Cunningham Drive.

The revised site plan has the same number of townhomes lots (56) as the January site plan. There are nine groups with 5-units in each group, two groups with 4-units, and one group with 3-units (56 total townhome units). All townhome units are three bedrooms & 2 baths. A townhome owner also owns the adjoining front and rear yard area (fee simple ownership). At a future PC meeting the applicant will submit for subdivision approval if conditional use approval is granted. The exterior material is brick veneer on all sides of a townhome unit.

The proposed townhome property is in an R-4 zoning district located about 800 feet north of the intersection of Cunningham Drive & Frederick Road. The adjacent north, south, and east properties are also zoned R-4. (medium density residential). A R-5 zone (high density) is on the west side. The

adjacent uses on the south and west side are single family homes. The uses on the east side across Cunningham Drive from the proposed townhome development are also single family homes. The adjacent east side has 66 single family homes with a density of 3.25 dwellings per acre. On the west and south property lines the adjacent single family homes share a rear property line with the townhome property. The density of the adjacent 20 single family homes on the south and west sides is 2.1 dwellings per acre. The adjacent SFH lots on all sides range from 10,000 sf to 18,000 sf with a density less than 3.25 dwellings per acre. In the R-4 zoning district, the maximum density allowed is 9 dwelling units per acre. The density of the 56 townhomes is 7.46 dwellings per acre. The density for the adjacent surrounding dwelling units (single family homes) properties is between 0.25 and 2 units per acre.

The revised site plan is an improvement from the site plan submitted at the January 25th meeting. The first plan had two new streets accessing the 56 townhomes from Cunningham Drive and all off-street parking in the front yard; The revised plan shows one 24' street from Cunningham Drive and parking in the side or rear yard. Off-street parking on each townhome lot is accessed from a 20' driveway located between townhome groups; the driveway intersects with the 24' main street. The revised site plan also shows an emergency access driveway to Cunningham Drive. The revised site plan also shows sidewalks on both sides of the 24' main street. A sidewalk is also added in the front yard of the townhomes extending from the 24' street sidewalk to the townhome property line. The driveway between townhome groups adds more open space. The rear and side entry parking are an improvement from the January site plan.

A 100' Alabama Power transmission line runs along the north property line that limits development on the north side. An 11,000 square foot (sf) detention pond is also on the north side. Two additional open space lots (3,300 sf and 20,500 sf) are adjacent to the townhome units. The total open space area is 1.9 acres of the 7.5 acre. Although, only about 0.5 acres is not encumbered with detention or transmission lines.

The Townhouse Development Standards require a minimum of 1,800 square foot townhome lot and 20 foot minimum lot width. The lot sizes are larger on the revised site plan (24x96=2,300 sf) than the January lot sizes (24x85=2,040 sf). The lot is about 11 feet longer than the January lot length. The townhome groups meet the minimum building setback requirements (25', 10', 20') for the R-4 zoning district, and the minimum 20 foot separation between townhome groups. The Townhouse Standards require that either the front or rear yard area be no less than 50% of the first floor of a townhome. The main floor of each townhome is the same as the January townhomes at 960 sf (24x40); the front or rear yard area ranges from 500 sf to 620 sf exceeding the minimum 50% of the first floor. At least two parking spaces for each townhome unit is provided as required. One parking space is a one-car garage for each townhome; the 2nd parking space is the driveway behind the garage. Garbage pick-up is City services not dumpster.

A revised landscape plan was not submitted. The landscape plan reviewed at the January PC meeting meets the minimum requirements of the Landscape Regulations concerning base and parking lot points. A total of 64 trees and 16 shrubs are shown on the January plan. The January plan also provides a landscape buffer next to Cunningham Drive as required; the plant material installed should be evergreen trees and shrubs as labeled. No trees are shown on the lots to the north, potentially due to conflicts with the utility easement.

The revised site plan shows a “6 foot privacy fence” along the south and west perimeter property lines on the open space lot to buffer the townhomes from the adjacent single family homes. A residential buffer is required on the south and west side. Next to the privacy fence a row of evergreen trees is required to complete the residential buffer as provided in the Landscape Regulations. The fence is located on a 10’ to 20’ wide open space lot instead of the townhome lot. This revision provides the townhome owner full use of the side yard (south side) or rear yard (west side) of a townhome lot. Along the west side perimeter property line (adjacent to Park Street homes) the buffer is 23’ wide from the perimeter property line to the 20’ driveway easement that provides access to townhomes. If conditional use is approved, the fence & buffer must be shown on the site plan review submitted when a townhome building permit is requested. The layout is an improvement from the January site plan.

Now that the buildings face Cunningham Drive, there is no longer a need for a full screen buffer along the street. The buffer should now include trees and bushes more typical of a corridor frontage buffer.

An H.O.A. (Homeowners Association) will be established for townhome development. HOA documents should include Declaration of Covenants, Conditions and Restrictions, responsibilities, and association fees. The H.O.A. will be responsible for the maintenance or repairs of all outside common area (townhome yard area, open space, private streets, parking spaces, sidewalks, etc.) and responsible for maintenance of the exterior building surfaces A townhome owner owns the abutting front and rear yards.

Townhomes are potentially a reasonable use for this property based on the overall zone. The density proposed for this development has not changed from the January PC site plan. The townhome density is three times greater than any of the adjoining properties. It is likely that this development if approved will set the tone for the remainder of Cunningham Drive. The proposed townhomes are attractive and the revised layout is a significant improvement from the January site plan. While this proposed use is an improvement, the approval of this site is likely to shape the remainder of the street as many of the lots were developed prior to sewer and are either vacant or only contain a single home on 1-10 acre lots.

Staff has not provided positive or negative recommendation, but feels it is important to review the request with the Planning Commission on this request. If the Planning Commission approves the conditional use request, Staff recommends the following conditions:

1. Install a residential buffer along the west and south property lines as described in this report to screen the townhome lots from the adjacent single family home lots. The buffer must be selected from the options provided in Section 10 Landscape Regulations.
2. The landscape buffer shown along Cunningham Drive should soften the proposed use from the street, but is not required to be a full screen if the front of the building faces the road.
3. Install understory or medium trees on both sides of the 24’ street spaced according to tree type.
4. Provide landscaping to include trees adjacent to all buildings.
5. Install sidewalks as shown on revised site plan. Move the sidewalk along Cunningham Drive into the right-of-way as a public sidewalk.

6. Exterior material must be brick on all sides as shown on elevation. Elevations on the side of buildings that face Cunningham Drive shall include architectural features or changes in depth or dimensions to prevent a blank wall from facing the drive.
7. Provide additional detail on how the amenity sites and other common areas will be used.
8. Ensure that the turnarounds meet Fire Code and Public Works Manual requirements.
9. All utilities must be underground.
10. Any fences constructed between townhome units must be consistent in maintaining a uniform appearance as established in HOA guidelines.

Engineering Department Report

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. 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 City of Opelika has a proposed project that will add curb and gutter and a 5-ft sidewalk to this side of Cunningham Drive through this property. It is requested that a 15-ft strip of right of way be deeded to the City and this curb and gutter and sidewalk facility be constructed as part of this development.

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

Opelika Water Board Report

Water service is available from 10" cast iron main on the western side of Cunningham Dr. Existing 1" service to this site must be abandoned as part of this development.

Opelika Power Services Report

This development is in both Opelika Power Services and Alabama Power territories.



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

PC DEADLINE: 2/4/25 PC MEETING: 2/25/25

PROJECT NAME: Cunningham Townhomes
SITE ADDRESS: 2410 Cunningham Dr, Opelika, AL 36801
PROPERTY OWNER: James G McClain Jr.

APPLICANT/ AUTHORIZED REPRESENTATIVE: Aaron Adams
MAILING ADDRESS: 3373 Society Hill Rd, Opelika, AL 36804
PHONE NUMBER: 205-506-1170 **FAX NUMBER:** _____
EMAIL ADDRESS: aaron@agxsiteworx.com

PARCEL INFORMATION

Current Land Use: Single-Family **Current Zoning:** R4
Description of Proposed Use: Townhouse
Adjacent Zoning Districts: North: R4 South: R4 East: R4 West: R5

READ. THE FOLLOWING GENERAL USE STANDARDS, (E) PARAGRAPH (1-5) OF SUBSECTION 8.17 CONDITIONAL USES; E. General Use Standards.

1. No application for a conditional use permit shall be approved unless the Planning Commission shall specifically find the proposed conditional use appropriate in the location for which it is proposed. This finding shall be based on the following criteria.
2. The proposed use shall be in harmony with the general purpose, goals, objectives, and standards of the Comprehensive Plan, this ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City.
3. There shall be a community need for the proposed use and a need to provide or maintain a proper mix of uses both within Opelika and also within the immediate area of the proposed use: (a) the proposed use shall not result in either a detrimental concentration of a particular use within the City or within the immediate area; and (b) the area for which the use is proposed is not better suited for or likely to be needed for the uses that are permitted as a matter of right within that district, in light of policies or programs of the City of Opelika.
4. The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-ways, or other matters affecting the public health, safety, and general welfare, either as they not exist or as they may in the future be developed as a result of the implementation of provisions and polices of the Comprehensive Plan, this ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City or other governmental agency having jurisdiction to guide growth and development.
5. The proposed use in the proposed area will be adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities, and services specified in this subsection. Where any such improvements, facilities, utilities, or services are not available or adequate to service the proposed use in the proposed location, the applicant shall, as part of the application and as a condition to approval of the proposed conditional use permit, be responsible for establishing ability, willingness and binding commitment to provide such improvements, facilities, utilities, and services in sufficient time and in a manner consistent with the Comprehensive Plan, this ordinance, the other plans, programs, maps and ordinances adopted by the City to guide its growth and development. The approval of the conditional use permit shall be conditional upon such improvements, facilities, utilities, and services being provided and guaranteed by the applicant.

AGENDA ITEM #

ANSWER THE FOLLOWING QUESTIONS TO THE BEST OF YOUR KNOWLEDGE AND ABILITY (BE SPECIFIC). YOUR ANSWERS PROVIDE THE PLANNING COMMISSION AND STAFF THE BASIS FOR REVIEWING YOUR REQUEST. ANY QUESTION UNANSWERED WILL BE RETURNED TO YOU FOR COMPLETION.

1) How is the proposed use appropriate in the location for which it is proposed? _____
The proposed use is appropriate in this location because the surrounding areas are similar and have the same zoning.

2) Will the use result in a substantial adverse effect on adjacent properties, the character of the neighborhood, traffic conditions, public infrastructure, etc.? It will not.

3) What precautions will be taken to minimize any adverse affects from the proposed use on surrounding property owners? The proposed development will include landscaping along the entrance to enhance the aesthetics of the overall development. Additionally, green spaces will be utilized to not only enhance aesthetics but also to minimize impervious areas within the development.

APPLICATION REQUIREMENTS:

1. Application due 1st Tuesday of each month. (Meeting 4th Tuesday of each month; Work Session is at 3:00 p.m. Thursday at 4:00 p.m. before each PC Meeting).
2. Application signed by property owner or authorized agent/representative.
3. Submit 26 copies of the Site Plan (21 – 11 x 17 if legible; 4 – 24 x 36; 1 – 8 x 11). Copies must accompany and be made part of this application.
4. Conditional Use fee = \$125 application fee. Checks are payable to the City of Opelika.
5. Conditional use approval shall expire in one year after approval date.

Fee: \$125.00 **PAID** _____

CERTIFICATION

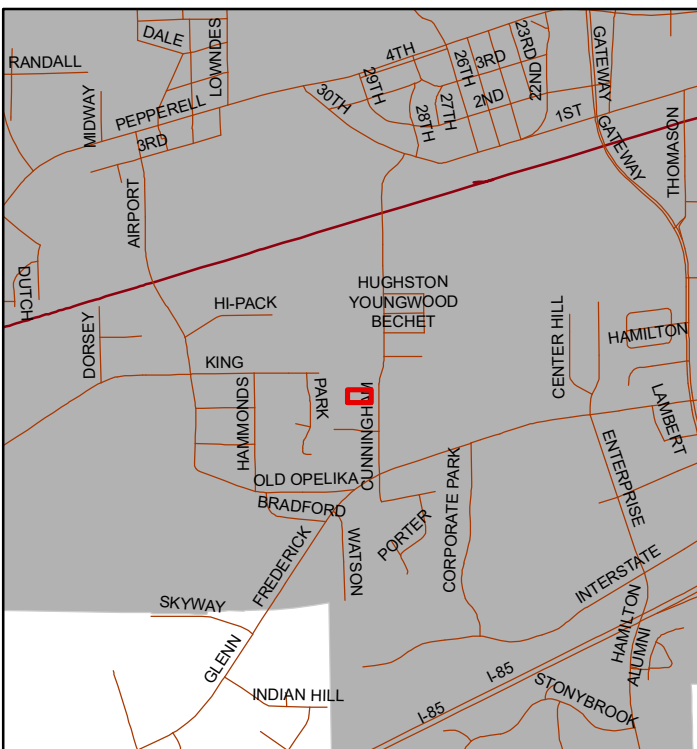
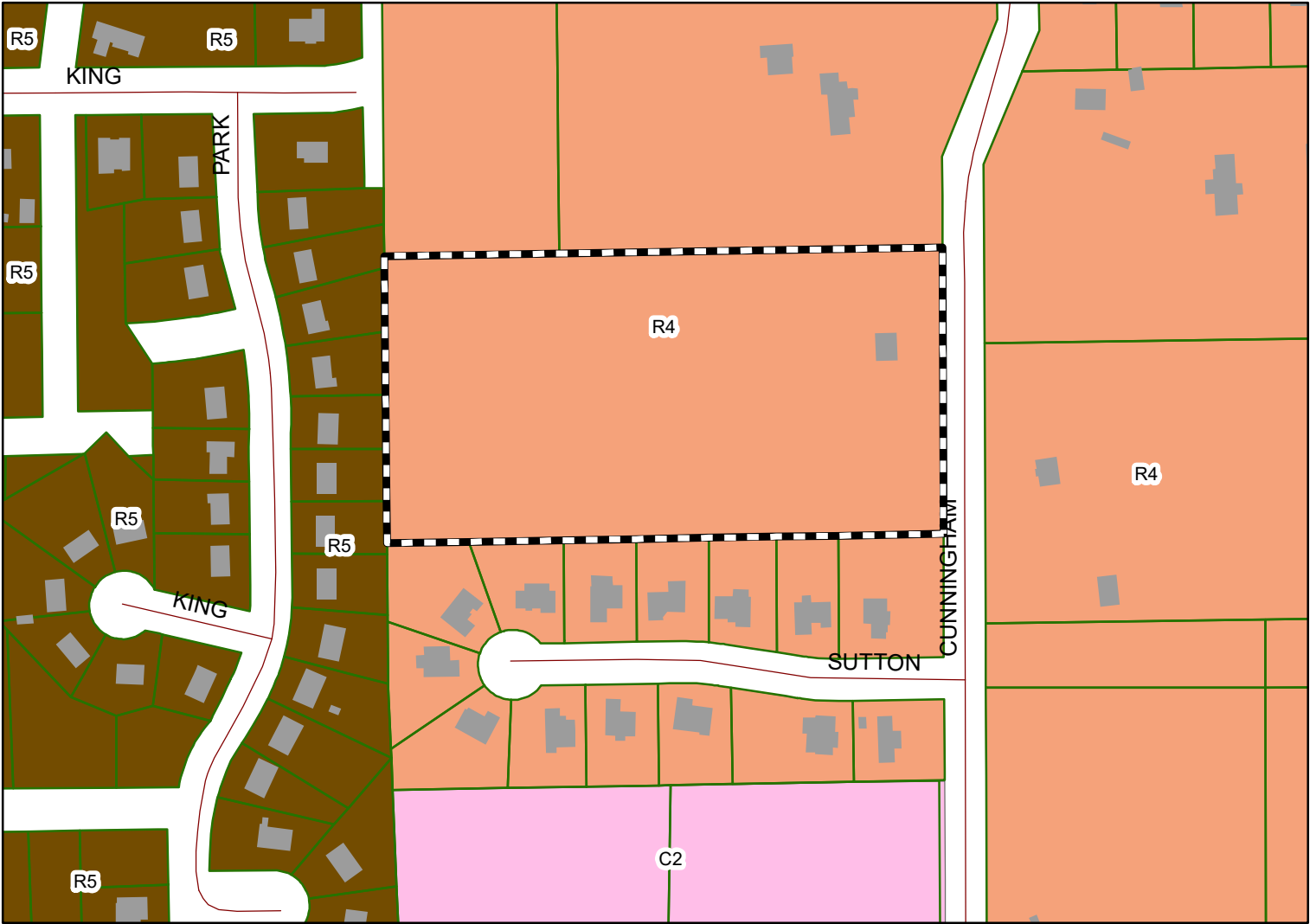
I Aaron Adams, HEREBY CERTIFY that this application is made with my approval, as property owner or authorized applicant designated by the property owner, as evidenced by my signature below. This application, site plan, and all other information are submitted with the full authorization and knowledge 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 the undersigned is authorized to make said application and submit said documents on this request. I certify that I have read and understand the contents of this application, and that this application together with the requirements setforth in Section 8.16 *Site Plan Review* and all supplemental information is a true representation of the facts concerning this request.

OWNERS/AUTHORIZED REPRESENTATIVE SIGNATURE: <u>Aaron Adams</u>	DATE: <u>2/7/25</u>
(PRINT NAME) Aaron Adams	

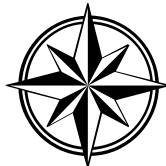
CUNNINGHAM TOWNHOMES

2410 CUNNINGHAM DRIVE

CONDITIONAL USE, C-7



The applicant requesting 56 townhomes on 7.5 acres in a R-4 zone. Maximum density in R-4 is 9 du/ac; Proposed density is 7.4 units per acre. Open space area totals 2.2 acres. The townhomes are near the Cunningham & Frederick Road intersection and less than a mile from Tiger Town.



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

SITE DATA:

TOTAL AREA: +/- 7.49 ACRES

PROPOSED UNITS:

TOWNHOMES (24' X 85'): 56 UNITS

ZONING: R4

DENSITY PROPOSED: 7.48 DUA

DENSITY ALLOWED: 9 DUA

OPEN SPACE: 2.26 AC (30.2%)

SETBACKS:

FRONT:	25 FT.
REAR:	20 FT.
SIDE:	10 FT.
SIDE STREET (PROPOSED):	10 FT.

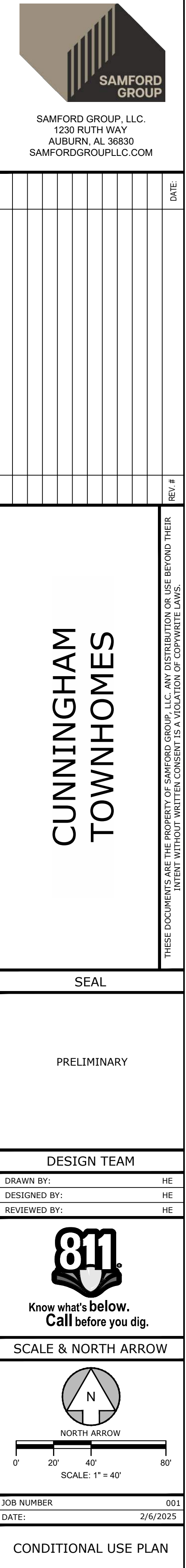
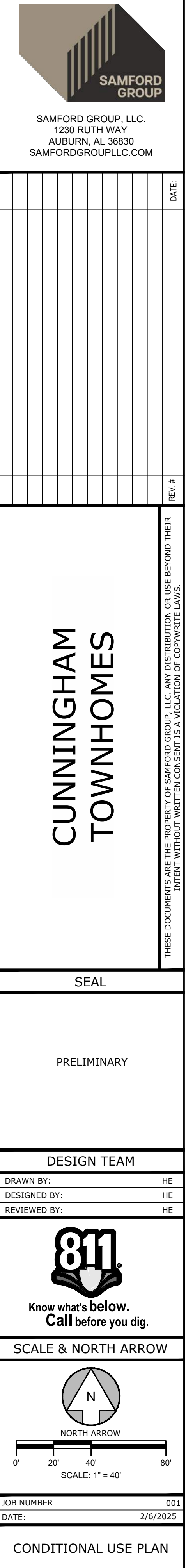
PROPOSED UNITS:

ZONING: R4

DENSITY ALLOWED: 9 DUA

SETBACKS:

FRONT:	25 FT.
REAR:	20 FT.
SIDE:	10 FT.
SIDE STREET (PROPOSED):	10 FT.





City of Opelika
Planning Commission
Planning Department Report

Meeting Date: February 25, 2025

Agenda Item #: D-8 a and b

Action Requested: Amend Future Land Use Map from Manufacturing to High Density Residential Land Use

Rezoning from M-1 to R-5

Location of Property: 513 Ermine Street

Property Owner(s): Dan Hatcher c/o Auburn Habitat for Humanity

Current Land Use: Vacant

Current Zoning: M-1

Adjacent Zoning/Land Use: North: M-1 (Artist Studio and automobile uses)
South: R-5M (Vacant)
East: M-1 (Residential)
West: M-1 (Laundromat and Gas/Convenience Store)

(a.) Amending Future Land Use Map, 513 Ermine Street, 14,822 square feet, from manufacturing to high density residential land use category

Staff Comments:

The applicant requests to rezone the property at 513 Ermine Street from the M-1 (Industrial District) zoning to R-5 (High Density Residential) zoning district. The 2030 Future Land Use Map shows the subject property in a “Industrial District” land use category. The adjacent property on the south side is designated as High Density Residential. The east and west sides are designated Industrial District, one side is commercial, and one side is residential. The north property is connected to the corner lot with a large commercial building. The proposed residential use for the rezoning property is a single-family home. Several lots in this area of M-1 zoning have residential homes on them. This lot previously had a residential home that was demolished many years ago.

Staff recommend approval of the Future Land Use Map amendment by Planning Commission.

(b.)Rezoning Request, Dan Hatcher c/o Auburn Habitat for Humanity, 513 Ermine Street, 14,822 square feet, from M-1 to R-5

Staff Comments:

The applicant requests to rezone the property at 513 Ermine Street from the M-1(Industrial District) zoning to R-5 (High Density Residential) zoning district. The lot will meet the R-5 zoning requirements. The applicant has proposed building a single-family residence. The rezoning from M-1 to R-5 would allow the proposed use of a residence on this lot or any other uses currently allowed by right in our Zoning Ordinance.

If you look at the area, the primary uses surrounding this lot are residential with a few existing commercial uses from the manufacturing era. Having R-5M zoning across the street provides this lot can be zoned R-5. The Habitat for Humanity plans to build a single-family home at 513 Ermine. M-1 does not allow for single-family home uses which has made this rezoning request appropriate and needed. High Density Residential R-5 zoning district would allow by right single-family homes and duplex in this zone are defined in the ordinance.

Staff recommends a positive recommendation to City Council for the rezoning request from M-1 to R-5.

Engineering Department Report

Engineering has no comments regarding the proposed rezoning.

Opelika Utilities Board Report

No Report at this time.

Opelika Power Services Report

This Property is inside Opelika Power Services Territory.



REZONING APPLICATION
 PLANNING DEPARTMENT
 700 FOX TRAIL
 OPELIKA, AL 36801



PC DEADLINE: _____ PC MEETING: _____

PROPERTY OWNERS/
 AUTHORIZED REPRESENTATIVE: Dan Hatcher c/o Auburn Opelika Habitat for Humanity
 MAILING ADDRESS: 605 2nd Ave, Opelika AL 36801
 PHONE NUMBER: 334-821-0105 Email: mike.precisionsurvb@gmail.com

PARCEL INFORMATION

Site Address: 513 Ermine Street

Description of proposed use: Single Family Residential - non-profit

Tax Parcel Number: 42-09-0112-4-002-019.000

Adjacent Zoning Districts: North: M1 South: M1 East: M1 West: R5M

Current Land Use: Vacant

Current Zoning: M1

Proposed Zoning: R5M

Number of APO: 5 x \$7.00 = \$ 35.00
 (Adjacent Property Owners)

Fee: \$125.00

TOTAL = 160.00

PAID: _____

I hereby request my property located at (street address) 513 Ermine Street,
 Tax Map parcel number 42-09-0112-4-002-019.000 be rezoned from
M1 to R5M. 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.

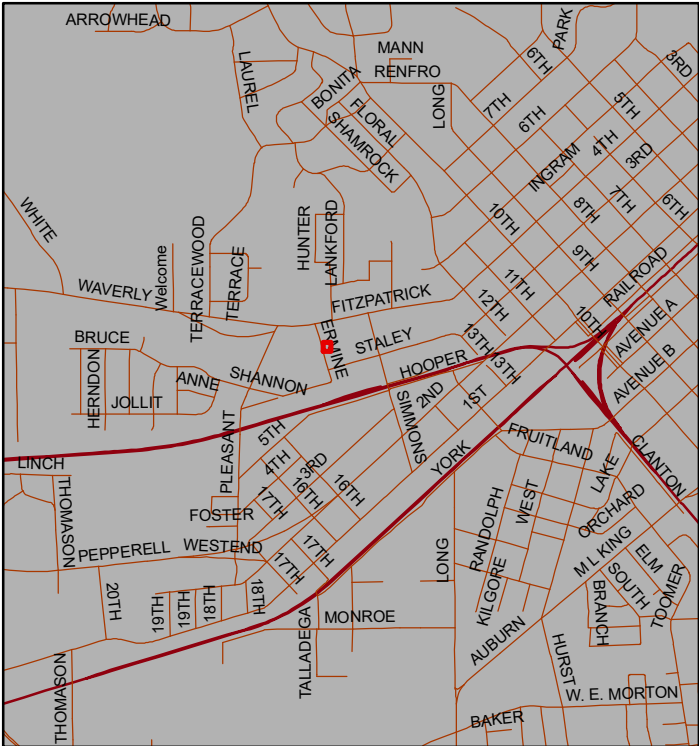
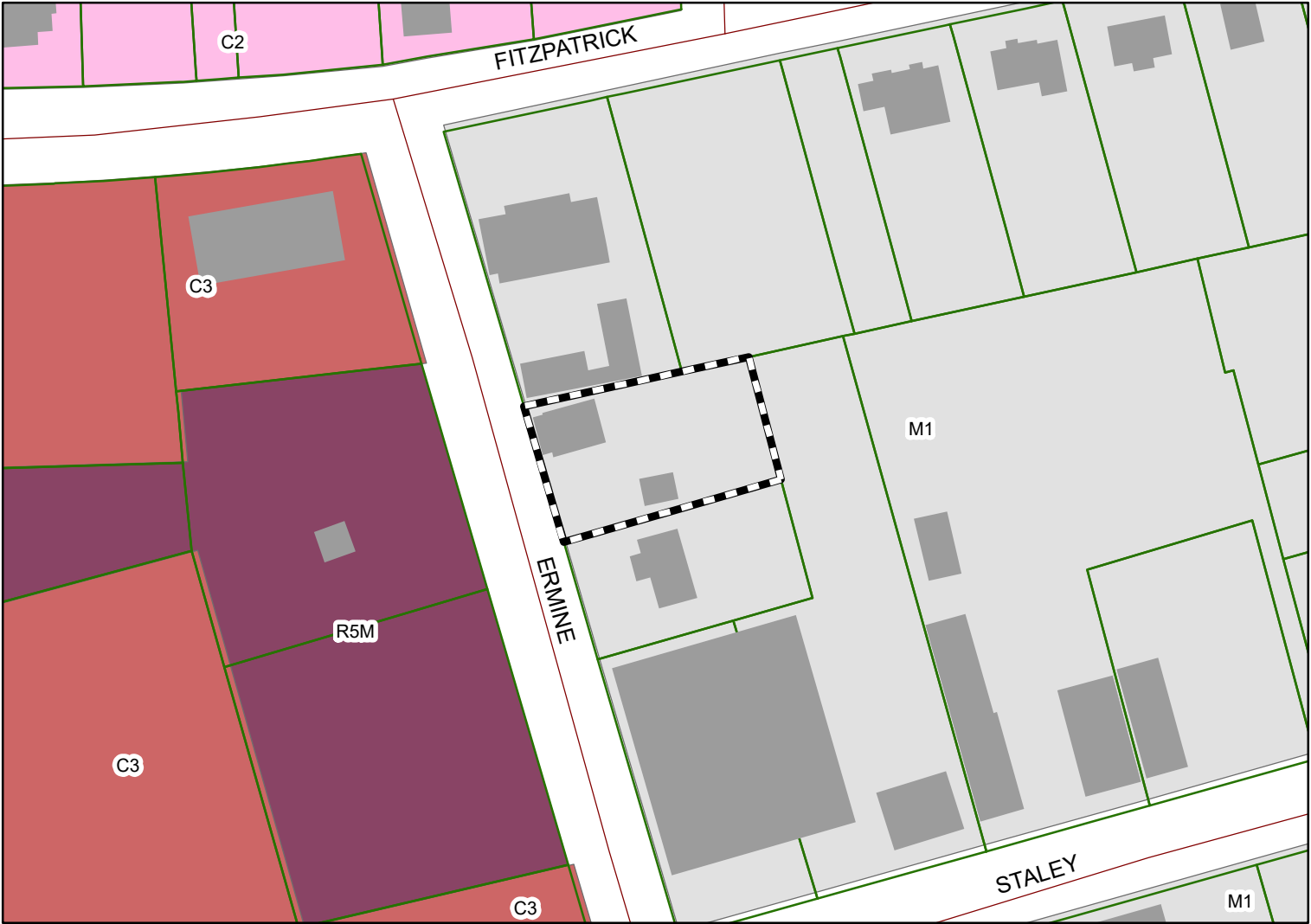
OWNERS OR AUTHORIZED
 REPRESENTATIVE SIGNATURE:

(PRINT NAME) Dan Hatcher

2/4/25

DATE

HABITAT FOR HUMANITY REZONING
513 ERMINE STREET
M-1 TO R-5, D-9



Habitat for Humanity is requesting to rezone a 14,822 square foot lot to build a single famiy home.



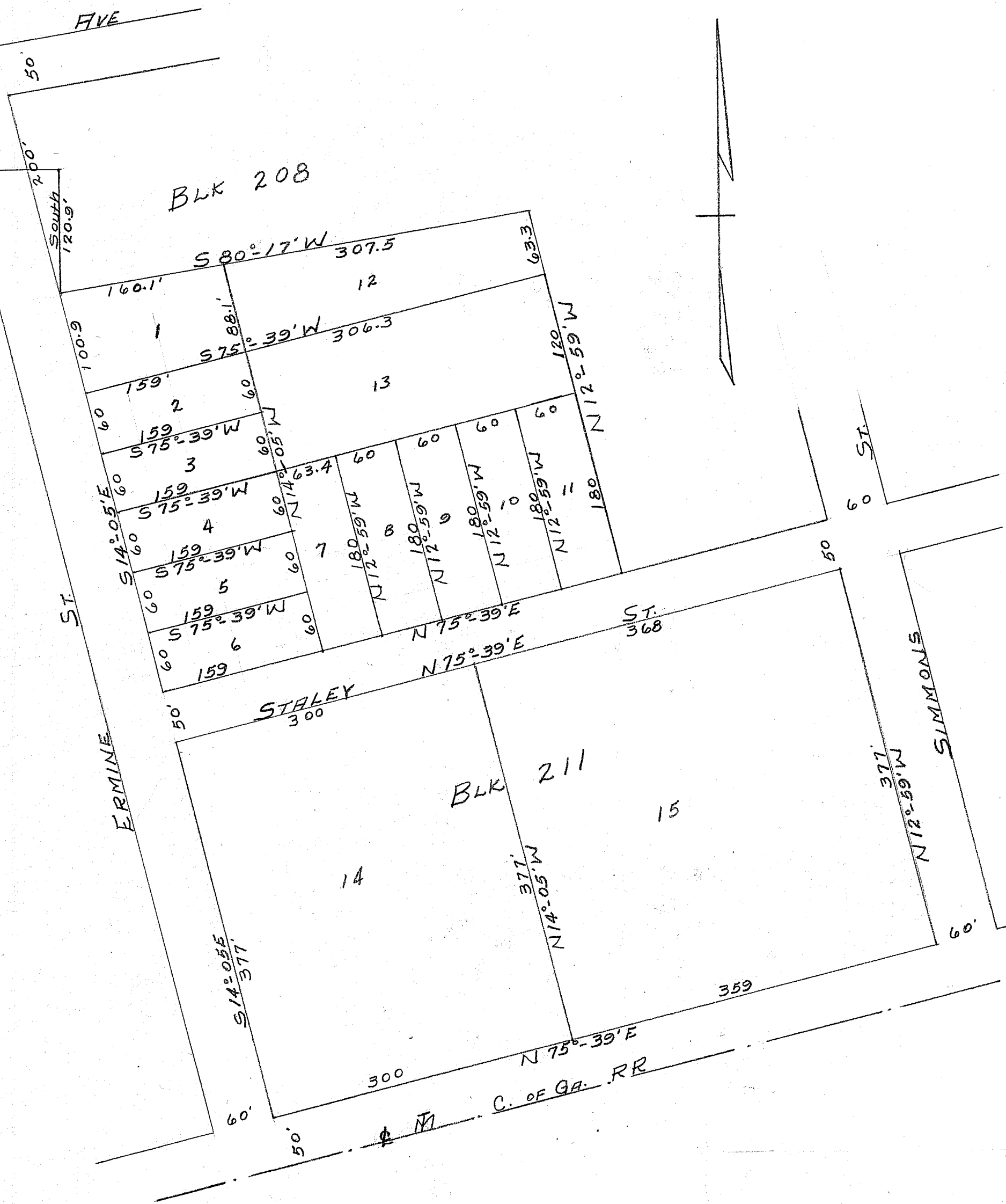
Subject Property

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FITZPATRICK AVE

East 830.1'

SW COR. OF
NW 1/4 OF
SE 1/4 OF
SEC. 12 T19 N
R26 E



CERTIFICATION
11 OCTOBER 1946

T.M. LAMBERT
OWNER

WM. B. IRBY
SURVEYOR REG. 991

NOTARIZATION
11 OCTOBER 1946

MARY J. FRAZER
NOTARY PUBLIC

LAMBERT SUBDIVISION

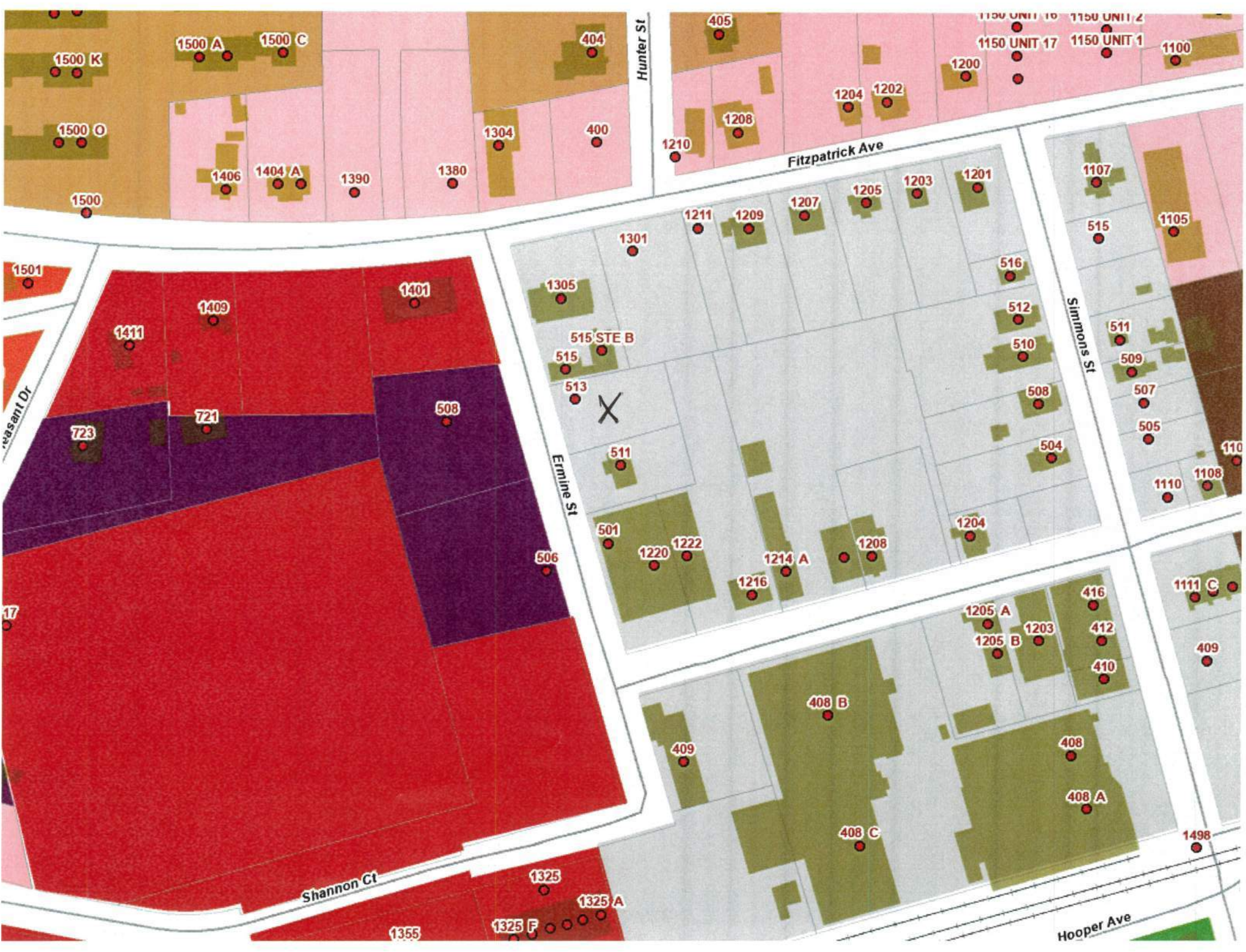
Scale 1"=100'

NOTE: TRACED FROM BLUE PRINT MADE BY IRBY

J.E.W.

FILE NO. D-130-05

FILE NO. D-130







City of Opelika
Planning Commission
Planning Department Report

Meeting Date: February 25, 2025

Agenda Item #: E-9

Action Requested: Text Amendment –
Amend Section 3.1 Building Permit Required
Amend Section 8.11.1 Temporary Structures/Temporary Uses

The previously proposed Bed and Breakfast ordinance was tabled at January’s meeting to allow more time for the issue to be studied to determine if a solution could be reached. At this time, there have been no sub-committee meetings. A proposed text change to a portion of the zoning ordinance that was part of the previous text amendment has been proposed to deal specifically with temporary use requirements for “celebration sites” found in Section 3.1 and 8.11. 1.

Temporary uses are defined as “Any use established, for a fixed period of time, without construction or alteration of a permanent structure, with the intent to discontinue such use upon expiration of such time.” Most of the regulations for temporary uses are found in Section 8.11.1. This section looks at specific items like produce stands, Christmas tree sales, temporary construction offices, emergency shelters after disasters, tent sales, carnivals, revivals, and other uses that occur outside of a permanent structure of the primary use. Most uses have restrictions of either how long a temporary use may operate 6-12 months for a construction office or sales office and 30 days for a tent sale. Tent sales are also limited to a maximum of four (4) times per year with at least 60 days in between permits.

There is an exception for temporary events that occur that do not exceed three (3) days within a 12 month period and do not exceed a tent size of 800 square feet. These temporary uses are not required to get a permit. This section also removes the 3 day per 12 month limitation if the site is considered a celebration site. The section lists celebration site include “places of worship, country clubs, hotels, conference centers, bed and breakfast facilities, recognized places of receptions, public parks, etc.”

The revised language makes both of these two sections which have similar language more clear. It also states that bed and breakfast facilities only qualify as a celebration site “in a calendar year.” While bed and breakfast facilities are not allowed in residential zones under the current ordinance, this would prevent a future bed and breakfast facility from being a celebration site if the text were amended to allow them.

Recommendation: Staff has provided no recommendation on this change. It would restrict the potential use of a bed and breakfast facility in a residential zone as a “celebration site.” Many ordinances do limit bed and breakfast facilities to only allow overnight stays for

guests. Some allow limited temporary events and many are silent on accessory uses either allowing other regulations to determine whether temporary events are allowed. At this time, it is unclear if bed and breakfast uses would be allowed in residential zones. The Planning Commission can recommend approval of the change to City Council if they feel this is important to decide this issue first, the Planning Commission can handle this item with the larger bed and breakfast issue, or the Planning Commission could send it with a negative recommendation.

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

No report.

SECTION 3.1 BUILDING PERMIT REQUIRED

It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, or to store building materials or erect temporary field offices, or temporary structures¹ or to commence the moving, demolition, alteration, or repair (except painting or wallpapering) of any structure, including accessory structures, until the Building Official of the municipality has issued for such work a building permit including a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of this ordinance. Application for a building permit shall be made to the Building Official of the municipality on forms provided for that purpose. All building plans shall also be approved by the Zoning Administrator if that person is not the Building Official.²

¹ Exemptions. Temporary uses and structures will not require a building permit nor zoning certificate under the following conditions

1. No more than three (3) days in twelve (12) month period can be used for out-of-door temporary uses
2. The temporary structure must be equal to or less than eight hundred (800) square in size
3. When events are held at celebration sites the number of events allowed per year in item 1 of this footnote is waived
 - a. For the purpose of this section all celebration sites included are places of worship, country clubs, hotels, conference centers, bed and breakfast facilities in a commercial zone, recognized places of receptions, public parks, etc.

EXEMPTIONS 8.11.1

Temporary uses and structures will not require a building permit nor zoning certificate under the following conditions

1. No more than three (3) days in twelve (12) month period can be used for out-of-door temporary uses
2. The temporary structure must be equal to or less than eight hundred (800) square in size
3. When events are held at celebration sites the number of events per year in subsection 8.11.1 is waived.
 - a. For the purpose of this section all celebration sites included are places of worship, country clubs, hotels, conference centers, bed and breakfast facilities in a commercial zone, recognized places of receptions, public parks, etc.

City of Opelika
Planning Commission
Planning Department Report

Meeting Date: February 25, 2025
(tabled at January 28, 2025 meeting)

Agenda Item #: F-10

Action Requested: Text Amendment –
Amend Section 2.2 Definitions
Amend Section 3.1 Building Permit Required
Amend Section 7.3 Use Categories
Amend Section 8.11.1 Temporary Structures/Temporary Uses
Add Section 8.28.4 Bed and Breakfast

During last year’s discussion regarding the Renfro House rezoning, it came to light that our current Bed and Breakfast regulations needed to be updated. A set of revisions were reviewed by the Planning Commission in May 2024. A negative recommendation was sent to the City Council. The City Council to date has not taken up those recommendations. Staff has withdrawn those proposed amendments and tried to provide some alternative amendments. While this topic was spurred by discussion of the Renfro House, this amendment should be viewed separately as it has much wider ranging implications. This concerns the future location and operation of potential bed and breakfast uses community wide.

Bed and breakfast uses are commonly found in areas that have tourism draws or close to unique or distinct areas. In most cases, these uses are found either close to downtown area, in historic districts, or occasionally in very bucolic, rural settings. The use is a common adaptive reuse of older larger and stately homes. As the use often operates in a residential manner, they do not tend to have negative effects on adjacent uses.

The most significant issue regarding the City of Opelika’s bed and breakfast regulations is the location in which they may operate. Traditionally, a bed and breakfast is a home that rents out rooms and provides some meals to the guests for a fee on a short-term basis. These homes are generally in a residential area that contains some uniqueness or adjacency to a downtown, historic, or other tourist destination. Currently, under the City of Opelika zoning regulations, a bed and breakfast is not permitted in most residential areas. It would be allowed in commercial and institutional zones. Most places that would be attractive for a bed and breakfast use are not zoned commercially. The one exception to this are the homes immediately adjacent to downtown on the north and south. This text amendment proposes modifying the permitted use table to allow the use as a conditional use in most residential zones. This allows the Planning Commission to review requests and hold a public hearing for potential sites. Additionally, the Planning Commission can then approve, deny, or approve with certain conditions.

In most zoning ordinances, bed and breakfast uses are required to meet common special development standards. These would be base conditions required of all new requests. These conditions can limit how many rooms and guest can utilize the site. They may also require food service, specify parking requirements, limit locations to certain capacity roads, or other items that may allow the use to better blend into a neighborhood setting without disrupting adjoining residential uses. Staff has provided some basic standards as a starting point for discussion or review. We have looked at other municipalities and current bed and breakfast uses (Hertiage House). Some of the largest changes from the previous ordinance are removing the requirement that the home be owner-occupied, adjusting the number of bedrooms allowed to what is designated at the time of conditional use approval and allowed by building code, limiting bed and breakfast uses to buildings 75 years or older, and requiring a registration log.

Staff has asked for feedback on previous proposals of the bed and breakfast ordinance. While we have not received much direct feedback, general concerns about the ability to host events or gatherings has been raised as a potential issue. In an effort to mitigate these concerns, we looked at other ordinances that address events. In some cases, events were either not allowed at all. Others were silent on the issue and some put in specific regulations to reduce potential issues. One key difference to this change, is that in the current ordinance's temporary use section, a bed and breakfast is allowed to host events on a regular basis. It is classified in the same regard as places of worship, country clubs, hotels, and conference centers as a "celebration site." Staff felt the need to restrict this beyond the current limitations in the zoning ordinance.

While crafting these regulations, we tried to also insure that we did not restrict a bed and breakfast greater than the potential neighboring resident is. With this in mind, the we looked at existing regulations for noise to ensure that the allowable noise would be similarly regulated to a residential home in a neighborhood. We also to distinguish between larger outdoor gatherings and smaller indoor gatherings. For indoor gatherings, the size limitation would be set by the existing building and fire codes. There appear to be homes within many residential areas that regularly host groups of about this size for social or religious study groups. Larger events were restricted to no more than 10 per year. Additionally, these events are restricted to sites greater than one (1) acre and able to either provide parking on site or through an adjacent non-commercial use. Additionally, these sites are limited to site located on streets large enough to handle traffic. Those sites with only local residential streets do not have the capacity for occasional larger gatherings. These events would be required to be permitted to ensure that proper facilities, parking, and other issues could be reviewed by City staff. We also limited the hours any outdoor events could occur and required specific buffering if the area used for private parties was adjacent to another residential home.

This issue has created a great deal of discussion and concern. This amendment tries to tie many of the standards back to existing codes and standards. It also greatly limits the locations, in which, larger events could occur while requiring a more specific approval process and potential appeal process.

UPDATE: At this time there has been no change to the proposed ordinance. Staff recommends this remain on the table at this time.

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

No report.

Added – Underlined

Removed - ~~Strikeout~~

SECTION 2.2 DEFINITIONS

When used in this ordinance, the following terms shall have the meanings herein ascribed to them:

Bed and Breakfast Inn. ~~A house~~ private residence or portion thereof, where short-term lodging, rooms and meals are ~~provided-offered~~. The property owner of the inn shall live within Opelika City Limits. The operator of the inn shall live on the premises or in adjacent premises. The inn keeper or operator shall be available and on-call within the Opelika city limits at all times during any guest occupancy.

Bed and Breakfast Operator – A person who manages the daily operation of a bed and breakfast establishment and shall be available and on-call within the Opelika city limits at all times during any guest occupancy.

Hotel/Motel. ~~A building or group of buildings used or intended to be used for the daily lodging of more than ten (10) persons for compensation. A commercial establishment providing a private room for sleeping accommodations for a fee on a daily basis with private bathroom facilities and customary lodging services. Related ancillary uses may include, but are not limited to conference and meeting rooms, restaurants, sale of convenience items, bars, and recreational facilities.~~

SECTION 3.1 BUILDING PERMIT REQUIRED

It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, or to store building materials or erect temporary field offices, or temporary structures¹ or to commence the moving, demolition, alteration, or repair (except painting or wallpapering) of any structure, including accessory structures, until the Building Official of the municipality has issued for such work a building permit including a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of this ordinance. Application for a building permit shall be made to the Building Official of the municipality on forms provided for that purpose. All building plans shall also be approved by the Zoning Administrator if that person is not the Building Official.²

¹ Exemptions. Temporary uses located in Temporary Structures that do not exceed 3 days in a 12-month period AND the temporary structure is 800 square feet or less in size will not require a building permit nor a zoning ~~certificate~~ approval, unless otherwise required by the zoning ordinance. If the event is to be held at a recognized celebration site for special events, observances, days and the like, the 12-month time separation requirements between events will be waived. Celebration sites include all places of worship, county clubs, hotels, conference centers, bed and breakfast facilities, recognized places of receptions, public parks, etc.

Removed - ~~Strikeout~~

Uses allowed in each zoning district are determined from the following matrix. Categories for each use are:

- | <u>Allowed – A</u> | <u>Conditional – C</u> | <u>Not Allowed – N</u> |
|---|--|--|
| <p>1. <u>Not Allowed</u> – The use of a <u>substantive</u> <u>verb</u> <u>without</u> <u>an</u> <u>object</u> <u>or</u> <u>complement</u>.</p> <p>2. <u>Not Allowed</u> – The use of a <u>verb</u> <u>without</u> <u>an</u> <u>object</u> <u>or</u> <u>complement</u>.</p> <p>3. <u>Not Allowed</u> – The use of a <u>verb</u> <u>without</u> <u>an</u> <u>object</u> <u>or</u> <u>complement</u>.</p> <p>4. <u>Not Allowed</u> – The use of a <u>verb</u> <u>without</u> <u>an</u> <u>object</u> <u>or</u> <u>complement</u>.</p> <p>5. <u>Not Allowed</u> – The use of a <u>verb</u> <u>without</u> <u>an</u> <u>object</u> <u>or</u> <u>complement</u>.</p> <p>6. <u>Not Allowed</u> – The use of a <u>verb</u> <u>without</u> <u>an</u> <u>object</u> <u>or</u> <u>complement</u>.</p> <p>7. <u>Not Allowed</u> – The use of a <u>verb</u> <u>without</u> <u>an</u> <u>object</u> <u>or</u> <u>complement</u>.</p> <p>8. <u>Not Allowed</u> – The use of a <u>verb</u> <u>without</u> <u>an</u> <u>object</u> <u>or</u> <u>complement</u>.</p> <p>9. <u>Not Allowed</u> – The use of a <u>verb</u> <u>without</u> <u>an</u> <u>object</u> <u>or</u> <u>complement</u>.</p> <p>10. <u>Not Allowed</u> – The use of a <u>verb</u> <u>without</u> <u>an</u> <u>object</u> <u>or</u> <u>complement</u>.</p> | <p>1. <u>Conditional</u> – The use of a <u>verb</u> <u>without</u> <u>an</u> <u>object</u> <u>or</u> <u>complement</u>.</p> <p>2. <u>Conditional</u> – The use of a <u>verb</u> <u>without</u> <u>an</u> <u>object</u> <u>or</u> <u>complement</u>.</p> <p>3. <u>Conditional</u> – The use of a <u>verb</u> <u>without</u> <u>an</u> <u>object</u> <u>or</u> <u>complement</u>.</p> <p>4. <u>Conditional</u> – The use of a <u>verb</u> <u>without</u> <u>an</u> <u>object</u> <u>or</u> <u>complement</u>.</p> <p>5. <u>Conditional</u> – The use of a <u>verb</u> <u>without</u> <u>an</u> <u>object</u> <u>or</u> <u>complement</u>.</p> <p>6. <u>Conditional</u> – The use of a <u>verb</u> <u>without</u> <u>an</u> <u>object</u> <u>or</u> <u>complement</u>.</p> <p>7. <u>Conditional</u> – The use of a <u>verb</u> <u>without</u> <u>an</u> <u>object</u> <u>or</u> <u>complement</u>.</p> <p>8. <u>Conditional</u> – The use of a <u>verb</u> <u>without</u> <u>an</u> <u>object</u> <u>or</u> <u>complement</u>.</p> <p>9. <u>Conditional</u> – The use of a <u>verb</u> <u>without</u> <u>an</u> <u>object</u> <u>or</u> <u>complement</u>.</p> <p>10. <u>Conditional</u> – The use of a <u>verb</u> <u>without</u> <u>an</u> <u>object</u> <u>or</u> <u>complement</u>.</p> | <p>1. <u>Not Allowed</u> – The use of a <u>verb</u> <u>without</u> <u>an</u> <u>object</u> <u>or</u> <u>complement</u>.</p> <p>2. <u>Not Allowed</u> – The use of a <u>verb</u> <u>without</u> <u>an</u> <u>object</u> <u>or</u> <u>complement</u>.</p> <p>3. <u>Not Allowed</u> – The use of a <u>verb</u> <u>without</u> <u>an</u> <u>object</u> <u>or</u> <u>complement</u>.</p> <p>4. <u>Not Allowed</u> – The use of a <u>verb</u> <u>without</u> <u>an</u> <u>object</u> <u>or</u> <u>complement</u>.</p> <p>5. <u>Not Allowed</u> – The use of a <u>verb</u> <u>without</u> <u>an</u> <u>object</u> <u>or</u> <u>complement</u>.</p> <p>6. <u>Not Allowed</u> – The use of a <u>verb</u> <u>without</u> <u>an</u> <u>object</u> <u>or</u> <u>complement</u>.</p> <p>7. <u>Not Allowed</u> – The use of a <u>verb</u> <u>without</u> <u>an</u> <u>object</u> <u>or</u> <u>complement</u>.</p> <p>8. <u>Not Allowed</u> – The use of a <u>verb</u> <u>without</u> <u>an</u> <u>object</u> <u>or</u> <u>complement</u>.</p> <p>9. <u>Not Allowed</u> – The use of a <u>verb</u> <u>without</u> <u>an</u> <u>object</u> <u>or</u> <u>complement</u>.</p> <p>10. <u>Not Allowed</u> – The use of a <u>verb</u> <u>without</u> <u>an</u> <u>object</u> <u>or</u> <u>complement</u>.</p> |

USES

DISTRICTS

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							-								
R-	R-	R-	R-	R	R-	R-	5	C	C	C-	M	M-	I-	C-	C-
1	1A	2	3	-4	4M	5	M	-1	-2	3	-1	2	1	P	S

Tourists Home,

Bed &	N		N	N	N		N	N								
Breakfast Inn	C	NC	C	C	C	NC	C	C	A	A	A	N	N	A	C	C

Temporary structures and/or temporary uses are permitted only as expressly provided in this section. No temporary use or temporary structure shall be established unless a zoning ~~certificate~~ permit evidencing the compliance of such use with the provisions of this section and other applicable provisions of this Ordinance shall have first been issued, as provided in Section 3.1, Building Permit Required.

Exemptions. Temporary Uses located in Temporary Structures that do not exceed three (3) days in a twelve (12) month time period and the temporary structure is eight hundred (800) square feet or less in size will not require a building permit nor a zoning certificate approval, unless otherwise required by the zoning ordinance. If the event is to be held at a recognized celebration site for special events, special observances, special functions, special days and the like, the twelve (12) month time separation requirement between events will be waived. Celebration sites

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include all places of worship, country clubs, hotels, conference centers, bed and breakfast facilities, recognized places of receptions, public parks, etc.

The following are temporary uses, which are subject to the following specific regulations and standards, in addition to the other requirements specified in this Ordinance.

SECTION 8.28.4 BED AND BREAKFAST

A. Purpose and Intent

The purpose and intent of this section is to regulate and provide special standards for the uses of single-family homes for bed and breakfast inns. This special residential use allows short-term lodging and meals in a private residence where the use and operation of the bed and breakfast maintains the character of the surrounding neighborhood. For the purposes of determining signage and landscaping, this shall be considered a residential use.

B. Use Standards

1. Location – Guest lodging shall be restricted to the principal dwelling unit only; guest rooms shall not be in any accessory structures.
2. Operational Requirements
 - a. Bed and Breakfast uses shall only be permitted for owner-operated or manager-operated dwelling units, the operator shall reside within Opelika City limits. The Innkeeper/Operator shall be available and on-call within the City limits at all times during any guest occupancy.
 - b. Breakfast shall be offered daily to guest and the cost of such service shall be included in the overall lodging rate.
 - c. The maximum number of guest rooms shall be limited in accordance with building and fire safety codes as determined by the Opelika Building Inspection Department and Opelika Fire Department.
 - d. The number of guest rooms shall be noted at the time of application for use approval. The number of guest rooms shall not be increased without going through the same approval process.
 - e. The maximum stay for any guest shall be 29 days.
 - f. No guest rooms shall contain their own cooking facilities.

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- g. The operation of the facility shall be in character with the adjoining residential properties. Lighting, parking, and waste collection shall be handled in similar methods to the adjacent properties. The applicant shall provide a plan and/or narrative that shall describe how these issues will be addressed. Additional landscaping, fencing, or screening may be required through the conditional use process or by the Planning Director for locations where the use is allowed.
 - h. The use shall be in compliance with all federal, state, and local laws, including, but not limited to all building, fire and life safety codes, and environmental health regulations for the level of occupancy of the lodging.
 - 3. Parking – The use shall be required to provide one (1) on-site parking space per guest room in addition to the required parking for the residential use requirement. No parking shall be located within a front yard. All parking shall be screened from the public right-of-way and adjoining residential properties. On street parking shall not be allowed to meet the required amount of parking for the primary or any accessory uses.
 - 4. Bed and Breakfast uses shall only be allowed in structures that are at least seventy-five (75) years old or older.
 - 5. Guest Registry - The owner shall maintain a reservation book or a registration log. The book or log shall show the arrival and departure dates of the primary guest and shall be open for inspection by a City of Opelika Code Enforcement Officer.
 - a. The minimum age to register or book a room as the primary guest shall be 19. Children under 19 years of age must be accompanied by at least one adult.
- C. Additional requirements for Private Events:
 - 1. Private events at a Bed and Breakfast Inn in a residential zone are subject to the maximum attendees, times, and durations described below:
 - b. Maximum number of attendees (including overnight guests) for indoor events shall be limited in accordance with the building and fire safety codes and regulations as determined by the Opelika Fire Department and/or Opelika Building Inspection Department.
 - c. A maximum of ten (10) outdoor private events are allowed per year. The minimum lot size to host outdoor private events is one (1) acre. Private outdoor events shall be limited to properties that abut a roadway classified as an arterial, major collector, or minor collector by the City of Opelika.
 - d. The maximum number of guests for an outdoor private event shall be 200, unless further restricted by other limiting factors including parking, building, fire, or life safety regulations.
 - e. Parking for private events shall be one (1) parking space per three (3) guests. All parking for private events shall be identified either on site or through written agreement with an adjoining nonresidential use. No on-street parking shall be counted towards the required parking for private parties or events.
 - f. Hours of operation for private events are limited to between 7:00 a.m. and 11 pm.

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- g. Landscaping/Buffering/Screening. Outdoor private event areas adjacent to single family residential uses shall install a 10 foot buffer to include an opaque wood and/or masonry fence not less than six (6) feet in height, with horizontal or vertical openings not greater than three (3) inches per one (1) linear foot AND a four (4) foot wide strip of Evergreen plantings, which will grow to at least six (6) feet in height within two full growing seasons planted on the inside of the fence. This buffer may be modified upon written agreement by the affected adjoining residential property.
 - h. No outdoor private event shall be allowed without approval of a temporary event permit.
 - i. No amplified sound shall be allowed after 10 pm. All events shall be required to meet the noise standards in effect at the time of the event.
 - j. All electrical connections and temporary structures shall be inspected and approved by the Building Inspection Department as required by adopted building codes.
- 2. Permit Application. An application for a temporary private event permit shall be made to the planning director at least forty-five (45) days before the event.
 - a. An application for a temporary event permit shall not be processed and shall be summarily denied if ten (10) events have already occurred at the location in question during the calendar year.
 - b. The applicant shall submit a site plan specifying the location of all tents, temporary structures, equipment, performance area and/or the location of any outdoor service or activity to be performed. Any structure or activity shall not occupy required parking spaces, nor interfere with driveway aisles, ingress and egress, sight triangles, or required buffer yards.
 - c. Requirements for Approval. The planning director shall approve an application for a temporary event permit if:
 - i. The application limitation discussed in Section 8.28.4 C.2. of this section has not been exceeded;
 - ii. There is no pending code enforcement action on the property underlying the proposed event location;
 - iii. An access and parking plan has been approved;
 - iv. A fire protection and life safety plan has been approved by the fire chief;
 - v. Adequate temporary or permanent sanitary facilities are provided.
- 3. Appeals. An applicant or any interested person may appeal the decision of the planning director to the City Council within ten (10) days of the date of the decision. The appeal shall be made on the forms provided by the Planning Department. Upon receipt of a completed appeal form, the Planning Director shall forward the matter for hearing before the City Council not less than five nor more than thirty (30) days thereafter and shall give written notice of the hearing

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to the appellant. The City Council shall render its decision within thirty (30) days following the close of the appeal hearing.