



**CITY OF OPELIKA
PLANNING COMMISSION
REGULAR MEETING AGENDA**

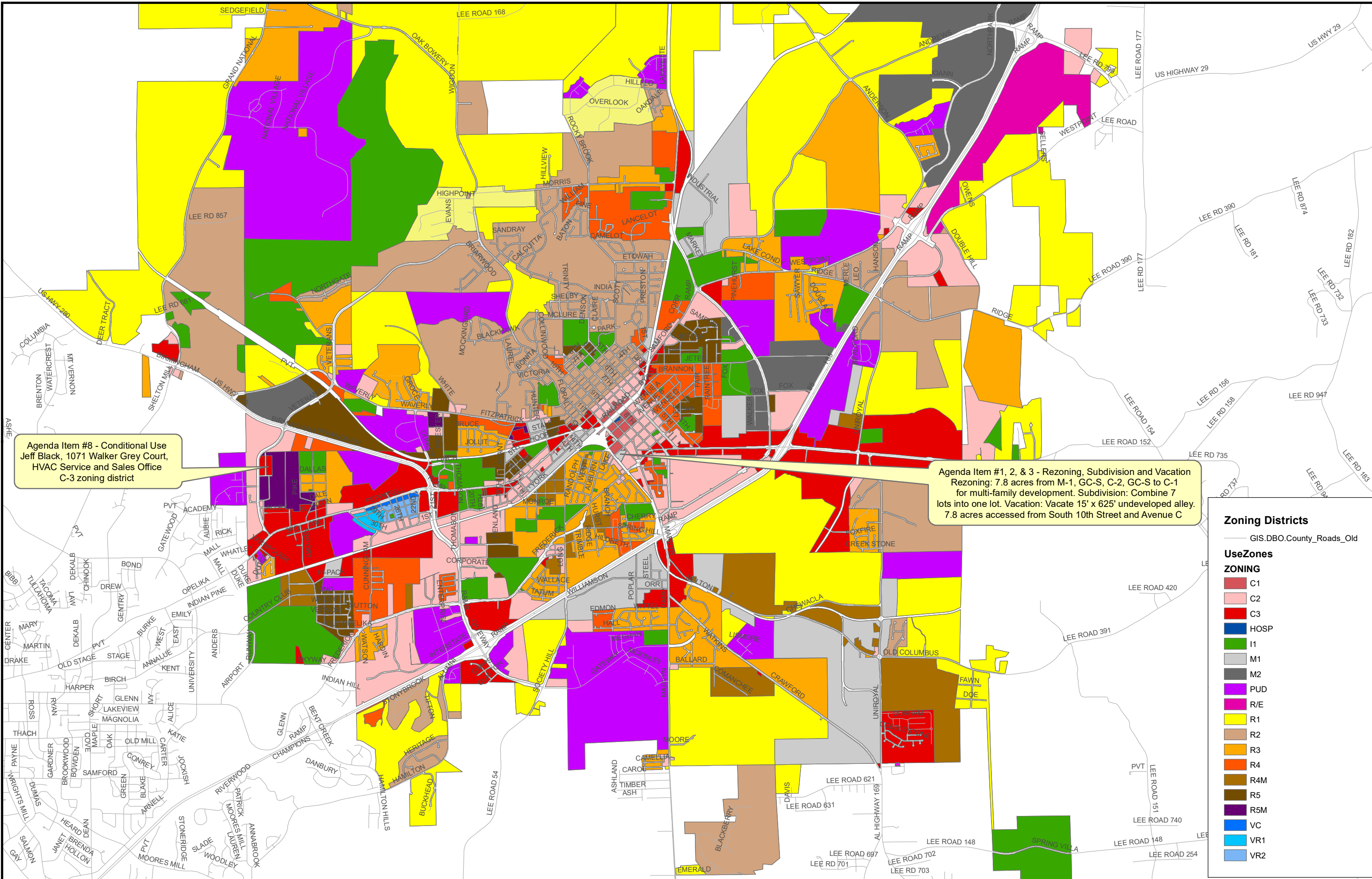
300 Martin Luther King Blvd.

January 25, 2022

TIME: 3:00 PM

- A. ELECT OFFICERS TO PLANNING COMMISSION (Chairman, Vice Chairman)
- B. APPROVAL OF MINUTES
- C. UPDATE ON PREVIOUS PC CASES
- D. REZONING, PRELIMINARY AND FINAL PLAT, AND VACATION RIGHT-OF-WAY - Public Hearing
 - 1. Rezoning Request, Jim Daws, authorized representative for Marsh Real Estate Investments, LLC, 7.8 acres, South 10th Street and Avenue C, from M-1, GC-S and C-2, GC-S to C-1 (downtown)
 - 2. Sierra Development Group SD, 2 lots, South 10th Street and Avenue C, Jim Daws, authorized representative for Marsh Real Estate Investments, LLC, Preliminary and Final Approval
 - 3. Jim Daws, authorized representative for Marsh Real Estate Investments, LLC, 411 South 10th Street, requesting to vacate a 15 foot wide undeveloped public alley.
- E. CONDITIONAL USE - Public Hearing
 - 4. Jeff Black, 1071 Walker Gray Court, C3, Commercial HVAC Sales and Estimating Office
- F. TEXT AMENDMENT - Public Hearing
 - 5. Amendments to Zoning Ordinance: Section 7.3 A. District Regulations, Section 7.3 C. Use Categories (matrix table), Section 7.7 "Downtown Residential Living"

"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)705-2083."



Agenda Item #8 - Conditional Use
Jeff Black, 1071 Walker Grey Court,
HVAC Service and Sales Office
C-3 zoning district

Agenda Item #1, 2, & 3 - Rezoning, Subdivision and Vacation
Rezoning: 7.8 acres from M-1, GC-S, C-2, GC-S to C-1
for multi-family development. Subdivision: Combine 7
lots into one lot. Vacation: Vacate 15' x 625' undeveloped alley.
7.8 acres accessed from South 10th Street and Avenue C

Zoning Districts
GIS.DBO.County_Roads_Old

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.

December 21, 2021

TIME: 3:00 PM

A. APPROVAL OF MINUTES

The City of Opelika Planning Commission held its regular monthly meeting December 21, 2021 in the Meeting Chambers, located at the Opelika Municipal Court. Certified letters have been mailed to all adjacent property owners for related issues.

MEMBERS PRESENT: Chairman Lewis Cherry, Mayor Gary Fuller, Mr. Ira Silberman, Councilman George Allen, Dr. Arturo Menefee, Mrs. Leigh Whatley, Ms. Lucinda Cannon, Mr. Michael Hilyer, and Mr. John Sweatman.

MEMBERS ABSENT: None.

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

CALL TO ORDER: Chairman Lewis Cherry called the meeting to order at 3:00 p.m.

Approval of Planning Commission Minutes November 23, 2021

RESULT: Passed

MOVER: Director Mike Hilyer

SECONDER: Mayor Gary Fuller

AYES: Cannon, Chairman Cherry, Whatley, Director Hilyer, Mayor Fuller, Councilman Ward 1 Allen, Sweatman

NAYS: None

ABSTAIN: Arturo Menefee

Mr. Silberman arrived at 3:02 p.m. after the vote on the November 23, 2021 Planning Commission minutes.

B. UPDATE ON PREVIOUS PC CASES

Mr. Mosley stated the Blackberry Reserve project that you saw a couple of months ago was approved by City Council. One of the rezonings on Foxrun

Parkway next to the RV Center that was previously Harley Davidson was approved and the other one will be before City Council tonight for second reading.

C. PLAT (Preliminary Only) and CONDITIONAL USE - Public Hearing

1. **Opelika Marketplace SD, 4 lots, Parker Way, Arthur R. Nettles, Preliminary Approval**

Mr. Mosley reported the applicant is requesting preliminary approval for a 4-lot subdivision located off Parker Way. The Planning Commission saw a similar request at the September 28, 2021, meeting to subdivide in to three lots. This plat changes the location of the extension of Parker Way. Additionally, the Planning Commission approved a conditional use request for a miniature golf course and restaurant on Lot 5-A-3-B-2-B on October 26, 2021.

The purpose of the subdivision is to create four lots for future developments: Lot 5-A-3-B-2-A is 3.43 acres, Lot 5-A-3-B-2-C is 1.52 acres, and Lot 5-A-3-B-2-B is 2.79 acres. Lot 5-A-3-B-2-C is 1.52 acres and is the subject of a conditional use request for an indoor baseball and softball training facility (Agenda Item C-2). Lot 5-A-3-A serves as a storm water detention area for these four new lots and the other three lots (existing lots shown on the plat). The lots range in size from 1.52 acres to 3.43 acres. These lots meet the minimum 100-foot lot width and 20,000 square foot lot size requirements for a subdivision in the C-3, GC-P overlay district.

A portion of this property adjoins an active mobile home park to the north and northeast corner. However, that property is zoned C-2. Staff recommends a residential zone buffer provided in Section X Landscape Regulations along the entire length of the abutting mobile home park. (This buffer is shown on the previously approved conditional use for the minigolf and restaurant plan of Lot 5-A-3-B-2-B with 29 Green Giant Arborviate plants and a 6' wooded privacy fence.)

Planning Department recommends preliminary plat approval subject to:

1. **Add the residential landscape buffer to the plat along the portions of the lots that adjoin the mobile home park to meet the residential zone buffer requirements provided in Section X Landscape Regulations.**
2. **Remove the setback line shown on the lots, once divided the setbacks for each lot will be applied individually.**

Mr. Parker reported for Engineering, all of the Opelika Surveyors comments have been addressed and the submitted plat meets all Subdivision and Public Works Manual requirements. The Opelika Engineering Department recommends Preliminary plat approval.

Mr. Parker reported for the Opelika Utilities Board, water service is accessible by Parker Way.

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

Chairman Cherry opened the public hearing.

No comments.

Chairman Cherry closed the public hearing.

Motion to grant preliminary plat approval with staff recommendations

RESULT: Passed

MOVER: Director Mike Hilyer

SECONDER: Arturo Menefee

AYES: Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen, Sweatman

NAYS: None

ABSTAIN: None

2. **Vic Patel /John Guglielmi, Parker Way, C-3, Indoor Baseball and Softball Training Facility**

Mr. Mosley reported the applicant is requesting conditional use approval to construct an indoor training facility for baseball and softball in a C-3, GC-P zoning district. This business use is indoor recreational/training facility specifically, a training facility for baseball and softball. This use is allowed in the current zoning district. However, the applicant is requesting to use metal architectural panels with a stucco like finish and stone accents and stone wainscot to accent the façade for the exterior materials and cladding. This type of exterior materials in the Gateway Corridor Overlay District (Section 7.6) require an approval by the Planning Commission. The property will have access from an extension of Parker Way.

The site plan shows a 20,130 square foot (sf) building on a 1.52-acre lot. The minimum building setbacks listed on the site plan are incorrect. The site plan must be corrected and adjusted to reflect the gateway corridor setback requirements of 40 feet from Parker Way, 20 feet in the sides and 20 feet in the rear. The applicant stated the building front will face west. The building floor plan or elevation is not provided at this time. However, the applicant has submitted a photo of an example facilities floor plan and building product. This property meets the maximum 70% impervious surface ratio allowed; 55% of the property will be impervious. Based on the information provided the indoor recreation use requires one (1) parking space per four (4) patrons to the maximum capacity of facility, plus one (1) parking space per two (2) employees on the largest shift. This site plan provides 38 parking spaces for customers and employee parking, plus two (2) handicap accessible spaces. The applicant stated the facility will have eight (8) employees at the maximum shift and 25 patrons at maximum capacity. This site plan exceeds the minimum parking requirements for this use.

No exterior elevations have been submitted at this time. They have submitted photos to show how they expect the site to look with replacing the standard metal building façade with metal architectural panels with a stucco like finish and stone

accents. The applicant is requesting to use architectural panels and stone wainscot to accent the façade for the exterior materials and cladding (example photos at the end of the report). The applicant states exterior materials and cladding will meet the minimum requirements in the Section 7.6 Gateway Corridor Overlay District. The applicant is asking the Planning Commission to approve the exterior materials use of architectural simulated EIF's metal panels painted (example photos attached) with stone accents. The front side facing Parker Way will be 100% architectural panels with stone accents (south side) to match the pattern shown on the example for the entrance on the west side, the building front on the west side 100% architectural panels with stone accents as shown in the example photo, on the east and north sides add the architectural panels with stone accents on 20% of the wall length or 20 feet whichever is greater. (Similar architectural metal panels have been approved by the Commission in the past for structures at 2004 Yarbrough and 400 Columbus Parkway.)

The site plan shows a fence. The fencing material must meet the Section 7.6 Gateway Corridor Overlay District standards for fencing and screening, or the Planning Commission would need to approve an alternate material such as wire mesh.

The landscape plan shows a total of 210 points. The minimum requirement for the site is 193 total points. A 10-foot front parking lot buffer is provided along Parker Way. A portion of this property adjoins an active mobile home park to the north, although this property is a C-2 zone, staff recommends a residential zone buffer provided in Section X Landscape Regulations along the entire length of the abutting mobile home park. This buffer is shown on the plan with 24 Green Giant Arborviate plants and a 6-foot wooded privacy fence. The size of trees and shrubs shown meets the minimum size requirements as provided in the Landscape Regulation.

A private dumpster location is shown behind the front face of the building on the left/ rear side. The screening must be approved prior to installation and enclosed with an opaque fence at a height so the dumpster is not visible outside the enclosure. All utility meters, air conditioning units and similar mechanical units shall be screened so as not to be visible from a public right-of-way.

The site lighting must comply with the City's lighting requirements. In addition, staff recommends that all lighting be directed downward and shielded to prevent light from spilling over onto the other properties.

Staff recommends approving this conditional use application with the following conditions:

- 1. Final plat and construction of the road will be required prior to a Certificate of Occupancy (CO) being granted.**
- 2. Planning Commission approval of the exterior materials use of architectural simulated stucco finish metal panels painted (photos attached) with stone accents front side facing Parker Way 100% architectural panels with stone accents (south side) to match the pattern shown on the example for the entrance on the west side, the building front on the west side 100% architectural panels with stone**

accents, on the east and north sides add the 20% of the wall length or 20 feet whichever is greater.

3. Add the residential landscape buffer to the along the portions of the lot that adjoin the mobile home park to meet the residential zone buffer requirements provided in Section X Landscape Regulations.
4. All utility meters, air conditioning units and similar mechanical units shall be screened so as not to be visible from a public right-of-way. All rooftop mechanical units shall be screened from the designated gateway corridor by a parapet wall or other means. Plans must be approved by relevant utility company for safety.
5. Provide architectural elevations and materials list to show building exterior materials and cladding to meet the Section 7.6 Gateway Corridor Overlay District materials and cladding requirements.
6. Provide fencing type to ensure the Section 7.6 Gateway Corridor Overlay District requirements are met or an alternate must be approved.
7. All outdoor lights must comply with the City's lighting requirements. In addition, staff recommends that all lighting be directed downward and shielded to prevent light from spilling over onto other properties.



Photo of similar facility provided by the applicant.



Photo of similar facility provided by the applicant.



Photo of similar facility provided by the applicant.



Example of similar metal architectural panel with a stucco like finish provided by the applicant.



Example of similar metal architectural panel with a stucco like finish provided by the applicant.

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

The Engineering Department has no other comments or concerns with this proposal and recommends conditional use.

Mr. Parker reported for the Opelika Utilities Board, water service is accessible by Parker Way.

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

Chairman Cherry opened the public hearing.

Ledge Nettles, Baseline Surveying, 2004 Yarbrough Drive, stated I think this is going to be a good thing because young boys and girls need something to do to get them off their phones. This is going to be training for baseball and softball and there are going to be indoor batting cages. They are providing a good product and they want to make it look nice. Like they said, they are going to make the outside look more attractive than what you saw there. The applicant is here if you have any questions. We are just trying to make a nice product and Opelika will be cutting edge with this product.

Chairman Cherry closed the public hearing.

Motion to grant conditional use approval with staff recommendations

RESULT: Passed

MOVER: Arturo Menefee

SECONDER: Director Mike Hilyer

DISCUSSION: Ms. Cannon asked when you throw the ball, does it hit the walls or disturb the outside of the building as far as cracking it?

Ledge Nettles stated no ma'am they have interior batting cages. It is not unusual to have batting cages inside, a lot of colleges have them under their stands and things. It will be a batting cage that is prepared for indoors so it will hit the mesh and fall, it doesn't matter how hard you hit it.

Ms. Cannon asked how many batting cages are we talking about?

Ledge Nettles stated twelve.

AYES: Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen, Sweatman

NAYS: None

ABSTAIN: None

D. REZONING and PLAT (Preliminary Only) - Public Hearing

3. **Rezoning Request, Brandon Hayes, representative, 17.9 acres, Arlee Avenue and Crawford Road, from R-3 to PUD**

Mr. Mosley reported the applicant is requesting rezoning 17.9 acres from a R-3 (low density residential) zoning district to a PUD (planned unit development) zoning district for a single-family residential community. Crawford Road borders the development along the south property line. The adjacent property on the west is The Village at Waterford Subdivision, Phase 4, and PUD single-family development. The adjacent property on the east is a rural tract. The adjacent property to the south is a mobile home park and convenience store with gas islands. Access to the development is from two new streets with one on the south border connecting to Crawford Road. The second access to this development will be a connection to Arlee Avenue from a planned stub street connector to be built in the Village at Waterford, Phase 4 Subdivision.

The proposed development consists of 47 single family home lots, two (2) parcels designated "detention/open space". The density for the entire 17.64-acre PUD development is 2.6 dwellings per acre. The typical lot is 9,000 sf (residential lot sizes range from 7,800 sf to 14,492 sf). The proposed setback for the residential lots is a minimum of 20 feet from the front property line, 5 feet from each side property line, 25 feet from the rear property line and 15 feet from a side street. The master plan states these lots are developed for one or two-story single-family homes. An HOA (Homeowner's Association) will be

established for the neighborhood. The HOA's 'Covenants, Conditions and Restrictions' document will include building and use restrictions, HOA fees, and maintenance of "detention/open space" for property owners. The "detention/open space" on the master plan are two (2) lots that total 4.16 acres. The common area is primarily an undisturbed natural wooded area preserved as open space. The Knollwood Subdivision homeowner's association will own, maintain, and preserve the 4.16-acre detention/open space for property owners.

According to the landscape regulations, a residential buffer strip is required along the perimeter property line of the development where it abuts residential zoning districts. Staff recommends the same buffer between the two PUD zoning districts. The buffer provides visual separation and screening to improve compatibility between the PUD residential lots and the adjacent properties. The buffer should provide a near impervious visual buffer between the PUD lots and the adjoining parcels on all sides. The Landscape Regulations has three options for a residential buffer including preserving a 20-foot-wide natural wooded buffer that provides a nearly impervious visual buffer. If the 20-foot natural buffer does not provide an impervious visual buffer, then a 2nd option is to plant a staggered double row of evergreen trees; the size of evergreens planted should grow at least 6 feet in height and provide an impervious visual barrier in three years. The site plan for each lot that border a perimeter lot line must include the type of landscape buffer that will be installed before a building permit is issued.

Staff recommends an additional 5-foot to the standard 20-foot landscape buffer to equal a 25-foot landscape buffer to be preserved or added along Lots 1-14 and 47-49 residential lots and two detention/open space adjacent to Crawford Road. The new homes constructed on those lots face an internal street, and the rear yard faces Crawford Road. The visual buffer between the residential lots and Crawford Road preserves the character of this area. The buffer also reduces possible interference between the existing commercial, manufacturing, and activities of the proposed residential community. Where a 25-foot natural buffer does not exist, add a 6-foot privacy fence and plantings to meet the equivalent of the 25 foot natural buffer. If a fence is proposed, then fence must be installed between the 25-foot buffer and residential home. The buffer must be shown on the site plan when building permit is requested. If a fence is not installed as a buffer, when the property owners of these lots desire to install a fence, the fence must be installed between the 25-foot buffer and residential home. To be connected to another PUD zoning district is rare, staff feels the addition of landscaping to these lots to be similar to the adjacent Village at Waterford PUD zoning requirements the developer should add street trees. Specifically, one tree per two lots planted on private property.

Staff recommends sidewalks installed on at least one side of all streets and underground utilities provided. Two home structures are existing on the property and will be removed prior to this development proceeding.

Staff Recommendation

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

1. All utilities shall be underground.
2. Sidewalks are required on at least one side of all streets.
3. Label/show a PUD residential buffer as required from the buffer options provided in Section IX Landscape Regulations including the staff recommended buffer between the PUD zoning districts.
4. Label/show the 25 foot landscape buffer along the rear lot lines of lots adjacent to Crawford Road along Lots 1-14 and 47-49. The buffer planted must be an adequate size to provide a near impervious visual buffer in three years.
5. To be consistent with the adjacent Village at Waterford PUD zoning requirements the developer should add street trees. Specifically, one tree per two lots planted on private property.
6. The minimum lot size or width should be clearly defined. The master plan notes that the typical lot will be 60 feet in width. This should be defined as a minimum unless the lot is located on a cul-de-sac that prevents the minimum width.
7. Revise the master plan exhibit to show the landscape requirements and existing sanitary sewer easement running along the east line of said property.

Mr. Parker reported for Engineering, the Engineering Department has no comments or concerns with this proposal.

Mr. Parker reported for the Opelika Utilities Board, water service is accessible by Alabama Highway 169.

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

Chairman Cherry opened the public hearing.

Bret Basquin, Foresite Group, stated I am representing the applicant on this. I just wanted to talk through two of the conditions. I think we're good with them, but I want to talk through the buffer along Crawford Road and the buffer between Waterford and here. Along Crawford Road, I don't think an undisturbed buffer gets us much there because most of that area is open pasture and there's not much vegetation between the road. One of our concerns was, if we do have a 25 foot buffer and we put a fence on the house side of that buffer, who maintains that 25 feet? A lot of times when we see this kind of condition, the resident will maintain up to that fence, but then no one maintains the back half of that property. To maximize the backyards as much as we can, along Crawford Road we are amenable to putting a fence and a row of shrubs. What we were going to do was leave a ten or fifteen foot strip out of the lot and put it in the open space so that the HOA would maintain that buffer along Crawford Road. That way it's all being maintained and mowed all together and not leaving it up to the individual homeowner where you may have half of them maintaining it and half of them not. In regards to the buffer between us and the Waterford PUD behind us, these lot sizes that we are proposing are substantially bigger than theirs. These are 60 foot minimum lots and I think most of those in there are 40 or 50

feet. In the Master Plan there on the upper left-hand side, the rear of Lots 45, 44, 43, and 37, that grade is relatively equal to each other. We don't have any problem planting the residential buffer there, whether that's a double staggered row of evergreen hedges or a fence and one row of shrubs. We are fine there, it will actually create a barrier and we're good with that. On the rear of Lots 32 through 36, what we have is the finished grades are where our sites are going to be and where the site across from Waterford is going to be. They are going to be relatively equal. The only problem is there is a gully in between. There's about a ten to fifteen foot grade difference there where Waterford is grading down their lots and we're grading down those lots and there's this big hole in between us there. If we do plant a buffer in between there it's not going to serve anything. I don't even know if you'll see the tops of the evergreen plantings there. We are open to putting a fence at the back of our yards on the higher side or something like that. Trying to create a buffer through there is going to be very difficult with the grade separation. Behind those lots it dips down and putting something down there is not going to help either side be screened. If we need to have some form of plantings or fence at the top of the slope on our side, we can do that and work that out with Mr. Mosley through the planning approval process if y'all were open to that. Those were the only two conditions that we wanted to talk through with you.

Chairman Cherry closed the public hearing.

Mayor Fuller made a motion to send a positive recommendation to City Council with staff recommendations.

Mr. Hilyer seconded the motion.

Ms. Cannon asked is the road right-of-way there that would take up that ten feet you are talking about?

Bret Basquin stated we would give up ten feet of the lot and carve that out as part of the open space on the private property side outside of the right of way. We're not counting the right of way in there.

Ms. Cannon asked for buffers, are you talking about fences or shrubbery or trees?

Bret Basquin stated along Crawford Road we agreed that we would do a fence and a row of shrubs. In your regulations there are three different ways to do them. It's either an undisturbed buffer of 20 feet, a fence and one row of shrubs, or two staggered rows of shrubs back to back. I think along Crawford Road we would go with the fence and one row of evergreen shrubs to screen it on the Crawford road side. Between us and the PUD over there where it's at grade, we would probably do it with a double row of shrubbery where it's flat. Down in the hole it's hard to figure out the best way to screen that when there is a gully.

Chairman Cherry asked what is staff's recommendation on the area with the hole?

Mr. Mosley stated this is one area where the ordinance is silent, because where a PUD meets other zones typically we require a buffer yard. We don't have a lot of discussion in the ordinance about where a PUD matches a PUD because I don't

know if it's ever happened. As Mr. Basquin says, you do have similar sized lots or lots that are bigger on this new development. I think some sort of shrub planting could be used to break up the two neighborhoods and we are open to it being shifted up to be on their property if that's fine with them. That would basically mean that more of the property down in the hole would be left as open space or as a spacial buffer. I don't think we would require fencing there. I don't think you need fencing. On Crawford Road, that is where we do feel like you need a more substantial buffer and, where we can, we typically try to go with an undisturbed buffer. If there's not existing vegetation in there to make up that buffer, then with the amount of traffic there and the noise, I do think fencing inside of the landscaping would potentially be an option there. Mr. Basquin is correct that typically we do see better results when that's not part of the yard but is part of the HOA, because in that regard people will cut down the buffers that we require, but if it's part of the HOA it's less likely to be removed.

Chairman Cherry asked are you planning on doing any clearing in the area where the hole is?

Bret Basquin stated yes we will, but we were talking about coming back and planting pines and stuff on the slope there because there's not much else we can put there.

Chairman Cherry asked so you are going to provide a buffer on your own on what areas you clear?

Bret Basquin stated correct.

Mr. Mosley stated to answer your question, I think we would be open to a ten or fifteen foot-wide buffer on Crawford Road provided that there was a fence and plantings as well and maintained by the HOA.

Ms. Cannon stated you mentioned one tree for every two lots.

Bret Basquin stated that's internal on the new streets. That's something that the City asked us to do and we don't have a problem with that.

Mr. Mosley stated that was the original requirement for the Village at Waterford as well, that they have a minimal amount of plantings in the front yards.

Mayor Fuller asked Mr. Mosley is staff ok with the modified buffer?

Mr. Mosley stated yes sir.

Mayor Fuller amended his motion to include the modified buffer as proposed by the applicant.

Mr. Hilyer seconded the motion.

Ayes: Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen, Sweatman.

Nays: None.

Abstention: None.

4. **Knollwood SD, 49 lots, Arlee Avenue & Crawford Road, Brandon Hays, Hartbrook Development LLC, Preliminary Approval**

Mr. Mosley reported the applicant is requesting preliminary plat approval for a 49-lot subdivision on a 17.64 acres and rezoning the property from R-3 to PUD (Planned Unit Development). The property is to the east of the Village at Waterford Subdivision and PUD along Crawford Road. This development is accessed from Crawford Road. Additionally, a new street accesses a planned stub-out approved in the Village at Waterford Subdivision, Phase 4, on Arlee Avenue.

Single family homes will be built on 47 lots. Lots 48 and 49 (4.19 acres total) are reserved as Detention/Open Space. The density for the development is 2.6 dwelling units per acre. The 47 single family lots range in size from 7,800 square feet (sf) to 14,492 sf. with a minimum lot width of 60 feet wide. The proposed minimum building setbacks are 20 feet in the front, 5 feet on the side yard, 25 feet in the rear yard, and 15 feet on the side on street (corner lots). The plat should note the minimum lot width standards of 60-feet minimum lot width.

Landscaping is required for developments in a PUD zoning district.¹ A residential buffer² is required along the rear lot lines of lots that border an adjacent residential zoning district.

An R-3 zone is adjacent along the east property line. If an existing natural buffer or staggered evergreen row is selected rather than a 6 foot high fence option, the plant material should provide a near impervious visual barrier in three years.

A 25-foot natural buffer shown along the lots adjacent to Crawford Road must be preserved to provide a visual buffer along Crawford Road, existing trees count towards the base points requirements. Where a 25-foot natural buffer does not exist, add a 6 foot privacy fence and plantings to meet the equivalent of the 25 foot natural buffer. If a fence is proposed, then fence must be installed between the 25-foot buffer and residential home. The buffer must be shown on the site plan when building permit is requested. If a fence is not installed as a buffer, when the property owners of these lots desire to install a fence, the fence must be installed between the 25-foot buffer and residential home. To be connected to another PUD zoning district is rare, staff feels the addition of landscaping to these lots to be similar to the adjacent Village at Waterford PUD zoning requirements the developer should add street trees. Specifically, one tree per two lots planted on private property.

Recommendation

Staff recommends preliminary plat approval subject to the following:

1. The City Council approval of the rezoning to the Knollwood PUD Master Plan request.
2. Add the name and address of the owner/developer on final plat.
3. Show the existing dwellings on the property.
4. Add a note stating the existing dwellings will be removed prior to final plat approval.
5. Install underground utilities.

6. Install sidewalks on at least one side of all streets.
7. Locate the existing sanitary sewer easement along the east line of said property.
8. Approve the proposed minimum building setbacks on plat: 20 feet front yard, 5 feet side yard, 25 feet rear yard, and 15 feet side on street (corner lots). Add the 60-foot minimum lot width on the final plat.
9. On final plat add a note providing the minimum building setbacks and lot width.
10. Install a residential buffer along the perimeter property line of the PUD property as required from the buffer options as provided in Section IX Landscape Regulations. The buffer option selected must be shown on the site plan when a building permit is requested for approval.
11. Preserve the 25 foot natural buffer along the rear lot lines of those lots that border Crawford Road, where a 25 natural buffer does not exist, add a 6 foot privacy fence and plantings to meet the equivalent of the 25 foot natural buffer. If a fence is proposed, then fence must be installed between the 25 foot buffer and residential home. Buffer must be shown on the site plan when building permit is requested.
12. On final plat add a note detailing ownership and maintenance of all detention and open space, the Knollwood Subdivision HOA is owner of Lots 48 and 49 as shown on the Knollwood subdivision plat. Lots 48 and 49 are reserved as stormwater detention for the subdivision and open space for the Knollwood property owners. The Knollwood HOA is responsible for the maintenance of all detention/open space on Lots 48 and 49.

1 SECTION 10.3 APPLICABILITY - All rules, regulations, conditions, and requirements set forth in this Section are applicable as follows: A. Any new development or construction in a C 2, C 3, M 1, M 2, I 1, and PUD zoning district. Multi family developments (buildings composed of three (3) or more dwelling units) in any zoning district which require review by City of Opelika staff are also subject to these regulations.

2 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; 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; 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.

Mr. Parker reported for Engineering, the developer will be required to submit an infrastructure construction and grading plan for the drainage, utility, post construction detention, and roadway installation to the Engineering and Public Works Departments for review and approval.

Once this approval and all other utility approvals have been met, a Land Disturbance Permit will be issued in concurrence with any applicable State and Federal Permits. Under the monitoring of the Engineering Department and other utilities, the roadway and infrastructure will be completed and tested. Once the construction is complete and a bond is provided for the maintenance and any unconstructed public infrastructure according to the Subdivision Regulations, a Final Plat can be submitted to the Planning Commission for consideration.

A traffic impact study is not required for this subdivision according to the Traffic Impact Study (TIS) thresholds proposed in the new Public Works Manual standards, but ALDOT approval and requirements will need to be met because this access a State maintained highway. This threshold for single Family Residential sets the requirement for a TIS at 70-units.

The Engineering Departments review comments have been addressed and the Department recommends preliminary plat approval for this application.

Mr. Parker reported for the Opelika Utilities Board, water service is accessible by Alabama Highway 169.

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

Chairman Cherry opened the public hearing.

No comments.

Chairman Cherry closed the public hearing.

Motion to grant preliminary plat approval with staff recommendations

RESULT: Passed

MOVER: Director Mike Hilyer

SECONDER: Mayor Gary Fuller

AYES: Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen, Sweatman

NAYS: None

ABSTAIN: None

E. PLAT (Preliminary and Final) - Public Hearing

5. **Camelot Townhomes Phase 2 SD, 7 lots, Merlin Street, Mark D. Strozier, Preliminary and Final Approval**

Mr. Mosley reported at the July 2018 meeting, the Planning Commission was

granted preliminary approval for single family homes and 22 townhome lots; the townhomes were also granted conditional use approval at the July meeting. The 3.6 acre development is bordered by two streets (Freeman Avenue and Old Lafayette Road) but access to the townhomes is from Merlin Street only. Merlin Street ends at the 3.6 acre townhome development; a 24' private driveway is provided from Merlin street to the townhome units. The townhome units are along the north, east, and south property lines of the development; a 28,000 sf common yard area is in the middle of the lot.

A HOA (Homeowners Association) for the townhome development provides requirements and responsibilities to townhome owners concerning HOA fees, and the maintenance and repairs of all outside common area such as driveway, yard area, and parking spaces. At the April 2021 Planning Commission meeting, 7 townhome lots in Phase 1 along the south property line were granted final approval; these townhome units have been constructed.

Today's final plat approval request is for 7 townhome lots along the east side (near Old Lafayette Road) of the townhome development. The 7 townhomes are an increase from the five townhomes approved in 2018; the two unit increase is minor; density changes from 6.06 to 6.62 units per acre. The minimum lot size and lot width for a townhome development with individual ownership is 2,400 sf and 20 feet. The seven lots range from 3,700 sf to 4,078 sf; lot width ranges from 27.9' to 30.29'. Each townhome lot includes a front and rear yard; the rear yard of each townhome exceeds 50% of a townhome's first floor area as required in the Townhome Standards. Each townhome unit will be sold with property (fee simple) that includes a front & rear yard, and two parking spaces per townhomes provided. A garage is provided for each townhome

A landscape plan is provided below that was approved at the April 2021 Planning Commission meeting. A landscape buffer will be planted along the east property line lot to buffer the townhome from Old Lafayette Road. A 6' high wooden fence has been installed along the east property line.

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

1. Add a signature line for the Chairman of the Planning Commission.
2. Install landscaping and buffer for phase two as shown on landscape plan.
3. If a dumpster is proposed for townhome units an enclosure on all sides required.
4. After site inspection and approval of the above improvements by staff, then plat signatures and recording of final plat will be completed.

6. **Drakes Landing Phase 1 SD, 65 lots, 2015 South Uniroyal Road, Final Approval**

Mr. Mosley reported the applicant is requesting final plat approval for a 65-lot subdivision. The 65 lots are Phase 1 of the Drakes Landing PUD residential subdivision. The master plan shows a total of 190 lots.

Single family homes will be built on 63 lots. Lot 500 is designated “unbuildable “on the plat; the area labeled “Future Development” is the 64th lot. The 63 single family home lots exceed the minimum 15,000 sf lot size requirement; The single family home lots range from 15,246 sf to 36,590 sf. The minimum lot width is 60 feet. All lots meet the 60 foot width at the property line or at the 25 foot front setback line. Minimum building setbacks are 25’ front, 8’ side yard, 20’ rear yard, and 25’ side on street (corner lots).

From previous public hearings on the rezoning of the Drake’s Landings property, a residential buffer is required along the rear property line of lots that border an adjacent residential lot. On some lots, either a 25-foot-wide natural undisturbed buffer or a 6’ high opaque fence is required along the rear lot line. On the following lots, a 6 foot high opaque fence is required along the rear lot line: A 6’ high opaque fence is required along the rear property lines of Lots 15 and a 40 foot portion of Lot 16 located on the south property line of the subdivision, and a 6’ high opaque fence is required along the rear property lines of Lots 56 thru 58 on the north side of the subdivision. For all other single family lots in Phase 1, if a landscape buffer is selected rather than a 6’ fence the buffer should provide evergreen plantings to provide a near impervious visual barrier. If a natural visual barrier is inadequate, then evergreen trees are required in those areas, so a visual barrier is provided in three growing seasons.

Recommendations

Staff recommends final plat approval subject to the following:

1. Add the right-of-way width on all streets. inset
2. Match up or correspond the iron pin symbol shown on plat with the iron pin symbol identified in the legend
3. Provide a lot number and acreage of the parcel labeled “Future Development”
4. Provide easement(s) that affect the “Future Development” parcel
5. Provide the adjacent property owners to the “Future Development” parcel (Note: #3,4,and 5 can be provided on an inset or separate paper)
6. Install sidewalks on at least one side of the street where homes are constructed, and sidewalks provided to access the designated open space areas shown on plat.
7. Approve proposed minimum building setbacks on plat: 25’ front yard, 8’ side yard, 20’ rear yard, and 25’ side on street (corner lots).
8. Installation of Residential Buffer (according to lot numbers as shown on final plat):
 - (a) Install a 6’ high opaque fence on Lot 15 and on a 40 foot portion of the rear property line of Lot 16 that adjoins the adjacent residential zoned property.

- (b) Install a 6' high opaque fence along the rear property lines of Lot 56, 57, 58.
 - (c) For all other residential lots that adjoins this subdivision, install a 25-foot-wide natural undisturbed buffer or a 6' high opaque fence along the rear lot line of residential lots that abuts the north, south, and west perimeter property lines.
9. Include in the performance bond the cost for installing the required 6' opaque fence for the lot numbers listed in #6 above.
 10. Lot 500 is designated "unbuildable". From the rezoning public hearing, a Drake Landing HOA (Homeowner's Association) will be established. On the final plat, from HOA documents provide who is responsible for maintenance of Lot 500 and the lot labeled "Future Development" and include provisions concerning the use(s) allowed for Lot 500 and the lot labeled "Future Development".

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

- All drainage structures, curb and gutter, aggregate base and first layer of pavement have been placed.
- All sanitary sewer and water line have been installed. The test and inspection reports will need to be submitted and accepted and approved by the utility/Public Works Department.
- All stop and roadway signs have been installed.
- Performance Bond of 125% of the estimated cost remaining infrastructure including the final layer of asphalt and sidewalks have been submitted.
- Maintenance Bond of 25% of the estimated total infrastructure cost will have been submitted.
- As-built documents of the roadway, and storm drain in the form of an Autocad and PDF digital file have 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 will need to be added to protect against erosion and sediment issues.

If these requirements are met, the Engineering Department recommends final plat approval.

Mr. Hilyer stated I didn't check the signs today but the sewer is good.

Mr. Parker stated I have not received bonds yet but they should be coming any day now. We will hold signatures until we get the few outstanding items.

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

recommends approval.

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

Motion to grant final plat approval with staff recommendations

RESULT: Passed

MOVER: Director Mike Hilyer

SECONDER: Mayor Gary Fuller

AYES: Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen, Sweatman

NAYS: None

ABSTAIN: None

Mr. Silberman asked is there only one exit off this property?

Mr. Parker stated that's correct. This property has been developed with a boulevard type entrance and this was approved at the preliminary plat, a divided highway, divided entrance. Typically in the past we have done that and that will accommodate the need for additional access.

7. **Legacy Village Townhomes Phase 1 SD, 7 Lots, Century Blvd., Final Approval**

Mr. Mosley reported the applicant is requesting final plat approval for 7 townhome lots of a 55-lot townhome development on 10.2 acres. The 7 lots will have public street access to a new street - Legacy Circle. The preliminary plat for the 55 lots was approved at the April 2020 Planning Commission meeting; conditional use approval was at the December 2020 meeting.

The Townhome Standards require a minimum 1,800-sf lot area and a 20-foot lot width for townhome lots. The lot area of the seven lots range from 3,115 sf to 6,275 sf.; lot width ranges from 27 feet to 55 feet. The Standards also require that the front or rear yard area be no less than 50% of a townhome's first floor. The front yard area is about 900 sf for each lot; the rear yard area is larger than the front yard area; the 1st floor area of the largest townhome is 1,110; the front yard area at 900 sf is 80% of the first floor area; all townhomes exceed the 50% minimum yard requirement. In the Townhome Standards, the lots are also required to have an access strip (5 feet) along the rear of each property.

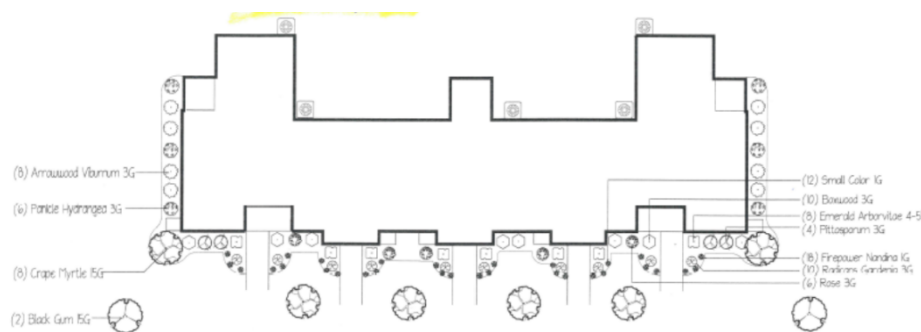
The 7 townhome lots (townhome & property) will be sold (fee simple) as all future townhomes lots in this development. A HOA (Homeowners Association) will be established for the townhome owners that provides requirements and responsibilities concerning the maintenance and repairs of all outside common area such as yard area and parking spaces.

The Gateway Corridor Overlay district overlaps the townhome development, so Gateway standards such as exterior material and fencing apply. The exterior material of the townhomes are a combination of brick, lap siding, and board &

batten siding; these materials were approved at the November 2021 PC meeting. Any fencing proposed should be consistent across all lots. If dumpsters are installed, dumpsters must be screened with materials compatible with the buildings.

Staff recommends final approval subject to the following:

1. Change Note 7 concerning flood maps from “Auburn” to “Opelika”
2. Add a note on plat who will maintain all common areas
3. Install landscaping, grass, and & ground cover near the seven-unit townhome group as shown on landscape drawing below. (Landscape buffer along Century Blvd has been planted.)
4. Add a 5’ foot access strip/easement along the rear line as shown on the construction drawings.
5. If dumpsters are provided dumpsters must be screened with materials compatible with the townhome unit’s exterior materials.
6. If fencing is proposed, fencing shall be a uniform standard. This may be set by the homeowner’s association.
7. After site inspection and approval of the above improvements by staff, then plat signatures and recording of final plat will be completed.



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

- All drainage structures, curb and gutter, aggregate base and first layer of pavement have been placed.
- All sanitary sewer and water line have been installed. The test and inspection reports will need to be submitted and accepted and approved by the utility/Public Works Department.
- All stop and roadway signs have been installed.
- Performance Bond of 125% of the estimated cost remaining infrastructure including the final layer of asphalt and sidewalks have been submitted.

- Maintenance Bond of 25% of the estimated total infrastructure cost will have been submitted.
- As-built documents of the roadway, and storm drain in the form of an Autocad and PDF digital file have 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 will need to be added to protect against erosion and sediment issues.

If these requirements are met, the Engineering Department recommends final plat approval.

Mr. Parker reported for the Opelika Utilities Board, water service is accessible by Century Boulevard, Thomason Drive, and Gateway Drive.

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

Motion to grant final plat approval with staff recommendations

RESULT:	Passed
MOVER:	Mayor Gary Fuller
SECONDER:	John Sweatman
DISCUSSION:	Ms. Cannon asked Lot 1 and 5 are different from Lots 2, 3, and 4. Are they bigger? Is that a garage?
	Bret Basquin, Foresite Group, stated the outside units have an extra bedroom on the first floor where the middle ones have the extra bedroom upstairs.
AYES:	Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen, Sweatman
NAYS:	None
ABSTAIN:	None

G. CONDITIONAL USE - Public Hearing

8. Bob Holley, 101 North 11th Street, C-3, Utility Trailer & Small Equipment Rental & Sales

Mr. Mosley reported the applicant/business owner is requesting conditional use to rent utility trailers and rent & sale small engine equipment. The property was a golf cart sales lot about 20 years ago, and for the past two years a contractor's office occupied the property. The applicant's business activities will primarily be trailer rentals, but includes the sale and rental of small equipment (forklifts/tow motors). The applicant has no employees and no hours of operation. The business owner will serve customers "by appointment only".

An aerial photo in your packet shows a 1,600 sf building on a 19,730 sf lot. Sidewalks are along North 11th Street and 1st Avenue. For the golf cart business, the entire property was asphalted to display golf carts. Landscaping is not required because of the asphalt constraints. Section 8.2 of the Zoning Ordinance encourages the reuse of existing nonconforming property if physical constraints on the property are existing rather than allow an existing developed site to remain vacant. A vacant commercial building creates a negative impact (economically and aesthetically) on the surrounding area. The amendment states the existing nonconforming property should meet the development regulations as much as possible unless physical constraints such as asphalt exists.

The rental utility trailers will be parked along the east side property line (next to Jim Bob's restaurant property). The applicant said the activity of washing utility trailers and other equipment for business purposes will not be carried out. On the west side next to North 11th Street, a minimum of five parking spaces for customers will be provided. One parking space near the office building must be a handicap parking space. A private dumpster will not be installed; city garbage services will be used.

Recommendation

Staff recommends conditional use approval as submitted.

Mr. Parker reported for Engineering, the Engineering Department has no other comments or concerns with this proposal and recommends conditional use.

Mr. Parker reported for the Opelika Utilities Board, Opelika Utilities presently serves this use.

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

Chairman Cherry opened the public hearing.

No comments.

Chairman Cherry closed the public hearing.

Motion to grant conditional use approval with staff recommendations

RESULT: Passed

MOVER: Mayor Gary Fuller

SECONDER: Lucinda Cannon

AYES: Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen, Sweatman

NAYS: None

ABSTAIN: None

H. ANNEXATION and REZONING - Public Hearing

9. **Annexation, Patrick C. Davidson, representative, 2800/2900 Sellers Drive, Annex 12.6 Acres**

Mr. Mosley reported the applicant is requesting annexation of 12.6 acres into the City of Opelika. The subject property is located on the east side of Sellers Drive just north of West Point Parkway (US Highway 29). The property is described as Lots 10, 11, 12, 13, 14, 15, and 16 of Prescott Subdivision. The property is adjacent to the Opelika city limits along the north, south and west property lines. The property is undeveloped but was shown as part of the original plan for Celebrate Alabama. The Zoning Ordinance provides that annexed properties are automatically zoned R-1, but in this case, the applicant is requesting rezoning from R-1 to R/E. If City Council approves the annexation, then a Council public hearing will be held to rezone the 12.6 acres from R-1 to R/E.

Recommendation

Planning staff recommends a positive recommendation be sent to City Council to annex the 12.6 acres into the City.

Mr. Parker reported for Engineering, the Engineering Department has no other comments or concerns with this proposal and recommends annexation.

Mr. Parker reported for the Opelika Utilities Board, Opelika Utilities presently serves this annexation request.

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

Chairman Cherry opened the public hearing.

Emily Vines, 3770 US Hwy 29 North, stated the businesses will be against our property, so how is the rezoning going to directly affect the homes that are already there? Will we now be put into an HOA and have to pay fees? Will we have to pay more city taxes? Right now we are right outside city limits so we have to take our trash out to the dumpster. How is this going to affect us?

Mr. Mosley stated this would not affect your property at all. The annexation or rezoning of this property does not change anything tied to your property. Your property would remain in the county and would remain subject to county services and county taxes. The only thing that would change is if you ever decide to annex your property into the city.

Emily Vines asked as for the noise, what kind of barrier will be put between the backs of those businesses and our homes? There is already a lot of noise on the front from the highway. How will we be affected by the noise on the back?

Mr. Mosley stated that would be part of the rezoning request most likely and I'm not sure if there is anything shown on this particular part of that in the zoning section, but at the time that they were to develop that, we would look to see if a buffer would be required on that side.

Chairman Cherry closed the public hearing.

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

RESULT: **Passed**
MOVER: Director Mike Hilyer
SECONDER: Mayor Gary Fuller
AYES: Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer,
 Menefee, Mayor Fuller, Councilman Ward 1 Allen, Sweatman
NAYS: None
ABSTAIN: None

10. **Rezoning Request, Patrick C. Davidson, representative. 2800/2900 Sellers Drive, 12.6 Acres, from R-1 to R/E**

Mr. Mosley reported the applicant is requesting rezoning 12.6 acres from an R-1 zoning district (rural) to a R/E zoning district (Retail and Entertainment) subject to City Council approval of the annexation property. The rezoning property has access to Sellers Drive located just north of West Point Parkway. Most of the adjacent property is either vacant or single-family residential. This property is connected to the larger area zoned R/E as part of the Celebrate Alabama district. The property was initially included in the rezoning for this R/E area, but was not annexed at that time. This request would match the initial zoning request after the property has been annexed. Attached is a copy of the R/E zoning plan shown during the initial zoning request in 2007.

Staff Recommendation

Staff recommends Planning Commission send a positive recommendation to the City Council to rezone the property from R-1 to R/E, subject to approval of the annexation.

Mr. Parker reported for Engineering, the Engineering Department has no other comments or concerns with this proposal and recommends rezoning.

Mr. Parker reported for the Opelika Utilities Board, Opelika Utilities presently serves this annexation request.

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

Chairman Cherry opened the public hearing.

No comments.

Chairman Cherry closed the public hearing.

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

RESULT: **Passed**
MOVER: Arturo Menefee
SECONDER: John Sweatman
AYES: Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer,
 Menefee, Mayor Fuller, Councilman Ward 1 Allen, Sweatman
NAYS: None
ABSTAIN: None

I. VACATION

11. **Manish Desai, representative for HARA, LLC, 510 Geneva Street, requesting to vacate 5,500 square feet of Geneva Street right-of-way located adjacent to the petitioner's south property line and west of Geneva Street cul-de-sac.**

Mr. Mosley reported the applicant, HARA, LLC., is petitioning the City to vacate a 5,500 square foot section of right-of-way between 510 Geneva Street, Columbus Parkway, 9th Street and Geneva Street. The site was a former fueling station that was closed during the realignment of Columbus Parkway. The site now has a monitoring station and various wells on the property. The applicant would like to move the monitoring station to another location to be able to use more of the property. Some of the wells are no longer needed according to the applicant.

The City of Opelika does not necessarily have use for this property. Staff feels there is still a large amount of right-of-way for future improvements. Staff recommends the Planning Commission send a positive recommendation to City Council to approve the vacation of this right-of-way.

Mr. Mosley stated Mr. Alan Lee with the Opelika Water Works Utility Board noted in their comments that there are two water mains on the property in the vacation and they feel like the mains would either need to be relocated or the right of way would be adjusted to include those areas. They don't feel that the size of the mains would be sufficiently addressed through the use of an easement.

Mr. Parker reported for Engineering, the Engineering Department has no other comments or concerns with this proposal and recommends ROW vacation.

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

Mr. Lee reported for the Opelika Utilities Board, Opelika Utilities has in place two water mains in the subject area of this vacation. The property owner, by his or her expense, will be required to relocate the water mains and appurtenances to the new city R.O.W.

Mr. Gunter, City Attorney, asked what road is that on?

Mr. Lee stated it's on Torbert Boulevard and 10th Street.

Mr. Mosley stated you can see the main here that cuts into the property and I'm not sure how far that comes into this property. The meters down at the bottom should not be in the affected areas. It's primarily this line and what affect that would have on any further connections, right?

Mr. Lee stated we just don't want any structures like concrete driveways over it

because we're in the water business not concrete finishing.

Mr. Gunter asked is that an eight inch water main?

Mr. Lee stated yes, that's an eight. It's six to eight on Torbert Boulevard.

Mr. Parker stated I would say that the applicant will need to address the development plans with your department.

Mr. Lee stated that's correct.

Motion to send a positive recommendation for vacation of right-of-way to City Council with staff recommendations

RESULT: Passed

MOVER: Mayor Gary Fuller

SECONDER: Director Mike Hilyer

DISCUSSION: Chairman Cherry asked so the easement is being vacated but the water line is within the easement?

Mr. Mosley stated there is no easement because it's in the right-of-way.

Chairman Cherry stated so it's going to be vacated and then turned back over to the owner and the owner is going to sell it. Is the owner the City of Opelika?

Mr. Mosley stated right, so what we would have to do is sit down with the person requesting the vacation and determine whether we need to look at this again or whether he feels comfortable moving forward with that recommendation.

Mr. Gunter stated when the city constructed that intersection, which was a major intersection, it purchased the old service station that was located there. This is part of that property. The reason there is a monitoring and test well there is because there were underground gasoline tanks, so the city is required by ADEM to monitor the soil because there had been some contamination of the soil. The city is probably going to have to continue to monitor the soil for another five to ten years.

Mr. Parker stated it's in the development plan that the developer will move and continue to monitor the soil, just in a different location.

Mr. Silberman asked were there any limits put on it for future construction on that property?

Mr. Gunter stated I'm not aware of any except that the city has to monitor the soil there as long as ADEM requires it.

AYES:	Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen, Sweatman
NAYS:	None
ABSTAIN:	None

J. ADJOURN

Motion to adjourn at 4:03 p.m.

RESULT: Passed

MOVER: Mayor Gary Fuller

SECONDER: Director Mike Hilyer

AYES: Cannon, Chairman Cherry, Whatley, Silberman, Director Hilyer, Menefee, Mayor Fuller, Councilman Ward 1 Allen, Sweatman

NAYS: None

ABSTAIN: None

_____ Lewis A. Cherry, Chairman

_____ Matt Mosley, Secretary



REZONING APPLICATION
PLANNING DEPARTMENT
700 FOX TRAIL
OPELIKA, AL 36801

2697



PC DEADLINE: _____ PC MEETING: _____

PROPERTY OWNERS/

AUTHORIZED REPRESENTATIVE: James H. Daws, Sierra Development Group, Inc.

MAILING ADDRESS: 401 Cherry Street, Suite 600, Macon, GA 31201

PHONE NUMBER: 478-256-0332

Email: jhdaws@sierradevelopment.net

PARCEL INFORMATION

Site Address: 7 parcels - see attached Exhibit C for addresses

Description of proposed use: Multi-family, Commercial, Office, Retail

Tax Parcel Number: See attached

Adjacent Zoning Districts: North: C1 South: C2 East: C2 West: C2/R2

Current Land Use: Office, Retail, Commercial

Current Zoning: C1, C2 & M1

Proposed Zoning: C1

Number of APO: 2 x \$7.00 = \$ 14.00
(Adjacent Property Owners)

Fee: \$125.00

TOTAL \$139.00

PAID: _____

I hereby request my property located at (street address) 6 parcels - see attached Exhibit C for addresses

Tax Map parcel number See attached Exhibit C for tax parcel numbers be rezoned from

C1, C2 & M1 to C1. 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.

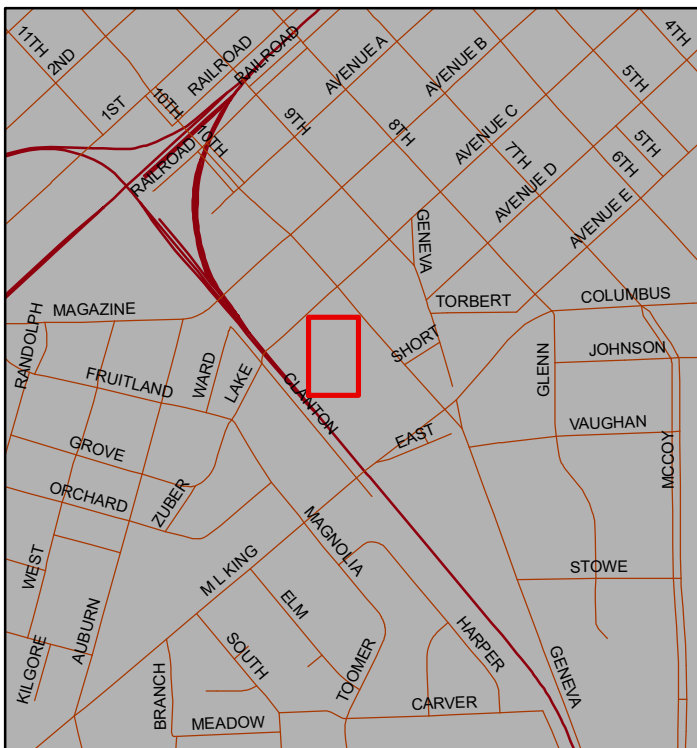
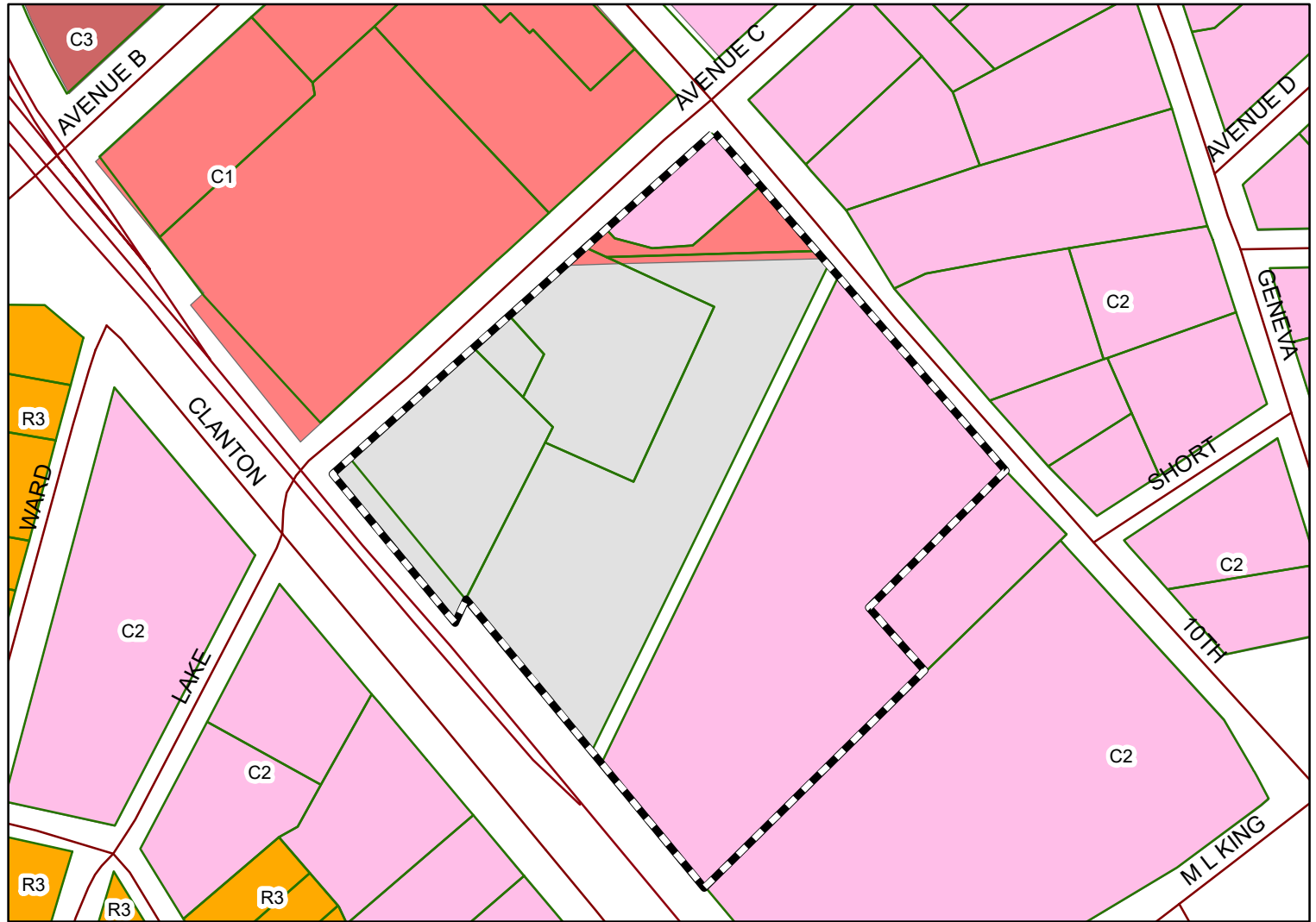
OWNERS OR AUTHORIZED
REPRESENTATIVE SIGNATURE: James H. Daws

(PRINT NAME)

JAMES H. DAWS

DATE 12/23/21

MARSH REAL ESTATE REZONING, SUBDIVISION AND VACATION OF ROW SOUTH 10TH STREET AND AVENUE C M-1, GC-S & C-2, GC-S TO C-1



The applicant is requesting rezoning 7.8 acres for a multifamily development. The subdivision combines 7 lots into one lot. The vacation of right-of-way removes an undeveloped 15 foot alley. The rezoning property is bordered by two streets and a railroad right-of-way.



Subject Property

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

City of Opelika
Planning Commission
Planning Department Report

Meeting Date:	January 25, 2022		
Agenda Item #:	D-1		
Action Requested:	Amendment to the Future Land Use Map and Rezoning: 7.8 acres (a) Amendment to Future Land Use map - from low density residential, public manufacturing & institutional to mixed use development (b) Rezoning - from M-1, GC-S, C-2, GC-S to C-1		
Location of Property:	South 10 th Street and Avenue C		
Property Owner(s):	Marsh Real Estate Investments, LLC Jim Daws, authorized representative		
Current Zoning:	M-1, GC-S and C-2, GC-S		
Proposed Zoning:	C-1 (downtown district)		
Existing Land Use:	Commercial buildings, Undeveloped property		
Surrounding Zoning Districts And Land Uses:	North	C-2, GC-S	Commercial
	South	C-1 & C-2	Commercial
	East	C-2, GC-S	Municipal Court property
	West	C-1 & C-2	Commercial

Amendment to the Future Land Use Map

The 2030 Future Land Use Map (FLUM) shows a 3.5 acre area in a “private manufacturing” land use category. The remaining 4.3 acres of the 7.8 acre rezoning property is in a “light commercial” land use category. A “light commercial” land use category on the Future Land Use map includes the C-1 or C-2 zoning districts. The amendment to the FLUM for this rezoning request is for the 3.5 acres. The 3.5 acre private manufacturing area was first developed in the 1920s. Today, most of the 3.5 acres is undeveloped except for vacant buildings and a few buildings used for retail/office space. If the rezoning request is approved the 2030 FLUM should be amended so the 3.5 acres is in the “light commercial” land use category.

On the 2030 FLUM, the adjacent properties on all sides of the rezoning property are in a ‘light commercial’ land use category. Four adjacent properties are commercial uses, three lots are vacant commercial buildings, and two lots undeveloped.

Staff Recommendation

The rezoning request to C-1 requires an amendment to the 2030 FLUM concerning 'land use category. The applicant plans to construct a 182 unit apartment development. If the rezoning request is approved, staff recommends the 2030 Future Land Use map be amended for the 3.5 acre portion of the rezoning property from a "private manufacturing" land use category to a "light commercial" land use category.

Rezoning

The applicant is requesting rezoning 7.8 acres from M-1, GC-S and C-2, GC-S to C-1 for a market-rate apartment development. The development consists of four 4-story apartment buildings with a total of 182 units with outside and inside amenities. The 7.8 acre rezoning property is bordered by three right-of-ways: South 10th Street, Avenue C, and Central of Georgia railroad right-of-way. Clanton Street runs adjacent/parallel to the railroad; the Clanton Street and railroad ROW combined provide a 150 foot wide space between the rezoning property and the businesses along Clanton Street. The southeast border of the rezoning property is the only side that is not a right-of-way; a law office and the Municipal Court property borders the development on the southeast side.

The rezoning property is adjacent to a C-1 zoning district, and C-1 property is across Avenue C from the rezoning property. The corner lot at 10th Street and Avenue C is zoned C-2, and the adjacent lot to this corner lot is zoned C-1. In 2016, this narrow 7,400 sf lot was rezoned from C-2 to C-1 as well as the former Opelika Light & Power property is zoned C-1; the former Opelika Power (2.4 acres) property is across Avenue C from the rezoning property. (The rezoning property is also in the Gateway Corridor overlay zoning district that runs along South 10th Street. The boundary line for the Historic District is along South 10th Street and borders the rezoning property.)

The adjacent land uses on all sides of the 7.8 acre rezoning property are zoned C-2 or C-2, GC-S except the C-1 zone property across Avenue C. The adjacent land uses along South 10th Street are two business offices, a law office (Dean & Barret), two vacant commercial buildings, and two undeveloped lots. The adjacent properties on Avenue C are the 'Shops at Southerly' providing retail tenant space and the former Opelika Power building vacant. Along Clanton Street are three businesses, a church, and an undeveloped lot. The subject location is a convenient place to live, its close to work space and near downtown shops and restaurants. All within walking distance.

Recommendation

In past years, more retail shops, offices, and restaurants opened in the C-1 downtown district, then interest in living downtown (loft apartments) increased; the "Downtown Living" ordinance (1997) was adopted to accommodate the demand for commercial and residential uses together in the

downtown C-1 district. In recent years, in the vicinity of South 8th Street and Avenue D and in walking distance to downtown, single family home construction has increased. The existing mixed use in C-1 has proven to be appropriate providing downtown residential occupants convenient access to offices, commercial uses, and entertainment. The mixed use or the blending together of commercial with loft apartments & nearby single family homes has now encouraged multi-family development (apartments).

The 7.8 acre rezoning property is adjacent to a C-1 zoning district. There are three adjacent commercial uses (offices) on South 10th Street, but most adjacent properties across South 10th Street and Avenue C are vacant commercial buildings or undeveloped lots. The proposed zoning is reasonable given the current condition of the adjacent land uses. The zone would provide more downtown residential and compatible uses.

Planning Staff recommends Planning Commission send a positive recommendation to the City Council to rezone the property M-1, GC-S and C-2, GC-S to C-1.

Engineering Department Report

The Engineering Department has no comments or concerns with the proposed rezoning application.

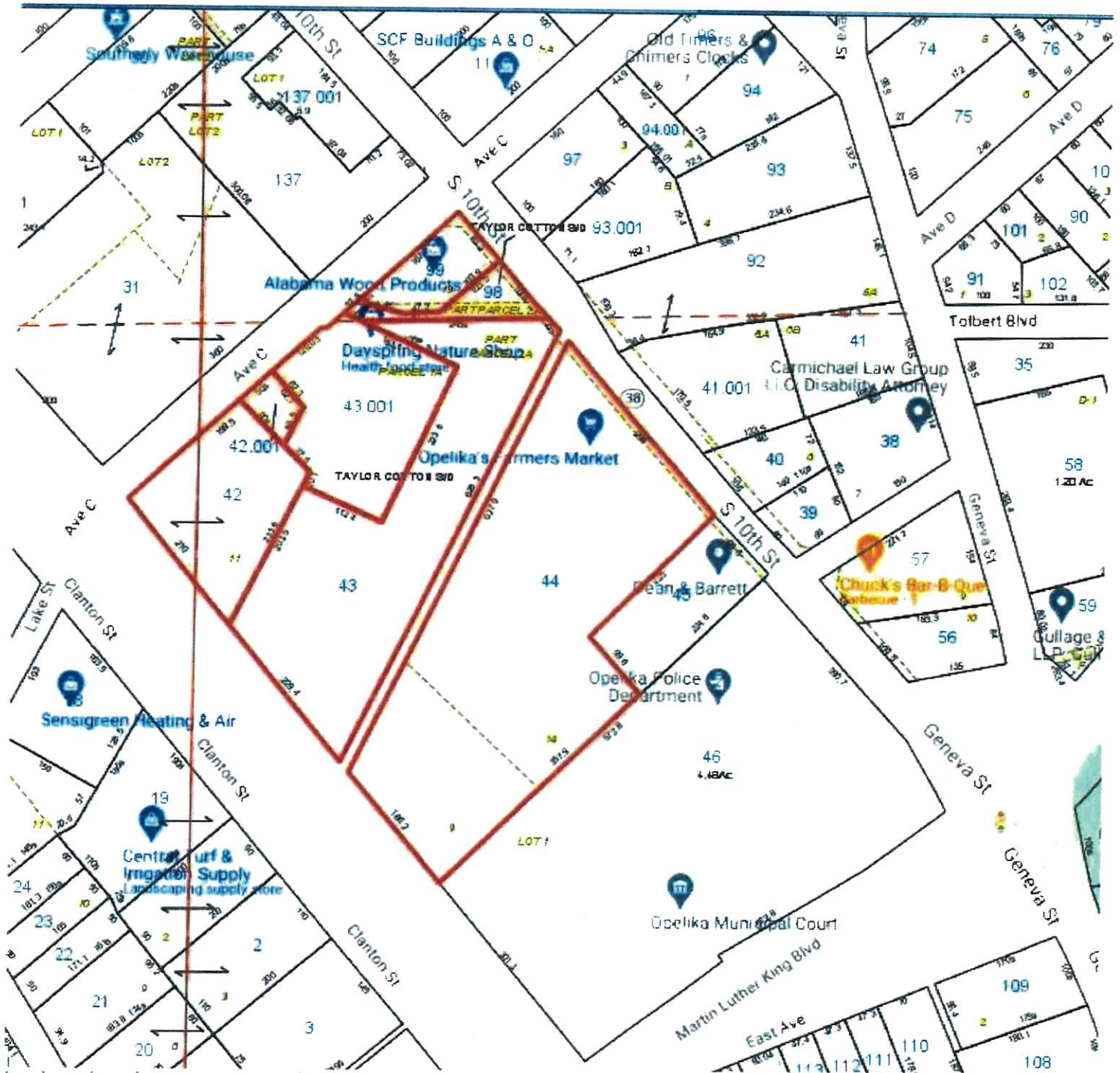
Opelika Utilities Board Report

No comment.

Opelika Power Services Report

This is in the Opelika Power Service Territory.

EXHIBIT 'B' - 1



Row	Info	Pin	Parcel	Name	Parcel Address	Land	Imp	TMkt	Acreage	Tax Dist
1	Q+ i	39617	43 10 03 07 4 001 098.000	MARSH REAL ESTATE INVESTMENTS	0 S 10TH ST	\$26,000	\$183,170	\$209,170	0.17	Opelika
2	Q+ i	30250	43 10 03 07 4 001 099.000	MARSH REAL ESTATE INVESTMENTS	1001 AVE C	\$35,860	\$137,650	\$173,510	0	Opelika
3	Q+ i	22642	43 10 04 18 1 001 042.000	MARSH REAL ESTATE INVESTMENTS	0 AVE C	\$24,000	\$0	\$24,000	0	Opelika
4	Q+ i	13298	43 10 04 18 1 001 042.001	MARSH REAL ESTATE INVESTMENTS	1015 AVE C	\$6,000	\$121,520	\$127,520	0	Opelika
5	Q+ i	39620	43 10 04 18 1 001 043.000	MARSH REAL ESTATE INVESTMENTS	0 S 10TH ST	\$56,000	\$0	\$56,000	2.04	Opelika
6	Q+ i	36571	43 10 04 18 1 001 043.001	MARSH REAL ESTATE INVESTMENTS	1011 AVE C	\$38,000	\$138,430	\$176,430	0.87	Opelika
7	Q+ i	30238	43 10 04 18 1 001 044.000	MARSH REAL ESTATE INVESTMENTS	411 S 10TH ST	\$95,000	\$20,320	\$115,320	0	Opelika



AGENDA ITEM # _____

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



DEADLINE: _____ MEETING: _____

SITE ADDRESS: 1011 Avenue C and 411 South 10th Street

PROPERTY OWNER: MARSH REAL ESTATE INVESTMENTS, LLC

APPLICANT/AUTHORIZED REPRESENTATIVE: Sierra Development Group, Inc. Jim Daws

MAILING ADDRESS: 401 Cherry Street, Suite 600, Macon, GA 31201

PHONE NUMBER: 478-256-0332

FAX NUMBER: _____

EMAIL ADDRESS: jhdaws@sierradevelopment.net

TYPE OF PLAT APPROVAL REQUESTED

☐ SKETCH PLAN ☐ ADMINISTRATIVE ☒ PRELIMINARY ☐ FINAL

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

☐ Annexation ☒ Rezoning ☐ Other Alley Vacation _____

PARCEL INFORMATION

Subdivision Name: Subdivision Survey for Sierra Development Group

Current Land Use: Office/Retail

Current Zoning: C1, C2 & M1

Proposed use of the Subdivision: Multi-family & Commercial/Office

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

Number of Lots: 2 x \$3.00 = \$6.00

Number of APO: ^{See R2 Per APO} 2 x \$7.00 = \$14.00
(Adjacent Property Owners)

Fee: \$75.00
TOTAL = \$95.00

PAID _____

I, the undersigned, hereby request the Opelika Planning Commission review the Subdivision Plat for (name of subdivision) Sierra Development Group 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.

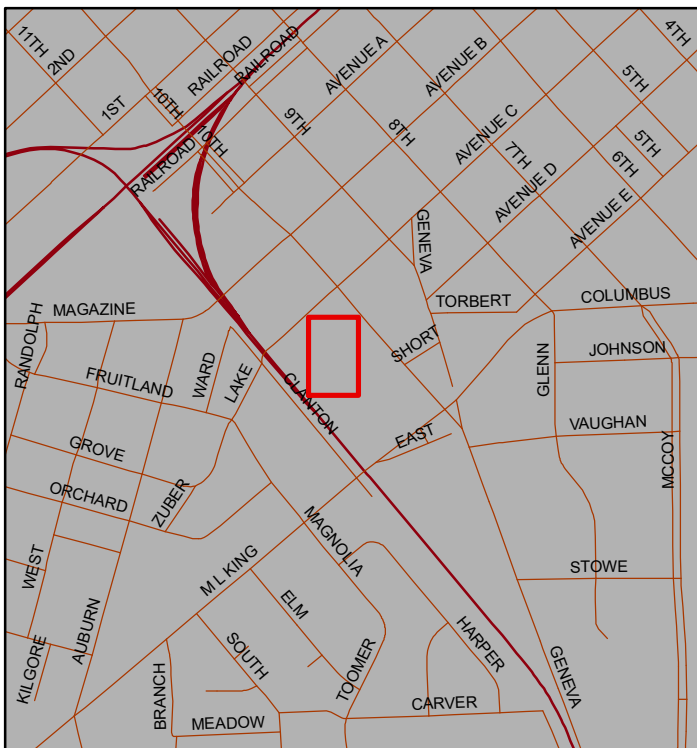
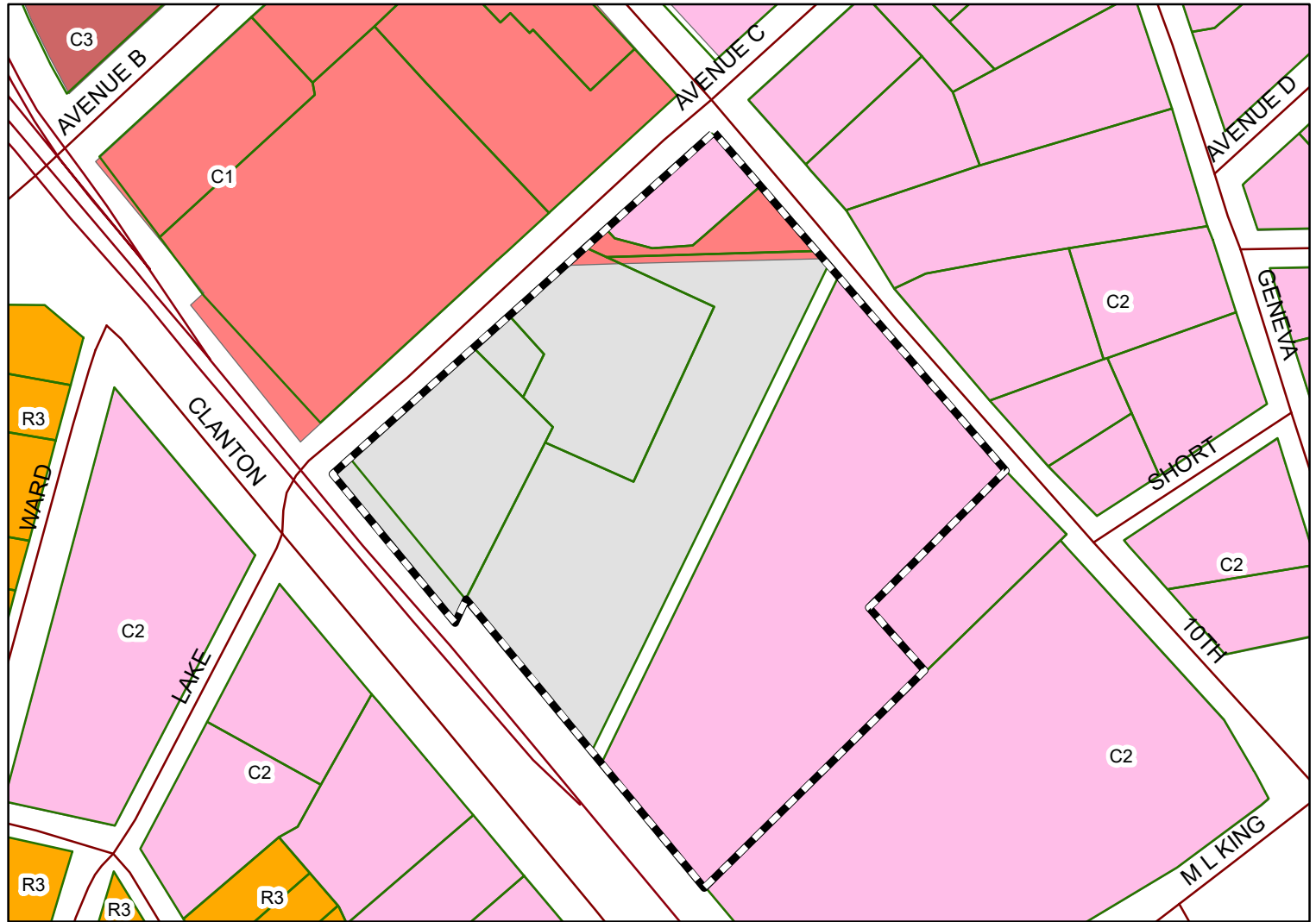
OWNERS/AUTHORIZED

REPRESENTATIVE SIGNATURE: James H. Daws

(PRINT NAME) James H. Daws

DATE 12/23/2021

MARSH REAL ESTATE REZONING, SUBDIVISION AND VACATION OF ROW SOUTH 10TH STREET AND AVENUE C M-1, GC-S & C-2, GC-S TO C-1



The applicant is requesting rezoning 7.8 acres for a multifamily development. The subdivision combines 7 lots into one lot. The vacation of right-of-way removes an undeveloped 15 foot alley. The rezoning property is bordered by two streets and a railroad right-of-way.



Subject Property

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

City of Opelika
Planning Commission
Planning Department Report

Meeting Date:	January 25, 2022
Subdivision:	Subdivision Survey for Sierra Development Group SD
Agenda Item #:	D-2
Action Requested:	Preliminary and Final Plat Approval
Location of Property:	South 10 th Street and Avenue C
Property Owner(s):	Marsh Real Estate Investments, LLC Jim Daws, authorized representative
Current Land Use	Vacant commercial buildings and undeveloped
Current Zoning	C-2, C-2, GC-S & M-1, GC-S
Flood Zone:	FEMA Map #01081C0000G – Nov. 2, 2011 Flood Zone “X” – No portion in flood hazard area
Staff Comments:	

The applicant is requesting preliminary and final plat approval for a two lot subdivision. Currently, the subdivision total area is 7.8 acre area with 7 lots. The subdivision today erases lot lines so two lots exists. One lot is 7 acres the other lot .87 acres (37,897 sf). The purpose of the subdivision is to combine lots for a future development on the 7 acre lot. The .87 acre lot is not part of the development; three commercial buildings are on the .87 acre lot used/available for commercial space. All the buildings on the 7 acre lot will be removed for the future development except a cotton gin building near the railroad right-of-way (or the building nearest to the southwest property line). A 15 foot wide alley (625’ long) running across the 7 acre parcel from South 10th Street to the railroad right-of-way will be vacated (next agenda item)

Staff recommends preliminary and final plat approval subject to the following:

1. Add the standard Opelika easement certificate: “An easement is hereby granted to the City of Opelika and to any utility companies serving the City of Opelika for the purpose of installing, operating, and maintaining pole lines, guy wires and other facilities. Easement to be ten (10) feet wide, being five feet on each side of the front and side lot lines.”
2. Include the adjoiner information for those property owners directly across streets and other rights-of-way.

3. Add certifications for the owner/developer and notary statement.
4. Include the owner/developers' name and address.
5. Add certifications for the Planning Commission Chairman, City Planner, City Engineer, OPS, Opelika Utilities, and Public Works.
6. Add a vicinity map.
7. Where different, record courses & distances should be shown with measured ones for comparison.
8. The surveyor/applicant may obtain the City's Subdivision Regulations at <https://www.opelika-al.gov/DocumentCenter/View/96/Subdivision-Regulations-PDF?bidId=>
9. The Opelika Municipal Court property is adjacent to this plat along the southeast property line; the surveyor may contact the Planning department to obtain the Municipal Court recorded plat for additional information it may provide.

Engineering Department Report

The Engineering Department will request additional Right-of-way (ROW) on the subdivisions side of South 10th Street to accommodate any future roadway expansion and improvement. The amount of ROW needed will be determined by discussions between the Engineering Department and the applicant.

The Engineering Department has no other comments or concerns with this subdivision and recommends Preliminary and Final Plat approval.

Opelika Utilities Board Report

Water service is accessible by mains on Avenue C and South Tenth Street.

Opelika Power Services Report

This is in the Opelika Power Service Territory.

LEGEND OF SYMBOLS

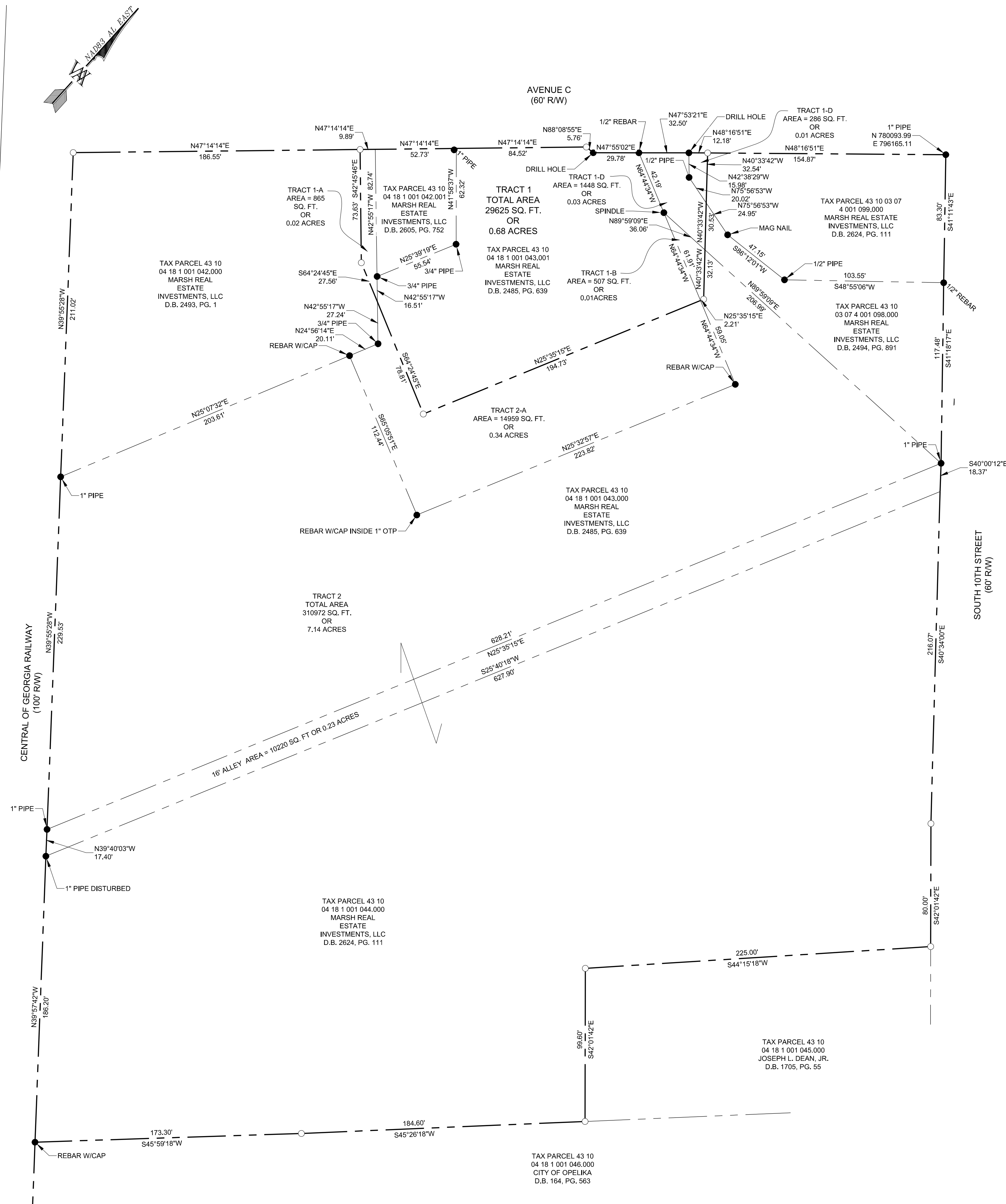
IRON PIN FOUND
IRON PIN SET(1/2" REBAR W/CAP)
PROPERTY LINE

MISCELLANEOUS NOTES

- THIS DOCUMENT WAS CREATED ELECTRONICALLY. THIS MEDIA SHOULD NOT BE CONSIDERED A CERTIFIED DOCUMENT UNLESS IT HAS BEEN PROPERLY SEALED AND ORIGINALLY SIGNED BY A REGISTERED LAND SURVEYOR AT THE OFFICE OF WELLSTON ASSOCIATES LAND SURVEYORS, LLC.
- THE UNDERGROUND UTILITIES SHOWN ON THIS DRAWING WERE COMPILED FROM FIELD OBSERVATIONS, UTILITY COMPANY RECORDS AND UNDERGROUND UTILITIES MARKED BY OTHERS WITHOUT BENEFIT OF EXCAVATION. WELLSTON ASSOCIATES LAND SURVEYORS, LLC DOES NOT GUARANTEE THAT ALL UTILITIES ARE SHOWN. VERIFICATION OF UTILITIES SHOULD BE MADE BY THE INDIVIDUAL UTILITY COMPANY PRIOR TO ANY CONSTRUCTION.
- THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS AN AVERAGE RELATIVE ACCURACY OF 0.03 FEET AT THE 95% CONFIDENCE LEVEL. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 306,257 FEET. THE LINEAR AND ANGULAR MEASUREMENTS SHOWN ON THIS PLAT WERE OBTAINED BY UTILIZING A SOKKIA GPS RTK DUAL FREQUENCY RECEIVER. FIELD WORK COMPLETED ON 4/6/2021.
- WELLSTON ASSOCIATES LAND SURVEYORS, LLC DOES NOT GUARANTEE THAT ALL EASEMENTS WHICH MAY AFFECT THE SUBJECT TRACT ARE SHOWN.
- BY GRAPHICAL PLOTTING ONLY, THE SUBJECT AREA LIES WITHIN ZONE "X" OF THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP NO. 01081C0069G, DATED NOV. 2, 2011.
- THE PURPOSE OF THIS SURVEY IS 1) CREATE TRACT 1 AS SHOWN COMBINING THAT PORTION OF TAX PARCEL 43 10 04 18 1 001 043.001 SHOWN HEREON WITH TAX PARCEL 43 10 04 18 1 001 042.001, A PORTION OF TAX PARCEL 43 10 04 18 1 001 042.000 SHOWN AS TRACT 1-A, A PORTION OF TAX PARCEL 43 10 04 18 1 001 043.000 SHOWN AS TRACT 1-B, A PORTION OF TAX PARCEL 43 10 03 07 4 001 098.000 SHOWN AS TRACT 1-C, AND A PORTION OF TAX PARCEL 43 10 03 07 4 001 099.000 SHOWN AS TRACT 1-D AND 2) CREATE TRACT 2 AS SHOWN HEREON COMBINING THAT PORTION OF TAX PARCEL 43 10 04 18 1 001 042.000 AS SHOWN WITH A PORTION OF TAX PARCEL 43 10 04 18 1 001 043.001 SHOWN AS TRACT 2-A, A PORTION OF TAX PARCEL 43 10 04 18 1 001 043.000 SHOWN HEREON, THE 16' FOOT ALLEY SHOWN HEREON, AND TAX PARCEL 43 10 04 18 1 001 044.000.

"I HEREBY CERTIFY (OR STATE) 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."

SURVEYOR'S SIGNATURE:
ALABAMA LICENSE NUMBER: 29992
DATE: DEC. 21, 2021

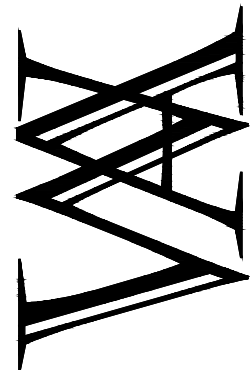


Revisions

No.	Date	Description

WELLSTON ASSOCIATES
LAND SURVEYORS, LLC

506 OSGIAN BOULEVARD, SUITE 2
WARNER ROBINS, GEORGIA 31088
OFFICE (478) 971-3382
WWW.WELLSTONASSOC.COM



SUBDIVISION SURVEY
FOR

SIERRA DEVELOPMENT GROUP

ALABAMA

SEC. 18, T-19-N., R-27-E
LEE COUNTY

OPELIKA

Project No.: 1104-020
Drawing No.: 020-BDS
Drawn By: C.B.I.
Checked By: S.H.J.

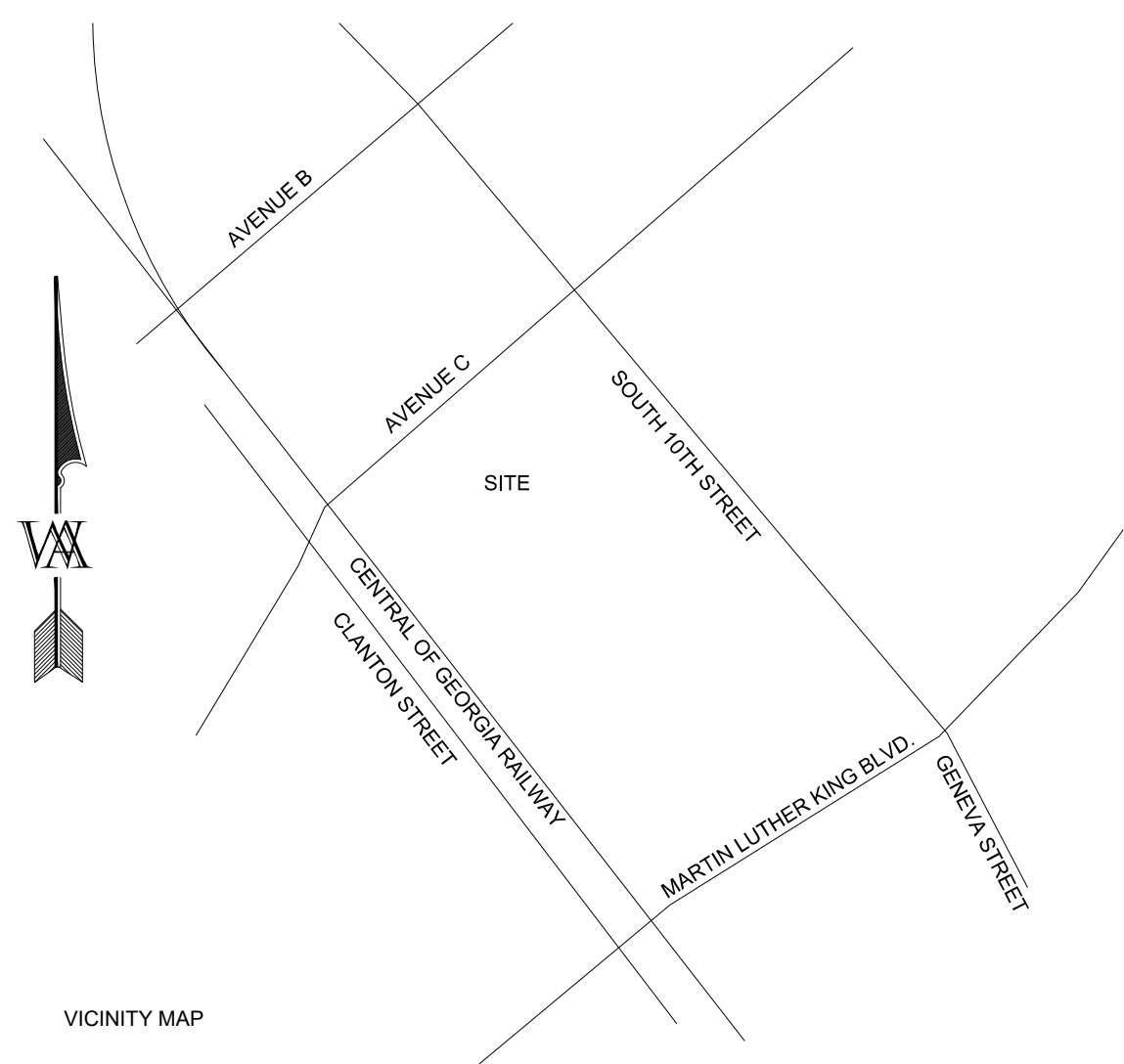
R.L.S. No.: 29992



Date: DEC. 21, 2021
Scale: 1"=40'

Sheet No.:

1 of 1



MISCELLANEOUS NOTES

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- AN EASEMENT IS HEREBY GRANTED TO THE CITY OF OPELIKA AND TO ANY UTILITY COMPANIES SERVING THE CITY OF OPELIKA FOR THE PURPOSE OF INSTALLING, OPERATING, AND MAINTAINING POLE LINES, GUY WIRES AND OTHER FACILITIES, EASEMENTS TO BE TEN (10) FEET ON EACH SIDE OF THE FRONT AND SIDE LOT LINES.

I, CARL B. LEVI, A REGISTERED SURVEYOR IN THE STATE 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 SURVEYING IN THE STATE OF ALABAMA, TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF; THAT SAID PLAT SHOWS THE RELATIONSHIP OF THE LAND SUBDIVIDED TO THE GOVERNMENT SURVEY; THAT IT SHOWS THE LENGTHS AND BEARINGS OF THE BOUNDARIES OF EACH PARCEL AND ITS NUMBER, AND THE NAMES OF THE ROADS SHOWN HEREON, ACCORDING TO MY SURVEY OF DECEMBER 21, 2021.

CERT NO. 29992



MARSH REAL ESTATE INVESTMENTS, LLC, OWNER OF THE REAL PROPERTY SHOWN ON THIS PLAT, HEREBY JOINS IN THE STATEMENT OF CARL B. LEVI AND CERTIFIES THAT IT WAS AND IS ITS PURPOSE TO COMBINE THE LAND SO PLATTED AS SHOWN, IN WITNESS WHEREOF, _____, OWNER OF MARSH REAL ESTATE INVESTMENTS, LLC HAS CAUSED HIS NAME TO BE HERETO SIGNED ON THIS, _____ DAY OF _____, 2022.

AUTHORIZED REPRESENTATIVE OF MARSH REAL ESTATE INVESTMENTS, LLC

I, _____ A NOTARY PUBLIC FOR THE STATE OF ALABAMA AT LARGE, HEREBY CERTIFY THAT, _____ AS OWNER OF MARSH REAL ESTATE INVESTMENTS, LLC, WHOSE NAME IS SIGNED TO THE CERTIFICATE HEREON AND WHO IS KNOWN TO ME, ACKNOWLEDGED BEFORE ME THAT, BEING INFORMED OF THE CONTENTS OF SAID CERTIFICATE, HE EXECUTED THE SAME VOLUNTARILY ON THE DAY SAME BEARS DATE, IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND AND SEAL OF OFFICE ON THIS THE _____ DAY OF _____, 2022.

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____

APPROVED BY THE OPELIKA CITY ENGINEER, CITY OF OPELIKA, LEE COUNTY, ALABAMA.

CITY ENGINEER _____ DATE _____

APPROVED BY THE OPELIKA CITY PLANNER, CITY OF OPELIKA, LEE COUNTY, ALABAMA.

CITY PLANNER _____ DATE _____

APPROVED BY THE OPELIKA PLANNING COMMISSION, CITY OF OPELIKA, LEE COUNTY, ALABAMA.

CHAIRMAN _____ DATE _____

REVIEWED ON BEHALF OF THE UTILITIES BOARD OF THE CITY OF OPELIKA, LEE COUNTY, ALABAMA.

THE UTILITIES BOARD OF THE CITY OF OPELIKA, LEE COUNTY, ALABAMA _____ DATE _____

REVIEWED ON BEHALF OF OPELIKA POWER SERVICES

OPELIKA POWER SERVICES _____ DATE _____

REVIEWED ON BEHALF OF THE PUBLIC WORKS DEPARTMENT OF THE CITY OF OPELIKA, LEE COUNTY, ALABAMA

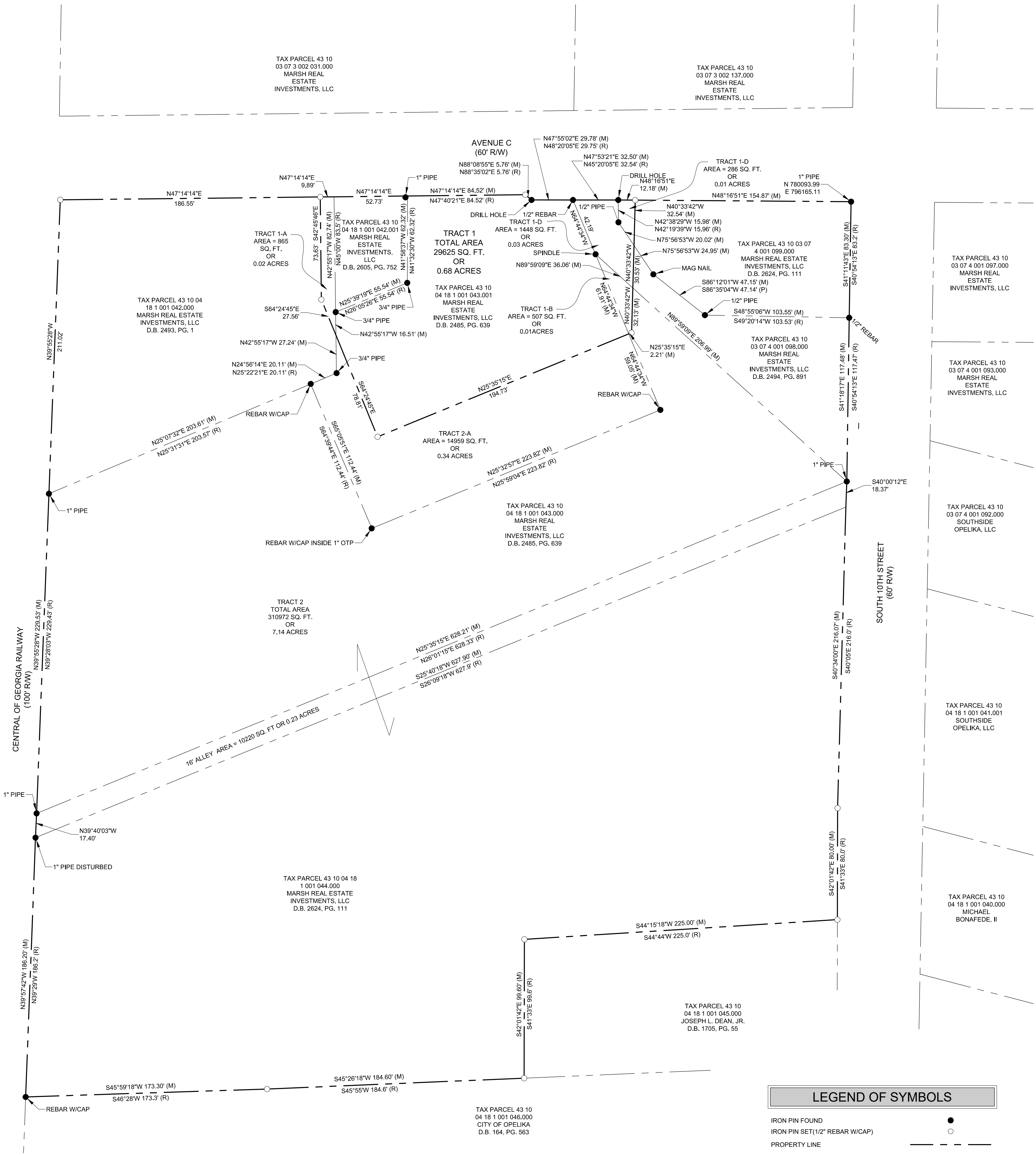
PUBLIC WORKS DIRECTOR _____ DATE _____
CITY OF OPELIKA, ALABAMA

TAX PARCEL 43 10 04
18 2 001 018.000
QUINN HOLDINGS, LLC

TAX PARCEL 43 10 04
18 2 001 019.000
RAY & JANE HERRING

TAX PARCEL 43 10 04
18 2 002 001.000
RAY HERRING, II

TAX PARCEL 43 10 04
18 1 002 002.000
RAY & JANE HERRING

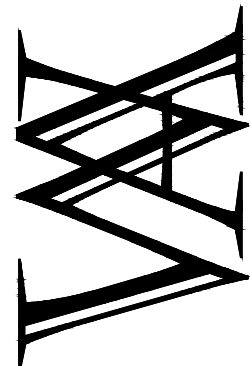


DEVELOPER
SIERRA DEVELOPMENT GROUP
401 CHERRY STREET, SUITE 600
MACON, GEORGIA 31201
478-477-8885

Revisions

No.	Date	Description

WELLSTON ASSOCIATES
LAND SURVEYORS, LLC



506 OSIGIAN BOULEVARD, SUITE 2
WARNER ROBINS, GEORGIA 31088
OFFICE (478) 971-3382
WWW.WELLSTONASSOC.COM

SUBDIVISION SURVEY
FOR
SIERRA DEVELOPMENT GROUP

Project No.: 1104-020
Drawing No.: 020-BDS
Drawn By: C.B.I.
Checked By: S.H.J.
R.L.S. No.: 29992

Date: DEC. 21, 2021

Scale: 1"=40'

Sheet No.:



**APPLICATION FOR
VACATION FOR STREET, ALLEY
OR EASEMENT**
PLANNING DEPARTMENT
700 FOX TRAIL
OPELIKA, AL 36801



Date Submitted:	Meeting Deadline:
Agenda Item#	Meeting Date:

PART I. OWNER/APPLICANT INFORMATION:

Marsh Real Estate Investments, LLC	107 Avenue B, Opelika, AL 36801	334-749-5616
Owner Name	Address	Phone
Sierra Development Group, Inc. James H. Daws	401 Cherry St., Ste. 600, Macon, GA 31201	478-256-0332
Agent Name (if applicable)	Address	Phone

PART II. STREET/ALLEY/EASEMENT INFORMATION:

Street/Easement Address: 411 South 10th Street (Between S. 10th & Railroad)

Current Zoning: C2, M1

Current Land Use: Office/Retail

a) Is the Petition signed and notarized by all Property Owners listed on the deed of adjoining the proposed Street/Alley/Easement? Yes (Property on both sides of alley is owned by Marsh Real Estate Investments, LLC.)

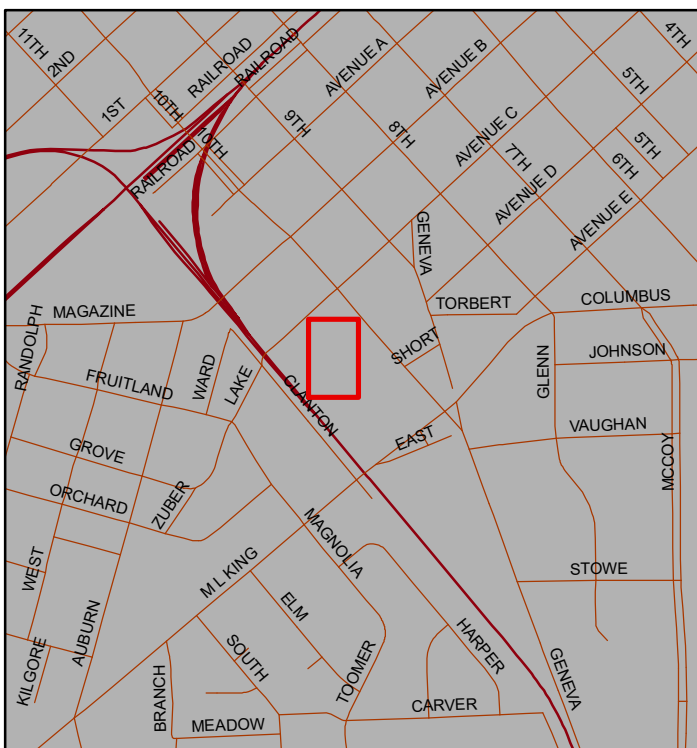
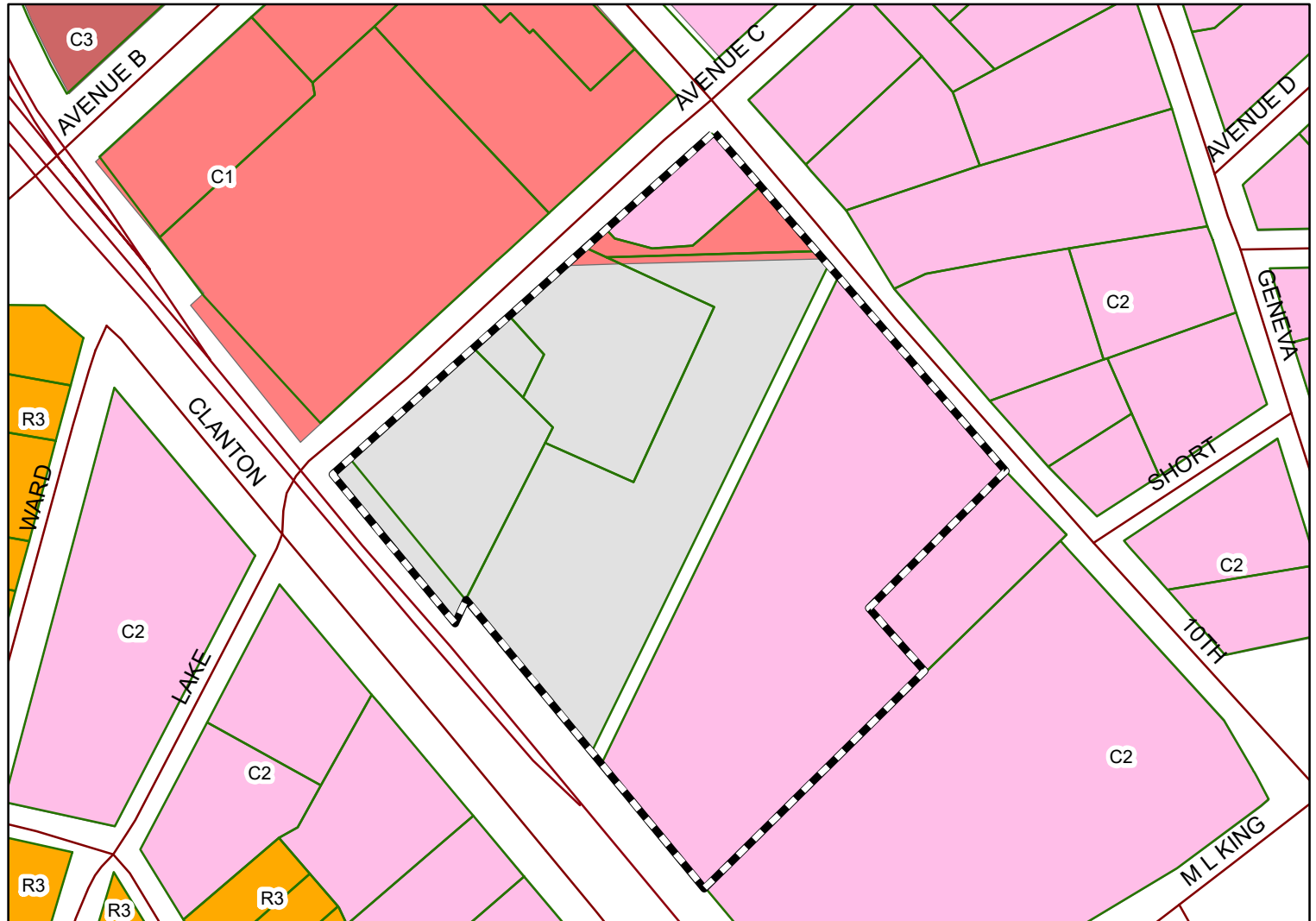
b) Does the Vacation of Street/Alley/ Easement deprive other property owners of their rights of ingress/egress or adversely affect other properties? No

If yes, explain: _____

PART III. PROVIDE AN EXPLANATION FOR THE REQUEST:

Request vacation of alley to allow a multi-family development.

MARSH REAL ESTATE REZONING, SUBDIVISION AND VACATION OF ROW SOUTH 10TH STREET AND AVENUE C M-1, GC-S & C-2, GC-S TO C-1



The applicant is requesting rezoning 7.8 acres for a multifamily development. The subdivision combines 7 lots into one lot. The vacation of right-of-way removes an undeveloped 15 foot alley. The rezoning property is bordered by two streets and a railroad right-of-way.



Subject Property

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City of Opelika
Planning Commission
Planning Department Report

Meeting Date: January 25, 2022

Action Requested: Vacate a 16 foot Alley

Agenda Item #: D-3

Location of Property: Alley between 405 & 411 South 10th Street extending to the railroad right-of-way or at 410 Clanton Street

Property Owner(s): Marsh Real Estate Investments, LLC
Jim Daws, authorized representative

Current Land Use Vacant commercial buildings and undeveloped

Current Zoning C-2, C-2, GC-S & M-1, GC-S

Flood Zone: FEMA Map #01081C0000G – Nov. 2, 2011
Flood Zone “X” – No portion in flood hazard area

Staff Comments:

The petitioner is requesting to vacate a 16 foot wide undeveloped alley (right-of-way) for a future development. 182 unit apartment development. The petitioner owns the property on each side of the alley therefore the only petitioner. The alley runs from the petitioner’s northeast property on South 10th Street to the southwest property line at the Central of Georgia railroad right of way. The alley is 628 feet long.

The alley has no identifiable access from South 10th Street or the Central of Georgia railroad right-of-way next to Clanton Street. The alley exists on “paper only” on the Grant Lands SD, Resubdivision of Lots 10 & 12 & A Portion of Lot 9, Block 47

Recommendation

Staff recommends a positive recommendation be sent to City Council to vacate the 16’ x 628’ right-of-way from South 10th Street to the Central of Georgia railroad right-of-way.

Engineering Department Report

The Engineering Department has no comments or concerns with the vacation of this public alley and recommends approval

Opelika Utilities Board Report

No comment.

Opelika Power Services Report

This is in the Opelika Power Service Territory.



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

2694

PC DEADLINE: 1/4/22 PC MEETING: 1/25/22

1071 SITE ADDRESS: <u>4055 Walker Gray Court Opelika, AL 36801/ Lot 12</u>	
PROPERTY OWNER: <u>Jeff Black</u>	
APPLICANT/ AUTHORIZED REPRESENTATIVE: <u>Jeff Black/Jerry Johnson</u>	
MAILING ADDRESS: <u>1302 Central Pkwy SW Decatur, AL 35601</u>	
PHONE NUMBER: <u>256-260-5056</u>	FAX NUMBER: <u>256-350-3049</u>
EMAIL ADDRESS: <u>jblack@wshvac.com</u>	

PARCEL INFORMATION

Project name: WS Sales Office Address/Location: Lot 12/1071 Walker Gray Court
 Current Land Use: unimproved lot Current Zoning: C3
 Adjacent Zoning Districts: North: C3 South: C3 East: R5M West: C3
 Description of Proposed Use: Commercial HVAC Sales and Estimating Office

AUTHORIZATION TO ACT AS APPLICANT (if applicable)

I, Jeff Black, being owner of the property which is the subject of this conditional use application hereby authorize Jerry Johnson, 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: *Jeff Black* Date: 1-3-22

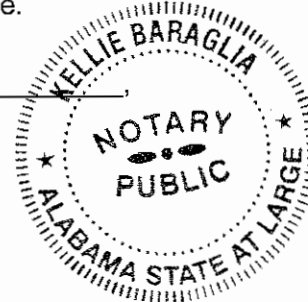
**STATE OF ALABAMA,
COUNTY OF LEE**

I, Kellie Baraglia, a Notary Public in and for said County and State, hereby certify that Jeff Black, 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.

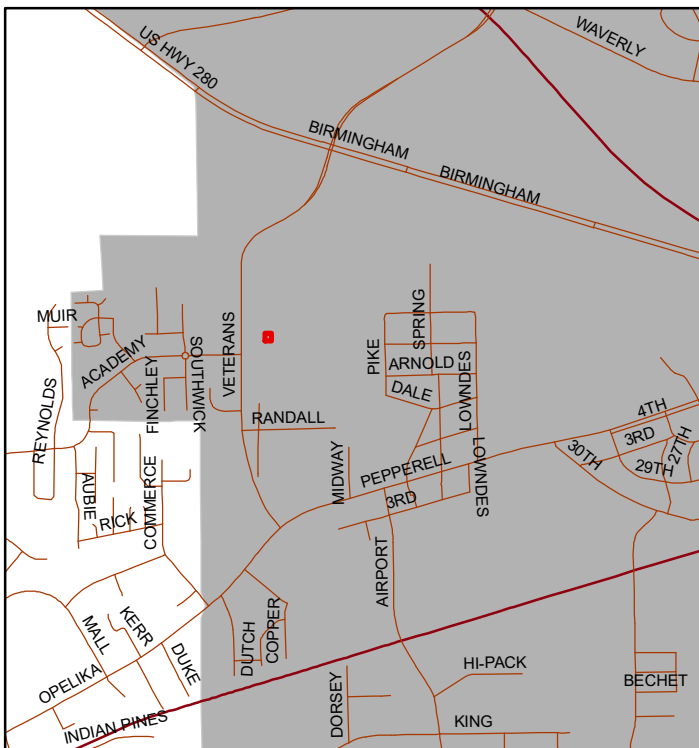
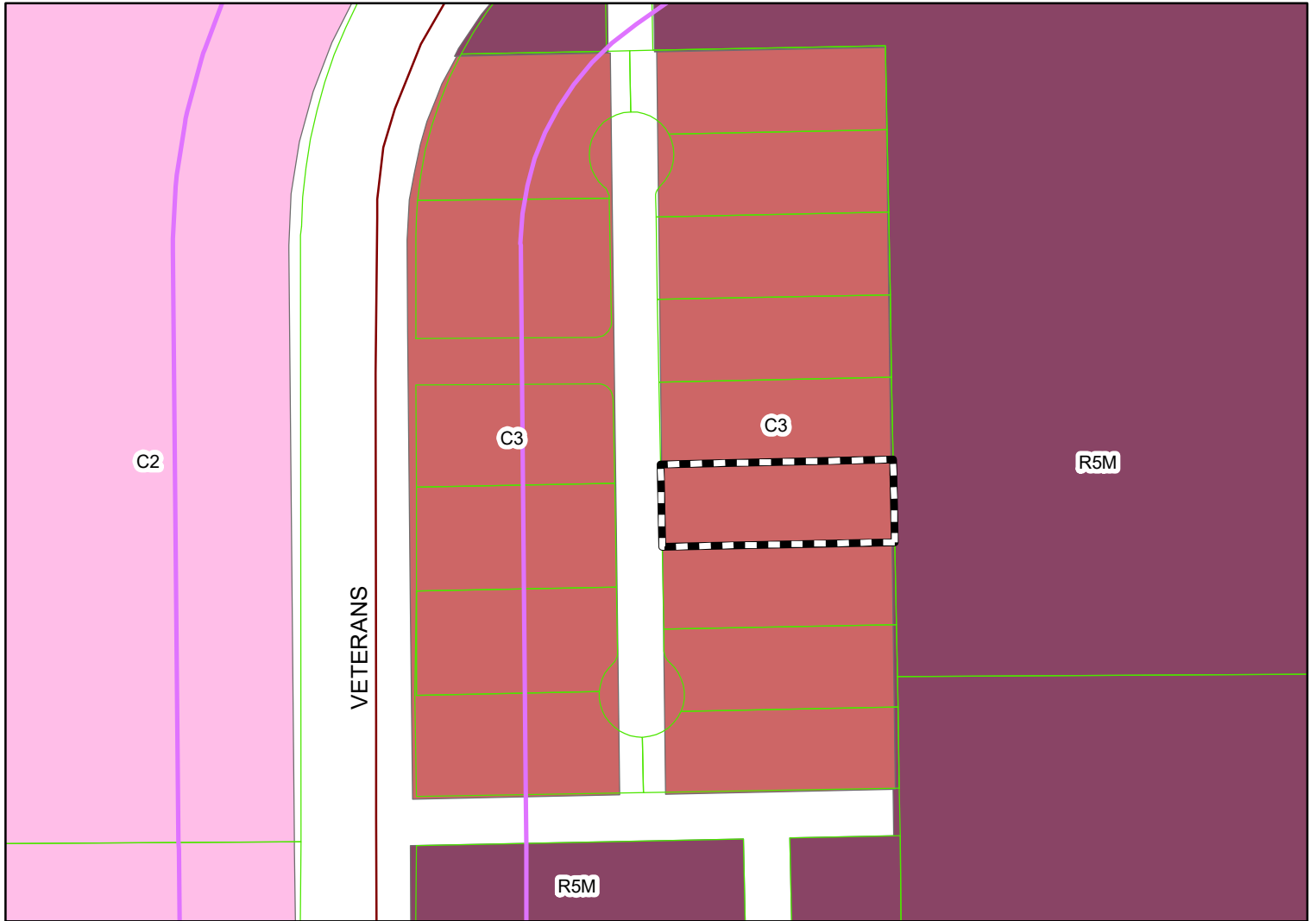
Given my hand and seal of office this 3rd day of January 2022

Kellie Baraglia
Notary Public *Kellie Baraglia*

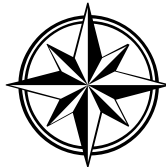
My Commission Expires: March 28, 2022



**HVAC SALES AND OFFICE
1071 WALKER GRAY COURT
CONDITIONAL USE,**



The applicant is requesting approval for a heating & air conditioning sales and service office. The property is located 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

City of Opelika
Planning Commission
Planning Department Report

Meeting Date: January 25, 2022

Agenda Item #: E-4

Action Requested: Conditional Use – Commercial HVAC Sales and Estimating Office

Location of Property: 1071 Walker Gray Court

Property Owner(s): Jeff Black, authorized representative

Current Land Use: Undeveloped

Current Zoning: C-3

**Surrounding Zoning Districts
And Land Uses:**

North	C-3	Undeveloped
South	C-3	Undeveloped
East	R-5M	Undeveloped
West	C-3, GC-P	Undeveloped

Proposal

The applicant is requesting conditional use approval to construct a commercial building for a commercial/industrial HVAC sale and estimating office on Lot 12. Some HVAC parts will be stored in warehouse instead of shipped to jobsite. The business has a location in Decatur, AL, and desires to expand their business into Opelika specializing in commercial HVAC systems. The business desires to locate at Walker Gray Court - a new street in a C-3 zone located one block from Veterans Parkway. The applicant stated that outside storage in rear yard area will rarely occur. The company schedules with the wholesaler their arrival of HVAC units, and most HVAC units are shipped directly to job site from wholesaler not Walker Gray location. If units are shipped to Walker Gray location all equipment and HVAC units are stored inside warehouse for security reasons and to prevent theft. If units are stored outside, units are stored for one or two days maximum then delivered to jobsite. The business will have 2 to 3 employees on the busiest shift. The minimum off-street parking requirements are met with 6 parking spaces including one handicap space.

The site plan shows Lot 12 with a 4,225 square foot (sf) building including 1,200 sf office space on a 32,114-sf lot. The proposed building meets the minimum building setbacks (30' front yard, 10' side, 20' rear). One roll-up door is on the side of the building; a standard-size exterior door is on the rear wall. This site plan shows the building area is about 10% of the 50% maximum building area allowed in the C-3 zone.

The landscape plan meets minimum requirements. A residential zoning district (R-5M) is adjacent to the applicant's property along the east property line; a residential buffer is shown as required. A total of 7 trees and 113 shrubs will be planted; the shrubs include 10 tree-like evergreen holly shrubs along the rear property line that must form a near impervious visual barrier in three growing seasons as required. The size of trees and shrubs planted must meet the minimum size requirements as provided in the Landscape Regulation. A 6 foot high opaque fence is also shown along the rear property line on the landscape plan as required. A fence is also shown along the side property lines running east to west and then turns perpendicular north and south ending at the rear corner of the building.

The building façade facing Walker Grey Court will be brick veneer (10' high) with architectural grade metal horizontal panels and a metal awning over the entrance door. The same front exterior material will be installed on a portion of the side wall as shown on elevations in packet. The remaining side and rear wall are metal panels.

A private dumpster location is not shown on site plan. If dumpster pad is proposed the location must be approved behind the front face of the building. The screening must be approved prior to installation and enclosed with an opaque fence at a height so the dumpster is not visible outside the enclosure. Also, to meet the character of surrounding properties all utility meters, air conditioning units and similar mechanical units shall be screened so as not to be visible from a public right-of-way.

Proposed site lighting must comply with the City's lighting requirements not exceeding 1 foot-candle at a property line. Lighting be directed downward and shielded to prevent light from spilling over onto the other properties.

Staff recommends conditional use approval subject to the following:

1. If a dumpster area is proposed dumpster must be enclosed and screened with a dumpster enclosure located behind the front plane of the building and be screened by approved corridor materials.

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.

The Engineering Department has no other comments or concerns with this proposal and recommends conditional use.

Opelika Utilities Board Report

No comment.

Opelika Power Services Report

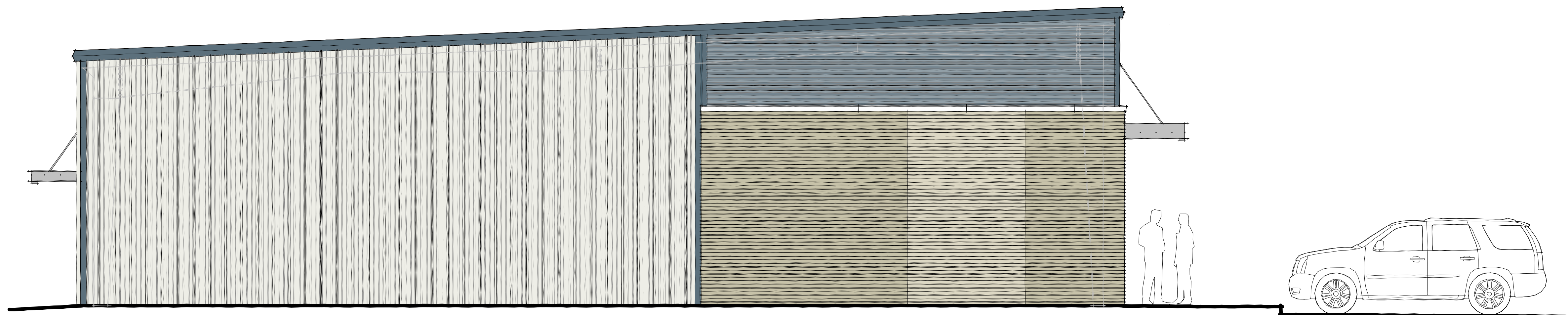
This is in the Opelika Power Service Territory.



3 Schematic West Elevation
Drawing Scale 1/4" = 1'-0"



2 Schematic South Elevation
Drawing Scale 1/4" = 1'-0"

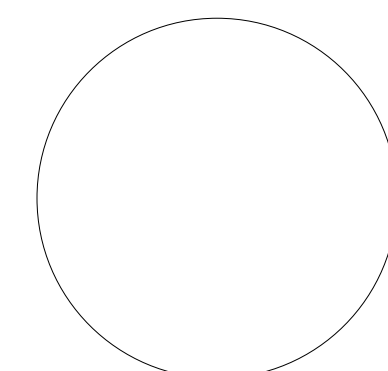


1 Schematic North Elevation
Drawing Scale 1/4" = 1'-0"

A
Frameworks
Architecture

709 BANK STREET
DECATUR, ALABAMA 35601
1815 UNIVERSITY DRIVE NW, SUITE 101
HUNTSVILLE, ALABAMA 35891
256.365.5212 P
WWW.FRAMEWORKSARCHITECTURE.COM

PROFESSIONAL SEAL



REVISIONS

NUMBER	REVIEWED BY	DATE
-	-	-
-	-	-
-	-	-
-	-	-
-	-	-

NOT FOR CONSTRUCTION

DATE
09-27-2021

FILE
A100's

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WS ELECTRICAL &
AIR CONDITIONING, INC.
1055 WALKER GRAY COURT
OPELIKA, ALABAMA 36801
PROJECT NUMBER: 21019

DRAWING TITLE
SCHEMATIC ELEVATIONS

SHEET NO.

A401

☐ CF ☐ TOTAL ☐

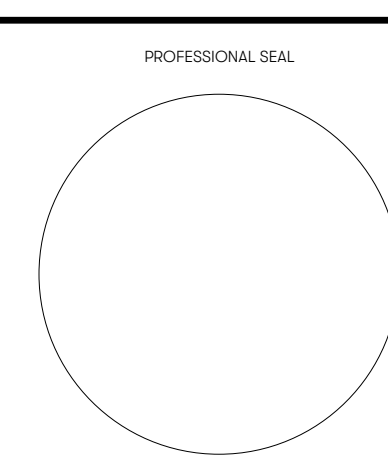


Detectable warnings shall be laid out on a triangular grid or a square grid (parallel alignment). When installed on curb ramps, only the lower 10 mm (2 feet) of the entire curb ramp width shall be covered (excluding the flared sides) rather than the entire length of the ramp to maximize the detectability and to minimize the negative impact on people who rely on wheeled devices for mobility. The detectable warnings shall be installed such that the edge nearest the curb line is 152 mm to 200 mm (6 inch to 8 inch) behind the curb line.



Dimensions to the back of curb and the outside face-of-building brick. All parking striping to be white in color except for handicapped spaces and emblems, which are to be ADA blue. See Civil drawings for grading and drainage plans and details.	Zoning: C3 General Commercial District Setbacks: Front 30'-0" Setbacks: Rear 20'-0" Setbacks: Side 10'-0" Max. Building Area: 50% Off Street Parking: Warehouse: One (1) space per employee on the largest shift plus one (1) space per four thousand (4,000) square feet of gross area. Off Street Loading: 1 Required Min. Size: 12' wide x 45' long with 11'-6" vertical clearance.
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FOR CONDITIONAL USE APPROVAL	
DATE 12-29-2021	FILE A000
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REVISIONS		
NUMBER	REVIEWED BY	DATE
-	-	-

CRAWLING TITLE

SITE PLAN

**WS ELECTRICAL &
AIR CONDITIONING, INC.**
1055 WALKER GRAY COURT
OPELIKA, ALABAMA 36801
PROJECT NUMBER: 21019

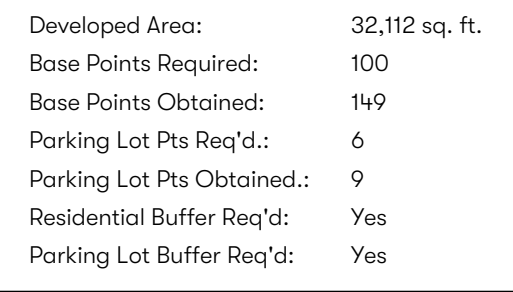
SHEET NO.

A000

OF TOTAL

GENERAL PLANTING NOTES	
1.	Contractor to verify all plant material quantities and planting area dimensions prior to beginning planting. Provide all bed preparation, soil placement, soil amendments, plant materials, mulch and other labor and materials as required to meet the design intent as shown on planting plan.
2.	All trees and specimen plant material shall be located by the contractor at approved nurseries or their equal prior to bidding. Contractor shall provide supplier information and photo samples of plant material stock to be used for approval. Provide topsoil and soil conditioner samples and product data for approval prior to construction.
3.	Due to modifications made during construction site conditions may vary from those shown. Contractor to verify all such conditions to his own satisfaction. No change in contract price will be granted for failure to observe this requirement.
4.	The contractor shall, for his own protection, verify the presence and location of all utilities prior to commencing any construction.
5.	Notify Owner's construction representative prior to installation of trees for field verification of placement.
6.	Contractor shall layout bed line configurations and tree locations for Owner and landscape architect's review prior to planting. A minimum of 48 hour notice shall be provided for this review.
7.	Contractor shall provide a minimum of 3 percent positive drainage in all planted areas as required. Finished grades shall correlate with existing subsurface drainage patterns.
8.	All plant material shall be well formed, vigorous, growing specimens with growth typical of varieties specified and shall be free from injury, insects and diseases. Plants shall equal or surpass quality as defined in the current issue of nursery "American Standards for Nursery Stock" as published by the American Nurserymen, Inc.
9.	All shrub planting areas shall receive 12" topsoil minimum.
10.	All sod areas shall receive 4" topsoil minimum.
11.	Areas not noted seed or sod shall receive mini pine pine bark nuggets mulch to a depth of 4" minimum.
12.	All trees, shrubs, groundcovers and seasonal color bed areas shall planted with a mixture of 50% approved topsoil and 50% approved soil conditioner.
13.	In lieu of BSB root ball requirement, contractor may use container grown plants based on availability.
14.	Refer to planting details for further information regarding plant placement and installation.
15.	Refer to planting specifications for further requirements.
16.	Contractor shall guarantee all work and plant material for one year from date of substantial completion.

Figure 1: Elevation view of a wall section. The wall is 6'-0" high and 8'-0" wide. It features 12 vertical sections, each 6" wide, separated by 6" spacing. The wall is supported by a foundation. The foundation is 2'-0" wide and 8'-0" long. The wall is labeled "6" shc".



City of Opelika

Planning Commission

Planning Department Report

Meeting Date: January 24, 2022

Agenda Item #: F-5

Action Requested: Text Amendment –
Amend Section 7.3 A. District Regulations
Amend Section 7.3 Use Categories
Amend Section 7.7 "Downtown Residential Living"

Amendments:

AREA REQUIREMENTS ¹	R-1	R-1A	R-2	R-3 ²	R-4/M	R-5/M	C-1	C-2	C-3	M-1	M-2	I-1	GC-P	GC-S
Minimum Lot Size (vs.) 10,000	43,560	30,000	15,000	10,000	7,500	7,500							20,000	15,000
Dwelling Units Per Acre ^{2,3}	1	1.25	2.5	3.5	9	16	36 16 ⁴	16	16					

Section 7.3.C

USES	DISTRICTS															
	R-1	R-1A	R-2	R-3	R-4	R-4M	R-5	R-5M	C-1	C-2	C-3	M-1	M-2	I-1	GC-P	GC-S
Duplex	N	N	N	C	<u>AC</u>	<u>AC</u>	A	A	N	N	N	N	N	N	C	C
COMMERCIAL																
Mausoleum ⁷	C	C	N	N	N	N	N	N	N	N	C	C	N	A	<u>NC</u>	N
Columbarium ⁸	C	C	N	N	N	N	N	N	N	N	C	C	N	A	<u>NC</u>	<u>NC</u>
Crematorium ⁹	C	C	N	N	N	N	N	N	N	N	C	C	N	A	<u>NC</u>	N

7. On a property with a Gateway Corridor – Primary designation, a mausoleum shall be considered a conditional use only as an accessory use to a cemetery. The use is otherwise prohibited in the GC-P as a primary use or accessory to another use.
8. On a property with a Gateway Corridor – Primary or Secondary designation, a columbarium shall be considered a conditional use only as an accessory use to a cemetery or church. The use is otherwise prohibited in the GC-P or GC-S as a primary use or accessory to another use.

¹Date of Amendment: February 6, 2018 Ordinance No. 01-18 – GC-P/GC-S added and side yard on street added to table. Notes 5-6 covering Gateway requirements moved to Section 7.6.

² Date of Amendment: July 15, 2014- R-3 any final subdivision plat recorded prior to September 17, 2013 shall meet the following area requirements: Min. Lot Size 7,500 sf, Min. Lot Width 60 ft.; and Front Yard Setback 25 ft. Any deviation from area requirements prior to September 17, 2013 shall be considered by the Board of Zoning Appeals

9. On a property with a Gateway Corridor – Primary designation, a crematory shall be considered a conditional use only as an accessory use to a funeral home. The use is otherwise prohibited in the GC-P as a primary use or accessory to another use.

SECTION 7.7 DOWNTOWN RESIDENTIAL LIVING

A. Purpose.

It is the purpose of this section to establish regulations to accommodate commercial and residential uses in the downtown area. This section contains criteria designed or intended to:

- a) Contribute to the economic vitality of the downtown area by permitting housing with conditional use approval in the C-1 zoning.
- b) Provide better security, preserve property values, and preserve the character of the downtown area by ensuring that housing is permitted in such a manner that will not alter the character of the downtown area.
- c) Promote the maintenance and preservation of buildings in the downtown area.
- d) Meet housing needs especially for those working downtown.

B. Conditional Use Approval.

Conditional use approval is required for residential dwellings in the C-1 zoning district. During site plan review, the Planning Commission may impose reasonable restrictions and condition on approval of proposed residential housing developments to maintain the character of the downtown business district. The developments to maintain the character of the downtown business district. The Planning Commission may vary or wave requirements if circumstances of a particular proposal so warrant. The Planning Commission shall use the following criteria in determining whether to grant conditional use approval:

1. The proposed residential use shall not decrease the value of adjoining properties.
2. The proposed residential use shall not inhibit the economic growth or development of the downtown area.
3. The proposed residential use at the proposed location shall not endanger the public health or safety, or create a nuisance. The proposed use shall promote and preserve decent, safe, and sanitary housing in the downtown area.
4. The proposed residential use shall not be approved if the combinations of residential and commercial uses are incompatible. Pertinent factors to be considered in evaluating any application are noise, smell, hours of commercial operation, and the impact of the proposed development on pedestrian and vehicular traffic.
5. The proposed residential use shall not be approved if the Planning Commission determines parking is adequate or on-street parking by the occupants and their guests will adversely affect nearby businesses. Parking for boats, campers, or trailers is prohibited in the C-1 district.
6. During site plan review and prior to the issuance of the conditional use permit, the Planning Commission may request repairs of any exterior surface or architecture which is deteriorated, decayed, or damaged. Routine maintenance or repairs of

exterior surfaces or architecture may be required in subsequent years, if necessary, to sustain the existing form of the building in design, material, and outer appearance. The Historic Commission shall monitor the conditions of properties and shall initiate such appropriate action of proceeding as is necessary to prevent deterioration in accordance with the provisions of Section VI, VII, and VIII of the Historic Ordinance.

C. Development Standards.

Dwelling units may be of the efficiency, studio, and one (1) bedroom, ~~or two (2) bedroom types~~ or three (3) bedroom types. Each dwelling unit shall have its own independent kitchen, bathroom(s), and bedroom(s). In cases where the Planning Commission deems it necessary, it shall determine which rooms are designated as bedroom(s), kitchen, entrance ways, etc.

Buildings within the C-1 zoning district shall be non-residential on the first floor unless otherwise permitted within this section through conditional use approval.

Buildings located in the C-1 zoning district within the area from 1st Avenue to Avenue B and from South 7th Street to South 10th Street shall meet the following requirements:

Minimum floor area requirements for commercial uses on the first floor (street level):

A minimum floor area of forty percent (40%) of buildings on the first floor shall be reserved for commercial uses. The minimum forty percent (40%) floor area shall be located in the front portion of a building facing the primary street and front entrance into the building. The rear portion of the first floor may be used as a residence. The resident occupying the rear portion of the building shall be limited to the property owner or the business owner of the said forty percent (40%) of the front portion of the building unless the residential and non-residential uses have separate entrances. ~~It is prohibited for any other type of household or family unit to occupy the rear portion of buildings. It is prohibited for a property owner to rent the entire first floor area of a building as a residence.~~ A maximum width of six (6) feet of the front façade may be used as a private entryway to access the rear portion of the building used for residential uses. Conditional use approval is required. A floor plan drawn to scale shall be submitted designating at least forty percent (40%) of the front portion of the building as reserved for commercial uses.

Buildings located outside of the area from 1st Avenue to Avenue B and from South 7th Street to South 10th Street may be a single purpose residential or contain first floor residential subject to conditional use approval.

Minimum requirements for commercial or residential uses on the second floor or higher in the C-1 zoning district:

Residential dwelling units may occupy the second floor or higher of nonresidential buildings. The second floor or higher areas shall be designated nonresidential or residential by floor. No mixed uses are allowed on the second floor or higher floors of nonresidential buildings in C-1 zoning districts. ~~If the second floor or higher is designated residential the property owner is not limited to the type of households occupying the second floor or higher.~~ Minimum floor area per residential dwelling ~~on the second floor~~ shall be four hundred (400) square feet.

~~Single Purpose Residential: No building in a C-1 zone will be used as a single purpose residential use.~~

D. Design Guidelines.

1. Design plans for the structure shall be prepared and sealed by a registered architect or professional engineer and shall comply with all zoning requirements, the building code, and other applicable codes and regulations.
2. Prior to issuance of the conditional use permit, the applicant shall file copies of the design plans with the Building Official and the Fire Protection Official. No certificate of occupancy shall be issued until the premises in question have been inspected and found by the Building Official and Fire Protection Officer to comply with the requirements of the zoning ordinance.
3. Properties located within a designated historic district shall follow the applicable design guidelines for that district.
4. Buildings shall be oriented with the primary entrance facing right-of-way adjoining the front property line.
5. Parking shall not be allowed between the front façade of the building and the right-of-way. Where parking does adjoin a right-of-way, landscaping or a short screen wall shall be installed.
6. All mechanical units, storage tanks, meters, grease traps, refuse bins, or service connections shall be screened so they are not visible from the right-of-way in front of the building. For buildings located on the corner, mechanical units, storage tanks, meters, grease traps and refuse bins shall be screened to the greatest extent possible.

Staff Comments – The proposed text amendments cover changes to the permitted use table and requirements for residential in the downtown area. The changes represent practical changes based on existing uses and zoning within the city.

Residential in the C-1 zone

Staff has determined that the current density applied to the C-1 zone would generally net one or no allowed units in the C-1 zone. The current density of 16 units per acre is one of the highest in the city. However, most lots in downtown range in size from 2,500-5,000 square feet. A density applied to this would generate between 1-2 units of residential. Many cities have moved away from densities and towards a minimum unit size, which Opelika also has. Staff felt it may be best to move the density higher at this point instead of removing any density maximum. A density of 36 units per acre would result in 2-4 units in most of existing buildings. Most of the C-1 zone would also be subject to the historic guidelines which would prohibit buildings out of size or context with surrounding properties.

The Carver-Jeter plan made some recommendations for additional residential in the downtown area. Specifically, it mentioned increasing the area zoned C-1. It also noted that outside of the core downtown, the requirement for non-residential uses on the 1st floor should be removed. The changes to Section 7.7 allow areas outside of the area from 1st Avenue to Avenue B and from South 7th Street to South 10th Street to have first floor residential or be single use residential buildings. Additionally, staff has added some requirements that open parking should not be a primary feature on the front of properties in the C-1 zone. This would not restrict the existing lots that are present, but would ensure that future parking areas be located behind the building or be screened if located on the side or in a more visible location.

Finally, staff has modified where duplexes are allowed by right, changing them to conditional in the R-4 zone. It has also been raised that many of our funeral homes and cemeteries are located on gateway corridors. However, accessory uses like columbarium, crematories, and mausoleums are not allowed at these locations. The text amendment would allow these uses to be conditionally permitted in this zone as an accessory use.

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

Engineering Department Report

The Engineering Department has no other comments or concerns with this proposal.

Opelika Utilities Board Report

No comment.

Opelika Power Services Report

No comment.
