



CITY OF OPELIKA
CITY COUNCIL
WORKSESSION MEETING AGENDA
300 Martin Luther King Blvd.
May 3, 2022
TIME: 6:45 PM

1. CALL TO ORDER
 1. George Allen, Erica Norris, Tim Aja, Todd Rauch, Eddie Smith
2. PRESENTATIONS
 2. Request to Advertise for PH - Text Amendments to Zoning Ordinance: Section 7.3 C. Use Categories (matrix table).
 3. Request to Advertise for PH - Text Amendments to Zoning Ordinance: Section 7.3 A. District Regulation and Section 7.7 "Downtown Residential Living".
3. RESOLUTIONS
4. ORDINANCES
5. GENERAL UPDATES
6. REVIEW/DISCUSS CURRENT COUNCIL MEETING AGENDA
7. GENERAL / DISCUSSION
8. END OF WORK SESSION

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

City of Opelika

Planning Commission

Planning Department Report

Meeting Date: April 26, 2022

Agenda Item #: E-11b

Action Requested: Text Amendment –
Amend Section 7.3 Use Categories

Amendments:

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																
Mausoleum⁷	C	C	N	N	N	N	N	N	N	N	C	C	N	A	NC	N
Columbarium⁸	C	C	N	N	N	N	N	N	N	N	C	C	N	A	NC	NC
Crematorium⁹	C	C	N	N	N	N	N	N	N	N	C	C	N	A	NC	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.
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.

Staff Comments – The proposed text amendments cover changes to the permitted use table for duplexes and commercial uses. The changes represent practical changes based on existing uses and zoning within the city.

Staff has proposed changing where duplexes are allowed by right, changing them to conditional in the R-4 zone. Duplexes can be a positive and affordable housing type with some additional review. However, poor execution of this product can have negative effects on surrounding properties.

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.

These changes were previously recommended to City Council, however, the Council asked that the amendments be sent back to Planning Commission for review due to proposed changes to the Downtown Residential guidelines that were also in the previous amendment. The two sections have been split so that they are not dependent on each other.

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

At the April 26th meeting, the Planning Commission voted to send a positive recommendation to City Council to amend Section 7.3 C. Use Categories as stated in this report.

City of Opelika

Planning Commission Report

Action Requested:

Text Amendment –
Amend Section 7.3 A. District Regulations
Amend Section 7.7 "Downtown Residential Living"

Amendments:

AREA

REQUIREMENTS¹

	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 ^{2,3,4}	1	1.25	2.5	3.5	9	16	28 16	16	16					

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:

- Contribute to the economic vitality of the downtown area by permitting housing with conditional use approval in the C-1 zoning.
- 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.
- Promote the maintenance and preservation of buildings in the downtown area.
- 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

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

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 that have no direct frontage on a public right-of-way are not required to have non-residential uses on the 1st floor.

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 density table and requirements for residential in the downtown area.

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 28 units per acre would result in 2-3 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. Staff has examined the vacancy and less than desirable uses of property in the downtown area. Currently, there are multiple buildings that are vacant or being used as informal storage or warehousing. Even though many buildings on N. Railroad and 1st Avenue were designed as storage, this is no longer a use that should be encouraged in the central core of downtown.

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.

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

At the April 26th meeting, the Planning Commission voted to send a positive recommendation to City Council to amend Section 7.3 A. District Regulations and Section 7.7 "Downtown Residential Living" as stated in this report.