

**Auburn Planning Commission  
July 11, 2013 – Regular Meeting  
MINUTES**

The Auburn Planning Commission (PC) met on Thursday, July 11, 2013 at 5:00 p.m. in the City Council Chambers at 141 North Ross Street.

**PRESENT** Wayne Bledsoe, Phil Chansler, Marcus Marshall, Warren McCord, Charles Pick, Emily Sparrow, Mark Yohn

**ABSENT** Sarah Brown, Matt Rice

**STAFF PRESENT** Forrest Cotten, Justin Steinmann, Cathy Cooper, Matt Mosley, Katie Robison, Jeff Ramsey, Alison Frazier, Dan Crowdus, Eric Carson

**CITIZENS COMMUNICATION**

**OLD BUSINESS**

**Alabama Power Substation Expansion**

**PL-2013-00382**

Ms. Cooper stated the request was for a recommendation to City Council for conditional use approval for a public service use (expansion of an existing electric substation) located at 2537 East University Drive in the Comprehensive Development District (CDD) zoning district. The existing power substation was granted a use variance and constructed in 1975. The condition of approval at that time was meeting the requirements of the Zoning Ordinance as related to fencing and landscaping. The Board of Zoning Adjustment granted a variance to the Special Development Standard, Section 402.02 Subsection J3(b), to allow Alabama Power Company to use a chain link fence with slatting material. Alabama Power Company will place brick panel fencing where the chain link fencing is along East University Drive. The remainder of the site will be enclosed with chain link fencing with slatting materials. Staff recommended approval with the condition to increase the bufferyard to 15 feet against the performance residential use (townhouses).

The applicant also sought a waiver to landscaping requirements. In an email from the applicant's representative, Alabama Power is limited, in some respects by the type and proximity of things that can be planted next to a substation fence because such plantings can be considered hazardous climbing aids for trespassers. Alabama Power Company also feels the more heavily the site is landscaped, the more attractive it can become for anyone who may want to seek cover, such as a copper thief. Landscaping can attract wildlife such as birds, snakes and squirrels, all of which can cause substation outages. The City's Arborist, James Jennings, agrees with the power company as far as not planting canopy trees on the site. Mr. Jennings stated the canopy trees planted on site would cause issues given the nature of the equipment being operated on the site. Mr. Jennings has suggested that the applicant plant alternatives to the crepe myrtles, such as White Fringe (*Chionanthus virginicus*), Trident Maple (*Acer buergeranum*), Chastetree (*Vitex angus-castus*), Goldenraintree (*Koelreuteria bipinnata*), Star Magnolia or Pistache (*Pistacia chinensis*). Mr. Jennings approved the location of the plantings as shown on the attached landscape plan. He agreed the plantings should not be placed directly under the transmission lines. Approval of the waiver to the landscaping requirements (50 canopy trees and 31 understory trees) with the condition the applicant plant other species of understory trees per the City Arborist's recommendation, as listed on Page 5.

Ms. Sparrow opened the public hearing.

Larry Teeter, 863 Choctaw Avenue, expressed concern regarding the increase in growth and noise associated with the request. He was also concerned about its proximity to a fairly high density housing development. His property had the largest border to the subject property than any other neighboring parcels. Mr. Teeter had done research and concluded that, after the expansion, this station would have

the largest footprint of substations in the City. He thought the original use was mistakenly approved, and he didn't want to see a decision made that would compound that mistake. He saw lots of negatives to expanding the existing station but lots of positives associated with looking for other alternatives.

Melinda Walker, 1136 Chinook Street, questioned if the substation might negatively affect her health. She wore a pacemaker and had been told to stay away from magnetic fields. She also expressed concern regarding the small distance between her property and the use.

Ya Xi Yang, 1138 Chinook Street, expressed concern with the proximity of the use to the existing residential development. He advocated for having trees planted between the expansion and the existing homes.

After no further comments were received, the public hearing was closed.

Ms. Sparrow asked the applicant to respond to concerns regarding health, light, and noise.

Tim Davis with Alabama Power Company represented the applicant. He said the expansion was proposed to be further east than the existing station, which would locate it further from the existing homes. He said concerns with electromagnetic frequencies were associated with transmission lines. The lines would not change with the project, so he did not feel there would be any additional impact. Mr. Davis explained that rerouting the existing lines would be an enormous impact and would impact a significantly greater amount of the community. All of the lights would meet building codes and city regulations. The hum from the station was associated with fans and transformers. The expansion would not have transformers or fans, and there should not be any additional noise.

Mr. McCord asked what fencing requirements were in place for the area between the residential and public service uses.

Mr. Cotten said current regulations required a wall, but the old regulations did not. The BZA opted to allow a variance to the southern, eastern, and western portions of the existing and new fence, so that chain link fence and slatting materials could be used instead of the wall. The northern portion of the fence on East University must comply with the Special Development Standards and be constructed with another attractive, durable material.

Mr. McCord questioned the authority of the BZA to grant a variance to a development standard for a use that the Commission had not yet approved. He suggested requiring the fence as the zoning ordinance called for.

Mr. Cotten thought the BZA felt the state of the existing vegetation provided sufficient buffering to allow the chain link fence along the three property lines.

Mr. Davis said none of the boundary fencing would be visible.

Mr. McCord wasn't as much worried about the fence being seen as he was about the loss of buffering.

Jay Conner represented the applicant. He noted the BZA Chair was unsure of the board's authority to rule on a variance for the property because he didn't think one was needed.

Mr. Cotten said there was approximately 25 feet of tree buffer width that was largely on the townhouse property.

Mr. McCord pointed out that the buffer was provided by residential property owners, not the public service use. He asked what hardship existed such that a brick wall could not be constructed.

Mr. Conner said the ordinance did not necessarily require a brick wall if another durable, attractive material was used.

Mr. McCord said that was a requirement that was subject to interpretation, which he felt should have been done by the Commission.

Mr. Cotten explained that the request had been reviewed and interpreted through the appropriate channels, including by him and the BZA. He did not feel there was much sense in discussing the fence any further.

Mr. Chansler asked for an illustration showing how the landscaping would look if the applicant's request was approved.

Mr. Davis explained the detriment in planting canopy trees near substations and transmission lines in terms of safety and reliability concerns. He provided a rendering of the property of what the front of the substation was expected to look like. The City Arborist preferred the applicant use a planting different than the crepe myrtles shown, and the applicant chose to plant Star magnolias.

Mr. Pick thought it made sense not to plant canopy trees near the use.

**Mr. Pick made a motion to approve Case PL-2013-00382, Alabama Power Substation Expansion, a request for a recommendation to City Council for conditional use approval for a public service use (expansion of an existing electric substation), with staff comments.**

**Mr. Bledsoe seconded the motion.**

**A vote was taken, and the motion passed with a vote of 6-0. Mr. McCord abstained from voting.**

## **CONSENT AGENDA**

### **France Annexation**

**PL-2013-00493**

Mr. Cotten stated the request was for a recommendation to City Council for annexation of approximately 3.84 acres located near the intersection of North Donahue Drive and Miracle Road. The subject request included two parcels. One parcel contained a single family home, and the other was a platted lot that functionally serves as a private road. The request met criteria for annexation, and staff recommended approval.

### **Wire Road Commercial Park**

**PL-2013-00497**

Mr. Cotten stated the request was for final plat approval for a four lot commercial subdivision with dedicated right-of-way located at 1967 Wire Road. The subject property was split zoned between Comprehensive Development District (CDD) and Planned Development District (PDD) with Comprehensive Development District (CDD) underlying. The plat included additional right-of-way along Wire Road for right turn lanes. Staff recommended approval.

### **Highlands Sector 2**

**PL-2013-00498**

Mr. Cotten stated the request was for final plat approval for a 26 lot performance subdivision (22 residential lots, three open space/detention lots, and one future development lot) located at the terminus of North Donahue Drive and west of Highlands, Sector 1 in the Limited Development District (LDD) zoning district. The final plat was somewhat different from the proposed preliminary plat. The changes included fewer lots, but also the termination of North Donahue Drive instead of its previously proposed extension to Overhill Drive. This was due to the presence of rock outcroppings that prevented the connection from being viable. While this would reduce connectivity internal to the subdivision, the Public Works Department did not feel it would greatly impact the function of the streets due to the number of lots proposed. Staff recommended approval.

## **Shelton Cove Sector 2**

**PL-2013-00515**

Mr. Cotten stated the request was for final plat approval for a 20 lot conventional subdivision located at the southwest corner of the intersection of Shelton Mill Road and U.S. Highway 280 in the Development District Housing (DDH) zoning district. A final plat for this section was approved in March 2013. After the plat was recorded, a surveying company found boundary and lot numbering discrepancies. It was also found that Lot 79 was missing (not numbered) on the previous plat. The revised plat addresses these issues. Staff recommended approval.

**Mr. Chansler made a motion to approve the consent agenda, including approval of the minutes from the June 10, 2013 Planning Commission regular meeting and the June 13, 2013 Planning Commission packet meeting.**

**Mr. Yohn seconded the motion.**

**The motion passed with a vote of 7-0.**

## **NEW BUSINESS**

### **Renew Opelika Road**

**MS-2013-00028**

Mr. Steinmann stated the request was for a recommendation to City Council for adoption of the Renew Opelika Road Corridor Plan (plan), including plan text and all land use, transportation, and implementation recommendations. He provided details regarding the plan, which was intended to aesthetically and economically revitalize Opelika Road. The Plan addressed improvements necessary over the next 10-20 years in order to facilitate redevelopment of the Corridor. The Opelika Road corridor had developed over the past sixty years with no unified vision, and its consequent character as an auto-oriented commercial corridor had contributed to incremental economic decline. The Plan provided recommendations for the future use of the Corridor based on public input, detailed transportation analysis, and the support of a broad stakeholder group. All recommendations were designed to eliminate the unattractive visual environment, high levels of vacancy, numerous curb cuts, varying lot setbacks and forms, insufficient pedestrian and biking environments, and outdated auto-oriented buildings and roadway configuration. Mr. Steinmann discussed how the Plan would:

- Help guide the future of Opelika Road, based on public input, transportation analysis, and careful consideration of different urban design practices and their effect on the built environment
- Provide accommodation for many modes of transportation, including auto, transit, biking, and pedestrians
- Recommend development of walkable neighborhood centers as key areas for development, transit opportunities, and mixed uses
- Propose development of a network of backstreets and side streets to relieve pressure on Opelika Road and provide additional opportunities for development
- Help to translate the communities vision for the Corridor into recommendations for implementation
- Update the Future Land Use Plan by providing more specific parcel-level recommendations for the type, location, and scale of new development on the Corridor.

Ms. Sparrow opened the public hearing.

Lance Seesock with Eagle Imports, 424 Opelika Road, was concerned with the amount of room the proposed sidewalk and plantings would take up. He noted the plan stated that automotive sales and service on Opelika Road would be reduced by half by 2030. He asked how the reduction would take place.

Glen Gullede with Byron's Smokehouse, 436 Opelika Road, worked very hard as a small business owner. He thought the plan appeared to reduce his ingress/egress to one driveway, which he said would be a disaster. He asked for the Commission to consider how the plan would affect the businesses along Opelika Road. Mr. Gullede had operated his business over 20 years on Opelika Road.

David Whitt with Whitt's Auto Service Center, 461 Opelika Road, said the plan showed the median starting in front of his building. This would cut down the accessibility to his site, which would affect not only business operations, but emergency services as well. Mr. Whitt had operated his business for 18 years on Opelika Road.

Linda Henderson owned the land at 520 Opelika Road. She was concerned about the relocation of right-of-way that would reduce her property.

After no further comments were received, the public hearing was closed.

Mr. Steinmann said that the anticipated reduction in automotive use acreage was only a projection made by the city's marketing firm. The city would not try to reduce the auto market. The plan was designed to be flexible, and he thought the actual built result would be considerably different than what was shown based on individual challenges.

Mr. Pick was glad to see the flexibility built into the plan, and he commended the Planning Department and especially Mr. Steinmann for the tremendous collaborative effort in creating the plan.

Mr. Marshall commented that a lot of thought and deliberation had gone into developing the plan, but he stressed that it was not a prescriptive mandate.

Mr. Chansler agreed on the excellent effort put into forming the plan. He did think, however, that Auburn missed an opportunity to collaborate with the City of Opelika.

Mr. McCord thought the plan's concept was to make Opelika Road attractive so that more people would want to frequent businesses on the corridor.

**Mr. Chansler made a motion to approve Case MS-2013-00028, Renew Opelika Road, a request for adoption of text amendments to *CompPlan 2030*, including adoption of Renew Opelika Road | The Opelika Road Corridor Plan.**

**Mr. Yohn seconded the motion.**

**A vote was taken, and the motion passed with a vote of 7-0.**

#### **Yarbrough Farms PDD**

**PL-2013-00486**

Ms. Cooper stated the request was for a recommendation to City Council for an amendment to Ordinance Number 2644 that amended the PDD designation on 557.65 acres located north of Richland Road and west of North Donahue Drive. The changes to the PDD included the addition of 71 single family dwelling units, removal of a recreation area in the southern portion, and modification of the internal street network. The proposed modifications would increase the existing number of homes, but would not drastically alter the density, as it would only increase from 1.02 to 1.15 units per acre. The applicant would remove the traffic circle at the southern entrance to the subdivision near the Cypress Pointe sections. This should not have a dramatic impact on traffic. Staff recommended approval with conditions, some of which related to the traffic impact study, curb cut spacing, and providing a stub out the west.

Mr. Pick asked about the stub out to the neighboring Willis property.

Mr. Cotten said that the area shown for the stub out was an appropriate place for the connection based on land conditions.

Ms. Sparrow opened the public hearing. After no comments were received, the public hearing was closed.

Mr. Chansler asked how many homes had been constructed in the development.

Mr. Cotten said none had been built in this section.

Mr. Chansler asked what amenity was being removed.

Mr. Mosley said the master development plan did not specify what type of amenity would be constructed, but it was considered open space. Any reduction in open space required an amendment to the PDD.

Mr. Chansler asked if there were any homes built in the area where the amenity was planned.

Parker Lewis with Hydro Engineering Solutions, LLC represented the applicant. He said that section of land was vacant. The subdivision now had one pool near North Donahue Drive, and there was talk with the new owners about another amenity.

**Mr. McCord made a motion to approve Case PL-2013-00486, Yarbrough Farms PDD, a request for a recommendation to City Council for an amendment to Ordinance Number 2644, which amended the PDD designation on 557.65 acres, with staff comments.**

**Mr. Pick seconded the motion.**

**A vote was taken, and the motion passed with a vote of 7-0.**

#### **Parkerson's Mill Rezoning**

**PL-2013-00494**

Ms. Cooper stated the request was for a recommendation to City Council for rezoning of approximately 32.3 from Neighborhood Conservation (NC-9) to Limited Development District (LDD) zoning district. The subject property was located at the northwest corner of the intersection of Sandhill Road and Mill Creek Road. The subject property was prepared for a residential development in the same configuration originally in 2005 and again in 2007. During this time, streets and infrastructure were constructed, but some repair was needed. The rezoning would provide more flexibility with the side setbacks, allowing for the facilitation of side-load garages and wider footprints. However, the impervious surface ratio maximum would be slightly more restrictive, thus maintaining a level of development intensity on par with what is allowed in the NC-9 zone. Staff recommended approval.

Ms. Sparrow opened the public hearing. After no comments were received, the public hearing was closed.

**Mr. McCord made a motion to approve Case PL-2013-00494, Parkerson's Mill Rezoning, a request for a recommendation to City Council for rezoning of approximately 32.3 acres from Neighborhood Conservation (NC-9) to Limited Development District (LDD).**

**Mr. Marshall seconded the motion.**

**A vote was taken, and the motion passed with a vote of 7-0.**

#### **Exhale**

**PL-2013-00495**

Ms. Cooper stated the request was for a recommendation to City Council for conditional use approval for a commercial and entertainment use (tobacco specialty retail shop) located at 221 North College Street in the Urban Core (UC) zoning district with an overlay of the College Edge Overlay District (CEOD) designation. The applicant requested that the smoking of the hookah be allowed inside of the building.

The City Code prohibited smoking in most public spaces, but there were specific exemptions, one of which was a tobacco specialty retail shop. Staff recommended denial based on compatibility with adjacent uses. However, staff recommended certain conditions of approval if the Commission chose to recommend approval of the use. These included conditions related to age of patrons, alcoholic consumption, and proposed hours of operation. Staff recommended the hours of operation be restricted to times during which the daycare across the street was not open.

Zamil Ali represented the applicant. He explained to the Commission the concept of hookah, which he described as a natural tobacco.

Buck Starr owned the subject property and spoke in support of the use. He was unsure of why the use was deemed incompatible with surrounding uses, most of which he said were commercial retail. He asked the Commission to approve the request, but without the condition on the hours of operation. Mr. Starr clarified that no cigarettes would be sold or smoked at the business.

Mr. Marshall asked about the staff's recommended hours of operation.

Mr. Starr didn't think the applicant would be able to stay in business if the use was only allowed to open until after 6:00 p.m. Monday through Friday. He did not anticipate any conflicts with the daycare use.

Mr. Marshall did not think the proposed use was incompatible with surrounding uses.

Ms. Sparrow opened the public hearing. After no comments were received, the public hearing was closed.

Mr. Cotten explained the reason for staff's recommendation of denial was based on the amount of research found that included distance requirements between this type of use and school uses. He thought there were more appropriate places in the city for this type of use to locate.

Mr. Starr would understand if the use was proposed to locate near a place where teenagers and adolescents were likely to be.

Mr. McCord asked if this use could have any impact on the adjacent food service use.

Mr. Starr said there were two fire walls between this use and the adjacent pizza restaurant. Smoke ventilators would be installed. He added that the odor emitted from the hookah was not as strong as cigars or cigarettes.

Mr. Chansler asked if regular inspections were performed for this type of business.

Ms. Cooper said the fire inspector would go out the use before occupancy, and she thought a yearly inspection was also performed.

Mr. Pick asked if there were special regulations for this type of use.

Mr. Cotten said no.

**Mr. Pick made a motion to approve Case PL-2013-00495, Exhale, a request for a recommendation to City Council for conditional use approval for a commercial and entertainment use (tobacco specialty retail shop), with staff comments with the exception of the recommended hours of operation.**

**Mr. Marshall seconded the motion.**

**A vote was taken, and the motion passed with a vote of 7-0.**

**OTHER BUSINESS**

**CHAIRMAN'S COMMUNICATION**

**STAFF COMMUNICATION**

**ADJOURNMENT-** With no further business, the meeting was adjourned at 6:54 p.m.

---

Mark Yohn, Secretary

---

Emily Sparrow, Chair