

**Auburn Planning Commission  
January 10, 2013 – Regular Meeting  
MINUTES**

The Auburn Planning Commission (PC) met on Thursday, January 10, 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, Matt Rice, Emily Sparrow, Mark Yohn

**ABSENT** Sarah Brown

**STAFF PRESENT** Forrest Cotten, Justin Steinmann, Cathy Cooper, Matt Mosley, Tyler Caldwell, Amber English, Jeff Ramsey, Alison Frazier, Dan Crowdus, Eric Carson

**CITIZENS COMMUNICATION**

**OLD BUSINESS**

**CONSENT AGENDA**

Ms. Sparrow asked for a motion to approve the minutes from the December 10, 2012 Planning Commission packet meeting and the December 13, 2012 Planning Commission regular meeting.

**East Lake Subdivision, Phase 3**

**PL-2012-01083**

Mr. Cotten stated the request was for final plat approval for a conventional subdivision (68 lot single family residential subdivision with two conservation easements/wooded buffer area lot, one which includes the subdivision amenity for the development) located east of East Lake Subdivision, Phase 1 and south of Moores Mill Road in the Limited Development District (LDD) zoning district with an overlay of the Conservation Overlay District (COD) designation.

Mr. Yohn asked if the eastern most stub out would be built to City specifications.

Mr. Cotten said yes and added that additional right-of-way would be needed.

**Mr. Yohn made a motion to approve the consent agenda, including approval of the minutes from the December 10, 2012 Planning Commission packet meeting and the December 13, 2012 Planning Commission regular meeting. Mr. Pick seconded the motion. The motion passed with a vote of 8-0.**

**NEW BUSINESS**

**Subdivision Regulations Amendment**

**MS-2012-00070**

Ms. Frazier stated the request was for an amendment to Article III, Application Procedures, of the *City of Auburn Subdivision Regulations*, in order to modify subdivision bonding requirements. In December 2012, the Public Works Design and Construction Manual was updated to modify the bonding requirement from 110% of outstanding improvements to 125%. This change was made to help reduce the forfeiting of bonds by developers. The change also makes the City's bonding requirement consistent with that in the City of Opelika. In February 2011, the City Council amended the City's Financial Policies statement to include a policy defining the criteria by which banks and bank letters of credit will be evaluated prior to the City's accepting a letter of credit issued by a specific bank as security for a debt owed to the City. The amendment was necessitated due to the economic climate in an effort to minimize risk to the City and protect the City's and the public interest.

**RESOLUTION  
OF THE  
AUBURN PLANNING COMMISSION**

Case: East Lake Subdivision, Phase 3 (Case PL-2012-01083)

Subject: Final plat approval for a conventional subdivision (68 lot single-family residential subdivision with two conservation/wooded buffer area lots, one of which includes the subdivision amenity with clubhouse)

Location: East of East Lake Subdivision, Phase 1 and south of Moores Mill Road

Applicant: PASS, LLC

Property Zoned: Limited Development District (LDD) with an overlay of the Conservation Overlay District (COD) designation

**Commission Action**

BE IT RESOLVED by the Planning Commission of the City of Auburn that the request for final plat approval for a conventional subdivision (68 lot single-family residential subdivision with two conservation/wooded buffer area lots, one of which includes the subdivision amenity with clubhouse) marked "Received" December 18, 2012, Auburn Planning Commission Case PL-2012-01083, is **APPROVED, subject to:**

**Planning:**

- The Health Department signature block can be removed since the lots will be on city sewer.

**Engineering:**

- The easement between Lots 67 and 68 should be eliminated.
- Add an easement between Lots 61 and 62.
- Widen the easement between Lots 65 and 66 to 30 feet.

**Water Resource Management:**

- According to the Approved Sanitary Sewer plan for East Lake Ph. 3, the following lots will require backflow prevention; Lots 6 thru 18, Lots 20 thru 25, Lots 29 thru 31, Lot 34, 39, 44, 50, 51 and Lots 59 thru 61. These lots shall be individually identified on the plat and the following note added to the plat:  
"The indicated lots have potential backflow issues due to the existing lot elevations being less than 12-inches above the nearest upstream manhole rim elevation. All lots are required to have backflow prevention devices installed on the customer's service line if the lowest floor elevation served by sewer is less than 12-inches above the connecting manhole or the nearest upstream manhole rim elevation. The property owner, successors, and assigns for each lot of record shall be fully responsible for the proper installation, maintenance and repair of this backflow prevention device and shall indemnify, hold harmless, and defend the City of Auburn for any backflows that occur due to improper installation, maintenance, use, or omittance of this device."
- Beginning at the manhole on Lot 2, the D & U easement should change from 20' wide to 30' wide and continue south to the pump station at 30' wide. The easement should be centered on the sewer main.

East Lake Subdivision, Phase 3  
PL-2012-01083

- The easement for connection to the manhole shown on Lot 4 should be 30' wide, not 20' as shown. (Easement runs east-west).

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STATE OF ALABAMA  
LEE COUNTY

I, Forrest E. Cotten, Director of Planning for the Auburn Planning Commission, do hereby certify that the above is a true and correct copy of a Resolution duly adopted by the Auburn Planning Commission at its meeting held January 10, 2013 and as same appears of record in the Official Minutes of said Commission.

GIVEN UNDER MY HAND AND OFFICIAL SEAL of the Auburn Planning Commission this the 8<sup>th</sup> day of February, 2013.



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Forrest E. Cotten, AICP, Director of Planning

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

**Mr. Chansler made a motion to approve Case MS-2012-00070, Subdivision Regulations Amendment, a request for an amendment to Article III, Application Procedures, of the City of Auburn Subdivision Regulations, in order to modify subdivision bonding requirements.**

**Mr. Yohn seconded the motion.**

**A vote was taken, and the motion passed with a vote of 8-0.**

### **Cary Creek Rezoning**

**PL-2012-01081**

Mr. Pick recused himself from discussing the case in his role as Commission member and stepped down from the dais.

Mr. Mosley stated the request was for a recommendation to City Council for rezoning from Neighborhood Conservation (NC-8) to Development District Housing (DDH) of approximately 4.14 acres located north of East University Drive, east of North College Street, and west of Shelton Mill Road. The property was intended for inclusion into the Cary Creek PDD. The property, once known as Magnolia Ridge, was proposed to have 13 lots on 4.14 acres. The property was recently purchased by Cary Creek Parkway, LLC, for inclusion in the overall Cary Creek development. To be included in the overall development, the property should be included in the Master Development Plan and PDD. The Neighborhood Conservation zoning classification is not allowed as a base zone for PDDs. As most of the underlying zoning in the PDD is already DD-H, it was determined that this would be the most palatable zoning to be considered for inclusion into the PDD. The inclusion of this property in the overall PDD would provide greater clarity for what will be developed and also remove a less than desirable external road access to North College Street. 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-2012-01081, Cary Creek Rezoning, a request for a recommendation to City Council for rezoning of approximately 4.14 acres from Neighborhood Conservation (NC-8) to Development District Housing (DDH).**

**Mr. Rice seconded the motion.**

**A vote was taken, and the motion passed with a vote of 7-0. Mr. Pick recused himself from voting.**

### **Cary Creek PDD Amendment**

**PL-2012-01082**

Mr. Pick recused himself from discussing the case in his role as Commission member and stepped down from the dais.

Mr. Mosley stated the request was for a recommendation to City Council to amend Ordinance 2853 that amended the Planned Development District (PDD) designation on approximately 326.16 acres in order to add 4.14 acres and modify the uses in the western portion from commercial, office and multiple family development to active adult housing (multiple family development). The property was located north of East University Drive, east of North College Street, and west of Shelton Mill Road. The amendment would add 4.14 acres and modify the uses in the western portion from commercial, office and multiple family development to active adult housing (multiple family development). The change of the property from NC-8 to DD-H does not fundamentally alter the proposed density. Under NC-8, the applicant would be allowed to have approximately five units per acre. DD-H allows a maximum density of 5.5 units per acre. DD-H does potentially allow the property to be developed with multiple family uses, subject to

**RESOLUTION  
OF THE  
AUBURN PLANNING COMMISSION**

Case: Subdivision Regulations Amendment – Article III (Application Procedures)  
(MS-2012-00070)

Subject: Recommendation for an amendment to Article III (Application Procedures) of the *City of Auburn Subdivision Regulations* in order to modify the bonding requirements to make them consistent with recent changes in the Public Works Design and Construction Manual (PWM) approved by the City Council and to outline requirements regarding ratings for financial institutions that issue letters of credit

**Commission Action**

BE IT RESOLVED by the Planning Commission of the City of Auburn that the request for an amendment to Article III (Application Procedures) of the *City of Auburn Subdivision Regulations* in order to modify the bonding requirements to make them consistent with recent changes in the Public Works Design and Construction Manual (PWM) approved by the City Council and to outline requirements regarding ratings for financial institutions that issue letters of credit, Auburn Planning Commission Case MS-2012-00070, is hereby **APPROVED**.

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STATE OF ALABAMA  
LEE COUNTY

I, Forrest E. Cotten, Director of Planning for the Auburn Planning Commission, do hereby certify that the above is a true and correct copy of a Resolution duly adopted by the Auburn Planning Commission at its meeting held January 10, 2013 and as same appears of record in the Official Minutes of said Commission.

GIVEN UNDER MY HAND AND OFFICIAL SEAL of the Auburn Planning Commission this the 6<sup>th</sup> day of February, 2013.



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Forrest E. Cotten, AICP, Director of Planning

**RESOLUTION  
OF THE  
AUBURN PLANNING COMMISSION**

Case: Cary Creek Rezoning (Case PL-2012-01081)

Subject: Recommendation to City Council for rezoning of approximately 4.14 acres from Neighborhood Conservation (NC-8) to Development District Housing (DDH)

Location: North of East University Drive, east of North College Street, and west of Shelton Mill Road

Applicant: Cary Creek Parkway, LLC

Property Zoned: Neighborhood Conservation (NC-8)

**Commission Action**

BE IT RESOLVED by the Planning Commission of the City of Auburn that the request for a recommendation to City Council for rezoning of approximately 4.14 acres from Neighborhood Conservation (NC-8) to Development District Housing (DDH), marked "Received" December 17, 2012, Auburn Planning Commission Case PL-2012-01081, is hereby **APPROVED**.

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STATE OF ALABAMA  
LEE COUNTY

I, Forrest E. Cotten, Director of Planning for the Auburn Planning Commission, do hereby certify that the above is a true and correct copy of a Resolution duly adopted by the Auburn Planning Commission at its meeting held January 10, 2013 and as same appears of record in the Official Minutes of said Commission.

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Forrest E. Cotten, AICP, Director of Planning

conditional use approval. The applied designation of the PDD subsequent to this request should help control the future uses of this property. Portions of the property to the north are also multiple family units (Village on Asheton Lane).

Mr. Mosley stated that most of the Master Development Plan is not changing with this proposed amendment. The northwest portion of the property along North College Street is proposed to change from garden cluster homes (multiple family), multi-family (multiple family), commercial, and single family to a gated active adult development (multiple-family). The overall number of units in this area will be reduced from 418 dwelling units (289 multiple family units, 129 single family units) to 270 dwelling units (110 multiple family units, 160 single family units). The southern single family section is increasing in overall land area, but also being reduced in overall units (100 to 90). The amenity area is also moving from along the main tributary to closer to the Shoppes at Cary Creek.

Mr. Mosley further stated that the development is bound on three sides by arterial streets. A collector street is proposed through the middle of the site which will serve as the spine for the network of residential streets connecting all of the uses. These streets are properly classified to handle traffic volumes associated with a use as proposed. The Master Development Plan also shows the extension of Watercrest Drive from Asheton Park down to the extension of Cary Creek Parkway. There is also a connection from Cary Creek Parkway to East University Drive shown. The plan no longer shows a connection from the single family area back to the commercial and office area at the corner of East University Drive and North College Street. This reduces the overall connectivity of the project and will increase the traffic on Cary Creek Parkway.

Mr. Mosley stated the request was compliant with zoning requirements, and staff recommended approval.

Ms. Sparrow opened the public hearing.

Tommy Stone, 118 Asheton Lane, questioned what the definition for active adult development was.

David Slocum represented the applicant. He said the active adult development was intended for individuals 55 and older. Residency would be restricted by deed covenants.

Mr. Stone noted a prior problem with plans for Magnolia Ridge to dump water into the retention pond for The Village on Asheton Lane. He asked about retention plans for the proposed development.

Mr. Slocum said the development would have its own pond.

Kathy Bell, 1890 Ellington Way, asked where the development's entrance would be.

Mr. Slocum said there would be no permanent entrance from North College Street, although he did say there was a possibility for construction traffic to enter from North College.

Ms. Bell asked the developer to consider leaving more than a tree line between the proposed development and The Village on Asheton Lane. The residents of The Village of Asheton Lane preferred not to have foot traffic visit their neighborhood. She did not want to have a child in the retention pond. She wanted her main concern, which was foot traffic between the developments, to be addressed.

Stacy Jordan represented the applicant. She said there shouldn't be reason for anyone to travel by foot to The Village on Asheton Lane.

Mr. McCord said there were laws to address trespassing.

Ms. Bell asked how that would keep a child out of a retention pond and asked where the proposed development's sewer connection would be established.

Mr. Slocum indicated through property contained within The Village on Asheton Lane.

Ms. Bell thought that would mean there would have to be access between the developments. She reiterated her concern regarding foot traffic between the developments.

Ms. Sparrow thanked Ms. Bell for her comments, and she anticipated the applicant's representatives would do what was right.

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

Mr. McCord said a subdivision plat would have to be brought forward before transfer of ownership of any of the homes.

Mr. Cotten said the active adult phase was proposed as a condominium-type development. However, there would be a platting process for the first single-family phase.

**Mr. Rice made a motion to approve Case PL-2012-01082, Cary Creek PDD Amendment, a request for a recommendation to City Council to amend Ordinance 2853 that amended the Planned Development District (PDD) designation on approximately 326.16 acres in order to add 4.14 acres and modify the uses in the western portion from commercial, office and multiple family development to active adult housing (multiple family development).**

**Mr. Chansler seconded the motion.**

**A vote was taken, and the motion passed with a vote of 7-0. Mr. Pick recused himself from voting.**

#### **The Dakota**

**PL-2012-01084**

Ms. Cooper stated the request was for preliminary plat approval for a conventional subdivision (16 residential lots and one unbuildable lot) located north of Richland Road and the Lundy Chase development in the Comprehensive Development District (CDD) zoning district. City Council granted conditional use approval for a performance residential development (multiple family development) on the subject property in October 2012. Due to marketing issues, the developer decided to change the one lot, condominium project into a fee-simple conventional subdivision with public streets. There is a note on the plat stating the lots will be on individual septic tanks. The number of units approved on the previous plan was thirteen. This plat contemplated 16 lots and one unbuildable lot. Lots 1, 7 and 10 were not for residential development. Lot 10 was to be set aside for use by the residents, but use of the other two lots was not noted. Ms. Cooper noted that Engineering recommended the Planning Commission consider a right-of-way stub out to the landlocked property to the east. Due to the length of the right-of-way stub, staff recommended waiving the requirement for constructing the stub out to the property line.

Ms. Sparrow opened the public hearing.

Courtney Lewis represented adjoining property owners (Lewis property). He also requested the Commission consider requiring a right-of-way stub out to the east.

Mr. McCord questioned what would happen when development plans were proposed for the Lewis property, and there was access but no improved road to it.

Mr. Cotten stated that Engineering recommended the Lewis property owner pay for the improvements.

Mr. McCord asked if the City had ever asked a developer to pay for constructing access through already-developed property.

Mr. Ramsey said there had been many instances in which developers used existing stub outs. Previously, the City did not require the stub outs to be built to the property line.

**RESOLUTION  
OF THE  
AUBURN PLANNING COMMISSION**

Case: Cary Creek PDD Amendment (Case PL-2012-01082)

Subject: Recommendation to City Council for an amendment to Ordinance 2583 that amended the Planned Development District Designation (PDD) on approximately 299.04 acres in order to add 4.14 acres to the PDD, bringing the total area to 303.18 acres

Location: North of East University Drive, east of North College Street, and west of Shelton Mill Road

Applicant: Cary Creek Parkway, LLC

Property Zoned: Neighborhood Conservation (NC-8)

**Commission Action**

BE IT RESOLVED by the Planning Commission of the City of Auburn that the request for an amendment to Ordinance 2583 that amended the Planned Development District Designation (PDD) on approximately 299.04 acres in order to add 4.14 acres to the PDD, bringing the total area to 303.18 acres, marked "Received" December 17, 2012, Auburn Planning Commission Case PL-2012-01082, is hereby **APPROVED, subject to:**

**Engineering:**

- The previously approved master plan contemplated two right of way connections to East University Drive, a connection to Watercrest Boulevard, and cross access to the Shoppes at Cary Creek just east of the existing entrance. The developer is proposing to remove the cross access to the Shoppes, thus eliminating a connection to East University Drive for development south of Cary Creek Parkway and west of the creek. The Planning Commission should consider maintaining access to the commercial development through the single family area to improve access.
- The master plan should accommodate the connection of Bridlewood Court and Watercrest Drive through the development.
- A traffic impact study was completed for the original PDD and the following recommendations made for the overall development:
  - Install a right turn deceleration lane and taper along the westbound and eastbound approach of North College Street at East University Drive.
  - Install a northbound right turn deceleration lane and taper along North College Street at East University Drive.
  - Install a right turn deceleration lane and taper along the westbound approach of East University Drive at Shelton Mill Road.
  - Install a second through lane for the eastbound approach and receiving sides on East University Drive at Shelton Mill Road
  - Install an eastbound right turn deceleration lane and taper along East University Drive at Shelton Mill Road.
  - Install a southbound right turn deceleration lane and taper along Shelton Mill Road at East University Drive

Cary Creek PDD Amendment  
PL-2012-01082

- Install a northbound left turn lane and taper along Shelton Mill Road at the Collector Road
- The proposed master plan does not provide enough detail to evaluate the traffic impacts. The traffic impact study may have to be updated once more information is known.

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STATE OF ALABAMA  
LEE COUNTY

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GIVEN UNDER MY HAND AND OFFICIAL SEAL of the Auburn Planning Commission this the 8<sup>th</sup> day of February, 2013.



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Forrest E. Cotten, AICP, Director of Planning

Mr. Pick asked how far the access would need to be improved in order to reach the property line.

Mr. Cotten said approximately 560 feet.

Ms. Sparrow confirmed staff recommended the access be shown on the plat, but not constructed until the time at which the Lewis property is developed, and that the cost for construction would be borne by those property owners. She asked if there were other plans that showed stub outs with access to the Lewis property.

Mr. Ramsey said there was no right-of-way, but there might be easements. He said the only way the Lewis property could be developed would be to provide access through the subject property.

Mr. Chansler asked how the Lewis property was currently accessed.

Mr. Lewis said there was an easement through the neighboring parcel (Jordan property).

Ms. Sparrow asked if the subject development would be the one to land lock the Lewis property.

Mr. Cotten said a lot of the neighboring property had been configured through family subdivisions, over which the City had no purview.

Betsy Jordan, 2004 Richland Road, showed the location of the easement through her property to the Lewis property.

Mr. McCord asked how the connection issue was addressed in 2005 when a PDD was approved for the subject property.

Mr. Lewis recalled the issue was last discussed at the time of a plat approval request for a phase in Yarbrough Farms. He questioned why, if the recommended stub out was shown, why owners of the Lewis property would later have to pay for construction of the access.

Mr. Ramsey explained it was because there was no advantage to the applicant for the proposed development, and added that it was unfair to this applicant due to the extreme distance between the end of the cul-de-sac and the Lewis property.

Ms. Sparrow asked what the status was of development within Yarbrough Farms.

Mr. Ramsey indicated he had not seen any certain plans. He added that, depending on how the property developed, it might be wise to allow access to the Lewis property from both sides.

Mr. McCord said that any developer could say it was not in his or her best interest to construct the right-of-way, but noted the Commission had required applicants to do so multiple times. He asked if there was anything unique about the terrain that would make the land more expensive through which to construct access.

Mr. Ramsey had not seen the terrain, but thought the length was excessive.

Ledge Nettles with Baseline Surveying and Design, LLC represented the applicant. He indicated a low spot in the terrain and explained there were wetlands on the property as well, which would greatly increase the cost to disturb certain portions of the site.

Ms. Sparrow commented that, even if the connection was shown on the plat, it would still be prohibitive to construct the access.

Mr. McCord did not think it was the best solution to not require constructing the stub out.

Ms. Sparrow did not want to put the total burden of access on the developer of the subject property if there were other means of access through Yarbrough Farms.

Mr. McCord thought it was best to resolve the problem now instead of waiting.

Ms. Jordan said this problem was visited years ago, at which time the 10' ingress/egress easements was established for times the property was landlocked. The easement would be revoked at which time another means of access was established. She did not foresee granting potential for any greater access to the Lewis property than was already recognized.

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

Mr. Nettles said there was a possibility the applicant may dedicate the right-of-way, but he certainly would not build it, as it would not benefit him in any way to do so.

Mr. McCord recalled prior plans that proposed access to the Lewis property.

Mr. Cotten said no plans were ever formalized.

Mr. Lewis asked what current City standards were for roadway construction.

Mr. Ramsey said between 50'-60'.

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

Commission members discussed options available to them for approving the plat. Mr. Cotten explained the Commission could either require staff's recommendations as presented or disregard staff's recommendations, which would be to approve the plat as is.

Mr. Chansler thought it was a good idea to have the option to have some sort of access on either of the properties.

Mr. McCord thought it was more than just providing access, but which was the most appropriate and fair way to construct it.

Mr. Yohn thought reconfiguration of the lots might be possible, as well as constructing access through Yarbrough Farms.

Mr. Nettles discussed topography issues associated with reconfiguring the lots. He said the applicant was not trying to be difficult, but that the presented plan was the most obvious way to develop the property.

Mr. McCord was uncomfortable with the Commission's decision options. He said the body was required to act on the plat within 30 days of its submission or it would be approved by default, which would limit the option to table the item.

Mr. Cotten said the Commission could delay action with the applicant's consent.

Ms. Sparrow noted there was an active approval for the site for a development that did not show access to the Lewis property.

Mr. Chansler was uncomfortable approving the plat the way it was currently shown. He thought, at a minimum, the plat should be recorded with right-of-way shown.

Mr. Nettles anticipated his client might not have an issue dedicating the recommended right-of-way, but he knew for certain he would not construct it.

Mr. Rice thought it a good idea to table the item in order to have time to clear up the presented issues.

Ms. Sparrow said tabling the item would not mean that the Commission was negotiating its decision.

**Mr. Chansler made a motion to table until February 14, 2013 Case PL-2012-01084, The Dakota, a request for preliminary plat approval for a conventional subdivision (16 single-family residential lots and one unbuildable lot).**

**Mr. McCord seconded the motion.**

**A vote was taken, and the motion passed with a vote of 8-0.**

Mr. Chansler appreciated the public input that was gathered during the public hearing for The Dakota.

**Havana Dreamin'**

**PL-2012-01070**

Mr. Mosley stated the request was for a recommendation to City Council for conditional use approval for a commercial and entertainment use (cigar shop) located at 2328 South College Street, Suite 12, in the Comprehensive Development District (CDD) zoning district. Chapter 10, Article III of the Auburn City Code prohibits the smoking of tobacco products in retail areas, but specifically excludes tobacco specialty retail shops from the regulation. Staff understood that the applicant intended to allow smoking in the establishment should the use be approved. Additionally, an outside deck attached to this suite could also be used for smoking. Staff recommended approval.

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

**Mr. Pick made a motion to approve Case PL-2012-01070, Havana Dreamin', a request for a recommendation to City Council for conditional use approval for a commercial and entertainment use (cigar shop).**

**Mr. Bledsoe seconded the motion.**

**A vote was taken, and the motion passed with a vote of 8-0.**

**Dollar General**

**PL-2012-01086**

Ms. Cooper stated the request was for multiple landscape waivers for property located at 1106 Opelika Road in the Commercial Conservation (CC) zoning district, specifically (*with staff recommendations*):

- To reduce the width of the required street frontage bufferyard from 15 feet to 6.55 feet (*denial*).
- To be allowed to plant three of the required canopy trees in the right-of-way (*approval to work with the City Arborist about placement of the three trees in the right-of-way*).
- To be allowed to plant two understory trees where eight are required (*denial*).
- To calculate the requirements based on the disturbed area (1.88 acres) instead of the entire acreage (3.20 acres) (*denial*).

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

**Mr. Chansler made a motion to deny Case PL-2012-01086, Dollar General, a request to reduce the width of the required street frontage bufferyard from 15 feet to 6.55 feet, to be allowed to plant two understory trees where eight are required, and to calculate the requirements based on the disturbed area (1.88 acres) instead of the entire acreage (3.20 acres).**

**Mr. Yohn seconded the motion.**

**RESOLUTION  
OF THE  
AUBURN PLANNING COMMISSION**

Case: The Dakota (Case PL-2012-01084)

Subject: Preliminary plat approval for a 16 residential lot (and one unbuildable lot) conventional subdivision.

Location: North of Richland Road and the Lundy Chase development

Applicant: Dakota V Properties, LLC

Property Zoned: Comprehensive Development District (CDD)

**Commission Action**

BE IT RESOLVED by the Planning Commission of the City of Auburn that the request for preliminary plat approval for a 16 residential lot (and one unbuildable lot) conventional subdivision, marked "Received" December 18, 2013, Auburn Planning Commission Case PL-2012-01084, is hereby **TABLED UNTIL FEBRUARY 14, 2013 WITH THE APPLICANT'S CONSENT.**

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STATE OF ALABAMA  
LEE COUNTY

I, Forrest E. Cotten, Director of Planning for the Auburn Planning Commission, do hereby certify that the above is a true and correct copy of a Resolution duly adopted by the Auburn Planning Commission at its meeting held January 10, 2013 and as same appears of record in the Official Minutes of said Commission.

GIVEN UNDER MY HAND AND OFFICIAL SEAL of the Auburn Planning Commission this the 8<sup>th</sup> of February, 2013.



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Forrest E. Cotten, AICP, Director of Planning

**RESOLUTION  
OF THE  
AUBURN PLANNING COMMISSION**

Case: Havana Dreamin (Case PL-2012-01070)

Subject: Recommendation to City Council for conditional use approval for a commercial and entertainment use (tobacco shop)

Location: 2328 South College Street, Suite 12

Applicant: Phillips Family Partnership, LTD

Property Zoned: Comprehensive Development District (CDD)

**Commission Action**

BE IT RESOLVED by the Planning Commission of the City of Auburn that the request for a recommendation to City Council for conditional use approval for a commercial and entertainment use (tobacco shop) marked "Received" December 11, 2012, Auburn Planning Commission Case PL-2012-01070, is hereby **APPROVED**.

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STATE OF ALABAMA  
LEE COUNTY

I, Forrest E. Cotten, Director of Planning for the Auburn Planning Commission, do hereby certify that the above is a true and correct copy of a Resolution duly adopted by the Auburn Planning Commission at its meeting held January 10, 2013 and as same appears of record in the Official Minutes of said Commission.

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Forrest E. Cotten, AICP, Director of Planning

**A vote was taken, and the motion passed with a vote of 8-0.**

**Mr. Chansler made a motion to approve Case PL-2012-01086, Dollar General, a request to be allowed to plant three of the required canopy trees in the right-of-way, such that the applicant shall work with the City Arborist to determine placement of the trees.**

**Mr. Yohn seconded the motion.**

**A vote was taken, and the motion passed with a vote of 8-0.**

**Stonehaven at The Preserve**

**PL-2012-01077**

Mr. Cotten stated the request was for a waiver to the Subdivision Regulations regarding the time a development must be complete. The applicant is requesting to be allowed to extend the bonding period twelve months. Staff recommended approval of a one year extension was acceptable, primarily due to prevailing economic conditions. If approved, the applicant agreed to complete the subdivision before the expiration date of the bond in December 2013. The wearing surface was the only remaining item to be completed.

**Mr. Pick made a motion to approve Case PL-2012-01077, Stonehaven at The Preserve, a request for a waiver to Article III(F), 4d.(6), of the *City of Auburn Subdivision Regulations* in order to extend completion of subdivision bond phase beyond 2-year deadline.**

**Mr. Bledsoe seconded the motion.**

**A vote was taken, and the motion passed with a vote of 8-0.**

**OTHER BUSINESS**

Mr. Chansler made a motion to nominate Emily Sparrow as Chair. Mr. Rice seconded the motion. A vote was taken, and the motion passed unanimously.

Mr. McCord made a motion to nominate Phil Chansler as Vice-Chair. Mr. Pick seconded the motion. A vote was taken, and the motion passed unanimously.

Mr. Chansler made a motion to nominate Mark Yohn as Secretary. Mr. Pick seconded the motion. A vote was taken, and the motion passed unanimously.

**CHAIRMAN'S COMMUNICATION**

Ms. Sparrow welcomed Marcus Marshall to the Commission.

**STAFF COMMUNICATION**

Mr. Cotten stated a work session discussing ISR, street tree planting requirements, and corridor overlay regulations would be held January 22, 2013 at 4:00 p.m. in the Development Services Building at 171 North Ross Street.

**ADJOURNMENT-** With no further business, the meeting was adjourned at 6:32 p.m.

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Mark Yohn, Secretary

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Emily Sparrow, Chair

**RESOLUTION  
OF THE  
AUBURN PLANNING COMMISSION**

Case: Dollar General (Case PL-2012-01086)

Subject: Request for waivers to Section 429.06A (Corridor Overlay Area Bufferyard Requirements), Section 422.02 (Street Frontage Landscaping Requirements), and Section 422.01 (Landscaping Requirements), of the *City of Auburn Zoning Ordinance*

Location: 1106 Opelika Road

Applicant: M&J Enterprises, LLC

Property Zoned: Commercial Conservation (CC)

**Commission Action**

BE IT RESOLVED by the Planning Commission of the City of Auburn that the request for waivers to Section 429.06A (Corridor Overlay Area Bufferyard Requirements), Section 422.02 (Street Frontage Landscaping Requirements), and Section 422.01 (Landscaping Requirements), of the *City of Auburn Zoning Ordinance*, marked "Received" December 18, 2012, Auburn Planning Commission Case PL-2012-01086, is hereby **DENIED**. **The specific requests that are denied are:**

- To Section 429.06A (Corridor Overlay Area Bufferyard Requirements), a request to reduce the width of the required frontage bufferyard from 15 feet to 6.55 feet.
- To Section 422.02 (Street Frontage Landscaping Requirements), a request to reduce the number of required understory trees from eight to two.
- To Section 422.01 (Landscaping Requirements), a request to allow the planting calculations to be based on the disturbed area (1.88 acres) instead of the entire acreage (3.20 acres).

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STATE OF ALABAMA  
LEE COUNTY

I, Forrest E. Cotten, Director of Planning for the Auburn Planning Commission, do hereby certify that the above is a true and correct copy of a Resolution duly adopted by the Auburn Planning Commission at its meeting held January 10, 2013 and as same appears of record in the Official Minutes of said Commission.

GIVEN UNDER MY HAND AND OFFICIAL SEAL of the Auburn Planning Commission this the 8<sup>th</sup> day of February, 2013.

  
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Forrest E. Cotten, AICP, Director of Planning

**RESOLUTION  
OF THE  
AUBURN PLANNING COMMISSION**

Case: Dollar General (Case PL-2012-01086)

Subject: Request for a waiver to Section 429.06A (Corridor Overlay Area Bufferyard Requirements), of the *City of Auburn Zoning Ordinance* to be allowed to plant three of the required canopy trees in the right-of-way

Location: 1106 Opelika Road

Applicant: M&J Enterprises, LLC

Property Zoned: Commercial Conservation (CC)

**Commission Action**

BE IT RESOLVED by the Planning Commission of the City of Auburn that the request for a waiver to Section 429.06A (Corridor Overlay Area Bufferyard Requirements), of the *City of Auburn Zoning Ordinance* to be allowed to plant three of the required canopy trees in the right-of-way, marked "Received" December 18, 2012, Auburn Planning Commission Case PL-2012-01086, is hereby **APPROVED, such that:**

- The applicant may work with the City Arborist about placement of the three trees in the right-of-way.

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STATE OF ALABAMA  
LEE COUNTY

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\_\_\_\_\_  
Forrest E. Cotten, AICP, Director of Planning

**RESOLUTION  
OF THE  
AUBURN PLANNING COMMISSION**

Case: Stonehaven at The Preserve (Case PL-2012-01077)

Subject: Waiver to Article III(F) 4d.(6), Final Plat, of the *City of Auburn Subdivision Regulations*, regarding the time in which a development must be completed in order to extend the bonding period twelve months

Location: Off of Preserve Drive and adjacent to The Preserve, Phases 1A and 1D

Applicant: H&H Development Partners, LLC

Property Zoned: Planned Development District (PDD) with Development District Housing (DDH) underlying

**Commission Action**

BE IT RESOLVED by the Planning Commission of the City of Auburn that the request for a waiver to Article III(F) 4d.(6), Final Plat, of the *City of Auburn Subdivision Regulations*, regarding the time in which a development must be completed in order to extend the bonding period twelve months, marked "Received" December 14, 2012, Auburn Planning Commission Case PL-2012-01077, is **APPROVED**.

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STATE OF ALABAMA  
LEE COUNTY

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Forrest E. Cotten, AICP, Director of Planning

**RESOLUTION  
OF THE  
AUBURN PLANNING COMMISSION**

Case: Annual Meeting of the Commission to Elect New Officers

**Commission Action**

BE IT RESOLVED by the Planning Commission of the City of Auburn that the motion for officers for the calendar year 2013 is hereby **APPROVED as noted:**

- Emily Sparrow, Chair
- Phil Chansler, Vice-Chair
- Mark Yohn, Secretary

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STATE OF ALABAMA  
LEE COUNTY

I, Forrest Cotten, Director of Planning for the Auburn Planning Commission, do hereby certify that the above is a true and correct copy of a Resolution duly adopted by the Auburn Planning Commission at its meeting held January 10, 2013 and as same appears of record in the Official Minutes of said Commission.

GIVEN UNDER MY HAND AND OFFICIAL SEAL of the Auburn Planning Commission this the 8<sup>th</sup> day of February, 2013.



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Forrest E. Cotten, AICP, Director of Planning