

Pace Family Land Rezoning Issues

Shell Toomer Parkway

In Auburn, one should not speak of the Pace Family without recognizing the contributions made by the family to the people of Auburn and the State of Alabama. Through their generosity, Auburn enjoys Chewacla State Park, Shell Toomer Parkway and the Curtis and Charlotte Ward Bicycle Path. Shell Toomer Parkway, a 100-yard wide swath through the lush woodlands, was created to provide a natural and breathtaking entrance into the park proper. The recent addition of the bike path has made Shell Toomer Parkway an attraction not only to neighborhood residents, but all of Auburn and visitors to the Loveliest Village as well.

The Auburn Planning Ordinance section 906.02.B. states **“The Planning Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and not solely for the interest of the applicant.”**

Clearly, any action which diminishes the parkway is not in the public interest. The city’s primary responsibility should be to protect the scenic asset of Shell Toomer Parkway so that it may be enjoyed by all for generations to come. Any development should respect that area and the wetland flora and habitat surrounding the creek, extending several hundred yards upstream from the footbridge on the bike path.

Infrastructure

Anyone who has made the mistake of trying to cross the interstate on South College at the wrong time can attest to the insufficiency of the roads to handle the traffic to the area of Auburn south of I-85. The property in rezoning request (RZ-03-17) empties into Shell Toomer Parkway at South College Street through a narrow farm road. A dramatic increase in the flow of traffic at this intersection would create a bizarre “Five-Points” intersection, topping a hill, on the approach to the interstate with little forethought or planning. This configuration would represent a real present and future public safety hazard that might never be correctable.

The Auburn Planning Ordinance section 906.01.G. requires of the planning commission that, **“There shall be no rezoning of land from Rural to any other district until such time as adequate public utilities are available.”** Until the bridge over I-85 is completed and the Shell Toomer Parkway-South College Street intersection has been re-engineered, clearly the infrastructure to support large-scale rezoning effort such as RZ-03-15 (withdrawn, pending resubmission) and RZ-03-17 is not in place.

In the 2020 Master Plan for Auburn, Shell Toomer Parkway is designed to continue to be a collector road as it is classified now. (Roads are designated arterial, collector or minor.) Permitting high-intensity land-use in this location would threaten that status.

Public Interest and the Pace Family Land

There are simply no good reasons to rezone these properties at this time and many reasons to maintain the current (R) status. The Auburn Planning Ordinance section 906.01.A.1 states that **“No rezoning of land from the Rural (R) District to the Comprehensive Development District (CDD)...shall be permitted except upon a specific and documented finding that...a change in demand which significantly (by a factor of at least 25 percent) alters the development potential of the land has occurred such as: (a) a significant change in migration patterns, family size, or birth rate since the last amendment of the CDD or DDH or (b) a major change, such as the construction of a major road, the installation of a sewer line, or the provision of a formerly unavailable water supply, which significantly alters the suitability of an area for development.”** This burden has not been met in these cases. The CDD parcel that fronts on South College Street is sufficient to meet the commercial needs of the community and changes since that zoning (the construction of the bicycle path) have reduced, not increased, the suitability of the area for commercial development.

The Pace Family is entitled to their birthrights, but not when the public interest is injured in this fashion. Maintaining the R zoning, however, does not prevent the Pace Family from developing the property commercially. It is a large piece of land. Under performance subdivision standards, more than 100 home sites could be developed on the property while still setting aside 45% as open space to protect the parkway and the wetlands.