

FY 2011 Annual Report to the Planning Commission



City of Auburn



City of Auburn
Home of Auburn University

January 31, 2012

Planning Commission
City of Auburn, Alabama

Dear Planning Commission Members:

It is my pleasure to present the FY 2011 Annual Report to the Planning Commission for your review. This report is intended to serve as a compendium of the Commission's activities and accomplishments for the past fiscal year.

Inside this report you will find a summary of all applications that came before you for review and approval, or for review and recommendation to the City Council, as the case may be. These applications include annexations, rezonings, subdivision plats, conditional uses, and landscaping and subdivision regulation waiver requests.

A summary has been provided of all the Commission's work products that have emanated from your work session activities including: permitting "urban-chicken" keeping inside the City's livestock boundary under certain conditions, regulatory amendments providing appropriate signage allowances for larger shopping centers, and drawing necessary distinctions between "model homes" and "real estate sales offices." These efforts provide an opportunity for enhancing the quality of life for our residents (as is the case with the urban-chicken keeping legislation), while also providing appropriate remedies to challenges that our local business and development community face (as is the case with the shopping center signage and model home/real estate sales office regulations).

However, there can be no doubt that the most notable accomplishment in FY 2011 was the creation, compilation, review, and ultimately the adoption of *CompPlan 2030*. This plan provides the blueprint and guide for future orderly growth and development for the City. It is the most important contribution that a Planning Commission can make to the community it serves; and as we begin a new year, the challenge ahead of us is to diligently and methodically pursue plan implementation. I am pleased to report that this has already begun in earnest.

We are fortunate to serve a community that is progressive and embraces sound planning principles and practices. This creates an environment in which, if we work diligently, we can prosper. We are equally fortunate, as staff, to have a Commission that has been unrelenting in its support and pursuit of excellence.

Sincerely,

A handwritten signature in black ink, which appears to read "Forrest E. Cotten". The signature is written in a cursive style and is positioned above the typed name.

Forrest E. Cotten, AICP
Planning Director

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Planning Commission Members

Emily Sparrow, Chairman

Charles Smith, Vice Chairman

John Cope, Secretary

Ron Anders

Phil Chansler

Kimberlee Harrison

Warren McCord

Josie Walsh

Mark Yohn, Mayor's Designee

Duties of the Planning Commission

1. The Planning Commission, in cooperation with the Planning Director and staff, shall study land use and development trends, collect data, analyze such information, and prepare a set of official policies for the future growth and development of the City. These policies shall collectively be known as the Comprehensive Plan.
2. The Planning Commission shall revise and update the Comprehensive Plan at intervals not exceeding five (5) years, or as justified by changing circumstances.
3. The Planning Commission shall study and report on all proposed amendments to the text of this ordinance referred to it by the City Council. When reviewing any such proposed amendments, the Planning Commission shall, within 45 days of receipt of same from the Planning Director, submit its recommendations and findings to the City Council.
4. The Planning Commission shall study and report on all proposed amendments to the Official Zoning Map, the procedure for which is contained in Article IX of the Auburn Zoning Ordinance.

5. The Planning Commission shall review and approve, or approve with conditions, all site plans submitted to it by the Planning Director in accordance with Article VIII of the Auburn Zoning Ordinance.
6. The Planning Commission shall hear all applications for conditional use permits and shall make a report and recommendation to the City Council in accordance with Article VIII of the Auburn Zoning Ordinance.
7. The Planning Commission shall:
 - o Analyze the extent to which development has occurred in Auburn as compared to the projected growth at the time of the last previous mapping of the districts created by the Auburn Zoning Ordinance.
 - o Recommend any changes in the mapping of Auburn, particularly in the mapping of the Comprehensive Development District (CDD) and the Limited Development District, (LDD), which would be required in order to accommodate the expected twenty-year growth of Auburn for residential, industrial, commercial, and other land uses.
 - o Analyze the continued validity of any other regulations imposed by this Ordinance in terms of changed conditions since the last review.
8. The Planning Commission shall cause the posting of notice in the form of a sign on property that is subject to a public hearing for rezoning, text amendments, a conditional use permit, or other matters which may come before it.
9. The Planning Commission shall review the character, location, and extent of any street, square, park or other public way, ground or open space or public building or structure or major utility project, whether publicly or privately owned, in accordance with Section 11-52-11 of the Code of Alabama of 1975, as amended.

Planning Department Staff

Forrest E. Cotten, AICP, Director of Planning

Justin Steinmann, AICP, Principal Planner

Matt Mosley, AICP, Senior Planner

Cathy Cooper, Planner

Katie Robison, Zoning Enforcement Officer

James Weaver, Planning Technician

Amber English, Administrative Assistant

Charles M. Duggan, Jr., City Manager

The mission of the Planning Department is to promote planned and managed change as a means of creating and maintaining an attractive, “built environment” and conserving and protecting the City’s “natural environment.”

The Planning Department staff is primarily responsible for the administration of the City’s Land Use Plan, Zoning Ordinance, and Subdivision Regulations. This requires that the Department review any new development plans or any proposed change in use throughout the City of Auburn. Specifically, the Department reviews annexation petitions, subdivision proposals (administrative, preliminary and final plats), zoning requests, conditional use approval requests, site plan approval requests, requests for any variance or waiver to the Zoning Ordinance, and requests for any waiver to the Subdivision Regulations.

In addition, the Department provides primary staff support to a number of Boards and Commissions throughout the City including the Planning Commission, the Board of Zoning Adjustment and the Historic Preservation Commission. Much of the business transacted by the Planning Commission requires ultimate approval from the City Council; therefore, a

considerable amount of effort is also expended in preparing planning-related information for the City Manager's Office to place before the City Council during their bi-monthly meetings.

Within the Planning Department, the City's zoning enforcement function is also housed. This includes the regulation of signage, banners, home occupations, occupancy requirements, primary and accessory uses, and other zoning-related issues that present themselves daily.

In an effort to ensure that the City's Zoning Ordinance is kept up to date and reflects the current needs and desires of the community, the Planning Department staff holds frequent "work sessions" throughout the year with the Planning Commission on various topical issues. In addition, the Department supports special committees or task forces that may be commissioned by the City Council to examine special issue areas and make appropriate recommendations for change. The most recent example of this was the CompPlan 2030 Taskforce, which met primarily during the Summer of 2011.

During FY 2011, the primary focus of the Planning Department and Planning Commission was on finalizing the substance and recommendations for CompPlan 2030. This was accomplished successfully with the Planning Commission recommending approval on September 8, 2011 and the City Council adopting the plan on October 4, 2011.

FY 2011 Meeting Dates

‡ October 12, 2010	** May 12, 2011
** October 14, 2010	‡ May 26, 2011
⌘ November 8, 2010	Δ June 2, 2011
‡ November 9, 2010	⌘ June 6, 2011
** November 10, 2010	** June 9, 2011
** December 9, 2010	Δ June 21, 2011
** January 13, 2011	⌘ July 11, 2011
** February 10, 2011	** July 14, 2011
⌘ March 7, 2011	Δ July 19, 2011
‡ March 1, 2011	Δ July 26, 2011
** March 10, 2011	** August 11, 2011
◇ March 29, 2011	‡ August 16, 2011
** April 14, 2011	⌘ September 6, 2011
◇ May 3, 2011	** September 8, 2011
⌘ May 9, 2011	◇ September 20, 2011

** Regular Meeting

⌘ Packet Meeting

◇ Work Session

‡ CompPlan 2030 Work Session

Δ CompPlan 2030 Taskforce

FY 2011 Planning Commission and Planning Department Work Efforts

House Numbering and Street Names Code Amendment

Under this proposal, staff recommended amendments to Chapter 17 (Planning and Development), Article III (House Numbering and Street Names) of the City Code of Ordinances. Specifically, the amendment was designed to bring the Code into alignment with the International Fire Code and to provide regulations specifically governing street naming protocol and addressing assignments.

In 2009, the Planning Department formalized one of its budgetary goals to update this section of the Code during the 2011 Fiscal Year. Before this amendment, private streets were not mentioned in the Code. Private streets created challenges for Public Safety personnel. This was especially the case with flag-style lots, where houses are not close to the street and are often not in the same order as their address numbers. In other cases, residents would call in stating they lived on a street not on record with the City of Auburn because it was known by a common name and that name was never formally communicated to the City.

Further, the Code did not appropriately articulate the procedures for street renaming, temporary addresses and signage, and address changes. The Code referenced baseline streets, but did not specifically say that streets may not have a directional prefix unless they cross a baseline street.

Staff reviewed City Code language in other municipalities, including Montgomery, AL, Vergenees Township, MI, Huntingdon County, PA, Kent County, MI, and Cedar Hill, TX. Most of the sample codes required naming private streets and assigning addresses off them instead of the public right of way, as was done in Auburn. Staff employed concepts from each of these Codes and held meetings with the Public Works Director, Public Safety Director, Fire Chief, City Traffic Engineer, and the Planning Department staff to review and create new addressing standards.

The Planning Commission held its public hearing and recommended approval of the Code amendments at its January 13, 2011 regular meeting. The City Council adopted the amendments on February 1, 2011.

Shopping Center Signs Amendment

Under this proposal, staff recommended amendments to Article VI (Signs) of the *City of Auburn Zoning Ordinance*. Specifically, the amendments were designed to offer greater sign allowance for larger shopping center developments by creating additional categories for shopping centers (i.e., community, regional, and super-regional).

While preparing the West Pace master signage plan staff report for the April 2010 Planning Commission meeting, it was revealed that there was a need for additional signage for shopping centers of that magnitude (larger shopping centers that have more tenants need more signage than a smaller shopping center that has fewer tenants).

The Zoning Ordinance did not offer additional signage area to shopping centers with a gross floor area exceeding 65,000 square feet. Ultimately, both a 65,000 square foot shopping center and a 1 million square foot shopping center would be afforded 350 square feet of signage on a single frontage lot or 450 square feet of signage on a double frontage lot.

Although Article II of the Zoning Ordinance defined a regional shopping center as a shopping center exceeding 500,000 square feet of gross floor area and Table 4-1 (Table of Permitted Uses) described a community shopping center as having a floor area between 100,000 and 499,999 square feet, Section 605.01.B. did not offer any additional signage for shopping centers that exceeded 65,000 square feet of gross floor area.

Staff reviewed shopping center sign regulations of several municipalities in Alabama, including Trussville, Vestavia Hills and Homewood, and deemed Vestavia Hills' regulations most analogous because they classify their shopping centers according to Urban Land Institute (ULI) standards as Auburn does.

Vestavia Hills amended their sign ordinance in November 2007 with the assistance of Eric Damian Kelly, J.D., Ph.D., FAICP, of Duncan Associates. Dr. Kelly is a nationally regarded expert in sign law, the author of several publications on the subject and a consultant to many communities in Alabama. Dr. Kelly's assistance in amending Vestavia Hills' sign ordinance ensured that it was in conformance with Constitutional principles as articulated in recent decisions in the Eleventh Circuit Court and elsewhere in the federal courts.

With the addition of the new classifications of shopping centers, and their gross building area, each would be afforded additional signage, commensurate with the size of their development.

The Planning Commission held its public hearing and recommended approval of the amendments at its January 13, 2011 regular meeting. The City Council held its public hearing and adopted the amendments on February 15, 2011.

CompPlan 2030 Taskforce

On May 17, 2011, Mayor Ham commissioned the taskforce for the purpose of reviewing a report produced by the Auburn Chamber of Commerce Commercial Business Focus Group that set forth concerns associated with the draft plan. Mayor Ham requested that the taskforce review these concerns to see if there might be an opportunity to appropriately address them within the plan document.

The CompPlan 2030 Taskforce included representatives from the City Council and Planning Commission. Mayor Ham appointed Councilmembers Brent Beard, Gene Dulaney, Sheila Eckman and Dick Phelan (Mayor Pro Tem). Planning Commission Chair Emily Sparrow appointed Commissioners Ron Anders, John Cope, Kim Harrison, and Warren McCord. Commissioner Sparrow also assumed a role on the taskforce.

The taskforce met four times during June and July 2011. A fifth taskforce-related meeting was held on July 12, 2011 with taskforce representatives and representatives from the Chamber Focus Group. During these sessions, the taskforce formulated amendments it felt would provide additional clarity between the visionary nature of a comprehensive plan and the regulatory nature of a zoning ordinance. The taskforce proposed additional detail and clarity as to how the comprehensive plan, once adopted, would be implemented, emphasizing the long-term nature of fully implementing a 20 year plan. Further, the taskforce added a vision statement acknowledging the importance of the business community to the City's future, along with our University, City, and most importantly, our citizenry. Lastly, the group recommended specific adjustments to select goals and policies in order to lessen the possible perception of the plan being entirely regulatory in nature.

Limitations on Animals Amendment to Facilitate "Urban-Chicken" Keeping

Under this proposal, staff recommended amendments to Article V (Detailed Use Regulations). Specifically, the amendment was designed to allow the keeping of chickens on residential lots.

In September 2010, the Planning Director was asked to research residential urban chicken keeping in the City of Auburn. Through this research, it was found that residential urban chicken keeping was a national trend in many cities as a means to mitigate rising food costs and provide fresh organic eggs. Many communities around the country have added regulations regarding chicken keeping to their codes and ordinances.

As the American Planning Association (APA) has aptly written, "urban agriculture is a hot topic these days, with everyone from individual residents to government officials seeking to incorporate agricultural uses into urbanized areas. Many interests are fueling the push for urban agriculture, including, but not limited to increasing awareness of the environmental impacts of large-scale farming techniques; concerns about the health implications of pesticides, growth hormones and genetically-engineered crops; and the desire to mitigate rising food costs."

At the October 19, 2010 Committee of the Whole (COW) meeting, the subject was discussed among the City Council and remanded to the Planning Commission for their review and recommendation. At the conclusion of the November 8, 2010 Planning Commission Packet Meeting, the issue was formally discussed. During this discussion, the Planning Commission expressed their desire to look further into the issue before providing a formal recommendation to the City Council, but wanted to wait until their work on CompPlan 2030 was largely completed.

Staff further researched the subject and provided the Planning Commission with additional information at a work session meeting on March 29, 2011. After discussing the issue at this work session, the Planning Commission directed staff to develop regulations that would allow for urban chickens, under certain conditions, within the livestock boundary.

These regulations were presented to the Planning Commission during their work session meeting on May 3, 2011. Some minor adjustments were recommended at that time including, but not limited to, reducing the amount of square footage required per chicken in order to accommodate “chicken tractors.”

The Zoning Ordinance previously allowed the keeping of mules, cattle, sheep, goats, hogs, **fowl** or any other such animals outside of the stock district on lots of three (3) acres or more in the Rural (R) zoning district. The regulations restricted residents inside the stock district and those living on smaller lots outside of the stock district from keeping chickens on their property.

In researching the subject through the American Planning Association’s (APA) Planners’ Advisory Service (PAS), a number of communities’ residential chicken codes and ordinances were surveyed. The communities’ codes and ordinances all had the following common regulatory themes: the number of chickens allowed per property, the prohibition of roosters and slaughtering, chicken enclosure/containment restrictions, nuisance clauses related to chickens, and chicken enclosure setbacks from neighboring dwellings and properties.

Through work sessions with the Planning Commission, it was determined that allowing chickens on residential properties would be beneficial for Auburn’s citizens. Keeping with the common regulatory themes of the surveyed communities, staff felt the proposed amendment could allow residents the opportunity to have chickens on their property without having adverse effects on adjacent properties

Because Section 4-2 (b) of the City Code prohibited the keeping and maintaining of fowl inside the stock district, an amendment to the City Code was also required to allow the keeping and maintaining of chickens inside the stock district. All regulatory provisions for keeping chickens are housed in the zoning ordinance.

The Planning Commission held its public hearing and recommended approval of the amendments at its June 9, 2011 regular meeting. The City Council held its public hearing and adopted the amendments on July 19, 2011.

Particular Temporary Uses Allowed Amendment

Under this proposal, staff recommended amendments to Article V (Detailed Use Regulations) of the *City of Auburn Zoning Ordinance*. Specifically, the amendment was designed to draw necessary distinctions between “model homes” and “real estate sales offices” as permitted temporary uses and to extend the time period for which model homes may lawfully exist.

Drawing necessary distinctions between a “model home” and a “real estate sales office”

The previous regulations drew no formal distinction between a model home and a real estate sales office. In fact, the terms were used interchangeably and were included in the same subsection of Section 508.04. This was an important distinction to draw, however, because a model home takes a form that is much more compatible with the surrounding residential neighborhood than what one typically thinks of as a real estate sales office. Real estate sales offices are often modular structures or temporary trailers used to house sales personnel on site during the initial sales phase of a new residential subdivision. As such, these structures are, generally, not compatible with the surrounding neighborhood, and it should be expected that the timeframe allowed for their existence should be limited, certainly relative to model homes.

Extending the time period for which model homes may lawfully exist

Utilizing the American Planning Association’s (APA) Planners’ Advisory Service (PAS), a number of communities’ model home regulations were surveyed in an effort to see how they are regulated. Some communities go so far as to regulate model homes by using a conditional use or special exception approval process, but most regulate them as Auburn does; as a temporary permitted use. While each community had varying standards, most allowed for model homes to be permitted anywhere between eighteen (18) months and five years, with many of those allowing for extension opportunities to be considered and approved administratively, typically by the Planning Director.

In reviewing these different standards in consult with the Planning Commission, there was a general consensus that the current regulations were too stringent, and there was a desire expressed to provide not just a time specific standard as was currently in place, but to also provide an alternative “build-out” standard. This standard would provide that a model home in a subdivision must be removed or revert to single-family residential use after a certain percentage of lots within that subdivision have been developed.

This desire seemed to match most closely to a model home standard currently in place in the City of Texarkana, TX, that states that a “model home must be closed when 90% of lots are developed or after the model home has been in existence for five (5) years, whichever comes first.” Therefore, this amendment proposed very similar language to what was already in place in Texarkana.

The Planning Commission held its public hearing and recommended approval of the amendments at its June 9, 2011 regular meeting. The City Council held its public hearing and adopted the amendments on July 19, 2011.

Discharge of Weapons Code Amendment

Under this proposal, staff recommended amendments to Chapter 13 (Miscellaneous Provisions and Offenses), Section 13-4 (Discharge of Weapons) of the City Code of Ordinances.

Specifically, the amendment was designed to allow the discharge of firearms at Indoor Shooting Ranges and to specify terms, conditions and regulations for Indoor Shooting Ranges.

In April 2011, City staff was approached by investors interested in placing an Indoor Firing Range in Auburn. When staff reviewed the appropriate City Ordinances, it was determined that the City Code did not allow the discharge of firearms within the City Limits. The only exceptions were for law enforcement officers and for approved hunting purposes in the Rural (R) zone on undeveloped parcels twenty (20) acres or more as further detailed in the City Code. Staff received a letter from the investors in May requesting a change to the City Code that would permit the discharge of firearms in the City Limits at Indoor Firing Ranges. The City Manager's office researched the issue and proposed the changes to City Code.

The Zoning Ordinance allows Indoor Shooting Ranges only through conditional use approval of a Commercial Recreation Use in the Comprehensive Development District (CDD), Rural (R), Industrial (I), and Planned Development District (PDD) zones. The proposed changes to the City Code created a number of requirements that an Indoor Shooting Range must meet. Both the Planning Commission and City Council will have the opportunity to review each proposed Indoor Shooting Range through the conditional use process. The Planning Commission and City Council are not limited to the requirements set forth in the City Code and may approve, deny, or approve and place additional conditions on a proposed project as warranted.

The Planning Commission held its public hearing and recommended approval of the amendments at its June 9, 2011 regular meeting. The City Council adopted the amendments on June 21, 2011.

CompPlan 2030

CompPlan 2030 is the City of Auburn's plan for future growth and development, as regulated by Alabama Code § 11-52-9. It is the first comprehensive long-range planning effort in Auburn in over a decade. The plan looks forward 20 years and provides recommendations for the future based on public input, analysis of existing and future conditions, and the best practices of planning. CompPlan 2030 focuses on how we use the land, now and in the future; how land use and the built environment affect the natural world, and vice-versa; schools, parks, and other facilities that form the civic foundation of the City; and the many forms of transportation that link everything together.

The City of Auburn has previously completed a number of long-range planning efforts, including the Auburn 2020 strategic plan and the 2004 Future Land Use Plan. CompPlan 2030, however, is the City's first foray into a true comprehensive plan, focused on future growth and development, which looks not only at future land use but other systems such as transportation and the environment. CompPlan 2030 was developed to replace the 2004 Future Land Use Plan.

The planning process for CompPlan 2030 began in early 2008. A series of public meetings was held in 2009 and 2010 to allow citizens to share their ideas for Auburn's future, giving citizens a voice in the development of the plan. The public comment period ended January 23, 2011. The CompPlan is a plan for all of Auburn's citizens as well as those who live, work, and play within the boundaries of the City. The plan was developed in part based on input from many citizens who took part in CompPlan 2030's public input process. To develop the CompPlan, staff:

- Held five public meetings with over 200 attendees
- Organized four focus groups
- Engaged with over 100 stakeholder organizations
- Received over 700 comments from the public

One tool that has been central to the planning effort from the beginning is the Auburn Interactive Growth Model (AIGM). The AIGM is a rule-based (zoning) and analytical tool for predicting the total population and population distribution of Auburn over time. The model helps us predict the location of future growth based on a variety of factors. Other components of the model assist in predicting optimal future locations for schools, parks, commercial centers, and fire stations.

The AIGM consists of a number of separate but linked models, including demographic, economic, socio-political, spatial relationship, and land resource models. The AIGM is a very complex model applied to a very complex environment, but it provides the City of Auburn with a valuable tool in predicting when and where future population growth will occur. The AIGM allowed City staff to test what impact changes to land uses, zoning, or other factors would have on our future growth; it served as the foundation of the Future Land Use Plan.

The Future Land Use Plan provides parcel-level recommendations for the type, location and scale of new development for the existing city limits as well as additional areas of approximately 37 square miles the City may add to the corporate boundary over the next twenty years. It is the product of a strategy to promote infill development and grow downtown Auburn, and replaces the 2004 Future Land Use Plan. Other elements of the plan provide specific recommendations for everything from roads to parks to stormwater management.

The Future Land Use Plan is advisory in nature and is intended to help achieve Auburn's long-range vision. A parcel's future land use designation may be the same or may differ from what it is currently used for. If the designation is the same as its current use, then the Future Land Use Plan is advocating that no change occur. If the designation is different than the current use, the Future Land Use Plan is advocating that change to the new use be permitted.

Implementation of the plan is vitally important. The plan will be implemented through:

- Working with City departments and outside partners to review plan policies and determine which departments and agencies will be responsible for implementation. Through that review process, plan policies will be assigned to responsible agencies, with timelines for completion. These will typically range from 2 years for short-term implementation (biennial budget cycle) out to 10 or more years for long-term implementation. Items that require funding will also be identified in this process, though funding sources will not be identified at this point.
- Reviewing the City's policies and ordinances to ensure they encourage implementation of the plan's recommendations, and making changes where appropriate. A systematic process of reviewing the zoning ordinance, subdivision regulations, and public works and WRM manuals will result in substantial modifications to those regulations to bring them into conformance with the recommendations of the CompPlan. This process will take at least two years to complete in its entirety and will include separate public processes and notifications. These public processes will include initial input as well review and comment on the text of proposed changes. It is likely that a set of priority changes will be made within a few months of plan adoption, with remaining changes to be made over the year or so following.
- Reviewing existing zoning and making recommendations for possible changes to that zoning based on the Future Land Use Plan. Similar to the process described above, a systematic process of reviewing existing zoning will result in modifications to the zoning map to bring it into compliance with the Future Land Use Plan. Some zones may be eliminated, and new zones will be added. The process will take at least two years to complete in its entirety and will include separate public processes and notifications. It is likely that a set of priority changes will be made within a few months of plan adoption, with remaining changes to be made over the year or so following.

The Planning Commission held its public hearing and recommended approval of CompPlan 2030, including the Future Land Use Plan map, plan text, and all plan recommendations at its September 8, 2011 regular meeting. The City Council held its public hearing and adopted the policy document on October 4, 2011. The plan will be updated every five years or sooner if a major change occurs, such as construction of the Outer Loop.

Citizens' Planning Academy

Auburn citizens were invited to take part in the third offering of the Citizens' Planning Academy beginning in September 2011. The academy had been previously offered in 2008 and 2009. The academy was developed to educate participants as to how different departments, developers, and individuals interact in the planning process. Designed as a six-week course, 18 individuals took part in learning about a variety of planning-related topics and gained hands-on

experience by conducting a site plan review and mock Planning Commission meeting. Participants also learned about the City of Auburn's Comprehensive Plan and other ongoing projects. Topics of instruction included:

- Planning in Auburn (Requirements and responsibilities of the Planning Department)
- The Roles and Responsibilities of Auburn's Boards and Commissions
- Long-Range Planning
- The Role of Other City Departments in Planning
- A Professional Engineer's View on Planning in Auburn
- Auburn University Campus Planning
- Historic Preservation
- Zoning Enforcement
- Online Resources

2011 Ward Redistricting Plan

Alabama state statute requires that following a federal decennial census, council districts (or ward districts) must be redistricted or reapportioned. The process of redistricting essentially means that the City must review and, if needed, redraw the council district boundaries based on the population determined by the 2010 census to gain equal representation for each district. The statute requires that the districts must have, as nearly as possible, equal population. This process is governed by Alabama state law but also involves Federal Law. During the redistricting process, Federal Law is primarily concerned with various aspects of the Voting Rights Act and the redistricting impact on minority voters in the City. Therefore, the redistricting plan must gain approval from the United States Department of Justice through a preclearance approval.

In order to create the 2011 Ward Redistricting Plan, Planning staff analyzed the 2010 census population numbers using the census block geographic unit. The ideal district population method was asked to determine how many people should be in each district in order to gain equal representation. The district boundaries established in 2001 (current boundaries) were compared to the 2010 census numbers in order to determine which district boundaries needed to be amended to properly distribute the population as evenly as possible. An examination of the location of major minority districts was made in order to study any issues associated with the Voting Rights Act.

Planning staff anticipated the largest redistricting issue to be impacts on minority populations relative to their voting strength. Therefore, staff paid particular attention to District 1 which has historically been the only minority district in the City. The plan balanced the need to achieve proportionality with the additional need to consider impacts to the majority minority district.

In accordance with state law, a redistricting plan must be presented to the Council by the

manager within six months after the date of census being published. Once the City Manager presents the redistricting plan to the City Council, the Council has six months to enact by ordinance a redistricting plan. If the Council failed to enact the redistricting ordinance within six months, the redistricting plan submitted by the City Manager would become effective without enactment by the Council as if it were a duly enacted ordinance.

Prior to the use of the amended districts resulting from the redistricting plan ordinance, the final enacted plan must be “pre-cleared” by the United States Department of Justice (USDOJ) in accordance with Section 5 of the Voting Rights Act. Following the City Council’s adoption of the plan, the USDOJ had 60 days, commencing upon receipt of a complete submission, to review and to seek clarifications or make objections to the redistricting plan. The USDOJ sought no formal clarifications and resubmission was not required.

The USDOJ reviewed the plan using several factors. One was to insure that the plan had no discriminatory purposes. Another was to perform an analysis of a retrogressive effect on minority groups. In essence this means that the plan cannot have the effect of diminishing the effective exercise of the electoral franchise of any citizens of the United States because of race, color, membership in a language minority group defined in the Act. Courts have considered factors when deciding whether a redistricting plan complies with these standards, including:

1. Whether minority voting strength is reduced;
2. Whether minority concentrations are fragmented among different districts;
3. Whether minority districts are over concentrated in one or more districts;
4. Whether alternative plans exists which satisfies legitimate government interest, and were they considered;
5. Whether the plan departs from the objective of the redistricting criteria set by the submitting jurisdiction;
6. Ignores other relevant factors such as compactness, contiguity, or displays a configuration that is inexplicable disregarding available natural or artificial boundaries; and
7. Whether the plan is inconsistent with the jurisdictions stated redistricting standards.

The City Council was asked to acknowledge receipt of the redistricting plan at its August 2, 2011 regular meeting. After public input was sought and received, the plan was then submitted for formal approval at the Council’s October 18, 2011 regular meeting. At that time, the request was tabled in order for the Planning Department to provide additional information to the Council. The City Council adopted the plan on November 1, 2011, at which time the redistricting plan and supporting materials were submitted to the USDOJ for preclearance. The USDOJ issued its “preclearance” for the 2011 Ward Redistricting Plan on January 19, 2012.

FY 2011 Year in Review

1. Annexations

Total Number of Applications Considered: 10

Total Number Recommended for Approval: 10

Total Acreage Recommended for Annexation: Approximately 35.31

2. Rezoning and Amendments to Planned Development Districts (PDD)

Total Number of Rezoning Applications: 0

Total Number of PDD Amendment Applications: 1

Total Number of PDD Amendment Applications Recommended for Approval: 0

3. Subdivisions

Preliminary Plats:

Total Number of Requests: 15

New Preliminary Plat Requests Approved: 14

Preliminary Plat Extension Requests Approved: 1

Final Plats:

Total Number of Requests: 13

New Final Plat Requests Approved: 11

Revised Final Plat Requests Approved: 2

Total Number of Conventional Subdivisions: 9

Total Number of Performance Subdivisions: 3

Total Number of Lot Consolidations: 1

Total Number of Subdivisions Located in the Planning Jurisdiction: 2

Total Number of Lots Approved by Final Plat: 209

4. Conditional Uses

Total Number of Applications Considered: 31

Total Number of Uses Recommended for Approval:

Commercial and Entertainment: 11

Commercial Recreational: 1

Indoor Recreational: 1

Industrial: 7

Institutional: 2

Public Service: 1

Road Service: 8

Total Number of Uses Recommended for Denial:

Commercial and Entertainment: 1

Performance Residential: 1

5. Waivers

Total Number of Applications Considered for Waivers to Zoning Regulations: 9

Total Number Approved: 9

Total Number of Applications Considered for Waivers to Subdivision Regulations: 1

Total Number Approved: 1

6. Miscellaneous

Total Number of Zoning Certificates Issued: 259

Total Number of Administrative Subdivisions Processed: 50

Total Number of Sign Permits Issued: 76

Total Number of Banner Permits Issued: 66

Base Zoning Designations

Commercial Conservation (CC)

Comprehensive Development District (CDD)

Development District Housing (DDH)

Holding District (HD)

Industrial (I)

Limited Development District (LDD)

Redevelopment District (RDD)

Rural (R)

University Service (US)

Urban Core (UC)

Overlay Zoning Designations

College Edge Overlay District (CEOD)

Conservation Overlay District (COD)

Planned Development District (PDD)

Sixty-one public hearings were held for cases considered during FY 2011.

Comparison of Previous Years' Numbers

	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Annexations					
Recommended for Approval	29	17	15	12	10
Acres	484.67	770.14	642.76	40.1	35.31
Rezoning					
Recommended for Approval	20	7	11	3	0
Acres	1299	74.59	904.51	201.63	0
Final Plats					
Lots Approved	933	836	295	263	209
Conditional Uses					
Applications	69	44	25	26	31
Recommended for Approval	70	45	29	36	31
Recommended for Denial	3	1	1	1	2
Waivers					
Applications	26	16	7	7	10
Approved	22	15	7	7	10

Annexation Petitions from October 2010 - September 2011

Case Number	Case	Property Owner	Acreage	Planning Commission Date	Planning Commission Recommendation
PL-2010-00855	Carlton Annexation	Walker and Louise Carlton	8.93	12/9/2010	Approval
PL-2011-00028	West Annexation	Francis and Katrina West	1.00	2/10/2011	Approval
PL-2011-00047	Crowder Annexation	Tawasha Crowder	0.69	2/10/2011	Approval
PL-2011-00106	Peters Annexation	Jack and Glenda Peters	1.64	3/10/2011	Approval
PL-2011-00339	Williams Annexation	Eric and Tina Williams	1.71	6/9/2011	Approval
PL-2011-00426	Graves/Jones Annexation	M.L. Graves, Ann Cullars, and Melody Jones	2.07	7/14/2011	Approval
PL-2011-00492	McLendon Place Annexation	William C. Starr	1.15	8/11/2011	Approval
PL-2011-00613	Reese Estate Annexation	Fred Douglas Reese, Pheobe Dowdell, and Velma Parks	12.11	9/8/2011	Approval
PL-2011-00614	Dowdell Annexation	Lillian Dowdell	1.01	9/8/2011	Approval
PL-2011-00627	H&S Annexation	H&S Development, LLC	5.00	9/8/2011	Approval

Subdivision Applications from October 2010 - September 2011

Case	Approval Requested	Property Owner	Zoning	Number of Lots (Subdivision Type)	Planning Commission Date	Planning Commission Decision
Lundy West Subdivision, Redivision of Lots 34A-49A & 100-104 (PL-2010-00815)	Revised Final	Sky is the Limit Homes, LLC	DDH	21 (Performance - zero lot line)	11/10/2010	Approval
The Tree Houses at Yarbrough Farms (PL-2010-00780)	Preliminary	Yarbrough Farms, LLC	PDD / CDD	7 (Conventional)	11/10/2010	Approval
Lincoln Heights Subdivision (PL-2010-00782 and PL-2010-00783)	Preliminary and Final	C&S Investments, LLC and Sigma Pi Club of Auburn	US	1 (Lot Consolidation)	11/10/2010	Approval
First Revision of Pick Estates Subdivision North, Phase 1 (PL-2010-00786 and PL-2010-00787)	Preliminary and Final	Pick-Clark Holdings, LLC	PDD / CDD and DDH	7 (Conventional)	11/10/2010	Approval
Longleaf Crossing, Phase 6 (PL-2010-00856 and PL-2010-00857)	Preliminary and Final	Tiger Crossing	PDD / CDD	2 (Conventional) (Includes ROW)	12/9/2010	Approval
Stonehaven at The Preserve (PL-2010-00881 and PL-2010-00882)	Preliminary and Final	AB&T National Bank	PDD / DDH	17 (Conventional) (16 single family and one open space)	12/9/2010	Approval
Stonewall Subdivision West (PL-2010-00925 and PL-2010-00926)	Preliminary and Final	Barbara L. Priester	Outside of the City Limits (Planning Jurisdiction)	9 (Conventional)	1/13/2011	Approval

Subdivision Applications from October 2010 - September 2011

Case	Approval Requested	Property Owner	Zoning	Number of Lots (Subdivision Type)	Planning Commission Date	Planning Commission Decision
Pine Ranch Subdivision (PL-2010-00927 and PL-2010-00928)	Preliminary and Final	Nolan and Gail Torbert	Outside of the City Limits (Planning Jurisdiction)	5 (Conventional)	1/13/2011	Approval
CW Subdivision, Redivision of Lot 1 (PL-2011-00115 and PL-2011-00421)	Preliminary	Lewis A. Pick, III	CDD	2 (Conventional)	3/10/2011	Approval
	Final				7/14/2011	Approval
Lundy Chase, Phase Two (PL-2011-00240 and PL-2011-00241)	Preliminary and Final	Sky is the Limit Homes, LLC	PDD / DDH	32 (Performance) (31 single family and one open space)	5/12/2011	Approval
First Revision of Pick Estates Subdivision North, First Revision - Phase 1, Redivision of Lot 6 (PL-2011-00244 and PL-2011-00533)	Preliminary	Clark Legacy Trust, Pick Legacy Trust, Charles Pick and Elizabeth Pick	PDD / CDD and DDH	1 (Conventional) (Includes ROW)	5/12/2011	Approval
	Final				8/11/2011	Approval
Town Creek Subdivision (PL-2009-00832)	Extension of Preliminary	Jack Johnson	DDH	28 (Conventional)	5/12/2011	Approval
Shadow Wood Estates, First Addition, Phase II (PL-2011-00342 and PL-2011-00343)	Preliminary and Final	Wells Fargo Bank	LDD	27 (Conventional)	6/9/2011	Approval

Subdivision Applications from October 2010 - September 2011

Case	Approval Requested	Property Owner	Zoning	Number of Lots (Subdivision Type)	Planning Commission Date	Planning Commission Decision
Minnie Morgan Subdivision (PL-2011-00427 and PL-2011-00428)	Preliminary and Final	Mary H. Bryant, Willy C. Dumas, Ben T. Dumas, Henry L. Dumas, Queen E. Carlisle, Darphine Smith, Walter L. Thomas, Gwendolyn D. Battle, Gail Thomas, Napoleon B. Thomas, Irene Dumas, Amy L. Dumas, Monica L. Dumas, Tony Dumas, Connie Jo Dumas White, Gwendolyn Ann Dumas and Gerald Fitzgerald Dumas	CDD	8 (Conventional)	7/14/2011	Approval
Lundy West Subdivision, Third Revision (PL-2011-00530)	Revised Final	Sky is the Limit Homes, LLC	DDH	20 (Performance - zero lot line)	8/11/2011	Approval
Shelton Cove, Sector Two (PL-2011-00522)	Preliminary	SBG, LLC	DDH	20 (Conventional)	8/22/2011	Approval
River-Carroll Subdivision (PL-2011-00619)	Preliminary	Carroll Timber & Land, LLLP and River Bank & Trust	CDD	2 (Conventional)	9/8/2011	Approval

Conditional Use Applications from October 2010 - September 2011

Case	Property Owner	Zoning	Use Requested	Planning Commission Date	Planning Commission Recommendation
SCA Expansion 2010 (PL-2011-00579)	Industrial Development Board of the City of Auburn	I	Expansion of an existing Industrial use (manufacturing use)	10/14/2010	Approval
Little Tree Learning Center (PL-2011-00702)	James B. Jennings	RDD	Institutional use (daycare / learning center)	10/14/2010	Approval
The Shoppes at Cary Creek (PL-2011-00779)	Pick-Clark Holdings, LLC	PDD with CDD underlying	Request to fill in a portion of the 100-year flood plain	11/10/2010	Approval
Grub Mart #22 (PL-2010-00776)	Young Oil, Inc.	UC	Commercial and entertainment use (package store)	11/10/2010	Approval
Borbet 2010 Expansion (PL-2011-00781)	Industrial Development Board of the City of Auburn	I	Expansion of an existing Industrial use (manufacturing use)	11/10/2010	Approval
Lee County Humane Society (PL-2011-00806)	City of Auburn	CDD	Public Service use (spay and neuter clinic)	11/10/2010	Approval
Pyongsan-America (PL-2011-00929)	Industrial Development Board of the City of Auburn	I	Expansion of an existing Industrial use (manufacturing use)	1/13/2011	Approval
Viper Motorcycle (PL-2011-00937)	Industrial Development Board of the City of Auburn	I	Industrial use (manufacturing use)	1/13/2011	Approval
Precision Cuts (PL-2011-00109)	Kevin Vick	RDD	Commercial and entertainment use (barbershop)	3/10/2011	Denial
Leumas Commercial Building (PL-2011-00114)	Samuel Glover	RDD	Commercial and entertainment uses (barbershop / beauty shop and restaurant)	3/10/2011	Approval
Longleaf Convenience Store (PL-2011-00215)	Tiger Crossing	PDD with CDD underlying	Road Service use (gasoline / service station and convenience store)	5/12/2011	Approval
U-Save Auto Rental (PL-2011-00237)	Peyton Development, Inc.	CC and RDD	Road Service use (auto rental agency)	5/12/2011	Approval

Conditional Use Applications from October 2010 - September 2011

Case	Property Owner	Zoning	Use Requested	Planning Commission Date	Planning Commission Recommendation
DJ Holleywood's Chameleon Club (PL-2011-00245)	Tiger WM, LLC	CDD	Commercial and Entertainment use (lounge)	5/12/2011	Approval
Initial Outfitters Addition (PL-2011-00337)	New Life Properties, LLC	I	Expansion of an existing Industrial use (embroidery and engraving manufacturer)	6/9/2011	Approval
Avondale Bar and Tap Room (PL-2011-00282)	Darsie Rogers	UC with CEOD overlay	Commercial and Entertainment use (lounge)	6/9/2011	Approval
Auburn Armory and Gun Club (PL-2011-00338)	East Glenn Investment Properties, LLC	CDD	Commercial Recreational use (indoor firing range, retail and training facility)	6/9/2011	Approval
Auburn Bank (PL-2011-00340)	Auburn Bank	UC	Road Service use (bank with drive-through)	6/9/2011	Approval
Project Noah (PL-2011-00350)	Industrial Development Board of the City of Auburn	I	Industrial use (manufacturing use)	6/9/2011	Approval
Parkview Townhomes (PL-2011-00218)	Plainsview, LLC	RDD	Performance Residential Development (town house subdivision)	7/14/2011	Table
				8/11/2011	Table
				9/8/2011	Denial
Moore's Mill Cigar and Fine Spirits (PL-2011-00388)	Ogletree Road Properties, LLC	PDD with LDD underlying	Commercial and Entertainment use (tobacco shop, package store, and lounge)	7/14/2011	Approval
Top Shelf Spirits (PL-2011-00425)	Hamilton Place, LLC	PDD with LDD underlying	Commercial and Entertainment use (package store)	7/14/2011	Approval
MLK Retail (PL-2011-00429)	Donald H. Allen and West Alabama Bank and Trust	RDD	Commercial and Entertainment use (retail store)	7/14/2011	Approval
Jim Massey Laundromat (PL-2011-00430)	Jim Massey Real Estate, LLC	CC	Commercial and Entertainment use (Laundromat)	7/14/2011	Approval

Conditional Use Applications from October 2010 - September 2011

Case	Property Owner	Zoning	Use Requested	Planning Commission Date	Planning Commission Recommendation
Tropical Smoothie (PL-2011-00431)	William Cox	UC and US	<i>Institutional use</i> (private libraries and museums, private schools), <i>Indoor Recreational uses</i> (community recreational center, bowling alley, billiards, gymnasium, indoor athletic facility), <i>Commercial and Entertainment uses</i> (brewpub, commercial or trade school, garden supply, general merchandise store, package store, private club, lounge, veterinary office, bank, dry cleaner, grocery store, professional studio, theater/indoor auditorium), and a <i>walk-up automated teller machine (ATM)</i>	7/14/2011	Approval
North Donahue Hair Salon (PL-2011-00436)	Lakeshi Robinson	RDD	Commercial and Entertainment use (hair salon / beauty shop)	7/14/2011	Approval
Jack's Family Restaurant (PL-2011-00532)	College Land, LLC	CDD	Road Service use (fast food restaurant with drive-through)	8/11/2011	Approval
Joe Hudson Collision Center (PL-2011-00615)	Bill Dyas	CDD	Road Service use (auto body repair shop)	9/8/2011	Approval
KIA of Auburn (PL-2011-00621)	Dyas Leaseholds, LLC	CDD	Road Service use (automobile dealership)	9/8/2011	Approval
Cumberland Plastics Addition (PL-2011-00623)	Industrial Development Board of the City of Auburn	I	Expansion of an existing Industrial use (manufacturing use)	9/8/2011	Approval
J.J.'s Corner Store (PL-2011-00626)	Tucker Brown	RDD	Road Service use (gas station / convenience store)	9/8/2011	Approval
Z and Z Tobacco Spirits (PL-2011-00669)	Tiger WM, LLC	CDD	Commercial and Entertainment use (tobacco shop)	9/8/2011	Approval

Requests for Waivers to Zoning Ordinance and Subdivision Regulations from October 2010 - September 2011

Case Number	Case	Property Owner	Action Requested	Planning Commission Date	Planning Commission Action
PL-2011-00239	McDonald's Waiver	McDonald's USA, LLC	Waiver to reduce size of and plantings in the front bufferyard	5/12/2011	Approval
PL-2011-00335	U-Save Auto Rental	Peyton Development, Inc.	Waiver to reduce size of and plantings in the front bufferyard	6/9/2011	Approval
PL-2011-00341	Prudential Office / Retail Building	SEHK Real Estate Holdings, LLC	Waiver to reduce size of front and side bufferyards	6/9/2011	Approval
PL-2011-00336	Willis Subdivision Waiver	Moses Willis	Waiver to subdivide and create lots less than the minimum required lot size in the Planning Jurisdiction	6/9/2011	Approval
PL-2011-00429	MLK Retail	Donald H. Allen and West Alabama Bank and Trust	Waiver to reduce size of front and rear bufferyards	7/14/2011	Approval
PL-2011-00431	Tropical Smoothie Café	William Cox	Waiver to allow recessed portions of the proposed structure	7/14/2011	Approval
PL-2011-00422	Wittel Dorm	Wittel Dorm, LLC	Waiver to reduce size of the southern bufferyard	7/14/2011	Approval
PL-2011-00615	Joe Hudson Collision Center	Bill Dyas	Waiver to eliminate required buffer and a waiver to Corridor Overlay cladding requirements	9/8/2011	Approval
PL-2011-00621	KIA of Auburn	Dyas Leaseholds, LLC	Waiver to eliminate landscape buffers	9/8/2011	Approval
PL-2011-00677	Ware Jewelers	Ronald Ware	Waiver to Corridor Overlay requirements	9/8/2011	Approval

**Planned Development District Amendment Applications from
October 2010 - September 2011**

Case	Property Owner	Action Requested	Planning Commission Date	Planning Commission Recommendation
Madison Park PDD Amendment (PL-2011-00103)	Branch Banking and Trust Company	Request to remove 39.29 acres from the original 49.29 acre PDD	3/10/2011	Denial

Miscellaneous Requests from October 2010 - September 2011

Case	Action Requested	Planning Commission Date	Planning Commission Recommendation
Amendments to Auburn Planning Commission Bylaws	Amendments to Article II (Organization and Operation) and Article III (Conduct of Meetings) of the Auburn Planning Commission Bylaws	10/14/2010	Approval
Discuss Removal of Gate on Cross Creek Road (MS-2010-00073)	Removal of the Gate between Willow Creek Subdivision and The Cotswold Subdivision	1/13/2011	Approval
West Pace Village Master Signage Plan Amendment (MS-2011-00004)	Amendment to Master Signage Plan in order to allow a monument sign for the Shell Fueling Station	2/10/2011	Approval
The Grove at Auburn (PL-2011-00114)	Master Development Plan Submittal	3/10/2011	No Action Required
Street Renaming Old Towne Station (MS-2011-00016)	Recommendation to City Council for renaming of streets within Old Towne Station	4/14/2011	Approval

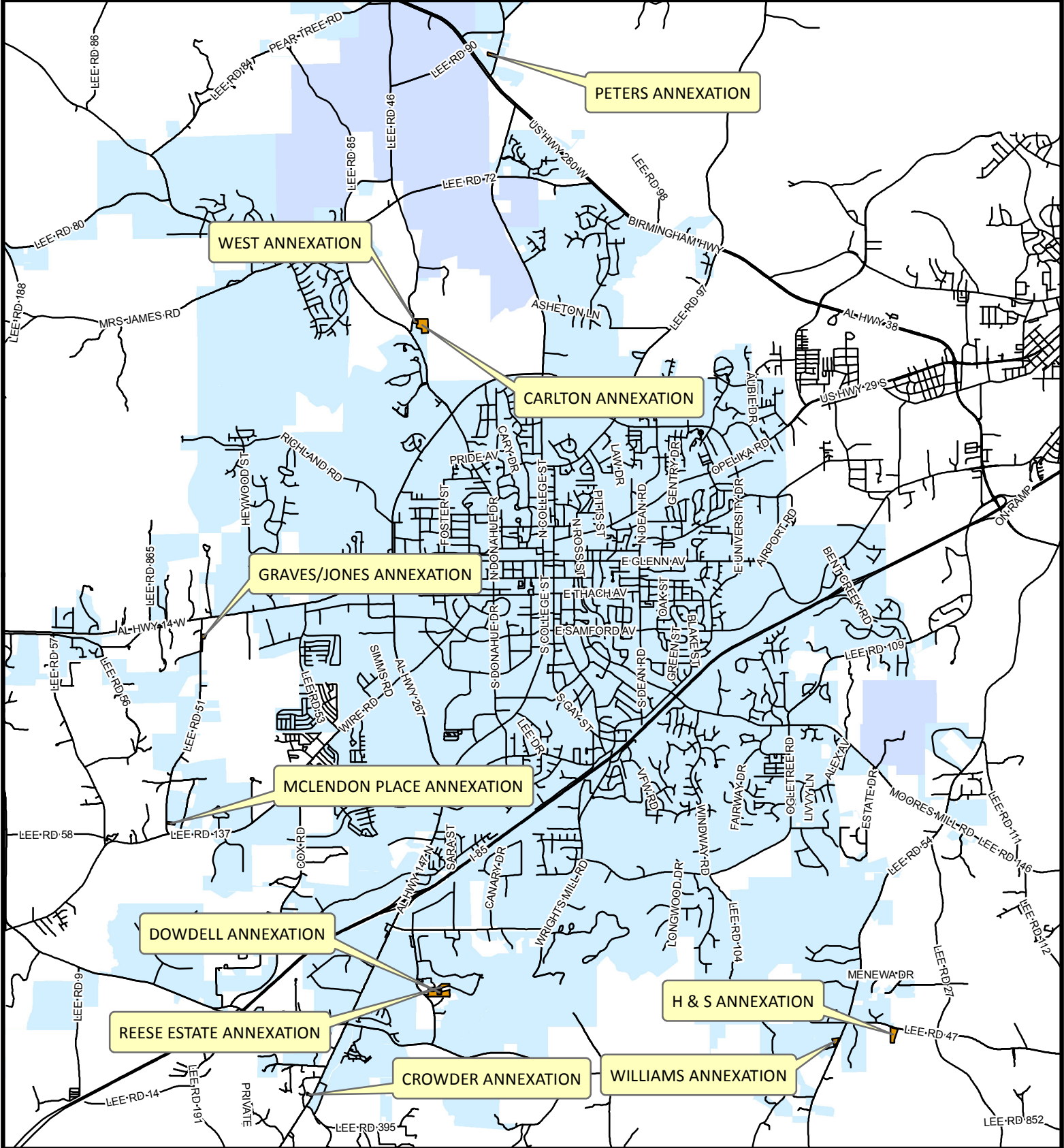
Miscellaneous Requests from October 2010 - September 2011

Case	Action Requested	Planning Commission Date	Planning Commission Recommendation
Frank Brown Recreation Center (PL-2009-00900)	Extension of Conditional Use Approval for an Indoor Recreational Use and the Addition of a Senior Center Building	5/12/2011	Approval
MLK Retail (PL-2011-00443)	Appeal to a Public Works Design & Construction Manual waiver request denial (driveway spacing)	7/14/2011	Approval
West Pace Village Master Signage Plan Amendment (MS-2011-00030)	Amendment to Master Signage Plan in order to allow signage for Lynch Chevrolet	8/11/2011	Approval
KIA of Auburn (PL-2011-00680)	Appeal to a Public Works Design & Construction Manual waiver request denial (driveway spacing)	9/8/2011	Approval

City Initiatives from October 2010 - September 2011

Case Number	Case	Action Requested	Planning Commission Date	Planning Commission Recommendation
MS-2010-00037	Zoning Ordinance Text Amendments (Shopping Center Sign Regulations)	Recommendation to City Council to review and adopt amendments to Article VI (Signs) of the <i>City of Auburn Zoning Ordinance</i> for the purpose of offering greater sign allowances for larger shopping center developments	1/13/2011	Approval
MS-2010-00069	City Code Text Amendment	Recommendation to amend Chapter 17, Article III: House Numbering and Street Names of the <i>City Code of Auburn</i> for the purpose of providing regulations governing street naming protocol and addressing assignments	4/8/2010	Approval
MS-2011-00014	City Code Text Amendment	Recommendation to amend Chapter 12, Article X: Sidewalk Sales of the <i>City Code of Auburn</i> for the purpose of creating criteria for sidewalk sales	4/14/2011	Table
MS-2011-00025	Zoning Ordinance Text Amendments (Urban Chickens Regulations)	Recommendation to City Council to review and adopt amendments to Article V (Detailed Use Regulations) of the <i>City of Auburn Zoning Ordinance</i> for the purpose of allowing the keeping of chickens on residential lots	7/9/2011	Approval
MS-2011-00024	Zoning Ordinance Text Amendments (Model Homes)	Recommendation to City Council to review and adopt amendments to Article V (Detailed Use Regulations) of the <i>City of Auburn Zoning Ordinance</i> for the purpose of updating model home standards	7/9/2011	Approval
MS-2011-00027	City Code Text Amendment	Recommendation to amend Chapter 13, Section 13-4: Discharge of Weapons of the <i>City Code of Auburn</i> for the purpose of specifying regulations for the discharge of firearms at Indoor Shooting Ranges	7/9/2011	Approval
MS-2011-00044	CompPlan 2030	Recommendation to City Council for adoption of CompPlan 2030, the comprehensive plan for the City of Auburn, including the Future Land Use Plan map, plan text, and all plan recommendations	9/8/2011	Approval

Appendix A FY 2011 Annexation Approvals



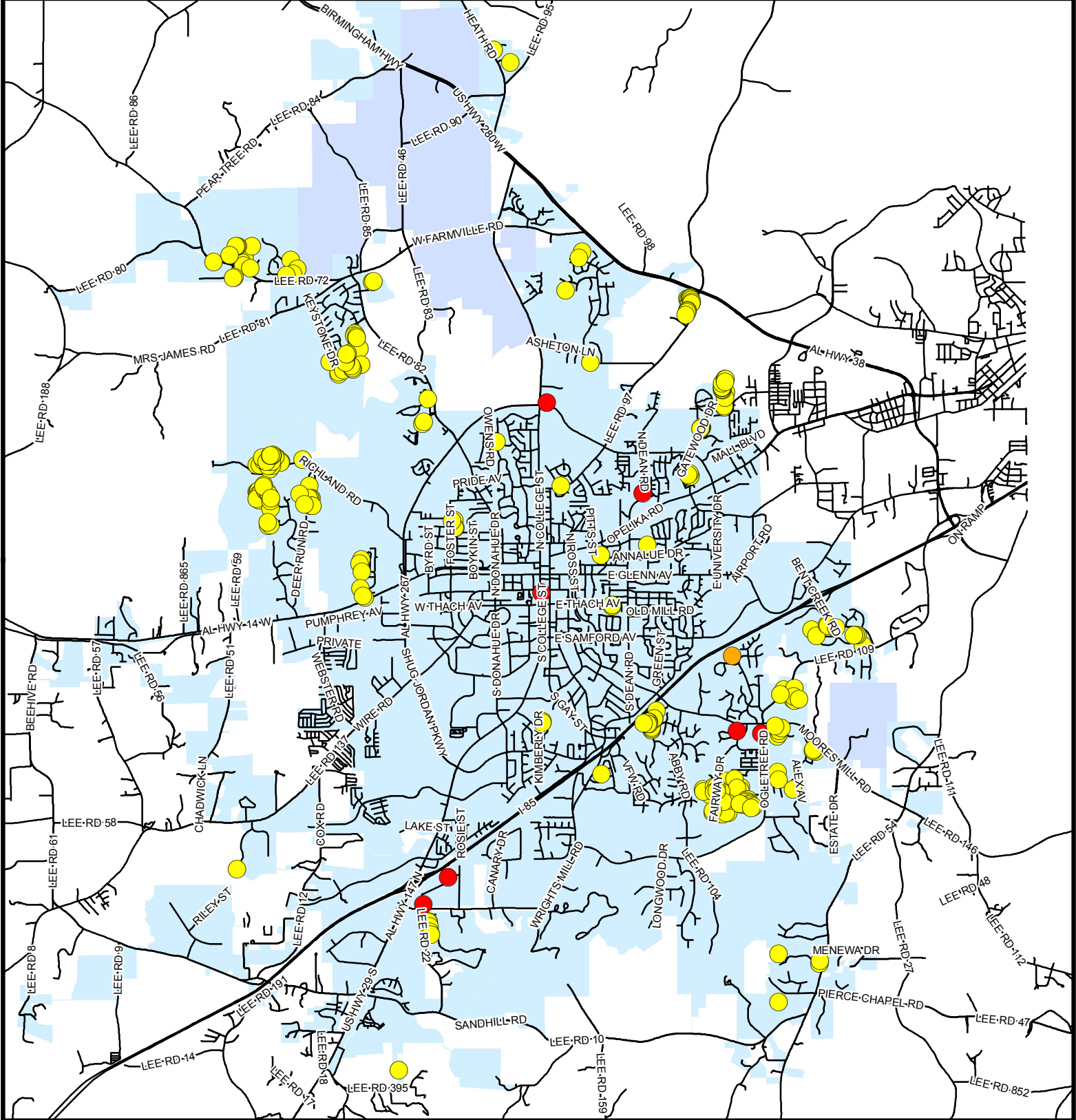
Legend

 Annexations



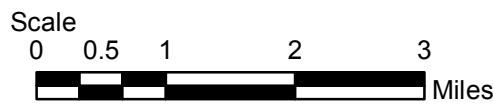
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Appendix C FY 2011 New Development



Legend

- Single Family
- Multi Family
- Commercial/Office



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