HOLDOVER/REVISED

SUB2011-00073, ZON2011-01682 & ZON2011-01724

Date: September 1, 2011

3, 4 & 5

ZONING AMENDMENT, PLANNED UNIT DEVELOPMENT & SUBDIVISION STAFF REPORT

NAME Aronov Realty, Inc.

SUBDIVISION NAME Midtown Mobile Subdivision

LOCATION 1753 & 1763 Springhill Avenue, 117 & 125 Mobile

Infirmary Boulevard and 1810, 1812 and 1814 Old Shell

Road

(Southwest corner of Springhill Avenue and Mobile Infirmary Boulevard extending to the North side of Old Shell Road, 80'± West of Mobile Infirmary Boulevard)

CITY COUNCIL DISTRICT

District 1

PRESENT ZONING R-1, Single-Family Residential District

LB-2, Limited-Neighborhood Business District

B-1, Buffer Business District

B-2, Neighborhood Business District and

PROPOSED ZONING B-2, Neighborhood Business District

REASON FOR REZONING

Amendments are necessary due to changes in conditions in the immediate area surrounding this site, as well as an increased need for this type of business in the area. There is a tremendous need and desire for this type of retail in the immediate area.

AREA OF PROPERTY 5 Lots/9.2± Acres

CONTEMPLATED USE Subdivision approval to create five legal lots of record from

three legal lots of record and four metes and bounds parcels; Planned Unit Development Approval to allow shared access and parking between multiple building sites; and Rezoning from R-1, Single-Family Residential District, B-1, Buffer Business District, LB-2, Limited-Neighborhood Business District, and B-2, Neighborhood Business District to eliminate split zoning and allow a retail development.

It should be noted, however, that any use permitted in the proposed district would be allowed at this location if the zoning is changed. Furthermore, the Planning Commission may consider zoning classifications other than that sought by the applicant for this property.

TIME SCHEDULE

Immediate.

ENGINEERING

COMMENTS Development of this size will require compliance with FEMA and COM Floodplain Management requirements, which includes a No Rise or Flood Study. A LOMR has been submitted and forwarded to FEMA and a CLOMR is expected due to improvements to the downstream culvert. Proposed culvert shall be in keeping with the COM Capital Project Improvement criteria and shall match the downstream culvert construction including easement width. The culvert depicted on the east side of Mobile Infirmary Blvd is the location of the old culvert. Need to depict the location of the recently constructed culvert. Also show location of existing culvert across the subject property. Approval of the size, location and alignment of the proposed culvert and easements will be at the discretion of the City Engineer. There is a pipe discharging to the property from Old Shell Rd Place that is not shown on the plans. Need to locate this pipe culvert and provide an easement. A valley ditch is required to receive and convey drainage from the adjacent lots of Old Shell Road Place to the culvert. Show Minimum Finished Floor Elevation on each lot on Plat. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit in addition to any required land disturbance permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer.

TRAFFIC ENGINEERING

<u>COMMENTS</u> Driveway number, size, location, and design to be approved by Traffic Engineering and ALDOT and conform to AASHTO standards. A Traffic Impact Study will be required for this development and the developer will be responsible for performing the recommendations. The eastern most driveway on Springhill Avenue should be redesigned to avoid conflicts with the landscape island and bank traffic.

Traffic Engineering has not had adequate time to review the Traffic Impact Study for the application. I would like to request a holdover to allow us to thoroughly review the study we received.

URBAN FORESTRY

COMMENTS Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 61-929 and City Code Chapters 57 and 64).

Preservation status is to be given to the 50" Live Oak Tree located on the West side of Lot 2. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger.

Coordinate with Urban Forestry location and design of the proposed driveway to Old Shell Road in order to minimize impact to the root systems of existing Live Oak Trees.

Coordinate with Urban Forestry location and design of the access, maneuvering, and parking along Spring Hill Avenue to minimizes the impact to the root system of the 50" Live Oak Tree on Spring Hill Avenue right of way that is not shown on the site plan.

FIRE DEPARTMENT

COMMENTS

All projects must comply with the requirements of the 2003 International Fire Code, including Appendices B through D, as adopted by the City of Mobile, and the 2003 International Existing Building Code, as appropriate. Fire hydrants shall be installed to comply with 2003 IFC 508.5.1

REMARKSThe applicant is requesting subdivision approval to create five legal lots of record from three legal lots of record and four metes and bounds parcels; Planned Unit Development Approval to allow shared access and parking between multiple building sites; and Rezoning from R-1, Single-Family Residential District, B-1, Buffer Business District, LB-2, Limited-Neighborhood Business District, and B-2, Neighborhood Business District, to B-2, Neighborhood Business District to eliminate split zoning and allow a retail development.

As proposed "Midtown Mobile Subdivision" will consist of five lots totaling approximately $8.2\pm$ acres. The applicant is requesting the change of zoning to B-2, Neighborhood Business district to allow the proposed retail use. As stated in the project description and also illustrated on the site plan, the structure will consist of 45,600 square feet food store as the anchor tenant and another 4,200 square feet as retail.

Currently, zoned LB-2, Limited-Neighborhood Business, a credit union is located at 1753 Spring Hill Avenue (Lot 1), on the southwest corner of Spring Hill Avenue and Mobile Infirmary Boulevard. Zoned B-1, Buffer Business, a bank is located at 1763 Spring Hill Avenue (not included in subdivision), a 3,800 square foot office building and nine two-story apartments are located at 125 Mobile Infirmary Boulevard. Zoned R-1, Single-Family Residential are two vacant properties located at 113 and 115 Mobile Infirmary Boulevard (Lot 2). Also, Mobile Water and Sewer Service has a lift station that is to the rear of the development (Lot 3) and would remain as a lift station. The applicant proposes to rezone these properties to B-2, Neighborhood Business to allow the proposed project.

Planned Unit Development review examines the site with regard to its location to ensure that it is generally compatible with neighboring uses; that adequate access is provided without generating excess traffic along minor residential streets in residential districts outside the PUD; and that natural features of the site are taken into consideration. PUD review also examines the design of the development to provide for adequate circulation within the development; to ensure adequate access for emergency vehicles; and to consider and provide for protection from adverse effects of adjacent properties as well as provide protection of adjacent properties from adverse effects from the PUD. PUD approval is <u>site plan specific</u>, thus if any new construction is anticipated that will

change an approved site plan, an application to amend an existing, approved PUD must be made prior to any construction activities.

The site plan indicates approximately 245 parking spaces provided on Lot 2; however, no information is provided regarding the landscaping percentages or the location of the required trees. As the Planned Unit Development is proposed with several common interior property lines, staff has in the past allowed these interior property lines not be counted as perimeter lot lines, but rather look at the overall Planned Unit Development (PUD). Detailed information must be provided so that staff can determine if the site meets tree and landscape requirements. Also, buffer requirements as per Section 64-4.D.1. and the location of all dumpsters with screening illustrated on the site plan.

Access and circulation will be reviewed in the Traffic Impact Study by Traffic Engineering. As recommendations of the Traffic Impact Study will be required to be made, overall access and circulation should be improved.

The site appears to be depicted as commercial on the General Land Use Component of the Comprehensive Plan, which is meant to serve as a general guide, not a detailed lot and district plan or mandate for development. Moreover, the General Land Use Component allows the Planning Commission and City Council to consider individual cases based on additional information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and zoning classification.

To the West is residential zoned R-1, Single-Family Residential district property currently used as a church and several residential lots occupied by single-family dwellings, to the South across Old Shell Road is B-2 properties, to the East is mostly B-1 zoned property used as parking for several clinics and the hospital and to the North across Spring Hill Avenue is B-1 and R-3 districts currently used as clinics and nursing homes.

As stated in Section 64-9 of the Zoning Ordinance, the intent of the Ordinance and corresponding Zoning Map is to carry out the comprehensive planning objective of sound, stable and desirable development. While changes to the Ordinance are anticipated as the city grows, the established public policy is to amend the ordinance only when one or more of the following conditions prevail: 1) there is a manifest error in the Ordinance; 2) changing conditions in a particular area make a change in the Ordinance necessary and desirable; 3) there is a need to increase the number of sites available to business or industry; or 4) the subdivision of land into building sites makes reclassification of the land necessary and desirable.

The applicant stated an amendment to the Zoning Ordinance is necessary due to the changes in condition in the immediate area surrounding this site, as well as an increased need for this type of business in the area. Also, stated there is a tremendous need and desire for this type of retail in the immediate area and the site has been used for commercial and multi-family purposes for many years, and except for a small portion on the west side, is surrounded by other commercial uses.

Subdivision review examines the site with regard to promoting orderly development, protecting general health, safety and welfare, and ensuring that development is correlated with adjacent developments and public utilities and services, and to ensure that the subdivision meets the minimum standards set forth in the Subdivision Regulations for lot size, road frontage, lot configuration, etc.

The proposed lots, as depicted, meet the minimum size and street frontage requirements as regulated by Section V.D.2. of the Subdivision Regulations. The areas of the lots are not depicted in square feet, and the 25-foot minimum building setback lines are also not depicted, and these notations should be included on the Final Plat, if approved.

The site has frontage on Old Shell Road to the South and Mobile Infirmary Boulevard to the East and Spring Hill Avenue to the North. Old Shell Road and Mobile Infirmary Boulevard are minor streets, provided with curb and gutter, and both are depicted with existing adequate rights-of-way of 50 feet and 58 feet, respectively. As such, no further dedications should be required. However, Spring Hill Avenue is a major street and required 100-feet of right-of-way, as depicted on the preliminary plat as right-of-way varies, the provision dedication of 50-feet from the centerline of Spring Hill Avenue would be required to be illustrated on the Final Plat.

Both Old Shell Road and Mobile Infirmary function as collector streets. Old Shell Road is a heavily traveled east-west artery of the City, and Mobile Infirmary Boulevard funnels traffic to Mobile Infirmary from Dauphin Street and points south. As such, access management is a concern.

The lot configuration will be changed due to the creation of road frontage for the retail lot (Lot 2), the creation of a legal lot for the lift station (Lot 3) and the creation of a legal lot for the existing cell tower and the contractor's office (Lot 4). As proposed by the applicant a portion of parcel R022907240004006 will be a part of Lot 2 and the remainder and parcel R022907240004007 will be combined (Lot 5). As illustrated on the PUD site plan the reasoning for the portion of parcel R022907240004006 to be included into the proposed Lot 2 is due to the curb cut turnout to Mobile Infirmary Boulevard. A recommendation by staff would be **NOT** to include parcel R022907240004007 in this development and to include **ALL** of parcel R022907240004006 into the proposed Lot 2. Therefore, creating a 4-lot subdivision and leaving parcel R022907240004007 in its current configuration and R-1 zoning.

As stated by Traffic Engineering a Traffic Impact Study will be required due to the size and location of the proposed project; therefore, a holdover is warranted until a completed TIS is submitted to Traffic Engineering and Planning for review. The developer will be responsible for performing the recommendations. Due to the site plan specificity of a Planned Unit Development (PUD), a site plan illustrating any improvements to the site resulting from the Traffic Impact Study will be required prior to approval by the Commission.

Finally, the geographic area defined by the city of Mobile and its planning jurisdiction, including this site, may contain Federally-listed threatened or endangered species as well as protected nongame species. Development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species.

RECOMMENDATION Planned Unit Development: Based on the preceding, this application is recommended for Holdover until the September 1, 2011, meeting, with revisions due to the Planning Section of Urban Development by noon on Friday, August 19, 2011, to address the following:

- 1) the submission of a Traffic Impact Study;
- 2) revision of the site plan to show <u>ALL</u> improvements on the site including, but not limited to: recommendations of the Traffic Impact Study and the removal of the proposed Lot 5 and the inclusion of parcel R022907240004006 to be included into the proposed Lot 2;
- 3) compliance with Urban Forestry comments "Preservation status is to be given to the 50" Live Oak Tree located on the West side of Lot 2. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger. Coordinate with Urban Forestry location and design of the proposed driveway to Old Shell Road in order to minimize impact to the root systems of existing Live Oak Trees. Coordinate with Urban Forestry location and design of the access, maneuvering, and parking along Spring Hill Avenue to minimizes the impact to the root system of the 50" Live Oak Tree on Spring Hill Avenue right of way that is not shown on the site plan";
- 4) revision of the PUD site plan to include landscaping calculations and tree locations; and
- 5) full compliance with all municipal codes and ordinances.

Rezoning: Based on the preceding, this application is recommended for Holdover until the September 1, 2011, meeting, with revisions due to the Planning Section of Urban Development by noon on Friday, August 19, 2011, to address the following:

- 1) the submission of a Traffic Impact Study;
- 2) removal of the proposed Lot 5 and the inclusion of parcel R022907240004006 into the proposed Lot 2;
- 3) compliance with Urban Forestry comments "Preservation status is to be given to the 50" Live Oak Tree located on the West side of Lot 2. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger. Coordinate with Urban Forestry location and design of the proposed driveway to Old Shell Road in order to minimize impact to the root systems of existing Live Oak Trees. Coordinate with Urban Forestry location and design of the access, maneuvering, and parking along Spring Hill Avenue to minimizes the impact to the root system of the 50" Live Oak Tree on Spring Hill Avenue right of way that is not shown on the site plan"; and
- 4) full compliance with all municipal codes and ordinances.

Subdivision: Based on the preceding, this application is recommended for Holdover until the September 1, 2011, meeting, with revisions due to the Planning Section of Urban Development by noon on Friday, August 19, 2011, to address the following:

- 1) placement of the lots area size, in square feet, on the Final Plat or provision of a table on the Final Plat with the same information;
- 2) placement of the 25-foot minimum building line to be depicted along all street frontages;
- 3) compliance with Engineering comments: "Development of this size will require compliance with FEMA and COM Floodplain Management requirements, which includes a No Rise or Flood Study. A LOMR has been submitted and forwarded to FEMA and a CLOMR is expected due to improvements to the downstream culvert. Proposed culvert shall be in keeping with the COM Capital Project Improvement criteria and shall match the downstream culvert construction including easement width. The culvert depicted on the east side of Mobile Infirmary Blvd is the location of the old culvert. Need to depict the location of the recently constructed culvert. Also show location of existing culvert across the subject property. Approval of the size, location and alignment of the proposed culvert and easements will be at the discretion of the City Engineer. There is a pipe discharging to the property from Old Shell Rd Place that is not shown on the plans. Need to locate this pipe culvert and provide an easement. A valley ditch is required to receive and convey drainage from the adjacent lots of Old Shell Road Place to the culvert. Show Minimum Finished Floor Elevation on each lot on Plat. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit in addition to any required land disturbance permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary
- 4) compliance with Urban Forestry comments "Note: Preservation status is to be given to the 50" Live Oak Tree located on the West side of Lot 2. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger. Coordinate with Urban Forestry location and design of the proposed driveway to Old Shell Road in order to minimize impact to the root systems of existing Live Oak Trees. Coordinate with Urban Forestry location and design of the access, maneuvering, and parking along Spring Hill Avenue to minimizes the impact to the root system of the 50" Live Oak Tree on Spring Hill Avenue right of way that is not shown on the site plan";
- 5) placement of a note on the final plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species;
- 6) removal of the proposed Lot 5 and the inclusion of parcel R022907240004006 to be included into the proposed Lot 2; and
- 7) completion of the rezoning process.

Revised for the September 1st, 2011 meeting:

The application was heldover from the August 4th, 2010 meeting at the Commission's request. The Commission required information to be submitted so the following items could be addressed:

1) the submission of a Traffic Impact Study;

- 2) revision of the site plan to show <u>ALL</u> improvements on the site including, but not limited to: recommendations of the Traffic Impact Study and the removal of the proposed Lot 5 and the inclusion of parcel R022907240004006 to be included into the proposed Lot 2;
- 3) compliance with Urban Forestry comments "Preservation status is to be given to the 50" Live Oak Tree located on the West side of Lot 2. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger. Coordinate with Urban Forestry location and design of the proposed driveway to Old Shell Road in order to minimize impact to the root systems of existing Live Oak Trees. Coordinate with Urban Forestry location and design of the access, maneuvering, and parking along Spring Hill Avenue to minimizes the impact to the root system of the 50" Live Oak Tree on Spring Hill Avenue right of way that is not shown on the site plan";
- 4) revision of the PUD site plan to include landscaping calculations and tree locations;
- 5) removal of the proposed Lot 5 and the inclusion of parcel R022907240004006 into the proposed Lot 2;
- 6) placement of the lots area size, in square feet, on the Final Plat or provision of a table on the Final Plat with the same information;
- 7) placement of the 25-foot minimum building line to be depicted along all street frontages;
- 8) compliance with Engineering comments: "Development of this size will require compliance with FEMA and COM Floodplain Management requirements, which includes a No Rise or Flood Study. A LOMR has been submitted and forwarded to FEMA and a CLOMR is expected due to improvements to the downstream culvert. Proposed culvert shall be in keeping with the COM Capital Project Improvement criteria and shall match the downstream culvert construction including easement width. The culvert depicted on the east side of Mobile Infirmary Blvd is the location of the old culvert. Need to depict the location of the recently constructed culvert. Also show location of existing culvert across the subject property. Approval of the size, location and alignment of the proposed culvert and easements will be at the discretion of the City Engineer. There is a pipe discharging to the property from Old Shell Rd Place that is not shown on the plans. Need to locate this pipe culvert and provide an easement. A valley ditch is required to receive and convey drainage from the adjacent lots of Old Shell Road Place to the culvert. Show Minimum Finished Floor Elevation on each lot on Plat. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit in addition to any required land disturbance permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer";
- 9) placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species; and
- 10) completion of the rezoning process.

The applicant has submitted revised preliminary plat, revised PUD site plan, and amended rezoning site plan illustrating the recommendations of the staff. However, Traffic Engineering has not had adequate time to review the Traffic Impact Study for the application and is requesting a holdover to allow Traffic Engineering to thoroughly review the study received.

RECOMMENDATION Planned Unit Development: Based on the preceding, this application is recommended for Holdover until the September 15, 2011, meeting, with revisions due to the Planning Section of Urban Development by noon on Monday, September 5, 2011, to allow Traffic Engineering to thoroughly review the Traffic Impact Study:

- 1) revision of the site plan to show <u>ALL</u> improvements on the site including, but not limited to: recommendations of the Traffic Impact Study;
- 2) compliance with Urban Forestry comments "Preservation status is to be given to the 50" Live Oak Tree located on the West side of Lot 2. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger. Coordinate with Urban Forestry location and design of the proposed driveway to Old Shell Road in order to minimize impact to the root systems of existing Live Oak Trees. Coordinate with Urban Forestry location and design of the access, maneuvering, and parking along Spring Hill Avenue to minimizes the impact to the root system of the 50" Live Oak Tree on Spring Hill Avenue right of way that is not shown on the site plan"; and
- 3) full compliance with all municipal codes and ordinances.

Rezoning: Based on the preceding, this application is recommended for Holdover until the September 15, 2011, meeting, with revisions due to the Planning Section of Urban Development by noon on Monday, September 5, 2011, to allow Traffic Engineering to thoroughly review the Traffic Impact Study:

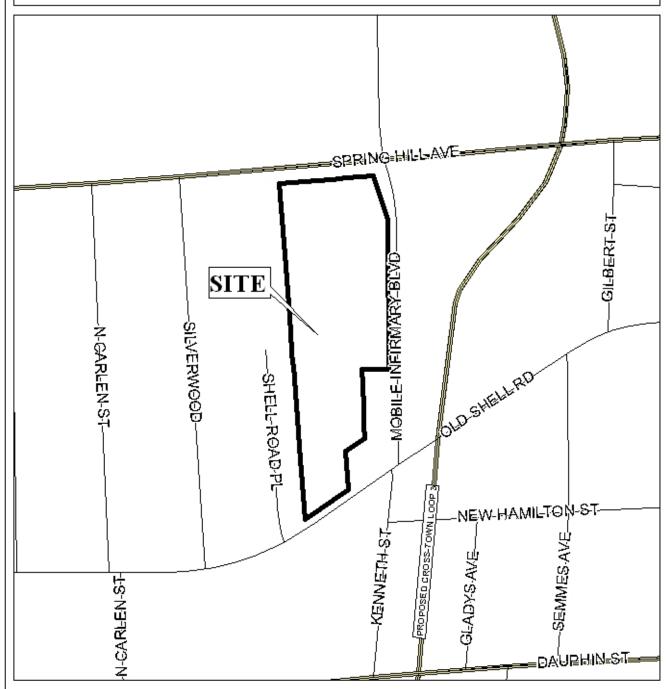
- 1) compliance with Urban Forestry comments "Preservation status is to be given to the 50" Live Oak Tree located on the West side of Lot 2. Any work on or under this tree is to be permitted and coordinated with Urban Forestry; removal to be permitted only in the case of disease or impending danger. Coordinate with Urban Forestry location and design of the proposed driveway to Old Shell Road in order to minimize impact to the root systems of existing Live Oak Trees. Coordinate with Urban Forestry location and design of the access, maneuvering, and parking along Spring Hill Avenue to minimizes the impact to the root system of the 50" Live Oak Tree on Spring Hill Avenue right of way that is not shown on the site plan"; and
- 2) full compliance with all municipal codes and ordinances.

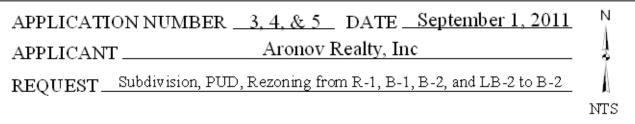
Subdivision: Based on the preceding, this application is recommended for Holdover until the September 15, 2011, meeting, with revisions due to the Planning Section of Urban Development by noon on Monday, September 5, 2011, to allow Traffic Engineering to thoroughly review the Traffic Impact Study:

- 1) placement of the lots area size, in square feet, on the Final Plat or provision of a table on the Final Plat with the same information;
- 2) placement of the 25-foot minimum building line to be depicted along all street frontages on the Final Plat;
- 3) compliance with Engineering comments: "Development of this size will require compliance with FEMA and COM Floodplain Management requirements, which includes

- a No Rise or Flood Study. A LOMR has been submitted and forwarded to FEMA and a CLOMR is expected due to improvements to the downstream culvert. Proposed culvert shall be in keeping with the COM Capital Project Improvement criteria and shall match the downstream culvert construction including easement width. The culvert depicted on the east side of Mobile Infirmary Blvd is the location of the old culvert. Need to depict the location of the recently constructed culvert. Also show location of existing culvert across the subject property. Approval of the size, location and alignment of the proposed culvert and easements will be at the discretion of the City Engineer. There is a pipe discharging to the property from Old Shell Rd Place that is not shown on the plans. Need to locate this pipe culvert and provide an easement. A valley ditch is required to receive and convey drainage from the adjacent lots of Old Shell Road Place to the culvert. Show Minimum Finished Floor Elevation on each lot on Plat. Must comply with all storm water and flood control ordinances. Any work performed in the right of way will require a right of way permit in addition to any required land disturbance permit. Drainage from any dumpster pads cannot discharge to storm sewer; must have connection to sanitary sewer";
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- 5) placement of a note on the Final Plat stating that development of the site must be undertaken in compliance with all local, state and Federal regulations regarding endangered, threatened or otherwise protected species; and
- 6) completion of the rezoning process.







PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



A church and single-family residential units are located to the west of the site. Commercial land use is located to the east and south of the site.

APPLICATION NUMBER 3, 4, & 5 DATE September 1, 2011	_ N
APPLICANT Aronov Realty, Inc	_ }
REQUEST Subdivision, PUD, Rezoning from R-1, B-1, B-2, and LB-2 to B-2	_ 1
R-1 R-2 R-3 R-A R-B HB T-B B-1 LB-2 B-2 B-3 B-4 B-5 I-1 I-2	NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



A church and single-family residential units are located to the west of the site. Commercial land use is located to the east and south of the site.

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REQUEST Subdivision, PUD, Rezoning from R-1, B-1, B-2, and LB-2 to B-2	_ 1
	NTS

SITE PLAN



The site plan illustrates the proposed retail store, shared, parking, paving, and existing structures.

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REQUEST Subdivision, PUD, Rezoning from R-1, B-1, B-2, and LB-2 to B-2	
	NTS

SUBDIVISION AND ZONING DETAIL



APPLICATION NUMBER 3, 4, & 5 DATE September 1, 2011

APPLICANT Aronov Realty, Inc

REQUEST Subdivision, PUD, Rezoning from R-1, B-1, B-2, and LB-2 to B-2

NTS