

**SUBDIVISION,
PLANNED UNIT DEVELOPMENT, &
ZONING AMENDMENT STAFF REPORT****Date: October 6, 2022**

<u>NAME</u>	Bringer of Rain Estates Subdivision
<u>SUBDIVISION NAME</u>	Bringer of Rain Estates Subdivision
<u>LOCATION</u>	3200 and 3202 Old Shell Road (Northwest corner of Old Shell Road and Abrams Street).
<u>CITY COUNCIL DISTRICT</u>	District 1
<u>PRESENT ZONING</u>	R-1, Single-Family Residential District, and B-3, Community Business District.
<u>PROPOSED ZONING</u>	B-3, Community Business District
<u>AREA OF PROPERTY</u>	2 Lots / 0.45± Acre
<u>CONTEMPLATED USE</u>	<p>Subdivision approval to create two (2) legal lots of record from two (2) existing metes-and-bounds parcels; Planned Unit Development Approval to allow shared access between two building sites, and Rezoning from R-1, Single-Family Residential District, and B-3, Community Business District, to B-3, Community Business District.</p> <p>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.</p>
<u>TIME SCHEDULE FOR DEVELOPMENT</u>	Within one year of approval.

**ENGINEERING
COMMENTS**

Subdivision: The “PLAT” that was submitted was labeled PLANNED UNIT DEVELOPMENT. Submit a PLAT (via email) for review.

Planned Unit Development: ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN:

1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Permitting Department (251-208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII).
2. A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems and paving will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work.
3. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control; the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control.
4. Any existing or proposed detention facility shall be maintained as it was constructed and approved. The Land Disturbance Permit application for any proposed construction includes a requirement of a Maintenance and Inspection Plan (signed and notarized by the Owner) for the detention facility. This Plan shall run with the land and be recorded in the County Probate Office prior to the Engineering Department issuing their approval for a Final Certificate of Occupancy.
5. The approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals.
6. The proposed development must comply with all Engineering Department design requirements and Policy Letters.

Rezoning: No comments.

TRAFFIC ENGINEERING

COMMENTS

Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance. [following need not be part of subdivision note] Site plan does not reflect any accessible parking. The aisle width is substandard near the southwest corner of the building at 3200 Old Shell Rd. The recently added asphalt does not match the driveway aprons on Abrams St. Some of the parking on 3202 Old Shell Road requires backing into the right-of-way. In similar cases where maneuvering in the right-of-way has been required, a right-of-way use agreement has also been required.

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 [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites,

developed residential sites in historic districts, and all commercial sites will require a tree removal permit.

FIRE DEPARTMENT

COMMENTS

All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.

REMARKS

The applicant is requesting Subdivision approval to create two (2) legal lots of record from two (2) existing metes-and-bounds parcels; Planned Unit Development Approval to allow shared access between two building sites, and Rezoning from R-1, Single-Family Residential District, and B-3, Community Business District, to B-3, Community Business District. The applicant states that the site is served by public water and sanitary sewer services.

The site has been given a Traditional Corridor (TC) land use designation, per the Future Land Use Plan and Map, adopted on May 18, 2017 by the Planning Commission. The Future Land Use Plan and Map complements and provides additional detail to the Development Framework Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting.

This land use designation generally applies to transportation corridors east of I-65, which serve as the primary commercial and mixed-use gateway to Downtown and the City's traditional neighborhoods (equivalent to Map for Mobile's Traditional Neighborhoods).

Depending on their location (and as allowed by specific zoning), TC designations incorporate a range of moderately scaled single-use commercial buildings holding retail or services; buildings that combine housing units with retail and/or office; a mix of housing types including low- or mid-rise multifamily structures ranging in density from 4 to 10 du/ac; and attractive streetscapes and roadway designs that safely accommodate all types of transportation – transit, bicycling, walking, and driving. In these areas, special emphasis is placed on the retention of existing historic structures, compatible infill development, and appropriate access management.

It should be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map 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, where applicable, the zoning classification.

The applicant provided the following narrative concerning the three applications:

THE SUBDIVISION APPLICATION IS REQUIRED BECAUSE THE SUBJECT PROPERTY IS COMPRISED OF TWO METES AND BOUNDS DESCRIPTIONS OF

PORTIONS OF TWO LOTS IN A RECORDED SUBDIVISION. WE ARE PROPOSING TO CREATE TWO LOTS IN A NEW RECORDED SUBDIVISION. WE ARE ALSO REQUESTING A 20' BUILDING SETBACK ALONG ABRAMS STREET WHICH IS ALLOWED IN THE ZONING ORDINANCE.

THE PURPOSE OF THE REZONING APPLICATION IS TO CORRECT AN ERROR IN THE ZONING ORDINANCE. THE SOUTH 70% OF THE PROPERTY IS ZONED B-3 AND THE REMAINING NORTH 30% IS ZONED R-1. WE ARE PROPOSING B-3 ZONING FOR THE ENTIRE SITE.

THE PLANNED UNIT DEVELOPMENT APPLICATION IS TO ALLOW A DRIVEWAY ON THE NORTH SIDE OF LOT A THAT ACCESSES THE NORTH SIDE OF LOT B. A DRIVE HAS EXISTED IN THIS AREA VIA THE INGRESS/EGRESS EASEMENT SHOWN ON THE PLAT.

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.

It should be noted that no specific preliminary subdivision plat was submitted for review. A site plan for the proposed PUD development of the subject site was submitted as the preliminary subdivision plat and does not meet the standards of Section IV of the Subdivision Regulations of the City of Mobile. If the subdivision is approved, a Final Plat drawn in accordance with Section IV should be submitted for signing with the proposed development improvements not shown on the Final Plat.

The site fronts Old Shell Road and Abrams Street. Old Shell Road is a minor arterial street with an existing 50-foot right-of-way, as per the Major Street Plan. Abrams Street is a compliant minor street with a 50-foot right-of-way with curb and gutter. Old Shell Road has no curb and gutter in this area and would normally require a 60-foot right-of-way as such. However, in 2020, the Commission approved Bennett Subdivision for the adjacent site to the West and did not require any additional dedication along Old Shell Road, making a waiver of V.B.14. of the Subdivision Regulation appropriate. Such would also seem appropriate for the subject site. A compliant 25-foot radius curve is indicated to be dedicated at the intersection of Old Shell Road and Abrams Street, and this should be retained on the Final Plat, if approved.

A 25-foot minimum building setback line is indicated along the Old Shell Road frontage of both lots, and a 20-foot minimum building setback line is indicated along Abrams Street. These should be retained on the Final Plat, if approved. The lots meet the minimum lot sizes of the Subdivision Regulations, and the lot sizes in both square feet and acres should be retained on the Final Plat, or a table should be furnished on the Final Plat providing the same information. A ten-foot ingress and egress easement is indicated along the North side of proposed Lot A, and this should be retained on the Final Plat, with a note stating that no structures are allowed within any easement.

As per the Traffic Engineering comments, the driveway number, size, location, and design are to be approved by Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance. A note should be required on the Final Plat stating these comments.

PUD 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.

In pursuit of these purposes, the objectives to be met by a PUD are as follows: a) to encourage innovative and diversified design in building form and site development; b) flexibility, to permit greater flexibility in the location and arrangement of buildings and uses than is generally possible under district regulations; c) to encourage the most efficient and sustainable use of land, especially tracts in the inner part of the city that remain undeveloped or that are appropriate for re-development; d) to preserve and protect as urban amenities the natural features and characteristics of land; e) to encourage the provision of common open space through efficient site design; and, f) to encourage optimum use of available public utilities, streets and community facilities.

It is very important to note that PUD review is site plan specific; therefore, *any* future changes to the overall site plan must be submitted for PUD review. Furthermore, PUD approvals expire after one year if no permits are obtained.

Inasmuch as the site was originally developed prior to the current site requirements of the Zoning Ordinance, site compliance, to the maximum extent feasible, is encouraged within a PUD review.

The site plan submitted depicts the existing two (2) buildings on the site, with shared access between the two (2) lots. Access to the rear of proposed Lot B is indicated via a ten-foot (10') wide ingress and egress easement along the North end of proposed Lot A. As there appears to be sufficient area within and beside the easement to provide a 24-foot wide paved, two-way drive, the site plan should be revised to indicate such.

Compliant parking is indicated for proposed Lot A. However, five (5) existing head-in/back out parking spaces are indicated to remain along the Old Shell Road right-of-way for proposed Lot B. That lot is indicated to require eight (8) parking spaces, and six (6) are indicated in the rear yard area. The site plan indicates sufficient area remaining in the rear yard to add at least two more compliant parking spaces and eliminate the parking along the Old Shell Road right-of-way. If approved, the head-in/back-out parking spaces along Old Shell Rod should be removed from the site plan.

The site plan indicates compliance with the landscaping requirements; however, no tree planting calculations are provided. With existing sites becoming PUD's, the Planning Commission typically requires frontage tree compliance. Due to the original configuration of the site, sufficient

area for tree planting compliance does not appear to exist for proposed Lot A. However, shortages in tree plantings could be overcome by donations to the Mobile Tree Bank, to be coordinated with staff. Moreover, with the removal of the parking spaces along Old Shell Road, there is additional room for tree plantings.

Notes on the site plan indicate that no dumpsters will be utilized on either lot and refuse collection will be via curbside pickup. These notes should be retained on the site plan, if approved.

The rear of both lots border residentially zoned and used properties. The site plan indicates a residential buffer, in compliance with Section 64-4.D.1. of the Zoning Ordinance in this area. This should be retained on the site plan, if approved.

As per the Traffic Engineering comments the driveway number, size, location, and design are to be approved by Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance. A note should be placed on the site plan stating these comments.

The Traffic Engineering comments further state that the site plan does not reflect any accessible parking. The aisle width is substandard near the southwest corner of the building at 3200 Old Shell Rd. The recently added asphalt does not match the driveway aprons on Abrams St. Some of the parking on 3202 Old Shell Road requires backing into the right-of-way. In similar cases where maneuvering in the right-of-way has been required, a right-of-way use agreement has also been required. Revisions addressing these issues should be made to the site plan prior to signing the Final Plat.

A revised PUD site plan should be submitted to and approved by Planning and Zoning prior to signing the Final Plat for the Subdivision.

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 site is bounded on the North by R-1, Single-Family Residential, which is used as such, and to the West by B-1. Buffer Business, used as a medical clinic. To the East across Abrams is B-3, Community Business, in commercial use, and to the South across Old Shell Road is R-1, in use as a public school. The current split zoning within the subject site appears to have been assigned with the adoption of the Zoning Ordinance in 1967.

As stated in the applicant's narrative above, the purpose of the rezoning application is to correct an error in the Ordinance to eliminate the split zoning on the subject site. The fact that the site seems to have been in commercial use at the time of the 1967 adoption of the Zoning Ordinance

would seem to indicate a manifest error in the Ordinance, and the subdivision of the site would necessitate the elimination of split zoning. Therefore, the proposed Rezoning would seem justified and would be consistent with the Future Land Use Plan.

RECOMMENDATION

Subdivision: Based upon the preceding, and with a waiver of Section V.B.14. of the Subdivision Regulations, this application is recommended for Tentative Approval, subject to the following conditions:

- 1) submittal of a plat in compliance with Section IV of the Subdivision Regulations of the City of Mobile;
- 2) retention of the dedication of the 25-foot radius curve at the intersection of Old Shell Road and Abrams Street on the Final Plat;
- 3) retention of the 25-foot minimum building setback line along Old Shell Road, and the 20-foot minimum building setback line along Abrams Street on the Final Plat;
- 4) retention of the lot size labels in both square feet and acres on the Final Plat, or the furnishing of a table on the Final Plat providing the same information;
- 5) placement of a note on the Final Plat stating the Traffic Engineering comments: *(Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);*
- 6) compliance with the 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 [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.);*
- 7) compliance with the Fire Department comments: *(All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.);* and
- 8) provision of two copies of a revised PUD site plan (hard copy and .pdf) prior to signing of the Final Plat.

Planned Unit Development: Staff recommends the following Findings of Fact for Approval:

- a. the proposal promotes the objective of Creative design (to encourage innovative and diversified design in building form and site development) as it will allow shared access between two building sites;
- b. the proposal promotes the objective of Flexibility (to permit greater flexibility in the location and arrangement of buildings and uses than is generally possible under district regulations); because it will allow two properties to share access;

- c. the proposal promotes the objective of Efficient land use (to encourage the most efficient and sustainable use of land, especially tracts in the inner part of the city that remain undeveloped or that are appropriate for redevelopment); because a portion of the over-all site will be modified to provide compliant access and parking;
- d. the proposal promotes the objective of Open space (to encourage the provision of common open space through efficient site design) as no new structures are proposed within the subject site; and
- e. the proposal promotes the objective of Public services (to encourage optimum use of available public utilities, streets and community facilities) as no new public services or infrastructure are required.

The Approval is subject to the following conditions:

- 1) revision of the site plan to provide a 24-foot wide drive across the Northern portion of Lot A to access Lot B;
- 2) elimination of the head-in/back-out parking on Lot B along the Old Shell Road right-of-way;
- 3) revision of the site plan to provide at least two more compliant parking spaces in the rear area of Lot B;
- 4) coordination with staff on a frontage tree planting plan for the site, with donations to the Mobile Tree Commission Tree Bank for any shortages which may be imposed by site constraints;
- 5) retention of the notes on the site plan stating that refuse collection will be via curbside pickup;
- 6) retention of the residential buffer along the North side of the site, in compliance with Section 64-4.D.1. of the Zoning Ordinance;
- 7) retention of the 25-foot minimum building setback line along Old Shell Road, and the 20-foot minimum building setback line along Abrams Street on the site plan;
- 8) retention of the lot size labels in both square feet and acres on the site plan, or the furnishing of a table on the site plan providing the same information;
- 9) compliance with the Engineering comments: *(ADD THE FOLLOWING NOTES TO THE PUD SITE PLAN: 1. Any work performed in the existing ROW (right-of-way) such as driveways, sidewalks, utility connections, grading, drainage, irrigation, or landscaping will require a ROW permit from the City of Mobile Engineering Permitting Department (251-208-6070) and must comply with the City of Mobile Right-of-Way Construction and Administration Ordinance (Mobile City Code, Chapter 57, Article VIII). 2. A Land Disturbance Permit application shall be submitted for any proposed land disturbing activity with the property. A complete set of construction plans including, but not limited to, drainage, utilities, grading, storm water detention systems and paving will need to be included with the Land Disturbance permit. This Permit must be submitted, approved, and issued prior to beginning any of the construction work. 3. Any and all proposed land disturbing activity within the property will need to be submitted for review and be in conformance with Mobile City Code, Chapter 17, Storm Water Management and Flood Control); the City of Mobile, Alabama Flood Plain Management Plan (1984); and, the Rules For Erosion and Sedimentation Control and Storm Water Runoff Control. 4. Any existing or proposed detention facility shall be maintained as it was constructed and approved. The Land Disturbance Permit application for any proposed construction*

includes a requirement of a Maintenance and Inspection Plan (signed and notarized by the Owner) for the detention facility. This Plan shall run with the land and be recorded in the County Probate Office prior to the Engineering Department issuing their approval for a Final Certificate of Occupancy. 5. The approval of all applicable federal, state, and local agencies (including all storm water runoff, wetland and floodplain requirements) will be required prior to the issuance of a Land Disturbance permit. The Owner/Developer is responsible for acquiring all of the necessary permits and approvals. 6. The proposed development must comply with all Engineering Department design requirements and Policy Letters.);

- 10) placement of a note on the site plan stating the Traffic Engineering comments: *(Driveway number, size, location, and design to be approved by Traffic Engineering and conform to AASHTO standards. Any required on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);*
- 11) compliance with the 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 [Act 929 of the 1961 Regular Session of the Alabama Legislature (Acts 1961, p. 1487), as amended, and City Code Chapters 57 and 65]. Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from undeveloped residential sites, developed residential sites in historic districts, and all commercial sites will require a tree removal permit.);*
- 12) compliance with the Fire Department comments: *(All projects within the City Limits of Mobile shall comply with the requirements of the City of Mobile Fire Code Ordinance (2012 International Fire Code). Fire apparatus access is required to be within 150' of all commercial and residential buildings. A fire hydrant is required to be within 400' of non-sprinkled commercial buildings and 600' of sprinkled commercial buildings.); and*
- 13) provision of two (2) copies of a revised Planned Unit Development site plan (hard copy and .pdf) prior to the signing of the Final Plat for the Subdivision.

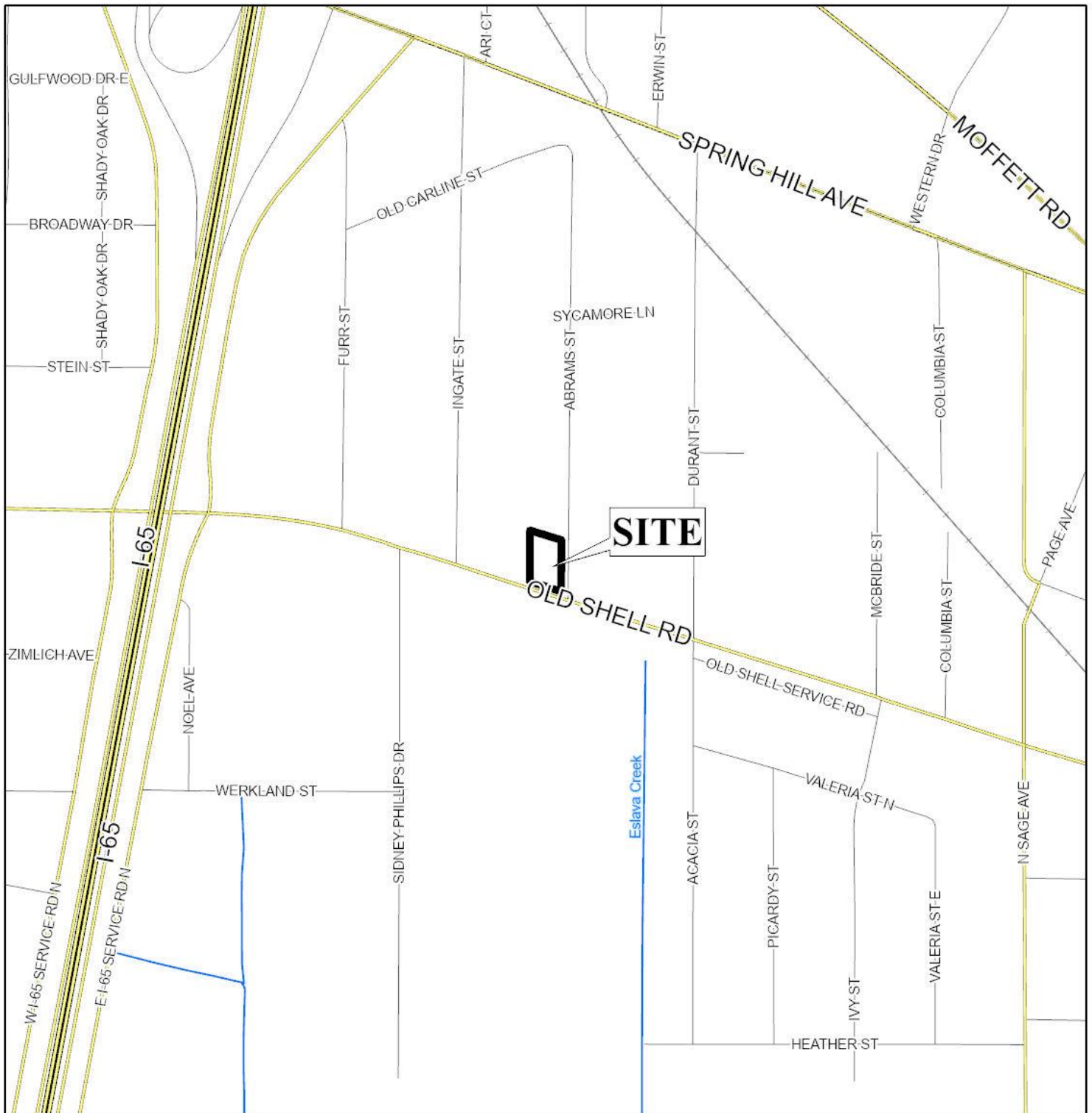
Rezoning: Based on the preceding, this application is recommended for Approval for the following reasons:

- a) there appears to be a manifest error in the Ordinance; and
- b) the subdivision of land makes reclassification of the land necessary and desirable.

The approval should be subject to the following conditions:

- 1) completion of the Subdivision process; and
- 2) full compliance with all municipal codes and ordinances.

LOCATOR MAP



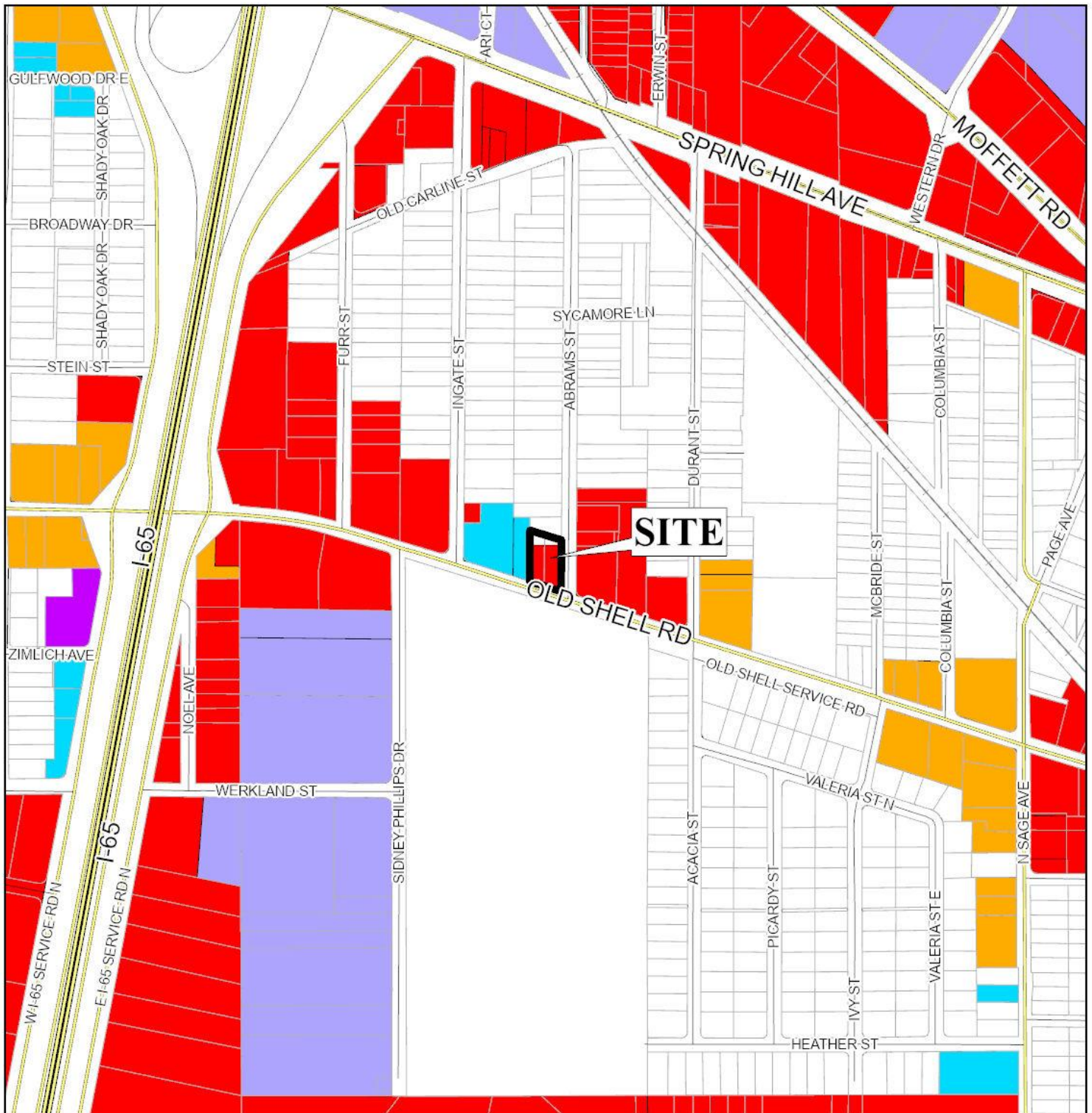
APPLICATION NUMBER 6 DATE October 6, 2022

APPLICANT Bringer Of Rain Estates Subdivision

REQUEST Subdivision, Pud, Rezoning From R-1 And B-3 To B-3



LOCATOR ZONING MAP



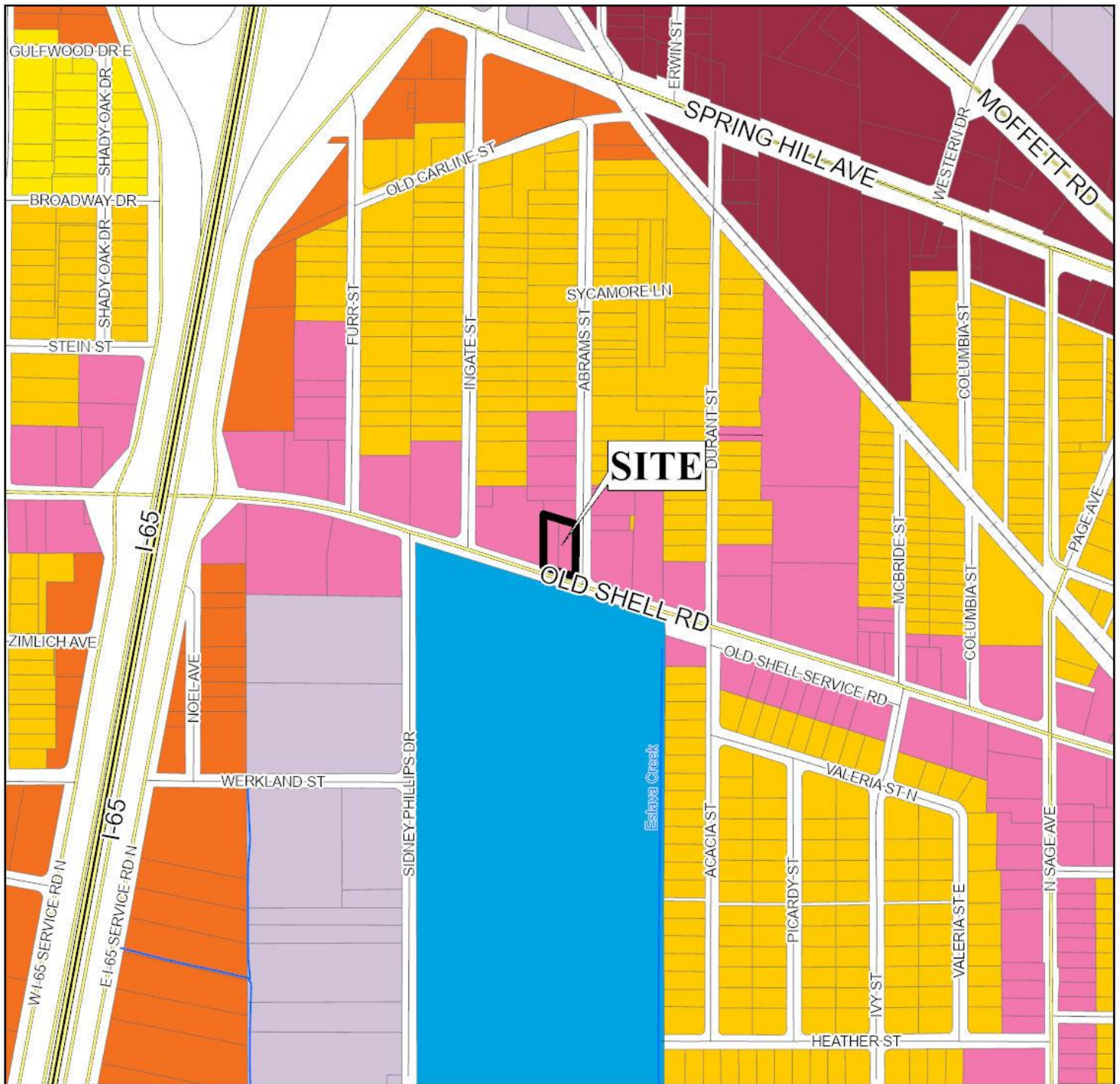
APPLICATION NUMBER 6 DATE October 6, 2022

APPLICANT Bringer Of Rain Estates Subdivision

REQUEST Subdivision, Pud, Rezoning From R-1 And B-3 To B-3



FLUM LOCATOR MAP



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APPLICANT Bringer Of Rain Estates Subdivision

REQUEST Subdivision, Pud, Rezoning From R-1 And B-3 To B-3

Layer2

Low Density Residential
Mixed Density Residential

Downtown
District Center
Neighborhood Center - Traditional
Neighborhood Center - Suburban

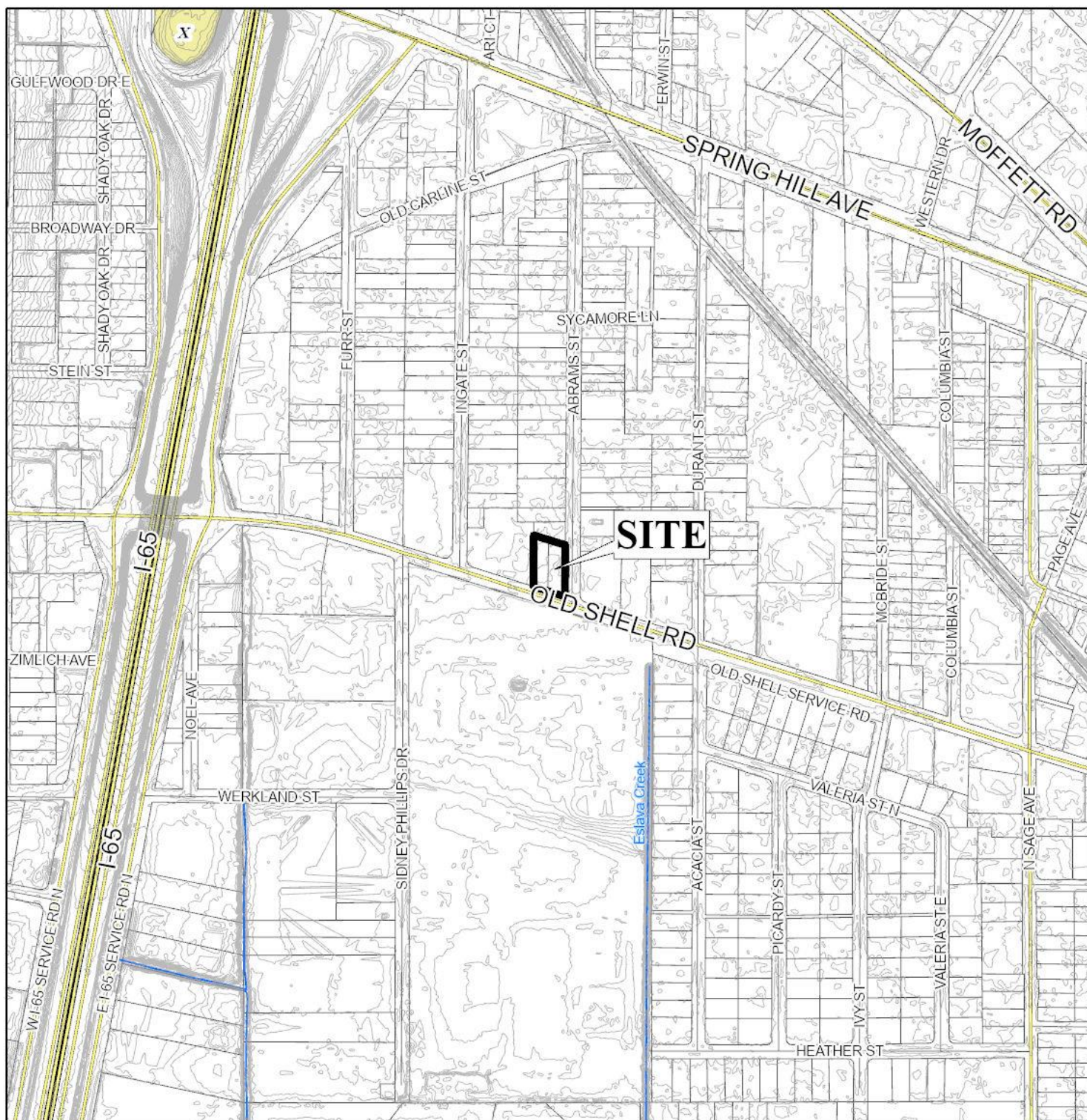
Traditional Corridor
Mixed Commercial Corridor
Downtown Waterfront
Light Industry

Heavy Industry
Institutional
Parks & Open Space
Water Dependent



NTS

ENVIRONMENTAL LOCATOR MAP



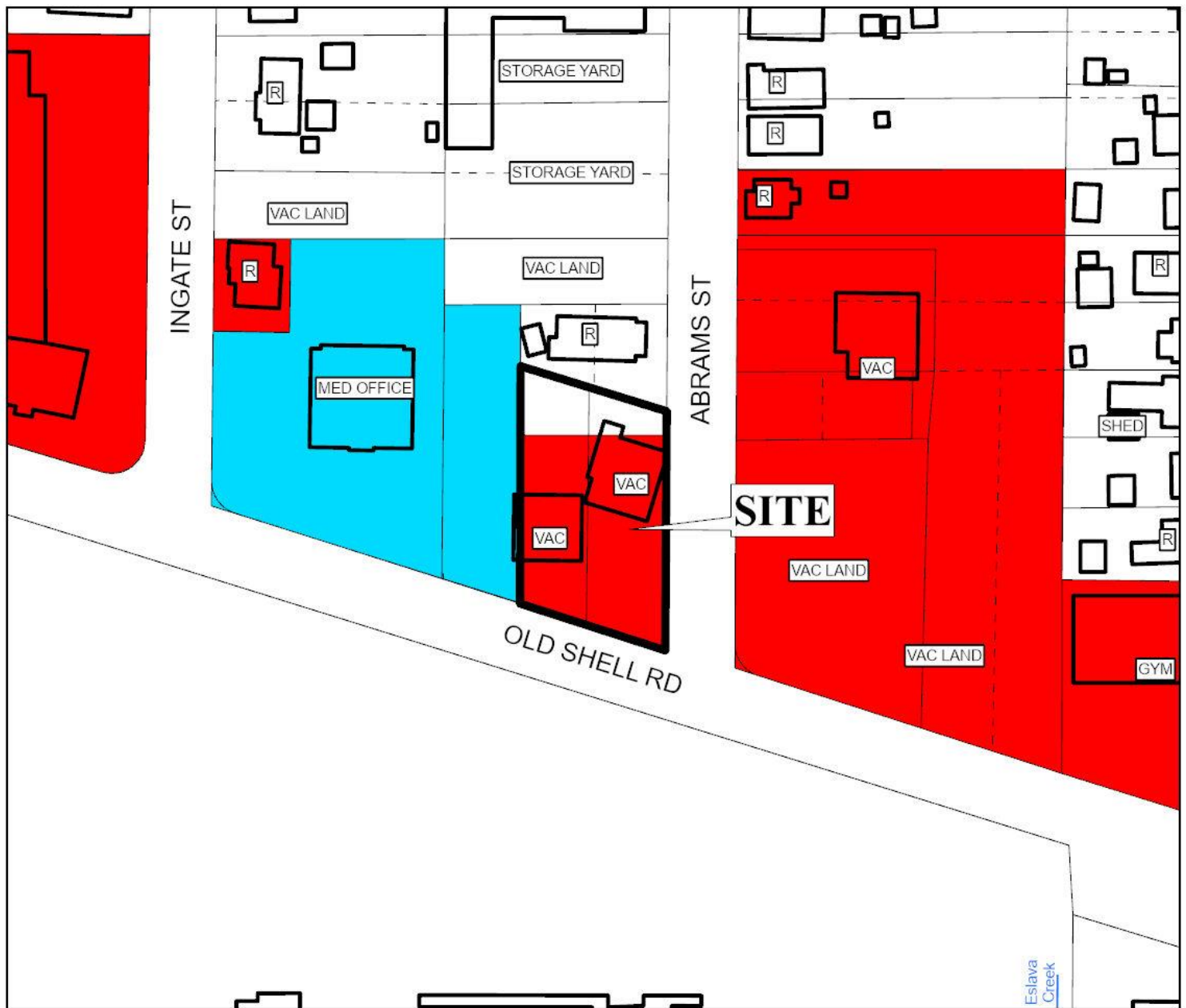
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APPLICANT Bringer Of Rain Estates Subdivision

REQUEST Subdivision, Pud, Rezoning From R-1 And B-3 To B-3



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial and residential units.

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R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6



PLANNING COMMISSION VICINITY MAP - EXISTING AERIAL

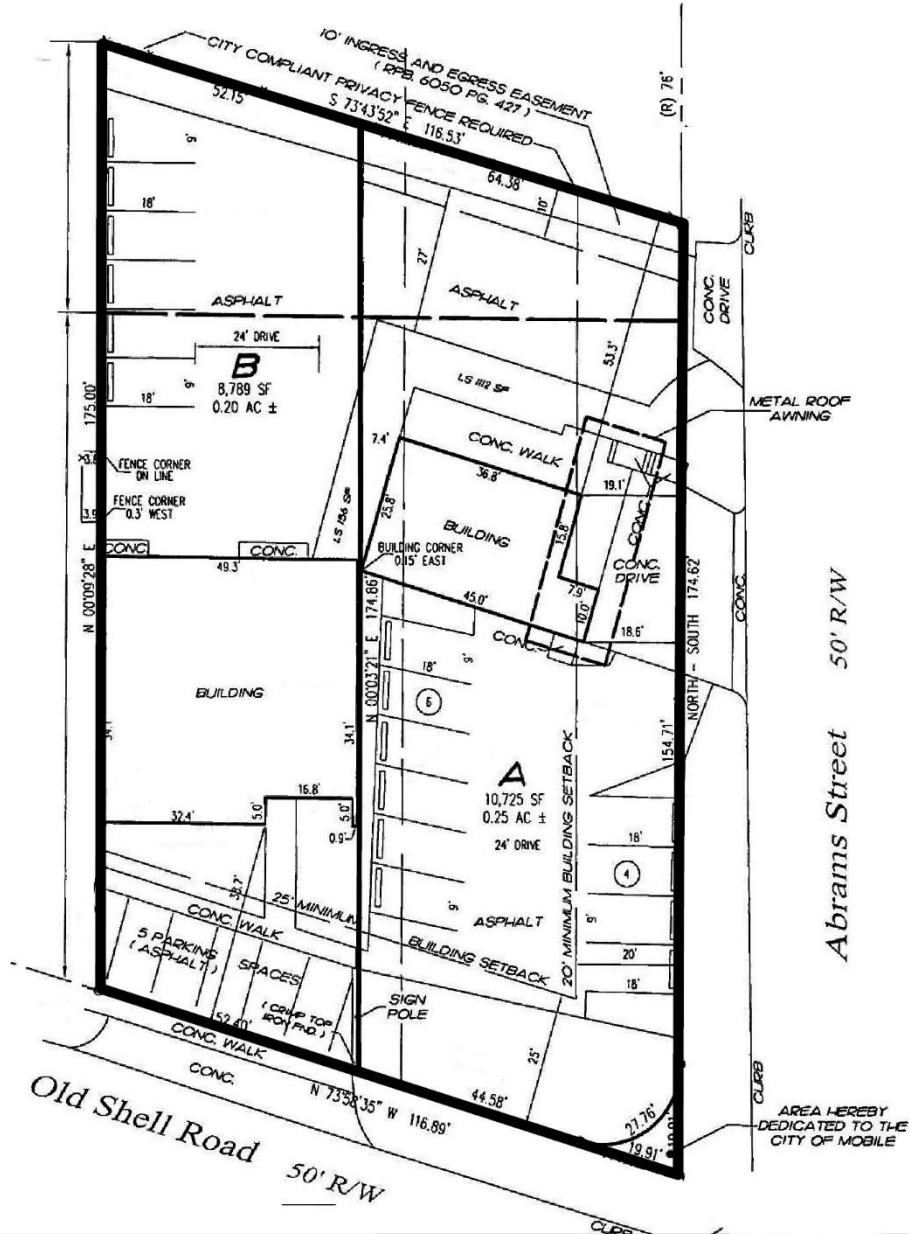


The site is surrounded by commercial and residential units.

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SITE PLAN



The site illustrates the existing buildings, proposed lots, setbacks, and parking.

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