

**SUBDIVISION &
ZONING AMENDMENT STAFF REPORT****Date: August 6, 2020****APPLICANT NAME**

Circle K at Skyland Park, Addition to

SUBDIVISION NAME

Skyland Park Subdivision, Addition to

LOCATION4350 and 4362 Government Boulevard
(Northwest corner of Government Boulevard and Polaris Drive).**CITY COUNCIL
DISTRICT**

Council District 4

PRESENT ZONING

R-1, Single-Family Residential District

PROPOSED ZONING

B-2, Neighborhood Business District (for proposed Lot B)

AREA OF PROPERTY

2 Lots / 1.6± Acres

CONTEMPLATED USE

Subdivision Approval to create two (2) legal lots of record from one (1) existing legal lot of record and one (1) existing metes-and-bounds parcel, and Rezoning from R-1, Single-Family Residential District, to B-2, Neighborhood Business District for proposed Lot B.

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.

**ENGINEERING
COMMENTS**

Subdivision: FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review and/or signature by the City Engineer):

- A. Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors.
- B. Provide a drawing that depicts the subdivision boundary in a thicker/bolder line than the other lines.
- C. Provide a written legal description for the subdivision boundary.

- D. Provide a LEGEND.
- E. Provide and label the monument set or found at each subdivision corner.
- F. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.
- G. Provide the Surveyor's Certificate.
- H. Provide the Surveyor's and Owner's (notarized) signatures.
- I. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 22 - #90) LOTS A and B will receive historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control) as follows: LOT A - 4,000 sf and LOT B – 16,000 sf.
- J. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance 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.
- K. Add a note to the Plat stating that 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.
- L. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of new development or construction, unless a sidewalk waiver is approved.
- M. Add a note to the plat stating that all proposed detention facilities, common areas, and wetlands shall be the responsibility of the Property Owner(s), and not the responsibility of the City of Mobile.
- N. Add a note to the plat stating that all easements shall remain in effect until vacated through the proper Vacation process.
- O. Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Permitting Engineering Dept. for review at land.disturbance@cityofmobile.org prior to obtaining any signatures. No signatures are required on the drawing.
- P. After addressing all of the FINAL SUBDIVISION PLAT review comments provide the ORIGINAL (with all signatures except for the Planning Commission, Traffic Engineering, and City Engineer), one (1) copy, and a transmittal letter to the Engineering Permitting Department. They can be dropped off at 205 Government St. or mailed to PO Box 1827, Mobile, AL, 36633.

Rezoning:

- 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 (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.

TRAFFIC ENGINEERING

COMMENTS

Government Boulevard (US Highway 90) is an ALDOT maintained roadway. The site is limited to no more than its existing curb cuts with any changes in size, location and design to be approved by ALDOT and Traffic Engineering and conform to AASHTO standards. Any on-site parking, including ADA handicap spaces, should meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.

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 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site 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.

TIME SCHEDULE FOR DEVELOPMENT

Not specified.

REMARKS

The applicant is requesting Subdivision Approval to create two (2) legal lots of record from one (1) existing legal lot of record and one (1) existing metes-and-bounds parcel, and Rezoning from R-1, Single-Family Residential District, to B-2, Neighborhood Business District for proposed Lot B.

The site has been given both a Low Density Residential (LDR) land use designation, and a Neighborhood Center (NC) in suburban context 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.

The Low Density Residential designation applies to existing residential neighborhoods found mostly west of the Beltline or immediately adjacent to the east side of the Beltline.

The primary land use in the LDR districts is residential and the predominant housing type is the single-family housing unit, detached or semi-detached, typically placed within a street grid or a network of meandering suburban streets. The density in these districts ranges between 0 and 6 dwelling units per acre (du/ac).

These neighborhoods may also contain small-scale, low-rise multi-unit structures at appropriate locations, as well as complementary retail, parks and civic institutions such as schools, community centers, neighborhood playgrounds, and churches or other religious uses if those uses are designed and sited in a manner compatible with and connected to the surrounding context. The presence of individual ancillary uses should contribute to the fabric of a complete neighborhood, developed at a walkable, bikeable human scale.

A Neighborhood Center land use designation applies to smaller hubs of mixed commercial, community, and recreational activity that cater to adjacent residential areas. Many of these centers exist today in some form. Therefore, the following common principles apply not just to the future development of new centers, but also to the redevelopment (wholesale or incremental) of existing centers:

- NC should support a limited amount of commercial employment.
- NC should incorporate some residential use, which may vary in type from detached single family, townhouse, accessory and live-work units in mixed use and low-rise multifamily structures.
- The residential density in NC designations –ranging from 4 to 10 du/ ac— must be compatible in character with that of surrounding residential development, providing # 4 SUB-001135-2019 - 3 - appropriate transitions in height, massing and other buffering from one land use district to the next.
- The retail and housing uses should merge around vibrant, compact, accessible nodes, located at key neighborhood intersections or along short road segments.
- The NC nodes should be connected to the surrounding neighborhood and nearby public uses (e.g., schools, parks, etc.) via well-designed sidewalks and complete streets.

While the above-listed principles are common to all NC districts, the design attributes of neighborhood centers generally vary depending on whether a center is in a more “traditional” or more “suburban” context.

Neighborhood Centers in a suburban context generally are located among the LDR land use designations in the areas west of the Beltline. Where they exist, these centers currently have a more pronounced vehicular orientation. Therefore, the emphasis is on retrofitting to improve internal walkability (e.g., through the addition of sidewalks, tree canopy, protection from the elements) and external connectivity to the surrounding areas (via sidewalks, paths and trails, street crossings, transit stops, etc.) and to increase the mix and density of uses (e.g., infill of outparcels, addition of housing, etc.).

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.

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 purpose of the proposed Subdivision is to add an existing parking area that is located on an abutting residential lot to a commercial site that is currently utilizing the parking. In conjunction with the Subdivision, the applicant proposes to rezone the commercial site from R-1, Single-Family Residential, to B-2, Neighborhood Business, to bring the zoning classification into compliance with the use of the site as a convenience store.

The site fronts Government Boulevard and Polaris Drive. Government Boulevard is a component of the Major Street Plan with a planned and current 250' right-of-way; therefore, no dedication would be required along its frontage. Polaris Drive is a minor street with a compliant 50' right-of-way, and no dedication would be required along its frontage either. The site also has a compliant 25' radius curve at the intersection of Government Boulevard and Polaris Drive.

For proposed Lot A (the corner lot used residentially), the preliminary plat indicates a 35' front yard setback along Polaris Drive and a 50' side street yard setback along Government Boulevard. These setbacks were depicted on the 1955 recorded plat for Skyland Park Subdivision, Fourth Unit, and should remain on the Final Plat, if approved. For proposed Lot B (the commercial lot), the preliminary plat indicates a 25' front setback along Government Boulevard for the portion of that proposed lot currently used commercially. For the proposed expanded portion taken from the corner lot, no setback is indicated along the Government Boulevard frontage. Therefore, the plat should be revised to indicate a 25' setback from Government Boulevard along the entire lot.

Both proposed lots meet the minimum size requirements of the Subdivision Regulations. As on the preliminary plat, the lot size labels 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 for both lots.

As per the Traffic Engineering comments, Government Boulevard (US Highway 90) is an ALDOT maintained roadway. The site is limited to no more than its existing curb cuts with any changes in size, location and design to be approved by ALDOT and Traffic Engineering and conform to AASHTO standards. Any on-site parking, including ADA handicap spaces, should 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.

The proposed subdivision would eliminate the non-conforming commercial encroachment on a portion of the adjoining residential lot and the resultant lots would be compliant as far as land use is concerned, assuming the accompanying Rezoning is approved. The Rezoning should be completed 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 subject site was originally assigned an R-1 classification with the adoption of the original Zoning Ordinance in 1967, as were all abutting properties, and those across both Government Boulevard and Polaris Drive. All abutting properties and those across Polaris Drive are still zoned R-1. Across Government Boulevard there is currently a mixture of R-1 and B-3, Community Business zoning classifications. Although some properties to the West of the subject site are still zoned R-1, they are used for a mixture of non-conforming commercial uses.

The applicant states the following to address the rational for the zoning request:

The purpose of this application is to rezone a newly subdivided commercial lot from R-1 to B-2. The proposed subdivision associated with this rezoning is needed to incorporate an existing parking area that is encroaching onto an adjacent residential lot(Lot A) into the existing commercial development(Lot B). Both lots are currently zoned R-1. This application proposes to rezone Lot B from R-1 to B-2.

Lot B has been developed and utilized as a commercial property for decades. All improvements shown on the site plan are existing and no additional improvements or work is being proposed at this time. All of the parcels between Lot B and the Government/Demetropolis intersection are developed and utilized as commercial properties. Given the history of commercial use on Lot B and the adjacent commercial

developments, we believe there is a manifest error in the ordinance and that Lot B should be rezoned appropriately to B-2.

Additionally, the rezoning of Lot B from R-1 to B-2 would be consistent with Future Land Use Plan and Map (FLUM). This site has been given a Suburban Neighborhood Center designation in the FLUM. As shown in the FLUM matrix below, B-2 is an appropriate zoning for the Suburban Neighborhood Center designation.

ZONING DISTRICT CORRESPONDENCE MATRIX		LOW DENSITY RESIDENTIAL (LDR)	MIXED DENSITY RESIDENTIAL (MXDR)	DOWNTOWN (DT)	DISTRICT CENTER (DC)	NEIGHBORHOOD CENTER (NC) - TRADITIONAL	NEIGHBORHOOD CENTER (NC) - SUBURBAN	TRADITIONAL CORRIDOR (TC)	MIXED COMMERCIAL CORRIDOR (MCC)	LIGHT INDUSTRY (LI)	HEAVY INDUSTRY (HI)	INSTITUTIONAL LAND USE (INS)	PARKS & OPEN SPACE (POS)	DOWNTOWN WATERFRONT (DW)	WATER DEPENDENT USES (WDWRU)
RESIDENTIAL - AG	R-A														
ONE-FAMILY RESIDENCE	R-1	■			■	■								■	
TWO-FAMILY RESIDENCE	R-2	■			■	■								■	○
MULTIPLE-FAMILY	R-3	○	■		■	■								○	
RESIDENTIAL-BUSINESS	R-B	○			■	■								■	○
TRANSITIONAL-BUSINESS	T-B	○			■	■								■	
HISTORIC BUSINESS	H-B		■		■	■								■	
VILLAGE CENTER	TCD				■	■								■	
NEIGH. CENTER	TCD				■	■								■	
NEIGHB. GENERAL	TCD				■									■	
DOWNTOWN DEV. DDD	T-6		■											■	
DOWNTOWN DEV. DDD	T-5.1		■		■	■		■						■	
DOWNTOWN DEV. DDD	T-5.2		■		■	■		■						■	
DOWNTOWN DEV. DDD	T-4		■		■	■		■						■	
DOWNTOWN DEV. DDD	T-3		■		■	■								■	
DOWNTOWN DEV. DDD	SD-WH									○	○			■	
DOWNTOWN DEV. DD	SD	○	○	○	○	○	○	○	○	○	○			■	
BUFFER BUSINESS	B-1	■			■	■	■	■						○	○
NEIGH. BUSINESS	B-2	○			■	■	■	■						■	○
LIMITED BUSINESS	LB-2	○			■	■	■	■						■	○
COMMUNITY BUSINESS	B-3		■					■					○	○	○
GEN. BUSINESS	B-4		■					■					○	○	○
OFFICE-DISTRIBUTION	B-5							■	■					■	■
LIGHT INDUSTRY	I-1								■	■				■	■
HEAVY INDUSTRY	I-2									■	■			■	■

As the site abuts R-1 zoning, a residential buffer, in compliance with Section 64-4.D.1. of the Zoning Ordinance, should be provided. It should be noted that a second building is located on the subject site. However, as it has been determined that the building is used only for storage, staff has determined that no Planned Unit Development application would be required for the site.

The applicant has demonstrated that the subdivision of land into a legal lot of record makes reclassification of the land necessary and desirable, especially in this instance to bring the zoning classification into compliance with the use of the site.

RECOMMENDATION

Subdivision: Based upon the preceding, the application is recommended for Tentative Approval, subject to the following conditions:

- 1) retention of the 35' front yard minimum building setback along Polaris Drive and the 50' minimum side street yard building setback along Government Boulevard on the Final Plat for Lot A;
- 2) revision of the plat to provide a 25' minimum building setback line from Government Boulevard along the entire frontage of Lot B;
- 3) retention of the lot size labels in both square feet and acres, or the furnishing of a table on the Final Plat providing the same information;
- 4) compliance with the Engineering comments: *(FINAL PLAT COMMENTS (should be addressed prior to submitting the FINAL PLAT for review and/or signature by the City Engineer): A. Provide all of the required information on the SUBDIVISION PLAT (i.e. signature blocks, signatures, certification statements, written legal description, required notes, legend, scale, bearings and distances) that is required by the current Alabama State Board of Licensure for Professional Engineers and Land Surveyors. B. Provide a drawing that depicts the subdivision boundary in a thicker/bolder line than the other lines. C. Provide a written legal description for the subdivision boundary. D. Provide a LEGEND. E. Provide and label the monument set or found at each subdivision corner. F. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. G. Provide the Surveyor's Certificate. H. Provide the Surveyor's and Owner's (notarized) signatures. I. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 22 - #90) LOTS A and B will receive historical credit of existing (1984) impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control) as follows: LOT A - 4,000 sf and LOT B - 16,000 sf. J. Add a note to the SUBDIVISION PLAT stating that a Land Disturbance permit will be required for any land disturbing activity in accordance 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. K. Add a note to the Plat stating that 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. L. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of new development or construction, unless a sidewalk waiver is approved. M. Add a note to the plat stating that all proposed detention facilities, common areas, and wetlands shall be the responsibility of the Property Owner(s), and not the responsibility of the City of Mobile. N. Add a note to the plat stating that all easements shall remain in effect until vacated through the proper Vacation process. O. Email a pdf copy of the FINAL SUBDIVISION PLAT and LETTER OF DECISION to the Permitting Engineering Dept. for review at land.disturbance@cityofmobile.org prior to obtaining any signatures. No signatures are required on the drawing. P. After addressing all of the FINAL SUBDIVISION PLAT review comments provide the ORIGINAL (with all signatures*

except for the Planning Commission, Traffic Engineering, and City Engineer), one (1) copy, and a transmittal letter to the Engineering Permitting Department. They can be dropped off at 205 Government St. or mailed to PO Box 1827, Mobile, AL, 36633.);

- 5) placement of a note on the Final Plat stating the Traffic Engineering comments: *(Government Boulevard (US Highway 90) is an ALDOT maintained roadway. The site is limited to no more than its existing curb cuts with any changes in size, location and design to be approved by ALDOT and Traffic Engineering and conform to AASHTO standards. Any on-site parking, including ADA handicap spaces, should 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 (State Act 2015-116 and City Code Chapters 57 and 64). Private removal of trees in the right-of-way will require approval of the Mobile Tree Commission. Removal of heritage trees from a commercial site 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));* and
- 8) completion of the Rezoning process prior to signing the Final Plat.

Rezoning: Based upon the preceding, staff finds that the following conditions prevail to support the rezoning request:

- i. Error. There is a manifest error in the chapter;
- ii. Subdivision of land. The subdivision or imminent subdivision of land into urban building sites makes reclassification necessary and desirable.

As such, staff recommends Approval of the rezoning request, subject to the following conditions:

- 1) provision of a residential buffer, in compliance with Section 64-4.D.1. of the Zoning Ordinance, where the site abuts residentially-zoned properties;
- 2) completion of the Rezoning process prior to signing the Final Plat for the Subdivision; and
- 3) full compliance with all municipal codes and ordinances.

LOCATOR MAP



APPLICATION NUMBER 9 DATE August 6, 2020

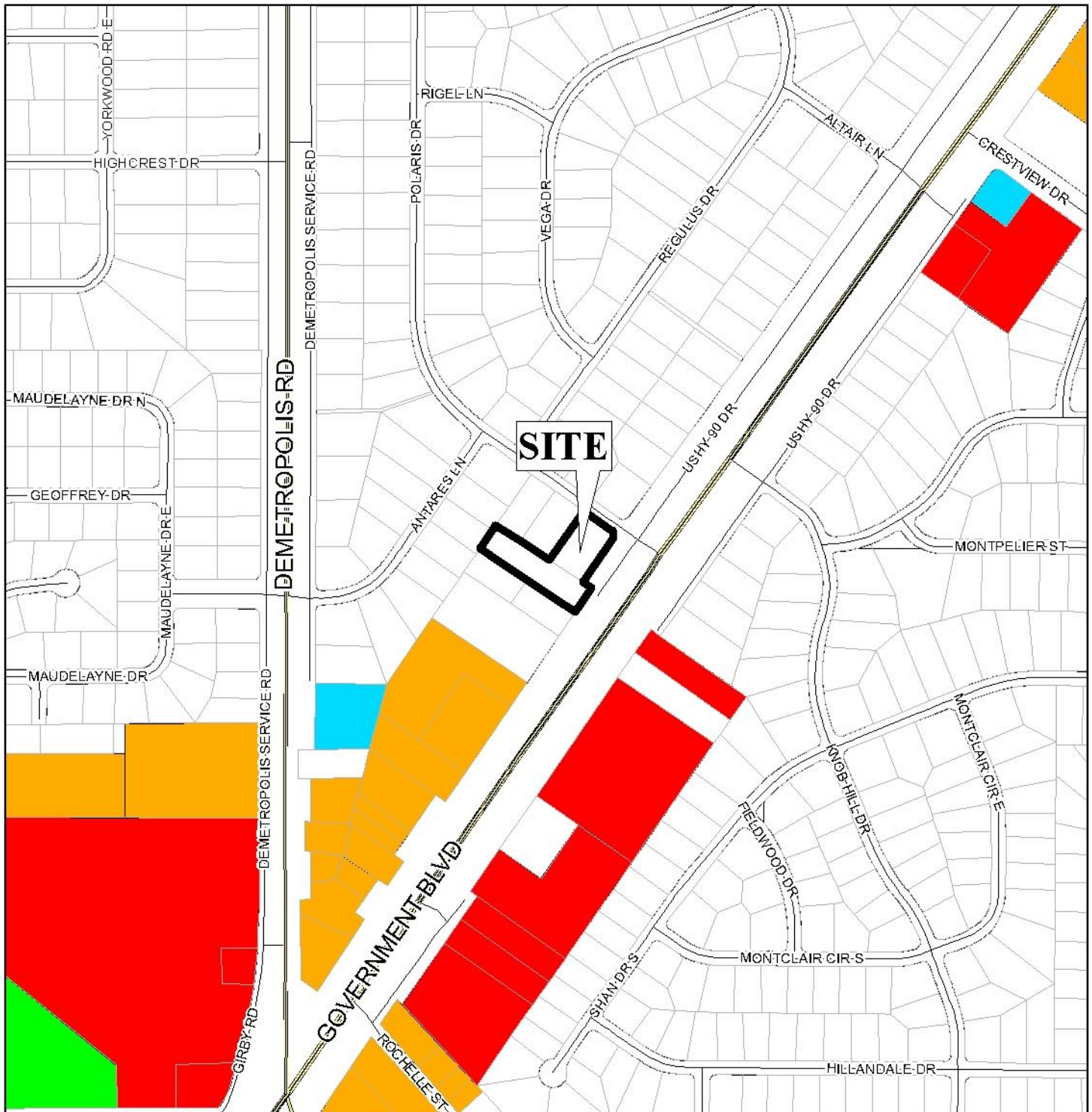
APPLICANT Skyland Park Subdivision, Addition to

REQUEST Subdivision, Rezoning from R-1 to B-2



NTS

LOCATOR ZONING MAP



APPLICATION NUMBER 9 DATE August 6, 2020

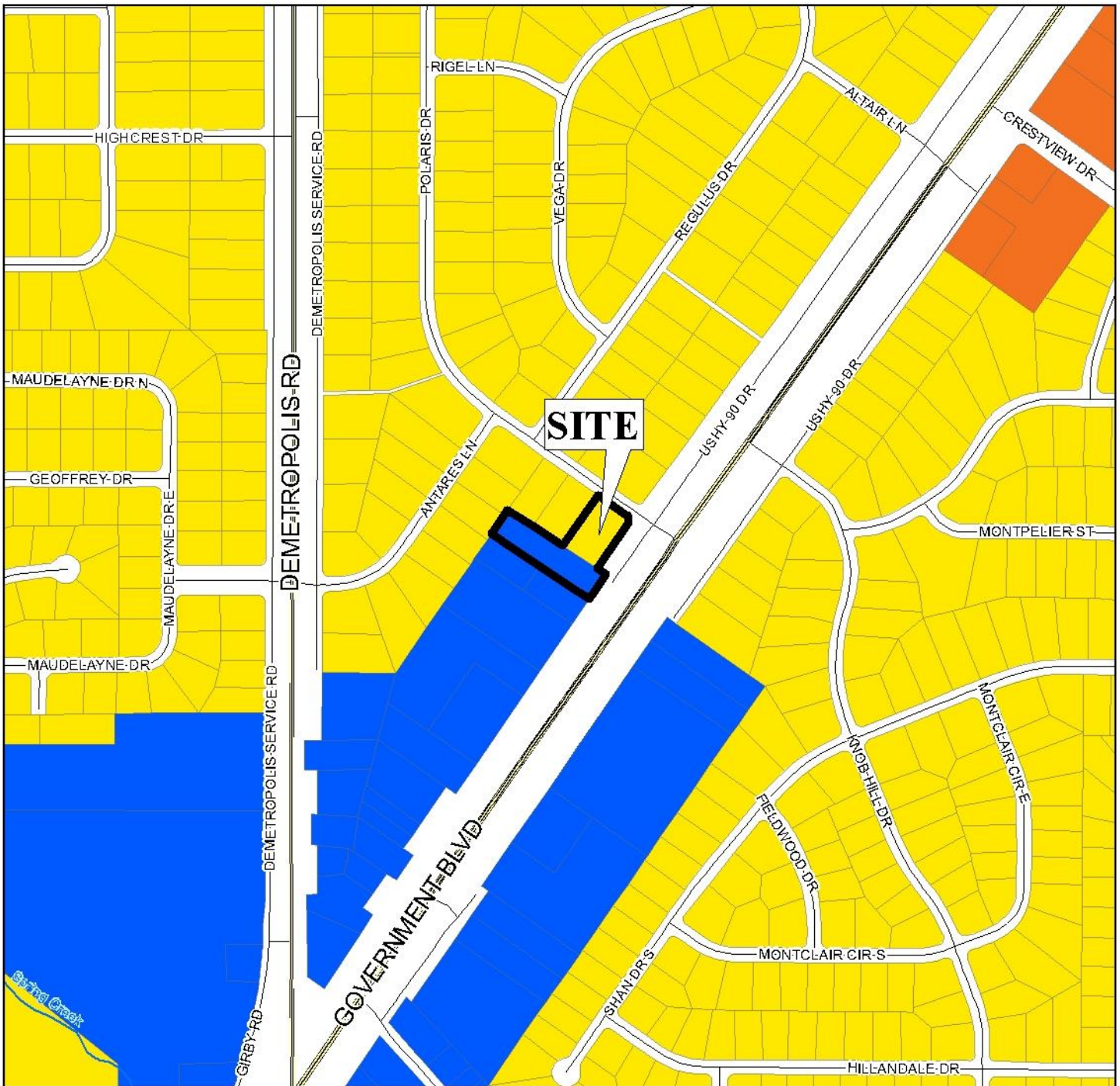
APPLICANT Skyland Park Subdivision, Addition to

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NTS

FLUM LOCATOR MAP



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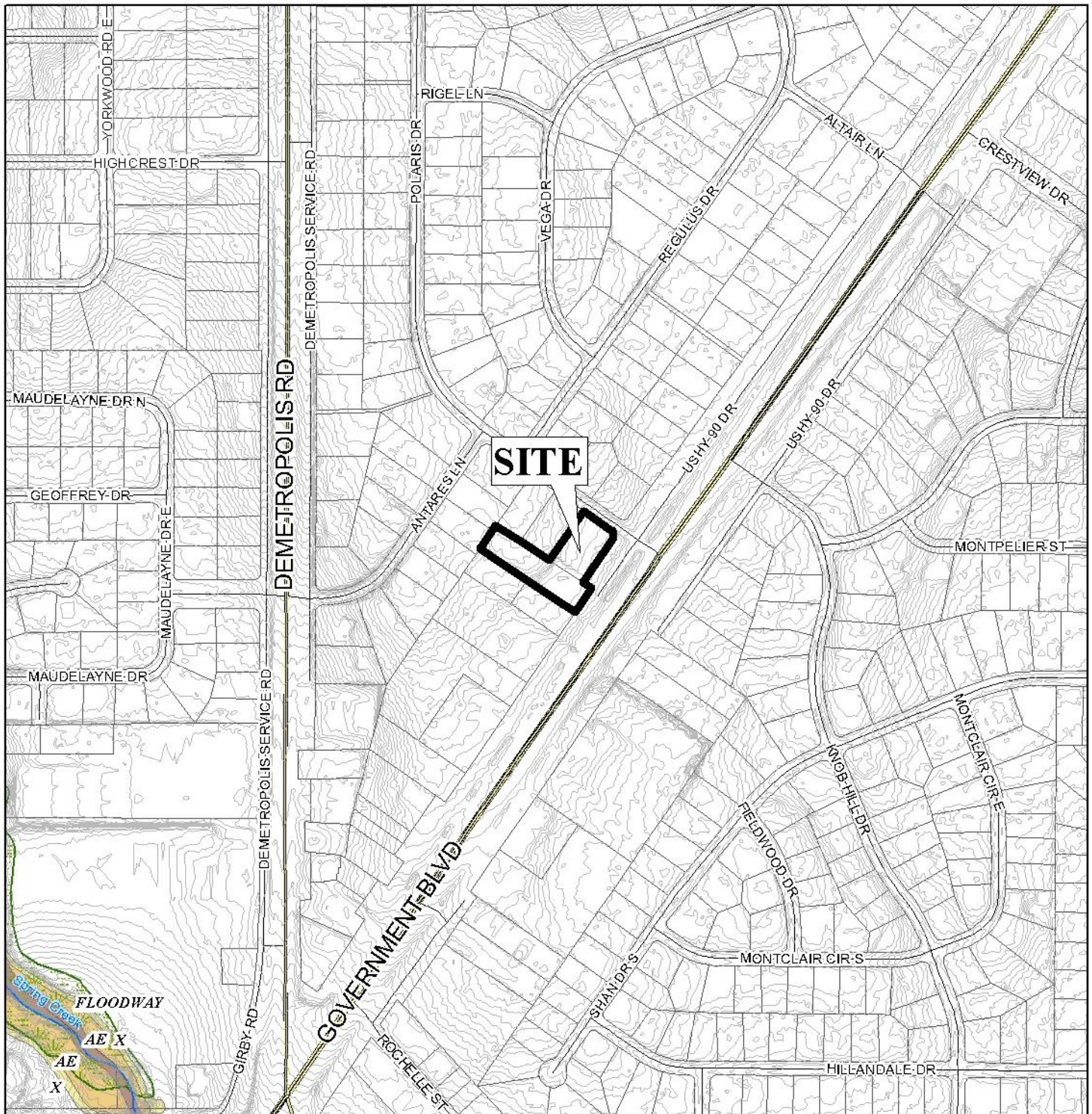
APPLICANT Skyland Park Subdivision, Addition to

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Low Density Residential	Neighborhood Center - Traditional	Downtown Waterfront	Parks & Open Space
Mixed Density Residential	Neighborhood Center - Suburban	Light Industry	Water Dependent
Downtown	Traditional Corridor	Heavy Industry	
District Center	Mixed Commercial Corridor	Institutional	



ENVIRONMENTAL LOCATOR MAP



APPLICATION NUMBER 9 DATE August 6, 2020

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REQUEST Subdivision, Rezoning from R-1 to B-2



NTS

PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential and commercial 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

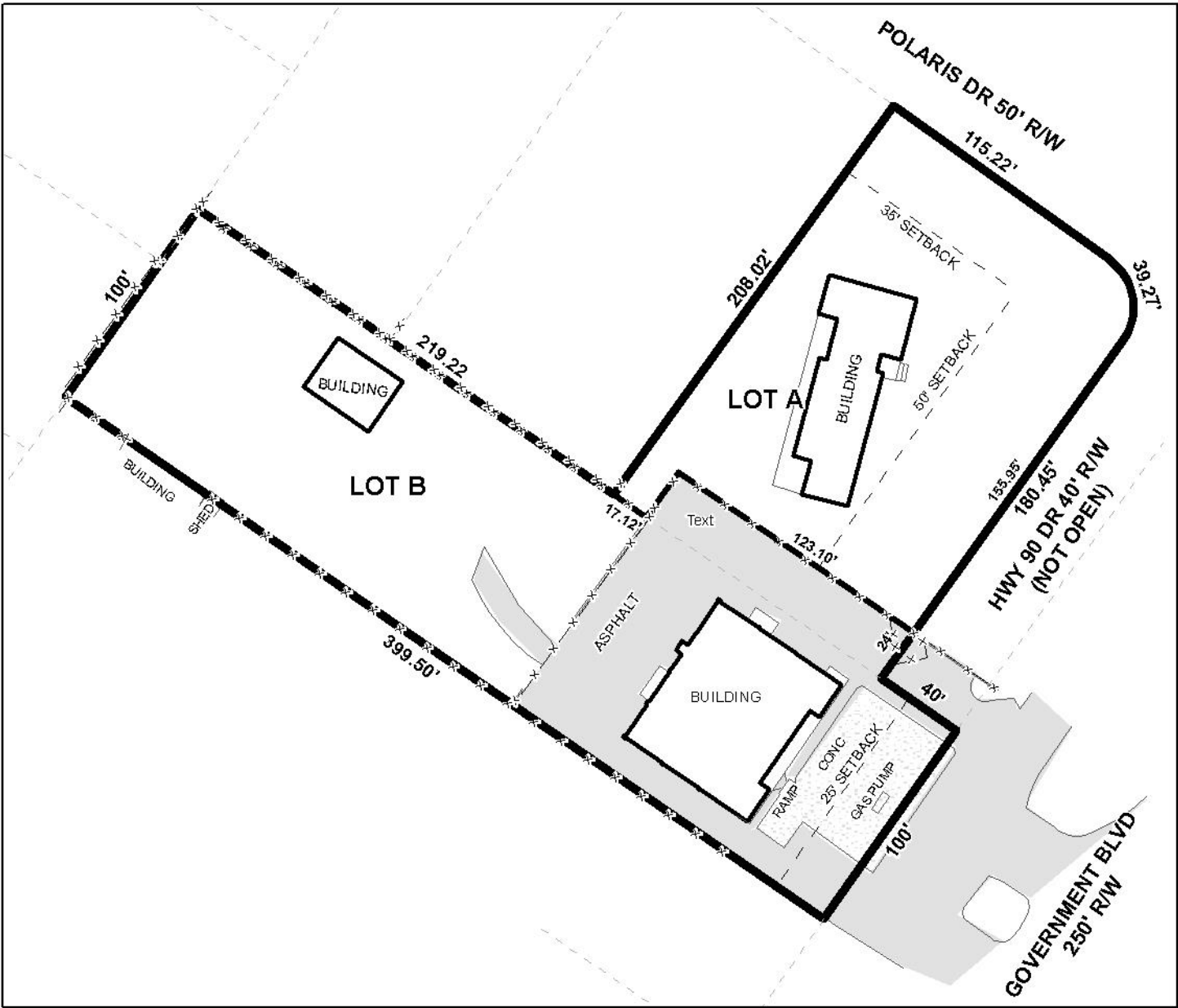


The site is surrounded by residential and commercial units.

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SITE PLAN

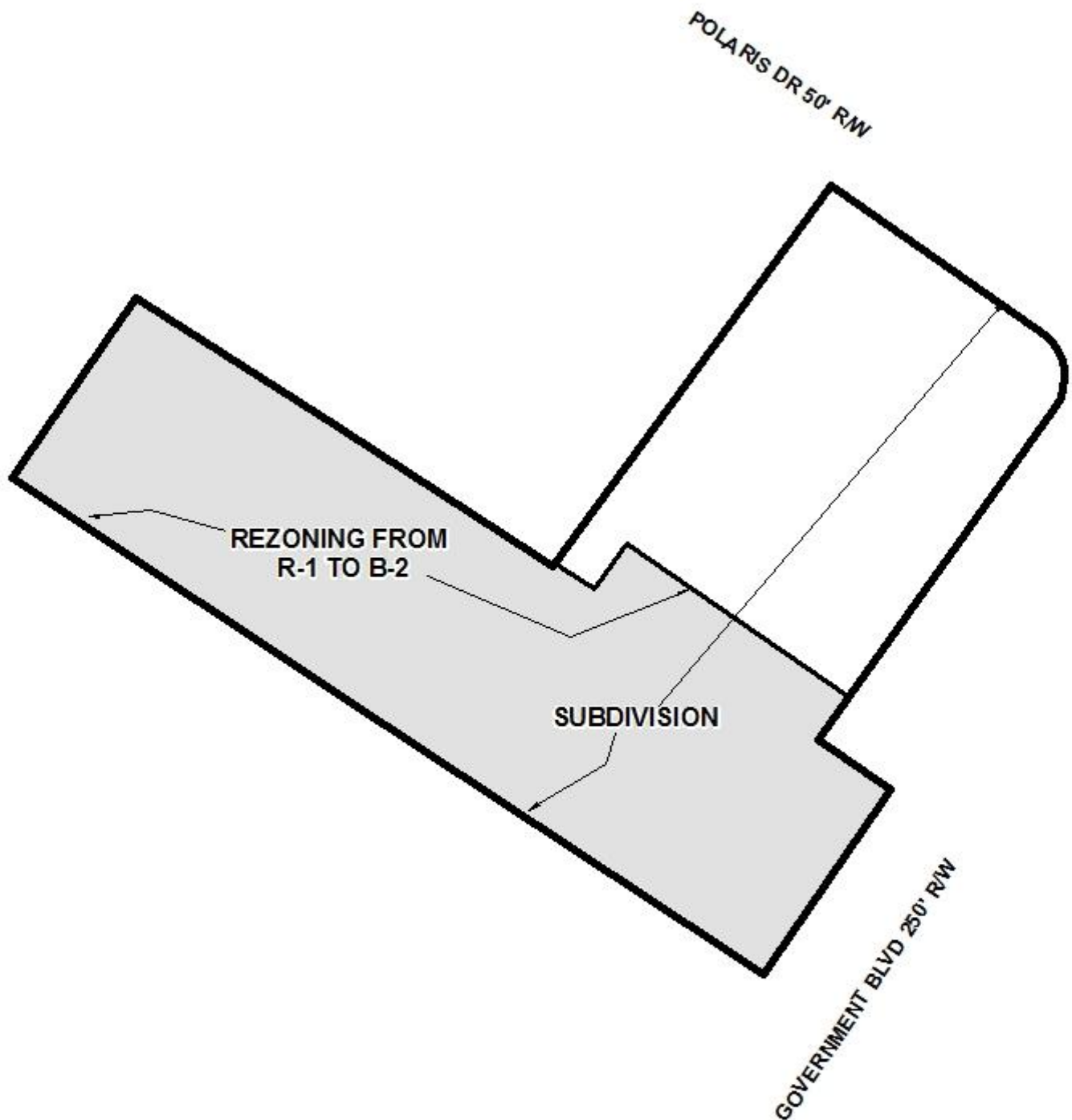


The site plan illustrates the existing buildings, setbacks, fences, and proposed lots.

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DETAIL SITE PLAN



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REQUEST Subdivision, Rezoning from R-1 to B-2

