

**SUBDIVISION, PLANNING APPROVAL, &  
ZONING AMENDMENT STAFF REPORT****Date: June 21, 2018****APPLICANT NAME**

Kimberly Care and Learning Center Subdivision

**APPLICANT NAME**

Kimberly Care and Learning Center Subdivision

**LOCATION**956 Mobile Street  
(East side of Mobile Street, 48'± South of Boyette Street,  
extending to the South side of Boyette Street).**CITY COUNCIL  
DISTRICT**

Council District 1

**PRESENT ZONING**

R-1, Single-Family Residential District

**PROPOSED ZONING***B-1, Buffer Business District***AREA OF PROPERTY**

1 Lot/0.5± Acres

**PRESENT ZONING**

Subdivision Approval to create a single legal lot of record from three legal lots of record; and Rezoning from R-1, Single-Family Residential District, to B-2, Neighborhood Business District.

**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. Add a Vicinity Map with street names.
- C. Provide a LOT designator (i.e. 1, A).
- D. Revise the plat to label each lot with its size in acres and square feet, or the furnishing of a table on the Plat providing the same information.
- E. Provide a written legal description and matching bearing and distance labels for the proposed subdivision.
- F. Show and label each and every Right-Of-Way and easement.

- G. Provide and label the monument set or found at each subdivision corner.
- H. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer.
- I. Provide the Surveyor's Certificate and Signature.
- J. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures.
- K. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 26 - #73) the LOT will receive the following historical credit of impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control), as follows: PROPOSED LOT (0.526 acre) – 1,500 sf.
- L. 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.
- M. 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.
- N. 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.
- O. 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.
- P. Add a note to the plat stating that all easements shall remain in effect until vacated through the proper Vacation process.
- Q. Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing.
- R. After addressing all of the FINAL SUBDIVISION PLAT review comments by the Engineering Dept. provide the red-line markup, the ORIGINAL (with all other signatures) and one (1) copy of the revised original (signatures not required) of the revised Final Plat to the Engineering Department.

**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 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**

Site is limited to one two-way curb cut or two one-way curb cuts to Mobile Street and denied access to Boyette Street. Driveway size, location and design are to be approved by Traffic Engineering and conform to AASHTO standards. All on-site parking, including ADA handicap spaces, shall 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).

## **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)

## **MAWSS**

### **COMMENTS**

No Comments

## **TIME SCHEDULE**

30-60 days to prepare detailed blueprints  
6 months for construction

## **REMARKS**

The applicant is requesting Subdivision Approval to create a single legal lot of record from three legal lots of record; and Rezoning from R-1, Single-Family Residential District, to B-2, Neighborhood Business District.

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 applicant is proposing to build a new daycare and learning center for children between the ages of 6 months old to 6 years of age.

The plat submitted depicts the existing lots in their current configuration, with no lot designator, such as Lot 1, for the proposed lot. If approved, the new lot should be given a new designator.

The proposed lot size is provided in acres, and would exceed the minimum lot size requirements of Section V.D.2. of the Subdivision Regulations. If approved, the total size of the proposed lot should be provided in both square feet and acres on the Final Plat.

The site has frontage along Mobile Street and Boyette Street. Boyette Street is a minor street with curb and gutters, and has an existing right-of-way of 60 feet, making no dedication necessary. According to the Major Street Plan which was updated in 2017, Mobile Street is a minor arterial street, and should have a 60 foot right-of-way. The plat depicts the existing right-of-way is 60 feet, making no dedications necessary.

The preliminary plat does not illustrate the 25' minimum building setback along Mobile Street or Boyette Street. If approved, the 25' setback should be depicted along both frontages on the Final Plat

As a means of access management, the proposed lot should be limited to either one two-way curb cut or two one-way curb cuts to Mobile Street, with size, location and design of new curb cuts to be approved by Traffic Engineering and conform to AASHTO standards. The lot should also be denied direct access to Boyette Street.

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 has been given a **Mixed Density Residential** (MxDR) land use designation per the recently adopted Future Land Use Plan and Map. 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 mostly applies to transportation corridors West of I-65 serving primarily the low-density (suburban) residential neighborhoods.

This designation applies mostly to residential areas located between Downtown and the Beltline, where the predominant character is that of a traditional neighborhood laid out on an urban street grid.

These residential areas should offer a mix of single family homes, townhouses, 2- to 4-residential unit buildings, accessory dwellings, and low- and mid-rise multifamily apartment buildings. The density varies between 6 and 10 dwelling units per acre, depending on the mix, types, and locations of the housing as specified by zoning.

Like Low Density Residential areas, Mixed Density Residential areas may incorporate compatibly scaled and sited complementary uses such as neighborhood retail and office uses, schools, playgrounds and parks, and churches and other amenities that create a complete neighborhood fabric and provide safe and convenient access to daily necessities.

The applicant states:

*#7 Description of Contemplated use, time schedule for development. The building will be used as a daycare and learning center for children 6 month to 6 years of age, between the hour of 6 am and 6 pm. The stages after rezoning will be 30 to 60 days for detailed blueprint drawings and about 6 months for the of building of structure.*

*#8 Conditions that makes rezoning needful and effect on surrounding properties.*

*We will provide a 6 foot privacy fencing around the property. We will provide no excessive noise, or any hazards to the community. We believe that location, accessibility, and convenience is the key to the success of the center. Mobile Street is a thoroughfare. Therefore, it provides all of what is needed to reach our goal. Also, I have invested a great deal of money for the purchasing, cleaning, and architectural drawings to present with my application. Most importantly, I have had a vision of a daycare and learning center in our community for several years. My wife and I have lived in this community for 38 years. We have nine children and twenty-one grandchildren. I have learned that reaching children in their foundation years equips them with a positive level of self-esteem.*

*Many of our children lose interest and fall behind in our public schools because of low levels of knowledge, when they enter the system, (not stupid) but ignorance carries a level of embarrassment and low self-esteem that can hinder performance and dictate to attitude in our classrooms. Our children destiny doesn't have t be failure with or discouraged. We can help them reach a desired end if we start with a proper beginning; that's what we plan to provide for the children that are entrusted in our care. Let's make something great happen in our community by providing a learning discipline training environment in the community for our children. Without your help we will not be unable to provide these services. We humbly ask parents, grandparents, city officials help us fulfill our responsibilities to the ones who need us most. (Our Children).*

The applicant submitted a site plan depicting a 2,600 square foot facility with a playground with new sidewalks along both street frontages, and 10 parking spaces. A note on the site plan indicates that there will be 6 teachers at the facility; therefore 9 parking spaces are required.

The site plan appears to depict that the site will be fully compliant with tree planting and landscape area requirements as well as have a compliant residential buffer. A note on the site plan states that curbside pickup will be utilized instead of a dumpster.

It should be noted that the applicant has requested rezoning the property to B-2, Neighborhood Business District to allow a daycare, however a daycare would be allowed by right in an LB-2, Limited-Neighborhood Business District; and with Planning Approval in a B-1, Buffer Business District.

Section 64-9.A.2. of the Zoning Ordinance states the B-1 and B-2 districts should contain a minimum of 2 acres. The subject site is just over a half acre, and is completely surrounded by R-1, Single-Family Residential District. Therefore, approval of the rezoning request may result in a spot zoning.

## **RECOMMENDATION**

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

- 1) provision of the lot size in square feet and acres;
- 2) placement of a note on the Final Plat stating the lot should be limited to either one two-way curb cut or two one-way curb cuts to Mobile Street, with size, location and design of new curb cuts to be approved by Traffic Engineering and conform to AASHTO standards;
- 3) placement of a note stating the lot is denied direct access to Boyette Street;
- 4) compliance with 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. Add a Vicinity Map with street names. C. Provide a LOT designator (i.e. 1, A). D. Revise the plat to label each lot with its size in acres and square feet, or the furnishing of a table on the Plat providing the same information. E. Provide a written legal description and matching bearing and distance labels for the proposed subdivision. F. Show and label each and every Right-Of-Way and easement. G. Provide and label the monument set or found at each subdivision corner. H. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. I. Provide the Surveyor's Certificate and Signature. J. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. K. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 26 - #73) the LOT will receive the following historical credit of impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control), as follows: PROPOSED LOT (0.526 acre) – 1,500 sf. L. 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. M. 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. N. 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. O. 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. P. Add a note to the plat stating that all easements shall remain in effect until vacated through the proper Vacation process. Q. Provide a copy of the FINAL SUBDIVISION PLAT to the Engineering Dept. for review. No signatures are required on this drawing. R. After addressing all of the FINAL SUBDIVISION PLAT review comments by the Engineering Dept. provide the red-line markup, the ORIGINAL (with all other signatures) and one (1) copy of the revised original (signatures not required) of the revised Final Plat to the Engineering Department.);

- 5) compliance with Traffic Engineering comments (*Site is limited to one two-way curb cut or two one-way curb cuts to Mobile Street and denied access to Boyette Street. Driveway size, location and design are to be approved by Traffic Engineering and conform to AASHTO standards. All 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 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).*); and
- 7) compliance with Fire 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).*).

**Rezoning:** Based upon the preceding, the application is recommended for Denial for the following reasons:

- 1) the applicant did not state which of the reasons outlined in Section 64-9. of the Zoning Ordinance applies to this property to justify the rezoning request; and
- 2) the proposed zoning district does not meet the minimum size recommendations for a new district as set forth in Section 64-9.A.2. of the Zoning Ordinance.

***Revised for the July 19<sup>th</sup> meeting:***

*At the June 21<sup>st</sup> Planning Commission meeting, the applicant was advised to change his rezoning request to B-1, Buffer Business District instead of B-2, Neighborhood Business District and to submit an application for Planning Approval which is required to allow a daycare in a B-1 district. The applicant has submitted both a request that the zoning district requested be changed to B-1 and the necessary Planning Approval.*

*The review required for Planning Approval examines the applicant's location and site plan with regard to transportation, parking and access, public utilities and facilities, traffic congestion and hazard, and to determine if the proposal is in harmony with the orderly and appropriate*

development of the district. It should be noted that Planning Approvals are site plan specific, and as such any changes to the site or the scope of operations in the future must receive approval from the Planning Commission.

The applicant is requesting a 20 foot setback on Boyette Street, which is allowed by the Zoning Ordinance, but will require a waiver of Section V.D.9. of the Subdivision Regulations.

As previously mentioned, the site plan shows full compliance with parking, tree planting and landscape area, and residential buffer requirements, among others.

While the site does not meet the minimum size recommendations of Section 64-9.A.2. of the Zoning Ordinance, a daycare could be beneficial to the primarily residential community.

### **RECOMMENDATION**

**Subdivision:** Based upon the preceding, and with a waiver of Section V.D.9. of the Subdivision Regulations for the Boyette Street setback, the application is recommended for Tentative Approval, subject to the following:

- 1) provision of the lot size in square feet and acres;
- 2) placement of a note on the Final Plat stating the lot should be limited to either one two-way curb cut or two one-way curb cuts to Mobile Street, with size, location and design of new curb cuts to be approved by Traffic Engineering and conform to AASHTO standards;
- 3) retention of the 25' minimum building setback along Mobile Street;
- 4) retention of the 20' minimum building setback along Boyette Street;
- 5) placement of a note stating the lot is denied direct access to Boyette Street;
- 6) compliance with 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. Add a Vicinity Map with street names. C. Provide a LOT designator (i.e. 1, A). D. Revise the plat to label each lot with its size in acres and square feet, or the furnishing of a table on the Plat providing the same information. E. Provide a written legal description and matching bearing and distance labels for the proposed subdivision. F. Show and label each and every Right-Of-Way and easement. G. Provide and label the monument set or found at each subdivision corner. H. Add a signature block for the Owner, Notary Public, Planning Commission, Traffic Engineer, and City Engineer. I. Provide the Surveyor's Certificate and Signature. J. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. K. Add a note to the SUBDIVISION PLAT stating that as shown on the 1984 aerial photo (FLIGHT 26 - #73) the LOT will receive the following historical credit of impervious area towards stormwater detention requirement per Mobile City Code, Chapter 17, Storm Water Management and Flood Control), as follows: PROPOSED LOT (0.526 acre) – 1,500 sf. L. 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



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- 7) compliance with Traffic Engineering comments: (Site is limited to one two-way curb cut or two one-way curb cuts to Mobile Street and denied access to Boyette Street. Driveway size, location and design are to be approved by Traffic Engineering and conform to AASHTO standards. All on-site parking, including ADA handicap spaces, shall meet the minimum standards as defined in Section 64-6 of the City's Zoning Ordinance.);
- 8) compliance with 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).); and
- 9) compliance with Fire 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)).

**Planning Approval:** Staff recommends the following Findings of Fact for Approval:

- a. the proposal will be appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities;
- b. the proposal will not cause undue traffic congestion or create a traffic hazard; and
- c. the proposal will be in harmony with the orderly and appropriate development of the district in which the use is located.

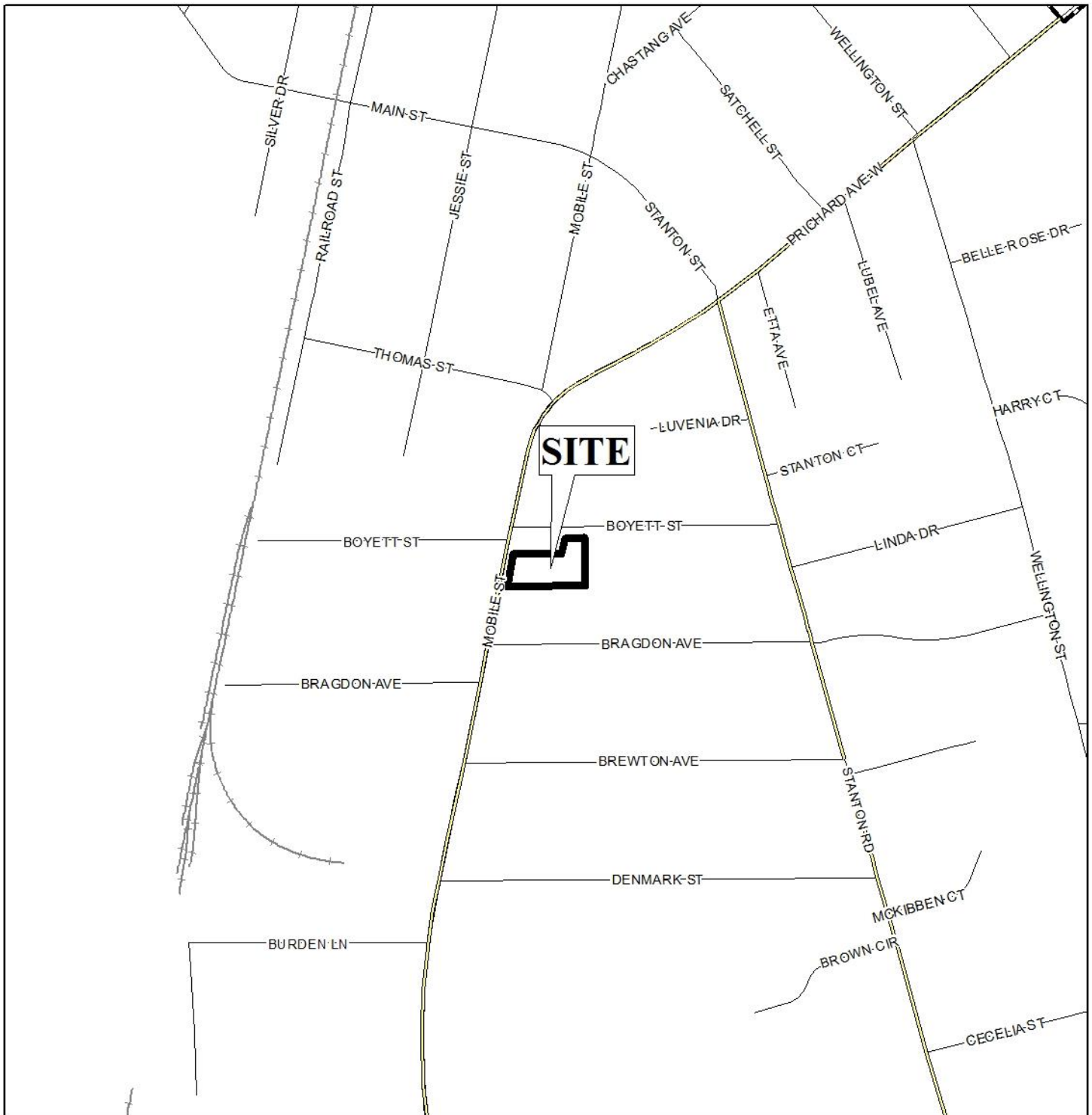
Based on the preceding, the application is recommended for Approval, subject to the following:

- 1) hours of operation limited to 6 AM – 6 PM; and
- 2) full compliance with all municipal codes and ordinances.

**Rezoning:** Based upon the preceding, the application is recommended for Approval, subject to the following:

- 1) full compliance with all municipal codes and ordinances.

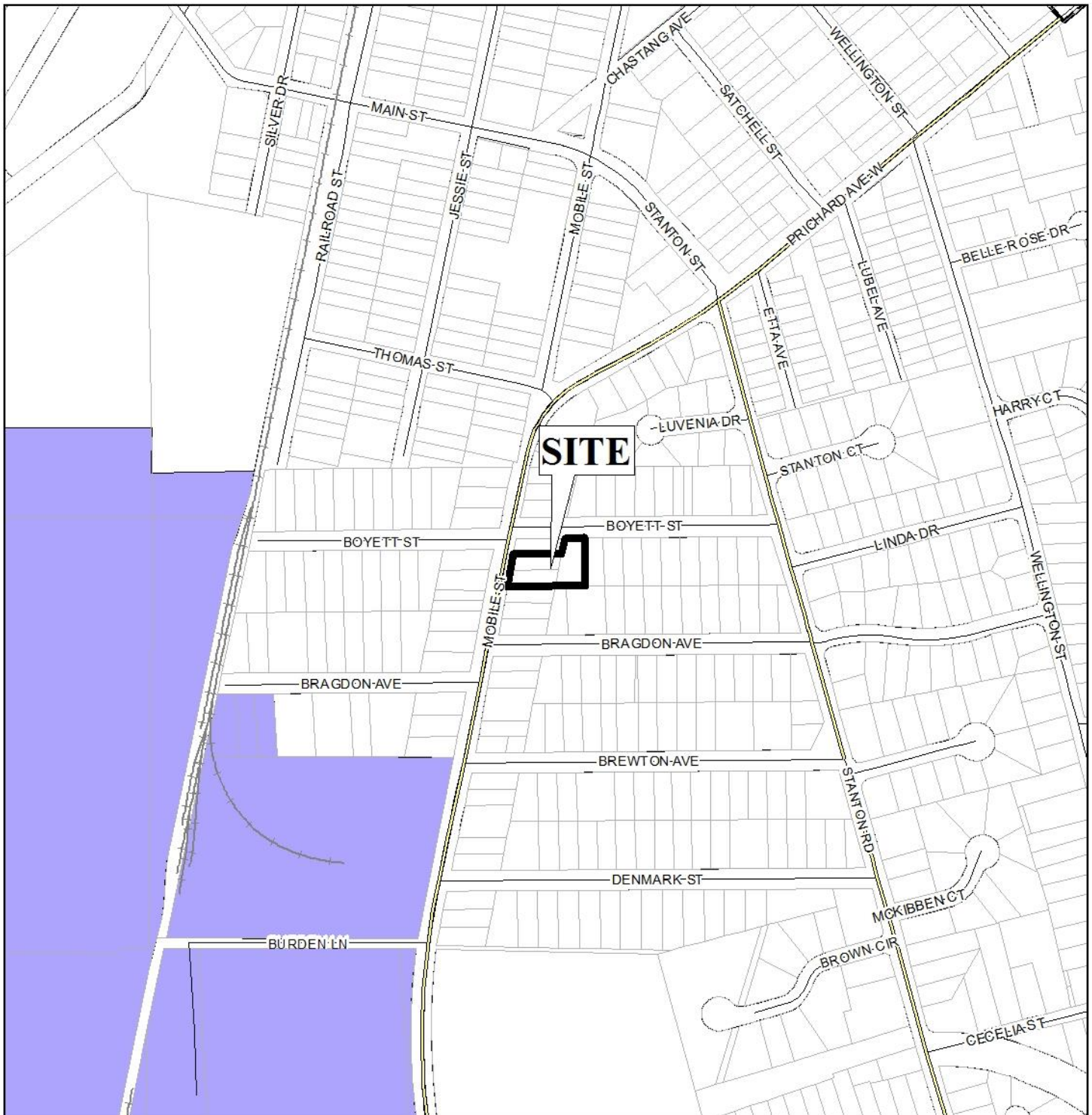
# LOCATOR MAP



APPLICATION NUMBER 4 DATE July 19, 2018  
APPLICANT Kimberly Care and Learning Center Subdivision  
REQUEST Subdivision, Planning Approval, Rezoning from R-1 to B-1



# LOCATOR ZONING MAP

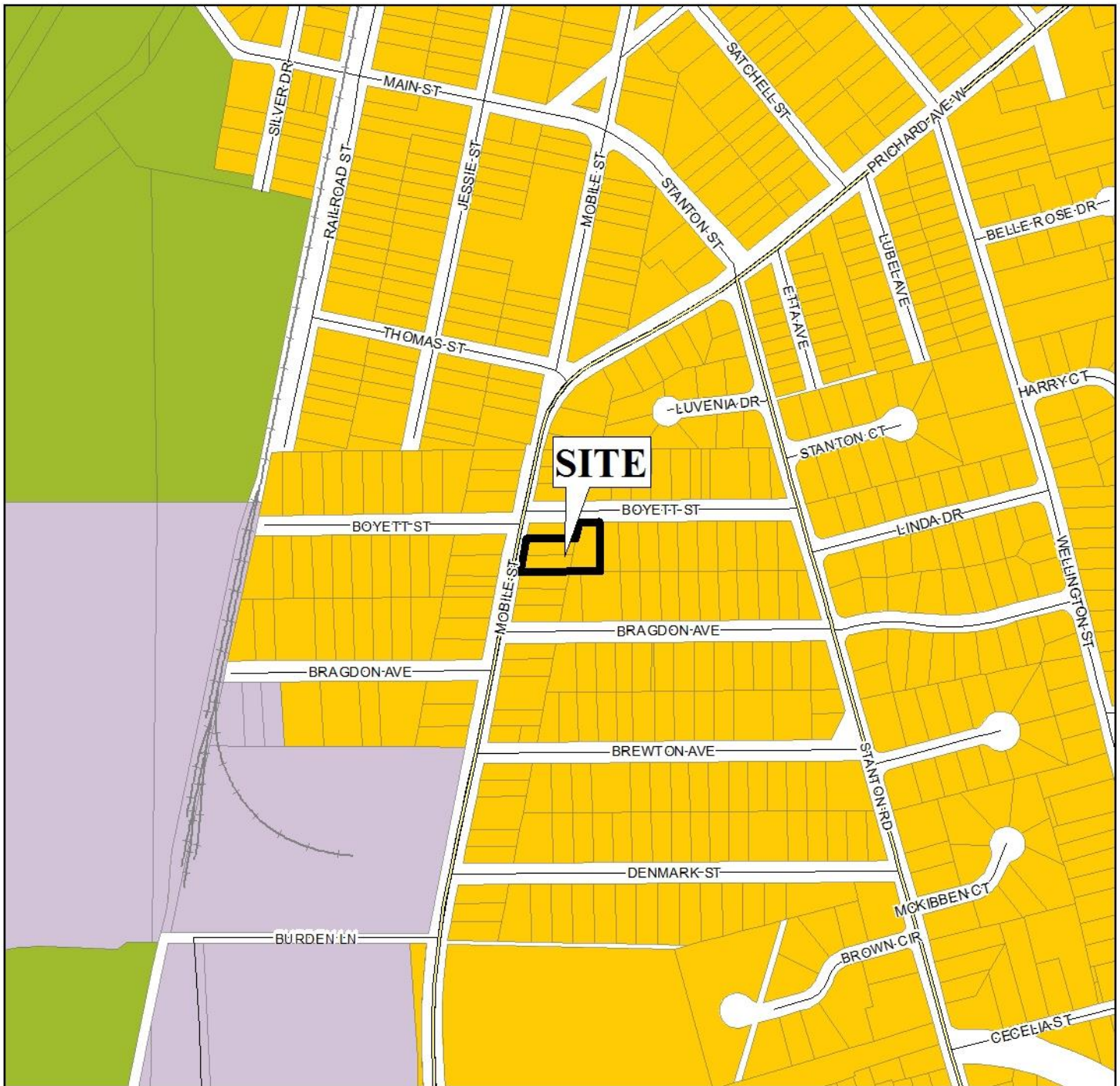


APPLICATION NUMBER 4 DATE July 19, 2018  
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REQUEST Subdivision, Planning Approval, Rezoning from R-1 to B-1





# FLUM LOCATOR MAP



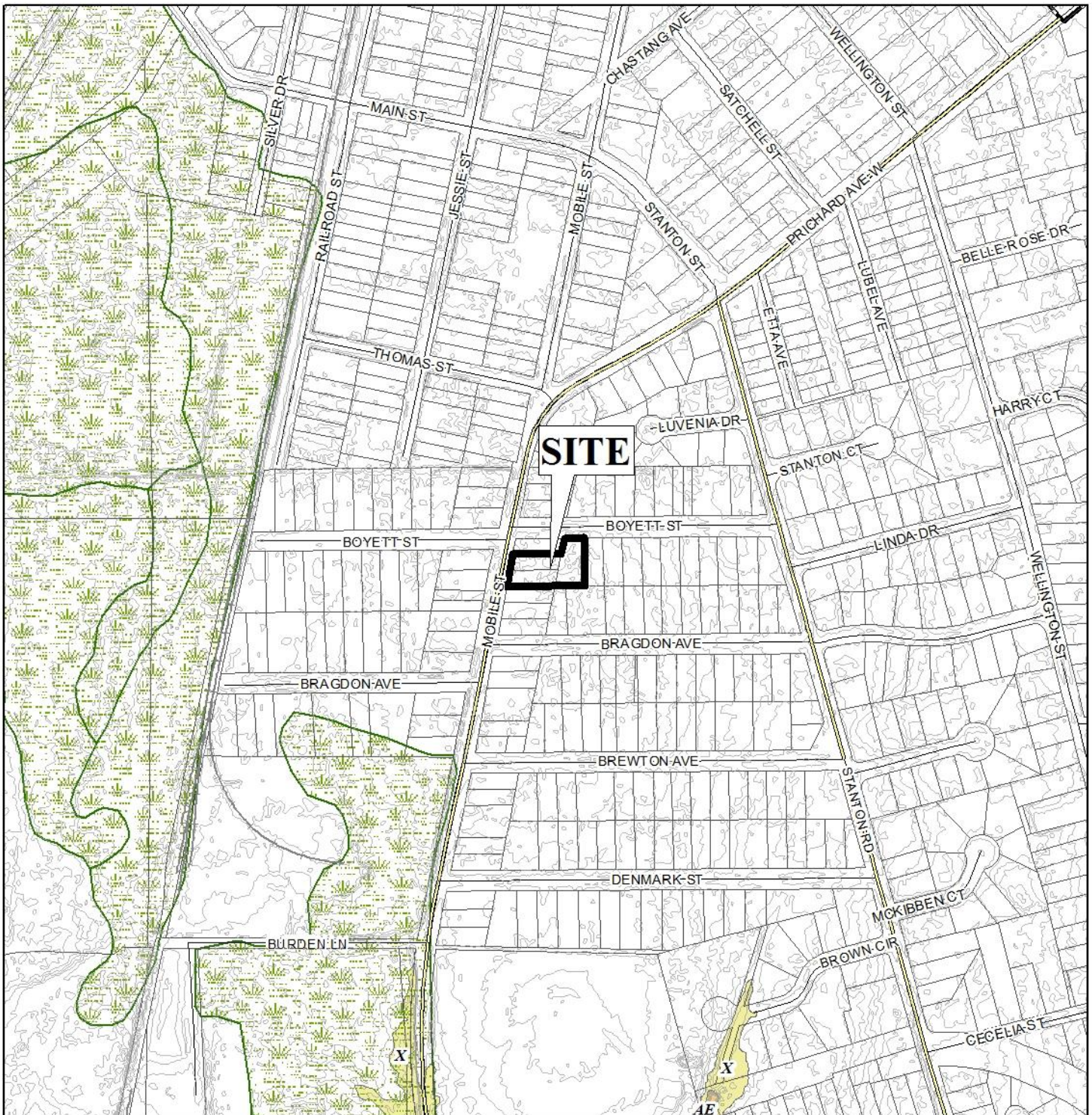
APPLICATION NUMBER 4 DATE July 19, 2018  
 APPLICANT Kimberly Care and Learning Center Subdivision  
 REQUEST Subdivision, Planning Approval, Rezoning from R-1 to B-1

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

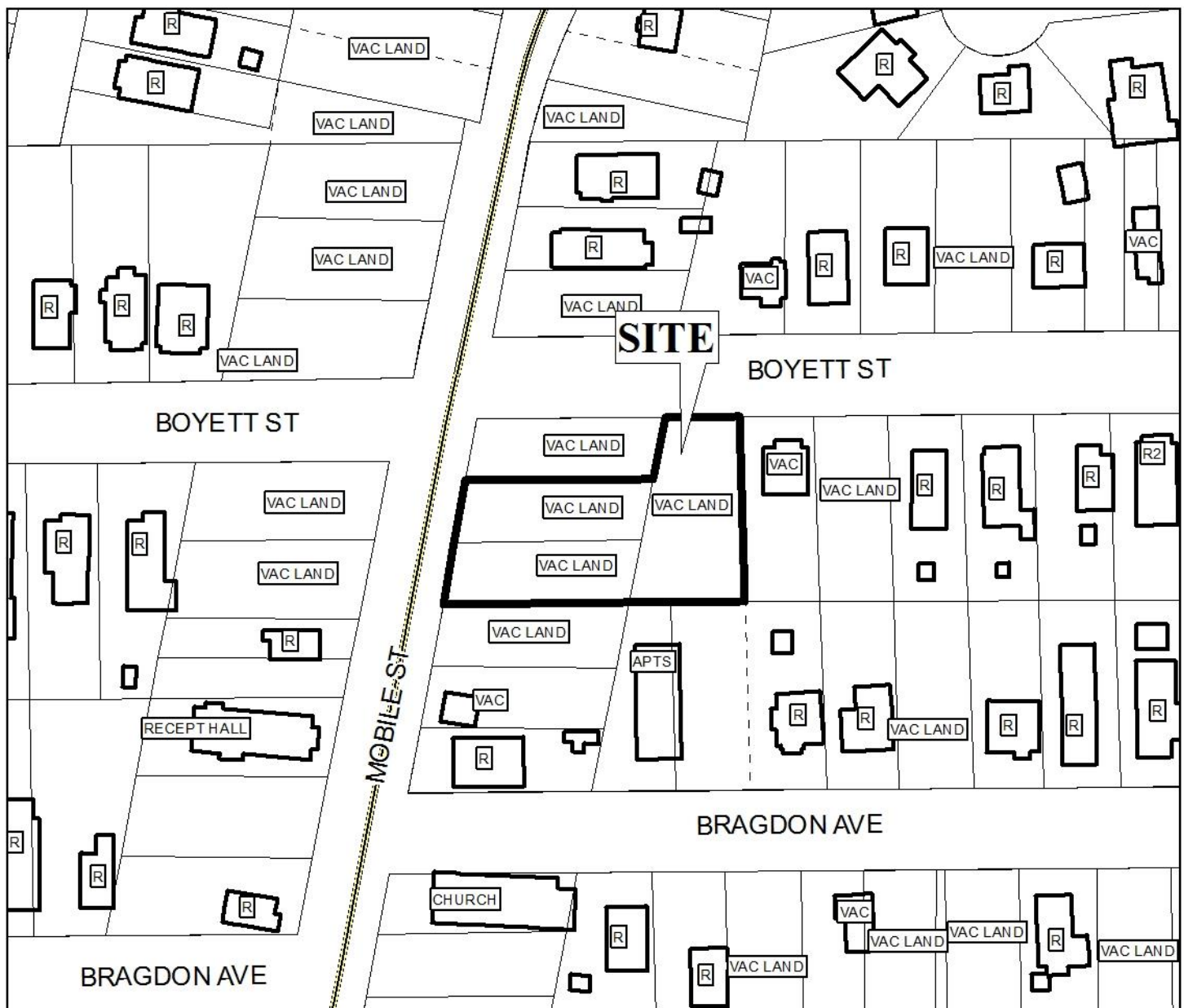


APPLICATION NUMBER 4 DATE July 19, 2018  
APPLICANT Kimberly Care and Learning Center Subdivision  
REQUEST Subdivision, Planning Approval, Rezoning from R-1 to B-1





# PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units.

APPLICATION NUMBER 4 DATE July 19, 2018  
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 REQUEST Subdivision, Planning Approval, Rezoning from R-1 to B-1

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

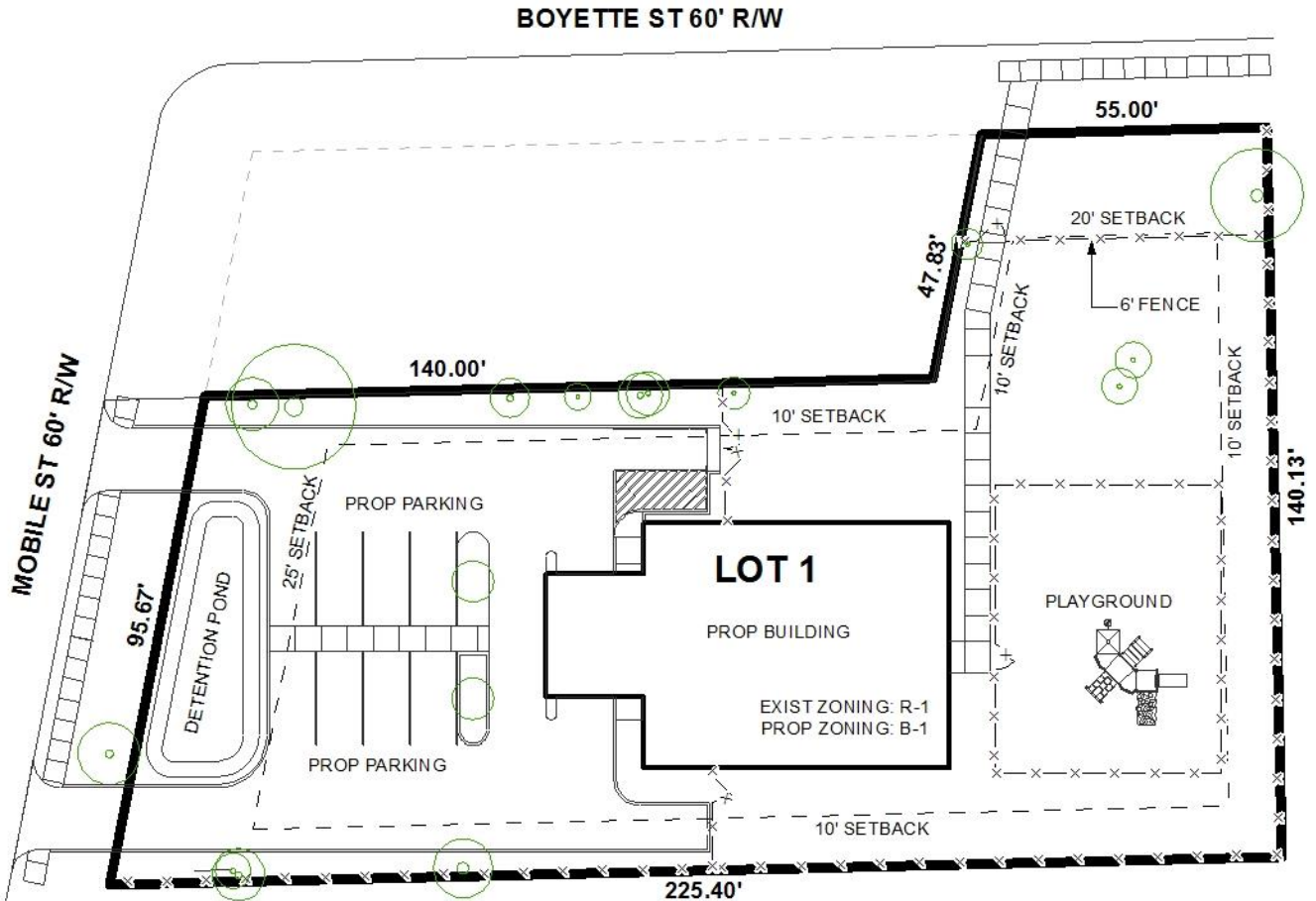


The site is surrounded by residential units.

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# SITE PLAN



The site plan illustrates the proposed building, proposed parking, setbacks, playground, and proposed zoning.

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