

**PLANNING APPROVAL,
PLANNED UNIT DEVELOPMENT &
SUBDIVISION STAFF REPORT****Date: January 15, 2015**

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| <u>NAME</u> | Ladd-Peebles Stadium |
| <u>SUBDIVISION NAME</u> | Ladd-Peebles Stadium Subdivision |
| <u>LOCATION</u> | 1621 Virginia Street (Southeast corner of Virginia Street and Lott Street, extending to the North side of Dublin Street East) |
| <u>CITY COUNCIL DISTRICT</u> | District 2 |
| <u>PRESENT ZONING</u> | B-3, Community Business District. |
| <u>AREA OF PROPERTY</u> | 2 Lots / 43.1± Acres |
| <u>CONTEMPLATED USE</u> | Planning Approval to allow a cell tower in a B-3, Community Business District; Planned Unit Development approval to allow shared access between two building sites; and Subdivision approval to create two legal lots of record from an existing metes-and-bounds parcel. |
| <u>TIME SCHEDULE FOR DEVELOPMENT</u> | None given. |

ENGINEERING**COMMENTS**

Subdivision: The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and 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 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.

- C. 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.
- D. Provide a written legal description for the proposed subdivision and matching bearing and distance labels.
- E. Change the signature block for the “City Clerk, City of Mobile” to “Traffic Engineer, City of Mobile”.
- F. Provide the Surveyor’s, Owner’s (notarized), Planning Commission, and Traffic Engineering signatures.
- G. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved.
- H. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature. The original and copy must be on a larger size sheet than the 11”x17” plan submitted for this review.

Planned Unit Development: Due to the proposed subdivision, LOT 2 may need to be assigned a different 911 address. Please contact the Engineering Department (208-6216) to discuss the options.

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 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, paving, and all above ground structures, 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. The proposed development must comply with all Engineering Department Policy Letters.

Planning Approval:

- 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, paving, and all above ground structures, 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.

TRAFFIC ENGINEERING**COMMENTS**

Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.

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).

FIRE DEPARTMENT**COMMENTS**

All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.

MAWSS COMMENTS

MAWSS has water and sewer services available, but a Capacity Assurance application for additional sewer service has not been applied for. MAWSS cannot guarantee additional sewer service until the Capacity application is approved by Volkert Engineering, Inc.

REMARKS

The applicant is requesting Planning Approval to allow a cell tower in a B-3, Community Business District; Planned Unit Development Approval to allow shared access between two building sites; and Subdivision approval to create two legal lots of record from an existing metes-and-bounds parcel. Cell towers require Planning Approval in a B-3 District. The Subdivision is required because Alabama State law now requires a lease parcel to be a legal lot of record, and a Planned Unit Development (PUD) is required due to the fact that the tower lot and the stadium lot will share access.

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.

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 site plan specific, 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.

It is very important to note that the Planning Approval and PUD review are site plan specific; therefore *any* future changes to the overall site plan must be submitted for PUD review. Additionally, if the site plan is changed from what is approved by the Planning Commission, a new application for Planning Approval will be required.

It should be noted that requests for Height, Setback, Residential Buffer Separation, Access and Parking Surface, and Tree Planting Variances are scheduled for the December 1st Board of Zoning Adjustment meeting. If the Planning Approval request is approved, it should be subject to the approval of at least the Height, Setback and Residential Buffer requests.

Ladd Stadium is owned by the City of Mobile. The applicant proposes to lease a 38' by 44' area adjacent to the existing detention area within the Southeast portion of the site and is seeking Planning Approval to allow the construction of a 147' (152' overall height with lightning rod) monopole cellular communications tower. The tower lease parcel would be made a legal lot of record via the associated Subdivision.

The purpose of the Telecommunications Ordinance is: to protect residential areas and land uses from potential adverse impact of Towers and Telecommunications Facilities; to minimize adverse visual impact of Towers and Telecommunications Facilities through careful design, siting, landscaping, and innovative camouflaging techniques; to promote and encourage shared use/collocation of Towers and Antenna support Structures as a primary option rather than construction of additional single-use Towers; to avoid potential damage to property caused by Towers and Telecommunications Facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained and removed when no longer used or determined to be structurally unsound; to ensure that Towers and Telecommunications Facilities are compatible with surrounding land uses; and to facilitate the provision of wireless telecommunications services to the residents and businesses of the City in an orderly fashion.

To this end, the Tower and Telecommunications Facility Ordinance requires very specific documentation relating to the carrier's service area and the number of potential co-locatable towers within a ½ mile radius to be submitted with the application; as well as specific buffers from residential properties; and certain site improvements be made.

The applicant, Cellular South Real Estate, has submitted documentation as required by Section 64-4.J.4.f. of the Zoning Ordinance pertaining to tower development relating to inability to collocate on other towers, structural integrity of the tower, collocation capabilities, the tower posing no safety risks and existing wireless telecommunications network.

There are two other cellular communications towers within a one-half mile radius of the subject site. One is owned by Alabama Power Company and within its service compound approximately 900' to the Southeast, but it is only 105' high which is insufficient to provide adequate service. A 140' high tower located approximately 775' to the Southwest is on Mobile County Public School property, but it is restricted to the sole use of the Mobile County Public School System by variance approval conditions. The proposed tower would have two spaces available for future carrier collocations.

The site plan indicates the tower compound to be just to the interior of the stadium paved drives at the Southeast corner of the property near the Dublin Street East entrance. The tower compound would be completely surrounded by the parking, access, and detention facilities associated with Ladd-Peebles Stadium. As the tower lease parcel is proposed to be a separate legal lot of record and land-locked, its access would be across the stadium property; therefore, the PUD is needed for the shared access. Access from the paved stadium drive to the tower compound is proposed to be via a 12' wide gravel drive and parking space, for which a Surface Variance is requested. An 8' high wooden privacy fence is proposed around the tower compound. The site plan does not indicate any tree plantings around the compound. Due to the fact that gravel access and parking are indicated and no tree plantings are indicated, should the Surface and Tree Planting Variance requests be denied by the Board of Zoning Adjustment, the site plan should be revised to indicate compliant access and parking surfaces and compliant tree plantings.

Discrepancies existed in the initial submission of the Planning Approval application in that the cover letter indicated a tower structure height of 140' with a 10' lightening rod above, bringing the overall height to 150' above ground level, and the tower elevation drawing indicated the tower structure to be 147' high with no lightening rod above. The antennae were illustrated as extending slightly above the tower structure. The cover letter and tower elevation drawing have been revised to indicate the tower structure height to be 147' above ground level (AGL) with a 5' lightning rod above, bringing the entire tower and appurtenances to a height of 152' AGL. The top of the antennae are now illustrated as being at a height of 138' AGL.

The plat illustrates the proposed 2-lot, 43.1± acre subdivision, which is located at the Southeast corner of Virginia Street and Lott Street, extending to the North side of Dublin Street East, in Council District 2. The applicant does not indicate what sanitary services are provided.

The purpose of this application is to create two legal lots of record from an existing metes-and-bounds parcel. In the past, a newly-created lease parcel could be a portion of an existing lot. However, a recently-enacted State law requires a lease parcel to be made a legal lot of record. Thus, the proposed tower lease area must now become a legal lot. As the tower lot (Lot 2) would be land-locked and not abut a street, a waiver of Section V.D.4. would be required, and would be justified via the PUD. Also, since that lot would be smaller (0.4± acre) than the 7,200 square feet required by Section V.D.2. of the Regulations, a waiver of that Section would also be required, and would not be out of order as the tower lot would only be for the tower compound and would not be habitable. The plat indicates the larger lot (Lot 1) containing the remainder of the stadium site and meeting the minimum size requirements of the Subdivision Regulations. As

on the preliminary plat, the Final Plat should label the size of Lot 2 with its size in square feet and acreage, or a table should be furnished on the Final Plat providing the same information. The plat should be revised to label Lot 1 with its size in both square feet and acres, or a table should be furnished on the Final Plat providing the same information.

Streets abutting the site are all minor streets of compliant 50' rights-of-way, other than Virginia Street. Virginia Street is a component of the Major Street Plan with a planned 80' right-of-way. Typically, dedication would be required sufficient to provide 40' from the centerline of the existing right-of-way. However, as the City of Mobile owns the subject site, dedication to itself would not be required. As a means of access management, a note should be required on the Final Plat stating that Lot 2 is limited to the existing curb cuts to all streets, with the size, location and design of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards.

The plat should be revised to illustrate a 25' minimum building setback line along all street frontages except Virginia Street. A 40' minimum building setback line should be illustrated along Virginia Street to account for any future widening in compliance with the Major Street Plan.

It should be noted that the preliminary plat provided is reduced below the given scale of 1"=100'; therefore, the Final Plat should be revised to scale as given on the plat. Also, the plat includes a signature block for the City Clerk. As that office does not sign subdivision plats, that signature block should be removed from the Final Plat. The plat should, however, be revised to add a Traffic Engineer's signature block.

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 non-game 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

Subdivision: With waivers of Sections V.D.2. and V.D.4., the plat meets the minimum requirements of the Subdivision Regulations and is recommended for Tentative Approval, subject to the following conditions:

- 1) revision of the plat to label both lots with their sizes in both square feet and acres, or the furnishing of a table on the Final Plat providing the same information;
- 2) placement of a note on the Final Plat stating that Lot 2 is limited to the existing curb cuts to all streets, with the size, location and design of all curb cuts to be approved by Traffic Engineering and conform to AASHTO standards;
- 3) revision of the plat to illustrate a 25' minimum building setback line along all street frontages, except Virginia Street;
- 4) revision of the plat to illustrate a 40' minimum building setback line along Virginia Street;
- 5) revision of the plat to coincide with the scale as given on the plat;

- 6) removal of the City Clerk signature block on the Final Plat;
- 7) revision of the plat to include a signature block for the City Traffic Engineer;
- 8) 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;
- 9) subject to the Engineering comments: *[The following comments should be addressed prior to submitting the FINAL PLAT for acceptance and 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 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. C. 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. D. Provide a written legal description for the proposed subdivision and matching bearing and distance labels. E. Change the signature block for the "City Clerk, City of Mobile" to "Traffic Engineer, City of Mobile". F. Provide the Surveyor's, Owner's (notarized), Planning Commission, and Traffic Engineering signatures. G. Add a note that sidewalk is required to be constructed, and/or repaired, along the frontage of each lot, or parcel, at time of development, unless a sidewalk waiver is approved. H. Provide a copy of the Final Plat along with the original when submitting for City Engineer signature. The original and copy must be on a larger size sheet than the 11"x17" plan submitted for this review.];*
- 10) subject to the Traffic Engineering comments: *(Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.);*
- 11) subject to 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 61-929 and City Code Chapters 57 and 64).];*
- 12) subject to the Fire Department comments: *(All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.);*
- 13) submission and approval of three (3) copies of revised Planning Approval and PUD site plans prior to signing the Final Plat.

Planned Unit Development: Based upon the preceding, this request is recommended for approval, subject to the following conditions:

- 1) revision of the site plan to indicate a compliant vehicular access and parking surface outside the tower compound should the Surface Variance request be denied by the Board of Zoning Adjustment;
- 2) revision of the site plan to indicate compliant tree plantings, if required, around the tower compound, to be coordinated with the Planning Division of the urban Development

Department, should the Tree Planting Variance request be denied by the Board of Zoning Adjustment;

- 3) subject to the Board of Zoning Adjustment approving the associated Height, Setback and Residential Buffer Variance requests prior to any land disturbance activities;
- 4) placement of a note on the site plan 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;
- 5) subject to the Engineering comments: *[Due to the proposed subdivision, LOT 2 may need to be assigned a different 911 address. Please contact the Engineering Department (208-6216) to discuss the options. 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 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, paving, and all above ground structures, 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. The proposed development must comply with all Engineering Department Policy Letters.];*
- 6) subject to the Traffic Engineering comments: *(Driveway number, size, location and design to be approved by Traffic Engineering and conform to AASHTO standards.);*
- 7) subject to 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 61-929 and City Code Chapters 57 and 64).];*
- 8) subject to the Fire Department comments: *(All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.);*
- 9) submission and approval of three (3) copies of a revised site plan prior to signing the Final Plat; and
- 10) full compliance with all municipal codes and ordinances.

Planning Approval: Based upon the preceding, this request is recommended for approval, subject to the following conditions:

- 1) the tower limited to a monopole design, 147' high, with a 5' lightning rod above, with an overall height of 152' above ground level;
- 2) revision of the site plan to indicate a compliant vehicular access and parking surface outside the tower compound should the Surface Variance request be denied by the Board of Zoning Adjustment;

- 3) revision of the site plan to indicate compliant tree plantings, if required, around the tower compound, to be coordinated with the Planning Division of the urban Development Department, should the Tree Planting Variance request be denied by the Board of Zoning Adjustment;
- 4) subject to the Board of Zoning Adjustment approving the associated Height, Setback and Residential Buffer Variance requests prior to any land disturbance activities;
- 5) placement of a note on the site plan 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) subject to the Engineering comments: *[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, paving, and all above ground structures, 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.];*
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- 9) subject to the Fire Department comments: *(All projects within the City of Mobile Fire Jurisdiction must comply with the requirements of the 2009 International Fire Code, as adopted by the City of Mobile.);*
- 10) submission and approval of three (3) copies of a revised site plan prior to signing the Final Plat; and
- 11) full compliance with all municipal codes and ordinances.

Revised for the January 15, 2015, meeting:

These applications were heldover from the November 20, 2014, meeting to allow the applicant to work through the Administration to consider relocation of the lease parcel.

City staff, the applicant and representatives of the Ladd-Peebles Stadium Board met on December 22, 2014 to discuss alternative locations for the proposed tower. Based upon the discussions at that meeting, staff recommends that the applications be heldover until the April 16, 2015 meeting, so that the new location of the tower can be finalized with the Ladd-Peebles

Board, and new applications can be submitted (if necessary) to accommodate the new location. If new applications are required, the current requests can be withdrawn.

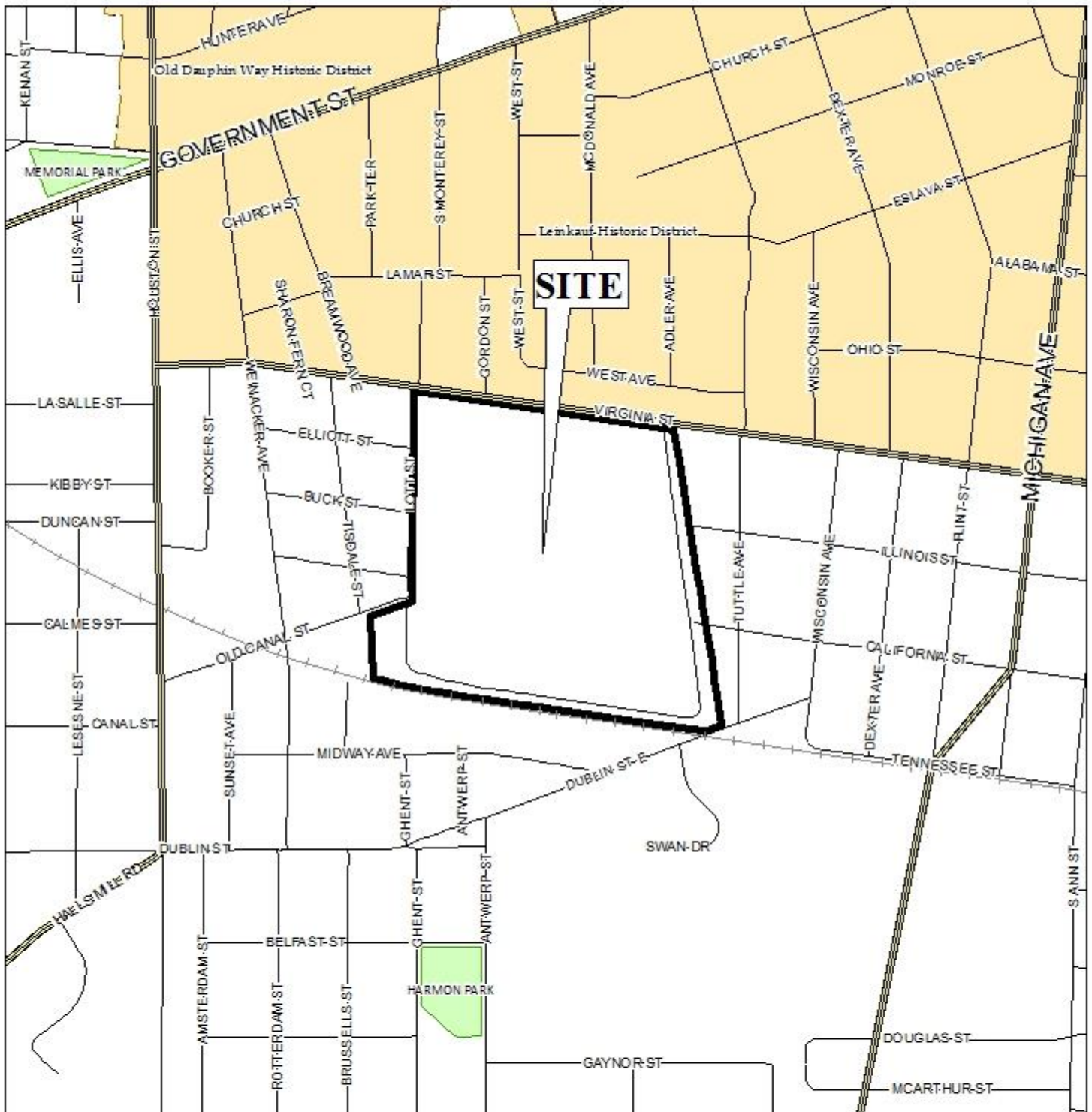
RECOMMENDATION

Subdivision: This application is recommended for holdover until the April 16, 2015 meeting to allow the applicant to finalize the new location of the proposed tower with the Ladd-Peebles Board and, if necessary, prepare new applications for submittal.

Planned Unit Development: This application is recommended for holdover until the April 16, 2015 meeting to allow the applicant to finalize the new location of the proposed tower with the Ladd-Peebles Board and, if necessary, prepare new applications for submittal.

Planning Approval: This application is recommended for holdover until the April 16, 2015 meeting to allow the applicant to finalize the new location of the proposed tower with the Ladd-Peebles Board and, if necessary, prepare new applications for submittal.

LOCATOR MAP



APPLICATION NUMBER 3 DATE January 15, 2015

APPLICANT Ladd Peebles Stadium Subdivision

REQUEST Subdivision, PUD, Planning Approval



PLANNING COMMISSION VICINITY MAP - EXISTING ZONING



The site is surrounded by residential units.

APPLICATION NUMBER 3 DATE January 15, 2015

APPLICANT Ladd Peebles Stadium Subdivision

REQUEST Subdivision, PUD, Planning Approval

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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 ZONING



The site is surrounded by residential units.

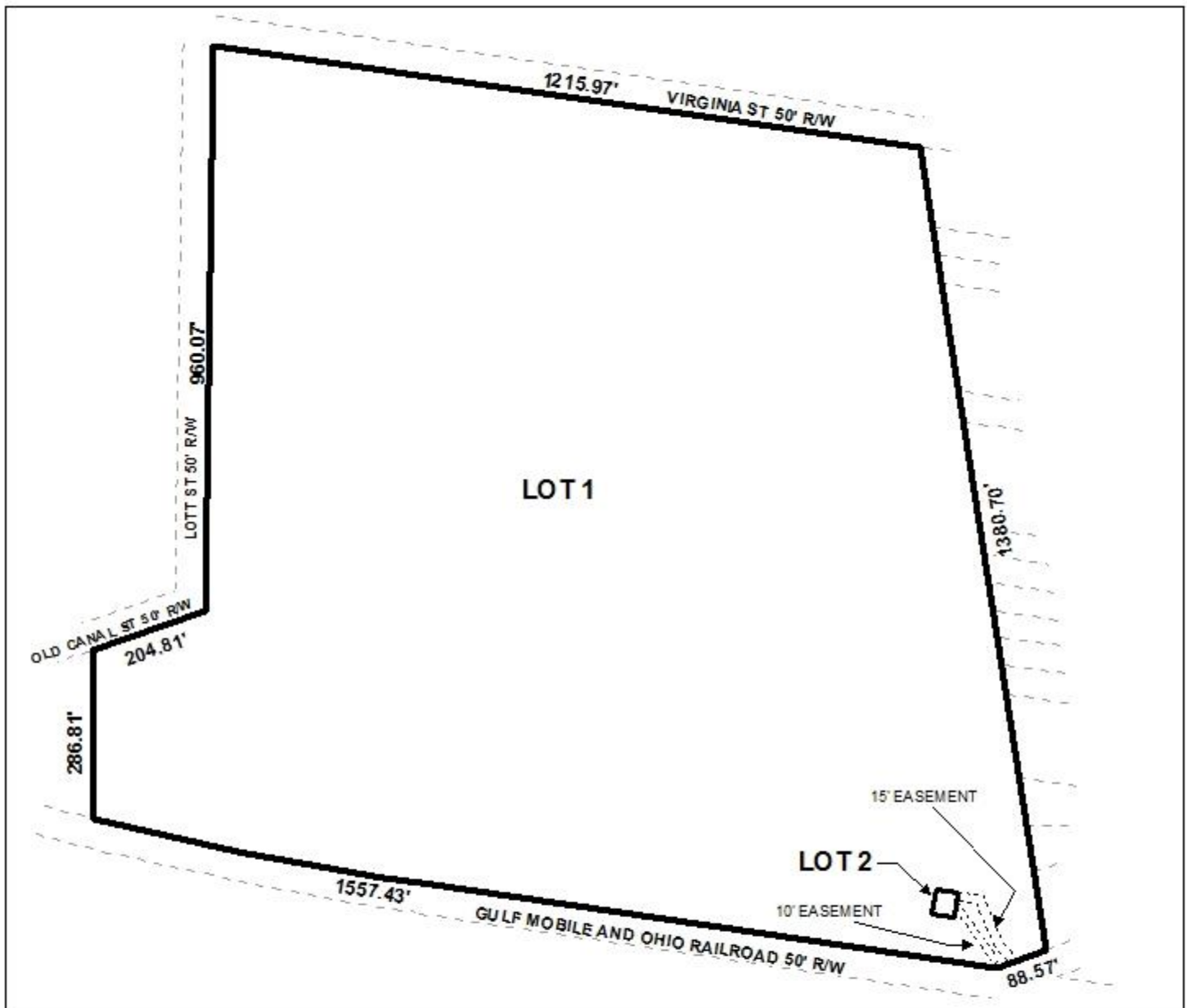
APPLICATION NUMBER 3 DATE January 15, 2015

APPLICANT Ladd Peebles Stadium Subdivision

REQUEST Subdivision, PUD, Planning Approval



SITE PLAN



The site plan illustrates the proposed lots, and easements.

APPLICATION NUMBER 3 DATE January 15, 2015

APPLICANT Ladd Peebles Stadium Subdivision

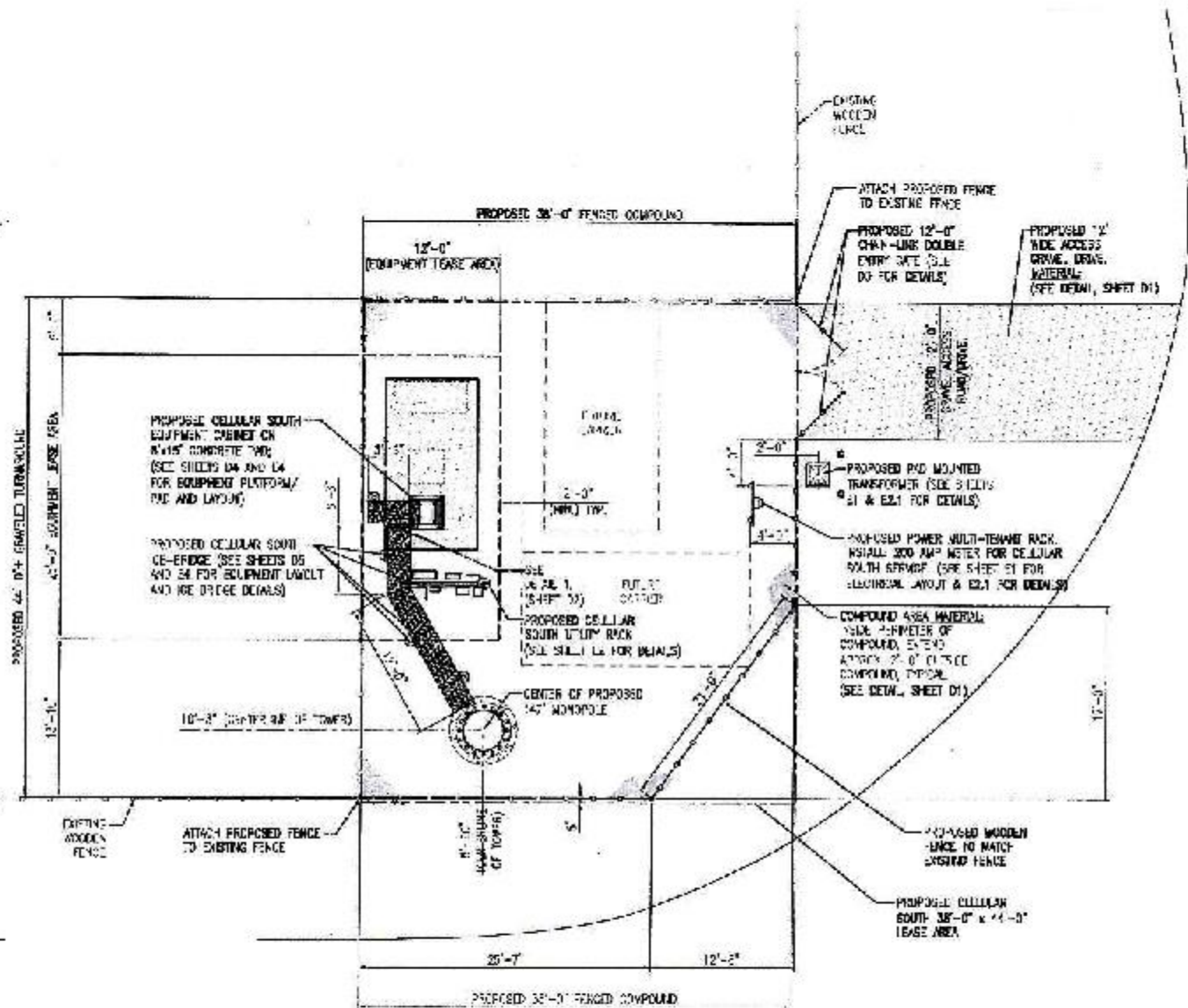
REQUEST Subdivision, PUD, Planning Approval



REQUEST Subdivision, PUD, Planning Approval



DETAIL SITE PLAN



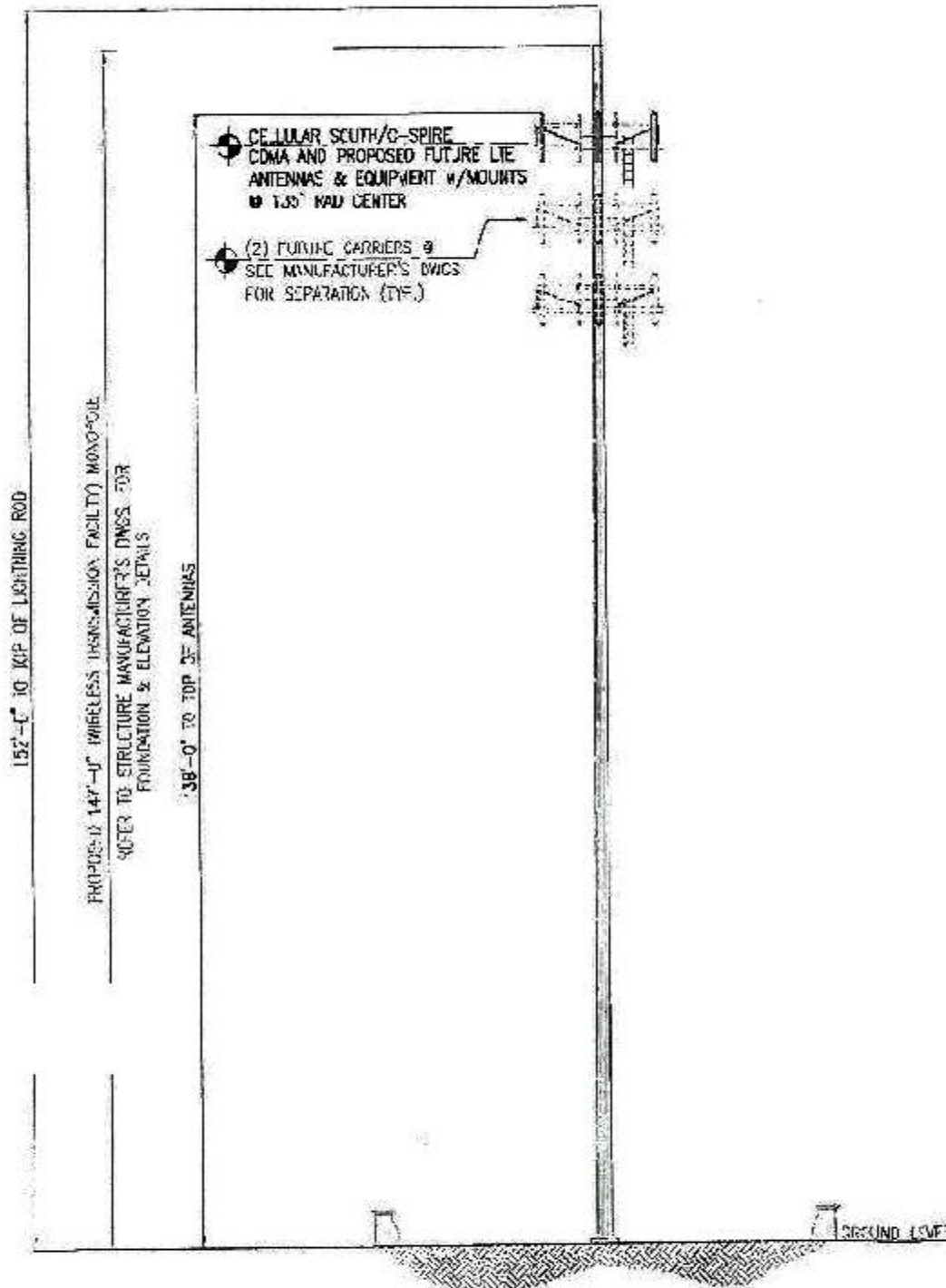
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APPLICANT Ladd Peebles Stadium Subdivision

REQUEST Subdivision, PUD, Planning Approval



DETAIL SITE PLAN



APPLICATION NUMBER 3 DATE January 15, 2015

APPLICANT Ladd Peebles Stadium Subdivision

REQUEST Subdivision, PUD, Planning Approval

