

INTRODUCED: September 8, 2014

AN ORDINANCE No. 2014-196-177

To amend Ord. No. 2013-245-2014-14, adopted Feb. 10, 2014, which authorized the special use of a portion of the property known as 3805 Cutshaw Avenue for a multifamily dwelling with a total of up to sixty-six (66) dwelling units, for the purpose of amending the site plan and removing the requirements to provide a rooftop deck and to subdivide the property, upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: OCT 13 2014 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

I. That Ordinance No. 2013-245-2014-14, adopted February 10, 2014, be and is hereby amended and reordained as follows:

§ 1. That ~~[a portion of]~~ the property known as 3805 Cutshaw Avenue and identified as Tax Parcel No. W000-1717/011 in the ~~[2013]~~ 2014 records of the City Assessor, being more particularly shown ~~[as Parcel “A”]~~ on the plat entitled ~~[“Plat Showing Two Parcels of Land Situated on the South Line of Cutshaw Avenue,”]~~ “3805 Cutshaw Avenue, Cover & Existing Conditions,” prepared by ~~[Halder Surveys, P.C.]~~ Balzer and Associates, Inc., and dated ~~[January~~

AYES: 8 NOES: 0 ABSTAIN: _____

ADOPTED: OCT 13 2014 REJECTED: _____ STRICKEN: _____

~~31, 2012]~~ May 17, 2013, a copy of which is attached to and made a part of this ordinance, is hereby permitted to be used for the purpose of a multifamily dwelling with a total of up to sixty-six (66) dwelling units, substantially as shown on sheets CS, A1.0 through A1.3, A2.1 through A2.10, and A3.1 through A3.4 of the plans entitled “Improvements and Alterations at: The Daniels Building, 3805 Cutshaw Ave., Richmond, Virginia,” prepared by Architecture Design Office, and dated August 26, 2013, with sheets CS and A1.1 through A1.3 being revised September 30, 2013, and as shown on sheets C1 through C6 and L1 through L3 of the plans entitled “Daniel Group, LLC, 3805 Cutshaw Ave, SUP-Site Plan” and prepared by Balzer & Associates, Inc., with sheets C1 and C6 being dated May 17, 2013, and revised October 11, 2013, sheets C2, L1, and L2 being dated August 22, 2013, and last revised October 21, 2013, sheets C3 and C4 being dated May 17, 2013, and last revised October 21, 2013, sheet C5 being dated May 17, 2013, and revised October 10, 2013, and sheet L3 being dated August 22, 2013, copies of all of which are attached to and made a part of ~~[this ordinance]~~ Ordinance No. 2013-245-2014-14, adopted February 10, 2014, and as modified by sheets A1.2 and A1.3 of the plans entitled “Improvements and Alterations at: The Daniels Building, 3805 Cutshaw Ave., Richmond, Virginia,” prepared by Architecture Design Office, and dated June 3, 2014, and sheet CS2 of the plans entitled “3805 Cutshaw Ave, Open Space Plan,” prepared by Balzer & Associates, Inc., dated July 17, 2014, and last revised August 1, 2014, copies of which are attached to and made a part of this ordinance.

§ 2. That the adoption of this ordinance shall constitute the granting of a special use permit for the property, which shall be transferable from the owner of the property to the successor or successors in fee simple title of the owner, whether acquired by operation of law, deed or otherwise, and which shall run with the land.

§ 3. That the Commissioner of Buildings is hereby authorized to issue to the owner of the property a building permit, substantially in accordance with the plans referred to above, for the aforementioned purpose, subject to the following terms and conditions:

(a) The owner of the property shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the property, except as otherwise provided in this ordinance.

(b) An application for a building permit shall be made within twenty-four (24) months from the effective date of this ordinance. This building permit shall expire and shall become null and void if any necessary construction has not commenced within one hundred eighty (180) days from the date of the building permit or if construction is suspended or abandoned for a period of one hundred eighty (180) days at any time after such construction has commenced, as provided in any applicable provisions of the Virginia Uniform Statewide Building Code. Should application for the building permit not be made within twenty-four (24) months after the effective date of this ordinance or should the building permit expire and become null and void after the expiration of the twenty-four (24) month time period for making application for the building permit, the privileges granted by this ordinance shall terminate and the special use permit shall become null and void.

(c) No permit implementing this special use permit shall be approved until satisfactory evidence has been presented to the Zoning Administrator that any delinquent real estate taxes applicable to the subject property have been paid.

(d) All required final grading and drainage plans, together with all easements made necessary by such plans, shall be approved by the Director of Public Utilities prior to the issuance of building permits.

(e) Storm or surface water shall not be allowed to accumulate on the land. The owner, at its sole cost and expense, shall provide and maintain at all times adequate facilities for the drainage of storm or surface water from the property so as not to adversely affect or damage adjacent property or public streets and the use thereof.

(f) Facilities for the collection of refuse shall be provided in accordance with the requirements of the Director of Public Works. Such facilities shall be located or screened so as not to be visible from adjacent properties and public streets.

(g) In order to ensure that the special use permitted by this ordinance (i) will not be detrimental to the safety, health, and general welfare of the community involved, (ii) will not create hazards from dangers in streets, roads, alleys and other public ways and places in the area involved and (iii) will not adversely affect or interfere with public requirements, conveniences and improvements, the owner shall make improvements, including, but not necessarily limited to, streetscape improvements and all repairs needed to maintain the functionality of the 20-foot alley serving as a drive aisle for the parking area, within the right-of-way substantially as shown on the plans attached to this ordinance, which may be completed in one or more phases as approved by the Director of Public Works. All improvements and work within the public right-of-way shall be (i) completed in accordance with the requirements of the Director of Public Works and any applicable requirements of the Director of Public Utilities, (ii) considered completed only upon written confirmation by the Director of Public Works that such improvements and work are in accordance with such requirements, and (iii) transferred to the City, following the written confirmation by the Director of Public Works, pursuant to a transfer of interest document approved as to form by the City Attorney and accepted by the Chief Administrative Officer or the designee thereof on behalf of the City. The Chief

Administrative Officer or the designee thereof, for and on behalf of the City, is hereby authorized to accept, in the manner for which this subsection provides, all improvements and work required by and meeting the requirements of this subsection. The final certificate of occupancy shall not be issued for the property until all requirements of this subsection are fully satisfied.

(h) The use of the property shall consist of a total of no more than sixty-six (66) dwelling units and amenity space, ~~[including a rooftop terrace,]~~ substantially as shown on the plans attached to this ordinance and Ordinance No. 2013-245-2014-14, adopted February 10, 2014.

(i) No fewer than sixty-six (66) on-site parking spaces shall be provided for the use of the property, substantially as shown on the plans attached to this ordinance.

(j) The on-site parking area shall be screened and landscaped, and lighting height shall be limited to a maximum of twenty (20) feet, substantially as shown on the plans attached to this ordinance.

~~(k) [The subdivision of the property into two new parcels, shown as Parcel "A" and Parcel "B" on the plat attached to this ordinance, by recording the appropriate plats among the land records of the Clerk of the Circuit Court of the City of Richmond, shall be completed prior to the submission of any application for a building permit.~~

~~(l)~~ Prior to the issuance of a certificate of occupancy, landscaping on the property shall be provided, substantially as depicted on the plans attached to this ordinance.

~~(m)~~ (l) Any encroachments existing, proposed on the attached plans or contemplated in the future shall require separate authorization and shall be subject to the applicable provisions of the Code of the City of Richmond (2004), as amended.

~~[(#)]~~ (m) In all other respects, the use of the property shall be in accordance with the applicable underlying zoning regulations.

§ 4. That the privileges granted by this ordinance may under certain circumstances be revoked. Upon noting that a condition of a special use permit has been violated, the Zoning Administrator shall issue a written notice of violation to the property owner. The notice shall inform the property owner (i) which condition or conditions have been violated, (ii) the nature of the violation, and (iii) that the City Planning Commission shall hold a public hearing at which it shall review the violation and the special use permit pursuant to the provisions of sections 114-1050.7 through 114-1050.11 of the Code of the City of Richmond (2004), as amended, if (a) the property owner does not abate the violation within thirty (30) days of the issuance of the notice or (b) three (3) notices of violation are issued to the property owner within any twelve (12) month period. No action taken pursuant to the provisions of this section shall in any way limit the City's right to pursue any other remedy at law or in equity against the property owner. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 114-1080 of the Code of the City of Richmond (2004), as amended, or any other applicable laws or regulations.

§ 5. That when the privileges granted by this ordinance terminate and the special use permit becomes null and void, use of the property shall be governed thereafter by the zoning regulations prescribed for the district in which the property is then situated.

§ 6. This ordinance shall be in force and effect upon adoption.

II. This amendatory ordinance shall be in force and effect upon adoption.



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

O & R REQUEST

AUG 13 2014

Chief Administration Office
City of Richmond

O&R REQUEST

DATE: August 12, 2014



TO: The Honorable Members of City Council

THROUGH: Dwight C. Jones, Mayor (Patron: Mayor, by Request)
(This in no way reflects a recommendation on behalf of the Mayor.)

THROUGH: Byron C. Marshall, Chief Administrative Officer

THROUGH: Peter H. Chapman, Deputy Chief Administrative Officer

FROM: Mark A. Olinger, Director of Planning and Development Review

SUBJECT: Special use permit amendment for 3805 Cutshaw Avenue to remove requirements for a rooftop deck and to subdivide the property for a multifamily development.

ORD. OR RES. No. _____

PURPOSE: To amend Ord. No. 2013-245-2014-14, which authorized the special use of a portion of the property known as 3805 Cutshaw Avenue for the purpose of authorizing a multifamily dwelling with a total of up to sixty-six (66) dwelling units, to amend the site plan and remove the requirements to provide a rooftop deck and to subdivide the property, upon certain terms and conditions.

REASON: The subject property is located in an RO-2 Residential-Office zoning district. The applicant is proposing the adaptive reuse of a vacant office building into a multifamily residential building with a residential density that is not permitted in the RO-2 district. The applicant received a special use permit for the development in early 2014. That authorization required a rooftop deck be provided as amenity space for the future residents. The special use permit also permitted the property to be subdivided, which allowed for future development on a portion of the site. The proposed subdivision of the property was required by the special use permit. The applicant no longer wishes to subdivide the property and is able to provide outdoor amenity space for the residents on the existing parcel, which removes the necessity for the rooftop deck. Therefore, the applicant has requested a special use permit amendment.

201408007

RECOMMENDATION: In accordance with the requirements of the City Charter and the Zoning Ordinance, the City Planning Commission will review this request and make a recommendation to City Council. This item will be scheduled for consideration by the Commission at its October 6, 2014 meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property is a 1.283 acre parcel located in the City's Sauer's Gardens neighborhood at the corner of Cutshaw Avenue, North Hamilton Street, and Kent Road. The property consists of a 5-story vacant office building and unscreened surface parking. The subject property is part of a larger RO-2 district and is across Kent Road from R-53 and R-5 districts. A mix of commercial, institutional, office, and single- and multifamily land uses are present in the area.

The City of Richmond's Master Plan designates the subject property for Transitional Office land use. Primary uses are low to medium intensity professional, business and administrative offices, and medical and dental clinics that are compatible with adjacent residential uses and serve as separation between residential areas and nearby commercial or other higher intensity land uses or features (p. 134). The Plan recommends RO-2 Residential Office zoning for these areas, which, as stated above, is the underlying zoning of the subject property.

The original special use permit allowed for the renovation of the existing office building for multifamily use with up to 66 total units. This five-story building was constructed in 1964 with a height of approximately 70 feet and predates the RO-2 zoning of the property and the district's 35 feet maximum height limitation. Under current RO-2 zoning, multifamily uses are permitted at a density of approximately 35 units per acre. The original proposal would provide a residential density of approximately 75 units per acre taking into account the proposed division of the property. The proposed amendment that would remove the ability to subdivide the property would provide a residential density of approximately 51 units per acre. Also, under normal zoning requirements, 40% of the parcel area must be devoted to usable open space. The proposed amendment would provide 54% of the parcel area as usable open space.

FISCAL IMPACT: The Department Planning and Development Review does not anticipate any impact to the City's budget for this or future fiscal years.

COST TO CITY: Staff time for processing the request; preparation of draft ordinance; and publishing, mailing and posting of public notices.

REVENUE TO CITY: \$1,200 application fee

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: September 8, 2014

CITY COUNCIL PUBLIC HEARING DATE: October 13, 2014

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

O&R Request
August 12, 2014
Page 3 of 3

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission,
October 6, 2014

AFFECTED AGENCIES: Office of Chief Administrative Officer
Law Department (for review of draft ordinance)
City Assessor (for preparation of mailing labels for public notice)

RELATIONSHIP TO EXISTING ORDINANCES: None.

ATTACHMENTS: Draft Ordinance, Application Form, Applicant's Letter, Survey, Plans

STAFF: Matthew J. Ebinger, Senior Planner
Land Use Administration (Room 511)
646-6308

DCD O&R No.14-32



Application for SPECIAL USE PERMIT

Department of Planning and Development Review
Land Use Administration Division
900 E. Broad Street, Room 511
Richmond, Virginia 23219
(804) 646-6304
<http://www.richmondgov.com/>

Application is hereby submitted for: (check one)

- special use permit, new
- special use permit, plan amendment
- special use permit, text only amendment

Project Name/Location

Project Name: The Daniel Building Date: 08/07/14

Property Address: 3805 Cutshaw Avenue Tax Map #: W000-1717/011

Fee: 1,200.00 Total area of affected site in acres: 0.878
(See page 3 for fee schedule, please make check payable to the "City of Richmond")

Zoning

Current Zoning: RO-2 (Residential Office)

Existing Use: Vacant Office Building

Is this property subject to any previous land use cases?

- Yes
- No

If Yes, please list the Ordinance Number:

Proposed Use

(Please include a detailed description of the proposed use in the required applicant's report)

Adaptive reuse to 66 units within the

existing structure. On-site parking ratio

of one space/unit. No commercial uses.

Applicant/Contact Person: Tom Dickey

Company: The Monument Companies

Mailing Address: 1425 E. Cary St

City: Richmond State: VA Zip Code: 23219

Telephone: (804) 303-7347 Fax: (804) 303-7348

Email: tdickey@themonumentcompanies.com

Property Owner: Daniel Group, LLC

If Business Entity, name and title of authorized signee: Christopher Harrison

Mailing Address: 5301 Westbard Circle, #147

City: Bethesda State: MD Zip Code: 20816

Telephone: (301) 346-7005 Fax: (301) 913-0012

Email: chris@caharrisoncompanies.com

Property Owner Signature: *Christopher Harrison*

(The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional sheets as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. Faxed or photocopied signatures will not be accepted.)

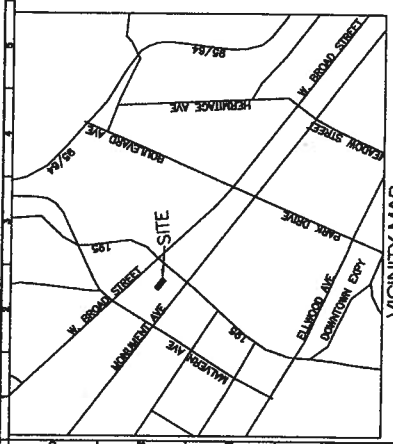
NOTE: Please attach the required plans, checklist, and a check for the application fee (see Filing Procedures for special use permits)

GENERAL NOTES

1. SITE ADDRESS: 3805 CUTSHAW AVE, RICHMOND, VIRGINIA 23230
2. CLIENT: DANIEL GROUP, LLC, 5014 WENTWORTH CIRCLE, SUITE 117, SUITE 200, RICHMOND, VA 23113, PHONE: (804) 200-1177, FAX: (804) 200-1177, EMAIL: INFO@DANIELGROUP.COM, CONTACT: MICHAEL HANCOCK
3. ARCHITECT: ARCHITECTURE DESIGN OFFICE, 1000 COMMONWEALTH AVENUE, RICHMOND, VA 23119, PHONE: (804) 338-1212, CONTACT: MICHAEL HANCOCK
4. USE: AMBIGUOUS
5. ZONING: NO-2 SPECIAL USE PERMIT
6. TAX PARCEL NO.: 00001717011
7. SITE AREA: 1,243 ACRES
8. DISTURBED AREA: 0.241 ACRES (19.9%)
9. WATER: CITY
10. SEWER: CITY
11. BUILDING AREA/NO. OF STORIES: FIVE FLOORS = 64,530 SF
12. PARKING REQUIRED: 66 SPACES (3 ADA SPACES) (13 COMPACT SPACES)
13. SURFACE PARKING AREA LANDSCAPE REQUIRED: EACH FOOT ADJACENT TO ACCESS ROLLS AND PARKING PROVIDED AS SHOWN
14. CONTRACTOR SHALL VERIFY LOCATION AND ELEVATION OF ALL UNDERGROUND UTILITIES. THE LOCATION OF EXISTING UTILITIES ARE APPROXIMATE. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND SHALL BE RESPONSIBLE FOR ANY DAMAGE TO EXISTING UTILITIES. ONLY UTILITIES LOCATED AT THE PROPOSED CONSTRUCTION AREA AT THE TIME OF CONSTRUCTION SHALL BE RESPONSIBLE FOR ANY DAMAGE TO EXISTING UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO EXISTING UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO EXISTING UTILITIES.

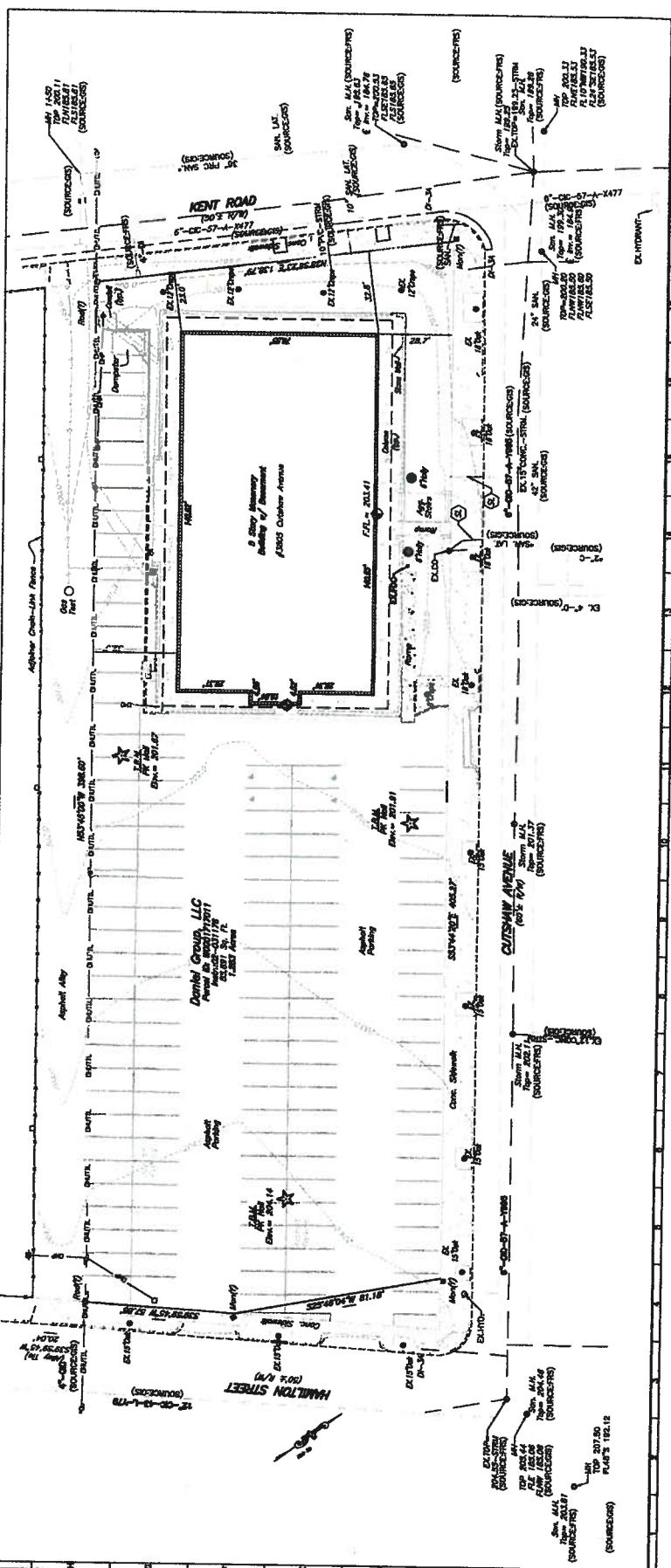
**DANIEL GROUP, LLC
 3805 CUTSHAW AVE
 SUP-SITE PLAN**

- SHEET INDEX**
- C1 - COVER & EXISTING CONDITIONS
 - C2 - LAYOUT & UTILITY PLAN
 - C3 - GRADING PLAN
 - C4 - DEMOLITION PLAN
 - C5 - DETAILS-1
 - C6 - DETAILS-2
 - C7 - LANDSCAPE PLAN
 - C8 - LIGHTING PLAN
 - C9 - LIGHTING DETAILS



PERMITS REQUIRED:
 BUILDING PERMIT
 UTILITY PERMIT
 FORESTRY APPROVAL
 WETLANDS PERMIT
 LINE AND GRADE PERMIT
 ENTRANCE PERMIT

LEGEND: AS-BUILT INFORMATION OBTAINED FROM CITY GIS RECORDS
 SOURCE: FIELD RUN SURVEY LOCATED





BAUER ENGINEERING & ARCHITECTURE
 10000 BROADWAY
 SUITE 200
 RICHMOND, VA 23234
 (804) 781-1111
 www.bauereng.com

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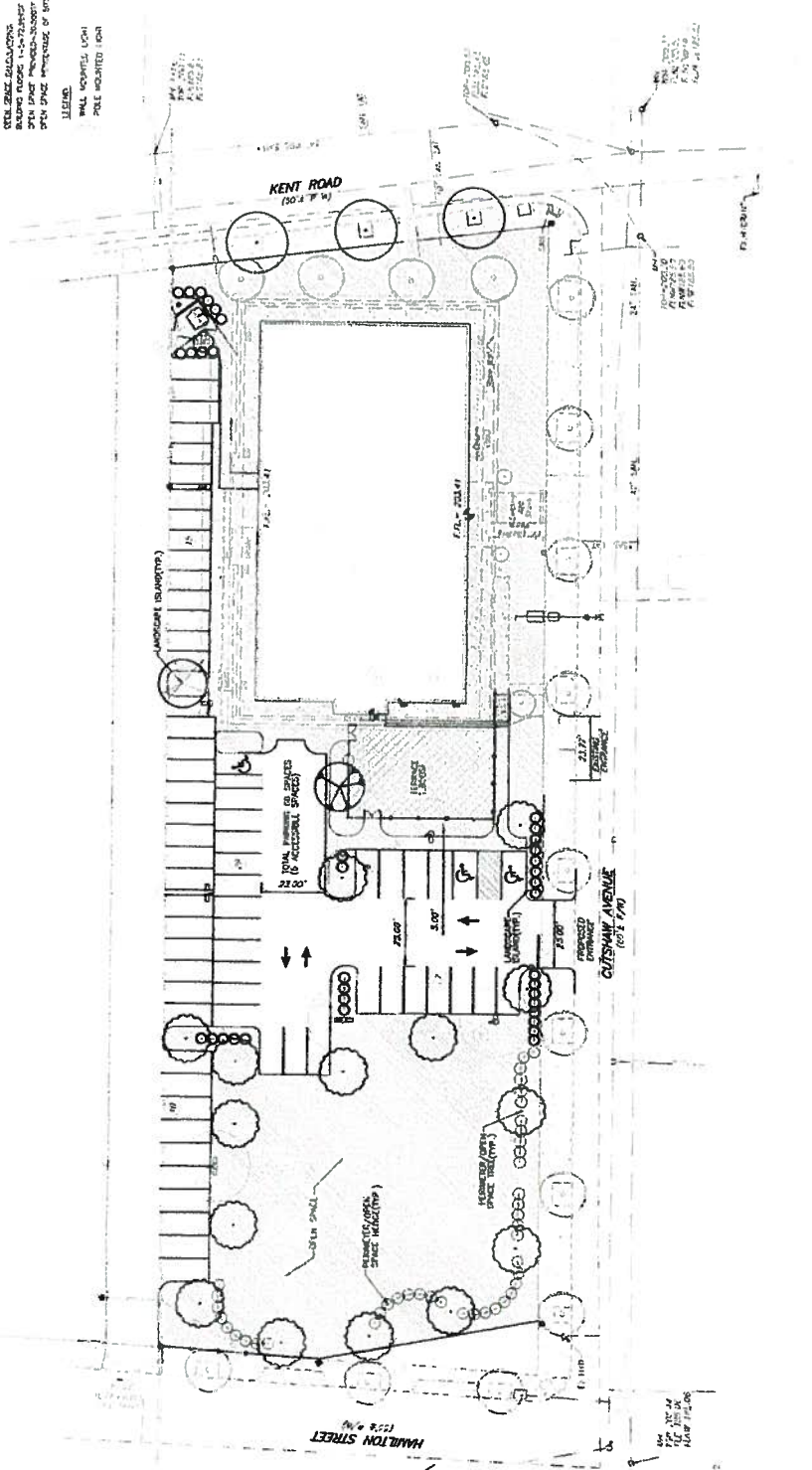
3805 CUTSHAW AVE
 OPEN SPACE PLAN
 WEST END-1ST DISTRICT
 CITY OF RICHMOND, VIRGINIA

DESIGNED BY: JLL
 CHECKED BY: JLL
 DATE: 02.11.2014
 SCALE: 1" = 20'
 PROJECT NO.: 14-001
 PLANNING COMMENTS

SHEET NO. CS2
 OF NO. SUBMITTED

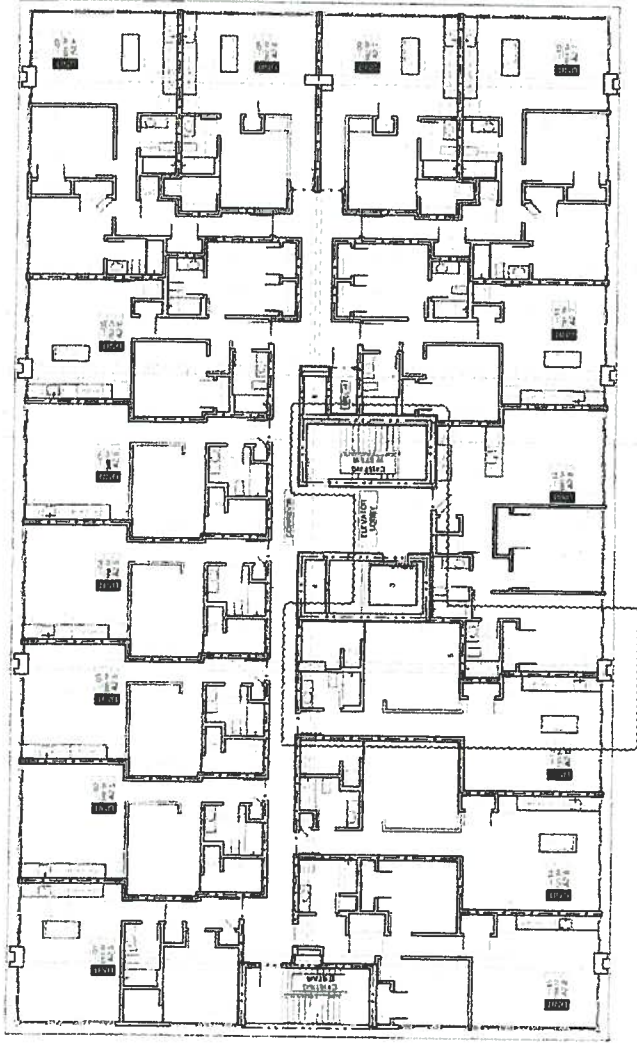


VEGETATION RECOMMENDATIONS
 BUILDING FOOTPRINT 1-1/2" DIA. TREE
 OPEN SPACE PLANTING 1-1/2" DIA. TREE
 OPEN SPACE PLANTING OF 1-1/2" DIA. TREE
 LEGEND:
 WALL MOUNTED LIGHT
 POLE MOUNTED LIGHT



DATE: 02.11.2014
 TIME: 11:00 AM
 DRAWN BY: JLL

- GENERAL PLAN NOTES**
1. The floor plan is to be used as a guide only.
 2. All dimensions are in feet and inches.
 3. All areas are in square feet.
 4. All areas are to be finished.
 5. All areas are to be finished with the same material.
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01 2ND-5TH TYPICAL LEVELS

KEY PLAN LEVELS

UNIT SCHEDULE:

UNIT NO.	UNIT TYPE	AREA (SQ FT)	FINISHES	NOTES
101	1-BED	1,200
102	1-BED	1,200
103	1-BED	1,200
104	1-BED	1,200
105	1-BED	1,200
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107	1-BED	1,200
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OWNER/CONTRACTOR PRICING, REVIEW, & COORDINATION SET
 NOT FOR CONSTRUCTION

THE DANIELS BUILDING
 1500 ...
 ...

FLOOR PLANS
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01 2ND-5TH TYPICAL LEVELS

ROOF PLAN NOTES

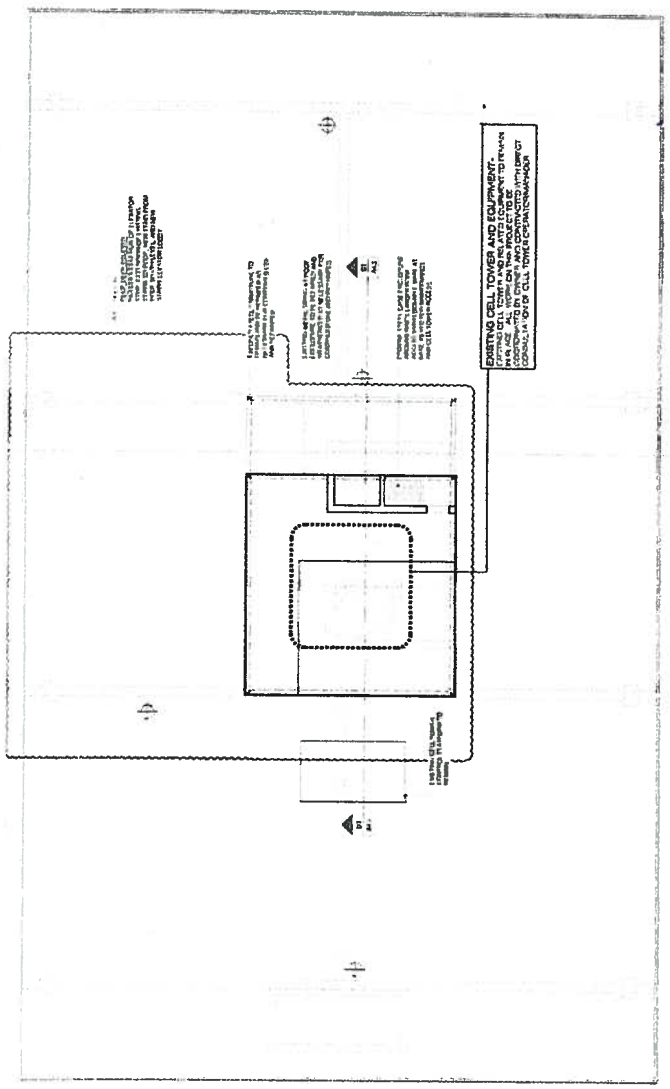
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KEY PLAN NOTES

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UNIT SCHEDULE:

UNIT NO.	UNIT TYPE	UNIT DESCRIPTION	UNIT AREA	UNIT VOLUME	UNIT WEIGHT	UNIT COST
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100



EXISTING CELL TOWER AND EQUIPMENT.
 THIS CELL TOWER AND EQUIPMENT IS TO BE REMOVED AND REPLACED BY THE NEW CELL TOWER AND EQUIPMENT. THE NEW CELL TOWER AND EQUIPMENT IS TO BE LOCATED AT THE CORNER OF THE CELL TOWER AND EQUIPMENT.

01 LOUNGE AND ROOF PLAN
 A1.3

EXISTING CELL TOWER AND EQUIPMENT TO BE REMOVED AND REPLACED BY THE NEW CELL TOWER AND EQUIPMENT.

EXISTING CELL TOWER AND EQUIPMENT TO BE REMOVED AND REPLACED BY THE NEW CELL TOWER AND EQUIPMENT.

EXISTING CELL TOWER AND EQUIPMENT TO BE REMOVED AND REPLACED BY THE NEW CELL TOWER AND EQUIPMENT.

OWNER/CONTRACTOR PRICING, REVIEW, & COORDINATION SET
NOT FOR CONSTRUCTION