INTRODUCED: July 26, 2021

AN ORDINANCE No. 2021-208

As Amended

To authorize the special use of the property known as 3101 East Marshall Street for the purpose of a mixed-use building, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: SEP 13 2021 AT 6 P.M.

WHEREAS, the owner of the property known as 3101 East Marshall Street, which is situated in a R-63 Multifamily Urban Residential District, desires to use such property for the purpose of a mixed-use building, which use, among other things, is not currently allowed by sections 30-419.3, concerning permitted principal uses on corner lots, 30-419.5, concerning lot area and width, 30-419.6, concerning yards, 30-419.7, concerning usable open space, 30-419.8, concerning lot coverage, 30-419.10, concerning height, and 30-710.1, concerning the number of parking spaces required for particular uses, of the Code of the City of Richmond (2020), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2020), as amended, it has been made to appear that, if granted subject to the terms and conditions

AYES:	8	NOES:	1	ABSTAIN:
_				
ADOPTED:	JAN 10 2022	REJECTED:		STRICKEN:

set forth in this ordinance, the special use granted by this ordinance will not be detrimental to the safety, health, morals and general welfare of the community involved, will not tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, will not create hazards from fire, panic or other dangers, will not tend to overcrowding of land and cause an undue concentration of population, will not adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, and will not interfere with adequate light and air; and

WHEREAS, (i) the City Planning Commission has conducted a public hearing to investigate the circumstances and conditions upon which the Council is empowered to authorize such use, (ii) the City Planning Commission has reported to the Council the results of such public hearing and investigation and its recommendations with respect thereto, and (iii) the Council has conducted a public hearing on this ordinance at which the person in interest and all other persons have had an opportunity to be heard;

NOW, THEREFORE,

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. **Finding.** Pursuant to section 30-1050.1 of the Code of the City of Richmond (2020), as amended, the Council hereby finds that the special use set forth in and subject to the terms and conditions of this ordinance will not (i) be detrimental to the safety, health, morals and general welfare of the community involved, (ii) tend to create congestion in streets, roads, alleys and other public ways and places in the area involved, (iii) create hazards from fire, panic or other

dangers, (iv) tend to overcrowding of land and cause an undue concentration of population, (v) adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, or (vi) interfere with adequate light and air.

§ 2. Grant of Special Use Permit.

- (a) Subject to the terms and conditions set forth in this ordinance, the property known as 3101 East Marshall Street and identified as Tax Parcel No. E000-0731/002 in the 2021 records of the City Assessor, being more particularly shown on a survey entitled "Compiled Special Purpose Plan for Review Not for Construction at # 3101, 3103, 3105 East Marshall Street, Richmond, VA 23223, City of Richmond, VA," prepared by Landmark-Fleet Surveyors, P.C., and dated November 9, 2020, a copy of which is provided as an inset on sheet [001] 002 of the plans entitled ["Renovation & Addition, 3101-3105 East Marshall St,"] "3101 East Marshall St Mixed Used Development," prepared by ESS, and dated [May 25] November 4, 2021, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as "the Property," is hereby permitted to be used for the purpose of a mixed-use building, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled ["Renovation & Addition, 3101-3105 East Marshall St,"] "3101 East Marshall St Mixed Used Development," prepared by ESS, and dated [May 25] November 4, 2021, hereinafter referred to, as "the Plans," copies of which are attached to and made a part of this ordinance.
- (b) The adoption of this ordinance shall constitute the issuance of a special use permit for the Property. The special use permit shall inure to the benefit of the owner or owners of the fee simple title to the Property as of the date on which this ordinance is adopted and their successors

in fee simple title, all of which are hereinafter referred to as "the Owner." The conditions contained in this ordinance shall be binding on the Owner.

- § 3. **Special Terms and Conditions.** This special use permit is conditioned on the following special terms and conditions:
- (a) The Special Use of the Property shall be as a mixed-use building, substantially as shown on the Plans.
 - (b) The height of the Special Use shall not exceed the height as shown on the Plans.
- (c) All building materials, elevations, and site improvements, including landscaping, shall be substantially as shown on the Plans, unless otherwise approved by the Commission of Architectural Review.
- (d) [Off-street parking shall not be required for the Special Use] Four off-street parking spaces shall be provided, substantially as shown on the Plans.
- (e) All mechanical equipment serving the Property shall be located or screened so as not to be visible from any public right-of-way.
 - (f) Private refuse collection shall be utilized for the Special Use.
 - (g) Unit 102, as shown on sheet 011 of the Plans, shall contain only one bedroom, with two means of ingress and egress.
 - (h) Bicycle racks shall be provided on the Property.
 - (i) Planters shall be placed within the alley to protect the residence to the south.
- § 4. **Supplemental Terms and Conditions.** This special use permit is conditioned on the following supplemental terms and conditions:

- (a) All required final grading and drainage plans, together with all easements made necessary by such plans, must be approved by the Director of Public Utilities prior to the issuance of the building permit.
- (b) 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 any other property or public streets and the use thereof.
- (c) 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.
- (d) Any encroachments existing, proposed on the 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 (2020), as amended, and all future amendments to such laws.
- (e) In all other respects, the use of the Property shall be in accordance with the applicable underlying zoning regulations.
- § 5. **General Terms and Conditions.** This special use permit is conditioned on the following general terms and conditions:
- (a) 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 Property have been paid.
- (b) The Owner shall be bound by, shall observe and shall comply with all other laws, ordinances, rules and regulations applicable to the Property, except as otherwise expressly provided in this ordinance.

- (c) Words and phrases used in this ordinance shall be interpreted to have the meanings ascribed to them by section 30-1220 of the Code of the City of Richmond (2020), as amended, unless the context clearly indicates that a different meaning is intended.
- (d) Notwithstanding any other provision of law, this special use permit is being approved due, in part, to the mitigating effects of each and every condition attached hereto; consequently, if any portion of this ordinance is determined to be invalid for any reason by a final, non-appealable order of any Virginia or federal court of competent jurisdiction, the invalidity shall cause the entire ordinance to be void and of no further effect from the effective date of such order.
- (e) The privileges granted by this ordinance may be revoked pursuant to the provisions of sections 30-1050.7 through 30-1050.11 of the Code of the City of Richmond (2020), as amended, and all future amendments to such laws. Failure to comply with the terms and conditions of this ordinance shall constitute a violation of section 30-1080 of the Code of the City of Richmond (2020), as amended, and all future amendments to such law, or any other applicable laws or regulations.
- (f) When the privileges granted by this ordinance terminate and the special use permit granted hereby becomes null and void, whether as a result of the Owner relinquishing this special use permit in a writing addressed to the Director of Planning and Development Review or otherwise, use of the Property shall be governed thereafter by the zoning regulations prescribed for the district in which the Property is then situated.
- § 6. **Implementation.** The Commissioner of Buildings is authorized to issue a building permit substantially in accordance with the Plans for the Special Use subject to the terms and conditions set forth in this ordinance. An application for the building permit shall be made within 730 calendar days following the date on which this ordinance becomes effective. If either the

application for the building permit is not made within the time period stated in the previous sentence or the building permit terminates under any provision of the Virginia Statewide Building Code, this ordinance and the special use permit granted hereby shall terminate and become null and void.

Effective Date. This ordinance shall be in force and effect upon adoption. § 7.

A TRUE COPY:

TESTE:

Camelia D. Reid

City Clerk



City of Richmond

900 East Broad Street 2nd Floor of City Hall Richmond, VA 23219 www.rva.gov

Item Request

File Number: PRE.2020.193

O & R Request

DATE:

July 8, 2021

EDITION: 1

TO:

The Honorable Members of City Council

THROUGH: The Honorable Levar M. Stoney, Mayor (Patron: Mayor, by Request)

(This is no way reflects a recommendation on behalf of the Mayor.)

THROUGH: J.E. Lincoln Saunders, Acting Chief Administrative Officer

THROUGH: Sharon L. Ebert, Deputy Chief Administrative Officer for Economic Development and Planning

FROM:

Kevin J. Vonck, Acting Director, Department of Planning and Development Review

RE:

To authorize the special use of the property known as 3101 East Marshall Street for the purpose

of a mixed-use building upon certain terms and conditions

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 3101 East Marshall Street for the purpose of a mixed-use building upon certain terms and conditions

REASON: The subject property is located on the corner of East Marshall Street and North 31st Street which is within the R-63 Multi-Family Urban Residential District. Multi-family dwellings and commercial uses on corner lots are permitted uses in this district, however, the proposed development would not meet dimensional requirements for lots in the R-63 District. Therefore a special use permit is required.

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 August 16, 2021 meeting.

BACKGROUND: The property is located in the Church Hill neighborhood on the corner of East Marshall Street and North 31st Street and consists of 0.124 acres, or 5,400 square feet.

The Richmond 300 Master Plan Map indicates Neighborhood Mixed-Uses for the subject property. This designation is described as existing or new highly-walkable urban neighborhoods that are predominantly residential with a small, but critical, percentage of parcels providing retail, office, personal service, and institutional uses.

File Number: PRE.2020.193

Development Style: Future development should generally complement existing context. Setbacks, plazas, and parks create a sense of place and community gathering areas. New developments on larger parcels continue or introduce a gridded street pattern to increase connectivity within the neighborhood and to adjacent neighborhoods. In historic neighborhoods, small-scale commercial uses exist today or should be allowed to reestablish. In new neighborhoods, small scale commercial buildings should be introduced.

Ground Floor: Regardless of use, buildings should engage the street with features such as street oriented façades with windows and door openings along street open space, front porches, elevated ground floors, and other features that provide a sense of privacy should be provided for residential uses.

Mobility: Pedestrian, bicycle, and transit access are prioritized and accommodated. Bike parking is provided. New driveways are prohibited on Priority and Principal Street frontages. Vehicular access to parcels should use alleys wherever possible.

Intensity: Building heights are generally two to four stories. Buildings taller than four stories may be found along major streets Parcels are generally between 1,500 and 5,000 square feet.

Primary Uses: Single-family houses, accessory dwelling units, duplexes, small multi-family buildings (typically 3-10 units), and open space.

Secondary Uses: Large multifamily buildings (10+units), retail/office/personal service, institutional, cultural, and government.

The subject properties, as well as the adjacent properties to the north, south and east are located in the R-63 Multi-Family Urban Residential District. Properties to the west are in the R-8 Urban Residential District. A mix of single-, two-, and multi-family residential, vacant and institutional land uses are located in the vicinity of the subject property.

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

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

BUDGET AMENDMENT NECESSARY: No.

REVENUE TO CITY: \$1,200 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: July 26, 2021

CITY COUNCIL PUBLIC HEARING DATE: September 13, 2021

City of Richmond Page 2 Printed on 7/8/2021

File Number: PRE.2020.193

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission

August 16, 2021

AFFECTED AGENCIES: Office of Chief Administrative Officer

Law Department (for review of draft ordinance)

RELATIONSHIP TO EXISTING ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

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

STAFF: David Watson, Senior Planner, Land Use Administration (Room 511) 646-1036



Property Owner Signature: ___

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** Property Address: 3101-3105 E Marshll St, Richmond, VA, 23223 Date: 11/13/2019 Tax Map #:_____ Total area of affected site in acres: (See page 6 for fee schedule, please make check payable to the "City of Richmond") Zoning Current Zoning:R-63 Existing Use: Duplex Residential **Proposed Use** (Please include a detailed description of the proposed use in the required applicant's report) Mixed use conversion of existing duplex into 9 residential units and up to 2 commercial units Existing Use:___ Is this property subject to any previous land use cases? If Yes, please list the Ordinance Number:______ Applicant/Contact Person: Sean Jefferson Company: ESS Performance Services Mailing Address: 325 Burnwick Road City: Richmond __ State: VA Zip Code: 23227)304-3201 Telephone: _(804___ _ Fax: _(__ Email: scj@ess-ps.co Property Owner: Datapro Investments LLC If Business Entity, name and title of authorized signee: Qian Gu, President (The person or persons executing or attesting the execution of this Application on behalf of the Company certifies that he or she has or have been duly authorized and empowered to so execute or attest.) Mailing Address: 4445 Corporation Ln, Ste 264 City: Virginia Beach State: VA Zip Code: 23462)2202348 Telephone: (530 Fax: (Email: jingjingrealtor@gmail.com

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)

Applicant's Report

Submitted to:
City of Richmond
Department of Planning and Development Review
Land Use Administration
900 E Broad Street, STE 511
Richmond, VA, 23219

Re: Special Use Permit: 3101-3105 E Marshall St.

Dear Mr. Watson,

This letter shall serve as the Applicant's Report accompanying the application for a special use permit (the "SUP") for the property known as 3101-3105 E Marshall Street, identified as Tax Parcel E0000731002 (the "Property").

The Property is zoned R-63 Multifamily Urban Residential and is located in the Church Hill. The property is a corner lot, situated at the intersection of 31st street and Marshall St. The property contains 5,400 square feet of lot area. There is currently a duplex residential building on the lot and a vacant land next to the building.

The property is proposed to be developed into a mixed-use property with nine residential units and up to two commercial units. The project has received approval by the Commission of Architectural Review (CAR) in Jan. 2020. As the requirement of lot area for nine residential units does not meet the zoning requirement, a SUP is required.

In exchange for the SUP, the intent of this request is to allow for the development of a high-quality, mixed-use property for preserving the history of the building, improving the neighborhood, and being part of the community.

The project would be consistent with the existing neighborhood character and the urban scale, density and pedestrian orientation that are suggested by the R-63 district statement of intent. Located on a corner lot, the permitted commercial uses of the ground floor and basement space include: art galleries, barber shop and beauty salons, grocery stores, convenience stores and specialty food and beverage stores, Laundromats and laundry and dry cleaning pick-up stations, restaurants, tea rooms, cafes, delicatessens, ice cream parlors and similar food and beverage service establishments, including catering businesses in conjunction therewith, and video rental stores, up to 1,500 square foot in ground floor area. The proposed mixed-use property will have 5 on-site parking spaces.

The following are factors indicated in Section 17.11 of the Charter and Section 30-1050.1 of the Zoning Ordinance related to the SUP approval by City Council.

The proposed special use permit will not:

• Be detrimental to the safety, health, morals and general welfare of the community involved.

The proposed SUP will not impact the safety, health, morals and general welfare of the nearby community.

In fact, the owner conducted an extensive research on the location of 3101-3105 E Marshall St. The property used to be a corner commercial and a mixed-use property dated back 60 years ago. The redevelopment of this underutilized property would be in conjunction with the high quality/benefits provided by the SUP to restore to its historical commercial storefront and provide convenience to the community.

In addition, the redevelopment would be consistent with Richmond 300, the city's forward-looking vision. On page 54 of the Richmond 300, the neighborhood Mixed-Use intensity is specified as "building heights are generally two to four stories.... Parcels are generally between 1.500 and 5.000 sq. ft. Residential density of 10 to 30 housing units per acre." Primary uses are "single-family houses, duplexes, small multi-family residential (typically 3 to 10 units)". Our proposed development is consistent with this specification.

 Tend to create congestion in streets, roads, alleys and other public ways and places in the area involved.

The proposed SUP will not result in significant traffic impacts to nearby residential neighborhoods. The required parking space for R-63 development is 1 parking space per residential unit. The proposal includes 5 on-site parking spaces for the residential units. The parcel is on GRTC Transit System route 13 and 56 and there is a bus stop in front of the building and another one at the intersection of 31st and Marshall st. Therefore, there is convenient public transportation available to the residence. Additionally, there are plenty of street parking space.

During the development plan, the applicant presented to Church Hill Association (CHA) multiple times. The number and size of the residential units are based on suggestions from CHA committee and the applicant's vision to attract the stable and family and retirees residence to Church Hill. The Church Hill community currently has a lot of transit residence because of lack of newer and better options for the family and retirees. It is then the applicant's vision to allow decent unit size (all of the residential units would be 700+ sq ft), where family and/or retirees can stay longer, grow their family and build their memories in the community.

Additionally, Church Hill is an excellent community and has a tradition to support local entrepreneurs. On page 132 of Richmond 300, the City objective 11.3 calls to "increase the number and support the growth of small businesses, start-ups, and

women-owned and minority-owned businesses". The size and location of the proposed ground floor and basement commercial spaces would provide the needed space to support dream of community members.

Based on Richmond 300 report, on page 4, it is reported that <u>young adults and</u> retirees are driving the population growth: "From 2010 to 2018, the number of 25 to 34-year-olds in Richmond grew by 43% compared to 6% and 11% growth in Henrico and Chesterfield respectively. During the same time period, the population of 55 to 74-year-olds in grew by 38%, compared to 32% and 33% for Henrico and Chesterfield, respectively". Therefore, the City calls the proposal to develop high quality properties to align with city-wide goals.

On page 54 of Richmond 300, the City also calls the development plan for neighborhood Mixed-Use to accommodate and prioritize bicycle, pedestrian and transit access. On page 106 of the Richmond 300, the City calls Non-Car Network to enhance walking, biking and transit infrastructure. On page 145, the City provides the future enhanced transit map. The proposed Marshall st development is very accessible and on the enhanced transit route.

Besides the City's vision and infrastructure, the applicant also conducted their own research by visiting the property location on week days, after work and on weekends. At a radius of 2 blocks (<0.2 mile) of the property, there are more than 30% of street parking available, equivalent to 10 car parking spaces.

Therefore, the traffic generation for the mixed-use property would be negligible. As such, the SUP will not create congestion on streets, roads, alleys or any other public right of way.

Create hazards from fire, panic or other dangers

The property will be developed in a manner consistent with the requirements of the building code and in accordance with the requirements of Fire and Emergency Services. The City's codes applicable to this development are designed to eliminate such hazards.

 Tend to overcrowding of land and cause an undue concentration of population.

The proposed SUP will not tend to overcrowd the land or create an undue concentration of population. The R-63 intent is to provide for this type of density in an urban setting. As the applicant noted above, Richmond 300 specifies and encourages of such density on R-63 development for the desired urban small multifamily development with lot size between 1,500 to 5,000 sq. ft.

 Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements.

The special use permit amendment would not adversely affect the above referenced City services. To the contrary, the proposal would provide positive fiscal (tax) benefits that would enhance the City's ability to provide these services to the proposed development.

• Interfere with adequate light and air.

The light and air available to the subject and adjacent properties will not be affected. The proposed development pattern is consistent with the historical development pattern and to the desired urban from for the area.

In summary, the applicant is enthusiastically seeking approval for the construction and improving the corner lot mixed-use property. The proposal represents an ideal, highest and best use urban infill development for this location. The design of the entire building is aligned with the City's vision and where the applicant wants Church Hill to be a better community.

In exchange for the approval, the quality assurances conditioned through the SUP would guarantee the construction of higher quality dwellings than might otherwise be developed by right in the vicinity. This would contribute to the overall vibrancy of the block through the provision of an appropriate urban form that is consistent with the historical development pattern of the surrounding neighborhood.

Thank you for your time and consideration of this request. Please let us know if you have any questions.

Sincerely,

Jingjing Ye

Prepared and Submitted by: Datapro Investments LLC

Survey
SUP Zoning Notes
Aerial Existing Prospective Views
Aerial Context Top Views
Aerial Context Top Views
Aerial Context Top Views
SUPICAR Elevations
SUPICAR Elevations
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Contextural Pictures / Cover Page

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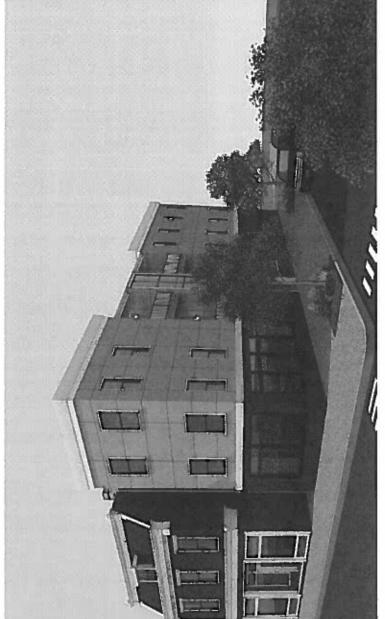
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N. P. Sep. 2.5

SHEET

Existing Basement Existing 1st Floor Existing 2nd Floor Existing Roof Layout





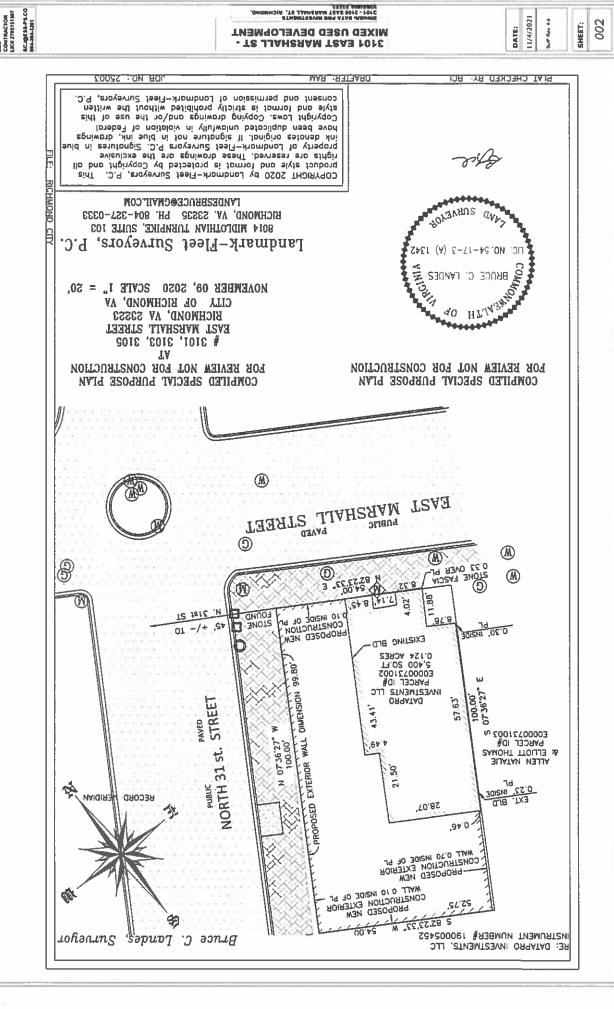
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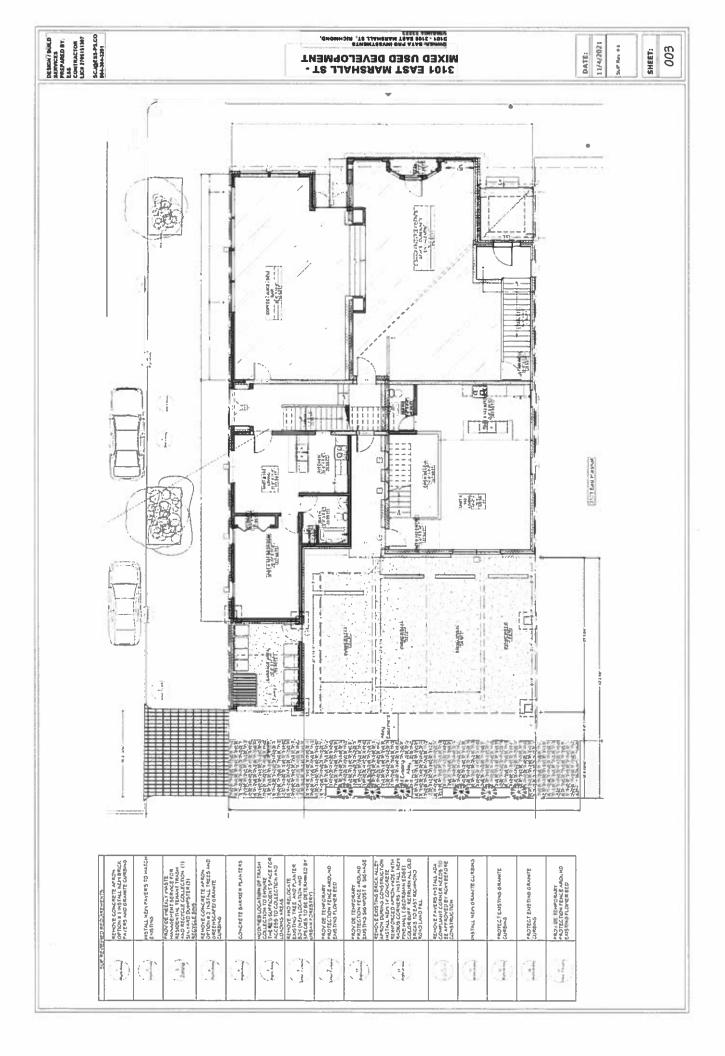
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Historic Front Elevation of 3103-3105 East Marshall St.



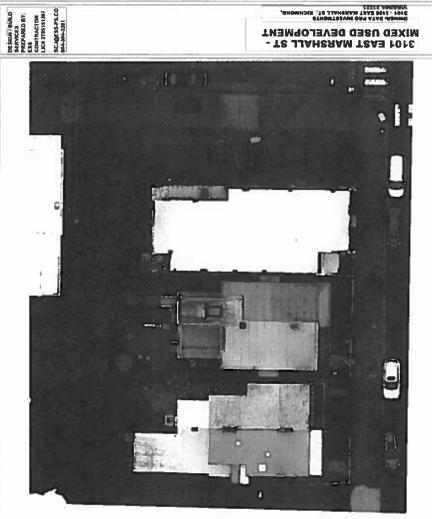


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3101 EAST MARSHALL ST. MIXED USED DEVELOPMENT

DATE: 11/4/2021 Suf Rev 84

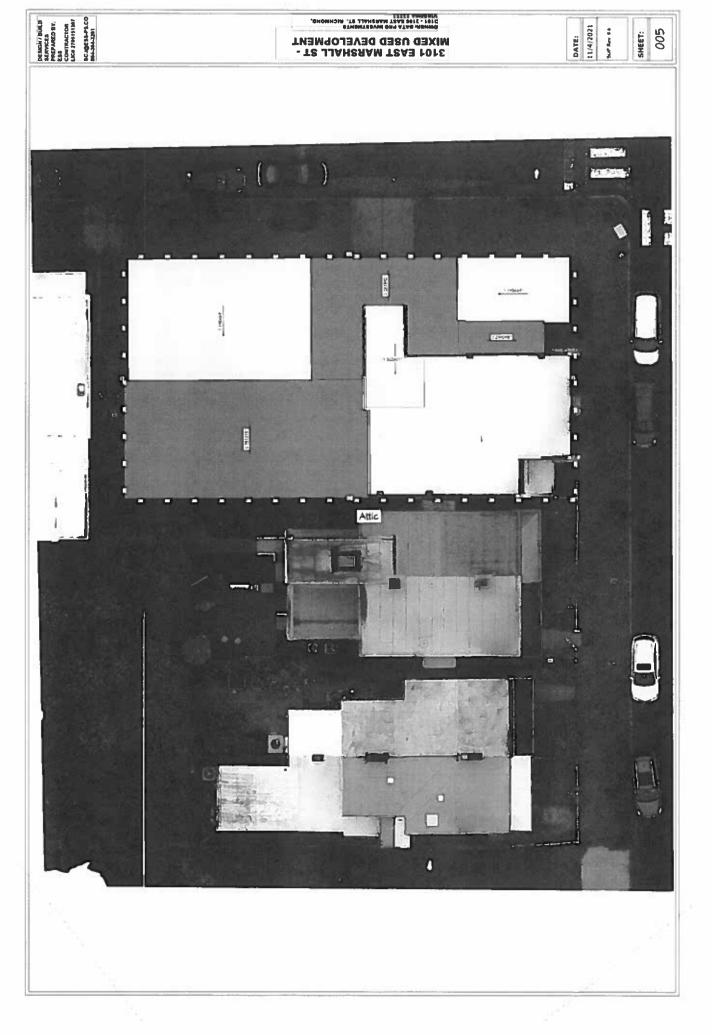


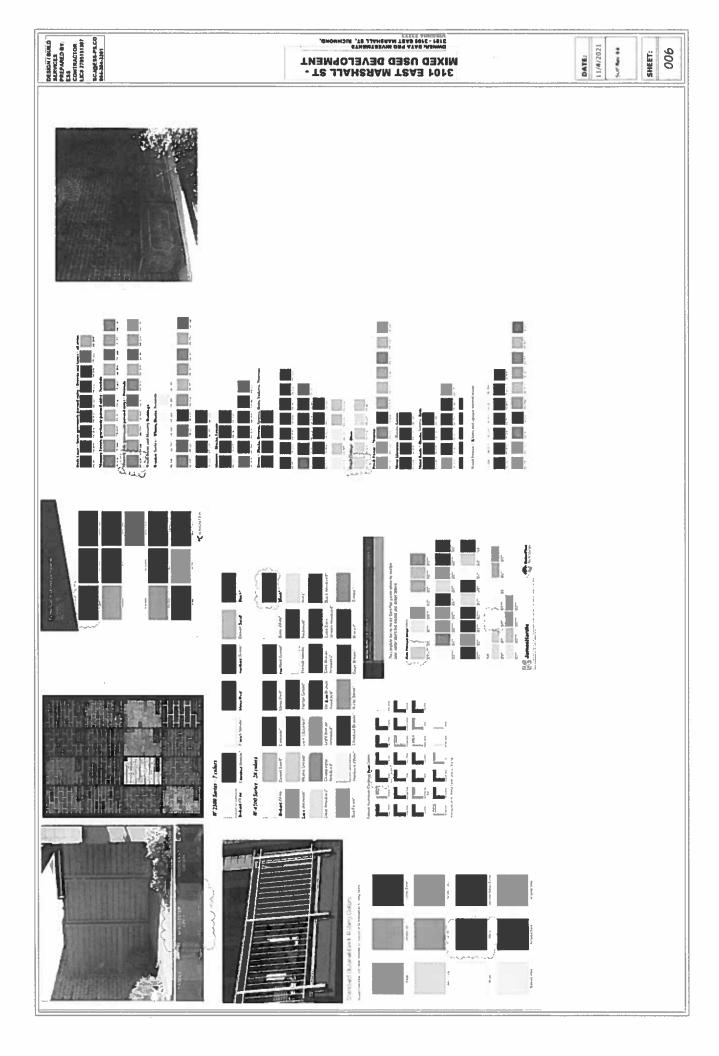


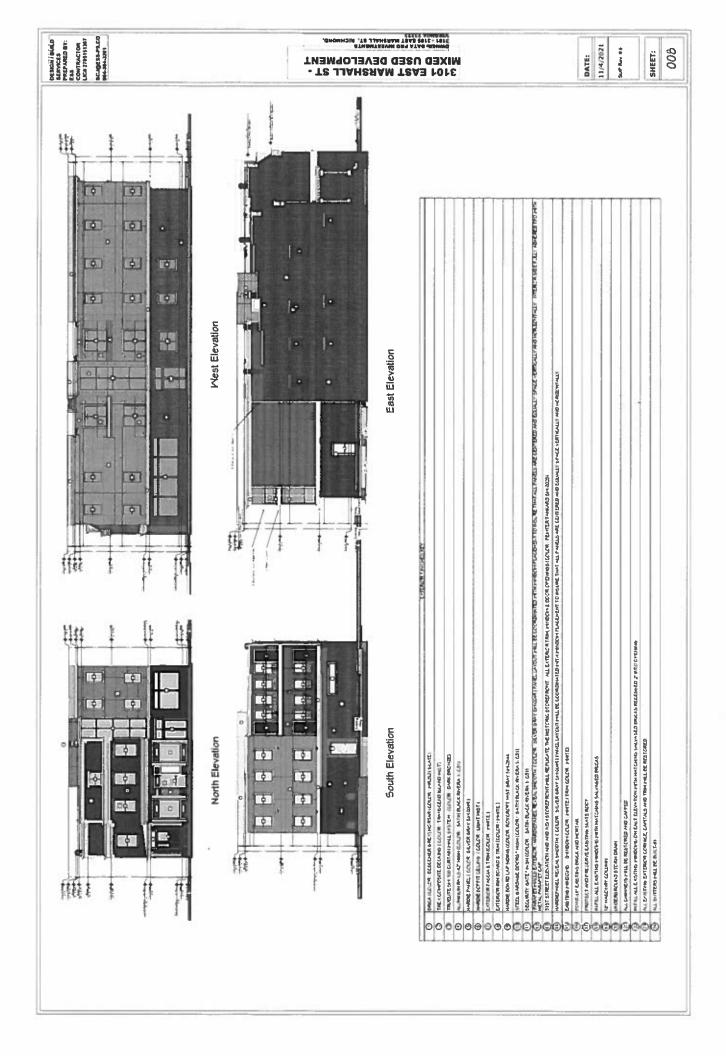












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3101 EAST MARSHALL ST. MIXED USED DEVELOPMENT

DATE: 11/4/2021 Surf fler 11

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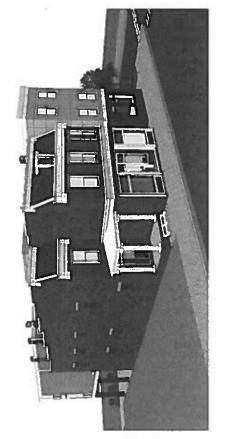
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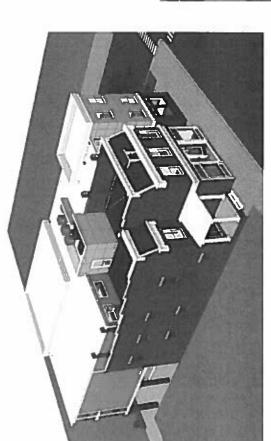




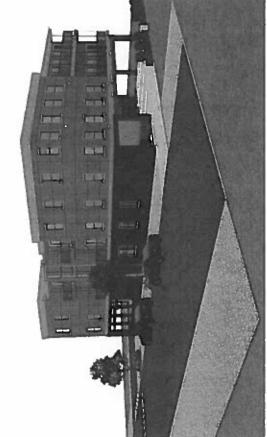








31st St. Line of Sight

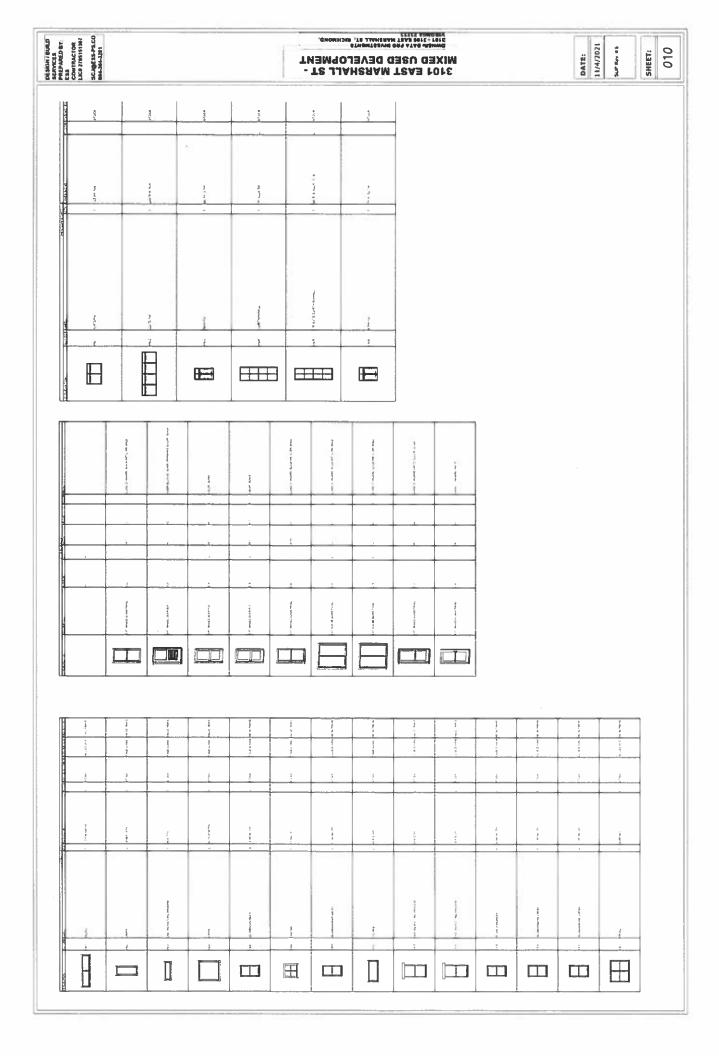


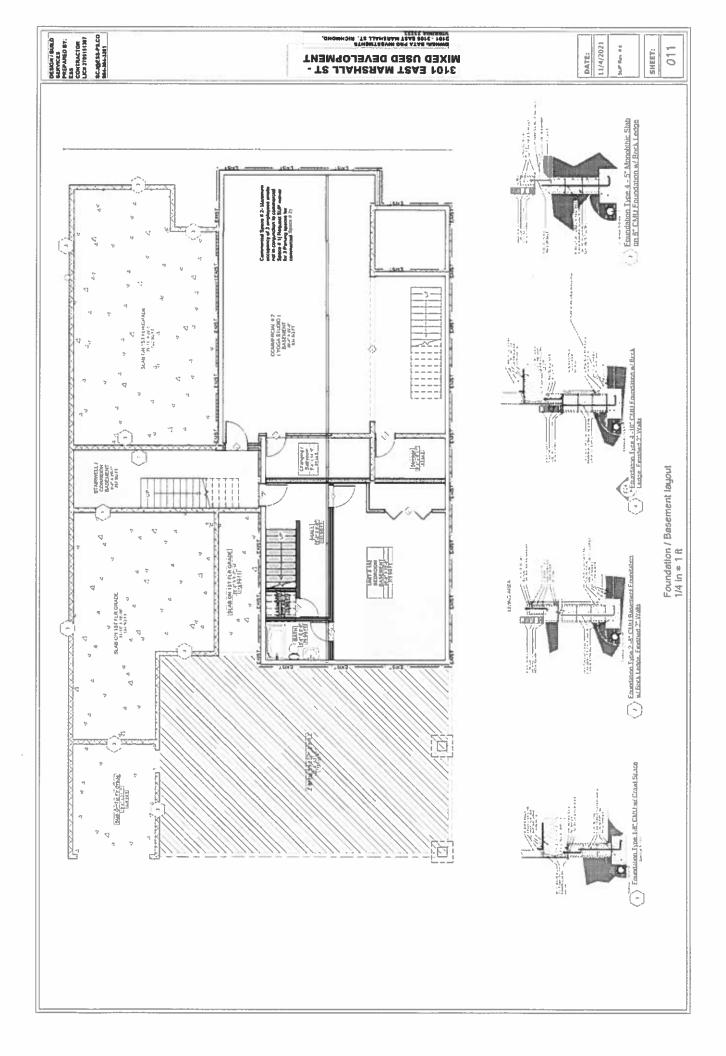
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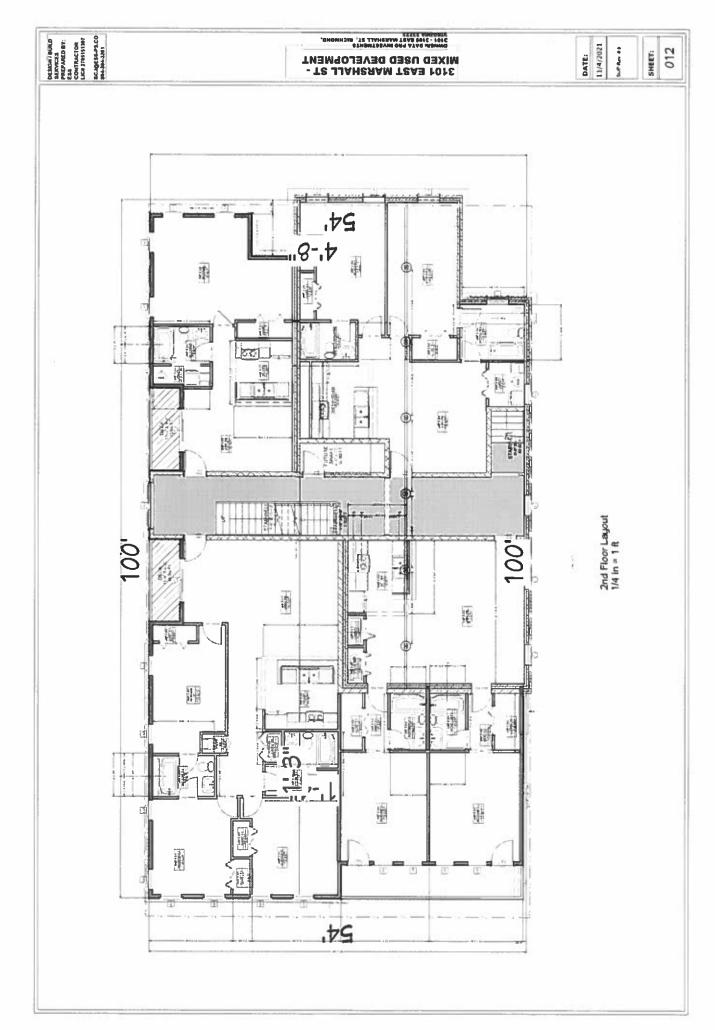
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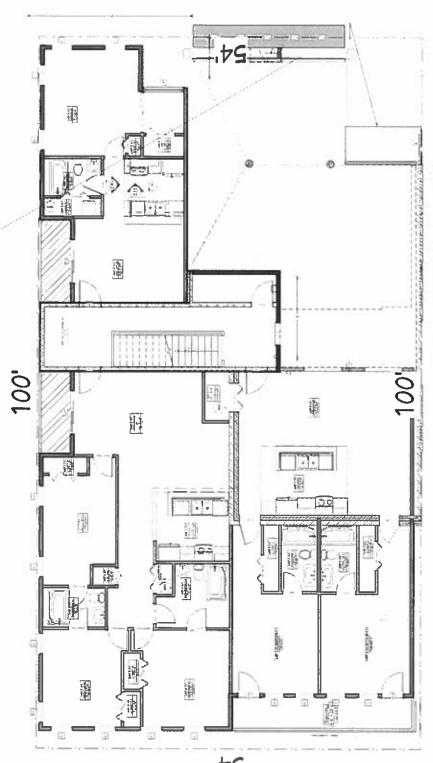
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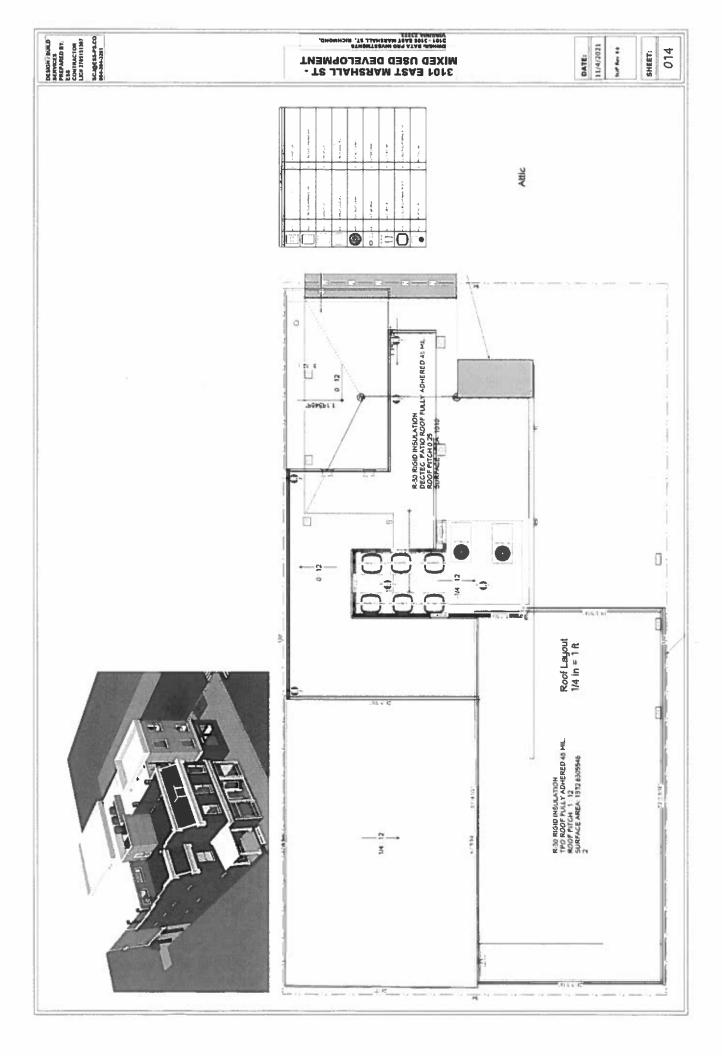




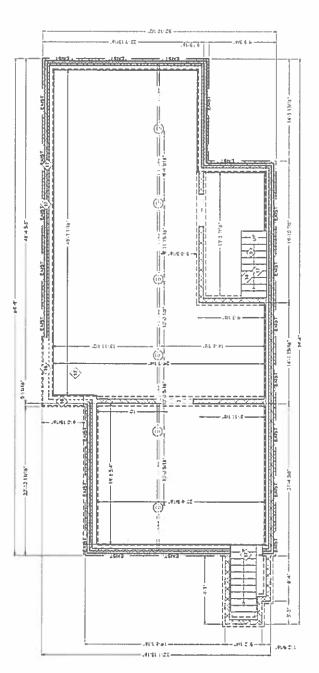




3rd Floor Layout 1/4 in = 1 ft







Existing Basement Layout 1/4 in = 1 ft

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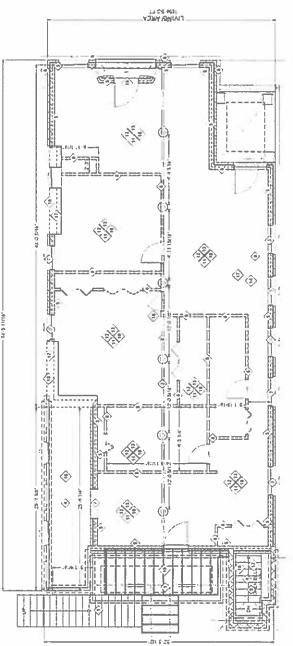
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