INTRODUCED: February 22, 2016

AN ORDINANCE No. 2016-042

To authorize the special use of the properties known as 501 and 503 Maple Avenue for the purpose of permitting up to four single-family detached dwellings, together with associated improvements, including a private street, upon certain terms and conditions.

Patron – Mayor Jones (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: MAR 28 2016 AT 6 P.M.

WHEREAS, the owner of the properties known as 501 and 503 Maple Avenue, which are situated in a R-4 Single-Family Residential District, desires to use such properties for the purpose of four single-family dwellings, together with associated improvements, including a private road, which use, among other things, does not meet the requirements of section 30-408.4, concerning lot area and width; section 30-408.5, concerning dimensions of front, side, and rear yards; section 30-408.6, concerning limitations on lot coverage; and section 30-408.7, concerning height, of the Code of the City of Richmond (2015), as amended; and

WHEREAS, in accordance with section 17.11 of the Charter of the City of Richmond (2010), as amended, it has been made to appear that, if granted subject to the terms and

AYES:	9	NOES:	0	ABSTAIN:	
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ADOPTED:	MAR 28 2016	REJECTED:		STRICKEN:	

conditions 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 (2015), 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 properties known as 501 and 503 Maple Avenue and identified as Tax Parcel Nos. W021-0261/007 and W021-0261/008, respectively, in the 2016 records of the City Assessor, being more particularly shown on a survey entitled "Maplewood Resubdivision of Lot 30 and Part of Lot 31; Plan of 'Dahlia Farms' Section 2," prepared by Burruss Land Survey, LLC, dated September 29, 2015, and last revised October 27, 2015, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as "the Property," is hereby permitted for up to four single-family detached dwellings, together with associated improvements, including a private road, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "Maplewood, A Residential Development, 501 & 503 Maple Avenue, Richmond, Virginia," prepared by Michael C. Brown, and dated October 2, 2015, 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 use of the Property shall be as a maximum of four single-family detached dwellings, configured and arranged substantially as shown on the Plans.
- (b) Landscaping, including privacy fencing, shall be provided, substantially as shown on the Plans.
- (c) Access to the four lots shall be by means of a private street identified as the "Common Driveway" on the Plans, substantially as shown on the Plans. The means of access to each lot shall be approved by the Director of Public Works, the Chief of Police, and the Chief of Fire and Emergency Services. Appropriate easements, agreements or covenants that provide for permanent public access and the perpetuation and maintenance of all areas and facilities to be held in common ownership by the property owners within the Property, shall be approved by the City Attorney.
- (d) All four lots shall be permitted to have a two-story garage substantially as shown on the Plans. The use of the second story, defined as a "Bonus Room" in the Plans, shall be limited to an accessory residential use for purposes incident and subordinate to the principal residential building. No short- or long-term rental use of the Bonus Room shall be permitted.
- (e) Prior to the issuance of any building permit for the Special Use, the establishment of four lots, substantially as shown on the Plans, shall be accomplished by obtaining subdivision approval from the City and by recording appropriate plats among the land records of the Clerk of the Circuit Court of the City of Richmond.
- § 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 (2015), as amended, and all future amendments to such laws.
- (e) The Owner shall make improvements within the right-of-way, including the installation or repair of sidewalks and other repairs to the right-of-way necessitated by construction on the Property, substantially as shown on the Plans, which improvements 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, (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.

- (f) 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 (2015), 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 (2015), 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 (2015), 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 or when the Special Use of the Property as authorized by this ordinance is abandoned for a period of 730 consecutive calendar days, 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.
 - § 7. **Effective Date.** This ordinance shall be in force and effect upon adoption.



City of Richmond

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

Intracity Correspondence

Pre Introduction to Council: PRE. 2016-38



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File Number: PRE. 2016-38

OFFIC.

ANIORNEY

2016

To authorize the special use of the properties known as 501 and 503 Maple Avenue for the purpose of the construction and occupancy of up to four (4) single-family detached dwellings, together with associated improvements, including a private road, upon certain terms and conditions.

O & R Request

O & R REQUEST

DATE:

January 27, 2016

EDITION: 1

JAN 2 7 2016

TO:

The Honorable Members of City Council

4-45 97
Chief Administration Office
City of Richmond

THROUGH:

Dwight C. Jones, Mayor (by request)

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

THROUGH:

Selena Cuffee-Glenn, Chief Administrative Officer

THROUGH:

Peter L. Downey, Deputy Chief Administrative Officer for Economic

Development and Planning

FROM:

Mark A. Olinger, Director, Department of Planning and Development Review.

RE:

Special use permit for 501 and 503 Maple Avenue for four (4) single-family

detached dwellings

ORD. OR RES. No.

PURPOSE: To authorize the special use of the properties known as 501 and 503 Maple Avenue for the purpose of the construction and occupancy of up to four (4) single-family detached dwellings, together with associated improvements, including a private road, upon certain terms and conditions.

REASON: The proposed single-family detached residences do not meet all of the dimensional provisions required in the R-4 Single-Family Detached Residential District and 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 March 21, 2016, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The proposal is to subdivide two existing lots into four lots for the purposes of developing four single-family detached dwellings with accessory garages. The lots would be served by a private road accessed off of Maple Avenue. The average size of the dwellings is 2,778 square feet and the detached garages/with second floor bonus rooms would be 800 square feet. Each primary home would also be two stories tall. The application indicates that each dwelling would be provided with two parking spaces located in the garages.

The subject property is currently located within the R-4 Single-Family Residential zoning district, which permits single-family detached dwellings by-right. The minimum lot size is 7,500 square feet, which equals a density of 5.8 units per acre. The minimum lot width is 60 feet and the front yard setback requirement is 25 feet. The zoning ordinance does not permit more than two single-family detached dwellings to be located on a private street and the subdivision ordinance requires that residential lots have a depth of not less than 100 feet.

The homes would have masonry foundations clad in brick or stone, and any exposed chimney shall be similarly clad. Exterior walls would be clad in hardie lapped siding, casing and trim. Roof materials would be dimensional or architectural asphalt shingles and the porches would have standing seam metal roofing.

The properties the north, south, and west are also located in the R-4 Single-Family Residential zoning district and generally improved are with single dwellings. The properties to the east are located in the R0-1 Residential Office district and are improved with commercial uses.

The Master Plan recommends Single-Family "Low Density" for the subject properties. Single-family is defined as, "Primary use is single-family detached dwellings at densities up to seven units per acre (p. 133)."

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: \$600 application fee

DESIRED EFFECTIVE DATE: Upon adoption.

REQUESTED INTRODUCTION DATE: February 22, 2016

CITY COUNCIL PUBLIC HEARING DATE: March 28, 2016

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL AGENCIES: City Planning Commission, March 21, 2016

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

RELATIONSHIP TO EXISTING ORDINANCES: None.

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

STAFF: Willy Thompson, Senior Planner; Land Use Administration (Room 511); 646-5734



mits)

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) 646-5304 (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: MAPLE1000 Date: 1-4-16					
Property Address: SOI MAPLE AVE RICHMOND VA Tax Map # DAHLIA FAIZINS					
Fee: Total area of affected site in acres: (See page 3 for fee schedule, please make check payable to the "City of Richmond")					
Zoning Current Zoning: R-4 Proposed Use (Please include a detailed description of the proposed use in the required applicant's report)					
Existing Use: SINGE FAMILY Is this property subject to any previous land use cases? SEE COVER LETTER APCANS Yes No					
☐ If Yes, ☐ please list the Ordinance Number:					
Applicant/Contact Person: Toky VID IS					
Company: TRI- AMERICAN PRODERTIES					
Mailing Address: 420 UBBIE AUE					
City: RICHMOUS State: VA Zip Code: 23:226					
Telephone: (804) 822-5361 Fax: (804) 282-5611					
Email: IT VIUIS @ VERIZOW. NET					
Property Owner: Jenny Marky Jany REL					
If Business Entity, name and title of authorized signee:					
(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: 319 MAPLE AVE					
City: Kichwood State: WA Zip Code: 23226					
Telephone: (804) 465-7337 Fax: (804) 716-73039					
Property Owner Signature: Towy Office Signature:					
Anna Page					
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 per-					

TRI-AMERICAN PROPERTIES

420 Libbie Avenue Richmond, Va. 23226

Telophone (804)822-5361 (804)402-4533

Facsimile (804)282-5611

October 28, 2015

Re: Maplewood Development (503 Maple Avenue and 501 Maple Avenue)

To Whom It May Concern:

First I would say, thank you for taking the time to consider our project, "Maplewood". We will do our best to build two attractive upscale detached houses on each lot (501 Maple Avenue and 503 Maple Avenue), that are in keeping with the surrounding area. In fact, it will be an upscale version of "Maple Green" which is the development adjacent to ours. I would also mention that we would demolish two unattractive rental homes that are currently vacant and not up to the quality of the neighborhood. These two houses simply are way past their prime and usefulness.

At this point, we have purchased 503 Maple Ave and have acquired the rights to purchase 501 Maple Ave upon approval of this SUP. The purpose is to subdivide each individual lot into two separate lots. We would then build an upscale freestanding detached home on each lot (a total of 4 homes). We are respectfully requesting a Special Use Permit allowing us to subdivide each lot (501 Maple Avenue and 503 Maple Avenue) into two lots on each existing property and then to build a total of 4 detached homes on the resulting 4 lots (one per lot). (See site survey)

Scope of Work

503 Maple is currently a small ranch rental property that would be demolished to make way for two detached, single family homes. (See site survey)

501 Maple Ave is currently a small Bungalow style rental home that will be demolished to make way for two detached, single family homes. (See site survey)

Each Lot (503 Maple Avenue and 501 Maple Avenue) will be subdivided into two lots. Each owner will own their own lot with the necessary easements for shared Driveways and common areas. (See site survey)

Architectural description

The residences of Maplewood will be based upon the Craftsman Architectural style. Front porches, welcoming entrance steps, expressive structural elements, stone and masonry bases, tapered columns, eave brackets and horizontal siding are some of the exterior elements of this style common throughout the residences. Wood stained front entrance doors with vertical panels and glazed openings and vertically proportioned windows with grills in the upper portion of the window will also be included in the exterior design.

Ceiling heights of 10 feet on the first floor and 9 feet on the second floor and roof pitches of 7:12 are combined to keep the dwellings within the 35' roof height limit. Roofs are covered with dimensional architectural fiberglass shingles with standing seam metal roofing at featured areas.

The Garages and Bonus Rooms are designed as detached structures from the residences to maintain the smaller residential scale of the development. These structures include the same design features as the main dwellings and include: French Doors with Transoms, Black metal balconies as part of the Bonus Room. Garage doors are paneled, glazed and stained.

Each dwelling has designated exterior private space with fenced courtyards between the house and the garage at dwelling A and D. Units B and C have private courtyards at the rear of the residences.

Exterior colors of MAPLEWOOD buildings favor warm earthy colors of browns, greens and yellows of varying shades and hues.

Objections

MAPLEWOOD will not in anyway be detrimental to the safety, health, morals and general welfare of the community.

Our project will not contribute to congestion in streets, roads, and alleys as we have provided two parking spaces for each unit and each property contains a garage.

We have met with the Fire Marshall to insure proper access to all four units in case of fire. We will also provide adequate structural integrity under the Driveway to support the weight of a Fire Truck.

We feel our that our plan will not in anyway lead to overcrowding of the land and is very much in keeping with the "Urban infill" philosophy that will help build stronger neighborhoods and communities and we will eliminate two current rental houses that are past their prime.

We will, in no way interfere with public or private Schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences or improvements.

MAPLEWOOD will have plenty of natural light and air.

Conclusion

Tri-American Properties, LLC. believes that this project will be a tremendous asset to the community. As mentioned previously, we will eliminate two rental houses that are vacant and past their prime to build upscale detached homes. These homes will significantly increase the tax revenues for the city, as well as provide a beautiful improvement to the area. We look forward to working with the City of Richmond on this project and we greatly appreciate your consideration in this matter.

Many Thanks,

Edward Hettrick, 804-402-4533, edward.hettrick@comcast.net

Claude Whitehead III, Esq., 804-282-5606

John Vinis, 804-822-5361, JTVinis@verizon.net

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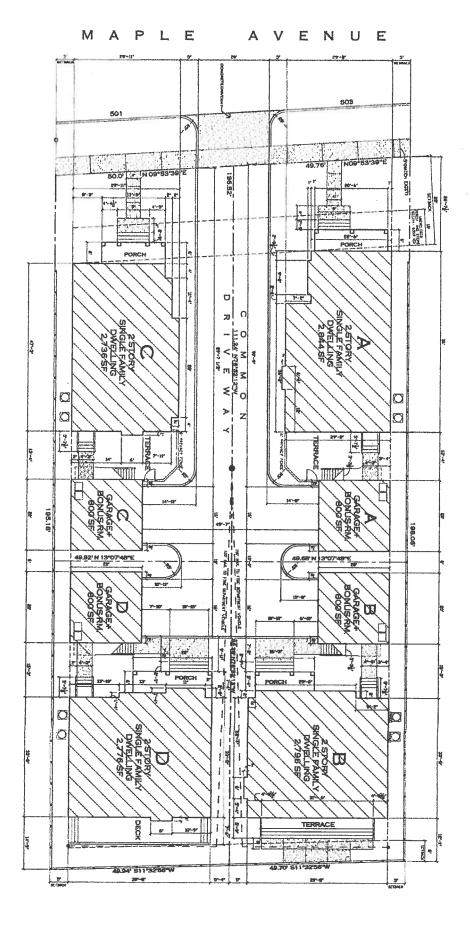
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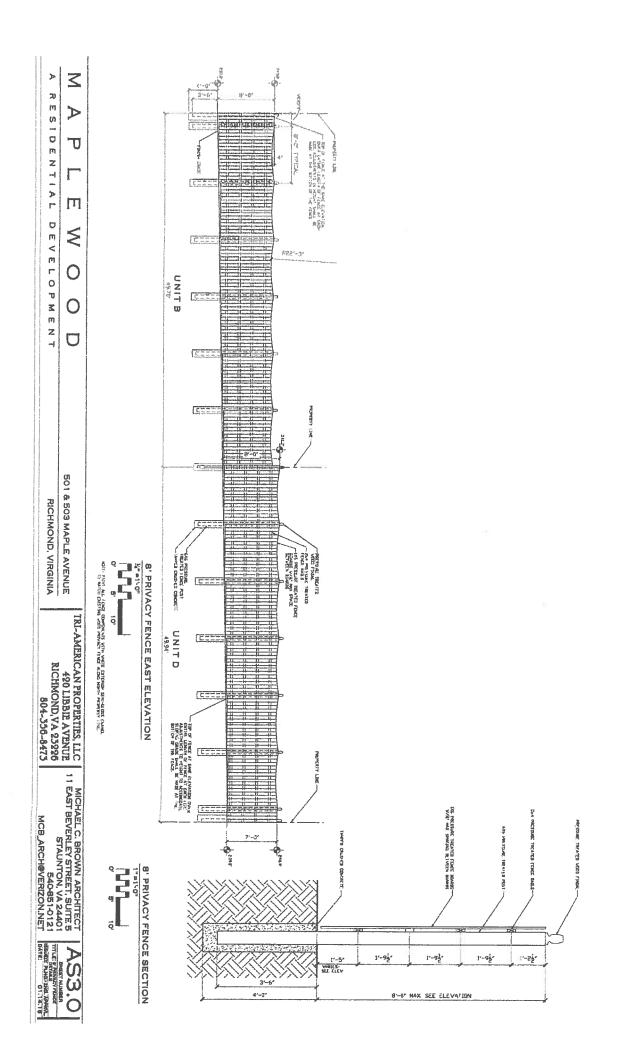
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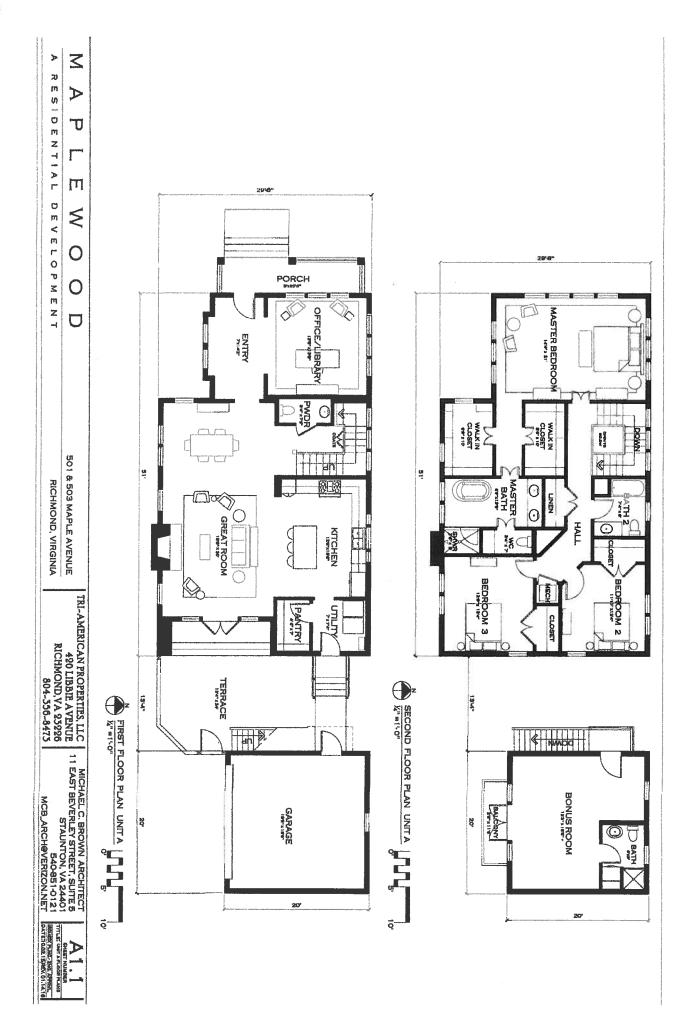
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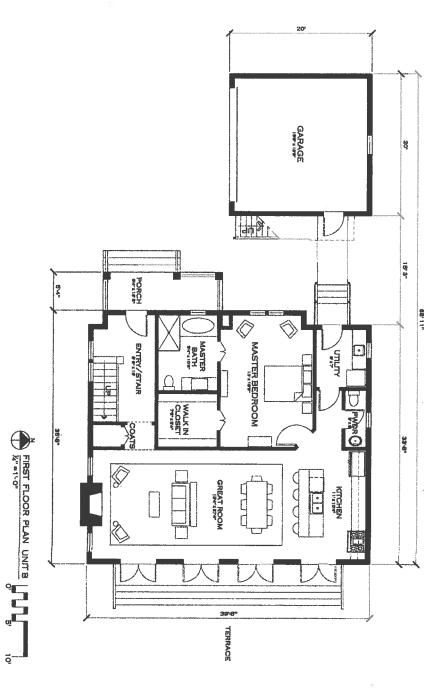
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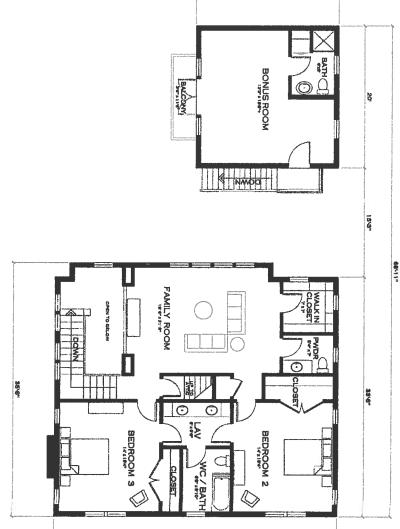
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SECOND FLOOR PLAN UNIT B

501 & 503 MAPLE AVENUE

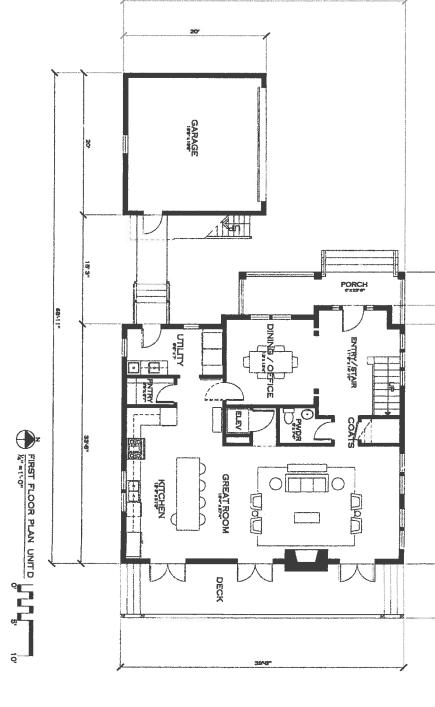


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TRI-AMERICAN PROPERTIES, LLC
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804-356-8473 MICHAEL C. BROWN ARCHITECT
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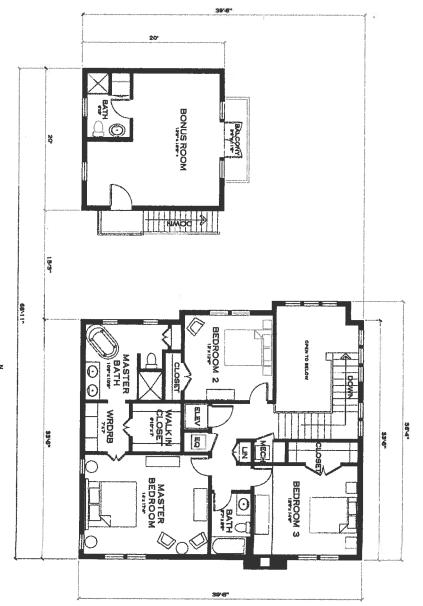
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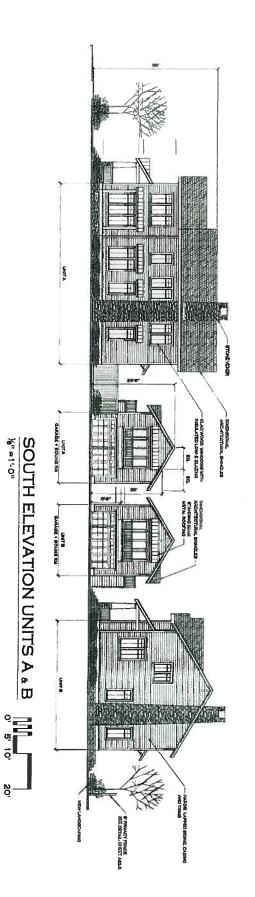
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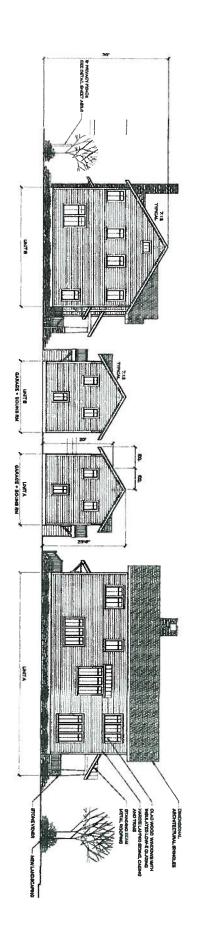
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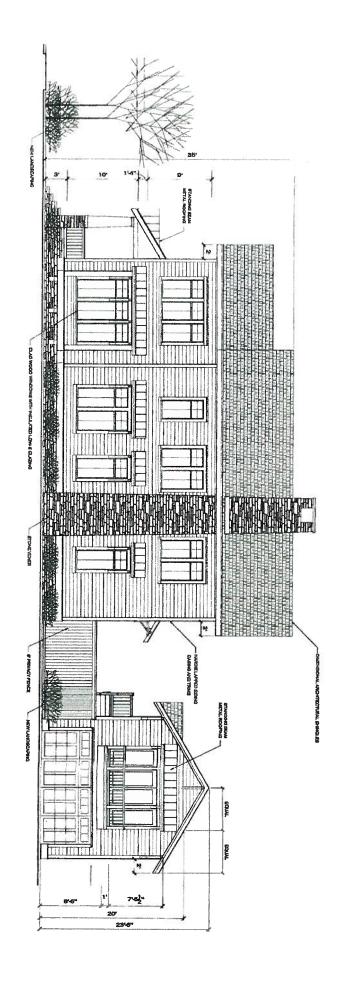
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SOUTH ELEVATION UNIT A





WEST ELEVATION UNIT D

WEST ELEVATION UNIT A

