INTRODUCED: June 26, 2017

AN ORDINANCE No. 2017-130

To authorize the special use of the property known as 2515 East Main Street for the purpose of allowing a building to exceed the applicable height restrictions, upon certain terms and conditions.

Patron – Mayor Stoney (By Request)

Approved as to form and legality by the City Attorney

PUBLIC HEARING: JULY 24 2017 AT 6 P.M.

WHEREAS, the owner of the property known as 2515 East Main Street, which is situated in a B-5 Central Business District, desires to use such property for the purpose of a building which use, among other things, is not currently allowed by section 30-442.6 of the Code of the City of Richmond (2015), as amended, concerning height restrictions; 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 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

AYES:	9	NOES:	0	ABSTAIN:
ADOPTED:	JULY 24 2017	REJECTED:		STRICKEN:

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 property known as 2515 East Main Street and identified as Tax Parcel No. E000-0389/001 in the 2017 records of the City Assessor, being more particularly as shown on a survey provided as sheet C2.0 of the plans entitled "2525 East Main, 2525 E Main Street, Richmond, VA 23223," prepared by Timmons Group and Walter Parks Architect, and dated May 24, 2017, a copy of which is attached to and made a part of this ordinance, hereinafter referred to as "the Property," is hereby permitted to have a building that exceeds the height restrictions prescribed by section 30-442.6 of the Code of the City of Richmond (2015), as amended, hereinafter referred to as "the Special Use," substantially as shown on the plans entitled "2525 East Main, 2525 E Main Street, Richmond, VA 23223," prepared by Timmons Group and Walter Parks Architect, and dated May 24, 2017, 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 mixed-use building, consisting of up to 216 dwelling units, amenity space, and commercial space, substantially as shown on the Plans.
- (b) A total of 241 on-site parking spaces shall be provided on the Property, 184 of which shall serve the Special Use, substantially as shown on the Plans.

- (c) Signage on the Property shall meet the requirements of the underlying zoning district of the Property.
- (d) All building materials, material colors, and site improvements shall be substantially as shown on the Plans.
- (e) The height of the Special Use shall not exceed six stories along East Main Street and eight stories along the rear of the Property, substantially as shown on the Plans.
- (f) Mechanical units shall be located or screened so as not to be visible from any public right-of-way, substantially as shown on the Plans.
- (g) Secure storage for no fewer than 56 bicycles shall be provided on the Property for use by the dwelling units, substantially as shown on the Plans.
- § 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 public right-of-way, including new sidewalk ramps, a new entrance to South 25th Street, and brick sidewalk and granite curb restoration, 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, 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 Half Richmond, VA 23219 www.richmondgov.com

Item Request

File Number: PRE. 2017.207

RECEIVED

JUN 2 1 2017

OFFICE OF CITY ATTORNEY

O & R REQUEST 4-6611

O & R Request

Office of the Chief Administrative Officer

DATE:

June 2, 2017

EDITION:1

TO:

The Honorable Members of City Council

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

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

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

500

THROUGH: Peter L. Downey, Deputy Chief Administrative Officer for Economic Development

FROM:

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

RE:

To authorize the special use of the property known as 2515 East Main Street for the purpose

of permitting a mixed-use building, upon certain terms and conditions.

ORD. OR RES. No.

PURPOSE: To authorize the special use of the property known as 2515 East Main Street for the purpose of permitting a mixed-use building, upon certain terms and conditions.

REASON: The applicant is proposing a mixed-use development that exceeds the B-5 height restriction. A special use permit is therefore 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 July 17, 2017, meeting. A letter outlining the Commission's recommendation will be forwarded to City Council following that meeting.

BACKGROUND: The subject property consists of a 45,143 SF (1.04 acre) parcel improved with a surface parking area, located at the intersection of East Main Street, South 25th Street, and South 26th Street. The property is a part of the Shockoe Bottom neighborhood in the East Planning District.

The subject property falls within an Urban Center Area of the Shockoe District, as established by the Richmond Downtown Plan. Such areas are "characterized by higher density, mixed use development, typically arranged on a fine grained street network, with wide sidewalks, regular tree planting, and minimal setbacks." Moreover, the Urban Center Area demonstrates "a dense mix of office space, apartments, and retail located in four to six story brick buildings that front the street. Pedestrians have an active presence in these neighborhoods" (pp. 3.25 3.26).

The Pulse Corridor Plan, which was recently adopted by the Planning Commission, designates the property along East Main Street (the Pulse BRT Corridor) for corridor mixed-use land use. Such a land use designation is found along major thoroughfares that have traditionally been commercial corridors. Medium-density pedestrian- and transit-oriented development is to be encouraged on vacant or underutilized parcels (p. 29). The B-5 zoning district is listed as an appropriate district for this land use designation.

The current zoning for this property is B-5 Central Business District, which encompasses much of the area, with some nearby properties or adjacent blocks having an M-1 Light Industrial designation. A mix of land uses are present in the area.

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: \$2,400 application fee

DESIRED EFFECTIVE DATE: Upon adoption

REQUESTED INTRODUCTION DATE: June 26, 2017

CITY COUNCIL PUBLIC HEARING DATE: July 24, 2017

REQUESTED AGENDA: Consent

RECOMMENDED COUNCIL COMMITTEE: None

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: City Planning Commission, July 17, 2017

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 ORD. OR RES.: None

REQUIRED CHANGES TO WORK PROGRAM(S): None

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

STAFF: Matthew J. Ebinger, AICP, Acting Principal Planner

Land Use Administration (Room 511), 646-6308

PDR O&R 17-14



photocopied signatures will not be accepted.

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.richmonduov.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 Adress: 2515 E Main St. Richmond VA 23223Date:
Tax Map #: E0000389001 Fee: \$2,400
Total area of affected site in acres: 1.017 ac
(See page 6 for fee schedule, please make check payable to the "City of Richmond")
Zoning
Current Zoning: B-5
Existing Use: Parking Lot
Proposed Use
(Please include a detailed description of the proposed use in the required applicant's report)
Mulit-family Apartments
Existing Use: Parking Lot
Is this property subject to any previous land use cases?
Yes No.
If Yes, please list the Ordinance Number:
a to the total and the C. Somuel McDenald
Applicant/Contact Person: C. Samuel McDonald
Company: Property Results, LLC
Mailing Address: 201 Hull Street, Suite A
City: Richmond State: VA Zip Code: 23224 Telephone: (804) 233-8330 Fax: (804) 233-8340
TOTO PITO 101 _ (
Email: sam@propresults.com
Property Owner: Main 2525, LLC
If Business Entity, name and title of authorized signee: C. Samuel McDonald, Managing Member
If Business Entity, name and title of authorized signee. O. dained mobalized, monaging managing
(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: 201 Hull Street, Suite A
City: Richmond State: VA Zip Code: 23224
Telephone: _(804) 233-8330 Fax: _(804) 233-8340
Email: sam@propresuits.com
Property Owner Signature:
The names, addresses, telephone numbers and signatures of all owners of the property are required. Please attach additional
The names, addresses, telephone numbers and signatures of all owners of the property difference. These actions as needed. If a legal representative signs for a property owner, please attach an executed power of attorney. Faxed or

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

Applicant's Report Main 2525

Project Description

Main 2525 will be a new construction project at 2501 E. Main on Tobacco Row in Shockoe Bottom. The land area for this building is currently a parking lot which encompasses a half block of land bounded by E. Main to the north, 25th Street to the west, 26th Street to the east, and at the south borders one of the Cameron Kinney apartment buildings owned by Forest City. This project is located fronting on the Pulse BRT line with a stop at 24th Street, ½ block away and right next to the Virginia Capital Trail. This location is perfect for prospective residents who do not choose to rely on a car for their main transportation needs.

Main 2525 will be six stories above E Main Street with commercial space along the E Main frontage, the building main lobby at the corner of E Main and 25th Street, and five stories of studio, 1 bedroom, and 2 bedroom apartments above. The 6th floor will be set back from the street on all sides so that it is not visible to pedestrians, which makes the building appear as five stories from the street. There will be a total of 216 apartments and 241 parking spaces in three levels of parking. The proposed parking arrangement and layout is explained below. We plan approximately 8,000 sq ft of commercial along E Main that can be taken as one space or divided as necessary.

The building exterior will be contemporary with more than just a nod to the existing large factory buildings immediately surrounding it and along Tobacco Row. Those Tobacco Row buildings frequently run entire blocks, have heights of 6 stories (and 7 at Upper Lofts, 1900 East Cary), a mix of uniform patterned oversized and standard window openings, and main building colors of red brick or grids of white/light concrete. Main 2525 will use large windows in a uniform pattern, light color accent repeating frames at the east and west ends, and a red floating frame at the façade with red accents. The primary view corner at 25th and E. Main, where the main lobby entrance is located, will be a glass corner that ties the front and side facades together.

This building will be a market-rate multi-family project with common amenities for resident and guest enjoyment. There will be a bike parking and maintenance room to encourage biking and the use of the "Cap to Cap" Trail, which is only ½ block away from the project. We will have a large courtyard at the 3rd floor podium level facing south with an outdoor pool and fitness room, and a rooftop lounge and deck with a fantastic south view toward the river and west toward the City skyline.

The apartment units will all have granite countertops, hardwood or polished concrete floors, tile baths (or polished concrete), and the majority will have a balcony or terrace so that each resident can choose to have their own outdoor space or a unit with more indoor space. Residents without terraces and balconies may use one of the common outdoor areas mentioned above. All apartments will have operable windows and generous natural window light.

Appropriateness

The property is zoned B-5. It is currently used as a parking lot for excess parking at the Applicant's project located at 2323 E. Main. That parking is not required by zoning, since it is also zoned B-5, but instead is offered to 2323 E. Main residents as off-site, secured parking. The applicant could build up to five stories on this location under current zoning, but requires a Special Use Permit to build six stories. The added floor is necessary to support the parking structure that is needed for this project and to continue to have available parking for marketing purposes at the project at 2323 E. Main.

This height fits the neighboring buildings along Tobacco Row, several of which are six stories. Since the top floor is set back, it gives a sidewalk appearance as a five story building. The height does not block any views from Church Hill or any additional views from Shockoe Bottom or Tobacco Row. The SUP submittal includes perspectives that show the building in scale on the site from different viewpoints surrounding the project. Multifamily and commercial use is appropriate here. The property is surrounded and adjacent on the east, west, and south sides by historic multifamily and mixed use. There is vacant land and a tire store to the north, and Millie's restaurant is across the side street at 25th and E Main.

The unit mix and sizes of apartments fit with the neighborhood, the current and foreseeable market, and adjacent buildings. We will have 216 units total, broken out as shown below:

Type	Count	<u>%</u>
2 Bdrm/2 Bath	48	22%
1 Bedroom	126	59%
Studio	<u>42</u>	19%
	216	

Based on the descriptions above, the applicant can clearly state that the proposed use will not:

- a. Be detrimental to the safety, health, morals and general welfare of the Shockoe Bottom and Tobacco Row community;
- b. Tend to create congestion in streets, roads, alleys, and other public ways and places in the area involved;
- c. Create hazards from fire, panic or other dangers;
- d. Tend to cause overcrowding of land and an undue concentration of population;
- e. Adversely affect or interfere with public or private schools, parks, playgrounds, water supplies, sewage disposal, transportation or other public requirements, conveniences and improvements, or
- f. Interfere with adequate light and air.

Parking Plan

The current zoning for this project, B-5, allows one parking space for every four apartments. We believe we need more for our marketing purposes, but for the reasons below, not at the ratio of one parking space per apartment. Approximately 80% of the units are 1 bedroom or studios

which means they are more likely than not to have one occupant. The residents of this project will likely rely heavily on the new Pulse BRT line right outside the front door. The main lobby for this building is at 25th and E Main; the BRT stop is located on the adjacent block at Main between 24th and 25th. We also encourage bike use with a large storage and bike maintenance room for our residents to securely keep bikes stored and easily accessible for daily use. There is also on street parking that residents can share with other neighbors. We have seen more residents across our properties that choose not to own a car, and this site is a perfect location for such an alternative transportation option.

For these reasons, we propose providing 184 parking spaces for the 216 units, which is an 85% ratio (instead of the 25% ratio allowed under B-5). The other 57 spaces (out of 241 total) will be available for the 2323 E Main residents, or optionally available for Main 2525 residents if not reserved by the 2323 E Main residents. Commercial parking will be a daytime/night time share of the 184 spaces.

The actual parking spaces will be on three levels of the building and all will be hidden from street view by commercial/residential spaces. Along Main, commercial space will front the parking spaces at the 3rd level. Because 25th and 26th Streets fall severely toward Cary from Main, the lower 2 levels of parking will be below Main Street grade. The entrance and exit for parking is on 25th Street (which is wider than 26th). The 25th and 26th Street elevations will have residential units facing the street with parking behind. This arrangement improves the pedestrian experience and building interface at street level on these side streets and along Main.

Project Support

The City planning system shows this project is in the Shockoe Valley and Tobacco Row historic district and the Shockoe Partnership Civic Association. The applicant has requested letters of support from the Shockoe Partnership and from the Shockoe Bottom Merchants Association. We have also requested a meeting with our Councilwoman, Cynthia Newbille, to review the scope of the project.

2525 EAST MAIN STREET RICHMOND, VIRGINIA

2525 EAST MAIN STREET, RICHMOND, VA 23223 CITY OF RICHMOND, VA



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VICINITY MAP SCALE 1" = 2000

DATE: 5/24/2017



		DATE	
		DESCRIPTION	REVISIONS

ARCHITECTS
WALTER PARKS ARCHITECTS
313 NORTH ADAMS STREET
RICHMOND, VA 23220
TELEPHONE: (804) 852-1613 CONTACT: NATE GOODENOW, AIA EMAIL: NATE@WPARKS.COM

TELEPHONE: (804) 233-9700 CONTACT: CHARLES MACFARLANE EMAIL: CHARLES@MACFARLANEVA.COM LORILLARD BUILDING, LLC 2700 EAST CARY STREET RICHMOND, VIRGINIA 23223 **OWNER/DEVELOPER**

TELEPHONE: (804) 467-2020
CONTACT: C. SAMUEL MCDONALD
EMAIL: SAM@PROPRESULTS.COM

PROJECT SUMMARY

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ENGINEER
TIMMONS GROUP
1001 BOULDERS PARKWAY, SUITE 300
RICHMOND, VA 23225
TELEPHONE: (804) 200-8544
CONTACT: AMELIA WEHUNT, PE
EMAIL: AMELIA WEHUNT@TIMMONS.COM

SCALE: NONE

ARCHITECT

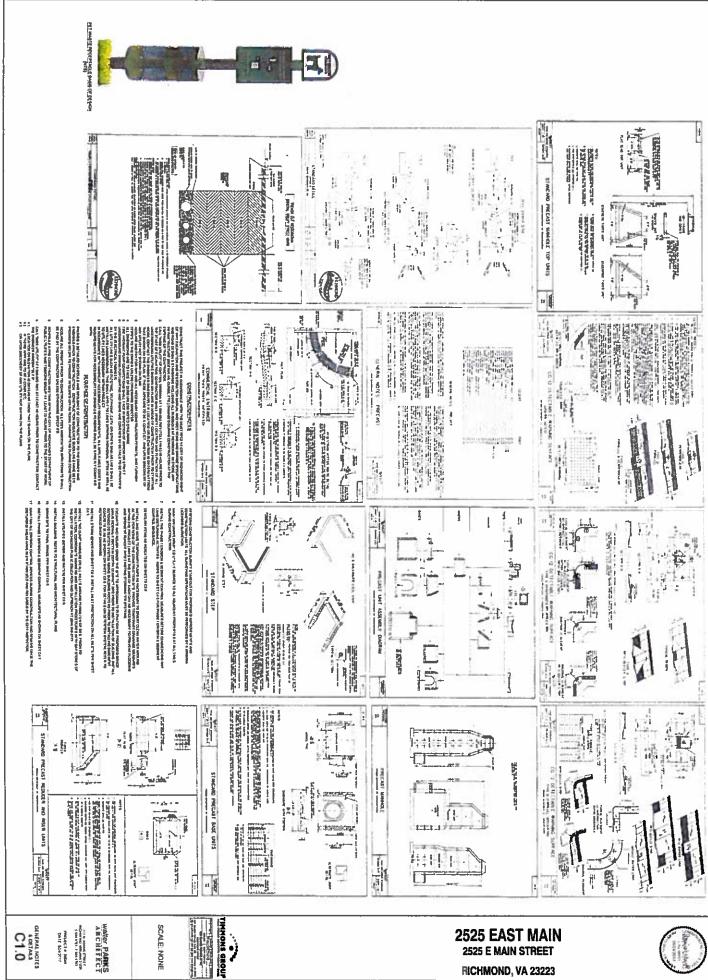
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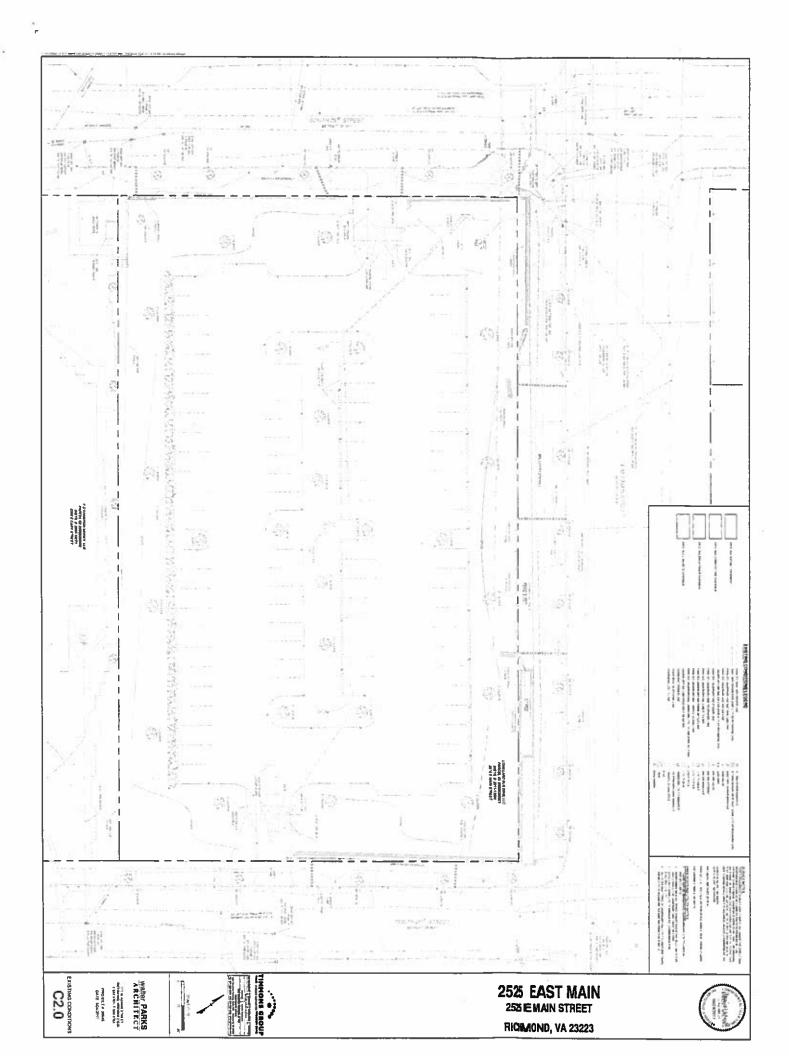
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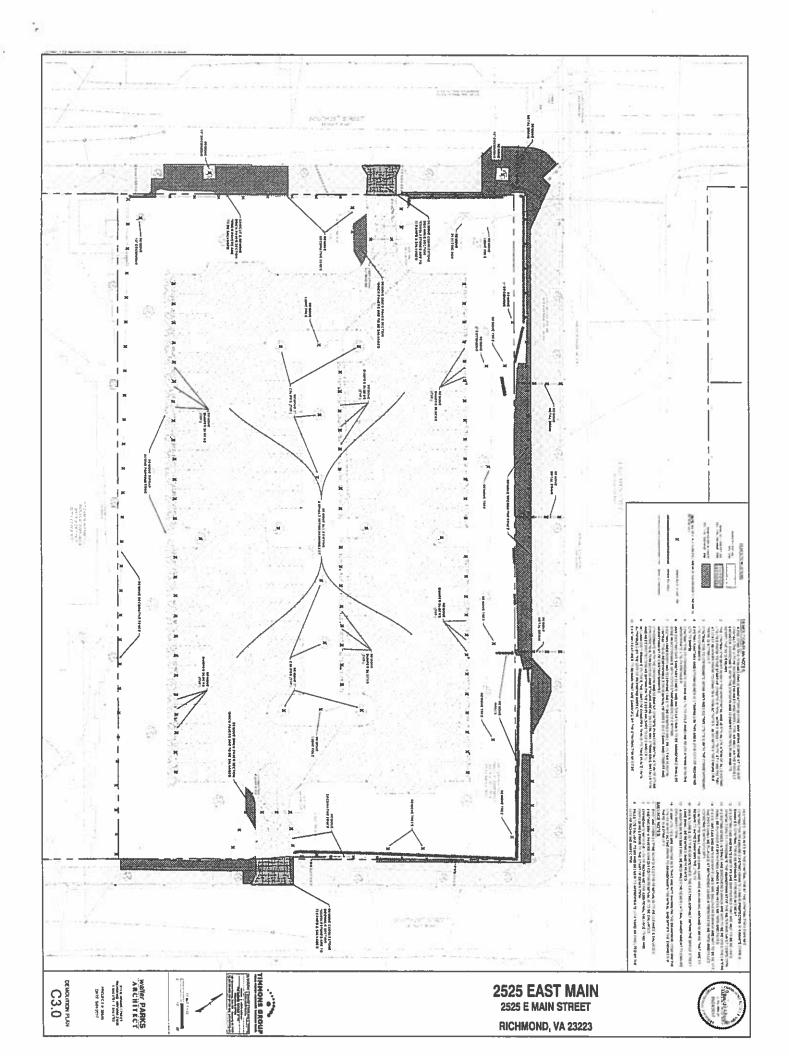
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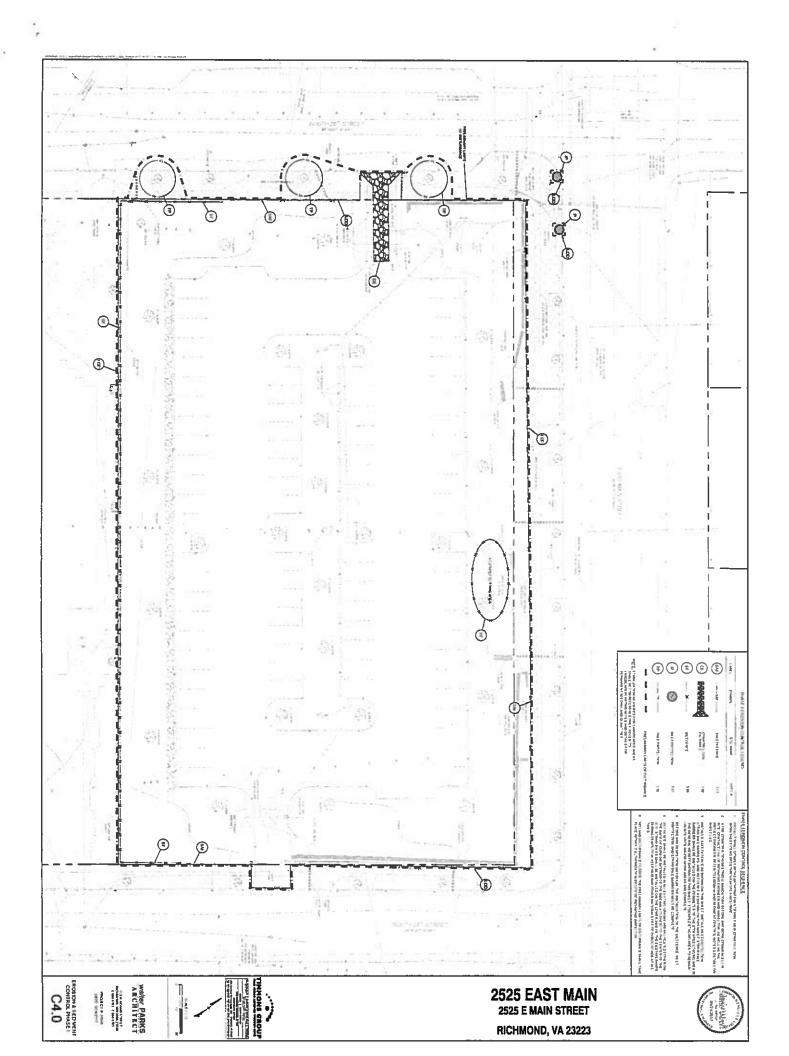
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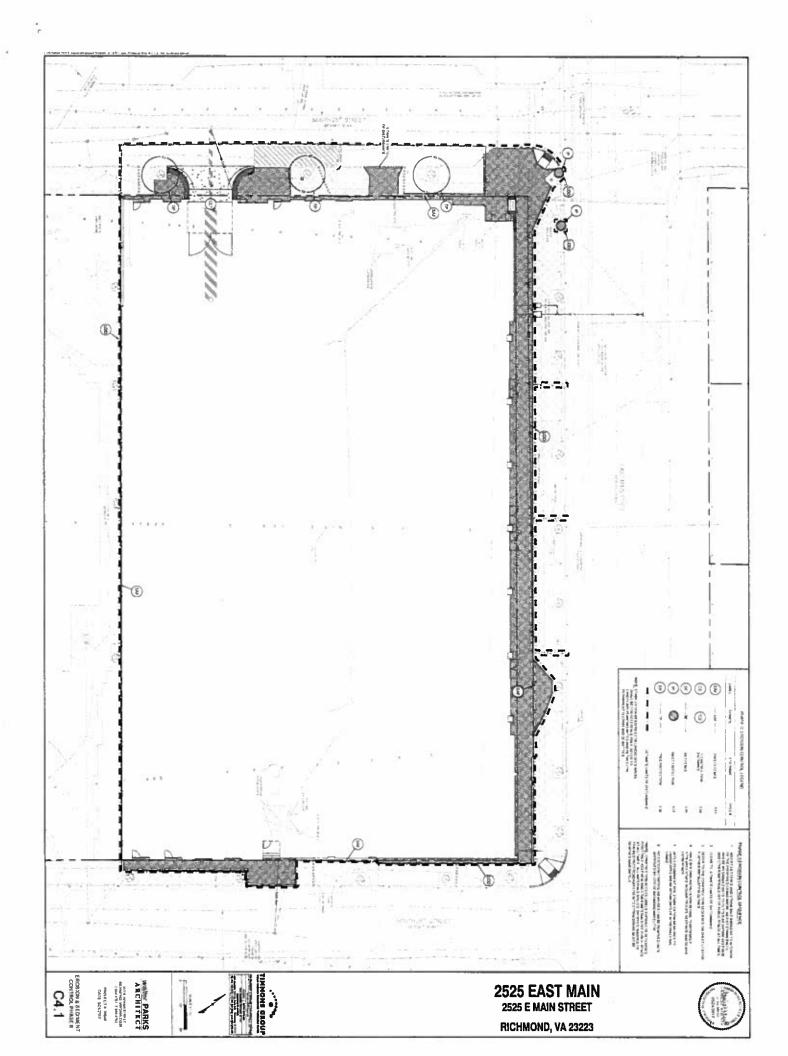


RICHMOND, VA 23223









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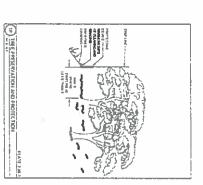
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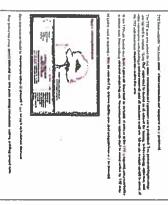
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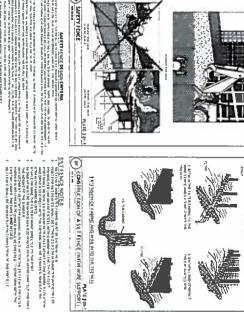
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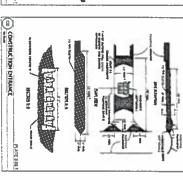


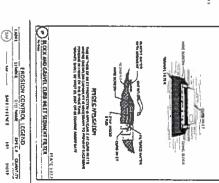




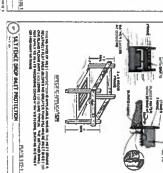


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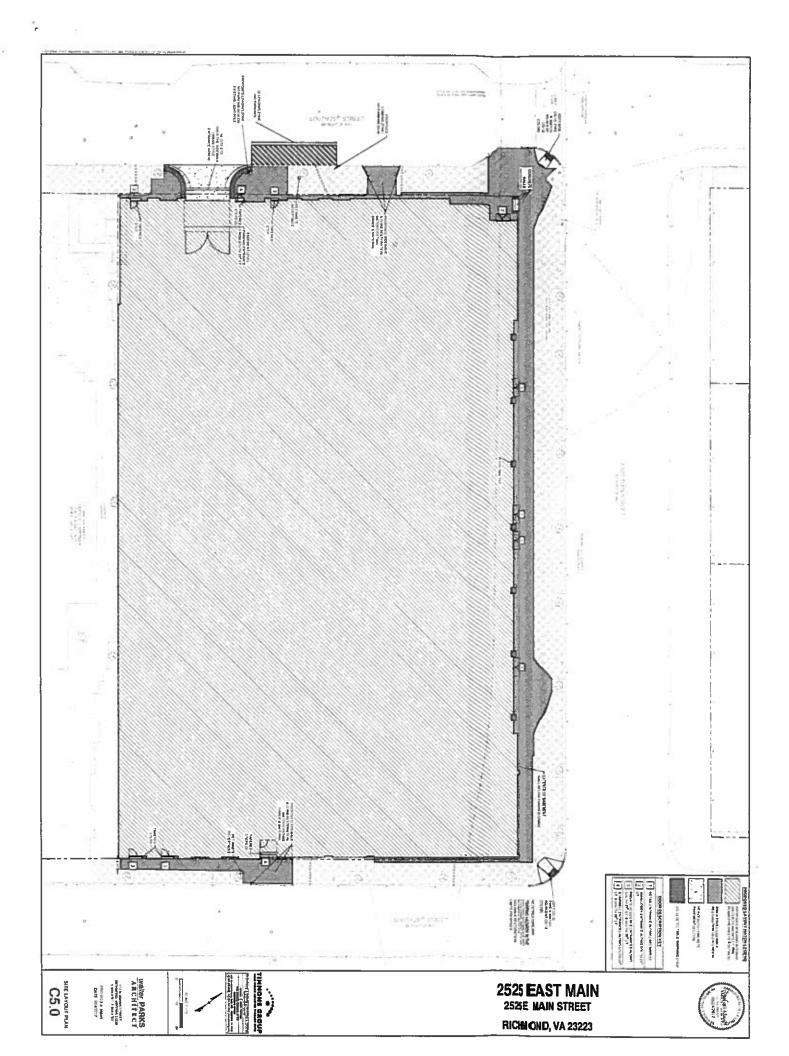
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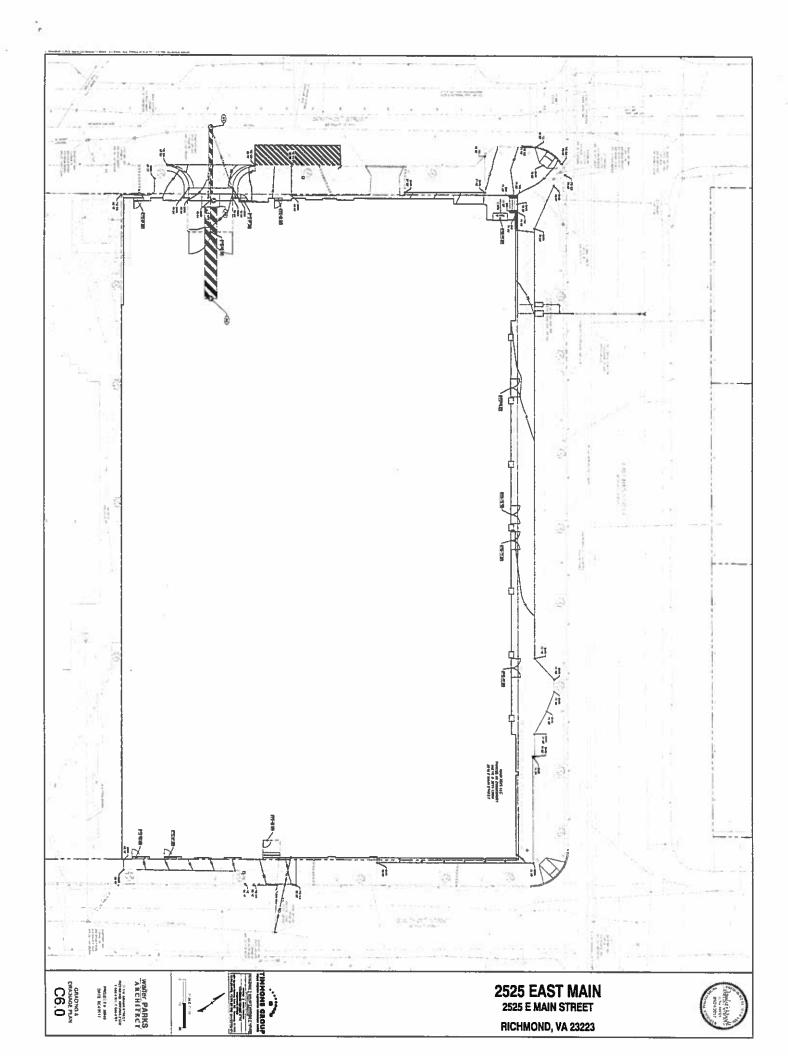
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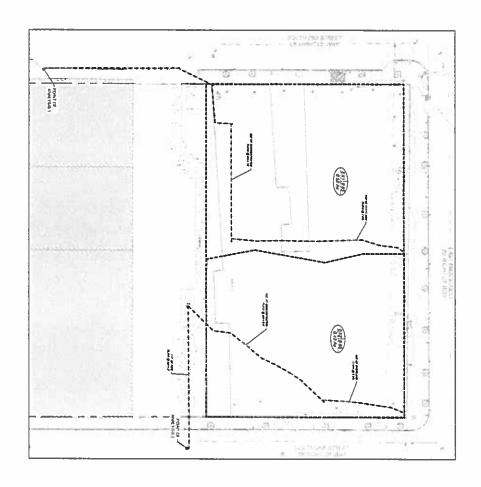
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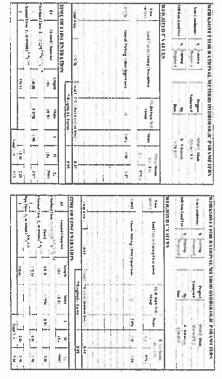
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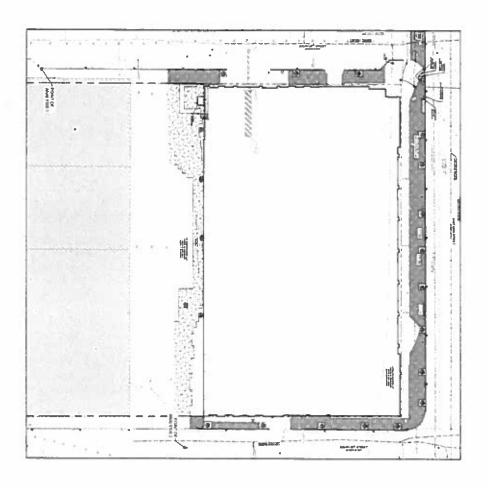
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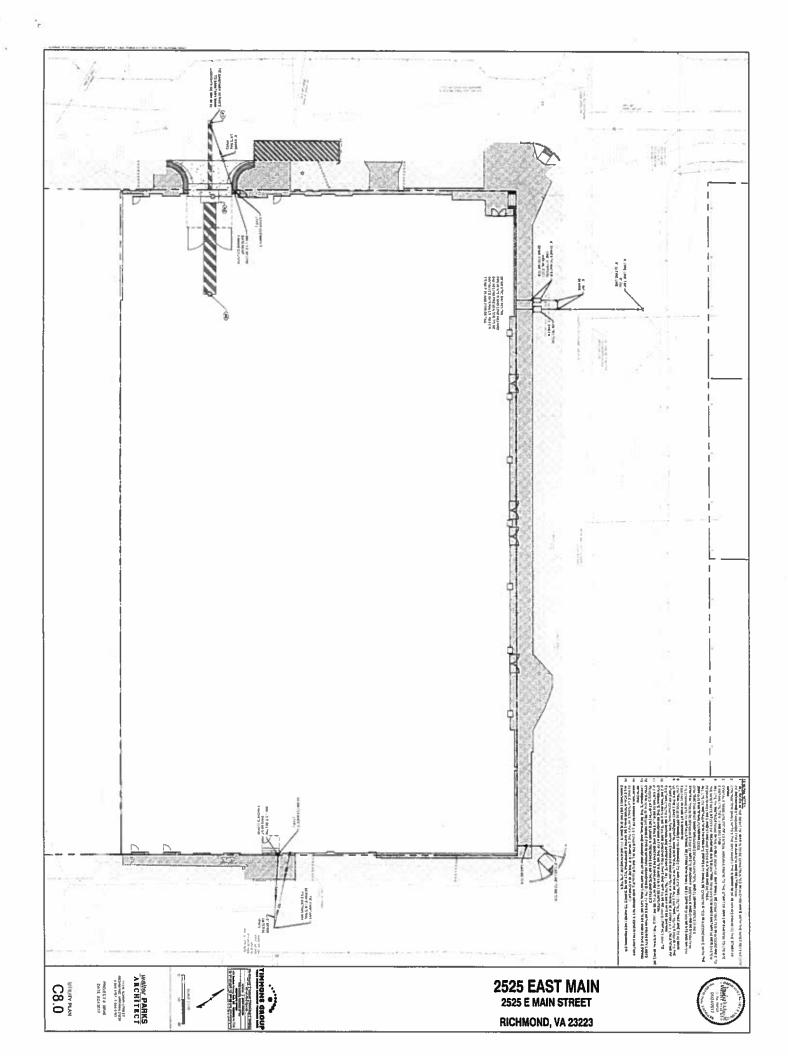
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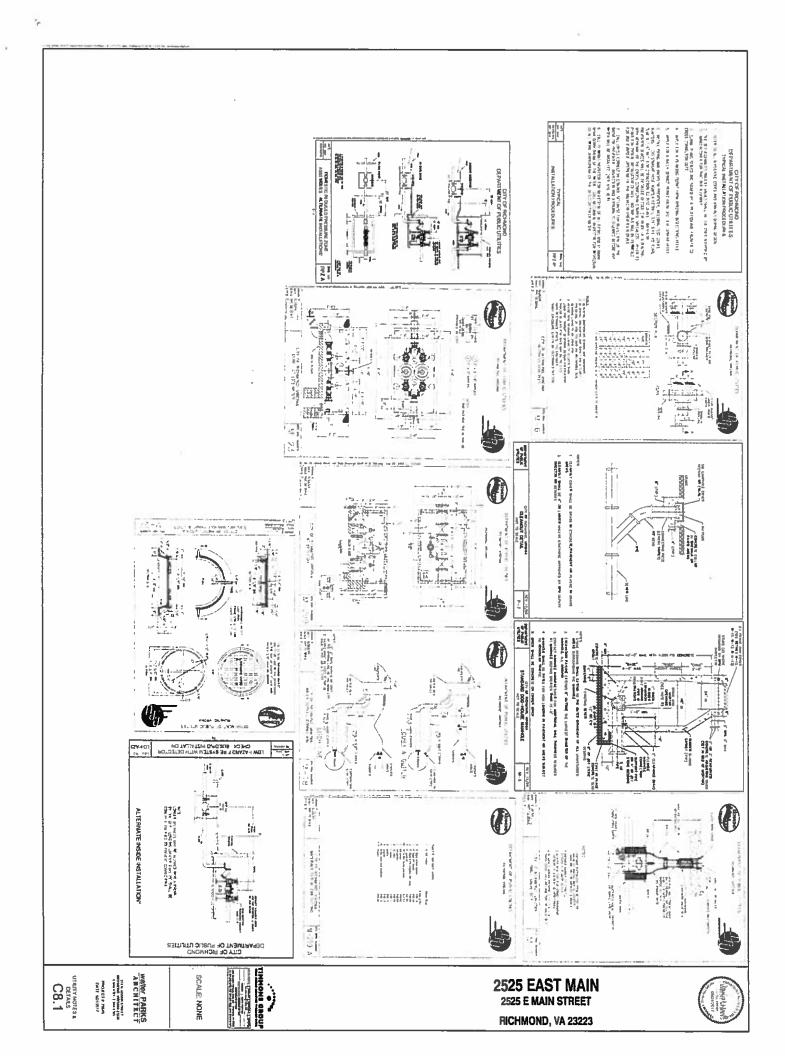
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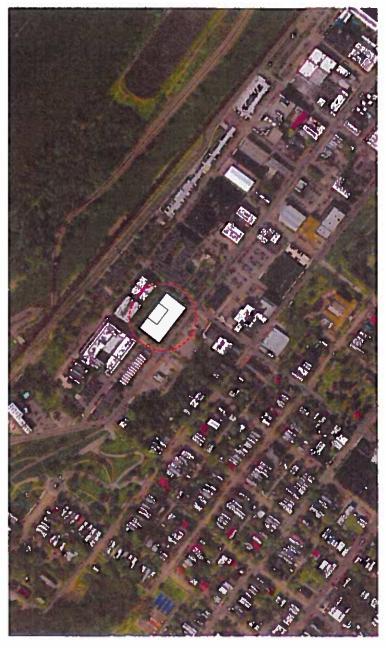
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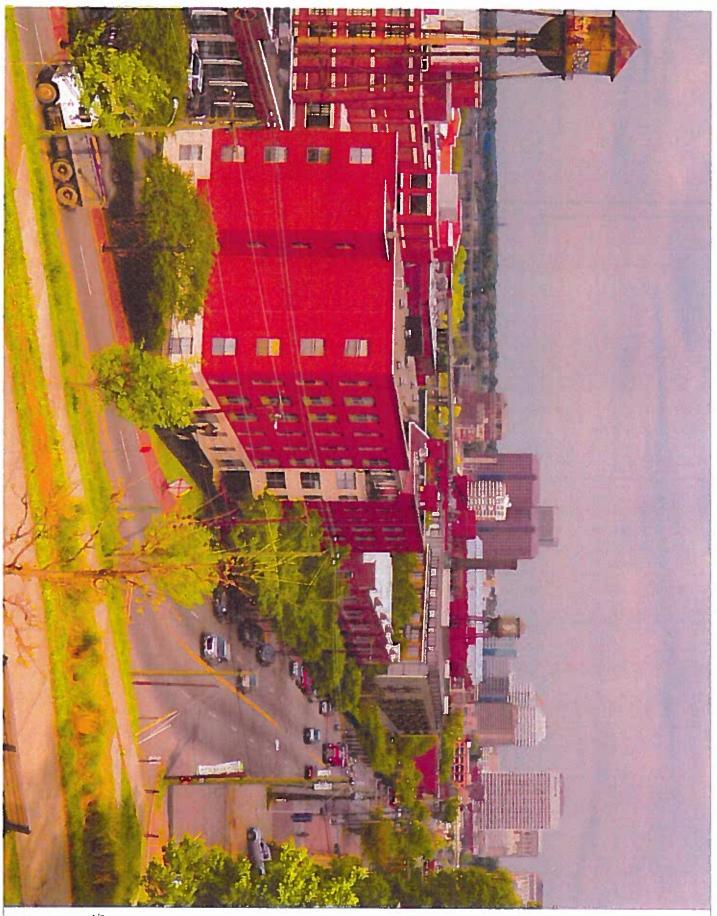
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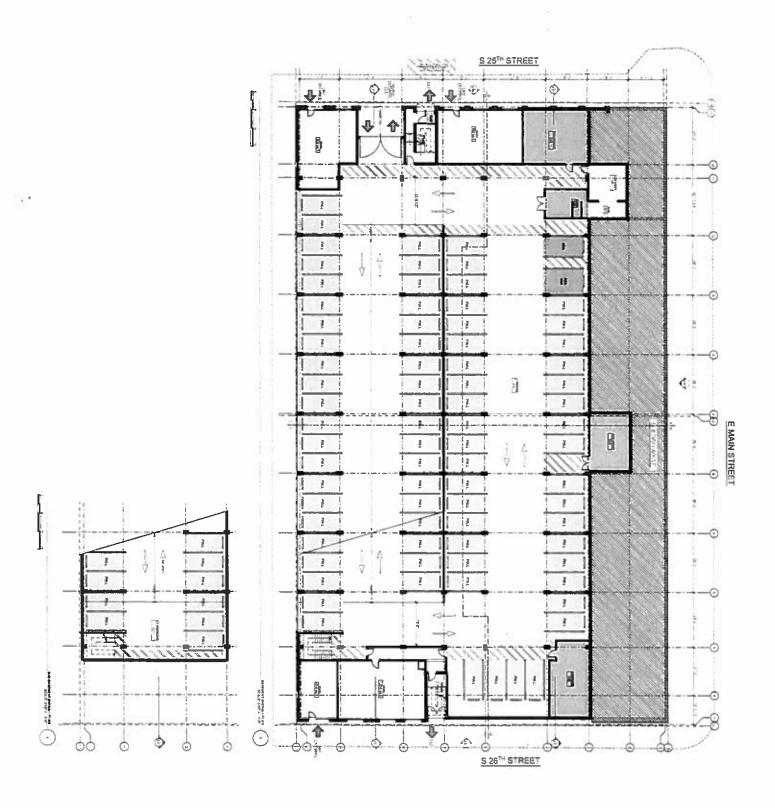
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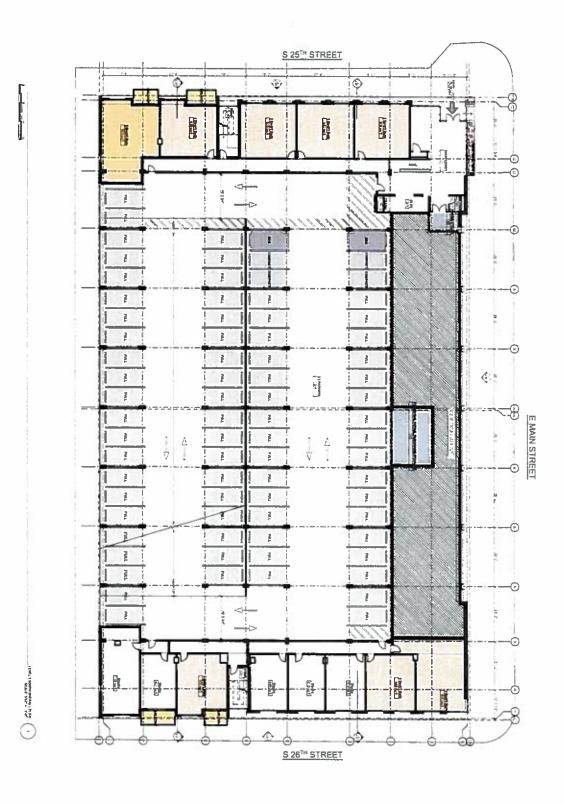
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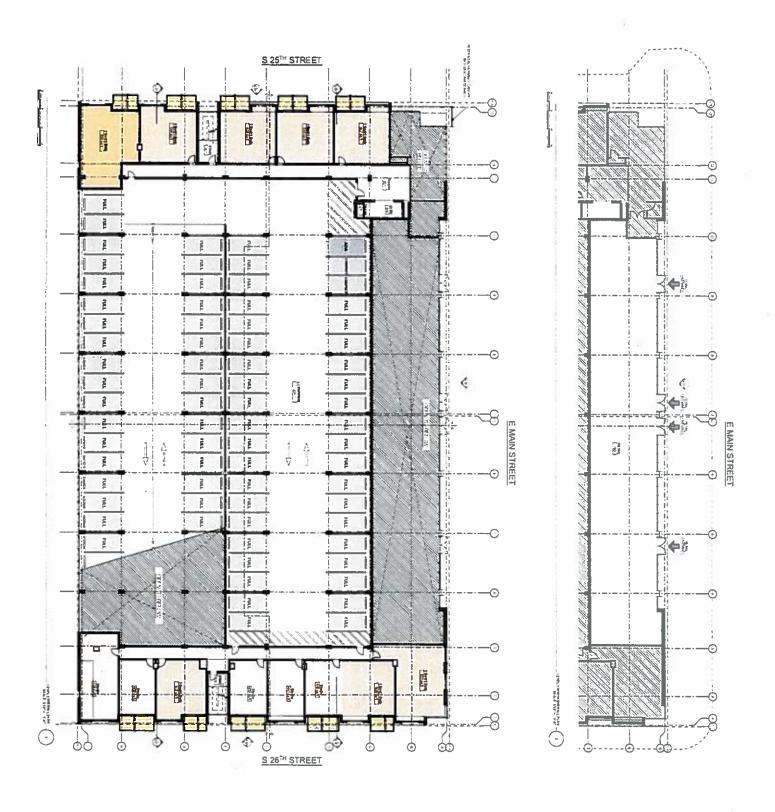




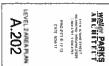


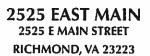










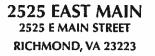




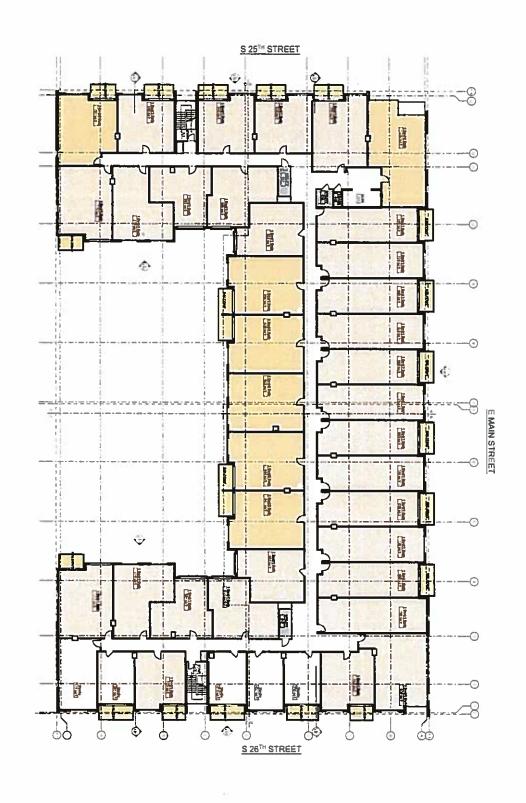








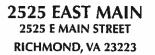




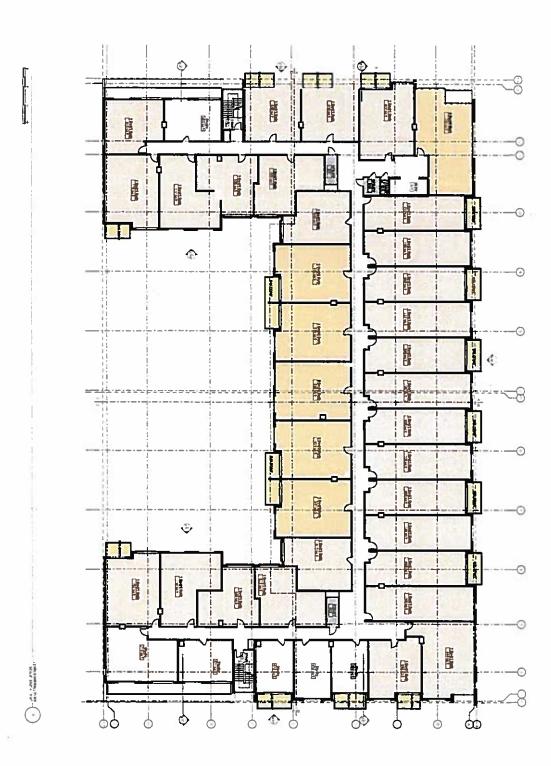


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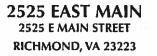




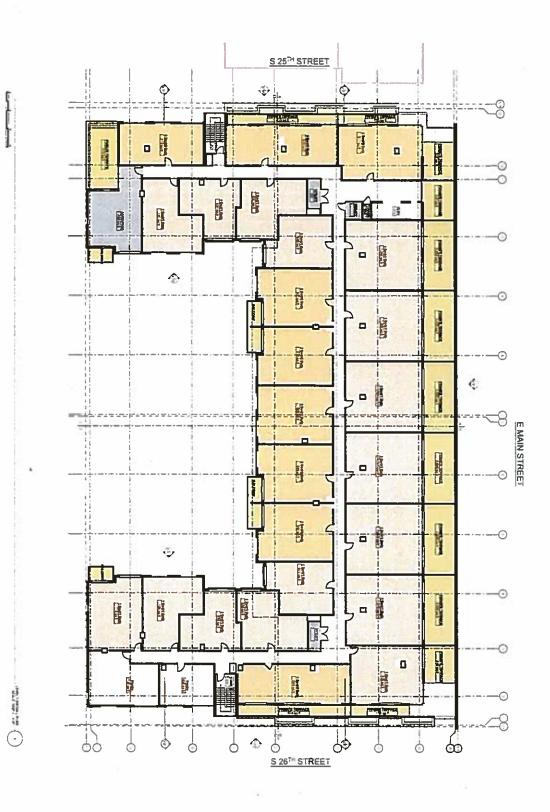






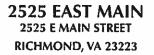




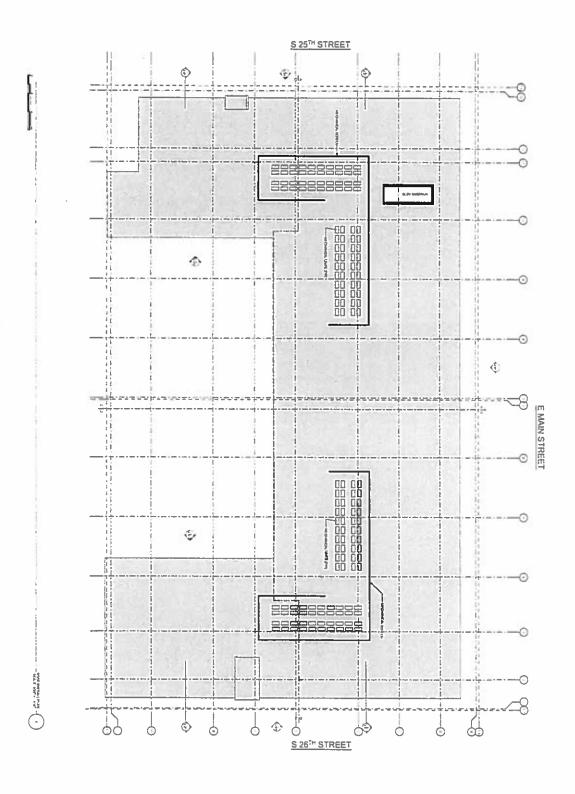


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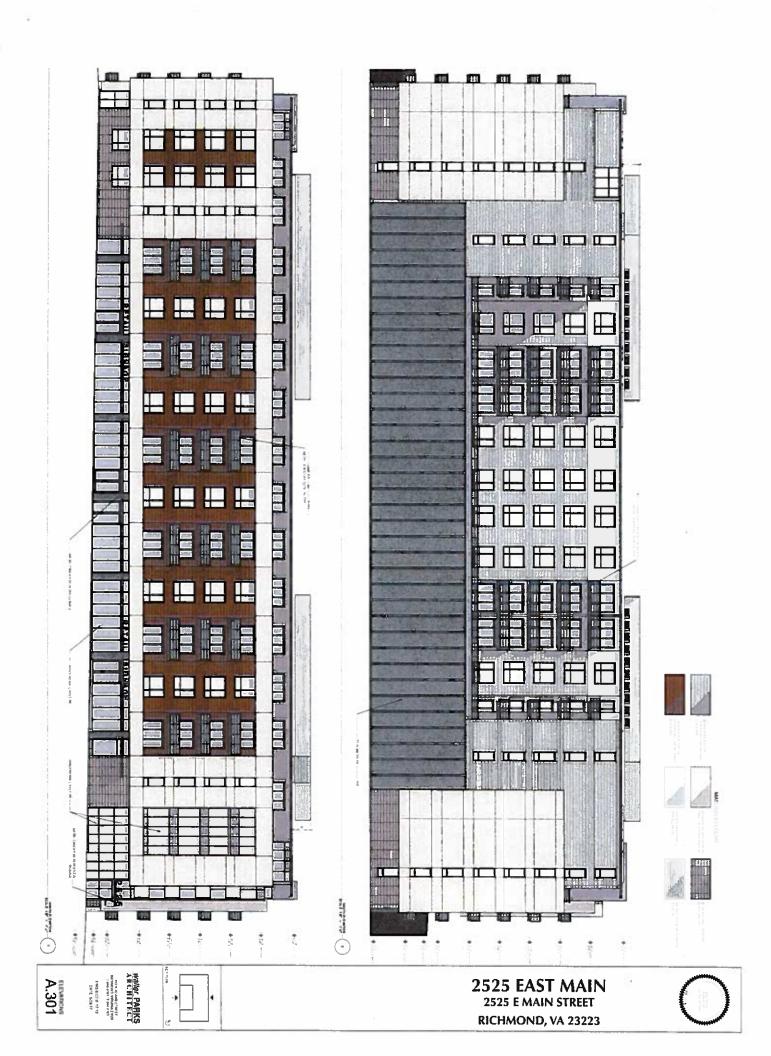


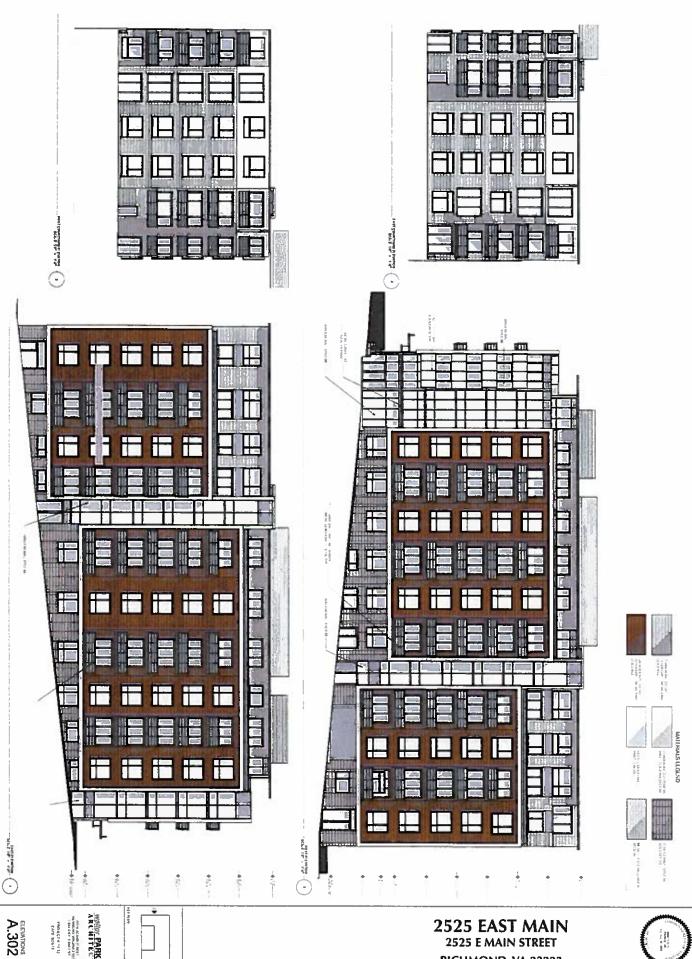




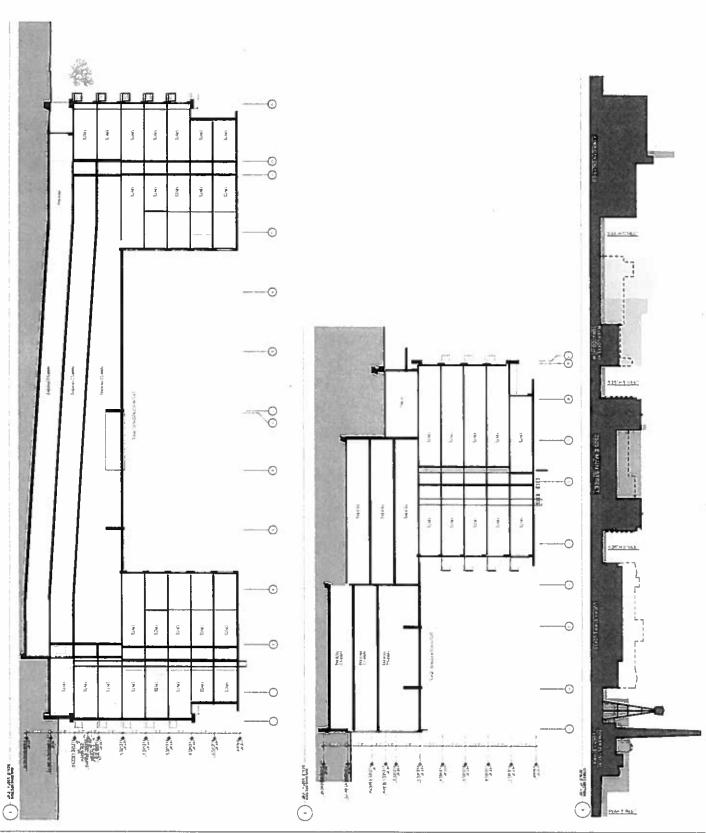












Walter PARKS
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