



TOLEDO-LUCAS COUNTY PLAN COMMISSIONS

ONE GOVERNMENT CENTER, SUITE 1620, TOLEDO, OHIO 43604

PHONE 419-245-1200 FAX 419-936-3730

THOMAS C. GIBBONS, DIRECTOR



DATE: May 10, 2019

REF: SUP-3004-19

TO: President Matt Cherry and Members of Council, City of Toledo

FROM: Toledo City Plan Commission, Thomas C. Gibbons, Secretary

SUBJECT: Amendment to Special Use Permit, originally granted by Ord. 60-06 and 553-09, for site modifications

The Toledo City Plan Commission considered the above-referenced request at its meeting on Thursday, May 9, 2019 at 2:00 P.M.

GENERAL INFORMATION

Subject

| | | |
|----------------|---|--|
| Request | - | Amendment to Special Use Permit, originally granted by Ord. 60-06 and 553-09, for site modifications |
| Location | - | 3301 Upton Avenue |
| Applicant | - | Toledo Public Schools C/O: Diane Mettler 1609 Summit St Toledo, OH 43613 |
| Civil Engineer | - | The Mannik & Smith Group C/O: Jeremey Cook 1800 Indian Wood Circle Toledo, OH 43537 |
| Architect | - | The Collaborative C/O: Rusty Wilke One Seagate, Park Level 118 Toledo, OH 43604 |

GENERAL INFORMATION (cont'd)

Site Description

| | | |
|-------------------|---|---------------------------------|
| Zoning | - | RS6 / Single Family Residential |
| Area | - | ±25.8 acres |
| Frontage | - | ±886' along Upton Avenue |
| Frontage | - | ±809' along Westland Avenue |
| Frontage | - | ±1,264' along ProMedica Parkway |
| Existing Use | - | Education Facilities |
| Proposed Use | - | Education Facilities |
| Overlay | - | None |
| Neighborhood Org. | - | None |

Area Description

| | | |
|-------|---|--|
| North | - | Single Family Homes / RS6 |
| South | - | ProMedica Parkway, Interstate 475 / RS6 |
| East | - | Commercial Land Uses, Single Family Homes / CO |
| West | - | Single Family Homes / RS6 |

Parcel History

| | | |
|--------------|---|--|
| SUP-11003-05 | - | Request for a Special Use Permit for renovations to DeVilbis Academic and Technical Center. Plan Commission recommended approval on 12/1/05, approved by City Council 1/13/06, Ord. 60-06. |
| SUP-4008-09 | - | Request for a Special Use Permit to develop a new McKinley Elementary school. Plan Commission recommended approval on 8/13/09, approved by City Council 9/29/09, Ord. 553-09. |

Applicable Plans and Regulations

- Toledo Municipal Code, Part Eleven: Planning and Zoning Code
- Toledo 20/20 Comprehensive Plan

STAFF ANALYSIS

The applicant is requesting an Amendment to a Special Use Permit, originally granted by Ord. 60-06 and 553-09, for site modifications at 3301 Upton Avenue. The site consists of one (1) parcel comprised of ±25.8 acres of total land area. The site is primarily zoned RS6 Single Family Residential but a small portion that runs along Upton Avenue is zoned CR Regional Commercial.

STAFF ANALYSIS (cont'd)

The most recent Special Use Permit requested for the site was a proposal to develop a new McKinley Elementary School on the rear portion of the site known as the Toledo Technology Academy Campus (Ref# SUP-4008-09). The elementary school serves children in grades K through 5 and contains a total area of 45,217 square feet. The site plan that was submitted depicted thirty-four (34) off street parking spaces and drop off lanes to service parent and bus drop off. The parking area and drop off lane are accessed off of a drive from Upton Avenue.

Surrounding land uses include single family homes to the north of the site. To the east across Upton Avenue is a mixture of landuses that include single family homes as well as commercial business. To the west across Westland Avenue are single family homes, and to the south is the interchange access for ProMedica Parkway and Interstate 475.

Parking and Circulation

The proposed improvements on site are intended to improve circulation, as well as provide improvements to an existing parking lot in need of repair. The "base bid" for the project will consist of re-aligning the existing southern exit-only drive so that traffic moving through the site will no longer drive through the center of the existing parking lot in order to leave the campus. The drive will be slightly widened as well, in order to provide two lanes the entire length to improve stacking for those waiting to turn onto Upton Avenue.

The proposed improvements on the site regarding "alternative #1" will consist of realigning the existing entrance drive, pulling the drive approach slightly south to give more separation between the entrance drive and the pedestrian traffic entering the site. A raised sidewalk will be added along with a four (4') foot decorative fence separating the walk from the drive. These improvements are intended to improve safety as well as improve the aesthetics of the entrance.

The proposed improvements on the site regarding "alternative #2" will consist of extending the raised walkway and decorative fence the rest of the way down to McKinley Elementary. Other improvements involve the repaving and restriping the existing parking lot. Landscaping islands will be added in order to improve traffic circulation and by providing an oversized landscape island that will provide additional green space and improve the aesthetics of the parking lot.

The parking area that is to be improved currently offers sixty-two (62) parking spaces. Following the proposed improvements the parking area will offer eighty-nine (89), a net gain of twenty-seven (27) spaces. Pursuant to TMC§1107.0302 *Parking, Loading, and Access*, no use may provide more than 150 percent of any of the minimum off-street parking ratios of parking Schedule A. The submitted site plan is in compliance.

STAFF ANALYSIS (cont'd)

Parking and Circulation (cont'd)

A portion of the total number of required off-street parking spaces in each off-street parking area must be specifically designated, located, and reserved for use by persons with physical disabilities. According to TMC§1107.1701 – *Number of Required Parking Spaces for Persons with Disabilities*, the applicant is required to provide at least three (3) accessible parking space for persons with physical disabilities. The site plan submitted depicts four (4) accessible parking spaces close to the entrance and is in compliance with this regulation.

Bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule “A” (TMC§1107.0300). Off-Street Parking Schedule “A” requires one (1) bicycle parking slot per ten (10) parking spaces. Calculations conclude that a total of nine (9) bicycle parking slots are required. The site plan submitted does not depict compliance with this regulation. Listed as a condition, a revised site plan will be required to show compliance with the appropriate number of bicycle parking spaces.

Landscaping

The applicant is proposing to install three (3) stormwater management devices to be located throughout the site. An underground stormwater detention facility will be installed under the parking area known as “alternate 2” and two (2) above ground stormwater management systems to be located along Upton Avenue. A stormwater treatment facility is a device installed or constructed to reduce or control stormwater peak runoff rate or to reduce stormwater contaminants. Designs incorporating low impact development solutions, such as grassy swales and bio-retention areas in lieu of curb, storm sewers, and underground detention, are encouraged and may be eligible for a percent reduction in the property’s stormwater utility fee through the Stormwater Credit Program. A stormwater treatment facility area shall meet the approval of the City of Toledo’s Division of Engineering Services and Division of Environmental Services.

Landscape areas within the parking area must be peninsular or island types and must be constructed with 6 inch by 18 inch concrete curbing, cast-in-place, extruded, or by some other process approved by the Planning Director, to minimize damage to plant material. Landscape terminal islands must be provided at the end of each parking row. Two (2) canopy trees are required to be installed in interior landscape areas for every ten (10) parking spaces within the parking lot. Additionally, six (6) shrubs are required to be installed in interior landscape areas for every ten (10) parking spaces within the parking lot. The landscape plan submitted is in compliance with these requirements.

STAFF ANALYSIS (cont'd)

Toledo 20/20 Comprehensive Plan

The Toledo 20/20 Comprehensive Plan targets this site for IC Institutional Campus land uses. The purpose of the Institutional Campus district is to accommodate large institutional uses in campus-like settings, such as hospitals, schools and colleges. The IC district is intended to promote and enhance the development and expansion of medical, educational and other large institutional uses while minimizing the adverse impacts that can result when such uses are located near residential neighborhoods. The proposed site improvements conforms to the intent of this zoning designation.

Staff recommends approval of the site improvements because the proposed the proposed site improvements use will not negatively affect the value of other property in the neighborhood in which it is located and the proposed use will not have adverse land or environmental impacts. Additionally, the proposed use complies with the Toledo 20/20 Comprehensive Plan.

PLAN COMMISSION RECOMMENDATION

The Toledo City Plan Commission recommends approval of SUP-3004-18, a request for a Special Use Permit for an Amendment to Special Use Permit, originally granted by Ord. 60-06 and 553-09, for site modifications for the property located at 3301 Upton Avenue, to the Toledo City Council, for the following three (3) reasons:

1. The proposed use will not negatively affect the value of other property in the neighborhood in which it is located (TMC§1111.0706.D).
2. The proposed use will not have adverse land or environmental impacts (TMC§1111.0706.F).
3. The proposed use complies with the Toledo 20/20 Comprehensive Plan.

PLAN COMMISSION RECOMMENDATION (cont'd)

The Toledo City Plan Commission recommends approval of SUP-6008-18, a request for a Special Use Permit for an Amendment to Special Use Permit, originally granted by Ord. 60-06 and 553-09, for site modifications for the property located at 3301 Upton Avenue, to the Toledo City Council, subject to the following **thirty-eight (38)** conditions:

The following conditions are listed by agency of origin. Applicants are encouraged to contact each of the agencies to address compliance with their conditions.

Engineering Services

1. A pre-submittal meeting is not required, however one may be requested. Contact information is as follows:

Division of Engineering Services: ph. 419-245-1315, fax 419-936-2850

Right-of-Way and Inspection: Joe Warnka 419-245-1341

Roadway: Tim Grosjean, ph. 419-245-1344

Water: Andrea Kroma, ph. 419-936-2163

Stormwater Drainage: Lorie Haslinger, ph. 419-245-3221;

Andy Stepnick 419-245-1338

Sanitary Sewers: Mike Elling, ph. 419-936-2276

2. All **existing substandard** sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way abutting the site shall be replaced/upgraded to conform to current City of Toledo Construction Standards, Specifications, Toledo Municipal Code, and Americans with Disabilities Act Guidelines.
3. All **proposed** sidewalk, drive approaches, curb, and pedestrian curb ramps within the public right-of-way shall be constructed in accordance with the City of Toledo Construction Standards, Specifications, Toledo Municipal Code, and Americans with Disabilities Act guidelines.
4. All **commercial drive approaches, (along with the sidewalk through the drive) shall be constructed with 8" thick concrete per City of Toledo Construction Standards and Specifications.** No curb shall be permitted in the right-of-way along either side of a drive approach. **No horizontal curb cutting will be permitted to create a curb drop/opening.** Existing drive approaches, including the curb drop, that will no longer be utilized shall be removed and restored with curb to match the adjacent curb.

PLAN COMMISSION RECOMMENDATION (cont'd)

Engineering Services (cont'd)

5. Required permits for all approved work in the public right-of-way shall be obtained, before work begins, from One Stop Shop, (419) 245-1220.

Contact Joe Warnka at (419) 245-1341 for inspection of above mentioned items.

6. Water service is available subject to the Rules and Regulations of the Department of Public Utilities.
7. Detailed plans for the fire hydrant relocation shall be submitted to the Division of Engineering Services for review and approval. Plan design and submittal shall comply with the current version of the City of Toledo DPU Infrastructure Design and Construction Requirements.
8. Show existing water service lines and proposed modifications to the water service lines on the utility plan.
9. The current version of "WATER GENERAL NOTES FOR CITY OF TOLEDO PRIVATE WATER MAINS, FIRE LINES AND LARGE SERVICES" shall be included on the plans and can be obtained from the City of Toledo Division of Engineering Services.
10. Contractors performing work on new or existing fire systems shall be licensed by the State of Ohio Fire Marshall and certified by the City of Toledo Fire & Rescue Department.
11. Submit plans for stormwater review & approval, in compliance with the latest version of the City of Toledo's Infrastructure Design and Construction Requirements <http://toledo.oh.gov/services/public-utilities/engineering-services/plan-review-process/>. Include the following items that are not included in the current submittal:
 - A Stormwater Pollution Prevention Plan (SWP3) – including a completed submittal cover sheet, contact list, contractor certification form and Ohio EPA SWP3 checklist. The links to these documents can be found at <http://www.tmacog.org/storc/swp3.htm>.
 - Long term maintenance plan and maintenance agreement for Detention and Post-Construction BMP's for long term maintenance of the private facilities. Stormwater Detention and Post-Construction BMP's are required to be maintained into perpetuity.

PLAN COMMISSION RECOMMENDATION (cont'd)

Engineering Services (cont'd)

12. City of Toledo does not have a complete record for the existing storm sewer system on site and per the City's MS4 permit all storm sewers must be mapped. It appears that the plan commission submittal may contain some of that information. The City of Toledo will use this to update our records, however if it is found that additional information is needed, the Developer/Owner/Consultant shall be required to provide that information. A copy of the City of Toledo's current records of the private storm sewer can be provided for reference.
13. No construction work, including any earth disturbing work will be permitted without approved plans.
14. The Underground Detention System (UDS) is a proprietary system, which has specific requirements:
 - The Contractor / Project Owner shall have a representative of the proprietary manufacturer on-site to advise contractor on installation procedure.
 - The Contractor / Project Owner will provide the City of Toledo with as-built plan sheets certifying the correct installation and function of the system.
 - The site designer's maintenance plan shall be reviewed and approved by the proprietary system manufacturer prior to submitting to the city for review and approval.
15. The site appears eligible for a percent reduction in the property's stormwater utility fee through the Stormwater Credit Program, because it incorporates low impact development solutions such as grass swales. Application instructions are at <http://toledo.oh.gov/services/public-utilities/engineering-services/stormwater-utility-credit-program/>

Sewer & Drainage Services

16. S&DS requires that all private sewer lines that are not being removed or properly abandoned (both storm and sanitary) be cleaned and inspected.
17. S&DS requires that the private sanitary lines (after they have cleaned) that are not being removed or properly abandoned be televised from the building (or private cleanout) to where they connect with the public sewer system if this has not been done in the past (2) two years. An electronic copy (DVD/memory stick) shall be provided to S&DS demonstrating the lines cleaning and integrity.

PLAN COMMISSION RECOMMENDATION (cont'd)

Environmental Services

18. Applicant shall maintain compliance with the City of Toledo's Stormwater regulations as specified in the Toledo Municipal Code.
19. Applicant shall maintain compliance with Ohio EPA's General Stormwater NPDES permit programs.
20. Any green infrastructure measures that can be included to minimize runoff and increase infiltration are highly advisable.
21. Applicant shall maintain compliance with the City of Toledo's stormwater regulations as specified in the Toledo Municipal Code. Special attention must be paid to all potential stormwater impacts from the facility, including but not limited to long-term operation and maintenance of both structural and non-structural Best Management Practices.
22. Any effort made to plant non-invasive trees, shrubs, and perennials is highly encouraged.
http://ohiodnr.gov/portals/0/pdfs/invasives/Alternatives_to_Ohio_Invasive_Plant_Species
23. Applicant shall maintain compliance with the City of Toledo and the State of Ohio's Air Quality Regulations applicable in the Toledo Municipal Code and the Ohio Administrative Code including, but not limited to the Anti-Noise Laws and Asbestos abatement.

Fire Prevention

No comments or concerns

Transportation

No comments or concerns

Plan Commission

24. Dumpster location(s) shall be clearly defined, have a concrete pad and be surrounded by an enclosure constructed of high quality materials. Arborvitae, as indicated on the landscape plan shall be maintained around the dumpster indefinitely. **(Dumpster enclosure and landscaping is acceptable as depicted on site plan).**

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

25. Dumpster/Trash Receptacle Screening states that a dumpster may not be in any required setback or landscape buffers and shall be located as far away from residential areas as possible. **(Acceptable as depicted on site plan).**
26. All four (4) sides of the dumpster must be screened and screening must be a minimum height of six (6) feet in height. Screening materials can be any combination of evergreen plantings, fence or wall structure. Screening should be incorporated into access to the dumpster by using a wooden fence or other opaque device to serve as a gate. **(Acceptable as depicted on site plan).**
27. Off-street parking and loading spaces, parking lots, maneuvering areas, aisles and driveways must be surfaced with concrete, bituminous asphalt, or other dust-free material other than gravel or loose fill, and be graded to drain all surface water towards the interior of the parking lot or to a stormwater treatment facility subject to the regulations approval of the Department of Public Utilities. **(Acceptable as depicted on site plan).**
28. The Planning Director may authorize all or a portion of the required off-street parking spaces (not to include drive aisles) to be provided on permeable/porous surfaces subject to the criteria outlined in TMC§1107.1407(F).
29. All spaces reserved for the use by persons with physical disabilities shall adhere to the standards outlined in TMC§1107.1700. **(Acceptable as depicted on site plan).**
30. Bicycle parking slots shall be provided pursuant to Off-Street Parking Schedule "A" (TMC§1107.0300). **(Applicant indicated that 54 spaces are available).**
31. Lights and lighting fixtures used to illuminate any parking or loading area must be selected and arranged to direct and reflect the light from any adjacent residential property and public ways and away from the sky above the light fixture (TMC§1107.7908).
32. Parking lots must be maintained in a safe operating condition so as not to create a hazard or nuisance. All materials used in the construction of paving, lighting fixtures, retaining walls, fences, curbs, and benches must be continuously maintained and kept free of debris and hazard (TMC§1107.1909).

PLAN COMMISSION RECOMMENDATION (cont'd)

Plan Commission (cont'd)

33. Litter receptacle(s) shall be provided for the use of parking area users and others. Litter receptacle(s) are treated as accessory structures and must be maintained according to the requirements of the Toledo-Lucas County Health Department.
34. A detailed site, lighting, fencing and four (4) landscaping plans separate from the building plans shall be submitted to the Plan Director for review and approval. Such plan shall include:
 - a. stormwater treatment facility area shall meet the approval of the City of Toledo's Division of Engineering Services and Division of Environmental Services;
 - b. Traditional detention/retention ponds are prohibited in the frontage greenbelt.
 - c. If located in the frontage greenbelt the stormwater facility may only occupy up to 50% of the actual available green space. **(Acceptable as submitted on the landscape plan).**
 - d. The land owner, or successors in interest, or agent, if any, or lessee must be jointly responsible for the regular maintenance of the stormwater treatment facility. Stormwater treatment facilities not properly maintained shall be a violation of this code and may also be subject to fees and penalties as set forth in TMC 941.
 - e. Topsoil must be back filled to provide positive drainage of the landscape area. **(Acceptable as depicted on landscape plan);**
 - f. Landscaped areas may not contain bare soil, aggregated stone or decorative rock. Any ground area must be covered with hardwood mulch, grass or other vegetative ground coverage. **(Acceptable as submitted on landscape plan);**
 - g. Landscaped terminal islands must be provided at the end of each parking row. **(Acceptable as submitted on landscape plan);**

PLAN COMMISSION RECOMMENDATION (cont'd)

- h. Landscape terminal islands must be provided at the end of each parking row. Two (2) canopy trees are required to be installed in interior landscape areas for every ten (10) parking spaces within the parking lot. Additionally, six (6) shrubs are required to be installed in interior landscape areas for every ten (10) parking spaces within the parking lot. **(Acceptable as submitted on landscape plan);**
 - i. The location, number, height, diameter and species of any materials to be planted and maintained, as well as the location and number of any existing trees to be retained, trees, shrubs, and landscape materials shall meet the standards included in TMC§1108.0400 Landscape Materials Standards and the State of Ohio Department of Agriculture's invasive plant list **(Acceptable as depicted on site plan);**
 - j. All landscape material must be properly maintained. No approved plant material shall be removed for any reason without being replaced with like kind, or without submitting a revised landscape plan to the Planning Director for review or approval.
 - k. The land owner, or successors in interest, or agent, if any, or lessee must be jointly responsible for the regular maintenance of all landscape materials as well as any plant material removed.
 - l. The location, type and direction of any proposed lighting. The lighting is subject to the approval of the Director of the City of Toledo Plan Commission, lights are to be directed away from adjacent residential properties.
35. The Special Use Permit may be reviewed for compliance with the conditions of approval, negative secondary effects, and adherence to all requirements of the Toledo Municipal Code. If outstanding issues are found and not addressed the Special Use Permit may be considered for revocation.
36. A Bond of Performance or suitable assurance acceptable to the Division of Inspection valid for a period of two (2) years shall be posted with the Commissioner of Inspection providing for the installation of required landscaping within one (1) year. Landscaping shall be installed & maintained indefinitely.
37. Minor adjustments to the site plan that do not violate the above conditions, or the Toledo Municipal Code, may be reviewed and approved by the Director of the Toledo City Plan Commission.

TO: President Matt Cherry and Members of Council
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PLAN COMMISSION RECOMMENDATION (cont'd)

38. No permits shall be issued until arrangements satisfactory to the Director of the City of Toledo Plan Commission have been made for compliance with the conditions as set forth above.

Respectfully Submitted,



Thomas C. Gibbons
Secretary

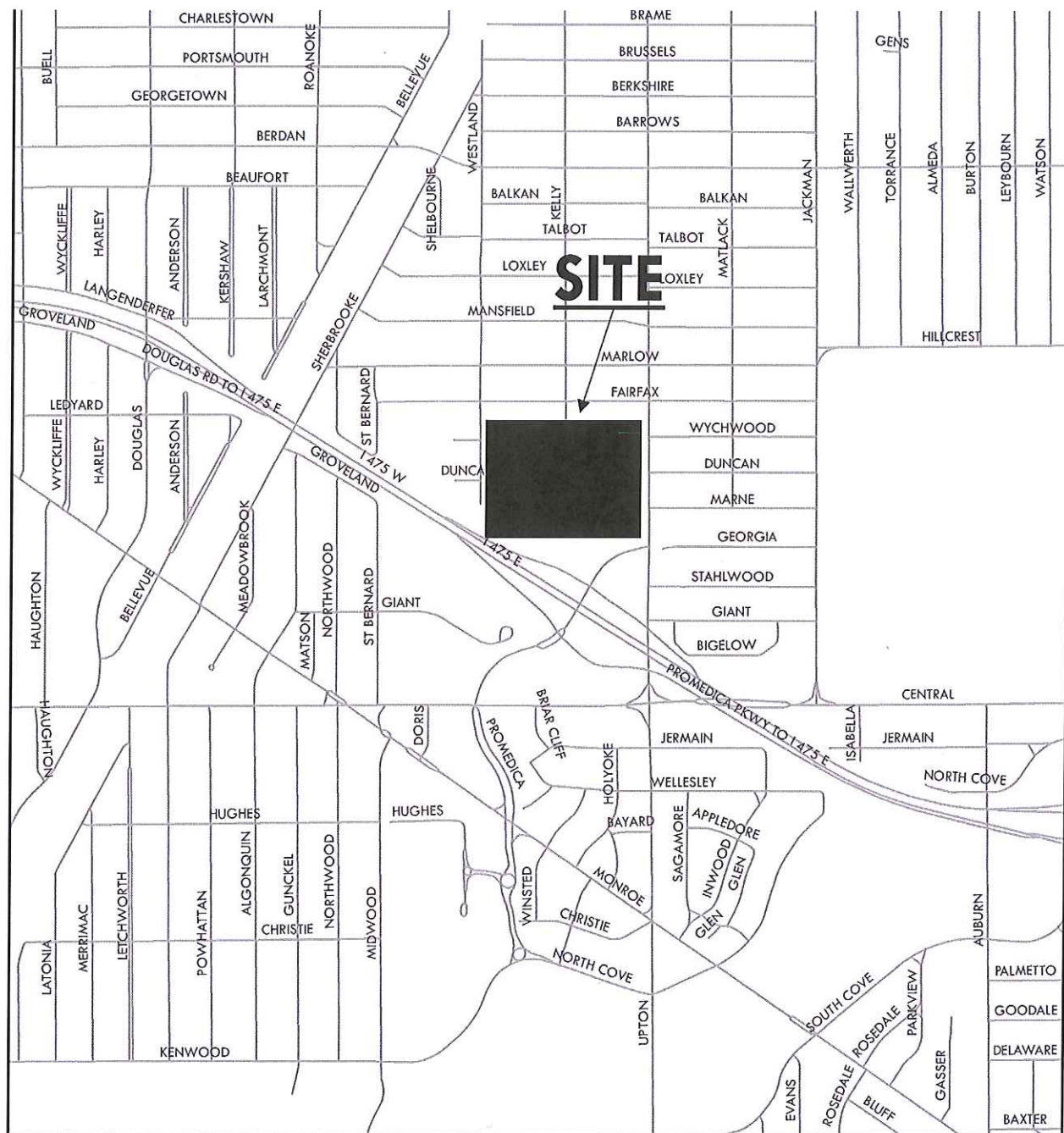
GP
Eleven (11) sketches follow

CC: The Mannik & Smith Group, C/O: Jeremey Cook, 1800 Indian Wood Circle, Toledo, OH 43537
The Collaborative, C/O: Rusty Wilke, One Seagate, Park Level 118, Toledo, OH 43604

Lisa Cottrell, Administrator
Gyasi "JC" Pullum, Planner

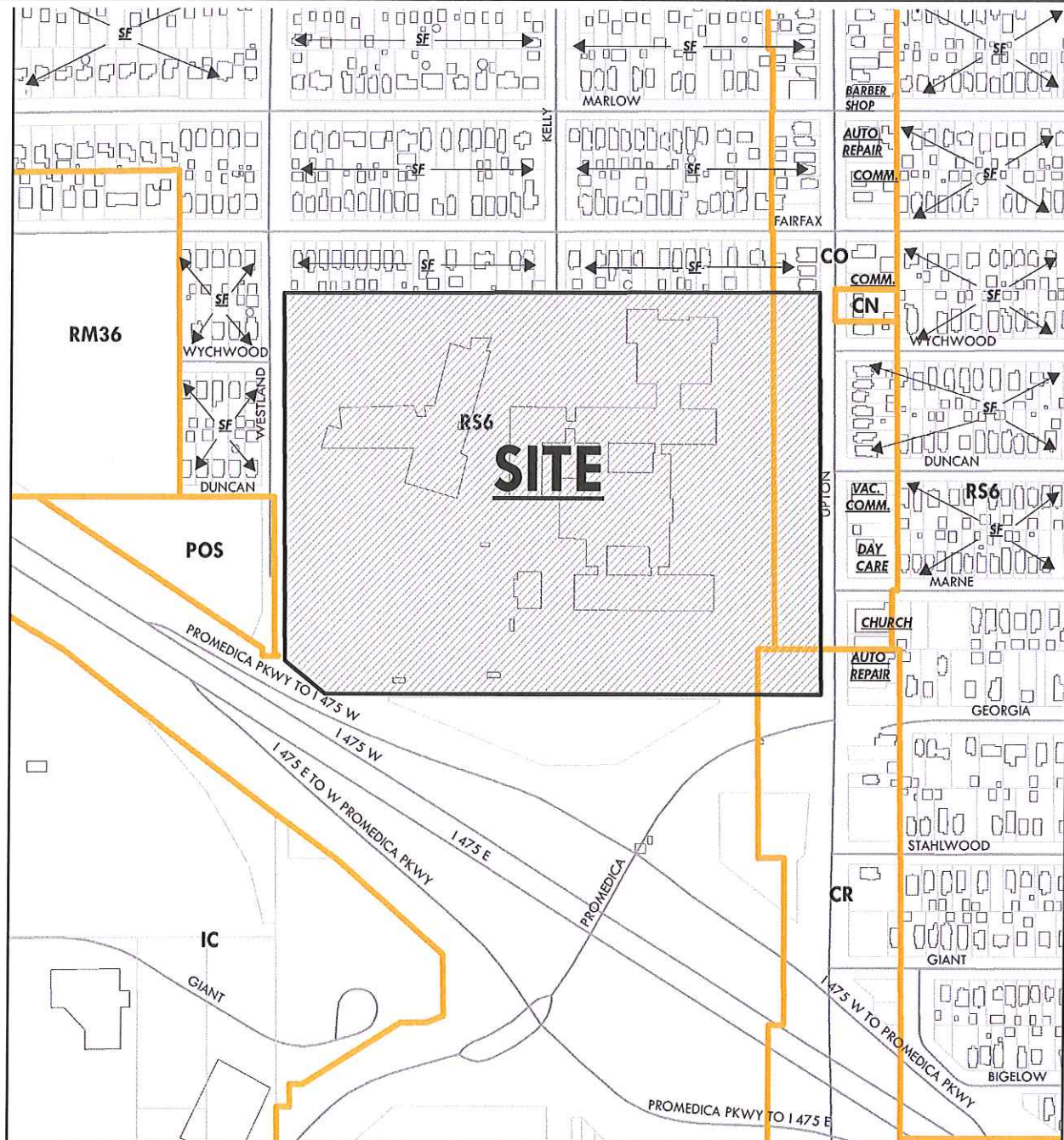
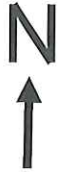
GENERAL LOCATION

SUP-3004-19
ID 45



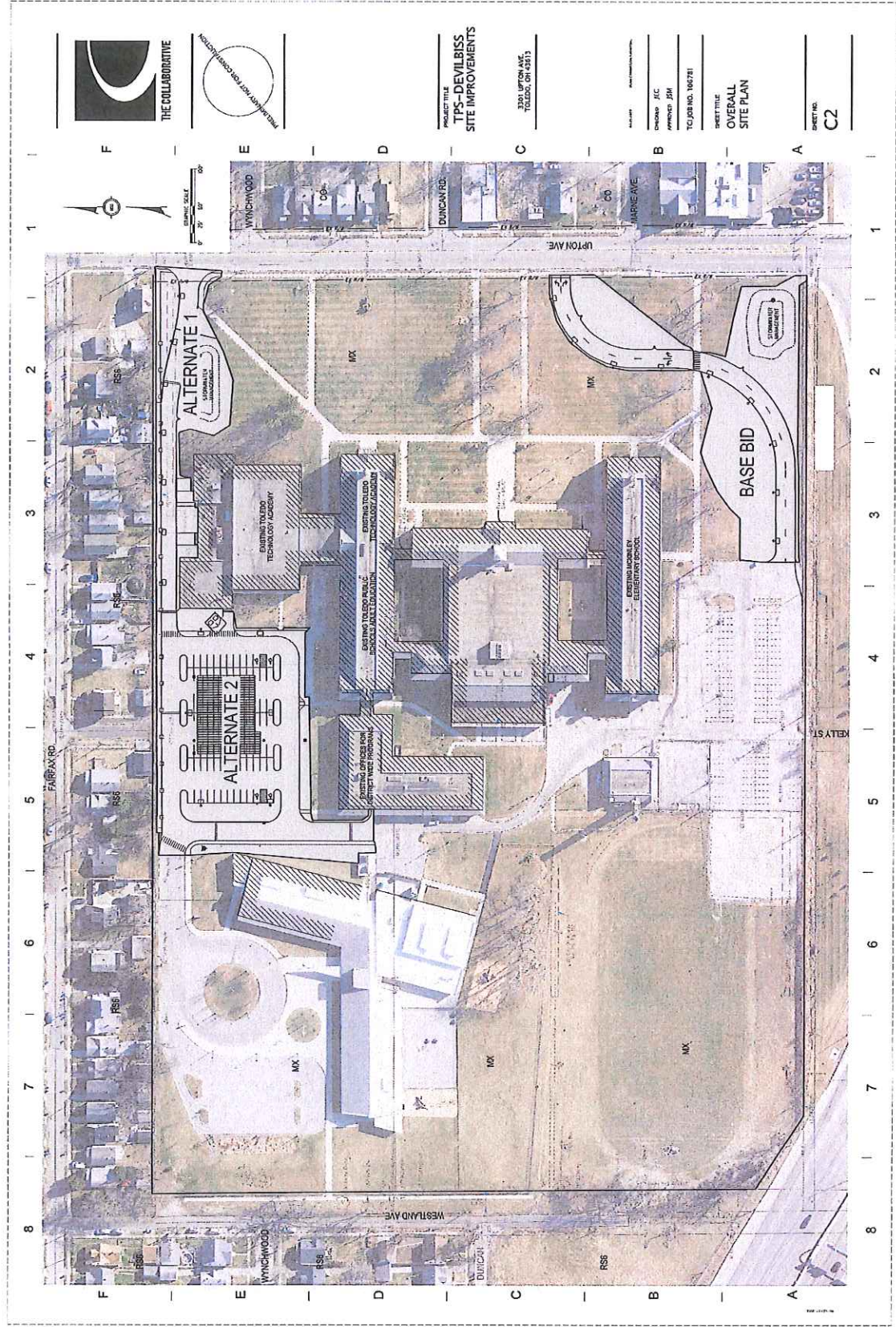
ZONING AND LAND USE

SUP-3004-19
ID 45

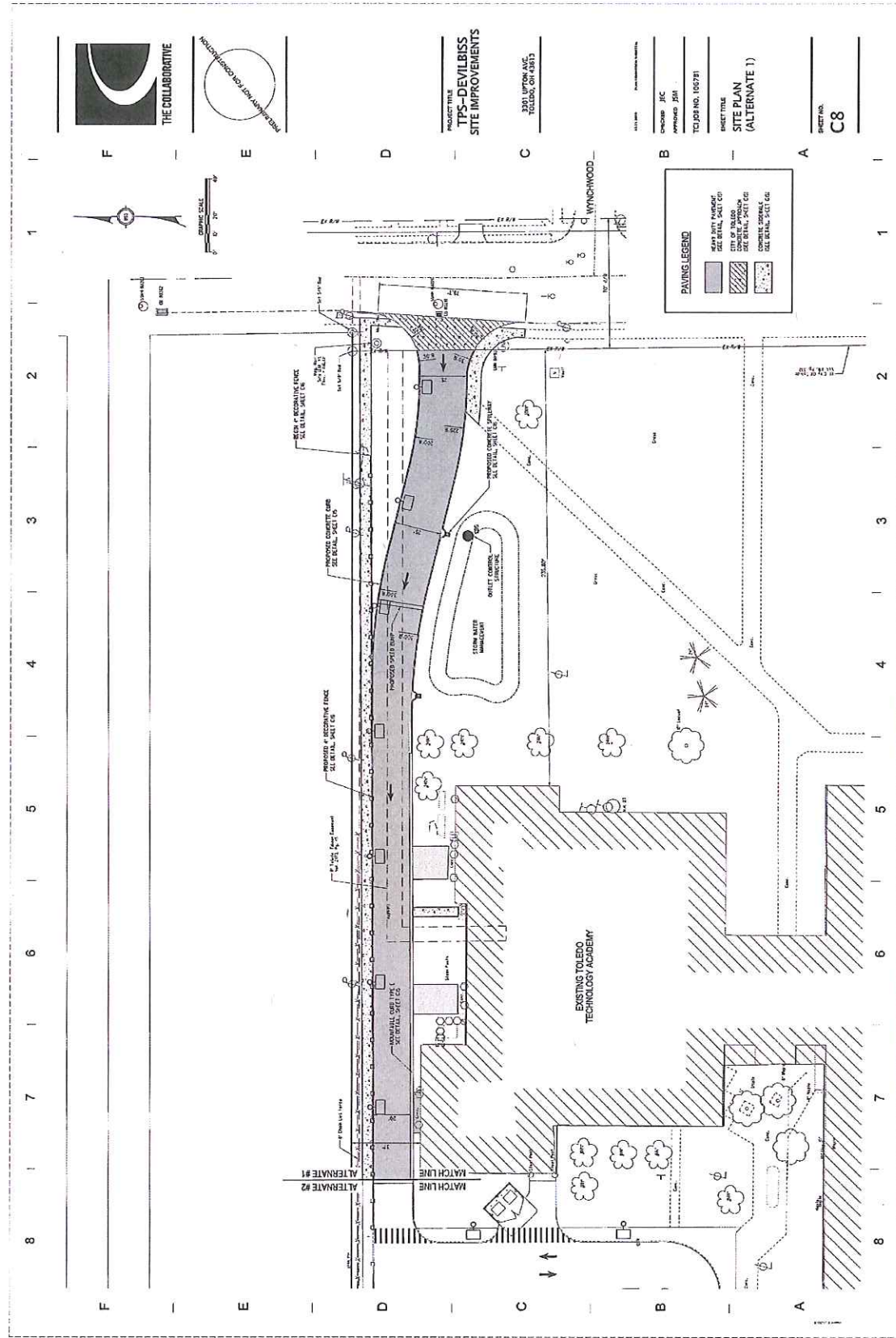
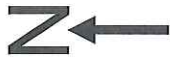


SITE PLAN

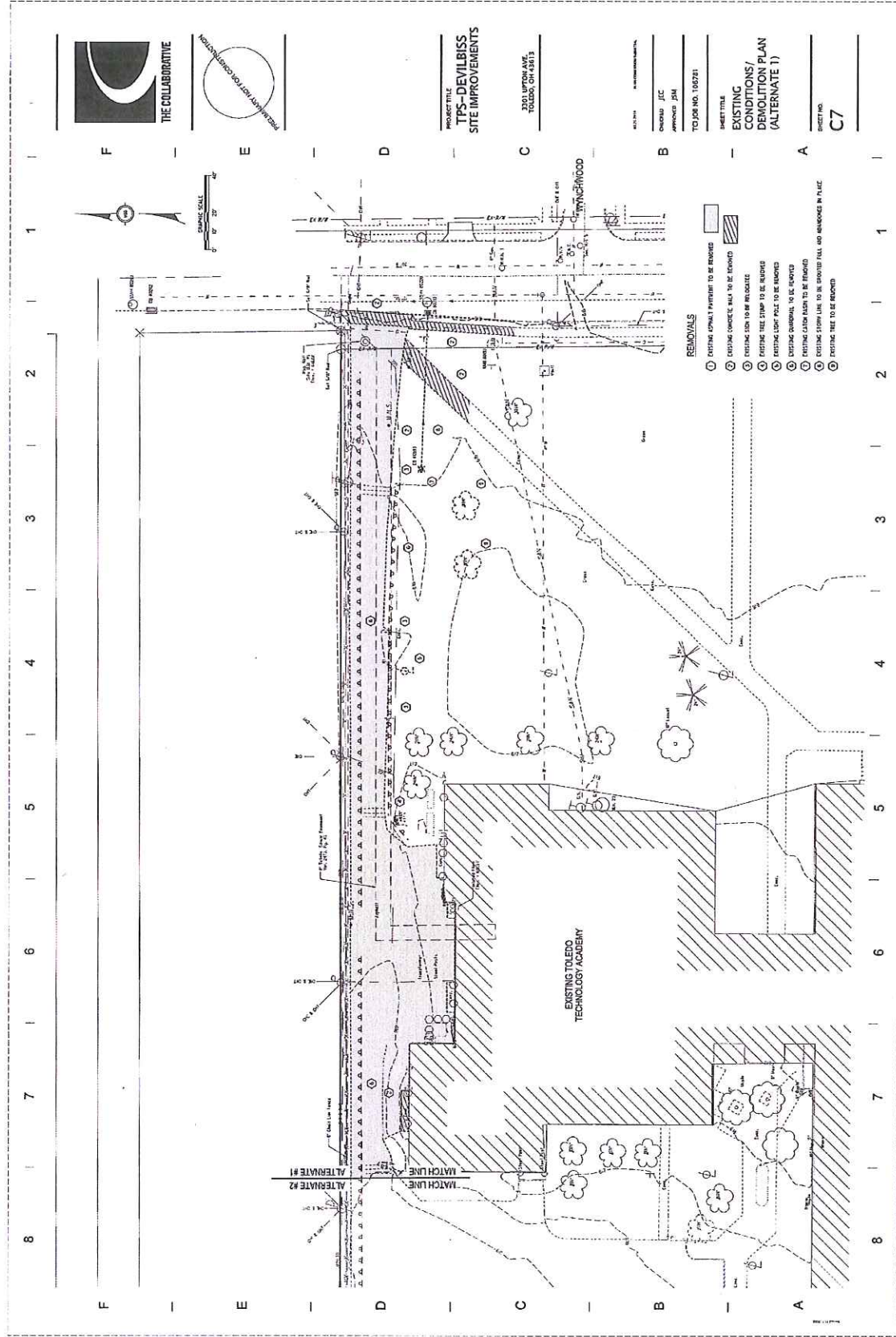
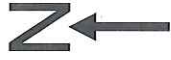
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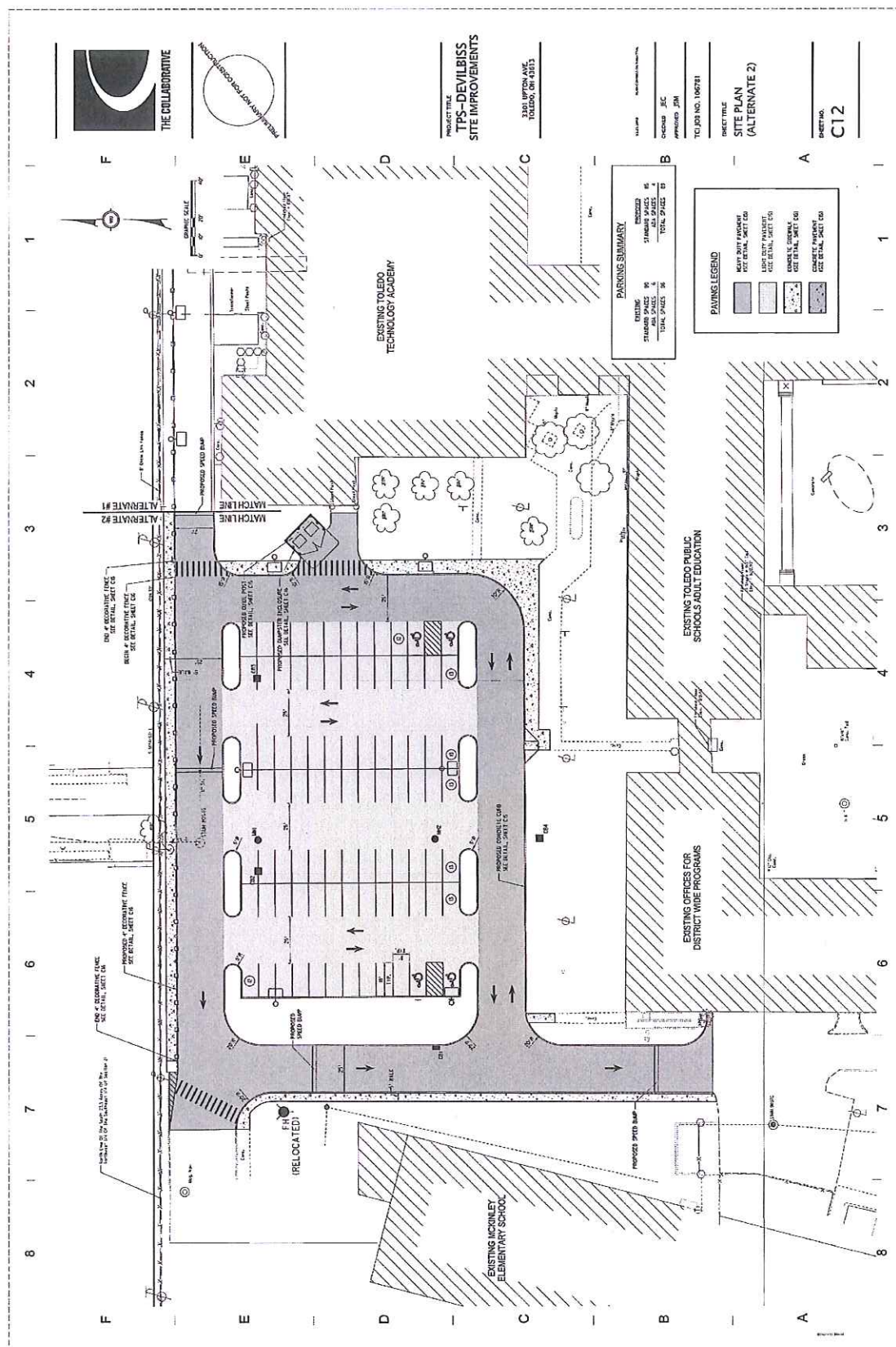
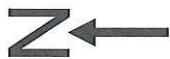
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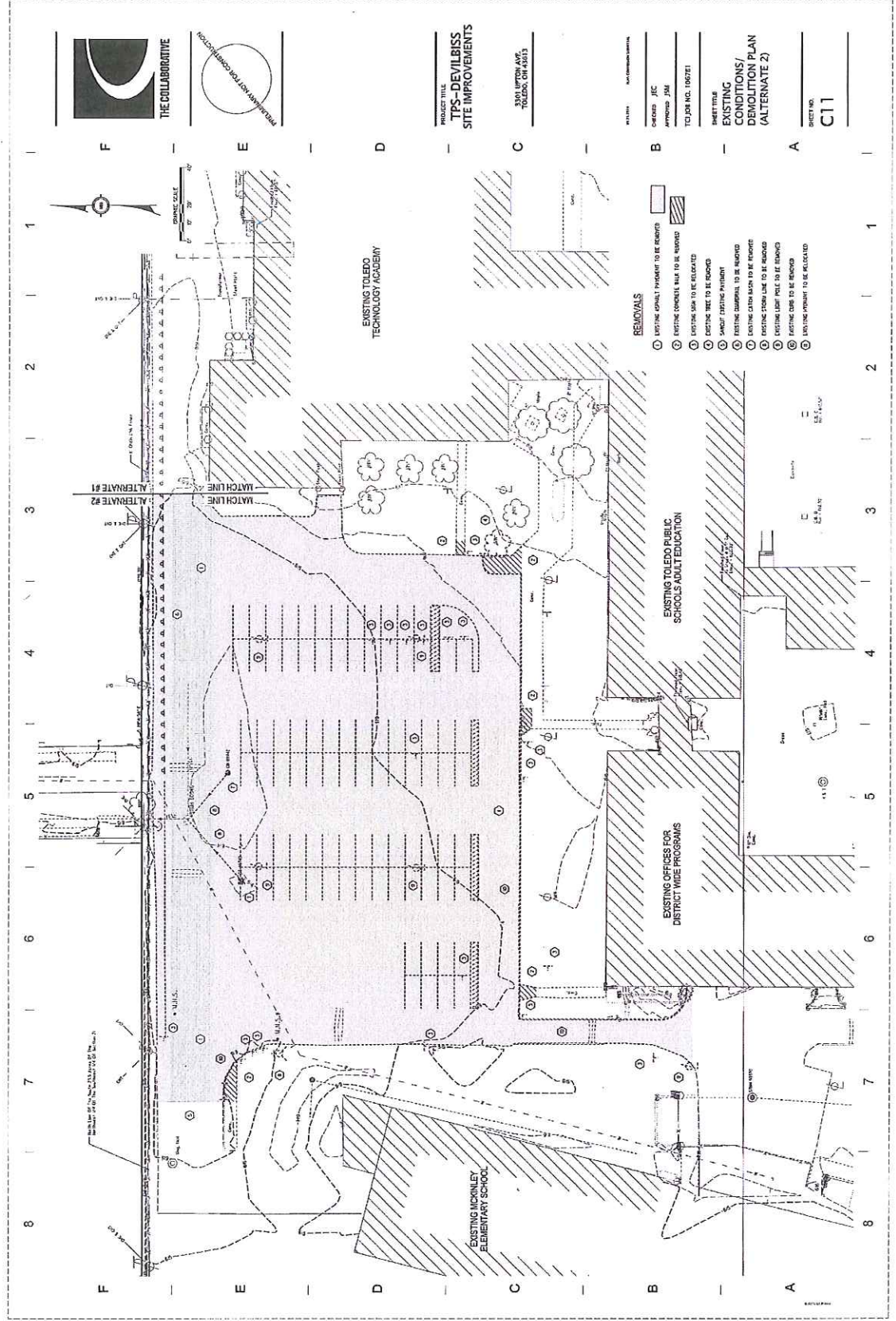
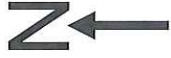


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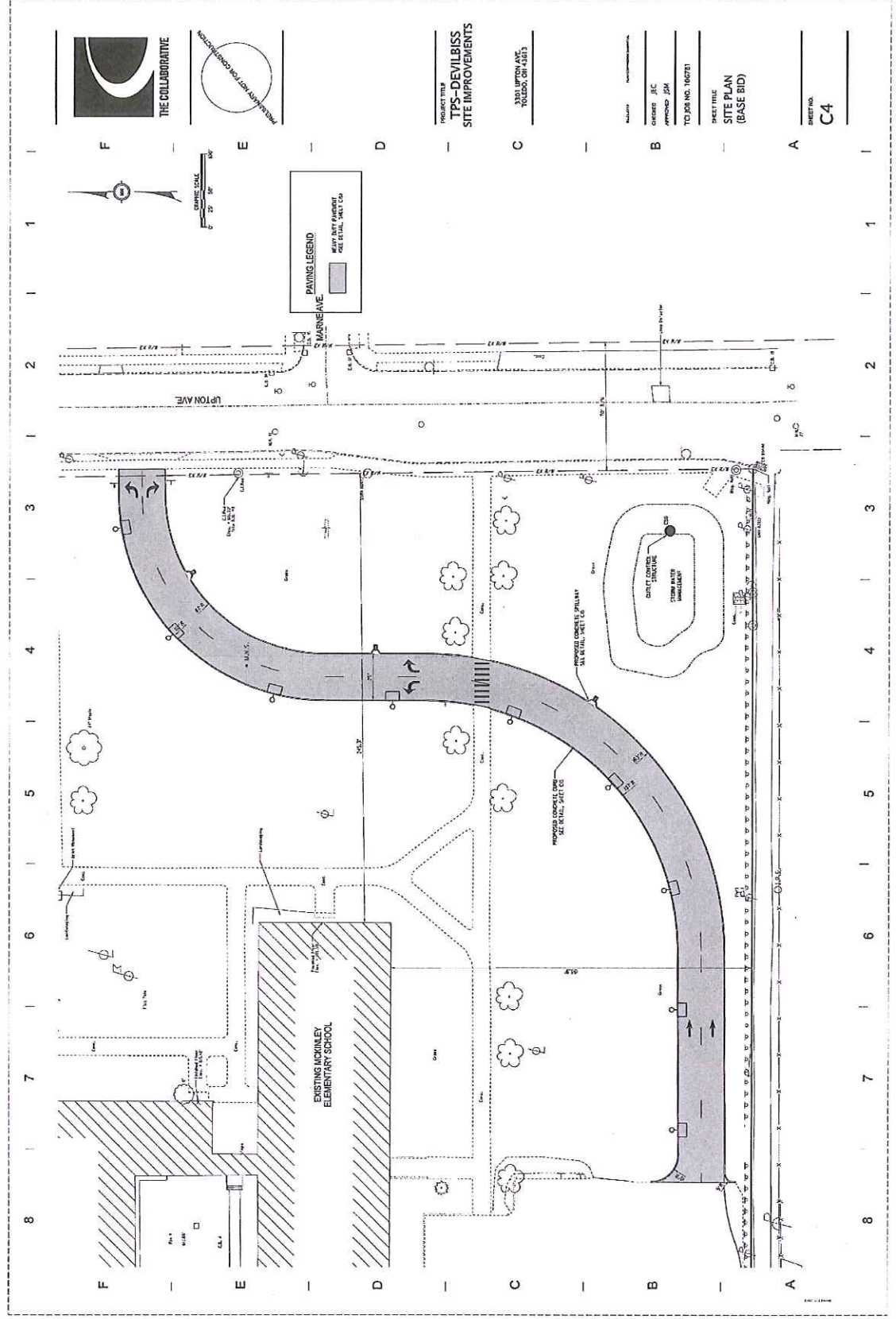
ALTERNATE 2 EXISTING CONDITIONS

SUP-3004-19
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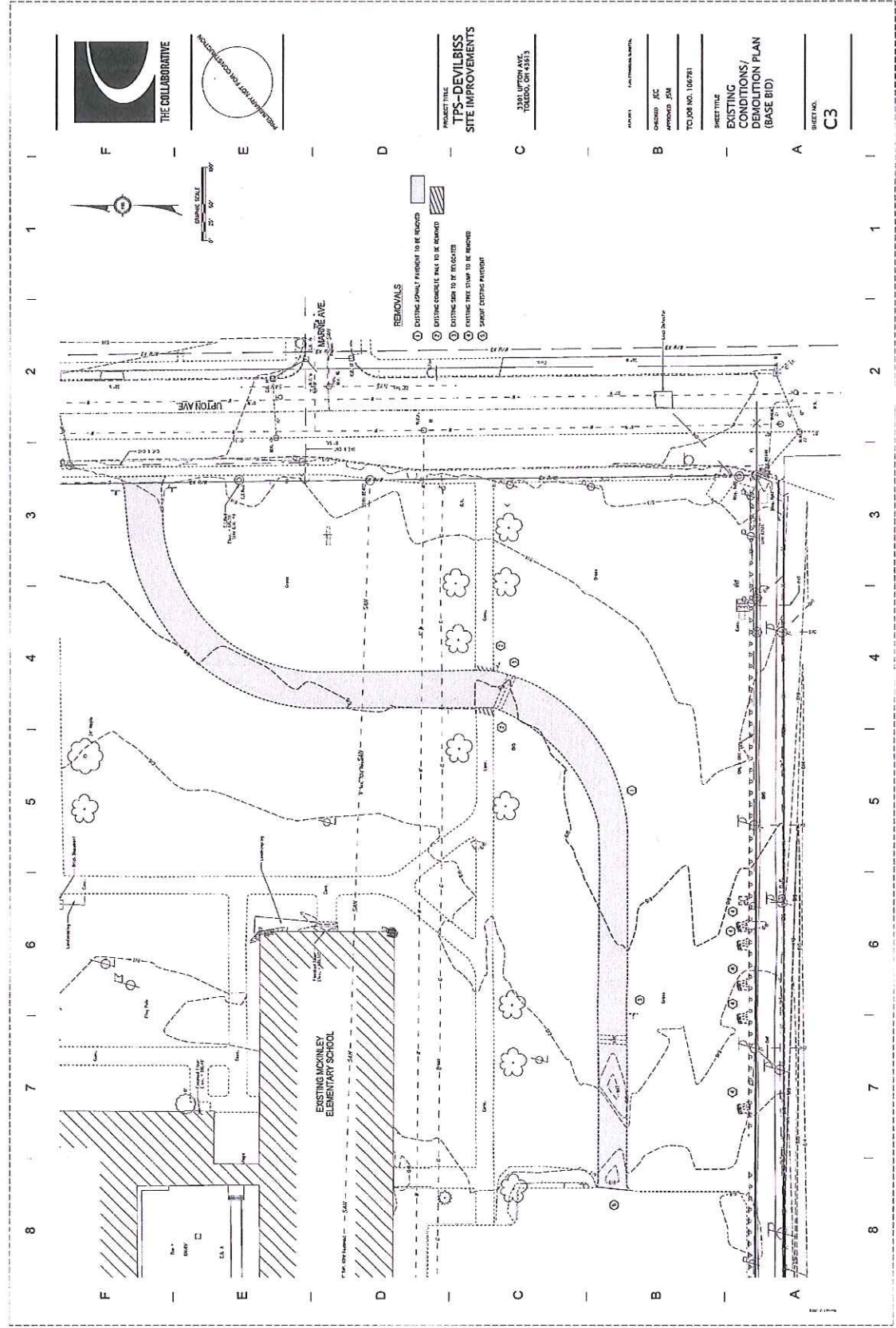
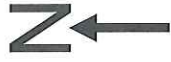


BASE BID PROPOSED SITE PLAN

SUP-3004-19
ID 45

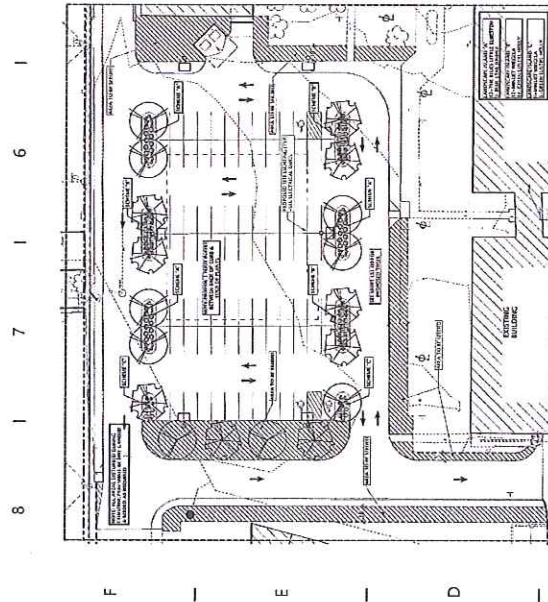
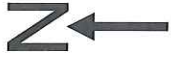


SUP-3004-19
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ENLARGED LANDSCAPE PLANS

SUP-3004-19
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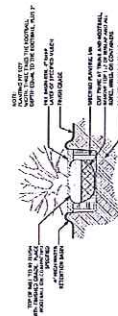


ALTERNATE #2 - NORTHWEST AREA

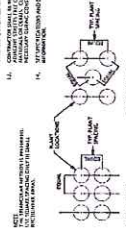
ALTERNATE #2 PLANT SCHEDULE:

| TREE- | | | | |
|------------------|--------------------------------------|-------------------|---------|----------|
| 9 | Nyssa sylvatica | Black Tupelo | 2" Cal. | B&B |
| 9 | Tilia cordata 'Corzani' | Corzani Linden | 2" Cal. | B&B |
| SHRUBS & GRASSES | | | | |
| 52 | Illex crenata 'Green Leaf' | Green Holly | 1 1/2" | B&B |
| 27 | Juniperus horizontalis 'Blue Star' | Blue Star Juniper | 1 1/2" | #2 Cont. |
| 35 | Schubertinia coccinea 'Thalita Blue' | Thalita Blue | 1 1/2" | #2 Cont. |
| 40 | Wrightia Florida 'Sunset' | Sunset Nettle | 1 1/2" | B&B |

NOTE: CONTRACTOR TO VERIFY ALL QUANTITIES



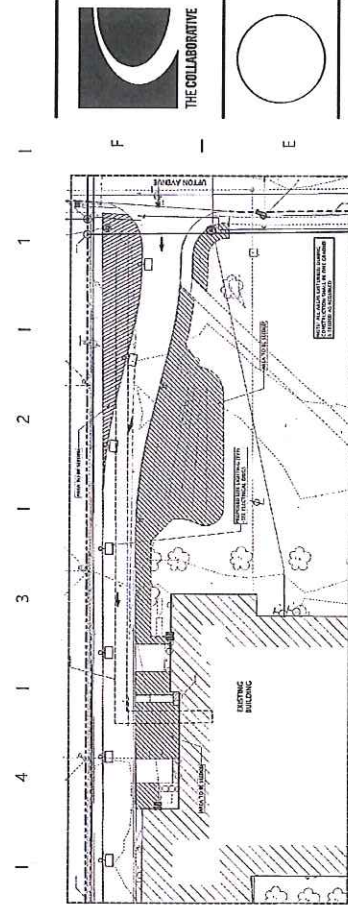
A7 B&B SHRUB PLANTING DETAIL



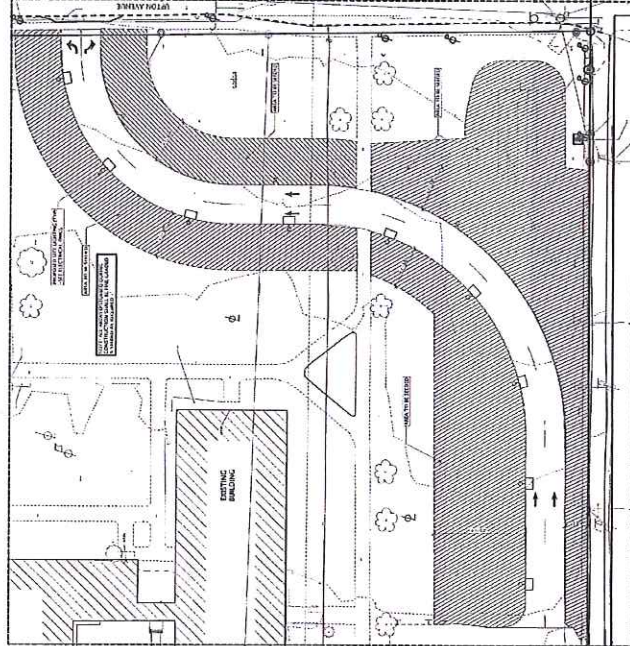
A5 SHRUB SPACING DETAIL

LANDSCAPE NOTES:

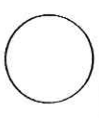
1. VERIFY ALL QUANTITIES AND SPECIFICATIONS WITH THE ARCHITECT.
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ALTERNATE #1 - NORTHEAST AREA



BASE BID - SOUTHEAST AREA



TPS-DEVILBISS
SITE IMPROVEMENTS

350 UPTON AVENUE
TAMPA, FL 33609

| DATE | BY | APP'D | REV |
|---------|----------|----------|-----|
| 10/1/19 | J. Smith | J. Smith | 1 |

TO JOB NO. 186781

ENLARGED
LANDSCAPE PLANS

SHEET NO.
LST.01

SUP-3004-19
ID 45

