

**SITE PLAN REVIEW AND APPEARANCE BOARD  
MEMORANDUM STAFF REPORT**

**Applicant:** Delray Beach Holdings

**Project Name:** Martini Property

**Project Location:** The request is in conjunction with the construction of a parking area and cross access to the north-south public alley from SE 4<sup>th</sup> Avenue (approximately 0.14 acres) at 59 SE 4<sup>th</sup> Avenue.

**ITEM BEFORE THE BOARD**

The action before the Board is to consider the Class V Site Plan and Landscape Plan for a parking area and cross access easement for the Martini Property associated with the Fourth and Fifth Delray (iPic Movie Theater) project.

**BACKGROUND/DESCRIPTION**

At its meeting of December 16, 2015, the SPRAB considered and postponed action on the site plan and landscape plan mentioned above.

The site plan has been revised per the SPRAB direction given for the Fourth and Fifth Delray project. The changes include the elimination of the parallel parking spaces and replacing them with a loading zone. This loading zone will also serve as a parking area for emergency vehicles accessing the Fourth and Fifth Delray project.

**Turning Template:**

The site plan has been revised to depict the turning movement for emergency vehicles. The vehicles will have adequate turning radii to maneuver through the property, which will in part utilize the loading area.

**Photometric Plan:**

A photometric plan has been provided for the Martini property. The photometric plan complies with the maximum illumination level of 12 foot candles (8.2 foot candles proposed) and the minimum illumination level of 1 foot candles (1 foot candle proposed).

**RECOMMENDATION**

By separate motion:

**Site Plan:**

Approve the request for a Class V site plan for the **Martini Property**, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets criteria set forth in Sections 2.4.5(F)(5), and Chapter 3 of the Land Development Regulations, subject to the following conditions:

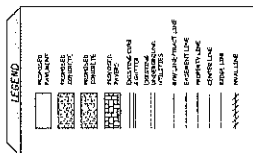
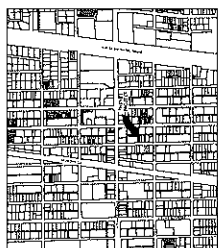
1. That a public access easement be recorded in a form approved by the City Attorney, on this property to provide cross access in perpetuity prior to certification of the site plan.
2. That a recorded deed be provided for the 2-foot alley dedication prior to certification of the site plan.

**Landscape Plan:**

Approve the landscape plan for the **Martini Property** based on positive findings with respect to Section 4.6.16 of the Land Development Regulations, subject to the condition that all that all Landscape Technical Items are addressed and three (3) copies of the revised plans are submitted.

Attachments:

- Revised site plan and landscape plan
- SPRAB Staff Report December 16, 2015



## SITE TABULATIONS

**TODD JY WED 6 CUE 9 A.M. NEW STATE SOCIETY**

## PROPERTY DEVELOPMENT REGULATIONS(CBD ZONING DISTRICT)

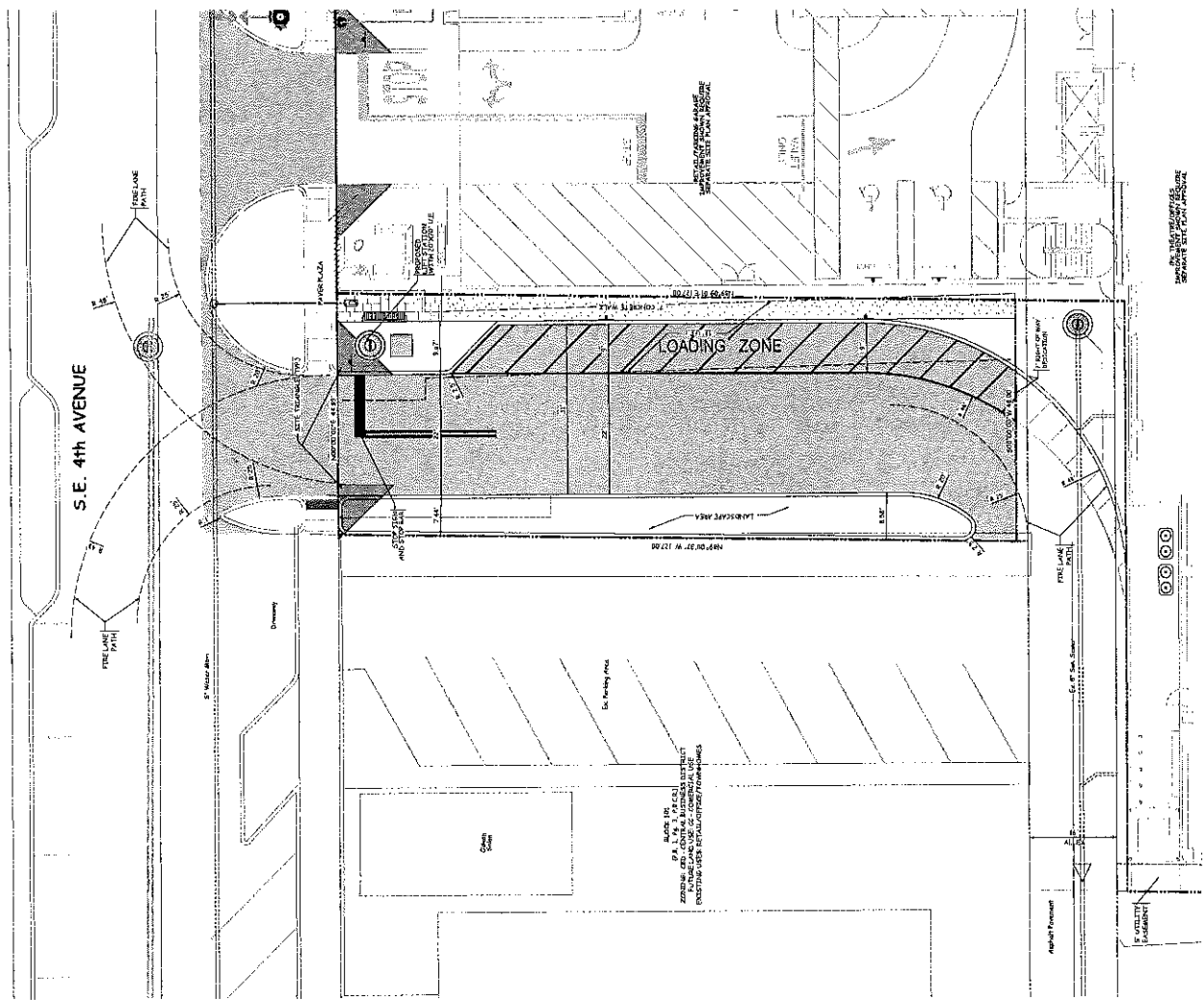
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**THE WAY.**

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ASTOR LENOX TILDEN FOUNDATION  
1215 6TH AVENUE  
NEW YORK, N.Y. 10017-2454

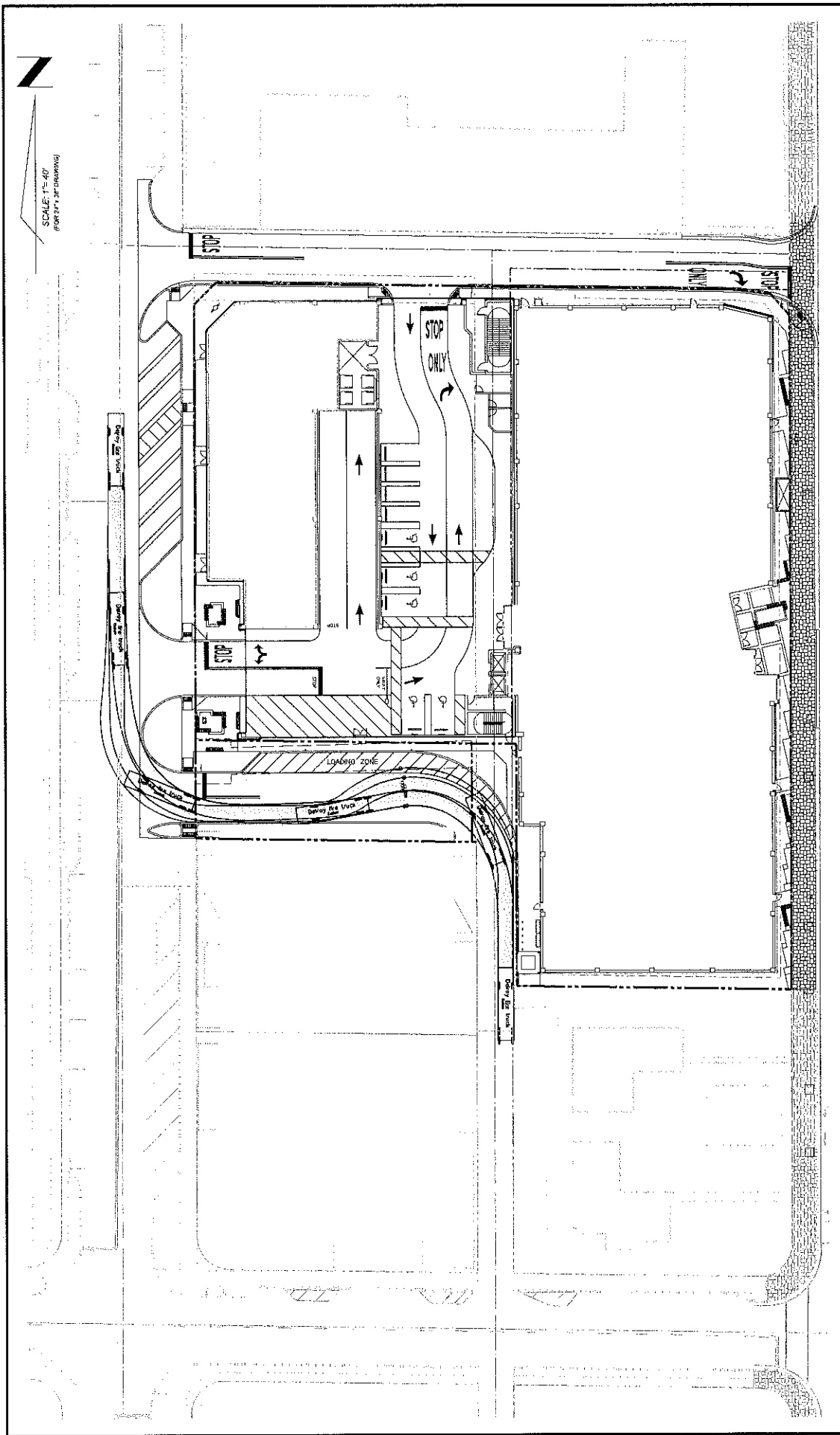
SITE  
PLAN

DELRAY BEACH HOLDINGS  
(Fka MARTINI PROPERTY)  
DELRAY BEACH HOLDINGS, LLC

[illegible][illegible]

FOR THEATRE/OFFICES  
IMPROVEMENT SHOWS REQUIRE  
SEPARATE SITE PLAN APPROVAL

SCALE: 1" = 40'  
(FOR 34" DRAWING)

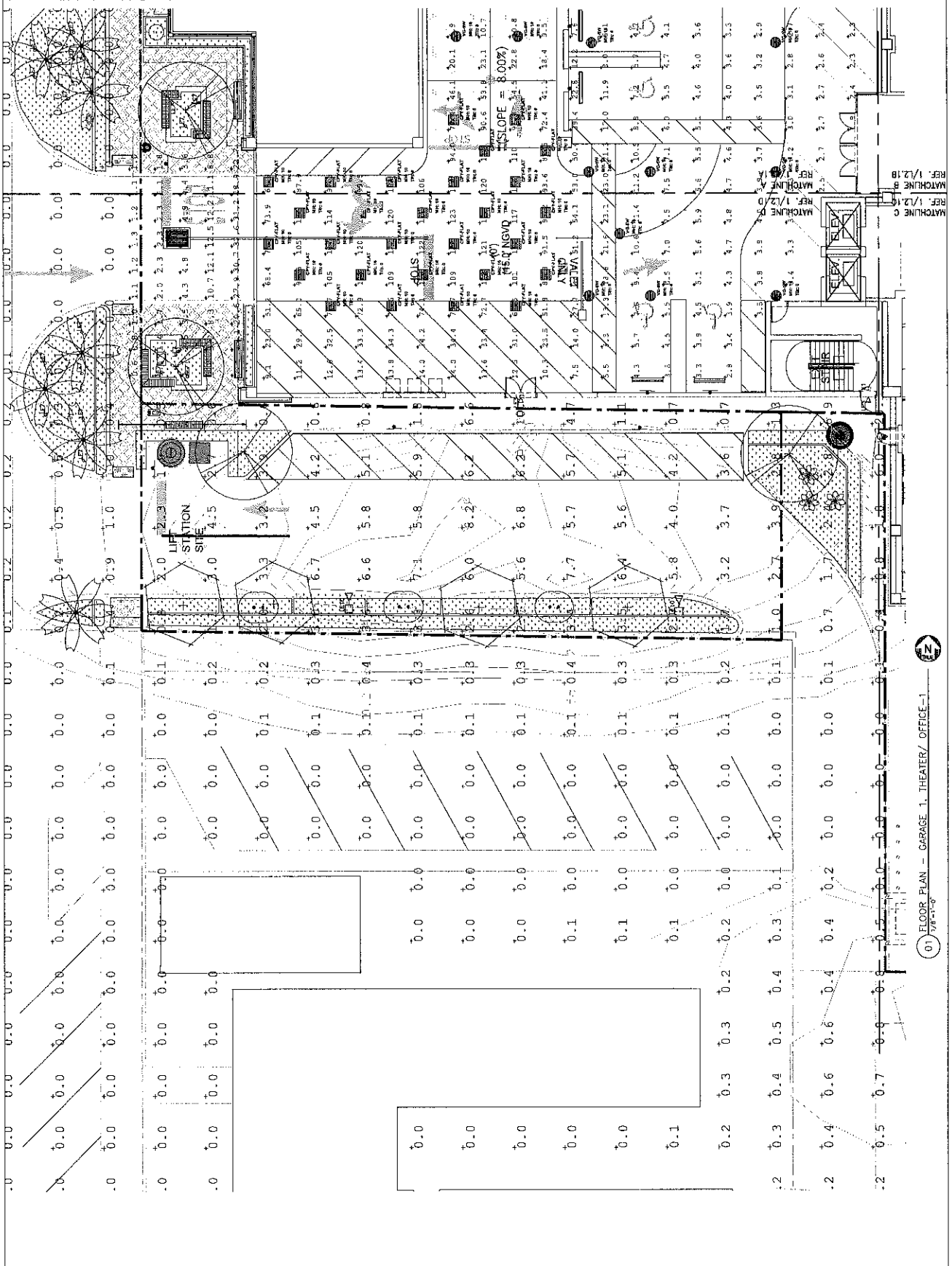


<div><div><div></div><div></div><div></div></div><div>WINNINGHAM &amp; FRADLEY, INC. ENGINEERS - PLANNERS - SURVEYORS <small>11112 1st Street, Suite 100, San Diego, CA 92161</small></div></div>		4TH & 5TH DELRAY DELRAY BEACH HOLDINGS, LLC		VEHICULAR MOVEMENT EXHIBIT		PROJECT NUMBER 14007	SHEET 19-000551
DESIGNED AMF	DRAWN AMF	CHECKED	DATE	REVISIONS			
11/2/06 4th Street, Suite 100, San Diego, CA 92161							

1. APPROVED FOR THE CITY OF DELRAY BEACH, FLORIDA



Project Number		Checked By:		ODC	
13299		Drawn By:		ODC	
Issue Log					
No	Description	Date			
1	ISSUE APPROVAL	10/25/17			
2	ISSUE APPROVAL	01/09/18			



# SITE PLAN REVIEW AND APPEARANCE BOARD

CITY OF DELRAY BEACH

---STAFF REPORT---

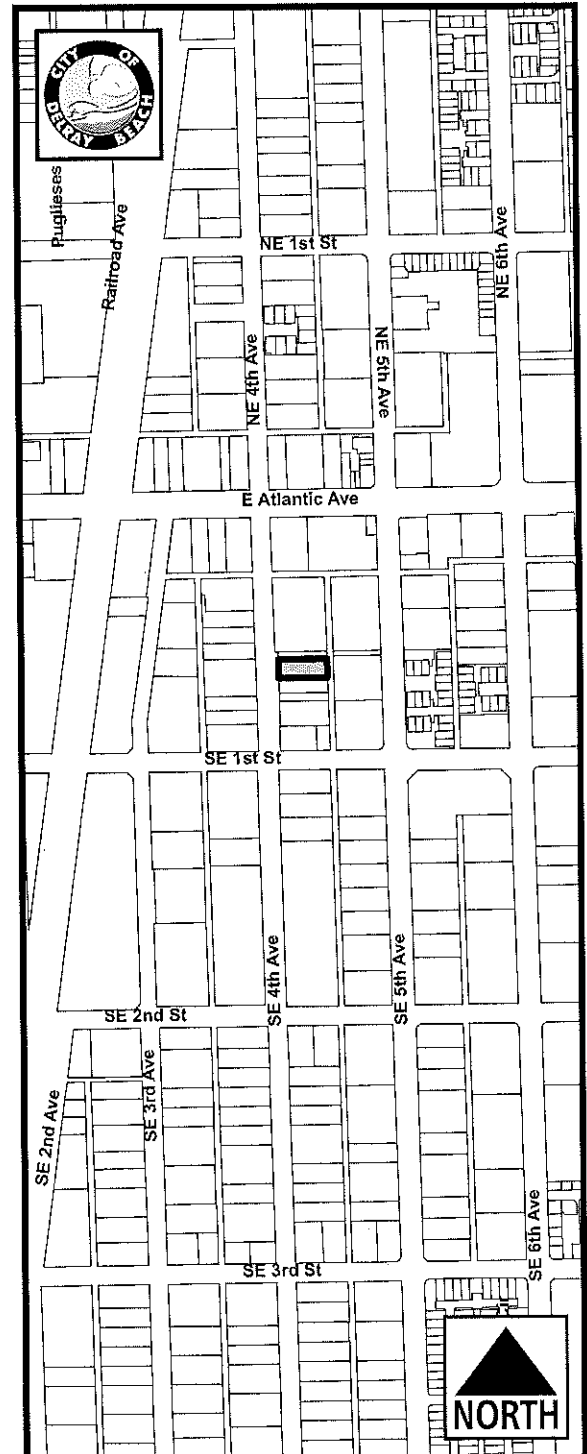
MEETING DATE: December 16, 2015

ITEM: **Martini Property** – Class V Site Plan and Landscape Plan With The Construction Of A Driveway and Parking at 59 SE 4<sup>th</sup> Avenue.

RECOMMENDATION: Approval with conditions

## GENERAL DATA:

Applicant..... Delray Beach Holdings, Inc.  
Agent..... Dunay, Miskel & Backman, LLP  
Location..... 59 SE 4<sup>th</sup> Avenue  
Property Size..... 0.14 Acres  
Future Land Use Map... CC (Commercial Core)  
Current Zoning..... CBD (Central Business District)  
Adjacent Zoning..North: CBD  
                          East: CBD  
                          South: CBD  
                          West: CBD  
Existing Land Use..... Commercial and Residential  
Proposed Land Use..... Construction of a driveway and parking  
Water Service..... Existing on site.  
Sewer Service..... Existing on site.



## ITEM BEFORE THE BOARD

The action before the Board is approval of a Class V site plan request for **Martini Property** pursuant to LDR Section 2.4.5(F). The request involves the following elements:

- ☐ Site Plan; and
- ☐ Landscape Plan.

The requests are in conjunction with the construction of a parking area and cross access to the public north-south alley from SE 4<sup>th</sup> Avenue (approximately 0.14 acres) at 59 SE 4<sup>th</sup> Avenue.

## BACKGROUND

The project area consists of a portion of Lot 10, Block 101 Town of Linton. The property contains a mixed use building that was constructed in 1950.

At its meeting of August 18, 2015, the City Commission approved the abandonment application for a portion of the north/south alley and the conditional use applications for an increase in building height to 59.5 feet and for the movie theater use associated with the Fourth and Fifth Delray project.

The alley abandonment was approved subject to the following conditions:

1. That the Martini property (located to the south and west of the project) be acquired and redeveloped to provide vehicular access to SE 4<sup>th</sup> Avenue from the north-south alley prior to issuance of a building permit.
2. That the applicant resolves any concerns of the affected utility service providers prior to issuance of a building permit.

The action now before the Board is approval of the site plan and landscape plan.

## PROJECT DESCRIPTION

The development proposal incorporates the following:

- ☐ Demolition of the existing improvements on the property.
- ☐ The construction of four parallel parking spaces and a cross access driveway that provides a public connection to the north-south alley.
- ☐ Installation of associated landscaping.

## SITE PLAN ANALYSIS

### COMPLIANCE WITH THE LAND DEVELOPMENT REGULATIONS:

Items identified in the Land Development Regulations shall specifically be addressed by the body taking final action on the site and development application/request.



**LDR Section 4.3.4(K) Development Standards Matrix:**

The following table indicates that the proposal complies with LDR Section 4.3.4(K) and Table 4.4.13(C):

	Standard	Provided
Open Space	0%	22.84%

**Lighting:**

Pursuant to LDR Section 4.6.8(A)(3), a photometric plan has been submitted that demonstrates compliance with the minimum illumination (1 fc) and the maximum (12 fc) illumination levels for a parking lot.

**Right-of-Way Dedication:**

Pursuant to Land Development Regulation (LDR) Section 5.3.1(D)(2), there are no rights-of-way dedication required for SE 4<sup>th</sup> Avenue. However, the required alley width is 20 feet and 16 feet exists. The existing north-south alley is 16 feet wide and 20 feet is required. The site plan includes the dedication of 2 feet to this alley.

**Other Issues:**

**Alley Connection:**

The City Commission approved the partial abandonment of the north/south alley and additional landscaping subject to the condition that the Martini property be acquired and redeveloped to provide vehicular access to SE 4<sup>th</sup> Avenue from the alley with additional landscape area prior to issuance of a building permit. The applicant has submitted the site plan application that provides the required vehicular access from the north/south alley to SE 4<sup>th</sup> Avenue. A public access easement will need to be provided on this property to ensure cross access and this attached as a condition of approval.

**LANDSCAPE ANALYSIS**

The Senior Landscape Planner has reviewed the proposed landscape plan and found that it substantially complies with LDR Section 4.6.16. The proposed landscaping consists of Verawood, Cathedral Live Oak, Foxtail Palms, Upright Elephant Ear, Redtip Cocoplum, Coral Creeper, Dwarf Firebush, Shilling's Dwarf Holly, Dwarf Date Palm, and Podocarpus. Based upon the above, the proposed landscape plan will comply with LDR Section 4.6.16.

**Landscape Technical Items:** The following Landscape Plan items remain outstanding, and will need to be addressed prior to certification of the site plan.

1. Tree #'s 1 -3 (city-owned Foxtail Palms) and #'s 6-7 (Sabal Palms) shall be saved either on-site or off-site. Update the Existing Tree Disposition plan to show final locations for all relocated trees. Provide a separate column entitled "Relocated To". Trees will either be relocated on-site or off-site. If off-site, provide an asterisk next to each tree with a note. The note shall read, "All trees to be relocated off-site shall be coordinated with the City of Delray

Beach a minimum of six (6) weeks prior to relocation. Call Peter Anuar, Senior Landscape Planner, at (561) 243-7226 for coordination."

2. Per LDR 4.6.16(E)(5), all required trees are to be a minimum of sixteen feet (16') in height with a seven foot (7') spread and eight foot (8') of clear trunk. Revise specifications and species if this size cannot be found for the species that is currently being proposed.
3. Landscape Maintenance Agreement is required for the proposed plantings outside the property line. Submit the signed agreement with the supporting exhibits (as outlined in the agreement) as quickly as possible. This will need to be executed by City Commission.

## **REQUIRED FINDINGS**

### **REQUIRED FINDINGS (Chapter 3):**

Pursuant to LDR Section 3.1.1 (Required Findings), prior to the approval of development applications, certain findings must be made in a form which is part of the official record. This may be achieved through information on the application, the staff report, or minutes. Findings shall be made by the body, which has the authority to approve or deny the development application. These findings relate to Future Land Use Map Consistency, Concurrency, Comprehensive Plan Consistency and Compliance with the LDRs as noted below.

#### **Section 3.1.1 (A) - Future Land Use Map:**

The subject property has a Future Land Use Map designation of CC (Commercial Core) and is zoned CBD (Central Business District). The CBD zoning district is consistent with the CC Future Land Use Map designation. Per LDR Section 4.4.13(B)(3)(b), commercial parking lots are a Principal Use in the CBD zoning district. Based upon the above, positive findings can be made with respect to consistency with the Future Land Use Map.

#### **Section 3.1.1 (B) - Concurrency:**

The proposed driveway and parking will have no impact on concurrency levels.

#### **Section 3.1.1 (C) - Consistency (Standards for Site Plan Actions):**

As described in Appendix A, a positive finding of consistency can be made as it relates to Standards for Site Plan Actions.

#### **Section 3.1.1 (D) - Compliance With the Land Development Regulations:**

As described under the Site Plan Analysis of this report, a positive finding of compliance with the LDRs can be made, when all outstanding items attached as conditions of approval are addressed.

#### **Comprehensive Plan Policies:**

A review of the objectives and policies of the adopted Comprehensive Plan was conducted and the following applicable objectives or policies were noted:

**Future Land Use Element Objective A-1:** Property shall be developed or redeveloped in a manner so that the future use and intensity is appropriate and complies in terms of soil, topographic, and other applicable physical considerations, is complimentary to adjacent land uses, and fulfills remaining land use needs.

There are no special physical or environmental characteristics of the land that would be negatively impacted by the proposed development. The surrounding uses are municipal library to the north, Chamber of Commerce to the east (both of which are planned to be demolished and replaced with the iPic movie theater mixed-use development), commercial to the south, and office to the west.

**Section 2.4.5 (F)(5) - Compatibility (Site Plan Findings):** The approving body must make a finding that development of the property pursuant to the site plan will be compatible and harmonious with adjacent and nearby properties and the City as a whole, so as not to cause substantial depreciation of property values.

The subject property is bordered to the north, south, east, and west by CBD. The surrounding uses are retail, restaurant and offices to the north, east and west, and residential to the south.

#### **REVIEW BY OTHERS**

**Community Redevelopment Agency (CRA):**

The CRA considered the site plan request at its meeting of November 19, 2015 and recommended approval.

**Downtown Development Authority (DDA):**

At its meeting of November 9, 2015, the DDA reviewed the site plan application and recommended approval.

**Courtesy Notice:**

Courtesy notices have been provided to the following homeowner's associations and interested parties, which have requested notice of developments in their areas:

- Delray Citizen's Coalition
- Chamber of Commerce
- Courtyards of Delray
- Alberta Beale, Inc.
- Mallory Square
- Town Square
- Village Grand of Delray Beach
- Downtown Development Authority
- Osceola Park

Any letters of concern and support will be presented to the SPRAB.

## ASSESSMENT AND CONCLUSION

The proposed driveway and parking is a result of the Fourth and Fifth Delray alley abandonment, which required the applicant to obtain the subject property and provide cross access to the remainder of the north/south alley. The proposed development is consistent with the policies of the Comprehensive Plan and Chapter 3 of the Land Development Regulations. Positive findings can be made with respect to Section 2.4.7(B)(5)[Waiver Findings] and Section 2.4.5(F)(5) regarding compatibility of the proposed development with surrounding properties.

## ALTERNATIVE ACTIONS

- A. Postpone with direction.
- B. Move approval of the request for Class V site plan and landscape plan for the **Martini Property**, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets criteria set forth in Section 2.4.7(B)(5), Section 2.4.5(F)(5), and Chapter 3 of the Land Development Regulations, subject to the attached conditions of approval.
- C. Move denial of the request for Class V site plan and landscape plan for the **Martini Property**, by adopting the findings of fact and law contained in the staff report, and finding that the request is inconsistent with the Comprehensive Plan and does not meet criteria set forth in Section 2.4.7(B)(5), Section 2.4.5(F)(5), and Chapter 3 of the Land Development Regulations.

## STAFF RECOMMENDATION

By Separate Motions:

### Site Plan:

Approve the request for a Class V site plan for the **Martini Property**, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets criteria set forth in Sections 2.4.5(F)(5), and Chapter 3 of the Land Development Regulations, subject to the following conditions:

1. That a public access easement be provided on this property to ensure cross access.
2. That a recorded deed be provided for the 2-foot alley dedication.

### Landscape Plan:

Approve the landscape plan for the **Martini Property** based on positive findings with respect to Section 4.6.16 of the Land Development Regulations, subject to the condition that all that all Landscape Technical Items are addressed and three (3) copies of the revised plans are submitted.

Attachments:

- Appendix A
- Site Plan
- Landscape Plan

Report prepared by: Scott D. Pape, AICP, Principal Planner

**APPENDIX A**  
**STANDARDS FOR SITE PLAN ACTIONS**

- A. Building design, landscaping, and lighting (glare) shall be such that they do not create unwarranted distractions or blockage of visibility as it pertains to traffic circulation.**

Not applicable \_\_\_\_\_  
Meets intent of standard \_\_\_\_\_ **X** \_\_\_\_\_  
Does not meet intent \_\_\_\_\_

- B. Separation of different forms of transportation shall be encouraged. This includes pedestrians, bicyclists, and vehicles in a manner consistent with policies found under Objectives D-1 and D-2 of the Transportation Element.**

Not applicable \_\_\_\_\_  
Meets intent of standard \_\_\_\_\_ **X** \_\_\_\_\_  
Does not meet intent \_\_\_\_\_

- C. Open space enhancements as described in Policies found under Objective B-1 of the Open Space and Recreation Element are appropriately addressed.**

Not applicable \_\_\_\_\_ **X** \_\_\_\_\_  
Meets intent of standard \_\_\_\_\_  
Does not meet intent \_\_\_\_\_

- D. The City shall evaluate the effect that any street widening or traffic circulation modification may have upon an existing neighborhood. If it is determined that the widening or modification will be detrimental and result in a degradation of the neighborhood, the project shall not be permitted.**

Not applicable \_\_\_\_\_  
Meets intent of standard \_\_\_\_\_ **X** \_\_\_\_\_  
Does not meet intent \_\_\_\_\_

- E. Development of vacant land which is zoned for residential purposes shall be planned in a manner which is consistent with adjacent development regardless of zoning designations.**

Not applicable \_\_\_\_\_ **X** \_\_\_\_\_  
Meets intent of standard \_\_\_\_\_  
Does not meet intent \_\_\_\_\_

- F. Property shall be developed or redeveloped in a manner so that the future use and intensity are appropriate in terms of soil, topographic, and other applicable physical considerations; complementary to adjacent land uses; and fulfills remaining land use needs.**

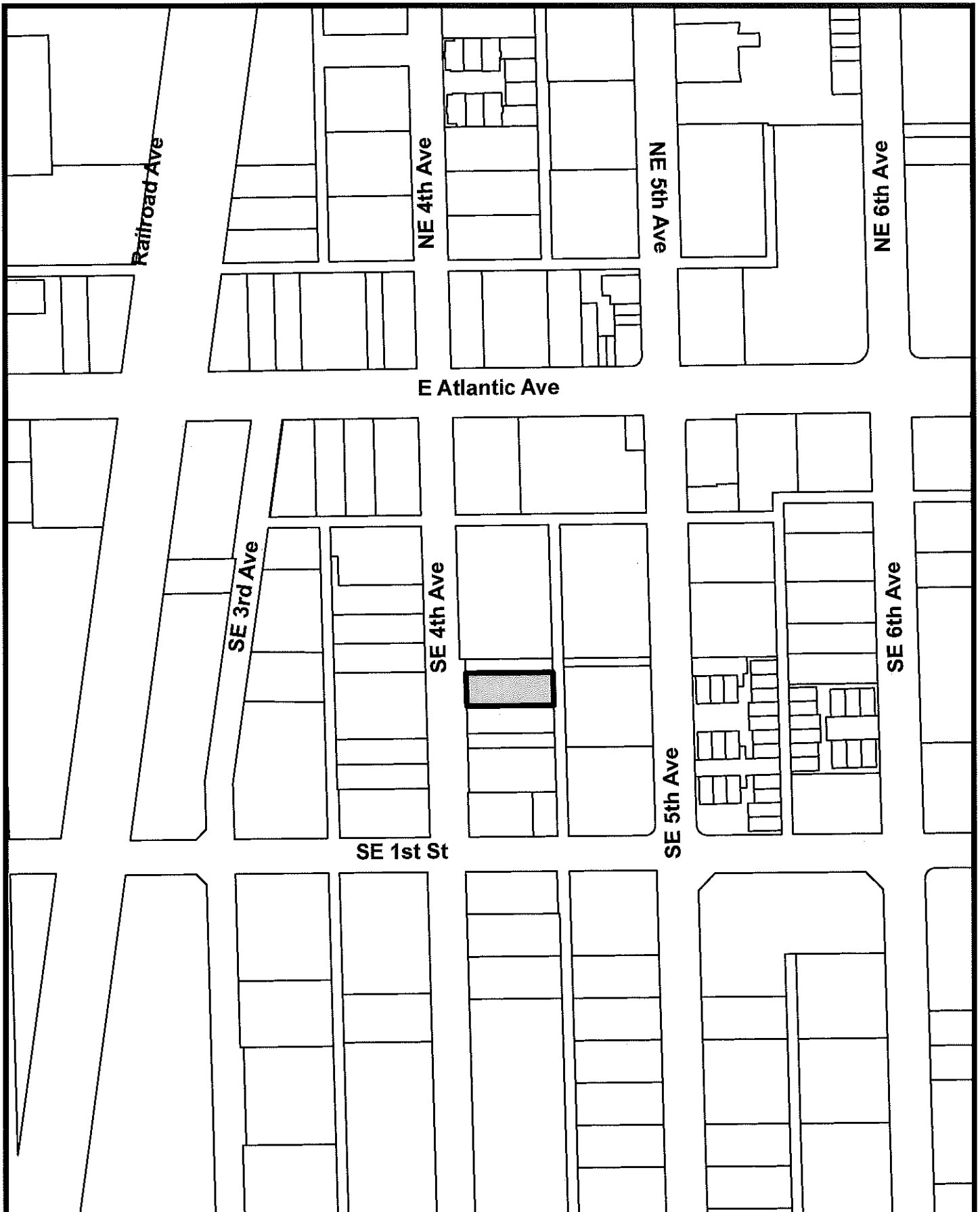
Not applicable \_\_\_\_\_  
Meets intent of standard \_\_\_\_\_ **X** \_\_\_\_\_  
Does not meet intent \_\_\_\_\_

- Does not meet intent

- Does not meet intent

- Does not meet intent

- Does not meet intent



# **MARTINI PROPERTY**

**59 SE 4th Avenue**  
**LOCATION MAP**

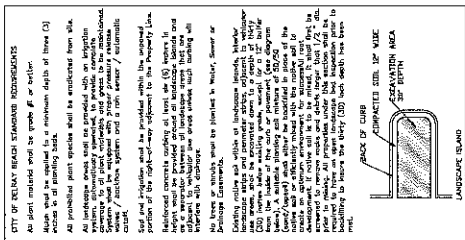
 Subject Property







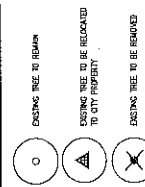
SCALE: 1"=20'-0"



KEY	COMMON NAME	SCIENTIFIC NAME	REMARKS
1	FLORIDA PALM	CHOROPHANtha FLORIDA	REMOVAL
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7	FLORIDA PALM	CHOROPHANtha FLORIDA	REMOVAL

# TREE RELOCATION AND PROTECTION NOTES

1. All trees to be relocated shall be marked with a red flag and a red line indicating the relocation path.
2. The relocation of trees shall be completed prior to the start of construction.
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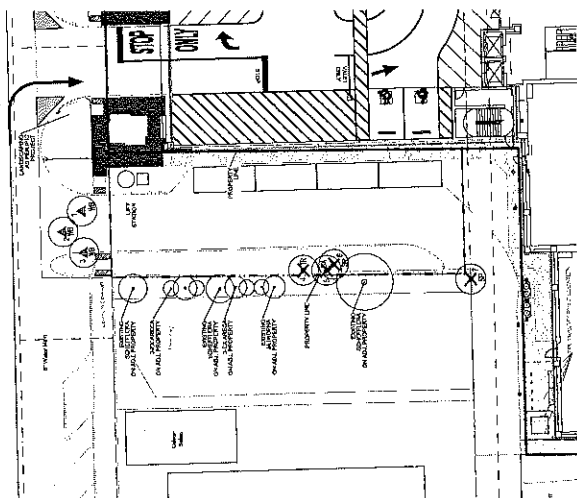
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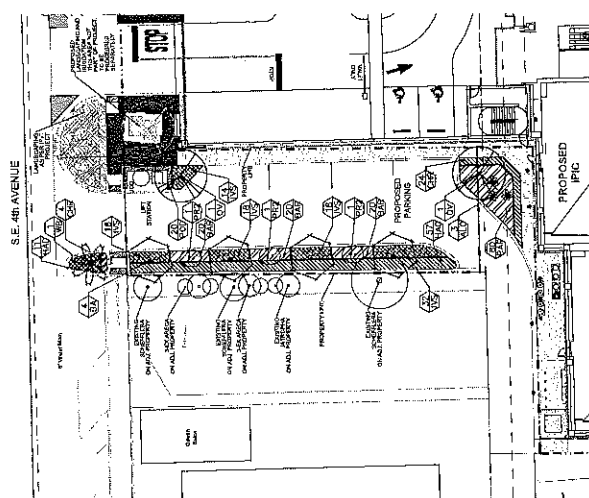
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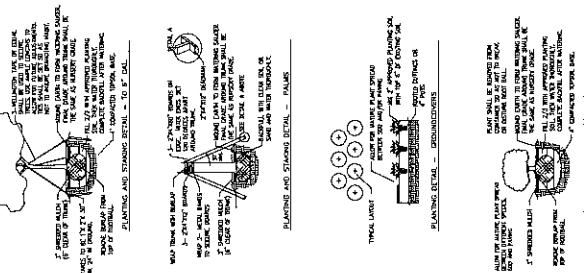
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TREE REMOVAL PLAN  
SCALE: 1"=20'-0"



LANDSCAPE PLAN  
SCALE: 1"=20'-0"



**NOTES**

1. All trees to be relocated shall be marked with a red flag and a red line indicating the relocation path.

2. The relocation of trees shall be completed prior to the start of construction.

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**SPECIFICATIONS**

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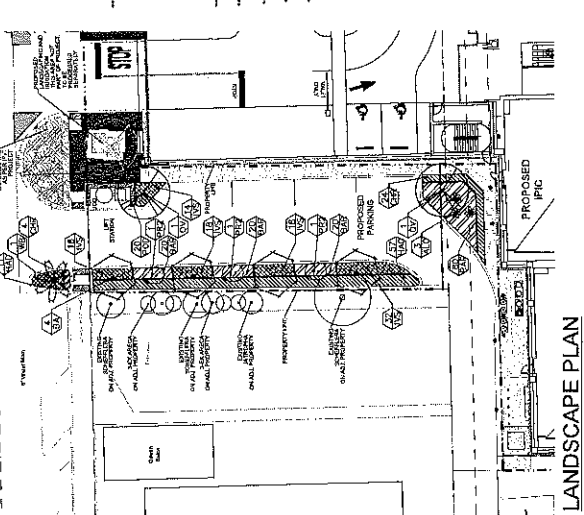
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LANDSCAPE PLAN  
SCALE: 1"=20'-0"

PROJECT

DELRAY BEACH HOLDINGS

59 S.E. 4TH AVENUE  
DELRAY BEACH, FL

TREE REMOVAL PLAN  
&  
LANDSCAPE PLAN

PRJ. NO.	PRJ. NAME	DATE	REV.
10-12-15	10-12-15	10-12-15	10-12-15

SHEET  
LP-1