APPLICATION FOR CHANGE IN ZONING CLASSIFICATION
OR CHANGE IN CONDITIONS
(SEE FILING INSTRUCTIONS)

TO: Town of Matthews Board of Commissioners
   Town of Matthews Planning Board
   232 Matthews Station Street
   Matthews, North Carolina 28105-6713

Ladies and Gentlemen:

Your consideration of this petition is requested for:

☑️ A change in zoning classification of the property hereinafter described; or
☐ A change in conditions to an existing conditional zoning plan.

Tax parcel number(s): 21510103

Address of property: 11325 Independence Blvd, Matthews, NC 28105

Location of property:

Title to the property was acquired on 03/03/2014
and was recorded in the name of Armors, Inc
whose mailing address is 11617 Elizabeth Madison Ct, Charlotte, NC 28277

The deed is recorded in Book 29028 and Page 966 in the office of the Register of
Deeds for Mecklenburg County.

Present zoning classification: B-H
                    Requested zoning classification: B-D(CD)
List reason(s) why zoning should be changed (use separate sheet if necessary):

We are requesting this zoning change to allow our use of Commercial Kennel. There is other similarly zoned property in the area, and our use would be a benefit to the community.

<table>
<thead>
<tr>
<th>Signature of property owner (must be original)</th>
<th>Signature of property owner (must be original)</th>
</tr>
</thead>
<tbody>
<tr>
<td>ARMORS INC.</td>
<td></td>
</tr>
</tbody>
</table>

| Print name of property owner                   | Print name of property owner                  |
| Armors Inc.                                    |                                               |

| Property owner’s mailing address               | Property owner’s mailing address               |
| 11617 Elizabeth Madison Ct                      |                                               |

| Property owner’s mailing address, continued    | Property owner’s mailing address, continued    |
| Charlotte, NC 28277                            |                                               |

| Property owner’s phone number/email address    | Property owner’s phone number/email address    |

| Signature of agent (if any)                    | Petitioner other than owner (if any)            |
|                                               |                                               |
| Print name of agent                            | Print name of petitioner                       |
|                                               | Mark Fee                                       |

| Agent’s mailing address                        | Petitioner’s mailing address                   |
|                                               | 5050 E. Galbraith Rd., Ste B                   |

| Agent’s mailing address, continued             | Petitioner’s mailing address, continued        |
|                                              | Cincinnati, OH 45236                           |

<p>| Agent’s mailing address, continued             | Petitioner’s mailing address, continued        |
|                                              |                                               |
| Agent’s phone number/email address            | 513-248-8350 <a href="mailto:mfee@cooper-co.com">mfee@cooper-co.com</a>                |</p>
<table>
<thead>
<tr>
<th>Tax Parcel</th>
<th>Owner Name(s)</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>21510119</td>
<td>Sunny Side Up Realty</td>
<td>1628 Matthews-Mint Hill Rd, Matthews, NC 28105</td>
</tr>
<tr>
<td>21510120</td>
<td>Poulos Enterprises</td>
<td>3900 Wesley Chapel Rd, Matthews, NC 28015</td>
</tr>
<tr>
<td>21510102, 21510114 &amp; 21510116</td>
<td>Bill &amp; Mary Gallis</td>
<td>4417 Waxhaw Indian Trail Rd, Indian Trail, NC 28079</td>
</tr>
<tr>
<td>21510112</td>
<td>Salmon Investments LLC</td>
<td>PO Box 18434, Charlotte, NC 28218</td>
</tr>
<tr>
<td>21510115</td>
<td>OHM Parmatma LLC</td>
<td>1938 Moore Rd, Matthews, NC 28105</td>
</tr>
<tr>
<td>21510118</td>
<td>Tommy &amp; Doris Williams</td>
<td>1900 Moore Rd, Matthews, NC 28015</td>
</tr>
<tr>
<td>21510205</td>
<td>BRK Matthews LP c/o Starwood Capital Group</td>
<td>591 West Putnam Ave, Greenwich, CT 06830</td>
</tr>
<tr>
<td>21510113</td>
<td>Poulos Enterprises</td>
<td>201 Rue De Jean #200, Lafayette, LA 70808</td>
</tr>
</tbody>
</table>
**SUMMARY OF THE REZONING PROCESS**

**PETITIONER:** Fill in dates for each action below before filing application. Refer to the current Planning Department rezoning schedule for correct dates.

**PROPERTY OWNERS:** These dates are assumed to be correct at the time of zoning application submittal but are subject to revision. Contact the Planning Department (704-847-4411 or email blynd@matthewsnc.gov) for verification.

<table>
<thead>
<tr>
<th>Action</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application submitted to and accepted by the Town of Matthews</td>
<td>05/27/2015</td>
</tr>
<tr>
<td>Town Board of Commissioners formally accepts application and sets</td>
<td>06/08/2015</td>
</tr>
<tr>
<td>Public Hearing date</td>
<td></td>
</tr>
<tr>
<td>Notices sent via mail to affected/adjacent property owners on or before</td>
<td>07/27/2015</td>
</tr>
<tr>
<td>Protest petition filed with Planning Department by 5:00 pm on</td>
<td>08/05/2015</td>
</tr>
<tr>
<td>Public hearing: petitioner may give explanation of why s/he wishes to</td>
<td></td>
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<tr>
<td>have property rezoned and neighboring owners may ask questions and</td>
<td></td>
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<tr>
<td>voice opinions on the proposed zoning</td>
<td>08/10/2015</td>
</tr>
<tr>
<td>Town Planning Board reviews petition, information, and comments from</td>
<td></td>
</tr>
<tr>
<td>the public hearing, then makes a recommendation to the Board of</td>
<td></td>
</tr>
<tr>
<td>Commissioners on whether to approve or deny the request</td>
<td>08/25/2015</td>
</tr>
<tr>
<td>Town Board of Commissioners approves or denies application</td>
<td>09/14/2015</td>
</tr>
</tbody>
</table>

**GENERAL STATUTE 160A-385: CHANGES.**

(a) Zoning ordinances may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a qualified protest against a zoning map amendment, that amendment shall not become effective except by favorable vote of three-fourths of all the members of the city council. For the purposes of this subsection, vacant positions on the council and members who are excused from voting shall not be considered “members of the council” for calculation of the requisite supermajority. To qualify as a protest under this section, the petition must be signed by the owners of either (i) twenty percent (20%) or more of the area included in the proposed change or (ii) five percent (5%) of a 100-foot wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right of way shall not be considered in computing the 100-foot buffer area as long as that street right of way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine the “owners” of potentially qualifying areas. The foregoing provisions concerning protests shall not be applicable to any amendment which initially zones property added to the territorial coverage of the ordinance as a result of annexation or otherwise, or to an amendment to an adopted (i) special use district, (ii) conditional use district, or (iii) conditional district if the amendment does not change the types of uses that are permitted within the district or increase the approved density for residential development, or increase the total approved size of nonresidential development, or reduce the size of any buffers or screening approved for the special use district, conditional use district, or conditional district.

(b) Amendments in zoning ordinances shall not be applicable or enforceable without consent of the owner with regard to buildings and uses for which either (i) building permits have been issued pursuant to GS 160A-417 prior to the enactment of the ordinance making the change or changes so long as the permits remain valid and unexpired pursuant to GS 160A-418 and unrevoked pursuant to GS 160A-422 or (ii) a vested right has been established pursuant to GS 160A-385.1 and such vested right remains valid and unexpired pursuant to GS 160A-385.1
May 26th, 2015

Town of Matthews Planning Board
232 Matthews Station Street
Matthews, NC 28105

Re: Traffic Study Waiver Request

Dear Planning Board:

As part of our rezoning application for the parcel located at 11352 Independence Blvd, Matthews, NC 28105 (tax parcel number 21510103), we are requesting a waiver for the required Traffic Study. Section 9 of the application instructions states that a traffic study is required for sites covering more than 2 acres, and this site is approximately 3 acres. However, due to our use as a Commercial Kennel, our traffic counts are very modest.

We studied five existing facilities, each having been open at least one year with stabilized business, and found that, on average, we generate 81.5 trips per day at our locations. This figure is based on two trips per pet boarded, including “doggie day care” plus walk-in pet grooming and the average number of employees per day. A more detailed breakdown of the data and calculation can be provided if needed.

Sincerely,
The Myers Y. Cooper Company

Mark D. Fee
Development Manager
1. The purpose of this rezoning is to allow for the use of indoor and outdoor pet services and uses permitted by right and within prescribed conditions in the B-D (CD) zoning district.

2. The rezoning plan is conceptual in nature and may have minor changes as allowed per the Zoning Ordinance.

3. The intended use is an indoor and outdoor pet services business.

4. Outdoor animal play areas will be screened with 7' high opaque privacy fence.

5. Animals will only be allowed outside between the hours of 6:30am and 8:00pm.

6. 20' screen along Moore Road = 4 trees and 10 shrubs per 100 LF

7. Small maturing trees to be planted 35' on center along Moore Road to accommodate for the existing overhead power lines.

8. 15' rear and side screening = 1 tree and 10 shrubs per 50 LF

9. 1. Detention pond with sand filter. Stormwater management will conform to standards within the Ordinance.

10. 1. Light will conform to ordinance.

11. 1. Primary Site access will be off of Moore Road and secondary access will be from an existing shared driveway off of E Independence BV.

12. 2. HWY 74 access may be eliminated in the future.

13. 4. Small maturing trees to be planted 35' on center along Moore Road to accommodate for the existing overhead power lines.

14. 5. Parking lot planting = 1 tree per 10 parking spaces = 4 trees

15. 5.1. All parking spaces within 40' of tree

16. 6. 15' rear and side screening = 1 tree and 10 shrubs per 50 LF

17. 17. OVERHEAD POWER LINE

18. BILL AND MARY GALLIS

19. 4417 WAXHAW INDIAN TRAIL RD

20. 11329 E INDEPENDENCE BV

21. MATTHEWS, NC 28105

22. OWNER

23. PIN # 21510114

24. BILL AND MARY GALLIS

25. 4417 WAXHAW INDIAN TRAIL RD

26. 11329 E INDEPENDENCE BV

27. MATTHEWS, NC 28105

28. OWNER

29. PIN # 21510113

30. BILL AND MARY GALLIS

31. 4417 WAXHAW INDIAN TRAIL RD

32. 11325 E INDEPENDENCE BV

33. MATTHEWS, NC 28105

34. OWNER

35. PIN # 21510116

36. BILL AND MARY GALLIS

37. 4417 WAXHAW INDIAN TRAIL RD

38. 11229 E INDEPENDENCE BV

39. MATTHEWS, NC 28105

40. OWNER

41. PIN # 21510115

42. BILL AND MARY GALLIS

43. 4417 WAXHAW INDIAN TRAIL RD

44. 11321 E INDEPENDENCE BV

45. MATTHEWS, NC 28105

46. OWNER

47. PIN # 21510112

48. BILL AND MARY GALLIS

49. 4417 WAXHAW INDIAN TRAIL RD

50. 11327 E INDEPENDENCE BV

51. MATTHEWS, NC 28105

52. OWNER
M O O R E   R O A D   (S R - 3 4 5 7 )
60' WIDE PUBLIC R/W
EAST INDEPENDENCE BLVD. (US HWY-74)
200' WIDE PUBLIC R/W

GENERAL SITE UTILITY NOTES:
1. ALL PIPE LENGTHS ARE HORIZONTAL DISTANCE AND ARE APPROXIMATE.
2. CONTRACTOR SHALL PROVIDE ALL THE MATERIALS AND APPURTENANCES NECESSARY FOR THE COMPLETE INSTALLATION OF THE UTILITIES. ALL PIPES AND FITTINGS SHALL BE INSPECTED BY THE BUILDING INSPECTOR PRIOR TO BEING COVERED.
3. ALL WORK SHALL COMPLY WITH ALL APPLICABLE CODES, REGULATIONS, AND/OR LOCAL STANDARDS IMPOSED BY LOCAL UTILITY.
4. ALL WATER LINES SHALL HAVE A MINIMUM COVER OF 36" ABOVE TOP OF PIPE.
5. CONTRACTOR SHALL ADJUST LOCATION OF PROPOSED WATER LINES AS REQUIRED TO AVOID CONFLICTS WITH STORM SEWER OR OTHER UTILITIES.
6. CLEANOUTS ARE TO BE SPACED FOR A MAXIMUM OF 75 FEET ON 4" LINES AND 100 FEET ON 6" LINES.
7. LOCATION, SIZE AND INVERT ELEVATIONS OF SANITARY SEWER SHALL BE COORDINATED WITH THE APPROVED PLUMBING PLANS FOR THE BUILDING.
8. THRUST BLOCKS ARE REQUIRED AT EACH FIRE HYDRANT, TEE, BLOWOFF, AND ELBOW.
9. GENERAL CONTRACTOR SHALL INSTALL UTILITIES TO WITHIN 5' OF BUILDING. PLUMBING CONTRACTOR SHALL BE RESPONSIBLE FOR UTILITIES IN THE BUILDING AND WITHIN 5' OF THE BUILDING.
10. INSTALLATION AND REPAIR OF UNDERGROUND ELECTRICAL, GAS AND TELEPHONE UTILITIES AND DISTURBED AREAS SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR OR APPLICABLE UTILITY COMPANY. THE DISTURBED AREAS BENEATH EXISTING ASPHALT SHALL BE RE-COMPACTED TO THE REQUIRED SPECIFICATIONS, AND THE STONE BASE AND ASPHALT BE RETURNED TO ITS ORIGINAL CONDITION.
11. THE GENERAL CONTRACTOR SHALL COORDINATE ALL NEW UTILITY TAP LOCATIONS WITH THE UTILITY DEPARTMENT. FEES SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR.
12. THERE SHALL BE NO TAPS, PIPING BRANCHES, UNAPPROVED BYPASS PIPING, HYDRANTS, FIRE DEPT. CONNECTION POINTS, OR OTHER WATER-USING APPURTENANCES CONNECTED TO THE SUPPLY LINE BETWEEN ANY WATER METER AND ITS REQUIRED BACKFLOW PREVENTER.
13. EACH REQUIRED BACKFLOW PREVENTION ASSEMBLY IS REQUIRED TO BE TESTED BY A APPROVED CERTIFIED TESTER PRIOR TO PLACING THE WATER SYSTEM IN SERVICE.

BEFORE YOU DIG
CALL ULOCO
AVOID UTILITY DAMAGE
1-800-632-4949
Materials Legend

1. PSOA Weathervane
2. Cupola (white) w/ standing-seam metal roof (green) & vinyl-clad windows (white)
3. Alum. eave trim
4. Standing-seam metal roof (Classic Green, MBCI, Signature 300)
5. Vinyl-clad windows (white)
6. Solid Core vinyl shutters (dk hunter green)
7. Alum. column wrap (white)
8. Concealed fastener metal building panel (white), typ.
9. 7' vinyl privacy fence (white)
10. Skylight
11. Brick veneer
12. CMU

GENERAL FINISH NOTES:
1. ALL FINAL COLOR SELECTIONS TO BE FROM MANUFACTURER'S STANDARD COLORS.
2. ALL ROOF PENETRATIONS AND ROOF MOUNTED EQUIPMENT TO BE PAINTED TO MATCH ROOF COLOR.

South Elevation
1/8" = 1'-0"

North Elevation
1/8" = 1'-0"
Materials Legend

1. PSoA Weathervane
2. Cupola (white) w/ standing-seam metal roof (green) & vinyl-clad windows (white)
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East Elevation
1/8" = 1'-0"

West Elevation
1/8" = 1'-0"
GENERAL/CONDITIONAL REZONING NOTES

GENERAL PROVISIONS PERMITTED USE
1. The purpose of this rezoning is to allow for the use of indoor and outdoor pet services and animal accommodations which meets the conditions in the 2015 NC State Building Code.
2. The rezoning plan is conceptual in nature and may have minor changes allowed per the zoning ordinance.
3. The intended use is an indoor and outdoor pet services business.

TRANSPORTATION
1. Primary site access will be off of Moore Road and secondary access will be from an existing shared driveway off of E Independence Bl.

ARCHITECTURAL REQUIREMENTS
1. See Architectural Building Elevations for design and materials.

TREES/PLANTS/LANDSCAPE AND SCREENING
1. 10 native shrub and 6 native trees along Moore Road as shown on the rezoning plan.
2. 20’ screen along Moore Road = 4 trees and 10 shrubs per 100 LF
3. Small mature trees to be planted 35’ on center along Moore Road to accommodate for the existing overhead power lines.
4. Screen to planting = 6 tree and 20 shrubs per 100 LF
5. See attached image of 7 ft. white opaque privacy fence.

ENVIRONMENTAL FEATURES
1. Detention pond with sand filter. Stormwater management will conform to standards within the Ordinance.

LIGHTING
1. Light will conform to ordinance.

OTHER
1. Work pickup is redirected to bus/employee. A trash dumpster will be provided as shown on rezoning plan.

CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO BEGINNING CONSTRUCTION.

BEFORE YOU DIG
AVOID UTILITY DAMAGE
1. ALL PAVEMENT CUTS, CONCRETE OR ASPHALT, ARE TO BE REPLACED ACCORDING TO STANDARDS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.
2. SHORING WILL BE ACCORDING TO OSHA TRENCHING STANDARDS PART 1926 SUBPART P, OR AS AMENDED.

FILE NAME: C03 - REZONING.DWG
215058
2015-631
07-29-2015
SUPERCEDED

FILE NAME: C03 - REZONING.DWG
215058
2015-631
07-29-2015
SUPERCEDED
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3. ALL WORK SHALL COMPLY WITH ALL APPLICABLE CODES, REGULATIONS, AND/OR LOCAL STANDARDS IMPOSED BY LOCAL UTILITY.
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12. THERE SHALL BE NO TAPS, PIPING BRANCHES, UNAPPROVED BYPASS PIPING, HYDRANTS, FIRE DEPT. CONNECTION POINTS, OR OTHER WATER-USING APPURTENANCES CONNECTED TO THE SUPPLY LINE BETWEEN ANY WATER METER AND ITS REQUIRED BACKFLOW PREVENTER.
13. EACH REQUIRED BACKFLOW PREVENTION ASSEMBLY IS REQUIRED TO BE TESTED BY A APPROVED CERTIFIED TESTER PRIOR TO PLACING THE WATER SYSTEM IN SERVICE.
OWNER: SUNNY SIDE UP REALITY 
1628 MATTHEWS MINT HILL RD.
MATTHEWS, NC 28105
PIN # 21510119

POULOS ENTERPRISE 
1628 MATTHEWS MINT HILL RD.
3900 WESLEY CHAPEL RD.
MATTHEWS, NC 28105
MATTHEWS, NC 28105
PIN # 21510120

SITE DEVELOPMENT DATA

OWNER: BRK MATTHEWS LP 
C/O STARWOOD CAPITAL GROUP 
591 WEST PUTNAM AVE. 
GREENWICH, CT 06830

ADDRESS N/A

40' FRONT SETBACK

774 EXISTING R/W

8.0' PLANTING STRIP

SITE ACREAGE: 135,263.5 SF (3.10 AC)

SITE TAX PARCEL : 21510103 (11325 E INDEPENDENCE BV., MATTHEWS, NC 28105

ZONING:     B-H (EXISTING)        B-D (PROPOSED)

USE:      ANIMAL KENNEL

PROPOSED BUILDING SIZE 19,777 SF

MAX. BUILDING HEIGHT 40'

PARKING SPACES REQUIRED
12  EMPLOYEES + 160 KENNELS/10 = 28 SPACES

PARKING SPACES PROVIDED
44 SPACES

HANDICAP SPACES
2 SPACES (1 VAN)

LOADING SPACES NOT REQUIRED (LESS THAN 50,000 SF)

PETSUITES MATTHEWS
11325 E INDEPENDENCE BV., MATTHEWS, NC 28105

CONTACT:    HENSONFOLEY (JAY HENSON)
11229 E INDEPENDENCE BV
MATTHEWS, NC 28105
704-875-1615

BILL AND MARY GALLIS
4417 WAXHAW INDIAN TRAIL RD
INDIAN TRAIL, NC 28079
8.0'

18.5'

24.0'

26.2'

FEMA EFFECTIVE DATE

ARCHITECTURAL STANDARDS -
1. See Architectural Building Elevations

TREESCAPES AND LANDSCAPES
1. 3,800 SF dry water quality pond

ENVIRONMENTAL FEATURES
1. 3,800 SF dry water quality pond

LIGHTING
1. All exterior lighting shall utilize full cut-off, downwardly shielded lighting fixtures and that any attached lighting will be limited to 25 feet in height.

SIGNAGE - N/A

PHASING - N/A

REVISIONS:

1. Before you dig

2. Contractor is responsible for placing barricades using flagmen, etc., as necessary to insure safety to the public.

3. All pavement cuts, concrete or asphalt, are to be replaced according to standards of the North Carolina Department of Transportation.

4. Shoring will be according to OSHA trenching standards Part 1926 Subpart P, or as amended.

CONTRACTOR IS RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO BEGINNING CONSTRUCTION.

AVOID UTILITY DAMAGE

CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO BEGINNING CONSTRUCTION.

BEFORE YOU DIG

FILE NAME:
C03 - REZONING.DWG

PROJECT NUMBER:
215058

DATE:
05/27/2015

SUPERCEDED
05-27-2015