

Z15-14 – Delaney at South Shore Harbor PUD

Request Rezone approximately 10.86 acres from “PS” (Public/Semi-Public) to “CM-PUD” (Mixed Use Commercial with a Planned Unit Development Overlay).

The applicant proposes to develop a senior-living community consisting of a mixture of independent living apartments, assisted living apartments, and memory care units. The applicant is proposing a total of 207 residential units, with the 120 independent living apartments being classified as dwelling units, with full kitchens.

Since the applicant is proposing a Planned Unit Development (PUD) for the site, a Concept Plan (also referred to as a PUD Document) has been submitted. A schematic master plan is also attached to the PUD Document for the Commission’s review and approval.

Should this request be approved, the development regulations specified within the PUD document will supersede those in the Zoning Ordinance. Otherwise, the development shall comply with the requirements of the Zoning Ordinance.

Applicant Dale Hardy, GeoSurv, LLC/Lee Lyles, LCS Development

Owner Clear Creek Independent School District

City Council Public Hearing & First Reading – October 13, 2015; Second Reading – October 27, 2015

Location Generally located southeast of Marina Bay Drive, at the intersection of Constellation Boulevard

Public Notification 52: Notices Mailed to Property Owners within 500 feet on August 31, 2015
0: Communications of Support Received
2: Communications of Opposition Received
Public Notice Published in August 30, 2015 *Galveston County Daily News*

Attachments 1. Concept Plan (PUD Document)
2. Zoning map/ property owner notification map
3. Aerial Map
4. Copy of Zoning Petition Form and email from resident
5. Viewsheds from Neighboring Properties

The Commission should consider the following findings in its deliberation, which shall be utilized to substantiate its findings. To determine the extent to which the proposed zoning would be compatible with surrounding properties, the surrounding land uses and the performance impacts should be considered.

Update On September 21, 2015, the Planning and Zoning Commission tabled this item to provide the applicant and staff time to respond to public hearing comments concerning screening, traffic, and height concerns.

Background **December 2, 2014** – Applicant has neighborhood meeting to discuss project. 23 persons were in attendance.
June 12, 2015 – Applicant submits application to rezone property from “PS” to “CM-PUD”.
August 30, 2015 – Public Notice is published in *The Galveston County Daily News*.

August 31, 2015 – Public Notice is mailed to neighboring properties and sign is posted on the subject property.

September 15, 2015 – Applicant holds a follow-up meeting with neighborhood presenting revised project.

September 21, 2015 - Planning & Zoning Commission held public hearing and tabled the item until the October 5, 2015 meeting with a vote of 4-0-0 with one absent.

October 5, 2015 – Planning & Zoning Commission to consider request and make a recommendation to the City Council.

October 13, 2015 – City Council scheduled to conduct public hearing and consider request on first reading.

October 27, 2015 – Subject to approval on first reading, City Council to consider request on second reading.

Site and Surrounding Area

The property is undeveloped and flat with areas of scrub and low trees throughout the property. A tree survey and/or tree disposition plan will be required for this property prior to the approval of any plats for the site.

Direction	Surrounding Zoning	Surrounding Land Use
North	“ROW” and “CG”	Marina Bay Drive and Undeveloped Commercial
South	“OS”	Open Space and Former GENCO Cooling Canal
East	“RSF-7-PUD”	South Shore Harbour, Section 17
West	“ROW” and “CG”	Marina Bay Drive and Developed Commercial

Due to the proximity of the adjacent residential to the east of the site, buffering the site is a concern. The Concept Plan increases the buffer at the time of planting by installing a continuous row of Savannah Holly. These plants will be no less than 12 feet tall at the time of planting, with a height of 20 to 30 feet at maturity. Based on the comments at the September 21 P&Z meeting and further verified by the City Arborist, the Savannah Hollies will need to be planted a maximum of 8 feet apart, instead of the 10 feet as originally proposed.

Furthermore, the project is limited to 42 feet in height, with the exception of the Independent Living portion of the project located on the western portion of the site. 42 feet is the same as the maximum height allowed in an “RSF-7” zoning district. The Independent Living portion of the project is limited to a maximum height of 54 feet. This portion of the project is located over 450 feet from the residential properties to the east of the site.

Access

This project will have proposed future access from Marina Bay Drive via two driveways, located at approximately the center of the site, at the intersection of Constellation Boulevard and Marina Bay Drive, and the northern portion of the site. A Traffic Impact Analysis was performed for this project and indicated that this project will have a minimal impact on traffic in the area. There is no plan at this point to add a signal at Constellation Boulevard and Marina Bay Drive, as a signal doesn’t meet the required warrants at this time. A concern regarding the nearby “Five Corners” intersection was discussed during the public hearing. According to the Engineering Department, the Five Corners project is designed to accommodate year 2035 traffic volumes.

Land Use Analysis

The property is currently zoned “PS” and would need to be rezoned to allow for the proposed use. Below is a table that compares the development standards of the existing “PS” zone and the proposed standards of the PUD:

	“PS” (Current Zoning Classification)	“CM-PUD” (Based on Proposed Amendment)
<i>Min. Lot</i>	5,000 s.f.	10.857 acres

<i>Size</i>		
<i>Min. Lot Width</i>	50 feet	--
<i>Front Yard Setback</i>	20 feet	107 feet (nearest building to front property line)
<i>Side Yard Setback</i>	15/30 feet (Nonresidential/Residential)	70 feet (nearest building to side property line)
<i>Rear Yard Setback</i>	20/40 feet (Nonresidential/Residential)	30 feet (covered parking, adjacent to nonresidential)
<i>Height</i>	80 feet	54 feet

**Public Benefit
vs. Imposed
Hardship**

Based upon the information provided, the Commission will have to determine “the gain to public health, safety, welfare, due to denial of this application as compared to the hardship imposed upon the owner as a result of denial of the application.” This PUD will limit the uses on the site to retail, restaurants, and office. Incompatible uses such as industrial, automotive, and self-storage are not permitted in the PUD. A petition was submitted to staff voicing concern for the proposed amendment. A three-fourths vote is not required per Section 211.006(d) of the Texas Local Government Code as less than 20% of those who signed the petition are within 200 feet of the land covered by the proposed change.

**Staff
Recommendation**

Staff recommends approval of the rezoning and adoption of a Planned Unit Development Overlay for the subject site in accordance with the proposed Concept Plan and Planned Unit Development document.

For additional information, you may contact Ryan Granata, AICP, Planning Manager at (281) 554-1097 or at ryan.granata@leaguecity.com.

The Delaney at South Shore Harbor Planned Unit Development Overlay District

**Prepared for:
LCS Development**

**Prepared by:
City of League City Planning Department**



October 2015

1. **Zoning Designation:** The property shall be developed and used in accordance with the development and use regulations of the “CM” (Commercial Mixed Use) Zoning district as set forth in the League City Zoning Ordinance except as supplemented or modified by this Ordinance.
2. **Planned Unit Development Overlay Area:** The Delaney at South Shore Harbor Planned Unit Development Overlay (“the PUD”), generally described as 10.857 acres, legally described as a portion of Lots 103, 111, and 112 of Division “D” of League City, an unrecorded subdivision of part of the Michael Muldoon Two League Grant, Abstract No. 18 and part of the S.F. Austin Survey, said land being more particularly described in **Exhibit A**. The concept plan for the PUD is shown on **Exhibit B**, attached hereto.
3. **Land Use Classification Definitions:** Except as defined below, the use classifications that are included in Section 5 are defined in Article V of the League City Zoning Ordinance. In cases where a specific land use or activity is not defined either in this section or in the League City Zoning Ordinance, the City Planner or their designee shall assign the land use or activity to a classification that is substantially similar in character.
 - a. *Independent living facility.* A managed residential community consisting of private residential units, including full kitchens, and providing meal service, laundry service, housekeeping, social activities, and personal services in a group setting to persons fifty-five (55) years and older.
 - b. *Assisted living facility.* A managed residential community consisting of private residential units and providing assistance with activities of daily life such as meal preparation, laundry service, housekeeping, social activities, and personal services in a group setting to persons fifty-five (55) years and older who require help or assistance with activities of daily living. An assisted living facility may provide nursing services, but is not a nursing home or convalescent facility as defined by the State of Texas.
 - c. *Memory care facility.* A managed residential community consisting of private residential units and providing assistance with activities of daily life, such as meal preparation, laundry service, housekeeping, social activities, and personal services in a group setting to persons with Alzheimer’s disease and other forms of permanent memory impairment.
4. **Building Height:** The maximum building height within the PUD shall be no greater than 42 feet with the exception of the Independent Living portion of the project which will have a height of no greater than 54 feet. The location of the Independent Living portion of the project is shown on **Exhibit B**.

5. **Schedule of Permitted Uses:** The table below includes the permitted uses for the PUD. Regulations for each use are established by the following letter designations:
“P” designates permitted use classifications.
“A” designates permitted accessory use classifications.

The number designations refer to additional regulations listed at the end of the table below.

<i>Use Classifications</i>	
<i>Residential</i>	
<i>Assisted living facility</i>	P
<i>Independent living facility</i>	P
<i>Memory care facility</i>	P
<i>Commercial</i>	
Alcohol Beverage Sales	
<i>On-Premise Consumption</i>	A(1)(2)
Offices	A(1)(3)
Personal Services	A(1)(4)
Retail Sales	A(1)

- (1) Use is limited to residents and guests only, not open for public use. Retail sales is for on premises resident store for residents only
- (2) Permissible if in accordance with Chapter 10 of the City of League City Code of Ordinances and the Texas Alcoholic Beverage Commission (TABC) Code.
- (3) Use is limited to administrative offices.
- (4) Personal services is limited to an on premises beauty salon, services include massage therapy only open to residents of the community

6. **Landscaping:** Landscaping of properties in the PUD shall be developed in accordance with the following standards:

- a. Plantings shall conform to the following minimum sizes at the time of planting:

Shade trees:	2 – ½” caliper, balled and burlapped or container
Ornamental trees:	6’ tall, balled and burlapped or container
Shrubs:	3’ tall, planted no less than 36” off center.

- b. All plant materials shall be from the attached plant list in **Exhibit C**. At least three different tree species, two different shrub species, and one ornamental grass species shall be included in the project landscaping. The landscape plan shall conform with the plan attached in **Exhibit D**.

- c. Landscape islands of no less than 152 square feet shall be provided within each surface parking area for every eight (8) parking spaces, or fraction thereof.
 - (1) The landscape islands required in Section 6.c., above, need not be placed/located every eight (8) spaces; however, in no case shall any parking space be further than 200 feet from any landscape island and the total square footage of all landscape islands required for each parking area be less than is required by said Section 6.c., above.
 - (2) Shade trees shall be planted in the parking lot at a ratio of one (1) tree for every eight (8) spaces. No less than 75 percent of the landscape islands required in Section 6.c., above, shall contain shade trees. All other island(s) not including trees, shall be completely landscaped with shrubs or ornamental grasses not exceeding three (3) foot in height.
- d. Non-deciduous or evergreen shrubs shall be planted as a continuous hedge to screen parking areas that are adjacent to private street rights-of-way, street easements, or internal access roads/aisles.
- e. A ten (10) foot landscape setback shall be located on all property adjacent to Marina Bay Drive (FM 2094). The landscape setback shall consist of:
 - (1) One shade tree for every 30 linear feet of street frontage, excluding driveways. Trees may be clustered or spaced linearly rather than being on 30-foot centers. The minimum size of the tree shall be 2 ½ - inch caliper upon installation. If a utility easement exists within the landscape setback, required trees may be planted within 10 feet of the easement.
 - (2) A continuous hedge consisting of shrubs that are not less than three (3) feet or more than four (4) feet in height when mature and no less than 36 inches in height at the time of installation. Shrubs shall be planted no more than 36 inches on center. The landscape hedge shall be set back a minimum of three (3) feet and a maximum of six (6) feet from the perimeter of any parking space, driveway, or any access aisle. The hedge must provide continuous screening of the parking area when viewed perpendicular to the public street. Shrubs planted within sight distance triangles shall not exceed 24 inches in height at maturity.
 - (3) A berm measuring not less than three (3) feet or more than four (4) feet in height from finished grade of the parking lot may be utilized as a substitute screening method. The berm shall be set back a minimum of three (3) feet and a maximum of six (6) feet.

- f. A 50 foot buffer yard shall be located adjacent to the residentially zoned property to the east of the site. The buffer yard shall consist of:
 - (1) An eight (8) foot tall solid wooden fence along the eastern property line.
 - (2) A continuous row of Savannah Holly or other evergreen tree shall be planted. These trees shall be no less than 12 feet in height and no more than a distance of eight (8) feet apart at time of planting.
 - (3) Pervious pavement for emergency access shall be permitted in the buffer yard.
 - (4) Buffer yard can be reduced by 5 feet if 8 foot tall screen fence is provided.

7. **Exterior Lighting:** All exterior lighting in the PUD shall be subject to the following:

- a. The exterior lighting in the PUD shall conform to the lighting plan shown in the attached **Exhibit E**.
- b. Parking lot light fixtures shall be a maximum of 25 feet tall. Concrete bases for light poles shall not exceed a height of 30 inches from finished grade.
- c. All parking lot light fixtures shall be full cutoff fixtures. All exterior lighting shall be hooded or otherwise shielded so that the light source is not directly visible from the public right-of-way.
- d. All exterior lighting shall be shielded so that substantially all emitted light falls upon the property from which the light emanates. The measureable amount of light created by the project beyond three feet of the PUD boundary shall be no more than 0.2 foot candles.

8. **Screening of Structures:** The Property shall be developed with screening as required by the City of League City Zoning Ordinance, however the City Planner or their designee shall have the authority to permit screening to be substituted with an alternate design, including landscaped screening. In addition, the Property shall be developed in accordance with the following screening requirements:

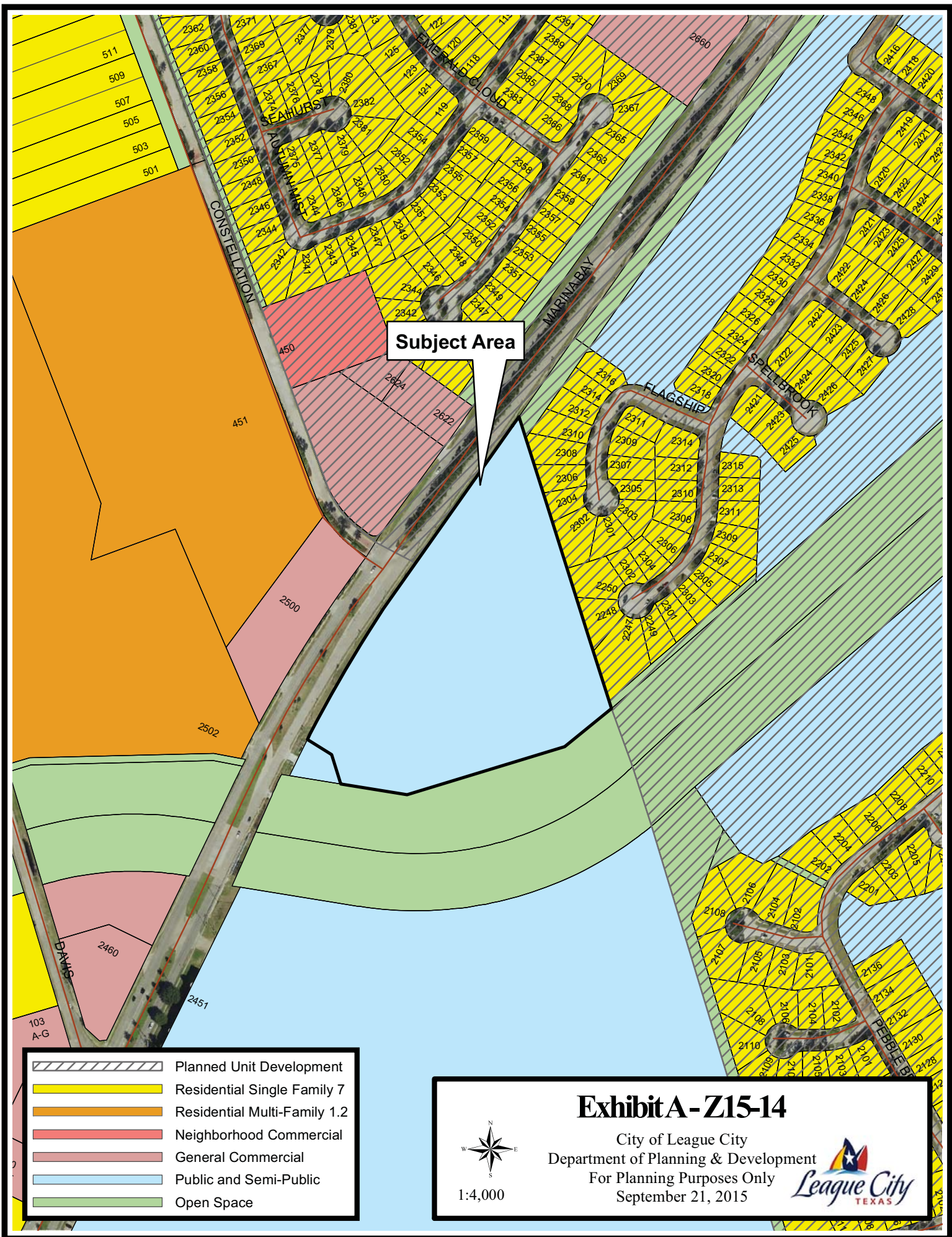
- a. A screening fence eight (8) feet in height and constructed of solid wooden materials shall be constructed to screen the site from any adjacent residentially-zoned property.
- b. A screening of evergreen trees such as hollies, 20 feet to 30 feet in height when mature shall be installed to screen the site from any adjacent residentially-zoned property.

- c. Screening for utility boxes and similar appurtenances located on the exterior of any building shall be a continuous row of evergreen shrubs not less than three (3) feet tall spaced not less than three (3) feet on center.
9. **Signage:** Signs placed on the Property shall be located and designed in accordance with the Concept Sign Plan shown on **Exhibit F**, attached hereto and incorporated herein by reference, and subject to the following additional regulations:
- a. One (1) monument sign shall be permitted for each entrance as shown on **Exhibit B** and designed in accordance with **Exhibit F**, at a height not to exceed eight (8) feet. The area of the monument sign shall not exceed 75 square feet.
 - b. One (1) monument sign shall be allowed for building identification for each section of the facility as shown on **Exhibit B** and designed in accordance with **Exhibit F**, at a height not to exceed four (4) feet. The area of the monument sign shall not exceed 40 square feet.
10. **Building Elevations/Materials:** In general, the Property shall be developed in a character that is complementary with the South Shore Harbor community and in accordance with the attached **Exhibit G** and to the following regulations:
- a. Building elevations shall include a minimum percentage of 80% of preferred materials for the front elevations, and 40% of preferred materials for the side and rear elevations.
 - b. All building elevations shall include a minimum of two preferred materials in addition to any required transparency.
 - c. Preferred material shall include the following:
 - a. Natural wood
 - b. Stucco
 - c. Fiber cement lap siding
 - d. Natural stone
 - e. Unpainted brick
 - d. At least one of the preferred materials shall be:
 - a. Unpainted brick
 - b. Natural stone
 - e. The following materials shall not be used as on exterior finish:
 - a. Plastic siding
 - b. Fiberglass panels
 - c. Plywood

d. Corrugated metal siding

DRAFT

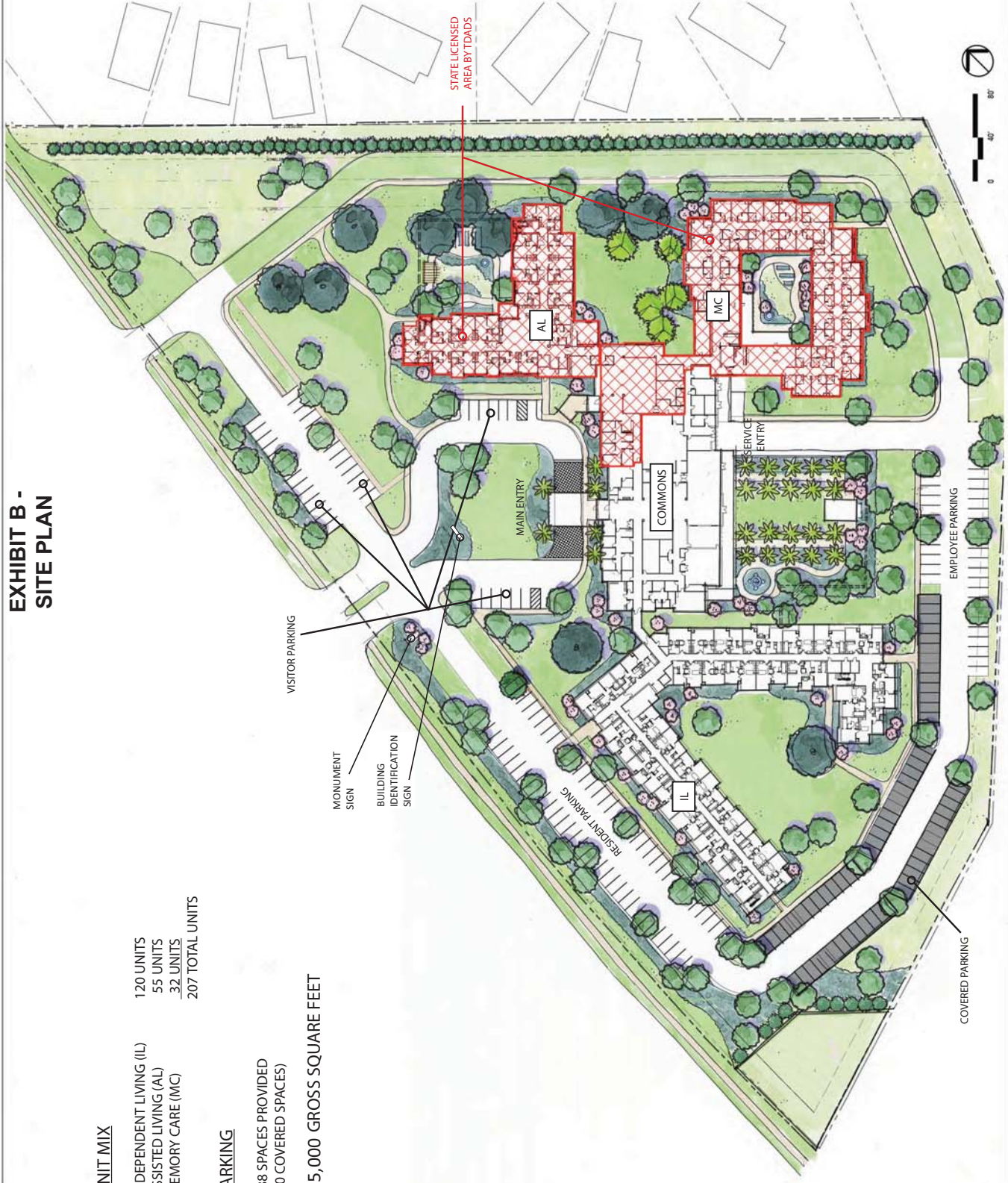
EXHIBIT A - SITE LOCATION



Trial	Condition A	Condition B	Condition C	Condition D
1	100	100	100	100
2	100	0	100	100
3	100	0	0	100
4	100	0	0	0

215,000 GROSS SQUARE FEET

STATE LICENSED
AREA BY TDADS



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EXHIBIT C - PLANT LIST

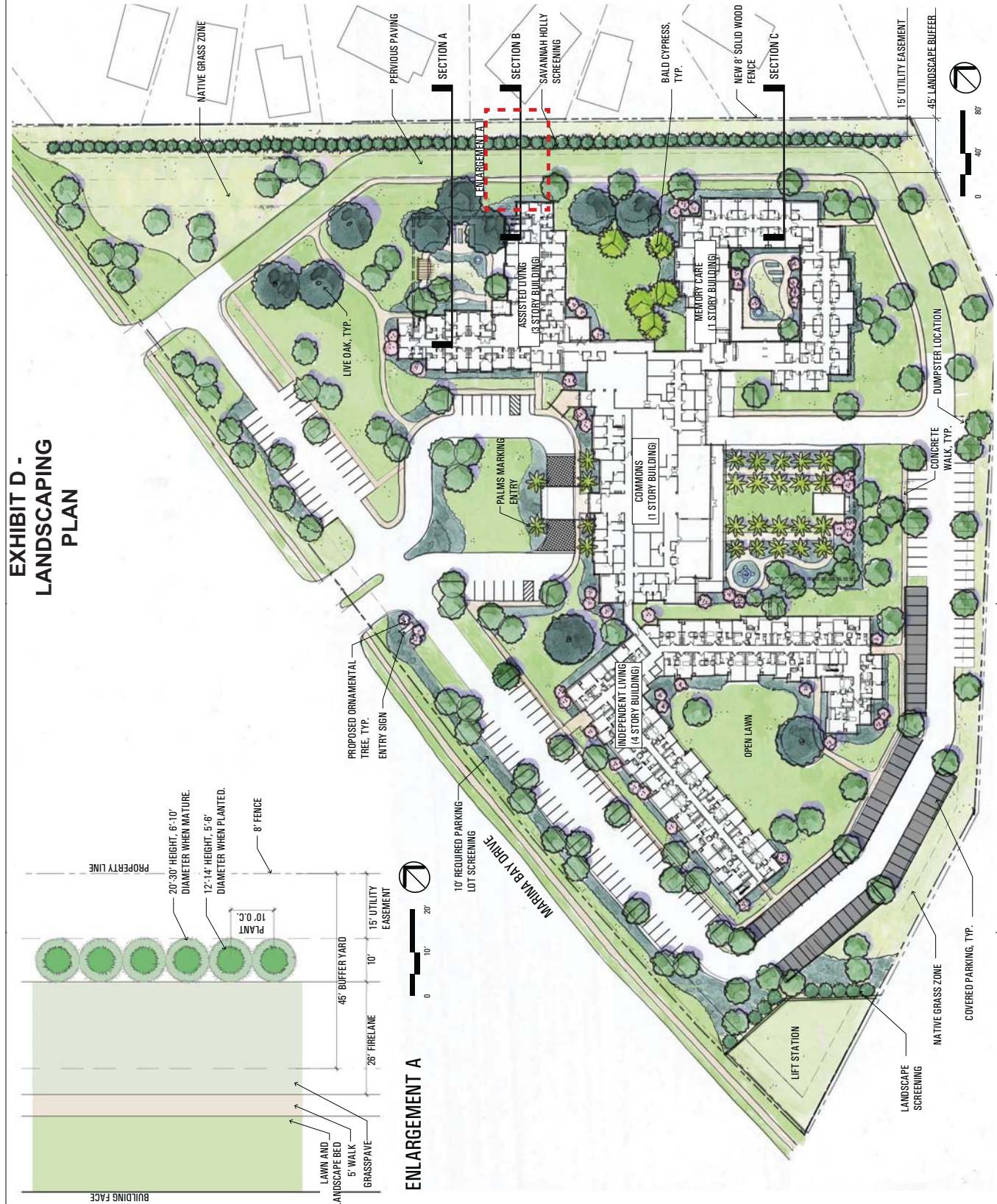


League City Senior Living Potential Plant Palette:

<u>Canopy Trees</u>	<u>Shrubs/ Ornamental Grasses/ Groundcover</u>	<u>Lawn</u>
Live Oak - Quercus virginiana	Gulf Muhly – Muhlenbergia capillaris	Common Bermuda – Cynodon dactylon
Shumard Oak – Quercus shumardii	Lindheimer Muhly – Muhlenbergia lindheimeri	
Bald Cypress – Taxodium distichum	Shell Ginger - Alpinia	
Lacebark Elm – Ulmus parvifolia	Indian Hawthorn – Raphiolepis indica	
Mexican Sycamore – Platanus mexicana	Bicolor Iris – Dietes bicolor	
Southern Magnolia – Magnolia grandiflora	Black Eyed Susan – Rudbeckia fulgida	
River Birch – Betula nigra	Liriope – Liriope muscari	
	Dwarf Abelia – Abelia grandiflora	
<u>Ornamental Trees</u>	Dwarf Palmetto – Sable minor	
Texas Redbud – Cercis canadensis var. texensis	Dwarf Yaupon Holly – Ilex vomitoria 'Nana'	
Sweet Bay Magnolia – Magnolia virginiana	Hibiscus – Hibiscus rosa-sinensis	
Crape Myrtle – Lagerstroemia indica	Maiden Grass – Miscanthus sinensis	
Cherry Laurel – Prunus caroliniana	Virginia Sweetspire – Itea virginica	
Savannah Holly- Ilex x attenuata 'Savannah'	Bridal Wreath Spirea – Spirea cantonensis 'Lanceata'	
Texas Sable Palm – Sable texana	Daylily – Hemerocallis spp.	
Mexican Fan Palm – Washingtonia robusta	Trailing Rosemary – Rosmarinus prostratus	
	Trailing Lantana – Lantana 'Purple Trailing'	
	Purple Coneflower – Echinocoe purpurea	
	Plumbago – Plumbago auriculata	
	New Gold Lantana – Lantana x hybrid 'New Gold'	



EXHIBIT D -
LANDSCAPING
PLAN



ENLARGEMENT A



14325 Trench Rd.
Dallas, Texas 75244
214.343.8800
www.prddg.com

LCS DEVELOPMENT
a subsidiary of
LCSB
14325 Trench Rd., Suite 100
Dallas, Texas 75244
214.343.8800
www.lcsb.com

THE DELANEY
AT SOUTH
SHORE HARBOR
LEAGUE CITY
PRDG PROJECT # 14030

DESIGN
DEVELOPMENT
JUNE 5, 2015

PROPOSED SET FOR REVIEW ONLY
THIS PLAN AND ANY INFORMATION
CONTAINED HEREIN IS NOT TO BE
USED FOR CONSTRUCTION
UNLESS IT IS PROVIDED BY OR
FOR THE PROJECT AND ALL
CONSTRUCTION SHALL BE IN
ACCORDANCE WITH
LCSB-10-10-10

NOT FOR
CONSTRUCTION

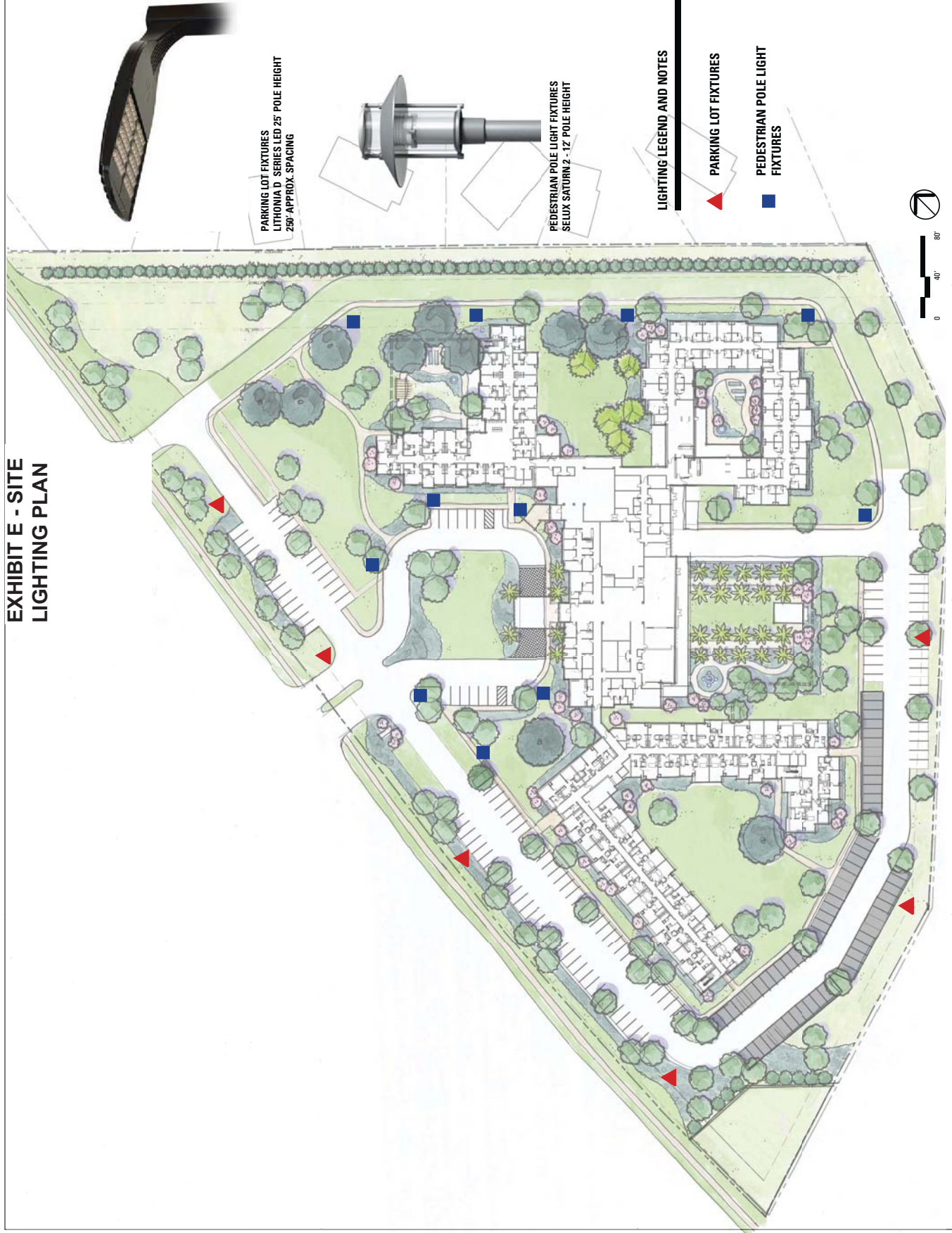
NO.	REVISION	DATE

Title
OVERALL SCHEMATIC
PLAN

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L-1

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EXHIBIT E - SITE LIGHTING PLAN



LIGHTING LEGEND AND NOTES

PARKING LOT FIXTURES

PEDESTRIAN POLE LIGHT FIXTURES

PEDESTRIAN POLE LIGHT FIXTURES
SELUX SATURN 2 - 12' POLE HEIGHT

PARKING LOT FIXTURES
LITHONIA D SERIES LED 25' POLE HEIGHT
250' APPROX. SPACING

NOT FOR
CONSTRUCTION

DESIGN
DEVELOPMENT
JUNE 5, 2015

THE DELANEY
AT SOUTH
SHORE HARBOR
LEAGUE CITY
PRDG PROJECT # 14030

T B G

LCS
DEVELOPMENT
LCS DEVELOPMENT
10000 LEBANON AVENUE, SUITE 100
LEAGUE CITY, TEXAS 77581
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www.lcsdevelopment.com

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Sheet

L-2

LIGHTING PLAN

Title

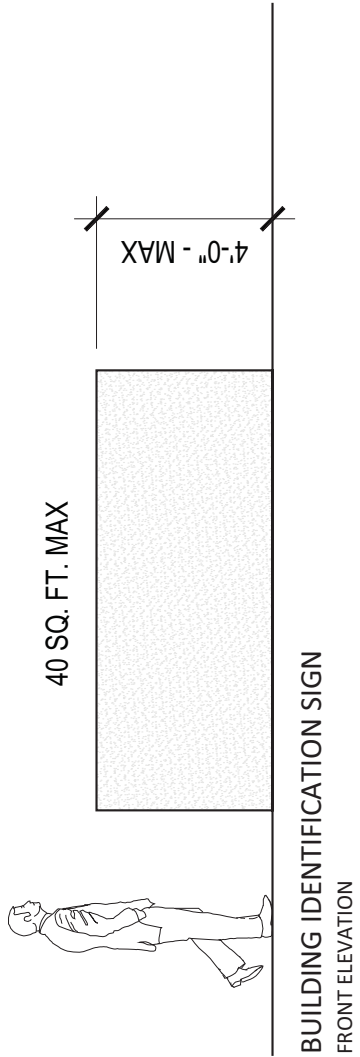
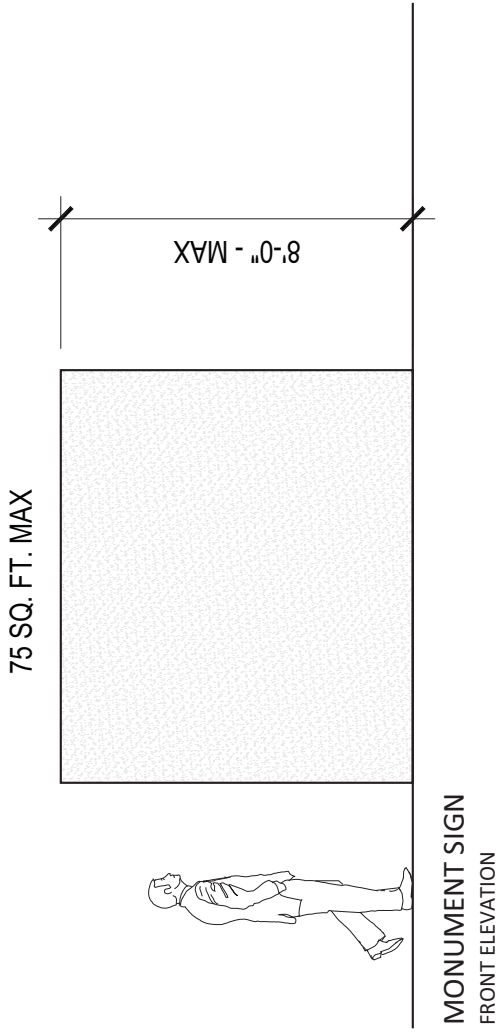
REVISIONS

NO.	REVISION	DATE



**EXHIBIT F -
SIGNAGE**

**The Delaney™ at
South Shore Harbor**
League City, TX



SIGNAGE
JUNE 12, 2015



EXHIBIT G -
EXTERIOR

The Delaney™ at
South Shore Harbor
League City, TX



EXTERIOR
JUNE 12, 2015



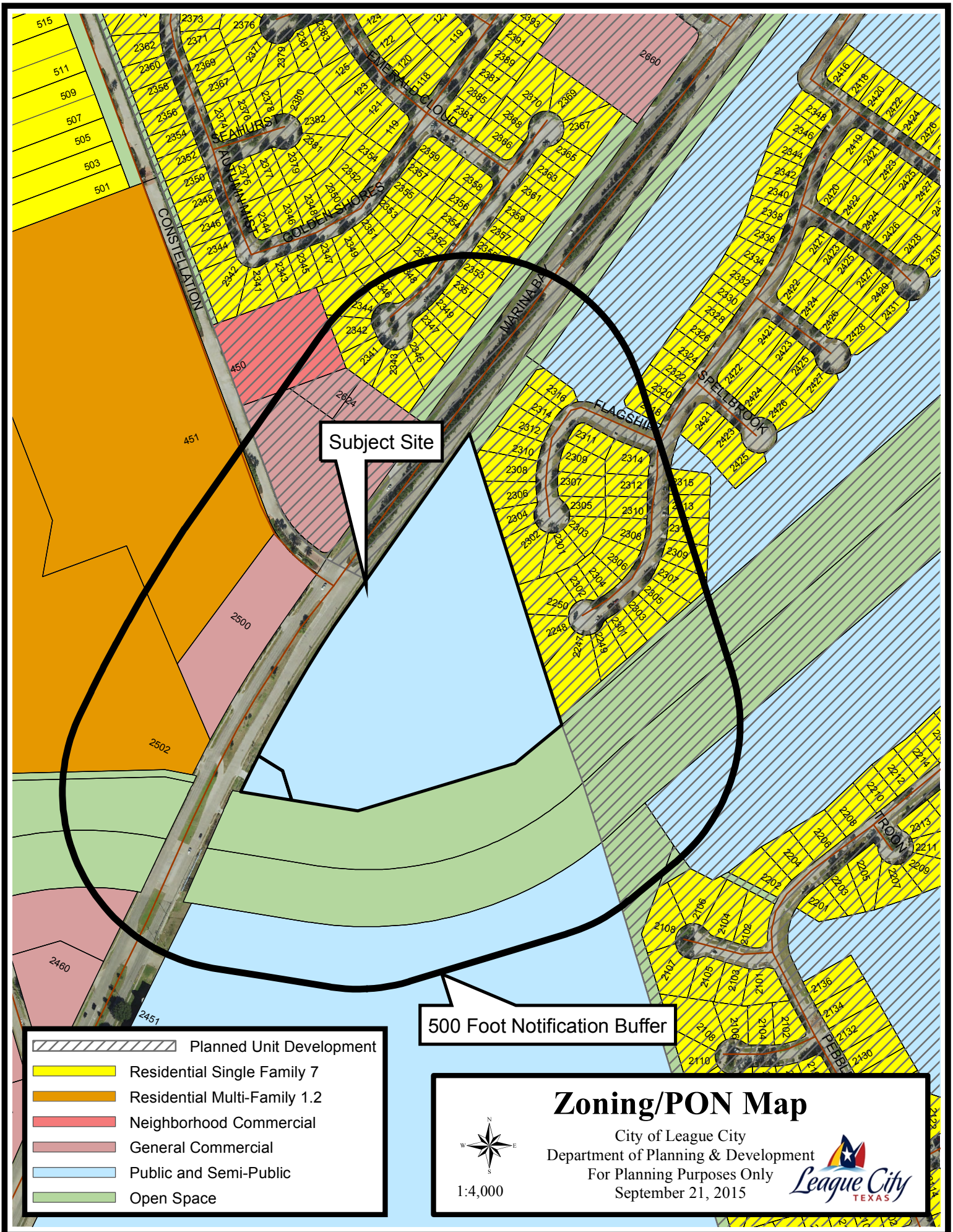
**EXHIBIT G -
EXTERIOR**

**The Delaney™ at
South Shore Harbor**
League City, TX



EXTERIOR
JUNE 12, 2015







Subject Site

Constellation Blvd.

Marina Bay Drive

Aerial Map

City of League City
Department of Planning & Development
For Planning Purposes Only
September 3, 2015



1:3,000

Mailed and Hand Delivered

September 11, 2015

Department of Planning and Development
300 W. Walker
League City, TX 77573

RE: Case Number: **Z14-14**

To Whom It May Concern:

Changing the zoning will cause property values to decrease, which will lead to League City and Galveston County collecting less in taxes. What will zoning changes cause in the way of flooding in the Fairway Pointes subdivision? This zoning change could lead to additional crime in the Fairway Pointe subdivision due to much easier access to the neighborhood.

SEP 11 2015

ZONING PETITION FORM

City of League City - Planning Department
www.leaguecity.com/planning



Office of
City Secretary
If surrounding property owners want to oppose a zoning change request that has not been acted upon by City Council, complete the following form and submit it to the Planning Department prior to the City Council meeting. (Staff recommends that you submit this form as early as possible and before the Planning and Zoning Commission's recommendation to City Council.) Original signatures and addresses/tax identification numbers must be submitted to the Planning Department in order to be valid. The petition will be subject to the following state law.

Per Section 211.006(d) of the Texas Local Government Code:

"If a proposed change to a regulation or boundary [zoning] is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least 20 percent of either:

1. the area of the lots or land covered by the proposed change; or
2. the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area."

Zoning Case # and Description: Case Number: Z15-14

I, Dwight Judy, do hereby verify that I collected the information contained on this document and that the persons whose names are listed hereon did sign this document in my presence and that I witnessed their signature for the purposes stated herein.

Dwight Judy
Signature of Person Collecting Names

2310 Flagship Court 281-538-1350 sdjudy@verizon.net
Address Telephone Number E-Mail Address

We, the undersigned owners of property within 200' of the property that is the subject of this zoning case, oppose the requested zoning change because (attach additional pages if necessary). See attached

Property Owner Signature	Printed Name	Address or Tax ID #
<u>Beverly Arnold</u>	Beverly Arnold	<u>2302 Flagship Ct</u>
<u>Dwight Judy</u>	Dwight Judy	<u>2310 Flagship Ct</u>
<u>Barbara Hopper</u>	Barbara Hopper	<u>2306 Flagship Ct</u>
<u>NJ Gaffney</u>	NJ GAFFNEY	<u>2311 FLAGSHIP CT</u>
<u>Janet M Morgan</u>	Janet M Morgan	<u>2312 Flagship Ct.</u>
<u>Cheryl S. Ham</u>	CHEOL S. HAM	<u>2305 FLAGSHIP CT</u>
<u>Goldie M. Bruce</u>	Goldie M. Bruce	<u>2316 Flagship Ct.</u>
<u>Daniel Cowan</u>	DAVID COWAN	<u>2315 FAIRWAY POINTE DR</u>
<u>Robert W. Norris</u>	Robert W. NORRIS	<u>2313 FAIRWAY POINTE DR</u>
<u>Jody C. Rosworth</u>	Jody C. Rosworth	<u>2308 Fairway Pointe Dr.</u>
<u>Mariha James</u>	MARIHA JAMES	<u>2310 FAIRWAY POINTE DR</u>
<u>Mary Kate Chimenti</u>	MARY KATE CHIMENTI	<u>2301 FLAGSHIP CT.</u>
<u>Rickey Whit</u>	Rickey Whit	<u>2247 FAIRWAY PT</u>
<u>Sharon L. Veley</u>	Sharon Veley	<u>2248 Janway PDR.</u>

Property Owner Signature	Printed Name	Address or Tax ID #
15. Carol Harman	CAROL HARMAN	2250 Fairway
16.		
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