# 

AN ORDINANCE AMENDING TITLE 14 ZONING, CHAPTER 14.04 ZONING ORDINANCE OF THE JOHNSON MUNICIPAL CODE, BY ADDING JOHNSON MILL BOULEVARD OVERLAY DISTRICT TO SECTION 14.04.05 DISTRICT REGULATIONS, DECLARING AN EMERGENCY TO EXIST AND OTHER MATTERS RELATED THERETO

**WHEREAS**, City staff, the engineer for the City and the Planning Commission have spent many hours studying, discussing, receiving public input and ideas on a design overlay district for the area around Johnson Mill Boulevard;

**WHEREAS**, the Planning Commission as a result of these efforts, recommends for the Johnson Mill Boulevard corridor additional design regulations;

**WHEREAS**, the Overlay District will protect and enhance Johnson's appearance, identity, and the City's natural and economic vitality; and,

**WHEREAS,** the Overlay District will preserve property values of surrounding property and provide good civic design and arrangement.

# NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF JOHNSON, ARKANSAS, That:

<u>Section 1</u>: Title 14, Chapter 14.04, Section 14.04.05 of the Johnson Municipal Code is hereby amended by the addition of the Johnson Mill Boulevard Overlay District description, boundaries, regulations and standards (attached hereto as Exhibits A and B) which shall appear in the Johnson Municipal Code immediately below the Section number and title and prior to "Agricultural and Residential Districts".

Section 2: The Johnson Mill Boulevard Overlay District, as described on Exhibit A hereto, with regulations and standards as set out in Exhibit B is hereby created to expand the design regulations of the area around Johnson Mill Boulevard which was recently improved as a connection between the Don Tyson Parkway and I-49, which will enhance and protect Johnson's appearance, identity and economic vitality while providing good civic design and arrangement and aid mobility.

Section 3: The Johnson Mill Boulevard Overlay District contains those areas of Johnson identified on the Johnson Mill Boulevard Overlay District Map (a reduced facsimile of which is attached hereto as Exhibit C) and is generally those areas of the City adjacent to either side of Johnson Mill Boulevard and its intersecting streets/roads as more specifically described at

Exhibit A and as depicted on the Johnson Mill Boulevard Overlay District Map. The regulations and standards applying to the Johnson Mill Boulevard Overlay District, whether set forth on the attached or in other provisions of the Johnson Municipal Code or Ordinances of the City shall apply to all properties identified as being within the Johnson Mill Boulevard Overlay District. Such regulations and standards shall be in addition to and shall overlay all other Code/Ordinances regulations and standards including but not limited to zoning district, signage regulations, development, redevelopment and expansions of existing development. Should there be a conflict between the regulations and standards of the Johnson Mill Boulevard Overlay District and those underlying regulations and standards, the regulations and standards of the Johnson Mill Boulevard Overlay District shall control except to the extent that there should be a conflict between this Overlay District and the Hilltop/Hillside Overlay District in which case the regulations and standards of the Hilltop/Hillside Overlay District shall control.

Section 4: That the Johnson Mill Boulevard Overlay District Map (24" by 36") with original signatures maintained at City Hall is hereby adopted to identify those areas in the City lying within such Johnson Mill Boulevard Overlay District. Any conflict between the description of the Johnson Mill Boulevard Overlay District contained in Exhibit A and the Johnson Mill Boulevard Overlay District Map maintained at City Hall shall be resolved by the Map yielding to the description in Exhibit A.

<u>Section 5</u>: That except as provided above neither the Johnson Mill Boulevard Overlay District nor the Johnson Mill Boulevard Overlay District Map shall otherwise affect previous Ordinances, Resolutions or adopted codes/standards for development/construction within the City of Johnson.

Section 6: Whereas, the City has hosted a public meeting and a public hearing concerning the adoption of enhanced design regulations and standards for the area within the Johnson Mill Boulevard Overlay District whereby the majority saw a need for such and felt the need for the change was long overdue, therefore in order to preserve the health, safety and welfare of those in the City an emergency is hereby declared and this Ordinance shall be effective immediately upon its passage and adoption.

PASSED AND APPROVED this 13th day of June, 2017

CHRIS KEENEY, Mayor

ATTEST:

JENNIFER ALLEN, Recorder-Treasurer

coj Design Overlay District Ordinance 042117

#### THE JOHNSON MILL BOULEVARD OVERLAY DISTRICT

#### **Exhibit A**

Reference Official Zoning Map depicting overlay district

# Approximate Overlay District Description:

The overlay district is approximately 1320' in width (660' North of the centerline of Johnson Mill Boulevard and 660' South of the centerline of Johnson Mill Boulevard). The District begins on the east side of Interstate Highway 49 and proceeds east along Johnson Mill Boulevard approximately 1.4 miles to the northerly line of Sections 22 &23 of Washington County as depicted Johnson Mill Blvd Overlay District Map.

The overlay district excludes PUD 15-07 (Johnson Square) and all platted portions of the Shady Oaks Subdivision.

The overlay district applies only to properties within the corporate limits of the City of Johnson.

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#### **Exhibit B**

14.04.04 G Design Overlay District

#### A. PURPOSE:

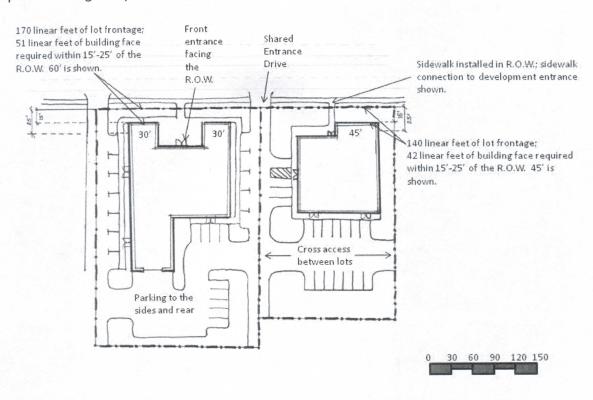
It is the purpose of this ordinance to preserve and protect the health, safety, and general welfare, preserve and enhance the natural beauty, and create an attractive, environmentally sound and healthy urban landscape for the residents of the City of Johnson. This ordinance shall not apply to single family residential dwellings.

#### B. BUILDINGS:

A minimum of thirty percent (30%) of the linear lot frontage shall contain the vertical building face. Buildings shall be located between 15' and 25' from the adjacent road R.O.W. and have at least one entrance from the R.O.W. side. (This is in an effort to create a comfortable pedestrian-scaled corridor within this overlay district.)

These standards apply to both building faces along the adjacent R.O.W., however a building entrance is required only on one frontage.

**Figure 1.1** Example of building face placement, shared drives, cross access drive, and sidewalk connections.



#### C. PARKING AND DRIVES:

Place parking in the rear or to the side of the lot. (Avoiding a large expanse of off street parking that is difficult for a pedestrian to navigate.)

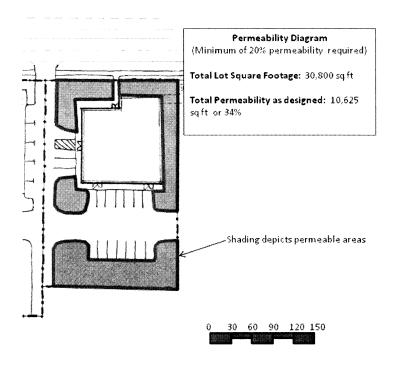
Commercial drives may be a minimum of 20' in width (for two-way traffic); or 13' in width (for one-way traffic).

Exhibit B

#### D. PERMEABILITY:

Care should be taken to preserve permeable surface on the site. Limiting parking areas, using permeable pavers, maintaining natural water systems should be a priority. The goal is to maintain 30% permeable surface area of the site; 20% permeability is required. The developer should show permeability percentages as a small diagram on the plan sheets submitted for review. The diagram should show the location of all permeable areas as shaded/hatched areas. An accompanying table shall state the percentage of permeable areas on site by stating the total site square footage and the total square footage of permeable areas. See Figure 1.2 for example.

Figure 1.2 Example of permeability diagram:



#### E. SIGNAGE:

(It is not recommended that the signage portion of this ordinance be added at this time due to the pending nature of the City's sign ordinance).

# F. SIDEWALKS:

A minimum six-foot-wide pedestrian sidewalk is required within the adjacent road R.O.W. If this walkway is shared with a bike path the minimum width is 12'. This sidewalk can be located anywhere between the street edge and the furthest extent of the road R.O.W., but must remain an open walking space. The sidewalk built within the R.O.W. must connect with any existing sidewalks on either side of the lot and also connect with a sidewalk internal to the lot (a minimum of 6' in width) which leads to a building entrance. **See Figure 1.1 for example.** Detailed specifications can be found within the City's Master Street Plan.

#### G. SITE DEVELOPMENT and PARKING LOT LANDSCAPE STANDARDS

#### (1) Front Landscaped Area.

A fifteen to twenty-five foot (15'-25') wide landscaped area shall be provided along the front property line between the front building face and the roadway (or adjacent drives or parking areas if this is a lot not adjacent to the public ROW). When adjacent to a public road this area shall be exclusive of and adjacent to the Master Street Plan right-of-way. Points of access (entrance drives, exit drives, service drives, etc.) site amenities, and sidewalks may cross the landscaped area. The square footage of the front landscape area shall be stated on the plans.

Corner lots are required to have a front landscaped area on both frontages.

#### See Figure 1.3 for Example.

- (a) At a minimum, twenty percent (20%) of the landscape area shall be a bed area (defined by steel edging, rock borders, or other similar material) containing a mixture of shrubs and perennials.
  - Shrubs shall be a minimum of 2 gallons in size upon planting. Specification of shrub type and spacing must be as per the attached plant list to create groupings of shrubs.
  - Perennials shall be a minimum of 1 gallon in size upon planting.
  - Mulch, gravel, or other similar material should be used within bed areas to limit weeds and preserve water.
  - The square footage of the bed areas within the front landscape area shall be stated on the plans.

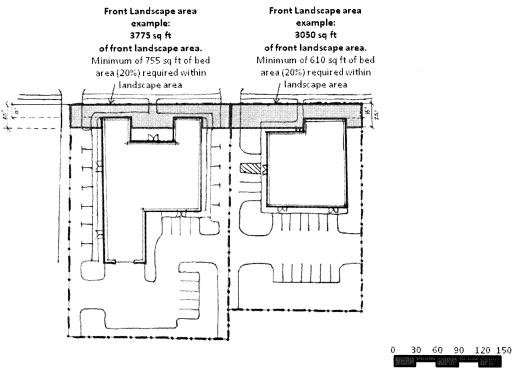


Figure 1.3 Example of front Landscape area and 20% bed area.

- (2) **Frontage and R.O.W. Trees:** One tree per twenty-five linear feet (25') shall be planted in the R.O.W. or front landscape area. The trees may be grouped together or equally spaced along the frontage. All trees shall have a 2-inch caliper (diameter) measured 6-inches above ground level at the time of planting.
  - A minimum of two thirds of the required trees must be large trees spaced a minimum of 20' on center; no maximum spacing. The large trees may be located in the front landscape area and/or between the curb and sidewalk and/or the R.O.W.

One third can be understory trees. Understory trees can only be placed within the front landscape area and must be spaced a minimum of 15' on center. A wider minimum spacing may be required by the City to accommodate certain species of trees.

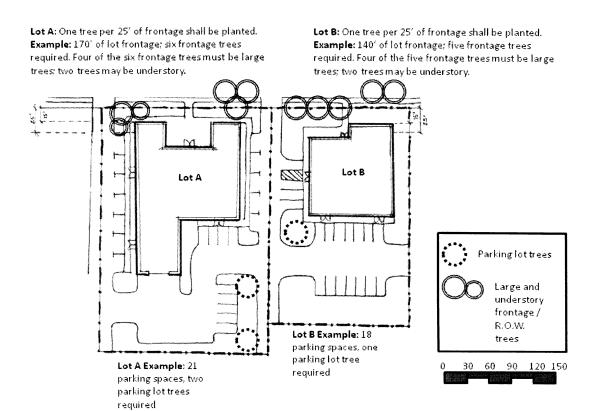
There is a list of plant materials, the Overlay District Plant List, including large trees, understory trees, evergreen and deciduous shrubs and perennials that are allowed within this district. (The trees are required to provide shade and environmental enhancement. The flexible spacing allows discretion in the design of the site to allow for building accents and signage to be unobscured.)

II. Plans shall indicate the spacing of trees along all public and private streets within the development site.

- III. All proposed trees should be located at least 5' from proposed or existing utility line.
- IV. At the request of the developer, the City may exempt specific areas from required tree planting where the terrain, utilities, or existing trees make the planting of new trees impracticable. Examples include, but are not limited to:
  - Where the finish grade slope in the planting area between the top back of the street curb and the property line is in excess of 30%.
  - Where bedrock is encountered within 30 inches of finish grade in the planting area between the top back of the curb and the property line.
  - Plans shall identify the species of trees to be planted. Frontage trees shall be large species canopy trees.

Please see Figure 1.4 for example.

Figure 1.4 Examples of requirements for R.O.W./ Frontage and Parking lot trees.



# (3) Parking Lot Landscape Screening:

Parking lots containing five (5) or more spaces shall be screened from the public right-of-way and adjacent properties with a continuous row of plants to form a minimum three foot hedge.

Shrubs, grasses, and other plants shall be spaced <u>as recommended on the Corridor Overlay District Plant List</u> to form a screening hedge.

Plans shall indicate the spacing, size, location, and name of the plant materials specified. Location of these beds should best provide screening of parking from R.O.W. and sidewalk. Fifty percent (50%) of the shrubs in these beds shall be evergreen.

All edges where beds meet lawn shall be defined. If using steel, then a minimum of  $4" \times 1/8"$  flat steel edging. Masonry materials may also be used for edging.

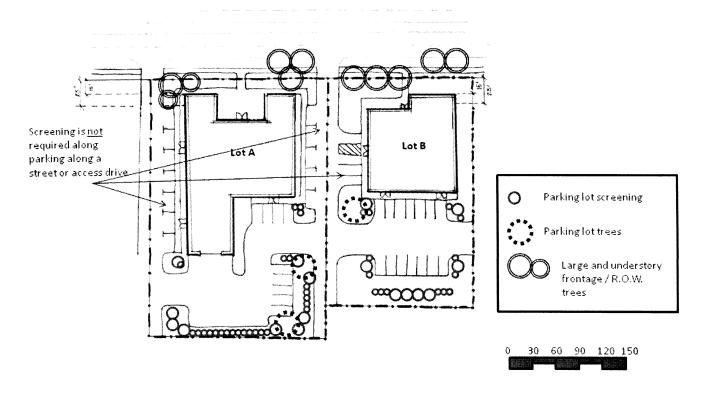
In cases where two parking lots abut one another and are not separated by a driving aisle or street, parking lot screening shall not be required on both properties along this shared property line.

- a) In the case of one lot developing first with existing parking lot landscape screening, the adjoining property should leave a minimum of an eight-foot width bed or lawn area along the property line to be landscaped as the property owner wishes. The required parking lot trees (below) may be included in this area.
- b) If both parking lots are being submitted and developed simultaneously, then it is permissible that the screening landscape requirements may be divided equally between the two properties (with some portions of the landscaping being located on either side of the property line).
- c) Parallel, on-street parking, or any other type of parking directly accessed from an access drive or street is not required to be screened.

See Figure 1.5 for examples.

Figure 1.5

Examples of Parking Lot Screening .



# (4) PARKING LOT TREES:

Parking lots shall have one tree per 10 parking spaces. These shall be in a planting island with 9'x16' minimum area (back of curb to back of curb) or in a continuous landscape area with 8' minimum width. These trees can be selected from the Parking Lot Tree list and not limited to the Overlay District Plant List. A minimum of two tree species must be used in any parking lot with two or more trees. (We are trying to avoid tree wells and limited root growth area and encourage soil areas that are large enough to support healthy, mature trees.)

See Figure 1.4 for examples.

# (5) PRESERVATION OF SIGHT TRIANGLES:

No plant material mass shall be between the height of 3' to 5' (prune low growing shrubs to below 3' and maintain the bottom limbs of small tree canopies to a minimum of 5') in the sight distance areas at driveways (30' sight triangle from the edge of driveway curb and street curb). There is a list of plant materials, Overlay District Plant List, including large trees, understory trees, evergreen and deciduous shrubs and perennials that are allowed. (The beds can be near the parking edge or near the sidewalk, but shall be located to best screen the parking based on topography, existing trees, utilities, etc.)

# (6) IRRIGATION:

The developer must provide one of the following:

- A permanent irrigation system
  or
- An adequate number of hose bib connections (so that every part of the landscape area on site is within 100' radius of a hose connection).

The chosen option above must be depicted on the plans in sufficient detail for the City to determine its adequacy.

# I. Underground Utility Wires:

In the new residential developments requiring Planning Commission approval and in new commercial developments; all utility wires, lines, and/or cable in said developments utilized by electric and/or telecommunications companies shall be placed underground and concentrated into shared easements with above ground utility elements clustered when feasible. The minimum utility easement shall be 15' in width.

- a. Waiver. In case of hardships, (including but not limited to geological, environmental, or regulatory) unique to the subject property, the Planning Commission may grant a waiver, on a permanent or temporary basis, to allow the erection, construction, installation, maintenance, use or operation of poles and overhead wires and associated overhead structures.
- b. Exemptions. The following shall be exempt from the requirements of this section:
  - Overhead wires, supporting structures, and associated structures of a temporary nature which provide temporary service. A permit obtained from the City for said temporary service, addressing the nature and duration of said service, shall be required.
  - 2. Existing lines of 12Kv and above.
  - 3. A single power pole near the exterior boundary of a development shall be allowed to provide connections for underground service.
  - 4. Nothing herein shall be construed to usurp the authority of the Arkansas Public Services Commission and in all instances of conflict, the rules and regulations of said Arkansas Public Service Commission shall prevail.

# J. Commercial, Office and Mixed Use Design and Development Standards

- (A) Refer to City of Johnson's Commercial Building Design Standards adopted by ordinance 2012-01. Applicability. These design and development standards apply to commercial developments, office developments, and small scale production.
- (B) Driveways. Shared drives are encouraged and cross access between properties shall be required to adjacent developed and undeveloped properties. **See Figure 1.1.**
- (C) Build Out. Upon approval of a development, or issuance of a building permit, build-out of the project shall conform to the drawings, information, and plans approved.

- (a) Amendments. Amendments to the drawings, information, and plans shall be submitted to the City. Amendments which are determined to be insignificant or minor may be approved by the City. Significant amendment must be approved by the Planning Commission when approval was given through the large-scale development process, or by the City if approval was given through the building permit process.
- (b) Review. Amendments shall be considered using the same standards as the initial design approval.
- (c) Noncompliance. Failure to build-out the project according to the approved drawings, information, and plans, or approved amendments thereto, shall render the large-scale development approval, or the building permit approval void.

# K. Outdoor Lighting.

- (1) This chapter is intended to:
  - (a) Protect the privacy of property owners by limiting the potential for glare and light trespass from outdoor lighting fixtures located on adjacent properties;
  - (b) Protect drivers and pedestrians from the glare of non-vehicular light sources that can impair safe travel;
  - (c) Promote efficient and cost effective lighting;
  - (d) Allow for flexibility in the style of light fixtures;
  - (e) Reduce atmospheric light pollution.

# (2) Applicability.

- (a) All outdoor lighting fixtures installed on private and public property after the effective date of this ordinance shall comply. This ordinance shall not apply to single or two (2) family residential dwellings.
- (b) All outdoor lighting fixtures existing and legally installed and operative before the adoption of are exempt from these requirements.
- (c) When an existing fixture is replaced, the replacement fixture shall meet the requirements of this article.
- (d) In the event of a conflict with any other section of this code section, the more stringent requirement shall apply
- (e) Outdoor lighting regulations and sign ordinance regulations shall be considered separate and distinct from one another.
- (f) A developer may petition the Planning Commission for a variance from the requirements of this chapter.

#### (3) Exemptions.

The following are exempt from the hooding/shielding provisions of this ordinance or as otherwise noted:

- (A) Single and two (2) family residential units.
- (B) Navigation lights (i.e. airports, heliports, radio/television towers).
- (C) Seasonal decorations with individual lights in place no longer than sixty (60) days.
- (D) Other special situations approved by the city for temporary or periodic events (i.e. parades, festivals, etc.)
- (E) Security lights of any wattage that are controlled by a motion-sensor switch and which do not remain on longer than twelve (12) minutes after activation.
- (F) Emergency lighting only as necessary and required by the adopted Building Code of the City of Johnson.
- (G) Illumination of flags.
- (H) Decorative street lighting.
- (I) Fossil fuel lighting.
- (J) Accent lighting.
  - (1) Landscape Elements. Accent lighting onto landscaping and foliage may be permitted. All non-cutoff luminaries shall be shielded and directed so that the light distribution is focused toward the functional landscape area being illuminated. All landscape accent fixtures shall be permanently fixed such that they are resistant from tampering or redirection of the light source. Accent lighting shall not be located in such a way as to have the bulb or lamp visible from pedestrian or vehicular egress.
  - (2) Building Mounted Accent Lighting. Accent lighting which is attached to building facades, structures or other architectural elements may be permitted. All non-cutoff luminaries shall be shielded and directed so that the light distribution is focused toward the functional area being illuminated. Fixtures designed to illuminate the vertical building surface, such as sconces, may be permitted provided that the bulb is shielded with an opaque surface that restricts horizontal light emissions.
  - (3) Ground Mounted Accent Lighting. Ground mounted accent lighting for buildings, when so approved, shall be directed onto non reflective

surfaces of the building. Direct light emissions shall not be visible above the roof line or beyond the building edge. All upward aimed lights shall be fully shielded, fully confined from projecting into the sky by eaves, roofs or overhangs, and all fixtures shall be located as close to the building being illuminated as possible. All ground mounted accent fixtures shall be permanently fixed such that they are resistant from tampering or redirection of the light source. Ground mounted spotlights shall not be located in such a way as to have the bulb or lamp visible from a pedestrian or vehicular egress.

- (4) Pole Mounted Accent Lighting. Pole mounted accent lighting for a building is not permitted.
- (5) Pedestrian walkway lighting 42 inches or less in height above the adjacent walkway grade may be permitted. This includes lighting applications such as bollards, light fixtures located in retaining and landscape walls, and lighting fixtures located on or within structures utilized for pedestrian safety, for example, stairwell lighting.
- (6) Neon and Light Emitting Diode (LED) lighting shall be considered accent lighting in this ordinance and is permitted to accent architectural elements of nonresidential structures as long as it meets the following requirements:
  - (a) Neon or LED lighting shall only be used to accent architectural elements of nonresidential structures.
  - (b) Neon or LED lighting used to accent architectural elements shall be mounted or affixed to the structure such that the material behind the lamp or tubing is non-reflective.
  - (c) Neon or LED lighting shall be designed, installed, located, and maintained such that all direct illumination is kept within the boundaries of the fixture owner's property.
  - (d) Neon or LED used in signs shall be regulated pursuant to the sign ordinance.
  - (e) Neon and LED accent lighting shall be limited to one linear foot of lighting per linear foot of façade being illuminated and shall not exceed a maximum of 75% of the entire buildings linear façade length.
- (7) Strands of individual, low-intensity, white decorative lights used to illuminate the outdoor patio space of bars and restaurants during their normal business hours.

#### L. SITE AMENITIES

Each commercial development shall contribute to the establishment or enhancement of the community and public spaces by providing at least two (2) of the amenities listed below. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.

- a. Patio, seating area;
- b. Pedestrian plaza with benches;
- c. Mini park, square or green;
- d. Transit stop;
- e. Public art;
- f. Window shopping walkway;
- g. Outdoor play area;
- h. Kiosk area;
- i. Water feature;
- j. Clock tower or steeple;
- k. Benches and bike racks;
- I. Tree preservation (if there are good, healthy specimen trees onsite deemed preservation worthy by the City or the City's professional representative). If specific trees are approved by the City for preservation, then the specifications for preservation of those trees shall be set out by the City at that time. All preservation specifications must be adhered to by the developer throughout construction.
- m. Any other deliberately shaped area and/or focal feature that, in the Planning Commission's judgment adequately enhances such development and serves as a gathering place.

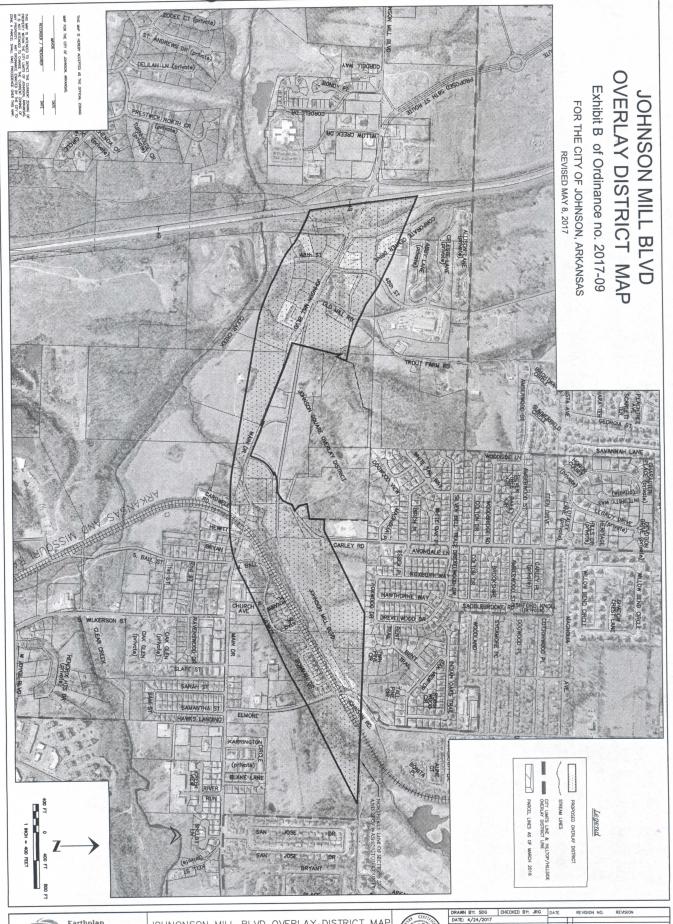
If site furniture is selected as an amenity of choice, the following are preferred to provide continuity in the district (or acceptable substitutions are also allowed with approval by the planning commission or their designee):

Benches: The specified benches and seating area shall be separate from the sidewalk. These should be installed on concrete (or other approved hard surface) and under shade whenever possible. (This is to encourage pedestrian friendly areas.) Bench requirements: Victor Stanley Lily Bench, 6' surface mount, Model LIL-20 with pointed armrests and horizontal steel slats, black.

**Bike Racks:** One bike space per 20 parking spaces. These should be located separate of the pedestrian sidewalks and should easily accessible between the bike path and the building entrance. These must be on a hard surface (concrete or permeable). (*More bike racks encourages more bike use and keeps bikes from blocking sidewalks and other areas.*) Bike rack requirements: Victor Stanley Freesia Bike Rack, surface mount, Model BFRE-161 single arch with cross bar, black.

CORRIDOR OVERLAY DISCTRO			
All varieties and cultivars with	similar characteristics are acceptable	Height	Spacing
Laura Trans			
Large Trees	Zelkova serrata	50'-80'	
Japanese Zelkova Willow Oak		40'-60'	
	Quercus phellos Planatus occidentalis	80-100'	
Sycamore Lacebark Elm		40'-60' 70'-90' 30'+	
	Ulmus parvifolia		
Tulip Poplar	Liriodendron tulipfera (not within R.O.W)		
Golden Rain Tree	Koelreuteria paniculata	30 +	
Understory Trees			
Oklahoma Redbud	Cercis candidensis 'texensis' oklahoma	25'-30'	
Kousa Dogwood	Cornus kousa	10'-20'	
Japanese Flowering			
Cherry	Prunus serrulata	30'-40'	
Natchez Crapemyrtle	Lagerstroemia indica 'Natchez'	20'-25'	
Smoke Tree	Cotinus coggygria	10'-15'	
Serviceberry	Amelanchier arborea	15'-25'	
Evergreen Shrubs			
Compact Japanese Holly	Ilex crenata 'Compacta' or 'helleri'	4'-5'	3' OC
Seagreen Juniper	Juniperus X pfitzeriana 'Sea Green'	4'-6'	5' OC
Boxwood	Buxus sinica var. insularis 'Wintergreen'	2'-4'	3' OC
Dwarf Yaupon Holly	Ilex vomitoria	3'	3' OC
Laurel	Prunus lauroceracus	5'+	4' OC
Nellie R. Stevens Holly	Ilex 'Nellie R. Stevens'	15'-20'	5' OC
Foster's Holly	llex attenuate 'Fosteri'	20′	7′8′OC
Grasses and Deciduous			
<b>Shrubs</b> Ninebark	Dhysa sarmus anulifalius	8'	8' OC
	Physocarpus opulifolius  Miscanthus sinensis 'Gracillimus'	_	
Maiden Grass		4'-7'	5' OC 3' OC
Fothergilla	Fothergilla gardenii	1.5'-3'	3 OC 5' OC
Sweetspire	Itea virginica	8' 3'-5'	3' OC
	ape Myrtle Lythraceae		
	inese Fringe Flower Loropetalum chinense		5' OC 3' OC
Weigela Switchgrass	Weigela florida	3'	3 OC 3' OC
•	Panicum virgatum	5'	
Arrowwood viburum	Viburnum dentatum	6'	6' OC
Perennials (Multiple			
varieties allowed)			

Johnson Mill Blvd. Overlay District – June 2017





JOHNONSON MILL BLVD OVERLAY DISTRICT MAP



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	DATE: 4/24/2017					
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