

GENERAL PROVISIONS

- A. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING PETITION FILED BY BOJANGLES' RESTAURANTS, INC. ("PETITIONER") TO ACCOMMODATE THE REDEVELOPMENT OF THAT APPROXIMATELY .909 ACRE SITE LOCATED AT 1401 WEST TRADE STREET, WHICH SITE IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (HEREINAFTER REFERRED TO AS THE "SITE"). MORE SPECIFICALLY, THE PETITIONER DESIRES TO DEMOLISH THE EXISTING BUILDING WITH AN ACCESSORY DRIVE THROUGH WINDOW LOCATED ON THE SITE AND TO CONSTRUCT A NEW BUILDING WITH ACCESSORY DRIVE THROUGH WINDOWS ON THE SITE TO ACCOMMODATE ITS EXISTING EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENT (TYPE 1) USE.
- B. SUBJECT TO PARAGRAPH C BELOW AND THE OTHER PROVISIONS OF THESE DEVELOPMENT STANDARDS, THE REDEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN, THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE CITY OF CHARLOTTE ZONING ORDINANCE (THE "ORDINANCE"). SUBJECT TO PARAGRAPH C BELOW AND THE OTHER PROVISIONS OF THESE DEVELOPMENT STANDARDS, AND SUBJECT TO THE OPTIONAL PROVISIONS SET OUT BELOW, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE MUDD ZONING DISTRICT SHALL GOVERN THE REDEVELOPMENT AND USE OF THE SITE.
- C. IN THE EVENT THAT THE USE OF THE PROPOSED NEW BUILDING DEPICTED ON THE REZONING PLAN IS DISCONTINUED, THEN THE SITE MAY BE REDEVELOPED WITH ANY USE OR USES ALLOWED IN THE MUDD ZONING DISTRICT AS LIMITED BY THE USE PROVISIONS OF THE PEDESTRIAN OVERLAY DISTRICT ("PED") SET OUT IN SECTION 10.811 OF THE ORDINANCE. ADDITIONALLY, SUCH REDEVELOPMENT OF THE SITE SHALL, AT A MINIMUM, COMPLY WITH THE DEVELOPMENT STANDARDS OF PED SET OUT IN SECTION 10.812 OF THE ORDINANCE AND THE URBAN DESIGN STANDARDS OF PED SET OUT IN SECTION 10.813 OF THE ORDINANCE. NOTHING HEREIN SHALL PROHIBIT SUCH REDEVELOPMENT OF THE SITE FROM EXCEEDING THE MINIMUM DEVELOPMENT AND URBAN DESIGN STANDARDS OF PED.
- D. FUTURE AMENDMENTS TO THE REZONING PLAN AND/OR THESE DEVELOPMENT STANDARDS MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE SITE IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 6 OF THE ORDINANCE. ALTERATIONS TO THE REZONING PLAN ARE SUBJECT TO SECTION 6.207 OF THE ORDINANCE.

OPTIONAL PROVISIONS

- THE OPTIONAL PROVISIONS SET OUT BELOW SHALL APPLY ONLY TO THE REDEVELOPMENT OF THE SITE FOR THE PROPOSED NEW BUILDING DEPICTED ON THE REZONING PLAN. ANY OTHER FUTURE REDEVELOPMENT OF THE SITE AS DESCRIBED IN PARAGRAPH C ABOVE UNDER GENERAL PROVISIONS MAY NOT UTILIZE THESE OPTIONAL PROVISIONS.
- A. ACCESSORY DRIVE THROUGH WINDOWS ASSOCIATED WITH AN EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENT SHALL BE PERMITTED ON THE SITE AS GENERALLY DEPICTED ON THE REZONING PLAN.
 - B. THE DUMPSTER ENCLOSURE MAY BE LOCATED ON THE SITE AS DEPICTED ON THE REZONING PLAN.
 - C. IN LIEU OF CONSTRUCTING AND INSTALLING AN 8 FOOT PLANTING STRIP AND A 8 FOOT SIDEWALK ALONG THE SITE'S FRONTAGES ON WEST TRADE STREET AND SOUTH SUMMIT AVENUE, PETITIONER SHALL, PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR ANY NEW BUILDING CONSTRUCTED ON THE SITE, CONSTRUCT AND INSTALL A NEW 7 FOOT SIDEWALK AT THE BACK OF CURB ALONG THE SITE'S FRONTAGE ON WEST TRADE STREET, AND A NEW 6 FOOT SIDEWALK AND ACCESSIBLE RAMPS ALONG THE SITE'S FRONTAGE ON SOUTH SUMMIT AVENUE PROVIDED THAT PETITIONER CAN OBTAIN AN ENCROACHMENT AGREEMENT FROM CDOT AND ALL REQUIRED PERMITS AND APPROVALS. IF PETITIONER CANNOT OBTAIN SUCH AGREEMENT, PERMITS AND APPROVALS, PETITIONER SHALL NOT BE REQUIRED TO CONSTRUCT AND INSTALL THESE SIDEWALKS AND ACCESSIBLE RAMPS AND THE EXISTING SIDEWALKS AND ACCESSIBLE RAMPS MAY REMAIN IN PLACE.
 - D. SURFACE PARKING AND MANEUVERING SPACE SHALL BE PERMITTED TO BE LOCATED BETWEEN THE PERMITTED USE ON THE SITE AND THE REQUIRED SETBACK AS DEPICTED ON THE REZONING PLAN.
 - E. THE EXISTING PLANTING AREA LOCATED BEHIND THE SIDEWALK ALONG THE SITE'S FRONTAGE ON WEST TRADE STREET MAY REMAIN IN PLACE.
 - F. AN OUTDOOR DRIVE THROUGH MENU BOARD WITH A SPEAKER BOX MAY BE INSTALLED AND UTILIZED ON THE SITE IN CONNECTION WITH AN EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENT WITH ACCESSORY DRIVE THROUGH WINDOWS. THE MAXIMUM SIZE OF THE OUTDOOR DRIVE THROUGH MENU BOARD SHALL BE 89 INCHES IN HEIGHT AS MEASURED FROM THE BASE OF THE MENU BOARD AND 76 INCHES IN WIDTH.

PERMITTED USES

- E. SUBJECT TO PARAGRAPH D BELOW, THE SITE MAY BE DEVOTED TO ANY USE OR USES ALLOWED BY RIGHT OR UNDER PRESCRIBED CONDITIONS IN THE MUDD ZONING DISTRICT, TOGETHER WITH ANY INCIDENTAL OR ACCESSORY USES ASSOCIATED THEREWITH THAT ARE PERMITTED IN THE MUDD ZONING DISTRICT.
- F. ADDITIONALLY, PURSUANT TO THE OPTIONAL PROVISIONS SET OUT ABOVE, ACCESSORY DRIVE THROUGH WINDOWS ASSOCIATED WITH AN EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENT SHALL BE PERMITTED ON THE SITE.
- G. THE MAXIMUM GROSS FLOOR AREA OF THE BUILDING LOCATED ON THE SITE THAT IS DEPICTED ON THE REZONING PLAN SHALL BE 4,100 SQUARE FEET.
- H. IN THE EVENT THAT THE USE OF THE PROPOSED NEW BUILDING DEPICTED ON THE REZONING PLAN IS DISCONTINUED, THE SITE MAY BE REDEVELOPED WITH ANY USE OR USES ALLOWED IN THE MUDD ZONING DISTRICT AS LIMITED BY THE USE PROVISIONS OF PED SET OUT IN SECTION 10.811 OF THE ORDINANCE. THE MAXIMUM GROSS FLOOR AREA ALLOWED UNDER SUCH REDEVELOPMENT SHALL BE AS ALLOWED UNDER THE ORDINANCE.

TRANSPORTATION

- A. VEHICULAR ACCESS SHALL BE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE PLACEMENT AND CONFIGURATION OF THE ACCESS POINTS ARE SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED BY THE CHARLOTTE DEPARTMENT OF TRANSPORTATION ("CDOT") AND/OR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION ("NCDOT").
- B. OFF-STREET VEHICULAR PARKING SHALL MEET THE MINIMUM REQUIREMENTS OF THE ORDINANCE.
- C. THE ALIGNMENT OF THE INTERNAL VEHICULAR CIRCULATION AREAS MAY BE MODIFIED BY PETITIONER TO ACCOMMODATE CHANGES IN TRAFFIC PATTERNS, PARKING LAYOUTS AND ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY CDOT AND/OR NCDOT IN ACCORDANCE WITH APPLICABLE PUBLISHED STANDARDS.
- D. PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR ANY NEW BUILDING CONSTRUCTED ON THE SITE, PETITIONER SHALL DEDICATE AND CONVEY TO THE CITY OF CHARLOTTE (SUBJECT TO A RESERVATION FOR ANY NECESSARY UTILITY EASEMENTS) THOSE PORTIONS OF THE SITE IMMEDIATELY ADJACENT TO WEST TRADE STREET THAT ARE MORE PARTICULARLY DEPICTED ON THE REZONING PLAN FOR RIGHT OF WAY, TO THE EXTENT THAT SUCH RIGHT OF WAY DOES NOT ALREADY EXIST.
- E. PETITIONER WILL GRANT A SIDEWALK UTILITY EASEMENT TO THE CITY OF CHARLOTTE AS DEPICTED ON THE REZONING PLAN.

ARCHITECTURAL AND DESIGN STANDARDS

- A. ATTACHED TO THE REZONING PLAN ARE SCHEMATIC ARCHITECTURAL RENDERINGS OF THE FRONT SIDE AND REAR ELEVATIONS OF A NEW BUILDING THAT COULD BE CONSTRUCTED ON THE SITE THAT WOULD BE DEVOTED TO AN EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENT WITH ACCESSORY DRIVE THROUGH WINDOWS THAT ARE INTENDED TO DEPICT THE GENERAL CONCEPTUAL ARCHITECTURAL STYLE, CHARACTER AND QUALITY OF THE FRONT, SIDE AND REAR ELEVATIONS OF SUCH BUILDING. ACCORDINGLY, IN THE EVENT THAT A NEW BUILDING IS CONSTRUCTED ON THE SITE THAT IS DEVOTED TO AN EATING, DRINKING AND ENTERTAINMENT ESTABLISHMENT WITH AN ACCESSORY DRIVE THROUGH WINDOWS, THE FRONT, SIDE AND REAR ELEVATIONS OF SUCH BUILDING SHALL BE DESIGNED AND CONSTRUCTED SO THAT EACH ELEVATION IS SUBSTANTIALLY SIMILAR IN APPEARANCE TO THE RELEVANT SCHEMATIC ARCHITECTURAL RENDERING ATTACHED TO THE REZONING PLAN. NOTWITHSTANDING THE FOREGOING, CHANGES AND ALTERATIONS WHICH DO NOT MATERIALLY CHANGE THE OVERALL CONCEPTUAL ARCHITECTURAL STYLE, CHARACTER AND QUALITY OF THE BUILDING ARE PERMITTED.
- B. THE MAXIMUM HEIGHT OF THE PROPOSED NEW BUILDING DEPICTED ON THE REZONING PLAN SHALL BE 35 FEET.
- C. IN THE EVENT THAT THE USE OF THE PROPOSED NEW BUILDING DEPICTED ON THE REZONING PLAN IS DISCONTINUED AND THE SITE IS REDEVELOPED AS DESCRIBED IN PARAGRAPH C UNDER GENERAL PROVISIONS, THEN THE REDEVELOPMENT SHALL, AT A MINIMUM, COMPLY WITH THE DEVELOPMENT AND URBAN DESIGN STANDARDS OF PED. NOTHING HEREIN SHALL PROHIBIT SUCH REDEVELOPMENT OF THE SITE FROM EXCEEDING THE MINIMUM DEVELOPMENT AND URBAN DESIGN STANDARDS OF PED. THE MAXIMUM HEIGHT OF ANY BUILDING SHALL BE AS ALLOWED IN PED.
- D. DUMPSTER AND RECYCLING AREAS WILL BE SCREENED FROM ADJACENT PROPERTY AND FROM PUBLIC VIEW WITH A MINIMUM 6 FOOT HIGH SOLID AND FINISHED MASONRY WALL WITH A SOLID AND CLOSEABLE GATE.

- A. LANDSCAPING WILL MEET OR EXCEED THE REQUIREMENTS OF THE ORDINANCE.
- B. PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR ANY NEW BUILDING CONSTRUCTED ON THE SITE, PETITIONER WILL CONSTRUCT AND INSTALL A NEW 6 FOOT SIDEWALK AND ACCESSIBLE RAMPS ALONG THE SITE'S FRONTAGE ON SOUTH SUMMIT AVENUE PROVIDED THAT THE PETITIONER CAN OBTAIN AN ENCROACHMENT AGREEMENT FROM CDOT AND ALL REQUIRED PERMITS AND APPROVALS. IF PETITIONER CANNOT OBTAIN SUCH AGREEMENT, PERMITS AND APPROVALS, PETITIONER SHALL NOT BE REQUIRED TO CONSTRUCT AND INSTALL THIS SIDEWALK AND ACCESSIBLE RAMPS AND THE EXISTING SIDEWALK AND ACCESSIBLE RAMPS MAY REMAIN IN PLACE.
- C. PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR ANY NEW BUILDING CONSTRUCTED ON THE SITE, THE PETITIONER WILL CONSTRUCT AND INSTALL A NEW 7 FOOT SIDEWALK AT THE BACK OF CURB ALONG THE SITE'S FRONTAGE ON WEST TRADE STREET PROVIDED THAT THE PETITIONER CAN OBTAIN AN ENCROACHMENT AGREEMENT FROM CDOT AND ALL REQUIRED PERMITS AND APPROVALS. IF PETITIONER CANNOT OBTAIN SUCH AGREEMENT, PERMITS AND APPROVALS, PETITIONER SHALL NOT BE REQUIRED TO CONSTRUCT AND INSTALL THIS SIDEWALK AND THE EXISTING SIDEWALK MAY REMAIN IN PLACE.

SIGNS

- A. SUBJECT TO THE OPTIONAL PROVISIONS SET OUT ABOVE, ALL NEW SIGNS INSTALLED ON THE SITE SHALL COMPLY WITH THE REQUIREMENTS OF THE ORDINANCE.

LIGHTING

- A. ALL NEWLY INSTALLED FREESTANDING LIGHTING FIXTURES INSTALLED ON THE SITE (EXCLUDING LOWER, DECORATIVE LIGHTING THAT MAY BE INSTALLED ALONG THE DRIVEWAYS, SIDEWALKS AND PARKING AREAS AND LANDSCAPING LIGHTING) SHALL BE FULLY CAPPED AND SHIELDED AND THE ILLUMINATION DOWNWARDLY DIRECTED SO THAT DIRECT ILLUMINATION DOES NOT EXTEND BEYOND THE PROPERTY LINE OF THE SITE.
- B. THE MAXIMUM HEIGHT OF ANY NEWLY INSTALLED FREESTANDING LIGHTING FIXTURE INSTALLED ON THE SITE AS MEASURED FROM ITS BASE SHALL BE 30 FEET.
- C. ANY LIGHTING FIXTURES ATTACHED TO THE BUILDING TO BE CONSTRUCTED ON THE SITE SHALL BE DECORATIVE, CAPPED AND DOWNWARDLY DIRECTED.

BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS

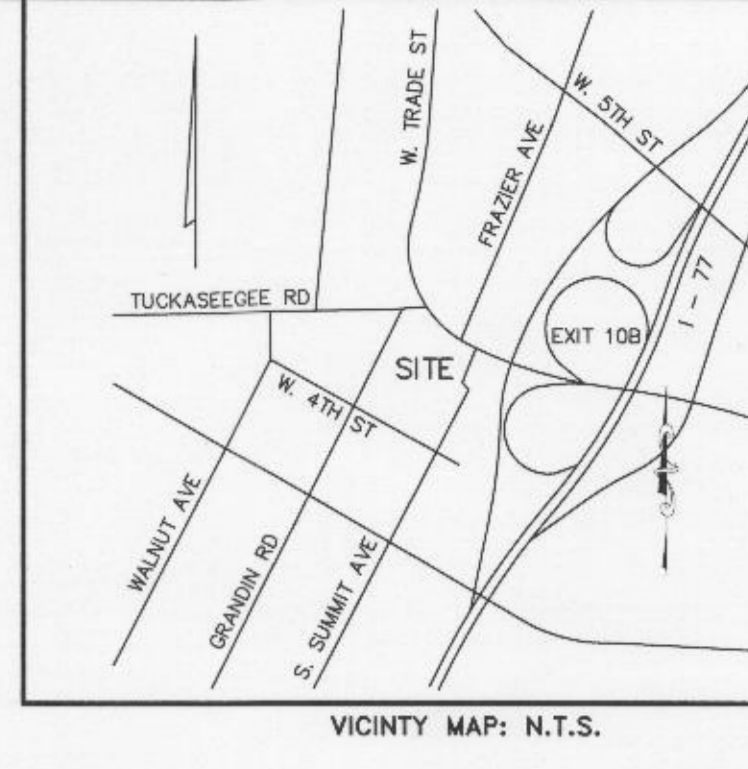
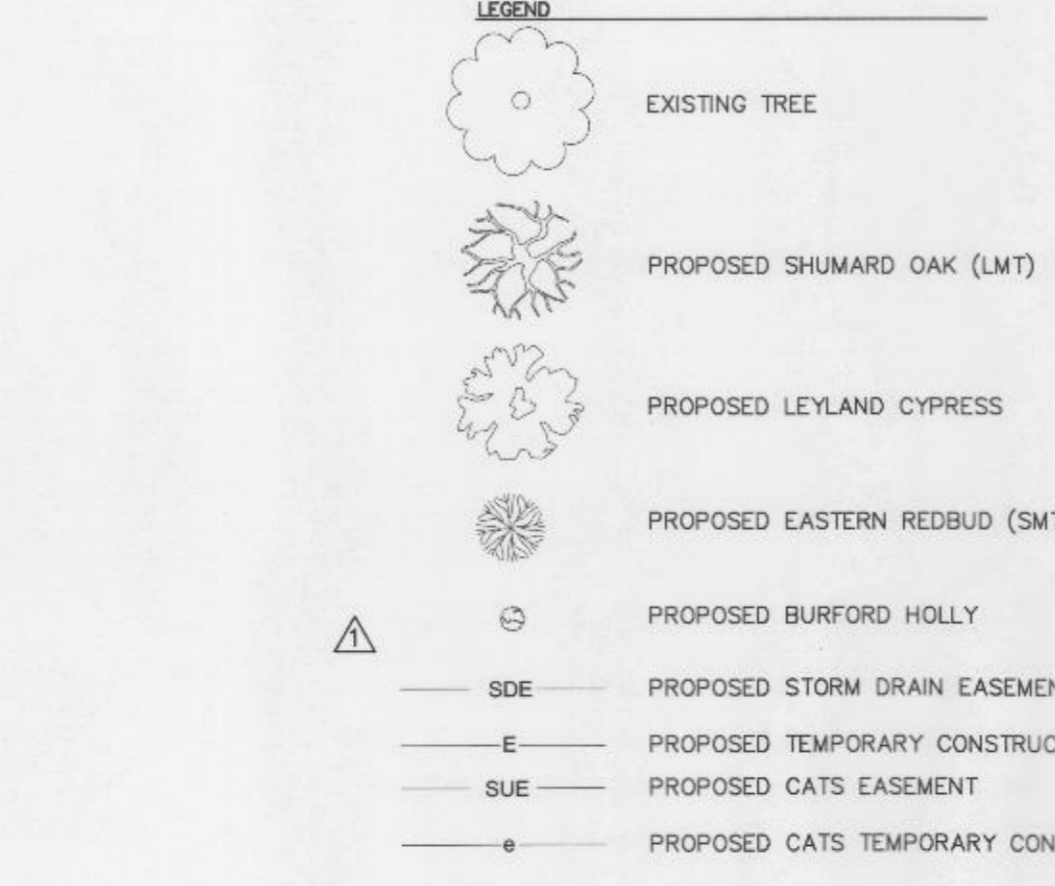
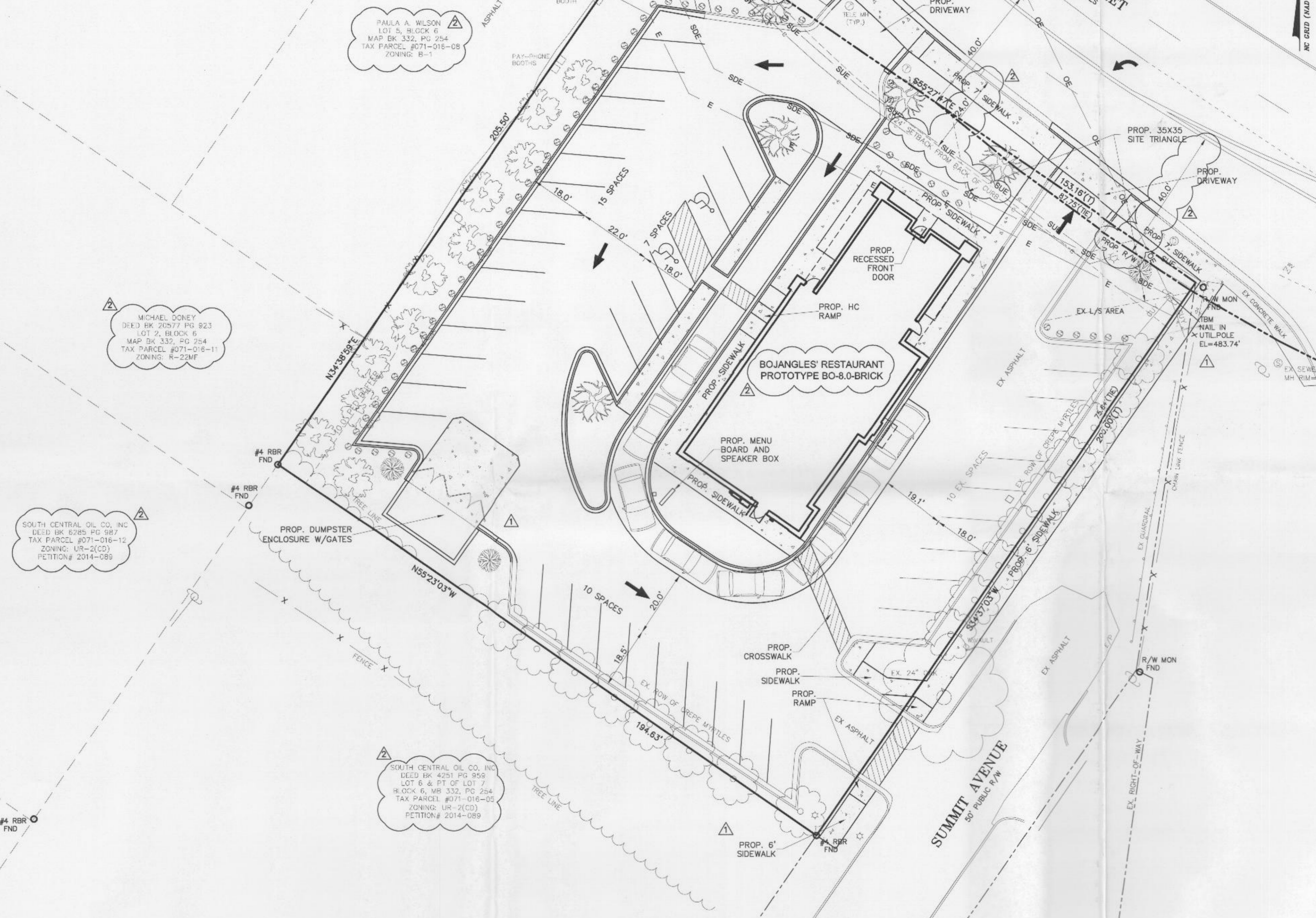
- A. IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE USE AND DEVELOPMENT OF THE SITE IMPOSED UNDER THESE DEVELOPMENT STANDARDS AND THE REZONING PLAN WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF PETITIONER AND THE CURRENT AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE SUCCESSORS IN INTEREST AND ASSIGNS.
- B. THROUGHOUT THESE DEVELOPMENT STANDARDS, THE TERM "PETITIONER" SHALL BE DEEMED TO INCLUDE THE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNS OF PETITIONER OR THE OWNER OR OWNERS OF THE SITE FROM TIME TO TIME WHO MAY BE INVOLVED IN ANY FUTURE DEVELOPMENT THEREOF.
- C. ANY REFERENCE TO THE ORDINANCE HEREIN SHALL BE DEEMED TO REFER TO THE REQUIREMENTS OF THE ORDINANCE IN EFFECT AS OF THE DATE THIS REZONING PETITION IS APPROVED.

DEVELOPMENT DATA:

TOTAL PROPERTY AREA: 0.909 ACRES
 TAX PARCEL: 07101614
 EXISTING ZONING: B-4-(PED)
 PROPOSED ZONING: MUDD-O (PED)
 EXISTING USE: FAST FOOD RESTAURANT
 PROPOSED USE: RESTAURANT WITH ACCESSORY DRIVE THROUGH WINDOW AND USES ALLOWED UNDER THE ORDINANCE
 PARKING PROVIDED: PER ORDINANCE
 LOT SETBACK: FRONT: 24' (FROM BACK OF CURB)
 SIDE: 5'

TREE SAVE:

TREE SAVE WILL BE MET BY THE PAYMENT IN LIEU OPTION VERSUS PROVIDING TREE SAVE ON SITE.



INTERSTATE 77
 PUBLIC R/W VARIES

APPROVED BY
 CITY COUNCIL

SEP 21 2015

PETITION #2015-063

BOJANGLES'
 1401 W TRADE STREET
 CHARLOTTE, NORTH CAROLINA

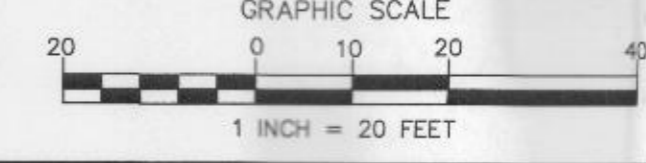
REZONING PLAN

Project: BOJANGLES' 1401 W TRADE STREET CHARLOTTE, NORTH CAROLINA
 Title: REZONING PLAN
 File #: 14294-12290 Date: 03/25/15 Project Exp: 8/15/15
 Design By: BJA
 Drawn By: CH
 Scale: 1"=100'

ISAACS GROUP
 CIVIL ENGINEERING-GEOTECHNICAL-SURVEYING

8720 RED OAK BOULEVARD, SUITE 420
 CHARLOTTE, N.C. 28217
 PHONE (704) 527-3440 FAX (704) 527-8335

RZ1



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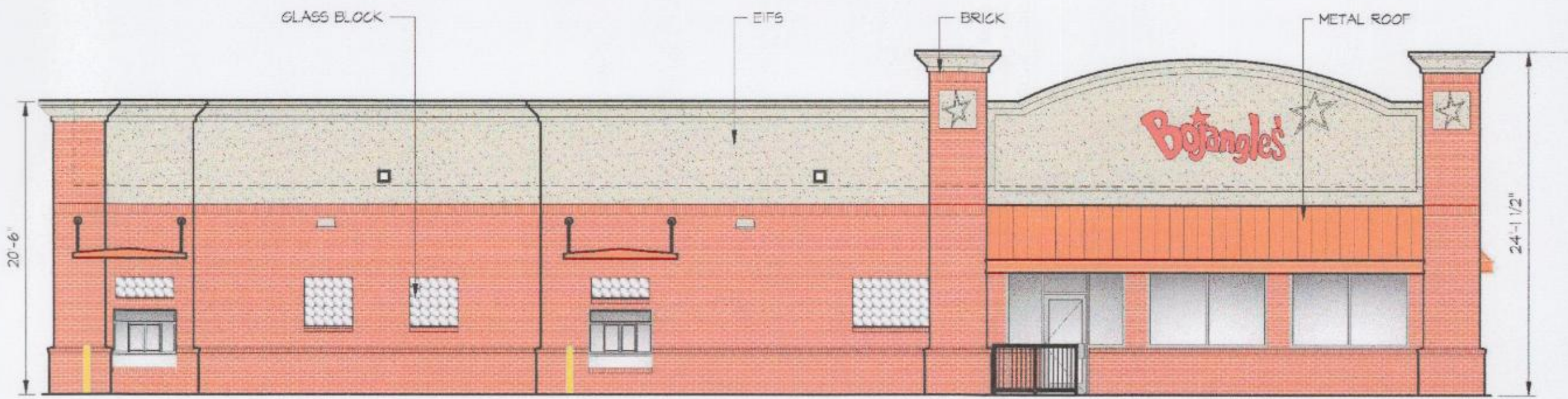
NO.	BY	DATE	REVISION
1	CBH	5/15/15	PER COMMENTS
2	CBH	7/23/15	PER COMMENTS

NOT FOR CONSTRUCTION

MATERIAL	DESCRIPTION	MANUFACTURER	STYLE / MODEL	COLOR / FINISH	REMARKS
EIFS	EXTERIOR INSULATING FINISH SYSTEM WITH DRAINAGE	310 CORP	CLASSIC RENDI INSULATED WALL CLADDING SYSTEM	WASHED IN SUPERFINE FINE BRICK FINISH	METAL OVER STANDING USED WITH 20' WALKER RAMP AT EAVES
BRICK	REGULAR WOODRUFF BRICKS	TRAVELER BRICK CO.	OLD SOUTH WOODRUFF	---	---
WALKER	WALKER CONCRETE	ESSEX CONCRETE CORP.	BROWN-GLAZED	10 WALKER EPS FINISH	---
ALUM. STOREFRONT	ALUMINUM FRAMED STOREFRONT AND STOREFRONT	LAUMER	401-T CENTER SET	CLEAR ANODIZED	---
METAL ROOF	STANDING SEAM METAL ROOF	GENERAL CON METAL PRODUCTS 688-757-8671	8" - NO RIBS	CUSTOM COLOR - PAINTED	GUTTER FASCIA SHARED BY ROOF
CURTAIN WALL	METAL CURTAIN WALL PANELS	---	---	PAINTED - BRONZE	GUTTER FABRICATED
GLASS BLOCK WINDOW	PRE-INSULATED WINDOW UNIT	PITTSBURGH-LORING	LIGHTHOUSE	DESIGNER BLOCK BRONZE TONE	---



2 FRONT ELEVATION
SCALE: 1/8" = 1'-0"



1 LEFT SIDE ELEVATION
SCALE: 1/8" = 1'-0"

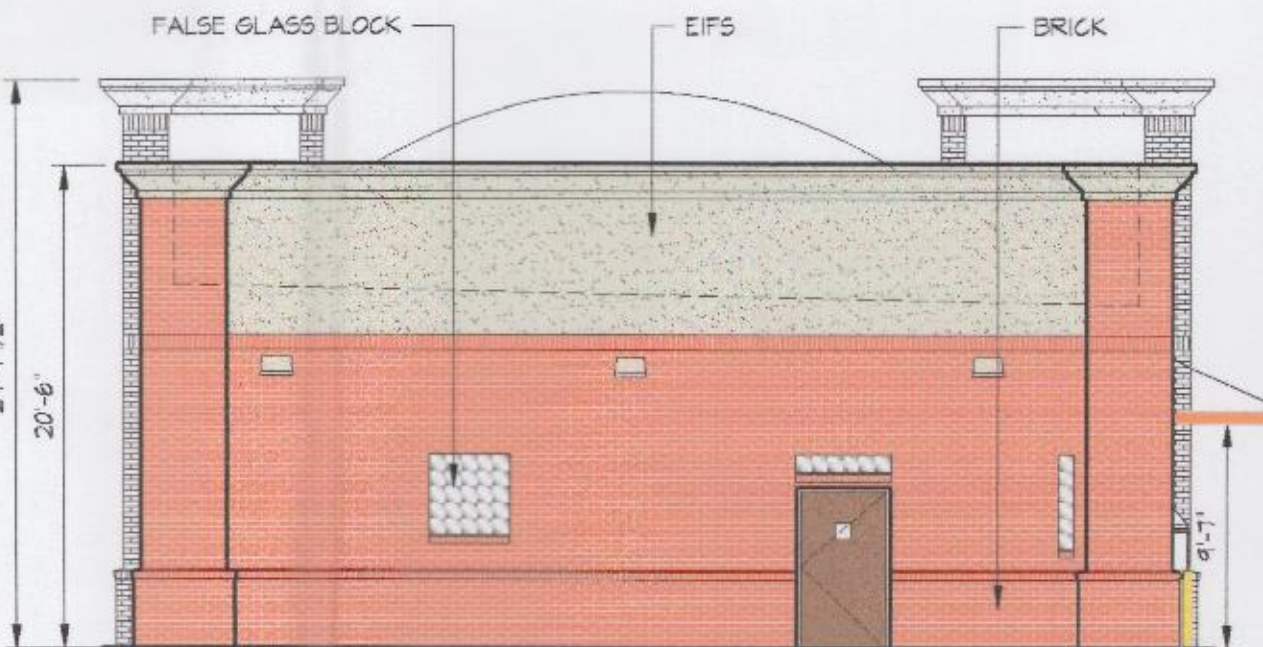
ESD
architecture + interior design
1300 South Main Street, Suite 300, Charlotte, NC 28203
Phone: 704-375-1900
Email: esd@esdarch.com

BOJANGLES RESTAURANTS INC.
MODIFIED PLAN 8
WEST TRADE ST AT SUMMIT AVE
CHARLOTTE, NORTH CAROLINA

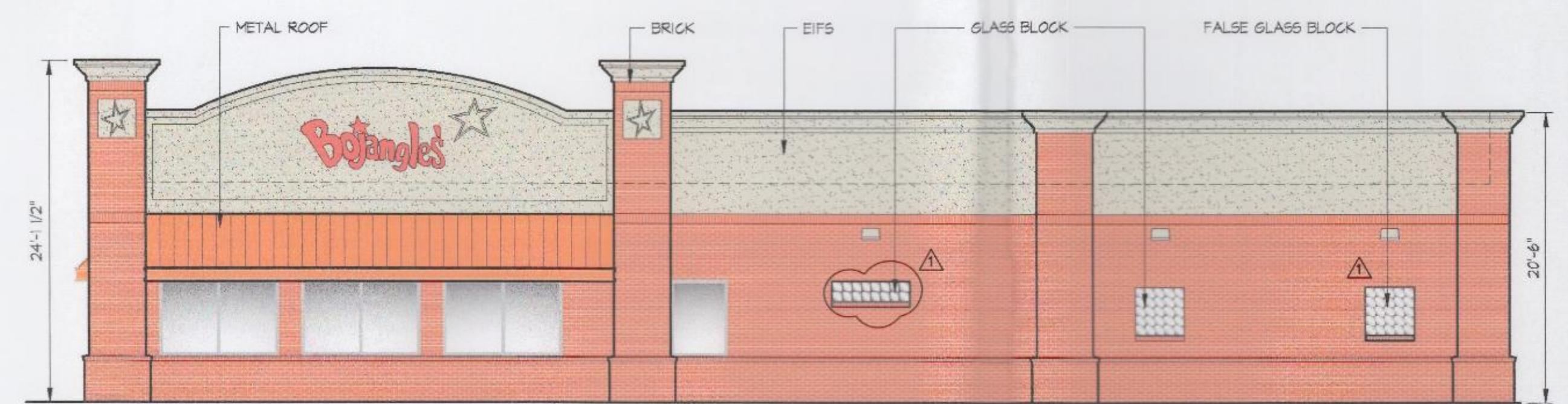
DATE: 05.06.15
PROJECT #:
DRAWN BY: WYCH
CADD FILE NAME:
PSYCHOMORPH PRISMO 1147 XLEVO5
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Sheet (1)
ELEVATIONS

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MATERIAL	DESCRIPTION	MANUFACTURER	STYLE / MODEL	COLOR / FINISH	REMARKS
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BRICK	REGULAR WOODRUFF BRICKS	TRAVELER BRICK CO.	OLD SOUTH WOODRUFF	---	---
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CURTAIN WALL	METAL CURTAIN WALL PANELS	---	---	PAINTED - BRONZE	GUTTER FABRICATED
GLASS BLOCK WINDOW	PRE-INSULATED WINDOW UNIT	PITTSBURGH-LORING	LIGHTHOUSE	DESIGNER BLOCK BRONZE TONE	---



2 REAR ELEVATION
SCALE: 1/8" = 1'-0"



1 RIGHT SIDE ELEVATION
SCALE: 1/8" = 1'-0"

ESD
architecture + interior design
1300 South Main Street, Suite 300, Charlotte, NC 28203
Phone: 704-375-1900
Email: esd@esdarch.com

BOJANGLES RESTAURANTS INC.
MODIFIED PLAN 8
WEST TRADE ST AT SUMMIT AVE
CHARLOTTE, NORTH CAROLINA

DATE: 05.06.15
PROJECT #:
DRAWN BY: WYCH
CADD FILE NAME:
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ELEVATIONS

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CITY COUNCIL
SEP 21 2015

Bojangles

PETITION #2015-063

Project: BOJANGLE'S 1401 W TRADE STREET CHARLOTTE, NORTH CAROLINA	
Title: REZONING PLAN	
File #: 14296-82.DWG	Date: 03/20/15
Project Egr: BTJ	Design By: BTJ
Drawn By: CBH	Scale: 1"=10'-0"
8720 RED OAK BOULEVARD, SUITE 420 CHARLOTTE, N.C. 28217 PHONE (704) 527-3440 FAX (704) 527-8335	
RZ2.0	

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1	CBH	5/15/15	PER COMMENTS