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915 Hamilton Street, Charlotte, NC 28206							
Rezoning Petition#: 2015-62							
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## PRIVATE STREET 'A' - INTERSECTION SECTION



# PRIVATE STREET 'A' - TYPICAL SECTION



# BUILDING FACE, TYP. (HEIGHT VARIES) -

# PRIVATE STREET 'B' & 'C' - INTERSECTION SECTION



# PRIVATE STREET 'B' & 'C' - TYPICAL SECTION



lands	<b>Boo Description</b> <b>Boo Description</b> Stars Tryon Street, Suite 111 Charlotte, NC 28203 phone: 704-458-1646 www.bloc-nc.com						
	C	DId Jetton Road   Suite 101 Cornelius, NC   28031 987.0612   f: 704.987.0767					
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HAMILTON STREET MIXED-USE:	pursue the written consent and permission of the Railroad to construct and maintain Extended NC Music Factory Boulevard and its obligation to construct Extended NC Music Factory Boulevard shall automatically terminate upon the first to occur of the following: (i) the expiration of the 2 Year Period without having received the written consent and permission of the Railroad,
2 SITE DEVELOPMENT STANDARDS: June 19, 2015	(ii) the Railroad advising the Petitioner in writing that the Railroad will not grant such consent and permission and (iii) the Railroad advising the Petitioner in writing that it will grant such consent and permission only upon the payment of a fee by the Petitioner.
I. GENERAL PROVISIONS	Permits, approvals and certificates of occupancy shall not be withheld during the 2 Year Period provided that the Petitioner is pursuing in good faith the written consent and permission of the Railroad to construct and maintain Extended NC Music Factory Boulevard, or after the termination of the Petitioner's obligations under this paragraph I.
A These Development Standards form a part of the Rezoning Plan associated with the Rezoning Petition filed by Silver Hammer Properties, LLC to accommodate the development of a multi-use project that could contain, among other things, office, retail, restaurant, hotel and residential uses on that approximately 20.91 acre site located on the west side of Hamilton Street, settle of 1-277 and north of the Seaboard Railway, which site is more particularly depicted on the Rezoning Plan (hereinafter referred to as the "Site"). B. The development 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"). The regulations established under the Ordinance for the MUDD zoning district shall govern the development and use of the Site.	<ul> <li>J. In the event that Extended NC Music Factory Boulevard is constructed as described above in paragraph I, the Petitioner shall re-stripe the existing asphalt of Hamilton Street from the intersection of Hamilton Street and North Carolina Music Factory Boulevard to the "Limits of Hamilton Street Re-Striping" designated on the Rezoning Plan. More specifically, the existing asphalt shall be re-striped to provide the following cross section:         <ol> <li>Two 10.5 foot wide through lanes.</li> <li>One 11 foot wide two-way left turn lane.</li> </ol> </li> </ul>
C. The development and uses depicted on the Rezoning Plan are schematic in nature and are intended to depict the general arrangement of uses and improvements on the Site. Accordingly, the ultimate layout, locations and sizes of the development and site elements depicted on the Rezoning Plan are graphic representations of the proposed development and site	3. 5 foot wide parallel parking on each side of the street.
elements, and they may be altered or modified in accordance with the setback and yard requirements set forth on this Rezoning Plan and the development standards, provided, however, that any such alterations and modifications shall not materially change the overall design intent depicted on the Rezoning Plan. Alterations and modifications shall be in accordance with Section 6.207 of the Ordinance.	K. Prior to the issuance of a certificate of occupancy for the first new building constructed on the Site, the Petitioner shall submit the sum of \$12,000 to CDOT to pay for and fund potential
D. The Site is divided into three development areas that are designated on the Rezoning Plan as Development Area A, Development Area B and Development Area C, and building envelopes and surface parking envelopes are located within each development area. All principal buildings, accessory structures, and structured parking facilities developed on the Site shall be located within one or more building envelopes. Surface parking areas developed on the Site shall be located within one or more building envelopes. Surface parking areas developed on the Site shall be located within one or more building envelopes. Surface parking areas developed on the Site shall be located within one or more surface parking envelopes, provided, however, that surface parking areas may be located within a building envelope subject to the architectural and design standards set out below. This Rezoning Plan does not limit the number of principal buildings, accessory structures, and structured parking areas that may be located within any single building envelope or on the Site, or the number of surface parking areas that may be located within any single building envelope or on the Site, or the number of surface parking areas that may be located within any single building envelope or on the Site, or the number of surface parking areas that may be located within any single building envelope or on the Site, or the number of surface parking areas that may be located within any single building envelope or on the Site, or the number of surface parking areas that may be located within any single building envelope or on the Site within any surface parking areas that may be located within any single building envelope or on the Site, or the number of surface parking areas that may be located within any single building envelope or on the Site within any surface parking areas that may be located within any single building envelope or on the Site within any surface parking areas that may be located within any single building envelope oreas that may be l	within this 10 year period, then the \$12,000 payment shall be returned to the Petitioner. CDOT and the Petitioner shall enter into an Escrow Agreement to document this agreement.
any single surface parking envelope or on the Site. The number of principal buildings, accessory structures, structured parking facilities and surface parking areas that may be located on the Site or within any single building envelope or surface parking envelope shall be governed by the applicable provisions of the Ordinance.	<ul> <li>IV. ARCHITECTURAL AND DESIGN STANDARDS</li> <li>A. It is intended that this proposed development will provide a horizontal mix of uses that includes office, retail, service uses and residential uses in a manner that creates a unified</li> </ul>
separation requirements and other similar zoning standards shall not be required internally between improvements, uses and other site elements located on the Site. Furthermore, the Petitioner and/or owner of the Site reserve the right to subdivide portions or all of the Site and to create lots within the interior of the Site without regard to any such internal separation standa and public/private street frontage requirements, provided, however, that the development of the Site shall be required to meet any applicable setback, side yard and rear yard requirements we respect to the exterior boundary of the Site.	
F. The North Carolina Music Factory (the "NCMF") is located across Hamilton Street from the Site on those parcels of land designated as Tax Parcel Nos. 078-425-01 and 078-425-13 (th "Related Parcels"), and the Site and the Related Parcels are owned by affiliated entities of the Petitioner. Tax Parcel No. 078-425-01 is zoned MUDD-O pursuant to Rezoning Petition No. 2005-043, Tax Parcel No. 078-425-13 is zoned MUDD-O pursuant to Rezoning Petition No. 2011-003, and both of these Tax Parcels were subject to a site plan amendment pursuant to Rezoning Petition No. 2014-022. For the purpose of mitigating the traffic impact of the proposed development of the Site, in the event that this Rezoning Petition No. 2005-043, Rezoning Petition No. 2011-003 and Rezoning Petition No. 2014-022 to modify and amend the amount of the total non-residential gross building area and the total number of residential units permitted on the Related Parcels under such conditional rezoning plans set follows:	<ul> <li>B. The principal buildings constructed on the Site may use a variety of exterior building materials. The exterior building materials used for buildings (other than structured parking facilities) will be a combination of the following: glass (clear and reflective low-e glass), aluminum storefront and curtain wall systems, architectural concrete tilt up panels, pre-finished metal entry canopies, aluminum mechanical screen walls, metal panels, masonry brick veneer, stone, simulated stone, pre-cast stone, precast concrete, synthetic stone, stucco, cementitious siding (such as hardi-plank), EIFS, wood, low slope white TPO roof, green roof, standing seam metal roof and architectural asphalt shingles. Vinyl as a building material will not be allowed except on windows and soffits.</li> </ul>
Related Parcels under such conditional rezoning plans as follows: <ol> <li>No more than 208,000 square feet of non-residential floor area shall be permitted on the Related Parcels.</li> <li>Of this total amount of non-residential floor area, up to 82,000 square feet of office floor area is permitted, up to 36,000 square feet of retail/eating, drinking and entertainment</li> </ol>	C. The Site will include a series of publicly accessible open spaces and plazas as focal points. These focal points will include some combination of landscaping, hardscape, monumentation, water features, seating areas and/or art work.
<ul> <li>establishments (Type 1 and Type 2) floor area is permitted and up to 90,000 square feet of entertainment floor area is permitted.</li> <li>3. No residential units may be developed on the Related Parcels.</li> <li>4. Structured and/or surface level parking areas shall not be included within the maximum floor areas noted above.</li> <li>5. Entertainment floor area includes establishments such as nightclubs, theaters and similar uses and shall not be considered to be retail uses.</li> <li>6. Areas devoted to outdoor dining or seating, courtyards, plazas and/or musical performance areas are allowed and will not be included within the maximum floor areas noted above.</li> <li>6. Pursuant to Section 1.110 of the Ordinance and Section 160A-385.1 of the North Carolina General Statutes, the Rezoning Plan, if approved, shall be vested for a period of 5 years due</li> </ul>	this paragraph D
the size and phasing of the development, the level of investment, economic cycles and market conditions. H. 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.	E. Parking structure facade treatments along the public right of way will be designed to be visually coordinated and complimentary to the other buildings constructed on the Site. Parking structure walls/facades located along the public right of way may not be designed as solid walls (without an architectural/design detail on the facade).
6 of the Ordinance. Alterations to the Rezoning Plan are subject to Section 6.207 of the Ordinance. II. PERMITTED USES / DEVELOPMENT LIMITATIONS / CONVERSION RIGHTS	F. Attached to the Rezoning Plan is a conceptual, schematic perspective of a building to be constructed within Development Area A. This conceptual, schematic perspective is included to reflect the architectural style and quality of a building that may be constructed within Development Area A (the actual building constructed may vary from the conceptual, schematic perspective provided that the design intent is preserved).
A. Subject to the development limitations set out below, the buildings to be located on 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 under the Ordinance in the MUDD zoning district.	G. The maximum height of any building constructed on the Site shall be 120 feet.
<ul> <li>B. Subject to the limitations described herein and the conversion rights listed below, the Site may be developed with (i) up to 670,000 square feet of gross floor area devoted to any non-residential use or uses allowed by right or under prescribed conditions in the MUDD zoning district; (ii) up to 440 residential dwelling units of any type permitted in the MUDD zoning district;</li> </ul>	rict; V. STREETSCAPE/LANDSCAPING/SCREENING
and (iii) up to 200 hotel rooms. C. Notwithstanding the foregoing, of the allowed 670,000 square feet of gross floor area that may be devoted non-residential uses, a maximum of 10,000 square feet may be devoted to	A. Petitioner shall install an 8 foot planting strip and a 6 foot sidewalk along the Site's frontage on Hamilton Street.
retail sales and eating, drinking and entertainment establishments (Type 1 and Type 2). D. Up to 90,000 square feet of additional gross floor area devoted to non-residential uses, excluding retail uses and eating, drinking and entertainment establishments (Type 1 and Type 2).	
may be developed on the Site by reducing the amount of residential units permitted on the Site at the rate of 1 residential unit per 1,000 square feet of gross floor area devoted to non-resider uses. E. Up to 160 additional residential dwelling units may be developed on the Site by reducing the amount of non-residential gross floor area permitted on the Site at the rate of 1,000 square	D. Sidewalk connections to the adjoining public streets shall be provided as required by the Ordinance.
<ul> <li>F. For purposes of these development limitations and the development standards in general, the term "gross floor area" shall mean and refer to the sum of the gross horizontal areas of</li> </ul>	E. All roof mounted mechanical equipment will be screened from view from adjoining public rights-of-way and abutting properties as viewed from grade.
each floor of a principal building on the Site measured from the outside of the exterior walls or from the center line of party walls; provided, however, such term shall exclude any surface or structured parking facilities, areas used for building and equipment access (such as stairs, elevator shafts, vestibules, roof top equipment rooms and maintenance crawl spaces), all loading dock areas (open or enclosed), outdoor coolers and outdoor dining areas whether on the roof of the building(s) or at street level. Parking for outdoor dining areas will be provided as required the Ordinance.	
G. As provided in paragraph F above, the gross floor area of any structured parking facilities constructed on the Site shall not be considered or counted towards the maximum gross floor area or density allowed on the Site.	<ul> <li>VI. ENVIRONMENTAL FEATURES</li> <li>A. Development of the Site shall comply with the City of Charlotte Tree Ordinance.</li> </ul>
III. 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").	A. Prior to the issuance of a certificate of occupancy for the first new building constructed on the Site, Petitioner shall grant a permanent greenway easement to Mecklenburg County for
B. Vehicular parking shall meet the minimum requirements of the Ordinance. On-site parking may be located in surface parking lots or in structured parking facilities.	space on the Site, the Greenway Area will be considered to be open space and count towards the Site's required amount of open space.
<ul> <li>C. Notwithstanding paragraph B above, vehicular parking shall be provided at the following rates:</li> <li>1. A minimum of 1 parking space per 300 square feet of gross floor area devoted to office uses.</li> <li>2. A minimum of 1 parking space per 250 square feet of gross floor area devoted to retail uses.</li> </ul>	<ul> <li>B. Mecklenburg County shall be responsible for the maintenance of the "Greenway Area" from and after the conveyance of the Greenway Easement.</li> <li>C. Petitioner shall be permitted to convey storm water into the Greenway Area.</li> </ul>
<ul> <li>A minimum of 1 parking space per 125 square feet of gross floor area devoted to eating, drinking and entertainment establishments (Type 1 and Type 2).</li> <li>A minimum of 1 parking space per residential dwelling unit.</li> <li>A minimum of 0.5 parking spaces per hotel room.</li> </ul>	D. Urban open space shall be provided as required by the Ordinance.
6. Vehicular parking for all other uses located on the Site shall be provided in accordance with the requirements of the Ordinance.	VIII. SIGNS
E. The alignment of the internal private streets, vehicular circulation areas and the driveways may be modified by the Petitioner to accommodate changes in traffic patterns, parking layou any adjustments required for approval by CDOT and/or NCDOT in accordance with applicable published standards.	A. All signs installed on the Site shall comply with the requirements of the Ordinance.
F. The existing surface parking lots located on the Site are utilized by the NCMF to meet a portion of the vehicular parking requirements for the NCMF, which vehicular parking requirement are set out on the approved conditional rezoning plans that govern the use and development of the NCMF. The development of the Site will be phased in such a manner to ensure that a	ents 2
sufficient amount of parking spaces located on the Site are available for use by the NCMF to meet the relevant portion of the vehicular parking requirements of the NCMF.	A. All new freestanding lighting fixtures installed on the Site (excluding street lights and lower, decorative lighting that may be installed along the driveways, sidewalks and parking areas) shall be fully capped and shielded and the illumination downwardly directed so that direct illumination does not extend past any property line of the Site. The maximum height of any freestanding lighting fixtures installed on the Site or on any parking structure shall be 25 feet.
<ul> <li>G. Pursuant to the phasing schedule set out below in paragraph H, the Petitioner shall design, construct and install, at its sole cost and expense, the transportation improvements and pedestrian improvements set out below.</li> <li>1. North Graham Street and North Carolina Music Factory Boulevard (Signalized)         <ul> <li>a. Install a second northbound left turn lane with 500 feet of storage on North Graham Street.</li> </ul> </li> </ul>	B. Any new lighting fixtures attached to the structures to be constructed on the Site shall be decorative, capped and downwardly directed.
<ul> <li>a. Install a second northbound left turn lane with 500 feet of storage on North Graham Street.</li> <li>b. With the second northbound left turn lane on North Graham Street the roadway cross-section between North Carolina Music Factory Boulevard and West 12th Street is 7 lanes wide (10-foot wide lanes each).</li> <li>c. Extend the existing southbound right turn lane on North Graham Street from 115 feet to 225 feet of storage and a short bay taper (maximized length to Statesville Avenue).</li> </ul>	X. BINDING EFFECT OF THE REZONING DOCUMENTS AND DEFINITIONS
d. Extend the existing innermost northbound through lane on North Graham Street (125 feet in length) the full length to West 12th Street (lining up with the recommended third northbound through lane described for the intersection of North Graham Street and West 12th Street).	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.
<ul> <li>e. Modify the inner eastbound right turn lane on North Carolina Music Factory Boulevard to a second eastbound left turn lane.</li> <li>f. Relocate the high-visibility pedestrian crosswalk on the north leg of the intersection to include a pedestrian refuge island between the northbound and southbound lanes on North Graham Street. This will also require the relocation of the accessible ramps.</li> </ul>	h 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.
<ul> <li>g. Install a high-visibility pedestrian crosswalk, accessible ramps, and pedestrian signal heads/pushbuttons on the south leg of the intersection across North Graham Street.</li> <li>2. North Graham Street and West 12th Street/I-277 Entrance Ramp (Signalized)         <ul> <li>a. Re-mark the center median pavement on the south side of the intersection (under the I-277 overpass) for a third northbound through lane on North Graham Street (approximatel)</li> </ul> </li> </ul>	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.
<ul> <li>300 feet in length). This new lane will line up with the innermost through lane improvement described for the intersection of North Graham Street and North Carolina Music Factor Boulevard.</li> <li>b. Construct a second westbound right turn lane on West 12th Street with 275 feet of storage and a bay taper to an existing driveway stub (approximately 100 feet in length). The existing lane on West 12th Street is approximately 18 feet wide - this second right turn lane will require some widening at the intersection with North Graham Street (which include new curb/gutter and sidewalk).</li> </ul>	
<ul> <li>c. Contribute monetarily (amount to be determined) to an adjacent City project to install sidewalk on the east side of North Graham Street between West 10th Street and West 12th Street.</li> <li>d. Upgrade the pedestrian crosswalk on the north leg of the intersection to a high-visibility crosswalk, and add accessible ramps and pedestrian signal heads/pushbuttons on the north leg</li> </ul>	
<ul> <li>d. Opgrade the pedestrian closswark on the north leg of the intersection to a high-visibility closswark, and add accessible ramps and pedestrian signal heads/pushbuttons on the south leg of the intersection across North Graham Street.</li> <li>e. Install a high-visibility crosswalk with pedestrian refuge island, accessible ramps, and pedestrian signal heads/pushbuttons on the south leg of the intersection across North Graham Street.</li> </ul>	
f. Install a high-visibility crosswalk, accessible ramps, and pedestrian signal heads/pushbuttons on the east leg of the intersection across West 12th Street/I-277 Entrance Ramp.	$\langle$
H. All of the transportation and pedestrian improvements described above in paragraph G must be constructed and installed by the Petitioner prior to the issuance of a certificate of occupancy for any new gross floor area devoted to office uses constructed on the Site that will cause the total amount of new gross floor area on the Site devoted to office uses to exceed 380,000 square feet. Accordingly, up to 380,000 square feet of new gross floor area devoted to office uses may be constructed on the Site without the Petitioner being required to construct a install any of the transportation and pedestrian improvements described above in paragraph G.	$\langle \rangle$
Notwithstanding the foregoing, in the event that new office uses and residential uses are constructed on the Site, then all of the transportation and pedestrian improvements described above paragraph G must be constructed and installed by the Petitioner prior to the issuance of a certificate of occupancy for any new gross floor area devoted to office uses constructed on the Site that will cause the total amount of new gross floor area on the Site devoted to office uses to exceed 330,000 square feet and the number of residential dwelling units on the Site to exceed 44 residential dwelling units. Accordingly, up to 330,000 square feet of new gross floor area devoted to office uses and up to 440 residential dwelling units may be constructed on the Site without the Petitioner being required to construct and install any of the transportation and pedestrian improvements described above in paragraph G.	
I. In accordance with and subject to the terms of this paragraph I, the Petitioner shall pursue in good faith extending North Carolina Music Factory Boulevard west of its intersection with Hamilton Street to Private Street B ("Extended NC Music Factory Boulevard") to create an additional vehicular access point for the Site at Private Street B. If Extended NC Music Factory Boulevard") Boulevard is constructed, it shall be constructed at the sole cost and expense of the Petitioner, it shall be a private street constructed to the standards of an office wide street type and it shall open to and accessible by the public. The construction of Extended NC Music Factory Boulevard will convert the intersection of Hamilton Street and North Carolina Music Factory Boulevard a "T intersection".	

NC Music Factory Boulevard within the 2 Year Period, then the Petitioner shall thereafter construct Extended NC Music Factory Boulevard as described above. The Petitioner's obligation to 

## t wide through lanes. vide two-way left turn lane.

## AL AND DESIGN STANDARDS

## TAL FEATURES

## NWAY / OPEN SPACE

## CT OF THE REZONING DOCUMENTS AND DEFINITIONS

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