

CITY CD

Petition No. 94-102  
Landcraft Properties, Inc.

ORDINANCE NO. 236-Z

AN ORDINANCE AMENDING THE CITY CODE WITH RESPECT TO THE ZONING ORDINANCE.

WHEREAS, a petition was presented to the City Council of the City of Charlotte requesting the rezoning of approximately 13.13 acres located on the east side of Providence Road south of Lynbridge Drive; and

WHEREAS, the petition for rezoning for a parallel conditional use district as permitted by Section 6.201 was submitted to the Charlotte-Mecklenburg Planning Commission, was accompanied by a schematic plan, complied with all application requirements as specified in Section 6.202 and 6.204, and was recommended for approval by the Charlotte-Mecklenburg Planning Commission; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Chapter 6: Part 1 and a public hearing was held on December 19, 1994; and

WHEREAS, in the passage of this ordinance the City Council of the City of Charlotte has considered the promotion of the health, safety, general welfare, and public interest of the community, and the requirements in Section 6.204.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing from R-3 to R-4(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

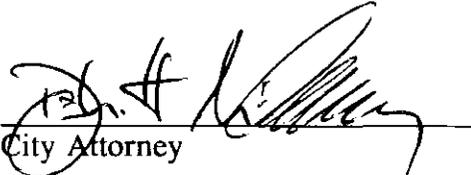
SEE ATTACHED

Section 2. That all subsequent development and use of the property shall be in accordance with the approved plan.

Section 3. That this ordinance shall become effective upon its adoption.

-continued-

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 20th day of February, 1995, the reference having been made in Minute Book 107, and is recorded in full in Ordinance Book 46 at pages 245-247 A.

  
\_\_\_\_\_  
City Clerk



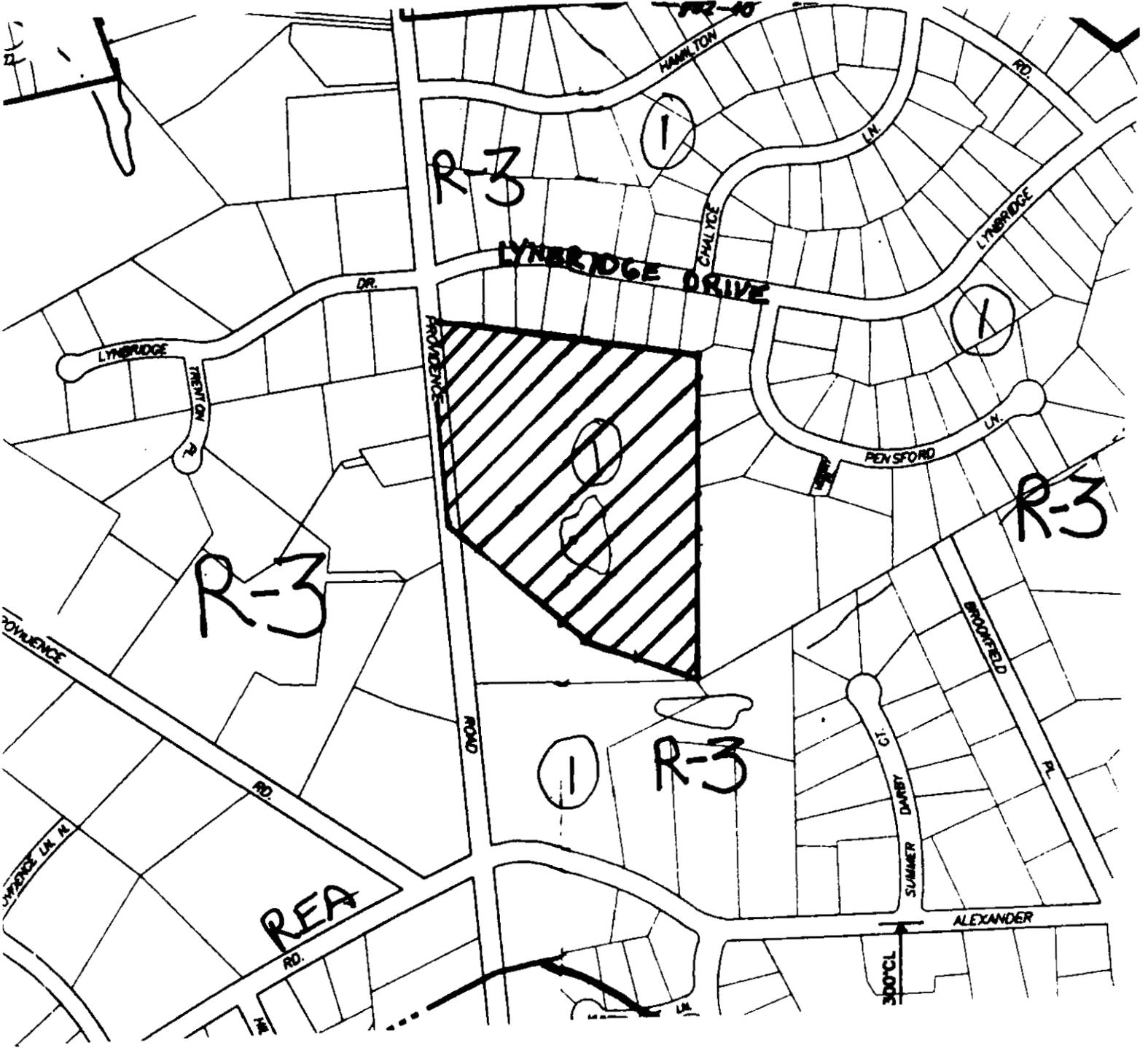
**Petitioner:** J. Franklin Martin/LandCraft Properties, Inc.

**Hearing Date:** December 19, 1994

**Zoning Classification (Existing):** R-3

**Zoning Classification (Requested):** R-4 (CD)

**Location:** Approximately 13.13 acres located on the east side of Providence Road south of Lynbridge Drive.



Zoning Map #(s): 159,160

Scale: 1" = 400'

**OFFICIAL REZONING APPLICATION  
CITY OF CHARLOTTE**

Petition No.	<u>94-102</u>
Date Filed	<u>October 3, 1994</u>
Received By	<u>T. Phares</u>
OFFICE USE ONLY	

**Ownership Information**

Property Owner Mr. and Mrs. Ron Oberle *Freda Louise Keller Oberle*  
Owner's Address *4405 Ossian Hill Lane Annandale, VA. 22003*  
P. O. Box 765, Blowing Rock, NC 28685  
Date Property Acquired January 27, 1982  
Tax Parcel Number 213-072-85

Location of Property (address or description) 6533 Providence Road

**Description of Property**

Size (Sq. Ft.-Acres) 13.13 acres Street Frontage (ft.) 591'  
Current Land Use single-family residence

**Zoning Request**

Existing Zoning R-3 single-family Requested Zoning R-4 single-family  
Purpose of Zoning Change To permit higher density single-family consistent  
with publicly adopted plans.

Name of Agent	J. Franklin Martin LandCraft Properties, Inc.
Agent's Address	Name of Petitioner(s) <u>227 W. Trade Street, Suite 2370</u> <u>Charlotte, NC 28202-1675</u>
Telephone Number	Address of Petitioner(s) <u>(704) 332-9340</u> Telephone Number

Signature *Freda Louise Keller Oberle*  
Signature of Property Owner  
if Other Than Petitioner

94-102

LEGAL DESCRIPTION

KELLER'S GLEN BASE TRACT

LYING AND BEING in Charlotte, Mecklenburg County, North Carolina and being more particularly described as follows:

BEGINNING at an existing iron pin in the easterly margin of the 60 foot right-of-way of Providence Road and in the southwesterly corner of Lot 1 of Hampton Leas Phase One, Map 1 as shown on a map thereof recorded in Map Book 19 at Page 12 in the Mecklenburg County Public Registry, said pin also being located S 18-55-54 E 140.22 feet from the intersection of the centerlines of said Providence Road and Lynbridge Drive; thence with the southerly boundaries of Lots 1 through 8 of Hampton Leas Phase One, Map 1 as shown on said recorded map S 83-21-26 E 702.29 feet to an existing iron pin in the southerly boundary of said Lot 8 of Hampton Leas Phase One, Map 1 and in the northwesterly corner of Lot 10 of Hampton Leas as shown on said recorded map; thence with the westerly boundary of said Lot 10 S 01-43-22 E 118.17 feet to an existing concrete monument in the common westerly corner of Lot 10 of Hampton Leas Phase One, Map 1 and Lot 11 in Block 1 of Hampton Leas as shown on a map thereof recorded in Map Book 16 at Page 308 in said Registry; thence with the westerly boundary of said Lot 11 of Hampton Leas S 00-51-38 E 141.61 feet to an existing iron pin in the common westerly corner of said Lot 11 and Lot 12 of Hampton Leas as shown on a map thereof recorded in Book 19 at Page 320 in said Registry; thence with the westerly boundary of said Lot 12 S 01-13-58 E 124.50 feet to an existing iron pin in the southwesterly corner of said Lot 12 and in the northwesterly corner of that certain property of Mark R. Gordon pursuant to a deed recorded in Book 5758 at Page 402 in said Registry; thence with the westerly boundary of said Gordon property (now or formerly) S 01-16-24 E 547.52 feet to an existing iron pin in the southwesterly corner of said Gordon property and in the northerly boundary of that certain property of Sandra L. Kelly pursuant to a deed recorded in Book 6259 at Page 347 in said Registry; thence with the northerly boundary of said Kelly property (now or formerly) the following two (2) courses and distances: (1) N 72-30-00 W 333.30 feet to a set iron pin, and (2) N 53-15-00 W 407.55 feet to a set iron pin in the easterly margin of the 60 foot right-of-way of Providence Road; thence with the easterly margin of the right-of-way of said Providence Road N 06-17-14 W 672.78 feet to an existing iron pin in the southwesterly corner of Lot 1 of Hampton Leas Phase One, Map 1 as shown on a map thereof recorded in Map Book 19 at Page 12 in said Registry, the BEGINNING POINT, said property containing 12.6097 acres, more or less as shown on that certain boundary survey prepared for LandCraft Properties by Baucom-Davis & Associates dated September 20, 1994, reference to which survey is hereby made.

APPROVED BY CITY COUNCIL  
DATE February 20, 1995

CITY CD

Petition No. 94-103  
James R. Alsop, Jr.

ORDINANCE NO. 237-Z

AN ORDINANCE AMENDING THE CITY CODE WITH RESPECT TO THE ZONING ORDINANCE.

WHEREAS, a petition was presented to the City Council of the City of Charlotte requesting the rezoning of approximately .090 acres located on the southwesterly corner of the intersection between Pine Street and Ninth Street ; and

WHEREAS, the petition for rezoning for a parallel conditional use district as permitted by Section 6.201 was submitted to the Charlotte-Mecklenburg Planning Commission, was accompanied by a schematic plan, complied with all application requirements as specified in Section 6.202 and 6.204, and was recommended for approval by the Charlotte-Mecklenburg Planning Commission; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Chapter 6: Part 1 and a public hearing was held on December 19, 1994; and

WHEREAS, in the passage of this ordinance the City Council of the City of Charlotte has considered the promotion of the health, safety, general welfare, and public interest of the community, and the requirements in Section 6.204.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing from UR-1 to UR-C(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

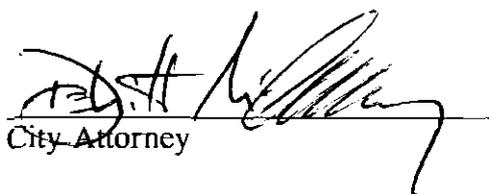
SEE ATTACHED

Section 2. That all subsequent development and use of the property shall be in accordance with the approved plan.

Section 3. That this ordinance shall become effective upon its adoption.

-continued-

APPROVED AS TO FORM:

  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 20th day of February, 1995, the reference having been made in Minute Book 107, and is recorded in full in Ordinance ~~Book~~                      at pages 248-250.

\_\_\_\_\_  
City Clerk



**Petition #:** 94-103

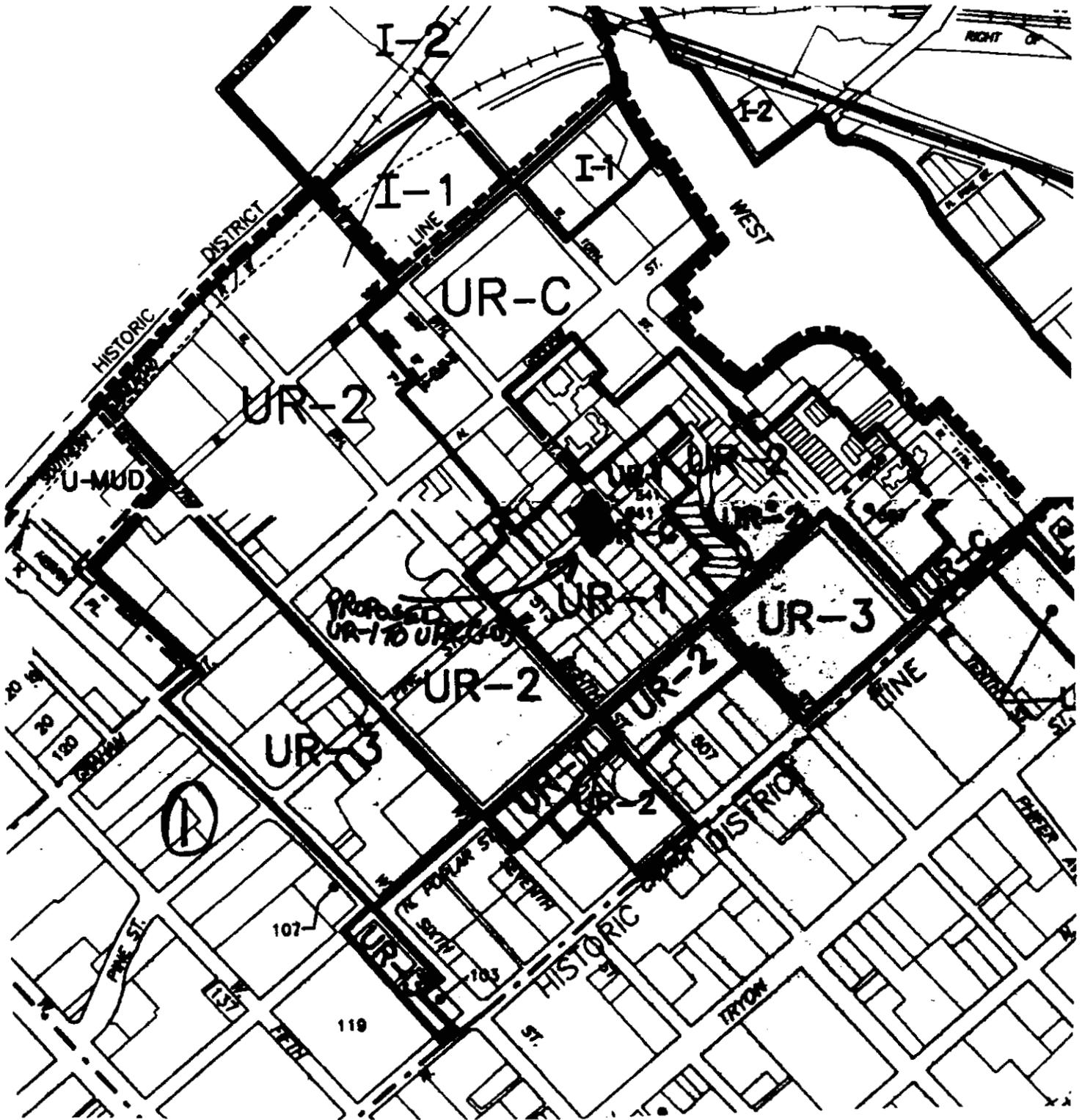
**Petitioner:** James R. and Theresa Alsop

**Hearing Date:** December 19, 1994

**Zoning Classification (Existing):** UR-1

**Zoning Classification (Requested):** UR- (CD)

**Location:** Approximately 0.090 acres located at the southwest corner of the intersection between N. Pine Street and W. Ninth Street.



OFFICIAL REZONING APPLICATION  
CITY OF CHARLOTTE

Petition #: 94-103  
Date Filed: October 3/1994  
Received By: T. Hanes  
OFFICE USE ONLY

OWNERSHIP INFORMATION:

Property Owner: JAMES R ALSOP, JR & THERESA R. ALSOP  
Owner's Address: 3108 F HIGH GLEN DR. CHARLOTTE NC 28269  
Date Property Acquired: JULY 1979  
Tax Parcel Number(s): 078-036-01

LOCATION OF PROPERTY (Address or Description): 333 WEST NINTH STREET  
CHARLOTTE, NC 28202-1707

Size (Sq.Ft. or Acres): 0.090 ACRES Street Frontage (Ft.): 40'

Current Land Use: CURRENTLY ZONED RESIDENTIAL, EXPECTED USE, UPON  
APPROVAL OF ZONING CHANGE, ARCHITECTURAL/ENGINEERING PROFESSIONAL  
ZONING REQUEST: PRACTICE.

Existing Zoning: UR-1 (MAP 102) Proposed Zoning: URC-CO

Purpose of Zoning Change: TO ALLOW PROPERTY TO BE USED AS AN ARCHITECTURAL/  
ENGINEERING OFFICE, CONDITIONAL ON NOT PERMITTING SIGNAGE  
TO BE USED ON BUILDING OR IN YARD

Name of Agent  
Agent's Address  
Telephone Number

J. RICHARD ALSOP, JR  
Name of Petitioner(s)  
3108 F HIGH GLEN DR  
Address of Petitioner(s)  
704-347-1745  
Telephone Number

Signature of Property Owner  
if other than Petitioner

Signature

**APPROVED BY CITY COUNCIL**  
DATE February 20, 1995

CITY CD

Petition No. 95-1  
Norcom Development

ORDINANCE NO. 238-Z

AN ORDINANCE AMENDING THE CITY CODE WITH RESPECT TO THE ZONING ORDINANCE.

WHEREAS, a petition was presented to the City Council of the City of Charlotte requesting the rezoning of approximately 3 acres located on the south side of Alleghany Steet east of Ashley Road; and

WHEREAS, the petition for rezoning for a parallel conditional use district as permitted by Section 6.201 was submitted to the Charlotte-Mecklenburg Planning Commission, was accompanied by a schematic plan, complied with all application requirements as specified in Section 6.202 and 6.204, and was recommended for approval by the Charlotte-Mecklenburg Planning Commission; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Chapter 6: Part 1 and a public hearing was held on January 17, 1995; and

WHEREAS, in the passage of this ordinance the City Council of the City of Charlotte has considered the promotion of the health, safety, general welfare, and public interest of the community, and the requirements in Section 6.204.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing from B-D(CD) to I-1(CD) and a site plan amendment on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

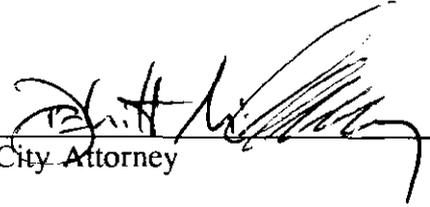
SEE ATTACHED

Section 2. That all subsequent development and use of the property shall be in accordance with the approved plan.

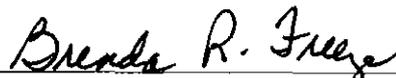
Section 3. That this ordinance shall become effective upon its adoption.

-continued-

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 20th day of February, 1995, the reference having been made in Minute Book 107, and is recorded in full in Ordinance Book 46 at pages 251-253.

  
\_\_\_\_\_  
City Clerk



Commercial Real Estate

MAILING ADDRESS  
Post Office Box 32068  
Charlotte, NC 28232

STREET ADDRESS  
1512 East Fourth Street  
Charlotte, NC 28204

TELEPHONE 704/332-4146  
TELECOPIER 704/332-9348

95-1

**LEGAL DESCRIPTION OF 2.911 ACRE TRACT ON ALLEGHANY STREET**

**BEGINNING AT AN IRON FOUND ON THE SOUTHERLY RIGHT OF WAY OF ALLEGHANY STREET, WHICH IS ALSO THE NORTHEAST CORNER OF CITYVIEW DEVELOPMENT LOT 1 RECORDED IN MAP BOOK 24 AT PAGE 92. THENCE FROM SAID BEGINNING POINT S 31-27-00W 455.35 TO AN EXISTING IRON PIN IN THE EASTERLY LINE OF MARSH ESTATES RECORDED IN MAP BOOK 7 AT PAGE 173. THENCE WITH SAID LINE OF MARSH ESTATES N 58-33-00 W 231.99 TO A NEW IRON PIN ON THE SOUTHERLY RIGHT OF WAY OF ALLEGHANY STREET. THENCE WITH THE SOUTHERLY RIGHT OF WAY OF ALLEGHANY STREET THE FOLLOWING TWO CALLS 1. N 88-34-02E 142.69; 2. WITH A CIRCULAR CURVE TO THE RIGHT WITH A RADIUS OF 538.00 AND AN ARC DISTANCE OF 337.73 HAVING A CHORD OF S 73-26-57E 332.21 TO THE POINT OF BEGINNING. SAID TRACT CONTAINING 2.911 ACRES.**

**OFFICIAL REZONING APPLICATION  
CITY OF CHARLOTTE**

REVISED 12/02/94

Petition #:	95-1
Date Filed:	Dec 27, 1994
Received By:	T. Phares
<b>OFFICE USE ONLY</b>	

**OWNERSHIP INFORMATION:**

Property Owner: CityView Development Corporation  
P.O. Box 32068, Charlotte, NC 28232

Owner's Address: 1512 East Fourth Street, Charlotte, NC 28204

Date Property Acquired: 6/89

Tax Parcel Number(s): 67-144-03

**LOCATION OF PROPERTY (Address or Description):** Far North South corner of  
67-144-03 next to 67-144-02 (see accompanied map)

Size (Sq.Ft. or Acres): 2.9 AC Street Frontage (Ft.): 538 ft.

Current Land Use: vacant land

**ZONING REQUEST:**

Existing Zoning: BD (CD) Proposed Zoning: I-1 (CD)

Purpose of Zoning Change: To promote sound light industrial development.

Name of Agent \_\_\_\_\_

Agent's Address \_\_\_\_\_

Telephone Number \_\_\_\_\_ Fax Number \_\_\_\_\_

Judd McAdams  
 Norcom Development, Inc.  
 Name of Petitioner(s)  
 P.O. Box 32068, Zip 28232  
 1512 East Fourth Street  
 Address of Petitioner(s)  
 Charlotte, NC 28204  
 (704) 332-4146 (704) 332-9348  
 Telephone Number Fax Number

Signature of Property Owner  
 if other than Petitioner

Tim Manus

Signature 

Petition #: 95-1

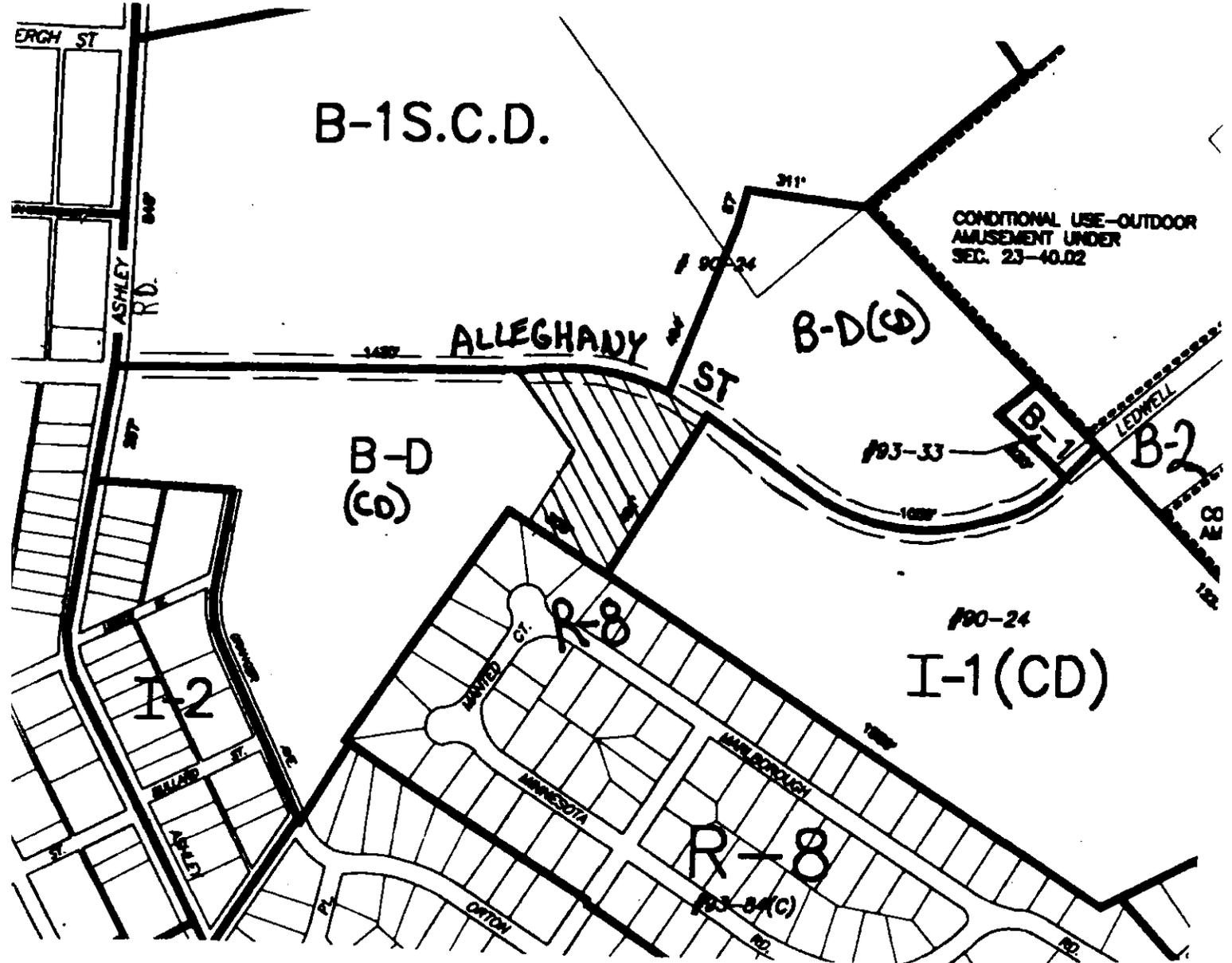
Petitioner: Norcom Development

Hearing Date: January 17, 1995

Zoning Classification (Existing): B-D(CD)

Zoning Classification (Requested): I-1(CD)

Location: Approximately 3 acres located on the south side of Alleghany Street east of Ashley Road.



Zoning Map #(s): 87

Scale: 1" = 400'

APPROVED BY CITY COUNCIL  
DATE February 20, 1995

CITY CD

Petition No. 95-4  
The Morgan Company

ORDINANCE NO. 239-Z

AN ORDINANCE AMENDING THE CITY CODE WITH RESPECT TO THE ZONING ORDINANCE.

WHEREAS, a petition was presented to the City Council of the City of Charlotte requesting the rezoning of approximately 3.4 acres located at the end of Olmstead Way north of J.W. Clay Boulevard; and

WHEREAS, the petition for rezoning for a parallel conditional use district as permitted by Section 6.201 was submitted to the Charlotte-Mecklenburg Planning Commission, was accompanied by a schematic plan, complied with all application requirements as specified in Section 6.202 and 6.204, and was recommended for approval by the Charlotte-Mecklenburg Planning Commission; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Chapter 6: Part 1 and a public hearing was held on January 17, 1995; and

WHEREAS, in the passage of this ordinance the City Council of the City of Charlotte has considered the promotion of the health, safety, general welfare, and public interest of the community, and the requirements in Section 6.204.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing from CC to R-22MF(CD) and a site plan amendment on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

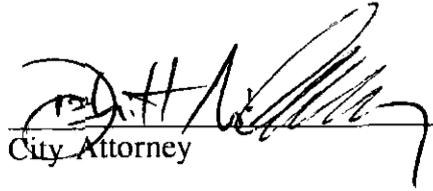
SEE ATTACHED

Section 2. That all subsequent development and use of the property shall be in accordance with the approved plan.

Section 3. That this ordinance shall become effective upon its adoption.

-continued-

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 20th day of February, 1995, the reference having been made in Minute Book 107 \_\_\_\_\_, and is recorded in full in Ordinance Book 46 \_\_\_\_\_ at page s 254-256 A

  
\_\_\_\_\_  
City Clerk

**Petition #:** 95-4

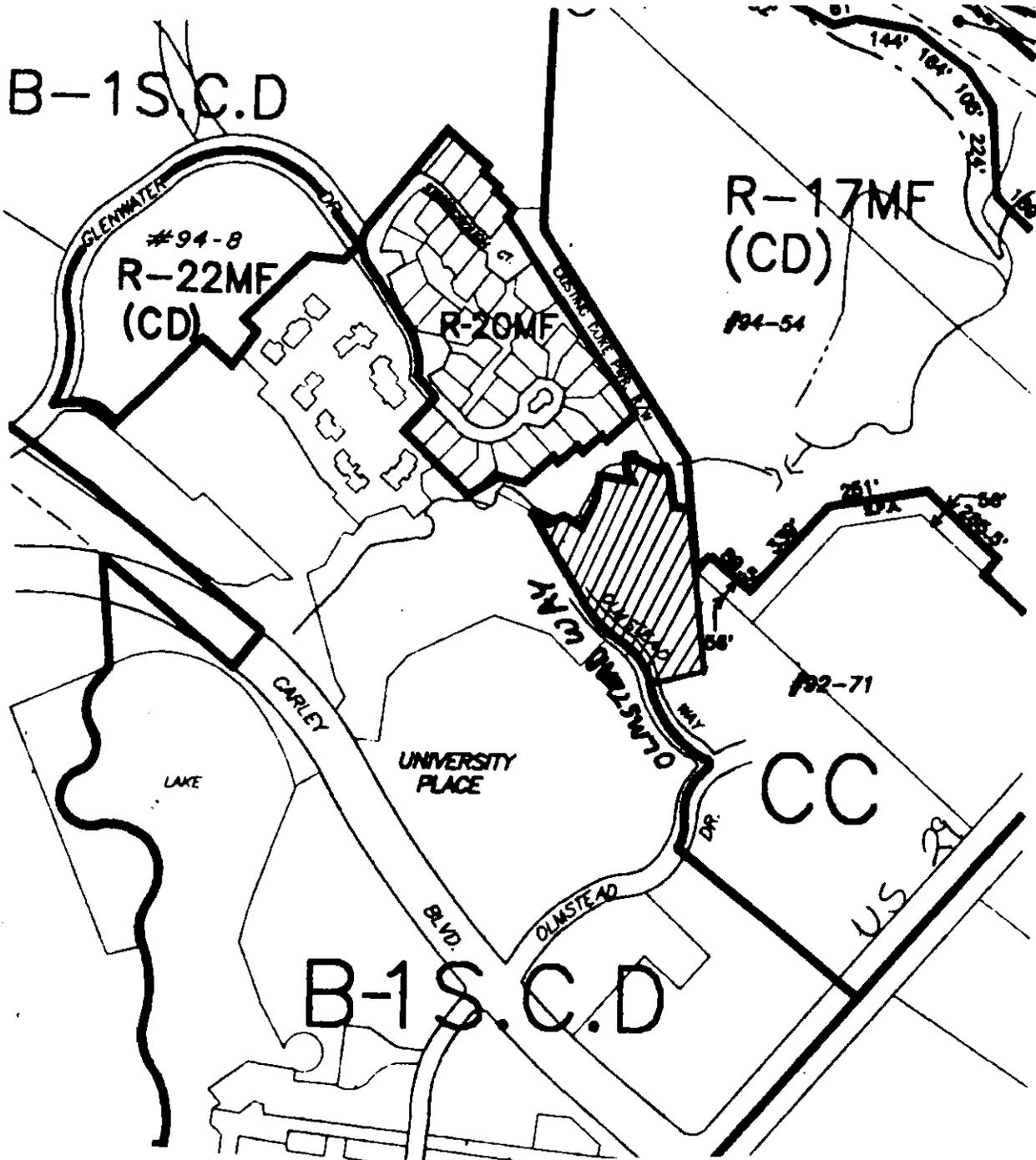
**Petitioner:** The Morgan Company

**Hearing Date:** January 17, 1995

**Zoning Classification (Existing):** CC

**Zoning Classification (Requested):** R-22MF(CD)

**Location:** Approximately 3.4 acres located at the end of Olmstead Way north of Carley Boulevard.



Zoning Map #(s): 58

Scale: 1" = 400'

**OFFICIAL REZONING APPLICATION  
CITY OF CHARLOTTE**

Petition #:	<u>95-4</u>
Date Filed:	<u>October 31, 1994</u>
Received By:	<u>T. Maes</u>
<b>OFFICE USE ONLY</b>	

**OWNERSHIP INFORMATION:**

Property Owner: First Union National Bank of North Carolina  
Owner's Address: Charlotte Plaza, 13th Floor, 201 S. College Street, Charlotte, NC 28288  
Date Property Acquired: December 4, 1990 by deed recorded in Book 6408 at Page 787  
Tax Parcel Number(s): Approx. 3.4 acre easterly portion of Tax Parcel #047-201-31

LOCATION OF PROPERTY (Address or Description): Approximately 3.4 acre parcel located at  
end of Olmstead Way, having a street address of Olmstead Way, Charlotte, North Carolina  
Size (Sq.Ft. or Acres): 3.400 acres current: approx. 336 ft. Street Frontage (Ft.): proposed:  
Current Land Use: Vacant land

**ZONING REQUEST:**

Existing Zoning: CC per Petition #92-71 Proposed Zoning: R-22MF (CD)  
Purpose of Zoning Change: To allow the development of the subject property for multi-family use having  
up to 54 dwelling units in accordance with the Technical Data Sheet attached hereto.

Jefferson W. Brown, Esquire  
Name of Agent  
4200 NationsBank Corporate Center  
100 N. Tryon Street  
Charlotte, NC 28202-4006  
Agent's Address  
(704) 331-7471 (704) 331-7598  
Telephone Number Fax Number  
First Union National Bank of North Carolina  
By: [Signature]  
Signature of Property Owner Vice President  
if other than Petitioner

The Morgan Company of Laurel Hill, Inc.  
Name of Petitioner(s)  
Old Wire Road  
Laurel Hill, NC 28351  
Address of Petitioner(s)  
(910) 462-2016 (910) 462-2019  
Telephone Number Fax Number  
[Signature]  
Signature Vice President

95-4

Legal Description of Subject Property

\* \* \* \* \*

BEGINNING at an existing iron pin located in a northwesterly boundary of that certain real property of CityFair III Holding Company (now or formerly) by deed recorded in Book 5926 at Page 312 (formerly owned by Carley Capital Group by deed recorded in Book 4614 at Page 409), said existing iron pin also being located North 11-51-16 West 1099.36 feet from North Carolina grid coordinate N = 572,472.37 and east = 1,479,372.99 (1927 datum); thence from said POINT AND PLACE OF BEGINNING South 77-20-52 West 103.40 ft. to a set iron pin located in the easterly right-of-way of Olmstead Way (currently a 50 foot right-of-way); thence continuing with said easterly right-of-way of Olmstead Way, the following five (5) courses and distances: (1) North 24-00-00 West 38.15 feet to a set iron pin; (2) with a circular curve to the left North 36-45-00 West with a radius of 181 ft. and an arc distance of 80.56 ft. to a set iron pin; (3) North 49-30-00 West 112.00 ft. to a set iron pin; (4) with the arc of a circular curve to the right North 36-07-30 west with a radius of 172.00 ft. and an arc distance of 80.30 ft. to a set iron pin; and (5) South 67-15-00 West 25 ft. to a set iron pin said set iron pin being a corner of the property of First Union National Bank of North Carolina (now or formerly) by deed recorded in Book 6408 at Page 787 (formerly being the property of Carley Capital Group by deed recorded in Book 4614 at Page 409); thence with an easterly boundary line of said First Union property (now or formerly) North 19-18-16 West 244.96 ft. to an existing iron pin, said existing iron pin being located in the southerly line of the common area of the Welwyn Cluster Home by deed recorded in Book 5662 at Page 362 (as shown in Map Book 21 at Page 247 and 248 and Map Book 22 at Page 156 and 157); thence continuing with said southerly line of the Welwyn Cluster Homes and with the approximate center line of a creek located thereon the following twelve (12) courses and distances: (1) South 79-18-21 East 46.07 ft. to a point; (2) North 69-59-26 East 31.58 ft. to a point; (3) South 61-35-55 East 46.18 ft. to a point; (4) North 26-47-49 East 68.61 ft. to a point; (5) North 09-05-24 East 58.13 ft. to a point; (6) North 49-43-44 East 85.68 ft. to a point; (7) North 85-24-09 East 22 ft. to a point; (8) South 24-56-31 East 15.49 ft. to a point; (9) South 28-31-48 West 36.90 ft. to a point; (10) South 30-56-20 East 22.69 ft. to a point; (11) North 67-58-31 East 62.88 ft. to a point; and (12) North 53-55-42 East 23.86 ft. to a point, said point being located in the common area of the University Place Owner's Association by deed recorded in Book 5833 at Page 123; continuing with the boundaries of said common area of the University Place Owner's Association the following three (3) courses and distances: (1) South 33-19-12 East 17.84 ft. to a set iron pin; (2) South 04-35-39 East 87.99 ft. to a set iron pin; and (3) South 85-41-16 East 53.20 ft. to an existing iron pin, said

existing iron pin being located in a northwesterly boundary of the property formerly owned by Metrolina Properties by deeds recorded in Book 4895 at Page 879 and Book 4327 at Page 646; thence South 6-01-35 East 151.81 ft. to an existing iron pin, said existing iron pin being in the northeasterly corner of the property of CityFair III Holding Company (now or formerly) by deed recorded in Book 5926 at Page 312 (formerly the property of Carley Capital Group by deed recorded in Book 4614 at Page 409); thence with the northwesterly boundary of said CityFair III Holding Company (now or formerly) property the following two (2) courses and distances: (1) South 03-51-33 West 58.32 feet to an existing iron pin; and (2) South 00-38-05 West 246.77 ft. to an existing iron pin, being the POINT AND PLACE OF BEGINNING, said property containing approximately 3.400 acres and being as more particularly described on that certain survey entitled "Boundary Survey for Carley Capital Group" prepared by Concord Engineering and Surveying, Inc. dated April 7, 1988, reference to which is made for the "metes and bounds" description and the easements and restrictions respecting said property, it being understood that the adjacent property owners as described in the aforementioned description have been updated since the date of said survey.

APPROVED BY CITY COUNCIL  
DATE February 20, 1995  
Petition No. 95-5  
Donald W. Wilburn

CITY CD

ORDINANCE NO. 240-Z

AN ORDINANCE AMENDING THE CITY CODE WITH RESPECT TO THE ZONING ORDINANCE.

WHEREAS, a petition was presented to the City Council of the City of Charlotte requesting the rezoning of approximately 5 acres located on the northerly side of Margaret Wallace Road approximately 400 feet east of Independence Boulevard; and

WHEREAS, the petition for rezoning for a parallel conditional use district as permitted by Section 6.201 was submitted to the Charlotte-Mecklenburg Planning Commission, was accompanied by a schematic plan, complied with all application requirements as specified in Section 6.202 and 6.204, and was recommended for approval by the Charlotte-Mecklenburg Planning Commission; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Chapter 6: Part 1 and a public hearing was held on January 17, 1995; and

WHEREAS, in the passage of this ordinance the City Council of the City of Charlotte has considered the promotion of the health, safety, general welfare, and public interest of the community, and the requirements in Section 6.204.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing from B-2 and B-2(CD) to B-D(CD) and a site plan amendment on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

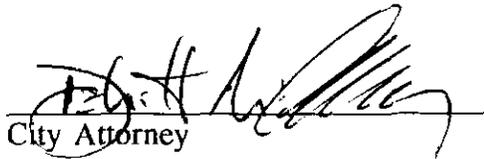
SEE ATTACHED

Section 2. That all subsequent development and use of the property shall be in accordance with the approved plan.

Section 3. That this ordinance shall become effective upon its adoption.

-continued-

APPROVED AS TO FORM:

  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 20th day of February, 1995, the reference having been made in Minute Book 107, and is recorded in full in Ordinance Book 46 at pages 257-259.

\_\_\_\_\_  
City Clerk

95-5-

#### METES & BOUNDS DESCRIPTION

#### CD REZONING REQUEST FOR DONALD W. WILBURN PROPERTY ON MARGARET WALLACE ROAD

BEGINNING at a new iron pin on the northern right-of-way of Margaret Wallace Road, said right-of-way being 60' in width, thence proceeding N. 81-08-54 W. 211.15 feet along said right-of-way to new iron pin, thence proceeding N. 01-09-50 E. 308.82 feet to a point, thence proceeding N. 84-54-11 E. 72.57 feet to a point, thence proceeding N. 23-12-47 W. 180 feet to a point, thence proceeding S. 76-56-37 W. 32 feet to a point, thence proceeding N. 23-33-43 W. 192.18 feet to an existing iron pin, thence proceeding N. 70-52-16 E. 499.97 feet to an existing iron pin, thence proceeding S. 19-41-02 W. 241.86 feet to a new iron pin, thence proceeding S. 46-33-47 W. 127.65 feet to a new iron pin, thence proceeding S. 49-07-12 E. 177.42 feet to a new iron pin, thence proceeding S. 22-25-22 W. 265.01 feet to an existing iron pin, thence proceeding S. 46-47-05 W. 76.68 feet to a new iron pin, thence proceeding S. 14-21-54 E. 123.42 feet to the place and point of beginning as described in a physical survey for 5.00 acres by Richard Boyd Brooks, NCL-2689 and dated December 21, 1993.

**Petition #:** 95-5

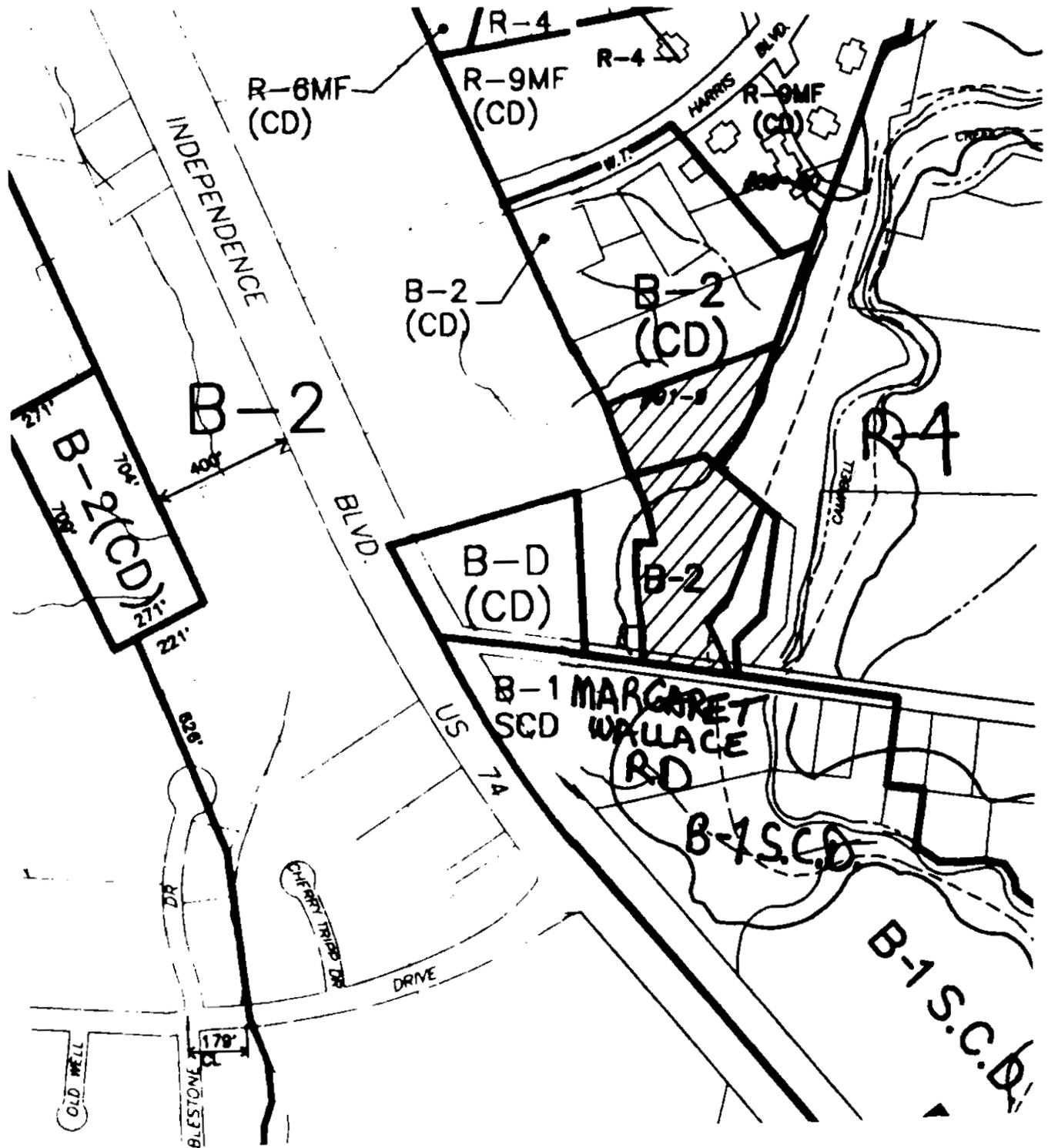
**Petitioner:** Donald W. Wilburn

**Hearing Date:** January 17, 1995

**Zoning Classification (Existing):** B-2 and B-2(CD)

**Zoning Classification (Requested):** B-D(CD)

**Location:** Approximately 5 acres located on the north side of Margaret Wallace Road east of Independence Boulevard (US 74).



Zoning Map #(s): 137 and 138

Scale: 1" = 400'

**OFFICIAL REZONING APPLICATION  
CITY OF CHARLOTTE**

Petition #: 95-5  
Date Filed: October 31, 1994  
Received By: T. Phares  
**OFFICE USE ONLY**

**OWNERSHIP INFORMATION:**

Property Owner: Donald W. Wilburn

Owner's Address: 2603 Rolling Hills Drive Monroe, N.C. 28110

Date Property Acquired: 5/83, 4/88

Tax Parcel Number(s): 165-151-02, 165-151-15 (portion)

**LOCATION OF PROPERTY (Address or Description):** located on the northerly side of Margaret Wallace Road and the westerly side of Campbell Creek

Size (Sq.Ft. or Acres): 5<sup>+</sup> acres Street Frontage (Ft.): 211' Margaret Wallace Rd

Current Land Use: mostly vacant, but two small nonresidential buildings occupy one area of the site

**ZONING REQUEST:**

Existing Zoning: B-2 and B-2(CD) Proposed Zoning: BD(CD)

Purpose of Zoning Change: to convert the existing general business zoning to distributive business zoning to permit a mini storage facility

Robert G. Young  
Name of Agent 301 S. McDowell St. #606  
Charlotte, N.C. 28204

Agent's Address  
Telephone Number 334-9157 Fax Number 333-2905

Signature of Property Owner  
if other than Petitioner

Donald W. Wilburn  
Name of Petitioner(s) 2603 Rolling Hills Dr.  
Monroe, N.C. 28110

Address of Petitioner(s)  
Telephone Number 535-3231 Fax Number

x Donald Wilburn  
Signature