

CITY CD

Petition No. 95-87  
Mulberry Associates

ORDINANCE NO. 440-Z

APPROVED BY CITY COUNCIL

DATE January 22, 1996

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 4 acres located on the west side of Mulberry Church Road and north of the I-85 Service 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 December 19, 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:

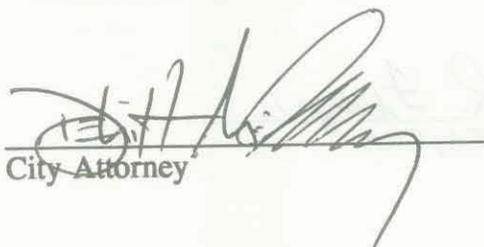
Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing from B-1(CD) and R-17MF to O-1(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

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.

APPROVED AS TO FORM:

  
City Attorney

CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of January, 1996, the reference having been made in Minute Book 209, and recorded in full in Ordinance Book 47, Page(s) 172-174A.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 6th day of February, 1996.

  
Nancy S. Gilbert, Deputy City Clerk

LEGAL DESCRIPTION OF PROPERTY  
PROPOSED TO BE REZONED TO O1-CD

All that certain lot, parcel or tract of land lying in the City of Charlotte, Mecklenburg County, North Carolina, and more particularly described as follows:

BEGINNING at a point located at the intersection of the northerly margin of the right-of-way of I-85 Service Road with the easterly margin of the right-of-way of Sloan Drive (currently a 60-foot right-of-way) thence running along the easterly margin of the right-of-way of Sloan Drive the following five (5) courses and distances: (1) N. 07-56-13 W. 101.12 feet to a point; (2) N. 04-34-51 W. 99.98 feet to a point; (3) N. 04-19-31 W. 266.64 feet to a point; (4) N. 85-32-41 W. 6.00 feet to a point; and (5) along an arc of a circular curve to the right (subtended by a chord bearing N. 06-43-38 E. 200.87 feet) a total arc length of 202.00 feet to a point; thence S. 85-28-09 E. 233.00 feet to a point located in the southwesterly corner of the property of Betty Anne Camp Teague (now or formerly) as described in deed recorded in Deed Book 905, Page 210 of the Mecklenburg County Public Registry; thence along the southerly line of the property of Betty Anne Camp Teague S. 85-26-04 E. 200.00 feet to a point located within the right-of-way of Mulberry Church Road (currently a 40-foot right-of-way); thence within the right-of-way of Mulberry Church Road S. 04-27-00 W. 199.99 feet to a point located in the northeasterly corner of the property of Western Steer (now or formerly) as described in deed recorded in Deed Book 5271, Page 850 of the Mecklenburg County Public Registry; thence along the northerly line of the property of Western Steer the following two courses and distances: (1) N. 85-32-41 W. 193.88 feet to a point and (2) N. 88-22-54 W. 40.68 feet to a point located in the westerly line of the Western Steer property; thence along the westerly line of the Western Steer property S. 04-23-43 E. 467.24 feet to a point located in the northerly margin of the right-of-way of I-85 Service Road; thence along the northerly margin of the right-of-way of I-85 Service Road S. 88-22-50 W. 210.15 feet to the point and place of BEGINNING, and containing approximately 4.207 acres as shown on survey entitled "Additions Hampton Inn" prepared by Cundiff Associates Architects dated July 17, 1995, last revised November 14, 1995.

Petition #: 95-87

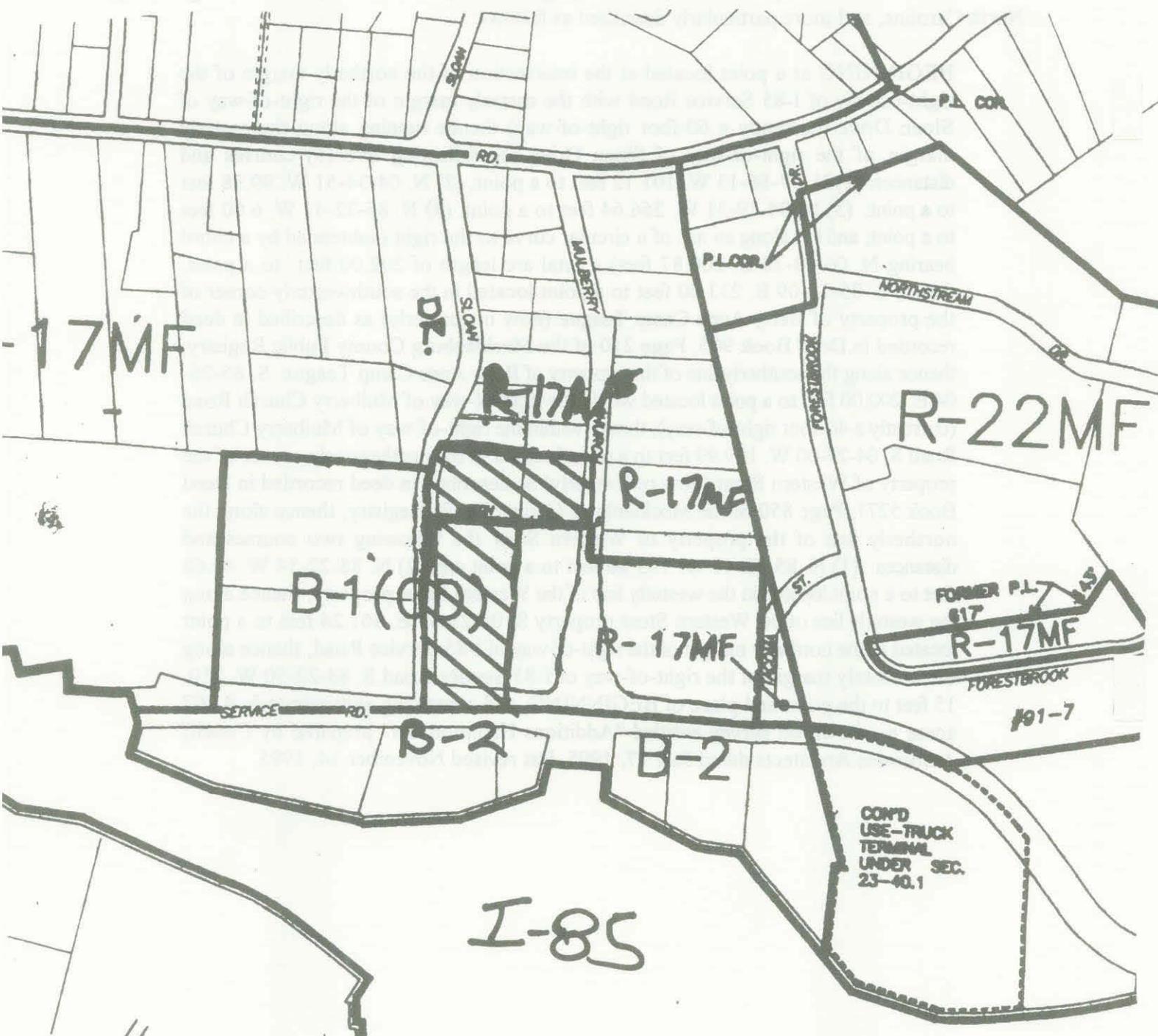
Petitioner: Mulberry Associates

Hearing Date: December 19, 1995

Zoning Classification (Existing): B-1(CD) and R-17MF

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

Location: Approximately 4 acres located on the north side of I-85 Service Road east of Sloan Drive.



Zoning Map #(s): 86

Scale: 1" = 400'

Petition No. 95-87  
Mulberry Associates

## PARALLEL CONDITIONAL USE PERMIT

**This is a parallel conditional use permit approved by the Charlotte City Council to Mulberry Associates County owner(s) and successors-in-interest of the property described as tax parcels 061-222-22, 061-222-07 and 061-222-29 and described in detail further in the ordinance, identified below, approved by the City Council.**

**In approving this parallel conditional use permit, the Charlotte City Council amended Chapter 6: Part 2 of the City of Charlotte Zoning Ordinance and the official zoning map. The property now has a parallel conditional use district zoning classification of O-1(CD) on the official zoning map.**

**This parallel conditional use permit is subject to and incorporates by reference all of the following: the schematic plan, the supporting text, all attached conditions, and Chapter 6: Part 1 and 2 of the City of Charlotte Zoning Ordinance, all of which preceding are binding upon the property and all subsequent development and use of the property. A failure to comply with any of the above may result in revocation of the parallel conditional use permit in accordance with the authority of the City Council under Chapter 6: Part 1 of the City of Charlotte Zoning Ordinance.**

**Three years from the date of approval of this parallel conditional use permit, the Planning Commission shall determine if active efforts to develop in accordance with approved plans have occurred. If active efforts to develop have not occurred, then a report shall be forwarded to the City Council which may recommend that action be initiated to remove the parallel conditional use district in accordance with Chapter 6: Part 1.**

CITY ZONE CHANGE

Petition No. 95-88  
The McAlpine Company

APPROVED BY CITY COUNCIL

DATE January 22, 1996

ZONING REGULATIONS

ORDINANCE NO. 441-Z

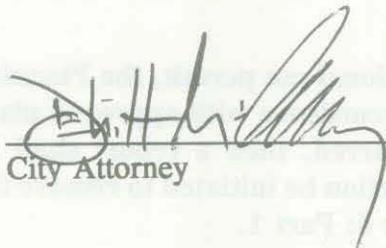
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by change from R-4, R-17MF and R-3 to R-6 on the Official Zoning Map, City of Charlotte, N.C. the following described property:

SEE ATTACHED MAP

Section 2. That this ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:

  
City Attorney

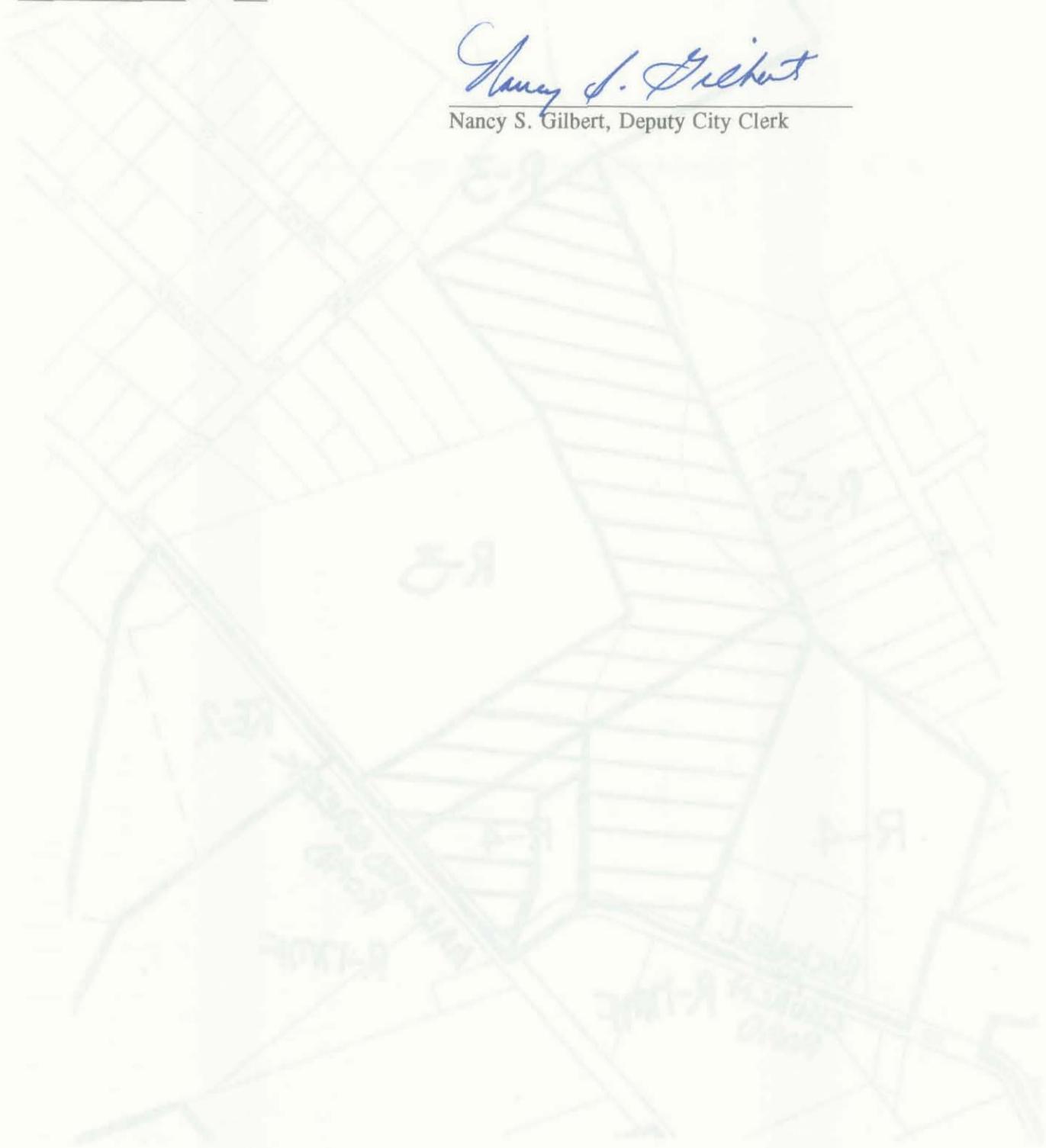
CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of January, 1996, the reference having been made in Minute Book 109, and recorded in full in Ordinance Book 47, Page(s) 175-177.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 6th day of February, 1996.



Nancy S. Gilbert, Deputy City Clerk



Petition #: 95-88

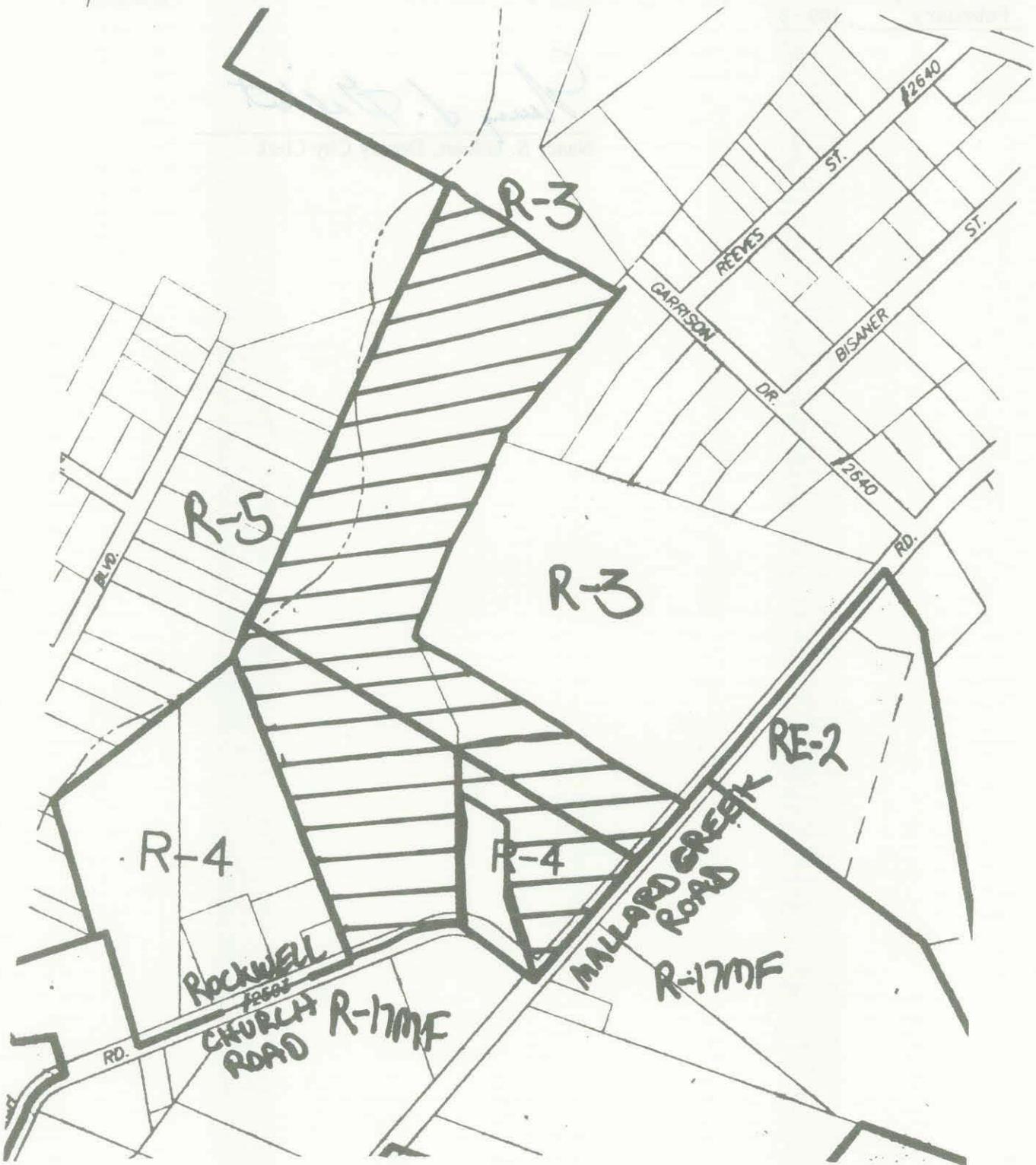
Petitioner: The McAlpine Company

Hearing Date: December 19, 1995

Zoning Classification (Existing): R-4, R-17MF and R-3

Zoning Classification (Requested): R-6

Location: Approximately 26.70 acres located on the west side of Mallard Creek Road north of Rockwell Church Road.



Zoning Map #(s): 59

Scale: 1" = 400'

CITY CD

Petition No. 95-89  
Northside Baptist Church

ORDINANCE NO. 442-Z

APPROVED BY CITY COUNCIL

DATE January 22, 1996

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 170.77 acres bounded by West Sugar Creek Road, Mineral Springs Road and I-85; 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, 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:

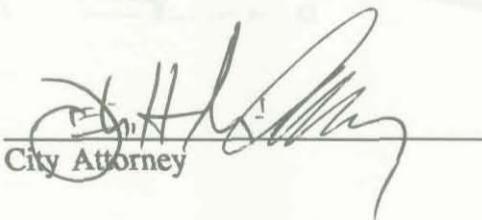
Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing from R-4 and B-2 to Inst.(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

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.

APPROVED AS TO FORM:

  
City Attorney

CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of January, 1996, the reference having been made in Minute Book 109, and recorded in full in Ordinance Book 47, Page(s) 178-180.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 6th day of February, 1996.

  
Nancy S. Gilbert, Deputy City Clerk

Petition #: 95-89

Petitioner: Northside Baptist Church

Hearing Date: December 19, 1995

Zoning Classification (Existing): R-4 and B-2

Zoning Classification (Requested): Inst. (CD)

Location: Approximately 170.77 acres bounded by West Sugar Creek Road, Mineral Springs Road and I-85.



Zoning Map #(s): 70,71

Scale: No Scale

*[Handwritten signature]*

9-2-21

### LEGAL DESCRIPTION

Beginning at a point in the southerly margin of the right-of-way of Mineral Springs Road, said point being S.64-45-05E, approximately 370' from the intersection of Mineral Springs road and Neal Road, and runs thence S.12-36-20W 818.88' to a point; thence S.74-10-15E 1497.45' to a point; thence S.51-11-03E 776.31' to a point; thence S.55-26-32W 859.93' to a point; thence S.56-52-25W 360' to a point; thence S.11-53-16E 88.64' to a point; thence S.69-19-53W approximately 186' to a point in the northerly margin of the right-of-way of Interstate 85 Service Road; thence N.18-10-46E 347.34' to a point; thence N.66-36-20W 1029.80' to a point; thence S.61-26-40W 1406.82' to a point; thence N.22-00-16W 160.54' to a point; thence N.88-42-16W 300.00' to a point in the easterly margin of the right-of-way of Sugar Creek Road; thence with said margin of Sugar Creek Road N.01-26-39E 100.15' to a point; thence S.88-42-16E 456.62' to a point; thence N.22-00-16W 217.53' to a point; thence N.21-52-06W 183.43' to a point; thence S.72-45-07W 282.10' to a point in the easterly margin of the right-of-way of Sugar Creek Road; thence with said margin of Sugar Creek Road N.01-23-37W 324.41' to a point thence N.88-14-02W 260.90' to a point; thence N.03-44-26E 431.08' to a point; thence S.63-46-44W 226.15' to a point; thence S.89-42-40W 101.52' to a point in the easterly margin of the right-of-way of Sugar Creek Road; thence with said margin of Sugar Creek Road N.09-46-40W 105.38' to a point; thence N.72-53-32E 373.89' to a point; thence S.13-07-45E 88.55' to a point; thence N.63-46-44E 470.84' to a point; thence N.10-20-18E 269.23' to a point; thence N.10-12-28E 435.52' to a point; thence N.10-29-00E 218.86' to a point; thence N.25-14-55E 230.00' to a point in the southerly margin of the right-of-way of Mineral Springs Road; thence with said margin of Mineral Springs road S.64-45-05E 1244.93' to the point and place of beginning and containing 170.77 acres, more or less.

ZON LINE

NOTE: THIS DESCRIPTION IS BASED ON INFORMATION AVAILABLE FROM VARIOUS SURVEY DOCUMENTS AND SHOULD NOT BE USED FOR LEGAL DOCUMENTS OR LAND TRANSACTIONS. INTENDED FOR REZONING PURPOSES ONLY.

Petition No. 95-89  
Northside Baptist Church

### PARALLEL CONDITIONAL USE PERMIT

This is a parallel conditional use permit approved by the Charlotte City Council to Northside Baptist Church owner(s) and successors-in-interest of the property described as tax parcels 047-011-03, 04, 05A&B, 20, 21, 22, 047-021-01, 02, 10 and 047-241-01 and described in detail further in the ordinance, identified below, approved by the City Council.

In approving this parallel conditional use permit, the Charlotte City Council amended Chapter 6: Part 2 of the City of Charlotte Zoning Ordinance and the official zoning map. The property now has a parallel conditional use district zoning classification of Inst.(CD) on the official zoning map.

This parallel conditional use permit is subject to and incorporates by reference all of the following: the schematic plan, the supporting text, all attached conditions, and Chapter 6: Part 1 and 2 of the City of Charlotte Zoning Ordinance, all of which preceding are binding upon the property and all subsequent development and use of the property. A failure to comply with any of the above may result in revocation of the parallel conditional use permit in accordance with the authority of the City Council under Chapter 6: Part 1 of the City of Charlotte Zoning Ordinance.

Three years from the date of approval of this parallel conditional use permit, the Planning Commission shall determine if active efforts to develop in accordance with approved plans have occurred. If active efforts to develop have not occurred, then a report shall be forwarded to the City Council which may recommend that action be initiated to remove the parallel conditional use district in accordance with Chapter 6: Part 1.

CITY CD

Petition No. 95-91  
Fresh Holdings, Inc.

ORDINANCE NO. 443-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 1.26 acres located on the northwest corner of the intersection between Little Avenue and Carmel 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 denial 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, 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:

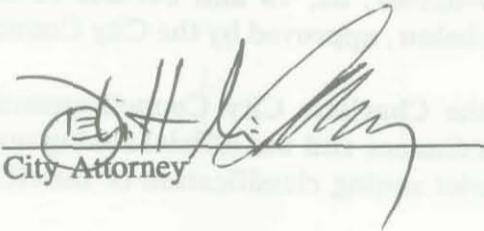
Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing from O-1 to B-1(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

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.

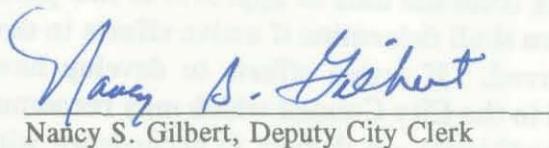
APPROVED AS TO FORM:

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

CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of January, 1996, the reference having been made in Minute Book 109, and recorded in full in Ordinance Book 47, Page(s) 181-183.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 6th day of February, 1996.

  
\_\_\_\_\_  
Nancy S. Gilbert, Deputy City Clerk

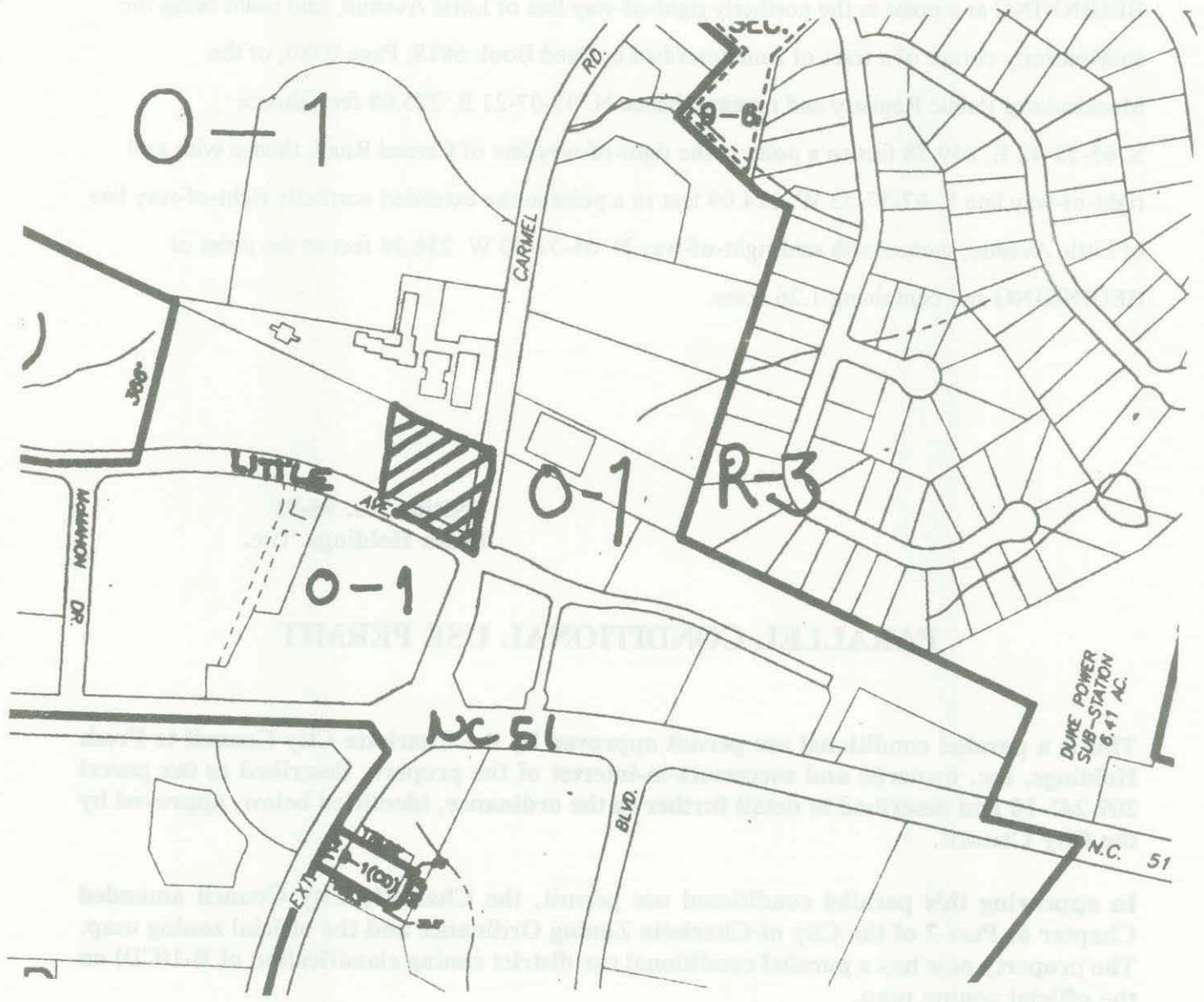
**Petitioner:** Fresh Holdings, Inc.

**Hearing Date:** December 19, 1995

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

**Zoning Classification (Requested):** B-1(CD)

**Location:** Approximately 1.26 acres located on the northwest corner of the intersection between Little Avenue and Carmel Road.



Zoning Map #(s): 167

Scale: 1" = 400'

The zoning classification was granted in accordance with the provisions of the Zoning Ordinance, Chapter 6, Part 1 and 2 of the City of Charlotte Zoning Ordinance. All of the conditions and requirements of the zoning ordinance are hereby adopted and shall apply to the property and all adjacent development and use of the property. A failure to comply with any of the above may result in revocation of the zoning classification. The zoning classification was granted in accordance with Chapter 6, Part 1 of the City of Charlotte Zoning Ordinance.

Three years from the date of approval of this zoning classification was granted, the Planning Commission shall determine if active efforts to develop in accordance with approved plans have occurred. If active efforts to develop have not occurred, then a report shall be forwarded to the City Council which may recommend that action be initiated to remove the zoning classification or district in accordance with Chapter 6, Part 1.

95-91

**BOUNDARY DESCRIPTION**  
**FRESH HOLDINGS, INC.**

BEGINNING at a point in the northerly right-of-way line of Little Avenue, said point being the southeasterly corner of a tract of land described in Deed Book 6818, Page 0380, of the Mecklenburg Public Registry and running thence N. 07-07-21 E. 225.08 feet; thence S. 65-52-42 E. 259.78 feet to a point in the right-of-way line of Carmel Road; thence with said right-of-way line S. 07-57-53 W. 224.09 feet to a point in the extended northerly right-of-way line of Little Avenue; thence with said right-of-way N. 65-52-40 W. 256.36 feet to the point of BEGINNING and containing 1.26 acres.

**Petition No. 95-91**  
**Fresh Holdings, Inc.**

**PARALLEL CONDITIONAL USE PERMIT**

**This is a parallel conditional use permit approved by the Charlotte City Council to Fresh Holdings, Inc. owner(s) and successors-in-interest of the property described as tax parcel 209-241-10 and described in detail further in the ordinance, identified below, approved by the City Council.**

**In approving this parallel conditional use permit, the Charlotte City Council amended Chapter 6: Part 2 of the City of Charlotte Zoning Ordinance and the official zoning map. The property now has a parallel conditional use district zoning classification of B-1(CD) on the official zoning map.**

**This parallel conditional use permit is subject to and incorporates by reference all of the following: the schematic plan, the supporting text, all attached conditions, and Chapter 6: Part 1 and 2 of the City of Charlotte Zoning Ordinance, all of which preceding are binding upon the property and all subsequent development and use of the property. A failure to comply with any of the above may result in revocation of the parallel conditional use permit in accordance with the authority of the City Council under Chapter 6: Part 1 of the City of Charlotte Zoning Ordinance.**

**Three years from the date of approval of this parallel conditional use permit, the Planning Commission shall determine if active efforts to develop in accordance with approved plans have occurred. If active efforts to develop have not occurred, then a report shall be forwarded to the City Council which may recommend that action be initiated to remove the parallel conditional use district in accordance with Chapter 6: Part 1.**

**CITY ZONE CHANGE**

Petition No. 95-93  
Consolidated Freightways

**APPROVED BY CITY COUNCIL**

DATE January 22, 1996

**ZONING REGULATIONS**

ORDINANCE NO. 444-Z

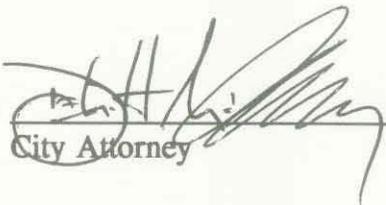
**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:**

**Section 1.** That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by change from I-1 S.U.P. to I-2 on the Official Zoning Map, City of Charlotte, N.C. the following described property:

**SEE ATTACHED MAP**

**Section 2.** That this ordinance shall become effective upon its adoption.

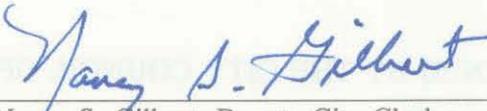
**APPROVED AS TO FORM:**

  
City Attorney

**CERTIFICATION**

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of January, 1996, the reference having been made in Minute Book 109, and recorded in full in Ordinance Book 47, Page(s) 184-186.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 6th day of February, 1996.

  
\_\_\_\_\_  
Nancy S. Gilbert, Deputy City Clerk

Petition #: 95-93

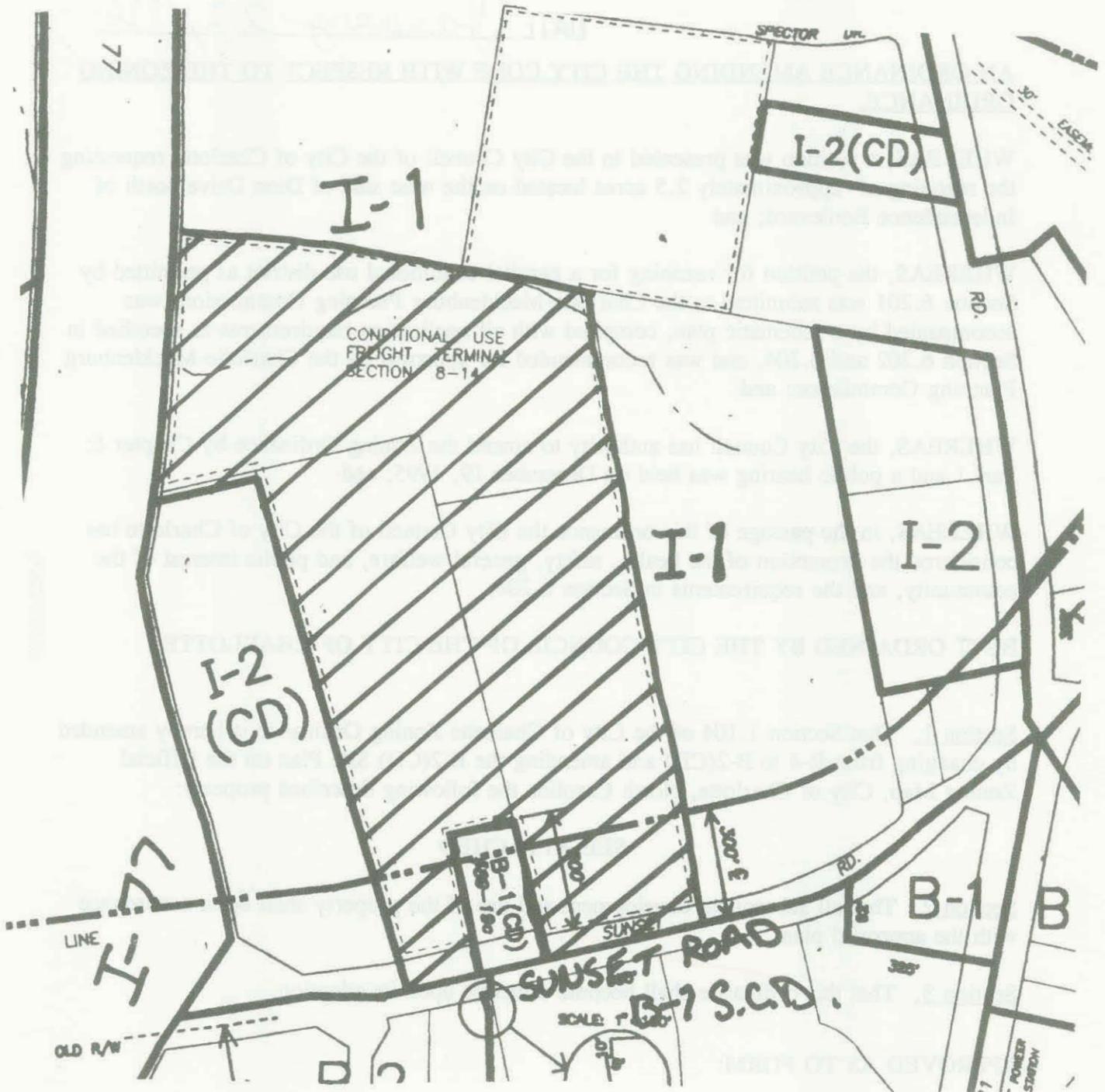
Petitioner: Consolidated Freightways

Hearing Date: December 19, 1995

Zoning Classification (Existing): I-1 with a Special Use Permit

Zoning Classification (Requested): I-2 with termination of Special Use Permit

Location: Approximately 41.52 acres located on the north side of Sunset Road east of I-77.



Zoning Map #(s): 60

Scale: 1" = 400'

*[Handwritten signature]*

CITY CD

Petition No. 95-94  
Keffer Management Company

ORDINANCE NO. 445-Z

APPROVED BY CITY COUNCIL

DATE January 22, 1996

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 2.5 acres located on the west side of Dion Drive north 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 December 19, 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 R-4 to B-2(CD) and amending the B-2(CD) Site Plan 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.

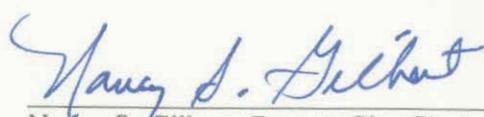
APPROVED AS TO FORM:

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

CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of January, 1996, the reference having been made in Minute Book 109, and recorded in full in Ordinance Book 47, Page(s) 187-189.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 6th day of February, 1996.

  
\_\_\_\_\_  
Nancy S. Gilbert, Deputy City Clerk

Petition #: 95-94

January 22, 1996  
Ordinance Book 47, Page 188

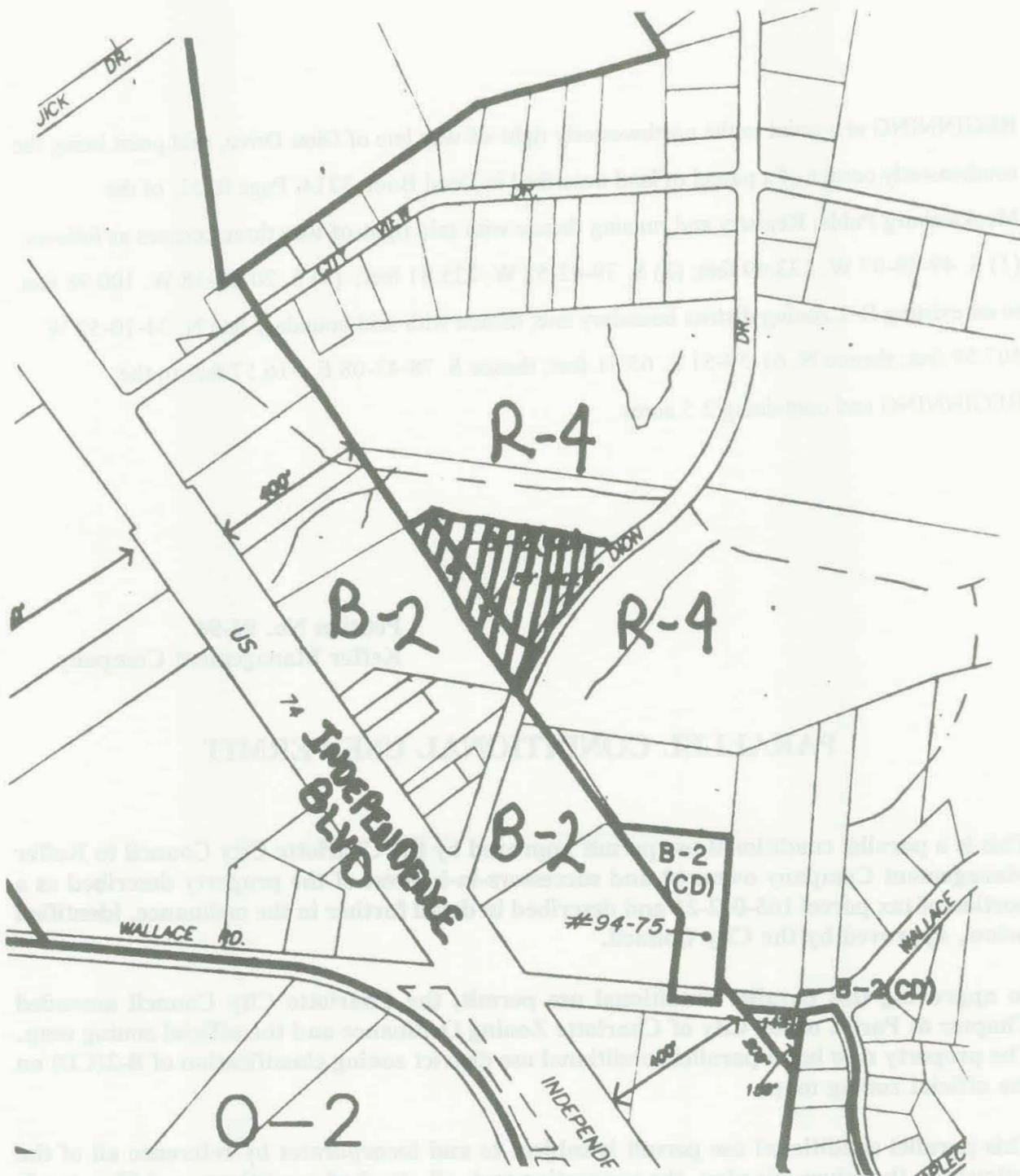
Petitioner: Keffer Management Company

Hearing Date: December 19, 1995

Zoning Classification (Existing): R-4 and B-2(CD)

Zoning Classification (Requested): B-2(CD) AND B-2(CD) SPA

Location: Approximately 2.5 acres located on the west side of Dion Drive north of Independence Boulevard.



Zoning Map #(s): 123

Scale: 1" = 400'

95-94

**BOUNDARY DESCRIPTION**  
**KEFFER MANAGEMENT COMPANY**

BEGINNING at a point in the northwesterly right-of-way line of Dion Drive, said point being the southeasterly corner of a parcel of land described in Deed Book 3314, Page 0531, of the Mecklenburg Public Registry and running thence with said right-of-way three courses as follows: (1) S. 49-49-07 W. 133.49 feet; (2) S. 39-42-52 W. 225.81 feet; (3) S. 20-17-18 W. 100.98 feet to an existing B-2 zoning district boundary line; thence with said boundary line N. 34-10-52 W. 507.59 feet; thence N. 61-59-51 E. 65.31 feet; thence S. 78-43-08 E. 516.57 feet to the BEGINNING and containing 2.5 acres.

**Petition No. 95-94**  
**Keffer Management Company**

**PARALLEL CONDITIONAL USE PERMIT**

**This is a parallel conditional use permit approved by the Charlotte City Council to Keffer Management Company owner(s) and successors-in-interest of the property described as a portion of tax parcel 165-042-21 and described in detail further in the ordinance, identified below, approved by the City Council.**

**In approving this parallel conditional use permit, the Charlotte City Council amended Chapter 6: Part 2 of the City of Charlotte Zoning Ordinance and the official zoning map. The property now has a parallel conditional use district zoning classification of B-2(CD) on the official zoning map.**

**This parallel conditional use permit is subject to and incorporates by reference all of the following: the schematic plan, the supporting text, all attached conditions, and Chapter 6: Part 1 and 2 of the City of Charlotte Zoning Ordinance, all of which preceding are binding upon the property and all subsequent development and use of the property. A failure to comply with any of the above may result in revocation of the parallel conditional use permit in accordance with the authority of the City Council under Chapter 6: Part 1 of the City of Charlotte Zoning Ordinance.**

**Three years from the date of approval of this parallel conditional use permit, the Planning Commission shall determine if active efforts to develop in accordance with approved plans have occurred. If active efforts to develop have not occurred, then a report shall be forwarded to the City Council which may recommend that action be initiated to remove the parallel conditional use district in accordance with Chapter 6: Part 1.**

CITY CD

Petition No. 95-96  
Cunnane Development Corp.

ORDINANCE NO. 446-Z

APPROVED BY CITY COUNCIL

DATE January 22, 1996

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 12 acres located on the southwest corner of the intersection between Hwy 51 and Elm Lane West; 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, 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:

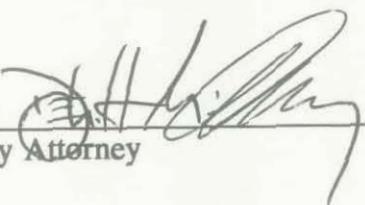
Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing from R-3 to R-8MF(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

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.

APPROVED AS TO FORM:

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

CERTIFICATION

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of January, 1996, the reference having been made in Minute Book 109, and recorded in full in Ordinance Book 47, Page(s) 190-192.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 6th day of February, 1996.

  
\_\_\_\_\_  
Nancy S. Gilbert, Deputy City Clerk

Petition #: 95-96

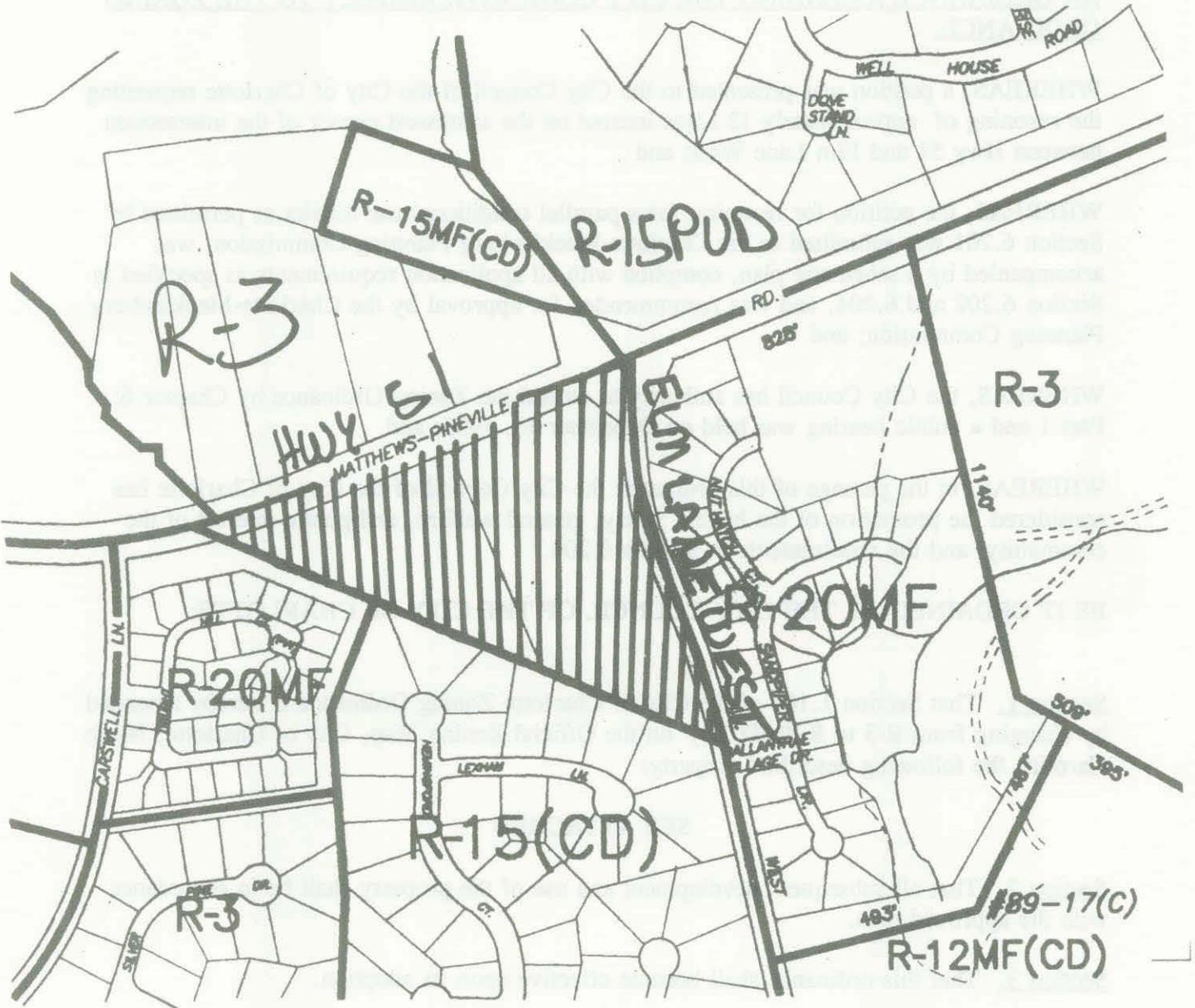
Petitioner: Cunnane Development Corp.

Hearing Date: December 19, 1995

Zoning Classification (Existing): R-3

Zoning Classification (Requested): R-8MF(CD)

Location: Approximately 12 acres located on the southwest corner of the intersection between Hwy 51 and Elm Lane West.



Zoning Map #(s): 167

Scale: 1" = 400'

*[Handwritten signature]*

95-96 ✓

**METES AND BOUNDS DESCRIPTION  
CONDITIONAL REZONING REQUEST  
CUNNANE DEVELOPMENT CORPORATION**

BEGINNING at a point in the centerline of Elm Lane West (said Elm Lane West having a 60 foot right-of-way), said point being S. 9-58-10 E. 135.10 feet from the intersection of the centerline and Elm Lane West and N. C. Highway 51, running thence from said beginning point with the centerline of Elm Lane West, thence proceeding S. 8-53-00 E. 48.60 feet to a point in said centerline of Elm Lane West; thence continuing with said centerline S. 07-41-00 E. 100 feet to a point, thence continuing with said centerline S 8-34-00 E. 100 feet to a point, thence continuing with said centerline S. 15-17-00 E. 100 feet to a point, thence continuing with said centerline S. 22-41-00 E. 100 feet to a point, thence continuing with said centerline S. 21-08-00 E. 100 feet to a point, thence continuing with said centerline S. 17-15-00 E. 100 feet to a point, thence continuing with said centerline S. 14-23-00 E. 100 feet with a point, thence continuing with said centerline S. 12-36-30 E. 117.43 feet to a point, thence proceeding N. 65-29-30 W. 37.83 feet to an existing iron pin in the westerly margin of Elm Lane West, thence proceeding N. 65-29-30 W. 368.37 feet to an old iron, thence proceeding N. 65-29-30 W. 103.78 feet to an iron pin, thence proceeding N. 65-29-30 W. 884.88 feet to an old iron pipe, thence proceeding N. 65-29-30 W. 54.59 feet to a point in the center of said North Carolina Highway No. 51, thence continuing with said centerline N. 76-20-10 E. 98.98 feet to a point, thence continuing with said centerline N. 73-31-50 E. 100 feet to a point, thence continuing with said centerline N. 71-27-50 E. 100 feet to a point, thence continuing with said centerline N. 70-30-10 E. 363.10 feet to a point, thence continuing with said centerline N. 70-09-00 E. 477.67 feet to the point and place of BEGINNING, said parcel comprised of three separate tracts described in 1) Deed Book 3769, Page 0799 being 3.45 acres, 2) Deed Book 4184, Page 0638 being 4.731 acres, and 3) Deed Book 2358, Page 0210 being 4.324 acres (more or less) as recorded with the Mecklenburg County Register of Deeds.

**Petition No. 95-96  
Cunnane Development Corp.**

**PARALLEL CONDITIONAL USE PERMIT**

**This is a parallel conditional use permit approved by the Charlotte City Council to Cunnane Development Corp. owner(s) and successors-in-interest of the property described as tax parcels 223-332-98 and 223-332-97 and described in detail further in the ordinance, identified below, approved by the City Council.**

**In approving this parallel conditional use permit, the Charlotte City Council amended Chapter 6: Part 2 of the City of Charlotte Zoning Ordinance and the official zoning map. The property now has a parallel conditional use district zoning classification of R-8MF(CD) on the official zoning map.**

**This parallel conditional use permit is subject to and incorporates by reference all of the following: the schematic plan, the supporting text, all attached conditions, and Chapter 6: Part 1 and 2 of the City of Charlotte Zoning Ordinance, all of which preceding are binding upon the property and all subsequent development and use of the property. A failure to comply with any of the above may result in revocation of the parallel conditional use permit in accordance with the authority of the City Council under Chapter 6: Part 1 of the City of Charlotte Zoning Ordinance.**

**Three years from the date of approval of this parallel conditional use permit, the Planning Commission shall determine if active efforts to develop in accordance with approved plans have occurred. If active efforts to develop have not occurred, then a report shall be forwarded to the City Council which may recommend that action be initiated to remove the parallel conditional use district in accordance with Chapter 6: Part 1.**

95-97

AN ORDINANCE AMENDING APPENDIX A-ZONING OF THE CITY CODE OF THE CITY OF CHARLOTTE.

BE IT ORDAINED by the City Council of the City of Charlotte, NC, that:

Section 1. Appendix A-Zoning of the City Code of the City of Charlotte shall be amended as follows:

1. Amend § 13.114, "Variances and appeals", by adding a new subsection (7) to read as follows:

"Pursuant to G.S. § 160A-361(7), the City Council designates the Mecklenburg County Zoning Board of Adjustment as a planning agency, authorized and directed to grant variances pursuant to § 13.114(1)-(3) and (5) and one-time extensions not to exceed two years pursuant to § 13.114(4) with respect to signs within the corporate limits of the City of Charlotte that do not comply with the regulations of Chapter 13 and are subject to the 8-year amortization period of § 13.112(1)(a).

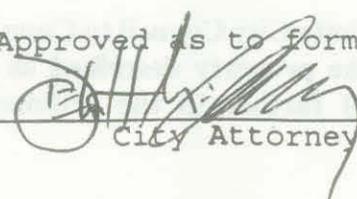
This designation and authorization of the County Board shall not effect in any way the jurisdiction of the City Board. The City Board shall have the authority to adopt guidelines for the City Board clerk in assigning applications with respect to the above-referred to signs to the City or County Board.

Notwithstanding any ordinance provision or rules of procedure to the contrary, the zoning administrator shall have the authority to designate in the notice the time within which applications must be timely and properly filed being no less than 60 days and no more than 120 days from the date of the notice.

Any appeals from the County Board to superior court for City applications shall be pursuant to G.S. § 160A-388(e). This subsection (7) shall automatically expire as of April 1, 1998."

Section 2. This ordinance shall become effective upon adoption.

Approved as to form:

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

**CERTIFICATION**

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of January, 1996, the reference having been made in Minute Book 109, and recorded in full in Ordinance Book 47, Page(s) 193-194.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 6th day of February, 1996.

  
Nancy S. Gilbert, Deputy City Clerk

Page  
195  
NOT  
USED

**APPROVED BY CITY COUNCIL**

DATE January 22, 1996

Ordinance No. 448

**AN ORDINANCE AMENDING APPENDIX A  
OF THE CITY CODE - ZONING ORDINANCE**

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

Section 1. Appendix A, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

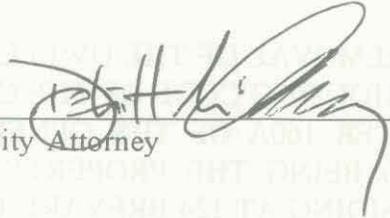
- 1. Amend Section 9.1103. Uses permitted under prescribed conditions, by adding the following new Paragraph (27) at the end of existing Paragraph (26):

"(27) Any establishment containing more than 70,000 square feet of enclosed space engaged in the operation of a flea market (I-1 only), provided that:

- (a) The use may not be open to the public on any days of the week other than Friday, Saturday and Sunday;
- (b) The minimum lot size shall be 10 acres;
- (c) The use's operations, including the storage of inventory, must be housed entirely within an enclosed structure;
- (d) The structure within which the use is operated must be a warehouse facility which is designed primarily for the bulk storage of products, materials or commodities and contain a minimum of 100,000 square feet of enclosed space;
- (e) The structure must provide for clear storage to a height of at least 26 feet in all storage areas and may not contain more than 5,000 square feet of office space;
- (f) Vehicle access to the use may not be provided by way of a residential local (Class VI) street or residential collector (Class V) street;
- (g) The use must satisfy the minimum requirements for off-street parking for retail establishments as provided under Table 12.202."; and
- (h) The operation of the establishment and the structure within which such use is enclosed shall meet all standards and requirements of the North Carolina Building Code and the City Fire Department that may be applicable thereto.

Section 2. This ordinance shall become effective upon adoption.

Approved as to form:

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

**CERTIFICATION**

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 22nd day of January, 1996, the reference having been made in Minute Book 109, and recorded in full in Ordinance Book 47, Page(s) 196-197.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 6th day of February, 1996.

  
\_\_\_\_\_  
Nancy S. Gilbert, Deputy City Clerk

  
\_\_\_\_\_  
CITY ATTORNEY

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