

December 17, 1979
Ordinance Book 28 - Psge 404

PETITION NO. 79-46

Ordinance No. 193-Z

An Ordinance Amending Chapter 23
of the City Code - Zoning Ordinance

An Ordinance Amending the City Code
with respect to the Zoning Ordinance

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

Section 1. That Chapter 23, Section 23-8 of the Code of the City of Charlotte is hereby amended by changing the zoning classifications as listed below on the Official Zoning Map, City of Charlotte, N. C. the following described properties:

SECTION A - CHANGE FROM O-6 TO UR30

BEGINNING at a point where the centerline of North Smith Street intersects with the centerline of West Tenth Street and runs thence in a southeasterly direction following along the centerline of West Tenth Street approximately 756 feet to a point; thence in a southwesterly direction crossing the southerly right-of-way margin of West Tenth Street and following the easterly boundary line of lot as described in Deed Book 2167, page 473 as having a bearing of S.49-10-10W. approximately 231 feet to a point; thence in a northwesterly direction following along the southerly boundary line of lot as described in said Deed Book 2167, page 473, the southerly boundary line of lots as described in Deed 3957, page 674, Deed 3936, page 29 as having a bearing and distance as follows: N.41-51-40W. 101.9 feet. N.41-49-20W. 235.5 feet crossing the easterly right-of-way margin of North Graham Street to a point in the centerline of North Graham Street, thence in a northeasterly direction following along the centerline of North Graham Street approximately 53 feet to a point, thence in a northwesterly direction crossing the westerly right-of-way margin of North Graham Street and following along the rear lot line of lots as described in Deed Books 4063, page 953, 4056, page 922, 4056, page 671, 4056, page 829 as having a bearing of N.42-14-30W. approximately 434 feet crossing the easterly right-of-way margin of North Smith Street to a point in the centerline of North Smith Street, thence in a northeasterly direction following along the centerline of North Smith Street approximately 159 feet to the point or place of BEGINNING.

SECTION B - CHANGE FROM UR30 TO UR10

BEGINNING at a point located in the centerline of North Pine Street, said point being located approximately 215 feet measured in a northeasterly direction along the centerline of North Pine Street from a point where the centerline of West Ninth Street intersects with the centerline of North Pine Street and runs thence in a southeasterly direction, crossing the easterly right-of-way margin of North Pine Street and following along the centerline of a ten foot alleyway, parallel with the northerly boundary line of lot as described in Deed Book 3873, page 776 as having a bearing of S.40-30E. approximately 116 feet to a point; thence in a southwesterly direction; crossing the southerly margin of said ten foot alleyway and following along the rear

lot line of lot as described in Deed Book 3873, page 776 and a portion of the westerly boundary line of lot as described in Deed Book 3908, page 973 as having a bearing of S.51-08W. approximately 95 feet to a point. Thence with a new line parallel with West Ninth Street N.40-30W. 116 feet, crossing the easterly right-of-way margin of North Pine Street to a point in the centerline of North Pine Street, thence in a northeasterly direction following along the centerline of North Pine Street approximately 95 feet to the point or place of BEGINNING.

SECTION C - CHANGE FROM UR30 TO UR10

BEGINNING at a point, said point being located where the centerline of West Eighth Street intersects with the centerline of North Pine Street and runs thence in a northwesterly direction with the centerline of West Eighth Street approximately 119.0 feet to a point, said point being located where the centerline of West Eighth Street intersects with the westerly boundary line of lot as described in Deed Book 3929, page 582 (if extended); thence in a northeasterly direction crossing the northerly right-of-way margin of West Eighth and following along the westerly boundary line of lot as described in said Deed Book 3929, page 582 as having a bearing of N.48-00E. approximately 115.3 feet to a point; thence continuing in a northeasterly direction with a new line N.48-00E. approximately 47.1 feet to a point in the northerly boundary line of lot as described in Deed Book 3926, page 671; thence in a southeasterly direction following along a portion of the northerly boundary line of lot as described in said Deed Book 3926, page 671 as having a bearing of S.42-02-50E. approximately 125.0 feet crossing the westerly right-of-way margin of North Pine Street to a point in the centerline of North Pine Street; thence in a southwesterly direction, following along the centerline of North Pine Street approximately 158.0 feet to the point or place of BEGINNING.

SECTION D - CHANGE FROM UR30 TO UR10

BEGINNING at a point where the centerline of West Eighth Street intersects with the centerline of North Poplar Street and runs thence in a southeasterly direction following along the centerline of West Eighth Street approximately 110 feet; thence in a southwesterly direction crossing the southerly right-of-way margin of West Eighth Street and following along the rear lot line of lot as described in Deed Book 4079, page 730 S.50-13-16W. approximately 67.5 feet to the rear corner of lot as described in Deed Book 4009, page 707; thence with the rear lot line of lot as described in said Deed Book 4009, page 707 S.50-12-30W. 54 feet to the southeasterly corner of lot as described in Deed Book 4142, page 905; thence with the easterly boundary line of lot as described in said Deed Book 4142, page 905 S.50-12-30W. 58.0 feet; thence with a new line in a southwesterly direction crossing lot as described in Deed Book 4142, page 903 approximately 42.0 feet to the southeasterly corner of lot as described in Deed Book 3913, page 986; thence S.50-12-50W. 54.0 feet; thence with a new line in a southwesterly direction crossing lot as described in Deed Book 3932, page 481 approximately 45 feet to the southeasterly corner of lot as described in Deed Book 1822, page 118; thence with the easterly boundary line of lot as described in Deed Books 1822, page 118 and 4111, page 546 S.49-23-45W. approximately 114 feet crossing the northerly right-of-way margin of West Seventh Street to a point in the centerline of West Seventh Street; thence in a northwesterly direction following along the centerline of West Seventh Street approximately 123 feet to a point where the centerline of West Seventh Street intersects with the centerline

of North Poplar Street; thence in a northeasterly direction following along the centerline of North Poplar Street approximately 427 feet to the point or place of beginning;*

SECTION E - CHANGE FROM UR30 TO UR100

BEGINNING at a point, said point being located where the centerline of West Sixth Street intersects with the centerline of North Pine Street and runs thence in a northeasterly direction following along the centerline of North Pine Street approximately 411.0 feet to a point where the centerline of West Seventh Street intersects with the centerline of North Pine Street; thence in a southeasterly direction following along the centerline of West Seventh Street approximately ~~(229.0 feet to a point; said point being located where the centerline of West Seventh intersects with the northerly boundary line of lot as described in Deed Book 4056, page 873 (if extended); thence in a southwesterly direction crossing the southerly right-of-way margin of West Seventh Street and following along the said northerly boundary line of lot as described in Deed Book 4056, page 873 and the easterly boundary line of lot as described in Deed Book 4056, page 880 as having a bearing of S. 50-44-54W. approximately 208.0 feet to a point)~~ thence with the boundary line of lot as described in Deed Book 3894, page 113 as having a bearing of S. 42-07E. approximately 182. feet crossing the westerly right-of-way margin of North Poplar Street to a point in the centerline of North Poplar Street; thence in a southwesterly direction following along the centerline of North Poplar Street approximately 190 feet to a point where the centerline of West Sixth Street intersects with the centerline of North Poplar Street; thence in a northwesterly direction following along the centerline of West Sixth Street approximately 407.5 feet to the point or place of BEGINNING.

SECTION F - CHANGE FROM UR30 TO UR50

BEGINNING at a point where the northerly boundary line of lot as described in Deed Book 3793, page 135 (if extended) intersects with the centerline of North Pine Street, said point also being located approximately 197 feet measured in a southeasterly direction along the centerline of North Pine Street from a point where the centerline of North Pine Street intersects with the centerline of West Seventh Street and runs thence in a westerly or northwesterly direction crossing the westerly right-of-way margin of North Pine Street and following along the northerly boundary line of lot as described in Deed Book 3793, page 135 as having a bearing and distance as follows: N. 41-18W. approximately 112 feet; S. 51-00W. 4.85 feet. N. 41-18W. 90 feet; thence continuing in a westerly direction with a new line N. 41-18W. approximately 230 feet crossing the easterly right-of-way margin of North Graham Street to a point in the centerline of North Graham Street; thence in a northeasterly direction following along the centerline of North Graham Street crossing the centerline of West Seventh Street approximately 318 feet to a point; thence in a southeasterly direction crossing the easterly right-of-way margin of North Graham Street and following along the southerly and a portion of the rear boundary line of lot as described in Deed Book 2298, page 443 as follows: S. 41-03E. approximately 230 feet. N. 50-48E. 12.3 feet; thence in a southeasterly direction with the southerly boundary line of lot as described in Deed Book 2736, page 540 crossing the westerly right-of-way margin of North Pine Street approximately 217 feet to a point in the centerline of North Pine Street, thence in a southwesterly direction following along the centerline of North Pine Street crossing the centerline of West Seventh

*thence running in a northwesterly direction with the centerline of West Eighth Street 272.0 feet; thence N. 50-12-20E. 118.0 feet; thence N. 40-16-00W. 26.09 feet; thence N. 51-24-50E. 50.0 feet; thence S. 40-11-40E. 3.0 feet; thence N. 51-24-50E. 49.0 feet; thence N. 40-11-37W. 8.0 feet; thence N. 51-41-19E. 99.54 feet; thence S. 40-21-10E. 158.0 feet; thence S. 51-41-19W. 49.0 feet; thence S. 40-38-00E. 146.0 feet to a point in the centerline of North Poplar Street, thence running in a southwesterly direction following the centerline of North Poplar Street for a distance of 259.0 feet to the intersection with the centerline of West Eighth Street which is the point or place of BEGINNING.

Section E Correction:
249.0 feet to a point; thence S. 50-44-34W. 155.0 feet to a point; thence N. 42-07W. 21.0 feet to a point; thence S. 50-44-34W. 54.0 feet to a point;

Street approximately 326 feet to the point or place of BEGINNING.

SECTION G - CHANGE FROM UR10 TO UR50

BEGINNING at a point, the southwesterly corner of tax lot 078-074-11, said corner being located as follows: 142.48 feet measured in a northerly direction along the westerly right-of-way margin of North Pine Street from the northerly right-of-way margin of West Eighth Street; thence N.42-02-50W. 128.2 feet measured along the common dividing line between tax lots 078-074-10 and 078-074-21 to the point of beginning and runs thence from said beginning point N.42-02-50W. 61.13 feet to a point in the centerline of an alleyway; thence with the centerline of said alleyway N.50-01-30E. 39.80 feet to a point in the centerline of a nine (9) foot alleyway; thence with the centerline of said nine (9) foot alleyway S.41-38-30E. 61.27 feet; thence S.50-16-36W. 39.41 feet to the point or place of BEGINNING.

SECTION H - CHANGE FROM O-6 TO UR10

BEGINNING at a point in the centerline of North Pine Street, said point being located approximately 145 feet measured in a southwesterly direction from a point where the centerline of West Tenth Street intersects with the centerline of North Pine Street and runs thence in a southwesterly direction following along the centerline of North Pine Street approximately 99 feet to a point; thence in a northwesterly direction crossing the westerly right-of-way margin of North Pine Street and following along the southerly boundary line of lot as described in Deed Book 3952, page 128 as having a bearing of N.39-00W. approximately 97 feet to a point; thence N.49-00E. 99 feet to a point; thence in a southeasterly direction, crossing the westerly right-of-way margin of North Pine Street S.39-00E. approximately 97 feet to the point of BEGINNING.

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

Approved as to form:

Henry W. Clodderhill Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 17th day of December, 19 79, the reference having been made in Minute Book 72, and is recorded in full in Ordinance Book 28, at Pages 404 through 407.

Ruth Armstrong
City Clerk

December 17, 1979
Ordinance Book 28 - Page 408

PETITION NO. 79-47

ORDINANCE NO. 194-Z

AMENDING CHAPTER 23

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 property located on the easterly side of Statesville Avenue about 325 feet north of Kohler Avenue from B-2 to I-2(CD); and

WHEREAS, the petition for rezoning for a parallel conditional use district as permitted by Section 23-35.1 was submitted to the Charlotte-Mecklenburg Planning Commission, was accompanied by a schematic plan, complied with all the application requirements as specified in Section 23-35(b), and was recommended for approval by the Charlotte-Mecklenburg Planning Commission; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Section 23-96 and a public hearing was held on October 15, 1979; 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 each of the following, which are required by Section 23-35(d):

1. The policies and objectives of the Comprehensive Plan of the City, and particularly in relation to the proposed site and surrounding area.
2. The potential adverse impacts of the establishment of the conditional district upon the surrounding area, especially in regards but not limited to traffic, storm drainage, land values and compatibility of land use activities.

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

Section 1. That Chapter 23, Section 23-8 of the Code of the City of Charlotte is hereby amended by changing from B-2 to I-2(CD) on the Official Zoning Map, City of Charlotte, N. C. the following described property:

BEGINNING at a point on the easterly right-of-way line of Statesville Avenue, said point being the southwesterly corner of the Arthur Eugene Grier Jr. property recorded in Deed Book 1445 at page 240 in the Mecklenburg County Registry of Deeds; 1) thence N.87-56-10E. 414.31 feet; 2) thence S.34-56-00W. 180.87 feet; 3) thence S.87-03-40W. 302.43 feet to a point on the easterly right-of-way line of Statesville Avenue; 4) thence in a northerly direction following said right-of-way line N.2-56-20W. 149.1 feet to the point of BEGINNING.

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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:

Henry W. Underhill Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of December, 1979, the reference having been made in Minute Book 72, and is recorded in full in Ordinance Book 28, at pages 408 - 409.

Ruth Armstrong,
City Clerk

ORDINANCE NO. 195-Z

An Ordinance Amending Chapter 23
of the City Code - Zoning Ordinance

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

Section 1. That Chapter 23, Section 23-8 of the Code of the City of Charlotte is hereby amended by changing from R-12 to B-2 on the Official Zoning Map, City of Charlotte, N. C. the following described property:

BEGINNING at a point on the northerly right-of-way line of Interstate Hwy. 85, said point being the southerly corner of the James Edgar Carter and wife property described on Tax Parcel No. 061-302-10 and recorded in Deed Book 3126 at page 50 in the Mecklenburg County Registry of Deeds; 1) thence running in a westerly direction with the right-of-way of Interstate Hwy. 85 an arc line with $R = 3431.70$ for a distance of 78 feet \pm ; 2) thence running in a northerly direction N.17-00W. to a point of intersection with the southerly edge of the proposed right-of-way for the new interchange road described as State Project 8.1636601, Highway Improvement Project No. I-301 Mecklenburg County; 3) thence running in an easterly direction with the southerly right-of-way line of said road to a point of intersecting the westerly side of Tax Parcel #061-302-10 and described in Deed Book 3126 at page 50 in the Mecklenburg County Registry of Deeds; 4) thence running in a southerly direction with the westerly side of said tax parcel to a point of intersection with the northerly right-of-way of Interstate Hwy. 85 which is the point of BEGINNING.

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

Approved as to form:

Henry W. Underhill Jr.
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina in regular session convened on the 17th day of December, 1979, the reference having been made in Minute Book 72, and recorded in full in Ordinance Book 28, Page 410.

Ruth Armstrong,
City Clerk