

December 19, 1988
Ordinance Book 37 - Page 282

ORDINANCE NO. 2556-X

AN ORDINANCE DESIGNATING A PROPERTY KNOWN AS THE "LYLES-SIMS HOUSE" (THE EXTERIOR AND THE INTERIOR OF THE HOUSE, AND THE ENTIRE TRACT OF LAND RECORDED UNDER TAX PARCEL NUMBER 078-036-14) AS HISTORIC PROPERTY, SAID PROPERTY BEING LOCATED AT 523 NORTH POPLAR STREET, CHARLOTTE, NORTH CAROLINA, AND RECORDED ON TAX PARCEL NUMBER 078-036-14 IN THE MECKLENBURG COUNTY TAX OFFICE.

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160A, Article 19, Part 3B, as amended, of the General Statutes of North Carolina have been met; and

WHEREAS, the City Council of Charlotte, North Carolina, has taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Properties Commission on the 19 day of December, 1988, on the question of designating a property known as the "Lyles-Sims House" as historic property; and

WHEREAS, the "Lyles-Sims House", erected between 1867 and 1869 and substantially enlarged and modified sometime between 1870 and 1887, is a rare survivor of nineteenth century domestic architecture in Charlotte and exhibits the impact which growing prosperity had upon the built environment of Charlotte; and

WHEREAS, the "Lyles-Sims House" is among the few older houses in Fourth Ward that occupy their original sites; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has demonstrated that the property known as the

December 19, 1988
Ordinance Book 37 - Page 283
Ordinance -- Lyles-Sims House

"Lyles-Sims House" possesses integrity of design, setting, workmanship, materials, and/or association; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has demonstrated that the property known as the "Lyles-Sims House" possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, the property known as the "Lyles-Sims House" is vested in fee simple to Jane R. Lesser.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Charlotte, North Carolina:

1. That the property known as the "Lyles-Sims House" (the exterior and the interior of the house, and the entire tract of land recorded under Tax Parcel Number 078-036-14) is hereby designated as historic property pursuant to Chapter 160A, Article 19, Part 3B, as amended, of the General Statutes of North Carolina. For purposes of description only, the location of said property is noted as being situated at 523 North Poplar Street, Charlotte, North Carolina, and recorded under Tax Parcel Number 078-036-14 in the Mecklenburg County Tax Office.

2. That said designated property may be materially altered, restored, moved or demolished only following the issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Properties Commission. An application for a Certificate of Appropriateness authorizing the demolition of

December 19, 1988
Ordinance Book 37 - Page 284
Ordinance -- Lyles-Sims House

said property may not be denied. However, the effective date of such a Certificate may be delayed in accordance with Chapter 160A, Article 19, Part 3B, and amendments thereto, and hereinafter adopted.

3. That nothing in this ordinance shall be construed to prevent or delay the ordinary maintenance or repair of any architectural feature in or on said property that does not involve a change of design, material, or outer appearance thereof, nor to prevent or delay the making of emergency repairs, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the property owner from making any use of this property not prohibited by other statutes, ordinances, or regulations.

4. That a suitable sign may be posted indicating that said property has been designated as historic property and containing any other appropriate information. If the owner consents, the sign may be placed on said property.

5. That the owners and occupants of the property known as the "Lyles-Sims House" be given notice of this ordinance as required by applicable law and that copies of this ordinance be

December 19, 1988
 Ordinance Book 37 - Page 285
Ordinance -- Lyles-Sims House

filed and indexed in the offices of the City Clerk, Building Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

6. That which is designated as historic property shall be subject to Chapter 160A, Article 19, Part 3B, and any amendments to it and any amendments hereinafter adopted.

Approved as to form:

Henry W. Underhill Jr.
 City Attorney

CERTIFICATION

I, Pat Sharkey, City Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and exact copy of a Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 19th day of December, 1988, the reference having been made in Minute Book 92, and is recorded in full in Ordinance Book 37, at page(s) 282-285.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 6th day of January, 1989.

 Pat Sharkey, City Clerk

December 19, 1988
Ordinance Book 37 - Page 286

ORDINANCE NO. 2557-X

AN ORDINANCE DESIGNATING A PROPERTY KNOWN AS THE "CHARLOTTE FIRE STATION NO. 6" (THE EXTERIOR OF THE BUILDING ONLY) AS HISTORIC PROPERTY, SAID PROPERTY BEING LOCATED AT 249 SOUTH LAUREL AVENUE, CHARLOTTE, NORTH CAROLINA, AND RECORDED UNDER TAX PARCEL NUMBER 155-034-17 IN THE MECKLENBURG COUNTY TAX OFFICE.

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160A, Article 19, Part 3B, as amended, of the General Statutes of North Carolina have been met; and

WHEREAS, the City Council of Charlotte, North Carolina, has taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Properties Commission on the 19 day of December, 1988, on the question of designating a property known as the "Charlotte Fire Station No. 6" as historic property; and

WHEREAS, the "Charlotte Fire Station No. 6", erected in 1928-1929, was designed by Charles Christian Hook (1864-1938), an architect of local and regional significance; and

WHEREAS, the "Charlotte Fire Station No. 6" has served from the outset as the fire station for the Eastover, Myers Park, Crescent Heights, and Elizabeth neighborhoods; and

WHEREAS, the "Charlotte Fire Station No. 6", one of three extant fire stations in Charlotte designed by C. C. Hook, was part of a major building program instituted in the 1920's by Hendrix Palmer, Charlotte Fire Chief; and

December 19, 1988

Ordinance Book 37 - Page 287

Ordinance -- Charlotte Fire Station No. 6

WHEREAS, the "Charlotte Fire Station No. 6" is an excellent example of non-residential architecture which harmonizes with the built environment of the surrounding neighborhood; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has demonstrated that the property known as the "Charlotte Fire Station No. 6" possesses integrity of design, setting, workmanship, materials, and/or association; and

WHEREAS, the Charlotte-Mecklenburg Historic Properties Commission has demonstrated that the property known as the "Charlotte Fire Station No. 6" possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, the property known as the "Charlotte Fire Station No. 6" is vested in fee simple to the City of Charlotte.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Charlotte, North Carolina:

1. That the property known as the "Charlotte Fire Station No. 6" (the exterior of the building only) is hereby designated as historic property pursuant to Chapter 160A, Article 19, Part 3B, as amended, of the General Statutes of North Carolina. For purposes of description only, the location of said property is noted as being situated at 249 South Laurel Avenue, Charlotte, North Carolina, and recorded under Tax Parcel Number 155-034-17 in the Mecklenburg County Tax Office.

December 19, 1988
Ordinance Book 37 - Page 288
Ordinance -- Charlotte Fire Station No. 6

2. That said designated property may be materially altered, restored, moved or demolished only following the issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Properties Commission. An application for a Certificate of Appropriateness authorizing the demolition of said property may not be denied. However, the effective date of such a Certificate may be delayed in accordance with Chapter 160A, Article 19, Part 3B, and amendments thereto, and hereinafter adopted.

3. That nothing in this ordinance shall be construed to prevent or delay the ordinary maintenance or repair of any architectural feature in or on said property that does not involve a change of design, material, or outer appearance thereof, nor to prevent or delay the making of emergency repairs, nor to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe condition. Nothing herein shall be construed to prevent the property owner from making any use of this property not prohibited by other statutes, ordinances, or regulations.

4. That a suitable sign may be posted indicating that said property has been designated as historic property and containing

December 19, 1988

Ordinance Book 37 - Page 289

Ordinance -- Charlotte Fire Station No. 6

any other appropriate information. If the owner consents, the sign may be placed on said property.

5. That the owners and occupants of the property known as the "Charlotte Fire Station No. 6" be given notice of this ordinance as required by applicable law and that copies of this ordinance be filed and indexed in the offices of the City Clerk, Building Standards Department, Mecklenburg County Register of Deeds, and the Tax Supervisor, as required by applicable law.

6. That which is designated as historic property shall be subject to Chapter 160A, Article 19, Part 3B, and any amendments to it and any amendments hereinafter adopted.

Approved as to form:

Henry W. Underhill Jr.
City Attorney

CERTIFICATION

I, Pat Shareky, 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 19th day of December, 1988, the reference having been made in Minute Book 92, and is recorded in full in Ordinance Book 37, at page(s) 286-289.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 11th day of January, 1989.

Pat Sharkey, City Clerk

APPROVED BY CITY COUNCIL
DATE 12/19/88CITY B-1SCDPetition No. 88-83
C. N. ReidORDINANCE NO. 2558-ZAN 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 a 10.67 acres located on the westerly side of South Boulevard south of Woodlawn Road, changing I-2 to B-1SCD; and

WHEREAS, the petition for rezoning for a parallel conditional use district as permitted by Section 3210 was submitted to the Charlotte-Mecklenburg Planning Commission, was accompanied by a schematic plan, complied with all the application requirements as specified in Section 3202 and 3210.2 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 1300 and a public hearing was held on October 17, 1988; 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 3210.5:

- .1 Access to public streets and the adequacy of those streets to carry anticipated increased traffic.
- .2 On-site circulation for both pedestrian and vehicular traffic.
- .3 Adequacy of existing community facilities such as water, sewer, police and, fire protection.
- .4 Relationship to and impacts upon adjoining and nearby properties and the adequacy of proposed measures to minimize any adverse impacts.
- .5 For proposed shopping centers, the appropriateness of the proposal in relationship to the policies and objectives of the comprehensive plan and to a more detailed area plan, if available.

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

Section 1. That Section 1005 of the City of Charlotte Zoning Ordinance is hereby amended by changing from I-2 to B-1SCD on the Official Zoning Map, City of Charlotte, N.C. the following described property:

LEGAL DESCRIPTION

BEGINNING AT A POINT N.86-59-50W. 535.54 feet
N.10-30-00W 126.97 feet
N.11-34-30W. 101.35 feet
N.12-03-00W. 731.40 feet
S.86-57-45W. 736.17 feet
S.03-01-30W. 764.57 TO BEINGING POINT

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 19th day of December, 19 88, the reference having been made in Minute Book 92, and is recorded in full in Ordinance Book 37, at page 290.

Pat Sharkey
City Clerk

DATE 12/19/88

CITY R-20MF

Petition No. 88-82
Land Shapes, Inc.

ORDINANCE NO. 2559-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 9 acres located on Sardis Road opposite the intersection of Randolph Road, changing from R-15 to R-20MF; and

WHEREAS, the petition for rezoning for a parallel conditional use district as permitted by Section 3211 was submitted to the Charlotte-Mecklenburg Planning Commission, was accompanied by a schematic plan, complied with all the application requirements as specified in Section 3202.1 and 3202.2, 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 1300 and a public hearing was held on October 17, 1989; 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 3211.5:

- .1 Access to public streets and the adequacy of those streets to carry anticipated increased traffic.
- .2 On-site circulation for both pedestrian and vehicular traffic.
- .3 Adequacy of existing community facilities such as water, sewer, police, and fire protection.
- .4 Relationship to and impacts upon adjoining and nearby properties and the adequacy of proposed measures to minimize and adverse impacts.
- .5 The appropriateness of the proposal in relationship to the policies and objectives of the Comprehensive Plan and to a more detailed area plan, if available.

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

Section 1. That Section 1005 of the City of Charlotte Zoning Ordinance is hereby amended by changing from R-15 to R-20MF on the Official Zoning Map, City of Charlotte, N.C. the following described property:

BEGINNING at a point, said point being the intersection of the northwesterly corner to tax parcel 187-022-33 as recorded in Deed Book 4758, at Page 766, and the right-of-way of Sardis Road; thence with the Sardis Road right-of-way S.55-32-19W. 409.46 feet; thence S.55-04-26W. 278.35 feet; thence S.53-35-33 W. 221.41 feet; thence S.36-22-29W. 540.33 feet; thence N.54-04-41E. 497.62 feet; thence N.36-05-07W. 209.89 feet; thence N.56-28-43E. 306.07 feet; thence N.33-26-12W. 33.93 feet; thence N.05-33-45E. 104.55 feet; thence N.53-51-45E. 32.04 feet; thence N.36-08-16W. 217.51 feet to the point of BEGINNING.

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

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 19th day of December, 19 88, the reference having been made in Minute Book 92, and is recorded in full in Ordinance Book 37, at page 292-293.

Pat Sharkey
City Clerk

APPROVED BY CITY COUNCIL
DATE 12/19/88

CITY CD

Petition No. 88-85
W. S. Abernathy &
Nancy Starrette

ORDINANCE NO. 2560-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 88 acres located on North Tryon Street opposite the Eastway Drive Intersection, changing from B-2, R-12MF, R-9 to B-2(CD), R-12MF(CD) & R-9(CD); and

WHEREAS, the petition for rezoning for a parallel conditional use district as permitted by Section 3201 was submitted to the Charlotte-Mecklenburg Planning Commission, was accompanied by a schematic plan, complied with all application requirements as specified in Section 3202.1 and 3202.2, and was recommended for by the Charlotte-Mecklenburg Planning Commission; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Section 1300 and a public hearing was held on October 17, 1988; 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 3202.3:

1. The policies and objectives of the comprehensive plan, particularly in relation to the proposed site and surrounding area.
2. The potential adverse impacts on 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 Section 1005 of the City of Charlotte Zoning Ordinance is hereby amended by changing from B-2, R-12MF, R-9 to

B-2(CD), R-12MF(CD) & R-9(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

R-9(CD) Area

BEGINNING at a point, said point being the southerly corner of Tax Parcel 089-102-17 as recorded in Deed Book 4164, Page 514, running thence S.49-05-44E. 349.09 feet; thence N.41-55-28E. 169.72 feet; thence N.30-49-58E. 536.95 feet; thence N.79-36-22E. 98.01 feet; thence S.47-34-23E. 129.50 feet; thence in a southerly direction with the arc of a circular curve to the left, having a radius of 1,150.0 feet, an arc distance of 209.30 feet (S.47-34-23E.); thence in a northerly direction with the arc of a circular curve to the right, having a radius of 600.0 feet, an arc distance of 103.08 feet (N.26-43-44E.); thence N.26-43-44E. 546.55 feet; thence N.41-18-11E. 153.60 feet; thence N.48-10-35W. 603.45 feet; thence 48-07-15W. 271.38 feet; thence S.37-07-26W. 24.94 feet; thence S.11-39-26W. 73.35 feet; thence S.04-27-34E. 69.77 feet; thence S.18-04-34E. 38.38 feet; thence S.20-59-56W. feet; thence S.11-36-16W. 66.28 feet; thence S.20-09-56W. 100.0 feet; thence S.36-17-16W. 264.05 feet; thence S.20-14-36W. 74.89 feet; thence S.45-44-16W. 86.84 feet; thence S.20-27-46W. 67.18 feet; thence S.40-09-16W. 51.98 feet; thence S.23-00-46W. 77.06 feet; thence S.31-29-56W. 250.0 feet; thence S.32-59-52W. 393.49 feet to the point of BEGINNING.

R-12MF(CD) Area

BEGINNING at a point, said point being the eastern most corner of Tax Parcel 098-111-10 as recorded in Deed Book 3116, Page 588, running thence N.67-01-17E. 365.92 feet; thence N.51-20-07E. 813.45 feet; thence B,33023029E. 437.40 feet; thence N.47-31-44W. 51.10 feet; thence N.48-15-15W. 854.42 feet; thence S.41-18-11W. 153.60 feet; thence S.26-43-44W. 546.55 feet; thence in a southerly direction (S.26-43-44W.) with the arc of a circular curve to the left, having a radius of 600.0 feet, an arc distance of 103.08 feet; thence in a northerly direction with the arc of a circular curve to the right, having a radius of 1,150.0 feet, an arc distance of 209.30 feet (N.47-34-23W.); thence N.47-34-23W. 129.59 feet; thence S.79-36-22W. 98.01 feet; thence S.30-49-58W. 536.95 feet; thence S.41-55-28W. 169.72 feet; thence S.49-01-52E. 62.10 feet to the point of BEGINNING.

B-2(CD) Area

BEGINNING at a point, said point being the common point of the right-of-way along North Tryon Street and the northeasterly corner of Tax Parcel 089-111-06 as recorded in Deed Book 1167, Page 178, running thence in a northerly direction with the arc of a circular curve to the left, having a radius of 2,666.37 feet, an arc distance of 92.13 feet; thence N.53-21-27E. 98.79 feet; thence N.52-54-30E. 98.90 feet; thence N.51-44-30E. 98.88 feet; thence N.51-37-30E. 260.0 feet; thence N.51-37-30E. 1,055.99 feet; thence N.4-43-53W. 108.52 feet; thence N.43-58-06E. 49.93 feet; thence

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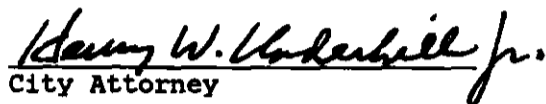
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N.42-57-12W. 524.97 feet; thence N.49-03-48W. 169.27 feet; thence N.48-55-14W. 99.55 feet; thence S.33-23-20W. 437.40 feet; thence S.51-20-07W. 813.45 feet; thence S.67-01-17W. 365.92 feet; thence S.44-07-11W. 261.42 feet; thence S.19-44-16E. 415.99 feet; thence N.65-45-40E. 193.94 feet; thence S.27-14-16E. 51.42 feet; thence N.66-20-57W. 217.60 feet; thence S.26-34-18W. feet to the point of BEGINNING.

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

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 19th day of December, 19 88, the reference having been made in Minute Book 92, and is recorded in full in Ordinance Book 37, at page 294-295 A.

Pat Sharkey
City Clerk

CITY ZONE CHANGE

Petition No. 88-87
Smith Properties

ORDINANCE NO. 2561-Z

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

Section 1. That Section 1005 of the City of Charlotte Zoning Ordinance is hereby amended by change from I-2(CD) & R-6MF to I-2 on the Official Zoning Map, City of Charlotte, N.C. the following described property:

LEGAL BOUNDARY DESCRIPTION

BEGINNING at a point, said point being the common corner of land belonging to Mike Land Company as described in Deed recorded in Book 4763, Page 84 of the Mecklenburg Public Registry and land belonging to Smith Turf & Irrigation Company as described in Deed recorded in Book 4917, Page 807 of the Mecklenburg Public Registry and running thence N.13-32-13E. 296.05 feet; thence S.86-44-20E. 139.65 feet; thence S.05-30-00W. 146.35 feet; thence S.55-23-28W. 237.61 feet to the BEGINNING and containing .7717 acres.

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 19th day of December, 19 88, the reference having been made in Minute Book 92, and in Ordinance Book 37 at page(s) 296.

Pat Sharkey
City Clerk

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not used.

APPROVED BY CITY COUNCIL

DATE

12/19/88CITY CDPetition No. 88-89
Taco Bell CorporationORDINANCE NO. 2562-ZAN 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 a .682 acres located at the southwesterly intersection of Sugar Creek Road and Wilson Lane, changing from R-9 to B-1(CD); and

WHEREAS, the petition for rezoning for a parallel conditional use district as permitted by Section 3201 was submitted to the Charlotte-Mecklenburg Planning Commission, was accompanied by a schematic plan, complied with all application requirements as specified in Section 3202.1 and 3202.2, and was recommended for Denial by the Charlotte-Mecklenburg Planning Commission; and

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Section 1300 and a public hearing was held on November 21, 1988; 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 3202.3:

1. The policies and objectives of the comprehensive plan, particularly in relation to the proposed site and surrounding area.
2. The potential adverse impacts on 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 Section 1005 of the City of Charlotte Zoning Ordinance is hereby amended by changing from R-9 to B-1(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

