

CITY CD

Petition No. 89-60  
Frank LaPointe

ORDINANCE NO. 2796-Z

A RESOLUTION 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 15.4 acres located off the east side of Independence Boulevard, north of Margaret Wallace Road along both sides of W. T. Harris Boulevard (under construction at this time), changing from R-9 to R-9MF(CD) and B-2(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 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 December 18, 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 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 R-9MF(CD) and B-2(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

LEGAL DESCRIPTION  
B-2(CD) Parcel

BEGINNING at a point, said point being the northwesterly corner of tax parcel 165-151-37, running thence N.70-51-09E. 614.52 feet; thence N.39-21-40W. 492.75 feet; thence in a southwesterly direction with the arc of a circular curve with L=348.29 feet, R=1185.02 feet; thence S.71-08-04W. 137.40 feet; thence S.24-09-20E. 215.85 feet; thence S.24-05-42E. 87.51 feet; thence in a southwesterly direction L=112.49 feet, R=10, 344.08 feet to the point of BEGINNING.

R-9MF(CD) Parcel

BEGINNING at a point, said point being the southwesterly corner of tax parcel 165-143-27, running thence N.80-49-40E. 1,297.54 feet; thence S.01-57-36W. 11.24 feet; thence S.10-36-44W. 164.06 feet; thence S.49-57-00W. 64.19 feet; thence S.20-42-18W. 313.47 feet; thence N.70-45-44E. 7.71 feet; thence S.20-24-51W. 147.24 feet; thence S.22-18-29W. 116.09 feet; thence S.70-51-09W. 80.00 feet; thence N.39-21-40W. 492.75 feet; thence in a southwesterly direction with the arc of a circular curve with L=348.29 feet, R=1185.02 feet; thence S.71-08-04W. 137.40 feet; thence N.24-09-20W. 429.41 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:

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 16th day of January, 19 90, the reference having been made in Minute Book 94, and is recorded in full in Ordinance Book 38, at page 343-344.

Pat Sharkey  
City Clerk

DATE 1/16/90

CITY CD

Petition No. 89-89  
Metrolina Landscape  
Maintenance, Inc.

ORDINANCE NO. 2797-Z

A RESOLUTION 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 the westerly side of Morningside Drive north of Mt. Holly Road, changing from R-9MF to I-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 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 December 18, 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 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-9MF to I-1(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

BOUNDARY DESCRIPTION


Lying and being in the City of Charlotte, Mecklenburg County, North Carolina and more particularly described as follows:

Beginning at a point marking the intersection of the southwesterly margin of the right-of-way of Morningside Road with the northerly boundary of the Paw Creek Truck Service, Inc. land; and runs thence with the northerly boundary of the Paw Creek Truck Service, Inc. land S.62-00-37W. 150.00 feet to the existing zoning line between R-9MF and I-1 zoning; and runs thence with the existing zoning line between R-9MF and I-1 zoning approximately 225.61 feet to the southerly boundary of the John Cherry and wife, Ida Mae Cherry land; and runs thence with the southerly boundary of the John Cherry and wife, Ida Mae Cherry land N.62-00-37E. 180.00 feet to a point within the right-of-way of Morningside Road; thence within the right-of-way of Morningside Road S.40-09-50E. 225.61 feet to a point; and thence S.62-00-37W. 30.00 feet to the beginning; and being all of the property of Metrolina Landscaping designated as "Existing Zoning R-9MF, Proposed Zoning I-1(CD)", all as shown on site plan prepared for Metrolina Landscaping by Turnbull Design Group, P.A. and dated August 25, 1989.

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 16th day of January, 19 90, the reference having been made in Minute Book 94, and is recorded in full in Ordinance Book 38, at page 345-346.

Pat Sharkey  
City Clerk

APPROVED BY CITY COUNCIL  
DATE 1/16/90

CITY CD

Petition No. 89-93  
Spectrum Properties

ORDINANCE NO. 2798-Z

A RESOLUTION 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 44 acres located within the northeast quadrant of I-77 and I-85, changing from R-9 to I-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 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 December 18, 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 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 I-1(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

LEGAL DESCRIPTION

BEING a parcel of land in the City of Charlotte, Mecklenburg County, North Carolina and being a portion of the property conveyed to Mattie H. McRae by deed recorded in Deedbook 1102 at Page 193 of the Mecklenburg County Public Registry and being more particularly described as follows:

BEGINNING at an existing iron pin in the northern right-of-way of a service road for Interstate Highway 77 said existing iron also being the westernmost corner of property owned by Allen C. Johnson and Grady Poteatt deed recorded in Deedbook 5266 at Page 188 of the Mecklenburg County Public Registry; thence with said right-of-way five (5) calls: (1) with the arc of a circular curve to the right having a radius of 542.96 feet an arc distance of 256.85 feet (subtended by a chord bearing N.71-36-51W. 254.46 feet) to an existing iron pin; (2) with the arc of a circular curve to the right having a radius of 2702.79 feet an arc distance of 843.06 feet (subtended by a chord bearing N.49-07-35W. 839.65 feet) to an existing iron pin; (3) with the arc of a circular curve to the right having a radius of 3669.72 feet an arc distance of 470.78 feet (subtended by a chord bearing N.36-30-54W. 470.45 feet) to an existing iron pin; (4) with the arc of circular curve to the right having a radius of 5699.58 feet an arc distance of 208.93 feet (subtended by a chord bearing N.31-45-13W. 208.92 feet) to an existing iron pin; (5) thence N.30-51-47W. 194.88 feet to an existing iron pin the southeastern corner of property owned by George E. James deed recorded in Deedbook 3678 at Page 226; thence with James' line two (2) calls: (1) N.29-59-13E. 282.82 feet to an existing iron pin (passing an existing iron pin at 86.49 feet); (2) N.62-45-47E. 353.01 feet to an existing iron pin the southwest corner of property owned by C. Grier Beam deed recorded in Deedbook 4723 at Page 834; thence with Beam's southern line N.65-42-15E. 244.19 feet to an existing iron pin the southwest corner of property owned by Thomas Wesley Keller deed recorded in Deedbook 3111 at Page 292 of the Mecklenburg County Public Registry; thence with the southern line of properties owned by Keller. Barbara Ann Hartman deed recorded in Deedbook 5569 at Page 997. Teresa Teague Jennings deed recorded in Deedbook 4586 at Page 660. Ellison M. Teague deed recorded in Deedbook 4275 at Page 551. Patricia H. Robinson deed recorded in Deedbook 3288 at Page 125 all of the Mecklenburg County Public Registry S.57-38-09E. 929.18 feet to an existing iron pin (passing an existing iron pin at 564.76 feet) the southwest corner of property owned by Beacon Development Company deed recorded in Deedbook 5833 at Page 453 of the Mecklenburg County Public Registry: thence with Beacon Development Company's southern line S.48-07-14E. 436.13 feet to an existing iron pin the northernmost corner of property owned by Mildred Thurman Hammer deed 1155 at Page 360 of the Mecklenburg County Public Registry: thence with Hammer's line three (3) calls: (1) S.66-35-08W. 350.00 feet to an existing iron pin; (2) S.45-13-45E. 289.95 feet to an existing iron pin in the southern line of Auten Road (30 foot right-of-way); (3) S.46-18-45E. 395.00 feet to an existing iron pin the northern

corner of property owned by Allen C. Johnson and Grady Poteatt deed recorded in Deedbook 4222 at Page 532; thence with Johnson and Poteatt's line nine (9) calls: (1) N.84-11-33W. 190.00 feet to an existing iron pin (2) S.50-50-46W. 274.86 feet to a point in a creek: (3) thence with the centerline of a creek S.15-58-09W. 15.00 feet to an existing iron pin: (4) S.29-33-27W. 140.59 feet to a point; (5) N.89-11-59W. 22.83 feet to a point (6) S.45-21-44W. 40.52 feet to a point: (7) S.17-12-13W. 51.20 feet to a point: (8) S.46-18-37W. 20.88 feet to a point; (9) S.10-58-44W. 19.61 feet to an existing iron pin in the northern right-of-way of a service road (60 foot right-of-way); thence with said service road right-of-way S.29-28-37W. 61.25 feet to the point of beginning containing 44.265 acres all as shown on a survey by Jack R. Christian and Associates last revised September 26, 1989.

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 16th day of January, 19 90, the reference having been made in Minute Book 94, and is recorded in full in Ordinance Book 38, at page 347-348A.

Pat Sharkey  
City Clerk

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used



DATE 1/16/90

CITY CD

Petition No. 89-94  
Rick Lambeth

ORDINANCE NO. 2799-Z

A RESOLUTION 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 14.6 acres located on the northerly side of Oneida Street west of Graham Street, changing from R-15MF to R-12MF(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 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 December 18, 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 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-15MF to R-12MF(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:


EXHIBIT A

BEGINNING at a nail in the centerline of Oneida Road, said Oneida Road having a 60 foot right-of-way, said point being the southwesterly corner of the property of Bruce L. Russo and wife, Katie Russo more particularly described in Book 4511 at Page 195 of the Mecklenburg County, North Carolina, Public Registry, and running thence the following calls and distances in the right-of-way of Oneida Road: (1) S.59-40-10W. 100.02 feet to a nail; (2) S.58-17-40W. 100.0 feet to a nail and cap; (3) S.55-16-40W. 99.95 feet to a nail and cap; (4) S.52-47-55W. 100.03 feet to a nail and cap; (5) S.54-23-25W. 100.03 feet to a nail and cap; (6) S.58-19-10W. 49.97 feet to a nail and cap; (7) S.71-31-15W. 50.0 feet to a nail and cap; (8) S.78-48-00W. 25.02 feet to a nail and cap; and (9) S.15-48-30W. leaving Oneida Road 61.00 feet to a rod; thence N.23-30-00W. crossing back into Oneida Road 227.00 feet to a nail and cap; thence continuing in Oneida Road S.76-46-00W. 8.37 feet to a point; thence N.23-40-45W. 100.42 feet to a nail and cap; thence N.25-19-40W. 676.16 feet to an iron pipe; thence N.25-19-40W. 96.57 feet to a point, said point being the property of William Junious Proctor and wife, Laura Austin Proctor, more particularly described in Book 3658 at Page 698, Mecklenburg County Public Registry; thence with the line of the Proctor property N.56-10-10E. 290.91 feet to an iron pipe, said point being in a line of the property of Victor Moya-Mendez and wife, Ruth Jeanette K. Moya-Mendez, more particularly described in Deed Book 4105 at Page 681 of the Mecklenburg County Public Registry; thence with the line of the Moya-Mendez property three (3) calls and distances as follows: (1) n.56-43-40E. 366.22 feet to an iron pipe; (2) S.26-56-25E. 109.91 feet to an iron rod; and (3) S.26-56-25E. 145.00 feet to an iron pipe marking a common boundary between the property of Victor Moya-Mendez and wife, Ruth Jeanette K. Moya-Mendez, more particularly described in Deed Book 4105 at Page 681 of said Registry and the property of Bruce L. Russo and wife, Katie Russo, more particularly described in Deed Book 4511 at Page 195 of said Registry; thence with a line of the Russo property, now or formerly, S.24-54-45E. 835.49 feet to a point in the centerline of Oneida Drive, the point and place of Beginning, and containing a total of 16.408 acres, of which 1.777 acres lies within the right-of-way of Oneida Drive, all as more particularly shown upon a boundary survey for Douglas I. Marsh prepared by William A. Soeset, N.C.R.L.S., dated May 25, 1988, to which survey reference is hereby made for a more particular description of said property.

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 16th day of January, 19 90, the reference having been made in Minute Book 94, and is recorded in full in Ordinance Book 38, at page 349-350.

Pat Sharkey  
City Clerk

CITY B-1SCD

Petition No. 89-96  
Aston Properties

ORDINANCE NO. 2800-Z Part I

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 29.89 acres located on the southwest corner of Central Avenue and Eastway Drive, changing from B-2 and R-6MF 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 December 18, 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 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 B-2 and R-6MF to B-1SCD on the Official Zoning Map, City of Charlotte, N.C. the following described property:

ASTON PROPERTIES, INC., PETITIONER  
REZONING PETITION NO. 89-96  
LEGAL DESCRIPTION  
EXHIBIT A

Parcel 1 (B-1SCD)

Lying and being situated in the City of Charlotte, County of Mecklenburg, State of North Carolina and being more particularly described as follows:

BEGINNING at an existing iron pin in the southerly margin of the right-of-way of Central Avenue, said iron pin being located in the northeastern corner of the property conveyed to C. W. Tull as the same is described in deed recorded in Deed Book 3269 at Page 233 in the Mecklenburg County Public Registry and running thence with the southerly margin of said right-of-way S.83-45-04E. 291.84 feet to an existing iron pin; thence in an easterly direction with the arc of a circular curve to the right, having a radius of 15.00 feet (chord bearing of S.40-49-15E. and distance of 20.41 feet), an arc distance of 22.45 feet to a new iron pin in the westerly margin of the right-of-way of Eastway Drive; thence with the westerly margin of said right-of-way five (5) calls and distances as follows: (1) S.0203-20W. 175.77 feet to a new iron pin; (2) in a southerly direction with the arc of a circular curve to the right, having a radius of 1670.88 feet (chord bearing of S.10-15-50W. and distance of 477.11 feet), an arc distance of 478.75 feet to a new iron pin; (3) S.17-58-00W. 283.39 feet to a new iron pin; (4) S.12-28-11W. 102.15 feet to a new iron pin; and (5) S.18-28-20W. 158.64 feet to an existing iron pin; thence S.59-43-28E. 35.76 feet to a point in the approximate centerline of the right-of-way of Eastway Drive; thence with the approximate centerline of said right-of-way S.18-28-20W. 935.92 feet to a point; thence N.66-40-40W. 487.83 feet to a point; thence N.71-33-47W. 368.04 feet to a point in the southeasterly property line of Lot 7 of Block 3 of Douglas Acres Subdivision as same is shown on map thereof recorded in Map Book 5 at Page 131 in the aforesaid Public Registry; thence with the southeasterly property lines of Lots 7, 6, 5, 4, 3, 2, and 1 of Block 3 of the aforesaid Douglas Acres N.28-48-21E. 1,108.72 feet (passing a concrete monument at 1,051.00 feet) to a new iron pin; thence with the easterly property line of the aforesaid Lot 1 of Block 3 of Douglas Acres, with the easterly margin of the terminus of the right-of-way of Thackery Lane, with the easterly property lines of Lot 7, Lot 6, and Lot 5 of Block 2 of Douglas Acres Subdivision as same is shown on map thereof recorded in Map Book 5 at Page 131 in the aforesaid Public Registry and with the easterly property lines

of the property of Kate's Skating Rink (now or formerly) as same is described in deed recorded in Deed Book 3372 at Page 10 in the aforesaid Public Registry and the aforesaid C. W. Tull property N.29-29-09E. 962.74 feet to an existing iron pin, the point or place of beginning, all as shown on surveys prepared by R. B. Pharr, N.C.R.L.S., dated January 31, 1989, as revised on February 16, 1989, and October 26, 1989, and zoning plan prepared by Flad, Mullinax, Wash dated November 9, 1989 and last revised on December 18, 1989, reference to which surveys and zoning plan is hereby made for a more particular description of the property.

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. Churchill Jr.  
City Attorney

Read, approved, and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 16th day of January, 19 90, the reference having been made in Minute Book 94, and is recorded in full in Ordinance Book 38, at page 351-352C.

Pat Sharkey  
City Clerk

CITY CD

Petition No. 89-96  
Aston Properties

ORDINANCE NO. Part II

A RESOLUTION 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 .985 acres located on the southwest corner of Central Avenue and Eastway Drive, changing from R-6MF to 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 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 December 18, 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 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-6MF to R-9(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

PARCEL II (R-9[CD])

Lying and being situated in the City of Charlotte, County of Mecklenburg, State of North Carolina and being more particularly described as follows:

BEGINNING at a concrete monument in the southern corner of Lot 7 of Block 3 of Douglas Acres Subdivision as same is shown on map thereof recorded in Map Book 5 at Page 131 in the Mecklenburg County Public Registry and running thence with the southeasterly property line of the aforesaid Lot 7 of Block 3 of said Douglas Acres Subdivision N.28-48-21E. 50.83 feet to a point; thence S.71-33-47E. 368.04 feet to a point; thence S.66-40-40E. 487.83 feet to a point in the approximately centerline of the right-of-way of Eastway Drive; thence with the approximate centerline of said right-of-way S.18-28-20W. 50.18 feet to a point; thence leaving the centerline of said right-of-way and with the northerly property lines of Lots 31, 28, 27, 26, 25, 24, 23, 22, 21, and 20 of Block 5 of Commonwealth Park Subdivision as same is shown on map thereof recorded in map Book 4 at Page 343 in the aforesaid Public Registry two (2) calls and distances as follows: (1) N.66-40-40W. 489.94 feet (passing a concrete monument at 35.65 feet) to a concrete monument; and (2) N.71-33-47W. 375.06 feet to a concrete monument, the point or place of beginning, all as shown on surveys prepared by R. B. Pharr, N.C.R.L.S. dated January 31, 1989, as revised on February 16, 1989, and October 26, 1989, and zoning plan prepared by Flad, Mullinax, Wash dated November 9, 1989 and last revised on December 18, 1989, reference to which surveys and zoning plan is hereby made for a more particular description of the property.

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:

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City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 16th day of January, 19 90, the reference having been made in Minute Book 94, and is recorded in full in Ordinance Book 38, at page 351-352C.

Pat Sharkey  
City Clerk

This page

not used



DATE 1/16/90

CITY CD

Petition No. 89-97  
Miller Newton

ORDINANCE NO. 2801-Z

A RESOLUTION 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 3.01 acres on the south side of Milton Road, west of Sharon Amity Road, changing from 0-15 to B-2(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 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 December 18, 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 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 0-15 to B-2(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

BOUNDARY DESCRIPTION

BEGINNING at a point in the southerly right-of-way line of Milton Road said point being the northwesterly corner of a tract of land described in Deed Book 5148, Page 037 of the Mecklenburg County Public Registry and running thence with said right-of-way three (3) courses as follows: (1) S.81-01-32E. 51.28 feet; (2) with the arc of a circular curve to the left having a radius of 2,491.98 feet an arc distance of 96.66 feet; (3) S.83-14-53E. 150.53 feet; thence S.14-04-26W. 269.41 feet; thence N.83-05-50W. 48.76 feet; thence S.14-09-42W. 74.99 feet; thence N.83-05-50W. 393.40 feet; thence N.35-21-25E. 392.16 feet to the point of BEGINNING and containing 3.014 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:

  
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 16th day of January, 19 90, the reference having been made in Minute Book 94, and is recorded in full in Ordinance Book 38, at page 353-354.

Pat Sharkey  
City Clerk

DATE January 16, 1990

ORDINANCE NO. 2802

AMENDING APPENDIX A-ZONING

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

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE, NORTH CAROLINA, THAT:

Section 1. Appendix A-Zoning § 1629.9.5, "Citations", shall be amended by deleting in its entirety the second complete paragraph of § 1629.9.5 beginning with the words "If the warning citation" and ending with the words "with these provisions." and substituting in lieu thereof a new second paragraph to read as follows:

"If there has not been compliance with the warning citation, then a citation in the amount of fifty dollars (\$50.00) may be issued. Each day shall constitute a separate violation and a new citation may be issued for each day of a continuing violation. This citation shall inform the violator that a civil complaint or criminal summons will be filed if the citation is not paid within fifteen (15) days of the date of the citation. The director shall have the authority to void any citations if the offender has taken corrective action satisfactory to the director and/or Commission to ensure compliance with these provisions."

Section 2. This Ordinance shall become effective upon adoption.

Approved as to form

  
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 16th day of January, 1989, the reference having been made in Minute Book 94, and is recorded in full in Ordinance Book 38, at page(s) 355..

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 9th day of March, 1990.

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Pat Sharkey, City Clerk