

SEP 7 1995

ORDINANCE NO. 276-X

OFFICE OF CITY CLERK

Ordinance designating as a Historic Landmark a property known as the "Latta Arcade" (listed under Tax Parcel Number 073-021-26 and including the entire exterior and the entire interior of the Latta Arcade building, being within the boundaries of said tax parcel). The parcel of land to be designated is listed under Tax Parcel Number 073-021-26 in the Mecklenburg County Tax Office, Charlotte, North Carolina. The property is owned by Crosland-Erwin and Associates/The Crosland Group, Inc. and is located at 316 South Tryon Street, Mecklenburg County, North Carolina.

JUDITH A GIBSON REG OF DEEDS MECK NC
BK: 08206 PG: 0562/056 *#:0536 0.00
FILED FOR REGISTRATION 07/06/95 16:06

Return to:

Charlotte-Mecklenburg
Historic Landmarks Commission
P. O. Box 35434
Charlotte, N. C. 28235

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

WHEREAS, all the members of the City Council of Charlotte, North Carolina, have taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Landmarks Commission on the 17th day of April, 1995, on the question of designating a property known as the Latta Arcade as a historic landmark; and

WHEREAS, the Latta Arcade was built in 1914 and was designed by an important Charlotte architect, William H. Peeps; and

WHEREAS, the Latta Arcade is associated with Edward Dilworth Latta and his Charlotte Consolidated Construction Company, which was instrumental in the development of early twentieth-century Charlotte; and

WHEREAS, the Latta Arcade reflects the large scale commercial construction program undertaken by Latta during the city's boom years of the early twentieth century; and

WHEREAS, the Latta Arcade is already listed on the National Register of Historic Places, and the interior has been designated as a local historic landmark by the Charlotte-Mecklenburg Historic Landmarks Commission; and

Bmcc

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as the Latta Arcade possesses special significance in terms of its history, architecture, and/or cultural importance; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has jurisdiction over portions of the property known as the Latta Arcade, because consent for interior design review has been given by the Owner; and

WHEREAS, the property known as the Latta Arcade is owned by the Crosland-Erwin and Associates/The Crosland Group, Inc.

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

1. That the property known as the Latta Arcade (including the entire exterior and the entire interior, and the entire parcel of land upon which it is located, listed under Tax Parcel Number 073-021-26) is hereby designated as a historic landmark pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina. The location of said landmark is noted as being situated at 316 South Tryon Street in Charlotte, Mecklenburg County, North Carolina. Interior and exterior features are more completely described in the *Survey and Research Report on the Latta Arcade* (20 July 1994).

2. That said exterior and interior are more specifically defined as the historic and structural fabric, especially including original woodwork, brickwork, stairway, shopfront bays, terra cotta flooring, metal roof trusses, skylight, and other fenestration.

3. That said designated historic landmark may be materially altered, restored, moved or demolished only following issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Landmarks Commission. An application for a Certificate of Appropriateness authorizing the demolition of said landmark may not be denied, except if such landmark is

judged to be of state-wide significance by duly authorized officials of the North Carolina Division of Archives and History. However, the effective date of such Certificate may be delayed in accordance with Chapter 160A, Article 19, and amendments thereto, and hereinafter adopted.

4. Nothing in this ordinance shall be construed to prevent or delay ordinary maintenance or repair of any architectural feature in or on said landmark that does not involve a change in design, material, or outer appearance thereof, 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 owner of the historic landmark from making any use of this historic landmark not prohibited by other statutes, ordinances or regulations. Owners of locally designated historic landmarks are expected to be familiar with and to follow *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, the guidelines used by the Charlotte-Mecklenburg Historic Landmarks Commission to evaluate proposed alterations or additions.

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

6. That the owners and occupants of the historic landmark known as the Latta Arcade 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.

7. That which is designated as a historic landmark shall be subject to Chapter 160A, Article 19, as amended, and any amendments to it and any amendments hereinafter adopted.

Adopted the 17th day of April, 1995 by the members of the City Council of the City of Charlotte, Mecklenburg County, North Carolina.

Brenda R. Freeze
Clerk to City Council

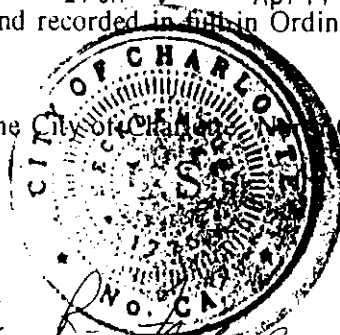
Approved as to form:

[Signature]
City Attorney

CERTIFICATION

I, Brenda R. Freeze, 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 17th day of April, 1995, the reference having been made in Minute Book 107, and recorded in ~~file~~ in Ordinance Book 46, Page(s) 317-320.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of April, 1995.



Brenda R. Freeze
Brenda R. Freeze, City Clerk

ORDINANCE NO. 277-X

Ordinance designating as an Historic Landmark a property known as the Major Alexander L. James House (listed under Tax Parcel Number 155-062-60 and including the 1.96 acre parcel and the entire exterior and the entire interior of both the Major Alexander L. James House and garage, being within the boundaries of said tax parcel. The parcel of land to be designated is listed under Tax Parcel Number 155-062-60 in the Mecklenburg County Tax Office, Charlotte, North Carolina. The property is owned by Dr. and Mrs. Martin J. Kreshon and is located at 260 Cherokee Road, Mecklenburg County, North Carolina.

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

WHEREAS, all the members of the City Council of Charlotte, North Carolina, have taken into full consideration all statements and information presented at a joint public hearing held with the Charlotte-Mecklenburg Historic Landmarks Commission on the 17th day of April, 1995 on the question of designating a property known as the Major Alexander L. James House as an historic landmark; and

WHEREAS, the Major Alexander L. James House was designed by an important Charlotte architect, Martin E. Boyer, Jr. and built in 1929; and

WHEREAS, the Major Alexander L. James House is one of the earliest houses erected in Eastover, the first exclusive, automobile-oriented suburb in Charlotte; and

WHEREAS, the Major Alexander L. James House is exemplary of the Georgian Revival domestic designs built in the Charlotte suburbs during the 1920s and 1930s; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as the Major Alexander L. James House possesses special significance in its historical, architectural, and/or cultural importance; and

WHEREAS, the Charlotte-Mecklenburg Historic Landmarks Commission has jurisdiction over portions of the property known as the Major Alexander L. James House because consent for interior design review has been given by the owner; and

WHEREAS, the property known as the Major Alexander L. James House is owned by Dr. and Mrs. Martin J. Kreshon.

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

1. That the property known as the Major Alexander L. James House (including the entire exterior and the entire interior of both the house and the garage and the entire parcel of land upon which they are located, listed under Tax Parcel Number 155-062-60) is hereby designated as a historic landmark pursuant to Chapter 160A, Article 19, as amended, of the General Statutes of North Carolina. The location of said landmark is noted as being situated at 260 Cherokee Road in Charlotte, Mecklenburg County, North Carolina. Interior and exterior features are more completely described in the *Survey and Research Report on the Major Alexander L. James House* (15 May 1994) and the Addendum (15 December 1994).

2. The said exterior and interior are more specifically defined as the historic and structural fabric, especially including original woodwork, brickwork, staircases, hardwood floors, fenestration, porches, archway, and decorative architectural elements.

3. The said designated historic landmark may be materially altered, restored, moved, or demolished only following issuance of a Certificate of Appropriateness by the Charlotte-Mecklenburg Historic Landmarks Commission. An application for a Certificate of Appropriateness authorizing the demolition of said landmark may not be denied, except if such landmark is judged to be of state-wide significance by duly authorized officials of the North Carolina Division of Archives and History. However, the effective date of such certificates may be delayed in accordance with Chapter 160A, Article 19, and amendments thereto, and hereinafter adopted.

4. Nothing in this ordinance shall be construed to prevent or delay ordinary maintenance or repair of any architectural features in or on said landmark that does not involve a change in design, material, or outer appearance thereof, not to prevent or delay the construction, reconstruction, alteration, restoration, demolition or removal of any such features 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 owner of the historic landmark from making any use of this historic landmark not prohibited by other statutes, ordinances, or regulations. Owners of locally designated historic landmarks are expected to be familiar with and to follow *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, the guidelines used by the Charlotte-Mecklenburg Historic Landmarks Commission to evaluate proposed alterations or additions.

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

6. That the owners and occupants of the historic landmark known as the Major Alexander L. James House 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.

7. That which is designated as a historic landmark shall be subject to Chapter 160A, Article 19, as amended, and any amendments to it and any amendments hereinafter adopted.

Adopted the 17th day of April, 1995 by the members of the City Council of the City of Charlotte, Mecklenburg County, North Carolina.

Clerk to City Council

Approved as to form:

ADJ David M. Smith
City Attorney

CERTIFICATION

I, Brenda R. Freeze, 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 17th day of April, 1995, the reference having been made in Minute Book 107, and recorded in full in Ordinance Book 46, Page(s) 321-323.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 27th day of April, 1995.

Brenda R. Freeze
Brenda R. Freeze, City Clerk

APPROVED BY CITY COUNCIL
DATE April 17, 1995

CITY CD

Petition No. 95-17
Fairview Plaza Associates

ORDINANCE NO. 278-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 10 acres located on the south side of Fairview Road bounded by Park South Drive and J.A. Jones Drive; and

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

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Chapter 6: Part 1 and a public hearing was held on February 20, 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:

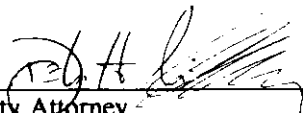
Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing from O-1 to O-3(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

SEE ATTACHED

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

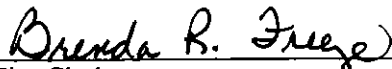
Section 3. That this ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:



City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of April, 1995, the reference having been made in Minute Book 107, and is recorded in full in Ordinance Book 46 at page 324-326.



City Clerk Brenda R. Freeze

Petition #: 95-17

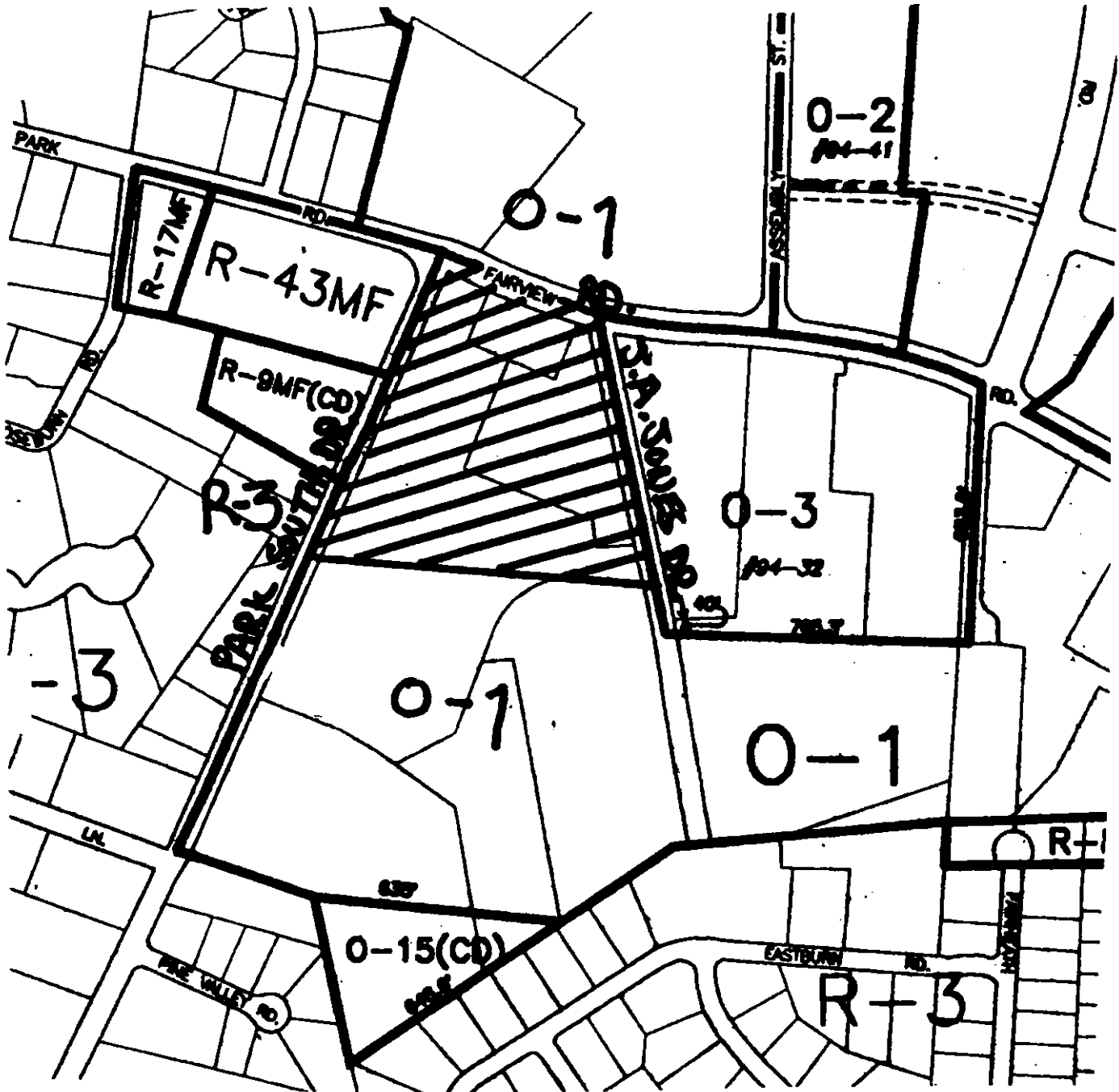
Petitioner: Fairview Plaza Associates

Hearing Date: February 20, 1995

Zoning Classification (Existing): O-1

Zoning Classification (Requested): O-3(CD)

Location: Approximately 10.0 acres located on the south side of Fairview Road between Park South Drive and J.A. Jones Drive.



Zoning Map #(s): 135

Scale: 1" = 400'

**OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE**

| | |
|------------------------|-------------------------|
| Petition #: | <u>95-17</u> |
| Date Filed: | <u>December 2, 1994</u> |
| Received By: | <u>T. P. Jones</u> |
| OFFICE USE ONLY | |

OWNERSHIP INFORMATION:

Property Owner: H. Van Austin Trust Fairview Plaza Associate
c/o AAC Management, Inc.
Owner's Address: 5970 Fairview Road, Suite 600 Same
Charlotte, NC 28210
Date Property Acquired: July 7, 1981 February 12, 1980
March 15, 1983
Tax Parcel Number(s): 179-022-37 179-022-02, 39

LOCATION OF PROPERTY (Address or Description): Southeast corner of Fairview
Road and Park South Drive

Size (Sq.Ft. or Acres): 10.0 Acres + Street Frontage (Ft.): 15
Current Land Use: Five Office Buildings with Structured Parking

ZONING REQUEST:

Existing Zoning: 0-1 Proposed Zoning: 0-3(CD)
Purpose of Zoning Change: To allow additional development of office use generally
related to recommendation of the South District Plan

Fred E. Bryant, AICP
Name of Agent
1850 E. Third St., Charlotte NC 28204
Agent's Address
333-1680 376-5715
Telephone Number Fax Number
WACHOVIA BANK OF NORTH CAROLINA N.A.
SUCCESSOR TRUSTEE, H. Van Austin Trust
Fred E. Bryant, AICP
Signature of Property Owner
if other than Petitioner

Fairview Plaza Associates
Name of Petitioner(s)
5970 Fairview Road, Suite 600
Charlotte, NC 28210
Address of Petitioner(s)
556-0975 554-5720
Telephone Number Fax Number
AMERICAN ASSET CORPORATION, G.P.
BY: Jerry H. Wells
Signature Jerry H. Wells, Vice President

95-17

LEGAL DESCRIPTION
FAIRVIEW PLAZA ASSOCIATES

BEGINNING at the intersection of the southerly right-of-way line of Fairview Road and the easterly right-of-way line of Park South Drive and running thence with said Park South Drive right-of-way S. 24-32-40 W. 787.55 feet; thence S. 84-44-16 E. 909.8 feet to a point in J.A. Jones Drive; thence with a line of J.W. Jones Drive N. 11-15-30 W. 675.06 feet to a point in the southerly right-of-way line of Fairview Road; thence with said right-of-way six courses as follows:

- (1) with the arc of the circular curve to the left, having a radius of 20.0 feet, an arc distance of 21.49 feet
- (2) N. 20-57-00 E. to 2.8 feet
- (3) with the arc of the circular curve to the right, having a radius of 997.05 feet, an arc distance of 39.09 feet
- (4) with the arc of a circular curve to the right, having a radius of 1,480.0 feet, a arc distance of 96.19 feet
- (5) N. 67-59-41 W. 232.79 feet
- (6) with an arc of a circular curve to the left, having a radius of 25.0 feet, an arc distance of 37.99 feet

to the BEGINNING and containing 10.0 acres.

Petition No. 95-17
Fairview Plaza Associates

PARALLEL CONDITIONAL USE PERMIT

This is a parallel conditional use permit approved by the Charlotte City Council to Fairview Plaza Associates owner(s) and successors-in-interest of the property described as tax parcels 179-022-37, 179-022-02 and 179-022-39 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-3(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.

APPROVED BY CITY COUNCIL
DATE April 17, 1995

CITY CD

Petition No. 95-20
Morris Development Corporation

ORDINANCE NO. 279-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 4.92 acres located at the northwest corner of the intersection between James W. Clay Boulevard and US Hwy 29; 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 March 20, 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:

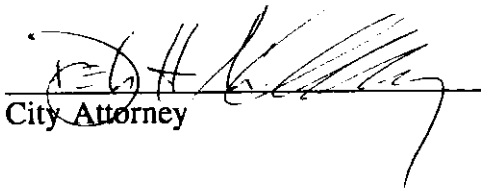
Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing from B-1 S.C.D. to B-1(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

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

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of April, 1995, the reference having been made in Minute Book 107, and is recorded in full in Ordinance Book 46 at page 327-329A.



City Clerk Brenda R. Freeze

Petition #: 95-20

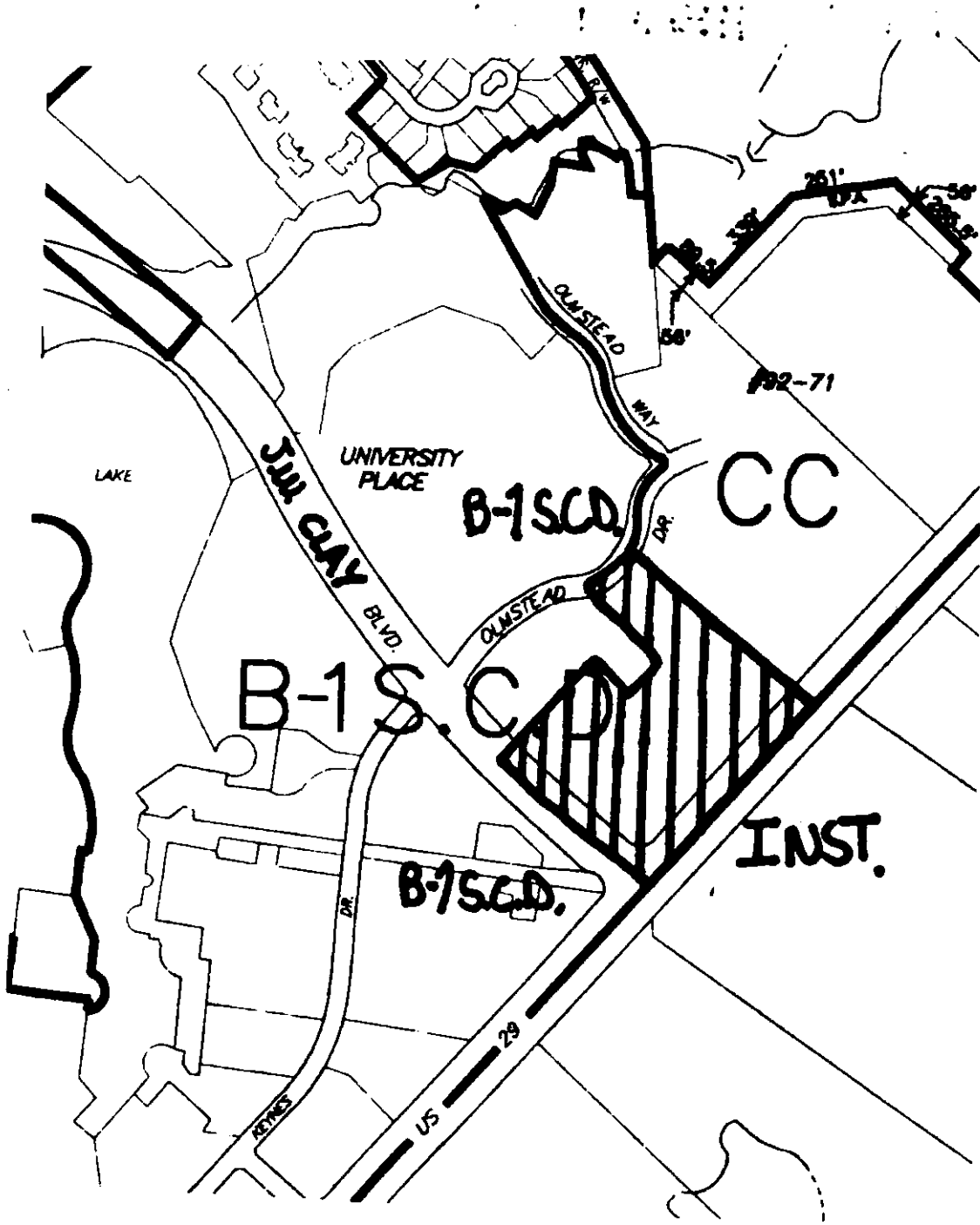
Petitioner: Morris Development Corporation

Hearing Date: March 20, 1995

Zoning Classification (Existing): B-1 S.C.D.

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

Location: Approximately 4.922 acres located at the northwest corner of the intersection between James W. Clay Boulevard and US Hwy 29.



Zoning Map #(s): 58

Scale: 1" = 400'

**OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE**

STAFF REVIEW: TUESDAY, JANUARY 31 @
9:30 A.M.

Petition #: 95-20

Date Filed: January 3, 1995

Received By: P. Jones

OFFICE USE ONLY

MARCH PUBLIC HEARINGS

OWNERSHIP INFORMATION:

Property Owner: Home Federal Savings and Loan Assn.

Owner's Address: 139 South Tryon Street Charlotte, NC 28202

Date Property Acquired: 8/86

Tax Parcel Number(s): 047-201-023

LOCATION OF PROPERTY (Address or Description): Northeast corner of US

Highway 29 at J.W. Clay Blvd

Size (Sq.Ft. or Acres): 4.922 Street Frontage (Ft.): 402.48 J.W. Clay Blvd.
525.23 US Highway 29

Current Land Use: Undeveloped

ZONING REQUEST:

Existing Zoning: B1-SCD Proposed Zoning: B-1(CD)

Purpose of Zoning Change: To provide for ingress and egress along J.W. Clay Blvd

Fred E. Bryant
Name of Agent
Suite 216, Providence Center
1850 East Third Street

Agent's Address

ph. 333-1680 fax 376-5715

Telephone Number Fax Number

Morris Development Corporation
Name of Petitioner(s)
275 Hampton Farms Court
Marietta, GA 30068

Address of Petitioner(s)

404-977-0606 404-765-8941

Telephone Number Fax Number

HOME FEDERAL SAVINGS
Signature of Property Owner
if other than Petitioner
[Signature]
Exec. V.P.

[Signature]
Signature
Michael Morris

April 17, 1995
Ordinance Book 46, Page 329

DEED BOOK PAGE

5290 0934

95-20 ✓

EXHIBIT "A"

Property Description for General Warranty Deed
from Carley Capital Group to Home Federal
Savings & Loan Association

SITUATED in Mallard Creek Township, Mecklenburg County, North Carolina, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, begin at N.C.G.S. Monument "Prison 2", having North Carolina Grid Coordinates of N. 572,472.37, and E. 1,479,372.99, and run thence N. 19-02-03 E. 352.68 feet to a point, the TRUE POINT OF BEGINNING; thence, from said beginning point in a southwesterly direction along the northwesterly margin of the 120 foot right of way of U.S. Highway 29 S. 41-34-05 W. 525.23 feet to a point; thence in a northwesterly direction with the northeasterly margin of the 113 foot right-of-way of Carley Boulevard N. 48-25-55 W. 402.48 feet to a point; thence N. 40-39-13 E. 267.85 feet to a point; thence S. 46-10-00 E. 110.00 feet to a point; thence N. 43-50-00 E. 102.00 feet to a point; thence N. 46-10-00 W. 227.72 feet to a point in the southerly margin of the 50 foot right-of-way of Olmsted Drive; thence with the southerly margin of Olmsted Drive in two calls as follow: (1) N. 72-30-00 E. 16.26 feet to a point; (2) with the arc of a circular curve to the left having a radius of 180.00 feet in a chord bearing of N. 50-24-16 E., an arc distance of 138.83 feet to a point; thence S. 48-47-32 E. 491.20 feet to the POINT OR PLACE OF BEGINNING; containing 4.922 acres, as designated on a Boundary Survey of the Home Federal Savings and Loan for Carley Capital Group at University Place, dated June 9, 1986, prepared by Concord Engineering & Surveying, Inc., Concord, North Carolina, to which survey reference is hereby made.

Grantee, its successors and assigns, shall maintain the Site and all improvements constructed thereon, in a safe and sightly condition consistent with the level of maintenance of University Place generally; and if Grantee or its successors or assigns fails to adhere to such level of maintenance, after reasonable notice, Grantor, its successors and assigns, shall have the right to enter upon the abovedescribed property and to perform such maintenance, the cost of which shall be charged to the then owner of the abovedescribed property and shall be a lien on said property.

The improvements situated on the above-described property are not subject to this conveyance and shall remain the property of the Grantor. They shall be removed by Grantor upon sixty (60) days prior written notice from the Grantee as set forth in a lease agreement of even date herewith between the two parties. Grantor also reserves to itself an easement over the above-described property for ingress and egress to the improvements and for the removal of such improvements from the Property. This easement shall automatically be extinguished following such removal.

**Petition No. 95-20
Morris Development Corporation**

PARALLEL CONDITIONAL USE PERMIT

This is a parallel conditional use permit approved by the Charlotte City Council to Morris Development Corporation owner(s) and successors-in-interest of the property described as tax parcel 047-201-023 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.

APPROVED BY CITY COUNCIL
DATE April 17 1995

CITY CD

Petition No. 95-21
Seaman Development Corp.

ORDINANCE NO. 280-Z

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

WHEREAS, a petition was presented to the City Council of the City of Charlotte requesting the rezoning of approximately 3.682 acres located on the north side of West W.T. Harris Boulevard west of J.M. Keynes Drive; and

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

WHEREAS, the City Council has authority to amend the Zoning Ordinance by Chapter 6: Part 1 and a public hearing was held on March 20, 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:

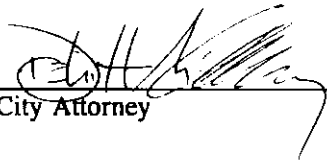
Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing from B-1 S.C.D. to B-1(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

SEE ATTACHED

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

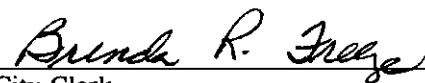
Section 3. That this ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:



City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of April, 1995, the reference having been made in Minute Book 107, and is recorded in full in Ordinance Book 46 at page 330-332 A.



City Clerk Brenda R. Freeze

Petition #: 95-21

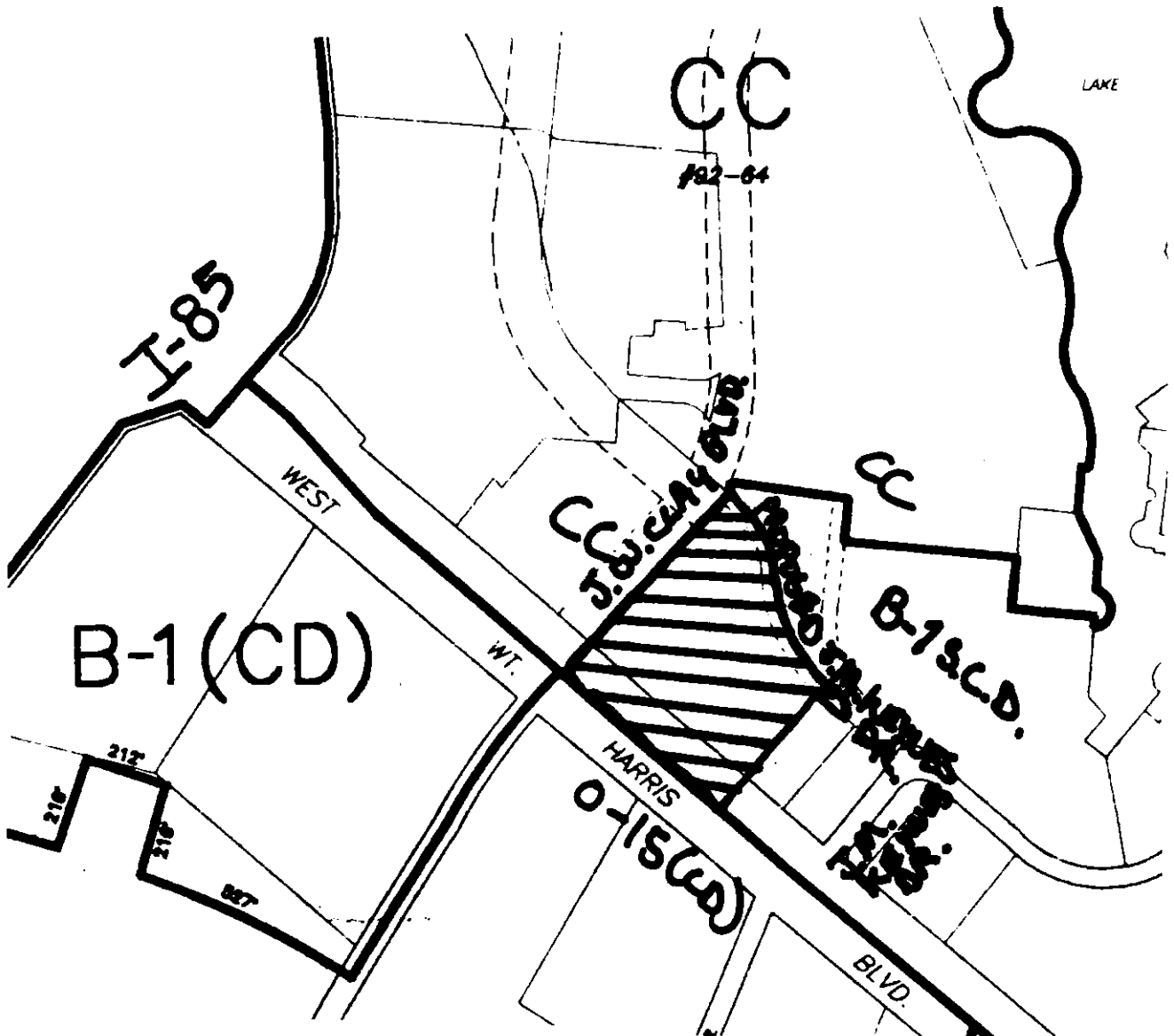
Petitioner: Seaman Development Corp.

Hearing Date: March 20, 1995

Zoning Classification (Existing): B-1 S.C.D.

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

Location: Approximately 3.682 acres located on the north side of West W.T. Harris Boulevard west of J. M. Keynes Drive.



Zoning Map #(s): 58

Scale: 1" = 400'

**OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE**

Petition #: 95-21
Date Filed: December 28, 1994
Received By: T. Jones
OFFICE USE ONLY

OWNERSHIP INFORMATION:

Property Owner: Home Federal Savings and Loan Association
Owner's Address: 139 South Tryon Street, Charlotte, NC 28202-2189
Date Property Acquired: 1988
Tax Parcel Number(s): 047-201-32

LOCATION OF PROPERTY (Address or Description): Corner of J. W. Clay and W. T. Harris
Boulevards

Size (Sq.Ft. or Acres): 3.682 Acres Street Frontage (Ft.): Clay Blvd: (Approx. 350 ft.)
W. T. Harris Blvd. (Approx. 400 ft.)
Current Land Use: Vacant

ZONING REQUEST:

Existing Zoning: B-1(SCD) Proposed Zoning: B-1(CD)

Purpose of Zoning Change: To accommodate approximately 9,000 more square feet of retail space
than has been allocated to this site from the total retail square footage which remains
available under the existing zoning. The additional space is needed for a furniture showroom.

Russell J. Schwartz
Horack, Talley, Pharr & Lowndes
Name of Agent
301 S. College Street, Charlotte, NC 28202-6038
Agent's Address

377-2500 372-2619
Telephone Number Fax Number

[Signature]
Signature of Property Owner Executive Vice President
if other than Petitioner Home Federal

SEAMAN DEVELOPMENT CORP.
Name of Petitioner(s)
11540 Highway 92 East
Seffner, Florida 33584
Address of Petitioner(s)

(813) 623-5400 (813) 620-1555
Telephone Number Fax Number

[Signature] - U.P.
Signature

95-21

SCHEDULE A

PROPERTY DESCRIPTION

Lying and being in Mecklenburg County, North Carolina, and being more particularly described by courses based on North Carolina Grid North and distances at the surface according to a survey dated December 8, 1994, by Glenn E. Gamble, R.L.S. No. L-3276 (Job No. 88-02-35, Disc No. 941204) as follows:

COMMENCING at North Carolina Geodetic Survey Station "PRISON 2" and runs South 66-44-41 West 2,367.33 feet to an existing PK nail at the intersection of the northwesterly margin of the right of way of J.M. Keynes Drive and the northeasterly margin of the right of way of W.T. Harris Boulevard; THENCE with said right of way of W.T. Harris Boulevard North 48-13-28 West 258.05 feet to an iron pin, the point of BEGINNING of the within described tract;

THENCE with the northwesterly margin of the right of way of W.T. Harris Boulevard North 48-13-28 West 394.98 feet to an iron pin;

THENCE along a curve to the right having a radius of 20.00 feet and an arc length of 30.09 feet, being subtended by a chord of North 05-07-45 West, for a distance of 30.09 feet to a set PK nail in the easterly margin of the right of way of J.W. Clay Boulevard;

THENCE with said margin of the right of way of J.W. Clay Boulevard North 37-57-41 East 63.80 feet to an iron pin;

THENCE continuing with said margin of said right of way of J.W. Clay Boulevard North 41-46-32 East 297.17 feet to a 1/2 inch outside diameter iron rod;

THENCE continuing with said margin of said right of way of J.W. Clay Boulevard North 41-46-32 East 77.00 feet to a 1/2 inch outside diameter rebar;

THENCE South 48-13-28 East 40.00 feet to a 1/2 inch outside diameter iron rod;

THENCE along a curve to the right having a radius of 175.00 feet and an arc length of 122.17 feet, being subtended by a chord of South 28-13-28 East, for a distance of 122.17 feet to a #5 rebar;

THENCE South 08-13-28 East 101.86 feet to a 1/2 inch outside diameter rebar;

THENCE along a curve to the left having a radius of 164.85 feet and an arc length of 115.08 feet, being subtended by a chord of South 28-13-27 East, for a distance of 115.08 feet to a #5 rebar;

THENCE South 48-13-26 East 105.69 feet to a #5 rebar;

THENCE along a curve to the left having a radius of 298.50 feet and an arc length of 150.20 feet, being subtended by a chord of South 33-48-31 East, for a distance of 150.20 feet to an iron pin in the westerly margin of the right of way of J.M. Keynes Drive;

THENCE North 48-13-26 West 166.79 feet to an iron pin;

THENCE South 41-48-22 West 274.51 feet to an iron pin in the northeasterly margin of the right of way of W.T. Harris Boulevard, the place and point of BEGINNING.

The aforescribed tract contains 3.682 acres and is a portion of the property acquired by Home Federal Savings and Loan Association by Deed recorded in Deed Book 5789, Page 350 in the Mecklenburg County Public Registry.

c:\wp51\data\home\prop.des

Petition No. 95-21
Seaman Development Corp.

PARALLEL CONDITIONAL USE PERMIT

This is a parallel conditional use permit approved by the Charlotte City Council to Seaman Development Corp. owner(s) and successors-in-interest of the property described as tax parcel 047-201-032 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.

DATE April 17, 1995

CITY CD

Petition No. 95-22
Joe Vaughan Marsh

ORDINANCE NO. 281-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 .826 acres located on the northeasterly corner of the intersection between Oakdale Road and Peachtree 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 March 20, 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:

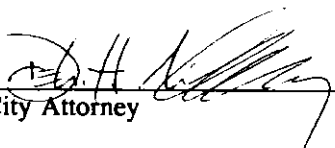
Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing from R-3 to B-1(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

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

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of April, 1995, the reference having been made in Minute Book 107, and is recorded in full in Ordinance Book 46 at page 333-335.


City Clerk
Brenda R. Freeze

Petition #: 95-22

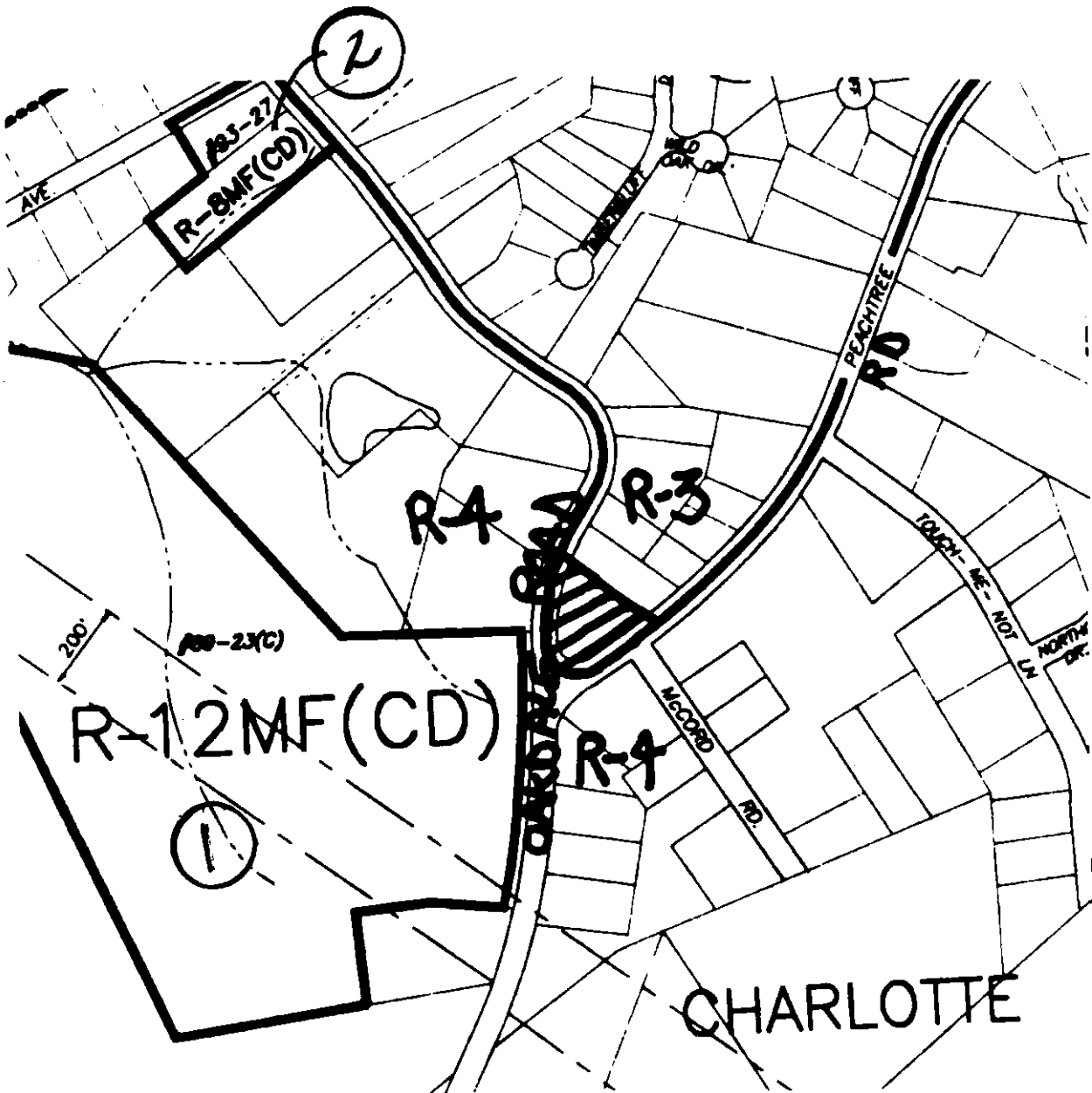
Petitioner: Joe Vaughan Marsh

Hearing Date: March 20, 1995

Zoning Classification (Existing): R-3

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

Location: Approximately .826 acres located on the northeasterly corner of the intersection between Oakdale Road and Peachtree Road.



Zoning Map #(s): 68

Scale: 1" = 400'

**OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE**

Petition #: 95-22
Date Filed: December 5, 1994
Received By: T. Jones
OFFICE USE ONLY

OWNERSHIP INFORMATION:

Property Owner: Joe Vaughan Marsh
Owner's Address: 1004 Oakdale Road
Date Property Acquired: February 24, 1978
Tax Parcel Number(s): 037-292-27

LOCATION OF PROPERTY (Address or Description): _____

Size (Sq.Ft. or Acres): .826 AC Street Frontage (Ft.): 502
Current Land Use: Business (Zoned R-3)

ZONING REQUEST:

Existing Zoning: R-3 Proposed Zoning: B-1 CD

Purpose of Zoning Change: For existing business to continue as neighborhood service and expand to stay with current needs.

Scott Garner, AIA
Name of Agent

1718 East Boulevard
Agent's Address
Charlotte, North Carolina 28203

333-1051 376-6546
Telephone Number Fax Number

Joseph Vaughan Marsh
Signature of Property Owner
if other than Petitioner

Joe Vaughan Marsh
Name of Petitioner(s)

700 Peachtree Road
Address of Petitioner(s)

394-1016
Telephone Number Fax Number

Signature

APPROVED BY CITY COUNCIL
DATE April 17, 1995

CITY CD

Petition No. 95-23
Greg Finnican

ORDINANCE NO. 282-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 2.25 acres located on the west side of Statesville Avenue south of Hutchinson-McDonald 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 March 20, 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.

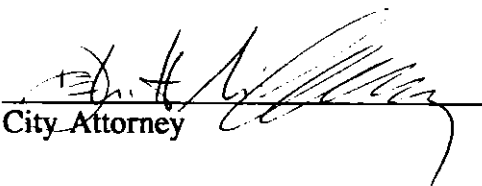
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing from R-4 to I-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.

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 17th day of April, 1995, the reference having been made in Minute Book 107, and is recorded in full in Ordinance Book 46 at page 336-338.


City Clerk
Brenda R. Freeze

95-22

**PROPERTY OF JOSEPH VAUGHN MARSH AND WIFE JOYCE TODD
OAKDALE ROAD AT PEACHTREE ROAD**

Being all of lots 7, 8 and 9 located at the Northeastern intersection of Oakdale Road and Peachtree Road as recorded in Map Book 4, Page 551 and Deed Book 4034, Page 688 in the Mecklenburg County Register of Deeds Office and more particularly described as follows: Beginning at a point formed by the intersection of the Northern right-of-way of Peachtree Road and the Eastern right-of-way of Oakdale Road; thence in four courses along the Eastern right-of-way of Oakdale Road as follows: (1) With a circular curve to the right having a radius of 47.02 feet, an arc length of 47.81 feet, a chord bearing of North 30-25-59 West 45.78 feet to a point, (2) North 01-18-00 West 50 feet to a point, (3) North 06-10-00 East 100 feet to a point and (4) North 27-00-25 East 82.97 feet to a point, said point being the Southwestern corner of Lot 6; thence with the Southern lot line of Lot 6 and Lot 10 South 47-37-00 East 231 feet to a point in the Northern right-of-way of Peachtree Road; thence with the Northern right-of-way of Peachtree Road in two courses as follows: (1) South 56-49-24 West 82.61 feet to a point and (2) South 63-46-00 West 140 feet to the point and place of beginning containing 0.724 acres all as shown on a survey entitled "Physical Survey of Lots 7-9, H.S. Strawn Oakdale & Peachtree Roads," dated October 1, 1994 and prepared by R. Dennis Smith, NCRLS.

**Petition No. 95-22
Joe Vaughan Marsh**

PARALLEL CONDITIONAL USE PERMIT

This is a parallel conditional use permit approved by the Charlotte City Council to Joe Vaughan Marsh owner(s) and successors-in-interest of the property described as tax parcel 037-292-27 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.

Petition #: 95-23

Petitioner: Greg Finnican

Hearing Date: March 20, 1995

Zoning Classification (Existing): R-4

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

Location: Approximately 2.25 acres located on the west side of Statesville Avenue south of Hutchinson-McDonald Road.



Zoning Map #(s): 69

Scale: 1" = 400'

OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Revised February 28, 1995

| | |
|-----------------|-------------------|
| Petition No. | 95-23 |
| Date Filed | December 30, 1994 |
| Received By | T. Thayer |
| OFFICE USE ONLY | |

Ownership Information

Property Owner Mr. Greg Finnican

Owner's Address 4525 Hedgemore Drive
Charlotte, N.C. 28209

Date Property Acquired December 23, 1993

Deed Reference BK 07612 PG 0836 Tax Parcel Number 041-071-09

Location Of Property (address or description) Off of Greenwood Ave., an unopened street, and between Riley Street and Hutchinson-McDonald Road. (West side of Statesville Road)

Description Of Property

Size (Sq. Ft.-Acres) 2.25 Ac. Street Frontage (ft.) _____

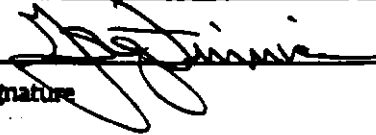
Current Land Use Vacant

Zoning Request

Existing Zoning R-4 Requested Zoning I-1 (CD)

Purpose of Zoning Change To build small office / warehouse buildings for use by small business.

| | |
|---|---|
| <u>Tom West - West Engineering, Inc.</u> | <u>Greg Finnican</u> |
| Name Of Agent | Name of Petitioner(s) |
| <u>1009 East Boulevard, Charlotte, N.C. 28203</u> | <u>4525 Hedgemore Drive, Char., 28209</u> |
| Agent's Address | Address of Petitioner(s) |
| <u>334-8215</u> | <u>529-3110</u> |
| Telephone Number | Telephone Number |


Signature

Signature of Property Owner if Other Than Petitioner

April 17, 1995
Ordinance Book 46, Page 338

Petition # 95-23

STATESVILLE ROAD REZONING:

LEGAL DESCRIPTION:

BEGINNING AT A POINT LOCATED AT THE SOUTHEAST INTERSECTION OF STATESVILLE ROAD AND GREENWOOD AVENUE, HENCE TRAVELLING N 88°45'00" W FOR A DISTANCE OF 312.23', TO THE HENCE TRAVELLING S 01°15'00" W FOR A DISTANCE OF 49.55' TO THE POINT OF THE BEGINNING. FROM THIS POINT, HENCE CONTINUING ALONG S 01°15'00" W FOR A DISTANCE OF 273.05', HENCE N 79°31'13" W FOR A DISTANCE OF 314.25', HENCE N 01°36'19" E FOR A DISTANCE OF 292.20', HENCE S 88°45'00" E FOR A DISTANCE OF 255.93', HENCE TO A CURVE TO THE RIGHT WITH A RADIUS OF 50', AN ARC LENGTH OF 105.50' WITH A CHORD BEARING OF S 35°39'59" E WITH A LENGTH OF 86.99', BACK TO THE POINT OF THE BEGINNING. THIS AREA CONTAINS 2.17 AC.

Petition No. 95-23
Greg Finnican

PARALLEL CONDITIONAL USE PERMIT

This is a parallel conditional use permit approved by the Charlotte City Council to Greg Finnican owner(s) and successors-in-interest of the property described as tax parcel 041-071-09 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 I-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.

DATE April 17 1995

CITY CD

Petition No. 95-24
The Boulevard Company



ORDINANCE NO. 283-Z

RK

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 8 acres located on the west side of Randolph Road south of Sharon Amity 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 March 20, 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:

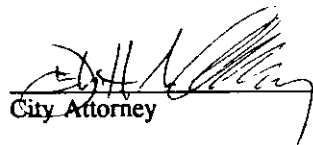
Section 1. That Section 1.104 of the City of Charlotte Zoning Ordinance is hereby amended by changing from R-3 to R-8MF(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

SEE ATTACHED

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

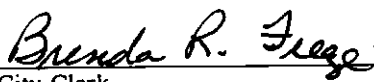
Section 3. That this ordinance shall become effective upon its adoption.

APPROVED AS TO FORM:



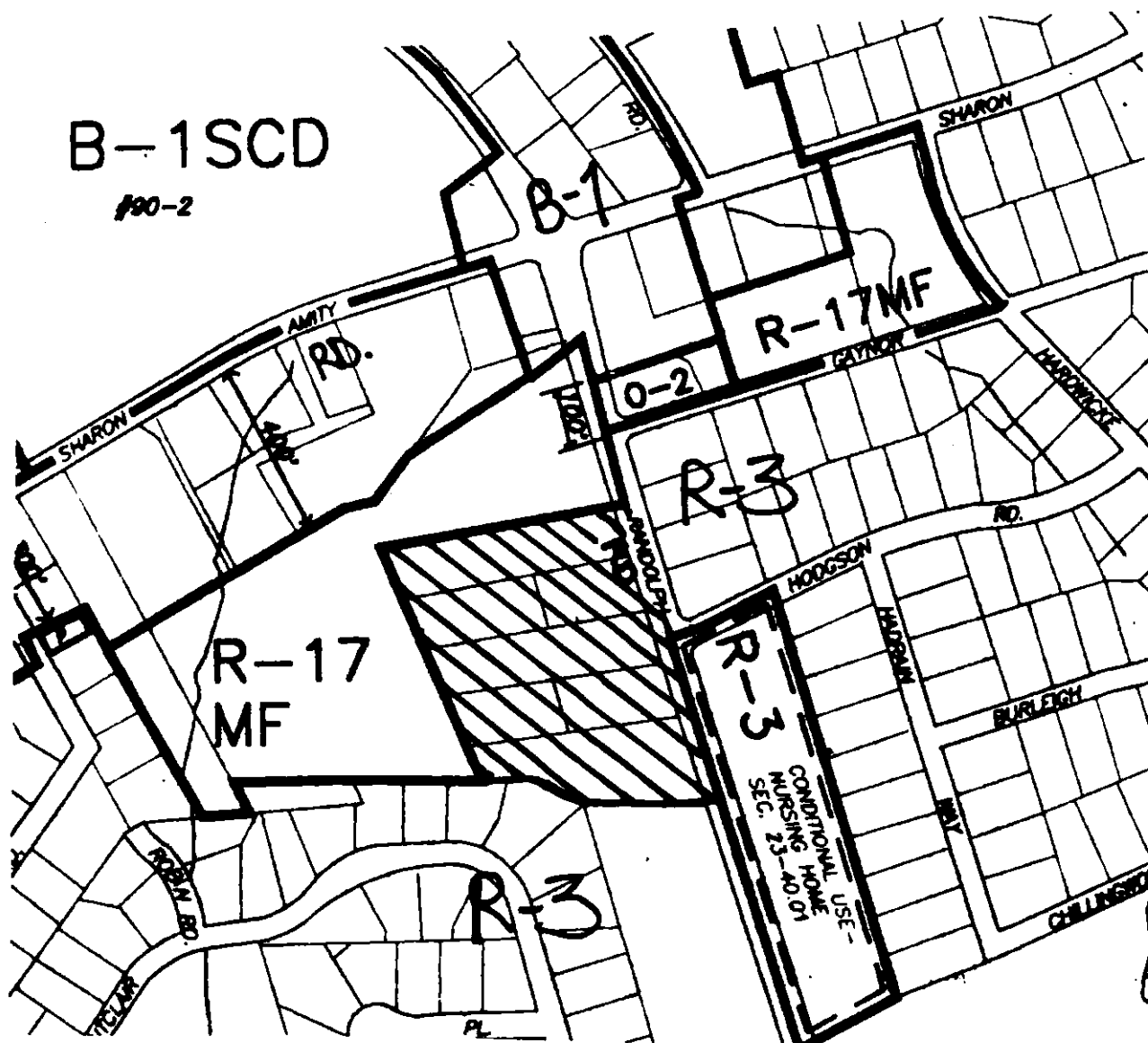
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 17th day of April, 1995, the reference having been made in Minute Book _____, and is recorded in full in Ordinance Book _____ at page _____.



City Clerk

Petition #: 95-24
Petitioner: The Boulevard Company
Hearing Date: March 20, 1995
Zoning Classification (Existing): R-3
Zoning Classification (Requested): R-8MF(CD)
Location: Approximately 8 acres located on the west side of Randolph Road south of Sharon Amity Road.



Zoning Map #(s): 124

Scale: 1" = 400'

OFFICIAL REZONING APPLICATION CITY OF CHARLOTTE

| | |
|------------------------|------------------------|
| Petition #: | <u>95-24</u> |
| Date Filed: | <u>January 3, 1995</u> |
| Received By: | <u>T. Moore</u> |
| OFFICE USE ONLY | |

OWNERSHIP INFORMATION:

Property Owner: Randolph Place Properties (Option Agreement Deed received 12- 93
The Boulevard Company signed a Purchase & Sale Agreement 9-1-94 (see
Owner's Address: 3133 Wrightsville Ave. Wilmington, NC 28403 attache

Date Property Acquired: December 6, 1993

Tax Parcel Number(s): 185-021-36, 181-021-38, 185-021-39, 185-021-40, 185-021-41,
185-021-42, 185-021-43

LOCATION OF PROPERTY (Address or Description): Located on Randolph Road,
between Sharon Amity Road and Rutledge Ave.

Size (Sq.Ft. or Acres): 8 Acres Street Frontage (Ft.): 70360.60 ft.

Current Land Use: Single family residential

ZONING REQUEST:

Existing Zoning: R3 Proposed Zoning: R8MF Conditional

Purpose of Zoning Change: To allow for the building of 64 townhomes

Christopher J. Branch ^{President}
The Blvd Co.
Name of Agent

500 East Boulevard Charlotte, NC 28203
Agent's Address

704 334-8244 704 343-9380
Telephone Number Fax Number

SEE ATTACHED
Signature of Property Owner
if other than Petitioner

CHRISTOPHER J. BRANCH ^{PRESIDENT}
THE BLVD COMP.
Name of Petitioner(s)

500 East Boulevard Charlotte, NC 28203
Address of Petitioner(s)

704 334-8244 704 343-9380
Telephone Number Fax Number

[Signature]
Signature

**EXHIBIT A
LEGAL DESCRIPTION**

Being all of that certain parcel or tract of land located in the City of Charlotte, Mecklenburg County, North Carolina, Tax Parcels 185-21-36, 185-21-38, 185-21-39, 185-21-40, 185-21-41, 185-21-42, 185-21-43 and being more particularly described as follows:

BEGINNING at an iron pin located in the westerly margin of Randolph Road (64-foot public right-of-way). Said point being a common corner of Trustees for Charlotte Scottish Rite Bodies as recorded in deed book 3756, page 961 Mecklenburg County Registry. Thence with the line of Trustees for Charlotte Scottish Rite Bodies following one (1) call; (1) South 88-42-23 West 308.14 feet to a iron pin; said iron pin being a common corner of the property of Walter C. Mays Jr. recorded in deed book 4174, page 33 Mecklenburg County Registry. Thence with the line of Walter C. Mays Jr. the following two (2) calls; (1) North 57-01-33 West 85.97 feet to a iron pin; (2) South 88-40-02 West 103.02 feet to a iron pin; said iron pin being a common corner of the property of Lawrence Mark and Patricia A. Fleishman recorded in deed book 5046, page 288 Mecklenburg County Registry. Thence with the line of Lawrence Mark and Patricia A. Fleishman the following one (1) call; South 88-40-02 West 61.75 feet to a iron pin; said iron pin being a common corner of the property of John Hancock Mutual Life Insurance recorded in deed book 3529, page 130 Mecklenburg County Registry. Thence with the line of John Hancock Mutual Life Insurance the following two (2) calls; (1) North 22-06-00 West 573.90 feet to a iron pin; (2) North 79-06-50 East 581.92 feet to a iron pin; said iron pin being located in the westerly margin of Randolph Road (64-foot public right-of-way). Thence with the right of way of Randolph Road (64-foot public right-of-way) the following two (2) calls; (1) South 15-35-18 East 657.56 feet to a iron pin; (2) South 15-58-37 East 46.04 feet to a iron pin; said iron pin being located in the westerly margin of Randolph Road (64-foot public right-of-way). Said iron pin being the point or place of BEGINNING, containing 8 acres (more or less).

Job #9501, January 3, 1995

**Petition No. 95-24
The Boulevard Company**

PARALLEL CONDITIONAL USE PERMIT

This is a parallel conditional use permit approved by the Charlotte City Council to The Boulevard Company owner(s) and successors-in-interest of the property described as tax parcels 185-021-36, 181-021-38, 185-021-39, 185-021-40, 185-021-41, 185-021-42 and 185-021-43 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.