

REZONING APPLICATION  
CITY OF CHARLOTTE

Petition No. 77- 11

Date Filed: March 17, 1977

TO: Charlotte-Mecklenburg Planning Commission  
Charlotte, North Carolina

Gentlemen:

Your consideration of a recommendation to the City Council for a change in the zoning classification of the Property hereinafter described is requested.

Location of Property:

The Property consists of 8 tracts of land which are located north of Morrison Boulevard and west of Roxborough Road, and are more particularly described as Tracts Nos. II, III, IV, V, VI, VII, VIII, and IX on the accompanying Boundary Survey and Schematic Use Plan which was prepared by Harry P. Davis, R.S., in October of 1965, and revised by Mitchell W. Davis, R.S., on February 19, 1977 and March 15, 1977.

Title to the Property:

(a) Title to Tracts Nos. II, III, IV, V, and VIII were acquired by Will in the Fall of 1953, and are in the names of James J. Harris and wife, Angelia M. Harris, whose address is 2525 Richardson Drive, Charlotte, North Carolina 28211. The Will is recorded in the Office of the Clerk of the Superior Court of Mecklenburg County in Will Book 7 at Page 552.

(b) Title to Tracts Nos. VI, VII and IX were acquired in December of 1965, and are in the name of Sharon Home Loan Company, whose address is 6525 Morrison Boulevard, Charlotte, North Carolina 28211. The Deed is recorded in Book 2666 at Page 283 in the Office of the Register of Deeds for Mecklenburg County.

Present Zoning Classifications:

Tracts Nos. II and III:	B-1 S.C.D.
Tracts Nos. IV, V, VI, VII and VIII:	O-15
Tract No. IX:	R-12MF

Requested Zoning Classification:

Parallel Conditional Use District O-15(CD) [for all 8 Tracts].

Proposed Use:

The owners propose to use the Property for any of the uses that may be established, as a matter of right, in an O-15 district, subject, however, to the special conditions and limitations imposed upon the Property by the accompanying Boundary Survey and Schematic Use Plan.

Reasons Why the Zoning Classifications Should be Changed:

The 8 Tracts of land described above form a part of a 60-acre (more or less) tract of land fronting on the westerly margin of Roxborough Road and the northerly margin of Morrison Boulevard. The zoning classification changes sought by this Petition are necessary to implement and accommodate the general plan for development of this 60-acre tract of land attached hereto which has been formulated by its owners for the purpose of insuring that the various uses to which this 60-acre tract may be devoted are compatible with surrounding development and to respond to, accommodate and allay concerns expressed by certain residents of the Barclay Downs Subdivision and the Planning Commission's Staff.

Tracts Nos. II and III are currently zoned B-1 S.C.D. The Planning Commission's Staff and residents of the Barclay Downs Subdivision have expressed objections to the fact that the possibility exists for the development of a strip shopping center along Morrison Boulevard near its intersection with Barclay Downs Drive. The owners are willing to up-grade the zoning applicable to Tracts II and III from B-1 S.C.D. to O-15(CD), thereby assuring that there can be no future development of a strip shopping center along Morrison Boulevard and near Barclay Downs Drive.

All of the remaining 6 Tracts covered by this Petition (except Tract IX which has an area of less than one-half of an acre) are currently zoned O-15. This zoning classification permits the owners to utilize the property without further zoning changes for what they deem to be its best and most logical use, namely the development of a suburban Office Park. However, this use has been questioned by members of the Planning Commission's Staff and by certain residents of the Barclay Downs Subdivision.

The owners' general plan for the development of this property addresses and responds to these objections and is compatible with existing and probable future adjacent land uses. Moreover, it assures maintenance of the high standards of development in the South Park area which the owners have followed and establishes a desirable over-all development pattern for the area involved. This plan, which was first presented to the Planning Commission at the South Park Public Hearing imposes definite limitations and restrictions upon the use of the property which would not otherwise be applicable to it under the present O-15 zoning classification, namely:

- (1) A committment to create a 100-foot rear yard environmental retention area along the entire northerly boundary of the property (covering a total of 3.2 acres);
- (2) A committment not to construct any parking facilities within this 3.2 acre environmental retention area along the northern portion of the O-15(CD) area;
- (3) A committment to limit the gross area of office space which may be constructed on these 8 Tracts of land (which, in the aggregate, total some 44 acres) to 735,000 square feet;
- (4) A committment to impose maximum height restrictions on any buildings constructed on the 8 Tracts; and
- (5) A committment to establish pedesterian walkways leading from nearby single-family areas to the proposed clustered shopping facility as and when office structures are sited within the proposed O-15(CD) area.

As a demonstration of their good faith and their desire to respond reasonably and sympathetically to the concerns of their neighbors and the Planning Commission's Staff, the owners file this Petition for the purpose of voluntarily subjecting these 8 Tracts to the parallel conditional use district O-15(CD) zoning classification and thereby making their previous oral committments legally binding and enforcible limitations and restrictions on all future use of the property.

Names and Deed References of Current Adjoining Property Owners:

Attached to this Petition is a listing of adjoining property owners keyed to tax maps giving the names of each owner, street addresses and deed references. Reproductions of the respective tax maps attached to the list provide visual cross-reference, alphabetically, to the listed owners.

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OWNERS:

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Telephone Number: 366-9841

By: Bailey Patrick, Jr.  
Bailey Patrick, Jr., Agent

SHARON HOME LOAN COMPANY  
6525 Morrison Boulevard  
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