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Petition # \_\_\_\_\_

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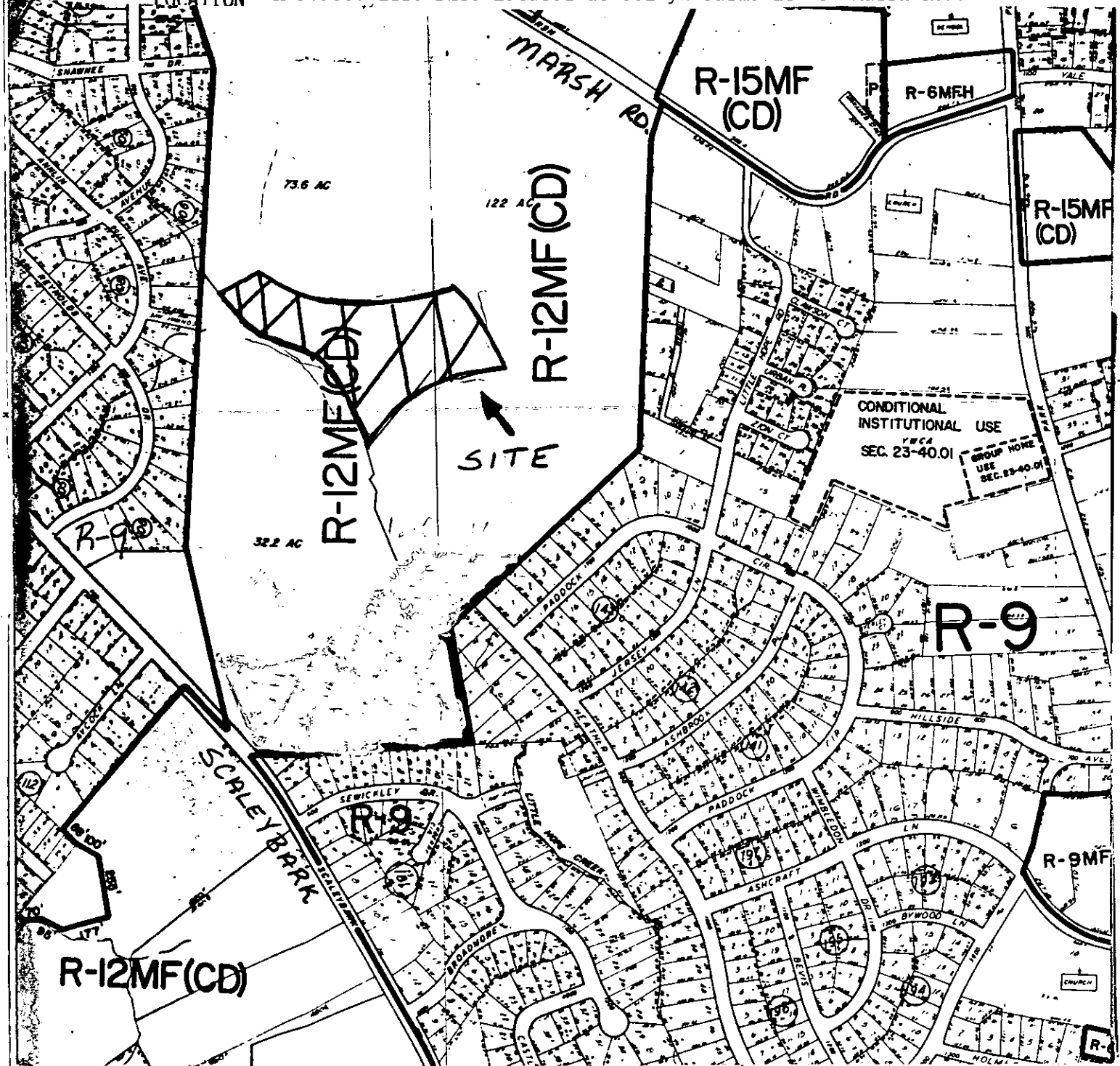
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PETITIONER Browning Properties

PETITION NO. 86-23 HEARING DATE 02/17/86

ZONING CLASSIFICATION, EXISTING R-12MF(CD) REQUESTED R-6(CD)

LOCATION A 9.9080 acre site located at Selwyn Farms at 830 Marsh Road



ZONING MAP NO. 125, 126

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE



*This map has been reduced*

A4 / 26 / 86

# PARALLEL CONDITIONAL USE PERMIT

This is a parallel conditional use permit approved by the Charlotte City Council to \_\_\_\_\_  
Browning Properties, Inc.

owner(s) and successors-in-interest of the property described as tax parcel 149-121-02 (portion of)  
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 section 3200  
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-6(CD)

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 sections 3200, 3201, 3202, 3203,  
3204, and 1300 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 section 1300 of the City of Charlotte Zoning Ordinance.

Three years from the date of approval of this parallel conditional use permit, the Planning Commis-  
sion 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 section 1300.

ORDINANCE NO. \_\_\_\_\_

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 a 9.9 acre site located at Selwyn Farms located at 830 Marsh Road from R-12MF(CD) to R-6(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 February 17, 1986; 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-12MF(CD) to R-6(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

PARCEL D-4--SELWYN FARMS

TO FIND THE POINT OF BEGINNING, commence at the intersection of the southwesterly margin of the right-of-way of Marsh Road with the southeasterly margin of the right-of-way of the easternmost segment of Selwyn Farms Lane as shown on map recorded in Map Book 20 at pages 413 and 554 of the Mecklenburg Public Registry; and run thence five (5) courses and distances along said margin of the right-of-way of said segment of Selwyn Farms Lane as follows: (1) with the arc of a circular curve to the left having a radius of 20.00 feet an arc distance of 31.42 feet to a point; (2) S.35-50-47W. 312.16 feet to a point; (3) with the arc of a circular

curve to the left having a radius of 375.0 feet, an arc distance of 215.88 feet to a point; (4) S.02-51-45W. 181.58 feet to a point; and (5) with the arc of a circular curve to the right having a radius of 175.0 feet, an arc distance of 146.59 feet to the point or place of BEGINNING; and running thence from said point of BEGINNING with the right-of-way of a proposed 50 foot street as shown on "Survey for E. B. Moore Heirs-Selwyn Farms" prepared by R. B. Pharr and Associates, P.A., dated September 9, 1982, as last revised May 9, 1983, seven (7) courses and distances as follows: (1) with the arc of a circular curve to the right having a radius of 175.00 feet, an arc distance of 128.18 feet to a point; (2) N.87-08-15W. 126.32 feet to a point; (3) with the arc of a circular curve to the left having a radius of 375.00 feet, an arc distance of 172.54 feet to a point; (4) S.66-30W. 129.80 feet to a point; (5) with the arc of a circular curve to the right having a radius of 225.00 feet, an arc distance of 261.14 feet to a point; (6) N.47-00W. 163.97 feet to a point; and (7) with the arc of a circular curve to the right having a radius of 175.00 feet, an arc distance of 78.65 feet to a point; thence S.67-32-09W. 362.29 feet to a point located at or near the centerline of Little Hope Creek; thence along the centerline of Little Hope Creek seven (7) courses and distances as follows: (1) S.37-52-17E. 216.45 feet to a point; (2) S.62-44-54E. 55.16 feet to a point; (3) S.69-34-45E. 53.45 feet to a point; (4) S.52-23-11E. 47.52 feet to a point; (5) S.73-19-31E. 149.58 feet to a point; (6) S.34-26-04E. 240.43 feet to a point; and (7) S.18-03-29E. 178.33 feet to a point; thence N.48-34-43E. 454.44 feet to a point; thence with the arc of a circular curve to the right having a radius of 100.00 feet, an arc distance of 111.64 feet to a point; thence S.67-27-24E. 308.53 feet to a point located in the westerly boundary of the property conveyed to Selwyn Farms Communities Association, Inc., by deed recorded in Book 4902 at page 767 of the Mecklenburg Public Registry; thence with the westerly boundary of said property, and with the westerly boundaries of Phase IX of Hobb's Ridge Condominium as described in Supplementary Declaration of Unit Ownership of Hobb's Ridge Condominium (Phase IX) recorded in Book 4978 at page 685 of the Mecklenburg Public Registry, and Phase VII of Hobb's Ridge Condominium, as described in Supplementary Declaration of Unit Ownership for Hobb's Ridge Condominium (Phase VII) recorded in Book 4929 at page 810 of the Mecklenburg Public Registry, N.07-00-00W. 493.81 feet to the point or place 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:

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Henry Underhill, City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, the reference having been made in Minute Book \_\_\_\_\_, and recorded in full in Ordinance Book \_\_\_\_\_, beginning on Page \_\_\_\_\_.

Pat Sharkey  
City Clerk