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City of Charlotte – Planning Dept. Scanning Rezoning Files

Petition # 1991-57

Document type:

- Applications
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 - Mapping
 - Other
- Site Plans



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OFFICIAL REZONING APPLICATION
CITY OF CHARLOTTE

Petition No. 91-57
Amended 8/14/91
Date Filed 7/2/91
Received By AS
OFFICE USE ONLY

Ownership Information

Property Owner Emma Cochran, et al - See attached Schedule A
Owner's Address See attached Exhibit A
Date Property Acquired See attached Exhibit A
Tax Parcel Number 141-054-14, 141-054-15, 141-054-16, 141-054-19, 141-054-27, 141-054-20, 141-054-23 and 141-054-13

Location of Property (address or description) South side of Byrum Drive, west side of Wilmount Road, east side of Whippoorwill Drive and north side of Beam Road

Description of Property Wilmount Road: 1,263 feet±
Byrum Drive: 330 feet±
Whippoorwill Dr: 300 feet±
Size (Sq. Ft.-Acres) 28.822 acres± Street Frontage (ft.) Beam Road: 330 feet±
Current Land Use Single Family Residences

Zoning Request

Existing Zoning R-15 Requested Zoning I-2 (CD)
Purpose of Zoning Change To authorize industrial uses on these parcels in light of their close proximity to the Airport.

Bailey Patrick, Jr.
Agent
P. O. Box 35566, Charlotte, NC 28235
Address
(704) 372-1120
phone Number

Realty Buyers Group, a North Carolina Partnership
Name of Petitioner(s)
6201 Fairview Road, Suite 300
Address of Petitioner(s)
Charlotte, NC 28210
(704) 552-8533
Telephone Number

By: T. W. Aldred, Jr. Partner
By: William E. Collins, Partner
Signature William E. Collins, Partner
See attached Schedule A
Signature of Property Owner
if Other Than Petitioner

ATTENTION!!

Any Petitioner for rezoning is required to discuss the proposal with a CMPC land development staff member at least one week prior to the filing of the petition. Upon submittal of the petition, all required items must be verified by a CMPC land development staff member before an application is considered completed and filed for processing. Incomplete applications are not accepted and will be returned to the petitioner. No applications will be accepted after the closing deadline for each month's cases. There is a limit of 10 cases per month.

Prior to the filing of a conditional rezoning petition, it is strongly encouraged that a preliminary site plan be submitted to Planning staff for review and recommendation. There is no fee for preliminary plan review. The preliminary plan must include items 7(a), 7(c), 7(d), and 7(e) listed below. (5 copies are required for interdepartmental review.)

CONVENTIONAL REZONING APPLICATION FILING REQUIREMENTS:

1. two signed official applications;
2. two survey maps delineating the property in question;
3. a list of all adjacent property owners, with their current mailing addresses coded to the survey map or tax map (this information is available at the Mecklenburg County Tax Office, 720 East Fourth Street);
4. a filing fee to help defray administrative expenses (see fee schedule below);
5. a written boundary description showing distances and bearings of property lines, or proposed zoning boundaries, if those boundaries do not follow property lines (a metes and bounds description)-must be provided for each zoning district;

CONDITIONAL DISTRICT REZONING APPLICATION FILING REQUIREMENTS:

Items 1-5 listed above. Also required:

7. Fifteen (15) copies, folded to 8 1/2" x 11", of a schematic site plan, drawn to scale and at a minimum size of 24" x 36", which includes the following items (15 copies are needed for interdepartmental review):
 - (a) a boundary survey showing the total acreage, present zoning classification(s), date, north arrow, & vicinity map;
 - (b) adjoining property lines and names, addresses, and tax parcel numbers of current adjoining property owners (this information is available at the Mecklenburg County Tax Office, 720 East Fourth Street);
 - (c) all existing easements, reservations, and rights-of-way, and all yards required for the zoning district requested (show setback, side and rear yard requirements for proposed zoning district);
 - (d) proposed use of land and structures: for residential uses this shall include the number of units and an outline for the area within which the structures will be located; for non-residential uses, this shall include approximate square footage of structures and an outline of the area within which the structures will be located;
 - (e) traffic, parking, and circulation plan, showing proposed locations and arrangement of parking spaces and entrance and exit to adjacent streets (show existing and proposed parking, what is required, and what is to be provided, as well as existing drives opposite proposed project);
 - (f) proposed screening, including walls, fences, or planting areas, as well as treatment of any existing natural features and any proposed buffers or landscaped yards at the project boundary;
 - (g) generalized information as to the number, height, size, or in-especially critical situations, the location of structures;
 - (h) proposed phasing, if any, and approximate completion time of the project;
 - (i) delineation of areas within the regulatory floodplain as shown on the official Charlotte flood areas map;
 - (j) topography at four foot contour intervals or less (existing and proposed);
 - (k) schematic site plan must be titled with project plan and proposed use;
 - (l) size of schematic site plan not to exceed 36" x 42".

FILING FEES FOR BOTH CONVENTIONAL AND CONDITIONAL DISTRICT REZONING APPLICATIONS EFFECTIVE JULY 1,1991

District Requested	Conventional Application Fee	Conditional Application Fee
Single Family Residential	\$ 350.00	\$ 685.00
Multi-Family Residential	\$ 510.00	\$ 1180.00
All Other Districts	\$835.00	\$2165.00

(Checks payable to Charlotte-Mecklenburg Planning Commission)

REALTY BUYERS GROUP

ADJACENT PROPERTY OWNERS

<u>Tax Parcel Number</u>	<u>Present Owner(s)</u>	<u>Owner(s) Address</u>
1. 141-054-24	City of Charlotte	600 East 4th Street Charlotte, NC 28202
2. 141-054-21	Evelyn H. Flowe	576 Scaleybark Road Charlotte, NC 28209
3. 141-054-04	City of Charlotte	600 East 4th Street Charlotte, NC 28202
4. 141-054-05	City of Charlotte	600 East 4th Street Charlotte, NC 28202
5. 141-054-06	City of Charlotte	600 East 4th Street Charlotte, NC 28202
6. 141-054-07	Ellen H. Griffin	7401 Whippoorwill Drive Charlotte, NC 28217
7. 141-053-16	Stephen Thomas Motley & wife, Joyce Jordan	9416 Sardis Glen Drive Matthews, NC 28105
8. 141-054-08	Ray W. Furr & wife, Peggy	4701 Beam Road Charlotte, NC 28217
9. 141-054-10	City of Charlotte	600 East 4th Street Charlotte, NC 28202
10. 141-054-11	Harry T. Smith, Jr. & wife, Betty Jean	4801 Beam Road Charlotte, NC 28217
11. 141-054-12	Noah L. Covington, Jr. & wife, Clarice	4811 Beam Road Charlotte, NC 28217
12.	(Included in Rezoning Petition)	
13.	(Included in Rezoning Petition)	
14. 141-054-18	Dwight C. Holland & wife, Annie A.	Route 2, Box 420H Wilmount Road Charlotte, NC 28208
15.	(Included in Rezoning Petition)	

<u>Tax Parcel Number</u>	<u>Present Owner(s)</u>	<u>Owner(s) Address</u>
16. 141-054-22	Harold B. Presson & wife, Carrie	4715 Wilmount Road Charlotte, NC 28217
17. 141-014-12	City of Charlotte	600 East 4th Street Charlotte, NC 28202
18. 143-111-31	Airport Center Ltd.	1325 14th Street, N.W. Washington, DC 20005
19. 143-111-43	PPD Property Inc.	3350 W. Bayshore Road Palo Alto, CA 94303
20. 143-111-25	Trammell Crow Found.	c/o 2001 Ross Ave. #3500 Dallas, TX 75201
21. 143-122-02 & 143-122-03	First Landmark USA Inc.	112 S. Tryon Street Charlotte, NC 28202
22. 143-121-19	Southern Bell Telephone and Telegraph Company	P. O. Box 30188 Charlotte, NC 28230
23. 143-121-27	Southern Bell Telephone and Telegraph Company	c/o Legal Department P. O. Box 30188 Charlotte, NC 28230

Tax Parcel No. 141-054-13

Elsie M. Stilwell POA for
Maggie L. Savage *Maggie L. Savage*

EXHIBIT A

<u>Area</u>	<u>Parcel Number</u>	<u>Date of Acquisition</u>	<u>Address</u>	<u>Deed Ref.</u>	<u>Property Owners</u>
6.58 acres	141-054-14	3/19/43	4515 Wilmount Road Charlotte, NC 28217	1088-395	Emma Katherine Cochran
10.97 acres	141-054-15	3/07/78	7200 Baker Road Charlotte, NC 28217	4037-556	Morris H. Greer and wife, Jane B. Greer
2.12 acres	141-054-20	6/29/71	RFD 6, Box 92 Lancaster, SC 29720	3301-430	John Edward Hovis and wife, Doris Hovis
4.3 acres	141-054-23	7/07/51	8815 Steelberry Rd. Charlotte, NC 28217	1531-48	Robert L. Stilwell, Margaret Stilwell, Doris S. Hammer, W. T. Hammer, Emily S. Smith, Edgar Smith, Thomas M. Stilwell, Mildred Stilwell, Roy J. Stilwell, Deane Stilwell, Richard Query Stilwell, Eloise Stilwell, Carrie S. Presson, Harold Presson
2.0 acres	141-054-19	6/29/71	4641 Wilmount Road	3301-339	Syvella H. Hovis, a widow
	141-054-27	2/28/72	Charlotte, NC 28217	3389-243	
0.55 acre	141-054-16	2/15/57	600 West Barr Street Lancaster, SC 29720	1903-443	Dorothy M. Slaughter, a widow
2.0 acres	141-054-13	8/23/37	4505 Wilmount Road Charlotte, NC 28217	941-507	Maggie L. Savage

REZONING PETITION NO. 91-

EXHIBIT A

Legal Description

BEGINNING at a point formed by the intersection of the southerly margin of the right-of-way of Byrum Drive (60' right-of-way) with the southwesterly margin of the right-of-way of Wilmount Road (60' right-of-way) and running thence with the southwesterly margin of the right-of-way of Wilmount Road S 38-36-12 E 250.15 feet to a point; thence S 51-11-02 W 252.10 feet to a point; thence S 21-29-56 E 79.75 feet to a point; thence N 68-17-44 E 287.99 feet to a point in the southwesterly margin of the right-of-way of Wilmount Road; thence with the southwesterly margin of said right-of-way S 38-36-12 E 175.62 feet to a point; thence S 69-32-26 W 230.20 feet to a point; thence S 38-49-02 E 174.63 feet to a point; thence N 72-52-07 E 12.15 feet to a point; thence S 26-41-06 E 147.06 feet to a point; thence N 72-08-27 E 31.26 feet to a point; thence N 68-09-30 E 80.00 feet to a point; thence N 68-09-30 E 138.92 feet to a point in the southwesterly margin of the right-of-way of Wilmount Road; thence with the southwesterly margin of said right-of-way S 39-09-30 E 626.04 feet to a point; thence S 50-30-59 W 297.13 feet to a point; thence N 33-42-00 W 280.89 feet to a point; thence S 68-20-59 W 332.90 feet to a point; thence S 64-22-17 W 270.17 feet to a point; thence S 82-53-59 W 453.75 feet to a point in the easterly margin of the right-of-way of Whippoorwill Drive; thence with the easterly margin of the aforesaid right-of-way N 04-43-45 W 199.99 feet to a point; thence N 04-35-45 W 481.99 feet to a point; thence N 68-07-43 E 131.66 feet to a point; thence N 04-49-35 W 343.41 feet to a point; thence S 67-36-47 W 70.25 feet to a point; thence N 00-51-55 W 538.88 feet to a point in the southerly margin of the right-of-way of Byrum Drive; thence with the southerly margin of the aforesaid right-of-way N 87-31-28 E 336.28 feet to a point, the point or place of beginning, containing 25.6 acres, more or less, all as shown on Rezoning Plan prepared by DPR Associates, Inc., dated May 31, 1991, as amended on July 12, 1991 and last revised on August 13, 1991, reference to which Rezoning Plan is hereby made for a more complete description.

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DEVELOPMENT STANDARDS

(a) PERMITTED USES.

The Site may be devoted to any use (including any accessory use) which is permitted by right or under prescribed conditions in an I-2 Zoning District under the Ordinance, except the following uses which shall not be allowed:

1. Abattoirs;
2. Foundries;
3. Junk yards; and
4. Outdoor billboards.

No development taking place within the Site may exceed a floor area ratio of .80.

(b) LANDSCAPING.

- (1) All landscaping will meet or exceed the requirements of the Charlotte Tree Ordinance.
- (2) The provisions of the Charlotte Tree Ordinance relating to the saving of existing trees will be satisfied.
- (3) Trees planted within Setback Areas shall be a minimum of 2½ inches in caliper and will be planted at a minimum of 40 feet on center subject to future locations of driveway or street connections.
- (4) A staggered row of evergreen shrubs will be planted along Wilmount Road, Byrum Drive and Beam Road within the Setback Area at a minimum of 5 feet on center, subject to future locations of driveway or street connections. Minimum size of shrubs at planting will be 24 to 30 inches in height.
- (5) Landscaping areas within the Site will be planted and improved in sequences as individual parcels are developed.
- (6) Screening will be provided for adjoining properties in accordance with the provisions of Section 1601 of the Ordinance in effect as of the date on which this Rezoning Petition is filed.

(7) All dumpsters and service areas will be screened from public streets and from adjacent properties in accordance with the Charlotte Zoning Ordinance.

(c) PARKING.

(1) Off-street parking provided within the Site will meet the minimum standards established under the Charlotte Zoning Ordinance in effect as of the date on which this Rezoning Petition is filed.

(2) No parking shall be permitted within the Setback Areas depicted along Wilmount Road, Byrum Drive and Beam Road.

(d) SIGNS.

All permanent signs erected on the Site will comply with the City Sign Ordinance.

(e) ACCESS POINTS.

The number of vehicular access points to Byrum Drive shall be limited to two. The number of vehicular access points to Beam Road shall be limited to one. The number of vehicular access points to Wilmount Road shall be limited to five. See the Rezoning Plan for note dealing with a conditional vehicular access point to Whippoorwill Drive. The locations and configurations of each such access point will be determined by the Charlotte Department of Transportation during the driveway permit process.

(f) STORMWATER MANAGEMENT.

Stormwater runoff from the Site will be managed through a variety of proven techniques which satisfy the standards imposed by the City of Charlotte.

(g) COMPLIANCE WITH AIRPORT REGULATIONS.

The heights of all buildings within the Site will conform with City Airport Regulations and with all other local, state or federal rules regulating the heights of buildings which are located within specified distances from an airport.

(h) YARDS.

Because the City of Charlotte is in the process of attempting to acquire all residential lots adjoining the Site with the view of seeking industrial zoning therefor, the requirements for rear and side yards on the Site shall be determined on the basis of the zoning categories of adjoining properties at the time development takes place on the Site. However, in no event shall the rear and side yards be greater than the yards depicted on the Rezoning Plan.

(i) RIGHT-OF-WAY DEDICATION.

The additional strips along Wilmount Road and Beam Road depicted on the Rezoning Plan and committed to be dedicated for right-of-way purposes will be dedicated before the issuance of the first building permit covering development within the Site.

(j) BOUNDARY INFORMATION.

Boundary information is from a boundary survey by Yarbrough-Williams & Associates, Inc. dated 8/6/91, with the exception of the southeast corner property owned by Maggie L. Savage - Tax Code No. 141-054-13, which was taken from a recorded deed. Boundary information is subject to verification by field survey.

(k) PHASING AND SUBDIVISION.

The property may be phased and subdivided as necessary by the Petitioner with each subdivided parcel meeting all development standards established above.