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PETITIONER: Trenton Properties, Inc.

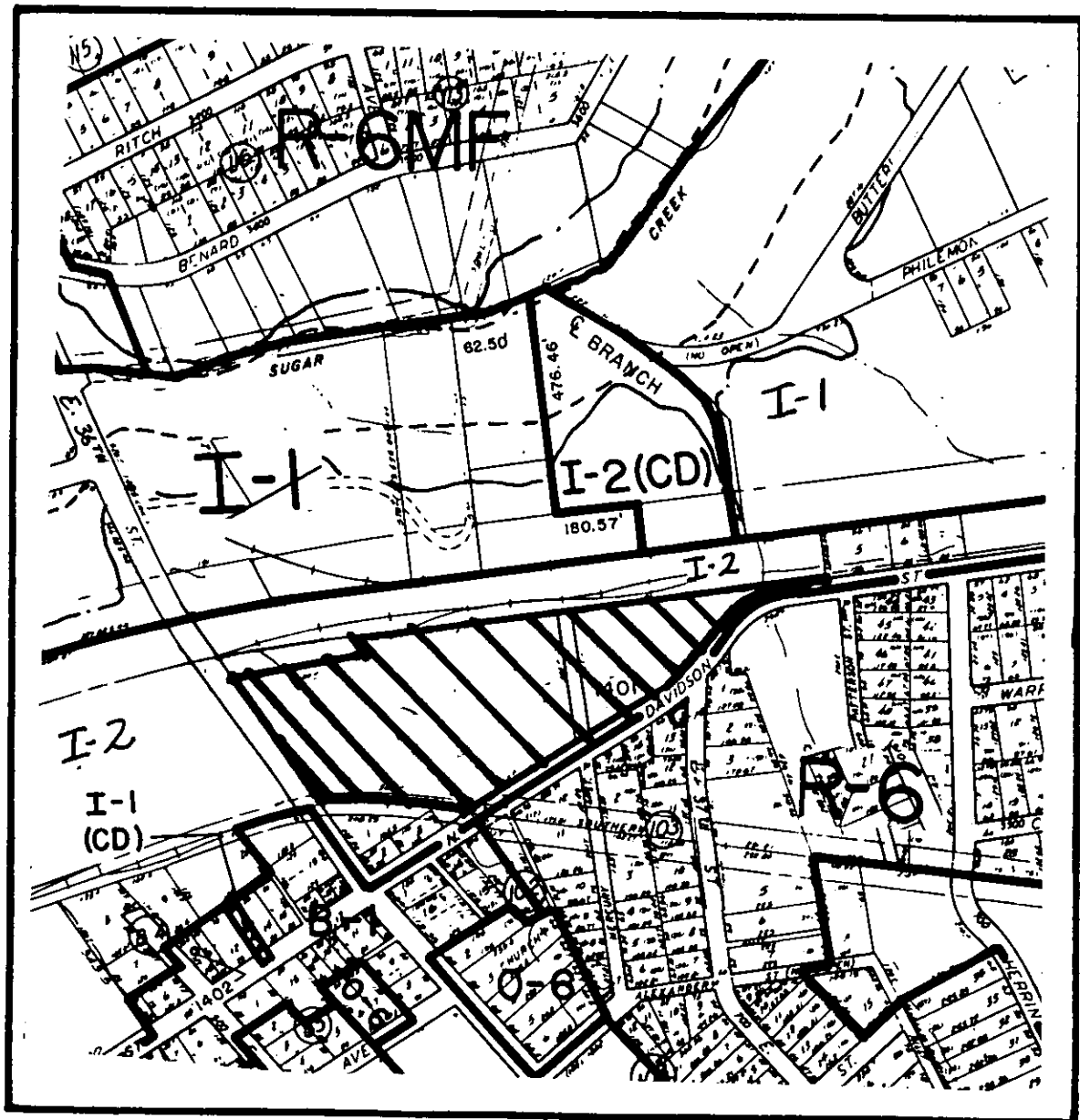
PETITION NO.: 90-79

HEARING DATE: October 15, 1990

ZONING CLASSIFICATION, EXISTING: I-2

REQUESTED: UR-3(CD)

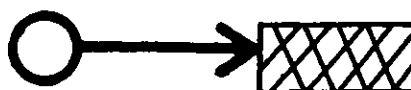
LOCATION: Approximately 10.08 acres located on the easterly side of 36th Street north of Davidson Street (Johnson and Mecklenburg Mills).



ZONING MAP NO(S) : 89

SCALE 1" = 400'

PROPERTY PROPOSED FOR CHANGE



APPROVED BY CITY COUNCIL
DATE 11/19/90

CITY CD

Petition No. 90-79
Trenton Properties, Inc.

ORDINANCE NO. _____

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 10.08 acres located on the easterly side of 36th Street north of Davidson Street, changing from I-2 to UR-3(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 October 15, 1990; 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 I-2 to UR-3(CD) on the Official Zoning Map, City of Charlotte, North Carolina the following described property:

BEGINNING at a railroad spike, said point being located on the easterly margin of East 36th Street, with the center line of the Norfolk and Southern Railroad track right-of-way land, running thence along the easterly margin of East 36th Street in a northerly direction N.36-15-00W. 356.51 feet to an iron pin; thence in an easterly direction N.80-08-44E. 300.0 feet to a point; thence N.36-07-08W. 49.49 feet to a point, said point being located on the southerly line of a 200 foot Southern Railroad right-of-way; thence along the southerly margin of the Southern Railroad right-of-way in an easterly direction N.81-09-10E. 1,079.61 feet to a point; thence S.25-57-30E. 10.54 feet to an iron pin located in the northerly margin of North Davidson Street; thence with the northerly margin of North Davidson Street in the following five (5) courses and distances; (1) S.81-22-30W. 69.44 feet to an iron pin; (2) with the arc of a circular curve to the left having a radius of 213.40 feet, an arc distance of 180.75 feet to an iron pin; (3) S.32-50-39W. 64.65 feet to an iron pin; (4) with the arc of a circular curve to the right having a radius of 219.20 feet, an arc distance of 83.50 feet to an iron pin; and (5) S.55-58-39W. 577.32 feet to an iron pin located in the northerly margin of N. Davidson Street where it intersects with the center line of the Norfolk and Southern Railroad track right-of-way and running thence in a northwesterly direction along the center line of the Norfolk and Southern Railroad track right-of-way in the following four (4) courses and distances: (1) N.83-56-00W. 108.84 feet to a tack; (2) N.85-58-00W. 75.0 feet to a point; (3) S.89-55-20W. 75.0 feet to a point (5) S.85-23-09W. 78.19 feet to a railroad spike located in the easterly margin of East 36th Street, the point or place of BEGINNING, and containing 7.581 acres as shown on plat of R. B. Pharr and Associates dated March 10, 1980.

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 day of _____, 19 ____, the reference having been made in Minute Book _____, and is recorded in full in Ordinance Book _____, at page _____.

Pat Sharkey
City Clerk

PARALLEL CONDITIONAL USE PERMIT

This is a parallel conditional use permit approved by the Charlotte City Council to Trenton Properties, Inc. owner(s) and successors-in-interest of the property described as tax parcel 091-101-04 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 UR-3(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 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 Section 1300.