

Ordinance – Kimberlee Apartments

Ordinance designating as a Historic Landmark a property known as the “Kimberlee Apartments” (listed under Tax Parcel Number 17518102 and including the common areas within the interior of the building, the exterior of the building, the building’s landscape and hardscape elements and associated auxiliary structures, including without limitation the elevated walkway, and the land listed under Tax Parcel Number 17518102 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of June 1, 2021, but excluding the interior of the building’s individual residential units). The property is owned by The Kimberlee, Incorporated, and is located at 1300 Reece Road in Charlotte, North Carolina.

WHEREAS, all of the prerequisites to the adoption of this ordinance prescribed in Chapter 160D, Article 9, as amended, of the General Statutes of North Carolina have been met; and

WHEREAS, the members of the City Council of Charlotte, North Carolina, have taken into full consideration all statements and information presented at a public hearing held on the 27th day of September, 2021, on the question of designating a property known as the Kimberlee Apartments as a historic landmark; and

WHEREAS, the members of the Charlotte-Mecklenburg Historic Landmarks Commission have taken into full consideration all statements and information presented at a public hearing held on the 13th day of September, 2021, on the question of designating a property known as the Kimberlee Apartments as a historic landmark; and

WHEREAS, the Kimberlee Apartments (c. 1965) is one of Charlotte's most distinctive intact mid-20th century Modernist apartment towers; and

WHEREAS, the unique architectural significance of the six-story Kimberlee is evident in its distinguishing Modernist style, massing, and – as one of Charlotte's few three-or-more-stories-tall apartment towers from the 1960s – height; and

WHEREAS, the Kimberlee and its grounds and associated auxiliary structures continue to maintain a high level of integrity, remaining substantially in accordance with the original plans of local Modernist architect Charles Morrison Grier, who combined innovative styling and an array of then-state-of-the-art amenities to elevate the Kimberlee into a unique Charlotte landmark; and

WHEREAS, the Kimberlee also represents mid-20th century metropolitan innovation as one of North Carolina's first co-op apartment buildings and, given its development adjacent to the then-nascent Park Road Shopping Center, as a unique testament to how the convenience and proximity of retail supported suburban migration from Charlotte's uptown during the city's rapid post-World War II growth; and

WHEREAS, based on the additional information further detailed in the *Local Historic Landmark Designation Report on the Kimberlee Apartments (April 2021)*, all of which is incorporated herein by reference, the Charlotte-Mecklenburg Historic Landmarks Commission has demonstrated that the property known as the Kimberlee Apartments 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 Kimberlee Apartments, because

consent for interior design review of the interior common areas has been given by the owner; and

WHEREAS, the property known as the Kimberlee Apartments is owned by The Kimberlee, Incorporated.

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

1. That the property known as the “Kimberlee Apartments” (listed under Tax Parcel Number 17518102 and including the common areas within the interior of the building, the exterior of the building, the building’s landscape and hardscape elements and associated auxiliary structures, including without limitation the elevated walkway, and the land listed under Tax Parcel Number 17518102 in the Mecklenburg County Tax Office, Charlotte, North Carolina as of June 1, 2021, but excluding the interior of the building’s individual residential units) is hereby designated as a historic landmark pursuant to Chapter 160D, Article 9, as amended, of the General Statutes of North Carolina. The location of said landmark is noted as being situated at 1300 Reece Road in Charlotte, North Carolina. Interior and exterior features are more completely described in the *Local Historic Landmark Designation Report on the Kimberlee Apartments (April 2021)*.

2. That said interior and exterior are more specifically defined as the historic and structural fabric, especially including all original architectural features of the building’s interior common areas, all original exterior architectural features, all original associated auxiliary structures, and the contours of landscaping.

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 160D, Article 9, of the General Statutes of North Carolina as amended.

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 the 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 of the historic landmark known as the Kimberlee Apartments 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 160D, Article 9, of the General Statutes of North Carolina as amended, and any amendments to it and any amendments hereinafter adopted.

Adopted the _____ day of _____, 2021, by the members of the City Council of the City of Charlotte, Mecklenburg County, North Carolina.

Clerk to City Council

Approved as to form:

Senior Assistant City Attorney