

April 26, 1976  
Minute Book 63 - Page 234

The City Council of the City of Charlotte, North Carolina met in a Televised Meeting on Monday, April 26, 1976, at 7:30 o'clock p.m., in the Board Meeting Room of the Educational Center, with Mayor John M. Belk presiding, and Councilmembers Betty Chafin, Louis M. Davis, Harvey B. Gantt, Pat Locke, James B. Whittington, Neil C. Williams and Joe D. Withrow present.

ABSENT: None.

Sitting as a Separate Body during the zoning petition hearings was the Planning Commission with Chairman Tate and Commissioners Campbell, Ervin, Finley, Jolly, Kirk, Marrash, Ross and Royal present.

ABSENT: Commissioner Boyce.

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#### INVOCATION.

The invocation was given by Reverend William Henry Crouch, Minister of Providence Baptist Church.

#### APPROVAL OF MINUTES.

Upon motion of Councilman Whittington, seconded by Councilwoman Chafin, the minutes of the meetings on April 5 and April 12, 1976, were approved as submitted.

#### RECOGNITION OF TOP FINALISTS IN OUTSTANDING CAREER WOMAN OF 1976.

Mayor Belk stated last Friday the working women in Charlotte were honored. He introduced Mrs. Evelyn Newman, Chairman of a Banquet which had been given in honor of the 34 candidates for Outstanding Career Woman of 1976 and thanked her for the banquet.

Mrs. Newman introduced four of the five finalists: Mrs. Jo Graham Foster (who was absent), Mrs. Marie B. Bruso, sponsored by the Charlotte Toast-mistress Club, who is employed by the North Carolina Commission of Indian Affairs, Mrs. Mary Rogers, Public Relations Manager with Southern Bell, Mrs. Roberta Plummer, Office Manager and President of Don Hill Insurance Agency and the most Outstanding Woman in the City of Charlotte - the winner, Mrs. Lula Mae Stanton Moore, Director of Field Services for the Hornet's Nest Girl Scouts Council.

#### PROCEDURES FOR ZONING HEARING EXPLAINED TO MEMBERS OF THE AUDIENCE AND COUNCIL.

Mayor Belk stated when they have zoning hearings of this type, they have the Planning Commission members present to hear the proceedings and later bring back a recommendation to Council. That Council will not vote on any of the public zoning petitions tonight but the Commissioners will have another meeting and will bring back a recommendation to the City Council and at that time they will take action. That there will be no official action taken tonight.

Mayor Belk recommended to Council that the Myers Park Rezoning Area petitions be heard at the same time - this would be Agenda Items 3 through 20.

Motion was made by Councilwoman Locke, seconded by Councilwoman Chafin, and unanimously carried, to hear Agenda Item 3 through 20 explained at the same time.

April 26, 1976  
Minute Book 63 - Page 235

HEARING ON ZONING PETITION NOS. 76-25 THROUGH 76-42, PETITIONED BY THE CITY OF CHARLOTTE, FOR CHANGES IN ZONING IN THE MYERS PARK AREA.

Mr. Fred Bryant, Assistant Planning Director, stated he will present all the petitions for rezoning in the Myers Park Area as a group.

He stated the area involved is generally related primarily to Queens Road as it leaves the central part of the city, extending out through the Myers Park area.

Mr. Bryant pointed out Queens Road, running centrally through the map, noting the Morehead intersection, continuing out to the Providence intersection, making a turn at that location and going in the direction of Myers Park Baptist Church and the beginning of Selwyn Avenue.

He stated the areas under consideration actually leave Queens Road at that point and extend down Roswell Avenue and then come out almost again to Queens Road East. That there are also some changes involved on Selwyn Avenue, near Queens College and then further out, the block between Sterling Road and the next street out. Generally, the entire area encompasses a rather lengthy, elongated proposal to generally consider for change from, for the most part, multi-family to single family, although there are some changes which are proposed from one type of multi-family zoning to another. Generally the area extends along the Queens Road portion of Myers Park.

Mr. Bryant then reviewed the land uses and zoning under each petition.

Petition No. 76-25 - Change from R-6MF to R-6. A protest petition has been filed sufficient to invoke the 3/4 Rule requiring six affirmative votes of the Mayor and City Council in order to rezone the property.

This involves an area located along Dartmouth Place, along Hermitage Court and along Moravian Lane, between Queens Road and Providence Road. Most of the area is utilized for single family residential purposes.

That all of the area primarily along Dartmouth, along Hermitage and on Moravian Lane are used at the present time for single family purposes. There are some exceptions. On Dartmouth, there are a couple of duplexes which are located directly behind the Providence Nursing Home facility. These would become non-conforming if the change were made as proposed.

There is also a duplex on Hermitage Court beside an apartment building which was left out of the request and this duplex would become non-conforming. There is a four-family apartment located on Moravian Lane and that would also become non-conforming. If the entire proposal is made as it has been presented, a change from R-6MF to R-6 single-family classification, there would in this area become four non-conforming uses. He pointed out on the map the location of the Little Church on the Lane on Moravian Lane.

Petition No. 76-26 - Change from O-6 and B-1 to R-6. A protest petition has been filed sufficient to invoke the 3/4 Rule requiring six affirmative votes of the Mayor and City Council in order to rezone the property.

A small area consisting of several lots on either side of Hermitage Court at its intersection with Providence Road, the entrance to the Hermitage Place area of Myers Park. It is proposed that this property, which is now zoned as a combination office and business, be changed to single family zoning. There are three duplexes in the area which would become non-conforming if the change is approved.

April 26, 1976  
Minute Book 63 - Page 236

Petition No. 76-27 - Change from R-6MF and R-6MFH to R-12. A protest petition has been filed sufficient to invoke the 3/4 Rule requiring six affirmative votes of the Mayor and City Council in order to rezone the property.

The area basically extends along Queens Road, utilizing property on either side of Queens Road, from Hermitage Place, extending outward all the way to the Edgehill Road intersection. This includes all of the frontage property facing on Queens Road, from Morehead Street to Hermitage Place. The area is predominately utilized for single family purposes with several non-single family uses in the area.

Between Bromley and Hermitage, there is a four family apartment; at the corner of Bromley, a building with five apartments; another building at the corner of Bromley which has five apartments, and a duplex on Queens Road. If the change is made, there would be four non-conforming uses in the area.

Petition No. 76-28 - Change from R-6MF and B-2 to R-9. A protest petition has been filed sufficient to invoke the 3/4 Rule requiring six affirmative votes of the Mayor and City Council in order to rezone the property.

This covers the area along Henley Place and Bromley Road, between Queens Road and Morehead Street, and the principal non-conforming activity consists of a number of duplexes located along Henley Place. Eight or nine duplexes along Henley Place would become non-conforming if the zoning is changed.

Petition No. 76-29 - Change from O-6 and B-1 to R-9. A protest petition has been filed sufficient to invoke the 3/4 Rule requiring six affirmative votes of the Mayor and City Council in order to rezone the property.

This is a small area on Henley Place, beginning immediately behind the frontage lots on Morehead Street and Kings Drive. Out of the six lots in this petition, four of them at the present time are used for duplex purposes.

Mr. Bryant stated under the five petitions the area is generally zoned for multi-family purposes, predominately R-6MF. The Hermitage Court-Providence Road intersection is a combination of office and business and the same is true under Petition 76-29. There is one block of R-6MFH located on Queens Road between Henley and Bromley. Otherwise the entire area is zoned for R-6MF.

Mr. Bryant stated there is a parcel of land with 150 feet of frontage on Moravian Lane that is zoned partially O-6 and partially R-6MF. The O-6 portion is not included in the request for a change.

Petition No. 76-30 - Change from R-6MF to R-12. A protest petition has been filed sufficient to invoke the 3/4 Rule requiring six affirmative votes of the Mayor and City Council in order to rezone the property.

This consists of three lots located on Queens Road at Ardsley Road. Two of them are occupied by single family residences and the third at the corner by a six unit apartment.

Immediately adjoining the property, outside the area on Queens Road, is a parking lot associated with the Ascension Lutheran Church. There is also a dentist office at the corner of Edgehill Road and Queens Road by virtue of it being within a dwelling which is occupied by the dentist. The apartment would become non-conforming if the zoning change is made.

April 26, 1976  
Minute Book 63 - Page 237

Petition No. 76-31 - Change from R-6MF to R-12. A protest petition has been filed sufficient to invoke the 3/4 Rule requiring six affirmative votes of the Mayor and City Council in order to rezone the property.

This consists of lots with frontage on Queens Road Beginning at Ardsley Road, and continuing out to Harvard, and then to Granville Road. This constitutes two blocks of frontage on Queens Road, extending from Ardsley down to Granville. That area is entirely utilized for single family purposes, and no non-conforming uses would be created.

Petition No. 76-32 - Change from R-6MF to R-12. A protest petition has been filed and is sufficient to invoke the 3/4 Rule requiring six affirmative votes of the Mayor and City Council in order to rezone the property.

This is on the opposite side of Queens Road, beginning at Queens Road West and Ardsley Road intersection. Consists of four lots located on Queens Road extending from Queens Road West down to an existing apartment building which is outside the area requested for a change. All four of the lots are used for single family purposes, with the lot immediately adjacent to the apartment building having two principal single family structures on the lot. One in front and one to the rear.

Petition No. 76-33 - Change from R-6MFH to R-15MF. A protest petition has been filed sufficient to invoke the 3/4 Rule requiring six affirmative votes of the Mayor and City Council in order to rezone the property.

This area consists of a vacant parcel of land on Queens Road, directly across from the Harvard Place intersection. This is the site of a proposed high rise apartment building which has not been built. Apparently it is still in the mind of the property owner. This was zoned R-6MFH some time ago in order to accommodate the density anticipated for that structure. The request is to change the zoning to R-15MF which would reduce the density. Under R-6MFH about 40 units per acre are allowed, and under R-15MF about 12 units per acre are allowed.

Petition No. 76-34 - Change from R-6MF to R-12. A protest petition has been filed sufficient to invoke the 3/4 Rule requiring six affirmative votes of the Mayor and City Council in order to rezone the property.

This area consists of only two lots beginning at the intersection of Granville Place going back to the vacant property described in 76-33. Both lots are utilized for single family purposes.

Petition No. 76-35 - Change from R-6MFH to R-15MF. A protest petition has been filed sufficient to invoke the 3/4 Rule requiring six affirmative votes of the Mayor and City Council in order to rezone the property.

This is vacant property located at the intersection of Queens Road and Granville going back to the other side of the street closer to the Providence Road area. The property is directly across the street on Queens Road from the Queens Tower apartment building.

Councilman Gantt stated in the section from Edgehill on down this would be a mixture of single family with one spot of R-15MF with the addition to the existing apartment building. That would be the only area, except for Petition 76-35 that would have multi-family.

Commissioner Jolly asked how large Petitions No. 33 and 35 are? Mr. Bryant replied he does not have the acreage in mind; but he would suspect that No. 33 is between two and three acres; and No. 35 a little less, probably closer to two acres.

April 26, 1976  
Minute Book 63 - Page 238

Petition No. 76-36 - Change from R-6MFH to R-15MF. A protest petition has been filed and is sufficient to invoke the 3/4 Rule requiring six affirmative votes of the Mayor and City Council in order to rezone the property.

This parcel consists of two parcels at the intersection of Queens Road and Hopedale Avenue and is used for single family residential purposes; it is also adjacent to the Queens Towers Apartments and is the beginning of an area that is now zoned R-6MFH and the proposal is to change it to R-15MF.

Petition No. 76-37 - Change from R-6MFH to R-15MF. A protest petition has been filed sufficient to invoke the 3/4 Rule requiring six affirmative votes of the Mayor and City Council in order to rezone the property.

This consists of three separated parcels of land on Queens Road, between Hopedale and Pembroke. There is one house on the property, and the remainder of the property is vacant. There would be no non-conformities created.

Petition No. 76-38 - Change from R-6MFH to R-6MF.

This is a one lot change at the intersection of Queens Road and Pembroke. This is the area that extends from Pembroke down to the property associated with the Carlton Apartment which has been built recently. This one lot has on it an existing multi-family structure. That it is in the process of being converted into condominium units. This would qualify under the R-6MF category and would not become non-conforming.

Petition No. 76-39 - Change from R-6MF to R-12. A protest petition has been filed sufficient to invoke the 3/4 Rule requiring six affirmative votes of the Mayor and City Council in Order to rezone the property.

This is the largest section involved in the entire 18 tracts. It begins with a portion of the property owned by the Myers Park Methodist Church, extends along Queens Road to Oxford Place, continuing out on both sides of Queens Road to Sherwood, on out to the Selwyn Avenue intersection; then it includes only one side of Selwyn across from Queens College, except that it does extend all the way back through the block and picks up on Roswell Avenue, including property around the intersection of Sharon Road and Rensford Drive; then it continues down Roswell Avenue to Wellesley, including property on both sides of Roswell down to a point just past Bucknell, and then it drops off to only one side of Roswell and continues out almost to Queens Road East intersection.

There is an eight unit apartment located on Queens Road near Oxford Place; then all single family on both sides out to land owned by Queens College, then the large tract of Queens College and Myers Park Baptist Church. The one apartment building would be the only non-conforming use created.

Petition No. 76-40 - Change from R-6MF to R-12.

This is the one block segment of Selwyn Avenue which extends from Wellesley Avenue down to Bucknell with the exception of one parcel which is located at Bucknell. Otherwise it consists of the entire block on the Queens College side of Selwyn Avenue from Wellesley down to Bucknell. There is one four-family apartment located about mid block. A dormitory for Queens College at the intersection of Wellesley and Selwyn. On the opposite side of the street there is a duplex. Technically, if this change is made there would become two non-conformities within the area, the four unit apartment and the duplex.

April 26, 1976  
Minute Book 63 - Page 239

Petition No. 76-41 - Change from R-6MFH to R-15MF. A protest petition has been filed sufficient to invoke the 3/4 Rule requiring six affirmative votes of the Mayor and City Council in order to rezone the property.

This is one vacant parcel of land located at the intersection of Selwyn Avenue and Bucknell Avenue. This property has been zoned R-6MFH for some period of time and the proposal is to change it to R-15MF which would reduce the multi-family density.

Mr. Bryant advised that not included in any proposal for a change, there is a fairly extensive amount of R-6MF zoning extending along Selwyn Avenue from Bucknell Avenue on out, and that is due to the fact that there are so many existing apartments already in the area.

Petition No. 76-42 - Change from R-6MF to R-9.

This is property located on both sides of Selwyn Avenue, beginning at Sterling Road and extending the full block down to Ridgewood Avenue and another partial block on out to Lorene Street, which extends back to Rosewell Avenue and finally to Normandy. This is slightly more than one block segment and includes property on both sides of Selwyn. The area is entirely utilized for single family purposes except for three duplexes. One is at the Sterling corner, one at Ridgewood and another at Lorene. The basic all single family zoning allows duplexes to be located on corner lots so technically these duplexes would remain as conforming uses if the change is made.

Motion to change procedures to allow proponents to speak to the 18 petitions as one petition.

The City Attorney explained the procedures for hearing zoning petitions. After which Mayor Belk stated he would recommend to Council that the proponents be allowed to speak to the petitions as one and that they be allotted an hour and half or hour and forty-five minutes to present their side.

Motion was made by Councilwoman Chafin and seconded by Councilman Whittington to follow the Mayor's suggestion. The motion carried unanimously.

Mayor Belk advised that the Myers Park Association is not the petitioner and as Chairman he rules they will not be allowed rebuttal time.

Proponents for the 18 petitions.

Mr. R. Michael Childs, 2301 Pembroke Avenue, President of the Myers Park Homeowners Association, thanked the Council for the opportunity to speak for these petitions, and after several remarks concerning the overall requests for rezoning, stated that five or six people are with him to speak for the petition. After they have made a presentation, then he will show some slides taken in the area of the houses that are really "on the block" - the ones that are really at stake in the rezoning proposal.

Speaking for the rezoning were Judge Hugh Campbell, 1626 Queens Road, Lyn Bond, 1712 Brandon Road, D. G. Martin, Jr., 423 Hermitage Court, Robbie A. Belk, 915 Henley Place, Ann Glover, 919 Harvard Place, Mrs. Charles F. Prendergast, 1039 Queens Road West, and Norris W. Preyer, 2028 Roswell Avenue.

Motion to change procedures to allow Attorney to speak in opposition to all 18 petitions.

Motion was made by Councilwoman Chafin, seconded by Councilman Gantt and unanimously carried to allow Mr. Francis Fairley to speak in opposition to all 18 petitions.

Mr. Francis Fairley, 424 Eastover Road spoke in opposition to all 18 petitions, and in particular to rezoning under Petitions No. 76-25, 76-26, 76-29, 76-36 and 76-37.

April 26, 1976  
Minute Book 63 - Page 240

MEETING RECESSED AND RECONVENED.

Motion was made by Councilman Davis, seconded by Councilwoman Chafin and unanimously carried for a recess at 9:50 p.m., and reconvening at 10:01 p.m.

Speaking in opposition to the 18 petitions were the following:

Petition No. 76-25

Milton Short, 520 Providence Road, owner of property in the area to be rezoned.  
William Allan, 2227 Inverness Road.  
Robert Gillis, 1200 Queens Road, and builder of Queens Towers, 1300 Queens Road and Sutton House, 521 Queens Road.  
Ralph Mesrobian, 600 Moravian Lane, speaking for his mother-in-law, Mrs. Caroline Wohlford, owner of property at 527 Moravian Lane.

Petition No. 76-26

Bill Nichols, Rt. 4, Box 149, Clover, S. C., co-owner with Robert T. Glenn, 201 Wales Avenue of duplex at corner of Providence Road and Hermitage Court.

Morrison Johnston, Attorney, for the Bohannon family who own property at the northwest intersection of Hermitage Court and Providence Road.

Petition No. 76-27

Gene Carney, Rt. 2, Box 547E, Huntersville, N. C., for his family who own property at 831 Queens Road.  
Nelson Casstevens, Attorney, for Mrs. Elizabeth Crockett who owns two lots in the area on Queens Road.

Petition No. 76-29

Charles E. Knox, Attorney and owner of property at 944 Henley Place.

Petitions No. 76-30, 31, 32, 33 and 34

Heath Alexander, 1024 Queens Road, for his family who owns property in the 1000 block of Queens Road.  
Mrs. Ernest Sifford, 1034 Queens Road, for her sister-in-law, Mrs. Daisy Sifford Littlefield who owns the property at 1034 Queens Road.  
N. P. Cannon, 911 Ardsley Road, in opposition to Petitions No. 76-30, 31, 32, 33 and 34, and in particular his property under Petition No. 76-31.  
Mrs. Bobby Lyle, 1042 Ardsley Road spoke to retain the residential zoning of the property.

Petition No. 76-33

Robert Potter, Attorney, in opposition to Petitions No. 33, 35 and 41, representing Mr. Robert Gillis who owns property on the west side of Queens Road, north of Granville Road; Mr. Lex Marsh (Petition No. 76-35) property on Granville Road and Queens Road, southeast corner of the intersection; and Mr. Lee Heath (Petition No. 76-41).

Petition No. 76-35

Lex Marsh, Box 4329, property on southeast corner of intersection of Granville Road and Queens Road.

Petition No. 76-41

Lee Heath, 215 East Morehead Street, owner of property under the subject petition.

April 26, 1976  
Minute Book 63 - Page 241

Petition No. 76-25

Robert Gillis, 1200 Queens Road.

Petition No. 76-26

John Tate, Piedmont Bank, agent for his mother who owns property at 1348 Queens Road.

Petition No. 76-39

Bailey Patrick, Attorney for Mr. and Mrs. Robert E. Mason and Mr. Zebulon Smith and his wife.

Mr. Patrick stated they are willing to have their zoning reduced from R-6MFH to R-6MF.

Also speaking in opposition to the 18 zoning petitions was Mr. Philip Forlidas, President of the Charlotte Homebuilders Association.

Petition No. 76-40

Council was advised that a letter of protest had been filed by the Attorney for Queens College, Mr. Ben Horack, in protest to Petition No. 76-40.

Councilman Gantt requested the Planning staff to provide the Council with the maps of the area showing the pattern of zoning for all these petitions to be approved, assuming approval of all 18 petitions; in addition, provide the Council with the number of apartments built in the area in the last ten years.

Council decisions were deferred on the 18 petitions for recommendations of the Planning Commission.

HEARING ON PETITION NO. 76-22 BY OREGON L. ROGERS FOR A CHANGE IN ZONING OF PROPERTY FRONTING ON THE EAST SIDE OF SCOTT AVENUE ABOUT 660 FEET NORTH OF THE INTERSECTION OF SCOTT AVENUE AND EAST BOULEVARD.

The public hearing was held on the subject petition for a change in zoning from R-6MF to O-6.

Mr. Fred Bryant, Assistant Planning Director, explained the land uses and the zoning in the area. The area is generally developed on one side for single family purposes; with the subject lot developed with a duplex and adjoined on the hospital side by another structure which has a combination of doctors' offices and residence; there are several other doctors' offices on the opposite side of the street. The area along Scott from East Boulevard going into the hospital area is generally a mixture of residential and office uses.

The property on the southeast side of Scott is zoned R-6MF for the entire block going over to Fountain View, with the opposite side of the street being already zoned for office purposes. The subject lot has office zoning across the street, and on the hospital side is existing multi-family zoning and also multi-family to the rear.

Mr. Oregon L. Rogers, petitioner, stated Scott Avenue is heavily traveled and connects Morehead Street and Park Road. The property has on it a duplex, but he thinks it is best suited for office zoning because of the heavy traffic flow, and because of the ambulance service to the hospital. Approximately three years ago the property adjacent to and across from the lot was petitioned by others for a change to office zoning. That at that time he was told if that property was rezoned that his lot should also be rezoned and that is the reason for his request at this time.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for a recommendation of the Planning Commission.

April 26, 1976  
Minute Book 63 - Page 242

HEARING ON PETITION NO. 76-23 BY PRESBYTERIAN HOME OF CHARLOTTE FOR CONDITIONAL APPROVAL FOR A NURSING HOME IN AN R-12 DISTRICT FRONTING ON THE NORTH SIDE OF SHARON ROAD, SOUTHWEST OF THE INTERSECTION OF SHARON ROAD AND SHARON VIEW ROAD.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated recently there was an amendment to the ordinance which made a number of uses conditional in residential districts. One of these uses was nursing homes. This now becomes a conditional use in residential districts requiring conditional consideration and use. The Presbyterian Nursing Home has been in existence for some number of years, and has status as a pre-existing use. In this instance they want to expand that use.

He then pointed out the location of the property and gave the land uses in the area.

Mr. Bryant then described the site plan stating the purpose of the request is to build about eleven additional single family structures. In addition to the two primary tower structures existing, there are already existing other single family homes which provide a slightly different kind of living facility for the residents of the development. There is already in existence a whole street of single family homes. The proposal at this point is to allow the construction of about eleven more single family homes, primarily in the westerly quadrant of the property. If approved this would allow the construction of these eleven single family structures on the site.

Mr. Robert Hord, Attorney for the petitioner, stated they are not here to request any change or anything new. They are here simply to request permission to continue with what they have been doing out there. That is a unique residence type of quarters for some of the residents at the center. He stated the reference to a conditional nursing center is foreign to him; that it is not centered around anything they are requesting. This is simply a request to build eleven more residential units, eight will be single family and three will be duplexes. Some of the residents at Presbyterian Home prefer to live in single family units away from the main residence tower. The cottages and duplexes have been very popular in the past and there has been a good demand for them by residents.

No opposition was expressed to the proposed conditional use.

Council decision was deferred for a recommendation of the Planning Commission.

HEARING ON PETITION NO. 76-24 BY CHARLOTTE-MECKLENBURG PLANNING COMMISSION FOR A PROPOSED AMENDMENT TO THE ZONING ORDINANCE CLARIFYING AND REDEFINING CERTAIN INSTITUTIONAL USES.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated several weeks ago he came before Council to present some possible changes in the working of the text of the zoning ordinance as it applies primarily to group home types of operations in order to bring it basically in line with the type of regulations approved by Mecklenburg County, and would provide for a more lenient method of regulating group home care facilities. The primary change is one that would increase the number of clients which would be allowed as a use by right in residential districts in a group home setting to include as many as six clients as uses by right, and seven to ten clients would be proposed to be allowed on a conditional use basis. In addition it would provide that group homes would be allowed to have ten clients rather than ten total people, which in the original version ten persons could be associated with a group care facility in residential districts and this included the number of attendants as well. The proposal now is to make it possible to have ten clients and no limitation on the number of care people involved.

April 26, 1976  
Minute Book 63 - Page 243

Councilman Whittington stated if this is approved by Council it would be what the County already has and what Councilman Davis has spoken to before? Mr. Bryant replied yes; it would make it conform and agree with what the County has already adopted. It is increasing the possibilities and making it more lenient.

No. opposition was expressed to the proposed change in text.

Council decision was deferred for a recommendation of the Planning Commission.

PETITION NO. 76-17 BY SARAH A. GOINS FOR A CHANGE IN ZONING OF PROPERTY FRONTING ON THE SOUTH SIDE OF ARNOLD DRIVE, LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF ARNOLD DRIVE AND EASTWAY DRIVE, DENIED.

Councilwoman Locke moved that the subject petition for a change in zoning from R-6MF to O-6 be denied as recommended by the Planning Commission. The motion was seconded by Councilman Gantt.

Councilman Williams stated he is going to vote to deny this; but is sympathetic to the idea of some office zoning on major streets like this. But in view of the Planning Commission being unanimous against it he will go along with that.

The vote was taken on the motion and carried unanimously.

ORDINANCE NO. 69-Z AMENDING CHAPTER 23, SECTION 23-40.1 OF THE CITY CODE TO ALLOW CONDITIONAL USE OF A FRATERNAL ORGANIZATION IN AN R-9 DISTRICT ON THE EAST SIDE OF NEVINS ROAD, SOUTHWEST OF THE INTERSECTION OF NEVINS ROAD AND SMALL AVENUE ON PETITION OF THE LOYAL ORDER OF MOOSE.

Motion was made by Councilman Whittington, seconded by Councilwoman Chafin and unanimously carried approving the subject ordinance and approving the site plan as presented at the hearing.

The ordinance is recorded in full in Ordinance Book 23, beginning at Page 79.

ORDINANCE NO. 70-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP OF THE CITY OF CHARLOTTE BY CHANGING THE ZONING OF PROPERTY ON THE NORTHWEST SIDE OF NORLAND ROAD, SOUTHWEST OF THE INTERSECTION OF NORLAND ROAD AND CENTRAL AVENUE ON PETITION OF PAUL STACK COMPANY.

Councilman Whittington stated he appreciates what the Planning Commission has said about this property and this street in general. This is about the third time Council has heard zoning requests on this street, and he thinks each one has been approved for the B-2 that these people are requesting.

Councilman Whittington moved approval of the petition to rezone the property from R-9 to B-2. The motion was seconded by Councilman Davis.

Councilman Davis stated if the petitioner could rearrange his property, under the present zoning he could put the office on the new land and put his warehouse on the existing property and would comply with the zoning law. That he hates to see him inconvenienced because the current arrangement of the buildings are wrong.

The vote was taken on the motion, and carried as follows:

- YEAS: Councilmembers Whittington, Davis, Chafin and Withrow.
- NAYS: Councilmembers Gantt, Locke and Williams.

The ordinance is recorded in full in Ordinance Book 23, at Page 80.

April 26, 1976  
Minute Book 63 - Page 244

PETITION NO. 76-20 BY HUGH AND MARY EUDY FOR A CHANGE IN ZONING OF PROPERTY FRONTING ON THE SOUTH SIDE OF ALBEMARLE ROAD, EAST OF THE INTERSECTION OF ALBEMARLE ROAD AND GRAFTON PLACE, DENIED.

Councilwoman Locke moved that the subject petition for a change in zoning from O-15 to B-1 be denied as recommended by the Planning Commission. The motion was seconded by Councilwoman Chafin, and carried unanimously.

#### COMMENTS ON THE DILLARD DRIVE ROUTE.

The City Manager advised that Council took decisive action on the location of Dillard Drive; the Council took what was recommended as the safest route to make the extension of this road. Subsequent to that Council asked Staff to ascertain from the Housing Authority if this change that was made, or if the action Council took in establishing this road, would disrupt or would cause the loss of any additional housing or any other unit because the application was made in such a way that two projects were together. That Mr. Wheeling is present to give Council an answer to the questions raised.

Mr. Wheeling, Executive Director of the Housing Authority, stated he was requested by City Council to find additional information on two questions: would the route effect the Florence Road site, and if we would loose that site by routing this road the way Council has approved it. He stated the answer to both is no.

#### CONSENT AGENDA.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried approving the following items under the consent agenda.

- (1) Resolution of the City Council of the City of Charlotte calling for a joint public hearing to be held by the City Council and the Charlotte Mecklenburg Historic Properties Commission, on Monday, May 17, 1976 at 7:30 o'clock in the Board Meeting Room of the Education Center on the question of the designation of the "Liddell-McNinch House" as an Historic Property.
- (2) Settlement in the case of the City vs. W. I. Henderson, Sr., in the amount of \$17,111.00, plus encroachment, for alleged damage to a building located at 307-09 West Trade Street, in connection with the Poplar Street Widening Project, as recommended by the City Attorney.
- (3) Contract with Carroll O. York, Charlotte-Mecklenburg Schools, for construction of approximately 450 feet of 8-inch C.I. water main and one fire hydrant to serve Piney Grove Elementary School, at an estimated cost of \$5,150.00, with the city to prepare the plans and specifications necessary for the construction and a deposit representing 10 percent of the estimated cost advanced by the applicant, and the applicant to finance the entire project with no funds required from the city. The City will own, maintain and operate the mains.
- (4) Resolution accepting Step 2 EPA Grant Offer for engineering design work for the North Mecklenburg 201 Wastewater Facilities Project Area, in the amount of \$257,346.00.

The resolutions is recorded in full in Resolutions Book 11, at Page 400.

April 26, 1976  
Minute Book 63 - Page 245

- (5) Ordinances affecting housing declared unfit for human habitation under the provisions of the City's Housing Code.
- (a) Ordinance No. 71-X ordering the dwelling at 1812-14 Gibbs Street to be closed.
  - (b) Ordinance No. 72-X ordering the dwelling at 1817-19 Gibbs Street to be vacated and closed.
  - (c) Ordinance No. 73-X ordering the dwelling at 1901-03 Gibbs Street to be vacated and closed.
  - (d) Ordinance No. 74-X ordering the dwelling at 1808-10 Gibbs Street to be closed.
  - (e) Ordinance No. 75-X ordering the dwelling at 1904-06 Gibbs Street to be vacated and closed.

The ordinances are recorded in full in Ordinance Book 23, beginning at Page 81 and ending at Page 85.

ADJOURNMENT.

Upon motion of Councilwoman Locke, seconded by Councilwoman Chafin, and unanimously carried, the meeting adjourned.

  
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Ruth Armstrong, City Clerk