

August 29, 1977
Minute Book 66 - Page 92

The City Council of the City of Charlotte, North Carolina met in Special Session on Monday, August 29, 1977, in the Council Chamber, City Hall, at 2:00 o'clock p.m., to hear petitions for Special Use Permits, with Mayor pro tem James B. Whittington presiding, and Councilmembers Betty Chafin, Harvey Gantt, Pat Locke and Neil Williams present.

ABSENT: Mayor John M. Belk and Councilmembers Louis Davis and Joe Withrow.

Also present for the Hearings were members of the Charlotte-Mecklenburg Planning Commission - Chairman Tate and Commissioners Curry, Jolly, Marrash, Royal and Tye.

ABSENT: Commissioners Broughton, Campbell, Ervin and Kirk.

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PROCEEDINGS TAKEN BY COURT STENOGRAPHER.

The verbatim transcript of the proceedings on all three petitions were taken by Ms. Louise Johnson, Court Stenographer. Copies of the transcript are on file in the Office of the City Clerk.

HEARING ON PETITION NO. 77-31 BY THE METHODIST HOME FOR THE AGED, INC., REQUESTING CONDITIONAL USE CONSIDERATION OF A NURSING CARE FACILITY ON PROPERTY ZONED R-9MF ON SHAMROCK DRIVE.

Mayor pro tem Whittington reviewed the rules of procedures for the hearing assisted by the City Attorney, Henry Underhill.

The public hearing was held on the subject petition under the Rules of Hearing Procedures for special use permits which were adopted by the City Council on August 23, 1976.

Mr. Fred Bryant, Assistant Planning Director, presented into evidence three exhibits - (1) depicting the land use pattern of the area, (2) depicting the existing zoning pattern of the area, (3) a site plan.

Mr. Mark Edwards, Attorney for the Petitioners, presented his evidence by cross-examining Dr. Willard Farrow, Executive Director of the Methodist Home, and Mr. B. B. Parker of the Board of Directors of the Home.

Mr. Edward placed into evidence one exhibit which was a site plan.

HEARING CONCLUDED.

After all the evidence was presented, Mayor pro tem Whittington advised the hearing was concluded and that the Planning Commission would make a recommendation with their findings to the City Council, after which the Council would make a decision on the petition.

HEARING ON PETITION NO. 77-32 BY JACKIE D. BRITT REQUESTING APPROVAL OF AN EXPANSION OF A DAY CARE CENTER IN THE AREA NOW ZONED R-9, AT 932 SUGAR CREEK ROAD WEST.

Mayor pro tem Whittington reviewed the rules of procedures for the hearing, and requested the City Attorney to review the portion of the City Code which applies to the request.

The public hearing was held on the subject petition under the Rules of Hearing Procedure for special use permits which were adopted by the City Council on August 23, 1976.

August 29, 1977
Minute Book 66 - Page 93

Mr. Fred Bryant, Assistant Planning Director, presented into evidence the following exhibits, which he explained thoroughly:

- Exhibit No. 1 - Map depicting the existing land use in the area.
- Exhibit No. 2 - Map depicting the existing zoning pattern in the area.
- Exhibit No. 3 - A site plan.

He concluded by stating the plan has been examined by several departments of the City and the plan has been found to meet the requirements of the ordinance as stipulated.

Mr. Irwin Hankins, Jr., Attorney for the petitioner, presented his evidence by cross-examining Mr. Jackie D. Britt, petitioner, and Mr. Bernard Corbett, Traffic Engineering Director.

Mr. Hankins placed into evidence the following exhibits:

- Exhibit No. 1 - Colored site plan.
- Exhibit No. 2 - Rough sketch of building planned.
- Exhibit No. 3 - through Exhibit No. 6 - Photographs of property.

Appearing in opposition were Mr. Purvis Lee, 935 Yuma Street, Mr. Harold Russell, 941 Yuma Street, and Mr. James E. Wiggins, 929 Yuma Street. Both Mr. Lee and Mr. Russell stated they had no objections if the zoning of the property is not changed. Mr. Wiggins had no objections if the zoning is not changed other than the seven foot fence which is planned. He stated he lives immediately to the rear of the property, and would not like to walk out his back door and look into a solid seven foot fence. He stated his house is located about 40 feet from the proposed fence.

HEARING CONCLUDED.

After all the evidence had been presented, Mayor pro tem Whittington declared the hearing closed and advised the City Council will make a decision on the petition after receiving a recommendation with findings from the Planning Commission.

MEETING RECESSED AND RECONVENED.

Mayor pro tem Whittington called a recess at 3:50 o'clock p.m., and reconvened the meeting at 4:00 P.M.

HEARING ON PETITION NO. 77-33 BY WILLIAM F. CHERRY REQUESTING CONDITIONAL APPROVAL TO ALLOW THE STORAGE OF PETROLEUM PRODUCTS IN EXCESS OF 100,000 GALLONS AT 1006 NORTH CALDWELL STREET.

The Rules of procedures for the hearing were received by Mayor pro tem Whittington, and the Attorney for the Petitioner waived the review of the ordinance requirement by the City Attorney.

The public hearing on the petition was held under the Rules of Hearing Procedures for special use permits which were adopted by the City Council on August 23, 1976.

Mr. Fred Bryant, Assistant Planning Director, presented evidence after being duly sworn by the City Clerk.

He presented Exhibit No. 1, map depicting the existing land use in the area; Exhibit No. 2, map depicting the existing zoning pattern in the area; and Exhibit No. 3, a site plan.

August 29, 1977
Minute Book 66 - Page 94

Mr. Bryant concluded by stating the petition has been examined by all city departments concerned and that it meets the requirements as established in the zoning regulations.

Mr. William E. Poe, Attorney for the petitioner, presented evidence by cross-examining Mr. William F. Cherry, 4612 Willow Oak Road, the petitioner, and Mr. Bernard A. Corbett, Director of Traffic Engineering, and Mr. Edward G. Sellers, P.E.

HEARING CONCLUDED.

After all the evidence had been presented, Mayor pro tem Whittington declared the hearing closed, and stated the City Council will make a decision on the petitioner after the Planning Commission makes a recommendation to the Council.

ADJOURNMENT.

There being no further business before the Council, the meeting adjourned.


Ruth Armstrong, City Clerk

Note: The verbatim transcripts of the three hearings are on file in the Office of the City Clerk.