

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Monday, January 17, 1966, at 2 o'clock p.m., with Mayor Stan R. Brookshire presiding, and Councilmen Claude L. Albea, Fred D. Alexander, Sandy R. Jordan, Milton Short, John H. Thrower, Jerry C. Tuttle and James B. Whittington present.

ABSENT: None.

The Charlotte-Mecklenburg Planning Commission sat with the City Council and heard the discussions on the Zoning petitions, with the following members present: Mr. Sibley, Chairman, Mr. Ashcraft, Mr. Lakey, Mr. Olive, Mr. Stone and Mr. Turner.

ABSENT: Mr. Gamble, Mr. Jones, Mr. Tate and Mr. Toy.

* * * * *

INVOCATION.

The invocation was given by Mr. W. J. Elvin.

MINUTES APPROVED.

Upon motion of Councilman Albea, seconded by Councilman Jordan and unanimously carried, the Minutes of the last meeting of the City Council were approved as submitted to them.

PETITION NO. 66-4 BY DR. T. M. MCMILLAN AND WIFE FOR CHANGE IN ZONING OF 13.4 ACRE TRACT ON THE SOUTHEAST CORNER OF PROVIDENCE ROAD AND CARMEL ROAD, FROM R-15 TO B-1, WITHDRAWN.

Mr. Robert Perry, Attorney for the petitioners of the subject property, advised that Dr. McMillan and his wife wish to withdraw their petition for the reasons they have found that the residents of the community were unaware that the corners of Carmel and Providence Roads and of Sardis and Providence Roads were presently zoned R-15MF; and they were also unaware of the plans for connecting Sardis and Carmel Road. That they anticipate that the residents will study the changing character of these intersections and the Major Thoroughfare Plan and General Development Plan and will be more favorably inclined to the change in zoning of the subject property in the near future.

Councilman Short moved that permission be granted to withdraw the petition. The motion was seconded by Councilman Alexander, and unanimously carried.

HEARING ON PETITION NO. 66-13 BY SHARON HOME LOAN COMPANY AND J. J. HARRIS FOR CHANGE IN ZONING OF PROPERTY EXTENDING FROM SHARON ROAD TO NEAR INVERNESS ROAD AND LYING TO THE SOUTH OF WICKERSHAM ROAD, FROM R-12 TO R-12MF AND O-15 CONTINUED UNTIL FEBRUARY 21, 1966.

Mr. J. J. Delaney, Agent for the petitioners of the subject property, advised that Sharon Home Loan Company and J. J. Harris requests that the hearing be deferred until February 21, 1966.

Upon motion of Councilman Tuttle, seconded by Councilman Jordan, and unanimously carried, the hearing was continued until February 21st, as requested.

HEARING ON PETITION NO. 65-117 (AMENDED) BY MELVIN T. GRAHAM ET. AL. FOR CHANGE IN ZONING OF PROPERTY ON THE EAST SIDE OF PARK ROAD FROM O-15 TO B-1, AND FOR CHANGE IN ZONING OF PROPERTY ON THE EAST SIDE OF PARK ROAD FROM O-15 TO O-6, DEFERRED UNTIL FEBRUARY 21, 1966.

Mr. Charles Henderson, Attorney representing the petitioners of the subject property, advised that a letter from the petitioners to the Mayor, City Council, Chairman and Members of the Planning Commission was filed today to the effect that because of a protest they would like to leave a buffer of 125 feet along the property line on the easterly side of the subject property; therefore, they request permission to withdraw from the petition the said 125 feet and leave it zoned O-15; this is both within the park and where they ask for B-1 zoning and in the park where they ask for a change from O-15 to O-6.

Councilman Short asked if the withdrawal of this portion of the property from the petition will eliminate the protest? Mr. Fred Bryant, Assistant Planning Director, advised that he believes it will.

Mayor Brookshire asked for the opinion of the City Attorney on the question, and Mr. Kiser stated that he has not seen the map of the property which he requests be withdrawn until this moment, and he would have to check it against the Petition signed by the protestors to be absolutely sure, but if the protestors were those who bordered the property along the creek and they are the only protestors who were able to invoke the 20% rule, the withdrawal of the 125 feet buffer would effectively remove the requirement for the 3/4th vote.

Mr. Henderson stated that the principal protestor was the Selwyn Village Corporation, and all of the land that was represented by this protest is just across the creek. That the petitioners thought there was an adequate buffer in the creek itself, but they felt that they should have assurance that there would not be any B-1 immediately next to the creek. That the petitioners are happy to try in this way to meet that protest; in fact, they are trying to meet any protest.

Mr. Myles Haynes, Attorney representing the protestors whose protest invokes the 20% rule, stated that as of last week there was nothing at all in the Planning Commission files to his knowledge that made any reference to forming a buffer zone at all, so they will take the position that this constitutes a motion to amend the original petition and ask that the hearing be continued until they have time to evaluate the situation.

Mayor Brookshire asked if the next date for hearing zoning petitions, February 21st would be satisfactory, and Mr. Haynes stated that it is satisfactory to them.

Councilman Whittington moved that the hearing be continued until February 21st and that the request for the withdrawal of the 125-foot buffer be referred to the Planning Commission in the interim period, and they be asked to advise the Council their opinion of the withdrawal and that they furnish Council their recommendation in writing at least three days prior to the hearing. The motion was seconded by Councilman Albea.

Mr. Henderson stated this is not something new and it is not something that is done for the purpose of being a surprise. They originally met with the Planning Staff and discussed the creek and the flood plain forming a natural buffer; it was suggested, however, that in order that there might be an orderly, understandable ordinance on the books and instead of drawing arbitrary lines through the property, that they would use Park Road and the creek

and the existing B-1 line where the Shopping Center comes to the property, and the property line on the far side, thereby eliminating any confusion. He stated he would not want anyone in the audience to think they are doing this for any other reason than trying their best to meet the wishes of the neighborhood.

Councilman Thrower asked the City Attorney if this withdrawal of the buffer zone is granted, does it eliminate the right of these people to go ahead and still protest requiring a six to one vote? Mr. Kiser replied that the right of the people who are interested in protesting terminates on Wednesday, which is two working days prior to the date established for the public hearing. If the public hearing for this particular amendment is moved back until February 21st that will enable others to file additional protests not later than Wednesday before the 21st of February.

The vote was taken on the motion and unanimously carried.

PROMPT CONSIDERATION REQUESTED OF PETITION NO. 65-86 BY M. LEE HEATH FOR CHANGE IN ZONING OF TRACT OF LAND EAST OF SHARON ROAD AND NORTHEAST OF NEW QUAIL HOLLOW ROAD NOW PENDING FOR RECOMMENDATION OF PLANNING COMMISSION FOLLOWING THEIR ROAD STUDY OF THE ENTIRE AREA.

Mr. John Shaw, Attorney representing Mr. M. Lee Heath, advised that about a month ago he appeared before Council with respect to Mr. Heath's petition for a change in zoning of a tract of land east of Sharon Road and northeast of new Quail Hollow Road. That the Planning Commission requested permission to delay their recommendation to Council to make a road study of the entire community, which was, of course, satisfactory to his client. That the confusion seemed to be created by the suggested road through the property; that they put very little faith in the road being extended, and it is their opinion that the Quail Hollow Road will be able to take care of the traffic. That Mr. Heath asked him to appear before Council today and ask that the matter be given reasonably immediate consideration and not wait until a study is made of the entire area. That all they want is to be treated like their neighbors, the Belk interests.

Councilman Tuttle asked Mr. Fred Bryant of the Planning Commission Staff if he knows about how long it will be before the Commission's recommendation is made to Council? Mr. Bryant replied that the study is being made, as to when the study related to this area will be completed it is hard to say. That he would suspect that the study would be completed sometime within the next month to six weeks.

Mayor Brookshire advised Mr. Shaw that he does not think the Council will want to take any action on the petition until the recommendation of the Planning Commission is received.

HEARING ON PETITION NO. 65-111 BY MRS. JOHN H. LITTLE AND MISS SARA LITTLE FOR CHANGE IN ZONING OF A LOT AT THE NORTHWEST CORNER OF ALBEMARLE ROAD AND DRIFTWOOD DRIVE, FROM R-9MF TO B-1.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, advised the lot fronts 294 feet on Driftwood Drive and 188 feet on Albemarle Road. There is an abandoned house on the property, a house directly across Driftwood Drive and adjacent to the property down Driftwood Drive there is also a residence; other than that, the property and area is generally vacant. There is a B-2 strip zoning along Albemarle Road and across Driftwood from the property

the zoning is B-1 on all four corners of Sharon Amity - Albemarle Road, the subject property is presently zoned R-9MF and is the only property fronting on Albemarle - Sharon Amity Roads that is not zoned for business purposes. Other than that the vacant property down Driftwood is zoned R-9MF.

Councilman Whittington asked if this is at the corner at the entrance to Driftwood Development, and Mr. Bryant stated that it is, that this is a very nice subdivision, and this is the street leading off Albemarle Road into the subdivision. That there is another street into the subdivision but it is off Sharon Amity Road.

Mr. Forest Collier, Attorney, advised that Mr. Frank Orr represents the Petitioners and he was unable to be here and asked that he sit in for him and try and answer any questions.

Councilman Short asked what the petitioners are planning to build on the property, and Mr. Collier stated he is not sure what use the ladies plan to make of the property, but he does not believe that they have any immediate plans for any development.

No objections were expressed to the proposed change in zoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 66-1 BY BROWNING CONSTRUCTION COMPANY FOR CHANGE IN ZONING OF LOT AT THE SOUTHEAST CORNER OF WALKER ROAD AND GOSHEN PLACE, FROM R-12 TO R-9MF.

The public hearing was held on the subject petition.

Factual information relative to the property and surrounding area was given by Mr. Fred Bryant of the Planning Commission staff, who stated the property is located at the corner of Walker Road and Goshen Place. The property is vacant and fronts 102 feet on Walker Road with a depth of about 209 feet. The adjacent property on the south and the east is used for single-family residential purposes, as is all the property across Walker Road. Across Goshen Place there is a new apartment house; and other than that, the area is used for single-family purposes with some vacant land and the property along Walker Road is also used for single-family purposes. The zoning forms a boundary between single-family and multi-family residential along Walker Road, and everything from Goshen down to Sharon Amity Road is zoned R-12 and everything from Goshen back toward McAlway Road is zoned multi-family.

Mr. William Shuford, Attorney for the petitioner, stated that Mr. Bryant is in error that the property to the south is entirely single-family, he believes there is a duplex adjoining the property. The property immediately to the north and a large portion of the property to the north and northwest of the lot is zoned R-9MF, which is the same zoning they seek and there are a number of apartments in this R-9MF zone - in fact, immediately across Goshen Place there is an 18-unit apartment building. In addition to that, there are forty-units on the adjoining lot. To the south there is a duplex and a single-family residence more to the side, which he understands belongs to Mr. Evans, one of the protestors, but his house would not be immediately effected by the change in that no part of his house is close to the lot in question, except his back yard. That the duplex to the south is owned by Mrs. Ketchum, the other protestor, and he presumes is a nonconforming use and was there prior to the present R-12 zoning. That there is a duplex which has two entrances to it on Walker Road, and this, in effect, is what the Petitioner, Browning Construction Company, wishes to have - two entrances on Walker and two on Goshen Place.

He presented a sketch of the proposed apartment building and photographs of the adjoining property. Mr. Shuford advised that the protestors have stated that the proposed type of building would be detrimental to the value of their property and to the neighborhood, and he would argue that the character of the neighborhood is already multi-family.

Mrs. John Ketchum, 4403 Walker Road, stated she owns the duplex next to the property in question, and it is her home. That there is only one of the duplexes on the street that really looks like a duplex. That they think Goshen Place is the correct place to stop all of these apartments that have been coming into the neighborhood. That they do not want any duplexes of the type the petitioner plans to erect, they are two buildings on a lot the same size of hers. That Mr. Shuford stated that the proposed duplex will not effect the Evans home as it adjoins only at the back door, and this is incorrect, it is his front door. She stated that she is a widow with three children to support and uses her duplex to help support them.

Mrs. Jasper Evans stated that she owns the property adjoining the lot in question on the east, and they looked for such a place for years, large enough to raise their family in a single-family, quiet neighborhood. That the buildings the petitioner wishes to erect will be bordering their front yard. She stated she does not think it desirable for them or the neighborhood to have more apartments erected on their side of Goshen Place.

Council decision was deferred for one week.

HEARING ON PETITION NO. 66-2 BY W. H. FOX AND N. C. MCKAY FOR CHANGE IN ZONING OF TWO LOTS FRONTING 120 FEET ON THE WEST SIDE OF COMMONWEALTH AVENUE BEGINNING 220 FEET NORTH OF INDEPENDENCE BOULEVARD, FROM R-9 AND O-6 TO B-1.

The public hearing was held on the subject petition.

The Assistant Planning Director stated that the location of the property in question is on the west side of Commonwealth Avenue, near the intersection with Independence Boulevard and Eastway Drive. One lot is presently used for parking in conjunction with the Burger King Restaurant and the other is used for a house and office type operation. Adjacent to the property there are single-family homes; across the street is Commonwealth Presbyterian Church, and there are Service Stations up Independence Boulevard, and on both corners and on Eastway Drive is the A & P Store. On the corner the zoning is B-2, as it is all along Independence Boulevard. One lot of the subject property is zoned O-6 and the other lot is zoned R-9, as is all the remainder of Commonwealth Avenue. Across the street from the subject property, it is zoned O-6.

Mr. John McDonald, Attorney for the petitioners, stated the proposed use of the lot presently used by Burger King for parking will be the same - for parking - and the lot now zoned R-9, requested changed to B-1, is proposed to be used for a dress shop. That from the Coliseum to Pearson Drive along Independence Boulevard, a distance of some 12 blocks, there is a 400-foot area which is zoned B-2 except for this little corner, and if it were extended, these two lots in question would be included in B-2. That he understands the residents are afraid the lots will be used for a Used-Car Lot. That across the street are the homes of Mrs. Christmas and another lady, who control four lots, and he understands there is a possibility if they got the right price for their property, they, too, would want a change in zoning.

Mr. John S. Staton stated he is representing about 18 homeowners opposed to this rezoning, who have signed a protest petition. Most of these are

widows with children, Christian people. He stated there are no business buildings on Commonwealth Avenue other than the Burger King for several blocks. That the statement that Mrs. Christmas wants to sell her lot for business purposes, is absolutely unfounded, and she has refused for years to sell this property. He stated the people in this block and on the street are homeowners, not renters; that he has lived there for over twenty years, and he intends living there until he dies.

Mrs. Christmas stated that Mr. McDonald said they are willing to sell their property, and this is not true and she told him so when he came to see her. That if her neighbor wants to sell, she has not heard about it.

Mr. McDonald stated in rebuttal that he was told by Mrs. Christmas that she had the classification of O-9, and it is R-9, and he got the impression that she would sell the two lots she owns if the price were right, and he is sorry if he misunderstood her.

Council decision was deferred for one week.

HEARING ON PETITION NO. 66-3 BY ELECTRICAL CONTRACTING & ENGINEERING COMPANY FOR CHANGE IN ZONING OF A LOT 50' x 150' ON THE NORTH SIDE OF KESWICK AVENUE 150' EAST OF NORTH GRAHAM STREET, FROM O-6 TO I-2.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, stated the property is a lot facing Keswick Avenue and has on it electrical supplies belonging to the petitioner and the lot on which their building is located, is at the corner of Keswick and Graham. Going down Keswick there are three duplexes and single-family uses on down the street. On Graham Street there is either business or industrial zoning with a few vacant lots, and on the corner there is a service station and dry cleaning establishment. The zoning at present down Graham Street and to the rear of the property is for industrial purposes. There is a strip of O-6 zoning between the subject property on Graham Street and Bancroft Street; otherwise, the zoning is R-6MF.

Mr. Richard Wardlow, Attorney for the petitioner, stated the situation as outlined by Mr. Bryant is correct, and he will not repeat it. He stated the property is L-shaped consisting of two lots, one fronts on Graham Street and runs down toward Keswick Avenue at which point it extends back in that direction. The facts that bring this petition about are these - the petitioners moved their business on these two lots in 1947 and has conducted their business there ever since. Before the new zoning ordinance was adopted in January, 1962, the zoning was residential for the back lot and industrial for the front lot. They wanted to put some new equipment on the back lot, so in 1956, they came before Council with a petition for Industrial use and the back lot was zoned Industrial at that time, and they have continued their use without paying much attention to anything, including the new zoning ordinance that was put in in January, 1962. At that time the zoning lines were redrawn, and what they had gotten zoned Industrial, was thrown back into O-6. That when the new zoning ordinance came into effect, they were surrounded by R-2 on the north and to the left, the strip including their property was made O-6 and the other, R-6MF, so the Industrial zoning was taken away from them at that time. Had they known what was happening at the time and come to the hearing, the zoning lines would have been revised at that time.

So what they are asking today is that Council give them back the Industrial zoning, because they want to add another warehouse on that lot. They are not adjacent to any residentially zoned property; they are surrounded on

two sides by Industrial-2 property and surrounded on their other two sides by O-6 property.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 66-5 BY TOWN AND COUNTRY COMPANY FOR CHANGE IN ZONING OF A LOT AT 2300 INDEPENDENCE BOULEVARD, FROM O-6 TO B-1.

The public hearing was held on the subject petition.

The Assistant Planning Director advised that this is a lot at the south-east corner of Independence Boulevard and Rockway Drive; that Rockway Drive turns to the right as you go out Independence Boulevard and goes directly into Chantilly School property. At present the property has on it a single-family residence as does the majority of the lots in the block on Rockway Drive. Directly across Independence there is another row of single-family residences with a church at the corner of Briar Creek Road and Independence Boulevard. Across Rockway from the property is a vacant lot at the corner, then a residence and a church. The property between Chesterfield Avenue down to the creek and along Independence Boulevard is vacant. The zoning of the area at present is O-6 between the creek and Briar Creek Road, with the exception of a triangular piece bounded by Independence, Chesterfield and the creek which is zoned B-1. The area along Independence, across from the Merchandise Mart, is all zoned business, as is the area from the creek coming back towards town to Chantilly Shopping Center.

Mr. Jim Bolton, speaking for the petitioner and referring to the Planning Commission map, stated more than 7,000 feet is zoned either B-2 or B-1 where the Merchandise Mart is located, and B-1 on the corner across Rockway from the lot which they are requesting zoned B-1. That Rockway is paved and there is a paved alley behind the lot and, also, a paved turnaround. That beyond the creek there are 264 apartment units now being constructed; that the curbing and street layout is accomplished.

Mr. J. A. Morgan representing the Charlotte-Mecklenburg Board of Education stated as they look at the long range future of Chantilly School, they are concerned about anything other than office type of business going into the area that will interfere with the operation of the school. The enrollment of the school a year ago was 428, and this year it is 463, and they are experiencing an increase in the school population in this area. The school is located directly behind the property in question, and they are afraid of an annoying type of activity that will interfere with the regular school day.

Councilman Tuttle asked Mr. Bolton what their plans are for this property? Mr. Bolton stated the present zoning classification of O-6 would cause a situation similar to Pecan Avenue where single-family residences zoned O-6 have been painted green and paint and signs put out in front. They do not believe this causes an attractive approach to the city, and they would like to take the classification of B-1 zoning and put a retail business in. They feel if they use this as an office, it would be necessary to park in the street and, thereby, create problems. He called attention that the entrance to the school is on Briar Creek Road, and it would not be their intent at all to cause any additional traffic that would in any way endanger the children that attend the school.

Council decision was deferred for one week.

HEARING ON PETITION NO. 66-6 BY SCHOENITH, INC. FOR CHANGE IN ZONING OF A 6.466 ACRE TRACT OF LAND ON THE SOUTHWEST CORNER OF PROVIDENCE ROAD AND OLD PROVIDENCE ROAD, FROM R-15 TO B-1 S.C.D.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, pointed out the location of Providence Road leading out of town away from Charlotte and Old Providence Road leading off Providence going toward Sharon View Road to the Old Providence Development, and stated the subject property is located at the intersection of these two roads. On the property itself, there is a combination service station and store building that has been there for a good many years, and the remainder of the property is vacant. Across the road from the property is a sales office for Ervin Construction Company; that they checked on this the other day and decided this is a violation of the zoning ordinance, and it is in the process of being moved. Adjacent to the property going down Old Providence and going down Providence, there are single-family homes on rather large acre tracts; there is also a house on the east side of Providence Road, and a series of single-family residential homes on Old Providence going towards Sharon View; and other than that, the property is generally vacant. At present, everything is zoned R-15 with the exception of the R-15MF Zoning which extends from Sardis Lane all the way down to the left side of Providence as you go out to McAlpine Creek.

Mr. Robert Perry, Attorney for the petitioner, presented a map and called attention to the city limit line and a proposed loop road surrounding the City of Charlotte and joining U. S. 29-Bypass at the north limits of the City. He pointed out 29-Bypass and the intersecting streets as they intersect the proposed loop, only one outside the city limits. That Idlewild Road is inside the city limits; Arrowood is a projection of the extension of Old Providence Road, so, therefore, Idlewild, Old Providence Road, Starbrook and Arrowood are all the same street if projected. He stated the purpose of the map is to indicate the high desirability of a shopping center from the standpoint of traffic, and he advised there is very little they can do to that property, which will create any traffic problem whatsoever. That the Planning Commission in proposing the projection of growth of the City of Charlotte in the year 1960 showed the proposed shopping centers, and stated there are five proposed places for shopping centers. That it is three and one-half miles to the nearest shopping Center from the subject property, and they feel with the growing area and with the advent of Old Farm Subdivision, and with the almost completed development of Lansdowne and the rapidly growing area of Old Providence and with the additional fact that there is an R-15MF Zone of over 100 acres, which according to present zoning will accommodate 1,000 families or 3,333 1/3 people; there will be a situation where they will need a shopping center here. That in 1962 when this petition was before Council, it was stated that about 15,000 people lived in the area to be served by this small facility would be correct, and he submits that is an understatement. This would not be a Cotswold, it would not be a John Crosland Center. This would be a convenience center of perhaps a drug store, grocery store, and hardware store, but not a large shopping center to serve the people in a limited area. They say there is a silent group that do not want to sign a petition who feel they would be mostly inconvenienced by the advent of this facility. Mr. Perry stated he lives within three blocks of a shopping center, and he considers it to be a plus factor as far as his home is concerned. They feel this will not create any problem in traffic and, aesthetically, are not going to hurt any of the people. That Mr. Stribling is one of the signers who brought the petition within the 20% Rule, and he is across the street on a large acreage tract, and his home is located 900 feet from the road. That Mr. Stribling is a very intelligent man and knows property

values, but they submit to him if they are granted this right, sooner or later he is going to come to appreciate the day when the Council and the Commission decided to give him the facility at that near place.

Mr. Jim Bolton called attention to a map and stated what they propose is a B-1 Shopping Center District. That there is a great deal of difference in the classification between B-1 and B-1 S.C.D. that many of the neighbors in the community are not aware of. That is that a plan program must be submitted to the Planning Commission, and this plan program must be in the best interest of the neighborhood. That they plan this to be beautiful center with trees in the parking area, and they plan fountains and places for rest while people are shopping; personal service stores and also a nursery. This is not a big shopping center, and it is 894 feet off Providence Road and a little over 500 feet on Old Providence Road. He called attention to the outline of some of the service area they feel this will take care of and showed a two-mile radius that goes up to about Sardis Road and then funnels out to the many new subdivisions along Providence Road where the city has improved the road with bridges to take care of the people in that area. He stated that a Plan has been filed with the Planning Commission showing the intentions of the developers to put in retail shops, personal service stores, a nursery, and adequate parking, all properly designed by James H. Benton, Architect, and checked by the Planning Commission as to the adequacy of off-street parking. That this is at the intersection of four major thoroughfares. Mr. Bolton called attention to the general development plan and stated it is a part of the book "Charlotte Within the Next Twenty Years." That his clients believe in the progress of Charlotte and purchased the property after the development plan was proposed to the people. He called attention to the symbol "P" on the map dated 1955 indicating a proposed business district; to Zoning Map 28 which indicates the spot they are requesting rezoned; to an enlargement of the Major Thoroughfare Plan which indicates that a proposed major road does come down Sardis Lane and connects to Arrowood Road. He presented a graph of parking patterns prepared by Ervin Webb Institute and by Herman M. Bass, Head of the Institute of Traffic Engineers, New Haven, Connecticut, indicating a pattern of shopping centers where they enjoy peak hours at 10 o'clock and 5 o'clock. He stated they feel there would not be any problem to traffic going back and forth to school. Mr. Bolton presented an aerial photo indicating the site of the proposed shopping center and the residences near the site as being more than 900 feet, 255 feet, 400 feet, 250 feet, and 565 feet from the center site, and stated they are the closest residences on large tracts and are separated by almost impenetrable woods. Mr. Bolton stated in conclusion they would like to point out in the interest of the progress of Charlotte and the growth of our city that this will create additional revenue; that it is properly planned and that it will be convenience not only to this generation but to future generations.

Mr. Frank McCleneghan, Attorney representing the protestors, stated this is not the first time this piece of property has taken the trip to the Planning Board and the City Council. At one time there was a petition on this very corner to make the little store and filling station bigger, and Council turned it down. About two years ago, there was an application by these same owners to put this same sort of "convenience center" there, but it is going to end up and look like a shopping center. It may be a little smaller but it is going to cost \$2,500,00, and they should be able to get a sizeable structure for that price. That he is familiar with the "Twenty Year Plan" started in 1955, and he thinks it is a good idea, but it was projecting the future, thinking what might happen; but we have not reached that stage yet with this property. He called attention to the fact that Providence Road is the only road coming in to town that does not have stores on it; there are a few like Hunter's store which has been there a long, long time, and then the little filling station at Sardis and Providence Road and that was put there just under the wire - when the owners found there was going to be zoning, they jumped in and built the filling

station; then the next one is this little store on the corner and has been there a long, long time; and then you go three or four miles out further and there is the little Grier store. Mr. McCleneghan stated he feels strongly about Providence Road, as it is the one and only street that comes into Charlotte that does not have stores on it; it is a street that has as pretty and as fine homes as you will find on any thoroughfare coming into Charlotte. That the most effective thing Council should be trying to find out is if there is a need and a demand for this shopping center. The petitioners got someone from Connecticut to tell about the economics, but he believes our Planning Board can give this information, and it is not necessary to go to Connecticut as he thinks we have the talent right here. That as far as the road is concerned, he thinks all the members of Council agree that a few dotted lines is a far piece from the road being there. It is not always when you start putting roads in Charlotte that they end up where the people thought they were going to be.

Mr. McCleneghan stated further he has some petitions and what Council and the Planning Commission wants to know is if there is a need and if there is a demand. That Mr. Perry or Mr. Bolton stated it was very important to the petitioners, and we agree that it is important only to their pocketbooks. This is important to the people who live out there in the neighborhoods, not only to the pocketbooks but they have built their homes there and they are happy there, and they thought it was going to stay that way; money is not the only thing in this from the standpoint of the protestants. He presented a petition from the people in the immediate vicinity and stated it is signed by 130 people. Another petition signed by people who live in the Mammoth Oaks section with 33 names; another one signed by people along Providence Road and in that section with 17 names. That Lansdowne is the largest subdivision near this property, and there is a school there, and he presented a petition containing 244 names signed by the people in Lansdowne; a petition from the Pinetree Drive section containing six names; Cedarcroft containing 16 names; Jefferson Drive area containing 56 names; Sharon View Road with 23 names; that about a week ago he attended a meeting at Lansdowne School and there were about 250 people there; he presented another petition signed by 19 persons on Valley Brook Road, and stated these are all from areas around the subject property and show these people have no need for this shopping center. He called attention to Old Farm Subdivision which he understands is the only subdivision which has been started since they were here two years ago, and presented their petition with 49 names; a petition from the Singing Springs Subdivision with 42 names, and from Sardis Lane with 14 names. He stated these petitions have a total of 661 signatures. That is 661 property owners; and by their signatures, you can see they have no need for this shopping center, and they do not want it. That who would know better about the need than the people who live there. That the experts from Connecticut will tell you what is going to happen in 1970, and he does not think we should get ready for 1970 this afternoon, as he does not think we are in that big of a hurry. That what has been brought here this afternoon, as he analyzes it, is something that is going to happen in the future, maybe - maybe so or maybe not.

Mr. McCleneghan stated further undoubtedly it is going to cause a traffic problem. There is Lansdowne School with children going to and from it, some of them on foot, some on bicycles, some in car pools - but they will have to go right by this shopping center, and it is not going to be a safe and good condition. That he believes these petitions he has presented cover the "water front." That he would like to repeat again that the integrity of Providence Road is in the hands of the Planning Board and Council. They do not have business zoning, and they should not have it. He passed around some pictures of residences and stated this would give them some idea of the neighborhood; the homes these protestants have built

and live in and enjoy at this time. That whoever has worked on this has worked hard - he guesses it has been Mr. Bolton. That it has certainly been publicized; that he even sent out brochures and this is the first time he has ever heard of this done in zoning.

Mr. Henry E. Fisher, Attorney, stated he was originally interested in the Carmel Shopping Center, but the petition for that has been withdrawn. He then presented a petition signed by approximately eighty people, and stated it is true that most of the signers are in the Carmel section, but they have signed the petition protesting against both the Carmel Road, which has been withdrawn, and the Old Providence Road which is now under consideration, so for the consideration of the Council and the Planning Commission, he will present the petition.

Mr. James F. Justice stated he received one of the brochures, and it was not the sort of brochure he felt impelled to answer, but he has attended two meetings and knows the "silent support" is the most silent support he has ever heard from. That he lives in Lansdowne, and he knows that through that large development there are only two streets you can cross from Sardis Road over to this site within a distance of a mile and one-half and probably farther than that. Personally, this would mean to him whereas they now have a quiet residential street where their children walk to Lansdowne Elementary School, it will be made a main thoroughfare to carry the residents of Stonehaven Development and the rear section of Sherwood Forest and Rama Road directly through Lansdowne at the school to this \$2,500,000 Shopping Center. That he is opposed to, and so far as he knows he has heard none of his neighbors say they favor it.

Mr. Alvin London, Attorney, stated he appears not because he lives on Providence Road, but for clients who do live there. That within the last year Mr. and Mrs. Richard Otto purchased a home on Providence Road at the intersection of Rae Road, and they have made considerable improvements to it. One of the reasons they purchased it was because of the fact that it was on Providence Road and Providence Road itself was a beautiful approach to the home and was zoned. That this is within less than a year, and had they known there would be such a petition or any possibility of it being passed to permit a shopping center there, they would not have given consideration to purchasing the type of home which they purchased and in which they now live. That it is a large white house which was purchased from Dr. Palmer, and they put improvements onto to it and it exceeds what they originally paid for it. They are just one of the people there who feel exactly the same way. These people have expended a substantial sum of money for a home to live in within the last year on Providence Road and certainly they should be able to rely to some extent upon previous ordinances and previous zoning in the selection, purchasing and improving and investing money in a home in Charlotte. They protest and would like to add their voices.

Mr. Charles Welling stated he lives out there. They talk about how badly the center is needed, but the residents do not want it. That he went out here by choice to get a little piece of land to live on and raise a family, and they do not mind driving in to a Shopping Center and their wives do not mind going in. They were here several years ago to oppose this and everybody in that community is opposed to it.

Mr. Eli Springs stated he moved into Providence 28 years ago because it is the most beautiful section of any. They have kept Providence clean and have not messed it up with signs and stores or shopping centers, but have kept it beautiful.

Mr. Brock Barkley stated he is merely here as an exhibit sent by particular clients, Mr. R. E. Crump and Mrs. Eaton, to emphasize there is serious concern on the part of individual people out there by reason of a threatened invasion of a shopping area. Quite obviously the people do not want it and he sees no reason why it should be forced upon them, because if and when the time comes that they do want it, that will be time a plenty. That he just wanted to join in the opposition that has been voiced.

Mrs. Harry Dudley, resident of Old Providence Road, stated she does not want this shopping center out there even though it is supposed to be a convenience. They moved out to Old Providence a little over two years ago and if they had wanted to live near a shopping center, they would have moved towards Cotswold, not out in the country. That she has four children and if they should stop the use of school busses for children in this mile and a half radius, her children will have to walk up Old Providence Road across the intersection at Providence and Old Providence Road in order to get to school. That her children's lives are rather valuable to her and she wants to keep them. That there is a small bridge down at the creek that is a terrible traffic hazard. Every child from Old Providence who belongs to the swim club has to go across that bridge around Sharon View Road and into the club, and this shopping center will not help the traffic situation across this bridge. The State says they will put in a two land bridge out there, but they have been waiting for it quite a while. She asked them not to jam down a convenience they do not want.

Mr. Paul Ervin stated he is appearing on behalf of Mr. and Mrs. H. H. Everett who are out of the city. They have asked him to oppose very vigorously this proposal. They do not agree it is in the interest of the community or the people who live in the community. As to the proposal that has been made, this he says on his own motion, despite the technical assistance which the gentlemen had in the preparation of this proposal, they cannot change the size of this area involved. If they proposed to build a real shopping center here, they simply do not have anything like sufficient room for that purpose on about seven acres of land. Either they are not going to have parking space or they are not going to have buildings or will not have sufficient other conveniences. That it is sincerely hoped the Council and Commission will not be in favor of this proposal.

Mrs. George Heaton stated she would like to be on record as one who endorsed the drive to make Charlotte one of the show-place cities in the United States. That she lives on Valley Brook Road in the Providence Community; everyone who lives in Providence Community endorses this forward step for Charlotte. They believe in the highway entrances into the City of Charlotte being kept uncommercialized. They ask their representatives for progressive government, for progressive beautification and ask that they let them keep Providence Road uncommercialized. They believe a shopping center on Providence Road would defeat the drive to make Charlotte a show-place city.

Mr. Hugh M. Thomas, Jr., 1300 Blueberry Lane, stated the statement that the shopping center is needed for a convenience is wrong. That he passes five to six shopping centers, starting at the Charlottetown Mall on the way home. Secondly, they already have a traffic hazard in the neighborhood and children have been run over on bicycles going to playgrounds in the afternoon during the busy period that has been mentioned that shopping centers so enjoy. That he would like to go on record with his neighbors who live next door as they did not sign the petition because they were out of town - that they do not need a shopping center in this area for a convenience.

Mr. Tom Braaten, a resident of the Old Farm area and a new resident having lived there since October 1, stated they moved out there for the main reason that it was and is the most beautiful road in the city. With regard to the traffic problem being prevented, there is no doubt but what there will be

an increased traffic hazard in the Old Farm area within the next year and a half or two years. There will be nearly a hundred youngsters - ages six through twelve - who will have to cross Providence Road walking to Lansdowne School twice a day, and this will certainly be increased if they put a so-called "convenience center" some half mile to three-fourths of a mile from the entrance to Old Farm because of the 400 family multi-dwelling that is being erected now about a mile and a quarter towards town, next to Hunter's store. That with increased traffic and increased youngsters, there cannot help but be increased danger. They moved out in this area from the Montclair area where they lived for some 14 years and saw South Boulevard become almost 100% industrialized all the way out within three and one-half miles of Pineville. That he feels there are some segments in our community that know what is best for it, and it seems to him with the petitions that have been presented in opposition to this change in zoning, the Council should have the sense of the community.

Mrs. J. W. Nance of Old Farm section stated she would like to endorse what Mr. Braaten has just said. That she has to drive her children to and from school, and they are only two blocks from the school. When they moved into the section, they felt they would be close to the school and it would be very convenient for the children; but with the traffic that is presently there, she does not trust them to cross the road, and they do not want any added traffic in front of this school.

Mr. Jack Binford, 135 Sardis Lane, stated he is a Pennsylvania Yankee, and he is down here partly because Pennsylvania some years ago did not do much planning. That his friends up in the northern states lost some of their industries because North Carolina did do some planning. Apparently, whenever the industries left that area, the Connecticut people thought they should do some planning and maybe they are all done planning now, and they are able to come down and plan for Charlotte. As far as Charlotte is concerned, he thinks it is a very nice place; he likes the south and North Carolina. That if Old Providence Road and Providence Road is taken and defiled as Independence Boulevard has been defiled, then it will be a very unfortunate situation.

Mr. Perry stated that Mr. Bolton has some petitions in his automobile and also has some that are being circulated and in the hope that this will not upset the schedule, they would like to show these to Mr. McCleneghan, as Attorney representing the opposition, and let him pass on the authenticity of them and then submit them to the Planning Commission and Council. Mr. Perry stated he has a verifax copy of the petition available with 135 names on it; there are others that have not been picked up as they did not plan to use it, but they have been challenged to produced supporters and they do have them, and he would like Council and the Commission to know about them.

Mayor Brookshire replied this is the date set and advertised for the hearing, and he asked the City Attorney if some further presentations can be made. Mr. Kiser, Acting City Attorney, replied that, of course, Mr. Perry could submit whatever evidence he has; however, it certainly will have no effect whatever on the vote of the Council and is not such a petition as is comparable to the protest petition, and Council could accept it for whatever they consider it to be worth.

Council decision was deferred for one week.

MAYOR BROOKSHIRE CALLED A FIVE MINUTE RECESS AT 4:10 AND RECONVENED AT 4:15.

Mayor Brookshire called a five mintue recess at 4:10 p.m. and reconvened the meeting at 4:15 p.m.

HEARING ON PETITION NO. 66-7 BY SCHOENITH, INC. FOR CHANGE IN ZONING OF ONE ACRE LOT AT THE INTERSECTION OF THRIFT ROAD AND ELMWOOD CIRCLE, FRONTING 124.94 FEET ON THE SOUTHWESTERLY SIDE OF THRIFT ROAD AND 420.13 FEET ON THE NORTHWESTERLY SIDE OF ELMWOOD CIRCLE, FROM R-12 TO B-1.

The public hearing was held on the subject property.

Mr. Fred Bryant, Assistant Planning Director, stated the subject property is the corner tract fronting approximately 125 feet on Thrift Road and the property is vacant; there are residential single-family homes on the Thrift Road side; also, across Thrift Road from the property and to the rear of it coming down Elmwood Circle. Coming down Elmwood Circle is a residential subdivision; on the other side of Thrift Road, there are about three single-family residences and a small church and a nonconforming store-service station. Other than that, the area is generally vacant. The zoning at present is entirely R-9 on one side of Thrift Road and R-12 on the other side.

Mr. Robert Perry, Attorney for the petitioner, stated the city limits line is two miles in towards town. He asked Council to imagine they are at Freedom Shopping Center and stated it is 3.2 miles towards the City of Charlotte down Freedom Drive; that is the last grocery store and shopping center that we have in the area. That they submit there is a difference between a "shopping center" and a "convenience area" and there is no drug store, grocery store, or hardware store, any kind of store that would ordinarily fall into the convenience facility type of improvements except if you go half a mile down Freedom Drive towards the property in question, and this is 2.7 miles from the petition where there are three service stations; you go 2.4 miles from the subject property down Freedom Drive and there is a hardware at the corner of Bradford Drive and Thrift Road. All that is where U. S. 29-Bypass underpassed Thrift Road, with Horne's Motor Lodge being located at that particular property; then there is Westchester which is 1.4 miles from the subject property, and fronts about one-half mile on Thrift Road. Across the street there is a nonconforming Service Station and store. Going on out Freedom Drive you have a service station at the corner of Little Rock Road and Thrift Road, and at .7 mile there is a dry cleaning establishment and exactly a distance of .9 of a mile is a large tank farm. That this property is a mixture of residential and business property. They feel there is a large area to be served, not by a big shopping center but an area where residents can come and buy the items which they need on a day to day basis. They submit that this is a good location point. That right across the street on the same side of Thrift Road is a very unlevel and very unattractive lot where a sign reposes which says "Dump dirt, but not trash." They do not mean to demean the whole neighborhood as there are some nice houses in the Town and Country Estates which were developed by their clients before they acquired this property. That as far as this location is concerned at the corner of Elmwood and Thrift Road, there is what would be a logical place for a convenience of this type. They admit this carries with it the rather unsavory term of what is termed "spot zoning," but they submit as a matter of good planning that this type of enterprise will be more comparable in the development of the City of Charlotte than having somebody come along and build a big shopping center in the area because it is needed and sooner or later will have to be provided. That this will serve the need with the Freedom Shopping Center serving the larger needs of the people.

Mr. James Bolton called attention to a drawing and stated it is a beautiful center, as designed by the architect, with proper screening, traffic entries and that at the end of the property fronting on Elmwood Drive, there is a very heavily wooded buffer section and there is a creek before you enter into the Town Park Community. There are beautiful homes there, and they

feel like the entrance to Town Park would be greatly enhanced with this 24 foot paved strip widened to its full right of way and with lights put in. That they have offered to the neighbors in the community their assistance to help form a neighborhood garden club or group, and they will, at their own expense, erect an entrance sign for them at the entrance to their property. He stated that the Town Park Community was developed; and at a later time, this property was offered to them, and they purchased it and are now seeking an approval for the change in its zoning. Mr. Bolton stated they have talked with different members of the community, and Mr. Perry will provide in any leases that are signed for any of the stores at the center, that there will be a restriction against on premise sale and consuming of alcoholic beverages and beer and wine.

Mr. James F. Justice, Attorney for the residents of Town Park Subdivision, who are protesting the petition, stated that Elmwood Circle is an eighteen-foot paved asphalt street - that is nine feet for each lane of traffic, which gives each of these lanes no more width than we get on a traffic lane painted on Trade Street. It is a narrow asphalt street and the only access street into this subdivision. Town Park has a total of 54 houses, 48 homes are represented in signatures to the petition in opposition to the rezoning, which he filed with the City Clerk. One refused to sign and five said it made no difference. He stated they have photographs of these homes; and from the appearance, they are in the \$30,000 bracket.

Mr. Justice stated to make their plan feasible at all, Mr. Bolton has been forced to turn the lot around and consider what is actually a side line as the front line of the property. That the approach to Elmwood Circle is hazardous, and he presented a drawing and pointed out Town Park Subdivision, the area requested rezoned, and stated that Freedom Shopping Center is exactly three miles from the entrance to Town Park. That as one approaches Elmwood Circle entrance going out from town, .1 of a mile from Elmwood Circle, there is a blind curve and a deep down-grade beyond that blind curve to Elmwood Circle; it sits at the bottom of a long hill in each direction; there is another blind curve approximately .1 of a mile beyond this intersection so that within .1 of a mile in either direction, there is a blind approach and steep down-grade to the position where the petitioners proposes to put this center. In addition to the fact that this is the only entrance to this residential area, the one adjacent to the center and the one where 48 out of 54 residents oppose it by their petition. That Mr. Perry has referred to businesses in either direction; .1 of a mile north of Elmwood Circle is Smith's Grocery Store and gas station, a nonconforming use; .6 of a mile north is Love's Grocery Store; and .7 of a mile is Cloninger General Merchandise and Barber Shop, .9 of a mile to Paw Creek Shopping Center. In the other direction 2.2 mile back towards town is a Doctor and Dentist office; 2.3 of a mile is Thomasboro Hardware and three miles exactly to Freedom Park Shopping Center.

Mr. Justice stated further that many of the residents bought their lot from Schoenith, Inc. and were surprised when this petition was brought to them. He presented a picture and called attention to the sign situated on the subject property advertising the Town Park Estates as highly restricted. That this sign is now on the property the petitioners want rezoned to benefit these adjacent property owners. He read the definition of a B-1 district - "Neighborhood Business District. This district is designed primarily for business centers for retailing of merchandise such as groceries, drugs and household items and for furnishing certain personal business and professional services for the convenience of residents of adjacent residential areas." - That as he understands the term adjacent, it means those adjoining next to, connecting to. That Mr. Michael's name is on the petition; he is not directly in Town Park, but his home is the house adjoining

Omitted thru error

Omitted thru error

the proposed site fronting on the Highway 27. There are no adjacent property owners who want this business center at the intersection of this highly dangerous road. That he understands that school busses are not now allowed to make a turn into this road across traffic. That the definition provides further "that the standards established for these business are designed to promote sound permanent business developments and, also, to protect abutting or surrounding residential areas from undesirable aspects from nearby business developments, and these districts are located at accessible places." That he would submit to Council that a more inaccessible place for a business could not have been found on the entire length of this highway all the way out to where it crosses the railroad tracks another mile above the site. In support of this, they have investigated the records of the County Police Department. When they were out there this weekend, the bridge base was a pile of rubble; they told him it was from a car that had run off the curb this weekend onto this lot. In February, 1958, a car ran off the road between Elmwood and Toddville Road and, also, there was a two car accident at N. C. 27 West and Elmwood at this intersection; in September, 1959, a two car collision between Elmwood and Toddville Road; November, 1959, on N. C. 27 West on Elmwood and Little Rock Road another accident; on February 5, 1960, one car at N. C. 27 West and Elmwood and October, 1960, one car at N. C. 27 West and Elmwood; February, 1961, one car at N. C. 27 West and Highway 17 which is just beyond this intersection; September, 1961, one car at N. C. 27 West and Elmwood; January, 1964, one car at N. C. 27 and Elmwood; July, 1964, one car between Toddville Road and Elmwood and, also, in July, 1964, a two car collision trying to make a left turn into Elmwood; November, 1965, an accident turning into Elmwood; again in November, 1965, a two car collision, car was hit in the rear trying to make a right turn into Elmwood; January 5, 1966, a two car accident at Highway 27, just up the street from Elmwood; January 6, 1966, a car ran off the road at Elmwood and January 15, 1966, a car ran off the road at Elmwood. Now, if he reads the city ordinance correctly, the purpose of the neighborhood business districts is to provide an accessible location for business that is needed and desired by the adjacent residents. They do not see that in this instance. He stated that from the bridge out on Thrift Road, 78 people have signed the petition as being opposed to this change; these are people who live on Highway 27 West. To put a shopping center at the one entrance to a substantial residential area and to invite a congestion of cars at this intersection does not facilitate the flow of traffic for fire engines, ambulances and emergency vehicles of any kind in and out of this residential area. They say this is contrary to the purpose of the zoning ordinance. The size of the lot itself makes them wonder if there is actually the area on this lot which the tax map shows. The back line at this end of the property is only 71.3 feet in depth. It is no longer 100 feet wide as was described on the original description of the property. How this would leave a depth to have a shopping center that, by scale, the width from front to back is 59 feet and still leave room for straight-in parking is beyond his ability to figure from this proposed layout that they have from the architect. Therefore, they can only conclude that if the center is put on the land area that is available, there will be practically none left for parking, certainly not to comply with one car for every 200 of square footage in the shopping center, plus one for every two employees.

Mr. Guy Carswell, Attorney for the opposition, stated he thinks the danger has been pointed out of this intersection at this strip of land where they want to put this shopping center. The City Bus cannot turn to the left for the only reason that you cannot see an oncoming car in time to make that move to the left because of the blind approach to this intersection. Elmwood Road is an access and exit to this development and the only road into it, and there are 250 people living in this development with one access and one exit, and no buffer. There is not the necessary area on which to

build a shopping center and park. That this is a busy road with blind approaches traveled by Gasoline Trucks, and School Busses are not allowed to stop and take in children because it is too dangerous. That is the situation. Mr. Justice presented some photographs, one of the view of the approach from the north coming south towards Elmwood, another of the view looking south toward town from Elmwood, the third of a view looking down Elmwood past the site of the property in question, and the last one a colored photograph of the beautiful sign "Live in Beautiful Town Park Estates." He stated that he was mistaken in the width of N. C. 27 West; that it is only 27 feet 9 inches wide.

Mr. Robert Perry stated they want to invite a so-called jury view of the property and see if it is as bad as the opposition pictures it. Secondly, he would like to invite Council's attention to their own City Planning Map. Also, he understands under the zoning ordinance they will have to include Thrift Road in such a way that it would widen it, curb it and make it more accessible; that they say it will not create a danger to the community. That they do not believe you can depend on tax maps for the correct size of property. That they have given the Council a description of the property and if it is not feasible to build the shopping center on this site, then the Building Inspection Department will not give them a permit to do so for you have to comply with city requirements, but they think it can be built, and they would like to advise Mr. Kiser, Acting City Attorney, that tax maps are notoriously inaccurate.

Mr. Justice stated if Elmwood is to be widened at all, a part of the 100 feet depth already lies in Elmwood, and any further widening would only increase the depth.

Council decision was deferred for one week.

HEARING ON PETITION NO. 66-8 BY PRESIDENTIAL MOTOR INN, INC. FOR CHANGE IN ZONING OF A LOT ON THE NORTHEAST CORNER OF WATERMAN AVENUE AND SHENANDOAH AVENUE, FROM R-9 TO O-6.

The public hearing was held on the subject petition.

Mr. Bryant, Assistant Planning Director, stated the tract is on the east side of Waterman Avenue at what was Waterman and Shenandoah, but Shenandoah has been closed where it deadends at the Creek. The lot is vacant as is all of the property between the lot and Independence Boulevard on that side of Waterman Avenue; other than that, the entire area to the north and west is utilized for single-family purposes. The zoning is B-2 along Independence Boulevard on both sides and back to what was Shenandoah and all of the property along Waterman is zoned R-9 on both sides, and the property to the rear of the subject lot is zoned O-6.

Mr. Richard E. Wardlow, Attorney for the petitioners, stated they are asking that the zoning of the lot be changed from the present R-9 zoning to O-6. That this area, all the way from Independence Boulevard going up the creek to Commonwealth Avenue, is owned by the petitioner. The petitioner's proposed motel will be entirely in the B-2 area, which he pointed out on the map. The map and plans of this motel are already on file in the Building Inspection Department, and it will be started immediately if they are granted the change requested. In planning the motel the rear end of the building will be 11 feet from the line that marks the division between B-2 and O-6 zoning. They left a rear area of over 100 feet for screening, etc., for the protection of the R-9 area back of the lot. The Building Inspector told them when they went for the Building Permit that even though they have left the required rear yard line, there is a building line intervening, which he interprets to mean that you must set back from the zone line rather than the lot line. So that means that

they either have to redesign the entire building to get a perfect, good area; they tried moving forward, but there was the sanitary sewer in the creek which they may not encroach upon. Mr. Ritch of the Planning Office suggested that this being O-6 property, they simply extend the O-6 zone to more of their residential lot; this would give them space to put their parking on the back and would give them more than adequate protection to fence it up between this and the residential property which they own. He stated the petitioner has his loan, he has had the contract for the motel since December 16th, and because of this problem, which is caused by lack of communication between the Building Inspection Department and the architect, they cannot proceed. He pointed out that the motel building and operation itself will be located entirely in a B-2 zone, even though what they are putting there is a B-1 use. In the B-2 zone the usage can be, among other things under the zoning ordinance, fuel oil distribution, auto racing, construction material storage, automobile garages, etc. That he does not say this in the way of a threat that if Council does not do this, they will do that, but merely to show the varied usage, because whatever they do it will be to gain the most financial benefit from the property. He pointed out on the map the location of the Merchandise Mart across Independence Boulevard, the Coliseum and Auditorium and stated that a motel is needed in the area.

No protest was expressed to the proposed rezoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 66-9 BY CHARLOTTE-MECKLENBURG PLANNING COMMISSION TO AMEND CHAPTER 23, ZONING, ARTICLE II, SECTION 23-25, STRUCTURES PERMITTED ABOVE THE HEIGHT LIMIT TO PERMIT CERTAIN STRUCTURES TO BE BUILT ABOVE THE HEIGHT LIMIT, PROVIDED SUCH STRUCTURES ARE SEPARATED FROM ADJOINING LOT LINES BY AT LEAST ONE HALF THEIR HEIGHT.

The scheduled hearing was held on the subject property.

Mr. Bryant, Assistant Planning Director, stated this as indicated is a petition by the Charlotte-Mecklenburg Planning Commission to consider a change in the text of the ordinance to clarify a situation that recently came to light. When the original ordinance was adopted in 1962, it was the intention at that time to permit certain structures, namely church steeples as well as other types of towers, to be erected above the basic height limit which for most districts is forty feet. It was the intent at that time to erect above that limit, but it was felt they should observe more than a normal amount of setback from the property line. The ordinance was written in such a way that if you wanted to build a church with a steeple that was to extend above the height limits, the entire structure or church had to be set back from the adjoining lot line by at least one half the height of the very top of the steeple to the ground. That meant that the building line of the Church had to be separated from the lot line by one half that distance. This was not exactly the original intent, and this came to light as a result of the actual administration of the ordinance; so what the Planning Commission is proposing now is to amend the ordinance so that you may still build above the height limit of steeples, towers and so forth; but instead of the entire church building or structure having to be located from the side lot line one-half the distance of the height, the tower structure itself could extend above the height limit and that part would have to be located at least one half its distance from the top to the ground from the line. That if you were building in this circumstance, the main structure of the church building would have to observe only the normal setback from its side, but the distance from the side lot line to the portion of the structure extending

above the basic height limits would have to be at least one half the height from the ground.

No objections were expressed to the proposed change in the ordinance.

Council decision was deferred for one week.

HEARING ON PETITION NO. 66-10 BY CHARLOTTE-MECKLENBURG PLANNING COMMISSION TO CHANGE ZONING FROM R-6 AND B-2 TO R-6MF ON ELEVEN LOTS ON WEST SIDE OF FAIRBROOK DRIVE, BEGINNING AT FAIRDALE DRIVE AND EXTENDING SOUTH TO THE DEADEND OF FAIRBROOK DRIVE AND ONE LOT ON THE SOUTHEAST CORNER OF LYNCHESTER PLACE AND FAIRBROOK DRIVE: ALSO, CHANGE FROM R-6 AND B-2 TO B-1 PROPERTY ON THE WEST SIDE OF BEATTIES FORD ROAD, BEGINNING APPROXIMATELY 300 FEET NORTH OF HOSKINS ROAD AND EXTENDING NORTH TO FAIRDALE DRIVE, HAVING DEPTH OF APPROXIMATELY 200 FEET: ALSO, CHANGE FROM R-9, R-6MF AND O-15 TO O-6 PROPERTY ON THE EAST SIDE OF BEATTIES FORD ROAD, BEGINNING AT "A" AVENUE AND EXTENDING NORTH TO FAIRDALE DRIVE, HAVING A DEPTH OF APPROXIMATELY 400 FEET: ALSO, CHANGE FROM B-1 S.C.D. AND O-15 TO B-1 PROPERTY AT THE NORTHWEST CORNER OF BEATTIES FORD ROAD AND INTERSTATE HIGHWAY 85.

The public hearing was held on the subject property.

Mr. Fred Bryant, Assistant Planning Director, stated this request was brought to light by a zoning case which was considered recently. That on Beatties Ford Road just beyond I-85 a few weeks ago, there was a request to change a tract of land from B-1 to B-2 in order to submit a type of operation that was classified as a repair garage and other things. This request was denied, but at the same time the Planning Commission in looking at that area recognized that over a period of time there had gradually evolved in the area a very unusual pattern. It was one that went from B-1 S.C.D. to Office, then to B-1, then to B-2 with a scattering of single-family, multi-family, and office zoning. He pointed out the area on a map that was all zoned B-2, the Northwood Estates area, and on the land-use map that most of the area is already developed with single-family homes and duplexes, and that the zoning does not fit the land use at all. As a result of this study, the Planning Commission is recommending a pattern which they feel will help the situation and, in the meantime, stabilize the development that has already taken place in the area. They are recommending that basically all the property on the west side of Beatties Ford Road retain its business zoning, with some of it being cut back from a B-2 classification to B-1; and with the exception of one tract of land at Hoskins Road owned by the Catholic Church, on which they have announced plans to erect a church and school combination in the not too distant future, and this they are recommending retain its present office zoning. At the same time, they recommend that the property which has been developed residentially, but is zoned business, be zoned in such manner as to recognize its current usage - R-6MF zoning along the area developed with duplexes and R-6 zoning for the remainder of the area that is already developed in single-family homes. There is one other change, much of this land on the east side of Beatties Ford Road is zoned residentially, and they are proposing that a strip of O-6 zoning be inserted along the east side of Beatties Ford Road in order to create a transitional or buffer area. Mr. Bryant stated further that the property owners affected by this change have been contacted in-so-far as they could find them, and they did not have any objections to the plan they are presenting. There were one or two who thought they should go a little further and bring more business into the area, but there was none exactly opposed to the plan.

Mr. Basil Boyd, Attorney representing some eight or nine property owners, stated the property they are concerned with is on the east side of Beatties Ford Road, from "A" Avenue down to Fairdale Drive. That the Planning

Commission on its own motion have proposed to take that property and zone it O-6. On the west side across the street from this property, they are proposing to zone that all B-1. That his request is very simple, and at the same time they consider it very important. That as he understands the only reason why the Planning Commission is recommending that the property on the east side of Beatties Ford Road be zoned O-6 instead of B-1, as is proposed across the street, is on account of the fact that they want to maintain a buffer zone between the street here and the residential property in the back. That he thinks this is the only basis why they have not zoned both sides B-1. That they submit this property should be zoned B-1 along with the other - that is 400 feet from Beatties Ford Road back to the residential property, and they are asking that it be zoned B-1 instead of O-6. That with a 400 foot depth between the front of this property and the rear of it, there could be no objection to it and could be no problem about not having a suitable and proper and sufficient buffer zone between the rear of this property and the residences. That you would not go back ordinarily with a B-1 building more than 60 or 75 feet and not over 100 or 150 feet depth, and you would still have 300 feet at the end of the business property as a buffer. That this has been done before and is in operation under zoning regulations. In a situation like this if you do not think 300 feet from the rear of a store is enough of a buffer zone, you can write in that these people - if you change it to B-1 - put up a fence or hedge. They submit that the property on each side of Beatties Ford Road is the same thing; there is no difference in it. That it certainly would make no difference in the zoning matters about fire and health and traffic and congestion. That they are petitioning the Planning Commission and hoping they can persuade them to make this recommendation; and they are hoping that the Planning Commission and the Council together will grant this request to make that property B-1 instead of O-6. That the property is too far out, and there would not be that many offices there, and why deprive these people of the same privilege just across the road when this buffer zone can well and sufficiently be taken care of.

Mr. Boyd presented a petition and filed it with the City Clerk.

Mr. Coleman Kerry, Minister of Friendship Baptist Church, stated they own \$35,000 worth of property in the close proximity to this area under discussion. Any reference to a buffer zone causes him a great deal of concern. Their church represents 468 families which own homes in the Northwood Estates. That the property which is now zoned - a little strip of land - was originally zoned residentially, there being a number of problems in so doing and as a result they ended up with a conflict of duplex homes in this area with a buffer separating a quite substantial investment of homeowners in the Northwood Estates. They know who owns this vacant strip of property which has been so zoned, and no real decision has been made as to what will happen to that property. That the church officials are in touch with the owners and have discussed many proposals and they have agreed to work with them because they feel if you change too many zones in this area you will end up with a pretty bad situation. He requested that any decision be delayed on this until the Planning Commission has had further study. That they say they have made contacts in the area, and he thinks they have the largest single investment out there; and even though their property is not in the immediate area, it is certainly in close proximity, and he thinks this should be weighed very carefully before any decision is made.

Council decision was deferred for one week.

HEARING ON PETITION NO. 66-11 BY J. H. CHEATWOOD FOR CHANGE IN ZONING OF A LOT 60 FEET X 164 FEET ON THE SOUTHWEST CORNER OF WATERMAN AVENUE AND SHENANDOAH AVENUE, FROM R-9 TO O-6.

The scheduled hearing was held on the subject property.

Mr. Fred Bryant, Assistant Planning Director, advised this is a single lot diagonally across the street from the Presidential Motor Inn property on Waterman Avenue requested rezoned, the petition for which has been previously heard today. That the entire area to the north and west is utilized for single family purposes with B-2 zoning along Independence Boulevard on both sides and back to what was Shenandoah Avenue, and all of the property along Waterman is zoned R-9 on both sides and the property to the rear of the subject lot is zoned O-6.

Miss Margarite Frit, representing the petitioner, stated if the petition of Presidential Motor Inn is granted to change the zoning of their property across the street from R-9 to O-6, she believes it would be fair to consider Mr. Cheatwood's petition for relief in this situation. That at this moment, it would be a great loss to him to try to dispose of his property as a residence rather than O-6.

No protest was expressed to the proposed rezoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 66-12 BY SAMUEL J. KING FOR CHANGE IN ZONING OF A PIECE OF PROPERTY 207.59 FEET X 336.73 FEET LOCATED 187 FEET SOUTH OF MCDONALD BELT ROAD AND 265 FEET EAST OF STATESVILLE ROAD, FROM B-2 TO I-2.

The public hearing was held on the subject property.

Factual Information relating to the subject property was given by the Assistant Planning Director who stated this is a triangular shaped tract and is adjoined on the Statesville Road side by a service station and vacant property which is owned by the petitioner; there are two residences at the intersection of McDonald Road, and three residences on McDonald Road and Broome Trailer Service Company on the corner at Derita Road. All the area to the rear of the subject property is zoned I-2, with the property out to and across Statesville Road all the way along the length of Statesville Road, Zoned B-2.

Mr. Samuel J. King, the Petitioner, stated after he had proceeded with his plans to build two structures on this property and submitted the plans to the Planning Commission, they found they had a little problem in that they did not have facilities for parking the trucks that would do service to the manufacturing facilities. It was indicated that the only way they could continue with their investment was to ask for the zoning change from B-2 to I-2.

No opposition was expressed to the proposed change in zoning.

Council decision was deferred for one week.

HEARING ON PETITION NO. 66-14 BY I. R. MEISENHEIMER FOR CHANGE IN ZONING OF A TRACT OF LAND APPROXIMATELY 510 FEET X 1,600 FEET LOCATED AT 7501 Neal Road, From R-12 TO B-2.

The scheduled hearing was held on the subject property.

Mr. Fred Bryant, Assistant Planning Director, pointed out Neal Road leading off Mineral Spring Road, following Mineral Spring Road out and coming out

practically in Derita. That this is a tract of about 19 acres and has on it at present sixteen trailers. That this is a trailer park that existed prior to the enactment of the present ordinance; therefore, it is a legal nonconforming use. The property has on it in addition to the trailers, a home which serves as the office for the mobile-home park; it is adjoined by a number of single-family structures throughout the area; on both sides of Neal Road leading up to Mineral Springs Road, there are single family homes; that immediately facing the property is a single-family house and a single trailer. On the other side of the property going out Neal Road, there are three homes on one side and a single home on the other side with a scattering of residential structures throughout the area. At present the zoning in the area is R-12 single-family.

Mr. W. H. Bobbit, Jr., Attorney for the petitioner, stated they have an existing problem and are not seeking something that is not already there. Mineral Springs Mobile Park has been in existence since about 1955 and in 1956 the entire parcel was plotted out, streets put in, areas for trailers level off, etc. Prior to 1962 a great number of facilities were put in for a number of trailers in excess of the 16 located there now. At the time of the adoption of the 1962 zoning ordinance, there were only 12 trailers located on the premises but the facilities were sufficient to serve two or three times that number without any new facilities - such as wells, septic tanks and major electrical wiring. Prior to 1962 when the ordinance was adopted, Mr. Meisenheimer, who is an independent carpenter, had expended something near \$10,000 in developing the Park. Since that date he has had the State Department of Health approve the plans for the entire area which consists of about 19 acres and could hold 80 to 90 trailers. That he allows approximately 4,000 feet per trailer, whereas the zoning ordinance requires only 2,500 feet. As far as the location is concerned, the property is approximately two miles from Downtown Derita on a deadend road, and the closest business zoning of any sort is Downtown Derita, and the next closest business zoned area is at the intersection of I-85 and old N. C. 29 at the general location of the Fairgrounds. The R-12 zoning of the area was done in 1962 and is something like one and a half miles long and one and a half miles wide, rectangular in shape and has in it something like 900 acres with no Business area at all and is bordered by an Industrial area which runs down along I-85. It is located in Mallard Creek Township about three and a half miles from the city limits which is at the intersection of Derita Road, North Graham Street and I-85. The problem they have become apparent in the last several months; Mr. Meisenheimer has felt all along that his Trailer Park has been well established and well laid out to where it came under the grandfather clause of the ordinance - but in the last several months he and the Building Inspection Department have had a difference in opinion on that and to try to resolve it here, once and for all if we can, rather than slug it out in criminal court, is what we have chosen to do. The change in zoning, if permitted, will not be noticeable, this property is rectangular, fronts about 500 feet on Neal Road, extends back 1,650 feet to a creek at the back at a distance of about 250 to 300 feet back from the road, the land moves up, and from that crest on back it goes down hill very steeply. The closest trailer to the highway now is about 350 feet, and Mr. Meisenheimer's present plans do not anticipate that any trailers will be any closer than that. At the present of the 16 trailers there, a person riding down Neal Road and looking carefully could not see more than three or four of them, and they will not be visible from the highway whether he has 16 or 80. The zoning change involved here has been contested. The way this Trailer Park has been planned and developed should not be something that gives the Planning Commission or the Council or the Departments of the City, who administer the ordinance, new problems in traffic; we are dealing with a one-way street, a deadend road, and we are not dealing with a congested neighborhood. As Mr. Bryant pointed out, there are a number

of houses along Neal Road, but the distance from Neal Road to Mineral Springs Road on which this Trailer Park is located is half a mile or more, and the distance from this property to the deadend of Neal Road is another half mile or more. There are about 25 houses along both sides of Neal Road, but nobody lives on a 50 foot or a 100 foot lot, most of them live on estates of five, ten to thirty acres, but the fact remains that this Mobile Trailer Park and the signs which have been erected at the Derita entrance into Mineral Springs Road and at the entrance to Neal Road have been there since 1955 and most of these homes have been built with the full knowledge that the Trailer Park was there; in fact, one of the residents objecting to the Petition lives adjoining the property and has in his front yard, at a distance of approximately 150 feet from the road, a large house-trailer sitting right out on the road, so we do not understand his objections. The problem is clear, the need from the standpoint of the Petitioner is clear, the problems that the opponents will present are clear, someone always objects to change and has the right to, but we feel the equities of violence and the notice and existence and development and the fact that the lay of the land is such, that no additional objections to the community will be apparent, are things that should secure Council's support in permitting this zoning change. Mr. Bobbitt requested Council's earnest consideration of their petition.

Councilman Thrower asked how long Mr. Meisenheimer has owned the property and Mr. Bobbitt stated he purchased it in 1949.

Mr. John Hasty, Attorney representing the protestors, stated a petition has already been filed with the Clerk, comprising the entire adjoining property owners opposing the change. He presented a map of the property, pointing out that, with the exception of the business around N. C. 49, the entire area is either zoned R-9, R-9MF or R-12 and constitutes well over ten-square miles of residential property. He presented photographs of the homes in the area and explained that the property requested rezoned is clearly visible from the backyard of one of the opponents; a second photograph of a group of homes each costing \$20,000 to \$25,000 that would be effected by the rezoning with it coming within several hundred feet; another photograph of a view of a subdivision which lies immediately behind the subject property; another photograph of two homes in the Richview Homes section of Derita - all of these houses being right behind the proposed zoning change. He stated the residents who filed the petition opposing the change on Wednesday have been joined by others, and he has with him a petition containing 58 more names, which includes all except three of the property owners on Neal Road; the three not on the petition are people who do not live on their property and in the short period of time that was given, they were unable to obtain their signatures. He stated that the sign that was posted by the Planning Commission on the property was moved - and Mr. Bryant will substantiate this - to such a distance away that none of the residents saw it or knew it was there. That he was contacted only on Friday of week-before-last and only on Friday was the Sign visible to the residents as to the proposed change in zoning. He filed the additional petition with the City Clerk. He presented a map of the area, on which the names of each of the protestors and their property was indicated and which shows the Subdivision in which the homes in the photographs shown Council are located and the area requested rezoned which will bring the trailer park right up to the backdoors of these homes. He stated that Mr. Meisenheimer prepared a Trailer Park which, under the 1962 ordinance, became an existing use; he tried to expand this use - putting in more trailers - and the City Attorney now has under consideration a law suit against him. He asked that the Council not let him expand even under Mr. Bobbitt's argument that we have a Plan - this Plan was abandoned for more than one year, which I will argue to you under the law. Do not let Mr. Meisenheimer ruin the \$25,000 or \$30,000 homes. Do not let him ruin the homes which are already on Neal Road. B-2 zoning, as he understands it, is for the convenience of the surrounding neighborhood; this will not be a convenience.

Mr. Bobbitt remarked that he did not realize that his client was apt to ruin so many people. That some innuendo was perhaps intended in connection with the Sign on the property. That the first notice that he or his client had that the Sign had been moved came from Mr. Birmingham of the Planning Commission office; when they learned that it had been moved - by whom they do not know - Mr. Meisenheimer located it and moved it back out right by the shoulder of the road, where it was on Saturday morning when he went out to see if it was there.

Council decision was deferred for one week.

HEARING ON PETITION NO. 66-15 BY W. BRUCE HUTCHINSON FOR CHANGE IN ZONING OF A STRIP OF LAND 300 FEET IN DEPTH ON THE NORTH SIDE OF SUNSET ROAD, BEGINNING AT STATESVILLE ROAD AND EXTENDING WESTWARD APPROXIMATELY 1,800 FEET, FROM R-9 AND B-2 TO I-2.

The public hearing was held on the subject petition.

Mr. Fred Bryant, Assittant Planning Driector, stated this location is out Statesville Road at the edge of the perimeter area, and the subject property is a strip of land on Sunset Road extending from Statesville Road westward to the edge of the perimeter area. The property is vacant, with the exception of one house at the intersection of Statesville and Sunset Roads, and there are a number of residences scattered through the area. The present zoning is B-2 around the intersection of Sunset and Statesville Roads; and other than that, it is all residentially zoned R-9, R-12 and R-12MF to Statesville Road.

No objections were expressed to the proposed change in zoning.

Council decision was deferred for one week.

RESOLUTION CLOSING A PORTION OF SOUTH DAVIDSON STREET, BETWEEN EAST SECOND STREET AND INDEPENDENCE BOULEVARD, IN THE BROOKLYN URBAN RENEWAL AREA, ADOPTED.

The public hearing was held on the request of the Redevelopment Commission for the closing of a portion of South Davidson Street, between East Second Street and Independence Boulevard, in the Brooklyn Urban Renewal Area.

No objections were expressed to the proposed street closing.

Councilman Whittington moved the adoption of a Resolution Closing a Portion of South Davidson Street, between East Second Street and Independence Boulevard, in the Brooklyn Urban Renewal Area. The motion was seconded by Councilman Thrower, and unanimously carried.

The resolution is recorded in full in Resolutions Book 5, at Page 177.

RESOLUTION CALLING FOR A PUBLIC HEARING ON THE REDEVELOPMENT PLAN FOR REDEVELOPMENT SECTION NO. 4 BROOKLYN URBAN RENEWAL AREA, ON FRIDAY, FEBRUARY 7, 1966.

Upon motion of Councilman Whittington, seconded by Councilman Jordan and unanimously carried, a resolution entitled: Resolution calling for a public hearing on the Redevelopment Plan for Redevelopment Section No. 4 Brooklyn Renewal Area on Friday, February 7, 1966, was adopted. The resolution is recorded in full in Resolutions Book 5, at Page 179.

ANNOUNCEMENT OF THE APPROVAL OF \$178,000 FOR STUDY OF PHASE NO. 5, BROOKLYN URBAN RENEWAL REDEVELOPMENT.

Mayor Brookshire announced that in connection with the Brooklyn Urban Renewal Redevelopment Plan, Senator Jordan has this afternoon announced the approval of the Study Fund Money for Phase 5 in the amount of \$178,000. The Mayor advised that he received the news when he was in Washington on Friday, but it could not be disclosed until Senator Jordan made his announcement.

SUPPLEMENT NO. 8 TO LEASE WITH EASTERN AIRLINES, REDUCING THEIR LAND AREA AND RENTAL IN TRACT "D" AND LAND AREA IN TRACT "C" FOR THE CONSTRUCTION OF THE AIR CARGO BUILDING AT DOUGLAS MUNICIPAL AIRPORT.

Councilman Thrower moved approval of Supplement No. 8 to the Lease with Eastern Air Lines for their use of land area at Douglas Municipal Airport, reducing the land area leased them in Tract "D" by approximately 16,800 square feet and a reduction in rental of \$110.96 per year, and reducing the land area in Tract "C" under option for lease to them, by 5,663 square feet, made necessary in order to construct the Air Cargo Building. The motion was seconded by Councilman Alexander and unanimously carried.

NAME OF PINEVILLE ROAD, FROM TYVOLA ROAD TO THE NEW CITY LIMITS SOUTH OF STARBROOK DRIVE, CHANGED TO SOUTH BOULEVARD.

Upon motion of Councilman Short, seconded by Councilman Alexander and unanimously carried, the name of Pineville Road from Tyvola Road to the new city limits south of Starbrook Drive, was changed to South Boulevard as recommended by the Planning Commission in order to extend the in-city street name into the area annexed to the city on December 27, 1965, so as to retain an orderly street naming system.

CONSTRUCTION OF SANITARY SEWER MAINS AUTHORIZED.

Upon motion of Councilman Thrower, seconded by Councilman Jordan and unanimously carried, the construction of sanitary sewer mains were authorized as follows:

- (a) Construction of 250 feet of eight-inch main in Pecan Avenue inside the city limit at the request of Cole Properties, Inc., at an estimated cost of \$1,045.00. All cost to be borne by the Applicant, whose deposit of the amount of the estimated cost has been received and will be refunded as per terms of the contract.
- (b) Construction of 700 feet of eight-inch main in Somerdale Lane, inside the city limits, at the request of The Windsor Company, at an estimated cost of \$3,530.00. All costs to be borne by the Applicant, whose deposit of the amount of the estimated cost has been received and will be refunded as per terms of the contract.

ROSTER OF ACTIVE MEMBERS OF CHARLOTTE FIRE DEPARTMENT APPROVED FOR CERTIFICATION TO THE BOARD OF TRUSTEES OF THE N. C. FIREMEN'S PENSION FUND.

Councilman Albea moved approval of the Roster of Active Members of the Charlotte Fire Department as submitted by Chief Walter J. Black for certification to the Board of Trustees of the North Carolina Firemen's Pension Fund. The motion was seconded by Councilman Thrower and unanimously carried.

E. E. WADDELL APPOINTED A MEMBER OF THE REDEVELOPMENT COMMISSION.

Mayor Brookshire asked if there were additional nominations to those of Mr. E. E. Waddell and Dr. Rufus R. Perry made at the last meeting to fill the vacancy on the Redevelopment Commission.

No other nominations were made.

Councilman Alexander moved the appointment of Dr. Rufus R. Perry to fill the vacancy on the Redevelopment Commission for the unexpired term of Mr. Malcolm, resigned, ending on November 27, 1969. The motion did not receive a second.

Councilman Whittington stated a few weeks ago when the Council had the responsibility of filling another vacancy on the Redevelopment Commission, he said then that we are attempting to meet the challenge of a growing community. That he believes we need to appoint men who have the necessary education, training, experience and interest to do a good job. That he would like to say that he knows of the qualifications of Dr. Perry and his work in this city. However, he believes his nominee, Mr. E. E. Waddell, can make a greater contribution because his school is in the Brooklyn Redevelopment Area, and he is familiar with the people affected by Urban Renewal and with their problems. He is a graduate of North Carolina A & T College in Greensboro with a masters degree; he has also attended the University of Pennsylvania, New York University, and the University of North Carolina at Chapel Hill. For twenty-three years he has been a school administrator, where he has gained valuable experience in policy making and dealing with the public. For the past eleven years he has served on the Board of Trustees of North Carolina A & T College at Greensboro. He was appointed to this Board first by Governor Luther Hodges and reappointed by Governor Terry Sanford. At present, he is Vice-Chairman of this Board of Trustees and has served as Vice-Chairman for the past six years. During this time he has worked closely with State and Federal Agencies in promoting the growth of this Institution, and this experience should prove very valuable on this Commission. He has had close relationship with the Redevelopment Commission and Urban Renewal in acquiring property and securing funds for erecting buildings for this college. He has been use to making major decisions that require large sums of money and long range planning which affected the lives of many people. At present, he is Principal of Second Ward High School, where he has been for the past three years. This was the first predominately Negro school in Charlotte where the student body and faculty were integrated, and this was done without incident. As the Principal of Second Ward School, he has worked closely with the officials of the Redevelopment Commission as well as with families and children most directly affected by Urban Renewal. This experience qualifies him to serve well as a member of the Redevelopment Commission, because he knows the problems of these people. He has in the past expressed publicly on many occasions his interest in Urban Renewal and his desire to be of assistance. It is his belief that this man will bring training, experience and desire to serve on this Commission that will be of benefit to all the citizens of Charlotte. For these reasons, he believes the Council today should elect Mr. E. E. Waddell as a member of the Redevelopment Commission, and he hereby moves his appointment for the unexpired term of Mr. James A. Malcolm. The motion was seconded by Councilman Tuttle.

The vote was taken on the motion and carried by the Following recorded vote:

YEAS: Councilmen Whittington, Tuttle, Albea, Jordan, Short and Thrower.
NAYS: Councilman Alexander.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON FEBRUARY 21, 1966, ON PETITIONS NUMBERED 66-18 THROUGH 66-22 FOR ZONING CHANGES, ADOPTED.

Upon motion of Councilman Albea, seconded by Councilman Jordan and unanimously carried, a resolution entitled: "Resolution Providing for Public Hearings on February 21, 1966, on Petitions Numbered 66-18 Through 66-22 for Zoning Changes," was adopted.

The resolution is recorded in full in Resolutions Book 5, at Page 182.

NO MORE THAN TEN PETITIONS FOR ZONING CHANGES TO BE HEARD AT ANY ONE COUNCIL MEETING.

Councilman Thrower asked Council to consider hearing no more than ten zoning petitions at a meeting, and extend to the next meeting the other zoning petitions beyond this number. Councilman Whittington remarked that he agrees with this suggestion. Councilman Albea asked that an iron clad rule on this not be made, as any number of zoning petitions can by motion be postponed at any meeting. Councilman Thrower replied that they cannot be postponed if they have been advertised to be heard on a particular date, and, in his opinion, hearings on ten petitions on an agenda is enough to absorb in one day.

Councilman Thrower moved that Council hear no more than ten zoning petitions at a meeting and automatically extend the remaining petitions to the following week. The motion was seconded by Councilman Whittington who remarked that he thinks this is only fair. That today Council has been here since one o'clock; and in fairness to the people who present the petitions and ask Council to make a judgment, one can absorb only so much.

Councilman Albea commented that Council members asked for the job and got it, and the people want a hearing on their petitions as soon as they can get it, and he thinks they rather enjoy meetings like today's. Councilman Short remarked that he is wondering if this should be done in the absence of Mr. Kiser, Acting City Attorney, and he asked if this sort of thing has been done before? Councilman Thrower replied that usually hearings are set up on zoning requests for the third week, but there is no rule that says they have to be heard the third week of the month.

The vote was taken on the motion and carried by the following recorded vote:

YEAS: Councilmen Thrower, Whittington, Alexander, Jordan, Short and Tuttle.
NAYS: Councilman Albea.

CONTRACTS AUTHORIZED FOR THE APPRAISAL OF RIGHTS OF WAY FOR THE NORTHWEST EXPRESSWAY.

Upon motion of Councilman Whittington, seconded by Councilman Tuttle and unanimously carried, the following contracts for the appraisal of rights of way for the Northwest Expressway, were authorized:

- (a) Contract with G. A. Hutchinson for the appraisal of one parcel of land on East Trade Street.
- (b) Contract with L. D. Bass, Sr., for the appraisal of one parcel of land on East Trade Street.
- (c) Contract with L. H. Griffith for the appraisal of one parcel of land on Central Avenue.
- (d) Contract with Wallace D. Biggs for the appraisal of one parcel of land on Central Avenue.

TRANSFER OF CEMETERY LOTS.

Upon motion of Councilman Jordan, seconded by Councilman Alexander and unanimously carried, the Mayor and City Clerk were authorized to execute deeds for the transfer of the following cemetery lots:

- (a) Deed with Estate of Fred N. Hall, Sr. for Graves 3, 4, 8 and 9 in Lot 272 and for Graves 1, 2, 3 and 4 in Lot 273, Section 2, Evergreen Cemetery, at \$480.00.
- (b) Deed with Mr. and Mrs. John L. Phifer, for Graves 5, 6, 7 and 8 in Lot 268 and Graves 9 and 10 in Lot 269, Section 2, Evergreen Cemetery, at \$360.00.
- (c) Deed with Mr. and Mrs. Leston T. Funderburk for Graves 5, 6, 7 and 8 in Lot 273, Section 2, Evergreen Cemetery, at \$240.00.
- (d) Deed with Mr. Horace E. Hall, for Graves 5 and 10 in Lot 272, Section 2, Evergreen Cemetery, at \$720.00.
- (e) Deed with Mr. E. Pat Hall, for Graves 1 and 6 in Lot 269, Section 2, Evergreen Cemetery, at \$720.00.
- (f) Deed with Mrs. Nell K. Hall, for Graves 2, 3, 7 and 8 in Lot 269, Section 2, Evergreen Cemetery, at \$240.00.
- (g) Deed with Mr. Harold L. Hall, for Graves 1, 2, 6 and 7 in Lot 272, Section 2, Evergreen Cemetery, at \$240.00.
- (h) Deed with Mr. Fred N. Hall, Jr., for Grave 1 in Lot 268, and Graves 4 and 5 in Lot 269, Section 2, Evergreen Cemetery, at \$180.00.
- (i) Deed with Mr. James T. Hall, for Graves 2, 3 and 4 in Lot 268, Section 2, Evergreen Cemetery, at \$180.00.

CONTRACT AWARDED TO TRAFFIC ENGINEERS SUPPLY CORPORATION FOR RADAR UNITS FOR POLICE DEPARTMENT.

Councilman Tuttle moved the award of contract to the low bidder, Traffic Engineers Supply Corporation in the amount of \$2,222.74 for two transistorized radar units, as specified. The motion was seconded by Councilman Whittington and carried unanimously.

The following bids were received:

Traffic Engineers Supply Corp.	\$ 2,222.74
National Welders Supply Co.	2,358.70
Stephenson Corp.	2,677.70

CONTRACT AWARDED EUREKA FIRE HOSE DIVISION, U. S. RUBBER COMPANY FOR FIRE HOSE.

Motion was made by Councilman Tuttle to award contract to the low bidder, Eureka Fire Hose Division, U. S. Rubber Company, for ~~29,000~~ 29,000 ft. of fire hose, as specified, in the amount of \$20,013.15 on a unit price basis. The motion was seconded by Councilman Jordan and carried unanimously.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR ACQUISITION OF CONSTRUCTION EASEMENT OVER PROPERTY OF WILLIAM H. LABHART AND WIFE, SYBLE S. LABHART, LOCATED AT 316 EASTWAY DRIVE FOR EASTWAY DRIVE WIDENING PROJECT.

Upon motion of Councilman Albea, seconded by Councilman Alexander, and unanimously carried, a resolution entitled: Resolution Authorizing Condemnation Proceedings for Acquisition of Construction Easement Over Property of William H. Labhart and wife, Syble S. Labhart, Located at 316 Eastway Drive for Eastway Drive Widening Project, was adopted.

The resolutions is recorded in full in Resolutions Book 5, at Page 183.

CONDEMNATION OF PROPERTY OF TOM MATTOX AND WIFE FOR CAPITOL DRIVE SANITARY SEWER EXTENSION, AUTHORIZED.

Councilman Albea moved that condemnation proceedings be authorized for property 15' x 1232.93 linear feet, lying along Capital Drive, owned by Tom Mattox and wife, Azela S., for the Capitol Drive Sanitary Sewer Extension. The motion was seconded by Councilman Alexander and carried unanimously.

ORDINANCE NO. 415 TO AMEND CHAPTER 7 OF THE CODE OF THE CITY OF CHARLOTTE RELATING TO MONUMENTS IN CEMETERIES.

Upon motion of Councilman Thrower, seconded by Councilman Tuttle and unanimously carried, an ordinance entitled: Ordinance No. 415 to Amend Chapter 7 of the Code of the City of Charlotte Relating to Monuments in Cemeteries, was adopted.

The ordinance is recorded in full in Ordinance Book 14, at Page 257.

CROSSING GUARDS AUTHORIZED AT NEWLAND ROAD AND CUMMINS AVENUE AND AT NEWLAND ROAD AND SAMUEL STREET TO SERVE LINCOLN HEIGHTS AND WILLIAMS JUNIOR HIGH SCHOOL, AND TRANSFER OF FUNDS FROM THE CONTINGENCY ACCOUNT, GENERAL FUNDS, FOR THIS PURPOSE.

Upon motion of Councilman Albea, seconded by Councilman Whittington and unanimously carried, a crossing guard was authorized at Newland Road and Cummins Avenue and at Newland Road and Samuel Street to serve Lincoln Heights and Williams Junior High School, and \$860.00 was authorized transferred from the General Fund, Contingency Account for this purpose.

TRANSFER OF FUNDS FROM GENERAL FUND, UNAPPROPRIATED FUNDS TO TRAFFIC ENGINEERING DEPARTMENT ACCOUNT FOR THE INSTALLATION OF NEW SCHOOL ZONES AND SIGNS, AUTHORIZED.

Councilman Tuttle moved that \$12,680.00 be transferred from the General Fund, Unappropriated funds to the Traffic Engineer Department Account, for the installation of new School Zones and Signs for the 67 elementary and junior high schools located within the city limits, as recommended by the Traffic Engineer. The motion was seconded by Councilman Short and carried unanimously.

See Ordinance No. 550-X attached.

PAYROLL DEDUCTION OF FUNDS FOR VOLUNTEER POLICE PLEDGE FUND, AUTHORIZED.

Councilman Thrower moved approval of the use of payroll deductions for the Volunteer Police Pledge Fund, subject to the details being worked out satisfactorily. The motion was seconded by Councilman Short and carried unanimously.

ENGINEERING AGREEMENT IN CONNECTION WITH THE WIDENING OF SHARON AMITY ROAD FROM TANGLE DRIVE TO INDEPENDENCE BOULEVARD AUTHORIZED WITH RALPH WHITEHEAD & ASSOCIATES.

Upon motion of Councilman Whittington, seconded by Councilman Albea and unanimously carried, an engineering agreement was authorized with Ralph Whitehead & Associates in connection with the widening of Sharon Amity Road from Tangle Drive to Independence Boulevard, AT A TOTAL LUMP sum fee of \$12,500.00.

REQUEST OF MRS. W. A. LILLY FOR INFORMATION REGARDING CONSTRUCTION OF SWIMMING POOL IN WOODBURY FOREST REFERRED TO THE PLANNING COMMISSION.

Councilman Tuttle requested Mr. Bobo, Administrative Assistant, to take up the letter from Mrs. W. A. Lilly regarding the construction of a swimming pool in Woodbury Forest with the Planning Commission, AND SEE if anything can be worked out for her.

ADJOURNMENT.

Upon motion of Councilman Thrower, seconded by Councilman Alexander and unanimously carried, the meeting was adjourned.

Lillian R. Hoffman
Lillian R. Hoffman, City Clerk