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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Monday, March 23, 1970, at 2:00 o'clock p.m., with Mayor John M. Belk presiding, and Councilmen Fred D. Alexander, Sandy R. Jordan, Milton Short, John H. Thrower, Jerry Tuttle and James B. Whittington present.

ABSENT: Councilman Joe D. Withrow.

The Charlotte-Mecklenburg Planning Commission sat with the City Council, and as a separate body, held its public hearings on Petitions for changes in zoning classifications concurrently with the City Council, with the following members present: Chairman Toy, and Commissioners Blanton, Embry, Sibley, Stone and Turner.

ABSENT: Commissioners Albea, Brewer, Godley and Tate.

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#### INVOCATION.

The invocation was given by Councilman Sandy R. Jordan.

#### MINUTES APPROVED.

Upon motion of Councilman Short, seconded by Councilman Tuttle, and unanimously carried, the minutes of the last meeting, on Monday, March 16, 1970, were approved as submitted.

HEARING ON PETITION NO. 70-41 BY GOLDEN EAGLE INDUSTRIES, INC. FOR A CHANGE IN ZONING FROM R-12 AND R-12MF TO R-9MF AND B-2 OF APPROXIMATELY 250 ACRES OF LAND LOCATED BETWEEN MONROE ROAD AND INDEPENDENCE BOULEVARD, EXTENDING FROM WOODBERRY FOREST SUBDIVISION ON THE WEST TO MCALPINE CREEK ON THE EAST.

The public hearing was held on the subject petition on which a protest petition has been filed and found sufficient to invoke the 3/4 Rule requiring the affirmative vote of six (6) Councilmen in order to rezone the property.

Mr. Fred Bryant, Assistant Planning Director, stated this is a request to change a large tract of land from several different types of zoning into basically an R-9MF classification with some change to B-2. The tract lies between Monroe Road and Independence Boulevard; the easterly boundary is basically McAlpine Creek; the western boundary is the Woodberry Forest Subdivision; the property is basically vacant with one house which is visible from Monroe Road. On the in-town side of the subject property is the Woodberry Forest Subdivision which is predominately developed with single family homes; to the south across Monroe Road the property is for the most part vacant with the Seaboard Railroad running parallel with and crossing Monroe Road where the narrow underpass is located and then McAlpine Creek crossing just beyond. He pointed out the Mecklenburg County Landfill site and stated there are other uses along Monroe Road between the railroad and the location, including an air-conditioning concern, several cabinet shops and one retail outlet which is a ceramic facility; beyond the railroad is a fish camp type restaurant and an older furniture shop. On the Independence Boulevard side are several scattered business uses such as Captain's Galley Seaford Restaurant and a Mexican Food Restaurant; coming back into town is a garage and service station located at the intersection of Margaret Wallace Road and then further back into town is an intensified business development. He pointed out East Mecklenburg High School with a church opposite the school and other subdivisions in the area such as the Burtonwood Subdivision.

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Councilman Jordan asked if the property fronts on Independence, and Mr. Bryant replied the property under the ownership of the petitioner extends to Independence and is zoned for business uses and technically is not included in the subject petition.

He stated there is B-2 zoning along both sides of Independence Boulevard out to McAlpine Creek; the middle portion of the area between Independence and Monroe Road is zoned R-12 and along Monroe Road is R-12MF existing from Woodberry Forest Subdivision out almost close to the point where the railroad crosses Monroe Road; there is I-1 zoning in the lower quadrant of the map. The area included in the request involves a request to change all the property to R-9MF except for the portion for B-2 which would extend the existing business zoning back and away from Independence Boulevard an additional depth.

Mr. Russell Robinson, Attorney for the petitioner, stated the petitioner seeks the rezoning of an area to B-2 for the construction of a shopping center in a later stage of the apartment project.

He stated the high density apartment development is badly needed in the city and will be needed even more later on; the major concern is to make sure that this type of project is built in a location that will accommodate it and is built by a person or group of person who will do it right. He stated the property is ideally located for this type of project as it is situated between two main traffic arteries that can handle the traffic that will be generated by the project itself - Independence Boulevard and Monroe Road are major arteries into the city. That in order to provide better access for citizens of this area, the developers plan to construct a major artery that will bi-sect the property, giving the residents of the project access either to Monroe Road or to Independence Boulevard.

Mr. Robinson stated the physical features lends themselves to this type of development; it is a rolling terrain, it is wooded and the developers plan to keep the trees as much as they can; there is a lake on the property which will be enlarged and another lake will be built from water that is on the property to provide an attractive setting and recreational area.

The developer is an affiliate of C. D. Spangler Construction Company; Mr. Spangler and his company have been developers for more than 30 years in the City of Charlotte and they have the ability and the dedication to make this type of project the best type apartment project that can be built. By reason of their experience and by reason of their financial resources they are able to do this. The people who propose this shopping center are citizens of this City and have an interest in the City themselves.

Mr. Robinson presented a layout and stated it will provide not only the minimum requirements that should be imposed on a project of this type but will provide wide streets such as the artery that will bi-sect the project and will provide adequate parking which, in most cases, will be behind the apartment building itself. He stated the apartments will be deluxe apartments heated and air-conditioned with wall-to-wall carpet and other features. He stated last week the Developer went to Baltimore and took a series of about 200 pictures of the Cross Keys Apartments with the idea being they can best construct the type of apartment project that will bring credit to the City by gathering the best ideas in apartment projects of this type from around the country. He passed around the pictures for Council and the Commission to view.

He stated there are about 228 acres in the project and some of that acreage is in Independence Boulevard and Monroe Road; there will be approximately 2,000 units; that it is a ten-year development project.

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Councilman Tuttle referred to the street that will bi-sect the project and asked if the entrances into Monroe Road and Independence Boulevard with the necessary traffic lights been checked out with Mr. Hoose, Traffic Engineer, or the State or any expert? Mr. Robinson replied it is a little premature at this point because they have not had the property rezoned; they assume if the petition is granted that a sensible street plan must be developed and it can be developed in this area better than in most areas in the city because they have these two access routes.

Mr. Robinson stated Phase I of the project will be approximately 220 units which will be started this year hopefully; each Phase has a recreational area including a swimming pool; eventually a softball field, a swimming pool, tennis court and recreational park and areas around the lake and the best use that can be made of the terrain and available space.

Councilman Short asked how many acres are in the apartment project and how many for the shopping center? Mr. Robinson replied there are approximately 34 acres in the shopping center; that the entire project contains about 220 acres. Councilman Tuttle asked the average rental on the apartments, and Mr. Spangler replied about \$180.00 per month for a two-bedroom of approximately 1,150 square feet.

Mr. T. L. Odom, Attorney representing a number of landowners who have already filed a protest petition to invoke the 75% rule, presented to the City Clerk an additional protest petition by interested landowners containing the signature of about 170 people. He also passed around maps for the Council and Commission to view, showing where the protestants live. He stated the residents who filed the petition to invoke the 75% Rule live on Lamarka Avenue; that everyone who owns a home or one of the few lots vacant on the street that adjoins the subject property have signed the protest petition. The general protest is signed by almost all of the residents of Woodberry Forest, and other areas. He passed around photographs showing some of the <sup>homes</sup> in the Woodberry area which is almost totally developed with homes ranging from \$25,000 to \$45-50,000. The area has retained almost all of the natural surroundings. Mr. Odom stated the petition for rezoning is another example of progress of revoking the long range planning that the Planning Commission and City Fathers set out some years back; that this whole area was originally planned to be single family residences; the area already developed is single family residences; that many of these property owners looked at the surrounding zoning before they built their homes and they expected the surrounding area to remain primarily single family area.

He stated the petitioners plan a 2,000 units apartment development and he understands they would not be restricted to the 2,000 and could put as many as 3,000 apartment units in there. Under the present regulations, there would be no control, once this petition has been approved, as to the number of units actually put there; there would be no restrictions of how close they can put the apartments to the adjoining subdivision.

Mr. Odom stated if they put in 2,000 units with the average occupancy being 3.2 to an apartment, at a minimum there is 6,000 people to live in the area. He stated this is in the county and he has not heard one thing today that says they have made provisions for fire protection, for police protection, street maintenance, garage or anything. That small towns within a short distance of this county that have a population of 6,000 have some type of hospital facilities, nothing has been said about additional schools. This would be a new city of 6-8 thousand people suddenly created overnight. If they developed this property along the line of single family homes, it would be a much slower development but it would be steady and the surrounding area and surrounding governmental facilities would grow with it.

He stated the area sought to be rezoned is a beautiful tract of land; there are small hills, rolling areas with most of it wooded; there are streams in

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it and it would make a beautiful single family residential area. He stated the petitioners have indicated they would leave most of the trees, but experience has shown him that in most apartment complexes built they go in first and strip the land and then come back in and put a few trees and a little grass in. That he is not saying that is what would happen in this case but all he can go on is what he has seen in the past.

Mr. Odom referred to an article in Sunday's paper about apartments in which it was stated that complaints are many and firemen cannot get their trucks through the narrow streets; city traffic experts say they dump heavy loads of traffic onto streets at the most inappropriate places. He stated at this point Monroe Road is still a two-lane road and he has not heard anyone say how long it would be before it becomes a four-lane road. He stated the article stated that postmen and police complain they cannot find people's apartments because of complicated address systems and lack of clear identification; adjoining property owners say apartments run huge amounts of rain water onto their property, often damaging it; neighbors who live in single family houses complain that apartment buildings and parking lots for apartments are constructed close to their property.

Mr. Odom stated the citizens of this area of the county ask the City Council to deny this petition as there is no planning insofar as public facilities to take care of the needs of 6-8 thousand people that would be moving into the area.

Councilman Short asked Mr. Odom how many of the 175 people who protest the rezoning he represents, on an attorney-client basis, and Mr. Odom replied only those who live on Lamarka; that the other people have signed petitions which he prepared.

Councilman Tuttle stated this is an outfall area where the city has problems of its own already; he asked Mr. Robinson what plans they have made for sewage? Mr. Robinson pointed out land which the petitioner owns and stated he can and will, if necessary, build a sewage treatment plant; he stated there is now a sewage treatment plant in the area and eventually they anticipate that a sewer line would come down McAlpine Creek; but before that there is more than ample area either owned by the developer or available to the developer to make proper disposal of sewage treatment.

Councilman Tuttle asked Mr. Bryant the number of acres in the area already zoned for apartments, and Mr. Bryant replied he does not have the number of acres but there is one existing along Monroe Road which is small; then on this side of East Mecklenburg School are the apartments under construction; there is other multi-family zoned land on Monroe Road on the in-town side of Rama Road, and then a substantial portion of multi-family zoned land on Idlewild Road on the other side of Independence Boulevard.

Mr. Robinson stated Mr. Odom's presentation points up the reason that projects of this type must be built in locations like this and the Planning Commission and Council must see that they are built by developers who are capable and willing to develop in the right way. He stated the developer is not creating the people, the people are there and the need for the housing of this type now exist and will continue to increase; the question is not whether we are going to have housing of this type but where we are going to have it and who is going to build it. That this developer has assured the Council and the Commission that the project will be developed with streets of sufficient size that will be dedicated streets to permit adequate fire service, and to permit adequate traffic flow. That this project will incorporate all the best ideas being used in this area for development of this type; this property is ideally located to handle the drainage going into McAlpine Creek; no water will be drained off onto the property of adjoining property.

Mayor Belk asked Mr. Robinson if his client has investigated the school situation? Mr. Robinson replied they have not done anything about this but these children will have to go to school somewhere.

Mr. Odom stated he understands more rezoning is proposed east of this area to be used for apartments and it seems to be more appropriate than this property right next to single family area. He stated the real problem in this area is that the planning for public facilities should come first.

Council decision was deferred until the next meeting.

HEARING ON PETITION NO. 70-42 BY LEX MARSH FOR A CHANGE IN ZONING FROM R-15MF TO O-15 AND B-1SCD OF A 12.3 ACRE TRACT OF LAND AT THE NORTHEASTERLY CORNER OF PROVIDENCE ROAD AND SARDIS ROAD, FRONTING 918 FEET ON PROVIDENCE ROAD AND 390 FEET ON SARDIS ROAD.

The scheduled hearing was held on the subject petition.

The Assistant Planning Director stated this petition and the next petition (70-43) are both requests for approval of conditional shopping center type zoning; they are in the same area, just across the street from each other.

Mr. Bryant stated the subject petition is a request for a change to permit the building of a shopping center on a tract of land located just away from the northeasterly corner of Providence Road and Sardis Road; there is a service station actually on the corner and is not included in this petition. He stated the petition is a request to change from multi-family to B-1SCD and to O-15; the property is vacant with the service station now located at the corner of Sardis and Providence Roads; there is a small grocery store located almost across Providence Road from the service station and both are legal non-conforming uses prior to zoning. He pointed out the Pinehurst Apartment project consisting of some 400 units and stated the area is predominately vacant with the exception of the small grocery store; the property across Providence is vacant down to Carmel Road. He pointed out the Columbine Circle Subdivision which has existing single family residences located along there.

Mr. Bryant stated Mr. Marsh's home is located in the area and there is one house facing Sardis Road adjacent to the subject property and other than that the property across Sardis Road is vacant. The area as a whole is developed substantially with single family residential usage along Providence, Carmel, Meadowood Lane and the Cloisters area.

He stated there is R-15MF zoning around the intersection of Sardis Road and Providence Road including all the subject property and other than that the pattern of zoning is R-15 single family throughout the area.

Mr. Bryant stated the request for B-1SCD involves a site plan to be submitted and it will have to be developed in accordance with the site plan. The site plan as submitted calls for basically an interior orientation of stores with a super market; super drugs, miscellaneous shops and offices, all being a design that would be a cluster of uses with a detached use being a bank located near Providence Road. The primary entrances to the development will consist of two entrances off Providence Road and two entrances off Sardis Road, with appropriate parking plans inside.

Mr. Tom Lockhart, Attorney for the petitioners, Mr. and Mrs. Marsh, stated this petition has not been protested so as to invoke the 3/4 Rule. That it could have been protested by two property owners - one would be the Alexander interest and the other would be the owners of the Pinehurst Apartment Project. He stated the Pinehurst Apartments has some 460 apartment units having an appraised value in excess of \$3.0 million and an assessed value on the tax books of approximately a \$1,900,000 which brings to the city and county tax revenues of about \$5,000 a month.

Mr. Lockhart stated the property which Mr. and Mrs. Marsh have been acquiring consists of some 82 acres beginning at McMullen Creek on Providence Road before you get to Sardis Road; the property requested rezoned consists of 9.9 acres at the northeast corner of the intersection of Sardis and Providence Roads; they wrap around the Atlantic Service Station, plus the 2.3 acres immediately northeast to the proposed B-1SCD; this proposed B-1SCD fronts 395 feet on Sardis Road and approximately 600 feet on Providence Road and immediately adjacent is the proposed O-15 area fronting 300 feet on Providence Road and is generally square. The remaining property owned by the petitioner is zoned R-15MF which would permit apartment development; there is a 150 foot buffer zone on the northerly-easterly boundary of the property so that it remains R-15. The entire tract would accommodate some 900 apartment units; by subtracting the approximately 12 acres at the northeast corner, it will leave space far in excess of 700 apartment units, which together with the 400 apartment units of the Pinehurst Apartments on the opposite side of the street would mean more than 1,100 apartment units at this intersection.

He presented a topo map and called attention to the way the land lies at the corner for the development of the shopping center so there will be essentially no grading necessary. He stated Mr. and Mrs. Marsh live to the left or north of the proposed office site and they plan to stay until the apartment project gets underway. He stated there is a one acre parcel immediately east of the nine acre tract proposed for B-1SCD which is not owned by the petitioners; it is owned by the Alexander family; there is no plan at present for the Marsh interest to acquire the Alexander property. He stated they do not and never have owned the corner where the Atlantic Service Station is located. That Mr. Marsh has no further plans for any business development at this site other than the development of the apartments which will be a luxury type, high security, development over a period of years; that the completion of the B-1SCD shopping center will be the ultimate so far as his business ambitions in this area are concerned. He stated there is a very substantial need for a neighborhood shopping center at this location, and he presented some statistics.

Mr. Lockhart stated this is one of the fastest growing areas in the City of Charlotte and it is a prime location for a neighborhood type shopping center; it is not designed to compete with Cotswold or SouthPark; it is designed to serve the people essentially within a one mile radius of this particular intersection. There are estimated to be within the area in excess of 1,300 households with an estimated 4,500 to 4,600 people. He stated the primary facility will be the supermarket-super drug with shops such as barber shops, beauty shops, hardware store, restaurant, shoe shop, dress shop, men's sport shop and perhaps doctors or dentist offices on the second floor of one of the buildings; the shopping center will consist of this plus a bank. He stated they will provide very adequate parking throughout the shopping area and some 520 cars will be able to park. He presented a drawing of the shopping center showing the artist's concept of the proposed apartment project which will circle the proposed business area; he called attention to the planting along Providence Road and Sardis Road.

Mr. Lockhart referred to the Charlotte-Mecklenburg Planning Commission's General Plan for the Development of Charlotte-Metropolitan area which was adopted by the Planning Commission in 1960 and read the forward to the plan which was signed by Mr. George Sibley, then Chairman of the Commission. He stated in speaking specifically to neighborhood business centers, the Plan provides that these centers are proposed at many locations throughout the Metropolitan area with their purpose to provide all residential neighborhoods with conveniently acceptable food, drugs and similar stores to serve the daily needs of the population; that locations of neighborhood centers are based on service areas of 5-10 thousand populations or 1,500 to 3,000 families; the centers require sites from 3 to 10 acres. He stated this was adopted some ten years ago by the Commission and as far as they know it is still in effect and it has not been modified.

He stated they know there is opposition to this plan by some who live in the area. That as to the people who speak in opposition there is no one who will speak in opposition who does not live a minimum of two full city blocks from

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this proposed shopping center; there is no one who will speak against this plan who, standing on his own property, will be able to look and see this proposed plan. He stated this proposed neighborhood shopping center is entirely consistent with the general development plan for this community; that it will not affect either the value or the enjoyment of anyone's property. He stated they do not propose the type of small stringing out of business development such as in the 700 block of Providence Road. They say that business does not have to affect residential areas and they say what they propose is exactly consistent with what was proposed for this community a decade ago and they say the time has come that this be done.

Mr. Lockhart presented a map adopted by the Planning Commission in connection with the General Development Plan and at the location of Sardis and Providence Roads is a proposed neighborhood shopping center.

Councilman Tuttle stated he has voted against commercial development in this location before on the theory that Providence Road is just about the only unbroken, uncluttered avenue traveling from the City of Charlotte. That Mr. Lockhart mentioned service to the public and he asked if he has any names of anyone who has requested or wants a shopping center out there? Mr. Lockhart replied he has talked to a good many of the people who have signed the petitions that will be presented to the Council and Commission on this matter, and a good many of these people told him they signed the petition because their neighbors asked them to; but they felt the proposal was good; it was useful and they would use it and they think it is needed.

Mr. Morrison Johnston stated he represents the neighbors who are protesting and in the interest of time he suggested that Council proceed with the next petition which is across the street from the subject petition and then the residents will voice their protest.

Council decision was deferred until the next Council Meeting.

HEARING ON PETITION NO. 70-43 BY DOROTHY A. POTTER, W. J. POTTER, MARTHA A. SUTHER AND JOHN H. SUTHER FOR A CHANGE IN ZONING FROM R-15MF TO B-1SCD OF A 3.1 ACRE TRACT OF LAND AT THE SOUTHEASTERLY CORNER OF PROVIDENCE ROAD AND SARDIS ROAD, FRONTING 293 FEET ON PROVIDENCE ROAD AND 645 FEET ON SARDIS ROAD.

The public hearing was held on the subject petition on which a protest petition has been filed sufficient to invoke the 3/4 Rule requiring the affirmative vote of six (6) Councilmen in order to rezone the property along with a general protest signed by 85 residents.

Mr. Fred Bryant, Assistant Planning Director, stated this particular request is for a triangular shaped piece of property and is across Sardis Road from the previous petition. The property consists of a little in excess of three acres of land bounded by Sardis Road, Providence Road and the third side is the proposed location for an extension of Carmel Road which according to the Major Thoroughfare Plan will extend from its Carmel present end at Providence, across Providence and tying into Sardis Road. For the time being this request is bounded on two sides by existing streets and at present vacant property; the land is vacant and is zoned R-15MF.

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Mr. Bryant stated the plan for the B-1SCD is a prerequisite for the zoning and calls for a building to be located near the middle of the property which would house a bank, a shop, small pharmacy, other shops and 7-11 Store. Aside from that will be two separated buildings; a service station located on the corner of Sardis and Providence Road; there will be an office building located in one corner of the property. This is a three unit building affair with the major portion in the center and the service station and office building at other points.

Mr. Ben Horack, Attorney for the petitioners, stated Mr. Lockhart made some observations in the previous petition which are quite pertinent to the subject petition. The owners of the property are two ladies, heirs of R. L. Alexander, who sold some property to Mr. Marsh, the property for the Atlantic Station and even sold property to Mr. Hechenbleikner. He stated Mr. Martin Waters, together with Mr. Pittman and several others are the principals in Domar Corporation who have a lease-option on a long term basis to develop this property. This property is comprised of about 3.1 acres and in the material referred to by Mr. Lockhart, reference is made to the fact that a shopping area should be oriented to major thoroughfares and this is about the most thoroughfare-oriented chunk of property that you can possibly find - he pointed out Providence Road, Sardis Road and the proposed Carmel Road extension. Mr. Horack stated when the Carmel Road extension is put through, then the subject property will be a "dog"; it is presently zoned R-15MF and if something is not done with this property, it will be stagnant; it is not suitable as multi-family or any other residential use; the petitioners plan to develop the balance of their property for multi-family use. He stated they contacted Mr. Tom Hutchinson who owns property in the area and he has no objections to the proposal; the Hechenbleikner property is all vacant with the exception of the store which is in the upper corner; the Atlantic Service Station has been correctly described as a non-conforming use which will be there as long as they can glue it together or hold it up; that it is one of the heaviest pumping stations in these parts.

Mr. Horack referred to a layout and a rendering prepared by Malcolm and Higgins; they have developed a small cluster of facilities that will have no backs or fronts; that garbage and whatever goes on at the back door will be screened. He stated about two years ago he was before Council on behalf of Shell Oil Company with a program that was unsuccessful; it involved a matter of freestanding in an effort to get the corner zoned for B-1 on behalf of Shell. At that juncture as to why it was not recommended by the Planning Commission was they did not feel that service stations, free standing, ought to be undertaken without a coordinated consideration of basically the whole triangle. He stated it is on the basis of that they have come back on a B-1SCD. He stated B-1SCD is a conditional zoning and they have to do exactly what they say they will do, or come back to Council and change it. He stated you have to have facilities operating where the people are; the question is how much of a facility you provide for them. You need to put these facilities - Neighborhood Convenience Centers - dispersed out; there is a need for them and the main problem is to what extent you are going to provide that need and with what kind of facility.

He stated two years ago Dr. Hechenbleikner protested the petition for rezoning for the Sheel Station, and once again they are faced with a 3/4 Rule protest. That Dr. Hechenbleikner has his store facility which is the Hunter's Store; the net effect is they are faced with the 3/4 Rule and Mr. Marsh is not. Mr. Horack stated his clients could have protested Mr. Marsh but this would be objecting to what the Marsh's want to do when it is what they plan to do.

He stated he does not think the two projects are competitive and what has been presented is well conceived, but they each seek under the same kind of condition zoning is basically different. Mr. Marsh's facility is more consequential shopping facilities where his will be basically the neighborhood convenience center. He stated it does not make sense to send the people all the way into town and clog up the inner city to get a loaf of bread. That these two proposals focus attention on a rather basic consideration. Should there be any business facility provided at this Providence-Sardis-Carmel Road thoroughfare intersection? If so, what kind and to what extent?

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Councilman Short asked the location of another O-15 area in the city, and Mr. Bryant replied Eastern Airlines-Celanese Offices and there is O-15 zoning on the Graham property on Park Road.

Mr. Horack stated because this is B-1SCD, they cannot follow through with their commitment without dedicating the portion of Carmel Road that lies within the property and owned by the petitioner.

Councilman Tuttle stated several years ago there was an area off Randolph Road surrounded by low income families and not too many of the people owned cars and on petition they asked for a 7-11 Store and Council granted the request for the rezoning; that these people wanted it and needed it. He stated if a petition was circulated he wonders how many names he would get. Mr. Horack replied he can get anyone to sign a petition; that Mr. Tuttle's judgement would be better than his based on situations where the roof fell in with protests and the facility was put in and they all used it.

Council decision was deferred until the next meeting.

#### PROTESTS REGISTERED TO PETITIONS NO. 70-42 AND 70-43.

Mr. Randolph Norton, 5201 Sardis Road, stated his property adjoins that of Mr. Marsh and he is one of the several hundred property owners of single residences who are petitioning to deny, to reject both of the rezoning petitions affecting the Providence-Sardis-Carmel Road area. He stated the homeowners have held several meetings and they asked him and others to speak for them and to try to convey to the Commission and Council their concern and their interest and the reasons they believe would lead the Commission and Council to agree that both of these petitions should be rejected.

He stated these proposed facilities are not needed either now or in the predictable future. That no authentic authoritative objective study has been submitted to show the need for these facilities in this particular case; these are not needed as no one can determine need better than the residents themselves.

The need is not here because the area is adequately served now and it will be better served in the future through centers or service already existing and in the process of developing. He stated the Planning Staff tells them there is no basis of objective study on which the dot was placed at this intersection for a proposed shopping center ten years ago, nor does the staff now have any subsequent study to support this objection. The Planning Staff says there are two criteria that have been in the minds of the planners through the years. One is distance from existing shopping centers; the other is the convergence of traffic arteries and both of these do not hold up in light of the facts of this situation. So neither the zoning petitioners nor the Planning Staff is presenting any proof of need that is objective, authentic nor authoritative. This alone is sufficient reason for the Planning Commission and the City Council to say no to both petitions. The community, the area, the homeowners are saying that they do not want this; they are saying it by the signed petitions of the homeowners; he stated he has 40 pages of petitions with approximately 600 names within the area of interest that has been described by the proponents. They speak to the fact that these people do not want the proposed facilities at this location.

Mr. Norton filed the petitions with the City Clerk and stated there are some 600 names on the petition. These people are from Carmel Park, Mamouth Oaks, the Cloisters, Lansdowne, Robinson Woods, Olde Farm, Columbine Circle, Stonehaven, Singing Springs, Carolyn Drive and the whole Providence-Sardis-Carmel area as you go out Providence Road.

He stated there is no one here who really wants this except the two land owning parties.

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Mr. Norton stated these proposed facilities are contrary to the public interest. It is contrary to the public interest not only to the area here but to the larger general public interest for the following reasons: (1) It would change the entire character of the entire Providence-Sardis-Carmel area. Imagine 1,200 feet on Providence Road business and shopping; 650 feet up Sardis Road business and shopping; stores, a full bay filling station, two proposed office buildings and all the other facilities. You can see what this does immediately and see how such rezoning now will lead to creeping rezoning in the future. This is asking to change a neighborhood and this is the reason why they are resisting this today. (2) The facilities they are asking for and the location of the main traffic arteries further compounds the already painful and fearful problem of too much traffic on two few traffic lanes. This is not a walk-in shopping center nor a walk-in office building; there are no sidewalks in the neighborhood; this would become a vehicular shopping center, and practically all its trade would be expected to come on wheels and at one of the worse intersections in the whole City of Charlotte. (3) This goes against what is becoming one answer if not the answer to easing the flow of traffic and that is the city requiring developers to provide strictly local service needs within the developments themselves away from the main arteries. (4) The city has no other way either existing or now planned for moving the vast numbers of people and vehicles through this area except by way of Providence Road, Randolph Road and the Sardis connector.

He stated the very heart of this city beats in the residential neighborhoods despite all that is said about uptown Charlotte; all of this area is a residential neighborhood. This is a residential neighborhood the like of which does not exist anywhere else in Charlotte or Mecklenburg County.

Mr. Walt Kellan, 5108 Sardis Road, stated they bought their land from Mrs. Alexander and she investigated them to see if they were worthy to build a house out there; then when anyone else wanted to buy any of the land she would ask them what they thought and if they would make good residential citizens; she turned some people down. That after her death the land was sold and part of it still remains with her daughters. He stated the Atlantic Service Station was built right before zoning went in; they went out and started work a few days before the land was zoned. That Hunter's Store has been there for many years. He stated they, as residents, do not want any commercial, or any office buildings, in their vicinity. They have too much traffic out there now; it is hard to get off Sardis Road onto Providence Road any time during the rush hour. This would mean people coming into a shopping center while other people were trying to get into Providence Road. Mr. Kellan stated he lives in the second house from Providence Road on Sardis Road and he does not know how this shopping center could be hide from him. He stated you could not walk to the shopping center as you would have to get in a car for safety's sake and drive to it. When you get into your car you do not mind driving two miles in place of one mile. He stated the road at the back line of the property shown by Mr. Horack is not definite and whether it will ever connect to Carmel Road, they do not know. He stated they are a community of residences and they want the area to remain residential.

Mr. Morrison Johnston referred to the Ten Year Development Plan and stated when you look at the key, the red dot which has been mentioned stands for an existing shopping center and not a proposed shopping center; the existing one is Hunter's Store and the filling station. He stated nothing has been said in regard to the office building as everyone is primarily concerned about the shopping centers. That neither Mr. Marsh nor his representative made any constructive reason why the office building needs to be there; certainly not to serve the apartments of 1,100 units; it would only further complicate any traffic problems and deteriorate the residential nature of the neighborhood. He stated there is a proposal that Fairview be extended over to Carmel Road to give access to SouthPark and it would come in approximately at Country Day School; this would further create traffic. He stated the reason given when the zoning was denied about two years ago was that Carmel Road had not been extended and the request was premature. He stated it is still premature because the road is no further along than at that time.

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Mr. Lockhart stated on the development plan which they showed with the proposed shopping center at the intersection of Sardis Road and Providence Road, Mr. Johnston picked up from the key that it stands for existing. He stated that was a typographical error in the planning of the map, and it was supposed to be a "P" as a proposed shopping center at that intersection.

He stated about the names on petitions. That they could come in with more than 600 names within a one mile radius in favor of this shopping center; that they probably could have gotten that number from the Pinehurst Apartments alone; that some of the names are from people in Lansdowne which is more than two miles from this area and they are not seeking to serve the Lansdowne area; they consider this a shopping center for a one mile radius.

MEETING RECESSED AND RECONVENED.

Mayor Belk called a recess at 4:05 o'clock p.m., and reconvened the meeting at 4:15 o'clock p.m.

PETITION NO. 70-34 BY DR. REGINALD A. HAWKINS FOR A CHANGE IN ZONING OF A 24.215 ACRE TRACT OF LAND SOUTHWEST OF MILTON ROAD, BETWEEN THE END OF RUTH DRIVE AND THE REAR OF LOTS ON TIPPERARY PLACE EXTENDING TO SLAGLE DRIVE, DENIED.

Councilman Alexander moved that the subject petition for a change in zoning from R-9 to R-9MF be granted. The motion did not receive a second.

Councilman Whittington moved that the petition be denied as recommended by the Planning Commission. The motion was seconded by Councilman Jordan, and carried by the following vote:

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

ORDINANCE NO. 528-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING ZONING OF PROPERTY AT THE NORTHEASTERLY CORNER OF WEST 24TH STREET AND CATALINA AVENUE ON PETITION OF S. R. BROOKSHIRE.

Motion was made by Councilman Short, seconded by Councilman Jordan, and unanimously carried, adopting the subject ordinance changing the zoning of a parcel of land 100' x 221' from O-6 to I-1 as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 17, at Page 21.

ORDINANCE NO. 529-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY ON THE SOUTH SIDE OF MONROE ROAD, BETWEEN COMMODORE AVENUE AND ROSS MOORE AVENUE, ON PETITION OF L. F. GRIFFIN, ET AL.

Councilman Thrower moved adoption of the subject ordinance changing the zoning from R-9 to O-6 as recommended by the Planning Commission. The motion was seconded by Councilman Tuttle.

Councilman Short stated last week Mr. Bryant gave some comment about an individual with reference to the ownership of land on Monroe Road, who was not a petitioner himself but his land is petitioned for change at the request of others; that Mr. Bryant's answer did not show up in full in the minutes and he requested him to restate his comments.

Mr. Bryant, Assistant Planning Director, stated the one person who did not sign the petition has called the Planning Office; that he has not talked to him directly, but he has called the office and therefore, the only statement

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he can make is, the man is aware his property is included in the request. He stated he has<sup>had</sup> no conversations with him; the people who put the petition together have assured him they have had a number of conversations with this person; the only other factor is one that is obvious - the fact he did not personally appear and oppose it. Councilman Short stated he wants the record to show that this man did have notice.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 17, at Page 22.

ORDINANCE NO. 530-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY AT THE NORTHEAST CORNER OF NORTH TRYON STREET AND LAMBETH DRIVE, ON PETITION OF MILDRED B. FAIRES AND MELVYN E. FAIRES, ET AL.

Councilman Whittington moved adoption of the subject ordinance changing the zoning from B-2 to I-2 of a parcel of land 431' x 200' as recommended by the Planning Commission. The motion was seconded by Councilman Tuttle, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 17, at Page 23.

ORDINANCE NO. 531-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF A PARCEL OF LAND ON THE EAST SIDE OF LOLA AVENUE, BEGINNING NORTH OF PARKWOOD AVENUE, ON PETITION OF HEIRS OF J. J. MOSER.

Motion was made by Councilman Jordan, seconded by Councilman Tuttle, and unanimously carried, adopting the subject ordinance changing the zoning from O-6 to B-1 of a parcel of land 50' x 100' as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 17, at Page 24.

ORDINANCE NO. 532-Z AMENDING CHAPTER 23, SECTION 23-40 TO GRANT CONDITIONAL USE APPROVAL OF PROPERTY NOW ZONED I-1 AND I-2 TO BE USED FOR PETROLEUM PRODUCTS STORAGE ON PETITION OF PLANTATION PIPE LINE COMPANY.

Councilman Whittington moved adoption of the subject ordinance granting conditional use approval of property located between the Piedmont & Northern and Seaboard Airline Railroads, south of Mt. Holly Road and west of Old Mt. Holly Road, as recommended by the Planning Commission. The motion was seconded by Councilman Jordan, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 17, at Page 25.

ORDINANCE NO. 533-Z AMENDING CHAPTER 23, SECTION 23-40.1 OF THE CITY CODE TO GRANT CONDITIONAL USE APPROVAL OF PROPERTY NOW ZONED I-1 FOR FREIGHT TERMINAL PURPOSES ON PETITION OF CHARLES INVESTMENTS, INC.

Upon motion of Councilman Whittington, seconded by Councilman Tuttle, and unanimously carried, the subject ordinance was adopted granting conditional use approval of property 100' x 200' on the north side of Cessna Road, beginning about 460 feet east of Wilmont Road, as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 17, at Page 26.

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PETITION NO. 70-40 BY JOHN W. MCDONALD FOR A CHANGE IN ZONING OF A LOT ON THE SOUTH SIDE OF LASALLE STREET, BEGINNING 207 FEET WEST OF BEATTIES FORD ROAD, DEFERRED PENDING FURTHER DISCUSSION BY THE PLANNING COMMISSION.

Councilman Thrower moved that decision on the subject petition be deferred pending further discussion concerning the proposed use of the property by the Planning Commission. The motion was seconded by Councilman Short, and carried unanimously.

ORDINANCE NO. 534-Z AMENDING CHAPTER 23, SECTION 23-39 OF THE CITY CODE TO PERMIT CONDITIONAL APPROVAL OF PARKING FOR LAND ZONED R-6MF OFF THE NORTH SIDE OF KIRKLAND AVENUE, WEST OF COKER AVENUE.

Councilman Tuttle moved adoption of the subject ordinance to permit conditional approval for parking on the rear half of the lot off the north side of Kirkland Avenue, west of Coker Avenue, on the condition that there be no driveway access from the parking area to Kirkland Avenue, as recommended by the Planning Commission. The motion was seconded by Councilman Jordan, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 17, at Page 27.

CONTRACT BETWEEN CITY OF CHARLOTTE AND MANAGEMENT MANPOWER ASSOCIATES FOR PROVIDING TRAINING AND MOTIVATION SERVICES IN CONNECTION WITH THE MODEL CITIES' NEIGHBORHOOD AGENT PROGRAM.

Councilman Thrower moved approval of the subject contract in the amount of \$2,570.00 which funds are appropriated in the Federal Model Cities Grant in the Neighborhood Agent Program Budget. The motion was seconded by Councilman Whittington.

Mr. Carstarphen, Administrative Assistant, stated the Neighborhood Agent Program is basically a civics education course for a number of residents of the Model Neighborhood. That the Model Cities people were aware they would be dealing with residents who had had a limited exposure to the operation of city and county governments and public agencies and that they might have a negative attitude towards this operation. He stated they feel it is important to develop not only a knowledge of local government and how it works in the community, but also a positive approach to assist in this operation, and to change and improve it as the neighborhood needs are identified. He stated this gets into the area of motivation. That we do not have on our staff an individual who is properly trained in motivation techniques in dealing with problems common to individuals who have had the type of experiences that many of the enrollee have had. For this reason a provision was made in the budget for this type of services from an outside consultant. Mr. Carstarphen stated upon approval of the program, the Neighborhood Agency staff began negotiating with Management Manpower Associates and developed a proposal to provide these services.

He stated the services are provided in a number of ways. Basically, a person or persons trained in motivation techniques works with the class or agents as they go through their training experience; he assists in the classroom delivery in terms of identifying negative situations, helping to relate in a way that the Neighborhood Agents can appreciate and understand some of the techniques and procedures of local government; he and his firm work with the Staff; in addition, it provides a training experience for the Neighborhood Agents staff to help them relate to in an improved manner and instruct and impart information to the Neighborhood Agents. He stated the activity has been underway for some time and the program is moving ahead very well.

Mr. Willie A. Walker, Coordinator of the Neighborhood Agent Program, stated basically, they are working with people in order to help them to identify from a positive standpoint. The program is for seven weeks.

The vote was taken on the motion and carried unanimously.

RESOLUTION SETTING DATE OF PUBLIC HEARING ON MONDAY, APRIL 6, ON PETITION OF KALE KNITTING MILLS, INC. AND ARROWOOD-MORGAN CONSTRUCTION INC. FOR THE ANNEXATION OF LAND LOCATED IN CRAB ORCHARD TOWNSHIP.

Upon motion of Councilman Tuttle, seconded by Councilman Thrower, and unanimously carried, the subject resolution was adopted setting date of hearing on Monday, April 6.

The resolution is recorded in full in Resolutions Book 7, at Page 60.

RESOLUTION SETTING DATE OF PUBLIC HEARING ON MONDAY, APRIL 6, ON PETITION OF C. D. SPANGLER CONSTRUCTION COMPANY AND THAYER REALTY, INC. FOR THE ANNEXATION OF LAND LOCATED IN PAW CREEK TOWNSHIP.

Motion was made by Councilman Jordan to adopt the subject resolution setting date of public hearing on Monday, April 6. The motion was seconded by Councilman Tuttle, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 61.

CONTRACT WITH SYSTEM DEVELOPMENT CORPORATION FOR DEVELOPMENT OF A MUNICIPAL INFORMATION SYSTEM, AUTHORIZED.

Upon motion of Councilman Thrower, seconded by Councilman Tuttle, and unanimously carried, a contract was authorized between the City of Charlotte and System Development Corporation, in the amount of \$1,906,802 for the development of a Municipal Information System.

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDATORY CONTRACT WITH HUD FOR URBAN BEAUTIFICATION AND IMPROVEMENT.

Mr. Veeder, City Manager, advised the amendment includes two changes; it extends the date of the contract from the September 30 deadline to December 30, and it changes the amount involved by reducing the amount by about \$1,200 from some \$91,000 to something closer to \$90,000.

Councilman Thrower moved adoption of the subject resolution. The motion was seconded by Councilman Jordan, and carried unanimously.

The resolution is recorded in full in Resolutions Book 7, at Page 62.

ENDORSEMENT OF LUCIELLE MCNEIL FOR APPOINTMENT TO PARK AND RECREATION COMMISSION.

Mr. Charles Black stated again he would like to talk about a woman he calls a "mother". That Miss Lucielle McNeil is a mother not only to him but to quite a few others who live in the low income area; she has been instrumental in speaking out and drawing many of the people to meetings to learn about the city. That when the Mayor was running for office he stated he wanted low income people and all people in the City to become involved with the happenings of the city. He stated Miss McNeil has been concerned about what is happening in the City and they will always be concerned.

Mr. Black stated if Council nominates Miss McNeil to the Park and Recreation Commission it will prove to the low income people of the City of Charlotte that the City can move forward and ahead in building Charlotte and letting outside people know that Charlotte is not a brick, mortar and steel city; that it is based around human people.

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**CONSIDERATION OF APPOINTMENT TO PARK AND RECREATION COMMISSION DEFERRED UNTIL SEVEN MEMBERS OF COUNCIL ARE PRESENT.**

Councilman Alexander stated at Council's last meeting he placed in nomination the name of Miss McNeill, and Mr. Withrow also placed a name in nomination; that Mr. Withrow is absent in the Air Force Reserves. Councilman Alexander moved that consideration of the Park and Recreation appointment be deferred until the next meeting of Council when all seven members of Council are present. The motion was seconded by Councilman Tuttle, and carried unanimously.

**NOMINATIONS TO THE PARK AND RECREATION COMMISSION.**

Councilman Jordan placed in nomination the name of Mr. John Hunter, an attorney, for the unexpired term on the Park and Recreation Commission.

Councilman Whittington placed in nomination the name of Mr. A. Eugene Warren, a local architect with Wilbur, Kendrick, Workman and Warren. He stated Mr. Warren is a member of the Charlotte Section of the American Institute of Architects and Guild for Religious Architecture; he is a member of the Conciliation Division of the Community Relations Committee, and was a member of the Physical Planning Task Force for the Model Neighborhood Commission for 1968-69; that Mr. Warren is Chairman of the Recreation Commission for the Charlotte-Mecklenburg Council PTA.

**ACQUISITION OF EASEMENT FROM WILLIAM TROTTER COMPANY FOR UNIVERSITY PARK NORTH, PHASE B, SANITARY SEWER, AUTHORIZED.**

Upon motion of Councilman Thrower, seconded by Councilman Jordan, and unanimously carried, the acquisition of an easement 10' x 156.48' at 1520-26 Plumstead Road, from William Trotter Company, at \$1.00, was authorized.

**SPECIAL OFFICER PERMIT ISSUED TO JAMES K. HAMLET FOR USE ON PREMISES OF PARK AND RECREATION.**

Councilman Tuttle moved approval of the issuance of a Special Officer Permit for a period of one year to Mr. James K. Hamlet for use on the premises of the Park and Recreation Grounds. The motion was seconded by Councilman Jordan, and carried unanimously.

**TRANSFER OF CEMETERY DEEDS.**

Motion was made by Councilman Tuttle, seconded by Councilman Jordan, and unanimously carried, authorizing the Mayor and City Clerk to execute deeds for the transfer of the following cemetery lots:

- (a) Deed with Henry R. Michel and Mrs. Lena E. Michel for Graves No. 6 and 7, in Lot No. 23, Section 2, Evergreen Cemetery, at \$160.00.
- (b) Deed with Belmont D. Edwards and Mrs. Alicia M. Edwards for Graves No. 5, 6, and 7, in Lot No. 198, Section 2, Evergreen Cemetery, at \$240.00.
- (c) Deed with Mrs. Mary Catherine Mauzy, for Lot No. 311, Section 6, Evergreen Cemetery, at \$320.00.
- (d) Deed with W. H. Turner and wife, Mrs. Lillian C. Turner, for Graves No. 1, 2, 3, 4, 7 and 8, in Lot No. 172, Section 7, Oaklawn Cemetery, at \$3.00.

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- (e) Deed with Patrick D. Turner for Graves No. 5 and 6, in Lot No. 172, Section 7, Oaklawn Cemetery, transferred from W. H. Turner and wife, Lillian C. Turner, at \$3.00 for transfer deed.
- (f) Deed with Mrs. W. M. Byrum, Sr., for Lot No. 253, Section 6, Oaklawn Cemetery, at \$400.00.

STATEMENT ON ATTITUDE OF PEOPLE TOWARD MULTI-FAMILY ZONING REQUESTS.

Councilman Alexander stated he has been watching with keen interest the attitudes of the community and also Council regarding zoning activity, especially where multi-family is concerned. That he views with alarm the direction it apparently is taking. He stated during his first term on Council and a little later, an attitude showed itself where multi-family was concerned, especially where low income housing was involved. This has grown steadily; that within the last 18 months he has noticed wherever any type of multi-family change is requested, there is resentment to it. He stated he thinks the citizenry is forgetting you cannot hold back progress and that Charlotte is a town that is going to grow whether we help it grow or not. That we are all going to have to take a different look at this idea called multi-family and dis-associate multi-family from the fact that it means undesirable citizenry will be in your community. Councilman Alexander stated if you keep up with present trends and read the various articles and real estate journals and anything connected with housing, you will find throughout the country there is a strong trend toward apartment type living, and it is going to become a major portion of the city development in the future, and a lessening, if trends as they are read have any meaning, on single family development. If what has already happened is the trend of the present government thinking, there will be very little residential development in any community in the foreseeable future. He stated on the other hand we find ourselves faced with the situation of raising the revenue for running a big city government and the limits in which we are bound by State authority which makes our opportunity for deriving revenue very slim. If one could take the number of multi-family development denied during his four and half years on Council and put it to pencil and figures, he is afraid this would show an astounding figure that we have shoved aside as far as taxes are concerned in our community, and we will be doing it in the future.

Councilman Alexander stated on one breath he listens to the citizens with good intent who come before Council protesting multi-family zoning. He stated he is sure they give no thought to the fact that here is where revenues come from, and in the next breath also give the inference that they do not want you to raise taxes. He stated he wonders where the money is coming from if this is the road we are going to pursue. That not only Council but the citizens need to give some intense thinking to which way we are headed. If we are not very careful we will find ourselves moving into a dead-end that cannot only be frustrating but can pose a problem where taxes will be pushed out of bounds and then will come about a failure to recognize the reality of present day existence in changes in manners of living.

Councilman Short stated he agrees that we should emphasize this sort of thing. That he hopes we and the developers will keep in mind the possibility of condominium multi-family units. He stated he has in mind the situation of a widow. That recently a widow brought this home to him. She said in order to get her grass cut she has to give up equity on her mortgage; she is paying off the mortgage on a single family home, and achieving this equity but moves into an apartment in order to get the grass cut and she no longer has the opportunity to obtain equity on her mortgage; that widows are probably the people who need this kind of savings more than most. He stated this party just said to him that a widow should not have to make the choice between grass cutting and savings through equity. Councilman Short stated this is something that should be considered and it bears out what Mr. Alexander has just said.

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**APPRECIATION EXPRESSED TO POLICE CHIEF AND OTHERS INVOLVED IN THE APPREHENSION OF DRUG SELLERS.**

Councilman Short stated he would like to publicly thank the Police Department for what they are doing to apprehend drug sellers; they should be thanked for what they have done this previous week; that it is obvious that drug traffic is a menace that leads directly to shop lifting, thievery, robbery and murder. That he shudders to think of meeting someone on the highway, intoxicated with marijuana, driving an automobile. He stated Chief Goodman, Lieutenant Stroud and all the others involved deserve our thanks.

Councilman Tuttle asked the City Attorney if he has talked to the Police Department about zoning area which will prohibit loitering by street walkers, narcotic addicts and such? Mr. Underhill replied he has written to the City of Dayton, Ohio and requested a copy of their ordinance; that he has not heard from them as yet. Councilman Tuttle stated he would appreciate the Attorney not letting it die, and suggested in light of the drive the Police Department is making on the sale of dope that there are certain areas there, and the Attorney might add to ours, narcotics.

**CITY MANAGER TO GIVE UP-TO-DATE REPORT ON THE \$10.0 MILLION BOND PACKAGE.**

Councilman Whittington requested the City Manager to give him a list of the parts on the bond package that Council has acted upon. He asked Mr. Veeder to speak to this in a manner so that Council will know where we stand on some of the street projects particularly, and any other projects that can be gotten underway immediately. He stated the bond package was passed in December and other than getting the right of way people to negotiate for a road, nothing has been done. That he wants to be able to tell the people when Mr. Odell is going to recommend a site for the Civic Center and how much this site will cost over another site, and when through the Architect, we can tell the citizens of Charlotte when this building will be put out to contract. That this was discussed a month or six weeks ago with him, and he hopes that answer is forthcoming.

He stated another example - the most critical traffic point in Charlotte and Mecklenburg County or in North Carolina is at Eastway Drive-Commonwealth and Independence Boulevard. We are almost three and half months past the bond package and everyday we wait the price of this land is going up. He stated he wants to know when these people will have some lots in for the City to buy; that he wants to know when the Archdale Bridge will be started. He requested Mr. Veeder to give Council these answers at the next Council Meeting.

Mr. Veeder stated the money from the sale of the \$10.0 million bonds will be available about April 1; that some of the projects are already started. The land for the fire station has been bought and things are ready to go out to bid on a number of the projects; that some architectural work is underway on a number of the projects, including the fire station and the auditorium-coliseum improvements. That he will have a complete up to date report on all of them to give Council on March 31st at the next meeting, or before that time.

**COUNCIL ADVISED THAT MONEY BUDGETED FOR PUBLIC BUILDING IS FOR SPACE STUDY AND NOT ARCHITECTURAL PLANS.**

Councilman Jordan stated for sometime he has been advocating the starting of a new city hall building; that there is some money in the budget appropriated for some preliminary plans to get this started and on the way.

Councilman Jordan moved that Council approve the spending of this money and authorized J. N. Pease and Company to start some preliminary plans on the City Hall. The motion was seconded by Councilman Short.

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Mr. Veeder, City Manager, stated Council does not have any kind of proposal before it; that the money is for a space utilization study, it is not an architectural study; there are no plans needed as it is for a space utilization study.

Councilman Whittington stated the \$35,000 is to be used for a space study. Mr. Veeder replied that is right; it is to determine what is needed in terms of space and it has nothing to do with architectural design; this is to evolve a program from which an architect will work.

After further discussion, Councilman Jordan stated if Mr. Veeder can give Council this information on the status of the space study by the next Meeting, he will withdraw his motion, and Councilman Short, who seconded the motion, agreed to the withdrawal.

Councilman Alexander asked if the money that will be available will be for space study and that means as yet there are no funds available for building design, and after the space study the point of naming an architect takes place? Mr. Veeder replied that is right.

**REQUESTS THAT SANITATION DEPARTMENT PROGRAM FOR TRASH PICKUPS BE LOOKED INTO.**

Councilman Jordan stated there seems to be a lot of people who are calling the Sanitation Department about the trash pickup and they are told it will be picked up, and days go by and no one comes; that a lot of this is going on and he does not know why. He requested the City Manager to look into this. Councilman Jordan stated there is a service station at the corner of Fourth and Brevard Streets which has about 300 old tires piled up to be picked up; that it is an ugly sight.

Councilman Alexander stated he has noticed around town trash lying on curbs a little longer than usual; he asked if anything has happened to reduce this service? Mr. Veeder replied he does not know; that his office has received quite a few calls and they have asked Mr. Hobson to look into this, and he will report back to Council.

Councilman Thrower stated he has received a number of calls about the Dempster Dumpsters; that the city has cut back on their pickup without prior notice. In some cases they were picking up Monday, Wednesday and Saturday, and they have now cut it back to Tuesday and Thursday, and this leaves 48 hours between pickups and some 106 hours between the next pickups. That if we are going to change policies we should inform the people. One firm is a food handling firm and it is a deplorable situation and he recommends that we look into the whole program.

**CITY ATTORNEY AND ASSISTANT PLANNING DIRECTOR TO BRING RECOMMENDATIONS TO COUNCIL ON LOCATION OF DAY CARE CENTERS IN RESIDENTIAL NEIGHBORHOOD.**

Councilman Thrower asked for the reaction of Mr. Bryant, Assistant Planning Director, to a letter he has received from a citizen about someone who has rented a home in a neighborhood and started a child care center; according to the letter this is in effect absentee ownership. After the children are picked up everyone goes home and no one cares enough about the property to maintain it and keep it presentable and attractive.

Councilman Thrower stated he thinks it is going too far out when we allow people to go into a residential neighborhood, rent a house and put someone there and unload a bunch of children, and then run it as a private enterprise

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within a residential zoning. He stated he has talked to several people about this and although no one has any objection to the situation as it stands now they feel it can get out of hand, and if it is going to be a business - an absentee business - then it could be put into a different zoning classification and run as a business.

Councilman Whittington stated there are two kindergartens in one block of Seneca Place which is a nice residential street and the people who operate it rent or lease the home and live somewhere else. He stated the requirements should be considered where people are going to operate nurseries or kindergartens they be required to live in the homes so that the grounds will be maintained; that some consideration should be given to the people who live on the street and are trying to maintain their lawns and their homes in a manner that would be a credit to the community and themselves.

Mr. Bryant stated this is legitimate concern; there are some examples around where this type situation has worked to the detriment, particularly to the immediate adjacent property owners; that he has observed the two places on Seneca Place and in particular the one that has been there for the longest length of time. He stated from a zoning standpoint there are somethings that can be done. You can consider day care centers as a conditional permitted use in residential area rather than a use by right. Other things could be placed in the ordinance for greater yard requirements - particularly side yard requirements which would separate them from houses. This was done a few years ago in reference to Homes for the Elderly or Nursing Home type activities. Another possibility is to treat it as a home occupation only and this would begin to get at what they are talking about. That all of these suggestions need to be examined to see how far we can go from a legal standpoint.

Councilman Thrower requested Mr. Underhill, City Attorney, and Mr. Bryant, Assistant Planning Director, to get together and come back to Council with some concrete recommendations before this gets completely out of hand.

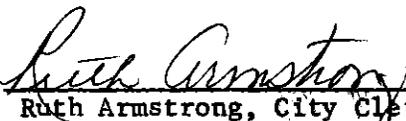
Councilman Alexander stated he was called about renting an apartment to be used for this purpose; that someone would rent an apartment and establish someone in the apartment to do nothing but keep the children. That he, as a landlord, could not permit this. Mr. Bryant stated under the zoning ordinance, this would be permitted.

Mr. Bryant stated this is a touchy situation and it has some implications that you will need to be very careful of; there are some areas of the city where there is more demand for this type of usage than in other areas.

Councilman Short stated he thinks this is going to present a problem and he does not know the answer but he would have to think further before favoring some arrangement which by law would force a family or couple to have to sleep in some designated house or lose their source of livelihood. Councilman Thrower stated this is a very important concern; that he opened up the discussion by saying that; but he does think Mr. Underhill and Mr. Bryant can come back to Council with some recommendations we all can live with; no one wants to deny anything, but we do not want to let it go to pot; that is the concern.

ADJOURNMENT TO TUESDAY, MARCH 31, 1970.

Councilman Thrower moved the meeting be adjourned until Tuesday, March 31, 1970 due to the holiday on Monday, March 30, 1970. The motion was seconded by Councilman Jordan, and carried unanimously.

  
Ruth Armstrong, City Clerk