

November 17, 1975  
Minute Book 62 - Page 393

The City Council of the City of Charlotte, North Carolina, met on Monday, November 17, 1975, at 7:30 o'clock p.m., in the Board Room, Educational Center, with Mayor John M. Belk presiding, and Councilmembers Harvey B. Gantt, Kenneth R. Harris, Pat Locke, Milton Short, James B. Whittington, Neil C. Williams and Joe D. Withrow present.

ABSENT: None.

The Charlotte-Mecklenburg Planning Commission sat with the City Council, and, as a separate body, held its public hearings on the zoning petitions, with Chairman Tate, and Commissioners Ervin, Finley, Jolly, Kirk, Marrash, Ross and Royal present.

ABSENT: Commissioner Boyce.

\* \* \* \* \*

#### INVOCATION.

The invocation was given by Mr. Louis M. Davis.

#### MINUTES APPROVED.

Upon motion of Councilwoman Locke, seconded by Councilman Harris, and unanimously carried, the minutes of the meeting on Monday, November 3, 1975, were approved as submitted.

HEARING ON PETITION NO. 75-37 BY CAROLINA FOODS, INC. FOR A CHANGE IN ZONING FROM B-2 TO I-1 OF PROPERTY FRONTING 50 FEET ON THE SOUTH SIDE OF WEST BOULEVARD AND 100 FEET WEST OF THE INTERSECTION OF WEST BOULEVARD AND CHARLES STREET.

The scheduled hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, made a slide presentation of the area showing the actual area involved in the zoning change. He then explained from the maps the location of the property, the zoning and the land use in the area, stating the subject property is in an area of pronounced non-residential and particularly in an industrial relationship. The subject lot is adjacent to industrial property on the west side.

Councilman Whittington asked how many homes are located from the subject property to Hawkins Street? Mr. Bryant replied there are two, and they are now zoned B-2.

Mr. Bryan Pittman, Attorney for the petitioner, stated the general area is in fact zoned for Industrial use; there are three parcels remaining on West Boulevard which have not been zoned industrial - there are three B-2 lots. Carolina Foods, Inc. is seeking this petition in order to expand its existing warehouse facilities which are adjacent to the property. Carolina owns one of the residential lots towards South Tryon Street, and there is a vacant lot there also. They intend to expand their existing warehouse and loading facilities over three lots. They now have an existing 20,000 square feet of warehouse facility, and they anticipate building an additional 10,000 square feet.

November 17, 1975  
Minute Book 62 - Page 394

Councilman Short stated he believes this property was expanded a few years ago, and asked how long that has been? The answer was six or seven years ago. The petition was to rezone one of the lots that adjoins the subject property.

Councilman Gantt stated should this piece of property be rezoned, it will leave a very strange situation of just two pieces of property at the intersection of Parker and West Boulevard. He wonders if at some point in time we should not change the entire zoning in there to industrial, should the Commission and Council decide to approve the petition.

No opposition was expressed to the proposed change in zoning.

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

HEARING ON PETITION NO. 75-38 BY CHARLOTTE-MECKLENBURG PLANNING COMMISSION TO CONSIDER AN AMENDMENT TO THE ZONING ORDINANCE PROVIDING FOR ALTERNATE MEMBERS TO THE ZONING BOARD OF ADJUSTMENT.

The scheduled public hearing was held on the subject petition.

The Assistant Planning Director stated this request involves a proposal to amend the text of the zoning ordinance to alter the manner in which members to the Zoning Board of Adjustment can be appointed. This was proposed by the Charlotte Zoning Board of Adjustment itself. The Board of Adjustment is a Body which is authorized and required under the North Carolina Legislative Authority for Zoning to sit and consider variances and matters which make strict compliance with the requirements of the zoning ordinance difficult or a hardship in particular circumstances. This Board handles variance requests; it handles interpretation problems, and some other matters as well. At present the Zoning Board of Adjustment is limited to a total of five members. Up until the time the City of Charlotte lost its perimeter authority, this Board was composed of ten members. At the time the perimeter authority was lost, out of necessity it was cut back to a total of five. The reason for requesting this particular amendment is to allow for the appointment of three alternate members who would sit with this Board at times when the regular members could not be in attendance. This is important and significant because the Board consists of only five members and it requires at least four members to be present to constitute a quorum for the purpose of considering any matter before them. At times, it is difficult to get four out of five people there at a given time. Second, the State Law requires, in order to grant a variance or to overrule any decision of the Building Superintendent who is charged with the responsibility of administering the zoning ordinance, a favorable vote of four members. With only four members present at times, it requires a unanimous vote for a variance to be granted.

Mr. Bryant stated as allowed by State Law this would be an amendment, which if approved, would make it possible to appoint in addition to the five regular members of the Board, three alternate members who could sit with the Board when it was necessary, and when it was desirable.

Mayor Belk asked why alternates? Would it complicate it to make them full members? Mr. Bryant replied it could be done; but it would require a special act of the State Legislature.

Mrs. Margaret Claiborne, Chairman of the Zoning Board of Adjustment, stated under state law they have to have 4/5 of the membership present. It does not make any difference whether there are five or ten members. This is why they are asking for alternates. If they had ten members it would be just as hard or harder to get the quorum.

November 17, 1975  
Minute Book 62 - Page 395

Councilman Gantt asked how many meetings have been cancelled because they did not have a quorum? Mrs. Claiborne replied in the last couple of years they have had to cancel four meetings. The Board meets once a month, and this means if someone wants to enclose their screened-in porch they may have to sit there for two or three months wondering if they will be permitted to do it. She stated they really need some alternates. If the State Law is changed that is fine. They would like some alternates now, as they would like that there not be any more missed meetings from here on.

Councilman Gantt asked if the regular members informed them prior to the meeting whether they will be able to attend? Mrs. Claiborne replied two weeks in advance.

Councilman Short stated one possibility would be to go ahead with the alternates, and ask the City Attorney to put into the Legislative package for 1977 the change referred to by the Mayor.

No opposition was expressed to the text change.

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

HEARING ON PETITION NO. 75-39 THROUGH PETITION NO. 75-49 BY CHARLOTTE CITY COUNCIL FOR A CHANGE IN ZONING FROM R-6MF TO R-6 OF LOTS ON THE PLAZA, BETWEEN HAMORTON PLACE AND MIMOSA AVENUE.

The scheduled hearing was called on the following petitions:

- (1) Petition No. 75-39 of all lots fronting on the west side of The Plaza, between Hamorton Place and School Street.
- (2) Petition No. 75-40 of all lots fronting on the west side of The Plaza, between School Street and Kensington Drive.
- (3) Petition No. 75-41 of all lots fronting on the west side of The Plaza, between Kensington Drive and Chestnut Avenue.
- (4) Petition No. 75-42 of all lots fronting on the west side of The Plaza, between Chestnut Avenue and Belle Terre Avenue.
- (5) Petition No. 75-43 of all lots fronting on the west side of The Plaza, between Belle Terre Avenue and Belvedere Avenue.
- (6) Petition No. 75-44 of all lots fronting on the west side of The Plaza, between Belvedere Avenue and Mimos Avenue.
- (7) Petition No. 75-45 of all lots fronting on the east side of The Plaza, between Mimosa Avenue and Belvedere Avenue.
- (8) Petition No. 75-46 of all lots fronting on the east side of The Plaza, between Belvedere Avenue and Belle Terre Avenue.
- (9) Petition No. 75-47 of property fronting 198 feet on The Plaza and fronting 170 feet on Belle Terre Avenue at the southeast corner of the intersection of Belle Terre Avenue and The Plaza, and property fronting 99 feet on The Plaza and 170 feet on Chestnut Street at the corner of Chestnut Street and The Plaza.
- (10) Petition No. 75-48 of all lots fronting on the east side of The Plaza, between Chestnut Street and Kensington Drive.
- (11) Petition No. 75-49 of all lots fronting on the east side of The Plaza, between Kensington Drive and Hamorton Place.

Mr. Fred Bryant, Assistant Planning Director, made a slide presentation showing the entire area, explaining the uses and the existing and proposed zoning. He stated the eleven petitions involve property located on The Plaza. Sometime ago one site on The Plaza was designated as an historic site. That property is located on the east side of The Plaza in the area north of Hamorton Place. At the time of the designation there was requested of City Council that an investigation be made as to the feasibility or the possibility of taking the area from Hamorton Place to Mimosa Avenue on The Plaza, which is now zoned R-6MF, and consider changing that area to a single family classification for the purpose of helping to preserve the area, and helping to create an environment which would help to keep the sort of atmosphere that is in the area at the present time.

November 17, 1975  
Minute Book 62 - Page 396

He stated the information was secured as to the property ownership, the type of zoning effective in the area, and the type of land uses in the area, and was presented to the City Council several weeks ago. Subsequent to that, the Planning Commission looked at the information and determined the information secured made a reasonable case for consideration of changing the area to a single family classification.

In the slide presentation, Mr. Bryant pointed out the apartment complex located on The Plaza, and stated it is not included in the petition for the rezoning. At the question of Councilman Gantt as to the number of units in the apartment, Mr. Bryant stated he would say in the neighborhood of 15 to 20 units.

Mr. Bryant then reviewed from a map the land uses and zoning. He stated the land use pattern is generally one of single family usage, with a scattering of non-single family activities. He pointed out the location of the Green Memorial Baptist Church; a three unit apartment at the intersection of School Street and a duplex beside it. At Kensington several houses are being utilized for rooming house purposes, and a series of duplexes on corner lots - at Kensington, Chestnut, Belvedere and Belle Terre. The larger apartment complex referred to is located between Chestnut Avenue and Bell Terre, and comprising a little over half of the actual frontage of the block. He stated Holy Trinity Church is also located on The Plaza. The Van Landingham property is located at Belvedere, with frontage on The Plaza being zoned for multi-family. He stated Staff made as close an observation of the land uses along the street as possible, and it is conceivable they have overlooked some houses that have apartments or roomers in them, and it was not obvious from the outside.

Mr. Bryant stated the zoning is all R-6MF on both sides of The Plaza, from Mimosa all the way down to Hamorton. At Hamorton down to Central Avenue there is a combination of office zoning and business zoning. On the northern side of the area from Mimosa up to Parkwood there is a similar pattern of office and business zoning. Under consideration is an area which comprises multi-family zoning along the long strip and office and business at either end.

Councilman Harris stated the apartment complex is left out of the petition, and Mr. Bryant replied that is right. Councilman Harris asked if the duplex locations are left out, and the reply is they are not. Mr. Bryant stated most of the duplexes they found are on corner lots, and the zoning ordinance does allow duplexes on corner lots even in single family zones. They would not be any more non-conforming than they are at present. Rooming houses also are allowed in single family and multi-family zones.

Councilman Short stated while this is a petition that was initiated by vote of the City Council, this in his opinion does not pose any unfairness and is not going to represent any unfairness at all to the protesters in the consideration given to this matter. That he is sure it is the intention of every councilmember to be completely fair, and the willingness to consider it at all, and bring it up was in the context of just that - consideration of it. There is no predetermination of this zoning petition. He thinks this is an appropriate action for this City Council to at least bring up for consideration this sort of thing. The City Council imposed all the zoning all over the city originally, and to impose this on a city just means the Council also, beyond that time, has to continue to pay attention to it. To impose zoning all over the city, and walk away from it, and never pay any attention to it again unless some citizen comes forward would seem to be a failure of duty on the part of the City Council. It seems to him the City Council has to continue to consider, and originally bring up in formal fashion the zoning ordinance that it imposed on the entire city in 1962.

November 17, 1975  
Minute Book 62 - Page 397

Councilman Gantt stated as he reads the petition it would convert R-6MF only along The Plaza. The question comes to his mind the property to the west of The Plaza, fronting on Thomas Avenue would remain as multi-family zoning. So there would be a situation of the possibility of apartments developing directly behind the length of the lots on The Plaza. The situation is not the same on the other side of the street, where there is already a single family zoning.

Speaking for the rezoning were Mrs. Frances Gay, 1600 The Plaza; Mr. Graham Reich, 1620 The Plaza; Mr. James Vaseff, 172 Union Street, Concord, N. C.; Mrs. Mary Ann Hammond, Chairman of the Midwood Association, 1915 Ashland Avenue; and Mrs. Jean Miller, 1815 The Plaza.

Mrs. Gay stated as owners of Victoria she and her husband are in favor of the single family petition because The Plaza is a desirable place to live, and needs protection today. She stated they have lived on The Plaza five years and they are very fond of the area. The neighborhood is approximately 65 years old, and in another fifteen years some of the structures will be the same age as Victoria is today - 80 years old. By rezoning The Plaza to single family the Council is taking a look at tomorrow to protect our heritage. The street is a perfect example of excellent planning, and the beautifully landscaped median has prevented the horrendous development seen from Parkwood to Eastway. The rezoning offers the residents an opportunity to reside on a pleasant, although well traveled street, without the fear of high density development creeping in to destroy the large tree shaded lots. She stated this decision to rezone is a landmark for the Council and it is her hope it is only the beginning of placing the humanistic environmental needs of residents as well as architectural preservation as top priority. A neighborhood is built over a considerable period of time, and like fine silver, adds beauty over years of use and polishing. The past architectural heritage can be eradicated due to strip zoning or haphazard zoning. The results of the voting for this rezoning request in its entirety will protect a national register site of considerable recognition and merit; protect potential sites - the Van Landingham Estate and the nationally known Susie Harwood VanLandingham Gardens; and the stabilization of another older, very desirable neighborhood for another generation for the City of Charlotte.

Mr. Reich stated they bought on The Plaza some eight or so years ago, an old house; they spent twice the initial investment on it making it livable and nice. He stated he has no desire to disrupt what is already in progress; hold everything status quo, respecting the grandfather clause as it were; let it revert to private and two family residences as any facility changes its ownership - that is to say should the boarding house or rooming house expire cause that dwelling to become a private or semi-private residents. The City already has an investment in this area with the median and the underground wires, lighting. On occasions the news media described it as being the only well lighted street in the City. He asked that they not pour this down the drain, to act in favor of Mrs. Gay's proposal of the proposition at hand. Do not allow high rise and store frontage establishments to become a part of it. So far as this being a thoroughfare and unsafe for rearing children as asserted in the afternoon paper, he is reminded there are fewer children in families today and fewer families that have children at all. Most of the people on the street were living there when he was born. Go out and look at the yards.

Mr. Vaseff stated he does not live on The Plaza; that he is an instructor of architecture at the UNCC. He was the director of inventory of older buildings done by the Historic Properties Commission this summer. He understand the zoning in Charlotte began about 1962 at which time The Plaza was zoned as it is now.

November 17, 1975  
Minute Book 62 - Page 398

In those 13 years a lot of ideas and planning have changed; a number of books have been written, and a lot of studies have been made, and there are a lot of different ideas about zoning. In those 13 years, apparently only one multi-family structure has been built on The Plaza. The Plaza has a natural single family purpose in Charlotte. The zoning, he thinks at the time was perhaps used as a tool to change the area or supply growth for Charlotte; but he thinks it is time now to look at the zoning in the City and reappraise most of it, or at least the incidents when they come up. Because in the 13 years The Plaza has not changed too much that it really has a lot of natural strength and resiliency which he hopes is recognized in this zoning decision. That he thinks the zoning of The Plaza might be symptomatic of a lot of zoning situations in the entire city.

Mrs. Hammond stated as a representative for the Midwood Neighborhood Organization she speaks for all her friends and neighbors when she says they are proud of their neighborhood, and the beauty and unique life style it offers those who have chosen to live there. The segment of The Plaza from Hamorton to Mimosa is a very vital part of Midwood. It serves as the main entrance to the inner portions of the neighborhood. With its beautifully landscaped median and gracious old homes it is a grand entrance. That she has spoken to scores of her neighbors in the past week as she gathered names for the petitions. Most of them expressed concern for the future of Midwood. There is a strong desire on their part to protect the area from any further encroachment of commercialism, heavily traffic streets, and inappropriate zoning. Midwood, like many old Charlotte neighborhoods perpetuates the opportunity for quality of life that is unique in a transient urban society. Young families seeking the comfort and beauty of an old home move in and find they have much more than just a nice old house. They find a solidarity and stability of a neighborhood where generations of families live within a few blocks of each other; a neighborhood where many residents have lived in the same house for 50 years or more. Most importantly, they find neighbors a unique mixture of people of all ages and socio-economic conditions living side by side as friends. Mrs. Hammond filed a petition signed by residents in favor of the rezoning.

Mrs. Miller stated she has lived at her present address for 36 years, and has seen changes come to the neighborhood - some good and some bad. But she can only put multi-family dwellings in the latter category since she lives across from the one apartment on The Plaza. They are grateful to the City for some of the changes - the shrubbery and flowers, the lights which make the street safer and the general upkeep of the median and the street. Friends from other parts of the city have commented on how well the city keeps up the street. She remembers well the beautiful old Victor home across the street which was on the property now occupied by the apartments. She helped circulate the petitions and she would like to emphasize that in the block surrounding the apartments, in front on The Plaza, beside the apartment on Chestnut and behind the apartment on Nassau Boulevard, every home in this area, except one which is for sale, is represented by a signature on the petition for rezoning. This says that they do not want anymore apartments in the neighborhood; they have lived with it, and they know. At this time an effort is being made to encourage people to move back into Fourth Ward. Here is a neighborhood that was once like theirs. She asked that they not be doomed to the same fate, so that years from now, others will be trying to build back The Plaza. Right now The Plaza has what they are trying to get back for Fourth Ward.

Speaking in opposition was Mr. Tom Meacham with WCCB-TV and representing the people in opposition to the rezoning. He presented a petition of protest which reads as follows: "By means of this petition, we the undersigned, register our desire for the City of Charlotte to maintain the area of The Plaza, from Hamorton Place to Mimosa Avenue in the R-6MF zoning status.

November 17, 1975  
Minute Book 62 - Page 399

Reverting this area to status R-6, which basically permits single family dwellings, would be grossly unfair to the present residents, whose property values would decrease.

As a strictly residential area, the neighborhood is in a declining state. A fish market, a convenience store, tire store, chiropractor, and apartment complex, and other commercial buildings, are among the businesses within the bordering area in question. Changing the status at this point would be an action that may not be in the best interest of the property owners, as the present businesses stated would still be in operation.

Several property owners have been approached with offers from firms wishing to utilize their dwellings and/or lots for business purposes. On a strictly residential basis, property values compare very poorly with other areas in the city. The Plaza is a four-lane artery carrying heavy traffic flow (as has been stated earlier this evening). It is an area that has had a great deal done to improve its physical appearance and is very beautiful.

The property at 1600 The Plaza is and should be designated as an historic site. This does not mean that surrounding property owners should be penalized to preserve one small piece of history. Other cities abound in historic sites perched in the midst of high rises and businesses. To see examples of this, one may visit Atlanta, Charleston, Vicksburg, Richmond, Memphis and many others."

Mr. Meacham stated he did not hear what Mr. Gantt said earlier this evening when he referred to multi-family property on the west side of The Plaza? Councilman Gantt replied he was referring to the fact that we have a pattern of zoning that now calls for R-6MF in the entire western section of The Plaza. That he asked for a clarification on whether or not we were simply zoning the portion adjacent to The Plaza, and would we not be left with multi-family houses or multi-family zoning behind those houses that front The Plaza.

Mr. Meacham stated he did not know if the lots closer to The Plaza on the west side whether the homes behind them were zoned multi-family or not; if so he felt it would be fairer to the residents whose homes were on the west side of The Plaza to remain zoned multi-family if they so chose. That he thinks that is what the nineteen people who signed this petition would like to see. They are not opposed to a nice neighborhood. But they would like to be able if the opportunity came to utilize their property in another manner, such as sell it, after owning it for many, many years.

Mr. Bryant stated to the west of the frontage property on The Plaza begins a very broad pattern of multi-family zoning. Thomas Avenue, which is a parallel street to The Plaza to the west is solidly zoned for R-6MF at the present as is a very, very broad pattern well off the map. That he guesses the question is if we are just picking out a segment in here rather than addressing the larger, over-all problem. That what you get into when you consider the broader area is the fact that you have such a broad pattern of multi-family zoning beginning at that point and extending westerly, that in order to properly examine it you have to do what they are undertaking now, which is about a year and a half study of all zoning in Charlotte. It becomes a matter of do you say you do not consider anything until you do the whole; or do you take an area like this which has some reasonableness about it as far as consideration of it. In order to properly address it you have to be concerned with the broad pattern.

Councilman Gantt stated most of this area zoned R-6MF is still primarily single family development to the west. Mr. Bryant replied that is true.

November 17, 1975  
Minute Book 62 - Page 400

Mr. Meacham stated even if property is zoned for multi-family and it is single family used, would they not have to come to the City Council for approval to build? Mr. Bryant replied if they meet the various requirements as to lot size and building setback and all the other requirements they merely apply for a building permit. Mr. Meacham stated he thinks this goes back when it was zoned single family, and zoning change took place, and enabled the apartment to be built, and many residents were opposed to it. Now the zoning has taken place, they would like to see this multi-family zoning remain in effect. They feel this would be best for their needs at this point. Mr. Bryant stated to his knowledge there was not a specific zoning change to allow the apartment to be built; that area has been zoned multi-family since at least 1962.

Councilman Short stated it is understandable for someone to seek to keep the zoning he has. This land that is sought to be rezoned is 23 acres; the tax value under the new valuation is \$1,913,140. This is over \$83,000 an acre. He wonders if development people would agree that it would be really practical to use this for apartment development; and he wonders if it is appropriate to leave citizens who live there to believe this might be a realistic possibility? Mr. Meacham replied he does not know the answer to that. Hearing the figure he gave, he in a way feels sorry for the property holders because their taxes must be prohibitive. Would the tax rate be lowered if it were changed to single family dwellings? This is something he does not understand either. Councilman Short replied he does not know about that. Mr. Meacham stated a piece of property is no more valuable than what someone is willing to pay for it. Councilman Short stated at \$83,000 an acre it would be a little difficult to build apartments.

Councilman Whittington asked if he understands Mr. Bryant in that everything west of The Plaza to the railroad tracks is multi-family except that industrial; such as Barnhardt? Mr. Bryant replied that is true generally. All the Belmont area is predominately multi-family. Councilman Short stated The Plaza is sort of a dividing point.

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

ORDINANCE NO. 966-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE OF THE CITY OF CHARLOTTE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY FROM B-1 TO B-2 OF PROPERTY FRONTING 100 FEET ON THE EAST SIDE OF BEATTIES FORD ROAD AND FRONTING 175 FEET ON THE NORTH SIDE OF KELLER AVENUE, AT THE INTERSECTION OF BEATTIES FORD ROAD AND KELLER AVENUE.

Motion was made by Councilman Harris, seconded by Councilwoman Locke, and unanimously carried, adopting subject ordinance changing the zoning of property from B-1 to B-2 of property fronting 100 feet on the east side of Beatties Fore Road and fronting 175 feet on the north side of Keller Avenue, at the intersection of Beatties Ford Road and Keller Avenue, as recommended by the Planning Commission.

The ordinance is recorded in full in Ordinance Book 22, at Page 453.

ORDINANCE NO. 967-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE OF THE CITY OF CHARLOTTE AMENDING THE ZONING MAP BY CHANGING THE ZONING FROM O-6 TO B-1 OF PROPERTY FRONTING ABOUT 55 FEET ON THE EAST SIDE OF GARDEN TERRACE, LOCATED ABOUT 150 FEET NORTHEAST OF THE INTERSECTION OF GARDEN TERRACE AND EAST BOULEVARD.

Councilman Short moved adoption of the subject ordinance changing the zoning of property from O-6 to B-1 fronting about 55 feet on the east side of Garden Terrace and East Boulevard, as recommended by the Planning Commission. The motion was seconded by Councilman Whittington, and unanimously carried.

The ordinance is recorded in full in Ordinance Book 22, at Page 454.

November 17, 1975  
Minute Book 62 - Page 401

PETITION NO. 75-31 BY GEORGE H. ROBINSON FOR A CHANGE IN ZONING FROM R-6MF TO O-6 OF PROPERTY FRONTING 100 FEET ON THE WEST SIDE OF PINOCA STREET, LOCATED 190 FEET NORTHEAST OF THE INTERSECTION OF PINOCA STREET AND HOVIS ROAD, DENIED.

Motion was made by Councilwoman Locke and seconded by Councilman Short to deny the subject petition as recommended by the Planning Commission.

Councilman Gantt stated in view of the new conditional zoning which Council approved several weeks ago, could this petitioner resubmit this petition to the Planning Commission under the new conditional use? Mr. Watts, Deputy City Attorney, replied he would not think the two years would apply in this case.

Councilman Gantt asked if he can submit it tomorrow under the conditional use and parallel zoning? Mr. Watts replied he would think he could.

Councilman Whittington stated he does not want to vote to deny this man this petition unless he has an opportunity to come back on conditional zoning at some other time. That is one of the reasons we put beauty shops in O-6 so they could be taken care of. No one objected to this, and he has made considerable improvements on his property.

Mr. Watts stated he is convinced he can come back; that he does not think there is any real doubt about it.

The vote was taken on the motion and carried unanimously.

PETITION NO. 75-32 BY ANDERSON BENNETT FOR A CHANGE IN ZONING FROM R-6MF TO O-6 OF PROPERTY FRONTING 90 FEET ON BERRYHILL ROAD AND ABOUT 80 FEET ON COLUMBUS CIRCLE, LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF BERRYHILL ROAD AND COLUMBUS CIRCLE, DENIED.

Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, to deny the subject petition as recommended by the Planning Commission.

ORDINANCE NO. 968-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE OF THE CITY OF CHARLOTTE AMENDING THE ZONING MAP BY CHANGING THE ZONING OF PROPERTY FROM I-2 TO R-6MF OF AN IRREGULARLY SHAPED TRACT OF LAND ABOUT TWO ACRES IN SIZE FRONTING ON THE EASTERLY RIGHT OF WAY OF THE PROPOSED WENDOVER BELT ROAD, BETWEEN THE SOUTHERN RAILROAD AND BEAL STREET.

Councilman Whittington moved adoption of subject ordinance amending the zoning map by changing the zoning of property from I-2 to R-6MF of an irregularly shaped tract of land about two acres in size fronting on the easterly right of way of the proposed Wendover Belt Road, between the Southern Railroad and Beal Street, as recommended by the Planning Commission. The motion was seconded by Councilman Williams, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 22, at Page 455.

ORDINANCE NO. 969-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP OF THE CITY BY CHANGING THE ZONING OF PROPERTY FRONTING ON THE EAST SIDE OF STATESVILLE ROAD, NORTH OF THE INTERSECTION OF STATESVILLE ROAD AND NEVIN ROAD.

Councilman Gantt moved that the petition for rezoning of property from R-9 to B-2 be denied. The motion did not receive a second.

November 17, 1975  
Minute Book 62 - Page 402

Councilwoman Locke moved adoption of the subject ordinance changing the zoning from R-9 to B-2 of property fronting about 190 feet on the east side of Statesville Road (U.S. Highway 21), about 310 feet north of the intersection of Statesville Road and Nevin Road as recommended by the Planning Commission. The motion was seconded by Councilman Short.

Councilman Williams stated he has read the opposing petition and he has also read the reasons advanced by the vote of the Planning Commission.

Councilman Gantt stated he has spent some time looking at this petition. The reason being given our new procedures where you have people who object filing their reasons, there seems to be a substantial case made for the fact that we did some zoning out there prior to this particular petition that at best was not the piece of planning we could have done. Statesville Road still has some potentials from Nevin Road on. On one side of this road is a substantial amount of B-2 property that is not even developed. We have an opportunity here to at least deny this petition at this point in time to see what the impact of I-77 will have on this road. That he does not believe the petitioner would be put out too much because this property was bought and in a sense speculated on. We are not lacking the amount of inventory in B-2 property in this area. That he is going to vote against the majority vote on the Planning Commission simply because we need to access this particular artery totally. We need to know the impact of I-77 on this road, and whether or not we should consider the re-evaluation of the entire plan.

Councilman Williams asked when this property was acquired by the petitioner? The answer was July 26, 1962. Councilman Williams stated then it is not a matter of a recent acquisition.

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

YEAS: Councilmembers Locke, Short, Harris, Whittington, Williams, Withrow.  
NAYS: Councilman Gantt.

The ordinance is recorded in full in Ordinance Book 22, at Page 456.

ORDINANCE NO. 970-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE AMENDING THE ZONING MAP OF THE CITY OF CHARLOTTE BY CHANGING THE ZONING OF PROPERTY FRONTING ABOUT 190 FEET ON THE EAST SIDE OF STATESVILLE ROAD (U.S. HIGHWAY 21) ABOUT 310 FEET NORTH OF THE INTERSECTION OF STATESVILLE ROAD AND NEVIN ROAD.

Motion was made by Councilman Whittington, seconded by Councilwoman Locke to adopt the subject ordinance changing the zoning from R-9 to B-2 as recommended by the Planning Commission.

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

YEAS: Councilmembers Whittington, Locke, Harris, Short, Williams, Withrow.  
NAYS: Councilman Gantt.

The ordinance is recorded in full in Ordinance Book 22, at Page 457.

SPECIAL USE PERMIT FOR A SOCIAL CLUB FOR SUN VALLEY CONDOMINIUM COMMUNITY, APPROVED.

Councilman Whittington moved approval of the special use permit for a social club for Sun Valley Condominium Community located at 8601 Lodge South Circle, owned by Sutton Carolina, Inc., which motion was seconded by Councilwoman Locke, and carried unanimously.

November 17, 1975  
Minute Book 62 - Page 403

REVIEW OF PROPOSED STORM DRAINAGE PROGRAM BY THE PUBLIC WORKS DEPARTMENT.

Mr. Robert Hopson, Director of Public Works Department, stated at the Mayor and Council's request he is bringing a short review of the flooding and storm drainage systems in Charlotte. In 1968, Charlotte celebrated its bicentennial, and in these 200 years since we were founded here as a small community, we have grown to a city of over 300,000. This growth has not been without problems. One of these problems is urbanization. The specific aspect he will discuss is the resultant flooding that is caused by urbanization and also its overall effect on our storm drainage system.

He stated in the slide presentation several options will be brought that may be pursued in an overall attempt to reduce the adverse affects that has been seen, and particularly in the flooding of May 30, and in several heavy rains since then. Our normal rainfall is 42 inches; this year we have had over 61 inches. It has been an excessively rainy year.

Some of the options are very expensive; some of them are in the \$100 million range; there are other factors to be considered in the environmental and ecological field, as well as just spending money to get something done.

The slide presentation was made, after which material was handed to the Mayor and Council for study. Mr. Hopson stated this material is exactly what was seen in the slide presentation; it has the features of the costs; the features of what could be done over a period of time; and what can be done in interim amounts of money. He stated he would like for Council to take this and study it and perhaps they can get together at some future time and discuss where we go from here.

Mr. Hopson stated he would like to recall a few things. In 1972 the flood plain management program went into effect by City Council, and this prohibits the building in floodplains of up to 100-storms. If we decided to buy buildings for instance we could take five year storm area, a ten year storm or in any increment we want. The figures are self explanatory. The problem will not increase as we are not permitting any more buildings to be built in the flood plains. He stated he is sure Council is familiar with the flood insurance and the Planning Commission is getting ready to have some neighborhood meetings on flood insurance after the first of the year - the ones that are affected. We have improved our early warning systems in the last few years, and most of the television and radio systems people have been very cooperative.

He stated at the suggestion of the Manager they looked into floodproofing of buildings where they are, where some help can be given by building up stoops or by fixing windows so they could be easily made semi-permanent with flood warnings. They looked into this with the Tennessee Valley Authority and they have been over there and talked to the people; they have talked with the Corps of Engineers, and they will be back to Council with some proposal of what can be done with neighborhood meetings on the problem of flood proofing after the first of the year. They plan to use the resources of the Urban Institute at the University of North Carolina to help on this particular program.

Mr. Hopson stated they have looked into possible tax rebates to people in the floodplains, and the City Attorney has ruled that is not possible. We do not have that authority, and they would question whether the problem should be attacked from that viewpoint due to the fact the properties are probably already lower assessed than the rest of the property in the city for many years.

November 17, 1975  
Minute Book 62 - Page 404

The Sugar Creek Basin Study by the Corps of Engineers is still going forward in a four year study to tell us of some of the recreational possibilities and pollution control possibilities of the total program.

He referred to Section 6.101 of the City Charter, and stated the City might consider using this more in the day to day operation where some of the people have been particularly hard hit on small problems. He stated this authority has been used very sparingly, but it could be done. He stated last week he looked at a condition on Sugar Creek Road, and he turned it over to the Health Department to see if they can get the neighbors to do a little work with their shovels. If they do not do it, then he will probably come back to Council and ask that the problem be approached under this charter provision.

Mr. Hopson stated they think their slide presentation and through the information which has been given to Mayor and Council gives an opportunity to approach this in various ways, whether it is done on an expensive and long range program, or else do some minor improvements which might help in the interim, and particularly to prevent this from occurring in subdivisions and through the building permit procedures.

Councilman Withrow asked if they made a study of the problem of the raw sewage overflowing in houses off North Tryon Street. What is being done about that? Mr. Hopson replied they consulted with the Utility Department where that line is overcharged; it is totally charged during dry weather, and is overcharged during wet weather flow. That Mr. Dukes says he will replace that particular sewer. Mr. Hopson stated that does not occur too often through the City; the Utility Department through Walter Franklin's, for many years, did a fabulous job on keeping up with the times. That was an exception. That he believes the City Manager called this to the attention of Mr. Dukes and it will be taken care of.

Councilman Gantt asked about the problem with the Seaboard Railroad on Rama Road, and Castleton Gardens? Mr. Hopson replied the problem there is where a property owner is charged with the responsibility under the charter provision of getting the water away to his neighbor down stream. In this case by the Seaboard doing that, they will be creating difficult problems for the neighbors downstream. Legally they should have done it years ago. That he has been out and looked at it, and actually there is a small old sewer, about two feet by four feet, they are replacing with this nine foot diameter pipe. They are doing no more than what they should have done years ago; then the people downstream would have known it was coming. This is also going to relieve a stagnant and standing water problem up above. From the railroad's viewpoint, it is going to improve their track and their maintenance. From our engineers, he understands that between five and ten years ago we requested the railroad to do this; they did not feel they wanted to do it at that time, and they suffered some maintenance problems, and now they are doing it. There is no easy way out. Legally they have every right in the world to do this.

Councilman Harris stated he noticed in the press this week that the County Engineering people were having a public meeting about this same subject. He stated he hopes the two departments are communicating about the same subject. Mr. Hopson replied he talked to Mr. Hoffman about the presentation being made tonight, and he was cognizant of what was to be said. They are also going to these neighborhood meetings to explain things to individuals as to what they are doing in their minor maintenance work out there. He stated the meeting will be held Friday, and his people are in close touch with the county people. Legally the county is the only one that has the responsibility at present to do that kind of work.

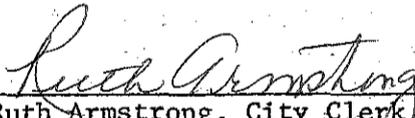
November 17, 1975  
Minute Book 62 - Page 405

Mr. Charles H. Lamm, 1828 Shannonhouse Drive, stated Shannon Park is dissected into three parts by Briar Creek and that main tributary that branches off it within Shannon Park. During his comments he referred to four culverts in Shannon Park - one at Ruth Drive where there are two seven foot by eight foot rectangular culverts; one at Shannonhouse Drive where there are two six foot by eight foot rectangular culverts - Shannonhouse Drive is downstream from Ruth Drive but has a smaller culvert. On Grafton Drive where the main tributary of Briar Creek runs under the street, there are two seven foot by eight foot culverts; and then on Galway Drive there are three seven and a half by eight and a half foot culverts. To his knowledge the culvert at Galway Drive is adequate; he has never seen the water spill over that culvert. However, the culverts on Ruth Drive, Shannonhouse and Grafton Drive in his opinion as a layman are inadequate. They cannot carry the water. The elevation of the streets themselves is within the 100 year floodplain. It does not take a 100 year flood to bring water over the culvert or around the culvert across the street. When this happens quite frequently the water then backs through the storm sewer, and where there is a tri-level house located near the creek with a bathroom on the lower level, the water back up through the commode, washing machine or other outlets and floods the home.

Mayor Belk requested the City Clerk to give these locations to Mr. Hopson for his investigation.

ADJOURNMENT.

Upon motion of Councilman Harris, seconded by Councilman Whittington, and unanimously carried, the meeting adjourned.

  
Ruth Armstrong, City Clerk