

October 17, 1978  
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 SPECIAL USE PERMIT HEARINGS

The City Council of the City of Charlotte, North Carolina, met on Tuesday October 17, 1978, at 2:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor Kenneth R. Harris presiding, and Councilmembers Don Carroll, Tom Cox, Laura Frech, Pat Locke, George Selden, Milton Short and Minette Trosch present.

ABSENT: Councilmembers Betty Chafin, Charlie Dannelly, Harvey Gantt and Ron Leeper.

Also present and sitting as a separate body were members of the Charlotte-Mecklenburg Planning Commission: Chairman Tate, and Commissioners Campbell, Culbertson, Curry, McCoy and Tye.

ABSENT: Commissioners Broadway, Ervin, Kirk and Royal.

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MEETING CALLED TO ORDER WITH EXPLANATION OF PROCEDURES.

Mayor Harris called the meeting to order stating the purpose of the meeting is for a public hearing on Petition No. 78-47 by the Young Men's Christian Association of Charlotte and Mecklenburg requesting a Special Use Permit to build a YMCA in an R-15 zoning district. The hearing is required by the Zoning Ordinance of the City of Charlotte.

He advised the hearing will be conducted pursuant to Rules of Hearing Procedure for Conditional Use Permits adopted by City Council on August 23, 1976.

Mayor Harris stated he is identified as a person that has submitted as a Charter Member of this Institution, and has paid his initiation fee. He asked the City Attorney if this is a conflict? Mr. Underhill, City Attorney, replied he has discussed this with the Mayor and he suggested that he disclose it for the record. That he does not believe the fact the Mayor holds a membership in this particular branch of the YMCA constitutes a conflict of interest which would prohibit him from presiding over this meeting.

Mr. Underhill then explained the City Code provisions under which the petition was submitted and the rules of procedure for the conduct of the meeting. He reviewed Section 23-36 of the City Code which sets forth the Special Use Permit process.

He stated YMCAs are permitted as a special use in residential districts upon the issuance of a special use permit. The authority for this being Section 23-36.7 of the City Code.

Mr. Underhill stated there are certain findings which must be made by the City Council before approving a special use permit, which are found under Section 23-36.7(c).

Mr. Underhill stated the decision reached by this Council on petitions of this nature can only be based on competent material and substantial evidence. This is a requirement of law in North Carolina. All persons participating in the hearing should only present competent and material evidence during the hearing. Persons participating in the hearing should be aware that any statement, exhibits or other materials which are not competent and material evidence will not be considered by Council in making its final decision.

After Mr. Underhill completed the explanation of the procedures, Councilmember Carroll advised he is a member of the Morehead YMCA and asked the City Attorney if he has a conflict of interest? Mr. Underhill replied as he understands the Mayor, he is a charter member of this particular branch of the Y rather than the Central Branch; he does not know if there is any right of

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transfer between the branches of the Y or not. In any event, he does not think that is a conflict that would prevent Mr. Carroll from participating either under the Code of Ethics or the City Charter.

HEARING ON PETITION NO. 78-47 BY THE YOUNG MEN'S CHRISTIAN ASSOCIATION OF CHARLOTTE AND MECKLENBURG REQUESTING SPECIAL USE PERMIT CONSIDERATION FOR A YMCA FACILITY ON AN 18 ACRE TRACT OF LAND ON SHARON ROAD BETWEEN QUAIL HOLLOW ROAD AND SHARON HILLS ROAD.

Mr. Bob Landers of the Planning Staff was sworn and presented into evidence information on the surrounding area, the zoning of the area, and reviewed the site plan.

Mr. Landers stated the petition is a request for a special use permit at the intersection of Quail Hollow Road and Sharon Road, and bounded by Quail Hollow, Sharon Road and Sharon Hills Road. The property is vacant and is approximately 18 acres in area including the street right of way.

Mr. Landers presented three exhibits:

- (1) Land Use Map
- (2) Zoning Map
- (3) Application and site plan

During the presentation he stated the petitioner plans a 61,000 square foot project in two phases. First will be 19,000 and second phase will be 42,000. The plan calls for 303 parking spaces with three driveways. There will be seven outdoor tennis courts; two softball fields; a soccer and football field and jogging trail; there will be five exercise stations. Berms will be installed along the front of the property on Sharon Road and Quail Hollow Road; a five foot concrete sidewalk will be constructed along both Sharon Road and Sharon Hills Road and Quail Hollow Road; a fence will be built along the perimeter.

He also showed slides of the area to be developed.

Following was a question and answer period between the Council and Mr. Landers.

Mr. Lloyd Caudle, Attorney, stated he and Mr. Scott Gayle are representing the YMCA. He had the following witnesses sworn:

- (1) Larry Taylor, Architect
- (2) Lew Griffin, Real Estate Agent
- (3) Bernie Corbett, City Traffic Engineer
- (4) George Creswell of the YMCA

During the cross-examination of the witnesses Mr. Caudle placed into evidence the following exhibits:

- (1) Zoning Map (as introduced and explained by Planning Commission staff)
- (2) Land Use Map (as introduced and explained by Planning Commission staff)
- (3) Site Plan (as introduced and explained by Planning Commission staff)
- (4) Color-coded Site Plan.

No one appeared in opposition to the petition.

HEARING CONCLUDED.

Mayor Harris concluded the hearing stating the petition is now referred to the Planning Commission for its recommendation. He advised the participants may file written statements within five working days with the Office of Planning Commission.

Mr. Caudle advised they would waive the right to submit the written statement.

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THE VERBATIM TRANSCRIPT IS ON FILE IN THE OFFICE OF THE CITY CLERK AS TAKEN BY MS. MARY OLIVE, COURT STENOGRAPHER.

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MEETING RECESSED AND RECONVENED.

Mayor Harris called a recess at 3:25 p.m. and reconvened the meeting at 3:35 p.m., with Mayor Harris presiding, and Councilmembers Don Carroll, Tom Cox, Laura Frech, Pat Locke, George Selden, and Minette Trosch present.

ABSENT: Councilmembers Betty Chafin, Charlie Dannelly, Harvey Gantt, Ron Leeper and Milton Short.

Present for the Planning Commission were Chairman Tate and Commissioners Campbell, Culbertson, Curry, McCoy and Tye.

HEARING ON PETITION NO. 78-53 BY THE YOUNG MEN'S CHRISTIAN ASSOCIATION OF CHARLOTTE AND MECKLENBURG REQUESTING SPECIAL USE PERMIT CONSIDERATION FOR EXPANSION OF AN EXISTING YMCA FACILITY AT THE SOUTHERLY CORNER OF REGAL OAKS DRIVE AND DEMOCRACY DRIVE, AND AT THE NORTHERN TERMINUS OF IDLEBROOK DRIVE.

Mayor Harris declared the hearing open on Petition No. 78-53 filed with the Planning Commission by the Young Men's Christian Association of Charlotte and Mecklenburg. He stated the petitioner seeks the issuance of a special use permit to build a YMCA in an R-9MF zoning district, and the hearing is required by the zoning ordinance of the City of Charlotte.

He advised the hearing is to be conducted pursuant to Rules of Procedure for Conditional User Permits adopted by the Council on August 23, 1976.

Mr. Underhill, City Attorney, stated in the interest of time this hearing will be conducted under the same hearing procedures as immediately held; provisions of the Code that were applicable to the petition which was the subject of the last hearing are the same provisions and code requirements that are applicable to this particular Petition No. 78-53.

He stated Mr. Richard Vinroot is registered as the representative of the petitioners in this matter. He asked if Mr. Vinroot would waive his summarization of both the rules of hearing and code provisions? Mr. Vinroot stated he would. Mr. Underhill asked that the record show that the petitioner does not object to the waiving of the summarization by the City Attorney of both the rules of hearing procedure and the applicable code provisions. He asked Mr. Vinroot if he would agree to waive the further statements that are preliminary by the Mayor which are the same as those in the previous hearing, and move to the presentation by the Planning Staff? Mr. Vinroot indicated he would waive the reading of the statements. Mr. Underhill requested the record to show that Mr. Vinroot also waives the Mayor's preliminary remarks and statement.

Mr. Bob Landers of the Planning Staff was sworn and presented into evidence information on the surrounding area, the zoning of the area, and reviewed the site plan.

Mr. Landers stated the petition is a request for a special use permit in accordance with Section 23-36.7 of the Charlotte Zoning Ordinance for an approximately 15 acre tract located south of Albemarle Road, just off Regal Oaks Drive and Democracy Drive.

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Mr. Landers entered three exhibits:

- (1) Land Use Map
- (2) Zoning Map
- (3) Application and site plan

During the presentation, Mr. Landers stated the tract of land is immediately north of the Idlewild Farms Subdivision, and its property line forms the common property rear lot lines of houses fronting the north side of Riding Trail Road within Idlewild Farms. Albemarle Road Junior High School and Albemarle Road Elementary School are located to the east of the subject property. The two schools are separate as there is no circulation between the two schools.

Mr. Landers stated Exhibit No. 3 is the application and site plan. He stated the East Branch of the Y is a Family Y established around 1975 and was a permitted use at that time in a residential district.

Now in place are four tennis courts; along the southeasterly corner of the property is an existing ballfield; existing parking coming off of Regal Oaks Drive and Democracy Drive; an existing covered picnic shelter; an existing pool facility including dressing rooms, a small children's pool.

The proposal is for continued expansion with major buildings. It includes the gym, locker rooms, exercise areas, swimming pool facilities and so forth. Parking is provided in front of the facility; with a storm water detention facility proposed. There is an existing storm water detention feature in the back of the tract of land.

Mr. Landers then presented slides of the area.

Following was a question and answer period between Councilmembers and Mr. Landers.

Mr. Richard Vinroot, Attorney, stated he is representing the petitioner, and he asked the following persons to be sworn for cross-examination:

- (1) Don Winecoff, Architect
- (2) Richard M. Lovell, Real Estate
- (3) Bernie Corbett, Director of Traffic Engineer
- (4) Ted Brazzell, Branch Director of East Branch Y

During the cross-examination of the witnesses, Mr. Vinroot placed into evidence the following exhibits in addition to the Staff's exhibits:

- (1) Petitioner's Exhibit No. 4 - Site development prepared by Winecoff, Inc.
- (2) Petitioner's Exhibit No. 5 - Topo showing the terrain of the property.

No one appeared in opposition to the petition.

Mr. Vinroot stated they would waive the right to submit a written statement.

HEARING CONCLUDED.

Mayor Harris concluded the hearing stating the petition is now referred to the Planning Commission for its recommendation.

THE VERBATIM TRANSCRIPT IS ON FILE IN THE OFFICE OF THE CITY CLERK AS TAKEN BY MS. MARY OLIVE, COURT STENOGRAPHER.

  
 Ruth Armstrong, City Clerk