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TAPE RECORDING OF ENTIRE MEETING ON FILE IN
CITY CLERK'S OFFICE.

The informal meeting of the City Council of the City of Charlotte, North Carolina, held in the Council Chamber in the City Hall, on December 12, 1961, was continued on Friday, December 15th at 9 o'clock a.m., with Mayor Brookshire presiding, and Councilmen Albea, Bryant, Dellinger, Jordan, Smith Thrower and Whittington present.

Mr. McIntyre, Director, and Mr. Devaney, Chief Planner, were present representing Charlotte-Mecklenburg Planning Board.

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ITEM 62. PROPERTY SOUTH OF MONROE ROAD, EAST OF MCALWAY ROAD, ZONED O-6.

Councilman Albea moved that the property be zoned O-6. The motion was seconded by Councilman Whittington, and unanimously carried.

ITEM 63. PROPERTY ON WEST SIDE PARK ROAD, BETWEEN ASHCRAFT LANE AND HILLSIDE AVENUE, ZONED R-9.

Councilman Bryant moved that the property be zoned R-9 as recommended by the Planning Commission. The motion was seconded by Councilman Smith, and unanimously carried.

ITEM 64. PROPERTY ON SOUTH SIDE HIGHWAY I-85, BETWEEN GLENWOOD DRIVE AND FREEDOM DRIVE INTERCHANGES, ZONED B-2 AND R-6.

Councilman Albea moved that the property be zoned B-2 and R-6 as recommended by the Planning Board. The motion was seconded by Councilman Bryant.

Councilman Thrower made a substitute motion that the property be zoned B-2 as requested. His motion did not receive a second.

Councilman Smith asked the Planning Director what his objections are to B-2 zoning of the entire area, and Mr. McIntyre replied it will put business up against residences and increase traffic in the residential area.

The vote was then taken on the motion by Councilman Albea, and unanimously carried.

ITEM 65. PROPERTY ON EAST SIDE OF ALBEMARLE ROAD, BETWEEN INDEPENDENCE BOULEVARD AND PIERSON DRIVE (TRACT A), ZONED B-2.

Councilman Albea moved that the property be zoned R-9MF as recommended by the Planning Board. The motion was seconded by Councilman Bryant.

Councilman Smith made a substitute motion that Tract A be zoned B-2 as requested. The motion was seconded by Councilman Dellinger, and carried by the following recorded vote:

YEAS: Councilmen Smith, Dellinger, Jordan, Thrower and Whittington.
NAYS: Councilmen Albea and Bryant.

ITEM 66. PROPERTY EAST OF ALBEMARLE ROAD, BETWEEN PIERSON DRIVE AND SHARON AMITY ROAD (TRACT B), ZONED B-2.

Councilman Jordan moved that the property be zoned B-2. The motion was seconded by Councilman Thrower.

Councilman Whittington made a substitute motion that the property be zoned R-9MF as recommended by the Planning Board. The motion was seconded by Councilman Albea, and lost by the following recorded vote:

YEAS: Councilmen Whittington, Albea and Bryant.
NAYS: Councilmen Dellinger, Jordan, Smith and Thrower.

The vote was then taken on the main motion by Councilman Jordan, and carried by the following recorded vote:

YEAS: Councilmen Jordan, Thrower, Dellinger and Smith.
NAYS: Councilmen Albea, Bryant and Whittington.

ITEM 67. PROPERTY WEST OF ALBEMARLE ROAD, BETWEEN PIERSON DRIVE AND DRIFTWOOD DRIVE (TRACT C), ZONED B-2.

Councilman Whittington moved that the property be zoned R-9MF as recommended by the Planning Commission. The motion was seconded by Councilman Albea.

Councilman Thrower made a substitute motion that the property be zoned B-2. The motion was seconded by Councilman Jordan, and carried by the following recorded vote:

YEAS: Councilmen Thrower, Jordan, Dellinger and Smith.
NAYS: Councilmen Albea, Bryant and Whittington.

ITEM 68. PROPERTY ON NORTH SIDE INDEPENDENCE BOULEVARD, FROM NORTHEAST CORNER WALLACE LANE & INDEPENDENCE BOULEVARD (TRACT A) ZONED B-2. ✓

Councilman Whittington moved that the property be zoned B-2 with the same provisions as he has previously stated that the Council try and get setback lines and access roads in there which the Planning Commission is working on. The motion was seconded by Councilman Thrower.

Councilman Dellinger stated he did not think any mention should be made of the 30 ft. setback on this, that it might jeopardize the whole business.

Mayor Brookshire stated he agrees and the zoning of the property only should be considered.

Councilman Whittington then revised his motion that the property be made B-2 which was seconded by Councilman Thrower.

Councilman Albea made a substitute motion that the property be zoned R-9 as recommended by the Planning Commission. The motion was seconded by Councilman Bryant, and lost by the following recorded vote:

YEAS: Councilmen Albea and Bryant.
NAYS: Councilmen Whittington, Thrower, Dellinger, Jordan and Smith.

The vote was then taken on the revised motion by Councilman Whittington, and carried by the following recorded vote:

YEAS: Councilmen Whittington, Thrower, Dellinger, Jordan and Smith.
NAYS: Councilmen Albea and Bryant.

ITEM 69. PROPERTY ON SOUTH SIDE INDEPENDENCE BOULEVARD, BETWEEN INDEPENDENCE BOULEVARD AND WALLACE ROAD, NORTH OF WOODBURY ROAD (TRACT B), ZONED B-2.

Councilman Whittington moved that the property be zoned B-2 as requested. The motion was seconded by Councilman Dellinger.

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Councilman Albea made a substitute motion that the property be zoned R-12 as recommended by the Planning Board. The motion did not receive a second.

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

YEAS: Councilmen Whittington, Dellinger, Jordan, Smith and Thrower.

NAYS: Councilmen Albea and Bryant.

ITEM 70. PROPERTY NORTH OF REA ROAD, SOUTH OF MCALPINE CREEK, WEST OF OLD PROVIDENCE ROAD, ZONED R-15.

Councilman Dellinger moved that the property be zoned R-15 as recommended by the Planning Commission. The motion was seconded by Councilman Smith, and unanimously carried.

ITEM 71. PROPERTY NORTHWEST OF INTERSECTION OF EMERYWOOD ROAD AND LONDONDERRY ROAD, SOUTHEAST OF EDWARDS LUMBER COMPANY, ZONED O-6.

Councilman Bryant moved that the property be zoned O-6 as requested. The motion was seconded by Councilman Dellinger, and carried by the following recorded vote:

YEAS: Councilmen Bryant, Dellinger, Jordan, Smith, Thrower and Whittington.

NAYS: Councilman Albea.

ITEM 72. PROPERTY NORTHWEST OF INTERSECTION OF HOSKINS ROAD AND BEATTIES FORD ROAD, ZONED B-2.

Motion was made by Councilman Smith that the property be zoned B-2 as requested. The motion was seconded by Councilman Bryant, and carried by the following recorded vote:

YEAS: Councilmen Smith, Bryant, Dellinger, Jordan, Thrower and Whittington.

NAYS: Councilman Albea.

ITEM 73. PROPERTY AT NORTHEAST CORNER HIGHWAY 16 AND CENTRE STREET, ZONED B-2.

Councilman Whittington moved that the property be zoned B-2 as requested. The motion was seconded by Councilman Jordan, and carried by the following recorded vote:

YEAS: Councilmen Whittington, Jordan, Bryant, Dellinger, Smith and Thrower.

NAYS: Councilman Albea.

ITEM 74. PROPERTY NORTH OF INTERSTATE 85, EAST OF MULBERRY CHURCH ROAD, (TRACT A), ZONED I-2 WITH 200 FT. BUFFER ON THE NORTH SIDE ZONED R-9MF.

Councilman Jordan moved that the property be zoned I-2 with a 200 ft. buffer on the north side zoned R-9MF. The motion was seconded by Councilman Smith, and carried by the following recorded vote:

YEAS: Councilmen Jordan, Smith, Bryant, Dellinger, Thrower and Whittington.

NAYS: Councilman Albea.

ITEM 75. PROPERTY SOUTH OF INTERSTATE 85, EAST OF MULBERRY CHURCH ROAD, ZONED I-2.

Councilman Smith moved that the property be zoned I-2. The motion was seconded by Councilman Thrower, and carried by the following recorded vote:

YEAS: Councilmen Smith, Thrower, Bryant, Dellinger, Jordan and Whittington.
NAYS: Councilman Albea.

ITEM 76. PROPERTY WEST SIDE MILTON ROAD, SOUTH OF THE PLAZA-MILTON ROAD INTERSECTION, ZONED R-9.

Councilman Jordan moved that the property be zoned R-9 as recommended by the Planning Commission. The motion was seconded by Councilman Smith, and unanimously carried.

ITEM 77. PROPERTY ON EAST SIDE MILTON ROAD, SOUTH OF THE PLAZA-MILTON ROAD INTERSECTION, ZONED R-9.

Councilman Jordan moved that the property be zoned R-9 as recommended by the Planning Board. The motion was seconded by Councilman Whittington, and unanimously carried.

ITEM 78. PROPERTY ON SOUTH SIDE HOSKINS ROAD, WEST OF P & N RAILROAD TRACKS, ZONED I-2.

Councilman Thrower moved that the property be zoned I-2 as requested. The motion was seconded by Councilman Bryant.

Councilman Whittington made a substitute motion that the property be zoned I-1 as recommended by the Planning Board. The motion was seconded by Councilman Albea, and lost by the following recorded vote:

YEAS: Councilmen Whittington and Albea.
NAYS: Councilmen Thrower, Bryant, Dellinger, Jordan and Smith.

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

YEAS: Councilmen Thrower, Bryant, Dellinger, Jordan and Smith.
NAYS: Councilmen Whittington and Albea.

ITEM 79. PROPERTY ON MILTON ROAD IN HICKORY GROVE AREA-PROPERTY OWNED BY NORFOLK SOUTHERN RAILWAY.

Previously handled.

ITEM 80. PROPERTY ON WEST SIDE BEAUMONT AVENUE, FOURTH FULL LOT NORTH OF INDEPENDENCE BOULEVARD.

Previously handled.

ITEM 81. PROPERTY LOCATED SOUTHEAST CORNER TAPPAN & HERRIN AVENUES, ZONED O-6.

Councilman Jordan moved that the property be zoned O-6 as recommended by the Planning Commission. The motion was seconded by Councilman Dellinger, and unanimously carried.

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ITEM 82. PROPERTY ON HIGHWAY 16 AND HOSKINS AVENUE, ZONED R-6 AND R-6MF.

Councilman Dellinger moved that the property be zoned R-6 and R-6MF as recommended by the Planning Commission. The motion was seconded by Councilman Smith, and carried unanimously.

ITEM 83. PROPERTY AT NORTHWEST CORNER MALLARD CREEK ROAD AND MASON ROAD, ZONED R-12.

Councilman Jordan moved that the property be zoned R-12 as recommended by the Planning Commission. The motion was seconded by Councilman Whittington, and unanimously carried.

ITEM 84. ALL LOTS IN BLOCK BOUNDED BY STATESVILLE AVENUE, MORETZ AVENUE, MONTREAT STREET AND NORRIS AVENUE.

Previously handled.

ITEMS 85, 86 AND 87. HICKORY GROVE AREA- PROTEST ON INDUSTRIAL ZONING ON NORFOLK & SOUTHERN RAILROAD PROPERTY.

Previously handled.

ITEM 88. PROPERTY ON WELDON AVENUE, BETWEEN BLACKWOOD AVENUE AND THE PLAZA, ZONED R-6 AND R-6MF.

Councilman Smith moved that the property be zoned R-6 and R-6 MF as recommended by the Planning Board. The motion was seconded by Councilman Whittington, and unanimously carried.

ITEM 89. PROPERTY ON WEST SIDE PARK ROAD, BETWEEN MONTFORD DRIVE AND MOCKING-BIRD LANE, ZONED R-9 AND R-9MF.

Councilman Jordan moved that the property be zoned R-9 and R-9MF as requested. The motion was seconded by Councilman Smith, and carried by the following recorded vote:

YEAS: Councilmen Jordan, Smith, Bryant, Thrower and Whittington, and Dellinger.
NAYS: Councilman Albea.

ITEM 90. PROPERTY SOUTH OF GRAHAM OFFICE PARK, BETWEEN PARK ROAD AND SUGAR CREEK, ZONED R-6MFH EXCEPT CLEMMER PROPERTY WHICH IS TO BE ZONED O-15.

Councilman Jordan moved that the property be zoned R-6MFH as recommended by the Planning Commission, excepting the Clemmer property which is to be zoned O-15. The motion was seconded by Councilman Smith.

Councilman Albea made a substitute motion that the property be zoned R-6MFH. The motion did not receive a second.

The vote was taken on the original motion by Councilman Jordan, and carried by the following recorded vote:

YEAS: Councilmen Jordan, Smith, Bryant, Dellinger, Thrower and Whittington.
NAYS: Councilman Albea.

Councilman Albea stated he is not voting against the R-6MFH, he is voting against the addition which is not in front of him.

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ITEM 91. PROPERTY AT NORTHWEST CORNER MILTON ROAD & NEWELL-HICKORY GROVE ROAD, ZONED R-9MF.

Councilman Jordan moved that the property be zoned R-9MF as recommended by the Planning Commission. The motion was seconded by Councilman Smith, and unanimously carried.

ITEM 92. PROPERTY ON MILTON ROAD & NEWELL-HICKORY GROVE ROADS. OPPOSED TO INDUSTRIAL ZONING.

Previously handled.

ITEM 93. PROPERTY AT NORTHWEST CORNER BRANDYWINE & WESTFIELD ROAD, ZONED R-6.

Councilman Dellinger moved that the property be zoned R-6 as recommended by the Planning Commission. The motion was seconded by Councilman Smith, and unanimously carried.

ITEM 94. PROPERTY AT 505 FENTON PLACE, 200 FT. OFF PROVIDENCE ROAD, ZONED R-6MF AND O-6.

Councilman Smith moved that Lots 5 and 6 be zoned O-6 and Lot 7 zoned R-6MF. The motion was seconded by Councilman Bryant, and unanimously carried.

Councilman Albea stated he is voting for this because the Planning Board stated it would not hurt the neighborhood.

ITEM 95. PROPERTY IN 2200 BLOCK SHENANDOAH AVENUE, ZONED R-6.

Councilman Thrower moved that the property be zoned R-6 as recommended by the Planning Board. The motion was seconded by Councilman Whittington, and unanimously carried.

ITEM 96. PROPERTY IN 1700 BLOCK INDEPENDENCE BOULEVARD, ZONED B-1.

Councilman Whittington moved that the property be zoned O-6 as recommended by the Planning Board. The motion was seconded by Councilman Bryant.

Councilman Smith made a substitute motion that the property be zoned B-1 as requested. The motion was seconded by Councilman Dellinger, and carried by the following recorded vote:

YEAS: Councilmen Smith, Dellinger, Jordan and Thrower.

NAYS: Councilmen Albea, Bryant and Whittington.

ITEM 97. PROPERTY IN HICKORY GROVE AREA. OPPOSED TO INDUSTRIAL ZONING OF NORFOLK SOUTHERN RAILROAD PROPERTY.

Previously handled.

ITEM 98. PROPERTY ON PARK ROAD OPPOSITE PARK ROAD SHOPPING CENTER.

Previously handled.

ITEM 99. WITHDRAWN.

Petition withdrawn prior to hearing.

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ITEM 100. PROPERTY IN 3100 BLOCK SHENANDOAH AVENUE, ZONED R-6.

Councilman Smith moved that the property be zoned R-6 as recommended by the Planning Commission. The motion was seconded by Councilman Dellinger, and unanimously carried.

ITEM 101. PROPERTY ON HAWTHORNE LANE, FROM HAYWOOD COURT TO KENSINGTON DRIVE, ZONED I-1.

Councilman Bryant moved that the property be zoned I-1. The motion was seconded by Councilman Dellinger, and carried by the following recorded vote:

YEAS: Councilmen Bryant, Dellinger, Jordan, Smith, Thrower and Whittington.
NAYS: Councilman Albea.

STATEMENT RELATIVE TO CRITICISM OF ZONING OF INDEPENDENCE BOULEVARD PROPERTY.

Councilman Smith stated there has been some criticism of himself and several others on this Council because of their conscientious belief that most of Independence Boulevard should be zoned business to relieve a government-created hardship on the householders along this Highway. Zoning was never intended as a substitute for eminent domain. One of his basic concepts is here involved. He stated he believes private property rights should not be confiscated by impersonal government without due compensation to the individual. Councilman Smith stated that our form of government protects the individual, and upon this inheritance and blood-bought birthright he is determined to stand and defend. That the whimpering of a wronged individual impresses him more than the hysterical shouts of the many not involved personally.

Mayor Brookshire thanked Councilman Smith for his statement, and said he would like to make a statement also, not necessarily in answer but simply for the record and, he thinks, for clarification. That zoning through the adoption of land-use patterns serve the entire community and unfortunately must by necessity restrict some personal preferences in the development and use of individual properties; otherwise, zoning cannot be wholly effective.

Councilman Albea stated he would like to agree with the Mayor's statement, and would like to say that the only criticism he has made about anybody has been right here in the Council Chambers, unless he happened to make one to his wife accidentally.

ITEM 102. PROPERTY ON PARK ROAD OPPOSITE PARK ROAD SHOPPING CENTER.

Previously handled.

COUNCILMAN SMITH SUGGESTS THAT INCONSISTENCY IN ZONING ON INDEPENDENCE BOULEVARD SHOULD BE CLEARED UP.

Councilman Smith asked Mr. Devaney, Chief Planner, to explain the zoning on Independence Boulevard. Mr. Devaney stated that beginning at Elizabeth Avenue and in the area around 4th Street and Elizabeth Avenue, the zoning is all B-2; that Independence Boulevard is zoned B-2 up to Park Drive. At Park Drive, between Park Drive and the Rose Garden, the zoning is O-6, except for the Park which is residential, and from the Park area up to Hawthorne Lane the zoning is B-1.

Councilman Smith stated these are the type of discrepancies that he thinks should be cleared up. You've got B-2 then you skip to B-1. That he thought

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it was the intention of most of the Councilmen in the discussion that this would be B-1 up to the Industrial at the Seaboard, from 7th Street all the way through except the Rose Garden. That it is personally his intent, and the other Councilmen can express themselves, to make it B-1 the more restrictive business zoning, from 7th Street to the Industrial Seaboard area with the exception of the Rose Garden. He stated the main thing he is trying to get and he has tried to get from the beginning is consistency, and if the Council voted for the rest of it B-1, he wants this B-1; that is his personal opinion. That you have houses that adjoin each other - one you are making business and one you are leaving O-6. That's what it amounts to on Independence Boulevard.

PROPERTY ON INDEPENDENCE BOULEVARD FROM E. 7TH STREET TO ROSE GARDEN STREET, EAST SIDE, ZONED B-1.

Councilman Thrower moved that property on Independence Boulevard, from East 7th Street to Rose Garden Street, on the east side, be zoned B-1 as shown on Map 1-E. The motion was seconded by Councilman Smith, and carried by the following recorded vote:

YEAS: Councilmen Thrower, Smith, Bryant, Dellinger, Jordan and Whittington.
NAYS: Councilman Albea.

PROPERTY ON BOTH SIDES OF 2200 BLOCK OF INDEPENDENCE BOULEVARD TO REMAIN O-6 AS RECOMMENDED BY THE PLANNING BOARD.

Councilman Smith asked if the zoning in the 2200 block of Independence Blvd has been considered and he was advised that it has not. He moved that the 2200 block, on both sides, be zoned B-1.

Councilman Thrower moved that the 2200 block be zoned O-6 as recommended by the Planning Board.

Mr. Devaney advised the 2200 block is immediately east of Chantilly Shopping Center and was zoned O-6 because of the Chantilly School in the vicinity and also because on the north side the properties do not face Independence Blvd but face on Shenandoah Avenue, and they felt that B-1 zoning would permit business to be constructed on Shenandoah.

Both motions were withdrawn and it was agreed for the zoning to remain O-6 as recommended by the Planning Board and shown on the Zoning Maps.

ZONING DEPTH ON INDEPENDENCE BOULEVARD MADE 400 FEET.

(from approximately 200ft west of Farmingdale rd to McAlpine Creek)

Councilman Smith moved that the depth of the zoning on Independence Boulevard be a uniform 400 feet, as shown on the Strip Map by the Planning Board. The motion was seconded by Councilman Dellinger, and carried by the following recorded vote:

YEAS: Councilmen Smith, Dellinger, Bryant, Jordan and Thrower.
NAYS: Councilmen Albea and Whittington.

ADJOURNMENT.

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

Lillian R. Hoffman, City Clerk