An Adjourned Meeting, from the Special Meeting on October 6, 1961, of the City Council of the City of Charlotte, North Carolina, was held in Court Room No. 1, in the Mecklenburg County Court House, on Friday, October 13, 1961, at 7:30 p.m., with Mayor pro tem Whittington presiding, and Councilmen Albea, Bryant, Dellinger, Jordan, Smith and Thrower present.

ABSENT: Mayor Brookshire.

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The proceedings of this hearing on the proposed new Zoning Ordknance were tape recorded and transcribed as follows:

PURPOSE OF MEETING.

Mayor pro tem: Notice of tonight's meeting was published in the Charlotte News on Tuesday, October 10, 1961 as required by law. This is a continuation of our meeting on October 6th to hear requests relative to the proposed New Zoning Ordinance. For the information of you who were not here on the 6th these proceedings are being taped and will later be transcribed and given to the Planning Commission and City Council for study before the ordinance is adopted. Tonight we have 51 requests for zoning hearings. Now, it is obvious from the beginning, as it was at our other hearing, that we will not get through. For this, we apologize, but we are doing the best we can and giving everyone an opportunity to be heard. To those of you who were not here last week, each speaker will be allowed 5 minutes on a subject. If there are more than one speaker on a subject, then he will be allowed 5 minutes, or a total of ten minutes per subject. We have a Timing Device that Mr. Veeder, our City Manager, will operate for us. At the end of 3 minutes a green light will appear, at the end of four minutes an amber light will come on, which will mean that the speaker will have 1 more minute. Now when the red light comes on, of course, that indicates one's time is up and we ask that you cooperate with the Chair and stop your delivery at that time. Please remember if you feel like you did not fully state your case, you will notify or tell Mr. Bryant or Mr. Devaney or whoever is on the desk at the door, and he will give you another time when you can come back. During the proceedings tonight we will have a 10 minute break and when we reconvene we shall tell you when the next hearing will be held. Now one other thing, if any of you have come in and did not register at the desk and get a number, you should go out there quietly and do so, so that you will know when you will appear on the Agenda. Without any further ado I will ask Mrs. Hoffman to present the first request. She will present them in numerical order and will read them as they come up.

ITEM NO. 5 - THOMAS G. LANE, ATTORNEY, REPRESENTING DR. AUBREY L.PALMER,PETITIONER, 4.12 TRACT AT INTERSECTION OF OLD PROVIDENCE, REA AND PROVIDENCE ROADS, PROPOSED ZONING R-15, REQUESTED ZONING BUSINESS OR OFFICE, MAP # 29.

The petitioner was absent

ITEM NO. 12. HARRY C. HEWSON, ATTORNEY, REPRESENTING NORFOLK-SOUTHERN RAILWAY, PETITIONER, NORTH AND SOUTH OF NORFOLK-SOUTHERN RAILWAY, BOUNDED ON NORTH BY MILTON ROAD, ON EAST BY NEWELL-HICKORY GROVE ROAD AND ON SOUTH BY HICKORY GROVE ROAD, IN VICINITY OF CHARLOTTE CITY LIMITS, PROPOSED ZONING I-1, REQUESTED ZONING I-2, MAPS #21 AND 54.

Mr. Hewson: Gentlemen, first of all if you can see this excerpt from a 1956 newspaper, this is the Norfolk-Southern running out of the brick foundation back of Eastwood Golf Course. The entire stretch is zoned Industrial. When we were before the Planning Commission I am afraid Industrial was mentioned and we did not go into whether we ought to have Industrial-1 or Industrial 2. The Planning Commission very kindly granted our request and gave us Industrial-1, but that is not what we had in mind when we found out what the difference

and Industrial-2 was. The difference is shown on this map. Without going into various uses you can see that the gray is Industrial -1 where ours is Industrial-2. We had this map made by a gentleman in the Planning Department on his own time and he has put together a compoite of all of the maps so that you can get the picture. We have also had him indicate by these checkered marks what is presently used and what is available for expansion and business. The checkered marks show what is used, the brown without the checkered marks show what is available for expansion and new business. This is the Norfolk-Southern, Southern Railroad here, Southern Railroad here, Southern Railroad here, Seaboard here, Piedmont Northern here and the Seaboard down here. I submit to you that were it not for that little gray blob you couldn't find the Norfolk-Southern on that map by what is indicated on that map as Industrial-1 or Industrial-2. The percentages of Industrial-1 as distinguished from Industrial-2 have also been given to us by this member of the Planning Staff working on his own time. The Planning Commission did not have this information available for us and did not consider it. Approximately 25% of the property that is proposed to be zoned Industrial in Charlotte and the perimeter area is Industrial-1. Approximately 73% is Industrial-2 and a little over 1% is Industrial-3. That will give you an idea of how important Industrial-2 is. It is approximately 3/4 of the Industry so far as acerage is concerned in this area. Now the fine Commission in its booklet which I am sure you are all familiar with, which was issued a couple of years ago or whenever it was, showed the present Industrial use or the Industrial use at that time constituted about 2300 acres in Charlotte. It is said that between now and 1980 approximately 3700 additional acres would be needed, more than is presently used. In addition to that 3700 acres that would be needed by 1960 the Planning Commission provided for something over 1000 acres, 1200 or something like that or 1300 excess acres for what might be needed in the future beyond 1980. I said 1960 a while ago I meant 1980. 3700 is what was needed between now and 1980 and they provided in addition to that another 1200 or 1300 just excess. The Norfolk-Southern comes into Charlotte from Norfolk, Virginia. It is not a foreign corporation. Within the last 60 days it moved to Raleigh, North Carolina, so it is one of our own. It comes into Charlotte and it stops and then this proposal chokes it to death. The Norfolk Southern cannot move in Charlotte except in this limited 25% Industrial area. Now I don't have to tell you that railroad s need the heavier classification and the lighter classification uses the truck and the railroad needs that 75%, and with this it is just chocked to death. What is available to it is this, in the way of Industrial -2. Marko Engineering is already established, it is out there, it has a little ro m to expand, moving in there is an area that is not yet developed although it is more developed than is shown on this map so that there are warehouses along the Southern and I think one warehouse along the Norfolk-Southern and this property is owned by Marshal Moore and he is not interested whether his customers trade with the railroad or not. There is a 4½ acre tract that has been sold or is in the process of being sold by Norfolk-Southern and the papers are on my desk, it so happens, for Industrial development. That is all, and there is all of this checkered area being used and occupied, to this little space here and gentlemen that is all and I know that it would take many hundreds of thousands of dollars to make that usable for anything. This is the Norfolk-Southern Industrial part, in 1956 everything in back of it was zoned Industrial and it is zoned Industrial now. In 1958 and 1959 the Norfolk-Southern bought this property at a quarter of a million dollars and you wouldn't expect them to pay that kind of money for residential property long the railroad and that is what they got into. It is certainly proposed for Industrial-1. This is Marko Engineering which is zoned for Industrial-2. What we are asking is for the special portion only to be zoned Industrial-2. The Planning Commission cut off over 100 feet next to the road and made it Office. We have no quarrel with that, we could use that for Office. It was our understanding that the policy of the Planning Commission where there was Industrial-2 and there was opportunity to do it, to have a 400 ft. buffer of Industrial-1. We are asking for you to give us Industrial-2 with a 400 ft. buffer. This is not our property. Our property line runs down there, and there is more than 400 ft. there. We have given up 400 ft. there, this is not our property. This is State property and they have asked for Industrial and got it. They didn't ask for any particular Industrial. This is 400 ft. over here. This is a residential development that has been there for 1/2 dozen years and one house

has been built, and it shows you the nature of the area that we are talking about. We put a 400 ft. buffer between the office area and what we are asking for Industrial-2. This waste down here belongs not to Norfolk-Southern but Mr. Black, who wrote the Commission and supported the proposal of Norfolk-Southern to have this property zoned Industrial and said and I do not quote him, I wish I could because the letter to the Planning Commission has been misplaced or lost, he said that in his opinion not only had the Norfolk-Southern bought the property for Industrial purposes and not only should be allowed to use it for Industrial purposes but that if it were made to use for residential purposes it would result in low class housing.

Mayor Brookshire: How much property is this? How many acres does it take in?

Mr. Hewson: About 60 acres. I can only say it is approximately half. It is less than the 75% proportioned in the city.

ITEM NO. 14 - HORACE O. CARROLL, 1622 LONGFELLOW STREET AND MRS. MYRTLE F. COOPER, 3645 CENTRAL AVENUE, OPPOSITE CAROLYN DRIVE, PETITIONERS. PROPOSED ZONING O-6, REQUESTED ZONING R-9 or R-6MF, Map "20.

The petitioner was absent.

ITEM NO. 22 - F. A. McCLENEGHAN, REPRESENTING MR. AND MRS. L. G. BLACK, PETITIONERS, 41 ACRES ON SOUTH SIDE OF NEWELL-HICKORY GROVE ROAD AND MELTON ROAD, PROPOSED ZONING 400 FT AS R-9MF WITH REMAINDER I-1, REQUESTED ZONING R-9MF, Map #54.

Mr. McCleneghan: Gentlemen, this particular item on the agenda really feels that the opposite of just what you have heard with reference to this property of the Norfolk-Southern Railroad. Mr. Black owns 41 acres of land, it's in fair shape, in fact, and at the end of it there's a small part of the land that fits right into the property at the Norfolk-Southern Railroad. I have tried to represent Mr. Black but I don't have a lot of big maps to show. I have a small one here though that is very purposeful. I don't know if I put this up whether you can see it or not. Can you gentlemen see this? This is the road that runs around this way and this line right here goes here and on up here and up there is the property of the Norfolk-Southern Railroad that you have just heard about. My clients property goes right in there like a pie. Do you get the picture? Now Mr. Black bought this property in 1923 for his residence which was in keeping with the neighborhood and should be zoned residential. There is no Industrial property around. The closest Industrial property is Markso and is way down the road and would not be there now had there been zoning at the time. The result of not zoning this property residential at the start is that they are not satisfied now with a lighter zoning, but want to put heavier Industrial on each side. It doesn't have but three sides and they want to put heavy Industrial on both sides. Now I say that is quite too much. Now I have great respect for the zoning and Planning Commission and great respect for Mr. McIntyre and I wouldn't want to put him on a spot, but I am sure if you ask him, he would have to tell you if there ever was a spot zoned, this is it. You have an area out there that is residential back of the Railroad, a nice residential development and there is no other Industrial property out there other than Marko. Now the question is and I might say this, I think if you are going to make it Industrial there will be factories out there, you know you could have a glue factory if you have Industrial and the only way for that Industrial Center to work would be to have trucks and carriers going in and out and now how are they going to do it on this little road. Gentlemen you go out and look at that road and it is hardly big enough for two cars on it. The question is what should be done about that section of the community. Thank you gentlemen.

ITEM NO. 27 - BASIL M. BOYD, REPRESENTING MR. FRANK O. RATCLIFFE, PETITIONER, 80 ACRES ON WEST SIDE OF HIGHWAY 29 NORTH ADJOINING MALLARD CREEK, PROPOSED ZONING B-2 FOR DEPTH OF 400 FT. ONLY, REQUESTED ZONING B-2 FOR ENTIRE 80 ACRES, MAP #50.

Mr. Boyd: Mayor, and members of the Council, Mr. Frank Ratcliffe has 80 acres of land represented in these heavy red lines on this sketch, situated on the west side of highway 29 about 8 or 9 miles from the city and just south of Mallard Creek, and joins Mallard Creek there. Now gentlemen, the Planning Commission has recommended that the front 40 feet of this property fronting on highway 29 be zoned B-2. Mr. Ratcliffe is asking the Council to zone his entire 80 acres B-2, for several reasons. This land here, I guess approximately 1/3 of it is low and a flood area. It is on Mallard Creek. It is zoned now by the Planning Commission for the remainder of it to be Residential. Gentlemen you have heard this many times, this expression "that this piece of land is unfit for residence". Well now, gentlemen, this land if you would look at it, is I am sure and I believe at least you would agree with us, that not any of it would be suitable for any person to live on. You could not sell it for residence. Now Mr. Ratcliffe, in addition to that, started last year a 9 hold par 3 golf course on this land and he has completed it. Of course a course like that he operates is at night and it has to be lighted. It has to be in a business zone. Of course you can't, I realize, stop him now because he has already got it up and going, but he wants his entire land zoned for business. The land goies back up here to a point. Now about the only place that you could put a house or two on this land would be back here on the top of this hill. The land adjoins the highway, gentlemen, and going on back to the center of this cross is some 35 or 40 ft. below the surface of highway 29. It is low in there and he is asking you to do that. This property right here, gentlemen, they have recommended that it be zoned Business-1 as I understand it. Well now that is all right, it is now used as a residence, but this over here is used as a business and zoned residential. We are asking you gentlemen to consider that and give it serious consideration. You can't, by zoning it B-2, hurt anybody. You aren't going to hurt anybody, there is nobody except this home here, there is nobody that lives anywhere near there except Mr. Ratcliffe who has his home right down here on this side or back in here, there is not a residence in miles of it. He can't interfer with anybody, he can't hurt anybody by zoning it B-2 and we ask you gentlemen to do that because we think it is right and we think it is just and it will not interfer with anybody's life, anybody's quiet, anybody's peace and we ask you to do that for him.

ITEM NO. 31 - DWIGHT L. CASEY AND H. J. HAAR, SUNNYSIDE AVENUE, PETITIONERS, BETWEEN INSURANCE LANE AND LOUISE AVENUE, PROPOSED ZONING R-6MF, REQUESTED ZONING O-6, Map #I-E.

Mr. Haar: Gentlemen, I represent the property owners on Sunnyside Avenue that is marked in blue on this map. In 1960, last year, Central Avenue was zoned business. In view of that Sunnyside Avenue property owners petitioned that Sunnyside Avenue at this point up to here be classes as O-I. The Council granted that classification. I understand that the new proposal is to make this R-6. We are asking that this property right through here remain O-I or O-6. The reason, we have B-2 on one side of the street of Sunnyside and O-6 on the other side near Independence Blvd. Also about three houses near the South end of Sunnyside is now classified as Business, from this point to 7th St. If this classification goes into effect it will mean that this is located between two good pieces of business property. Since Sunnyside is a residential area and not acting as a buffer between residence and business or office, we elect to have our same classification of O-I or O-6, which it is now.

ITEM NO. 32 - HOWARD B. ARBUCKLE, REPRESENTING WINCHESTER SURGICAL SUPPLY COMPANY, PETITIONER, NORTHWEST CORNER S. TORRENCE STREET AND SHORTER AVENUE, PROPOSED ZONING O-6, REQUESTED ZONING B-1, Map #I-S.

Mr. Arbuckle: Gentlemen, these matters have to deal with theoritical and guess work, I hope this will be enlightening to you because we are dealing with the platform of the press. I would like to get the facts across to you gentlemen because we have another hearing on the present ordinance pending before you at 2:00 Monday. So as much as I can get done tonight will enable you to take a short cut here possibly. What I want to show is what is kcommonplace. You are all familiar with Winchester Surgical Supply Company which is located at 119 E. 7th St., just a little distance away from the Professional Building. Now why was it up there. It was up there because it has a professional clientel. It served Doctors and it served hospitals. The Doctors have moved away from the Professional Building, the hospitals have moved away. The St. Peters, the Charlotte Sanitorium. This business is a local business and has been doing business in Charlotte since 1919. What they plan to do is a little Urban Redevelopment. They, beginning a year and a half ago, acquired 4 lots at the corner of Torrence Street and Shorter Avenue. As you gentlemen are familiar enough with Charlotte to know that South Torrence is just one block off of 4th Street and that Shorter runs East from Independence Blvd., so this corner right here is within one block of Independence Blvd. and it is within one block of 4th Street. Has anybody any question as to its location? If you are familiar with where the Hoot Mon is located, it is right south of the Hoot Mon. Now these lots were acquired and the 4 of them put together. At the time they were put together, three of them were zoned under the present ordinance as R-2, and one of them was changed to business in 1958 at the request of the Southern Appliance Company. Now what has happened gentlemen? A most unusual thing - The Planning Commission did not know and have the benefit of the information that these lots had been consolidated under one ownership. What is on it? Three houses. Two of them unoccupied. They are houses that were built in the teens. It is the plan of Winchester Surgical Supply to level those three houses and replace it with this building which we estimate will cost $125,000.00. It is in a run down blighted area. This is to be porcelian based tile and an all around beautiful building. The parking is provided on the side. The Winchester Surgical Supply business is a high type specialized business. Now they have offices, they have 20 offices in the building, but they also have to do a certain amount of warehousing with medical equipment to get to the Doctors and Hospitals. Now here is what has happened under the present ordinance that you gentlemen are asked to act upon, it is so called spot zoning if I have ever seen it. These lots are numbered 1, 2, 3, and 4. You will notice that Lot 1 is zoned business, 2 and 3 are zoned office and 4 is zoned residence. In 4 lots each 52 ft. wide you have three types of zoning proposed under this ordinance. Now we are asking gentlemen that these four lots, one of them is already zoned business, is that these other three be zoned business the same way to bring a one zoning classification to all four lots. Now that is our simply request and that will be necessary for Winchester Surgical Supply to build this building which is already on the board and hope to start work in early 1962, so we are not talking about the future. We are talking about the present. It will benefit everything in the area. All folks who live and have property on this naturally had deed restrictions of residential and released those restrictions. There will not be one word of protest raised by any of the neighbors for this type of zoning.

ITEM NO. 34 B. IRVIN BOYLE, REPRESENTING INTERSTATE ADVERTISING COMPANY AND JAMES COBB, REPRESENTING SCHLOSS POSTER ADVERTISING COMPANY, PETITIONERS, RELATIVE SIGN REGULATIONS ARTICLE V, Page 53, OF PROPOSED ZONING ORDINANCE

Mr. Boyle: Mr. Mayor and Gentlemen of the Council, this presentation is listed as both Schloss Poster Advertising Company and Interstate Advertising Company. My representation is Mr. S. C. Schloss, who owns and operates the Interstate Advertising Company. The first question that I see that is before the Council is the thing that mystifies me about this particular matter, is what is an ordinance that has to do only with advertising doing as part of a zoning ordinance? Now I think the logical place for an ordinance of that

type to be in your Building Code or some other plan. How it got into the zoning ordinance I do not know. I think that the members of the Council should know that the Zoning Commission or the Planning Commission initially came up with a proposed ordinance and we appeared before you to protest it because we do not believe that the advertising people could have stayed in business 30 days under such ordinance. It then came out as the proposal which is before you gentlemen tonight and it has two or three provisions in it, that if permitted to remain will not mean they will go out of business in 60 or 90 days but probably will extend it to six months. Now the first one of these is, that the ordinance intends to limit the size of the outdoor advertising signs. I am talking about the poster advertising and painted signs 300 sq. ft. That is no magic number. The 300 sq. ft. is the minimum size of outdoor signs, it simply means people, your merchants, your banks, the people that advertise on the other type of painted signs are through. Now why they came up with the 300 and tried to cut them out of the other I do not know, but with that feature in it you simply reduce a legitimate advertising business in this city by about 45% or 50% the first shot out of the box. Now the next thing they do is come back and impose on the sign people a restriction that they apply to nobody else. A 50 ft. set back. It says it is all right in the ordinance to take a junk yard and operate it on the sidewalk. You can put anything else and set it right up to the line except the sign people. The advertising people, they are going to shove 50 feet back. Now look what they do when you get 50 feet back, they then come in and say that you must have it not higher than 20 feet. It doesn't take an engineer or a person of an experience in the advertising business to understand that if you put a sign back 50 ft. and limit its height to 20 ft. and put a building up at the side of it you would have absolutely no value for advertising and nobody would buy that type of advertising. There you get an insight into what this ordinance will do to the advertising people. The next thing that you do in this ordinance that we say is objectionable is to prohibit signs in a B-1 area. Now I do not know why you do not want the merchants or the people in the B-1 area to have the advantage of signs. They don't want the banks or the shopping centers, they don't want the merchants, for some reason they decided that in business areas they ought not to have it. We concede that you should not have it in a residential area. Why would they want to take it out of the B-1. The next thing they have done is to come in and put a provision in the ordinance that says they will prohibit all moving or flashing sings. We agree with you that any moving or flashing sign that resembles a traffic signal, or that resembles a siren or other emergency vehicle should be eleminated. We do not think though that they should eleminate every moving sign. You gentlemen will observe in going down the street the many types of signs that you hang up are moving signs and are not offensive. Now to sum this up, this being a dual presentation, Mr. Schloss wants to make a statement here too. I will sum it up by saying this, that if the ordinance in its present form, with these objectionable features in it is enacted into law, it will destroy within time the outdoor advertising business which in all respect is a legetimate business. For some reason in a zoning ordinance it has been singled out and has been treated as if it were something offensive to this community. If this is what the Planning Commission is after then I saw they ought to come out and state that it is offensive but not attempt to destroy the business by putting conditions in the ordinance under which we could not operate. Thankyyou.

Mr. S. A. Schloss:-Mr. Chairman, Members of the City Council. I represent the Schloss Poster Advertising Company, established by my later father in 1890. This business has been in our family continusously since its beginning. I came to Charlotte in 1930 as its manager. Prior to coming here I was connected with outdoor advertising in Springfield, Mass., New York City, and Richmond, Virginia. As Secretary and Treasurer of the Outdoor Advertising Association of North Carolina and as past Secretary and Treasurer of the Southeastern Regional Outdoor Association of America I have had close contact with most of the cities in the Southeastern part of the country and I know the operators and managers of most and we discuss our mutual problems. In all of these years I have never seen a zoning ordinance with as drastic provisions as this one contains. This ordinance does not contain regulations, it does not contain restrictions, but it does prohibition and destructive measures which will put us out of business. These objectionable provisions have been very well covered by Mr. Boyle. The 50 ft. set back is obviously something that we could not live by. We would be sitting behind buildings and the only reason for outdoor displays is so it can be seen and it must be placed

that way. The 300 sq. ft. of it would be all right for posters but with painted displays we could not exist under it. The painted display is usually twice that size, 15 x 50, and it often has large cut outs on it and is as high as the neon levels on top of it or on the face of it and they are often 25 or 30 or 35 feet from the ground. The poster panel is the most generally used to this flexibility. It is usually prepared by the finest commercial artist and of course is changed every 30 days. The painted display is much larger and is painted less fewquently. Our structures are often placed on odd shaped lots, triangles that project out into the street and are suitable for nothing other than an outdoor advertising display. At such locations we often build back to back. The 50 ft. set back could in such cases be on adjacent property where we have no lease. A sign or outdoor display may be attached to the wall of any building, any size displaying owners or occupancy, but if the owner wishes to lease this strip to us for Coca Cola or Ivey's he cannot do this under this ordinance. This sort of thing borders on police or totalitarianism. If these men can take away our rights and privileges then I think yours are in danger. Our medium in a channel of communication with the public serving local, sectional and national advertising. Our structures and displays are located according to specifications laid down by the Outdoor Advertising Association of America. We use these displays to promote the sale of goods and services. It must be remembered that the impact of all advertising, whether local concern or nati' nal products is sold at the local level and produces results at the cash register of Charlotte citizens. In considering the value and merits of any advertising medium there are certain facts which should be kept in mind. Circulation and marketing purposes. As stated before, our customers are both local and national, advertising a wide range of products. It is necessary that these customers reach the population of the Charlotte metropolitan area to create a demand for and sell the goods and services. Outdoor advertising like newspapers, magazines, T-V and Radio is effective only when circulation is well balanced so as to provide a comprehensive coverage of the Charlotte metropolitan market.

Mr. James Cobb, Attorney: This is a dual presentation and I hope you will indulge and permit me to speak just a moment. Mr. Boyle has touched on this one point very frequently and that is the aspect of this zoning ordinance which amounts to legislating aspects. Obviously, we would say and I think it is true, this ordinance has nothing to do with the safety factor as the building code covers that and the Outdoor Advertising Industry stands ready to observe the strictest building code that anybody wants to pass. As a matter of fact the Outdoor Advertising Association's present building code, under which they all operate, is stricter than the present Charlotte building code. Having complied with that, we would submit this to you gent'emen that this is purely and simply an effort to legislate in the field of advertising and that the course of this country in general, and that the Supreme Court of North Carolina in particular has been very reluctant to permit any legislative body to impose upon a group or upon the whole population its ideas as to how a certain thing should look. You can picture if you will if one is permitted to legislate the door is open for all sorts of legislation. My final point would be to point out to you again how the Outdoor Advertising Industry has been singled out for particularly strenuous treatment. As an example, on top of the Wachovia Bank Building is a large sign with the eight letters on it which spell Wachovia. They are in blue letters. If you gentlemen pass this present ordinance and if the Coca Cola Company should come up to the officials of the Wachovia Bank and say "Gentlemen you have room for eight letters up there, there are eight letters in Coca Cola, now we are willing to pay you a good large sum of money to put the eight letters of Coca Cola up on top of that building in blue lights". That would be illegal. The Wachovia could not replace its own name with that of Coca Cola. It is very touch now in this business for the Outdoor Advertising people to go to a man with a business and say, "Now you have a big building here, the wall looks like it would be a good display area, let us build two signs, we will give you one if you will let us have one". That is customarily done, but if this ordinance is passed the individual who owns the building could have a sign the size of the building and put his own advertising up there, but simply because he wanted to change the copy and put someone else's wares up there, the sign at that moment would become illegal and gentlemen, we say to you that is sheer descrimination. Thank you.

ITEM NO. 35 - PAUL R. ERVIN, REPRESENTING DR. W. H. STRAUGHN AND OTHERS, PETITIONERS, PARK ROAD, ACROSS FROM SHOPPING CENTER, PROSPECTIVE ZONING)-6, REQUESTED ZONING O-6, MAP #10

Mr. Ervin: I represent the property owners who live on Park Road immediately across Park Road from the Shopping Center. We are here to support the recommendation of the Zoning Commission that this area be now classified as O-6. This map will indicate very clearly I think the problem with which the Council and the zoning Commission is confronted. The area on this side of Park Road is the Park Road Shopping Center and surrounding it and adjacent to it are various other business enterprises like the Esso Standard Oil Company building. In fact Park Road at this section has become a truly business area. Since the area fronting on Park Road across the street is no longer desirable or really usable for residential purposes, I call your attention to the fact that the corner of Woodlawn and Park Road is now B-1. There is a filling station located there. At the other end there is a small shopping center. The area which we are concerned with and interested in is the area 150 ft. back from Park Road which the Zoning Commission has now recommended be made O-I or O-6, and is presently zoned R-2. We think that the area involved is doomed as far as any residential usage is concerned. If it is compelled to remain in that situation it will become very cheap rental property. We feel that is is not only sensible to put this property to use under the O-6 classification as far as the property is concerned, but that it is in the interest of the people who own residences back of the property. The O-6 classification would permit this property to be used for small offices. You gentlemen are aware that the zoning ordinance provides for a proper buffer between those areas. The probability is that O-6 usage would be far more acceptable and would present a better appearance from the road and from the property behind the property involved than would the continued use of run down residential property. We are here simply to state to you that we feel the Zoning Commission has carefully considered this property and that their judgment and wisdom about it is sound and we hope you will follow their recommendation. Thank you.

ITEM NO. 36 - H. T. THROWER AND OTHERS, PETITIONERS, TWO CORNER LOTS AT PARK ROAD AND CHARLOTTE DRIVE, PROPOZED ZONING O-6, REQUESTED ZONING R-6MF. Map #9.

Mr. Thrower: Mr. Mayor and gentlemen of the Council, we hand you herewith a petition by the residents of Charlotte Drive who oppose a rezoning as proposed by the Planning Commission on certain Charlotte Drive property to a O-6 designation. This petition is signed only by property owners or co-owners. We estimate that Charlotte Drive homes are 90% owner occupied.

Charlotte Drive is a part of Dilworth which was laid out some 40 years ago by competent engineers of the Latta organization as an exclusively residential area and is in no way suited to the O-6 classification. Charlotte Drive is a short street which loops from East Boulevard and Park Road with business districts at both the East Boulevard and the Park Road ends. These two area provide more than amply space for office requirements of the area.

The proposed change involves the corner lots on Charlotte Drive and Park Road, together with two Charlotte Drive lots. We believe that there is no necessity now or in the foreseeable future to justify this O-6 rezoning. Beginning about 500 feet from Charlotte Drive there is already sufficient property zoned for office or business to meet any needs for the next 25 years. There is an open field across Park Road, with a street running through it less than a block from Charlotte Drive, which contains several acres.

Three or four years ago No-Parking signs were placed on one side of Charlotte Drive. The reason givenwas that Charlotte Drive was too narrow to accommodate traffic at that time and also permit parking. This street, being planned for residential use only, is 26 ft. wide. In some cases one driveway serves two residences. In addition to that the lots beginning at the curve and going North have front yards on Charlotte Drive and back yards on Kenilworth.

Parking is now prohibited on both sides of this street. We took this parking matter up with Mr. Yancey, the City Manager who made an investigation and promptly ordered the signs removed. O-6 is a 6,000 square foot designation with permitted height of 40 ft. which is 4 stories high. If 8 stories of such dimensions are placed on Charlotte Drive the increased traffic would be such that parking would be necessarily prohibited on both sides of the street with a strong probability that within the next few years widening this street would be a public necessity. This would entail cutting down rows of beautiful trees on both sides of Charlotte Drive and appropriating several feet of front lawns. This would completely change the character of the neighborhood and render these homes undesirable. Any visitor to a Charlotte Drive home would necessarily park a block or more from his destination and walk. This would be of the greatest inconvenience since the meeting of ladies church circles or social gatherings would be under severe handicap. Our homes would be practically isolated. We believe that it is a mistake to place large office buildings in places where competent planners never intended them to be and for which there is no need.

We are filing with you a petition and trust that your careful consideration will justify your leaving Charlotte Drive as it is now designated R-6MF. There are 33 names signed to this petition and we could easily have gotten 33 more because I think without question 99% of the residents of Charlotte Drive oppose this. Thank you.

ITEM NO. 38 CARL H. CARDEN, ROUTE 8, BOX 77-E, PETITIONER, PROPOSED ZONING RESIDENTIAL - REQUESTING ZONING B-2, Map no. 53

This petitioner was absent

ITEM NO. 39 , C. D. SPANGLER CONSTRUCTION COMPANY, PETITIONER, PROPERTY AT BEATTIES FORD ROAD AND KELLER AVENUE ON BY-PASS 29 - PROPOSED ZONING R-6, REQUESTED ZONING B-1, Map #4.

ITEM NO. 40, C. D. SPANGLER CONSTRUCTION COMPANY, PETITIONER, PROPERTY BETWEEN BY-PASS 29, BEATTIES FORD ROAD, HOSKINS ROAD AND CARVER COLLEGE PROPERTY, PROPOSED ZONING O-15, REQUESTED ZONING B-1, Map #4.

ITEM NO. 41, C. D. SPANGLER CONSTRUCTION COMPANY, PETITIONER, SOUTHERN END OF THE GRASS PROPERTY, PROPOSED ZONING I-1, REQUESTED ZONING R-9, Map #15.

Mr. M. A. Lyons: These maps are the new zoning maps and this is Beatties Ford Road going out here and this is the By-Pass. Right at the corner here we are putting a shopping center on Beatties Ford Road which is zoned B-1. The balance of this area along Beatties Ford Road to the By-Pass is zoned or Petitioner proposed as R-6. Now we have the last development on this side of the By-Pass for University Park and it has already been laid out and we have one row of lots 130 ft. deep on Senior Drive backing up this way. What we would like to have instead of this being R-6 on Beatties Ford Road is B-1 right along this line at the back end of these lots backing up to it all the way to the by-pass. That is business property as far as we are concerned and that should be zoned B-1. There is already business along here, there is a little golf course, and other businesses. The other area is right across the by-pass at the corner and is surrounded by Hoskins Road and Beatties Ford and the by-pass and Carver College property, and it is zoned O-15 for offices. Now we can see no possible use for offices out there and it can be a terrific use for B-1 area at that point. We would like to have that B-1 if you will consider that. The other area is out beyond the water plant on Route 16 on Auten Road and this is a section of land that we have already again laid out in lots and planned for residential. At the lower end both I-1 and I-2 have cut into the end of the property. I don't know that there will be any objection to cutting it off but we would like to have that remain as we have it laid out for residential property all the way down to this point. Thank you.

Mayor pro tem Whittington : Mr. Lyons, you went a little fast for me. I was working on your first request while you were on the second one. This I-1 that you want changed is it on this little end?

Mr. Lyons: I wanted I-2 changed to residential.

Mayor pro tem Whittington: You want to keep that residential?

Mr. Lyons: Yes, that is right. You see the bulk of it is R-9 and just that little end down there which we have laid out for proposed residential property.

Mayor pro tem Whittington: Can you show us that map again?

Mr. Lyons: This is Rt. 16. This is Auten Road and when we get down Auten Road to this point, this little red line around this section.

Mayor pro tem Whittington: That is all Spangler Property?

Mr. Lyons: Yes, that's right and it is already laid out for proposed residential usage. We already have maps on it.

Mayor pro tem Whittington: This is a case of being zoned Industrial where you would rather leave it residential?

Mr. Lyons: That's right.

Mayor pro tem Whittington: Well what about these other two requests to change from residential to business.

Mr. Lyons: One is from Office to Business and the other from Residential to Business.

Mayor pro tem Whittington: What is built around this residential area?

Mr. Lyons: We have built some homes around here already. There is no industry here and there are some woods.

Mayor pro tem Whittington: On that first request you requested a B-1, now you changed that to what?

Mr. Lyons: We want to change it to B-1 instead of Residential which it is now or as proposed.

Mauor pro tem Whittington: And that other one O-15 you wanted it what?

Mr. Lyons: B-1.

Mayor pro tem Whittington: Thank you Mr. Lyons.

ITEM NO. 42, W. R. REA, PETITIONER, PROPERTY LOCATED ON TUCKASEEGEE ROAD, BETWEEN PARKWAY AND DUKE POWER LINE, PROPOSED ZONING R-6MF, REQUESTED ZONING R-6MF, Map #3.

W. R. Rea: Gentlemen, I understand there is a movement on for Dr. Cooke to build an office on the corner of Parkway and Tuckaseegee Road. Now I have owned property out in that section for the last 35 years and this is all residential property and I understood the other night there has been a lot of signatures who favor changing this zoning. Well, I know all of my wife's prople live out there in that section and I know that they haven't signed it and we own property next door to this proposed office, and I would like to have it go on record that we are opposed to changing this to business property.

Councilman Dellinger: Do you have property adjoining Mr. Cooke?

Mr. Rea: Yes, Sir and houses down below that too. On down Tuckaseegee Road.

Councilman Dellinger: Do you own anything immediately across the road?

Mr. Rea: I don't by my wife's brother and sister do. And they object to it. Thank you.

Mrs. W. R. Rea: This property down here, it has been residential a long lone time. My sister has a whole block down below here and my other sister is ill and she lives next to the church and it will just ruin all of our property.

ITEM NO. 43. W. H. YANDLE, 1641 N. INDEPENDENCE BLVD., PETITIONER, PROPERTY LOCATED IN 1600 BLOCK N. INDEPENDENCE BLVD., PROPOSED ZONING O-6, REQUESTED ZONING B-1, Map #7.

The petitioner was absent.

ITEM NO. 44, N. D. MAMALIS, 527 OAKLAND AVENUE, PETITIONER, PROPERTY LOCATED 3rd LOT ON LEFT SOUTH OF N. INDEPENDENCE BLVD., PROPOSED ZONING O-6, REQUESTED ZONING B-1., Map #I-E.

The petitioner was absent.

ITEM NO. 45, I. F. QUIST, REID PARK, PETITIONER, NO OTHER INFORMATION GIVEN BY HIM.

The petitioner was absent.

ITEM NO. 46, PETITION WITHDRAWN

ITEM NO. 47, PETITION WITHDRAWN

ITEM NO. 48, GLENN B. ROBINSON, PETITIONER, NORFOLK & SOUTHERN RAILROAD PROPERTY IN HICKORY GROVE AREA, PROPOSED ZONING I-1, REQUESTED ZONING RESIDENTIAL, MAP #21 and #53.

Glenn B. Robinson: Members of the Council, you have our sympathy to stay here and listen to all of the complaints. We want to share with you something though. The prople of Hickory Grove, all of us, could take five minutes but we would like to show you how kind we are going to be, not all of them will take five minutes so if they would stand so you will know that they are here. We are now living in an area of Charlotte that is one of the fastest growing areas and predicted to be so until 1970. So we feel that we are looking into the future of Charlotte. We know that you will consider this as a residential area looking just to the future residents of the city of Charlotte and we feel that Southern Bell Telephone is right and we have a few figures that we want to show you tonight to endorse their thinking. For instance, we have a church that is within one tenth of amile to where the man is trying to develop industry. This church looks as thought is is a large church and it is a large church but it is only six years old. No members, no building, no nothing six years ago. Today there are 1120 members in Sunday School and 985 members of the church with an investment of $750,000.00 in a building and still they have not built their sanctuary. And this much of the building is now there, 1, 2, 3, 4, 5, 6, 7 buildings are there representing $750,000.00 and I remind you that that is an investment of 6 times that which the railroad people told us they have invested but we cannot find where they have paid for this property they are talking about. The sanctuary is yet to be built. Another church has 1,000 members which is approximately two tenth of a mile from this property with an investment of a quarter of a million dollars, just twice that of the railroad's so called investment. Another church that we are so proud of, we ll we will not tell you much about it other than to tell you it does not look like a church from across the road from a junk yard and a fertilizer plant. Part of this church has been built and part of it is under construction and part of it will be built later. School enrollment, according to the principal of the school has increased 100% in 4 years. Gentlemen, it has been said that we have a residential area with 1 house in it that has been there for 10 years, so I assume that there are a lot of children in that house to increase 100% enrollment in 4 years. Under construction , which is three tenths of a mile, is a new Junior High School. We we tell you that the grammer school is one one side of this property and the Junior High School is on the other side. In other words, our grammer school children must walk right through this so called Industrial site to get to Junior High School. We believe it should be residential. I remind that that 18 months ago a professional planning board

that you acknowledge to be professional people, zoned this property residential even though it was owned by the railroad people. They knew that a railroad track with an occasional train on it did not make it a site for industry. To prove that they were right I further point out that 95% of the developed area along the track from the Plaza to the zoned perimeter has been developed residential. The railroad recently attempted to sell this property to one of Charlotte's largest home developer. They too realized it was good residential property. They were not able to sell it because they were asking an industrial price for it and it is not industrial property. Would you gentlemen permit one company with offices in Raleigh and not in Charlotte to come and ruin the future residential section isdie of the city limits of Charlotte, our homes, $300,000,000.00 worth of churches, two schools? I do not believe you would. We appreciate your feeling and we turn in a signed document with over 500 names and we would ask for your indulgence briefly for two other men.

Mr. C. E. Talley: I have been a citizen of your fair city as a veternarian for less than three weeks and already I find myself confronted with some sort of civic problem. The zoning from Residential to Industrial of this property aforementioned owned by the Norfolk-Southern Railroad. Now the purpose of your zoning law is, and I quote in part "to realize the greatest possible use and enjoyment of the land, balanced against the necessary protection of the values of buildings on adjacent properties". I ask you if the construction of smaller houses by the fertilizer works and chemical plants, as mentioned before, safeguards the residential property against these undesirable aspects. It has been mentioned before that we have to have more roads if we are going to go to heavy industry and this, of course, is true. Those of you who have ridden down the Plaza and Milton Road know that that road cannot carry the heavy traffic that will be necessary for such industry. As I say I have been here just a short while but I do not want to see Milton Road and the Plaza turned into another Wilkinson Boulevard. Thank you.

Dr. Curtis Turner: Ladies and gentlemen, the gentlemen who proposes this industrial zoning made a point that I would like to bring to you attention again. Just across the railroad from this proposed industrial zoning is a piece of property which has been laid out for residential usage and only one house has been built there. I would like to say that I know the man who started to develop that residential zoning, Mr. Fred Shu. He laid out a very nice area in there, building himself a $60,000.00 home and sold several pieces of property to individuals who wanted to build nice houses there and then Marko Engineering moved in across the way and built a plant. Nobody else has built in that area. It was not developed because it was not fit for residential and is deserted simply because industry went in across the way and made it undesirable. The same thing will happen to the rest of the area. Thank you.

MEETING RECESSED

Mayor pro tem Whittington called a ten minute recess.

MEETING RECONVENED AND ANNOUNCEMENT MADE HEARING WOULD BE CONTINUED TO WEDNESDAY, OCTOBER 18TH, AT 7:30 P.M.

The meeting was reconvened. Mayor pro tem Whittington: Tonight's Hearing will be continued to Wednesday, October 18th, at 7:30 p.m. in this room.

ITEM NO. 49, MR. FRED GREENE, OF AMERICAN OIL COMPANY, REPRESENTING N. C. PETROLEUM COMMITTEE, PETITIONER, RELATIVE TO SIGN REGULATIONS, ARTICLE V, PAGE 53 OF PROPOSED ZONING ORDINANCE.

Mr. Greene: Gentlemen, I am appearing for the major oil offices. In regard to section 2374 of the Code Sign Ordinance, it states that flashing and moving signs hereafter established in any district will not be located closer than 50 ft. from any street right-of-way. As an industry we have used this fine ordinance very carefully and the majority of agreement among us has been

that in the interest of some of the objectives of this ordinance, we could live with many of its proposals. The matter of sales and advertising we feel that we can't possibly live without that. The matter of price signs, we can probably live without those. In many cases and in the majority of cases, I would say, a filling station can get by very well with one sign. In the old days we used to develop service stations on small 100 ft. lots. Today we are looking into the future and we are getting bigger properties and we are giving you gentlemen land. We still feel that we can get by with one sign, but in some cases in order to properly identify our locations we feel that we must have road signs and we ask that this 50 ft. provision be stricken from this proposed ordinance.

Councilman Smith: Mr. Greene, does American Oil Company have a sign that rotates slowly. Is that correct? Have I seen that?

Mr. Greene: It does.

Councilman Smith: This thing is going to be hard to tie in because there are degrees of movement and degrees of flash lights.

Mr. Greene: You have limited signs along the right of way to 60 sq. ft. 60 sq. ft. is about the area of Esso Standard Oil sign out at Park Road. The Esso sign is 58 sq. ft. and we don't feel that signs that rotate would be objectionable especially on big lots. On some of these older lots downtown sandwiched in between big buildings it probably would be but on the larger lots that we are now building we feel that the rotating signs should be all right.

Councilman Smith: What does a sign like that cost?

Mr. Greene: Installed, it cost between $1,000.00 and $1,800.00.

Councilman Jordan - $1,800.00?

Mr. Greene: Yes.

Councilman Thrower: Let me clarify one more thing, you said and I quote "we give you land", what does this mean?

Mr. Greene: We have had cases, I have personally worked with your traffic engineer where we were exercising an option on property at Shamrock and Eastway. The right of way was changed.

Councilman Thrower: In other words you gave it to the city?

Mr. Greene: Right. Not only right-of-way but a radius around the corner. Thank you gentlemen.

ITEM NO. 50, R. BEVERLY R. WEBB, ATTORNEY, REPRESENTING PIEDMONT NATURAL GAS COMPANY, PETITIONER, PROPERTY LOCATED NORTHWEST OF BEATTIES FORD ROAD, HOSKINS ROAD INTERSECTION, PROPOSED ZONING R-6, REQUESTED ZONING I-2, Map #15.

Mr. Webb: Gentlemen, I am representing Piedmont Natural Gas Company who has approximately 10 acres outlined here in red on Hoskins Road just off the intersection of Beatties Ford Road. The proposed ordinance has zoned this entire tract through here as Residential-6 including the Piedmont Gas property. We are here tonight to request two amendments. One amendment is to the map changing the Residential zoning for Piedmont's track to Industrial-2 and secondly, an amendment to the proposed usage section of the ordinance. When we found that this area had been zoned as Residential-6 I talked with the Planning Department and was told that the area was so zoned even though the Land Use Map showed an industrial use for the property because Piedmont operate a sub-station there in addition to another gas line, and that gas sub-stations are permitted. It was the contention of the Planning Department

that the Residential zoning there would not prohibit Piedmon't use of the property. It is true that Piedmont does operate a gas sub-station on this lot. However, they maintain very extensive operations which we think are not incident to sub-station maintance operations and, therefore, if the property is zoned as Residential then their use would become an inconsistant use. I would like to describe what they have on the property. In this 10 acre tract Piedmont presently has 20 gas storage tanks for liquid propane with an extra capacity for 552,000 gallons of liquid propane. They also maintain there what they call a peak shaving operation. Now this operation is a plant that mixes the liquid propane which is stored on the property with air, producing a gas. This gas is used for the entire system from Burlington, N. C. to Anderson, S. C. for peak service, such as when the weather is very cold and the demand on the pipe line is more than can be contracted to supply the natural gas. At this time they manufacture their own natural gas and pump it into the line. This operation is also maintained in case of an emergency and the natural gas supply is stopped for any reason. As I say this is a very unique operation and it is the only plant of its kind on the entire line which serves 80,000 people in the Piedmont area. Piedmont has an investment in this area of approximately one million dollars in this peak shaving plant and in the storage tanks. If this property is maintained as Residential-6 this entire operation would become a non-conforming use. Piedmont would not be able to make further development in the area. As I say this is their only plant with a one million dollar investment. When this was pointed out to the Planning Department, they recommended that I appear before you and ask for Industrial-2 for this tract. Industrial-2 would cover the use and operation of this area and would allow Piedmont to continue as a conforming use. I am also requesting that you amend Section 23 A3 of the ordinance permitting this section. Presently, there is no section that would cover Piedmont's operation in this area for the peak shaving plant. We would like this section amended to allow that the permitted use be of the processing of liquid propane into gas. We feel that if this amendment is made and the ordinance is changed then Piedmont's operation will be covered. I am going to say that this was zoned Residential-6 and they believe the only use there was a sub-station, however that is not the situation and we do not want our investment to become non-conforming. I realize that this is a highly technical peak shaving operation. When I first heard it the first thing I thought about was shaving in the morning.

Councilman Smith- Can you tell us what the hazard is or whether there is a hazard involved here?

Mr. Webb: No, Sir, a peak shaving plant would operate only a few times per year. There would be no hazard of course as we come under the Fire Prevention ordinance so far as the storing of gas and the provisions that are placed in the ordinance for this kind of operation, so that as far as a hazard is concerned, there is none since Piedmont complies with the ordinance.

Councilman Smith - Historically then there has been no trouble with this type of operation.

Mr. Webb: No Sir, we have had this plant since 1957 and only operate it a few times each year.

ITEM NO. 51 WILLIAM B. WEBB, ATTORNEY, REPRESENTING MR. AND MRS. HUGH EFIRD, PETITIONERS, PROPERTY LOCATED AT SOUTHWEST INTERSECTION OF PROVIDENCE ROAD AND GRANVILLE ROAD, PROPOSED ZONING R-12 AND O-6, REQUESTED ZONING O-6, Map #7

Mr. Webb: Gentlemen, my name is William B. Webb and I am here representing Mr. and Mrs.Hugh Efird who have a tract of land which is bordered by Providence Road, by Granville Road and by Hermitage Road in the Myers Park area. It is directly across from the park. In the proposed zoning this entire area along Providence Road will be zoned O-6. The area along Queens Road

at the present time is vacant and there are a few houses along Granville Road in these two locations. This tract of land of Mr. and Mrs.Hugh Efird, where there is a house, contains something more than 7200 sq. ft., a two story handsome dwelling. Mr. and Mrs. Efird purchased this some 8 or 10 years ago as their residence and the revenue stamp downstairs will show a purchase price of $75,000.00, upon which they have made very substantial payments for improvements and renovatins, so this is a piece of property which has considerable value. Now the present proposed zoning line is a line which runs right smack through the living room and the Planning Commission would make the part which fronts on Providence O-6 and this part back here which takes in a greater part of the dwelling R-12. It is our contention that that is thoroughly unrealistic and impractical and simply destroys the value of the property. Now, I think it will be apparent to anyone who not only looked at this map but who drives through the neighborhood, that the value of this piece of property is effected almost entirely by what is done with this property along here. At the present time these houses are all occupied for residential use and so is the Efird house. As soon as this property begins to become developed for Office use the pressure is obviously going to be put on Mr. and Mrs. Efird to move out. Now, at that time and under these conditions they will find themselves with a substantial and valueless piece of land. This tract of land from Providence Road and the road of course will come all the way up to their property line under this new enlargement, back to the zoning line is only about 100 ft, so when you take the 20 ft. set back line and the 40 ft. rear area off an office lot you have room only for a long thin hot dog stand and that is about all that there would be a use for. In addition to that you would have to tear down part of this house and this structure of brick of substantial value would be of no use to anybody at all. Now we think the situation is just punative on its face. The neighborhood is such that if this is going to be used for office purposes this whole area ought to be similarly devoted to those purposes. The house that Mr. and Mrs. Efird have is one which would be iminently suitable for conversion to a rather handsome O-1 use. It would not be suited for anything else, unless it was torn down and to tear it down would be a substantial economic waste. If this is made O-1 then a natural boundary is formed as to further encroachment on these residential areas. Now, in conclusion there is only one thing that I would point out, zoning takes away the rights of a person with respect to his property. If you are going to take and limit the rights of one man to benefit many then zoning is the perfect requirement. But only one or two people could be benefited by sacrificing the Efird property. There is the Wade property over here but it is a long way from this street and is protected by the street itself. There is one tract of land over here but it can be easily protected by the hedge which is already there, so that if you zone this as the Planning Commission would have you do, you destroy the property of one man to at the most benefit one or two. We respectfully submit that ought not to be done.

ITEM NO. 52, MRS. CARSON, 1415 HEATHER LANE, REPRESENTING HERSELF AND RESIDENTS OF MADISON PARK, WOODLAWN ROAD AND LOTS ON NORTH SIDE OF HOLMS DRIVE., PROPOSED ZONING O-6, REQUESTED ZONING RESIDENTIAL, Map #10.

Mrs. Sims: Gentlemen of the Council, I am Mrs. Simms, I represent the residents of this area off Park Road. I don't know if you are familiar with it but it is a sub-division similar to the sub-divisions of the perimeter of the city and most of the houses are seven and eight years old at the most. These homes in here are still being built and new ones are being built every month. Most of these homes run in the $18,000.00 - $30,000.00 bracket, and there are some nice homes on the side streets. We have raised a petition and some of you gentlemen have it with 256 signatures of residents in that area. This will give you an indication of this Park Road strip from here down to where Park Road joins Woodlawn. Most people are like myself. We bought our house two years ago and at that time we checked the taxes and zoning and upon the facts and we purchased the house. This zoning seems to be a business that if anybody doesn't like the way the game is played and the score of the game can blow a whistle and the game is rescheduled whether the other people like it ot not. Now, we have an example of some of the business that we have in here. These people have changed their homes into offices and are speculating on the property on Park Road. If they had

wanted business property they knew the zoning laws as well as we did when they purchased the property and they should have purchased business property. To allow the request for this zoning would be the power of the business few over the greater good of the many. Now the fact that our property will be devalued if this goes in is not the greatest problem, the biggest problem is the traffic. Dr. Palmer has a small office on the corner of Heather Lane and Park Road. He wants to put in a bigger office with 8 or 10 other offices. The Zoning Commission says that it can control the height, yardage, and the area of the zoning. This may be true but they can't control the customers who go to these buildings. We have had our yards used as parking lots, our driveways used and Park Road here has a cement divider any no one going north can get into these places unless they make a U turn. Now this Doctors Building is an example. They cannot get into this building without making a U turn at this Park Road-Heather Lane intersection or going into our residential property and turning in our driveways and coming back going south. I know for mu child has a dent in his forehead from where he hit the dashboard when I had to stop suddenly when a car cameout from the drug store there. This is what has happened to all of this property. There is no way in the world to regulate that traffic, you have got three or four stops there at Park Road, people stopping to get in. Now that is not yet the main thing. As you see in those blue sections involved, this is an area of children, concentrated are of children. These children cross from these schools at Hillside Avenue, they cut back up all the way to Woodlawn Road and back into the Section toward Scalybark Road. If you put more businesses in there it would just compound a serious problem and make it worse. I have heard some of the gentlemen here say that zoning is an institution for the public interest and I can think of little that is more in the public interest for the safety of children than the consideration of motorists who have been using Park Road. Another gentlemen said that by adding businesses you would increase the city taxes. We cannot offer this, all we can offer is children. We have 15 children within 600 or 700 ft. of Park Road on Heather Lane. We try to provide good homes for them and a place to play and develop. We are quite proud of it. We are a community of active civic minded folks interested in our homes and families. We are not a semi-commercial community and we don't intend to become one. This proposed zoning has been brought up several times before and each time you gentlemen have seen fit to refuse their requests. No new circumstances or conditions have arisen to change this situation from what it was before. This petition is our only method of protecting ourselves and protesting the construction which we think would be detremental to the City of Charlotte as a whole. We ask you on behalf of the public interest to again refuse the request for rezoning this area for business.

ITEM NO. 53, Mrs. E. L. EDWARDS, MRS. C. W. LEAKLEY, PETITIONERS, PROPERTY LOCATED ON SECOND AND THIRD LOTS ON WEST SIDE OF SELWYN AVENUE SOUTH OF BRANDYWINE, PROPOSED ZONING O-6, REQUESTED ZONING B-1, Map #8

The Petitioners were Absent.

ITEM NO. 54, NEIL CASTLES, PETITIONER, PROPERTY SOUTHEAST OF INTERSECTION OF MIND STREET AND WESTWOOD AVENUE, PROPOSED ZONING R-6MF, REQUESTED ZONING B-2, Map #2.

The Petitioner was absent.

ITEM NO. 55, DR. AND MRS. H. M. AUSHERMAN, PETITIONERS, 6 ACRES ON EAST SIDE OF SHARON-AMITY ROAD OPPOSITE BUENA VISTA AVENUE AND LYNVILLE AVENUE, PROPOSED ZONING R-6, REQUESTED R-6MF, OR R-9MF, MAP #23.

Mr. Cobb: Gentlemen, I am James Cobb, Attorney representing Dr. and Mrs. H. M. Ausherman. The property with which we are concerned is located on Sharon-Amity Road approximately 2 blocks from the intersection of Sharon-Amity and Independence Boulevard, that is near Hastings Seed Store intersection.

This property which is outlined on this map and which is approximately 7 acres was purchased on April 1961 by Dr. and Mrs. Ausherman. At the time of the purchase and to the present, the zoning was wrong. They bought it in acerage, and have had it planned into a sub-division as you can see by this map and constructed upon it three four family apartments. There is a four family apartment here, a four family apartment here completed and a four family apartment here completed. A fourt four family apartment is approximately 1/4 completed. This area right here is the location of the Ben Salem Church which is a negro church. The three red lines back here represent lots on which duplexes are located. Across Sharon-Amity there are a number of apartments, by apartments I mean other than single family residences and in this area right here there are a number of multiple family residences. The proposed zoning for this area immediately across the street has a MF classification so this wouldn't prevent those family dwellings. Now I would say this too, Dr. and Mrs. Ausherman did not realize the proposed change in the zoning until a few days ago and that made it impossible for them to present this matter to the Planning Commission for their consideration and it may well be that the Planning Commission itself would give a favorable recommendation with what we have proposed here tonight. This has not heretofore been before them and perhaps their opinion on it can be obtained further. We would point out to you gentlemen and Mr. McIntyre since he is here that within a period of a very few weeks there were four family apartments on this front area. There is the coloredchurch, apartments across the street and we would say that to make this area single-family residence under these conditions is to pretty well destroy the value of this lot, bounded as it is on either side by four family apartments and all of the lots in that area has begun to be developed and has been developed in a substantial way for multiple-family dwellings. Across the street are multiple family dwellings and there will be more and we would urge you gentlemen that this particular tract be reconsidered in view of what I have outlined and that we would like to have R-6 or R-6 which is larger for multiple family dwellings.

Councilman Thrower: Those three, are they duplexes or four family, or what are they?

Mr. Cobb: They are four family units and the 4th one is under construction now with the brick work being done now.

Councilman Thrower: The three, are they occuplied?

Mr. Cobb: Yes, it is my understanding that the three are occupied?

Councilman Thrower: What is the name of that dead-end street there?

Mr. Cobb: Allbright Avenue. That dead-ends right behind us here.

Councilman Thrower: Allbright runs into your request doesn't it?

Mr. Cobb: Well, No, the street dead ends on our property line.

Councilman Thrower: You made no request to the Zoning Commission.

Mr. Cobb: No Sir, Dr. and Mrs. Ausherman realized that the zoning was going to affect their plans only in the last couple of weeks and it was impossible for them to back up and go to the Planning Commission. We wanted to get on record with this and hope that the Planning Commission will have an opportunity to go over this.

Councilman Thrower: You wouldn't be interested in extending the street through, would you?

Mr. Cobb: Well, I can't say. The thing has been laid out like this by a land planner and, of course, the extension of the street I suppose would involve quite a bit. I am just not prepared to give you an answer on that.

Councilman Thrower: Do you want R-6?

Mr. Cobb: Either R-6MF or R-9MF. We would be happy to have the larger lot under R9-MF.

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ITEM NO. 56, M. L. DAVIS, 1427 DREXEL PLACE, PETITIONER RELATIVE TO PROPERTY FRONTING WOODLAWN ROAD AND LOTS ON NORTH SIDE OF HOLMES DRIVE, PROPOSED ZONING O-6, REQUESTED ZONING RESIDENTIAL, Map #10

Mr. Davis: Gentlemen, this property is located on Map 10, it is the property that Mr. Paul Ervin spoke on before, that the Planning Commission recommended be zoned O-6, it is the property that Mrs. Simms was referring to when she spoke against it. I live at 1427 Drexel Place. I am not speaking for all of the adjoining property owners, I am speaking for some of us. I happen to be one of them. Part of my property backs up to the Bumgardner Medical Center. Now, gentlemen this thing has been a running battle every six months for some three years. I would like to read a letter which is addressed to Mayor Brookshire and members of the Council dated October 10, 1961, Charlotte, N. C. in regard to zoning and it is as follows:

"We the undersigned, are adjoining property owners, of the subject property recommended for O-6 zoning and we respectfully request your consideration of the following facts: All streets on the west side of Park Road and the subject area are either dead-end, or have access only to Park Road. This is a dead-end street, this street, (if you want to go three blocks this way, two over and four back and get up on the Woodlawn Avenue), I understand is going to be a lot busier in the future than it is now. These streets, regardless of how you work it come back on Park Road so this proposed zoning would blanket this number of streets. The lots in question vary from 260 ft. to 150 ft. There again that is not entirely true and I might add that Mr. Ervin I imagine is mistaken because some of the people have lots 260 ft. deep and it is not 150 ft. back. The Planning Commission maps recommends the zoning on the back property line which is a very irregularly shaped zoning. This lot is 105 ft. and these lots are 260 ft. I am referring to the 3rd and I believe there is 40 ft. more on it. The way you measure these streets they go from center line to the back lot, but I am speaking from the curb to the back, because Park Road was widened, as I am sure you know. No sidewalks exist on the West side of Park Road. No side walks and no provisions for sidewalks and none can be put up here and as Mrs. Simms pointed out there are a lot of children that have got to get to and from school. The only office building now in the area is about 260 ft. deep and as I said it is right here and it is what we refer to as the Bumgardner Medical Center. The proper name I think is the Park Road Medical Center. The lot is 260 ft. and this provides so little parking that is is necessary for cards to back into Park Road. Now when I can get home by 5:15 almost invariably I have to slam on the brakes between here and here because somebody is backing out into a six lane boulevard and there are going to be some bad accidents there. 150 ft., I am using an assumption here but if 260 ft., is not sufficient depth and this incidently is as wide as any lot. That is not sufficient depth to put an office building with adequate parking, certainly 105 ft. won't do, nor 150 ft. This type of zoning on these back property lines is going to make awfully dangerous driving on Park Road and congest traffic. That is the only logical idea I can see for a case like this. In view of the above we respectfully request the area be zoned one of two things; classification that will not destroy the entire area for residential use, and cause traffic congestion, or if you must, and let me clarify that, we all agree on this, there are some people in this area who bought these homes for residence, time, luck, whatever you want to call it has made them undesirable residence property. I will buy that. On the other hand some of the people who moved in and aided and abetted and intentionally caused this to be undesirable property are some of the ones who are promoting this change. So some are hesitant in getting hurt and others are, as the lady said, trying to speculate on some real estate there. So we are not in a position of going here and trying to make a bad thing worse, but it seems to us that if you must zone this to abide by your Planning rule which will make this B-1 and R-1 that you must have a buffer zone and that this must be a buffer zone. That at least you bring it back 300 ft. because 260 isn't enough, so that you won't cause the congestion which we are speaking of. Thank you very much.

ITEM NO. 57 (a) RAY RANKIN, REPRESENTING J. R. PURSER, PETITIONER, PROPERTY LOCATED SOUTHEAST OF INTERSECTION OF BRIAR CREEK ROAD AND CAROLYN DRIVE, PROPOSED ZONING R-6MF, REQUESTED ZONING O-6, Map #22.

Mr. Rankin: Mr. Mayor and gentlemen, this first request is on behalf of Mr. Jamres R. Purser, and the property is located at the corner of Briarcreek Road and Carolyn Drive, the shape of the lot as you probably can see on this particular map and on your map I believe is 22. Beginning at the intersection of Carolyn, it runs 194 ft. on Carolyn, and comes back across and takes a turn down and has a little ledge here. The total depth on Briarcreek is about 240 ft. Yet the actual usable depth would be about 185 ft. Now this is in a residential area but there is an office that has been there some 10 to 12 years, that is in existing use. If I came in fresh with nothing on that lot in that particular neighborhood and asked you to consider it for office use, you would immediately throw in my face that it is spot zoning. Technically it may still be spot zoning if you grant the request to make it O-6, but practically you would be permitting the use of property for which it can properly be used and for which it will be used for generations hence. The type of building that is on here is masonery and I know it will be a generation of 25 to 35 years at least before that building will be ready to be disposed of. The lot is large enough to make a substantial addition for a complimentary building with adequate parking. Now frankly if Mr. Purser is permitted to use this for additional office space, he will develop it that way. If not, he can only use it like it is for the life of the building, whatever that might be. That is the one strong point in the case and I won't try to make any weaker ones to you, so if you will just consider it from that standpoint, will you let him use it for what the property is being used for and will for some 25 or more years from now.

ITEM NO. 57 (b), RAY RANKING, REPRESENTING D. E. ALLEN, PETITIONER, PROPERTY LOCATED ON NORTH SIDE OF CENTRAL AVENUE BETWEEN KILBORNE DRIVE AND LANSDALE DRIVE, PROPOSED ZONING R-6MF, ZONING REQUESTED B-1, Map #20.

Mr. Rankin: Gentlemen, this item will not be new to most of you. This is on Central Avenue near Lansdale Drive. Here is the Drive-In Theatre across from the Evergreen Cemetary, just to spot the location. Now I had better refer to this map for a moment if I may. The property owner whom I represent here is Mr. D. E. Allen, President of D. E. Allen & Company and majority stockholder. The area involved is some 759 ft. extending from about 100 ft. west of Lansdale to what was formerly the Alexander property which is now owned by Mr. Allen who purchased 100 ft. here. This property, the Alexander property, extending west to Windsor Road, which is now Kilborne is business lots, so this section of the property adjoins business already. The 459 ft. on Central Avenue is requested for B-2 under the proposed ordinance, generally speaking, shopping center usage. The depth of the property is 312 ft. on the west side and slightly longer on the east side. Now immediately to the east is a 300 ft. strip which is planned now under present zoning for apartment use and I understand the afternoon paper carried some information about that. He has got definite plans made and I think the bidding is ready to take place and plans are to build an apartment on areas right in here 300 ft. Now that will give a substantial buffer zone to any residential property east of this location 300 ft. So you tone it down before you come to the business and before long you have business already. In back of here will be an access road from Kilborne so you will have access for service vehicles and other vehicles without cluttering up Central Avenue and this is sufficient for ample parking and in and out driving. Now to me it seems we should have good zoning which wouldpermit maximum effective use of the property. Nobody gets hurt and good use can be made ofall of it.

Councilman Dellinger: You are trying to make a compromise by using this 300 ft. as multiple-family?

Mr. Rankin: Yes sir, that is quite right.

Councilman Smith: Ray, on that 300 ft., all you want changed is R-6 MF.

Mr. Rankin: That is correct, Mr. Smith, I was right on the verge of saying that.

Councilman Smith: That's 300 ft., now how many feet have you got for business that shows O-6 on our map.

Mr. Rankin: 459 ft.

Mayor pro tem Whittington: How much distance do you have between this R-6MF and that street behind there? What is that street?

Mr. Rankin: That is Birchcrest Drive, or I bel ieve is Darwood Avenue. that actually comes around through there.

Mayor pro tem Whittington: You are asking to go all the way to Lansdale?

Mr. Rankin: No Sir, there is a 100 ft. strip before you get to Lansdale. It is presently occupied by residential.

Councilman Smith: Ray, you want this entire depth of the lot from Albemarle Road back to Darwood, in both cases? You want B-1 on the other part of B-2?

Mr. Rankin: I believe it is B-2, that is what the Planning Commission stated.

Councilman Smith: You requested B-1?

Mr. Rankin: May I ask Mr. McIntyre that for an ordinary Shopping Center under the proposed ordinance, would B-1 suffice?

Mr. McIntyre: For a neighborhood shopping center, it would.

Councilman Smith: For the point of clarification, Mr. McIntyre B-1 now is at the corner of Kilborne and Albemarle Road.

Mr. McIntyre: Yes.

Councilman Smith: And they want to make it go down to Darbrook, is that right Mr. Rankin?

Mr. Rankin: Yes, that is correct. We want at this point 459 ft. down here for business.

Councilman Smith: In other words you want to change this whole thing recommended here to B-1.

Mr. Rankin: Thank you.

ITEM NO. 58, JOHN B. McLAUGHLIN, ROCKY RIVER ROAD, AND BROTHER, PETITIONERS, PROPERTY NORTH AND SOUTH OF NEWELL-HICKORY GROVE ROAD EAST OF SOUTHERN RAILROAD AND WEST OF ORR ROAD, PROPOSED ZONING R-9 AND R-12, REQUESTED ZONING INDUSTRIAL, Maps #51 and 53.

Mr. J. B. McLaughlin: Gentlemen, my brother and I would both like to speak and I wonder if we could have 5 minutes each or do we have to both speak within 5 minutes.

Mayor pro tem Whittington: You are allowed 5 minutes each.

Mr. McLaughlin: As you can see on this map, this is map 51, there is an overlay of map 53. This is SouthernRailway coming down through here. Now pass this point, which is the Wica Corporation, all property on the Southern Railway is zoned Residential. My father lives here in this area. Now

gentlemen if you will notice here is the Southern Railroad, on farther out is the highway. To me it seems like it is ideal industrial property. The reason we have the industry that we have today from Raleigh down to Greenville is because of the Southern Railway, and other heavy industry that we have would like to be bordered on the railway. Now I don't think, from what I can see, there is enough property for heavy industry on the railway. We have no objections, as I know of for this property to be zoned I-2. My family, my brother and I own this property, and we purposely bought this piece of property right here in order to give the property a frontage on the railroad a few years ago, because we considered it industrial property. Since that time we have been approached by a firm in Greensboro, a fabricating plant, to buy this property for industrial property and we were negotiating with them until we found out about the zoning. There are 20 trains scheduled per day on the Southern Railway. That is 20 scheduled trains. Around Christmas time there are many more trains. This is not a little spur track, this is a main track going into Charlotte. The Southern Railway just goes through Charlotte one time - it goes in here and comes out there. You have to give them property on the railroad track. There is not a lot of Southern Railway, you know that and I do too. Now to zoned property on the Southern Railway residential, I think is kind of ridiculous. I don't know anything about zoning, but would any of you gentlemen be interested in buying a nice piece of property for your home facing this road and backing up against the SouthernRailway? Gentlemen, this is actually a hardship on my family, my brother and myself. My property is worthless zoned the way it is now. We paid good hard cash for this property recently as industrial property and now we are told that we can't use it for industrial purposes.

Councilman Smith: How many acres do you have?

Mr. McLaughlin: We estimate in all of this property there is 120 acres. Now is is my contention that this should all be zoned industrial through here, but I haven't had contact with the owners of this property and I don't know how they feel about it. In fact I tried to get in touch with them and was not able to .

Councilman Smith: Let us get the location of this property.

Mr. McLaughlin: This is out the Old Concord Road. This is highway 29, the fork here is the Old Highway 29 that used to go through Newell. Down here is Newell, the Newell Post Office. Up here is what is known as Chinch Road. That is the high class residential area of Newell, where you can rent a house for $10.00 per month. Now gentlemen to me we are encouraging that kind of development when you zone that residential. This is the Newell-Hickory Grove Road. Now we like residential property and we have got a lot of it back here but we think we will be much better off having this in industrial property than having a slumy housing development there along the Railroad track. I think most anybody else would feel the same way if they owned property in that section.

Councilman Smith: Can you not have the neighbors join you in this request, and try to straighten it out?

Mr. McLaughlin: This property I am sure is owned by the Newells. I feel sure they would be more than happy to have it zoned Industrial, but I cannot speak for them.

Councilman Thrower: What property is Mr. Newell's?

Mr. McLaughlin: This is what we call Chinch Road, between there and the railway.

Councilman Thrower: Where is Alexander Tank Company with reference to this property?

Mr. McLaughlin: It is on out Highway 49 about 1/2 mile. It is not on this map.

Mayor pro tem Whittington: You time is up now, do you want to turn it over to your brother?

Councilman Bryant: I would like to know how deep this property is that you label Chinch Road?

Mr. McLaughlin: The property is approximately 200 ft. Actually when my family bought this property it was bought for farm land. At that time, which was some 20 years ago, the Newells considered it industrial property. They put a high price on it and we didn't need high price property for farming.

Councilman Dellinger: Now down here do you touch the railroad on the lower part of it?

Mr. McLaughlin: Yes, Sir, actually we follow the railroad from here to here. I am not certain how far that is but I would estimate it to be 2,000 ft. or more.

Councilman Bryant: How deep is that property on the end?

Mr. McLaughlin's brother: This property here is about 250 feet. It runs at 350 and narrows back. Then our property line follows this road which is a small paved road. This is our property here. This part of the property is very level and they could have spur tracks in here most anywhere. I am almost certain that this would be considered ideal for industrial property. Now this right here is what we purchased to give us railroad frontage on this back property. At that time we had no intention that it should every be anything but industrial property. However I would like to entertain your thoughts a few minutes on why this is residential property. Now, the first thing on this piece of property here, which runs from 200 to 350 ft. wide with a railroad right-of-way and the highway right-of-way, there is not enough property there for a residential lot of any consequence. This I think in itself is enough to make you stop and think about it. The 20 trains per day. Have any of your gentlemen ever tried to put a baby to sleep when a train is running by fast. You just don't do it. It cracks your plaster, it is dirty, and there are all the reasons in the world why it isn't residential property. Now if it isn't industrial property I don't know what it is, but it certainly looks to us like industrial.

Councilman Dellinger: Now about this property on the lower end, are you counting from the center of the Railroad to the back of your property?d

Mr. McLaughlin's brother: That is what I was estimating.

Councilman Dellinger: What about the railroad right-of-way, how much do they have?

Mr. McLaughlin's brother: They have a good right-of-way but I am sure the fellows of the railway would cooperate with any business that borders their line. In the last 30 years, in my lifetime, in the Newell area there has been at least 20 people that I can account for in a few minutes that has been killed on grade crossing in that area. Now that is not residential property in my estimation. I can't conceive of anyone wanting a home with that kind of back ground. Here, just a little over a year ago, I am not familar exactly where Withers is, but a lady with 3 children was killed. All these things I think certainly add up as to why this property should be other than residential property. Furthermore, I don't feel that we could sell this property for residential property, at least any any kind of price. We might sell it for some kind of slum development, but that would be about all I can think it could be used for. I could not sell a man a lot along that railroad for a residence and go back and face him next week with a straight face. I don't feel like any gentlemen could do that. To sell a man a lot like that and a train pass by in the middle of the night. I lived on that railroad for 28 years of my life, I was raised there and I know if I was going to build a home I would not build one there. I may have to live in a pretty sorry residential area but I am not going to build a home on a railroad and I am sure if you gentlemen would consider it you would not either. I am not very much of a speaker and I doubt I have taken

up my five minutes, but I hope you gentlemen can consider what I have said. Thank you.

ITEM NO. 59., ZEEK FORD, GRADY SIGN COMPANY, PETITIONER RELATIVE TO SIGN REGULATIONS, ARTICLE V, PAGE 53 OF PROPOSED ZONING ORDINANCE.

The Petitioner was absent.

ITEM NO. 60,, J. F. GILREATH, JR., 1042 ROANOKE AVENUE, VICE PRESIDENT CHANTILLY SCHOOL P. T. A., PETITIONER, PROPERTY FRONTING ON INDEPENDENCE BOULEVARD AT CHANTILLY SCHOOL, PROPOSED ZONING O-6, REQUESTED ZONING O-6 OR RESIDENTIAL, Map #22.

Mr. Gilreath: Mayor and gentlemen of the City Council, My name is J. F. Gilreath, Jr., I live at 1042 Roanoke Avenue which is located in Eastway Park. There is an error in this proposal. I am here objecting to items #13 on the agenda on last week which was a petition for rezoning blocks 2400, 2500, and 2600 Independence Boulevard from R-1 to B-1.

Councilman Dellinger: What block are those?

Mr. Gilreath: 2400, 2500, and 2600 blocks, Briarcreek and Independence Boulevard intersection. I do not have any property on Independence Boulevard and I am not here for any personal reasons, I am on the executive Board of the PTA of Chantilly School, I am on the Executive Board and am 2nd Vice President, I am also chairman of the Liaison Committee for the School Board. I do not, however, speak for any of these groups, but I speak as an independent citizen interested in the welfare of the school. Some of these Committees or Groups have taken a particular position regarding this proposition. I would like to point out to the Council that this property was purchased by the School Board prior to the development and installation of Independence Boulevard. Also I would like to point out the school was started prior to the Boulevard. Like the property owners, the owners of the school, who are the citizens of Mecklenburg County and the City of Charlotte, we did not create this problem on Independence Boulevard. We are hurt as school owners just like the property owners and personally I am in sympathy with them in their problems. However I think we should view this in the interest of public citizens and how many people are involved in this situation. This school was completed in February 1940 and is now eleven years old. It contains 21 acres of land, it was originally built at a cost of $530,000.00 and based on the present figures of the Commerce Department for the past 20 years the dollar has increased in value 50%. If we apply this figure to the original cost of Chantilly School and the 21 acres there today it is worth a minimum of $800,000.00, and I say to you gentlemen that as tight as money is today in the area of taxation and public school funds, we cannot afford to let this school degenerate into a second, third, or fourther class proposition and that is what we are talking about today which is one of the finest schools in the combined system. We are forcing school replacement if we zone this area as B-1, whether we like it or not. The school must be placed in a community which it serves. It cannot be placed 5, 10 or 20 miles in urban areas today. We cannot take Chantilly School and place it out Independence Boulevard at McAlpine Creek. We must have a school in the Chantilly area to serve these people. There are 623 students enrolled in Chantilly School and it serves approximately 479 families. Now, I submit to you gentlemen that the problems of at least 479 families over-ride by far the few property owners in these three blocks about which we are speaking. This zoning is not high as the sky, but a lot of these people feel that it is. Strip zoning of Independence Boulevard will create many problems, such as the depths of the lots, and I am particularly concerned with the intersection of Briarcreek Road and Independence Boulevard. These lots are only 150 ft. feet and we allow business zoning in this area, we are going to have parking on the rear of the buildings immediately adjacent to the school building under the windows. The general property of the neighborhood, is set as we all know, by the school, by the Church and by the residences. Obviously

we will change the property of Chantilly School and all of the houses and the Church that is there if we allow R-1 zoning changed to B-1. Few will benefit from this actually. Most of us will lose. I would like to quote a paragraph from the joint Planning Board of the City and the County in 1953 and some of you will recall this because we have been through and over these things before. At that time a booklet was published "How Shall We Grow"., and the Planning Board said and I quote "The Charlotte School survey noted that zoning should protect the investment in existing schools, For example, proper zoning should prohibit the location of an automobile body shop and other noisy enterprised across the street from the class rooms of Midwood School". Gentlemen I submit to you that we are getting ready to do the same thing today at Chantilly that we did years ago at Midwood and we as the governing body of this City cannot afford to degenerate any school whether it is Chantilly or any other. We must think now of the increased safety hazards if we allow these businesses to enter. I submit to you and request that you oppose these zonin requests to B-1 and leave it as is.

Councilman Dellinger: Are you speaking for the three block or the 2400 block?

Mr. Gilreath: Actually Mr. Dellinger the blocks run together and I am speaking about the acrea from Waterman to Chantilly Shopping Center. That is the area in which I am primarily concerned.

Dr. E. H. Garinger, Supt. Charlotte-Mecklenburg Board of Education: I am here because the Vice Chairman asked me to come and I think Mr. Gilreath has stated the proposition very clearly and very precisely. As you know, we are very concerned when we build these city schools that we protect the property from the hazards that business and the surrounding area may bring. This is a very fine school and the enrollment is greater there this year than it was last year and it will be there a long time to serve the people in that area, and it ought to be protected just as much as we can protect it. We feel that you have done that on other property and you should continue the same sort of zoning.

Councilman Smith: Mr. Gilreath, didn't you say that you were opposed to B-1 from Waterman to Briarcreek?

Mr. Gilreath: Yes, Sir, the situation as it actually exists -

Councilman Smith: What I am getting at are Briarcreek and Waterman on the other side of the Mart?

Mr. Gilreath: From Waterman to Chantilly Shopping Center is what we are actually concerned about.

Councilman Smith: Would you accept O-6?

Mr. Gilreath: Well, I actually am not in a position to compromise it. What I am interested in is protecting the school and I know what will happen if we put O-6 in there. I personally would take the stand to hold firm because I feel that the investment there by the school demands it. I would request the present zoning. You see the petition of item #13 was for B-1.

Councilman Albea: Will you give the location of the houses?

Mr. Gilreath: There are three houses remaining, Mr. Albea, I mean three or four between the Mart and the Coliseum.

Councilman Albea: Was that block included in this request?

Mr. Gilreath: It is included in the request of item #13. I feel that we should not create any more hazardous traffic there than we already have. We think the Merchandise Mart is a very fine institution but it has already created an awful problem for us at Chantilly, and to further encroach with business developments is going to increase the safety hazards which have already been compounded. I would take the position to leave the immediate

area around the school as it is, which is R-1.

ITEM NO. 61. BOB LATHAM, 3108 BARRINGER DRIVE, PETITIONER, PROPERTY ON BARRINGER DRIVE AT IRWIN CREEK SOUTHWEST OF REVOLUTION PARK, PROPOSED ZONING B-1, REQUESTED ZONING R-9 MAP #2.

Mr. Chairman, Mr. Councilmen, I am here as a private citizen and a resident of Clanton Park, Edgebrook and Rollingwood Section. The piece of property in question is on page #2 proposed zoning B-1. At the present time there is a business located across the street on Barringer Drive from the proposed property. This property is known as the Little General Store and they have a Barber Shop and A Beauty Room and I also think they contemplate another store, but I do not know what it is to be at this time. Now the residents of this section feel that any additional business property in that area would jeopardize the valuation of our residential property. I said before here that this property is located on the direct route to the elementary school and all of the school children walk in this area to get to school. Any additional business would increase the traffic in that area and would be detrimental to the safety of our children. We propose or suggest that the property be zoned as it was and recommend that it be zoned as R-9. The property located in that area at this time, other than this property, is all zoned R-9. The busineses that I mentioned on one side of Barringer Drive, which is on the west side, is the only commercial or business property located in that entire residential area.

Councilman Jordan: You request that this be changed to R-9.

Mr. Latham: I have here a petition signed by approximately 200 people in that area, if we had more time, we didn't know about this until the last week, we could have secured more.

Councilman Dellinger: What is located near this property, I am not sure just where it is.

Mr. Latham: This is bordering on the Bonnie Brae Golf Course. The Bonnie Brae Golf Course runs right up to property that we are objecting to. Thank you, gentlemen.

Mr. Latham filed a petition with the City Clerk, signed by a large number of residents of Barringer Drive and adjoining streets, objecting to the proposed rezoning of the property bordering on Bonnie Brae Golf Course.

ITEM NO. 62, C. WILSON LONG, 4228 MONROE ROAD, CLYDE M. GIBSON, 4300 MONROE ROAD, PETITIONERS, PROPERTY SOUTH OF MONROE ROAD, EAST OF McALWAY ROAD, PROPOSED ZONING O-6, REQUESTED ZONING B-1 OR INDUSTRY, Map #22.

The Petitioners were absent.

ITEM NO. 63, LEX MARSH, 201 WILDER BUILDING, PETITIONER, PROPERTY LOCATED ON WEST SIDE OF PARK ROAD BETWEEN ASHCRAFT LANE AND HILLSIDE AVENUE, PROPOSED ZONING R-9, REQUESTED ZONING RESIDENTIAL OR O-6, Map #10.

Mr. Marsh: Gentlemen, this property is easily identifiable and as Mrs. Hoffman has said it is on the west side of Park Road, one block north of the Park Road Shopping Center. I am sure that everyone of you are very familiar with this property and that you are quite familiar with all the arguments presented here and in prior hearings. Actually, it has come up over the last several years involving a great many zoning petitions and for that reason I shall very briefly make this presentation and I shall merely mention the points which I think should be controlling in a decision. I represent the Ashcraft Investment Company which owns the property here - 100 acres of the sub-division Ashbrook which faces all of the property on Park Road. The Ashcraft family have provisions for some types of business development right here. For that reason the company has avoided

selling any lots for residential use in the immediate vicinity and I mean by that, nothing within about a city block of the immediate development. However, on the adjoining street which is Hillside Drive, there are a number of houses which would back up to the subject property. We submit in the first place gentlemen that this property economically can never be residential property. To me it is inconceivable that any form of residence- certainly sticking to the fact and recommendations of the Planning Commission - or any one-family homes would ever be there. They could be there maybe 5 years or 10 years but to me it is inevitable there will be some form of business there. My second point is that O-6 is the least detrimental, if it is detrimental at all, to surround the residential property. I really think there is little doubt as to what other type of development which would go there. I am sure that as long as the Ashcraft family owns this property that it would be a very high class type of office development. It is a very short piece of land and I am sure that what is put there would be as little to the detriment of residential property as the use of that sort can be conceived. Finally gentlemen, we contend that if the O-6 is extended from where we understand it is recommended by the Planning Commission, it will not be spot zoning. In other words, the Park Road Baptist Church property is shown immediately joining this property and was given by the Ashcraft family. What we assume is that if you do take favorable action on this, it would continue the O-6 zone for one city block and that is all I have to say.

Councilman Smith: Mr. Marsh, what is the depth of that property?

Mr. Marsh: We have purposely left that out as we have not asked for any specific depth. Actually, we had assumed that present restriction of the O-6 zone would be extended. Now actually we own all of this property. The Ashcraft family owns all of this and these two lots. The Ashcraft family owns the home which is located at this point and the nearest house is on one side right here, which is more than a block from where a building would be built. The Park Road Baptist Church is at this point. I believe the nearest house here would be about a third of a block. In other words for all practical purposes we are approximately a block -

Councilman Smith: I know that but I was asking about the depth.

Mr. Marsh: We did not ask for any particular depth, of course we would like to have the entire square zoned O-6. Frankly I am not familiar with the depth, and Mr. McIntyre here can tell us, but we are confining our request to the area that would be represented by the continuation of the present O-6 zoning.

Councilman Smith: Mr. Marsh what do you call "over there by Hillside"?

Mr. Marsh: Hillside? There is a house here. This is not within the confines of our property although at one time it was a residence. It is now a duplex. Thank you very much.

ITEM NO. 64., ERNEST S. DELANEY, JR., ATTORNEY FOR PETITIONER, PROPERTY LOCATED ON SOUTH SIDE OF U. S. HIGHWAY 85 BETWEEN GLENWOOD DRIVE AND FREEDOM DRIVE INTERCHANGES, PROPOSED ZONING B-2 AND R-6, REQUESTED ZONING B-2, Map #3.

The Petitioner and Petitioner's Attorney absent.

ITEMS NO. 65 TO NO. 78 ERVIN CONSTRUCTION COMPANY, PETITIONERS.

At the request of Mr. Charles Ervin, these items were deferred until the continued hearing on Wednesday, October 18th.

ITEM NO. 79, MR. C. E. TALLEY, PETITIONER, PROPERTY ON MILTON ROAD IN HICKORY GROVE AREA - PROPERTY OWNED BY NORFOLK-SOUTHERN RAILROAD, PROPOSED ZONING I-1, REQUESTED ZONING I-1, Map #21 and 53.

The clerk stated that Mr. C. E. Talley, the petitioner had spoken previously when Item 48 was discussed and would not be heard at this time.

ITEM NO. 80. MRS. S. I. ALEXANDER, PETITIONER, PROPERTY LOCATED AT FOURTH FULL LOT NORTH OF INDEPENDENCE BOULEVARD ON WEST SIDE OF BEAUMONT AVENUE, PROPOSED ZONING R-6MF, REQUESTED ZONING, OPPOSED TO ANY BUSINESS ZONING ON BEAUMONT, Map #I-E.

The Petitioner was absent.

ITEM NO. 81, JERRY HANNES, PETITIONER, PROPERTY LOCATED AT SE CORNER TAPPAN AND HERRIN AVENUE, PROPOSED ZONING O-6, REQUESTED ZONING B-1, Map #6.

The Petitioner was Absent.

ITEM NO. 82., MR. DAVID HENDERSON, ATTORNEY, REPRESENTING WILLIAM AND RALPH COPPALA, PROPERTY AT HIGHWAY 16 AND HOSKINS AVENUE, PROPOSED ZONING R-6 AND R-6MF, REQUESTED ZONING B-1, Map #14.

Mr. Henderson, I have here Map 14, this is a cutout section of a map, probably a portion of your #14 map and from what you say, North is here when you hang it up right.

Mrs. Hoffman: What is the proposed zoning on this?

Mr. Henderson: The Proposed zoning? I want to show you something just one second because this is the only thing I could think of to tell you; that we have got something here that is a little bit different. You have been listening all night, and we are not quarreling with exactly what the zoning is, the recommendation of the Board has been that the property we represent at the Intersection of Hoskins Avenue where the New Highway 16 comes out, has been recommended as Business or B-1, but under this peculiar language in the proposed ordinance instead of B-1 it says "sometimes maybe" if you ever get around to working up a plan so that everything is there fits within plans.

Councilman Smith: Is that in the ordinance?

Mr. Henderson: Yes it is in there, I read it.

Councilman Smith: Is it distinct?

Mr. Henderson: Yes, I read that thing and I went out and got a plan. Now, my plan, I took it over to Mr. McIntyre today and he was most gracious in listening to me, and my plan is not exactly the kind of plan he wanted. But I gotta' plan!

Councilman Dellinger: Is this at Hoskins Road?

Mr. Henderson: This is Hoskins Road or Hoskins Avenue and this is Highway 16 that goes out there. The now famous Seaboard Airline Railroad going out this way. I don't know which way the Southern goes at this point. This property here is already developed as business property and I believe is zoned as business property. Now the property that we are representing here is property that belongs to William and Ralph Coppala, a Mr. Abernethy who owns two lots in here, a Mrs. McGee who owns some property here and their residences are at this point. Mr. Hodges who owns that property there. We also have been tentatively asked to speak for some additional people in

the McGee family but they are apread from the Phillipines to Washington and I have no written authority to represent them, but they own this property here directly opposite the property which we are talking about.

Mayor pro tem Whittington: What is that next street below Hovis Road coming toward town?

Mr. Henderson: Here is the Old Rozzells Ferry Road, at the intersection of North Hoskins. I marked it on one of the maps. That is Hoskins Avenue that goes into Hovis and out in this section they are building a big new Cheverolet place, right out back here.

Councilman Dellinger: What happens to those other people?

Mr. Henderson: There are some residences here and as I understand it a great part of it is vacant. The Seaboard Industrial property is right in here. Now gentlemen, let me tell you briefly because I know you are very very tired and you havebeen most patient and wonderful public servants in listening here. Let me just tell you why, of course that the Commission in its consideration sent this letter, it was on a zoning request back in August. The Commission is in favor of business zoning in the area between Highway 16 and Hoskins Road, but recommends that a special business district be established by seperate application. I think we have something special and different, it is special and different only in that we feel that while you gentlemen are considering the whole of the program and plan and all of its many changes which you have to bear in mind, if you can possibly bring yourself to pass on this question now rather than putting these people through a seperate expense at a later date on seperate applications. Let me read you one more thing then I want to show you why I say what I do. There is a letter here from the Federal Housing Administration. The people who own this property came in and attempted to put in some residences in there and this is what, I didn't read this to Mrs. McGee last night, it said "our decision (and this is a decision to grant no FHA loan) is based on the objectionable six lane highway, the old cheap and unattractive homes in the immediate neighborhood, a large portion of which is sub-standard, also the presence of non-residential type of uses in this general area, ranging from stores, filling stations, and that type uses". Furthermore, if the FHA refuses a loan it is certainly not fit for houses. Now the Commission set me straight however, they said wait and put in a plan. Now they were talking to me today about what a schematic plan is. A schematic plan is a beautiful thing. You have got a terrific driveway, etc. We couldn't come up with that because these people owning property in several blocks here are put in the position of where they have either got to sell to somebody who has the whole area or they have to develop themselves and they are not in a financial position to develop this property. These people can probably develop something on their own.

Councilman Thrower: What property are you talking about?

Mr. Henderson: Up here. I think you recognize they could probably take care of it and work out something of a schematic plan, but they have put in an application earlier to have it changed to B-1 and at that time it was turned down. In any event now these people have put themselves together as a unity and here is an agreement which was signed today which you will permit me to label as a development agreement. In this written agreement, which can be further implemented if you folks so desire, the people whose property is so represented have agreed to certain standards so far as set back lines are concerned. They said they would sign a legal document if necessary to give 30 ft. set backs here, 30 ft. set backs here, 30 ft. set back there, and 10 ft. on this unopened street. They have agreed that they would cooperate and open this street with agreement in writing to add an additional 10 ft. on each side if that is what the board wants. This is an old 30 ft. street here that has never even been opened.

Mayor pro tem Whittington: What is the name of that Street?

Mr. Henderson: Apparently it is an extension of Croft Street. We are now asking that we have B-1 without the necessity of planning a schematic plan in accordance with the conditional or directives that are spelled out in the proposed ordinance.

Councilman Dellinger: I believe you said the zoning board had had this?

Mr. Henderson: They had part of this yesterday, the Coppala property but not the other. The Planning Board advised that the Commission is in favor of business zoning, but recommends that a special business district be established by seperate application according to the conditional use proceedure. Now the conditional use proceedure puts some of these people in a real hard hit spot. Here is a man here who is getting along in years, be is living there in his place, this lady over here, I understand is a widow, she lives there on the place. She cannot get up a schematic plan.

Mayor pro tem Whittington: How about you getting up this plan and presenting it to Mr. McIntyre so that we can have it for the next meeting.

Mr. Henderson: I have this which I read first to you, it is not in accordance with the schematic plan required specifically by the ordinance. We were hoping that you gentlemen would see fit however to go ahead and make it B-1 and let each man independently sell his own property or handle his own property. Thank you very much.

ADJOURNMENT

Upon motion of Councilman Albea, seconded by Councilman Bryant, and unanimously carried, the meeting was adjourned until 7:30 p.m. on Wednesday, October 18, 1961, in this same room.

Lillian R. Hoffman

Lillian R. Hoffman, City Clerk