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An Adjourned Meeting from October 13, 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 Wednesday, October 18, 1961, at 7:30 p.m., with Mayor Brookshire presiding, and Councilmen Albea, Bryant, Jordan, Smith, Thrower and Whittington present.

ABSENT: Councilman Dellinger

The proceedings of this Hearing on the Proposed New Zoning Ordinance were tape recorded and transcribed as follows:

PURPOSE OF MEETING.

Mayor Brookshire: Ladies and Gentlemen, the purpose of this meeting is to continue the hearing held on October 13th relative to the proposed zoning Ordinance for Charlotte and the Perimeter Area. Notice of tonight's meeting was published in The Charlotte Observer on Tuesday, October 17th, as required by law. For your information, the meeting tonight will be tape recorded and transcribed later. We have 36 requests to be heard, 24 of these were deferred from the meeting last Friday night. Other requests were made after the lists were typed. There may be others here who have not listed their requests. Everyone, of course, will be given an opportunity to be heard. Let me again explain the ground rules - each applicant will be given 5 minutes or 5 minutes will be allowed for each speaker, allowing 10 minutes per subject in the event there is more than one person present to speak on a given subject. We have here a Timing Device which will be set each time for 5 minutes, at the end of 3 minutes a green light will appear, at the end of 4 minutes, an amber light and at the end of the 5 minutes allowed the red light appears. In order that everyone may be heard tonight, I ask you to please observe these signals and keep your time to the 5 minutes. However, if anyone feels the 5 minutes is not sufficient to make your presentation as fully as you wish, please give your name to the City Clerk, so that arrangements can be made at a later date for you to explain your request further.

Mrs. Hoffman will now please present the first request and they will then be presented in numerical order on the Agenda:

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

Petitioner nor Attorney present.

ITEM NO. 14. HORACE O. CARROLL, AND MRS. MYRTLE F. COOPER, PETITIONERS, PROPERTY LOCATED IN 3600 BLOCK OF CENTRAL AVENUE, PROPOSED ZONING O-6, REQUESTED ZONING R-9 OR R-6MF, MAP NO. 20.

Petitioners absent.

ITEM NO. 38. CARL H. CARDEN, ROUTE #8, PETITIONER, LOCATION OF PROPERTY NOT STATED, PROPOSED ZONING RESIDENTIAL, REQUESTED ZONING B-2, MAP #53.

Petitioners Absent.

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

Petitioners absent.

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ITEM NO. 45. I. F. QUIST, PETITIONER, PROPERTY LOCATED IN REID PARK, REQUESTED ZONING NOT STATED, Map #12.

Petitioner absent.

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

Petitioners absent.

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

Mr. Neil Castles: I feel this piece of property that I have in mind on the corner of Mint Street and Westwood ought to be zoned Business, I would like to have it zoned Business.

Mayor Brookshire: The proposed zoning is R-6MF, you are asking for B-2?

Mr. Castles: Yes, sir. One thing, if I cannot have it zoned Business, I would like to have it for a parking zone, the adjoining property has a garage building on it at the next corner and there is no place to park on Mint Street at all. We have a lot of confusion parking up and down Westwood. The main reason is that the house that's on the property is going to have to be torn down. (Note: The Tape is not clear, words cannot be distinguished, therefore they were not transcribed).

Mayor Brookshire: Did you have in mind making a parking lot out of the property?

Mr. Castles: Well, making a parking lot and a shed for parking for use of employees.

Councilman Whittington: Do you have a garage there?

Mr. Castles: Normally considered, no, it is not a garage.

Councilman Whittington: This lot will be next to the present garage?

Mr. Castles: Yes sir.

Councilman Smith: Isn't there a little store there?

Mr. Castles: There is also a store and a florist shop on that property.

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

Mr. Ernest Grady: Mr. Mayor and City Councilman.

Mayor Brookshire: Will you kindly state your name for the record?

Mr. Grady: I am Ernest Grady of the Grady Sign Company. Gentlemen, I am here representing the Commercial Sign Shops of the City of Charlotte, along with Mr. Timmons and Mr. Starnes. We want to confine ourselves to the allocated time if we may, the three of us. I have been in the Commercial Sign business since 1904 in Charlotte, 57 years, Mr. Timmons and his father have been in the Sign Business for 50 years and along with Mr. Starnes and Mr. Perry, we have a total of 190 years in Charlotte. We are not newcomers to the Sign Business in Charlotte. We have served our beloved city in many capacities. We love the City aside from the

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commercial interest of it, we believe in zoning, but we do believe that some restrictions are too restrictive and we have made some notes on it. We think that the setback is too severe in some instances; and a number of other items. I know you have all listened to a great many problems here for quite a little time, so we are going to endeavor to shorten our request as much as we possibly can and I am going to hand these notations to you if I may with suggestions that the Council follow me.

Mayor Brookshire: The three of you together have 10 minutes.

Mr. Bill Timmons: Mr. Mayor and Gentlemen of the Council. I am not going to take much of your time. I have a request and we have discussed it among ourselves quite a bit. We feel that the Sign Ordinance was misplaced in the Zoning Ordinance. It should have been under your Inspection Department because there were no Sign people invited to get in this thing when they were making plans to do this and we went out to their hearing to speak on it but did not have a chance in the world of getting heard because there were so many ahead of us. But we do ask you to refer this to your Inspection Department and come up with a fair ordinance because some of these things in this ordinance are not good. Thank you.

Mr. Starnes: Gentlemen, I just want to say that it will not only hurt us but it will hurt business men of Charlotte and it will hurt seriously and will take money out of their business to correct the situation as the Zoning Board has it now, and it will restrict the business coming into the City. I know we all want business to come to Charlotte. There are several things in their proposal we are opposed to. I wish you gentlemen would consider this carefully. Thank you.

Mayor Brookshire: Is there anyone else who would like to speak on the matter of Signs.

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

Petitioners absent.

ITEM NO. 64. ERNEST S. DELANEY, JR., ATTORNEY, PROPERTY LOCATED 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.

Mr. Ernest S. DeLaney, Jr: Mr. Mayor and Members of the City Council, let me put this map up where we can all look at it. The property that I want to talk to you about is this area here fronting on Interstate 85, it is a little area here as you see, the streets all come into this little area. This particular area has been zoned B-2 previously, it is now recommended for B-2 zoning. My client would like to have a B-2 zoning and clear this vacant area which is presently recommended for residential zoning. As you can see, there are no streets coming into here, the land is at present undeveloped. This land is all owned by the same land owner and will lend itself to a nice motel development. It is located just off the Thrift Road or Freedom Drive interchange, and between Freedom Drive - I believe it is Glenwood Interchange. We don't think this little narrow strip of land will ever have utilitarian use for residential purpose; on the other hand it will lend itself very nicely to a motel development along with the area that's recommended for business zoning. Just across the highway is a truck terminal and I believe the recommended zoning for this area is Industrial. We feel like we ought to appreciate the value of any of the present residential areas in there by allowing a nice business to go up and we would like the zone to be B-2.

Councilman Smith: Does that include the whole area?

Mr. DeLaney: No sir, just to where the streets all dead-end in there, it is all owned by the same land owner as now.

Now, Mr. Mayor, if I could just take a minute more to speak of the ordinance in general. There are one or two or perhaps three things I consider to be legal defects in the ordinance which I should think the Council would want to remedy when you adopt this new ordinance. First, what I think is the most glaring defect is the fact that there is no provision in the ordinance for a nonconforming use to continue after the ordinance is adopted. As you gentlemen know, zoning is a changing thing and when you change zoning maps a year from now, there is no provision in the ordinance whatsoever for a nonconforming use in a zone, which has been changed, to continue. By practice, this has been understood in the past, but now that you are adopting a new ordinance I think it should be written into the ordinance itself so that when you make future amendments there will be a provision for nonconforming use. The second thing that I think needs to be written into the ordinance is a determination as to what the status of a permit is that has been issued. Let us presume that a man has been issued a building permit, he is incurring an architect's fee, he has maybe bought land. All of a sudden the zoning is changed. What is his status? Does the permit have any legal right at all? If he has got the building halfway built, can he continue or must he stop, or just where does the ordinance take over in effect? I think that the citizens are entitled to know where they stand before they invest their money. I suggest now that we are adopting a new ordinance, this should be the time to put this into effect. Mr. Mayor, if you will give me just one more second.

Mayor Brookshire: You have a minute more.

Mr. DeLaney: Thank you sir. The next thing that I would suggest the ordinance needs some clarification on, is this business of use. Let us assume that a man gets a permit, builds his building or has it almost completed and then the zoning is changed. Now under our zoning ordinance and usage ordinance, does it mean that he has to conform to the usage at the time he applied for the Use Permit, that is, after the building is all finished and he is ready to apply for a Use Permit, or does it mean if he complies with the zoning regulations at the time he started the building, he is entitled to the Use Permit at the time he finishes the building? I suggest that these things need to be clarified for I don't want to go through adopting a new zoning ordinance every year. Thank you all.

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

Mrs. S. E. Alexander: Mr. Mayor and members of the Council. I would like to thank you for letting me appear here in protest of business on Independence Boulevard at my street. I want to say that at the first meeting I was out of town and didn't know about it, so I want to register my disapproval for business on the Boulevard. I want to tell you first about our street, Beaumont. There are six houses and an apartment house on one side and five houses on the other side. On my side and all the way down on that block coming towards town, then down to the Rose Garden and then up to the corner at Beaumont and the Boulevard, ours is the last lot that was bought in that block. I used to live on the other side of town, and when we moved out on Beaumont it was an ideal residential community. It had drainage from Sunnyside down across the alley and went across the middle of the lot but we did a little landscaping and now I have a ditch to take the water down to our next door neighbor and she takes it back to the back and that takes it on. Your zoning of 200 feet from the Boulevard just takes in my neighbors lot and leaves mine off. Now, I can't see myself living out my days there with business at that corner. We built that house, started it 37 years ago this month and I have lived there ever since and want to remain there. Everybody that at that time owned his lot and his house in that block on both sides, either has had a death or moved out of town and disposed of their property. We had one person across

the street over there that had property in the country, he moved out there and stayed a while but came back and now he is ill. I am the only one on my side that walks. I don't have a driveway and business would disrupt that street. There is not a driveway on any lot on that side. We have an alley but it is not very satisfactory. We have a garage there and we have to be careful about keeping the water from running into the garage; but the main thing is the people, the home owners, they are people about my age, all grandmothers or maiden ladies - one lady who lives across the street helped to bring up her neice and her grand-niece. If business runs down there it will disrupt the family life. If I had to move I just don't know, I couldn't manage physically, financially or any other way. Please leave it zoned residence, it means so much to us.

Mayor Brookshire: Mrs. Alexander, I am sorry your five minutes are up. Now if you want more time, please let Mrs. Hoffman know now.

Councilman Smith: Mrs. Alexander, that lot next to yours, that little triangular lot, is there a house on it?

Mrs. Alexander: Yes, that was built before we bought our lot. As I have said, its the ugly duckling. That house was built by Rob Hunter and put on that lot and the way they run this - the surveyor run it - the line runs through the corner of the house and the water drips on the line and we have to take care of the water and all of that from Sunnyside too.

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

Petitioner was not present.

ITEM NO. 83. PAUL RAE, PETITIONER, PROPERTY LOCATED AT NORTHWEST CORNER MALLIARD CREEK ROAD AND MASON ROAD, PROPOSED ZONING R-12, REQUESTED ZONING B-2, Map #48.

Mr. Paul Rae: Mr. Mayor and City Councilmen, my name is Paul Rae. For the record you have my name misspelled. It is Rae instead of Rea. I am requesting a zoning change in your new proposed zoning and here are some of the reasons. Some five and half years ago before I came to Mecklenburg County with my family, and we hope to make this a permanent residence, we had plans for developing a Mobile Home Park and were fortunate in finding a need and a suitable location for this purpose. Our park is located on the corner of Mallard Creek Road and Mason Road. On investigation we found that there were no written rules or regulations governing the construction of a park in Mecklenburg County. We are developing our park in accordance with the Mobile Home Manufacturers Association plans for a park layout. The Planning Commission is adopting these plans governing mobile home parks in Mecklenburg County. We found that financially we could not develop more than six or eight spaces at a time if we developed the park in accordance with National requirements as each fully developed space represents approximately a \$1500 investment. Rather than put in a Mobile Home Park that would be undesirable to the community by cutting the cost and making smaller spaces, we chose to spend more time and money to develop a park that would meet the national requirements. By doing so, our progress is slow and at this time, our park is only 1/3 developed. Under your proposed zoning we will be unable to complete our park unless our property is zoned as per this request.

Councilman Smith: Mr. Rae, have we got this park right on this map?

Mr. Rae: Yes, Sir. That is the one. At the present rate of investment our Park, if it is allowed to be completed will have an investment of approximately \$50,000 in improvements to this property. This will represent a sizeable amount of tax revenue for the City and County. There is also the personal property tax that each mobile home owner must pay

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on each mobile home, as well as on his personal belongings. It has reportedly been said that many Mobile Home owners do not pay taxes, but as a park operator I am required by law to list each mobile home in my park as of January 1st of each year, giving the owners name, the year of his mobile home, the make and its size. Also the length of time it has been in my park. I have at present 5 mobile homes in my park that have been there over 2 years. Several others will have been in the park a year or more. These people are not transients, our park does not cater to transients. Our residents are permanent residents who have chosen a mobile home way of living. Several of these families have owned permanent dwellings in the past but for various reasons have sold their houses and purchased mobile homes. I have here a set of rules of my park which have been in effect since the park was established and they are enforced. I would like to leave these with you. I would also like to point out that in the 2½ years we have been operating our park we have not had one complaint or undesirable word from any one in the area regarding our park. In fact, we have had many favorable comments from neighbors who are property owners regarding our mobile home park. On this map I have outlined a red area, this is Mason Road, this is Mallard Creek Road, the outlined red area all of this is developed and it was developed into homes when I came into the area. The red lots in the area is the property that we are discussing. As I have said, all of this was developed when we came out here and purchased a piece of property on which we have a home of our own.

Councilman Whittington: Are there mobile homes down there in the red area?

Mr. Rae: These are all residences along here, been there for years. There has been only about two new houses built in that area during the last 2½ years.

If the people in the area had any objection I am sure they would have registered them long before this. On other thing I have to say if I may, Mr. Mayor, if I cannot get my property zoned B-2 I would like to be permitted to expand under a nonconforming permit after this new zoning goes into effect. Here is a copy of the Park Rules that I would like to leave with you.

Councilman Whittington: How far is 29 away from your property?

Mr. Rae: Approximately 5 or 6 miles from where we are.

ITEM NO. 84. RUSSELL M. ROBINSON, II, ATTORNEY, REPRESENTING RESIDENTS OF INTERSECTION OF STATESVILLE AVENUE AND NEWELL AVENUE, LOCATION OF PROPERTY ALL LOTS IN BLOCK BOUNDED BY STATESVILLE AVENUE, MORETZ AVENUE, MONTREAT STREET AND NORRIS AVENUE, PROPOSED ZONING B-1, O-6 and R-6MF, REQUESTED ZONING R-6MF, Map #5.

Mr. Russell M. Robinson: Mr. Mayor and Gentlemen of the Council, my name is Russell M. Robinson, I am an attorney and I represent the residents of the neighborhood in the vicinity of the intersection of Statesville Avenue and Newland Road and I also represent a church that is situated on the lot fronting on Statesville Avenue in that vicinity. On behalf of those residents and that church we have filed a petition with 4 pages of signatures requesting the Council to cut the proposed B-1 zoning off at Norris Avenue which is the southernly boundary of this area that I have marked with a rectangle. We filed our application on four grounds, we submit, gentlemen that for 4 reasons that zoning should be cut off at that corner. First, we submit that it is illogical to extend the B-1 zoning south of Norris Avenue because it would extend into an area that is otherwise exclusively residential. All of this area, as you can see from the map, will be zoned R-2 multi-family and it is now being used for that purpose. This area to the west of Statesville Avenue is the Double Oaks Project. We submit that the logical cut off point for this B-1

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zoning is Norris Avenue. Now, second, gentlemen, we submit that no additional business zoning is now needed along Statesville Avenue. It is clear that there is enough, or now more than enough property along Statesville Avenue that is zoned for business because there is now more property zoned Business and Industrial than is being used for that purpose. So we submit that there is no reason to extend this B-1 zoning into this residential area. Third, gentlemen, there is a church situated on this lot here, running off Statesville Avenue and we submit that the zoning of this property as B-1 would greatly depreciate the value of that church property for church usage. And fourth, this is a very busy intersection, intersection of Newland Road and Statesville Avenue and the Traffic Count shows that there are more than 3300 cars passing that intersection in a normal 12 hour period. That is more than 3 cars per minute and to zone this area right at the intersection there as business would greatly aggravate that traffic problem. It would produce a traffic congestion that would really interfere with the proper handling of traffic at that point. Incidentally, there is a playground area right in that triangle formed by the intersection of those two roads. Gentlemen, for those 4 reasons we would respectfully submit that this property should not be zoned Business south of Norris Avenue, that the business zone should be cut off at that point.

Councilman Thrower: Mr. Robinson are there any additional businesses out there?

Mr. Robinson: Yes there are Mr. Thrower, there is a restaurant, an old restaurant that is situated on one lot in this area and two of the other lots are used as a parking lot for that. It is an apparently pre-existing nonconforming use. It was pre-existing before the enactment of the present zoning ordinance and you may recall, gentlemen, that there is now pending a petition to change that property, to rezone that property from the present R-2 zoning to B-1 so that the restaurant can be demolished and a new and modern restaurant building can be built on that property.

Thank you gentlemen.

ITEM NO. 85 DR. JAMES PRICE SPEAKING FOR C. G. STEWART, PETITIONER, PROPERTY LOCATED ON NORFOLK-SOUTHERN RAILROAD AND HICKORY GROVE AREA, PROPOSED ZONING I-1, REQUESTED ZONING RESIDENTIAL, Map #54.

Dr. James S. Price: Mr. Mayor and Members of the City Council, I am Dr. James S. Price speaking for Mr. Charles Stewart on behalf of the Hickory Grove residents. Last Friday evening at the presentation made by the Norfolk-Southern Railway there were a number of statements made that I did not feel represented the total picture. I would like at this time on behalf of the residents of Hickory Grove bring our side of the picture to you. The first statement made was that only one house had been constructed in the past six years in the Hickory Grove Area. That is true in part but it represents only a tiny, minute portion of the Hickory Grove Community. There is one small area there that was subdivided a number of years ago into 32 residential lots. One man purchased two of these 32 residential lots and before his house was completed it was announced that Marko Steel proposed an industrial site. The subdivision dropped its plans. This man is letting his house go and he is here tonight. But this particular area fell flat because of industry. The man that was handling the property at that particular time has since gone bankrupt, the property has now changed hands and the people who are handling the property now are unable to sell it at any price. The Norfolk-Southern man last week quoted this fact that there was but one house being built. I wonder how a man can see one house when 374 homes are breathing down his neck, because immediately across the street is now a new subdivision with 16 homes that have been built in the last six years;

adjacent to that is Grove Park with 202 homes built within the past six years. Further on down the street there are other subdivisions with homes in corresponding numbers. All told within a radius of approximately 1 mile of this proposed site we have 10 sub-divisions representing a total of 374 homes but yet this man saw one home. He referred to the City Council and said that you will be spot zoning. I wonder if that's not a little bit of spot seeing, just seeing one house. The other statement that was made was the fact that there was a quarter of a million dollars invested in this property. It seems as though to me that this is a "Dear John" sort of approach to gain the sympathy of the City Council. I understand that they have approached the N. C. National Bank and asked them to write each of you gentlemen a letter stating how badly we need this industrial site. I have also been told that they have approached the Chamber of Commerce, asking for a similar letter. In checking the records in the Courthouse, if you will bear with me for a moment and some numbers, if you will check Register No. 2035, Page 149, you will find recorded December 19, of 1958 the first deed of trust by Norfolk-Southern Railway, and Register No. 2052, Page 232, recorded January 2, 1959, you will find the second deed of trust toward it. These were all recorded on a four year deferred payment plan, at the present rate of 4% interest. These payments came due annually and I can give you the dates on those. At the present time, if the payments have been kept up to date there is represented approximately \$60,000.00 investment in this property. And gentlemen, I can assure you that any ten residents of the Hickory Grove Community have that much equity that they have paid into their homes. There was another statement made that it seemed they were being discriminated against. I understand that at the time this property was purchased two of the agents for the Norfolk-Southern Railway were told that at the present time there was no zoning ordinance in the Hickory Grove area. They were also informed that this proposed zoning law was coming into effect, and they were asked about this and one man said to the other this is a gamble that we will have to take. So I ask you this question if they men knew full well and were aware before they got into this thing what might come about, are they being discriminated against? Mr. Jack Devaney recently at our Club Meeting explained that in the greater Charlotte area in the next ten years the most anticipated growth would be in the Hickory Grove area. I wonder is that possible with the installation of an Industrial site? The revenue that will be brought into Mecklenburg County from the homes that are now present and from the homes that are expected in the next ten years will far exceed that of any Industrial site. Last, I would like to mention the fact that I was never aware that social pressure in Charlotte had become so severe that a man was stabbed in the back because he was unable to own a \$60,000.00 or \$70,000.00 home. Most of the homes in our area will range from \$18,000.00 to \$30,000.00 value. I have a home in that community, it is a home for my children, we are proud of our home but if the implication is that I live in a low class home, then I feel that the first of the month I must go back for a reduced payment because my house cost you too much money to be living in a low class home. Gentlemen, I thank you for your time and courtesy.

ITEM NO. 86. DOLAN PARKS, PETITIONER, PROPERTY LOCATED ON NORFOLK-SOUTHERN RAILROAD AND HICKORY GROVE AREA, PROPOSED ZONING I-1, REQUESTED ZONING RESIDENTIAL, Map #54.

Mr. Dolan Parks: Mr. Mayor, Members of the City Council, my name is Dolan Parks and I am speaking of the same land that Dr. Price spoke of. We are representing a large group of community minded citizens. I would ask them to stand but it is not necessary, you heard the applause a moment ago, we won't take that time. All of them would like to speak to you because they are interested in not having our wholesome community atmosphere destroyed by the presence of heavy industry. I would like to take a few moments to show that these people are interested in making our community a place for people to live. If you will note the State Highway Department can no longer pave roads in various developments such as this, and these citizens have made a better community by paving the streets themselves, at the cost of as much as \$2 a foot. There are

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no organized parks or street lights yet many citizens pay as much as \$36 a year each for this type of home improvement to help their community. Even the ladies are at work to make it a better place to live. The club of the community right now has a thousand dollars set aside to build two beautiful entrance gates, one to Grove Park Boulevard and the other at Williams Road. Gentlemen, these two places are right across the street from the zoning in question. A certain county policeman whose name I prefer to hold in confidence had the records checked to denote where the least number of calls originate. Gentlemen, he bought a home in our community because he was convinced of the wholesome atmosphere there. It has been mentioned before and I would like to mention it again that we have three churches in our community, they have a total membership of approximately 2200 members. We have a fine elementary school in the area and a Junior High School is being built. I urge you to think of the safety hazards involved when you pour school children and heavy industry into one pot. Gentlemen, we love our children. Last week we turned in a petition with approximately 500 names. This week over 100 more people asked to have their names added. Thank you gentlemen.

Mr. Parks filed a petition signed by a large number of residents of the area opposing industrial zoning in the area.

ITEM 87. C. R. NIX, PETITIONER, PROPERTY LOCATED ON NORFOLK-SOUTHERN RAILROAD AND HICKORY GROVE AREA, PROPOSED ZONING I-1, REQUESTED ZONING RESIDENTIAL, Map #54.

Petitioner was not present.

ITEM NO. 88. GILBERT COLINA SPEAKING FOR E. R. GARDNER, PETITIONER, PROPERTY LOCATED AT WELDON AVENUE, BETWEEN BLACKWOOD AVENUE AND THE PLAZA, PROPOSED ZONING R-6 AND R-MF, REQUESTED ZONING B-1, Map #18.

Mr. Gilbert Colina: Mr. Mayor and members of the City Council, my name is Gilbert Colina, Pharmacist and I have come here to represent my neighbors and the property owners of the once know or still known Black Dairy Farm Area. We are asking you to please consider the rezoning of this area to B-1. We feel that this area is no longer suitable for residences. Progress seems to be catching up with us and those of us who at one time lived out in the country are beginning to be right in an industrial zone of the city. There are a number of factors which I believe that I can present to you that will substantiate our beliefs. The first one is that we are completely engulfed or surrounded by business. If you would take one of the roads coming from town, say where the bridge of the railroad is, as is one of the more important physical barriers that we have in this area, you will find that at the corner of Sugar Creek Road you have a beauty shop, and an automobile repair shop. In the next block, the 4100 block, that is on the left going towards old Potters Road, in the past year a new laundromat has opened and a grocery store still there; in the 4200 block there are residences and in the 4300 block there is a barber shop, a restaurant, a gas station. Then, after that there is another important physical barrier which is the old Potters Road, or as it is known by the new people as Eastway Drive. Now as we come down from the Bridge again on the right hand side of the road we find there a street known as Commerical Avenue, which right now houses office buildings, veteraniarn place and aprtments, and in the front of it we have already acquired a new grocery store and another laundrymat. In the back of one of the residences there is a Neon Sign shop. Then we come to Weldon Avenue, which right now is so called the speed-way to the Plaza, the 4200 block is a residential area with an empty lot, Blackwood is the next street down and in Blackwood, which is just half a block, we will find that a new dry cleaning place has come up in the past year and another gas station.

Councilman Smith: What are you asking for?

Mr. Colina: We are asking for rezoning the area to B-1.

Councilman Smith: The whole area?

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Mr. Colina: Yes, the area known as the Black Dairy Farm. This comprises the area from Weldon Avenue to Blackwood.

Councilman Smith: In other words they have got it zoned R-6 and you want it B-1?

Mr. Colina: We feel that is no longer a residential area. And another one of our factors that I would like to present to you is the fact that traffic has increased so tremendously.

Councilman Smith: Have you got any petition on this?

Mr. Colina: We had a petition prior to this.

Councilman Thrower: Are there many people opposed to this?

Mr. Colina: I have here, I expect, right here in that corner 80% or 85% of the residents of that area want that area rezoned to B-1.

Councilman Smith: Is this the triangle bounded by Weldon back to the Plaza, is that the specific area?

Mr. Colina: Yes sir. That is right, Weldon, Plaza in the front, Blackwood on one side. Now another factor which I would like to mention -

Mayor: Your time is up if you would like to -

Councilman Smith: I would like for him to continue, Mr. Mayor.

Mr. Colina: Well, the most important factor of all that I would like to present is the traffic hazard that we are encountering. It is tremendous the 8 a.m. traffic and the 5:30 traffic, it might well be to take one of your bus lines, go down there and then you will see how we feel towards that hazard. We have children, we would like to send them to school and that is very dangerous and that is one of our main pleas, the fact that the traffic is too dangerous for our children, with no sidewalks, no place to wait. Thank you very much.

ITEM NO. 89. CHARLES HENDERSON, ATTORNEY, REPRESENTING CLYDE GRAHAM, LOCATION OF PROPERTY 20 ACRES ON WEST SIDE OF PARK ROAD, BETWEEN MONTFORD DRIVE AND MOCKINGBIRD LANE, PROPOSED ZONING R-6, REQUESTED ZONING R-9MF AND R-9, Map #32.

Mr. Charles Henderson: Mr. Mayor and Members of the Council, I want to point out to you the location of the Graham Property that we are thinking about today. It is on Park Road, straight across the street from where Mr. Frank Graham lives. Mr. Clyde Graham who has recently died, left his widow and two sons, who now own this property. I have here a diagram in connection with the area. This is the area that sometime ago was zoned for office purposes and I am now pointing to the place where the All-State Office Building has just been completed. This is Park Road and it passes along here. Here is the big Esso Building and this is Woodlawn Road as it crosses Park Road. Now the property that we are talking about here is property that is marked undeveloped. It consists of 20 acres, 20 acres that goes all the way through from Park Road clear down to the creek. The property is rolling land, generally level enough for immediate use. It has a few trees on it, and this particular point here is a residence that belongs and is occupied by young Clyde Graham, Jr. His mother lives in an older house that is located at this point. I am now pointing at the place that Mr. Frank Graham, the uncle, lives just across the road. This property would back up to the houses that face on Montford Drive. There would be no houses that would face on to this property. It would back up to property on this little Mockingbird Lane.

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but again it would be back yards that face towards it. As you will notice here, there is a service station here now, this is the location of the Allstate Building, this is where the Wachovia Bank is going up right away. There is an existing service station down here, this is Seneca Place at that particular point. Now, we come to you with the realization that properly we should have before you a complete plan. We are working at the moment with a substantial investment on a lease arrangement. This is a proposed layout for a combination Office and Multi-family division. On Park Road, in accordance with recommendation made, the first 400 ft. back would be for office purposes, from that point on back, going down towards the creek, this large area would be a planned multi-family unit and the people with whom we are talking propose to put duplexes and triplexes around in the perimeter area, where in all instances they would be backing up to the houses that are over here. Incidentally, there are apartments in part of Mockingbird Lane. And then in your center section would come the two or three story buildings. Now, I want to say this. This is what we want. I have talked with various people about it and it may be that you will want to compromise and maybe you will want to say "Now look here, Henderson, don't ask for the whole thing, take a little less than the whole thing". And this plan, Park Road being down here and the office in here, this center section, consisting of about half being dedicated to apartments, and the extreme rear portion to a turn around court yard type for single family residences. Now the reason that we say that there should be a compromise, and if you gentlemen feel that it ought to be that way, it does protect this single family area back in here in that there would be no traffic that could come into the Madison Park area. That would cut considerably the value of the property for my people, so I would ask you if you will either do this, zone it for office back for 400 ft. and apartment type zoning the rest of the way. Do that if you will. If you feel that you just don't want to go all the way in there, I will ask you for the compromise, if you will give me this 400 ft. for offices and then the center area of about 600 ft. for apartments and the balance for that. Thank you.

Councilman Whittington: Charlie point out the gymnasium there on Park Road for me, so I get the directions.

Mr. Henderson: This is the gym and day school right here. You know there are apartments on Mockingbird and there is Mockingbird and the two service stations. Another service station is at Seneca Place.

Councilman Smith: How many acres in there?

Mr. Henderson: 20 acres in the entire Clyde Graham estate property.

Councilman Smith: They have got you down here for R-9MF and R-9, is that correct?

Mr. Henderson: That is a mistake.

Councilman Smith: That is R-6 now?

Councilman Whittington: You want R-6?

Mr. Henderson: Yes sir.

Mayor Brookshire: Are there any other questions? Thank you.

ITEM NO. 90 CHARLES HENDERSON, ATTORNEY, REPRESENTING W. FRANK GRAHAM ET AL (NOTE: NAME OF PETITIONER IS IN ERROR AND SHOULD BE GEORGE GOODYEAR COMPANY) PROPERTY LOCATED SOUTH OF GRAHAM OFFICE PARK, BETWEEN PARK ROAD AND SUGAW CREEK, ON EAST SIDE OPPOSITE HARRIS SUPER MARKET, PROPOSED ZONING R-6MF, REQUESTED ZONING O-15, Map #8.

Mayor Brookshire asked if Mr. Henderson wished to speak on Item 90, and Mr. Henderson replied he wanted the request to stand but did not wish to speak to it.

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ITEM NO. 91. MISS FRANCES M. GRIGG, PETITIONER, PROPERTY LOCATED AT NORTHWEST CORNER OF MILTON ROAD AND NEWELL-HICKORY GROVE ROAD, PROPOSED ZONING R-9MF, REQUESTED ZONING B-1, MAP #54.

Miss Frances M. Grigg: My name is Frances Grigg, Mr. Mayor and I have 3.09 acres of land on Milton Road and the Newell-Hickory Grove Road, which I understand is zoned for R-9MF and I would like to request it for B-1, for small businesses something that would be attractive and an asset to the community, and one thing we need badly out there is a Doctor's Office, and I do think that would be an idea spot for something of that type. Because of the shape of the property, it isn't suitable to be cut up into home sites, so I would like to request that this be considered for B-1.

Councilman Bryant: What is the closest area where there are Doctors?

Miss Grigg: The closest area where they are Doctors? To my knowledge Mecklenburg Avenue is the closest. I have a neighbor in bed now because Doctors refuse to come out. He has pneumonia.

Councilman Bryant: Do you have any doctor prospects who might be interested?

Miss Grigg: I have talked with my Doctor about - no I haven't gotten into that but I have thought about it for years and also the possibility of my own dress shop. I have owned this land since 1948 and I have only this for my security in my old age.

Councilman Bryant: May I ask, all these people who are down here tonight, have you talked to them?

Miss Grigg: I have talked with some of them.

Councilman Bryant: They do not object?

Miss Grigg: The ones I have talked with do not. And I am with them and I live in the community. I live in Grove Park. And of course I owned this property before Grove Park was there. I am happy to be a member of that Park.

Councilman Smith: Let me ask about the zoning. Business is what you are asking for? O-6 would take care of the Doctor but it wouldn't take care of the dress shop?

Miss Grigg: What does B-1 take care of?

Councilman Smith: B-1 is business.

Miss Grigg: Well, isn't Dress Shop business?

Councilman Smith: Yes.

Councilman Thrower: Miss Grigg, do you live there?

Miss Grigg: No, I live at 7310 Newell Road, where there is no business at all.

Councilman Smith: How far is your home from there?

Miss Grigg: It is about 2 blocks below there, down towards Hickory Grove.

ITEM NO. 94. JOHN D. SMALL, PETITIONER, LOCATION OF PROPERTY 505 FENTON PLACE 300 FEET OFF PROVIDENCE ROAD, PROPOSED ZONING R-6MF, REQUESTED ZONING O-6, Map #7.

Mr. John Small: I was scheduled to appear at your last meeting of the

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Planning Commission but I was called into Court and could not appear so this has not been presented to you. It is a very small, very personal request. I am a very fortunate home owner in Charlotte I have an oasis, or whatever you call it, 300 ft. off Providence Road, 180 ft. frontage, just as quiet and relaxed as any place in the country, and I'm very happy there but I favor progress and I am quite willing to see this become an Office zone. This is my home here in the center of the 3 lots and the office zone would pass through the rest of the property, I would have a rather nice home left residential but next to office. All that I am asking for is that you move the O-6 over to the right so that my home could, at the proper time, be remodeled and become doctors offices, or something like that. Back of me is Mrs. Gourmajenko, the former Mrs. Reynolds vacant property, just land, so she would not be hurt, and across the street you can see the situation. I'm simply asking you to pull over to the right one lot so that my home would be in the Office zone rather than residential. Then I would be still offering the City a buffer lot here to the right between office and residential, and could probably afford to build a small home there for rental purposes. As it is, a rather nice home in the midst of three lots and I would be sorry if I had to have this left residential next to office zoning because you couldn't do anything with it. Of course if it were divided up, you could turn it into a boarding home or something like that. That is about all. It would be O-6 from the solid line to the docket line and allow me an opportunity to do something with that rather sizeable investment, without hurting anyone because I would still give you a buffer line.

Councilman Albea: Did you say the Planning Board had not heard this?

Mr. Small: No sir, they have not. I was tied up in court and could not appear.

Councilman Thrower: My map shows that's proposed as B-1.

Councilman Albea: You are looking at the wrong place.

Councilman Smith: No, it is O-6 gentlemen.

Mr. Small: I just ask you to bear in mind I'm still offering you a buffer lot between Office and residential.

Councilman Smith: That is very unusual. Most people ask for all three.

Mr. Small: Well, I would like to have all three but I don't think - like Charlie Henderson said let's don't be too selfish. And I think you could probably go along with me on this. May I inquire - I'm sure you don't have the details. Would you like for me to leave this with you?

Councilman Smith: Let us give it to the Planning Commission.

Mr. Small: I have written my name on it. Thank you very much.

ITEM NO. 95. DON DAVIS, ATTORNEY, REPRESENTING RESIDENTS OF 2200 BLOCK OF SHENANDOAH AVENUE, PROPOSED ZONING R-6, REQUESTED ZONING SAME AS GIVEN 1600 BLOCK OF INDEPENDENCE BOULEVARD, Map No. 7.

Mr. Don Davis: Mr. Mayor and Members of the Council, this is in reference to the proposed zoning of the 1600 block of Independence Blvd. and I represent the property owners in the 2200 block of Shenandoah Avenue, and I have a petition that at this time I would like to present.

Councilman Smith: Where is the Catholic School in reference to this?

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Mr. Davis: This is St. Julien St. here of course it is north, you are going toward Pecan Avenue coming this way. The school is down here one block. It is right off The Plaza, Independence and Shenandoah. I represent all of the property owners who are residing on their property. There are five of them, Mr. and Mrs. Farrell, Mrs. and Mrs. Baker, Mr. and Mrs. Robinson and Mrs. Green who signed the petition in the absence of her husband. Now, it is proposed by the Planning Commission to zone the 1600 block of Independence Boulevard O-6. It is our understanding that residents of the 1600 block of Independence Boulevard desire B-1. Now, let us see what happens. We are set up for R-6, not R-6MF but R-6. All right now, you got all this traffic up here. Independence Boulevard is going to be a limited access expressway. When it does if you put business up here, you are going to get more traffic down here. These people down here have children. All right if you put O-6 up there, keep these people R-6 and these people want to borrow money, get a loan or something like that, they go to get it, their property value goes down. They will not get much unless they are O-6 themselves. You put this B-1, put up motels here, put up a service station, what you got, you have got all the back yards of these people facing it. This alley that is drawn here actually is just a strip of grass. That is all in the world it is. Make this B-1 up here and leave them R-6, they want to go borrow money, they can't borrow it. They can't sell it as residences, nobody wants to buy it being right behind a business. Now, gentlemen, what we should take into consideration here is that this is a complete block here and it would be a practical, realistical and logical to zone the 2200 block of Shenandoah the same as the block of Independence Boulevard is. If business or office institutions wanted to buy a lot, they could buy up here and also down here to provide parking with an exit on this alley, right here. What we want first of all, the people whom I represent, they want the 1600 block of Independence Boulevard to be some type of residential zoning. Secondly, they would if they had to go along with O-6 and thirdly, of course, we don't want it but if you are going to put it B-1 or possibly B-2, we have heard something about B-2, we want the same thing because the property will be valueless here if it is left R-6. Not MF, just plain R-6. Make that B-1 they can't get any money out of our property, in fact, can't even sell it. As time goes on it is going to be more and more practical on Shenandoah because Independence Boulevard is going to be a limited access expressway. That is what my guess would be.

Councilman Whittington: The 1600 block is between St. Julien and Westover, is that right?

Mr. Davis: Yes sir, that is correct.

Mayor Brookshire: Did you appear before the Planning Board with your request?

Mr. Davis: We have not.

ITEM NO. 96. MRS. T. C. WEIR, PETITIONER, LOCATION OF PROPERTY 1700 BLOCK OF INDEPENDENCE BOULEVARD, PROPOSED ZONING O-6, REQUESTED ZONING B-1, Map #7.

Mrs. T. C. Weir: Mr. Mayor, City Councilmen, I am Mrs. Mildred Weir of Independence Boulevard East. I don't have anything to present you other than a few words. As a parent, home owner and tax payer, and I hope I can be called a civic minded person also, I want to tell you a few of the reasons we have asked for Business-1 zoning on the few remaining blocks of Independence Boulevard East which are presently zoned residence. As property owners we feel that we will literally be strangled by a zoning to Office, as it has been evident to us in what has happened on a portion of Independence Boulevard already zoned office. The rezoned property has been converted slowly as Mr. McIntyre has mentioned, and traffic hazards have not been improved at all. I have no official count,

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but I would assume that a business operating out of a home would create more traffic hazard than as a home, because normally more cars would be coming in and out of the driveways. A zoning to Business will give investors an opportunity to analyze the situation as a whole and thus they will be able to decide what part or total amount can be used to best prove their needs. Proper restrictions coming from you, of course, aiming at designed results will permit the area to be developed to its best advantages. If you do not take this action now, we can see a thoroughfare lined with houses, with redesigned property all shapes and sizes, and sandwiched in between will be run down houses with ill kept yards. We are completely in sympathy with our opposition but we have had it for 12 years. We as property owners need proper relief in this situation. Can you imagine your own home on a street which creates enough interest to cause an estimated 15,000 to 19,000 people going to one building on a Sunday afternoon? That is what we have. Now, as I say, as homeowners, we need proper relief and we hope you as the deciding group will see the need to act now and zone our property to B-1 so that the City may have a useful and attractive expressway, into Charlotte and a pretty and safe street from downtown to our Auditorium and Coliseum and our most recent Merchandise Mart. Thank you.

ITEM NO. 97. C. W. BIGGERS, 6845 MILTON ROAD, LOCATION OF PROPERTY ALONG NORFOLK-SOUTHERN RAILROAD IN VICINITY OF HICKORY GROVE AREA, PROPOSED ZONING INDUSTRIAL, REQUESTED ZONING INDUSTRIAL AS DESIRED BY RAILROAD COMPANY Map #54.

Mr. C. W. Biggers: Mr. Mayor and Gentlemen of the Council, C. W. Biggers is my name. I live at 6845 Milton Road, directly in front of the portion that the Norfolk-Southern Railway now owns and by the way I sold it to them about 3½ years ago. I am very glad and I want to thank my fine friends of Hickory Grove. I thank you. I thank you. I am here tonight sirs for the sole purpose of justice. My presence here wasn't solicited by Norfolk-Southern Railroad, or even requested. I am here on my own. And I would like to cite this audience tonight, to about 6 years ago, October 20, 1955 there was a meeting in the Superior Court Building regarding zoning Industrial of that portion from Bradshaw Service Station down to Norfolk-Southern Railway on which my place is located and I came over here and fought industry with tooth and nail by myself. Hickory Grove was represented well that night. Now, I will give you my reasons. I have been living at Hickory Grove now about 17 years and I moved there from an Industrial site out near Thomasboro and if you know what I mean take a ride out the Mount Holly Road from the city limits to the river and you will know why I left. When I sold this property to the Norfolk-Southern Railway they gave me their honorable promise that nothing would ever be erected by them or would they permit anything that would distract from this fine community in which we live. Until they violate that promise, I am on their side. I did get an invitation here tonight tho, in the form of a bulletin and if you please you may look at it and see a copy of it. This special bulletin here which is a direct misrepresentation at the start of it. Norfolk-Southern doesn't own any land on Hickory Grove-Newell Road, other than their railroad track that runs through under that bridge, possibly longer, before a lot of these people were raised and born in Hickory Grove. I would like to ask the audience a question. How many in Hickory Grove and Grove Park, if you please, derive their livelihood, their daily bread from industry? I wouldn't ask a show of hands. I do and have been since 1922 and industry has been good to me and I am thankful for it. There is such a thing as justice. Sometimes it is not meted out and that is my sole purpose. The little lady, Miss Frances Grigg, her property adjoins mine, she has requested a portion of that be zoned as you have just heard. She adjoins me where I live.

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And for your information, when our good Presbyterian people, I use to belong to the Presbyterian Church, I am a Methodist now, when they were contemplating building their nice church, they came to me to purchase the six acres or seven acres of land where I now reside directly across and in front of this in question tonight on which to build a church. I made them a very reasonable offer and they refused. Well, that is all right, it wasn't for sale anyway. Now, I am for the upbuilding of the Kingdom of God wherever I am or wherever I live and wherever I may be, I belong to the Hickory Grove Methodist Church. I teach a dear old ladies class there every Sunday that I am able and I haven't missed in many a day. My tithe is paid up to date. And what I don't understand is why a sane thinking person would want to stall a respectful industry that has been very good to all of us out there. It pays a great part of the budget of our church. I wouldn't say anything about it, and I never intended to before tonight, but the beautiful box shrubbery that surrounds our chapel at our Hickory Grove Methodist Church was put there by money directly from Norfolk-Southern Railroad; the furniture that is in one of the Sunday School Class rooms and also the dear old ladies class which I teach was also directly from Norfolk-Southern Railway proceeds through my tithe and that is just a small portion that Hickory Grove Methodist Church has realized. Is my time up?

Mayor Brookshire: It is up, if you would like to say more on the subject, why just wait around and we will give you a further opportunity later on.

Mr. Biggers: I thank you very much.

ITEM NO. 98. C. R. GEORGE, 1409 HEATHER LANE, PETITIONER, PROPERTY LOCATED ON PARK ROAD OPPOSITE PARK ROAD SHOPPING CENTER, PROPOSED ZONING O-6, REQUESTED ZONING RESIDENTIAL, Map #10

Mr. C. R. George: My name is C. R. George residing at 1409 Heather Lane. I believe if I am not mistaken that is shown on Map 10, anyway if I mention that its across from the Park Road Shopping Center you will know immediately where it is. This area has been over the past 5 or 6 years considered one of the hot zoning areas. We have petitioned Council, petitioned the Planning Board in every instance over these many years and most recently I spoke to the Planning Commission when they had their hearings and presented to them, and at the same time presented to the City Council, every member then on City Council, a copy of the petition signed by in excess of 200 property owners residing on the west side of Park Road, between Hillside Avenue and Woodlawn Road. More recently, you heard from some of my other neighbors in that area. But I come again and I truly wasn't planning on coming down because I thought you had heard from me enough times in the past but I felt this was winding up and I should appear again. I talked with many of my neighbors and they asked me if I would come back again. We filed a letter again with the Planning Commission and with the Council reiterating our stand which we had taken over the past, 5, 6 or 7 years. In your judgment, wise judgment, you refused to change the zoning in the past. We ask you again to follow that wise judgment. Not to zone it O-6, I believe O-6 is the zoning they are asking for. We purchased our property there, and I was the first of two to purchase property in that area, which might now generally be referred to as Ashford Park; however, the portion I bought was Heather Knoll at the time but we purchased here with the thought that we were going to have a home not the most expensive home in the city but a home of which we were proud, an area in which we were pleased to rear our children. It was near good schools and good churches. We had access to those without encountering the hazards which are adherent to much business. Subsequent to that, the Park Road Shopping Center was

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built, that grew kind of quickly and we had it. But now, we believe that with the Park Road Shopping Center on the other side of the road, and with a wide natural buffer that you have coming down Park Road, that you should not cross over Park Road to begin to commercialize it and draw an imaginary line behind what is already there and that is all you would be doing is zigzag an imaginary line because once that is started, it is inherent and will continue to cause creeping paralysis. It has done it in other areas and I don't see how it could be avoided here. We feel we have an ample business area, ample business space and we don't need any more offices along Park Road. In the areas in which there are office buildings, I've talked to many and I am in business and need office space myself, they are not particularly interested in it but the interest comes from those who have subsequently bought the property there after the shopping center was built, with the thought in mind that this would some day be zoned business and they could make some money. I have talked to people who did it and they have admitted it. We think that zoning, basically is for public interest, I believe you think the same. But how much better can the public interest be served than to serve the homeowner and when 99% of the homeowners in a given area, and I say 99% and it could very well be 99 and 3/4%, want to remain as is, and not to have multi-offices adjacent to them, not to create traffic hazards, to rear their children to become good citizens, then what more interest can you gentlemen give to good public interest than to consider the request of all the people in that area to let it remain as it is or equal to it under some new code numberization but to hold it to its present status. Are there any questions that you want to ask me about the area?

Councilman Whittington: Do you know the depth of these lots facing Park Road opposite the Parking Center?

Mr. George: Approximately 290 ft. It is right there about. It zigzags. It's a variable line. We welcome your visit to our area. We are proud of it, we want to stay there, we love the City and come out and look at it for yourselves. Thank you.

ITEM NO. 99. WITHDRAWN.

ITEM NO. 101 M. LEE HEATH, PETITIONER, LOCATION OF PROPERTY HAWTHORNE LANE, FROM HAYWOOD COURT TO KENSINGTON DRIVE, PROPOSED ZONING R-6MF, REQUESTED ZONING I-2, MAP #6.

Mr. Lee Heath: Gentlemen, maybe I had better tell you that this property is adjacent to McKesson & Robbins, you know where that is, and Burwell & Dunn on Hawthorne Lane. I had figured to take this matter up, as a matter of fact it just slipped by, with you sometime ago. I should have taken it up with the Planning Board and I will do that yet and I think that we could work it out. Here going north on Hawthorne Lane, if you will follow me, up to Kensington Drive, right past Kensington extending out to Hawthorne Lane, is this building of McKesson.

Councilman Smith: Would that be from Kensington up to Croft?

Mr. Heath: That is correct. My problem is this - it feathers out at about Kensington as I-2, but you will notice we don't have any depth there yet, it is I-2 and the problem is if and when we are ready to build, we would be confronted with how far and what is your depth. It has never actually been defined, this zoning classification that has been there since 1947. I have never asked for a change. It is all acreage in there. Hawthorne Lane was put in there some 10, 11, 12 years ago, so these lots actually were facing and proposed to face the other street. Now that Hawthorne Lane is in there, this building has been built, the Burwell & Dunn, and another building is being built there and one is under construction now on the opposite side of the street. We would like to define it in some way and I think the Planning Commission and I could get together but I thought perhaps it should be brought up now since you are treating the situation as you are.

Councilman Smith: What do you want it changed to?

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Mr. Heath: I-2 as it is extended or the length of that property to whatever depth you consider that we should have. McKesson Building took about 350 ft. If we develop the property immediately adjacent to it on the north side we should have an equal amount of depth and as it is now we don't have it.

Councilman Whittington: Do you go all the way back to Pecan?

Mr. Heath: Go back to Pecan? I will be willing if you gentlemen are. The last planning was to go back to that alley, as a buffer.

Councilman Thrower: Do you want to go any further north than to Chestnut Street?

Mr. Heath: Yes sir, to the end of the property to the rear of Haywood Court or some where in there. I am sorry I don't have a blown up block map on this but to Haywood Court would be safe.

Councilman Whittington: Lee, in other words, you want to go from Haywood Court over to Pecan and down Pecan?

Mr. Heath: Not to Pecan, to the rear of Pecan.

Councilman Smith: Get a red pencil and I will put this down and pass it around so we can all see what we are talking about, so we can all understand you.

Mr. Heath: Mr. Smith, this where I have indicated there in red. Mr. Whittington it does not go up to Pecan, it is to the rear of Pecan.

Councilman Smith: Your problem is getting depth up there on that industrial property which you don't have?

Mr. Heath: Yes sir, that I don't have now, it is just a vacant field now. That is correct and then if we took out an application or something tomorrow, the question would come up as to the depth of the property and what it is, when it was defined. I think you have had that problem before on other things, and how far back you go. There is no problem as far as the zoning goes, except I am asking an extension to the end of the property.

ITEM NO. 100 JAMES O. GRAHAM ET AL, PETITIONERS, J. H. CHEATWOOD AS SPOKESMAN, PROPERTY LOCATED IN 3100 BLOCK OF SHENANDOAH AVENUE, PROPOSED ZONING R-6, REQUESTED ZONING B-1 OR SAME AS GIVEN 2500 AND 2600 BLOCKS OF INDEPENDENCE BOULEVARD, Map #22.

Mr. J. H. Cheatwood: Mr. Mayor, I am Hoyt Cheatwood. Gentlemen this is a zoning petition for the 3100 block of Shenandoah Avenue. We made this request to change the zoning of the 3100 block Shenandoah from the present residential zoning to conform to the zoning of the property in the 2500 and 2600 blocks of Independence Boulevard which immediately adjoins the lots fronting on Shenandoah Avenue. The entire complexity of this area is undergoing considerable change. The area is rapidly assuming the appearance of a business area. Office Buildings and other structures are detracting from the residential atmosphere that once existed. The construction of the Merchandise Mart brings these facts sharply into focus. The Mart while solving one problem of space to display goods has created another problem to the people in the adjacent area. The problem of increased traffic and the confusion is not conducive to a residential area. We believe the City Council and the Planning Commission would accomplish a two-fold purpose by changing the zoning of the 3100 block of Shenandoah Avenue to conform to this zoning

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of the 2500 and 2600 blocks of Independence Boulevard to relieve the problem that now exists to the homeowners and the increased traffic and the noise, confusion that result from the flow of commerce and industry between Merchandise Mart and the Coliseum. This would encourage the construction of buildings that enhance the general area of the Coliseum rather than detracting from it. Your affirmative action on this petition is respectfully requested. Thank you gentlemen.

Councilman Whittington: Mr. Cheatwood, you are referring to Shenandoah Avenue between Rockway and what street?

Mr. Cheatwood: No sir, its between Briar Creek and Waterman.

Councilman Whittington: Between Briar Creek and Waterman Avenue?

Mr. Cheatwood: Yes, sir.

Councilman Smith: What are those lots, 150 ft. deep?

Mr. Cheatwood: 160 ft.

Mr. Cheatwood filed a petition with the City Clerk signed by the residents of the 3100 block of Shenandoah Avenue.

ITEM NO. 102. DR. W. H. STRAUGHN, PETITIONER, LOCATION OF PROPERTY ALONG PARK ROAD OPPOSITE PARK ROAD SHOPPING CENTER, PROPOSED ZONING O-6, REQUESTED ZONING O-6, Map #10.

Dr. W. H. Straughn: Honorable Mayor, members of the City Council and the Planning Commission, it is a pleasure to talk to this group because believe me you would have to go a mighty long way to find a group that has been involved even in elections over the zoning question. There are two or three prayer groups going in or out, that is really something that would give anyone gray hair. Now, as the property owners along Park Road on the west side to Woodlawn, we are interested in this O-6 rezoning the Planning Commission has recommended. Someone has said that they bought with speculation. Of the 17 properties, that may be true of three, Dr. Rietzle, Dr. Palmer and myself, but of the other 15 properties some of them were purchased as early as 1902 which is a good many years ago. Those people purchased out there for homes and residences prior to the Shopping Center. Now, along Park Road we have a considerable change. When I first moved out there I took a traffic count - 3000 in a 2400 hour period. Now, 4 years later I run a traffic count on a Friday, 24 hour, 12,000 cars. That is a big change. Now it isn't because of our being out there, it is partly the shopping center, it is the Esso Building, it is going to be Allstate, who has a nice new building going up. The Celanese Plant out there, the New Eastern Ticket office, all of this is going to increase the traffic out there. The fine homes of Ervin, some of the other realtors that have built homes out there, that is going to increase the traffic even more. Some of kthese people that have been objecting to the fact that we want offices say it is going to create more traffic. These people who say they have these homes out here for their children to raise them up, they wouldn't even be interested if they weren't putting a stop traffic light to help get across the street from Heather Lane across Park Road which is a six lane road and as you can see from the statistics that I quoted how heavy the traffic is. We do need some stop lights out there regardless of how the zoning goes. You had better be considering some more stop lights there before there is some serious accidents in the area. Now, I say that I would like to see the zoning commission plan for O-6 zoning upheld. I would like to submit this as a last item, there were not any of the adjoining property owners to appear against this with the exception of perhaps two, Mr. Potter and Mr. Davis and what they had to say is that

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they would like to have the depths go deeper. In other words, the same depth all the way back across the entire property area which was approximately 300 ft. rather than cutting it up and then coming in 100 ft. on a few properties and then back down into another depth again. In other words, making an uneven depth line. Thank you very much.

ITEM NO. 92. REVEREND D. J. ABERNATHY, PASTOR, HICKORY GROVE BAPTIST CHURCH, PETITIONER, LOCATION OF PROPERTY MILTON ROAD AND NEWELL-HICKORY GROVE ROADS, PROPOSED ZONING R-9MF, REQUESTED ZONING OPPOSED TO ANY INDUSTRIAL ZONING.

Rev. D. J. Abernathy: Mr. Mayor and City Council members, I would like to have Mr. Aubrey Wright, one of our church members to speak first. How much time do we have?

Mayor Brookshire: 5 minutes - that is you and he may have 5 minutes each - 10 minutes is allowed for each item.

Mr. Aubrey Wright: Mr. Mayor and members of the City Council and Planning Commission, I am Aubrey Wright, I live at 3731 North Sharon-Amity Road in the Hickory Grove Community. I would like to speak with you just briefly, mainly in the interest of the churches of the Hickory Grove Community. Some 7 years ago when we were considering the need for an additional church in the area, namely a Baptist Church, we checked with the Real Estate Board in the City and were told that that area would become one of the largest if not the largest residential area in Charlotte. That the intersection to the Delta Airbase Road and Hickory Grove Road would be the center of such residential section. So with that information in mind, we made our plans accordingly, purchased some 15 acres of land there at the corner and proceeded with our building plans. We planned an outlay of something over a million dollars there, we have already spent in excess of \$400,000.00 there in planning for a church to care for the spiritual needs of the people in the community such as we envisioned from the information given by the real estate board. Likewise, our Methodist friends have enlarged their church, a rather considerable expenditure and the Presbyterian has built as you heard earlier from Mr. Biggers. The coming of these churches into the neighborhood has increased the value of our property out there as they always do. But now with this request for a change in the zoning of the property owned by the Norfolk-Southern Railroad, we are faced with a decline in that area. And we feel that it is not in keeping with the plans that have been made for that community back through the years and we respectfully request that you not make this change in zoning but rather we prefer to have it left as is, feeling that it is in the best interest of the community. We feel that such a change would split a large area. We have residences on all sides of this area that is considered for rezoning and such a change would split this area, bringing into the center of it heavy industry which certainly would detract from the community and would certainly affect the future growth of all the churches in that neighborhood and would have a direct bearing on the natural security of such churches in the plans that they have made, and the expenditures that they have already put into that property.

Rev. D. J. Abernathy: Gentlemen, I came to the pastorate of the Hickory Grove Baptist Church three years ago the first of this December and our growth in the area has been something phenomenal. We have seen our Sunday School growth and our Church growth in these 6 years to the present membership of above 750 and our Sunday School enrollment is at present above 1,100. Now with Sunday School enrollment of above 1,100 people, we have had to continue to construct buildings and they are buildings of beauty, and buildings with the future in mind. We have at present over \$400,000.00 invested on 15 acres of land because we believe that this church, along with our Methodist friends in the neighborhood and with our Presbyterian friends who are in the neighborhood and who are also growing rapidly, will be ministering not only to hundreds but to thousands of

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people, and I do not feel that I am visionary when I say that I believe that membership of the church which I am now pastor of will within the next 10 years come to a membership of 3000 members. I believe that the people are in the area. We feel that the area we are serving that is continuing to grow is possibly only 25% developed at present as far as residences are concerned, and if you have ever looked through a pastor's eye at an impossible situation you can understand how I feel when I realize that our church, as is the Methodist and Presbyterian Church in our community, are trying to minister to 10 large communities. We are trying to serve Briarwood and Cedarbrook, Shamrock Hills, Marlwood Acres, Hickory Acres, Lake Forest, Grove Park, Darby Acres, Verndale and Shenandoah Park and also Windsor Park and there are several other small areas whose names do not come to me at present that we are trying to serve. This means that if industry comes into the area that is now owned by Norfolk-Southern Railroad, that this heavy industry will be detrimental to the building future of the community of which we are a part. Now, I never have believed anything but that our City Council and our Planning Board was in favor of the very best future for the City of Charlotte, I have believed that all the time, but I believe that you men know that heavy industry in a strictly residential area is detrimental to its continued growth. It causes a cheapening of homes; it causes some of the citizens who now live in the areas to decide they will move away. And of course it has been the hope of our people that the industry could be kept in a certain area and that the residential area could be kept in the area where it is, We further believe that this area is the residential growth of Charlotte, we believe that we have out there beautiful homes, wonderful group of people and we believe that it will be the kind of community that citizens would want to live in, and for this reason we are very much in hope that you gentlemen will see fit to not zone this for heavy industry but to leave this for residential and for light industry. Thank you very much.

MEETING RECESSED FOR FIVE MINUTES.

Mayor Brookshire: We will now take a five minute recess.

MEETING RECONVENED.

The meeting was reconvened and the Hearing was continued.

ITEM NO. 93. JAMES D. MCDUFFEY, PETITIONER, LOCATION OF PROPERTY NORTHWEST CORNER OF BRANDYWINE AND WESTFIELD ROAD, PROPOSED ZONING R-6, REQUESTED ZONING O-6, Map #8.

Mr. James D. McDuffey: Mr. Mayor I did not realize that I was taking up Mr. Ervin's time. I just came in and thought I was the last one and there are two reasons really that I came. One was Mr. Whittington said they were going to ride around in a bus and look over these places and I felt like if you rode by this particular place it might be on your conscience a little bit that it is not suited for residences. Secondly, it cost me a hundred dollars the last time I saw it.

Councilman Smith: Mr. McDuffey, I believe you have a "For Rent" sign on that house?

Mr. McDuffey: And a "For Sale" too and I am going to propose that the City buy it if you don't rezone it. I have had three calls in three months. I think that indicates -

Mayor Brookshire: It is proposed for R-6, you are asking for what?

Mr. McDuffey: Well, originally I wanted it for Office when I bought the thing I was told by a few people in the neighborhood that it would be alright, since the house was run down and no one would live in it.

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Then we asked for that rezoning in January which was turned down. Had a little opposition mainly from one party who secured a petition. Anyway if I cannot get Office-Institutional, the next step I understand is R-6 for Multi-family which would give us an opportunity to use the 45 ft. that is in the creek. It would take a large building apartment type of some sort that you could afford to go over the creek, something like they did at Charlottetown Mall and if you do drive by this place you will see that it is really already business because there are 2 or 3 billboards on the Park Road Shopping Center side that they have to read over my property. I understand in New York they have some kind of provision where you pay for air space, you know if you had a business sign and they read over it - Of course, the Bank of Charlotte corrected that in one instance down where Young Ford has signs reading over their property, but I can't do that because my property is not rezoned for business but what I have is garbage cans on a nice red bank that is not quite as high as the house in my back yard. The county dredged out the creek, took 30 ft. or more off the first two lots so that the creek would not flood the other houses. And then the City and State neither will admit which secured the right of way and the road is within 6 ft. of the house and about 6 ft. up so that when cars have a blow out, he can be in my living room apt as not. And I have letters from both the City and the State saying that the other secured the right of way and about 3 ft. or more of the bridge is on the property and Mr. Dellinger had it surveyed once to show that this was true but we have not been able to get anybody else to do anything about it. But anyway, I wish you would consider either O-6 I believe you call it now or R-6 Multi-family. I believe after you look at it I am sure you will agree it should be something that it isn't now.

Councilman Smith: Are you asking for R-6 or O-6?

Mr. McDuffey: Well, either one except what it is.

Mayor Brookshire: Well, it is going to be R-6 if we follow the Planning Board,

Mr. McDuffey: R-6 but not multi-family. They originally had it scheduled for flood which means it ain't fit for nothing. I think everybody would agree to that, but I mean since there is already a house there, it oughta be something other than residence. I can't afford to spend any money to fix the house for it to sit vacant. The type of people that it will draw to live in it, well it just wouldn't support-

Councilman Smith: Do you still want to put your office in there?

Mr. McDuffey: Well, I have mixed emotions about that.

Councilman Albea: Would you be satisfied with multi-family zoning?

Mr. McDuffey: Well, we could use the property then. Actually what I would like to do if it is possible is to build a nice brick wall like they did across Park Road at the Doctors Building, which would separate it from the neighborhood. I am sure it could only improve the neighborhood if you have been through there and the houses are generally declining because you can't get loans on them because of the flood situation which supposedly has been corrected and mainly because of the sacrifices of the first two lots, the one that I own and the one next to it because they did take quite a bit of the property in widening the creek, so your consideration to either of the two would be better.

NOTE: The conversation between Mr. McDuffey and Mr. W. J. Elvin, spectator, not clear and therefore not transcribed.

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ITEM NO. 65 ERVIN CONSTRUCTION COMPANY PETITIONER, LOCATION OF PROPERTY EAST OF ALBEMARLE ROAD, BETWEEN INDEPENDENCE BOULEVARD AND PIERSON DRIVE (TRACT A), PROPOSED ZONING R-9MF, REQUESTED ZONING B-2, Map #22.

Mr. Charles Ervin: Mr. Mayor and Gentlemen of the City Council, we appreciate your taking your time to be here tonight and hear these requests. On the left here we have a city map of the City of Charlotte indicating the areas in which the Ervin Construction Company is presently operating and so that we might not take too much of your time tonight, you might at your leisure make a study of this, we have prepared for each member of the City Council and for each member of the Planning Commission and Mr. Veeder and Mr. Devaney, etc. a brochure which we hope perhaps will be informative and at the same time not take too much of your time. If you folks will pass them around there, Jimmy normally sells houses but tonight he is helping me with the maps.

Gentlemen, we have before us here several requests for consideration. There might seem to be a fair number of them, but I believe in view of the number of area in which we are operating these requests are not too numerous considering the extent of the area. On this map here, as I mentioned, are the areas in which we are operating and there are approximately 10,000 undeveloped properties in those areas and we do want to thank and compliment the Planning Commission on the very excellent study that they have made, we think they have done a real good job and would like to offer these few suggestions for your and their consideration. We have in the little brochure, Gentlemen, starting off with request No. 1, you have an aerial view there of the Independence Boulevard, Albemarle Road area and then we have broken that down into 3 tracts, A, B & C. Also, in your brochure is a detail map of each individual area indicating the zoning map number and we have taken that same sketch and put it on a large scale so that you may get a view of it as we are talking about it.

This is Zoning Map #22 we are discussing now. It will be the first map that you are looking at. Gentlemen on this map, I would like to point out here, this is Independence Boulevard here, and Albemarle Road here. Albemarle Road along here has a width of 150 feet. This particular request, the property presently is zoned B-1 back 300 ft. and it is zoned B-2 back to where you can see the red coloring in here. We are particularly concerned about this piece of property because we have been working with it now for a number of years towards eventually developing into business. Some years ago, as stated in your brochure there, we approached the Planning Commission on putting a street in, in this manner here and dead-ending it here. At that time, the Planning Commission stated that they would prefer this street being made a turn-around so that the houses that you see along here in red would back up to what might eventually become business property, the thinking being, I imagine, that this being zoned business here in a sliver and if this were not zoned business, then of course, the front of the property would not be usable. We felt that this was excellent planning. However, in order to do this, we purchased three other pieces of property one here, and we did not at this time own this tract of property here. So we made these purchases and then put Collier Court into a turn-around fashion as it now exists with the houses backing up to what we are requesting business zoning on. This will be indicated on your aerial photograph there as the very first photograph in the book, as Tract No. A and you will notice also that back along here we have planted shrubbery, etc. as a potential buffer or as a buffer to potential business here. Also there has been several thousand dollars spent in building this area and we believe that it represents one of the nicest business pieces of property in the City of Charlotte. I would like very much for you to consider zoning that B-2

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ITEM NO. 66. ERVIN CONSTRUCTION COMPANY, PETITIONER, LOCATION OF PROPERTY EAST OF ALBEMARLE ROAD, BETWEEN PIERSON DRIVE AND SHARON AMITY ROAD (TRACT B), PROPOSED ZONING R-9MF, REQUESTED ZONING B-2, Map #22.

Mr. Charles Ervin: This gentlemen is known as Tract B in your folder there and carries on down on the other side of Pierson Drive and on each side of Albemarle Road, a distance as you will notice of 1,070 ft. here and 357 ft. here. Now, we also own the property immediately behind this tract here and plan to develop with duplex units backing up to this requested business zoning here and with single family residences coming on out to Sharon-Amity Road. That is known as Tract No. B and is also noted in the same aerial photograph which gives you a pretty good view of it.

ITEM NO. 67. ERVIN CONSTRUCTION COMPANY, PETITIONER, LOCATION OF PROPERTY WEST OF ALBEMARLE ROAD, BETWEEN PIERSON DRIVE AND DRIFTWOOD DRIVE (TRACT C), PROPOSED ZONING R-9MF, REQUESTED ZONING B-2, Map #22

Mr. Charles Ervin: Tract C is on the same zoning map and in the same photograph right here. We have just recently completed or are in the process of completing 100 single family homes and two duplexes in the area we call Sheffield right here. This was specifically planned so that these duplexes all along here would back up to what we had later planned and hoped would be business property. These homes are all sold and sold with the statement and anticipation of this being business property here. A great portion of this tract and this tract both have been graded. We believe these two being on the highway represent excellent business property and request your consideration of that situation there. We might also add that this is the first sub-division in the City of Charlotte to have concrete sidewalks throughout the entire area, and it is shaping up mighty good.

ITEM NO. 68. ERVIN CONSTRUCTION COMPANY, PETITIONER, LOCATION OF PROPERTY ALONG NORTH SIDE OF INDEPENDENCE BOULEVARD, FROM NORTHEAST CORNER OF WALLACE LANE AND INDEPENDENCE BOULEVARD (TRACT A), PROPOSED ZONING R-9, REQUESTED ZONING B-2, Map #25.

Mr. Charles Ervin: Gentlemen this is on Zoning Map No. 25 which is the second zoning map that you have there and we have also colored in other property on here thinking that perhaps you will want to get a picture of the entire Boulevard area. The property which we are discussing now is Tract A, represented as Request No. 4, in our brochure. In this area of Independence Boulevard there are very few homes as your aerial map will indicate. The Ervin Construction Company owns the property to the rear of here and intends to develop this residentially. Now, gentlemen, our thoughts as we turn back to the overall Boulevard for one moment is this. We realize this represents a real problem for the Planning Commission and for the Council as to what to do with Independence Blvd. Our thinking is that the area is not suitable for residential construction. In fact we prefer as builders not to be identified with residential construction on the Boulevard. Now this is already proposed to be zoned business here and here. Mason Wallace has requested an O-15 zoning here from the School to this point here. And we think, that perhaps with the width of Independence Boulevard, if you have a business zoning there this will keep from creating a problem which is a very real problem on up Independence Boulevard now. We believe that anything other than certain types of business in this area would only come up and face you probably 5 or 10 years from now. If it were built up residentially and you are faced with the same problem which we don't know the answer to and I am sure it is a very complex problem as you have on back on Independence Boulevard where there are single family residences. We

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believe that if developed properly that it will be a real asset to the city. In fact, the first choice of Eastern Airlines of a site was this area right here to put their building and they would have except for electric power facilities could not get power coming in two directions, but they indicated to us that this was one of their first choices or the first choice. I think something of that nature, would be a real asset to the community. We have owned the property for about 5 or 6 years and are in no hurry about it and we will keep it a long time to make sure that it is developed properly if it is zoned business.

Councilman Whittington: Do you want 400 ft. there?

Mr. Ervin: Mr. Whittington, we have indicated 400 ft., yes sir. This in checking with the Planning Commission seems to be the thinking. If I am not mistaken, at the last zoning in 1955 the thinking was 300 ft. deep, but the thinking now by the Planners is that you should have at least 400 ft. for a business zone so that you can take emphasis off the Boulevard and have plenty of parking area. This is our understanding in checking with them and also by the fact that the proposed zoning is 400 ft. deep on other areas on the Boulevard where business has been proposed.

ITEM NO. 69. ERVIN CONSTRUCTION COMPANY, PETITIONER, LOCATION OF PROPERTY ON SOUTH SIDE OF INDEPENDENCE BOULEVARD, BETWEEN INDEPENDENCE BOULEVARD AND WALLACE ROAD, NORTH OF WOODBURY ROAD (TRACT B), PROPOSED ZONING R-12, REQUESTED ZONING B-2, Map #25.

Mr. Charles Ervin: Tract B is the same situation right here and is shown in the same aerial photograph and is known as Request No. 5. Here we have a situation where we do not have proper depth and it will have to be handled very carefully in order to put business on here that would be an asset to the City and the property owner but there is very little you can do. It is between Independence Boulevard and Wallace Road here. It is 1900 ft. on the Boulevard and at this point there is only 62 ft. deep and this point about 360 ft.

Mayor Brookshire: What kind of development did you have in mind there if it is zoned B-2?

Mr. Ervin: Mr. Brookshire I could not answer you correctly because we have not studied it that far. I may add this, that in studying all these areas we have tried to look, not for today or tomorrow, but to several years hence, and this is the reason that we have gone over it carefully and considered each particular area. Off hand, if you would ask me the question, I would say some type of motel development or perhaps an office building type development. There is only one thing that I could promise you it will not be a service station.

Mayor Brookshire: It would make a real attractive garden park, wouldn't it?

Mr. Ervin: It certainly would, and one of the members of the City Council has already asked me about that.

ITEM NO. 70. ERVIN CONSTRUCTION COMPANY, PETITIONER, LOCATION OF PROPERTY NORTH OF REA ROAD, SOUTH OF MCALPINE CREEK, WEST OF OLD PROVIDENCE ROAD, PROPOSED ZONING R-15, REQUESTED ZONING R-12.

Mr. Charles Ervin: This, gentlemen, is request No. 6 and is shown on Map #29. and consists of 318 acres on Old Providence Road and Rea Road. The present proposed zoning is R-15, we are requesting R-12 because of wells and septic tanks. This is not the case, however, we have

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arranged for city water and we are constructing a sewer disposal plant right here so we will have, as you think of it, city water and city sewer. On that basis, we feel that an R-12 or 12,000 sq. ft. in the lot or a normal lot of about 80 x 150 would perhaps be ample.

Councilman Smith: How much acreage do you have in that tract?

Mr. Ervin: 318 acres. There will be approximately 600 homes.

ITEM NO. 71 ERVIN CONSTRUCTION COMPANY, PETITIONER, LOCATION OF PROPERTY NORTHWEST OF INTERSECTION OF EMERYWOOD ROAD AND LONDONDERRY ROAD, SOUTHEAST OF EDWARDS LUMBER COMPANY, PROPOSED ZONING R-9, REQUESTED ZONING O-6, Map #32.

Mr. Charles Ervin: This gentlemen is request No. 7. As indicated on your aerial photograph of the Montclair-Starmount Area. This area is located right here. I do think that in referring to this particular area and by the way when we have completed the development in there there will be about 2500 homes, the plan is now for 3 elementary schools. There is already two, Montclair and Starmount and the School Board is looking for another site. There will be perhaps 3 elementary schools. Montclair Shopping Center is along here. I think it is a credit to the Planning Commission and to our Company that in all of this development here, there is only one small request that we have, and it is a rather minor one but I think that it is a credit to develop the community like that and the Planning Commission has been very helpful to us on all these streets in arranging them and so forth. The only request that we have is on the corner of Londonderry and Emerywood Road. This request was brought about by the fact that we held 5 lots off the market when we first developed the Montclair Area and I believe this has been done since the Planning Commission has studied that map. In fact, there are 4 new duplexes already constructed and occupied right here. Our thinking was that this would act as a kind of buffer between the Edwards Lumber Company here and the single family residences and the Montclair Shopping Center here. We are requesting O-6 on this to give us an opportunity to put either an efficiency apartment unit or doctor's office or something like that on this corner here which would buffer this area here. The proposed zoning I believe is R-9, therefore the duplexes which are constructed here would be non-conforming at the time if the zoning is not changed.

ITEM NO. 72. ERVIN CONSTRUCTION COMPANY, PETITIONER, LOCATION OF PROPERTY NORTHWEST OF INTERSECTION OF HOSKINS ROAD AND BEATTIES FORD ROAD, PROPOSED ZONING B-1, O-6, AND R-6, REQUESTED ZONING B-2, Map #15.

Mr. Charles Ervin: Gentlemen, this is request No. 8 and is shown on the aerial view there. This property is located on Zoning Map #15 at the corner of Hoskins Road and Beatties Ford Road. We have a larger detailed map of this area right here. In studying this property very carefully, we believe that with the Carver College, which shows up on your aerial view there, that the normal movement of the negro population in the next coming years will be in University Park, Dalebrook and so forth and so on. And we have felt in developing this property that it would be an asset to the area, admittedly in the future, to have a nice negro shopping center here. Now adjacent to this property is the Piedmont Natural Gas property where they have an operation which they call the Peak Shaving Plant. This property is presently zoned R-6, I believe and the Piedmont Natural Gas has requested I-2 zoning so that their plant facilities, etc. would be in conformity with the current use that they now have. It is our thinking that this would be an ideal location for a Shopping Center, which would buffer the I-2 if granted to Piedmont Natural Gas, and the homes that we would build here. The sketch here indicates how we propose to lay out the property, there will be about 200 homes built in here. We have sold to the Friendship Baptist Church, a negro church in the Urban Renewal Area, a space

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right here for their church and we have discussed all our planning previously with the minister of the church and they have been heartily in favor of this type of development and would like to see it very much. We believe that it might be a good plan, we hope and believe that it would, because it would buffer your residential area. As we develop streets back in here, it would be our plan to back lots into the B-2 zoning and we believe that it would make good planning to do so.

Mr. Buel Duncan, President and General Manager, Piedmont Natural Gas Company: Mr. Mayor, I would like to speak to that. Would you rather that I do so now or come in later?

Mayor Brookshire: Now would be the proper time.

Mr. Duncan: Mr. Mayor, Gentlemen, I would like to speak to this a moment due to the fact that we own property as Mr. Ervin mentioned, at the corner of Hoskins and Beatties Ford Road. There we have a sizeable business and in studying the plan and knowing the area as I do, it seems to me that the suggestion Mr. Ervin has made is a good one and I would like to endorse it. I believe that for the welfare and the happiness, as far as everybody is concerned in that area, the residents would be happier adjoined to a B-2 zoning area rather than to the plant as it is now. The shopping center I am sure has been studied and that is a foregone conclusion I am sure or it wouldn't have been suggested. I think too that the proper place for the shopping center is as he suggested, adjacent to our property. I would like to endorse Mr. Ervin's suggestion on that.

Mr. Ervin: Thank you Mr. Duncan. Gentlemen that is noted -

Mayor Brookshire: Before you leave, the first lot at the corner of Hoskins and Beatties Ford Road, is that your property?

Mr. Ervin: Right here. No this is already proposed zoned B-1. The new ordinance proposed a B-1 zoning on that corner lot there. We do not own that. Our property stops right here. But that is proposed B-1. We should have had it on this map.

ITEM NO. 73. ERVIN CONSTRUCTION COMPANY, PETITIONER, LOCATION OF PROPERTY AT NORTHEAST CORNER OF HIGHWAY 16 AND CENTER STREET, PROPOSED ZONING R-6MF, REQUESTED ZONING B-2, Map #14.

Mr. Charles Ervin: The next request is No. 9 and is on the next aerial photograph. That is on Zoning Map No. 14. This gentlemen is located at the intersection of new Highway No. 16 as it comes off Rozzells Ferry Road and a little street called Centre Street. The situation here is this, this is an area where we had our shop previous to moving over to the Pineville Road and the proposed zoning on the area in here right now is I-2 and the proposed zoning here is I-2. We are currently developing a Shopping Center in this area. We have torn down a building. This area right here is the request that we now have. This is presently zoned R-6 and we are developing it in conjunction with our Shopping Center. As a matter of fact, we have already leases for our Shopping Center, we have leased to the A & P Store and have other in the making and we believe that a B-2 zoning here would properly buffer the I-2 zoning here and the residential homes here, even though they are rather modest homes, we believe that this would be good planning. We are currently negotiating for a little grocery store on that particular corner and intend to develop it in keeping with the over-all shopping center.

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ITEM NO. 74 , ERVIN CONSTRUCTION COMPANY, PETITIONER, LOCATION OF PROPERTY NORTH OF HIGHWAY I-85, EAST OF MULBERRY CHURCH ROAD (TRACT A), PROPOSED ZONING R-9 AND R-9MF, REQUESTED ZONING I-2, Map #13.

ITEM NO. 75. ERVIN CONSTRUCTION COMPANY, PETITIONER, LOCATION OF PROPERTY SOUTH OF HIGHWAY I-85, EAST OF MULBERRY CHURCH ROAD (TRACT B) PROPOSED ZONING R-9 AND R-9MF, REQUESTED ZONING B-2, Map #13.

Mr. Charles Ervin: Gentlemen, these are listed as requests No. 10 and No. 11 which both fall into the same category and perhaps we can cover them both at the same time. In order to explain the reason for this request I would like to slip this out and indicate to you a map of the City of Charlotte. This is the map of the City here and this is Douglas Municipal Airport colored in red here. However, within the last few weeks, and the Planning Commission has not gotten word of it, the FHA has made an intensive study of the airport area here. They have done it on the basis of a book that was put out by the Federal Aeronautics Aviation Committee, or whatever it is, which indicates and which states that residences should not be built or constructed within a certain area of an airport. The FHA, following that booklet has outlined in green as shown here on the city map, an area in which they will not accept loans for insurance. This means, of course, that the VA nor the FHA will go along with any insurance loans in this area here. The area indicated in red, indicates a larger area in which they will look with a very discerning eye on any loans in this area but will consider them for insurance perhaps on a guided basis. The property which we are speaking of is on Interstate #85, just back of the intersection of Interstate 85 and the Mulberry Church Road and is included in this green area right here. Now, if this area is ruled out, which it is by the FHA and VA, then for all practical purposes it has been ruled for residential structures. Here is a detailed map of the area again indicating Interstate 85, right up here is Mulberry Church Road. The proposed zoning on the corner of Mulberry Church Road down to our property is B-2, the present proposed zoning on both sides. We are requesting an I-2 zoning on this tract of land which we have here, 100 ft. on Interstate 85 going back and an R-2 zoning here 700 ft. deep. This is proposed as indicated here in green which is not acceptable to the FHA or the VA. We have requested an I-2 zoning because of our interpretation of the zoning ordinance, I-2 is the only zoning which would permit a Trucking Terminal such as the Mason-Dixon, and Akers, which is right up the street a little bit and as Johnson trucking terminals like that. We believe that this property is a long time off in developing but yet we are willing to sit and hold it because we cannot do anything else with it zoned Residential, of course. We believe that this highway here with an access road which does not permit industry on the highway, will be one of the main arteries and one of the main business areas of Charlotte as brought out by General Motors which has purchased a beautiful tract nearby and by the many trucking terminals. This would seem to be a very natural development for Charlotte along this main highway. We own this property right here, which is outside of the zone ruled out by the FHA in which we would propose to build homes and we would propose to make the minimum depth on each lot to be 200 ft. which would back up to the zoning of Tract A here. These homes go on through to Mulberry Church Road in front of the Mulberry Church.

Mayor Brookshire: The Planning Commission has recommended what, R-9?

Mr. Ervin: Yes Sir, R-9.

Councilman Whittington: This Mulberry Road that you are referring to is the road that crosses Highway 85 and runs directly into the front of Mulberry Church at Tuckaseegee?

Mr. Ervin: That is correct. In other words that road goes through as you say and runs right in front of the Church. Our property goes all the way from here to the Church here. We propose to zone residentially through here and about 300 ft. maybe 400 ft. here, to this road here, which we do not own and on which homes are built now.

2ND JG

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ITEM NO. 76. ERVIN CONSTRUCTION COMPANY, PETITIONER, LOCATION OF PROPERTY WEST SIDE OF MILTON ROAD, SOUTH OF THE PLAZA-MILTON ROAD INTERSECTION, PROPOSED ZONING R-9, REQUESTED ZONING B-1, Map #19

ITEM NO. 77. ERVIN CONSTRUCTION COMPANY, PETITIONER, LOCATION OF PROPERTY EAST SIDE OF MILTON ROAD, SOUTH OF THE PLAZA-MILTON ROAD INTERSECTION, PROPOSED ZONING R-9, REQUESTED ZONING B-1, Map #54

Mr. Charles Ervin: Gentlemen, our requests number 12 and 13 are on Zoning Maps No. 19 and No. 24. They are right across the street from each other. This property is on Milton Road and may be seen on this large map here, this is Plaza Road coming here, the proposed zoning is B-1 in this area right there and your proposed zoning is B-1 in this area right here. We own a small tract of land here and a tract of land right here. Right behind this we are developing what we call our Clairmont Sub-division with about 600 residential homes in here. We sold this property to the Junior High School here and they are constructing a Junior High School here. In checking with the officials of the School Board they have stated that the main entrance to the school comes in here and they also have another entrance coming in right here which Mr. Bell states is for the school buses coming in here.

Councilman Smith: Charlie, excuse me, do you know the name of that school?

Mr. Ervin: Yes, unfortunately - Fred Cochrane. The reason I say that is they originally named it for the subdivision and changed the name. We have a small tract of land right here and immediately behind this house are some low cost kunits here, or colored units right in here, 3 or 4 of them. We really don't see how we could develop this effectively residential. We are requesting a B-1 zoning to tie in with the proposed B-1 zoning here and we are requesting a B-1 zoning on this side here as you go over the creek, which is a natural boundary line and to the telegraph cable line which comes in here. We believe that this would tie in nicely with the business section here in years to come and could be developed beneficially business. As it is, it would be very difficult with the creek to develop it residentially.

ITEM NO. 78 ERVIN CONSTRUCTION COMPANY, PETITIONER, LOCATION OF PROPERTY SOUTH SIDE OF HOSKINS ROAD, WEST OF PIEDMONT & NORTHERN RR TRACKS, PROPOSED ZONING I-1, REQUESTED ZONING I-2, Map #14.

Mr. Charles Ervin: Gentlemen, this is request No. 14 and is located on Zoning Map 14 and is the property at the intersection of Hoskins Avenue and P & N RR Tracks. To properly locate it in your mind it is immediately across from the Brown property. This property is located right across from there and adjoins the old State Mills property. The proposed zoning is I-1. We are requesting I-2 zoning on it because we believe we can develop it more beneficially in that manner. It adjoins an I-2 zone, across from a B-1 zone and we believe it will work out very nicely on an I-2 basis.

Gentlemen, that looks like the end of the requests. On back in the same brochure I would like to point out simply the fact that they are back there, we have one picture in there indicating the buffer area here between the Amity Garden Shopping Center and the residences nearby and another picture indicating the Hasting Building, a garden center and another picture indicating Allied Security Insurance Company. These are the type of things we believe, such as the Center, etc. that can be constructed on the Boulevard if properly zoned. I would like very much to say we certainly appreciate your attention and time in listening to these many requests. We do want to sincerely thank the Planning Commission staff for helping with these various sub-divisions, in making suggestions. Just before coming down here tonight, I had the opportunity

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of looking off the top of the New North Carolina National Bank Building and looking over the City and it is a real thrill if you get a chance to have that view to see how Charlotte is growing and to feel that maybe you have had a hand in it. Certainly, the City Council, the Planning Commission, the very capable administrative staff headed up by Bill Veeder are to be congratulated and we will always attempt to make suggestions and carry on to benefit the City and anytime that we do not do that, we would not be worthy of your time. Thank you.

Mayor Brookshire: Mr. Ervin, I would like very much to thank you for the very fine manner in which you have prepared your presentation.

Mayor Brookshire: Now, is there anyone else in the audience who would like to be heard with regard to the proposed new Zoning Ordinance? If not, I think I can say that we have heard every petitioner who made a request to be heard and who appeared to present his statement. That being true, I will entertain a motion for an adjournment and say that the public hearing on the Proposed New Zoning Ordinance are concluded.

ADJOURNMENT

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


Lillian R. Hoffman, City Clerk