

February 20, 1962  
Minute Book 41 - Page 301

An adjourned Meeting of the City Council of the City of Charlotte, North Carolina was held in Court Room #1, in Mecklenburg County Court House on Tuesday, February 20, 1962, at 7 o'clock p.m., jointly with Charlotte-Mecklenburg Planning Commission, with Mayor Brookshire presiding and Councilmen Albea, Bryant, Jordan, Thrower and Whittington present, together with Commissioners Delaney, Hanks, Toy, Turner and Ward.

ABSENT: Councilmen Dellinger and Smith, and Commissioners Craig, Ervin, Jones, Lakey and Sibley.

\* \* \* \* \*

PURPOSE OF MEETING.

Mayor Brookshire: This is an adjourned meeting of City Council for the purpose of hearing, jointly with the Charlotte-Mecklenburg Planning Commission, a number of petitions for changes in the Building Zone maps. These petitions have been duly filed during the period of October 18th, 1961 and January 22, 1962, and have been listed on the agenda according to the date on which filed and will be heard in that order tonight. I should like to explain our ground rules or procedure. Five minutes will be allowed each speaker or ten minutes per item in the event there is more than one person who wishes to be heard on the same petition. We have a timing device here that is set for five minutes and when the red light appears that will be your signal that your five minutes will be up. We ask your cooperation so that all items on the agenda may be heard tonight. In case it appears this is not possible a further announcement will be made later in the meeting. If any of you feel that the five minutes allocated you is not sufficient to explain in detail your request, if you will remain I will give you additional time. The Clerk will present these items in numerical order and Mr. McIntyre will explain the zoning map of the area involved. I shall ask the Clerk to read the first item.

ITEM NO. 1. MR. HENRY DOCKERY, PETITIONER, PROPERTY LOCATED AT 1356-1400 HARDING PLACE, REQUESTED ZONING B-1. PRESENT ZONING R-6MF.

Mr. McIntyre, Planning Director presented factual information on the subject from a map showing the property in question.

Mr. Dockery: Gentlemen, I have heard that this place at 1356 Harding Place has been zoned Business-1 and was about to be changed to multiple residence zoning. About that time a gentleman engaged in the real estate business came to see me and said that a doctor would like to purchase the place to be used as a medical clinic and after discussing it with him he said he had heard it was about to be changed to multiple residence zoning and I wrote a letter to the City Council and to the Zoning Board registering a protest because I wanted it to stay or be zoned so that it could be used for a medical clinic by this Doctor. That is the case in a nut shell and I shall not take any more time unless there are questions which any of you gentlemen wish to ask.

Councilman Whittington: Why do you want it B-1?

Mr. Dockery: I don't want it B-1 particularly. I don't care about that. I heard that it had already been zoned B-1. No, I don't actually want B-1, I merely asked that it be zoned so that it can be used for a Doctors Clinic or Medical Clinic I believe is the term used.

Councilman Whittington: Mr. Dockery, you would be satisfied with the zoning O-6 or O-1?

February 20, 1962  
Minute Book 41 - Page 302

Mr. Dockery: I don't know what O-6 is, I want the property zoned so it can be used for a Doctors Clinic.

Mayor Brookshire: Is there anyone else who wishes to talk about this matter?

Mr. Irwin Boyle. I represent Dr. Charles Norris, who is the Doctor referred to and I would like to be heard on Dr. Norris's behalf. Dr. Norris's interest in this matter, as Mr. Dockery has stated, involves an option agreement. The purpose for which Dr. Norris intends to use the property if acquired by him is for a clinic. Now if Mr. McIntyre would have that arrow placed back up on the map again, please, I want to direct your attention to two or three things connected with the property. Number 1 is that immediately to the left is a new office building on Morehead Street so that the real line of the office building forms the side line to the property here. On the other side of Morehead Street, there is a filling station on the corner, you know the development over there that has several stores in it, then there is a picture show down where the arrow is now. Immediately across from the property across Harding place is a panoramic view of Sugar Creek, the back of a filling station and the side of the picture show and the back of the drive-in restaurant and the do-it-yourself place. I don't believe that the property is suitable for residential purposes. If it is going to be left that way, then I think Mr. Dockery's property is being frozen in whatever status it is now and whatever can be done with it. It is significant to me that this particular property was zoned as B-1. Now that is where the B-1 came into it. It was not petitioned by Mr. Dockery, but on motion of the previous Planning Council or the prior City Council it was zoned B-1. Now the new ordinance without reason suddenly decided that even though in the face of the location and even though it was zoned B-1 it ought to be changed to a multiple residential use. Now the reason that I say it has no value for that is because of the location and the reason it has value as business property is the same thing - because of the location in the middle of business property. It has some desirability for a doctors clinic because of its close proximity to the hospitals and other medical centers. Now it is the plan of Dr. Norris, if the property is made available to him, under the proper zoning classifications to build a clinic on one side of it and to use some portion of the now unused property across the street as a parking area so that he will comply in all respects with the zoning ordinance. Now I have here and will leave with the Mayor, a proposed map and an architect drawing of the proposed clinic. Thank you Mr. Mayor and members of the Council. If you have no questions about it, that will end the presentation for Dr. Norris.

ITEM NO. 2. MRS. FLORENCE C. COBB, PETITIONER, PROPERTY LOCATED AT 2417-21 NORTH CHURCH STREET. REQUESTED ZONING INDUSTRIAL, PRESENT ZONING O-6.

Mr. McIntyre: The property extends from Church Street back to here. It is a very short distance from 28th Street and appears on the map at this location. The front portion of the property is that portion fronting on Church Street, the rear portion is that portion fronting on Poplar Street and is zoned Residential. The adjoining zoning across Church Street, indicated by the brown color on the map is zoned Industrial. The zoning on the adjoining property on both sides of Church Street is Office. The adjoining property on Poplar Street is Residential.

Mrs. Cobb: I want a Light Industrial zoning. There is a warehouse that has its entire front on Church Street and therefore I have been unable to make a sale. All there is on the adjoining property is apartment houses and they are about eight or ten years old and the people move in and out anywhere from six to eight times a year from each one. I would like very much to sell my property in order to build a new home and I would like to have this property zoned Industrial as I have had several people who want it and they all want it as Light Industrial or I-1. There is a beauty parlor located nearby.

February 20, 1962  
Minute Book - 303

ITEM NO. 3. SOUTHERN REAL ESTATE AND INSURANCE COMPANY, PETITIONER. PROPERTY FRONTS 200 FT ON WESTERLY SIDE OF STEEL CREEK ROAD RUNNING ALONG NORTHERLY SIDE OF PRIMROSE AVENUE., A DISTANCE OF APPROXIMATELY 990 FT TO SOUTHERN RAILWAY CROSSLINE, REQUESTED ZONING IS I-1 OR I-2, PRESENT ZONING R-6MF.

Mr. McIntyre: The property concerned is outlined in black on the map and fronts on Primrose Avenue at this location on the map and extends down to Old Steele Creek Road at this location on the map. The property is presently zoned Residential. Immediately to the rear of the property is a laboratory and is zoned Industrial. The land is also zoned Industrial on the left of the border of the property on Primrose Avenue and is zoned Residential.

Councilman Jordan: Is there a golf course there?

Mr. McIntyre: No, the golf course is not on this map.

Mr. David Craig: Mr. Mayor and members of the Council and Planning Commission, my name is David Craig and I represent the Southern Real Estate and Insurance Company, the petitioner in this case. The property in question, consists of four or five acres of a tract of 20 odd acres which is located at the intersection of the new crossline and the main line of the Southern. This property lies along the main line of the Southern and across the crossline, there at Steel Creek Road. As I say it is a tract of some 20 odd acres which the Southern Real Estate and Insurance Company acquired back in 1946 for the purpose of developing as an Industrial development. I believe I will ask you gentlemen to pass this map along and I believe it will give you a little bit clearer idea of what is involved. The particular portion of the property is bordered there as you see by Primrose Avenue. Primrose Avenue is a little paved street which is one block on one side, a block and a half on the other as you see which dead ends back into a grade crossing and to the junk yard operation of the Union Junk Company. The Industrial development runs along the main line of the Southern both to the east and the west of the line in question. Wilkinson Boulevard is just over on the other side of the main line of the Southern. The airport is a few minutes out Dixie Road from this property. It is really ideal Industrial property and that is why it was bought by the Southern Real Estate and Insurance Company. The man who developed and sub-divided, the sub-division which takes up most of the map that you see there, thought it would be Industrial property and reserved it for Industrial property, sold it to the petitioner for Industrial property and the petitioner bought it for Industrial property. In 1956 when that zoning ordinance was passed it was passed so that this property was included as Industrial property. Up until the time of this ordinance I don't think anybody ever had an idea that this property, which is so well suited for Industrial uses, would be used for any other purpose. The petitioner has spent some \$21,000.00 in securing utilities to make this a fine Industrial property. The petitioner has brought in a 12" water line from over on Wilkinson Boulevard and has brought sewer in and put in a railroad siding, has built a warehouse and laboratory for the DuPont Company. Those improvements, including the contents are assessed and being taxed at a valuation in excess of \$700,000.00. The plans and intentions of the petitioner are to continue the development of this Industrial Development out there along the same lines. Now then of course we all appreciate that the purpose of zoning is to protect property value and what will be the result if you gentlemen disagree with the previous planners who zoned this property as Industrial property, and with the man who sub-divided and set this property aside for Industrial use and the present owner who bought it and has for almost 15 years been developing it as Industrial property? Well, first off some four or five acres, about a third or fourth of the whole tract that is being developed, that has had all of this money spent on it, the potential will be immediately eliminated, and what is on the other side? The valuation of the residential property on the opposite side of the street is less than \$7,500.00. There are four houses over there. They are old houses and you would expect and are very modest houses. The character of

February 20, 1962  
Minute Book 41 - Page 304

the neighborhood which already adjoins the railroad, adjoins the junk yard, can't be substantially hurt and on the other hand if you deprive these people of continuing their development it will be a very great sacrifice and harsh treatment for them who have spent their money in good faith trying to bring value to this area.

Councilman Jordan: Where are those houses located that you were talking about? Are they on the other side of the road?

Mr. Craig: They immediately join the railroad at the top left of the map, right here. Those three altogether are valued at \$4,100.00. I understand they are a part of the old Camp Green buildings that were moved over there, they were not built there. Then there is a little house valued at \$720.00 which is an indefinite sort of thing. I don't know whether it was built for a house or some sort of storage. And then finally there is another house that is about 2/3 of the way up in the block that is valued at \$2,500.00.

Mayor Brookshire: Does anyone care to object to the petition?

There were no objections.

ITEM NO. 4. MR. JOSEPH DuMONTIER, LOCATION OF PROPERTY IS LAND BEYOND LAWYER'S ROAD TOWARD ALBEMARLE. PRESENTLY ZONED R-12. REQUESTS HIGHER CLASSIFICATION AS MOST OF THE LOTS ARE OF AT LEAST ONE ACRE.

Mr. McIntyre presented factual information on the subject from a map showing the property in question.

Mr. Nance: Mr. Mayor and members of the City Council and the Zoning Commission, in the absence of Joseph DuMontier I would like to present this petition. We are making this request to rezone the area covered by Map 57 because we wish to preserve the development of this area as it has been progressing for the last several years. All lots developed so far are well in excess of the requested R-15 which is the highest zoning regulation we may ask for. We simply hope that you will see as we do the desirability of preserving community pride whenever it displays itself in the best interest of the continued growth of Charlotte and the perimeter. That is all that I have to say and I have the map and the petition.

Mr. Jordan: Did I hear Mr. McIntyre say that this joined Marlwood?

Mr. Nance: Yes, sir, the largest single development in there is Marlwood and that is on the right hand side of Albemarle Road doing out. This map takes in as far out as Robinson Church Road. Several of these people here have been contacted and even though this is shown lined off into streets, actually there aren't any streets in quite a bit of this area. There is no development in here to speak of. This is Lawyer's Road or Mint Hill Road.

Mr. Whittington: Would it be possible for the owner to sub-divide that portion not already sub-divided and divide it into one acre lots?

Mr. Nance: Well, in Marlwood, and that is the one I am most familiar with, the lots in our area are at least a minimum of one acre and in most of the areas in the developments out there, even though it is not shown on this map this area here and Marlwood and in the other areas in this section all are an acre.

Mayor Brookshire: Are there any objections to this petition?

No objections were registered.

February 20, 1962  
Minute Book 41 - Page 305

ITEM NO. 5. HONEY PROPERTIES, INC., LOCATION SW CORNER CHURCH ST. AND 28TH ST AND SE CORNER OF POPLAR ST AND 28TH ST. PRESENT ZONING R-6MF AND O-6. REQUESTED ZONING INDUSTRIAL.

Mr. McIntyre presented factual information on the subject from a map showing the property in question.

Mr. Y. L. Honey: Mr. Mayor and Members of the City Council, I represent Honey Properties, Inc., the owners of the property located at the SW corner of Church Street and 28th Street and the SE corner of Poplar Street and 28th Street. At the time this property was purchased a number of years ago, it was zoned for Industrial use. We purchased the property at that time with Industrial use in mind. We paid the price for the property to be used as Industrial property and all of our plans for development have been made along the lines of Industrial development. If you are familiar with this property it is surrounded by Industrial property practically altogether, with the exception of a few single houses facing 28th Street and some duplexes behind Poplar and Church. It is now rather heavily built up into Industrial property. The greater extent of all of its value is Industrial and in my honest frank opinion the property is absolutely useless for residential use or apartments altogether. It could be developed into Industrial property and put on a paying basis and adjoins the property of Mrs. Florence C. Cobb whom you have heard as No. 2 tonight, located at 2417-21 N. Church Street. Her property is at the rear of ours running from Church Street to Poplar Street and we have found no local citizens, no one in that area or territory that has objected at any time to the property being left Industrial and I have inquired among the neighborhood and I am sure Mrs. Cobb has and if left Industrial that is why we bought it and that is the way we would like to develop it if you gentlemen see it as we do. We would be in a position to give the City substantially more revenue from City and County taxes, because frankly if it is zoned according to the Planning Commission recommendation, it will have to be left there more or less as vacant property because it is not suitable for any other use but some sort of first class Industrial development. I hope after you have investigated and looked it over and go out and look at the Industrial property all around it and just one block off N. Tryon Street on 28th Street you will see it our way. North Tryon in that area is all Industrial and I would certainly appreciate your consideration in that matter.

Councilman Whitting: Do you want I-1 or I-2, Mr. Honey?

Mr. Honey: I-1.

ITEM NO. 6. Y. L. HONEY, PETITIONER. LOCATION OF PROPERTY EASTWOOD DRIVE, BETWEEN NORFOLK AND SOUTHERN RAILROAD AND EASTWOOD AND EASTWAY DRIVE. REQUESTED INDUSTRIAL. PRESENT R-6MF AND O-6.

Mr. Honey: Coming to the next property gentlemen, owned by Honey Properties, Inc., this property was purchased a number of years ago and at the time of the purchase it was definitely Industrial and in my honest opinion always has been and absolutely worthless for anything else. If you are familiar with the property it adjoins the railroad track, is directly across the street from the Westinghouse Plant, the manufacturing plant and distribution plant, which is directly across the street, it joins the railroad and is absolutely unfit under any circumstances for anything other than Industrial. If it was any good for residential property or multiple apartments or duplexes that would bring any sort of income in from that sort of thing it would be different. Frankly and honestly it is worthless for any purpose other than Industrial use and it so happens that we have two petitions tonight and I am speaking for both of them and we don't mean to monopolize the meeting but we do want to present the actual facts and a careful investigation of it will

February 20, 1962  
Minute Book 41 - Page 306

clearly show you that it should be zoned Industrial. We know you will be fair minded and open minded and I feel reasonably sure that the city will be better off and the county will be better off in both instances as the property would produce the type of revenue the city and county both want and it certainly would not affect any residential area around it. I thank you.

Mayor Brookshire: Are there any objections to this petition?

No objections were registered.

ITEM NO. 7. MR. ERVIN J. RUST, PETITIONER, LOCATION OF PROPERTY 205.8 FT ON CINDERELLA DR BEGINNING 500 FT EAST OF SUGAR CREEK ROAD. PRESENT ZONING R-9, REQUESTED ZONING O-6 OR TO PERMIT APARTMENTS.

Mr. McIntyre presented factual information on the subject from a map showing the property in question.

Mr. Rust: The explanation that the Clerk gave is correct and we are asking that the original zoning be reinstated. In other words, when this zoning took place before anyone knew about it, in fact before we were taken into the city, it was zoned Business as was pointed out on the map. Now we don't want to be hard about this at all, but it certainly is not suitable for single residences directly across the street from a shopping center. Originally the Zoning Commission allowed 600 feet from the Center of Sugar Creek Road back toward the back end of the property. The street was widened from 40 to 60 feet which takes a few feet more off it and leaves 685 feet instead of 705 feet. Now we have asked for 600 feet zoning as it was originally laid out and the balance for multiple residences or office space.

Mayor Brookshire: Any question you would like to ask Mr. Rust?

Councilman Whittington: Cannot you be more specific in your request? You have asked for O-6 but say you want Business.

Mr. Rust: Doesn't Office and Business go under one zoning?

Mr. McIntyre: No.

Mr. Rust: Gentlemen, you have it listed as Business zoning for 500 feet from Sugar Creek. It was originally 600 feet then the balance of the property is listed as Residential for single residences. Now I am not so particular about the 500 or 600 feet, that doesn't make too much difference, but it is unsuitable for single individual dwellings.

Councilman Whittington: Your letter requested O-6 or to permit apartments.

Mr. Rust: For the balance, that is right. Not for the first 500 feet.

Councilman Whittington: You didn't make that clear in your letter.

Mr. Rust: I simply wanted to reinstate the original zoning.

Councilman Whittington: The original is O-6 or to permit apartments. O-6 is office and that is not business.

Mr. Rust: It is now listed as business for 500 feet and I would like to have it that way and the balance for residences.

Mayor Brookshire: Are there objections to this petition?

February 20, 1962  
Minute Book 41 - Page 307

I am Mrs. Edward Comfort and I own the adjoining property to Mr. Rust's. However I don't think he has clarified his position and that is why I have these little colored squares on a map. The little blue squares represent all one family dwellings. That is about all we have. We moved there so we could enjoy country living and still enjoy city facilities. I have outlined in red the business area. This business area, the shopping center, will be a convenience to the home owners. My main objection - I do not object to this rezoning - I object to the office building and multiple family dwellings. I understand they can come within 6 feet of my property line if it were to be office building and 10 feet if it were to be multiple family dwelling. This would greatly decrease the value of our property.

Councilman Thrower: You are not objecting to his request for that part he wants for business, but do not want multiple family dwellings.

Mrs. Comfort: That is right, because it will bring them right up to our side window.

Councilman Whittington: Mr McIntyre would you point out her property on this other map so we can get a good look at it.

Mr. McIntyre: This is her property right here.

ITEM NO. 8. HOWARD C AND MARY A KELLY, PETITIONER, LOCATION OF PROPERTY 5800 JOYCE DRIVE. PRESENT ZONING RESIDENTIAL-9, REQUESTED ZONING R-9MF.

Mr. McIntyre presented factual information on the subject from a map showing the property in question.

The Petitioners were not present.

ITEM NO. 9. MARSH LAND COMPANY, PETITIONER, LOCATION LYING BETWEEN MAIN LINE OF SOUTHERN RAILWAY AND PARKER DRIVE, WEST OF REMOUNT ROAD, PRESENT ZONING I-1, REQUESTED ZONING I-2.

Mr. McIntyre: This is a tract of land located south of Wilkinson Boulevard a small segment of which you can see here. It is behind the present Remount Road which cuts off the map here. The property itself is outlined by Black lines. The property is joined on three sides by Industrially zoned property. The southern boundry is residentially zoned, except for a small amount of business which extends from that point out to Remount Road.

Mr. Lex Marsh: At the time of the petitions in this case were signed, an option on about half of this property was extended to a subsidiary of the Southern Railroad. At that time the zoning in effect was the zoning which went back several months. Since the time the petition was filed the Southern still wanted its subsidiary to exercise the option and there is now improvements which I believe are completed and which represent what we know as a piggy-back operation for the Southern Railroad. It is on the main line of the Southern. Perhaps that involves about half the property, incidentally, in the petition. Perhaps the best argument I can make in favor of a little more liberal classification, that is I-2 instead of I-1, would be to tell you had I-1 prevailed at the time this option was given the Southern Railroad then this piggy-back operation would not be there. If this property had not been purchased by the Southern Railroad then in my opinion this city would have missed a much needed facility or such facility would have been delayed more or less indefinitely and placed in a location which was secondary in the minds of the Southern Railroad. At the moment it is my belief that Southern Railroad is not pressing this matter although they own almost half of the property. They have not pressed it I am informed for the reason they have their facility already completed. It is a facility that would not be permitted under present zoning. It would be permitted under I-2 and for that reason we contend that the rest of the property comprising of a little more than half of the total should be zoned I-2. I shall not belabour the point further unless there are questions some one wants to ask.

February 20, 1962  
Minute Book 41 - Page 308

Councilman Whittington: Where is United Junk located?

Mr. Marsh: United Junk? I do not know. I don't think it is in the vicinity of this property.

Mr. Marsh: Since Southern came in there they have spent a small fortune in paving alone and have already cut through there and extended the pavement all the way through there. Thank you.

Mayor Brookshire: Are there objections to this petition?

No objections were expressed.

ITEM NO. 10. J. MASON WALLACE AND SIX OTHER PROPERTY OWNERS, PETITIONERS, REPRESENTED BY MR. R. E. WARDLOW, ATTORNEY. Lots 13, 14 AND 15 LOCATED AT SE CORNER SHENANDOAH AVENUE AND WATERMAN AVENUE. PRESENT ZONING R-9, REQUESTED ZONING B-2.

Mr. McIntyre presented factual information on the subject from a map showing the property in question.

Mr. R. E. Wardlow, Attorney: I want to point out in respect to the location of this property that it is in a block that is completely zoned B-2 with the exception of three lots on which there are now residences. I represent the owners of those three lots, Mr. McLeod, Mr. Wallace and Mr. Carter and their wives. You will also notice that the back of this block is entirely B-2 property, except for these three lots which are zoned O-6. You will also note that directly across the street at this area the business zone sets in. The house that is located on this lot faces in a northerly direction and does not face the property that we are talking about. The house that is on this lot faces directly this direction. The houses on this lot face in a westerly direction. This property has an open creek running across it here. If you go out and inspect this property, which I hope you do before you give final consideration of this, you will find that these three residential lots are substantially 8 to 12 feet higher in ground level than this point here. This section from a stand point of elevation with surrounding property is in a low area along this creek bank. Mr. Carter looking out his front window looks across the street into the basement and foundation line of his neighbors house. These three lots are physically out of touch with the three other corners by reason of elevation, and with that in mind I call your attention again that apparently the only reason this little spot of the block was left residential, instead of being B-2 is the entire area in the block, is because there are three houses there, Mr. Carter, Mr. McLeod and their wives own that property and live there. Mr. Wallace owns this next block and it is rental property but for residential purposes it won't stay rented. People don't have to rent it, but the property owners don't have any other choice, they have to live on theirs. They have requested that it be changed to fit everything else in the block. Those three property owners now have a signed contract by a purchaser who will buy the property. Here is the property. This is Independence Boulevard, here is Waterman Avenue and these are the lots we are talking about right here. They want to put a motel on it. This is a drawing of it. This is the Boulevard and the entrance to it comes at the restaurant and coffee shop. The side of the motel runs along Waterman Avenue. The parking is underground or on the first level of the ground. To show the placement of the motel on the map, here is the Boulevard. You enter past the coffee shop portion of it, you drive your car down a ramp and under into the parking lot. That in this area, and is for additional parking. This is Central Avenue and it will furnish a protection area from the other residential areas as well as protection by reason of the lower elevation. We request your open minds and consideration to make this fit all of the other zoning in the block. Thank you very much.



February 20, 1962  
Minute Book 41 - Page 309

Mayor Brookshire: Are there any objections to this petition?

Mr. M. E. Faulkner: My objection is on the basis that I own the next two houses on Waterman Avenue and this block is zoned for business and my two lots are still residential property. So far as my not being able to rent it, I haven't had trouble. This is my property right here. I have the two houses rented but if business goes back that far I will have a difficult time keeping it rented. If there are any questions I will be glad to answer them. Thank you.

ITEM NO. 11. JAMES S. PATTESON, III, PETITIONER, LOCATION OF PROPERTY, 4710 PARK ROAD, PRESENT ZONING IS R-6, REQUESTED ZONING R-6MFH.

Mr. McIntyre presented factual information on the subject from a map showing the property in question.

I am Mr. James S. Patteson, Jr., James S. Patteson, III is my son and we are residents of Memphis, Tennessee and he could not be here so I made the trip for him. If that rear portion of that property we have is zoned residence or single family residence, it is my understanding that we would have to put a road or a street through there according to the specifications of the city zoning, which would be a 50 ft. street. This piece of property is 100 feet wide, and if we put a 50 foot street through there we would not have anything left. It would just be 50 feet wide and I also understand that the City of Charlotte required that any residential property has to be at least 150 feet. It is our thinking that we could put a multi-unit apartment building back there and in lieu of the 50 foot city street, we could put a private drive through there with something less than that perhaps 25 foot and get an exit and entrance to that piece of property. As it is now zoned for single unit residences we have no use for the back of that property, none that I can think of, so we request that we be able to put apartments back there and put our own private entry way to it and get some use of the property. With its present zoning we can't use about 600 feet at all.

Mayor Brookshire: Are there any questions of Mr. Patterson?

Councilman Whittington: Is your property close to the gymnasium?

Mr. Patterson: The gymnasium is on our property. We own that piece of property.

Councilman Whittington: Your property is behind?

Mr. Patterson: There is a front part of that property and the gymnasium is on that and it is the property behind the gymnasium that we want zoned multiple residence. Originally when we bought that property it was in the county and we furnished the land and put a \$22,000.00 building on it and gave \$10,000.00 in cash for the exclusive use of the polio foundation and rehabilitation of children who had been injured in the polio epidemic. The Polio Foundation used it up until about 4 years ago. They do not use it now. The reason they do not use it now is because since the Salk Vaccine development the Polio Foundation is using all of their money for the development of vaccine and research and they haven't used that as a clinic for approximately 4 years.

Councilman Whittington: Whose property is that below yours?

Mr. Patterson: That is Mr. Clements property. At one time we owned all of that property. We sold Mr. Clement the part that is to the bottom of that map. We retained that 100 foot strip through there and built that building on it and turned it over to the Polio Foundation. We furnished the land,

February 20, 1962  
Minute Book 41 - Page 310

built the building and gave Mr. Frank Phillips, who at that time was the Vice President of the Commercial National Bank here and was also Chairman of the Polio Foundation, a check for \$10,000.00 and they used it for therapy as Mr. Clement was the only one who had individual therapy and the only thing the Polio Foundation was out was his salary, so they used the \$10,000.00 for equipment and about 4 years ago they discontinued the use of it and discontinued the services of Mr. Clement and turned all of their money into the development of the Salk vaccine and other research work. That property has been sitting there as a non-conformative since the city took it in. That building was put out there while it was still in the county.

Mayor Brookshire: Are there any objections to this petition?

No objections were expressed.

ITEM NO. 12, J. T. POLK, PETITIONER, LOCATION MONROE ROAD, 2 LOTS ADJOINING OAKHURST FIRE DEPARTMENT, PRESENTLY ZONED R-9, REQUESTED ZONING BUSINESS FOR BOTH LOTS.

Mr. McIntyre presented factual information on the subject from a map showing the property in question.

I am J. T. Polk: In 1946 I bought this property from a sub-division and I sold all of the lots that were desirable except these two that were down an embankment of about eight feet from the highway and in 1957 I started dirt filling it and compacting it as I went and got it built up now and as you all know this property is across the street from the cemetery joining the property of the fire department. I have not been able to sell these two lots for residences since 1946 but I have had several requests for this property for business and it would be an ideal location I think for business.

Mayor Brookshire: Any question of Mr. Polk? Are there any objection to this petition?

No objections were expressed.

ITEM NO. 13, PETITIONER IS REALTY DEVELOPMENT COMPANY, 2 PARCELS OF LAND FRONTING ON EACH SIDE OF I-85 A SHORT DISTANCE EAST OF INTERSECTION WITH MULBERRY CHURCH ROAD, PRESENTLY ZONED R-9 AND R-9MF, REQUESTED ZONING I-2.

Mr. McIntyre: Interstate 85 comes across this location of the property in question and lies on the north side and south side. It adjoins residentially zoned property along the northerly and easterly and southerly side. It adjoins Industrial on its westerly side. The area indicated in brown is the Industrially zoned property. Mulberry Church Road is at this location on the map and Interstate 85 is above.

I am C. W. Todd: I brought this map along to show you. You will notice the dark area represents the property in question. The red area is what is known as the 100 decibel sound zone. I don't know what 100 decibel means but I assure you that if you are out there it will rattle your teeth when the planes go over. This green area represents the northeast, southwest main runway of the airport. The property is located about 1.2 miles from the end of this runway. As you notice it lies on both sides of Interstate 85, has frontage on a Service Road on each side. The trouble is that from a residential stand point Mr. F.H.A. and Mr. G. I. won't pay. It is automatically rejected if you want to get any F.H.A. financing. Moreover the local building loans look at it with a jaundice eye. They are not particularly interested in it so it apparently is not very suitable for residential use.

February 20, 1961  
Minute Book 41 - Page 311

I might also point out that the school board recognized this situation when they air conditioned the new school situated over here. I don't recall the name of it, but they air conditioned it so that the windows could be closed so the students wouldn't be disturbed by these jet flights and other flights. The property in the open in this area here has no residential developments around it. It is stridly open land. It has two very good barriers. One is Industrial on the west side, then it has a right good strong branch on the east side with sort of a ridge through there. We feel that unless we can get some sort of business use for it that it will virtually be confiscated so far as any purpose for the property and ask that you give careful consideration to it.

Councilman Whittington: What is that area there?

Mr. Todd: That is the property in question. This small area is shown on each side of I-85 and there are no sub-divisions on either side. Of course it is zoned multiple family along the I-85 for about 1200 feet, but you see on this type of property you would have to have give-away-terms to get anyone to live there.

Mayor Brookshire: Are there any questions? Are there any objections to this petition.

No objections were expressed.

ITEM NO. 14, DR. A. J. COOK, PETITIONER, LOCATION OF PROPERTY CORNER TUCKASEEGEE ROAD AND PARKWAY AVENUE, PRESENT ZONING R-6MF, REQUESTED ZONING B-1 OR O-I.

Mr. McIntyre presented factual information on the subject from a map showing the property in question.

I am Ray Bradley and I would like to correct one thing and I represent Dr. A. J. Cook, the owner of this property. We are requesting O-6 rather than B-1 or O-6. Since I have only 5 minutes I will try to break this down in three areas. The physical facts, the human facts and the legal facts, so I will get to the human facts which are most important tonight. This property is at the corner of Tuckaseege Road and Parkway Avenue. 175 feet west of the property is a Duke Power transmission line, that is a high power transmission line. West of the Duke Power Right-of-way, which as you can see has 100 feet right of way, is B-1 zoning. Across the street across Parkway from this property is an A. R. P. Church. On the adjoining lot to the west is a duplex. In the block created by Parkway Avenue and the Duke Power Right-of-way as you can see on the map, which is 300 feet frontage on Tuckaseege Road, there are three duplexes none of which are owner occupied. The average age of the buildings in that 300 foot strip is about 20 years. Now the human side. Dr. Cook started practicing dentistry in this area about 9 years ago. He first was located in a rented office about 2 blocks from this particular property that we are talking about. In March of 1956 he had an opportunity to buy a part of this property on which there was located a house, so he did. He bought this property at a time, of course, when he could use it as a doctors office. He converted the house to a dentists office. His practice has mushroomed since that time and his patents incidently come mainly from this particular area. As the practice grew he saw he needed more space and more adequate facilities so he had an opportunity to buy the corner lot also at the corner of Tuckaseege and Parkway. He bought the lot and there is also a house on that lot. His plan was to tear down both of these houses and build on this area a modern one story up to date dental clinic. After his plans jelled, which took a lot of work and effort and arranging his financing, Dr. Cook was advised by the Planning Commission that the proposed new zoning ordinance included this property and the zoning classification was R-6MF which would not permit a doctors office, of course.

February 20, 1962  
Minute Book 41 - Page 312

At the request of Dr. Cook, all of the owners of the property in this 300 foot strip, except the owner of the duplex next door and her sister, joined in a petition asking for what Mrs. Hoffman stated a minute ago-either B-1 or O-I which would be fine for that whole area of the 300 foot strip. But the new zoning law zoned this R-6MF. So Dr. Cook is faced with the dilemma of owning a non-conforming use on a piece of property on which he invested with the idea of making a fine clinic which can only enhance the value of the property in the community. Now what I call the legal picture. The theory of zoning a corner lot differently from other property in the block is obviously not new as everybody knows. All we have to do is look at the service station corners to realize that. Here we have a situation where Dr. Cook cannot include this property but can continue operating a dental office in cramped quarters in an aging structure. He can either do that or he can abandon this investment which took so much effort and time at a loss incidently and move to another area where he can have adequate quarters, which move can only be a detriment to him and to the community which he serves as a dentist. This is an aging area that will lose its value for single family homes as time goes on. Of course the Planning Commission and the Council recognized that when they zoned this area R-6MF in the first place and then the only other legal argument we heard a lot of talk about buffer zones, which are now referred to as transition zones, and if there is ever a place for a transition zone this would seem to be one to separate the B-1 area from the R-6MF area. Thank you very much.

Mayor Brookshire: Are there any questions? Are there any objections?

My name is Lee Gray and in 1925 we acquired several lots out in this section mainly the one that joins Dr. Cook's proposed clinic and we are opposed to having this zoned for an office or other business. Simply because it has always been residential property. I don't know about the Duke Power Company. I didn't know that it was so close to us. Dr. Cook has been there for some time operating a clinic next door to our property but I understood at that time that he wasn't supposed to go into denistry. Most of my wife's people live out there and they were not able physically to come up here. They are opposed as I am and I hope you will continue to see fit to keep it zoned residential. Thank you.

ITEM NO. 15. PETITIONER MR. R. T. BARNES, PROPERTY LOCATED 1900 BLOCK INDEPENDENCE BOULEVARD, PRESENTLY ZONED B-1, REQUESTED ZONING BUSINESS.

The City Clerk advised that Petition 15 has been withdrawn.

ITEM NO. 16, MITCHELL REALTY COMPANY, PETITIONER, 27 ACRES ON BELLHAVEN BOULEVARD, REQUESTED ZONING I-2, PRESENTLY ZONED R-9.

The City Clerk advised that Petition #16 had been withdrawn.

ITEM NO. 17, PETITIONER MR. JOE H. ASHCRAFT AND 17 OTHER PROPERTY OWNERS, PROPERTY LOCATED 3700, 3800, 3900 BLOCK PARK ROAD, PRESENT ZONING R-9, REQUESTED ZONING O-I.

Mr. McIntyre presented factual information on the subject from a map showing the property in question.

Ladies and Gentlemen I am Joe Ashcraft, I live at 3701 Park Road, I might add that I was born at 3800 Park Road. I have lived all of my life at this address and all of this property involved in this proposed change is a part of the original Ashcraft farm. I will pass out three pieces of paper to you, the first of which is a simple letter which is a petition and contains all of the

February 20, 1962  
Minute Book 41 - Page 313

people's names who are involved directly in this change. The third is a map similar to the one on the screen up here. The only property owner not shown on this petition is Park Road Baptist Church. We did not ask them to sign it. I did talk to the Pastor, Mr. Charles Milford and he indicated to me that he would like to see us go ahead and put business zoning in this area and requested that we put the parking area on the side near the church so that it could be used on Sunday. I feel there is no opposition among the people involved in the area shown in the painted area up here. One thing that is wrong on that map up there is that these lots have never actually been put on land. They were put on a map on the original plot plan but they have never been actually laid off on the land. There is a street shown up there that doesn't have a name on it that has never been put in either when we were swinging around connecting back into Hillside Avenue. We all feel like we are in the same boat out there. Most of the property owners on each side are actually home owners living in their houses and Ashcraft Investment Company that owns the land is still open on the west side of Park Road because changing conditions out there has dropped our property value to the point in the last 10 or 12 years that we can't get the true value of our property. We feel like the only thing that will give us some value from this property is to change from R-9 to O-6 and we feel at the same time that this O-6 will not hurt anybody that wishes to stay in this area and remain a home owner. We had had several means of a property owner involved in this zoning and it was a consensus of opinion that we could live with. If somebody decides to sell this property and move out and put O-6 zoning in beside them it wouldn't be objectionable enough to where they couldn't live with it. At the same time it would give them a chance to put their property on the market in a package that would give them an income from it that would represent what they had in it. And last but not least we are all in accord on it. There are 18 names on this petition and they represent all of the property owners in this area. There are several of them here.

Gentlemen, my name is Robert R. Anders and I live at 3821 Park Road and my property is located directly across from Ashcraft Lane diagonally across from Park Road Baptist Church. The main objections that I have to the place we are now living is that we do not have paved sidewalks, also because of the flow of heavy fast traffic it is almost impossible to get out of your drive coming from town or to try to get out of your drive-way early in the morning because of the traffic conditions. I think it actually makes it a hazardous condition at that particular time.

Gentlemen, my name is Paul Gleason and I live at 3815 Park Road right next to Mr. Anders and we have quite a problem getting in and out of our driveways, especially in the morning and evenings. I would like to see this zoning changed.

Gentlemen, my name is B. C. Monroe, 3907 Park Road. My biggest complaint of the location of where we are living now is since the street has been widened the traffic is so heavy that it is almost impossible to get in and out of your driveway and I don't think it is good to raise children so close to such a heavily traveled street.

Mr. Mayor and Gentlemen of the Council and Planning Commission my name is Benny Nash. I have been selected as a spokesman for this group in opposition to the petition before you. I represent 119 residents comprising 97 families who have signed the petition indicating their opposition to the requested zone change from R-9 to O-6, being an Office District, high density apartments in the 3800-3900 block of Park Road. We individually and collectively feel that if such a change is approved it would bring about conditions contrary to the purpose and intent of our zoning ordinance. To be more specific, I would like to point out the following areas where it is felt by those directly concerned and others of the general public that this would adversely affect us, and all others involved, if this zoning change is approved. I think one of the best arguments that I can give since hearing those for the petition would be the fact that it would even make one of the worse conditions that we have, the traffic problem which they speak of, even worse.

February 20, 1962  
Minute Book 41 - Page 314

Secondly, the children and safety factor. In this particular area within 1,000 feet of this area going in either direction we have two schools, Park Road Grammar School and St. Anne's. We have two churches, Park Road Baptist Church and St. Anne's Catholic. Now in the morning we have two policewomen employed to cover the two corners, one at the corner of Hillside and one at the corner down in front of Park Road, which is at Haven Drive. Now I have already mentioned the traffic hazard. I think this is caused primarily due to the fact that it is such a heavily traveled area because of Park Road Shopping and the McGinn business complex. We are talking about the restricted property. I would like to read to you something which most of us took literally. In a brochure advertising the attributes of Ashbrook sub-division, which most of us live in at the present time, the lots now offered in Ashbrook are zoned R-1, the highest and most desirable residential rating in Charlotte. To go a little further, now I am not certain as to whether or not Hillside is included in the Ashbrook Sub-division as such, it is a little older, but I would like to read to you from the dedication of streets and protective covenant issued from - I have names here - The Ashcraft family and others to a party owning property on Hillside. Item #1 under Category C. "All lots in the tract shall be known and described as Residential lots and no structures shall be erected, altered, placed or permitted to remain on any such lot other than one detached single family dwelling". It goes on, but I think that would prove our point in this particular area. We feel that if this office district and high density apartment zoning is approved it will lessen the possibility of future beneficial development to our neighborhood and also the converse of the above with the oncoming of high density apartment houses and also there again we go back into the traffic feature. Further, we feel that if such were approved it would be a very good example of a limited knowledge on my part of strip zoning, which I understand is not in line with the program made by the general development plan made in 1955 and revised as of July 18, 1960. In this immediate area, to point out the need for this particular zoning we feel that the ideal way is already an existing business complex. We have a very large complex on the corner of Woodlawn Road and Park Road being the Park Road Shopping Center, and on down a little further going south you have another existing complex on which we are proud to say we have the All-State Insurance Company at the present time. If this is approved, as I say, it would be construed as strip zoning and eventually Park Road would be another Wilkinson Boulevard which I don't think anyone here would be proud to have in that particular area of our city. Thank you.

Mayor Brookshire: Are there any others who would like to be heard on this petition.

Mr. Mayor and Members of the Council and Planning Commission, my name is James B. Ellis and I am a resident of 3732 Haven Drive, which is the street east of Park Road. This petition has been signed by 15 of the 16 home owners in the 3700-3800-3900 block of Haven Drive and by 3 of the property owners on Reece Road. I don't know that there is a great deal I can add to what Mr. Nash said. He has pointed out to you that in previous years the zoning authorities of the City of Charlotte has made more than adequate provisions for business and commercial development in this area in the Park Road Shopping Center and other commercial complexes around Montford Drive, perhaps the one thing I could add is to say that all of the home owners on Haven Drive, and I am sure those in Ashcraft bought in good faith that this would be maintained as a residential neighborhood. It is a good neighborhood, they are good neighbors, and we do not believe that it is inevitable that Park Road will become commercialized and we believe that there must come a time when the governing authorities of the city must draw a line as to what will be residential and what will be business or commercial. We think you have that opportunity here to draw the line. Thank you.

February 20, 1962  
Minute Book 41 - Page 315

Mayor Brookshire: Are there any others who want to be heard on this petition?

Mr. Lex Marsh: I would like to be heard. I am not objecting to this but you will notice your map shows a sub-division in the center block, that has never been sub-divided. Generally, I think two lots have been sold off by the Ashcraft family many years ago facing on Hillside Drive. That block insofar as the Ashcraft Investment Company is concerned has never been restricted. The Ashcraft Investment Company owns, I believe, all of the property within about 300 feet or something like that back of that block with the exception of the property that fronts on Hillside Drive. It is quite true that the major part of Ashbrook is restricted. It was never intended by the Ashcraft Company to restrict the frontage. I want you to be realistic gentlemen, and I beg of you, I want to make one statement, I have been in the real estate business longer than I want to admit, I have been a member of this zoning commission for about 6 years, I want to state emphatically tonight that I will bet 1000 to 1 that none of us in this room will ever see the day when a single family home is built on the area affected. I don't think anybody would build a single family house if the lot was given to them for that purpose. Just one more point and I am through. I am afraid it is a real insult to your intelligence when 97 families come down and say that all of them will be adversely affected by an Office-Institutional use for this particular property. Conceivably a man who owns an adjoining property might be detrimentally affected. I doubt it very seriously because O-I is of the type that is going up on Park Road and is very questionable as to whether it would result in any adverse or detrimental influence even on adjoining property. I merely want to make that clear.

Mayor Brookshire: Do we have another who wishes to speak on this petition?

Mr. Mayor, Members of the Council and Planning Commission, my name is Otis L. Johnson, Jr., and I live on Haven Drive. My property is directly affected as it directly joins the property on Park Road which is being considered tonight. There are 16 houses on Haven Drive built by Mr. Nivens, the property sold by Mr. H. B. Ashcraft. There are 17 on Park Road 15 of them built by Mr. Nivens, with the exception of one on each end. Mr. Joe Ashcraft and somebody else had theirs built. Now we have two schools and two churches within a block of this property. Everyone of these property owners on Park Road and Haven Drive bought this property to raise a family and build a home and it was bought in good faith. Mr. H. B. Ashcraft came in my front yard before he died, the first year we moved there, he was proud of this property, his wife was in the car with him and he got out of the car and we talked for awhile, and I asked him what he was going to do with the property in front of his house and he said he was thinking about selling the corner and he was going to save the other frontage on Park Road for his children. Now since he has gone, Mr. Marsh is wanting to develop into Office Buildings this property that he said he was going to save for his children. We would like to keep it for residential areas and we would ask your consideration. Thank you.

My name is C. H. Bonham, Jr. and I live at 1323 Bywood Lane. I was just very much surprised to hear Mr. Marsh make his statement because Mr. Marsh's representative sold me my home and Mrs. Bonham and I stood on the lot and pointed to the corner and asked him what would happen to the lot and he assured me that the Ashcrafts were going to make a good development and that was for homes that would remain as homes. Now if he is so sure that by rezoning this property of his for the front that it will not affect the property which he got good prices for, and he didn't sell these lots for peanuts, why doesn't he build a home right behind this zoning first and then build his offices if he thinks they will not affect the land adjoining them. If he doesn't know what his people are promising the people who are buying in that area he had better call them in and see because that is what his representative told us.

February 20, 1962  
Minute Book 41 - Page 316

I am Bernard Hite of 1312 Bywood Lane, I would like to take objection to a statement that was made by Mr. Ashcraft saying the property values have gone down in the last years. Why have they increased 5 to 10% on the lots they sell in the area if the property value has gone down? That is all I want to say.

Mayor Brookshire: Mr. Nash, will you come back please there is a question Mr. Thrower would like to ask you.

Mr. Thrower: Mr. Nash, does your group object to the rezoning on this side of Park Road, or both sides.

Mr. Nash: We all, collectively, as I said are only concerned with the area which is marked Red on the map.

ITEM NO. 18, PETITIONER MR. JOE D. WITHROW, LOCATION SOUTH WESTERLY SIDE N. INDEPENDENCE ADJOINING BRIAR CREEK AND LYING TO EAST BETWEEN ROCKWAY DR. (PART OF LOTS 5 THU 10, BLOCK 2 OF SHENANDOAH PARK).

The City Clerk advised that Mr. Withrow has withdrawn his petition having sold his portion of the property to the petitioner covered by Item 24, who will discuss it.

ITEM NO. 19, PETITIONER, MISS ENOLA S. PRESNELL AND 5 OTHER PROPERTY OWNERS, THE PROPERTY LOCATED ON EAST BOULEVARD, 1218, 1222, 1232, 1236, 1244 ARE STREET NUMBERS. PRESENT ZONING O-6 AND THEY WANT B-1.

Mr. McIntyre: This property includes several lots on East Boulevard beginning at Charlotte Drive going toward the intersection at Dilworth Road and East Boulevard. The property is across the street from the Valedia Mansions. The property is zoned Office at the present time. Directly across East Boulevard that property indicated on the map here is zoned Business. The adjoining property up East Boulevard is zoned for Office use. The property extending down East Boulevard on the right hand side of the map is zoned for Business.

Gentlemen, I am Ben Jaffa, speaking for the persons who signed this petition. Our petition was a natural outgrowth of what happened across the street from us. We were perfectly happy when we were zoned O-6 until it developed that the whole block across the street had been zoned B-1, and we felt that we would be put at a decided disadvantage. The whole other side of East Boulevard is B-1. The next block, with the exception of the Alexander Home, is B-1 and we feel that we would be at a decided disadvantage to be directly across the street from a B-1 zoning and feel that our petition should be granted.

Councilman Albea: That lot you spoke about across the street, is that the Valedia Mansion?

Mr. Jaffa: Yes, that is right, and one other piece of property joins it. It is directly across from the property we are asking to be rezoned B-1.

Mayor Brookshire: Are there any objections to the petition?

No objections were expressed.



February 20, 1962  
Minute Book 41 - Page 317

ITEM NO. 20, PETITIONER QUEEN CHARLOTTE RESTAURANT, INC., PROPERTY LOCATED 200 FT. FROM E. INDEPENDENCE BOULEVARD, 200 FT FROM COMMONWEALTH AVENUE, AND IS PART OF LOTS 34 AND 35 AS SHOWN ON MAP C. N. BROWN PROPERTY. PRESENTLY ZONED R-9MF. ZONING REQUESTED O-6.

Mr. McIntyre presented factual information on the subject from a map showing the property in question.

The petitioner was not present at the hearing.

Mayor Brookshire: Are there any objections to this petition?

Mr. Mayor and Gentlemen, my name is Ralph E. Harries, 704 Brookhurst Drive. Gentlemen, I must apologize, I have nothing prepared for you. This hit us like a bombshell. Our first attention was brought to this Friday when a sign was placed on the property. That gave us four days, it took two days to find out what all the letters and numbers were about the zoning. We think it is Office. This whole thing was dropped into our laps hurriedly and we have nothing prepared. We are objecting. That whole area around there is residential. The Winslow property is just slightly to the left of that property on Brookhurst. Now this Office Building or whatever it is, will be adjacent to a very nice residence. It, we feel, will affect all of us there. We bought the property there years ago with the idea of living in a residential area. That particular spot might not affect my home a little further away, but I see no reason why, if this is zoned Office why the Winslow family cannot ask for their property next to it. To me, gentlemen, this seems to represent spot zoning at its worst. Where someone has some property coming back in those woods, they want to use it for their own financial gain to the detriment of the home owners and I might add that the property has not decreased there, that is the value, it has gone up tremendously and I can tell it by my tax bill. We are very proud of the area and I might add gentlemen you will be confronted with a problem a little later on. The city is contemplating what I call a highway right through there. Eastway up through the woods, right through that property down Brookhurst connecting Wendover Road, etc., connecting North 29 with South 21. If this is rezoned and an office building put up there you gentlemen are going to have the problem of buying that building or not putting the street through. We object to it and we hope you gentlemen will consider it very much.

Mr. Mayor, could I digress for 1/2 minute concerning the street that goes through there. In the past several weeks I have had to have some dealing with two of your employees, Mr. Bobo sitting there and Mr. Kenneth Hoffman. I would like publically to commend them for the cooperation, their help and their kindness. It is indeed a pleasure to do business with employees of that sort.

Mayor Brookshire: Anyone else want to be heard on that petition?

ITEM NO. 21, PETITIONER IS MR. GIBSON L. SMITH, THE PROPERTY IS LOT 7 OF TRACT OF LAND FACING 200 FT ON SHAMROCK DRIVE AND 90 FT ON EASTWAY DRIVE. PRESENTLY ZONED R-9MF AND HE WANTS O-6.

Mr. McIntyre: The property in this petition is a very small lot, adjacent to the Eastway Drive, Shamrock Road intersection. Along one boundary is zoned Office and the other boundary is zoned Residential.

Mayor Brookshire: Are there objections to this Petition?

February 20, 1962  
Minute Book 41 - Page 318

Mr. Mayor, Gentlemen, I am P. L. Seymour, the very next house below that piece of property is mine. We have had this section before this planning commission I don't know how many times. Mostly though you got the situation across the street that has come down to business. All the way down they are trying to get it. The last time we had this particular piece here, they gave us a buffer zone which is that piece of property. All that I see that they are trying to do now is remove the buffer zone so they can start back again on the other side and carry this whole thing. This has been in and out and in and out. What I ask this Commission to do is to leave my house. I want to live in this section. I like the section out there. Leave the houses alone, leave the zoning exactly like it is because that has a house on it. There is a very good house on this property now. In other words it is not ramble-shack. On the other side of the street over there is two houses facing Shamrock, the two on our side face the same way. Down Finchley Road, which runs down this way, out that way is brand new houses just built within the last year. Down Eastway on this side is all new houses. Now if they want business out there my suggestion is you've got your business already zoned up here, there is acres of it, not even being used. Nobody has even offered to build anything on it. Why can't they build their business up there on the corner, right on the four corners where they have already asked for the business, already zoned and not in use, why can't that be used for business first before they come on down and tear up the residential section. I believe we ought to leave our property there and leave it just like it is. That is my suggestion. Thank you.

Mayor Brookshire: Are there any other objections?

No objections were expressed.

ITEM NO. 22, PETITIONER IS MRS. RALPH BARTLETT, PROPERTY IS AT SW CORNER KENNON STREET AND HAWTHORNE LANE 150' x 150' PRESENTLY ZONED R-6MF AND THE DESIRED ZONE IS BUSINESS.

Mr. McIntyre presented factual information on the subject from a map showing the property in question.

Mr. Mayor and Members of the City Council and Planning Commission, my name is Ralph Bartlett and I had to attempt to try to represent Mrs. Bartlett here tonight due to the fact that she was unable to attend. Some twenty years ago we bought that property there that has been shown on the map and I have put all that I have ever earned in that one piece of property. Now I would not be here tonight to ask you to change the zoning if I conscientiously felt it would be a place suitable to live. I have all the respect in the world for my neighbors and I have no intentions of ever seeing anything built there that would be detrimental to anybody's home. Directly across the street from the property there at the corner is business already. There is a television and radio shop. I am here to say to you the conditions have changed in the neighborhood to the extent it is simply undesirable for a home in which to live. There is a bad traffic condition. I don't know how many of you are familiar with Hawthorne Lane, and traveling North after going off Central Avenue, you have a Coal Yard there at the railroad before you go under the underpass. You have a large manufacturing plant there which is Barnhardt Manufacturing Company. Now E. J. Smith is across the street from them. To go further out Hawthorne Lane you have the McKesson & Robbins wholesale drug business. I don't know how much of Hawthorne Lane is zoned now for business, but at one time it was within a block, I think I am correct, of my property or our property. You have just spoken about the traffic conditions. I don't believe any of you would like to sit and listen to your Television when you can't even hear it for traffic. Some years ago the City extended Hawthorne Lane from Central Avenue and joined it

February 20, 1962  
Minute Book 41 - Page 319

in with Kennon Street and since that time it is a very undesirable place to live from the standpoint of noise and trucks slip through there particularly at night. They know they are not supposed to go through there late in the night and it just simply is an undesirable place to try to live. I am not a public speaker, I can't appeal to you other than this way. If you have seen the location of the property and surrounding houses, particularly west of our property and if you could be there when traffic is so bad I don't believe there is a man in this house that would like to live there. Now as I said in the beginning I have put all I have ever earned in that house and it has reached a point where it has no value from the standpoint of a home to live in. I can't even sell the property to anybody for a home. I am sorry I ran over the time Mr. Mayor and I hope you will use your conscientious consideration in helping someone that has never appeared before a group of city people to ask for help. Thank you very much.

ITEM NO. 23, PETITIONER, JAMES R. PURSER, PROPERTY LOCATED AT NE CORNER CENTRAL AVENUE AND LONGFELLOW STREET, PRESENTLY ZONED O-6 AND ASKING FOR B-1.

Mr. McIntyre: The property consists of two block fronting on Central Avenue and adjacent to Longfellow Street, extending back to the residential property that extends along Longfellow Street back in towards Merry Oaks School. Adjacent to this property and across Longfellow Street the property is zoned Residential. Directly across Central Avenue the property is zoned Business as is the property adjacent to the side line of the property toward Eastway Drive.

Mayor Brookshire: Is there anyone who wants to be heard on this petition?

Mr. Mayor, Members of the Council and Planning Commission, my name is Ray Rankin and I represent the petitioner Mr. J. R. Purser. He is here and would like to speak about 2 minutes also. Let me ask you to consider this from the standpoint of visualizing the area from Longfellow Street down to Eastway Drive. Approximately 2 blocks or 600 feet more or less. Also come across Central Avenue to the south side from Longfellow and go down to Eastway Drive. When viewed in that perspective this is the picture that develops. On the north side of Central Avenue and immediately adjoining the requested area, there is a residence. If you move across Glenn Street, which is the block just west back of Eastway Drive, that is all business and in use. If you cross the street there is a shopping center at the SW corner of Eastway Drive and Central Avenue, occupying approximately 300 ft. more or less stores and parking area. Coming back to the point opposite Longfellow if extended southerly across Central Avenue you also have business. Now what does that mean? You have got 100% on the south side of Central Avenue zoned Business, you have got 50% on the North side zoned Business, you have one residence, that is the only non-business building in the entire south or bottom portion of the area in question. I submit it would be good zoning to allow this particular request. Mr. Purser would like to speak a minute.

Mr. Mayor, Members of the City Council and Planning Commission, I am J. R. Purser. I appeared before you and petitioned this to be zoned B-1 about two months ago and much to my surprise there was opposition to it and also presented with this was a signed petition. I went back and found out that the majority of the people who had signed the petition signed for the simple reason of maintaining good relations in the neighborhood, so I proceeded to try to get this before the City Council and the Planning Commission again. I found out yesterday that another petition was being circulated to oppose this and I have no desire to do anything that will bring any kind of-or put any neighbor in that vicinity- at any disadvantage or cost them anything toward depreciating the values of their home. I would rather let the property sit right there like it is now rather than do that. So last night I went out to find out if these people were sincerely opposed to me putting up this building. At each door that I knocked on, with the exception of one,

February 20, 1962  
Minute Book 41 - 320

I was told this. "I am sorry there was a petition brought by here and we have already signed it but we really don't care. The people brought it by and we thought we ought to go ahead and sign it." I said well in that case I had a petition drawn up also. Mr. Mayor I would like to give that to you and compare it with the names on the other petitions. Now I also have the names of three people here that I will give to you and if you wish to call them and check on this, feel free to do so. Mr. Julian Berry and Mr. T. W. McFarland told me that I was at liberty to use their names to the City Council stating that they had no objections to the type of building that I plan to put up there and actually their preference would be for me to go ahead and put it up, but they had signed the petition because somebody's feelings would be hurt if they did not. Now the other one Mr. Edward Snyder that lives next to Mr. Julian Berry, he and Mr. Berry own this property jointly and he was at work. He said "you are at liberty to use my name and with my consent and I know there will be no opposition", but Mr. Edward Snyder did not tell me to tell you that he had no objection. You will find those people's names on a petition that I am sure will be presented here at the Council. Now also the other opposition which was brought up previously stated to you that had she known that property would ever have been used for business, she would never have sold it. I would like to say to you that I did not buy the property from her, but that it passed through three hands before I got it, two or three hands, I believe just two, and I am sure I paid a considerable price more for that property than she sold it for and that is all I have to say. I thank you and I hope you will give it your broad consideration and do whatever you think best.

Mayor Brookshire: Are there any objections to this petition.

Mr. Mayor, I am Mrs. Cooper, the house that Mr. Purser referred to is our home. Our property runs the full length of the property which we sold, 270 feet. It will upset us, Mr. Cooper and myself, who has lived there nearly 40 years, he doesn't want to move. He is too old, he wants to stay there. Mr. Carroll's property who is more affected by this than anyone else runs the direct length of the property that Mr. Purser has accumulated. Now that means Mr. Carroll's property is directly in the back of that. We own 270 feet along the side of it. We are the ones that will be affected if it was zoned B-1. I made the remark that we wouldn't have sold it to Mr. Brown who we sold it to; the old deed called for residences, it is a beautiful piece of property and should have residences on it. The attorney spoke about the property on the other side of the street. The property directly across the street is not zoned for business. The Morgans moved their house down close to Mrs. Mincey which is just a few feet opposite of this property, opposite the residence on the corner of Longfellow and Central Avenue. They tried to rent it for business and the people, I think it was some insurance concern, moved in one night at 12 o'clock and somebody put them out the next day. They rented it to people that are living in it now. I can't see why we should be inflicted with business in that one particular block even though the attorney of Mr. Purser said over on the other side of Glenn St. was business. Yes, but look at all of the property down on Eastway Drive that is there to be built and excavated and leveled off and there are dozens of places there ready for building and I invoke your consideration in not zoning this property B-1. We don't want to have to move as old as we are. I have lived there with Mr. Cooper, I am his second wife and I have been married to him soon will be 22 years, and that is my reason for wanting it to stay as it is.

Mayor Brookshire: Are there any others who want to be heard on this petition?

February 20, 1962  
Minute Book 41 - Page 321

Mr. Mayor and Gentlemen of the Council and Planning Commission, my name is H. O. Carroll. I live at 1622 Longfellow Street, which is immediately behind this property in question. Since we both have petitions for what they are worth, I will be happy to read this one to you. About the main thing I have to add to that is the fact that approximately 4 months ago this same piece of property was requested to be rezoned from R-1, R-2 to B-1. Those of us most directly concerned, Mrs. Cooper and myself with a petition composed of the names of property owners in the immediate vicinity presented our arguments against this classification to the members of the City Council. Since at that time a new zoning ordinance was in the making and after giving the matter careful thought we decided that whereas we were very strongly opposed to the B-1 classification and in trying to be realistic and fair to everyone concerned we would go along with the Zoning Commissions proposed classification of O-6 for this property. If the reason for not allowing the B-1 classification was good then, it should be good now. I can't see where anything has changed and as Mrs. Cooper said the old deed on this property states that it is for residence only so when he bought the property he knew what it was supposed to be then. We respectfully request that you give our petition careful consideration.

Mayor Brookshire: Is there anyone else who wishes to speak on this?

Mrs. Cooper: Those people up on Longfellow Street, outside of Mr. Carroll and the gentlemen next to him who has a house built on our former property, they have made the remark that it didn't affect them and I don't see why it would because they are not concerned, they are not down on Central Avenue. They are up there behind and even further than Mr. Carroll is. Thank you.

Mr. J. R. Purser: Mr. Mayor, just one thing more. Everytime that I have mentioned this to Mrs. Cooper and I would like to make this statement clear, she says "Buy my home and do what you want to do with it", and if she thinks that much of her home it looks like she would be slow to dispose of it or offer it to me to use as I see fit. She says "Buy mine and pay me my profit and use it for what you want it for", so you can take that for what it is worth. Thank you very much.

ITEM NO. 24, PETITIONER, B. N. ANDREWS, JR., PROPERTY BOUNDED BY N. INDEPENDENCE BOULEVARD, BRIAR CREEK, CHESTERFIELD AVENUE & ROCKWAY DRIVE, PRESENT ZONING O-6, REQUESTED ZONING B-1.

Mr. McIntyre presented factual information on the subject from a map showing the property in question.

Mr. Mayor, I am Joe Grier and I am here on behalf of Mr. B. N. Andrews who is the petitioner in respect to this property. This property was acquired by the State Highway Commission in connection with the construction of Independence Boulevard and was recently sold at public auction by the State Highway Commission and has now come into Mr. Andrews hands. It is my understanding that the zoning ordinance which you presently have in effect and recently adopted, gave this property an O-6 classification primarily out of consideration for the church which is on Chesterfield Avenue adjacent to one side of the property. Mr. McIntyre I wonder if you would be good enough to indicate on the map where the First Alliance Church is situated adjacent to that property? Mr. Andrews is one of the officers of Andrews Music Store and while he has not definitely made up his mind, one of the reasons he acquired this property was in the hopes of putting Andrews Music Store at that location. You normally think that a music store could go in any classification, but no it cannot go in an O-6 classification so to use it for that purpose it would be necessary for the property to be classified as B-1. If you are familiar with the property you will recall that it is presently something of a thicket

February 20, 1962  
Minute Book 41 - Page 322

so that to use it in any fashion will necessitate spending a good many thousand dollars in improving the property. Now before coming to you tonight we thought it was well to deal with the church and to satisfy them that what we ask the Council to do is proper and we believe that if we can satisfy the church that it is proper and that we can satisfy Mr. Gaddy who owns the two lots on Chesterfield and Rockway that ought to remove the objections that have been there before. The church's interest in the matter is not having a business put up in front of it that would isolate the church from Independence Boulevard. Mr. Andrews has proposed to the church that he will voluntarily restrict the first 200 ft. beginning at the triangle and going back toward town. He will voluntarily restrict that portion of the property against the erection of any structure on it and will allow the church to use that portion of the property for its sign which they presently have on the property. As a result of that, the church has passed a resolution in support of the B-1 classification and Rev. Neilson and a delegation from the church are here and when I have said one or two more words I would like the privilege of having Mr. Neilson read that resolution. Mr. Gaddy who is the owner of the other property at the corner that was pointed out has likewise been contacted and he has authorized me to hand you this letter in which he joins in the petition. Now there will be some protest tonight from the school board on behalf of Chantilly School. Whatever may have been the merit of their protest in this regard in the first instance it seems to me there it is a difference between O-6 and B-1 where the whole Boulevard has gone B-1. It is a rather weak protest. It seems to me that if the church and Mr. Gaddy who are adjacent to the property and who are most immediately concerned about it believe that it would be to their advantage to have the property classified B-1 rather than O-6 but not have all of it used, it seems to me that also should satisfy the school board. Now that is all I care to say unless there are some questions from some members of the Council. I would like for you to hear Rev. Neilson from the church.

Councilman Whittington: Are you referring to the property part way over to the church. Does the city own that property now? You mean the basic property where the White residence is situated.

Mr. Grier: As I understand it the church owns this property. There are two houses here that belong to Mr. Gaddy who gave us the letter so that in effect we bring you the proposal of what we had to do to all of the property along here.

Councilman Whittington: That is a dedicated street but not opened.

Mr. Grier: Part of it is open, there is no grading across streets, but Chesterfield goes down approximately this far and it is the street by which access to the church is required.

My name is E. M. Neilson and I am pastor of the First Alliance Church. We have a representation here if it would please the Council, we would have them stand at this time. The Executive Committee of the First Alliance Church, 2200 Independence Boulevard, Charlotte, N. C., the same being the governing body of said church at a meeting of said committee on Sunday February 18, 1962 unanimously adopted the following Resolution: WHEREAS a petition has been filed with the Planning Commission and/or the City Council of Charlotte, N. C., requesting that certain real estate situated on Independence Boulevard, in front of and adjacent to the First Alliance Church be rezoned to a B-1 classification and WHEREAS the governing body of said church being aware of said petition to rezone said property as aforesaid and being familiar with the uses to which this property will be put and the effect of such rezoning on this church and on the immediate community has concluded

February 20, 1962  
Minute Book 41 - Page 323

that such B-1 classification of said property is desirable, NOW THEREFORE BE IT RESOLVED that this governing body of said church go on record as favoring the proposed change in the zoning classification of said property and BE IT FURTHER RESOLVED that this Resolution be placed upon the Minutes of the Executive Committee of the First Alliance Church and that duplicates thereof be handed to the Planning Commission and to the City Council of Charlotte, N. C. and this is all of the signatures of the Chairman and the Secretary of the Church.

Mayor Brookshire: Are there any objections to this petition?

Mr. Mayor, Gentlemen, I am Ben Horack, and I appear not as an Attorney but as a member of the School Board representing my associates on the board. I don't envy your job and as a matter of fact I don't envy mine either. Gentlemen, the reason for my being here on behalf of our board, is our very deep concern about the well being of Chantilly School. If Mr. McIntyre could get his light pointed and let us get oriented if you will, you all know where Chantilly School is, but perhaps not with these property lines. First there is Briar Creek Road which you recognize, and the Merchandise Mart and then there is parking over here. Then you see one tier of lots pointing on Independence Boulevard, the back line of which is the school board line. And if you will carry that arrow all the way on over to the left until it hits the creek you will follow in your minds the line of the school board property. The building itself as you recall is over at the right. We have a parking area at the terminus of Rockway and it swings around to the left behind those two Gaddy lots. Now as you gentlemen know we don't appear before you very often, at least in formal fashion to express our concern about the well being of our school sites, it is questionable how far we should go in interposing ourselves in these zoning matters. There are some differences of opinion from the board on that. However, all of us feel that when we have one of these situations that present a clear and present danger as we might put it to one of our schools that there is a time when we should stand up and be heard. We feel much that way about Chantilly School. Chantilly School is a grade A school. Most of you have probably been in it. It is about a \$600,000.00 investment, housing annually over 600 pupils. If it lives out the normal expectancy of that area there will be about 25,000 school children that will go there. It has one of the finest esprit de corps of any school that we have and I am sure you will realize of course that is is an elementary school. It got this esprit de corps and still has it in spite of all of the things that has either been happening to it or near misses in this area. Now we don't say that everything has to revolve around the schools. Nevertheless they are such a vital part of this community we think they deserve your very special consideration. Lightning has struck around this school right much if you will carry back the set up here in your minds eye. First of course, the Independence Boulevard, I am not saying that any of these things could sincerely have been avoided and then it was compounded by the Merchandise Mart and the congestion and noise there of the parking is already giving them a fit when they have one of those major extravaganzas for which it was built. Its class rooms, unfortunately, back right up to the tier of blocks up Independence Boulevard, that I had Mr. McIntyre point out. I understand that informally that apartments are to be built right below the bottom of the map there and if it does then it will put added pressure upon the pupil enrollment there. I cannot prophesy you what our expansion plans in that area or site may be. I can observe with you though that our only way to expand is really off to the left on the other end going toward the creek toward the rear of the church lots. Now I had thought at least that when this Council was considering the adoption of this new ordinance that it had pretty well decided that that Creek should be the logical boundary line of an O-6 district, one of its major purposes of which was to provide some protection to the school. The full impact of a creeping

February 20, 1962  
Minute Book 41 - Page 324

situation if one does develop here, it is going to be rough on that school. I consider Bruce Andrews one of my good friends, but nevertheless the property can be used for Business. If we do not concern ourselves for the present, the future of that school stands a good chance of being jeopardized. I cannot believe that the owner of those two lots, including the house across the corner from that point on Rockway, back there, would seem to me that if the property there is zoned for Business whether it has structures on it or not, that his claim for light business uses of that corner would be pretty tough to turn down. That corner is one of our entrances that was mixed up in the recent Boulevard median hassell where the school people were so much concerned about traffic. So I would recommend to you careful consideration of this problem particularly as it affects both the present and the future of that school because it is going to affect an awful lot of children.

Mayor Brookshire: Are there others objecting to this petition?

Mr. Name is J. F. Gilreath, I live at 1042 Roanoke Avenue, Mr. Mayor and Members of the Council and Planning Commission, I appear before you again. I realize my welcome is worn out, but please bear with me. I speak as Chairman of the Advisory Committee of Chantilly School and on its behalf. Our position has not changed from what it was some six or seven weeks ago. We are very concerned about the encroachment of business being placed upon us and the pressure which it is placing upon our program. We feel that a B-1 classification on this property will lead to but one thing and that is a request by the owner of the corner lot at Rockway and Chesterfield for a B-1 zoning and if you grant B-1 to Mr. Andrews you cannot turn down the party at the corner. We have seen a perfect demonstration here tonight of what happens when these matters come before you. Where do you stop? You cannot say yes to one and no to the other. We feel that it will be detrimental to the school program plus the fact that we open the doors for further request from these 11 property owners immediately adjacent to the school property. We again ask your support in the protection of this school. Unless there are some questions I shall not take more of your time.

Mr. Grier: My client has asked me to make it clear that the only property here involved is that property that is enclosed in the black lines. If all of the things that have happened to the school that have been described, anything that changes in this classification O-6 to B-1 will be such a small trickle that it cannot possibly have any bad effect on them. You say where to draw the line? Don't draw it at an illogical place of excluding Mr. Andrews and making him not use his property in which way is best suited, when all the indications other than the fact that there might be an arbitrary line indicates that it ought to be put to that use.

Mayor Brookshire: Anyone else to be heard in this matter?

ITEM NO. 25, PETITIONER, E. P. NISBET COMPANY, PROPERTY ON AVANT STS., OFF BAXTER ST, PRESENTLY ZONED R-6MF, REQUESTED ZONING BUSINESS.

Mr. McIntyre presented factual information on the subject from a map showing the property in question.

Mr. Mayor, I am Joe Grier and I represent E. P. Nisbett Company. E. P. Nisbett Company and Allison Fence Company are the owners of the property that is involved in this petition. I am not sure when Allison Fence Company was put in that location, but E. P. Nisbett Company has been there since about 1943. The property is presently zoned residential but presently and for 20 years or more has been used as business property and hence constitutes a non-conforming use. Now since zoning was first adopted in 1947 hardly a year has gone by but what I have made a fee on being consulted or appearing before the Council or the Zoning Board in behalf of this property as a non-conforming use. They have a storage area which they wish to convert to an



February 20, 1962  
Minute Book 41 - Page 325

office area and it provokes the question, it involves a hearing and a determination and a consultation. If they want to take one type of tank that they have and convert it to another type tank it again provokes. Now admittedly all of the property around there is residential property. It seems to me though that where there is property that has been used for this length of time in a business classification and perfectly obviously is going to continue to be used in a business classification where there is property that is situated as this property is, down in a hollow under Queens Rd., where it seems to me there is no chance if it were free and the business weren't already there. If it were going to be developed it is not really suited for residential property. Now while it makes a black spot on the zoning map to take out a piece of property, in a sense out of context and give it a business classification, it seems to me that the consideration of classifying a piece of property in accordance with the way it has been used for many years and in accordance with the use for which it is best situated, ought to over-ride any considerations that come from establishing a nice uniformity of the map. Now I admit to you that this property ought to be zoned B-1 in order to enable it to be classified in the fashion in which it is going to be used so that the businesses that are there can continue to operate there without forever being involved in all of the controversies and difficulties and complexities that result from having a non-conforming use in an area where you have to have business.

Mayor Brookshire: Are there any objections to this petition?

No objections were expressed.

ITEM NO. 26, PETITIONER C. E. JETTON AND WIFE, PROPERTY LOCATED NORTHEAST CORNER OF E. 36TH STREET AND BENARD AVENUE, PRESENTLY ZONED R-6MF, INDUSTRIAL-1 DESIRED.

Mr. McIntyre: The property consists of one lot beginning at the intersection of E. 36th St. and Benard Avenue. The property is zoned Residential. It is joined on the right side by Residential zoning down Benard Street and directly across Benard Street, the property is also zoned Residential. The property across E. 36th Street is zoned Industrial, extending out to N. Tryon Street.

I am C. E. Jetton and I purchased this property when it was zoned Industrial. The only thing I want is to have it left Industrial. I am going to lose money if it remains zoned residential. That is all that I want.

Mayor Brookshire: Are there any objections?

No objections were expressed to the proposed zoning.

ITEM NO. 27, ROBERT E. RHYNE, SR., VINSON REALTY CO. REPRESENTING THE OWNER DR. DOUGLAS NEAL, LOCATED NORTHEAST CORNER OF E. 5TH AND CASWELL ROAD BEING 2001 E. 5TH STREET, PRESENTLY ZONED O-6, ASKING TO BE ZONED B-1.

Mr. McIntyre: The property consists of one lot at the Intersection of E. 5th St. and Caswell Road. This property is zoned O-6 and is joined by residential zoning extending down E. 5th across from Mercy Hospital, is joined by office buildings at the rear, and the property extends along Caswell Road. Directly across Caswell Road the zoning is business.

Ladies and Gentlemen, I am Robert Hovis, representing Dr. Douglas Neal who is the owner of this property. As Mr. McIntyre has explained the property across the street on Caswell on both corners is already zoned Business and is being used as Business. I am sure you are all familiar with this property

February 20, 1962  
Minute Book 41 - Page 326

Directly across the street from 5th Street is the Mercy Hospital. Now on the S. W. corner is a Grill and a Commercial Greenhouse, on the NW corner is a Service Station and two or three other establishments, and all along Caswell in the immediate vicinity are various types of businesses. We feel that this particular lot should be zoned to conform with the rest of the property which is already on the other corner. I have nothing else to say unless there are some questions.

Mayor Brookshire: Are there any objections to this petition?

Mr. Mayor, I am Rea Hinson and for many years have lived at 2021 E. 5th Street and at the time it was developed and sold it was all residences. When it was ever changed and rezoned I don't know. All of those people living down in that section on E. 5th and on Greenway have been property owners for years and years and I don't see any reason for the change. There is no other business in these block, all are residences from that corner all the way down, both Greenway and 5th Street.

ITEM NO. 28, PETITIONER CORNERSTONE REALTY COMPANY, PROPERTY ON MONROE ROAD AND RICHLAND DRIVE, PRESENTLY ZONED O-6, REQUEST B-1 ZONING.

Mr. McIntyre: This is the section of Monroe Road lying between Commonwealth Avenue and Richland Drive. The property at the present time is zoned O-6. It is joined along its easterly side by Business zoning. The rear of the property in question is zoned Industrial and indicated on the map by the brown area. Along the westerly side of the map the property is zoned Office and on Monroe Road the property is zoned Residential.

Ladies and Gentlemen, my name is Cecil McCuller. I purchased these lots in 1960 with the intention of putting a business there. At the time I figured I wasn't asking for spot zoning. I was asking for Business zoning which I was told at that time the Planning Commission would look favorably on. Then this overall planning was instigated at that time and it was recommended to me to wait and see what they had to say about it. This I did. Now one of those business lots next to the triangle lot #3, was recommended for business. Now lots 5, 6, and 7 are part of the lots that I bought and are zoned Industrial. Now the building I have planned for this lot will have to sit on both lots and the O-6 zoning will interfere with it. There will have to be B-1 zoning before I can put it on there.

Mayor Brookshire: Are there any objections?

W. J. Smith is my name and I live at 4500 Monroe Road. I have lived there since 1925. Built my own home there and we have no other business property right close. We have some on the corner of Richland Drive and Monroe Road but we don't have any until you get down to McAlway Road and the church on the other side so we are all residences on that side, both sides and the school is right in front of us. Now we don't object to the whole section put in business property. We wouldn't object to that. I wouldn't, but I would object to it by asking for encroachment upon me or right close to me and me having no chance to defend myself. So I am objecting to it and I just hope you gentlemen will consider the fact that if it were yours would you want business property that close to your home property. Thank you.

February 20, 1962  
Minute Book 41 - Page 327

ITEM NO. 29, PETITIONER, C. NEIL HILL OWNER, TRIANGULAR STRIP OF LAND ADJACENT TO LOTS HE OWNS FRONTING ON E. 10TH AND ALSO ADJACENT TO LOTS FRONTING ON SEIGLE AVENUE AND ON JACKSON AVENUE. PRESENT ZONING R-6MF AND REQUESTED ZONING B-1.

Mr. McIntyre: The said piece of property is in the interior of the block formed by Jackson Avenue and 10th St. and Seigle Avenue. The rear of the property adjoins Seigle Avenue, it also joins an Alley adjacent to the rear of property which fronts on 10th St. Both of the adjoining properties on 10th St. & Seigle Avenue are zoned for business as indicated by the red on the map. The adjoining properties that front on Jackson Avenue are zoned residential.

Councilman Whittington: Is there a street access to that property?

Mr. McIntyre: Only the alley. I understand that the property is now adjoined by ownership to lots 6 and 7.

Gentlemen, my name is Neill Hill, I am owner of the Hill Electric Company at 1124 E. 10th Street. The property in question is cut off by two alleys in the rear of my property. I have been in this location 10 years and I would like to stay here. I need this property to expand my business and I made arrangements to buy this property in 1961 after checking with the City Hall and they told me that it was business property at that time. I understand that it comes under the new zoning R-6MF and my request to you is to let it stay as it was when I purchased it so that I can use it for my business and as you can see it wouldn't be of much value for residential property. I appreciate your consideration on this matter. Thank you.

Mayor Brookshire: Are there any objections to this petition?

No objections were expressed.

ITEM NO. 30, PETITIONER, CHARLES J. AND R. FRED DUNN, REPRESENTED BY ATTORNEY JOHN O. WEST, JR., TRIANGULAR TRACT OF LAND LOCATED EAST SIDE OF MULBERRY ROAD, ADJOINING PRESENT CITY LIMITS, PRESENTLY ZONED R-9MF REQUESTED ZONING INDUSTRIAL.

Mr. McIntyre: presented factual information on the subject from a map showing the property in question.

Mr. John O. West, Jr.: Mr. Mayor and Gentlemen, I feel that what I have to say has been said so many times tonight that to repeat it would certainly burden your time. In writing the letter to the City Clerk on January 17, I pointed out the arguments of the petitioners for the zoning change. If you use those letters in considering these things I will save time and not repeat these arguments. For the purpose of the record I will refer to the letter dated January 17, 1962 in which I pointed out the basis for this. This land, as we understand it, was zoned Industrial many years ago and it was taken by the Dunn's in trade on some other land they had evaluated as Industrial property. Then the Commission saw fit to change this to Residential use, which puts a damper on both its value and its use. We contend this land is not suitable for Residential purpose and to some extent falls within the realm of the Helms Case that the Supreme Court has recently decided. I have here a letter from James G. Bolton, Jr., a Realtor, in which he points out that he is a realtor and that he has been in this business for a number of years and I will ask that you make his letter a part of the files, one copy for each member of the Council and the Commission. He also goes further and states this property is within the flyway of the jets and I hold here a map which I shall refer to briefly as the man sometime before me spoke of the decible sound zone, we are bothered with decibles on this land too. First, the land is low and it is

February 20, 1962  
Minute Book 41 - Page 328

not large enough for Residential use. Secondly, this represents the runway at Charlotte Air terminal. If you extend the center line of this long runway to the 7500 ft. runway that crosses this property, it will extend less than 4,000 ft. from the end of the runway. This is what we call the trouble area, 4,000 ft. wide and extends some 15,000 ft. on out. I will leave this map if you would like to have it.

Councilman Whittington: How much acreage do you have there?

Mr. West: I don't know whether it has been measured in acreage. I doubt if there is much more than 1/2 acre. There is approximately 500 ft. on the road and a little over 200 ft. deep. Mr. Delaney had the land listed for about a year and he had no inquiries for Residential use at all. He said he did have some inquiries for Industrial use but when they found out there was a possibility of it going to residential they immediately lost interest. That is all I have to say unless you have further questions.

Mayor Brookshire: Are there any objections to this petition?

No objections were expressed.

ITEM NO. 31 PETITIONER IS ROAN REALTY COMPANY, PROPERTY FACING ON QUEENS ROAD, BETWEEN COLONIAL AVENUE AND DARTMOUTH PLACE, PRESENTLY ZONED R-6MF, REQUEST R-6MFH.

Mr. McIntyre presented factual information on the subject from a map showing the property in question.

Mr. Ernest DeLaney: May I ask a question? The map I have which is stamped final recording for zoning ordinance shows the R-6MFH on Queens Road coming over to Colonial Avenue. Is that not correct? Has that changed?

Mr. McIntyre: That is right. That map is just a general zoning map.

Mr. DeLaney: Gentlemen, I represent the Roan Realty Company who is requesting that this area embraced within the black shaded area on the map shown on the projection on the screen be changed from R-6MF to R-6MFH. Now that probably doesn't mean much to you gentlemen unless you have taken this elaborate code and studied it because the use is exactly the same. R-6MF is apartment and R-6MFH is apartments. For a long time I thought "H" meant the high-rise apartments but on studying the map further I find out it doesn't, it means high-density. The essential difference in the two zones are first, the H zone requires a 5 ft. less setback, you have to set back only 20 ft. and without the H, R-6MF you have to set back for 25 feet. In the H zone you cannot use over 40% of the land for structure. I mean you have to leave 40% of the land without structure. It has to be open. In the R-6MF you have to leave 45% open. As for the necessary land per unit in the R-6MF, you have to have 6,000 ft. for the first unit and 2,000 for each additional unit. In the R-6MFH you are required to have 6,000 ft. for the first unit, and 1,000 ft. for each additional unit. Now no where else in this code does it seem to provide how many people are going to occupy this unit. In other words, there is a need in Charlotte for young married couples, for business people to have what I would call a single apartment, maybe a room and a kitchenette. Now obviously it doesn't require as much space for that type of occupancy as it does for a three bedroom apartment. Perhaps that is the reason that this H zone is put in. At any rate, this area within the shaded area on the map is close to the center of town. It is close to Presbyterian Hospital. It is close to Providence Road which is being widened and is a business area. It is close to the area of Providence, that is being projected

February 20, 1962  
Minute Book 41 - Page 329

on to Independence Boulevard which will open up the new Urban Redevelopment area and it is an area that is already dedicated to apartment units. As a matter of fact, as I read the zoning map the R-6MFH zone comes down to Colonial Avenue and stops, so somebody drew the line at Colonial Avenue. All we are asking is that you move it down a few more feet so that we can build our units in the shaded area. Actually I can see no reason why there would be any opposition to this requested change. I don't know of any. There may be some, but I think that the R-6MFH would fit into that area. The area is presently used, if you will notice as you ride by there, for apartments and this would not change the use at all. Thank you.

Commissioner Turner: Isn't the Little Theatre in there?

Mr. DeLaney: Yes, Sir, that is correct.

Commissioner Turner: Is that a part of the property you are planning for a change zone? Do you own that property?

Mr. DeLaney: No, sir, we don't own that Little Theatre property.

Mr. Turner: How about those two houses on this side of the Theatre property?

Mr. DeLaney: No, we don't own that either.

Mr. Turner: But you are asking that the Little Theatre property be rezoned also?

Mr. DeLaney: We understand the policy of the Planning Commission is against spot zoning, so for that reason, actually the part that we are interested in would be the area down here on the map which is away from the Little Theatre. The Little Theatre could stay in the zone and it would not make any difference. There could be the other two lots that Mr. Turner inquired about.

Mr. Turner: Are those two owners joining this petition?

Mr. DeLaney: Not to my knowledge. It is presently zoned for apartments. We are asking now that it be zoned for the H Apartments.

Mr. Turner: In other words the property that you are talking about is the property east of the Little Theatre and which runs right up to Providence Road, where Colonial comes into Providence?

Mr. DeLaney: As I understand it this area in here is now zoned R-6MFH to Colonial Avenue and stops right here.

Mr. Turner: You have two lots that you are requesting, is that right Mr. DeLaney?

Mr. DeLaney: Actually we have option to purchase this property through here.

Mr. Turner: That is right, that big square there is Little Theatre property. Then there are two homes between there and Colonial. You are not interested in those?

Mr. DeLaney: We are not interested in those except to be apartment zoned.

Mayor Brookshire: Are there any objections?

No objections were expressed to the requested change.

February 20, 1962  
Minute Book 41 - Page 330

ITEM NO. 32, MRS GLADYS P. BEAM RIGGINS, PROPERTY LOCATED 3000 CAROL AVENUE, PRESENTLY ZONED R-6MF AND SHE WANTS O-I.

Mr. McIntyre: This property is one corner lot at the intersection of Carol Avenue and Rose Avenue. The property is presently zoned Residential as is all adjoining property.

Mr. Mayor, Members of the Council and Planning Commission, I am Mrs. Gladys Riggins and I am here on behalf of my son and daughter-in-law who wish to operate a beauty salon in our home. We do not intend to make any corrections to the property or anything to make the property look any different than it is now. They have two small children and she would like to operate her beauty shop from the home. When I put in for this petition I was under the impression that I could do this under an O-I zoning and one of the Planning Commission men called me and told me that even if I did get that zoning I still couldn't have a beauty salon, so it will be left to your discretion as to what zoning it could be to enable us to have a beauty shop in the home. There would be no sign whatsoever. The people in our community do not object to us having the beauty shop in our home, but I understand there is some objection as to the rezoning of the property in case I should ever want to sell it. But I think possibly a waiver could be put on it stating that if it were ever sold it would be residential or what have you. But you have my request and it will be left to your discretion.

Councilman Whittington: You requested O-I?

Mrs. Riggins: Yes, I requested O-I.

Councilman Whittington: Mrs. Riggins you would have to have Business in order to have this shop.

Mayor Brookshire: Are there objections to this petition?

My name is Donald H. Sterrett and I have resided at 3101 Carol Avenue for the past 16 years. Let me say at the outset there is no question of animosity involved. We have a very delightful neighborhood and we like our neighbors. We are merely trying to protect our property. However, these are four objections that we have to the change of property at 3000 Carol Avenue. I know you are tired so I will read them and sit down. No. 1, the owner of the property does not live on the premises but in another part of the City, hence the well being of the community in which the property is located is no personal concern to the owner. No. 2, the avowed purpose for which the property is to be used is not compatible with the zone classification requested. O-6 is not the correct zoning for a beauty shop. Now I understand the owner stated that so far as the petition is concerned there is no objection to any change in the zoning, no matter what zoning it would be changed to. No. 3, home owners in the community were assured when they bought their homes that they were protected by the residential zone classification. Effective January 1st of this year, the zoning was changed to Residential 6-MF by the City Council, which change in itself was considered somewhat of a breach of good faith. To further degrade the community by rezoning even one property is entirely unacceptable. Now I have asked some other neighbors who have come with me to speak briefly about that in a moment. No. 4, no mention was made of the need for rezoning this property in the petition circulated by the owners in behalf of the beauty shop. That petition was signed by neighbors on the assumption that no change in zone would be required. The second petition which is attached thereto is signed by most of those neighbors who signed the original petition. In addition to most of the other neighbors whose homes are in the vicinity of the property in question, it is felt that the original petition circulated by the property owner was misleading and would not have been signed had the full information been presented on that petition. In other words, some of the owners signed the petition agreeing

February 20, 1962  
Minute Book 41 - Page 331

that they do not object to a beauty shop and frankly no one does, but we do object strenuously to rezoning of the property to locate the beauty shop. Thank you gentlemen for your consideration and I would like to call on another neighbor.

Mr. Mayor, I am P. K. Lackey, I live at 3105 Carol Avenue. I want to add just a bit to Mr. Sterrett. We are not here for any purpose to disrupt our community, but we feel very strongly about the rezoning and when we bought our property, and you can check into the deeds, it says in there that the property is to be restricted to one family residences. I understand it has since been changed. We are concerned about it and we do not object to a beauty parlor or the working of a beautician but we do object strenuously to rezoning. Thank you very much.

Mayor Brookshire: Are there other objections?

Mayor, I am Phil Beam and I am the resident of 3000 Carol Avenue. My wife and I were the ones who wanted to run the beauty shop. Mr. Sterrett said that we took the petitions under false pretense. I took the petition around to my neighbors and it wasn't under false pretenses that the zone would not be changed. That was the reason I took it around to tell the neighbors that in order to have a beauty shop there it would have to be rezoned. I just want to make it clear there wasn't any crookedness in it on our part.

Councilman Whittington: Mr. Beam do you live in this house now?

Mr. Beam: Yes, I do. Thank you gentlemen.

ITEM NO. 33, PETITIONER GEORGE S. GOODYEAR AND EIGHT OTHER PROPERTY OWNERS ON PARK ROAD, PROPERTY ALONG EAST SIDE OF PARK ROAD FROM W. FRANK GRAHAM PROPERTY TO SUGAR CREEK BRIDGE, PRESENTLY ZONED R-6MPH AND THEY DESIRE O-I.

Mr. McIntyre presented factual information on the subject from a map showing the property in question.

Gentlemen, this is David Henderson, and I represent a group of owners, Mr. Panetti, Dr. Crosby, George Dunaway, George Goodyear, George Goodyear Company, Woodlawn Sales Company, Mrs. Deskau, Mrs. Hayes and others owning the lots in the area shown you on this map. I wish I could think of a joke at this late hour, but I think the best thing I can say I suppose is that patience like virtue is its own reward and thank you for staying. The property with its natural boundary seems to us as to the owners, to be imminently suited to O-I type possibly O-15 because the property further up has been already dedicated in that direction. Because the creek offers a natural boundary and not only the creek itself but the fact that the property on Selwyn Avenue drops off so steeply, the lots on Selwyn Avenue being very, very deep lots, I have not heard of any objections from that side. The property on three of the lots at the lower ends is directly opposite Harris Food Store and the parking lot there and certainly there could be no objection to the use here of O-I. This peninsula of land, at least part of it, was at one time known as Coddington Acres and some of our mutual friends built some houses in there immediately after the war. I think the owners themselves will say these houses are not of such construction as to be permanent at that location and that sometime the land is going to have to be used for something else. The question, of course, as to whether or not it is adaptable to multiple family dwellings as provided under the proposed zoning or present zoning act. It is something that you folks will have to determine, and our distinguished newspaper friends on the right over here Mr. Doster has said, and I think with some accuracy, that what you

February 20, 1962  
Minute Book 41 - Page 332

gentlemen should do, and I believe you said it in the paper, is to see first whether or not anyone of these proposed changes makes good planning sense. We think that this does qualify and makes good planning sense because the whole nature of Park Road, separated as it is from the downtown section of the city, has become dedicated to a sort of an area for the big shopping centers, for office and for office parks. Its nature as a residential street, at least as far down as Sugar Creek, has been almost inalterably changed. We do hope that you will see fit to go along with making this change on all of the property on down the peninsula so that it can be developed to its best interest both economically and in accordance with the wishes of its owner. There was some discussion at one time as to whether or not some of this property, maybe the question was asked at a Planning Board conference, whether or not this property was restricted to Residential. I think that is true but I believe that the property owners by agreement, with the exception of one person who has made a conditional agreement, have all in writing signed for a change of the deed restrictions on it. Dr. Crosby, who is one of the property owners, bought a lot with the expectation of putting up a clinic. You have heard that several times and it looks as though the Doctors have bought land all over town but this is a real good spot for a Doctor. He bought it and at the time he bought it it was useable, or could have been, under the R-2 zoning which was in existence for an office. We think that Dr. Crosby should have consideration given to his continuing to use it for the purpose for which he purchased it. Does that represent an economic loss to these people if they cannot use it for its highest and best use? We feel that its highest and best use in the particular location, and within the general framework of good planning and good zoning, lies in tying it with the O-I type, probably O-15. I just want to point out one thing, each of these lots would qualify under O-15. I think the lots are of such size that although representing 8 or 9 of the people here I don't believe either one of those lots would be excluded under O-15. There is not an O-12 is it? Is there such a thing as O-12, Mr. McIntyre?

Mr. McIntyre: No. Only 15.

Mr. Henderson: I have some question about one of the lots down there next to the end, but I believe all of them would come within O-15. Thank you.

Mayor Brookshire: Are there any objections or anyone who wishes to speak for the petition?

Mayor, Councilmen and Planning Commission, I am Dr. Crosby. As was stated I did buy this lot in 1959 to put up a Doctors office. I bought the lot and home without ever being inside of the building. I think it suited me and my future plans for a Doctors Office. I would like to draw your attention once again to the boundary lines of this piece of property. With Briarcreek behind, Park Road in front, which is a very heavily traveled road, the bridge down in this area here. Thank you for letting us come before you tonight. After listening to 33 problems I feel I ought to leave the practice of Pediatrics and go into Psychiatry.

Mayor Brookshire: Are there any more to be heard on this petition?

Mayor and members of the Council and Planning Commission, I am Edwin L. Norris and I live on Park Road. My property joins Mr. Goodyear and I go along with them, but first I want to state that this property is no where close to the Ashcraft property. I have noticed that with the 4-lane road on Park Road and then there is Selwyn Avenue. You have office buildings right up above me. There is no restriction on my property from these sub-divisions



February 20, 1962  
Minute Book 41 - Page 333

or housing developments. When I bought that property I bought it for the purpose of building.

Councilman Whittington: Which is your property?

Mr. Norris: Here is Park Road and here is mine right here, right next to George Goodyear. I would like to make a recommendation, of course I don't even know, I haven't discussed this with Mr. Goodyear or any of them, I just said you see what problems you have when you get into these sub-divisions and I would like to see business have a fair representation. Now I find that I have to come to town to do half of my business. I don't do it all in the Parking Center and I would like to see all business have a fair representation out there, and I would like to recommend that the Zoning Commission and the Council study this particular land and make it optional for business or office buildings. There seems to be an awful lot of office buildings going up, and no business and I believe that would be an ideal spot for future business. In other words, there is the All-state building, then the Clemmer property and then my property. In other words I am not too far from the All-state building. I would just like to make these recommendations. I don't like to call it a strip, but I would like to ask that you make a study of this and I believe you will find that some of these problems you run into would not be so if you made it optional. Thank you a lot.

A Lady spoke, who did not state her name: Mayor, Members of the City Council and Planning Commission, we don't have any formal petition, the only thing that we want you to consider is that we live on the opposite side of Park Road. We don't think that Park Road should be split down the middle and zoned one way on one side and another zoning on the other side. We think that possibly if it starts that way we will wind up like Independence Boulevard, and we would appreciate your consideration when you go to rule on this zoning.

ITEM NO. 34, PETITIONER M. L. BROWN, PROPERTY LOCATED AT 1708-1712 E. BOULEVARD, PRESENTLY ZONED O-6 AND HE DESIRES B-1.

Mr. McIntyre presented factual information on the subject from a map showing the property in question.

Mr. Mayor, and Planning Commission, My name is M. L. Brown and I own the property on East Boulevard and it has become quite impossible to keep it rented as residential property. You can't get clinics and things to operate that type of property there. All of the property down to me is zoned B-1. I am asking you to please consider my request for that property to be rezoned from O-6 to B-1. The traffic and stuff out there you just can't keep it rented. Last year I only got 7 months rent from the property. If it were zoned right I could have kept it rented all year, I feel. About three years ago it was clocked and about 1600 cars came up East Boulevard, about 1200 came down East Boulevard, and then toward Garden Terrace that was about 600. From May to September the noise from the Park down there is enough to keep decent tenants away. My neighbors go right along with my request for rezoning.

Mayor Brookshire: Is there anyone here who would like to object to this petition?


February 20, 1962  
Minute Book 41 - Page 334

I am C. T. Morris, Jr., I won't keep you but a minute, I know we are the last one but we have two residences down on Asheville Place about half way down the block. I believe those are zoned now multiple family, under the last zoning and of course the property on East Boulevard is zoned for office. We have no objection to the office zoning, we plan to live on Asheville Place for a number of years and the office zoning is not detrimental to our property, but we feel that if business is put in there it would be and we would like to object to the business classification. Thank you.

Mayor Brookshire: Does anybody else want to be heard.

ADJOURNMENT.

The Mayor announced the meeting adjourned in which the Council concurred.

  
\_\_\_\_\_  
Lillian R. Hoffman, City Clerk